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## THE PRINCIPAL CHIEFS OF THE CHEROKEE NATION

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From 1800 to 1866, at one time or another, there were no less than six distinct groups of Cherokees, each with its own governmental organization, its chiefs, its council and laws.<sup>1</sup> With the ratification of the treaty of 1866,<sup>2</sup> however, all but one of the separate branches of the tribe were united in Indian Territory and for forty years the Cherokee people lived as one body politic and social.

### *The Arkansas Cherokees*

At the time of the American Independence the Cherokee Indians were a united people living in the Appalachian South—in the valley of the Tennessee river and in the highlands of Carolina, Georgia and Alabama. Dissension arose within the tribe and, in 1782, a group of Cherokees petitioned the governor of Louisiana for permission to settle on lands west of the Mississippi.<sup>3</sup> Authority was granted and, as a consequence, there was considerable emigration of Cherokees to the present state of Arkansas. Settling on the White and Arkansas rivers, the Indians set up a political

<sup>1</sup>These bands of Cherokees were as follows: the Arkansas branch; the Texas group; the main body of Cherokees east of the Mississippi; the North Carolina band; and the Cherokee Nation in Indian Territory, which split into a Union and a Confederate division during the Civil war period.

<sup>2</sup>By this treaty relations between the United States and the Confederate and Union Cherokees, which had been interrupted during the war, were readjusted.

<sup>3</sup>Emmet Starr, *Cherokees "West" 1794 to 1839* (Claremore, 1910), 129. Additional information on the Arkansas detachment may be found in James Mooney, "Myths of the Cherokee," *Bureau of American Ethnology, 19th annual report* (Washington, 1900) pt. 1, 135-143, and in Grant Foreman, *Indians & Pioneers* (New Haven, 1930), 29-120.

organization independent of their eastern brothers and called their group "The Cherokee Nation 'West.'"<sup>4</sup>

The governmental organization of the Arkansas Cherokees prior to 1824 was simple. For many years the tribal affairs were guided by The Bowl or Captain Bowles, as he was also known. In 1813 The Bowl was succeeded by Takatoka who headed the group until 1818 when, for a brief interim, the chieftaincy passed to Tahlontiskee. The latter was succeeded as principal chief by John Jolly.

On the 11th of September 1824 delegates of the four districts of the Cherokee Nation "West" met in council on Piney Creek and formally organized their government along democratic lines. In a resolution passed on that day the executive power of the tribe was delegated to three officers—a first or principal chief, a second or assistant chief, and a third or minor chief.<sup>5</sup> The term of office was limited to four years and the salaries, as fixed by this act, were as follows: first and second chiefs, one hundred dollars annually; third chief, sixty dollars annually.

Eleven years after the creation of the executive office, the powers and duties of the chiefs and their relationship with the national council were further defined. By an act<sup>7</sup> adopted on October 29, 1835 the chiefs were required to sign all documents and resolutions passed by the national council to give them validity as law. The chiefs were further empowered to veto any resolutions of the council. Attendance of the chiefs was required at the meetings of the council. For failure to perform the duties and obligations of the office, charges of impeachment could be brought

<sup>4</sup>From 1820 to 1828 the seat of the government of the Cherokee Nation "West" was located at Piney, on Piney Creek, probably in the present Johnson County, Arkansas. Starr, *op cit.*, 134.

<sup>5</sup>Emmet Starr, *History of the Cherokee Indians* (Oklahoma City, 1921), 26; *Senate Executive Document*, 30 Cong., 2 Seas., no. 28, 72-73.

<sup>6</sup>Starr, *Cherokee "West,"* 103-104. The custom of having three chiefs, peculiar to the Arkansas branch of the tribe, has been attributed to the anxiety of the Western Cherokee to preserve their executive line of succession. Until 1821 or 1822 they were in constant war with the Osage and the tribe had suffered heavy losses of men.

<sup>7</sup>*Ibid.*, 125-127.

against the chief and he could be removed from office. Provision was made at this time for succession to the office of chiefs in the event of vacancies.<sup>8</sup>

John Jolly, the incumbent, was re-elected to the office of principal chief under the new law.<sup>9</sup> To serve with him as second chief was Black Coat. The latter died in the spring of 1835 and was succeeded by Joseph Vann.<sup>10</sup>

Walter Webber was elected third chief and served until his death on July 16, 1834. By an act of the council,<sup>11</sup> Thomas Chisholm was appointed to fill the office but he lived to serve only a few months, dying on November 12, 1834. Another act of the council, passed on June 4, 1835, placed James Rogers in the office of third chief.<sup>12</sup>

In 1828 and 1829, during the administration of John Jolly, the Arkansas Cherokees removed to Indian Territory. On their arrival they reestablished their government, locating their capital at Tahlontiskee on Deep Creek.<sup>13</sup> John Jolly continued as principal chief until his death in 1838.<sup>14</sup> In December of that year John Looney took office as principal chief and was to have served until October 1839; but with the arrival of the Eastern Cherokees in Indian Territory, however, the Old Settler and Arkansas Cherokees decided to strengthen their organization. And a new election was held on April 22, 1839, at which time John Brown became principal chief, with John Looney and John Rogers as second and third chiefs.<sup>15</sup> John Brown served for only a few months in the spring of 1839,<sup>16</sup> for the failure of Chiefs Brown and Rogers

<sup>8</sup>*Ibid.*, 127-128. This act bears the signatures of John Jolly, Joseph Vann and James Rogers, chiefs; but not all the acts passed after this date and quoted by Starr are signed by three chiefs.

<sup>9</sup>*Ibid.*, 104.

<sup>10</sup>*Ibid.*, 123-124.

<sup>11</sup>*Ibid.*, 122.

<sup>12</sup>*Ibid.*, 123.

<sup>13</sup>Section 16, Township 12, Range 21 East, in Oklahoma. *Ibid.*, 138.

<sup>14</sup>Grant Foreman, *The Five Civilized Tribes* (Norman, 1934), 291.

<sup>15</sup>*Ibid.*

<sup>16</sup>John Brown, who had been second chief under Jolly and who ordinarily would have succeeded to the office of principal chief, had resigned sometime previous and had departed for Mexico. *Ibid.*, 304.

to yield to a compromise with the Ross party led the Old Settlers to call a convention and depose Brown and Rogers, electing in their stead John Looney principal chief.

Looney signed the articles of union and the Eastern and Old Settler Cherokees were then united under a constitution framed in September. The Rogers faction, refusing to recognize the deposition from office, met in council and elected on October 10, 1839 a new group of officers which included John Rogers as first chief, John Smith as second chief and Dutch third chief.<sup>17</sup> Lacking support, the new government was not successful; and the history of the Cherokee Nation "West" ended.

### *The Texas Cherokees*

The origin of the Texas branch of the Cherokee tribe may be traced to the dissatisfaction with the delay of the United States government to fulfill the obligations of the treaty of 1817.<sup>18</sup> In the winter of 1819-1820 The Bowl, with sixty of his men and their families, left Arkansas and emigrated to the Province of Texas where they settled on the Angelina, Trinity and Neches rivers.<sup>19</sup>

Smaller in number than the Arkansas group, the Texas Cherokees seem not to have had a formal government. The leadership of the band was in the hands of Richard Fields until his death in 1827. The Bowl succeeded Fields and served until his death twelve years later.<sup>20</sup>

The Cherokees remained in the Province of Texas, through successive changes in its administration, until their dispersion in 1839 when most of them crossed the Red River and united with the main tribe that had just removed to Indian Territory.<sup>21</sup>

<sup>17</sup>*Ibid.*

<sup>18</sup>Mooney, *loc. cit.*, 143.

<sup>19</sup>*Ibid.* Considerable secondary source material on the activities of the Texas and Arkansas Cherokees has been made available by Virginia Lee Lindsey, *History of the Western Cherokees* (Unpublished Master's thesis, University of Oklahoma, 1935).

<sup>20</sup>*Ibid.*, 153.

<sup>21</sup>A few of the Cherokees, who did not return to Indian Territory, went to Mexico where they established homes near Guadalajara and Lake Chapala. Mooney, *loc. cit.*, 146.

*The Eastern Cherokees*<sup>22</sup>

The great body of Cherokees remained in the ancestral lands east of the Mississippi until after the removal treaty of 1835, when they were forcibly ejected from their homes and driven to Indian Territory whence the Arkansas branch had gone a few years earlier.

The governmental organization of the eastern band of Cherokees precedes the date of their removal to the West and presupposes the great advancement in self-rule made by the tribe.<sup>23</sup> As early as 1817 the Cherokees had established their national council which, in 1819, elected John Ross as president.<sup>24</sup> Ten years later, on June 1, the Cherokee people held an election of delegates to a convention which met at New Echota to form, on July 26, 1827, a republican constitution.<sup>25</sup> This able document, patterned after our own federal constitution, divided the power of the government into three distinct departments—the legislative, the executive and the judicial. The executive authority was vested in a principal chief, chosen, by the general council for a term of four years.

The powers and duties of the principal chief, as defined by this constitution,<sup>26</sup> were several; but since they closely resemble the powers of the executive as outlined in the later constitution of 1839, a discussion of the office will be deferred until later in this paper. The rulers and principal chiefs of the Cherokee Nation

<sup>22</sup>The North Carolina branch of the tribe is sometimes known as the "Eastern Cherokees", however, in this instance the title refers to the main body of Cherokees residing east of the Mississippi, until their removal to Indian Territory in 1838-1839.

<sup>23</sup>An able study of the Cherokees of the American Revolution period is *Old Frontiers*, a manuscript by J. P. Brown of Chattanooga, Tennessee.

<sup>24</sup>Rachel Caroline Eaton, *John Ross and the Cherokee Indians* (Menasha, 1914), 135.

<sup>25</sup>A copy of this constitution appears in Emmet Starr, *History of the Cherokees*, 55-63. There is a manuscript copy in the files of the *Division of Library and Archives*, Department of Education, State of Tennessee, Nashville.

<sup>26</sup>The office of principal chief is defined in Article III, Section 26, and in Article IV, Sections 1 to 18, inclusive, of the constitution of 1827.

prior to the removal of the tribe to Indian Territory (as nearly as can be determined) are listed by Emmet Starr as follows:<sup>27</sup>

Moytog .....	April 3, 1730-1760
Attacullaculla .....	1760-1775
Oconostota .....	1775-1780
Hanging Maw .....	1780-1892
Little Turkey .....	1792-1801
Black Fox (or Enoli) .....	1801-1811
Pathkiller .....	1811-1827
Charles R. Hicks .....	1827
William Hicks .....	1827
John Ross .....	1828-removal

Whether known as headmen or principal chiefs, these men were unquestionably the leaders of their tribe.

The transfer of the great body of Cherokees to Indian Territory, which began in 1838 and continued into the spring of 1839, closed the history of this branch of the tribe.<sup>28</sup>

#### *The North Carolina Cherokees*

At the time of the general removal of the Cherokees to Indian Territory, in 1838, a considerable number of the tribe fled into the mountains of Tennessee and North Carolina and refused to emigrate. It was not until 1842 that the government recognized the presence of these Cherokees and agreed to let them remain in their mountain retreats.<sup>29</sup>

The leadership of this group of Cherokees, prior to 1839, was in the hands of Big Bear (Yanegwa) and Drowning Bear (Yona-

<sup>27</sup>These names and dates are given, not with the belief that they are absolutely correct, for lack of available records makes it impossible to check and verify this material. Too, little uniformity exists in the spelling of these and other Cherokee names. Starr, *History of the Cherokee Indians*, 26. See also *Cherokee Phoenix*, December 3, 1831.

<sup>28</sup>The story of the Cherokee emigration is told by Grant Foreman, *The Indian Removal* (Norman, 1932), 229-312.

<sup>29</sup>Mooney, *loc. cit.*, 159.

guska). Upon the death of the latter in 1839, the chieftaincy succeeded to William Holland Thomas, an adopted Cherokee who had been a white trader among them for many years. And for a quarter of a century this white man guided the destinies of the Eastern Cherokees.<sup>30</sup>

The first attempt of the North Carolina Cherokees to organize a tribal government came in December 1868, when they met at Cheowa<sup>31</sup> and adopted a declaration which provided that a council be called to elect a chief.<sup>32</sup> After a series of delays this council met on November 26, 1870 at Qualla Town.<sup>33</sup> On the following December 1, under a constitution adopted on that day, a first and second chief were elected whose power and right of governing were to extend over the whole land of the Eastern Cherokees for a term of not exceeding two years. Elected to the new offices were Flying Squirrel (Call-lee-high) principal chief and John Jackson (Oo-wah-ben-tee) second chief.<sup>34</sup> These men served until 1875. On October 13 of that year, at the Cheowa Council Ground, amendments to the constitution of the North Carolina band of Cherokee Indians were adopted and the duties and powers of the principal and second chiefs were further defined.<sup>35</sup> To be eligible to either office, each candidate must have attained the age of thirty-five years and be not less than one-fourth Cherokee. The chief, whose term of office was fixed at four years, was empowered to call the general council in extraordinary session; he was obligated to furnish the legislators with information on the condition of the nation and to recommend measures for the promotion of the tribal welfare. He was required to visit the different towns and settlements at least once in two years. Impeachment charges could

<sup>30</sup>The story of this unusual man, whose career among the Cherokees resembles that of Sam Houston, is told by Mooney, *loc. cit.*, 159-172.

<sup>31</sup>Cheoah, in the present county of Graham, North Carolina.

<sup>32</sup>This declaration appears in Henry B. Carrington, "Eastern Band of Cherokees," *Eleventh Census of the United States, 1890* (Washington, 1892), 18; Mooney, *loc. cit.*, 173.

<sup>33</sup>Jackson County, North Carolina.

<sup>34</sup>Mooney, *loc. cit.*, 173.

<sup>35</sup>Carrington, *op. cit.*, 19-20.

be brought against the chief and, for failure to discharge his duties, he could be removed from office. Provision was made at this time for succession to the office, in case of vacancy.

The succession of chiefs, elected after the adoption of these amendments, is as follows:<sup>36</sup>

Lloyd R. Welch .....	1875-1880
Nimrod Jarret Smith .....	1880-1891
Stilwell Saunooke .....	1891-1895
Andy Standingdeer .....	1895-1899
Jesse Reed .....	1899-1903
Bird Saloloneeta .....	1903-1907
John G. Welch .....	1907-1911
Joseph A. Saunooke .....	1911-1915
David Blythe .....	1915-1919
Joseph A. Saunooke' .....	1919-1923
Sampson Owl .....	1923-1927
John A. Tahquette .....	1927-1931
Jarrett Blythe .....	1931-1935
Jarrett Blythe .....	1935. <sup>37</sup>

Unlike their Indian Territory brothers who relinquished their tribal organization when Oklahoma was admitted to the Union in 1907, the North Carolina Cherokees have retained their tribal government until the present. The legislative body of the North Carolina Cherokees is composed of two members elected from each of the five townships on the reservation. According to the provision of their constitution, the annual or grand council meets the first Monday in October each year and at such other times as it may be called together by the principal chief. The principal chief does not deliver an annual message to the council (as was the custom among the Indian Territory Cherokee chiefs), but he does

<sup>36</sup>Dr. Harold W. Focht, Superintendent of the North Carolina Cherokees, Department of the Interior, *letter to the author*, June 24, 1937.

<sup>37</sup>Chief Blythe's present term expires in 1939. *Ibid.*



make to that body a report giving an account of his stewardship for the past year.<sup>38</sup>

*The Cherokee Nation in Indian Territory*<sup>39</sup>

The arrival of the main body of the Cherokee tribe in Indian Territory in 1839 presented a peculiar and difficult problem, for here were two factions of the same Nation living in the same territory under separate chiefs and government. Neither group expected to abandon his laws and chiefs for those of another.

Negotiations for uniting the Old Settlers and Eastern Cherokees were begun shortly after the arrival of the latter group. And at length, after a series of conferences, a compromise was effected in the act of union drafted at Illinois Camp Ground on July 12, 1839.<sup>40</sup> The amalgamation of the two groups of Cherokees was furthered the following September with the adoption of a constitution.<sup>41</sup> Under its provisions courts were established, elections were held, and the new government was soon in full operation.

The office of principal chief under the new constitution was filled by John Ross. To serve with him as assistant chief was elected Joseph Vann, who for many years had been one of the chiefs of the Western Cherokees.<sup>42</sup>

Political differences for a time seemed to be settled. But soon the ominous rumblings of the Civil War were heard and the Nation was again rent into halves along the lines of its former disturbances. And from 1862 till the negotiation of the Treaty of 1866, at the close of the war, there were two Cherokee Nations in Indian Territory—one, headed by John Ross, which was pro-

<sup>38</sup>*Ibid.*

<sup>39</sup>The authority on this branch of the Cherokees will be *The Political History of the Cherokee Nation* by Dr. M. L. Wardell, to be released by the University of Oklahoma press in the autumn, 1937.

<sup>40</sup>There is some question that the act of union was sanctioned by the Old Settler and Arkansas Cherokees. To quote from a report of Amos Kendall, counsel for the Old Settlers, July 20, 1846: "Probably, not twenty bonafide 'Old Settlers,' participated in the monstrous act. . . . It seems to be a weak assumption which lays claim to validity in the act of union. There was but one party really present." *Senate Executive Document*, 20 Cong., 2 sess., no. 28, 87-88; 99.

<sup>41</sup>Constitution and Laws of the Cherokee Nation (St. Louis, 1875), 36-45.

<sup>42</sup>Foreman, *The Five Civilized Tribes*, 307.

Union during most of the war; the other, headed by Stand Watie, which was distinctly Southern in its sympathies.

Shortly after the beginning of the War between the States, efforts were made to secure for the Confederacy the alliance of the tribes of Indian Territory.<sup>43</sup> With that as his objective, Albert Pike was sent as agent to the Indian tribes west of Arkansas; but on his arrival in the Cherokee Nation in June 1861, Chief Ross refused to deal with him. While Pike was in the West, however, the Confederates won the Battle of Wilson's Creek and the Union army in Missouri withdrew as far as Springfield. After this decisive victory, a Confederate success seemed to the Cherokees inevitable. And Stand Watie and his men, who guarded the northern border of the Cherokee Nation against the raids of the "jay-hawkers," after this Confederate success espoused the Southern side. Chief Ross, probably fearing that Pike might make a treaty with Stand Watie and recognize him as head of the Cherokee government,<sup>44</sup> consented to a renewal of negotiations for a treaty with the Confederates. On August 24, three days after a pro-Southern mass meeting at Tahlequah, Ross saw Pike and the first steps were taken towards a treaty between the Cherokees and the Confederacy that was to be signed on October 7, 1861.

In June 1862 the Confederates were badly defeated at Pea Ridge, Arkansas, and the Indian Country was invaded by the "Indian Expedition" which took Fort Gibson and Tahlequah. The return of the Union forces was welcomed by Chief Ross, a Union sympathizer.<sup>45</sup> The Union victory and occupation were short-lived, however, for mutiny broke out within the regiment and the growing strength of the Confederate forces made it necessary for the Union Brigade to retreat to Kansas. After the withdrawal of the Indian Expedition, some two thousand Union Cherokees sought

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<sup>43</sup>Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist* (Cleveland, 1915), 127 *et seq.*

<sup>44</sup>Roy Gittinger, *Formation of the State of Oklahoma* (Berkeley, 1917), 60.

<sup>45</sup>*Ibid.*, 63.

refuge in the ceded lands in Kansas. Chief Ross was arrested and allowed to go overland to the East.<sup>46</sup>

The Secessionist Cherokees returned and took possession of Tahlequah. A convention was called, Ross was deposed and Stand Watie was chosen principal chief of the Southern Cherokees, which position he was to hold until the close of the war.<sup>47</sup> This was probably in August or early September 1862.<sup>48</sup>

During the year 1863 the Union forces regained and reoccupied the country as far south as Fort Smith, and the Union Cherokees of the Ross party reestablished themselves in the Cherokee country. Pursuant to a proclamation issued on January 31, 1863 by Thomas Pegg, assistant and acting principal chief in John Ross' absence, the Union Cherokee legislature met in council on Cowskin Prairie. In February, the council in session repudiated the Pike Treaty and deposed all Cherokee officials who had been disloyal to the United States government.<sup>49</sup> From May 1863 to October 1865, the seat of the Union Cherokee government was located at Kee-too-whah.<sup>50</sup> By October 31 of that year, the government had moved to Tahlequah where it was maintained henceforth. Thomas Pegg served as acting and assistant principal chief until sometime in 1863. Late in that year Smith Christie succeeded

<sup>46</sup>Early in August, 1862, John Ross and his family were seized by William F. Cloud, colonel in General Blunt's expeditionary force. Ross' capture had been effected by strategy and not without a strong suspicion that he had been in collusion with his captors; for, though nominally a prisoner, Ross was allowed to proceed to Washington, his desire being to confer with President Lincoln in person regarding the condition of the Cherokees. He was treated with great consideration and was practically pensioned out of the Cherokee fund. Gittinger, *op. cit.*, 64; Annie Heloise Abel, *The Indian as Participant in the Civil War* (Cleveland, 1919), 192-193.

<sup>47</sup>Wiley Britton in *The Union Brigade in the Civil War* (Kansas City, 1922), 219-222, says that the election of a principal chief of the Confederate Cherokees was scheduled for a proposed meeting of the legislature on April 25, 1863, which was prevented by an attack of Colonel W. A. Phillips.

<sup>48</sup>Starr, *History of the Cherokees*, 300-301. See also *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901) Series I, LXI, pt. II, 1046-1048.

<sup>49</sup>John Ross to William P. Dole, April 2, 1863, *Report of the Commissioner of Indian Affairs*, 1863, 227-228; see also, *Laws of the Cherokee Nation*. (Archives, Oklahoma Historical Society), MSS. No. 251-1 to 78, 7 et seq.

<sup>50</sup>Fort Gibson.

to the office and served for several months. The office then passed to Lewis Downing who continued as acting and assistant chief until the death of John Ross on August 1, 1866.

With the return of the Union forces to the Cherokee Nation in 1862, the Confederate branch of the tribe sought refuge in the Choctaw country and in the Red River counties of Texas, where they remained until the close of the war. The government of the Confederate Cherokees likewise was moved to the Choctaw Country and there Stand Watie established the executive offices of principal chief.<sup>51</sup>

At the close of the war, the relationship of the Northern and Southern factions of Cherokees became the question of the hour. The first overture to settle the differences was made by the Southern Cherokees. On June 28, 1865 a group of six delegates appointed by Stand Watie, chief and general of the Confederate Cherokees, was instructed to go to Fort Gibson. The delegates put in an appearance at that place on the 8th of July. Lewis Downing, acting principal chief of the Northern Cherokees in the absence of John Ross, assembled the council at Tahlequah to deliberate as to the advisability of giving the delegation an audience. In the end amnesty was resolved upon and on July 14, 1865, elaborately proclaimed.<sup>52</sup> This document was unacceptable to the Southern Cherokees, however, and the conference ended in dis-

<sup>51</sup>The executive office of the Confederate Cherokee government seems to have changed location periodically during the war. The government was possibly set into operation at Tahlequah in August 1862. There is a record of a session of the Confederate Cherokee "Convention" being held at that time and one would suppose that the executive offices were located there too.

The second "convention" of the Southern Cherokees was held at the mouth of Coody Creek in Canadian District, in the Cherokee Nation, from May 22 to June 1, 1863. Starr lists the officers and Stand Watie is listed as the principal chief and the names of the other officers and members of that convention are given by Starr, *History of the Cherokee Indians*, 300-301.

The Southern Cherokees held still another meeting. At Camp Brassie, I. T., in July, 1864 there was passed a number of acts and resolutions bearing the signatures of Stand Watie principal chief, and B. W. Alberty president of the council. (Archives, Oklahoma Historical Society).

In 1865 the executive office of the principal chief of the Southern Cherokees was located at Fort McCullough. Stand Watie MSS., (Phillips Collection, University of Oklahoma, Norman), Series 3, Volume 10, 17-19.

<sup>52</sup>Annie Heloise Abel, *The Indian Under Reconstruction* (Cleveland, 1925), 127 *et seq.*

appointment. Later, in September, a peace council was held at Fort Smith, but the two groups of Cherokees were hardly more willing to settle their differences than they had been at Fort Gibson and, after a round of conferences, the council adjourned accomplishing little more than the establishment of a formal peace between the government at Washington and the several nations in Indian Territory.

Negotiations were resumed later in Washington and eventually a satisfactory agreement was reached between the two bands of Cherokees and the representatives of the federal government.<sup>53</sup> The government of the Union Cherokees was recognized as the legitimate one, the government of the Confederate Cherokees formally ceased to exist, and the relations of the United States with the Cherokee Nation in Indian Territory were readjusted.

The period that followed the Civil War was one of great advancement in the Cherokee Nation. The war was over; reconstruction began; and the factional differences that had marked the previous history of the tribe were gradually disappearing. John Ross, who had served as chief of the Cherokees and leader of his party since 1828, died in Washington on August 1, 1866, ere the peace negotiations had ended.<sup>54</sup> General Stand Watie, chief of the Confederate Cherokees and leader of the Treaty Party, survived Ross only a few years; he died on September 9, 1871.<sup>55</sup>

<sup>53</sup>*Ibid.*, 345-363.

<sup>54</sup>John Ross was born of Scotch-Cherokee parents near Chattanooga, Tennessee, on October 3, 1790. He entered public life at an early date, but he did not become active in the Cherokee government until 1817 when he was elected to the national council, of which he was a member until 1826. He helped draft the constitution of 1827 and was, in that year, elected to the office of assistant chief in the new government. The following year Ross became principal chief and held that office without interruption until his death at the close of the Civil War. John Ross has had many violent critics as well as many staunch supporters. His long administration of nearly forty years has been characterized as imperial and autocratic, but it may not have been entirely unsuited to the times and the conditions then existing in the Cherokee Nation.

<sup>55</sup>Stand Watie, whose Cherokee given name signified "standing together," was born near Rome, Georgia, on December 12, 1806. His early life was conspicuous only by his participation in the negotiation of the treaty of New Echota, 1835. After his removal to Indian Territory he was elected several times as councilor from the Delaware district. At the outset of the Civil War he became leader of the Con-

Elections were soon to take on a comparative calm and the office of principal chief was to be filled by men who exhibited zeal and ability in the performance of their official duties. The men who were to serve the Cherokee Nation as principal chief in the last forty years of its existence are as follows:<sup>56</sup>

Lewis Downing .....	August 1, 1866 to October 18, 1866 <sup>57</sup>
William P. Ross .....	October 19, 1866-1867 <sup>58</sup>
Lewis Downing .....	1867-November 9, 1872 <sup>59</sup>
William P. Ross .....	November 11, 1872-1875

federate Cherokees; and, as a result of his brilliant record in behalf of the Confederacy he was commissioned brigadier general. At the close of the war Stand Watie was a member of the Southern delegation of Cherokees to Washington; but upon his return home he retired from public life and lived modestly on his farm near Webbers Falls until his death.

<sup>56</sup>No attempt has been made here to compile a bibliography on the Cherokee chiefs. That has been done at the University of Oklahoma under the direction of Dr. M. L. Wardell of the department of history. The university is also sponsoring a research project, under the works progress administration, which has as its objective the collecting of the messages and papers of the chief of the Five Civilized Tribes and, incidentally, biographical material about the chiefs. Mention might be made, however, of the biographical studies of the Cherokee chiefs by Judge John Bartlett Meserve which have appeared in recent issues of the *Chronicles*. Additional information may be found in John D. Benedict, *Muskogee and North-eastern Oklahoma* (Chicago, 1922), and in H. F. and E. S. O'Beirne, *The Indian Territory* (St. Louis, 1892).

<sup>57</sup>Lewis Downing was a descendant of Major Downing, a British officer who married a Cherokee woman prior to the American Revolution. He was born in the Old Cherokee Nation east of the Mississippi and was converted to the Baptist faith by the missionaries Evan and John B. Jones. At the outset of the Civil War Downing served as chaplain of the Cherokee regiment commanded by Colonel John Drew; later he was commissioned lieutenant colonel of the Third Indian Home Guard Regiment. Lewis Downing was twice elected to the office of principal chief, but he died before completing his second term.

<sup>58</sup>William Potter Ross, nephew of Chief John Ross, was born on August 28, 1820 at the foot of Lookout Mountain in the Old Cherokee Nation. At the age of seventeen young Ross was sent to school in New Jersey; during his absence the Cherokees removed to Indian Territory. Upon his graduation from Princeton College in 1843, W. P. Ross went to his new home and was soon elected chief of the senate. This was the beginning of a long life of public service, during which time he was senator from Tahlequah and Illinois districts, often a delegate to Washington and twice appointed to fill the vacant office of principal chief. Ross was for a time editor of the *Cherokee Advocate*, the *Muskogee Indian Journal*, the *Vinita Indian Chieftain* and the *Tahlequah Indian Arrow*. Ross was active in promoting education; at one time he was trustee of the Cherokee national seminaries, and during the administration of Chief Bushyhead he served on the board of education. W. P. Ross died at the age of 71, on July 20, 1891. *The Life and Times of Hon. William P. Ross* (Ft. Smith, 1893).

<sup>59</sup>Lewis Downing died on November 9, 1872 after his election to a second term on August 7, 1871. The assistant chief, R. B. Daniel, having died on January 16, 1872, the council then appointed William P. Ross to serve out the unexpired term. Starr, *History of the Cherokees*, 263.

Charles Thompson .....	1875-1879 <sup>60</sup>
D. W. Bushyhead .....	1879-1887 <sup>61</sup>
Joel B. Mayes .....	1887-1891 <sup>62</sup>
C. J. Harris .....	December 23, 1891-1895 <sup>63</sup>
S. H. Mayes .....	1895-1899 <sup>64</sup>
T. M. Buffington .....	1899-1903 <sup>65</sup>

<sup>60</sup>Emmet Starr tells in his *History of the Cherokees*, 263, that Charles Thompson was a deacon in the Baptist Church and acted as local preacher in a frame building that he maintained before his election as chief. The Baptist Church had refused to ordain him, giving as reason the fact that Thompson was a lawyer. Shortly after he became chief he was ordained as a Baptist minister.

<sup>61</sup>Dennis Wolfe Bushyhead was born in the Cherokee Nation east of the Mississippi on March 18, 1826. Upon the completion of his work at Princeton college, young Bushyhead returned to his home in Indian Territory and engaged in the mercantile business. In 1871 he was elected national treasurer which position he held until his election to the office of principal chief in 1879. Retiring from public office at the close of his second term as chief, Bushyhead continued to serve his nation on several occasions as delegate to Washington. He died on February 4, 1898.

<sup>62</sup>Joel Bryan Mayes was born in the Old Cherokee Nation in 1833. His parents emigrated to Indian Territory when he was a small child, and there he was educated in the tribal schools. The first civil office which he held was that of clerk of the district and circuit courts. Mayes was elected chief clerk of the council and later he became clerk of the commission of citizenship. In 1882 he was elected associate justice of the Cherokee supreme court, of which he became chief justice a year later. He retired from the bench in 1885 and ran for office of principal chief, to which he was elected in 1887. Chief Mayes had served four years and had entered upon a new term when he died on December 14, 1891. Assistant Chief Henry Chambers had predeceased Mayes by four days. The office of principal chief was filled by President of the Senate T. M. Buffington until the election of C. J. Harris on December 23, 1891.

<sup>63</sup>C. J. Harris (not to be confused with Cyrus Harris, first governor of the Chickasaw Nation) was born in the Cherokee Nation on April 19, 1856. His father was a white man and his mother a Cherokee. Harris' public life began with his election to the Cherokee senate in 1881. On the death of Chief J. B. Mayes, in 1891, the council appointed Harris to fill out the unexpired term.

<sup>64</sup>Samuel Houston Mayes, brother of J. B. Mayes who was chief from 1887 to 1891, was born in Flint district, Cherokee Nation, on May 11, 1845. His public career began in 1881 when he was elected sheriff of Coowescoowee district. In 1885 he was elected to the senate, in which body he served two terms. S. H. Mayes' election to the office of principal chief came in 1895. At the close of his term of office, in 1899, he retired from public life and engaged in the mercantile business. S. H. Mayes died on December 12, 1927.

<sup>65</sup>The only surviving regularly-elected chief of the Cherokee Nation in Indian Territory is Thomas Mitchell Buffington. Born in Goingsnake district on October 15, 1855, Mr. Buffington's public life began with his selection as circuit judge. Later he was elected to the Cherokee senate and was serving as president of that body at the time of the death of Chief J. B. Mayes. He acted as principal chief in December 1891 until the appointment of C. J. Harris. In 1899 he was elected principal chief, which office he held until 1903. Judge Buffington resides (1937) in Vinita, Oklahoma.

W. C. Rogers .....1903-November 8, 1917<sup>66</sup>

The office of the principal chief of the Cherokee Nation was, in many respects, much like the office of governor of the several states and the presidency of the United States.<sup>67</sup> The chief was elected by the qualified voters of the Nation at the time of the general election on the first Monday in August, every four years. He took office the following November at the convening of the national council. No person except a natural born citizen was eligible to the office and he must have attained the age of thirty-five years. The term of office was for four years and there was no provision in the constitution limiting the number of terms a chief might serve.<sup>68</sup>

<sup>66</sup>The last regularly-elected chief was William C. Rogers, who was born December 13, 1849 near Pryor Creek. His public life began with his appointment as deputy sheriff of Coowescoowee district. Rogers was three times elected to the lower house and was a member of the Cherokee senate for two terms. His election to the office of principal chief came in 1903.

Under the provisions of the United States-Cherokee agreement made at Muskogee on July 1, 1902, the tribal government was not to continue longer than March 4, 1906. In the summer of 1905 as the regular election time approached, Chief Rogers (realizing that the tribal government had only a few months longer to run) failed to issue a proclamation calling for an election of the national council. An election was held, however, against the wishes of Chief Rogers; and on November 11, 1905 the council convened. The chief refused to recognize the honorable bodies. The council adjourned, and both the chiefs and the representatives of the "rump" council went to Muskogee and presented their claims to Indian Inspector Wright who refused to take a part in the matter. The council reconvened and, on November 17, impeachment charges were brought against Rogers. The chief left for Washington to confer with Department of the Interior officials. The council impeached Chief Rogers, declared the office vacant and elected Frank J. Boudinot principal chief. Boudinot was sworn in on November 21, but the assistant chief under Rogers, D. M. Faulkner, refused to recognize Boudinot and turn over to him the records and seal of the office. Both factions appealed to Secretary of the Interior Hitchcock who decided in favor of Rogers. The latter continued in office until his death in 1917. *Tahlequah Cherokee Advocate*, November 30, 1906; *Muskogee Phoenix*, November 12, 18 and 22, 1905; *Vinita Leader*, November 23, and December 14, 1905, and January 4, 1906; Starr, *History of the Cherokee Indians*, 263.

<sup>67</sup>The duties and powers of the executive offices are defined in Article II, Section 1, and in Article IV, Sections 1 to 18, inclusive, of the constitution. Considerable attention has been given to the executive department under the Cherokee constitution by Eula E. Fullerton, *Some Social Institutions of the Cherokees, 1820-1906* (Unpublished master's thesis, University of Oklahoma, 1931), 53-81.

<sup>68</sup>D. W. Bushyhead was the only regularly elected chief, after the Civil War, who served two complete terms. Lewis Downing and J. B. Mayes were elected to second terms but died soon after re-election. W. P. Ross was twice elected by the national council to finish unexpired terms of a principal chief, but he did not hold office directly through the choice of the Cherokee people.



The powers of the principal chief were several. He issued writs of election, offered rewards, honored requisitions from executives of other nations. He could convene the national council in extraordinary session; he could fill, during the recess of the national council, any vacated offices which the council filled while in session.

The duties of the principal chief were numerous. He was obligated to recommend to the council such measures as he deemed expedient and worthy of legislative action. He was required to visit the different districts of the nation at least once in two years to inform himself of the general condition of the country. In cases of disagreement between the two branches of the national council with respect to the time of adjournment, the chief had the power of adjourning the honorable bodies at such time as he deemed proper. The principal chief was required to maintain official residence at the seat of the government only during the session of the national council.

The salary of the principal chief was fixed by act of the council and varied from time to time. It was fixed by action of the council as follows: in 1839, \$500; in 1859, \$900; in 1875, \$2000; in 1892, \$1500.<sup>69</sup>

To assist the principal chief in his official duties was an assistant chief whose election and term of office were identical with that of the principal chief.<sup>70</sup>

It might be interesting to note, in this regard, that three chiefs died in office—John Ross, Lewis Downing and J. B. Mayes. John Ross was an uncle of William P. Ross and J. B. and S. H. Mayes were brothers. Charles Thompson and Lewis Downing were the chiefs in whom there was a predominance of Cherokee blood, the others were mixed-bloods. Four chiefs fought in the Civil War—J. B. and S. H. Mayes, W. P. Ross and Lewis Downing; the latter were in the same regiment. Three chiefs went to California during the Gold Rush—D. W. Bushyhead and the Mayes brothers. Lewis Downing and Charles Thompson were ministers of the Gospel. Two chiefs were educated at Princeton College—W. P. Ross and D. W. Bushyhead.

<sup>69</sup>Starr, *History of the Cherokee Indians*, 183.

<sup>70</sup>The assistant chiefs who served the Cherokee Nation after the adoption of the constitution of 1839, are (as nearly as can be determined) as follows:  
Joseph Vann .....September 9, 1839-June 26, 1840  
Anderson Vann .....June 26, 1840-1843

With the admission of Oklahoma to the Union as the forty-sixth state, the work of the Cherokee government in Indian Territory was completed and one of the strongest and proudest of Indian Nations gave itself and its heritage to the formation of another American commonwealth.<sup>71</sup>

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George Lowrey .....	1843-1851
Richard Taylor .....	1851-1855
John Spear .....	1855-1859
Joseph Vann .....	1859-1862

*Civil War Period, 1862-1866*

1) Union Cherokee	
Thomas Pegg .....	1862-1863
Smith Christie .....	1863
Lewis Downing .....	1864-1866
2) Confederate Cherokee	
John Spear	
Samuel McDaniel Taylor	
Joseph Vann .....	1867-1871
Robert Buffington Daniel.....	1871-January 16, 1872
James Vann .....	November 23, 1872-1875
David Rowe .....	1875-1879
William P. Adair.....	1879-October 21, 1880
Rabbit Bunch .....	1880—November 5, 1887
Samuel Smith .....	1887-1891
Henry Chambers .....	November and December, 1891
Stephen Teehee .....	December 23, 1891-1895
George Washington Swimmer.....	1895-1903
David M. Faulkner.....	August 3, 1903-June 30, 1904

Starr, *History of the Cherokee Indians*, 264; *Vinita Daily Chieftain*, June 14, 1904.

<sup>71</sup>To terminate any unfinished business of the tribe, an Act of April 26, 1906 (34 *Statutes at Large*, 148) continued the tribal governments and retained the principal chiefs and governors then in office. Under provisions of this act W. C. Rogers continued in office to sign the deeds transferring the lands of the Cherokee Nation to the individual allottees. Upon his death on November 8, 1917 the President of the United States was authorized by this act to appoint Rogers' successor. The successive principal chiefs of the Cherokees in the new state appointed by the President are as follows:

A. B. Cunningham served from November 8 to 25, 1919.

Ed M. Frye served one day, June 23, 1923.

Richard B. Choate was appointed on October 15, 1925 to serve one day on or before December 31, 1925.

Charles J. Hunt served one day, December 27, 1928.

Oliver P. Brewer served one day, May 26, 1931.

William W. Hastings served one day, January 22, 1936.

William Zimmerman, Jr., Assistant Commissioner of Indian Affairs, *letter to the author*, August 3, 1937.