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**Letter from the Secretary of the Treasury, in response to resolution of the Senate of April 1, 1898, relative to the enforcement of the statute prohibiting the importation, manufacture, and sale of intoxicating liquors, etc., in the District of Alaska.**

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INTOXICATING LIQUORS, ETC., IN THE DISTRICT OF  
ALASKA.

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LETTER

FROM

THE SECRETARY OF THE TREASURY,

IN RESPONSE TO

RESOLUTION OF THE SENATE OF APRIL 1, 1898, RELATIVE TO THE  
ENFORCEMENT OF THE STATUTE PROHIBITING THE IMPORTA-  
TION, MANUFACTURE, AND SALE OF INTOXICATING LIQUORS,  
ETC., IN THE DISTRICT OF ALASKA.

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APRIL 12, 1898.—Referred to the Committee on the Territories and ordered to be  
printed.

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TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
*Washington, D. C, April 8, 1898.*

SIR: I have the honor to acknowledge the receipt of Senate resolu-  
tion dated the 1st instant, the text of which is as follows:

*Resolved*, That the Secretary of the Treasury is hereby directed to inform the  
Senate whether section 14, chapter 53, Statutes at Large, volume 23, prohibiting  
the importation, manufacture, and sale of intoxicating liquors, etc., in the District  
of Alaska, is being enforced, and if not, what means are necessary to provide for the  
full enforcement thereof.

Replying thereto, I have the honor to inform you that, under section  
14, chapter 53, Statutes at Large, volume 23, the President issued reg-  
ulations dated May 4, 1887, and March 12, 1892, which are now in force,  
copies of which are inclosed.

Under these regulations the introduction of intoxicating liquors into  
the Territory was prohibited except for medicinal, mechanical, sacra-  
mental, or scientific purposes, and then only on a permit from the  
collector of customs for Alaska. They also prohibited the manufacture  
and sale of such liquors in the Territory except for the purposes speci-  
fied, under a license to be issued by the governor of Alaska.

With regard to the regulations for the introduction of liquors into  
the Territory, it may be stated that every effort has been made by this  
Department and its officers to enforce the law. The collector of cus-  
toms for Alaska has made numerous seizures of liquors illegally imported  
into the Territory and shipped the same to Portland, Oreg., for sale.  
The customs officers on the Pacific coast were instructed also to care-

fully search vessels bound for Alaska and to seize all liquors found thereon not permitted to be shipped. By a recent ruling of the court at Portland, Oreg., however, it was held that no authority exists under present regulations for the seizure of liquors which are presumed to be intended for illegal introduction into Alaska. This situation has been met by instructions to officers to search vessels as before, and to notify the customs officers in Alaska at the port to which the liquors are to be shipped, so that they may be seized upon their arrival.

Permits are given by the collector only when he is certain of a bona fide intention to use the liquors for medicinal, mechanical, sacramental, or scientific purposes, and for such quantities only as are consistent with such use. No permits are issued to persons known or suspected to be violators of the liquor law.

But, notwithstanding the earnest efforts of the officers of this Department to enforce the law, it is a fact that the liquor law in Alaska is openly violated. It has been reported to the Department that forty saloons do open business in Juneau, a town of less than 4,000 inhabitants, while in Sitka, the seat of government of the Territory, with a white population less than 1,000, there are at least twelve open saloons. The universal public sentiment in the Territory is bitterly opposed to the enforcement of the liquor law, and the efforts of the officers are met with intimidation, threats of violence, and attempts at bribery. A special agent of this Department who, under instructions, reported to the Department the situation on the liquor question, was indicted for criminal libel in the district court of Alaska for the statements contained in his reports, and the indictment still stands, although nolle prossed on two occasions. The statement has been made repeatedly by judicial officers in the Territory that no grand jury in Alaska would indict any person arrested for violating the liquor law.

It may be stated that the present liquor law applicable to Alaska can not be fully enforced against the existing public sentiment.

For the further information of the Senate, I inclose a copy of the report for 1897 of H. M. Kutchin, agent for the salmon fisheries of Alaska, in which, on page 36 et seq., may be found a statement of the present situation.

I would also invite your attention to page 9 of Senate Document 137, Fifty-fourth Congress, first session, containing a report of C. S. Hamlin, then Assistant Secretary of this Department.

Respectfully, yours,

L. J. GAGE,  
*Secretary.*

The PRESIDENT OF THE SENATE.

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#### THE LIQUOR QUESTION.

I am directed by my instructions to "report to the Department any violations of the law relating to the introduction of liquors into the Territory of Alaska." To do so would consume more space than I would be justified in giving to this report. There is nothing but violation. The law is practically a dead letter. The utter disregard of it is so universal, that the situation is little short of grotesque. The conditions are such that the laws of the land in this regard are absolutely inoperative, and an enactment designed for the good of the people, and justified by what was supposed to be an imperative need, have become a byword and a reproach. This might seem strong language, but it is more than warranted by the admission of ex-Judge Delany, made to me while he was in office, that it would be impossible to secure a conviction in the courts of Alaska of any person complained of for an infrac-

tion of that section of the organic law which provides that "the importation, manufacture, and sale of intoxicating liquors in said district, except for mechanical, scientific, and medicinal purposes, is hereby prohibited, under the penalties which are provided in section 1955 of the Revised Statutes for the wrongful importation of distilled spirits. And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section."

Even if there has been no lapse, negligence, or failure on the part of the officials charged with this great responsibility, yet it is a fact, that absolutely admits of no contradiction, that if there were no laws whatever on the statute books regarding the importation, manufacture, and sale of intoxicating spirits the traffic in Alaska could not possibly be more open and notorious. The remarkable spectacle is here presented of an undisguised contempt for the laws of this Government, and a parallel is not to be found elsewhere on this continent where the American flag floats as an emblem of authority. Why this anomalous condition of things should be found here, and here alone, may excite wonderment, but it is not difficult to demonstrate why this is so. A large proportion of the population of Alaska is composed of persons who scorn temperance legislation of any kind, and who especially believe that sumptuary laws are an invasion of reserved private rights. Furthermore, they persist in regarding the special-tax stamp of the Internal-Revenue Bureau, which is to be found in every saloon—totally unfounded as is that assumption—as a license issued by the Government for the protection of the business.

The situation is utterly incongruous, and it is scarcely surprising that no jury can be impeached that will return a verdict against a violator of the law. The result is that there is practically no restriction of the traffic. In the city of Juneau, with a population of 3,000 or 4,000, there are said to be upward of forty saloons, and in Sitka, the seat of government, there are probably a dozen; and there are several breweries operated without a semblance of disguise. All attempts of Government officials to stamp them out have proved mere vanity and vexation of spirit. The seizure of a few bottles of liquor is smilingly submitted to, and after the departure of the officers the culprits come up cheerfully with a new supply, easily procured from some secret cache, and are ready for the next raid.

It would be strange if, under these conditions, the officers of the law did not become discouraged and vote the effort to do their duty in this regard a sheer waste of energy. So we see the result: A prohibition district where the unrestricted sale of intoxicants discounts any region that professes to confine the traffic within any sort of limits, and where the whole people are really put at a disadvantage on account of laws meant for their good. There can hardly be any exaggeration of the deplorable failure of the law, and I am free to say that I can not see how there can be any valid argument favoring its retention on the statute books without some new and successful means for its enforcement. It was originally adopted, no doubt, as a necessary protection of the natives of Alaska against the use of liquor, and this spirit might possibly well be applied to all people.

But it remains a fact that throughout the country general laws forbid the sale of intoxicants to the aborigines, and there is no apparent reason why these laws could not be made to cover the natives of Alaska, thus removing the necessity for the law affecting the entire population. Certainly, all interests would now be best subserved by the repeal of existing statutes and the adoption of a law similar to that in force in other regions where the Congress prescribes the conditions of this traffic. In the Territories and the District of Columbia there is no such situation as we find in Alaska, and the good government of the latter, in some notable respect the most promising portion of this great domain now under the direct control of the central Government, presents no adequate or logical justification for a system which was perhaps even originally based upon false premises, and which now offers no excuse for the continuation of a policy that manifestly can not be enforced.

During my tour through the district I talked with all sorts and conditions of men on this topic, and from the free-and-easy citizen who cares little for the moral aspect of the case to the missionary and the man devoted heart and soul to the uplifting of his kind, I think I may say that there was no exception to the opinion that "something must be done," and that there is scarcely any change conceivable that would not be an improvement upon existing conditions. The whole people are shocked and shamed by the report that in a "prohibition" community, where there were apprehensions that a food famine was imminent, whisky came in in undesired abundance, while bread was scarce. A consensus of the best opinion of Alaska I infer to be that the countenancing of the liquor traffic by the imposition of a license would be the best escape from what is now a maddening and intolerable situation, and which would be ludicrous did it not embody conditions which seriously reflect upon the majesty of a great Government.

From conversations with many persons in all walks of life it is my conclusion that a high license—say from \$800 to \$1,200—would come nearer to a proper and satisfactory adjustment of the vexed question than any other remedy available. It was

urged, with reason, that Congress licenses the traffic in the District of Columbia, and that there could be no valid objection upon the part of the most captious to similar action in this case. Such a license, it is believed, would restrict the number of saloons to a reasonable proportion as compared with the ratio in States and Territories where similar laws are in vogue, and afford an escape from the anarchistic conditions which now obtain in Alaska in this regard.

There is another phase of the question which, though purely a sordid and mercenary one, and possibly not entitled to consideration where so many on a higher moral plane clamor for recognition, I do not feel justified in ignoring, and that is that under the present system substantially all the wine, spirits, and malt beverages taken into Alaska are supplied by foreign merchants, and thus a large amount of trade is placed beyond the reach of our own people. While I am free to admit that this is a low view to take of the question, and that there are ample reasons outside of this for a modification of the law, it still must be acknowledged that it is not without a decent bearing upon the case; and in these days, when we are striving by reciprocity measures and otherwise to increase the trade resources of the country, it is a blind policy to cut off from our own citizens a wide extent of our own territory, which already makes large demands for supplies and promises at no distant day to become an empire for the patronage of which nations may compete without discredit.

Certain it is that upon every moral and economic consideration here is a question that raises a stentorian voice for readjustment, and such are the enormities practiced under existing laws, or the practical absence of all law, that there can scarcely be any change that would not be welcomed by all classes of citizens. The very men who are now compelled to occupy the attitude of lawbreakers while paying tribute to the Government would hail such a change with satisfaction; the citizen who disapproves of all legalizing of the liquor traffic would prefer this to existing lawlessness; and the collector of customs who is pestered unceasingly for permits for the importation of intoxicants which he is morally certain, nine times out of ten, operate to evade the spirit of the law and make a dupe of him, would be relieved of a most disagreeable responsibility. I would be glad to present the converse of the distressing picture here outlined, but must confess that my artistic capabilities are unequal to the demand. So far as I know there is no converse, and I can most urgently recommend that there should be speedy action in the premises, and that it take something the form here suggested.

Respectfully submitted.

HOWARD M. KUTCHIN,

*Agent for Protection of Alaska Salmon Fisheries.*

The SECRETARY OF THE TREASURY.

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[Circular.]

*Executive order concerning the sale of intoxicating liquors in the Territory of Alaska.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., March 12, 1892.*

For the purpose of more effectually carrying out the law of Congress prohibiting the sale of intoxicating liquors in Alaska, it is ordered that existing rules and regulations regulating the sale of intoxicating liquors in the Territory of Alaska, pursuant to the act of May 17, 1884, are hereby continued in force except as herein modified:

1. Existing statutes and regulations relating to the sale of intoxicating liquors shall be strictly enforced.

2. The sale of intoxicating liquors for medicinal, mechanical, and scientific purposes shall be made only by such persons in said Territory as have obtained a special permit from the governor of the Territory to sell intoxicating liquors therein, upon the following conditions: That before the application for the permit or renewal thereof shall be granted, the applicant shall make and subscribe an oath before an officer authorized to administer oaths in said Territory, as follows:

"I, (name), do solemnly swear that I will not sell, give, or furnish any intoxicating liquors to any person otherwise than as provided by law and the regulations established by the President of the United States, under the act of May 17, 1884; and especially that I will not sell or furnish any intoxicating liquors to any person who is not known to me personally, or duly identified; nor to any minor, intoxicated person, or persons who are in the habit of becoming intoxicated, and that I will not allow any intoxicating liquors to be drunk on or about my premises; and I will make true, full, and accurate returns to all certificates and requests made to or received by me, as required by said regulations; and said returns shall show every

sale and delivery of such liquors made by or for me during the month embraced therein, and the true signature to every request received and granted; and such returns shall show all the intoxicating liquors sold or delivered to any and every person as returned."

Such applicant shall also file with his said application a bond to the governor of said Territory, in such penal sum as the governor shall prescribe, not less than five hundred dollars (\$500), conditioned that for any violation of said act of May 17, 1884, or the regulations established by the President thereunder, said bond shall be forfeited. Such bond shall be signed by the applicant or applicants, as principal or principals, and by at least two sureties, who shall justify under oath in the sum of five hundred dollars (\$500) each over and above all indebtedness and exemptions, and such bond shall be approved by and deposited with the governor. The United States and any person or persons who may be injured or damaged by reason of any violation of said law, or the regulations thereunder, may have an action upon such bond.

Upon taking said oath and filing said bond, the governor of said Territory may issue to the applicant a permit authorizing him to keep and sell intoxicating liquors as provided by said act and regulations made thereunder; and every permit so granted shall specify the building, giving the location thereof by street or number, in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months.

3. The sale for medicinal purposes shall be made only upon the prescription of a reputable practicing physician of said Territory, stating the kind and quantity of liquor necessary to be used by the patient.

4. The sale for mechanical and scientific purposes shall be made only upon application duly subscribed and sworn to by the applicant in person, before some person authorized to administer oaths, made by the party desiring to use the same, stating the kind and quantity of liquor required, and that the same is necessary for mechanical or scientific purposes (stating particularly the purpose and the exact locality where to be used).

5. No licensed person shall sell or deliver any intoxicating liquors to any person if he has reason to believe that the applications, certificates, or affidavits submitted to him by applicants are evasive or untrue; or to any minor or intoxicated person, or to one addicted to intoxication. If the applicant is not personally known to the person selling, before filling his request he shall require identification by a person known to him, and a statement signed by such witness that the applicant is not a minor and is not in the habit of using intoxicating liquors to excess, and is worthy of credit as to the truthfulness of the statements in his application.

6. At the end of each month each licensed person shall make out and forward to the governor an itemized report of the date and quantity sold to each person, and the purpose for which it was bought; and if, upon a prescription, the name of the physician giving the same, which report shall be sworn to.

7. Any person violating these regulations, or the provisions of law relative to the sale of distilled spirits or intoxicating liquors in Alaska, shall be liable upon conviction in the proper tribunal to the penalties imposed in section 1955 of the Revised Statutes of the United States, and in any event upon such violation by such person his permit shall be revoked and not renewed without approval of the Secretary of the Interior.

8. In case any physician makes a false certificate as to matters aforesaid, any certificate of his thereafter shall be rejected and no application shall be granted thereon; and in any case when a false affidavit is made, all applications by such person thereafter shall be rejected. Copartnerships, corporations, and all associations are included within the foregoing rules.

9. The governor shall have power to suspend or revoke any permit issued by him to any person whenever, in his judgment, it is shown, after due notice, that such person has failed to comply with the rules and regulations prescribed herein, or that the best interests of the inhabitants of the Territory require such suspension or revocation of the permit.

10. Every person who, under these regulations, shall have obtained a special permit from the governor of the Territory of Alaska to sell intoxicating liquors for medicinal, mechanical, and scientific purposes will also be required to pay to the collector of internal revenue of the district of Oregon (in which collection district the Territory of Alaska is included) the special tax as a liquor dealer, and in all other respects to comply with the internal-revenue laws.

O. L. SPAULDING,  
*Acting Secretary.*

EXECUTIVE MANSION, *March 11, 1892.*

Approved.

BENJ. HARRISON.

[Circular.]

*Executive order concerning the importation of intoxicating liquors and breech-loading rifles and ammunition into the Territory of Alaska.*

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, D. C., May 4, 1887.*

The following regulations are prescribed under the authority of section 14 of the act of May 17, 1884, entitled "An act providing a civil government for Alaska," and section 1955 of the Revised Statutes:

1. No intoxicating liquors shall be landed at any port or place in the Territory of Alaska without a permit from the chief officer of the customs at such port or place, to be issued upon evidence satisfactory to such officer that the liquors are imported and are to be used solely for sacramental, medicinal, mechanical, or scientific purposes.

2. The importation into said Territory of breech-loading rifles and suitable ammunition therefor, except for the personal use of white settlers or temporary visitors not traders, is hereby prohibited.

3. The master of any vessel departing from any port in the United States having on board intoxicating liquors or breech-loading rifles and ammunition suitable therefor, when such vessel is destined to any place in said Territory, or, if not so destined, when the intended course lies within the waters of the Territory, will be required to file with the collector of customs at the port of departure a special manifest, signed and verified in duplicate, of all such liquors, arms, and ammunition; and no clearance shall be granted to any such vessel unless the articles embraced in the special manifest are shown to the satisfaction of the collector to belong to the necessary supplies and equipment of the vessel, or to be entitled to the above-specified exemptions, or are covered by bonds taken under the provisions of said section 1955.

4. One of the special manifests above provided for will be delivered to the master, together with the clearance, if granted, and any intoxicating liquors, breech-loading rifles, and ammunition found on board a vessel within the waters of the Territory without such special manifest will be seized and the offenders prosecuted under the provisions of section 1957 of the Revised Statutes.

C. S. FAIRCHILD, *Secretary.*

Approved:  
GROVER CLEVELAND.