

San Diego, Cal. Oct. 31st, 1910.

To the Common Council of  
the City of San Diego.

Gentlemen:-

In the matter of the hearings before the Common Council in the cases of G.E.A. Baudrand, proprietor of Flag Saloon; A.A. Finley, proprietor of Mint Saloon; Ed Gutwillig, proprietor of Good Will Saloon; and August Lofling, proprietor Stockholm Saloon, the undersigned member of the Common Council, dissents from the opinion and recommendation of the majority members, and reports as follows:

Julius Wagner, bar-tender at the Flag Saloon, of which G.E.A. Baudrand is proprietor, was found guilty in the U.S. Court of selling liquor to Indians and sentenced to sixty days in San Diego County Jail and to pay a fine of \$100.00; William Morgan, bar-tender at the Mint Saloon, of which A.A. Finley is proprietor, was found guilty in the U.S. Court and sentenced to sixty days in the San Diego County Jail and to pay a fine of \$100.00; Ed Gutwillig, proprietor of Good Will Saloon, found guilty in the U.S. Court and sentenced to sixty days in San Diego County Jail and to pay a fine of \$100.00; August Lofling, proprietor of the Stockholm Saloon, forfeited \$150.00 bail in the Township Justice Court.

In my opinion, the action pending before the Common Council against the four proprietors of the saloons named, should not now be considered at all as a matter of awarding punishment to any of the parties named but viewed wholly in the broad light of whether or not the four named saloon proprietors are suitable and proper persons to conduct a saloon. In three of these cases either the proprietor, or his bar-tender ~~did~~ did sell liquor to Indians and was convicted in one of which three cases the bar-tender at the Flag Saloon was found guilty in the Township Justice Court and fined \$100.00. In the other two cases, William Morgan, bar tender at the Mint Saloon, was found guilty in the U.S. Court and sentenced to sixty days in the San Diego County Jail and to pay a fine of \$100.00; ~~but~~ in the third case

Ed Gutwillig, proprietor of the Good Will Saloon, was found guilty in the U. S. Court and sentenced to sixty days in the San Diego County Jail and to pay a fine of \$100.00 ; the fourth case, namely, August Lofling, proprietor of Stockholm Saloon, forfeited \$150.00 in Township Justice Court.

The prosecution in the Courts in all of these cases was undertaken by the District Attorney's office and there is ~~not~~ no question of the guilt of the ~~four~~ four parties named, charged with selling liquor to Indians. In two of the cases the parties convicted are bartenders for the ~~proprietors~~ proprietors of the saloon but the proprietors must be responsible for the acts of their assistants.

Section 25, of Ordinance No.2341 (regulating the sale of liquor) provides a punishment for the violation of ~~any~~ the ordinance, which said section reads as follows:

"Section 25. That any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than \$25.00 nor more than \$300.00, or by imprisonment in the City Jail of said City for a period not exceeding 150 days, or by both such fine and ~~imprisonment~~ imprisonment, and in the event that the fine imposed hereunder is not paid, then by imprisonment in the City Jail of said City at the rate of one day for every two dollars of the fine so imposed; and that when any person shall be convicted of violating any provision of this ordinance, the license of such person so convicted shall be immediately forfeited, and no further license shall be granted or issued to the person so convicted and every license for the sale of spiritous, vinous, or malt liquors hereafter issued by the Auditor of said City shall contained printed therein a copy of this Section."

This section of the Ordinance therefore makes it mandatory upon the part of the Council to revoke a license for a violation of any of the provisions of said Ordinance.

The offense upon which the accused parties were tried was a violation of State and Federal law, and it appears to me that now a due respect should be shown the State and Federal law by the Common Council. A failure upon the part of the Common Council to show such respect will discredit the actions of the office of the District Attorney in the matter and disregard the findings of the U.S. Court

at Los Angeles.

I can not understand how a man can be held to be a suitable and proper person to conduct a saloon when he has been convicted of a violation of State and Federal law in the U.S. Court and in one instance, one of the above named parties was compelled to appear before the Common Council to answer the charge while in the custody of a Deputy Sheriff.

In my opinion the licenses of the proprietors of the four named saloons, should be revoked.

  
Supt. Department of Police, Etc.

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*W. B. Zutter*  
City Clerk  
By *L. H. Gussweil*  
Deputy

Minority Report  
in Re Revoked Liquor  
Licenses etc

Ordered spread upon  
minutes 10/31/10