

## PROBLEMS OF A CHEROKEE PRINCIPAL CHIEF

By Harold Keith

The tradition that an Indian chief should be a father to his people must have been taken literally by the Cherokees during the eight years from 1879 to 1887 that Dennis Wolfe Bushyhead<sup>1</sup> was principal chief of that prominent eastern Indian Territory tribe. At least a study of the slightly bleached and faded correspondence directed to Chief Bushyhead more than fifty years ago and now carefully preserved in the Frank Phillips collection in the University of Oklahoma library reveals that he got letters from all kinds of people asking for nearly everything from pardons for criminals to permits for cutting cedar in the far-off Cherokee Outlet.

There are hundreds of these letters, most of them scribbled dimly in ink of various hues and degrees of paleness, or laboriously worked out in lead pencil. Not until February 18, 1882 does the first typewritten one appear, it being from C. W. Rogers of St. Louis, second vice-president and general manager of the St. Louis and San Francisco railway. Later Robert L. Owen, Indian agent located at Muskogee, began to dictate his correspondence to Bushyhead on an old-style typewriter that made large vertical letters and was spooled with purple ribbon but apparently Owen didn't cotton to his new-fangled device, for his later letters were nearly all written in his own excellent longhand which was so legible anyhow that it almost looked like print.

Bushyhead filed his correspondence carefully in white abstract envelopes and in his own bold masculine scrawl, patiently wrote on the front of the envelope the writer's name and address, a brief summary of the letter's contents, and what disposition he made of the problem it contained.

The delivery of a letter in the times Bushyhead lived was terribly slow since railroads had just entered the territory and most Cherokee nation towns were served by stage. Also an answer might be delayed still longer by the fact that the principal chief, traveling by horse-drawn stage or in a special hack, might be out of the capital at Tahlequah for several days with no means of communication with his office save by mail. It was a common thing for an important letter that required a quick reply to be labeled, "written July 29, received August 30, answered September 2" which meant that the anxious sender might fidget and squirm almost two months before

<sup>1</sup> For biographical sketch of Dennis Wolfe Bushyhead see John Bartlett Meserve's "Chief Dennis Wolfe Bushyhead," *Chronicles of Oklahoma*, XIV, 349, et seq.

he got his reply from the chief. The telegraph, in towns it was available, was used in cases of extreme emergency and later the telephone was resorted to as it was built and developed in Indian territory, but letters continued to be the chief source of communication and Bushyhead received hundreds of them right up to the time of his retirement.

One of the first letters he got was a protest fifty-eight years ago against the school system of the nation from J. W. Scroggs<sup>2</sup> who was then a teacher at Vinita, Cherokee nation, and later would become associated with the extension department at the University of Oklahoma, shows that on the contrary there might have been much mismanagement of Cherokee schools. Mr. Scroggs' protest was based on a clipping from an eastern newspaper (unidentified) which said:

"It costs \$35.76 a year to educate each child in the public schools of the Cherokee nation, and only \$1.39 for a North Carolina pupil. Whether the little Indians are twenty-five times as well educated as the little tarheels or twenty-five times as hard to teach, or whether it is that the aboriginal school director steals twenty-five times as much as the N. C. officials. General Eaton's valuable report does not explain. Statistics are very valuable if you only have the key."<sup>3</sup>

Mr. Scroggs' letter to Chief Bushyhead follows:

"Vinita, I. T., Nov. 24, 1879.

Dear Sir—As the session of council is far advanced, I desire to urge upon you the absolute indispensable necessity of making some provision before its close for the superintendency of your public schools. At present there is no supervision in the strict sense of the term. Every state in the U. S. has a superintendent of instruction. The necessity of supervision is universally admitted.

Now wouldn't it be better to stop following the hobbles and theories of visionaries and adopt the experience of centuries as embodied in several of the school laws of the U. S? I have taught in the states and have taught here. I find the children here just as bright, intelligent and teachable as in the states, and on the whole far more manageable. You have the means and opportunities of having the grandest school system in the world and yet your schools are almost a byword throughout the U. S. . . .

We have in Vinita perhaps as good a public school as there is in the nation, yet we have not received this year a single book of any description that we needed, or a single slate, or in short anything except one ream of paper, three boxes of crayon and two of slate pencils, and yet we have on our roll over 100 children who have under your laws full rights to all the privileges of education which your nation affords. But this is not all. The books we have been compelled to buy, the teachers have been compelled to buy out of their own pocket, and I am paying 20 per cent interest on the money I had to borrow to help buy them with. Now in the name of all that's fair and decent, with the school funds you have, why can't the National council supply ways and means to buy books enough for the schools instead of compelling teachers, who if they taught

<sup>2</sup> Mr. Scroggs, now nearly ninety years old, still lives at 412 College street, Norman, Okla., at this writing.

<sup>3</sup> This newspaper clipping is attached to Mr. Scroggs' letter.

til doomsday could never save a dollar for a rainy day, to buy books, or to submit to failure and loss of reputation or employment. Is it just? Is it honest?

The cause of this (and we are by no means the only ones who are thus suffering) is simply the want of proper supervision. Mr. Bell told me that Mr. Stephens brought from Tahlequah last summer, 85 books of one description to supply a school of 16 scholars! I am told that books are frequently shipped out into the states and sold, while the mass of schools must do without. Anybody can go to Tahlequah and get books while they last.

Now I suggest that you adopt a plan similar to that of Massachusetts; have a board of education as now and a national superintendent of education who shall have one clerk and who shall be required to keep an office in Tahlequah open every working day in the year. Under him let there be nine district superintendents whose duty shall be to visit each school in his district at least once a month and make full reports to the national superintendent. This is in brief the system of supervision in every state of the Union. . . .

It may be objected that this system would be expensive. What if it is? What you need is good schools. You have now the costliest system on the face of the earth. The probability is that a system in which it was the interest of the officials to ferret out fraud would be cheaper than the present one.

I have written strongly and boldly but I do not belong to anybody and am interested in no click or party. But my Dear Sir I do desire the prosperity and success of your schools. Do not think anything I have said is satirical. It is sometimes necessary to speak earnestly in order to be heard. Hoping that you will not think of closing the present session without some change in the school laws, I remain,

Your obd't serv't,  
J. W. Scroggs.<sup>4</sup>

Also he occasionally got straight from the pen of some anxious mother a request to use his influence to have a student who had been expelled returned to good standing in the school,, as for instance this letter—

"Flint District, January 28, 1880.

Mr. Bushyhead. Dear sir I thought I would write you a few lines in regard to my son he has been going to school at the male seminary and they turned him off and he says he is not guilty of all they accused him of he is a poor boy and has no father and anxious to go back to try and get a education and he wants your assistance your friends told him they thought you would fix a way for him to go back if you possible can help him please do so please write and let me know what you can as soon as possible.

Very respectfully,  
Peggy Dick.<sup>5</sup>

Many letters similar to the following came to his desk—

"Camp Creek, C. N. Aug. 6, 1880

Hon. D. W. Bushyhead. Pr. Chief of the Cherokees. Dear sir: I write to inform you that Lewis Coody, "my husband" drew my money and my two children's also. Now the circumstances are. Lewis Coody and myself have not been living together as man and wife for the last two years

<sup>4</sup> J. W. Scroggs to Dennis Wolf Bushyhead, November 24, 1879.

<sup>5</sup> Peggy Dick to Dennis Wolf Bushyhead, January 28, 1880.

and I have the two children living with me and am their sole support we were not registered together and further more Mr. Coody has married again in the Choctaw nation and only lived together after the 2nd marriage three or four weeks. We lived together about two years but he became so worthless that I was compelled to leave and what time we lived together my father kep us up.

Under the circumstances I do not think that he has a right to draw me and my children's money . . . please to see to this business for me as I need it very much. I have never been married since I left him and have lived with my father every since. Mr. Coody has never given my children but one suit of clothes since we parted and that only to the amt. of about two dollars. Anything that you can do for me will be appreciated very much as I have been imposed on and have no other recourse but through you as the chief magistrate of our country. . . . I remain very respectfully,

Mrs. Bettie Coody.

Witnesses: Gideon Morgan, James Simco, Charles Fargo, Calvin Fargo."<sup>6</sup>

The nation was a harbor for outlaws, thieves and desperadoes and since it was so large and so much of its country timbered, was difficult to police in those days of slow travel and communication. Occasionally a bad man would run amuck in a community far removed from a sheriff or any authority, and about the only recourse a citizen had, unless he wanted to try and take the outlaw himself, was to write to the chief as this man did—

"4 miles S. E. Peru, Chautauqua Co. Kansas.

August 29, 1880.

To the Honorable Chief of the Cherokee Nation, I. T. Kind and honorable sir: We regret that stern necessity requires us to apply to the good people of the nation to rid us of one of the worst men at large. L. Allen Blvin of your national prison is here.

He did as we think set fire to a house of mine and burn it to the ground.

A Cherokee boy of eleven years who for months bore his cruel and brute like treatment is mysteriously missing for the last ten months. Our people feel that he has been laid away.

One of our finest young men, Elias Boothe was murdered just in the border of the Osage country and robbed of his money. Blvin has money and all circumstances lead to him as the murderer.

Now kind sir we must earnestly desire that your people feel the importance of ridding us of an escaped convict as we fail to have full and explicit proof of his crimes against the life and property of our people.

Robt. M. French (sheriff) writes me that he will lay the matter before you also.

Trusting that you will take prompt action and send to my place 6 miles west and 2 miles north of Canaville, or 4 miles southeast of Peru, Chautauqua Co. Kansas and relieve us of a bad rogue.

Respectfully,  
James Tourtillot.<sup>7</sup>"

What would you have done if you had been a principal chief, and just as you came to your office in the morning eager to attack

<sup>6</sup> Mrs. Bettie Coody to Dennis Wolf Bushyhead, August 6, 1880.

<sup>7</sup> James Tourtillot to Dennis Wolfe Bushyhead, August 29, 1880.

a three-day accumulation of back work, the following telegram would be handed you—

"Muskogee, June 4, 1881.

D. W. Bushyhead, Fort Gibson. Seventy North Carolina Cherokees will arrive at Muskogee Monday evening at nine p. m. Am ordered to Vinta to meet them. Will go on morning train. Better go with me.  
Tufts.<sup>8</sup> 9"

The North Carolina Cherokees were the ones whom General Winfield Scott's troops hadn't been able to chase out of their lands east of the Mississippi river back in the 1830s when the government-enforced removals were on. Small groups of them later migrated to the Indian Territory where the Cherokee nation welcomed and cared for them.

Among the many laws of the nation that might seem unnecessary to us now was one forbidding a person to disturb a public assembly under penalty of being fined as much as \$100 or being imprisoned for as many as ninety days, or if the disturber was intoxicated or armed with a dangerous weapon, the term of imprisonment could be raised to not less than one year.<sup>10</sup> That the law was sometimes needed is seen from this letter to Chief Bushyhead from the solicitor of the Illinois district—

"Office Pros. atty.  
In and for Illinois dist. C. N.  
September 9, 1881.

Hon. D. W. Bushyhead  
Principal Chief, C. N.

Dear sir: This will respectfully inform you that Joseph Welch, Amos Aldridge Et al-all col'd, have been reported to this office for prosecution for disturbing a religious assembly of col'd persons by being in a state of intoxication, and by discharging their revolvers in and about the church house, thereby completely breaking up the service of the same and violating some of our most stringent laws.

The first two offenders—Welch and Aldridge, are both non-citizens of the Cherokee nation and over whom I exercise no jurisdiction. And I therefore "report" them to you under XXV Art., Sec. 127 and 128, Revised Code, as "Intruders," and ask that they be speedily removed beyond the limits of this nation.

All of the other offenders are citizens, and should be prosecuted to the fullest extent of the violated laws.

Very respectfully submitted  
by yours and c

L. R. Thornton,  
Illinois Dist. solicitor.<sup>11</sup>"

Very often the chief would be faced with problems the solution of which could not be found directly in the Nation's statutes, as for instance the following—

<sup>8</sup> John T. Tufts was the United States Indian agent at Muskogee.

<sup>9</sup> John T. Tufts to Dennis Wolf Bushyhead, June 4, 1881.

<sup>10</sup> *Compiled Laws of the Cherokee Nation*, Ch. 3, Art. 22, Sec. 332, 188 in Frank Phillips Collection, University of Oklahoma Library.

<sup>11</sup> L. R. Thornton to Dennis Wolf Bushyhead, September 9, 1881.

"Lawrence, Kans. June 8, 1882

Dennis Bushyhead, chief,

Dear sir: For the Kansas City, Lawrence and Southern Kansas Railroad company I desire to ask you whether you can help the company in these circumstances.

The company had a bridge in Kansas over the Memphis river which washed away and portions of it were caught about 18 miles below Coffeyville by some colored men. The value of the portions is about \$100. These men demand of the company some \$80 which of course is out of the question. Have you any power to help the company? There must be the power somewhere to remedy such a wrong.

The company is willing to pay what is right but such a charge is simply out of the question.

S. C. Thatcher.<sup>12</sup>

Swindlers were thick in the old nation as the Indian agent at the Quapaw agency found out in the spring of 1882. In a letter to Chief Bushyhead, this agent describes the culprit and also the fleecing that was administered to him—

"Quapaw agency, I. T.  
June 20, 1882.

Hon. D. W. Bushyhead, Tahlequah, C. N.

Sir: On the evening of the 22nd day of May a gentleman called at my house and representing himself as W. H. Taylor Dept. Sheriff Canadian Dist. C. N. and stated that he was without means and that his horse had given out and that he had left the animal somewhere south of here, and as he stated he was in pursuit of horsethieves and presented a general letter signed by yourself with your national seal attached, I concluded to aid him by the loan of a horse, saddle and bridle and five dollars in money—the same to be returned here in the course of three or four days.

As a month has passed and I have no word from him, I wish to know if he is an imposter. I enclose the receipt he gave me so that you can examine the handwriting. . . . He spoke the Cherokee language and although I only saw him for a few minutes, I would describe him as follows, viz., 5 ft. 8 to 9 in. high, light complexion, light brown hair, blue eyes, thin mustache and I think a little whisker on his chin. Smooth cheeks, medium light colored clothes. He had the appearance of an educated young gentleman, 22 to 25 years of age. Spoke good English in a decidedly Southern style. He said that Judge or Doctor (can't say which) Taylor of the Canadian district was his father.

I will thank you for any information you may be able to give in regard to this matter.

I am Respectfully,  
D. B. Dyer,  
U. S. Indian Agent.<sup>13</sup>

There was a Cherokee law that prohibited the burning, breaking or destroying of any railing, enclosure or monument erected in memory of the dead and for violation of which a citizen could be imprisoned for a year or forced to pay double the amount of the damages done for the benefit of the injured person<sup>14</sup> and yet the chief was probably puzzled over what course to pursue or how to pro-

<sup>12</sup> S. C. Thatcher to Dennis Wolf Bushyhead, June 8, 1882.

<sup>13</sup> D. B. Dyer to Dennis Wolf Bushyhead, June 20, 1882.

<sup>14</sup> *Compiled Laws of the Cherokee Nation*, Ch. 4, Art. 23, Sec. 334, 190.

cure complete satisfaction for the bereaved party when he got the following letter—

"Pawpaw creek, Croneus Roomer  
District, July 6th, 1882.

Hon. D. W. Bushyhead, Prin. Chief,

Dear Sir: Permit me to call your attention for your action and advise to an occurrence on the line of the A. and P. St. Louis and San Francisco railway, the railroad now being constructed from Vinita, in this district.

At a point a short distance west of Pawpaw creek . . . were the graves of my father Dr. Henseley, sr., my aunt Chu-ga-too-whis-tah and a number of other Cherokees. The graves were torn to pieces in a most brutal manner by plow and scraper and hauled into the grade for the road bed. They were not necessarily in the track of the road but a curve in the excavation appears to have been made to reach their graves for grading back when earth just as well could have been taken from either side of the road for that purpose without disturbing the resting place of the dead.

The above statement can be proven by any amount of evidence you may require. It is a matter of great affliction to me and to others of our friends. Will you be kind enough to advise me what we can do . . . . . The bones and dust of our kindred have been brutally and unnecessarily dragged into the bed of the railroad and their graves hopelessly desecrated.

Please address any communication with which you may favor me to Vinita, I. T. and greatly oblige.

Your fellow citizen  
Jno. Henseley.<sup>15</sup>"

Plagues of one kind or another sometimes broke out in different parts of the nation and had to be put down quickly before they could spread on a wide scale. Usually the chief would first be notified of the pestilence by a letter such as this one—

"Vinita, I. T. Oct. 29, 1882.

Hon. D. W. Bushyhead, Prin. Chief, C. N.

Dear Sir: We have reliable information that smallpox is raging among the darkies in the Delaware district about 15 miles southeast of this place, and that four deaths have occurred from the same in the last week. Could any steps be taken by the officers of Delaware dist. to keep it from spreading through the country? An answer from you giving any suggestions would be appreciated as our people along Grand river in this section are becoming alarmed.

Resp'y  
Sut Beck, solicitor Delaware dist.<sup>16</sup>"

If the disease originated in a far-off spot of the Nation where medicine and doctors were scarce and where the report of it was slow reaching Cherokee authorities, it very probably would result in heavy fatality before it could be curbed, as a later letter from another doctor concerning the same plague, discloses—

"Ft. Spunky, C. N. Dec. 16, 1882.

Hon. D. W. Bushyhead, Prin. Chief, Cherokee Nation.

Dr. Sir—After farther investigation I find that the fatality of the

<sup>15</sup> John Henseley to Dennis Wolf Bushyhead, July 6, 1882.

<sup>16</sup> Sut Beck to Dennis Wolf Bushyhead, October 29, 1882.

smallpox in this section is much greater than I had considered. Since the epidemic there has been forty-five cases to date, and twenty-seven deaths.

Nine patients under treatment and nine recoveries. And five more cases reported to be at Charlie Hendricks up Bird Creek fifteen miles above this place. I will visit them tomorrow. I have all in this vicinity under good control. In the quarantine, I have eight persons who are liable to take the disease. I think it will be at least six weeks before I can get entirely rid of this malady. I am determined to do the best I can for the sick community at large. Nels Foreman and I selected and appointed Wm. Cochran instead of Geo. Pimphins, who failed to come.

We have burned up four places. The value of which we placed at \$261.00, there will be five more to destroy after while. If there be any vaccine at your command please forward me ten dollars (\$10.) worth because I find it very scarce and difficult to get at this place. I wrote you in regard to pay for nurses. Please let me hear from you.

Yours respectfully,

A. L. Lane<sup>17</sup>

Quacks who were eager to come to the nation and prey on the Indian flooded Bushyhead's office with requests like this one—

Salt Lake City, Dec. 8, 1882

D. W. Bushyhead. Dear sir:

I got your name through reading the papers which contained your proclamation calling the attention of your people to the day set apart for thanksgiving, fully believing that you take great interest in the welfare of your people, I thought I would write to you. I do not know but little about the moral status of your people but I have reason to believe that intoxicating liquors are used in your country as well as in all other countries and if so there will be some that will contract the habit to that extent that they can't control themselves. Now I wish to say to you that I have discovered a medicine that will positively destroy the appetite for drinking intoxicating liquors so that they will not have any more appetite for drinking liquor than they would to drink soap suds the medicine that I use is composed of four different articles and one of the principle articles I discovered through a Ute Indian that medicine grows in this territory but I don't suppose it grows anywhere else on the earth. I am at this time the sanatory and quarantine physician of Salt Lake city but I am thinking of traveling through the United States for the purpose of lecturing on temperance and introducing this medicine as well as many other medicines and to employ agents to sell the same. Now if there is anything in this that you feel interested in you will please write and let me know. I hope the time will soon come that we will have the privilege of talking with each other face to face on this subject.

I am yours respectfully,

J. Clinton, M. D.<sup>18</sup>

However the chief was ordinarily a pretty hard man to fool as his reply, briefed on the abstract containing the above letter, shows. He wrote: "He can sell it better where they sell the stuff it cures the appetite for."

Lobbyists at Washington occasionally found fault with the slowness with which they were paid for their services, notwithstanding

<sup>17</sup> Dr A. L. Lane to Dennis Wolf Bushyhead, December 16, 1882.

<sup>18</sup> J. Clinton to Dennis Wolf Bushyhead, December 8, 1882.



the fact that all payments were often delayed in the nation through some cause or other. Or maybe the lobbyist didn't understand the procedure that Cherokee law compelled him to follow before his claim was considered valid, as was probably the case in the following letter—

"Washington D. C., July 7, 1884

Hon. D. W. Bushyhead, Washington, D. C.

My dear sir: Will you please inform me when the Cherokee delegation will return to the nation and what action do they propose to take in my claim for money advanced and services under my contract. I am anxious to get some action taken in this matter and hope that you will see that it is done before you return to the nation. I wish you would consult Mr. Bell and others including Col. Phillips. You know I ought to be paid. I have been badly treated by your people. It is a shame. Several years hard work and money advanced and legislation obtained which has been of great benefit to your people. All this you want of me without any return. This is not equity. Now give my case your attention at once and oblige.

Very Truly Yours Fraternaly,  
S. S. Smoot<sup>19</sup>"

In reply Chief Bushyhead instructed the lobbyist to make his statement in full and support it by evidence.

Because it was located so far from the nation and was rich and unpopulated, the Cherokee outlet owned by the tribe and which was later known as the Cherokee Outlet tempted intruders and boomers of every sort and description. An excellent account of the land and the depredations practiced upon it was given Chief Bushyhead in the following letter from John W. Jordan, a special commissioner the Cherokees sent to the strip to guard their interests—

Cedar Bend, Cherokee Strip,  
July 29, 1884.

D. W. Bushyhead.

Friend. Allow me to trouble you with a few lines from our monopolized lands west I am here yet and do not know what is best to do . . . there is no better country in the west than this, you can picture any kind of land and location for homes and find it here rich loamy prairie or timbered bottoms and black limestone valleys and uplands all underlaid with fine clay subsoil well watered and timbered it is a shame that our wealth should be held here as it is only to enrich speculating and land-stealing whites, I favored the Leese thinking it was to rid this land of intruders but it only increases them the best parts are dotted over Kansas J hawkers that hold coloney certificates under Payne they do not recognize any authority or Cherokee title here you ought to demand a complete list of all unlicensed white men here of the strip association and have them moved there is no better time than now and it cannot be done too soon for our own good they are cutting and hawling out all the timber for 30 miles into the strip all border towns and settlers of Kansas are building up and becoming wealthy at our expense while the mass of our people are porre and do not know what comfort and luxurys are, this is our last inheritance and now is the time we need to turn it to our use by adding one or two districts to our homestead and selling the remainder for cash, the land east of the Pawnees and between the

<sup>19</sup> S. S. Smoot to Dennis Wolf Bushyhead, July 7, 1884.

river is just the kind of country to suite our fullbloods and the land between the Ponco reserve and Kansas is just the country for our most enterprising farmers homes. . . . I will be in this fall to consult you and to make arrangements to school my boys, if you wish a choice claim here for stock farm let me know and I will secure it for you then if part is added to our home you will be first in choice or if all is sold you can secure a reserve. yours as ever.

J. W. Jordan<sup>20</sup>"

Having been treasurer of the Nation himself the eight years preceding his first election to the principal chieftainacy, Bushyhead probably got a chuckle out of the following letter—

"Treasury department, Tahlequah C. N.  
December 5, 1884.

Hon. D. W. Bushyhead,  
Principal Chief, C. N.

Sir: I have the honor to inform you that owing to circumstances over which I had no control, the combination lock over the vault door of the safe in my office has become seriously disarranged. The vault contains \$100,000 first and second semi-annual payments of Cherokee Strip Livestock association per act of May 19, 1883, \$404.90 received from Cherokee Advocate, and some per capita funds, payments of 1883 . . . and though I have industriously used every effort to open the vault, all efforts so far have failed. This being the condition of things I am unable to fully settle with the committee whose duty is to make annual settlement with the treasurer. . . . I respectfully ask that the completion of the full settlement being at this time a matter of impossibility; that time be allowed me to open or have opened the vault. . . . I have the honor to be

Respectfully your obt svt.

Henry Chambers

Treas. C. N.<sup>21</sup>"

Perhaps the most desperate criminal at large in the nation in those days was Dick Glass, a halfbreed of Creek and Negro blood upon whose head Chief Bushyhead had placed a reward of \$500, the limit allowed by Cherokee law.<sup>22</sup> Fully a dozen letters in the Bushyhead collection were addressed to the chief from deputies or marshals inquiring about the reward and requesting a warrant, and occasionally the chief would even receive such a request from a citizen, as the following letter shows—

"Osmit, I. T., 1-23-85.

D. W. Bushyhead,  
Tahlequah.

Dear sir your favor December 22 at hand and contents noted, would say in reply that I have been with Dick Glass many times and he is not afraid of me. his range is mostly in the Creek and Seminole country. I am a practicing fychian and Dick and others are not afraid of me. I can lead officers on him almost any time. But wheather I would have A wright to arrest him without A warrant from the U. S. government is A question with me. Dick and myself often talk about his troubles and I told him that if he wanted I would go and see you and try and get

<sup>20</sup> J. W. Jordan to Dennis Wolf Bushyhead, July 29, 1884.

<sup>21</sup> Henry Chambers to Dennis Wolfe Bushyhead December 5, 1884.

<sup>22</sup> *Compiled Laws of the Cherokee Nation*, Ch. 1, Art. 1, Sec. 19, 47.

him pardoned. I think I can persuade him into the Cherokee country for the above purpose. then your officers can arrest him. he is wild and if he is caught we must take the drop on him. I saw George Mack today another desperado full as bad as Dick they go together most of the time. I will feel of Dick and let you know the result. I know that I can trap him soon and I only want one or two good men that will stand fire. Please let me hear from you soon and I will keep you posted. I live at Osmit, I. T. am at Shawneetown, Johnsville Wewoka Sasacwa and other points can give you the best of reference if you want Dick I can get him for you hoping our correspondence will be confidential I remain yours respect

J. A. Smith M. D.  
Osmit I. T.<sup>23</sup>

Cherokee law gave a sheriff power to levy upon all machinery used by non-citizens who illegally cut prairie hay off the Cherokee public domain<sup>24</sup> and if this machinery wasn't paid for, it often went hard with the man who had sold it on credit to the offending non-citizen. This letter illustrates such a case—

"Chelsea, 3-5-1885.

Mr. D. W. Bushyhead

Dear sir the sheriff has got a Hay bailor that he tuck from Dr. Garton and the Bailor was not paid for as I sold him the Bailor and tuck his note for it and a bill of sale of the Bailor for my pay and before he was to pay me the sheriff tuck it and I have not got anything and he says if he loses it I will have to lose it too and as it does not belong to him he is not losing anything and i am losing all and as i am a poor man and work for all i get it is very hard for me to lose it i can send you the names of the Best men in the country that are in favor of your turning the Bailor over to me as i have not got anything for it i will ask you to notify the sheriff to give it to me gain and if you want me to send you the names of men that thinks that i ought to have it back will send such men as george green Thomas McSpadden L. W. Byrd and all the men in the country. Please give this your attention and oblige me.

Yours very rept.

Watson Lawther

Please answer soon as you get this.<sup>25</sup>

The man didn't get his bailer. Chief Bushyhead wrote across the bottom of the abstract containing this letter: "Oh no. The law does not so provide."

The Cherokees did a good business licensing ferries since few of the streams were bridged. Licenses were sold for \$25 annually, always payable in advance, to those who wished to establish a ferry across the Canadian or Arkansas river, and for \$10 to those who wished to operate across the Illinois, Grand, Verdigris or Neosho rivers.<sup>26</sup> However, now and then there would be complications such as the following—

<sup>23</sup> J. A. Smith to Dennis Wolf Bushyhead, January 23, 1885.

<sup>24</sup> *Compiled Laws of the Cherokee Nation*, ch. 1, Sec. 69, 67.

<sup>25</sup> Watson Lawther to Dennis Wolf Bushyhead, August 5, 1885.

<sup>26</sup> *Compiled Laws of the Cherokee Nation*, Ch. 12, Art. 32, Sec. 739, 365.

"Hon. D. W. Bushyhead, Principal Chief.

Sir: Under date of on or about February 5, 1884 I was granted by the treasurer of the Cherokee nation a license to operate a ferry on the Arkansas river. At the time the license was granted I had a free and unmolested right-of-way through the public domain which I could connect with the public highways or ordinarily used thoroughfares of the country. After I obtained my license, the original of which I herewith enclose, a certain Frank Colbert, a non-citizen of the Cherokee nation, erected or caused through one John Newberry, a probabal adopted citizen, a fence or obstruction to my right of egress, as guaranteed. I as a citizen of this nation and by authority of my license removed the obstructions but at this writing the said Colbert, non-citizen, and Newberry, a pretended citizen, hold my right-of-way by and through the persausive power of double-barreled shotguns and declare to me that they care not what rights I have by virtue of my license they will not allow me to operate the ferry. . . . I respectfully ask that I be by your department protected in my rights of a Cherokee citizen against unlawful acts of a non-citizen of this nation. . . .

Respectfully,

Andrew L. Rogers<sup>27</sup>"

One of the frankest and most outspoken men in the entire nation was Clem Rogers,<sup>28</sup> father of the late American humorist Will Rogers, who lived on a big stock farm near the little settlement of Oowala in the large Cooweescoowee district. In the following letter to Chief Bushyhead, written when the boy Will Rogers was five years old, Clem Rogers spoke his mind plainly and fearlessly—

"Oo-wa-la, August 11, 1885.

Hon. D. W. Bushyhead.

Sir: Today old man Curry, Joe Burns and Curry's wife went down to see the clerk in regard to a lot of hogs killed by Gilbert and one of his white renters. (the hogs) belonged to Mrs. Curry. She is a Cherokee by blood. . . .

Dennis, some action **should** and **ought** to be taken in this matter, for there will surely be trouble if the officers don't take some steps to protect the citizens from such trippages as are going on by Gilbert and his dam gang. . . .

C. V. Rogers.

. . . . are we powerless to enforce our own laws. Are we to submit to such great rongs by white men not citizens. Where is our great solicitor Jim Keys why not send him up and have the matter investigated, and force Gilbert to get permits for his hands . . . . Dennis Bushyhead, there is not a single law in this country enforced. Men are hauling cattle in this country in open violation of law and the sheriff and solicitor both know it. White men are putting up hay all along the line in the nation and a few days ago the sheriff went up and collected a tax on the hay. Where is the law authorizing such act. Timber, plank and logs are conveyed across the line all the while to which the sheriff and solicitor well know. How in the world can we hold up as a nation when our officers don't respect the law and the oath they have taken

<sup>27</sup> Andrew L. Rogers to Dennis Wolf Bushyhead, March 30, 1885.

<sup>28</sup> Judge Clem Rogers was five times elected Cherokee senator from the Cooweescoowee district (1879, 81, 83, 99 and 1903) and later a member of the Oklahoma Constitutional convention. Rogers county, Oklahoma, was named for him. Starr, *op. cit.*, 642.

. . . . we are fast fast drifting into the hands of white men. Bob Owens (Robert L. Owen) of coal oil fame is now Indian agent. Hoping you will not get offended at this letter will now close. Give my respects to your wife. My wife is sick.

From your personal friend but not Political.

C. V. Rogers<sup>29</sup>

Outlawry in the Indian Territory was not only hard on the people robbed and killed, but also upon the family of the outlaw himself. In the following letter an outlaw's wife wrote a pathetic appeal to the principal chief that very touchingly described her poverty and misery and her fear for her husband's life—

"Spring Place, Jan. 18, 1887.

Hon. D. W. Bushyhead—: As a friend and chief and protector of the Cherokee people, I appeal to you. You have heard of the deplored circumstances that lead me to address you and how my loved ones are hunted down by United States marshals who have no right to interfere in their case if it was proven they are guilty—it is said Judge Parker has had issued writs according to a treaty made for this district in 1866. You know and understand our treaties better than he does and does it not hold the United States has no jurisdiction unless an order is given by our district judge signed by the chief and nothing can ever make me believe you will ever sign such an order—but I feel sure you will do what is in your power to protect their lives from such vagrants as these United States marshals who only want the slightest excuse to kill them, knowing they are upheld by such men as hold the agent's and commissioner's office in Muskogee. Please write to me one word of comfort if it is within your power to do so for in my sore distress I know of none more able to help and protect than our honored chief and I am sure you will be a friend to my dear brother and husband, pardon this letter written and composed so wretchedly to one whom I desire to honor but with my ruined home and distressed mind and helpless little ones looking altogether to me now and alone in the world, with my dear ones' lives in constant danger, I am almost crazed. Have patience and be kind and answer me a few words of hope is my prayer to you.

Your humble servant

Minnie R. Vann.<sup>30</sup>

<sup>29</sup> Clem Rogers to Dennis Wolf Bushyhead, August 11, 1885.

<sup>30</sup> Mr. Harold Keith is a member of the staff of the University of Oklahoma, Norman. He is the author of *A Boy's Life of Will Rogers*.