

INDIAN OFFICE.

FILES.

CAUTION!

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

By order of

E. B. MERITT,

Asst. Commissioner.

6-4344

109/32

, 1917.

CARLISLE

File No.

126

JOHN FRANCIS, JR.,
SUPERINTENDENT



DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SCHOOL
CARLISLE, PA.



March 27, 1918

126?
175-9

FILED BY G. P. B.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Reference is hereby made to my letter of November 26, 1917 regarding my action in endeavoring to procure the indictment of Stephen E. Kelly for the sale of liquor to Indians in Philadelphia on November 24th.

In response you are advised that I am informed by the United States Attorney that the Grand Jury ignored the Bill of Indictment submitted to them on December 8, 1917.

Sincerely yours,

File

JF-E

John Francis Jr
Superintendent

APR - 2 1918

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Mr. John Francis Jr.,
Supt. Carlisle School.

My dear Mr. Francis:

FILED BY G. P. F. DEC 31 1917

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The Office has your letter of December 11 wherein you refer to the recent cases where students of your school procured liquor in the city of Philadelphia and where two of the boys brought some of it within the school grounds, it being destroyed in both cases. You ask whether any action should be taken to punish these boys for their acts.

If you have reference to criminal prosecution, it is very doubtful whether any action would lie. The definition of the term "Indian country" would hardly be applicable to the Carlisle school grounds so that apparently no criminal offense has been committed. Whether they should be reprimanded or punished by you as students or members of the Cadet Corps is a question for you to determine in the light of all the circumstances and the requirements of proper discipline and order at your institution.

Very truly yours,

(Signed) E. B. Meritt

12-FLW-27

Assistant Commissioner.

INITIALING COPY - FOR FILE.



DEPARTMENT OF THE INTERIOR
UNITED STATES INDIAN SCHOOL
CARLISLE, PA.

December
Eleventh,
1917.



FILED BY G. P. F.

The Honorable
Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Reference is made to my letter of Dec. 8th regarding the prosecution of Stephen E. Kelly for selling liquor to Indian students of this school.

In this connection I wish to invite your attention to the fact that it was reported to me that two of the boys involved in the case, William Deere and John Davis, brought liquor on the school grounds. It was taken from the boy and destroyed in one case, and in the other case the boy destroyed it himself.

To prosecute the boys involved would tend to seriously injure a couple of young fellows who are not bad boys at all and whom it is very possible to develop into fine men.

However, I feel that it is my duty to bring this phase of the matter to your attention for such advice and instructions as you may care to give.

Sincerely yours,

DEC 24 1917

John Francis, Jr.
Superintendent.



DEPARTMENT OF THE INTERIOR
 UNITED STATES INDIAN SCHOOL
 CARLISLE, PA.



December
 Eighth,
 1917.

FILED BY G. P. F.

The Honorable
 Commissioner of Indian Affairs,
 Washington, D. C.

Sir:

Receipt is acknowledged of authority dated November 30th authorizing me to proceed to Philadelphia, Pa. for the purpose of endeavoring to prosecute the parties selling liquor to students. I was authorized to take two witnesses with me.

The liquor matter involved is due to the fact that four Indian boys, pupils of this school, to-wit: John Davis, Charles Cadotte, Newman Little Walker and William Deere, were permitted to attend the Carlisle-Penn game at Philadelphia on Saturday, November 24th, together with nine other students under the care of Mr. Roy H. Bradley, Superintendent of Mechanic Arts. These four boys requested Mr. Bradley to permit them to go and get something to eat at a restaurant, instead of which they went to a saloon where they procured liquor.

As soon as they rejoined the other students, while not intoxicated, Mr. Bradley determined that they had obtained liquor, and upon their arrival at the school they were locked up in the guard house. The matter was promptly reported to me. Later in the week I had the boys brought to me and ascertained that they had obtained liquor in one place in Philadelphia.

Lo
 Jm
 ATT
 DEC 12 1917

They agreed to go with me, point out the place and the man who had sold the liquor to them.

I therefore wired the Office for authority to go to Philadelphia, and upon receipt of this authority went there on Monday, December 3d.

I conferred with Assistant U. S. District Attorney Harvey who advised me that they had had no similar cases, but I referred him to the former cases involving students of this school. He therefore sent the Department of Justice agent up with us in the morning and the place where the liquor was sold was immediately identified by the two boys who accompanied me. They did not, however, identify the man then serving liquor as being the person who had sold liquor to them. I ascertained that the bartenders changed their tour of duties at 12:00, and at 2:00 the boys were taken back by the agent of the Department of Justice and they immediately identified the man then on duty as the bartender who had sold the liquor to them.

A warrant was procured for this person whose name was ascertained to be Steven E. Kelly of 4043 Powelton Avenue, a bartender in the saloon near 32d and Market Streets. Kelly was arrested that afternoon and taken before U. S. Commissioner Long who bound him over to the Grand Jury and released him on \$500.00 bail.

We were advised by the District Attorney to wait over until Wednesday and an indictment was drawn and the boys appeared before the Grand Jury. The case was not completed when we left for the reason that the agent for the Department of Justice had not appeared before the Grand Jury to testify as to the identification of Kelly by the two boys. I have no doubt but that a true bill will be found.

I am doubtful, however, as to the final outcome of the case, due principally to the question of

identification which must arise and will of course depend upon the testimony of the four boys. While two have positively identified Mr. Kelly I am not sure of the identification the other boys will give.

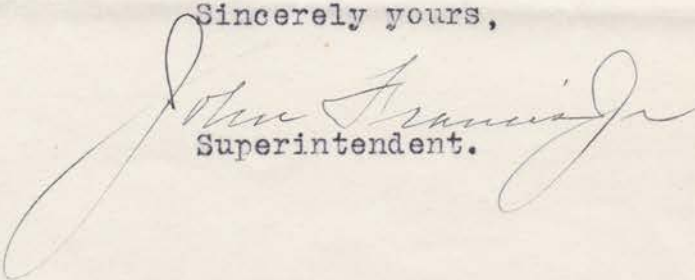
The local sympathy is entirely with the bartender because the point is made that the law has never been enforced in Philadelphia and that he had no knowledge of it. Of course he plead innocence.

I think, however, that whether we gained a conviction or not the big point has been established, that is that the saloon keepers of Philadelphia will be made aware that selling liquor to Indian boys is an offense. Therefore the Outing boys who throughout the year are passing through the city will be protected.

You might be interested in knowing that the liquor was sold to boys who were in uniform, one cap having the word "Carlisle" above the eagle, and on the collar of one of the uniforms were the letters "U.S.I.S." In view of the law against the sale of liquor to Soldiers and Sailors, this should have put the bartender on his notice.

I will keep you advised of further developments in the case.

Sincerely yours,


Superintendent.

JF/S

File No. **109132-17**

INDIAN OFFICE	FIELD OFFICE
Ed-Emp.	
H V B	

DEPARTMENT OF THE INTERIOR

U. S. INDIAN SERVICE

TRAVEL ORDER.

Washington, D. C.

, 191

NOV 30 1917

Mr. John Francis, Jr.,Supt. Carlisle School.

Sir:

(1) You are hereby authorized and directed to proceed to

Philadelphia, Pennsylvania

for the purpose of prosecution in the case of parties selling liquor to students. You are authorized to take with you two witnesses.

(2) Subject to the limitations prescribed in the travel regulations approved by the Secretary of the Interior September 30,

1914, while away from your headquarters at Carlisle, Pennsylvania, under this order, you will be allowed actual and necessary traveling expenses, including fares on railroads, sleeping cars, parlor cars, steamboats, stages, street cars, cabs, and omnibuses; livery hire; ferriage; road and bridge tolls; portorage on trains; baggage transfers, and fees for handling and checking hand baggage.

(3) While absent from headquarters, and not at home, you will also be allowed actual and necessary expenses for meals, waiter fees, lodging and baths, the aggregate of which shall not exceed

\$ 3.00 for any one day.

The expenses of this trip should be paid from "Indian School, Carlisle, Pa., 1918," or "Miscellaneous Receipts, Class IV."

(4) Immediately upon completion of the duty herein assigned you, a voucher for reimbursement of expenses actually paid by you must be furnished to this Office. Transportation requests numbered

..... have been issued for your use, and must be specifically referred to in the voucher, which must also bear reference to this order by number appearing in upper left-hand corner thereof. Original order must be attached to first voucher rendered thereunder, and a reference to such voucher must be made on any subsequent vouchers.

Respectfully,

(Signed) E. B. Meritt

11-HCB-30

Carbon for Indian Office.

Assistant Commissioner.

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

WESTERN UNION TELEGRAM



CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

RECEIVED AT WYATT BUILDING, COR. 14th AND F STS., WASHINGTON, D. C.

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FY CARLISLE PENN 27

COMMISSIONER INDIAN AFFAIRS

01725

WASHINGTON

Carroll
C.H.H.

NOV 28 1917
109132

HAVE CASE SALE OF LIQUOR TO STUDENTS IN PHILADELPHIA PLEASE AUTHORIZE FROM PROPER FUND SELF AND TWO WITNESSES TO GO TO PHILADELPHIA LOCATE AND PROSECUTE ARREST

Incl Sch Carlisle a class 4 money

FRANCIS.

D+O

201-11

Approved: *J.H.S.*

Chief of Education Division

Carroll

Approved: prepare accordingly

Chief of Purchase Division

1050
1210