

6. Treaty of July 19, 1866, 14 Stat. 799, Article XXVII.

TREATY WITH THE CHEROKEE INDIANS  
JULY 19, 1866

ARTICLE XXVI. The United States guaranteed to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and against hostilities of other tribes. They shall also be protected against inter[r]uptions or intrusion from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory. In case of hostilities among the Indian tribes, the United States agree that the party or parties commencing the same shall, so far as practicable, make reparation for the damages done.

ARTICLE XXXI. All provisions of treaties, heretofore ratified and in force, and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force; and nothing herein shall be construed as an acknowledgement by the United States, or as a relinquishment by the Cherokee Nation of any claims or demands under the guaranties of former treaties, except as herein expressly provided.

7. Gretches, David H., Federal Indian Law, St. Paul, Minn., West Publishing Company, 1978.

8. Proclamation of President #10, 26 Stat. 1557 (1890)

[No. 10]  
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
February 17, 1890  
A PROCLAMATION

Whereas, that portion of the Indian Territory, commonly known as the Cherokee Strip or Outlet, has been for some years in the occupancy of an associations of white persons under certain contracts, said to have been made with the Cherokee Nation in the nature of a lease or leases for grazing purposes; and

Whereas, an opinion has been given to me by the Attorney General, concurring with the opinion given to my predecessor by the late Attorney General, that whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no right exists in said Cherokee Nation under the Statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void; and

Whereas, the continued use of said lands thereunder for grazing purposes is prejudicial to the public interests;

Now, therefore, I, Benjamin Harrison, President of the United States, do hereby proclaim and give notice:

First. That no cattle or live stock shall hereafter be brought upon said lands for herding or grazing thereon;

Second. That all cattle and other live stock now on said Outlet must be removed therefrom no later than October 1, 1890, and so much sooner as said lands or any of them may be or become lawfully open to settlement by citizens of the United States; and that all persons connected with said cattle companies or associations must, not later than the time above indicated, depart from said lands.

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 seventeenth day of February, in the year of our Lord one thousand eight hundred and ninety, and of the Independence of the United States of America, the one hundred and fourteenth.

Benj. Harrison

By the President:

James G. Blaine, Secretary of State.

9. Act of March 3, 1893, 27 Stat. 612

FIFTY-SECOND CONGRESS. Sess II CH. 209. 1893

The President of the United States is hereby authorized, at any time within six months after the approval of this act and the acceptance of the same by the Cherokee Nation as herein provided, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section thirteen of the act of Congress approved March second, eighteen hundred and eighty-nine.

10. Act of March 3, 1893, 27 Stat. 612

11. Duncan, W.A., Letter to the Editor, Cherokee, Cherokee Advocate, October 5, 1892.

12. Act of June 28, 1898, 30 Stat. 495, Curtis Act