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**Message from the President of the United States, transmitting a communication from the Secretary of War in relation to the subject of invasion of Indian Territory, urging an amendment to section 2148 Revised Statutes, of imprisonment for unlawful entry upon Indian lands**

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## MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A communication from the Secretary of War in relation to the subject of invasion of Indian Territory, urging an amendment to section 2148 Revised Statutes, of imprisonment for unlawful entry upon Indian lands.*

FEBRUARY 5, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

*To the Senate and House of Representatives :*

I transmit herewith for the consideration of Congress a communication from the Secretary of War, dated the 2d instant, in relation to the subject of invasion of the Indian Territory, and urging the importance of amending section 2148 of the Revised Statutes so as to impose a penalty of imprisonment for unlawful entry upon the Indian lands.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,  
February 5, 1883.

WAR DEPARTMENT,  
Washington City, February 2, 1883.

SIR: I have the honor to invite attention to the subject of invasion of the Indian Territory, and to urge the importance of action on the part of Congress, providing for the proper punishment of persons unlawfully entering upon Indian lands.

Allusion was made to this subject in my annual reports both of 1881 and 1882, with especial reference to one Payne and his followers, who are the principal offenders, and who were twice during the past year driven from the Indian Territory by the military authorities.

From information recently received through military channels it is shown that Payne and party were contemplating another raid into the Oklahoma district, Indian Territory, and on yesterday this department was called upon by the Department of the Interior to issue orders to the military authorities to prevent his incursion into said district, or to remove those who may succeed in getting upon the lands.

The only penalty for such offense is the fine provided for by section 2148 of the Revised Statutes; and as such fine is impossible of collection, the law providing for its imposition is of no effect.

The frequent furnishing of troops to remove these trespassers involves

much expense to the government without any practical results, and it therefore becomes important in the interest of the military service and of public economy that the existing law imposing a penalty of fine should be amended by providing also a penalty of imprisonment for unlawfully entering upon the Indian lands.

I invite attention to my remarks upon this subject as contained on page 24 of my last annual report (copy inclosed), and respectfully recommend that the matter be presented for the consideration of Congress.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,  
*Secretary of War.*

The PRESIDENT.

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