

WHEN THE NAVY RULED ALASKA



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It is a little known fact that the U.S. Army and Navy with some assistance from the Revenue Cutter Service, precursor of the U.S. Coast Guard, were for more than seventeen years the sole governmental agencies for the administration of law and justice in Alaska. For an even longer period they assumed, or were intended to assume, some responsibility for these functions. When the American flag was first raised at Sitka in October 1867 the only civil officers appointed to represent the U.S. Government in the newly acquired territory was the Collector of Customs and his deputies. There were no courts and very few laws which applied to the newly acquired lands. Alaska was without any form of local government and remained substantially that way until 1884. The territory was in a condition almost as free from the operation of law as the interior of Africa at that same period of time.

Congress between 1867 and 1884 was content with making the whole of Alaska into a single district for the collection of duties on imports with collectors stationed at Sitka, Wrangell, Kodiak and Tongass; extending over the territory certain sections of the Act of 1834 governing trade with Indian tribes and authorizing a contract with the Alaska Commercial Company for the exclusive privilege of taking seals in the Pribilof Islands. These acts for 17 years were the only legislative consideration that Congress gave to the Territory. The terms of the treaty of cession guaranteed to Russian subjects, electing to remain in Alaska after the

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change of nationality; "all the rights and privileges of American citizens" and the undisturbed possession of their property, but no steps were taken to secure them these rights; no courts were established, nor were any means provided for the acquisition or transfer of titles to property.

It was the evident intention of Congress and the executive branch of government that Alaska be administered initially by the military authorities. As a relatively unknown frontier area inhabited primarily by Indians, the U.S. Army by default became the first governing agency. The military forces stationed in Alaska were expected to provide law and order services with military courts adjudicating minor offenses principally involving liquor. White American or Canadian citizens charged with more serious offenses were to be transported to the nearest U.S. District Court which at that time was located at Portland, Oregon. It soon developed, however, that there were serious questions of any court having jurisdiction over offenses committed in Alaska, and soon even this alternative was foreclosed. Over the Indian inhabitants of Alaska, the military authorities exercised a more summary form of justice and even, on occasion, imposed capital punishment.¹

That military forces were unsuited to governing the territory particularly in view of the sketchy legal framework that Congress had provided, soon became apparent. At first the military commanders in Alaska assumed that they were merely intended to occupy the ceded territory and maintain order until Congress provided for a civil government. Faced with a heterogeneous group of Russian, part Russian, American and foreign entrepreneurs, speculators and adventurers, General Jefferson Davis, the first U.S.

commander at Sitka, announced in his first order that:

"The Government of the United States having as yet made no provision for the organization of a Civil Authority in this Territory, it becomes the duty of the Military Authorities to give protection to the inhabitants thereof and their property. With this object in view, it is announced that the laws of Congress of general application to all other Territories of the United States will be enforced, and all laws, rules and regulations, theretofore in force for the government of the people of this Territory will, until changed by proper authority continue in force, provided they do not conflict with the laws of Congress or the Treaty by which Territory was ceded.²

The Russian population which then constituted the majority of the inhabitants was a reasonably law abiding, if not God fearing, community and during the long term of the Russian American Company's dominion there had been relatively little overt resistance to authority. Of liquor, there was relatively modest amounts brought into the territory prior to the American occupation and the Russian American Company had adopted a rigorous policy which prohibited its sale or trade to the Indians. The vile brew "Hooch", distilled from molasses, was as yet unknown. All of this soon changed following the American occupation.

The legal framework for governing the territory was embodied principally in the Indian Intercourse Act of 1834.³ The Act provided the military authorities with a rude sort of authority in "Indian Country" and authorized them to remove intruders, regulate the introduction of spiritous liquors and firearms, and generally supervise intercourse between whites and Indians to preserve the peace and maintain order. General Halleck as commander of the Military District of the Columbia had requested that Alaska be proclaimed 'Indian Country' and Secretary of State Seward responded to

the request by stating that Alaska had already become 'Indian Country' upon the ratification of the treaty of cession.⁴

Although Sitka did organize a short-lived city government in 1867 it soon foundered on the indifference and apathy of its citizens. Whereas the military commanders had hoped that the City Government of Sitka would relieve them of responsibility for governing the community itself, they soon found that the City Council expected them to provide a police force and to receive and keep in custody such criminals as would be turned over to them by the civil authorities. In the end Sitka's City Government depended upon revenues generated by the settlement's economy. Many of the Russian inhabitants returned to their homeland with the gold brought to Sitka by newcomers after selling their possessions on an inflated market. The influx of new settlers also failed to materialize, and as business slumped the newcomers soon joined the exodus. The shrinking tax base as a result of the decline of trade drained much of the vitality from the City Government and forced the Army officers to assume more and more responsibilities for the administration of civil affairs. The City Council and Mayor's court soon refused to hear cases and referred all enquiries to the military commander.

The city government of Sitka struggled through 1872 in a debilitated condition, and on January 8, 1873 the Council passed its last ordinance abolishing the post of 'constable ex officio dog catcher', and three days later the mayor resigned. Lacking authority to try offenders the military commanders could only confine them for short periods of time and release them. Even crimes of murder went unpunished except for a short period of time in the guardhouse. In effect, there was no criminal code which applied to Alaska, and even

the jurisdiction of federal courts over offenses occurring within Alaska was severely circumscribed. One of the few cases of murder which was successfully prosecuted during this period involved a killing which occurred on February 24, 1870 at Sitka in which William A. Bird, dishonorably discharged from the Army a week earlier, shot through a saloon door in an attempt to kill his former Company Commander. The bullet instead struck and killed Lieutenant L. C. Cowan of the Revenue Cutter Service. A civilian coroner's jury found that Cowan's death had occurred at Bird's hand. Bird remained confined in the Sitka guardhouse until the Secretary of War rescinded Bird's dishonorable discharge in September 1870. He then went before an Army court's martial at Sitka and was found guilty of murder and sentenced to serve 15 years confinement. The conviction was subsequently set aside by the Department Commander at Fort Vancouver and after a great deal of legal wrangling the District Court at Portland ruled that although dishonorably discharged he was still under military jurisdiction until the term of his original enlistment had expired and that the military therefore had the right to try him.⁵

The respective Army commanders in Alaska together with their superiors at Fort Vancouver continued to beseech the Secretary of War to declare martial law or cajol Congress into enacting a code of laws and appointing judges in the territory to relieve them of some of the burden of trying to maintain law and order without laws or courts to assist them. They persisted in their efforts to utilize what little legal authority did exist in the form of the Indian Intercourse Act of 1834. As 'Indian Country' Alaska would be officially dry, and no liquor could be imported other than for medicinal or scientific purposes under permits issued by the Army commanders.

Smugglers continued to be arrested under the authority of this Act, and were sent to Portland for trial.

However, in 1872 Judge Deady in Portland ruled that the Act of 1834 was not in effect in Alaska in spite of the opinion of the Attorney General and Secretary of State Seward. He ruled that Alaska was not 'Indian Country' to which the Act would automatically apply because these lands were limited to east of the Rocky Mountains.

In the Act of July 27, 1868 by which Congress had approved the cession treaty with Russia, no provision was made to extend the Act of 1834 to the new territory. Further, Deady ruled that neither his court nor any other court had jurisdiction over violations of law in Alaska other than infractions of the customs, commerce and navigation acts which had been extended over Alaska by the 1868 legislation.⁶ The Army acted promptly to nullify this decision which

seriously undercut not only their ability to keep liquor from the Indians, but to exercise any other degree of lawful control in the territory. The Secretary of War asked Congress for amendatory legislation and for once Congress responded quickly by adding a rider to an appropriations bill which had the effect of amending the Act of July 28, 1868 by adding sections 20 and 21 of the Act of 1834 thus applying them to Alaska. Section 20 prohibited the introduction of spiritous liquor except under authorization of the War Department, and Section 21 prohibited the operation of distilleries.⁷

A further undercutting of even this tenuous legal authority occurred in 1874. In fall of that year, Captain Joseph B. Campbell ordered a detachment of troops to be sent to Wrangell where they proceeded to arrest several white men in the community, including the Deputy Collector of Customs for the Port, on charges of selling

liquor to the Indians. This arrest was to have a far reaching effect on the authority of the military commanders in Alaska and to hasten their departure from the territory. Whereas it was now conceded that the Army could enforce the prohibitions on liquor smuggling or manufacture a question was raised about the legality of the arrests. The Act of 1834 authorized soldiers to make arrests but also limited the period that prisoners could be confined without bringing them before a court to a maximum of five days. Deady dismissed the complaints because the defendants had been awaiting transportation to Portland for as long as 60 days.⁸

Subsequently, Captain Campbell was also sued civilly for false arrest and a judgment for \$2,500.00 was recovered.⁹ Judge Deady's decision practically eliminated further military arrests in Alaska in view of the absence of either regular transportation facilities or of a court closer than Portland to hear the cases. As Deady pointed out:

"It is a mistake to suppose that the Territory of Alaska is under military rule any more than any other part of the country, except as to the importation of spiritous liquor and the making of arrests for violations of Section 20 and 21 aforesaid, in which case they really act as civil officers and in subordination of the civil law." In Re Carr, 5 Fed. Cases 115 (1875)

Almost from the very beginning of the Army's rule in Alaska the need for vessels to assist them was clearly evident. In late 1868, Captain J. W. White of the Revenue Cutter Service recommended that three steam revenue cutters be stationed in Alaska.

".....The occasional visits of these steamers at villages along the coast will do more toward insuring the respect of the natives and reconciling disputes that will naturally arise between them and the traders than will the most complete system of military posts that may be devised."¹⁰

With the reduction of the military posts in 1870, criticism of the Army's ineffectiveness other than in the immediate vicinity of their garrisons increased. The 'military government' of Alaska never won the support of the white traders and settlers and throughout most of this period was also subject to vituperative attack in the San Francisco based Alaska Herald. When the Army began briefly to reassert its responsibility for the control of the liquor traffic in 1874 the crescendo of complaints against 'military rule' increased dramatically.

By the mid 1870's the Army was clearly ready to leave Alaska. Possessing little legal authority, harrassed by the press, handicapped by court decisions and frustrated by the geography, the Army found its Alaskan assignment distasteful. The Commanding General of the Army, William Tecumseh Sherman, had wanted to withdraw the Army garrisons in 1869, and in early 1875 he reiterated this opinion when commenting on one of the numerous requests for a steamer to aid in law enforcement and in suppressing liquor smuggling. "It is my opinion that there should be no military garrison in Alaska," asserting that the interests of the government would be better served by stationing a revenue cutter in Alaska waters.¹²

Events outside of Alaska also encouraged the withdrawal of the troops. The Army was being stretched thin in its campaign against the Plains Indians which culminated in the Custer debacle. The opportunity presented itself in February, 1877 when a fire destroyed a portion of the post at Sitka. General Sherman saw his chance to shake off the Alaska albatross and recommended to the Secretary of War that the garrison be withdrawn.¹³ A new administration was more receptive to Sherman's suggestion and the Secretary

of War suggested to the Treasury Department that their officials assume responsibility for the administration of the territory.

This was a recommendation which had frequently been advanced by the Treasury officials in Alaska, and the Secretary acceded to the request. A revenue cutter was to be fitted out for service in Alaska to provide law enforcement services, preserve order between the white and Indian population, and suppress liquor smuggling and distillation.¹⁴ Editorial reaction to the announced withdrawal of the U.S. Army was mixed. The New York Times commented: "The cry of the oppressed has been heard and the standing army -- consisting of seventy-five men -- will leave the people of Alaska, now numbering seventy-six persons, to work out their destinies in their own way."¹⁵ Public opinion in Alaska, however, was against withdrawal contending that the substitution of a gunboat would be a poor replacement for the protection afforded by the soldiers. On the afternoon of June 14, 1877, the troops at Sitka boarded the steamer California which stopped briefly at Wrangell to embark the company there, and proceeded south. The Army's reign in Alaska had ended. The evening that the California sailed from Sitka, the settlement went wild, and all of the former post buildings were plundered by the inhabitants -- Indians, half-castes and whites.

In spite of its acquiescence, the Treasury Department was unready to assume their new responsibility, and the customs officers who remained in Alaska were noticeably hesitant to take on their new duties as law enforcement officers. The Army evacuation left the customs officials as the only representatives of the Federal Government and de facto keepers of the peace. The revenue cutter Thomas Corwin was ordered to Sitka from Port Townsend, Washington, when

reports were received of the disturbances in the community that followed the Army's withdrawal. Arriving on August 10, 1877 its commander found everything peaceful although he found that the government buildings had been plundered. The Corwin cruised southeastern waters for several weeks before returning south and its commander concluded that a single cutter visiting Alaska every two or three months, as a sign of governmental determination to preserve the peace, would be a sufficient deterrence to violence.

The Revenue Service officer's optimistic reports to the Secretary of the Treasury were not necessarily echoed from the Alaska panhandle. The white residents and Sitka merchants felt that the Indian threat to the peace of the community was sufficiently real to warrant their organizing a local police force. However, the lack of cohesion in the community resulted in the demise of this effort after less than one month. In October a new collector of customs arrived at Sitka, Henry C. De Ahna. De Ahna was appalled by the anarchy he saw. After spending only one day at Sitka he returned south on the mail steamer but he left behind fifty rifles for the local militia that had been provided by the War Department. His contribution to the administration of Alaska was to recommend either the abolishment of the customs district or the permanent stationing of a cutter in Alaskan waters together with providing customs officials with magisterial powers, including the authority to appoint constables.¹⁶

The Secretary of the Treasury accepted De Ahna's first suggestion and proposed to Congress that the customs district for Alaska be abolished.¹⁷ Congress failed to act on the recommendation. At Wrangell, Deputy Collector William Dennis attempted to maintain

order in that community by appointing a number of Indian police from amongst the 'Christianized Indians' to assist him in enforcing what law there was. He sought guidance from the Treasury Department on methods of stopping illicit distilling of 'hooch' but was warned to be careful because no statutes authorized him to destroy distilleries. This didn't phase Dennis who soon launched an intensive campaign, raiding and destroying at least 18 stills in the community with the help of his Indian police. He also began levying fines of blankets on Indians detected of distilling or bringing liquor into Wrangell. Dennis, however, received no support from the local community or from his superiors. White troublemakers incited the Indians to defy Dennis, and finally he resigned in disgust hoping that the worst days were over for Alaska.¹⁸

If the situation at Wrangell was bad, it was far worse at Sitka. One press account reported 51 stills in operation in the town of three hundred inhabitants and scores more in the Indian village. Hoochinoo sold on the street for twenty cents a quart. Within view of the Customs House, Indians hanged an accused witch and tortured her accomplice. They held storekeeper Sam Goldstein prisoner in his own home until compensation was paid for a Thlingit who had evidently died from hoochinoo he had obtained from a white miner.¹⁹

The collector professed helplessness, and occasional visits by revenue cutters served only to temporarily restrain the lawlessness which was caused by the illicit distilling. The cutter Wolcott cruised the Panhandle in the spring of 1878, and in July the Richard Rush stopped off for two days while enroute to the Pribilofs. The revenue cutter service could ill afford to station a vessel permanently in Alaskan waters as there were only three vessels assigned

to the entire west coast of the United States, and one of these vessels was required by congress to cruise in western Alaska "for the protection of the sea-otter hunting grounds and the seal fisheries of the United States."²⁰

By the end of 1878, it had become evident that the Treasury Department and its officials had also failed in its administration of Alaska. In December, 1878 the first but not the last lynching took place in Alaska. At Wrangell, John Boyd, a miner, wintering in the community from the Cassiar goldfields, shot and killed another man in a quarrel over an Indian woman. Deputy Collector R. D. Crittenden, who had replaced Dennis, refused to take custody of the murderer. The miners then organized a court, tried Boyd, and hanged him the next day.²¹

Problems in southeastern Alaska came to a head in late 1878 and early 1879 when events occurred that again brought rule by armed force to the Alaska panhandle.²² In the Summer of 1878, six members of the Kiksati clan of the Sitka Kwan signed aboard the trading schooner San Diego which had stopped briefly in Sitka while enroute north to trade along the Northwestern Alaska coast. Five of these Indians were accidentally drowned in the Bering Sea. The surviving Indian crewman was sent to San Francisco and eventually returned to Sitka, where he and the relatives of the drowned Indians demanded wages totaling \$1,400 and compensation for the five deaths. The Collector of Customs, Mottram D. Ball,²² as the principal representative of the Federal Government, explained that it was not the responsibility of the Government to enforce the Indians' claims, but that he would write to the Collector of Customs in San Francisco for assistance in obtaining the wages of the men.¹

Early in January 1879 another incident occurred involving the death of Thomas Brown, the lone white resident of the Hot Springs, a few miles from the town of Sitka. His disappearance under mysterious circumstances indicated the probability of murder. This fact was confirmed by the Indians in the vicinity who identified the two killers, both of the Kiksati clan, and offered to apprehend them for a reward. The white residents of Sitka, alarmed at the first overt violence since the troop withdrawal a year and a half earlier, subscribed to a reward and selected Annahootz Chief of the Kokwanton clan, to send for the accused murderers who were then confined in the old military guardhouse.²⁴

Katlean, the young leader of the Kiksati clan, was now faced with an example of the white man's justice.²⁵ Five members of his clan had died without the compensation or retribution which was due according to the Indian code of justice. On the other hand a single white man had died, and two of his clansmen had been arrested. As chief of the clan, he went again to Collector Ball and demanded compensation for the five drowned Indians. Rebuffed in his demands, he allegedly threatened to seek retribution by killing five white men in the community to be selected first from the handful of white Sitka storekeepers. This threat did not fail to alarm the whites.

On the night of February 6, 1879, a number of Kiksatis became drunk and riotous in the Indian village adjoining the white settlement of Sitka. Informants brought word that the tribesmen were about to enter the white community to exact vengeance. The Sitka populace now thoroughly alarmed barricaded their homes and businesses and laid out weapons and ammunition. The Kiksatis, however, failed to enter the town, being dissuaded by Annahootz and a

group of friendly Sitkan Indians, one of whom was stabbed in a brief scuffle.²⁶

The next morning, the residents of Sitka formed a committee of safety and issued rifles which had been brought to Sitka by the Collector of Customs, Henry De Ahna, in 1877. Nighttime patrols were organized and emergency defense plans were drawn up. The merchants, for the first time, agreed to place their personal safety above profit and limited the sale of ammunition, sugar and molasses for the making of hoochinoo.²⁷

Two days later on February 9th, the mail steamer California arrived at Sitka. In the meantime the Americans and the creole residents, under the leadership of the Russian priest, had decided to appeal for the protection of British warships which were known to be stationed at the Esquimault naval station near Victoria, British Columbia. A petition was drawn up and signed by the Reverend N. B. Mitropolsy "and his congregation of 247." The petition also contained the names of twenty-six men with non-Russian surnames.

"We, the citizens of Sitka, Alaska, are now threatened with Massacre by Indians of this place. We have made application to our Government for protection, which we hope will be extended, but the intricate forms of law through which our petition must drag its way will create delay, which may result in our entire demolition before the arrival of necessary succor. Therefore we beg and pray that you will at once send or come to our assistance. We beg that you will lay aside all forms of etiquette between governments, and you will take the side of an oppressed and threatened people, that you will let sympathy and charity dictate your decisions, for before the required aid from our Government can be had, we may be past assistance. Our unprotected position is well known, our appeal to you is from man to man. We ask help from you in the cause of humanity. Poverty prevents the greater number of us from fleeing. Our homes and little possessions, and greater far the lives of our wives and children and ourselves are in jeopardy. Her Majesty's Government has been known for its promptness in assisting the oppressed of any nation and we hope our appeal may not be in vain."²⁸

The petition went south aboard the California on February 10th, along with the accused murderers of Thomas Brown who were being sent to Portland for trial.²⁹ A number of miners wintering in Sitka also took passage for Wrangell and several merchants took the opportunity to send their families to safety. Collector Ball had refused to sign the petition because of his official position, but he had in all likelihood been instrumental in its preparation.

The appeal for the protection of the British Navy reached Victoria on February 15th and was delivered to Commander H. Holmes a'Court who was then commanding the sloop-of-war H.M.S. Osprey which was in port. Commander a'Court conferred with Allen Francis, United States Consul at Victoria, and offered to proceed to Sitka if Francis made a formal request for assistance. The Consul initially declined to do so because he was unconvinced of the seriousness of the situation. Unable to communicate with Washington because the telegraph lines were down, Francis did send a message to the Customhouse at Port Townsend, Washington, advising them of the situation and suggesting the dispatch of a revenue cutter to Sitka. The next day when telegraph service had been restored he reported the petition and a'Court's offer of assistance to the U.S. State Department. That same evening, he received a reply from Secretary of State William Evarts conveying an acceptance of Commander a'Court's offer. The Osprey sailed at noon on February 18, 1879 -- a curious phenomena of a British warship dispatched to protect American lives on American soil.³⁰

The Secretary of the Treasury whose department ostensibly had the responsibility for providing law and order protection for

the inhabitants of Alaska under an earlier agreement with the War Department, also ordered the revenue cutter Oliver Wolcott to proceed from Port Townsend. But the Treasury Department's reaction came too late to still the storm of protest which was to arise in the western press.³¹

The Osprey arrived at Sitka on March 1st, and at noon the next day the cutter Wolcott also anchored. Commander a'Court, after investigating the situation ashore and contacting Collector Ball, concluded that the inhabitants had ample cause for alarm. He elected to remain in Sitka until a larger relieving force could be sent from the United States. He had satisfied himself that although the Wolcott's guns would have been sufficient to destroy the Indian village, that the revenue cutter's crew was totally insufficient for providing any assistance ashore in the event of an attack.³²

Katlean, leader of the Kiksati clan, had absented himself from Sitka when the Osprey was seen approaching and reportedly was engaged in gathering reinforcements from the other outlying villages. A combined operation was planned against Katlean by the two armed vessels and the Wolcott's crew was reinforced from the Osprey for this purpose, but the expedition was later abandoned. H.M.S. Osprey remained in Sitka for over a month but the reaction of the press and the humiliation of the British warship's being asked to protect American citizens forced the U.S. Government to take quick action. Since the Treasury Department was unable to provide protection to the residents of the Territory and the Army was not only adverse to returning to Alaska, but unable to provide timely relief, the task fell to the U.S. Navy.

Secretary of the Navy Robert W. Thompson ordered the U.S.S.

Alaska, a twelve gun steam-sloop, to proceed to Alaska from San Francisco. This action was taken after a cabinet meeting and Captain George Brown, the Alaska's commanding officer, was instructed by the Secretary to "take such measures for the protection of persons and property as the exigencies of the case may require."³³

The Alaska entered Sitka harbor on the morning of April 3, 1879, and Commander a'Court raised anchor and sailed south on the afternoon of the same day. Once again, Sitka was under the protection of the armed forces of the United States, and Secretary Thompson, although he may not have realized it at the time, was committing the Navy to ruling Alaska for the next five years.

The arrival of U.S. Navy warships in Alaska in 1879 marked the end of the period of Treasury Department primacy. During the two years that the Department had assumed their non-statutory obligations for administering the territory, conditions had steadily deteriorated. Although transfer of this responsibility from the War Department to Treasury had originally been posited on the assumption that Revenue Service vessels would be assigned to Alaska, no action had been taken. The only revenue cutters that visited southeastern Alaska were those otherwise enroute to the Pribilofs, or summoned when the situation had deteriorated and demand for public protection was insistent. Nor had the Treasury Department sought to grapple with other problems of administering the territory other than to recommend the abolition of the customs district and suggest legislation prohibiting the importation of molasses.

The public outcry over the Osprey incident belatedly galvanized the Treasury Department to consider the problem of administering the northern territory. The Secretary appointed a commission

to make recommendations concerning the administration of justice "consistent with existing laws." In May of 1879 this commission reported to the Secretary that no statutory authority existed for the appointment of magistrates or the organization of a militia and suggested that the laws of Oregon relating to the powers of Justices of the Peace and Constables be adopted. A draft of such an act was prepared by the departmental Solicitor and was forwarded to Congress, but no action was taken.³⁵ The Secretary of the Treasury also attempted to induce the Army to re-establish a garrison in Alaska. However, the Army was not about to become bogged down again in the north, and General Sherman's refusal was supported by the Secretary of War.³⁶ The Treasury Department, having failed to execute the prime function of government -- providing protection against disorder and lawlessness, could only acquiesce to the assumption of these functions by the Navy.

Following the Civil War the U.S. Navy had been greatly reduced in size. By 1878 there were only thirty-five sea-going steamers on the Navy's register, and only five vessels, including the U.S.S. Alaska had been built since the end of the Civil War.³⁷ During its assignment in Alaska the U.S. Navy had had little experience in the administration of either civil or Indian affairs.³⁸ Ample precedent, however, existed for the use of naval vessels to maintain peace on the Northwest Coast in the Royal Navy's experience in British Columbia waters. The British had made extensive use of Royal Navy vessels and men to support colonial authorities during the early gold rushes in the Queen Charlotte Islands and in the Fraser and Stikine Rivers during the late 1850's and early 1860's. They had also been used extensively in controlling the coastal Indian tribes.³⁹ During the

Kake War of 1869 in Alaska the U.S.S. Saginaw had also assisted in the destruction of the Kake villages.^{39a} By 1879, the naval forces of both the U.S. and Great Britain had instilled in the Indians of British Columbia and Alaska a deep fear and respect for the power of steam warships.

After the arrival of the U.S.S. Alaska at Sitka on April 3, 1879, the revenue cutter Oliver Wolcott also sailed south, its captain having received no further instructions from the Treasury Department. Captain Brown of the Alaska was not long in developing a lack of sympathy for the problems of the settlers. Soon after his arrival he reported to the Secretary of the Navy that the Indians, while they fought amongst themselves while drunk, had not exhibited the least hostility towards the whites. Four days after his arrival he had confirmed his initial judgment that the "petty disturbances" in Sitka had resulted from the absence of any recognized law or authority and announced his intention to sail for San Francisco on April 15th.⁴⁰ The residents of Sitka responded to Brown's announced departure by again sending a petition -- this time to President Hayes in which they stated that Captain Brown had been prejudiced against the local inhabitants even before he reached Alaska.

Brown's plans to return south conflicted, however, with the Secretary of the Navy's plans to maintain a naval force in Alaska. Secretary Thompson, upon receiving Brown's first report of his intention to depart, ordered him to remain at Sitka until he was relieved by another vessel. There being no telegraphic communication, however, the message was delayed and did not reach Brown until the Alaska dropped anchor in the harbor of Victoria, B.C.

on April 17th. Still protesting that the reports of trouble at Sitka were greatly exaggerated, Brown returned, arriving on May 1.

The U.S.S. Jamestown, a wooden sailing sloop built in 1843 had been selected by Secretary Thompson to replace the Alaska and to provide protection for the residents of Sitka. To command the Jamestown, he appointed Commander Lester A. Beardslee, a forty-three year old veteran of 29 years service with the Navy. The Secretary personally briefed Beardslee on his duties. In Beardslee's words, the instructions were:

.....to study the situation of affairs in that Territory, and use my utmost endeavors to restore and establish permanently harmonious relations between the white settlers and the native Indians of the Territory, to which end I was authorized (there being no governing power or code of laws in existence in the Territory) to use my own discretion in all emergencies that might arise.⁴¹

After being hurriedly-fitted out, the U.S.S. Jamestown sailed from San Francisco, and reached Sitka on June 14, 1879. Two days later the Alaska unreluctantly headed south.

Beardslee, with no previous experience in Alaska, was to prove a sympathetic and able governor. The policies which he established were followed with little deviation by the successive naval commanders, but his first impressions of the territory were not auspicious ones. Commander Beardslee found Sitka to be a decaying village containing 360 persons considered as United State citizens; thirty-four by birth, seventy-nine by naturalization, and the remainder under the authority of the treaty of cession. The citizens, he found, were divided into three classes:

.....a very few respectable people, worth saving; a larger number of Russians and half-breeds, miserable, poverty stricken creatures whom it would not

be worthwhile to take much trouble about were it not for our pledge to Russia; and a few unprincipled white men, mostly discharged soldiers (or deserters) who make what little money they can by any scheme, however nefarious.⁴²

The character of the citizens "was not such as would tend to produce or maintain in the Indians any great respect or fear, the creoles being generally despised by the tribesmen and the white settlers, traders and saloon keepers being too factious to present a united front."

There was much to occupy Commander Beardslee, both on board the Jamestown and ashore. The sloop was initially anchored in the outer harbor but this exposed the vessel to gales and it was laboriously kedged by the crew into the inner harbor where it was secured by extra anchors in a position approximately 500 yards off shore with its port-main-battery aligned on the Indian village.⁴³ Here it was to remain throughout its period of service in Alaska. Ashore, Commander Beardslee investigated the current situation and the troubles of February 6th. He found the Indians friendly and that no evidence of a premeditated attack existed, but he also concluded that Sitka had narrowly escaped a massacre in February "due greatly to the influence of certain friendly Indians of superior intelligence." To reward these Indians and as a first step in providing a means for order in the Indian village, Beardslee enlisted Annahootz and two of the principal men of his clan as first class 'boys' in the Navy, and assigned them duties as policemen in the Indian village.⁴⁴

He recognized quickly that drunkenness was the principal cause of problems in the community. Initially he provided Customs Collector Ball with a detachment of marines to prevent liquor smuggling from the mail steamers and trading schooners which visited

the port, but soon changed his mind.

Aside from apprehension that in so doing I was not acting lawfully, I feel it is simply ridiculous to take strong measures to stop a little whiskey and protect at the same time tons of molasses, a gallon of which will do as much harm as a barrel of the former.⁴⁵

The prohibition or restriction on the importation of molasses was, he recognized, the most important step that could be taken to maintain order. Early in July, shortly after his arrival, he initiated the first step in what was to be a continuous effort on the part of himself and the naval commanders who succeeded him, in suppressing the illegal hoochinoo stills. A raiding party from the Jamestown destroyed forty-one stills in the town and the native village together with 300 gallons of hoochinoo.

Hoochinoo, however, was only a symptom of the plight in which the territory found itself. The absence of law and government itself had contributed even more profoundly to the denigration of the settlement. Beardslee saw his task as being a question of determining "how to govern a mixed community of whites and Indians with no code of laws but the Revised Statutes of the United States, the United States Naval Regulations, and the treaty with Russia."⁴⁶ Recognizing that he had no power to arrest and punish civilians, he also knew that if he failed to take positive action to preserve order that the presence of the Jamestown at Sitka would be pointless. The commander also knew that by attempting to coerce the white population he would also be leaving himself personally liable to civil proceedings.

However, his theoretical liability to a civil suit apparently did not deter Beardslee. He immediately instituted a system

of police patrols in the community by utilizing the Jamestown's marines. Arrests were made, and when it was found that the ship's brig was inadequate to contain all of the persons arrested, he reopened the old Army guardhouse on shore.⁴⁷ He also recognized the necessity for the organization of some measures of local government to establish a lawful authority for his actions and proposed the organization of a town council in Sitka to enact "police regulations sufficient to restrain disorder, and regulate, if not check, the traffic in liquor."⁴⁸

On July 9, 1879 a citizen's meeting was called, and after several false starts, the residents of Sitka elected Collector Ball as chief magistrate and a city council consisting of four members. The assembly also adopted a charter for the organization of "The Provisional Government of the Town and District of Sitka, Alaska." Unfortunately, a substantial portion of the white population of the district refused to agree to the organization of the 'Provisional Government.' Twenty-nine miners from Silver Bay, 12 miles from Sitka, fearing that the organization of the local government would result in the withdrawal of the naval force, refused to associate themselves with the new town administration.⁴⁹ The 'Provisional Government', although it was to prove relatively short-lived, did have the temporary effect of relieving Beardslee from one of his greatest headaches. It permitted him to defer to the council and the Chief Magistrate, Collector Ball, when applications were made to him for official action.

Thus, within three months, Commander Beardslee was able to report to the Navy Department that he had managed to bring a semblance of order to the territory. An infant civil government had

been established and a system of police regulations implemented. The Secretary of the Navy, in replying, expressed his approval: "The Department entirely approves of what you have done," wrote Secretary Thompson in July, 1879, "and submits the future of your actions to your discretion until something should occur to render specific instructions necessary."⁵⁰

Beardslee remained the commander of U.S.S. Jamestown until September 1880 when he was relieved by Commander Henry Glass. Commander Glass proved a worthy successor to Beardslee and remained in command of the Jamestown until August 15, 1881, when the U.S.S. Wachusett arrived under Commander Edward P. Lull. Commander Lull did not remain long in Alaska. Already due for reassignment from the Wachusett he soon found himself replaced by Commander Henry Glass who had exerted some political pressure, albeit unnecessarily, in attempting to gain reassignment to Alaska. Glass' second tour ended in March 1882 and the Wachusett was relieved by the U.S.S. Adams in September, 1882, commanded successively by Commanders Edward C. Merriman and John G. Coghlan. The Adams remained in Alaska until the advent of the first Territorial Government in 1884.

The new naval administrators of Alaska, beginning with Commander Beardslee, developed and executed a pragmatic policy in dealing with the Alaskan Indian tribes. Beardslee, who felt his force might be incapable of coping with a large scale Tlingit rising, began studying the causes of white-Indian hostility, tribal organization, and Indian law and superstition. Within a relatively short time he gained a better insight into the Tlingit Indians than had the Army officers during their ten year tenure. He became convinced that most of the trouble between the whites and the Indians stemmed from misunderstandings over the Indian code of justice and further

that the reported troubles that had brought the Osprey to Sitka had been greatly exaggerated. The attempted invasion of the community that reportedly had occurred on the night of February 6, 1879, he concluded, was made by only a small group of drunken Kiksatis and that Katlean, instead of being the ring-leader had attempted to dissuade them rather than instigate them.

Katlean's flight from Sitka, Beardslee felt, was motivated not by an intention to incite the other Tlingit clans, but rather from fear of vengeance for his alleged misdeeds. The naval officer concluded that the independence of each of the Tlingit kwans and the lack of tribal cohesion would make any united uprising all but impossible.⁵¹ He concluded, therefore, that a successful policy of dealing with the Indians should be grounded on two principles: to "treat the Indian with perfect justice" and to "avoid, unless forced to act otherwise, all attempts to govern by force, and to substitute as far as possible, leading for driving."⁵²

A first step in achieving the implementation of this policy was to forge an instrument for maintaining peace among the Indians without resorting to outside force. Perceiving the natural respect of the tribesmen for their chiefs, he enlisted Annahootz and two other members of the Sitka Kwan into the Navy as first class 'boys' and outfitted them with naval uniforms. They were assigned duties as policemen in the village. By October of 1879, nine Sitkas worked by day and helped the three full-time policemen at night.⁵³ Because of their alleged role as fomenters of the earlier trouble, the Kiksatis were initially excluded, and the control by the Kokwanton clan was deeply resented. When Katlean returned to Sitka after an absence of six months and convinced Beardslee of his innocence, he

was also appointed to the police force which placated the Kiksatis and also permitted Beardslee's police force to exercise a more effective degree of control over the Sitka Indians.

With the Jamestown anchored in the harbor opposite the Indian village, Beardslee and Commander Glass, his successor, found it relatively easy to maintain peace in the community. Occasional instances of disorder and misconduct required the convening of a quasi judicial proceedings in which the naval officers sat as judges before an audience of the principal men of the Kwan. The first real test of the system occurred with the return that fall of the Sitkas from their summer fishing camps. The Indian police, backed by the broadsides of the Jamestown from which landing parties would easily be summoned, had little difficulty in heading off serious trouble in the community.

Only scattered disturbances marred the peace. In February 1880 four canoe-loads of Kakes came to Sitka to settle a quarrel with the Sitkas. After concluding their business, a disturbance arose and Beardslee landed a shore party, but it was unneeded because the Indian police had the matter already in hand. The Kakes were confined and then banished from the community. Later that year when other Indian parties came to Sitka, they behaved well.⁵⁴

While the naval commanders felt they could in good conscience, but without legal authority, punish drunken or disorderly behavior on the part of whites or Indian alike, they hesitated to inflict penalties for the more serious crimes. In August 1880, one Indian killed another who was committing adultery with his wife. The slain man's brother took revenge by killing the murderer. Under Indian law, the families of the slain men were even, and Beardslee felt little purpose would be served by sending the accused murderer to

Portland to stand trial. It would only result, he believed, in a further ascerbation of the situation and ultimately, revenge. Reluctantly, he decided to allow the situation to stand without further official action.⁵⁵ Beardslee's successors, notably Commander Glass who relieved him in September, 1880, continued to follow this policy of allowing Tlingit law to govern where serious crimes were involved, permitting the settlement of homicides and assaults by the payment of restitution by blankets.⁵⁶

Since Hoochinoo fueled most of the disturbances which interrupted the peace of the white and Indian communities, Beardslee and Glass waged an unremitting war against its manufacture. They sought to control both the distillation by destroying the stills and controlling the importation of the ingredients from which it was manufactured. Initially, Beardslee utilized naval parties from the Jamestown in smashing the stills, but soon in keeping with his policy of utilizing the native police he had organized and avoiding the use of outside force, he increasingly relied upon them to control the trade. In September 1879, with three of his policemen, Beardslee travelled to the cannery site located in the vicinity of the old Sitka settlement and issued a call for volunteers among the local Indian workers to destroy the stills in the adjacent village. Twenty-three responded and were soon engaged in an orgy of destruction finding themselves joined successively by the Indians whose stills had already been destroyed who applied themselves with a will on those of their neighbors. The success of the operation encouraged Beardslee to utilize the native police in carrying out raids in the village of Sitka itself, and there volunteer bands were similarly strengthened as each successive still was destroyed.

Commander Glass continued Beardslee's policy of striking at the source of manufacture. In January 1881, a landing party of marines from the Jamestown cordoned off all exits from the Sitka village while three boatloads of sailors thoroughly searched the houses, destroying over 200 stills in the process.⁵⁷ With this, hooch manufacture came to a sudden, but temporary, stand-still and many Indians abandoned the trade because of its increasing hazards. The second thrust of the campaign to cut off the supply of molasses from which the liquor was distilled was less successful. Beardslee, like his military and Treasury Department predecessors, recommended restrictions on the importation of this commodity into the territory. When no action was taken by the Secretary of the Navy, he imposed a system of voluntary restraint and cajoled the merchants to engage in a compact not to sell the syrup. The compact held together for one month until pioneer Sitka merchant Samuel Goldstein received a large shipment by mail steamer and cornered the market in the community.

Beardslee tried again in the middle of May 1880 with an equal lack of success. Glass, his successor, fortunately was more successful. He enlisted the support of the outlying miners who stood to be injured the most by drunken Indian incursions. They threatened to take direct action against the merchants who didn't accede to Glass's request for voluntary restraint in the trade.⁵⁸ In a meeting, they suggested that the naval officer return his shore parties to the Jamestown and leave to them the resolution of the problem with the local merchants. However, in spite of the energetic efforts of the naval commanders, their actions had only a temporary effect in restraining the continued manufacture and distribution of this strong spiritous drink.

During the decade of its responsibility for the administration of the territory the U.S. Army had made no attempt to interfere with the tribal life of the Tlingits aside from rescuing a few slaves from sacrifice or freeing a few condemned witches. This practice was continued by Beardslee who freed a condemned witch during his first month at Sitka.⁵⁹ Two others were freed in March, 1880 on which occasion Beardslee also threatened to cut the hair of the accusing shaman.⁶⁰ (60a)

Beardslee, however, unlike his successor, Commander Glass, did little to change the ways of tribal life amongst the Tlingits other than encouraging the work of the Presbyterian missionaries. Glass, In January 1881, after succeeding in the temporary destruction of the formidable distillery capacity at Sitka, proceeded to implement widespread reforms that changed the tribal life of the Sitka kwans. Noting lagging attendance at the missionary schools, he initiated compulsory education. He also put the men to work in the village digging drainage ditches, filling in muddy areas and cleaning the houses. He also encouraged the construction of individual houses rather than the extended family house that had formerly been the custom.⁶¹

Glass struck harder than Beardslee at the influence of the shamans. He freed seventeen slaves he found in Sitka, and sent word to the other kwans that they would have to liberate their human chattels or face the possibility of punishment.^{61a} In January 1882, after freeing a witch who was about to be executed, he had the accusing shaman arrested and brought before him to demonstrate his supernatural powers. The shaman was then subjected to a hair cutting which was greatly feared because it would take away his magical powers

and sentenced him to a month at hard labor in the community after which he was banished.⁶²

Beardslee and Glass for more than two years directed the main thrust of their energy and the application of their Indian policies towards the Sitka kwan because they were the main point of white-Indian contact in southeastern Alaska. However, by the use of the steam launches with which the Jamestown had been equipped during its refit in San Francisco, they gradually extended the sphere of naval influence over other Tlingit kwans and the Haidas of Prince of Wales Island.

In January 1880, there was an outbreak of violence in Wrangell between the local Stikines and visiting Hoochinoos from Admiralty Island. The Wrangell Stikines had early fallen under the influence of the Presbyterian missionaries who had sent a group of Stikine 'Church Indians' to destroy a still operated by the visiting Hoochinoos. The resulting disturbance had ended with the death of two Hoochinoos and three Stikines. The community's white population caught in the middle of the melee prepared to defend themselves and sent an appeal to Beardslee for help. He responded by sending a naval force, the commander of which convinced the Hoochinoos to return to their home island, ending the immediate threat of further bloodshed. Beardslee placed the blame for the disorders on the "indiscretions of the missionaries for sending Stikines to destroy a Hoochinoo distillery," a move he believed could be anticipated to bring on violence.⁶³ Later in the year an armed launch was sent to visit the Hoochinoos to warn them against further violence and the quarrel was finally settled at a peace conference held a year later by Commander Glass at Sitka.⁶⁴

Reports of poaching incursions by Tsimpsian Indians from British Columbia into the sea otter hunting grounds of the Hoonah kwan reached Sitka in the middle of 1880. The Hoonahs who had promised Beardslee that they would refrain from violence appealed for assistance since the Canadian Indians were armed and were being actively encouraged in their forays into the Hoonah otter grounds by the Hudson's Bay Traders and missionaries at Fort Simpson (near present Prince Rupert). When the incursions persisted, Beardslee chartered the trading schooner Favorite, armed it with a howitzer and a naval detachment and set out for Hoonah. The Canadian Indians had departed before the arrival of the American force, but Beardslee following his relief by Commander Glass stopped at Victoria, B.C. enroute south and lodged a complaint with the Indian Superintendent of British Columbia. A British warship was later sent to discourage further depredations. 65

Commander Glass who arrived in September, 1880, continued the policy of extending the U.S. Navy's presence among the Tlingits. In November, 1880, he dispatched a steam launch to the present site of Juneau escorting miners to the newly discovered gold fields. In returning the launch stopped at the villages of the Auke kwan and explained that many white miners would soon be coming to their region. The steady influx of miners and tradesmen to Juneau and the frequent occasion for the dispatching of steam launches as escort to preserve the peace in the community persuaded Glass the next year to establish a permanent naval post there. Commanders Beardslee and Glass demonstrated the effectiveness of a naval force, even with limited means, in providing effective law enforcement protection along the littoral of southeastern Alaska. By steam launch, native

canoes and chartered trading vessels armed detachments from the immobile Jamestown ranged over 400 miles of the inland waterways of the territory.

The ranging in open boats, however, had its limits. When word was received in late May 1881 of the murder of the two-man crew of a trading schooner by Indians in the Yakutat area, Glass recognized that he could not commit his men to the long and exposed voyage across the Gulf of Alaska. He deferred taking action until the arrival of the U.S.S. Wachusett on August 13, 1881. The presence of this steam sloop greatly increased the capability of the naval commanders and permitted them to travel to all of the widely dispersed Indian and white communities. Commander Lull who was only briefly in command of Alaska took the Wachusett to Yakutat and arrested the murderers of the Sooner crew and sent them south to Portland, Oregon to stand trial.

The arrival of a steam vessel also made it possible to extend the Indian police system which had proved so effective at Sitka. Lull immediately saw the advantages of using the native constables and requested authority to appoint a detachment at Wrangell. Commander Merriman a later naval governor of Alaska expressed the opinion that a single native policeman was more effective than a squad of marines in controlling their own people. The Secretary of the Navy never specifically authorized the appointment of native police officers, but each of the successive commanders took advantage of the naval regulations which authorized them to enlist any local residents to fill vacancies in their crews. These native constables enlisted as ship's 'boys' were assigned to shore duties in the Indian settlements. They received salaries and were outfitted with

naval uniforms. The system of native police proved so effective that when a civil government was established in Alaska in 1884 the practice was continued.

In 1880 the Northwest Trading Company, precursor of the Northern Commercial Co., had established a whale reduction plant at Killisnoo on Admiralty Island and had employed local Hoochinoo Indians to operate it and hunt whales. On October 2, 1882, a harpoon head exploded accidentally, killing one of the Indian workers. The Indian's companions proceeded to seize two white employees of the plant, a steam launch and other company property, and demanded restitution for the death in the form of two hundred blankets. The local foreman, J. M. Vanderbilt, and his family escaped to Sitka on the small company steamer Favorite and reported the incident to Commander Merriman who had replaced Glass at the end of the latter's second tour of duty. He was in Sitka at the time with the steam-sloop Adams.

Merriman had recently warned the Indians that making such demands would invite retribution. He embarked a seventy man naval force together with a howitzer and gatling gun on board with Favorite with instructions to proceed to Killisnoo. The Favorite was followed shortly after by the Revenue Service cutter Thomas Corwin which was also in port. Arriving at Killisnoo on October 25th, Merriman soon learned that the captives and the seized property were being held at Angoon nearby. At Angoon Merriman freed the captives and rejected the Indians' demand for two hundred blankets; in retribution ordering the village to pay a fine of four hundred blankets. He set a deadline of 24 hours for compliance and a detachment was also landed from the ships to gather the Indian canoes in order to prevent their flight.

The next morning when it became apparent that the penalty which he had imposed would not be paid, Merriman landed a further party which searched the village and arrested two Hoochinoo chiefs. He then directed the Corwin and the Favorite to open fire on the buildings. Altogether, twenty of the twenty-nine houses in Angoon were destroyed together with all of the native canoes. The Hoochinooos, stunned by the power of the bombardment, did not resist. Merriman then directed the Hoochinooos to gather at Killisnoo where he lectured them about the punishment that would be inflicted for further extortion or hoochinoo-making. A small detachment was left to guard the plant and the Corwin returned to Sitka.

Merriman's action against the Hoochinooos was harsh, but it was received with approbation in the West Coast press at the time as being a necessary measure to enforce the Navy's authority. Despite this support, Merriman and the Navy received criticism in Congress for the destruction of Angoon. James H. Budd, a Democratic candidate for Congress from California, compared the punitive action to the Sand Creek Massacre. Congressman Abram S. Hewitt of New York, introduced a resolution calling for a full report of the shelling. When it was submitted it was referred to the House Committee on the Territories with the observation that: "I trust it will result in giving some form of civil government for Alaska." The destruction of Angoon was the only action in which the Navy turned its guns on the Indians of southeastern Alaska, and it ended forever the danger of concerted Indian resistance to white rule in the Alaska panhandle.⁶⁶

Soon after Commander Beardslee's arrival in Sitka he demonstrated an interest in the missionaries' work in the community. He reopened the old school and since most of the students were from the

mixed Indian-Russian families provided an interpreter justifying this under his instructions to "advance all American interests." Beardslee's successor, Commander Glass, threw himself enthusiastically in continuing this policy of advancing the missionaries' labors. Finding the newly opened Indian school poorly attended he simply declared compulsory education for Sitka children and enforced this by blanket fines and imprisonment.⁶⁷

The arrival of the Wachusett in August 1881 curtailed some of the direct naval support for the educational efforts in Sitka, but it provided an opportunity to extend this assistance to the other communities. In its regular cruises in southeastern Alaska the Wachusett carried mail and supplies to the missionaries in Haines, Wrangell and Juneau. One commander even wrote to the Secretary of the Navy requesting a relaxation of the Navy regulations that prohibited the transportation of women aboard warships so that he might be able to accommodate women missionary travelers.

While the naval governors of Alaska generally praised the work of the early missionaries, not all of them had had this support in their endeavors. Commander Beardslee complained that many of the promises made by Sheldon Jackson had not been kept, creating dissatisfaction among the tribesmen.⁶⁸ Beardslee also placed the blame for the short but bloody Stikine-Hoochinoo war directly on pioneer missionary S. Hall Young. Young continued to bedevil the naval commanders in Alaska until the end of the period of their rule.

By contemporary standards the Navy conducted Indian affairs in southeastern Alaska in a benevolent manner. Naval personnel were never responsible for any Indian deaths, unlike their Army predecessors. The protection which was afforded to white settlers was

relatively effective. Only five whites died at the hands of Indians during the five years of naval rule and all of these slayings were the acts of individual natives. Gunboat diplomacy also, while not eliminating inter-tribal warfare had also been effective in minimizing it and avoiding the blood feuds which had bedeviled the Tlingit way of life.

The naval governors of Alaska also formulated policies that though well meaning also sped the disintegration of the tribal culture by enforcing education, emancipating slaves and destroying at least partially, the influence of the shamans. Even though destructive, the policies were in keeping with the movement for Indian assimilation at the time which most of those who were sympathetic to the plight of the Indian considered to be the only alternative to annihilation.

While the task of controlling the Alaskan Indian population was the primary mission of the Navy in the Territory, the absence of law and government also placed on them the burden of maintaining the civil peace. Commander Beardslee had hoped that this task would have been taken off his shoulders by the organization of the 'Provisional Government' at Sitka, but this attempt at self government soon floundered on the rocks of apathy and hostility to authority. The miners who constituted one of the most vigorous elements in the community had refused to participate and the new system thus represented only a minority of the citizens. The city government proved itself incapable of asserting authority and a compact among the merchants not to sell the ingredients for hoochinoo lasted only until the arrival of the next supply steamer.

Customs Collector Ball who was also the Chief Magistrate for

the community ordered the impoundment of the molasses and called a city council session to authorize its disposition. The council members failed to appear and Ball was compelled to release the shipment. With inadequate provision for policing the community, disorder and drunkenness abounded, but Beardslee still refrained from interfering, referring matters to the civil authorities who refused to take action. Within two months the 'Provisional Government' voted to dissolve itself. However, by this time the recalcitrant miners who now had been convinced that the organization of a local government would not result in the withdrawal of the Jamestown, now agreed to participate.

A second general meeting of the populace was called to form a new government on October 25, 1879 and this time the miners attended. But the merchants and tradesmen, fearing the imposition of taxes and interference with their molasses trade, stayed away. Thus the second attempt to forge a system of self-rule failed and the responsibility for preserving law and order devolved upon the Navy.⁶⁹

The night before the 'Provisional Government' announced its dissolution an incident occurred in Sitka which demonstrated the greatest single problem in attempting to maintain law and order in Alaska at that time. In a drunken brawl, John Williams several times discharged his revolver into the body of one Edward Roy, and then to escape lynching at the hands of an enraged mob, surrendered himself to the marines at the old post guardhouse. A mixed commission of naval officers and civilians was convened and after hearing evidence recommended that Williams be held for trial "subject to such orders as may be received from the authorities at Washington."⁷⁰

The attempted slaying, the victim having miraculously recovered, was reported by Beardslee and in November a Deputy U.S. Marshal debarked from the mail steamer and took custody of Williams transporting him to Portland for trial. There a federal grand jury indicted him for attempted murder and assault with a deadly weapon by a white person in 'Indian Country.' Williams' attorney moved to dismiss the indictment on the grounds that the offenses were not crimes under any statute of the United States. If Commander Beardslee had had the opportunity to familiarize himself with the attenuated attempts by his predecessor Army commanders to find some law that could be applied to Alaska he would probably not have been surprised at the result. Judge Deady, the U.S. District Judge at Portland, dismissed the indictments, finding that there was no offense under U.S. Statutes other than if the offense itself had occurred at sea.

".....it appears that there is no punishment provided for an assault with a dangerous weapon, committed within the exclusive jurisdiction of the United States, if committed on land, even if such assault should involve as it may, and did in this case, an attempt to commit murder....By this ruling the defendant will escape punishment for what appears to have been an atrocious crime, but the court cannot inflict punishment where the law does not so provide. It is the duty of the legislature to correct the omission or defect in the law, and it is to be hoped that the result in this case will attract the attention of Congress to the matter at an early date."⁷¹

Thus, the naval governors were apprised, that indeed very little law applied to Alaska.

Thanks largely to the small marine detachment which Beardslee had stationed in the community, Sitka was relatively quiet and there were few other instances of serious violence. With the demise of the 'Provisional Government' law enforcement duties now fell exclusively under the jurisdiction of the Navy. Beardslee's treatment

of white misdemeanants resembled the justice meted out during Army days. Drunks and brawlers received short sentences in the guardhouse on a diet of bread and water. Where more serious crimes were involved the naval governors like their Army predecessors were in a quandary as to how to proceed. Early in May of 1880 Beardslee reported two long term prisoners in the guardhouse; one confined for seventy-six days and another for nearly six months. Beardslee had notified the Secretary of the Navy that they were being detained awaiting instructions on the disposition to be made of the pending charges. There are no records to indicate that the Secretary ever provided Beardslee with a reply. Subsequently it became customary for the relieving naval commander to discharge all prisoners from the guardhouse, usually with the admonition that they quit the territory. Luckily Judge Deady in Portland never heard of the prisoners in custody, or if he did, he chose to ignore it.

In June 1881 it became apparent that the Secretary of the Navy expected the naval governors of Alaska to maintain order with as little concern for the niceties of law as possible. Particularly he hoped that the officers responsible for Alaska would not bring these troublesome questions to his attention. In that month shots were fired into the home of the town druggist, James Schmeig. A commission of inquiry was convened and suspicion soon centered on two local brewers, Nicholas Dern and Henry Imhof, who had evidently been involved in an altercation with Schmeig over providing beer to the thirsty market of the Juneau mining settlement. Glass confined the two suspects and reported his action to the Secretary of the Navy pointing out that there were no courts to try them, and no law under which the charges would be pressed in view of Judge Deady's ruling

in the Williams case.⁷²

Secretary William H. Hunt replied in a manner that was not very helpful to Glass in providing guidelines for handling serious crimes that might occur in Alaska.

"In the absence of any legally constituted judicial tribunal, the peace and good order of society demand that the naval authority in control of the Territory should interpose its power to maintain the protection of the lives, persons, and property of individuals within its reach. You will keep these men in confinement so long as in your judgment the interests of peace and good order require their imprisonment."⁷³

It was clear that the Navy Department expected its commanders in Alaska to maintain order without asking for answers to unanswerable questions. Both Dern and Imhof remained in the Sitka guardhouse for four months before Glass's successor released them.

The arrival of the U.S.S. Wachusett in August 1881 removed the floating fortress Jamestown from Sitka harbor, but Commander Lull recognized that order in Sitka depended upon the availability of armed force and continued the practice of leaving a marine detachment in the community for police purposes. In January 1882 Commander Glass who relieved Lull beginning his second tour of duty in Alaska determined to take the Wachusett to San Francisco for badly needed repairs. He embarked the marine detachment, and being uncertain of the ship's return, also discharged the native police in the community. Almost immediately following the departure of the Wachusett, the community exploded with drunken violence. Collector Morris, replacing Ball, had been left in charge as the only representative of the Federal Government and he immediately reinstated the native police and with the assistance of Annahootz and Katlean succeeded in restoring order.⁷⁴

Hastened by a telegraph message from the Secretary of the Navy, Glass returned to Alaska with his ship unrepaired and immediately reinstated the native police on the ship's rolls and the shore detachment of marines. When Glass was relieved later, the new naval commander Edward Merriman soon announced his intention of also embarking the marine detachment when the ship sailed to other communities, but a protest and petition from Sitka's citizens was sent to the Secretary of the Navy. William Chandler who was then Navy Secretary immediately ordered Merriman "to leave at the port of Sitka a guard sufficient in numbers to afford necessary protection to the citizens and public property at that place."⁷⁵

Despite the marine detachment which policed the community, problems of order continued to occur, although there was relatively little major or violent crime. Commander Coghlan, the last officer to exercise the functions of naval governor, took the opportunity to utilize the jail house manpower constructively. He instituted a chain gang and set the Indian and white prisoners to work repairing the streets, constructing drains and erecting street lights. In another instance Coghlan investigated a reported rape, and though convinced the woman's story was untrue or exaggerated, sentenced the suspect to twenty days at hard labor on the chain gang "on the principal that if he didn't need it for the attempted rape, he needed it for his general worthlessness."⁷⁶ Coghlan was also aware that at least one of his Army predecessors had been successfully sued in a civil action for false imprisonment, and beseeched the Secretary of the Navy to have him recalled prior to the arrival of the first federal judge in Alaska.

While Sitka remained the prime civilian trouble spot in

Southeastern Alaska, other points also required attention. Wrangell since the decline of the gold mines on the Cassiar presented few problems, although missionary S. Hall Young made several requests for a naval peacekeeping force to be stationed in the community. With the exception of the small force sent in 1880 to stop the Stikine-Hoochinoo war, these requests were uniformly declined possibly due to the low opinion that the naval officers had for Hall's judgment. Hall finally complained to President Hayes that the naval commanders had failed to send marines to "break up the whiskey trade.....and to control the violent and lawless." This appeal brought action and Commander Glass in January 1881 sent a small force to break up the distilleries in the community and arrest two white men for selling liquor to the Indians.⁷⁷

Because Wrangell presented less of a problem than the other communities of Juneau and Sitka, no permanent naval force was left there. Periodic visits by the Wachusett and later the U.S.S. Adams sufficed to maintain the peace. The small mining community that was to spring up in the town now known as Juneau presented more of a concern. When gold was discovered there in the summer of 1880 a small army of gold seekers flocked to the scene in everything that was capable of sailing from Sitka. Commander Glass assigned one of his steam launches to escort the stampedees and several additional expeditions were made in early 1881. On one of these trips Lieutenant Commander Charles H. Rockwell, Glass's executive officer, with the assistance of the Jamestown's Master's Mate, prepared a survey of the area and assisted the miners in organizing the mining district.⁷⁸ In gratitude for these services the miners selected the first name for the community and named it 'Rockwell.'

Glass himself visited the community several times early in 1881 and noted the growing population and the busy harbor occupied by steamships carrying miners, equipment and supplies from West Coast and British Columbia ports. He decided to invoke martial law in order to prevent the simmering feuds over conflicting mining claims from bursting into violence. His proclamation, which was wholly without legal authority, was received with mixed feelings by the boisterous inhabitants of the new community. The proclamation was read to a miner's meeting by Glass on May 2, 1881.

".....I, Henry Glass, a commander in the United States Navy, and senior United States Officer in the Territory, do announce that until instructions to the contrary are received from the President of the United States, the military authority will be the only authority recognized and all residents of the Territory will be governed in accordance with military law.⁷⁹

Glass then ordered Lieutenant Commander Rockwell and a force of four officers and twenty men to 'Rockwell' to preserve order and prevent any conflict between whites and Indians. He also ordered the detachment to avoid interference in the private affairs of the citizens or with their property and to the extent possible to cooperate with the local Deputy Customs Collector in suppressing the distilling of spiritous liquors.

A government reservation had already been set aside on the "plateau between the Indian village and the mining claims along Gold Creek." The naval garrison proceeded to construct two buildings on the site for use as a barracks and headquarters.⁸⁰ Lieutenant Commander Rockwell reported that "lawless elements" in the camp had raised considerable furor over the proclamation of martial law and had even sent a petition to the President protesting against 'military rule' of the community. A larger portion of the residents, however,

approved of the idea and the settlement soon became accustomed to the unusual sight of blue jackets and marines policing the community.

The naval detachment at the mining camp found themselves with relatively little to do. There were no instances of violence and fewer than might have been expected involving drunken and disorderly behavior. A dispute between partners working a claim on Douglas Island was resolved when a naval officer visited the site and explained the consequences if the disagreement was not resolved peaceably.⁸¹ When Commander Lull visited Rockwell in August, "several miners volunteered the information that they had never seen so quiet a mining camp," a condition which they attributed to the good order kept by the naval force.

The Rockwell garrison was also involved in settling disputes between the whites and the Indians. Commander Glass had formed the same opinion as Beardslee that the Indians had a high sense of justice and a lively respect for white men of character. In the late summer of 1881 a chief of the Auk kwan, accompanied by a number of his warriors, sought the assistance of the naval officer in command in settling a dispute with a white trader. After a brief investigation and hearing, the claim was admitted by the trader to be just, and a settlement satisfactory to the Indians was agreed upon. The chief was thoroughly pleased with the result and expressed his assent to the new mode of settling disputes. He explained that it would have been quite easy for him to have obtained satisfaction in the usual way -- by killing the trader at the first convenient opportunity -- but that he had heard of the newly established system of administering justice by the Navy, and had decided

to give it a fair trial. He had, however, reserved for himself the option of falling back upon the traditional method of retribution if justice or a fair hearing had been denied him. Later that year Lieutenant Commander Pigman who had replaced Commander Rockwell was called upon to pass sentence on an Indian who had injured his wife in a drunken rage. Pigman imposed the customary sentence of one month's confinement and ordered him to pay a fine of 50 blankets. Ten of the blankets were given to the injured woman, and the remainder to the chief of the kwan for distribution among the needy.

Commander Lull replaced the Rockwell force with personnel from the Wachusett allowing the former to return to the Jamestown. In early October 1881 he further increased the garrison to forty-three officers and men because of rumors of incipient hostility from the neighboring Indians of the Auk kwan. When Glass returned on his second tour he reduced the garrison because of his concern with the number of the Wachusett personnel tied up on shore duties in Sitka and Rockwell. Shortly after that he reported that it was "no longer necessary from any consideration, to maintain a force on shore at this place (Rockwell)." Accordingly, he embarked his men and turned the barracks buildings over to the local postmaster for use as a Post Office. 'Juneau' as the community was renamed the day before the detachment withdrew continued to be a regular port of call to the Wachusett, and following her, the Adams.⁸²

The Juneau mining community continued to request the reinstatement of the naval detachment and in the alternative proposed to organize three militia companies to police the community and provide security against Indians. To this end they requested that

the Navy provide them with firearms, but no action was taken on the request. In July 1883 a violent incident occurred to which the community reacted in vigilante fashion. Two Indians who had killed a shopkeeper were arrested and confined in a building under guard awaiting the arrival of the Adams. The prisoners with the help of a third Indian managed to escape and in doing so killed two white men who had been designated to guard them. The miners organized and demanded that they be surrendered by the local Auk chieftain. Eventually, one of the original two prisoners and the third man who had assisted in their escape were captured, one being killed in the process. In a mining camp mass meeting, the miners voted for the immediate execution of the surviving Indian and he was hanged on the beach of the mining camp. The last Indian was retaken shortly thereafter and since he confessed to the murders was hanged without the preliminaries of even a miner's court trial. The Adams arrived shortly after the second lynching, and Commander Merriman, after investigating the incident and decriing the extra-legal manner in which the executions were carried out, took no further action.⁸⁴

Other than concerning themselves with the maintenance of order the naval governors of Alaska did very little governing. The Navy Department issued only very general instructions and frequently did not reply to enquiries requesting specific guidance. The naval commanders were also painfully aware that their actions might someday be subject to judicial scrutiny and therefore hesitated to utilize the wide discretionary authority delegated to them. Their approach to the liquor problem in the territory varied according to the views held by the respective commanders. By law the control over the importation of spirits into Alaska was delegated to the War Department

and the Army but they refused to take any action other than denying any requests for permits to authorize legal importation.⁸⁶ Therefore, the territory was officially "dry", but the brewing of beer as an alternative to the fierce hoochinoo was officially condoned.

Commander Beardslee at first had cooperated with Collector Ball in providing personnel to detect smugglers and control liquor arriving aboard the mail steamers. However, he soon was convinced that this was a futile effort, and perhaps illegal as well. Commander Glass reversed Beardslee's policy and stationed sentries at the docks to prevent smuggling and also sent raiding parties to search Sitka barrooms. He also directed Lieutenant Commander Rockwell to act vigorously in suppressing the smuggling of liquor into the Juneau mining camp. Commander Merriman followed Beardslee's policy and withdrew the naval parties indicating that he felt he was powerless to act without specific instructions from the Secretary of the Navy, which instructions were of course not forthcoming.

No matter what their attitude towards smuggling, all of the naval commanders were of one mind concerning the propriety of suppressing illicit distilling which they considered to pose a far graver problem than the illegal importation of liquor. From first to last, the naval governors of southeastern Alaska waged an unremitting war upon hoochinoo making by both whites and Indians.⁸⁷ Surprisingly, the naval commanders never imposed restrictions upon the importation of molasses as the Army commanders had sought to do. They attempted to encourage a voluntary restriction on its importation with varying degrees of success in face of the fiercely competitive nature of Alaska businessmen.

Despite their reluctance to act illegally, the Navy was

fairly successful in suppressing illegal distilling amongst both the Indians and the whites. A number were sent to Portland for trial and others withdrew from the illicit trade. When Alaska's first civil governor, John H. Kinkead, returned to Sitka in 1884 he noted the vast improvements wrought during the naval administration and promised to continue their policies.⁸⁸

In the area of property disputes the naval governors showed a distinct reluctance to intervene. Since the seizure of property by General Davis at Sitka in 1869, when new settlers had attempted to occupy government buildings, land titles had remained dormant. United States land laws had never been extended over Alaska in spite of the fact that several bills providing for this had been introduced in Congress. Only the former employees of the Russian American Co. had legal title to their residences in Sitka, but squatting had been allowed and both the Army and Navy governors had turned a blind eye and never pressed the issue. Eventually the community had evolved their own system of preemption, squatting on town lots and registering their claims with the Collector of Customs. Beardslee had noted the anomalous land situation and had requested instructions in establishing a manner in which lawful title could be obtained, but had received no reply.⁸⁹

When a Sitka resident laid claim to a portion of the former Army drill field, Beardslee reacted by posting notices that the laws of the United States precluded preemption of any lands within the military reservation. He added an extract of an earlier communication from Secretary of State Seward to the Army commander in Alaska that declared such preemptions illegal and which instructed commanding officers to use force to expel squatters. This veiled threat

prevented the preemption of the parade ground, but when Beardslee reported his actions to Washington, the Secretary instructed him not to interfere in land matters or threaten the use of force and to refer all of these questions to the Collector of Customs.⁹⁰

Thereafter, naval commanders avoided involvement in all property disputes. Beardslee even refused to intervene when construction was begun on a building that would have blocked Sitka's main street, and when violence was imminent. Luckily the building was mysteriously torn down in the night and further trouble was averted.⁹¹ When Glass sent Lieutenant Commander Rockwell to establish the post at Juneau he instructed him to scrupulously avoid involvement in property disputes, and the martial law proclamation which Glass caused to be published in the community indicated that the navy detachment would not interfere in questions involving private property.

The only exception to this policy apparently occurred in 1882 in an effort to avoid violence on Douglas Island. John Treadwell who had purchased certain mineral rights on the island was attempting to work them and this brought him into conflict with other miners who were working the surface lode. The dispute centered on the use of the limited water supply. Treadwell refused to submit the dispute to a miner's meeting because he was certain that his San Francisco based corporation would receive an adverse ruling. He was also reluctant to raise a group of armed men to enforce his claims as his business partners had encouraged him to do. Commander Merriman, new to Alaska and perhaps unfamiliar with his predecessor's policies, agreed to mediate the dispute. He worked out a compromise agreement in which the placer miners used the water during the day

and the Treadwell mine by night.⁹²

Acutely aware of their lack of legal authority in civil affairs, the naval commanders in Alaska never became comfortable in their role as governors. Commander Glass may have proclaimed martial law at Juneau, but he demonstrated that his intention was to do nothing beyond taking the steps required to preserve order in the community. Succeeding ship commanders likewise limited the scope of their actions because of their lack of legal authority, and one at least complained of his "difficult, delicate, ambiguous, and anomalous position." Even the last naval governor, Commander Coghlan, who repaired the streets of Sitka with his chain gang and placed one man on it for "general worthlessness", knew the possible consequences of his extra-legal activities. Foreseeing the establishment of the first civil government with a U.S. Judge in late 1883, Commander Coghlan appealed to the Secretary of the Navy for the relief of himself and the Adams from Alaska duty.⁹³ He wanted to avoid the embarrassment of barring his gangway to parties who might seek legal redress for his extra-legal actions.

There were occasional criticisms of the Navy governors, but nothing of the magnitude which continually plagued the Army commanders when they were exercising the same responsibilities. When protests did arise as with Commander Glass's declaration of martial law in Juneau, the naval officers moved quickly to justify their actions and forestall criticism. Glass proceeded to obtain affidavits from residents of the mining settlement supporting his action, and the San Francisco press editorialized their support for "not only a judicious exercise of power but one absolutely indispensable to the common security." The vast majority of the residents of Alaska

appreciated the peace, order and trade provided by the Navy and were quick to come to the defense of the naval governors, whether their actions were legally authorized or not.

Like their military predecessors, the naval officers did what they could to promote settlement and the development of the territory's commerce. Commander Beardslee devoted a considerable portion of his energies during his tour in preserving the public dock at Sitka. Commander Glass pressed for the extension of mail service to the mining camp at Juneau. The naval governors from first to last also encouraged the efforts of the missionaries by means of money, labor and influence. But the most important way that the Navy aided in the settlement of Alaska was through their traditional skills in hydrographic surveying and charting. Beardslee completed detailed charts on Sitka harbor and the steam launches were soon active in charting the other waterways of the archipelago. In 1883 when the Light House Board of the Treasury Department authorized buoys on the principal water passages of the Alexander Archipelago they turned to the Navy to place and maintain them. The economic development of Alaska depended upon the hydrographic work of the Navy whose ships charted and marked the most dangerous hazards.

Mining was recognized by the naval commanders as a potentially important part of the territory's economy and from Beardslee on they acknowledged and appreciated the sturdy independence of Alaskan miners. Beardslee concluded an agreement with Chief Klotz-Kutch of the Chilkat kwan which permitted the first white miners to pass over Chilkoot Pass and explore the interior for its mineral wealth.⁹⁴ They provided escorts to mining expeditions and even made regular reports on mining operations to their naval superiors. The

officers and men of the Jamestown played a direct role in supporting the early development of the Juneau mines and the survey of the community made by Master's Mate Hanus later became the first official town plat.⁹⁵

Perhaps one of the most important contributions which the Navy made to Alaska was the comprehensive correspondence concerning every aspect of the territory which was initiated and flowed in a steady stream to the nation's capitol. Beardslee was instructed personally to report to the Navy Department on all aspects of life in Alaska and his voluminous reports were continued in the correspondence of Glass, Merriman and Coghlan. Their frequent observations about the total lack of government and law undoubtedly had the effect of awakening Congress from its lethargy in considering the problems of the northern territory. In 1881 the Secretary of the Navy had briefly considered withdrawing the Jamestown, but he recognized at the same time that this would not be practicable unless some type of criminal justice system was implemented to fill the resultant vacuum. In his report to the President in that year, the Secretary wrote:

"But if the Jamestown is withdrawn without the substitution of some authority with the proper degree of strength to maintain order, it is more than probable, in his (Commander Beardslee's) opinion, that acts will be committed by some of the lawless whites who will be drawn to Alaska by the very fact of there being an entire absence of law. This would undoubtedly tend to undo all of the progress thus far accomplished and throw the community again into anarchy. A simple code of laws, with a court possessing full power to try causes, to adjudge a death sentence and execute it without unnecessary delay, backed by sufficient authority to strengthen the orderly Indians, is considered a vital necessity. The necessary judicial authority can be conferred upon justices of the peace, and there is every reason why such officers should be created and armed with the authority of law. It is an anomaly that a community should exist within the limits of the United States where there is an entire absence of judicial authority, and where there

is no protection for life or property than that which proceeds from the discretion of the Navy Department and the officers elected by it. There is no officer in Alaska authorized to administer oaths. Army officers were once stationed there with the support of several acts of Congress which enabled the Secretary of War to clothe them with legal functions, but it is not so with those of the Navy. The Collector of Customs, who is the only governmental official in Southeastern Alaska, and who is expected to perform many duties not required of such an officer, has no power whatever except that which his own character may enable him to assume. And the naval officer has but the physical power which his crew and guns give him. . . . Under these circumstances, therefore, Congress cannot be too earnestly urged to enact at the ensuing session, some law for the institution of the necessary civil authority in Alaska."

On August 17, 1884, the steam tug, U.S.S. Pinta, under the command of Lieutenant Commander Albert G. Caldwell, steamed into Sitka harbor to relieve the U.S.S. Adams. Commander Coghlan instructed his successor on his duties and sailed on August 19th, happy to be away before he was hailed before a civil court. Lieutenant Commander Caldwell remained in command of the Pinta less than a month and was relieved by Lieutenant Commander Henry E. Nichols on September 14, 1884. The following day, Nichols relinquished all civil authority to Alaska's first civil governor.

Civil government finally came to Alaska after seventeen years of rule by administrative expedient. Congress had finally approved an organic act for Alaska on May 17, 1884. The territory was designated as a "civil and judicial district" and the laws of Oregon "so far as possible" were extended to Alaska. Liquor importation except for medicinal or scientific purposes was prohibited and civil officials were provided for -- a governor, district judge, court clerk, district attorney, four United States commissioners, and a marshal together with four deputies. Congress specifically

exempted Alaska from the general land laws, except for mining claims. In some respects the act created in Alaska a government similar to that which Congress had organized in the old 'Northwest Territory', except that there was no provision for a legislature to enact laws.⁹⁷

The transfer of functions from the Navy to the new appointees went smoothly. Lieutenant Commander Nichols arrived the same day as the new Governor, John H. Kinkead. He assumed command of the Pinta and the following morning officially saluted Governor Kinkead with the seventeen guns prescribed for governors. Nichols then "relinquished.....all civil authority heretofore exercised by the United States Navy." Navy rule in Alaska had ended.

1. On January 1, 1870 the Indian Scutdoo was hanged by the military at Fort Wrangell after a military court martial found him guilty of the murder of a white trader. The incident is reported in detail by the commanding officer and was published in: U.S. Congress, Senate, "Lieutenant Barrowe's Report", Sen. Exec. Doc. No. 67, 41st Congress, 2d Sess. 1869.
2. Military District of Alaska, General Order No. 1, October 29, 1867.
3. U.S. Statutes at Large, Vol. XV, 240.
4. Seward to Grant, September 6, 1867, with opinion of E. Peshine Smith enclosed, in U.S. Congress, House "Russian America", H. Exec. Doc. No. 177, 40th Cong., 2d Sess., 1868, pp. 95-96. The cession treaty was approved by Congress and the money for the purchase was appropriated in the Act of July 27, 1868. This same bill also created the Customs District. U.S. Statutes at Large, Vol. XVII, 530.
5. In re Bird, 3 Fed. Cases, 425 (1872)
6. Judge Deady relied largely upon an 1853 precedent when the Supreme Court of the Territory of Oregon in U.S. v. Tom, 1 Ore. 27, held that the Act of 1834 was not in force west of the Rocky Mountains unless specifically applied to the Oregon Territory by Act of Congress. Said Judge Deady:

"I would not be understood as stating this conclusion without doubt. On the contrary, I have reached it with hesitation and express it subject to correction....If Congress should think it desirable that this or any other provision of the Indian Intercourse Act should be in force in Alaska, it can so provide beyond doubt."
U.S. v. Seveloff, 27 Fed. Cases 1021 (1872).
7. U.S. Statutes at Large, Vol. XVII, 530.
8. Sec. 23 of the Act of 1834 authorized the military authorities to make arrests for offenses committed under the act, but limited the period of detention to five days. Judge Deady ruled that Sec. 23 applied by implication. In re Carr, 5 Fed. Cases 115 (1875) As a result of the Carr case, the Secretary of War presented to the Senate Judiciary Committee a recommendation that "the Department be authorized to transfer prisoners to the custody of the United States Marshal, to be stationed in Alaska, or that sufficient time be allowed in which to deliver prisoners arrested in Alaska into the custody of the United States Marshal of the District of Oregon." Congress took no action. The correspondence is reprinted in U.S. Congress, Senate, S. Exec. Doc. No. 24, 43d Congress, 2d Sess., 1875.
9. Waters v. Campbell, 29 Fed. Cases 413 (1877) Waters, during the period of his incarceration in Alaska, was placed on labor details along with other stockade prisoners. The defense contended that as 'military prisoners' this was justified. The

special bill is reported in U.S. Statutes at Large, Vol. XXI, 534 wherein Congress reimbursed Captain Campbell for the judgment.

10. U.S. Congress, "A Cruise in Alaska", Senate, S. Exec. Doc. No. 8, 40th Cong., 3d Sess., 1869, p.9.
11. The main source of criticism was the Alaska Herald published in San Francisco. The Herald accused the Army of oppressing the native population and allowing certain traders to sell liquor to the Indians while denying that right to others. It even alleged that the officers of the garrison itself were involved in the liquor trade. Later it was learned that the Herald was actually fronting for an organization known as the "Alaska Trader's Protective Association" which was opposed to Hutchinson, Kohl, and Co. (later Alaska Commercial Co.) which had acquired an early monopoly of fur trade in Western Alaska. U.S. Congress, House, "Investigation of Matters relating to the Alaska Commercial Company," H. Rpt. No. 623, 44th Cong., 1st Sess., 1876. Many of the Herald's reports were picked up by other west coast newspapers and the harm was compounded. The luckless Captain Campbell came in for particular criticism even being accused of murdering two civilians who had died in the Sitka guardhouse while being confined for liquor offenses.
12. Bobby Dave Lain, North of Fifty-Three: Army, Treasury Department, and Navy Administration of Alaska, 1867-1884 (Phd. Dissertation Unpub. 1974) University of Texas, p. 202.
13. Sitka Post, February 20, 1877.
14. Treasury officials and officers of the Revenue Cutter Service had recommended that Alaska be administered by the Treasury Department and that a Revenue Service vessel be designated for this service. U.S. Congress, House, "Report of the Late Special Agent for Alaska", H. Exec. Doc. No. 36, 41st Cong., 2d Sess., 1870. However as the transfer of responsibility became imminent certain Treasury officials objected, pointing out the lack of satisfactory vessels on the west coast. The Richard Rush, scheduled initially for Alaska service, would barely be able to take care of itself in the event of an attack. The cutter Thomas Corwin was then building in San Francisco, and they had hoped that the withdrawal of the garrisons would be postponed until it was available.
15. New York Times, April 14, 1877.
16. Lain, op. cit. p. 220.
17. Annual Report of the Secretary of the Treasury, 1877, p. 30. U.S. Congress, House, "Report on the Customs Service in Alaska", H. Exec. Doc. No. 19, 45th Cong. 2d Sess., 1878, p. 30.
18. Dennis resigned on July 7, 1878. In his letter of resignation Dennis hopefully recorded that, "the present Congress will

legislate for Alaska, is my humble prayer.....I trust however that Alaska's Darkest Days are past," U.S. Congress, Senate, "Report of G. Morris, Special Treasury Agent for Alaska", S. Exec. Doc. No. 59, 45th Cong. 2d Sess., 1878, p. 122.

19. San Francisco Chronicle, April 14, 1878; August 4, 1878; September 30, 1878.
20. U.S. Congress, House, "Economy and Efficiency in the Government Service", H. Doc. 670, 62d Cong., 2d Sess., 1912, pp. 315-316; U.S. Statutes at Large, Vol. XIX, 375; Vol. XX, 212.
21. Clarence L. Andrews, Wrangell and the Gold of the Cassiar, (privately printed, Seattle, 1937), p. 50.
22. Much of the correspondence from naval officers in Alaska was printed by Congress. U.S. Congress, House, "Reports of United States Naval Officers Cruising in Alaska", H. Exec. Doc. No. 81, 47th Cong., 1st Sess., 1882; "Alleged Bombardment of Alaskan Villages," H. Exec. Doc. No. 9, 47th Cong., 2d Sess., 1882-1883; "Correspondence with United States Naval Officers in Alaska Waters", H. Exec. Doc. No. 17, 47th Cong., 2d Sess., 1882; U.S. Congress, Senate, "Reports of Captain L. A. Beardslee", S. Exec. Doc. No. 71, 47th Cong., 1st Sess., 1882.
23. Collector Ball was a former Colonel of Volunteers during the Civil War and received the patronage appointment as Collector in Alaska. Ball left Alaska briefly but returned in 1884 to be sworn in as one of the first Members of the Alaska Bar Association.
24. W. J. Burwell to Lester A. Beardslee, July 11, 1879, Cdrs. Ltrs.
25. Katlean was the nephew of the great Kiksadi war chief who resisted the Russian recapture of Sitka in 1803.
26. W. J. Burwell to Lester A. Beardslee, July 11, 1879, Cdrs. Ltrs; Morgan B. Sherwood, "Ardent Spirits: Hooch and the Osprey Affair at Sitka," Journal of the West, IV (July 1965), p. 338.
27. Burwell to Beardslee, July 11, 1879, Cdrs. Ltrs.
28. Ibid., Petition of Citizens of Sitka, February 9, 1879; Madge Wolfenden and J. H. Hamilton, "The Sitka Affair", The Beaver, Outfit 286 (Winter 1955-56), p. 3.
29. The accused murderers were tried in the U.S. District Court in Portland. One was acquitted; the other was convicted and executed on May 5, 1879. Alaska Appeal, April 23, 1879. It would be hard to rationalize the decisions of the District Court at Portland with respect to the cases in which it held that there was jurisdiction, and others in which it did not. See ante and passim.
30. Sherwood, "Ardent Spirits", p. 330.

31. The San Francisco Chronicle asserted that the Federal Government had left Alaska's pioneers "to the cruel pity of territorial savages, and the punishment of the savages to the generous pity of a neighboring nation." (San Francisco Chronicle, February 21, 1879); The Alta California contended that the country was "stamped with disgrace before the civilized world" (Alta California, February 18, 1879); and the Pacific Tribune headlined the story "An Outrage -- A disgrace to the American Government" (Pacific Tribune, February 23, 1879)
32. That the Indians were indeed contemptuous of the Wolcott was borne out by a statement made subsequently by W. J. Burwell who said: "I was at the wharf on the arrival of the cutter Wolcott. There were a number of Indians present; one of them spoke to Mr. Kostrometinoff, an employee of one of the local business establishments, who was proficient in the Indian tongue, and noticing his gesture, I enquired the cause. Mr. Kostrometinoff replied, he says, 'We are not afraid of that steamer, she is CUSTIS (worthless), and we could take her whenever we want to do so, but that one (pointing to H.M.S. Osprey) is SKOOKUM (meaning powerful), and we do not want to have anything to do with her.'" Burwell to Beardslee, July 11, 1879, Cdrs. Ltrs.
33. New York Times, March 19, 1879.
34. Lain, North of Fifty-Three, p. 246.
35. Annual Report of the Secretary of the Treasury, 1879, p. xiii; 1880, p. xii.
36. Lain, North of Fifty-Three, p. 247.
37. Daniel J. Garrison, The Navy from Wood to Steel, 1860-1890 (New York: Franklin Watts, Inc., 1965), p. 169.
38. Commodore Robert F. Stockton had served briefly as military governor of California in 1846-47, and in 1855 the U.S.S. Decatur had assisted in supporting the village of Seattle in resisting an Indian attack. In Alaska the Navy had assisted the Army in asserting its authority over the Indians of south-eastern Alaska most notably during the Kake War of 1869 when the U.S.S. Saginaw had participated in the destruction of the Kake Indian villages. John H. Brandt, "The Navy as Indian Fighter", Proceedings of the United States Naval Institute, LVI (August 1930), 691-696.
39. The punitive destruction of villages by British warships for failure to deliver accused criminals occurred as early as 1850 and repeatedly during the 1860's. In 1872, H.M.S. Rocket apprehended the tribesmen responsible for killing the survivors of the American steamer George S. Wright which had foundered in British Columbia waters. Barry M. Gough, "Turbulent Frontiers and British Expansion: Governor James Douglas, the Royal Navy, and the British Columbia Gold Rushes," Pacific Historical Review, XLI (February 1972)

39a. The so-called 'Kake War' had its beginning in Sitka in January 1869 when General Jefferson Davis, the Army commander, invited two visiting Chilkat chiefs to a reception at the Post. They became inebriated and when they departed ignored the challenge of a sentry. An altercation followed and the chiefs disarmed the sentry and made off with his rifle. When the guard attempted to pursue he was fired on. The next day Davis demanded their surrender and confined them to the post stockade. He placed an embargo on all movement in the harbor and a few days later a Kake canoe attempting to leave the village was fired on and two Kakes were killed. When the Chilkat chiefs were released the Kakes sought their assistance in mounting a general attack on the town, but it was refused. The Kakes then departed from Sitka and came across two white traders whom they murdered in retribution for the death of their clansmen. General Davis, hearing of the murders, asked for the assistance of Commander Richard W. Meade who commanded the U.S.S. Saginaw which was in Sitka at the time. The Saginaw with Davis and a detachment of troops left Sitka on February 11, 1869 and reached Kuiu Island three days later where it was discovered that all the Kakes except for one woman, had fled to escape punishment. Davis, following his orders to hold tribes collectively responsible if they failed to deliver or expel criminals, ordered all houses, except those of the woman, destroyed. The Saginaw then proceeded to Kupreanof Island where landing parties destroyed other villages deserted by the Kakes. Altogether the punitive expedition destroyed four villages totaling thirty houses, two stockades, a number of canoes and some fishing camps. The action of General Davis and the Saginaw intimidated the Kakes and indeed all of the Tlingits, who gained a fear of warships that was to last for years. Sitka's fur trade almost ceased because the Indians were afraid to enter the port. The Kakes lived like maritime gypsies since the other Kwans refused to give them shelter and remained aloof from whites for the remainder of the Army's tenure in Alaska. Hubert H. Bancroft, History of Alaska, Antiquarian Press Ltd., New York, 1960, pp. 611-612.

40. Captain Brown was convinced that the whole affair in Sitka had been engineered to force the Federal Government to reestablish a military force in southeastern Alaska. The mining interests, he believed, wanted protection and the Sitka merchants wanted customers. He also felt that the shipping companies had conspired in the affair in order to increase their business and that this was indicated by the fact that the purser of the California had drafted the appeal for British aid. Sherwood, "Ardent Spirits", op, cit., p. 332-333. Brown was also miffed because the Alaska had been scheduled for a cruise to Hawaii at the time it was dispatched to Sitka. It was the only naval vessel on the West Coast which was in telegraphic communication with Washington.

41. Beardslee Report, p. 11.

42. Beardslee Report, p. 13, Beardslee to Thompson, July 15, 1879, Cdrs. Ltrs.

43. Beardslee Report, p. 12.
44. Beardslee to Thompson, June 23, 1879, Cdrs. Ltrs. Naval vessels at the time were notoriously short-handed and the Department of the Navy authorized its commanders to recruit personnel from any port. This situation was to persist almost to the time of the Spanish-American War with a majority of the enlisted personnel composed of foreign born non-citizens.
45. Beardslee Report, p. 19.
46. Beardslee Report, p. 43.
47. Beardslee to Thompson, Sept. 7, 1879, Cdrs. Ltrs.
48. Beardslee Report, p. 17; Beardslee to Thompson, July 15, 1879, Cdrs. Ltrs.
49. Beardslee to Thomspon, August 12, 1879, Cdrs. Ltrs.
50. Thompson to Beardslee, July 20, 1879.
51. Beardslee Report, pp. 44-50, Beardslee to Thompson, January 20-26, 1880.
52. Beardslee Report, p. 44.
53. Beardslee to Thompson, June 23, 1879; October 5, 1879, Cdrs. Ltrs.
54. Beardslee Report, pp. 54-55.
55. In his report to the Secretary of the Navy, Beardslee explained his action:

".....until Congress sees fit to furnish a substitute (I am compelled) to recognize the only law of this country - the Indian law, founded on the old Mosaic - and when a murder among themselves is fully atoned for, according to their ideas, either by the death of the murderer or payment for the life, and I am assured that all parties are satisfied, and no further troubles will spring up, to do as I did in this case, lecture the criminals and let them go." Beardslee Report, p.

It is also unlikely that Beardslee had yet realized that federal judges refused to recognize federal jurisdiction over crimes committed by Indians against other Indians.
56. Henry Glass, "Naval Administration in Alaska", Proceedings of the United States Naval Institute, XVI (January 1890), p. 14.
57. Glass to Thompson, January 25, 1881, Cdrs. Ltrs.; Glass, "Naval Administration", pp. 6-7.
58. Glass, "Naval Administration", pp. 5-6.

59. Beardslee Report, p. 58.

60. The term 'witch' is used to connote a person, either male or female, who has been identified by an Indian shaman. Shamans or medicine men were utilized primarily in tribal exorcisms or in effecting cures. As with other primitive societies, the failure of the shaman to effect the cure would be attributed to the interference of a 'witch' who was usually identified as a person in the community with limited family ties or a slave. The witch was then put to death.

60a.

61. Glass, "Naval Administration", pp. 8-11.

61a.

62. Glass, "Naval Administration", pp. 11-13.

63. Beardslee Report, p. 52; Beardslee to Thompson, June 7, 1880, Cdrs. Ltrs.

64. Beardslee Report, p. 63.

65. Beardslee was of the opinion that the Canadian Indians were being intentionally incited to poach the Hoonah sea otter grounds by the Factor of the Hudson's Bay Company at Fort Simpson and the English Methodist Missionary at the post. Both had expressed indignation at the efforts made by the U.S. Government to preserve Alaskan waters for the use of Alaskan Indians. Both had declared that there was nothing in the treaty of cession which prevented Canadian Indians from continuing their traditional practice of hunting fur bearing animals in Alaska or trading Canadian goods with Alaskan Indians. When they departed before the arrival of the Favorite they boasted of their intention to return the next year with sixty canoes filled with armed warriors to confront the U.S. Navy. Beardslee's meeting with the Canadian Indian Commissioner, Colonel Powell, was memorialized in a report to the Secretary of the Navy:

"I explained fully to him the evil results which would necessarily follow a persistence upon the parts of Messrs. Hall and Crosby in carrying out their design of sending English Indians, fitted out for war, to hunt in

Alaskan waters, and gave him such information as I had obtained during my personal visits to Hoonah and the other Indian villages.....Colonel Powell, who has full power to carry into effect any course he may adopt - having a steam gunboat at his service - assured me that he would at once take all necessary steps to prevent another expedition by the English Indians to the Hoonah grounds, and that he would at once report the matter to the Dominion Government." Beardslee to Thompson.

Powell subsequently sent the gunboat H.M.S. Rocket to Fort Simpson the following spring and there were no further depredations on the Alaskan Indian hunting grounds.

66. U.S. Congress, House, "Alleged Shelling of Alaskan Villages", H. Exec. Doc. No. 9, 47th Cong., 2d Sess., 1882, Part I, p. 2; Ted C. Hinckley, "Punitive Action at Angoon", Alaskan Sportsman, XXIX (January 1963), 8-9, 43-45; (February 1963) 14-15, 40-42. On November 28, 1973 the inhabitants were awarded \$90,000 in damages by the Indian Claims Commission for the destruction of their village.
67. Glass to Goff, March 8, 1881, Cdrs. Ltrs.
68. Beardslee to Thompson, March 26, 1880, Cdrs. Ltrs.
69. Beardslee to Thompson, October 5-12, 1879; Ball to Beardslee, October 25, 1879; and Beardslee to Thompson, November 10, 1879, Cdrs. Ltrs.
70. Beardslee to Thompson, October 5-12, 1879 and Report of Mixed Commission, October 9, 1879, Cdrs. Ltrs; Beardslee Report, pp. 19-25.
71. United States v. Williams, 2 F. 61 (D. Ore. 1880; Beardslee to Thompson, November 10, 1879; December 19, 1879, Cdrs. Ltrs.
72. Glass to Hunt, June 18, 1881 & Testimony Taken in the Case of Nicholas Dern and Henry Imhof, June 6, 1881, Cdrs. Ltrs. Glass reported his frustrations:

"In view of the previous ruling of the district court of Oregon, the nearest judicial authority to which I could appeal, I was placed in the dilemma of allowing two men of desperate character to go absolutely free, after a deliberate and well-planned attempt at murder, or to arrest and confine them to await instructions from the department. In the interests of good order and security of life in this Territory I adopted the latter alternative, feeling that should no action be taken in this case, no person now residing in Alaska would have any immunity from attack, and that no act of violence, however desperate in its character, if short of actual murder, could be prevented."
73. Hunt to Glass, July 11, 1881, Sec. Nav. Ltrs.

74. New York Times, February 20, 1882; Clarence L. Andrews, The Story of Alaska (Caldwell, Idaho: The Caxton Printers, Ltd., 1953), p. 155.
75. Lain, North of Fifty-Three, p. 316.
76. Coghlan to Chandler, November 17, 1883, Cdrs. Ltrs.
77. Glass to Woodworth, January 24, 1881, Cdrs. Ltrs.
78. Robert N. De Armond, The Founding of Juneau, Juneau: Gastineau Channel Centennial Association, 1967, p. 89-90; Glass to Thompsen, December 21, 1880, Cdrs. Ltrs. Early Navy charts of the Juneau area also refer to Gastineau Channel as "Rockwell Channel." It is likely that Commander Rockwell's party was responsible for the early charting of this area. It is uncertain when Gastineau Channel was renamed, allegedly the name comes from one of the early vessels of the Hudson's Bay Co. and was taken from a river in upper Quebec Province, but no river by that name apparently exists in Canada.
79. Glass to Hunt, May 7, 1881; and Notice to Miners, Cdrs. Ltrs.
80. There is a diagram of the early buildings contained in Beardslee's Report. The earliest surveys of the community show a 'government reservation' in the vicinity of the present site of the Governor's Mansion, and it is likely that this is the site of the first naval barracks and government buildings constructed in Juneau.
81. Rockwell to Glass, June 25, 1881, Cdrs. Ltrs.
82. Glass to Hunt, November 14, 1881; December 15, 1881, Cdrs. Ltrs. De Armond suggests that the withdrawal of the naval detachment may have been the result of Glass's pique over the change in the name of the community from Rockwell to Juneau. De Armond, Founding of Juneau, p. 94.
84. D. A. Murphy, "Frontier Incidents at Juneau", in Herbert L. Heller, Ed., Sourdough Sagas: The Journals, Memoirs, Tales and Recollections of the Earliest Alaskan Gold Miners, 1883-1923, (Cleveland and New York: The World Publishing Company, 1967) pp. 24-25; Merriman to Chandler, August 4, 1883, Cdrs. Ltrs.
85. Lain, North of Fifty-Three, p. 324.
86. Beardslee Report, p. 39.
87. Glass, "Naval Administration", p. 5-6.
88. Report of the Governor Alaska, in Annual Report of the Secretary of the Interior, 1884, p. 643.
89. Beardslee to Thompson, September 7, 1879, Cdrs. Ltrs.

90. Beardslee to Thompson, December 19, 1879, with copy of notice enclosed; Thompson to Beardslee, January 17, 1880, Cdrs. Ltrs.

91. Beardslee Report, p. 32.

92. De Armond, Founding of Juneau, p. 116.

93. Coghlan to Chandler, December 15, 1883, Cdrs. Ltrs.

94. On September 25, 1879, news was brought to Sitka by Indian canoe that there had been a great battle fought in the Chilkat country by two rival kwans, and that Chief Klotz Kutch, head chief of the Chilkats had been seriously wounded. The cause of the melee in which a number of Indians had been killed was attributed to a barrel of molasses with which Klotz-Kutch had given a potlatch. A number of Chilkats were living in Sitka at the time, among them a nephew of Klotz-Kutch by the name of Dick Stickeesh who had been engaged by Beardslee to act as one of the Indian police. Beardslee was concerned that this might presage a new Indian war and wished to impress the Chilkats with the new order of things in the territory. He decided to send a group of his Indian policemen to the Chilkat territory.

"I did the next best thing in my power; judging that the influence of such men as Sitka Jack, Dick Stickeesh, and others who knew us and could explain to those who did not the value of white friendship and the danger of the opposite, would be very powerful, I resolved to secure it for our side; so helped to fit out the expedition, furnishing them with flags, provisions, etc., and receiving from them the promise that they would do their best to prevent trouble."

The party was sent to assist Klotz-Kutch in controlling his people in return for which Beardslee expressed the hope that he would permit white miners to use the passes into the interior to explore for gold. This privilege had never been accorded before. The party returned to Sitka on February 12, 1880 with an invitation from Klotz-Kutch and a note of appreciation for sending the Indian police. The miners departed from Sitka in May under a naval escort of 13 sailors, a surgeon and two officers. The Jamestown's launch returned to Sitka on the 5th of June reporting the successful conclusion of their mission. The miners returned in the fall with reports that they had been received in a friendly manner by the Indians, but had found no gold. Two miners who had attached themselves to the expedition violated the agreement with Klotz-Kutch that they would not trade with the interior Indians, and Klotz-Kutch had them seized. Beardslee had to send a launch to retrieve them. Beardslee Report, p.

95. De Armond, Founding of Juneau, p. 80, 125.

96.

97. U.S. Statutes at Large, Vol. XXIII, p. 25.