Despite the grievous oppression of the white man, the Cherokees had a deep and abiding faith that an omniscient God would guide their destinies in the course of justice. On July 11, 1830, Chief Ross made a passionate address to his people, telling of the innumerable ways in which the white man had violated his honor in dealing with the Cherokees. He enumerated their grievances at length, but ended by saying, “Confiding in the superintending care of a kind Providence we should not despair even should we for a season be plunged into the cells of Georgia prisons. Means for our deliverance may yet be found. Let us not forget the circumstance in Holy Writ of the safe passage of the children of Israel through the crystal walls of the Red Sea and the fate of their wicked pursuers; let our faith in the unsearchable mysteries of an omnipotent and all-wise Being be unshaken; for in the appearance of impossibilities there is still hope.”

Two of the biggest factors working for the removal of the Cherokees after 1828 were the discovery of gold in the mountains of northern Georgia, whetting the already keen spirit of Caucasian avarice, and the election of Andrew Jackson as president of the United States. Jackson, famous for his antipathy of the Indians, gave Georgia his complete support in bringing about the expulsion of the Cherokees, although a strong force of the warriors of that tribe had served under him in the war against the Creeks and in the epochal battle of New Orleans.

By 1832 the Cherokees were determined to keep the land and homes of their fathers. When all other efforts had failed, a delegation headed by Ross went to Washington in 1832 and again in 1834 to use every possible influence for amelioration of the hard condition in which the Cherokees found themselves. They suggested allotment of their lands

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1Benedict, Muskogee and Northeastern Oklahoma, I, 57 ff.
in severalty with citizenship for all tribesmen and the sale of all surplus lands, and offered a number of other plans, but at all times Jackson was firm in his statement that the only possible way out for all concerned was immediate removal of the Indians. The annuity promised from the government by a treaty of long standing was no longer paid, so there was not a sufficiency of funds to support the tribal schools. In every conceivable way the Cherokees were made to understand that the United States would do nothing in their behalf.

Although almost all of the Cherokees remaining east of the Mississippi were personally opposed to removal at the beginning of this agitation, some of them began to conclude that all opposition was futile. A few of these were called by Andrew Ross for the purpose of seeing what could be done in the way of securing a favorable treaty. In due course of time, a treaty was negotiated and signed by the pro-removal group June 19, 1834, providing for westward emigration. This treaty was not ratified by the Senate, Chief John Ross having not only made a personal protest, but also filed a written protest which is said to have been signed by 13,000 Cherokees. The chief and his followers then presented a memorial to Congress which, “while stating their case plainly and candidly, was yet a model of dignity and self-restraint.”

The document signed in 1834 is known as the Ridge treaty, as the leader of the faction was Major John Ridge, a Cherokee who acted as sincerely as did Ross or any other leader, for what he thought was the best. His right-hand men were Elias Boudinot, editor of The Cherokee Phoenix, and Stand Watie, Boudinot’s brother. All three were destined to play a large part in Cherokee history. When the Ross contingent learned of the treaty, which was to be ratified by the council of the Nation before it became valid, they rejected the clause giving them, among other grants, $3,250,000, and they refused to sign the treaty unless $20,000,000 were given. The United States Senate balked, so the Cherokee Council unanimously refused to approve the Ridge treaty.

On the twenty-ninth of December, 1835, a new treaty

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*Thoburn, op. cit., pp. 100f.
was promulgated, tolling the death-knell of Cherokee peace and freedom. The Treaty of New Echota was signed by a commission of Federal representatives and a group of Cherokees who had no official permission to act. At a mass meeting of the tribe, which had a population of more than 17,000, there were only 500 men, women, and children present, so the tribe was not speaking as a unit and the whole tribe was not being represented. The treaty relinquished all lands east of the Mississippi in return for $5,000,000 and a joint interest in the Indian Territory reservation of the Western Cherokees and an additional tract of land in what is now southeastern Kansas. The cost of moving was to be borne by the government, and food and provisions for one year for the entire tribe were to be furnished. Improvements on all lands held by individual Cherokees were to be recompensed. An effort was made to allow certain educated Cherokees to remain and become citizens, but Jackson expressly commanded that this condition be stricken from the treaty. The document met with bitter protest from the whole Nation, but the United States Senate ratified it, and the Treaty of New Echota was officially proclaimed May 23, 1836. Innumerable protests were made by the wronged people, but the federal government pledged its support to the state of Georgia in forcibly removing the Cherokees from its bounds.¹

After he had signed the treaty, Major Ridge was accused of doing so to promote his own ambitions to be principal chief of the reunited tribe in the west. He is said to have repudiated this charge with these words: “You say John Ridge was moved by a selfish ambition when he signed that treaty? It is not so. John Ridge signed his own death warrant when he signed that treaty, and no one knows it better than he knew it when he wrote his name on that paper. John Ridge may not die today or tomorrow; he may not be killed while the Cherokees remain in this country, nor yet on the road to their new country west of the Mississippi; but, sooner or later, he will have to yield his life as the penalty for signing that treaty. John Ridge has not acted blindly, for he sees plainly that his people cannot hope to stand against the white men in their present situation. By moving to the west, they may in time so learn the ways of civilization as to enable

them to sustain themselves in competition with the white men. Let it not be said that John Ridge was actuated by motives for personal ambition; he had acted for what he believed to be the best interests of his people".

When agitation for removal was at its height, the problem became the question of the hour in the United States: people all over the country were extremely interested as to the possible outcome, and the newspapers were full of references to the Cherokees. The individual states and every department in the government united in pledging to the Cherokees a country which should be theirs and theirs only forever, and in offering not only protection from war, trespass, and intrusion, but complete autonomy and unquestioned ownership of the new lands, under letters patent signed by the president, if they would move.

The government officials, both civil and military, sent into the Nation to arrange for the removal of the Cherokees, soon found their task not only delicate but extremely unpleasant as well. Some of these men wrote letters describing the existing conditions in the Nation which were scarcely less pointed than the protests of Ross. Indeed, the head of the treaty party, Major Ridge himself, was driven to writing to President Jackson and entering a vigorous protest against the excesses of land grabbers and speculators who were overrunning the Cherokee country and subjecting the Cherokee people to every variety of indignity and abuse.

By the terms of the treaty, the Indians were to be allowed two years in which to remove to the west. General J. E. Wool was placed in command of the military forces stationed in the Nation to enforce the terms of the treaty and to prevent any possible opposition. Vague rumors gained currency to the effect that the Cherokees were conspiring to rebel, and a force of Tennessee militia was summoned, only to discover that the story was a baseless fabrication. General Wool asked to be relieved of his command, and was succeeded by Col. William Lindsay, who was ordered to arrest John Ross and to turn him over to the civil authorities if he gave further evidence of opposing the enforcement of the treaty. John M. Mason, a young man sent into the country as a confidential agent of the Secretary of War, wrote in September, 1837, that

"Thoburn, op. cit. p. 104."
the whole Cherokee people, with the exception of 300 who belonged to the Treaty party, were a unit in supporting Ross and his policy of opposition.

The end of Andrew Jackson's reign in the White House and the accession of Martin Van Buren to the presidential chair seemed to augur favorably for the Cherokees, as the new executive expressed a willingness to postpone the enforced removal. At this juncture, however, Governor Gilmer of Georgia interposed with a threat that there would be violent conflict between the military forces of that state and those of the federal government if the treaty were not promptly enforced. The affair attracted a great deal of attention in Congress, and among those who denounced the palpable injustice of the Treaty of New Echota in scathing terms were personages no less than Daniel Webster, Henry Clay, Henry A. Wise, and David Crockett. The Cherokees sent their final protesting memorial to Congress in the spring of 1838, only to have it tabled by vote of the Senate.

General Winfield Scott was ordered to take command of the troops in the Cherokee country and to superintend the preparations for expulsion. Immediately after his arrival he issued a proclamation calling upon the Cherokee people to abide by the terms of the treaty and to enroll themselves for removal. Chief Ross, finding that the new president was determined to enforce the document, then proposed a new treaty; in reply, he was told that, although the government was willing to construe with the utmost liberality the treaty already effected, it could not consider the negotiation of any substitute for it. Having thus exhausted every means of peaceable resistance, most of the Cherokees still in the east bowed to the inevitable and gave up all hope of remaining in their old homes.

With approximately 7,000 troops of infantry, cavalry, and artillery, General Scott began to assemble the Cherokees for the journey. Declares Thoburn, "The story of the eviction and exile of the Cherokees is not a pleasant one for a white man to read, must less to write. As James Mooney truthfully comments, 'Even the much-sung exile of the Acadians falls far behind it in its sum of death and misery.'"

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'Ibid. p. 110.
Under General Scott’s orders, the troops were divided into small detachments to search every hill and valley, every cabin and home, for Cherokees who were supposed to be hiding. As fast as they were caught, they were driven like animals into stockaded enclosures, to be held until the caravans could be organized to make the long journey. Most of the tribesmen submitted quietly, though with evident reluctance, but a few offered resistance, and were dealt with violently. In the footsteps of the soldiers came the looting rabble. In many cases, as the exiled red men, leaving their homes and beloved mountains, and the resting-places of their fathers, turned to look for a last time at their humble cabins, they beheld them in flames, while their stock was being driven away by the despoilers.

About 6,000 Cherokees started west during the summer of 1836. For the most part they made the journey by boat, under the supervision of army officers, down the Tennessee and Ohio Rivers to the far side of the Mississippi, finishing the trip to the Indian Territory overland. The Cherokee Council, realizing that much of the great sickness and suffering was due to the effect of traveling in the hottest part of the year, asked General Scott that they be allowed to remove in the fall. The petition was granted, so the remainder of the tribe, about 13,000 people, set out late in the autumn. There were 645 wagons, in which the aged, the infirm, and the smaller children rode with the baggage, while all the rest walked or rode horseback.

There were thirteen detachments in the emigrant train, and each required from 100 to 200 days to make the trip. It was estimated that the removal would cost $600,000, and that amount was set aside from the $6,500,000 given the Cherokees by the treaty of 1835. The cost of eviction per capita was $66.24, so Captain Page of General Scott’s army paid John Ross, as “superintending agent of the Cherokee Nation for Cherokee removal,” the sum of $776,393.98.

Since it is impossible to state accurately the death toll of the expulsion, it is estimated most conservatively that about 4,000 deaths occurred. Hundreds died in the detention camps even before removal started. Some of the stories of

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*Thoburn, opp. 111 ff.*

*Starr, History of the Cherokee Indians, pp 103 ff.*
the white men's cruelty are almost unbelievable; in over-
coming the Indian's devotion to his native land, the soldiers
resorted to treatment which amounted to nothing less than
brutality. The Cherokees were not a nomadic people; on
the contrary, they loved their fatherland with a fierce de-
votion born of all the ties of home and family. Thousands
died, it is true, but thousands more of that proud race suf-
fered untold mental and spiritual anguish impossible to de-
scribe. The Choctaws called the thousand-mile journey of
their exile the "trail of tears," but the Cherokees had an even
greater right to use the term. Larger than the other tribes,
and forced to go a greater distance, they suffered more from
disease, exposure, and hunger than did their brothers."

Many of the soldiers required to drive the Cherokees out
of Georgia found their position almost too repugnant. A
Georgia volunteer, afterward a colonel in the Confederate
service, said, "I fought through the Civil war and have seen
men shot to pieces and slaughtered by thousands, but the
Cherokee removal was the cruelest work I ever knew."

General Wool himself found that his better nature re-
volted at the task of expulsion, and wrote at the time of the
removal, "The whole scene since I have been in this country
has been nothing but a heart-rending one, and such a one as
I would be glad to get rid of as soon as circumstance will
permit. Because I am firm and decided, do not believe I
would be unjust. If I could (and I could not do them a greater
kindness), I would remove every Indian tomorrow beyond
the reach of the white men, who, like vultures, are watching,
ready to pounce upon them and strip them of everything
they have or expect to have from the Government. Nineteen-
twentieths if not ninety-nine out of every hundred will go
penniless to the West"."

After the main body of the Cherokees had arrived at
their new reservation in the west, they had to cut down
trees, build log cabins, and clear land for cultivation. Almost
immediately they became a thriving, prosperous people, rais-
ing herds of live stock, including horses, cattle, sheep, and
hogs. They were encouraged in these pursuits by the gov-
ernment and the missionaries, but traders urged them to de-

—Thoburn, op. cit., pp. 113 f.
vote their efforts to hunting and trapping. The Cherokees even plied a thriving trade on the Mississippi River, having a fine steamboat as early as 1837.\(^4\)

When the Cherokees from the east came to the western lands, they were warmly welcomed by their kinsmen, the Western Cherokees, who had been settled on their reservation for nearly ten years and who had a regularly organized government which they were eager that the newly arrived Eastern Cherokees should adopt. The tribal organization of the latter had been maintained throughout all of the trouble which they had experienced, and with John Ross at the head, their tribal council was disposed to insist that as the governing body of the major portion of the reunited Cherokee Nation, it should extend its authority and jurisdiction to supersede that of the western Cherokees. A general national council was called for the purpose of adjusting this dispute but its efforts were fruitless, neither side yielding.

Feeling ran so high between the two divisions of the eastern branch that soon after the removal, Major Ridge, John Ridge, his son, and Elias Boudinot, "treaty" leaders, were assassinated, June 20, 1839. Major Ridge's words had been prophetic—he had really signed his own death warrant and had to yield his life as the penalty for signing the removal treaty. For a time civil war was imminent, with Chief Ross as leader of one faction, and Stand Watie, brother of Boudinot and another leader marked for assassination, as head of the other. Members of the Ridge party who had escaped death fled to the military authorities at Fort Gibson; John Ross' life was threatened in turn, and he was urged to flee, but he stood his ground, reiterating his innocence of complicity in the conspiracy. It is now known that he was not connected in any way with the plot.

The National Council adopted a decree that the signers of the removal treaty had outlawed themselves by their action, and declared the assassins guiltless of murder. In August another decree repudiated the Treaty of New Echota, and voiced again the tribe's claim to the eastern lands. Other acts were directed against the Ridge faction, but the United States government intervened and threatened to arrest John Ross for complicity in the Ridge slayings.\(^5\)


Meanwhile, the Old Settlers, or Western Cherokees, and the Ross, or National, party composed their differences, at first so irreconcilable. On July 12, 1839, a general convention was held, and after due deliberation a formal "act of union" was adopted, whereby the two branches were declared to be "one body politic, under the style and title of the Cherokee Nation," succeeding both of the tribal organizations. The act was signed by John Ross, principal chief, George Lowrey, president of the National Committee, Goingsnake, speaker of the Council, and thirteen others on behalf of the Eastern Cherokees; for the Old Settlers it was signed by John Looney, acting principal chief, George Guess, president of the Council, and fifteen others, bearing such picturesque names as Young Elders, Deer Track, Young Puppy, The Crying Buffalo, July, Soft Shell Turtle, and Jesse Bushyhead.

Another convention met at Tahlequah in September, composed mostly of Eastern Cherokees, and framed a new constitution, which was ratified by a convention of Old Settlers at Fort Gibson, June 26, 1840. The instrument was as remarkable as its predecessors in insuring a just government. Among the many interesting clauses are the following: "No person who denies the being of a God or future state of reward and punishment, shall hold any office in the civil department of this Nation. The free exercise of religious worship, and serving God without distinction, shall forever be enjoyed within the limits of this nation; provided, that this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this Nation." Rules for election of legislators and chiefs, amending the constitution, common holding of the lands of the Nation, and other questions were specifically dealt with. One of the features was suffrage for boys over eighteen years of age. For purposes of civil administration and the apportionment of legislators, the Cherokee Nation was divided into nine districts similar in size and organization to counties. They were called Canadian, Illinois, Sequoyah, Flint, Delaware, Goingsnake, Tahlequah, and Cooweescoowee, the last one being named in honor of John Ross, whose Cherokee name that was."

From 1839 until 1898 the Cherokees enjoyed the

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"Starr, op. cit. pp. 233 ff."
strange anomaly of supporting a fully constitutional government with all the concomitant expenses of executive, legislative, judicial, and educational departments, without taxation! The United States promised an annuity of $3,000 in 1804, and in the treaty of 1835, $400,000 was sent out of the $5,000,000 for the eastern lands in three funds: $200,000 for general expenses, $50,000 for the care of orphans, and $150,000 for the promotion of education. Other funds were obtained by the occasional sale of surplus tribal lands. Extreme poverty was unknown, and individual efforts were often rewarded with great riches.\footnote{Thoburn, opp. cit. pp. 205 f.}

The first newspaper published in Oklahoma was The Cherokee Advocate, which was established and conducted under the auspices of the tribal government. Its publication office was in Tahlequah, and the first number appeared Sept. 26, 1844. William P. Ross, a nephew of John Ross and an honor graduate of Princeton University, was its first editor, and James D. Wofford was translator. It was issued weekly and consisted of four seven-column pages, usually one in the Sequoyah text and the others in English. Later editors, both of whom were active in political affairs, were David Carter and James S. Vann. Publication of the newspaper was discontinued a few years before the beginning of the Civil War, because of lack of funds, but was reestablished in 1870, continuing until 1905. Like many another Cherokee institution, The Advocate exerted a profound influence upon the Cherokees as a people.\footnote{Ibid.}

Meanwhile dissension arose. The Old Settlers believed that the eastern branch was becoming too dictatorial in tribal affairs, and the easterners contended that they were the real Nation, while the westerners were merely an offshoot, so a wide split in the tribe occurred. The feud grew intense and the lives of the leaders were constantly in danger. In April, 1846, President James K. Polk sent a special message to Congress, discussing conditions in the Cherokee Nation, apparently from the point of view of Montford Stokes and General Arbuckle, the federal commissioners, and suggesting that the Cherokee Nation be divided. The Cherokee Advocate of May 28, 1846, contained an appeal to the Christian people
of the United States for prayers in behalf of the Cherokee Nation in its distracted and demoralized condition, and for their moral support in the efforts then being put forth for a settlement of intratribal difficulties. The plea was signed by Acting Principal Chief George Lowrey.

At last delegates of the three factions met for a council in Washington, and at length a new treaty was signed by them and the federal government. By its terms the land occupied by the Cherokee Nation was secured to the whole Cherokee people for their common use and benefit; all of the difficulties were declared to be adjusted and, as far as possible, "forgotten and forever buried in oblivion." For the most part, strife ceased and there was less hatred, but in some cases, certain Cherokees tried to maintain the feud down to Civil War times, when the parties again split, to a lesser degree, over the question of loyalty to the government of the United States." According to the eminent historian, Dr. Annie Heloise Abel, the whole cause of the dissension between the Ridge and Ross parties, and later between the Old Settlers and the Eastern Cherokees, could be traced to the underhand means employed by the state and federal authorities to accomplish removal."

With the settlement of the Indian Territory came Jesse Chisholm, a Cherokee halfbreed, who founded a number of trading posts all over the Indian country. Chisholm was not only a trader, but was also noted as a scout, guide, and interpreter. His name appears many times in accounts of the period, and he was one of the most colorful figures of his day. The famous Chisholm trail was established by him. Though he was a business man of great sagacity, his extreme generosity never permitted him to amass any wealth to speak of.

Periodically the Congress of the United States would take up the question of forming a territorial government out of the Indian nations. The first effort at organization was introduced in Congress in 1839, but no action was taken upon the matter. In February, 1854, Senator Robert W. Johnson of Arkansas introduced a bill in the upper house of Congress to create three territories to be called Chelokee, Muscogee,
and Chatah, with capitals at Tahlequah, the Creek Agency, and Doaksville, respectively. The object was to persuade the tribes to accept territorial organization so that later they might be formed into one large state. The Senate Committee of Territories made a favorable report on the bill, but it never came up for consideration."

Probably the most important movement during the middle period between the coming to the Indian Territory and the Civil War was that for education. Even before Horace Mann began his labors in behalf of a public school system in such an educational center as the state of Massachusetts, the proposition for public schools of higher learning was brought up in the Cherokee Nation. The idea of public and higher schools for the Cherokees was advocated by the treaty of 1835. A superintendent of Education and eleven public schools were provided for by an act of council on November 16, 1841; the salary of public school teachers was to be thirty dollars per month. In 1843, $5,800 was set aside as running expenses for one year. Seven additional schools were created in 1843; the two school sessions were fixed at five months each, with a winter and summer vacation of one month each. The orphans were taken care of and provided an education by separate appropriations. In 1845, there were 655 Cherokee children—402 boys, 253 girls—in the Nation's eighteen schools. An examination board of three members was created on November 2, 1849. The national education movement continued to grow at an astonishing pace up to the Civil War, when, of course, progress of any sort was impossible."

It was not until 1846 that the tribe found itself in a financial condition to establish the two schools of higher learning desired. A year later full regulations for the establishment and conduct of the two schools were made by the National Council. Located near Tahlequah, the two buildings, constructed of native brick, were completed in 1850 and opened May 6 and 7, 1851. They were called the National Male Seminary and the National Female Seminary and were the first secular schools in Oklahoma. According to the institutions' catalogs, "The Seminaries, and in fact, all the schools, of the Cherokee Nation are supported by money,

"Thoburn, op. cit. p. 212.
"Starr, op. cit. pp. 225 ff."
invested in United States registered stocks, from the sale of lands to the United States government. The interest alone of this investment is drawn and used for educational purposes. The boarders are charged a mere nominal sum as an addition to the school fund. The United States government renders no assistance to the Seminaries, Asylum or common schools of the Cherokee Nation, outside of paying interest on money borrowed from the nation."

Some of the subjects taught would stagger many a college student in this day of advanced learning and educational ideas. Among the languages, students studied the works of Xenophon (the Anabasis), Thucydides, Livy, Homer, Virgil, Ovid, Cicero, Caesar, Molière, and Goethe—Greek, Latin, French, and German. Other courses included Mental Science, Natural Philosophy, Political Economy, Logic, Moral Philosophy, Criticism, Analytical Geometry, Surveying and Calculus, Mental Philosophy, and Astronomy. At the conclusion of a four-year course, the customary degrees were awarded. On the whole, the schools were equal to any colleges in the United States at that time. The first classes were graduated in 1855—twelve boys, including Joel Bryan Mayes, later principal chief, and twelve girls.

Because of lack of funds, and then because of the war and its destruction, the schools were discontinued after a few years until 1875, and the next class graduated in January, 1879. During the war the Male Seminary was used as a hospital, and as a national orphan asylum until its reopening. The Female Seminary was destroyed by fire in 1887 and rebuilt in 1889. Both of the schools operated until Oklahoma became a state in 1907, when there was no further need for tribal schools. Thereafter the buildings of the Female Seminary were occupied by the Northeastern State Normal School, and are still in use. After statehood the Male Seminary was reorganized as a co-educational school but was destroyed by fire in 1910.

The schools exerted an enormous influence upon the Nation. It is said that they were the pet scheme of Chief Ross, and that he began negotiations for their establishment in 1836. Despite the many benefits of the mission schools, there was inevitably a feeling of dependence among the Cherokees,

"Starr, opp. cit. pp. 231 ff."
and the national seminaries took away much of it. According to Thoburn, “The more perfect development of an independent, self-reliant manhood and womanhood, which added much to the well-being and happiness of the Cherokee people, was the unquestioned result of the establishment and operation of the two seminaries.”

Echoing the undercurrent of national feeling in the United States, vague rumblings of the thunder of an approaching storm—the Civil War—came to disturb the peaceful horizon of the Cherokee Nation. The first trouble arose over the slavery question. Since the beginning of the century, refuge to fugitives and confusion of ownership had been occasions for innumerable disputes between the five tribes and the citizens of the southern states. After 1850 it became a matter of weighty importance whether or not the Fugitive Slave Laws was operative within the Indian Territory; and, when influenced apparently by Jefferson Davis, Attorney-General Cushing gave it as his opinion that it was, fresh controversies arose. Slaves belonging to the Indians were often enticed away by the abolitionists and even more frequently were seized by southern men under pretense of their being fugitives. In cases of this kind, the Indian slaveholders had little or no redress in the federal courts."

The Missouri Compromise played an important part in the settling of the western lands. Since all the tribes were slaveholders, they had to settle south of 36° 30'; fortunately for scheming politicians and landgrabbers, the Cherokee lands extended a little distance north of the thirty-seventh parallel, and formed a “Cherokee strip” eagerly coveted by Kansas in later days. It was argued that this circumstance excluded slavery before it was organized as a territory, so the contention was not altogether consistent.

On the whole, however, slavery was encouraged both above and below the interdicted line, by white men living in the Territory, by licensed traders, and by missionaries. This was the case in the “Cherokee Neutral Land,” out of which the southeastern counties of Kansas were illegitimately formed; the strip, 800,000 acres in extent, was an independent purchase by the Cherokees, and was not included in the ex-

\[\text{\textsuperscript{20}}\text{Op. cit. pp. 203 ff.}\]

\[\text{\textsuperscript{21}}\text{Abel, op. cit. pp. 22 f.}\]
change or in the original scheme that forced their removal from Georgia. It is characterized by Professor Abel as "a subsequent concession to outraged justice.""

When war between the states finally did break out, the Indians of the Five Civilized Tribes were placed in a position at once important and precarious. Both sides in the struggle realized that the tribes might be of great aid, and accordingly bid for their favor, but at the same time the Indians were not certain that they would have the protection of either in any case. "The failure of the United States Government," comments Miss Abel, "to give the Indians, in season, the necessary assurance that they would be protected, no matter what might happen, can not be too severely criticised. It indicated a very short-sighted policy . . .""

Not long after the fall of Fort Sumter, the chief of the Nation let it be known that according to his best judgment the only course for the Cherokees was strict neutrality, and up to July, 1861, the majority of the members of the tribe endorsed Ross' policy. The Executive Council met the last of June and after a session of several days publicly and officially approved of the stand the principal chief had taken. There was, however, a remnant of the Ridge party of twenty-five years before, which wanted secession and loyalty to the Southern cause; to combat this element, an organization of fullbloods calling themselves "Pins," or the Keetoowah Society, sprang into being and flourished, even after the war. Several members of the organization are still living. In August Ross called a general meeting of the Cherokee people that they might express once and for all their true sentiments as to loyalty or secession. The meeting was attended by about 4,000 men, and was characterized by remarkable order and sobriety; the outcome was the ultimate secession of the Cherokee Nation.

John Ross still favored neutrality; in a dignified but moving address, he said in party, "The great object with me has been to have the Cherokee people harmonious and united in the full and free exercise and enjoyment of all their rights of person and property. Union is strength; dissension is weakness, misery, ruin. In time of peace, enjoy peace to-

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gether; in time of war, if war must come, fight together. As brothers live, as brothers die. While ready and willing to defend our firesides from the robber and murderer, let us not make war wantonly against the United or Confederate States, but avoid conflict with either, and remain strictly on our own soil." With the eloquence of a Cicero or a Webster, he presented his cause to his fellow-citizens, and ended by saying that if it were their wish to join the Confederacy, he would bend to their will, if an alliance could be obtained "upon terms honorable and advantageous to the Cherokee Nation."

After Ross' stirring plea, the convention, under Joseph Vann, adopted a series of resolutions which, while indicating a friendship for the South, approved fully their chief's desire for neutrality. National spirit above party loyalty was urged; it was resolved that the Nation maintain the utmost faith in its chief, and that "we proclaim unwavering attachment to the Constitution and laws of the Cherokee Nation, and solemnly pledge ourselves to defend and support the same..."

The South was particularly eager to win the support of the Indians. Acting on the authority of the Confederate government, Albert Pike came among the tribes trying to secure alliances, and David Hubbard, commissioner of Indian Affairs of the Confederate States, used every possible argument in favor of the Southern cause in trying to win Ross and the Cherokees to the Confederate side. In a letter to Ross in 1861, he said in part:

"I have determined to make a plain statement of the case for your consideration, which I think stands thus: If we succeed in the South—succeed in this controversy, and I have no doubt of the fact, for we are daily gaining friends among the powers of Europe, and our people are arming with unanimity scarcely ever seen in the world before—then your lands, your slaves, and your separate nationality are secured and made perpetual, and in addition nearly all your debts are in Southern bonds, and these we will also secure. If the North succeeds you will most certainly lose all. First your slaves they will take from you; that is one object of the war,

"Abel op. cit. p. 22.
"Ibid., pp. 23 ff.
to enable them to abolish slavery in such manner and at such
time as they choose. Another, and perhaps the chief cause,
is to get upon your rich lands and settle their squatters who
do not like to settle in slave states. They will settle upon
your lands as fast as they choose, and the Northern people
will force their Government to allow it. It is true they will
allow your people small reserves—they give chiefs pretty
large ones—but they will settle among you, overshadow you,
and totally destroy the power of your chiefs and your nation-
ality, and then trade your people out of the residue of their
lands. Go North among the once powerful tribes of that
country and see if you can find Indians living and enjoying
power and property and liberty as do your people and the
neighboring tribes from the South. If you can, then say
I am a liar, and the Northern States have been better to the
Indian than the Southern States. If you are obliged to admit
the truth of what I say, then join us and preserve your
people, their slaves, their vast possessions in land, and their
nationality.'”

The Cherokees must have seen the absurdity of Hub-
bard’s position—his distorting of facts and shifting of re-
sponsibility for previous Indian wrongs from the shoulders
of the southern states to those of a federal government made
up entirely of northern states—for Chief Ross answered im-
mediately that his people had implicit faith in the integrity
of the United States and that they would attempt to remain
neutral, believing themselves safe in any contingency.

“One cannot help wondering how Hubbard dared to say
such things to the Indian exiles from Southern States and
particularly to John Ross who like all of his tribe and of as-
sociated tribes was the victim of southern aggression and
not any sense whatsoever of northern,” declares Professor
Abel.” On the other hand, everything which Hubbard de-
clared would come to pass if the North were successful
actually has—the Cherokees lost their lands, their slaves, their
separate nationality, and their wealth in bonds, and their
own territory was overrun by whites. What would have
been the case had the South been victorious in the struggle
is a matter for conjecture and private opinion.

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"Abel, op. cit. pp. 144 ff.
"Ibid., p. 140.
Immediately upon seceding from the Union, the state of Texas passed an ordinance “to secure the friendship and cooperation of the Choctaw, Cherokee, Chickasaw, Creek, and Seminole Nations,” and appointed three men “to proceed to said nations and invite their prompt cooperation in the formation of a Southern Confederacy.” James E. Harrison, one of the commissioners, reports on his attempts at negotiations with Chief Ross in these words: “A long conference was had with him, conducted by Mr. Harrison on the part of the commissioners, without, we fear, any good result. He was very diplomatic and cautious. His position is the same as that held by Mr. Lincoln in his inaugural; declares the Union not dissolved; ignores the Southern Government. The intelligence of the nation is not with him. Four-fifths, at least are against his views, as we learned from observation and good authorities. He, as we learned, had been urged by his people to call a council of the nation (he having the only constitutional authority to do so), to take into consideration the embarrassed condition of political affairs in the States, and to give some expression of their sentiments and sympathies. This he has persistently refused to do. His position in this is that of Sam Houston in Texas, and in all probability will share the same fate, if not a worse one. His people are already oppressed by a northern population letting a portion of territory purchased by them from the United States, to the exclusion of natives, and we are creditably informed that the Governors of some two or more of the Western free-soil States have recommended their people emigrating to settle the Cherokee country. It is due Mr. John Ross, in this connection, to say that during our conference with him he frequently avowed his sympathy for the South and that, if Virginia and the other Border States seceded from the Government of the United States, his people would declare for the Southern government which might be formed.”

Prevailed upon by all the persuasive powers of Pike and Hubbard, the Choctaw and Chickasaw tribes readily signed agreements with the Southern states, and the Creeks and Seminoles a little more reluctantly, but authorities of the Cherokee Nation attempted to maintain their neutral position for several months after the actual beginning of the war,

— Abel, op. cit. pp. 88 ff.
soon finding it impossible. As most of the Federal tribal agents were southerners and secessionists, the government was forced to send new northern men to take their places, but since most of the territory had already been seized by the Confederacy, the new agents did not dare go to their stations, and the payment of annuity funds due from the federal government was not made, so the Indians of Oklahoma felt they had been abandoned and forgotten by the "great white father" at Washington.

Although General Pike gave full power to the Cherokees to fight in any manner they desired, they did not intend to abuse this advantage to commit any of the atrocities common to certain other tribes. Immediately after the battle of Pea Ridge, the Cherokee National Council went on record as opposed to the conduct of some of the warring Indians, in this resolution: "Resolved, That in the opinion of the National Council the war now existing between the said United States and the Confederate States and their Indian allies should be conducted on the most humane principles which govern the usages of war among civilized nations and that it be and is earnestly recommended to the troops in the service of the Confederate States to avoid any acts toward captured or fallen foes that would be incompatible with such usages."

Actual conflict between the Federal and Confederate forces in the Indian Territory began in the summer of 1862, when Col. William Weer invaded the Cherokee Nation with a number of federal troops from Kansas. The sortie was unsuccessful, mainly because of a lack of proper discipline among the officers, and soon retreated, but in October of the same year General James G. Blunt commanded a second federal invasion of the Nation. Fort Gibson was abandoned by the Confederates, and occupied by the Union troops, who made it their headquarters in the territory until the close of the war. The most important battle in the territory during the war was fought on Elk Creek, or Honey Springs, in the Creek Nation, not far from the present city of Muskogee. The result was a decisive victory for General Blunt and the Union forces, with the Confederates under Generals William Steele and Douglas Cooper retreating southward across the Canadian River."

"Abel, Indian as Participant in the Civil War, pp. 32 ff.
Wyatt and Rainey, op. cit. pp. 56 ff."
The war was bitterly partisan in the territory. Raiding parties from both sides scour ed the country in the Cherokee and Creek Nations, destroying the property and driving off the stock of all who were on the opposite side, so that the whole country was laid waste. Disease and exposure caused hundreds of deaths among the rival camps, overcrowded and poorly equipped. There were no more important battles during the war, but General Stand Watie and a Confederate force of 2,000 men captured a federal supply train of 325 wagons, in the Cherokee Nation near the present town of Pryor. There was little fighting during the last six months of the war, but the Confederate forces of the Cherokees, Choctaws, and Creeks did not surrender until three months after Lee's surrender at Appomattox.

By far the most prominent man in the war in the Indian Territory was Stand Watie, who won the rank of general in the Confederacy. Brave and fearless, with the same duty to principles that had guided his brother years before, he was at all times in active service. He commanded a large volunteer regiment of Creeks and Cherokees, and his excursions took him even into Missouri.

"The Civil War was one in which the Indians were not directly concerned and in which but few of them would have taken part had they not been subject to much persuasion," say Wyatt and Rainey, in A Brief History of Oklahoma. "It was disastrous to them in every way. Most of their property was destroyed and many of them lost their lives and, in the end, much of their land was also taken from them. Of course, all of their slaves were set free, but that was a small matter compared with the other losses sustained and with the hardships which they endured."**

IV

"THE APPEAL TO THE GREAT SPIRIT"

It is difficult to imagine the terrible ruin in which the Civil War left the Cherokee Nation. "No one can fully appreciate," wrote J. Harlan, in his annual report as commissioner of Indian Affairs, "the wealth, content and comparative happiness the Cherokees enjoyed before the late rebellion, or

**Ibid.**

very shortly after it was begun, unless he had been here and seen it (which was my case) and no man can believe more than half the want, misery, and destitution of the Cherokee people now. Blackened chimneys of fine houses are now all that is left, fences burned, and farms laid waste. The air of desolation and ruin envelops the whole country. None have wholly escaped. No man can pass through the country without seeing all that I have attempted to describe, and no man can fully appreciate it unless he has seen it.'"

On July 14, 1865, elaborate resolutions were passed by the National Council and proclaimed, for the readmittance to citizenship of the greater part of the secessionists. All subscribing to an oath of fidelity to the Nation, were restored to full citizenship rights, except (1) all who were military officers above the rank of captain after March 1, 1865; (2) all who held the pretended offices of Principal Chief, members of the National Council, etc., in opposition to the true government of the Cherokee Nation, and (3) all who violated their parole as prisoners of war, or (4) whites married into the Nation who had joined the rebellion.\footnote{Starr, op. cit. p. 177.}

Just as Harlan said, the end of the war left the Five Civilized Tribes in a pitiable plight. The homes of the people of the Cherokee and Creek Nations had been destroyed by the bitter factions, and domestic difficulties as well as those concerning relations with the United States government arose. In September, 1865, the first peace council after war was held at Fort Smith, Arkansas, with a number of tribes represented. The government tribal agents made four demands upon the Five Civilized Tribes, to all of which they were forced to accede: (1) they had to give up the surplus or unused lands of each nation to be opened for settlement by the tribes of Kansas or elsewhere; (2) they had to give full tribal rights and citizenship to the negroes who had been their slaves; (3) they had to guarantee rights-of-way for the construction of one east-west and one north-south railroad across the territory; and (4) they had to submit to a measure giving Congress power to establish a territorial government with an inter-tribal legislative council.

Naturally the tribes were bitterly opposed to these con-\footnote{Abel, The Indians Under Reconstruction. pp. 158 f.}
ditions; the various factions within each tribe grew so hostile that the council was adjourned to convene in Washington the following spring. In that city the Creek and Seminole tribes acceded willingly to all four demands, receiving the negroes into their tribes with a proportionate interest in all lands and tribal funds. Their reservations were greatly reduced in size. The Choctaw and Chickasaw tribes opposed tribal rights for negroes and finally succeeded in limiting their land interest and giving them no share of tribal funds. As usual, the Cherokees were the last to give in, and did not sign a new treaty for many months. With the perspective afforded by more than half a century, there seems to be little doubt that the United States was using the Indians' alliance with the South as an excuse for slowly but surely taking all their lands and tribal rights from them.¹

Upon the reorganization of the Cherokee Nation after the war, thirty-two public schools were provided for, beginning March 1, 1867. Two Negro schools were created. Ten schools were added in 1869, there were fifty-nine in 1871, sixty in 1872, and seventy-five in 1877. The number and efficiency of the public schools gradually grew until there were more than 120 at the dissolution of the Cherokee Nation. "The progress of the Cherokees was due to their excessive pride in their schools, which were never allowed to be under the supervision in any way of the educational authorities of the United States," declares Starr.²

It was a slow and arduous task to reconstruct the formerly thriving, prosperous Indian Territory—to rebuild the burnt dwellings, to till again the neglected fields, to repopulate the little towns and villages. Difficult as it was, the Cherokee people and the other tribes set about to reach the prosperity they had enjoyed in the ante-bellum days. Steady progress in civil, industrial, and educational lines was a marked feature of the Cherokee Nation, and through the years they advanced until they came into the state of Oklahoma with a patriotic impulse and pride of state that equalled any race's.³

In 1871 the United States took the first steps to crush the governments of the Indian tribes. An act of Congress

¹Wyatt and Rainey, op. cit. pp. 63 f.
³Ibid., p. 183.
of that year reads in part, "That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; Provided further, That nothing herein contained shall be construed to invalidate or impair the obligation of any treaty heretofore lawfully made and ratified with any such Indian tribe."

At once the strange contradiction of the legislation becomes evident. Less than one hundred years before, the same Congress had guaranteed that the Cherokees were to be considered as "a separate and independent Nation, with power as a body politic, and to be dealt with as one Nation deals with another," in no less than nineteen treaties. Yet, at the same time there were saying that no Indian Nation was to be recognized as such, the lawmakers of the United States in 1871 said that all former treaties with the Indian tribes were to remain in effect!

Later, however, the Supreme Court of the United States decided (Lone Wolf v. Hitchcock) that the federal government could ignore absolutely the provisions of Indian treaties whenever it was deemed necessary. There are now about 370 Indian treaties on the statute books of this country, each made with the faith of an Indian tribe and the word of the United States behind it, yet each amounting to little more than nothing at all. The reason for the treaty law is based on the theory that the government can not recognize an independent nation or sovereignty existing within the borders of its own territory. Since the passage of this act prohibiting treaties with Indian tribes, their affairs have been dealt with, more or less, by congressional enactment.

In 1873 a young man following the advice made famous by Horace Greeley, visited the Cherokee Nation among others in search for lost health. His name was J. H. Beadle; besides coming west for the salubrious effect of the journey, he undertook to depict in glowing terms the raw west for the benefit of the sophisticated east. He expresses great surprise at finding Indians of so many shades of red or white, and spoke of miscegenation and "White Cherokees" as if he had discovered

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*Office of Indian Affairs, The American Indian and Government Administration, pp. 2 f.
some new phenomenon of nature. He learned that the whites had always mingled to a greater extent with the Cherokees than with any other tribe, and that intermarriage was regarded by both peoples as wholly proper.

The exuberant young writer goes into several flights of high-sounding language describing the excellence and beauty of the Nation. In one passage he says, "We had a delightful rest of three days at the capital of the Cherokees (Tahlequah). The town reminds me of the better class of country villages in the interior of Indiana—not quite so well built, perhaps, but beautiful, with flower gardens, orchards, and cultivated grass plots. The place is rich in historic interest. For twenty years all books, papers and documents having relations to these people have been collected; and what with excursions, talks with the young people, and reading Indian literature, we had a season of novel enjoyment. The Cherokees represent the best history and the hope of the Indian race, as regards civilization, justice from the whites, and a future. If they are a failure, the race is doomed. They have been an organized nation, with Constitution, elected officers, and written laws for seventy years; and their first published records are of the most intense interest."

Aside for his ramblings about color and cultivated grass plots, Beadle tells of a three-way split he observed among the Cherokees. One party, looked upon by the others as traitorous, favored the white settlement of Oklahoma after dividing some of the Indian lands among individual tribesmen; the second faction, known as the Ockmulkee Constitution party, favored sectionizing the land, giving each Indian his share and grants to the two railroads, and uniting all the tribes under one government of their own with American citizenship and local courts, but without territorial arrangement and white settlement, under the so-called Ockmulkee Constitution; the third party, by far the largest, wished no change in the conditions then existing."

Between 1875 and 1880 all of the hitherto unused lands of the Cherokee strip were occupied by cattle ranges, with thousands of heads of Texas longhorns. Those were the days of the long-since vanished cowpuncher, of the annual roundups,
and of the always picturesque ranch life. There was always a certain amount of unrest among the Cherokees because of the lack of any settled policy or understanding between the federal government and the Cherokee authorities in regard to the leasing of grazing privileges, the system then in effect. Finally it became apparent to both sides that some species of tenure other than that of merely paying a headtax on the number of cattle held on such ranges would have to be devised. Meanwhile, cattlemen were learning some of the advantages of organization. The Texas Cattle Rangers' Association was the first of many groups to be organized. The advantages of meeting in convention concerning matters of common interest were soon made manifest to the cattlemen, and similar associations were formed in other parts of the west. In 1880, the Cherokee Nation levied a tax of $1.00 per head on all cattle held on the lands of the Outlet. The range cattlemen contended that this was exorbitant, and refused to pay; thereupon the Cherokee authorities threatened to have them expelled as intruders, but finally, in December, 1880, the Cherokee Council voted to reduce the headtax to forty cents each on grown stock and twenty-five cents each on yearlings. The movement for the forcible settlement of white emigrants in the Unassigned Lands also had a disquieting effect upon the range cattlemen, though as yet there had been no threat to locate on the lands of the Cherokee Outlet.*

A movement for the organization of the cattlemen of the strip began early in 1881, and the first convention of the united group was held at Caldwell, Kansas, March 16th of that year. That convocation was the beginning of the movement which culminated in the organization of the Cherokee Strip Live Stock Association two years later. Many matters of common interest were brought up and settled by those pioneer ranchers, but they turned their attention for the most part to opposing further settlement of the Indian Territory. Arrangements were also made for the registration of the cattle brands in use by the ranchmen, an important step in frontier ranching.

Although the Indians, especially the members of the Five Civilized Tribes, were and are law-abiding citizens, there was a great deal of lawlessness in the territorial days, for

*Thoburn, op. cit. II, 535.
which a mere handful of men—mostly whites, but a few of that worst of all possible combinations, the individuals with a mixture of Indian, Caucasian, and Negro, combining the worst traits of all three—were responsible. Some of the most famous of those who operated in the Indian Territory, Missouri, and other parts of the Southwest, were Jesse James, Belle Starr, Henry Starr, the Younger brothers, Emmet Dalton, the Wycliffes, and other notorious individuals and families who have been the subjects of countless dime novels supposedly devoured by the younger generation. Violence, murder, train-robbing, and attendant evils were commonplaces when the outlaws went on their rampages. Balanced against that score were the thousands of happy, prosperous tribesmen who "kept the even tenor of their way." In spite of the progress being made by the Indian citizens of Oklahoma today, there are many members of the old generation of tribesmen who contend that the Indians on the whole were vastly better off between the years of 1855 and 1900."

At length the time came when white settlement was no longer to be denied. Captain David Payne and his colonies and other agitating influences worked ceaselessly for settlement of the Territory, and hundreds of "boomers" invaded the Five Civilized Tribes' lands and attempted to set up their own homesteads. Every Oklahoman is familiar with the romantic incidents which followed: the first "Run," on April 22, 1889, one of the strangest but most characteristic events in American history; the founding of cities of 10,000 people overnight; the gradual organization of a territorial government, and the final opening of the remaining Indian lands.

In 1893 came the opening of the Cherokee Outlet for white settlement. This opening did not differ materially from those which had preceded it in 1889, 1891, and 1892: the same vast throngs gathered on the border of the "promised lands;" there was the same variety of equipment and preparation for the run, the same suppressed excitement as the eventful hour drew near, and when the signal was given, there was the same wild race to possess the wilderness lands which would be wild no more. But the homesteader, who had abided the time in good faith, found the despicable "sooner" ahead of him, having succeeded in winning by unfair methods the prize that

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"Moorehead, The American Indian in the United States, p. 134."
should have gone to the homesteaders. About 50,000 entered the strip from the vicinity of Arkansas City alone; vast crowds also gathered at Caldwell, Kiowa, Englewood, and other border towns. Seven new counties were carved out of the strip and were called K, L, M, N, O, P, and Q, but these titles gave way to Kay, Grant, Woods, Woodward, Garfield, Noble, and Pawnee."

But now came the final blow to the Five Civilized Tribes’ hopes of keeping their separate identity. The first thunderings of the approaching storm came in 1887, when Congress, under Henry L. Dawes of Massachusetts, passed the Dawes Severalty Act, providing for the allotment of Indian lands and the eventual citizenship of all Indians. By an act of March 3, 1893, Congress provided that the president should appoint three commissioners to enter into negotiations with each of the Five Civilized Tribes, for the purpose of doing away with the tribal title to the lands of the Indian Territory, either by cession or by allotment of the lands among the citizens of the tribes. The first commission consisted of Henry L. Dawes, Meredith H. Kidd of Indiana, and Archibald S. McKennon of Arkansas, and was known as the Dawes commission, from the name of its chairman.

As the Indians had repeatedly expressed their opposition to dissolution of the tribal governments, the commission was not received cordially. On June 26, 1895, the International Council of the Five Civilized Tribes met at Eufala to exchange views on the commissioners’ propositions regarding dissolution and allotment. The result was another statement reaffirming their position on the question. One inspired Creek Demosthenes expostulated, “Egypt had its locusts, Asiatic countries their cholera, France had its Jacobins, England had the black plague, Memphis had the yellow fever, Texas had her Middle-of-the-Road Populists, the world had McKinley and prosperity, Kansas had its grasshoppers, but it was left for the unfortunate Indian Territory to be afflicted with the worst scourge of the nineteenth century, the Dawes Commission! When God, in the medieval days of His divine administration, first conceived the grand idea of building worlds, making governments, and creating judiciaries, He never contemplated the Dawes Commission. If He had, He would have

"Thoburn, op. cit. II, 721 f."
shrunk with horror, quit His job, and left the world in chaos."

Amusing as the speech may seem in this modern age, it was quite sincere, and mirrored exactly the sentiments of the Indian Territory. The Cherokees were particularly opposed to the commission. In 1895 the personnel and duties of the body were changed and enlarged; their demands grew more and more insistent, and in vain did the Cherokees call attention to their treaty of 1828, in which the United States guaranteed forever a permanent home for the Cherokees "that shall never, in all future time, be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a Territory or a State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State.""

On November 11, 1896, the International Council met at South McAlester and passed resolutions providing (1) that if compelled to dissolve their tribal governments, they would insist upon the prompt payment of all claims due from the United States under the treaties or other sources; (2) that they would insist that the United States pay each Indian $500 for giving up the tribal government; (3) that a sufficient portion of their tribal lands be set aside for the maintenance of their educational institutions under the Carlisle system; (4) that they would retain their tribal government as long as possible, twenty-five years at least; (5) that they would never consent to a territorial government or to a union with Oklahoma Territory, and (6) that when their tribal governments were abolished they would ask that the Indian Territory be admitted into the union as a separate state, and that the constitution of their proposed new state should contain a provision absolutely prohibiting the liquor traffic. The fact that not one of these requests, reasonable though they were, was granted, indicates the injustice of the Indian policy of the United States."

During 1897 the tribes and commission conferred on a number of occasions. In August, a meeting was held in Tahlequah, and three full-bloods selected by the Cherokee Nation argued for hours against the injustice of the proposition.

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"Benedict, op. cit. I, 141 f.
"Ibid., pp. 148-156. 
"Ibid., p. 156 f."
As these orators felt, so felt the Nation. Because of his advanced age and poor health, Chairman Dawes was unable to continue in active service, so Tams Bixby of Minnesota became acting head. Since Mr. Bixby was of the type which acts decisively and without hesitation, the commission soon began to accomplish what it had started out to do.

The Dawes Commission now entered in earnest upon what was perhaps the most stupendous task ever assigned to any similar group: that of surveying, appraising, and dividing 20,000,000 acres of land equally according to value among 101,500 rightful heirs. First a roll was made showing the name, age, sex, and degree of Indian blood of each applicant. Some of the full-bloods who had the most perfect right to share in the tribal lands and moneys refused to enroll at all, and had to be sought out in their mountain homes, while hundreds of white people, mostly of the ignorant, shiftless class, tried in vain to prove that they or some of their ancestors had Indian blood. There were 200,000 claimants, but only about 90,000 were allotted.

In order to know that each Indian was receiving his rightful share of land, according to value, it was necessary for the commission to send out appraisers who were required to view every forty-acre tract of land in the Indian Territory and fix its relative value. The first satisfactory agreement which the commission was able to make was with the Choctaws and Chickasaws in what was called the Atoka Agreement, which was incorporated in the Curtis Act passed by Congress to become effective June 28, 1898. The agreement authorized the commission to make a roll of Choctaw and Chickasaw citizens legally entitled to share in the lands and moneys of the two tribes, and to appraise and allot their lands in severalty. The Curtis Act also authorized the commission to proceed with the enrollment of citizens and the allotment of lands of the other three tribes, which up to this time had not consented to any agreement. The Curtis Act (named from its author, the Kansas Senator and Vice President during the Hoover Administration, himself an Indian) was the most comprehensive piece of Indian legislation ever passed by Congress, as it provided not only for the enrollments of all Indian citizens but also for the final settlement of all tribal affairs by March 4, 1906.®

®Benedict, op. cit. 1, 158 f.
When the Cherokees, Creeks, and Seminoles saw that the United States government was determined to carry forward this work, regardless of any previous agreement with them, they were more inclined to deal with the commission, but they objected to putting certain provisions of the Curtis Act into force in their respective nations. The commission finally succeeded in making satisfactory agreements with the Creeks and Seminoles, and then with the Cherokees, containing slight modifications of the provisions of the act, the Creek agreement becoming a law on March 1, 1901, and that with the Cherokees on July 1, 1902. At last the members of the Five Civilized Tribes were declared citizens of the United States by act of Congress of March 3, 1901—in 1901, when even the Negroes had been citizens for thirty-five years!

The last chief of the Cherokees, William Charles Rogers, was elected in 1903. Under the provisions of the United States-Cherokee agreement made at Muskogee in 1902, this was the last election to be held in the Cherokee Nation, but he was retained as principal chief of the Cherokees until his death, in 1917, in order that he, as the properly authorized representative of the Nation, might sign the deeds transferring the title of the community lands of the Cherokee Nation to the individual allottees."

Allotment of the lands induced hosts of grafters to the Indian Territory in the hope of swindling the red men out of their every possession. All sorts of fraudulent schemes were concocted to obtain the valuable oil, coal, gas, asphalt, and farming lands, and the timber-tracts, of the Five Civilized Tribes, until the better-class white citizens demanded that steps be taken to prevent such large-scale graft. Prominent among these was Hon. Grant Foreman, a Muskogee attorney and a great friend of the Indians, whose recent history of the Southwestern pioneers has just been published by the Yale University Press. Others were Miss Kate Barnard, the famous charity worker and "Joan of Arc of Oklahoma," who died early in 1930; Hon. M. L. Mott, attorney for the Creek Nation; Rev. J. S. Murrow, head of a large and successful mission at Atoka, Oklahoma, who published a pamphlet depicting the true conditions of the five tribes, and Charles H. Burke, representative in Congress from South Dakota, author of the

"Starr, op. cit. p. 263."
Burke Act and later commissioner of Indian Affairs. These citizens brought about many of the needed reforms.

Early in 1905 a movement was strongly advocated by prominent Indian Territory men in favor of creating a state out of the territory and of opposing the proposition of making one state out of the two territories. Meetings were held throughout the nations, and delegates were selected to attend a constitutional convention to be held in Muskogee. A committee was appointed beforehand to draw up a constitution, and eventually the convention adopted a body of laws for the proposed state of Sequoyah. As is of course well known, their plans went for naught because of the opposition of Roosevelt and Congress, but several facts came to light: leaders were being developed who later took important parts in bringing about eventual statehood, including Charles N. Haskell, the first governor of Oklahoma; the desire for statehood on the part of the five tribes was made evident, and the need for statehood was shown."

Eventually the desired statehood was brought about, and the Cherokees had their part in its accomplishment, as nine members of the constitutional convention were of that tribe. From that time to the present, the Cherokees have gradually amalgamated with the white citizens until little remains of the great tribe in actuality but a glorious history and sad, beautiful traditions. In a way, the mingling has been beneficial to both races, for each has had much to gain from the other.

Most commendable was the part taken by members of the Cherokee tribe in the World War. When the call came for volunteers, hundreds responded, and some of the outstanding American soldiers of the whole conflict were from this tribe and others of the old five. An example of Cherokee service was that of Alfred G. Bailey, a sergeant who had fought under General Pershing in Mexico. He was killed in action in France, after having been awarded the Distinguished Service Cross for creeping alone into the enemy's lines far in advance of his regiment, where, unaided, he killed two German machine-gunners and captured a third with his own gun!

Another example of the brilliant records made by members of the Five Civilized Tribes is that of Private Joseph

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"Benedict, op cit. I, 227 f."
Oklahombi, a full-blood Choctaw who now lives in Bismarck, Oklahoma. He received the Croix de Guerre from Marshal Pétain of France for capturing 171 prisoners single-handed, storming a strongly held position containing more than fifty machine guns and a number of trench mortars, turning the captured guns on the enemy and holding the position for four days, in spite of constant barrage of large projectiles and gas shells, and crossing No Man's Land a number of times to obtain information concerning the enemy and to assist wounded comrades! There were approximately 10,000 members of the Red Cross, who made more than 100,000 garments and sent 500 Christmas boxes during the war.

Since the dissolution of the tribe, few figures as to education, health work, prosperity, and progress in general, dealing exclusively with the Cherokees, are available. As for health work: about 25,000 American Indians now have tuberculosis and 35,000 suffer from trachoma, an eye disease leading to blindness, both being regarded as the afflictions to which the race is least immune. The death rate was reduced from thirty-two to twenty-two per thousand per year in the seven years between 1913 and 1920, by means of hospitals and medical services of the United States and various home mission fields. The first Indian hospital was established in 1882, but only forty years later there were seventy-eight, with highly trained specialists in charge. This much concerning the Cherokees as a tribe is known: they do not need attention for tuberculosis and trachoma nearly so much as the great majority of other tribes do, having been noted from the beginning of American history for being singularly virile and sturdy."

The total population of the Indian tribes in the United States in 1922 was about 341,000, an increase of 14,000 over the previous ten years, so it can hardly be said that Indians are a "vanishing race." Oklahoma has the largest Indian population, with 120,000, and Arizona is next with 43,000. Of the 120,000 Oklahoma Indians, 102,000 are members of the Five Civilized Tribes, including approximately 42,000 Cherokees, 26,000 Choctaws, 18,000 Creeks, 10,000 Chickasaws, and 3,000 Seminoles. The Indians have in the treasury of the

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"Office of Indian Affairs, American Indian and Government Indian Administration, p. 8."
United States approximately $25,000,000 of tribal funds, and they have on deposit in about 1,000 banks throughout the country nearly $25,000,000 of individual funds. The total Indian property of all kinds is valued at nearly one billion dollars.

Fate played a grim joke on the Cherokees. The richest producing oil field in North America is found in what once was part of the Cherokee Nation. These lands, barely worth even claiming at the time, were purchased by the Osages from the Cherokees at a price of $1.25 per acre. When the sale was consummated, in June, 1835, the Cherokees believed they were making a fine bargain, but to-day every Osage Indian receives about $10,000 per annum, with some families getting as much as $80,000. The Osage Indians are the richest group of people in the world, but the Indians of the Five Civilized Tribes did not reserve the mineral rights to their lands when allotments were made, so some Indians have received tremendous royalties from oil production on their lands while others received only the profits of their own labors. Millions of barrels of oil have been produced on restricted allotments within the Five Civilized Tribes, but little profit has been realized by the Indians.

The records of individual Cherokees have loomed large in many fields of contemporary American history, in such widely varying ones as statesmanship, finance, humor, and professional baseball! Most famous of living Cherokees, is, needless to say, Will Rogers, Oklahoma’s favorite son and the best known and best loved humorist of America. He it is who pokes fun at presidents, kings, and dictators, and makes them like it. Then comes Hon. Robert L. Owen, former senator from Oklahoma, once regarded as presidential timber, and a man who will go down in history as one of the authors of the Federal Reserve Act of 1913. Next comes Hon. W. W. Hastings, dean of the Oklahoma delegation in the House of Representatives, who has made a name for himself as one who stands only for the finest principles of government. Also well known is Hon. Houston B. Teehee, registrar of the United States Treasury under Woodrow Wilson during the World War. Since it was he who was responsible for the Liberty Loans and other financial measures of the war, it is believed
that he signed his name to documents representing more money than ever came under the control of another man in the history of the world. The baseball representative is the famous Ben Tincup, the big league pitcher.

History ends with a peering into the future. Will there be any future for the Cherokee Nation? As a nation, no, for long since have the Cherokees sacrificed their nationality to make a more perfect whole of the great American people. But as Americans, yes—the Cherokees have a future, and a future not to be limited by the vain imaginings of finite minds.

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