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## In the Senate of the United States : Letter from the Secretary of the Interior

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IN THE SENATE OF THE UNITED STATES.

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DECEMBER 11, 1895.—Referred to the Committee on Indian Affairs and ordered to be printed.

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The VICE-PRESIDENT presented the following

**LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING DRAFT OF A BILL PREPARED BY THE COMMISSIONER OF INDIAN AFFAIRS, "TO PROHIBIT THE SALE OF INTOXICATING DRINKS TO INDIANS, AND FOR OTHER PURPOSES;" ALSO REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS, SETTING FORTH REASONS FOR THE DESIRED LEGISLATION.**

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DEPARTMENT OF THE INTERIOR,  
*Washington, December 10, 1895.*

SIR: I have the honor to transmit herewith draft of a bill prepared by the Commissioner of Indian Affairs, "To prohibit the sale of intoxicating drinks to Indians, and for other purposes."

The accompanying report of the Commissioner, dated 23d ultimo, sets out the reasons for the desired legislation, and the matter is presented for the favorable action of Congress.

Very respectfully,

HOKE SMITH,  
*Secretary.*

The PRESIDENT OF THE SENATE.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., November 23, 1895.*

SIR: In my annual report for 1895, on pages 56 and 57, I referred to the embarrassments experienced by this office on account of a decision by Judge Bellinger, of the United States district court for Oregon, which, in effect, permits the sale of liquor to Indian allottees without limitation (to which reference was made in my annual report for 1894, p. 62 et seq.), and quoted the provisions of a bill which was introduced in the last Congress by Hon. George D. Meiklejohn with a view to remedying the evil.

In concluding my discussion of this subject I stated that it was my purpose on the assembling of the next Congress to submit the matter to the Department in a special report, with a view to having the bill again introduced and, if possible, passed into law. In pursuance of this purpose I have the honor to submit herewith, in duplicate, the draft of a bill "to prohibit the sale of intoxicating drinks to Indians, and for other purposes."

This proposed bill is similar in its provisions to the one passed by the House of Representatives in the last hours of the last Congress, the modifications suggested being—

(1) The insertion after the words "Indian country," on page 2, the words, "which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States."

(2) The change of the penalty provided by fixing the minimum time of imprisonment instead of the maximum, and by imposing both imprisonment and fine instead of leaving that to the discretion of the court.

(3) The striking out of that part of the former bill which provided for the payment to the informer of one-half the fines imposed.

The reasons for the first modification proposed are based on the apparent disposition of the United States district courts, especially in Montana, Oregon, and Washington, to regard the allotment of lands as the extinguishment of the Indian title and the destruction of its character as Indian country. It is true the decision of the circuit court of appeals in *Eells v. Ross* (64 Fed. Rep., 417) lays down a rule which, if followed to its logical conclusion, would prevent the introduction of liquors on allotted lands; but that decision would also prevent the sale of liquors to the allottees if the lower courts would apply it to liquor cases. This they have not done, or there would be no necessity for the proposed new legislation.

It is therefore necessary, if the Indian allottees are to have the fullest benefits from the suggested legislation, that the allotted lands held in trust by the Government, and those that are inalienable by the allottees without the consent of the United States, shall be specifically included in the description "Indian country."

The modifications as to penalties proposed are on account of the disposition of the courts generally to impose only small fines on offenders who may have been convicted, and in case of imprisonment to impose such short terms as to practically destroy the effect of a conviction to deter the parties or others from engaging in the traffic. Fines of a few dollars and one day's imprisonment are frequently the only result of the efforts of this Department and of the Department of Justice to enforce the law.

Fines alone will not prevent the traffic, for the enormous profits made by the illicit dealers would warrant them in paying very large fines and continuing in the business.

It is therefore necessary that the law shall be specific as to the punishment, and shall make the minimum sufficiently severe as to be effective.

The other modification proposed (the striking out of the clause to pay the informer half the fines) is suggested on account of the opposition developed against the bill in the last Congress by reason of that clause. Indeed, the only reason why the bill was not passed by the Senate was, I have been told, because of the objection Senator Platt made to it on that account. Said clause is therefore stricken out.

In connection with this matter, and, as showing the urgent necessity for some such legislation as is proposed in the accompanying draft of a bill, I inclose duplicate copies of correspondence from the Indian agents of the Siletz and Grand Ronde agencies, from which it will be seen that since the allotment of lands in severalty at those agencies and the decision of Judge Bellinger, above referred to, holding that there is no

violation of law in selling liquor to Indian allottees, the moral and financial condition of the Indians has been materially affected by the use of intoxicants.

Other agents, where allotments have been made, report a similar state of affairs, and urge some action to stop the evil.

I inclose two copies of this report and two copies of the proposed bill, together with two copies of the other papers referred to herein, and I have the honor to recommend that one copy of each be forwarded to the Vice-President with request that it be laid before the Senate at the assembling of Congress on December 2, 1895, and that one copy of each be forwarded to the Speaker of the House of Representatives to be laid before that body on its organization.

Very respectfully, your obedient servant,

D. M. BROWNING,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,  
*Grande Ronde Agency, Oreg., June 10, 1895.*

SIR: Inclosed you will find a copy of the Sheridan Sun of last Thursday, June 6, 1895.

You will observe that I have marked an article entitled "A Donnybrook picnic." It will show you what the sale of liquor to Indians is doing for some of them. I have some Indians that are just as moderate as any white man, but it is ruining a great many.

Since the last day of April (when the Indian court was disbanded) there has been an immense increase of crime, resulting from intoxication. May 18 Thomas Lawney and Oleman Isaac tried to kill Robert Metcalf on this reservation, and were only prevented by the timely arrival of the Government farmer.

On May 28 Dan Wacheno beat his wife. They were both drunk. Next day she left him, and they are now separated.

On May 30 Bill Warren tried to murder James Silque and John Pratt. The latter had a very close call.

Twice I have myself been personally assaulted by an Indian without, however, suffering anything.

There is no law making drunkenness a crime in this State, and if there was, it would not be enforced.

Do you think that Congress could be induced to enact a new law making it a crime to sell liquor to an Indian, and would not Judge Bellinger hold such a law unconstitutional?

Very truly, yours,

JOHN F. T. B. BRENTANO,  
*United States Indian Agent.*

The COMMISSIONER OF INDIAN AFFAIRS.

[The Sheridan Weekly Sun.]

SHERIDAN, *Thursday, June 6, 1895.*

A "DONNYBROOK" PICNIC.

*The Indians from the agency get boiling drunk and fight.—The Willamina postmaster assaulted.—He is defended by citizens armed with ax handles.—Obscene and profane language used.—Swaggering bucks cause ladies and children to give the sidewalks.—Our new citizens enjoy their freedom.*

The school picnic at Willamina last Friday was well attended. The exercises, literary, musical, and otherwise, including an address from Superintendent Stilwell, were interesting. The ball game between the Sheridan boys and Grand Ronde boys was uninteresting. Only three innings were played. The Indians were too drunk to distinguish a baseball from a barn door, and failed to make a run. Later in the day, when King Alcohol got the Indians thoroughly under his malign influence, they began a Donnybrook Fair exhibit, which surpassed anything ever seen in this section of the country. It was knockdown and drag out for several hours, the Indians

fighting among themselves like veritable demons. Lame Jim had his left arm broken in two places and lay bruised, drunken, and bleeding by the roadside between Willamina and Grand Ronde from Friday evening until nearly noon Saturday. Another fellow named Tipton attacked Postmaster Dundas, who was going out to the ball ground with two of his little children. Dundas knocked the Indian down several times with his fist, but the bloodthirsty brute followed him up town to his store, being joined by four or five other intoxicated Indians.

Mr. Dundas secured an ax handle, and, being reenforced by Mr. Shaller, Jo. Stewart, and others, the onslaught of the savages was checked. Stewart then persuaded the Indians to take Tipton away. This they agreed to do. So they bound him hand and foot and threw him in a wagon like a fat porker destined for market. One of the squaws present went through her drunken lord's pockets and took his money and, procuring some alcohol, a number of the dark sex got gloriously hilarious. One of these bibulous dames started to drive the wagon, containing her stupefied husband and a lot of children, home, but running off the grade overturned the wagon, spilling out the whole family. Fortunately, no one was injured. Bill Cook, a white man, alleges that he was stabbed on the back of the hand by a drunken Indian, but others report that Bill got into a fight with a barbed-wire fence with the above result.

The language used by the Indians was disgustingly obscene, interlarded with copious oaths. The ladies who came to witness the games were forced to retire, and even upon the streets had to step aside to make way for staggering, cursing Indians. The good citizens of Willamina are thoroughly sick of drunken Indians. As the Indians are now citizens they can not be controlled by the agent, and as there is now bad blood between the whites and Indian citizens, the people of Willamina fear trouble in the future.

\* \* \* \* \*

Indian Bill Warren, who got drunk at the Willamina picnic last Friday, and mauled Jim Pratt and Lame Jim with an oak grub almost over to the evergreen shore, was arrested and put under \$800 bonds on Wednesday last, by Justice Connor, at Ballston, to appear before the next Polk County grand jury.

UNITED STATES INDIAN SERVICE,  
*Grand Ronde, Oreg., Agency, September 10, 1895.*

SIR: I regret to have to report of a murder on this reservation. On August 31, 1895, Peter Lafferty (an Indian) crushed the skull of Jonas Short (Indian), both of this reservation.

This crime, like so many others, can be laid directly to bad whisky. I trust that something may be done in the near future to punish those that sell whisky to Indians under the charge of an agent.

Very truly, yours,

JOHN F. T. B. BRENTANO,  
*United States Indian Agent.*

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—The above Jonas Short died on September 7, 1895.

J. F. T. B. B.

UNITED STATES INDIAN SERVICE,  
*Grande Ronde, Oreg., Agency, September 17, 1895.*

SIR: Inclosed you will find the Daily Oregonian of this morning. In the first column on the third page you will find a dispatch which will explain itself. I have marked it.

I wrote to you about the whisky troubles on the 10th of June, when an Indian (William Warren) tried to kill two old Indians belonging to this reservation.

I have also reported this bad state of affairs here in my annual report on this agency (August 23, 1895).

On September 10 I reported to you the death of Jonas Short (an Indian belonging here) at the hands of Peter Lafferty, another Grande Ronde Indian.

Now comes this case mentioned in to-day's Oregonian.

Can not something be done to stop this whisky business with these Indians? If not, most of them will be lost.

Very truly, yours,

JOHN F. T. B. BRENTANO,  
*United States Indian Agent.*

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—I have not heard anything about this matter contained in to-day's Oregonian, and know nothing more than what was contained in this dispatch.

J. F. T. B. B.

[Extracts from Morning Oregonian, Portland, Oreg., Tuesday, September 17, 1895.]

AN INDIAN STABBED.

*Independence, Oreg., September 16.*—Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business; the saloons also had plenty of customers. Sunday night 11 drunks were run in. Since the marshal gets fees he keeps the drunk and disorderly off the streets.

A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grande Ronde Indian, stepped in to separate them, when Billy Tom, a Siletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk.

UNITED STATES INDIAN SERVICE,  
Grande Ronde Agency, Oreg., September 24, 1895.

SIR: Inclosed find Yamhill County Reporter of September 20, 1895. You will find two marked items on the first page. Both cases have been reported to you by me, by my letters of September 10 and September 17, 1895?

My dear sir, can not something be done to stop this whisky business?

Since May 1, 1895, when the court of Indian offenses was abolished here, they have grown wild. With the old court we checked them to a good extent, but since there is no court we have no way of controlling them.

Very truly, yours,

JOHN F. T. B. BRENTANO,  
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS.

P. S.—See also my letter of June 10, 1895.

[Extracts from the Yamhill County Reporter, McMinnville, Oreg., Friday, September 20, 1895.]

FROM THE COUNTY PRESS.

\* \* \* \* \*

SHERIDAN SUN.

\* \* \* \* \*

Another row took place on the reservation one day last week. An Indian by the name of Pete Lafferty crushed the skull of another by the name of Jonas Short, using a piece of 2 by 4 scantling by way of emphasis. Short, it is feared, will not live long. Should he live short, Lafferty may not live long. Both are Indian citizens, which leads us to remark that the Government made a mistake when it invested the Indians with citizenship, and gave them a full swing at fighting fire water.

OREGON NEWS AND NOTES.

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Independence must be getting tough. A dispatch sent out from there Monday said: Yesterday was not the usual quiet Sunday in Independence. The town was crowded with people, and the stores all did a good business; the saloons also had plenty of customers. Sunday night eleven drunks were run in; since the marshal gets fees he keeps the drunk and disorderly off the streets. A fight took place over the river opposite here Sunday night among the Indian hop pickers. Two of them were badly using a third. Frank Isaacs, a Grand Ronde Indian, stepped in to separate them, when Billy Tom, a Siletz Indian, turned and stabbed him with a knife, one wound being very near the heart. Billy Tom has been arrested and taken to Salem. The Indians were more or less drunk.

UNITED STATES INDIAN SERVICE,  
Siletz Indian Agency, Oreg., October 24, 1895.

SIR: I have the honor to submit my report on the condition of affairs at this agency for the month of September, 1895.

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INDIANS.

The larger portion of the Indians have been in the hop fields during this month and have earned quite an amount of money, though a great many have saved but little of it, being able to buy whisky without any restraint they have spent this money in this way, and there are several in the hands of the law. One of the Siletz Indians will likely go to the penitentiary for stabbing one of the Grand Ronde Indians. It is very unfortunate that the courts have ruled that it is not a violation of law to sell them whisky. I have consulted the United States district attorney in the matter. He advises me we are powerless—can do nothing to prevent the cause. This is the worst feature connected with their citizenship and has already and will, I fear, continue to result in much injury to these Indians. As stated above, the larger portion have been engaged picking hops for white people during the past month; for the present month a portion of them will be engaged in plowing and sowing fall grain, while others will be engaged in fishing.

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Very respectfully,

BEAL GAITHER,  
*United States Indian Agent.*

THE COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

A BILL to prohibit the sale of intoxicating drinks to Indians, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who shall sell, give away, dispose of, exchange, or barter any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom allotment of land has been made, while the title to the same shall be held in trust by the Government, or to any Indian a ward of the Government under charge of any Indian superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its Departments, exercises guardianship, and any person who shall introduce, or attempt to introduce, any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, which term shall include any Indian allotment, while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee, without the consent of the United States, shall be punished by imprisonment for not less than sixty days and by a fine of not less than one hundred dollars for the first offense, and not less than two hundred dollars for each offense thereafter: *Provided, however,* That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of introducing, or attempting to introduce, ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the War Department, or any officer duly authorized thereunto by the War Department.

SEC. 2. That so much of the act of July twenty-third, eighteen hundred and ninety-two, as is inconsistent with the provisions of this act is hereby repealed.