

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

12-18-1883

Civil Government for Alaska

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 3, 48th Cong., 1st Sess. (1883)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

IN THE SENATE OF THE UNITED STATES.

DECEMBER 18, 1883.—Ordered to be printed.

Mr. HARRISON, from the Committee on Territories, submitted the following

REPORT:

[To accompany bill S. 153.]

The Committee on Territories, to whom was referred Senate bill 153, have had the same under consideration, and submit the following report:

The obligation to provide a civil government for Alaska is obvious and pressing. As to the Russian inhabitants who elected to remain after the purchase by the United States, we are under an express treaty stipulation to give them "all the rights, advantages, and immunities of citizens of the United States," and to protect them in "the free enjoyment of their liberty, property, and religion." The duty to give to such of our citizens as have, since the purchase, gone to Alaska to engage in commercial pursuits, or for the more unselfish purpose of educating and evangelizing its native population, is an incident of their citizenship and of our political control of the Territory where they reside. The weakness and ignorance of the native population strongly appeal to us for defense and enlightenment. Sixteen years have elapsed since the treaty of purchase, and during all of that time the inhabitants have been absolutely without the pale of the law, and without any protection of life or property, except such as resulted from the temporary presence of some Army detachment or the occasional visit of a vessel of war or a revenue cutter. This condition of things ought no longer to be tolerated. No considerations of economy should be put in the balance against our duty to give adequate protection to every citizen and security to every American home.

Your committee do not deem it necessary to incumber this report with any statistics, except as to the population of the proposed civil district. Much valuable information will be found in the report (No. 457, Forty-seventh Congress, first session) submitted by the Senator from South Carolina, Mr. Butler, from the Committee on Territories. The last census report, 1880, states the total population of Alaska to be 33,426, of which 430 were whites, 1,756 creole, or half-breeds, and the remainder Indians of various designations. Many of the coast Indians have connected themselves with the various mission churches, and have adopted civilized habits of life. It is believed that the white population has considerably increased since the returns for the Tenth Census were compiled; and it is not doubted that further and more rapid immigration may be expected when the emigrant shall no longer be required to leave behind him the protection of the law. The forests, mines, and

fisheries of Alaska will not fail to attract the enterprising and adventurous spirits who have always been found upon our frontiers.

Your committee have not deemed it necessary to give a full Territorial organization to this Territory. We believe it will meet the present and proximate needs of the people if the executive and judicial branches of government are established. The bill, as reported, provides for the appointment of a governor, district attorney, marshal, judge, clerk, and four court commissioners by the President, and for four deputy marshals to be appointed by the marshal. The laws of Oregon, not inconsistent with the laws of the United States, are adapted for the Territory, and the jurisdiction and duties of justices of the peace of that State are conferred upon the commissioners, in addition to the jurisdiction given to them by the laws of the United States. A deputy marshal is provided as an executive officer for each of the commissioners' courts, and is in addition clothed with the powers of a constable under the laws of Oregon. It is believed that this judicial organization will furnish a convenient and inexpensive tribunal for the settlement of the rights of property and for the prompt arrest and punishment of criminals.

The committee have not thought that any motive of economy could justify them in leaving this vast district without an executive head. The plan of combining executive and judicial functions in the same person is very obviously objectionable. We have, therefore, provided for the appointment of a governor.

One of the bills before the committee provides for extending the land laws of the United States to the district of Alaska. The committee do not believe it would be wise to do so. The abuses which have grown up under our land laws are attracting general attention and severe criticism. Propositions to repeal the pre-emption and timber-culture acts are now pending in the Senate. The policy of keeping our entire unexpended public domain for the use of actual settlers, in tracts of moderate size, is, we believe, growing in public favor. As our land laws are in a state of possible transition, we think it would be wiser to await the issue of the proposed changes before extending them to Alaska. Another reason against present action upon this subject is found in the fact that the rights of the Indians to the land, or some necessary part of it, have not yet been the subject of negotiation or inquiry. It would be obviously unjust to throw the whole district open to settlement under our land laws until we are advised what just claim the Indians may have upon the land, or, if such a claim is not allowed, upon the beneficence of the Government. These objections did not seem to the committee to apply to the proposition to extend the mining laws over Alaska. We have, therefore, subject to such limitations as were necessary to protect actual occupants, provided for putting the mining laws in force.

The provision granting the lands now occupied as missionary stations, not exceeding six hundred and forty acres, to the several religious societies sustaining them, is similar to that made in the cases of Oregon and Washington Territory. There are eight such mission stations in the Territory.

Senate bill 72, "To establish schools in Alaska," was considered by the committee in connection with the bill to provide a civil government. The district is to be left without power to levy taxes or to make any provision for education. The Government is receiving a large yearly revenue (about \$300,000) from the seal fisheries. How can a portion of this be more wisely used than in giving to the youth of Alaska the instruction necessary to intelligent citizenship? The bill commits to the Commissioner of Education the duty of establishing and conducting

these schools, and makes them free to all children and youth of proper age. The appropriation made by the bill for this purpose is ———.

While the committee believe that the general provisions of the bill are sufficient to continue in force chapter three (3), title twenty-three (23) of the Revised Statutes of the United States, "relating to the unorganized Territory of Alaska," it was thought best to make an express declaration to that effect. By section 1955 of that chapter, power is given to the President to restrict and regulate or prohibit the importation and use of distilled spirits. In view of the fact that the Indians have acquired the art of making such spirits, and that their unrestricted use by them endangers the peace and quiet of the settlements, we have provided for extending the power of the President to the subject of the manufacture and sale of intoxicating liquors in the Territory.

The committee have made certain amendments to the bill, which are shown upon the face of the bill, and, as amended, recommend its passage.

○