

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, submitting an agreement with the Tonkawa Indians for the cession of their lands in Oklahoma Territory.

JANUARY 6, 1892.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith, for the consideration of Congress, a communication of the 4th instant from the Secretary of the Interior, accompanied by an agreement concluded by the Cherokee commission with the Tonkawa Indians in Oklahoma Territory for the cession of all their right, title, claim, and interest of every kind and character in and to the lands occupied by them in said Territory, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, January 6, 1892.

DEPARTMENT OF THE INTERIOR,
Washington, January 4, 1892.

THE PRESIDENT :

I have to honor to submit herewith an agreement made and entered into by and between the Cherokee commission and the Tonkawa Indians in Oklahoma Territory for the cession of all their right, title, claim, and interest of every kind and character in and to the lands occupied by them in said Territory, together with the report of the said commission transmitting the agreement.

The lands occupied by these Indians are situated in the Cherokee Outlet, and were conveyed to the United States in trust for the use and benefit of the Nez Percé tribe of Indians by deed dated June 14, 1883, and by said tribe relinquished and quitclaimed to the United States in 1885, in trust for the use and benefit of such Indians as the United States might see fit to locate thereon.

The reservation contains some 90,710 acres, leaving a surplus of about 84,710 acres after allotments have been made, for which the United States is to pay \$36,600, or about 36 cents per acre.

The compensation to be paid for their relinquishment appears to have been fixed upon the necessities for the situation and the destitute condition of the Indians, and not on the basis of any valuable interest these Indians may have in the lands.

The Commissioner, in his report of December 8, 1891, herewith, states that the compensation appears to be ample, and he submits a draft of a bill to ratify and confirm the agreement.

I also submit copy of a communication of 22nd December, 1891, from the honorable Assistant Attorney-General for this Department, expressing his views as to the disposition of the surplus lands as set out in Section 3 of the bill submitted.

Concurring in the views of the Commissioner and the honorable Assistant Attorney-General, I have the honor to request that this matter be presented to Congress with request for early and favorable action.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1891.

SIR: I have the honor to acknowledge the receipt of your communication, dated October 27, 1891, with which you transmit for consideration and report the letter of the Cherokee commission, dated October 21, 1891, submitting an agreement concluded on that date with the Tonkawa Indians in Oklahoma Territory for the cession of the reservation or tract of country upon which said Indians are located.

By the first article of the agreement said Indians cede, convey, and forever relinquish to the United States all their right, title, claim, and interest of every kind and character in and to the following described tract of country in "the Indian Territory," viz:

Township 25 north, range 1 west; township 26 north, range 1 west; township 25 north, range 2 west; and township 26 north, range 2 west of the Indian meridian, containing 90,710.89 acres, more or less, "which is the same tract of country conveyed by the Cherokee Nation to the United States in trust for the use and benefit of the Nez Percé tribe of Indians, by deed dated June 14, 1883, under the provisions of the act of Congress of March 3, 1883."

The second article provides that the allotments of land made to said Indians by Special Agent Helen P. Clark, during the summer of the year 1891, shall be confirmed to said Indians respectively, provided that in all cases where the allottee has died since said special agent set off and scheduled the land to such person, the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding.

The third article makes a copy of the schedule of lands allotted a part of the agreement.

The fourth article provides that a like quantity of land shall be allotted to any member of the tribe who may thereafter be born, and shall be living at the date of the ratification of the agreement.

The fifth article provides that Indians who, by nativity, belong to other tribes, and have been adopted by, are living with, and are recognized as members by said Tonkawa tribe, shall have all the rights of

native members, and that all payments provided for in the agreement shall be made, as nearly as practicable, per capita to all members of the tribe, native and adopted.

By the sixth article the United States agrees to pay, as a further and only additional compensation for said cession, the sum of \$30,600, as follows :

Twenty-five dollars to be paid in cash within sixty days after the ratification of the agreement; \$50 to be paid out for each member of said tribe, under the direction of the Commissioner of Indian Affairs, within six months, and the residue to be retained in the Treasury of the United States, and bear interest at the rate of 5 per centum per annum, payable annually per capita, or, in the discretion of the Commissioner of Indian Affairs, paid out for the use of said Indians, but as nearly as may be per capita.

The seventh article provides that the agreement shall take effect when ratified by Congress.

The agreement is executed in proper form and signed by 17 persons, the entire tribe consisting of 67 persons, 19 of whom are male adults.

In pursuance of an item contained in the act of Congress approved May 27, 1878 (20 Stats., 74), Joseph's band of Nez Percé Indians were removed from Fort Leavenworth and settled upon the lands in this agreement ceded.

These lands, situated in the Cherokee Outlet, were conveyed by the Cherokees to the United States in trust for the use and benefit of the Nez Percé tribe of Indians by deed dated June 14, 1883, under the provisions of the act of Congress of March 3, 1883 (24 Stats., 624). Prior to the removal of said Indians to their old home in the Northwest, in pursuance of an item in the act of July 4, 1884 (23 Stats., 90), they, by deed bearing date May 22, 1885, relinquished and quit-claimed to the United States, in trust for the use and benefit of such Indians as the United States might see fit to locate thereon, all their right, title, and interest in and to the said lands, and in June following the Tonkawa Indians were removed from the Iowa Reservation and located thereon, under authority granted by the Secretary of the Interior April 21, 1885.

As before stated, the reservation contains 90,710 acres. The allotments will require some 6,000 acres, leaving a surplus of some 84,710 acres, for which the United States is to pay \$30,600; about 36 cents per acre.

From the report of the commissioners it appears that they did not regard the Tonkawas as having any rights whatever in the surplus lands of the reservation, and that the sum agreed to be paid for their relinquishment was fixed on the basis of the necessities of the situation and the destitute condition of the Indians, and not on the basis of any valuable interest the Indians were supposed to have in the lands.

The views of the commissioners as to the extent of the interest of the Tonkawas in these lands is doubtless correct. The lands were relinquished by the Nez Percés for the use and benefit of such Indians as the United States might see fit to locate thereon, and it might, at any time, have located other Indians thereon, who would have had equal rights with the Tonkawas.

In this view of the case the compensation, which is some \$450 per capita, appears to be ample.

I will state that this is the first agreement effected with any of the Indians by the Cherokee commission for the cession of any portion of what was originally the entire tract known as the Cherokee Outlet.

With these remarks I submit the draft of a bill to ratify and confirm the agreement with the Tonkawas for the relinquishment of their interests.

I return the papers and inclose copies of the same.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

HON. SECRETARY OF THE INTERIOR.

PONCA INDIAN AGENCY, IND. T., *October 21, 1891.*

SIR: The Cherokee commission now has the honor to report an agreement with the Tonkawa Indians in this Territory, which is inclosed herewith.

These Indians number 67 at this time, all told. The adult male members on the reservation number 17. With these we made the agreement. Two others were absent at school.

These Indians have been allotted lands, under the general allotment law, by Miss Helen P. Clark during the past summer, and the allotment sheets are now in the office of Mr. D. J. M. Wood, Indian agent having charge of the Tonkawas. As the lands had been already set off to the Indians and they had become somewhat familiar with and attached to their allotments, respectively, we deemed it proper and found it necessary in fact to conform to these allotments in the agreement.

These Indians are poor indeed. They have no income whatever, except in crops raised by themselves on the reservation, and these are not bountiful. They were placed on the reservation in the year 1885, and were partially induced to consent to go upon the same by a letter of the then Commissioner of Indian Affairs, Mr. Atkins, promising to them something of a title if they would so consent. They have sacredly preserved a copy of this letter, which was written to the Indian agent at the Sac and Fox Agency. Although the paper they have in their possession only purports to be a copy of the letter, they affect to believe that it vests them with a perfect title to the reservation. The Commissioner of Indian Affairs in 1885 reported to the Secretary of the Interior the settlement of the Tonkawas on the reservation, and stated that it was then proposed that Congress should invest them with a title to land in said reservation sufficient for their wants. But nothing was ever done in the premises, as we are advised. They occupied, in fact, only by executive direction and not by virtue of any agreement or in pursuance of any law.

It is manifest, however, to us, as it is to everybody cognizant of their real condition and capacity for business and labor, that provision must be made to enable them to enter upon the new condition of owning and occupying lands in severalty. Therefore, under guise of buying from them what they thought they owned, but in reality did not, we agreed to give them \$30,600; \$25 to be paid in cash to each member of the tribe in sixty days after Congress shall ratify the agreement; \$50 to be expended for each one by the Commissioner of Indian Affairs within six months after this agreement shall be ratified by Congress, and the residue to be retained in the Treasury of the United States at interest at 5 per centum, payable annually, per capita, in cash, or in the direction of the Commissioner of Indian Affairs to be expended by him for their benefit, but as far as practicable per capita.

Since the allotments above referred to have been made and set out in schedule, three of the allottees have died. By existing law those allotments would lapse, as we understand the law; but the Indians were so tenacious of holding these allotments it is provided that they shall not lapse, but shall be governed by the laws of descent and partition in force in Oklahoma Territory. It is further provided that should any child or children be born in said tribe between now and the time Congress may ratify the agreement, and shall be then living, such child or children shall have the same right to allotment as the other members of the tribe.

There are some three or four members of said tribe not Tonkawas by nativity but by adoption, and in all cases Indians and not white men. They are provided for equally with native-born Tonkawas.

We are indebted to Mr. D. J. M. Wood and his assistants for valuable and earnest cooperation with us in conducting these negotiations to a close.

To-morrow we resume negotiations with the Poncas, and hope to be able to report success with them in a short time.

We have the honor to be, very respectfully, yours,

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

THE PRESIDENT.

PONCA INDIAN AGENCY,
Indian Territory, ss:

I, D. J. M. Wood, United States Indian agent at the Ponca Agency, in said Territory, hereby certify that I am the Indian agent in charge of the Tonkawa tribe of Indians; that the entire population, native and adopted, of said tribe at this time is 67, 19 of whom only are male adults.

Given under my hand and seal at said agency this 21st day of October, A. D. 1891.

D. J. M. Wood,
United States Indian Agent.

Headquarters Ponca, Pawnee, Otoe, and Oakland Agency, Ind. T.

Articles of agreement made and concluded at the Ponca Indian Agency, in the Indian Territory, on the 21st day of October, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Tonkawa tribe of Indians in said Territory, represented by the adult male members of said tribe.

ARTICLE I.

The said Tonkawa tribe of Indians in the Indian Territory, for the consideration hereinafter recited, hereby cede, convey, and forever relinquish to the United States all their right, title, claim, and interest of every kind and character, in and to the following described tract of country in said Indian Territory, to wit: Township twenty-five (25) north, of range one (1) west; township twenty-six (26) north, of range one (1) west; township twenty-five (25) north, of range two (2) west, and township twenty-six (26) north, of range two (2) west, containing ninety thousand seven hundred and ten and eighty-nine hundredths (90,710.89) acres, more or less, which is the same tract of country conveyed by the Cherokee Nation to the United States, in trust for the use and benefit of the Nez Percés tribe of Indians by deed dated June 14, 1883, under the provisions of the act of Congress of March 3rd, 1883.

ARTICLE II.

The allotments of land to said Tonkawa tribe of Indians, made and completed by Miss Helen P. Clark, an allotting agent duly appointed for the purpose, during the summer of the year 1891, shall be confirmed to said Indians, respectively, and governed by all the conditions, qualifications, and limitations recited in a certain act of Congress entitled: "An act to provide for the allotment of lands in severalty to the 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 an act amendatory thereof, approved February 28, 1891: *Provided*, That in all cases where the allottee has died since said allotting agent set off and scheduled land to such person the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding.

ARTICLE III.

For greater particularity and certainty of description a copy of the schedule of lands allotted by said Miss Helen P. Clark is hereto attached, marked Exhibit A, and made a part hereof.

ARTICLE IV.

It is hereby further agreed that in addition to the allotments of land above stated, there shall be allotted a like quantity of land to any member of said tribe who may hereafter be born and shall be living at the date of the ratification of this contract by Congress; and any such allotment shall be governed by the law of descent and partition mentioned in Article II hereof.

ARTICLE V.

Indians who by nativity belong to other tribes, but who have abandoned such other tribes, and have been adopted by and are now living with and recognized as members of said tribe by said Tonkawa tribe of Indians, shall have all the rights

under this agreement provided for members of said tribe by nativity, and all payments of money provided for herein shall be made, as nearly as practicable, per capita to all members of said tribe, native and adopted.

ARTICLE VI.

As a further and only additional consideration for such cession, conveyance, and relinquishment, the United States agrees to pay to said tribe of Indians the sum of thirty thousand and six hundred (\$30,600.00) dollars in manner as follows: Twenty-five (\$25) to be paid in cash to each member of said tribe within sixty days after this contract shall be ratified by Congress; fifty (\$50) dollars to be paid out for each member of said tribe, under the direction of the Commissioner of Indian Affairs, within six months after this contract shall be ratified by Congress, and the residue of said sum of thirty thousand and six hundred (\$30,600.00) dollars shall be retained in the Treasury of the United States, and bear interest at the rate of five per centum interest per annum, payable annually to said Indians per capita, or, in the discretion of the Commissioner of Indian Affairs, paid out by him for the use of said Indians, but as nearly as may be per capita.

ARTICLE VII.

This contract shall have effect when ratified by the Congress of the United States. Done at the Ponca Indian Agency, in the Indian Territory, on the day and year first above written.

DAVID H. JEROME,
ALFRED M. WILSON,
WARREN G. SAYRE,

Commissioners on the Part of the United States.

JOHN WILLIAMS (his x mark).
RICHARD GRANT (his x mark).
JESSE (his x mark).
JOHNSON (his x mark).
JOHN KAISE (his x mark).
STANDING BUFFALO (his x mark).
SHERMAN MILES (his x mark).
LAMAR RICHARDS (his x mark).
BUCK BILL (his x mark).

GEORGE MILES (his x mark).
JOHN ALLEN.
WILL STEVENS.
JACK RUSH (his x mark).
JOSEPH TOCO (his x mark).
LOLLA COLLINS (his x mark).
TANASTA (his x mark).
PETER DUPEE.

EXHIBIT A.—*Allotments of land.*

No. 1. Indian name, San-no; English name, Lamar Richards; male; age, 29 years; description, northeast quarter of section one (1), township twenty-five (25) north, of range one (1) west.

No. 2. Indian name, Chaw-taw-coo-naw; English name, Mary Richards; female; age, 25 years; description, northwest quarter of section one (1), township twenty-five (25) north, of range one (1) west, except one-half acre in the southwest corner thereof, the Nez Percé burying ground.

No. 3. No Indian name; English name, Thomas Hill Richards; male; age, 2 years; description, southeast quarter of section one (1), township twenty-five (25) north, of range one (1) west.

No. 4. No Indian name; English name, Fannie Bell Richards; female; age, 8 years; description, northeast quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 5. Indian name, Up-ah-yeck; English name, Sargent Johnson; male; age, 66 years; description, the southwest quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 6. Indian name, Way-taw-co; English name, Lotta Johnson; female; age, 51 years; description, southeast quarter of section twenty-six (26), township twenty-six (26) north, of range one (1) west.

No. 7. Indian name, Ah-caw-won; English name, Susan Johnson; female; age, 83 years; description, northwest quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 8. Indian name, Way-ne-tis; English name, Maria Johnson; female; age, 86 years; description, northeast quarter of section twenty-six (26), township twenty-six (26) north, of range one (1) west.

No. 9. Indian name, Fuld-en-luck; English name, Jesse; male; age, 56 years; description, southeast quarter of section twenty-three (23), township twenty-six (26) north, of range one (1) west.

No. 10. Indian name, Way-hay-co; English name, Eliza Jesse; female; age, 46 years; description, northeast quarter of section twenty-three (23), township twenty-six (26) north, of range one (1) west.

No. 11. No Indian name; English name, Jo Marcus Jesse; male; age, 12 years; description, southwest quarter of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 12. Indian name, Shy-yan-caw; English name, John Williams; male; age, 50 years; description, northeast quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 13. Indian name, Noth-kit; English name, Nathalie Williams; female; age, 46 years; description, northwest quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 14. Indian name; Mal-low-kay, English name, Lucy Williams; female; age, 77 years; description, northwest quarter of section twelve (12), township twenty-five (25) north, of range one (1) west.

No. 15. Indian name, Cat-so-ye; English name, Minnehaha Williams; female; age, 66 years; description, northeast quarter of section twelve (12), township twenty-five (25) north, of range one (1) west.

No. 16. No Indian name; English name, David Williams; male; age, 11 years; description, northwest quarter of section twenty-five (25), township twenty-six (26) north, of range two (2) west.

No. 17. No Indian name; English name, James Williams; male; age, 10 years; description, southwest quarter of section twenty-five (25), township twenty-six (26) north, of range two (2) west.

No. 18. Indian name, Sis-pay-chaw; English name, Lolla Collins; male; age, 41 years; description, southeast quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 19. Indian name, Ah-cha-nun; English name, Rhoda Collins; female; age, 38 years; description, southwest quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 20. No Indian name; English name, Lee Collins; male; age, 8 years; description, southeast quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 21. No Indian name; English name, Peter Collins; male; age, 5 years; description, northeast quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 22. Indian name, Quaw-noo-soos; English name, Anna Collins; female; age, 3 years; description, southwest quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 23. Indian name, E-caw-sesh; English name, Maggie; female; age, 86 years; description, northwest quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 24. Indian name, Baw-law-cos-shee; English name, Grant Richards; male; age, 59 years; description, southeast quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 25. Indian name, Hats-an; English name, Winnie Richards; female; age, 41 years; description, northeast quarter of section five (5), township twenty-five (25) north, of range one (1) west.

No. 26. No Indian name; English name, Green Richards; male; age, 11 years; description, northeast quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 27. Indian name, See-caw-wun; English name, Jacob Cooper; male; age, 12 years; description, northwest quarter of section twenty-four (24), township twenty-six (26) north, of range two (2) west.

No. 28. Indian name, Mee-tay-toy-let; English name, Frank Mason; male; age, 23 years; description, northeast quarter of section twenty-three (23), township twenty-six (26) north, of range two (2) west.

No. 29. Indian name, Kay-hoots; English name, Standing Buffalo; male; age, 51 years; description, southwest quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 30. Indian name, Haw-yaw-net-ta; English name, Elsie Buffalo; female; age, 55 years; description, southeast quarter of section twelve (12), township twenty-five (25) north, of range one (1) west.

No. 31. Indian name, See-yay; English name, John Rush; male; age, 18 years; description, northwest quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 32. Indian name, Ah-ka-zhun; English name, Bertha Jesse; female; age, 7 years; description, northwest quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 33. Indian name, Sis-co; English name, Railroad Cisco; male; age, 7 years; description, west half of northeast quarter of section eleven (11), township twenty-five (25) north, of range one (1) west, and west half of southeast quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 34. No Indian name; English name, Sherman Miles; male; age, 38 years; description, southeast quarter of section twenty-three (23), township twenty-six (26) north, of range two (2) west.

No. 35. No Indian name; English name, Lonie Miles; female; age, 2 years; description, southwest quarter of section twenty-four (24), township twenty-six (26) north, of range two (2) west.

No. 36. Indian name, Chay-co-law; English name, Buck Bill; male; age, 61 years; description, southwest quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 37. Indian name, Caw-law-coo-lay; English name, Lucy Bill; female; age, 61 years; description, southeast quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 38. No Indian name; English name, Dinah Bill; female; age, 70 years; description, northeast quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 39. Indian name, Ta-nas-ta; no English name; male; age, 86 years; description, east half of northeast quarter of section eleven (11), township twenty-five (25) north, of range one (1) west, and all that part of the northeast quarter lying north of the Salt Fork River of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 40. Indian name, Co-yaw; no English name; female; age, 66 years; description, southeast quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 41. Indian name, Coo-yaw-ette; English name, William Stevens; male; age, 22 years; description, the southeast quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 42. Indian name, Mee-yee-en; English name, Jennie Stevens; female; age, 38 years; description, northeast quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 43. No Indian name; English name, Little Buffalo; female; age, 13 years; description, southeast quarter of section thirty-five (35), township twenty-six (26) north, of range one (1) west.

No. 44. Indian name, To-co; English name, Joseph To-co; male; age, 27 years; description, southwest quarter of section eleven (11), township twenty-six (26) north, of range two (2) west.

No. 45. Indian name, Caw-yaw-co; English name, Elen Toco; female; age, 19 years; description, northwest quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 46. No Indian name; English name, Walter Toco; male; age, 1 year; description, southeast quarter of section eleven (11), township twenty-six (26) north, of range two (2) west.

No. 47. No Indian name; English name, John Kaise; male; age, 61 years; description, northeast quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 48. Indian name, Pee-shay-yaw; English name, Millie Kaise; female; age, 36 years; description, southeast quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 49. Indian name, Paw-caw-me; English name, Lillie Wolf; female; age, 79 years; description, southeast quarter of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 50. Indian name, Ah-hoon; English name, Molliat; female; age, 81 years; description, northeast quarter of section twenty-three (23), township twenty-five (25) north, of range one (1) west.

No. 51. Indian name, Yoc-co; no English name; female; age, 69 years; description, southwest quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 52. Indian name, Ah-ta-hock; English name, John Allan; male; age, 22 years; description, northwest quarter of section thirty-six (36), township twenty-six (26) north, of range two (2) west.

No. 53. No Indian name; English name, Kittie Allan; female; age, 26 years; description, northeast quarter of section thirty-five (35), township twenty-six (26) north, of range two (2) west.

No. 54. No Indian name; English name, William Apache; male; age, 9 years; description, northwest quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

No. 55. No Indian name; English name, Kate Apache; female; age, 6 years; description, southwest quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 56. Indian name, Pay-lay-chee; English name, Millie Purce; female; age, 77 years; description, northeast quarter of section fifteen (15), township twenty-five (25) north, of range one (1) west.

No. 57. Indian name, Coy-yus-kee; English name, Julia; female; age, 79 years; description, southwest quarter of section thirty-six (36), township twenty-six (26) north, of range two (2) west.

No. 58. Indian name, Haw-in; English name, George Miles; male; age, 36 years; description, southwest quarter of section twenty-four (24), township twenty-six (26) north, range one (1) west.

No. 59. Indian name, Ha-micks; English name, Walsie Miles; female; age, 31 years; description, northwest quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 60. Indian name; English name, Effie Miles; female; age, 3 years; description, southeast quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 61. No Indian name; English name, Jack Rush; male; age, 41 years; description, northeast quarter of section twelve (12), township twenty-five (25) north, of range two (2) west.

No. 62. Indian name, Coa-chana; English name, Cochana Rush; female; age, 36 years; description, northwest quarter of section seven (7), township twenty-five (25) north, of range one (1) west.

No. 63. Indian name, Natch-aw; English name, Mollie Kuta; female; age, 78 years; description, southeast quarter of section one (1), township twenty-five (25) north, of range two (2) west.

No. 54. Indian name, Con-wash-ay; English name, Texana Tah; female; age, 33 years; description, northeast quarter of section one (1), township twenty-five (25) north, of range two (2) west.

No. 65. No Indian name; English name, Robert Tah; male; age, 10 years; description, northeast quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

No. 66. No Indian name; English name, David Tah; male; age, 4 years; description, southwest quarter of section six (6), township twenty-five (25) north, of range one (1) west.

No. 67. No Indian name; English name, Martha Tah; female; age, 1 year; description, southeast quarter of section three (3), township twenty-five (25) north, of range (1) west.

No. 68. Indian name, Wa-kette; English name, Rachel; female; age, 86 years; description, northwest quarter of section five (5), township twenty-five (25) north, of range one (1) west.

No. 69. Indian name, Char-law-wun; English name, Peter Dupee; male; age, 36 years; description, northeast quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 70. No Indian name; English name, Clarke Dupee; male; age, 4 days; description, southeast quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

PONCA INDIAN AGENCY,

Indian Territory, ss:

I, Peter Dupee, hereby certify that I am the official interpreter of the Tonkawa tribe of Indians in the Indian Territory; that I am an adopted member of said tribe, and speak and understand both the Tonkawa and English language; that the foregoing contract was by me fully interpreted to said Indians, and they were made to fully understand the same, and that then they signed the same.

Witness my hand this 21st day of October, anno Domini, 1891.

PETER DUPEE.

A BILL to ratify and confirm an agreement with the Tonkawa tribe of Indians in Oklahoma Territory, and to make an appropriation to carry the same into effect:

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did on the twenty-first day of October, eighteen hundred and ninety-one, conclude an agreement with the Tonkawa tribe of Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

Articles of agreement made and concluded at the Ponca Indian Agency, in the Indian Territory, on the 21st day of October, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Tonkawa tribe of Indians in said Territory, represented by the adult male members of said tribe:

ARTICLE I.

The said Tonkawa tribe of Indians in the Indian Territory, for the consideration hereinafter recited, hereby cede, convey, and forever relinquish to the United States

all their right, title, claim, and interest, of every kind and character, in and to the following-described tract of country in said Indian Territory, to wit: Township twenty-five (25) north, of range one (1) west; township twenty-six (26) north, of range one (1) west; township twenty-five (25) north, of range two (2) west; and township twenty-six (26) north, of range two (2) west; containing ninety thousand seven hundred and ten and eighty-nine hundredths (90,710.89) acres, more or less, which is the same tract of country conveyed by the Cherokee Nation to the United States, in trust, for the use and benefit of the Nez Percés tribe of Indians, by deed dated June 14, 1883, under the provisions of the act of Congress of March 3, 1883.

ARTICLE II.

The allotments of land to said Tonkawa tribe of Indians, made and completed by Miss Helen P. Clark, an allotting agent duly appointed for the purpose, during the summer of the year eighteen hundred and ninety-one, shall be confirmed to said Indians respectively, and governed by all the conditions, qualifications, and limitations recited in a certain act of Congress entitled "An act to provide for the allotment of lands in severalty to the 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 8th, eighteen hundred and eighty-seven, and an act amendatory thereof, approved February 28th, eighteen hundred and ninety-one: *Provided*, That in all cases where the allottee has died since said allotting agent set off and scheduled land to such person, the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding.

ARTICLE III.

For greater particularity and certainty of description a copy of the schedule of lands allotted by said Miss Helen P. Clark is hereto attached, marked Exhibit A, and made a part hereof.

ARTICLE IV.

It is hereby further agreed that, in addition to the allotments of land above stated, there shall be allotted a like quantity of land to any member of said tribe who may hereafter be born and shall be living at the date of the ratification of this contract by Congress; and any such allotment shall be governed by the law of descent and partition mentioned in Article II hereof.

ARTICLE V.

Indians who by nativity belong to other tribes, but who have abandoned such other tribes and have been adopted by and are now living with and recognized as members of said tribe by said Tonkawa tribe of Indians, shall have all the rights under this agreement provided for members of said tribe by nativity, and all payments of money provided for herein shall be made, as nearly as practicable, per capita, to all members of said tribe, native and adopted.

ARTICLE VI.

As a further and only additional consideration for such cession, conveyance, and relinquishment, the United States agrees to pay to said tribe of Indians the sum of thirty thousand and six hundred (\$30,600) dollars in manner as follows: Twenty-five (\$25) dollars to be paid in cash to each member of said tribe within sixty days after this contract shall be ratified by Congress; fifty (\$50) dollars to be paid out for each member of said tribe, under the direction of the Commissioner of Indian Affairs, within six months after this contract shall be ratified by Congress, and the residue of said sum of thirty thousand and six hundred (\$30,600) dollars shall be retained in the Treasury of the United States, and bear interest at the rate of five per centum interest per annum, payable annually to said Indians per capita, or, in the discretion of the Commissioner of Indian Affairs, paid out by him for the use of said Indians, but as nearly as may be per capita.

ARTICLE VII.

This contract shall have effect when ratified by the Congress of the United States. Done at the Ponca Indian Agency, in the Indian Territory, on the day and year first above written.

DAVID H. JEROME,
ALFRED M. WILSON,
WARREN G. SAYRE,

Commissioners on the Part of the United States.

JOHN WILLIAMS (his x mark).
RICHARD GRANT (his x mark).
JESSE (his x mark).
JOHNSON (his x mark).
JOHN KAISE (his x mark).
STANDING BUFFALO (his x mark).
SHERMAN MILES (his x mark).
LAMAR RICHARDS (his x mark).
BUCK BILL (his x mark).

GEORGE MILES (his x mark).
JOHN ALLEN.
WILL STEVENS.
JACK RUSH (his x mark).
JOSEPH TOCO (his x mark).
LOLLA COLLINS (his x mark).
TANASTA (his x mark).
PETER DUPEE.

PONCA INDIAN AGENCY,
Indian Territory, ss:

I, D. J. M. Wood, United States Indian Agent at the Ponca Agency in said Territory, hereby certify that I am the Indian agent in charge of the Tonkawa tribe of Indians; that the entire population, native and adopted, of said tribe at this time is sixty-seven (67); nineteen of whom only are male adults.

Given under my hand and seal at said agency this twenty-first day of October, anno Domini one thousand eight hundred and ninety-one.

D. J. M. Wood,
United States Indian Agent.

Headquarters, Ponca, Pawnee, Otoe, and Oakland Agency, Indian Territory.

EXHIBIT A.—*Allotments of land.*—No. 1. Indian name, San-no; English name, Lamar Richards; male; age, twenty-nine years; description, the northeast quarter of section one (1), township twenty-five (25) north, of range one (1) west.

No. 2. Indian name, Chaw-taw-coo-naw; English name, Mary Richards; female; age, twenty-five years; description, northwest quarter of section one (1), township twenty-five (25) north, of range one (1) west, except one-half acre in the southwest corner thereof, the Nez Percés burying ground.

No. 3. No Indian name; English name, Thomas Hill Richards; male; age, two years; description, southeast quarter of section one (1), township twenty-five (25) north, of range one (1) west.

No. 4. No Indian name; English name, Fannie Bell Richards; female; age, eight years; description, northeast quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 5. Indian name, Up-ah-yeck; English name, Sargent Johnson; male, age, sixty-six years; description, the southwest quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 6. Indian name, Way-taw-co; English name, Lotta Johnson; female; age, fifty-one years; description, southeast quarter of section twenty-six (26), township twenty-six (26) north, of range one (1) west.

No. 7. Indian name, Ah-caw-won; English name, Susan Johnson; female; age, eighty-three years; description, northwest quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 8. Indian name, Way-ne-tis; English name, Maria Johnson; female; age, eighty-six years; description, northeast quarter of section twenty-six (26), township twenty-six (26) north, of range one (1) west.

No. 9. Indian name, Fuld-en-luck; English name, Jesse; male; age, fifty-six years; description, southeast quarter of section twenty-three (23), township twenty-six (26) north, of range one (1) west.

No. 10. Indian name, Way-hay-co; English name, Eliza Jesse; female; age, forty-six years; description, northeast quarter of section twenty-three (23), township twenty-six (26) north, of range one (1) west.

No. 11. No Indian name; English name, Jo Marcus Jesse; male; age, twelve years; description, southwest corner of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 12. Indian name, Shy-yah-caw; English name, John Williams; male; age, fifty years; description, northeast quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 13. Indian name, Noth-kit; English name, Nathalie Williams; female; age, forty-six years; description, northwest quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 14. Indian name, Mal-low-kay; English name, Lucy Williams; female; age, seventy-seven years; description, northwest quarter of section twelve (12), township twenty-five (25) north, of range one (1) west.

No. 15. Indian name, Cat-so-yee, English name, Minnehaha Williams; female; age, sixty-six years; description, northeast quarter of section twelve (12), township twenty-five (25) north, of range (1) west.

No. 16. No Indian name; English name, David Williams; male; age, eleven years; description, northwest quarter of section twenty-five (25), township twenty-six (26) north, of range two (2) west.

No. 17. No Indian name; English name, James Williams; male; age, ten years; description, southwest quarter of section twenty-five (25), township twenty-six (26) north, of range two (2) west.

No. 18. Indian name, Sis-pay-chaw; English name, Lolla Collins; male; age, forty-one years; description, southeast quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 19. Indian name, Ah-cha-nun; English name, Rhoda Collins; female; age, thirty-eight years; description, southwest quarter of section twenty-six (26), township twenty-six (26) north, of range two (2) west.

No. 20. No Indian name; English name, Lee Collins; male; age, eight years; description, southeast quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 21. No Indian name; English name, Peter Collins; male; age, five years; description, northeast quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 22. Indian name, Quaw-noo-soos; English name, Anna Collins; female; age, three years; description, southwest quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 23. Indian name, E-caw-sesh; English name, Maggie; female; age, eighty-six years; description, northwest quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 24. Indian name, Baw-law-cos-chee; English name, Grant Richards; male; age, fifty-nine years; description, southeast quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 25. Indian name, Hats-an; English name, Winie Richards; female; age, forty-one years; description, northeast quarter of section five (5), township twenty-five (25) north, of range one (1) west.

No. 26. No Indian name; English name, Green Richards; male; age, eleven years; description, northeast quarter of section thirty-two (32), township twenty-six (26) north, of range one (1) west.

No. 27. Indian name, See-caw-wun; English name, Jacob Cooper; male; age, twelve years; description, northwest quarter of section twenty-four (24), township twenty-six (26) north, of range two (2) west.

No. 28. Indian name, Mee-tay-toy-let; English name, Frank Mason; male; age, twenty-three years; description, northeast quarter of section twenty-three (23), township twenty-six (26) north, of range two (2) west.

No. 29. Indian name, Kay-hoots; English name, Standing Buffalo; male; age, fifty-one years; description, southwest quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 30. Indian name, Haw-yaw-net-ta; English name, Elsie Buffalo; female; age, fifty-five years; description, southeast quarter of section twelve (12), township twenty-five (25) north, of range one (1) west.

No. 31. Indian name, See-yay; English name, John Rush; male; age, eighteen years; description, northwest quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 32. Indian name, Ah-ka-zhun; English name, Bertha Jesse; female; age, seven years; description, northwest quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 33. Indian name, Sis-co; English name, Railroad Cisco; male; age, seven years; description, west half of northeast quarter of section eleven (11), township twenty-five (25) north, of range one (1) west; and west half of southeast quarter of section two (2), township twenty-five (25) north, of range one (1) west.

No. 34. No Indian name; English name, Sherman Miles; male; age, thirty-eight years; description, southeast quarter of section twenty-three (23), township twenty-six (26) north, of range two (2) west.

No. 35. No Indian name; English name; Lonie Miles; female; age, two years; description, southwest quarter of section twenty-four (24), township twenty-six (26) north, of range two (2) west.

No. 36. Indian name, Chay-co-law; English name, Buck Bill; male; age, sixty one years; description, southwest quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 37. Indian name, Caw-law-coo-lay; English name, Lucy Bill; female; age, sixty-one years; description, southeast quarter of section thirty-six (36), township twenty-six (26), north, of range one (1) west.

No. 38. No Indian name; English name, Dinah Bill; female; age, seventy years; description, northeast quarter of section thirty-six (36), township twenty-six (26) north, of range one (1) west.

No. 39. Indian name, Ta-nas-ta; no English name; male; age, eighty-six years; description, east half of northeast quarter of section eleven (11), township twenty-five (25) north, of range one (1) west and all that part of the northeast quarter lying north of the Salt Fork River of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 40. Indian name, Co-yaw; no English name; female; age, sixty-six years; description, south east quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 41. Indian name, Coe-yaw-ette; English name, William Stevens; male; age, twenty-two years; description, the southeast quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 42. Indian name, Mee-yee-en; English name, Jennie Stevens; female; age, thirty-eight years; description, northeast quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 43. No Indian name; English name, Little Buffalo; female; age, thirteen years; description, southeast quarter of section thirty-five (35), township twenty-six (26) north, of range one (1) west.

No. 44.—Indian name, To-co; English name, Joseph Toco; male; age, twenty-seven years; description, southwest quarter of section eleven (11), township twenty-six (26) north, of range two (2) west.

No. 45. Indian name, Caw-yaw-co; English name, Elen Toco; female; age, nineteen years; description, northwest quarter of section fourteen (14), township twenty-six (26) north, of range two (2) west.

No. 46. No Indian name; English name, Walter Toco; male; age, one year; description, southeast quarter of section eleven (11), township twenty-six (26) north, of range two (2) west.

No. 47. No Indian name; English name, John Kaise; male; age, sixty-one years; description, northeast quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 48. Indian name, Pee-shay-yaw; English name, Millie Kaise; female; age, thirty-six years; description, southeast quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 49. Indian name, Paw-caw-me; English name, Lilie Wolf; female; age, seventy-nine years; description, southeast quarter of section fourteen (14), township twenty-five (25) north, of range one (1) west.

No. 50. Indian name, Ah-hoon; English name, Molliat; female; age, eighty-one years; description, northeast quarter of section twenty-three (23), township twenty-five (25) north, of range one (1) west.

No. 51. Indian name, Yoc-co; no English name; female; age, sixty-nine years; description, southwest quarter of section thirteen (13), township twenty-five (25) north, of range one (1) west.

No. 52. Indian name, Ah-ta-hock; English name, John Allan; male; age, twenty-two years; description, northwest quarter of section thirty-six (36), township twenty-six (26) north, of range two (2) west.

No. 53. No Indian name; English name, Kittie Allan; female; age, twenty-six years; description, northeast quarter of section thirty-five (35), township twenty-six (26) north, of range two (2) west.

No. 54. No Indian name; English name, William Apache; male; age, nine years; description, northwest quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

No. 55. No Indian name; English name, Kate Apache; female; age, six years; description, southwest quarter of section eleven (11), township twenty-five (25) north, of range one (1) west.

No. 56. Indian name, Pay-lay-chee; English name, Millie Purce; female; age, seventy-seven years; description, northeast quarter of section fifteen (15), township twenty-five (25) north, of range one (1) west.

No. 57. Indian name, Coy-yus-kee; English name, Julia; female; age, seventy-nine years; description, southwest quarter of section thirty-six (36), township twenty-six (26) north, of range two (2) west.

No. 58. Indian name, Haw-in; English name, George Miles; male; age, thirty-six years; description, southwest quarter of section twenty-four (24), township twenty-six (26) north, range one (1) west.

No. 59. Indian name, Ha-micks; English name, Walsie Miles; female; age, thirty-one years; description, northwest quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 60. No Indian name; English name, Effie Miles; female; age, three years; description, southeast quarter of section twenty-four (24), township twenty-six (26) north, of range one (1) west.

No. 61. No Indian name; English name, Jack Rush; male; age, forty-one years; description, northeast quarter of section twelve (12), township twenty-five (25) north, of range two (2) west.

No. 62. Indian name, Coa-chana; English name, Cochana Rush; female; age, thirty-six years; description, northwest quarter of section seven (7), township twenty-five (25) north, of range one (1) west.

No. 63. Indian name, Natch-aw; English name, Mollie Kuta; female; age, seventy-eight years; description, southeast quarter of section one (1), township twenty-five (25) north, of range two (2) west.

No. 64.—Indian name, Con-wash-ay; English name, Texana Tah; female; age, thirty-three years; description, northeast quarter of section one (1), township twenty-five (25) north, of range two (2) west.

No. 65. No Indian name; English name, Robert Tah; male; age, ten years; description, northeast quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

No. 66. No Indian name; English name, David Tah; male; age, four years; description, southwest quarter of section six (6), township twenty-five (25) north, of range one (1) west.

No. 67. No Indian name; English name, Martha Tah; female; age, one year; description, southeast quarter of section three (3), township twenty-five (25) north, of range one (1) west.

No. 68. Indian name, Wa-kette, English name, Rachel; female; age eighty-six years; description, northwest quarter of section five (5), township twenty-five (25) north, of range-one (1) west.

No. 69. Indian name, Char-law-wun; English name, Peter Dupee; male; age, thirty-six years; description, northeast quarter of section twenty-five (25), township twenty-six (26) north, of range one (1) west.

No. 70. No Indian name; English name, Clarke Dupee; male; age, four days; description, southeast quarter of section ten (10), township twenty-five (25) north, of range one (1) west.

PONCA INDIAN AGENCY,
Indian Territory, ss :

I, Peter Dupee, hereby certify that I am the official interpreter of the Tonkawa tribe of Indians in the Indian Territory; that I am an adopted member of said tribe and speak and understand both the Tonkawa and English languages; that the foregoing contract was by me fully interpreted to said Indians and they were made to fully understand the same, and that then they signed the same.

Witness my hand this twenty-first day of October, Anno Domini eighteen hundred and ninety-one.

PETER DUPEE.

Therefore, be it enacted by the Senate and House of Representatives in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of carrying into effect the provisions of the foregoing agreement, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of thirty thousand and six hundred dollars, to be applied in the manner provided for in said agreement: *Provided*, That such portion of said amount as may be deposited in the Treasury of the United States shall bear interest at the rate of five per centum per annum, which interest shall be applied as provided in said agreement.

SEC. 3. That whenever any of the lands acquired by this agreement shall be opened to settlement or entry by the proclamation of the President, they shall be disposed of under the general provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma," and so forth, and also of the act of March third, eighteen hundred and ninety-one, entitled "An act making appropriation for the current and contingent expenses of the Indian Department."

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., December 22, 1891.

SIR: I have the honor to acknowledge the receipt, by your reference of the 10th instant, of a communication from the Commissioner of Indian Affairs inclosing the

draft of a bill to ratify the agreement made by the Cherokee commission with the Tonkawa Indians on October 21, 1891, at the Ponca Agency, for the sale of lands occupied by them in the Territory of Oklahoma.

Pursuant to the request in said reference, I have examined said bill and suggest that an additional section be added thereto, providing for the disposition of the surplus lands, as follows:

SEC. 3. That whenever any of the lands acquired by this agreement shall be opened to settlement or entry by the proclamation of the President, they shall be disposed of under the general provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled "An act to provide a temporary government for the Territory of Oklahoma," and so forth, and also of the act of March third, eighteen hundred and ninety-one, entitled "An act making appropriation for the current and contingent expenses of the Indian Department."

I have noted an incorrect reference to the Commissioners' report, on page 4. 24 Stat. should be 22 Stat.

The papers submitted are herewith returned.

Very respectfully,

GEO. H. SHIELDS,
Assistant Attorney-General.

Hon. SECRETARY OF THE INTERIOR.