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Message from the President of the United States,
transmitting a communication from the Secretary
of the Interior in relation to confirmation of certain
lands in Indian Territory to the Arapahoe and
Cheyenne Indians

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CONFIRMATION OF CERTAIN LAND IN INDIAN TERRITORY
TO ARAPAHOE AND CHEYENNE INDIANS.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior in relation to confirmation of certain lands in Indian Territory to the Arapahoe and Cheyenne Indians.

APRIL 12, 1882.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior, inclosing draft of a bill prepared in the Office of Indian Affairs, and submitted with Commissioner's report of 27th ultimo, confirming to the Cheyenne and Arapahoe Indians the lands in the Indian Territory set apart for their occupancy by an Executive order dated August 10, 1869, which lands are in lieu of those set apart for their use and occupancy by the second article of treaty with said Indians, concluded October 28, 1867.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
April 12, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1882.

SIR: I have the honor to submit herewith a draft of proposed legislation, prepared in the Office of Indian Affairs, confirming to the Cheyenne and Arapahoe Indians the lands in the Indian Territory set apart for their use and occupancy by an Executive order dated August 10, 1869, which lands they have since occupied, and upon which they are now located; which lands are to be in lieu of the reservation set apart for them in said Territory under the terms and provisions of article 2 of the treaty of October 28, 1867, between the United States and said Indians. (15 Stats., 594.)

The Cheyennes and Arapahoes refused to locate upon the lands set

apart for them under said treaty, and, at their desire, and upon the recommendation of the department, their present reservation was created by Executive order as noted, which reservation contains in area 4,297,771 acres of land, being an excess over the treaty reservation referred to of 5,109.85 acres.

The land set apart under the treaty, not being accepted by Cheyenne and Arapahoes, as before stated, were a portion of the lands west of 96th west longitude ceded by the Cherokees for the settlement of friendly Indians, and other bands and tribes of Indians have been located on some part of said land.

The Cheyennes and Arapahoes are feeling restless and unsettled, owing to the fact that their title to the lands where they now are has never been settled, and I am of opinion that the measure contemplated is both wise and just. A copy of the letter of the Commissioner of Indian Affairs of the 27th ultimo, recommending the measure, is also herewith; and, concurring in his views, I respectfully request that the same may be presented for the consideration and action of Congress.

I have the honor to be, sir, very respectfully, your obedient servant,
S. J. KIRKWOOD,
Secretary.

The PRESIDENT.

A BILL to confirm to the Cheyenne and Arapahoe Indians certain lands in the Indian Territory, in lieu of the lands set apart for their use and occupation by the second article of the treaty with said tribes of Indians, concluded October twenty-eight, one thousand eight hundred and sixty-seven.

Whereas, by the provisions of the second article of the treaty between the United States and the Cheyenne and Arapahoe tribes of Indians, concluded October twenty-eighth, one thousand eight hundred and sixty seven, the following district of country, to wit: 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 thereof, to the place of beginning, was set apart for the absolute and undisturbed use and occupation of the Indians, parties to said treaty, and for such other friendly tribes or individual Indians as from time to time they might be willing, with the consent of the United States, to admit among them; and whereas, upon the representation of said tribes of Indians that they did not understand the location of the land set apart by the said treaty, and that they desired a reservation on the North Fork of the Canadian River, the President of the United States, by executive order dated August tenth, one thousand eight hundred and sixty-nine, set apart for them a tract of country lying south of the Cimarron River; and,

Whereas the United States has extensive and valuable buildings located upon the reservations south of the Cimarron River: therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the reservation set apart by the treaty aforesaid the following described tract of country in the Indian Territory be, and the same is hereby set apart for the absolute and undisturbed use and occupation of the Cheyenne and Arapahoe tribes of Indians, and such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them, namely: Commencing at the point where the Washita River crosses the ninety-eighth degree of west longitude; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River); thence up said river in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June fourteenth, one thousand eight hundred and sixty-six, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March twenty-first, one thousand eight hundred and sixty-six, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree to the north boundary of the country set apart for the Kiowas and Comanches by the second article of the treaty concluded October twenty-first, one thousand eight hundred and sixty-seven, with said tribes; thence east along said boundary to

the point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning.

SEC. 2. That the provisions of the said treaty of October twenty-eighth, one thousand eight hundred and sixty-seven, except as hereinbefore modified, be and the same are hereby continued in full force and effect.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 27, 1882.

The honorable the SECRETARY OF THE INTERIOR:

SIR: By the provisions of article two of the Cheyenne and Arapahoe treaty of October 28, 1867 (15 Stat., 594), the United States set apart for the absolute and undisturbed use and occupation of the Indians parties to said treaty, and for such other friendly Indians as they might be willing, with the consent of the United States, to admit among them, a tract of country west of the 96th, bounded by the Arkansas River on the east, the thirty-seventh parallel of north latitude, being the southern boundary line of the State of Kansas, on the north, and the Cimarron or Red Fork of the Arkansas River on the west and south, in which boundaries are included 4,292,661.15 acres of Cherokee lands west of the Arkansas river.

The Cheyennes and Arapahoes claimed that they did not understand the location of the land set apart by the treaty of 1867, and as they desired a reservation on the North Fork of the Canadian River, some sixty miles below Camp Supply, the President of the United States, upon the recommendation of this office, approved by the Secretary of the Interior, by Executive order, dated August 10, 1869, set apart for their use a tract of land lying south of the Cherokee country, as described therein, containing 4,297,771 acres.

The fifth section of the Indian appropriation act of May 29, 1872 (17 Stat., 190), authorized the President of the United States and the Secretary of the Interior "to make an appraisement of the Cherokee lands lying west of the ninety-sixth meridian of west longitude, and west of the land of the Osage Indians, in the Indian Territory, and south of the southern line of the State of Kansas, ceded to the United States by the Cherokee Indians under their treaty of July 19, 1866, for the settlement of friendly Indians, and report the same to Congress: *Provided*, That the Secretary of the Interior be, and he hereby is, 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, out of the cession made by the Cherokees in the treaty of July 19, 1866; such relinquishment, if obtained, to be in consideration of a sufficient and permanent location for the 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, and that the Secretary report the action taken by him under this provision to Congress at its next session."

Agreements were entered into under the provisions of this act, and were submitted to Congress by the department December 16, 1872, upon which no final action appears to have been taken by that body. (See House Ex. Doc. No. 43, Forty-second Congress, third session; also Senate Ex. Doc. No. 69, Forty-fifth Congress, second session.) Agreements were also entered into on the 18th of November, 1873. None of these agreements were ever put into operation, and the Cheyennes and Arapahoes still remain on the reservation set apart for them by the Executive order of August 10, 1869.

Since the confirmation of the treaty of October 28, 1867, with these Indians, some of the lands within the reservation established by the second article of that treaty have been set apart for and are now occupied by the Pawnees, Poncas, Otoes and Misourias, and Nez Perces.

A portion of the lands agreed to be set apart by the agreements of November 18, 1873, is also occupied by the above-named Indians. It would, therefore, be impossible to locate the Cheyennes and Arapahoes upon their original reservation without further negotiations, even if it be held that they have not forfeited their right to the same by refusing to locate thereon, and accepting other lands in lieu thereof. Neither could the agreements be confirmed unless modified with the consent of the tribes.

The government has extensive and costly buildings south of the Cimarron River, on the lands set apart by the Executive order of August 10, 1869.

Agent Miles reports that a few of the Indians, acting upon the advice given them by the late Secretary of the Interior in September, 1880, have moved north of the Cimarron, remote from the agency, and that others are preparing to follow them this spring, but that the large majority will remain on the reservation until some decisive action is taken by the government.

I have instructed Agent Miles to notify the Indians not to leave the present reser-

vation, and informed him that the matter would be laid before the department with a view to obtaining the necessary legislation.

In consideration of all the facts in the case, the large cost to the government to remove the agency, and the refusal of the Indians to locate on the original reservation, I deem it best that the present reservation should be confirmed to them, and with that end in view have had prepared, and submit herewith for your consideration, a draft of a bill for that purpose.

Should you concur in these recommendations, I would respectfully suggest that the matter be presented to Congress, with a request for early and favorable consideration.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.