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Message from the President of the United States, communicating, in answer to a Senate resolution of May 14, 1879, information in relation to lands in the Indian Territory acquired by the Treaties of 1866

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In answer to a Senate resolution of May 14, 1879, information in relation to lands in the Indian Territory acquired by the treaties of 1866.

MAY 26, 1879.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In response to a resolution of the Senate of the 14th instant, I transmit herewith a communication from the Secretary of the Interior and accompanying papers.

R. B. HAYES.

EXECUTIVE MANSION,
May 26, 1879.

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1879.

SIR: I have the honor to acknowledge the receipt, by Executive reference, on the 15th instant, of a resolution of the Senate of the United States in words as follows, namely:

IN THE SENATE OF THE UNITED STATES,
May 14, 1879.

Resolved, That if not incompatible with the public interest, the President be requested to inform the Senate if any lands in the Indian Territory were purchased from Indian tribes in such Territory by the treaties of 1866; and, if so, how many acres; and whether the United States has parted with its title to any portion of such lands. And that the President be further requested to inform the Senate if any portion of such lands were purchased for the purpose of locating Indians and freedmen thereon; and whether any of such lands are at this date unoccupied by Indian tribes or freedmen; and, if so, whether it is the intention of the government to use such unoccupied lands for the settlement of Indians and freedmen; and if the government has such intention, what Indians and freedmen are to be located on such lands.

In response to said inquiries, I have the honor to submit herewith a copy of a report from the Acting Commissioner of Indian affairs of this date referring to the correspondence laid before the Senate by a message from the Executive, dated February 20, 1878 (Sen. Ex. Doc. No. 32, 45th Cong., 2d session), which furnishes a detailed answer to all the points of the present inquiry up to that date.

Since that report, the Ponca and a part of the Nez Perce tribes have been located upon a portion of the Cherokee lands, with the consent of

that nation, which is the only change in the condition of the Indians in said Territory.

As stated by the Acting Commissioner, it is the intention of this department to observe fully the laws and treaties under which the country known as the Indian Territory was originally set apart for the permanent home of the Indian tribes who might be, from time to time, located therein.

My letter of May 1, 1879, to the honorable the Secretary of War, a copy of which formed part of my report of the 10th instant, in answer to Senate resolution of May 7, 1879, will be found to set forth in full the history and occupation of said Territory for the purposes indicated.

A copy of the Executive Document No. 32 is herewith inclosed, and the resolution of the Senate is herewith respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

The PRESIDENT,
Executive Mansion.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 23, 1879.

SIR: I have the honor to acknowledge the receipt, by reference from the department, of a resolution adopted by the Senate of the United States dated May 14, 1879, in the following words, to wit:

Resolved, That if not incompatible with the public interest the President be requested to inform the Senate if any lands in the Indian Territory were purchased from Indian tribes in such Territory by the treaties of 1836; and, if so, how many acres; and whether the United States has parted with its title to any portion of such lands. And that the President be further requested to inform the Senate if any portion of such lands were purchased for the purpose of locating Indians and freedmen thereon; and whether any such lands are at this date unoccupied by Indian tribes or freedmen; and, if so, whether it is the intention of the government to use such unoccupied lands for the settlement of Indians and freedmen; and if the government has such intention, what Indians and freedmen are to be located on such lands.

I have the honor to state that in answer to Senate resolution dated January 30, 1878, this office made a report to the department under date of February 16, 1878, which was forwarded to the President with department letter of February 19, and transmitted to the Senate by the President on February 20, 1878. (See President's message, Executive Document No. 32, second session Forty-fifth Congress.)

Said report gives a full answer up to that date to the inquiries contained in the Senate resolution of the 14th instant, with the exception of the last one.

No change has been made since the date of said report with the exception that the Poncas and Nez Percés have been moved to and now occupy a portion of the Cheyenne and Arapahoe lands, being a portion of the Cherokee lands west of the Arkansas River, the former 101,894 acres, and the latter 57,005 acres. With this exception the lands in the Indian Territory remain as set forth in said report.

In reply to the last inquiry contained in said resolution, "whether it is the intention of the government to use such unoccupied lands for the settlement of Indians and freedmen; and if the government has such intention, what Indians and freedmen are to be located on such lands," I have to state that it is the intention of the Indian Department, when-

ever the policy of the department and the best interests of the Indians demand it, to appropriate such unoccupied lands for the use of any Indians, where their removal to the Indian Territory is not prohibited by existing treaty stipulations or laws.

The Senate resolution is herewith respectfully returned.

I have the honor to be, very respectfully, your obedient servant,

E. J. BROOKS,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[Senate Ex. Doc. No. 32, 45th Congress, 2d session.]

Message from the President of the United States, communicating, in answer to a Senate resolution of January 30, 1878, information in relation to a survey of lands in the Indian Territory.

To the Senate of the United States :

In response to the resolution of the Senate of January 30, 1878, I transmit herewith a copy of a report, dated the 16th instant, from the Commissioner of Indian Affairs.

R. B. HAYES.

EXECUTIVE MANSION,
February 20, 1878.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1878.

SIR: I have the honor to acknowledge the receipt, by your reference of the 2d instant, of the following resolution of the Senate, dated the 30th ultimo :

"Resolved, That, if not incompatible with the public interests, the President be, and he is hereby, requested to inform the Senate how many acres of land in the Indian Territory have been surveyed into sections and quarter-sections, for what purpose said survey has been made, and how much land remains in said Territory not surveyed.

"Also, what amount of lands were owned by the several tribes of Indians previous to the treaties of 1866, and whether the Indian title to any of such lands has been extinguished since said treaties were made, and, if so, to what extent, and for what consideration."

In reply, I have the honor to transmit herewith copy of a report, dated the 16th instant, from the Commissioner of Indian Affairs, which furnishes the desired information.

The resolution of the Senate is herewith returned.

I have the honor to be, very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 16, 1878.

SIR: I have the honor to acknowledge the receipt, by reference from the department, of a resolution adopted by the Senate of the United States, January 30, 1878, in the following words, to wit:

"Resolved, That, if not incompatible with the public interests, the President be, and he is hereby, requested to inform the Senate how many acres of land in the Indian Territory have been surveyed into sections and quarter-sections, for what purpose said survey has been made, and how much land remains in said Territory not surveyed.

"Also, what amount of lands were owned by the several tribes of Indians previous to the treaties of 1866, and whether the Indian title to any of such lands has been extinguished since said treaties were made, and, if so, to what extent, and for what consideration."

LANDS IN THE INDIAN TERRITORY.

In compliance with the directions contained in your reference, I have the honor to report that the following tracts of country in Indian Territory have been surveyed:

	Acres.
Quapaw reservation	56,685
Peoria, &c., reservation	50,361
Modoc reservation	4,040
Shawnee reservation	13,048
Wyandotte reservation	21,406
Seneca reservation	51,958
Osage reservation	1,466,167
Kansas reservation	100,141
Pawnee reservation	283,026
Unoccupied Cherokee lands west of 96°, east of Pawnee reserve	105,456
Unoccupied Cherokee lands west of 96°, west of Pawnee reserve	6,239,106
Unoccupied Creek lands north of Cimarron River and west of Pawnee reserve	683,139
Sac and Fox reservation	479,667
Pottawatomie "30-mile square" tract	575,877
Chickasaw reservation	4,650,935
Kiowa and Comanche reservation	2,968,893
Wichita reservation	743,610
Cheyenne and Arapahoe reservation	4,297,771
Unoccupied Creek and Seminole ceded lands	1,645,890
Unoccupied Choctaw and Chickasaw leased lands	1,511,576
Total area surveyed	25,948,692

Of these the Sac and Fox reservation and the Pottawatomie "30-mile square" tract, the Quapaw, Peoria, Modoc, Shawnee, Seneca, and Wyandotte reservations have been surveyed and subdivided into 40-acre tracts; the remainder into sections, as the public surveys are made.

The object of these surveys was the fulfillment of treaty stipulations, and to enable the department to ascertain the exact location, quality, and quantity of these several tracts, with a view to the settlement of friendly Indians upon the unoccupied lands, and to aid the various tribes of Indians already settled upon reservations in the adoption of habits of civilized life and their permanent settlement upon individual allotments or farms.

The following tracts remain unsurveyed;

	Acres.
The Cherokee reservation, estimated	5,031,351
The Creek reservation, estimated	3,215,495
The Choctaw reservation, estimated	6,688,000
The Ottawa reservation, estimated	14,860
The Seminole reservation, estimated	200,000
Total estimated area unsurveyed	15,149,706

Previous to the treaties of 1866—

	Acres.
The Quapaws owned	75,167
The Mixed Senecas and Shawnees	63,767
The Senecas of Sandusky	73,364
The Cherokees	13,172,235
The Creeks	6,998,808
The Seminoles	1,682,883
The Choctaws and Chickasaws	19,032,174
Total area of Indian Territory	41,098,398

By the 4th article of the Omnibus treaty of February 23, 1867 (15 Stat. at L., p. 514), the Quapaws ceded to the United States 18,482 acres of their lands, at the rate of \$1.15 per acre, and the United States, by the 22d article of the same treaty, sold the same to the Peorias, &c., at the same rate, leaving a reservation of 56,685 acres to the Quapaws, which they still hold.

By the 2d article of said treaty the Mixed Senecas and Shawnees ceded to the United States the north half of their reserve, estimated to contain 30,000 acres, for the sum of \$24,000, which land, by the 22d article of the same treaty, was sold by the United States to the Peorias, &c., at the same price. This tract, by survey, contains 31,819

acres, which, with 18,482 acres of Quapaw lands, constitutes the present Peoria, &c., reservation of 50,301 acres.

By the 3d article the Mixed Senecas and Shawnees ceded to the United States that portion of their remaining lands west of Spring River, supposed to contain 12,000 acres, at \$1 per acre, which land, by the 16th article, was sold to the Ottawa Indians by the United States, at \$1 per acre, and constitutes the present Ottawa reserve, and contains, by survey, 14,860 acres. Of the remainder of their lands, 17,088 acres, the Shawnees, by an agreement with the Modoc Indians, made June 23, 1874, and confirmed by Congress March 3, 1875 (18 Stat. at L., p. 447), sold to the United States 4,040 acres for \$6,000 as a permanent reservation for the Modoc Indians, which is still held by them, leaving 13,048 acres, which the Shawnees hold and occupy as their reserve.

By the 1st article of same treaty, the Senecas of Sandusky ceded to the United States a strip of land on the north side of their reservation, containing 20,000 acres, for \$20,000, which land, by the 13th article, the United States set apart as a future home for the Wyandottes. By the fourteenth article provision is made for the reimbursement to the United States of the cost of the land. This tract, the present Wyandotte reserve, contains 21,406 acres. The Senecas hold the remainder, 51,958 acres, as their present reservation.

The Cherokees, by the 16th article of the treaty of July 19, 1866 (14 Stat. at L., p. 799), ceded to the United States the authority to settle friendly Indians on any part of their lands west of 96°. These lands (8,140,884 acres), when so occupied by friendly Indians, are to be paid for to the Cherokees, at such price as may be agreed upon, as stipulated in said 16th article.

In accordance with this stipulation and an act of Congress approved June 5, 1872 (17 Stat. at L., p. 225), the Kansas and Osage tribes of Indians were settled upon the tract of country lying between the Arkansas River and 96°, the Kaws occupying a tract of 100,141 acres and the Osages a tract of 1,466,167 acres. The price paid for these two tracts was 70 cents per acre.

By the 4th section of an act of Congress approved April 10, 1876 (19 Stat. at L., p. 28), there was set apart, for the use and occupation of the Pawnee Indians, a tract of country comprising 230,014 acres, out of the lands named in the 16th article of said Cherokee treaty, the price not to exceed 70 cents per acre. The Pawnees have been in possession of this reserve for several years, but no payment has been made to the Cherokees. The lands were appraised last year by a commission appointed under the 5th section of an act of Congress approved May 29, 1872 (17 Stat. at L., p. 190), at an average valuation of 59.9 cents per acre. The remainder of the Cherokee lands west of 96° (6,344,562 acres) is unoccupied, the United States not having as yet settled thereon any other tribes.

By the 3d article of the treaty concluded June 14, 1866 (14 Stat. at L., p. 786), the Creek Indians ceded to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, at 30 cents per acre. Of this cession there were sold to the Sac and Fox Indians, at the price paid the Creeks, 479,667 acres, and to the Seminoles, at 50 cents per acre, 200,000 acres.

There are included in the Pottawatomie "30-mile square" tract, 222,668 acres, from which, by an act of Congress approved May 23, 1872 (17 Stat. at L., p. 159), allotments were authorized to be made to the Pottawatomie citizen band, and the absentee Shawnee Indians, the cost thereof to the United States (viz, 30 cents) to be paid by said Indians. No money, however, has yet been paid, though a number of allotments have been made. Of the remainder, a portion is occupied by the Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, and the remaining portion is unoccupied.

By the 3d article of the treaty of March 2, 1866 (14 Stat. at L., p. 755), the Seminoles ceded to the United States their entire domain at 15 cents per acre, being the land ceded by the Creeks for the Seminoles in the treaty of August 7, 1856 (11 Stat. at L., p. 699). Of this cession, 353,209 acres are included in the Pottawatomie "30-mile square" tract for the settlement of the Pottawatomie citizen band of the absentee Shawnee Indians, as recited in the Creek cession. Of the remainder, a portion is occupied by Cheyennes and Arapahoes, by authority from the President, dated August 10, 1869, and the balance is unoccupied by any tribe.

By the 9th article of the treaty of June 22, 1855 (11 Stat. at L., p. 613), the Choctaws and Chickasaws leased to the United States all their lands west of 98°, viz, 7,713,239 acres, for the permanent settlement of the Wichita and other Indians, the United States paying therefor the sum of \$800,000, and by the 1st article of the treaty of April 25, 1866 (14 Stat. at L., p. 769), in consideration of the sum of \$300,000, the Choctaw and Chickasaw Indians ceded all of the lands west of 98° named in the treaty of June 22, 1855, and known as the "leased lands," to the United States.

By the 2d article of the treaty of October 21, 1867 (15 Stat. at L., p. 582), the United States set apart out of these leased lands a tract of country containing 2,968,893 acres

as a permanent home for the Kiowa and Comanche Indians, the consideration therefor being a relinquishment of all their right to occupy permanently the territory outside of this tract, including their old reservation, as defined in the treaty of 1865. By an unratified agreement, made October 19, 1872, the Wichitas were assigned another tract of country out of these leased lands, embracing an area of 743,610 acres. The Cheyenne and Arapahoe Indians, by authority from the President, dated August 10, 1869, occupy 2,489,160 acres, and the remainder of these leased lands (1,511,576 acres) are unoccupied by any tribes.

The resolution of the Senate is herewith respectfully returned.

I have the honor to be, sir, very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.