

Waldman, Anthony, House
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Part 8: Narrative Statement of Significance

I. Introduction

A. Early Real Estate Speculation (1849-1854)

The Fuchs-Waldman Building lies in the southwest block of Leech's Addition to the City of St. Paul (legally described as the NE1/4 of SE1/4 Section 1, Township 28, Range 23). Leech's Addition is bounded by Wilkin Street to the east, Douglas Street to the west, Ramsey Street to the north, and Goodrich Street (later renamed Goodrich Avenue) to the south. The Addition was platted by developer Samuel Leech in August 1849 within months of the platting of St. Paul proper (March 1849) and Rice and Irvine's Addition to the immediate east (May 1849). Leech's Addition was laid out as a perfectly symmetric nine-block square measuring exactly 20 rods North-South by 20 rods East-West, evenly checkered with streets one rod (66 feet) wide and alleys one pole (16 ½ feet) wide. To accomplish this symmetry—which was uncharacteristic of St. Paul at the time—Leech placed his development west of the growing city along a major section line, wholly disconnected from the City's other platted developments. Leech's Addition remained an island surrounded by unplatted land until the platting of Irvine's Enlargement immediately to the east four years later, in July 1853.

Throughout the Territorial Period, the platted portion of Fort Street (known today as West Seventh Street) ended at Ramsey Street. This major thoroughfare did not extend into Leech's Addition until 1859, after the stone portion of the Fuchs-Waldman Building was built (see **Part III**, below). Before the extension of Fort Street, the road connecting St. Paul to the ferry crossing at Fort Snelling and to the Minnesota River valley beyond was an erratic, unimproved pathway that traced the Mississippi bluff line in unplatted land to the south of Goodrich Street. Early maps labeled this route "Bluff Street" or sometimes "Old Fort Road."

The lot occupied by the Fuchs-Waldman Building was less than one hundred yards north of the Old Fort Road. It spanned the area between Block Nine's alley to the north and Goodrich to the south, and faced Forbes Street (renamed Smith Avenue in March of 1887) to the east—although these streets existed only on paper at the time. The ownership and sale of the lot exemplified the frenetic real estate speculation that gripped St. Paul and Minnesota's other growing towns during the Territorial Period. Prior to 1853 it was bought and sold as an undifferentiated part of a 40 acre division, and later as four and one-half acre Block Nine, by such early and avid land speculators as Henry Sibley, Samuel Leech, James McClellan Boal ("McBoal"), William Forbes and Justus Ramsey. The Fuchs-Waldman lot itself (Lot 14) was first individually mentioned in a December 1853 deed when it was sold, packaged with eleven other lots, by Indian trader Louis Roberts to local investor William McCarty for \$1,500. Eight months later McCarty more than doubled his money by selling six of these lots (including the Fuchs-Waldman lot) to Toronto investor John Eastwood for \$2,000. One month later, Eastwood split up his purchase and sold the Fuchs-Waldman lot separately to A. Vance Brown for \$350.

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Just four months later, by deed dated December 8, 1854, Brown resold the lot to Charles C. Fuchs for \$420. This price suggests that there were still no improvements on the lot.¹ Even adjusting for inflation,² the value of the Fuchs-Waldman lot increased more than 275% in the single year (1854) between Louis Roberts' sale and Charles Fuchs' ultimate purchase.

B. Purchase by Fuchs and Construction of Wood Frame Building (1854-1856)

The original one-story wood frame section of the Fuchs-Waldman Building (circa 1855) and the later stone addition (Fall 1857) were both constructed during Fuchs' ownership.³ Charles Fuchs (1825-1902) was born in Gross Ingersheim, Wurttenburg and immigrated to the United States in November 1846. His wife Anna Catherina Sophia Daveneck (1820-1887) was born in Wildeshausen, Duchy of Oldenburg. The couple was married in St. Louis, Missouri in May 1849. In 1851 they moved to St. Paul with their son Charles (b. 1849), and had three more children (Lucy [1851-1876], Sophia [1853-1876] and Pauline [1855-1863]).

Early censuses describe Fuch's profession as a "carpenter," but in today's parlance his occupation during Minnesota's Territorial Period may be better understood as a building contractor and real estate developer. In March of 1852, Fuchs purchased the lot at the southwest corner of Fort Street and Walnut Street, which he expanded by purchase of the northwest corner in June of 1853, and the northwest corner of Walnut and Oak Street (now Smith Avenue North) in November of 1854. None of these lots had yet been developed, but this corridor of Fort Street west of the Upper Landing showed obvious promise for development. Fuchs built his permanent residence on the lot at Walnut and Oak, which can be seen in the background of Whitney's 1859 photograph of a dog sled team from Fort Garry [**Photo. 14**]. Fuchs continued to reside at this location until his death in 1902.

Taking advantage of the prominent street-corner locations of his two lots along Fort Street, Fuchs constructed a one-story wood frame commercial building on the southwest corner

¹ As comparison, John Fetzer bought the identically sized lot in Leech's Addition immediately to the north of Fuchs' lot for \$550 in August 1855. A small, one-story wood frame saloon and residence previously occupied by Reuben Haus was present on Fetzer's lot at the time of his purchase. The difference in purchase price between these otherwise nearly identical lots suggests that at the time Fuchs purchased his lot there were no improvements on it.

² The annualized inflation rate for 1854 was 2.95 percent. Samuel H. Williamson, "Seven Ways to Compute the Relative Value of a U.S. Dollar Amount, 1774 to present," MeasuringWorth, April 2010 (www.measuringworth.com/uscompare/)

³ The earliest and latest construction date of the stone addition are established by two documentary events. First, the assessed value of the lot in the 1858 property tax is far too low for an improved lot with a new stone building on it, indicating that the building was not there or perhaps remained under construction at the time of the assessor's visit in the summer of 1857 (all assessors' returns for the 1858 property tax were completed by September of 1857). On the other hand, the structure is described as a "store" where stone mason Jacob Amos resided in the 1858-1859 St. Paul City Directory—the content for which dates no later than April of 1858. Given the difficulty of performing stone masonry during a Minnesota winter, and the improbability of any substantial construction being undertaken in the immediate wake of the Financial Panic of 1857 (the effects of which began to be felt in St. Paul in October of 1857), one can conclude that the stone portion of the Fuchs-Waldman building was constructed in the fall of 1857, and was perhaps in a state of partial completion when the property tax assessor arrived that year.

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of Fort Street and Walnut, and a two-story wood frame commercial building on the northwest corner. In July of 1854, Fuchs sold the latter parcel to Washington D.C. investor John Murchie Clarke for \$1,000, netting \$650 over his original purchase price for the unimproved lot just 13 months earlier. In an era when a typical wood frame building could be constructed for less than \$100 in materials, this was quite a profit. Fuchs apparently leased his one-story commercial building for income,⁴ and later built and leased a residential structure that remained extant at the rear of the same lot until approximately 1920 (321 Walnut). Fuchs' success as a developer is evident by the \$6,000 in real estate he had amassed by the time of the 1860 federal census.⁵ This estimated value of his cumulative holdings is especially impressive considering the times: this was three years after the real estate bubble had burst, and vacant lots in Uppertown could still be acquired for as little as \$200. It is hard to know the full extent of Fuch's work as a contractor. Nevertheless, some hint of his regard is shown by his selection in 1859 to build the Athenaeum for the German Reading Society,⁶ which was one of the more prominent public buildings in Uppertown and the center of German arts and culture in St. Paul at the time.

No records exist that document when or why the initial portion of the Fuchs-Waldman Building was built, but Fuchs' biography and the building itself suggest the answer. As noted above, the original wood frame section pre-dates the front stone addition, and was probably built by Fuchs himself to add value to his property shortly after his purchase in 1854. Using his own labor to construct a building on his investment property for potential rental income fits the pattern established by Fuchs' development of his two Fort Street properties. The presence of a substantial water cistern beneath undisturbed original plank flooring (indicating that the cistern's excavation was contemporaneous with the original construction of the building) suggests that this first building may originally have been intended for residential use. Moreover, Fuchs' placement of this structure at the back of the lot near the alley is similar to the positioning of several pre-Civil War "alley houses" built immediately to the west of this lot and elsewhere in Uppertown. These alley houses were typically built to provide temporary housing before a more substantial and permanent home could be built at the front of the lot, after which they provided rental income or housing for extended family. But if Fuchs intended the original wood frame structure to serve as rental housing, its commercial potential soon became obvious to him.

C. Lease by Eddy and Construction of Stone Addition (Fall 1857)

As the fall of 1857 approached, land values throughout Minnesota Territory continued to skyrocket. Landowners—particularly commercial landowners—had little incentive to cash out when prospective tenants were willing to pay premium rents under long-term leases. Moreover, as St. Paul's commercial economy matured, savvy entrepreneurs realized that "most businesses floundered when their principal owners tripped over the fixed costs that devoured cash flow. [Successful businessmen such as James J. Hill] thus resolved to build [their] own business on

⁴ The property records indicate that Fuchs did not convey fee title to this property (Lot 1 Block 28 Rice & Irvine's Addition, corner of Walnut and West 7th Street) for more than a decade.

⁵ 1860 U.S. Census, St. Paul, 4th Ward at 213.

⁶ Ramsey County Recorder's Office (hereinafter "Recorder's Office"), Book A Liens, Page 179 (Dec. 8, 1860).

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other people's money—renting rather than purchasing real estate and building [their businesses.]”⁷ For these reasons, as St. Paul's real estate bubble grew, the speculation in land sales spawned an equally feverish market for commercial leases, which were assigned, reassigned and sublet for ever-greater prices—typically by lessors and sublessors who had little involvement with their tenant's operations on the premises. For their part, commercial tenants were willing to invest in substantial improvements to the property they leased as long as profit margins were strong and their building investments were protected by purchase options or rights of first-refusal if their landlords decided to sell.⁸

The Fuchs-Waldman Building illustrates this leasehold speculation. To understand why, one needs to make sense of a curious set of transactions involving the property that took place in 1860, three years after the stone addition was built and after the speculative bubble had burst. By a deed dated July 19, 1860, local entrepreneur and real estate investor Elisha W. Eddy purchased the property from Fuchs for \$900, simultaneously mortgaging it to A. Vance Brown for \$300. Less than three months later—79 days, to be exact—on October 6, 1860, Eddy reconveyed the property to Anton Waldman (Antone, Anthony; Waldmann, Waltman) for \$650. Waldman assumed Eddy's \$300 mortgage on the property. Because he did so, Waldman's net purchase price was \$950, leaving Eddy with a tidy profit of \$50. The obvious question is: why would Eddy undertake the effort, expense (including legal fees), and risk of buying and mortgaging a property only to resell it 79 days later? The corollary question is: what had prevented Waldman, who had lived in Uppertown for years, from purchasing the property for \$50 less just 79 days earlier?

Eddy's brief biography suggests the answer to these questions. Born in 1827 into a long line of Yankee patrician farmers in Brunswick, New York,⁹ Elisha and his younger brother Luther came to St. Paul in 1854. They were later joined by their mother Olive and younger sister, also named Olive. The brothers shared the same house on Exchange Street behind the Winslow House until the summer of 1857. During this time Luther, “a small but very active man, running over with energy,”¹⁰ focused his efforts on building a profitable grocery business on nearby Fort Street.¹¹ In contrast to his steadfast younger brother, Elisha dabbled in a number

⁷ Jocelyn Wills, *Boosters, Hustlers and Speculators: Entrepreneurial Culture and the Rise of Minneapolis and St. Paul, 1849-1883* (St. Paul: Minnesota Historical Society Press, 2005) (hereinafter “Wills”), at 125.

⁸ A review of the grantee and grantor indices in the Recorder's Office shows an ever-increasing number of leases and lease assignments during the period leading up to the Panic of 1857. These transactions grew increasingly more complex as parties negotiated provisions for purchase options, third-party valuation mechanisms, insurance requirements, rights of assignment, rights of first option and rights of first refusal. The sophistication of these arrangements is impressive even by the standards of modern commercial development and real estate law.

⁹ 1850 U.S. Census for Brunswick, Rensselaer County, N.Y. (listing Elisha Eddy's occupation as “farmer”).

¹⁰ Thomas Newsome, *Pen Pictures of St. Paul: From the Earliest Settlement of the City, Up to and including 1857* (St. Paul: publ. by author, 1886) (hereinafter “Pen Pictures”), at 718.

¹¹ Minnesota Territorial Census of 1857, Ramsey County, City of St. Paul (hereinafter “1857 Territorial Census”), at 56 (listing Luther Eddy's occupation as “grocery”); *Commercial Advertiser Directory for the City of St. Paul, 1858-1859* (St. Paul: Newson & Barton, 1858) (hereinafter “1858-1859 Directory”), at 134 (advertising “Luther H. Eddy, wholesale and Retail Dealer in every description of choice family groceries, provisions and liquors, wood, willow and stoneware. Goods sent to any part of the City, or shipped free of charge.”)

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of ventures, none of which lasted more than a year or two. In 1856 he partnered with businessman Peter Berkey, a Pennsylvanian who had arrived in St. Paul in 1853 and speculated feverishly in real estate with another Pennsylvanian, John Nicols.¹² One of Nicols & Berkey's real estate speculations was their purchase in late 1855 of a lot and building on Wilkin Street, which they leased to a German saloon operator named William Schimmel.¹³ For its part, the partnership of Berkey & Eddy operated a livery stable at Eagle and Exchange for about 18 months,¹⁴ but "[Eddy] leaving suddenly, Mr. Berkey had to carry on the establishment."¹⁵

After his break with Berkey, Elisha partnered with Robert Fenner, another former-New Yorker. In December of 1857, Eddy & Fenner leased a vacant lot at the junction of Fort, Main and St. Anthony Streets from John Irvine pursuant to a 10-year ground lease that included a right of first refusal.¹⁶ On this lot—only three blocks from Berkey's stables—Eddy & Fenner constructed their competing livery stable and business office. They had protected their investments in these improvements by negotiating (and probably paying a premium) for a clause in their lease stating that "if [Irvine] should decide at any time during the continuance of said lease, to sell the lot," Eddy & Fenner would have "the [right of] refusal of said lot, at the price which may be offered therefore by any other party[.]"¹⁷ Such rights were not uncommon in ground leases on commercial real estate—both then and now.

Returning to the Fuchs-Waldman Building, Eddy's purchase and quick resale of the property to Waldman in 1860 only makes sense if Eddy had leased the property sometime before he purchased it, and secured a right of first refusal from Fuchs in order to recoup some of the value of his leasehold improvements in the event that Fuchs decided to sell the property during the term of Eddy's lease. Eddy & Fenner had secured these same protective rights in their lease from Irvine. No other explanation for Eddy's brief title to the Fuchs-Waldman Building seems plausible. The events of Eddy's life suggest no sudden change in circumstance in 1860 that would have compelled a quick resale. Nor is it likely that Eddy was merely speculating in real estate. In the flat real estate market of 1860, buyers purchased property either to hold or improve, not flip. Quick resales for profit were virtually unthinkable in the wake of the Panic. While no actual lease document between Fuchs and Eddy survives, all the evidence points to its existence.

This means that Eddy, not Fuchs, likely arranged for the construction of the stone addition on the lot; and that either upon the expiration of Eddy's lease, or perhaps when Fuchs or Eddy identified Waldman as a willing purchaser, Eddy exercised his right of first refusal under the lease by purchasing the property and immediately re-selling it to Waldman for a profit. Eddy's prior lease of the lot and construction of the stone addition also explain how a carpenter-

¹² Pen Pictures, at 415; *Business Directory for the City of St. Paul, Minnesota Territory, August 1, 1856* (St. Paul: Goodrich & Somers, 1856) (hereinafter "1856 Directory"), at 134.

¹³ Recorder's Office, Book M of Deeds, p.372 (Nov. 9, 1855 deed of purchase for \$1,200).

¹⁴ 1856 Directory, at 87.

¹⁵ Pen Pictures, at 415.

¹⁶ Recorder's Office, Book C of Assignments, at 532-3.

¹⁷ *Id.*

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contractor like Fuchs, who could easily have built a wood frame addition himself, instead ended up with a limestone masonry building on his property that was quite clearly built by other hands.

Not yet explained is what Eddy had originally intended to do with the enlarged and obviously commercially-suited Fuchs-Waldman Building. The 1858-1859 City Directory provides a clue: it describes the building as the "store on Forbes."¹⁸ Notably, even as Eddy pursued his livery business, he remained sufficiently involved in his brother Luther's grocery business that the 1860 census-taker identified Elisha's primary occupation as "grocery store."¹⁹ Unfortunately, the Directory makes no mention of what kind of "store" the Fuchs-Waldman building was, or who its proprietor was. Nor does the business section of the Directory contain the usual cross-listing for any store at that location. Nevertheless, the building's three-bay storefront façade, location at the front property line and covered storage platform facing the alley are all consistent with features found in other Territorial Period commercial/retail buildings in St. Paul [**Photos. 15, 16 and 17 (enlargements of three-bay commercial/retail buildings from Bromely's 1857 panorama of St. Paul); Photo. 18 (Joseph Brings Store, Sherman and West 7th Street); Photo. 19 (F. Knauft Store, East Seventh and Olive Streets)**].

If Eddy had intended to operate the Fuchs-Waldman Building as a store, he never realized his plan. There is no evidence that Eddy himself ever operated a store—or anything else—from the site. Intriguingly, the description of the building as a "store" in the 1858-1859 City Directory appears within a residential listing for Jacob Amos.²⁰ While it may be tempting to conclude from this reference that Amos operated the store, he is not a likely candidate for that role. In the City Directory of 1856 and in all subsequent Directories and census listings, Amos is consistently described as a stone mason. That fact alone does not rule out the possibility of a brief stint in sales, but it is highly unlikely that Amos would or could have attempted such an experiment in the immediate aftermath of the Panic, when even established and well-healed merchants were often forced to assign their goods to their creditors.

¹⁸ 1858-1859 Directory, at 27 ("Annis [sic], Jacob, store on Forbes st below McBoles st."). The precise date of this reference is difficult to ascertain. The contents of the 1858-1859 Directory suggests a publication date shortly after April of 1858. However, the Directory includes content that was obviously gathered much earlier, beginning as far back as the summer of 1857. For example, the Sons of Malta Lodge No. 1 is listed as being organized "April 7, 1858" (at 164), yet clearly not all content was current to that late date. Borup & Oakes are listed as bankers under Merchants hotel (at 31), despite the fact that the firm had liquidated its interests to its creditors in October 1857. This broad period of compilation makes it difficult to date the exact timing of Amos' residence in the Fuchs-Waldman Building.

¹⁹ 1860 U.S. Census at 179 (listing his occupation as "grocery store").

²⁰ 1858-1859 Directory at 27. Jacob Amos is listed in the 1856 Directory as Jacob "Ennis," in the 1858-1859 Directory as Jacob "Annis," and in all subsequent directories as Jacob "Amos." No Jacob "Ennis" or "Annis" appears in any other historic records of St. Paul, including the 1855 or 1865 state censuses, or the 1860 or 1870 U.S. Census. Moreover, the Jacob "Ennis" listed in the 1856 Directory has the occupation of "mason"—the same occupation given to Jacob "Amos" in the 1863 and all subsequent city directories and censuses. There is little doubt that Jacob Ennis, Annis and Amos were the same man.

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More plausibly, Amos played a different and more fundamental role in the history of the Fuchs-Waldman Building. Born in Hesse Darmstadt, Germany,²¹ Amos and his business partner Christian Rhinehardt are credited with building numerous other limestone structures in Uppertown, including the extant stone house at 202 McBoal Street (Martin Webber House, 1867²²). At the time of the 1856 City Directory, Amos and his family lived on Bluff Street, only a block away from Fuchs' property. The coincidence of a prominent stone mason subsequently moving into a recently completed stone building in his own neighborhood suggests the obvious: that perhaps Amos built the stone addition. The 1858-1859 Directory was being compiled by its publishers in the fall of 1857—a time of substantial upheaval as the Panic reverberated westward, quickly collapsing the Territory's economy. Amos' occupancy may have been wholly or partly in lieu of payment for his work constructing the building.²³

D. Operation as a Saloon (1857-1863)

Visiting the site of the Fuchs-Waldman Building on November 20, 1857, the enumerator for the statehood census of 1857 listed Edward and Sarah A. "Shingles" as residing on the property.²⁴ Amos did not appear there or anywhere else in the census. Since this census likely preceded the information published in the 1858-1859 Directory by several months, Amos may not have moved in yet; or perhaps he was simply overlooked by the census-taker. Edward C.

²¹ Jacob Amos (b. 1824) and his wife Elizabeth Seidenthaler (b. Ohio, 1834) were married in Franklin County, Indiana on April 19, 1852. They had two children in Indiana (Jacob, b. 1852; George, b. 1855) before moving to Minnesota Territory where their first daughter (Louisa) was born in 1856. They had five more children in St. Paul (Rosina, 1858; Phillipp, 1862; Frank, 1865; Charles, 1866; Ida, 1874). The first record of Amos in St. Paul is his listing in the 1856 Directory as a "mason" living on Bluff Street, one block south of the Fuchs-Waldman Building. Amos enlisted in Company E, 5th Infantry Regiment Minnesota on February 5th, 1862. He was promoted to Sergeant (April 1862), 1st Lieutenant (August 1863), and finally Full Captain (February 1865)—succeeding fellow German and neighbor across Forbes Street, Charles Koch, who died on leave in St. Paul—before mustering out at Fort Snelling on September 6th, 1865. As a member of the Fifth Minnesota, Amos would have participated in the Siege of Corinth (May 26-30, 1862), the Battle of Corinth (October 3-4, 1862), Grant's central Mississippi campaign (November 1862-January 1863), the Siege of Vicksburg (May 18-July 4, 1863), and the Battle of Nashville (December 15-16, 1864). After the war Amos returned to his former stonemasonry trade, and lived with his nine other family members in the small house still standing at 276 Banfil Street. By the time of the 1895 state census, the Amoses were nearly synonymous with Banfil Street, with adult children of Jacob and Elizabeth and their grandchildren occupying no fewer than four houses on the same block (274, 276, 280 and 282 Banfil). Amos died at his Banfil residence on February 15, 1889 in St. Paul. As a tragic sidebar, on the afternoon of October 30, 1897, Jacob's eldest son Jacob H. Amos and "acquaintance" Henry Bergenkrieger, both local cigarmakers, leapt over 200 feet to their deaths off St. Paul's High Bridge, thereby becoming the first and only double-suicide in the bridge's history. *St. Paul Pioneer Press*, Oct. 31, 1897, at 1.

²² The Martin Webber House is a locally listed structure that has also been deemed eligible for National Register nomination. Mead & Hunt, *2011 Historic Sites Reconnaissance Survey* (<http://www.HistoricSaintPaul.org/saintpaulsurvey>)

²³ Given the abundance of free limestone from the many street-grading projects throughout the City, exchanging free housing for construction work would have been a logical strategy for dealing with the extreme currency shortage that accompanied the Panic of 1857.

²⁴ Territorial Census of 1857, at 94 (listing Shindel's occupation as "saloon.") His status as a saloon proprietor rather than employee is indicated by the census takers' consistent use of the term "bartender" or "waiter" for saloon employees, and "saloon" for the occupation of saloon proprietors.

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Shindel (aka Shindell, Shendle, Sindel and Shingles) was born in New Jersey in 1833, and moved with his family to Fulton County, Ohio in 1835 where his father purchased a farm. By 1857 Shindel was living in St. Paul and actively engaged in the saloon business,²⁵ even before the Common Council had granted his first liquor license on May 1, 1858.²⁶ But by that date, Shindel had moved to a more central location on Jackson Street near the lower levee,²⁷ where he briefly served as proprietor of the Winnebago Saloon before returning home to Ohio.²⁸ Shindel leased the Winnebago Saloon, just as he had briefly done with the Fuchs-Waldman building.²⁹

Eddy's next subtenant would prove more permanent than Shindel—and indeed would define the nature and use of the Fuchs-Waldman Building for years to come. As noted above, the earliest documentation of Anton Waldman in connection with the Fuchs-Waldman Building appears in a deed conveyance of October 1860, when Waldman purchased the property from Eddy (days after Eddy had purchased it from Fuchs). Yet just as Eddy's connection with the Fuchs-Waldman Building began years before his purchase of the property, so too did Waldman's. The evidence suggests that Waldman subleased the building from Eddy and took over the saloon operation beginning around April of 1858, just after Shindel left to take over operations of the Winnebago Saloon.

Waldman was born in eastern Bavaria in 1823 and immigrated to the United States in May of 1853.³⁰ While no surviving photographs of him have been found, he was described in his 1866 passport application as six feet tall, fair-haired, round-faced with grey eyes and a tall forehead.³¹

After arriving in St. Paul in the fall of 1856, Waldman sold wood to fuel steamboats from a house next to Culver & Farrington's warehouse on the Upper Levee.³² Doubtless he profited from the 759 steamboats that landed in St. Paul that year, and the 965 landings in 1857, including 216 at the Upper Landing³³—both record years that would end with the Panic and never be

²⁵ *Ibid.*

²⁶ Council Proceedings, Common Council of St. Paul, Aug. 10, 1858, p. 161 (Minn. State Archives 118.I.10.1(B) Box 1) (hereinafter "Council Proceedings"). This license was issued to "E.C. Shindell." Shindell received his license at a time when more stringent licensing enforcement took effect, which may not have been coincidental. He was likely in the saloon business well before receiving his license.

²⁷ 1858-1859 Directory, at 117. This Directory includes information current through April 1858, suggesting a publication date shortly thereafter.

²⁸ United States Censuses of 1850, 1860 and 1870, Pike Township, Fulton County, Ohio.

²⁹ The Ramsey County Recorders Office grantees' indices contain no listings of a Shingles, Shindell or Shendle purchasing fee title to any real estate during this period. By 1860, Shindel had returned to Ohio where he began work as a carpenter-joiner.

³⁰ Declaration of Citizenship, Ramsey County District Court (filed Sep. 24, 1856) (<http://www.Ancestry.com>).

³¹ Letter-application by Banking House of Willius Bros. & Dunbar to Hon. Wm. H. Seward, Sec. State, April 20, 1866 (<http://Ancestry.com>).

³² Waldman advertised having "200 Cords Hard Wood for Sale at the Upper Levee. City and County Orders taken in exchange. Next house to Culver & Farrington's Warehouse." *Pioneer & Democrat*, Nov. 26, 1857, at 2.

³³ George Merrick, *Old Times on the Upper Mississippi: Recollections of a Steamboat Pilot from 1854 to 1863* (1894; repr. Minneapolis: University of Minnesota Press, 2001) (hereinafter "Merrick"), Appendix B; Mary

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surpassed again. Each steamboat required refueling with at least one “rank” of hardwood stacked eight feet by eight feet, containing approximately 20 cords of wood. Depending on the quality of the wood and the tightness of the stack, each rank sold for \$50-60 dollars.³⁴ For two weeks beginning in late November 1857, after the close of the navigation season on November 14th that year,³⁵ Waldman advertised “200 cords of hardwood” for sale in the *Pioneer and Democrat*. He was probably trying to liquidate the remnants of an even greater stockpile he had amassed for riverboat sales by advertising to the home heating market after the steamboats were gone for the season. Even Waldman’s diminished stockpile of 200 cords carried a value in excess of \$5,000, which suggests the extent and profitability of his trade during peak navigation season. George Merrick gives a colorful account of these “woodyard men” in his autobiography *Old Times on the Upper Mississippi*, whose creative wood-stacking technique seldom fooled the sharp eyes of penny-pinching first mates, often leading to a “blue-streaked volley of vituperation” between the parties.³⁶ Waldman’s pursuit of the wood fuel business speaks to his apparent entrepreneurial skills and adaptability to what was still a largely Yankee frontier economy. For the 1858 personal property tax assessment Waldman was taxed on only “30 cords wood,”³⁷ indicating he had nearly depleted his stockpile from the previous navigation season and perhaps was moving on to other means of income.

Waldman’s next profession, even more than his first, epitomized St. Paul’s early retail trade: on March 23, 1858 he petitioned for a liquor license. The Common Council granted his request the following week,³⁸ and Waldman subsequently renewed his license in April of 1859.³⁹ Although he never renewed his license after that date—for reasons that will be explained below—the 1860 federal census still listed Waldman’s occupation in July of that year as “Lager Beer Saloon.”⁴⁰ He remained in the saloon trade through at least September 1, 1862, when he paid a \$20 federal excise tax on his “retail liquors” business.⁴¹ These tax payments also confirm Waldman’s status as a saloon owner/operator, rather than an employed barkeeper.⁴²

Wingerd, *Claiming the City: Politics, Faith and the Power of Place in St. Paul* (Ithaca: Cornell University Press, 2001) (hereinafter “Wingerd, *Claiming the City*”), at 75.

³⁴ Merrick, at 59-60.

³⁵ *Ibid.* at Appendix B.

³⁶ *Ibid.* at 60.

³⁷ Assessment Roll of Personal Property, 1858, Ramsey County, Minnesota Territory, at 301.

³⁸ Council Proceedings, Mar. 23, 1858, at 39; Mar. 30, 1858, at 45. A printed version of the Council Proceedings can be found in *Proceedings of the Common Council of the City of St. Paul, for the Year Ending 1858* (St. Paul: Daily Minnesotian Print, 1858), at 216.

³⁹ Proceedings, 1860 at 219.

⁴⁰ 1860 Census, 4th Ward St. Paul, at 257. The 1860 census, like the 1857 Territorial Census, distinguished between owner-operator “saloon keepers” and non-owner “bar keeps” or “barkeepers.” The excise taxes later paid by Waldman confirm that he was among the former.

⁴¹ U.S. Excise Tax of 1862, Division 4, District 2, Minnesota (<http://Ancestry.com>) (\$20 levied).

⁴² The federal excise tax was enacted by Congress during the Lincoln administration to help fund the war effort. The tax defined a “retail liquor dealer” as a person who sells “distilled spirits, fermented liquors or whine of any description, in quantities of three gallons or less, and whose annual sales do not exceed \$25,000.” Amasa A. Redfield, *Handbook of the U.S. Tax Law with All the Amendments to March 4, 1863* (New York: John S. Voorhies, 3rd Ed. 1863).

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Doubtless Waldman's experience with river boatmen in the cut-throat trade of fuel wood sales prepared him well for fueling the thirsts of the same men in the saloon business. But Waldman also apparently had native connections in the brewing industry. In October of 1859, he loaned \$500 to Christoph and Henry Stahlman,⁴³ fellow Bavarians who were quickly becoming St. Paul's most successful brewers.⁴⁴ In exchange, Waldman received a mortgage on the four lots comprising the core of the Stahlman's brewery operations (today's Schmidt Brewery site) and a promissory note bearing no interest—a sign that the legal documents may only have papered the Stahlmans' promise to repay Waldman in beer supplies. At a time when currency of any kind was almost impossible to find and both the City and County were forced to issue their own "scrip" to cover their obligations, such barter exchanges were not uncommon. Most striking about this transaction is the fact that Waldman had this much money to lend. Henry Rice's oft-quoted remark shortly after the Panic that "*all* of the Old settlers in Minnesota are *ruined* hopelessly"⁴⁵ may have applied more to his Yankee peers who had speculated in real estate than to immigrant entrepreneurs like Waldman. Waldman had resisted the speculative fever of 1856-1857, and was rewarded by liquidity even during the greatest depths of the depression.

Waldman's actual liquor license has not survived, and there are no other records positively identifying the location of his saloon. Nevertheless, compelling evidence places Waldman's saloon in the Fuchs-Waldman Building two years before his name appeared on the property title in October of 1860. A review of the property records confirms that Waldman owned no real estate in Ramsey County prior to October 1860, and no real estate other than the lot containing the Fuchs-Waldman Building for nearly two decades after that date. Waldman's license shows that he operated a saloon from at least March of 1858, so he must have done so from leased premises. In this regard, Waldman followed the pattern established by the vast majority of saloon operators in St. Paul during this period, nearly all of whom leased rather than owned their premises. (See **Part III(D)** below). Since Waldman owned no real estate prior to his purchase of the Fuchs-Waldman Building; since the operation of his saloon both preceded and post-dated his purchase of that property; and since the commercial façade and floor plan of the Fuchs-Waldman Building was readily adaptable to saloon use; it is reasonable to conclude that both Waldman's saloon and residence were located in the Fuchs-Waldman Building beginning in March 1858.

⁴³ Recorder's Office, Book P Mortgages, at 519 (Lots 4, 5, 16 and 17, Stinson Brown & Ramsey's Addition).

⁴⁴ Doug Hoverson, *Amber Waters: The History of Brewing in Minnesota* (Minneapolis: University of Minnesota Press, 2007) (hereinafter "Hoverson"), at 289.

⁴⁵ *Quoted in* Wingerd, *Claiming the City*, at 29.

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E. Rehabilitation to Residential Use: Waldman's Final Years (1863-1885)

By 1863, as the wartime economy surged along with the licensing fees applicable to lager beer saloons (explained in **Part II(F)**, below), Waldman had moved on to his next occupation. In May of that year he mortgaged the Fuchs-Waldman Building for \$500 and substantially rehabilitated the building for use as a private residence. The commercial façade was filled in with new stonework laid up between the existing flooring, baseboards and plaster walls and ceiling at the front of the building. The broad shop windows and central entrance door were replaced by two smaller windows, closely matching those above. The commercial cornice above the former shop-windows was removed, and in its place a small hood was constructed above what became the sole front entrance. Inside, the chair rail surrounding the first floor serving room was removed, and the south stairway wall was opened above the staircase. So complete was the transformation from saloon to residence that the building's original use remained unrecognized for the next 145 years.

Waldman may have used some of his \$500 loan to fund his next venture: the opening of a flour and feed store on Third near Eagle Street sometime before October of 1863.⁴⁶ Grain prices rose substantially during the Civil War years, creating opportunities for grain merchants and other middlemen. Waldman operated his flour and feed store until 1878, moving his store to 66 Fort Street (later renumbered 114 Fort) in 1867, and partnering with Alonzo Eaton beginning in 1876.⁴⁷

As commodity prices slumped and the nation entered a lengthy recession that lasted until 1879, Waldman gradually changed occupations again—or at least changed his primary source of income. Successive waves of Germans, Scandinavians, Czechs, Poles and Italians flooded into St. Paul during this era, and the population of the City more than quadrupled.⁴⁸ The Fourth Ward grew twice as fast as any other, housing more than ten thousand mainly foreign-born residents by 1875, an increase from 2,532 in 1860.⁴⁹ Real estate values in the City surged as housing became scarce and transportation options to outer-ring “exurbs” remained limited and relatively costly.

Probably sensing greater opportunities in the new economy from passive rental income rather than from retail sales, Waldman decided by the early 1870s to more intensively develop the unused portions of Lot 14 immediately to the south of the Fuchs-Waldman Building. In 1872, he built the large Italianate Revival house at 457 Smith (extant), near the corner of today's Smith and Goodrich Avenues, and moved with his wife to this house. A year or two later, he built a smaller house in between, adding a unit to the south by 1880 that created a side-by-side duplex (449-451 Smith, razed). When Waldman's neighbor immediately to the west was

⁴⁶ St. Paul City Directory of 1864, at 119; U.S. Excise Tax Assessments of Oct. 1863 (listing Waldman as “retail dealer”).

⁴⁷ St. Paul City Directories of 1867, 1877 and 1878.

⁴⁸ J. Fletcher Williams, *History of the City of St. Paul to 1875* (1876; repr. St. Paul: Minnesota Historical Society Press, 1983) (hereinafter “Williams”), compendium of censuses at 467.

⁴⁹ *Ibid.*

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foreclosed in 1879, Waldman purchased his property,⁵⁰ which included a small one-story house facing the alley immediately to the west of the Fuchs-Waldman Building. In all, this gave Waldman four rentable units by 1880, and doubtless enough passive income to supplant any income he had earned from his former retail trade.

There are some indications that by this point Waldman's health may have been in decline. Tellingly, the city directories list no occupation for him after 1878.⁵¹ In May of 1881 he made out his will, stating his age as "about 57 years."⁵² Shortly thereafter he moved from his larger house at 457 Smith back to the Fuchs-Waldman Building, selling the former in April of 1883. This may have been in preparation for the final chapter of his life—his move back to his native Germany. In April 1885, in the midst of a nationwide depression following the recent crash of the New York Stock Exchange, Waldman sold the last of his real estate to Thomas Manning, a Canadian real estate investor who owned numerous rental properties throughout the City. Waldman then returned to Germany with his wife, dying in June 1886 in Edenkoben, Pfalz at the age of 62. The couple never had children, and left no known relatives in the United States.

Viewing Waldman's life and accomplishments as a whole, he epitomized the earliest wave of German immigrants to St. Paul:

As a group, German immigrants had a distinct advantage. . . . Most of the Germans had arrived with some combination of necessary skills and capital, as well as familiarity with the workings of a capitalist economy. Political upheaval, religious persecution, and the impact of industrialization on regional economies in the loose-knit German empire had set off an exodus of artisans, shopkeepers, and farmers rather than a flight of peasants or proletarians. As a result, even most of those who arrived in St. Paul directly from their homeland were armed to compete, culturally as well as economically. . . . In St. Paul, where their skills and capital were sorely needed, the Germans—whether Protestant, Catholic, or Jewish—found a particularly warm welcome.⁵³

In the end, Waldman's native ties proved stronger than those of his adopted home. Nevertheless, during his three decades in the United States, he managed four separate trades, successfully navigating barriers of language, culture and a tumultuous economy. Through it all, the Fuchs-Waldman building served as his sturdy yet adaptable base of operations, initially providing a means of income, and then modest housing. In many respects the man and his building were an ideal match.

⁵⁰ The East ½ of Lot 13, Block 9 Leech's Addition.

⁵¹ One of Waldman's tenants, 43-year-old French Canadian George Crueson, became the unfortunate subject of news headlines when he was run over and killed by his own team of horses while moving a stove and several pieces of furniture to "his new place of residence, 102 Forbes [the Fuchs-Waldman Building]." *St. Paul Daily Globe*, April 2, 1880, at 2.

⁵² Petition for Probate, Ramsey County Dist. Ct., No. 4332 (filed Nov. 22, 1887).

⁵³ Wingerd, *Claiming the City*, at 36.

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After Manning's purchase, the Fuchs-Waldman Building experienced six more decades of renters and other absentee owner-landlords.⁵⁴ John and Margaret Rafter rented the house from approximately 1898 to 1917, raising five children there. John was an Irish stone worker and later St. Paul policeman based at the Rondo Avenue station.⁵⁵ Wellie Vierow, a German widow, occupied the house with her three adult children from 1917⁵⁶ through the 1920s.⁵⁷ At the time of the 1930 federal census, John and Margaret Miller occupied the house with their divorced son and five-year-old grandson. John was sixty-two years old and worked as a janitor at a meat packing plant; the family paid \$16 per month rent. The house was finally purchased by John and Francis Dreyling in 1947. Dreyling was a carpenter and the couple raised three boys in the house, one of whom was tragically killed in a hunting accident. After John Dreyling died in 1988, Francis remained in the house until 2008 when it was purchased for restoration by Tom and Ann Schroeder.

II. A Territorial-Era Lager Beer Saloon (Area of Significance: Commerce)

A. Alcohol Consumption and Regulation 1800-1858

During the first half of the nineteenth century the typical American drank more alcohol than at any other time in the history of our nation. As the seminal work of W.J. Rorabaugh documents, during the 1830s, annual per capital consumption of distilled spirits (rum, whiskey, gin, and brandy) reached its peak at 5 gallons—a rate that was double that of 1770, and nearly triple today's consumption.⁵⁸ Hard cider was the most popular non-distilled fermented beverage at the time, with an annual per capita consumption of 15 or more gallons.⁵⁹ Beer consumption remained below 2 gallons per capita until just prior to the Civil War, when it began its dramatic ascent to today's rate of more than 18 gallons.⁶⁰ Nevertheless, because beer (at 5% alcohol) was far less potent than most spirits (averaging 45% alcohol), the total volume of pure alcohol consumed in all forms by Americans reached its historic peak of nearly 4 gallons per capita in

⁵⁴ See, e.g., *St. Paul Daily Globe*, July 10, 1889, at p.7 (advertising "Rent, five-room house, 445 Smith av. Inquire Thomas Manning, 436 Jackson st.")

⁵⁵ 1900 U.S. Census, 4th Ward, E.D. 91, Sheet 1; 1910 U.S. Census, 4th Ward, E.D. 65, Sheet 8. Their children were Mary (b. 1891), Margaret (b. 1892), John (b. 1894), Josephine (b. 1896), Estella (b. 1901) and Harold (b. 1903). The family is listed as "renters." Numerous artifacts have been found in the walls of the house dating from the Rafter's occupancy, including letters, clothes, school papers and John Rafter's 1898 St. Paul Police Handbook. The latter was donated back to his grandson, who still resides locally.

⁵⁶ Raymond E. Vierow's WWI draft card lists his residence after October 1917, when he turned 18, as 445 North Smith. See Registration Card, *Ramsey County, Minnesota*; Roll: 1675895; Draft Board: 4.

⁵⁷ 1920 U.S. Census, 5th Ward, E.D. 46, Sheet 9. Nellie's children were Viola (b. 1895), Raymond (b. 1900), and Helen (b. 1903).

⁵⁸ W.J. Rorabaugh, *The Alcoholic Republic: An American Tradition* (Oxford: Oxford University Press, 1979) (hereinafter "Rorabaugh"), at 8.

⁵⁹ *Ibid.* at 10.

⁶⁰ *Ibid.* at 9; George Ehret, *Twenty-Five Years of Brewing: with an Illustrated History of American Beer* (New York: Gast Lithograph & Engraving Co., 1891) at 36 (hereinafter "Ehret"). Ehret's calculations indicated per capita consumption of beer in 1810 at 4.98 quarts, compared to consumption of ardent spirits at 18.08 quarts per capita.

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1830, declining sharply just prior to the Civil War and averaging 1 ½ gallons per capita thereafter until today.⁶¹ “Early nineteenth-century America may not have been ‘a nation of drunkards,’” Rorabaugh summarized, “but Americans were certainly enjoying a spectacular binge.”⁶²

The American Temperance Society estimated that half the adult males—or one-eighth of the entire population—were drinking two-thirds of all distilled spirits consumed.⁶³ By all appearances this was the demographic that settled Minnesota Territory. Saloons were St. Paul’s first business. Even before the Treaty of 1837 opened the land between the St. Croix and Mississippi Rivers for settlement, a scattering of “groggeries” or whisky shanties stood just across the river from Fort Snelling, earning that area the name “Rumtown.” The notorious one-eyed French Canadian Pierre “Pigs Eye” Parrant was only one of numerous whiskey sellers of the era.⁶⁴

A decade later, an enactment regulating the sale of spirits was among the earliest bills passed by the first Territorial Legislature.⁶⁵ St. Paul’s liquor license was the second ordinance passed by its Common Council,⁶⁶ and perhaps symbolically, was re-codified as Ordinance Number 1 in the revised ordinances of 1858.⁶⁷ By 1852, St. Paul already had 16 saloons serving a population less than 2,000.⁶⁸ Just six years later, St. Paul’s approximately 10,000 residents were served by 135 licensed saloons within the city limits,⁶⁹ and several of its most popular (and in the case of the Cave House, most notorious) establishments were located just beyond the city limits. This amounted to one saloon for every 74 men, women and children (compared with a ratio of one for every 1,425 residents in 2010). “Surely Minnesota must be a healthy country,” the editor of the *Pioneer & Democrat* wrote, “or it would be impossible to increase or even keep up a population, with such fearful odds as must necessarily result from the dealing out of so much bad liquor.”⁷⁰ Defenders of the liquor trade asserted that any tea-toteler who was offended

⁶¹ *Ibid.* at 10-11.

⁶² *Ibid.* at 21.

⁶³ Cited in Rorabaugh, at 11.

⁶⁴ Gary Brueggemann, *Minnesota’s Oldest Murder Mystery—The Case of Edward Phalen: St. Paul’s Unsaintly Pioneer* (St. Paul: Beaver Pond Press, 2013), at 9-10.

⁶⁵ The first Territorial Legislature passed an act regulating “grocery licenses” in 1851. It permitted county boards to grant a license for 1 year for not less than \$100 nor more than \$200 to keep a house “where spirituous, vinous, or intoxicating liquors are retailed in less quantities than one quart.” First Legislative Assembly, Acts, Joint Resolutions and Memorials, 44; cited in Agnes Ellingson, *A History of the Temperance Movement in Minnesota to 1865* (Minneapolis: University of Minnesota Master of Arts Thesis, July 1933) (hereinafter “Ellingson”), at 47.

⁶⁶ *Act of Incorporation, Standing Rules and Proceedings of the Common Council of the City of St. Paul, Minnesota Territory, 1854-5* (St. Paul: Minnesotian Office, 1855), at 7. Ordinance #2 was entitled “An ordinance regulating and licensing the sale of spirituous liquors, and the keeping of billiard tables and ten-pin or bowling alleys or saloons,” and was enacted April 25, 1854.

⁶⁷ *Charter and Ordinances of the City of St. Paul*, compiled by H. Horn and O. Simons (St. Paul: Daily Minnesotian, 1858), at 61.

⁶⁸ Ellingson at 46.

⁶⁹ *Pioneer & Democrat*, April 24, 1858 at 1.

⁷⁰ *Ibid.*

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by saloons could always stay away from them—to which James Goodhue famously responded: “that in St. Paul is equivalent to saying you may leave town.”⁷¹

B. The Temperance Movement and Minnesota’s “Maine Law”

While St. Paul and its early liquor trade boomed, larger forces were gathering in the East. Partly as a reaction to the social impact of alcoholism, and partly fueled by the religious revival of the 1850s, America’s first temperance movement was growing into a nationwide crusade. Between 1851 and 1855, Maine and thirteen other states and territories enacted sweeping laws banning the sale of alcohol.⁷² Swept up in this wave of reform, Minnesota’s Territorial Legislature passed its own version of the so-called “Maine Law” in April of 1852, which was immediately ratified by popular vote that same month. It prohibited the manufacture of intoxicating liquors and their sale except by special agents appointed to sell for mechanical and medicinal purposes. All acts regulating the sale or spirituous liquors were repealed, and county commissioners “from and after the approval of this act” were prohibited from granting any license to sell or retail spirituous liquors after the first Monday in May.⁷³

From the outset, the support for Minnesota’s prohibition law was mixed. Daniel A. Robertson, editor of the influential *Minnesota Democrat*, wrote numerous editorials in opposition to the law, siding with fur traders, liquor dealers and lumbering interests and predicting enforcement problems.⁷⁴ In contrast, James Goodhue, the editor of the *Minnesota Pioneer* and the Territory’s greatest booster, supported the law. Goodhue reasoned that that it did not ban private drinking, but would only abolish public bars and saloons, which tempted people to drink to excess. He also hoped that legislative policies supporting temperance would attract wealthy, industrious and temperate Yankees to settle in Minnesota, transforming the territory into the “New England of the West.”⁷⁵

It soon became obvious that Goodhue and other temperance advocates had underestimated popular resistance to the law. Several of the Territory’s organized counties simply ignored the Maine Law, and their commissioners continued to issue licenses despite the fact that the law had repealed their authority to do so.⁷⁶ In St. Paul, where the popular vote had run narrowly against the law, saloons and liquor retailers operated as usual, sometimes adding “for medicinal and mechanical purposes only” to their signage.⁷⁷ Historian J. Fletcher Williams,

⁷¹ *Minnesota Pioneer*, Mar. 25, 1852; cited in Ellingson at 46.

⁷² Ellingson, at 90; Jack S. Blocker, *American Temperance Movements: Cycles of Reform* (Boston: Twayne Publishers, 1989) (hereinafter “Blocker”), at 57.

⁷³ The language of the statute was unclear as to whether it revoked all outstanding licenses or simply forbade the issuance of new licenses. *Collated Statutes of the Territory of Minnesota, 1853*, at 8-14; cited in Ellingson, at 53-4.

⁷⁴ Sabine N. Meyer, *Hopping On or Off the Water Wagon? The Temperance Movement in St. Paul, Minnesota, 1848-1919* (Minneapolis: University of Minnesota Doctoral Dissertation, 2009) (hereinafter “Meyer”), at 66.

⁷⁵ *Minnesota Pioneer*, Feb. 15, 1852 at 2; March 25, 1852 at 2; April 8, 1852 at 2 (cited in Meyer, at 67).

⁷⁶ Ellingson, at 55.

⁷⁷ *Ibid.*, at 53, 59. The popular vote on the Maine Law in St. Paul had been 331 in favor, 343 against, making St. Paul the only major city or village in the Territory that had opposed the law by majority vote.

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who witnessed Minnesota's first experiment with prohibition first hand, described the liquor trade in St. Paul after the May 1 enactment date as proceeding "about as usual."⁷⁸ Modern historian Sabine Meyer observed:

Laws that were against [St. Paul's] public sentiment and economic welfare were simply ignored... This law evasion, first exercised in the context of the Maine Law, became a major facet of St. Paul's municipal government. . . . [Temperance proponents failed to grasp that] [t]he liquor trade and the enthusiastic liquor consumption had been the *raison d'être* for St. Paul's emergence and were part of a mentality that had convinced many people to settle in the town permanently.⁷⁹

Ramsey County authorities were less sanguine towards enforcing the ban—especially since Sheriff Brott and his deputy Lot Moffet were both ardent temperance supporters. In June of 1852, when a Chicago dealer landed \$4,000 of liquor at St. Paul's lower levee, the cargo was seized and the dealer fined \$20.⁸⁰ Then in August 1852, the sheriff and his deputy confiscated several cases of liquor in William Constans' warehouse and saloon at the corner of Bench and Water Streets on the lower levee. A riot by Constans' supporters was prevented only by the quick intervention of Reverend Edward D. Neill, who was said to have addressed the assemblage standing on a whiskey barrel. Constans' case was appealed to Ramsey County District Court, and on Nov. 27, 1852 Judge H. Z. Hayner declared Minnesota's Maine Law unconstitutional. The defect lay solely in the law's manner of ratification by popular vote, which he found violated the Organic Act of the Territory. In essence, the statute was overturned on a technicality.⁸¹

The overturning of the Maine Law in Minnesota was a setback for temperance supporters, but it did little to quell their moral crusade. The popular vote on the Maine Law had favored prohibition by a ratio of 2-1 in St. Anthony, and 3-1 in Stillwater.⁸² Many towns in Minnesota were quite hostile to saloons—especially those founded by Yankees who had left New England when Maine Laws were still popular. Mantorville and Dodge County were particular temperance strongholds, voting in October of 1858 to grant no licenses for the sale of intoxicating liquors. Local newspaper editors there and in St. Anthony and Stillwater urged counties throughout the state to do likewise. The Good Templars and other temperance societies actively recruited in Minnesota and continued lobbying for a Maine Law until the Civil War. By 1860, the Good Templars had established lodges in almost every county in the State. Methodist minister John Quigley, a leading lecturer on behalf of the Good Templars, travelled across Wisconsin and Minnesota Territory, arriving in St. Paul in October 1858. National speakers such as Samuel Hewlett from Boston, Peter Sinclair from Edinburgh, Scotland, and 17-year-old

⁷⁸ Williams, at 323.

⁷⁹ Meyer, at 69.

⁸⁰ Ellingson, at 59.

⁸¹ *Ibid.*, at 62.

⁸² *Ibid.*, at 53.

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Susanna Evans from England delivered fervent temperance lectures, attracting large crowds and much publicity throughout Minnesota.⁸³

Despite the efforts of temperance supporters, the region's fast-changing demographics doomed New Englanders' hopes of transforming St. Paul into a puritan village. In the spring of 1855, an estimated 30,000 settlers flooded into St. Paul. Fletcher described 1855, 1856 and 1857 as "the three great years of immigration in our Territorial days. Nothing like it has been seen since."⁸⁴ While the majority of these immigrants passed through the city to settle in other parts of the Territory, enough of them settled in St. Paul to impact its character significantly. Whereas in 1852 the city had a population of about 2,000 mostly New Englanders, French-Canadians and mixed-bloods, by the time the Fuchs-Waldman Building was completed in the fall of 1857 St. Paul's population had increased by nearly 500 percent, to 9,973.⁸⁵ Nearly half of these settlers were foreign-born, mostly from Germany and Ireland. By 1860, Germans made up 26 percent and Irish made up 27 percent of Ramsey County's population, compared to the 24 percent Anglo-Americans who had resettled from New England and the Mid-Atlantic States.⁸⁶ While there were a few temperance supporters among the German and Irish Catholic leadership, for the most part St. Paul's foreign-born population regarded the puritan tone of the temperance movement with suspicion, if not outright hostility. As Meyer states, "German and Irish immigration cultures and the city's floating population consolidated its image as a liberal town in which *joie de vivre* was much preferred to puritan strictness. Historical circumstances had caused St. Paul to go back to its pioneer roots emphasizing zest for life and the consumption of alcohol."⁸⁷

C. Return to the Regulatory Approach: Liquor Licensing 1854-1860

These demographic changes, combined with other political and cultural forces, blunted the temperance movement and impelled the Territorial Legislature toward a regulatory rather than prohibitory approach to alcohol. In 1854, it enacted a more stringent version of its pre-prohibition license law that prohibited the selling of liquor on Sundays and imposed a \$5,000 bonding requirement.⁸⁸ St. Paul was incorporated as a city during that same year, and immediately enacted its own more liberal licensing regime.⁸⁹ Entitled "[a]n Ordinance regulating and licensing the sale of spirituous liquors, and the keeping of billiard tables and ten-

⁸³ *Ibid.*, at 94-121; Meyer, at 70-112; *see also* Blocker, at 30-60 (discussing the fraternal societies' role in the antebellum temperance movement).

⁸⁴ Williams, at 357; Meyer, at 86.

⁸⁵ Williams, at 381 (citing the statehood census of 1857).

⁸⁶ Meyers, at 86.

⁸⁷ *Ibid.*, at 85.

⁸⁸ *Ibid.*, at 74.

⁸⁹ The discrepancies between the Territorial law and St. Paul's more liberal ordinances are inexplicable from a legal standpoint. Clearly territorial statutes held supremacy over city ordinances, but as will be discussed below in connection with the Lager Beer Act, this was by no means the only occasion where St. Paul's Common Council flouted the dictates of territorial or state statutes.

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pin or bowling alleys or saloons,”⁹⁰ it required anyone selling any “spirituous, vinous, fermented or intoxicating liquors” within the City to obtain a license after paying \$50 to the City Marshall. Each license applied only to “one certain place, house or room within the City” which was designated on the license. This part of the ordinance applied to anyone selling liquor, including not only saloons but also liquor wholesalers, retail liquor stores and grocery stores.

In addition to obtaining a license, those who sold intoxicating beverages in quantities less than one quart—this being the technical definition of a saloon under the ordinance—were required to file a \$500 bond with the Clerk of the Common Council as a form of surety against violating certain rules that applied to saloons. In particular, saloon operators were required to:

Conduct said house, saloon or place so licensed as aforesaid in an orderly, peaceable and quiet manner, and not to permit therein any gaming of any description for money, property or other thing, or any unusual noise, disturbance or breach of the peace. That such saloon, house or place shall be closed on and during Sunday, and at and after 12 o’clock at night, of each day, and that therein no spirituous or intoxicating liquors shall be sold, given to or disposed of to any person then being intoxicated, or who shall be a habitual drunkard, or to any minor or any person of unsound mind[.]⁹¹

In June of 1858, the Common Council sought to strengthen the enforceability of the bond by requiring that each saloon licensee had to obtain the co-signature of at least two sureties on his bond “who shall swear . . . that each of them are worth the sum of \$250.”⁹² At the same time, the amended ordinance was re-codified as “Ordinance Number 1,” which was perhaps symbolic of the City’s regulatory priorities. Nevertheless, an examination of the few saloon bonds that survive reveals that licensees frequently undermined the value of the security requirements by co-signing each other’s bonds. For example, in June of 1855 Peter Bergholtz and Paul Faber cosigned John Lukenheimer’s bond; Lukenheimer and Faber cosigned Bergholtz’s bond; and Bergholtz and Lukenheimer cosigned Faber’s bond. While each satisfied the ordinance’s requirement for two bond sureties, these three licensees effectively had no outside sureties at all.⁹³

Whether or not licensing revenues were the initial motive behind the regulatory approach to alcohol, the financial benefit to the City’s coffers soon became clear. During the Territory’s final three years, St. Paul’s liquor license fees totaled \$2,150 in 1856, \$6,175 in 1857, and \$5,573 in 1858. These figures represented 61, 78 and 72 percent, respectively, of all fees

⁹⁰ *Act of Incorporation, Standing Rules & Proceedings of the Common Council, and Ordinances of the City of St. Paul, Minnesota Territory: 1854-5* (St. Paul: The Minnesotian Office, 1855), at 49-51.

⁹¹ *Ibid.* at 50. Thirty-one saloon bonds were filed in 1855, eighteen in 1856, and only ten in 1857, reflecting an apparent laxness in enforcement of the bond requirement.

⁹² *The Charter and Ordinances of the City of St. Paul: 1858* (St. Paul: Daily Minnesotian, 1858), at 62. In practice, the Clerk of the Council had sought to obtain two sureties on each bond from the beginning of the bond requirement.

⁹³ St. Paul Common Council, Saloon Bonds 1855- 1863, State Archives, Minnesota Historical Society (126.A.16.7B Box 7) (hereinafter “Saloon Bonds”).

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collected in each of those years from all categories of licensure combined. For perspective, the City's income from liquor licenses nearly covered the entire budget of its police department, and represented the third largest source of revenue for the City after property taxes and steamboat wharfage fees.⁹⁴ Although this revenue source was never mentioned in political speeches or the refined histories of such contemporaries as Williams, Neill, and Bliss, a material portion of the "peace, good order and happy prosperity"⁹⁵ of the city—including its levee improvements, graded streets, planked sidewalks, police and fire departments, and its first public school—was paid for in large part by liquor fees.

As impressive as the licensing revenue was, a significant portion of it went uncollected. The hefty \$50 saloon license fee and \$500 security bond requirement, combined with uneven enforcement and light fines, did little to encourage compliance. In September of 1856, the City Clerk compared his licensing records with the saloons and liquor houses reported by the police and found 15 saloons operating without a license—including William Schimmel's "Liquor House" on Wilkin Street. "I have called personally," the Clerk noted ruefully, "once or twice on nearly all of the above liquor dealers to notify them of the requirements of the law," but to no avail.⁹⁶ On June 20, 1857, the City's Committee on Licenses reported again that "a large number of persons" were selling liquor without a license. Immediately following this report, former Maine Law supporters on the Council found allies among fiscal hawks eyeing foregone licensing revenues, and the Council passed a resolution ordering the arrest of any persons refusing to obtain a license.⁹⁷

Nevertheless, six months later (January 1858), the Committee reported that out of 108 houses selling liquor in the City, 24 still lacked licenses and fewer than half had filed the requisite \$500 security bond.⁹⁸ "The Committee on Licenses were ordered yesterday by the City Council to give notice to Liquor Sellers to 'walk up and settle,'" the *Minnesotian* reported.⁹⁹ Once again the City Attorney was directed to prosecute. By May 1, 1858, the City Marshall's License Book indicated that 125 saloon licenses had been purchased, though perhaps "seven or eight" additional establishments operated without licensure.¹⁰⁰ The number of scofflaws was obviously much higher. After the election of a pro-Temperance City Justice Orlando Sims later that month, an astonishing 73 individuals were prosecuted for selling liquor in the city without a license—a category second only to assault and battery prosecutions (96) during the same period and constituting twenty percent of all prosecutions that year.¹⁰¹ St. Paul may have become

⁹⁴ See generally, Treasurers' and City Marshalls' reports, Council Proceedings, 1856-1857, at 52; Council Proceedings, 1858, at 115-6; Council Proceedings, 1859, at 218-9.

⁹⁵ Address of Mayor George L. Becker to the St. Paul Common Council, May 13, 1856, *printed in* Council Proceedings, 1856-1857, at 11.

⁹⁶ Report of the City Clerk, Sept. 2, 1856, Council Proceedings, 1856-1857, at p.59.

⁹⁷ Council Proceedings, 1857, at 456.

⁹⁸ *Pioneer & Democrat*, Jan. 6, 1858, at 1.

⁹⁹ *Minnesotian*, April 28, 1858, at 3.

¹⁰⁰ *Pioneer & Democrat*, Apr. 24, 1858, at 1.

¹⁰¹ Annual Report of City Justice, April 9, 1860, Council Proceedings, 1860, at 167-8.

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ethnically diverse and morally liberal, but with liquor fees making up such a large part of the City's post-Panic budget, its days of half-hearted enforcement were over.

D. St. Paul Saloons—Locations and Operating Model

While a visitor to St. Paul during its Territorial Period could have found a drink on just about any block the City,¹⁰² the largest concentrations of saloons were found in four areas in particular: at the Lower Landing; in the six block area immediately up the bluff between Cedar, Jackson and Fifth Streets; at the Upper Landing; and along an L-shaped line running along St. Anthony Street west of St. Peter and turning down Fort Street to Leech's Addition.

The saloons serving the steamboatmen, warehousemen, merchants and travelers arriving at their final stop along the Upper Mississippi were clustered around the Lower Landing at the foot of Jackson Street, and along either side of Bench or Water streets just west of the landing. Between 1855 and 1858 these included: William Constans' saloon and store at the junction of Bench and Water streets; Joseph Campbell's La Belle Saloon on Bench near Robert Street, "a famous Gambling and drinking place ... and the general Head Quarters for the sporting men of the river"¹⁰³ [**Photo. 20**]; Pierre Bibeau's saloon on the Upper Landing near Sibley Street; Edward McNelis' St. Louis Saloon on the landing near Jackson Street; William Minster's ironically named Mansion House on Bench near Minnesota; Julius Gross' St. Paul House on Bench between Wabasha and Cedar, a tamarack log building where Alexander Ramsey was said to have organized the Territory;¹⁰⁴ and Beat Muller's Wild Hunter Saloon ("Zum Wilden Jaeger")¹⁰⁵ facing Third Street at Jackson across from Merchant's Hotel.¹⁰⁶

Up the bluff from the Lower Landing visitors and residents could choose from among the greatest concentration of liquor houses anywhere in the City. Notable examples included Francis

¹⁰² This was literally true on average, since in 1858 there were 135 licensed saloons in St. Paul, and 145 blocks in the platted City of St. Paul Proper and Rice & Irvine's Addition where almost all of these establishments were located. See footnote 69, *supra*.

¹⁰³ Robert O. Sweeny, 1852, *quoted in* Lucille Kane and Alan Ominsky, *Twin Cities Pictorial History of St. Paul and Minneapolis* (St. Paul: Minnesota Historical Society Press, 1983), at 16.

¹⁰⁴ The St. Paul House was formerly known as the Bass Tavern. It was reputedly St. Paul's first hotel and was opened by J.W. Bass in 1847. This was a 20 by 28 foot, one and one-half story tamarack log square-hewn building that stood on a high embankment. After Jackson and Third Street were graded, the building was left a story above ground, under which was built a stone basement. Governor Ramsey was said to have organized the Territory in this building in 1849, and it served as the Territory's first post office until 1851. Thereafter it became a hotel until Bass retired from the hotel business in 1852. The building then went through several other hands before being leased to Gross. Frank Bliss, *St. Paul, Its Past and Present* (St. Paul: F.C. Bliss Publ. Co., 1888), at 185-6.

¹⁰⁵ The Wild Hunter Saloon was originally the home of August Larpenteur, and by his account was the second frame house built in St. Paul. It was built on a 140-foot claim which Larpenteur purchased in 1845 from David Faribault for the price of a horse. When the City was platted four years later the lot became lot 14, block 26 of St. Paul Proper. Larpenteur recalled that his "palatial building," which was immediately adjacent to his store, was built by Aaron Foster, J. Warren Woodbury and Jesse H. Pomroy, and painted by James McBoal, "one of the best and laziest mortals that ever lived." August L. Larpenteur, *Recollections of the City and People of St. Paul, 1843-1898*, extracted from Collections of the Minnesota Historical Society, Vol. 9 (publ. by Mike Joki, 2011), at 23.

¹⁰⁶ See generally Saloon Bonds; St. Paul City Directories, 1856-1857 and 1858.

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Aymond's Indian Queen Saloon on the corner of Third and Minnesota, across from the Sisters of Mercy School; J. T. Winslow's St. Nicholas Saloon on Third near Cedar; Joseph Hall's Apollo Hall on Third near Wabasha [**Photo. 21 (1852 sketch by Robert O. Sweeny)**]; Joseph Wittman's Napoleon Old Home Restaurant and Saloon on Third between Jackson and Robert; Frederick Poole's National Saloon on Third; Pierre Schintgen's Washington Saloon on the corner of Fourth and Roberts Street; Nicholas Pottgieser's Minnesota House on the corner of Fifth and Wabasha [**Photo. 22 (from Bromley's 1857 panorama)**]; and Albert Kuby's Milwaukee Lager Bier Saloon at the corner of Jackson and Fifth Street, down the hill from the Fuller House.¹⁰⁷

The Upper Landing, which was the transfer point for passengers and goods travelling to or from the Minnesota River valley or overland to St. Anthony, had its own grouping of ale, lager bier and liquor establishments. Concentrated largely along St. Anthony, Fort, Chestnut and Eagle streets in Rice and Irvine's Addition, these included Monte Ferdinand's single-story Young American Saloon opposite the American House on St. Anthony (previously known as the Jam Saloon [**Photo. 23 (1852 sketch by Robert O. Sweeny)**]; John Zimmerman's ambitiously named Railroad Saloon on Eagle Street;¹⁰⁸ Reuben Haus' Alhambra Saloon on the Eagle Street side of Seven Corners near the Winslow House; Paul Faber's Switzerland House on Fort between St. Anthony and Chestnut; Theodore Hamm's Napoleon Saloon on Fort between Walnut and Pine streets; E. A. Bissell's Minne-ha-ha Saloon on St. Anthony opposite the First Presbyterian Church; John May's The Jane Saloon next door on St. Anthony; Nicholas Hoffinger's saloon on St. Anthony at Hill Street; and Joseph Evan's Pittsburg Ale Depot near the corner of Exchange and St. Anthony.¹⁰⁹

Farther to the southwest, beyond where the platted portion of Fort Street ended and overland traffic through Leech's Addition wended toward to the "Old Fort Road" along the river bluff, lay Henry Shearn's Head Quarters Saloon on Leech Street near Ramsey Street¹¹⁰; William Schimmel's saloon on Wilkin Street near the St. Paul College¹¹¹; Alexander Erb's saloon and grocery at the corner of Smith (now Forbes) and Forbes (now Smith)¹¹² [**Photo. 24 (moved**

¹⁰⁷ See generally Saloon Bonds 1855-1858; St. Paul City Directories, 1856-1857 and 1858.

¹⁰⁸ At the time Zimmerman's saloon was first named in 1856, no trains operated anywhere within the Territory.

¹⁰⁹ See generally Saloon Bonds 1855-1858; City Directories, 1856-1857 and 1858.

¹¹⁰ Known as the Oyster Bar Saloon after 1858, Henry Shearn's saloon at Block 2, Lot 2 of Leech's Addition operated from August 1854 until just after the Civil War. Ramsey County Recorder's Office, Book G of Deeds p. 757; Saloon Bonds 1855-1858.

¹¹¹ Licensed and bonded in September 1856, Schimmel's saloon was located at Lot 14, Block 1 of Leech's Addition in premises leased from Nicols & Berkey, who purchased the property in November of 1855. The building may have been physically relocated or succumbed to fire very shortly thereafter, as the site is assessed without a building value in the 1857 property tax. Saloon Bonds 1856.

¹¹² The north 50 feet of Lots 8 and 9, Block 5 Leech's Addition, which fronted Forbes Street and later became 394 West 7th Street, was purchased by John Casey in June 1856 and together with its two-story frame building was leased to Alexander Erb shortly thereafter. Casey was the proprietor of the Boston House Saloon on Minnesota Street and later enlisted in the Minnesota Fifth Infantry Volunteers. Erb operated the premises as a saloon at least through June of 1862, but sometime thereafter converted his business to a grocery store. In February 1869, Casey sold the lot and building to George Scheld, who served with Fetzer in Brackett's Battalion. Scheld, who started his

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circa 1890 two blocks south to 425 Smith Avenue and renovated as a residence)], John Fetzer's one-story home and lager beer saloon on Forbes near McBoal¹¹³; Anthony Waldman's lager beer saloon across the alley from Fetzer's to the south on Forbes; and the notorious Cave House Saloon just past the city limits on Old Fort Road.

These latter establishments served the diverse German and Irish residents of Uppertown, but their clientele was not purely local. The murder of Peter Trotter in May of 1857 at the Cave House, "a low sink of crime above town,"¹¹⁴ by a deckhand from the St. Louis steamboat *Progress* illustrates that boatmen (and presumably anyone else) at the Upper Landing had ready access to Uppertown's saloons behind the bluff:

The party from the steamboat had gone up early in the evening, in the boat's yawl, and drank pretty freely at the bar of the "Cave House." [After Trotter was fatally stabbed,] [t]he boatmen immediately took to their yawl, and paddled down to their boat, but word was immediately sent to the Police, and officers were on the Levee to make arrests before the boat reached shore.... The murdered man, from papers found upon his person, and in his trunk at the Minnesota House, where he was boarding, is supposed to be from Laclaire Iowa, and has only been in this city about a week[.]¹¹⁵

What is notable about this account, but easily understood by contemporaries, is the ease by which Uppertown and its establishments were accessed from the river and the riverflats to the south via pedestrian paths up the bluff. These paths are clearly visible in early general views of the Upper Landing [**Photo. 25 (footpaths above Stuart & Cobb's steam saw mill, 1861); Photo. 26 (footpaths below Irvine Park, 1860)**], but they were cut off by railroad development

career as a teenage waiter at the Apollo Hall Saloon and later leased his own saloon at 345 Third Street, converted Erb's former saloon-turned-store back into a saloon. The building continued to operate as a saloon and boarding house until it was moved to its current location at 425 Smith Avenue North in 1899 and rehabilitated as a private residence. Proceedings of the Common Council, Treasurer's Report, Apr. 20, 1859 (listing Erb's liquor license); Common Council Misc. Records [State Archives 126.A.16.7B] (Erb's saloon bond dated May 27, 1861); Ramsey County Recorder's Office, Book N Deeds, p. 591 (purchase by Casey); same, Book A of Misc. p. 387 (Erb's sale of store, stable and contents in 1866); 1858 St. Paul Directory, at 38, 113 (Casey as proprietor of Boston House; Scheld as waiter at Apollo Hall); 1867 St. Paul Directory, at 194 (Scheld's saloon at 345 Third, residing at same); IRS Tax Assessments, Dist. 2, Sept. 1862 (assessing Erb for "retail liquors").

¹¹³ Lot 1, Block 9 Leech's Addition was purchased by John Fetzer in August 1855 from Rueben Haas, who was an established saloon operator on St. Anthony and Eagle Streets and who may have initially leased this Forbes Street saloon to Fetzer prior to its sale. Fetzer continued operating a saloon on this site until at least 1864, interrupted by his 11 months of service as a private in Minnesota Company A, Brackett's Cavalry Battalion, from September 1861 to August 1862. Ramsey County Recorder's Office; 1857 Statehood Census at 214 (listing his occupation as "Lager Beer Saloon" in November 1857; Petition for liquor license, June 23, 1857, Common Council Proceedings [126.G.12.3B at p.448]; 1858-1859 City Directory, at 55 (listing Fetzer's home and occupation as "lager beer saloon, cor. Forbes and McBoles"); IRS Tax Assessment List, May 1864 (taxing a Class B "retail liquor" license); Dalby, John, Minnesota Civil War Soldiers [online database], Ancestry.com.

¹¹⁴ Williams, at 375.

¹¹⁵ *Pioneer & Democrat*, May 12, 1857, at 3.

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below the bluff line soon after the Civil War.¹¹⁶ **[Attachment D (map from 1869 St. Paul City Directory)]**

Much of the difficulty in regulating these establishments was due to their small scale and transient nature. With the exception of a few larger and better-financed hotel saloons, like John Freschette's Star Saloon under Merchants Hotel, or John Frazer's Alhambra Saloon on the ground level of the Winslow House, the majority of St. Paul's Territorial Period saloons were simple, hastily built one- or two-story wood frame buildings with sleeping quarters for their proprietor upstairs or in the back. Their simplicity was the product of a Territorial building boom that emphasized speed over permanency. Their small scale was no doubt influenced by expense, but also by the cramped lot sizes in St. Paul proper with street fronts no wider than 50 feet and in some cases less than 30 feet. Moreover, it was not uncommon for owners and landlord of commercial lots to subdivide their properties to yield higher profits. Michael McNelis, whose brother Edward ran the St. Louis Saloon at the Lower Levee, leased a small saloon building positioned on one-half (divided lengthwise) of Lot 5, Block 18 facing Fifth Street east of Minnesota St., making his parcel only 25 feet wide.¹¹⁷

In many respects the saloons of St. Paul's Territorial Period were analogous to fairground concessions of today. Apart from their similar small scale and general lack of durability, the saloon business at that time was highly seasonal. The population of the city nearly doubled in the summer months when hundreds of steamboat passengers disembarked daily at the two landings. Although profits were high, so was the turnover. Out of the 29 saloon proprietors listed in the 1856 City Directory, only three are still listed as operating a saloon in the 1858 Directory (which lists 35 saloons). Bearing in mind that the saloons listed in the Directory—less than a third of the total licensed at that time—were probably among the more established of their kind, the turnover among the less established and frequently unlicensed ale houses and whisky shanties must have been truly bewildering. Finally, like modern fairground concessions, very few of the buildings or sites from which saloons operated were actually owned by their proprietors. An examination of deeds at the Ramsey County Recorder's Office reveals that only three of the 29 proprietors listed in the 1856 Directory actually owned their establishments.¹¹⁸ The rest leased or licensed their premises—some obviously for a year or less. Unlike most fairground concessionaires, all but five of the proprietors of those 29 saloons lived on the premises of their saloons.¹¹⁹

¹¹⁶ Beginning in 1867, railroad track construction carved into the bluff and created an almost impenetrable barrier to access to Uppertown other than via Chestnut Street.

¹¹⁷ Indenture, Book S of Deeds, Recorder's Office, at 758-9.

¹¹⁸ Twenty-nine saloon proprietors' names from the 1856-1857 Directory were searched in the grantees indices at the Ramsey County Recorders Office. Only three were found to hold fee simple title to the properties where their saloons were located.

¹¹⁹ 1856-1857 City Directory. Notably, the saloons in this first directory are listed only in the residential listings, reflecting a presumption that the proprietors' homes were the same as their business location unless specified otherwise.

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A few surviving lease documents are illustrative. Frederick Poole leased his National Saloon from its prior owner-operator J. A. Lee of Hemingsburg, Kentucky for \$960/year beginning in April of 1858. Since Poole never appears in any licensing or directory records, it is doubtful that he lasted a year. Julius Gross leased his St. Paul House on Bench Street beginning in May of 1856 from St. Louis investment company Locker Remick & Co. for \$600/year for a four-year term. The building was previously known as the Fremont House and had been operated by Captain F. A. Wakefield.¹²⁰ Gross's establishment is listed in the 1856-1857 Directory, but not in the 1858 Directory; he later reappears as proprietor of a saloon and boarding house at 127 Fort Street.¹²¹ Beat Muller leased the Wild Hunter Saloon from Henry Jackson of Mankato beginning the same month for \$300/year for a six-year term. Paul Faber had leased the same building prior to Muller, beginning in May of 1854, but as noted above Faber had since become proprietor of the Switzerland House on Fort Street. Muller proved more constant than many of his peers and continued operating from the same site through 1864,¹²² presumably under a succession of renewed leases since he never purchased title to the property.

These leases are typical of the several saloon leases filed with the Ramsey County Recorder's office during the Territorial Period. Saloon landlords could be distant investors or local entrepreneurs, including in some instances the prior operator. Lease terms were frequently for multiple years, although in practice most tenant-operators moved on within a shorter timeframe for one reason or another. Many of these arrangements were "turn-key," providing tenant-operators with not only a building in which to operate but all of the fixtures, furniture and supplies necessary to make an immediate profit. For example, Poole's lease of the National Saloon included the following:

- 7 decanters
- 4 bitter decanters
- 3 punch mugs
- 12 ale glasses
- 6 wine glasses
- 6 wine glasses small
- 12 glass tumblers
- 21 dishes
- 2 mirrors
- 1 clock
- 3 tobacco jars
- 2 flower vases
- 1 sofa
- 3 tables
- 9 chairs
- 1 bench sofa

¹²⁰ Recorders Office, Book G of Mortgages, at 384 (June 5, 1856).

¹²¹ City Directory, 1875, at 460.

¹²² City Directory, 1864, at 140.

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2 stoves
1 screen
1 slate
1 water cooler
2 pails
1 tub

Similarly, in August of 1857, Christian Eder assigned the lease of his saloon and boarding house on St. Anthony Street to Beat Muller, who also operated the Wild Hunter Saloon. Eder had signed this lease only four months earlier, but was apparently ready to move on. Muller paid Eder a one-time fee of \$500 just for the right to step into Eder's shoes under his existing lease; Muller would additionally be responsible for paying the monthly rent. At the same time, Muller bought all of the contents of Eder's bar room, which consisted of the following:

One dozen new chairs
3 round tables
1 dozen old chairs
1 counter
1 ice box
1 water cask
6 glasses
1 clock
All the bottles, decanters and other bar fixtures
5 pictures in gold frames
2 barrels of whisky
2 barrels of brandy
10 gallons of port wine
1 barrel of vinegar
1 lounge
1 long dining room table
3 common kitchen tables
2 cupboards with dishes
1 large cooking stove
16 beds with bedsteads, blankets, sheets and bedclothes
1 bar room stove
Curtains in bar room and dining room¹²³

Almost no photographs exist of interiors from Minnesota's pre-Civil War era, and certainly none show the inside of a saloon. Yet these lists paint a mental picture of Poole's and Eder's establishments—and perhaps many like them. A dozen or so wooden chairs circle a few round tables in a room heated by a woodstove; a wall clock centered by a few lithographs hangs

¹²³ Assignment and Bill of Sale, Book M of Deeds, Recorder's Office, at 116-7.

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in gold-painted frames from a picture-rail circumnavigating the room; cut-glass decanters of port and brandy sit on a counter, along with a lidded clay water cask with a spigot at the bottom; less presentable bottles stand beneath the counter beside stacks of thick glass spirit tumblers, a dozen or more ale glasses, and a few wine glasses; mirrors hang strategically behind the counter and against the back wall giving the barkeeper full view of the premises and his guests; and barrels of whiskey, brandy and occasionally an ale cask cool downstairs in a shallow basement carved out of the shale and limestone bedrock. The room is dimly lit with a few lamps burning whale oil, as kerosene has not been developed. There are no beer bottles or cans anywhere; it will be another decade before the former are used and seventy years before the latter are invented.

The smaller number of “ale glasses” as compared to spirit and wine glasses at Poole’s National Saloon, and the absence of any mention of ale or beer whatsoever at Eder’s saloon, reflects the predominance of hard liquor, ports and brandy in St. Paul’s saloons prior to the Civil War. Given the expense of transportation to the distant Territory, spirits and enhanced wines were the most efficient forms of alcohol for wholesalers, retailers and consumers alike. The most notable thing about these leases, however, is the lofty rents commanded by saloon landlords. At a time when five cents bought two glasses of beer and a dozen fresh oysters sold for 30 cents, per annum rents of nearly \$1,000 (in the case of Poole) could only be sustained by extremely high sales volumes—and in some cases by avoiding licensing fees until detected.

How does the Fuchs-Waldman Building fit into this context? While its stonework conveyed an unusual permanence when compared to the typical frame saloon buildings of its era, it was originally intended to house a “store” of some kind, not a saloon. (See **Part I(C)**, above.) Aside from that distinction, the building’s small scale, rental status, rapid turnover of retail tenants (Eddy, Shindell, Waldman), and dual-use as a residence all characterize the saloons of St. Paul’s Territorial Period. These traits place the Fuchs-Waldman Building firmly within the genus of the typical saloon building of the period, no other examples of which survive in Minneapolis or St. Paul. Rarer still, the Fuchs-Waldman Building is the only remaining example of a species of saloon that illustrates a unique chapter of the nation’s and Territory’s social and economic history.

E. The Lager Beer Question (1860-1864)

For the most part, the early temperance movement in the U.S. and Minnesota alike was directed against distilled liquors. Beer was not commonly consumed as a saloon beverage until the late 1850s, and was not a matter of concern among most temperance reformers. Temperance pledges and early temperance laws generally did not specify prohibited beverages, and many self-proclaimed teatotalers questioned whether beer was included.¹²⁴

¹²⁴ Ellingson, at 122.

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The introduction of lager yeast in America in 1842¹²⁵ would soon force an answer to this question. Few today can appreciate the sensation created by the diminutive *saccharomyces uvarum*. Prior to the 1850s, Anglo-American brewers in New England and the Mid-Atlantic states used top-fermenting ale yeasts exclusively to produce what were generally darker, heavier ales and porters served at room temperature. In contrast, brewers from the south of Germany and Austria had refined the use of the top-fermenting lager yeast, sourced in South America a century earlier, which combined with lighter-roasted barley malts and more floral German hops to produce a distinctively dryer, lighter-complexioned malt beverage far more suitable to warmer climates. The German word “lager” means “to store”: lager yeast performs best when fermented over extended periods of time in cold storage between 46-55 degrees Fahrenheit.

As was the case with English and Yankee ales, the alcohol content of German-style lager beer was entirely a function of the amount of barley malt used. As a general rule, lager recipes called for the same or even greater amounts of malt, thereby producing beer of similar or greater alcohol content. Nevertheless, the lighter roast (and therefore clearer complexion) of Munich or Munich-style barley malts, together with the dryer flavor produced by the lager yeast, gave casual observers who lacked personal experience with lager beer the impression that it was less intoxicating than the familiar dark ales of the era. Given the harsh regulatory environment forming around alcoholic beverages in America, German brewers and immigrants seemed disinclined to correct this impression. In an article quoted in the *Pioneer and Democrat*, the *New York Herald* recounted the testimony of a German who opposed that state’s licensing of lager beer, claiming that he had consumed twenty-two glasses of the beverage before coming to court that morning—at 11 a.m.—with no intoxicating effects whatsoever.¹²⁶ The same newspaper cited German physicians as testifying that it was virtually impossible for a man to contain enough lager beer to produce intoxication.¹²⁷

The introduction of lager beer to America coincided with the first wave of German immigration after the “rebellion” of 1848. The Germans who came during this period were mostly beer drinkers, and many were skilled brewers themselves. While the overall population of the country increased from 23 million in 1850 to 31 million in 1860, the number of breweries during this same decade increased nearly three-fold and the quantity of beer brewed nearly quadrupled.¹²⁸ Minnesota—and St. Paul in particular—became engulfed in the lager beer mania.¹²⁹ Aside from Germans, St. Paul offered three other essentials for lager brewing: a climate and soil ideal for growing barley and hops; a ready supply of fresh water; and a thick, soft stratum of sandstone exposed on either side of the Mississippi River bluff that could be easily mined for cooling caverns. The latter were of no particular use in the manufacture of ales, which were brewed and stored at room temperature. But to the City’s early lager brewers, its

¹²⁵ The first lager beer in America is said to have been brewed by a Bavarian named Wagner who, soon after arriving in America, set up a lager beer brewery in a small building located outside of Philadelphia. Ehret, at 40.

¹²⁶ Quoted in the *Pioneer & Democrat*, May 26, 1858, at 1.

¹²⁷ *Ibid.*

¹²⁸ Ehret, at 42.

¹²⁹ Hoverson, at 16.

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sandstone caves were goldmines, giving them a cheap and inexhaustible source of storage and refrigeration not available in any other North American city at the time.¹³⁰

In an article entitled “The Lager-Bier-ization of America” published in April of 1858—one month after Waldman obtained his liquor license for his lager beer saloon—the editor of the *St. Paul Advertiser* waxed eloquent:

We mention Lager Bier with emotion, as the most beneficent institution of modern society. If the Germans had given us nothing else, if Schiller and Goeth and Mozart were *nix*, they would have twice repaid the debt they owe us, in popularizing and establishing Lager Bier as the beverage of the people.... When [lager] beer is properly understood it will at once be regarded as one of the most beneficent agencies now at work for the regeneration of society. It promises to effect a complete reformation in the habits of the masses. It is performing an immense service to society in displacing whiskey as a popular beverage, and in superseding the anarchic reign of the Bacchanal rot-guts.¹³¹

As of that writing, St. Paul had 12 breweries, all but two of which brewed lager beer, each producing an average of 1,250 barrels per year, or 450,000 gallons total. The *Advertiser* estimated that value of lager beer “absorbed” in the St. Paul market at \$200,000 annually.¹³² Even the temperance-leaning *Pioneer and Democrat* was compelled to observe that “lager beer is becoming one of the prominent features of this city, and consumers thereof daily [are] on the increase.”¹³³

Along with the introduction of lager beer to Minnesota came the lager beer saloon. In its purer form, lager beer saloons tended to reflect the distinctive drinking culture brought by Germans to their adopted homes on the Minnesota frontier. In contrast to the typical Yankee saloon, which served mostly hard liquor (almost always whiskey and rum) and offered little by the way of food, lager beer saloons served primarily beer, sometimes German wines, a variety of foods, and often hosted musical events or other forms of entertainment. For these reasons, and because lager beer’s lower alcohol content made it more socially acceptable than whiskey, lager beer saloons in general offered a more family-oriented atmosphere. More than just places to drink, Germans saw their lager beer saloons as a kind of social institution.¹³⁴ “Social life today

¹³⁰ Gary Brueggemann, “Beer Capital of the State—St. Paul’s Historic Family Breweries,”

www.mbaa.com/districts/stpaulmpls/pdfs/DistrictHistory.pdf

¹³¹ *St. Paul Advertiser*, Apr. 24, 1858, at 3. In response to this article, the editor of the *Minnesotian* commented:

“Whew! Counting the male population of St. Paul at 10,000, this would be 90 gallons per man, each year! Counting out, say, 2,000 total abstinence men, juveniles and others who don’t drink beer, will leave over one hundred gallons per man, to every beer drinker, every year. That’ll do! Enough to transform us—into *brutes*. The *Advertiser* must be right.” *Minnesotian*, April 28, 1858, at 3.

¹³² *Ibid.*

¹³³ *Pioneer & Democrat*, May 26, 1858, at 1.

¹³⁴ Meyer, at 109-110; Ellingson, at 122.

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offers few meeting places like the old German saloon,” Fred Holmes wrote wistfully in 1949. “Compared to it, the modern tavern is an arrogant pretender.”¹³⁵

This social acceptability perhaps explains why lager beer saloons tended to advertise more heavily in the newspapers than their Yankee counterparts, especially in the German language newspapers. “Guesthouses and Saloons”—almost all of them lager beer saloons—often consumed two full columns on the front page of the *Minnesota Staatszeitung*, published in St. Paul. The tone of these ads might have perplexed the hardened patrons of the city’s Yankee grog shops: “May I sincerely announce to the community that my saloon is always ready to serve my honored guests with all varieties of cuisine, from Ham, to Tongue, to Swiss and Limburger Cheeses, Sardines, marinated Herrings and all manner of sausages,” John Becht advertised in November of 1861. His Chicago Lagerbier Saloon on Third Street at the corner of Washington Street also offered “first-rate Cigars” “the best Lagerbier[,] Coffee from Beriangen [Netherlands], [and] Pigs’ feet are always on hand.”¹³⁶ **[Photo. 27 (J.C. Becht (formerly P. Bergholtz) Lager Beer Saloon, 1859)].** John Lahr used similarly grandiose language to welcome guests to his saloon, warmly dubbed Our House, on Third Street across from the police station: “Our staff sincerely invites the honorable German community to our establishment, which offers the most delicious cold and hot dishes, the most exquisite Lagerbier and similar beverages of all varieties, [and] the finest Havana cigars. We’ll provide everything to fulfill our customer’s wishes.” John Rank announced his “new and friendly Lagerbier saloon” on Third Street across from the Presbyterian church, called the Workers’ Hall, “[where] you’ll always find the best Lagerbier (2 glasses for 5 cents), cold dishes and fine cigars.”¹³⁷ Immediately across from Rank’s establishment was Hermann Kreiss’ lager beer saloon known as Berlin Hall: “We offer good beer, cold dishes, and friendly service always to all of our honored guests”—“beer” being at this time synonymous with lager beer. These advertisements make clear that lager beer saloons offered a cultural refuge to German-Americans seeking familiar fare and entertainment that evoked their homeland.

Similar advertisements for Louis Nichau’s Luxemburger House, Rodeck & Hancke’s Milwaukee Lagerbier Hall, John Haggemiller’s Pittsburg Lagerbier Saloon and Georg Gruber’s Lagerbier Saloon and other similar establishments filled the right-hand side of nearly every front page of the *Staatszeitung* in the years prior to and during the Civil War.¹³⁸ In addition to these saloons, other gathering spots for German arts and entertainment inevitably served lager beer—including the German Reading Society’s Athenaeum at Exchange and Sherman, which offered “2 glasses of beer for 5 cents” with every theatre performance. Even adjusting for the formal tone common to most advertisements of the era, the proprietors of these establishments consciously or unconsciously set themselves apart from their Yankee, Irish and French-Canadian counterparts by their de-emphasis of distilled spirits, broadened appeal of food and

¹³⁵ Fred Holmes, *Side Roads: Excursions into Wisconsin’s Past* (Madison, 1949), at 67.

¹³⁶ *Minnesota Staatszeitung*, Nov. 16, 1861, at 1 (transl. by Martin Brueggemann). The pun was clearly intended.

¹³⁷ *Ibid.*

¹³⁸ *Minnesota Staatszeitung*, Nov. 16, 1861, at 1.

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entertainment, air of respectability, and strong association between beer-drinking and German culture.

Another reflection of the distinct character of lager beer saloons can be found in the 1860 U.S. Census returns for St. Paul. Thirty-four individuals are listed with the primary occupation of saloon owner in the census, including four in the First Ward, eleven in the Second Ward, eleven in the Third Ward, and eight in the Fourth Ward where the Fuchs-Waldman Building was located. Of these saloon proprietors, none in the First Ward and only one in the Second Ward were characterized as “lager beer saloons.” But in the more heavily German-populated Third and Fourth Wards, fourteen of the twenty saloons (or just under three-quarters) were specifically labeled “lager beer saloons,” including Waldman’s. The fact that the census takers delineated between lager beer saloons and all other kinds of saloons shows that both they and the residents they canvassed viewed lager beer saloons as distinct from other kinds of drinking establishments. Ale houses and whiskey shops received the generic “saloon” label. Moreover, while the proprietors of “saloons” could be Yankee, Irish, French or Canadian, “lager beer saloons” were operated exclusively by Germans.

With the increase of German immigration to Minnesota and introduction of lager beer in the mid-1850s, a serious “lager beer question” arose among temperance reformers. The national beverage of Germany was quickly becoming popular among Americans—as was the German custom of drinking beer on the Sabbath. Because the Maine Laws had preceded the popularization of beer in America, it was not always clear whether beer was included under the various states’ alcohol prohibitions—especially lager beer, given the perceptions of its lower alcohol content. Legislatures in temperance-leaning states such as Massachusetts and Rhode Island amended their licensure statutes to expressly include lager beer within their regulation.¹³⁹ In 1855, the Supreme Court of New York declared the application of that state’s Maine Law against a German saloon owner’s sale of lager beer as an unlawful infringement of his common law right to property.¹⁴⁰ Even after New York had abandoned prohibition in favor of a regulatory approach, its Court of Appeals held that lager beer “contain[ed] so small a per centage of alcohol that the human stomach cannot contain sufficient of the liquid to produce [the] effect of intoxication.”¹⁴¹

¹³⁹ E.g. Mass. Stat. 1855, c. 215, §1 (prohibiting unauthorized sale of intoxicating liquors, and declaring that lager beer shall be deemed intoxicating); *Commonwealth v. Anthes*, 12 Gray, 29 (1858) (barring evidence that lager beer is not intoxicating); *State v. Goyette*, 11 R.I. 592 (1877) (upholding state’s licensing statute which expressly included lager beer: “Lager bier is, and has been for many years, a familiar beverage in this country. Its constituents are enumerated not only in books of science, but in the popular cyclopaedias. It is a malt liquor of the lighter sort, and differs from ordinary beer or ales, not so much in its ingredients as in its processes of fermentation. The government might almost as well be required to prove that gin, or whiskey, or brandy, is a strong liquor, as to prove that lager bier is a malt liquor.”)

¹⁴⁰ *People v. Berberich*, 2 Parker Crim. Rep. 329, 11 How. Pr. 289 (N.Y. 1855).

¹⁴¹ *Board of Comm’r of Tompkins Cty. v. Taylor*, 7 E.P. Smith 173, 19 How. Pr. 259 (N.Y. Ct. App. 1860). The Court of Appeals contrasted lager beer with “ale, strong beer, [and] porter . . . sold at public houses and groceries by the drink”: “that [intoxication] is the ordinary effect of their use as a beverage, no man of mature years, who is not strangely oblivious to surrounding and passing events, can have failed to observe.”

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Alcohol content aside, lager beer was suspected by some Anglo-Americans to produce other adverse effects. Almost invariably, the effects described tended to mirror their most negative stereotypes of the German immigrants. Indeed, among educated (and generally temperance-leaning) professionals, lager beer provoked a distinctly anti-immigrant and even racist slant. The editor of a New York medical journal, Dixon's *Quarterly Scalpel*, wrote with apparent seriousness in October of 1856:

There can be little doubt that by retarding the decomposition of the tissues in the human organism, lager-bier causes an unnatural deposit of fat all over the system in persons of sedentary habits.... In women who take little exercise, lager-bier acts as swill does on stable cows; it accelerates the secretion of milk, but furnishes it with no caseine or other nitrogenized substances, by which alone the infant can be sustained. The child will, consequently, have a watery and soft appearance, and be destitute of healthy color.... It is little wonder that the German nation should remain subject to the rule of thirty-six petty tyrants, when in fact beer, by its properties, destroys all fine distinctions, and its habitual use grinds the edge from our critical faculties.... Its effects upon the external form, and upon the *action* of man, is already beginning to awaken the attention. The depressed and broad heads; the flat though wide shoulders and breast; the straight back and cow-like tread of its victims, is already known to keen observers.

A great change takes place in the eye, when lager-bier is habitually drunk. It has invariably a turbid and sleepy look, while its muscles are so much relaxed to make it, as it were, hang in a defenseless state.

The effects of lager-bier in other respects are marked. The diameter of the head between the ears appears enlarged, and with it the back part of the jaws, giving to the countenance a three-cornered look, so characteristic of the Low Dutch face; the neck becomes thick, often hanging over the shirt-collar in wrinkles, in the region where phrenologists locate the organ of amativeness; the skin becomes red, with a blown-up spongy surface, from which large quantities of fatty matter of an offensive odor are produced, giving the whole surface a greasy and disagreeable aspect. The habitual imbibers of this beverage are generally obliged to hold their cigars to their mouths, which being used chiefly as funnels for their favorite drink, seem incapable of muscular tenacity....

Those whose souls appear to be the tail end of their appetite, say that lager-bier produces a good appetite; but we are reliably informed that, although it may do so, it vitiates the taste.¹⁴²

Similarly ethnocentric if less overtly racist sentiments were echoed by the editor of the *Minnesotian*:

Lager Beer is becoming the National beverage of Americans, and ... its use is rapidly transmuting the invincible Yankee Nation into a race of Mug and

¹⁴² *New York Times*, Oct. 27, 1856 (online digital archive).

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Pipe, fat and stolid Dutchman! We are changing, shifting every day, all our customs, ideas, habits, everything in an alarming way, and rapidly becoming annihilated to the Teutons of the Old World. Horrible!¹⁴³

In Chicago, similar sentiments had led to riot conditions. Temperance advocates combined with anti-immigrant, anti-Catholic nativists (dubbed the “Know-Nothings”) and capitalized on low voter turnout in the municipal election of 1855 in order to take control of city hall. Their mayor, Levi Boone, pressured the new city council to raise the liquor licensing fees from \$50 to \$300. Fully anticipating resistance, Boone also tripled the size of the police department, refusing to hire immigrants. As though intent on provoking Germans, he enforced the new licensing against the many lager bier saloons that operated in the North Side German community, which previous administrations had not treated as subject to liquor regulation. More provocatively, Boone applied to lager beer saloons an old, previously ignored ordinance prohibiting saloons from operating on Sundays, the traditional day of family drinking and dining. As prosecutions clogged the city courts and Germans organized to raise defense funds, attorneys scheduled a test case for April 21. When Mayor Boone ordered the defendant’s many German supporters cleared from the courthouse, a riot ensued. An armed group from the German North Side attempted to cross Clark Street Bridge, but Boone ordered the drawbridge raised until he had assembled more than two hundred policemen. Lowering the bridge, his men started shooting, killing one, injuring scores more and leading to 60 arrests. Boone ultimately had to call in the militia to quell the chaos. The “Lager Beer Riot” of Chicago mobilized that city’s immigrant voters, and a heavy German and Irish turnout in the 1856 election swept the Know-Nothings from office and restored the \$50 liquor license.¹⁴⁴

St. Paul managed to avoid large-scale rioting, but tensions between the temperance faction and Germans and their defenders remained high. In May of 1858 the Common Council passed a resolution urging the enforcement of the existing ordinance requiring all saloons to close on Sundays, and Mayor Kittson and Policy Chief Crosby were quick to enforce the ordinance. “We are certainly on the eve of a moral Millenium in St. Paul,” the *Minnesotian* crowed, “To suppress Sabbath breaking and the open violation of the day, will be one great step towards a thorough moral reformation.”¹⁴⁵

To the City’s German population, it seemed more like the Inquisition. Petitioning the Council for the repeal of the ordinance, they asked, in the words of the *Pioneer & Democrat*, “to be allowed the same social privileges they had in a land purported to be less free.”¹⁴⁶ A letter to the editor under the pseudonym Jefferson observed with prescience: “The class of sympathizers with the rights of the Germans are increasing, and may soon preponderate. Is it not, therefore, a wise policy to compromise the difference, by permitting the beer saloons to remain open on Sunday afternoons and evenings, under regulations that would not disturb the peaceful

¹⁴³ *Minnesotian*, Apr. 28, 1858, at 3.

¹⁴⁴ “Lager Beer Riot,” *Encyclopedia of Chicago*, <http://encyclopedia.chicagohistory.org/pages/703.html>

¹⁴⁵ *Minnesotian*, May 22, 1858, at 3.

¹⁴⁶ *Pioneer & Democrat*, Aug. 24, 1858; cited in Ellingson, at 125.

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committees? If this can be done in the moral cities of Dresden, Liepsic [sic] and Hanover, why can it not be done in St. Paul?"¹⁴⁷ Many of the city's German organizations evaded the ordinance by going beyond the city limits for their Sunday celebrations—especially to West St. Paul, where the Sunday law was not enforced.¹⁴⁸ Nevertheless, the closest St. Paul got to a riot was a brief altercation on May 3, 1858 in Peter Bergholtz's Lager Bier Saloon on the corner of Washington and Third (also called St. Anthony) Streets [see **Photo. 27**], where several supporters had gathered following a torchlight parade in honor of German Republican author and speaker Samuel Ludvigh. Ludvigh had recently published a strident editorial against Sunday closings in the local German newspaper *Staats-Zeitung*. Harsh words led to blows between one of Ludvigh's defenders and a temperance-leaning editor of the *Pioneer & Democrat*, but further violence was limited to warring editorials between the *Pioneer* and its arch-rival *Minnesotian*.¹⁴⁹

German opposition to the Sunday law served to stoke their political activism. German St. Paulites drafted petitions for the repeal of the ordinance and presented them to the Common Council.¹⁵⁰ Ludvigh threatened the Republicans that Germans would abandon their new party unless Republicans more actively supported their interests, and the results of the fall election of 1858 showed this was not a hollow threat. Meanwhile German brewers, who were quickly becoming the most prosperous group of manufacturers in the City, lobbied for a state law lowering license fees on beer saloons.

F. The Lager Beer Act of 1860

German-Americans' direct attempts to roll back pro-Temperance restrictions gained little ground in the 1859 Legislature. However, a more stealthy approach from within the Democrat's own ranks seemed to outflank the Temperance forces completely. In February of 1860, Democrat Daniel A. Robertson, a principled Temperance critic, introduced in the state House "An Act to encourage the manufacture of Pure Lager Beer, and to discourage the use of Alcoholic Liquors."¹⁵¹ Robertson's bill provided among other things that "no license shall be exacted from any person in this State for the privilege of selling Lager Beer, manufactured in this State."¹⁵² The purported intent was to promote the consumption of lager beer made in Minnesota, where authorities could regulate its purity "and save the deportation of money from our midst."¹⁵³ The bill was adopted by a Republican majority and a sufficient number of Robertson's anti-Temperance Democrats to carry the day. Aided by Robertson's sponsorship and bipartisan credibility, German brewers, saloon operators and cultural sympathizers had managed to frame their concerns in the form of legislation that was seen as not so much anti-Temperance as protective of the state's business interests. It was a clear victory for ethnic Germans and the promotion of their national beverage—not to mention the German breweries

¹⁴⁷ *Pioneer & Democrat*, Aug. 18, 1858, at 2.

¹⁴⁸ Meyer, at 107.

¹⁴⁹ Compare accounts in *Minnesotian*, May 6, 1858, at 3; and *Pioneer & Democrat*, May 5, 1858, at 1.

¹⁵⁰ Meyer, at 107.

¹⁵¹ *Ibid.*, at 108; Ellingson at 126-7.

¹⁵² *General Laws of Minnesota, 1860*, at 185.

¹⁵³ *Pioneer & Democrat*, Jan. 1, 1861, at 1.

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and saloons that now operated essentially tax-free. Rumor had it that the German breweries had promised Robertson free lager beer for life.¹⁵⁴

At first, St. Paul's Common Council tried to ignore the Act and continued to license lager beer saloons in the same manner as liquor and ale saloons.¹⁵⁵ Doubtless the City was loath to lose preciously-needed revenue from liquor licenses. Nevertheless, the dwindling licensing roles for 1861-1863 in the face of a dramatic increase in the number of lager beer saloons attests to the Council's ultimate recognition of the supremacy of the Act. City revenues from liquor licensing totaled \$5,700 for the fiscal year ending in May 1860,¹⁵⁶ but declined to \$4,130 for fiscal year 1862.¹⁵⁷

Waldman's lager beer saloon illustrates this change in licensing regime. Before 1858, liquor licenses could be obtained for one full year beginning on any date that the license was initially paid for and granted. As the licensing rolls increased and enforcement became a priority, the Council sought to begin all liquor licenses as of a single date. For this reason, in April of 1858 the Common Council instructed its Committee on Licenses to notify all persons holding liquor licenses that from that point forward all licenses and license fees would have to be renewed as of the 2nd Tuesday in May, and that any unexpired time on prior licenses would be deducted from the amount charged on their new license.¹⁵⁸ Waldman applied for his license renewal that same month, and was assessed only \$25 of the \$50 fee, indicating that he had obtained his initial license six months earlier, in October of 1857.¹⁵⁹ Waldman renewed his license in April of 1859,¹⁶⁰ but not in any of the next three years following the enactment of the Lager Beer Act. Given that he appears in the 1860 census (canvassed in July of that year) as a lager beer saloon operator, and that he paid federal excise taxes in September of 1862 on his "retail liquors" business¹⁶¹—without a liquor license in any of those years—it is clear that Waldman was one of several beneficiaries of the Lager Beer Act.

Almost as soon as the Lager Beer Act was passed, the Temperance forces, led by the Good Templars and supported by saloon owners who remained subject to county and municipal licensing fees, began organizing the law's repeal. In January 1861 they sent a memorial to the Legislature calling for the repeal of the Act, and organized their lobbying effort. Lager beer, they asserted, contained "deleterious substances" (not specified) and was in fact intoxicating and

¹⁵⁴ Meyer, at 108.

¹⁵⁵ *Ibid.*

¹⁵⁶ Council Proceedings, 1860, at 175.

¹⁵⁷ Council Proceedings, 1862, at 66.

¹⁵⁸ Council Proceedings, 1858, at 217.

¹⁵⁹ *Ibid.* at 216. This interpretation is consistent with the Treasurer's report several months later, from August of 1858, again listing Waldman's \$25 licensing fee and noting at the bottom of his report, "Those persons reported as having paid less than the sum required to obtain License have delivered up unexpired Licenses for the balance." Council Proceedings, 1859, at 78.

¹⁶⁰ Council Proceedings, 1859 at 219.

¹⁶¹ U.S. Excise Tax of 1862, Div'n 4, Dist. 2 (Minnesota) (\$20 levied).

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therefore harmful to Minnesotans.¹⁶² To Democrats, the repeal of the Lager Beer Act had become “the entering wedge towards finally have a prohibitory law in this state.”¹⁶³ However, German supporters and brewing interests, honed by their mobilization against the Sunday law and emboldened by their success with the Lager Beer Act, repeatedly blocked the Democrats’ efforts in committee. At first, Republicans in the Senate made light of the repeal bill by referring it to the Committee on Elections, “a very proper reference in view of the quantity [of beer] dispensed by candidates as a persuasive compound.”¹⁶⁴ At the same time, the “sundry lovers of Lager Beer in St. Paul,” including many of the City’s lager beer saloon operators, presented their own petition to the Legislature on January 26, 1861, through Representative William Banning of St. Paul. Their petition, printed in St. Paul’s English and German-language newspapers, skillfully positioned the Lager Beer Act as pro-Temperance, pro-health, and pro-middle class:

The undersigned, citizens of the State aforesaid, understanding that a number of saloon keepers and others have petitioned your honorable body for the passage of a license law with regard to the sale of lager beer, would respectfully remonstrate against the passage of such a law, believing as we do that the passage of the act of last year’s session of the Legislature, regulating the manufacture and sale of lager beer, was merely intended to promote the public health and morals, as by that act lager beer should come into general use as a beverage and do away and drive out by degrees the demoralizing and poisonous liquors of various kinds.

And your petitioners further believe that the petition above referred to was merely instigated by the main and sole desire to fasten other more unhealthy liquors upon the public and at the same time make a health and invigorating beverage—which has already become almost as necessary for every day life (as well for the poor as for the rich man) as the daily bread—dear and costly to everybody else, so that they alone might profit from it.¹⁶⁵

The original signed petition does not survive in the Legislature’s archives. Nevertheless, since Banning and Waldman were neighbors and Waldman operated one of the dozen or more lager beer saloons in Banning’s district, he was likely a signatory on the petition if not among its instigators.

While forces in the Legislature battled over the future of the Lager Beer Act, its statewide business impact was almost immediate. “Col. Robertson’s lager beer bill of the last session of the Legislature seems to have had the effect of creating an almost inexhaustible quantity of breweries,” the *Glencoe Register* reported. “We believe that institutions of this kind have sprung up in every little town on the Minnesota River from Shakopee to Mankato.”¹⁶⁶ The Civil War years saw rapid business growth and increased production for St. Paul’s German breweries.

¹⁶² *Pioneer & Democrat*, Jan. 24, 1861, at 1.

¹⁶³ *Pioneer & Democrat*, Jan. 22, 1861, at 1.

¹⁶⁴ *Pioneer & Democrat*, Jan. 24, 1861, at 1.

¹⁶⁵ *Pioneer & Democrat*, Jan. 27, 1861, at 1.

¹⁶⁶ *Quoted in Pioneer & Democrat*, Jan. 26, 1861, at 1.

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Production at Christoph Stahlman's brewery surged to 1,200 barrels per year, and began exporting lager as far south as Memphis, Tennessee.¹⁶⁷ Jacob Bensberg took over the nearly defunct North Mississippi Brewery at Robert and Seventh, and by 1863 was surpassing Stahlman in production.¹⁶⁸ Yoerg, Brueggemann, Arnold and other brewers saw similar surges in sales, as did German breweries throughout the state. By the end of 1860, New Ulm had one saloon for every 59 inhabitants and Hastings one for every 40—most serving lager beer.¹⁶⁹ No doubt the growth of the lager beer market can be attributed in large part to the state's burgeoning German population and Anglo-Americans' increasing conversion to beer. Nevertheless, the state's relative share of this market *vis a vis* out-of-state producers grew disproportionately and was significantly bolstered by the Lager Beer Act.

In the end, the economic gains of the state's brewers and dispensers was not enough to prevent the Democrats, aided by a few "dry" Republicans, to forge a compromise in the fall of 1862 that removed the favorable position of lager beer in the statutes. The Lager Beer Act was repealed, but this gain for temperance supporters was offset by the overall reduction in fees required for all liquor licenses. Moreover, the opponents of the compromise managed to slip in an amendment that stated "that the provisions of this act shall not apply to the city of St. Paul."¹⁷⁰ Local supporters of the Lager Beer Act had intended this language to retain the benefits of the Act within the city limits of St. Paul, but St. Paul's Common Council ignored the carve-out. Instead, balancing the interests of their German and Yankee constituents, the Council enacted a wholly new category of licensure in May of 1863 that balanced the commercial interests of both while accommodating the surging popularity of all forms of beer.¹⁷¹ From that date forward, saloons that dispensed "lager beer, ale or malt liquor" in quantities less than a cask, but no other spirituous liquors, qualified for a reduced-cost "lager beer saloon" license. Lager beer saloons were exempt from the more costly category of spirituous liquor licensing, as well as from its \$500 bonding requirement.¹⁷² After the tensions of the previous decade, it seemed as though the regulatory approach of the city and state had finally adapted to the ethnic and social reality.

By this time, the Civil War had drawn the nation's full attention, eclipsing the Temperance Movement in importance and dissipating much of its energy. Less than a month after the Council adopted the new lager beer ordinance, Republican Mayor John Esaias Warren stood before a special meeting of the Council on July 10, 1863 holding a communiqué describing the battle at Gettysburg which "rendered the transaction of ordinary business an impossible thing." The mayor reported that "of that magnificent body of men known to fame as the First Minnesota Regiment, less than one hundred now remain. These patriots and heroes have passed

¹⁶⁷ Hoverson, at 289.

¹⁶⁸ *Ibid.*, at 288.

¹⁶⁹ Ellingson, at 122.

¹⁷⁰ *General Laws of Minnesota, 1862*, at 113-4; Meyer, at 111.

¹⁷¹ "An Ordinance Regulating and Licensing Lager Beer Saloons," Chapter XXXIV, *Charter and Ordinances of the City of St. Paul (to August 1st, 1863, inclusive) together with the Legislative Acts relating to the City* (St. Paul: Daily Pioneer, 1863) (hereinafter "1863 Charter and Ordinances"), at 170; Council Proceedings, 1863-4, at 5 (adopting lager beer saloon ordinance).

¹⁷² 1863 Charter and Ordinances, at 170.

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away, but their names will be inscribed upon the scroll of immortality.”¹⁷³ At the same time, dozens of the City’s Germans—including Jacob Amos and many others who had spent less than a decade in their adopted country—were laying siege to Vicksburg, Mississippi as part of Company E of the 5th Minnesota Volunteers. On August 8, 1863, St. Paul’s Yankees and Germans alike turned out by the thousands for one of the first military funerals of the war—that of Charles Koch, First Lieutenant of Company E, whose house was (and still remains) immediately across the street from the Fuchs-Waldman Building.¹⁷⁴ Amos was promoted to take his place. Over the coming weeks and months, as the Council proceeded to discuss support for war widows and orphans, the establishment of monuments to honor the City’s war dead, and the prevention of riots in anticipation of the country’s first military draft,¹⁷⁵ the temperance fervor seemed all but forgotten. State temperance societies disintegrated, and another generation would pass before the old fervor would rise again.¹⁷⁶

III. The Extension of Fort Street (Area of Significance: Planning and Development)

The Fuchs-Waldman Building occupied a street corner only a stone’s throw from the Old Fort Road, the historic thoroughfare from St. Paul to Fort Snelling and the Minnesota River Valley beyond. The Upper Levee a few blocks to the east served as the main transfer point for reshipping services for passengers and freight traffic headed overland to the interior, including St. Anthony, Minneapolis and the Minnesota River Valley.¹⁷⁷ The sole route for vehicles traveling to the southwest came up the natural breach in the bluffs at Chestnut Street, to the left (southwest) down Fort Street, and then down Forbes Street past Fuchs’ property to Old Fort Road.¹⁷⁸ From there, as Edward Duffield Neill described in 1853, “[a] pleasant drive of six miles from Saint Paul, over a level road commanding an extensive prospect, brings one to the ferry that conveys the visitor to Fort Snelling.”¹⁷⁹

By the close of the Territorial Period, this overland traffic through Uppertown to parts southwest had already spurred several commercial developments in this otherwise remote suburb

¹⁷³ Council Proceedings, 1863-4, at 26.

¹⁷⁴ Newson, *Pen Pictures*, at 492. Koch, like Amos, was born in Hesse-Darmstadt and emigrated to the U.S. in 1854. Koch was the president of the German Reading Society, the originator of German theatrical productions in St. Paul and an actor himself. Newson states that “his was among the first military funerals of the war. It was a very large one.”

¹⁷⁵ Council Proceedings, 1863-4, at 26-7; 38.

¹⁷⁶ Ellingson, at 136-7.

¹⁷⁷ Wills, at 44-48.

¹⁷⁸ Looking at a map, Wilkin or Leech Street may seem more likely connectors between Fort Street and Old Fort Road. However, both traversed steep downhill grades with exposed rock outcroppings before reaching the bluff line where Old Fort Road ran to the southwest. Later development cut Wilkin Street off entirely from Old Fort Road (now Cliff Street). Leech Street remained connected but was not graded until 1872, after which it still retained a much steeper incline than Forbes. City Directory, 1856-1857, fold-out map; Recorder’s Office, Book 1 Street Profiles at 28.

¹⁷⁹ “St. Paul and its Environs,” *Graham’s Magazine*, Jan. 1855, reprinted in “Territorial Daguerreotypes: E.D. Neill’s Gospel of Minnesota,” ed. Huntley Dupre, *Minnesota History*, Sept. 1949, at 210.

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of the City, including a large limestone livery stable along Old Fort Road near the city's limit,¹⁸⁰ a major brewery,¹⁸¹ several saloons, and one of the City's most notorious brothels.¹⁸²

As noted above, the historic thoroughfare from St. Paul to the ferry at Fort Snelling ran along the Mississippi River bluff line, mostly through unplatted land west of the City. Remnants of this "Old Fort Road" or "Bluff Street" as it was sometimes called can be seen in maps produced as late as the 1870s. [**Attachment E (1874 sewer map showing remnant of Bluff Street identified as Stewart Avenue)**]. The developers of Leech's Addition effectively cut the City off from this causeway by interposing the Addition's grid of north-south/east-west streets, which ran right through to the bluff line. Because of this, until 1859 Fort Street ended at Ramsey Street to the southwest—at least on the maps. [**Attachment F (street map from 1856-1857 City Directory)**] In the early years prior to the development of St. Paul's so-called "West End," anyone traveling southwest from the City along Fort Street might simply have ignored its terminus at Ramsey Street and cut across the still-theoretical lot-lines of Leech's Addition until they joined with Bluff Street (aka the "Old Fort Road") leading toward Fort Snelling. However, rapidly escalating land values and the frenetic pace of development in the late Territorial Period gradually proscribed such casual pathways, no doubt to the irritation of those forced to zig-zag through obviously open ground in respect of ungraded "streets" that existed only in legal descriptions.

To alleviate these frustrations, on March 31, 1857, City Engineer James A. Case presented to the Common Council of St. Paul a map of a proposed layout of an extension of Fort Street from its terminus at Ramsey Street to the City limits "in the direction of Fort Snelling."¹⁸³ Because the new road would extend well beyond the City's limit, the Common Council sought and received the support of the Territorial Legislature. Under a bill introduced on May 15, 1857 and passed on May 21st, the Legislature appointed five street commissioners, three of whom were St. Paul residents, to "lay out a public street and road from the present westerly termination of Fort Street [i.e. at Ramsey Street] in said City to the westerly limits of said City, and thence to the ferry landing opposite Fort Snelling, on the Mississippi River."¹⁸⁴ The commissioners began work that summer, and arranged for the surveying and platting of the new Fort Street extension. Beginning November 21, 1857, public notice of the plans was given in the newspapers and the plat was displayed at the Registrar's Office.¹⁸⁵ At the same time, city officials were proceeding to vacate and join Seventh Street with Fort Street. By this time the full effects of the Panic of 1857 were being felt, and construction of the stone portion of the Fuchs-Waldman Building was either well underway or very recently completed.

¹⁸⁰ Block 4, Winslow's Addition, owned by A. Vance Brown. After Old Fort Road was effectively bypassed by the extension of the (new) Fort Street in 1859, Brown rehabilitated the building for housing, which it served until it was demolished in 1961.

¹⁸¹ Henry and Christoph Stahlman began their brewery at Lots 4, 5, 16 and 17, Block 17, Stinson Brown and Ramsey's Addition (the core of today's Schmidt Brewery site).

¹⁸² The Cave House, near Richmond and Old Fort Road.

¹⁸³ Council Proceedings 1856-7, Mar. 31, 1857, at 130-1.

¹⁸⁴ Territorial House Bills, May 15, 1857 (State Archives Notebooks, 115.I.19.3(B)).

¹⁸⁵ *Pioneer & Democrat*, Nov. 25, 1857, at 2.

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Unfortunately, the survey and plat drawing of the commissioner's original Fort Street extension plan has not been preserved. Nevertheless, contemporaneous accounts suggest that the commissioners originally proposed to bring the Fort Street extension down Forbes Street (past the Fuchs-Waldman Building) to the Mississippi bluff line, and then along Bluff Street to the Fort Snelling ferry. Fatefully, this route met with hostility and suspicion. As the *St. Paul Financial Real Estate and Railroad Advisor* opined on September 5, 1857:

This Avenue was intended by its projectors and by the Legislature to be some atonement to the people of St. Paul for the narrow, crooked, tortuous, bewildering and labyrinthine mazes of the city streets. Nature has anticipated it, and provided for it in a broad, smooth, level plateau, stretching uninterruptedly to Fort Snelling. But instead of running it straight on to its terminus, the engineers are twisting it and coiling it through hills and ravines, out of a direct course, for the accommodation of private interests. Now we object to this perversion of the purpose of this road. We protest against this sacrifice of the beauty and convenience of this Avenue to the interests of anyone who can pay for its diversion.¹⁸⁶

Alexander Vance ("A. Vance") Brown, from whom Fuchs had purchased his lot in 1854, was probably among those suspected by the paper of exerting their influence. Brown was among the wealthiest real estate speculators in Minnesota Territory. Since 1854, he had lived in a large brick home facing Bluff Street in the middle of what would later become the intersection of Richmond and Grace Streets. By the summer of 1857, when the commissioners began considering the layout of the Fort Street extension, Brown had just completed a very substantial Italianate-Revival mansion made of limestone just one block away from his first house, at the corner of Richmond and Jefferson Streets in the newly platted Stinson, Brown and Ramsey's Addition. In addition, Brown owned and was actively marketing hundreds of lots in this area,¹⁸⁷ including numerous rental houses and several two story rowhouses along Bluff Street. **[Photo. 28 (photograph of 293 Cliff Street during demolition); Photo. 29 (showing Brown's mansion and other substantial improvements in distance along Bluff Street, circa 1865)]**

The commissioner's most logical option was to run the Fort Road extension through private platted land in a direct line southwest to the Fort Snelling ferry. But given the skyrocketing value of these properties prior to the Panic, Brown would have had little interest in either having a portion of his holdings taken through eminent domain, or in being assessed for any purported increase in value that the commissioners might have attributed to his properties' adjacency to the new thoroughfare. Simply making improvements to the existing Forbes and Bluff Streets and re-purposing them as the Fort Street extension would have avoided both problems—and not perhaps not coincidentally would have eased Brown's commute to St. Paul.

¹⁸⁶ *St. Paul Financial Real Estate & Railroad Advisor*, Sept. 5, 1857, at 3.

¹⁸⁷ For example, in 1856, Brown sold 60 individual lots in Winslow's Addition to St. Paul, on the City's West End, to Canadian investor John Eastwood in a single conveyance worth \$40,000.

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There is no direct evidence linking Fuchs to the politics of the Fort Street extension. However, some evidence suggests that Fuchs was not above pulling the levers of City government to improve the value of his property. While no other street in Leech's Addition would be graded for another twenty years, in 1858 Fuchs and a handful of other owners along Forbes Street repeatedly petitioned the Common Council to grade Forbes and build a sidewalk on its west side, purportedly out of a concern that it was "impossible for school children to get to the School House from the upper part of the Town."¹⁸⁸ Forbes Street was the natural connector between Fort Street and Bluff Street,¹⁸⁹ and its promoters may have hoped that they could enhance its eligibility to serve as part of the Fort Street extension by securing its grading and improvement before the proposed route of the extension was finalized. However, Mayor Norman Kittson was unconvinced of both the need and motives of the petitioning owners. He vetoed their requested improvements, observing that "the streets designated have as yet few buildings erected on them, and being situated on the outskirts of the populated parts of the City, must be for the convenience only of a few of the property owners."¹⁹⁰

Whether or not Fuchs and other West End owners were influential in bending the path of the Fort Street extension for their financial gain, Fuchs was surely disappointed by what happened next. Apparently stung by what Judge Palmer called, in a report to the Ramsey County Commissioners, "many difficult and embarrassing questions,"¹⁹¹ the 1858 State Legislature voided the 1857 Act appointing the original street commissioners. Also voided were the commissioners' first survey and plat. In their place the Legislature appointed a new set of commissioners, overseen by Judge Palmer, to "lay out and establish the said public street . . . on the most direct and practicable route."¹⁹² This is the route of the present-day West 7th Street, the grading of which was completed in 1859. See **Attachment G (1859 plat of the Fort Street extension through Leech's Addition)**] Senator William Davern led the charge for the corrected straight-line plan of West 7th Street—which coincidentally was drawn to pass immediately adjacent to Davern's 80 acre farm in Reserve Township southwest of the City. Following the Panic, few of the newly cash-strapped and in some cases impoverished property owners (Brown included) complained when they received City script for the depressed value of their land. By then land had become virtually unsalable at any price. The end result was the veritable stranding of Fuchs' commercial building in what gradually became a predominantly residential area.

The Fort Street extension's bypassing of Forbes and Bluff Streets was the first blow to the commercial viability of the Fuchs-Waldman Building and establishments like it along the bluff line, but it was not the only blow. Below the bluff line, the railroad would soon cut off access to Uppertown from an even greater thoroughfare: the Mississippi River. Prior to the

¹⁸⁸ Misc. Records of the Common Council, 1858, Streets Folder (State Archives, Minnesota Historical Society: 126.A.16.2(F)).

¹⁸⁹ Bluff Street did not extend to Wilkin, and Leech Street had a much steeper grade to the bluff line.

¹⁹⁰ Council Proceedings, Nov. 16, 1858 (State Archives: 118.I.10.1B-1).

¹⁹¹ Proceedings of the Ramsey County Board of Supervisors, Apr. 2, 1859 (State Archives: 118.F.5.8.F).

¹⁹² Territorial House Bills [undated but likely May-June 1858] (State Archives Notebooks, 115.I.19.12(F)).

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opening of the Fort Street extension in 1859, the two block stretch of Forbes Street between Smith (now Forbes) and Goodrich Streets supported three saloons,¹⁹³ and three others operated on nearby Leech,¹⁹⁴ Wilkin,¹⁹⁵ and Bluff Streets.¹⁹⁶ These were the licensed and bonded saloons; as noted above, doubtless there were more that intentionally escaped official record. Given their relative remoteness from the commercial and population center of the city and the sparse population residing in their immediate vicinity, these establishments must have served a broader mix of riverboat men and overland travelers heading southwest via Bluff Street (Old Fort Road) to or from the Minnesota River valley and destinations in between. A newspaper account of the murder of Peter Trotter at the Cave House Saloon cited in **Part II(D)**, above, is telling. The episode suggests that at least for the riverboat men, the saloons of Uppertown were more easily accessed by water than by land. Pre-Civil War photographs of the river bluff show a network of paths meandering down to the river from the area near the foot of Wilkin, Leech and Forbes Streets. [see **Photos 25 and 26**] However, beginning in 1869, the Milwaukee & St. Paul & Minnesota River Valley Railroad and later the Short Line cut into the river bluff, converting its natural path-strewn embankment into a near-vertical stone wall that made it almost impossible to access Uppertown from anywhere west of the Chestnut Street landing. [**Attachment D (1869 map); Photo. 30 (1894 view of railroad tracks along bluff below Smith Avenue High Bridge, showing Fuchs-Waldman Building at far left); Photo. 31 (contemporary view tracks and embankments)**]

It was the combination of these two developments—the Fort Street extension far inland from Bluff Street, and the railroad’s separation of Uppertown from the river—that determined the fate of the Fuchs-Waldman Building and the other commercial structures in its vicinity. From 1859 on, establishments not fortunate enough to be in direct proximity to the Fort Street extension failed to thrive. Fetzer's Saloon immediately across the alley to the north of the Fuchs-Waldman Building closed in 1864 and became the Fetzer family's residence. The saloon that William Schimmel leased on Wilkin Street became rental housing. Henry Shearn’s Oyster Bar on Leech and John Casey’s saloon on Forbes found themselves close enough to the new Fort Street to survive. The Fuchs-Waldman Building did not, no doubt contributing heavily to Waldman’s decision in 1863 to re-purpose it as his residence while he established his new business on Fort Street. While no formal zoning laws dictated these results, after 1859 almost all retail development in Uppertown converged along the Fort Street extension, which quickly became the new river of commerce. Not until the construction of the High Bridge in 1889 would

¹⁹³ The John Fetzer Saloon on Forbes at Block 9, Lot 1 (1856-1864), the John Casey/George Scheld/C.H. Miller Saloon at Block 5, Lot 8 (1856-1897); and the E.C. Shindel/Anthony Waldman Saloon at Block 9, Lot 14 (1857-1860); all in Leech’s Addition.

¹⁹⁴ Henry Shearn, an Irishman who came to St. Paul in 1854 after residing briefly in St. Louis, operated the Head Quarters II Saloon and boarding house (1855-7), later renamed the Oyster Bar Saloon (1858-1867), at Lot 2, Block 2, Leech’s Addition, on Leech Street between Ramsey and Smith (now Forbes).

¹⁹⁵ William Shimmel briefly operated a saloon from 1857-59 on Block 1, Lot 14, Leech’s Addition, on Wilkin Street between Ramsey and Smith.

¹⁹⁶ The infamous “Cave House” saloon and brothel, described by J. Fletcher Williams as a “low sink of crime above town” (p. 374), operated on Bluff Street west of St. Clair from approximately 1855. Its precise location is unknown.

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Forbes Street (then Smith Avenue) become a significant thoroughfare once again, but by this time the street's—and the neighborhood's—residential character was firmly cast.