

Fourth: That the said lands ceded to the United States by the Cherokee treaty of 1866, and re-conveyed to the Cheyennes and Arapahoes by the treaty of 1867, were appraised by commissioners appointed in pursuance of law, and the price to be paid the Cherokees for said lands fixed by the President of the United States at 47.49 cents per acre, as provided for by the said Cherokee treaty of 1866.

Fifth: That in pursuance of the price so fixed by the President, and at the request of the proper authorities of the Cherokee Nation, Congress appropriated, as we have shown, large sums of money, which the said nation accepted as part payment for said lands.

Sixth. That on January 11, 1882, the duly appointed delegates, and a special agent of the Cherokee Nation, in an official communication addressed to the Hon. S. J. Kirkwood, Secretary of the Interior, demanded pay for the balance of said lands at the rate of 47.49 cents per acre, and thereby agreed to the price as fixed by the President.

III.

It is perfectly clear that the United States at the date of the Cheyenne and Arapahoe treaty of 1867 had the lawful right to cede and convey said lands to the Cheyenne and Arapahoe tribes. It is equally clear that the United States did by the said treaty cede and convey said lands to said tribes.