

12-19-1872

Letter from the Acting Secretary of the Interior,  
relative to the Southern Cheyennes and Arapahoes,  
for the release of land ceded to them by second  
article of treaty of 28th October, 1867

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#### Recommended Citation

H.R. Exec. Doc. No. 43, 42nd Cong., 3rd Sess. (1872)

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CHEYENNE AND ARAPAHO INDIAN LANDS.

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LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

*The Southern Cheyennes and Arapahoes, for the release of land ceded to them by second article of treaty of 28th October, 1867.*

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DECEMBER 19, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., December 16, 1872.*

SIR: I transmit herewith a copy of a communication dated the 12th instant, from the Commissioner of Indian Affairs, reporting the proceedings had under the 5th section of the act of Congress approved 29th May, 1872, authorizing the Secretary of the Interior to negotiate with Southern Cheyennes and Arapahoes for the release of lands ceded to them by 2d article of treaty of 28th October, 1867, (Statutes at Large, second session Forty-second Congress, p. 190.)

An agreement made with the Arapahoes, in conformity with the requirements of the act above referred to, is inclosed, together with a draught of a joint resolution to confirm said agreement, which is respectfully commended to the favorable consideration of Congress.

Should Congress approve this adjustment with the Arapahoes, negotiations with the Cheyennes will be entered into for their relinquishment of the reservation set apart for them under the treaty of 1867, with a view to locating said tribe in the Indian Territory.

I have the honor to be, very respectfully, your obedient servant,  
B. R. COWEN,  
*Acting Secretary.*

Hon. JAS. G. BLAINE,  
*Speaker House of Representatives.*

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DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,  
*Washington, D. C., December 12, 1872.*

SIR: By the fifth section of the act making appropriation for the Indian service for the year ending June 30, 1873, approved May 29, 1872, (Stats. at Large, vol. 17, p. 190,) the Secretary of the Interior was

authorized to negotiate with the Southern Cheyennes and Arapahoes for the relinquishment of their claim to the land ceded to them by the second article of the treaty of October 28, 1867, (Stats. at Large, vol. 15, p. 593,) out of the cession made by the Cherokees in their treaty of July 19, 1866, (Stats. at Large, vol. 14, p. 799,) such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for said Cheyennes and Arapahoes upon the lands ceded to the United States by the Creeks and Seminoles in the treaties of March 21 and June 14, 1866, (Stats. at Large, vol. 14, pp. 755 and 785,) and he was directed to report the action taken by him to Congress.

Negotiations to the end proposed were duly entered into with the Southern Cheyennes and Arapahoes, unitedly, but the Cheyennes were meanwhile frightened away from the place designated for them to meet the commission appointed to counsel with them, owing to the advance from the southwest of the troops under Colonel McKenzie, in his expedition against the Comanches. In the course of such negotiations it became the view of this Office that these tribes should no longer be associated in the occupation of a reservation. The Arapahoes are manifesting an increasing disinclination to follow further the fortunes of the Cheyennes, and crave a location of their own. Inasmuch as the conduct of the Arapahoes is uniformly good, and their disposition to make industrial improvements very decided, it is thought that they should now be separated from the more turbulent Cheyennes and given a place where they may carry out their better intentions without interruption, and without the access of influences tending to draw their young men away to folly and mischief. With this view a contract, made subject to the action of Congress, was entered into between the Commissioner of Indian Affairs and the delegation of the Arapaho tribe which visited Washington during the present season, (the delegation being fully empowered thereto by the tribe,) by which the Arapahoes relinquished all their interest in the reservation granted them by the treaty of 1867, in consideration of the grant of a reservation between the North Fork of the Canadian River and the Red Fork of the Arkansas River, and extending from a point ten miles east of the ninety-eighth to near the ninety-ninth meridian of west longitude. There can be no question, I think, that the arrangement will be equally for the advantage of the Government and of the Indians. I therefore respectfully submit herewith the contract in question, and recommend that the same be laid before Congress, and the necessary legislation requested to carry into effect its provisions.

Should this adjustment of the question, so far as the Arapahoes are concerned, meet the approval of Congress, negotiations will be entered into with the Cheyennes with a view to obtaining their relinquishment of the reservation of 1867, and their location on some vacant tract within the same general section of the Indian Territory.

Very respectfully, your obedient servant,

F. A. WALKER,  
*Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

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ARTICLES OF AGREEMENT WITH THE CHIEFS AND HEAD-MEN REPRESENTING ARAPAHO INDIANS.

Articles of agreement made and concluded this twenty-fourth day of October, A. D. 1872, at Washington, D. C., by and between the United States of America, represented by Francis A. Walker, Commissioner of Indian Affairs, of the one part, and the Arapaho

tribe of Indians, represented by the undersigned, their chiefs and head-men, duly authorized and empowered to act for the tribe, of the other part, witnesseth:

Article first. The said Arapaho tribe of Indians hereby cede and relinquish to the United States all right, title, and interest in and to the reservation, or to any part thereof, set apart for the said Arapahoes and for the Cheyennes, by the second article of the treaty concluded October 28, 1867, at Medicine Lodge Creek, in the State of Kansas, described as follows, viz: Commencing at the point where the Arkansas River crosses the 37th parallel of north latitude; thence west, on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River, (sometimes called the Red Fork of the Arkansas River;) thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning.

Article second. In consideration of the cession and relinquishment embraced in the foregoing article, it is agreed that there shall be set apart for a reservation for the said Arapaho tribe of Indians, as long as they shall occupy and use the same, a tract of country bounded as follows, to wit: Commencing at a point in the middle of the main channel of the North Fork of the Canadian River, ten miles east of the 98th meridian of west longitude, thence up the middle of the main channel of the said North Fork to a point where the present trail from the Upper Arkansas Indian agency, so called, to Camp Supply, crosses the said stream; thence due north to the middle of the main channel of the Red Fork of the Arkansas River; thence down the said river in the middle of the main channel thereof to a point in said channel ten miles east of the 98th meridian of west longitude; thence south to the place of beginning.

Article third. The said Arapahoes agree to receive among them upon the reservation provided for by the preceding article the Pacer band of Apaches, (now confederated with the Kiowas and Comanches,) and agree that the members of this band shall be entitled to all the rights and privileges with the members of the Arapaho tribe.

In testimony whereof the parties to this agreement hereunto subscribe their names and affix their seals, on the day and year first above written, October 24, 1872.

F. A. WALKER,

*Party of the First Part.*

his  
BIG + MOUTH,  
mark.

his  
LEFT + HAND,  
mark.

his  
HEAP O' + BEARS,  
mark.

his  
WHITE + CROW,  
mark.

his  
YELLOW + HORSE,  
mark.

his  
BLACK + CROW,  
mark.

*Chiefs and Head-men representing Arapaho Tribe, Party of the Second Part.*

Witnesses:

HENRY E. ALVORD, *Special Commissioner.*

PHILIP McCUSKER, *Interpreter.*

his  
JOHN + POISELL, *Interpreter.*  
mark.

A JOINT RESOLUTION to confirm an agreement made with the Arapaho tribe of Indians.

Whereas the Secretary of the Interior was authorized by the fifth section of the act of Congress making appropriations for the Indian service for the year ending June thirtieth, one thousand eight hundred and seventy-three, approved May twenty-ninth, one thousand eight hundred and seventy-two, to negotiate with the Southern Cheyennes and Arapaho tribe of Indians for the relinquishment of their claim to the land ceded to them by the second article of their treaty of October twenty-eighth, one thousand eight hundred and sixty-seven, such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for said Indians upon the lands ceded to the United States by the Creeks and Seminoles, in the treaties of March twenty-first and June fourteenth, one thousand eight hundred and sixty-six; and whereas negotiations to the end in view were accordingly had with the Arapaho tribe of Indians, and an agreement entered into the twenty-fourth day of October, one thou-

sand eight hundred and seventy-two, on behalf of the United States, by Francis A. Walker, Commissioner of Indian Affairs, with Big Mouth, Left Hand, Heap o' Bears, White Crow, Yellow Horse, and Black-Crow; chiefs and head-men representing the said Arapaho tribe of Indians, and fully empowered to act for their tribe; by which said tribe of Indians cede and relinquish to the United States all right, title, and interest in and to the reservation, or to any part thereof, set apart for the said Cheyenne and Arapaho Indians by the second article of the treaty concluded October twenty-eighth, one thousand eight hundred and sixty-seven, which reservation is described as follows, viz: commencing at the point where the Arkansas River crosses the thirty-seventh parallel of north latitude; thence west on said parallel, the said line being the southern boundary of the State of Kansas, to the Cimarron River, (sometimes called the Red Fork of the Arkansas River;) thence down said Cimarron River, in the middle of the main channel thereof, to the Arkansas River; thence up the Arkansas River, in the middle of the main channel thereof, to the place of beginning; and whereas, in consideration of such cession and relinquishment, it is provided in the said agreement that there shall be set apart for a reservation for the said Arapaho tribe of Indians, as long as they shall use and occupy the same, a tract of country bounded as follows, viz: commencing at a point in the middle of the main channel of the North Fork of the Canadian River, ten miles east of the ninety-eighth meridian of west longitude; thence up the middle of the main channel of the said North Fork to a point where the present trail from the Upper Arkansas Indian agency, so called, to Camp Supply, crosses the said stream; thence due north to the middle of the main channel of the Red Fork of the Arkansas; thence down the said river, in the middle of the main channel thereof, to a point in said channel ten miles east of the ninety-eighth meridian of west longitude; thence south to the place of beginning, upon which the Arapahoes agree to receive among them the Pacer band of Apache Indians (now confederated with the Kiowas and Comanches) and to grant to them all the rights and privileges with the members of the Arapaho tribe: Therefore,

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid agreement be, and the same is hereby, confirmed and approved.*

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