

Territory be, and the same is hereby set apart for the use and occupancy of the Pawnee tribe of Indians, namely: 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 and 23 north, of range 6 east of the Indian meridian: *Provided*, That the terms of the 16th article of the Cherokee treaty of July 19, 1866, shall be complied with so far as the same may be applicable thereto: *And provided, further*, That the sum be paid the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian west longitude, shall not exceed seventy cents per acre."

Article XVI of the Cherokee treaty of July 19, 1866, referred to above (14 Stat. 804), provides as follows: "The United States may settle friendly Indians in any part of the Cherokee country west of 96 degrees, 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 to be 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."

Under date 30th January, 1877, three commissioners were appointed by the Secretary of the Interior, to appraise the lands ceded by the Cherokees under the provisions of the treaty above cited.