

PAWNEE INDIAN RESERVATION IN INDIAN TERRITORY.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to the enlargement of the Pawnee Indian Reservation in the Indian Territory.

JUNE 20, 1882.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication dated the 16th instant, from the Secretary of the Interior, inclosing, with accompanying papers, a draft of a bill "to enlarge the Pawnee Indian Reservation in Indian Territory." The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, June 19, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, June 16, 1882.

SIR: I have the honor to submit herewith, the draft of a bill "to enlarge the Pawnee Indian Reservation in Indian Territory," made necessary by reason of the fact that a number of said tribe have made improvements in good faith upon lands supposed to be within their reservation, but which, upon retracing the line of survey of the western boundary, are found to be outside of said reservation.

A copy of the letter of the Commissioner of Indian Affairs on the subject is also inclosed, and, as recommended by the Commissioner, I respectfully request that the matter may be presented to Congress for the consideration and action of that body.

I have the honor to be, sir, very respectfully, your obedient servant,
H. M. TELLER,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 14, 1882.

SIR: By the fourth section of an act of Congress approved April 10, 1876 (19 Stat., p. 29), all that tract of country between the Cimarron and Arkansas Rivers, embraced within the limits of townships 21, 22, 23, and 24 north of range 4 east; townships 18, 19, 20, 21, 22, 23, and 24 north of range 5 east; townships 18, 19, 20, 21, 22, 23 north of range 6 east of the Indian meridian, in the Indian Territory, was set apart for the use and occupation of the Pawnee tribe of Indians.

By the fifth section of said act the Secretary of the Interior was authorized to make allotments of lands within said reservation, for which certificates were to be issued by the Commissioner of Indian Affairs, after which, upon certain conditions, said allottees were entitled to patents for their lands.

For the purpose of carrying out the provisions of the fifth section, definite instructions were prepared and submitted to the department October 7, 1879, for approval, and issued to the Pawnee Indian agent, J. C. Smith, October 14, 1879, authorizing the Indians, with his assistance, to make selections of land in accordance with the terms and provisions of the act of 1876.

It does not appear that Mr. Smith took any action in the matter; at least none was reported to this office.

Mr. E. H. Bowman, the successor of Mr. Smith, in the fall of 1880, was furnished the field notes of the survey of the reservation, with a view to the definite location of the improvements made by the several heads of families within the tribe, and to the allotment of lands under the instructions heretofore issued to Mr. Smith.

In the prosecution of this work, however, there was great delay arising from the difficulty in finding the corners and other evidences of the survey which was made by Mr. Darling in 1871.

Finding it impossible to determine and establish with any degree of accuracy the limits of the selections which the Pawnees desired to make, owing to the indistinctness and uncertainty of the original landmarks of said survey, instructions were issued March 21, 1882, to Agent Bowman to retrace and remark the subdivisive and sectional lines of the survey of so much of the Pawnee reserve as might be actually necessary to establish and correctly locate upon separate and distinct tracts such Indians as might be entitled to allotments.

In retracing the west boundary line of the reserve, Agent Bowman made the discovery that a whole settlement of his Indians, known as the "Frank White Settlement," was entirely outside the limits of the reservation. In his report dated April 22, 1882, he states as follows:

I feel intense sorrow for this, for the reason that these people were the very first to break away from the thralldom of the Mud Village and to start to making a settlement of individual farms. There are ten or twelve families of them. They are doing well, that is, working in the right direction. To be compelled to give up their fields and houses and move on new ground would be a great hardship and a profound discouragement to them, if not to others. I respectfully suggest, for your consideration, the wisdom and humanity of purchasing from the Cherokee government, so much land as may be necessary to include these worthy people. I have looked on them as the most deserving of our people. This act would do the whole tribe good by making them feel renewed and increased confidence in the justice and paternal care of what they call "Attibbit" *i. e.*, the father at Washington.

In a later communication of June 2, 1882, Agent Bowman reports that some 60 Indians were found to have made improvements outside the limits of the reserve. Some had gone so far beyond the limits that

it was decided to have such desist from their work and return within the reserve. A tract, defined by sectional lines in compact and regular form, to include all the improvements made outside that should be respected, would require a tract of land three miles square, including the lands embraced in sections 1, 2, 3, 10, 11, 12, 13, 14 and 15, of township 21 north, range 3 east, Indian meridian, containing 5,760.02 acres. Some of this land is quite broken, and of little value, but the bottoms are very desirable land.

The lands herein described as being outside the Pawnee Reserve is Cherokee country west of 96°, upon which, by the sixteenth article of the treaty of July 19, 1866 (14 Stat., p. 804), the United States may settle friendly Indians.

In view of the fact that the land in question has been dedicated by the Cherokee treaty of 1866 to the settlement thereon of friendly Indians, and as this particular tract is not claimed or occupied by any other tribe of Indians, and these Pawnees have, through ignorance of the definite location of the boundaries of their own reservation, settled thereon and made valuable improvements; and inasmuch as these Indians have endured an unusual amount of suffering by reason of their removal to Indian Territory, and as it would be an additional hardship to remove them again from homes upon which they have settled in good faith and with such commendable energy and purpose, when, too, such a calamity could be averted by a purchase of said lands, I therefore respectfully recommend that Congress be requested to set apart the aforesaid nine sections of land as a part of the Pawnee Indian reservation, upon the same terms and conditions of the act of April 10, 1876.

Inclose herewith a diagram showing the lands, and a draft of a bill for the purposes recommended.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

A BILL to enlarge the Pawnee Indian Reservation in Indian Territory.

Whereas, by the fourth section of an act of Congress approved April ten, eighteen hundred and seventy-six, entitled "An act to authorize the sale of the Pawnee reservation," a certain tract of country in the Indian Territory, therein described, was set apart for the use and occupancy of the Pawnee tribe of Indians; and

Whereas, by the fifth section of said act provision was made for the allotment of lands and the cultivation and improvement of the same; and,

Whereas improvements have been made by a portion of said tribe of Indians in good faith, upon lands supposed to be within their reservation, but which, upon a re-tracing of the lines of survey of the western boundary, are found to be outside of said reservation, and upon lands belonging to the Cherokee Indians, upon which, by the sixteenth article of the Cherokee treaty of July nineteen, eighteen hundred and sixty-six, the United States is authorized to settle friendly Indians; and

Whereas, in order to secure these improvements to these Indians, and to insure them a clear title thereto, it is necessary that the lands so occupied should be granted to them; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections one, two, three, ten, eleven, twelve, thirteen, fourteen, and fifteen, of township twenty-one north of range three east of the meridian, in the Indian Territory, be, and the same is hereby, set apart for the use and occupancy of the Pawnee Indians, as an addition to their present reservation, upon the same conditions and subject to the same provisions as are embraced in the fourth and fifth sections of the act of Congress approved April ten, eighteen hundred and seventy-six.