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Letter from the Secretary of the Interior, recommending an amendment to existing laws fixing a minimum penalty for their violation in selling liquor to Indians

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PENALTY FOR SELLING LIQUOR TO INDIANS.

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

RECOMMENDING

*An amendment to existing laws fixing a minimum penalty for their violation
in selling liquor to Indians.*

MARCH 11, 1874.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 9, 1874.

SIR: The laws now in force prohibiting the sale of spirituous liquor to Indians are defective in that they do not prescribe a minimum penalty for their violation. To remedy the defect, it is respectfully recommended that the act of February 13, 1862, (Statutes at Large, vol. 13, p. 339,) be amended by inserting after the words "United States," in the seventh line, the following words, viz:

Shall be imprisoned for a period not less than sixty days, nor exceeding two years, and shall be fined not less than one hundred dollars, nor more than three hundred dollars; and in default of the fine imposed, shall be imprisoned not less than one hundred and twenty days, nor exceeding two years: "*Provided,*" &c.

I respectfully request that the recommendation receive the favorable consideration and action of Congress. The accompanying copy of a report, dated the 5th instant, from the Commissioner of Indian Affairs, and letter therein inclosed, from the Indian agent at the Green Bay agency, Wisconsin, represent the necessity for the legislation recommended.

I have the honor to be, very respectfully, your obedient servant,
C. DELANO,
Secretary.

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 5, 1874.

SIR: Referring to Office letter to the Department, dated the 23d of January last, in regard to a proposed amendment of the act of February 13, 1862, amending the 20th section of the act regulating trade and intercourse with the Indian tribes, approved June 30, 1834, I have the

honor to suggest the importance and propriety of a further amendment of said first-mentioned act, for reasons set forth in a letter from T. N. Chase, United States agent for the Indians of the Green Bay agency in Wisconsin, under date of the 11th ultimo, a copy of which is herewith.

Agent Chase remarks, touching the prosecution of cases of persons indicted and tried in the district court of the United States in Wisconsin for selling spirituous liquors to Indians, that the sentences have been so light that the fines do not cover the cost to the Government, and the law is not a terror to evil-doers, as it should be; that, according to a statement of the United States district attorney, the usual penalty has been but \$50 or \$100, and a day's visit with the jailer; and he then notices a case where for repeatedly furnishing liquor to Indian girls the fine was \$1, with an imprisonment of 30 days.

Concurring in the views and suggestions of the agent, it is respectfully recommended by this Office that Congress be requested to amend the act of February 13, 1862, so as to fix a minimum penalty for violations of the law in the respects alluded to, by causing the act in question to read, after words "United States," in the seventh line of the act as contained in United States Statutes at Large, volume 12, page 339, as follows: "*Shall be imprisoned for a period not less than sixty days nor exceeding two years, and shall be fined not less than one hundred dollars, nor more than three hundred dollars; and in default of the fine imposed, shall be imprisoned not less than one hundred and twenty days, nor exceeding two years: Provided, however, &c.*"

Very respectfully, your obedient servant,

EDW'D P. SMITH,

Commissioner.

Hon. SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN AGENCY,
Green Bay, Wis., February 11, 1874.

DEAR SIR: Allow me to respectfully suggest the propriety of urging Congress to amend the law against selling liquor to Indians, by fixing a minimum penalty.

In the history of liquor prosecutions in this district of the United States court, the sentences have been so light, that the cost to the Government has been great, and the law is not a terror to evil-doers, as it should be.

The district-attorney recently stated in court, that the usual penalty has been \$50 or \$100 and a day's visit with the jailer; and in the one out of seven cases that was tried at the last term, one dollar and thirty days was the punishment of a Frenchman for repeatedly furnishing Indians with liquor, and taking his pay in entertainment.

I do not think juries would fail to do their duty if the minimum penalty were sixty days and \$100, or in default of payment of fine, 120 days.

Very respectfully,

THOS. N. CHASE,
United States Indian Agent.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.