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GRADUATE COLLEGE

THE ROSS-WATIE CONFLICT: FACTIONALISM IN THE CHEROKEE NATION, 1839-1865

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GERARD ALEXANDER REED

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THE ROSS-WATIE CONFLICT: FACTIONALISM

IN THE CHEROKEE NATION, 1839-1865

APPROVED BY

John Gibson

Robert B. Rite

Donald J. Berthrong

Bruce Granger

Arthur H. DeRosier

DISSERTATION COMMITTEE

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TABLE OF CONTENTS

		Page
LIST OF ABBREVIATIONS		vi
Chapter		
I.	INTRODUCTION	1
II.	THE NATION EMERGES	4
III.	REMOVAL PROPOSED	17
IV.	REMOVAL CONSUMMATED	38
V.	JOHN ROSS: MAJORITY LEADER	55
VI.	STAND WATIE: FACTIONAL PARTISAN	74
VII.	A TREATY PAYS DIVIDENDS	89
VIII.	THE FINANCIAL ENIGMA	115
IX.	UNION ACHIEVED: 1840	141
X.	A PRESIDENT INJECTS AN ISSUE	165
XI.	THE FEUD RENEWED	184
XII.	A TIME OF TROUBLES	207
XIII.	A HEALING BALM: THE 1846 TREATY	238
XIV.	A PEACEFUL DECADE	256
XV.	THE CHASM OF WAR	277
XVI.	A BLOOD-BOUGHT CONCORD	295
BIBLIOGRAPHY		313

LIST OF ABBREVIATIONS

C.N.P. . . . . Cherokee Nation Papers, University of Oklahoma

J.R.P. . . . . John Ross Papers, Gilcrease Institute

L.R.O.I.A. . . . . Letters Received by the Office of Indian Affairs

O.R. . . . . War of the Rebellion: Official Records

R.C.I.A. . . . . Report of the Commissioner of Indian Affairs

THE ROSS-WATIE CONFLICT: FACTIONALISM IN THE CHEROKEE NATION, 1839-1865

CHAPTER I

INTRODUCTION

> The latent causes of faction are thus sown in the nature of man.
>
> --James Madison

> The cause of all these evils was the lust for power arising from greed and ambition; and from these passions proceeded the violence of parties once engaged in contention.
>
> --Thucydides

Since Cain slew Abel, man's hardest task has been to live at peace with his neighbor. Throughout the ages, social and political alliances have, for a season, flourished before withering away, and the analysis of such social and political disintegration has intrigued historians from Thucydides to Arnold J. Toynbee. Theories have been proffered and explanations have been formulated, but at least one thing is evident: with rare exceptions breakdowns in the social structure are caused by internal dissension. Disgruntled individuals complain and agitate and ultimately withdraw from society to form a faction. And factions, like sharp-honed razors, rend the social fabric.

Internal dissension is universal and can be observed in nearly any institution which has developed and disintegrated. Disastrous schisms

have rocked institutions from the Greek city states to the Catholic Church to the American Union. And the history of the Cherokee Nation from 1839 to 1865 is yet another story of bitter factionalism. In 1827 the Cherokee Nation was firmly united, but Anglo-Americans coveted Cherokee lands and the United States compelled the Indians to remove. Bud-like factions evolved from the removal crisis and bore the fruit of wrath with assiduous federal cultivation. Bitter dissension fragmented the nation, and for thirty long years intra-tribal hostility (the Ross-Watie conflict) rumbled angrily and exploded at intervals to shock and dismember the nation.

An 1846 treaty, like a pain-deadening drug, momentarily eased yet did not heal the schism. After a few years of harmony, the Civil War split the Cherokees along old factional lines. They suffered intensely; civilians fled the nation; soldiers pillaged homes and prostrated the people with the fury of booty-crazed buccaneers; and nature reasserted her control of the land. Yet the violence of the Civil War in the nation sprang full-blown from the internal schism which originated in 1835 rather than from issues which divided the United States in 1860.

Though policies of the United States stimulated this schism, Cherokee ambition and avarice perpetuated it. Looking at the impact of factionalism upon the Cherokees, it is hoped, one can deal with specific events and people rather than broad generalities while contemplating the nature of man. The consequences of factionalism illustrate no new truth, but

> Most of the change we think we see in life
> Is due to truths being in and out of favor.
> As I sit here, and oftentimes, I wish

I could be monarch of a desert land
I could devote and dedicate forever
To the truths we keep coming back and back to.[1]

Thus the history of the Cherokees from 1839 to 1865 may be best understood as an enduring tension between factions led by John Ross and Stand Watie. The consequences of this tension are obvious and easily chronicled, but one finds causes, perhaps, only in "the corruption of Man's heart."[2]

---

[1]Robert Frost, "The Black Cottage."

[2]Robert Browning, "Gold Hair."

CHAPTER II

THE NATION EMERGES

> Every house was an inn, where all were welcomed and feasted;
> For with these simple people, who lived like brothers together,
> All things were held in common, and what one had was anothers.
> --Henry Wadsworth Longfellow

> Aus époques organiques le but de l'activité sociale est nettement défini; tous les efforts . . . sont consacrés à l'accomplissement de ce but, vers lequel les hommes sont continuellement dirigés, dans le cours entier de leur vie, par l'éducation et la législation.
> --Saint-Simon

Man's development from pre-historic to civilized life is a record of his necessary response to environment and God. For most peoples, this saga is enshrouded in the dusky haze of an unwritten past. The Cherokee advance from hunter to civilized agriculturist, however, occurred within 200 years and followed contact with, and stimulation from, an adjacent, culturally-advanced race.

Any contact between contiguous cultures normally evokes either dynamic assimilation or static segregation. A dynamic culture spontaneously expands its influence, though its enduring impact upon other cultures is primarily spiritual and intellectual. Though the immediate influence is only upon a minority of the more primitive people, they in turn impart life from the newly-found cultural fountain to their own people. The vibrant culture can envelope and peacefully assimilate the quiescent one as

long as its offerings are of a winsome nature. Once the proponents of the higher culture resort to force, however, the primitive peoples become alienated and resist with force--though often without success. Regardless of the physical and territorial changes wrought by the encounter of such unequal societies, the cultural and intellectual advance of primitive peoples is largely dependent upon the creativity of the higher culture. If that culture is truly vital and creative, it will win the hearts and minds of those it contacts. If, on the other hand, the higher culture is decadent, it has only the advantage of technological-military power.

In the contact between Cherokee Indians and the expanding American frontier, this cultural interchange is significant. Though recurrently deprived of vast areas of tribal land, the Cherokees--and their mixed-blood leaders in particular--faced and accepted the challenge of civilization at the dawn of the nineteenth century. Admitting the folly of armed resistance, the Cherokees, gripped by a child-like love of knowledge, embraced an advanced system of economics, religion, and government. For thirty years the Indians sought assimilation and integration into a suddenly-attractive Western culture. They were drawn to the white man's religion and education, but they were disenchanted and ultimately dispossessed by a more dominant expression of his culture--the frontiersman's lust for wealth.

Before 1800 the Cherokees were rather primitive. In the succeeding thirty years they vaulted upward and "reached a higher peak of civilization than any other North American Indian tribe."[1] Though they encoun-

---

[1]Grace Steele Woodward, The Cherokees (Norman: University of Oklahoma Press, 1963), 3.

tered Europeans as early as 1540, Cherokees knew them in the eighteenth century mainly through trade and war. Aside from Christian Priber, a French Jesuit who lived with them,[2] the Cherokees had little contact with the creative aspects of Western culture, for "guns, war paint, and rum, provided by white men, were infinitely more appealing to eighteenth-century Cherokees than the white man's religion or other civilizing forces."[3] American traders and frontiersmen adopted rather than altered Cherokee customs, and the Indians preserved their ancient way of life.

They were hunters. They lived in towns and tilled fields, but these Iroquoian mountaineers loved the hunt and the battle. The men were tall and athletic; the women compared favorably with European women--at least in the eyes of white males.[4] The Cherokees were industrious and intelligent, but like many primitive people they had deep fears and hostilities. Kind to children and friends, they were brutal and cruel in battle.[5] They claimed much of the Old Southwest as their domain, and they ruled and fought like Homer's Achaeans.

But the Cherokee dominion of the vast Tennessee Valley slowly declined. Concentrated in the hills of North Carolina, Tennessee, and Georgia, Cherokees savored their lofty peaks and gushing streams and fertile valley soil. Such land inevitably attracted Anglo-American settlers, and

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[2]Samuel C. Williams, ed., Adair's History of the American Indians (Johnson City, Tennessee: The Watauga Press, 1930), 252.

[3]Woodward, The Cherokees, 57.

[4]William Bartram, Travels of William Bartram, ed. Mark Van Doren (New York: Dover Publications, n.d.), 380-381.

[5]David H. Corkran, The Cherokee Frontier: Conflict and Survival, 1740-62 (Norman: University of Oklahoma Press, 1962), 10.

the American frontier relentlessly expanded. Before a small-pox epidemic in 1738, the Cherokees had perhpas 8000 warriors;[6] twenty years later they had half that number.[7] As their fighting force diminished, land cessions followed, and a series of treaties, culminating with the Treaty of Hopewell (1785), deprived them of over half their ancestral lands.[8]

In the American Revolution, most Cherokees gambled on the favorite and remained loyal to Great Britain, and after the war Americans demanded reparation. Thus the treaty at Hopewell fastened the yoke of United States supervision upon the Cherokees. Perpetual peace and amity, the return of prisoners of war, trade regulations, and a land cession were confirmed.[9] Although this pattern was standard on the frontier, the frontiersman's lust for land is crucial, for without it there would have been no pressure on the Indians--and without this pressure factions within the tribes would never have emerged.

Yet American expansion intially constrained the Cherokees to unite. Previously semi-autonomous and periodically hostile villages worked together. Far more, they even cultivated friendship with the Americans. President George Washington urged Cherokees to adopt better farming methods by promising aid from the United States if they would accept it.[10]

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[6]Williams, Adair's History of the American Indians, 238-244.

[7]Corkran, The Cherokee Frontier, 3.

[8]W. R. L. Smith, The Story of the Cherokees (Cleveland, Tennessee, 1928), 125. Treaties included those at Hard Labour (1768), Sycamore Shoals (1775), De Witt's Corner (1777), and Long Island (1777).

[9]Charles Kappler, comp., Indian Affairs: Laws and Treaties (Washington, 1904), II, 608.

[10]The Cherokee Phoenix, 20 March 1828.

Unfortunately, Washington's successors lacked his sympathy and "never again would they [Cherokees] know the kind and just protection of a President whose Indian policy was designed to defend rather than offend" them.[11] Stimulated by Washington, the Cherokees became farmers and thereby transformed their society--a transformation which both infuriated and attracted their white neighbors.

This shift to agriculture was complimented by the arrival of American missionaries. Moravians came and promised to educate as well as evangelize, and in 1805 John and Anna Gambold began their long and fruitful work among the Cherokees.[12] In 1803, Gideon Blackburn, a Presbyterian, entered the area; he believed that through education the children of the tribe could be civilized and that the tribal government should be reorganized--which it was in 1808.[13] The missionaries' greatest influence was among the mixed-bloods, who numbered perhaps one-fourth of the population in 1809.[14]

Mixed-bloods particularly longed for civilization. They soon tried to imitate the political system of the United States. Prompted by Blackburn and President Thomas Jefferson,[15] the tribal government reorganized

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[11]Woodward, The Cherokees, 122.

[12]Robert Sparks Walker, Torchlights to the Cherokees: The Brainerd Mission (New York, 1931), 25-31; Samuel Cole Williams, ed. Early Travels in the Tennessee, 1540-1800 (Johnson City, Tennessee, 1928), 448-552.

[13]Woodward, The Cherokees, 123-126.

[14]Ethan Allen Hitchcock, A Traveler in Indian Territory, ed. Grant Foreman (Cedar Rapids, Iowa, 1930), 244.

[15]James D. Richardson, comp., Messages and Papers of the Presidents, (Washington, 1897), I, 442; Cherokee Phoenix, 28 Feb. 1828.

and functioned with increasing efficiency and sophistication. While advocating Cherokee civilization, however, Jefferson secretly worked for Cherokee removal, for "removal, as the term is technically used in American history, was apparently not only spontaneous, but absolutely original with Jefferson."[16] He urged his agents to manipulate the factory system to force indebted chiefs to cooperate, and consequently some Cherokees agreed to exchange their home in the East for land in present-day Arkansas. Some Cherokees removed in 1805 and 1806, and a proposal to remove the entire tribe was, in 1808, "according to tradition . . . balked by the passionate denunciation of a comparatively young chief, The Ridge."[17] When 1,130 Chickamauga Cherokees decided to remove in 1808, a conservative-progressive fission emerged to perplex the nation for two generations. And this factionalism was only aggravated by the United States.

In 1802 the Jefferson administration, to settle the Yazoo land frauds, signed a compact with Georgia and promised to remove the Indians from that state whenever it became necessary and possible. Though not immediately effected, Jefferson's callous disregard for prior treaties and Indian rights set a precedent used by Andrew Jackson to drive the Cherokees from their homeland.

Reacting to white pressure, the Cherokees established a stronger government. They spurned Tecumseh's conspiracy as a rock-strewn path leading back to the ways of their ancestors. The most eloquent Cherokee

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[16]Annie Abel, "The History of Events Resulting in Indian Consolidation West of the Mississippi," Annual Report of the American Historical Association for 1906 (Washington, 1908), 244.

[17]Marian Starkey, The Cherokee Nation (New York, 1946), 22.

to oppose Tecumseh was The Ridge,[18] a transitional figure who was reared in the forest as a hunter but who became an influential advocate of civilization. When the United States troops marched against Creek insurgents in the War of 1812, Cherokees marched at their side and helped crush their red brethren--thus enabling Andrew Jackson to go on to New Orleans and the fame which made him President. At the Battle of Horseshoe Bend, twenty-four year old John Ross fought gallantly, and The Ridge was breveted "Major" by Jackson.[19] But as the Cherokee mixed-bloods defeated the Red Stick Creeks, they sealed their own future as well. With Indian power broken, Andrew Jackson demanded land cessions from friend and foe alike, and the Cherokees, along with the Creeks, suffered from the Treaty of Fort Jackson.

Additional treaties in 1816, 1817, and 1819 provided for additional land cessions and for voluntary removal to Arkansas.[20] The vitiating random cessions and the marked hostility of Georgia forced the Cherokee Nation between 1819 and 1827 to make "its main objective the preservation and protection of its remaining lands."[21] But whites would have the land. In 1818 twenty-two Cherokee chiefs protested that United States agents were getting their people drunk and persuading them to sign removal papers.[22] In the same year a missionary protested that the government's effort to get "a general removal" was wrong, for it "would greatly distress

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[18]James Mooney, Myths of the Cherokee, in The Nineteenth Annual Report of the Bureau of American Ethnology (Washington, 1900), 88.

[19]Smith, The Story of the Cherokees, 113.

[20]Kappler, Indian Affairs, II, 86-99, 124-126.

[21]Woodward, The Cherokees, 138.

[22]Cherokee Chiefs to Colonel R. J. Meigs, Brainerd Mission Letters, Microfilm, Chattanooga Public Library, Chattanooga, Tennessee.

this people, &, in a great degree, retard, if not ultimately defeat the benevolent designs of bringing them out of this state of darkness to the light of divine truth & the privileges of civilization."[23] And the Cherokees confessed their need of "civilization" by diligently seeking it.

Laws were thus enacted by the Cherokee Council which proscribed individual land cessions--embodying the ancient Cherokee code of an eye for an eye into statute form. In 1817, a thirteen-member standing committee was formed as the national government,[24] and an October 24, 1824, act condemned to death any Cherokee convicted of selling tribal lands without the consent of the council.[25]

The codification of laws illustrated the impact of mission education and, equally significant, the amazing Cherokee syllabary developed by George Guess (Sequoya). "The first half of the nineteenth century in America saw the accomplishment of no more difficult intellectual achievement than that of the Cherokee silversmith."[26] Utilizing Sequoya's syllabary, missionaries and educated mixed-bloods like Elias Boudinot, Major Ridge's nephew, spread ideas and information throughout a nation suddenly literate.

Despite these advances, the Cherokees faced mounting pressure from Georgia intruders and politicians throughout the 1820's. Early removal

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[23]Anonymous to Samuel Worcester, ibid.

[24]Laws of the Cherokee Nation (Tahlequah, 1852), 5.

[25]Cherokee Phoenix, 20 Jan. 1830. Copy of act in John Howard Payne Papers, Newberry Library, Chicago, Illinois.

[26]Ralph Gabriel, Elias Boudinot: Cherokee and American (Norman, 1941), 103.

demands by Governor G. M. Troup[27] were answered bluntly by President Monroe: "I have no hesitation . . . to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force."[28] Thus reassured of federal protection, the Cherokees continued to develop their government and nation. In 1825 the council formulated a statement of articles governing legislation: Cherokee lands were to be held in common though an individual's private improvements were his personal property; annuities received from the United States were to be placed in the national treasury as public property; only the legislative council could dispose of tribal lands; principal chiefs could make no treaties without the express consent of the council; individual members of the council had no authority other than their legislative functions; and Cherokee improvements, though private property, could not be sold to United States citizens.[29] Additional laws readied the nation for the adoption of a written constitution.

In July, 1827, the Cherokees adopted a constitution which provided for common ownership of land, a three-branch form of government, and the organization of the nation into legislative and judicial districts.[30] Although imitative of the United States Constitution, the document belies

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[27]G. M. Troup to J. C. Calhoun, Niles Register, XXVI (26 June 1824); Article from Augusta The Constitutionalist in John Ross Papers, Thomas Gilcrease Institute of American History and Art. [Ross Papers cited hereafter as J. R. P.]

[28]Niles Register, XXVI (17 April 1824).

[29]Laws of the Cherokee Nation, 45-46.

[30]Ibid., 118-130.

Georgia claims that the Cherokees were only savages manipulated like toy dolls by designing missionaries. It was tangible testimony to the progress of a people!

The establishment of a national Indian government stirred the rancor of neighboring white settlers. Wilson Lumpkin, a rising Georgia politician, bluntly expressed it in 1826 when he contended that "the resources of Georgia" would remain untapped and that the state could never establish "commercial and social intercourse with other portions of the Union, especially the great West, until this portion of the state was settled by an industrious, enlightened, free-hold population--entitled to, and meriting, all the privileges of citizenship."[31] The decade witnessed repeated government offers of western lands for Cherokee removal, proposed legislation in Congress, and some movement west by disheartened Cherokees. The removal proponents, however, blithly advocated that they "accept land where they could again become hunters at the very moment that the Cherokees had announced their political coming of age by the adoption of a written constitution proclaiming them 'one of the independent nations of the earth.'"[32]

Reflecting the constant removal agitation, the Cherokee Phoenix, in its first issue (February 21, 1828), discussed the problem. Studying the report of an army officer critical of Indian conditions and justifying removal enactments, editor Elias Boudinot asserted that "Cherokees (we

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[31]Wilson Lumpkin, The Removal of the Cherokee Indians from Georgia (New York, 1907), I, 42.

[32]Starkey, The Cherokee Nation, 102.

think unanimously) are averse to removal."[33] The Phoenix tried to present the Cherokee position and in subsequent issues enlivened the controversy by reprinting Georgia enactments and assailing their contentions.

Cherokees participated in the discussions, and one man lucidly stated the mounting Indian resentment to the degrading propaganda of Georgia publicists: "It is certainly humiliating to think, after making exertions to raise myself above the level of the most degraded of the human race, and presuming to have succeeded, at least in a small degree, it should still be declared that I have made no progress."[34] This Cherokee cut through the issue and incisively exposed the real difficulty between American and Cherokee: the white man's inability to even imagine that Indians could ever progress or attain civilization.

Consequently, the probable zenith of Cherokee achievement in the East came with the 1827 adoption of the constitution. At that moment optimism and union prevailed, and Cherokees followed after American culture. But mounting white agitation and aggression soon forced the Cherokees to retreat from that culture. Such a reaction expanded into a full-blood rebellion led by White-path in 1828--a rebellion against the new laws and government and a demand of a return to the old tribal traditions.[35] White-path preached the rejection of white civilization and religion; he illustrated the rejection, by many full-bloods at least, of acculturation. The dynamic faith which had prompted the Cherokee advance began to crack and shatter like jostled crystal, for the quest for a better life was to be

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[33] Cherokee Phoenix, 21 Feb. 1829.

[34] Ibid.

[35] Mooney, Myths of the Cherokees, 113.

thwarted.

The mixed-blood leadership, however, refused to believe that the United States would bow abjectly to frontier agitation. They struggled to preserve their national status. Though struggling to believe, Elias Boudinot told his people that "this great nation, the land of the oppressed, this land of civil and religious liberty, will not disgrace itself; by driving away with the point of the bayonet, a few handfuls of Indians, and for what? for a small tract of country, and because these Indians, by their smallness, are unable to defend it."[36] But almost seven million acres of land (about one-sixth the land area of Georgia) attracted white settlers, and the Cherokees struggled with difficulty to preserve their homes. The next ten years were largely the record of brave but futile attempts to keep their land out of the insatiable grasp of Georgia intruders and squatters.

Considering the Cherokee advance from aboriginal to near-civilized society, several things are evident. First, the Cherokees were aided by initially benevolent policies of the United States, by missionaries who ministered to both their spiritual and intellectual needs, and by their own Sequoya, whose achivement was unique and enduring. Second, the Cherokees had an unusually large number of mixed-bloods who were an integral part of their society; it was this group which received and transmitted American ideas and managed the nation's destiny. Third, the Cherokee advance was thwarted almost completely by white frontiersmen's avarice and prejudice; although Anglo-American pioneers were not without their virtues,

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[36]Cherokee Phoenix, 27 March 1828.

their exploitive and arrogant attitude toward primitive and racially dissimilar peoples augured disaster for minorities. Though force prevailed against the Cherokees and the white man asserted himself, there were many Cherokees who would have gladly entered his society, adopted his beliefs, and strengthened his soul if they had only been accepted--but they were rejected.

CHAPTER THREE

REMOVAL PROPOSED

> Must we in all things look for the how, and the why, and the wherefore?
> Daily injustice is done, and might is the right of the strongest.
>
> --Henry Wadsworth Longfellow

> Les Indiens de l'Amérique du Nord n'avaient que deux viois de salut: la guerre or la civilization; en d'autres terms, il leur fallait détruire les Europeéns ou devenir leurs égaux.
>
> --Alexis de Tocqueville

Long before removal an elderly Cherokee contemplated the advancing American frontier and ventured a prediction. He said:

> Our elder brother [meaning the white people--using the singular for the plural] has become our neighbor. He is now near us, and already occupies our ancient habitations--But this is as our forefathers told us--They say, my [our] feet are turned towards the west--they will never turn round. Now mark what our fathers told us. Your elder brother will settle around you--he will encroach upon your lands, & then ask you to sell them to him. When you give him a part of your country, he will not be satisfied but ask for more. In the process of time he will ask you to become like him--He will tell you that your mode of life is not as good as his--Whereupon you will be induced to make great roads through the nation, by which he can have free access to you. He will learn your women to spin and weave and make clothes, and learn you to cultivate the earth. He will even teach you his language, & learn you to read and write, &c. &c. But these are but the means to destroy you, and to eject you from your habitations. HE WILL POINT YOU TO THE WEST, but you will find no resting place there, for your elder brother will drive you from one place to another until you get to the great western waters. These things will certainly happen, but it will be when we are dead and gone.[1]

---

[1] Cherokee Phoenix, 23 June 1832. Brackets are the editor's.

Without analyzing the eschatology involved, the statement shows simply and poignantly Cherokee hostility to removal.

The removal of an alien and despised people by a stronger power is not unique to North America. Oriental despots in the ancient world, and anti-Semites at regular intervals, have relocated and resettled conquered peoples. The anomaly of the removal of the American Indians was that the Anglo-Americans trumpeted ideals of liberty and justice as they dispossessed the Indians. Though two wars were fought to secure political freedom, the American conscience remained seared and unmoved by the plight of the dispossessed Indian. If one is as candid as Alexis de Tocqueville[2] he simply views the whole removal scheme as the tyranny of the majority. For the white majority, eradication of a primitive people was less arduous than their assimilation and the Indians who survived abandoned their tribal homes and found momentary shelter in the West.

Yet the majority could justify its actions. Frontiersmen who had witnessed and suffered the savage and often senseless brutality of Indian warfare could hardly endure with patience such outrages and then welcome some scheme of assimilation. Still the real reason for removal was land hunger, though it was overlaid with more beneficent explanations such as making the frontier safe and removing the Indians from white contact and exploitation.

Removal had been proposed since Jefferson first suggested it, but it was, for the most part, voluntary. Before 1830, perhaps as many as 6,000 Cherokees went west, where they continued to hunt and retain their

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[2]Alexis de Tocqueville, De la democratie en Amérique (Paris, n.d.), I, 483.

ancient customs.[3] Most Cherokees, however, chose to keep their land in the East and adapt to the white man's ways.

Yet they underestimated Georgians' land hunger--which was suddenly inflated by gold mania in the 1820's. Prospectors since De Sota had imagined gold in the Cherokee hills, and some had been found, but the Dahlonega gold fields were really discovered in 1828-1829. Here erupted "the first real collision between Georgia and the Cherokee Nation,"[4] and 3,000 miners invaded the nation.[5] They found more than gold, however--they found a fertile land tilled by a handful of Cherokees.

The miners' mania for metal was matched, if not surpassed, by the ardor of their politicians, and a flurry of laws sought to garner the wealth for Georgia. Land plus gold was too great a temptation, and Georgians demanded that Indian removal be effected. Justification for appropriation of the area was needed and fact-finding commissioners sketched grim portraits of Cherokee suffering and decay if they were not shuttled into seclusion; patriots suddenly remembered Georgia's strategic role in the Revolution (which supposedly indebted the Union to the state), held aloft the 1802 compact, and advanced a series of ingenious legal constructions to justify their greed.[6] Georgia, in 1828, asserted its control over Cherokee lands within its borders. Cherokees had no rights before Georgia's judiciary and their nation's laws were decreed invalid[7]--though

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[3]William Brandon, The American Heritage Book of Indians (New York, 1964), 217.

[4]Starkey, The Cherokee Nation, 110.

[5]Cherokee Phoenix, 24 March 1830.

[6]Ibid., 21 Feb. 1828.

[7]Starkey, The Cherokee Nation, 107.

the laws were not to be effected before June 1, 1830.[8]

This legislation intimidated the Indians, and the National Council reacted defensively by censoring the Cherokee Phoenix and restricting Arkansas emigration.[9] The people, less awed, listened to editor Boudinot's plea and returned good for evil.[10] Bi-racial friendships endured, and Cherokees charitably cared for impoverished and hungry Georgians.[11]

Georgia enactments followed a treaty between the United States and the Western Cherokees on May 6, 1828. To protect the Indians from possible "future degradation and misery" in Arkansas, they were handed a "permanent home" farther west which would be "theirs forever."[12] By "the most solemn guarantee of the United States" the Cherokees were assured that no state or territory would ever be formed from their land. By this agreement the Arkansas Cherokees relocated in present-day Oklahoma, obtained some 7,000,000 acres of land, and anticipated promised annuities and gifts.[13] The signers promised to receive any of their eastern brethren who chose to join them in the West.[14] Many Arkansas Cherokees, however, disliked the new treaty and the prospects of yet another move. Some of the more truculent critics erected poles in front of the signers' homes--gaunt, sinister totems upon which they proposed to mount those worthies'

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[8]Richard Peters, ed., The Case of the Cherokee Nation against the State of Georgia (Philadelphia, 1831), 281-282.

[9]Laws of the Cherokee Nation, 114, 139-140.

[10]Cherokee Phoenix, 17 April 1828.

[11]Starkey, The Cherokee Nation, 107.

[12]Kappler, Indian Affairs, II, 206.

[13]Ibid., 206-209.

[14]Ibid., 206.

heads.[15] Though United States agents hoped that the treaty would stimulate voluntary removal by Eastern Cherokees, neither the specious testimony of Western Cherokees nor the proferred blankets and kettles attracted emigrants.[16] Looking to the west, Cherokees could only see their "brethren in darkness," "walking in grosser darkness than ourselves."[17] Only one emigrant, as lonely as a skiff on the ocean, enlisted for removal in the four months following the treaty.[18]

Encouraged by government legislation and the prospect of removal, border ruffians began raiding the Cherokee territory in Georgia. Horses and cattle were shot or stolen and pillaged houses blazed in the night. Land surveyers trampled treaty stipulations beneath thick-soled boots and with transit and chain marked Georgia's boundary through Indian country.[19] Federal agents periodically filed protests and moved to expel the ruffians, but agents were no match for Georgians.[20] Appalled by successive incursions of the spoilers, the Cherokees confessed that "the most expeditious way to remove us would be to loose such a community upon us."[21] Yet the Indians purposed to cling to their homeland--while Georgia newspapers toasted the ruffians and asserted that "coercion alone will remove them

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[15] Cherokee Phoenix, 20 Aug. 1828.

[16] Ibid., 11 March 1829.

[17] Ibid., 17 Sept. 1828.

[18] Ibid., 18 March 1829.

[19] Ibid., 11 Feb. 1829; 25 Feb. 1829; 27 May 1829; 1 July 1829.

[20] Ibid., 1 July 1829.

[21] Ibid., 11 Feb. 1829.

to the western country allotted for the Indians."[22]

Still the Cherokees found some defenders. One Georgian ridiculed the official argument that removal would benefit Cherokees and wondered just how they could find that safety in an "Arab country" to the west which had eluded them like a phantom in Georgia.[23] An Alabaman praised the Cherokees' "rapid advancement in civilization and Christianity,"[24] and Cherokees themselves launched a publicity campaign which plucked at America's heartstrings. In addition, Chief John Ross dispatched delegates to Washington who asked for justice and refused to forget the details of earlier treaties.

Unmoved by appeals to justice, Georgia fortified its first legislation with new enactments in 1829. The state appropriated Cherokee territory, annulled Cherokee laws, and assigned severe penalties for those working to thwart Indian removal.[25] Legislators purposed, with devilish callousness, to break men in body and soul and thus so empty them of hope that removal would offer welcomed repose--and the well-planned project began.[26]

Another Cherokee misfortune was the election of President Andrew Jackson in 1828. The bone-thin, fire-eyed warrior was a frontiersman with a pioneer's hatreds. He disliked the idea of an Indian state within the Union, and he dared not alienate the South and the West which had cheered

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[22] Ibid., 15 July 1829.

[23] Ibid., 29 April 1829.

[24] Ibid., 3 June 1829.

[25] Peters, Cherokee Nation against Georgia, 282-284.

[26] Mooney, Myths of the Cherokees, 118.

his election. Thus in his first message to Congress he proposed to remove all Indians west of the Mississippi. He draped his scheme with disarming pretext:

> There the benevolent may endeavor to teach them the arts of civilization, and, by promoting union and harmony among them, to raise up an interesting commonwealth, destined to perpetuate the race and to attest the humanity and justice of this Government.
> This emigration should be voluntary, for it would be as cruel as unjust to compel the aborigines to abandon the graves of their fathers and seek a home in a distant land.[27]

But the Cherokees were not fooled, for they had heard other promises and they remembered too well that other promises had been broken. Elias Boudinot commented upon the proposed removal:

> President Jackson has, as a neighboring editor remarks, "recognized the doctrine contended for by Georgia to its full extent." It is to be regretted that we were not undeceived long ago, while we were hunters in our savage state. It appears now, from the communication of the Secretary of War to the Cherokee Delegation, that the illustrious Washington, Jefferson, Madison and Monroe were only tantalizing us, when they encouraged us in the pursuit of agriculture and Government, and when they afforded us the protection of the United States, by which we have been preserved to this present time as a nation.[28]

As if counting the seconds between the lightning flash and the clap of thunder, Cherokees awaited Georgia enactments to implement Jackson's proposal. One Cherokee boasted that he would have disposed of Jackson at Horseshoe Bend if he had imagined what he would do as President,[29] but regrets rarely alter government policy.

Perhaps the leading advocate of Cherokee removal in Congress was Wilson Lumpkin. Though Cherokees later suspected Lumpkin's motivation

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[27]Richardson, Papers and Messages of the Presidents, II, 1021-1022.

[28]Cherokee Phoenix, 17 June 1829.

[29]Smith, The Story of the Cherokees, 141.

(land speculation),[30] he asserted that removal would help the Cherokees; he patronizingly suggested that the well-publicized shell of Cherokee culture was in fact fragilly composed of a few ambitious mixed-bloods and that "from the year 1825 to the final removal of the Cherokees in 1840, the great body of common Indians, who resided in obscurity and had but little intercourse with the white and half-breed races amongst them, still remained in brutal and savage ignorance."[31] This view was shared by certain federal agents,[32] but witnesses living among the Indians steadfastly proclaimed the depth of their people's advance and integrity.[33]

They had, in fact, adopted the white man's clothing, houses, and agriculture. Few differences (aside from skin pigment) distinguished Cherokees from their white neighbors.[34] Though refinement rarely evidenced itself, it usually goes begging in a frontier society. If surplus indicates proficiency, Cherokees were good farmers, for they raised enough food to sell their white neighbors.[35] Hostile critics contradicted each other: some pictured the vast mass of Cherokees as savage, illiterate full-bloods[36] while others tried to rationalize the admitted Cherokee advance as the obvious result of invigorating white blood flowing in the

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[30] Cherokee Phoenix, 3 Aug. 1833.

[31] Lumpkin, Removal of the Cherokees from Georgia, I, 188.

[32] Cherokee Phoenix, 3 Feb. 1830.

[33] Ibid., 28 Oct. 1829; Gabriel, Elias Boudinot, 117.

[34] Cherokee Phoenix, 1 Jan. 1830.

[35] Ibid., 23 Oct. 1830.

[36] Lumpkin, Removal of the Cherokees from Georgia, I, 77.

veins of the mixed-blood tribal leaders![37]

Actually, only about one-fourth of the people were mixed-bloods.[38] Elias Boudinot suggested that whites, saluting their image with solemn propriety, blindly equated progress and enlightenment with white skin.[39] Missionaries recorded the Cherokees' moral elevation,[40] and their passive endurance of persecution shows a wide-spread acceptance of Christian ideals. About one-half of the students in mission schools were full-bloods. White men could not serve in the national government, and although the leading chiefs were mixed-bloods the presiding officers of both the National Council and Committee were full-bloods; only two members of the Committee were full-bloods, but two-thirds of the Council were full-bloods.[41] Although mixed-bloods spearheaded the Cherokee advance, many full-bloods quickly followed. In their own tongue, Cherokees were as literate as their neighbors, and some educated Indians even taught white men's children and complained of their parents' educational disinterest.[42]

But the real proof of Cherokee progress was their response to the white man's aggression. William Wirt, a Baltimore lawyer with literary as well as political interests, asserted: "They are civilized and well informed men--they wear our dress--speak our language correctly--and in their manners indicate all the mildness and much of the culture and courtesy of

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[37] Cherokee Phoenix, 1 May 1830.

[38] Ibid.

[39] Ibid.

[40] Ibid., 1 Jan. 1830.

[41] Ibid.

[42] Ibid., 26 June 1830.

our own best circles."[43] The snarling violence of the savage faded with the hunt and the rites of their forbears, and the restraint of the Cherokee protest, though it sparked with the fire of outrage, witnessed to this truth. Yet some Cherokees could only despair and inscribe their rancor: "Here is the secret. Full license to our oppressors, and every avenue of justice closed against us. Yes, this is the bitter cup prepared for us by a republican and religious Government--we shall drink it to the very dregs."[44]

But they had tasted only the first sip of a sorrow-filled cistern. As promised, Georgia extended its jurisdiction over the Cherokee Nation on June 1, 1830. The state's governor, George Gilmer, explained that "The great object to be effected by the State, in the appropriation of its lands, is the increase of its population, and the excitement of its people to industry, and the accumulation of wealth."[45] A lyric bellowed by Georgia frontiersmen was more candid:

> All I ask in this creation
> Is a pretty little wife and a big plantation
> Way up yonder in the Cherokee Nation.[46]

The Cherokees responded to this threat as legally as possible. They challenged Georgia before the Supreme Court of the United States.[47]

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[43]William Wirt to George R. Gilmer, Miscellaneous Letters and Documents Concerning Early Cherokees, MSS Division, Northeastern State College, Tahlequah, Oklahoma.

[44]Cherokee Phoenix, 29 May 1830.

[45]Ibid., 6 Nov. 1830.

[46]Louis Filler and Allen Guttman, eds., The Removal of the Cherokee Nation (Boston, 1962), 18.

[47]John Ross to George Gilmer, Dec. 1830, J. R. P.

The Indians asked for a federal annulment of the odious laws in The Cherokee Nation vs. Georgia. The Cherokees claimed, with the passion of a son claiming his birthright, that the United States had always considered them an independent nation, that Georgia sovereignty had thus been illegally extended over their land, that the 1802 compact by its very wording recognized Cherokee land title, that former presidents had recognized it, and that Cherokees were determined to retain their land.[48]

Counsel for the Cherokees argued that the Supreme Court had sufficient power to issue the requested injunction, that the Cherokees had always been considered independent, and that adequate cause was evident to require federal action.[49] William Wirt, not yet a presidential candidate, eloquently marshalled convincing evidence that the Cherokees had always been treated as a separate entity by the United States and that earlier treaties were now being abrogated simply because America, like ancient Sparta, had the power to expand at the expense of its neighbors. Wirt vividly excoriated race prejudice, that camoflauged heart of the issue, and exhorted the court to grant the Cherokee petition.[50] Chief Justice John Marshall, grayed and stooped by seventy-six years of Federalist labor, sympathized with the Indians and admitted that the Cherokee Nation was indeed an entity, but it was more properly a "domestic dependent nation" than an independent power, and he ruled that the Supreme Court had no jurisdiction in the case.[51] In a dissenting opinion, Justice Smith

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[48]Peters, Cherokee Nation against Georgia, 2-31.

[49]Ibid., 32-36.

[50]Ibid., 65-150.

[51]Ibid., 159-164.

Thompson (New York), joined by Justice Joseph Story (Massachusetts), contended that the Cherokee Nation was an independent state for which the court should issue the requested injunction.[52]

Outside the court's hallowed chambers, pressure for removal mounted like a gust-driven brush fire. Crafty politicians maneuvered edicts and words, and rough-fisted, hard-eyed intruders invaded the Cherokee Nation. They killed, kidnapped, and insulted Indians,[53] took their houses, smashed their furniture, and consumed their provisions.[54] The Georgia Guard, formed to protect the state's newly-acquired gold mines, mercilessly enforced state laws and personal whimsey as well--actually proposing to whip Cherokee women who verbally offended them![55]

Such activity evoked protests, according to location, throughout America. Memorials from civil organizations and religious groups inundated Congress.[56] "People in New England and the Middle States who had never seen an Indian were holding public meetings on the plight of the Cherokees and demanding that Congress rescue them. The plain people of America were aroused as they were not to be again until the publication of Uncle Tom's Cabin."[57]

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[52] Ibid., 224.

[53] Cherokee Phoenix, 10 Feb. 1830; ibid., 17 Feb. 1830.

[54] Ibid., 12 June 1830.

[55] Ibid., 5 March 1831; ibid., 16 July 1831.

[56] Ibid., 27 Jan. 1830; ibid., 10 Feb. 1830; ibid., 3 March 1830; ibid., 12 June 1830.

[57] Starkey, The Cherokee Nation, 118.

Momentarily awed by this grass-roots reaction, the government crept softly; less obvious tools than coercion were employed. Since Cherokees had used tribal monies to hire skilled lawyers, who in turn embarassed the government with their knowledge of constitutional law, the United States declared that the annuity money would henceforth be paid to individual Indians rather than the tribal government. Less than two per cent of the Cherokees collected the fifty cents offered, and this sly attempt to disrupt the nation miscarried. The money simply flowed into Nashville banks and swelled tribal funds.[58] Benjamin F. Currey, a federal removal agent, clandestinely hired mixed-bloods to agitate for removal--and like wasps at an afternoon picnic they caused some stir in the nation. Torrents of whiskey swept some Indians into the hands of designing agents,[59] yet neither threats nor bribes nor disorder brought removal while the national authorities remained fixed on their anti-removal course.

Anti-removal sentiment was embodied in the dynamic, if dictatorial, personality of Principal Chief John Ross. His pleas for support stirred the nation, and his Washington delegations etched their people's plight upon the nation's conscience. In 1831 they still hoped, with childlike faith, to avert removal,[60] but two years later a small band of mixed-bloods jettisoned all faith in the United States as absurd.

For Georgians were impatient and restless. John Ridge, the young, New England-educated, articulate and outspoken son of Major Ridge, noted his people's distress:

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[58]Ibid., 150-151; Cherokee Phoenix, 23 July 1831.

[59]Grant Foreman, Indian Removal (Norman, 1937), 236.

[60]Cherokee Phoenix, 5 March 1831.

> The State of Georgia as a Government, I presume, would not issue orders to murder these Indians, but the cruel policy of Gen. Jackson and of that state, has a powerful influence on the wicked and profligate, to exercise their inhuman ferocity on the now defenceless Cherokees and Creeks. Who are now the savage people? Who heathen? and who are the pagans? Can the world, I mean the honest portion of it, denominate these nations by such epithets, while our people are unresistingly suffering in their trials?[61]

As if in reply, Wilson Lumpkin urged Georgians to claim what was theirs, for "a few thousand half civilized men, both indisposed and incompetant to the faithful discharge of the duties of citizenship, and scattered over a territory so extensive, can never enjoy the inestimable blessing of civil government."[62]

Effectively countering this charge, the Cherokees again summoned Georgia into court in Worcester vs. Georgia. After rejecting Governor Gilmer's advice that they flee the Cherokee Nation and avoid prosecution,[63] several missionaries were arrested for refusing to take an oath of allegiance to Georgia. Like a slave headed for auction, Dr. Elizur Butler had to march in chains to prison.[64] In jail, Samuel Worcester appealed his four-year sentence to the Supreme Court. Reviewing this petition for a writ of error, John Marshall brooded over the history of United States-Cherokee relations, decreed that the Cherokee Nation had been and still was a nation, asserted that the Georgia laws hobbled United States-Cherokee relations, and declared those laws null and void.[65]

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[61] Cherokee Phoenix, 9 July 1831.

[62] Lumpkin, Removal of the Cherokees from Georgia, I, 96.

[63] George R. Gilmer to Sir, 16 May 1831, John Howard Payne Papers.

[64] Elizur Butler to David Greene, Brainerd Mission Letters.

[65] "Opinion of the Supreme Court of the United States, at January term, 1832, Delivered by Mr. Chief Justice Marshall," (Washington, 1832), 3-20.

The Cherokees rejoiced over the verdict as a man on death row celebrates a pardon. Elias Boudinot spoke for his people:

> It is glorious news. The laws of the state are declared by the highest judicial tribunal in the country to be null & void. It is a great triumph on the part of the Cherokees so far as the question of their rights were concerned. The question is forever settled as to who is right & who is wrong. The controversy is exactly where it ought to be & where we have all along been desirous it should be. It is not now between the great state of Georgia & the poor Cherokees but between the U. S. & the State of Georgia.[66]

The decision, thought Boudinot, promised "a new era"[67] though he knew it alone wrought no salvation. Writing his "friend" John Ross, John Ridge reported "a great & vigorous expression of indignation"[68] from sympathetic Northerners he and Boudinot met as they spoke on the removal proposals. Ridge also extolled the Supreme Court decision as a Cherokee victory.[69]

Such high-flying hopes were abruptly punctured by well-aimed American edicts, for Andrew Jackson ignored the Supreme Court and Georgia redoubled its harassment. Like mimes in an ancient drama, Alabama and Tennessee followed Georgia by extending their laws over Cherokee lands within their borders.[70] Georgia evaded judicial proprieties with felonious strategem, and state officials defied the United States Supreme Court with adolescent bravado, disregarded pro-Cherokee decisions of their own state

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[66]Elias Boudinot to Stand Watie, 7 March 1832, Cherokee Nation Papers, MSS Division, University of Oklahoma. [Hereafter cited as C. N. P.]

[67]Ibid.

[68]John Ridge to John Ross, 12 Jan. 1832, J. R. P.

[69]John Ridge to John Ross, 3 April 1832, J. R. P.

[70]Cherokee Phoenix, 25 Feb. 1832; ibid., 25 Jan. 1834; An Alabama court subsequently annulled that state's laws, ibid., 23 Nov. 1833.

courts,[71] and "turned out of office" one pro-Cherokee judge.[72]

Without federal protection, the Cherokees were defenceless. John Ridge blistered that "Chicken Snake Genl. Jackson [who] has time to crawl and hide in the luxuriant Grass of his nefarious hypocrisy."[73] But hope dies slowly, and Ridge thought the 1832 election might eliminate Jackson, and he believed that a removal treaty could only be signed by a traitorous faction seduced by the President.[74]

But Andrew Jackson's policies were not to be dictated by the welfare of 15,000 Indians. His "friendly feeling" for them may have been genuine, for he believed that "true philanthropy," unlike wet-eyed sentimentality, was realistic: the Indians had to either remove or perish.[75] He believed in state sovereignty (short of nullification) and could not reconcile this belief with an independent Indian nation within sovereign states.[76] South Carolina's nullification stance glared as a warning beacon which burned Southern rancor upon the nation's soul--thus perhaps Jackson's "benevolent Indian policy"[77] salved wounds and dispelled an irritant to some of a secessionist temperament. With an eye on the impend-

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[71]Mary Boggs Gude, "Georgia and the Cherokees" (unpublished Ph.M. thesis, The University of Chicago, 1910), 63.

[72]Wm. H. Underwood to John Ross, 15 Nov. 1831, J. R. P.

[73]John Ridge to Stand Watie, 6 April,1832, C. N. P.

[74]Ibid.

[75]Andrew Jackson's Second Annual Message, 6 Dec. 1830, in Filler and Guttman, Removal of the Cherokee Nation, 50.

[76]Thomas McKenney, Memoirs (New York, 1846), I, 258.

[77]Marquis James, Andrew Jackson: Portrait of a President (New York, 1937), 318.

ing 1832 election,[78] Jackson defied the Supreme Court and pursued his removal objective.

Removal attracted only a few emigrants in 1832, and they suffered as only the uprooted can. Only 900 Cherokees removed between 1831 and 1833,[79] and at this rate the number emigrating would not have kept pace with the nation's birth rate.[80] The National Council scorned the removal treaty proffered it in 1832 with granite-like firmness,[81] but Andrew Jackson's 1832 electoral triumph doomed Cherokees to his Indian policies.

Some Cherokees now embraced the inevitable and began to discuss how best to remove. They could not survive the encroachment of Georgians, for, as "A Friend of Liberty" wrote, whites were more savage than Indians and the Cherokees could only retain the dignity they still possessed by escaping the "tyrannical laws, orders and acts" of Georgia.[82] The first thin fault on the polished surface of Cherokee unity appeared in 1832 when a delegation of Western Cherokees, led by James Starr and John Walker, gave the United States a list of potential pro-removal men. Composed without the knowledge of those listed, it anticipated the leadership of the embryonic Treaty Party: Elias Boudinot, John Ridge, Andrew Ross, William

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[78]Robert A. Rutland, "Political Background of the Cherokee Treaty of New Echota," The Chronicles of Oklahoma, XXVII (Autumn 1949), 400.

[79]U. S. Senate, 23d Cong., 1st Sess., Correspondence on the Subject of the Emigration of Indians, Senate Document 512 (Washington, 1833), 143-175.

[80]Cherokee Phoenix, 24 Nov. 1832.

[81]Grant Foreman, Indian Removal (Norman, 1932), 245-246.

[82]Cherokee Phoenix, 1 Oct. 1831.

Hicks, and others.[83] The first tremor of schism scarcely troubled the nation, but John Ross illustrated some of the absolutism of his regime by pouncing upon the dissidents. He forced Boudinot to resign as editor of the Phoenix and demanded that the news be managed so as to reassure and soothe the people.[84] Forced underground, this suppressed dissent slowly undermined society.

While John Ross periodically labored for his people in Washington, the pro-treaty faction strengthened itself within the nation. Treaty advocates pleaded for the salvation of a people whose existence and character would perish without removal. A missionary wrote that it was unsafe to live in areas claimed by Georgia,[85] and a Cherokee lamented that

> The beautiful and beloved country of the Cherokees is now passing to the occupancy of the Georgians. The drawing of the lands and Gold mines of the Cherokees continues to be prosecuted with vigor, under the authority of the enlightened and christian Governor of Georgia. The Fortunate drawers [of lottery tickets] (so called) are daily entering into possession of the arable and otherwise valuable lots which they have drawn, and obtained by a game of chances. The Cherokee country is now wedged with settlers, and droves of land hunters, to which the Indians cry daily, and it is literrally, Robery! Robery! This crusade on our rights forms a new era in the history of the United States by which the Cherokees are de-nationalized, treaties destroyed, the legislation of Congress to carry them into effect annulled, and the faith of the republic fled to the western wilds.[86]

As if dismayed by the carnage of a battlefield, some Cherokees abandoned their lands and fled voluntarily to the West. To many, Elias "Boudinot

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[83]Woodward, The Cherokees, 169-172.

[84]Cherokee Phoenix, 11 Aug. 1832.

[85]Heinrich Clauder, "The Diary of the Moravian Missions among the Cherokee Indians," 7-13 Jan. 1833, bound typescript in Oklahoma State Historical Society.

[86]Cherokee Phoenix, 19 Jan. 1833.

was right: For the Cherokees to cling to their land under such circumstances could only result in moral death."[87]

John Ridge soon endorsed removal. Complaining that Cherokees suffered intolerable "aggressions" and were "robbed & whipped by the whites almost every day," he urged John Ross to "establish" the nation elsewhere; perhaps people, like bushes in spring, could be transplanted.[88] And John Ridge knew Andrew Jackson's resolution, for the President, with fatherly care, had warned him that "to save his people from moral and physical death" he must champion removal. "This conviction he did not fail to make known to his friends, and hence arose the Treaty Party. It did not spring up in opposition to the Cherokee Government, for that government was annihilated!"[89] He persuaded his doubt-plagued father, Major Ridge, to back removal with his prestige even though The Ridge had helped execute one who had illegally ceded Cherokee land in 1809. By 1833 the Treaty Party openly proposed selling the entire nation, and their agitation divided the tribe.

Any removal proposals were resisted, quite naturally, by the Ross government, and resistance stratagems employed by the government increasingly rasped Treaty Party nerves. No elections had been held since 1828, and the minority faction resented the chaffing restrictions enjoined by Ross. Elias Boudinot seriously considered removal as early as the fall of

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[87]Starkey, The Cherokee Nation, 208.

[88]John Ridge to John Ross, 2 Feb. 1833, J. R. P.

[89]Treaty Delegation Argument, 13 June 1846, Letters Received by the Office of Indian Affairs, National Archives Microfilm, Roll 90. [Hereafter cited as L. R. O. I. A.]

1832,[90] for he resented Ross's efforts to prevent open discussion of the problem; he remained, however, to work for a favorable removal treaty for the people. Ross consistently filled Council vacancies with his underlings. When Major Ridge, John Ridge, and David Vann, all removal supporters, refused to resign their Council positions, the Ross majority proved its malleability to dictation and impeached them--thus eliminating troublesome debate from the National Council in 1834.[91]

While the Cherokees divided internally, Georgians surged into the nation. Waving lottery tickets like bills of sale, voracious frontiersmen threw Indians off their farms. It was all done, they said, to help the Indians and justified as the prerogative of state sovereignty and liberty.[92] In the winter of 1833-1834, John Ross, like many others, lost his home and plantation.[93] Cherokee protests bounced off deaf ears and hardened hearts like hail stones off time-polished boulders. Long-hallowed treaties were ignored by responsible federal officials. Federal agents kept promoting removal, yet few promoters have had less success, for the Cherokees had determined to stay. Vulturous traders flocked to the area, and their camps

> became the nurseries & receptacles of idleness, drunkeness & vice. It is from these that a torrent of tumultuous revellers is pouring itself incessantly into the town . . . introducing . . . shameful & bloody quarrels & drunken orgies into the

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[90]Starkey, The Cherokee Nation, 191.

[91]Ben F. Currey to Lewis Cass, 15 Sept. 1834, Copies of MSS in the Office of Indian Affairs, Grant Foreman, comp., Oklahoma State Historical Society.

[92]Lumpkin, Removal of the Cherokees from Georgia, I, 128, 142.

[93]Foreman, Indian Removal, 251-252.

> camp. And is it not surprising that nothing apparently is done to remove the source of so much mischief, and . . . purge these waters of lawless venders who daily and every hour of the day & night are openly demonstrating themselves to be public nuisances?[94]

As the disorders increased, pro-removal men formally united. They formed the Treaty Party. The schism which began as a hair-line fault became a chasm. After a decade of failure, the United States had at last sired a faction through which it could effect removal.

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[94] Ibid., 253.

CHAPTER III

REMOVAL CONSUMMATED

> . . . and the others all
> Whom here thou seest, while they lived, did sow
> Scandal and schism, and therefore thus are rent.
> A fiend is here behind, who with his sword
> Hacks us thus cruelly, slivering again
> Each of this ream, when we have compast round
> The dismal way; for first our gashes close
> Ere we repass before him.
>
> --Dante

> Mankind are so much the same, in all times and places, that history informs us of nothing new or strange in this particular. Its chief use is only to discover the constant and universal principles of human nature.
>
> --David Hume

The birth of the Treaty Party within the Cherokee Nation moulded the nation's development for a generation. Formed of necessity, it travailed for its people and nearly perished at their hands. To Cherokees, Treaty Party men were either visionary saints or traitorous scoundrals. In fact, they were neither. Some, like Elias Boudinot, thought that only removal could save the Cherokees. Others, like Major Ridge, were perhaps hypnotized by prospects of gain--though pro-Ross advocates have exaggerated, as enemies will, the sin of their foes.

By the fall of 1833, the pro-treaty men defied John Ross and promoted removal. In December of 1833, Andrew Ross, the Principal Chief's brother, represented the Treaty Party in Washington. He talked to Andrew

Jackson and later brought Elias Boudinot and Major Ridge into the discussions. On June 19, 1834, Andrew Ross and a delegation of Eastern Cherokees joined a Western Cherokee delegation in signing a removal treaty to be offered the nation.[1] In the fall of 1834 he explored sites in the West offered his people. For his 1834 efforts, Andrew Ross received $1,245 from the federal government.[2] Within the nation, the Ridges and Boudinot championed removal, and their kinsman, Stand Watie, spurred them on.[3]

They held a meeting early in 1834 to promote a removal treaty, but few Cherokees joined them.[4] Their party was only an irritant to most Cherokees. Though supporters of John Ross knew that the faction was a threat to the nation, they were confident that it involved only a handful of people.[5]

But their confidence evaporated as the scorching wind of violence seared the nation. Andrew Ross faced death for advocating removal;[6] the removal treaty presented by him in 1834 was rejected by the National Council, and one treaty supporter was hacked to death as he returned home from the meeting.[7] Rumors that Major Ridge and others were to be assassinated

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[1]Foreman, Indian Removal, 264.

[2]Cherokee Phoenix, 5 April 1834; Financial Statement, L.R.O.I.A., R. 80; Meigs Journal, 30 July 1830, MSS Division, University of North Carolina, Chapel Hill, North Carolina.

[3]Financial Statement, 28 Aug. 1835, C.N.P.

[4]John Howard Payne Papers, II, May 1834.

[5]William Underwood to John Ross, 4 June 1834, J.R.P.

[6]Foreman, Indian Removal, 265.

[7]Foreman, Indian Removal, 265; Mooney, Myths of the Cherokees, 121; Clauder, Diary of Moravian Missions, 10.

electrified the nation,[8] and as emotions enkindled reason retreated. Yet these outbursts only foreshadowed years of factional tension and retribution. Undaunted, the Treaty Party pursued its course; by late November it was formally organized, and a delegation went to Washington to arrange a removal treaty.[9] In Washington, both factions wrangled with the United States for concessions and treaty provisions. John Ross had complained that the Cherokee annuities were unlawfully withheld and demanded their deposit in the national treasury under his control.[10]

He further insisted, with adamantine boldness, that only $20,000,000 could induce his people to consider removal.[11] Major Ridge, more compliant to United States pressure, agreed to consider $4,500,000, and the Treaty Party delegates signed a preliminary treaty on March 14, 1835, which needed the approval of the National Council to become valid.[12] In desperation, John Ross proposed, like Brigham Young a decade later, to re-settle his people outside the United States--possibly in Mexico.[13] United States pressure mounted. The House of Representatives considered a bill which quite simply ordered the Cherokees to exchange their land in the East for a Western grant,[14] but most Congressmen preferred the facade of a treaty.

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[8]John Ross to John Ridge, J.R.P.

[9]Elijah Hicks to Elbert Herring, 31 May 1836, L.R.O.I.A., R. 80; Woodward, the Cherokees, 177-178.

[10]The Congressional Globe, 24 May 1834, 23d Cong., 1st Sess., I, 396.

[11]Foreman, Indian Removal, 266.

[12]Ibid.

[13]John Ross to I. M. de Castillo Y Lanzar, Charge de Affairs of Mexico, 22 March 1835, J.R.P.

[14]House of Representatives Bill 747, 19 Feb. 1835, J.R.P.

The tentative treaty signed by the Ridge delegates seemed the most legal course for the Union to pursue. And to at least one Cherokee, John Rogers, who lived in the West, the proposed treaty was excellent. Under it, "the poor Indian," Rogers declared, "enjoys the same rights as the rich." Despite the "selfish" opposition of John Ross to the treaty, Rogers hoped that the government would "never have anything to do with him."[15]

To aid the Treaty Party and to negotiate removal, the Reverend John F. Schermerhorn, a Utica, New York, minister, entered the nation as a special agent for the United States.[16] He arranged a meeting near John Ridge's at the head of the Coosa in July to consider the questions of annuities and removal, and nearly one-sixth of the nation quietly assembled to hear him.[17] John Ridge and Schermerhorn both spoke fervently, but the Cherokees heeded the quiet logic of John Ross and rejected (2,325 to 114) the proposed distribution of annuities to individuals.[18] The 114 votes represented "the entire strength of the Ridge party,"[19] but the treaty proponents resolved to redouble their efforts.

Now "quarrels are deadly,"[20] and John Ross tried, like a surgeon, to heal the breach in the nation by grafting the factions together. Suppression had failed--perhaps compromise would succeed. Thus he called a

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[15]John Rogers to Major Ridge, 10 March 1835, C.N.P.

[16]Meigs Journal, 7 July 1835.

[17]Wm. Y. Hansell to John Ross, 12 June 1835, J.R.P.; Meigs Journal, 22 July 1835.

[18]Ibid.

[19]Clauder, Diary of Moravian Missions, 19 July 1835, 14.

[20]Homer, The Iliad, IX.

"special meeting" and urged the Ridges to attend.[21] Not questioning his motives, the Ridges assured him with "brotherly confidence" that they too coveted national unity.[22] For they had "all along desired the best of friendship from yourselves and others having in view the ultimate salvation of our oppressed people."[23] But talk is less costly than action and nothing happened to save the nation. Threats of violence, like leaves on the crest of a dry autumn wind, still sifted through the nation, and Georgians grew bold enough to arrest Cherokee leaders.[24] And treaty proponents saw men of like faith martyred for their "right of opinion."[25]

In an atmosphere quickened by hatred and fear, the National Council met in October. Tempers were bridled, and a troubled calm prevailed as Cherokees rejected the proferred treaty. Even Elias Boudinot and John Ridge voted against it.[26] Ross kept Schermerhorn from presenting his case or even associating with the Indians,[27] and the council appointed a thirteen-member, Ross-led delegation, which included Treaty Party men Elias Boudinot, John Ridge, and Charles Vann,[28] to discuss removal with authori-

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[21]John Ross to Major Ridge and John Ridge, 30 July 1835, in U. S. Senate, 24th Cong., 1st Sess., Senate Document 286 (Washington, 1836), 60.

[22]John Ridge, Major Ridge to John Ross, 31 July 1836, ibid.

[23]Ibid., 61.

[24]John Ross to Gentlemen, 15 Sept. 1835, J.R.P.

[25]John Ridge to Wilson Lumpkin, in John Howard Payne, John Howard Payne to His Countrymen (Athens, 1961), 9.

[26]Foreman, Indian Removal, 267.

[27]J. F. Schermerhorn to John Ross, 23 Oct. 1835, U. S. Senate, 24th Cong., 1st Sess., Document 286, 85.

[28]John Ross to Committee & Council, 24 Oct. 1835, ibid., 83.

ties in Washington. With the fanaticism of a newly-won devotee, an American journalist, John Howard Payne, caustically condemned the treaty proposals and was arrested, along with John Ross, and briefly imprisoned for his zeal.[29] Both Georgia and the United States remained unmoved: Cherokees must either remove or be crushed.

To extract the demanded treaty, Schermerhorn called another meeting in December.[30] About 300 Cherokees assembled at their old tribal capital in Georgia, New Echota, to hear him. The Ridges cooperated and tossed aside their pledge to John Ross. Only seventy-nine men favored the New Echota Treaty, and seven opposed it; many favoring it were already enrolled to emigrate.[31] A small committee signed the treaty on December 29, 1835, and as he signed this "Ocoee Steal"[32] Major Ridge labled it his "death warrant."[33] The Cherokees dreaded removal, and the masses opposed it with more passion than insight, but Elias Boudinot defended the Treaty Party's action:

> "We cannot conceive of the acts of a minority to be so reprehensible and unjust as are represented by Mr. Ross. If one hundred persons are ignorant of their true situation and are so completely blinded as not to see the destruction that awaits them, we can see strong reasons to justify the action of a minority of fifty persons to do what the majority would do if

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[29]William N. Bishop Statement, 11 Feb. 1836, L.R.O.I.A., R. 80; Payne, John Howard Payne to His Countrymen, 8-49.

[30]J. F. Schermerhorn to John Ross, 30 Oct. 1835, U. S. Senate, 24th Cong., 1st Sess., Document 286, 93.

[31]A. McCoy to John Ross, 29 Dec. 1835, ibid., 117.

[32]Recollections of Jack Hildebrand, Chattanooga Public Library.

[33]Starkey, The Cherokee Nation, 267.

> they understood their condition, to save a nation from political thraldom and moral degradation."[34]

Controversy, sparked by the treaty, erupted to split the nation. Each side exalted its righteousness and resented the other's intransigent, illogical stand. If the Treaty Party were more realistic, its carefully-reasoned, cold-hearted action was treason--assuming, of course, that the Cherokee Nation still existed under the legitimate rule of John Ross.

The treaty itself called for the removal of the Cherokees to the West. For the cession of their lands, if they removed in two years, the United States promised to pay them $5,000,000, provide for the removal expenses, make compensation for individual losses, and give them a new home in the West.[35] Though possibly 6,000 Cherokees had previously emigrated, the 1835 treaty forced some 16,500 Cherokees, 1,592 Negro slaves, and 200 whites to abandon their homes.[36]

The treaty was signed and ratified by the United States Senate, but John Ross, as undaunted and unmoved as a gale-buffed cliff, refused to consider removal.[37] He circulated petitions, but they failed to impress Washington officials who dismissed them as the work of fraudulent--perhaps only over-zealous--name-collectors.[38] Ross called a meeting to protest

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[34]The National Intelligencer, 22 May 1838, in Charles C. Royce The Cherokee Nation of Indians, in Fifth Annual Report of the Bureau of American Ethnology (Washington, 1887), 285.

[35]Kappler, Indian Affairs, II, 324-333.

[36]Brandon, The American Heritage Book of Indians, 217.

[37]Cherokee Delegation to Secretary of War Lewis Cass, 2 Jan. 1836, U. S. Senate, 24th Cong., 1st Sess., Document 286, 24.

[38]J. F. Schermerhorn to Lewis Cass, 3 March 1836, L.R.O.I.A., R. 80; John Ridge, Stand Watie to John F. Schermerhorn, 26 Feb. 1836, ibid.

the treaty, but only 200 people attended.[39] There was evidently more ignorance of the treaty than opposition to or sentiment for it.

To enforce removal, the United States selected Wilson Lumpkin, a persistent removal advocate and land speculator. After a conference with Treaty Party leaders, Lumpkin reported, in 1836, "that a large portion of the Cherokees are now very desirous to get off this fall."[40] His forecast was accurate, but only for the Treaty Party, which was already forging its removal plans.

Ridge men asserted that John Ross alone prevented wholesale removal. John Ridge and Stand Watie decried their people's prostration and called John Ross a corrupt dictator who had unfettered use of the nation's finances which he wasted on personal luxuries while pretending to protect his people.[41] Ridge and Watie contended that "no treaty can be acceptable" to the Ross clique "unless they make it, & get all the funds into their hands for disbursement!"[42]

Lumpkin too disliked and reviled John Ross for retarding removal. To coerce him, he got Congressional authority to recruit volunteers to eject the Cherokees.[43] An agent for the North Carolina Cherokees thought that most would remove if Ross were not chief, for

> few Cherokees know anything respecting the Ratification of Treaties. Some Whites and half breeds who live among them

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[39] Ben F. Currey to Elbert Herring, 5 Feb. 1836, ibid.

[40] Lumpkin, The Removal of the Cherokees from Georgia, II, 36.

[41] John Ridge, Stand Watie to John F. Schermerhorn, 25 Feb. 1836, L.R.O.I.A., R. 80.

[42] Ibid.

[43] Lumpkin, The Removal of the Cherokees from Georgia, II, 55.

> cultivating the best land without paying Rent or Taxes, procuring Indian labor for one pint of spirits per day, are opposed to a Treaty, and use their influence with these unfortunate People to prevent one being made.[44]

Now removal agents, like ward politicians, rarely remain disinterested,[45] but at least one thing was evident: the most virulent critics of removal had a vested interest in the land. Treaty Party leaders did profit from the treaty, but open-handed Ross Party members also received pay for services from the United States.[46] Money gained by removal advocates was but a foothill when compared with the mountainous sums to be lost by the great planters like John Ross if the treaty were implemented. But in this conflict neither side was blameless. No friend of Ross, Wilson Lumpkin still noted that "it cost me great care, watchfulness and labor to prevent Ridge and his party from running into gross improprieties and extravagances."[47] If the Cherokees learned nothing else from their white neighbors, they did contract that American plague, a love for money, and without this passion the Cherokees might have placed the nation's welfare before personal gain and kept it united under heavy duress.

For removal was now inevitable. "Gloom and consternation" saturated the nation.[48] Fraud and rumors of fraud demanded investigations by removal officials.[49] No doubt part of the protest was a well-designed

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[44]Wm. H. Thomas to J. F. Schermerhorn, 25 March 1836, L.R.O.I.A., R. 80.

[45]Evan Jones to John Ross, 20 Nov. 1837, J.R.P.

[46]M. W. Batman Account, 26 Jan. 1836, L.R.O.I.A., R. 80.

[47]Lumpkin, The Removal of the Cherokees from Georgia, II, 85.

[48]Evan Jones letter, 23 May 1836, The Baptist Missionary Magazine, XVI (Aug. 1836), 202.

[49]Major Ridge et. al. to [B. F. Currey], 6 May 1836, L.R.O.I.A., 80.

holding action by John Ross, but exploitation and corruption on all sides could not be ignored.

To find other scapegoats, some Cherokees demanded blood sacrifice to propitiate the Ridge people's sin, and death threats multiplied. But John Ridge remained stoically unperturbed:

> The Ross party here already count my death as certain. For even this I am prepared. If I can relieve my bleeding countrymen from the destruction which surrounds them, I am even prepared to be immolated to gratify the ambition of my enemies, and the real enemies of the poor Cherokees.[50]

For these Cherokees, refugees of an undeclared war, were suffering. Dispossessed by encroaching settlers, many were "nearly to a state of starvation."[51] More and more rations were issued.[52] Boomers thundered into the nation, and they schemed to get both land and money from guileless Indians.[53] Missionaries closed their schools,[54] and while Cherokees begged for peace "the lowest class of the white people" whipped them like dogs "with cow hides, & hickorie clubs."[55]

On May 23, 1836, the Senate ratified the New Echota Treaty, and

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[50]John Ridge letter, U. S. House of Representatives, Cherokee Disturbances, 29th Cong., 1st Sess., Document 185 (Washington, 1847), 53.

[51]J. R. Matthews et. al. to Lewis Cass, 15 June 1836, L.R.O.I.A., R. 80.

[52]Chiliab Smith Howe Papers, University of North Carolina, passim; Albert S. Lenoir Collection, University of North Carolina, passim.

[53]Major Ridge, John Ridge to Andrew Jackson, 30 June 1836, L.R.O. I.A., R. 80.

[54]D. S. Butrick to David Greene, 22 Nov. 1836, Brainerd Mission Letters; D. S. Butrick to David Greene, 28 Nov. 1836, ibid.

[55]Major Ridge, John Ridge to Andrew Jackson, 30 June 1836, L.R. O.I.A., R. 80.

on July 2 the necessary money to effect it was appropriated.[56] At least some Cherokees welcomed the treaty, for the Ridges reported with some overstatement that they had "been hailed, by the poor Cherokees, as the deliverers from Ross's domination."[57] Hoping to clarify the treaty provisions, the Treaty Party proposed a General Council meeting at New Echota on September 12, 1836.[58] Though invited, John Ross boycotted the assembly. Perhaps he only wanted a better "location"[59] in the West, but William Rogers interpreted his opposition as a "favorite scheme" designed to "so delude the people" that they would revoke the treaty and "give the money into his hands."[60] Ross called his own council on September 15 at Red Clay.[61] General John E. Wool unsuccessfully tried to persuade the 3,000 assembled Cherokees to remove. John Ross steered his people as surely as a rudder guides a ship, and he dispatched yet another delegation to Washington.[62] Unimpressed by such stalling, Wool simply reminded the Cherokees of their removal deadline, May 23, 1838.[63]

As he uttered this ultimatum, Wool prophesied that blood would

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[56]John E. Wool to the Cherokee People, 19 Sept. 1836, J.R.P.; Statutes at Large, 2 July 1836, V, 73.

[57]Major Ridge, John Ridge to Andrew Jackson, 30 June 1836, L.R. O.I.A., R. 80.

[58]Major Ridge et. al. to John Ross, 17 Aug. 1836, J.R.P.

[59]Clauder, Diary of Moravian Missions, 29 Aug. 1836.

[60]William Rogers to B. F. Currey, 30 Aug. 1836, L.R.O.I.A., R. 80.

[61]John Ross to General Wool, 2 Sept. 1836, J.R.P.

[62]J. E. Wool to Lewis Cass, 18 Sept. 1836, L.R.O.I.A., R. 80.

[63]John E. Wool to the Cherokee People, 19 Sept. 1836, J.R.P.; L.R.O.I.A., R. 80; John E. Wool, General Order 74, 3 Nov. 1836, J.R.P.

stain their rugged hills before Cherokees submitted to removal.[64] Yet some left voluntarily. Early in 1837, 800 Treaty Party members emigrated,[65] and Major Ridge's party disembarked above Van Buren, Arkansas, on March 27, 1837.[66] Such "wealthy and intelligent" men obtained money from the United States and generally praised both the treaty and the rewards gained from it.[67] But the masses awaited neither coins nor omens--they quietly followed John Ross.

Ross and his delegates besieged Washington. Though the President at first refused to see him,[68] Ross patiantly memorialized Congress and eventually talked to the President--only to learn that all efforts were in vain.[69] Some bureaucrats listened to Wilson Lumpkin's plea for armed intervention, even if it would "revive the noisy sympathies of the deluded fanaticks from one end of the republic to the other."[70]

But force meant the use of the army, and here the politicians were baffled. The heart of each officer sent to enforce removal decrees melted

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[64]John E. Wool to B. F. Butler, 3 Jan. 1837, L.R.O.I.A., R. 81.

[65]Lumpkin, The Removal of the Cherokees from Georgia, II, 85.

[66]Grant Foreman, ed., "Journey of a Party of Cherokee Emigrants," Mississippi Valley Historical Review, XVIII (Sept. 1931), 245.

[67]Wilson Lumpkin, John Kennedy to C. A. Harris, 23 March 1837, L.R.O.I.A., R. 81.

[68]B. F. Butler to John Ross et. al., 24 Feb. 1837, J.R.P.; William R. King to Andrew Jackson, 28 Feb. 1837, L.R.O.I.A., R. 81. Jackson's notation on the outside of the letter: "We will have nothing to do with him."

[69]John Ross replies before Committee, 25 Feb. 1837, J.R.P.; Cherokee Memorial to Senate and House of Representatives, 22 Feb. 1837, J.R.P.; John Ross and Delegation to President, 16 March 1837, L.R.O.I.A., R. 81; Joel R. Poinsett to Gen. John E. Wool, 12 April 1837, ibid.

[70]Wilson Lumpkin to Martin Van Buren, 19 June 1837, L.R.O.I.A., R. 82.

at the sight of Cherokee suffering. Though proud and aristocratic,[71] the Cherokees were essentially friendly and honest. Andrew Jackson's removal efforts were repeatedly foiled as "hard-bitten" officers turned "pro-Cherokee" when they entered the nation.[72] General Wool sympathized with them, so in June of 1837 a more vigorous removal proponent, Colonel William Lindsay, replaced him.[73]

Lindsay, with zealous ambition, first tried to stop free assemblies, but Secretary of War Joel Poinsett intervened, and on August 8, 1837, 4,000 tight-lipped Cherokees met at Red Clay and sent another delegation to Washington.[74] John Ross still opposed removal--though perhaps, as one official claimed, only because he had neither made nor profitted from the 1835 treaty.[75] The Ross policy, as fixed as an arrow in flight, remained unaltered, for to advocate removal could have been fatal even for the chief.[76] A few emigrants departed,[77] but the nation still hoped that Ross could yet prevail upon Washington, where he found "so much party maneuverings . . . for self aggrandisement, that it is almost as difficult

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[71]Cherokee Phoenix, 21 July 1828.

[72]Starkey, Cherokee Nation, 131.

[73]Col. W. Lindsay to J. R. Poinsett, 22 June 1837, L.R.O.I.A., R. 81; John Ross to Joel R. Poinsett, 22 June 1837, J.R.P.; J. R. Poinsett to John Ross, 15 July 1837, J.R.P.

[74]U. S. House of Representatives, 25th Cong., 2d Sess., House Document 82, 8 Aug. 1837 (Washington, 1837), 9.

[75]John Mason to J. R. Poinsett, 14 Aug. 1837, L.R.O.I.A., R. 81.

[76]John Mason to J. R. Poinsett, 25 Sept. 1837, ibid.

[77]John Ross et. al. to J. R. Poinsett, 26 Dec. 1837, J.R.P.

to obtain justice here as it would be for a Camel to pass thro' the eye of a needle."[78]

Resistance to removal collapsed under the cascading flood of settlers and soldiers. Only the tough-hearted, sport-loving troops could dislodge the 14,000 Cherokees. Neither whimpers of "treachery and deception"[79] nor signature-laden petitions retarded dispossession.[80] Lewis Ross, no mendicant saint, declared that "all the money in the world" could never persuade him to live another year in the nation.[81] So the Cherokees slowly retreated as the troops marched in. Whites determined to use "the whole of the United States army" if necessary,[82] and armed soldiers and ill-chosen volunteers invaded the nation and started to track down their prey.[83] Martin Van Buren solemnly ordered the "benevolent intentions of the government" implemented so that Cherokees could "remove peaceably and contentedly to their new homes in the West."[84] To obey this edict, soldiers commanded by General Winfield Scott flushed Cherokees from their hill-top homes, dragged them from their ancient fields, and

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[78]John Ross to Nephew, 18 April 1838, J.R.P.

[79]John Ross to Brother, 13 Jan. 1838, J.R.P.

[80]John Ross and Cherokee Delegation to U. S. Senate and House of Representatives, 12 March 1838, J.R.P.

[81]Lewis Ross to John Ross, 5 March 1838, J.R.P.

[82]George Gilmer to Joel R. Poinsett, 14 April 1838, in George Gilmer, Sketches of Some of the First Settlers of Upper Georgia (Americus, Georgia, 1926), 419.

[83]John Gray Bynam to C. M. Dickson, Bynam Papers, University of North Carolina; General Scott's Orders No. 25, 17 May 1838, Connelly Papers, University of North Carolina.

[84]M. Van Buren to Senate and House of Representatives, 21 May 1838, Richardson, Messages and Papers of the Presidents, III, 1692.

packed them into hastily-built, plague-infested log stockades. Prodded by bared bayonets like prisoners of war, many Cherokees salvaged only the clothing they wore.[85] They were treated "like so many cattle or hogs"[86] and driven in groups by self-styled trail drivers.[87] "A Georgia volunteer, afterward a colonel in the Confederate service, said: 'I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew.'"[88]

Throughout 1838 detachments moved west. John Ross delayed the process until cooler weather, and he wrested the conduct of the removal away from the army for himself and the national authorities.[89] In its last meeting in the East, the National Council resolved to neither relinquish the tribe's claim to its lands nor to recognize the 1835 treaty.[90] The enormity of the "trail of tears" is forever branded upon the American conscience, yet though some have estimated that fully one-fourth of the nation (4,000 people) perished in the removal, probably less than half that

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[85]Evan Jones Letters, May-July, 1838, The Baptist Missionary Magazine, XVIII (Sept. 1838), 236.

[86]S. Foreman to David Greene, 15 June 1838, in Cooleela Faulkner, "The Life and Times of Reverend Stephen Foreman," (unpublished M.A. thesis, The University of Oklahoma, 1949), 237.

[87]Herman Ruede, Diary of Moravian Missions, 31 May 1838.

[88]Quotation in Mooney, Myths of the Cherokees, 130.

[89]Going Snake et. al. to General Scott, 9 June 1838, J.R.P.; Winfield Scott to Going Snake et. al., 19 June 1838, J.R.P.; Winfield Scott to Cherokee Committee, 25 July 1838, J.R.P.

[90]National Committee and Council Action, 1 Aug. 1838, J.R.P.; Resolutions of National Council, 1 Aug. 1838, Report of the Commissioner of Indian Affairs (Washington, 1840), 1839. [Hereafter cited as R.C.I.A.]

number died to appease American land hunger.[91]

Only a few Cherokees escaped the military drag-net. These clung to their North Carolina mountains where they now have a reservation. In the vast area once ruled and loved by the Cherokees, "naught but tradition remains."[92] Many Americans were unmoved by the scene, for like Wilson Lumpkin, they believed that the earth was for "civilized" men, though the Indians, "these orphans and minors" might in time, with considerable aid, become something more than savages.[93]

It is all too easy for moderns to disdain the removal proponents, but one must try to understand another era. Lumpkin, despite his shallow logic and spurious concern, only mirrored the fears and ambitions of frontiersmen facing a primitive people. And many Treaty Party leaders, prophets to their people, only favored removal because they had a vision--a vision of a civilized, righteous, educated people asserting their place in the world.[94]

Opportunity to recoup and rebuild the nation's shattered foundations awaited them in the West. By March, 1839, the last of the immigrants entered the Indian country. Some saw opportunity, and others read only symbolic disaster as they gazed at the new land, but all Cherokees wept for the land they had lost. Perhaps a Cherokee said it best: "The

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[91]Emmet Starr, History of the Cherokee Indians (Oklahoma City, 1921), 103. A strict counting of the official lists of emigrant companies shows only 424 deaths, but larger totals are believed to be more accurate.

[92]Henry Wadsworth Longfellow, Evangeline, 278.

[93]Lumpkin, Removal of the Cherokees from Georgia, II, 150.

[94]Gabriel, Elias Boudinot and His America, 161.

finger of the historian may point to some gentle hilloch where sleep in dust the last of our Chiefs--the only monument to perpetuate the memory of a brave but unfortunate tribe.--The muse may strike a melancholy note--and time hush into silence the tyranny of Georgia."[95]

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[95]Letter from Bruce, Cherokee Phoenix, 1 July 1829.

CHAPTER V

JOHN ROSS: MAJORITY LEADER

> The shortest and surest way to live with honor in the world, is to be in reality what we would appear to be; all human virtues increase and strengthen themselves by the practice and experience of them.
> --Socrates

> Talents are best nurtured in solitude; character is best formed in the stormy billows of the world.
> --Goethe

John Ross guided the Cherokee Nation through the removal crisis and dominated it for forty years with patriarchal sternness. Though sometimes challenged, his authority was never broken. Born on October 3, 1790, to Daniel Ross, a Scotsman, and Millie McDonald Ross, a mixed-blood, Ross was only one-eighth Cherokee.[1] His blue eyes and brown hair, his polished manners and American values, separated him from the Indians around him, but he learned the Cherokees' ways and knew them as a brother.[2]

Educated in Tennessee,[3] Ross spoke precise English and imitated the polished, elegant prose of his generation. As sober and reserved as a straight-laced deacon, he always commanded respectful loyalty. The na-

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[1]Rachel Caroline Eaton, John Ross and the Cherokee Indians (Menasha, Wisconsin, 1914), 3; E. E. Dale, "John Ross," The Dictionary of American Biography, XVI, 178.

[2]Eaton, John Ross, 6.

[3]Ibid., 5. He attended Kingston Academy.

tion sent him, when he was only nineteen, on a special mission to the wilderness of the West,[4] and he began a life of public service. In 1814 he helped Andrew Jackson win the Battle of Horseshoe Bend[5]--though he never gained fame as a warrior or athlete. He was small (5'5", 150 pounds)[6] and normally utilized mind rather than muscle.

When he was twenty-seven, he entered politics with a seat on the National Council. Within two years he headed that council. In 1824 he journeyed again to the unsettled West, but he disliked it and determined to challenge and battle those who would uproot his people and remove them to some distant reserve.[7] In 1827, the Cherokees adopted their constitution and elected Ross Assistant Principal Chief; when the Principal Chief died the next year, Ross succeeded him and retained that office for life.[8]

Ross attracted the full-blood's friendship by marrying one of them, Quatie.[9] She provoked neither scandal nor tribute, but she bore John four sons and one daughter;[10] she died on the removal trip in Little Rock in 1839.[11] Though no doubt faithful to Quatie, Ross at least called on a young woman, Elizabeth Milligan, in Washington,[12] and after his wife's

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[4]Dale, "John Ross," Dictionary of American Biography, 179.

[5]Eaton, John Ross, 25.

[6]Woodward, The Cherokees, 157.

[7]Eaton, John Ross, 38.

[8]Dale, "John Ross," 179.

[9]Ibid.

[10]Will of John Ross, J.R.P.

[11]James McDonald Ross statement, Hargett Collection, MSS Division, University of Oklahoma; Dale, "John Ross," 179.

[12]John Ross to Miss E. Milligan, 19 April 1838, Hargett Collection.

death he courted her--though her mother was evidently more anxious than Elizabeth for a match.[13] Mrs. Milligan suggested that her daughter needed some diversion to fight off depression, and Ross offered, like a medieval knight, "to wait upon her at any time."[14] Ross ccurted Elizabeth when in Washington, and when he departed for the Indian country he entrusted her with some documents and gave her a momento--a statue of Red Jacket![15]

Before going, however, he at least considered proposing. Like a scribe copying scripture, he was a meticulous writer, and several drafts of a September 5, 1841, letter reveal Ross's turmoil as he thought about marriage. As he first began, he was quite anxious to marry, but he guarded his tongue:

> I would now beg leave, my Dear E. to tell you in all candour and sincerity, that, it is my deliberate conviction if I could in any way contribute towards rendering you once more cheerful and happy, that, I should myself indeed be very happy. Therefore, I pray you not to be surprised nor to consider me to[o] presumptuous for thus venturing to communicate to you, feelings, which, in justice to myself, I can no longer repress. To say, that my long cherished friendship for you has so ardently seized upon the affections of my heart, as to make my silent thoughts look upon you as a lover, would be nothing more than an avowal of the solemn truth.[16]

Considering the vast difference in their ages, he reminded her of his "healthful tone of mind & body" and asked her to marry him.[17] While polishing this mild-toned proposal,[18] however, he abruptly changed his

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[13]Anne Milligan to John Ross, 27 May 1841, ibid.

[14]John Ross to Mrs. Anne Milligan, 27 May 1841, ibid.

[15]John Ross to Miss E. Milligan, 19 Sept. 1841, ibid.

[16]John Ross to Elizabeth, 5 Sept. 1841, ibid.

[17]Ibid.

[18]Ibid.

mind, for remembering "the past events" of their lives, he was "struck with the inscrutable mysteries of God's Providence" and politely advised her to put herself in God's care.[19] Perhaps he thought sympathy and affection inadequate bonds for marriage.

Back in the Cherokee Nation, Ross, like any bachelor, endured constant scrutiny. "Rumor's ill-tongued music"[20] enflamed imaginations, and even Samuel Worcester criticized Ross for taking "to wife a Cherokee woman of no elevated rank of character, without the formality of any marriage rite."[21] Though possible, such rumors must be discounted as old women's gossip.

In 1844 Ross married. Knowing the Stapler family in Wilmington, Delaware, he cultivated a friendship with eighteen year-old Mary--though she bashfully referred to herself as "thy adopted Niece."[22] Such formality soon vanished as Ross fell in love. He claimed to think only of her (though surely he attended to his nation's business in Washington) and passionately proclaimed his "pure sincere and ardent" affections which only "the cold hand of death could ever extinguish . . . from my bosom."[23] A few days later, Ross asked Mary's father to permit this marriage:

> I am deeply interested and most fervently attached to your beloved Daughter Mary; and that, with your consent, I should be happy to be united to her in marriage. Did I not believe,

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[19] Ibid.

[20] Aeschylus, Agamemnon.

[21] S. A. Worcester to David Greene, 24 Nov. 1834, Cherokee Mission Papers, X, Houghton Library, Harvard University.

[22] Mary Stapler to John Ross, 17 June 1844, J.R.P.

[23] John Ross to Mary, 30 July 1844, J.R.P.

> it will be in my power to confer upon her the ordinary comforts and happiness of this life, I should, certainly never, wantonly be instrumental in bringing about any change in her situation, calculated to render her condition less happy than it is at present. You will, therefore, be pleased to receive this petition for the hand of your Dear Mary![24]

Despite its wordiness, the letter worked, and the marriage was scheduled. On September 2, 1844, John Ross married Mary Stapler in Philadelphia.[25] Some notables, including the widow of James Madison, sent gifts or attended,[26] and the bride was "beautiful" and "accomplished."[27] Polite society believed that John Ross was worth "half a million dollars," and planned to take the young bride "straight to his wild home in the South Western prairies."[28]

John and Mary were happy--though the image held aloft by John Ross in his letters obscures their relationship. When the Society of Friends expelled Mary for breaking their "rule" by marrying Ross, her husband assured her that she still had "one friend on earth" who would "with all his heart and strength cling to thee, so long as life shall last."[29] Their union produced two children, of whom Ross was pardonably proud.[30] He also

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[24]John Ross to Mr. Stapler, 14 Aug. 1844, Hargett Collection.

[25]Wedding Certificate, 2 Sept. 1844, J.R.P.; Cherokee Advocate, 5 Oct. 1844.

[26]Wrapping of present from Mrs. Madison, J.R.P.

[27]Letter to The Tribune, 3 Sept. 1844, Hargett Collection.

[28]Ibid.

[29]John Ross to Mary, 25 July 1845, J.R.P.

[30]Ibid.

made friends with nieces and nephews.[31] Aged mellowed his heart, for when he was seventy years old he lovingly promised his wife that "it shall be my constant desire and unceasing effort to merit the tokens of thy love and devotedness to me."[32]

Though he called on God at public occasions as ceremony demanded, John Ross was not a deeply religious man until after his marriage to Mary, whose piety seemed to influence him.[33] Expelled in 1845 from the Society of Friends, Mary joined the Methodist Church in 1850, and in 1855 John too became a Methodist.[34] In 1859 their two children, Annie and John, followed their parents into the church.[35] Like men of all ages, John Ross found peace in his faith, and when one of his friends suffered heartbreak he wrote: "Verily, the only consolations we can find for all the troubles, pains and woes of this life is in the Gospel, to believe and trust in Him who doeth all things well."[36] In his last years, Ross regularly attended church,[37] found peace in God,[38] and entrusted his soul to Him in death.[39]

Ross died in 1866 and was buried in Wilmington beside his beloved

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[31]John Ross to Dear Niece, 8 May 1841, Hargett Collection; John Ross to John Bell, 8 July 1841, L.R.O.I.A., R. 85; William P. Ross to John Ross, 19 June 1842, Hargett Collection.

[32]John Ross to Mary, 23 March 1860, Hargett Collection.

[33]D. S. Butrick Journal, 11 Nov. 1844, Cherokee Mission Papers, IV.

[34]Mary Ross Statement, Hargett Collection.

[35]Ibid.

[36]John Ross to Rev. O. L. Woodford, 7 March 1858, Hargett Collection.

[37]John Ross to Mary, 1 May 1860, ibid.

[38]John Ross to Mrs. M. B. Stapler, Dec. 1860, ibid.

[39]Will of John Ross, 11 July 1866, J.R.P.

second wife.[40] He willed $5,000 to the four surviving children of his first marriage, $2,500 to the children of his deceased son James, and the remaining property (one estimated that he lost over $100,000 in the war)[41] to the fruit of his second marriage, John and Annie. After bearing his people's burdens for decades, he died apart from them.

But while he lived he effectively guided them. Despite his sinister manipulation of an 1819 treaty to privately sell tribal land, he denounced land cessions and defended his people's land title. In 1823, after William McIntosh, a Creek chief, suggested that one could profit by ceding land to the United States, Ross declared that he "would prefer to live as poor as the worm that inhabits the earth, rather than to gain the world's wealth and have my reputation as an honest man tarnished by the acceptation of a pecuniary bribery for self-aggrandizement."[42] But professions too often enshroud hypocrisy, and one thing would plague him throughout life: the nagging suspicion that he prospered by embezzeling Cherokee funds.[43]

Suspicions aside, he was the nation's guiding light throughout his mature years. He became Principal Chief in 1828, headed various tribal delegations, and obtained a postmaster appointment from the United States.[44] He defended his people with the passion of a highly-paid advocate, and he answered American jibes at the Cherokee's savage existence

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[40]Description of John Ross Funeral, Hargett Collection.

[41]Sarah F. Staples Testimony, 1878, ibid.

[42]John Ross Speech, 21 Oct. 1823, John Howard Payne Papers, II.

[43]Ross's financial affairs will be discussed in chapter eight.

[44]John Ross appointment, 16 May 1828, J.R.P.

by retorting: "Our letters are our own; and if they are thought too refined for 'savages,' let the white man take it for proof, that, with proper assistance, Indians can think and write for themselves."[45]

He wrote incessantly to prevent Cherokee removal in the 1830's, but he stirred only the hearts of humanitarians.[46] Though forced to move his nation's capital from Georgia to Tennessee because of Georgia pressure, he led his people in resisting proffered removal enticements.[47] When dissension among the Cherokees threatened disaster, Ross confessed the split in the nation but tried to minimize its seriousness.[48] As removal sentiment mounted, Ross eliminated his enemies from the government and tried to compel unanimity of thought and action.[49]

After the 1835 treaty was signed, Ross tried to stymie it. Wilson Lumpkin complained that "Ross is still all powerful with the Indians, and he is a man that cannot be coaxed, but is very easily commanded, when he is sure that you have the power to control him."[50] Yet not even the United States could persuade Ross to remove his people as the 1835 treaty outlined. He thought that he might lead an exodus to Mexico where Cherokees, once into the promised land, could find "equal rights" and arable soil.[51]

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[45]John Ross et. al. to Messrs. Gales & Seaton, Niles Register, 26 June 1824, 277.

[46]Cherokee Phoenix, 17 June 1829.

[47]John Ross, Annual Message, 21 Oct. 1831, ibid., 19 Nov. 1831.

[48]John Ross to John Ridge, 12 Sept. 1834, J.R.P.

[49]Gude, "Georgia and the Cherokees," passim.

[50]Lumpkin, Removal of the Cherokees from Georgia, II, 50.

[51]John Ross to I. M. de Castillo Y Lanzar, 22 March 1835, J.R.P.

He argued and pleaded and threatened; he tried to rally his people to battle removal; but he failed.[52]

He failed because his frightened people were slipping into a "state of mental and bodily degradation" which only removal could heal.[53] He also failed because some Cherokees questioned his integrity. Ross spokesmen had promised some key favorites remuneration if they waited for the Principal Chief to conclude a treaty[54] and thus convinced his foes that he cared only for personal gain. Ross opposition at Red Clay (October, 1835) forced Commissioner Schermerhorn to make the treaty at New Echota in December. Ross then brought anti-treaty petitions to Washington, but the harder he wrestled to get another treaty the more some remembered that under other Ross-negotiated treaties he and his friends had taken 640 acre reservations and agreed to become United States citizens. They shortly sold these "lands at high prices; removed back into the Indian country [where land was held in common and thus free], and took possession, of the best ferries" and agricultural sites.[55]

Others suspected the chief of Napoleonic dreams. Elias Boudinot suggested that Ross could not see his people's decaying moral and physical conditions because he was "absorbed altogether in the pecuniary aspect of this nation's affairs."[56] "Perish your gold mines and your money," Boudi-

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[52]John Ross to Major Ridge, John Ridge, 30 July 1836, in U. S. Senate, 24th Cong., 1st Sess., Memorial and Protest of the Cherokee Nation, Senate Document 286, 60.

[53]Wm. Y. Hansell to B. F. Currey, 21 March 1836, L.R.O.I.A., R. 80.

[54]Joseph A. Foreman Statement, 11 April 1836, ibid.

[55]J. F. Schermerhorn to Lewis Cass, 3 March 1836, ibid.

[56]Gabriel, Elias Boudinot, 161.

not cried, "if, in pursuit of them, the moral credit of this people, their happiness and their existence are to be sacrificed."[57]

Despite such trenchant criticism, Ross struggled with Promethean vigor to thwart removal. Washington received him politely--as one welcomes a tiresome kinsman--but did nothing.[58] He refused compromise and disdained threats of violence.[59] He endured "the ruffian hand of tyranny" while "tempestuous scenes" disrupted his nation[60] and government agents betrayed his people.[61]

He alone retarded removal. Some American journalists supported him, but they, as John Ridge said,

> all know that in the East the Cherokees have no government, and have had no elections for nine years past; and yet John Ross is, in their estimation, a constitutional chief over all the Cherokees, and if the President refuses to recognize this preposterous claim, and determines to see that all the Cherokees shall share alike from the travails of their land, then they proclaim him a monster, and John Ross the Cherokee Christian.[62]

To this Wilson Lumpkin added:

> Ross is the soul and spirit of his whole party, and they will act in accordance with his views. In regard to Ross himself, he is a sagacious, subtle man. Under the guise of an unassuming deportment, his arrogance is unsurpassed. He always

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[57] Ibid., 163.

[58] John Ross to John Howard Payne, 7 Jan. 1836, Letters from John Ross to J. H. Payne, Indian Archives, Oklahoma State Historical Society.

[59] Lewis Ross to Brother, 16 Jan. 1837, J.R.P.

[60] John Ross to John Howard Payne, 27 Jan. 1838, Letters from Ross to Payne, Oklahoma State Historical Society.

[61] John Ross to George Lowry, 27 Jan. 1838, J.R.P.

[62] John Ridge to Wilson Lumpkin, in Lumpkin, The Removal of the Cherokees from Georgia, II, 205.

> takes high ground, and maintains his assumptions with the utmost pertinacity and obstinacy. When he deems it necessary, he maintains the most dignified reserve, and never communicates freely and without reserve even with his best friends. He has the art of acquiring credit for talents and wisdom which he never possessed.[63]

His critics, gaunt, sharp-eyed vultures circling round about him, charged that "John Ross became the government;"[64] amidst strife and turmoil, he chose to silence dissent rather than open his heart to his people's sufferings. With threats, entreaties and promises, he purchased reprieve for a season, but he bowed like a young sapling when the Union executed its removal sentence.

In the West he maintained that his immigrant Cherokee government was established by majority will, and he was regularly elected Principal Chief with little opposition. In addition to Cherokee affairs, he worked for Indian unity in the West.[65] Duties become onerous sometimes, and political conflicts enervate one's body and soul; thus his young wife urged him to resign, just after they were married, "when you can with honour to yourself,"[66] but he kept politically active until death. He loved riches, but he "aspired to political leadership more than to wealth."[67]

Though he sometimes spoke of retirement, the needs of his people retained him, for he was uniquely able to aid them. With a mien like Mar-

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[63]Lumpkin, Removal of the Cherokees from Georgia, II, 229-230.

[64]S. C. Stambaugh and Amos Kendall to W. L. Marcy, 30 Dec. 1845, U. S. House of Representatives, 29th Cong., 1st Sess., Cherokee Disturbances, Document 185 (Washington, 1846).

[65]P. M. Butler to T. H. Crawford, 21 June 1843, L.R.O.I.A., R. 87.

[66]Mary to John Ross, 1 Aug. 1844, J.R.P.

[67]Gabriel, Elias Boudinot, 138.

tin Van Buren, he could meet and debate most Congressmen as an equal.[68] Guided by him the Cherokees prospered and he "raised a people from a condition of barbarism to a high degree of civilization, morality, and virtue."[69] To an admirer he was "a man of good, but not liberal education; an accurate, an elegant writer; a man of high order of intellect, unflagging energy, indomitable courage; perfectly temperate; and his private character without spot or blemish."[70]

But politically Ross was not without spot or blemish. He was a Whiggish conservative[71] compelled to cooperate with Democratic administrations in Washington. In the Civil War, Ross played the opportunist by first joining the Confederacy while secretly planning to return to the Union when it became feasible.[72] Yet even this apparent disloyalty no doubt flowed from the heart of one more concerned for his people than for American controversy.

Only his financial affairs left a gap in his character's armor through which critics' darts could penetrate and puncture his image. He prospered in the East as a planter and merchant, and, unlike his people, he escaped impoverishment during the removal. In the West, he owned over fifty slaves[73] and enjoyed the luxury of a Southern planter in his large

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[68]William H. Goode, Outposts of Zion (Cincinnati, 1863), 72.

[69]General Waddy Thompson's Letter, Cherokee Advocate, 9 March 1852.

[70]Ibid.

[71]Uncle to Niece, 18 June 1844, Hargett Collection; John Ross to Mary, 1 May 1860, ibid.

[72]Faulkner, "The Life and Times of Stephen Foreman," 70-94.

[73]Albert D. Richardson, Beyond the Mississippi (Hartford, 1867), 216.

Park Hill home, "Rose Cottage." Few Cherokees were more wealthy, and thus his honesty was suspected. His most trenchant critics accused him of misappropriating money given the Cherokees by the United States.

Ross dabbled in speculation early in life by taking land under the 1819 treaty. He and several of his relatives took land and promised to become United States' citizens, but they soon sold their sections for prices ranging from $3,000 to $8,000 and moved back into the nation. With power obtained from such wealth, his foes asserted, John Ross dominated the Cherokees.[74] Since eighty others followed his example, Ross had a wealthy, guilt-knit cotierre allied with him forever; these men, who illegally reentered the Cherokee Nation, seized and kept the government from its inception to the Civil War. In the words of a bitter critic, "this patriotic man sold his share of the country, put the money in his pocket, went back for another share, lived upon the national annuities many years, became the mortal enemy of 'land settlers'" and decried in stentorian tones any land sale proposals.[75]

Wilson Lumpkin said of Ross:

> Although he did not come to the Throne by regular hereditary descent, yet very many circumstances pointed to him, from early boyhood, as the prospective ruler of the Cherokees; and he has governed them, in the most absolute manner, for upwards of a quarter of a century, by seeming to obey. A full examination of the records of the Federal Government will show that John Ross has had the entire control and disbursement of millions of dollars, as King of the Cherokees, during the last twenty years. The control of this immense amount of money, in the

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[74]Schermerhorn Report, Senate Document 286. 72-75.

[75]S. C. Stambaugh and Amos Kendall to W. L. Marcy, 30 Dec. 1845, H. R. Document 185, 58. [This document will be cited as H. R. Document 185, without including Congress and Session (full citation given above) for no other government document numbered 185 will be cited.]

> absence of any enlightened supervision or check on his financial aspirations, is the key that unlocks the secret cause of his long career of absolute reign and power, as well as his great popularity, at home and abroad.[76]

And indeed, John Ross had money.

If he made that money illegally, much of it was obtained during the removal. According to the 1835 treaty, the United States was supposed to conduct the removal. Ross, however, persuaded the authorities to entrust it to Cherokees and appointed his brother, Lewis, to supply the people. After the removal, John wrote Lewis about "the business of the late emigration,"[77] and his italics, like an overly-itemized tax deduction, suggest that Ross and his friends profited from their people's disaster.

His opponents charged that this "extraordinary man"[78] grabbed money voraciously and took vast sums due the people under the 1835 treaty. Using this money, "fitting out large establishments, living in great style, and having, through different members of their family, established large mercantile establishments in different sections of the country, they have found no difficulty in oppressing those who have dared complain of this open dishonesty."[79] In 1842 the National Council demanded that Ross account for his financial actions, but he deftly avoided factual statements while categorically denying corruption.

But pious denials persuade only friends, and his critics demanded an audit. They charged:

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[76]Lumpkin, Removal of the Cherokees from Georgia, I, 187.

[77][John Ross] to Brother [Lewis Ross], 1 June 1839, J.R.P.

[78]S. C. Stambough, Amos Kendall to W. L. Marcy, 30 Dec. 1845, H. R. Document 185, 57.

[79]Adair and J. C. Bell to Wm. Medill, March 1846, ibid., 82.

> The Ridges sold the country for the benefit of the nation; the Rosses, in the name of the nation, put the money in their own pockets. For their honest and disinterested sale, the Ridges were murdered!! For appropriating the money, the Rosses have been sustained, honored, and promoted![80]

Some estimated that Ross made $700,000 from the removal.[81]

Another critic charged that $1,357,000 had been "placed in the pockets of John Ross, and a few others,"[82] and that irregularities abounded like weeds in a garden. "Enormous sums," they said, "have been charged for Cherokees who never removed--for wagons and horses which never travelled--for the return of wagons which were sold, and the money pocketed by the designing Chiefs."[83] In short, to dissident Cherokees,

> John Ross is an extraordinary man. With scarcely enough Cherokee blood in his veins to mark him as of Indian descent, he has made a large majority of his deluded countrymen believe that he is true to the aboriginal race, while his full-blood rivals are traitors to their country and their kindred. His ruling passion is avarice. He has been able to gratify it to an extent almost unprecedented, by playing upon the ignorance and prejudices of the Cherokees, and obstinately opposing the policy of the United States. "Cherokee Difficulties" are the elements of his power. He comes to Washington every year, spending in luxury and pleasure the funds of the nation, under pretence of settling their difficulties; but never makes a proposition which tends to their settlement.[84]

Aside from questions about his financial integrity and lust for power, few attacked the character of John Ross. Even Wilson Lumpkin, who

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[80]Stambough and Kendall to Marcy, ibid., 64.

[81]Ibid., 63.

[82]Geo. W. Paschal Printed Address to the Public, 20 June 1843, Stand Watie Papers, University of Texas, duplicates in Gibson Collection, University of Oklahoma.

[83]Ibid.

[84]Stambough and Kendall to Marcy, 30 Dec. 1845, H. R. Document 185, 57.

detested the wily chief, testified to "his superior cultivation" and intellectual ability fortified by "soft, easy, gentlemanly manners" and "a good moral character."[85]

Not a dynamic speaker, he read carefully-prepared addresses when the occasion demanded. He wrote stilted though proper and fluent English, and his several drafts for each letter and his precise, flowery handwriting suggest perfectionism. Unlike the unfeigned manner of his less subtle Indian neighbors, Ross enshrouded himself comfortably in a dense verbal cloud, and only rarely in family letters can one find anything but the bureaucrat.

His public image gained him membership in the Masons of Jasper, Tennessee, and an honorary membership in the Philomattican Society of Cumberland University in Lebanon, Tennessee, years later.[86] His fame attracted the attention of a "practical Phrenologist" who wished to analyze his skull,[87] and he without doubt coveted greatness.[88] And among his people, he attained that ambition, for he was "a man of enterprise, perseverance, and talent, and who in an eminent degree, has the faculty of commanding men--and controlling the movements of his party."[89] Ross tightly bound the majority of his people to him throughout his life. He often erred, "yet they were not the mistakes of a small man, but of a great one. If he erred it was on the side of zeal for a cause which he thought to be

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[85]Lumpkin, Removal of the Cherokees from Georgia, I, 186.

[86]Certificate of Initiation, 5 April 1827, J.R.P.; W. B. Porter to John Ross, 26 March 1860, ibid.

[87]O. S. Fowler to John Ross, 28 March 1838, ibid.

[88]Lumpkin, Removal of the Cherokees from Georgia, I, 192.

[89]P. M. Butler to Brig. Gen. L. Taylor, L.R.O.I.A., R. 86.

right."[90]

An evaluation of Ross is as difficult as opinions about him were varied. His antagonists railed against him as a scoundrel; his ardent friends and some historians praise him unreservedly. He was, particularly before he married Mary Stapler in 1844, an opportunist. To one observer, he was "a shrewd bold intelligent half-breed of unbounded ambition" who used exaggeration and innuendo to achieve his purposes in both Washington and in his nation.[91] A military officer thought Ross was "a rascal, i.e. an artful, cunning, shrewd, managing, ambitious man," who hoped to get $500,000 from the United States during the removal and saw it deducted from the national treasury instead.[92]

One man who saw Ross's faults, Ethan Allen Hitchcock, modified his suspicions of the chief. He said:

> After much attentive observation I am of the opinion that John Ross is an honest man and a patriot laboring for the good of his people. In the recent trouble of his nation, including several years, with almost unlimited opportunities he has not enriched himself. It is unfortunate for his reputation that several of his relatives, particularly his brother Lewis, have realized fortunes through his instrumentality, though it is fair to consider that this may have resulted from contracts properly made. It would be stranger if there was not ambition with the patriotism of Jno. Ross, but he seeks the fame of establishing his nation and heaping benefits upon his people. Though not a fluent speaker, even in conversation, he is a clear-minded accurate thinker of very far-reaching views.[93]

A United States agent agreed:

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[90]Eaton, John Ross, 209.

[91]E. A. Hitchcock to J. C. Spencer, Hitchcock Collection, Library of Congress, Washington, D. C.; L.R.O.I.A., R. 86.

[92]Ethan Allen Hitchcock, A Traveler in Indian Territory, ed. Grant Foreman (Cedar Rapids, 1930), 27.

[93]E. A. Hitchcock to J. C. Spencer, 21 Dec. 1841, ibid., 234.

> I think him privately, a retiring, modest, good man; as public man he has dignity and intelligence. He is ambitious and stubborn, often tenacious of his own views to an extent that prejudices both himself and his cause, wanting in wisdom and policy in selecting at all times his own friends and partisans for public employment.[94]

Ross himself ended life guilt-free and serene. He felt that he had served his people well. As death's shadows encircled him, he said:

> Yes Sir: I am an old man, and have served my people and the Govt of the United States a long time, over fifty years. My people have kept me in the harness, not of my seeking but of their own choice. I have never deceived them; and now I look back, not one act of my public life rises up to upbraid me. I have done the best I could, and today, upon this bed of sickness, my heart approves all I have done. And still I am, John Ross, the same John Ross of former years.[95]

This self-evaluation was seconded by a missionary who had long known and approved of him, Evan Jones: "Mr. Ross's uprightness and personal integrity, his intense patriotism and life-long care for his people, and his self-sacrificing devotion to their interests, are facts so well known that to be recognized they have only to be mentioned."[96]

Ross died on August 1, 1866. From 1809 until that moment, he was "with the exception of two or three years in the earlier part of his career, in the constant service of his people, furnishing an instance of confidence on their part and fidelity on his, which has never been surpassed in the annals of history."[97] A final eulogy by his people said:

> No danger appaled him. He never faltered in supporting what he believed to be right, but clung to it with the steadiness of

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[94]P. M. Butler to W. Armstrong, n.d., L.R.O.I.A., R. 86.

[95]John Ross's Nephew to W. P. Ross, 3 April 1866, J.R.P.

[96]Evan Jones' Statement, 20 July 1868, U. S. Senate, 41st Cong., 2d Sess., Senate Report 113 (Washington, 1870), 6.

[97]Laws of the Cherokee Nation, 1839-1867 (St. Louis, 1868), 137.

> purpose which could alone have sprung from the clearest convictions of rectitude. He never sacrificed the interests of his Nation to expediency. He never lost sight of the welfare of his people. For them he labored daily for a long life, and upon them he bestowed his expressed thoughts. A friend of law, he obeyed it; a friend of education, he faithfully encouraged schools throughout the country, and spent liberally his means in conferring it upon others. Given to hospitality, none ever hungered around his door. A professor of the Christian religion, he practiced its precepts. His works are inseperable from the history of the Cherokee people for nearly half a century, while his example in the daily walks of life will linger in the future, and whisper words of hope, temperance, and charity in the years of posterity.[98]

He was a dynamic Indian leader--none other can match the length and influence of his service. His financial affairs and his thirst for power will be subsequently examined, but as a man John Ross was the most prominent Cherokee of his generation. Perhaps he was not always honest or forthright. But he served the Cherokees as a watchful shepherd, and most of them loved him for it. A poem by Francis De Haes Janvier possibly tells the Cherokee feeling for John Ross:

> Dead! the mighty Chief is dead!
> Fallen is the Nation's head!
> Eyes unused to tears, today
> Weep in sorrow o'er his grave.
>
> Dead! Let all his people mourn,
> Stricken, silent and forlorn,
> Let them gaze, with sad surprise,
> On this costly sacrifice.
>
> Dead! We stand around his bier,
> Ended is his bright career,
> But we know, though life is o'er,
> He is deathless evermore.
>
> Dead, below, he lives on high;
> Lives where virtue cannot die;
> Lives where God new life imparts;
> Lives in all true Patriot's hearts.[99]

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[98] Ibid., 139.

[99] Hargett Collection.

CHAPTER VI

STAND WATIE: FACTIONAL PARTISAN

Knowledge through suffering entereth
And Life is perfected by death.
--Elizabeth Barrett Browning

In Excess of fame is danger.
--Aeschylus

History, like good fiction, is packed with irony. It is ironic that John Ross, almost pure Scot, led the full-bloods while Stand Watie, almost pure Cherokee, led the mixed-bloods. For thirty years Watie guided the Treaty Party and engraved his image and legend upon the mural of his people's memory. A political and military leader, he was also a loyal friend, an affectionate husband and father, and a man of deep sympathy.

Three-fourths Cherokee, Stand Watie was the son of David and Susannah Oowattee, receiving his white blood from his mother.[1] Through his father, Major Ridge's brother, Watie was related to a large and powerful family combination, and his marriage (perhaps his fourth)[2] to Sarah Bell in 1843[3] allied him with her kinsmen. Such family ties united the

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[1]Mable Washington Anderson, The Life of General Stand Watie (Pryor, 1931), 11.

[2]Interview with William E. Dupree, 23 April 1937, Indian Pioneer History, Indian Archives, Oklahoma State Historical Society.

[3]Anderson, Stand Watie, 13.

Treaty Party, from which Watie drew many of his friends and wartime subordinates.

In Indian fashion, Watie altered his name to suit his needs. He was christened Da-gata-ga[4] (or Ta-ker-taw-ker)[5] which in Cherokee meant to stand firmly, or literally depicted two individuals, like Siamese twins, standing so closely together and so united in purpose and sympathy that they act as one.[6] His mother had him baptized in a Moravian mission with the Biblical name Isaac, but Stand preferred to anglicize the meaning of his Indian name, drop the first two letters from his surname, and thus be called Stand Watie. His brother, Galigina ("The Buck"), adopted the name of his benefactor, who paid for his education in a Connecticut mission school, and was thus called Elias Boudinot.[7]

Although Boudinot had a fine education and edited the Cherokee Phoenix, Stand Watie enjoyed only the minimal opportunities offered by Moravians within the Cherokee Nation as he matured in northern Georgia, but he was nevertheless considered intelligent, with a "powerful intellect, and great common sense."[8]

Hesitancy with English doubtlessly intensified his natural reticence.[9] "In his youth he spoke the English language slowly and deliberately

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[4]Frederick Webb Hodge, ed., Handbook of American Indians North of Mexico (New York, 1959), II, 634.

[5]Anderson, Stand Watie, 10.

[6]Hodge, Handbook of American Indians, II, 634.

[7]Gabriel, Elias Boudinot, 30.

[8]George W. Paschal, "The Trial of Stand Watie," 1834, 6, C.N.P.; Grant Foreman has edited Paschal's article in The Chronicles of Oklahoma, XII (Sept. 1934), 305-339.

[9]Anderson, Stand Watie, 11.

and he was never an orator, even in his native tongue."[10] A thoughtful man of action, Watie earned his people's respect, and "no man ever rose to such distinction among his people who had so little to say."[11]

Though taciturn, he sought no hermit's cave and entered into the social life of his people and even enjoyed an occasional "frolich" when visiting Washington.[12] While he spared his countrymen long speeches, his letters disclose the shrewd mind and judicious character of one who "wrote with ease, as is typical of the Indian."[13] His letters and speeches, like the uncluttered lines of the Parthenon, are terse, unpretentious, and to the point. He stated his thought with Senecan simplicity, using the "plain style" once championed by New England Puritans. Letters to his family were warm but brief. On one occasion, Watica Watie wrote his mother and asked for some news, commenting, "I reseave a letter from Papa and when I saw it I was glad but you can gess what news he wrote it was about five or six lins but it was grate pleaser to me."[14]

Even in the face of disaster he maintained a quiet dignity. After the Civil War, in which he lost his slaves and property, Watie tried to provide for his family by briefly farming near the Red River before a flood destroyed his crop. He simply wrote: "I am smashed up. A flood has swept my crop off. About a hundred acres of the finest corn is gone. I shall

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[10] Ibid., 12.

[11] Ibid.

[12] James B. Holt to Stand Watie, 8 Nov. 1847, C.N.P.

[13] Anderson, Stand Watie, 12.

[14] Watica Watie to Mother [Sarah Watie], 15 Nov. 1868, C.N.P.

now of course move up sooner than I anticipated."[14] This Stoic philosophy, though by no means systematized, governed his life.

Stoic reserve was not debased by arrogance. He was "kind to a fault,"[15] and deeply loved his family. "Though an enemy might call him stern and homely, little children loved him and the helpless were glad to call him friend."[16] Children peer through men's pretence with precision, and in their eyes Watie's face was transformed by something finer than symmetry. He was strong but not elegant; the rigors of an active life wrinkled his face like corrugated metal and faded his coal-black hair as the sun bleaches linens. He aged but did not decline. Heavy-set but not flabby, he preserved his strength, like an athlete, through exercise.

Stocky and strong and inordinately short, Watie toughened his muscles by toil and exposure. His oldest son, Saladin, was 5 ft. 6 in. tall,[17] and no doubt Watie was about the same, but his stature, unlike Napoleon's, enkindled no passion for power. This "swart little man" led the mixed-blood faction, yet he "looked like an Indian, wore his hair proudly in a pompadour,"[18] and thought himself thoroughly Cherokee.

He enjoyed good health as well as physical strength.[19] Certainly no hypochondriac, Watie still worried about his health--only a fatalist

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[14]Stand Watie to Saladin Watie, 6 June 1867, C.N.P.

[15]Anderson, Stand Watie, 66.

[16]Ibid., 11.

[17]Grant Foreman, comp., "History of the Service and List of Individuals of the Five Civilized Tribes of the Confederate Army," bound typewritten MS, 95, Oklahoma State Historical Society.

[18]Jay Monaghan, Civil War on the Western Border, 1854-1865 (Boston, 1955), 212.

[19]Stand Watie to anonymous, n.d., C.N.P.

would not have amidst the virulent disease and death, in war and peace, in the Cherokee Nation. Somewhat superstitious, he believed in cures and remedies. After telling his wife about a number of deaths in the neighborhood, he lamented the death of Standing Deer, a "great cancer doctor," and solemnly said, "You see there is one great secret lost."[20]

Before he died, in 1871, Watie often travelled to Sulphur Springs, Arkansas, and drank the mineral water for his health; returning from such a trip he suddenly died in the home of a friend.[21] Considering his age, his muscular build, his active life, and the abruptness of his death, one might guess that he died of heart failure.

To his robust health and physical strength, Watie added tiger-like courage. He was brave enough to disdain bravado, for a friend noted that "few men have more gentle or pacific manners; or bear a more amiable deportment. Under the severest injuries he never makes a threat, and hence he is deemed the more dangerous man."[22] As a young man in Georgia, he relentlessly trailed, with the skill of a blood-hound, a desperado who had murdered his friend and killed him in "single combat."[23] In 1842 Watie killed James Foreman, a much larger man, after accusing him of killing his relatives in 1839.[24] Men rarely trifled with Watie--he was quiet and good-natured but never irresolute.

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[20]Stand Watie to Sarah Watie, 22 Sept. 1859, C.N.P.

[21]Velma Nieberding, "Stand Watie's Other Grave," Nieberding (Velma) Collection, MSS Division, University of Oklahoma. (Unpublished MS telling remembrances of John Jordan.)

[22]Paschal, "The Trial of Stand Watie," 6.

[23]Anderson, Stand Watie, 12. Watie shot Swimmer in an 1835 posse hunt, John Howard Payne Papers, II.

[24]Paschal, "The Trial of Stand Watie," 6.

Though Watie was a planter, businessman, lawyer, merchant, and politician, it was his courage and military ability which brought him fame. The Cherokees were not war-mongers, and Stand Watie was a soldier of necessity. His father was a quiet, non-militant Moravian Christian;[25] his brother, Elias Boudinot, was scholarly and religious; left alone, Watie would have doubtlessly lived in tranquil obscurity, but the nation's constant turmoil forced him to militant activity. In the West from 1830 to 1846, the Treaty Party, like a death-hounded band of guerillas, was an armed band struggling to survive. Such skirmishes baptized Watie into the realities of combat. He confidently offered to recruit a Cherokee regiment to aid the United States in the Mexican War, but he was thanked for his "patriotic spirit" and advised to postpone any action until notified of an official decision.[26] Though his offer was rejected, it indicated an emerging militancy in Watie.

He lived quietly during the 1850's, but in the Civil War he emerged as a military leader. Almost fifty-five years old when the war began, he led his ill-armed, poorly-clad, oft-hungry warriors on daring raids, scouts and minor engagements. Through it all this little bow-legged Indian, often astride a white horse, escaped even "the slightest wound" and lost not even a horse in action.[27]

It is easy to criticize Watie's military skill, the lack of real

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[25]Clauder, Diary of Moravian Missions, 25.

[26]W. L. Marcy to Stand Watie, 2 June 1846, Stand Watie Papers, Northeastern State College, Tahlequah, Oklahoma.

[27]Monaghan, Civil War on the Western Border, 212; Grant Foreman, unpublished MS delivered to Oklahoma Historical Society, Vertical File, Stand Watie, Oklahoma State Historical Society; Anderson, Stand Watie, 51.

discipline in his army, and his failure to hold Indian Territory. But a skilled drillmaster would have failed to regiment the Indians. A disciplined army needs arms, uniforms, food, and transportation; the Confederacy gave Watie almost nothing. He met existent conditions, foraged for his troops and inspired an amazing loyalty among them which held his force together throughout the war.

Watie bound his soldiers to him by personal example. Rather old to be galloping around the countryside, Watie's youth-like "energy" garnered praise from his white superiors.[28] Like a swarthy-faced Cossack, Watie was a superlative cavalryman. In 1829, in Georgia, "Watie performed one of those feats of endurance on horseback for which he was so noted and placed him conspiciously before his people" when he rode, at the bidding of John Ross, from his home to the nearest United States agent, 100 miles distant. Watie mounted his horse, the "mission was promptly executed and Watie reported back to Mr. Ross within twenty-four hours."[29] Now 200 miles in twenty-four hours on horseback is an improbable feat, but the legend was a part of the Watie myth which, adorned by real exploits, established his image.

Maybe the full-blood superstition that "no weapon was ever made to kill Stand Watie"[30] gave his soldiers added confidence in him, and the rumor that he slept, like a lioness with young cubs, on the outskirts of

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[28]S. B. Maxey to S. S. Anderson, 7 Feb. 1864, War of the Rebellion: Official Records (Washington, 1880), Series I, Vol. LIII, 963. [Hereafter cited as O.R.]

[29]Anonymous fragment, n.d., C.N.P.

[30]Ibid.

camp with one eye open for the enemy no doubt reassured them.[31] He inspired loyalty: "He was always in the thickest of the fight"[32] and "never ordered a charge he didn't lead."[33] Indians, like most men, admired courage, and his men thought him "one of the bravest and most capable of men, and the foremost soldier ever produced by the North American Indians."[34] Another soldier remembered that once "Watie gave the order, which he always led, . . . his men would follow him into the very jaws of death."[35] Other veterans claimed "that the wizardry of Watie's influence could make a weak man brave and a brave man braver; that fear never found the road to his soul, and the word, 'retreat' was not in his vocabulary."[36] To illustrate his distaste for retreat, some men claimed that after a position in battle became untenable at Pea Ridge, Watie, refusing to say retreat, ordered them to "Charge back boys! Charge back!"[37]

His soldiers loved and followed him throughout the war, for they followed not merely an officer--they followed a man. He was admired as a soldier, but also because he was "pleasant and kind in conversation, unselfish and liberal to a fault, never severe or overbearing with his soldiers, but always overlooked their shortcomings and seldom ever had them

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[31]Anderson, Stand Watie, 30.

[32]Ibid., 22.

[33]Ibid., 51.

[34]James M. Keys to Mable Anderson, in ibid., 29.

[35]Webb Vann to Mabel Anderson, in ibid.

[36]Ibid.

[37]Ibid.

punished, causing them all to love and honor him."[38] Another soldier said, "I followed 'The Grand Old Man' from the beginning of our terrible struggle to the end. I cannot express, in so many words, the honor and admiration I felt for him."[39]

His soldiers, writing in their old age, naturally extolled their departed hero, but one cannot escape their deeply-rooted admiration for him. Perhaps Watie could have been more successful in war if he had whipped his Indians into a tough, orderly fighting unit. Yet war in Indian Territory, like war on any frontier, was fought by small bands and scouts. Little traditional Prussian-like discipline was required or even necessary for such maneuvers, but absolute loyalty to a leader was essential. Maintaining this loyalty, Watie waged an effective war of attribution while retaining the love of his men.

And war in Indian Territory was attrition--an abrasive, galling destruction of land and people. Armies destroyed not so much each other as the country they trampled underfoot. Fields were desolated and houses were burned quite at random. Wearied troops killed and stole cattle for food and profit. Barns and fences crumbled. Soldiers and civilians perished in combat, but they died just as surely from disease and starvation. The war decimated the Cherokee Nation and nearly destroyed a prosperous, progressive society. This bloody warfare, this clandestine raiding, hit-and-run ambush attacks, ravished the land like a searing flame and drove its people into hiding or the grave. Brutal it was, and Watie was "a

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[38]Robert T. Hanks to Mabel Anderson, 5 Jan. 1915, ibid., 68.

[39]John W. Jordon to Mabel Anderson, 4 April 1915, ibid., 69.

persistent and implacable enemy of Union Indians, but in spite of his partisan background as a figure in the Cherokee removal troubles, he did not stoop to raids that were unconnected with military objectives."[40] Few fought more valiantly for the South than Watie, but while he warred for the Confederacy, he struggled for his family.

Watie was devoted to his wife and children. Duty necessitated long separations which, though quite trying at times, left a remarkable legacy of correspondence. By mail, Watie haltingly tried to express his love for his family--as when he wrote: "How do the children like their kin? Do they ever speak of their Daddy? Tell them that I shake hands with them, and you too."[41]

War's trails and the untimely, tragic deaths of the Watie children knit the little family even closer together. Watie's eldest boy, Saladin, fought by his side throughout the war while yet a teenager. Two years after the war ended, Saladin told his father that "mama has grown to be stout and healthy. She steps about like some young sixteen year old girl."[42] The toughened, sixty-one year old warrior's heart warmed even more as Saladin discussed the house he was building. Saladin knew his father's ways and said: "I think you will be after me for a trade when you see it and of course I will trade with you for I would rather see you live in such a house than to do so myself it would be more pleasure to me than anything

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[40]Edwin C. McReynolds, Oklahoma: A History of the Sooner State (Norman, 1954), 220.

[41]Stand Watie to Sarah Watie, 22 Sept. 1859, C.N.P.

[42]Saladin Watie to Stand Watie, 16 Nov. 1867, C.N.P.

in the world to see you and Mama in a good comfortable house."[43] In less than six months, Saladin was dead. Cumiska died during the war; one son survived after 1867.

Of Watie's sons, Watica was the most expressive. Once commenting on his school work, he said that he was "truly proud to think that my parents will spend the last dollar to send me to school hope that I will be able to help my papa do business when I go to school longer."[44] Watie earned the devotion of his children through sacrifice and love. He knew they needed an education and he struggled to provide each of them with one. But Watica also died, and the old general had little left. Two daughters remained, but even they failed to inherit their father's strength and died in 1875, surviving their father by four years, and leaving Mrs. Watie alone for seven years.

While Watie lived, however, the daughters comforted him. They openly adored their father, yet like most adolescents they tried to squeeze funds from their soft-hearted papa. Jacqueline, his youngest child, once wrote him about her school. She solemnly praised the school: all was business and the schoolmaster allowed no sweethearts or frivolity--a calculated attempt to bolster his confidence in such a sensible school. She then begged him to attend a coming examination period: "I would rather you would come than any one else,"[45] but her old father soon saw the purpose of it all when he read "I will need some money too; for I will have

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[43]Ibid.

[44]Watica Watie to Sarah Watie, 15 Nov. 1868, C.N.P.

[45]Jacqueline Watie to Stand Watie, 22 April 1871, C.N.P.

to get some things for the examination, for it will take from now to get ready."[46]

His other daughter, Ninnie, when told that her father would soon be home, cried that she was "almost crazzy" to see him.[47] Watie too missed his children, for he wrote that they could not "imagine how lonely I am up here at our old place without any of my dear children with [me]. I would be so happy to have you here, but you must go to school."[48] The many letters of the Watie family breathe humanity and devotion. Only in these does Watie reveal his emotions, and his wife and children show dependance upon, affection for, and faith in him.

No attempt to analyze Watie through the opinions of his family and friends is strictly objective, but it offers some insight into his personality. People who knew him generally praised him. He was naturally assailed as a demon by Northern journalists, terror-stricken Unionists, and political foes--just as John Ross was maligned by his enemies. He was too poor a politician to compromise his ideals and win wide popular support, but he retained the loyalty of his associates. He was not cruel enough as a soldier to triumph through barbarism, and though he lost a war he preserved his integrity. But the testimonies of his many friends, like any eulogy, form an impressionistic rather than a photographic portrait.

Most testimonies appeared after the war; some came when the old general died. Early in his life, however, his brother commended his

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[46]Ibid.

[47]Ninnie Watie to Stand Watie, n.d., C.N.P.

[48]Stand Watie to Ninnie Watie, 7 Jan. 1871, C.N.P.

"great modesty" and considered him "a man of sterling sense and integrity,"[49] while one of his brothers-in-law thought of him as his "own brother."[50] Douglas Cooper, one of Watie's war-time superiors, said: "He was not only a soldier, brave efficient and courageous, but he was a great man, whose honor and integrity were above reproach."[51] A missionary to the Indians who served as a chaplain during the war knew Watie for many years and testified to "his merits and excellence of life and character in every relation of life."[52]

Thomas Anderson, who went through the war with Watie, wrote him less than a year after the conflict and admitted to "no other motive for writing than such as would induce one to write to a friend, if you will permit me to include myself in the number of those who truly esteem you."[53] In a reflective mood, Anderson avowed that Watie was the best friend he had outside of his own family.[54] Again one briefly glimpses the anomaly of a quiet, solemn person who, like a campfire at twilight, could emanate such warmth and humanity that his men, whether they knew him intimately or not, felt that he was their friend. When he died, an old soldier, grieved by the death of one of his "best friends" immediately wrote to J. M. Bell, consoled the family, and offered to leave his business in

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[49]Elias Boudinot to John Ross, U. S. Senate, 24th Cong., 1st Sess., Senate Document 286, 101.

[50]John F. Wheeler to Stand Watie, C.N.P.

[51]Anderson, Stand Watie, 44.

[52]J. S. Murrow to Mabel Anderson, ibid., 67.

[53]Thos. F. Anderson to Stand Watie, 19 Feb. 1866, C.N.P.

[54]Ibid.

Arkansas to help the family.[55] Others ranked the general, like Apollo, among the immortals enshrined for others to imitate,[56] or asserted that in some sections of the country one could be more proud to say "'I was a member of Genl Stand Watie's Staff'--than to substitute the name of Genl Lee."[57]

But before we canonize the doughty general let us remember the men he killed, the houses he burned, and the families his soldiers annihilated. Edith Hicks Walker, as a little girl, lived through the war and its constant raids; although she remembered that most of the raiders were white, there were some Indians and "Stand Watie was always in the background."[58] He showed little mercy to the enemy. He was as ruthless as the war he fought. As the leader of the Treaty Party and Ridge faction, he worked for the mixed-bloods' and slave-owners' interests with little concern for the nation as a whole. As the leader of his faction, he advocated the creation of a separate state for it with its own land and government when the nation was rent with dissension and blood-shed. He believed in slavery and evidenced some racial pride.

Nevertheless we condemn neither Ulysses S. Grant nor Robert E. Lee for the awesome carnage resultant from their war activity. We cannot honestly despise the Southerner, whether oppressed by wrongs real or imagined, for seeking relief through secession and trying to preserve his tradition-bound way of life. We rarely denounce a political leader for

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[55]Wm. A. McCandless to James M. Bell, 15 Oct. 1871, C.N.P.

[56]A. K. Hardcastle to Sarah Watie, 27 Oct. 1871, C.N.P.

[57]Chas. S. Pix to Sarah Watie, 21 Aug. 1880, C.N.P.

[58]Carolyn Foreman, Park Hill (Muskogee, 1948), 122.

party loyalty, and few decry nationalism. Thus Stand Watie, though not without fault, has emerged, in the eyes of some of his contemporaries and admirers, a moderately-heroic figure.

Watie was a capable man with the courage to face crises and assume sizeable responsibility. Before the war he was a leader of a small Cherokee faction, but it was only in the Civil War, which demanded heroic qualities, that he gained limited renown; he did his job and it happened that the task was too great but he still struggled valiantly enough to merit men's praises. He was neither martinet nor knight-errant. There was little romantic about him. His war was foul and dirty--it was struggle or perish and the struggle was rarely glamorous. He was no J. E. B. Stuart with a crimson cape, and he coveted no headlines. He was a poorly-clad, often hungry Indian too old to enjoy a fight for its violence. Before the conflict ended he was tired, sick of war, weary of soul and financially ruined.

As a factional partisan, Watie led the anti-Ross minority from 1839 to 1865. In opposition to the leader of the majority, John Ross, Watie helped create and sustain the factional tension which divided his nation and shaped his people's history.

CHAPTER VII

A TREATY PAYS DIVIDENDS

> Le succès des Chérokées prouve donc que les Indiens ont la faculté de se civiliser, mais il ne prouve nullement qu'ils puissent y reüssir.
> --Alexis de Tocqueville

> They rushed in like wolves, and Strife, the heart-breaker, rejoiced when she saw them.
> --Homer

For forty years prior to 1839 Cherokees had been emigrating to the West. One band settled in present-day Texas, but most located in Arkansas. Here, in 1824, the Western Cherokees first formed a national government roughly resembling that of their brethren in the East.[1] As white settlers into Arkansas, they demanded that the Cherokees leave. A treaty in 1828, bolstered by another in 1833, moved the tribe to what is now the northeastern section of Oklahoma.[2]

The new land was a good land with virgin forests and fertile prairies and sparkling waterways. Anti-removal propagandists had peprecated the West and told bloody tales about Pawnees and Osages which shocked Eastern Cherokees.[3] One visitor to the West called it "the poorest country

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[1]Emmet Starr, Cherokees "West" 1794 to 1839 (Claremore, 1910), 104.

[2]Kappler, Indian Affairs, II, 206-209, 283-285.

[3]Cherokee Phoenix, 29 Oct. 1828; ibid., 18 March 1829; Treaty between Western Cherokees and the Osage, 18 May 1831, Photostats, Indian Documents and Letters, MSS Division, University of Oklahoma.

in the universe, nothing but mountains and brambles" on the edge of a desert.[4] Treaty Party scouts, however, praised the West's agricultural potential.[5] John Ridge envisioned broad fields of golden-yellow wheat and corn and asserted, after he had settled, that "if the people of the United States could only see our condition in the West, they would no longer assist John Ross to delude the poor ignorant portion of our people to remain in the East, where he can speculate on their miseries."[6]

The land was good, but politics, as usual, created problems. The United States defaulted in its annuity payments and evaded its treaty agreements.[7] Boundary disputes with other Indian tribes disrupted the nation after Indian Territory was established in 1830.[8] Western Cherokees, resolute nestlers, settled and maintained their lands, but they neither reached nor attempted to reach the level of civilization attained by their brothers in the East. Cherokees who emigrated before 1835 were, like the mountain men, inured to the primitive hunter-existence of their ancestors.

Individual immigrants adapted easily to Western society. When the United States forced large groups of Indians into their country, however, the Old Settlers (as the Western Cherokees were called) grew resentful.

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[4]Richard Fields Letter, 5 May 1829, Cherokee Phoenix, 9 Sept. 1829.

[5][John F. Wheeler] to Stand Watie, 27 July 1834, C.N.P.; John Ridge to Wilson Lumpkin, in Lumpkin, Removal of the Cherokees from Georgia, II, 202.

[6]Lumpkin, Removal of the Cherokees from Georgia, II, 204.

[7]Cherokee Phoenix, 3 July 1830.

[8]Roy Gittinger, "The Separation of Nebraska and Kansas from Indian Territory," The Chronicles of Oklahoma, I (Jan. 1921), 9; Photostats: Indian Documents and Letters, 21 Oct. 1831; Isaac McCoy to Secretary of War, 12 Sept. 1832, Photostats: Indian Documents and Letters.

A proposed treaty in 1834 providing for the peaceful fusion of the two tribal groups was never ratified.[9] Immigrants complained that they received none of the Old Settler annuities, could not send their children to schools, and had no representation in the government.[10]

Yet these difficulties were minor, and most immigrants before 1838 were accepted in the West. The Treaty Party successfully moved 1,000 people into the nation in 1837 without death or difficulty. In that year perhaps 8,000 Cherokees lived in the West and tilled 1,000 farms.[11] Education retained its allurement for progressive mixed-bloods, and Major Ridge built a school soon after he settled in the West.[12] Some Old Settlers feared that the newcomers might become a disturbing influence, and their National Council protested when Samuel Worcester hired Elias Boudinot, the highly articulate ex-editor of the Cherokee Phoenix, as his translator.[13] But the Treaty Party, for the time being, concentrated in settlements along the Arkansas border, farmed, traded, remained politically inactive, and made plans to preserve its life.

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[9]Foreman, Copies of MSS in Office of Commissioner of Indian Affairs, 131-134, 10 Feb. 1834 treaty, Oklahoma State Historical Society.

[10]Edward Hicks et. al. to U. S. Commissioners, 20 Dec. 1833, ibid., 93-94.

[11]Report of the Office of Indian Affairs, 1837, R.C.I.A., 1824-41, 579.

[12]Sophia Sawyer to D. Greene, 27 Dec. 1838, Cherokee Mission Papers, X.

[13]Jno. Smith to Mr. Wooster, 11 Jan. 1838, J.R.P.; Foreman, Copies of Letters & Miscellaneous Documents Relative to Cherokees and Creeks, Oklahoma State Historical Society; Althea Bass, Cherokee Messenger (Norman, 1936), 218.

Yet death's dark shadow blanketed the West as early as 1837. Western delegates had often angered Eastern Cherokees by their conduct in Washington, and John Ross's mission to the West in 1837 only stirred Old Settler tempers rather than opposition to removal.[14] Unscrupulous Western Cherokees who, like John Drew, had been paid to emigrate under earlier treaties, tried to return to the East and cash in again under the provisions of the 1835 removal treaty.[15] Though unimportant in themselves, these conflicts illustrated the mounting intra-tribal tensions.

As the immigrants straggled into the Indian country, the Old Settlers flocked together. Cephus Washburn, a veteran missionary in the West, noted that chaos had asserted itself and that "scenes of violence & blood are transacted very frequently. Several murders have been committed since the new emigrants came in. The whole nation is much divided. There are three political parties, the Old Settlers, the Treaty party, & the Ross party."[16] Even the missionaries were disunited. Some demanded that the Treaty Party members be censured and expelled from the churches while others urged the churches to eschew politics.[17] All sides called for unity, but only on their own terms.

Yet political dissension was not the Cherokees' sole problem, for when the emigrants arrived they found their promised rations either nonexistent or inedible. American supply contractors distributed only beef

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[14]Wm. Armstrong to C. A. Harris, 3 Feb. 1837, L.R.O.I.A., R. 81.

[15]Brig. Gen. M. Arbuckle to J. R. Poinsett, 17 June 1838, ibid., R. 82.

[16]C. Washburn to David Greene, 18 March 1839, Cherokee Mission Papers, X.

[17]D. S. Butrick Journal, 25 March 1839, ibid., IV; 30 March 1839, ibid.

in what the Cherokees considered a hazardous season for beef. The Cherokees' requested pork and bacon was denied. Guided by "avarice, the spur of industry,"[18] the contractors schemed to give the Indians money instead of food and thereby increase their profits.[19] Despite vigorous protests by John Ross, government agents did nothing to correct the situation. Discontent was rampant, but rumors of a Cherokee uprising were baseless, and "Cherokees were very generally employed in building houses, clearing land, fencing land, and planting."[20]

While the masses planted, John Ross plotted and seized control of the nation. On June 3, 1839, The Eastern and Western Cherokees agreed to merge, and John Brown, an Old Settler chief, welcomed the immigrants and detailed the Westerners' plan for assimilation. Brown stated that all Cherokees were brothers and extended citizership, equal rights, and settlement aid to the Easterners. Cordiality reigned momentarily, for Brown and the Old Settlers naively supposed that John Ross would benignly accept their terms. For the moment, Ross publicly assented, but the Old Settler terms were utterly unacceptable to him. He knew his strength and he knew that he could control a convention of the people.[21]

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[18]David Hume, Essays on Civil Liberty.

[19]Cherokee to John Forsyth, 3 April 1839, L.R.O.I.A., R. 83; George Still et. al. to John Ross, 19 April 1839, ibid.; John Ross to M. Arbuckle, 23 April 1839, ibid.; U. S. House of Representatives, 27th Cong. 3d Sess., House Report 271 (Washington, 1842), 151; John Howard Payne Papers, passim.; J.R.P., passim.

[20]Capt. Geo. A. McCall to Ben. M. Arbuckle, 3 May 1839, U. S. House of Representatives, 26th Cong., 1st Sess., House Document 129 (Washington, 1840), 42.

[21]C. Washburn to David Greene, 12 Aug. 1839, Cherokee Mission Papers, X.

On June 10, 1839, the Cherokees assembled at Tukattokah to resolve their political crisis. John Ross called for a united people "on the border of the great plains of the West."[22] He proposed that a nine-man committee (only three of them Old Settlers) draft plans for a new government. Unity was essential, and Ross hoped "that this desireable and important object may be harmoniously accomplished to the satisfaction and permanent welfare of the Cherokee People."[23] But unity, for Ross, was majority rule, and he ruled the majority.

The Western chiefs consequently rejected Ross's plea. They said:

> you state that your wishes are to unite the people. As to that matter, it is believed by the national council that the two people have already been united. Our chiefs have met their brother emigrants, and made them welcome in the country; they are, thereby, made partakers of all the existing laws in the country, enjoy all its benefits; and are, in every respect, the same as ourselves.[24]

They further rejected the Ross suggestion that Eastern laws be adopted in the West.[25] If the emigrants wanted changes, the Old Settlers reasoned, they could easily obtain them through controlling the legislative processes of the existent government. They disliked still more John Ross's insistence that the new government be formed by majority vote in the assembly. Since the newcomers had more people, all issues would obviously be determined by them. Denied what seemed to them even a minority voice in the

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[22]John Ross Address, 10 June 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 129, 48.

[23]John Ross to John Brown, John Looney, John Rogers, 13 June 1839, J.R.P.

[24]John Brown, John Looney, John Rogers to John Ross, 14 June 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 129, 51.

[25]Ibid.

proceedings, Old Settlers protested, and their leaders, like gerrymandered politicians, clung tightly to their diminishing authority while Eastern Cherokees determined not to see their government "annihilated" simply because they had been forced to remove.[26] John Ross complained that

> the reasonable propositions, submitted to the consideration of the Representatives of our Western Brethren have not been received by them in a manner compatible with the wishes of the whole people. They require the unconditional submission of the whole body of the people who have lately arrived, to laws and regulations, in the making of which they have had no voice.[27]

Disheartened by the stiff-necked stubbornness of both sides, mediators within both parties proposed another convention for July 1 at the Illinois Camp Ground. George Guess (Sequoya) and Jesse Bushyhead, an immigrant, headed the compromise factions.[28] At first Ross denounced the council as an Old Settler plot and urged that neither funds nor attention be given the meeting.[29] Ross persistently complained that a minority was scheming to inflict its poisonous will on the majority[30]--blandly disregarding the rights of the sizeable minority. Had Ross been more cooperative, he could undoubtedly have been elected Principal Chief of a united tribe in the fall elections. But he would not step aside for even five months.

Tension and hostility consequently mounted, and the Treaty Party

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[26]Eastern Cherokee Resolutions, 19 June 1839, J.R.P.

[27]John Ross and the National Committee to Gov. M. Stokes, 21 June 1839, L.R.O.I.A., R. 83.

[28]Resolutions of Eastern and Western Cherokees, 20 June 1839, J.R.P.; U. S. House of Representatives, 26th Cong., 1st Sess., Document 129, 53.

[29]John Ross to Gov. M. Stokes, 21 June 1839, J.R.P.

[30]Ibid.

suffered from this hostility because the removal tragedy, for the Ross Party, was a festering sore which demanded mitigation. The ancient tribal penalty for selling communal land was invoked. At Takatokah, as the convention soured and died, sullen full-bloods discussed their plight and roundly cursed the Treaty Party for the anti-Ross position taken by Old Settlers. They blamed all their difficulties on the 1835 treaty and focused their rancor upon it. The Treaty Party had negotiated the odious agreement, so it must pay for it. The Easterners called a meeting to chart a vindictive course as soon as the convention disbanded.

Three hundred pro-Ross Cherokees quietly gathered at Double Head Springs, four miles north of Tahlequah, on June 20. They picked a committee and it planned the assassinations and selected the killers by lot. Young Allen Ross watched the proceedings and, like his elders, trembled with excitement. Though murder knows no minimum age, he was excluded from participation since his task, as the Principal Chief's son, would be to stay with his father on the appointed day and make sure he knew nothing of the plot. The conspirators filed by an extended, number-filled hat,[31] but they foresaw neither the magnitude of their task nor the enormity of their action. They were angry, and they knew how to satiate anger, for "revenge also was held of more account than self-preservation."[32]

They drew slips of paper, and those with numbers followed by an "x" were the appointed assassins. Others were assigned less grisly tasks.

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[31]Grant Foreman, "The Murder of Elias Boudinot," The Chronicles of Oklahoma, XII (March 1934), 23.

[32]Thucydides, The Peloponnesian War, III, 82.

The plot was outlined, and the conspirators swore to absolute secrecy. Though General Arbuckle claimed to have "positive information" that John Ross manipulated the plot,[33] Ross heatedly denied any complicity. His denial was corroborated half a century later by his son, Allen, who should have known, but whatever his involvement the plot issued from the belligerant position taken by Ross toward the minority factions. There is no doubt that members of the Ross Party planned and conducted the June 22, 1839, assassinations.

The assassins struck in the morning's early hours. They assembled and took their positions before dawn, though some of the plotters lost heart and regained their senses after the Double Head Springs emotion subsided. Others searched in vain for victims who escaped, for some had whispered hesitantly of the plot in the stillness of night and others had heard those whispers and warned the plot's victims. But three were unwarned and unsuspecting.

John Ridge, "the chief advocate of removal,"[34] slept peacefully with his young family. With 150 acres of land, a house and a store, he was prosperous and content. As dawn drove the darkness from his secluded cabin, thirty men surrounded it; four approached and, without knocking, burst into the house and dragged him from his bed and out into the yard.[35] Encircled by his foes, Ridge knew the men and their purpose, for he had lived in death's gaunt shadow for three long years. As his wife watched helplessly, the men stabbed Ridge to death.

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[33]M. Arbuckle to J. R. Poinsett, 11 Dec. 1839, L.R.O.I.A., R. 84.

[34]Sarah B. N. Ridge Memorial, 29 Dec. 1845, ibid., R. 90.

[35]Sarah B. N. Ridge to Secretary of War, 7 June 1842, ibid., R. 86.

Elias Boudinot rose at daybreak. The little house he was building for his family in the Park Hill settlement, not far from the home of John Ross, was progressing satisfactorily. As usual, he left his family and went to work on the house. As he worked three men slipped from the woods while their mounted companions remained hidden in the trees and lowland underbrush. Knowing them well, Boudinot greeted them, and they asked if he could get them some medicine. Boudinot cheerfully suggested that they go with him to get it at Worcester's. He took only a few steps of that quarter-mile trip, however, when the three viciously turned on him. They drove wide-bladed knives into his back, and as he fell they bludgeoned his head with tomahawks. Their duty done, the assassins dashed back into the woods, mounted their horses, and fled like rabbits flushed from the brush. Boudinot remained alive, though unconscious, until his wife, Dr. Samuel Worcester, and a few others arrived; then he died.

Old Major Ridge was traveling on June 22 to visit his daughter and her family in Van Buren, Arkansas. Patriarch of a fiercely-loyal clan, he confidently crossed the border. Though he had several times predicted, like soldiers discussing death before a great battle, that he would die for signing the 1835 treaty, one does not resign life easily. His assassins relentlessly trailed him, and at ten o'clock in the morning, forty miles from the scene of his son's death, rifle bullets blasted him lifeless from the saddle.[36]

In one well-planned forenoon, the Ross Party eliminated the three leading Treaty Party leaders. Machiavellian strategy? The careful

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[36]M. Arbuckle to J. R. Poinsett, 11 Dec. 1839, L.R.O.I.A., R. 84; S. N. B. Ridge to Secretary of War, 25 June 1842, ibid., R. 86; Foreman, "The Murder of Elias Boudinot," 21; S. A. Worcester to David Greene, 26 June 1839, Cherokee Mission Papers, X.

calculations and ruthless executions indicate a sinister plot, but there is no direct evidence to convict John Ross or his hirlings of political liquidation. That illusive emotive factor, which historians can never document but must intuitively feel, best explains the Cherokee murders.

Though other signers of the 1835 treaty were marked for death, no others were killed on June 22. Stand Watie, warned by a friend (possibly one of the assassins' daughters), escaped death and boldly rode to the home of his murdered brother. Viewing Boudinot's body, the squat, unarmed, thirty-two year old Watie offered $10,000 for information regarding his brother's killers and then rode silently away. Armed men abounded in the area, but he went unchallenged, and at that moment he assumed the leadership of the Treaty Party--a burden he bore faithfully and which determined the course of his life.[37] Threats from roving bands of armed men forced John F. Wheeler and his wife, Watie's sister, to flee to Missouri.[38] Many of the assassins were known, at least by rumor,[39] but the Cherokee authorities took no steps to apprehend or punish them.

For one thing, the authorities did not regard the assassinations as murder. The killing was politically expedient and legally justifiable by the ancient blood law of the tribe. Cherokees were reminded that in 1809 Major Ridge helped kill Doublehead for selling tribal lands,[40] but even if the Ross Party had operated according to that law they would have

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[37]G. D. to Editor of the Elevator, Miscellaneous Letters, MSS Division, Northeastern State College, Tahlequah, Oklahoma.

[38]John F. and Nancy Wheeler Statement, C.N.P.; Henry J. Wheeler Statement, 27 Jan. 1846, ibid.

[39]Arbuckle list, 27 Nov. 1839, L.R.O.I.A., R. 84.

[40]Treaty Party Argument, 13 June 1846, ibid., R. 90.

prescribed penalties in open council rather than in secret conclave. Still more, it was presumptuous of the dominant party to assume that its laws were still effective in the West.[41] Only by abrogating the laws of the Old Settlers did the emigrants appeal to their own.

Some Cherokees allegedly feared that the Ridges were scheming to again sell tribal lands,[42] but the activity of the Treaty Party discounts that theory. The Ridges had abjured politics and concentrated on business.[43] They attended the general council in June, but threats abounded and they left before it closed.[44] On the other hand, John Ross cannot be indicted for his followers' crimes, and he supposedly commented, "Once I saved Ridge at Red Clay, and would have done so again had I known of the plot."[45]

Immediately after the killings, the nation split and splintered. Angry Treaty Party men congregated around Stand Watie, and 500 heavily armed emigrants gathered to protect John Ross.[46] Reporting the murders with decorous shock and solicitude, John Ross even claimed that Mrs. Boudinot warned him to protect himself from Stand Watie[47]--though she later denied any communication with the chief. Ross was frightened, for

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[41] Ibid.

[42] Recollections of Jack Hildebrand, 2, Chattanooga Public Library.

[43] Testimony of Rufus M. McWilliams, L.R.O.I.A., R. 90.

[44] Recollections of Jack Hildebrand, 2.

[45] H. F. and E. S. O'Bierne, The Indian Territory (St. Louis, 1892), 75.

[46] M. Stokes to J. R. Poinsett, 24 June 1839, R.C.I.A., 1839, 355.

[47] John Ross to M. Arbuckle, 22 June 1839, L.R.O.I.A., R. 84.

he asked General Matthew Arbuckle at Fort Gibson to "interpose and prevent the effusion of innocent blood by exercising your authority" in the nation.[48]

Arbuckle did little more than suggest that Ross had engineered the assassinations, and Ross steadfastly professed his innocence. He also denied the allegation that he sheltered some of the murderers in his house,[49] but he refused to prove his innocence by appearing at Fort Gibson for an investigation.[50] As tensions rose and tempers frayed, the nation edged nearer the abyss of civil war.[51]

Anxious to deter such a catastrophe, Arbuckle vainly called for a meeting between the factions at Fort Gibson.[52] Political union was commended on all sides, but no one condescended to compromise. John Ross abruptly reversed his position and favored the meeting called for July 1 just as the Old Settlers, who had not been consulted by the leaders of the convention, determined to boycott it.[53] The bewildered Western Cherokees were anxious for peace and dismayed at John Ross; thus they demanded a voice in the government and proposed a convention of all Cherokees at Fort Gibson under the army's supervision.[54]

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[48] Ibid.

[49] John Ross to M. Arbuckle, 24 June 1839, J.R.P.

[50] Ibid.

[51] C. Washburn to David Greene, 4 July 1839, Cherokee Mission Papers, X.

[52] M. Arbuckle to J. B. Grayson, 26 June 1839, L.R.O.I.A., R. 83.

[53] John Brown et. al. to John Ross et. al., 28 June 1839, J.R.P.

[54] John Brown et. al. to M. Stokes, R.C.I.A., 1839, 365.

Yet John Ross assured the Old Settlers that he would respect their rights at the Illinois Camp Ground. They stood "on equal ground" with the emigrants, he asserted, and the newcomers had "no wish to trample on their laws, nor to disregard their rights."[55] Despite this contention Ross still determined to form the government by majority vote and to democratically exclude the Old Settlers and Treaty Party.

The second convention of 1839 began on July 1 at the Illinois Camp Ground. Sequoya and his handful of Old Settlers drafted a statement of purpose for the meeting:

> Our wish is, in the first place, to adopt measures effectually to prevent the further effusion of Cherokee blood; and, in the second place, to effect a union, on just and reasonable conditions, between the old settlers and the late emigrants; and in the third place, to lay the foundation for a code of law by which every man shall be fully protected in the peaceable enjoyment of all his rights and privileges.[56]

As a hunter sets his snares, John Ross maneuvered to lure the Old Settlers to the convention, and he invited the three Western chiefs to discuss the destiny of their "common country."[57] The Old Settler leaders rejected the invitation and called their own convention for July 22 at the juncture of the Arkansas and Illinois rivers.[58]

Uncomplicated by the presence of Old Settlers, the Illinois Camp Ground convention proceeded with unanimity. Though perhaps only twelve Western Cherokees attended, Ross recognized them as representing the Old

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[55]John Ross et. al. to M. Stokes and M. Arbuckle, ibid., 367.

[56]George Guess, Old Settler Statement, 2 July 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 129, 66.

[57]John Ross to John Brown et. al., 5 July 1839, R.C.I.A., 1839, 370.

[58]John Brown et. al. to John Ross, 6 July 1839, J.R.P.

Settlers. (How closely his actions resembled those of the United States in its 1835 dealings with the Treaty Party probably never occured to him!) Inclined to conciliate the Old Settlers if possible, Ross also determined to annihilate, at least politically, the Treaty Party.

On July 7, the convention moved to pardon "all persons who are liable, . . . to the pains and penalties and forfeitures of outlawry."[59] To get this pardon the outlaws had to appear before the assembled council in eight days--though this time limit was later extended.[60] Even after the pardon, the outlaws, though citizens, would be ineligible for office for five years. Those who refused the pardon were branded criminals to be prosecuted as such. And outlaws in the Cherokee Nation could be shot on sight--thus open season on the Treaty Party was declared.

This measure was compounded by an unrestricted pardon for all Cherokees "chargeable with the act of murder or homicide."[61] Thus the killers of the Ridges and Boudinot were absolved of guilt and exempt from prosecution. Only reasoning as tortuous as the Marxian dialectic can interpret these extra-legal, unprecedented moves as anything other than a justification of the June 22 murders by the Ross Party. If the sham pardon was expected to pacify the Treaty Party leaders, it did not; instead, it intensified their anger. It was interpreted as a benediction to murder--a benediction extended to the subsequent murder of any Treaty Party man who did not humble himself and beg the forgiveness of the dominant party.

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[59]Order of the General Council, R.C.I.A., 1839, 364; H. R. Document 185, 108-110.

[60]Order of the General Council, R.C.I.A., 1839, 364.

[61]Ibid.

The decrees spawned rumors, and hearsay of mass liquidation and civil war swept across the nation.[62] Ross reassured his people that bloodshed was not imminent and labeled the rumored execution of Treaty Party men a "base and false fabrication."[63] He further declared that the Illinois Camp Ground convention represented the Cherokee people, and that convention voted on July 12 to fuse all Cherokees, like dissimilar metals in a boiling cauldron, "into one Body Politic under the Style and title of the Cherokee Nation."[64] As far as Ross was concerned, union was effected.

But conventions do not necessarily unite a people. Displeased with the Easterners' presumption, the Old Settlers forged plans for their own convention, but they feared that Ross's newly-formed "police companies" might disrupt the meeting.[65] In the East, the police companies had enforced the nation's laws and constitution, but in the West they were sometimes little more than the private bodyguard of John Ross--chosen by him and paid from the national treasury. Yet the Old Settlers assembled without interference and complained to no avail.

The pro-Ross Illinois Camp Ground convention finished its work with the emigrant-favored act of union. The convention soundly denounced the perversity of Western Cherokees:

> That the ancient integrity of the eastern nation should be dissolved, and her existence annihilated without discussion,

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[62]M. Arbuckle to J. Ross, 8 July 1839, ibid., 371.

[63]John Ross to M. Arbuckle, 9 July 1839, ibid., 373.

[64]Resolutions at the Illinois Camp Grounds, 12 July 1839, L.R.O. I.A., R. 83.

[65]M. Arbuckle to John Ross, July 1839, J.R.P.

> without conditions, and without action of any kind, is utterly inconceivable; and the rejection by the representatives of our western brethren, of the reasonable proposition to unite the two nations on the basis of the strictest rules of justice and equality, is an act equally unlooked-for and surprising.[66]

Though Ross contended that Old Settlers had refused a chance to cooperate in forming the new government and asserted the "inalienable rights" of the Cherokee people in creating a new nation, General Arbuckle tired of the endless charges and counter-charges, conventions and counter-conventions. He disliked Ross anyway, so he sided with the Old Settlers and bluntly told Ross to quit whining about "difficulties" he and his aids had created for themselves by refusing to conciliate the Old Settlers. Conceding that Ross would soon control the nation, Arbuckle could not understand the urgency with which the chief sought power.[67]

Ross, quite obviously, desired to control the nation without the complications of opposition. He rejected Old Settler proposals for discussion and declared that everything had been settled in the "national convention" at the Illinois Camp Ground.[68] But two months of bickering and conventioneering had resolved nothing, for armed parties still prowled like wolf-packs over the countryside, and a small army guarded John Ross night and day.[69] Crops, if sown, died untended as peaceful Cherokees tossed aside their hoes and sythes and abandoned their land to find safety.

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[66]National Council statement, 19 July 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 129, 53.

[67]M. Arbuckle to John Ross et. al., 29 July 1839, R.C.I.A., 1839, 381.

[68]Geo. Lowrey et. al. to Brown et. al., 6 Aug. 1839, J.R.P.; John Ross et. al. to Brown et. al., 6 Aug. 1839, R.C.I.A., 1839, 381.

In the summer of 1839, political rivalry degenerated into deadly factionalism.

Yet some Old Settlers, with eagle-like vision, saw that only John Ross could unite the Cherokees and sharply criticized their own obdurate chiefs. At an August meeting, dissident Old Settlers asserted that the chiefs, "in identifying themselves with . . . the Ridge Party" by their hostility to John Ross, had "rendered themselves odious to the Cherokee people" and thus no longer represented the Western Cherokees.[70]

Adding a third dimension to the drama, the Treaty Party stirred to life and assembled at Price's Prairie to denounce the reign of terror they claimed John Ross had imposed. They declared that "they acknowledge not the power or mobocracy of John Ross or his constituted authorities. They will never submit to his authority or dictation."[71] As a minority they could not, "like Mr. Ross, invest themselves with military guards of their countrymen for life, and promise them pay from money due their whole countrymen."[72] Though admitting their own weakness, the Treaty Party militantly prepared for battle.[73] To redress their wrongs less militantly, the party delegated Stand Watie and John Bell to represent it in Washington.[74] It was the first of many delegations which would soon trickle into the federal capital.

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[70]Resolutions of the Western Cherokees, 23 Aug. 1839, L.R.O.I.A., R. 83.

[71]Treaty Party Statement, 29 Aug. 1839, R.C.I.A., 1839, 408; U. S. House of Representatives, Document 185, 114.

[72]Ibid.

[73]Resolutions of the Treaty Party, L.R.O.I.A., R. 83.

[74]Ibid.

While the dissidents grumbled, John Ross established his control in the nation. He derided the Old Settlers as obstructionists and protested any military intervention on their behalf. In an empty gesture of conciliation, Ross extended the deadline for Treaty Party leaders to obtain amnesty and pardon for their 1835 crime, suggesting that the decree's "humane provisions" would soothe sullen tempers and reconcile belligerents.[75]

But the Treaty Party bowed to no one--particularly not to John Ross. They sought help from General Arbuckle at Fort Gibson and asked if he would allow the "assassins" of the dominant party to expel them from their homes, "contrary to all law, justice, and humanity?"[76] To clarify their position, they "sent Mr. Ross word that we could not sign his pardon, and that all we desired was peace. But if they again commence killing us, we will certainly resist them with all the power and energy that we are masters of, without consulting consequences."[77]

Ross and the majority of the nation moved ahead with little concern for the minority. In the first week of September, delegates assembled at Tahlequah to draft a constitution and accepted the summer's act of union at the Illinois Camp Ground. Pro-Ross Old Settlers deposed their chiefs, acknowledged the supremacy of Ross, and helped legislate assorted laws. The convention adopted a constitution quite similar to that adopted

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[75]John Ross to Wm. Armstrong, 27 Aug. 1839, R.C.I.A., 1839, 385; W. S. Coodey to John Brown, 27 Aug. 1839, J.R.P.

[76]George W. Adair, J. A. Bell to M. Arbuckle, 30 Aug. 1839, R.C.I.A., 1839, 411.

[77]Ibid.

by the Eastern Cherokees in 1827.[78] After electing Lewis Ross national treasurer, the convention dispatched a delegation led by John Ross to Washington.[79]

Despite the formal action of the pro-Ross assembly, real national unity was but a dream in some Cherokee hearts. Hot-heads in all factions nourished their anger, and violence crackled like a simmering fire.[80] General Arbuckle commented:

> There is still much discontent in the Cherokee Nation, which will nc doubt lead to frequent quarrels and violence between individuals & small parties; and independent of this, seven or eight of the signers of the Treaty of 1835, are now regarded outlaws, in consequence of their not having attended the convention, and there acknowledged their error in having signed that treaty. It is probable these individuals will be killed in a short time, if they do not leave their nation.[81]

Disheartened by such prospects, many Treaty Party people fled to Arkansas, but most of them hoped for United States intervention.[82] Two of the "outlaws" proceeded to Washington as leaders of the Treaty Party delegation.

On their way, Stand Watie and John Bell stopped at the Hermitage to discuss the situation with Andrew Jackson, who encouraged them to resist "the outrageous & tyrannical conduct of John Ross & his self created

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[78]Provisions of Union, 6 Sept. 1839, John Howard Payne Papers, VI; William P. Thompson, "Courts of the Cherokee Nation," The Chronicles of Oklahoma, II (March 1924), 65; John Ross to National Council, 12 Sept. 1839, J.R.P.; Laws of the Cherokee Nation, 1839-67, 22-43.

[79]John Ross to M. Stokes, 13 Oct. 1839, J.R.P.; W. S. Coodey et. al. Statement, 13 Oct. 1839, R.C.I.A., 1839, 427.

[80]Gnating Holt Statement, 17 Sept. 1839, C.N.P.

[81]M. Arbuckle to Maj. Gen. E. P. Gaines, 10 Sept. 1839, L.R.O.I.A., R. 83.

[82]Sophia Sawyer to D. Greene, 10 Oct. 1839, Cherokee Mission Papers, X.

council" by all "peaceful & just means" possible, but "when oppression comes, and murder ensues," he counseled, "let the arm of freemen lay the tyrants low & give justice & freedom to your people."[83] Thus encouraged, for Jackson also promised to support their efforts in Washington, the Treaty Party resolved to resist and expected the United States to grant its requests.

Washington administrators prodded General Arbuckle, for reports of "anarchy" in the nation abounded,[84] but Arbuckle hesitated. John Ross politely told the general to quit meddling,[85] and when Arbuckle composed a list of suspects to be apprehended for the Ridge-Boudinot murders Cherokee authorities refused to arrest anyone. Ross proclaimed himself guiltless of any crime[86] and appeared disinterested in finding the killers of his political foes.

To further complicate the situation, anti-Ross Old Settlers convened in November and annulled the actions of the pro-Ross Old Settlers. They elected three chiefs and denounced Ross for trying to "depose the Chiefs, putting down the National Council, and in endeavoring to annul the original Laws of the Country."[87] They then demanded that the emigrants

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[83]Andrew Jackson to Committee of Treaty Party, 5 Oct. 1839, Claims for Damages, MSS Division, Northeastern State College, Tahlequah, Oklahoma.

[84]Preamble and Resolutions of the Treaty Party, 20 Aug. 1839, L.R.O.I.A., R. 83.

[85]John Ross to M. Arbuckle, 4 Nov. 1839, ibid., R. 84.

[86]Ibid.

[87]Old Settler Resolution, 5 Nov. 1839, U. S. House of Representatives, 26th Cong., 1st Sess., House Document 188 (Washington, 1840), 18; L.R.O.I.A., R. 84.

individually join the established Western Cherokee Nation and divide the money obtained from the 1835 treaty.[88]

The federal government remained perplexed by the Cherokee situation. Secretary of War Poinsett periodically demanded that Arbuckle bestir himself,[89] but the general failed to respond. Indian agents were instructed to stop payment of monies due the Cherokees until they resolved their difficulties,[90] but even this drastic step failed to force the factions to effect a reconciliation.

Montfort Stokes, an eighty-year old Revolutionary War veteran, who was one of the better Indian agents, was exasperated by the entire situation. Having survived not only the Revolution but also the maelstrom of South Carolina politics, Stokes impressed the Cherokees with his honesty and courage. He finally decided that since the Old Settler government had been originally recognized by the United States he would continue to recognize it as the legitimate Cherokee government.[91] Thus encouraged, the Old Settlers passed laws and resolutions and invited the Emigrants to join the government under Old Settler provisions. They demanded that land and annuities be held in common by all Cherokees and that all people in the nation have equal rights,[92] but the Old Settler dream of ousting John Ross quickly evaporated.

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[88]John Rogers et. al. to M. Arbuckle, 7 Nov. 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 19.

[89]J. R. Poinsett to M. Arbuckle, 9 Nov. 1839, R.C.I.A., 1839, 425.

[90]E. Hicks to Joel Poinsett, 21 Aug. 1849, ibid., 426.

[91]Montfort Stokes to the Cherokee People, 11 Nov. 1839, L.R.O.I.A., R. 84.

[92]John Rogers et. al. to the Cherokee People, 16 Nov. 1839, ibid.

Ross pressed his claims on the United States in Washington. Had he not left the nation, General Arbuckle might have arrested him[93]--though the general had no other grounds for arrest than a letter from Ross which he found personally offensive. With both the Treaty Party and the Ross Party represented in Washington, Old Settlers proposed to send a delegation of their own "to restore peace and harmony to our People."[94]

In Washington, John Ross incurred animosity. T. Hartley Crawford, Commissioner of Indian Affairs, decided that "the arm of the strong has prostrated the weak," and firmly resolved to use Federal power to bring peace to the Cherokees.[95] John Ross's independent attitude and his insistence that the Indian Nation was autonomous particularly vexed federal officials, but their only suggestion was for the military to govern the Cherokees. Military action, however, only angered the Ross people, for their relationship with the military had been less than ideal. Ross labored to remove the soldiers from Fort Gibson, and one of his followers protested "that General Arbuckle has personally interfered in our local politics to an extent that threatens bloodshed among some of our people."[96] John Ross demanded a purely Cherokee government though he sometimes tolerated (never welcomed) federal supervision.

The anti-Ross forces still hoped that federal control would solve

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[93]M. Arbuckle to Brig. Gen. R. Jones, 24 Nov. 1839, ibid.

[94]John Rogers et. al. to M. Stokes, 22 [Nov.] 1839, ibid., R. 83.

[95]T. H. Crawford to J. Poinsett, R.C.I.A., 1839, 335.

[96]W. Shorey Coodey et. al. to M. Stokes, 10 Dec. 1839, U. S. House of Representatives, 26th Cong., 1st Sess., House Document 222 (Washington, 1840), 22.

the Cherokee quandary. The Treaty Party and the Old Settlers retained their distinctions, but by now they in effect merged into an anti-Ross party. In the Cherokee Nation, spasms of factional furor erupted and endured. Violence became routine as armed bands and clandestine sorties disrupted the nation. Stand Watie's brother and father fled to Fort Gibson's welcome walls to escape threatened death.[97] A former Old Settler chief fled south of the Arkansas River to find refuge, and another old chief journeyed into Mexico seeking haven "for himself and his friends."[98] The nation's division appeared permanent.

Hoping to heal that division, the Ross council met in early December of 1839 and proposed a January 15, 1840, convention to unite the tribe.[99] Anti-Ross leaders protested the meeting and demanded that John Ross and his cotiere be excluded, like lepers in quarantine, from any Cherokee government,[100] but Agent Stokes commended the proposed meeting as a prospect for peace.[101] Arbuckle commented that Ross would have to make extensive concessions to the minority factions if any convention ever succeeded, and since he persistently rejected compromise Arbuckle suggested that the army dissolve the government of John Ross and impose a

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[97]M. Arbuckle to Joseph Vann, 6 Dec. 1839, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 29; M. Arbuckle to J. R. Poinsett, 11 Dec. 1839, ibid., 26-27.

[98]M. Arbuckle to J. R. Poinsett, 11 Dec. 1839, L.R.O.I.A., R. 84.

[99]M. Stokes et. al. statement, 20 Dec. 1839, H. R. Document 188, 35; M. Arbuckle to J. R. Poinsett, 26 Dec. 1839, ibid., 32.

[100]Ibid., 33.

[101]M. Stokes et. al. to the Cherokee People, 20 Dec. 1839, L.R. O.I.A., R. 84; M. Stokes to John Rogers et. al., 27 Dec. 1839, Kendall Papers, Library of Congress.

a new one on the nation.[102] Arbuckle's proposed cure illustrated his perplexity, for he knew not how to deal with John Ross.

Ross continued to encounter mounting federal barriers. He still maintained that the 1835 treaty was invalid, yet he simultaneously tried to get funds under its provisions. Dismayed by the Ross palliation of the 1839 murders and by his seemingly autocratic maneuvers, Joel Poinsett for a time refused to recognize Ross as chief of the nation. But federal opposition could not alone depose a chief, for Ross retained the support of the majority of his people and the United States ultimately had to deal with him.

Looking at the Cherokee Nation in 1839, one sees the early results of the internal schism of the tribe: violence, murder, distrust and dissension. Causes, unlike results, are less obvious, but one must assess them. First, the Cherokee Nation was united until external pressure from the United States forced factions to develop, and without this stimulus the Treaty Party would not have developed. Dissent might have arisen elsewhere and for a different reason, but United States policies determined many Cherokee developments after 1830. Secondly, the Treaty Party formed and took upon itself the right to speak for the nation. Motivated by a combination of avarice and patriotism, Treaty Party leaders bartered their nation's birthright. Ambitious and articulate minorities are a vital ingredient of factionalism. Third, the Ross people reacted with emotion rather than insight, for factionalism is basically irrational, and the long 1839 summer of violence resulted from passion rather than policy.

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[102] M. Arbuckle to J. R. Poinsett, 31 Dec. 1839, L.R.O.I.A., R. 84; U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 38.

Fourth, the schism was perpetuated by avarice and ambition. John Ross and his followers refused to compromise or yield, for Ross enjoyed both the prestige of his position and the remuneration it afforded, but the anti-Ross factions, in certain instances, were equally culpable. Yet it was the financial enigma surrounding John Ross which perpetuated Cherokee factionalism in the 1840's.

CHAPTER VIII

THE FINANCIAL ENIGMA

> Let none presume
> To wear an undeserved dignity.
> O! that estates, degrees, and offices
> Were not deriv'd corruptly, and that clear honour
> Were purchased by the merit of the wearer!
> --Shakespeare

From 1839 the issue of finances disrupted the Cherokee Nation until a treaty in 1846 paid men enough to forget it. The Treaty Party and the Old Settlers accused John Ross of corruption, but he denied it and his foes were unable to marshall indisputable evidence that he was anything more than improvident.

Cherokees reminded Ross and his friends that they had taken sections in the East after the 1819 treaty, briefly settled, and then sold them. The fact that they supposedly became United States citizens (thus forfeiting Cherokee citizenship) had apparently troubled them no more than does theft a kleptomaniac. In the eyes of some of Ross's enemies, he "sold his share of his country, put the money in his pocket, went back for another share, lived upon the national annuities many years, became the mortal enemy of 'land settlers,' and justified the murder of rival chiefs for selling a country."[1] Ross received $5,000 for his land, and he and

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[1]S. C. Stambough and Amos Kendall to William Marcy, 30 Dec. 1845, H. R. Document 185, 59.

his friends, "in violation of their solemn engagements on the first opportunity" moved back into the Cherokee country.[2] Here they occupied the most fertile land and took

> the best ferries and stands for public business; and by means of their wealth and education, in a short time assumed the power and authority over the people, and got into their hands all the funds & annuities of the nation, which has amounted within the last eighteen years to near $200,000, which has all been expended in paying themselves for salaries and services; and of which the people the poor Redmen have received not a cent of benefit. Not content with this, these men, in 1828 organized under the Cherokee Constitution, an independent, foreign government within the Chartered limits of the States of Georgia, N. Carolina, Tennessee and Alabama. . . .[3]

Though this maneuver tarnished the integrity of John Ross in the minds of some Cherokees, their main complaint centered upon the 1838 removal finances. Cherokees, like Sequoya,[4] had been moving westward since the start of the century, and as Georgia's pressure increased others moved. The Treaty Party removed without difficulty in 1837, but its leaders received substantial grants from the United States for helping obtain the 1835 treaty: Elias Boudinot, $1,550; John A. Bell, $1,200; Major Ridge, $1,280; John Ridge, $2,054; and Stand Watie, $1,419.[5] Eight of the Ross delegates split $13,000 of the same bonus, and a number of others received lesser amounts.[6] The money given the Treaty Party leaders aroused suspicions of their countrymen (as well as later historians), for they profitted nicely from the treaty.

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[2]John F. Schermerhorn to Lewis Cass, L.R.O.I.A., R. 80; Clauder, Diary of Moravian Missions, 18 Jan. 1835, 12.

[3]Schermerhorn to Cass, L.R.O.I.A., R. 80.

[4]W. S. Coodey to C. A. Harris, 16 June 1838, ibid.

[5]M. W. Batman Account, 26 Jan. 1836, ibid.

[6]Ibid.

In addition to this, the Treaty Party people claimed compensation for removal expenses and personal losses. Elias Boudinot demanded $1,000, Major Ridge $854, John Ridge $885, David Watie $2369, Stand Watie $1,427, and Andrew Adair $2,962.[7] In the West, Treaty Party leaders prospered as small entrepreneours; Major Ridge and his son, John, established farms and a store. The Ridge, worth $12,000 at his death,[8] had sufficient capital to make numerous loans to less solvent neighbors[9] and perhaps for this reason there were few rumors that Treaty Party men were financially corrupt--traitors perhaps, but not embezzelors!

The 1835 treaty was easily abused. The Cherokees were promised $5,000,000 for their Eastern lands, but $500,000 was retained by the federal government as payment for the Neutral Lands. The United States promised special appropriations for removal expenses and for the first year's subsistence in the West. The Cherokees had to remove within two years, however, if the provisions were to be fulfilled.[10] Congress made ample appropriations for removal expenses, but Cherokees refused to cooperate. As soon as they removed, some Congressmen became disturbed by the reports of financial corruption and demanded an investigation.[11]

The crucial issue was the management of the removal. At John Ross's request, Cherokees managed the migration and expenses escalated.

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[7]Emigration Claims, L.R.O.I.A., R. 82.

[8]Ridge Estate Settlement, 1849, C.N.P.

[9]List of Money Owed Ridge Estate, C.N.P.

[10]Kappler, Indian Affairs, II, 325-333.

[11]Resolution of the United States Senate, 10 Jan. 1839, L.R.O.I.A., R. 83; Resolution of the Senate, 23 Jan. 1839, ibid.

General Winfield Scott sympathized with the Cherokees and benevolently granted their financial requests, but even he began to question the large sums drawn by Ross. Discussing one requisition "certified" by Ross for almost $100,000 to be paid to Lewis Ross, Scott said that he doubted no one's honesty but suggested that the claim did

> not, in the whole, fall strictly within the arrangement (& the subordinate estimate) agreed upon between the U. States & the special delegation of the Cherokees (of whom you are one) which placed the removal of the great body of your people remaining east, in July last, in the hands of those delegates.[12]

Though Scott admitted that the expenses might have been underestimated, he demanded an explanation. For it

> was not contemplated by the arrangement, or the estimate, that the subsisting of the Cherokees, in the depots, should be taken out of the hands of the U. States agents before the detachments successively march to the west. I gave repeated admonitions to this effect, to those Agents & the delegation, it is not seen how such large issues of rations to persons in the depots, or encamped around them, could have been made by Mr. Lewis Ross, under his contract with the delegation. On handing me the paper you offered this oral explanation, viz, The Cherokees prefered the better ration of their contractor--better by the difference of sugar and coffee, together with a more extensive substitution of meal for unground corn, & that to keep the people in good humour, such rations were issued to them as fast as the detachments were organized for the road without waiting for the actual march which was delayed more than thirty days by the drought.[13]

Despite the drought, Scott said "the issues were, nevertheless irregular. They cannot be brought under any agreement to which I have been a party."[14] In addition, Scott feared that "double issues" were being charged to the

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[12]Winfield Scott to John Ross, 14 Nov. 1838, Hargett Collection.

[13]Ibid.

[14]Ibid.

nation's account and that the bills presented for forage at the depots appeared "too high."[15]

There was quite obviously money to make from the removal. In 1836 the United States appropriated $600,000 for this purpose, and subsequent appropriations set aside over $1,700,000 for Cherokee expenses.[16] Early in 1839, after the exodus, over $1,200,000 of this appropriation remained in the treasury.[17] It was estimated that a person could remove himself for $20 and live one year on $33, so this amount was paid those removing themselves and was a financial guideline for the Ross-directed mass removal. Expenses were higher than expected, and by November of 1839 some $2,329,524 had been allowed for Cherokee claims.[18] This was $500,000 more than the United States had appropriated, but even if this deficit were taken from the treaty fund the Cherokees should still have had approximately $4,000,000 remaining.

Determining Cherokee claims was trying because the value of personal property and improvements on common land was difficult to ascertain and adjudicate. As claims poured in, the United States discarded its promise to pay expenses and drew from the supposedly-inviolate original $5,000,000 settlement. John Ross obtained $581,346 for one claim, and the

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[15]Ibid.

[16]T. H. Crawford to J. R. Poinsett, 29 Nov. 1839, L.R.O.I.A., R. 84.

[17]Levi Woodbury to Joel Poinsett, 9 Feb. 1839, ibid., R. 83; Felix Grundy to Secretary of War, 14 Feb. 1839, ibid.

[18]T. H. Crawford to J. R. Poinsett, 29 Nov. 1839, L.R.O.I.A., R. 84.

supply firm of Glasgow and Harrison received $674,527; thus $1,250,000 vanished from the national fund.[19]

Though "misunderstanding and error"[20] created some perplexity, it seems improbable that one could innocently misplace thousands of dollars! After John Ross wrested another large claim from the Tyler administration (the same claim had been rejected by Van Buren's), one official estimated that the removal of 13,149 Cherokees had cost $103 per person[21]--five times the estimated cost. When all the expenses and appropriations had been made, the United States, in 1849, owed the Cherokees only $683,974.[22] Anti-Ross men claimed that the nation should have $4,500,000 remaining and their contentions disturbed the nation throughout the 1840's.

Before any judgments are made, one needs a picture of removal expenses. An itemized account shows that $2,982,921 was paid out by disbursing agents in the East; $1,681,474 by disbursing agents in the West; and $1,452,545 in Washington--a total of $6,116,941.[23] Almost all of the appropriated $6,500,000[24] was disbursed by authorized agents of the United States, so irregularities, if any, must then be discovered in the claims presented to federal agents by Cherokees. All told, 174 people were hired

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[19]G. C. Washington and John T. Maston to Wm. S. Marcy, 27 May 1845, ibid., R. 89.

[20]W. Medill to W. L. Marcy, 10 May 1848, L.R.O.I.A., R. 92.

[21]Ibid.

[22]Report of 2d Comptroller and 2d Auditor, 15 Jan. 1849, U. S. Senate, 30th Cong., 2d Sess., Senate Executive Document 12 (Washington, 1849), 3.

[23]Treasury Department Statement, L.R.O.I.A., R. 87.

[24]Treasury Department Statement, ibid., R. 90.

for a variety of positions on the removal and were paid from five dollars per day for conductors and physicians to lesser amounts for lesser positions;[25] and for wagons, forage, and rations suppliers (principally Lewis Ross) were remunerated.

The thirteen emigration companies moved at different speeds and thus had varying expenses, but most of them claimed about $100,000 for expenses.[26] The most costly detachment, captained by Peter Hilderbrand, prolonged its journey from October 23, 1838 to March 25, 1839 (154 days), for which Hilderbrand collected $770; his 1500 people cost $182,407 to remove.[27] The conflicting figures reported by Ross and by the United States agents added to the controversy. Ross claimed that there were 1,766 Cherokees in Hildebrand's detachment, but agent Stephenson recorded only 1,311.[28] Ross regularly claimed more in each company than the agent reported.[29]

Distant rumblings of fraud in the removal process aroused governments and politicians. Wilson Lumpkin had always suspected Ross' integrity and never hesitated to suggest that he was dishonest.[30] Others knew how Ross had tried to get money for his delegation expenses in Washington

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[25]Statement of Persons Employed, ibid., R. 83; Removal Expense Account, Hargett Collection; Detachment Accounts, L.R.O.I.A., R. 90.

[26]Detachment Expenses, L.R.O.I.A., R. 90.

[27]Ibid.

[28]Emigration Companies, U. S. House of Representatives, Removal of the Cherokees West of the Mississippi, 27th Cong., 2d Sess., House Document 1098 (Washington, 1842), 10. [Hereafter cited as H. R. Document 1098]

[29]Ibid.

[30]Lumpkin, Removal of the Cherokees from Georgia, I, 187.

and how he had frequently asked that national funds be given to him personally.[31]

Winfield Scott lost confidence in Ross. Agreeing with John A. Bell, Scott said that Lewis Ross's supply contract was granted by a Ross coterie which considered no other bids; indeed, Bell said that one company had unsuccessfully offered Lewis Ross $40,000 for his contract.[32] John C. McCain, an accountant who examined the Ross records after the emigrant companies arrived at Fort Gibson, estimated that "a clear profit of more than $150,000 was realized by Ross and his co-partners."[33] This was done by giving the Cherokees rations which cost nine cents each and charging the United States (though ultimately the Cherokee Nation) sixteen cents and by similarly exaggerating other expenses.

As Winfield Scott surveyed the removal process, the whole picture, like an old man's childhood, came into focus. He concluded "that some of the issues charged for were permitted, and afterwards certified to by John Ross, to swell the profits of his brother Lewis, is possible. Indeed, the more I look back upon the correspondence, and all the circumstances of the time, the more this suspicion gains upon me."[34] Scott admitted that the 12,000 emigrants faced unusual climatic and organizational difficulties, but he discounted their impact upon expenses. Concerning the conflicting head-counts, Scott remarked:

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[31]John Ross and Delegation to Joel R. Poinsett, 20 June 1838, L.R.O.I.A., R. 82.

[32]T. H. Crawford to Joel Poinsett, 8 Aug. 1840, H. R. Document 1098, 8.

[33]Ibid.

[34]Scott statement, ibid., 29.

> As to the discrepancies between the number of Indians mustered by Captain Page east, the number charged for by the Rosses, and the number received west by Captain Stephenson, I know not what to say. . . . The Rosses, I perceive, always charge for the greatest number.[35]

Concluding his analysis, Scott said, somewhat sadly:

> I know not how to account for the fact that so many doubtful and extravagant charges should be made by the Rosses against the funds of their nation, unless it be to augment the profits of Lewis, and perhaps of John; or perhaps, again, to increase (by disgorging) the per capita of their party, to the prejudice of the treaty party of the same nation.[36]

And this was the precise charge of the Treaty Party and Old Settler factions. They complained that Ross had consumed the money owed the Cherokee people by milking the removal fund so that only he and his followers would profit from the 1835 treaty.

John Ross allayed no suspicions by his conduct. Though his property in the East was valued at from $40,000 to $50,000,[37] he claimed $164,250 in damages--both to his improvements and his public image.[38] This claim infuriated anti-Ross spokesmen,[39] though at first he got only $23,323 for his claim.[40] Yet he kept pushing with the patience of an experienced lobbyist for additional funds, and he received an appropriation more nearly to his liking from Tyler's administration.

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[35]Ibid.

[36]Ibid., 30.

[37]John Kennedy, James Liddell to C. A. Harris, 30 July 1838, L.R.O.I.A., R. 82.

[38]Claim of J. Ross, Vertical File, Indian Archives, Oklahoma State Historical Society.

[39]Wilson Lumpkin to Secretary of War, 7 July 1840, J.R.P.

[40]John Ross to T. H. Crawford, 10 July 1840, L.R.O.I.A., R. 84; Ross to Crawford, 13 July 1840, ibid.

The stench of corruption quickened the sensitive nerves of anti-Ross Cherokees. John A. Bell had vainly protested the "absolute power" granted Ross during the removal, and he predicted that the chief would clear $200,000 from it. He contended that a legitimate contractor could remove the people for $100,000, and he warned that the "stupendous individual speculation" would turn the removal into a farce which would ruin the nation.[41]

In the West, after the removal, sentiment against Ross burned ever deeper into his enemies' hearts. General Arbuckle candidly stated that a "highly respectable member of that [national] council (not a treaty man or old settler)" planned "to impeach him [Ross] at that council for having practised fraud on the Cherokee nation,"[42] but Ross's supporters blocked the threatened attempt because "the influential men of the nation generally, would support Mr. Ross, from motives of interest having been conductors of parties, owners of waggons &c in the late emigration."[43] With anger churning within him, Arbuckle demanded:

> how many millions the Government, has expended, and how much the poorer class of Cherokees will lose, and for what purpose; these remarks are made, in consequence of John Ross having declared (as I am informed by high authority) a short time before his late departure from this country, that after his accounts were settled there would be no money left.[44]

Equally angry Old Settlers like William Rogers enlisted in the

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[41]John A. Bell et. al. to Winfield Scott, 20 Aug. 1838, H. R. Document 1098, 32-35.

[42]M. Arbuckle to Brig. Gen. R. Jones, 15 Feb. 1841, L.R.O.I.A., R. 85.

[43]Ibid.

[44]Ibid.

anti-Ross campaign. The dissidents particularly decried the weeks and months Ross consumed in Washington pushing his personal claims and conspiring to divide national monies among himself and his friends.[45] Spokesmen for the North Carolina Cherokees (1,200 escaped the 1838 army dragnet) voiced like fears and wanted Ross watched carefully.[46] Eastern Cherokees in North Carolina feared that Ross might take as much as $1,200,000 and leave them penniless.[47]

Cherokees' dreams of a national bank for the national funds generated both interest and ridicule,[48] but Ross's main objective remained to wheedle cash from the United States. He successfully got $500,000 for the nation--as ordered by the National Council--but his devious dispositions even alienated some of his "warmest friends & supporters" who "voted for a distribution of the fund obtained by Ross, charging that chief with a disposition to appropriate the Cherokee fund for his own benefit & that of his immediate relatives."[49] Three members of the council who dared oppose this anti-Ross per capita distribution faced death threats, but just then Ross returned and promised a new treaty which would eliminate all problems.[50] Puffed up with the hope of an even more lucrative treaty, Cherokees rejected the minority factions' proposals, and from 1841 until

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[45]William Rogers to William C. Dawson, 23 May 1841, ibid.

[46]James Graham to John Bell, 6 July 1841, ibid.

[47]David Taylor to President of the United States, 1 Sept. 1841, ibid.

[48]Geo. W. Paschal to W. S. Fulton, 23 Oct. 1841, ibid.

[49]E. A. Hitchcock to J. C. Spencer, 28 Nov. 1841, ibid., R. 86.

[50]Ibid.

1846 John Ross evaded the financial question by simply promising a treaty which would enrich everyone.

Ross brought off this coup de maitre in December, 1841, at the one moment when he might have been ousted from his position. He rode into Tahlequah with quiet dignity, solemnly talked with old friends, and then went to "his place in a sort of pulpit" and addressed his people.[51] He spoke in English, and an Indian interpreted his message for the people. An American investigator, Major Ethan Allen Hitchcock, described the chief's presentation:

> He (Ross) has received the money, seemingly or affectedly as from the treasury of the U. S., and he designed now to press the claims of the Cherokees for losses in being forced to emigrate against their will. If he succeeds in this he will satisfy the people, who will be paid their losses; but a failure or a great delay in this, may result fatally for him, for it is certain that many of the Cherokee consider that Ross has been using up the per capita fund, or the fund, a certain portion of which is to be paid per capita, to the injury of the people. They suppose that over 1,800,000 dollars of that fund remains for distribution and they have no idea that the claim for expenses of emigration has been paid out of that fund. Now the fact is, that only about $900,000 of that fund remained before the late payment, so that in truth there remains but a little over $300,000 for distribution and that fund will be still farther reduced, for there are other payments yet to be made.[52]

Ross skillfully maneuvered to avoid any direct confrontation, but an awakened National Council called for "Ross to account for all the monies he had received from General Scott,"[53] and he evidently could not. At least one Cherokee expected trouble when Ross flaunted the council's demands, but, even though the council had ordered an immediate payment of all

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[51]Hitchcock, Traveler in Indian Territory, 2 Dec. 1841, 38.

[52]Ibid., 40.

[53]Ibid., 43.

claims of less than $100, ordinary Cherokees had about as much hope of getting their per capita money as a citizen has of determining foreign policy while Ross stayed in charge and no new treaty brought funds to the nation.

By 1842 the per capita payment issue was the "great and absorbing question" upon which rested the "peace and safety of the nation."[54] The Watie faction gained favor precisely because it demanded that all Cherokees be paid what the 1835 treaty guaranteed them. Old Settlers clasped hands with Watie and demanded that Ross "account for all the money" which had mysteriously slipped through his fingers.[55] John Rollin Ridge, son of the murdered John Ridge, rejoiced when he heard the rumor that Ross had taken $500,000 from the United States, "because his character will perhaps be hereafter understood."[56]

After a year of struggle, Ross faced perhaps his greatest battle in the 1842 election. Anti-Ross people complained that he triumphed, in a style prefiguring Boss Tweed, through bribery and threats and the use of his kinsmen's stores throughout the nation. When some Ross officials were slain during the election, he grabbed the tragedy like a club and successfully drove the Treaty Party opposition from the political battlefield. Yet even his followers continued to demand a financial accounting.[57]

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[54]P. M. Butler to Wm. Armstrong, 4 March 1842, L.R.O.I.A., R. 86.

[55]Thos. L. Rogers to William Rogers, March [?], C.N.P.

[56]John R. Ridge to Stand Watie, 2 Oct. 1842, Jordon Collection, MSS Division, University of Oklahoma; C.N.P.

[57]Adair and Bell to Medill, March 1846, H. R. Document 185, 84.

When the National Council demanded money to pay the nation's debts, Ross dug deeply into some hidden reservoir and brought forth $125,000--supposed "savings" from the wagons which were purchased and sold rather than rented for the removal.[58] While Ross assumed a benevolent posture in giving the nation $125,000 (to save himself and his "hirling banditti" in the opinion of one foe)[59] he and his family bought up "national certificates" which had been issued instead of currency and subsequently depreciated.[60] Since the masses had little financial insight, they understood neither the motive for the $125,000 gift nor the cornered certificates, but Ross carried it off like an actor on state, and he emerged with his image only moderately tarnished.[61]

But Anglo-Americans, with Yankee intuition, were less financially naive. The government, prodded by an aroused Treaty Party, stepped up its investigation. In August, 1842, R. E. Clements, who had seen the removal and noted how the rations were distributed, asserted that

> he considers the price paid to John Ross, agreeably to his contract, as having been exceedingly extravagant. There were persons on the ground every way able and competent to carry out the contract, who would have taken it for less than one-half the amount agreed to be paid to John Ross. No competition was allowed; and, after the contract was made with John Ross, application was made to have a contract for subsistence let to the lowest bidder, but he refused.[62]

Another man asserted that he removed at the cost of twenty dollars per

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[58] Ibid.

[59] Ibid., 85.

[60] Ibid.

[61] Ibid.

[62] R. E. Clements Testimony, H. R. Document 1098, 63.

person in fifty-five days.[63] Ross charged over $100 per person, and some charged:

> It must be but too apparent that the time occupied upon the road was purposely lengthened out, with the views which were ultimately obtained. Various pretexts were adopted with this object; one conductor detained his detachment several days to send for a few sacks of salt; another stopped a detachment a whole day to shoe an ox, making at once a cost of a thousand dollars; a third drove up and down the line which divides Arkansas from the Indian country for several days, viewing the "promised land," but not entering, because the delay would put five dollars a day in the pockets of the conductor, and subtract as many hundreds from the Cherokee funds. The advance of $776,398.98 was paid in par funds; but these to a large extent were exchanged for Tennessee funds, at a profit of from six to eight per cent. --Mr. Ross and his associates pocketing the profits, and investing the Tennessee funds in the purchase of wagons, teams, carriages, horses, and steamboats, which for effect were branded "C. N.," thus deluding the poor Cherokees with the belief that they were drawn by their own teams, . . .[64]

Rather than hire teams to remove the Cherokees, Ross bought them at $600 each, charged five dollars per day for them going west and seven dollars for every twenty miles of the return journey--but since the teams had been purchased the charge for their return was fabricated to get more money and the teams were sold in the West.[65] One of Lewis Ross's partners, Thomas H. Hindman, said that he cleared $44,000 from the removal, but he was dissatisfied because he felt deprived of the "fair dividend" gained by the others.[66] Evidence of fraud during the removal accumulated throughout the 1840's.

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[63]Garry Hinant Testimony, ibid., 67.

[64]Geo. W. Adair et. al. to Wm. Medill, March 1846, H. R. Document 185, 79.

[65]Gideon F. Morris Testimony, H. R. Document 1098, 64-65.

[66]Ibid., 66.

Stimulated by such evidence, the Treaty Party began pushing for further investigation and a full payment of the 1835 treaty. They demanded that the original $5,000,000 be preserved for Cherokees[67]--including the per capita payments they wanted. In 1844 the Treaty Party presented an elaborately researched and argued memorial to the United States and detailed exactly how much the Cherokees should have coming from the treaty fund--and their estimate was probably as accurate a one as could be made at the time. They argued that the United States had appropriated $6,647,067 and that all expenditures totaled $4,171,333 (though this violated the provision that all expenses must come from appropriations rather than the $5,000,000 grant); thus $2,475,734 remained in the Cherokee fund and should be paid immediately to heads of families at $150 per family.[68]

The Treaty Party contended that "there has been a very grievous misapplication of these funds," but they blamed no United States official.[69] They stored their reservoir of ire for the nation's chief, for the inexcusable giving of monies to John Ross "was an injury to that part of the nation, who did not participate in the profits of his contract."[70] By their figures, Ross received $1,357,745 for removing 11,000 people, or $103 per person; since they could have been moved at a cost of $20 per head, the "profligate contract with half a dozen individuals with our nation" defrauded the Cherokees as a whole.[71] They complained about the

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[67]J. A. Bell et. al. to William Wilkins, 14 June 1844, L.R.O.I.A., R. 88.

[68]Memorial of the Treaty Party, 1844, ibid.

[69]Ibid.

[70]Ibid.

[71]Ibid.

$581,346 Ross had received in 1841 and the $556,476 paid for "expenses of superintendents, agents, and conductors" and the $674,527 paid Glasgow and Harrison for supplying provisions in the West.[72] Since subsistence rations elevated the total cost of removal to about $150 per person, only $275,499 actually remained in the general fund.

Despite the monies expended for rations, the Cherokee masses suffered,[73] for "they were transported in herds it is true and by this 'stupendious fraud' half a dozen designing men ammassed princely fortunes, which have enabled them to control the country ever since."[74] Suffering, like humility, attracts few tangible dividends, and the Cherokees received nothing, for "not one dollar of the money paid Mr. Ross . . . ever reached the Cherokee Treasury."[75] To help the people, some merchants, like the Ridges, aided them with "charity," but now money was scarce, the National Council impotent, and only the United States could save the nation from financial and political chaos.[76] Treaty men remained convinced that "enormous sums are shown to have been charged for Cherokees who never removed--for wagons and horses which never travelled--for the return of wagons which were sold, and the money pocketed by the designing Chiefs."[77]

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[72]Ibid.

[73]Ibid.

[74]Ibid.

[75]Ibid.

[76]Ibid.

[77]Geo. W. Paschal Address to the Public, 20 June 1843, Stand Watie Papers, photocopies of MS at University of Texas, in Gibson Collection, MSS Division, University of Oklahoma.

When the 1844 memorial brought no action, the Treaty Party framed a similar one the next year. Leaders of this group claimed they were in great danger, for they dared "not even assemble to consult as a party, and to appeal to you as representatives of such. For although our numbers have greatly increased, yet the mighty influence of over thirteen hundred thousand dollars has prevailed over us by a bare majority."[78] In this protest they were joined by the Old Settlers, who urged them to defeat the "fraudulent claims of Ross and his band."[79]

Lawyers for the Old Settlers were even more stridently accusative. To them, John Ross was an "extraordinary man," a smooth politician "with scarcely enough Cherokee blood in his veins to mark him as of Indian descent," who had captured the loyalty of the Cherokees and led them for his own advantage.[80] They said:

> His ruling passion is avarice. He has been able to gratify it to an extent almost unprecedented, by playing upon the ignorance and prejudices of the Cherokees, and obstinately opposing the policy of the United States. "Cherokee Difficulties" are the elements of his power. He comes to Washington every year, spending in luxury and pleasure the funds of the nation, under the pretence of settling their difficulties; but never makes a proposition which tends to their settlement.[81]

They also argued, after figuring the actual per capita emigration cost and subtracting it from that charged by Ross, that he cleared from $831,785 to $1,094,765.[82]

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[78]Memorial of Treaty Party, 1845, H. R. Document 185, 104.

[79]T. L. Rogers to William Rogers, March [1846?], C.N.P.

[80]Stambaugh and Kendall to Marcy, 30 Dec. 1845, H. R. Document 185, 57.

[81]Ibid.

[82]Ibid., 62.

Old Settlers, like dispossessed heirs, argued that Ross had cheated his people. The $581,346 given him by the Tyler Administration had been kept by the chief:

> When Ross had received this money, on the authority of the nation, which in his account he acknowledged to be due to the nation, and his committee and council modestly asked him to account for it, he told them it was not the nation's money, but his own, and not a dollar of it has he paid over to the nation to this day. Three years afterwards, when, by his body guards, his police companies, his annual visits to Washington, and other extravagances, he has run the Cherokee nation about $140,000 in debt, the certificates of which had been purchased up at an enormous discount by his kindred and favorites, he paid "over to the nation the sum of $125,000, savings that have been made out of the arrangements with Major General Winfield Scott for the removal of the eastern Cherokees."[83]

Concluding their argument, S. C. Stambaugh and Amos Kendall, attornies hired by anti-Ross Cherokees to argue their case in Washington, said: "The Ridges sold the country for the benefit of the nation; the Rosses, in the name of the nation, put the money in their own pockets. For their honest and disinterested sale, the Ridges were murdered!! For appropriating the money, the Rosses have been sustained, honored, and promoted!"[84]

Less polished anti-Ross people were more emphatic. One Cherokee contended that John Ross had been "stealing" from the tribe while it was still in Georgia, and that he was a "robber chief and chief of robbers" who had taken $50 from every man, woman and child of the nation.[85] By 1846, passions were flaming and enemies of Ross assailed him as a crook and a scoundrel. One man said:

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[83]Ibid., 63.

[84]Ibid., 64; Stambaugh and Kendall to Commissioner of Indian Affairs, 24 Jan. 1847, C.N.P., expresses similar sentiments.

[85]To the Public, anonymous article, [1846?], C.N.P.

> He resisted the policy of removal to the last extremity; and then with the aid of the United States, robbed both the treaty party and his own of a million of dollars under the cover of a contract for removing them! Always opposing the government, he has always been supported and enriched by it, permitted to kill those whom it was bound to protect in fine, this government has fed and cajoled him, in the vain hope of satiating the glutton and taming the panther. Yes, it has suffered him to feed on the blood and plunder of its best friends, and has in return received but insolence and insult![86]

Treaty Party spokesmen claimed that the Ross people had been "fitting out large establishments, living in great style, and having, through different members of their family, established large mercantile establishments in different sections of the country, they have found no difficulty in oppressing those who have dared complain of this open dishonesty."[87]

Yet though the anti-Ross protest makes more exciting reading, the Ross government had its justifications. Removal expenses were considerable; Lewis Ross had to bargain with white suppliers, and thus his costs were no doubt inordinate. By taking charge of the removal himself, Ross handled all the money and receipts of the removal, but he did it, he argued, to help his people and to try and avoid any commitment to the 1835 treaty, which he did not recognize.[88]

Though he gave his brother (Lewis) the job of contractor for the removal,[89] John Ross remained unperturbed by General Winfield Scott's

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[86]Anonymous letter, n.d., C.N.P.

[87]Adair and Bell to Medill, March 1846, H. R. Document 185, 82.

[88]John Howard Payne Papers, VI, 1 Aug. 1838.

[89]Articles of Agreement between John Ross and Representatives of the Cherokee Nation, 10 Aug. 1838, J.R.P.

queries about financial irregularities.[90] He contended that it would cost $66 to move to the West, and he planned his program accordingly.[91] Unexpected expenses, he maintained, resulted from logistic exigencies rather than dishonest conductors.

But post-removal events indicate that Ross was less altruistic than his claims. A note to Lewis just after they had arrived in the West is particularly suggestive, for he asked his brother to bring the "receipts and abstracts" of the removal finances for him to examine, since he had been giving considerable thought to "the business of the late emigration."[92] The italics are Ross's, and though they may have simply been for emphasis, they seem to show something more sinister. Perhaps he meant to settle their accounts with a final profit for both of them!

After the removal Ross never defended himself persuasively against charges of graft. Indeed, he tried, like a politician up for re-election, to ignore them. He continued to press his personal claims upon Washington[93] and demanded that the national annuities be given him and his delegation.[94] He also tried to deny that his nation was torn by any real disorder, contending (and thus ignoring recurrent crimes) that "we are not aware of the existence of any such difficulties."[95]

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[90]Winfield Scott to John Ross et. al., 1 Aug. 1838, R.C.I.A., 1839, 435.

[91]John Ross to Major Gen. W. Scott, 7 Nov. 1838, Hargett Collection.

[92][John Ross] to Brother [Lewis Ross], 1 June 1839, J.R.P.

[93]T. H. Crawford to M. St. Clair Clark, 19 June 1840, J.R.P.; M. St. Clair Clark to J. R. Poinsett, 13 July 1840, L.R.O.I.A., R. 84.

[94]John Ross and Delegation to T. H. Crawford, 20 July 1840, L.R.O.I.A., R. 84.

[95]John Ross et. al. to T. H. Crawford, 27 July 1840, ibid.

Other than a few spasmodic attempts at self-justification, Ross did little to disprove accusations against himself. The signal exception to this policy was his 1842 address to the National Council. On December 14, 1842, a hard-headed, sharp-tongued Cherokee council demanded that its Principal Chief account for the money which had passed through his hands since 1835. John Ross faced the rebellion fearlessly, and he spoke in defense of his actions.

He asserted that before the fall of 1837 the nation's treasurer, John Martin, had handled its finances and he thus knew nothing about them. Since 1841, likewise, the national treasurer, David Vann, collected and dispersed national annuities. After reviewing the horrors of the 1838 round-up and removal, he gave himself credit for obtaining the 1838 appropriation of $1,147,000 which enabled Cherokees to remove. When troops forced removal, the nation selected a delegation to handle the exodus and its finances. He admitted that he had supervised the affair and promised that as soon as the removal records were settled, "the transactions of my superintendency will be reported to the Nation."[96]

But something interfered, and no record of the removal finances, like many a businessman's expense account, was ever published. Upset by a petition from the Delaware District demanding an accounting, Ross denounced its framers as coveteous foes of the government. Since he had never recognized the 1835 treaty, he claimed that he had received no money under its provisions. He contended that Cherokees had removed and obtained compensation for claims only because he had wrangled appropriations

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[96]John Ross Message, 20 Jan. 1842, L.R.O.I.A., R. 88.

from the United States.[97] He told his people that other men and delegations had handled their money and that he had taken no money under the 1835 treaty when he had taken $1,390,876 from the United States for either himself or his government.[98]

What then really happened? The truth is glimpsed only in patches. Some observers thought "Ross a rascal, i.e., an artful, cunning, shrewd, managing, ambitious man."[99] Many accusations and documents, biased yet instructive, force one to at least question the financial integrity of John Ross, but no conclusive documents exist which prove that John Ross deliberately stole from his people. Only the virtual disappearance, inadequately explained, of almost $6,000,000 indicates that someone, in some way, profited from the suffering of the Cherokees. And no man could have profited more easily, no man seemed to prosper so openly, no man seemed quite so unable to prove his innocence as John Ross!

But one indicts the men of the past with great reluctance, for all the facts can never be marshalled and they can never defend themselves. Thus perhaps the judgment of Ethan Allen Hitchcock is most incisive and must be tentatively accepted:

> After much attentive observation I am of the opinion that John Ross is an honest man and a patriot laboring for the good of his people. In the recent trouble of his nation, including several years, with almost unlimited opportunities he has not enriched himself. It is unfortunate for his reputation that several of his relatives, particularly his brother Lewis, have realized fortunes through his instrumentality, though it is fair to consider that this may have resulted from contracts properly made. It

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[97] Ibid.

[98] Removal Expenses, ibid., R. 90.

[99] Hitchcock, Traveler in Indian Territory, 26 Nov. 1841, 27.

> would be stranger if there was not ambition with the patriotism of Jno. Ross, but he seeks the fame of establishing his nation and heaping benefits upon his people.[100]

Hitchcock was not dispassionate, for he was bewitched by the charm of Ross, but perhaps he gives as sane a judgment as may be reached--except that one cannot look through lenses dark enough to blot out the dark shadows which hint that the Ross people profited from the removal and that Ross, as removal superintendent, shared this profit.

Some justification for Ross is found in the complex maze of removal which confused both participants and later investigators. Some conniving Cherokees cheated others out of their claims,[101] and cries of fraud had nothing, in many cases, to do with John Ross. Cherokees obtained removal supplies only with difficulty; they were also plagued by lawyers who inflicted their services upon the Indians--and who were often the first and only ones to profit in claims' settlements.[102] William Wirt's heirs, for example, billed the Cherokees for $10,000 for his services in their dispute with Georgia.[103] Ten other lawyers got $152,950 in one settlement,[104] and in some instances "half of the whole amount recovered for the Indian . . . [was] exacted for attending to the prosecution of

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[100]Hitchcock to Spencer, 21 Dec. 1841, ibid., 234.

[101]Lowry Williams petition, 4 April 1838, U. S. House of Representatives, 30th Cong., 1st Sess., Report 644 (Washington, 1848), 2.

[102]Lumpkin, Removal of the Cherokees from Georgia, II, 178.

[103]William Wirt Estate Claim, L.R.O.I.A., R. 85; W. C. Wirt to Joel R. Poinsett, 3 Sept. 1838, ibid., R. 82; A. J. Clayton to Gov. Lumpkin, 18 Nov. 1836, ibid., R. 85.

[104]Attornies Fees, 8 July 1837, J.R.P.

the claim,"[105] and many Indians had no real idea how much money (or its real value) they lost.

They encountered still more difficulties in dealing with government agents and officials.[106] Major A. J. Rains received $13,500 from the firm of Glasgow and Harrison for withdrawing his complaint against them for corruption--and could have got up to $20,000![107] For subsisting Cherokees during their first year in the West, Glasgow and Harrison charged from 9.3 cents to 15.9 cents per ration--when the average cost for Indian rations was 6.7 cents.[108] To increase their profits the supply contractors would claim they had no rations and give the Indians "due bills" which would guarantee them provisions later; then the contractors would send men out to buy up the "due bills" at far less than they were actually worth.[109] Despite many complaints, neither General Arbuckle, who was usually anxious to interfere in the nation's affairs, nor William Armstrong, agent for the Choctaws, tried to stop the frauds of supply contractors.[110] Indeed, they were themselves suspected of corruption.

Add to these difficulties the expenses of running a school system, maintaining order through police companies, and other legitimate needs of any government, and one has some explanation of the financial quagmire

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[105]John Kennedy, Thomas W. Wilson to C. A. Harris, 30 Dec. 1837, L.R.O.I.A., R. 82.

[106]Hitchcock, Traveler in Indian Territory, 19 Dec. 1841, 69.

[107]E. A. Hitchcock to Wm. Armstrong, 7 March 1842, U. S. House of Representatives, 27th Cong., 3d Sess., Report 271 (Washington, 1843), 140.

[108]E. A. Hitchcock Report, 28 April 1842, ibid.

[109]Ibid.

[110]E. A. Hitchcock to J. C. Spencer, 3 Aug. 1842, ibid., 146.

which engulfed the nation and divided its people into hostile factions. Insights into the nation's financial dilemma enable one to understand the factionalism of the 1840's, but if John Ross had been both honest and financially astute, there might not have been any problem after union was momentarily achieved in 1840.

CHAPTER IX

UNION ACHIEVED: 1840

> The multitude which does not reduce itself to unity is confusion; the unity which does not depend upon the multitude, is tyranny.
> --Pascal

Though most Cherokees longed for peace after 1839, "the decade of the 1840's was a particularly turbulent period in the Indian Territory."[1] Rival delegations clamored for recognition in Washington while factional leaders maneuvered for popular support in the Indian country.

The Ross Party generated support for its program most successfully. Though Agent Montfort Stokes supported the January 15, 1840, convention, General Arbuckle threatened to withhold provisions unless it was held at Fort Gibson under his supervision. Old Settlers favored Arbuckle's proposal, but William Shorey Coodey, temporarily in command of the Ross forces, denounced him for meddling in Cherokee business, and Arbuckle's hope to expel John Ross from the territory further aroused the chief's followers.[2]

Officials in Washington still refused to recognize John Ross until he explained the 1839 murders of the Ridges and Boudinot, but he gave no

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[1]A. M. Gibson, "Indian Territory United Nations," The Chronicles of Oklahoma, XXXIX (Winter, 1961-62), 398.

[2]W. S. Coodey to John Ross, 2 Jan. 1840, J.R.P.

answer.[3] His friends defended Ross like well-paid advocates, saying that since there was no proof against him he should not have to defend himself.[4] Ross simply denied any responsibility for the murders, demanded the identity of his accusers, and disclosed no relevant information.[5] In his defense, he said, "I am absolutely innocent,"[6] but his brother, Lewis, cautioned prudence and warned him to venture nowhere without a suitable guard.[7]

In the Cherokee Nation, the proposed convention finally assembled on January 15, 1840, at Tahlequah. Whereas the summer conventions were suspicion-ridden, this one was conciliatory, for the Cherokees were weary of bloodshed and uncertainty. The delegates revoked the summer's anti-Treaty Party decrees and granted the despised minority political equality.[8] Attempting to placate warring factions, William Shorey Coodey emphasized that the crimes of the nation had been exaggerated and that the infamous Double Head Springs convention had been extra-legal and unsanctioned by the Ross government.

Coodey also tried to reconcile the Old Settlers to their lot by detailing their considerable role in the government. He said, "the complaint that the Old Settlers are not represented in the new Government we

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[3]U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 38.

[4]Joseph M. Lynch et. al. to Joel R. Poinsett, 3 Jan. 1840, L.R. O.I.A., R. 84.

[5]John Ross to Joel R. Poinsett, U. S. House of Representatives, 26th Cong., 1st Sess., Document 129 (Washington, 1840), 28.

[6]John Ross to Joel R. Poinsett, 3 Jan. 1840, L.R.O.I.A., R. 84.

[7]Lewis Ross to John Ross, 3 Jan. 1840, J.R.P.

[8]National Convention Revocation, 16 Jan. 1840, L.R.O.I.A., R. 84.

think ill-founded, when one of the two chiefs and near one half of all the officers of the Government are Old Settlers."[9] He then claimed that the convention was successful and that all parties were fairly treated.[10]

Other observers showed less confidence that all Cherokees had received equal consideration. Captain John Page reported that over 1,700 Cherokees attended the convention and voted, but one Old Settler estimated that only thirty-five members of his party were present and thirty-three of those followed John Ross as placidly as cattle on a well-worn trail.[11] A signed document considered "correct" by Agent Stokes indicated that 115 Old Settlers favored the plan of union presented to the convention,[12] but even this number did not adequately represent the Western Cherokees.

Stokes thought that Cherokee affairs were about "as favorable as could be expected"[13] after the convention adjourned, but he, unlike Arbuckle, considered Ross innocent of the 1839 murders and thus accepted his government.[14] Arbuckle resigned himself to the Ross government, feeling that most of the people genuinely favored it. He determined to inform Old Settlers that their government "has ceased," but he commented:

> This change will no doubt be severely felt by the Old Settlers generally, who in their kindness invited the late Emigrants to enjoy with them the lands they had secured for themselves, and

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[9]W. S. Coodey et. al. to M. Arbuckle, 17 Jan. 1840, ibid.

[10]W. S. Coodey et. al. to M. Arbuckle, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 47-48; L.R.O.I.A., R. 84.

[11]John Page to M. Arbuckle, 20 Jan. 1840, L.R.O.I.A., R. 84.

[12]Ibid.

[13]Montfort Stokes to J. R. Poinsett, 22 Jan. 1840, ibid.

[14]M. Arbuckle to J. R. Poinsett, 22 Jan. 1840, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 43-44; M. Stokes to J. R. Poinsett, 22 Jan. 1840, ibid., 51.

> who have in less than one year after their arrival, formed a new Government for the nation, in which the Old Settlers are not represented by a single individual of their own choice.[15]

Like the Old Settlers, Treaty Party representatives in Washington rejected the convention-decreed union consummated in Indian Territory. Wilson Lumpkin, so instrumental in forcing removal and now a senator from Georgia, promised to aid the Treaty Party in its struggle with Ross.[16] Treaty men remained distressed by "the late bloody proceedings of the Ross party"[17] and demanded a geographical and financial division of the nation. They also outlined an ambitious plan of development for their small nation:

> It will be our first object to cultivate peace and friendship with the people and Government of the United States--and next to this, attend to the education of our rising generation. To accomplish this, we propose to collect as many of our intelligent citizens together as take an interest in education, and form a village; in which we will locate if our means be adequate, a collidge and such other institutions of a town order, as will be sufficient to accommodate all the youth of our country.[18]

Adding still more complaints and objectives, a delegation of Old Settlers, spurred on by wrangling lawyers, arrived with petitions in hand. Reciting their history, they argued that the emigrants were unwanted intruders upon their soil and that the United States had failed to fulfill treaty agreements. Though they admitted that Ross could rule either "by conquest or by our consent," they contended that he had neither subdued

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[15]M. Arbuckle to J. R. Poinsett, 22 Jan. 1840, L.R.O.I.A., R. 84.

[16]Wilson Lumpkin to Stand Watie, 12 Jan. 1840, C.N.P.; Lumpkin to Watie, 7 Feb. 1840, L.R.O.I.A., R. 84.

[17]Stand Watie et. al. to J. R. Poinsett, 22 Jan. 1840, L.R.O.I.A., R. 84; U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 42.

[18]Stand Watie et. al. to J. R. Poinsett, ibid.

nor conciliated his opposition.[19] In their own convention (February 2-8, 1840), the Old Settlers dispatched a delegation to Washington armed with biting resolutions:

> Be it therefore resolved; That the conduct of Mr. John Ross and his partizans, is an unprecedented act of usurpation, unfounded in justice, law or humanity, and we will not in all future time acknowledge the same.
>
> Resolved; That the only legitimate Government of this Nation is the one handed down to us by the original settlers of the Cherokee Nation West, and we will do the utmost of our power and ability to uphold and defend the same.[20]

Inspired by Old Settler intransigance, General Arbuckle renewed his opposition to John Ross. The general reported that he was "now satisfied that the Old Settlers will not peaceably surrender what they regard their rights; and that if the Cherokees should be so unfortunate as to resort to further violence against each other, that other tribes will have more or less concern with these difficulties."[21] Arbuckle also tried to explain his failure to arrest the murderers of the Ridges--whom he claimed to know. He stated that no Cherokee court would defy the Ross faction, and even the possibility of getting a trial and conviction in Arkansas for the murder of Major Ridge was remote since witnesses "would not from the popularity of the murderers and of their acts, feel secure in appearing against them."[22]

Others in Indian Territory disagreed with Arbuckle. Ever pleased with Cherokee prospects, Montfort Stokes asserted that since the Ross

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[19]Wm. Holt et. al. Report, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 59.

[20]Resolutions of Old Settlers, 7 Feb. 1840, L.R.O.I.A., R. 84.

[21]M. Arbuckle to J. R. Poinsett, 8 Feb. 1840, ibid.

[22]M. Arbuckle to J. R. Poinsett, 10 Feb. 1840, ibid.

Party had about 16,000 supporters and the opposing faction had only 6,000 a compromise must be wrought which would give Ross dominance.[23]

Ross pursued his program in Washington by presenting a petition for the emigrants which was designed to give him lasting control of the nation. Reviewing the removal, emphasizing the numerical inferiority of the opposing factions, and protesting the interference of military officers, Ross contended that the union of the nation was complete and should be recognized. He denied any part in any murders and said that rumors and imaginative fiction had exaggerated his nation's troubles. On behalf of his government, Ross urged that the United States pay the nation for lost Eastern lands and for unpaid removal expenses; that a "satisfactory definition of tenure" for their land in Indian Territory be outlined so that it could not be seized like all their other land had been; that an explicit definition of the relationship existent between the Cherokee Nation and the United States be detailed; and that removal expenses be settled under the provisions of his agreement with General Scott.[24]

Disturbed by Ross's activity, Secretary of War Poinsett momentarily resolved to give the military absolute control over Cherokee affairs. He said that since "the difficulties originating there from the tyrannical and oppressive conduct of the emigrating party towards the old settlers are not yet adjusted, I think it proper to confide their settlement altogether to the military authority in that section."[25] Following this

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[23]Montfort Stokes to J. R. Poinsett, 12 Feb. 1840, L.R.O.I.A., R. 84.

[24]Cherokee Memorial, 28 Feb. 1840, U. S. House of Representatives, 26th Congress, 1st Sess., Document 129 (Washington, 1840), 2-10.

[25]J. R. Poinsett to T. H. Crawford, 6 March 1840, U. S. House of Representatives, 26th Congress, 1st Sess., Document 188, 153; L.R.O.I.A., R. 84.

decision, Agent Stokes was relieved of his official duties with the government,[26] and it appeared as if Arbuckle would at last get the authority he coveted in the nation.

Arbuckle supported the Old Settler delegation in Washington and steadfastly blamed John Ross personally for the nation's dilemma.[27] In the second week of March, Dutch and his Western Cherokee comrades sought an appointment with Poinsett,[28] while the confusion prompted both the United States Senate and the House of Representatives to demand some explanation of the Cherokee situation.[29]

Confronted by divisions at home and opposition from the government in Washington, a lesser man than John Ross might have despaired. Though discouraged by Poinsett's decision to entrust the military with the organization of a new government in the nation specifically excluding himself and W. S. Coodey,[30] Ross retained his courage and insisted that he was the legitimate chief. Yet he was not the only determined Cherokee, for "each side," an official reported, was "tenacious of its ground."[31]

Continued disturbances in the nation embittered all factions, and the supposed peace was constantly shattered. Stand Watie's brother,

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[26]T. H. Crawford to M. Stokes, 7 March 1840, L.R.O.I.A., R. 84.

[27]M. Arbuckle to Brig. Gen. R. Jones, 22 March 1840, L.R.O.I.A., R. 84.

[28]Dutch et. al. to Secretary of War, 11 March 1840, ibid.

[29]Senate Resolution, 12 March 1840, ibid.; House Resolution, 23 March 1840, ibid.

[30]John Ross to Joseph Vann, 22 March 1840, J.R.P.

[31]T. H. Crawford to J. R. Poinsett, 30 March 1840, U. S. House of Representatives, 26th Cong., 1st Sess., Document 188, 3.

John, described the dangers of living in the nation and bitterly attacked Ross:

> . . . the times are not much better than they were when you left us. For not more than four days ago, Jack Hawkins came very near being killed by a member of the Ross party & when the party that came to kill him, found he had escaped, carried off a trunk containing nearly all that he was worth . . . .
>
> We hear that Ross & his party are not received by the Government--as delegates--We hope--that sufficient evidence may be obtained against Ross of having been the sole cause of the murders that has been committed by his tools.[32]

The Old Settlers denounced the terrorism of some emigrants, but they also wanted money, and they demanded that the United States pay them $13,000 in damages.[33] They claimed that they were happy to share their land with the emigrants, but they could not tolerate oppression and tyranny. Reminding the authorities of the 1839 murders, they said, "Yes, this is the law of John Ross and his Cherokees! This is the bloody code to which your memorialists and the western Cherokees are to submit!"[34] And what had the murdered Treaty Party leaders done to merit death? "They had opposed the course of Ross--that was their sin."[35] And what happened to the murderers? "And thus is he here, the defender of assassination, the protector of assassins."[36]

With the Old Settlers and the Treaty Party receiving a hearing in Washington, General Arbuckle determined to form a Cherokee government in the nation. He called a Fort Gibson meeting of the chiefs of both the

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[32]E. Moore and John Watie to Stand Watie, 31 March 1840, R.N.P.

[33]Dutch et. al. to T. H. Crawford, 19 March 1840, L.R.O.I.A., R. 84.

[34]Western Cherokee Memorial, 1 April 1840, U. S. House of Representatives, 26th Cong., 1st Sess., Document 162 (Washington, 1840), 13.

[35]Ibid., 14.

[36]Ibid., 15.

emigrants and the Old Settlers.[37] Sentiment against John Ross was increasing,[38] but the possibility of military rule and an imposed government was even less desired by most Cherokees.

Missionaries received their information about the nation's affairs through rumor--as did most Cherokees--and were understandably concerned about their people.[39] Most of them, like neutrals in war, remained uninvolved in order to avoid antagonizing any faction,[40] but others felt compelled to speak out against murder and violence.[41] D. S. Butrick argued that the laws of the Eastern Cherokees could hardly apply in the West,[42] but a Cherokee preacher, Stephen Foreman, lamented the "unsettled" condition of his nation and protested "that some of your missionaries are meddling too much with the political affairs of this nation."[43]

Despite their aversion to John Ross, federal officials finally recognized him as the only person capable of uniting the nation.[44] He argued persuasively and attracted influential supporters by contending that "among ourselves there is nothing in the way of tranquility but the

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[37]M. Arbuckle to J. R. Poinsett, 13 April 1840, L.R.O.I.A., R. 84.

[38]Jacob Hitchcock to D. Greene, 14 April 1840, C.M.P., X.

[39]D. L. Butrick Journal, 15 April 1840, ibid., IV.

[40]S. A. Worcester to David Greene, 18 Feb. 1840, ibid., X.

[41]D. L. Butrick to David Greene, 21 April 1840, ibid.

[42]D. S. Butrick to David Greene, ibid.

[43]Stephen Foreman to David Greene, 23 April 1840, ibid.; Foreman may have been thinking of Cephas Washburn, a strong anti-Ross missionary who had ministered to the Old Settlers since their arrival in Indian Territory.

[44]T. H. Crawford to Stand Watie, 18 April 1840, C.N.P.

wrongheadedness of a very few, too inconsiderable to be regarded as a party, but deriving importance in their own eyes, and in their effect upon our nation's prospects, from the support of the United States Government."[45] Ross claimed that one-half of the Cherokee government was composed of representatives from the Old Settlers; for emphasis he distorted the truth and asserted that half of the representatives at the convention which established the union in the West were Old Settlers.[46] Thus they should have nothing to complain about! He defended the much-decried decree of pardon as applicable to all Cherokees and denounced the activity of General Arbuckle. Though the Western Cherokees were troublesome, Ross blamed the Treaty Party for instigating most of the nation's problems. Commenting on the memorial composed by Dutch and the Old Settlers, he said:

> It is a tissue of misrepresentations against us and our country, and a mass of extravagant claims, calculated to destroy all hope of peace among us for ever, if supported by the authorities here, as the signers have been in the west, where Fort Gibson has been their leading place of rendezvous, and its commandant apparently their principal director.[47]

Concluding his argument against government policy, Ross stated:

> Thus have we shown that there are two schemes at this moment either before the Cherokees, or on their way to them--the one of subverting our government, and constitution, and laws; of cancelling the authority of our cheifs; and of forcing upon us a new government, a new constitution, and new laws, from the War Department; and the other of dismembering our possessions to glut the cravings of certain agitators.[48]

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[45]John Ross et. al. to John Bell, 20 April 1840, U. S. House of Representatives, 26th Cong., 1st Sess., Document 222 (Washington, 1840), 1.

[46]Ibid., 2.

[47]Ibid., 9.

[48]Ibid., 10.

Determined to implement the policy so feared by Ross, General Arbuckle supervised a meeting of Old Settler and emigrant representatives at Fort Gibson. Although it would have been ideal if majority rule had proved possible and equitable, this had proven impossible, and Arbuckle suggested that at least one-third of the nation's officials must be Old Settlers; that the established government must ensure the safety and tranquility of the nation; that neither John Ross nor William Coodey could hold office since they were so controversial that peace could not be attained with them in responsible positions; that the constitution approved on January 15, 1840, should be acceptable to all Cherokees; that the United States would care for indigent Cherokees but that the money must be provided by the nation; and that the army could help the nation get peacefully settled.[49] The Old Settler delegates approved Arbuckle's proposal and agreed to follow his plan,[50] but the emigrant representatives refused to adopt it[51] and the meeting adjourned inconclusively.

While the delegates pondered Arbuckle's proposals at Gibson, Ross and Coodey charged like volunteer firemen to the defense of the established government. Coodey argued that if the United States could eliminate disliked Cherokee officials it might just as well appoint its favorites and abolish the facade of democratic elections.[52] "The despotism of the bayonet," he continued, "is trammelling our right of thought and

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[49]Address of M. Arbuckle, 21 April 1840, L.R.O.I.A., R. 84.

[50]Andrew M. Vann et. al., Old Settler Resolutions, 24 April 1840, ibid.

[51]James Starr et. al., Emigrant Resolutions, 25 April 1840, ibid.

[52]W. S. Coodey to House of Representatives Commission on Indian Affairs, H. R. Document 222, 19.

liberty of speech, except among the favored few."[54] Other Ross men protested Arbuckle's interference and concluded that they had "the utmost faith in his [Ross's] transactions so far as they are made public," and would support him until he was proved guilty of misconduct.[55]

Anti-Ross Cherokees suffered a setback when a group of Old Settlers claimed that the delegation in Washington did not represent them. They accused the delegation's lawyer, Colonel Stambough, of selfishly manipulating the Old Settler case.[56] Cognizant of this problem, Poinsett ordered Old Settler monies distributed directly to the Indians rather than through their lawyers.[57] Everyone demanded money--Stand Watie declared that his people's "ruin, unless in part remunerated will be complete."[58] But doubts concerning the motivation of both the Old Settler and Treaty Party delegations mounted, and the government gradually turned to Ross for a solution.

Though Arbuckle by no means tempered his dislike for Ross, he assured the delegates at the Gibson meeting that the government was not determined to eliminate him completely. He retreated from his earlier position and suggested that a new plan be adopted with the principal chief representing the emigrants and the assistant chief representing the Old Settlers. The Ross people objected to this, however, and refused in

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[54] Ibid.

[55] J. Vann and Delegation to M. Arbuckle, 22 April 1840, L.R.O.I.A., R. 84.

[56] John Smith et. al. to P. M. Butler, 22 April 1840, ibid.

[57] J. R. Poinsett note, 27 April 1840, ibid.

[58] Stand Watie to J. R. Poinsett, 26 April 1840, ibid.

a "highly exceptionable" manner.[59] Brooding over their reply, Arbuckle later termed it a "gross impropriety"[60] and resolved to oppose the independent-minded followers of the principal chief.

Arbuckle opposed the Ross government because it had failed, after eleven months of existence, to restore "justice and propriety to the nation."[61] More exactly, he simply disliked John Ross, for he remarked:

> I have not the least doubt that the friends of Mr. Ross are governed in a great measure by the instructions they have received from him, and that the object is to delay a settlement of the difficulties in the Cherokee Nation; and to prevent, if possible, a Government being formed unless John Ross is placed at the head of it.[62]

Hoping to at least circumscribe the authority of Ross, Arbuckle called another meeting (June 10, 1840) at Fort Gibson, where delegates from the factions could assemble and establish a government--if they hardened their hearts and refused to cooperate, he threatened to split the nation geographically and give each side jurisdiction and autonomy within its area.[63]

Facing this calamity, the delegates determined to do something constructive. On June 26, 1840, eleven Old Settlers and twelve emigrants signed an Act of Union which officially united the nation--the third "official" union within a year! The emigrants still claimed legal title to the lands in the East, but they agreed to share funds gained from that claim on a per capita basis with the Western Cherokees. The Old Settlers

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[59] M. Arbuckle to J. R. Poinsett, 29 April 1840, ibid.

[60] M. Arbuckle to J. R. Poinsett, 6 May 1840, ibid.

[61] M. Arbuckle to Joseph Vann, 24 May 1840, ibid.

[62] M. Arbuckle to J. R. Poinsett, 27 May 1840, ibid.

[63] M. Arbuckle to Joseph Vann, 2 June 1840, ibid.

signed with the reservation that a majority of the people must approve it before it would be recognized, but no vote was ever taken and the government was considered official.[64]

The new constitution was a copy of that formulated by the Ross delegates in the September 6, 1839, convention, but the Old Settlers formally approved it for the first time. The constitution provided for land in common with private property, established the National Committee, National Council, Supreme Court, and outlined the requirements for voting and holding office.[65] The Old Settlers were also guaranteed a "just proportion of the officers and representation in the Government of the Nation for the first constitutional term."[66]

The Old Settlers promptly selected Andrew Vann as Assistant Principal Chief, and the emigrants naturally picked John Ross as Principal Chief.[67] Arbuckle resigned himself to the situation with tight-lipped dispassion and thought it was possibly the best solution while D. S. Butrick hoped "that the national difficulties are now settled, & the hatchet amicably buried."[68] The hopes of Butrick and others materialized throughout the summer of 1840 as Cherokees accepted the political settlement and built their homes and tilled their soil. Isolated murders and violence occurred,[69] but they lacked political significance--though one of the

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[64]Act of Union, 26 June 1840, L.R.O.I.A., R. 84.

[65]Constitution of the Cherokee Nation, ibid.

[66]Act of Union, 26 June 1840, ibid.

[67]M. Arbuckle to J. R. Poinsett, 28 June 1840, ibid.

[68]D. S. Butrick to David Greene, Cherokee Missionary Papers, X.

[69]Anonymous to friend [Stand Watie?], 29 May 1840, C.N.P.; M. Arbuckle to Brig. Gen. R. Jones, 27 Oct. 1840, L.R.O.I.A., R. 84.

victims was a soldier stripped of his belongings and tied to a tree for two days which indicated some anti-military sentiment.[70]

The United States refused to recognize John Ross as chief,[71] but he actually was and addressed the annual National Assembly in October as such. He congratulated everyone for the peaceful months following the June act of union, and he promised to press diligently Cherokee claims for compensation in Washington. He tried to explain the nation's financial affairs, but he left most questions unanswered--except for the implication that the United States still owed the Cherokees for removal expenses.[72]

Uniting behind Ross, the National Council resolved that "no external authority" could displace or refuse to recognize the nation's Principal Chief.[73] Acknowledging the internal peace within the nation, the War Department ordered that funds be distributed once again.[74] An old friend of the Cherokees, John Howard Payne, visited them in the fall of 1840 and commented that although most of the Cherokees were still "unsettled" they were "enrossed in personal affairs--putting up cabins,--fencing and farming,--and so on."[75]

A closing incident in 1840 indicated both the nation's skin-deep

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[70]M. Arbuckle to Andrew M. Vann, 10 Oct. 1840, L.R.O.I.A., R. 84.

[71]Martin Van Buren Statement, 2 Sept. 1840, H. R. Document 1098, 16; Wm. Armstrong to Cherokee Council, 24 Oct. 1840, L.R.O.I.A., R. 84.

[72]John Ross Address, Oct. 1840, H. R. Document 1098. 44-47.

[73]W. S. Coodey et. al., resolution, 6 Nov. 1840, L.R.O.I.A., R. 85.

[74]J. R. Poinsett to T. H. Crawford, 11 Nov. 1840, ibid., R. 84.

[75]John Howard Payne letter, in Grant Foreman, "John Howard Payne and the Cherokee Indians," The American Historical Review, XXXVII (July 1932), 725.

harmony and underlying disunity. One of the signers of the 1835 treaty, Archilla Smith, a tall, passionate, violent man renowned for his marksmanship and sharp-edged knife, was arrested for the 1839 murder of John MacIntosh. Smith was a notorious brawler who had been involved in more fights than anyone in Indian Territory, but a twenty-man posse finally apprehended and brought him to Tahlequah for trial.[76]

The trial began on December 15, 1840, and it naturally attracted attention because of Smith's Treaty Party affiliation. John Howard Payne witnessed and described the proceedings in the "log hut" courthouse "with a bare-ground floor."[77] Looney Price, associate judge of the Supreme Court, presided, and Isaac Bushyhead, another Ross man, headed the prosecution. Stand Watie and William Holt, Treaty Party leaders, defended Smith, who pleaded not guilty.

Though the charge was serious, the trial evidenced a peculiar mark of "Indian justice."

> There was no appearance of bitter feeling on either side. The accused and the judge and jury and spectators, all seemed in the best of humor with one another. The accused smoked much of the time; and his judge, and most of his jury, every now and then would get up and go across the log-court to him with "Arley, len-me your pipe;" and receive his pipe from his mouth (as is the Indian custom); and revel in the loan of a five minutes' smoke.[78]

After three days of contradictory testimony, the prosecution asked for the death penalty, and Stand Watie rose to make his closing argument. The normally taciturn Watie, who did "not profess to be an orator" and spoke "only because I consider that a friend in need is a friend indeed,"

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[76]John Howard Payne, Indian Justice, ed. Grant Foreman (Oklahoma City, 1934), 1-3.

[77]Ibid., 7.

[78]Ibid., 18.

analyzed the evidence, pointed out how contradictory and inconclusive it appeared, and then allowed Smith to make a final statement.[79] The jury could not reach a verdict, and thus the judge adjourned the court until another jury could be selected. The second trial resembled the first, but this time the jury found Smith guilty and sentenced him to hang on January 1, 1841. Over 100 Cherokees (including four of the jury which convicted him) signed a petition urging John Ross to pardon Smith,[80] but the chief refused.[81] After a desperate attempt by Stand Watie to bribe the guard failed to free Smith,[82] he died on a tree-limb gallows. Perhaps more significant than the hanging was the peaceful acceptance of the event by all factions. Union seemed as secure as freshly-hardened concrete.

Viewing the apparent union, Cherokees turned to their routine domestic affairs. Though official estimates placed the nation's population at 25,911,[83] this seems excessive. Despite their feuds and dissensions, the Cherokees were considered the "most enlightened Indian tribe," whose unity made progress and prosperity imminent.[84] Though there were no towns of consequence in Indian Territory, aside from Doaksville in the Choctaw

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[79] Ibid., 39-42.

[80] W. S. Adair to John Ross, 30 Dec. 1840, J.R.P.; Payne, Indian Justice, 92.

[81] Payne, Indian Justice, 93.

[82] Ibid., 98-99.

[83] Report of the Commissioner of Indian Affairs, 1841, in R.C.I.A. 1824-41, 247.

[84] Wm. Armstrong Report, 30 Sept. 1841, ibid., 311.

Nation and the Cherokee settlements at Park Hill and Tahlequah,[85] wealthy Cherokees erected substantial houses and "even the common Cherokees" had "comfortable houses to live in."[86] One enthusiastic visitor asserted that "if the present condition of the Cherokees could be safely attributed to an inherent capacity or capability in these people . . . a considerable number of the Cherokees would put to the blush a large number of our people."[87] Others were rather less enthusiastic:

> Some of these Indians . . . have very extensive farms; but the mass of their population extend their culture no further than they seem compelled by necessity. The traveller, passing through the Cherokee Nation, is struck with the contrast between an occasional stately dwelling, with an extensive farm attached, and the miserable hovels of the indigent, sometimes not ten feet square, with a little patch of corn, scarce large enough for a family garden. In fact, among all the tribes who have no slaves, what little there is of cultivation, is mostly the work of women.[88]

Nevertheless, the Cherckees were considered by most people as rather civilized--As Indians go at least--and progressing as well as could be expected.[89] Dependent upon agriculture, the Cherokees settled on tillable land and planted cotton, tobacco, and hemp. Since land was held in common,

> to prevent collisions in improvements, the first occupant is entitled to a certain distance in every direction. Among the Cherokees, no one can build within a quarter of a mile of the

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[85]William Gregg, Commerce of the Prairies (Dallas, 1933), 249.

[86]E. A. Hitchcock to J. C. Spencer, 21 Dec. 1841, in Hitchcock, Traveler in Indian Territory, 244.

[87]Armstrong Report, 30 Sept. 1841, R.C.I.A. 1824-41, 312.

[88]Gregg, Commerce of the Prairies, 393.

[89]E. A. Hitchcock to J. C. Spencer, 2 Dec. 1841, U. S. House of Representatives, 27th Cong., 3d Sess., Frauds upon the Indians, Document 271, (Washington, 1843), 27.

> house or field of another; so, to extend their possession, the more wealthy sometimes make several isolated improvements, scattered in different directions, within half a mile of each other.
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> The game of interspersed forests having now become scarce, and that of the western prairies being too remote, the frontier Indians have generally turned their attention to agriculture, and to the raising of stock; and most of them have large numbers of horses, cattle, and hogs.[90]

Though economic advances satisfied some, others knew that the move toward enduring civilization had to come through education. Before the removal controversy, mission-inspired education was popular and received much attention and support.[91] In 1841, therefore, the National Council established eleven public schools under the direction of a Superintendent of Education and provided for the finances from the national fund[92]--years before the United States even established a National Bureau of Education! Within two years, some 500 Cherokee youngsters were in school.[93] All but two of the system's teachers were white,[94] and although one of them was quite dissatisfied with the academic level of the education offered,[95] it effectively improved the nation's cultural level.

Though the Cherokees may not have been great scholars, they were effective speakers and emphasized forensics. "Bold, brief and earnest, they adapt their ideas and expressions with uniform tact to the nature of their

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[90]Gregg, Commerce of the Prairies, 394.

[91]Cherokee Phoenix, 12 Aug. 1829.

[92]S. Foreman to P. M. Butler, 5 July 1843, L.R.O.I.A., R. 87; Bass, Cherokee Messenger, 300.

[93]S. Foreman to P. M. Butler, 5 July 1843, L.R.O.I.A., 87.

[94]Ibid.

[95]Charles Pulsifer to David Greene, 2 Feb. 1844, C.M.P., X.

subject, and the character of their hearers,--and always stop when they have done."[96]

Enjoying oratory, the Cherokees refrained from showmanship, for men observed "a quiet demeanor," "a sedate dignity" in the educated Cherokees--"when not engaged in a quarrel" that is.[97] Another witness admitted that the Cherokees were of the first order in "refinement" but contended that the Choctaws excelled them in "industry, morality, and sobriety," and were "the most quiet and Christian-like Indians of the border."[98] Considered "kindhearted, honest and just" by an army investigator, the Cherokees no doubt were "quite as remarkable for truth and simplicity of character as their white neighbors."[99]

In many areas, the Cherokees resembled their white neighbors more than the wild plains Indians. For one thing,

> many of the influential people in the Cherokee nation are half-breeds. They are a free minded, free spirited people very little shackled by the conventional forms and on any subject they readily hit upon the strong points and take little heed of minor consideration. They seem to be industrious and orderly.[100]

Indeed, "a traveler, judging from appearance, might suppose that one-half of the Cherokee population have more or less of white blood."[101] Many of the Cherokees spoke only English in their homes and dressed like American

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[96] P. M. Butler to T. H. Crawford, Annual Report, 30 Sept. 1844, L.R.O.I.A., R. 88.

[97] Hitchcock, Traveler in Indian Territory, 33.

[98] Gregg, Commerce of the Prairies, 399.

[99] E. A. Hitchcock to J. C. Spencer, 3 June 1842, L.R.O.I.A., R. 86.

[100] Hitchcock, 6 Dec. 1841, Traveler in Indian Territory, 48.

[101] William H. Goode, Outposts of Zion, 60.

frontiersman, but of course many of the full-bloods still spoke only their ancient tongue and wore a duckskin or calico hunting-shirt and covered their heads with "a fancy-colored shawl or handkerchief."[102]

The cultural and educational advance of the Cherokees was the result, to a great extent at least, of faithful missionaries who labored to bring the Indians from darkness to light. In 1816, the objective of the American Board for the Cherokees was "to make the whole tribe English in their language, civilized in their habits, and Christian in their religion."[103] To a remarkable extent they succeeded. Though the American Board seemed to envision "the particular type of salvation that New England knew"[104] when it began its mission to the Cherokees, other churches entered the field and the Cherokees were profoundly affected by the Christian message.

Though perhaps only 1,000 Cherokees were church members in 1830,[105] the churches grew, trained native preachers, and even influenced some who retained their native religion. Samuel Worcester, though he could report only 194 members "in good standing" in 1841,[106] labored for the American Board by teaching, preaching, and publishing religious materials. By 1845, Worcester's press at Park Hill had published over 1,000,000 pages of material, and its impact, like the letters of St. Paul, could not be measured by membership in churches.[107]

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[102]Gregg, Commerce of the Prairies, 394.

[103]Bass, Cherokee Messenger, 31.

[104]Ibid., 29.

[105]S. A. Worcester to Wm. S. Coodey, Cherokee Phoenix, 8 May 1830.

[106]S. A. Worcester Report, The Missionary Herald, 1841, 473.

[107]Bass, Cherokee Messenger, 303.

Methodist and Baptist preachers successfully won converts, and the native preachers were particularly effective.[108] The Cherokees liked missionaries and Christianity, but they resented any political maneuvers by ministers of the Word.[109] Moravians had been the first to reach the Cherokees in the East, and some of these dedicated Christians accompanied the removing Indians; their first mission at Barren Fork (near present-day Proctor, on Barren Fork River in Adair County) proved malaria-infested, and they moved to Beattie's Prairie and opened a school.[110] In 1843, New Springplace was established twenty-one miles south of Beattie's Prairie and became a center for the Moravian Cherokees.[111] Stand Watie's parents joined the church at Springplace.[112] The full-blood supporters of John Ross were usually Methodists and Baptists.

One Baptist missionary, Evan Jones, had no little difficulty staying in the nation. The "principal Missionary among the Cherokees" for the Baptists, Jones was accused by some Cherokees of immorality and murder; he also had favored the anti-removal Cherokees and thus aroused the enmity of the Treaty Party. Protests from scandal-relishing critics stimulated the United States to try and exclude Jones from the nation

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[108] D. S. Butrick to David Greene, C.M.P., X.

[109] E. Butler to Greene, 1 Jan. 1840, ibid.

[110] Edmund Schwarze, History of Moravian Missions among the Southern Indian Tribes of the United States (Bethlehem, Pa.), 223-233; Murial Wright, Springplace (Guthrie, 1940), 42-51.

[111] Wright, Springplace, 52.

[112] Ibid., 46.

until the controversy was solved,[113] but the Baptists conducted an investigation and declared that the charges were "utterly false and groundless and that he enjoys the full confidence of the Cherokee Nation."[114] Jones was no doubt innocent of the charges, but the incident illustrates that the Cherokees divided religiously over the political schism and never hesitated to defame political foes regardless of their stature.

For the most part, however, the missionaries stayed apart from the nation's political squabbles and discussed them only reluctantly. They lived selfless, dedicated lives and were loved by many of their Indian converts. Life was sometimes harsh in Indian Territory, and many grew discouraged. Some lost loved ones. Dr. Worcester's wife, Ann, died in 1840 while giving birth to a child, and Samuel wrote "from the depths of affliction. It has pleased my Heavenly Father to give me a wife, and my children a mother, of no ordinary excellence and value. The Lord gave and the Lord hath taken away. Blessed be the Name of the Lord."[115]

Dedicated missionaries like Worcester deserve credit in part for social reform within the nation. Though the Indians were often cheated by whites and corrupted through drink and gambling,[116] the nation tried to stop these evils. A temperance society was formed (a "cold water army") and enlisted nearly 3,000 members by 1845.[117] The United States agent

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[113]Herman Lincoln to T. H. Crawford, 1 June 1840, L.R.O.I.A., R. 84; Lucius Bolles to T. H. Crawford, 16 May 1839, ibid.; J. R. Poinsett to Herman Lincoln, 6 June 1840, ibid.

[114]T. H. Crawford to John Bell, 24 March 1841, L.R.O.I.A., R. 85.

[115]Bass, Cherokee Messenger, 216.

[116]Gregg, Commerce of the Prairies, 396.

[117]P. M. Butler Report, R.C.I.A., 1845, 511.

tried to exclude all white traders who were not of "good character and industrious habits,"[118] and the National Council prohibited by law the "introduction and vending of spiritous liquors."[119]

Like many social reforms, these were often disregarded. The nation continued to have problems with drink and its unscrupulous venders, but at least one observer toured the nation without encountering a drunken Cherokee and called their assembly in Tahlequah as "orderly" as he had ever seen.[120] With some reservations, one could conclude, with Ethan Allan Hitchcock, that the Cherokees' "habits of life appear simple and natural. Savage customs and manners have disappeared."[121]

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[118]P. M. Butler order, 16 Dec. 1841, L.R.O.I.A., R. 86.

[119]An Act Prohibiting the Introduction and Vending of Spiritous Liquors, 25 Oct. 1841, Laws of the Cherokee Nation, 1839-1867, 28-29.

[120]Hitchcock, Traveler in Indian Territory, 49.

[121]Ibid; Hitchcock's thoughts on the Cherokee civilization can also be found in E. A. Hitchcock Journal, Hitchcock Collection, Library of Congress.

CHAPTER X

A PRESIDENT INJECTS AN ISSUE

That which is crooked cannot be made straight:
and that which is wanting cannot be numbered.
--Ecclesiastes

Despite indications of prosperity in the Cherokee Nation, the quiet mask of well-being only veiled the enduring political discontent. Segments of the nation detested the union of 1840, and renewed strife was inevitable. During 1841 a conspiracy against the government and the person of John Ross was unearthed and a government committee which met at Tahlequah determined to quash the purported uprising. The committee stated that it had learned from "unquestionable authority" that John Ross and other national leaders were endangered by a "conspiracy." Though noting "the madness and folly of the conspiracy," committee members resolved to send a delegation to dissuade suspected conspirators from their action. Still more, it was resolved "to organize committees to protect the public peace and safety and to prevent obstructions being thrown in the way of public business." Thus "in the event of undoubted evidence of any hostile movement on the part of aforesaid conspirators," such action would be considered criminal and punishable by death.[1]

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[1]Resolution by Committee in Behalf of the People, 16 Jan. 1841, C.N.P.; Miscellaneous Letters and Documents Concerning Early Cherokees, Northeastern State College, Tahlequah, Oklahoma.

Committee members valued the lives of Cherokee officials "of too much importance to the general welfare to be left open to the malace of a few misguided disaffected individuals"[2] and resolved to arm companies prepared for any emergency. Ross people believed that the Treaty Party, like a cunning fifth column, was planning a coup de main, and the committee's action branded the alleged insurgents traitors and started a campaign against them.

Perhaps the campaign succeeded, for no conspiracy developed. Lewis Ross reported that although Stand Watie and his friends had planned to kill a number of the nation's leaders, some of their friends had reported the plot because they "felt that their own safety would be jeapordised by such and act and therefore the information was given us not from any love of us."[3] In accordance with the committee's decision, "police companies are organized throughout the nation and the first threat that may be made by any one of those fellows will be followed with Judge Lynches Law. I think they will be compelled to leave the country."[4] As a result of either the Ross Party's show of force of the Treaty Party's reluctance to defy the establishment, no incidents occurred at this time, but the portent was obvious: the nation was only nominally united.

Escaping the nation's turmoil, John Ross again journeyed to Washington in 1841, where he hoped to collect funds for both the nation and himself.[5] He hoped to profit from his friendship with William Henry

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[2]Ibid.

[3]Lewis Ross to John, 9 Feb. 1841, Hargett Collection.

[4]Ibid.

[5]John Ross et. al. to John Bell, 27 March 1841, L.R.O.I.A., R. 85.

Harrison, but the President's death forced Ross to hope for a "kind-hearted friend" in his successor, John Tyler. Ross again recounted his people's history--how a thriving civilization in the East was shattered by "one of the most monstrous political frauds which ever stained the page of history."[6] Like unjustly imprisoned convicts, Cherokees demanded compensation for their sufferings, for

> When a whole people, in the midst of prosperity, and against whom no offence has been alleged, are sent, at a time of profound peace, and against the faith of treaties, to suffer,--and to see their wives and children and all nearest and dearest to them,--forced to suffer,--agonies and sights like these,--to endure is not easy; yet still the Cherokees went through it all, Sir, in the hope that the United States would ultimately be just.[7]

At least part of the problem would be solved, Ross believed, if the United States would completely pay for the removal and withdraw the army--a gnawing irritation to Cherokees--from the nation.[8] General Arbuckle particularly irritated Ross, and the chief accused him of duplicity and incompetence with enough conviction to win influential supporters; after thirteen troublesome years of service on the frontier, Arbuckle thought he deserved more confidence and protested the aspersions cast upon him by certain "enemies at Washington."[9] Despite this protest, Cherokees suspected Arbuckle's honesty since the general had come to his post $20,000 in debt and was now worth $40,000. The army did not reward its officers

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[6]John Ross et. al. to John Bell, 15 May 1841, ibid.

[7]Ibid.

[8]Ibid.

[9]Brevet Brig. Gen. Arbuckle to Maj. Gen. A. Macomb, 26 May 1841, Copies of MSS in Adjt. Gen. Office, Oklahoma State Historical Society; Arbuckle to John Tyler, 26 May 1840, ibid., 82.

that handsomely (Arbuckle received $1500 annually) and Cherokees concluded he was somehow getting their money.[10] Arbuckle's antagonist, John Ross, stayed in Washington for six months without gaining his objectives.[11] The bureaucratic wheels revolved slowly, if at all, so he decided to return to the nation--though he still determined to get a "lasting treaty" from the United States.[12]

But the United States had other concerns than a new treaty. Rumors and protests of fraud stirred the government to initiate an investigation of removal expenses. Having expended several hundred thousand dollars to provision the Indians, Washington officials demanded an accounting. Unscrupulous contractors had profitted by using government provisions to meet their contracts and then charging them to the Cherokee Nation. The firm of Glasgow and Harrison was particularly suspect since instructions from Major Rains to Harrison told how to defraud Indians: give them only one-fourth to one-third the stipulated provisions.[13]

To investigate the matter, Major Ethan Allen Hitchcock was appointed "special commissioner to investigate and report upon certain matters connected with our Indian relations in the Southwest."[14] A fair, perspicacious ovserver, Hitchcock entered the nation and began sorting the rumors and calumny like a detective. To assist Hitchcock, a newly-appointed agent for the Cherokees, Pierce M. Butler (a former governor of

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[10]Hitchcock, Traveler in Indian Territory, 94.

[11]John Ross et. al. to John Bell, 20 Aug. 1841, L.R.O.I.A., R. 85.

[12]Ibid.

[13]John Bell to Abraham Martin, 6 Sept. 1841, U. S. House of Representatives, 27th Cong., 3d Sess., Report 271 (Washington, 1843), 28-31.

[14]Albert M. Lea to Major E. A. Hitchcock, 28 Sept. 1841, ibid., 28.

South Carolina who would later die in the Mexican War), arrived in the West at about the same time.[15]

Both men came just in time to witness the near-overthrow of the Ross government. Elections in the fall of 1841 gave the Treaty Party-Old Settler coalition control of the legislature, and the National Council demanded that Ross as Principal Chief pay individual Cherokees the per capita monies due them under the 1835 treaty.[16] Sentiment favoring immediate payment mounted, and though some council members who dared oppose John Ross were threatened[17] they had raised an issue which could gain tribal acceptance of the 1835 treaty and political ascendency for themselves.

Chief Ross shrewdly diverted Cherokees' attention from this promise of immediate gain to the possibility of greater future reward. He had long insisted that a new treaty must be made with legitimate representatives of the nation before removal expenses could be settled, but federal officials seemed deaf. At the moment when Cherokees prepared to accept the despised 1835 treaty in order to get money, Ross gained recognition and encouragement from President John Tyler. The President promised a new treaty and hired John Howard Payne, the Cherokees old journalist friend, to help conclude it.[18] Thus Ross adroitly eliminated his opposition and firmly reestablished himself as the nation's head.

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[15]P. M. Butler to Indian Bureau, 3 Oct. 1841, L.R.O.I.A., R. 85; P. M. Butler to Kurtze, 30 Nov. 1841, ibid.

[16]Andrew M. Vann to Wm. Armstrong, 21 Oct. 1841, ibid.; Morris L. Wardell, A Political History of the Cherokee Nation (Norman, 1938), 53.

[17]Hitchcock, Traveler in Indian Territory, 30.

[18]War Department Memo, 30 Oct. 1841, L.R.O.I.A., R. 85.

Promised a new treaty within the next year which would be far better for the nation and for individuals than the earlier one, the National Council's December, 1841, meeting "quietly" followed directions issued by the Ross Party leadership. Though some Treaty Party supporters still demanded cash, Ross knew that they could not muster a majority of the nation--his only task would be "restraining his friends from violence" against the faction which had threatened to supplant him in the nation.[19]

President Tyler's statements kindled hopes for the new treaty. Promising to re-enact the policies of presidents Washington and Jefferson, Tyler directed his Secretary of War, J. C. Spencer, to investigate and settle Cherokee claims and negotiate a new treaty. He promised the "protection and care" of the United States and that the government's decisions would be governed by a "liberal and generous course of policy."[20] Like any politician, Tyler promised well:

> Upon ratification of the treaty contemplated, which shall give to the Cherokee nation full indemnity for all wrongs which they may have suffered, establish upon a permanent basis the political relations between them and the people of the United States, guaranty their lands in absolute fee simple, and prescribe specific rules in reference to subjects of the most interesting character to them and their remotest posterity, a new sun will have dawned upon them, in whose brightness their permanent happiness and true glory may be read by the whole world; and I shall rejoice to have been the President under whose auspices these great and happy results shall have been produced.[21]

Waving Tyler's promise aloft as a banner of hope, Ross recaptured

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[19]P. M. Butler to D. Kurtz, 4 Dec. 1841, ibid., R. 86; Hitchcock, 27 Nov. 1841, Traveler in Indian Territory, 30.

[20]John Tyler to John Ross et. al., 20 Sept. 1841, Special Files, Bureau of Indian Affairs, National Archives Microfilm, Roll 8; Cherokee Advocate, 28 Nov. 1844; H. R. Document 1098, 71-72.

[21]Ibid.

his people's allegiance and the rebellion dissipated.[22] Still maintaining that per capita payments would indicate approval of the 1835 treaty, Ross persuaded the council to repeal the October 20, 1841, law which called for immediate payments.[23] He assured everyone that the new treaty would give them and the nation ample compensation for their patience.

To secure the new treaty, the National Council appointed a Ross-led delegation which included some of the nation's most distinguished men. Jesse Bushyhead, a mixed-blood "universally respected and beloved," was a "fair minded man" whose decisions the whole nation would probably accept.[24] David Vann, "an honest man" though "not so open, direct and fair" as Bushyhead, was the nation's treasurer and as acquiescent as a dutiful son to John Ross.[25] William Shorey Coodey, though quite young, was well-educated and highly trusted by Ross.[26] John Benge, another mixed-blood, had a "Strong and decided character" and great influence among full-blood Cherokees.[27] The delegation was a Ross group in character and intent, for its objective was to supplant the 1835 treaty and to eliminate the possibility of rule by opposing factions.

In addition to a new treaty, the delegation had authority to demand

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[22]E. A. Hitchcock to J. C. Spencer, 7 Dec. 1841, Hitchcock Collection; L.R.O.I.A., R. 86; Act of National Council, 11 Dec. 1841, ibid.

[23]Act of National Council, 11 Dec. 1841, L.R.O.I.A., R. 86.

[24]E. A. Hitchcock to J. C. Spencer, 21 Dec. 1841, Hitchcock, Traveler in Indian Territory, 233; Hitchcock Collection.

[25]Ibid.

[26]Ibid.; Hitchcock, Traveler in Indian Territory, 234.

[27]Hitchcock to Spencer, 21 Dec. 1841, Hitchcock Collection; Hitchcock, Traveler in Indian Territory, 233.

"all sums of money due or which may become due" the nation; they were to collect personally the money owed the nation.[28] In order to know what claims existed, Ross asked for a commission to tour the nation and decide which claims should be presented, but Agent Butler opposed the proposal because he feared it might upset the nation and engender false hopes.[29] Yet Butler wanted Cherokees to obtain their claims, and he promised Ross to help implement desires of President Tyler in any way possible.[30] Quite encouraged by developments in Washington and by peace within their nation, the delegation prepared to press its claims and present its case to the United States.

Ross disregarded Agent Butler's warning and dispatched clerks throughout the nation to collect claims and information. The chief allowed Butler to supervise the process, and Cherokees met the commission and received food while they were present.[31] Butler reported that Montfort Stokes, though honest enough, had been inefficient: "His integrity & purity both as a man and as an officer is unsuspected by all parties--but when the infirmaties of old age, and the chilly blasts of ninety winters, have visited his hoary locks, it is not surprising to find irregularities both in his office & in the nation."[32]

Attempting to settle the nation's affairs as well as supervise individual claims, Butler also distributed funds to settle claims which

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[28]Act of National Council, 15 Dec. 1841, L.R.O.I.A., R. 86.

[29]P. M. Butler to T. H. Crawford, 20 Dec. 1841, ibid.

[30]P. M. Butler to John Ross, 24 Dec. 1841, ibid.

[31]P. M. Butler to T. H. Crawford, 1 Jan. 1842, ibid.

[32]P. M. Butler to T. H. Crawford, 1 March 1842, ibid.

had been filed earlier.[33] John Ross never refused money and simply urged the claims' clerks (who were slowed by needless administrative formalities)[34] to hurry so that the delegation could leave for Washington.[35] Butler tried to cooperate with the Principal Chief, but he became disillusioned as Ross complacently excused the nation's earlier crime and disorder. Butler remarked that this was "the first occasion I have had to distrust the efficiency of the Cherokee authority, or that I have not seen an entire willingness both to meet my requisition & comply with its demands."[36] As the claims were rejected or not paid, and as outbreaks of violence once again disrupted the Cherokee country, dissent became vocal as Cherokees increasingly worried about their claims.[37]

After a period of inaction, Old Settlers stepped once more into the political arena. Some of their leaders met on March 30, 1842,[38] and determined to protest the Ross government's policy. Eleven days later, an Old Settler council assembled at the confluence of the Verdigris and Grand rivers[39] and selected a delegation to take a memorial to the United States government. Elaborating Old Settler history, the memorial laid

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[33]P. M. Butler to T. H. Crawford, 8 March 1842, ibid.; W. Armstrong to T. H. Crawford, 14 March 1842, ibid.

[34]Edward Fry to [Commissioner of Indian Affairs], 5 April 1842, ibid.

[35]John Ross to Moses and Robert Daniel, 17 March 1842, Hargett Collection.

[36]P. M. Butler to J. C. Spencer, 26 March 1842, L.R.O.I.A., R. 86.

[37]P. M. Butler to J. C. Spencer, 4 May 1842, ibid., R. 87.

[38]John Rogers, James Carey to P. M. Butler, 31 March 1842, ibid., R. 86.

[39]Amos Kendall Papers, 9 April 1842; U. S. Senate, 30th Cong., 2d Sess., Executive Document 28 (Washington, 1849), 10-11.

claim to all the land given them in 1828 and protested the "usurpation" of the Ross Party. For them, the Cherokee union was a fraud, and Eastern Cherokees should not be allowed to determine either the nation's finances or destiny.[40] Led by John Rogers and without the hoped-for advance of $1,000 from Agent Butler, Old Settler delegates prepared to leave for Washington.[41]

Though Butler and others suspected that Old Settlers were puppets of American lawyers,[42] Western Cherokees felt their grievances were real and feared for their lives. Prominent Old Settlers were threatened with death because they dared defy the establishment, and they indignantly protested that even "under the most despotic Governments" the rights of a minority to petition was granted, but apparently the Ross people were determined to quench even vocal dissent.[43] Help could be found only outside the nation, since one "could expect no justice here," and "meetings have been held, by Mr. Ross' friends and our lives threatened for holding the convention."[44] Ross spokesmen (as well as some disgruntled Western Cherokees) denounced anti-Ross Old Settlers and their lawyer, S. C. Stambaugh, who could obviously profit from any Old Settler judgment, and charged them

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[40]Memorial of Western Cherokees to President of the United States, 9 April 1842, L.R.O.I.A., R. 86.

[41]Proceedings Adopted by Convention of Western Cherokees, 16 April 1842, ibid.; John Rogers, Thomas Wilson to P. M. Butler, 18 April 1842, ibid.; P. M. Butler to John Rogers, 23 April 1842, ibid.

[42]P. M. Butler to T. H. Crawford, 20 Dec. 1841, ibid.; P. M. Butler to John Smith et. al., 25 April 1842, ibid.

[43]John Rogers et. al. to P. M. Butler, 27 April 1842, ibid.

[44]John Rogers to A. H. Sevier, 4 May 1842, ibid.

with igniting a "fire brand in the Nation" which would spark a consuming fire.[45]

Replying to these charges, Old Settlers absolved Stambaugh from any responsibility, for he neither "advised nor instigated" their action. They only wanted justice and hoped it would not damage the nation. Still more, Old Settlers questioned the integrity of the dominant party, for one of the Old Settlers, John Smith, "a member of the executive council,"[46] whose name appeared on a pro-Ross petition, could not even sign his name." Though Agent Butler urged that Washington at least hear the Old Settler case,[47] Western Cherokees failed to reassert their control over the land they had once controlled.

They failed because John Ross was successful in persuading the United States to discuss the issues with him in 1842. By May, Ross and his delegation were in Washington demanding a "final adjustment of all unsettled business,"[48] but unknown to Cherokees the Washington bureaucrats had already resolved to deny them their prime objective: a new treaty.[49] Though John Howard Payne, employed by the federal government to clarify the Cherokee situation, remained loyal to the Cherokees (though admitting that some individual claims were excessive and that the funds were in instances "unscrupulously used"), he contended that the United States should

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[45]James Brown et. al. to P. M. Butler, 4 May 1842, ibid.; P. M. Butler to T. H. Crawford, 6 May 1842, ibid.

[46]John Rogers et. al. to P. M. Butler, 17 May 1842, ibid.

[47]P. M. Butler to T. H. Crawford, 31 May 1842, ibid.

[48]John Ross to J. C. Spencer, 13 May 1842, Special Files, B.I.A., R. 8.

[49]Albert M. Sea to J. C. Spencer, 14 March 1842, L.R.O.I.A., R. 87.

pay more than the 1835 treaty provided because it was responsible for the whole calamity.[50] Payne, however, abruptly lost his position,[51] and the department determined to adhere to the 1835 Treaty of New Echota.

John Ross, with all the confidence of a debater exposing a contradiction in his opponent's argument, boldly quoted President Tyler's message and aired the objections of his government to the 1835 treaty. He and his delegation demanded a number of things: a better title to their land in the West; payment for the forfeited lands in the East; a fair settlement of individual claims; the removal of military posts from the nation; the elimination of the despised "licensed traders"; the definition of crimes under which Cherokees could be tried in courts of the United States; and the assurance that Cherokee funds would no longer be invested for the nation in American stock but given in annual cash annuities directly to the national government.[52]

Though Ross tried to be amiable and diplomatic--even promising to welcome additional Cherokee emigrants[53]--he was put off by government officials. They expressed interest in the rumors of fraud and indications of financial irregularities in the Cherokee Nation. Though investigators indicted white schemers more than Cherokee leaders,[54] the United States

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[50]John Howard Payne to J. C. Spencer, 17 March 1842, Special Files, B.I.A., R. 8; John Howard Payne Collection, Gilcrease Institute.

[51]J. C. Spencer to John Howard Payne, 5 April 1842, Special Files, B.I.A., R. 8.

[52]John Ross et. al. to John C. Spencer, 6 June 1842, ibid.; John Ross et. al. to J. C. Spencer, 14 June 1842, ibid.

[53]John Ross to J. C. Spencer, 11 July 1842, ibid.

[54]E. A. Hitchcock to J. C. Spencer, 4 Aug. 1842, Hitchcock Collection.

was in no mood to grant Ross his every demand. Ethan Allen Hitchcock presented the Cherokees with Secretary of War John Spencer's "Articles of a New Convention," which supplemented the 1835 treaty. Spencer contended that the President was quite concerned about the Cherokees, but he just could not supplant the 1835 treaty with a new one. Since the new proposal met none of the many demands submitted by Ross and his delegation, the Cherokees refused the "Articles" and with deep "regret departed from Washington."[55]

But while Ross and his friends worked for the nation in Washington, the nation itself was riddled with violence, crime and dissension. Though Fort Wayne had little military significance since Cherokees were no real threat to Arkansas,[56] troops remained there and at Fort Gibson and their presence irritated the Cherokees. Colonel Stephen W. Kearny, who momentarily replaced Arbuckle at Gibson, resolved to give the fort a new image by ordering: "This Post having been for many years notorious as the resort of Gamblers, Blacklys, & Loafers, it is necessary that it should now assume another character, and take its position among the Military Posts of this country."[57]

But the military had no more sucess in reforming people than the Cherokee government. At least nine murders involved Cherokees during the

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[55]E. A. Hitchcock statement, 8 Aug. 1842, ibid.; J. C. Spencer to John Ross et. al., 9 Aug. 1842, Special Files, B.I.A., R. 8; John Ross et. al. to J. C. Spencer, 12 Aug. 1842, ibid.

[56]E. A. Hitchcock to J. C. Spencer, 9 Jan. 1842, Hitchcock Collection; Hitchcock, Traveler in Indian Territory, 245-246.

[57]Order #45, 13 June 1842, L.R.O.I.A., R. 86.

seemingly peaceful months of 1842,[58] and theft and pillage were more widespread.[59] To complicate the situation, 600 Seminoles and 400 Creeks settled on Cherokee soil and caused much unrest both by their presence and periodic violence.[60]

Though much of the disorder was non-political, the Treaty Party continued its clandestine activities, criticized the Ross leadership, and sowed rumors like chaff on the wind that no Cherokee would receive any money from the removal treaty as long as John Ross reigned. Though Ross retained the support of two-thirds of the Cherokees, his popularity declined when he failed to negotiate the promised treaty.[61] His opposition, the "Treaty Party, headed by men of uncommon boldness, stimulated by a spirit of resentment, and revenge, rather increasing than diminishing in number and spirit"[62] counted nearly 4,000 members and once again seriously threatened Ross. When joined by an estimated 2,000 Old Settlers (many

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[58]P. M. Butler to T. H. Crawford, 18 Jan. 1842, ibid.; P. M. Butler to Wm. Armstrong, 22 Feb. 1842, ibid.; John Ross to P. M. Butler, 22 March 1842, ibid.; Statement Regarding the Killing of Bigelow by Thompson, 13 June 1842, ibid.; P. M. Butler to T. H. Crawford, 26 June 1842, ibid.; P. M. Butler to T. H. Crawford, 8 July 1842, ibid.; P. M. Butler to T. H. Crawford, 25 Nov. 1842, ibid.

[59]Anonymous statement, 25 April 1842, C.N.P.; P. M. Butler to T. H. Crawford, 30 May 1842, L.R.O.I.A., R. 86; William Son to James C. Price, April 1841, C.N.P.; Claim of E. S. Martin, C.N.P.; Statement of Matthew Kincannon, 17 June 1847, L.R.O.I.A., R. 91.

[60]P. M. Butler to Lt. Col. R. B. Mason, 20 March 1842, L.R.O.I.A., R. 86; P. M. Butler to T. H. Crawford, 21 March 1842, ibid.

[61]Hitchcock, 16 Jan. 1842, Traveler in Indian Territory, 87.

[62]P. M. Butler to Brig. Gen. L. Taylor, 25 April 1842, L.R.O.I.A., R. 86.

were by this time Ross supporters) the Watie-led dissidents represented about one-fourth of the population.[63]

To many Treaty Party men, the Ross establishment's propaganda concerning a new treaty simply screened the vital issues of removal finance and the per capita payments with meaningless jargon. Perhaps the money was all gone, one suggested as he recalled the removal tragedy under which the Cherokees' "most violent leaders" received "additional power" and dragged "the people to the country during the most violent season of the year," and blamed the Treaty Party for the nation's sufferings.[64] Despite a well-designed facade of innocence, evidence (in Treaty Party opinion) suggested that Ross followers received most of the treaty money and expended it on "partizans" and soft-living Washington delegations.[65]

The enduring Ross-Watie conflict flashed like a bursting grenade on May 14, 1842. Stand Watie entered one of the frontier stores on the border between Arkansas and Indian Territory near Fort Wayne. Since these establishments sold whiskey as well as supplies, they were often centers of turbulence, but the whites operating them profited from trade with the Cherokees. Watie, "a man of dignity, intelligence and unflinching courage,"[66] ordered a bottle of whiskey. As he stood drinking, Johnson Foreman, "a vicious turbulent man"[67] whom he had not seen since before the 1839 Ridge-Boudinot killings, entered.

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[63] Ibid.

[64] George Paschal to T. H. Crawford, 25 Feb. 1842, ibid.

[65] Ibid.

[66] P. M. Butler to Wm. Armstrong, 17 May 1842, ibid.

[67] Ibid.

> Foreman step'd to the counter, where there was some liquor drawn, & asked "whose liquor?" Watie replied, "it is mine, drink it." Foreman filled a glass & said to Watie, "here is wishing we may live always," to which Watie replied, "I can drink with you, but before I drink that, I understand you have threatened to kill me & besides you are one of the men that killed my uncle, Ridge," to which Foreman replied, "say yourself" . . . at this Watie threw the tumbler and contents at Foreman, they were about 4 feet apart. Foreman made at him, with a loaded whip, they joined and scuffled out of the door, where they separated. Foreman made to a board pile close by to get a board. Watie pursued him, & as he stooped to pick up a board Watie stabbed him under the point of the shoulder, he rose & said, "you have not done it yet" & run round the house & Watie after him.[68]

As Foreman, the blood staining his dirt-caked shirt, dashed for cover, Watie yanked out his pistol and hurredly aimed and fired. The bullet missed, but Foreman only ran a few more yards, stumbled on jelly-like knees, and fell to the ground like a spear-punctured elk. Only 100 yards from the store, Foreman bled to death in twenty minutes.[69]

Watie and his brothers prudently vanished into the forest and prepared to combat the expected Ross retaliation. Foreman's brothers circulated and enflamed the war fever of anti-Watie men, and they assembled at Lewis Ross's store, only six miles from Watie's home, to discuss the situation. Rumors of an armed band protecting Watie aroused some to propose, like blood-relishing vigilantes, chasing him with their own force and shooting him if he resisted, but milder voices prevailed and they adjourned peacefully. Watie's voluntary surrender to authorities in Benton County, Arkansas, probably eased some minds and evidenced Watie's conviction that he was innocent of murder.[70] The Ross people's resolution to avoid more

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[68] Ibid.

[69] Ibid.; John G. Ross to John Ross, 25 May 1842, J.R.P.

[70] P. M. Butler to J. C. Spencer, 21 May 1842, L.R.O.I.A., R. 86.

bloodshed illustrated the influence of Colonel Kearny, who "by invitation attended the Council, & whose kind, dignified and imposing manner contributed very much in bringing about the happy result."[71]

Nevertheless, the executive council of the nation issued a warrant for Watie's arrest for killing Foreman.[72] Little effort was made to capture him, for Watie was determined to stand trial in Arkansas, where he hoped for justice rather than "to have my life jeapardized, by being exposed to enemies, who are continually misrepresenting my motives and actions."[73]

This incident and its excitement re-kindled coals of hatred among the Cherokees. Fears that the uneasy peace would shatter and that Watie would kill still more of his enemies[74] remained deep-seated though perhaps groundless. Watie protagonists, meanwhile, rejoiced in the wound-salving thrill of revenge. The young son of John Ridge, John Rollin Ridge, exclaimed: "You cannot imagine what feelings of pleasure it gave me when I heard of the death of him who was the murderer of my venerable and beloved Grandfather."[75] Other than excitement, Foreman's killing provoked no major hostilities,[76] but it did illustrate the sustained factional hatred which gnawed at people's souls and indicated that the Cherokee schism was not, and would not easily be, healed.

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[71]P. M. Butler to J. C. Spencer, 18 May 1842, ibid.

[72]Warrant for Watie's arrest, 20 May 1842, ibid.

[73]Stand Watie to P. M. Butler, 9 June 1842, L.R.O.I.A., R. 86.

[74]E. Butler to David Greene, 2 June 1842, Cherokee Mission Papers, X.

[75]John R. Ridge to Stand Watie, 2 Oct. 1842, Jordon Collection.

[76]P. M. Butler to T. H. Crawford, 25 June 1842, L.R.O.I.A., R. 86.

For the Treaty Party was unmoved and passionately believed that John Ross was both corrupt and ruthlessly vindictive. They asserted, with slim evidence, that James Foreman and other assassins of the Ridge leaders had each received $1,000 for their efforts from the funds awarded the nation by the United States and that the Ross people had held a "war talk" a few days before the Foreman-Watie confrontation in which they resolved to eliminate Watie and his brother-in-law, J. M. Bell.[77]

Others besides Watie's faction distrusted the Ross Party, and some charged that John Ross stayed in power by using money and the power of the family stores, to which many Cherokees were indebted.[78] Cherokee Agent Pierce Butler asserted: "I am candid to declare if Mr. Ross would voluntary leave the Nation, they would be a more contented united & happy people; yet his death (which is more than probable) would rouse his friends to the extermination of man woman and child of the adverse party."[79]

John Ross skillfully weathered the political storm created by his failure in Washington and promised to realize eventually Tyler's promise of a new treaty.[80] He urged that another delegation be dispatched to Washington. He also obtained a law from the Cherokee National Council imposing stiff restraints upon dissent:

> Be it enacted by the National Council, "that any person or persons, citizens of this Nation, who shall attempt to subvert the government of this Nation, by resisting the enforcement or conspiring to put down the Constitution and laws as prescribed

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[77]Geo. Paschal to John C. Spencer, 27 Dec. 1842, ibid., R. 87.

[78]George Adair and J. M. Bell to Wm. Medill, March 1846, H. R. Document 185.

[79]P. M. Butler to J. C. Spencer, 28 Sept. 1842, L.R.O.I.A., R. 86.

[80]John Ross Annual Message, 29 Nov. 1842, ibid.

> by legislative enactment, he or they so offencing shall, upon conviction before any legally constituted court of this Nation, suffer death by hanging.[81]

The council further resolved that the Old Settler delegation headed for Washington had no authority and could not bind the nation by any of its actions.[82]

While the Cherokees quarrelled, the United States tried to settle its affairs with the nation. Efforts to expel undesirables from the Cherokee Nation and settle the shifting sands of the claims' quandary were made,[83] but the nation's internal affairs could ultimately be solved only by Cherokees. And Cherokees would do nothing until they determined how much money they could get from the United States and whether or not the funds already obtained had been honestly handled.[84]

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[81]Law of 2 Dec. 1842, Laws of the Cherokee Nation, 1839-67.

[82]Resolution of the National Council, 28 Nov. 1842, L.R.O.I.A., R. 87.

[83]P. M. Butler to John Ross, 2 Dec. 1842, ibid.; Act of the National Council, 8 Dec. 1842, ibid., R. 86.

[84]John Ross Address to National Council, 20 Dec. 1842, H. R. Document 185; L.R.O.I.A., R. 88.

CHAPTER XI

THE FEUD RENEWED

> The mean condition of states is clearly best, for no other is free from faction; and where the middle class is large, there are least likely to be factions and dissensions.
>
> --Aristotle

Hatred, like intemperance, dulls man's mind and enchains his reason. Cherokee suspicions were aroused by amazingly unimportant events so long as one faction appeared to profit from them. When Agent Butler obeyed his orders and began a census of the nation, he met opposition from John Ross. The chief said that he personally understood and approved the census, but some people were hypnotized by the Treaty Party and believed that the census was being taken "for the purpose of distributing money" under the 1835 treaty. Since it promised to have "some political object detremental to the true interests of the Nation," Ross demanded that Cherokee census-takers cease their work.[1]

Astounded by such "improper suspicion" so "unbecoming a brave and generous people," Butler bowed to the will of John Ross. Though the census was ordered by the Indian Bureau for all tribes, Butler coveted peace for his Cherokees and suspended the census. But in acquiescence Butler sharply rebuked Ross for suggesting the census was politically motivated

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[1]John Ross to P. M. Butler, 9 Jan. 1843, L.R.O.I.A., R. 87.

or that he had picked Treaty Party men to take it.[2] Butler further asserted that Ross was hyper-sensitive to criticism from his people. Yet while criticism tore at the pride of Ross like a rusty knife, he knew, far better than Butler, that the three-way schism existed and could once again erupt and spew forth its angry venom.

Western Cherokees in Washington showed how serious the split could be for the nation. Claiming to represent 4,000 to 5,000 Old Settlers, the delegates demanded one-third of the money Cherokees gained from the 1835 treaty.[3] Though this claim was familiar to Washington officials, the delegates were at least promised $7,500 in unpaid annuities,[4] but they played for larger stakes than annuities and continued to press their case--though the Secretary of War replied that the government recognized the 1840 acts of union and could not recognize the Old Settlers any longer.[5]

Some Ross men refused to view the Old Settler case with equal dispassion, however, and murmers against the delegates sifted through the Cherokee grapevine. Friends in the nation warned Old Settler leaders that it was "common talk that you are to be killed as soon as you arrive in this country."[6] Remembering the bloody fate of Treaty Party leaders, some preferred to "be among the wild men of the woods than among the Ross Party."[7] To more skillfully present their financial arguments, the Old

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[2]P. M. Butler to John Ross, 11 Jan. 1843, ibid.

[3]Thos. Rogers to P. M. Butler, 20 Jan. 1843, ibid.

[4]T. H. Crawford to J. C. Spencer, 18 Feb. 1843, ibid.

[5]T. H. Crawford to J. C. Porter, 12 May 1843, ibid.

[6]Thos. L. Rogers to John Rogers, 18 May 1843, ibid.

[7]Thos. L. Rogers to John Rogers, 26 May 1843, ibid.

Settlers employed Amos Kendall, ex-Postmaster General under Andrew Jackson, and John E. Kendall to represent them.[8] Promised five per cent of the monies obtained,[9] the lawyers plunged into the controversy.

Relieved of their legal chores, the Old Settler leaders, like soldiers in battle, turned their attention to personal survival. Their fate apparently rested with the 1843 elections, for if Ross were re-elected Principal Chief the "conspiracy" against John Rogers which "had been formed to have me tried unheard & my life taken" seemed certain.[10] Facing possible extermination, Old Settlers determined to seek a radical solution to the nation's dilemma. Rejecting in toto supposed acts of union in 1839 and 1840, the original settlers of the Cherokee Nation West asserted in 1843 that their existence under Ross control had "become intolerable" and that the "pretended Acts of Union" were "frauds upon the Western Cherokees."[11] They then demanded--for they, like an oft-betrayed ally, despaired of peaceful co-existence with the Ross people--a separate government and land area. And in this demand they urged their suffering comrades of the Treaty Party to unite with them.[12]

Yet some Old Settler difficulties grew out of their own violence and crime rather than Ross oppression. The brother of the principal leader of the Western Cherokees, John Rogers, was jailed in the nation for the

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[8]Contract between John Rogers et. al. and Amos Kendall and John E. Kendall, 20 July 1843, L.R.O.I.A., R. 92.

[9]Old Settler Memorial, 20 July 1843, Amos Kendall Papers, Library of Congress.

[10]John Rogers to P. M. Butler, 1 Aug. 1843, L.R.O.I.A., R. 87.

[11]Old Settler Resolutions, 14 Sept. 1843, ibid., R. 88.

[12]Ibid.

murder of a Cherokee, but Chief Rogers protested that his brother Lovely was a citizen of the United States living in the nation as a trader and should be tried in a hopefully more lenient United States court.[13] Thus John Rogers' reluctance to return to the nation involved more than Ross terrorism--though it cannot be completely discounted, for he genuinely feared for his life.[14] He thought that the nation was beset by "much excitement, caused by the tyrannical and oppressive course pursued by Mr. Ross towards those opposed to his government."[15] Still more, he lamented that his nation was

> at present in a most deplorable condition, [with] outrage upon outrage almost every day committed upon the persons and property of my people. Within the past week some ten or fifteen of the signers of the memorial sent to you, have been arrested by the authority of Mr. Ross and dragged off from their homes and families charged with treason and rebellion against the authorities in power.[16]

His requests for aid from the United States went unheard, for Agent Butler was on a prolonged leave and the army refused to inject its much-maligned authority into the nation's internal affairs.[17]

Though irritated by Rogers and his effort to obtain advantages for his party, the Ross establishment did not attempt to answer Rogers' charges or to alleviate his grievances. The National Council demanded an investigation,[18] and Ross branded Rogers a troublemaker who refused to live

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[13]John Rogers to James M. Porter, 4 Oct. 1843, ibid., R. 87.

[14]John Rogers to S. C. Stambaugh, 22 Oct. 1843, Kendall Papers.

[15]John Rogers to Amos Kendall, 17 Nov. 1843, L.R.O.I.A., R. 87.

[16]Ibid.

[17]Ibid.

[18]Resolution of the National Council, 17 Nov. 1843, ibid.

peacefully within the nation and who designed "to create mischief against the interests of the Cherokee people."[19] Yet the real troublemakers, Ross concluded, for whom Rogers was but a "tool," were "such unprincipled men as George W. Paschal and the Treaty Party leaders."[20]

As he reproached the Treaty Party, Ross conveniently ignored and discolored the legitimate Old Settler grievances. Perhaps he could think only of the alleged injustice of the United States to himself and his people--or perhaps he could recognize injustice only when he personally suffered. But Western Cherokees had suffered under an imposed emigrant rule, and though they had tried to live with the Ross majority they thought that the recognized "Act of Union, so called, is the off-spring of fraud and force, [and] is not obligatory on the Old Settlers, and is now maintained by a bloody tyranny for whose ruthless deeds the United States are responsible in the Court of High Heaven."[21] Promised a share of the per capita payments under the 1835 treaty, they had received nothing; their "separate annuities," their "existence as a people," "two thirds of their lands," and their "power of self government" had vanished like a desert mirage as Eastern Cherokees poured into their country; they now suffered under an intolerable rule imposed upon them through acts of union which had been enforced by the army.[22] Now they asked for their own government and a segment of their original land holding.[23]

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[19]John Ross to P. M. Butler, 18 Nov. 1843, ibid.

[20]Ibid.

[21]Amos Kendall to J. M. Porter, 12 Dec. 1843, ibid.

[22]Ibid.

[23]Ibid.

Their plea attracted sympathetic supporters in influential positions. P. M. Butler asserted "that the Western Cherokees, have in a political, social and pecuniary point of view been utterly sacrificed, and that the kindness, sympathy, protection and aid of the United States should be interposed in their behalf."[24]

While Old Settlers and their attornies struggled in Washington, friends in Indian Territory endured the oppression of a minority faction. Several lost their salt works, which were auctioned off to fatten the national treasury. Thus deprived of his property, Thomas Rogers headed for Fort Gibson, where he was arrested without charge and jailed, for "the malace & Revenge of those in power was to be gratified."[25]

Hearing about the arrest, Agent Butler reported it and also protested the Indian Bureau's attempt to delete from the official records his account and analysis of internal dissension in the Cherokee Nation.[26] One outside observer argued that minority factions should have certain rights and peace could be attained only through a separation of warring groups,[27] and this, for a time, was considered.

Some Old Settlers were rounded up like derelicts in a police dragnet by "a company of armed men calling themselves the Police guard" and imprisoned without just cause. Authorities accused them of planning to free some Western Cherokees being held for trial; no evidence incriminated

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[24]P. M. Butler to Secretary of War [J. M. Porter], 29 Jan. 1844, Special Files, B.I.A., R. 8.

[25]Thos. L. Rogers to P. M. Butler, ca. 1 Feb. 1844, L.R.O.I.A., R. 88; James McNair to P. M. Butler, 10 Feb. 1844, ibid.

[26]P. M. Butler to T. H. Crawford, 3 Feb. 1844, ibid.

[27]W. Jones Howard to Geo. W. Paschal, 5 Feb. 1844, ibid.

them, but they spent seven days in jail. Their "almost helpless situation" broke some Old Settlers' spirits, and like many alienated ghetto-dwellers they felt that life anywhere would be better than theirs in the Cherokee Nation.[28] Their "only fault" had been cooperation with the United States, and now, "suffering as we are every species of wrong which the most intolerable oppcsition can invent," under which many had "been seized, chained, accused of crime," and intimidated, they begged the federal government to save them from extinction.[29]

Their troubles revolved forever around John Ross. It almost seemed that the nation's mood altered with the presence of the Principal Chief, for his enemies claimed that things were usually quiet in his absence and "would remain so were he to keep away."[30] Living under his direct rule was like announcing one's Protestantism to the Spanish Inquisition, for murders and "tyranny" ruled and "Lord Ross" profitted singularly from his people's faith in him.[31] His foes held him personally responsible for their safety--or lack of it.[32]

To escape Ross's domination, Western Cherokees remained adamant throughout 1844: they demanded absolute separation. If they could get a fair share of the money due Cherokees under the 1835 treaty, a restoration of annuities guaranteed them under earlier treaties with the United States,

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[28]John Elliot, James Gore to P. M. Butler, 12 Feb. 1844, ibid.

[29]John Rogers et. al. to William Wilkins, 27 Feb. 1844, ibid.

[30]Danl. McCoy to John Rogers, 20 April 1844, Special Files, B.I.A., R. 8.

[31]Ibid.

[32]Amos Kendall to Wm. Wilkins, 2 July 1844, ibid.

and protection from the Ross faction, the Old Settlers thought they could live without grievance or turmoil.[33] But the United States determined to deal with John Ross, who was considerably less factious, and paid him the nation's annuities despite agonized Old Settler protests.[34]

T. L. Rogers experienced the reality of the Old Settler dilemma when he tried to return home and had to stop in Maysville, Arkansas, for he could safely go no farther.[35] Such Ross Party hostility forced Old Settlers and Treaty Party people to pool their forces in 1844 and schedule a conference just across the Arkansas River from Fort Smith. They claimed that they had obtained permission for the meeting from the national authorities, but two days before the meeting was to open rumors circulated "that the dominant party . . . was raising armed parties to prevent the council."[36] A knowledgeable government official, William Armstrong, agent for the Choctaws and Superintendent of Indian Territory, urged John Rogers to postpone the meeting, for he feared "that those who have signed the paper for this meeting will meet with severe punishment from the present Cherokee authorities."[37]

As many suspected, the Ross establishment foiled the meeting, for some 400 men rode out to harass attendants, blocked all roads to the rendezvous, made their presence quite obvious and ominous, and successfully

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[33]John Rogers et. al. to Wm. Wilkins, 6 May 1844, ibid.; Cherokee Advocate, 28 Nov. 1844.

[34]John Rogers et. al. to William Wilkins, 10 July 1844, Kendall Papers; Special Files, B.I.A., R. 8.

[35]T. L. Rogers to Amos Kendall, 23 Aug. 1844, Kendall Papers.

[36]Wm. Armstrong to T. H. Crawford, 14 Sept. 1844, L.R.O.I.A., R. 88.

[37]Ibid.

"put down" the council.[38] Fears germinated that the Ross Party would again purge its enemies from the nation, and many anti-Ross people fled to sanctuary in Arkansas.[39]

The United States worked to transform anger into optimism, and a commission arrived at Fort Gibson with authority to investigate the situation and to hear claims in order to settle the nation's financial and treaty grievances.[40] But Old Settlers sneered cynically at the latest commission's promises, for there had been other commissions, and other commissions had failed. Western Cherokees remembered their years of agony and were unmoved; hearsay of a plot to arrest one of their men at an investigative hearing only strengthened their anti-Ross sentiments.[41] John Rogers' "distress" over the preceding three years sharply etched the Old Settler plight:

> For this [trying to get justice for the Western Cherokees] Have I been outlawed by the "Eastern Cherokees," my Homestead seized, and my Family turned out to the wilderness, leaving them, without the means of subsistence, and my self, without the means of assisting them. Outlawed and threatened with an ignominous death, I cannot return, to my own country . . . .[42]

Treaty Party members registered similar complaints. Harassed like renegades by police companies with orders from national authorities "not to be seen in day light," Treaty Party leaders resolved to fracture their

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[38]John West to [Amos Kendall], 16 Sept. 1844, Kendall Papers; Thos. L. Rogers to Amos Kendall, 27 Sept. 1844, ibid.

[39]Wm. Armstrong to T. H. Crawford, 14 Sept. 1844, L.R.O.I.A., R.88.

[40]R. Jones to Wm. Wilkins, 17 Nov. 1844, ibid.

[41]John Rogers to Jones, Mason, and Butler, 25 Nov. 1844, U. S. Senate, 28th Cong., 2d Sess., Document 140 (Washington, 1845).

[42]John Rogers to Wm. Armstrong, 27 Sept. 1844, L.R.O.I.A., R.88.

nation with civil war if Ross people again resorted to violence.[43] Though John Ross claimed that the police companies only preserved law and order in the nation,[44] recorded sufferings of the Treaty Party compelled its leaders to fear that any "excitement" in the nation could endanger them.[45] Individuals lost their property, suffered imprisonment, incurred large debts, and fled to Arkansas for safety.[46] Treaty Party sentiment, like that of the Western Cherokees, favored a division of the nation, its funds and annuities.[47]

To get this division, Treaty Party leaders initiated talks with representatives of the United States. They dared not call meetings of their people in the nation because of the police patrols,[48] which were particularly evident after the killing of Isaac Bushyhead (a prominent Ross man), and Treaty Party people were "fleeing the country" in the fall of 1843 with a desperation known only to dispossessed refugees.[49] Agent Butler blamed outlaws and renegades rather than politics for most of the difficulties, but he despaired of any reconciliation between the warring

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[43]James Starr et. al. to John Ross, 21 March 1843, C.N.P.

[44]John Ross to James Starr et. al., 22 March 1843, J.R.P.

[45]Geo. Paschal to T. H. Crawford, 21 Aug. 1843, L.R.O.I.A., R. 87.

[46]Benj. Thompson Claim, C.N.P.; John West Claim, ibid.; Edward Welsh Claim, ibid.; Bird Woodward Claim, ibid.; John Sydney Claim, ibid.; Wiley Butler Claim, ibid.; John W. West statement, ibid.

[47]Memorial of Cherokee Citizens, n.d., C.N.P.; Josiah Royce, The Cherokee Nation of Indians, 295

[48]Treaty Party Resolutions, 2 Nov. 1843, L.R.O.I.A., R. 88.

[49]P. M. Butler to T. H. Crawford, 12 Nov. 1843, ibid., R. 87.

factions, for the "irreconcilable feud" appeared insoluable.[50]

To end the feud, Treaty Party leaders formed a committee, drafted a memorial, and prepared to send a delegation led by Stand Watie to Washington.[51] Since they could not live peacefully with the Ross people, and civil war was only "averted by our unprecedented forbearance," they demanded a division of the nation and a payment of per capita monies under the provisions of the 1835 treaty.[52] They felt ostracized by the Ross government--as did missionaries who had sympathized with them.[53] Four thousand Cherokees asked only for the money promised them by treaty and a chance to live apart from their persecutors.[54] As refugees suffering "squallid wretchedness"[55] in Arkansas, they once more demanded justice from the United States.

In Washington, however, that justice was elusive. The delegation presented its case, but it did not stir administrative Washington. Treaty Party leaders reminded the government that they had signed the 1835 treaty from "necessity, and not choice," and they had suffered for their action thereafter.[56] In the West, their leaders were killed like vermin or threatened as criminals, and the Ross Party surrounded its chief with

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[50] Ibid.

[51] Convention of Treaty Party, 21 Nov. 1843, L.R.O.I.A., R. 88.

[52] Resolutions of Treaty Party, 2 Dec. 1843, ibid.

[53] D. S. Butrick to David Greene, 15 Jan. 1844, C.M.P., X; D. S. Butrick to John Howard Payne, 19 Jan. 1844, John Howard Payne Papers, IX.

[54] Geo. Paschal to T. H. Crawford, 22 Jan. 1844, L.R.O.I.A., R. 88.

[55] Wm. Pelham to A. H. Sevier, 1 March 1844, Special Files, B.I.A. R. 8.

[56] Treaty Party Memorial to President Tyler, L.R.O.I.A., R. 88.

armed men, and hired gunmen "waged . . . continual wars" upon the minority factions.[57] Pretending to keep "order they have, at various times, organized banditti, under the name of police companies, who have traversed the country, arresting whom they pleased."[58] Ross kept his power by paying his armed men handsomely, and in the five years the nation had been in the West some $190,000 had been, it was claimed, "swallowed up" in devious ways.[59] Trials of political enemies for civil crimes made a "mockery" of the judicial system, and it was charged that Ross even supported resident Seminoles who committed a variety of crimes throughout the nation.[60]

Branded and hunted as "outlaws" by the established authorities, the Treaty Party, speaking for 900 men and their families, refused to endure oppression forever. Considered "outlaws, because a few of us had dared to set our name to a Treaty, with your own venerated Jackson," they demanded that the United States establish peace in the West. They wanted more than army intervention, for it had already shown its incompetence; they demanded a division of the nation giving the Treaty Party the northeastern section of the nation. If the United States balked at this demand, Treaty Party men were prepared to take the law unto themselves and secure it through war.[61]

Along with those of the Old Settlers, the United States rejected

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[57] Ibid.

[58] Ibid.

[59] Ibid.

[60] Ibid.

[61] Ibid.

the protests and requests of the Treaty Party in 1844. Monies "to strengthen a tyranny" were given to John Ross,[62] and though many in the nation despised the chief he reigned supreme.[63] Federal officials urged minority factions to present their grievances not to Washington but to the investigating committee sent to the nation.[64]

To the authorities, no doubt, the genuine factional grievances remained quite indistinct from the outbreaks of crime which plagued the nation. The army, ever controversial, abandoned Fort Wayne and moved to Fort Smith[65]--disregarding the protests of Arkansas citizens.[66] Cherokees, however, rejoiced as the army departed since they had suffered under it "because we are Indians, [for] the whims, or caprise, of an Officer must be exercised."[67] Though disputes with the military continued, and lone soldiers were not too safe outside their posts, the army tried to remove itself from Cherokee difficulties.[68]

Civil crimes were far more serious than conflict with the army. Several white men (some of them traders) were slain, and the Starr boys

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[62]J. A. Bell & Ezekiel Starr to Wm. Wilkins, 10 July 1844, Special Files, B.I.A., R. 8.

[63]Geo. W. Paschal to Amos Kendall, 16 Dec. 1844, Kendal Papers.

[64]Susannah Ridge et. al. to Jones, Mason and Butler, U. S. Senate, 28th Cong., 2d Sess., Document 140, 78-81

[65]Winfield Scott note, 2 March 1843, Copies of MSS in Adj. Gen. Office, Oklahoma State Historical Society.

[66]R. Armstrong et. al. to Edward Cross, July 1843, L.R.O.I.A., R. 87.

[67]Richard Fields to M. DuVal, 19 July 1843, ibid.

[68]M. DuVal to P. M. Butler, 18 Feb. 1844, L.R.O.I.A., R. 88; T. H. Crawford to J. M. Porter, 30 Aug. 1843, ibid., R. 87.

terrorized the nation by committing crimes and fleeing to safety in Arkansas.[69] In the fall of 1844, "those luminaries, more like terrible comets, than ordinary 'Starr's', continued to visit occassionally, the Indian country on our border, spreading terror and alarm, and committing divers of depredations upon their route."[70]

Some culprits were apprehended and tried. A notorious killer, Moses Alberty, was captured after months of freedom,[71] and Arkansas authorities delivered a mixed-blood wife-killer to the Cherokee court.[72] The accused killer of the venerable Isaac Bushyhead, Jacob West, was tried, found guilty, and executed, but party spirit ran high because some whispered that Ross had eliminated a political foe, but evidence suggests West's guilt and the trial was conducted according to the law.[73] Minorities could obtain justice from Cherokee courts, for Stand Watie's brother, Thomas, gained an acquital from a murder charge because of lack of evidence.[74]

Despite the recurrent crimes, the nation continued to progress in at least some areas. Agent Butler asserted that "almost in every respect

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[69]P. M. Butler to T. H. Crawford, 29 Jan. 1843, ibid., R. 87.; John Ross to M. DuVal, 16 Sept. 1843, ibid.; M. DuVal to T. H. Crawford, 17 Sept. 1843, ibid.; John Ross to M. DuVal, 18 Sept. 1843, ibid.; John Ross to M. DuVal, 21 Sept. 1843, ibid.; W.S.C. to John Ross, 25 Sept. 1843, J.R.P.; M. DuVal to T. H. Crawford, 3 Oct. 1843, L.R.O.I.A., R. 87; M. DuVal to T. H. Crawford, 26 Nov. 1843, ibid.

[70]Cherokee Advocate, 2 Nov. 1844.

[71]John Ross to Brig. Gen. Taylor, 30 Oct. 1843, U. S. Senate, 28th Cong., 2d Sess., Document 140, 125; John Ross to Commandant of Gibson, 30 Oct. 1843, L.R.O.I.A., R. 87.

[72]P. M. Butler to T. H. Crawford, 12 Nov. 1843, L.R.O.I.A., R. 87.

[73]M. DuVal to T. H. Crawford, 18 Oct. 1843, ibid.

[74]Cherokee Advocate, 2 Jan. 1845.

the Cherokees have lost the habits of a barbarous origin, and have fitted themselves for a moral affinity and political association with the civilized race."[75] The publication of The Cherokee Advocate proved a least part of Butler's assertion; proposed as early as 1842,[76] the Advocate sought to stimulate "the moral and intellectual improvement of the Cherokee people" and to tell the world facts rather than rumors.[77] Though run by pro-Ross men, the Advocate remained fairly judicious and even permitted a certain freedom of expression by printing anti-Ross opinions.[78]

Politics, however, interested the Cherokees more than cultural advance--at least they wrote more about it. Early in 1843 interest in the fall elections quickened, and many feared bloodshed would accompany them as surely as dust follows drouth.[79] In the election John Ross, calling himself a Whig, defeated George Lowrey (styled a Locofoco), but the election was quite close in some districts.[80] Voters remained calm on election day, but the following day, when Isaac Bushyhead, Elijah Hicks, and David Vann, judges in the Saline District, assembled to authenticate the results, anti-Ross partisans sparked an argument. As Bushyhead tried to flee, George West and John Work pursued and killed him. Hicks successfully escaped, but Vann, treasurer of the nation, was caught and beaten with clubs

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[75]P. M. Butler, Annual Report, 30 Sept. 1843, L.R.O.I.A., R. 87.

[76]John Ross to Rev. David Greene, 22 Nov. 1842, C.M.P., X.

[77]Cherokee Advocate, 26 Sept. 1844, 27 Feb. 1845.

[78]Wardell, Political History of the Cherokee Nation, 51.

[79]R. Armstrong to Edward Cross, 3 Feb. 1843, Copies of MSS in Adj. Gen. Office, 130.

[80]Report of David Vann & Isaac Bushyhead, 7 Aug. 1843, J.R.P.

before others intervened and prevented his death. Though some feared that another anti-Ross "conspiracy" was developing, others judged it the simple result of an altercation which should "not [be] made a 'party-affair.'"[81] The possible threat to John Ross brought 200 of his coherts to his defense.[82] Though a rumor circulated that Ross had been slain, he was neither harmed nor apparently in any danger.[83]

Cherokee authorities arrested and tried Jacob West under the Cherokee law for Bushyhead's murder. Though he claimed United States citizenship and immunity from Cherokee prosecution, he had lived in the nation for almost forty years and was thus considered a Cherokee.[84] He was tried, convicted and hanged. Although the whole affair created some unrest in the nation, the minority factions accepted the court's verdict.

John Ross reported the murder of Bushyhead to the National Council, but he worried more about the nation's finances than about incidental violence. He remained determined to reject the 1835 treaty and to negotiate a new pact which would pay for the nation's losses--though the Washington authorities and representatives distrusted the Cherokee claims and resolved to make the nation pay government expenses in solving the Cherokee problems.[85]

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[81]M. Duval to T. H. Crawford, 12 Aug. 1843, L.R.O.I.A., R. 87.

[82]Ibid.

[83]J. M. Porter to T. H. Crawford, 31 Aug. 1843, ibid.

[84]David Carter to Brig. Gen. Taylor, 28 Sept. 1843, U. S. Senate, 28th Cong., 2d Sess., Document 140, 120.

[85]John Ross Message, 3 Oct. 1843, J.R.P.; Senate Resolution, 12 Feb. 1844, L.R.O.I.A., R. 88; John Tyler Message, 18 Dec. 1843, Congressional Globe, 19 Dec. 1843, XIII, 28th Cong., 1st Sess.

John Ross continued to argue that Tyler had promised them a new treaty in 1841.[86] Contending that his government, in which minority factions held one-half of the offices, "recognizes no party distinctions," he asserted that "our constitution and laws are republican, . . . they secure equal rights and privileges to each and all free citizens, and . . . they protect them in the full enjoyment of those rights . . . ."[87] (Interestingly enough, when The Cherokee Advocate carried this statement, it reduced the figure Ross gave the Secretary of War from one-half to one-third of the nation's offices in the hands of minority representatives.)

Like other Cherokee delegations to Washington, Ross and his friends obtained nothing. They got neither money nor a more definitive relationship with the United States.[88] Ross did talk with the Secretary of War,[89] but William Wilkins simply told him to go back to the nation, accept earlier treaties, and allow an appointed investigative commission dispatched to Indian Territory to settle everything.[90]

As if slapped in the face, Ross bitterly denounced what he called United States evasiveness. He asserted that no settlement not meeting his stipulations would be "definitive" because the "very existence" of the

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[86]John Ross et. al. to Wm. Wilkins, 19 April 1844, Special Files, B.I.A., R. 8; Cherokee Advocate, 19 April 1844; John Ross et. al. to Wm. Wilkins, 6 May 1844, Special Files, B.I.A., R. 8.

[87]John Ross et. al. to Wm. Wilkins, 14 May 1844, Special Files, B.I.A., R. 8.

[88]John Ross et. al. to Wm. Wilkins, 30 May 1844, ibid.; Cherokee Advocate, 28 Nov. 1844.

[89]Wm. Wilkins to John Ross et. al., 3 June 1844, ibid.; John Ross et. al. to Wm. Wilkins, 4 June 1844, Special Files, B.I.A., R. 8.

[90]Wm. Wilkins to John Ross et. al., 8 July 1844, Cherokee Advocate, 5 Dec. 1844.

Cherokee Nation balanced precariously upon the possibility of the treaty promised by President Tyler. Ross argued that the Cherokees were really more law-abiding than most Indian tribes and that their crimes had been inflated all out of proportion by hearsay, for nothing ailed the nation that time and an equitable treaty would not heal. Meditating like a monk in his cell upon the horrors of removal and his ill-success in Washington, Ross returned "to the lips of the widowed mothers and helpless orphans . . . melancholy monuments of the want and affliction" resulting from the indifferent and thus harsh policies of the United States.[91]

Entering the Cherokee Nation, Ross encountered rumors of an assassination plot,[92] but nothing of the sort occurred. Resolved to retain its supremacy, the Ross Party tried to gloss over the nation's dissension by blaming self-seeking men with no national spirit for spreading "firebrands of dissension" and projecting a bad image of the tribe before the United States.[93]

To end "unlawful depredations" upon the property and persons of Cherokee citizens which blurred that image, the National Council decided to quash the "combination of persons, both white and red," responsible for the difficulties.[94] Surveying the nation after months of futility in Washington, Ross found a people deprived of some of its great leaders--including Jesse Bushyhead, the late Chief Justice of the Supreme Court,

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[91]John Ross et. al. to Wm. Wilkins, 17 July 1844, Special Files, B.I.A., R. 8; Cherokee Advocate, 5 Dec. 1844.

[92]Cherokee Advocate, 26 Sept. 1844.

[93]Ibid., 5 Oct. 1844.

[94]Moses Daniel Message, 15 Oct. 1844, Cherokee Advocate, 19 Oct. 1844.

"a man of good natural sense, upright in his dealings, exemplary in conduct, kind in feeling, independent in character, and one who had deeply at heart, the welfare of his whole people, among whom he strove to inculcate the principles of order, industry, and religion."[95]

Deeply grieved by this loss of friends and advisors, Ross lamented their demise. With the resignation of an Athenian philosopher he admonished his people:

> While we bow in submission to this most signal dispensation of Providence, we should always bear in mind that our career in life will soon end--when we all must follow the departed. We cannot, therefore, be too strongly impressed with the importance of so discharging our respective duties, as good and faithful servants, that our individual and National prosperity may be promoted, and our future happiness secured.[96]

He assured them that he was still working to solve the nation's problems through a new treaty which would provide for most Cherokee claims.

The United States discredited most claims, and the investigative commission dispatched to the nation had orders to delve through the myriad claims and counter-claims with all the persistence of hard-rock miners to get at the truth.[97] When the commission arrived, the Old Settlers and the Treaty Party seemed anxious to cooperate,[98] but John Ross disdained to meet it unless it met in the nation's capital, Tahlequah, instead of at the mouth of the Illinois River.[99] He insisted that only in Tahlequah

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[95] Ibid., 9 Nov. 1844; ibid., 26 Sept. 1844.

[96] John Ross Message, ibid., 28 Nov. 1844.

[97] William Wilkins to General R. Jones, 18 Oct. 1844, U. S. Senate, 28th Cong., 2d Sess., Document 140, 2.

[98] John Rogers to Jones, Mason, and Butler, 20 Nov. 1844, ibid., 129.

[99] John Ross to Jones, Mason, and Butler, 20 Nov. 1844, ibid., 128.

could the commission get a true insight into the Cherokees--elsewhere they would be misled by factional rhetoric.[100]

But the commissioners, less concerned with conciliating John Ross than with settling the Cherokees' internal squabbles, moved ahead. Pierce Butler, agent for the Cherokees, outlined the commission's appeal:

> Come then, as brothers, with one hand and one heart--prepare to sacrifice at the altar of your common country's good, all past bitterness and discontents, ready to smoke the "Calumet of Peace," that it may hereafter be proclaimed that you are once more a united and happy people.
>
> Long enough have our brothers and neighbors heard the angry voice of civil broils and commotion among the Cherokees. Put a stop to these further forebodings of ill disposed and jealous men.[101]

As the Indians responded to the invitation, the commission urged:

> In stating your alleged wrongs, and asserting or vindicating on either side what you believe to be your rights, let your proceedings, here and elsewhere, be peaceful, calm dignified; your words and conduct tempered with a Christian spirit, and marked by a generous bearing, each toward the other--by the strong as well as the weaker party; and remember that you are still the brethren of one nation, as we are all children of the One Great Spirit, who holds us accountable for our acts as certainly as we are this day assembled together.[102]

Though John Ross refused to attend the hearings, he sent a group of observers and representatives.[103] He still demanded that the proceedings be held at Tahlequah, "where their inquiries could be prosecuted with more advantage to the cause of truth, and without exciting alarm in

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[100]John Ross to Jones, Mason and Butler, 3 Dec. 1844, ibid., 135.

[101]Proclamation of P. M. Butler, 5 Dec. 1844, Cherokee Advocate, 5 Dec. 1844.

[102]Journal of Proceedings of Commission, 5 Dec. 1844, U. S. Senate, 28th Cong., 2d Sess., Document 140, 59.

[103]Ibid.

the minds of the people."[104] He further demanded that Agent Butler "interpose your authority, and to afford, to the Cherokee Nation, the pledged protection of your Government, 'against domestic strife,' and to suppress a faction, which," with the approbation of the United States, might endanger the nation's tranquility.[105] The Ross police companies, however, disrupted the nation by surrounding and harassing an Old Settler, William Dutch, but no harm was done, and the excitement passed like an afternoon shower.

The United States commissioners soon saw the importance of the 1835 treaty, the removal, and the 1840 act of union. General Arbuckle further contended

> that, had the per capita money been received by the 'old settlers,' they would have been satisfied with the act of union, and peace and quiet, if not perfect harmony, would have reigned in the nation; premising, of course, the government to be administered with moderation and equal justice to all.[106]

The commission moved to the Old Agency, just thirteen miles from Tahlequah, and heard more testimony, but Ross still refused to cooperate. His police companies complicated things by being "obtrusive" and threatening.[107] Testifying before the commission, John Rogers contended that the 1840 act of union had only been approved because "a very strong influence was brought to bear on the 'old settlers,' by the United States Government, through General Arbuckle, in whom the 'old settlers' had unbounded

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[104]John Ross to P. M. Butler, 6 Dec. 1844, L.R.O.I.A., R. 89.

[105]Ibid.

[106]Minutes of the Proceedings of the Commission, 17 Dec. 1844, U. S. Senate, 28th Cong., 2d Sess., Document 140, 17.

[107]R. Jones to Wm. Wilkins, 18 Dec. 1844, L.R.O.I.A., R. 89.

confidence."[108] Though they had accepted it at the time, the Western Cherokees quickly became disillusioned because the dominant party failed to uphold its part of the agreement.

As the commission moved again (this time to Fort Gibson), it encountered a maze which perplexed any investigator trying to unravel the tangled Cherokee dilemma. In their final report, the commissioners discounted the sufferings of minority factions and charged the United States with partial responsibility for keeping dissension alive by hearing rival delegations in Washington. They did suggest, however, that a "just and liberal" treaty, patterned after the promise of President Tyler, would accomplish a great deal. Nothing could be done about the 1835 treaty, and past violence could scarcely be erased by fiat, but the nation might find peace in an equitable settlement.[109]

Even the much-abused police companies of John Ross were vindicated by the commission. It ruled that "it does not appear that the arrests have been numerous, or wantonly made, though it is likely that the surveilance exercised by some of the police companies may, in some instances, have been carried too far."[110] In brief, the commission stated:

> In view of all these ascertained facts, the allegation "that they cannot live in peace in the same community with their alleged oppressors" is of little weight, and ought not, in the opinion of the commissioners, to be entertained.

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[108]Minutes of Proceedings of Commission, 3 Jan. 1845, U. S. Senate, 28th Cong., 2d Sess., Document 140, 17.

[109]Report of Gen. Roger Jones, Lt. Col. Richard B. Mason, Pierce M. Butler to Sm. Wilkins, 17 Jan. 1845, Cherokee Advocate, 12 June 1845; U. S. Senate, 28th Cong., 2d Sess., Document 140, 5-8.

[110]Ibid., 9.

> The commissioners have discovered, that even while present on the spot, where they are able in most cases to elicit the truth, complaints have come up, either frivolous in the extreme, or not true. And it is believed that the "old settlers" and "treaty party" enjoy, under the "act of union" and the constitution of the Cherokee nation, liberty, property, and life, in as much security as the rest of the Cherokees.[111]

Another commission entered Indian Territory to try and solve the claims of the Cherokees, but it too found conflicts and animosity within the nation impossible to resolve. As one commissioner surveyed the lengthy task of hearing 2,000 claims through an interpreter, he groaned that he "should be glad to be freed from the most irksome duty I ever undertook."[112] The commission asserted:

> No claims will be investigated by the present board that come not within the provisions of that [1835] Treaty--which has been a real Pandora's box, whence have sprung full grown among the Cherokee people ten thousand wrongs, vexations, jealousies, heart-burnings and other evils, trampling down their rights, engendering prejudices, disturbing their peace and seriously retarding their growth in numbers, knowledge, morality and a wholesome civilization.[113]

But commissions could investigate, and analyze, and suggest, and fulminate without solving any basic problems. Reports were filed, but no action followed. Thus Cherokees prepared once again to dispatch delegations to Washington,[114] and since gnawing grievances still existed, the nation entered perhaps the most bloody and disastrous "time of troubles" between the removal and the civil war.

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[111] Ibid., 9.

[112] John T. Mason to Sm. Wilkins, 8 Feb. 1845, L.R.O.I.A., R. 89.

[113] U. S. Commission statement, 13 Feb. 1845, Cherokee Advocate, 13 Feb. 1845.

[114] John Rogers to Matthew Arbuckle, 18 Jan. 1845, Kendall Papers.

CHAPTER XII

A TIME OF TROUBLES

> And now, like reapers who start from opposite sides of a rich man's field and bring the wheat or barley tumbling down in armfuls till their swathes unite, the Trojans and Achaeans fell upon each other to destroy.
>
> --Homer

> All visible objects, man, are but as pasteboard masks. But in each event--in the living act, the undoubted deed--there, some unknown but still reasoning thing puts forth the mouldings of its features from behind the unreasoning mask.
>
> --Herman Melville

From the early months of 1845 until the successful treaty of August, 1846, the Cherokee Nation reeled under the turbulence of internal dissension. Murders were common, armed bands stalked the countryside, and hundreds of Cherokees left their homes to seek refuge under other governments.

For those remaining in the nation, it required no little agility to stay alive--particularly if one's political convictions were publicized. Much of the violence had no political connection, but each killing tingled factional nerves and set the nation on edge. Charles Thornton, an Old Settler who had signed the 1840 act of union and served on the National Council, was shot four times and stabbed seventeen times by an unknown assailant (or assailants) while sleeping in his home on the

Arkansas River.[1] John Fields, a signer of the 1835 treaty, was killed after a drunken brawl following a horse race at Cow Skin Prairie. Considered "a man of dissipated habits and a violent, overbearing disposition,"[2] Fields' friends and relatives reportedly killed him! Lewis Rogers, an Old Settler, was killed by members of the Ross faction, but it was, perhaps, the outcome of a "small scrape" rather than political retribution.[3] Another Cherokee, William Nicholson, successfully engaged three American soldiers in a brawl after a "frolic" near Fort Gibson got out of hand and brutally stabbed them--two of them fatally.[4] Bill Hiwass died after an Arkansas drinking bout ended in a blood-bath.[5] Three more Cherokees died violently in May,[6] a wayward Creek was slain,[7] and three Cherokees perished during August, September, and October.[8]

National authorities, like bewildered police commissioners without clues to a crime, denounced violence but remained immobile. Echoing the official opinion, the Advocate lamented the many murders and hangings it had to print as "a source of much mortification to our national pride," and blamed "desperate characters" plaguing the nation for most of its

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[1]Cherokee Advocate, 6 Feb. 1845.

[2]Ibid., 27 Feb. 1845.

[3]Ibid.

[4]Ibid., 20 March 1845.

[5]Ibid.

[6]Ibid., 15 May 1845.

[7]Robert Browne Report, 28 June 1845, L.R.O.I.A., R. 89.

[8]Cherokee Advocate, 14 Aug. 1845, 11 Sept. 1845, 23 Oct. 1845.

problems.[9] The Advocate complained about the bad public image fabricated by an American press which savored rumors of atrocity and dismissed more constructive Cherokee achievements. The Cherokee editor said "wild and mischievous stories are put in circulation, by designing, ignorant or over-credulous individuals, in regard to matters connected with the Cherokees."[10] Part of the actual problem was beyond Cherokee control, however, for wild "scenes of dissipation and prostitution" around Fort Gibson could only be eliminated by military enactment.[11]

Agent Butler buttressed these Cherokee assertions. Though "bitter hostility" cropped up like alkali on a desert floor, political hatreds wrought less violence than unrestrained lust for "plunder" by renegades of assorted nationalities, and some national police aided culprits by warning them of impending arrests. Yet even the apparent non-political violence had factional overtones, for Butler predicted that if "irresponsible persons" started trouble the store of Lewis Ross would be attacked first.[12]

Trying to bring some suspected renegades to justice, police arrested twenty-two year-old Washington Starr and his nineteen year-old friend, Suel Rider, for Charles Thornton's murder.[13] The trial was held at Tahlequah, and widespread fears troubled the nation; the men were generally supposed innocent of the charges, but if they were convicted the

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[9] Ibid., 27 Feb. 1845.

[10] Ibid.

[11] Ibid., 24 April 1845.

[12] P. M. Butler to T. H. Crawford, 28 June 1845, L.R.O.I.A., R. 89.

[13] James Pritchet Report, 28 June 1845, ibid.

Treaty Party might be excited to violence.[14] They were soon released from custody, but their enemies were not appeased until they were eliminated, and they soon had opportunity for retribution.

On November 1, 1845, seven tall, surly, rough-looking men crept through the darkness toward the home of John Ross's son-in-law, R. J. Meigs. Witnesses had seen the Starr gang in the area the previous night, and others claimed that they could recognize Tom and Ellis Starr in the light of Meigs' house after they had ignited it.[15] Since some whites would "rather meet the Devil himself than Tom Starr,"[16] Meigs was without question frightened, and he slipped through the back door and escaped, but the "gang of outlaws"[17] retreated unopposed from the Tahlequah area leaving Meigs' house a pile of ashes.

Such arson aroused Ross people to action. Members of the National Council discussed the incident, and talk soon inflamed more volatile Ross adherents. They resolved to settle the Starr problem once and for all. On Saturday night, November 5, the council created a light horse company to apprehend the Starrs. Judicial procedure had failed to halt them, so Ross men decided to liquidate guilty Starrs "by mob law."[18] One Cherokee cried that "the way to get clear of such out-laws was to cut the root of the tree, and then the branches would wither and die."[19] Elijah Hicks,

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[14]P. M. Butler to T. H. Crawford, 15 July 1845, ibid.

[15]Oo-nah-cher-sah et. al. testimony, H. R. Document 185, 198.

[16]John R. Ridge to Stand Watie, 17 April 1846, C.N.P.

[17]Cherokee Advocate, 6 Nov. 1845.

[18]John F. Wheeler testimony, H. R. Document 185, 214.

[19]Thos. E. Wilson to J. McKissick, 9 Feb. 1846, L.R.O.I.A., R. 90.

clerk of the National Committee, hoped "the matter would be carried on, without stoppage until it was settled one way or the other,"[20] and national officials apparently knew that the Starrs were marked for death, for an observer concluded that the death plot was formulated "under circumstances from heresay and otherwise, of the knowledge certainly, of a portion of the head men of the Council."[21]

To execute the plot, twenty or thirty men assembled under the leadership of John Potatoes, a lieutenant in the nation's police company, and rode toward the Starr farm. As the Sunday-morning sun chased the chill from the earth, the company rode briskly up the path to James Starr's isolated house.[22] James, the father of the wanted men, told his family to let the men search the house in hopes they would then depart. He calmly stepped out on the front porch to wash his face, and as he stood there slugs tore into his body and left him lifeless on the weather-stained boards.[23] His fourteen year-old son, Buck, started to help his father pour water but dashed toward the nearby woods as his father collapsed. Four bullets lodged in his small body, and he fell to the ground, writhing and mortally wounded--though he would painfully suffer six more weeks.[24] Finishing their task, the men unsuccessfully tried to kill two smaller Starrs, aged five and eight.[25]

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[20] Ibid.

[21] Ibid.

[22] George H., Joseph M. Starr to John Rogers, Wm. Dutch, 11 Nov. 1845, ibid., R. 89.

[23] Ibid.

[24] Testimony of Nelly Starr, H. R. Document 185, 202.

[25] Ibid.

As the rest of the family took cover or ran into the woods, the "police" entered the house of J. M. Woods and dragged out Suel Rider, a nephew of James Starr and an Old Settler who had joined the Treaty Party. Ten men fired at him and another plunged a butcher knife into his body, and he, like his kinsmen, perished.[26] A police detachment then sought Bleuford Rider, but he was warned of their approach and escaped.[27] Washington Starr had been out early and encountered the company on the road. They opened fire, and he ran for cover. With a bullet in his arm and five holes in his flapping shirt, Washington fled to shelter in Arkansas.[28]

Five days later, Thomas B. Watie was killed at a friend's place on Lee's Creek. A brother of Stand Watie, and of equally small stature, he (like Suel Rider)[29] could not have burned Meigs' house since Meigs himself testified that the arsonists were all large men.[30] Nevertheless, the company "arrested" Watie. He asked to put on his clothes, but even as he prepared to go with them he was felled from behind with a tomahawk and shot by his captors.[31] Two of Stand Watie's brothers had now perished at the hands of his foes.

Six days later a police company surrounded the home of two more Cherokees, killed them, and silently vanished into the darkness. They

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[26]Mary Wood testimony, ibid., 204.

[27]Geo. H., Joseph M. Starr to John Rogers, Wm. Dutch, 11 Nov. 1845, L.R.O.I.A., R. 89.

[28]Washington Starr Testimony, 7 Feb. 1846, H. R. Document 185, 205.

[29]John McDaniel Testimony, ibid., 203.

[30]John F. Wheeler Testimony, ibid., 215.

[31]Char-wah-you-kah Testimony, ibid., 207.

left only death threats to any informants.[32] On Christmas, John Ward died in an apparently non-political brawl, and two days later Charles Smith perished. On January 9, 1846, Granville Rogers, son of an Old Settler chief, John Rogers, was killed--the apparent victim of a grudge.[33]

The attempted liquidation of the pro-Treaty Party Starr family terrified anti-Ross people. They began fleeing across the border into Arkansas like geese on the edge of a norther's crisp gale. One family fled to Fort Smith but returned in a few days to retrieve their possessions and found a large number of men slaughtering their hogs and confiscating their holdings. One Ross man claimed that all refugees' belongings automatically became "public property," but another Cherokee produced orders from John Ross to stop the pillage.[34] Attempting to justify his action as a member of the police company, "a man by the name of Liver remarked that the council was to blame, and not them, for what had been done; and if it had not been for the council, there never would have been any disturbance."[35] In this opinion General Arbuckle concurred, and he demanded that all light horse companies be dissolved; if the nation would not preserve the peace so that refugees could return, he threatened to send in his dragoons to maintain order.[36]

Ross people made no attempt to hide such terrorism--they boldly proclaimed the necessity of it. They said:

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[32]Nancy Humphries Testimony, ibid., 208.

[33]M. Arbuckle to Adjt. Gen., 17 Jan. 1846, ibid., 231.

[34]Nancy Humphries Testimony, ibid., 209.

[35]Ibid.

[36]M. Arbuckle to George Lowrey, 15 Nov. 1845, ibid., 166-167.

> James Starr was the Father of the notorious outlaw, Thomas Starr and was doubtless, the ring leader of the gang of desperadoes that has so long infested this Country. Suel Rider and Wash. Starr, were once tried for assisting in the murder of Thornton and were both, there is every reason to believe actively concerned only in the outrages mentioned last week, but also in others equally fiendish.
>
> The killing of these men is contrary to law, and as such is to be regretted, although it seems to have been absolutely necessary.[37]

Still more: the "excitement" aroused by the killing of the Starrs was likely to continue, "to a greater or less degree, until the gang of desperadoes . . . shall be brought to justice."[38]

To Treaty Party men, and to General Arbuckle as well, the manhunt and murders indicated something more than an effort to bring outlaws to justice. The obvious fear of Treaty Party people and the number who had abandoned their possessions to live as refugees showed the beginnings of a large-scale political purge.[39] The so-called police companies, though invested with official trappings, often behaved ferociously; three weeks after Suel Rider was slain in his front yard, "a police company who professed to be acting under the legal authorities of the nation came to her [Rider's mother's] house, the same place where they had murdered her son, and held a war dance; they took her corn and fed their horses while holding the dance."[40]

Though Ross protagonists tried to persuade people that only outlaws were being killed, subsequent investigation showed otherwise.

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[37] Cherokee Advocate, 13 Nov. 1845.

[38] Ibid., 20 Nov. 1845.

[39] M. Arbuckle to G. Lowrey, 20 Nov. 1845, H. R. Document 185, 168.

[40] Mary Wood Testimony, ibid., 204.

Witnesses testified that the Starrs could not have burned Meigs' house (which had provoked Ross companies to violence), and James Starr, unlike his wayward sons, was a respected, honorable man.[41] After another anti-Ross man, Charles Smith, defied Little John Brown, who bragged that he had killed Bean Starr, a group of Brown's friends came to Smith's house, dragged him from bed, and killed him. In the group of assailants were some prominent members of the Ross faction--including James Lowrey, son of Assistant Chief Lowrey.[42]

As anti-Ross people fled from the nation or collected around Stand Watie and his little army at Fort Wayne, murders and unrest continued.[43] Though some Watie people thought that the Ross faction was losing strength and "some of the Ross party . . . feel despirited and think their situation as a party growing daily more precarious,"[44] violently vocal Ross partisans, like sharp-tongued busy-bodies in convention, waxed ever more stridently. Anderson Springston, a member of the National Committee, bragged he was not afraid to kill anyone, that he had known James Starr would die, and was confident Stand Watie and his armed men at Fort Wayne would soon perish.[45]

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[41]Cherokee Advocate, 4 Dec. 1845; Testimony of Charles Rease et. al., H. R. Document 185, 192-194.

[42]Major B. L. E. Bonneville and Captain Nathan Boone to Brig. Gen. Arbuckle, ibid., 185-186; Cherokee Advocate, 8 Jan. 1846; James McKissick to William Medill, 12 Jan. 1846, L.R.O.I.A., R. 90.

[43]Cherokee Advocate, 29 Jan. 1846; Beauford Alberty Statement, H. R. Document 185, 222-223; L.R.O.I.A., R. 90; Cherokee Advocate, 29 Jan. 1846.

[44]S. Rindley? to Stand Watie, n.d., C.N.P.

[45]John Williams Statement, 10 March 1846, L.R.O.I.A., R. 90.

Watie people struck back like injured grizzleys and killed two Ross men, Samuel Martin and Stand Dority.[46] Stand had helped kill James Starr and Suel Rider; at a neighborhood dance Wheeler Fought slyly asked Stand to go outside for a drink of whiskey, and while the couples whirled inside Stand walked into the Treaty Party trap. Five guns blazed and eleven knife-wounds perforated his body which, shorn of its scalp, was not found until the next morning.[47] Though without evidence, many suspected the Starr boys of the crime.[48]

Yet the Ross faction was not the only Cherokee group suffering from the ravages of the Starr gang. Stand Watie and his followers wanted to drive them from the nation, and this incurred the outlaws' enmity.[49] The Starrs continued their depredations, and in late March, 1846, they killed a seventy-year-old Cherokee and stole a young Negro boy.[50] Though some Cherokee outlaws were brought to justice, the Starrs were elusive, and the nation was "in a most woeful condition" with "almost daily murders."[51] Another Cherokee lamented that "murders in the country have been so frequent until the people care as little about hearing these things as they would hear of the death of a common dog."[52] Searching his mind for

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[46]M. Arbuckle statement, H. R. Document 185, 195; Cherokee Advocate, 29 Jan. 1846; James McKissick to Wm. Medill, 22 March 1846, H. R. Document 185, 225.

[47]James McKissick to Wm. Medill, 23 March 1846, L.R.O.I.A., R. 90.

[48]Ibid.

[49]A. Williamson to James C. Price, April 1846, C.N.P.

[50]Cherokee Advocate, 2 April 1846.

[51]James McKissick to Wm. Medill, 2 April 1846, L.R.O.I.A., R. 90.

[52]Jno. Candy to Stand Watie, 10 April 1846, C.N.P.

a cause of the whole problem, he said, "Who first began the troubles in the Cherokee Nation? The answer is obvious. We know it well."[53] The man accused, of course, was John Ross.

Whoever was to blame, violence continued. Police details made arrests, but the Treaty Party, like ex-convicts in a lineup, seemed to be the only suspects, and many fled from the nation just to escape prosecution. Some of the men banded around John A. Watie, Stand Watie's brother, and resolved to fight anyone threatening them, but Stand's wife, Sarah, pessimistically predicted:

> I expect they will all be scalped before long. I have not heard of the Starr boys in some time, but I rather think that Joseph Roper has gone to Flint to joine them but this only a thought of my owne that boy that they whipped for stealing is dead. I have not seen the last Cherokee advocate but I have heard people say that it implicated Joseph Lynce and James Starr Thompson in the burning of the Megs house but you know that wount do they hung W. Fought for having a hand in killing Stand Dority . . . .[54]

As the authorities pursued the Starrs they occasionally caught sight of them. Ellis and Billy Starr were hunted down by some Cherokees and injured by their bullets, but since they were in Arkansas the culprits evaded Cherokee justice.[55] The Starr family suffered for its criminal kinsmen, and one Treaty Party leader, Ezekiel Starr, who died in Washington, lost his possessions to "some of the Cherokees of the dominent party" who "confiscated" his "property on the ground, that Mrs. Starr," who fled to Arkansas for safety had forfeited any right to it--"tho, she had

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[53] Ibid.

[54] Sarah Watie to J. M. Bell, 16 April 1846, C.N.P.

[55] Cherokee Advocate, 30 April 1846; James McKissick to William Medill, 12 May 1846, L.R.O.I.A., R. 90.

continued to live in the Nation, untill they robbed her of her Bacon, & other articles of subsistence."[56]

Bullets cut down two more Cherokees as they silently tilled their fields,[57] and the Starrs supposedly killed another man and stole two Negroes.[58] Arkansas authorities did nothing with the Starrs when they caught them,[59] and Cherokees suffered from their ravaging raids. Though many Treaty people suffered when Ross companies marched against the Starrs, many of them suffered equally from the indiscriminate deprivations of the renegades.[60]

While murders and violence sparked fires of outrage in the nation, political leaders sought an answer to the dissension still raging within. Early in 1845 delegations from both factions went to Washington, where both demanded that the United States meet certain provisions.[61] In the nation, Cherokees called a convention for March 24, 1845, to consider the military's "abuse and lawlessness"[62] while the United States tried to keep the factions apart and pacific.[63]

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[56]Ibid.

[57]Cherokee Advocate, 14 May 1846, 28 May 1846.

[58]Ibid., 25 June 1846.

[59]Ibid., 6 Aug. 1846.

[60]Ibid., 9 July 1846.

[61]John Rogers to T. H. Crawford, 30 Jan. 1845, L.R.O.I.A., R. 89; also in Kendall Papers.

[62]Broadside, 15 March 1845, Kendall Papers.

[63]W. L. Marcy to E. Starr et. al., 24 March 1845, ibid.

The arguments of Old Settlers and Treaty Party people (now more or less united) were essentially the same as had been presented since 1839. They urged one thing above all others: a division of the nation.[64] They believed that they were in danger of death, for when delegates were selected to take the Treaty Party petition to Washington a plot was supposedly formed "by the Ross party and the night of our assassination fixed, and it is believed not without the knowledge and consent of John Ross."[65] Warned by a "lady of the Ross party" the delegates escaped the nation, but "assassins at the appointed hour were seen in the neighborhood of our dwellings."[66] In addition to their personal danger, some of those who advocated a division of the nation were driven from their homes by "national enactment" and had "their property confiscated."[67] In Treaty Party minds, John Ross directed the whole atrocity program as smoothly as a chairman of the board directs his corporation.

Violence in the nation moved federal officials to action, and Washington administrators seriously considered the suggested division of the nation.[68] They had to do something--one observer predicted that 100 Cherokees would be in Washington before the Christmas of 1845 if the United States did nothing.[69] Treaty Party grievances included the 1839

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[64]Geo. W. Paschal to Amos Kendall, 26 July 1845, ibid.; Ezekiel Starr et. al. to President of United States, 26 March 1845, L.R.O.I.A., R. 89.

[65]Ibid.

[66]Ibid.

[67]Ibid.

[68]T. H. Crawford to W. L. Marcy, 16 April 1845, Kendall Papers.

[69]Geo. W. Paschal to Amos Kendall, 13 June 1845, ibid.

murders, Ross's failure to pay the per capita monies (and the fraud thereby suggested), the failure of the 1844 United States commission to solve anything, and continued persecution endured by anti-Ross Cherokees.[70] Things were so desperate in the nation that "we dare not even assemble to consult as a party, and to appeal to you as representatives of such. For although our numbers have greatly increased, yet the mighty influence of over thirteen hundred thousand dollars has prevailed over us by a bare majority."[71]

And of course others were to blame for Cherokee troubles. The United States was still blamed for the real dilemma. Treaty Party delegates said:

> If there was crime in the Treaty of 1835, it was more your crime than ours. We were all opposed to selling our country, east, but by State laws, you, (meaning your countrymen) abolished our government, annihilated our laws, suppressed our authorities, took away our lands, turned us out of our houses, denied us the rights of men, made us outcasts and outlaws in our own land, plunging us at the same time into an abyss of moral degeneration which was rushing our people to swift destruction.[72]

If the action of 1835 was, like the razing of old buildings, necessary and justifiable for progress, then the Ridges were true patriots.

> They were full-blooded Cherokees, who loved their country-men more than they loved their country or their own lives. They knew the danger they incurred from John Ross who has not the Mind, much less the heart of a true Cherokee; but they were willing to die if the sacrifice was necessary to save their people.[73]

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[70]Protest of Treaty Party, 25 July 1845, L.R.O.I.A., R. 90; Argument on Behalf of Treaty Party by Geo. Paschal, H. R. Document 185, 116-49.

[71]Memorial of Treaty Party, H. R. Document 185, 104.

[72]Ibid.

[73]Ibid.

Life for Treaty Party people had been hazardous, and the situation was degenerating: "We cannot stand this state of things. We are murdered and the laws afford no redress."[74] They questioned:

> Is John Ross to be permitted still to hold us under his jurisdiction, not to protect but to slay us? Is there no law which justifies and requires the United States to give us protection and redress, no bond of honor, no obligation of right? Are we still to be persecuted, robbed and murdered for the acts in which your government participated?[75]

But federal officials moved slowly throughout 1845. Some discussions ensued, and a possible division of the nation was considered, but the Cherokee Nation was unaffected. American lawyers confidently anticipated that the difficulties would soon be resolved, however, that minority factions would be paid for their suffering, and that some $3,000,000 "misapplied" by the Ross government would be distributed to the people.[76] One suspects that hoped-for fees rather than realistic insight prompted such optimism, and the expected treaty was not obtained.

Anticipating some action from the next session of Congress, the Treaty Party was directed to once again petition it, since "there is no doubt every letter of unfinished business, touching either party of the Cherokee people, will be brought to a final close this coming Congress, and their history as a people commence on a new page."[77]

Along with Treaty Party delegates, John Rogers and some Old Settler delegates were in Washington in 1845. They had been in the capital "every

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[74] Ibid.

[75] Ibid.

[76] S. C. Stambaugh letter, 12 Sept. 1845, C.N.P.

[77] J. M. Bryan to Stand Watie, 8 Oct. 1845, C.N.P.

year since 1842," and they wanted justice.[78] Their attorneys argued that whether one interpreted the 1828 treaty and the fate of the Old Settlers "by legal rules, or by the dictates of a good conscience," the United States owed Western Cherokees some compensation.[79] It was further argued that only "through the MURDER of the chiefs of the 'treaty party', and the DEPOSITION of the 'old settlers', by a few rebels against the legitimate authorities, backed by Ross and his foreign horde, was the path to power open to the eastern chiefs."[80] Old Settlers thus demanded payments for their losses and representatives in the nation itself planned to collect them.[81]

Neither Old Settlers nor Treaty Party people could do much after November, 1845, when violence forced many of them into exile. At this time, "the most intense excitement existed among the Cherokees, caused by the sudden massacre of unsuspecting members of the Treaty Party" (James Starr, Suel Rider and others); "in consequence of the disturbances flowing from this event, numerous families, impelled by fear, removed."[82]

While his people fled to Arkansas, Stand Watie assembled an armed band around himself at Fort Wayne. The tight-lipped, resolute little fighter resolved to resist the Ross police with violence in kind. The traditional Cherokee blood-law was evidently considered

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[78]John Rogers, Wm. Dutch to William L. Marcy, 4 Oct. 1845, L.R.O.I.A., R. 89.

[79]S. C. Stambaugh, Amos Kendall to W. L. Marcy, 4 Oct. 1845, H. R. Document 185, 28.

[80]Stambaugh, Kendall to Marcy, 1 Nov. 1845, ibid., 35.

[81]James McKissick to Wm. Medill, 21 Nov. 1845, L.R.O.I.A., R. 90.

[82]James McKissick Report, 1845, C.N.P.

> as effectual on the 9th of November 1845, as on the 22nd June 1839. It can as well be made to apply to the humble Stoane and Swimmer, to the infant son of James Starr, to Thomas B. Watie and Charles Smith, as to the venerable Ridge and his son, to Boudinot and the fathers of the other murdered.[83]

Over 150 Cherokees lost homes, crops, animals, or other possessions in the fall of 1845 and the winter of 1846.[84] Stand Watie claimed he lost $1,500 during the turmoil, and several others had similar claims, but most people had much smaller losses.[85] Impoverished refugees were fed by the army[86] (much to the disgust of the Ross government),[87] but they still suffered greatly.[88]

To the established Cherokee government, which contended that all troubles involved only outlaws, the Watie force was an affront. The Ross-supporting Advocate thundered: "there is no necessity for such conduct, that it is contrary to law, that it serves to keep alive apprehension and excitement and that the company should immediately disperse and return to their respective homes."[89] But the 100 men at Fort Wayne, and the 400 refugees getting rations from the army were no more anxious to return to their homes than sheltered men are to brave the wrath of a hurricane.[90]

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[83]Treaty Party Argument, 13 June 1846, L.R.O.I.A., R. 90.

[84]This figure is taken from claims for damages presented to the Treaty Party Commission after the 1846 treaty; claims are in C.N.P.

[85]Stand Watie Claim, C.N.P.; other claims, ibid.

[86]W. H. Wharton to T. H. Crawford, 7 Dec. 1845, L.R.O.I.A., R. 90.

[87]Cherokee Advocate, 18 Dec. 1845.

[88]James McKissick to James K. Polk, 20 Feb. 1846, H. R. Document 185, 218.

[89]Cherokee Advocate, 18 Dec. 1845.

[90]Maj. B. L. E. Bonneville, Capt. Nathan Boone to Capt. James H. Prentiss, 2 Jan. 1846, H.R. Document 185, 190.

Some refugees were no doubt renegades,[91] and Arkansas citizens were distressed by their presence. One man asserted: "In a few words, troops are kept out to protect a banditti (whom they fear) in order to enable them to sally forth at night, commit murders, and return where they cannot be reached--for this more troops are necessary."[92]

Yet General Arbuckle thought that any "attempt to drive Stand Watie from his position would, undoubtedly, bring on hostilities; besides, they have no right to complain of his conduct, as they set the example by justifying a mob of their own adherents [Ross people] in assembling in numbers for self defence (as they asserted.)"[93] Arbuckle then proposed to resolve all the nation's difficulties by using force if necessary to disband the "armed parties, whether light-horse or mob" which terrorized the people.[94] He had some confidence in Watie, for he "always advised his friends 'to abstain from excesses, and to suffer wrong rather than be the aggressors.'"[95]

Perhaps Watie's leadership attracted Cherokees. Or perhaps they simply coveted the per capita settlement promised by Treaty Party leaders. Whatever the reason, the Treaty Party gained strength and united "all those of the Cherokees who contend for a strict fulfilment of the treaty of 1835, according to its letter and intention, and who are opposed to the

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[91] Cherokee Advocate, 18 Dec. 1845.

[92] B. L. E. Bonneville, Nathan Boone to James H. Prentiss, 2 Jan. 1846, H. R. Document 185, 190; Cherokee Advocate, 19 March 1846.

[93] M. Arbuckle letter, 3 Jan. 1846, H.R. Document 185, 190.

[94] M. Arbuckle to James McKissick, 5 Jan. 1846, ibid., 189.

[95] M. Arbuckle to Adjt. Gen., 6 Jan. 1846, ibid., 188.

violence and oppression of the dominant or Ross party now in power."[96] Though members of the faction admittedly felt "personally insecure," the promise of $150 per person under the 1835 treaty gave them courage.[97] For a time it seemed that the only alternative open to the minorities was flight or civil war, for the Cherokee authorities not only did nothing to stop the persecution but actually seemed to approve of it; police companies, whose pay took "all the annuities and school funds" vented their anger upon the "oppressed party" without official reproof.[98]

Following the murders of November and December, 1845, the nation, like a whirling top, found some equilibrium.[99] More murders and thefts occurred, but none aroused the nation. An exploring party (originally consisting of fifty men) dispatched by the Treaty Party in the fall returned from Texas, where they had investigated the possibility of moving for refuge.[100] The idea was impractical, and Watie people resolved to stand for their rights in Indian Territory. They wanted a separate government, and their agent agreed that "if the tranquility cannot be restored in the nation, which the undersigned is induced to believe will be the result, why, then, it would seem that a separation is the only alternative."[101]

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[96]John Duncan and Committee report, 20 Jan. 1846, ibid., 220.

[97]Ibid.

[98]Ibid.

[99]M. Arbuckle letter, 21 Jan. 1846, H. R. Document 185, 231-232.

[100]M. Arbuckle to Adjt. Gen., 13 Jan. 1846, ibid., 229-230; Claim of John G. Gunter, C.N.P.

[101]List of Men and Expenses of Exploring Party, C.N.P.

Working for such a separation, Treaty Party delegates labored in Washington. Stand Watie went with the delegation, and his little army "disbanded" during his absence; they planned to get together again as soon as he returned--if there were need.[102] But by the end of April, 1846, things were sufficiently quiet in the nation to enable delegates to concentrate upon getting a new treaty or money from the old.[103] One of the delegates, Ezekiel Starr, died in Washington, and Watie himself had a troublesome cough,[104] but they were encouraged by support from the nation, for people prayed that "the Lord be with our delegates that they may succeed in getting us out of our troubles soon."[105]

To help them, Treaty Party delegates hired George Paschal, a son-in-law of Major Ridge, to give legal aid.[106] Of all men in Watie's faction, Paschal (who had defended Watie in the James Foreman trial) was perhaps most detested by the dominant party. To Ross people, he was

> a Bonaparte among little fellows, a Munchausen in veracity, a Bombastes in heroism, a Sancho in servility--the beau ideal of a busy body; the personification of egotism and self complacency--a man of much industry, little talent, much low cunning, but of no enlarged, elevated moral principle--a man in fine, who is just the instrument for Dirty work.[107]

Whatever the dirty work anticipated by Ross people, Paschal seems to have

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[102]George D. K. to Stand Watie, 5 April 1846, C.N.P.

[103]S. Rindly to Stand Watie, 30 April 1846, C.N.P.

[104]Geo. W. Adair et. al. to William Medill, 27 April 1846, L.R. O.I.A., R. 90; A. Mills to S. Watie, 1 May 1846, C.N.P.

[105]John A. Watie to Stand Watie, 10 May 1846, C.N.P.

[106]Treaty Delegation to [Department of Indian Affairs], 19 May, 1846, L.R.O.I.A., R. 90.

[107]Cherokee Advocate, 18 Dec. 1845.

worked for conciliation and a peaceful settlement--from which he could profit nicely.

Old Settlers, like Treaty Party people, lost one of their leaders in Washington while waiting for the United States to solve the Cherokee situation. John Rogers, chief spokesman for dissident Western Cherokees, died in June, 1846.[108] In that month, both the Treaty Party and the Old Settlers agreed to submit their problems to mediation.[109] They asked only for adequate protection so that they and their families could live in peace and for a fair share of the money given the nation by the United States.[110] They still maintained that a division of the nation was the only possible solution, for as Stand Watie's niece, Mary Boudinot, declared, their "poor oppressed party" could find shelter only in a separate nation; surely "precious blood enough [has] been shed to arouse the Government now to do justice to their faithful friends. I am sure they deserve it, and I am sure we, as a family need it, and many others with us."[111] But as she said, the United States would have to take the initiative, and ultimately it would have to negotiate with John Ross.

Throughout the entire time of troubles, John Ross retained control of his people. Defections to Watie's faction were sizeable but by no means wholesale. To his people, and to many disinterested observers, Ross had

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[108]Jno. Brown to Wm. Medill, 13 June 1846, L.R.O.I.A., R. 90.

[109]Treaty Party Statement, 17 June 1846, Miscellaneous Documents Regarding Indian Affairs, Northeastern State College; L.R.O.I.A., R. 90; Jno. Brown and Old Settler Statement, 24 June 1846, ibid.; John A. Bell and Treaty Delegation Statement, 24 June 1846, ibid.

[110]Treaty Party Delegates to E. Burke et. al., 9 July 1846, L.R.O.I.A., R. 90.

[111]Mary H. Boudinot to Uncle, 31 Jan. 1846, C.N.P.

come to power as the legitimate choice of the Cherokee majority.[112] Ross spent many months with his delegation in Washington, but he maintained his position in the nation by winning the 1845 election as Principal Chief. Interest in the election was widespread and intense,[113] and he explained away the nation's difficulties by excoriating the 1835 treaty, the removal sufferings, the army, and the whiskey peddlers.[114]

Ross branded rival delegations and factions as troublemakers. The Cherokee Advocate said: "it seems that the selfish and ambitious Disorganizers within our own limits, used and spurred on by 'Amos Kendall, Esq.' and the host of land and money sharks stuck along our border may succeed, in this age where might becomes right, in affecting beyond remedy, the present being of the Cherokee people."[115] Whereas dissident factions coveted United States help, Ross people naturally wanted the United States to keep out of Cherokee affairs. The only causes the dominant faction admitted which could provoke dissidents were "disappointed ambition" in the national elections, the fact that many of the nation's outlaws were Treaty Party men, and the unadulterated "love of money."[116] Ross people admitted no legitimate cause for dissent, and they were particularly hostile to the several lawyers employed to aid minority factions.[117]

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[112] D. S. Butrick Journal, 21 Feb. 1845, Cherokee Mission Papers, IV.

[113] P. M. Butler to T. H. Crawford, 25 March 1845, L.R.O.I.A., R. 87; Cherokee Advocate, 24 April 1845.

[114] Cherokee Advocate, 1 May 1845.

[115] Ibid., 17 July 1845.

[116] Ibid.

[117] Ibid.

But grievances in the nation were far more genuine than Ross spokesmen admitted--and less severe than dissidents claimed. Perhaps the real truth is glimpsed in the diminishing support John Ross retained in the nation.[118] Even the weather conspired against him, for the summer of 1845 was hot and dry[119] and people somehow blame politicians for failing crops. As dissidents schemed to take control and began to hold meetings to discuss tactics, Ross people moved in with force "to prevent the reckless agitation of schemes, which were in themselves highly exciting and which had for their avowed ends the overthrow of our government and the division of the Cherokee People."[120]

Ross had the support of the United States representative in the nation, Agent Pierce M. Butler. The Advocate urged Butler's re-appointment, for "his affable manners, his long residence among the people, his intimate acquaintance with their domestic and foreign affairs, and his efforts to advance them in morality, industry and general intelligence combined, have won their respect and confidence."[121] Butler championed the "morality and intelligence" of Cherokees and was particularly impressed by their educational emphasis, which he considered "the very soul and source of their progress towards civilization, and is the chief element and promise of their prosperity and success."[122] Religion, temperance societies, and agricultural improvement all indicated national progress,

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[118]Wm. Armstrong to T. H. Crawford, 9 July 1845, L.R.O.I.A., R. 89.

[119]Cherokee Advocate, 31 July 1845.

[120]Ibid., 7 Aug. 1845.

[121]Ibid.

[122]P. M. Butler Annual Report, Sept. 1845, L.R.O.I.A., R. 89.

and Butler both supported the nation's demands of a settlement to end dissension and the argument that the military must be eliminated from the nation.[123] He was, consequently, popular with Cherokee authorities.

Butler was, however, accused of withholding payments to Cherokees until "their necessities and wants compel them to sell their claim at a heavy loss" to some Cherokee speculators.[124] Distressed by this accusation of graft, Butler denied such an "imputation upon my integrity,"[125] but President James K. Polk decided to relieve him of his duties and appointed James McKissick to replace him in the nation.[126]

Regardless of their agent, Cherokees had the same internal problems. The atmosphere in the fall of 1845 was tense, but Ross officials assured the people that no violence would erupt and the nation would remain united. "We cannot persuade ourselves," the Advocate said, "that any honest, respectable man, any man of common sense and humanity, whether he belongs to the Treaty or Old Settler party, entertaines any idea of resorting to arms for the settlement of any matters of disagreement in the internal affairs of this Nation."[127] A proposal of Commissioner of Indian Affairs T. H. Crawford to divide the nation to solve factional friction was denounced, for "it demonstrates plainly the right of self-government, so pompously guaranteed to the Cherokees, if it be made entirely dependent

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[123] Ibid.

[124] P. M. Butler to T. H. Crawford, 20 Sept. 1845, ibid.

[125] Ibid.

[126] Pierce M. Butler to T. H. Crawford, 4 Sept. 1845, L.R.O.I.A., R. 89; James McKissick to T. H. Crawford, Oct. 1845, ibid.

[127] Cherokee Advocate, 14 Aug. 1845.

upon the [1835] treaty afore mentioned, is almost equivalent to no right whatever."[128] John Ross argued that dissidents had nothing to complain about, for they had joined in the act of union and enjoyed more than adequate representation in the national legislature. Mixed-bloods were blamed for the continuous dissent which rocked the nation, and Ross especially denounced any resort to force by disgruntled factionalists or any division of the nation.[129] Cherokees could remain united, he thought, if only the United States would meet President Tyler's promise of a new treaty.[130]

Yet despite their peaceful pretense, Ross people, rather than their foes, first resorted to violence. The Light Horse Company was formed by the National Council to apprehend outlaws,[131] but it embarked on a program of terror and extermination. Murders of Treaty Party men disrupted the nation--even though Ross defenders steadfastly asserted the killings were justified because the slain men endangered the nation's safety.[132] No innocent person could be in danger, and refugees should not flee because it was absurd! The only real danger to the nation was embodied in a "clique" of merchants and lawyers (George Paschal in particular) who sought to profit from disturbances wrought by a "gang of cutthroats" and get rich through pressing the claims of dissident factions.[133]

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[128] Ibid., 4 Sept. 1845.

[129] John Ross argument, 5 Nov. 1845, H. R. Document 185, 152-154.

[130] John Ross et. al. Memorial to President, 8 Nov. 1845, ibid.,152.

[131] Cherokee Advocate, 13 Nov. 1845.

[132] George Lowrey to James McKissick, 26 Nov. 1845, H. R. Document 185, 171.

[133] Cherokee Advocate, 27 Nov. 1845.

If the Treaty Party resented the murders of the Starrs and others, then it obviously was on the side of "murderers, and horse thieves, and house-burners," and as such deserved no justice.[134]

Ross spokesmen even attacked Americans hostile to its tactics. A committee selected by the National Council excoriated General Arbuckle's efforts to employ the military to solve Cherokee problems.[135] Arkansas citizens who sympathised with the Treaty Party were denounced, and their officials were enjoined, "in a word, Brothers, 'Mind your own business and let ours alone.'"[136] Anyone who objected to the rash of murders by the Light Horse was castigated for defending raucous "banditti;" since "'self defense is the first law of nature,'" the murders were justifiable.[137] The Advocate further chastened General Arbuckle for issuing rations to homeless refugees living in Arkansas, for such action was "uncalled for, impolitic, unjust" and would no doubt be charged to the national treasury.[138]

In an effort to press their claims upon the United States, Ross adherents formulated a petition, presented as a memorial of the Cherokee Nation, to the United States. The men murdered in the nation during November and December of 1845 were labeled "banditti" and James Starr was surely "cognizant" of the depravity of his sons if not the actual

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[134]Report of Committee, 1 Dec. 1845, H.R. Document 185, 171.

[135]Ibid., 165.

[136]Cherokee Advocate, 4 Dec. 1845.

[137]Ibid., 11 Dec. 1845.

[138]Ibid.

"mastermind" of the gang.[139] Suel Rider was characterized as a renegade who was "notoriously known as a murderer."[140] The memorial contained some 1,676 signatures, but, as Washington officials noticed, only eight or nine people did the actual writing of the names.[141] Perhaps the memorial reflected many Cherokees' opinion, but it was rather suspicious, and the technique of John Ross was again questioned by official Washington.

With rival delegates in Washington gaining hearings, Ross Party leaders became increasingly concerned. Acting as Principal Chief in the absence of John Ross, George Lowrey called upon his people to set aside a "day of fasting, humiliation, and prayer."[142] He asked

> that ministers and people of all religious denominations meet together in their respective places of worship on that day, and offer up fervent prayers to Almighty God, that he will be pleased to pardon the transgressions of the Cherokee people, and turn away his wrath from us--that he will remove prevailing sickness, and restore health throughout the nation--that he will mercifully interpose to prevent the recurrence of scenes of violence and blood--that he will put an end to civil discord and give to all our citizens a spirit of harmony and peace--that he will give to the rulers of the nation, and all to whom the management of national affairs is entrusted, both wisdom to devise and a disposition to adopt such measures as shall promote the welfare of the whole people--that he will cause the Government of the United States to act towards this nation in a spirit of justice and good will, and to do nothing respecting us but what will tend to our prosperity and peace--and above all that he will turn the hearts of the people to himself, and bestow upon us the blessings of the Gospel of his grace.[143]

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[139]Memorial of the Cherokee Nation to the President, 4 Feb. 1846, H. R. Document 185, 158.

[140]Ibid.

[141]Ibid., 159.

[142]Cherokee Advocate, 5 Feb. 1846.

[143]Ibid.

Believing in persuasion as well as prayer, Lowrey wrote Stand Watie and tried to get him to ease national tensions. He urged him to disperse his army, for

> The continued combination of so many armed men at "Old Fort Wayne" is the subject of general and just complaint. Under any circumstances such a movement is calculated to create no little apprehension; but it is more particularly so since the country has resumed its accustomed tranquility. I feel compelled therefore, to remonstrate against the course pursued by you and your associates and to urge the propriety and necessity of its discontinuance. It is not only contrary to the laws of our country, but is uncalled for and calculated to keep up a state of distrust and apprehension in the public mind.[144]

Lowrey's warnings were appropriate. In Arkansas, refugees and the armed hostility of Treaty Party people generated problems. Some white citizens around Evansville complained that "the conduct of many of these Refugees, has been so notorious, as to excite in the minds of the undersigned, serious apprehensions for the safety of their own lives, in case they attempt to enforce the salutary laws of the State."[145] They had lost cattle and horses, and brutal murders kept the area alarmed.[146]

Defending the Cherokees, the Advocate continued to blame outlaws on both sides of the border for all disturbances. "Although the overwhelming mass of the people are sincerely desirous of peace," the editor reported, "yet they cannot enjoy it in consequence of the infamous acts of a few debased and murderous wretches who manage to keep themselves beyond the reach of justice."[147] And part of the judicial dilemma was the

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[144]George Lowrey to Stand Watie et. al., 10 Feb. 1846, C.N.P.

[145]Petition Against the Refugees, 4 March 1846, Cherokee Advocate, 26 March 1846.

[146]Ibid.

[147]Ibid., 12 March 1846.

refusal of Arkansas authorities to cooperate with the Cherokees by returning apprehended outlaws to the nation for trial and sentence.

In Washington, John Ross and his men called on President Polk and tried to gain official favor.[148] In the Bureau of Indian Affairs, however, arguments of Old Settlers and Treaty Party delegates were making their impact. William Medill, newly-appointed Commissioner of Indian Affairs, blamed John Ross personally for the nation's plight and suspected him of taking much of the money owed the Cherokee people; in his opinion, a division of the nation (as requested by the Treaty Party) was "imperatively required."[149]

Heeding Medill's advice, President Polk, who had resolved to solve the Cherokee problem, proposed, on April 13, 1846, a division of the nation to Congress.[150] Since "several unprovoked murders have been committed by the stronger upon the weaker party of the tribe, which will probably remain unpunished by the Indian authorities," Polk could think of nothing but permanently dividing the nation. Though he admitted "the Cherokees have been regarded as among the most enlightened of Indian Tribes," it was quite obvious that they could not exist without United States supervision, and thus he asked that federal laws be extended over the nation and the United States assume peace-keeping responsibilities.[151]

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[148]James K. Polk, Diary of James K. Polk (Chicago, 1910), 25 March 1846, II, 301.

[149]W. Medill to W. L. Marcy, 31 March 1846, H. R. Document 185, 11.

[150]Annual Message of J. K. Polk, 2 Dec. 1845, Richardson, Messages and Papers of the Presidents, III, 2262.

[151]James K. Polk Message, 13 April 1846, H. R. Document 185, 1-2; Richardson, Messages and Papers of the Presidents, III, 2280; The Congressional Globe, 16 April 1846, New Series, No. 42, 29th Cong., 1st Sess., 666.

Nothing could have aroused Cherokees to action more quickly. Ross and his delegation protested the action, and the Advocate asserted "the question of a division of the Cherokee country is too absurd to merit a moment's serious consideration."[152] For

> if the object be to defeat every end of justice, to destroy the peace of the people, to give horse-thieves, house-burners and murderers free scope for the exercise of their talents, and the commission of a series of depredations that would result in the most bloody and disastrous consequences, divide the country and it will be gained in less than twelve months.[153]

Most Indians disliked the idea of a division, and even minority factions distrusted the Polk-proffered program.[154] The whole thing seemed a consequence of the "unhallowed machinations of certain white faced money-hunters" who manipulated the minorities.[155] George Lowrey deplored the "disastrous consequences" which would follow any division, but he urged the people to exhibit a "brotherly love which unites the hearts of children of God in every land," and to trust John Ross in Washington.[156]

Facing a rigidly-determined United States, all three factions began to resolve their differences. If terms were dictated by federal officials, no one would be happy, but a new treaty could perhaps satisfy most of their differences.[157] Ross still insisted that the United States pay the Cherokees for their removal losses and meet the demands of many

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[152] Cherokee Advocate, 30 April 1846.

[153] Ibid.

[154] Ibid., 21 May 1846.

[155] Ibid.

[156] George Lowrey Address, 28 May 1846, ibid., 28 May 1846.

[157] Ibid., 2 July 1846.

claimants,[158] but he now was prepared to deal with dissident Cherokees. By August 6, 1846, the Washington delegations had united, and they had an "interview with the President of the United States at ten and a half o'clock this morning, in order that they may submit said treaty for his approval."[159] The time of troubles ended, for the factions talked peacefully together and secured a healing balm, the 1846 treaty.

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[158]John Ross et. al. to Edmund Burke et. al., 8 July 1846, L.R.O.I.A., R. 90.

[159]John R. Wolf to W. Medill, 6 Aug. 1846, ibid.

CHAPTER XIII

A HEALING BALM: THE 1846 TREATY

> Is there no balm in Gilead; is there no physician there? why then is not the health of the daughter of my people recovered?
>
> --Jeremiah

As factional differences were abandoned like cargo on a sinking ship, Cherokees accepted the treaty proposed by the United States. Its adoption settled the feud which had disrupted the nation for eleven years, and its provisions kept the nation peaceful until the American Civil War again enkindled dormant factional hatreds. But while it lasted, the treaty of 1846 greatly affected the Cherokee Nation.

The treaty was signed on August 6, 1846. It specifically purposed to conclude political factionalism:

> Whereas serious difficulties have, for a considerable time past, existed between the different portions of the people constituting and recognized as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them; and whereas certain claims exist on the part of the Cherokee Nation, and portions of the Cherokee people against the United States;[1]

it was resolved that all lands would be held in common, old enmities buried, legitimate claims paid, and minority factions recompensed.[2]

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[1]Kappler, Indian Affairs, II, 415.

[2]Ibid., 415-418.

The United States promised to help the nation solve its financial problems,[3] though the Senate amended some of these provisions.[4] All factions urged the United States to send a commission to the nation to hear the people's individual claims,[5] but the United States cautiously postponed a decision on the matter. On August 13, 1846, the Senate approved an amended treaty, and leaders of the three Cherokee factions called on President Polk, who reported:

> They had settled all the difficulties between themselves, and between the nation and the Government of the U. States. John Ross, the Principal Chief, addressed me & said they were all now in harmony and were satisfied. I told them that I congratulated them upon the happy adjustment of the difficulties which had distracted and divided them for more than a dozen years, and that I was rejoiced to learn that they were returning to their nation to live as brothers and friends. They were all in a pleasant humour and well satisfied. This event in my administration I consider an important one.[6]

On the next day, delegates met in the office of the Commissioner of Indian Affairs, and tradition holds that John Ross and Stand Watie shook hands and ceremonially sealed the nation's breach with the soothing balm of compromise.[7]

Thus the Washington delegates had reconciled their differences. A Washington newspaper reported that President Polk bid Watie farewell by saying, "I hope, Mr. Watie, that your people have forgiven each other and that all will be well." To this the solemn Watie said, "I have entered

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[3]Ibid., 419.

[4]Polk, Diary, II, 81.

[5]John Ross et. al. to Wm. Armstrong, 10 Aug. 1846, L.R.O.I.A., R. 90.

[6]Polk, Diary, II, 81.

[7]Wardell, Political History of the Cherokee Nation, 73.

into this treaty of amnesty in all sincerity; I intend to be peaceable, and have no doubt that others who have less to forgive will follow the example which all the leaders have set."[8]

Provisions for collecting claims were made, and the Treaty Party gained specific settlements for its murdered leaders. Old Settlers, who were supposed to collect their claims in the same manner as the Ross people, suspected the treaty would only add to the "injustice" they as Western Cherokees had suffered.[9] To at least one follower of John Ross, the treaty was a victory for the established authorities of the nation, for minority parties were paying for their actions which "shook the very foundation of the constituted authority of the Cherokee nation."[10]

News of the treaty permeated a relieved Indian Territory like rain drops softening a parched earth. The Advocate reported "the long pending Cherokee question has been brought, it is hoped, to a final close" before it even knew the actual treaty provisions.[11] It later urged people to become self-sufficient and to

> avoid every cause of internal dissension, obey the laws of the land, keep out of debt, earn your bread by some honest calling, and take care of what you make--in a word, live like honest and industrious men live. Do this, and the turbid stream of our existence will become calm and transparent, and the light of our future day will shine with bright and joyful contrast upon the night whose dark clouds have so long lowered over the Cherokee people.[12]

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[8]Washington Daily Union, 18 Aug. 1844, in ibid., 345.

[9]Amos Kendall to President of United States, [ca. Aug. 1846], L.R.O.I.A., R. 90.

[10]Anonymous to Friend, 22 Aug. 1846, C.N.P.

[11]Cherokee Advocate, 3 Sept 1846.

[12]Ibid., 10 Sept. 1846.

The Washington delegations soon returned to the nation and helped distribute copies of the treaty to their countrymen.[13] As Cherokees read it, many, like the Advocate's editor, thought

> that the Treaty is not so favorable, in some respects, as was desirable; but [we] doubt not it is the best that could be obtained under all circumstances. It is infinitely better than no treaty, and the Delegates certainly had an eye to the present and future interests of their whole people in negotiating it, and are deserving of their thanks and warmest approbations.[14]

Two months after the treaty was signed, the nation enjoyed tranquility, and factionalism appeared as lifeless as a moss-encrusted tree stump. John Ross addressed his "countrymen" in the National Assembly and commended the "general good feeling" shown throughout the nation, hoping

> the manifestations here seen are but the foreshadowing of brighter and more auspicious times for the Cherokees; that we have commenced a new Era in our existence, which will be distinguished for the reign of law and order, for the promotion of industry and economy, for the prevalence of sobriety and harmony, and for the general improvement of our moral and intellectual condition.[15]

Ross showed little enthusiasm for the treaty, and the nation's finances continued to perplex him, but he was happy with his people's long-delayed unity.[16]

As political unrest subsided, violence in the nation abated. Isolated murders and disturbances continued,[17] but the reign of terror ended. From Nobember, 1845, to November, 1846, thirty-four murders had occurred

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[13]James McKissick to Wm. Medill, 6 Oct. 1846, L.R.O.I.A., R. 90.

[14]Cherokee Advocate, 8 Oct. 1846.

[15]Ibid., 19 Nov. 1846.

[16]Ibid.

[17]James McKissick to Wm. Medill, 20 Aug. 1846, L.R.O.I.A., R. 90; James McKissick to Wm. Medill, 28 Nov. 1846, ibid.

in the nation[18]--a fantastic ratio which, if correlated to the 1960 population of the United States would mean that some 306,000 people would have died at assassins' hands in one year!

As the killings ceased, the factions organized to get a fair share of the promised money from the United States. The Treaty Party met at Beattie's Prairie and selected a claims' committee (Including Stand Watie)[19] which immediately received special pleas from friends and relatives.[20] The Old Settlers also selected a five-man committee to represent them.[21] Many Old Settlers thought they were being short-changed by the treaty and urged their representatives to demand more money from the United States.[22] The Ross people wanted one thing above all else: that commissioners be sent to the nation to settle the claims rather than stay in Washington as was proposed.[23]

Though their objectives differed, the three factions now worked together. Secretary Medill reported:

> All parties seem to have united to carry out in good faith the judicious provisions of the treaty, to forget ancient feuds and past misunderstandings; to re-establish their original relations of good fellowship; and to resume the progress in civilization and prosperity for which they have heretofore been so highly distinguished. Since the provisions of the treaty were generally

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[18] James McKissick Report, 20 Sept. 1846, R.C.I.A., 1846, 273.

[19] Cherokee Advocate, 12 Nov. 1846. Other members of the committee were: Joseph M. Lynch, John Huss, John A. Bell, and Wrinklesides.

[20] [Wheeler?] to Watie, 2 Nov. 1846, C.N.P.

[21] Meeting of Western Cherokees, 16 Nov. 1846, L.R.O.I.A., R. 91.

[22] James McKissick to William Medill, 24 Nov. 1846, ibid.

[23] Resolution of National Council, 30 Nov. 1846, ibid.

> made known in the country, not a murder or outrage, unfortunately of frequent occurrence previously, has been reported.[24]

And John Ross echoed these sentiments in proclaiming December 17, 1846, a day of "public Thanksgiving" to God, for

> Our people have passed through a long series of difficulties and dangers, of the most perilous and alarming character:--distress and terror and insecurity of property and life, have harrassed and agonized the hearts of multitudes of our best citizens; but through the benign interposition of Him, whose hand controls the destinies of Nations, the tempest is hushed, and peace and security are restored to our country and to our families. Our National rights are placed upon a just and permanent basis, and a broad foundation is laid, for making rapid advances in those improvements which go to constitute an intelligent, virtuous and prosperous people.[25]

Though things were less propitious than Ross and Medill imagined, the factions at least coexisted "pretty well."[26] Troubles caused by "young James Starr" and other troublemakers endured, but none of the post-treaty difficulties stemmed from political conflict,[27] and "party distinctions" ceased as the people had "no recognition of aught save the Cherokee Nation."[28]

The Old Settlers, however, increasingly expressed uneasiness. Their conflict was not with other factions but with each other. A meeting at Mackey's, on the Illinois River, repudiated the action of an earlier Western Cherokee convention and demanded that representatives acceptable to them be sent to Washington rather than the group headed by Richard Drew

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[24] W. Medill to W. L. Marcy, 30, Nov. 1846, ibid.

[25] Proclamation of John Ross, Cherokee Advocate, 3 Dec. 1846.

[26] James McKissick to Wm. Medill, 16 Dec. 1846, L.R.O.I.A., R. 91

[27] Ibid.

[28] Cherokee Advocate, 11 Feb. 1847.

and Thomas L. Rogers.[29] The Old Settlers still hoped to divide one-third of the money given the tribe by the 1835 treaty among themselves[30]--a proposal hardly popular with the majority of the Cherokees.

The Treaty Party appeared to accept the 1846 treaty, and those who were given cash awards were quite happy.[31] Yet there was still enough anti-Ross sentiment to prompt one white man to recommend an aspiring academy superintendent to John Bell because "few men are more hated than he is by John Ross."[32] Meeting daily, the Treaty Party commission heard the claims of the people who came to Beattie's Prairie.[33] After hearing their complaints, the Stand Watie-led delegation left for Washington and was there by September, 1847, to collect the money from the United States.[34]

Watie expressed relief that the nation's troubles were ended and he could resume a normal domestic life, but he must have agreed with the lament of his young niece, Eleanor Boudinot:

> How sad it is to look back upon the seven or eight years just past and think that it has been entirely lost with the Cherokees before they seemed to be improving in every particular . . . . I know Uncle Stand you will be happy when all things are restored back to the place they were eight years ago; although many of the most influential men have been taken away, and those too who were active all their life time in doing good for their people; and were even willing to sacrifice themselves for their action. How strange it does seem that so many of the Cherokees should have been so blinded, and easily led by John Ross, but now I presume it is all for the best, God saw fit to take Pa and others away at that time, He has

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[29] Ibid., 20 Dec. 1846, 7 Jan. 1847.

[30] Old Settler's Claim, Official Documents, Misc., 1846-51, 2-12.

[31] Sarah B. Ridge to William Medill, 28 Nov. 1846, L.R.O.I.A., R. 90.

[32] Jno. C. Mullay to Jno. Bell, 22 Dec. 1846, C.N.P.

[33] Treaty Committee records, 4-14 Jan. 1847, ibid.

[34] Stand Watie to Commissioner of Indian Affairs, 20 Sept. 1847, ibid.; Charles E. Watie to Stand, 7 Sept. 1847, ibid.

> a design in every thing he does and there was some good reason unknown to us why Pa was snatched from us, and the time too it seemed when he was most needed by his family; . . . .[35]

Neither Watie nor members of the other delegations had much success in Washington, however, for the commission rejected most claims. The Treaty Party claims, distributing the $75,000 awarded the faction, were rejected by the Secretary of Indian Affairs because he concluded, after reading the "committee's report," that "they have acted under a mistaken apprehension of the true meaning of the Treaty."[36] United States commissioners rejected not only the claims of the Treaty Party, however, but all but three or four out of 750 claims as "spurious."[37] Cherokees refused to tolerate such treatment, and they intensified their demands that the commissioners come to the nation to settle the treaty.[38]

Irritated by such criticism, one of the commissioners, Edward Harden, defended his actions:

> . . . the true ground of complaint is not alleged by the complainants: --it is, that the commission has stood up, and decided against, a mass of claims, blotched and blistered with fraud, and which if admitted would have taken from the public treasury, millions of dollars, for the benefit of persons wholly unentitled to compensation of any kind or amount.[39]

His reputation was, like an aged spinster's, above question, Harden asserted, for he had an "unimpeached character of more than thirty years standing in various important publick stations, recognized and approbated

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[35]Eleanor Boudinot to Stand Watie, 20 Sept. 1847, C.N.P.

[36]Jas. McKissick to Danl. McCoy, 28 June 1847, C.N.P.; Cherokee Advocate, 27 May 1847.

[37]Cherokee Advocate, 18 March 1847.

[38]Ibid.

[39]Edward Harden to Wm. Medill, 17 June 1847, L.R.O.I.A., R. 91

by all Georgia."[40] Precisely because he was from Georgia, he appeared to Many Cherokees as the last of a succession of white persecutors.

The Treaty Party had more immediate difficulty than other delegations. The committee was urged to re-consider its judgments,[41] but Stand Watie and the others contended that they had been fairly elected and had tried to settle claims fairly--though expenses incurred by Watie and the army at Fort Wayne in the fall of 1845 admittedly were given priority.[42] Serious charges battered the committee, whose action, it was charged, "has been influenced by the spirit of partiality and favoritism" rather than disinterested justice.[43] Over 100 Treaty Party men protested their committee's policies,[44] and Watie faced a serious challenge, for fraud has rarely been popular. He evasively answered complaints by asserting that three committee members had signed the 1835 treaty, and four of them had signed the 1846 treaty--thus he argued that they were certainly qualified to speak for the Treaty Party. Since delegation expenses and attorney's fees had to be paid first, there were many problems in giving Cherokees as much as they thought they deserved, but legitimate claims upon the party simply had to be paid first.[45]

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[40] Ibid.

[41] Cherokee Advocate, 8 July 1847.

[42] Stand Watie et. al. to James McKissick, 2 Aug. 1847, Miscellaneous Documents Regarding Indian Affairs, Northeastern State College, Tahlequah, Oklahoma.

[43] Robert Sanders et. al. to James McKissick, 20 July 1847, L.R. O.I.A., R. 91.

[44] Ibid.

[45] Committee to James McKissick, 2 Aug. 1847, ibid.

Critical witnesses, however, contended the committee members made decisions on claims according to the profit they as individuals could realize from each claim, and they seemed particularly eager to award large amounts to their relatives.[46] George Paschal asked $800 for his legal services,[47] and he even tried to get all the money awarded the Ridges by the treaty because he contended that Mrs. Sarah B. N. Ridge, "being a white lady and having no clan," could not inherit the money, while his wife, the sister of John Ridge, could.[48]

Yielding to pressure, the committee moderately revised its report, and Stand Watie took it to Washington. It was no doubt as good a settlement as could have been arranged, for Agent McKissick reported:

> This report has not given universal satisfaction among these people. Nor do I believe there could be a committee selected either of white men or Cherokees whose decisions would afford entire satisfaction when the pecuniary interests of many were involved.[49]

The Treaty Party ultimately got $76,000 to award 311 claimants.[50] The company of Pierre Chouteau obtained the most ($7,234), but Stand Watie apparently profited most as an individual, getting over $4,000.[51] Though Watie suffered during the years of oppression, his large award discredited his claim to financial disinterestedness. Perhaps the dubious financial

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[46]William Lassley, Sworn Statement, 4 Aug. 1847, ibid.; Robert Sanders Sworn Statement, 4 Aug. 1847, ibid.

[47]Geo. Paschal to John A. Bell, et. al., 5 Jan. 1847, C.N.P.

[48]J. W. Washbourn to Wm. Medill, 27 May 1847, L.R.O.I.A., R. 91.

[49]James McKissick to William Medill, 9 Aug. 1847, ibid.

[50]Settlement of Treaty Party, Aug. 1847, ibid.

[51]Ibid.

machinations of the much-maligned Ross would have been duplicated by Treaty Party leaders if they had had access to removal funds or the national treasury!

Ross himself distressed McKissick as the agent tried to take a population census so as to make easier the promised per capita payments.[52] But then Ross had no valid reason to trust representatives of the United States in financial matters. Commissioners appointed to hear Cherokee claims were often difficult to find, and the "private and clandestine mode adopted by the Commissioners" angered Cherokees who wanted "one public session for the examination of claims."[53] Thus the claims were not settled, and the treaty went unfulfilled for most Cherokees throughout 1847.

Nevertheless, the nation settled down to peaceful prosperity. There was "a much more general and social intercourse, and friendly feeling among the people" than had been evident for years.[54] Though at least one missionary had lost his influence among Ross people by siding with the Treaty Party,[55] white preachers and teachers resumed their Christian labors.

Even national elections stirred up no rancor. W. S. Coodey opposed John Ross for Principal Chief, but Ross won easily by carrying five of the eight electoral districts.[56] In his inaugural address (October 4,

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[52]James McKissick to William Medill, 21 Oct. 1847, ibid.

[53]Richard Fields et. al. to President of the United States, 10 May 1847, L.R.O.I.A., R. 91.

[54]James McKissick Report, 29 Sept. 1847, R.C.I.A., 1847, 881.

[55]Elizur Butler to David Greene, 2 June 1847, Cherokee Mission Papers, XI.

[56]Cherokee Advocate, 5 Aug. 1847.

1847), Ross contrasted the "diabolical acts" and "indelible infamy" of past years with the peace and social advance in the year since the treaty had been signed.[57] Though the treaty had not brought anticipated finances to the nation, "happily for the country--peace and harmony prevail within our borders, as well as with those of every nation known to us--and it will be our sacred duty to endeavor to cultivate and preserve this good understanding permanently."[58]

The decade of the 1840's, which began with such violent dissension, ended with civil equanimity and good will. Agent R. E. S. Brown, who replaced the deceased James McKissick in February of 1848, reported that the Cherokees had "large and extensive farms under good fences" which were "well cultivated" and filled with "ample stocks of horses, cattle, hogs, sheep" and buildings; better yet, "the difficulties that for some years past seemed to separate them into parties seems to have subsided."[59]

George Lowrey thanked God for the new prospects opening for his people[60] but repudiated a proposal by the United States to establish an organized Indian Territory for all the tribes. The Advocate said:

> The Indians have already surrendered enough of their political rights, when they agreed to enact no regulations contrary to the constitution and laws, of the United States; and any attempt to bring the different nations and tribes into a general union, or confederacy, to be just and advantageous to them, must be based upon principles the most liberal that can be made consistent with the political rights and privileges recognized as belonging to them in the various solemn and binding treaties that

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[57] Ibid., 7 Oct. 1847.

[58] Ibid.

[59] R. C. S. Brown Report, 10 Oct. 1848, R.C.I.A., 1848, 515.

[60] George Lowrey Message, 4 Oct. 1848, Cherokee Advocate, 9 Oct. 1848.

> have been entered into, from time to time, between them and the United States.[61]

Whether or not Cherokee protests had any impact on Washington may be questioned, but the territory was not established.

Though national affairs proceeded as smoothly as a lazy brook winding through a meadow, violence still disturbed the nation. It was entirely dissociated from politics, however, and thus caused little stir in the nation. A posse of nearly fifty men, led by John A. Bell, hunted down Ellis and Washington Starr and killed them.[62] Since the Starrs had been pardoned by the 1846 treaty, it was questioned whether their activities since that time justified such action--labled "mobocricy" by Daniel H. Ross.[63]

The nation's financial needs concerned Cherokee authorities far more than incidental violence. Expected money from the 1846 treaty did not come, and thus John Ross called a meeting on November 7, 1849, to confront the situation.[64] He thanked "the Great Ruler of the Universe" for the nation's peaceful advance, but he admitted that the national debt was as onerous as chores to the mind of a small boy and asked for a delegation to Washington to replenish the Cherokee treasury.[65] Individuals tried to meet their financial needs by rushing to California with the argonauts,[66]

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[61] Cherokee Advocate, 2 Oct. 1848.

[62] George Lowrey to John A. Bell et. al., 8 June 1848, ibid., 26 June 1848.

[63] Ibid., 12 June 1848.

[64] Ibid., 29 Oct. 1849.

[65] John Ross message, 1 Oct. 1849, ibid., 8 Oct. 1849.

[66] Ibid., 30 April 1849, 22 Jan. 1849.

but gold in the West could not fill the Cherokee treasury--that required funds from the United States.

But the United States wanted an accurate census of the nation before it paid Cherokees what the 1846 treaty promised. Since such a census had preceeded their removal from Georgia, suspicious full-bloods refused to cooperate.[67] Without the census, no per capita payments could be made, but even with the census, as a Washington official explained, individual Cherokees would receive far less money than they expected because the nation's government itself had consumed most of the Cherokee appropriations. Whatever was done, some Cherokees would be disappointed.[68] When the delegation in Washington failed to get its requests and learned exactly how much Congress planned to give the tribe for per capita payments, it asked that the money simply be held in Washington until Cherokee officials could decide what to do with it.[69] It seemed obvious "that justice is still withheld from a portion of the Cherokees, and that they are subjected to a further delay in receiving the money acknowledged to be due them by the Government, and of the use of which, they have been deprived for so many years."[70]

Yet John Ross remained as optimistic as a chamber of commerce president. "On a review of the social and moral condition of the country," Ross intoned, "I am happy to say, that peace and harmony appear to prevail;

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[67]Wm. Butler to Orlando Brown, 27 Nov. 1849, L.R.O.I.A., R. 93.

[68]W. Medill Report, 10 May 1848, U. S. House of Representatives, 30th Cong., 1st Sess., Document 65 (Washington, 1848).

[69]Cherokee Advocate, 10 Dec. 1850.

[70]Ibid., 7 Jan. 1848.

and that the great weight of character and influence, is decidedly on the side of good order, and respect for the authority of the Laws."[71] He only hoped that success in Washington would parallel success in the Cherokee Nation; the 1846 treaty had brought peace to the nation, but its provisions must be fulfilled by the United States.

Delegations from all three factions had repeatedly journeyed to Washington. Old Settlers demanded $30,000 just to pay party debts.[72] All delegations tried to get money for claims they presented, but of 1,229 claims presented by May 16, 1848, only twenty-eight had been approved by federal commissioners.[73] Cherokees protested such stinginess, but little short of war stirred bureaucratic Washington.[74] The Treaty Party did manage to get some of its claims settled,[75] but acrimonious conflict within its ranks retarded any real settlement.[76]

Though many problems flourished in the hardened clay of Cherokee contrariness, the United States, as if reading a time-soiled script, began to equivocate about treaty commitments. Cherokees contended that the report of the Commissioner of Indian Affairs on the 1846 treaty was

> nothing, or but little more, than an elaborate effort to prove that neither the commissioners on the part of the United States

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[71]John Ross Message, 9 Oct. 1850, ibid., 12 Oct. 1850.

[72]Ibid., 17 Jan. 1848.

[73]Cherokee Claims, 16 May 1848, U. S. House of Representatives, 30th Cong., 1st Sess., Executive Document 63 (Washington, 1848), 46.

[74]Memorial of the Cherokee Delegations, 13 June 1848, Cherokee Advocate, 24 July 1848.

[75]Ibid., 1 May 1848.

[76]Petition of part of the Treaty Party to R. C. S. Brown, [ca. 11 Sept. 1848], L.R.O.I.A., R. 92; Treaty Party dissidents to R. C. S. Brown, 18 Dec. 1848, ibid., R. 93.

> nor the Cherokee delegates who negotiated that treaty, knew anything of the matters about which they were treating; and that so far as the government party of the Cherokees are concerned, the treaty of 1846 is an absolute nullity . . . .[77]

Despite such gloomy predictions and assessments, Cherokee factions kept delegations in Washington at intervals throughout 1849.[78] They had no success. Worried leaders warned, however, "that great distress and serious disturbances (which were quieted by the prospects held out to them by the treaty of 1846) may be the consequence of the unfortunate delay in executing that treaty on behalf of the United States."[79]

In the nation, people seemed a bit more optimistic, though without real cause. It appeared possible that Cherokees would get almost $3,000,000 from the United States--nearly $1,000,000 of it going to 3,000 Old Settlers.[80] In expectance, Old Settlers took a census of their members, but they even tried to count party members who had died and were thus forced to re-take it.[81] Other rumors altered the amount of money to be paid, but people expected something by 1850.[82]

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[77]Cherokee Memorial, 13 June 1848, U. S. Senate, 30th Cong., 1st Sess., Miscellaneous Document 145 (Washington, 1848).

[78]Cherokee Advocate, 17 Sept. 1849; John Ross to Wm. Butler, 27 Nov. 1849, L.R.O.I.A., R. 93; John Drew to Wm. Medill, ibid.; Credentials of Cherokee Nation Delegation, ibid., R. 94; Old Settler election, 21 Sept. 1849, ibid.

[79]Memorial of W. P. Ross et. al., 15 May 1849, U. S. Senate, 30th Cong., Special Sess., Report 3 (Washington, 1849).

[80]Cherokee Advocate, 22 Oct. 1850.

[81]Ibid., 17 Dec. 1850; John Drennen to L. Sea, 14 Dec. 1850, L.R.O.I.A., R. 95; Orlando Brown to Wm. Butler, 5 June 1850, ibid.

[82]Cherokee Advocate, 27 Aug. 1850; John Drew et. al. to A. L. Laughrey, 30 Sept. 1850, L.R.O.I.A., R. 94; Stand Watie to Luke Sea, 20 Nov. 1850, ibid.

Though the nation's finances dangled just above insolvency, at least its violent political factionalism appeared over. The Advocate asserted "the only party we know, and shall recognize, is our country,"[83] and most Cherokees echoed this sentiment. But there were some unreconstructed dissidents. John Rollin Ridge never forgave Ross people for killing his father and reported a sympathetic audience to his grievances in southwestern Missouri.[84] He kept bottled up within himself "a deep-seated principle of revenge in me which will never be satisfied until it reaches its object."[85] After going to California, Ridge expressed his hate by mail to his uncle, Stand Watie:

> I had rather die than surrender my rights. You recollect there is one gap in Cherokee history which needs filling up. Boudinot is dead, John Ridge and Major Ridge are dead, and they are but partially avenged. I don't know how you feel now Stand, but there was a time when that brave heart of yours grew dark over the memory of our wrongs. . . . I admire your prudence in keeping so quiet.[86]

Stand Watie felt less violently than his young nephew, and perhaps he could have lived the rest of his life in peace with John Ross. But he did not, and his people did not, forget injuries they had suffered since the removal. Open hostility was covered by the glossy blanket of the 1846 treaty, but the gnawing antipathy was never eradicated. The nation might have peace, but it could never be truly united.

Another factor brought disunion into the nation just as the treaty seemed to unite it. Cherokees were slave-owners, and as such they could

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[83]Cherokee Advocate, 8 Oct. 1850.

[84]Ibid., 4 Dec. 1848.

[85]John R. Ridge to Stand Watie, 2 July 1849, C.N.P.

[86]Ibid.

not avoid involvement in the abolition controversy. In the United States, major religious denominations split like angered brothers over the slave question in the 1840's, and such action naturally affected missionaries in the Indian country. An "avowed abolitionist," S. B. Trent, of the American Board, visited the nation in 1848, and the Advocate copied a remark from an Arkansas paper: "'We hope and trust that Missionary and Abolitionist are not to be synonimous terms, and we believe they are not, for there are other Missionaries among the Indians who do not require such onerous conditions for their services'."[87] The Advocate, however, asserted that Arkansas slave-owners could ease their minds, for there was no abolitionism among church members in the Cherokee Nation.[88]

At an official meeting of the Cherokee missionaries of the American Board in 1848, missionaries stated they did not support slavery but thought it would be unwise to forbid slave-owners membership in churches.[89] Two years later, when abolitionism was more wide-spread, S. A. Worcester and D. S. Butrick maintained that neutral position and tried to confine their activity to religious rather than political matters.[90] But Cherokees owned slaves, and the abolition agitation (grafted onto the latent factionalism in the nation) would quietly sever the nation during the apparently calm decade of the 1850's.

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[87]Cherokee Advocate, 21 Feb. 1848, quoted from the Arkansas Intelligencer.

[88]Cherokee Advocate, 21 Feb. 1848.

[89]Record of Cherokee Mission Meeting, 21 March 1848, Cherokee Mission Papers, XI.

[90]S. A. Worcester and D. S. Butrick to S. B. Trent, 15 May 1850, ibid.

CHAPTER XIV

A PEACEFUL DECADE

> Hail to the Plow! for naught shall take its place,
> The first, great civilizer of the race!
> --John Rollin Ridge

> Militancy is . . . not absent morally from what politically passes for peace.
> --George Santayana

The 1850's in Indian Territory were quiet--like the hush of a hot summer day just minutes before the sky breathes its tornadic wrath upon the earth. The raging tumult of the 1840's subsided to the harmony of the new era, and a pre-removal concord seemed re-established in the Cherokee Nation. Individuals progressed economically and socially, obtained at long last a partial treaty settlement from the United States, and disbanded their political factions.

The absorbing interest of many Cherokees during the first years of the decade was the settlement of the 1846 treaty. Treaty Party people, like those first in line in a rush on a failing bank, obtained a fairly comprehensive payment before the decade began, but Old Settlers demanded that those of the party who had died since 1846 be included in the census and their heirs paid,[1] but most of them wanted to include only the living.[2]

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[1]A. H. Rutherford to W. K. Sebastian, 23 Jan. 1851, L.R.O.I.A., 95.

[2]Cherokee Advocate, 4 Feb. 1851.

Though delegates in Washington had some difficulty getting Congress to appropriate needed funds, a census of emigrant Cherokees was "in full operation" by 1851, and thus per capita payments seemed certain.[3]

One rumor suggested that the nation would get almost $750,000 since the Senate favored appropriating that amount--though it had not cleared the House of Representatives.[4] Both Old Settlers and Ross people prepared to receive their money, and in March, 1851, Congress appropriated funds to settle Cherokee claims against the United States which were supposed to bring about a conclusive settlement with the Cherokees.[5]

But difficulties developed almost immediately. The United States commissioner, Colonel John Drennen, was suspected of planning to profit from the per capita settlement, and thus some Western Cherokees demanded that no national debts (which included sums owed legal counsel) be taken from the funds designated for the per capita payments.[6] The Treaty Party abruptly vaulted into the arena of controversy and demanded that Old Settlers pay $10,000 they had borrowed in order to pay delegation expenses in Washington.[7] Old Settlers coveted as much per person as possible and resisted efforts to divert any of their funds to pay debts; they even tried to exclude 215 Western Cherokees who had been east of the Mississippi

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[3]W. P. Ross and Joseph Vann to L. Sea, 3 Feb. 1851, L.R.O.I.A., R. 95; Cherokee Advocate, 11 Feb. 1851.

[4]Ibid., 11 March 1851.

[5]W. P. Ross and Joseph Vann to Luke Sea, 24 Feb. 1851, L.R.O.I.A., R. 95; Amos Kendall to Luke Sea, 14 March 1851, Kendall Papers; Cherokee Advocate, 25 March 1851, 20 May 1851.

[6]Cherokee Advocate, 1 July 1851.

[7]Ogden and Luce to John Drennen, 26 July 1851, L.R.O.I.A., R. 95.

when the 1835 treaty was signed from the settlement--which John Ross protested since they would then have to be paid from his party's funds.[8]

Despite complications, the Old Settler census ended in September and the long-awaited payments began. They had $816,000 to distribute, and Colonel Drennen insisted that $70,000 of this be reserved to pay party debts; though a Western Cherokee council had decreed that only $30,000 could be expended for debts, Drennen, through "arbitrary measures" began deciding exactly how much money should be paid to which Old Settlers.[9] Plowing through vigorous Old Settler protests, Drennen moved rapidly and settled most claims and paid out most of the money by October 23, 1851.[10]

While Old Settlers grabbed their money, John Ross supporters fumed about the sluggish enactment of treaty provisions. In November, the General Council met and protested the "injustice" of both the 1835 and 1846 treaties--neither of which had been fulfilled. The 1846 treaty had been signed to give the nation peace rather than because of its advantageous provisions, but even it remained unconsummated. Ross representatives consequently demanded that the money deducted from the treaty fund by the United States be repaid and that non-emigrants be paid from other funds than those allotted to emigrant Cherokees.[11] To make these demands as

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[8]John Ross to George Butler, 22 Aug. 1851, L.R.O.I.A., R. 95; John Drennen to L. Sea, 13 Sept. 1851, ibid.

[9]Cherokee Advocate, 16 Sept. 1851.

[10]John Drennen to L. Sea, 25 Sept. 1851, L.R.O.I.A., R. 95; John D. Drennen to [Luke Sea], 23 Oct. 1851, ibid.

[11]Protest of the General Council of the Cherokee Nation, 29 Nov. 1851, J.R.P.; L.R.O.I.A., R. 95.

clear as possible, the nation proposed to send a Ross-guided delegation to Washington.[12]

Even while the delegation prepared to leave, the United States was sending money to be distributed by Drennen.[13] Drennen planned to disburse the money from behind the stout walls of Fort Gibson, but John Ross immediately demanded the money be distributed from the court house in Tahlequah, for "the seat of government in the Nation, is centrally located, is quiet and orderly, and possesses public houses and means for the accomodation of persons visiting it, not to be had elsewhere."[14] More important than its convenience, Tahlequah had not the "vice and dissipation" which plagued the military post. Though Ross did not want "to be esteemed querulous" he urged Commissioner of Indian Affairs Luke Sea to make the payments in the Indian capital.[15]

John Drennen could not understand the Ross argument. Faced with over 14,000 people on the emigrant roll, he wanted to operate in safety where he could do his business as efficiently and as rapidly as possible. He also thought most Cherokees would just as soon trust the military as John Ross, for at Gibson they "would be certain of protection."[16]

Trying to understand Drennen's worries, Ross resolved to be patient. "I have been too long engaged in the arduous and responsible public affairs of a weak and defenceless people," he stated, "not to have

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[12]Cherokee Advocate, 2 Dec. 1851.

[13]John Drennen to Luke Sea, 5 Jan. 1852, L.R.O.I.A., R. 95.

[14]John Ross to Luke Sea, 20 Jan. 1852, ibid.

[15]Ibid.

[16]John Drennen to L. Sea, 6 March 1852, ibid.

learned magnanimity under success, as well as patience under Conduct which I might in vain have endeavored to direct otherwise."[17] Still he demanded that Drennen operate in Tahlequah:

> And it seems to me neither right nor humane under the Circumstances that almost the whole Cherokee people must be called from their homes to a more distant point where they can find no accomodations merely to suit the personal views, or, the personal fears, of an officer who could and would be hospitably and comfortably entertained elsewhere.[18]

Ross suffered an almost neurotic fear of the hard-fisted, lecherous soldiers, the treacherous Creek Indians, the lethal, free-flowing whiskey, and the raging sickness which infested Fort Gibson. The money could, he suggested, be given the Cherokee agent and distributed by him rather than Drennen if the latter valued his life too dearly to leave the shelter of Gibson.[19]

Though Ross's argument seems reasonable, Drennen stayed at Gibson. Perhaps he shared investments with merchants who would profit from trade with the suddenly-affluent Indians.[20] White speculators and traders reaped plenteously when Cherokees were paid, for they could sell almost anything and collected long-standing debts. Commenting on Drennen's alleged fear of safety for him and the money, the Advocate said "that in order to keep the Per Capita from being stolen he has surrounded it with a gang of thieves."[21] Cherokees were peaceful, however, and an editor

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[17]John Ross to Luke Sea, 22 March 1852, ibid.

[18]Ibid.

[19]Ibid.

[20]Cherokee Advocate, 27 March 1852.

[21]Ibid., 20 April 1852.

commended his people for the "promptitude" with which they paid "the merchants to whom they were indebted for goods, although the most of these goods were sold at three prices, nevertheless, they were paid for, without a word, which fact speaks volumes for the honesty and integrity of the full blooded Cherokees."[22] In slightly more than a month, the per capita payments ended; the United States gave the Ross people $1,248,000, and all but "a very few whose self interest govern them so strong that their motto is to rule or ruin, have expressed their approbation of, and perfect satisfaction with all the arrangements made and carried out for the payment at Fort Gibson."[23]

Drennen departed, and most Cherokees spent their money as cheerfully and rapidly as housewives on bargain day. Drennen no doubt profitted from the whole affair, but charges of wholesale fraud must be discounted.[24] Old Settlers were also happy--even though one American lawyer, Samuel S. Stambaugh, persuaded the claims committee to meet with him secretly and elicited a reward of $46,000, four-fifths of the amount set aside to pay the party's debts![25] Demands for further settlement would be aired in Washington throughout the decade,[26] but the financial settlement of 1852, like a welcomed armistice in war, eased most Cherokees'

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[22]Ibid., 5 May 1852.

[23]John Drennen to Luke Sea, 19 May 1852, L.R.O.I.A., R. 95.

[24]DuVal to [Luke Sea], 4 April 1853, ibid., R. 96.

[25]Aaron Hicks Statement, ca. April 1853, ibid.

[26]W. P. Ross et. al. to Geo. W. Manypenny, 2 Jan. 1855, ibid., R. 97; W. P. Ross to Andy [Nave], 5 Jan. 1855, The Nave Letters, Northeastern State College, Tahlequah, Oklahoma; W. P. Ross to Geo. W. Manypenny, 26 Jan. 1855, L.R.O.I.A., R. 97; Old Settler Convention, 26 June 1858, ibid., R. 98.

minds and enabled them to live in contentment not only with each other but with their guardian-protector, the United States.

Though per capita money made individual Cherokees momentarily prosperous, it did little to solve the nation's financial quandary. To get money for the nation, Cherokees, maneuvering like hard-pressed landlords, proposed to sell the "neutral lands" (an 800,000 acre, twenty-five mile wide pennisula which extended fifty miles northward into Kansas along the Missouri border) to the United States. "The incumbrance of this land," a committee claimed, "so utterly unprofitable and useless to us, and at so great a sacrifice of our public funds; our people consider to be a serious grievance, from which we, most earnestly and most humbly ask to be relieved."[27] Though received by the Indian Bureau, the federal government showed little disposition to buy the neutral lands.[28]

At the same time, the United States created territories to the north of Indian country. It was evidence of Anglo-American land hunger, which to Indians was a familiar story: "Alas! for us Indians, for we are fearful we will be swallowed up by this land-acquiring and kind-occupying spirit of the pale faces."[29] Indian rights disregarded and swept casually aside like sand castles on a gale-brushed beach, the United States created Nebraska Territory and gave an Arkansas District Court authority over the Indian country until a later amendment gave Indians the right to

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[27]James Kell et. al. to Luke Sea, 7 July 1852, L.R.O.I.A., R. 95.

[28]Cherokee Advocate, 30 March 1853.

[29]Ibid., 27 July 1853.

make and enforce their own laws.[30] Encounters with white traders and cattle drovers further irritated Indians, for Texas-American cattle brought murrain into the nation, and the drovers shamelessly swelled their herds with Cherokee beeves.[31]

Despite their efforts, Cherokees could neither keep themselves apart from whites nor get financial security through the sale of neutral lands. Though its citizens illegally entered the neutral lands and established farms, the United States refused to buy the land.[32] Lead reportedly abounded in the area, but intruders wanted land rather than minerals. They were periodically evicted by the military since Cherokees legally owned the land,[33] but they always found a way to return.

The military also created problems. Many a patriotic Cherokee wanted American troops expelled from the nation and thus demanded that Fort Gibson be vacated.[34] At first the War Department contended the post

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[30]E. Hicks and J. T. Adair to Geo. W. Manypenny, 14 April 1853, L.R.O.I.A., R. 96; Resolution of Cherokee National Council, 2 Nov. 1853, ibid.; Act of United States, 27 March 1854, Statutes at Large, X, 269-70.

[31]E. Hicks, J. T. Adair to Geo. W. Manypenny, 19 May 1853, L.R. O.I.A., R. 96; George Butler to Geo. W. Manypenny, 5 April 1854, ibid.; Thos. S. Drew to Geo. W. Manypenny, ibid.

[32]E. Hicks et. al. to Luke Sea, 17 Feb. 1853, ibid.; R. M. Clelland to Luke Sea, 22 March 1853, ibid.; Petition to Geo. W. Manypenny, 24 Nov. 1854, ibid.; R. 97; E. Hicks et. al. to Geo. W. Manypenny, 28 Dec. 1854, ibid., R. 96; E. Hicks et. al. to G. W. Manypenny, 15 Feb. 1855, ibid., 97.

[33]Official Documents and Misc., 1846-51; Geo. Butler to C. W. Dean, 9 Jan. 1856, L.R.O.I.A., R. 98; Geo. Butler to C. W. Dean, 9 Aug. 1856, ibid.; Geo. Butler to C. W. Dean, 29 July 1857, ibid.; Geo. Butler to C. E. Mix, 12 Oct. 1857, ibid.; Brown, Cherokee Neutral Lands, 7; Geo. Butler to C. E. Mix, 24 Jan. 1858, L.R.O.I.A., R. 98.

[34]John Ross to Geo. Butler, 8 Sept. 1854, L.R.O.I.A., R. 96.

was needed,[35] and Jefferson Davis (later President of the Confederacy) asserted it was a strategic location, but by 1857 the army prepared to abandon the post[36]--though no doubt because of its bad climate rather than as a concession to Cherokee demands.

Aside from problems with the United States, the nation progressed steadily. Though George Butler reported candidly that the Cherokee "standard of morals is low; they are a very shrewd and cunning people, but not industrious,"[37] the nation generally received favorable comments. The progress made in thirty years, despite the removal, illustrated the ability of John Ross, who, in the eyes of his friends, "raised a people from a condition of comparative barbarism to a high degree of civilization, morality, and virtue."[38]

Ross himself complimented the nation for its dedication to peaceful pursuits, though he could find no way to solve its financial problems. Since Cherokees resisted any taxation schemes, Ross had to depend upon annuities and appropriations from the United States.[39] In 1852, a census showed 17,530 Cherokees living in the nation (an 1846 census listed 20,500 residents),[40] and Agent Butler, reversing his earlier attitudes,

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[35]R. W. Clelland to Geo. W. Manypenny, 15 Jan. 1855, ibid., R. 97; Jefferson Davis to R. W. Clelland, 13 Jan. 1855, ibid.

[36]John Ross to Commissioner of Indian Affairs, 6 June 1857, ibid., R. 98.

[37]George Butler Report to John Drennen, 14 Sept. 1851, R.C.I.A., 1851, 381.

[38]Cherokee Advocate, 9 March 1852.

[39]John Ross Message, 4 Oct. 1852, ibid., 27 Oct. 1852.

[40]Census and Statistics of the Cherokee Nation of Indians for the Year 1846, L.R.O.I.A., R. 91.

complimented Indians for their industry and "temperance reform."[41] Still another year later Butler spoke even more kindly: "The common people are making slow but steady advances in the science of agriculture; the more enlightened and intelligent portion who have means live much in the same style of the southern gentleman of easy circumstances."[42]

Violence still disrupted the community, but it was less frequent and non-political. One hundred men resolutely surrounded the home of Andrew and Washington Adair and killed them in 1853.[43] John Ross denounced the affair as an "outrage" stemming from a "neighborhood feud,"[44] but to some it appeared that Ross could not keep peace in the nation. Others were "led to believe that the murder of the Adairs is a prelude, to the reenacting of the awful tragedies in the Cherokee Nation in 1846, between the different factions,"[45] but such fears soon evaporated. The Adairs had killed some Cherokees and been acquitted, and their enemies simply took revenge. National authorities prepared to move against the murderers, and Agent Butler reported that "the Cherokees are now getting on as well as they have for the last four years."[46]

The year following the murders, few crimes were even reported in the nation. Butler optimistically reported "there is now more unanimity

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[41]George Butler to John Drennen, 30 Sept. 1852, R.C.I.A., 1852, 400-401.

[42]George Butler to Thos. S. Drew, 13 Sept. 1853, R.C.I.A., 1853, 382.

[43]J. T. Adair et. al. to T. S. Drew, 21 Sept. 1853, L.R.O.I.A., R. 96.

[44]John Ross to Thos. S. Drew, 26 Sept. 1853, ibid.

[45]Thos. S. Drew to Geo. W. Manypenny, 25 Sept. 1853, ibid.

[46]George Butler to Geo. W. Manypenny, 22 Nov. 1853, ibid.

and harmony existing among them than there has been for many years."[47] Even though a drought ruined many crops and the nation continued to reject any taxation proposals, which would have remedied its insolvency, things were apparently blissful in 1854.[48]

A similar report the following year impressed Washington bureaucrats. George Manypenny commended Indian efforts to achieve civilization through agriculture and education and religion--even the destructive drought was beneficial, he contended, because it taught Cherokees to plan their crops more intelligently.[49]

Even Cherokee factions, exhausted by the fray, refused to stir. All sides hoped that "the serious personal and family feuds that have, at times, fearfully disturbed and agitated the quiet and repose of the Cherokees" were "finally suppressed."[50] In fact things were so quiet that the only things discussed were the weather or an occassional picnic[51] (though Cherokee picnics were sometimes turbulent affairs)--or perhaps a divorce case.[52] The National Council placidly debated education, judicial affairs, the neutral lands, and revision of the criminal code,[53] for people were happy and active. Yet peaceful normalcy makes life good and history quite listless!

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[47]George Butler to T. S. Drew, 27 Sept. 1854, R.C.I.A., 1854, 114.

[48]Ibid.

[49]Geo. Manypenny Report, R.C.I.A., 1855, 8-9.

[50]C. W. Dean to Geo. W. Manypenny, ibid., 119.

[51]Frank to Jim, 28 Aug. 1855, C.N.P.

[52]Official Documents, Misc., 1846-1851, Oct. 1856.

[53]Ibid., 8-18 Oct. 1856.

As the decade progressed Cherokees sensed increased pressure from white intruders. They brought whiskey into the nation, lived raucously, and made poor examples for Indian youths.[54] Squatters' incursions onto Cherokee soil, particularly in the neutral lands, evoked protests,[55] but spasmodic military action against intruders proved ineffective.

But trials are often instructive, and John Ross reported that "years of trial and anxiety, of danger and struggle, have alone maintained the existence of the Cherokee people as a distinct community; and such must continue to be the case, if we would live as men ourselves, and discharge the debt we owe to posterity."[56] Many Cherokees learned to farm,[57] though others were "continually on the wing, moving from place to place; and one sees, in travelling through their country, more deserted than inhabited houses."[58] As Elias Rector, Superintendent of the Southern Superintendency, continued his analysis of the Cherokees, he contended: "They are generally poor farmers and poorer livers, without gardens or orchards, with plenty of cattle, but no milk or butter, caring to surround themselves with few of the luxuries or even comforts of life."[59] Serious droughts throughout the decade, as well as early frosts, retarded agriculture.[60]

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[54]Geo. Butler to C. W. Dean, 12 April 1856, L.R.O.I.A., R. 98.

[55]John Ross Message, 19 Nov. 1857, Official Documents, Misc., 1846-1851.

[56]John Ross Message, 5 Oct. 1857, R.C.I.A., 1857, 218.

[57]George Butler to Elias Rector, 8 Sept. 1857, ibid., 211.

[58]Elias Rector to Charles Mix, 26 Oct. 1858, R.C.I.A., 1858, 126.

[59]Ibid., 126-127.

[60]Norman Graebner, "Pioneer Indian Agriculture in Oklahoma," The Chronicles of Oklahoma, XXIII (Autumn 1945), 245.

John Ross knew his people better than a new agent, however, and when he took a trip through the nation in 1857 he said:

> The evidences of progress by the Cherokee people furnished by this tour was of the most cheering kind, and contrasted favorably with their condition fifty years ago. Well cultivated farms, which have yielded abundant crops of grain, and thus affording a full supply for the wants of the people; well filled public schools, large and orderly assemblages, and quiet neighborhoods, which were seen in all the districts, showed marked improvement, and furnished a sure indication of the susceptibility of all classes among the Cherokee people for a thorough civilization.[61]

Though he saw dangers from covetous whites on their borders (Kansas' governor had described the Indian country as "one of the most salubrious and fertile portions of this continent" and predicted that Indian treaties would "constitute no obstacle, any more than similar treaties did in Kansas")[62] Ross still glowed with praise for his people in the fall of 1859. He suggested that "industry and enterprise" could elicit rewards from "a country salubrious in climate, rich in soil, and abounding in the resources of material wealth."[63] In 1859, according to Agent Butler's report, there were 21,000 Cherokees and 1,000 whites in the nation; 4,000 Negro slaves endured their bondage, 102,500 acres were cultivated, and Cherokees owned 24,000 cattle.[64] While they were indeed prosperous, one might challenge Butler's judgment that slavery alone stimulated the advancing civilization of the Cherokees.[65]

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[61]John Ross Message, R.C.I.A., 1857, 218.

[62]Ibid.

[63]John Ross Message, 3 Oct. 1859, J.R.P.

[65]George Butler to Elias Rector, 10 Sept. 1859, R.C.I.A., 1859, 172-173.

More than slavery itself, political stability enabled the nation to advance during the 1850's. John Ross continued to dominate his people and won elections easily.[66] Stand Watie was elected to the National Council in 1853 and gained re-election throughout the decade; he even served as speaker of the Council from 1855 to 1859.[67] Further indication that the factions were reconciled is found in the editorship of W. P. Boudinot, Watie's nephew, of the Cherokee Advocate, which he hoped would advance the "intelligence, morality and religion" of his people.[68]

Despite many indications of harmony, some grudge-filled Cherokees refused to forget past wrongs. Children of the murdered Ridges and Elias Boudinot blamed Ross people for their fathers' deaths, and one cried that "the villiany and swindling of Ross ought to be exposed."[69] Some of Stand Watie's relatives went to California, but even there John Rollin Ridge refused to forgive his enemies. One Cherokee planned to kill a political foe in the nation, but he abandoned his plan, someone reported, because "every one seemed to be for peace, and he was for peace too--that he was willing to lay down his arms and be forever at peace."[70] Analyzing their relationship to the United States, Agent Butler, a militant Southerner, reported:

> The majority of them are strongly national, or democratic, in their sentiments, I regret to say however, that there are a few Black Republicans, who are the particular fondlings of the

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[66] Cherokee Advocate, 20 May 1851, 10 June 1851, 9 Aug. 1851.

[67] Wardell, Political History of the Cherokee Nation, 112.

[68] Cherokee Advocate, 17 Nov. 1852.

[69] E. C. Boudinot to Uncle [Stand Watie], 16 Dec. 1855, C.N.P.

[70] Cherokee Advocate, 22 July 1851.

> abolition missionaries that have been, and still are making themselves very officious upon the subject of slavery.[71]

Most missionaries disregarded politics and labored to propagate their creeds. Missionaries from the Church of Jesus Christ of Latter Day Saints entered the territory, caused some stir with their doctrines,[72] and had some success before being ordered out of the area by the nation's chief.[73] Mission schools and the printing press of Samuel Worcester continued to help Cherokees,[74] and Stand Watie requested a missionary for the Honey Creek area.[75] A personal letter to Watie's wife conveys the impact of missionaries much better than statistics:

> O Sallie, this is the most dreadful world we live in! Indeed, my good Sister, I do not think I could live, were it not for the confidence I have in the Christian religion! Were it not for this anchorage doubtless I should be a maniac. The world to me has lost its charms! I have no idea that I shall ever conceive of the world as I used to do. No! it all seems to me as a midnight sky, when the only star it ever had, went prematurely out! O God! enable me to look far ahead to that world where stars shall never set, and loved ones live for ever! Enable me, God of my life, to be resigned to what Thou hast done.[76]

Whatever the missionaries' goals or activities, they were as conspicuous in the slave controversy as were abolitionists in the North. The

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[71]George Butler to Elias Rector, 10 Sept. 1858, R.C.I.A., 1858, 140.

[72]R. C. Parks to Geo. Butler, 3 March 1858, L.R.O.I.A., R. 98; Grant Foreman, "Missionaries of the Latter Day Saints in Indian Territory," The Chronicles of Oklahoma, XIII (June 1935), 207.

[73]Foreman, "Missionaries of Latter Day Saints," 212.

[74]S. A. Worcester Report, R.C.I.A., 1855, 127-128.

[75]Bass, Cherokee Messenger, 341.

[76]W. A. Duncan to Sallie Watie, 24 Aug. 1857, C.N.P.

"dark and portentious clouds" visible in the 1840's[77] rose higher throughout the 1850's, and their writhing turbulence cast a shadow over the nation by the end of the decade. Cherokees had owned slaves since their Georgia residence, but most slave owners were whites who had married Cherokee women or mixed-bloods.[78] Major Ridge had owned twenty-nine slaves; Stand Watie owned, bought and sold them;[79] and John Ross may have owned over fifty.[80]

Compared with white Southerners, Cherokee slave owners were perhaps the less harsh masters. Samuel Worcester admitted slavery was "evil & only evil" but contended that change must come slowly to Cherokees;[81] freedom for the 2,504 slaves[82] could not be gained overnight. Another missionary contended that slaves only did one-half the work "required of hirlings at the North"[83] and saw no reason to rebuke slaveowners since Negroes could worship freely. Slaves owned by full-bloods may have had a rather easy existence, for some only had to pay a "small tribute" each

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[77]Sophia Sawyer to David Greene, 31 Dec. 1842, Cherokee Mission Papers, X.

[78]Wiley Britton, Civil War on the Border (3d ed.; New York, 1899), II, 25.

[79]Inventory of Major Ridge's estate, C.N.P.; Bill of sale, 8 May 1847, ibid.; Bill of sale, June 1856, ibid.

[80]Eaton, John Ross, 165. Eaton says Ross had 70 in 1860, but the United States census for 1860 lists the largest owner as having only 57.

[81]S. A. Worcester to D. Greene, 17 Jan. 1845, Cherokee Mission Papers, XI; S. A. Worcester, T. E. Ranney to S. B. Trent, 14 Sept. 1854, ibid.

[82]Bureau of the Census, Population of the United States in 1860, (Washington, 1864), xv.

[83]D. S. Butrick to David Greene, 1 Jan. 1845, Cherokee Mission Papers, XI.

year to their owners and were left to themselves.[84] Some Cherokees, like some Southern whites, did think of their "family, white & black" with solicitous kindness,[85] but the many sales, the runaway slaves, and the cruelty of the system forced some missionaries to protest.

Leading the protest, Evan Jones began denying membership in the Baptist church to men who did not free their slaves.[86] Samuel Worcester, who had long tried to keep the whole question away from the nation, owned slaves, but he treated them as a part of the family and allowed them to eat meals at the table with everyone else[87] and maintained a rather ambiguous neutrality.

To deep-dyed Southerners, neutrality sounded like abolitionism. Missionaries who expelled slaveowners from the churches were rebuked by the National Council, for the nation had always permitted slavery.[88] As the United States moved like a drifting raft above a cataract toward war, the Cherokee Nation also began dividing. Some accused anti-slave missionaries of neglecting the "real object of their mission" and by agitation stirring up "the slave population" and disrupting the country.[89]

Despite opposition, some abolitionist sentiment crept throughout the nation, and in 1856 and 1857 several slaves were emancipated.[90]

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[84]Graebner, "Indian Agriculture;" Hitchcock, Traveler in Indian Territory, 187.

[85]W. J. Dupree to Sallie Watie, March 1864, C.N.P.

[86]John Foster statement, 4 June 1855, L.R.O.I.A., R. 97.

[87]Stephen Foreman to Geo. Butler, 12 June 1855, ibid.

[88]Bill of Cherokee Council and Committee, 24 Oct. 1855, ibid.

[89]Geo. Butler to C. W. Dean, 11 Aug. 1855, R.C.I.A., 1855, 444.

[90]Emancipation Deeds, Cherokee Nation Collection, Indian Archives, Oklahoma State Historical Society.

Abolitionists increasingly caused trouble, and "political strife and discord" spread everywhere.[91] Even Evan Jones, while openly opposed to slavery, did not consider himself an abolitionist,[92] but amidst accusations and denials Cherokees slid with the United States into the boiling cauldron of civil war which eventually yoked them to the Confederacy.

Cherokee secession resulted partially from identical motivations which prompted the formation of the Confederacy. Influential men like Stand Watie were Southerners, advocates of self-determination, which to Georgians and Alabamans meant state's rights, and most Cherokee leaders were economically bound to the Southern planter system. Indian agents, usually Southerners, maneuvered like skilled weavers on a loom to entwine Indian and Southern interests. As has been seen, the first small cloud on the horizon of secession hovered over the churches, and "nowhere in the United States, perhaps, was rivalry among churches . . . stronger than within the Indian country."[93] This rivalry spewed forth the Evan Jones-inspired Keetoowah Society.

Responding to Jones and the anti-slave appeal, many full-bloods joined the Keetoowah Society, a secret organization whose members wore crossed pins on their jackets and were thus called "Pins." Though mouthing abolitionist slogans, a more basic raison d'etre for the society was the reactionary allegiance of full-bloods to ancient tribal traditions and culture. After the war a Confederate partisan wrote that although the

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[91]Geo. Butler to C. E. Mix, 30 June 1858, L.R.O.I.A., R. 98.

[92]Geo. Butler to C. E. Mix, 12 Oct. 1858, ibid.

[93]Annie Heloise Abel, The American Indian as Slaveholder and Secessionist (Cleveland, 1915), 37.

organization was formed "for the purpose of abolitionizing the Cherokees and putting out of the way all who sympathized with the Southern States,"[94] John Ross shrewdly manipulated this anti-slave, anti-Watie organization and used "it for his own ends."[95] In 1860, murders and violence disturbed the Cherokee Nation as the slave question divided it once more into factions.[96]

The mixed-bloods despised the Keetoowah Society and its "allegiance to the North, abolition, and tribal gods."[97] Led by Stand Watie they formed the Knights of the Golden Circle in 1860 to oppose the Pins,[98] and the Cherokee Nation fragmented internally before the Civil War erupted. This division duplicated that created in 1835; external unity had, for a season, endured, but the United States Civil War unveiled hidden hatreds which no peace treaty could eliminate and which would rend and fracture the nation.

Yet all these obvious causes of division within the nation were fruitions of a deeper malady: the contrasting social attitudes between the progressive Watie and the conservative Ross parties. Watie's followers looked for new methods and ideas in order to improve their existence while Ross people refused to abandon tribal folk-ways and traditions. A conflict thus emerged which could never be fully resolved. Although some contend that Cherokees merely tried to guess which side would win and then

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[94]Albert Pike to D. N. Cooley, 17 Feb. 1866, in "The Cherokee Question," The Chronicles of Oklahoma, II (June 1924), 173.

[95]Ibid.

[96]Elias Rector to A. B. Greenwood, 24 Sept. 1860, R.C.I.A., 1860, 116.

[97]Monaghan, Civil War on the Western Border, 211.

[98]Charles C. Royce, The Cherokee Nation of Indians, 329; Knights' Constitution, Misc. Documents, Northeastern State College.

joined it, such an analysis is at best superficial. Fear is a powerful motivation, and the withdrawal of United States troops and the nearness and size of rebel forces determined many Cherokees' allegiance. Eventually the Ross faction sided with the South for awhile, but it revealed its true character and loyalty when, less than a year later, the full-bloods deserted and joined the Union. The initial successes of Confederate arms, coupled with the looming contiguity of Texas and Arkansas without question influenced Stand Watie and the mixed-bloods, but something more than opportunism kept them loyal to the South until it died in poverty and disgrace. Cherokees battled throughout the war and ravaged their homeland because factional bitterness allowed no one to forget injuries inflicted since 1835, and "never can true reconcilement grow where wounds of deadly hate have pierced so deep."[99]

In microcosm, Stand Watie and John Ross illustrated the schism which enkindled these hatreds. While Watie, something of an entrepreneur, improved himself in many business and legal affairs, Ross maneuvered like an adroit stock broker to secure annuities from Washington to keep his government solvent. Ross wanted the best for his people, but he failed to realize that the United States could not eternally sustain the Cherokees.

Despite the internal rupture harrowing the nation, Cherokees suffered from a war with little meaning for them. They fell before military wrath dispensed by weapons and tactics beyond their comprehension. Factional quarrels had brought bloodshed, but the incorporation of the Cherokee feud into the American Civil War almost destroyed the nation, for "no

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[99]John Milton, Paradise Lost.

more devastating phase of the Civil War was fought than that in the Cherokee Nation within the next four years."[100]

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[100]Wardell, Political History of the Cherokee Nation, 135.

CHAPTER XV

THE CHASM OF WAR

Revenge, at first thought sweet,
Bitter ere long back on it self recoils.
--John Milton

My argument is that War makes rattling
good history; but Peace is poor reading.
--Thomas Hardy

O shame to man! Devil with Devil damn'd
Firm concord holds, men onely disagree
Of creatures rational, though under hope
Of heav'nely Grace: and God proclaiming peace,
Yet live in hatred, enmity and strife
Among themselves, and levie cruel warrs,
Wasting the Earth, each other to destroy:
As if (which might induce us to accord)
Man had not hellish foes anow besides,
That day and night for his destruction wait.
--John Milton

Even if Indians had wished to evade the conflict, the South would not allow them to do so. While Northern politicians eyed Indian lands, Southern agents skillfully secured Indian friendship. The South "appreciated the importance of the Indian Territory as a possible storehouse of provisions, as a highway to and from Texas, and in some slight degree, no doubt, as a base for securing Colorado Territory and the new state of Kansas."[1] The embryonic Confederacy concluded alliances with most Indian nations, but John Ross, with the cunning of a Swiss nationalist, proclaimed

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[1]Annie Heloise Abel, "The Indians in the Civil War," The American Historical Review, XVI (Jan. 1910), 283.

a rigid neutrality for his people. When a Chickasaw note urged Cherokee secession, Ross deplored the Union's rupture and determined to keep his people apart from a conflict which "can only be regarded as a family misunderstanding among themselves."[2]

Nevertheless Southern diplomats maneuvered to divorce the Cherokees from the Union. Governor Henry M. Rector of Arkansas told John Ross that Lincoln was an abolitionist and reminded him that Cherokees were indigenous Southerners regarded as brethren by the whites.[3] Special delegations, spreading mendacious propaganda, sifted through the Indian country and found friendly receptions everywhere except in the Cherokee Nation.[4] One bright-eyed Indian said that Lincoln might "haul his big guns about over our prairies in the daytime, but we will swoop down upon him at night from our mountains and forests, dealing death and destruction to his army."[5] Confederate spokesmen urged Douglas Cooper to secure alliances which would protect "these tribes in their present Country from the agrarian rapacity of the North that, unless opposed, must soon drive them from their homes."[6] After several men had failed, the Confederacy's special envoy to the Indians, Albert Pike, finally obtained these official treaties.

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[2]John Ross to Cyrus Harris, 9 Feb. 1861, C.N.P.

[3]Henry M. Rector to John Ross, 29 Jan. 1861, inclosure of Elias Rector to John Ross, 14 Feb. 1861, War of the Rebellion: Official Records, 1, I, 683-684. [Hereafter cited as O.R.]

[4]James E. Harrison, James Bourland, and Charles Hamilton to Edward Clark, 23 April 1861, O.R., 4, I, 323.

[5]Ibid., 324.

[6]L. P. Walker to Douglas Cooper, 13 May 1861, C.N.P.

Pike was a consummate diplomat. Aside from his gigantic size (300 pounds) and majestic bearing, the transplanted New England lawyer-poet and ardent secessionist was honest. He demanded authority to make agreements guaranteening Indians "all their legal and just rights."[7] Pile had little difficulty with most tribes, but he failed to persuade John Ross to fuse with the Confederacy. Ross said:

> Our locality and institutions ally us to the South, while to the North we are indebted for a defense of our rights in the past, and that enlarged benevolence to which we owe chiefly our progress in civilization. . . . . Our duty is to stand by our rights--allow no interference in our internal affairs from any source, comply with all our engagements, and rely upon the Union for justice and protection.[8]

Once Pike saw that Ross and his full-bloods remained nominally loyal to the Union, he purposed to "negotiate with the leaders of the half-breeds who are now raising troops"[9] and drive a wedge into the crack of factional schism.

Yet Pike still proposed two June, 1861, meetings with Ross.[10] He outlined provisions of an unusually advantageous treaty, but he respected Ross's neutrality; Benjamin McCulloch, recruiting an army to defend Indian Territory and northwestern Arkansas, appeared quite affable, but he diagnosed Cherokee neutrality as only a "pretext to await the issue of events."[11] McCulloch insisted the Cherokees would have to join the South and thought it far wiser to entice than to coerce them.

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[7]Albert Pike to Robert Toombs, 20 May 1861, O.R., 1, III, 581.

[8]John Ross Message, 4 Oct. 1860, Indian Archives, O.S.H.S.

[9]Albert Pike to Robert Toombs, 29 May 1861, O.R., 4, I, 359.

[10]Albert Pike to John Ross, 6 June 1861, C.N.P.

[11]Ben McCulloch to L. P. Walker, 22 June 1861, O.R., 1, III, 596.

The retreat of the United States army from Indian Territory posts forced Indians into McCulloch's arms. Treaty stipulations were conveniently forgotten when Fort Towson and other posts appeared untenable, and the military fled to Kansas. Forts Washita, Arbuckle, and Cobb were abandoned in April and Texas troops easily occupied them.

Yet even as the soldiers raced northward, John Ross clung to hopes for neutrality, but "certain emmisaries of the Rebellion, with hateful malignity took advantage of the neutrality to sow seeds of discord and treason in the nation."[12] Ross pleaded with his people to avoid any part of the controversy, for no one wanted "our soil to become the battle ground, between the states and our homes to be rendered desolate and miserable by the horrors of a civil war."[13] Despite Ross's neutral stance, General McCulloch had orders to "not only conciliate the Indian Nations, but to obtain their active cooperation" in the war effort.[14] To recruit Cherokee troops, and ultimately win the nation, Pike and McCulloch turned to Stand Watie, already active in the Southern cause.

Told that abolitionists and black Republicans would soon rule the nation if Cherokees did not arm themselves and defend it, and also promised supplies and guns, Watie responded quickly.[15] He conferred with Confederate representatives and talked with his own people. The metamorphosis from the Knights of the Golden Circle, mixed-blood society, to the

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[12]Sworn Statement of Sarah F. Staples, 1878, Hargett Collection.

[13]John Ross to J. R. Kannady, 17 May 1861, C.N.P.

[14]S. Cooper to Benjamin McCulloch, 26 June 1861, O.R., 1, III, 599.

[15]A. M. Wilson & J. W. Washbourne to Stand Watie, 18 May 1861, C.N.P.

Southern Rights Party, to a fighting force in the field was inevitable. With "many young Hotspurs" already in McCulloch's army,[16] Southern Cherokees naturally expected Watie to lead them into the fray. On July 12, McCulloch authorized "Watie's Regiment" to enter the Neutral Lands and guard the area.[17] On July 29, at Fort Wayne, Watie organized the "Cherokee Mounted Rifles" with himself as colonel in command.[18]

Regardless of official, though extra-legal military titles and organizations, the regiment was little more than an armed band clandestinely yoked to a Confederacy rejected by the nation. Yet Stand Watie kept constantly "in the field, defending his country and his people against invasion from the North and against bands of ruffians who came to plunder rather than with any definite military object."[19] The men were active, and "in the words of veterans of this protective troop, some very interesting 'scrapes and brushes' took place between them and the Kansas invaders, in which Watie and his men were victorious."[20] But aside from skirmishes, no more important than a neighborhood dog-fight, little happened in the Indian country, or near it, before the Battle of Wilson's Creek on August 10, 1861. Like Bull Run, Wilson's Creek created an illusion of Confederate superiority and distorted any vision Cherokees may have had concerning the war's eventual outcome.

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[16]Edward Everett Dale, "Some Letters of General Stand Watie," The Chronicles of Oklahoma, I (Jan. 1921), 31.

[17]Benjamin McCulloch to Stand Watie, 12 July 1861, C.N.P.

[18]Anderson, Stand Watie, 26.

[19]Dale, "Some Letters of General Stand Watie," 33.

[20]Anderson, Stand Watie, 26.

Whether Stand Watie participated in the Confederate victory at Wilson's Creek is debatable. Indians from his regiment were on the field; 6,000 horsemen "armed with flint-lock muskets, rifles, and shot-guns" could have included Watie.[21] One of Watie's men, J. M. Keys, reported both W. P. Adair and E. C. Boudinot fighting at Wilson's Creek but is silent regarding Watie.[22] Some authorities assume he was there, but the Official Records mention no Indians at all, let alone Stand Watie.

Even if he did not fight in the battle, Watie profitted from it. For it "emphasized the role which Stand Watie and his men were likely to play in the Civil War--a role that, if the South were triumphant, would presumably put Watie in power and the uncommitted Ross in prison."[23]

But John Ross was nothing if not a cool-headed, clear-thinking politician. Tossing his intrinsic loyalties aside, Ross moved to choke off any ground-swell support for Watie. Less than two weeks after the Confederate triumph at Wilson's Creek Ross called a meeting of the nation, and 4,000 Cherokees flocked to Tahlequah (August 21) to discuss the nation's position. Ross praised neutralists as patriots without blemish and denounced those fomenting internal dissension by friendship with the South. He cried: "Union is strength; dissension is weakness, misery, ruin. In time of peace, enjoy peace together; in time of war, if war must come, fight together. As brothers live, as brothers die."[24]

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[21]Benjamin McCulloch to S. Cooper, 12 Aug. 1861, O.R., 1, III, 104.

[22]J. M. Keys' tribute to Watie and men, in Anderson, Stand Watie, 73.

[23]Woodward, The Cherokees, 265.

[24]John Ross to Benjamin McCulloch, 24 Aug. 1861, O.R., 1, III, 674.

Using this mass meeting to feel his people's emotional pulse, he obtained from the Cherokees a reaffirmation of neutrality; a restatement of friendship with all states of the United States; a repudiation of distinctions between full-bloods and mixed-bloods; a reasseveration of loyalty to the Cherokee constitution and laws; a recognition of slavery; a renewed pledge to defend the nation from any aggressor; and, most significant, a delegation of authority to tribal leaders giving them power to make any alliance they considered necessary.[25]

This meeting and its resolutions did little to conciliate Watie people. Stand Watie considered making a separate treaty with Pike which would protect the Treaty faction and, if the Confederacy prevailed, give it dominance.[26] Despite pro-Union sympathies in the full-blood faction, Ross feared a division of the nation at a moment when his opposition had the support of an apparently successful Confederacy. The very next week he notified McCulloch that the Cherokees would join the South and offered to form a regiment; McCulloch congratulated Ross for his wisdom and promised to work with him as soon as Albert Pike concluded an official treaty with the nation.[27] Although McCulloch welcomed the friendship of Ross, he needed the services of Stand Watie far more.

Scouting in the neutral lands and northeastern part of the Cherokee Nation, Watie impressed McCulloch as an unscathed commando. He discounted the potential of full-bloods recruited by John Ross, but he

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[25]Ibid., 673-676.

[26]William P. Adair and James M. Bell to Stand Watie, 29 Aug. 1861, C.N.P.

[27]Benjamin McCulloch to John Ross, 1 Sept. 1861, O.R., 1, III, 692.

respected Stand Watie's "half-breeds, who are educated men, and good soldiers anywhere, in or out of the Nation."[28] Though authorized to form a "regiment," Watie's force never approached full-strength and fluctuated around the 300 mark; as the war progressed, however, and as he was promoted, more men followed him. Watie's regiment was a mounted cavalry force; the men supplied, or confiscated, their own ponies and single-shot rifles or shotguns. Supplies, though promised by the Confederacy, were usually taken from the occupied territory or obtained from raids.

While Watie recruited, Ross worked for a united Indian Territory within the Confederacy.[29] Many Cherokees, however, were perplexed: one day they were neutral--the next day they were rebels. Indecision was occasionally disastrous. Jesse Russell "wavered from one side to the other, according to the circumstances, and was finally taken to the woods and shot by some of the loyal Indians."[30] Yet though individuals might sway like prairie grass on a gusty day, the nation sped toward permanent alliance with the Confederate States. Indians camped around Tahlequah the last week of September and on October 7, 1861, Albert Pike and John Ross signed a treaty uniting the Cherokee Nation with the Confederacy. The treaty, like a well-worded insurance policy, looked like the best Cherokees ever obtained. It confirmed their territorial boundaries and government, established a Confederate judicial district in the nation, and obligated the Confederacy to assume all treaty obligations, including annuities

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[28]Benjamin McCulloch to L. P. Walker, 2 Sept. 1861, ibid.

[29]John Ross to Opotheleyoholo et. al., 1 Sept. 1861, R.C.I.A., 1865, 354.

[30]Foreman, "Notes of a Missionary among the Cherokees," 181.

and funds, due the Cherokees from the United States; Cherokees had no military obligations outside their own nation, representation in the Confederate Congress, and recognition as a quasi-sovereign province of the Confederacy.[31]

John Ross treated with Pike. Stand Watie, in the background, took no part in the negotiations but shook hands with the Principal Chief after the treaty was signed in a shallow show of national solidarity.[32] But any unity was ephemeral. Ross pretended to treat with the rebels but awaited a chance to rejoin the Union if it were possible and politically advantageous,[33] "for if Stand Watie and his party took one side, John Ross and his party were sure in the end to take the other, especially when that other proved itself the stronger."[34] Still the treaty was signed and later ratified by the Confederate Congress on December 24, 1861.[35]

As he concluded the treaty, Pike commissioned John Drew to recruit a Cherokee regiment,[36] but Watie's force continued to operate separately from Drew's full-blood force. They prepared for action, but before they battled the North, they had to chastise their neighbors. The Creeks, who rejected John Ross's offer to "all smoke the pipe of friendship around our

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[31]Treaty between Pike and Ross, 7 Oct. 1861, O.R., 4, I, 669-687.

[32]Albert Pike to Commissioner of Indian Affairs, 17 Feb. 1866, "The Cherokee Question," 179.

[33]Testimony of Sarah F. Staples, 1878, Hargett Collection.

[34]Pike to Commissioner of Indian Affairs, 17 Feb. 1866, "The Cherokee Question," 179.

[35]U. S. Senate, 58th Cong., 2d Sess., Journal of the Confederate States of America, 1861-1865, Document 234 (Washington, 1904), I, 611.

[36]Albert Pike to John Drew, 7 Oct. 1861, Copies of Cherokee Letters, Documents and Accounts, bound MS, Indian Archives, O.S.H.S.

great council fire"[37] had divided, and part of the nation was belligerantly neutral, which was regarded as pro-Union. Confederate forces battled Opothleyoholo-led Creeks at Round Mountain and Bird Creek, but since many Cherokees in Drew's force deserted under fire John Ross spoke to them, reminded them of treaty agreements, and emphasized their duty to repel any intruders--white or Indian.[38] Opothleyoholo moved leisurely from the battlefield at Bird Creek to a camp on Hominy Creek, four miles west of present-day Skiatook,[39] at a place called Chustenahlah. Stand Watie helped Colonel James McIntosh rout the Creeks and drive them to Kansas, but after this running fight on December 27, 1861, most Confederate troops retired to Fort Gibson.

Events of 1861 offered but little insight into the future. Stand Watie, now fifty-five years old, had known nothing but victory; John Ross, seventy-one, awaited the tide of events. Indian Territory was firmly held by the rebels, and there had been little opposition to their movements. Early in 1862 Watie must have been optimistic; the war could be won, slavery could be preserved, and soon the old way of life could be resumed. John Ross awaited fortune to sweep him into whole-hearted support of either Union or Confederacy.

Little occurred in the early months of 1862, but when Watie was attacked because his nephew killed a Ross follower, he claimed that such incidents were exaggerated by his factional enemies. "I am well aware

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[37]John Ross to Opothleyoholo, 8 Oct. 1861, R.C.I.A., 1865, 354.

[38]John Ross Address, 19 Dec. 1861, ibid., 355-356.

[39]Arthur Shoemaker, "The Battle of Chustenahlah," The Chronicles of Oklahoma, XXXVIII (Summer 1960), 183-84.

that the personal relations of myself with the unfortunate faction is seized upon with avidity by those whose only ambition seems to be to misrepresent and injure me,"[40] he said, but he sardonically noted that "this is called a barbarous crime and shocks the sensitive nerves of Col. Drew, Mr. Ross and others, who of course have never participated in the shedding of innocent blood."[41] The momentary union of forces never concealed deep-seated factional antipathies, and Cherokees, while nominal allies of the South, seldom resisted convenient opportunities for revenge.

In the final week of February, 1862, Indian troops assembled and marched toward Arkansas to help Major General Earl Van Dorn defend northwestern Arkansas. John Ross accompanied Drew's regiment for a few miles but was "disuaded" from further action by "many base, reckless and unprincipled persons belonging to Watie's regiment who are under no subordination or restraint."[42] Stand Watie marched with his men into Arkansas and joined Van Dorn's 16,000 Confederates, who proceeded to lose the Battle of Pea Ridge.

Though Indians helped the Confederates at Pea Ridge in many ways, what little attention they received for their efforts was abusive and contemptuous. Northerners charged that they scalped Union dead and slaughtered the injured.[43] Even the disgruntled Van Dorn had only invective for the undisciplined "horde of Indians" who "murdered and scalped many of the

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[40]Stand Watie to Douglas Cooper, 19 Feb. 1862, C.N.P.

[41]Ibid.

[42]John Ross to Albert Pike, 25 Feb. 1862, "The Cherokee Question," 189.

[43]Samuel Curtis to J. C. Kelton, 13 March 1862, O.R., 1, VIII, 290.

Union wounded."[44] Yet the Indians little deserved such defammation. They were, first of all, reluctant combatants forced to violate treaty agreements and fight outside their territory and were impotent facing artillery with shotguns. Then only distorted ethics, quite alien to Indian culture, judged lifting the scalp of a vanquished foe more heinous than blasting his head off with a cannon!

Other than anger whites, Indians did substantial service for the South in the battle. A battery captured by Watie's men was one of the few tangible Confederate accomplishments. As scouts, Indians were superb, and they regularly protected the flanks of retreating columns. Pike later reproved his Indian troops for alleged atrocities on the field,[45] but he reminded federal officials after the war that the Union must not have been too indignant with Indian misdeeds since the troops who reportedly took scalps, Drew's full-bloods, were soon in the federal army and sent into "Arkansas to ravage it."[46]

Whether or not atrocities were perpetrated and regardless of Cherokee accomplishments in battle, the significance of Pea Ridge is not the impact of Indian arms upon the battle but the battle's affect upon the Indian Territory. After Pea Ridge, Southern strategy west of the Mississippi became, like the Maginot Line, strictly defensive--tactics which doomed the Indian country. The battle illustrated clearly the inability

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[44]Earl Van Dorn, War Papers and Personal Recollections of the Missouri Commandery, 232, in Abel, The American Indian as a Participant in the Civil War (Cleveland, 1919), 148.

[45]Albert Pike to Commissioner of Indian Affairs, 17 Feb. 1866, "The Cherokee Question," 177.

[46]Special Order of General Pike, n.d., Vertical File, Civil War, Grant Foreman Collection, Indian Archives, O.S.H.S.

of Albert Pike to command aggressive military forces, and he became the first of several commanders who refused to consider Indian Territory as anything other than a buffer between Kansas and Texas. Had an aggressive, experienced general, with a genuine interest in Indians, been in charge, Watie and his men might have been able with white assistance to hold their country. Had they held it, John Ross no doubt would have remained at Park Hill and kept the nation united. But white generals, often piqued over their appointment to such an obscure district, decided Texas had to be saved and sacrificially offered Indian Territory to shield Texans and Texas resources.

Pike resolved to fortify a strong defensive position commanding convergent roads leading to Texas, and Watie was urged to scout and annoy the enemy. Pike pledged never to abandon Indian Territory (though Fort McCulloch, which he erected on the Blue River, was about as far as he could get from the territory and still be in it) and urged Cherokees to "bury old animosities and remember only that all are now fighting for the honor, independence and safety of the Confederate States and the Cherokee People."[47]

Watie read Pike's orders and returned to the field, where he harried federal patrols in southwestern Missouri. But he buried few "old animosities." Colonel Douglas Cooper, Watie's immediate superior, analized the emerging pattern of combat and predicted guerilla warfare could easily determine the fate of the Indian country. He thus urged that Watie be promoted and permitted to recruit additional troops, for "the Indians have great confidence, and justly, in Col. Stand Watie's patriotism,

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[47]Albert Pike to Stand Watie, 1 April 1862, C.N.P.

prudence and courage, and I think would rally to his standard."[48] With his scouts continually probing, his intimate knowledge of the country, and his dauntless spirit, Watie fought effectively in the continual brush warfare.

Despite some minor victories, Watie vainly pleaded for white troops to bolster his force. Without reinforcements he could scarcely expect to resist the mounting federal offensive, and Albert Pike remarked that "Stand Watie has troubled them too much for them not to wish to finish him" and occupy Indian Territory.[49] Early in April the United States authorized an invasion force, organized in the spring under Colonel William Weer and including a regiment recruited from Indian refugees in Kansas.[50]

Weer invaded Indian Territory in June. To meet this offensive, Pike put Douglas Cooper in charge of all Confederate forces north of the Canadian River, ordered all partisan bands expelled from the territory, and conscripted all white non-residents who had sought refuge with the Indians.[51] Administrative promulgations, mere paper bullets tossed upon the wind, did little to deter Weer, and as General Thomas Hindman reported, "to meet this force, 5,000 strong, we had only the brave Stand Watie, with his faithful regiment of half-breed Cherokees, Drew's regiment of full-bloods, many of whom were disaffected," and some poorly led guerillas from

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[48]Douglas Cooper to Earl Van Dorn, 6 May 1862, O.R., 1, XIII, 824.

[49]Albert Pike to T. C. Hindman, 8 June 1862, ibid., 942.

[50]L. Thomas to Robert Furnas, 2 April 1862, O.R., 3, II, 2.

[51]General Orders of Albert Pike, 23 June 1862, O.R., 1, XIII, 839.

Missouri.[52] Watie fought a delaying action through Tahlequah and Fort Gibson to the south bank of the Arkansas River, where he was joined by Cooper.[53] This rapid retreat, compounded with the earlier disaster at Pea Ridge, moved many full-bloods to reassess their position in the conflict. Obviously they had picked the wrong side--especially, they reasoned, since they really liked the Union! Drew's desertion-riddled regiment disbanded and 400 of his men joined the Union army.[54]

With all the active opposition except Watie vanquished, the Union column had little difficulty occupying the Cherokee Nation. By July 15, Fort Gibson was captured;[55] on July 14 a force went to Tahlequah and Park Hill where John Ross willingly capitulated--a move well anticipated by federal officials.[56] Ross had enjoyed the personal protection of Drew's regiment while it existed, and now the Principal Chief "voluntarily and of his own accord sent to the officers commanding the Union for deliverance and the escort of about one hundred and fifty Union soldiers were hailed with joy."[57] Ross had made plans to surrender as soon as Weer appeared successful,[58] and he refused to encourage Cherokees to resist the federal

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[52]Thomas C. Hindman to S. Cooper, 19 June 1862, ibid., 40.

[53]Ibid., 42.

[54]William Weer to Thomas Moonlight, 6 July 1862, ibid., 138.

[55]William Weer to Thomas Moonlight, 16 July 1862, ibid., 160.

[56]W. G. Coffin to John Ross, 16 June 1862, C.N.P.; William Weer to Thomas Moonlight, 13 June 1862, O.R., 1, XIII, 431.

[57]Sarah F. Staples testimony, 1878, Hargett Collection.

[58]Stephen Foreman Journal, 7 July 1862, 9 July 1862, in Faulkner, "The Life and Times of Stephen Foreman," 90-95.

army and "rejoiced that he was arrested."[59] According to witnesses of the surrender, Ross had only joined the South in order to avoid military action against his people by Watie and McCulloch. Shortly after his victory, however, Weer was arrested and the expedition, with John Ross and the Cherokee treasury, retreated into Kansas.

Despite defeats at the hands of federals, Watie again controlled the nation, but it was no longer united. Ross's departure poured cement into the factional fissure, and as it hardened a vicious war of retribution, ambush murder, and terror erupted.[60] Federal Cherokees "infested the upper part of the Cherokee country, carrying on a guerilla war and committing numberless atrocious outrages. Houses were burned, fields laid waste, and women and children massacred by these merciless savages."[61] Equally valid accusations assailed Confederate Cherokees, and to complicate matters many Negroes, freed by the advancing Union force, began "stealing property indiscriminately"[62] and creating havoc. Frightened civilians abandoned the nation: Southerners to Arkansas or Texas; Northerners to Kansas. The exodus left the nation nearly deserted except for passing scouts and a few stubborn citizens.

The nation needed a government and stability. Consequently, Southern Cherokees called a council and elected (August 21) Stand Watie

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[59]R. H. Carruth and W. H. Martin to W. G. Coffin, 19 July 1862, R.C.I.A., 1862, 158.

[60]Statement of Hannah Worcester Hicks, Alice Robertson Papers, Indian Archives, Oklahoma State Historical Society.

[61]Thomas C. Hindman to S. Cooper, 19 June 1863, O.R., 1, XIII, 42.

[62]R. H. Carruth and W. H. Martin to W. G. Coffin, 25 July 1862, R.C.I.A., 1862, 161.

Principal Chief; two weeks later, after some assistance from Confederate officers, Watie issued a proclamation to his people urging them to return to their homes and promising them protection.[63]

Watie tried to fulfill this promise, but after a battle at Fort Wayne (October 22, 1862), he abandoned the northeastern Indian country and simply tried to feed his people. The situation was dismal, the prospects drab as Watie addressed a grand council of delegates from the tribes of the territory assembled at Armstrong Academy on November 1, 1862. He declared that previously he had feared the South might lose the war, but he was increasingly confident that victory was ahead, and that they could do their part in winning the war even without Confederate assistance.[64] He pleaded for "unity" and "obedience to the ernest demands of our country." Still more, he urged them "not [to] forget the magnitude of the contest, nor the important results at stake. If we lose, exile and sorrow, or slavery and shame will be ours. If we win, we will dwell as freemen upon our own soil by the graves of our departed people, but we cannot lose, if we do our whole duty."[65] He then called for his soldiers to accept army discipline and asserted that death for their cause was never death "in vain."[66]

Retreating to Indian Territory, after a small venture into Arkansas, Watie's command split into small parties throughout the region in

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[63]Proclamation of Stand Watie, Vertical File, Cherokee, Civil War, Oklahoma State Historical Society.

[64]Address of Stand Watie, reprinted in Anderson, Stand Watie, 57. Anderson's date is questionable.

[65]Ibid., 60.

[66]Ibid., 61.

the winter months (1862-1863) to more easily survive and to observe enemy movements. After a year of successive defeats, Watie was disconsolate. His army was battered; his nation was irreparably divided; his people were bitterly engaged in fratricidal warfare; his soldiers had fought and must continue to fight with neither supplies nor finances from a bankrupt Confederacy. His civilian population, largely exiled, struggled to exist. His homeland was a dismal scene of destruction and desolation.

The first year of actual warfare was decisive in Indian Territory. After Pea Ridge, most Confederate generals refused to wage anything but defensive warfare. Indecision and unconcern left Indians exposed to the enemy and allowed the North to unleash enough men to overwhelm the small band of Indian soldiers. John Ross's defection deprived Confederate Cherokees of the national treasury and supplied numbers of soldiers for the Northern army which subsequently occupied the Cherokee Nation. After the Battle of Fort Wayne, federals controlled the area north of the Arkansas River, and although Watie raided at will, he never again could control the area. John Ross retained the loyalty of Union Cherokees, who still considered him Principal Chief, but he sought refuge in the East (Philadelphia and Washington) and was unable to do much for his people. The Principal Chief for Confederate Cherokees, Stand Watie, proved himself a capable commander in the field and by his example gave his people the dynamic leadership necessary for survival. And the war was by this time no longer anything but a struggle for survival.

CHAPTER XVI

A BLOOD-BOUGHT CONCORD

> It is a shallow victory which leaves a prostrate people.
> --Charles A. Lindbergh
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> To love all mankind a cheerful state of being is required; but to see into mankind, into life, and still more into ourselves, suffering is requisite.
> --Jean Paul Richter

For the war's duration, followers of both Watie and Ross struggled to keep alive. Watie could haress the federals and pillage their territory, but his people desperately needed supplies. Land dessicated by two years of drought produced little grain, and the laborers were few who could reap what was sown.[1] Southern generals tried to supply refugees clustered near the Red River, but they had little enough food for their own troops. With sparse supplies and few male laborers, women and children waged their own war against death's haunting spectre. Union Cherokees, particularly those still in the nation, fared somewhat better, but even a resourceful Union commander admitted that he had not "half enough food to do the people now in the Nation."[2] Yet Union Cherokees had an opulent benefactor--the United States; Southern Cherokees, aside from the faltering Confederacy, stood alone.

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[1]S. S. Scott to James A. Seddon, 12 Jan. 1863, O.R., 4, II, 352.

[2]Wm. A. Phillips to Samuel Curtis, 19 Jan. 1863, O.R., 1, XXII, ii, 61.

Concern for his people, even as he planned his military campaign, forced Watie to undoubtedly hope, along with his nephew, E. C. Boudinot, for "an early peace."[3] But that peace must guarantee independence from the United States and John Ross. From his camp on the Canadian River, Watie attempted to cross the Arkansas and disperse a convention of Union Cherokees at Cowskin Prairie (called to repudiate the secession ordinance of October 7, 1861), but a Union force repelled him.[4] Ross people met on February 4, 1863, and after a two-week convention in cold, snowy weather organized a Union government, outlawed Confederate Cherokee leaders, repudiated the Confederate treaty, declared slavery abolished in the nation, and sent a representative to Washington.[5]

Supporting the Ross people north of the Arkansas, Colonel William A. Phillips and his federal army moved decisively. Northern refugees converged upon Fort Gibson, and he moved his large force through the nation, collected stock, reoccupied Gibson, and effectively cleared Confederates from the north bank of the Arkansas--though they remained entrenched on the south bank and controlled the fords.[6] Assassins terrorized the nation, and good men, on both sides, died at their hands.[7] As his men captured

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[3]E. C. Boudinot to Stand Watie, 23 Jan. 1863, C.N.P.

[4]Douglas Cooper to T. C. Hindman, 8 Jan. 1863, O.R., 1, XXII, ii, 770; Wm. A. Phillips to Samuel Curtis, 29 Jan. 1863, ibid., 85.

[5]Wm. A. Phillips to Samuel R. Curtis, 4 Feb. 1863, ibid., 97; Act of the National Council of the Cherokee Nation, 19 Feb. 1863, Vertical File, Civil War, Indian Archives, O.S.H.S.; Act Revoking Treaty of Oct. 7, 1861, 18 Feb. 1863, C.N.P.

[6]Wm. A. Phillips to James Blunt, 2 April 1863, O.R., 1, XII, ii, 810; Wm. A. Phillips to James Blunt, 12 April 1863, ibid., 211-212.

[7]W. D. Polson to Sarah Watie, 10 April 1863, C.N.P.

The Cherokee Nation, Phillips propagandized. His benevolent treatment of Union civilians was lucidly contrasted against the misery of Southern people without any government assistance. With 3,000 troops, Phillips had little difficulty north of the Arkansas, and his men carried circulars offering rebels peace and supplies if they abandoned the conflict. Disaffection infected Cherokee soldiers,[8] and Brigadier General William Steele's strategy, "to keep the enemy at a distance from the granieries of Texas,"[9] warmed few Confederate Indians' hearts.

To counteract mounting disaffection, as well as to conduct the nation's business, Watie called a convention of his National Council. Representatives assembled at Webber's Falls on April 24, 1863,[10] but Union soldiers surprised and dispersed the rebels before the assembly officially opened.[11]

Confederate Indians dreamed of capturing Fort Gibson, but most of them thought a direct assault upon the fort's stout walls unwise. Cooper and Watie harassed supply routes and waged a war of attrition as they tried to sever communications and starve the federals into submission, but their own starving refugees became the main topic of discussion and legislation at the General Convention of Southern Cherokees from May 22 to June 1, 1863. Death had depleted the council's membership, and Watie appointed new delegates. Many matters were cared for, but the council's most

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[8]J. A. Scales to W. P. Adair, 12 April 1863, O.R., 1, XXII, ii, 822.

[9]Wm. Settle to Louis T. Wigfall, 15 April 1863, ibid., 820.

[10]Wiley Britton, The Union Indian Brigade in the Civil War (Kansas City, 1922), 220-222.

[11]Wm. A. Phillips to Samuel R. Curtis, 26 April 1863, O.R., 1, XXII, i, 314.

significant enactment authorized Watie to appoint a commissioner to care for the refugees,[12] and he promptly complied.[13]

Even as the council met, Watie's men roamed north of the Arkansas. Encouraged by some successful raids, Watie urged a major expedition against Phillips, but Confederate generals rejected any venture whose failure would endanger Texas. Watie failed to capture a Union supply train at Cabin Creek (July 2, 1863), but he lost nothing but his faith in the "great Generals at Fort Smith" who failed to assist him.[14]

After the Cabin Creek skirmish, Watie joined Cooper's defensive encampment at Elk Creek, fifteen miles south of the Arkansas River near modern Muskogee. North of the Arkansas, Major General James G. Blunt arrived at Fort Gibson and, recklessly disdaining orders to retreat from the Arkansas, determined to attack Cooper. He overcame the Confederates in the Battle of Honey Springs (July 17, 1863).[15] Though his men were in the battle,[16] Stand Watie had no part in the conflict.[17]

Could Watie have aided the Confederates, the South could have used him. Honey Springs was "the greatest battle fought in the Indian Territory

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[12]Minutes of the General Convention, 22 May-June 1863, Vertical File, Cherokee, Civil War, Indian Archives, Oklahoma State Historical Society.

[13]Joseph Martin agreement with Stand Watie, Official Documents of the Indians in the Civil War, MSS Division, University of Oklahoma.

[14]Stand Watie to Sally Watie, 12 July 1863, Hargett Collection.

[15]James Blunt to Abraham Lincoln, 24 Sept. 1863, O.R., 1, LIII, 572; W. A. Phillips to James Blunt, 7 July 1863, O. R., 1, XXII, ii, 355; B. G. Duval to W. L. Cabell, 10 July 1863, ibid., 916-917; James Blunt to John M. Schofield, 26 July 1863, O.R., 1, XXII, i, 447.

[16]General Orders No. 25, 14 July 1863, O.R., 1, XXII, i, 461.

[17]D. H. Cooper to James M. Bell, 24 Sept. 1863, C.N.P.

during the war."[18] Unlike Pea Ridge, it did not alter the strategy of the war in the West or in Indian Territory, but it undeniably affected the territory and the Southern Indians. Before the battle a chance to dislodge federals from Gibson and the Cherokee Nation existed; after the battle white Confederate troops withdrew from the Indian country and general officers did not contemplate offensive warfare for over a year. Southern warriors now despaired and could only battle on because of die-hard loyalty or fear of retribution from the United States. More than ever the war in Indian Territory became one of partisan warfare with isolated raids which shredded the region like wood in a chipper but could never secure it. When Mrs. Watie heard rumors of the defeat, she wrote her husband and poignantly expressed the depth of discouragement which plagued the Indian community: "I wish it was over with."[19]

Watie too wished it was over, but he could not state it quite so simply. He protested to S. S. Scott, the Commissioner of Indian Affairs, that the Confederacy had failed to supply Indian troops, that his men had been faithful soldiers, and that white commanders refused to accept his suggestions and mount a campaign against the Federals north of the Arkansas.[20] Grievances submitted, Watie asked for help in feeding refugees, called for decisive action and reaffirmed his loyalty to the South and his people.[21]

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[18]Angie Debo, The Road to Disappearance (Norman, 1941), 155.

[19]Sarah Watie to Stand Watie, 28 July 1863, C.N.P.

[20]Stand Watie to S. S. Scott, 8 Aug. 1863, O.R., 1, XXII, ii, 1104.

[21]Ibid., 1105.

The same time he penned the letter to Scott, Watie wrote to E. Kirby Smith and the chiefs of the five Civilized Tribes. Although the emphasis altered, the message was the same. He deplored the procrastination of Confederate officials and declared that only "the power of the Indians unassisted, but united and determined," could "hold their country," and repel "the Kansas jayhawkers, renegade Indians, and runaway negroes."[22] Grasping for a loyalty more visceral than Southern patriotism, Watie called for a down-trodden race to elevate itself and witness to the world that it was not at all inferior and could care for itself. And such appeals rarely go unheard, for his Creek allies asserted that they would defend their land and honor.[23]

But Indian warfare had to be waged on Indian terms. Though Watie denounced partisan raids for plunder, he could do little better, During the summer of 1863, he "entered the territory in three different raids and drove women into Fort Gibson, took everything he could ride, or drive, or carry off, and destroyed their crops, and prevented the tending of everything planted."[24] Continuing, the Union Indian Agent said that Watie, with 700 "ragamuffins, was permitted to rob at will over the whole territory, If anything was left by Waitie, it has not been found."[25] And Watie found plenteous spoils since abundant crops had grown in the area.[26]

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[22]Stand Watie to Governor of Creek Nation, 9 Aug. 1863, ibid.

[23]Moty Kennard and D. W. McIntosh to Stand Watie, 16 Aug. 1863, C.N.P.

[24]Justin Harlan to W. G. Coffin, 8 Aug. 1863, R.C.I.A., 1863, 332.

[25]Ibid.

[26]Wm. A. Phillips to James G. Blunt, 7 June 1863, O.R., 1, XXII, ii, 356.

Throughout September and October, 1863, there was little consequential military activity in the Indian Territory. General Steele wandered about aimlessly, quarreled with Indian officers, disparaged Indian troops, and seemingly courted disfavor. Watie acted on his own and led a scout "of Cherokees, Creeks, Chickasaws and white vagabonds and Border Ruffians"[27] in a demonstration against Fort Gibson, arrogantly passing only five miles from the fort.[28] At Park Hill he burned the beautiful, two-story mansion of John Ross, Rose Cottage, and his men killed Watie's old Friend, Andy Nave, when he refused to surrender; for this Watie grieved since "he used to be quite friendly towards me before the war."[29] But such was the price of war.

While Watie ravaged the federal country, Steele withdrew his troops to Texas rather than risk rebellion during winter months in Indian Territory. As Texans departed, Watie urged Indians to defend themselves. When the Grand Council of Indian nations assembled at Armstrong Academy in early November, 1863, he sent an address. He denounced those who would discard their arms simply because the Confederacy could not meet treaty stipulations and contended that they could not, "without sacrificing our honor, abandon this contest."[30] Loyalty to the Confederacy, which he believed would aid them once it recognized the Indian situation, was inseperably linked with personal honor. Yet even if the South could never aid

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[27]Thomas F. Anderson to Sarah Watie, 27 Oct. 1863, C.N.P.

[28]A. G. Proctor to William G. Coffin, 28 Nov. 1863, R.C.I.A., 1863, 340.

[29]Stand Watie to Sarah Watie, 12 Nov. 1863, C.N.P.

[30]Stand Watie's Address to the Grand Council Assembled, 12 Nov. 1863, C.N.P.

them, they must fight alone, for he asserted that united Indians could regain their lost territory: "I feel it! I know it! I know what brave men can do when united for common purpose."[31] Maintaining the Indians' responsibility was to defend their homes, he appealed, like a skillful rhetorician, to their pride and asked what future historians, writing about the conflict, would say about Indian valor if "they were afraid to meet the enemy single handed."[32] Hoping that history would "cause your children" to remember the war effort with "joyous pride,"[33] he urged them to unite and fight until victory was won.

Though not as robust as he once had been, Watie increased his exertions to aid and rally his people.[34] He was weary of war. Now fifty-seven years old, he longed for peace, but it could not be a peace in humiliation for he was a proud man. Nor would he accept domination and retribution from the Ross faction; he resolved to fight on.

As he fought, hopes for Confederate independence in Indian country lifted like kites on a stiff March breeze as activity renewed in 1864. A new district commander, Brigadier General Samuel B. Maxey, was appointed on December 11, 1863, and assumed command twelve days later.[35] He was partially responsible for the new spirit in the territory. For the first time in the war an aggressive general was in charge who wanted to drive the federals from the Cherokee Nation.

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[31] Ibid.

[32] Ibid.

[33] Ibid.

[34] Sarah Watie to Stand Watie, 12 Dec. 1863, C.N.P.

[35] S. S. Scott to James A. Seddon, 23 Aug. 1864, O.R., 1, XLI, ii, 1078.

With Maxey's approbation, Watie marched north toward the swollen Arkansas River, whose turgid waters now permitted steamboat travel between forts Gibson and Smith. With artillery in tow, he proceeded to Pheasant Bluff, on the south shore of the Arkansas River five miles below the mouth of the Canadian, where the river made a bend and gave the bluff a commanding position. Secluded in the underbrush, the men awaited a victim. On June 15, the J. R. Williams steamed slowly through the murky river. It was suddenly raked by a vicious cross-fire. Artillery shells punctured the steam boiler and smoke stack. Union troops found no target except the blank-faced bluff and its snarled foliage so they abandoned the ship, which promptly ran aground--where grasping rebels looted it.[36] With a prize worth $120,000 before them,[37] many Indians gathered all they could carry and scattered for home with flour, bacon, and tinware. Aside from happier Indians, perhaps the battle's most significant aspect was the audacity of Watie to successfully employ cavalry against a steamboat.

Such exploits, particularly in a victory-starved Confederacy, merited celebration, and General Maxey even tried to garner some of the credit saying that he was glad "the colonel has so early given evidence of the correctness of my recommendation of him for promotion."[38] Maxey, as well as Watie, was evidently unaware at this time that Watie had been made a brigadier general (the only Indian to achieve this rank in the war) more than a month before.

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[36]Stand Watie to Douglas Cooper, 17 June 1864, O.R., 1, XXXIV, i, 1012; D. H. Cooper to T. M. Scott, 17 June 1864, ibid., 1011-1012.

[37]E. E. Dale, "The Cherokees in the Confederacy," The Journal of Southern History, XIII (May 1947), 136.

[38]S. B. Maxey to W. R. Boggs, 20 June 1864, O.R., 1, XXXIV, iv, 686.

Watie's men, "as true as the needle to the north star,"[39] bravely stayed with their leader and enlisted for the duration of the war.[40] Civilian Cherokees, however, were less loyal and grumbled about their needs and afflictions so much that Mrs. Watie thought the nation was "bound to go to the dogs."[41]

His people's needs and the possibility that the Confederacy would desert the Indians weighed like a rock upon Watie's heart as he prepared an address to the General Council of the Cherokee Nation. A deepened religious conviction, also apparent in family letters, evidenced itself, for he confessed that they needed "that wisdom and guidance without which human efforts are powerless and human calculations vain."[42] Maintaining the pattern of earlier speeches to his people, Watie briefly reviewed the disastrous course of war and emphasized that the "country lying north of the Arkansas River was wrested from us by overwhelming numbers, and our women and children forced to flee from the merciless traitors who had sworn with ourselves to protect them from the common enemy."[43] Striving for optimism like a captain of a listing vessel, he reported Confederate victories throughout the South, exalted their commander-in-chief, and urged Indians to believe in an ultimate victory.[44] The council followed his suggestion, passed an act of conscription, and, with typical Cherokee

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[39]S. B. Maxey circular, 28 June 1864, O.R., 1, XXXIV, iv, 1013.

[40]Resolution for Cherokee Re-enlistment, 27 June 1864, ibid.

[41]Sarah Watie to Stand Watie, 12 June 1864, C.N.P.

[42]Stand Watie Address, 11 July 1864, O.R., 1, XLI, ii, 1046.

[43]Ibid.

[44]Ibid., 1048.

concern for children's education, established five schools near the refugee depots.[45]

North of the Arkansas, federals had problems of their own. Colonel William Phillips, whose devotion to the Indians made him unpopular with cattle thieves and avaricious supply contractors, was relieved of his command at Fort Gibson for a time.[46] After his departure, Gibson became a cesspool of speculation and fraud. Such organized iniquity was a gnawing hookworm which vitiated Union strength, and Watie had a rare opportunity to re-capture his homeland. Cooper was so confident that an attack on Gibson would succeed that he contemplated storming the fortifications.[47]

Rather than directly assault the fort, Cooper sent troops north to intercept a supply train. On September 19, 1864, Watie and a Confederate column met the Union train at Cabin Creek, routed its guardians, and collected needed booty. With over 100 captured wagons, abundant food and clothing, the rebels felt the thrill of conquest.[48] General Maxey boasted there had "not been a more daring or successful raid according to size during the whole war, and the officers and men engaged are entitled to the thanks of the country."[49] It was Watie's most significant military achievement; it was also his last important engagement.

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[45]Acts of the National Council, 18, 20 July 1864, Cherokee Nation--Tribal Officers.

[46]Special Order No. 117, issued by J. M. Thayer, O.R., 1, XLI, ii, 476; Smith Christie to John Ross, 19 Aug. 1864, C.N.P.

[47]D. H. Cooper to [S. B. Maxey], 7 Sept. 1864, O.R., 1, XLI, iii, 931.

[48]Stand Watie to D. H. Cooper, 19 Sept. 1864, O.R., 1, XLI, i, 783; Richard M. Gano to D. H. Cooper, 29 Sept. 1864, ibid., 791.

[49]S. B. Maxey to W. R. Boggs, 30 Sept. 1864, ibid., 778.

Watie spent the winter and spring of 1865 awaiting the war's conclusion. Schemes were formulated, dreams and visions were conjured in desperation, but action languished. Confederate General Robert E. Lee surrendered on April 9, 1865, but if Indians knew of the capitulation they could only await orders from their superiors. Cooper urged a strictly defensive action until something was learned, but to avoid confusion Watie decided to furlough most of his white soldiers before they helped "themsleves to the public property."[50]

By now the Confederacy was defunct. A. C. Matthews entered Indian Territory to negotiate a treaty with the only portion of the Confederacy yet in active rebellion and arranged to meet Watie and other Indian leaders twelve miles west of Doaksville.[51] On June 23, Watie met federal commissioners and surrendered--the last Confederate general to do so. The capitulation agreement provided for the cessation of hostilities, the return of the Indians to peaceful endeavours, and the protection of former rebels by the United States against any retribution from their enemies. The agreement was to be official until a meeting at Armstrong Academy in September could arrange a conclusive peace settlement.[52]

As Cherokees returned to their homeland, they viewed a barren, wasted, desolate land. War had ravished the once-prosperous fields; 4,000 Southern refugees had lived in exile;[53] and many rebel soldiers hesitated

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[50]Stand Watie to Sarah Watie, 27 June 1865, Stand Watie Papers, Northeastern State College.

[51]A. C. Matthews and W. H. Vance to Stand Watie, 19 June 1865, C.N.P.

[52]Stand Watie to W. P. Adair and J. M. Bell, 29 June 1865, C.N.P.

[53]W. P. Adair and J. M. Bell to J. C. Veatch, 20 July 1865, O.R. 1, XLVIII, ii, 1102.

to return to their homes and face retaliation.[54] But Cherokees had no reason to fear one another any longer, for the feud had been struck a mortal blow by the war. Both factions had to return to a prostrate land and to problems in common which demanded reconciliation.

During the war cattle thieves and speculators had freely operated and pirated most Cherokee cattle and possessions northward. What cattle thieves overlooked, rebel raiders dragged south. A federal Indian agent estimated that Northern thieves had easily tripled the amount confiscated by Confederate raiders,[55] for an estimated 300,000 cattle were stolen.[56] Only "chimney monuments" showed "where once the happy families enjoyed domestic ease and tranquility," for "their country is one vast scene of desolation; houses burned, treasury robbed, fences and agricultural implements destroyed, cattle stolen, and their former fields overgrown with weeds."[57] The country, a witness said, was in worse condition in 1866 than it was when Cherokees arrived in 1838.[58] Estimates of Cherokee casualties vary widely, but W. P. Adair's statement that the population was depleted fifty per cent[59] is not, particularly for Southern Cherokees, exaggerated unduly. Death through murder, battle, and particularly through famine and disease had been commonplace and expected. An essentially

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[54]James L. Butler to Stand Watie, 13 July 1865, C.N.P.

[55]J. Harlan to E. Sells, 1 Oct. 1865, R.C.I.A., 1865, 286.

[56]Elijah Sells to D. N. Cooly, 16 Oct. 1865, ibid., 253.

[57]Ibid., 353-354.

[58]R. L. Fite statement, Indian Pioneer History, II, 35.

[59]William Penn Adair, "The Indian Territory in 1878," The Chronicles of Oklahoma, IV (Sept. 1926), 265.

senseless conflict had brought the Cherokee Nation to its knees, but its contrition wrought a faltering but enduring redemption.

Yet that redemption followed another year of controversy between Ross and Watie factions in which Cherokees submitted to vindictive Reconstruction policies of the United States. These policies for Indian Territory were designed to punish Confederate Indians and to create new reservations for other Indians from their land. More significant: John Ross died and Stand Watie retired during this period.

To complicate Reconstruction, Union Cherokees grafted their own animosity onto the severity of the United States. Federal Cherokees had confiscated Southern Cherokees' property during the war and determined to keep it thereafter. Though willing to readmit rebels who begged for pardon and took a loyalty oath, Union Cherokees barred officials of the Cherokee Nation South or high-ranking military officers.[60] Like Germans after World War I, Confederate Cherokees were to both apologize for their rebellion and pay for its damages.

Such vindictiveness naturally antagonized ex-Confederates. Though many lived in exile, they hoped to return eventually and reclaim what remained of their homes.[61] Defending such people, Stand Watie's Southern Cherokee government continued to function and took its case to the Fort Smith Council in September, 1865. Though personally withdrawing from political entanglements, Watie sent delegations to Indian conferences as well as the meeting at Fort Smith, and he planned to go to Washington to

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[60]Laws of the Cherokee Nation, 12 July 1865. A 1 Nov. 1865 law moderated this enactment.

[61]James L. Butler to Stand Watie, 13 July 1865, C.N.P.

negotiate a peace treaty directly with the United States which would aid his Southern Cherokees.[62]

At Fort Smith, Indian delegates from tribes engaged in the Civil War assembled to treat with the United States delegation led by D. N. Cooley, Commissioner of Indian Affairs. Cooley proposed a treaty providing for peace and amity between all Indians as well as between Indians and the United States, the permanent abolition of slavery, the forfeiture of certain Indian lands, and the creation of a central government to rule the entire territory.[63]

Southern Cherokees, hardly acting the part of cowering penitents, boldly objected to parts of the treaty. Other Indian delegations also disliked the treaty, and the Fort Smith Council adjourned without finalizing it. John Ross, grieved by his wife's recent death,[64] joined Watie in rejecting the treaty, but he determined to resist Watie's proposed division of the nation to create a haven for Confederate Cherokees.

The Watie faction considered coexistence with the Ross people impossible, and its Washington delegation resolved, in the winter of 1866, "to treat on the basis of separation and on none other."[65] Though Watie went to Washington, he quickly returned home and left the Southern Cherokee

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[62]Annie H. Abel, The American Indian under Reconstruction (Cleveland, 1925), 141-155; 308.

[63]D. N. Cooley Report, 20 Oct. 1865, R.C.I.A., 1865, 298.

[64]C. C. Lorrey to Sarah F. Stapler, 4 Aug. 1865, Hargett Collection; John Ross to Annie B. Ross, 18 Sept. 1865, Copies of Letters and Miscellaneous Documents Regarding Cherokees and Creeks, O.S.H.S.; John Ross to Annie, 10 Jan. 1866, Hargett Collection.

[65]R. Fields et. al. to U. S., Miscellaneous Documents Regarding Indian Affairs, Northeastern State College.

case in the hands of his kinsmen and friends.[66] Though Watie men hoped for both a separation of the nation and an equitable settlement with the United States, they barely gained a hearing. They were promised that the Ross Party's confiscation laws would be void,[67] but the actual treaty between Cherokees and the United States was arranged by Ross people. The treaty (July 19, 1866) imposed a military-administered Reconstruction upon the Indians. Peace was established, slavery was abolished, Indian land was forfeited to make room for additional Indian tribes, railroad rights of way were established through the territory, and a tentative territorial government was accepted.[68] Delegates had journeyed to Washington to get better terms than those offered at Fort Smith, but they accepted the same essential provisions.

Though Cherokees made peace with the United States, they remained internally divided. Stand Watie still commanded Southern Cherokees (most of them in the Canadian District)[69] and John Ross still inspired the loyalty of his followers in the summer of 1866. The aged Ross convalesced in Philadelphia in the summer, and when he died his less able nephew, William P. Ross, equally determined to suppress opposition, succeeded him.

Just then, however, an unlikely figure of reconciliation emerged in the nation. Missionary Evan Jones, a veteran Ross supporter and anti-slave protagonist, returned to the nation after the war, received

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[66]Edward Everett Dale and Gaston Litton, eds., Cherokee Cavaliers (Norman, 1939), 230-231.

[67]Saladin Watie to Stand Watie, 24 July 1866, C.N.P.; E. C. Boudinot to Stand Watie, 25 July 1866, ibid.

[68]R.C.I.A., 1866, 11-12.

[69]J. W. Washbourne to J. A. Scales, 1 June 1866, C.N.P.

citizenship from the grateful Cherokee government,[70] and initiated a concordat between followers of John Ross and supporters of Stand Watie who were ready to unite and bury the tribal factionalism. This far-sighted compact created the Union Party which successfully elected Lewis Downing as Principal Chief in the 1867 elections.[71] Though the old Ross faction formed the opposing National Party, the Union Party effectively controlled the Cherokee Nation thereafter.[72] By 1867 the factions were living harmoniously and the Cherokees united to resist attempts by the United States to force a territorial government upon the Indians and by railroads to exploit the country.[73]

Thus the factionalism which began in 1835 halted in 1865, retreated in 1866, and disappeared in 1867. It really ended when John Ross expired (for no one else could bind his party together) and when Stand Watie retired from public affairs to devote himself to his family and the regaining of his financial stability. In many ways both the Treaty Party and the Ross Party stimulated and perpetuated the factionalism which had so injured their nation. Individuals, both prominent and obscure, were selfish and ambitious, and they declined to forgive their enemies. As leader of the nation, John Ross must shoulder the blame for his people's distresses as well as the credit for their attainments. He faced an inordinately complex and trying dilemma, and perhaps he could have done nothing

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[70] Laws of the Cherokee Nation, 1839-67, 7 Nov. 1865, 118-119.

[71] Foreman Journal, Nov. 1866, in Faulkner, "Life and Times of Stephen Foreman," 211.

[72] Arrell M. Gibson, Oklahoma: A History of Five Centuries (Norman, 1965), 225.

[73] Lewis Downing et. al., Protest of the Cherokee Nation Against Territorial Government, C.N.P.

whatsoever to unite his people and pacify his foes. On the other hand, perhaps he could have sacrificed himself and his possessions and thereby saved his people manifold trials.

Launched by the unfortunately inevitable 1835 treaty, vividly punctuated by assassinations in 1839, violence in 1845, and civil war in 1860, the Ross-Watie conflict largely explains Cherokee history during almost three decades after the removal. Both relations with the United States and the nation's internal affairs were intricately knit with the turbulent factionalism which did not end until at least 1865. Though political rivalry continued after the Civil War and the pivotal 1867 election, the Cherokees evidently learned one thing during their years of suffering and death: man's difficulties are rarely resolved through violence, for reconciliation follows compromise, contrition, and forgiveness.

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