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Letter from the Acting Secretary of War, accompanying a statement of Maj. John J. Upham, in relation to Indians being excepted from the penalty of introducing intoxicating liquors into the Indian Territory.

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L E T T E R

FROM

THE ACTING SECRETARY OF WAR,

ACCOMPANYING

A statement of Maj. John J. Upham, in relation to Indians being excepted from the penalty of introducing intoxicating liquors into the Indian Territory.

MARCH 7, 1876.—Referred to the Committee on the Revision of the Laws of the United States and ordered to be printed.

WAR DEPARTMENT, *March 3, 1876.*

The Acting Secretary of War has the honor to transmit to the United States Senate and House of Representatives copy of letter from Maj. John J. Upham, Fifth Cavalry, dated Fort Gibson, Ind. T., February 16, 1876, stating that section 2139 Revised Statutes is, by the ruling of the United States district court, regarded as excepting Indians from the penalty of introducing intoxicating liquor into the Indian country.

The attention of Congress is respectfully invited to the recommendation of Major Upham for such legislation as will tend to correct the evil.

GEO. M. ROBESON,
Acting Secretary of War.

HEADQUARTERS FORT GIBSON, IND. T.,
February 16, 1876.

SIR: I have the honor respectfully to invite your attention to section 2139 Revised Statutes, which I am informed by the ruling of the United States district court is regarded as excepting Indians from the penalty of introducing liquor into the Indian country. As a great deal of liquor is being introduced by persons of Indian blood into the Indian Territory, and no action can be had against them, and as it is believed it was not intended to except Indians in said section, I would respectfully recommend that the attention of the honorable Secretary of War be invited to the same, with a view to the necessary legislation being had to correct the evil mentioned.

I am, sir, very respectfully, your obedient servant,

J. J. UPHAM,
Major Fifth Cavalry, Commanding.

The ASSISTANT ADJUTANT-GENERAL,
Department of the Missouri, Fort Leavenworth, Kansas.