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SALE OF INTOXICATING LIQUORS TO INDIANS.

APRIL 10, 1896.—Referred to the House Calendar and ordered to be printed.

Mr. MEIKLEJOHN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. R. 280.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 280) entitled "A bill to prohibit the sale of intoxicating liquors to Indians, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass with an amendment:

Amend the title so as to read: "A bill to prohibit the sale of intoxicating liquors to Indians, providing penalties therefor, and for other purposes."

This bill enacts that it shall be unlawful for any person to sell, give away, dispose of, exchange, or barter any intoxicating liquors of any kind whatsoever to any Indian to whom allotment of land has been made while the title is held in trust by the Government, or to any Indian, a ward of the Government, including mixed bloods over whom the Government exercises supervision through its Departments. The present law relating to the sale of intoxicating liquors to Indians, Revised Statutes 2139, is as follows:

No ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall be introduced under any pretense into the Indian country. Every person who sells, exchanges, gives, barter, or disposes of any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind to any Indian in charge of any superintendent or agent, or introduces or attempts to introduce any ardent spirits, ale, beer, wine, or intoxicating liquor into the Indian country, shall be punished "by imprisonment for not more than two years, or by fine of not more than three hundred dollars for each offense." * * *

This proposed legislation amends the existing statutes in three particulars: First, it makes it unlawful to sell, give away, dispose of, exchange, or barter "any essence, extract, bitters, preparation, compound, composition, or any article whatsoever under any name, label, or brand which produces intoxication;" second, the punishment "by imprisonment for not more than two years or by a fine of not more than \$300 for each offense" is changed to "imprisonment for not less than sixty days and by a fine of not less than \$100 for the first offense, and not less than \$200 for each offense thereafter;" third, the term Indian is defined to embrace an Indian "to whom allotment of land has been made, while the title to the same shall be held in trust by the Government;" an Indian "a ward of the Government under charge of any Indian superintendent or agent;" or an Indian, "including mixed bloods, over whom the Government, through its Departments, exercises guardianship."

The vendors of intoxicating liquors on Indian reservations have used every possible device and scheme to evade the Indian Bureau, the authorities, and law, until they have gone to the extreme of having intoxicating liquors, under labels or brands of essences, extracts, bitters, preparations, compounds, or compositions containing pickles, fruits, and other articles of diet, specially prepared for this traffic with the Indians.

The violators under the present law, which provides they "shall be punished by imprisonment for not more than two years or by a fine of not more than \$300 for each offense," are pleased to pay the small fine imposed by the courts, gain their liberty, and return to the reservation to continue the occupation of their nefarious traffic. The minimum punishment in this bill is sixty days' imprisonment and a fine of \$100 for the first offense, and a fine of \$200 for each offense thereafter.

The district courts of the United States have held that a sale of intoxicating liquors to an Indian to whom an allotment of land has been made, does not, under the existing statutes, constitute an offense.

The Commissioner of Indian Affairs in his report for 1895, says:

In my last annual report the attention of the Department was invited to a decision by Judge Bellinger, of the United States district court of Oregon, in which it was held that the sale of liquor to Indians who have taken allotments in severalty is not a violation of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stat. L., 260). I also set forth my reasons for believing that the court erred in its decision.

Since that time the United States circuit court of appeals at San Francisco has rendered a decision in the case of Eells et al. v. Ross (64 Fed. Rep., 417), which sustains my view as to the authority of the Government over Indian allottees and shows how the court would hold if it were possible to get before it a case of liquor selling to such allottees; but as these cases are of a criminal character no appeal can be taken by the Government. For this reason the office made strenuous efforts to secure the passage of the bill (H. R. 6657) which was introduced in the last Congress by Mr. Meiklejohn, and which was as follows:

* * * * *

The bill was passed by the House of Representatives in the last hours of the last session, but too late to receive the consideration of the Senate, and consequently did not become a law. It is my purpose, however, 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.

The bill has the approval and indorsement of the Secretary of the Interior, the Commissioner of Indian Affairs, United States district attorneys, and the Indian Rights Association.

The necessity for this legislation is clearly set out in the accompanying letters, which are made a part of this report.

OFFICE UNITED STATES ATTORNEY, DISTRICT OF OREGON,
Portland, October 12, 1895.

DEAR SIR: Permit me to acknowledge receipt of your communication under date of 5th instant. Replying thereto, I have to say that Judge Bellinger's decision was never reported, but was in substance as follows: "That under section 6 of the act of Congress, approved February 8, 1887 (24 Stat. L., p. 390), all Indians who have lands allotted to them in severalty, as per the provisions of said act of Congress, are deemed to be citizens of the United States and subject to the laws, both civil and criminal, of the State wherein they reside, and that it was the intention of Congress by adopting section 6 to repeal the provisions of section 2139, Revised Statutes, so far as said allotted Indians are concerned."

Respectfully, yours,

DANIEL R. MURPHY,
United States Attorney.

G. D. MEIKLEJOHN,
The Millard, Omaha, Nebr.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 18, 1895.

SIR: Referring to office report of October 12, 1894, in response to a letter from Hon. Thomas Lynch, inclosing copy of House bill No. 6657, "To prohibit the sale of intoxicants to Indians," and asking for the opinion of this Department thereon, I have the honor to transmit herewith, in duplicate, copy of a letter of January 4, 1895, from the United States district attorney for the district of Washington, inviting attention to the fact that the courts of Washington and Oregon have decided that as section 6 of the act of February 8, 1887 (24 Stat. L., 388), provided for the admission to citizenship in the United States of Indians who have taken allotments under said act, such Indians are emancipated from the control of the Indian agents, and that it is not a violation of the law (section 2139 of the Revised Statutes, as amended by the act of July 23, 1892, 27 Stat. L., 260) to furnish such citizen Indians with liquor.

Said bill No. 6657 provides a penalty for the sale of intoxicating liquors to Indians who had taken allotments under the said act of 1887, and in that report it was suggested that as the tendency of the courts was to declare an Indian who had become a citizen by taking an allotment in severalty to be free to purchase intoxicating liquors, notwithstanding the fact that agents have been, under direction of Congress, maintained over such Indians by the Government, it would be absolutely necessary, if the Indian allottees are to be fully protected, that some such legislation as proposed in this bill should be enacted. Mr. Brinker, the district attorney for Washington, whose communication is referred to above, states that it has been frequently demonstrated (and it is not seen how demonstration is necessary) that the allotment of lands will not alone destroy the appetite for liquor nor render the Indian any less dangerous to himself and neighbors than he was before. As was stated in the report from this office, above referred to, the making of allotments to Indians changes their status as to citizenship in the United States, but it does not change their character nor tastes, and that as much harm can come to an Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of the tribe.

In view of the fact that the courts have apparently unanimously decided that Indian allottees do not come under the provisions of existing law prohibiting the sale of liquors to Indians, I have the honor to recommend that Mr. Lynch be furnished with a copy of Mr. Brinker's letter and be advised by letter from the Department that it is thought that it would be very much to the benefit of the Indians of the United States if the said bill No. 6657 should be passed by Congress and should become a law.

I would also recommend that a copy of this report and of Mr. Brinker's letter be transmitted to the chairman of the Senate Committee on Indian Affairs, Hon. J. K. Jones, with the suggestion that it is desirable that said House bill No. 6657 should become a law.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

OFFICE UNITED STATES ATTORNEY, DISTRICT OF WASHINGTON,
Seattle, Wash., January 4, 1895.

SIR: I desire to call your attention to a matter which seems to me should be brought to the attention of Congress and some remedial legislation passed covering it.

I refer to the sale of liquor to Indians. By section 2139, Revised Statutes of the United States, it is made a crime for anyone to sell, give, etc., liquor to any Indian under the charge of an Indian agent or superintendent.

On February 8, 1887 (24 Stat. L., 388), Congress passed what is known as the "Dawes bill," providing for the allotment in severalty of the lands of certain reservations to the Indians. The sixth section of this act declares that every Indian to whom allotments have been made is a "citizen of the United States and is entitled to all the rights, privileges, and immunities of such citizens."

The United States courts in this district and in Oregon have decided that the effect of section 6 is to emancipate the Indians from the control of the Indian agents and to make them "citizens" in the fullest sense, and that it is not a violation of section 2139, Revised Statutes, to furnish such citizens with liquor.

My contention has been, in all the cases which I have tried, that so long as the Indian remains upon the reservation over which an agent is appointed he is protected by section 2139, Revised Statutes, but this is denied by the court.

It seems to me that the policy of Congress has been to civilize these Indians, and that the allotment of land is but one step in that direction, giving them land so that by the reflection of proprietorship they may cease their wandering and become attached to one place which they can call their "home," and that they are just as

susceptible to evil influences while occupying their home as they were before, and in as great danger from the liquor traffic as they were before the allotments were made, and that the same reasons exist now for prohibiting this traffic, under severe penalties, as ever existed. It has been frequently demonstrated that the allotment of land will not alone destroy the appetite for liquor, nor render the Indian any the less dangerous to himself and neighbor than he was before.

Unless this traffic is prohibited by legislation, the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer.

I tried a case to-day in the United States district court here in which a man was indicted for selling liquor to two Indians on November 29, 1894. The evidence was conclusive that the defendant sold the Indians a quart of whisky, which they drank and became so intoxicated that one of them laid down across a railroad track, where he was found by an officer, and upon being arrested his drunken companion attempted forcibly to rescue him from the officer.

These Indians testified that they lived upon lands which had been allotted to them in severalty, and the court instructed the jury to return a verdict acquitting the defendant.

I call these matters to your attention in the hope that some legislation may be had which will make the offenders liable to punishment.

Very respectfully,

WM. H. BRINKER,
United States Attorney.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 26, 1895.

SIR: I am in receipt of your letters of January 2, 1895, transmitting a copy of House bill 6657, "to prohibit the sale of intoxicants to Indians," as follows, on which you request the opinion of this Department:

"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 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; 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, shall be punished by imprisonment for not more than two years, or 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, or by both fine and imprisonment, in the discretion of the court: *Provided, however,* That when the punishment shall be by fine the person convicted shall be committed until fine and costs are paid, the informers to have and receive one-half of all fines paid and collected. 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 the twenty-third day of July, eighteen hundred and ninety-two, as is inconsistent with the provisions of this Act is hereby repealed."

In line 11, section 1, you suggest an amendment to the bill by inserting after the word "Government," and before the word "under" the words "or any Indian over whom the Government exercises wardship." The object of this amendment is, as you say, in order to avoid any misunderstanding as to the meaning and intent of the word "ward" as used in the bill.

In reply, I have to say that the Office has experienced some considerable difficulty in dealing with Indians to whom allotments have been made under the various provisions of law touching the same on account of the duty of the Government with respect to the sale of liquor to Indians who have received allotments, the act of 1887 (24 Stat. L. 288), known as the general allotment act, making such Indians citizens of the United States.

It has been held by this Office that Indians to whom allotments have been made, where the allotments are held in trust by the United States, and the Congress and

this Department have found it necessary to maintain an agency over them for any purpose whatever, would be under the charge of the United States Indian agent within the meaning of section 2139 of the Revised Statutes as amended by the act of July 23, 1892 (27 Stat. L., 260), and that anyone selling or otherwise furnishing them with intoxicating liquors would be liable to punishment in like manner as they would be if the Indians had not been given their allotments.

This opinion was based on the decision of the Supreme Court in *United States v. Holliday* (3 Wall., 407) wherein it was held that the question whether "any particular class of Indians are still to be regarded as a tribe or have ceased to hold tribal relations, is primarily a question for the political departments of the Government, and if they have decided it, this court will follow their lead."

The district courts of the United States, it seems, have not, however, held this view of the case, the office having received numerous reports from its agents citing cases where the district courts have held that the making of allotments to Indians of a reservation makes them citizens of the United States and takes them out from under the charge of the agents of the United States, notwithstanding the fact that the Government maintains agencies over them. The court of the United States for the district of Washington held, in a case which was tried in the spring of 1890, that as the Puyallup Indians were citizens of the United States the sale of liquors to them was not punishable under the Statutes, basing this opinion on the ground that the Congress and the Executive were not authorized to maintain an agency over the Indians after they had become citizens. This appears to this office to be in direct violation of the ruling of the Supreme Court in the case of *Holliday* above cited.

The district court of the United States for Oregon, Judge Bellinger, held in the case of *The United States v. Thomas Kawkes and Edwin Kline* (none of these cases have been published, so far as I know) to the same effect, viz, that Indians who have received allotments in severalty have become citizens of the United States and are not in charge of the United States agent, and therefore the sale of liquors to them is not prohibited by the law which is applicable only to the Indian wards of the Government.

It will be observed that the tendency of the courts below is to declare Indians who become citizens by taking allotments in severalty not to be under the Indian agent within the meaning of the law prohibiting the sale of liquors to Indians, and to be free to purchase intoxicating liquors, notwithstanding the fact that agents are maintained over them by the Government; and as the cases in which these decisions are made are of a criminal character and can not be appealed by the Government, it will be absolutely necessary for the full protection of the Indian allottees that some such legislation as is proposed in this bill shall be enacted. The making of allotments to Indians changes their status as to citizenship, but it does not change the Indian character or his tastes. As much harm, therefore, can come to an Indian allottee by the free use of intoxicating liquors as he could receive by such use as a member of a tribe, and the presence in the midst of any community of Indian allottees who would be free to purchase intoxicating liquors would be a menace to the lives and property of the law-abiding members of such community.

In a report of August 14, 1894, Capt. P. H. Ray, U. S. A., until recently the acting Indian agent of the Shoshone Agency, Wyo., says, with respect to the attitude of the courts toward this question, that if this is to be the interpretation of the law by the courts he does not think any advantage to be derived from allotments will compensate for the evil that will follow the opening of the reservation to whisky sellers, and that in their present condition it will practically destroy these people to remove them from the protection of agents and turn them over to the most lawless element on the frontier. Mr. John F. T. B. Brentano, the Indian agent for the Grand Ronde Agency, in Oregon, reported on the subject also, and expressed somewhat similar fears as to the results to the Indian allottees the decisions of the courts respecting this matter would have.

I have just recently received a letter dated Seattle, Wash., January 4, 1895, from William H. Brinker, United States district attorney for the district of Washington, inviting my attention to the decisions of the courts respecting the sale of liquors to Indian allottees, and expressing the belief that the attention of Congress should be called to the same and some remedial legislation passed covering it. He says "that unless this traffic is prohibited by legislation the policy of the Government to civilize the Indian will be defeated, and he will be converted from a wandering nomad into a drunken loafer."

Under date of October 12, 1894, the office submitted a report to the Secretary of the Interior on this bill, at the request of Hon. Thomas Lynch, of Wisconsin, and on January 18, 1895, two copies of Mr. Brinker's letter, above referred to, were transmitted to the Secretary with the request that Mr. Lynch's attention be invited to the desirability of the passage of this law, and that a copy be furnished the Committee on Indian Affairs of the Senate, with the statement that the passage of this

bill, or some such legislation, is not only deemed desirable, but apparently absolutely necessary for the full protection of the Indian allottees.

With respect to the amendment which you suggest to the bill, I have to say that it would seem to be desirable that the bill should be amended in some similar manner, but I would suggest that the words offered by you be proposed after the word "agent," and before the word "and," in line 12, section 1. The reason for this is that, if the amendment were inserted at the place where you suggest, the law would not be applicable to allottees who have received allotments under the 4th section of the act of 1887, their allotments being on the public domain and outside of the jurisdiction of any United States Indian agent, but these Indians are also quasi wards of the Government and need none the less the protecting arm of the United States.

I would also suggest an amendment to your amendment by the insertion of the words "including mixed bloods" after the word "Indian" and before the word "over." This amendment seems to be desirable, in view of the fact that there appears to be a great difference of opinion as to what an Indian is within the meaning of the laws; and also by the insertion of the words "through its political departments" after the word "government," and the substitution of the word "guardianship" for "wardship."

I inclose a copy of the bill showing how I would recommend that it be amended, and have to say, as I have once or twice before said in this letter, that I think it very desirable that Congress should, at this session, enact the same into law or pass some legislation similar to this bill.

Very respectfully,

D. M. BROWNING, *Commissioner.*

Hon. GEORGE D. MEIKLEJOHN,
House of Representatives.

(Through the Secretary of the Interior.)

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 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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, pp. 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 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 Grande 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.

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 twenty-third day of July, eighteen hundred and ninety-two, as is inconsistent with the provisions of this Act, is hereby repealed.

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, Thom. 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.—Swagging 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 Grande 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 knock down and drag out for several hours, the Indians fighting among themselves like veritable demons. Lane Jim had his left arm broken in two places, and lay bruised, drunken, and bleeding by the roadside between Willamina and Grande 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 reinforced 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 and mauled Jim Pratt and Lame Jim almost over to the evergreen shore with an oak grub last Friday, 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,
Grande 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, Oreg., Agency, 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 Peter 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.]

* * * * *
 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 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,
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:

* * * * *

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 Grande 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 resulted, 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 plowing and sowing fall grain, while others will be engaged fishing. * * *

Very respectfully,

BEAL GAITHER,
United States Indian Agent.

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

DEPARTMENT OF THE INTERIOR,
Washington, December 31, 1895.

SIR: Referring to Department letter of 10th instant, addressed to the Senate and House of Representatives and 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," I have the honor to transmit herewith copy of a communication of the 30th instant from the Commissioner of Indian Affairs and accompanying copy of a petition signed by the Indians of the Santee Agency, Nebr., in favor of the passage of the bill.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DECEMBER 30, 1895.

SIR: Referring to my report of November 23, 1895, transmitting a draft of a bill to prohibit the sale of liquors to Indian allottees, in duplicate, with the recommendation that one copy thereof be transmitted to the Vice-President to be laid before the Senate, and the other be transmitted to the Speaker to be laid before the House of Representatives, I have the honor to inclose herewith, in duplicate, a copy of the report of December 20, 1895, from Joseph Clements, United States Indian agent of the Santee Agency in Nebraska, with which he forwards a petition, numerously signed by the Indians of his agency, in favor of the passage of said bill.

The legislation proposed in the draft submitted by him as above stated is contained in two bills introduced into the Senate, one by Mr. Jones, of Arkansas (S. 855), and the other by Mr. Gallinger, of New Hampshire (S. 885); and it is also contained in a bill introduced in the House by Mr. Meiklejohn (H. R. 280), and many features thereof are contained in the bill (H. R. 68) which was introduced by Mr. Meiklejohn in the House. All of the bills herein referred to have been referred by the House and Senate to the Committee on Indian Affairs of each House, respectively, and I have the honor to recommend that in order that the committees may be advised with respect to the sentiments of these Indians as regards this matter, that one copy of the inclosed papers be forwarded to the House Committee on Indian Affairs and the other copy be forwarded to the Senate Committee on Indian Affairs for their information.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

UNITED STATES INDIAN SERVICE,
Santee Agency, December 20, 1895.

DEAR SIR: I have the honor to herewith forward you a petition signed by the men and women of Santee to show you the desire of these Indians to suppress the liquor traffic among them.

These people are fully aware of their weakness and the injurious and degrading effect liquor has among them.

They would nearly all sign if we had the opportunity to present the petition to them; but many of them have not been at the agency for some time.

I respectfully suggest that there be added to the bill the following amendment, viz, to make it punishable for one Indian to sell or give liquor to another.

Very respectfully,

JOS. CLEMENTS,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

We, the undersigned women of the Santee Sioux tribe, feeling that the liquor traffic is demoralizing and degrading our people, destructive to habits of industry and ruinous to our homes, we respectfully express our approval of the bill introduced by Representative Meiklejohn to stop the sale of all intoxicants to Indians, and we urgently and earnestly pray the United States Senators and Representatives in Congress to earnestly work to secure its passage:

Anna Brown, Jane Walker, Louisa Redwing, Amanda Brown, Elizabeth M. Frazier, Nancy Barker, Clara Cash, Victoria Robinson, Susan

Wambdisin, Martha Redwing (x), witness A. L. Riggs, Wacanga (x), witness A. L. Riggs, Anna Garvie, Maggie Brass, Mrs. Hakewaxte (x), Nancy Jones, Mary Jones, Mrs. Ellen Iron Elk, Mary Kitto, Anna Redwing, Fannie Moose, Rebecca Holmes, Emma Whipple, Mary Henry, Fannie Henry, Sarah Young, Julia Wakeman, Ellen Hopkins, Lucinda Robbison, Maggie Chapman, Lucy Kitto, Mrs. Jane Hawk, Wospin, Alice Stone, Mary H. Campbell, Josephine Holsey, June Frazier, Yule Wina, Nina Good Teacher, Anna Wakana, Anglie Johnston, Emma Redowl, Mary Goodthunder, Julia Goodthunder, Lizzie Barker, Mary Lightning, Ahewin, Jane Hopkins, Mary Jones, Elizabeth Wichnyan, Ellen Harlan, Lucy Feather, Maggie Wicanapidutawin, Sarah Redowl, Rascle Jeinek, Rebecca Smith, Nancy Anpaldewin, Anna Thomas, Julia Hawk, Rejuta, Ellen Pappay, Anna Fluit, Angela Wilson, Ellen Kitto, Jane Stone, Elizabeth Blacksmith, Lucy Redowl, Emily Trudell, Henry Trudell, Elizabeth Wabashaw, Elizabeth Chapman, Lizzie Redwing, Emma Smith, Harriet Robinette, Mattie Robinette, Nancy Pay Pay, Coray Stone.

We, the undersigned Indians of the Santee Sioux tribe, respectfully express our approval of the bill presented by Representative Meiklejohn, of Nebraska, "to stop the sale of all intoxicants to Indians;" and urgently and anxiously pray the United States Senators and Representatives in Congress to earnestly work to secure its passage:

James Garvie, Joseph Goodteacher, George D. Redowl, Alfred H. Barker, Baptist Whipple, Daniel Frazier, Joe Robertson, John Ross, Levi Trudell, Chas. Rockwood, William Holmes, Esau Frazier, Joe Godfary, jr., John Jones, Albert Frazier (councilman), Henry Westman, Lamo Rawillard, Louis Robinet, Joe Godfary, sr., Stephen B. Smith, T. J. Gemack, Joseph Wabashaw, Artemus Ehnawuani, William Wabashaw, James Heart, Oliver Laewix, William Abraham, John T. Chapman, Pat Henry, Red Cloud, Joseph Cash, James Brown, Richard Kitto, John B. Chapman (councilman), Joseph A. Kitto (councilman), James Chapman, R. W. Brown, Chas. Frazier, Simon Kitto, Edward Hedges, Samuel Wolfe, Solomon Jones, Charles Jones, Eli Jones, Solomon W. Barker, James C. Lightning, Joshua Crow, Robert (his x mark) Hakewaste, Daniel Wakama, Henry Robinson, Samuel Jones, Eugene Hoffman, Solomon Ross, James Redwing, Stephen John, Thomas Robinson, A. L. Campbell (councilman), Antoine Trudell, Charles Moose, Samuel Campbell, William C. Campbell, Edward Eastman, George Thomas, Joseph A. Walker, Peter Trudell, J. M. Campbell, Capt. B. J. Young, George Laurence, William Henry, Daniel Stone, Charles St. Clair, Thomas C. Whipple, Sam Red Cloud, Joseph Samuel, Daniel C. Westman, John Kitto, Joseph Redwing, Charles Wolfe, Herbert Whipple, George Henry, Isaac Redowl, Willie Bruss, James Sharp, Adam Bulestone, Henry M. Jones, Johnson Redowl, John C. Rammilard, John K. Home, Joshua Harlan, Henry Wambdisin, Andrew Huntka, Oliver Rammilard, Alex Redwing, John Largester, Jo C. Day, Charles Hedges, Daniel Graham, David Khune, Frank Trudell, Charles Standing Soldier, Wakahditauha, John Henry, John M. Green, Joseph Robinett, Daniel Coon, Jacob Barker, Job Goodteacher, John C. Tuttle, John B. Walker, George Good Teacher, Thomas Whipple.

DEPARTMENT OF THE INTERIOR,

Washington, February 11, 1896.

SIR: Referring to previous correspondence relative to a draft of a bill prepared by the Commissioner of Indian Affairs, "To prohibit the sale of intoxicating drinks to Indians, and for other purposes," I have the honor to transmit herewith copy of a communication of 11th instant and accompanying petition from the Omaha Indians of Nebraska, asking for the passage of the bill introduced by Mr. Meiklejohn, having in view the prohibition of sales of liquors to Indian allottees.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1896.

SIR: Referring to my reports of November 23 and December 30, 1895, relative to certain proposed legislation to prohibit the sale of liquors to Indian allottees, I have the honor to inclose herewith (in duplicate) copy of a letter of January 31, 1896, from Capt. W. H. Beck, U. S. A., acting Indian agent of the Omaha and Winnebago Agency, transmitting a petition by the Omaha Indians asking for the passage of the bill introduced by Mr. Meiklejohn, having in view the prohibition of sales of liquors to Indian allottees.

I recommend that one copy of this petition be forwarded to the chairman of the Senate Committee on Indian Affairs and the other copy be forwarded to the chairman of the House Committee on Indian Affairs for the information of these committees.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., February 5, 1896.

SIR: I have the honor to transmit a petition signed by the Omahas relative to the liquor bill introduced by the Hon. George D. Meiklejohn, Member of Congress.

Very respectfully, your obedient servant,

WM. H. BECK,

Captain Tenth Cavalry, Acting Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEPARTMENT OF THE INTERIOR, UNITED STATES INDIAN SERVICE,
Omaha and Winnebago Agency, Nebr., January 31, 1896.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned Omaha Indians, are painfully aware of the evil effects of the use of intoxicating liquors among our people, and of the impossibility of restraining many of the Indians from its use, and also that white men can not be prevented from selling it to Indians or giving it to them whenever a bargain is being made between Indians and white men, therefore in view of our past experience and of the failure of the efforts of the officials and Indians to prevent this traffic, we heartily indorse the bill introduced by the Hon. George D. Meiklejohn, prohibiting the sale of all intoxicating liquors to Indians, and beg the friends of the Indians to use all their power to secure its passage through Congress.

[Signed by 235 Indians, of whom 183 are males and 52 are females.]

INDIAN RIGHTS ASSOCIATION, 1305 ARCH STREET,
Philadelphia, December 9, 1895.

MY DEAR SIR: I acknowledge with thanks the receipt of your favor of the 5th instant, with inclosures. Absence from the city has prevented an earlier response.

Our association highly approves the efforts you are making in the direction to protect the Indians from the curse of intoxicants, both on the reservations and to those who have received their allotments. We will be glad to cooperate with you to the extent of our power in securing the passage of your bill.

I will also be glad to embody the substance of your letter in our annual report, which is almost completed.

Very truly, yours,

HERBERT WELSH,
Secretary Indian Rights Association.

Hon. G. D. MEIKLEJOHN,
House of Representatives, Washington, D. C.