

Article 16 of the Cherokee treaty of July 19, 1866, is as follows:

"The United States may settle friendly Indians in any part of the Cherokee country west of 96 degree, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide."

"Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President."

"The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96 degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied." (14 Stat. 804.)

On February 16, 1872, the Commissioner of Indian Affairs addressed a letter to the Secretary of the Interior, of which the following is an extract:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
February 16, 1872. }

SIR: By the terms of a treaty concluded October 28, 1867, with the Cheyenne and Arapahoe tribes of Indians, a portion of said Cherokee country west of 96 degree west longitude, covering 4,300,000 acres, more or less, was assigned to and set apart as a reservation for said tribes. The United States having *received* these lands from the Cherokees and *transferred them under the treaty* provision recited to the Cheyennes and Arapahoes, are of course responsible for the payment to the Cherokees of the sums properly to