

At the time the treaty of July 19, 1866, was entered into, the demand was made on us that we cede all our lands west of 96 degrees, on the ground that they were immediately needed for the occupancy of other Indian tribes. A treaty had been made with the Osages in 1865, contemplating their removal to the Indian Territory, which was accomplished, and took part of the tract.

Treaties were also being at that time entered into with the Arapahoes, the Kiowas, and the Comanches, and the Cheyennes, by which all the remainder of our lands lying west of 96 degrees were set apart for these Indians, and the lands were so set apart by the ratification of these treaties, and which allotments have never been changed by law, save in so much as has been hereinbefore specified. Every consideration of law and equity required that we should have been paid for the land ceded long ago. Had our treaty been complied with, we should have been paid fifteen years ago.

The treaty has, in all essential particulars, been set aside. In no instance were the Cherokees permitted to have a voice in their appraisement or disposition. In 1872 General Francis Walker, then Commissioner of Indian Affairs, in a letter dated February 16, 1872, called the attention of the Secretary of the Interior to the subject, and by the Secretary the matter was presented to Congress.

In the letter the commissioner said: "By the terms of a treaty concluded October 23, 1867, with the Cheyennes and Arapahoes, a portion of said Cherokee country west of 96 degrees of west longitude, covering (4,300,000) four million three hundred thousand 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 treaty provisions recited, to the Cheyennes and Arapahoes, are of course responsible for the*