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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

A DEMOGRAPHIC STUDY OF THE CHEROKEE NATION

A DISSERTATION

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirement for the

degree of

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BY

DONALD R. ENGLUND

Norman, Oklahoma

1973

A DEMOGRAPHIC STUDY OF THE CHEROKEE NATION

A DISSERTATION

APPROVED FOR THE DEPARTMENT OF HISTORY

BY

DISSERTATION COMMITTEE

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LIST OF ABBREVIATIONS

BIA Report	Report of the Commissioner of Indian Affairs
LROIA	National Archives, Microcopy M-234, Letters Received by the Office of Indian Affairs
LSOIA	National Archives Microcopy M-21, Letter Sent by the Office of Indian Affairs
National Archives, Fort Worth	National Archives and Records Service, Region 7, Fort Worth, Texas
OHSIA	Oklahoma Historical Society, Indian Archives

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INTRODUCTION

The demographic history of the American Indian falls into two periods, divided by the arrival of the Europeans late in the fifteenth century. Neither period has received sufficient attention from social scientists and historians. Persons studying the earlier period have tried to discover the size of the Indian population on the eve of discovery. Such an approach, however, is faulty in that it suggests that the pre-discovery Indian population was stationary and that nothing of importance happened prior to the arrival of Europeans. The few persons who have been concerned with the demographic history of the American Indian in the later period have explored such matters as the importance of population density as a determinant of military or social vitality, the differing effects of English, French, and Spanish Indian policies on the Indians, and whether population density can be an index of social advancement. Each of these areas of inquiry deserves further study on a tribal or local level.

The study that follows is a demographic history of the Cherokee Indians. In one sense it deals with only a part of the story because it covers the second and not the first general period of Indian demography. The prehistoric period,

which must be explored through archeological and ecological investigation, is only briefly and speculatively considered. The study begins with a general discussion of Indian demography which consists of a survey of the literature of the pre-discovery Indian population; a hypothetical picture of the prehistoric Indian population in terms of size, migration, and life expectancy; and a discussion of more recent sources of demographic information. This chapter will lay the foundation for a more intensive study of the Cherokee Nation in the period since the arrival of Columbus in 1492. Succeeding chapters trace Cherokee demographic history using the common four part periodization: (1) the sixteenth, seventeenth, and eighteenth centuries; (2) the pre-Civil War period; (3) the Civil War; and (4) post-Civil War recovery. These are followed by a chapter dealing with the eastern Cherokees, and a conclusion treating the twentieth century.

The Cherokees are often considered unique because they adopted European culture at a very early date. It might be argued that for this reason they are not "representative" and no valid generalizations about the whole Indian population could be drawn from this study. This is not necessarily true. First, the concept of "average" or "common denominator" among the tribes of North America is imaginary because of the great diversity of cultures. Second, because of the ease with which the tribe took on the characteristics of European culture, the Cherokees of the nineteenth century

left the most extensive group of demographic sources of any tribe, sources which have never before been considered as a unit. Therefore a demographic study of the Cherokees offers the best, and perhaps the only, opportunity to trace the demographic progress of a North American aboriginal group through the tortuous process of becoming "civilized." Because the Cherokees experienced and adopted elements of European culture before most other tribes, and adapted to it most successfully, does not make the Cherokees unworthy of study.

Finally, the Cherokees well deserve the attention in their own right, if only to set the record straight in so far as the demographic effects of several major events of Cherokee history. The casualness and lack of precision with which the historians of the Cherokees have dealt with their subject is in itself sufficient reason for a study of this kind.

CHAPTER I

INDIAN DEMOGRAPHY

A wide variety of sources is relevant to the study of Indian demography. These include eyewitness accounts of Europeans who arrived in the New World early in the sixteenth century, analyses of such accounts made by social scientists since the late nineteenth century, twentieth century demographic studies of primitive populations, and records of the United States Bureau of the Census and the Bureau of Indian Affairs. From a survey of these sources it is possible to construct a general picture of the dynamics of the Indian population from the beginning of human activity in the western hemisphere to the present.

Prior to the 1960's nearly all of the methods used in estimating the size of the pre-discovery Indian population were based on observations by Europeans who arrived in the Western Hemisphere at an early date. It was generally assumed by social scientists that the contemporary reports included inflated estimates of Indian population. They reasoned that sixteenth century military men might have magnified the strength of the Indian enemy because of fear, the desire to obtain reinforcements, or in order to exaggerate their achievements. Missionaries might have increased

the total population in order to receive added financial support for the task of conversion or to gain additional credit for their accomplishments. Recently, however, some social scientists have argued that contemporary estimates might better be treated as not inflated.[1] The Europeans on the scene, they suggest, would have had no way of knowing the full magnitude of even the local population because of problems of transportation and distance. In spite of the problems of their questionable reliability, it has been possible in a few cases to compare independent estimates of the same population and determine the size of local populations before 1492 with a fair degree of certainty.[2]

It is a much more complex process to attempt to determine the pre-discovery population of the hemisphere or a large land mass such as North America because there were no contemporary observations of the total area. No person could have had experience with more than a very limited part of the New World. Thus, any estimate of the size of the

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[1]Henry F. Dobyns, "An Appraisal of Techniques with a New Hemispheric Estimate," Current Anthropology, 7 (October, 1966), 398; Harold Driver, "On the Population Nadir of Indians in the United States," Current Anthropology, 9 (October, 1968), 330.

[2]Homer Aschman, "The Central Desert of Baja California: Demography and Ecology," Ibero-Americana, 42 (1959), 134, 136, 147, 148; Sherburne F. Cook and Woodrow Borah, "The Population of Mixteca Alta, 1520-1960," Ibero-Americana, 50 (1968), 22-24; Hart C. Merriam, "The Indian Population of California," American Anthropologist, 7 (1905), 594-606.

whole pre-discovery Indian population must be based on a series of local observations and at least one of several assumptions about such variables as population density, rate of population growth, and migration. Using such assumptions, twentieth century social scientists have developed three principal methods of estimating the pre-discovery population of the hemisphere of North America.

One method of estimating the total pre-discovery population is to project backward in time the total population of some known group or subgroup.[3] If the total of the known group does not cover the entire geographic area to be estimated, it is necessary to make adjustments for such differences. This method is hindered by both the uncertainty as to the accuracy of the estimate of the total population used for making the projection as well as the dubious practice of applying a single rate of change to the population size over a period of several centuries.

A second method is to tabulate the estimates of various tribes and groups made by the first Europeans to come in contact with them and where no such contemporary reports exist to fill in the gaps subjectively. This method, used by James Mooney in his classic study of the Indian popula-

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[3]This method is used by Paul Rivet in "Langues americaines," in Les Langues du Monde, ed. by A. Meillet and M. Cohen (Paris: Librairie Ancienne Edouard Champion, 1924), pp. 597-712.

tion of North America,[4] is deficient in that it contains all the accumulated errors of the individual estimates as well as the obvious difficulty of correctly filling in gaps.

A third method of estimating the pre-discovery Indian population is to relate population to geographic area by assigning certain maximum population densities to particular parts of the continent or hemisphere, and assuming that the population at least approximated these densities.[5] There is no reason to assume, however, that the Indian population sustained the highest possible density. Parts of present Ohio and West Virginia were totally uninhabited when the English arrived.

In addition to being inherently deficient because of their dependence on assumptions regarding the density and rate of change, these three methods are faulty in that they

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[4]James Mooney, "The Aboriginal Population of America North of Mexico," Smithsonian Miscellaneous Collections, 80 (Washington: Government Printing Office, 1928), 1-40.

[5]William Christie MacLeod, The American Indian Frontier (New York: Alfred A. Knopf, 1928), p. 15. A similar line of reasoning is used by H. Paul Thompson in "A Technique using Anthropological and Biological Data," Current Anthropology, 7 (1966), 417-424 in which he used modern estimates of the density of the caribou. The density is related to the density of the Chipewyan population by an equation which expresses the hypothetical equilibrium between the two populations. Terms in the equation include the maximum number of caribou (derived from recent ecological studies), caribou births, caribou deaths, and the number of caribou required per year for each "tent" (rather than individual). An approach such as Thompson's is interesting but would only have possibilities in situations where the number of variables, sources of food in most cases, is small or at least clearly defined. His article is marred by certain obvious flaws. For example, he defines $\frac{N_{DH}}{X}$ as the "rate of utilization

all presuppose a demographic stability and continuity for pre-discovery America that is unwarranted. They ignore the occurrence of famines, climate changes, and migrations that periodically caused dramatic population changes. Instead, all of the studies based on the above methods suggest that the western hemisphere was a never-never land in which the population of "noble savages" hovered around some magic total for untold centuries prior to the arrival of Europeans, at which point important changes in population began to take place.

Since these methods are obviously deficient, social scientists during the last several decades have continued to refine them and ask new and important questions. Implicit in recent work is the realization that total population and population density can have more than simple antiquarian significance. The size of a European nation's population has traditionally been viewed as one of the most important determinants of foreign policy, since population size has been vital to the nation's pretentions, economy, and military capabilities. A few historians, dealing with localities as far apart from each other as the American Southwest and Virginia, have applied similar ideas to the American Indian population by attributing the differing responses of

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of the organism per unit of human population" with X being the unknown. His equation, however, contains the expression $([\frac{N_{OH}}{X}]\chi)K$. K represents the proportional dependence of the human group on the organism. Since this expression is the only place where X appears in the equilibrium equation, the unknown disappears in accordance with the simple rules of algebra.

Indian tribes to European encroachment to variations in population density.[6] Such concepts as population pressure and overpopulation have been used in the twentieth century as justifications for war to obtain additional territory, and one historian has considered the possibility of analogous situations in the western hemisphere prior to the European discovery.[7] Certainly more work needs to be done to determine more precisely the nature of the Indian population at the time of discovery, to determine what changes had taken place immediately prior to the discovery, and to examine the relationship between the population of a tribe and its ability to resist European pressure.[8]

Even though estimates of the pre-discovery population are not plagued by the problem of definition of who qualifies to be labeled an Indian as is the case in the post-discovery period, there are several other problems attendant to attempting to survey the literature of the pre-discovery population. Social scientists have often been concerned with different parts of the hemisphere. Some have

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[6]Edward H. Spicer, Cycles of Conquest (Tucson: University of Arizona Press, 1962), p. 99; Nancy Oesterich Lurie, "Indian Cultural Adjustment to European Civilization," in Norman L. Crockett and Ronald K. Snell, eds., A New Order in the World (Norman: University of Oklahoma Press, 1973), 4-12.

[7]Sherburne F. Cook, "Human Sacrifice and Warfare as Factors in the Demography of pre-Colonial Mexico," Human Biology, 18 (1946), 81-102.

[8]Lurie, pp. 8-9, suggests that high population density enabled Powhatan to deal with the English as equals for over a decade in spite of the obvious English advantages in technology.

dealt with North or South America, and some with only the area that was to become the United States. Often whether such areas as the West Indies or Greenland are included is not clear. Such differences often make comparison difficult.

In addition to the problem of geographic area there is also one of location in time. Because the European conquest required more than three centuries, it becomes difficult to consider realistically the Indians of the West Indies, for example, together with the Ute and Shoshone of the central mountain region of North America. If the object of a study is to determine the population of North America at the moment of discovery, any initial estimate made after the beginning of the sixteenth century has no relevance, even though it might represent the first direct European contact with the tribe. It cannot be assumed, for example, that the population of the Shoshoni in the nineteenth century, at the time of first European contact, was the same size as its population in 1492. To make such an assumption would be to underestimate vastly the indirect impact of the European arrival in America and to presume an isolation on the aboriginal population which clearly did not exist. These inherent problems in continental or hemispheric estimates suggest that more meaningful and useful work on the subject ought to be local in nature, dealing with a single tribe, group of tribes, or compact geographic area. Works having a larger scope cannot depend solely on eyewitness accounts,

but must also utilize archeological and ecological methods.

Most of the North American and hemispheric estimates of the pre-discovery Indian population which were made during the 1920's and 1930's were similar to those in James Mooney's 1924 monograph. Generally they represent a reaction to what were assumed to have been excessively high figures given by the sixteenth century observations of such people as Bishop Bartolome de las Casas.[9] Mooney divided the area north of Mexico into subregions, tabulated the sums of the smaller units suggested by contemporaries when possible, and concluded that there were 1,152,950 Indians north of the Rio Grande at the "time of discovery." Of this total, 849,000 Indians resided in the area which was to become the United States. A major drawback of Mooney's work is that his estimate is made up of data for widely separated dates. The population of the Naraganset tribe, for example, is given as 4,000 in 1600, the time of first European contact.

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[9]Francis Augustas MacNutt, Bartholemew de las Casas, His Life, His Apostolate, and His Writings (New York: G.P. Putnam's Sons, 1909), p. 317; Mooney, "The Aboriginal Population," p. 33; Walter F. Wilcox, "Increase in the Population of the Earth and of the Continents since 1650," in Walter F. Wilcox, ed., International Migrations, Vol. 2. Interpretations (New York: National Bureau of Economic Research, Inc., 1931), p. 62; Alfred L. Kroeber, Cultural and Natural Areas of Native North America, Vol. 38 of University of California Publications in American Anthropology and Ethnology (1939), p. 166; Alfred L. Kroeber, "Native American Population," American Anthropologist, 36 (1934), 2. The vitality of the theory that the population of North America north of Mexico was around one million is evident in the fact that Kroeber's 1934 article was included in abridged form in Roger C. Owen, et al., The North American Indians, a Sourcebook (New York: The Macmillan Company, 1967).

The Paiute tribe is estimated to have numbered 7,500 in 1845.[10] Only if the population of each tribe was stationary until after actual physical contact with Europeans could Mooney's estimate of the total be considered valid. Disregarding this impossible situation, Mooney's work represents a clear case of adding apples and oranges. In spite of this fundamental defect, however, it was accepted by both Walter Wilcox and Alfred L. Kroeber as the virtually definitive statement on the subject. Both suggested, however, that Mooney might not have gone far enough in his downward revision of contemporary estimates, that perhaps the true total might have been slightly below the total suggested by Mooney. For three decades or more this consensus on the pre-discovery Indian population remained almost totally unchallenged.[11]

The strength of the Mooney school on the matter of the pre-discovery Indian population is evident in the publications of both Paul Rivet and Herbert J. Spinden. In 1924 Rivet, using a projection technique, estimated that the pre-discovery population north of Mexico was 1,148,000, remarkably similar to Mooney's total, and gave a hemispheric total of between 40 and 45 million.[12] His revised edition of the

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[10]Mooney, "The Aboriginal Population," pp. 4, 20.

[11]Wilcox, p. 55; Kroeber, "Native American Population," p. 2; Kroeber, Cultural and Natural Areas, pp. 132, 134, 166.

[12]Rivet, 1924, p. 600. Central America and the Andean region of South America contained the most highly concentrated populations.

same work, published in 1952, indicated that the work of Mooney and Kroeber had caused him to have reservations about his earlier conclusions. He said that the conclusions of Mooney and Kroeber made it necessary to revise his totals downward; for America north of Mexico he estimated 1,000,000, and for the hemisphere, 15,500,000. Whereas Rivet had stated his conclusions with certainty in 1924, his 1952 statements were qualified as being "extrêmement approximatifs."[13]

Spinden approached the problem differently than did Rivet, and appears to have been at least partially writing a rebuttal to Mooney's work of the same year. Spinden began by stating that he did not want to consider the question of the pre-discovery population of the New World "so much with statistics as with suggestive considerations." Using an archeological framework he attempted to determine the population which would be necessary to sustain the ancient civilizations as indicated by the ruins at various archeological sites. Spinden suggested, for example, that the Cahokia mound across the Mississippi River from St. Louis would require the support of a much larger population than the 150,000 which Mooney had assigned to the area. Spinden also stated that objects found within the mound preclude an alternative explanation--that a smaller population constructed

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[13]Paul Rivet, "Les Langues de l'Amerique," in A. Meillet and Marcel Cohen, eds., Les Langues du Monde (Paris: Centre National de la Recherche Scientifique, 1952), p. 946.

the monument over a longer period of time.[14] This and other similar examples led Spinden to the conclusion that the eastern agricultural area (defined in this case as approximately the area east of the 98th meridian) must have supported several million people before the arrival of Columbus, a figure which is much larger than Mooney's total for the entire continent. Spinden's conclusions also differ from those of Mooney in that Spinden did not presuppose that the pre-discovery population was stationary. Instead, he proposed a series of surges of population growth, clearly indicated by archeological evidence, with peaks centering most recently around 550 A.D. and 1200 A.D. The absolute zenith, suggested Spinden, was 50 to 75 million for the hemisphere around 1200 A.D.[15]

Though convincing, Spinden's conclusions had no impact on the literature of the aboriginal population, even though they seemed to cast grave doubts on the viability of Mooney's work. Perhaps because Spinden could offer nothing more concrete than selective instances where archeological remains conflicted with Mooney's findings, Mooney's ideas remained uncontested until the middle 1960's. Spinden did not provide a comprehensive substitute for Mooney's estimates. Historians have thus accepted almost without question the idea

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[14]Spinden did not, unfortunately, elaborate on this assertion.

[15]Herbert J. Spinden, "The Population of Ancient America," Geographical Review, 18 (1928), 641, 655, 660.

that the population of America north of Mexico was in the neighborhood of one million at the time of the first voyage of Columbus.[16]

The first important recent revision of the Mooney estimates appeared in 1966 in an article by Henry F. Dobyns, who arrived at a new estimate of the total pre-discovery population by using a general depopulation ratio.[17] This device is derived from a comparison of the nadir population of particular geographic areas or tribes and the population of the same area or tribe 130 to 150 years earlier, presumably the time of the first European contact. The more intensively studied areas of the western hemisphere for which relatively reliable information is available, especially Mexico, California, Tierra del Fuego, certain parts of the Amazon region, and the northern Pimans served as indices of what the depopulation ratio ought to be. Dobyns concluded that a general depopulation ratio of 20 to 1, when applied to the hemisphere as a whole, gives the most judicious estimate of the pre-discovery population. The novelty

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[16]Paul S. Martin, et. al., Indians Before Columbus, Twenty Thousand Years of North American History Revealed by Archeology (Chicago: University of Chicago Press, 1947), p. 20; Harold E. Driver, Indians of North America (Chicago: University of Chicago Press, 1961), p. 35; MacLeod, pp. 15-16; D'Arcy McNickle, They Came Here First, The Epic of the American Indian (Philadelphia: J.B. Lippincott Company, 1949), pp. 42-44; Frank Lorimer, "Observations on the Trend of Indian Population in the United States," in Oliver La Farge, ed., The Changing Indian (Norman: University of Oklahoma Press, 1942), p. 11.

[17]Dobyns, pp. 395-416.

of Dobyn's method is the specific use of the nadir and the pre-discovery populations as bases for each element in the depopulation ratio, and the arbitrary estimate of the time lapse between the two. Though Rivet's method of 1924 is similar to that of Dobyns, Rivet was much less thorough and specific in selecting his indicators of the rate of population change. Calculation on the basis of 20 to 1 gives a total pre-discovery population of North America, north of Mexico, of nearly ten million, over ten times the estimate of Mooney.[18] Dobyns's is clearly not the definitive work on the subject, for the author himself suggested that his purpose, like the purpose of Spinden, was simply to express his dissatisfaction with the generally uncritical acceptance of the earlier works, and to point out a different method of studying the subject.

Dobyns's work has had an impact on the literature of the Indian population that Spinden's never had. In his 1969 revision of Indians of North America, Harold Driver discussed Dobyns's contribution and concluded that in spite of some obvious faults, Dobyns was correct in revising the conservative estimates of Mooney, Kroeber, and Wilcox. Driver suggested that Dobyns's depopulation ratio of 20 to 1 is only proper in such densely populated areas as central Mexico and California, and that it ought to be varied in accordance with climate and terrain. He proposed use of a depopulation

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[18]Dobyns, pp. 412-415.

ratio of 10 to 1 for the continental United States and 5 to 1 for Alaska, Canada, and Greenland. This formula suggests what Driver considers a more valid total of 30 million for the entire continent, and 2.5 million for the area north of Mexico.[19] Clearly Mooney's estimate has been shaken, but further inquiries will be necessary to refine more fully the methodological approach suggested by Dobyns.

Mooney and Kroeber are vulnerable not only in their conclusions about the size of the pre-discovery population, but also in their conclusions about the nature of the population. They assumed that the various components of the pre-discovery population of North America were isolated from each other and that the size of the population did not change during the centuries between the original settlement and the arrival of Europeans late in the fifteenth century. The first assumption, that the tribal groupings were isolated from each other, runs contrary to several indisputable facts: that the hemisphere was settled through a migratory process, that different tribes in widely scattered parts of the hemisphere had similar languages, and that archeological evidence points to significant trade and commerce among the tribes. The second assumption, that the size of the population remained stationary during the period before the European discovery of America, is contrary to reason. There is both archeolog-

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[19]Harold E. Driver, Indians of North America (2nd ed., Chicago: University of Chicago Press, 1969), pp. 63-64.

ical evidence that the size varied, as suggested by Herbert J. Spinden's study of 1928, as well as established principles of the behavior of high mortality populations living in severe conditions.

Historians have generally dismissed the pre-discovery period with a single sentence dealing with population size. They have failed to consider that the nature of the population prior to 1492 affected later developments, and that meaningful history for the Western Hemisphere did not begin in 1492 or at some later date. It is important to establish the general characteristics of the pre-discovery population because of their bearing on subsequent events. If it is assumed for a moment that Mooney's portrayal of an isolated and immobile Indian population was correct, it is possible to propose two polar patterns of European conquest. One is that an isolated and stationary Indian population would have been much more difficult for the Europeans to conquer because the resolution of each tribe or nation to resist could not have been weakened in advance by European weapons such as disease and whiskey. The same conditions could be used to advance the opposite argument. Conquest could have been made easier for the Europeans if the Indians had been isolated because each group encountered by the Europeans during the three centuries of conquest would have been living in the proverbial state of nature, unsuspicious of the intentions of the Europeans. The myth of the Wampanoags bringing corn to the Pilgrims on the first Thanksgiving would

have been reinacted countless times. The isolated Indians would have none of the benefits of European technology such as firearms or the advantages of horse transportation. The naive Indians would have been incapable of defending themselves.

Ever since the arrival of Columbus in the New World, numerous theories concerning the origin of the American Indians have been suggested. They have included the propositions that the Indians originated in such places as Africa, Polynesia, Ireland, or that they were the remnants of the ten lost tribes of Isreal. The continent of Atlantis was suggested by some as the route of approach to North and South America, as was the sea route across the Pacific from the Far East. Not neglected was the suggestion that mankind originated in the New World, implying that it was necessary to explain the peopling of the Old World rather than the New.[20] Most authorities agree, however, that the ancestors of the Indians came to the New World twelve to twenty thousand years ago by way of Siberia and Alaska, either by boat or over a land bridge. There is less agreement on the nature of the original settlers or the length of time it took them to reach the southern end of South America.[21] Though

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[20]A good summary of these theories is in Martin, et. al., pp. 15-16.

[21]Driver, 1969, pp. 1-7; Martin, et. al., pp. 16-21; Ruth M. Underhill, Red Man's America (Chicago: University of Chicago Press, 1953), pp. 1-12; Alvin M. Josephy, Jr., The Indian Heritage of America (New York: Alfred A. Knopf,

the authorities all try to determine the earliest possible date of original arrival, most suggest that a series of migrations occurred over an indeterminate period. This suggests that at least for the northern portion of North America important migrations from Asia took place throughout nearly all of the prehistoric period.

Harold Driver analyzed the geographic distribution of the languages of the North American Indian population and concluded from a comparison of culture areas and language family areas that the two sometimes coincide, as in the case of the Eskimo-Aleut language family and the Arctic culture area. But in many more cases there is no correlation between the two, with the greatest discrepancy being the cases of the Aztecs and the Shoshoni. Even though the two had languages drawn from the same family, their cultures were vastly different. Driver explained this and other less extreme examples by pointing to migrations, suggesting that while cultures can be easily altered by environment, language remains relatively stable during and after migration. The language dispersal of the Indian population of North America, in Driver's opinion, is impressive evidence of continual migration during the thousands of years prior to the initial arrival of Europeans in the New World.[22]

1968), pp. 37-48; Paul S. Martin, "The Discovery of America," Science, 179 (March 9, 1973), pp. 969-974.

[22]Driver, 1969, pp. 47-50.

Further evidence of the continual movement and migration of the Indian population prior to 1492 is found in numerous archeological and anthropological works dealing with trade and barter.[23] In addition to salt, which must be obtained by every group through trade if it is not locally available, the trade of such articles as furs, shells, pipestone, live parrots, cast copper bells, pottery, are documented through archeological explorations. Nearly every group in North America played some part in the interlocking network of trade, though the most extensive trading was concentrated in the American South and Southwest. Disregarding the nature of the trade, the fact that it did take place over wide areas and among almost all tribes proves that in-

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[23]William E. Myer, Indian Trails of the Southeast, in Forty-Second Annual Report of the Bureau of American Ethnology (Washington: Government Printing Office, 1928), pp. 736-737; Melville J. Herskovits, Economic Anthropology (New York: Alfred A. Knopf, 1952), pp. 190-191, 198-199; Emil W. Haury, "A Large Pre-Columbian Bell from the Southwest," American Antiquity, XIII (1947), 81; John R. Swanton, Social Organization and Social Usages of the Indians of the Creek Confederacy, in Forty-Second Annual Report of the Bureau of American Ethnology (Washington: Government Printing Office, 1928), pp. 452-453; H. S. Colton, "Prehistoric Trade in the Southwest," Scientific Monthly, LII (1941), 308-319; George T. Hunt, The Wars of the Iroquois, A Study in Intertribal Trade Relations (Madison: University of Wisconsin Press, 1940), pp. 17-18; Robert H. Lowie, Indians of the Plains (New York: McGraw-Hill, 1954), p. 116; Chester S. Chard, "Pre-Columbian Trade Between North and South America," Kroeber Anthropological Society Papers, I (1950), 2, 11; J.S. Slotkin and Karl Schmidt, "Studies in Wampum," American Anthropologist, LI (1949), 234. James Mooney in Myths of the Cherokees, in Nineteenth Annual Report of the Bureau of American Ethnology (Washington: Government Printing Office, 1900), pp. 187-188, described the "Mobilian Trade Language." This language was used in commercial activities of Indians of various language stocks between Matagorda Bay on the Texas Gulf Coast to the Ohio River.

dividuals and groups traveled over long distances and had contact with other people.

The severity of the physical conditions under which the population lived is very apparent when even the highest estimate to date of the Hemispheric population in 1492, one hundred million, is considered.[24] If the smallest theoretically viable migration is assumed to have taken place between Siberia and Alaska, one man and one woman, it would have been necessary for the population to double only twenty-seven times to exceed one hundred million. If this initial migration had taken place around the year 12000 B.C. (approximately 14,000 years prior to the discovery), the population would have to have doubled every 520 years. In spite of important fluctuations in the size and rate of growth, the population would be growing at an average of only 1.3 persons per thousand per year during the whole period. In the twentieth century such a low rate of growth might be considered a healthy situation for a country which was approaching an optimum population in terms of resources and space.

The annual increase of 1.3 per thousand is the absolute maximum which could be posited for the process of populating the New World since it covers the extreme case of the smallest initial population, the greatest resultant population, and the shortest period of time. Also it does not take into account the additions to the population through subsequent

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[24]Dobyns, p. 415.

migrations. If the initial migration were one thousand individuals rather than two, the population would have to have doubled only every 825 years and would have to have increased by .8 persons per thousand annually over the whole period. These exceedingly low average annual rates of increase indicate that the population was barely reproducing itself, and in the context of the very primitive conditions that it was really existing near the edge of extinction. The very low overall rate of growth suggests that there is every reason to believe that the disappearance and extinction of tribes, a common occurrence after 1492, was just as prevalent prior to that date, and perhaps moreso.

When the harmful effects of the arrival of the Europeans in the Western Hemisphere in the late 15th century are considered, it becomes apparent that there were obvious benefits in the isolation from Europe which the Indian population enjoyed prior to 1492. There were very few communicable diseases, for the viruses and bacteria causing many of them did not exist in the hemisphere. The Indian population never achieved the necessary size and concentration to develop and sustain such diseases independent of Europe. Certain less frequently fatal diseases such as arthritis, dental diseases, and skin and throat infections have accompanied human populations in the Western Hemisphere from the beginning, but the other "plagues" to humanity such as smallpox, measles, and cholera, were transported to the Western Hemi-

sphere by Europeans. Once the more serious diseases gained a foothold among the Indian population they were especially destructive because the Indians had not developed immunities to them.[25]

In addition, the wars between different groups of Indians produced fewer casualties than was to be the case after the arrival of Europeans because of the absence of the more technologically advanced weaponry of Europe. Losses of life through war, however, were probably sometimes severe enough to cause important shifts in the age-sex structure of a tribe. If five warriors of a tribe numbering one hundred were killed at the same time, for example, the age-sex structure would be significantly altered. To compensate for such losses it was often necessary to adopt captives from other tribes in order to maintain the size and balance of a tribe.[26]

Pre-discovery America should not be considered a Garden of Eden. The Indians were continually faced with the problem of acquiring food. The food supply of the Indian tribes varied from nuts and acorns to fish and animals to cultivated corn and potatoes. The reliability of the food supply was the prime determinant of whether or not a particular group or tribe survived. The size of the population varied directly and quite rapidly with the availability of food. There

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[25]Gy. Acsaki and J. Nemeskeri, History of Human Life Span and Mortality (Budapest: Akademiai Kiado, 1970), p. 180.

[26]Ludwik Krzywicki, Primitive Society and Its Vital Statistics (London: Macmillan and Company, 1934), p. 169.

must have been a series of increases and declines in the total Indian population with a long term gradual increase between the initial migrations to the New World and the arrival of Europeans in 1492.

In addition to occasional famines, other influences prevented the Indian population from growing very rapidly over the long run. It is apparent that population growth was kept lower than it might otherwise have been by such practices among most groups as infanticide, abortion, and birth control. These activities can be seen both as efforts to limit the number of mouths to feed during periods of famine, and as efforts of Indian women to relieve themselves of the drudgery of their existence. Since children were often nursed for from two to four years after birth, the survival of a child born before the first was weaned could not always be ensured. In the event that a particular group had to move, the young children would have to be carried, and under the circumstances it is not difficult to see that some young children might simply be left behind. When children made life less comfortable for the mother, there would be little reason to be excessively concerned for the survival of an individual child.[27]

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[27]Krzywicki, pp. 157-166; Norman E. Himes, Medical History of Contraception (Baltimore: The Williams & Wilkins Company, 1936), pp. 12-16; George Devereux, A Study of Abortion in Primitive Societies: A Typographical, Distributional, and Dynamic Analysis of the Prevention of Birth in 400 Preindustrial Societies (New York: Julian Press, 1955), p. 204.

There are two extreme views with regard to life expectancy of ancient man in general. One suggests that ancient times were conducive to long life and that the Biblical references to long-lived individuals reflect reality. The other, implied in the case of North America in the work of Louis Henry Morgan,[28] is that there was a mechanistic development from barbarism to civilization in which life expectancy as well as other indices of progress automatically improved. Neither of these extremes satisfies the conditions of pre-discovery America. Life expectancy probably varied greatly during the centuries prior to the initial European arrival in America.

Though infant mortality and the mortality of young children must have been high in many instances for the previously mentioned reasons, once an age of self-sufficiency was reached there would have been a reasonable possibility of living for two or three additional decades. Gy. Acsadi and J. Nemeskeri have suggested that the Maghreb mortality conditions[29] represent the most severe mortality conditions under which a population could survive. The Maghreb mortality schedule gives a life expectancy at birth for both sexes of slightly more than twenty-one years, a maximum life expectancy at five years of age of nearly thirty-three more

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[28]Lewis Henry Morgan, Ancient Society, or, Researches in the Lines of Human Progress from Savagery Through Barabrism to Civilization (New York: Henry Holt and Company, 1877).

[29]Acsadi and Nemeskeri, pp. 153-161, 266-267.

years, and a life expectancy at age twenty of 24.5 more years. Half the population would live fewer than eight years. The data for the Maghreb mortality schedule were drawn from the skeletal remains of an archeological site in North Africa where living conditions were much more severe than in most areas of North America. It is reasonable to assume, therefore, that life expectancy at birth for the North American Indian at any age probably exceeded that of the Maghreb population by a decade or more.

A life expectancy at birth of about twenty-nine years is indicated by the West Level 5 model life tables developed by Ansley Coale and Paul Demeny.[30] This mortality level seems consistent with what conditions were probably like in North America prior to 1492. A person who reached the age of five, according to this schedule, would have a life expectancy of about forty-three more years, and at the age of twenty, about thirty-three more years. In a stationary population, or one which was growing very slowly as was the case in pre-discovery North America, women of childbearing age would make up about twenty-five per cent of the population and each would be required to give birth to approxi-

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[30]Regional Model Life Tables and Stable Populations (Princeton: Princeton University Press, 1966), p. 6, 34-35, 82-83. See also Level 20, United Nations, Methods for Population Projection by Sex and Age, Population Studies No. 25, Manuals on methods of estimating populations, Manual III, Department of Economic and Social Affairs, New York, 1956, ST/SOA/Series A/25, Sales No.: 1956XIII, 3, pp. 72-81.

mately five or six children. Assuming a period of fecundity of thirty years, each woman would have to have a live birth every five or six years. If life expectancy were higher, fewer children would have to be born by each woman because more women would live longer and be subject to the "risk" of childbirth for more years. If the life expectancy at birth for females was 32.5 (Model West Level 6), for example, only four or five children would have to be born by each woman to maintain the size of the population.

It is important to note that these assumptions of life expectancy and births per woman represent long-term averages. In periods of peace and abundant food supply it is likely that life expectancy could have been greater than indicated by Model West Levels 5 and 6. In such cases, more women would have lived through the child bearing period, and assuming constant age specific birth rates, the population would have grown more rapidly. Such gains would be offset in many cases by famines and wars during which fewer children would themselves reach the child bearing ages, fewer children would be born, and life expectancy would at least temporarily decrease.

The population of pre-discovery America was anything but static as was suggested by Kroeber and Mooney. Travel and contact among groups was a common occurrence, trade was widespread, and major migrations caused continual intermingling of different tribes. In addition, the size of the population varied within certain broad limits. The variations

in size were primarily caused by changes in the availability of food, though such customs as birth control and infanticide certainly prevented the populations of individual groups from becoming so large that local resources were insufficient to feed the population. The rigors of the physical environment and such social customs prevented the population from growing too rapidly. Finally, though there was considerable contact among different Indian tribes, there was never a sufficient concentration of population to enable the diseases which were common in Europe during the Middle Ages to have the same impact in the Western Hemisphere. This situation made the Indians especially vulnerable to the Europeans. The periodic surges and declines in the Indian population growth which characterized the centuries before 1492 continued after the arrival of Columbus, but the declines became much more prominent because of the harmful effects of contact with Europeans. The earlier gradual increase of the Indian population ceased to be the rule, and the Indian population declined rather rapidly after the end of the fifteenth century.

Indian demographic history since 1492 has the advantage of more numerous and more reliable sources. There are two difficulties, however, which greatly diminish this advantage. The first obstacle is that early in the period there either are no estimates or they are faulty. The report of a British missionary in Georgia in 1765 is probably no more reliable than the report of a Spanish priest in Mexico in 1500.

The Bureau of Indian Affairs began making estimates of the Indian population in the 1830's, but these were totals of subjective appraisals made by Indian agents in the field rather than real counts. An examination of them shows that often they were merely copied from figures of the previous year, or round numbers were added to the totals of the previous year. While the Bureau of Indian Affairs totals may be the best that are available for certain tribes, they are further marred by the fact that only those tribes with which the federal government had established official contacts through treaties are included. So the reports did not become complete until near the end of the nineteenth century.

The second obstacle is that the advantage of more reliable censuses after the middle of the nineteenth century is partially offset by the problem of identifying those who are Indians. In addition to the dimension of whites marrying Indians and producing mixed blood offspring, Cherokee citizenship was granted to several thousand freedmen after the Civil War[31] and in the late nineteenth and twentieth centuries numerous Indians moved into white society and lost their Indian identity. As of 1910, for example, the Cherokees who numbered more than 30,000 were only 21.9 per cent full blood. At the other end of the scale the Navahos, with

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[31]Charles J. Kappler, Indian Affairs, Laws and Treaties, Vol. II (Washington: Government Printing Office, 1904), p. 944.

a population exceeding 22,000 were 99.3 per cent full blood.[32]

The first serious attempts of the federal government to determine the size of the total Indian population of the United States came during the Mexican War. In 1846, slightly more than a month after news of the outbreak of fighting reached Washington, the Indian Appropriations Act for the following year provided that all of the local Indian agents should conduct censuses (as opposed to simply making estimates) of "the several tribes of Indians among whom they respectively reside, as may be provided by the Secretary of War." The data collected from this effort was published by the federal government in 1853 with the decennial census of 1850.[33] In 1847 Congress appropriated five thousand dollars for Henry Rowe Schoolcraft to "collect and digest such statistics and materials as may illustrate the history, the present condition, and future prospects of the Indian tribes of the United States."[34] Both of the censuses included the

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[32]U.S. Department of Commerce, Bureau of the Census, Indian Population in the United States and Alaska, 1910 (Washington: Government Printing Office, 1915), pp. 32-33; Denis Foster Johnson, "An Analysis of Information on the Population of the Navaho," Smithsonian Institution, Bureau of American Ethnology Bulletin, 197 (Washington: Government Printing Office, 1966), p. 6.

[33]Cherokee Advocate (Tahlequah, Cherokee Nation), September 2, 1847, appeal by Col. W. Madill (Commissioner of Indian Affairs) dated July, 1847; Cherokee Advocate, September 30, 1847, Circular of Col. W. Madill to all Indian Agents, dated May, 1847; U.S. Statutes at Large, Vol. 9, p. 34; U.S. Department of the Interior, Bureau of the Census, Seventh Census of the United States, 1850: Population, Vol. 1, p. xciv.

[34]U.S. Statutes at Large, Vol. 9, p. 204; Henry Rowe Schoolcraft, Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian

residents of the lands ceded to the United States under the terms of the Treaty of Guadelupe Hidalgo, though in neither case was it claimed that the residents of such remote areas were counted carefully. The canvases of the eastern Indians appear to have been careful and judicious, but the figures for the less accessible groups are of dubious quality. The total for the continental United States derived from the reports of the Indian agents under the act of 1846 is 400,764. The Schoolcraft survey gives a total of 388,229 Indians for the same area, but includes a note that there may be an additional 25 to 35 thousand Indians in the unexplored parts of the United States.

The surveys of the 1840's are especially significant in that they coincided with a decisive change in American Indian policy which is clearly manifested in the Treaty of Fort Laramie of 1851. The treaty attempted to set clearly defined boundaries on the land holdings of the various tribes so that the government would be able to take land from one tribe without ostensibly threatening the security of neighboring tribes.[35] The change of policy seems consistent with the sudden interest in the size of the American Indian pop-

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Tribes of the United States, Vols. 1-6 (Philadelphia: Lippincott, Grambo, 1851-1857).

[35]Kappler, Laws and Treaties, Vol. II, pp. 594-596; Ray Allen Billington, Westward Expansion, A History of the American Frontier (3rd ed.; New York: The Macmillan Company, 1967), p. 655; Robert E. Riegel and Robert G. Athearn, America Moves West (5th ed.; New York: Holt, Rinehart and Winston, 1971), pp. 438-439.

ulation.

Since the two surveys of the middle of the nineteenth century there has been no lack of attempts to determine the number of Indians within the United States, but not until the twentieth century were any attempts made to collect vital statistics. So at best the unanalyzed raw data consist of totals of individuals per tribe, territory, or state, with crude age-sex distributions in some cases. A lack of data on infant mortality is one major deficiency of late nineteenth century Indian demographic data. Also the government figures on the Indian population must be treated with caution because they were collected by two separate government agencies, the Bureau of Indian Affairs and the Bureau of the Census, agencies which sometimes used different rules in collecting their data. In order to determine as nearly as possible the Indian population in any particular year it is necessary to consider the data supplied by both of these agencies for a number of consecutive years and make allowance for the obvious inconsistencies.

The deficiencies of the government figures of the Indian population are most striking in the Bureau of Indian Affairs totals, published in the annual reports of the Commissioner of Indian Affairs to the Secretary of War.[36] Many of the pre-1850 reports gave estimates of single tribes made

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[36]The Bureau of Indian Affairs was transferred to the jurisdiction of the Department of the Interior when that agency was created in 1849.

by Indian agents, but they contain only hints as to what the total Indian population was at any time. Sometimes rather detailed tables were supplied giving population figures for all the tribes reported on, yet no totals were made. This seeming lack of interest of the government, prior to the 1850's, in the totality of the Indian population suggests a lack of perception of the full implications of American territorial expansion. After 1850, however, more popular interest in the West was manifest, encouraged by such private and government activities as the California gold rush, transcontinental railroad surveys, the organization of Kansas Territory, stagecoach service to the gold fields, and the pony express. With the increasing westward orientation of the American mind came a greater interest in the full extent of the Indian population. Many of the Bureau of Indian Affairs reports issued during the 1850's and 1860's contain tables and charts giving totals of Indians, and by the middle 1870's the practice was carried out in every report.

There are obvious shortcomings, however, in the Bureau of Indian Affairs data (Table 1). Within the single decade of the 1880's, for example, the data reflect an increase of over five thousand between 1880 and 1881, and a decrease of nearly twelve thousand between 1885 and 1886, changes which are certainly not credible.[37] Also, that the data for spe-

[37]The report of the Commissioner of Indian Affairs for 1910 gave a summary of Bureau of Indian Affairs figures

Table 1. Estimates of Indian Population

Year	Total Indian Population	Eastern Cherokees	Western Cherokees
1835		10,000	6,000
1836		15,928	6,048
1837	332,498	14,000	7,911
1839			10,500
1840		1,000	
1841		1,000	24,911
1842	168,682	1,100	24,811
1843	168,909	1,000	24,911
1844	168,290	1,000	24,911
1845	179,129	1,220	24,691
1852			17,530
1853	400,000 (estimated)		
1855	335,000	2,200	17,530
1857			22,000
1859			21,000
1863	63,491		
1864	300,000 (estimated)		8,000 (loyal)
1865	307,842		14,000
1866	293,034		14,000
1867	295,899		13,566
1868	298,528		14,000
1869	289,778		14,000
1870	287,640		14,000
1871		1,550	
1872	265,940		18,000
1873			17,217
1874	275,003		17,217
1875	279,337	1,700	17,217
1876	266,151	2,400	18,672
1877	250,809	2,200	18,672
1878	250,864	2,200	18,672
1879	252,897	2,200	20,000
1880	256,127	2,200	19,720
1881	261,851	2,200	19,720
1882	259,632	2,200	20,336
1883	265,565	3,000	22,000
1884	264,369	3,100	23,000
1885	259,244	3,000	23,000
1886	247,761	3,000	22,000
1887	243,299	3,000	23,000
1888	246,036	3,000	23,000
1889	250,483	3,000	24,400
1890	243,534	3,000	25,000
1891	246,431	3,000	25,000
1892	248,340	2,885	26,256
1893	249,366	2,885	26,500
1894	251,907	2,885	26,500
1895	248,340	1,479	25,388

Table 1, continued.

Year	Total Indian Population	Eastern Cherokees	Western Cherokees
1896	248,354	1,387	25,388
1898	262,956	1,351	32,161
1899	267,906	1,363	34,461
1900	270,554	1,376	35,000
1901	269,388	1,396	35,000
1902	270,238	1,431	35,000
1903	263,233	1,457	30,765
1904	274,706	1,453	35,255
1905	284,097	1,455	36,782
1906	291,581	1,489	37,112
1907	298,472	1,550	41,798
1908	300,412	1,912	41,798
1909	300,545	1,896	41,805
1910	304,950		
1911		2,015	41,701
1912		2,078	41,707
1913		2,109	41,796
1914		2,118	41,693
1915		2,211	41,824
1916		2,260	41,824
1917		2,282	41,824
1918		2,343	41,824
1919		2,399	41,824
1920		2,432	41,824
1922		2,485	41,824
1923		2,515	41,824
1924		2,581	41,824
1925		2,611	41,824
1926		2,833	41,824
1929		3,191	
1930		3,194	
1931		3,204	
1932		3,230	

Source: Annual Reports of the Commissioner of Indian Affairs

cific tribes as reported by the Bureau of Indian Affairs are speculative is shown in the totals supplied for the Cherokee Nation during the same decade. These totals indicate a practice of very cursory estimation on the part of the Indian agents rather than anything approaching a real count. In spite of these problems, the Bureau of Indian Affairs data are often the only sources for single tribes, since the reports of the Bureau of the Census are based on geographic rather than tribal units.

As Table 2 indicates, the numbers of American Indians given by the Bureau of the Census are also far from perfect. The Bureau of the Census was concerned with more Indians than the Commissioner of Indian Affairs, both untaxed Indians living in tribal units and those who had joined white society and lost their tribal identity. This distinction was made between the two groups in the Bureau of the Census publications during the last half of the nineteenth century. In the eighth through the eleventh censuses, 1860-1890, the definitions of the two groups varied. In the first three the non-tribal group was defined as "civilized," and in the fourth (the eleventh census) it was defined as "citizen." The non-"civilized," or "other" segment of the Indian population included those living in tribal units, not paying

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which are at variance with the figures taken from the individual reports. The summary figures reflect an increase of twenty-two per cent in total Indian population between 1880 and 1881, and a decrease of twenty-eight per cent between 1886 and 1887. No explanation was given in the report for the discrepancies in figures.

Table 2. Census Totals of American Indians compared to Commissioner of Indian Affairs Totals (Alaska not included)

	Bureau of the Census			
Year	Total	"Civilized" or "Citizen"	Other	Bureau of Indian Affairs
1860	339,421	44,021	295,400[a]	254,300
1870	313,712	25,731	287,981[b]	287,640
1880	306,543	66,407	240,136[c]	256,127
1890	248,253	58,806[d]	189,447[e]	248,253
1900	237,196			270,554
1910	265,683[f]			
1920	244,437[f]			
1930	332,397[f]			
1940	333,969[f]			
1950	343,410[f]			
1960	523,591[f]			
1970	792,730[f]			

[a]"Indians in the states and territories retaining their tribal character and not enumerated in the eighth census, 1860."

[b]"sustaining tribal relations, . . . on reservations and at agencies, . . nomadic (estimated) [sic] ."

[c]"reservation or agency Indians."

[d]"citizen Indians, taxed or taxable."

[e]"Reservation Indians; Five Civilized Tribes and other Indians with them; Six Nations of New York including 98 in Pennsylvania; Geronimo's Apaches, Mount Vernon barracks, Alabama, [and] Indian prisoners in prisons for felonies, not enumerated with tribes."

[f]Alaska natives included

taxes, and not enumerated elsewhere with the general population as were the "civilized" and "citizen" groups. The figures for 1870 illustrate that the tribal group was the same population with which the Bureau of Indian Affairs was concerned.[38] Yet for 1860, 1880, and 1890 there is only slight similarity between the Bureau of Indian Affairs totals and the corresponding totals of the Bureau of the Census. Because of their different frames of reference it is difficult to determine exactly where the discrepancies lie.

Although there are explicit shortcomings in both sets of data, one may draw from them a picture of the demographic changes that the Indian population underwent during the nineteenth century. The reports of Henry Rowe Schoolcraft and the Federal Census of 1850 indicate that the Indian population by the middle of the century had declined to approximately 400,000. This number represents at least a fifty per cent decline from the lowest estimate of the Indian population before 1492. The Bureau of the Census and the Bureau of Indian Affairs data suggest that the decline continued until the end of the century when the lowest point of slightly less than a quarter of a million was reached. Since then the Indian population has been rapidly increasing, and presently nearly 800,000 people within the United States claim

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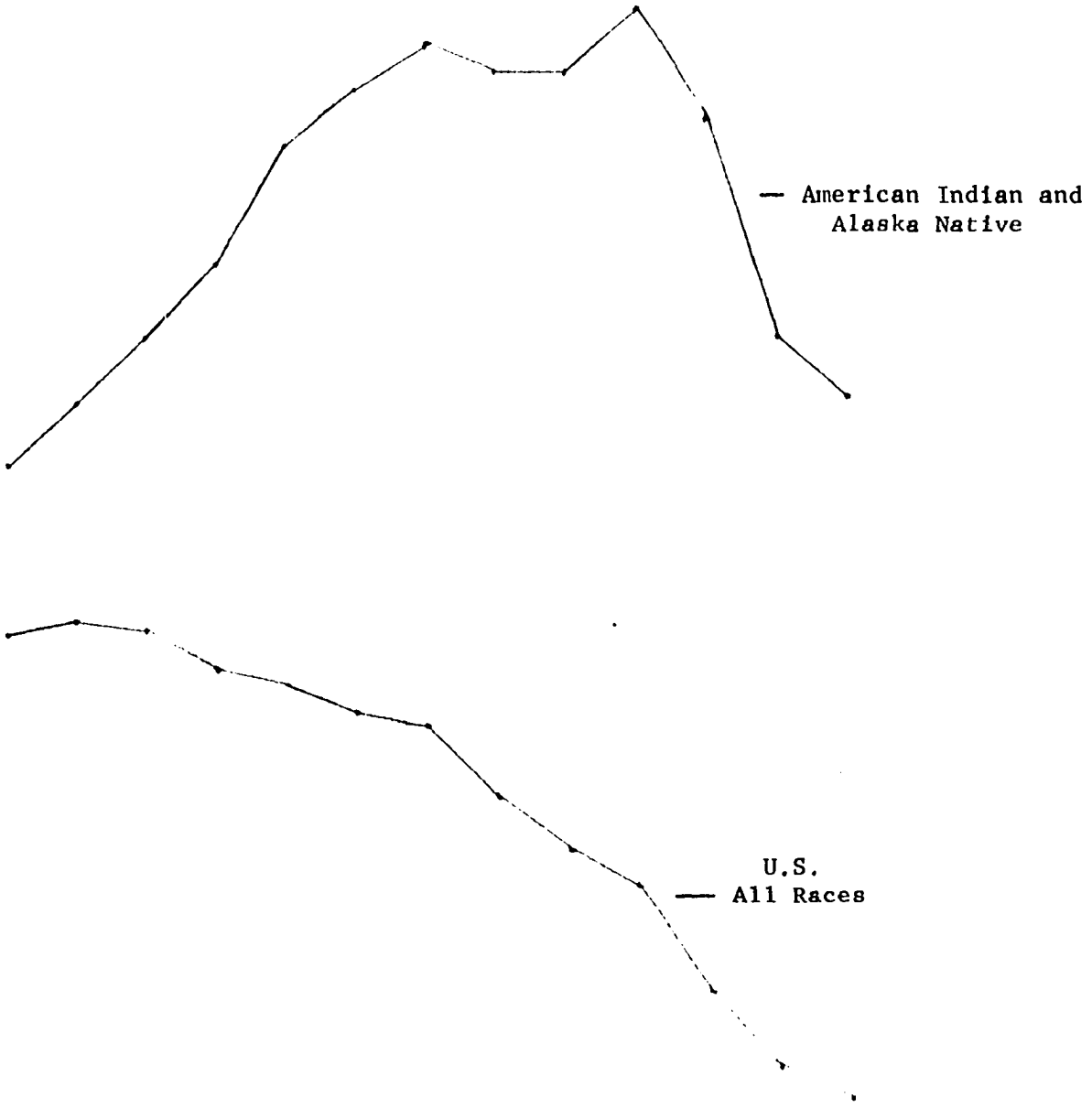
[38]U.S. Department of the Interior, Census Office, Report on Indians Taxed and Indians not Taxed in the United States (Except Alaska) at the Eleventh Census: 1890 (Washington: Government Printing Office, 1894), p. 22.

to be of Indian ancestry. Recently, the Indian population has been growing at a very rapid rate, though by 1967 the rate had slowed to the level of 1956 (Figure 1). Yet the Indian growth potential still greatly exceeds that of the United States population as a whole.[39]

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[39]Mozart I. Spector, Chief, Program Analysis and Statistics Branch, Indian Health Service, Department of Health, Education, and Welfare, Circular Letter of April 2, 1971, "Census Counts of American Indians;" U.S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Subject Reports, American Indians, Final Report PC (2)-1F (Washington: Government Printing Office, 1973), p. 2; J. Nixon Hadley, "The Demography of the American Indians," Annals of the American Academy of Political and Social Science, 311 (1957), 23-30; U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States: 1972 (93rd ed.; Washington: Government Printing Office, 1972), p. 50; U.S. Department of Commerce, Bureau of the Census, Historical Statistics of the United States, Colonial Times to 1957 (Washington: Government Printing Office, 1957), p. 23.

Figure 1. Annual Rates of Natural Increase, 1955-1967



Source: Department of H.E.W. Indian Health Trends

CHAPTER II

CHEROKEE DEMOGRAPHIC HISTORY TO 1809

An analysis of the demographic characteristics of the Cherokee Indians since discovery must be divided into two separate parts. The earlier period extends from the initial contacts of the Spaniards with the Cherokees in the early seventeenth century to the first decade of the nineteenth century. During this period the Cherokees experienced wars and epidemics which caused abrupt fluctuations in the size and structure of the population. These conditions might well be seen as a continuation of the situation which had probably existed during the period prior to the initial contacts with the Spaniards. Life expectancy at birth averaged about thirty years, mobility and contact with other tribes were customary, short term fluctuations in population size were frequent, and the size of the population did not increase significantly over the long run.

By the first decade of the nineteenth century the population dynamics of the Cherokees showed important signs of change, in large part because of the reluctance of the Cherokees to become involved in wars with neighboring tribes and the almost complete conversion of the Cherokees from hunting to agriculture. As the nineteenth century progressed, these

changes in the population were recorded in increasing detail in a series of censuses. The advantages of the more dependable food supply and relatively peaceful inter-tribal relations which characterized nineteenth century Cherokee development were partially offset, however, by two catastrophic events. These events were the removal of the Cherokee tribe to the area west of Arkansas during the 1830's and the involvement of the Cherokee Nation in the American Civil War. These two gloomy episodes were more destructive to the Cherokee population than any of the wars or epidemics of the eighteenth century.

The estimates of the size of the Cherokee Nation during the seventeenth century and earlier are little more than intuitive guesses. When Edward Everett Dale suggested, for example, that when the Cherokees came into contact with the Spaniards about 1540, "they must have numbered nearly 25,000," he was probably thinking within the context of the 1928 estimate of James Mooney of the Cherokee population in 1650.[1] A decrease of 3,000 people in 110 years (or 1 per thousand per year over the whole period) seems a reasonable estimate insofar as long term trends are concerned. Such suggestions, however, obscure the dynamic element in the population of the Cherokees by masking short term variations. Although

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[1]Edward Everett Dale, "Arkansas and the Cherokees," Arkansas Historical Quarterly, VIII (Summer, 1949), 95; Mooney, "The Aboriginal Population," p. 8.

this dynamic element obviously cannot be precisely defined and described at the present time, its existence and importance ought to be recognized.

Without the benefit of further evidence which is not now available it is only possible to define the limits within which the population size must have fallen at the time before the beginning of the eighteenth century. Definitive conclusions cannot be drawn, but it is reasonable to posit a pre-eighteenth century Cherokee population which was similar to that of the eighteenth century insofar as variations of size are concerned, in spite of some obvious changes in the environment of the Cherokees. Food supply in the sixteenth and seventeenth centuries, for example, was less dependable than in the eighteenth century because of the nearly total reliance on hunting and gathering. Yet the progress in agriculture which was characteristic of the eighteenth century was probably offset in large part by the destructive effects of wars originating in Europe in which the Cherokees became involved. A narrowing or further refinement of this realm of possibility must await further research of an archeological or ecological nature.

During the eighteenth century the Cherokees began to develop important commercial ties with the British. Perhaps because of the social and governmental institutions of the Cherokees, based on decentralized town units rather than on a pre-eminent authority, it was not difficult for the British colonists to become an integral part of the Cherokee

political system. In fact, the British lust for the deerskins provided by the Cherokees resulted, by 1730, in the establishment of a puppet government in the person of Moytoy of Great Tellico, a government which acknowledged the sovereignty of the British crown. The notorious Sir Alexander Cuming was the real director of Cherokee political affairs.[2] Yet in spite of these early attempts of the British to acquire the loyalty of the Cherokees which included in 1730 an audience with King George II for seven Cherokee chiefs,[3] the French continued to intrigue with moderate success among different elements of the Cherokee tribe throughout the eighteenth century.[4] The Cherokees were never overzealous in their loyalty to any foreign power. The lack of central authority in the tribe, while making initial English contacts with the Cherokees less difficult, resulted also in such connections being continually undermined by the French.

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[2]David H. Corkran, The Cherokee Frontier, Conflict and Survival, 1740-1762 (Norman: University of Oklahoma Press, 1962), p. 15; R.S. Cotterill, The Southern Indians, The Story of the Civilized Tribes Before Removal (Norman: University of Oklahoma Press, 1954), pp. 24-25.

[3]Verner W. Crane, The Southern Frontier, 1670-1732 (Durham: Duke University Press, 1928), pp. 294-298; Grace Steele Woodward, The Cherokees (Norman: University of Oklahoma Press, 1963), pp. 61-67.

[4]John Richard Alden, John Stuart and the Southern Colonial Frontier; A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775, Vol. XV, University of Michigan Publications, History and Political Science (Ann Arbor: University of Michigan Press, 1944), pp. 61-64; Corkran, pp. 18, 62, 100-101.

Also the lack of a common Indian policy among the southern colonies prevented the British from maintaining a consistent diplomatic posture toward the Cherokees.

The change in the Cherokee economic system began during the first half of the eighteenth century and was virtually complete by 1800. As Cherokee contact with and dependence on British and French traders increased the Cherokees killed off more and more game to supply the fur trade and obtain the products which only the European traders could supply. As a result of this increasingly exploitive destruction of game the Cherokees became more and more dependent on agriculture for food, with hunting becoming less productive for both food and trade. So the almost total dependence upon agriculture for food which was the case at the beginning of the nineteenth century resulted not so much from the loss of hunting grounds through treaty, but from the extinction of game.[5] The growing prominence of Cherokee agriculture can be traced directly to trade relations with the British which originated near the beginning of the eighteenth century. It does not owe its existence to the appointment of four official government farmers to the Cherokee tribe to assist the Cherokees in the "desirable pursuit" of husbandry under the terms of the Treaty of Holston of 1791. Nor did Cherokee agriculture begin with the establishment of the first Moravian mission within Cherokee territory in 1801.[6]

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[5]Cotterill, p. 223.

[6]Kappler, Laws and Treaties, Vol. II, p. 31; Cotterill, p. 226.

Thus the society of the Cherokees, which during the eighteenth century remained politically decentralized, was becoming more and more dependent on the British and colonial traders, and was becoming increasingly sedentary with the gradual destruction of game combined with a greater dependence on agriculture. The Cherokees were unique in that they adjusted to the changing situation of a game scarcity rather than migrating with the game as became the pattern for most tribes in the nineteenth century. Another dimension of the change which was taking place within Cherokee society, something which is impossible to measure with precision, was the adoption of whites into the tribe. During the eighteenth century whites and their mixed blood children began to become prominent in tribal affairs and in relations with the British colonists. The demographic effect of the adopted whites was minimal because of their small numbers, but their social and political impact was far greater than their numbers might suggest. The first enumeration in which whites were listed separately was made at the end of 1824,[7] long after the first whites had been adopted. This census lists 205 intermarried whites, about 1.3 per cent of the total population of 15,000. There is no indication, however,

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[7]The Cherokee Phoenix (New Echota, Georgia), June 18, 1828, February 8, 1834; The Cherokee Advocate, June 18, 1849; Charles C. Royce, The Cherokee Nation of Indians: A Narrative of Their Official Relations with the Colonial and Federal Governments, in Fifth Annual Report of the Bureau of American Ethnology (Washington: Government Printing Office, 1887), p. 240; Grant Foreman, The Five Civilized Tribes (Norman: University of Oklahoma Press, 1934), p. 326.

of the number of mixed bloods within the population.

Although there is only meager documentary material which pertains to the size of the Cherokee population during the eighteenth century, there are two separate eyewitness accounts which reflect town by town counts of the Cherokee population close to the time of the initial contact of the Cherokees with the British. These compilations suggest a Cherokee population of 11,210 in 1715, and 10,379 in 1721.[8] The earlier of the two is the total of counts made by three traders of the sixty towns of the Cherokee tribe. The 1721 estimate is a compilation of fifty-three towns made by traders and agents of the Society for the Propagation of the Gospel. The second count is obviously not complete, though it is possible that the Cherokee population in 1721 was small than it had been in 1715. Between 1715 and 1727 the Cherokees were continually at war with the Creeks,[9] so the population could easily have declined for that reason alone. The earlier census, however, is probably also an underenumeration because it may have included only those in each town at a particular time and may have missed a significant segment of the population which was hunting or away from a town for some other reason.[10]

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[8]Crane, pp. 131-132; Royce, p. 142; Berthold Fernow, The Ohio Valley in Colonial Days (Albany: J. Munsell's Sons, 1890), pp. 273-275.

[9]Cotterill, pp. 22-23.

[10]That a significant segment of the population might actually be traveling at any particular time is suggested by Myer, pp. 727-857.

In any event, these two estimates suggest a base-line population of around 12,000 or slightly more for the Cherokee population in 1715. The war with the Creeks suggests a slow decline or at least no increase during the subsequent decade. By considering the 1714 estimate and Cherokee living conditions during the rest of the century it is not difficult to understand why the population of the Cherokees was nearly stationary for a century, numbering only slightly more than 13,000 in 1809.[11]

The war with the Creeks came to a close in 1727. Its effect on the Cherokee population was probably not very great. Loss of life was probably not excessive since it was a war in which Europeans played no prominent role. Wars of European origin in which the Cherokees took part later in the eighteenth century had a much more destructive effect. That the war did not destroy an important proportion of the population is indicated in the estimate made by James Adair, the eighteenth century trader and historian, in 1775. Adair suggested that during the period 1730-35 there were "upwards of six-thousand [sic] Cherokee fighting men."[12] This

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[11]Niles Weekly Register (Baltimore), July 6, 1816, Return J. Meigs to Samuel Latham Mitchell, May 4, 1816; Rev. Jedidiah Morse, A Report to the Secretary of War of the United States, on Indian Affairs, Comprising a Narrative of a Tour Performed in the Summer of 1820 (New Haven: Howe and Spalding, 1822), p. 152. About 1,000 Cherokees had already moved west and were not included in Morse's total of 12,000.

[12]James Adair, The History of the American Indian, ed. by Samuel Cole Williams (New York: Argonaut Press Ltd., 1966, originally published in London in 1775), p. 238.

Table 3. Selected Census Totals and Estimates of Cherokee Population, 1650-1906

Date	Total	Comments	Source	Observed Annual Rate of Increase per Thousand
1650	22,000		James Mooney (1928)	
				-1 to 3.7 (1650-1735)
1715	11,210	Compilation of Trader's estimates	Verner W. Crane (1928)	
				-11 (1650-1715)
1721	10,379	Compilation of Trader's estimates	Verner W. Crane (1928)	
				-8 (1650-1721)
1730-35	20,000-30,000	Upwards of six thousand fighting men	James Adair (1775)	
				34 to 58 (1715-1735)
1809	13,319	includes whites and slaves	Return J.Meigs, Jr. (1816)	
				60 to 97 (1721-1735)
1825	15,216	includes whites and slave, excludes "Old Settlers"	Cherokee Phoenix, June 18, 1828	
				2 (1715-1809)
1835	18,325	includes whites and slaves, excludes "Old Settlers"	Henderson Roll (1835)	
				8 (1809-1825)
1851	14,094	excludes "Old Settlers"	Drennen Roll(1851)	12 (1809-1835)
1851	2,134	Cherokees east of the Mississippi	Chapman Roll(1851)	
				9 (1809-1851)
1851	3,270	"Old Settlers" alive in 1851	Old Settler Payroll $159.10 per stirpes (1896)	19 (1825-1835)
1867	13,474	Citizens within Cherokee Nation	Roll of 1867	10 (1825-1851)
1880	20,324	Citizens within Cherokee Nation	Authenticated Roll of 1880	-3 (1825-1867)
1883	17,435	Cherokees by blood within Cherokee Nation	Payroll of 1883, $15,50 per capita	4 (1835-1851)

Table 3, continued.

Date	Total	Comments	Source	Observed Annual Rate of Increase per Thousand
1886	18,675	Cherokees by blood within Cherokee Nation	Payroll of 1886 $15.95 per capita	-9 (1835-1867)
1890	26,776	Citizens within Cherokee Nation	Roll of 1890	2 (1835-1880)
1893	24,487	Cherokees by blood within Cherokee Nation	Roll of 1893	-23 (1851-1867)
	2,824	adopted whites		1 (1851-1880)
	2,885	freedmen		8 (1851-1890)
	35	Creeks		30 (1867-1880)
	5	Choctaws		29 (1867-1890)
	802	Shawnees		33 (1867-1893)
	787	Delawares		
	31,825	Total for 1893		
1894	24,737	Cherokees by blood within Cherokee Nation	Payroll of 1894 $265.70 per capita	28 (1880-1890)
1902	32,137	Cherokees by blood within Cherokee Nation	Final Rolls of the Five Civilized Tribes (Dawes Commission Roll)	35 (1880-1893)
	268	adopted whites		27 (1880-1902)
	4,294	freedmen		57 (1890-1893)
	197	Delawares		27 (1890-1902)
	36,914	Total for 1902		17 (1893-1902)
1906	27,384	Citizens of Cherokee Nation who were descendents of persons listed on tribal rolls in 1845	Guion Miller Roll	23 (18883-1886)
	3,436	Cherokees east of Mississippi River who were descendents of persons listed on tribal rolls in 1845		34 (1883-1893)
				32 (1883-1894)

Table 3, continued.

Observed Annual Rate of Increase per Thousand
32 (1883-1902)
39 (1886-1893)
35 (1886-1894)
34 (1886-1902)
10 (1893-1894)
30 (1893-1902)
34 (1894-1902)

estimate is perplexing because no matter how the number of fighting men is related to the total population--every third, fourth, fifth, or sixth person being a warrior--the total population suggested by Adair for 1735 is much higher than it could possibly have been on the basis of a population around 12,000 in 1715 followed by twelve years of intermittant war or even after twelve years of peace and prosperity.

It seems most likely that Adair's estimate was excessively high rather than that the two earlier estimates were far too low for several reasons. The existence of two independent estimates made only six years apart which are relatively consistent in result suggests that they have some validity. The phraseology of Adair's estimate, published four decades after the observations, hardly implies precision. And finally, the individuals who made the earlier estimates, especially the agents of the Society for the Propagation of the Gospel, would have had just as much reason to exaggerate as Adair.

Following the close of the inconclusive war with the Creeks, the Cherokees probably numbered around 12,000. They were able to avoid any additional warfare until the 1750's. In 1738, however, there was a smallpox epidemic which was much more devastating than the Creek war had been. This epidemic nearly wiped out the nearby Catawba tribe. The Cherokees were not so drastically reduced, though most authorities state that it caused the Cherokees to lose half

or nearly half of their population.[13] It is difficult to determine the exact impact on the tribe with much precision since the next relatively reliable count of the Cherokee population was not made until 1809. Yet on the basis of certain reasonable assumptions about what the maximum annual rate of natural increase could have been, it is possible to ascertain in general terms the effects of the epidemic.[14]

Several estimates have been made of the Cherokee population for the decade of the 1750's: 2,500 "gunmen" in 1750 by John Richard Alden, and 2,500 to 3,000 "fighting men" by David H. Corkran.[15] Both of these estimates suggest

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[13]J. Duffy, Epidemics in Colonial America (Baton Rouge: Louisiana State University Press, 1953), pp. 23, 83; J. Duffy, "Smallpox and the Indians in the American Colonies," Bulletin of the History of Medicine, 25 (July, 1951), 335-338; R. Palmer Howard, "Cherokee History to 1840: A Medical View," Journal of the Oklahoma State Medical Association (February, 1970), 72; Woodward, p. 68; Royce, p. 142; Adair, p. 232.

[14]The annual natural rate of increase is found by using the following formula:

$$\frac{P_2}{P_1} = e^{rn}$$

where P_2= the total population at the most recent date, P_1= the size of the same population at the earlier date, e= the base for natural logarithms (2.718 . . .), r= the annual natural rate of increase and n= the number of years in the interval being considered. The term "r" is usually expressed in persons per thousand, a convention which will be followed in this paper.

[15]Alden, p. 8; Corkran, p. 3. These are probably based on a statement by Governor Arthur Dobbs of North Carolina, Krzywicki, p. 501. Thomas Jefferson in Notes of Virginia, ed. by William Peden (Chapel Hill: University of North Carolina Press, 1954), p. 106, gives contradictory figures for the Cherokee population between 1759 and 1768. The first, by George Croghan, deputy agent for Indian affairs under Sir Willian Johnson, states that there were 1,500 Cherokee war-

a total population of between 10,000 and 15,000 prior to the French and Indian War. And though its precision should not be over-stated, the estimate suggested by Corkran is footnoted to the South Carolina Journals, September 1, 1755. If the smallpox epidemic reduced the population of 12,000 by half in 1738, and the population in 1755 was 10,000 (the lowest figure which could reasonably be based on the estimates of Alden and Corkran), the population would have to have increased at a rate of 30 per thousand during the period 1738 to 1755. This rate seems to be untenable because it exceeds the highest annual rate of natural increase achieved by the Cherokees during the post-Civil War period, a time when mortality condition were presumably more favorable than in the 1740's. In fact, such a rate exceeds that of the total American Indian population during much of the twentieth century (see Figure 1).

If the population in 1755 had been 12,000 (on the assumption that slightly fewer than one out of every four people was a warrior) and an annual rate of natural increase of 15 per thousand is posited for the previous seventeen years, the Cherokee population after the epidemic of 1738 would have been approximately 9,300. This post-epidemic total

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riors in 1759. This is below the true figure. The second, made by an unnamed French trader "of considerable note," gives a total of 2,500 Cherokee warriors in 1764. The third, made by an individual given no more identification than his last name, Galphin, indicates a total of 3,000 Cherokee warriors in 1768. Jefferson made no effort to reconcile the contradictions in the set of figures.

would imply that the smallpox could not have been so severe as has been previously thought. The rate of increase of 15 per thousand may be regarded as an optimum since a lower figure would suggest that the post-epidemic population was higher than 9,300, and that the epidemic was even less severe.

The war which began in North America in 1754 between the French and the British did not leave the Cherokees undisturbed. Because they had been continually wronged by the British and settlers from the various colonies who were competing for Cherokee trade, the most that the British could hope for was Cherokee neutrality in their struggle against the French. Also, during the 1750's the French redoubled their efforts to gain the favor of the Cherokees.[16] The outcome of the British and French competition for the support of the Cherokees was that the Cherokees remained neutral until 1758. At that point the tribe splintered, some groups supporting the French, some supporting the British, and others taking no stand. The inability of the British to control the military forces of the various colonies resulted in conflict between colonial frontiersmen and several hundred Cherokee allies in 1758 after several battles in the Ohio Valley against France's Shawnee allies. The Cherokees, in turn, attacked outposts of the Virginia and

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[16]Alden, pp. 54-66; Corkran, pp. 53-74; Woodward, pp. 69-70.

Carolina frontier during their return from the Ohio Valley to their own lands.[17]

The effects of the French and Indian War on the Cherokees, like the effects of the smallpox epidemic of 1738, is difficult to determine very precisely. Grace Steele Woodward stated that the war "came close to annihilating the tribe" and R. S. Cotterill stated that by the end of the war the Cherokees "had lost five thousand of their people, including half their warriors." David Corkran stated that fifteen Cherokee towns and fifteen hundred acres of corn were destroyed.[18] None of these historians provides either documentation or analyses to support their assertions, however, so they must be treated as purely subjective.

In addition to the disadvantage of not knowing the effects of the war on the Cherokee population except in very crude terms, there are no estimates of the size of the Cherokee population after the war except a statement of R. S. Cotterill that the Cherokee population in 1775 was "somewhat in excess of fifteen thousand."[19] If the figure of 15,000 is taken as the true total for 1775, and if the population of 12,000 of the late 1750's was reduced by 5,000 as Cotterill

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[17]Different interpretations of where the blame should be placed for the war between the British and the Cherokees are evident in Alden, pp. 77-79; and Corkran, p. 129.

[18]Woodward, p. 70; Cotterill, p. 32; Corkran, p. 254. The existence of so much corn illustrates the shift of the Cherokees to agriculture even as early as 1760.

[19]Cotterill, p. 5.

suggests, an annual rate of natural increase of 50 per thousand would have been necessary during the period from the beginning of the French and Indian War to the beginning of the American Revolution. Such a rate lies far outside the realm of possibility. If, however, a rate of 15 per thousand is used again, the population at the end of the French and Indian War would have been 12,000, and thus implies that there was no loss of population at all. Since there obviously was a decrease in the population, though probably not to the extent suggested by Woodward, Cotterill's figure of 15,000 for 1775 must be high. The alternative explanation, that 12,000, the total for the middle 1750's is too low, is not reasonable because it is based on the optimum rate of increase between the smallpox epidemic of 1738 and the 1750's. The population of 12,000 for the 1750's should thus be considered a maximum. If the true total was lower, then Cotterill's estimate for 1775 is even more unreasonably high.

If the post-French and Indian War (1760) figure is taken as 10,000, representing a loss of 2,000 rather than the 5,000 suggested by Cotterill, more judicious results can be derived. If the annual increase is again posited at 15 per thousand, the total Cherokee population in 1775 would have increased from 10,000 to nearly 12,500, which is well below Cotterill's figure of 15,000. Use of even more reasonable rates of increase, 10 and 5 per thousand, yield the much reduced totals of 11,600 and 10,700 as the total for 1775. Thus, instead of Cotterill's total of 15,000, it

is more reasonable to estimate that the population in 1775 was about 12,000, the same figure which has been proposed for the late 1750's.

The final major disaster to which the Cherokees were victim during the eighteenth century was the American Revolution. As in the French and Indian War, the tribe was not united in its position on the war, and to some extent the whole tribe suffered because of attacks of one element of the Cherokee tribe, the Chickamaugans, against frontier settlements in 1775.[20] The total losses suffered by the Cherokees during the American Revolution are not documented, though 2,500 Cherokees apparently did die of smallpox in 1780.[21] Anglo-Americans destroyed the Lower, Middle, and Upper Towns of the Cherokees, and the Cherokees fought intermittently with Franklinites led by John Sevier until after 1790.[22]

The implications of the documented loss of 2,500 Cherokees in 1780 becomes apparent, however, when the total Cherokee population of slightly greater than 13,000 in 1809 is compared with the figure of 12,000 for 1775. If the only casualties of the war had been those who fell victim to smallpox in 1780, it would be necessary for the population

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[20]Woodward, Chapter V; Cotterill, Chapter III.

[21]Cotterill, p. 52. This assertion is footnoted to Colonial Office Records, Series V, Vol. VIII, p. 322.

[22]Woodward, pp. 96-97, 107-110; Royce, pp. 170-171.

to be increasing at an annual rate of about 8.5 per thousand during the preceding thirty-four years to reach 13,000 in 1809. And if the smallpox victims represented only half of the casualties (assuming that they came at the beginning of the period) the population would have to have grown at an annual rate in excess of 18 per thousand. Such a rate seems unlikely in the context of the intermittent warfare of the 1780's and 1790's. Though the Cherokee casualties of the American Revolution and subsequent conflicts with the frontiersmen of Franklin were spread over a period of a decade and a half, it is apparent that the tribe was not decimated.[23]

This review of the Cherokee population during the eighteenth century clarifies several issues. Unless the 1715 and 1721 estimates are grossly insufficient, it is impossible to make a case for the Cherokees being decimated on several occasions and for them to have numbered some 13,000 in 1809. If the annual rate of natural increase is assumed to have been constant during the entire ninety-four year period between 1715 and 1809, a rate of less than 1 per thousand

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[23]This is further substantiated by estimates of 2,000 Cherokee "gunmen" in 1785 in American State Papers, Indian Affairs, I (Washington: Gales and Seaton, 1832), p. 39, Benjamin Hawkins, et. al. to Richard Henry Lee, December 2, 1785, Hopewell on the Keowee; and 2,500 Cherokee warriors in the 1790's by Gilbert Imlay, A Topographical Description of the Western Territory of North America (3rd ed.; London: Printed for F. Dibrett, Opposite Burlington House, Picadilly, 1797), p. 290. These two estimates need not be inconsistent with each other. Both indicate that the Cherokee population was not devastated by the American Revolution.

would be required for the population to reach 13,000. Under such conditions the population would take several hundred years to double, a situation similar to conditions during the pre-discovery period. To suggest that a large proportion of the Cherokee population was destroyed on several occasions presupposes an impossible situation--that the population at other times grew at rates which are unrealistically high in the eighteenth century setting. Though it is not possible to say exactly what the effects of the smallpox epidemic of 1738, the French and Indian War, and the American Revolution really were, it is certain that their effects have been greatly exaggerated.

This analysis has been based on the assumption that the Cherokee population was approximately 12,000 in 1715. But if this assumption is wrong and the population was really higher at that date, it would not alter general conclusions. Assuming, for a moment, that the Cherokee population was really 18,000 in 1715, a fifty per cent increase over the contemporary estimates, the pattern would be little different from the analysis presented here. It would only be necessary for one or more of the disruptive events of the century to have been slightly more harmful than has been assumed in this analysis, though not necessarily as severe as has been suggested by historians. The rate of natural increase chosen for certain peaceful parts of the period, 15 per thousand, can be considered an optimum. The

rate was surely much lower during most of the century. If the smallpox epidemic took 4,000 lives out of the original population of 18,000, slightly more than twenty per cent of the total, and the American Revolution and the subsequent frontier warfare cost the Cherokees three of four thousand people, the 18,000 total for 1715 would be perfectly compatible with the 1809 total of 13,000. In short, no matter what reasonable starting point is chosen for the beginning of the eighteenth century, the generally accepted principles of population growth suggest that the demographic disruptions of the century have been greatly exaggerated by historians.

Even more important than these revisions of the consequences of certain hardships encountered by the Cherokees during the eighteenth century is the significance of such a moderate long term growth rate. The Cherokee experience illustrates the very tenuous nature of the existence of the Indians even without all of the harmful effects of the European conquest. The Cherokees barely maintained their numbers over the course of the century. If any of the disasters had been more severe, if the disasters had come more closely together, or if there had been one more disaster, the Cherokee population certainly would have decreased rather than increased in size during the century. When the effects of a single eighteenth-century epidemic or war on the Cherokee population are examined, the decline of the total Indian population in the nineteenth century is easily understood.

CHAPTER III

PRE-CIVIL WAR DEVELOPMENT

It is possible to make a much more thorough and precise evaluation of the Cherokee population for the nineteenth century than for any earlier period because throughout the century a series of enumerations, censuses, and payrolls were made for a variety of purposes. The unique nature of the relationship between the Cherokee Nation and the federal government is responsible for the existence of much of this material. The Cherokees developed and maintained their own institutions of government, patterned after those of the United States. Censuses were necessary both for the correct establishment of legislative districts and for the distribution of per capita payments made from funds obtained through the sale or rental of tribal lands, or through successfully argued legal claims against the United States government.

The quality of the records of the Cherokee population varies greatly. During the last two decades of the century when the per capita payments were made to the total Cherokee population rather frequently, the Cherokee Nation expended a great deal of effort to maintain proper and correct tribal rolls. During the pre-Civil War period, however, when most

of the money flowing into the tribal treasury was in the form of annuities which were not subject to per capita distribution, the tribal government was less concerned about taking the trouble to maintain accurate tribal rolls. Any effort to enumerate the tribal population between the removal in the 1830's and the Civil War, except when a per capita payment was in the offing, was seen by the Cherokees as being connected with schemes for forced removal. Opposition to censuses, whether taken by the federal government or by tribal officials was a major theme of Cherokee politics between 1840 and the Civil War.[1]

During the period from the beginning of the nineteenth century to the American Civil War, there were major advances in two areas of Cherokee development. First, in education the federal government and private missionary agencies established schools and aided in agricultural training among the Cherokees. The invention of the Sequoyan syllabary also aided the process of education. Secondly, the Cherokees made advances in tribal organization, including the estab-

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[1]National Archives Microcopy M-234, Letters Received by the Office of Indian Affairs (hereafter cited as LROIA), Roll 76, frames 557-576, B.F. Currey (Cherokee Agent) to Elbert Herring (Commissioner of Indian Affairs), July 29, 1835; U.S. Senate, 25 Cong., 2nd Sess., Document 120, Serial 315, p. 129-130, Commissary General of Subsistence to B.R. Currey, February 22, 1836; Cherokee Phoenix, August 19, 1831, September 7, 1833; Cherokee Advocate, December 24, 1846; LROIA, M-234, Roll 93, frames 234-237, Wm. Butler (Cherokee Agent) to Orlando Brown (Commissioner of Indian Affairs), November 27, 1849; The Constitution and Laws of the Cherokee Nation Passed at Tahlequah, Cherokee Nation, 1839-1851 (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852), pp. 56-57, 86.

lishment of a three branch government based on a written constitution. In addition, the period was marked by improvements in living conditions and agricultural productivity, trends which had begun much earlier. Progress in all of these areas, to be briefly outlined below, was interrupted by the removal of the Cherokees to the trans-Mississippi West in the late 1830's.

Serious missionary activity among the Cherokees did not begin until 1801. Previous missionary work had been characterized more by concern for political or military goals, such as preserving the Cherokees for the French in the 1750's, than by concern for the spiritual well being of the Cherokees. The nineteenth century missionary schools, the first being established at Spring Place under the sponsorship of the Moravians, were to play an important role in the process of bringing western civilization to the Cherokees. All of the important Cherokee leaders of the nineteenth century, except for John Ross, were either educated in the schools in the Cherokee Nation provided by mission groups, or in the Cornwall, Connecticut, school for Indian children which was supported by the Board of Commissioners for Foreign Missions.[2] By 1826 there were eighteen schools for the Cherokees in Georgia, North Carolina, and Tennessee. Twenty years later, after removal to the area west of Arkansas, there were again eighteen schools with a

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[2]John Ross was educated by tutors hired by his father.

total enrollment of 655 Cherokee children.[3]

The mission schools set up during the first three decades of the nineteenth century worked hand in hand with the federal government in the task of converting the Cherokees to the white man's culture. The Brainerd Mission, established in 1817 on Chickamauga Creek two miles from the Georgia border, included a schoolhouse, gristmill, workshop, and farm.[4] The missionaries at this school, the most prominent of whom was Reverend Samuel A. Worcester, desired to remold the Indians so that they would resemble as closely as possible their American invaders. Return J. Meigs, Sr., who was Cherokee agent between 1801 and his death in 1823, shared the assumptions of the missionaries and in some cases contributed money due to the Cherokees as annuities to the missionaries.[5] Like the missionaries, Meigs was concerned with the material aspects of white civilization. He spent much of his time distributing kettles, cotton cards, blankets, calico, needles, ribbon, and all of the other "necessities" of civilization to the Cherokees.[6] By the middle 1820's

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[3]Cotterill, p. 226; Woodward, p. 123, 140; Cherokee Advocate, January 29, 1846. In 1846 teachers were paid $400 per year. The missionary activity seems remarkably ineffective from a religious point of view, for only 2,000 Cherokees were professed Christians in the early 1840's. Annual Report of the Commissioner of Indian Affairs, 1842 (hereafter cited as BIA Report), p. 454; Foreman, The Five Civilized Tribes, p. 359.

[4]Henry Thompson Malone, Cherokees of the Old South; A People in Transition (Athens, Georgia: University of Georgia Press, 1956), pp. 98-99; Mooney, Myths of the Cherokees, p. 104.

[5]Cotterill, pp. 228-229.

[6]Malone, Chapter V.

the Cherokees had generally exceeded their white frontiersman neighbors in such indices of civilization as literacy, agricultural production, and slave ownership.

In some ways even more remarkable than the advances in education and literacy was the rapid evolution of republican government among the Cherokees during the first three decades of the nineteenth century. The formal establishment of the government in 1817 was preceded by the gradual codification of new and traditional Cherokee laws. In 1808, for example, the Light Horse Guard was legally established to prevent horse stealing; it had existed in practice since at least 1797.[7] Two years later the tradition of tribal-clan revenge for wrongs committed against individuals was outlawed.[8] A person against whom a wrong had been committed would no longer be able to take revenge on a member of the clan to which the original assailant belonged. It was another full decade, however, before a judicial system was established that filled the gap created by outlawing the system of retribution. During the interval Agent Meigs personally adjudicated many differences and disputes between individual Cherokees.[9] In 1819 the Cherokee National Council

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[7]Constitution and Laws of the Cherokee Nation (1852), pp. 3-4; Cherokee Phoenix, February 21, 1828; Malone, p. 76.

[8]Cherokee Phoenix, March 13, 1828; American State Papers, Indian Affairs, II (Washington: Gales and Seaton, 1834), p. 283; John Phillip Reid, A Law of Blood, the Primitive Law of the Cherokee Nation (New York: New York University Press, 1970), pp. 39-41.

[9]Malone, pp. 58-61.

passed a law allowing certain whites to reside within Cherokee territory if they were skilled in designated fields such as teaching, blacksmithing, milling, gun powder manufacturing, and operating turnpikes.[10] By this process was the Cherokee government transformed from the loose, decentralized form of the eighteenth century to a relatively more modern and certainly more efficient one--and one more responsive to the principal chief.

The Cherokee Republic was set up in general form in 1817, but the first constitution was not formally adopted until 1827. The government was divided into three branches, on the pattern of the United States government. The Cherokee lands were divided into eight administrative districts, each with its own sheriffs, judges, clerks, and light horse companies. Representation in the National Council in the pre-Civil War period was based on geographic districts rather than on population or the number of voters. Each district was allowed five representatives regardless of population.

The National Council officially endorsed the Sequoyan syllabary in 1820, greatly aiding the communication of the government to the population.[11] The Cherokee Phoenix, partially written in Cherokee, began publishing in 1828 and

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[10]Constitution and Laws of the Cherokee Nation (1852), p. 6.

[11]Mooney, Myths of the Cherokees, pp. 106-111; Malone, Chapter VI; Woodward, Chapter VI.

was from the beginning the official organ of the Cherokee government. All the expenses of the paper, including the salaries of the editor and printer, were paid by the national treasury out of the annuities received from the federal government. The paper had no advertisements, and was distributed free to those who could not read English. The close connection between the Cherokee Phoenix and the Cherokee government is illustrated by the resignation on August 1, 1832, of editor Elias Boudinot because of pressure from John Ross, the principal chief. The clash between the editor and the chief resulted from Ross's refusal to allow the paper to discuss the pros and cons of Cherokee migration to the West. Elijah Hicks who was immediately installed as Boudinot's successor was more willing to abide by Ross's dictum.[12]

Except for a few minor taxes on taverns, annuities from the federal government for various land cessions were the only source of income of the Cherokee government. The story of the treaties negotiated between the Cherokees and the federal government between 1798 and 1819, through which the land cessions were made, is a dreary tale of bribery and exploitation of the Indians, all under the guise of concern for the Indians' welfare. Nevertheless, the treaties did aid the Cherokee government by giving it an air of legitimacy and a source of income.

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[12]Cherokee Phoenix, August 1, 1832; September 8, 1832.

The Cherokees had acknowledged that they were "under the protection of the United States of America, and of no other sovereign whatsoever" in both the Treaty of Hopewell of 1785 and the Treaty of Holston of 1791.[13] During the three decades which followed the Treaty of Holston, the United States exercised its "protection" of the Cherokees to the limit. Through a series of treaties between 1785 and 1819 the land holdings of the Cherokees were drastically reduced.[14] Yet in every treaty some sort of concession was made to the Indians, either a sum of money or specific products which would presumably be of use to the Cherokees. Through these treaties, therefore, it was possible for the federal government to maintain the facade of actually aiding the Cherokees, as the missionaries were doing, by offering them the benefits of civilization.

A treaty signed at Tellico in 1798 provided for a cession of about 1,500 square miles of land by the Cherokees, for a United States agent to reside "from time to time" among the Cherokees, for the Kentucky Road to be kept open to United States citizens in perpetuity, and for horses stolen by either whites or Indians to be paid for at a rate

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[13]The same phraseology was used in both the Hopewell and Holston Treaties. Kappler, Laws and Treaties, Vol. II, p. 9, 29.

[14]Each of the land cessions is outlined and discussed in Royce, pp. 129-378. A table on p. 378 lists the treaties and indicates the location and quantity of land ceded by the Cherokees.

of $60 each.[15] The arrival of United States Agent Return J. Meigs under the terms of this treaty was an important step in the civilizing of the Cherokees. Meigs was largely responsible for negotiating the treaties during the next two decades which robbed the Cherokees of their land but provided the Cherokee government with sufficient annuity funds to achieve an unprecedented degree of strength and stability.

Between 1804 and 1806 Meigs negotiated four treaties with the Cherokees, whose combined area of over 15,000 square miles, constituted the largest land cession of Cherokee history. In addition to giving up large tracts of land, the Cherokees agreed to allow whites to travel on certain roads through Cherokee land, and not to interfere with United States mail being transported between Knoxville and New Orleans. In return, the Cherokees were granted several payments amounting to over nineteen thousand dollars and two annuities, one for two thousand dollars annually for four successive years, and another of five thousand dollars annually with no time limit. The Cherokees also received "valuable merchandise," "useful merchandise," a grist mill, and a cotton carding machine.[16]

There were no more land cessions for a decade after

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[15]Kappler, Laws and Treaties, Vol. II, pp. 51-55.

[16]Ibid., pp. 73-74, 82-84, 90-92. Doublehead, one of the signatories of the Treaty of 1806, was murdered by Cherokees who opposed the land cessions. Cotterill, p. 157.

the Treaty of 1806. Yet there were several migrations to Arkansas encouraged by President Thomas Jefferson prior to Cherokee involvement in the War of 1812. The first documented migration of Cherokees to Arkansas was in 1783.[17] It is clear, however, that parties of Cherokees had crossed the Mississippi regularly since the pre-discovery period.[18] In the spring of 1809 the Cherokees sent an exploring party to Arkansas to find an area to which the whole Cherokee Nation might move. Following the exploration, Chief Tallotiskee, one of the signatories of the Treaty of 1806 who was probably trying to avoid Doublehead's fate, led a migration of 1,130 Cherokees to Arkansas.[19]

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[17]Theodore Roosevelt, The Winning of the West, II (New York: G.P. Putnam's Sons, 1889), p. 403, letter from Estevan Miro to Robinson, April 20, 1783. The Texas Cherokees who crossed the Mississippi in 1794 and later settled in Rusk and Henderson counties, Texas, under the leadership of Chief Bowles are of little demographic significance because they never numbered more than a few hundred. Dorman Winfrey, ed., Texas Indian Papers, 1825-1843 (Austin: Texas State Library, 1959), pp. 22-28, "Report of Standing Committee on Indian Affairs," October 12, 1837. See also Mary Whatley Clarke, Chief Bowles and the Texas Cherokees (Norman: University of Oklahoma Press, 1971); Dorman Winfrey, "Chief Bowles of the Texas Cherokee," The Chronicles of Oklahoma, XXXII (Spring, 1954), 29-41; Albert Woldart, "The Last of the Cherokees in Texas, and the Life and Death of Chief Bowles," The Chronicles of Oklahoma, I (June, 1923), 179-226. John P. Brown, Old Frontiers: The Story of the Cherokee Indians from Earliest Times to the Date of their Removal to the West, 1838 (Kingsport, Tennessee: Southern Publishers, Inc., 1938), p. 471, is wrong in stating that the Texas Cherokees numbered "probably 8,000" in 1839.

[18]Mooney, Myths of the Cherokees, p. 100, the myth of "The Lost Cherokee," pp. 391-392; Douglas L. Rights, The American Indian in North Carolina (Winston-Salem: John F. Blair, Publisher, 1957), p. 184.

[19]Cotterill, p. 159; Woodward, p. 131. Jefferson's

During the first two decades of the nineteenth century, Cherokees continued migrating to Arkansas. The precise number of migrants is unknown because no census of the "old settlers" was taken until 1851, but their numbers seem to have been greatly overestimated. The 1851 census listed 3,270 old settlers, the survivors and descendents of all of the Cherokees who migrated to the trans-Mississippi area prior to 1835. The 1851 old settler census was probably very accurate because a per capita payment of nearly $250 was made to each of the old settlers. The remainder of the citizen population, referred to in contemporary usage as the "Emigrant Party" or "Ross Party" numbered 14,094 in 1851 and each of them received a per capita payment of $92.38.[20] It seems likely that the emigrant roll would also be very complete under these circumstances.

Estimates of the Arkansas Cherokee population of 1819, the year of the last old settler migration, greatly exceed the 3,270 total for 1851 and there is no evidence of any return migration. In addition to the westward migration of 1,130 Cherokees in 1809, other groups, totaling one thou-

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position on Cherokee migration is given in serialized form in the Cherokee Phoenix in March and April of 1828, and American State Papers, Indian Affairs, II, p. 125. Kappler, Laws and Treaties, Vol. II, p. 91.

[20]BIA Report, 1896, p. 153; Federal Archives and Records Service, Region 7 Archives, Fort Worth, Texas (hereafter cited as National Archives, Fort Worth), Drennen Payroll, 1852, Old Settler Payroll; National Archives Microcopy, T-985, Roll 2; Cherokee Advocate, September 16, 1851.

sand or more, went to Arkansas between 1817 and 1819. Charles C. Royce took Governor Joseph McMinn's estimate of 6,000 as the true size of the Arkansas Cherokee population in 1819. Grant Foreman belittled the trust which Royce placed on the words of the Tennessean because McMinn was personally responsible for encouraging Cherokee migration. He would, therefore, have reason to inflate the figures to gain credit for himself. The same figure of 6,000, however, is reported by the Reverend Jedidiah Morse in his 1822 report to the Secretary of War. Both James Mooney and R.S. Cotterill, on the other hand, stated that unnamed Cherokee chiefs said that the 6,000 figure far exceeded the truth.[21] Even though the Arkansas Cherokees had a series of armed conflicts with the Osages during the 1820's, they were not of such intensity as to have reduced the population by more than half between 1819 and 1851, as the difference between the estimate of 6,000 for 1819 and the 3,270 total in 1851 indicates would be necessary. Although the effects of the conflicts between the Cherokees and the Osages are not known with much precision,[22] it is nevertheless possible to say with certainty that the Cherokees in Arkansas at most numbered only half

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[21]Royce, p. 218; Grant Foreman, Indians and Pioneers: The Story of American Settlement Before 1830 (Norman: University of Oklahoma Press, 1936), p. 66; Morse, p. 152; Mooney, Myths of the Cherokees, pp. 103-104; Cotterill, p. 205; U.S. Senate, 30 Cong., 2nd Sess., Executive Document 28, Serial 531.

[22]An account of the Arkansas Cherokees during the 1820's and 1830's may be found in Mooney, Myths of the Cherokees, pp. 135-143; and Brown, Chapter XXXI.

of the commonly seen estimate of 6,000 in 1819.

The migration of Cherokees to Arkansas was interrupted by the War of 1812, but the war itself had little demographic significance because fewer than a thousand Cherokee warriors were ever involved in it. Most of the damage to the Cherokees resulted from supposedly friendly American soldiers marching through the Cherokee lands.[23] The war should be seen, therefore, primarily as an interlude in the development of republican government and as an interlude between phases of Cherokee land cessions.[24]

Demands for more Cherokee land cessions and for the removal of the entire Cherokee population to the trans-Mississippi West closely followed the war. Two treaties signed in Washington in March of 1816 illustrate these pressures. The first provided for the cession of 148 square miles of land to South Carolina for which that state was to pay the Cherokees five thousand dollars. The second provided for clarification of the Cherokee-Creek boundary, for the right of way for any roads the government desired to build through Cherokee lands, and for United States citizens to have free and safe passage on all Cherokee roads and waterways. The Cherokees agreed, moreover, to "establish and keep up, on the roads to be opened under the sanction of this article, such ferries and public houses as may be necessary for the

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[23]Woodward, pp. 131-132; Malone, pp. 71-72.

[24]Mooney, Myths of the Cherokees, pp. 89-97. Eighteen Cherokees were killed and 36 wounded at Horseshoe Bend.

accomodation of the citizens of the United States." In return for all this the Cherokees were to receive an indemnity for damages done to the Cherokee Nation by the United States militia and army during the War of 1812, "ascertained by the agents of the United States to the amount of twenty-five thousand five hundred dollars."[25]

A third treaty, signed between the Cherokees and the United States in September of 1816 at Chickasaw Council House, was similar to the earlier treaties of that year. For the first time, however, Andrew Jackson rather than Return J. Meigs was the leading American negotiator. This treaty provided for various land cessions amounting to 3,433 square miles (including four square miles in Mississippi) in return for a ten year annual annuity of $6,000 and an additional $5,000 to be paid within sixty days of the ratification of the treaty by the Senate. Because of the scanty turnout of Cherokees at Chicasaw Council House, the treaty provided for a meeting of the entire nation at Turkey's Town on September 28, 1816 in order to ratify the treaty. If they did not show up, the "commissioners may report the same as a tacit ratification, on the part of the Cherokee nation, of this treaty," but the Cherokee Nation, convened as a "general council," approved the treaty at Turkey's Town on October 4, 1816.[26]

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[25]Kappler, Laws and Treaties, Vol. II, pp. 124-126.

[26]Ibid., pp. 133-134; American State Papers, Indian Affairs, II, p. 117, Andrew Jackson to William Crawford,

It is apparent from the treaties signed in 1816 that the federal government was not willing to give as much in the way of cash and aids to civilization such as grist mills and cotton cards as it had been willing to give a decade earlier. The changing position of the federal government was consistent with the increasing pressure for complete Cherokee removal to Arkansas or other lands to the west because further aid in advancing Cherokee civilization would only undermine the logic on which the removal arguments were based.[27]

Unfortunately for the Cherokees, in 1817 the secretary of war appointed Andrew Jackson, Governor Joseph McMinn of Tennessee, and David Meriwether as commisioners plenipotentiary for the United States to arrange for the removal of the Cherokees to the West. The first step was taken in July of 1817 at the treaty convention at the Cherokee Agency at Calhoun, Tennessee. At this meeting Jackson used bribery and threats to obtain an exchange of 1,018 square miles of land in Georgia and Tennessee for an equal amount of land in Arkansas. The Arkansas land was to be assigned to Cherokees who had already removed, or intended to move to the trans-Mississippi region. The treaty also called for a census of Cherokees both in the East and in the West, but un-

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November 12, 1816; Royce, p. 211. There is no evidence on the number of Cherokees who actually showed up at Turkey's Town.

[27]Wilson Lumpkin, The Removal of the Cherokee Indians From Georgia, 1827-1847 (New York: Dodd, Mead and Company, 1907).

fortunately this provision was not carried out. In addition, any Cherokees who wished to remain in the East and become citizens could enroll to receive a 640 acre homestead. Some 1,223 individuals immediately took advantage of this opportunity, but a majority of these later changed their minds.[28]

There was considerable dissatisfaction with the treaty of 1817, and in 1819 a delegation was sent to Washington to negotiate a treaty directly with Secretary of War John C. Calhoun. The new treaty provided that, because "a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation," they would simply cede another 5,941 square miles of land, but would not be required to move. The "trouble or expense of taking the census," as provided by the Treaty of 1817 would therefore be unnecessary. In addition, the treaty provided that one third of the annuities of all previous treaties would be paid to the western Cherokees since it was incorrectly assumed that they constituted one third of the Cherokee population. If the western Cherokees, who took no part in the Treaty of 1819, were dissatisfied with

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[28]Kappler, Laws and Treaties, Vol. II, pp. 140-144; Oklahoma Historical Society, Indian Archives (hereafter cited as OHSIA), File Cherokee-Census (Tahlequah), 1817, 1860's, 1870's "Register of Persons who wish reservations under Treaty of July 8th, 1817;" Royce, pp. 214-219.

the annuity arrangement they could complain and a census would be taken to determine their proportion of the Cherokee population more precisely.[29] As might be expected, they did not complain since they constituted no more than 3,000 of the total Cherokee population of about 17,000. The Treaty of 1819 marked the last land cession of the Cherokees for a decade. Migration to Arkansas also ceased because the sizable cessions made in 1816, 1817, and 1819 which, along with the Panic of 1819, reduced the pressure of white frontiersmen and politicians on the Cherokees.[30]

The decade following the Treaty of 1819 was one of peace and prosperity for the eastern Cherokees, interrupted abruptly in the late 1820's by the demands of Georgia for the removal of the Cherokees from lands promised by the federal government to Georgia in 1802.[31] During this decade the Cherokee Nation adopted a republican government styled after that of the United States. A census made under the authority of an act of the Cherokee National Council of November 12, 1824, showed that they had made considerable progress in several other areas. This census was taken primarily to demonstrate that the Cherokees were no less

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[29]Kappler, Laws and Treaties, Vol. II, pp. 177-179; Royce, pp. 221-228.

[30]Cotterill, p. 206; Benjamin Horace Hibbard, A History of the Public Land Policies (Madison: University of Wisconsin Press, 1965, originally published in 1924), pp. 97-100.

[31]American State Papers, Public Lands, I (Washington: Gales and Seaton, 1832), p. 126.

civilized than the citizens of Georgia who were soon to lust for their land. According to the 1825 census, there were 13,973 Cherokees who owned 22,400 cattle, 7,600 horses, 40,000 swine, 3,000 sheep, 1,850 spinning wheels, 2,450 plows, 700 looms, 12 saw mills, 20 grist mills, 55 blacksmith shops, 6 cotton gins, 10 ferries, and 1,038 slaves.[32] If nothing else, the figures show that the Cherokees had obviously achieved a considerable degree of material prosperity by the middle 1820's.

In 1828 the Arkansas Cherokees signed a treaty with the United States which clearly defined what were to be the physical limits of the Cherokee Nation in Indian Territory until Oklahoma statehood. It provided that since the federal government could not guarantee the security of the Arkansas Cherokees against white settlers, the government would provide them with "A PERMANENT HOME [sic] , and which shall, under the most solemn guarantee of the United States, be, and remain, theirs forever--a home 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 State." The treaty established the boundaries of the new western Cherokee land for which the Cherokees were to surrender their holdings in Arkansas within fourteen

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[32]Cherokee Phoenix, February 8, 1828, May 14, 1828, June 11, 1828, June 18, 1828; Cherokee Advocate, June 18, 1849; Royce, p. 240; Foreman, The Five Civilized Tribes, p. 326.

months. Each Cherokee who moved to the new Cherokee land was to receive a "good Rifle, a Blanket, and Kettle, and five pounds of Tobacco," as well as compensation for improvements left behind.[33] Though the land was granted to the approximately three thousand Arkansas Cherokees, a decade later they were joined by approximately sixteen thousand eastern Cherokees. No compensation was given to the Arkansas Cherokees who had received the land in 1828.

The period between 1828 and 1834 was filled with momentous events for the Cherokees. The Treaty of 1828 was quickly followed by the discovery of gold on Cherokee land in Georgia[34] and the election of Andrew Jackson to the presidency. Each of these events prompted the citizens and government of Georgia to press more forcefully for the removal of the Cherokees from that state as promised under the terms of the agreement of 1802. The passage of the Removal Bill in 1830,[35] which allowed the President to move any Indian tribe to the trans-Mississippi West by force if necessary, completed the transformation of United States Indian policy from one of teaching the Indians white man's

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[33]The final provision resulted in a scornful editorial in the Cherokee Phoenix of July 9, 1828. The use of such items as kettles and tobacco as inducements for Cherokee emigration, suggested Editor Elias Boudinot "do not well become the dignity of the United States."

[34]The first announcement of the gold strikes appeared in the Cherokee Phoenix on February 24, 1830, though initial discoveries were made two years earlier. Mooney, Myths of the Cherokees, p. 116.

[35]U.S. Statutes at Large, Vol. IV, p. 441.

civilization to one of settlement beyond a "permanent" Indian frontier which would allow the Indians to develop civilization without interference from white frontiersmen. These developments, the subsequent actions of Georgia in attempting to overrun the Cherokee lands within her borders, and the Supreme Court cases Cherokee Nation v. Georgia and Worcester v. Georgia[36] have been dealt with in numerous works and need not be described here.[37] It need only be said that they led to the Treaty of New Echota of 1835[38] which provided for the final removal of the total Cherokee population to the lands defined in the Treaty of 1828. The forced removal which was carried out in 1838 caused the first of the two dramatic demographic disruptions of the Cherokees during the nineteenth century.

In 1835 the federal government took a census of the Cherokees east of the Mississippi which is the key to an analysis of the demographic effects of the removal of 1838. In a circular dated May, 1835, Commissioner of Indian Affairs, Elbert Herring, instructed all agents and sub-agents

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[36]5 Peters, 1; 6 Peters, 515. Reprinted in Henry Steele Commager, ed., Documents of American History (8th ed.; New York: Appleton-Century Crofts, 1968), pp. 255-259.

[37]See, for example, Billington, pp. 313-316; Riegel and Athearn, pp. 187, 192-195; Woodward, Chapter VIII; Brown, pp. 491-495; Mooney, Myths of the Cherokees, pp. 116-120; Grant Foreman, Indian Removal, the Emigration of the Five Civilized Tribes of Indians (Norman: University of Oklahoma Press, 1932), pp. 229-237.

[38]Kappler, Laws and Treaties, Vol. II, pp. 439-449.

of the Office of Indian Affairs to collect statistical information on such matters as population, schools, teachers, and blacksmiths among all of the tribes under the jurisdiction of the Department of War.[39] The census takers working in the Cherokee Nation[40] seem to have done more than simply collect statistical material. In a letter dated July 29, 1835, from Ben J. Currey, the Cherokee Agent and supervisor of the census takers in the Cherokee Nation, to Commissioner Herring, Currey referred to the Commissioner's May, 1835 instructions and also to a verbal request of the Secretary of War.[41] That the Cherokees were a special case, and that the verbal request might have concerned the desire of the government to remove the Cherokees is suggested by several other things. In another letter, dated February 22, 1836, from the Commissary General of Subsistence to Agent Currey, there is mention of the use of the census takers as emigration propagandists.[42] The possible connection between a census taken by federal authorities and forced removal was also an intermittent theme of editorials

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[39]Kappler, Laws and Treaties, Vol. II, pp. 439-449.

[40]The census takers were Daniel Henderson for Tennessee, Rezin Rawlings for Alabama, Nathaniel Smith for North Carolina, C.M. Nelson and George W. Underwood for Georgia. National Archives Microcopy T-496, Roll 1.

[41]LROIA Microcopy M-234, Roll 76, frames 557-576.

[42]U.S. Senate, 25 Cong., 2nd Sess., Document 120, Serial 315, pp. 125-130.

in the Cherokee Phoenix after 1830.[43]

The Cherokee census of 1835--called the Henderson Roll after one of the census takers--placed the total Cherokee population east of the Mississippi River at 18,325 including 1,592 slaves and 201 whites.[44] This total is very consistent with the earlier censuses of 1809 and 1825. Assuming the enumerations at each date to be correct, the annual crude rate of increase between 1809 and 1835 would have been 12 per thousand. The annual natural rate of increase (computed by taking into account the migration of some 2,000 Cherokees to Arkansas after the Treaty of 1817 and the addition of approximately 1,000 slaves to the Cherokee population) would have been about 14 or 15 per thousand. The observed annual rate of increase between 1825 and 1835 was 19 per thousand, but with an adjustment for the introduction of some 500 slaves the annual rate of natural increase is reduced to about 16 per thousand. These rates may seem high in that they exceed the present rate for the United States as a whole (Figure 1). Yet the figures for recent years represent a decline from the early twentieth century. In the period between 1810 and 1840 the total

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[43]Examples include Cherokee Phoenix, August 19, 1831, October 19, 1833.

[44]National Archives Microcopy T-496, Roll 1; U.S. Senate, 25 Cong., 2nd Sess., Document 120, Serial 315, p. 535; Rights, p. 193; LROIA, Microcopy M-234, Roll 94, frames 470-471, J.K. Rogers to Acting Commissioner of Indian Affairs, October 9, 1850; Malone, p. 118.

United States population was growing at an annual rate of 29 per thousand, though unrecorded inward migration would cause the annual rate of natural increase to be somewhat lower. During the same period the black population of the United States was increasing at a rate exceeding 20 per thousand.[45] So an annual rate of natural increase of less than 20 is certainly not excessively high in the context of pre-Civil War America.

There is considerable uncertainty as to how many Cherokees actually took part in the migration to the trans-Mississippi area between the Treaty of New Echota and the end of 1838. Government statements are contradictory with one stating that 13,149 Cherokees went west and a later stating that the true figure was 15,480.[46] The second figure is the more reasonable because the first implies that more than 5,000 Cherokees would have been left behind if the 1835 enumeration was correct. A census of the eastern Cherokees taken in 1851 showed 2,134 alive in that year. The census of 1851 is probably very complete because, as was the case in the Cherokee Nation in 1851, a per capita payment ($92.75 in this case) was made to each person whose

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[45]U.S. Department of Commerce, Historical Statistics of the United States, p. 7; Jack E. Eblen, "Growth of the Black Population in ante bellum America, 1820-1860," Population Studies, XXVI (July, 1972), 279.

[46]U.S. House of Representatives, 30 Cong., 1st Sess., Executive Document 65, Serial 521, p. 17; U.S. House of Representatives, 33 Cong., 1st Sess., Report 123, Serial 743.

name appeared on the census roll.[47]

The 1851 census of the eastern Cherokees (or "North Carolina Cherokees" as they were called) indicates that the larger government estimate of the number of migrants, 15,480, is also probably slightly below what was the actual total. There is no evidence that the population of the eastern Cherokees declined between 1839 and 1851, though because of their anomalous and uncertain condition as far as land tenure was concerned, it is possible that some purposely lost their identity as Cherokees in the years after 1838. Ther is also no evidence of migration from North Carolina to the Indian Territory between 1838 and 1851. During the early part of the period the eastern Cherokees were obliged to hide in the hills to avoid capture. It is possible that some drifted away from the group and would not be listed on the Siler Roll of 1851. Yet it would seem likely that the lure of $92.75 might bring many of these back, especially when it was apparent that no forced migration was contemplated at that late date. In any event, the population of the eastern Cherokees probably showed a slight increase between 1839 and 1851, but surely not at a rate as high as that of the Cherokees in Indian Territory who lived in what was to become after 1846 a much more

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[47]U.S. Statutes at Large, Vol. IX, pp. 544-559; National Archives, Fort Worth, Chapman Payroll, 1852; Siler Roll, 1851.

secure and stable environment.[48]

Part of the problem with the government migration figures is that they probably do not include some people who voluntarily migrated immediately after the signing of the Treaty of New Echota. The numbers involved in the voluntary migration between 1835 and the spring of 1838 are not recorded in any one place, so it is impossible to determine exactly how many are not included in the government estimate of 15,480. Some Cherokees migrated during 1837 and 1838 using their own resources and later received transportation allowances from the federal government. Estimates of historians of the size of the voluntary migration between 1835 and 1838 range from a "few hundred" to four thousand.[49] Since individual diaries and travel accounts do not provide adequate measure of the voluntary migration, it is expedient to posit the total migration between the Treaty of New Echota and the end of 1838 as approximately

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[48]Morris Wardell in his Political History of the Cherokee Nation, 1838-1907 (Norman: University of Oklahoma Press, 1938), p. 242, said that in 1839 there were 1,046 eastern Cherokees. This is certainly well below the true figure, for it implies an annual rate of natural increase of 58 per thousand between 1839 and 1851 when the population was 2,143. John P. Brown, p. 520, estimates the total at 1,500 in 1839, also unreasonably low in that it implies an annual growth rate of 29 per thousand between 1839 and 1851.

[49]Howard, p. 76; John Collier, The Indians of the Americas (New York: New American Library, 1947), p. 212; Arrell M. Gibson, Oklahoma, A History of Five Centuries (Norman, Oklahoma: Harlow Publishing Corporation, 1965), p. 117; Foreman, The Five Civilized Tribes, p. 323; B.B. Lightfoot, "The Cherokee Emigrants in Missouri, 1837-1839," The Missouri Historical Review, LVI (January, 1962), 163.

16,000. This would leave slightly fewer than 2,500 Cherokees behind in North Carolina, a figure which is consistent with the number enumerated in the Siler Roll of 1851.

From the estimate of those who took part in the migration it is possible to determine the number of deaths associated with the migration with much more precision than previously possible. Estimates made by historians cluster around 4,000 and 2,000 deaths directly related to the removal.[50] The combined knowledge of the conditions under which the Cherokee emigrants lived during the 1840's and of the 14,094 emigrants enumerated in 1851 suggests that an estimate of 2,000 deaths is most accurate.

Intense strife characterized the Cherokee Nation during the late 1830's and early 1840's. The bitterness between those who had favored the Treaty of New Echota and those who had opposed it was manifested in a series of political murders which took place in the years following the removal. Elias Boudinot, Major Ridge, and his son John Ridge met their deaths at the hands of assassins in 1839, each because of his part in the Treaty of New Echota.[51] In

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[50]The figure of 4,000 is most popular, being advanced by Mooney, Myths of the Cherokees ("over 4,000"), p. 133; Foreman, Indian Removal, p. 312; Woodward, p. 218; and Emmet Starr, History of the Cherokee Indians and Their Legends and Folk Lore (Oklahoma City: The Warden Company, 1921), p. 103. Lightfoot, p. 167, places the total loss at "over 1,600." See also Royce, p. 375; George W. Manypenny, Our Indian Wards (Cincinnati: R. Clarke & Co., 1880), pp. XXI-XXII.

[51]Woodward, p. 225; Mooney, Myths of the Cherokees, pp. 133-134; Ralph Henry Gabriel, Elias Boudinot, Cherokee and

addition to the discord between elements of the Cherokees who had recently arrived from the East, there was also a question as to the role that the old settlers would play in the political institutions of the new Cherokee Nation. The old settlers felt that because of their early arrival they should be allowed to maintain their political leadership. In the end John Ross and his Emigrant Party triumphed. Both the Act of Union and the Constitution of 1839 effectively transferred the government of the eastern Cherokees to the West and eliminated the political influence of the old settlers.

Wholesale outlaw activity also marked the early 1840's in the Cherokee Nation. Such notorious figures as Tom, Ellis, and James Starr were active murdering people and stealing horses. Such banditry combined with frequent political atrocities generated serious debate about dividing the Cherokee Nation into two parts, one for the Ross group and the other for the supporters of the Treaty of New Echota, the so called "Treaty Party," and the old settlers.[52] The

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his America (Norman: University of Oklahoma Press, 1941), pp. 175-178; Wardell, p. 17. George Adair and James Starr were among a small number of men who had signed the Treaty of New Echota who escaped assassination. Ironically, Major Ridge had taken part in the murder of Doublehead for his role in the Treaty of January 7, 1806.

[52]On April 13, 1846, President James K. Polk advocated this procedure for beinging law and order to the Cherokee Nation, Cherokee Advocate, May 14, 1846; James D. Richardson, ed., Messages and Papers of the Presidents, IV (Washington: Government Printing Office, 1897), pp. 429-431; U.S. House of Representatives, 29 Cong., 1st Sess., Document 185, Serial 485, pp. 1-3.

general pessimism about the future was voiced on October 9, 1845 in an editorial in the Cherokee Advocate when the editor announced "the melancholy fact that the Cherokees are decreasing in number," a fact which was "evident to the most casual observer." The decline, suggested Editor William P. Ross, was caused by violent crimes, execution for the commission of crimes, and disease.[53]

The unhappy conditions which characterized the Cherokee Nation after 1839 ended unexpectedly and abruptly in 1846 with the signing of a treaty in Washington. The treaty was designed to rectify the "serious difficulties" which had "for a considerable time past, existed between the different portions of the people constituting and recognized as the Cherokee Nation of Indians."[54] The treaty defined Cherokee holdings, provided for general amnesty in the Cherokee Nation (differences to "be forgotten and forever buried in oblivion"), and most importantly provided for cash payments to satisfy the claims of each of the contending groups within the nation. The payments were made to the Cherokees in 1851 and 1852, but litigation on claims

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[53]Editor Ross estimated the decline during the previous twelve months as "several hundreds," but admitted that there was no way of being certain of his conclusion that there was a general population decrease. Though he mentioned disease as part of the problem, there is no evidence that any epidemics occurred during the period. The editorial, however, is revealing in that it shows the mood of extreme pessimism of the period.

[54]Kappler, Laws and Treaties, Vol. II, p. 561; Cherokee Advocate, September 10, 1846, September 18, 1846, October 8, 1846, "It is infinitely better than no treaty."

continued almost until the end of the nineteenth century.[55]

The Treaty of 1846 had a profound effect on the Cherokee Nation. The mood of the editorials in the Cherokee Advocate changed from one of pessimism for the future to one of anticipation of the per capita payments that were to come. Such matters as concern about the growing abolition movement and the California gold rush replaced the vindictive political rhetoric of the pre-1846 period.[56] The change in tone of Cherokee politics was expressed in the obvious overstatement of the Cherokee agent in his annual report of 1847: "all party distinctions and past misunderstandings have been laid aside and they [the Cherokees] are moving forward with increased acceleration in the path of civilization and improvement."

The Treaty of 1846 provided that a committee of five old settlers, with the aid of the government agent, should determine who would be entitled to benefit from the old settler per capita payment. A notice dated March 7, 1847, and signed by Agent R.C.S. Brown, appeared in the Cherokee Advocate during the months of March and April of 1849. The

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[55]The federal court case The Old Settlers or Western Cherokee Indians v. United States (148 U.S. 426, 1892) resulted in a per stirpes payment (payment to the survivors of the whole share, with descendents of a deceased person dividing the share) of $159.10 being made on the basis of the old settler roll of 1851.

[56]The California gold discoveries were first noted on January 15, 1849. Harriet Beecher Stowe's Uncle Tom's Cabin received an unfavorable review on February 2, 1853. BIA Report, 1847, p. 744.

notice instructed old settlers to appear at the courthouses of the various districts on certain days to be enrolled by the committee of old settlers.[57] When William Butler replaced Agent Brown in June of 1849,[58] he discovered that Brown had had the aid of a committee of four rather than a committee of five as provided by the Treaty of 1846. Butler decided, therefore, that another enrollment would have to be carried out. In a notice dated July 18, 1850, the old settlers were instructed to meet "at their Council Ground near the Mouth of the Illinois" on August 5, 1850, to elect another member to the committee.[59] The prospects of immediate and decisive action on the part of Agent Butler, after nearly a year's delay, evoked the enthusiastic support of Editor David Carter of the Cherokee Advocate.[60]

Yet by the end of the year it had become apparent that the enrollment could not be carried out without first overcoming other problems. The issue which came to the forefront was whether the children of old settlers born between 1846 and the moment the census was taken should be enrolled and allowed per capita payments, or whether the census should be made as of 1846. If the second alternative

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[57]Kappler, Laws and Treaties, Vol. II, p. 563; Cherokee Advocate, March 26, 1849, April 2, 9 and 16, 1849.

[58]Cherokee Advocate, June 25, 1849.

[59]Ibid., July 30, 1850.

[60]"hurrah! hurrah!" Cherokee Advocate, August 27, 1850.

was chosen, there was then a question as to the rights of the survivors of the old settlers who had died between 1846 and the time of the enrollment. The Superintendent of the Southern Superintendency, John Drennen, favored including in the roll only those who had been alive in 1846. The old settlers, and a majority of the rest of the Cherokee Nation, favored the enrollment of all descendent and survivors alive when the census was taken.[61] The issue was finally settled in accordance with the Cherokee tradition of extending the benefits of tribal resources to only the living. The roll, which indicated a total of 3,270, was made in the late summer of 1851.[62] The per capita payments were made immediately, beginning on September 22, 1851, at Fort Gibson.[63]

The census of the survivors and descendents of the emigrants had been taken under the authority of an act of the Cherokee National Council passed over Chief John Ross's veto on November 30, 1850.[64] The actual enrollment which

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[61]Cherokee Advocate, December 17, 1850, January 14, 1851, John Drennen to William Butler, December 17, 1850; LROIA, Microcopy M-234, Roll 94, frames 270-275, William Butler to Luke Lea (Commissioner of Indian Affairs), August 9, 1850, frame 278, Old Settler Committee of Five to William Butler, August 27, 1850.

[62]Cherokee Advocate, March 25, 1851, April 8, 1851, July 1, 1851, August 19, 1851; LROIA, Microcopy M-234, Roll 95, frame 210.

[63]Cherokee Advocate, September 2, 1851; BIA Report, 1851, pp. 303-366. John Drennen to Luke Lea, October 21, 1851.

[64]Constitution and Laws of the Cherokee Nation (1852), p. 216. The National Council Committee (lower house) passed the census bill over the Chief's veto on November 29, 1850,

indicated a population of 14,094, had been carried out during February of 1851 and encountered none of the problems which were to beset the old settler enrollment which finally took place the following summer.[65] The payment of the per capita was delayed until April 5, 1852, however, in part because of the problem of transporting the large sum of money on the sometimes slow Arkansas River and in part because of controversy over the location of payment.[66]

Cherokee Advocate, December 10, 1850. The Council passed it unanimously the following day, Cherokee Advocate, December 17, 1850. In his veto message of November 13 (Cherokee Advocate, November 26, 1850) Ross stated that he did not "deem it expedient or proper to confine the enumeration of the people to the Eastern Cherokees alone [the survivors and descendents of the emigrants of 1838] ." Instead he favored a census which would encompass all of the population of the Cherokee Nation, listing separately the emigrants, old settlers, slaves, whites, members of other tribes, "and such statistics as would be desirable to the United States Government, and interesting to ourselves." It seems that Ross was interested in having a census taken which would reassure the Cherokees and the people of the United States that the inhabitants of the Cherokee Nation were not barbarians, a motivation which had been behind the census of 1825. A favorable picture would be a personal triumph for Ross who could claim credit for virtually all Cherokee progress. A census of only a segment of the population would not satisfy Ross's desire for an overall examination of the condition of the Cherokees. On November 21, 1850, Ross introduced into the National Council his more detailed census proposal but it was never acted on, Cherokee Advocate, December 3, 1850. See also Cherokee Advocate, July 8, 1851, Luke Lea to John Drennen, May 30, 1851.

[65]Cherokee Advocate, February 11, 1851.

[66]For reasons which are not clear from newspaper accounts, Superintendent John Drennen insisted on making the per capita payment at Fort Gibson rather than at Tahlequah as the Cherokees proposed. This controversy contributed to the delay. Throughout the spring of 1852 the Cherokee Advocate was full of news of the matter and denunciations of Drennen, a "petty, prejudiced officer of the U.S. Government."

The process by which the emigrant and old settler rolls were drawn up and the obvious public scrutiny which accompanied the activities of the enrollers lend support to the contention that the rolls were very accurate. It is unlikely that they were under-enumerated because of the financial reward attached to being enrolled and the great amount of publicity which accompanied the process of enrollment.

The roll of survivors and descendents of emigrants made in 1851 provides the basis for a determination of the number of deaths caused by the removal. The approximately 1,500 slaves who took part in the migration must be deducted from the estimated 16,000 migrants because they were not enumerated in the 1851 enrollment.[67] Thus the 14,094 Cherokees of the Ross faction who were enumerated in 1851 were the survivors and offspring of the 14,500 Cherokees who migrated after the Treaty of New Echota. If the number of deaths is assumed to have been 2,000, an annual rate of

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Cherokee Advocate, March 23, 1852, March 30, 1852, April 6, 1852. A closer examination might turn up a connection between Drennen and certain business interests at Fort Gibson who would take advantage of thousands of Indians with cash in their pockets, a connection suggested in the Cherokee Advocate on March 27, 1852.

[67]It is reasonable to assume that almost all of the slaves migrated because their ownership was restricted to a small group, primarily composed of mixed-bloods, who would have had little reason to resist enrollment. It has been clearly established that the vast majority of those who remained were lower class full bloods, a group who owned very few slaves. See, for example, Mooney, Myths of the Cherokees, p. 157; John Gulick, Cherokees at the Crossroads (Chapel Hill: Institute for Research in Social Science, University of North Carolina, 1960), p. 14.

natural increase of 10 per thousand would be necessary for the twelve year interval between 1839 and 1851. If 3,000 deaths are assumed a rate of 17 would be required. These rates are misleading, however, because the social and political strife of the first five or six years of the period suggests that fertility was much lower than during the second half of the period. A constant rate cannot be assumed. If the Cherokee Nation is assumed to have had an annual rate of natural increase of zero between 1839 and 1846, a rate of about 20 per thousand would be necessary for the period between 1846 and 1851 if the Cherokees had suffered 2,000 casualties during the removal. Even though the Cherokee population might have been growing at a rate slightly higher than zero during the first half of the 1840's, it probably was not growing faster than 3 or 4 per thousand. Since it is doubtful if a rate much higher than 20 could have been achieved after 1846, 2,000 must be considered the maximum number of deaths suffered by the Cherokees during removal.[68]

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[68]The annual rate of natural increase can be calculated by subtracting the crude death rate from the crude birth rate in a closed population. To have comparative value the annual rates of natural increase must be derived from populations having similar age-sex structures. The removal of the Cherokees to the trans-Mississippi region presumably caused a higher proportion of deaths in the very young and the very old. This would have the effect of raising the crude birth rate (and thus the annual rate of natural increase) for the immediate post-removal period by lowering the denominator in the fraction which expressed the crude birth rate (total births during the calendar year divided by total midyear population times one thousand). Since the

Even more than the 1820's the decade of the 1850's was marked by progress and lack of conflict. Such events as the founding of the Cherokee Male and Female Seminaries and establishment of the Federal Court at Van Buren, Arkansas, all in 1851, indicate the kinds of changes which were occurring in the Cherokee Nation during the decade.[69] The report of Agent George Butler to the Commissioner of Indian Affairs in 1851, however, was very critical of the Cherokees for deficiencies in morals, manners, government,

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removal probably did not effect those people subject to the "risk" of childbearing as severely as the very young and very old, the crude birth rate would be higher than it would have been if the deaths caused by removal had not taken place. (This same phenomenon can be illustrated by an extreme hypothetical case--a population in which all but pregnant women died would have a remarkably high crude birth rate). Thus when the age-sex structure develops a peculiarity such as an undersized cohort, rates which are a function of total population size become less meaningful. Clearly the Cherokee cohort born between 1838 and 1846 was smaller than the one born during the subsequent eight years because of the dislocation of removal and the political conflict prior to the Treaty of 1846. It is impossible to determine the exact nature of the age-sex structure of the post-removal period, however, because none of the rolls taken in 1851 or 1852 contain the ages of the individuals. And if the rolls did indicate ages of individuals, the problem of digit preference would make them less useful than later, more reliable data. While the problem of non-comparability of the annual rate of natural increase should not be overemphasized, it should be pointed out that between the 1830's and the 1850's there is not a perfect linear relationship between the annual natural rate of increase and the actual fertility of the Cherokees. A hypothetical rate of 15 in 1855, for example, would indicate somewhat less than a fifty per cent increase in fertility over a hypothetical rate of 10 in 1848, though a rising rate would still indicate rising fertility. The American Civil War also produced a distortion in the age-sex structure which can be clearly illustrated by use of census data. See Chapter IV.

[69]Morris Wardell labels the period of the 1850's "A Peaceful Decade," Wardell, pp. 95-117. Grace Steele Woodward

and for general intemperance. He suggested territorial government as a solution for the ills of the Cherokee Nation. Yet in his report of the following year Butler noted great improvement in the condition of the Cherokees. He not too modestly took credit for the improvement by pointing to the constructive effect of his criticism of the previous year.[70]

Because of the peaceful conditions which characterized the Cherokee Nation during the 1850's, it is reasonable to posit an annual rate of natural increase of about 20 in order to determine the size of the Cherokee population on the eve of the Civil War. On the basis of this assumption, the Cherokees must have numbered around 21,000 in 1860.[71] Thus Agent Butler was correct when he reported in 1859 a total population of 21,000 Cherokees, 1,000 whites, and 4,000 slaves.[72] The fairly rapid natural growth of the Cherokee population during the 1850's was to be abruptly interrupted by the American Civil War.

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calls the period between 1846 and 1860 "Progress," Woodward, pp. 238-252.

[70]BIA Report, 1851, pp. 379-383; 1852, p. 401.

[71]Frances Woods, Indian Lands West of Arkansas, (Oklahoma), [sic] Population Schedule of the United State Census of 1860 (n.p.: Arrow Printing Company, 1964), pp. 16-38.

[72]BIA Report, 1859, p. 173.

CHAPTER IV

THE CIVIL WAR

The peaceful and relatively prosperous conditions which the Cherokees had enjoyed during the 1850's were destroyed by the American Civil War. With 384 slaveholders and more than 2,500 slaves[1] the Cherokees might have immediately joined the South in defense of their common institution. On the other hand, the South had never been noted for its concern for the well-being of the Indians. Defense of Indians' rights and help in developing educational facilities and agrarianism had generally come from the North. In any event, it is likely that prior to 1861 John Ross did not perceive the disagreement between North and South as a moral conflict over slavery, but instead as simply a sectional quarrel in which the Cherokee Nation should not become involved. Cherokee slave property did not appear to be at stake in the sectional crisis of 1860. The government of the Nation, under the firm leadership of Chief Ross, tried to remain neutral in the American sectional conflict, but conflicting loyalties and other forces beyond the chief's control made neutrality impossible.

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[1]U.S. Department of the Interior, Preliminary Report of the Eighth Census (Washington: Government Printing Office, 1864), p. 11.

When the Cherokee government was finally forced to take a position in the war, it sided with the South. Its military alliance with the South was later abrogated, however, and a new treaty was signed between a majority of the Cherokees and the Union. These diplomatic maneuvers were a reflection of a reopening of the factional quarrels which had characterized the period before 1846. The growing factionalism probably caused the Cherokees more death and destruction than would have been the case if the whole Nation had chosen either side in the Civil War and remained firm and united in its support. Guerilla warfare and simple banditry were more intense in the Cherokee Nation and in the Indian Territory as a whole than in any other area during the Civil War, and by the end of the conflict the Cherokee Nation had been devastated. In order to gauge the demographic impact of the Civil War on the Cherokee population, it is necessary to outline the major events of the conflict that had a bearing on the different segments of the population, and to evaluate the census of the Cherokees taken by the federal government in 1867.[2]

The abolition movement in the early 1850's was the immediate cause of the bitter and intense factionalism in the Nation during the late 1850's. Abolitionism burgeoned under the leadership of the Baptist missionaries Evan Jones and his son John. Cherokee Agent George M. Butler, a pro-

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[2]National Archives, Fort Worth, Roll of 1867.

slavery advocate, gave Jones and his son credit for disrupting the Cherokee Nation as early as 1854 when he criticized them for "rendering themselves obnoxious to the Cherokees by fanatically pursuing a course which, if persisted in, must lead to mischievous and pernicious consequences. I allude to their interference with the institution of slavery." In 1858 Butler observed "that there are a few Black Republicans, who are the particular fondlings of the abolition missionaries that have been, and still are making themselves officious upon the subject of slavery."[3] One year later Butler made the curious observation that the progress which had been made by the Cherokees was a result of their dependence on the institution of slavery, that "the fact of their being slaveholders . . . has operated as an incentive to industrial pursuits." The other Indian tribes which had not been so progressive might be aided, suggested Butler, if slavery was introduced among them.[4] The National Council responded to the problem of abolitionist missionaries in 1855 by passing a statute which made it unlawful for missionaries to have any contact with slaves. The law asserted that the Cherokees were "a Slave holding People in a Christian like spirit."[5]

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[3]BIA Report, 1854, pp. 114-115; BIA Report, 1858, p. 140.

[4]BIA Report, 1859, p. 172.

[5]LROIA, Microcopy M-234, Roll 97, frames 109-113, enclosure in letter, George A. Butler to George W. Manypenny (Commissioner of Indian Affairs), November 30, 1855.

To a limited extent the struggles and divisions which developed within the United States as a whole were mirrored in the Cherokee Nation. The emergence of two secret societies in the years immediately prior to the American Civil War formed an institutional framework through which the hostilities of the two opposing sides on the slavery issue could be channeled. The first, the ancient and conservative Keetoowah Society, was revitalized in 1859 by full blood Cherokees with antislavery sentiments. The opposing group, the Knights of the Golden Circle, was a proslavery organization composed primarily of mixed bloods.[6]

The Keetoowah Society, made up of "Pin" Cherokees, so called because of their practice of wearing crossed pins on their shirts as identification, developed under the leadership of Evan Jones. Albert Sydney Pike, the leading Confederate diplomat and military leader in the Indian Territory, stated in 1866 that "the Pin organization . . . [was] established by Evan Jones, a missionary, and at the service of Mr. John Ross, for the purpose of abolitionizing the Cherokees and putting out of the way all who sympathized with the Southern State."[7] The Pins were also concerned,

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[6]The two Cherokee factions in the American Civil War are described in Mooney, Myths of the Cherokees, pp. 148, 225-226; Wardell, pp. 121-123; Woodward, pp. 258-259. Royce, p. 325, states that the Keetoowah Society was formed in response to the Knights of the Golden Circle.

[7]Joseph B. Thoburn, ed., "The Cherokee Question," The Chronicles of Oklahoma, II (June, 1924), 173, Albert Sydney Pike to D. N. Cooley, February 17, 1866.

however, with the maintenance of the traditional Cherokee customs and practices which were believed to be dying out under the influence of mixed blood tribal leadership. The Pins formed a major block of support for Chief Ross (who ironically was seven-eighths Scottish), first in his effort to maintain the neutrality of the Cherokee Nation, and after his short-lived understanding with the South, in his alliance with the North.

The Knights of the Golden Circle was founded under the leadership of Stand Watie to counteract the influence of the Keetoowah Society. The proslavery Knights were mostly mixed bloods and were relatively well educated and prosperous in comparison to the Pins. Though the Knights represented only a minority of the Cherokee population, they appear to have gained supporters more rapidly than the Pins.

In many ways the division of the Cherokee Nation into two factions, ostensibly over the issue of slavery, represented a resurrection of the politically divisive issue of the Treaty of New Echota of 1835. The Ridge or Treaty Party of the 1830's might be seen as having been resurrected in the Knights of the Golden Circle, while the Ross Party of the 1830's, which had opposed migration, closely corresponded to the Pins. The parallels between the two pairs of opposing factions are not perfect; the opposing leadership was the same on both occasions. The Watie and Ridge families were prominent in both the Treaty Party and the Knights of the Golden Circle, and John Ross was personally

the leader of the Ross faction of the 1830's and of the Pins. Moreover, an individual's position on the slavery issue was less important in determining his loyalty in 1860 than his previous position with regard to the Treaty of New Echota. The crisis over slavery thus provided an excuse to renew old, meaningless, and irrational quarrels.

The Cherokees, like the other tribes in the Indian Territory, were not allowed to remain neutral in the Civil War as they desired.[8] Initially the Cherokee leaders had to cope with divided loyalties among the Cherokee population--a mixture of resentment toward the South for past mistreatment and sympathy for it because of their common acceptance of slavery. Also the Cherokees encountered diplomatic and military pressure from both the North and the South. Both the North and the South considered the Indian Territory to be strategically located and sought to prevent the other from establishing military control over it. The North had no interest in the Indian Territory for its own value. It merely tried to keep southern armies from using it as a base from which to threaten the adjacent

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[8]The details of the diplomacy prior to the Civil War and the events of the war as they affected the Cherokees are described and outlined in numerous sources. These include Wardell, Chapters 7 and 8; Woodward, Chapter 13; Mooney, Myths of the Cherokees, pp. 148-150; Royce, pp. 324-333; Annie Heloise Abel, The American Indian as Slaveholder and Secessionist (Cleveland: Arthur H. Clark Company, 1915); Annie Heloise Abel, The American Indian as Participant in the Civil War (Cleveland: The Arthur H. Clark Company, 1919); Gibson, Chapter 10; Roy Gittinger, The Formation of the State of Oklahoma (2nd ed.; Norman: University of Oklahoma Press, 1939), Chaper 5; Edwin C. McReynolds, Oklahoma: A History of the Sooner State (Norman: University of Oklahoma Press, 1960), Chapter 9.

Kansas and Colorado Territories. The South, on the other hand, coveted the Indian Territory at least during the first year of the war because of its resources and location on the route to Texas and the territories of the far West. The vital Texas Road from Missouri to Texas ran through the heart of the Indian Territory.

In spite of its early promises to the Indian Nations of firm military support, the South was unwilling or unable to allocate any sizeable military units to the Indian Territory. So because neither the North or the South made sufficient effort to occupy and defend the Indian Territory, the Cherokees were plagued by factional guerilla warfare that often consisted simply of attrocities, pillaging, and thievery. The segment of the civilian population which did not become refugees either in the North or the South became deeply involved in the fighting, either as victims or as protagonists. During a major part of the war, such para-military organizations as Stand Watie's Cherokee Mounted Rifles, often numbering only a few hundred, were able to bring all political and economic activity in the Cherokee Nation to a standstill.

The wretched conditions in Indian Territory during the war originated in the events of the spring and summer of 1861. Chief Ross was under intense pressure from the Pins on the one hand and the Knights and the Confederate poet, diplomat, and military leader, Albert Sydney Pike on the other. Elias Cornelius Boudinot, son of the Elias Boudinot

who had been murdered in 1839 for political reasons, was active in the effort to win the Cherokee Nation for the Confederacy.[9] The attempts of the pro-southern group to influence Ross to make an alliance with the South were matched by efforts of the Pins to force Ross to remain neutral or make an alliance with the North.

Albert Sydney Pike, the director of the southern diplomatic machinery, arrived in Indian Territory in June of 1861. On August 1 he negotiated a treaty with the Seminoles, having already obtained military alliances with important factions of the Creeks, Choctaws, and Chickasaws. Pike was denounced as a traitor by W. G. Coffin, the Superintendent of the Southern Superintendency who President Lincoln had appointed after his predecessor had turned out to be sympathetic to the South.[10] Coffin said that "Every means has been resorted to [by Pike] that human depravity could conceive or sordid avarice suggest, in the way of false representations, extravagant promises, threats, and persuasions, to swerve these Indians from their loyalty to the government."[11] The "extravagant promises," however, were merely assurances that the Confederacy would resume

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[9]Boudinot lived in Arkansas because he feared assassination. He was secretary of the Arkansas secession convention. Wardell, p. 127.

[10]BIA Report, 1861, p. 10.

[11]BIA Report, 1861, p. 38, W. G. Coffin to William P. Dole (Commissioner of Indian Affairs), October 2, 1861, Humboldt, Kansas.

regular payment of the annuities which the federal government had not paid since the beginning of 1861.

Pike was able to convince a large segment of the Indian population that the Confederacy had more to offer the Indians than did the Union. The South could assure the Indians regular payment of annuities, the preservation of the Indians' slave property, and military protection in the event of Union invasion. The Union had already stopped paying annuities and had abandoned Fort Gibson in the spring of 1861.[12] It is not surprising that federal support in Indian Territory was not vocal during the summer of 1861.

Ross opposed any agreement with the South throughout the summer of 1861, even though as early as July 2, 1861, Stand Watie had begun to muster a force of mixed blood Cherokee soldiers who were sympathetic to the South. At the beginning of August, however, Ross gave in to the pressure of the southern sympathizers around him and the deteriorating Union military situation. The Union had suffered a defeat at Bull Run and was to suffer a minor, though closer, defeat at Wilson's Creek in southwestern Missouri within a week. And Ross was aware that he could not count on Union aid either in the form of annuities or military protection. He ordered a convention to he held at Tahlequah on August 20, 1861, to consider the possibility of joining the Confederacy, in spite of the formation of a regiment at his request under the lead-

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[12]Gibson, pp. 196, 199.

ership of John Drew for the purpose of protecting Cherokee neutrality.[13] The four thousand Cherokees who gathered at Tahlequah concurred with Ross's recommendation to form a military alliance with the Confederacy. In October of 1861 the alliance between the Confederacy and the Cherokees was consummated. Pike acted for the Confederacy. Both the Watie and Drew regiments were committed to the Confederate cause, though they were to be used only in the West. The treaty seemed to bring a short-lived reconciliation between John Ross and Stand Watie, a situation which is strangely reminiscent of the scene in Washington in 1846 when the same two men signed another treaty. Within a year of the Confederate-Cherokee alliance, however, Ross had abandoned the South and renewed his loyalty to the Union.

The two Cherokee regiments, led by Stand Watie and John Drew, took part in the Battle of Pea Ridge on March 7, 1862. Following the engagement in which the Cherokees apparently proved themselves to be capable soldiers, Drew's regiment deserted to Union forces almost to a man. During the summer of 1862 a Union force under William Weer moved into the Indian Territory long enough to arrest John Ross at his home at Park Hill. The desertion of Drew's men, together with a renewed rift between Ross and Watie, made the apparently willing capitulation of Ross understandable.

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[13] BIA Report, 1864, p. 333, John T. Cox (Special Indian Agent) to William G. Coffin, March 18, 1864, Fort Gibson; Royce, pp. 328-329.

The missionary Evan Jones was sure that the original alliance between Ross and the Confederates had been made only because of Confederate intimidation. "I feel assured that it was an unwilling surrender," stated Jones in a letter to the Commissioner of Indian Affairs, "and that it only needs a sufficient force to afford them [the Cherokees] protection to secure a speedy and cordial return to their former allegiance and an abjuration of whatever reluctant alliance they may, under duress, have formed with rebel states."[14] Whatever his reasons for his actions, Ross was conducted from the Indian Territory by the Union forces and spent the rest of the war in the home of his wife in Philadelphia.

In February of 1863 a new military alliance with the North was made official at a meeting of the National Council which was held at Cowskin Prairie, in the northeast corner of the Nation on the edge of Seneca lands. The gathering re-elected Ross as chief and took the necessary actions to codify the friendly relations with the North. It abrogated the treaty made with the Confederates and appointed a delegation to represent the Cherokee Nation in Washington, a delegation which included John Ross, Lewis Downing, and the Reverend Evan Jones. In addition, the meeting deposed disloyal officers of the Cherokee Nation,

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[14]BIA Report, 1861, p. 42, Evan Jones to William P. Dole, October 31, 1861, Lawrence, Kansas.

provided for the confiscation of property owned by Confederate Cherokees, and abolished slavery without compensation to the slaveholders.[15]

The rest of the war was a military stalemate throughout the Indian Territory. Neither the North nor the South was willing to protect the Indian Territory even against simple criminal activity, and the constant raids and banditry by small groups of partisans and criminals made normal life impossible for the rest of the war. Quasi-military groups like William C. Quantrill's roamed about the Indian Territory and attacked communities and individuals of both northern and southern sympathy. Stand Watie's activities were little different from those of such outlaws except that he generally was able to cite military reasons for his actions. As far as pro-northern Cherokees were concerned, however, Watie's operations were little different from those of the basest criminals. Though loss of life caused by military activities in the Cherokee Nation was not extensive because there were no major battles, the dislocation caused by the irregular actions of all of these groups resulted in many deaths from disease and starvation in the refugee camps in Kansas and along the Red River.

It is impossible to establish the number of Cherokee refugees in areas controlled by either the Union or the

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[15]BIA Report, 1863, p. 23; Laurence E. Ely, "The Civil War History of the Cherokee Indians," (unpublished M.A. thesis, University of Texas, 1932), p. 96.

Confederacy at a particular time. The reports of the agents of the Bureau of Indian Affairs and their correspondents were completely subjective. The reports were not made frequently enough to reflect a pattern of refugee movement and they do not distinguish between members of the different tribes of the Indian Territory. This situation developed in 1861 out of the fact that the Creek Chief Opothleyahola proclaimed himself leader of the Indians of all of the tribes of the Indian Territory who wished to remain loyal to the Union. In November of 1861 he led a group of Union sympathizers numbering at least several thousand[16] into the Union sanctuary of Kansas, after having beaten off an attack of Confederate military units composed of Creeks, Seminoles, Chickasaws, and Texans. Along the way to Kansas Opothleyahola picked up members of many tribes who were Union sympathizers. Federal agents in Kansas classified all of them as "Indian refugees" and did not make distinctions among them according to tribal affiliation.[17]

During the winter of 1862-1863 federal authorities returned some of the Cherokee refugees to the Cherokee Nation under military escort in so that they could plant crops

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[16]Commissioner William P. Dole's report of November 26, 1862, says that Opothleyahola's contingent numbered 6,000 to 8,000 "loyal Indians," and was being fed from the provisions of General Hunter's army in southern Kansas. The superintendent of the Southern Superintendency, W.G. Coffin, reported on October 15, 1862, that there were between 2,000 and 2,500 Cherokees in southern Kansas. BIA Report, 1862, pp. 26, 137.

[17]BIA Report, 1863, pp. 179-180.

and would not have to be fed by the army. The outcome of the effort was disheartening. The 1,100 Cherokees estimated by Agent J. Harlan as having taken part in the return to Indian Territory were forced to flee to the protection of Fort Gibson and join the more than 5,000 refugees already there because of the depredations of Stand Watie and his Confederates. "Robbing, sometimes murdering and burning, continued unabated until about the fourth of July," reported Agent Harlan. "Since then the same has continued, but not to the extent it was before, owing to the fact, perhaps, that there were a less number to rob, and less to get from robbing."[18]

Conditions in the Cherokee Nation, from the point of view of refugees under the protection of the Union, did not change appreciably during the last two years of the Civil War. In his report of 1863 Agent Harlan estimated that four fifths of the 300,000 head of cattle stolen up to that point had been taken by whites who were supposedly loyal to the Union.[19] The following year, referring to Cherokee refugees gathered around Fort Gibson, he noted that

> When I urged them to plant, they refused, and gave as a reason that it was wholly useless for them to plant, for, as was done last year, the Union army officers would take what they wanted, teamsters, army hangers-on, and the rebels would

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[18]BIA Report, 1863, p. 179, J. Harlan to W.G. Coffin, September 2, 1863.

[19]BIA Report, 1863, p. 180. Also BIA Report, 1865, p. 253.

> take the balance, and leave them to starve. I could not deny the premises, and the conclusion seemed to follow.[20]

For similar reasons H. C. Ketcham, a government surgeon, feared to venture beyond rifle shot of Fort Gibson to treat patients. Fear of being "bushwacked" led to his resignation in September of 1864.[21] The threat of roving bands of thieves and murderers is further illustrated by Superintendent Coffin's claim that in June of 1864 there were 9,000 Cherokees concentrated around Forts Gibson and Smith. At the end of the war federal authorities were still feeding and clothing that number.[22]

It is equally difficult to determine the number of Cherokees who became refugees in the Choctaw and Chickasaw Nations and in Texas, though the evidence indicates that the number of southern Cherokee refugees was somewhat smaller than the northern refugees. Superintendent Elijah Sells estimated in October of 1865 that 6,500 Cherokees went South at the beginning of the war and were living along the Red River in Choctaw lands. Cherokee Agent Harlan stated that 8,500 had joined the rebellion.[23] William Penn Adair

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[20] BIA Report, 1864, p. 309.

[21] BIA Report, 1864, p. 313, H.C. Ketcham to W.G. Coffin, September 15, 1864, Fort Gibson.

[22] BIA Report, 1864, p. 342, W.G. Coffin to W.P. Dole, June 16, 1864, Fort Gibson; BIA Report, 1865, p. 260, Elijah Sells (Superintendent of Southern Superintendency) to D.N. Cooley, October 16, 1865, Lawrence, Kansas.

[23] BIA Report, 1865, p. 254, Elijah Sells to D.N. Cooley, October 16, 1865; U.S. Senate, 39 Cong. 2nd Sess., Report 156,

and James M. Bell, Stand Watie's agents who negotiated with the Union authorities for the relief of the Confederate Cherokee refugees, estimated that 4,000 Cherokees were dependent on the charity of the citizens of Texas at the end of the war.[24]

The simple order of magnitude of the above figures suggests that many more Cherokees supported the North than supported the South. In any event, the war did divide the Cherokees and created an atmosphere of bitterness within the Cherokee Nation which was not easily resolved after the fighting had stopped. The Treaty of July 19, 1866, between the Cherokee Nation and the United States did not immediately eliminate the factional emnity and tension among the Cherokees as had the treaty signed two decades earlier. Nevertheless certain provisions in the treaty made possible a future reconciliation among the Cherokees because certain parts of the treaty were equally opposed by both the Union and the Confederate Cherokees.

The treaty called for a general amnesty and repeal of the confiscation law which the General Council had passed in 1863, but the former Confederates were not immediately

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Serial 1279, pp. 441-442, J. Harlan to J.R. Doolittle (Chairman of joint congressional committee to inquire into Indian conditions), August 1, 1865.

[24]Angie Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, XXV (April, 1932), 260; Official Records of the Rebellion, First Series, Vol. XLVIII, Part 2 (Washington: Government Printing Office, 1896), p. 1102.

integrated into the Cherokee Nation. They were displeased with the provisions calling for citizenship for the freedmen, the absence of compensation for lost slave property, and finally for the payment of three thousand dollars out of tribal funds as "a slight testimony for the useful and arduous services of the Rev. Evan Jones, for forty years a missionary in the Cherokee Nation, now a cripple, old and poor."[25] The loyalist Cherokees, on the other hand, objected to the absence of provisions to punish the Confederates, manifested most explicitly in the federal nullification of the Cherokee confiscation law of 1863.

Both the former Confederates and former Unionists objected to several provisions of the treaty. Nearly two thousand square miles of land in Kansas comprising the Cherokee Strip and the Cherokee Neutral Lands, which had been occupied by white squatters for over a decade, were sold to the United States at a price of not less than $1.25 per acre. Also the Cherokee Outlet was to be opened to settlement by members of other tribes, "civilized" Indians to be located east of the 96th meridian and "friendly" Indians to the west of the line. The Cherokee government was to be severely undermined by the establishment of a federal court in the Cherokee Nation to preside over certain

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[25]Kappler, Laws and Treaties, Vol. II, pp. 942-950. Evan Jones was granted Cherokee citizenship in 1865, Laws of the Cherokee Nation, Passed During the Years 1839-1867, Compiled by Authority of the National Council (St. Louis: Missouri Democrat Print, 1868), pp. 118-119.

categories of cases. Finally, a two hundred foot right of way was granted for two railroads across the Cherokee Nation.[26]

The Reverend Evan Jones played an important role in completing the process of national reconciliation by forming a political party immediately after the 1866 death of John Ross and the promulgation of the Treaty of 1866. The party was made up of supporters of both the old Ross faction and the Watie faction. Members of the Ross faction were without effective leadership, and the members of the Watie faction realized that they could not elect one of their own as principal chief. Both were willing to compromise. The new party turned from the old issues which had led to the formation of the Treaty Party and the Pins to the new problems of keeping out the railroads, keeping out white intruders, and preventing the formation of territorial government. The Union Party, as Jones's creation was called, was able to dominate Cherokee politics between the 1867 election of Lewis Downing as principal chief to Oklahoma statehood in 1907.[27] A New York Times editorial immediately following Downing's election in 1867 hailed his victory and, perhaps unfairly, condemned the recently deceased John Ross by stating that "All they [the Ross family] seemed to care for the

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[26]Kappler, Laws and Treaties, Vol. II, pp. 942-950; BIA Report, 1864, p. 33; BIA Report, 1866, pp. 11-13.

[27]Gibson, p. 225.

Cherokees was to keep them blinded and backward, so that they could enrich themselves from their ignorance and backwardness."[28] Downing appeared as a pleasant change from the forty years of Ross's tight control.

A reduction in the bitter factionalism of the Civil War years is indicated by the 1867 and 1868 reports of the Commissioner of Indian Affairs. Superintendent James Wortham reported to Commissioner N.G. Taylor in October of 1867 that the Cherokees "have had peace and quiet, and have been blessed alike with the neighboring tribes with propitious seasons and abundant crops." The following year Cherokee Agent William B. Davis reported that "at present [October, 1868] the Cherokees may be regarded as one people, all working harmoniously for the advancement and prosperity of their tribe."[29] If overblown, the statements nevertheless point to dramatic improvements that followed the Treaty of 1866. The new political issues--railroads, white encroachment, and territorial government--were such that nearly all Cherokees could share a common position.

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[28]Editorial, New York Times, August 15, 1867, p. 2. The unfavorable view of Ross taken by the editors of the New York Times is evident in a pre-election editorial of July 9, 1867 (p. 2) in which the Ross government is pictured as "a mimic farce, as much as when precocious children fondle their earthen dolls, or build gothic palaces of painted blocks, in imitations of oft-repeated parental example." The Ross government was the "most complete example of an insignificant oligarchy now extant."

[29]BIA Report, 1867, p. 318, James Wortham to N.G. Taylor, October 21, 1867; BIA Report, 1868, p. 281. William B. Davis to L.N. Robinson (Superintendent of Southern Superintendency), October 1, 1868.

Estimates of the number of deaths occurring during the Civil War vary widely, but there is general agreement that the war was ruinous to the Cherokee population. The highest estimate appears to be that the population was reduced by fifty per cent. Other estimates place the losses at one third or one quarter of the population.[30] If an accurate census of the Cherokee Nation had been taken in 1866 or 1867 it would be a simple matter to test the accuracy of these estimates by comparing the post-war total with the pre-Civil War figure of about 20,000 Cherokees. This procedure cannot be used directly, however, because the 1867 census, taken to determine the basis of representation of Cherokees in the "General Council" of the Five Civilized Tribes as provided by the Treaty of 1866,[31] did not enumerate everyone who had a legal claim to Cherokee citizenship. Many of the southern sympathizers had not yet returned to their homes. Similarly, many of the freedmen, who were for the first time to be enumerated as Cherokee citizens, had been taken to Texas or Arkansas during the war and had not yet returned. Some of the freedmen were minors, and were thus bound out under Texas and Arkansas Black Codes

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[30]William Penn Adair, "The Indian Territory in 1878," The Chronicles of Oklahoma, IV (September, 1926), 265; Dale, "Arkansas and the Cherokees," 109; Edward Everett Dale,"The Cherokees in the Confederacy," Journal of Southern History, XIII (May, 1947), 185; Gibson, p. 217.

[31]LROIA, Microcopy M-21, Roll 83, pages 375-376, telegram, N.G. Taylor to H. Tompkins, July 6, 1867; Kappler, Laws and Treaties, Vol. II, p. 945.

and were unable to return. Other freedmen presumably did not seek enrollment because they did not know exactly what their rights were.

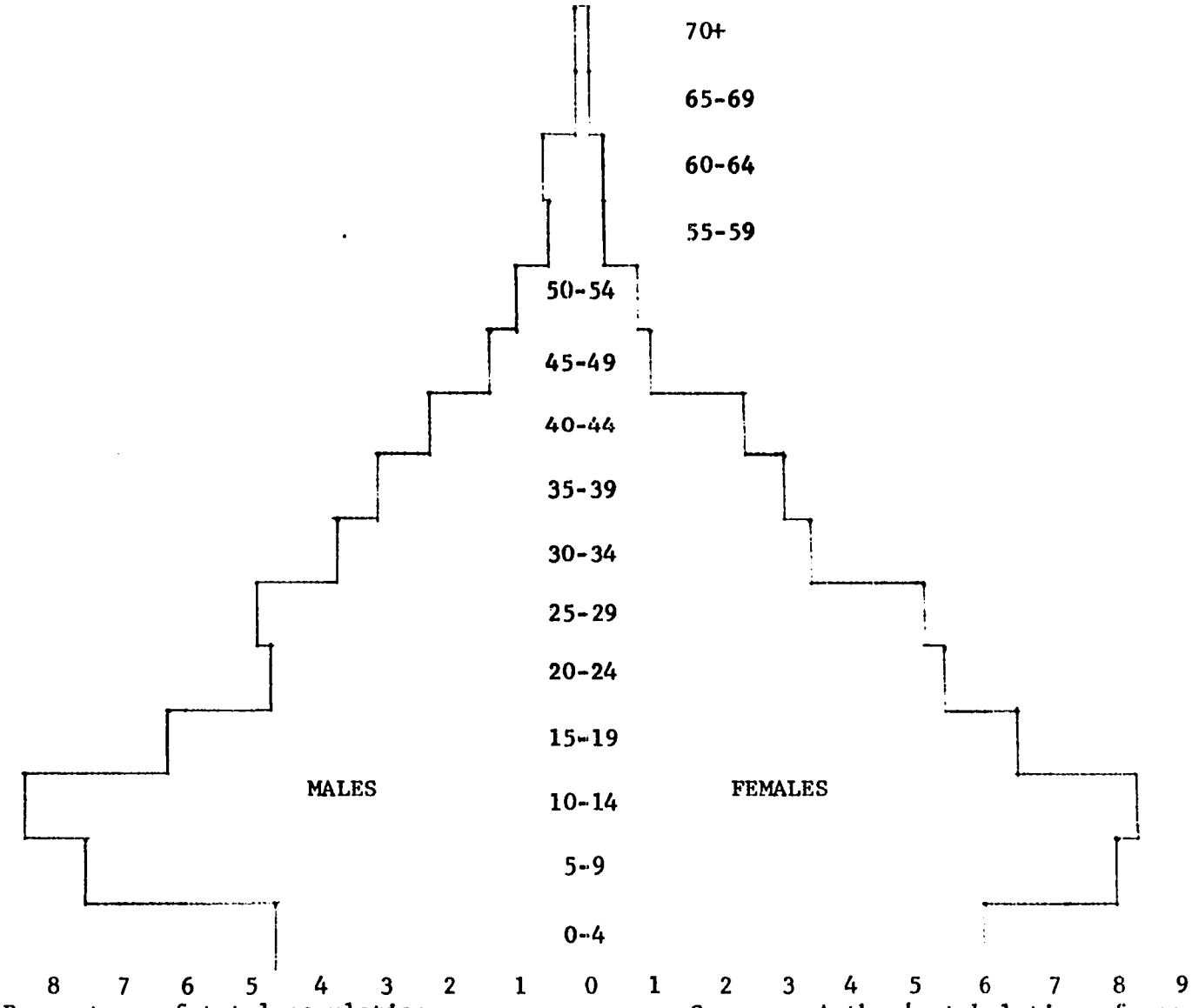
The federal census of the Cherokee Nation was taken during July, August, and September of 1867 by H. Tompkins, under an appointment of July 6, 1867.[32] It was probably one of the most carefully compiled Cherokee censuses of the nineteenth century, though it does underenumerate the population. Superintendent James Wortham was so impressed with Tompkins's work that he assigned him the job of taking the censuses of both the Creeks and Seminoles. In 1909 Joseph W. Howell, who had been commissioned by the Department of the Interior to do a study of the process of the enrollment of the Five Civilized Tribes, noted the accuracy and neatness of the roll.[33] Though some digit preference is apparent, among the "halfbreed" population of the Delaware District, for example, a tabulation of the age-sex structure of the Tompkins census of 1867 (Figure 2) shows that the zero to four and five to nine cohorts were much smaller than would be expected if no Civil War had taken place.

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[32]LROIA, Microcopy M-21, Roll 83, pp. 375-376, telegram, N.G. Taylor to H. Tompkins, July 6, 1867. Tompkins acknowledged his appointment on July 9 and requested that the blank census forms be sent to Fort Gibson, LROIA, Microcopy M-234, H. Tompkins to N.G. Taylor, frames 662-663, Taylor acknowledged this acknowledgement on July 23, 1867, LROIA Microcopy M-21, Roll 83, p. 470, N.G. Taylor to H. Tompkins.

[33]BIA Report, 1867, p. 317; National Archives, Fort Worth, U.S. Department of the Interior, Report Relating to the Enrollment of Citizens and Freedment of the Five Civilized Tribes, by Joseph W. Howell, March 3, 1909 (hereafter cited as Howell Report), p. 108.

Figure 2. Cherokee Population according to 1867 Enrollment of H. Tompkins



Underenumeration of the very young is a usual characteristic of censuses, but the undersized cohorts under age ten in the Tompkins census indicates that fertility was greatly reduced during the Civil War.

Another census was taken by Cherokee census takers during May and the first two weeks of June, 1867, under the authority of an act of the National Council of November 30, 1866.[34] Apparently the returns of only five of the nine Cherokee districts have survived, in the correspondence of the Office of Indian Affairs.[35] A comparison of the two independent censuses for the five districts reinforces the contention that the Tompkins census was of high quality and reveals the kinds of changes that were occurring within the Cherokee Nation during the years immediately after the American Civil War.

As Table 4 indicates, during the approximately two months between the two censuses the population increased in three of the five districts for which the comparison can be made. The increase ranges from a maximum of 231 for the Canadian District to 19 for the Saline District. The increase for the Canadian District is particularly significant

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[34]OHSIA, File Cherokee-Census (Tahlequah), 1817, 1860's, 1870's, Act of November 30, 1866, of National Council; Laws of the Cherokee Nation, (1868), "An Act For Taking the Census," November 30, 1866, pp. 135-136. The Cherokee census takers received $3.00 per day as opposed to Tompkins's $7.00 per day.

[35]LROIA Microcopy M-234, Roll 101, frames 566-621.

Table 4. The Cherokee Population, 1867.

District	Census Taken under Authority of Cherokee National Council in May and June, 1867	Federal Census Taken in July, August, and September, 1867
Canadian	1,346	1,577
Cooweescoowee	--	1,050
Delaware	--	1,373
Flint	1,253	1,217
Goingsnake	--	1,538
Illinois	1,944	2,071
Seline	1,499	1,518
Sequoyah	1,177	1,117
Tahlequah	--	2,013
		13,474

Source: National Archives, Fort Worth, Roll of 1867; LRIOA, Microcopy M-234, Roll 101, frames 566-621. Data from federal census retabulated by author.

because under the terms of Article 4 of the Treaty of 1866[36] both freedmen and former Confederate Cherokees were guaranteed land there and promised control of their local affairs. The federal government had recognized that the Union and Confederate sympathizers might have to be separated to avoid bloodshed. The increase in the Canadian District population during the summer of 1867 indicates the gradual return of freedmen and former Confederates to the Cherokee Nation, to the area in which they would presumably be free of reprisals from Unionist Cherokees. Taken together, the censuses indicate that there was a great deal of mobility in the Cherokee Nation in the years after the Civil War and that the census taken by Tompkins might closely represent the de facto population at the time the census was taken. The return of refugees from Arkansas, Texas, and the Choctaw Nation probably went on for months or even years after 1867. It is likely that the mobility was not narrowly age or sex specific, so the age-sex distribution of the Tompkins census (Figure 2) can be taken as representative of the whole.[37]

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[36]Kappler, Laws and Treaties, Vol. II, p. 943.

[37]The returns of the Cherokee census make it possible to determine the sex ratio (total males divided by total females times one hundred) for two districts, Saline and Sequoyah. Considering the small size of the populations, fewer than eight hundred Cherokees in Saline District and fewer than six hundred in Sequoyah District, the sex ratios of 92 and 93 for the two districts in the Cherokee census compare favorably to the sex ratio of 97 for both districts as indicated by the Tompkins census.

The process of correcting the federal census of 1867 by compensating for refugees who had not yet returned and for people who were absent for other reasons, will be discussed more fully in Chapter VI. On the basis of these adjustments a differential of approximately 4,100 must be added to the total of 13,474 enrolled by Tompkins in 1867, giving a total Cherokee citizen population of 17,600 plus or minus five per cent at the end of the Civil War. When compared with the 1860 estimate of approximately 20,000 Cherokees plus about 2,500 slaves, based on the very accurate rolls of 1851 and 1852, it becomes apparent that in spite of the particularly barbarous nature of the war in the Indian Territory, the Cherokees did not suffer as many deaths during the war as some historians have suggested. Though it is possible that certain elements of the Cherokee Nation, the refugees on the Red River, for example, might have suffered casualties approaching or even exceeding fifty per cent, the Cherokee Nation as a whole could not possibly have experienced more than approximately five thousand war related deaths,[38] or slightly less than twenty-two per cent of the Cherokee population of 1860.

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[38]Deaths from all causes that would not be predicted or expected without a war.

CHAPTER V

THE DECLINE OF TRIBAL AUTHORITY

The period between the end of the American Civil War and the close of the nineteenth century was marked by a new orientation in Cherokee politics. The situation within the Nation changed from the partisan factionalism of the Civil War period to almost universal opposition to the steady encroachments of both the federal government and white settlers. The advancing white settlers eventually caused the destruction of the Cherokee government and occupied nearly six million acres of Cherokee land. The Treaty of 1866 set the stage for this drama of tribal decline. It provided for both the introduction of federal courts and the construction of railroads through the Cherokee Nation. The Dawes Act of 1887,[1] providing for the graudal allotment of Indian lands, and the Curtis Act of 1897,[2] making the terms of the Dawes Act mandatory for the Five Civilized Tribes, completed the efforts of the federal federal government to eliminate Cherokee tribal government.

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[1]U.S. Statutes at Large, Vol. 24, p. 388; BIA Report, 1887, pp. 274-277.

[2]U.S. Statutes at Large, Vol. 30, p. 495.

Although there was an absence of internal political conflict in the Cherokee Nation during the last three decades of the nineteenth century, the period was very different from the decade before the Civil War when there had also been a broad political consensus. As had been the case in the earlier period, economic, agricultural, and especially educational advances were made--advances which were clearly outlined in the Annual Reports of the Commissioner of Indian Affairs.[3] In quantitative terms this growth and progress probably exceeded the advances made between the Treaty of 1866 and the Civil War and should not be understated. Yet as far as the Cherokees were concerned, other more dramatic developments in the Nation overshadowed and in some ways offset the gains made in agriculture and education. Significantly, nearly all the problems of the post-Civil War period were caused by the very developments which on the typical Anglo-American frontier were indices of "progress." They included large increases in white population, the coming of railroads, territorial government, and eventual statehood. The Cherokees opposed these developments because many bore a striking resemblance to the events of the early 1830's in Georgia.

The intrusion of whites into the Cherokee Nation took

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[3]See, for example, BIA Reports, 1870, pp. 288-289; 1871, pp. 563-565; 1872, p. 231; 1873, pp. 202-205; 1876, p. 61; 1877, pp. 108-109; 1880, p. 95; 1882, pp. 89-90; 1883, p. 90; 1886, pp. 150-151; 1890, pp. 100-101; 1894, pp. 570-571.

several forms. Criminals used the Indian Territory as a refuge from United States law. Farmers sought land upon which no taxes would have to be paid. "Boomers" of the Dave Payne variety wanted the Indian Territory opened to white settlement. And finally, other unscrupulous whites advanced fraudulent claim to Cherokee citizenship in order to benefit financially from Cherokee per capita payments. In the census of 1880 more than 4,500 white intruders were counted. Ten years later there were more than 30,000.[4] It is likely that both of these figures fall well below the actual totals, because the intruders had strong incentives for avoiding being enumerated.

If the advancing frontier had not been accompanied by white pressure on Cherokee privileges and land, it is likely that the favorable conditions which had characterized Cherokee life in the 1850's would have returned after the Civil War. Instead, the increasingly dense white population of Kansas, Texas, and Arkansas after 1850, and the establishment of Oklahoma Territory in 1890, created the typical situation of the American frontier in which the pressure of white settlement forced the federal government

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[4]Summary of the Census of the Cherokee Nation Taken by the Authority of the National Council, and in Conformity to the Constitution, in the Year of 1880 (Washington, D.C.: Gibson Brothers, Printers, 1881), p. 13; Department of the Interior, Census Office, Report on Indians Taxed and Indians not Taxed in the United States (Except Alaska) at the Eleventh Census: 1890 (Washington: Government Printing Office, 1894), p. 255.

to take actions which were harmful to the interests of the Indians and contrary to earlier agreements with them. These actions included the building of railroads, providing separate federal court protection to white American citizens in the Cherokee Nation, and eventually opening the whole Indian Territory to white settlement.

Commissioner of Indian Affairs Francis Amasa Walker[5] recognized the danger presented by the introduction of railroads into the Indian Territory as early as 1872. In his report to the Secretary of the Interior of that year, only two years after the first railroads had entered the Cherokee Nation, Walker pointed out that it was already necessary to use the military to protect the Cherokees from the "gangs of desperadoes" and "dangerous white characters" who congregated in the railroad towns and among the construction crews. Walker pointed out that by drawing public attention to the Indian Territory the railroads had the potential of forcing the opening of the Territory to "indiscriminate white settlement," something which Walker opposed in very strong terms.[6] Unfortunately for the Cherokees and the other tribes in the Indian Territory, Walker remained Commissioner for less than two years, and by the end of 1872, the Missouri, Kansas and Texas Railroad had completed laying

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[5]Walker became a noted economist and was director of the tenth United States census.

[6]BIA Report, 1872, pp. 76-77.

track which cut through the Cherokee Nation from North to South. The Atlantic and Pacific, running from East to West, was completed from Arkansas to Vinita in the Cherokee Nation, in 1871, but was not pushed westward across the Arkansas River until 1886.[7]

The railroads had initially tried to obtain land grants from the National Council of the Cherokee Nation but were unsuccessful. The federal government then gave the railroads provisional land grants which included the most valuable land in the Cherokee Nation. The grants, however, would be finalized only on the elimination of Cherokee title to the land. Cherokee title could only be supplanted with the allotment of tribal land to individual Indians and the establishment of territorial government. This situation placed all of the political influence and lobbying experience of the railroads firmly on the side of those who favored allotment and territorial government for the Indian Territory.[8]

The white intrusion encouraged in part by the railroads

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[7]U.S. Department of the Interior, Census Office, Extra Census Bulletin, The Five Civilized Tribes in Indian Territory, the Cherokee, Chickasaw, Choctaw, Creek and Seminole Nations (Washington: Government Printing Office, 1894), p. 13; McReynolds, p. 273.

[8]Cherokee Agent Captain John N. Craig in his report of September 30, 1870, to the Commissioner E.S. Parker, BIA Report, 1870, p. 287, bitterly condemned the railroads. "Under the impression derived from current reports, as well as from my own surmises, that the company in question [the Missouri, Kansas and Texas Railroad] has mainly in view getting possession of the Indian lands, valuable from the extreme fertility of a large portion, the abundance of the

created legal difficulties, for criminal and civil cases involving whites were not subject to Cherokee judicial procedures. In 1871 the federal court of Van Buren, Arkansas, was moved to Fort Smith to be more accessible to the Indian Territory. With the arrival of Federal Judge Isaac Parker, the "hanging judge," at the Fort Smith bench in 1875 that arm of the federal government began to have an impact in cleaning up the white criminals who used the Cherokee Nation and the rest of Indian Territory as a sanctuary.[9]

Throughout the 1880's the successive Union Agents[10]

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supply of water, their mineral resources, and the unrivaled climate of the territory, I cannot omit this feature of the subject from notice, nor fail to call your attention to the dangers that impend over the Cherokee, and really threaten all the nations and tribes of the territory. Every effort has been made to induce this nation to consent to grants of their lands to the railroad companies, but without success. All the companies interested, apparently with the belief that the civilized Indian nations could be easily induced to part with their Territory, or, if not, that it could be legislated away from them, at first asked for alternate sections. The aggregate of what was demanded would cover all the good lands the Cherokees own. Assent to the grants was refused, and now the Indians are threatened with summary measures." See also BIA Report, 1873, pp. 207-208; U.S. Statutes at Large, Vol. 14, p. 238, 291, 294.

[9]Gibson, pp. 220-223; Glenn Shirley, Law West of Fort Smith: A History of Frontier Justice in the Indian Territory, 1834-1896 (New York: Collier Books, 1961); Fred Harvey Harrington, Hanging Judge (Caldwell, Idaho: Caxton Printers, 1951).

[10]The Southern Superintendency, to which the separate agents of the Five Civilized Tribes made their reports, was abolished in 1871. The superintendency was replaced in 1874 by the Union Agency at Muskogee, with a single Union Agent for all of the Civilized Tribes who reported directly to the Commissioner of Indian Affairs. Between 1871 and 1874 the individual agents for the Five Civilized Tribes reported directly to the Commissioner of Indian Affairs.

recommended in their annual reports that the provisions of the Treaty of 1866 which called for a federal court in the Cherokee Nation be carried out. The Fort Smith court was too far from most of the Cherokee population. Witnesses were often reluctant to travel so far to testify.[11] Agent Robert L. Owen reported to Commissioner J.D.C. Atkins the nature of the problem by relating the fcllowing incident:

> Recently a man named Hill cut his wife's throat and gave her mother a terrible cut in the head, 10 miles north of Muscogee. It was impossible to get a doctor to dress her wounds, though payment was guaranteed, for fear of being summoned to this [Fort Smith] court as a witness; . . .[12]

Finally in 1881 the first federal court in Indian Territory was established at Muscogee. It was located in the Creek Nation but was more convenient than Fort Smith for most Cherokee citizens.

In addition to the need for a federal court in the Cherokee Nation, there was also a need for clarification of the role of Cherokee courts in regard to both federal courts and whites. This need was dramatically illustrated by the shootout at the Goingsnake Courthouse in 1872. A group of federal marshalls attempted to remove the defendent in a murder trial from the courthouse. They claimed that because the husband of the murdered Cherokee woman

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[11]BIA Reports, 1881, p. 104; 1882, pp. 87-88; 1883, pp. 87-88; 1885, pp. 107-108; 1887, p. 115; 1888, pp. 135-136.

[12]BIA Report, 1887, Robert L. Owen to J.D.C. Atkins, September 1, 1887, p. 115.

was white, the trial of the Cherokee defendent should be held in the federal court at Fort Smith. Cherokee authorities did not agree. Eight of the marshalls were killed in the affray.[13] The problem of jurisdiction was never solved, though there were no other such dramatic events. Twenty-five years later, the federal government abolished the Cherokee courts without their role having been clarified.

Criminals, railroad workers, and land grabbers were not the only intruders in the Cherokee Nation. In addition, thousands of whites attempted to gain Cherokee citizenship through fraudulent means. They were attracted by the Cherokee government's practice of making per capita payments to the citizen population. The funds distributed on these occasions usually came from the sale or rental of tribal lands. At least eight per capita payments were made between 1874 and 1894, and some were relatively large.[14] Attempts to gain citizenship were further encouraged by the

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[13]BIA Report, 1872, John B. Jones to F. A. Walker, September 1, 1872, p. 235. Agent Jones, son of the Reverend Evan Jones, was critical of the federal authorities as might be expected from his background, and contended that the Cherokee courts rightfully had jurisdiction in the case.

[14]The per capita payments included the following: $10.60 in 1874, $16.55 in 1880, $15.50 in 1883, $15.95 ("grass money," or rent fron Cherokee Strip Livestock Association for grazing privileges in the Cherokee Outlet) in 1886, $13.70 in 1890, $265.70 in 1894. In addition there was a per stirpes payment (made to survivors of a previous roll, or divided among descendents if the person is not alive) made in 1896 of $159.10 per share to the nearly eleven thousand survivors and descendents of the old settlers who had been alive in 1851.

prospect of the allotment of the Cherokee lands. Allotment was finally carried out by an Act of Congress of July 1, 1902,[15] under the terms of which each citizen was to receive 110 acres.

The problem of intruders was heightened by the wealthy Cherokees who hired white laborers for their farms and plantations under the terms of one of the permit laws passed during the post-Civil War period. The labor arrangement resembled the share-crop system. The laws varied in details such as the amounts of fees and bonds for good behavior, but were alike in that they encouraged numerous whites to remain in the Cherokee Nation for a specific period of time, generally a year, to serve as laborers for Cherokees. The fees for the privilege of remaining in the Cherokee Nation ranged from $.50 to $250 per year, depending on the amount of trouble the permittees were causing in the Nation when a particular permit law was passed by the National Council. The system was never perfected and could never be enforced, for the permittees often joined the ranks of illegal intruders when their terms of service ended. The permit laws, together with the Cherokee custom of allowing a citizen to appropriate all the land he could cultivate, were apparentley kept in force because of the great political influence of a small number of wealthy individuals who

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[15]The Cherokee Allotment Act, July 1, 1902, U.S. Statutes at Large, Vol. 32, p. 716.

brought in white laborers under the terms of the permit system to monopolize large amounts of land.[16]

The right of the Cherokee government to determine Cherokee citizenship was not seriously challenged before the middle 1880's. Under the terms of Article I, Section 2, of the Cherokee Constitution of 1839, the land of the Cherokee Nation, though not the improvements built on the land, was the common property of all citizens. If a citizen left the Cherokee Nation and became subject to another government, the land he had formerly appropriated as well as any improvements would become the property of the whole Nation and his rights of citizenship would cease. The National Council did have the power, however, to "readmit" individuals by statute who had left the Cherokee Nation but later desired to regain citizenship. There were no provisions for granting citizenship to non-Cherokees except through marriage. The right of the Cherokees to determine their own citizenship was reaffirmed by the federal government in section 6 of the Treaty of 1835 and sections

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[16]The permit system is briefly discussed by Wardell, pp. 275-277. Apparently the duration of the permit system, the number of permits granted, nor the nature of the political forces which favored the permit system has ever been fully explored. Cherokee Agent John N. Craig was critical of the system in his report to the Commissioner of Indian Affairs of September, 1869, BIA Report, 1869, p. 403. See also, University of Oklahoma, Western History Collection, Cherokee Papers, Series III, Vol. 6, Box 16, Permit to J.M. Bell to employ W.H. Cummings under permit law of 1879, May 10, 1888, $5 fee. The National Council did have the power to prevent land speculation among Cherokee citizens, Article 1, Section 2, of Constitution of 1839, but never used it.

26 and 27 of the Treaty of 1866.[17] Because of the dispersal of the population during the Civil War, the underenumeration of the census of 1867, and the thousands of whites who attempted to prove that they possessed Cherokee blood, for three decades after the Civil War the National Council had to devote a considerable amount of time to the question of determining the validity of applications for citizenship.

In order to alleviate the burdensome problem of ruling on individual cases, the National Council established a separate agency, the Commission on Citizenship, to deal with the applications. The Commission was first established for a two year term in 1877, which was renewed in 1879, then replaced by a similar organization in 1886, and again in 1888. A separate commission was also established in 1888 to determine the claims of citizenship of freedmen, Delawares, and Shawnees. Part of its membership was chosen by the President of the United States.[18] Though these com-

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[17]Kappler, Laws and Treaties, Vol. II, pp. 442, 949-950.

[18]Cherokee Advocate, August 17, 1878, Charles Thompson (Principal Chief) to Carl Schurz, August 1, 1878; Cherokee Advocate, December 21, 1878; OHSIA, File Cherokee-Citizenship (Tahlequah), 1877, Senate Bill 34 creating "The Commission on Citizenship," Compiled Laws of the Cherokee Nation, Published by the Authority of the National Council (Tahlequah, I.T.: National Advocate Press, 1881), pp. 327-333; Cherokee Advocate, January 21, 1880; OHSIA, File Cherokee-Citizenship (Tahlequah), 1879, Senate Bill 6, approved November 26, 1879; OHSIA, File Cherokee-Citizenship (Tahlequah), 1886 September-December, Senate Bill 1, "An Act Providing got the appointment of a commission to try to determine applications for Cherokee citizenship," approved December 8, 1886; OHSIA, File Cherokee-Citizenship (Tahlequah), 1888, November, December, Senate

missions varied in format and in membership, they were similar in that they admitted only a small percentage of the applicants, and in every case admission was made on the basis of Cherokee blood. The National Council continued to rule on some citizenship cases throughout the last three decades of the nineteenth century, though the Commission on Citizenship made the decision in the vast majority of cases. It is likely that the acts of the National Council represented special privileges for particularly influential claimants. But there is no evidences that either the National Council or the Commission on Citizenship gave citizenship to any who did not deserve it.

In theory the Commission on Citizenship was to present the Principal Chief periodically with a list of rejected claimants.[19] The Chief would then direct the United States agent to fulfill his obligations under the terms of the In-

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Bill 32, passed over veto of Principal Chief on December 5, 1888; OHSIA, File Cherokee-Citizenship (Tahlequah), 1888, November, December, Senate Bill 40, Approved by Principal Chief Joel B. Mayes, December 8, 1888.

[19]OHSIA, File Cherokee-Citizenship (Tahlequah), 1889, March-May, reports of Commission on Citizenship to Joel B. Mayes, Principal Chief, March 11, 1889, 26 rejected claims; March 18, 1889, 61 rejected claims; March 20, 1889, 10 rejected claims; March 22, 1889, 3 rejected claims. In every case the claimants were found to have no Cherokee blood. The Principal Chief also used the information of the Commission on Citizenship to prevent the district clerks from granting permits to individuals who had been declared intruders. See, for example, OHSIA, File Cherokee-Citizenship 1876-July 5, 1893, No. 370, Joel B. Mayes to Walter A. Frye (clerk, Sequoyah District), February 2, 1888, list of 165 people declared intruders by the Commission on Citizenship.

tercourse Act of 1834 and the Treaties of 1835 and 1866 and remove the intruders from Cherokee lands. Only in a very few cases, however, was this pattern followed completely because of the large numbers of intruders and the uncooperative nature of many of the agents who usually did not enforce the law.

Cherokee agents were faced with the annoyance of requests for the removal of white intruders within a few years after the end of the Civil War. In his report to the Secretary of the Interior of December 23, 1869, Commissioner E.S. Parker stated that the Cherokees had complained about the "intruders or disorderly characters" within the Cherokee Nation. He noted that many were probably there by virtue of the permit law of the Cherokees. The following year Agent John Craig claimed that intruders "nearly all of the intruders willing to comply with orders to leave the country." He found, however, that some returned after being ejected, and others remained after the terms of their permits expired. In 1871 Agent John B. Jones stated that the intruders were "quite defiant and cannot be removed without a military force." The following year Jones reported that with the aid of the army he personally supervised the removal of fifteen hundred "daring, intelligent, and unscrupulous" intruders from Cherokee lands, only to have many of them return to be ejected again. After the military removals under Agent Jones's direction, there were no more attempts to remove intruders by force. Instead the federal government

ignored its obligations.

The federal government later took steps to undermine the authority of the Cherokee Nation to determine the identity of the non-citizens.[20] There is no evidence that the government agents or the military attempted to remove intruders by force during the remainder of the 1870's. The practice of ignoring the provisions of the Intercourse Act and the Treaties of 1835 and 1866 became official government policy in 1880 when Union Agent John Q. Tufts was instructed to eject no intruders if they could make a prima facie claim to Cherokee citizenship. Such claimants were to be given certificates by the Union Agent which would allow them to remain until the Cherokee Nation and the Department of the Interior could agree on a fair and impartial method of adjudicating their claims.[21] Considering the thousands of white intruders in the Indian Territory during this period, it is difficult to see how the Union Agent could give more than a cursory examination to any of the thousands of claims of Cherokee citizenship. Those intruders who did not obtain prima facie certificates benefitted from the very light penalties for intrusion. The Union Agent pointed out several times in the early 1880's that because the crime of intrusion

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[20]BIA Reports, 1869, p. 36; 1870, p. 284; 1871, p. 568; 1872, pp. 233-234; 1893, p. 77.

[21]BIA Report, 1880, p. 95. Agent Tufts said that there were 531 families in the Cherokee Nation who had been declared intruders by the Commission on Citizenship, but would not be ejected from the Nation because they had prima facie certificates.

was punishable by a fine of $1,000, with no provision for a jail sentence, and all intruders claimed to be indigent, they could not be penalized at all if taken to court. In 1883 Agent Tufts stated that "an entire army" could not do the job of keeping out the intruders.[22]

In 1886 the Supreme Court decision The Eastern Band of the Cherokee Indians v. The United States and the Cherokee Nation caused the federal government to change its policy of issuing prima facie certificates. The case involved attempts by the North Carolina Cherokees to collect a portion of the revenue that the Cherokee Nation derived from the sale and rental of land west of the 96th meridian. The court ruled that to enjoy the benefits of the common property of the Nation an individual had to live in the Cherokee Nation and "comply with the constitution and laws of the Cherokee Nation and be readmitted to citizenship as there provided."[23] Since the decision reasserted the right of the Cherokee government to rule on citizenship cases, the Department of the Interior instructed United Agent Robert L. Owen to issue no more prima facie certificates after August 11, 1886. Between that date and 1896 when the Dawes Commission took over the task of determining citizenship, the official position of the Department of the Interior was that "an applicant for citizenship in the Cherokee Nation who entered after

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[22]BIA Report, 1882, pp. 88-89; 1883, pp. 88-89; 1884, p. 99.

[23]117 U.S. 228.

August 11, 1886 can have no rights therein until he shall have been lawfully admitted to citizenship in accordance with the local laws of the Nation."[24] The ranks of the intruders probably did not increase as rapidly after 1886 as had been the case before because prima facie certificates could no longer be had practically for the asking, yet the new policy did nothing to clarify the position of the persons who held prima facie certificates granted between 1880 and 1886. There were still allowed to remain in the Cherokee Nation without interference until the Dawes Commission took control of the whole matter of contested citizenship.[25]

Two years later, in 1888, the Department of the Interior shifted its policy with regard to the claimants of citizenship holding prima facie certificates. The new policy called for recognition of the right of the Cherokee government to declare the prima facie certificate holders intruders, provided that the individuals declared intruders were allowed six months to sell their immovable property before being forced to leave the Nation. The federal government would

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[24]OHSIA, File Cherokee-Citizenship (Tahlequah), 1887, public notice of Union Agent R. L. Owen, Union Agency, Muscogee, June 20, 1887; OHSIA, File Cherokee-Citizenship (Tahlequah), 1888, January-July, J.D.C. Atkins to W.L.H. Couch, February, 1888, ". . . the authorities of the Cherokee Nation alone have the right to admit or re-admit persons of Cherokee blood to citizenship therein, and from their decision there is no appeal." OHSIA, File Cherokee-Citizenship (Tahlequah), 1893, February, Acting Commissioner of Indian Affairs to John Argall, February 16, 1893.

[25]BIA Report, 1886, pp. XLIV-XLV.

continue to carry out the actual removal process. Commissioner John H. Oberly cautiously stated in his report of December 3, 1888 that the "belief is expressed that the nation will not wantonly abuse its almost unlimited power on the subject of citizenship. . . ."[26]

The Department of the Interior, however, quickly concluded that the Cherokee Nation was abusing its power. When intruders were notified that they were to be removed by the Union Agent, they found themselves unable to dispose of their immovable property except at a loss. Because citizens of the Cherokee Nation were the only ones who could legally buy such property, the intruder was faced with a very limited market. And since it was impossible for the intruder to get what the Department of the Interior considered a fair price, the Union Agent was informed in a telegram of March 11, 1889, that no removals should be carried out.[27]

T.J. Morgan became Commissioner of Indian Affairs on July 1, 1889,[28] and was less favorably inclined toward the prima facie certificate holders than was former Commissioner Oberly. In his 1890 report to the Secretary of the Interior, Commissioner Morgan stated that the intruders were showing bad faith because they were not even trying to dispose of their property. They had been notified in 1888 that they

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[26]BIA Reports, 1888, p. ix; 1890, p. LXXVII.

[27]BIA Report, 1889, p. 80.

[28]BIA Report, 1889, p. 3.

would be removed in six months, a time limit which was later extended indefinitely. They had grown accustomed to the protection of the federal government, but Morgan suggested that they were entitled to no more protection than any other person living unlawfully within the Cherokee Nation and ought to be removed.[29]

The sale of the Cherokee Outlet in 1891 provided the occasion for a clarification of the status of prima facie certificate holders. This agreement provided that they should be held intruders, and "shall be removed without delay from the limits of said nation by the United States as trespassers, upon the demand of the principal chief of the Cherokee Nation." An amendment attached to this law when it was passed by Congree reduced its impact by providing for the appointment by the President of the United States and the Principal Chief of a board of three appraisers to determine the value of intruders' improvements. If no Cherokee citizen agreed to purchase the improvements at the appraised price, the Cherokee Nation itself was required to buy them.[30] It took several years for the system of appraisal to be instituted, however, because the Cherokee National Council did not approve the amendment until April 3, 1893.[31]

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[29]BIA Report, 1890, p. LXXVII; U.S. Senate, 54 Cong., 1st Sess., Document 182, Serial 3353, p. 6.

[30]U.S. Statutes at Large, Vol. 27, p. 641. One of the members of the board of appraisers was Clem B. Rogers, father of the Oklahoma humorist Will Rogers.

[31]BIA Report, 1893, p. 79.

Appraisal turned out to be a difficult task. Among the technical problems were to determine whether credit should be given to the intruders for maintenance of improvements, and to the owner of the land, the Cherokee Nation, for its use. Also, it was necessary to determine if improvements made after August 11, 1886 (the date that the policy of issuing prima facie certificates was abandoned), on farms established prior to that date would be appraised in the same way as the original improvements. There was also a question of the disposition of improvements built prior to August 11, 1886, and transferred to another person after that date. In such cases the board had to determine whether or not the status of the new owner who entered the Cherokee Nation legally before August 11, 1886 and held a prima facie certificate would be different from that of a new owner who had entered later under other circumstances. It was difficult to determine the facts in all of these instances. Although Congress authorized the appropriation of funds to pay for the appraisals, no funds were appropriated to carry out the removals,[32] and this cast doubts on the sincerity of the federal government's intention to remove the intruders.

In June of 1896 the Dawes Commission took over the role of determining whether the numerous claims of Cherokee citizenship should be accepted or rejected. The United States

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[32]BIA Report, 1894, pp. 71-74.

government thus reversed its earlier assurances that the Cherokee Nation alone would determine who was entitled to citizenship.[33] As far as the intruders were concerned, some of whom had lived in the Cherokee Nation for as long as several decades, these developments all but eliminated the danger that they would ever have to move. Commissioner W. A. Jones reported to the Secretary of the Interior on September 26, 1898, that "the extensive and radical modifications of tribal government and ownership in the Five Civilized Tribes, caused by the Curtis Act, . . . will probably so dispose of the intruder question as to obviate the necessity for any removal of intruders being made."[34] The message to the intruders must have been clear.

While the United States government was trying to get around its obligation to evict intruders from the Cherokee Nation, the Cherokee government was attempting to establish adequate and accurate tribal rolls. This was necessary because, during the three decades following the Civil War, per capita payments were made periodically, and the presence of so many intruders in the Nation made it necessary for the Cherokees to be careful about who received payment. In addition, under the terms of the 1866 amendment to the Constitution of 1839, the nine Cherokee districts were to have proportional representation in the National Council, on the basis of one representative for each 200 voters.

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[33] BIA Report, 1897, pp. 72-73.

[34] BIA Report, 1898, p. 80.

For this reason a census was to be taken immediately, in 1870, and every ten years thereafter.[35]

It was difficult to maintain tribal rolls in the period after the Civil War because of the growing number of non-Cherokee citizens. The adopted white segment of the population, for example, exceeded 5 per cent of the population after the Civil War and had a much greater impact on Cherokee society than did the few hundred whites who had intermarried with Cherokees during the eighteenth and early nineteenth centuries. In addition, three separate groups of substantial size were reluctantly incorporated into the Cherokee population during the post-Civil War period through the provisions of several statutes and treaties, based on principles set forth in the Treaty of 1866. The groups incorporated included several thousand freedmen, 770 Shawnees, and 985 Delawares.[36] Intermarriage among these three groups, the adopted whites, and the dominant Cherokee population caused the percentage of full blood Cherokee to shrink steadily during the remainder of

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[35]Constitution and Laws of the Cherokee Nation, 1875, pp. 24-25; Compiled Laws of the Cherokee Nation, 1881, pp. 30-31. On November 30, 1866, the day after the amendment was passed, an act was approved by the National Council for the taking of the 1867 Cherokee census. The total number of representatives in the National Council increased from 29 for the election of 1867 to 33 for the election of 1877 and to 40 for the election of 1881.

[36]Kappler, Laws and Treaties, Vol. II, pp. 942-950, Treaty of 1866, articles 9, 15; Constitution and Laws of the Cherokee Nation, published by Authority of the National Council (St. Louis: R. & T.A. Ennis, 1875) pp. 277-284; OHSIA, File Cherokee-Citizenship, No. 460, Authenticated Rolls, Shawnees.

the century. In 1910 only 21.9 per cent of the Cherokees claimed to be full blood. By 1930 this percentage had been reduced to 17.8.[37]

Except for the Cherokee census of 1867 and the federal census taken a few months later, no useful enumerations were made between the Civil War and 1880. Though there is evidence that a census was taken in 1870 and a per capita payment was made in 1875, no records appear to have survived.[38] Therefore as far as demographic analysis is con-

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[37]U.S. Department of Commerce, Bureau of the Census, Indian Population in the United States and Alaska, 1910 (Washington: Government Printing Office, 1915), p. 33; U.S. Department of Commerce, Bureau of the Census, The Indian Population of the United States and Alaska (Washington: Government Printing Office, 1937) p. 73.

[38]OHSIA, File Cherokee-Census (Tahlequah), 1817, 1860's, 1870's, "An Act to Amend the act for taking the census of the Cherokee Nation in 1870," approved by Principal Chief Lewis Downing on December 9, 1869. This act allowed the chief to draw the warrants necessary to pay the census takers from funds of the national treasury. Unfortunately the original census act could not be found and probably is not extant. In his report of 1870 Cherokee Agent John N. Craig mentioned the 1870 enumeration but gave no details, BIA Report, 1870, pp. 283, 290. Agent John B. Jones reported the following year that the 1870 census showed 14,682 Cherokees. This figure seems consistent with Tompkin's total of 13,474 in the census of 1867. Both are underenumerations. Under the terms of Senate Bill No. 6, OHSIA, File Cherokee-Per Capita (Tahlequah), 1870-1879, signed November 19, 1874, by Principal Chief W. P. Ross, $500,000 was to be obtained from the federal government for land west of the Arkansas River and distributed on a per capita basis. Poor harvests had made the measure necessary. The amount of the per capita payments was $10.60 (see the receipt of Edward Byrd, dated March 31, 1877, OHSIA, File Cherokee-Per Capita (Tahlequah), 1870-1879). Either some of the money was withheld from distribution or some of the money was stolen, because if the whole $500,000 was divided into shares of $10.60 there would be over 47,000 shares. In 1875 the Cherokees numbered about

cerned, these enrollments are of little use. After 1880, however, a series of censuses of Cherokee citizens were taken in 1880, 1890, and 1902. In addition, rolls were made for per capita payments to Cherokees by blood in 1883, 1886, and 1894. A summary of these enrollments is given in Table 3.

The 1880 census was taken under the 1866 amendment to the constitution which called for a decennial census to determine representation in the National Council. The Principal Chief signed the law providing for the census on December 3, 1879. On the same day he signed, "An act to provide bread stuffs for the Cherokee people."[39] The second act called for a delegation to be sent to Washinton to borrow $500,000 in order to alleviate the suffering in the Nation caused by a crop failure. The loan was to be paid off from the proceeds of the sale and rental of Cherokee lands west of the Arkansas River. The per capita payment was to be paid "to the whole people of the Cherokee Nation on the census roll of the Cherokee Nation taken in 1880."

23,000, including whites, Shawnees, Delawares, and freedmen. Joseph W. Howell said, in the Howell Report, p. 109, that he was unable to locate the 1875 roll. An editorial in the Cherokee Advocate, September 15, 1880, said that the 1875 roll was of poor quality, in contrast to the 1880 roll.

[39]OHSIA, File Cherokee-Census (Tahlequah), 1817, 1860's, 1870's, "An Act for taking a census of the Cherokee Nation, in the year 1880." The text of this law was printed in the Cherokee Advocate on January 28, 1880, June 23, 1880, and June 30, 1880. OHSIA, File Cherokee-Per Capita (Tahlequah), 1870-1880, "An act to provide bread stuffs for the Cherokee people." The text of this law was printed in the Cherokee Advocate on June 23, 1880.

Apparently the freedmen, Delawares, Shawnees, and intermarried whites benefitted from the bread money of 1880. They were excluded from later per capita payments.[40]

The 1880 census was taken in March and April, but the distribution of bread money did not take place until May and June. In April, agricultural and economic conditions apparently showed signs of improvement. On April 5 the chief inquired of the census takers of each district whether conditions were still serious enough to warrant the payment. Since the census takers were unanimous that they were, the payment of $16.55 per capita was made in May and June. Some recipients did not use the money to buy bread. Hundreds of Cherokees were in debt and directed the Treasurer of the Cherokee Nation, D.W. Lipe, to transfer their payments to creditors.[41]

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[40]Cherokee Advocate, July 21, 1880.

[41]Cherokee Advocate, October 6, 1880; OHSIA, File Cherokee-Census (Tahlequah), 1880, D.R.Hicks and Isaac Sanders (census takers, Tahlequah District) to D.W. Bushyhead, April 15, 1880. Hicks and Sanders indicated that their letter was a response to Bushyhead's inquiry of April 3 on the economic condition of the district. They assured the Chief that conditions warranted the payment of the bread money. See also in the same file, G.W. Reese and Thomas Alberty (census takers, Goingsnake District) to D.W. Bushyhead, April 7. 1880, "But there is one thing certain that if the people are not relieved by some means the people will suffer beyond all doubt." Gideon Morgan and J. Childers (census takers, Sequoyah District) to D.W. Bushyhead, April 8, 1880; Wm. McKee and Wm. Christic (census takers, Flint District) to D.W. Bushyhead, April 13, 1880; Joseph L. Thompson and Joseph D. Muskrat (census takers, Delaware District) to D.W. Bushyhead, April 15, 1880. OHSIA, File Cherokee-Per Capita (Tahlequah), 1880, January-July, Dave Cahlonookasku to D.W. Lipe (treasurer of the Cherokee Nation), June 22, 1880. Mr. Cahlonookasku requested in this document that Mr. Lipe pay his bread money to J. Thompson. There are hundreds of similar documents.

There is much evidence that the 1880 census was a very good enumeration and that almost everyone was counted who could successfully make a claim of Cherokee citizenship. The payment of bread money on the basis of the March and April enrollment offered strong encouragement to be included. There was considerable notice of the census and the pending per capita payment in the Cherokee Advocate, exhortations to be cooperative with the census takers, and in July of 1880, instructions on how to go about being enrolled late in order to benefit from the bread money.[42] The high quality of this roll[43] is further substantiated by editorials in the Cherokee Advocate and comments in the Howell Report of 1909.[44]

Another per capita payment was made in 1883 out of funds received from the federal government for the sale of

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[42]Cherokee Advocate, March 3, 1880, July 14, 1880, July 21, 1880.

[43]Authenticated Rolls of 1880. Copies are available at OHSIA, File Cherokee-Citizenship, Document no. 451-461; University of Oklahoma, Phillips Collection; National Archives, Fort Worth. The original manuscript of the 1880 census is located at University of Oklahoma, Western History Collections. See also OHSIA, File Cherokee-Census (Tahlequah), 1880, Senate Bill No. 58, "An Act Authenticating the Census Returns of 1880 and providing for a copy thereof," approved December 9, 1880, by Principal Chief Dennis W. Bushyhead. Summaries of this census are found in numerous locations including Cherokee Advocate, September 1, 1880, September 22, 1880, August 14, 1885, OHSIA, File Cherokee-Census (Tahlequah), 1900's and undated, W.H. Balintine to T.M. Buffington, January 24, 1900; OHSIA, Letter Press Book, Executive Department, Cherokee Nation, Indian Territory, (Cher. 715B), April 16, 1880 to March 16, 1881, pp. 373-387.

[44]Cherokee Advocate, July 14, 1880, July 21, 1880; Howell Report, p. 108.

lands west of the 96th meridian. On April 18, 1883, Principal Chief Dennis W. Bushyhead issued a proclamation calling for a special session of the National Council to meet on April 30. On May 19 the National Council passed a law over the Chief's veto which provided for payment of the $300,000 received from the federal government only to Cherokees by blood. The intermarried whites, Delawares, freedmen, and Shawnees were to be excluded.[45] Chief Bushyhead's veto message indicated that he objected to the apparent violations of the Treaty of 1866 which gave all of the rights of citizenship to the freedmen, and the agreements with the Delawares and Shawnees which gave the same rights to those groups.[46]

The law of May 19, 1883 provided for the per capita payment to be made to the Cherokees by blood listed on a new census. Payment began on September 27, the census apparently having been taken during the summer, and a total of $274,500 was paid out at a rate of $15,50 per capita, indicating that 17,710 Cherokees by blood received payment. As had been the case with the 1880 bread money, many Cherokees were in debt and ordered that their share be paid to

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[45]Cherokee Advocate, April 30, 1883, May 4, 1883, June 1, 1883, July 6, 1883.

[46]U.S. Senate, 48 Cong. 1st Sess., Executive Document 86, Serial 2166. This document contains correspondence on the 1883 per capita payment, the texts of the Treaty of 1866, the Delaware and Shawnee agreements, and Chief Bushyhead's veto message.

their creditors.[47]

The decision to limit payment to Cherokees by blood was a crucial one for the National Council, and also one which the Supreme Court later overruled. The decision was apparently popular in the Cherokee Nation, however, since an editorial in the Cherokee Advocate of June 15, 1883 criticized those persons who were excluded from the payment for taking their complaints beyond the Cherokee government to the federal courts. "The Cherokees are an honest people--a liberal people--just and bountiful in their benfactions. Otherwise the Freedmen, Shawnees, Delawares and Whites could never have acquired the rights they enjoy as citizens of the Cherokee country." The editor seemed to forget that the Cherokee Nation had hardly been enthusiastic about granting citizenship to the first three groups which he mentioned. The Treaty of 1866 had made it mandatory.

The per capita payment of 1886 was similar to the 1883 payment in mechanics of distribution and in that only Cherokees by blood benefited. Acting Principal Chief R. Bunch called a special session of the National Council to meet on April 12, 1886, to dispose of the $300,000 rent for the Cherokee Outlet received from the Cherokee Strip Livestock

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[47]National Archives, Fort Worth, Payroll of 1883; OHSIA, File Cherokee-Census (Tahlequah), 1881-1889, handbill entitled "Appointment of Census Takers, Executive Department, Cherokee Nation, I.T." July 3, 1883; Cherokee Advocate, July 6, 1883, September 21, 1883, November 16, 1883, OHSIA, File Cherokee-Per Capita (Tahlequah), 1883, Lucy Wesley to D.W. Lipe, July 4, 1883.

Association. The law passed by the special session provided for the payment, called "grass money," to be made on the basis of another new census. Unlike the situation of 1883, however, Bushyhead signed the act on April 28 which called for discrimination among Cherokee citizens in payment.[48]

Four years later the decennial census was taken under the authority of an act of the National Council of December 7, 1889.[49] A per capita payment was made on the basis of the 1890 census, under the provisions of an act of November 26, 1890, which continued the practice established in 1883 of making payments only to Cherokee by blood.[50] The

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[48]National Archives, Fort Worth, Payroll of 1886; Cherokee Advocate, March 26, 1886, April 2, 1886, May 7, 1886, May 12, 1886; OHSIA, File Cherokee-Per Capita (Tahlequah), 1886, Senate Bill No. 6.

[49]OHSIA, File Cherokee-Census (Tahlequah), 1881-1889, Senate Resolution No. 3, November 19, 1889. This resolution called for the appointment of a committee to draft a bill providing for a census in 1890 as directed by the 1866 amendment to the constitution of 1839. National Archives, Fort Worth, Census of 1890; OHSIA, Census of 1890; OHSIA, File Cherokee-Census (Tahlequah), 1881-1889, "An Act Authorizing the taking of the Census of the Cherokee Nation in the Year 1890," December 7, 1889. The census was to be taken between March 30 and April 30, 1890. Both political parties were to be represented on the two and four man census taking teams. Each of the twenty-four census takers was to be paid $125.

[50]The text of the act could not be located, but it provided for payment of funds derived from payments for grazing privileges on land west of the Arkansas River. OHSIA File Cherokee-Per Capita (Tahlequah), 1890-1891, Senate Bill No. 15, approved by Principal Chief J.B. Mayes on December 26, 1890. The law provided $1,000 for making a per capita payment under the act of November 26, 1890 which was entitled--"An Act providing for the distribution Per Capita among the citizens of the Cherokee Nation of the monies arising from

completeness of the per capita payment and the census on which it is based is open to question. In December of 1890 the committees of the National Council which had been appointed to review the census rolls of each district declared them complete.[51] Yet on November 10, 1891, Principal Chief J.R. Mayes requested that the National Council allow the census to be completed as "there is no doubt but many names of bona fide citizens were left off said rolls."[52] Hundreds of petitions for shares in the per capita payments were presented in 1891.[53] In spite of the fact that it is probably incomplete, the census of 1890 is valuable in that it in-

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grazing privileges of the country west of the Arkansas River." That payment was made to Cherokees by blood is indicated by the heading of each page of the manuscript of the payroll (National Archives, Fort Worth). "We the undersigned citizens of the Cherokee Nation, by right of Cherokee blood, do hereby acknowledge to have received of Robert B. Ross, National Treasurer of the Cherokee Nation, the sums set opposite our names respectively, in full of our shares in the per capita distribution authorized by an Act of the National Council dated November 26th, 1890." Each individual received $13,70.

[51]See, for example, in OHSIA, File Cherokee-Census (Tahlequah), 1890-1891, report of committee to review Flint District rolls, December 10, 1890; report of committee to review Delaware District rolls, December 11, 1890; report of committee to review Canadian District roll, December 12, 1890.

[52]OHSIA, Cherokee-Census (Tahlequah), 1890-1891, J.B. Mayes to National Council, November 10, 1891.

[53]OHSIA, File Cherokee-Per Capita (Tahlequah), 1890-1891, "Petition of S.V. Matoy for his prorata share of the per capita distribution of the $300,00 or grass funds of 1891" (no date), "Petition of Josie B. Schell," November 27, 1891.

cludes considerable economic information relating to agricultural production, livestock, and property holdings.[54]

The census of 1893 and the per capita payment of 1894, provided for by acts of the National Council of April 15, 1893 and May 3, 1894,[55] followed upon the sale of the Cherokee Outlet to the United States in 1892.[56] Even though the census included separate enrollments of whites, freedmen, Shawnees, Delawares, and even intruders, per capita payments of $265.70 were made only to Cherokees by blood.[57]

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[54]OHSIA, Census of 1890; National Archives, Fort Worth, Census of 1890; National Archives, Fort Worth, "Some Details on 1890 Census-Cherokee Nation" (typescript).

[55]OHSIA, File Cherokee-Census (Tahlequah), 1892-1896, 1899, "An Act Providing for the Taking of the Census of the Cherokee Nation," April 15, 1893. In the Cherokee Advocate, May 27, 1893, the date given for this act is April 5. This is probably a mistake. In the annual report of Principal Chief C.J. Harris, published in the Cherokee Advocate on November 11, 1893, Chief Harris mentioned the census act of May 15, 1893. His statement could either be an outright error or a reference to some amendment to the act passed the previous month. The certification of the manuscript (National Archives, Fort Worth) indicates that April 15 is the proper date: "The undersigned a Joint Committee of the National Council acting under and by authority of an act of the National Council approved April 15th, 1893, certifying the foregoing ___ pages as a true and correct showing of the citizens of the Cherokee Nation and residents in ___ District, who are Cherokee citizens by virtue of their Cherokee blood, and are ___ in number."

[56]McReynolds, pp. 265-266; Roy Gittinger, The Formation of the State of Oklahoma (Berkeley: University of California Press, 1917), p. 200.

[57]OHSIA, File Cherokee-Per Capita (Tahlequah), 1892-1894, "An Act to Pay certain Cherokees by blood their pro rata shares of the strip funds," approved December 7, 1894 by Principal Chief C.J. Harris. This act and several dozen others gave $265.70 to specific individuals who had been left off the roll of 1893 and had therefore missed out on the 1893 per capita payment. Howell Report, p. 106.

Another census of the Cherokee Nation was made in 1896, under the authority of an act of the National Council of August 21, 1896. It is uncertain why it was deemed necessary by the Cherokee government at that time, for no per capita payments were made from it. The census included an enumeration of Cherokees by blood, freedmen, whites, Delawares, and Shawnees. The role was criticized as unreliable by Joseph W. Howell in his report on enrollment.[58]

The last enrollment of the entire citizen population of the Cheokee Nation was the Final Rolls of the Five Civilized Tribes made in 1902.[59] It was designed to serve as the basis for the division of Cherokee land under the terms of the Cherokee Allotment Act of July 1, 1902.[60] Many full-blood members of the Keetoowah Society, especially the "Nighthawk Keetoowahs" under the leadership of Redbird Smith, initially opposed the enrollment because they did not want to see tribal ownership of land extinguished. Though some of the full-blood Cherokees, when confronted with the choice of a jail term or enrollment, chose the former, all were eventually included in the enrollment.

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[58]National Archives, Fort Worth, Roll of 1896. The manuscript has deteriorated to the point that it is impossible to determine totals in several districts--Cooweescoowee, Delaware, and Tahlequah. Howell noted this in his report. "It is not in as good condition as the 1880 roll of that Nation, its appearance from page to page being more like that of the Choctaw and Chickasaw Nations, that is to say, there are occasional defects in it, and names are lined out from time to time without explanation." Howell Report, p. 106.

[59]BIA Report, 1907.

[60]U.S. Statutes at Large, Vol. 32, p. 716.

The Guion Miller Roll of 1906[61] is similar in form to the Final Rolls but lists only the descendents of the "Eastern Cherokees" who were alive at the time of the Treaties of 1835 or 1846.[62] The roll was made as a guide to the distribution of over $1,000,000 which Congress had appropriated on June 30, 1906, in order to pay claims granted in federal court in three separate cases.[63] Guion Miller was made a special commissioner to determine who qualified to benefit from the decisions. The old settlers, the Delawares, the Shawnees, the freedmen who entered the Cherokee Nation after the Civil War, and whites who became citizens through marriage after 1835 were excluded from the Guion Miller Roll.

While the Guion Miller Roll lists only a part of the citizen population of the Cherokee Nation of 1906, it is valuable in that it reaffirms the reliability and completeness of the Final Rolls. Both of the rolls can be compared

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[61]National Archives Microcopy M-685, 12 rolls. Roll of Eastern Cherokees Entitled to Participate in the Funds Arising from the Judgment of the Court of Claims of May 28, 1906 as Reported by Guion Miller, Special Commissioner, May 28, 1909.

[62]The introduction ot each of the twelve rolls of microfilm containing the Guion Miller material, National Archives Microcopy M-685, refers to the Treaty of 1845. Since there was no treaty with the Cherokees in that year, the Treaty of 1846 is probably correct.

[63]U.S. Statutes at Large, Vol. 34, Pt. 1, p. 664. The Cherokee Nation v. The United States, The Eastern and Emigrant Cherokees v. The United States, and The Eastern Cherokees v. The United States.

with ancestral populations of 1851, a year in which very complete censuses were made of both the emigrant or eastern Cherokees and the old settlers. The Guion Miller Roll can be considered in the same light as a very large sample of the total population--a sample consisting of the survivors and descendents of the emigrants who were enumerated in 1851 (Drennen Roll, 1851, Table 3). The total population as enumerated in the Final Rolls, on the other hand, consists of the survivors and descendents of the old settlers and the emigrants enumerated in 1851 (Drennen Roll, Old Settler Roll, Table 3). When the total Cherokee population as indicated by the Final Rolls, 36,914, is compared to the total Cherokee population of 1851, 17,364, an apparent annual rate of natural increase of 14 per thousand for the fifty-one year period is indicated. When an adjustment for the addition of freedmen, Delawares, Shawnees, and whites is made,[64] the apparent annual rate of natural increase is reduced to 11.5. When the Guion Miller total for the descendents of the emigrants in 1906 (27,384) is compared to the emigrant population of 1851 (14,094), an annual rate of natural increase of 12 per thousand for the fifty-five year period is indicated. The similarity of these two rates

[64]The correction is made by adding an arbitrary quantity to the 1851 figure to offset the addition of other groups to the population. When 3,000, a reasonable figure, is added, the rate is 11.5. When 4,000 is added the rate is 10.8. It would be more accurate to subtract the survivors and offspring of the adopted groups from the 1902 total, but they are impossible to identify in the 1902 roll.

obtained independently from the enrollments of 1902 and 1906 suggests that they both very nearly reflect reality, and that the 1902 figure can reasonably be used as a base from which to correct the totals of the other post-Civil War enrollments. Such an analysis requires, however, that the whole nineteenth century be considered as a unit in order to determine growth rates.

CHAPTER VI

CHEROKEE DEMOGRAPHIC CHARACTERISTICS

The Cherokee enrollments of the nineteenth century indicate a growing minority of non-Cherokees within the citizen population. This situation would present an insurmountable barrier to the demographic analysis of the Cherokees if it were necessary to study the "blood" Cherokees or the freedmen separately. During the nineteenth century the practice was to label the offspring of unions between a Cherokee and a member of one of the other citizen groups as "native Cherokee," making it impossible to trace the demographic development of the individual groups.[1] It is necessary as well as desirable, therefore, to analyze the entire citizen population of the Cherokee Nation, taking into account the entries of each group into the citizen population. With the exception of the whites who became citizens as individuals throughout the eighteenth and nineteenth centuries, the entries of the Delawares, Shawnees, and freedmen, are well documented both as to their numbers

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[1]The only exception to this practice is in the Roll of 1867, taken by H. Tompkins, Special U.S. Commissioner to the Cherokee Nation. The roll includes the not clearly defined category of "Half Breed" which includes nearly 20 per cent of the total population.

and time of joining the Cherokee population (Table 5).

While the Cherokee Nation was not "closed" during the nineteenth century, it is possible to approximate a closed situation because of the records kept by the Cherokee Nation. There is no evidence that citizenship was granted to any outsiders other than members of the four groups in the years immediately after the American Civil War. As has already been pointed out, many individuals tried to establish Cherokee citizenship during the post-Civil War period, but only a small percentage of such applications were successful. When citizenship was granted by the Cherokee government it was always on a basis of Cherokee blood. It can be concluded, therefore, that the "readmissions" to citizenship do not represent additions to the population, but instead are corrections of earlier rolls. In every case the readmissions involved people who were already part of the population and should have been listed on earlier rolls but were excluded for some reason. To determine the annual natural rate of increase for the post-Civil War period, therefore, it is necessary to correct the early rolls for underenumeration and take into account the genuine inward migration listed on Table 5.

Citizenship in the Cherokee Nation was financially beneficial between 1875 and the first decade of the twentieth century. It is likely that anyone with a valid claim to citizenship would make the effort to get on the rolls and benefit from the per capita payments and the final dis-

Table 5. Inward Migration, 1867-1880.

Date	Number of Persons	
1867	985	Delawares
1867	70	Eastern Cherokees
1869	770	Shawnees
1869	130	Eastern Cherokees
1876-1880	100	Eastern Cherokees
1880	200	Eastern Cherokees
	2,255	

Sources: Constitution and Laws of the Cherokee Nation, 1875, pp. 277-284; Wardell, p. 219; Minnie Bailey, "Reconstruction in Indian Territory, 1865-1877," Unpublished Ph.D. dissertation, Oklahoma State University, 1968, p. 238; Cherokee Advocate, April 22, 1876; LROIA, Roll 101, frame 86, W. Byers to N.G. Taylor (Commissioner of Indian Affairs), April 12, 1867; BIA Report, 1881, pp. LXIV-LXV; OHSIA, File Cherokee-Citizenship, No. 459, North Carolina Cherokees.

tribution of tribal lands after 1902. The mass of petitions and applications for citizenship, most of which were rejected, bears this out.[2] It seems reasonable that the few persons who were successful in gaining citizenship through fraudulent claims were offset by Cherokees who were either unwilling or unable to return to the Cherokee Nation to gain the benefits of citizenship.[3] Except where there is evidence to the contrary, such as the case of the Roll of 1890, the censuses and payrolls made during the last two decades of the century more nearly reflect reality when considered in conjunction with the readmissions made by the Commission on Citizenship and the National Council.

The observed intercensal rates of annual increase (Table 3) for the nineteenth century censuses which were deemed most reliable, 1809, 1825, 1835, 1851, 1867, 1880, 1893, and 1902, were plotted on Figure 3. The growth rate for the Cherokee population varied greatly according to the raw census data, from an annual decline of 23 per thousand between 1851 and 1867, to an annual increase of 30 per thou-

[2]See, for example, University of Oklahoma, Western History Collection, Cherokee Papers, Series 4, Vol. 13, Box 44, No. 13, petition of James and Charley Crittenton for citizenship, September 8, 1880; OHSIA, File Cherokee-Citizenship (Tahlequah), 1887, "Application for citizenship," printed form dated October 5, 1887 for Lissie Burdon. There are hundreds of similar applications and petitions.

[3]OHSIA, File Cherokee-Citizenship (Tahlequah), 1901, William Columbus Smith to Principal Chief Thomas M. Buffington, April 7, 1901, Detroit House of Correction. Smith had been convicted of murder and sentenced to life imprisonment in 1881. He inquired of Buffington about the possibility of receiving the per capita payments which he had missed. No evidence could be found that he received any.

sand between 1867 and 1880. It cannot be overemphasized, however, that these are crude rates, taken directly from the census data, and reflect changes in totals from all causes. They are responsive not only to the reproductivity of the Cherokees but also to such unusual events as removal and the addition of the Delawares and freedmen after the Civil War. In addition, the shape of the intercensal growth rate curve is affected by deficiencies in the census totals and varying intervals between censuses. In short, without improving its quality, the curve tells little about the changes going on within the Cherokee population during the nineteenth century.

Because there is no way to test the accuracy of the pre-Civil War censuses, the left-hand end of the growth rate curve must be based on the assumption that the population was underenumerated to the same extent in each census. To improve the quality of the observed intercensal rates of increase listed on Table 3, subjective adjustments were made in some of the rates. The rate between 1825 and 1835, for example, was reduced from 19 (Table 3) to 17 (Table 6). This was done to offset the increase in population size during the period accountable to the purchase of slaves. Seventeen is closer than 19 to the annual rate of natural increase. Admittedly these adjustments are subjective, yet they are warranted because of the imperfect nature of the data, the division of the Cherokee Nation into eastern and western components, and the continued pur-

chase of slaves. In addition, considerable variation in average annual intercensal rates of increase do not change census totals very significantly. If, for example, the average annual rate of increase between 1809 and 1825 were 12 rather than 8 (Table 6), representing a 50 per cent increase, the total population of 1825 would be only 16,000, representing a 5.3 per cent increase over the apparent total of 15,200 in 1825. Because of these arbitrary changes, the adjusted growth rate curve for the pre-Civil War period is somewhat less reliable than for the post-Civil War period, and is indicated on Figure 3 by a broken line. Table 7 gives the Cherokee population at ten and five year intervals based on the adjusted rates.

The pre-Civil War end of the growth rate curve was drawn by first plotting the adjusted average intercensal rates of increase from Table 6 at the midpoints between every pair of censuses. These points suggest a configuration of general increase between 1809 and the Civil War with a dip between 1835 and 1851 caused by removal. This general pattern is consistent with the evidence about the conditions under which the Cherokees lived. The points cannot, however, simply be connected because they are intercensal averages, and to do so would distort the real picture of changes between adjacent censuses. The basic shape of the pre-Civil War end of the curve was established, therefore, by the intercensal averages and an assertion made at the end of Chapter 3, that the Cherokee population was

Table 6. Census Totals and Intercensal Annual Rates of Increase, Adjusted for Underenumeration for Post-Civil War Period.

Year	Total Cherokee Population	Comments	Adjusted Annual Rate of Increase
1809	13,300	includes whites and slaves	8 per thousand
1825	15,200	includes whites and slaves	17 per thousand
1835	18,325	includes whites and slaves excludes old settlers	7 per thousand
1851	17,400	excludes slaves includes old settlers	12 per thousand
1867	18,219	citizen population[a]	19 per thousand
1880	23,375	citizen population[a]	19 per thousand
1890	28,488	citizen population[a]	20 per thousand
1902	36,293	citizen population[a]	

[a]Cherokees, freedmen, whites, Delawares, and Shawnees.

Table 7. Cherokee Population, Ten and Five Year Intervals, Adjusted for Underenumeration for Post-Civil War Period.

Year	Total
1810	13,350[a]
1820	14,400[a]
1830	16,500[a]
1840	14,500[b]
1850	17,100[c]
1860	20,600[c]
1865	17,581[d]
1870	19,307[d]
1875	21,217[d]
1880	23,375[d]
1885	25,798[d]
1890	28,488[d]
1895	31,487[d]
1900	34,883[d]
1905	38,615[d]

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[a]Excludes old settlers, includes slaves and whites.

[b]Excludes North Carolina Cherokees, includes slaves, whites, and old settlers.

[c]Includes Ross Party and old settlers.

[d]Includes all Cherokee citizens (Cherokees, freedmen, whites, Shawnees, and Delawares).

growing at a rate of about 20 per thousand during the 1850's. This assumption is warranted by the social, political, and economic conditions of the Cherokee Nation during the 1850's and is substantiated by the report of Agent George Butler in 1859.[4] Placing the maximum rate of population growth of the pre-Civil War period at about 20 during the 1850's makes it necessary to have the low point during the early 1840's at about zero and the low point during the Civil War at minus 2. In each case the low points can be placed with certainty because each is related to the already established peak during the 1850's. Between each pair of censuses there must be equal areas above and below the average rate within the curve. If the rate during the 1850's was reduced to 10, for example, it would be necessary to raise the low points caused by removal and the Civil War to maintain equal areas.

It is both possible and necessary to correct the post-Civil War censuses for underenumeration in order to determine the annual rate of natural increase and the mortality conditions of the Cherokee population. An examination of the records of the Commission on Citizenship and the legislation of the National Council dealing with citizenship applications indicate that the early censuses of the period were much less complete than the later censuses. Table 8 indicates the documented readmissions to citizenship made

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[4]BIA Report, 1859, p. 173.

Table 8. Grants of Citizenship, 1867-1880.

Date	Number of Persons	Government Agency
1871	173	Supreme Court
1866-1871	480 (as well as "a number of children not named.")	National Council
1871-1875	8	National Council
1876	39	National Council
1877	7	National Council
1878	14	National Council
1879	43	National Council
1877-1879	67	Commission on Citizenship
1867-1880	1,000 (freedmen admitted under terms of Treaty of 1866.)	
	1,831	

Sources: OHSIA, File Cherokee-Citizenship (Tahlequah), 1871, 1872, 1874, 1875, "Applications for Citizenship, Supreme Court Cases, Admitted;" OHSIA, Bound Volumes from Cherokee Nation, Vol. 481 A; OHSIA, File Cherokee-Citizenship (Tahlequah), tabulations made by author of acts granting citizenship between 1867 and 1880; Cherokee Advocate, November 26, 1879, "First Annual Message of Principal Chief D. W. Bushyhead," delivered November 10, 1879.

by the National Council and the Commission on Citizenship between the censuses of 1867 and 1880. The total of Table 8 plus the total of Table 5, representing inward migration, indicate that it is necessary to add at least 4,086 to the 1867 total to account for those who were enumerated in 1880 but not in 1867.

The figure of 4,086 is not complete, however, as is indicated by the use of the stable population networks found in the United Nations study, The Concept of a Stable Population.[5] The methodology used in establishing the "true" totals for the post-Civil War censuses involves smoothing the raw census data (Table 9) to remove obvious discrepancies, creating new age-sex distributions for five year intervals between 1865 and 1905, and calculating the percentage of individuals of each sex who survived from one date to the next. Each cohort was followed through time. If there were 200 males aged 30 to 34 in 1885, for example, and 174 males aged 35 to 39 in 1890, the survival ratio would be the quotent of the two numbers, .8700.

The matrix of survival ratios calculated from the smoothed Cherokee data was then compared to the survival ratios of the United Nations model life table networks to determine the appropriate network to use in further im-

[5]The Concept of a Stable Population: Application to the Study of Populations of Countries with Incomplete Demographic Statistics (New York: United Nations, Department of Economic and Social Affairs, Population Studies, No. 39, ST/SOA.SER.A/39, 1968).

Table 9. Cherokee Citizen Population, Raw Census Data.

Sex and Age Group	1867		1880		1890		1902	
Total, Both Sexes	13,474		20,324		26,776		36,914	
	Males	Females	Males	Females	Males	Females	Males	Females
1-4	625	811	1938	1838	2408	2421	3317	3245
5-9	1016	1084	1628	1546	2018	2042	3108	2963
10-14	1113	1120	1083	999	1781	1735	2696	2624
15-19	838	873	738	836	1445	1571	2117	2051
20-24	635	721	1149	1203	1007	1108	1876	1805
25-29	655	686	1050	990	849	810	1442	1279
30-34	494	462	750	742	981	954	996	890
35-39	420	406	565	432	908	735	600	548
40-44	313	327	415	438	698	610	697	635
45-49	195	136	286	280	460	348	632	583
50-54	137	105	246	298	326	316	542	516
55-59	66	43	152	108	209	196	334	318
60-64	81	42	115	135	153	178	235	232
65-69	9	13	72	66	115	113	142	132
70-74	13	10	45	66	70	73	72	104
75+	16	9	48	67	52	86	61	122
Total	6,626	6,848	10,280	10,044	13,480	13,296	18,867	18,047

Source: author's tabulation of census manuscripts.

provement of the data. Each United Nations network is defined in terms of three life tables: one with downward deviating mortality (and thus a relatively high life expectancy at birth), one with intermediate mortality, and one with upward deviating mortality (and a relatively low life expectancy at birth). The limits of the upward and downward deviating models define the realm of possibility, and any deviation from the limits of the appropriate network represents faulty data. Therefore the survival ratios were arbitrarily made to conform to level 20 where they were outside the limits, and new age-sex distributions were calculated from the revised survival ratios (Tables 10 and 11, and Figure 4). The revised age-sex distributions can be considered the most realistic picture of the Cherokee population between 1865 and 1905. The totals represented by the distribution indicate a gradual rise in the annual rate of natural increase from 18 per thousand between 1865 and 1870 to slightly over 20 per thousand between 1900 and 1905. Such an increase is consistent with the overall patterns of Cherokee growth for the nineteenth and twentieth centuries.

It was possible to generate life tables for the Cherokee population by plotting the male and female survival ratios for 1865-1870 and 1900-1905. Figure 5 shows the survival ratio curves for the three United Nations level 20 life tables--intermediate mortality, upward

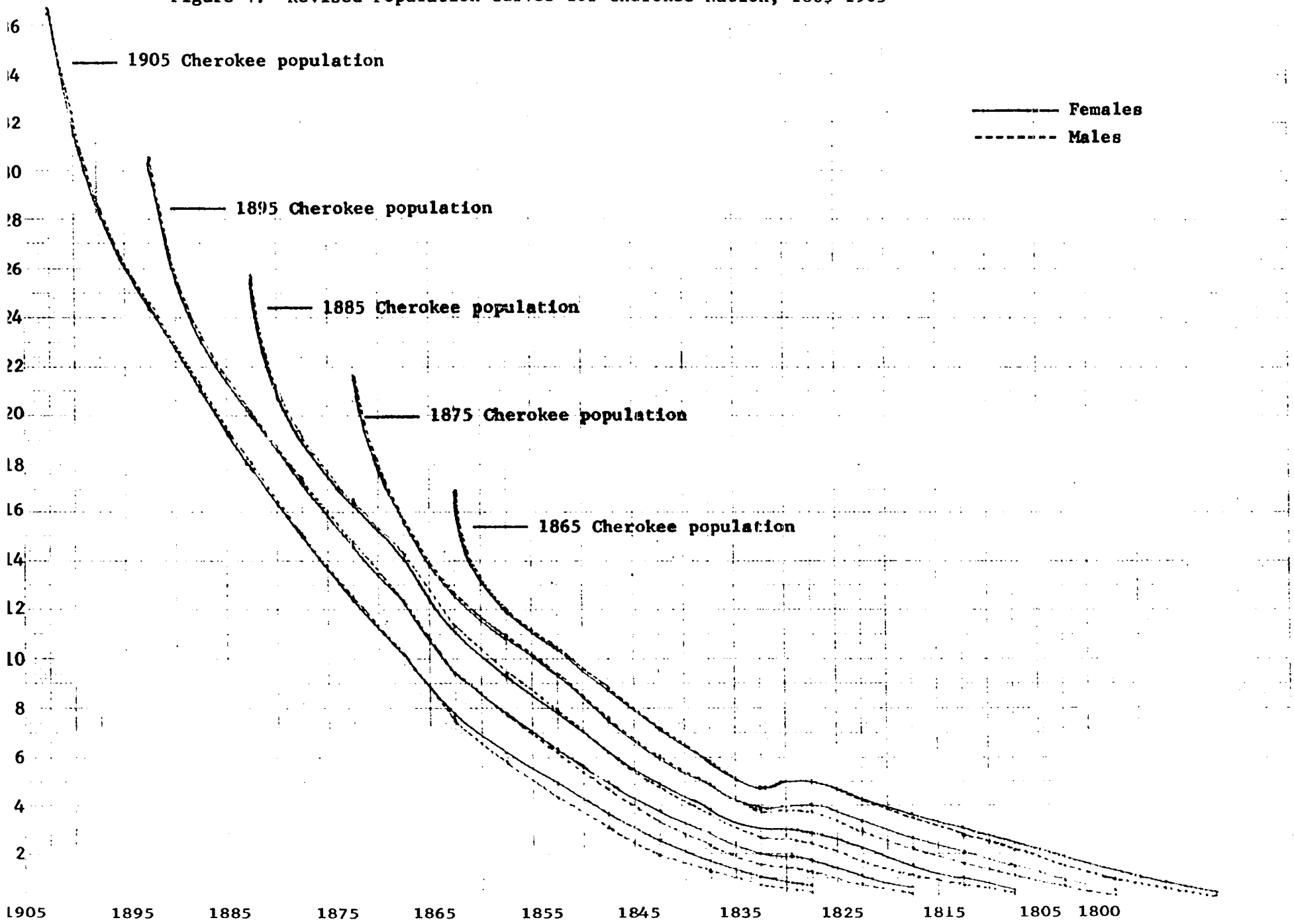
Table 10. New Estimates of the Cherokee Population, 1865-1905 Summarized in Five-Year Age Groups.

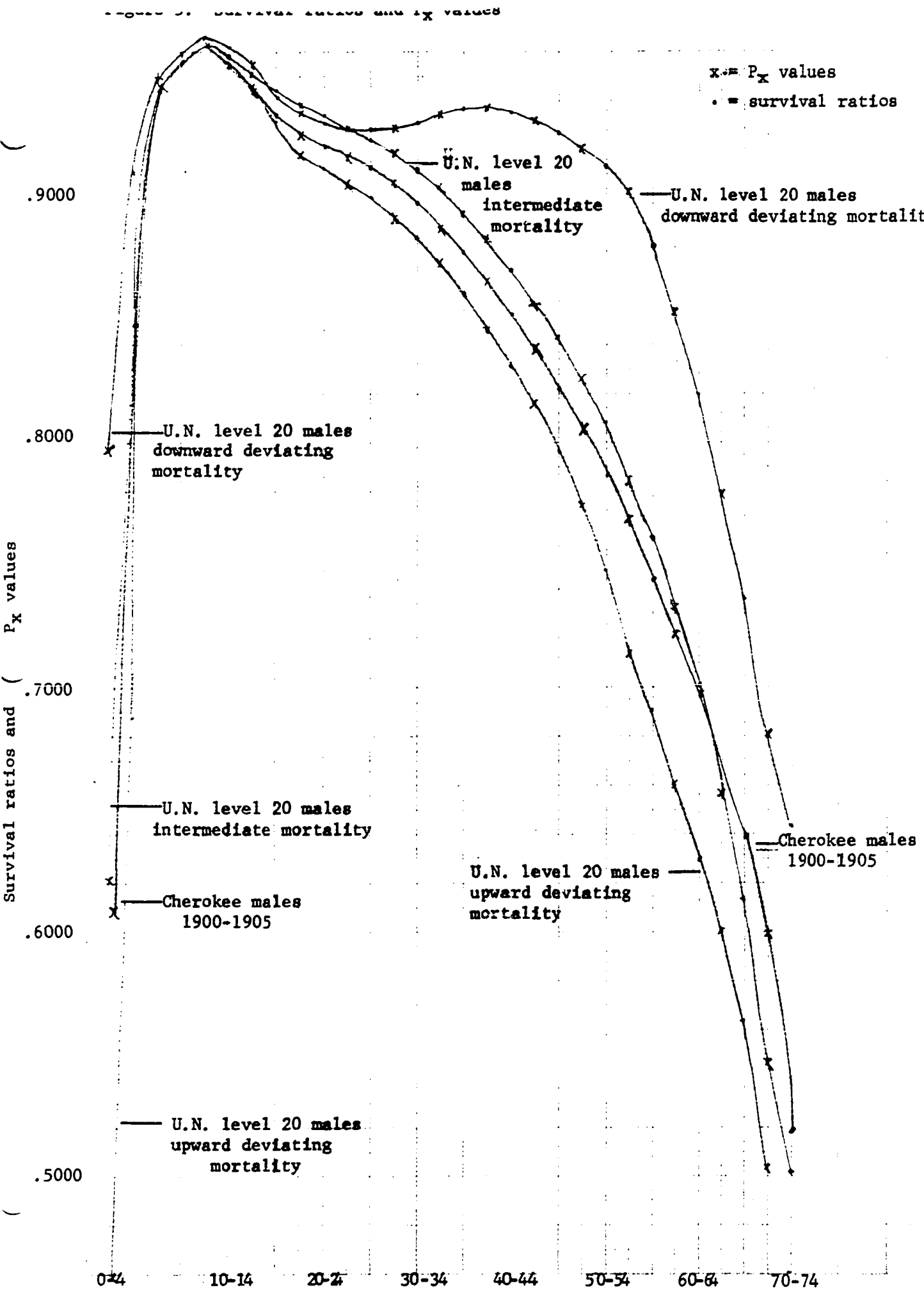
Sex and Age Group	1865	1870	1875	1880	1885	1890	1895	1900	1905
Total, both Sexes	17,581	19,307	21,217	23,375	25,798	28,488	31,487	34,883	38,615
Total Females	8,884	9,749	10,705	11,784	12,995	14,340	15,840	17,578	19,417
0-4	1,683	1,972	2,153	2,351	2,562	2,788	3,044	3,326	3,691
5-9	1,196	1,313	1,558	1,722	1,904	2,101	2,314	2,557	2,827
10-14	1,041	1,139	1,250	1,483	1,639	1,813	2,000	2,203	2,434
15-19	872	992	1,085	1,191	1,413	1,561	1,727	1,905	2,099
20-24	712	815	927	1,014	1,113	1,320	1,459	1,614	1,781
25-29	586	657	752	855	936	1,027	1,218	1,346	1,490
30-34	471	537	602	689	784	858	941	1,116	1,234
35-39	503	428	488	547	626	712	779	854	1,013
40-44	434	452	385	439	492	563	640	700	768
45-49	370	385	401	342	390	437	500	568	621
50-54	308	321	334	348	297	339	380	434	493
55-59	252	260	271	282	294	251	286	321	366
60-64	196	200	207	216	225	235	201	229	257
65-69	134	141	147	153	160	167	175	150	171
70-74	85	90	95	99	104	109	114	120	103
75+	45	47	50	53	56	59	62	65	69
Total Males	8,697	9,558	10,514	11,591	12,803	14,148	15,647	17,305	19,198
0-4	1,680	1,980	2,162	2,360	2,572	2,799	3,056	3,339	3,706
5-9	1,201	1,318	1,564	1,729	1,912	2,109	2,323	2,567	2,838
10-14	1,049	1,148	1,260	1,495	1,652	1,828	2,016	2,221	2,453
15-19	882	1,004	1,098	1,205	1,430	1,580	1,748	1,928	2,124
20-24	721	826	939	1,027	1,127	1,337	1,478	1,635	1,804
25-29	593	665	761	865	947	1,039	1,233	1,362	1,508
30-34	476	543	609	697	793	867	951	1,128	1,248
35-39	502	428	488	546	625	711	778	853	1,012
40-44	424	441	376	428	486	549	625	683	780
45-49	347	361	376	321	366	410	469	533	582
50-54	274	285	297	309	264	301	337	385	438
55-59	209	215	224	233	243	208	237	266	303
60-64	148	154	159	166	173	181	155	176	198
65-69	96	101	106	110	115	120	126	108	123
70-74	57	60	64	67	70	73	77	81	69
75+	28	29	31	33	34	36	38	40	42

Table 11. Cumulative Percentages of Age Distribution of the New Estimates of the Cherokee Population, 1865-1905, Summarized by Five-Year Age Intervals.

Percentage under the Age of:	Year 1865	1870	1875	1880	1885	1890	1895	1900	1905
All Females	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
5	18.9	20.2	20.1	20.0	19.7	19.4	19.2	18.9	19.0
10	32.4	33.7	34.7	34.6	34.4	34.1	33.8	33.4	33.6
15	44.1	45.4	46.4	47.2	47.0	46.8	46.4	45.9	46.1
20	53.9	55.6	56.5	57.3	57.9	57.4	57.3	56.7	56.9
25	61.9	64.0	65.2	65.9	66.5	66.6	66.5	65.9	66.1
30	68.5	70.8	72.2	73.2	73.7	73.8	74.2	73.6	73.8
35	73.8	76.3	77.8	79.0	79.7	79.8	80.1	79.9	80.2
40	79.5	80.7	82.4	83.6	84.5	84.8	85.0	84.8	85.4
45	84.4	85.3	86.0	87.3	88.3	88.7	89.0	88.8	89.0
50	88.6	89.2	89.7	90.2	91.3	91.7	92.2	92.0	92.2
55	92.1	92.5	92.8	93.2	93.6	94.1	94.6	94.5	94.7
60	94.9	95.2	95.3	95.6	95.9	95.9	96.4	96.3	96.6
65	97.1	97.3	97.2	97.4	97.6	97.5	97.7	97.6	97.9
70	98.6	98.7	98.6	98.7	98.8	98.7	98.8	98.5	98.8
75	99.5	99.5	99.5	99.5	99.6	99.5	99.5	99.2	99.3
All Males	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
5	19.3	20.7	20.6	20.4	20.1	19.8	19.5	19.3	19.3
10	33.1	34.5	35.5	35.3	35.0	34.7	34.3	34.1	34.1
15	45.2	46.5	47.0	48.2	47.9	47.6	47.2	46.9	46.9
20	55.3	57.0	57.4	58.6	59.1	58.8	58.4	58.0	57.9
25	63.6	65.6	66.3	67.5	67.9	68.3	67.8	67.4	67.3
30	70.4	72.6	73.5	75.0	75.3	75.6	75.7	75.3	75.2
35	75.9	78.3	79.3	81.0	81.5	81.7	81.8	81.8	81.7
40	81.7	82.8	83.9	85.7	86.4	86.7	86.8	86.7	86.9
45	86.6	87.4	87.5	89.4	90.1	90.6	90.8	90.6	90.8
50	90.6	91.2	91.1	92.2	93.0	93.5	93.8	93.7	93.9
55	93.8	94.2	93.9	94.9	95.1	95.6	96.0	95.9	96.1
60	96.2	96.4	96.3	96.9	97.0	97.1	97.5	97.4	97.7
65	97.9	98.0	97.8	98.3	98.4	98.4	98.5	98.4	98.7
70	99.0	99.1	98.8	99.2	99.3	99.2	99.3	99.0	99.4
75	99.7	99.7	99.6	99.8	99.8	99.7	99.8	99.5	99.7

Figure 4. Revised Population Curves for Cherokee Nation, 1865-1905




x = P_x values
• = survival ratios
U.N. level 20 males intermediate mortality
U.N. level 20 males downward deviating mortality
U.N. level 20 males downward deviating mortality
U.N. level 20 males intermediate mortality
Cherokee males 1900-1905
Cherokee males 1900-1905
U.N. level 20 males upward deviating mortality
U.N. level 20 males upward deviating mortality
Survival ratios and P_x values
.9000
.8000
.7000
.6000
.5000
0-4
10-14
20-24
30-34
40-44
50-54
60-64
70-74

deviating, and downward deviating--and for Cherokee males between 1900 and 1905. The three United Nations models show that the P_x values of the life table, the proportion of the cohort age x at the beginning of the period who survive to the beginning of the next period, fall on the same curve as the survival ratios calculated from the stationary population associated with the life table, the L_x column.[6] It was a relatively easy matter to read the P_x values for each of the four life tables produced for this study directly from the curves formed by the survival ratios of the respective populations.[7]

The remaining functions of the life tables were calculated from the four sets of P_x values.[8] Table 12 gives the two life tables for the period 1900-1905. The following selected e_x values (expectation of life in years at age x) for the Cherokee population 1865-1870 indicate the basic differences between mortality conditions immediately after the Civil War and at the beginning of the twentieth century:

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[6]Person years lived by a cohort during an age interval.

[7]The P_x value for 1865 for age zero, the probability of dying before reaching the age 1, are .3075 for females and .3396 for males. These were arbitrarily made high to reflect what are considered the "worst" likely mortality conditions for the nineteenth century Cherokee population. The life tables for 1865-1870, therefore, should be considered an unusual upward deviation from the more normal nineteenth century conditions represented in the 1900-1905 life tables, Table 12.

[8]See George W. Barclay, Techniques of Population Analysis (New York: John Wiley and Sons, 1958), pp. 286-305 for techniques.

Table 12. Life Tables, Cherokee Nation 1900-1905

Exact Age x	MALES						
	p_x	q_x	l_x	d_x	L_x	T_x	e_x
0	.7361	.2639	100000	26390	81527.0	2797747.0	28.0
1	.8259	.1741	73610	12816	268810.5	2716220.0	36.9
5	.9490	.0510	60795	3101	296225.0	2447409.5	40.3
10	.9660	.0340	57695	1962	283570.0	2151184.5	37.3
15	.9460	.0540	55733	3010	271140.0	1867614.5	33.5
20	.9280	.0720	52723	3796	254125.0	1596474.5	30.3
25	.9190	.0810	48927	3963	234727.5	1342349.5	27.4
30	.9080	.0920	44964	4137	214477.5	1107622.0	24.6
35	.8890	.1110	40827	4532	192805.0	893144.5	21.9
40	.8670	.1330	36295	4827	169407.5	700339.5	19.3
45	.8380	.1620	31468	5098	144595.0	530932.0	16.9
50	.8040	.1960	26370	5169	118930.0	386337.0	14.7
55	.7690	.2310	21202	4898	93767.5	267407.0	12.6
60	.7210	.2790	16305	4549	70152.5	173639.5	10.6
65	.6700	.3300	11756	3880	49082.5	103487.0	8.8
70	.6000	.4000	7877	3151	31507.5	54404.5	6.8
75		1.000	4726	4726	22897.0	22897.0	4.8

DEFINITIONS:

p_x - Proportion of cohort age x at beginning of interval who survive to next interval.

q_x - Proportion of cohort age x at beginning of interval who died during interval.

l_x - Number in cohort at beginning of interval.

d_x - Number of deaths during interval.

L_x - Person years lived during interval by cohort age x at beginning of interval.

T_x - Person years lived by persons age x during interval and all subsequent years.

e_x - Life expectancy in years at age x.

Table 12. Life Tables, Cherokee Nation 1900-1905, continued.

Exact Age x	FEMALES						
	p_x	q_x	l_x	d_x	L_x	T_x	e_x
0	.7596	.2404	100000	24040	83172.0	2989778.5	29.9
1	.8243	.1757	75960	13346	277148.0	2906606.5	38.3
5	.9440	.0560	62614	3506	304305.0	2629458.5	42.0
10	.0610	.0390	59108	2305	289777.5	2325153.5	39.3
15	.9440	.0560	56803	3181	276062.5	2035376.0	35.8
20	.0270	.0730	53622	3914	258325.0	1759313.5	32.8
25	.0210	.0790	49708	3927	238722.5	1500988.5	30.2
30	.1030	.0870	45781	3983	218947.5	1262266.0	27.6
35	.0030	.0970	41798	4054	198855.0	1043318.5	25.0
40	.8950	.1050	37744	3963	178812.5	844463.5	22.4
45	.8800	.1200	33781	4054	158770.0	665651.0	19.7
50	.8570	.1430	29727	4251	138007.5	506881.0	17.1
55	.8240	.1760	25476	4484	116170.0	368873.5	14.5
60	.7780	.2220	20992	4660	93310.0	252703.5	12.0
65	.7200	.2800	16332	4573	70227.5	159393.5	9.8
70	.6400	.3600	11759	4233	48212.5	89166.0	7.6
75		1.000	7526	7526	40953.5	40953.5	5.4

DEFINITIONS:

p_x - Proportion of cohort age x at beginning of interval who survive to next interval.

q_x - Proportion of cohort age x at beginning of interval who died during interval.

l_x - Number in cohort at beginning of interval.

d_x - Number of deaths during interval.

L_x - Person years lived during interval by cohort age x at beginning of interval.

T_x - Person years lived by persons age x during interval and all subsequent years.

e_x - Life expectancy in years at age x.

Age x	e_x for males	e_x for females
0	22.6	24.4
5	40.0	41.8
10	37.1	39.1
20	30.1	32.5
30	24.4	27.3
40	19.0	22.0
50	14.4	16.6

Life expectancy at every age above 5 is nearly indentical for the life tables derived from the data for the period 1865-1870 and for the period 1900-1905. The very young suffered the largest increase in mortality during the Civil War, reducing life expectancy at birth from about 29 years to about 23 years. Disregarding such disruptions as removal and the Civil War, however, it is likely that the Cherokee population very nearly conformed to the 1900-1905 mortality pattern throughout the nineteenth century.

The last point is further substaniated by a comparison of early twentieth century Cherokee mortality conditions with mortality conditions of the pre-Columbian period. In chapter 1 a level of mortality approximating the Coale and Demeny Model West level 5 was posited as closely resembling the situation prior to 1492.[9] A marked similarity exists between Model West level 5 and the life tables generated from the Cherokee survival ratios for 1900-1905. At every level below age 50 life expectancy for Cherokee males and females of the early twentieth century is slightly below the values for West level 5. This suggests a remarkable stability of

[9]Coale and Demeny, p. 6.

mortality characteristics for the Cherokee for several centuries under a variety of conditions. As the 1865-1870 Cherokee life tables indicate, however, there were important short term variations in life expectancy at birth. But the basic pattern for older ages probably did not fluctuate widely. The 1865-1870 conditions were probably the least favorable to survival of any conditions which the Cherokee population experienced during the nineteenth century and perhaps at any earlier time.

At the beginning of the twentieth century Cherokee mortality characteristics were more severe than the mortality characteristics of the total American population. Life expectancy at birth of the total American population was 47.3 years, and for the non-white American population 33 years.[10] Yet Cherokee life expectancy at birth did compare favorably with a life expectancy at birth of 25.3 for Mexico.[11]

The effects of the American Civil War on the Cherokees have significance for general United States-Indian relations during the nineteenth century. The Cherokees were not the principal enemies of either the North or the South, yet Cherokee life expectancy at birth was reduced almost to the level of Maghreb mortality,[12] the level at which the

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[10]U.S. Department of Commerce, Historical Statistics of the United States, p. 25.

[11]Eduardo E. Arriaga, New Life Tables for Latin American Populations in the Nineteenth and Twentieth Centuries (Berkeley: University of California Press, 1968), p. 3.

[12]Acsadi and Nemeskeri, pp. 266-267.

population can no longer reproduce itself. The wars waged by the United States directly against other Indian tribes during the century must have been even more destructive to the Indian populations.

CHAPTER VII

THE NORTH CAROLINA CHEROKEES

The Cherokees who remained in the East after removal in 1838 developed very differently from the Cherokee Nation in the West during the remainder of the nineteenth century. The western Cherokees made considerable economic and educational progress, took on many aspects of white civilization, and carried on continual and extensive "diplomatic" relations with the federal government. The eastern Cherokees,[1] on the other hand, made no dramatic economic or educational gains, maintained their ancient customs and practices. They clung to the old religion and language, and were almost completely ignored by the federal government throughout most of the nineteenth century.

William Holland Thomas, a white man, was the dominant personality of the North Carolina Cherokee between 1838 and about 1870 when he was incapacitated by insanity.[2]

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[1]The term "Eastern Cherokee" is synonymous with "North Carolina Cherokee," even though some lived at times in other states. All of the original fugitives from the removal were in North Carolina. The censuses taken around 1850 indicate that a small minority had moved to neighboring states. All of the land owned collectively by the Cherokees was and is in North Carolina. See Mooney, Myths of the Cherokees, p. 167, note 2.

[2]Thomas's early life and close relationship with the Cherokees is discussed in Mooney, Myths of the Cherokees, pp. 157-162; and Rights, pp. 201-205. Mooney said that the

Thomas had had an association with the Cherokees prior to the removal through the store which he operated in western North Carolina. Having been orphaned at an early age, he had been adopted by Chief Drowning-bear, the leader of the Cherokees living on the Tuskasegee and Oconaluftee Rivers. When the majority of the Cherokee population had been assembled for removal by the army, Thomas acted as the communications link between General Winfield Scott of the American army and the remnants of the Cherokees who were hiding in the hills. He convinced several of the Cherokees who had killed United States soldiers during the initial roundup to surrender to military justice so that the others might be allowed to remain. If the few individuals had not surrendered, Scott would presumably have routed the rest from their refuges in western North Carolina. Several of the alleged culprits were executed on orders of Scott and became martyrs.

The Treaty of New Echota of 1835 had initially provided that any Cherokees who wished to remain in the East might become United States citizens and be granted preemption rights to 160 acres of land. A series of supplementary articles which were approved by the Cherokees on the same day as the original treaty made the preemption article void

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North Carolina Cherokees owe their existence as a people to Thomas. Wardell, p. 242, said that Thomas became insane in 1859. This is probably not completely correct because Thomas was at least competent enough to recruit and lead a regiment during the Civil War. Thomas certainly deserves further study.

because Andrew Jackson wanted the total Cherokee population moved west.[3] The North Carolina Cherokees, therefore, had no legal right to live in North Carolina.

In spite of the revocation of the preemption provision of the Treaty of New Echota and the North Carolina state law prohibiting Indians from owning land, Thomas enabled the Cherokees to remain in the area by purchasing land with Cherokee money and holding the title to it in his own name. He held power of attorney certificates from many of the North Carolina Cherokees and received over $77,000 before 1852 from the federal government.[4] This money came from claims of individual Cherokees for property and improvements destroyed during removal. Thomas and an associate, the Washington publisher Duff Green, also received nearly $7,000 from the $92.31 appropriated for each North Carolina Cherokee in 1848. This represented a fifteen per cent commission from the six to seven hundred Cherokees for

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[3]Kappler, Laws and Treaties, Vol. II, Treaty with the Cherokees, 1835, Article 12, p. 444; Supplementary Articles, p. 488, ". . . the President of the United States has expressed his determination not to allow any pre-emption or reservations his desire [sic.] being that the whole Cherokee people should remove together and establish themselves in the country provided for them west of the Mississippi river."

[4]LROIA, Microcopy M-234, Roll 85, frames 508-514, W.H. Thomas to Daniel Kurtz (Acting Commissioner of Indian Affairs), November 13, 1841; U.S. House of Representatives, 32 Cong., 1st Sess., Miscellaneous Document 64, Serial 652, "Information as to the amount of money paid to William H. Thomas for and on account of the Cherokees of North Carolina."

whom they were agents.[5] The approximately $80,000 which Thomas received from these transactions enabled him to purchase the "Qualla Boundary" which encompassed more than 50,000 acres and several separate tracts amounting to more than 20,000 acres in adjacent Graham and Cherokee counties.[6] The Cherokees have remained on this land to the present, though their legal status on the land was temporarily uncertain after the Civil War when Thomas went bankrupt and became mentally incompetent.

Thomas's role in these transfers of funds and land made him subject to the criticism of contemporaries for profiteering from his close association with the Cherokees. Yet twentieth century historians have been remarkably uncritical. Thomas was particularly unpopular among the Cherokees of Indian Territory because he encouraged the North Carolina Cherokees to resist the attempts of the westerners to entice them to migrate to Indian Territory. The editor of the Cherokee Advocate commented in 1878--

> For many years, these "eastern Cherokees" were fooled and robbed by a pretended friend, by the name of Thomas, who probably for his meanness to the Indians, has been visited by kind Providence, with "mental abberation," so that he is now safely ensconced in a lunatic asylum in North Carolina.[7]

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[5]Most individuals had paid the full $13.84 to Thomas and Green prior to 1852. Some had paid only $3.20 and were apparently still in debt to Thomas and Green for the remainder. See also Cherokee Advocate, July 17, 1848.

[6]The purchases were discussed in BIA Report, 1874, pp. 64-65.

[7]Cherokee Advocate, April 20, 1878.

Though the editor had reason to be biased, there is evidence which suggests that Thomas was, in fact, dishonest in some transactions. The correspondence surrounding the census taken by Thomas in 1841 points to probable impropriеties. In July of 1840 Commissioner of Indian Affairs T. Hartley Crawford instructed Thomas to make payments to certain North Carolina Cherokees for spoilation claims. In addition to making the payments that were provided for by the Treaty of New Echota, he was also to make a census of the Cherokees.[8] No reason for the census is evident in Crawford's written instructions. It is apparent from the correspondence that Thomas was initially working for the federal government as agent to the Cherokees, but before the affair was completed in 1842 Thomas was working for the Cherokees as agent to the federal government. In May of 1841 Crawford inquired of Thomas about his progress, having heard no word from him since the original appointment of July 8, 1840. Thomas replied on June 30, 1841, that the report would soon be on the way, that he had been delayed because the Cherokees were so scattered, and that there were more Cherokees than he had anticipated. The report did not arrive in Washington, however, and on August

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[8]LSOIA, Microcopy M-21, Roll 29, pp. 13-14, T. Hartley Crawford to W.H. Thomas, July 8, 1840. Thomas was later paid $355 for taking the census between July 11, 1840 and March 17, 1841. U.S. House of Representatives, 32 Cong., 1st Sess., Miscellaneous Document 64, Serial 652, p. 31. Thomas was also paid $46 for an interpreter, though he was fluent in Cherokee himself.

21, 1841, Crawford informed Thomas that "any further delay will be regarded as inexcusable."[9]

In September of 1841 a newcomer entered the chain of correspondence concerning Thomas's activities. On the 21st Thomas C. Hindman, an Alabama planter, wrote to Acting Secretary of War Albert M. Lea that Thomas was not carrying out his instructions. He suggested that a special agent be assigned to take over from Thomas, both in making the payment of claims and in the taking of the census. Eight days later Daniel Kurtz, Acting Commissioner of Indian Affairs, wrote to Thomas that on Albert Lea's instructions Thomas was fired. Colonel Thomas C. Hindman was to take over his job. Thomas was instructed to turn over his remaining funds and all records to his successor. The same day Kurtz wrote four separate letters to Hindman explaining that he was to carry on Thomas's unfinished business. On October 15, 1841, Thomas wrote to Crawford informing him that the census and the receipts would be forwarded in a week, but unfortunately he made no mention of the nature of the census. He also requested a copy of the charges against him. Kurtz replied on October 29, telling him that he was relieved not for misconduct but simply because of

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[9]LSOIA, Microcopy M-21, Roll 30, p. 311, T. Hartley Crawford to W.H. Thomas, May 27, 1841; LROIA, Micrcopy M-234, Roll 85, frames 474-475, W.H. Thomas to T. Hartley Crawford, June 30, 1841, Qualla, North Carolina; LSOIA, Microcopy M-21, Roll 31, p. 42, T. Hartley Crawford to W.H. Thomas, August 21, 1841.

delay.[10]

The process of taking the census and sending the results to Washington had required more than a year and was still incomplete when Hindman took over. Hindman's progress, however, was no more satisfactory than Thomas's had been. On October 16, slightly more than two weeks after he had appointed Hindman, Kurtz wrote to the Alabama planter and informed him that a rumor was circulating around the Office of Indian Affairs that the new census taker was carrying on "a design . . . to protract [his] operations among the Cherokees beyond the time necessary. . . ." In effect Hindman was being accused of a slowdown to collect his $5 per day for a longer time. Hindman replied on October 27, making a convincing rebuttal to the charges and pointing out that a man of property and standing such as he would never lower himself to cheat for such a paltry sum.[11]

Throughout October, November, and the first part of December Hindman was unable to locate Thomas to take custody of the remaining cash and records. In a series of letters

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[10]LROIS, Microcopy M-234, Roll 85, frames 178-180, Thomas C. Hindman to Albert M. Lea, September 21, 1841; LSOIA Microcopy M-21, Roll 31, p. 148, D.K. [Daniel Kurtz] to W.H. Thomas, September 29, 1841, Roll 31, pp. 148-151, D.K. to Colonel Thomas Hindman, September 29, 1841 (four separate letters); LROIA, Microcopy M-234, Roll 85, frame 479, W.H. Thomas to T. Hartley Crawford, October 15, 1841; LSOIA, Microcopy M-21, Roll 31, p. 215, D.K. to W.H. Thomas, October 29, 1841. Hindman was to be bonded for ten thousand dollars.

[11]LSOIA, Microcopy M-21, Roll 31, p. 185, D.K. to Thomas C. Hindman, October 16, 1841; LROIA, Microcopy M-234, Roll 85, frames 194-196, Thomas C. Hindman to Daniel Kurtz, October 27, 1841.

to Kurtz and Crawford in Washington, Hindman pointed to the difficulty of locating Thomas, who apparently commuted among his several stores in western North Carolina. Hindman also noted that the Cherokee population was sparce and did not seem prone to emigrate to Indian Territory.[12] The latter comment suggests that the real purpose of having a government official among the Cherokees in 1841 might have been to find out how many Cherokees there were and to encourage them to migrate to the West. Such had been the aims behind the Henderson Roll of 1835. These intentions could have been especially prominent in Hindman's appointment, for though there is nothing in his written instructions suggesting Cherokee emigration as part of the plan of the Bureau of Indian Affairs, he was in Washington when he wrote his first letter to Albert Lea. It seems likely that he also had personal meetings with Lea or Kurtz prior to his appointment, during which such goals could have been outlined.

Thomas's relationship to the Bureau of Indian Affairs changed in November of 1841. On November 13 Thomas informed Kurtz that he had become the agent for the Cherokees and enclosed a power of attorney certificate signed by several hundred Cherokee citizens from Haywood and Macon

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[12]LROIA, Microcopy M-234, Roll 85, frames 210-212, Thomas C. Hindman to Daniel Kurtz, December 6, 1841; Roll 85, frames 219-222, Thomas C. Hindman to Daniel Kurtz, December 13, 1841, Roll 86, frames 581-587, Thomas C. Hindman to T. Hartley Crawford, December 20, 1841.

Counties, North Carolina.[13] The certificate authorized Thomas to receive Cherokee money and apparently marked the beginning of his practice of purchasing land in his own name for the Cherokees.

The disposition of the census was not clarified in the correspondence. When Crawford wrote to Thomas on December 20, 1841, acknowledging the receipts for the payments of spoilation claims, he said that the census had not been received. There is no further mention of Thomas's census in Bureau of Indian Affairs records until 1845 when the annual report of the commissioner gave the total population of the North Carolina Cherokees as 1,220 and noted that the figure was taken from the census taken by W.H. Thomas in 1841.[14] It is uncertain how and when the roll found its way to Washington, or what became of it.

On February 1, 1842, Crawford terminated Hindman's appointment as special United States agent and observed that "it appears that no valuable result can grow out of you a continuance [sic] of your exertions at present." He made no mention of the census, and might have decided that it was no longer possible to force the North Carolina Cherokees to emigrate, in which case no census was necessary. Hindman wrote a final letter to Crawford on March 28 in

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[13]LROIA, Microcopy M-234, Roll 85, frames 508-514, W.H. Thomas to Daniel Kurtz, November 13, 1841.

[14]LSOIA, Microcopy M-21, Roll 31, p. 418, T. Hartley Crawford to W.H. Thomas, December 20, 1841, BIA Report, 1845, p. 459.

which he pointed out that the census had not been completed in Georgia. It may never have been completed for the total of 1,220 attributed to the Thomas census was certainly far under the true total. Hindman had received only minimal cooperation from Thomas, so he may not have known whether the census had been completed. In any event, Hindman offered to finish the census in Georgia where several hundred Cherokees lived.[15] If Crawford responded to Hindman's offer it was not recorded in the Bureau of Indian Affairs letter book.

After 1842 no regular United States agent was sent to North Carolina until June of 1875. With the exception of censuses taken in 1848 and 1851, one per capita payment made in 1852, and another in 1869, the federal government took almost no notice of the North Carolina Cherokees during the period.

A census of 1848 was necessary because Senator John C. Bell of Tennessee still hoped to secure the remaining Cherokees to Indian Territory. His scheme was for the treasury to set aside $53.33 for each remaining Cherokee, the money to be used to pay transportation expenses if the

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[15]LSOIA, Microcopy M-21, Roll 31, p. 418, T. Hartley Crawford to Thomas C. Hindman, February 1, 1842. "I [Crawford] am surprised to hear that you had not at the date of your last letter received any account from Mr. Thomas of his proceedings under his late special agency. The Department will take decisive measures on the subject." LROIA, Microcopy M-234, frames 603-604, Thomas C. Hindman to T. Hartley Crawford, March 28, 1842.

Indians decided to move to the West. There would be no financial reason for the Cherokees to remain in the East.[16] An employee of the Bureau of Indian Affairs, John C. Mullay, was appointed to conduct the census by Commissioner W. Medill on August 26, 1848, under the terms of the Indian Appropriations Act of 1848 which embodied Bell's scheme. One unusual provision of the appointment was that Mullay was to count only those Cherokees who had resided in North Carolina on the date of the ratification of the Treaty of New Echota. Cherokees born after that date were to be excluded as were all Cherokee residents of Alabama, Tennessee, or Georgia. Cherokee residents of North Carolina in 1836 who had died were to be included. The age provision was apparently included because the money was to come from funds previously appropriated for the western Cherokees. Since the $53.33 was for transportation, it would be unreasonable for those born after 1836 in North Carolina to receive transportation money when those born after 1836 in Indian Territory had obviously not and would not receive any.[17] The geographic restriction to North Carolina might have come from congressional ignorance about the

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[16]U.S. Statutes at Large, Vol. 9, pp. 264-265; Congressional Globe, 30 Cong., 1st Sess., 1847-1848, June 1, 1848, p. 809. Fifty-three dollars and thirty-three cents had been the amount allowed for transportation and subsistence of each Cherokee removed in 1838.

[17]LSOIA, Microcopy M-21, Roll 41, pp. 203-205, W. Medill to John C. Mullay, August 26, 1848. Mullay was to receive only his salary as clerk plus expenses.

location of the Cherokees. They were called "North Carolina Cherokees" in all official documents, so it was probably assumed that they all lived in that state.

Mullay immediately went to work, completed the roll in October of 1848, and submitted his report on December 14, 1848. Mullay admitted that his enrollment was not complete both because of the great distances involved in the enrollment work and the refusal of some of the Cherokees to be enrolled because of the former connection between enrollment and removal. When one band of Cherokees in the Valley River section of North Carolina had refused to be enrolled, Mullay suggested that a conspiracy was at work to prevent full enrollment: "I learned in the country that these ignorant people were under the guidance and influence of some interested white men by whom they had been instructed to withhold their names. . . ." The group of white men mentioned by Mullay in this context surely included William H. Thomas, though Mullay did not specifically name him.[18]

In July of 1850 B.M. Edney, counsel to the North Carolina Cherokees, informed the Bureau of Indian Affairs that the deficiencies in the Mullay Roll should be corrected and that the "residue" would cooperate with a reopening of the

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[18]LROIA, Microcopy M-234, Roll 92, frames 278-282, John C. Mullay to W. Medill, December 14, 1848; National Archives, Fort Worth, Mullay Roll. Mullay indicated in his report that he had hired John W. Tenison as his interpreter. Tenison had also served as Thomas's interpreter. U.S. House of Representatives, 32 Cong., 1st Sess., Miscellaneous Document 64, Serial 652, p. 31.

roll. He suggested that Mullay be reappointed to complete the census. Three days later Commissioner Luke Lea directed Mullay to relieve himself of his duties as clerk and return to North Carolina to complete the census. Again Mullay wasted no time in getting to work, and reported in August to Luke Lea that the necessary corrections were being made. The reopening of the rolls in 1850 resulted in the addition of over four hundred names to the roll, children born after 1836 still being excluded, making a total of 1,517 North Carolina Cherokees who had been alive at the time of the ratification of the Treaty of New Echota and resident of North Carolina. Mullay later reaffirmed the accuracy of the roll, pointing out that it did indeed differ from the true total of Cherokees east of the Mississippi because of the rules under which it had been made. In the context of his instructions, however, he claimed that it was accurate, though underenumeration of persons who had died must have been significant.[19]

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[19]LROIA, Microcopy M-234, Roll 94, frames 295-296, B.M. Edney to the Office of Indian Affairs, July 16, 1850; Roll 94, frames 360-361, Thomas Ewing (Secretary of the Interior) to Luke Lea, July 18, 1850; LSOIA, Microcopy M-21, Roll 43, p. 299, Luke Lea to John C. Mullay, July 19, 1850; LROIA, Microcopy M-234, Roll 94, frames 429-431, John C. Mullay to Luke Lea, August 10, 1850. Mullay reported improvements in his own health, that he no longer required his crutches and was getting along with a cane. "I am already wearing a fine copper-colored face--I could almost claim to be an Indian myself." Mullay also reported having run into Luke Lea's "couzin" Alfred Lea. National Archives, Fort Worth, Mullay Roll. Residents of Valley River are included in the additional four hundred enrollees. See, for example, numbers 1,428, 1,472, 1,437, and 1,494. LROIA, Microcopy M-234, Roll 94, frames 184-185.

In 1850 and 1851 the Indian Appropriations Act provided for money to be paid to the North Carolina Cherokees on a per capita basis.[20] Since the Mullay Roll did not include all Cherokees alive east of the Mississippi, another census was necessary. Commissioner of Indian Affairs Luke Lea on May 24, 1851, instructed David M. Siler to take a census of Cherokees in Georgia, North Carolina, Tennessee, and Alabama. He told Siler that large sums of money were to be distributed on the basis of the census and that the only individuals to be excluded were whites who had married Cherokees after May 23, 1836, the date of the ratification of the Treaty of New Echota. All children with at least one Cherokee parent would be included, and all deceased persons would be excluded. The census taker was also to advise the Commissioner on the best location in each county for the per capita payments to be made.[21]

Siler sent a progress report to Luke Lea on June 20, 1851, which indicated that he was following the Mullay practice of meeting with leaders of a community and gaining their confidence and obtaining their approval in advance for local enrollment. In the case of one town in which some Indians had refused to be enrolled, Siler indi-

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[20]Acts of Congress of September 30, 1850, U.S. Statutes at Large, Vol. 9, p. 544; and February 27, 1851, U.S. Statutes at Large, Vol. 9, p. 573.

[21]LSOIA, Microcopy M-21, Roll 44, pp. 400-401, Luke Lea to David M. Siler, May 24, 1851.

cated that he would not enroll anyone, believing that by the time of his return the more intelligent and greedy Cherokees would have convinced the others to cooperate. The following month Siler inquired about the status of the handful of intermarried blacks, indicating that he would not count them unless instructed otherwise.[22] Apparently he received no instructions, so the blacks were excluded.

While Siler was taking the census, J.K. Rogers, a representative of the western Cherokees in Washington, wrote to Luke Lea charging that Siler was in league with W.H. Thomas to get some of the per capita money through fraud. Rogers pointed out that Siler was then employing Thomas's uncle as his interpreter, and that Siler should not be entrusted with the task of distributing the money. Rogers said, ". . . it seems to me, [that] the department can certainly find someone to pay the per capita money due the Cherokees in the states who is at least above suspicion." Rogers might have been mistaken or may have felt that he was serving the best interests of the western Cherokees by somehow undermining the payment to the North Carolina Cherokees. There is no evidence in the Bureau of Indian Affairs correspondence to suggest that Siler was engaged in fraud, and even if he was, it does not necessarily detract from

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[22]LROIA, Microcopy M-234, Roll 95, frames 733-736, D. W. Siler to Luke Lea, June 20, 1851, Roll 95, frames 737-740, D.W. Siler to Luke Lea, July 5, 1851.

the value of the census.[23]

In spite of Rogers's accusations, the results of the Siler enrollment appear to have been made carefully and judiciously. There were no later complaints about the accuracy of the census. Siler submitted his very detailed census and report on October 17, 1851. The roll indicated a total Cherokee population east of the Mississippi River of 1,959, composed of 1,457 in North Carolina, 131 in Tennessee, 50 in Alabama, and 321 in Georgia. He made suggestions within the census manuscript for locations at which to make the per capita payments, and ended the report with about twenty pages of thoughtful discussion of disputed cases, some of which were later accepted and added to the total.[24]

On November 30, 1851, Luke Lea appointed Alfred Chapman to make the per capita payments to the North Carolina Cherokees under the authority of the appropriations acts of 1850 and 1851.[25] There is no way to tell from the appointment whether Lea had any doubts about Siler's honesty. Even if he did, he was apparently not concerned about the accuracy of the census taken by Siler. He told Chapman that he

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[23]LROIA, Microcopy M-234, Roll 95, frames 663-666, J.K. Rogers to Luke Lea, September 1, 1851.

[24]LROIA, Microcopy M-234, Roll 95, frames 746-749, D.W. Siler to Luke Lea, October 17, 1851; National Archives, Fort Worth, Siler Roll.

[25]LSOIA, Microcopy M-21, Roll 45, pp. 233-235, Luke Lea to Alfred Chapman, November 30, 1851. Chapman was to have two assistants and an interpreter, and was to be paid ten cents per mile and $2.50 per day.

was to follow the Siler Roll exactly in making the payments to 2,133 people. Chapman returned the completed payroll to Lea on February 20, 1852.[26]

It had become obvious by 1855 that the Cherokees east of the Mississippi River were not going to move to the West. Thus the money which had been laid aside to carry out Senator Bell's plan of 1848 to encourage the Cherokees to move to Indian Territory would never be used for its intended purpose, and an act of Congress of March 3, 1855, providing for the money to be distributed among those individuals listed on the Mullay Roll. The law provided, however, that before the money could be distributed, the North Carolina legislature would have to assure Congress that the Cherokees would be allowed to remain in the state.[27]

Because a North Carolina statute made it illegal for Indians to own land, Thomas held title to the land upon which the Cherokees lived. If the money was given to the Indians and quickly spent, and Thomas evicted the Indians

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[26]LROIA, Microcopy M-234, Roll 95, frame 898, A. Chapman to Luke Lea, February 20, 1852; National Archives, Fort Worth, Chapman Payroll. A "payroll" differs from a "roll" in that it contains the signatures or marks of each individual who received a sum of money. The per capita payment was $92.75. The heading of the payroll reads: "We the undersigned heads of families and individuals, being Cherokees residing east of the Mississippi river, do hereby severally acknowledge the receipt from the United States by Alfred Chapman their agent, of the sum of money set opposite to our names respectfully, in full of our proportionate shares of the money appropriated for the benefit of the Cherokees by the Act of Congress approved 30th September 1850 and the Act approved 27th February, 1851."

[27]U.S. Statutes at Large, Vol. 10, p. 700.

as he well could have done, several thousand Indians would be without homes or means of reaching the Cherokee Nation in Indian Territory.

The assurance of the North Carolina legislature was not forthcoming until 1866 when a reconstruction government was in power.[28] At that late date another census was deemed necessary to determine who were the survivors and descendents of those listed on the Mullay Roll. The new census was provided for by an act of July 27, 1868.[29] S.H. Sweatland was appointed to take the new census and make the payments. The census has apparently not survived, but this is not a problem for this study. It was based on the Mullay Roll rather than the total North Carolina Cherokee population, there were no clearly established rules of hereditary descent to enable accurate distinctions to be made between those listed on the Mullay Roll and those excluded, and Sweatland was almost certainly dishonest. His activities were the subject for numerous complaints and lawsuits.[30]

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[28]Royce, p. 314.

[29]U.S. Statutes at Large, Vol. 15, p. 228. R. Fields apparently knew ahead of time that a census was to be taken because the previous year he had solicited the job of census taker. LROIA, Microcopy M-234, Roll 101, frames 271-273, R. Fields to N.G. Taylor (Commissioner of Indian Affairs), June 18, 1867.

[30]U.S. Senate, 40 Cong., 3rd Sess., Executive Document 25, Serial 1360; U.S. House of Representatives, 41 Cong., 3rd Sess., Executive Document 135, Serial 1460, pp. 1-2. The latter document indicates that Sweatland began his work on July 15, 1869 and spent $4,298.20 out of his own pocket for which he requested reimbursement. U.S. House of Representatives, 47 Cong., 1st Sess., Executive Document 96, Serial

During the years immediately after the American Civil War the North Carolina Cherokees tried to resolve the problem of land ownership. Thomas, the owner of the land occupied by the Cherokees, was by 1869 insane and bankrupt, and the land had to be sold to creditors. In 1874 and 1875 a series of lawsuits against Thomas and his creditors resulted in the Cherokees being awarded the Qualla Boundary and several detached tracts. In an act of March 3, 1875, Congress appropriated the funds remaining from Senator Bell's scheme of 1848 and Sweatland's distribution of 1869 to take care of any remaining imperfections in the Cherokee title to the land.[31]

The apparent clarification of the status of Cherokee land in North Carolina coincided with a renewed interest of the federal government in the tribe. In June of 1875 W.C. McCarthy became the first regular federal agent to the North Carolina Cherokees since W.H. Thomas had served in that capacity in the early 1840's. McCarthy was concerned with the backwardness of the North Carolina Cherokees, and wanted to improve Cherokee farming methods and their educa-

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2028, James Taylor to President James Garfield, April 5, 1881. This letter states that Sweatland made an "imperfect census" and stole $29,535.

[31] U.S. Statutes at Large, Vol. 18, pt. 3, p. 447. The series of lawsuits is outlined in BIA Report, 1887, p. LXXVI. The 1874 boundaries are described in detail in U.S. House of Representative, 47 Cong., 1st Sess., Executive Document 196, Serial 2031.

tional level.[32] He remained in North Carolina for only two years, however, and not until 1883 was another agent sent to the area.

An appropriations act passed on August 7, 1882, provided for both the taking of a new census of the Cherokees east of the Mississippi River and for the reestablishment of a permanent agency in North Carolina.[33] Joseph G. Hester was commissioned to take the census in September of 1882. The census was completed by June of 1884, and indicated that there was a total of 2,956 Cherokees outside of the Cherokee Nation of Indian Territory. North Carolina was home for 1,881, Georgia for 758, Tennessee for 213, Alabama for 71, and such scattered states as California and New Jersey accounted for the remaining 33. The Hester Roll received the approval of the council of the North Carolina Cherokees, but a portion of the band refused to recognize it as authoritative, claiming that Hester had included some individuals without Cherokee blood. As a comparison of Table 2 and Table 13 indicates, the Bureau of Indian Affairs used Hester's census to revise its estimates.[34]

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[32] BIA Reports, 1875, pp. 343-344; 1876, pp. 118-119. The Cherokee pupils were "obedient, docile, and studious" in the words of Agent McCarthy.

[33] U.S. Statutes at Large, Vol. 22, p. 32.

[34] There appears to be no specific reason, such as a per capita payment or creation of legislative districts, for the taking of the Hester census. OHSIA, Census List of the Cherokee Indians Residing East of the Mississippi River, in Compliance with an Act Making Appropriations for the Sundry Civil Expenses of the Government, approved, August 7, 1882

Table 13. Population of North Carolina Cherokees.

Year	Total	Source
1841	1,220	Thomas Roll
1848	1,517	Mullay Roll
1851	1,959	Siler Roll
1852	2,134	Chapman Payroll
1883	2,956	Hester Roll

During the decade of the 1880's the North Carolina Cherokees were troubled by white intruders. The problem came from the state government having granted to whites land on which the Cherokees already had clear titles. Legal action was necessary against the whites to eject them, and the tribe could not afford such action.[35] The nature of the problem is indicated by the case of Robert L. Leatherwood who assumed the duties of Cherokee Agent on March 10, 1886. In his report of 1888 he complained of "a few white men who want to live off what belongs to the Indians." Yet a statement of his successor, James Blythe, suggested that Leatherwood was less than sincere:

> As before stated, I relieved Mr. Leatherwood on the 1st day of July, 1889. The same day he made an entry on 183 acres of land belonging to the Indians, and thirteen days later he had a State grant for the same. I have instituted suit against him.[36]

[Hester Roll]; BIA Report, 1884, p. LI; Mooney, Myths of the Cherokees, p. 176; U.S. Senate, 48 Cong., 1st Sess., Executive Document 135, Serial 2167; National Archives Microcopy M-685, Roll 12.

[35]The problem was first described in BIA Report, 1881, p. LXIV. Said Commissioner H. Price, "I am credibly informed that under the land laws of North Carolina 'any citizen can obtain a State grant or patent for any land in the State regardless of the fact that the State may have parted with its title to the same to another party.' . . . I am further informed that the State, since the date of said award and decree, has issued grants or patents for lands within the 'Qualla Boundary' which were entered by Thomas and others many years ago, and the only proper proceeding in respect to white men settled upon Indian lands is to bring suit against them in the courts." See also BIA Reports, 1883, p. 125; 1884, p. 140; 1885, p. LXX, 160.

[36]BIA Reports, 1886, p. 208; 1888, p. 202; 1889, p. 268.

Agent Andrew Spencer reported in 1893 that nearly one-fourth of the land was occupied by white claimants, and that the situation caused constant friction between whites and Indians.[37] This was surely an exaggeration, however, because Agent Spencer's successors ignored the problem of white encroachment in their annual reports during the remainder of the decade. Although there is no information on the number of intruders among the North Carolina Cherokees during this period, it is apparent that the problem was not nearly as serious as in Indian Territory.

In March of 1902 the Cherokee title to their land in Swain, Jackson, Graham, and Cherokee Counties was finally freed from the interference of the North Carolina government through a series of lawsuits in federal court. Title was to be held by the whole tribe under a corporate charter which had been granted by the North Carolina legislature in 1889 for that purpose. The Cherokees paid taxes on the land, and even sold some in Graham, Cherokee and Swain Counties prior to 1893 in order to obtain the cash necessary for taxes. In 1925 the Cherokees transferred the title to the United States government, and the Cherokee holdings became a reservation under the control of the Bureau of Indian Affairs.[38]

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[37] BIA Report, 1893, p. 434.

[38] BIA Reports, 1901, Decree of 4th Circuit Court, pp. 625-629; 1903, "Deed Conveying Lands to Eastern Band of Cherokees in North Carolina," pp. 548-550; 1891, pp. 680-681; Theodore W. Taylor, The States and Their Indian Citizens (Washington: Government Printing Office, 1972), p. 210.

As was noted in Chapter 3, the total population of the North Carolina Cherokees probably did not vary much between the removal and the enrollments made by Siler and Chapman in 1851 and 1852. Between 1852 and the Hester enrollment of 1883, the population grew rather rapidly, though it may have been slowed down somewhat by the American Civil War. The North Carolina Cherokees did not suffer to the extent of the western Cherokees during the war. They were remote enough to have no fighting in their immediate neighborhood. They had no internal struggles because they were unanimous in their support of the South. And W.H. Thomas, their military leader, was careful to use his Cherokee soldiers only as scouts and home guards. Only one Cherokee soldier died in battle, though a small number did die of other causes.[39]

As Table 5 indicates, nearly four hundred North Carolina Cherokees are documented as having become citizens of the Cherokee Nation in Indian Territory. Such migration was encouraged by the western Cherokees both in 1869 when Lewis Downing was chief and in 1879 when Dennis W. Bushyhead was chief.[40] In addition to the movement to the Cherokee

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[39]Mooney, Myths of the Cherokees, pp. 169-170. The description of Cherokee involvement in the Civil War is based on Mooney's interview with Thomas in the early 1890's. It may be an overly optimistic pisture of Cherokee contact with the fighting, yet there is no evidence to the contrary.

[40]Wardell, pp. 242-243; Cherokee Advocate, April 22, 1876, November 24, 1880; OHSIA, Letter Press Book, Council, Cherokee Nation, 1881-1882, and 1884 (Cher. 715D), pp. 5-7, Osi Hair to D.W. Bushyhead, undated.

Nation in Indian Territory, there were probably some Cherokees who simply lost their identity as Indians and ceased to be part of the Cherokee population.

A comparison of the population of the North Carolina Cherokees as indicated by the Chapman Payroll of 1852 and the Hester Roll of 1883 indicates that the population was growing at an annual rate of 13 per thousand, assuming a constant growth rate. If the four hundred migrants who went to the Cherokee Nation between 1867 and 1880 are added to the Hester total, the annual rate of increase is raised to almost 17 per thousand. The actual rate of natural increase was probably somewhat higher, depending on the amount of outward migration that was not documented.

As Table 1 indicates, in 1895 nearly fifteen hundred Cherokees were dropped from the Bureau of Indian Affairs population tables. No explanation was given for the new basis of enumerating the North Carolina Cherokees. From 1896 until 1932 the Cherokees have increased in credible increments, and in 1972 numbered 4,766.[41] The average annual rate of increase between 1896 and 1972 was 16 per thousand, though the unknown extent of outward migration during the period would cause the rate of natural increase to be higher. Most of the outward migration has taken place since 1940.[42]

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[41]Taylor, p. 210.

[42]Gulick, p. 87.

The North Carolina Cherokees probably numbered slightly more than 2,000 in 1838, and certainly numbered very close to 2,100 in 1852. Because they never benefited from annuities granted in treaties as did the Cherokees in Indian Territory, there was never an economic motivation to remain within the community. In fact, just the opposite was the case. The supreme court decision of 1886, discussed in Chapter 6, made it necessary for the North Carolina Cherokees to move west in order to benefit from the resources of the western Cherokees. Therefore throughout the last half of the nineteenth century and during the twentieth, there has been an unrecorded and intermittant outward migration to the Cherokee Nation in Indian Territory and into white society.

Similarities between the population of the North Carolina Cherokees and the western Cherokees are very apparent. The annual rate of natural increase of the North Carolina Cherokees has probably been more consistently high, not having been affected so intensively by the American Civil War or the social problems caused by white intrusion. At the beginning of the twentieth century the North Carolina Cherokee population was probably growing at a rate of 20 per thousand, or even faster. The mortality schedules calculated for the western Cherokees for the years 1900-1905 probably apply equally well to the North Carolina Cherokees during the same period. It is likely that the mortality conditions were more uniformly favorable for the North Carolina Cherokees during the last three decades of the nine-

teenth century than for the Cherokees in Indian Territory. The North Carolina Cherokees, however, probably experienced mortality conditions during the late 1830's and early 1840's which were similar to those of the Cherokees in Indian Territory in 1865.

CHAPTER VIII

CONCLUSION

Analysis of the twentieth century Cherokee population is much more difficult than analysis of the nineteenth century population because of changes in both the nature of the population itself and in the nature of the demographic data. In the twentieth century the Cherokee population became less self-contained and more difficult to isolate and identify than had been the case earlier. The allotment of tribal land in severalty after 1902, the elimination of tribal government in 1906, and Oklahoma statehood in 1907 continued the trend, initiated early in the nineteenth century, of elimination of cultural distinctions between Cherokees and the white population. Intermarriage between Cherokees and whites became more common after Oklahoma statehood than had previously been the case. In addition, many Cherokees left Indian communities and ceased to be Indians from a cultural point of view.[1] And most importantly, since the permanent closing of the Final Rolls of the Five Civilized Tribes on March 4, 1907, there have

[1]U.S. Department of Commerce, Indian Population in the United States and Alaska, 1910, p. 33; U.S. Department of Commerce, Indian Population of the United States and Alaska, 1930, pp. 59-60, 73.

been no enrollments or censuses of the Cherokee population.[2]

The only available data are provided by the Bureau of Indian Affairs and the Bureau of the Census and these figures are imprecise and contradictory. As Table 1 shows, the Bureau of Indian Affairs used the total from the Final Rolls, nearly 42,000, as the total Cherokee population until 1926 when the Bureau stopped giving Cherokee population figures altogether. This lack of interest was consistent with the federal policy between the passage of the Dawes Act in 1887 and the Wheeler-Howard Act in 1934, to eliminate

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[2]In 1962 a payment was made to the Cherokee population under the terms of a decision of the Indian Claims Commission. The law defining the terms of the distribution, United States Code, Title 25, Section 991, Public Law 87-775; U.S. Statutes at Large, Vol. 76, p. 776, provided that "the Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the rolls of the Cherokee Nation, which rolls were closed and made final as of March 4, 1907, pursuant to the Act of April 26, 1906 (34 Stat. 137), and subsequent additions thereto, all funds which were appropriated by the Act of September 30, 1961 (75 Stat. 733)." Each survivor listed on the Final Rolls was to get $280, and his heirs (who were not listed on the Final Rolls) would get nothing. In the case of a person listed on the Final Rolls who had already died, the heirs would each receive a portion of the $280. If a share was less than five dollars it would not be distributed but would revert to the tribe. See, for example, Superintendent for the Five Civilized Tribes, Bureau of Indian Affairs Area Office, Muscogee, Oklahoma, "Proof of Death and Heirship," Jessie Wann Whisenhunt, April 11, 1963. There is no way that analysis of the 1962 payment can establish the total Cherokee population. Descendents of people listed on the Final Rolls and alive in 1962 were not reflected in payments, some people received payments for more than one ancestor listed on the Final Rolls (and perhaps also for themselves if they were old enough to be listed), and if a deceased person listed on the Final Rolls had enough descendents that the shares were less than five dollars, none of the money was distributed. Earl Boyd Pierce (General Counsel, Cherokee Nation), interview, Fort Gibson, Oklahoma, October 16, 1973.

tribal government and institutions, and integrate the Indians into American society as individuals. For these reasons there was no justification to continue to keep track of the population of individual tribal groups.

The Bureau of the Census made special efforts to enumerate all American Indians in the censuses of 1910 and 1930. Table 2 indicates that in these two cases the Indian totals are somewhat larger than would be expected on the basis of the preceeding and succeeding counts. The years 1910 and 1930 were the only years in the Bureau of the Census listed Indians by tribe. The census of 1910 listed 29,610 Cherokees in Oklahoma, and the 1930 census listed 40,904. These figures differ from the Bureau of Indian Affairs Cherokee totals because the Bureau of Indian Affairs used the figures taken from tribal enrollment to determine who were Cherokees.

During the twentieth century the Bureau of the Census has attempted to follow the prevailing social conventions in classifying according to race. Racial classification has been easier as far as blacks and Orientals are concerned than with Indians. If a person had no known black or Oriental ancestry, he was classified "white," even though he might have a degree of Indian ancestry. In theory an individual has been classified "Indian" by the Bureau of the Census if he had one-fourth of more Indian ancestry, if he was listed on a tribal roll, or if he was recognized as an Indian by the community in which he lived. The definition, however, led to numerous discrepancies in practice. A per-

son of very slight Indian ancestry might have been included in Bureau of the Census figures an an Indian if he had an ancestor on a tribal roll, while a person of considerable Indian ancestry might be excluded if he was not considered an Indian by his community. Prior to the adoption of a new classification system for the census of 1960, decisions as race were made on the basis of observation by the enumerator.[3] They often had no way of knowing that a person living off a reservation was an Indian unless the respondent volunteered the information. In localities where social stigma was attached to being an Indian there would have been no incentive for the respondent to identify himself as an Indian. In the case of the census of 1960 respondents were to identify their race to the enumerator, and in 1970 a 20 per cent sample of the population actually filled out their own forms on which they made their own racial classification. The 1970 census indicates a projected total of 66,150 Cherokees.[4]

The Indian population has increased during the twentieth century, but not necessarily in the pattern suggested by the decennial censuses. As has already been pointed out,

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[3]Calvin L. Beale, "Census Problems of Racial Enumeration," in Race: Individual and Collective Behavior, edited by Edgar T. Thompson and Everett C. Hughes (Glencoe, Illinois: The Free Press, 1958), pp. 537-540.

[4]U.S. Department of Commerce, Bureau of the Census, 1970 Census of Population, American Indians, Final Report PC (2)-1F (Washington: Government Printing Office, 1973), Table 16, p. 188; Hadley, p. 25.

higher than expected totals for 1910 and 1930 arise from special effort to identify Indians off reservations. The greatly increased totals for 1960 and 1970 resulted from the practice of allowing self-identification of racial categories, probably combined with increasing pride in ancestry and the influence of militant Indians' rights organizations.

The twentieth century census figures indicate that the Cherokees have been growing somewhat less rapidly than the total American Indian population. For most of the twentieth century the annual rate of natural increase for the total United States population has been between 10 and 20 per thousand.[5] If the growth rate of the Cherokee population was the same as the United States population as a whole, the Cherokees would have to have numbered between 100,000 to 150,000 in 1970. The results of this study suggest that the rate was probably higher for the Cherokees. Figure 3 indicates an annual rate of natural increase above 20 at the beginning of the century and there is no reason to suspect that it varied as greatly during the twentieth century as during the nineteenth. Yet only 66,150 identified themselves as Cherokees in 1970 because a majority of the Cherokee population has become indistinguishable from the United States population as a whole. Thus the apparent low growth rate of the Cherokees is probably illusory. On one hand the total Indian population in the censuses of the

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[5]Donald J. Bogue, Principles of Demography (New York: John Wiley and Sons, 1969), p. 132.

early twentieth century are probably more extreme underenumerations than the totals later in the century, producing an apparent total Indian growth rate above the actual rate. More importantly, the slower growth rate of the Cherokees has resulted from individuals simply not identifying themselves as Cherokees. An analysis of the growth of the twentieth century "blood" Cherokee population would be possible only if the survivors and descendents of those persons listed on the Final Rolls could be counted.

Albert L. Wahrhaftig has followed a different approach in studying the demography of the Cherokee population during the 1960's. He focused on Cherokees who were culturally Cherokee and ignored the majority of the Cherokee population who were culturally "white." He concluded that there were about ten thousand persons living in culturally Cherokee communities in eastern Oklahoma, primarily in Adair, Cherokee, Delaware, Sequoyah, and Mayes Counties.[6] The cultural Cherokee population has been growing both in absolute terms and in relation to the white population of the area. Wahrhaftig estimated that three-fourths of the increase in the cultural Cherokee population eventually was assimilated into white society, but the remaining one-fourth has been

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[6]"The Tribal Cherokee Population of Eastern Oklahoma," Current Anthropology, 9 (December, 1968), 510-518; The Tribal Cherokee Population of Eastern Oklahoma--Report of a Demographic Survey of Cherokee Settlements in the Cherokee Nation (Carnegie Cross-Cultural Education Project of the University of Chicago, 1965).

sufficient so that the population of the cultural Cherokees has not dwindled. According to his count during the 1960's more new Cherokee settlements were emerging that were "decaying," and in the future the increase in the "conservative" Cherokee population will become more apparent as the white population of the area continues to decline in size.

Wahrhaftig hypothesized that the ancestors of the cultural Cherokee population of 10,000 in 1965 were the 8,000 "conservative" Cherokees alive in 1902. He does not clearly define "conservative," but if he means those living in Cherokee communities and speaking Cherokee, his estimate is probably somewhat low. Moreover, he posits an annual rate of natural increase of between 11 and 12 per thousand for the period between 1902 and 1965 to determine how many conservative Cherokees were leaving the Cherokee community.[7] As Figure 1 indicates, the observed annual rate of natural increase of the American Indian population exceeded 30 during the late 1950's and early 1960's. And Figure 3 indicates that the Cherokee annual rate of natural increase for the Cherokees was above 20 in 1900. It would appear, therefore,that the "conservative" communities studied by Wahrhaftig were growing more rapidly than he thought, and that a much higher proportion left the communities than he concluded.

His findings, however, represent a new aspect of the

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[7]Wahrhaftig, Current Anthropology, p. 518.

Cherokee response to white pressure. The cultural Cherokee communities have a very high potential for growth. The situation in Eastern Oklahoma outlined by Wahrhaftig offers the prospect of the Cherokee population--those Cherokees having the largest percentage of Cherokee blood--again becoming a majority. As the mixed blood element of the tribe becomes identical with the total United States population, the cultural Cherokees of eastern Oklahoma will eventually be the only identifiable Cherokees.

A resurgence of the Cherokee population in eastern Oklahoma represents a reversal of historical trend from the discovery of America to the beginning of the twentieth century. Through the sixteenth, seventeenth, and eighteenth centuries the Cherokee population remained relatively stationary in size, as it probably had for many centuries before the discovery of America by Columbus. When the Cherokees began to adopt American social and political institutions around the beginning of the nineteenth century, their population began to grow. The growth was accompanied by the influx of non-Cherokees into the citizen population. Yet in spite of the apparent willingness of some influential Cherokees to partake in the benefits of white civilization, the Cherokees were still demographically distinct from white America at the beginning of the twentieth century. Cherokee life expectancy at birth in 1900 was about 29 years, more than fifteen years lower than the total United States population, and had not changed much since the pre-

Columbian period.

This study permits generalization on two separate levels. On one the study has been concerned with the Cherokees themselves--their demographic characteristics and the demographic effects of major events of their history. The study indicates, on this level, that scholars ought to take more care in discussing the effects of wars and epidemics on the Cherokees. The discussion of the eighteenth century, for example, did not benefit from any information or techniques not formerly available. Yet by considering what could be possible, Chapter 2 demonstrated numerous fallacies which scholars have perpetuated. The same is true of the two major demographic events of the nineteenth century, removal and the Civil War. Some scholars have asserted that each was much more destructive than could possibly have been the case.

There is, however, a more general and important level of generalization to this study than a simple listing of errors and inconsistencies in historical literature. The errors are symptomatic of a general casualness about population size and composition as it relates to the conflict between Europeans and Indians. The study has been geared toward outlining one demographic pattern of response of an Indian group to European invasion. The Cherokees were among the first North American tribes to meet Europeans, and were indeed fortunate that they were not wiped out by the trauma as other tribes were. The Cherokee population

maintained its numbers during the first two centuries of contact with the Europeans. At about the time the Cheokees joined white American society by adopting white political and economic institutions they began to grow. After over a century of continual growth, interrupted by removal and the Civil War, the majority of the Cherokees had become a part of white American society. This phenomenon is apparent in that only 17.8 per cent were full blood in 1930.[8] The percentage would be even lower if the census of 1930 had enumerated, as members of the Cherokee population, everyone with Cherokee ancestry. It appears from Wahrhaftig's findings, however, that the full blood element of the Cherokee tribe is growing rather steadily, while the rest of the Cherokees who are the majority are rapidly disappearing into white society as a whole.

Obviously other Indian tribes follwed different patterns of response to white encroachment. The Navaho, for example, did not adopt American institutions as the Cherokees did, and they have survived in large numbers. Others who attempted to withdraw from American pressure were destroyed. Where sufficient data are available studies should be done of other American aboriginal groups, and aboriginal groups of other continents, to determine alternative mechanisms of response to the destructive influence of European conquerors.

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[8]U.S. Department of Commerce, Indian Population of the United States and Alaska, 1930, p. 73.

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