

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-first day of March one thousand eight hundred and eighty-nine, and of the [SEAL.] Independence of the United States the one hundred and thirteenth.

BENJ. HARRISON.

By the President:
JAMES G. BLAINE,
Secretary of State.

[No. 2.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, pursuant to Section eight, of the act of Congress, approved March third, eighteen hundred and eighty-five, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes," certain articles of cession and agreement were made and concluded at the City of Washington on the nineteenth day of January, in the year of our Lord eighteen hundred and eighty-nine, by and between the United States of America, and the Muscogee (or Creek) Nation of Indians, whereby the said Muscogee (or Creek) Nation of Indians, for the consideration therein mentioned, ceded and granted to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation, in the Indian Territory, lying west of the division line surveyed and established under the treaty with said Nation, dated the fourteenth day of June, eighteen hundred and sixty-six, and also granted and released to the United States all and every claim, estate, right or interest of any and every description in and to any and all land and territory whatever, except so much of the former domain of said Muscogee (or Creek) Nation as lies east of said line of division surveyed and established as aforesaid, and then used and occupied as the home of said Nation, and which articles of cession and agreement were duly accepted, ratified and confirmed by said Muscogee (or Creek) Nation of Indians by act of its council, approved on the thirty first day of January, eighteen hundred and eighty-nine, and by the United States by act of Congress, approved March first, eighteen hundred and eighty-nine, and

Whereas, by Section twelve of the Act, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes," approved March second, eighteen hundred and eighty-nine, a sum of money was appropriated to pay in full the Seminole Nation of Indians for all the right, title, interest and claim which said Nation of Indians might have in and to certain lands ceded by article three of the treaty between the United States and said Nation of Indians, concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, said appropriation to become operative upon the execution by the duly appointed delegates of said Nation, specially empowered to do so, of a release and conveyance to the United States of all right, title, interest and claim of said Nation of Indians, in and to said lands, in manner, and form, satisfactory to the President of the United States, and

March 23, 1889.

Preamble.
Vol. 23, p. 384.

Vol. 25, p. 1004.

Whereas, said release and conveyance, bearing date the sixteenth day of March, eighteen hundred and eighty-nine, has been duly and fully executed, approved and delivered, and,

Vol. 25, p. 1005.

Whereas, Section thirteen of the Act last aforesaid, relating to said lands, provides as follows:

"Sec. 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and sections sixteen and thirty-six of each township, whether surveyed or unsurveyed, are hereby reserved for the use and benefit of the public schools, to be established within the limits of said lands under such conditions and regulations as may be hereafter enacted by Congress."

"That the lands acquired by conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section two thousand three hundred and one of the Revised Statutes shall not apply): And provided further, That any person who having attempted to, but for any cause, failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: And provided further, That the rights of honorably discharged Union soldiers and sailors in the late civil war as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: And provided further, That each entry shall be in square form as nearly as practicable, and no person be permitted to enter more than one-quarter section thereof, *but until said lands are opened for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall ever be permitted to enter any of said lands or acquire any right thereto.*"

"The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town-sites, under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes, but no such entry shall embrace more than one-half section of land."

"That all the foregoing provisions with reference to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture shall apply to and regulate the disposal of the lands acquired from the Muscogee or Creek Indians by articles of cession and agreement made and concluded at the city of Washington, on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine."

Now therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by said Act of Congress, approved March second, eighteen hundred and eighty-nine, aforesaid, do hereby *declare and make known*, that so much of the lands, as aforesaid, acquired from or conveyed by the Muscogee (or Creek) Nation of Indians, and from or by the Seminole Nation of Indians, respectively, as is contained within the following described boundaries, viz:

Creek lands declared open to settlement

Beginning at a point where the degree of longitude ninety-eight west from Greenwich, as surveyed in the years eighteen hundred and fifty-eight and eighteen hundred and seventy-one, intersects the Canadian River; thence, north along and with the said degree to a point where the same intersects the Cimarron River; thence, up said river, along the right bank thereof, to a point where the same is intersected by the south line of what is known as the Cherokee lands lying west of the Arkansas River or as the "Cherokee Outlet," said line being the north line of the lands ceded by the Muscogee (or Creek) Nation of Indians to the United States by the treaty of June fourteenth, eighteen hundred and sixty-six; thence, east along said line to a

Boundaries.

point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by act of Congress approved April tenth, eighteen hundred and seventy-six, being the range line between ranges four and five east of the Indian Meridian; thence, south on said line to a point where the same intersects the middle of the main channel of the Cimarron River; thence, up said river, along the middle of the main channel thereof, to a point where the same intersects the range line between range one east and range one west, (being the Indian Meridian), which line forms the western boundary of the reservations set apart respectively for the Iowa and Kickapoo Indians, by Executive Orders, dated, respectively, August fifteenth, eighteen hundred and eighty-three; thence, south along said range line or meridian to a point where the same intersects the right bank of the North Fork of the Canadian River; thence, up said river, along the right bank thereof, to a point where the same is intersected by the west line of the reservation occupied by the Citizen Band of Pottawatomies, and the Absentee Shawnee Indians, set apart under the provisions of the treaty of February twenty-seven, eighteen hundred and sixty-seven, between the United States and the Pottawatomie tribe of Indians, and referred to in the act of Congress approved May twenty-three, eighteen hundred and seventy-two; thence south along the said west line of the aforesaid reservation to a point where the same intersects the middle of the main channel of the Canadian River; thence, up the said river, along the middle of the main channel thereof, to a point opposite to the place of beginning; and thence north to the place of beginning, (saving and excepting one acre of land in square form in the northwest corner of section nine, in township sixteen north, range two west, of the Indian Meridian in Indian Territory, and also one acre of land in the southeast corner of the northwest quarter of section fifteen, township sixteen north, range seven west, of the Indian Meridian in the Indian Territory; which last described two acres are hereby reserved for Government use and control), will, at and after the hour of twelve o'clock, noon, of the twenty-second day of April, next, and not before, be open for settlement, under the terms of, and subject to, all the conditions, limitations and restrictions contained in said Act of Congress, approved March second, eighteen hundred and eighty-nine, and the laws of the United States applicable thereto.

Open April 22, 1889.

No other lands in Indian Territory open.

Warning against entry before April 22, 1889.

And it is hereby expressly *declared and made known*, that no other parts or portions of the lands embraced within the Indian Territory than those herein specifically described, and declared to be open to settlement at the time above named and fixed, are to be considered as open to settlement under this proclamation or the Act of March second, eighteen hundred and eighty-nine, aforesaid; and

Warning is hereby again expressly given, that no person entering upon and occupying said lands before said hour of twelve o'clock, noon, of the twenty-second day of April, A. D. eighteen hundred and eighty-nine, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any rights thereto; and that the officers of the United States will be required to strictly enforce the provision of the Act of Congress to the above effect.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the City of Washington this Twenty-third day of March, in the year of our Lord one thousand eight hundred and [SEAL.] eighty nine, and of the Independence of the United States the one hundred and thirteenth.

BENJ. HARRISON.

By the President:

JAMES G. BLAINE,
Secretary of State.