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Message from the President of the United States,
transmitting two agreements concluded by the
Cherokee Commission with the Citizen band of
Pottawatomie Indians and the band of absentee
Shawnees for the cession of certain lands

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Two agreements concluded by the Cherokee Commission with the Citizen Band of Pottawatomie Indians and the Band of Absentee Shawnees for the cession of certain lands.

JULY 16, 1890.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith two agreements concluded by the Commission appointed under section 14 of the act of March 2, 1889, commonly known as the Cherokee Commission, with the Citizen Band of Pottawatomie Indians and the Band of Absentee Shawnees, respectively, for the cession of certain lands to the United States.

Letters from the Secretary of the Interior, the Commissioner of Indian Affairs, and the Assistant Attorney-General for the Department of the Interior relating to the same matter are also submitted.

BENJ. HARRISON. }

EXECUTIVE MANSION, *July 15, 1890.*

DEPARTMENT OF THE INTERIOR,
Washington, July 14, 1890.

The PRESIDENT :

There are herewith transmitted two agreements made by the Cherokee Commission as follows :

That of June 25, 1890, with the Citizen Band of Pottawatomie Indians, and that of June 26, 1890, with the Absentee Shawnees.

These are accompanied with the reports of the Commissioners, the report of the Commissioner of Indian Affairs, and the opinion of the Assistant Attorney-General of this Department.

The several agreements are unquestionably valid and convey whatever title the respective tribes may have in the lands described, and I recommend they be sent to Congress for ratification.

An abstract of the contracts is to be found in the letter of the Commissioner.

Most respectfully,

JOHN W. NOBLE,
Secretary.

CAMP AT SHAWNEE TOWN, IND. T., *June 25, 1890.*

SIR: After closing our labors at the Sac and Fox Agency, on June 14, the Commission proceeded to Shawnee Town to meet the Citizen Pottawatomie and the Absentee Shawnee Indians.

On June 16 we opened negotiations with the first-named Indians. Some embarrassment was experienced in consequence of certain persons assuming to act without calling a general council of all the people; therefore, on Wednesday, June 18, further negotiations were postponed until the following Tuesday.

On Tuesday, June 24, pursuant to notice a general council met us at our camp at 9 o'clock a. m., at which time we submitted to the Indians a definite proposition, which, after consideration by the latter, was accepted on many conditions submitted in writing.

The conditions were promptly rejected by us, whereupon after further deliberations by the Indians our proposition was accepted as made, and the requisite understanding reached upon which to base a contract. The meeting was thereupon adjourned until Wednesday morning, June 25.

On Wednesday morning the council reconvened, at which time the contract was read at length, fully explained, and duly executed and delivered. It was executed in duplicate, one copy of which is herewith inclosed, one copy was delivered to the business committee representing the Indians, and a memorandum copy retained by us.

The principal features of this contract are as follows, that is to say: allotments of land that have been made under existing laws or that are in the process of being made shall stand and be confirmed. All citizen Pottawatomies entitled under existing laws and regulations to an allotment of land shall select the same prior to February 8, 1891, or waive his or her right to such allotment. The regulations now in force governing the allotments being made as to area of land to be taken by allottees, and as to the locality on the reservation where selections for allotments may be made, are to continue until all allotments are made. The number entitled to allotments is fixed at fourteen hundred, provided that should they exceed that number then there shall be deducted from the sum provided to be paid to these Indians \$1 per acre for all land so allotted in excess of that number.

The following reservations are made in the contract, viz: all lands in said reservation now set apart for agency, school or school farm uses, and the 640 acres of land now held by the Catholic Church for school and religious purposes, known as the Sacred Heart Mission; sections 16 and 36 in each township for school purposes, except such portions of said sections 16 and 36 as may have been heretofore allotted, but no part of such sections shall hereafter be so allotted.

The allotments are to be held by the Government in trust under the provisions of the "Dawes bill" for twenty-five years.

For the purpose of quieting all claims or shadow of claims of title to the surplus lands on this reservation, and for the further purpose of assisting the allottees in improving their permanent homes, supplying them with the necessary equipments to start as agriculturists under their new conditions, the sum to be paid was fixed at \$160,000, payable on the reservation within four months after the ratification of the contract by Congress.

After completing the allotments to both tribes of the Citizen Pottawatomies and of the Absentee Shawnees there is an estimated surplus of land to be opened to the public of some 325,000 acres, which can be so opened according to the terms of the contract at any time after February 8, 1891, at the pleasure of the Government.

The only reservation made within the territory south of Little River, and which has practically been set apart for the Citizen Pottawatomies, is the one heretofore mentioned for the Sacred Heart Mission. From the information gained by personal inspection of one of our number, we take pleasure in commending this as a missionary school and religious organization of special merit; and because of its ample equipment to prosecute both scholastic and religious work, we feel justified in making provision for ratifying and carrying out the written agreement heretofore made between the Indians and the Fathers who established this mission, to the end that the title should be held for their use so long as the work continues. The amount of land seems liberal, yet some 480 acres are now fenced and being used to good purpose for pasture, in growing grain, hay, vegetables, and fruit, including a large vineyard.

The general character of the land included in this reservation is adapted to pasturage on the higher grounds, and on the flat or low grounds to grain-growing and to the cultivation of other agricultural products. Cotton is cultivated to some extent, and fruit is grown with success. Water is scarce and poor, and rain-fall quite limited.

Among the most serious embarrassments experienced by the Commission in prosecuting negotiations with the different tribes of Indians is the ever-present attorney representing the Indians under contracts for that purpose. We see no necessity for the aid of such attorneys to defend the rights of the Indians.

The question of the recognized authority to contract with the Government for a cession of the lands in this reservation having been raised before the Commission, we submitted the same to the Indians, who in due time presented a communication in writing covering the question submitted, which communication is hereto appended.

We have the honor to be, very respectfully, your obedient servants,
 DAVID H. JEROME,
 A. M. WILSON,
 WARREN G. SAYRE,
Commissioners.

The PRESIDENT.

Articles of agreement made and entered into at Shawneetown, in the Indian Territory, on the 25th day of June, 1890, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Citizen Band of Pottawatomie Indians in the Indian Territory.

ARTICLE I.

The Citizen Band of Pottawatomie Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and forever and absolutely surrender to the United States all their claim, title, and interest of every kind and character in and to the following-described tract of country in the Indian Territory—according to Morrill's survey under contract of September 3, 1872—to wit:

“Beginning at a point on the right bank of the North Fork of the Canadian River, in section twenty-one (21), of township eleven (11) north, range five (5) east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six (36), township six (6) north, range one (1) west, thirty-nine (39) chains and eighty-two (82) links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or thirty-eight (38) chains and fifty-two (52) links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof, to the place of beginning, comprising the following, viz:

"Fractional township five (5), north, ranges one (1), two (2), three (3), four (4), and five (5) east, north of the Canadian River. Fractional township six (6) north, ranges one (1), three (3), four (4), and five (5) east, north of the Canadian River. Township six (6) north, range two (2) east.

"Townships seven (7), eight (8), and nine (9), ranges one (1), two (2), three (3), and four (4) east. Fractional townships seven (7), eight (8), and nine (9) north, range five (5) east.

"Townships ten (10) and eleven (11) north, range one (1) east. Fractional township ten (10) north, ranges two (2), three (3), and four (4) east, south of the North Fork of the Canadian River.

"Fractional township ten (10) north, range five (5) east. Fractional township eleven (11) north, ranges two (2), three (3), four (4), and five (5) east, south of the North Fork of the Canadian River.

"Fractional township twelve (12) north, ranges one (1) and two (2) east, south of the North Fork of the Canadian River.

"Also that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), and twenty-five (25), and section thirty-six (36), north of the Canadian River in township six (6) north, range one (1) west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36) in townships seven (7), eight (8), nine (9), ten (10), and eleven (11) north, range one (1) west, lying east of the western boundary line aforesaid, and that portion of sections one (1) and twelve (12) south of the North Fork of the Canadian River, and sections thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36), in township twelve (12) north, range one (1) west, lying east of the western boundary line aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one-hundredths (575,870.42) acres of land."

ARTICLE II.

Whereas certain allotments of land have been heretofore made, and are now being made to members of said Citizen Band of Pottawatomie Indians according to instructions from the Department of the Interior at Washington, under the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, location and area, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress: Provided, that in allotments to be hereafter made no person shall have the right to select his or her allotment in section sixteen (16) and thirty-six (36) in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections sixteen and thirty-six (16 and 36) be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes, be subject to homestead entry, but shall be held by the United States for such purposes so long as the United States shall see fit to so use them; and provided further, that all such allotments shall be taken on or before February 8, 1891, when any right to allotment, in any one, shall be deemed waived and forever cease to exist.

And it is specially agreed that the south half of section seven (7) and the north half of section eighteen (18) in township six (6) north, range five (5) east, heretofore set apart by a written agreement between said Citizen Band of Pottawatomie Indians and certain Catholic Fathers, for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the Sacred Heart Mission, the name under which said association of Fathers are conducting the church, school, and farm on said land.

And in any lawful manner, to be provided by Congress, shall be conveyed to said Fathers for the uses above expressed.

ARTICLE III.

It is further agreed that the number entitled to take and who shall take allotments, including those who have already taken allotments, is fourteen hundred (1400).

But if it shall be ascertained that a greater number than fourteen hundred (1400) shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Pottawatomie Indians the sum of one (1) dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

It is further agreed, as a further and only consideration for such relinquishment of all title, claim, and interest of every kind and character in and to said lands, that the United States will pay to said Citizen Band of Pottawatomie Indians, in said tract of country, within four (4) months after this agreement shall have been ratified by Congress, the sum of one hundred and sixty thousand (\$160,000) dollars, for making homes and other improvements on the said allotments. And if it shall be ascertained that said Citizen Band of Pottawatomie Indians did purchase and pay the United States for the tract of country above described in accordance with the provisions of a treaty between the United States and the said Citizen Band of Pottawatomie Indians, proclaimed August 7, 1868, and that the United States did retain, and yet retains, and shall continue to retain of said Indians' funds, the sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents (\$119,790.75) on account of such purchase, then the United States agrees to pay to said Citizen Band of Pottawatomie Indians the additional sum of one hundred and nineteen thousand seven hundred and ninety dollars and seventy-five cents (\$119,790.75).

All payments of money herein provided for shall be made per capita to said Indians.

ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, have hereunto set their hands for and on behalf of the United States, and Alexander B. Peltier, Joseph Moose, John Anderson, Stephen Negah-n-quet, John B. Pambago, Alexander Rhodd, and Davis Hardin, the business committee of said Citizen Band of Pottawatomie Indians, authorized by law and custom, and by general council now and here present and in session, so to do, have hereunto set their hands, and the adult male members of said band present, representing in their families the number set opposite their names, respectfully have hereunto set their hands:

Commissioners for the United States.	{	DAVID H. JEROME.		
		A. M. WILSON.		
		WARREN G. SAYRE.		
Business Committee.	{	ALEXANDER B. PELTIER	6	
		JOSEPH MOOSE	3	
		STEPHEN NEGAH-N-QUET	9	
		JOHN B. PAMBAGO	5	
		ALEXANDER RHODD	his x mark.. 7	
		Geo. L. Young	3	
		Geo. L. Young, jr	2	
		James Yott	8	
		John B. Bruno	his x mark.. 15	
		Francis N. Yott	do	1
		Charles Vieux	do	2
		Jacob Vieux	do	7
		James Baldan	do	7
		James Acton	do	4
		Joe Haus	
		Alexander A. Yott	2
		Nack-nash-kuk	his x mark..	1
		Joseph Ap-tas-ka	do	3
		Andrew Curley	do	3
		Pamdosh	do	7
		John Megaw	do	3
		Wah-kah-sae	do	2
		Seymore Kah-dot	do	3
		John Acton	do	7
		Joseph Milot	do	4
		Claude Milot	do	8
William Frapp	do	1		
Joseph C. Milot	his x mark..	4		
John B. Beaubien	3		
P. H. Beaubien	1		
G. E. Beaubien	2		

CESSION OF CERTAIN LANDS.

Frank Pah Skagh	his x mark..	4
George Nah-mah-skuk	do.....	3
Nicholas Tromble		3
Antoine Fuller.....		4
Albert McLean.....		1
Paul Toupin.....		4
Amable Toupin.....		3
Aaron Davis.....		6
Aaron F. Bourbonnais.....		2
John A. Bourbonnais.....		4
Charles Greemore.....		3
J. R. Blair.....		5
Antoine Bourbonnais.....		6
O-sken-mah.....	her x mark..	6
Emerson Spear.....	his x mark..	7
Maugaurite Haak.....	her x mark..	6
Sidney Smith.....		6
Wm. Moore.....		5
Joseph Whipple.....	his x mark..	3
Mitchell Phelps.....		3
A. Burnett.....		6
Joel Deloinais.....		4
Jobie Moun.....		3
Daniel O'Brien.....	his x mark..	1
Jacob Johnson.....		8
Rachal Johnson Wall.....		4
Loren Johnson.....		1
Leon Boursaw.....		2
Thomas Hardin.....		3
John Vient.....		5
Osmit.....	his x mark..	3
John Whitehead.....		4
Frank Darling.....		4
Eugene Bursaw.....		11
Joel Burns.....		5
Joseph Regnier.....		7
Francis Vieux.....	his x mark..	6
Joe Burnett.....		6
J. E. Kennedy.....		2
Frank Goodboo.....		1
Catherine Griffenstein.....		5
By William Griffenstein, her atty. in fact.		
Daniel O. Chilson.....		1
Jacob B. Countryman.....		1
G. W. Morris.....	his x mark..	5
Susan Morris.....		
Ben Bertrand.....		2
W. Weld.....		2
Samuel McFarland.....		2

I, Joseph Moose, do hereby certify that I am a member of the Citizen Band of Pottawatomie Indians of the Indian Territory, that I am also a member of the business committee of said Indians now residing upon what is commonly called the Pottawatomie reservation in the Indian Territory, that I am secretary of said business committee, and the interpreter for said Indians.

That said business committee, subject to the ratification of the Indians in general council, by law and custom of said Indians, transact all business for said Indians. That on the 25th day of June, A. D. 1890, in pursuance of lawful notice by me given, said Indians assembled in general council at Shawneetown, in which council all the Citizen Band of Pottawatomie Indians were represented. That the contract made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and said business committee acting for and on behalf of said Indians to which contract this certificate was appended, was by me interpreted and fully explained to said Indians at the time and place mentioned when so assembled, and they made to fully understand the same. That said general council ratified and approved said contract and directed said business committee to sign the same on the part of said Indians, and that I witnessed said signing by the business committee, except John Henderson and Davis Hardin, who were absent, and that I witnessed all other signatures thereto, and as to those who signed by mark I now and hereby attest their signatures.

Witness my hand at Shawneetown the day and year above written.

JOSEPH MOOSE.

CAMP OF CHEROKEE COMMISSION,
Shawneetown, Ind. T., June 26, 1890.

SIR: We have the honor to report that after closing and executing the contract with the Citizen Band of Pottawatomie Indians, we entered upon negotiations with the Absentee Shawnees in general council assembled. A written proposition was presented to the council by us, and after deliberate consideration, the proposition was accepted by said Absentee Shawnees. A contract embodying said proposition was then duly executed in duplicate, one copy of which was delivered to Chief White Turkey for his tribe, and the other is herewith inclosed.

This completes the cession of all the claims of Indians to lands on this reservation. The contract was ordered to be executed by a large majority of male adults convened in general council, Chief Big Jim, however, being present and declining to vote. After the contract was signed and ready for delivery, the act of the chief and head men was explained and fully interpreted to the general council of Indians, and their unanimous assent to the delivery was expressed by an "aye" vote.

The contract provides for a distribution of the money to be paid to all the Absentee Shawnees, including Big Jim's band, and therefore does complete justice to all concerned.

We proceed to-morrow to the Kickapoo Reservation to open negotiations with that tribe.

We have the honor to be, very respectfully, your obedient servants,

DAVID H. JEROME,
 A. M. WILSON,
 WARREN G. SAYRE,
Commissioners.

The PRESIDENT,
Washington, D. C.

Articles of agreement made and entered into at Shawneetown, in the Indian Territory, on the 26th day of June, 1890, by and between David H. Jerome, Warren G. Sayre, and Alfred M. Wilson, Commissioners on the part of the United States, and the Absentee Shawnees residing on what is commonly known as the Pottawatomie Reservation, in the Indian Territory, represented by their chiefs and head-men or counselors whose names are hereto subscribed.

ARTICLE I.

The Absentee Shawnee Indians of the Indian Territory in consideration of the fulfillment of the promises hereinafter made hereby cede, relinquish, and surrender forever and absolutely to the United States all their claim, title, and interest of every kind and character in and to the following-described tract of country in the Indian Territory, according to Morrill's survey under contract of September 3, 1872, to wit:

"Beginning at a point on the right bank of the North Fork of the Canadian River, in section twenty-one (21), of township (11) north, range five (5) east, where the western boundary line of the Seminole Reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank, in the northeast quarter of section thirty-six (36), township six (6) north, range one (1) west, thirty-nine (39) chains and eighty-two (82) links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or thirty-eight (38) chains and fifty-two (52) links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof, to place of beginning, comprising the following, viz:

"Fractional township five (5) north, ranges one (1), two (2), three (3), four (4), and five (5) east, north of the Canadian River. Fractional township six (6) north, ranges one (1), three (3), four (4), and five (5) east, north of the Canadian River. Township six (6) north, range two (2) east.

"Townships seven (7), eight (8), and nine (9); ranges one (1), two (2), three (3), and four (4) east. Fractional townships seven (7), eight (8), and nine (9), north; range five (5) east.

"Townships ten (10) and eleven (11) north, range one (1) east. Fractional township ten (10) north, ranges two (2), three (3), and four (4) east, south of the North Fork of the Canadian River. Fractional township ten (10) north, range five (5) east. Fractional township eleven (11) north, ranges two (2), three (3), four (4), and five (5) east, south of the North Fork of the Canadian River. Fractional township twelve (12) north, ranges one (1) and two (2) east, south of the North Fork of the Canadian River.

"Also that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), and twenty-five (25), and section thirty-six (36), north of the Canadian River in township six (6) north, range one (1) west, lying east of the western boundary line of the said Pottawatomie Reservation as shown by the Morrill survey, and that portion of sections one (1), twelve (12), thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36), in townships seven (7), eight (8), nine (9), ten (10), and eleven (11) north, range one (1) west, lying east of the western boundary line aforesaid, and that portion of sections one (1) and twelve (12) south of the North Fork of the Canadian River, and sections thirteen (13), twenty-four (24), twenty-five (25), and thirty-six (36) in township twelve (12) north, range one (1) west, lying east of the western boundary line aforesaid, containing an area of five hundred and seventy-five thousand eight hundred and seventy and forty-two one-hundredths (575,870.42) acres of land."

ARTICLE II.

Whereas certain allotments of land have been heretofore made, and are now being made to said Absentee Shawnees, according to instructions from the Department of the Interior at Washington; under the act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, locations, and areas, as those heretofore made, and when made shall be confirmed. When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress. Provided, that in all allotments to be hereafter made, no person shall have the right to select his or her allotment in sections sixteen (16) and thirty-six (36) in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections sixteen (16) and thirty-six (36) be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes be subject to homestead entry—but shall be held by the United States for such purposes, so long as the United States shall see fit to so use them; and provided further, that all such allotments shall be taken on or before January 1st, 1891, after which time and up to February 8th, 1891, the allotting agent then on said reservation shall make allotments to those Absentee Shawnees resident in said tract of country who have failed or refused to take their allotments as aforesaid, and such allotments so made by such allotting agent shall have the same force and effect as if the selections were made by the Indians in person. After said date of February 8th, 1891, any right to allotment hereunder or by act of Congress shall be deemed waived and forever cease to exist.

ARTICLE III.

It is further agreed that the number who are entitled to take allotments and who shall take allotments, including those who have already taken allotments, is six hundred and fifty (650). But if it shall be ascertained that a greater number than six hundred and fifty (650) shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Absentee Shawnees the sum of one (1) dollar for each acre of land allotted to those in excess of said number.

ARTICLE IV.

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim, and interest of every kind and character, in and to said

lands, that the United States will pay to said Absentee Shawnees in said tract of country as soon as may be after this agreement shall have been ratified by Congress, and under the direction of the Commissioner of Indian Affairs, the sum of sixty-five thousand (\$65,000) dollars for making homes and other improvements on their said allotments. All payments of money herein provided for shall be made per capita to said Absentee Shawnees according to the list of all those to whom allotments shall be hereunder made, and the wives of allottees.

ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre have hereunto set their hands for and on behalf of the United States, and Chief White Turkey and Charley Starr, Elephant, Thomas Rock, William Littleaxe, and Jim Bullfrog, head-men of the Absentee Shawnees and counselors of White Turkey, have hereunto set their hands on behalf of the Absentee Shawnee Indians.

DAVID H. JEROME,

A. M. WILSON,

WARREN G. SAYRE,

Commissioners on behalf of the United States.

WHITE TURKEY CHIEF (his x mark).

CHARLEY STARR.

ELEPHANT (his x mark).

THOMAS ROCK (his x mark).

WILLIAM LITTLEAX (his x mark).

JIM BULLFROG (his x mark).

I, Thomas W. Alford, do hereby certify that I am an Absentee Shawnee Indian resident in the Indian Territory, and now residing upon what is commonly called the Pottawatomie Reservation; that I was this day chosen as the interpreter for said Indians in negotiating and concluding the contract to which this is appended. That said Absentee Shawnee Indians assembled in general council at Shawneetown on the 26th day of June, A. D. 1890. That the contract to which this is appended, made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and Chief White Turkey, and the head-men of the said Absentee Shawnees and counselors of White Turkey, was by me interpreted and fully explained to said Indians at the time and place mentioned, when so assembled, and they made to fully understand the same. That said general council approved and ratified said contract and directed said chief and head-men to sign the same on the part of the said Indians, and that I witnessed said signing by each and every person whose name is signed thereto, and as to those who signed by mark I now and hereby attest their signatures. I further certify that I know that this contract is signed by the chief and head-men who represent a majority of all of said Absentee Shawnee Indians.

Witness my hand at Shawneetown the day and year above written.

THOMAS W. ALFORD,

Interpreter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 3, 1890.

The SECRETARY OF THE INTERIOR :

SIR: I have the honor to acknowledge the receipt of your communication, dated July 1, 1890, with which you transmit articles of agreement made and entered into at Shawnee Town, in the Indian Territory, on the 25th of June, 1890, by and between the Cherokee Commission and the Citizen band of Pottawatomie Indians in the Indian Territory; also a report of the commissioners of the same date and letter of transmittal of the two former.

I am also in receipt of your separate communication of the same date, with which you transmit an agreement between the Cherokee Commis-

sion and the Absentee Shawnees, dated the 26th of June, 1890, for consideration in connection with the agreement between the same commissioners and the Citizen Pottawatomies, above referred to.

By the first named agreement the Citizen band of Pottawatomies cede, relinquish, and forever absolutely surrender to the United States all their claim, title, and interest of every kind and character in and to the 30-mile-square tract of land in the Indian Territory immediately west of the Seminole Reservation for the sum of \$160,000, to be paid to said Indians per capita.

It is also agreed that the allotments which have heretofore been made and are now being made to said Indians shall be completed and confirmed, and that all others entitled to allotments shall have the same made and confirmed under the existing instructions from this Department, provided that in any allotments hereafter to be made no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township, nor upon any land heretofore set apart in said tract of country for use by the United States or for school, school-farm, or religious purposes; and that all such allotments shall be taken on or before February 8, 1891.

It is agreed that the number entitled to take and who shall take allotments, including those who have already taken the same, is 1,400; but if it shall be ascertained that a greater number shall be entitled to so take allotments, then there shall be deducted from the sum of \$160,000 to be paid to said Indians, the sum of \$1 for each acre of land allotted to those in excess of said number.

It is also agreed that if it shall be ascertained that the said Citizen band of Pottawatomie Indians did purchase and pay the United States for said 30-mile tract of country in accordance with the provisions of the treaty proclaimed August 7, 1868, and that the United States did retain, yet retains, and shall continue to retain the sum of \$119,790.75 of the funds of said Indians on account of such purchase, then the United States will pay to the said Citizen band of Pottawatomie Indians the additional sum of \$119,790.75.

The agreement is executed by the business committee of said Citizen band of Pottawatomies and by seventy-five individual heads of families of said band.

The agreement concluded with the Absentee Shawnees is to the same purport as that with the Pottawatomies, the number of Indians entitled to allotments being placed at six hundred and fifty, and payment to be made for relinquishment of their claims at \$65,000. The agreement is signed on behalf of the Shawnees by Chief White Turkey and five councillors.

The commissioners report that the agreement was ordered to be executed by a large majority of the male adults convened in general council, Chief Big Jim being present and declining to vote. That after the contract was signed and ready for delivery, the acts of the chief and headman were fully explained to the general council of Indians, and they unanimously consented to the delivery by an expression of ayes.

As indicated in the original instructions to the Cherokee Commission and in office report of June 18, 1890, also in various other reports, this office has uniformly maintained that the Citizen Pottawatomies have no right, title, or valid claim to any lands within the 30-mile-square tract, except such as are given to them by the act of May 23, 1872, (17 Stats. 159), *i. e.*, the right of each member of the band to purchase a certain quantity of land, or by the act of February 8, 1887 (24 Stats. 388), *i. e.*, the right to receive allotments under the said act. They have, however, as-

serted claim to the surplus lands in this reservation, and I can see no valid objection to the extinguishment of said claim by a payment to the Indians of the sum agreed upon by the commission. It will probably be better to have the claims of these Indians extinguished at once to their satisfaction than to allow them to exist to be urged before Congress in years to come.

The same remarks will apply to the Absentee Shawnees.

I see no objections to either the manner or form of the agreements.

It will be observed that the Shawnee agreement is not signed by Big Jim, the chief of one of the bands of said Indians, the reasons for which are set forth in the letter of the commissioners. The followers of White Turkey, however, are in the majority, and I think the ratification of this agreement will operate as a complete extinguishment of any further claim of the Absentee Shawnee Indians to land in the 30-mile-square tract.

I return the papers as requested.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1890.

SIR: There are herewith referred to you the agreements between the Cherokee Commission and the Pottawatomies and Absentee Shawnees, upon which please give me your opinion as to whether the same are valid in form and will secure complete title in the United States for the lands described.

An early reply is requested.

Yours, truly,

JOHN W. NOBLE,
Secretary.

ASSISTANT ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., July 9, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference of the 8th instant, of the agreements made June 25 and 26, 1890, between the Cherokee Commission and the Pottawatomies and the Absentee Shawnees, residing upon what is known as the Pottawatomie Reservation, in the Indian Territory, pursuant to the provisions of section 14 of the act of Congress approved March 2, 1889 (25 Stat., 1005).

By said reference you request my "opinion whether the same are valid in form and will secure complete title in the United States for the lands described."

After a careful examination of said agreements, the letter of the commission accompanying the same, together with the report of the Commissioner of Indian Affairs thereon, I am unable to discover any valid

objection as to the form of said agreements, and I therefore advise you that upon the ratification thereof by Congress, as provided in said section 14, the United States will secure complete title to the land embraced therein.

The papers referred are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

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