

4-19-1890

## Letter from the Secretary of State, transmitting correspondence relative to providing against the sale of intoxicants to Canadian Indians

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### Recommended Citation

S. Exec. Doc. No. 105, 51st Cong., 1st Sess. (1890)

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L E T T E R

FROM

THE SECRETARY OF STATE,

TRANSMITTING

*Correspondence relative to providing against the sale of intoxicants to Canadian Indians.*

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APRIL 19, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

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DEPARTMENT OF STATE,  
*Washington, April 18, 1890.*

SIR: I have the honor to transmit herewith, for the information and consideration of the Senate, a copy of a note from the British minister at this capital, calling attention to the fact that there is no law in force in the United States to prevent the sale of liquor to Canadian Indians, and asking whether there is any disposition on the part of this Government to supply the legislation needed for the protection of those Indians. I also transmit a copy of a letter from the Secretary of the Interior, inclosing a report from which it appears that the Commissioner of Indian Affairs favors an amendment to the law prohibiting the sale of intoxicating liquors to Indians, making it applicable to all cases of furnishing liquor to Indians within the United States, without respect to the relations said Indians bear to this Government, and without reference to whether they or their tribes are under the charge of a United States Indian agent or not.

I have the honor to be, sir, your obedient servant,  
JAMES G. BLAINE.

Hon. LEVI P. MOERTON,  
*President of the Senate.*

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DEPARTMENT OF STATE,  
*Washington, March 26, 1890.*

SIR: I have the honor to transmit herewith for your information, copy of a note from the British minister under date of the 14th ultimo, together with copy of the "pro memoria" of the 20th of June last, therein referred to, upon the subject of the prohibitory clauses of the law in regard to the sale of intoxicants to Indians.

The minister desires to know whether or not this Government has the disposition to so amend the law as to make it applicable also to Cana-

dian Indians, and I have the honor to request that you will acquaint me with your views as to the sufficiency of the present law, and the feasibility, should such action be deemed necessary, of a compliance, by amendment, with the wishes of Great Britain in the premises.

I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

THE SECRETARY OF THE INTERIOR.

WASHINGTON, *February 14, 1890.*

SIR: On the 19th of June last I had the honor to communicate to you a "pro memoria" inquiring, under instructions from my Government, whether the United States Government were disposed to amend the prohibitory clauses of the law in regard to the sale of intoxicants to Indians in their country in such a way as to make it also applicable to Canadian Indians. I now have the honor to inquire whether any action has been taken or is likely to be taken during the present session of Congress with a view to the suggested amendment of the law in question.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

JULIAN PAUNCEFOTE.

Hon. JAMES G. BLAINE, etc.

[*Pro memoria.*]

The agents of the department of Indian affairs in the Dominion of Canada have frequently made representations as to the facility with which Indians at certain points on the Canadian side of the boundary line between the United States and Canada can obtain intoxicating liquor from traders and others in the United States.

Unofficial communications have taken place with the Commissioner of Indian Affairs at Washington in regard to the matter, with the result that it has been intimated by that officer that there is no law in force in the United States to prevent the sale of liquor to Canadian Indians, though penalties are inflicted under the law upon the parties who sell intoxicants to Indians who reside within the United States.

The law in force within the Dominion prohibits the sale or gift of intoxicants to Indians generally, whether residents of Canada or in the United States, and provides penalties which may be inflicted upon any party convicted of violating the same, and Her Majesty's Government in their solicitude for the welfare of the Canadian Indians would be much gratified to learn the United States Government were disposed to amend the prohibitory clauses of the law in regard to the sale of intoxicants to the Indians in this country in such a way as to make it also applicable to Canadian Indians.

WASHINGTON, *June 19, 1889.*

J. PAUNCEFOTE.

DEPARTMENT OF THE INTERIOR,  
*Washington, April 8, 1890.*

SIR: I have the honor to acknowledge the receipt of your communication of 26th ultimo transmitting copy of a note from the British Minister, who desires to know whether the Government has the disposition to so amend the law in regard to the sale of intoxicants to Indians as to make it applicable also to Canadian Indians.

In response thereto I transmit herewith copy of a communication of 5th instant from the Commissioner of Indian Affairs, to whom the matter was referred.

The Commissioner stated that his office would favor an amendment to the law in question so as to make it applicable to all cases of furnishing liquors to Indians within the United States, without respect to the relations said Indians bear to this Government, and to whether they or their tribe are under the charge of a United States Indian agent or not, and such an amendment in his opinion is much to be desired.

I have the honor to be, very respectfully,

GEO. CHANDLER,  
*Acting Secretary.*

The SECRETARY OF STATE.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, April 5, 1890.*

SIR: I have the honor to acknowledge the receipt, by Department reference for early report, of a letter of March 26, 1890, from the Secretary of State, transmitting a copy of a note of February 14, 1890, from the British Minister, with a copy of the "pro memoria" therein referred to, desiring to know whether this Government has the disposition to so amend the law in regard to the sale of intoxicants to Indians as to make it applicable also to Canadian Indians, and requesting that you will acquaint him with your views as to the sufficiency of the present law, and the feasibility, should such action be deemed necessary, of a compliance by amendment with the wishes of Great Britain in the premises.

In reply, I have to say that section 2139 of the Revised Statutes, which prohibits the sale of intoxicating liquors to Indians, provides that

No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquors or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars.

This law is construed by this office not to be applicable to Indians not under the charge of a United States Indian agent, and I am of the opinion that it would not apply in cases of furnishing whisky to Canadian Indians, unless it may be shown to have been so furnished within the Indian country, when it would apply only on account of the prohibition against the introduction of liquor into the Indian country, and not on account of the fact that it was furnished to Indians.

This office would favor an amendment to the law in question so as to make it applicable to all cases of furnishing liquor to Indians within the United States, without respect to the relations said Indians bear to this Government, and to whether they or their tribes are under the charge of a United States Indian agent or not.

Such an amendment, besides being a compliance with the wishes of the British Government on the subject, which appears to be actuated by a humane desire to promote the welfare of the Indians in Canada, would enable this Government to extend its protection against the evil effects

of whisky drinking, and the pernicious influences of white men who furnish them with whisky, to many of its own Indians who are not affected by existing laws, and is in my opinion much to be desired.

The letter of the Secretary of State, with its inclosures, is herewith returned to the files of the Department.

Very respectfully, your obedient servant,

T. J. MORGAN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.