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Chauncey O. Moore, Supervisor,
James H. Carroll, Research Worker
Indian-Pioneer History, #149,
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AN OLD MANUSCRIPT

NOTE by Research Worker: In 1934 I was working on the circulation of the Vinita Leader, a weekly newspaper, published at Vinita, Oklahoma, and drove up to J. B. (Hosley) Hall's old farm house on Cabin Creek, near the old battle ground. A man by the name of Jack Oloyd had bought the place and was living there. He told me he had found an old Manuscript in one of the closets of the house, that was getting yellow with age. The manuscript was written out in long hand in Principal Chief D. W. Bushyhead's own handwriting, on December 6, 1883. I traded him a year's subscription for the old document and went on my way rejoicing, and here it is.

An Act Instructing the Delegation
To Washington, D. C.

RESOLVED: The National Council has passed an act, entitled "An act authorizing the delegation," as approved December 6, 1883, under which a delegation of two (2) persons has been approved, consisting of

D. B.

John G. Sahrinska, and Lucian B. Hall, to represent the Cherokee Nation, before the government of the United States, upon such subjects, and with such powers, as may be conferred on them by law, therefore: Be it enacted by the United States Senate, that the before mentioned John G. Sahrinska, and Lucian B. Hall, be and they are hereby empowered and instructed to proceed, without unnecessary delay before the government, of the United States, at the city of Washington, D. C. to represent the Cherokee Nation, and people before the government, and to faithfully discharge the duties, as delegates, as hereinafter specified.

To Oppose Allotment

The said delegation are hereby instructed to protest against, and to oppose by all lawful means, the passage through the Congress of the United States, of any bills or measures for the establishment of a "Territorial Government," for the Indian Territory, or any measure which would tend to weaken or destroy the present form of government of the Cherokee Nation, as provided in the treaties, or any measure, or act

that would through the Cherokee Nation, open to, or expose it to white settlement, and they are further instructed to resist all attempts by congress to allot lands, in severalty, or make any changes in the conditions, rights or interests of the Cherokee Nation, or its people, until such change shall have been asked, by her council, as the treaties between her and the United States direct, and they are further instructed to aid the other nations and smaller tribes in resisting any encroachments upon their guaranteed rights, and in thus introducing disturbing elements among them, and thus destroying the security, and hindering the progress of the nations and tribes of the Indian Territory.

would Protect Jurisdiction

They are further instructed to resist all encroachments on the jurisdiction or government of the Cherokee Nation, and in all proper departments or courts where such questions may come to maintain the integrity of the Cherokee Nation, and its just powers, as guaranteed by treaty, to the end that it may be enabled to maintain law and order, and the safety and existence of the Cherokee people.

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They shall further resist all attempts of any of her citizens, or those claiming to be such, and under her jurisdiction, who instead of vesting their rights and securing their remedies under the constitution and laws of the Cherokee Nation, appeal to the United States, to violate her treaties and over-ride the proper authorities of the nation.

Would Remove Intruders.

They are further instructed to secure, if possible, at the earliest possible day, the removal of all intruders and unauthorized persons from the limits of the Cherokee Nation, and to make any just and honorable arrangements, consistent with the treaty rights and powers of the Cherokee government, and her constitutional authority under them to that end.

WOULD PROTECT TIMBER AND COAL

Be it further enacted, that the said delegation are hereby instructed further to secure if possible the passage of a bill through the present congress to protect the timber on Indian lands from being stolen by depredators, and to call the attention of the Secretary of Interior to the constant and wholesale

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depredation being committed on the timber, coal and other property of our people, by the citizens of the United States; and to insist on the rigid enforcement of all legal remedies against all such offenders, and to urge on the department the necessity of instructing the United States agent to use vigilant efforts to prevent depredations on our domain in the future.

Protest Sale of Liquor To Indians

And they are further instructed to secure if possible, by law or otherwise, the discontinuance of the introduction of, or sale of, any and all of intoxicating liquors, at Military Posts, and to secure, if possible, absolute prohibition of all intoxicating liquors, of whatever kind or name, from the Indian Territory, save so far as is absolutely necessary for medical purposes, and they are further instructed to secure the passage of a bill through congress to add or substitute imprisonment, or for both fines and imprisonment, for invasion of the Indian country to the end that the intercourse laws may be obtained.

Would Aid Old Settler Cherokees

Be it further enacted, that the delegation are instructed to, as they may deem proper and right, assist the "Old Settler Cherokees" in the prosecution of their

claim for what may be due them, under treaty stipulation, and they shall also render all assistance in their power to citizens of the Nation, and any just claim they may have against the government, but in so doing they shall not neglect or jeopardize their other duties.

Should protect Property and Funds

Be it further enacted, that the said delegation are hereby instructed and empowered to take all necessary steps to resist all infringements of the rights and powers of the Cherokee Nation, as guaranteed to her by treaty. They shall maintain the integrity of the common property of the Nation, and resist all attempts, from whomsoever made, to scatter and divide such common property, and destroy the Cherokee institutions and institutions in whose disposition of funds made by the treaty, and that no funds be involved, or disposed of, in any measure, save as directed by treaty, and protect against the rights of any officers of the United States Government to dispose of any of the funds, or common property of the Cherokee Nation, for any person whatsoever, or whomsoever, in violation of her treaties.

Urge Settlement of Claims

Be it further enacted—~~They are further~~
instructed and empowered to present all legitimate
claims of the Cherokee Nation against the United
States, for all unsettled accounts, and for any
balance that may be due, and to urge settlements
thereof. They shall file and defend all claims for-
warded to them and certified by the Principal Chief
of the Cherokee Nation, whether for amounts properly
due under former treaties for capita, removal and
subsistence, reservations, spoiltions, damages done
for want of protection, pledged by treaties, army
supplies, bounty pay and provisions, arrears due
soldiers who served the government of the United
States in Indian Regiments, or for horses or equip-
ment or property taken, used or furnished to the
government of the United States, and not paid for,
and any other lawful claims which may come to them
certified to, as above provided.

Disposal of Surplus Land

Be it further enacted, that the said
delegation are empowered and instructed to dispose
of, if practicable, and without delay and under

provisions of treaty, the lands belonging to the Cherokee Nation in Alabama and Arkansas, and to dispose of, as rapidly as possible, the balance of the Strip Land in the state of Kansas, according to the present provisions of law relating thereto, and it shall be the imperative duty of the said delegation to maintain the laws and acts from which the Cherokee Nation derives its revenue.

Be it further enacted, that in case any of the Delaware tribe of Indians, who are now residing within the limits of the Cherokee Nation shall desire to draw out their pro-rata share of the funds invested by the Delawares with the government of the United States, the delegation hereby instructed to render such persons all the assistance they can, consistent with their other duties, and they are also instructed to render to the Shawnee residents in the Cherokee Nation any assistance in the settlement of any unsettled business they may have with the government of the United States.

Would Repeal Article 18

and they are further instructed to use their best efforts to have the obligation of the 18th article of the Cherokee Treaty of July 19, 1866, in reference to the settlement by friendly Indians of the Cherokee

lands west of the 96th Meridian, repealed.

Be it further enacted, that the said delegation are further instructed and empowered to meet, and, in the interest of the Cherokee Nation, to defend all matters that may arise against her, and to zealously defend and guard all her rights under law and treaty and in all matters pending, or that may arise, represent and defend her.

to examine accounts

Be it further enacted, that said delegation are hereby instructed to examine the accounts of the Cherokee Nation with the United States, as provided for by the said article of agreement of July 19, 1866, and report to the National Council at its next regular session, a full and complete statement in detail of all money paid by the United States to the Cherokee Nation, or to any of its citizens, under the various treaties heretofore made between the United States and the Cherokee Nation.

Provisions for Expenses

Be it further enacted, that the following sums are hereby appropriated on account of said delegation:

1st. The sum of Four thousand five hundred

dollars, or so much thereof as may be necessary to pay the per-diem allowance, and necessary expenses, of said delegation, while necessary absent on their mission.

2nd.- The sum of One thousand dollars, for printing, advertising, and contingent expenses, and the said delegation shall make report of all their proceedings to the regular session of the National Council of the Cherokee Nation in November, 1884.

3rd.- To pay necessary expenses of the Principal Chief, One thousand Seven hundred dollars.

4th.- To pay for clerk hire, to examine accounts, of all moneys paid the Cherokee Nation by the United States, or to any of its citizens, under the treaties, Eight hundred dollars.

Provides special attorney

Be it further enacted, that the Special Attorney of the Cherokee Nation, Rowland Phillips, as such special attorney, shall act with, and by the direction of, the delegation authorized by the provision of this act in all matters, and questions, which may arise, either before congress or the department, and affecting the interest of the Cherokee Nation.

All Former Contracts Void.

Be it further enacted, and said delegation are hereby instructed to file in the office of the Secretary of the Interior, and Commissioner of Indian affairs, a notice that all contracts, made by any authority representing the Cherokee Nation with any person for the sale of the land of the Cherokee Nation, west of the Arkansas river, or for the collection of money due on said lands, are hereby repealed and void.

Chief To Draw Warrants

Be it further enacted, that the Principal Chief be and he is hereby authorized to draw his warrant upon any monies in the National fund, not otherwise appropriated, to pay the amounts hereby appropriated as specified by the provisions of this act, and said warrant shall be preferred.

Be it further enacted, that all former instructions to any delegation whatever be and the same are hereby repealed.

Tabled in, U. S. December 15, 1883.

John P. Drew, Clerk of Senate-----S. H. Benson,

President of the Senate.

Concurred in By Council, Dec., 15, 1883.

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W. S. Gorderoy, Clerk of Council-----

Bird Jones, Speaker of the Council.

Approved December 15, 1883.

D. W. Bushyhead, Principal Chief.

Executive Department,

Cherokee Nation:

I hereby certify that the above and foregoing Eighteen pages, is a true and correct copy of the original, as recorded and filed in this department.

This January 1st, A. D., 1884.

D. Boudinot, Executive Secretary.

CARSELOWEY, JAMES R.

THE NEAR-- CHEROKEE-CREEK WAR

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