

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

2-21-1878

**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.**

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

S. Exec. Doc. No. 32, 45th Cong., 2nd Sess. (1878)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

## 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.*

---

FEBRUARY 21, 1878.—Read, ordered to lie on the table and be printed.

---

*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.

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, 301
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
	<hr/>
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
	<hr/>
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. 228), 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 28, 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.