

"The United States agrees that the following district of country, to wit: Commencing at the point where the Arkansas river crosses the 37th parallel of north latitude, thence west on said parallel—the said line being the southern boundary of the State of Kansas—to the Cimarron river (sometimes called the Red Fork of the Arkansas river), thence down said Cimarron river, in the middle of the channel thereof, to the Arkansas river; thence up the Arkansas river, in the middle of the channel thereof, to the place of beginning, shall be, and the same is hereby set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees, that no persons except those herein authorized so to do, and except such officers, agents and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, *shall ever be permitted to pass over, settle upon, or reside in the territory described in this article*, or in such territory as may be added to this reservation for the use of said Indians." (15 Stat. 594.)

## II.

Now if the United States had a right to thus cede and convey these lands to the Cheyenne and Arapahoe tribes, in consideration of said tribes relinquishing their right to lands elsewhere, as the treaties show they did, then the said lands belong to said tribes.

This cession to the Cheyennes and Arapahoes in 1867, and ratified by Congress in 1868, was made with the rights of all the parties then perfectly and thoroughly understood. The United States had by purchase received a solemn relinquishment of the rights of the Cherokees, whatever those rights