

CERTAIN INDIAN LANDS IN INDIAN TERRITORY AND
OKLAHOMA.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

WITH INCLOSURES,

In reply to House resolution of 1st instant requesting information as to what Indian lands in Indian Territory and Territory of Oklahoma are now occupied for grazing purposes.

JUNE 22, 1892.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, June 20, 1892.

SIR: I have the honor to acknowledge the receipt of House resolution of the 1st instant, viz:

Resolved, That the Secretary of the Interior be, and he hereby is, requested to furnish for the immediate information of the House a statement showing what Indian lands in the Indian Territory and in the Territory of Oklahoma are now occupied by persons, companies, or corporations for grazing purposes, describing the lands so occupied, the date, duration, and terms of all leases for such use, the consideration paid therefor, to whom paid, and by what authority, if any, such leases are made; and

Whereas it is generally understood and currently reported, through the public press and otherwise, that large numbers of cattle are being held and grazed upon the Cherokee lands west of the ninety-sixth degree recently ceded to the United States by agreement between the Cherokee Nation and the United States, dated December 19, 1891, which agreement is now pending before Congress for ratification:

Resolved further, That the Secretary of the Interior be, and he is hereby, requested to state fully all particulars relative to the rights of all persons so occupying said lands west of said ninety-sixth degree, showing by what right or authority of law such lands are leased or so occupied, under what leases, if any, with whom made, at what dates, at what rental, and to whom said rentals are paid.

In reply thereto I transmit herewith copy of a communication of the 13th instant from the Commissioner of Indian Affairs with inclosures noted therein, which, it is believed, contains the information desired.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 13, 1892.

SIR: I am in receipt, by Department reference of the 2d instant, for report of a resolution of the House of Representatives requesting the Secretary of the Interior to furnish a statement showing what lands in the Indian Territory and in the Territory of Oklahoma are occupied by persons, companies, or corporations for grazing purposes, and to state fully all particulars relative to the rights of all persons so occupying lands west of the ninety-sixth degree on the lands known as the Cherokee Outlet. Said resolution is as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish, for the immediate information of the House, a statement showing what Indian lands in the Indian Territory and in the Territory of Oklahoma are now occupied by persons, companies, or corporations for grazing purposes, describing the lands so occupied, the date, duration, and terms of all leases for such use, the consideration paid therefor, to whom paid, and by what authority, if any, such leases are made; and,

Whereas it is generally understood and currently reported through the public press and otherwise that large numbers of cattle are being held and grazed upon the Cherokee lands west of the ninety-sixth degree, recently ceded to the United States by agreement between the Cherokee Nation and the United States, dated December 19, 1891, which agreement is now pending before Congress for ratification.

Resolved further, That the Secretary of the Interior be, and is hereby, requested to state fully all particulars relative to the rights of all persons so occupying said lands west of said ninety-sixth degree, showing by what right or authority of law such lands are leased or so occupied, under what leases, if any, with whom made, at what dates, at what rental, and to whom said rentals are paid.

In reporting on this resolution, I have the honor to invite attention to the following items contained in the annual reports of the Secretary of the Interior for the fiscal years ending June 30, 1891 and 1892, which briefly explain the situation concerning grazing upon Indian lands in the Indian Territory and the Territory of Oklahoma:

CATTLE GRAZING ON INDIAN LANDS IN THE INDIAN TERRITORY AND OKLAHOMA.

In the Secretary's last annual report reference was made to the fact that a corporation, established under a State law, was seeking to lease for long periods and at egregiously large prices and for merely grazing purposes certain lands, for the cession of which to the United States a commission appointed under section 14 of the Indian appropriation act of March 2, 1889 (25 Stats., 1005), had been authorized to negotiate, and attention was called to the fact that all such leases in the then Indian Territory were illegal and void. On February 17, 1890, a proclamation was issued directing that no more cattle or live stock should thereafter be brought upon the Cherokee outlet, and that all cattle or live stock then on said lands must be removed therefrom not later than October 1, 1890.

In accordance with the Secretary's instructions, the Commissioner of Indian Affairs, on March 29, 1890, issued a notice that all cattle and other live stock held on any Indian lands in the Indian Territory under any pretended lease, contract, or other arrangement with Indians for the use of any part or portion of any Indian lands for grazing purposes must be removed therefrom not later than October 1, 1890.

By proclamation of September 19, 1890, the time for removal of stock from the outlet was extended to November 1, 1890, as to one-half, and to December 1, 1890, as to the other half, the owners having submitted a proposition, in writing, agreeing to so remove their stock and abandon all claims to the outlet.

In harmony with this, a similar modification was made in the order for the removal of cattle from the other Indian lands in the Indian and Oklahoma Territories. This policy of exclusion is still deemed the best for all interests involved. It will be in vain to attempt to open the vast regions of the Indian reservations to let them to white men for grazing cattle. Although the money received is small compared to that the United States would pay annually as interest for the trust fund derived from the lands, the Indians will prefer the cash which can be lost or spent in a few days each year without the careful control the Government would give. The results are complete bars to advance and the Indian policy is defeated. In many instances

there is good reason to believe that the money realized is appropriated by a few among the more designing of the Indians and does not reach the majority of the tribe at all or in but small sums. Moreover, these cattle that are pastured are not themselves taxed, and come into the market in competition with the beeves of farmers who pay taxes both on their lands and cattle. Their number and their cheapness are the results of an illegal traffic, and their owners should be allowed no such unjust advantage. (See p. 36, Secretary's annual report for 1890.)

GRAZING ON RESERVATIONS.

In the act of February 28, 1891, amending the general allotment act of February 8, 1887, provision is made for leases of allotments by allottees who from age or disability can not personally and with benefit to themselves occupy or improve their allotments, or any part thereof, under such terms, regulations, and conditions as shall be prescribed by the Secretary of the Interior, for not exceeding five years for farming and grazing purposes and ten years for mining purposes.

The section of law making this provision contains also the following: "*Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.*"

In pursuance of this law, authority was granted on April 9, 1891, for the agent having charge of the Osage, the Pawnee, the Ponca, and the Otoe and Missouri Indians, they having expressed a desire to lease a portion of their lands for grazing purposes, to invite formal proposals for grazing for one year upon such lands within the respective reservations as would properly come within the limitations fixed by law. Grazing arrangements on such reservations were finally made for one year only, for the reason that there was not then remaining sufficient time of the grazing season of the current fiscal year to secure proper competition upon which to base grazing leases for the full period allowed by law.

Some of the Indians, especially in the Indian Territory and in Oklahoma, had heretofore been suffered to enter into arrangements with white men for grazing cattle on their reservations. There was no law under which such grazing arrangements could be sanctioned by the Department, and the attention of Congress was called to the subject. No general law was enacted giving legality to such use of large areas of surplus land within Indian reservations, but, on the contrary, provision was made for a commission to negotiate with the Cherokees, and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the then Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands.

Whatever may be said in behalf of the Indians who had bought and paid for their lands of the equity or justice of this law authorizing leasing of portions of the lands within their reservations for grazing and mining purposes, it can be seen that it is legislation calculated to obstruct the general policy which the United States has clearly indicated by authorizing the negotiations referred to, and which have been steadily pursued for some time past, of securing the consent of the Indians to take allotments of land in severalty and to cede their surplus lands to be opened to settlement. A law granting the Indians the privilege of letting their surplus lands for grazing purposes, by which a considerable revenue comes to the tribe thus favored for the common benefit of all belonging to it, is not calculated to advance the policy of tribal segregation, of individual allotments, of industrial habits, and of the civilization of the Indians, nor to open to public settlement the unnecessary quantities of land now held within their reservations.

This provision of law was not submitted for the consideration of this Department, and in view of the negotiations authorized and in progress, the Department would not have been inclined to have given its approval to the enactment, especially as it will tend to embarrass and hinder such negotiations as are now being conducted by the Cherokee Commission. The sums paid by persons, or more frequently, corporations, securing such leases are comparatively small and are received by the head men of the tribe or council, and in large part applied to what is called the support of the tribal government; whereas if these extensive lands, now put to such poor use, were sold to the United States the proceeds would form an interest-bearing fund to be distributed to all the individuals of the tribe per capita, under the direction of the Indian Bureau. Besides it is apparent that the policy of reducing Indian reservations and giving allotments in severalty has been so far carried into effect around about these poor remnants of tribes on the Cherokee outlet that it will be impossible to perpetuate here the tribal conditions for the gain of a few white citizens without the demoralization of the Indians and their great pecuniary loss. (See Secretary's annual report for 1891, page 59.)

With reference to what Indians can be held to have "bought and paid for" the lands which they occupy within the meaning of the law quoted in the last preceding extract, this office requested instructions from the honorable Secretary of the Interior, who called upon the Assistant Attorney-General of the Department for an opinion thereon as to whether or not the Omaha Indians could lawfully lease their unallotted lands under the provisions of said section 3. In the opinion rendered January 11, 1892, approved by the honorable Secretary of the Interior, it is held:

It is very clear that Congress intended by this act to confer upon the Indians and upon the Department powers which they did not theretofore possess, and the provisions of this section are clear and unambiguous. The parties who may lease are Indians who have "bought and paid for" the same. Congress was legislating with reference to those Indians who have, under treaty or otherwise, become possessors and owners of certain specific tracts or bodies of lands by purchase or exchange or surrender of other property, in contradistinction to those Indians who are occupying reservations created by Executive order or legislative enactment. The words "bought and paid for" do not, in my opinion, imply that the consideration for the lands must have been cash in hand paid by the Indians, but rather that the words were used in their ordinary and usual acceptation, and signify a purchase either by the payment of money or by exchange of or surrender of other property or possessions.

There are now in force on the Ponca and Otoe reservations, Oklahoma, under the Ponca, Pawnee, etc., Agency, four grazing leases. Bids for grazing privileges on the reservations under this agency were requested by advertisement for three weeks each in the Arkansas City Traveler, of Arkansas City, Kans.; the Kansas City Journal, of Kansas City, Mo.; and in the Texas Live Stock Journal, of Fort Worth, Tex., and the highest and best bid in each case was accepted, and the successful bidder was required to enter into good and sufficient bond, in an amount equal to two-thirds of the lease, conditioned for the faithful performance thereof.

These leases are as follows:

The East Ponca Pasture, leased to John B. Walker, of Arkansas City, Kans., dated March 7, 1892; term, one year from April 1, 1892; estimated area, 33,000 acres; price per acre 18 cents; annual rental, \$5,940; description of range: Bounded on the east by the Arkansas River, on the south by the Otoe Reservation, on the west by a road running north and south, on the north by the Salt Fork River; all fences to be left on the land. Approved by the Secretary of the Interior, March 29, 1892.

The West Ponca Pasture, leased to George W. Miller, of Winfield, Kans., dated March 7, 1892; term, one year from April 1, 1892; estimated area, 33,000 acres; price per acre $7\frac{1}{2}$ cents; annual rental, \$2,475; description of range: Bounded on the north and west by the Salt Fork River, on the south by the Otoe Reservation, on the east by a road running north and south; the fences and all improvements to revert to the Indians at the end of the lease. Approved by the Secretary of the Interior, March 29, 1892.

The East Otoe Pasture, leased to Isaac T. Pryor, of Arkansas City, Kans., dated March 7, 1892; term, one year from April 1, 1892; estimated area, 60,000 acres; price per acre, 5 cents; annual rental \$3,000; description of range: Bounded on the south by the Cherokee Outlet, on the east by the Pawnee Reservation, on the northeast corner by the Arkansas River, on the north by the Ponca Reservation. Approved by the Acting Secretary of the Interior, March 31, 1892.

The west Otoe pasture, leased to Frank Witherspoon, of Gainesville, Tex.; dated March 7, 1892; term, one year from April 1, 1892; estimated area, 50,000 acres; price per acre, $6\frac{1}{2}$ cents; annual rental, \$3,250. Description of range: Commencing at the northwest corner

of the Otoe Reservation, running thence south on the west line of the reservation to the southwest corner thereof, thence east on the south line of the reservation to the east pasture, thence north on the division line to the settled portion of the reservation, thence west to the Santa Fe Railroad, thence north to the Ponca line, thence west to place of beginning. Approved by the Secretary of the Interior, March 29, 1892.

Payment of rent in all these leases to be made in equal semiannual payments in advance, on May 1 and September 1, 1892, to the United States Indian agent of the Ponca, Pawnee, etc., Agency, for the use and benefit of the Indians of the respective reservations.

The surplus lands on the Pawnee Reservation are not leased. The highest bid for grazing privileges on this reservation was 1 cent per acre for the east pasture, and 2 cents per acre for the west pasture. The Pawnee Indians in council unanimously voted to reject both bids as being wholly inadequate.

There are now in force on the Kaw Reservation, Oklahoma (under jurisdiction of the Osage Agency), three grazing leases which were authorized under the following facts and circumstances:

The Indians of this reservation, as was the case with others in the Indian Territory as it existed before the Territory of Oklahoma was created, had, a number of years ago, entered into leases with certain parties for grazing privileges without the consent or approval of either this office or the Department. All cattle held on Indian lands under these arrangements or pretended leases were required by instructions of this office of March 29, 1890, to be removed from said lands.

These unauthorized leases did not expire until October, 1893. When the attention of the Kaw Indians was invited to the fact that there was a law authorizing the leasing of their surplus tribal lands, the council on December 26, 1891, unanimously voted to continue the old contracts in force until the expiration thereof by their terms.

The following are the proceedings of the Kaw Council respecting this matter:

We have entered into contracts with certain companies, and leased to them certain parts of our lands for a number of years, which time will expire in a little more than one year. These parties have made valuable improvements on our lands which we are to have at the expiration of our contract with them. These parties have kept their agreements with us, made the improvements and paid us as they agreed, and we ask that the Department permit us to keep our agreement with them. We are satisfied with the agreements we have made and ask to be allowed to keep our part. This is the wish of all our people, expressed in general council of our tribe at Kaw Agency, December 26, 1891.

As these leases were illegal when made, they could not be approved; the agent of these Indians was accordingly directed to execute new leases with the parties who had held the old contracts, for a period of one year from April 1, 1892, upon the same terms mentioned in the old contracts, all fences and improvements on the respective ranges to revert to the Indians at the expiration of the leases.

These leases are as follows:

First. To the Arkansas Cattle Company, A. A. Newman, president; dated March 2, 1892; term, one year from April 1, 1892; estimated area, 55,033.12 acres; price per acre, 4 cents; annual rental, \$2,201.32. Description of range: Commencing at the northwest corner of the Osage Reservation, Oklahoma Territory, thence south 8 miles on line between the Kaw and Osage reservations, thence due west to the Arkansas River, thence northerly along the Arkansas River to the south line of the State of Kansas, thence east along said south line of Kansas to point of beginning, being the north half of the Kaw Reservation, Okla-

homa Territory, excepting therefrom the claims of Josephine Thompson, Big Louis Pappan, Rosanna Cooper, Stephen Pappan, and "Blan" Pappan, five claims in all. All fences and improvements to revert to the Indians at the expiration of the lease.

Second. To Drury Warren, dated March 2, 1892; term, one year from April 1, 1892; estimated area, 16,000 acres; price per acre, 5 cents; annual rental, \$800. Description of range: Commencing at the southwest corner of Simon Clevvier's farm on the Arkansas River; thence south along said river to Bear Creek; thence southeast through "the Jack Oaks," thence east to the Kaw road; thence north up the Beaver Creek to the place known as the "Blonde Pappan" farm; thence due west and along the fence on land leased to the Arkansas City Cattle Company to Simon Clevvier's farm; thence south and west around said Clevvier's farm to place of beginning. All fences to remain in possession of the Indians at the expiration of the lease.

Third. To Isaac D. Harkleroad, dated March 2, 1892; term, one year from April 1, 1892; estimated area, 8,000 acres; price per acre, 5 cents; annual rental, \$400. Description of range: Commencing at the southeast corner of the Gilbert range; thence west to the southeast corner of the Blonde Pappan farm, near the Little Beaver Creek; thence with the said Little Beaver Creek, crossing at various places, about $1\frac{1}{2}$ miles; thence southwest about 1 mile; thence southeast about $1\frac{1}{2}$ miles; thence east to the east line of the Kaw Reservation; thence north on said line to place of beginning, except five quarter sections, being claims occupied. All fences to revert to the Indians at expiration of lease.

Payments of rent in all these leases to be made to the United States Indian agent for the Osage Agency, for the use and benefit of the Kaw tribe of Indians, in equal quarterly-annual payments, in advance, on the 1st day of April, July, and October, 1892, and the 1st day of January, 1893.

The leases were all approved by the acting Secretary of the Interior on March 30, 1892, as follows:

Approved, provided that there is maintained such a fence on the north line of this lease as is sufficient to hold the cattle on the leased lands and prevent their straying into Kansas.

There are now in force on the Osage Reservation, Oklahoma Territory, thirty-two grazing leases. Some years prior to the passage of the said act of Congress approved February 28, 1891, the Indians of the Osage Reservation had entered into contracts with certain of their own citizens and citizens of the United States—twenty-five in all—without the advice or consent of either this office or the Department, for grazing on certain lands on their reservation for a term of five years at the uniform price of $3\frac{1}{2}$ cents per acre for the estimated number of acres in each range. The cattle held on the reservation under these unauthorized arrangements were removed under the instructions of March 29, 1890. After the passage of the above act the agent of the Osage Agency was permitted, at the urgent request of the Indians and owing to the lateness of the season, to enter into leases with the same parties for the ranges formerly occupied by them for a period of one year from April 1, 1891, at the uniform rate of $3\frac{1}{2}$ cents per acre.

On December 5, 1891, this office called Agent Miles' attention to the necessity for timely action in the matter of grazing leases on the Osage Reservation for the year to commence April 1, 1892, with a view of advancing for proposals therefor, and directed to convene the Indians

in council and submit the matter to them for their action. The agent, accordingly, on December 19, 1891, convened a council of the Osage Indians, and submitted to them the matter of grazing contracts for the year to commence on April 1, 1892, as set forth in said office letter of December 5. The following are the proceedings of said council:

Whereas there has been referred to us the matter of the cattle leases upon the Osage Reservation, as set forth in letter from the Commissioner of Indian Affairs, dated December 5, 1891; and

Whereas the Osage council has in past years made certain leases with citizens of the Osage Nation and citizens of the United States for grazing purposes on this reservation; and

Whereas these leases were made in good faith, and the Osage Nation feels in honor bound to carry out its part of the contract; and

Whereas the lessees of this reservation have faithfully complied with every condition of these contracts: Therefore be it

Resolved, That the Osage Nation desires to faithfully carry out the contracts we have made; and be it

Resolved, That we earnestly solicit the Department at Washington to permit us to honestly and honorably comply with the obligations under which the Osage Nation feels bound.

The unexpired term of the contracts referred to in the council proceedings was four years. The Department did not deem it advisable to approve leases with the old lessees for a term of four years at the annual rental mentioned ($3\frac{1}{2}$ cents per acre), but directed that the agent be instructed to enter into leases with said parties for the period of one year from April 1, 1892, at said price per acre. Subsequent to the time when the agent was authorized to enter into leases with the old lessees, as aforesaid, he submitted for approval seven leases with members of the Osage tribe for small ranges lying adjacent to their respective farms for the period of one year from April 1, 1892. The agent stated that with the exception of one—that to Virgil Herard—these ranges were not in excess of the amount that would be accorded them, respectively, under their pro-rata rights. These seven leases were for the uniform price of $3\frac{1}{2}$ cents per acre, and were duly authorized by the Osage council. This office saw no objection to the approval of these leases, and so stated to the Department, and the leases were accordingly approved.

All leases, then, on the Osage Reservation are for the term of one year from April 1, 1892, at the uniform price of $3\frac{1}{2}$ cents per acre for the estimated number of acres in each range. All of these leases were approved by the Secretary of the Interior; twenty-one on March 30, four on April 1, and seven on April 21, 1892, as follows:

Approved, provided the fence erected on the Osage Reservation, one-quarter of a mile south of the south line of Kansas, is kept in good and substantial repair and is sufficient to hold the cattle on the leased lands and prevent their straying into Kansas.

In transmitting the leases to the agent he was instructed to see that the condition in the approval of the leases was observed, and that the fence mentioned therein was kept in good and substantial repair.

Further descriptions of these leases are as follows:

First. To Thomas J. Rogers, Osage citizen; dated February 22, 1892; estimated area, 7,680 acres; annual rental, \$268.80; description of range: Beginning at the northwest corner of Soderstram pasture, running thence 3 miles west, thence 4 miles south, thence 3 miles east, thence 4 miles north to place of beginning.

Second. To T. L. Rogers, Osage citizen; dated February 22, 1892; estimated area, 30,720 acres; annual rental, \$1,075.20; description of range: Commencing at the northwest corner of section 13, township,

24, range 9, thence south 8 miles, thence east 6 miles, thence north 8 miles, thence west 6 miles to place of beginning.

Third. To E. M. Hewens, citizen of United States; dated February 28, 1891; estimated area, 30,720 acres; annual rental, \$1,075.20; description of range: Commencing at the northeast corner of township 27 north, range 6 east, running thence west 8 miles, thence south 6 miles, thence east 8 miles, thence north 6 miles to place of beginning.

Fourth. Thomas Leahy, Osage citizen; dated February 22, 1892; estimated area 15,360 acres; annual rental, \$537.60; description of range: Commencing at the southeast corner of the southwest quarter of section 4, township 27, range 10 east, running east 4 miles, thence north 6 miles, thence west 4 miles, thence south 6 miles to place of beginning.

Fifth. To C. W. Brown, Osage citizen; dated February 22, 1892; estimated area, 17,280 acres; annual rental, \$604.80; description of range: Commencing at the northeast corner of the Osage Reservation, running thence west along the south line of Kansas 6 miles, thence south 4 miles, thence east along the breaks of Caney to a point on the Cherokee line 5 miles south of the State line of Kansas, thence north to said place of beginning.

Sixth. To D. S. Green, of Denver, Colo., citizen of United States, dated February 22, 1892; estimated area, 64,000 acres; annual rental, \$2,240; description of range: Commencing at the southeast corner of township 28 north, range 7 east, running north 10 miles, thence west 10 miles, thence south 10 miles, thence west 10 miles to place of beginning.

Seventh. To J. H. Carney, of Cedarvale, Kans., citizen of the United States, dated February 22, 1892; estimated area, 4,800 acres; annual rental, \$168. Description of range: Commencing at the southeast corner of the Kaw Reservation; running south $2\frac{1}{2}$ miles; thence east 3 miles; thence north $2\frac{1}{2}$ miles; thence west 3 miles; to place of beginning.

Eighth. To Adams, Shaver & Broderick, of Cedarvale, Kans., citizens of the United States, dated February 22, 1892; estimated area, 30,720 acres; annual rental, \$1,075.20. Description of range: Commencing at the northwest corner of township 26 north, range 7 east; running south 6 miles; thence east 8 miles; thence north 6 miles; thence west 8 miles to place of beginning.

Ninth. To G. M. Carpenter, of Elgin, Kans., citizen of the United States, dated February 22, 1892; estimated area, 29,400 acres; annual rental, \$1,029. Description of range: Commencing at northeast corner of section 18, township 29, range 8 east; running south ten miles; thence east 3 miles; thence north 3 miles; thence east $2\frac{1}{4}$ miles; thence north 7 miles; thence west $5\frac{1}{2}$ miles to place of beginning.

Tenth. To Louis Rogers, Osage citizen, dated February 22, 1892; estimated area, 23,040 acres; annual rental, \$806.40. Description of range: Beginning at the southeast corner of the farm or ranch now occupied by the said Louis Rogers; thence south 6 miles; thence west 6 miles; thence north 6 miles; thence east 6 miles to place of beginning.

Eleventh. To Charles Prudom, Osage citizen, dated February 22, 1892; estimated area, 30,000 acres; annual rental, \$1,050. Description of range: Commencing at a point on the Arkansas River where the division fence intersects the original fence on the lease originally granted to William J. Pollock and John N. Florer, near the farm of Pretty Hair; running thence around on the line of said river upward to a point where said division fence intersects the original on the north about 1 mile from Charley Creek; thence southerly along said division fence to place of beginning.

Twelfth. To Horace H. Crane, of Independence, Kans., and William H. H. Larriner, of Kansas City, Mo., citizens of the United States; dated February 22, 1892; estimated area, 80,000 acres; annual rental, \$2,800. Description of range: Commencing at the southeast corner of the Osage Reservation; thence running north 9 miles; thence west to the Arkansas River; thence along said river to the south line of the Osage Reservation; thence east to the place of beginning.

Thirteenth. To William H. Connor, Osage citizen; dated February 22, 1892; estimated area, 16,000 acres; annual rental, \$560. Description of range: Commencing at a point 80 rods south of the northeast corner of the Kaw Reservation; thence east parallel with the Kansas State line to a point intersecting the fence on the Green Pasture; thence south 6 miles along said fence; thence due west to the Kaw Reservation; thence north along the line of said reservation to the place of beginning.

Fourteenth. To Charles Prudom, administrator of the estate of Louis Del'Orier, deceased; dated February 22, 1892; estimated area, 11,520 acres; annual rental, \$402.20. Description of range: Commencing at the southwest corner of the southeast quarter of section 21, township 28 north, range 9 east; running south 6 miles; thence east 3 miles; thence north 6 miles; thence west 3 miles to place of beginning.

Fifteenth. To Thomas G. Ayres, citizen of the United States; dated February 22, 1892; estimated area, 35,000 acres; annual rental, \$1,225. Description of range: Commencing at a point on the eastern bank of the Arkansas River due westward from the Matthews spring, about $1\frac{1}{2}$ miles northward from Flora's present cabin and corral, and running thence eastward 6 miles; thence south 8 miles; thence in a southwesterly direction to the division fence near the farm of Pretty Hair; thence northward up said division fence to where it strikes the Arkansas River, about a mile below Charley Creek; thence up said river to place of beginning.

Sixteenth. To S. J. Soldani, Osage citizen; dated February 22, 1892; estimated area, 25,000 acres; annual rental, \$875; description of range: Starting at the northeast corner of Gould and Ayres's pasture, running thence south 8 miles, thence west 4 miles, thence south 2 miles, thence east 4 miles, thence in a northeasterly direction about 7 miles to the southwest corner of Connor's pasture, thence north 2 miles, thence west 2 miles, thence north $3\frac{1}{2}$ miles, thence west 5 miles to the place of beginning.

Seventeenth. To Julian Trumbley and George Ed. Tinker, Osage citizens; dated February 22, 1892; estimated area, 27,000 acres; annual rental, \$945; description of range: Beginning at the southwest corner of section 21, township 28 north, range 9 east, thence east 3 miles, thence south 6 miles, thence east 3 miles, thence north $9\frac{1}{2}$ miles to the south line of section 4, township 28 north, range 10 east, thence in a northeasterly direction to or near the northeast corner of section 24, township 29 north, range 9 east, thence to the east boundary line of Carpenter's pasture, thence south to place of beginning.

Eighteenth. To J. B. Trumbley and Frank Revelett, Osage citizen; dated February 22, 1892; estimated area, 10,240 acres; annual rental, \$358.40; description of range: Commencing at the southeast corner of J. B. Trumbley's place on Big Ganey in the Osage Nation, running south 4 miles, thence west 4 miles, thence north 4 miles, thence east 4 miles to place of beginning.

Nineteenth. To Henry Foster, of Independence, Kans., citizen of the United States; dated February 22, 1892; estimated area, 25,120 acres; annual rental, \$879.20; description of range: Commencing at the south-

east corner of section 33, township 28 north, range 8 east, running $5\frac{1}{2}$ miles east, thence 10 miles north, thence $3\frac{1}{2}$ miles west, thence 7 miles south, thence west $2\frac{1}{2}$ miles, thence 3 miles south to place of beginning.

Twentieth. To Harry E. Slaughter, Osage citizen; dated February 22, 1892; estimated area, 8,640 acres; annual rental, \$302.40; description of range: Commencing at the northwest corner of section 4, township 26 north, range 8 east, thence running south 3 miles, thence east $4\frac{1}{2}$ miles, thence north 3 miles, thence west $4\frac{1}{2}$ miles to place of beginning.

Twenty-first. To J. H. Pugh, of Independence, Kans., citizen of the United States, dated February 22, 1892; estimated area, 46,000 acres; annual rental, \$1,610. Description of range: All of township 27 north, range 7 east, and township 27 north, range 8 east.

Twenty-second. To Cyrus Ririe, administrator of the estate of A. L. Choteau, deceased, Osage citizen, dated February 22, 1892; estimated area, 30,720 acres; annual rental, \$1,075.20. Description of range: Commencing at the northeast corner of township 24 north, range 7 east; running thence west 6 miles; thence south 8 miles; thence east 6 miles; thence north 8 miles to place of beginning.

Twenty-third. To Edward T. Conner, of San Angelo, Texas, citizen of the United States, dated February 22, 1892; estimated area, 16,320 acres; annual rental, \$571.20. Description of range: Commencing at the northeast corner of section 13, township 26 north, range 6 east; thence west 2 miles; thence south one-half mile; thence $3\frac{1}{2}$ miles west; thence $3\frac{1}{2}$ miles south; thence 2 miles east; thence 2 miles south; thence $3\frac{1}{2}$ miles east; thence 6 miles north to place of beginning.

Twenty-fourth. To John Lee, of Sedan, Kans., citizen of the United States, dated February 22, 1892; estimated area, 9,600 acres; annual rental, \$336. Description of range: Commencing at the northwest corner of township 27 north, range 9 east; running thence south 6 miles; thence $2\frac{1}{2}$ miles east; thence north 6 miles; thence $2\frac{1}{2}$ miles west to place of beginning.

Twenty-fifth. To John Soderstrom, Faron, Kans., citizen of the United States, dated February 22, 1892; estimated number of acres, 51,148; annual rental, \$1,790.18. Description of range: Commencing at the twentieth milestone south from the Kansas State line on the east side of the Osage Reservation; running thence south 10 miles; thence west 5 miles; thence northwest $4\frac{1}{2}$ miles; thence north 7 miles; thence east 8 miles to the place of beginning.

Twenty-sixth. To Virgil Herard, Osage citizen; dated February 22, 1892; estimated area, 48,280 acres; annual rental, \$1,689.80; description of range: Beginning at the northeast corner of the Leahy pasture, thence east to the east line of the Revelett & Trumbley pasture, thence south on the west line of said pasture to the southwest corner of the same, thence east to the west line of the Hampton pasture, thence southerly on the west line of the said Hampton pasture across Sand Creek to the north line of the Soderstrom pasture, thence west on the north line of said pasture and the north line of the T. J. Rogers or Adams pasture to the east head of the Ne-lah-ho-ny Creek, thence northerly across said creek, and thence in a northerly direction to the southeast corner of the Trumbley & Tinker pasture, thence north on the east line of said pasture to the southwest corner of the Leahy pasture, thence east on the south line of the said Leahy pasture to the southeast corner of the same, thence north on the east line of said pasture to the place of beginning.

Twenty-seventh. To W. T. Mosier, Osage citizen; dated February 22,

1892; estimated area, 15,000 acres; annual rental, \$525; description of range: Beginning at a point on the south side of Clear Creek about one-half mile east of Thomas Mosier's house, thence south about 4 miles, thence westerly about 1 mile to Mrs. Mosier's farm on the Little Hominy Creek, crossing the same in a southerly direction about 1 mile to the Choteau pasture, thence westerly on said Choteau's line about 4 miles, thence northerly about 4 miles to Clear Creek, thence down to south bank of said creek to place of beginning.

Twenty-eighth. To Joseph Revard, Osage citizen; dated February 22, 1892; estimated area, 21,760 acres; annual rental, \$761.60; description of range: Beginning at the southwest corner of Pearson & Denoya's pasture, thence in a southeasterly direction about $4\frac{1}{2}$ miles to the south line of township 25 north, range 7 east, thence west about 5 miles to the southwest corner of section 33, township 25 north, range 6 east; thence northwesterly to the southeast corner of Sol. Revard's pasture, thence north on east line to northeast corner of same, thence northwesterly to southwest corner of Conner's pasture, thence east 3 miles on Conner's south line to the northeast corner of reëntering angle in said pasture, thence south 2 miles on west line of Conner's pasture to south line of same, thence $3\frac{1}{2}$ miles to west line of Pearson & Denoya's pasture, thence south to place of beginning.

Twenty-ninth. To Frank Lassert, Osage citizen; dated February 22, 1892; estimated area, 9,600 acres; annual rental, \$336; description of range: Beginning at the southwest corner of the S. J. Soldani pasture, thence in a southwesterly direction about 5 miles, thence in a northwesterly direction 3 miles to the southwest corner of Frank Lassert's farm, thence up the east bank of the Arkansas River about 5 miles to the old Pollock pasture, thence in an easterly direction along the south line of the Ayers pasture, about 3 miles to the northwest corner of the south part of the Soldani pasture, thence south to place of beginning, except 960 acres now occupied by said Frank Lassert, and known as his farm.

Thirtieth. To John Pappin, Osage citizen; dated February 22, 1892; estimated area, 5,760 acres; annual rental, \$201.60; description of range: Beginning 1 mile east of the T. J. Rogers pasture, thence running north 3 miles across Sand Creek, thence west 3 miles, thence south 3 miles, thence east along the north line of Pettitts and Fred. Lookout's pastures, striking the T. J. Rogers pasture, and along the line of the same to the place of beginning.

Thirty-first. To George Ed. Tinker and Mrs. Francis Fugate; dated February 22, 1892; estimated area, 10,000 acres; annual rental, \$350; description of range: Beginning at the southeast corner of the Soderstrom pasture, thence south 3 miles, thence west 6 miles, thence north 3 miles, thence 6 miles to place of beginning.

Thirty-second. To Joseph Pearson and Clement De Noya, Osage citizen; dated February 22, 1892; estimated area, 10,000 acres; annual rental, \$350; description of range: Beginning at a point on the south line of Adams, Shaver, and Broderick's pasture at the southeast corner of township 26 north, range 7 east, thence south 3 miles, thence west 6 miles, thence north 3 miles, thence east 6 miles on the south line of Adams, Shaver, and Broderick's pasture to place of beginning.

The consideration in all the above leases is to be paid in equal quarterly annual payments in advance, namely, on the 1st day of April, July, and October, 1892, and the 1st day of January, 1893, to the United States Indian agent of the Osage agency, for the use and benefit of the Osage tribe of Indians.

So far as this office is aware, there are no leases actually in force on the Kiowa and Comanche reservation, Oklahoma, but the United States Indian agent for these Indians has been authorized to enter into five leases at the uniform rate of 6 cents per acre for the grazing season ending April 1, 1893, covering the greater part of the surplus lands suitable for grazing purposes on this reservation. Bids for grazing privileges on this reservation were not invited by advertisement therefor, for the reason that the Indians in council, on May 5, 1892, when the matter of leasing their surplus lands for grazing purposes was presented to them by the agent under Department instructions to advertise therefor, voted to lease their lands to certain parties who had formerly leased lands of them for said purpose, which leases were not sanctioned or authorized by this office. The parties referred to are D. Waggoner & Son, S. B. Burnett, E. C. Sugg & Bro., J. P. Addington, and C. T. Herring. The following are the said council proceedings of May 5:

We, the undersigned Indians of the Kiowa, Comanche, and Apache tribes, having convened in council this 5th day of May, 1892, for the purpose of leasing our surplus lands for grazing purposes, do hereby recommend and agree that the leases to E. C. Suggs & Bro., C. T. Herring, S. B. Burnett, Dan Waggoner & Son, and J. P. Addington, with such additional area as are noted in their applications for the renewal of said leases, and under such conditions as described in said renewal, be granted. We further pray that we be allowed to select, by and with the consent of our agent, such additional lessees as may be required to lease such additional grazing lands as are not required for agricultural or allotment purposes, at a price of not less than six (6) cents per acre.

That we have offers from men agreeable to us sufficient to take up our surplus lands at the above price, and pray that favorable action be taken immediately, as our revenue is being curtailed and the season far advanced. We also pray that the lessees be made to enter into contract and bond for faithful performance and stipulations of any lease entered into for grazing purposes.

After the meeting of the council, United States Indian Agent Day immediately forwarded the applications of these parties to lease the ranges, respectively, which they had formerly leased of the Indians without the consent of this office. From each of these parties there were due to the Indians (with the possible exception of J. P. Addington, and it does not appear how much, if anything, was due from him), a certain sum on these old unauthorized leases, and each applicant, with his application, deposited a certified check—

in payment for the use of the area herein named, for which we may have had no use and for which said Indians may have had no compensation by reason of the fact of our having had to abandon the contract herein named, and said sum to be paid said Indians as soon as you [meaning the Indian agent] may be authorized to carry into effect this contract by the Commissioner of Indian Affairs.

The amounts of the certified checks deposited by these parties in payment of the "old debt" for grazing privileges, which were conditioned upon the acceptance by this office of their respective applications, are as follows: D. Waggoner & Son, \$7,810.88; S. B. Burnett, \$3,914.24; E. C. Sugg & Bro., \$5,907.08, and C. T. Herring, \$1,666.67.

On the 14th of May, current, Agent Day was telegraphed that the back payments were to be made unconditionally, and that the office would not consider applications for new grazing leases until this was done. On the 21st of the same month Agent Day telegraphed in reply that the back "grass payments" had been made unconditionally by check, and that this office should strike out of the respective applications "to be paid when ratified."

The applications were for the period of one year from April 1, 1892, at the uniform price of 6 cents per acre, for the estimated number of

acres in each range. The description of the respective ranges is as follows:

D. Waggoner & Son.—Beginning at a point within said reservation, on the banks of Red River about three-fourths of a mile above old Camp Augur; thence north about 20 miles; thence east about 5 miles; thence north about 10 miles; thence due west about 29 miles to the North Fork of Red River; thence down the same to its intersection with Red River, and thence east along the banks of Red River to the place of beginning, comprising 502,490 acres, all inclosed in a wire fence, and all of which has heretofore been surveyed under the direction of these Indians.

S. B. Burnett.—Beginning at a point on Red River about three-fourths of a mile above old Camp Augur; thence north about 20 miles up the east line of the fence, inclosing the area leased D. Waggoner & Son; thence east about 5 miles; thence north about 12 miles, up the east line of the fence inclosing the area leased D. Waggoner & Son; thence east about 7 miles; thence south about 12 miles; thence east about 13 miles; thence south about 12 miles to Red River; thence west up Red River to the beginning and containing 287,867 acres, all inclosed in a wire fence and all of which has been surveyed under the direction of the Indians.

E. C. Sugg & Bro.—Beginning at a point on Red River where the fence on the east line of the area leased by S. B. Burnett touches said river; thence down the bank of Red River about 20 miles to the line of the Chickasaw Nation; thence north up the line of the Chickasaw Nation about 36 miles; thence west about 32 miles; thence south about 6 miles to the fence of S. B. Burnett on his east line; thence along the east line fence of S. B. Burnett about 7 miles; thence east about 13 miles along the north line of fence of the said Burnett; thence south along the east line fence of S. B. Burnett to the place of beginning containing 342,638 acres, all inclosed in a wire fence, and all of which has heretofore been surveyed under the direction of these Indians.

J. P. Addington.—Beginning at the northeast corner of the fence inclosing the area leased by E. C. Sugg & Bro., and running 7 miles north along the line of the Chickasaw Nation; thence in a southwesterly direction about 15 miles to a point about 3 miles west of Dry Beaver Creek; thence south about 14 miles to a point on the line of fence inclosing the area leased to aforesaid Sugg; thence northeast along Sugg's line to the point of beginning; in all including in area about 81,963 acres, all inclosed with a wire fence, and all of which has been surveyed under the direction of these Indians.

C. T. Herring.—Beginning at the northeast corner of fence inclosing the area leased D. Waggoner & Son; thence north 9 miles to head of Dry Otter Creek; thence west 17 miles to the north fork of Red River; thence south with the meanderings of said river to the north line of aforesaid Waggoner's area; thence east to place of beginning, containing 90,000 acres all inclosed with a wire fence, and all of which has been surveyed under the direction of these Indians.

On the 28th of May Agent Day was instructed to enter into leases with these parties for the ranges named in their respective applications, at 6 cents per acre, the fences to revert to the Indians, for the remainder of the year to end April 1, 1893, the lessees to enter into good and sufficient bond in amount equal to two-thirds of the lease, conditioned for the faithful performance thereof. No report has yet been received under these instructions.

Agent Day, in his letter of May 5, 1892, transmitting the applications of the parties above referred to, stated that he had additional bids from several other parties for about 500,000 acres of land on said reservation suitable for grazing purposes, and not needed for agricultural purposes by the Indians, and not desired for allotments. This amount of surplus lands, and these bids therefor, are referred to in the council proceedings above quoted. In accordance with the action of the council, Agent Day asked that he be authorized to enter into contracts for grazing privileges with the parties referred to in his letter, at 6 cents per acre, for a period of one year to end April 1, 1893.

After due deliberation this office concluded that Agent Day's application was too indefinite and uncertain, inasmuch as no names were mentioned, and it did not appear that any equities existed in favor of the persons referred to, and that prudence dictated that he be required to invite bids by advertisement, thus giving all persons equal chances

to secure the privilege. On the 3d instant he was accordingly instructed by letter to advertise for bids for the season ending April 1, 1893, for the remainder of the available grazing lands on the reservation. As stated in the council proceedings, these lands can not be leased for less than 6 cents per acre without further action by the council.

It is to be observed that all the leases referred to herein are in the Oklahoma Territory; so far as this office is aware, there are no existing grazing leases anywhere in the Indian Territory proper.

With reference to the rights of persons occupying the Cherokee Outlet lands for grazing purposes, and the authority of law under which they occupy it, if at all, I deem it expedient to premise what I have to say on this subject with the statement that if said lands are occupied by any person, or persons, or corporations, for any purpose whatever, it is wholly without the sanction, authority, or knowledge of this office. This office has given no one, neither white nor Indian, any right or authority to occupy any portion of said lands for grazing purposes, or for any purpose whatever.

The facts concerning the Cherokee Outlet, with reference to the right of persons or corporations to hold or graze cattle thereon, have been briefly referred to already in the extracts quoted from the reports of the honorable Secretary of the Interior, and from which it will be seen that on February 17, 1890, the President of the United States issued a proclamation in which he gave notice that no cattle or other live stock should thereafter be brought upon the Cherokee Outlet lands for herding or grazing thereon, and that all cattle and other live stock then on said Outlet lands must be removed not later than October 1, 1890. A printed copy of said proclamation is inclosed herewith.

On March 29, 1890, pursuant to said proclamation and in accordance with instructions of the Secretary of the Interior, this office gave notice to all whom it might concern, whether white men or Indians (copies of which notice were sent to each of the Indian agents in the Indian and Oklahoma Territories, with instructions that the requirements thereof must be observed and enforced), that all cattle and other live stock held on any Indian lands in the Indian Territory under any pretended lease, contract, or other arrangement with Indians for the use and occupation of any part or portion of any Indian lands for grazing purposes must be removed therefrom not later than October 1, 1890, and so much sooner as any special circumstances affecting said lands or concerning any of said cattle might make such removal necessary. A printed copy of said notice is inclosed herewith.

On September 19, 1890, the President issued an additional proclamation, in which, for reasons therein stated, he extended the time for the removal of all cattle and other live stock from said Outlet lands to November 1, 1890, as to one-half thereof, and to December 1, 1890, as to the residue and as to all property and employes. A printed copy of said proclamation of September 19, 1890, is inclosed herewith.

On October 8, 1890, in accordance with said second proclamation of the President and with instructions of the Secretary of the Interior, dated October 7, 1890, this office gave a second notice to all whom it might concern that the said order of March 29, 1890, was thereby modified so as to extend the time to November 15, 1890, as to one-half of said cattle and other live stock, and to December 1, 1890, as to the residue thereof. And all persons so holding cattle or other live stock upon any Indian lands were notified and warned that they must remove themselves and their cattle and other stock from said lands as in said notice required. Copies of this notice were sent to all the Indian agents

in the Indian and Oklahoma Territories for their information and guidance, with instructions to them to see that the notice be observed and enforced. A printed copy of said notice is inclosed herewith.

I also inclose herewith a printed notice issued by the Secretary of the Interior on September 9, 1891, referring to the above-mentioned proclamations of the President and also referring to the orders of the President of date, respectively, August 12, 1891, and August 31, 1891, relative to certain parties who claimed to be bona fide citizens of the Cherokee Nation, warning all persons having cattle or other stock on the lands known as the Cherokee "strip" or outlet lands, whether Cherokee Indians, white men, or others, that they must remove therefrom with their stock without delay.

As will be seen by this notice of the Secretary of the Interior, the duty of enforcing the said proclamations and orders of the President devolved upon the War Department, acting in concert with the Department of the Interior.

Since the issuance of the above referred to proclamations and orders, this office has received an occasional communication to the effect that there were trespassing cattle upon the Cherokee outlet lands. In every such instance the communication has been referred to the honorable Secretary of the Interior with the recommendation that it be transmitted to the War Department for its information and for such action as might be deemed advisable in the premises. You are respectfully referred to office letters of July 1 and 8, 1891; and April 19, 23, 26, and 27, and May 9 and 14, 1892.

The resolution is returned herewith.

Very respectfully, your obedient servant,

Commissioner.

The SECRETARY OF THE INTERIOR.

[Intrusions on Cherokee strip, February 17, 1890.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas that portion of the Indian Territory commonly known as the Cherokee strip or outlet has been for some years in the occupancy of an association or associations of white persons under certain contracts said to have been made with the Cherokee Nation in the nature of a lease or leases for grazing purposes; and

Whereas an opinion has been given to me by the Attorney-General concurring with the opinion given to my predecessor by the late Attorney-General that, whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no right exists in said Cherokee Nation under the statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void; and

Whereas the continued use of said lands thereunder for grazing purposes is prejudicial to the public interests;

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and give notice:

First. That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon;

Second. That all cattle and other live stock now on said Outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 17th day of February, in the year of our Lord one thousand eight hundred and ninety, and of the independence of the United States of America the one hundred and fourteenth.

[SEAL.]

By the President:

JAMES G. BLAINE,
Secretary of State.

BENJ. HARRISON.

Notice concerning alleged cattle leases on Indian lands in the Indian Territory.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 29, 1890.

It has been held by the Attorney-General of the United States that in the absence of some law therefor, derived from either a treaty or statutory provision, Indian tribes can not lease their reservations, and the President of the United States has by his proclamation of February 17, 1890, given notice that no cattle or live stock shall hereafter be brought upon that portion of the Indian Territory commonly known as the Cherokee Strip or Outlet, for herding or grazing purposes, and that all cattle and other live stock now on said Outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States, and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

Now, under and in accordance with instructions of the Secretary of the Interior notice is hereby given to all whom it may concern, whether white men or Indians, that all cattle and other live stock held on any Indian lands in the Indian Territory under any pretended lease, contract, or other arrangement with Indians for the use and occupation of any part or portion of any Indian lands for grazing purposes must be removed therefrom not later than October 1, 1890, and so much sooner as any special circumstances affecting said lands or concerning any of said cattle may make such removal necessary.

The agents of the Indian service located within the Indian Territory will see that this notice is observed and enforced.

T. J. MORGAN,
Commissioner of Indian Affairs.

PROCLAMATION.

To whom it may concern:

Whereas it has been represented to me that, by reason of the drouth that has prevailed in the Indian Territory and in the adjoining States, the execution of my proclamation of February 17th, 1890, requiring the removal of all live stock from the Cherokee Outlet on or before October 1st, would work great hardship and loss not only to the owners of stock herded upon the Strip, but to the owners of cattle in the adjoining States; and

Whereas the owners of all cattle now herded upon the Outlet have submitted to me a proposition in writing whereby they agree to remove one-half of their stock from the Outlet on or before November 1st, and the residue thereof and all their property and employes on or before December 1st next, and to abandon all claims in said Outlet:

Now, therefore, I, Benjamin Harrison, President of the United States, do give notice and proclaim that the time heretofore fixed for the removal of the live stock herded upon said Outlet is extended to November 1st as to one-half thereof, and to December 1st next as to the residue thereof and as to all property and employes.

BENJ. HARRISON.

SEPTEMBER 19, 1890.

Notice concerning alleged cattle leases on Indian lands in the Indian Territory and the Territory of Oklahoma.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., October 8, 1890.

Under and in accordance with instructions of the Secretary of the Interior, dated October 7, 1890, notice is hereby given, to all whom it may concern, that the order of this office of March 29, 1890, "that all cattle and other live stock held on any Indian lands in the Indian Territory under any pretended lease, contract, or other

arrangement with Indians for the use and occupation of any part or portion of any Indian lands for grazing purposes must be removed therefrom not later than October 1, 1890, and so much sooner as any special circumstances affecting said lands or concerning any of said cattle may make such removal necessary," is hereby modified so as to extend the time to November 15, 1890, as to one-half of said cattle and other live stock, and to December 1, 1890, as to the residue thereof. And all persons so holding cattle or other live stock, upon any of the Indian lands within the Indian Territory and the Territory of Oklahoma (created since the notice of March 29, 1890, aforesaid), are hereby notified and warned that they must remove themselves and their cattle and other stock from said lands as hereby required.

R. V. BELT,
Acting Commissioner of Indian Affairs.

PUBLIC NOTICE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 9, 1891.

Be it known, that on February 17, 1890, upon certain recitals contained in his proclamation of that date, and among others that an opinion had been given by the Attorney-General, concurring in an opinion of the late Attorney-General, that no right exists in the Cherokee Nation under the statutes of the United States to make leases or grazing contracts with certain associations, all as therein described, on the Cherokee Strip or Outlet; and that such contracts are wholly illegal and void, the President gave public notice as follows:

"*First.* That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon;

"*Second.* That all cattle and other live stock now on said Outlet must be removed therefrom not later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands."

That on the 19th of September, 1890, the owners of all cattle then herded upon the Outlet having submitted a proposition in writing whereby they agreed to remove one-half of their stock from the Outlet on or before November 1st, and the residue thereof and all their property and employes on or before December 1st, then next, and to abandon all claims in said Outlet, the President extended the time before fixed for the removal of the live stock herded upon said Outlet to November 1st, as to one-half thereof, and to December 1st, then next, as to the residue thereof, and so as to all property and employes.

That although on August 12, 1891, the President directed that Cherokees on said Strip or Outlet who had made bona fide permanent settlement and opened farms which they were improving and cultivating, and whose removal at that time would cause a loss of crops and great sacrifice, should not then be driven out; yet it was not intended thereby, as was well known, that other persons or any other cattle, or other live stock than those at said last-mentioned date actually on the strip, and then held by the bona fide Cherokee settlers already there and farming, should be excepted from said proclamation or from removal from the Cherokee Strip in pursuance thereof.

It appearing, on due investigation by the military authorities on said Strip, that the exception made, in point of fact, affected but one or two persons, if any, intended to be excepted; and property of very small value, if any; and that Cherokees were arranging to ship cattle to and open farms in the Strip, the President did on August 31, 1891, instruct the honorable Secretary of War that no exception should be made of persons locating or placing herds on the Strip after said order or in evasion of it, and that said order should be enforced by the military authorities acting in concert with the Department of the Interior.

And it is now deemed best that these facts should be made public, and it is made known that said original order is in full effect, and will be strictly enforced.

Those having cattle or other stock on these lands known as the Cherokee Strip, whether Cherokee Indians, white men, or others, must remove therefrom with their stock, without delay.

It is desirable that the present orders should inflict little loss, as they will, if they are promptly obeyed; but the thought that they will be changed or any further evasion allowed should be at once abandoned.

This notice is given with the approval of the President.

JOHN W. NOBLE,
Secretary.