

of August 10, 1869, and under no circumstances to leave it.

Very respectfully,

H. PRICE,

Commissioner.

The assertion in this letter, to the effect that the Cheyennes and Arapahoes refused to locate on their treaty reservation, and accepted other lands in lieu thereof, is not correct. If so, why would they send a delegation to Washington to ask the Secretary of the Interior for permission to locate on said lands, and why should they desire to so return and locate, if they had accepted other lands and were satisfied?

But the question of occupancy cuts no figure in this case. If so, it cuts more than one way.

The treaty of 1835 (7 Stat. 480), and the act of May 28, 1830, (4 Stat. 412), under which the Cherokees claim these lands, say: "*Provided, always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same."

The Cherokees have never occupied an acre of the lands embraced in the Cheyenne and Arapahoe reservation.

Many years after said lands had been abandoned by the Cherokees, as a road to the hunting ground, they were ceded as aforesaid, by the treaty of 1866, to the United States.

By the treaty of 1867, they were ceded to the Cheyennes and Arapahoes, appraised, and large payments made thereon; after which the Cherokees attempted to get possession by leasing the same.