

# THE CHEROKEES.

BY FLETCHER MEREDITH, SPECIAL AGENT.

**LOCATION.**—The Cherokee Nation occupies the principal part of the northeast portion of Indian territory extending south to the Arkansas river, which is the boundary line of their lands from the state line of Arkansas

Section 463 provides that "the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeable to such regulations as the President may prescribe, have the management of all Indian affairs and of matters arising out of Indian relations".

The Attorney General, in Opinions VII, 453, held: "As a general rule, the direction of the President is to be presumed in all instructions and orders issuing from the competent department".

Referring to *Wilcox v. Johnson*, 13 Peters, 498, "the President speaks and acts through the several departments in relation to subjects which appertain to their respective duties".

Section 2058 provides that "each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians agreeably to law, and execute and perform such regulations and duties not inconsistent with the law as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs".

These and other sections of the Revised Statutes are not obsolete, have never been repealed, and, it seems to me, are paramount in the government of the Indian country. They conferred upon the Indian agent powers judiciary and executive, authority to make and enforce such rules and regulations not inconsistent with law as, in his judgment, he deemed necessary for the interest or welfare of the Indians under his charge, an arbitrary, monarchical power not now in keeping with the institutions of this free country, but which, on the other hand, seemed necessary in the early period of Indian government, when the Indians were far beyond the jurisdiction of the federal courts and the enforcement of intercourse was against the fugitive and outlaw only. The status of the Indian agent's authority is one that is undefined, that is to say, not so clearly defined as to relieve him from the embarrassments and entanglements which beset him in the discharge of his duty, from clashing with the federal courts claiming jurisdiction, which, if ever possessed by the agent, has never been taken away from him. This is but the natural outcome of the changed condition of affairs brought about by the advance of civilization and the changes incident to the advent of the white man, for, except so far as the landed interests of the Indian is concerned, this can not now properly be called Indian country. Laws that were made for the governance of savages and wards can not be enforced in the interests of the Indians, who are the equal in every respect to their white brothers whom they have invited into their domain. The power of the Indian agent appears to me to be sufficiently strong to cope with any emergency that might have arisen at the time and under the conditions which made his employment necessary, but something better than the agency system, more capable and efficient, with powers more clearly defined, should succeed it in the present advanced stage of civilization to which these former wards have attained. And what shall this be?

What shall be done with the lands of The Five Tribes? What shall be done with the political part of the territory? Shall it be organized into a state?

The right to make and carry into effect such laws as they may deem necessary for the protection, for the government, of the persons or property within their own country has been guaranteed to these Indians by treaty stipulation. It is therefore their privilege to say what shall be done with their lands, if they decide in time and before a hasty decision is forced upon them. It is a self-evident and admitted fact that if the Indians would secure themselves the greatest benefit of their landed interest a change must be made in the manner of their holding, some more potent and certain protection of their interest must be secured.

No argument is needed to shake the faith of any thinking, intelligent Indian of The Five Tribes in the power of treaty pledges or provisions or the ability of the federal government to enforce the same as a protection of the Indians' interest; too much evidence of the insufficiency of both confronts us. As a proof of this, we see the Chickasaw and Cherokee countries overrun with intruders and spurious claimants to citizenship, usurping thousands of acres of the best land. These lands have been patented to the Indians, the only reservation being that they are inalienable except to the United States. As I said before, the right of self-government, the right to make laws for the protection of the person and property within their own country has been guaranteed to these Indians, and yet in a recent session of Congress it required the most strenuous efforts on the part of the Choctaw Nation and others interested in their behalf to prevent the passage of a bill practically placing beyond the control of the Choctaw national council for a period of a century a large and most valuable portion of the Choctaw domain, and placing at the disposal of an alien corporation lands that have for many years been pre-empted by citizens of the Choctaw Nation and were theirs by inherent right.

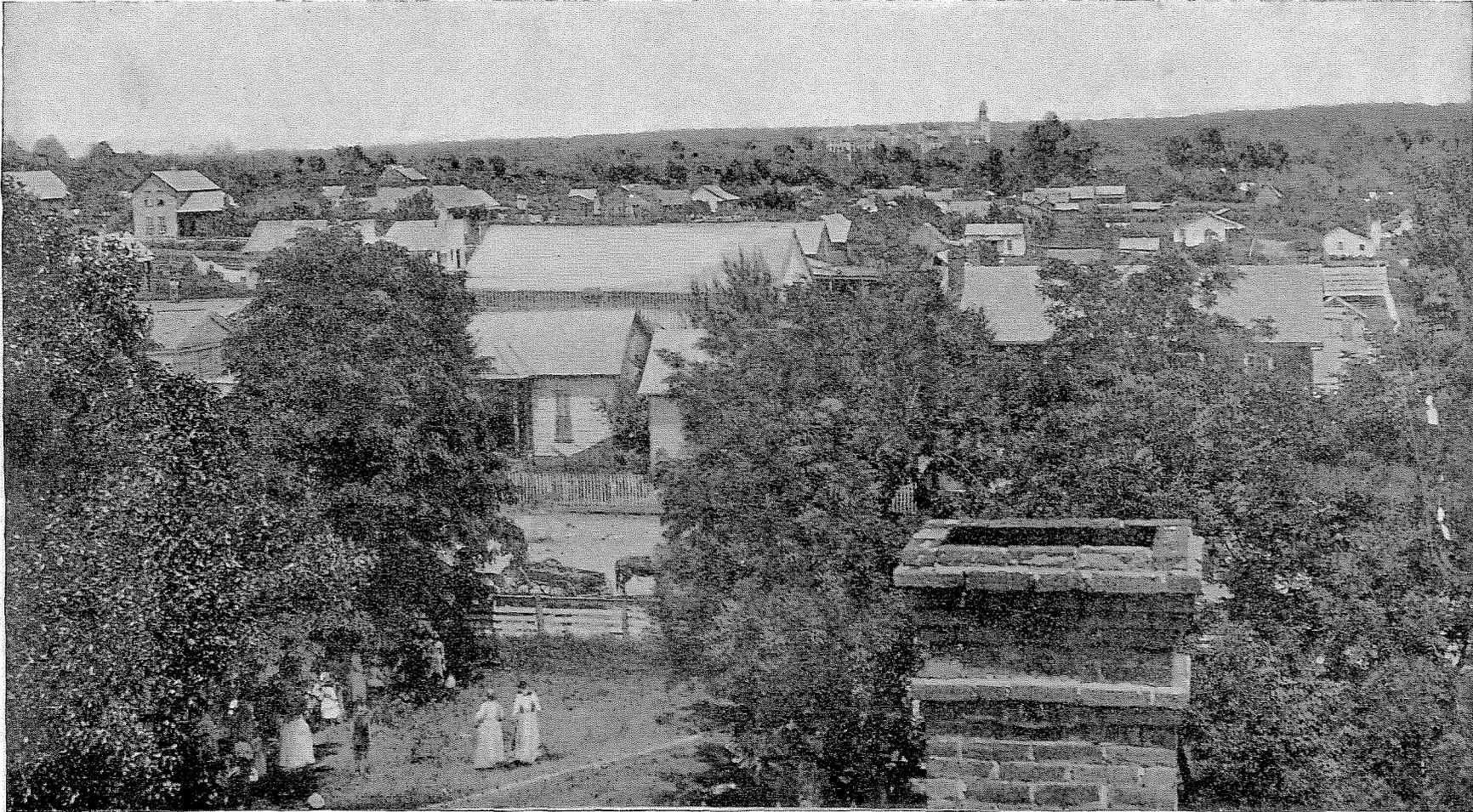
**LANDS IN SEVERALTY.**—That a change must and will come soon is an admitted fact, and is openly advocated by many who have heretofore been adverse to such a proposition or have dodged the issue. I believe a per capita division of the lands is preferable to the allotment plan, and would be the choice of the Indians themselves. The taking of land in severalty, thereby creating individual interests, which are absolutely necessary to teach the benefit of labor and induce the following of civilized pursuits, the coalition of these five civilized nations under a state government by and for the Indians would secure to them the strongest protection to their interests, and would form one of the grandest and richest states in the Union, and would afford ample scope for the gratification of the ambition of many bright and talented Indian citizens, who, if opportunity were offered, could display an ability in the management of affairs of state or nation that would place them in the front rank as legislators, men who are a credit to any community and whose opinions are valued at home and abroad. I do not believe, however, that a state government by and for the Indians alone will ever exist in The Five Tribes. The situation is too complex. It need not necessarily exist to secure the protection needed and desired for and by the Indians. Secure to them their landed interests and they are prepared to-day to assume the responsibilities and to exercise the rights of a citizen of the United States. "What shall be done with the Indian lands and what shall be done with the political part of the territory" may well be merged into one question.

**WHITE MEN IN THE FIVE TRIBES.**—One of the principal factors that must eventually enter into the solution of this question is the interest of the white man legally acquired in the Indian country, the interest of the merchant, the farmer, and laborer who have availed themselves of the liberal laws of the several nations and have devoted time and energy and invested their money in the development of the resources and increasing the natural value of the country. It is true they too have reaped the benefit from a residence here, but what they have acquired they have paid for at the price demanded by the Indians' laws, and their equity right must be recognized, their interest in the common property or in the increased value of the country which their investments have brought about must be taken into consideration. The interest of the white man is increasing every day, and with the consent of the Indians themselves, and although he can not under existing laws and conditions obtain any right to the soil the interest of the white man and the Indian are so closely allied, from a social as well as a business standpoint, that a form of government, when a change is made, that would inure to the benefit of the one would prove equally beneficial and protective to the interests of the other. The governmental institutions of these five nations are patterned after state governments; their advancement is such as would enable them easily to adapt themselves to the broader sphere of action in which they would move under a state government. Why, then, when the change is made, should not the usual intermediary condition of a territorial government be jumped, and by some well devised plan of political unification, in which the interests of all shall be taken into consideration, should not the questions of what shall be done with the lands of The Five Tribes and what shall be done with the political part of the territory be settled on the firm basis of state government?

**OBJECTIONABLE FEATURES OF LAWS OF THE FIVE TRIBES.**—As to the "objectionable features of the laws of the several nations of The Five Tribes", I will say that an attempt to enter fully into details or particularize in the matter is impracticable, and would make a cumbersome letter that, in my opinion, would not be so much to the purpose as to consider the matter in a general way. By this I would not convey the idea that I consider their laws all or for the greater part objectionable; the reverse is the case. The objections exist, in my opinion, not so much to the laws themselves (with few exceptions) as to the manner of their enforcement in some instances, the impossibility of enforcement in other instances, the ease with which measures in the interest of individuals and detrimental to the common welfare are passed by Indian legislatures, and the inability of the several nations, under existing circumstances, to enact such laws

Eleventh Census: 1890.

Five Civilized Tribes.



From a photograph by R. C. ADAMS, Talequah.

Talequah, Capital Cherokee Nation, 1890.

*New York Engraving & Printing Co.*

west and north to a point near Fort Gibson. From near Fort Gibson the line runs north about 25 miles, thence west to the ninety-sixth degree of west longitude, and thence north to the Kansas state line. In this body of land, bounded on the north by Kansas and east by Missouri and Arkansas, there are about 5,031,351 acres. At the extreme northeast corner of this tract, joining the states of Kansas and Missouri and extending west as far as the Neosho river, are the reservations of the Peorias, the Quapaws, the Ottawas, the Modocs, the Shawnees, the Wyandots, and the Senecas, granted them previous to the location here of the Cherokees, and under Quapaw agency.

The Cherokee country is beautifully diversified, the northwestern part being rolling prairie and the southern and eastern portions hilly, mountainous, and covered with forests. The entire body of land is well watered by numerous rivers, streams, creeks, and springs, and is most excellent for farming and stock raising.

The streams abound in fish and the prairies and hills and mountains in game. Antelope, prairie chickens, and quail are plentiful on the prairie, while wild turkeys are near the timber, and bear, deer, and black and gray wolves are found in the hills and mountains. Mocking birds, red birds, and cat birds are among the songsters. Hundreds of springs of pure, clear, soft water break out from the hills and slopes, and others with medicinal and healing properties are numerous, among them being chalybeate, saline, and sulphur springs.

There are also veins of excellent coal lying near the surface, quarries of good building stone, and many varieties of the best timber. Fruit, both wild and domestic, grows in great quantities wherever it is cared for. Lead and zinc may be found in the northeastern portion of their lands, as the adjacent portion of Missouri contains valuable mines of these minerals.

The Cherokee Nation claims to own another body of land lying south of the state of Kansas and extending from the ninety-sixth to the one hundredth degree of longitude, except about 2,000,000 acres which they have sold at different times to the Osages and a half dozen other tribes of friendly Indians. This is mostly covered with grass and would give subsistence to hundreds of thousands of cattle. All of this body of land, together with about 5,000,000 acres before described, is claimed by the Cherokee Nation under a fee simple title and the patent which was issued to them signed by President Martin Van Buren in the year 1838. It is held by the nation as tenants in common.

This "Cherokee Outlet", so called, about 60 miles in width, containing 5,908,783 acres, has long been a subject of contention, the Cherokee Indians, on the one hand, claiming an unextinguished title thereto under treaties and a patent in fee simple executed in 1838, while, on the other hand, parties desiring to settle on these lands claimed that the Cherokee Nation had only an easement in the "Outlet" for a purpose of reaching hunting grounds farther west. Under this claim settlers from time to time have gone upon these lands, but have been ejected therefrom by the government, as have been cattlemen to whom the Cherokee Nation leased the lands, so that at the present time they are practically unoccupied.

A commission was appointed by the President under and by authority of an act of Congress approved March 2, 1889, to negotiate with all Indians who claimed or owned lands in the Indian territory west of the ninety-sixth meridian for the cession thereof to the United States.

After concluding negotiations with other tribes of Indians this commission entered upon negotiations with the Cherokee Indians, which resulted in an agreement for the relinquishment of any interest they might have in and to the "Outlet" lands to the United States, including also the surrender of any title that they had in and to the lands east of the ninety-sixth meridian not embraced within their home country, amounting in all to 8,144,682.91 acres, for the net sum to be paid to the said Indians of \$8,595,736.12. This has since been confirmed by Congress with certain limitations and restrictions, which the Cherokees have accepted. (a)

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as will protect the white element now legally within their borders, and at the same time insure to themselves the rights which have been theirs under existing treaties. This last objection covers for the most part the whole question. The others are to be found in more advanced forms of government quite frequently.

The laws framed before the many perplexing questions of the day entered into the considerations which made their enactment necessary are per force of circumstances inadequate to the present requirements. The authority vested in the Indian nations to make laws that will be just and fair to the varied interests now existent within their limits is likewise inadequate. The treaties on which their right of lawmaking exist were framed when the Indians' only desire was to govern themselves and not the white man and his property. Yet their laws were so framed that inducements were thrown out to white men to come in, and the white man has not been slow to avail himself of the opportunities thus offered him and has come in until he outnumbers the Indian four [two] to one. Where so many thousand civilized people have settled in communities and established interests, social and financial, it is necessary that laws should be prescribed to regulate their conduct, to protect the right and suppress the wrong. The absence of law is a constant menace to their safety and a drag on the wheels of progress.

What facilities have the Indian nations within themselves for legislation to protect the white man in his legitimate enterprises or restrain him in the usurpation of privileges to which he is not entitled? Nothing, except the right secured to them by treaty "to make and carry into effect all such laws as they deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them, provided always that they shall not be considered as extending to such citizens and to the army of the United States as may travel or reside in the Indian country by permission, according to laws and regulations established by the government of the same".

FROM TRIBAL TO STATE GOVERNMENT AND CITIZENSHIP.--The interests of "such citizens of the United States as reside in the Indian country by permission" and those of the Indians themselves are so clearly identical at this time, or if not identical so closely allied, as to render the enactment of any law that would extend to this class of persons a useless expenditure of legislative ability. The inadequacy of the Indian laws of the civilized nations, their inability under their present status to increase their efficiency is, in my opinion, the most objectionable feature: their inability to make and enforce such laws as will protect their own interests and the alien interests that form a part of their commonwealth. The principle upon which this government within a government exists to-day is wrong, so far as the Five Civilized Nations are concerned. The conditions which rendered self-government feasible for them have changed. These changes have in a measure been the natural result of their own legislation. They should follow to the end and pass from their tribal condition to statehood and citizenship in the United States.

a As to the title of Cherokees to the "Outlet", see Senate Executive Document No. 63, Fifty-second Congress, first session.

## STATISTICS OF INDIANS.

## GOVERNMENT.

The constitution adopted in 1825 was the first attempt of the Cherokees to establish a regular form of civil government. Under that constitution the government was divided into 3 distinct departments, the executive, the legislative, and the judicial.

**EXECUTIVE.**—The executive officer is a principal chief. There is also an assistant principal chief, but he does not stand in the line of succession and does not become chief in the event of a vacancy in the principal chieftaincy. In the event of a vacancy by death, removal, or from any cause, the assistant acts until the national council causes the vacancy to be filled. He is also the constitutional adviser of the principal chief. The chief and the assistant principal are elected for 4 years. The salary of the former is \$2,000 per year and that of the latter \$1,000. Their principal chief has the veto power over all acts of the council, and it requires a two-thirds majority to override his veto. He must visit every district in the nation at least once in 2 years. The chief has the appointment of an executive secretary and as many assistants as are found necessary.

The national council in joint convention elects a national treasurer to serve 4 years. His duties and responsibilities are suggested by his official title. The national treasurer's salary is \$1,000 per year. There is also an auditor of public accounts elected by the national council for a term of 2 years with a salary of \$400 per year.

**JUDICIAL.**—There is a supreme court consisting of 3 members, a chief justice, and two associate justices. Their salaries are \$600 each per year.

The jurisdiction of the supreme court extends to all civil cases appealed from the circuit courts wherein the amount in controversy exceeds \$100. No appeal lies to the supreme court in any criminal case whatever. The verdict of the jury in a criminal case is final. Only an application to the executive for pardon or commutation of sentence remains for the defendant. In the trial of all criminal cases involving capital punishment, one of the supreme judges presides. Each supreme judge is assigned to a circuit composed of three districts. The supreme judges hold their office for the term of 3 years, one term expiring annually on the third Monday in November. They are elected by a joint vote of the two houses of the legislature. The supreme court meets annually on the first Monday of October and continues in session until the docket is disposed of in some way.

In the trial of capital offenses, the supreme judge in whose criminal circuit the offense was committed is required to call a special term of court for such trials. He selects the names of 144 persons, qualified electors of each district in the circuit, deposits the same written on small slips of paper in a box; the sheriff then, in the presence of the clerk, draws, by chance, 24 names to be summoned as the venire in the case. The prosecution may challenge 6 and the defendant 6; the remaining 12, if otherwise qualified, try the case. In all criminal trials the verdict of the jury to convict must be unanimous.

Any man can practice law without examination, the license fee for admission being \$10, to be paid to the clerk of the district for the use of the nation. No legal knowledge is required by law for the position of judge, the only qualification being citizenship and votes.

There is a national editor of the *Advocate*, which is a weekly paper published partly in Cherokee and partly in English. The editor is elected biennially by a joint convention of the 2 houses of the council, and his salary is \$600 per year. The nation owns the entire plant and publishes all legal advertisements. All the receipts of the office from any source are accounted for, and the deficit is met by an appropriation out of the national treasury. The editor is allowed a translator, whose salary is \$400 per year.

The principal chief appoints a high sheriff at a salary of \$600 per year, and his duties are similar to those of the warden of a state penitentiary, he being in charge of the national prison located at the capital. The senate must approve and confirm the appointment of the high sheriff.

The nation is divided into 3 judicial circuits with a judge for each elected by the people for a term of 4 years, and they hold court at stated times in each of the nine districts. Each district has also a judge, a clerk, a prosecutor, and a sheriff. This district court has a jurisdiction limited to cases involving less than \$100 and with an appeal to the circuit courts. The courts of the nation have jurisdiction of cases arising between citizens. If either plaintiff or defendant is not a citizen the case goes to the United States court.

There has been great progress made by both the bench and the bar of the Cherokee Nation within the last 15 years, the practice now being the same as it is in several states. The records are all kept in the English language, though there is need for interpreters in all the courts where there are jury trials.

**LEGISLATIVE.**—The legislative department is composed of 2 bodies, the senate and the council. Each district, without reference to its size or population, is entitled to a representation of 2 members in the senate, but in the lower house the representation is based on population or votes. The members in both houses are elected for a term of 2 years. There are 9 districts and 18 senators. The council is composed of 40 members. Each house elects its own officers to serve for a term of 2 years.

Among the officers of each house of the legislature are included 3 interpreters, 1 in the senate and 2 in the

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*New York Engraving & Printing Co.*

Reading the Chiefs Message, 1899, in Public Grounds, Talequah, Cherokee Nation.—Opening of the Legislature.

Eleventh Census: 1890.

CHEROKEE SENATE, TALEQUAH, 1889 and 1890.

Five Civilized Tribes.



NAMES OF SENATORS.

1. L. B. Bell, President of Senate.
2. William Rogers.
3. Henry Ross.
4. Walter Agnew.
5. S. H. Mayes.

6. Wash Swimmer.
7. William P. Ross.
8. John Meigs.
9. Johnson Whitmere.
10. David Faulkner.

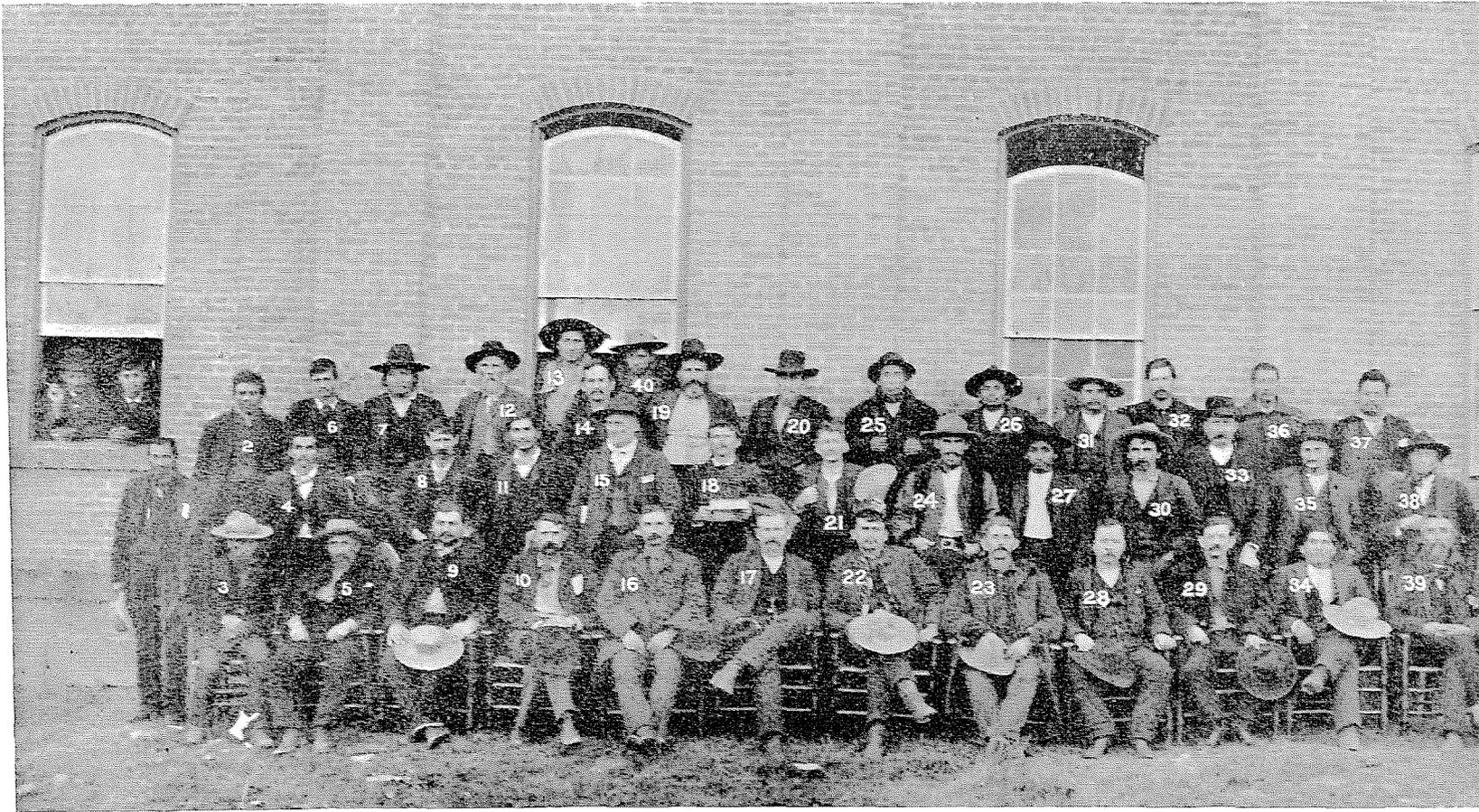
11. William Triplett.
12. Stephen Tehee.
13. Roach Young.
14. Jackson Christie.
15. Rabbit Bunch.

16. W. P. Henderson.
17. William Mayes, Interpreter.
20. John Welch, Ass't. Interpreter.
19. A. H. Norwood, Clerk.
18. T. B. Downing, Ass't. Clerk.

Eleventh Census : 1890.

Five Civilized Tribes.

Members of the Council Branch of the National Council of the Cherokee Nation, Talequah, 1889 and 1890.



COUNCIL MEMBERS.

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|---------------------------------|----------------------|------------------------------|----------------------|-----------------------|----------------------------------|
| 1. Joseph Lapp.                 | 8. Calvin Fargo.     | 15. Dick Crossland.          | 22. Billy Barker,    | 28. Frank Consene,    | 34. Oce Dew.                     |
| 2. Ned Frog.                    | 9. Morgan West.      | 16. James Monroe.            | Speaker of Council.  | 29. Coon Povois.      | 35. James Fields.                |
| 3. James Horsefly, Interpreter. | 10. Simpson Melton.  | 17. D. W. Vann.              | 23. Zaik Taylor.     | 30. James Starr.      | 36. Fox Glass.                   |
| 4. Jug Starr.                   | 11. George McDaniel. | 18. Will P. Thompson, Clerk. | 24. William Holt.    | 31. Isaac Groves.     | 37. Daniel Gritts.               |
| 5. George Walker.               | 12. Jerry Alberty.   | 19. Didd Beck.               | 25. Nelson Terrapin. | 32. Red Bird Smith.   | 38. Frog Six Killer.             |
| 6. George Blair, Ass't. Clerk.  | 13. James Wickliffe. | 20. W. W. Chambers.          | 26. Charles Tehee.   | 33. William Mitchell. | 39. Coffee Woodall, Interpreter. |
| 7. James Christie.              | 14. George Bullette. | 21. Isaac Berthoff, Auditor. | 27. Phillip Bennett. |                       |                                  |

New York Engraving & Printing Co.

1 Member not shown. The Council consists of 40 Members.

house, and all proceedings, motions, the reading of bills, petitions, and all other papers and all speeches must be in both languages. If a member makes a speech or a motion in English the interpreter repeats it in Cherokee before any action is taken, and if the speech or motion is in Cherokee the interpreter translates it into English. In the senate the interpreter sits while translating, but in the house he stands. Very few of the members of either house can write and speak both languages. Interpreters are paid the same as members, \$3 per day.

The regular legislative session begins on the first Monday in November, and the time for which members can draw pay is limited to 50 days. They can sit longer, but without pay. The principal chief can convene the legislature in extra session at any time, and they sit till he dismisses them. In an extra session only legislation can be had on such subjects as the principal chief designates.

REVENUES.—The lands of the Cherokee Nation are held in common. Each man controls all he holds as long as the possession continues, but after an abandonment of 2 years any one can take possession. This being the case no tax can be levied and collected on that class of property. In fact, no tax on property of any kind is collected. The revenue of the Cherokee Nation has been derived from several sources, all of them furnishing inconsiderable amounts except two: funds invested in United States bonds and the lease money received from the stock men for the pasturage of the lands west of the ninety-sixth degree of west longitude. The latter arrangement recently terminated. Other sources from which revenue is derivable are: licenses issued to merchants, town commissioners, ferries, lawyers, peddlers, marriage licenses, sales of estrayed stock, royalties on coal, lead, stone, sand, and tax on railroad companies for right of way. "Permitted inhabitants" also pay a monthly license, that is, if a Cherokee citizen hires a noncitizen to work for him, he pays to the Cherokee government 50 cents a month for the privilege, or \$6 per year. A stipulated sum is also paid for the right to cut and put up hay, and the railroad companies pay for the right to make ties.

The amount collected and paid over to the national treasury during the last year by district sheriffs and clerks for different causes was nearly \$1,300; from town commissioners, from sales of town lots, a little over \$1,100; lawyers and peddlers' licenses and the royalty on sand, rock, and lead amounted to about \$60; merchants paid over \$1,400 for the privilege of trading; ferries across the different rivers paid over \$300, and the coal mines over \$100. About \$350 per year is realized in interest from a fund deposited by the Shawnee tribe when they were incorporated into the Cherokee Nation.

Nothing has been received from the right of way and tax on railroads running through the nation. The law of Congress required all railroads except the Missouri, Kansas, and Texas, and the St. Louis and San Francisco, which were allowed to run through free, to pay \$50 per mile for their right of way and \$15 per mile annually forever for the privilege of running their roads and doing business among these people. The Cherokee government protested that this amount was too small and would not receive it, but went into litigation for more. The above amounts are assured and will amount to considerable, as 4 roads are running through these lands and others soon will be. From the lease of the large body of lands in the Cherokee "Outlet" to the cattle men \$200,000 per year was realized.

The most reliable and permanent source of revenue for the nation is the amount realized for the sale of lands and invested in 5 per cent United States government bonds and held in the United States treasury. These bonds amount to \$2,625,842.37, and the interest fund amounts to \$137,469.01 yearly, which is paid over to the treasurer of the Cherokees and divided pro rata.

THE UNITED STATES COURT.—The courts of the Cherokee Nation have jurisdiction over matters of dispute between members of the tribe. This includes all who are enumerated as members of the tribe, and the intermarried whites so rank. These courts, as heretofore remarked, are modeled after those of the same grade in the different states.

Until 1888 there was no way of settling a civil case except by a decision of the United States Indian agent of The Five Tribes, when the dispute was between a member of the tribe and an outsider who was residing in the Cherokee Nation under a permit, or who came into the Cherokee Nation temporarily, or between two outsiders. The higher crimes were tried at the federal court at Fort Smith, Ark. In 1888 Congress established a court at Muscogee, and gave it jurisdiction over all matters involving \$100 and upward, but left criminal matters as they were before, thus leaving misdemeanors arising among 120,000 whites and negroes in the Indian territory unnoticed. These people had business daily with the 60,000 Indians or claimants. All disputes about money matters under the amount of \$100 were left with no place of trial. Here were nearly 200,000 people with no court in which to settle their differences. Affairs often needed to be settled speedily or they would develop disputes which would lead to higher crimes. In 1889 Congress declared that among these people the misdemeanors and several grades of felonies should be tried at the Muscogee court, and, without specifying which, it declared certain provisions of the Arkansas laws should be in force as nearly as, or when, practicable. Three commissioners were provided for in the Cherokee Nation, but the law failed to provide for the trial of causes before these commissioners, and the United States court at Muscogee held that they could only hold preliminary examinations and discharge or bind over and

not punish. In civil cases these commissioners can try all cases when the amount in controversy is under \$100, except cases of forcible entry and detainer, with the right of appeal to the United States court at Muscogee.

For a violation of the Arkansas Sunday laws, or a case of violation of the statute of that state prohibiting profane swearing, even where the fine was only \$1, one must go to Muscogee for trial before the United States court. The result was that instead of relieving that court it has precipitated over 1,700 criminal cases into it from the 3 Cherokee divisions, and it is safe to say that of these 1,700 cases, if so authorized, four-fifths could have been tried and finally settled before the commissioners, who are justices of the peace and notaries public.

**PARTY ORGANIZATION.**—The convention of each party appoints 3 committeemen, called "head captains", for each district. Each member of these committees has to appoint an additional member. It is the duty of this committee to ascertain the feelings of the people. How that feeling is to be ascertained rests with the committee of each district. It may be by a primary meeting or convention, or it may be by a personal canvass and inquiry. They are expected to learn the sentiments of their constituency and voice them in the national convention called for the selection of candidates for principal chief and assistant chief. They also supervise and direct the political affairs in their respective districts which result in the choosing of candidates for either house of the legislature, and are directors and guardians of the political sentiment and feelings of those under them.

At the proper time, which is a year before the time for the election of the chief and assistant chief, these delegates, 54 in number, meet at a place designated for their convention. The convention is held near a spring and away from any town or house. The conventions of both parties are held the same day and about 12 miles apart. The occasions are of great moment. Barbecues are advertised, and thousands of people, men, women, and children, with tents and blankets, come from all parts of the nation to see and to assist in choosing the candidate. Beeves and other animals are roasted and delivered free, and sometimes the meetings last 4 or 5 days.

After the candidates are nominated the interest in the campaign subsides till the next spring. The election occurs on the first Monday in August, and during the months of May, June, and July things are lively in a political way. Barbecues, public meetings, and regular campaignings, including the effective "still hunt", are fully utilized.

The voting is *viva voce*, and any male citizen 18 years old has a right to vote. The rolls of voters are preserved till the meeting of the council in November, when, in a joint convention of both houses, the vote is canvassed, the result announced, and the successful candidates are inducted into office.

**LITERATURE.**—The Cherokees have not preserved any great amount of legends or traditions. They have a language that is peculiarly their own, with an alphabet of 84 letters, but it is not taught by their schools, and very few of their educated men can read, write, or even talk it. The writing is simply a formation with a pen of letters similar to the printed ones.

While the Cherokees boast of many able men, and their history has much of importance and interest, Cherokee literature consists of the New Testament scriptures, a few of the psalms, and a few hymns, a primer or two, a few tracts, a few books of Cherokee laws, and one-half of the Cherokee Advocate, the national newspaper, published at Tahlequah.

Albert Gallatin, in 1836, wrote of the Cherokee alphabet and its inventor:

Sequoyah, or Guess, as he is commonly called, is a native Cherokee unacquainted with the English language. He saw books in the missionary schools and was informed that the characters represented the words of the spoken language. Not understanding how this was done, he undertook to make characters of his own for the Cherokee, and at first attempted to have a distinct one for each word. He soon saw that the number would be such as to render that plan impracticable; and discovering that although the Cherokee is eminently polysyllabic, the same syllables variously combined perpetually recurred in different words, he concluded to have a character for each syllable. This he did by listening, with a view to his object, to every discourse held in his hearing, and noting in his own way every new syllable. In a short time he produced his syllabic alphabet, consisting of only 85 characters, through which he was enabled to teach within 3 weeks every Cherokee, old or young, who desired it, how to write his own language. That alphabet has superseded ours. Several books and a newspaper called the Phoenix, edited by Mr. Boudinot, have been published with those characters, and the Cherokees universally use them when writing in their own tongue. When the first imperfect copy of that alphabet was received at the War Department, it appeared incredible that a language, known to be copious, should have but 85 syllables. The examination of a Cherokee spelling book, published in our characters by the missionaries, explained what seemed to be a mystery.

It was found that every Cherokee syllable ended in a vocal or nasal sound, and that there were no other double consonants but *tl* or *dl* and *ts* and combinations of *s* with 4 or 5 different consonants. The language has 12 consonants, including *h*, viz, *g* or *k*, *h*, *l*, *m*, *n*, *qu*, *d* or *t*, *dl* or *tl*, *ts*, *w*, *y*, *s*; 5 vowels, viz, *a*, *e*, *i*, *o*, *u*, and a nasal *ng*. It is obvious that, multiplying the number of consonants (including the *tl*) by the 6 vowels (including the nasal) and adding to the product the said 6 vowels, each of which is occasionally a syllable, you have the whole number of possible syllables in the language, those excepted which result from the combination of *s* united to another following consonant, with the 6 vowels. It would have required about 30 additional characters, if Guess, adhering to his principle, had made a new one for each such combination (*sta*, *ste*, etc.; *spa*, *spe*, etc.). He gave a strong proof of talent in discovering that he might dispense with those 30 by making for the *s* a distinct character. (*a*)

It wanted but one step more, and to have also given a distinct character to each consonant, to reduce the whole number to 16, and to have had an alphabet similar to ours. In practice, however, and as applied to his own language, the superiority of Guess's alphabet is manifest,

<sup>a</sup> When Guess subsequently explained the process of his invention, he said that what had cost him most labor was the hissing sound. Guess's characters amount to 85, viz, 77 as above stated, less 1, the syllable *mung* not appearing in the language. Finding that occasionally *k* was pronounced *g*, *d* like *t*, and two distinct aspirations connected with *na*, he has added 8 characters representing the sounds *s*, *ka*, *kna*, *nah*, *ta*, *te*, *ti*, *tha*.

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## THE FIVE CIVILIZED TRIBES.

and has been fully proved by experience. You must indeed learn and remember 85 characters instead of 25; but this once accomplished the education of the pupil is completed; he can read, and he is perfect in his orthography without making it the subject of a distinct study. The boy learns in a few weeks that which occupies 2 years of the time of ours. It is that peculiarity in the vocal or nasal termination of syllables and that absence of double consonants more discernible to the ear than to the eye which were alluded to when speaking of some affinity in that respect between the Cherokee and the Iroquois languages.

It is true that the original idea of expressing sounds by characters was suggested to Guess by our books; it must be admitted that his plan would have failed if applied to perhaps any other language than the Cherokee; and it is doubtful whether, in such case, he would have ascended to the discovery of one character for each analyzed sound. But it can not be denied that this untaught Indian in what he has performed has exhibited a striking instance of the native intelligence of his race.

While there is almost no literature in the Cherokee language there is little relating to Cherokees in the English language. Any one wishing to trace the history of the Cherokee people will be compelled to go to the files of the missionary papers, to the diaries and memoranda of the missionaries and teachers who have been with them for so many years, and to the many times ill-kept official records. It is impossible to find any reliable printed history of their ablest men. The Cherokee Nation furnished thousands of men to both armies during the war of the rebellion, many of them taking an active part, and while a quarter of a century has passed since that time, nothing of consequence has been written on the subject, and much of what would have been important history has been irretrievably lost.

**Missioners.**—The zealous and unceasing efforts of the missionaries of different churches of our land have been directed to the Cherokee people for nearly a century. Other tribes and people have been looked after in a limited way, but the grand effort of civilizing and evangelizing this tribe has been special. The effort is so old and has been so continuous that men who are highly educated, wealthy, and traveled, men who have succeeded as farmers, mechanics, physicians, lawyers, teachers, politicians, or diplomats receive the assistance of the charitable and benevolent people of the world as a matter of course. We can see here a people worthy, educated, refined, living in one of the best countries, with a hundred common schools, with national seminaries for both girls and boys, and an asylum for orphans and another for the insane, with a system of republican government consisting of 3 branches, executive, legislative, and judicial, with a national prison, with parties, politics, and political machinery, receiving its spiritual nourishment from outside sources as a matter of right.

Presbyterians, Baptists, Congregationalists, Methodists, Southern Methodists, and others vie with each other in their efforts to elevate this people, who are richer than their benefactors, and as a body are as moral as the communities from which some of their missionaries come.

The first regularly organized effort at preaching the gospel and instituting schools among the Cherokees of which we have an authentic account was begun in the eastern part of Tennessee, in 1803, by the Rev. Gideon Blackburn, of Virginia, a Presbyterian, but the Rev. Gotlieb Byhan of the United Brethren began preaching among them in 1801. In addition to preaching, Mr. Blackburn introduced the carding and spinning of wool and flax and the manufacture of cloth. He labored among the Cherokees until 1810, and he left them on account of ill health. When he left several schools were in successful operation. In 1812 and 1813 agents of the Connecticut and Massachusetts missionary societies traveled through the Cherokee country from New Orleans, and their report of the condition of things added much to the zeal and enthusiasm shown in the work, and in the year 1816 the Rev. Cyrus Corning was sent by the board of foreign missions and organized a mission by authority of the Cherokee council near where Chattanooga, Tenn., now is. It was called Brainard, and began work in 1817. A school was opened by the beginning of the year 1818, and Mr. Corning was joined by the Rev. A. Hoyt, the Rev. D. Butrick, the Rev. William Chamberlain, and Messrs. Williams, Moody, and Hall. Mr. Corning was a graduate of Andover theological seminary in the class of 1815.

In 1820 the Rev. Alfred Finney, a graduate of Dartmouth college, the Rev. Cephas Washburn, and others joined the forces, and from that time a constant supply of ministers, physicians, teachers, and helpers from Vermont, New Hampshire, Massachusetts, Virginia, and other states kept pouring in to this people.

In 1827 John Huss, a native Cherokee, joined in the work of teaching, and in 1833 he was regularly ordained as a minister. Stephen Foreman, another of the effective workers, was educated at the mission schools and labored during a long life in the cause. Catherine Brown, a native girl, began attendance at the Brainard school in 1818 and, after a term, becoming qualified, began teaching. She died in 1823 of consumption. In 1828 the Cherokee Phoenix was established at New Electa, Tenn., with Elias Boudinot as editor. At the close of the year 1828 Brainard mission had 7 stations, 174 pupils in the schools, and 159 members of the church. The first hymn was translated into Cherokee in 1829, English characters being used to spell the sound of the Cherokee words. Sequoyah's alphabet was used the following year, 1830, for the publication of 33 hymns and a translation of the gospel of Matthew, 1,000 copies of the volume being printed and circulated. At the close of 1829 there were 180 pupils in the 7 schools and 192 members of the churches. In March, 1830, the mission building at Brainard, with all its furniture, was destroyed by fire. This loss and the question of removal to the west of the Mississippi retarded the mission work very seriously. A law was passed by the legislature of Georgia about this time making

it a penal offense, punishable by from 4 to 6 years' confinement at hard labor in the penitentiary, for a white man to live in that part of the Cherokee country claimed by the state of Georgia unless he had a permit from the governor of that state and had taken oath to support the jurisdiction of the state of Georgia over that territory. This oath the missionaries would not take. Four of the missionary stations and schools were located in Georgia, and many of the missionaries were arrested and subjected to abuses and indignities by the authorities of the state of Georgia, and at least two of them, the Rev. S. A. Worcester and Dr. Butler, were sentenced to a 4 years' term in the penitentiary, and served 1 year and 5 months of the time before they were pardoned out by the governor. The Supreme Court of the United States, to which they appealed, through Chief Justice Marshall, declared the Georgia law unconstitutional, and ordered their release, but the Georgia authorities refused to obey the mandate of the Supreme Court. The decision of the court was rendered on March 3, 1832, but they were held until January 14, 1833, more than 10 months afterward.

The negotiations and arrangements for the removal of the Cherokees to the west of the Mississippi river, which occupied the years from 1835 to 1838, disturbed the missionary work and retarded it seriously. All the churches and schools were broken up and the members separated and scattered. The bitterness engendered by the forced removal of these people from their homes demoralized them, and in many cases undid the work of years of education and reformation.

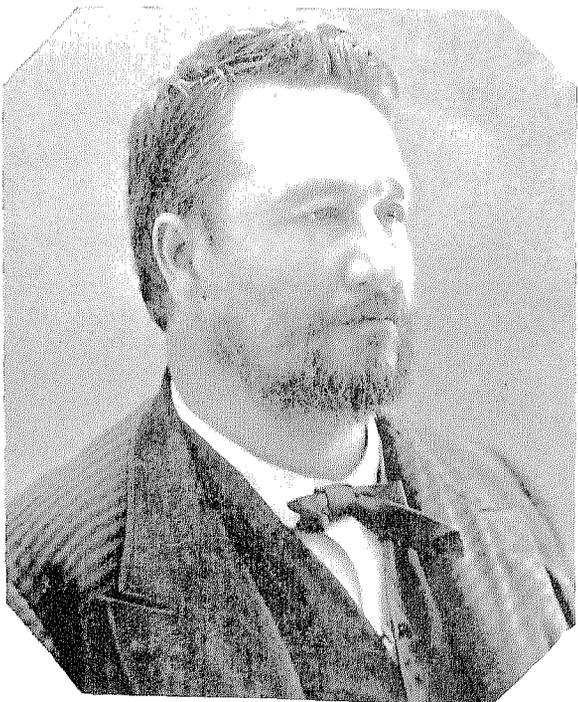
Missions had been founded among the western Cherokees in Arkansas in 1820 by the Rev. Alfred Finney and the Rev. Cephas Washburn, the first, called Dwight, about 100 miles below Fort Smith, near the Arkansas river. Another followed near Fort Gibson, called the Union mission, and still another called Harmony, not many miles northwest of the northwest corner of the state of Arkansas. The mission school opened at Dwight on January 1, 1822.

War with the Osages and the arrival of other parties of Cherokees from east of the Mississippi river kept the western Cherokees in a state of uneasiness that militated against the progress of the mission work, both in educating and evangelizing, though much more interest was taken in schools, and encouragement was given to them rather than to churches. In 1828 the treaty was made which necessitated a removal still farther west. This again unsettled and demoralized the work and discouraged the missionaries and their assistants, but another mission was organized and work begun on Salisan creek, about 35 miles northeast of Fort Smith. The new location, called New Dwight, was opened in 1829. While the schools were moderately prosperous and successful, and the people showed much interest in education, the religious interest still languished. There was not much progress made in this work after this. The events of the enforced removal of the Cherokee people kept up the excitement and distraction of mind until within a few years of the breaking out of the war, when the agitation of the slavery question was added to the other causes of want of success, and in 1860 the American Board of Commissioners of Foreign Missions relinquished the work and abandoned the field. During the war and for some time after the Cherokee people were divided by contending factions, but with the formation of the Downing party in 1866 quiet was in a great measure restored, and the work was resumed under the care of the board of home missions.

The results of the work of education and evangelization among this people are that the Cherokees are on an average equal to other people of the United States as to education and religion.

**POLITICS.**—The political issues in the Cherokee Nation are not so much principles as persons. John Ross was chief for a total period of 40 years before and after crossing the Mississippi river and before and after the union of the eastern and western Cherokees into the present nation. His administration was imperial and autocratic rather than republican or representative. He led the remaining Cherokees from the east to the west of the Mississippi. About a third of the nation had already gone over and were under the chieftaincy of John Jolly, when John Ross was elected chief of the united Cherokees and ruled uninterruptedly till the breaking out of the civil war. When that happened Ross proclaimed neutrality. This lasted till August, when a convention was called and war was declared on the United States and the fortunes of the Cherokee Nation were cast with the Southern Confederacy.

Early in 1863 the treaty with the Confederacy was set aside, and slavery which had existed in the nation was abolished. Soon after this nearly all the Cherokees in the Confederate army deserted, many of them joining the Union forces and fighting until the end of the war. After the war the line between those who fought for the Confederacy and those who fought for the perpetuity of the Union was kept up and cultivated. In 1867 Lewis Downing, who served in the Union army as a lieutenant colonel of a Cherokee regiment, became a candidate for principal chief on the platform of peace between the factions and a recognition of that portion of the population that had been in the Southern Confederacy. Downing was elected over W. P. Ross and served one term, was re-elected, but died after a year's service. The senate elected W. P. Ross chief, and he served 3 years. He was succeeded by Charles Thompson, who served one term of 4 years. D. W. Bushyhead, an anti-Downing man, was elected chief in 1879, and succeeded himself, serving until 1887, when the Downing party succeeded in electing their candidate, Joel B. Mayes, though the opposition had majorities in both houses of the legislature.



Joel B. Mayes, principal chief, Cherokee Nation.

Miss Ross, half-blood Cherokee.

John Jumper, Seminole.

There is no visible line of policy on which the Cherokees are divided. It appears to be only a question of personal popularity of the candidates and the local effects of individual acts of the administration. Neither party advocates the allotment of lands in severalty nor the abandonment of tribal arrangements. Partisanship becomes very stormy and excitement becomes very high.

There is a very strong undercurrent of feeling in favor of allotment of the lands, each person holding his land in severalty, but the outspoken advocacy of such a proposition is confined to a very few, and they are very young and educated, or have been away from home, or are not full bloods.

PRESENT CONDITIONS.—It is a question how far the solicitude of the government for their physical comfort, assisted by the American foreign and home missionary societies for their spiritual safety, has tended to teach the Cherokees, either as a nation or as individuals, self-reliance and independence. There are many men and women among them who are cultured and refined, but their life and condition, location and surroundings, have not been conducive to the best development.

Their present condition is a language without a literature; a government with no authority; a code of laws with no force; millions of acres of land and not a foot of it that any man can call his own.

The effect of the mission work among this people is evident, for they are pre-eminently a religious people. They are generally Protestants. Presbyterians, Baptists, Methodists, and Moravians have been with them from the time before their removal west. The most enterprising citizen of the Cherokee Nation considers it as quite the thing for the whites to furnish him his spiritual sustenance.

There are among the present Cherokees none of the traditions, legends, and wild, weird, poetical lore that marks the J. Fenimore Cooper romances and the poetry of Longfellow. Their unwritten history furnishes instances of heroism, invention, endurance, treachery, assassination, murder, learning, patriotism, diplomacy, and political leadership, but literature is lacking. Sequoyah invented an alphabet and constructed a language, but no Cherokee has utilized it except to translate a part of the holy scriptures, a few hymns and songs, the imperfect laws of the nation, and part of one weekly newspaper. Sequoyah, who invented the alphabet and constructed their language, signed his English name, George Guess, thus: "X".

The Cherokees are less than one-fourth full blood Indians. Their marriage with the agents, missionaries, and others in earlier times has been imitated by the Cherokees of a later day, and now the only way to discover the presence of Cherokee blood in many of them is to ask them. Whether this mixing of blood has been to the physical advantage of either of the races is a question that will bear further investigation.

The average Cherokee is not in affluent circumstances. It is true that there is a large number of wealthy men among them, who have fenced large bodies of the best land and farmed and raised stock quite successfully. Others, under the privileges of a tenancy in common, have removed the best of the timber and sold it for their private benefit. The larger number of the Cherokee people are in only moderate circumstances, while many of them are living in very primitive conditions. The system of per capita payments at irregular times is not encouraging to habits of industry, frugality, or foresight. The idea that seems to pervade all their minds, that they are "wards" of the governments, both their own and the United States, and that they will be taken care of in some way or other, is productive of much want and suffering.

The dwellings of the Cherokees are made like those of the whites, and are of almost all sizes, shapes, grades, and materials. There are no wigwams and no habitations of poles covered with skins. The dwellings of the few wealthy Indians are like those of the wealthy whites, either of brick, stone, or wood, while those of the poor Indians are like those of the poor whites. Their farming is primitive and in a small way. The Cherokees have been civilized so long that they are not Indians except in name, blood, and their treatment by the United States government.

BIOGRAPHICAL—JOHN ROSS.—John Ross was born October 3, 1790, near Lookout mountain, Tennessee. His father, Daniel Ross, was a Scotchman, and his mother a part-blood Cherokee. He had 2 brothers and 6 sisters and was educated at Kingston, Tenn. His public career began when he was 19 years old, when he was sent by the Cherokee agent on a mission to the western Cherokees, then occupying territory now included in the boundaries of the state of Arkansas. He served during the war of 1812 as adjutant of a Cherokee regiment under General Andrew Jackson in the war against the hostile Creeks in Florida. In 1817 he became a member of the national committee of the council of the Cherokee people. Two years later, at the age of 30 years, he was president of the committee, in which capacity he served until 1826. In 1827 he was associate chief of the nation, with William Hicks as principal chief, and was president of the convention of that year that framed the first national constitution. In 1828 he became principal chief of the Eastern Cherokees, and when, in 1838, they removed to the west, he became principal chief of the united tribe. He held that office until his death, which occurred in Washington on August 1, 1866. In 1813 he was married to Elizabeth, whose surname is unknown, a full-blood Cherokee woman. With her he lived 26 years and she bore him five children, 4 boys and 1 girl. She died February 1, 1839, during the removal of the nation to the west of the Mississippi river, and was buried en route at Little Rock, Ark., where

her remains still rest. He was married again in 1845 to Miss Stapler, a Quaker girl of Wilmington, Del., the marriage taking place in the city of Philadelphia, the bride being 19 years of age, while the groom was 55. This union continued for 20 years, Mrs. Ross dying in 1865.

CHIEF MAYES.—Joel B. Mayes (died December, 1890), at the time of the census the principal chief of the Cherokee Nation, was born in the old Cherokee Nation in what is now Bartow county, Georgia, October 2, 1833. His father was Samuel Mayes, a white man. His mother was a Cherokee of mixed blood, a daughter of Wat Adair, whose mother was a full-blood Indian. Chief Mayes removed from the old Cherokee Nation in 1837, when he was between 3 and 4 years of age. He was educated in the common schools of the nation and graduated at the male seminary in 1856. His father farmed in the mountainous part of the country in the eastern part of the nation, and on his father's farm Joel was raised and became a practical farmer. He taught school several years, and at the breaking out of the rebellion enlisted as a private in Bryant's battalion, an Arkansas organization. He was soon promoted to the rank of major and held the positions of quartermaster and paymaster in the first Indian brigade of the Confederate army, and remained in the service till the close of the war in 1865. After the war he located on a farm on Grand river, and as a farmer, fruit grower, and stock raiser was very successful. Soon after the war, 1868, he was appointed clerk of the district and circuit courts of Cooweescoowee district, and after serving one term in that capacity, in 1870 he was elected judge of the northern circuit, composed of the districts of Cooweescoowee, Delaware, Saline, and Tahlequah, in which position he served 5 years. After his term as circuit judge expired he was appointed and served 2 years as secretary of the commission on citizenship, and then was elected clerk of the national council. While serving as clerk of the national council he was elected associate justice of the supreme court, where he served 1 year. In 1885 he was elected by a joint session of the national council chief justice of the Cherokee Nation, where he served 2 years. In August, 1887, he was the candidate of the Downing party for principal chief and was elected, taking the office in the month of November, and succeeding Chief D. W. Bushyhead.

In the year 1857, the year after his graduation from the male seminary, he was united in marriage to Miss Martha Candy, who had graduated in 1856 from the female seminary, and who lived only 3 years. In 1863, during the war, Mr. Mayes was married to Miss Martha McNair, another member of the class of 1856. This union was of the same brief duration as the first, only lasting 3 years, when Mrs. Mayes died. In 1873 he married Miss Mary Varn, who was also a graduate of 1856, and who is still living. Chief Mayes left no children, though his first wife bore him 1 child and his second wife 2 children.

#### THE TREATY OF 1866.

The treaty of 1866 with the Cherokees has been a serious matter of contention among them.

That treaty, like the treaty of 1846, was a compromise to settle serious divisions among the Cherokees. The Cherokees in 1861 were slaveholders, and were induced to join the Southern Confederacy in the war of the rebellion. The treaty was negotiated between the Cherokees and the Southern Confederacy on the 7th of October, 1861. Under this treaty 3 regiments of soldiers, numbering about 3,000 men, were raised, who participated in the military operations of the south until after the battle at Pea Ridge. After that battle 1 regiment went almost wholly over to the Union army. Over 2,000 Cherokees, men, women, and children, without food, clothing, or shelter, claimed protection within the Union lines, and were taken charge of by the military authorities of the United States.

At the special session of the Cherokee council in 1863 John Ross was continued principal chief, the treaty of October 7, 1861, with the Confederate states was abrogated, a delegation consisting of Chief Ross and others was appointed to represent the Cherokee Nation before the United States authorities, a law was passed deposing all officers disloyal to the government and confiscating all property and improvements of the rebel Cherokees, and provision was made for abolishing slavery in the Cherokee Nation. Although a force of United States troops was sent to assist in protecting the reorganized Cherokee government, the country was overrun by scouting parties and guerrillas, causing great destruction and waste.

The Cherokees were divided into 2 parties by the course of events, and the United States found it difficult to adjust its treaties to the satisfaction of both and to secure the rights of all concerned.

In the endeavor to make treaties the United States at first found a difficulty in framing a treaty with the loyal party owing to the land in interest. A treaty was made, however, with the southern party on June 13, 1866, but it was retained by the President of the United States until a treaty was secured with the loyal Cherokees on the 19th of July, 1866. The latter treaty was officially confirmed, and it has been the basis of dispute as to citizenship and the distribution of funds largely growing out of the division in the nation during the war of the rebellion.

#### ALLOTMENT OF LANDS.

The intelligent, active, and thrifty have opened large farms on a southern plantation style, the only thing "in common" between them and others of the population being the title to the land, and of this the big farmer has had

the sole benefit, often holding thousands of acres of the choicest lands, while his cotenants worked at moderate wages or existed in cabins on little patches of land in the hills too thriftless to contend in the race of life with more energetic neighbors.

Others have fenced several tracts and leased them to different tenants, holding the reversionary interest in these farms, expecting the present status of things to break up, and hoping in the readjustment of affairs to profit thereby.

Many citizens of the states have gone into the Cherokee Nation, married Cherokee women, and by the rights thus obtained have proceeded to despoil the forests and to accumulate possession of lands.

The allotment of lands in severalty would necessitate a survey, which might encourage the building or opening of roads and the construction of bridges. The survey should be made to correspond with the surveys of lands in the adjoining states, and after each head of a family has been allotted his piece of land the remainder should be placed in charge of a commissioner or agent, for sale at an appraised value, on long time at a low rate of interest after 1 payment has been made, as the school lands in the different states have been sold. The proceeds of these sales could go into the school fund, poor fund, internal improvement fund, or into a fund for any meritorious and approved purpose.

This should be followed by a prohibition or abolition of per capita payments, and inducements should be offered or influences set to work to have the Cherokees become American citizens.

The "intruder" question could be settled by allowing this class of population to buy lands as other applicants, and the Cherokee territorial authorities should be authorized to enforce an action for trespass or for ejection of those unlawfully occupying the lands of the Cherokees.

Some proper tribunal ought to be required to act conclusively on the question of that large body of American citizens who are trying to establish their claims to the additional distinction of being possessors of Cherokee blood. There ought to be a way to settle the "claimant" question.

# DELAWARE INDIANS, CHEROKEE NATION.

BY THOMAS DONALDSON, SPECIAL AGENT.

The Delaware Indians residing in the Cherokee Nation, as a part of it, numbered in the census of 1890, 754. The Delawares at Kiowa, Comanche, and Wichita agency, Oklahoma, numbered 95. This band left the main body in 1866 on their removal from Kansas and joined the Kiowas and Comanches, with whom they now are.

The Delawares in the Cherokee Nation removed from Kansas in 1866-1867, having sold their lands in that state to the Union Pacific Railroad Company. They bought their present land holdings from the Cherokees, consolidated with them, and became in fact a part of the Cherokees. They reside in a compact body by themselves in 2 districts, known as Cooweescoowee and Delaware districts. They are civilized and all wear citizens' dress. They are thrifty, wealthy farmers, industrious and law abiding. Much of the material herein relating to them was furnished by R. C. Adams, a Delaware Indian residing at Alluwe, Cherokee Nation, Indian territory.

The Delawares are the traders and business men of the North American Indians. The census of 1890 showed that some of them were in almost all of the western tribes, and that all of them were men of shrewdness and ability.

Mr. R. C. Adams, in response to an inquiry from the special agent, answered:

We have quite a number of full-blood Delawares in the Cherokee Nation, about 175; of these 95 do not speak English. There are not more than 15 or 20 families who do not speak the Delaware language as well as the English. The Delawares here are increasing in number. Many are very old, some 90, 95, and probably 100 years of age. Among the old Delawares are Charles Journeycake and William Adams. Alluwe; Charles Armstrong, Codys Bluff; Mrs. James Armor, Claremore; George Scarcoxie, Captain Curlyhead, Andrew Miller, Colonel Jackson, and Ice Wilson, of Bartlesville.

DELAWARE LAWS.—The Delawares in the Cherokee Nation, while now part of the Cherokee, preserve their autonomy and are largely governed by their own tribal laws and traditions. The Delaware Nation of Indians, at their reservation in Kansas in 1862, adopted a series of laws which control them in many details. The criminal portion and some other details are now superseded by the Cherokee laws. This code of laws, written by a Delaware, was administered by the chiefs and councilors. Under it they had a national organization, with a clerk, sheriff, treasurer, and jailer. It is given in full. Article 8 illustrates the idea of descent in the female line.

## LAWS OF THE DELAWARE NATION OF INDIANS.

The chiefs and counsellors of the Delaware tribe of Indians, convened at their council house, on the reservation of said tribe, the eighteenth day of December, A. D. 1862, do hereby adopt the following laws, to be amended as they think proper:

### ARTICLE I.

1. A national jail shall be built on the public grounds upon which the council house is now situated.

2. Any person who shall steal any horse, mule, ass, or cattle of any kind, shall be punished as follows: for the first offence the property of the offender shall be sold by the sheriff to pay the owner of the animal stolen the price of said animal and all costs he may sustain in consequence of such theft. But if the offender has no property, or if his property be insufficient to pay for the animal stolen, so much of his annuity shall be retained as may be necessary to pay the owner of said animal as above directed, and no relative of said offender shall be permitted to assist him in paying the penalties of said theft.

For the second offence the thief shall be sent to jail for thirty-five days, and shall pay all costs and damages the owner may sustain on account of said theft.

For the third offence the thief shall be confined in jail three months, and shall pay all costs and damages as above provided.

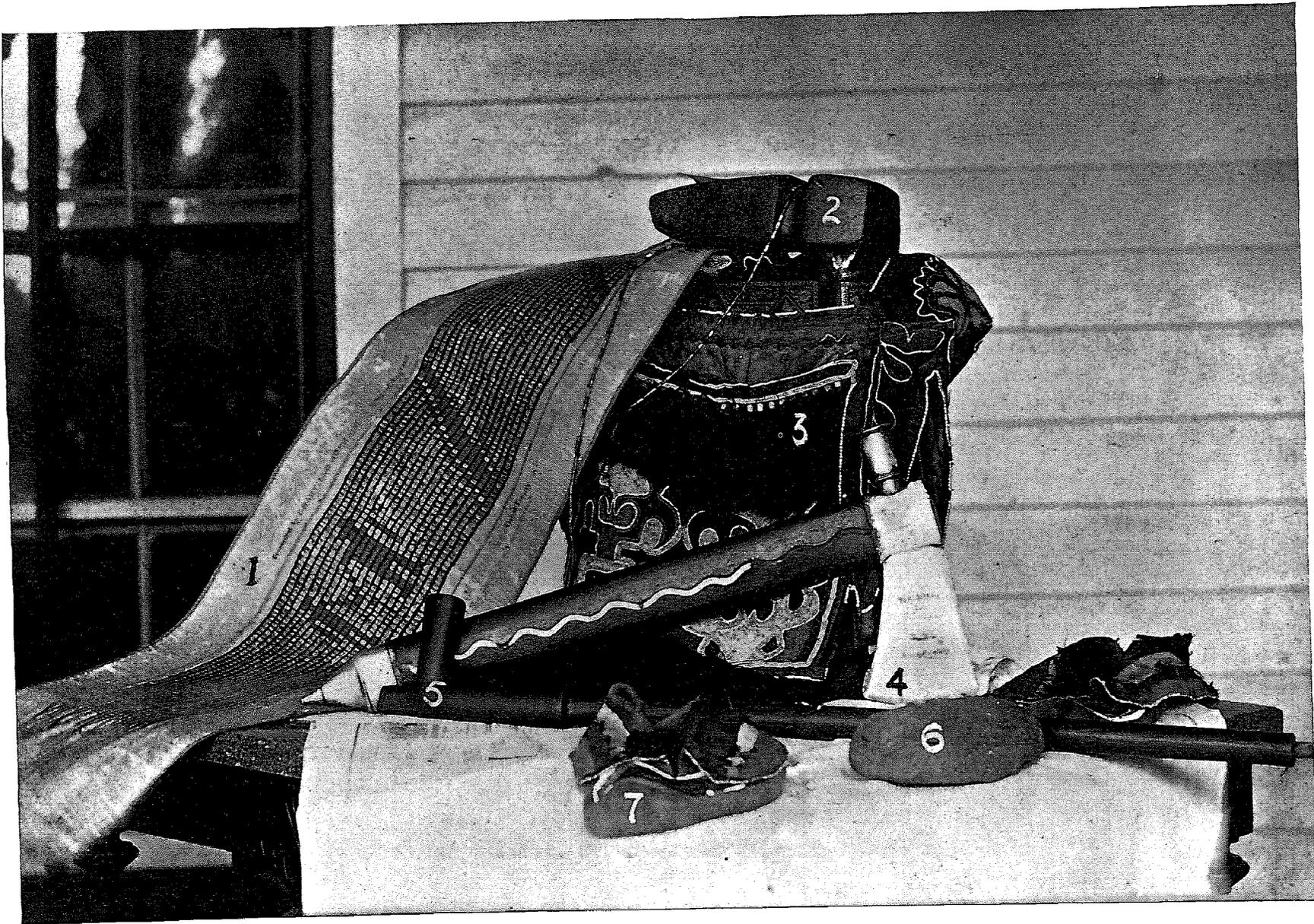
3. If any person shall steal a horse beyond the limits of the reserve and bring it within the limits thereof, it shall be lawful for the owner to pursue and reclaim the same upon presenting satisfactory proof of ownership, and, if necessary, receive the assistance of the officers of the Delaware Nation. And it is further provided that such officials as may from time to time be clothed with power by the United States agent may pursue such offender either within or without the limits of the reserve.

4. Whoever shall ride any horse without the consent of the owner thereof shall for the first offence pay the sum of ten dollars for each day and night that he may keep such animal, and for the second offence shall be confined in jail for the term of twenty-one days, besides paying a fine of ten dollars.

5. Whoever shall reclaim and return any such animal to the rightful owner, other than the wrongdoer, as in the last section mentioned, shall receive therefor the sum of two and fifty hundredths dollars.

6. In all cases of theft the person or persons convicted of such theft shall be adjudged to pay all costs and damages resulting therefrom, and in case of the final loss of any animal stolen, then the offender shall pay the price thereof in addition to the costs and damages as provided in a previous section.

7. Whoever shall steal any swine or sheep shall for the first offence be fined the sum of fifteen dollars; ten dollars of which shall be paid to the owner of the sheep or swine taken, and five dollars to the witness of the theft.



New York Engraving & Printing Co.

DELAWARE INDIAN RELICS. DELAWARES' IN THE "CHEROKEE NATION," 1891.

1. The Belt of Wampum delivered by the Delaware Indians unto William Penn at the Great Treaty under the Elm Tree at Shakamaxon in 1682. "Not Sworn to and never broken."  
2. A stone hammer for cutting wood. 3. Buckskin hunting pouch. 4. Silver Tomahawk presented to Tom Hill by T. P. Reading. 5. Peace Pipe from the Red Pipe stone quarry, Minnesota. 6. Stone Pestle for pounding corn. 7. Pair Moccasins.

For the second offence the thief shall, in addition to the above penalty, be confined in jail for twenty-eight days.

And for the third offence, the thief shall be confined four weeks in jail, and then receive a trial and bear such punishment as may be adjudged upon such trial.

8. Whoever shall steal a fowl of any description, shall for the first offence pay to the owner of such animal the sum of five dollars.

For the second offence, in addition to the above penalty, the thief shall be confined in jail for twenty-one days.

The witness by whom such theft shall be proven, shall be entitled to receive such reasonable compensation as may be allowed to him, to be paid by the offender.

9. A lawful fence shall be eight rails high, well staked and ridered. If any animal shall break through or over a lawful fence, as above defined, and do any damage, the owner of the enclosure shall give notice thereof to the owner of such animal, without injury to the animal. The owner of such animal shall therefore take care of the same and prevent his doing damage; but should he neglect or refuse so to do, the animal itself shall be sold to pay for the damages it may have done.

But if the premises be not inclosed by a lawful fence as above defined, the owner of the enclosure shall receive no damages; but should he injure any animal getting into such enclosure, shall pay for any damage he may do such animal.

10. Every owner of stock shall have his or her brand or mark put on such stock, and a description of the brand or mark of every person in the tribe shall be recorded by the national clerk.

## ARTICLE II.

1. Whoever shall maliciously set fire to a house shall, for the first offence, pay to the owner of such house all damages which he may sustain in consequence of such fire; and, in addition thereto, for the second offence, shall be confined in jail for the term of twenty-one days.

2. Should human life be sacrificed in consequence of any such fire, the person setting fire as aforesaid shall suffer death by hanging.

3. It shall be unlawful for any person to set on fire any woods or prairie, except for the purpose of protecting property, and then only at such times as shall permit the person so setting the fire to extinguish the same.

4. Whoever shall violate the provisions of the last preceding section, shall, for the first offence, be fined the sum of five dollars, and pay the full value of all property thereby destroyed; for the second offence, in addition to the penalty above described, the offender shall be confined in the jail for the term of thirty-five days, and, for the third offence, the same punishment, except that the confinement in jail shall be for the period of three months.

5. Any person living outside of the reserve cutting hay upon the land of one living on the reserve shall pay to the owner of such land the sum of one dollar per acre, or one-half of the hay so cut.

6. No person shall sell any wood on the reserve, except said wood be first cut and corded.

## ARTICLE III.

1. Whoever shall find any lost article shall forthwith return the same to the owner if he can be found, under the penalty imposed for stealing such article for a neglect of such duty.

2. Whoever shall take any article of property without permission of its owner, shall pay the price of the article so taken and receive such punishment as the judge, in his discretion, may impose.

## ARTICLE IV.

1. Whoever shall take up any animal on the reserve as a stray, shall, within one week, have the description of such animal recorded in the stray book kept by the council.

2. If the owner of said stray shall claim the same within one year from the day on which its description was recorded, he shall be entitled to take it after duly proving his property, and paying at the rate of five dollars per month for the keeping of such animal.

3. The title to any stray duly recorded, and not claimed within one year from the date of such record, shall rest absolutely in the person taking up and recording the same.

4. Whoever shall take up a stray, and refuse or neglect to record a description of the same as provided in section one of this article, shall be deemed to have stolen such animal, if the same be found in his possession, and shall suffer the penalties inflicted for stealing like animals. The stray shall also be taken from him and remain at the disposal of the council, and a description of the same shall be recorded in the stray book.

## ARTICLE V.

1. If a person commit murder in the first degree, he shall, upon conviction, suffer the penalty of death. But if the evidence against him shall be insufficient or if the killing be done in self-defence, the person doing the killing shall be released.

2. Whoever shall, by violence, do bodily harm to the person of another, shall be arrested and suffer such punishment as may on trial be adjudged against him, and should death result from such bodily harm done to the person of another, the offender shall be arrested and suffer such punishment as may be adjudged against him.

3. Whoever shall wilfully slander an innocent party shall be punished for such slander at the discretion of the judge.

4. Whoever being intoxicated or under the influence of liquor shall display at the house of another, in a dangerous or threatening manner, any deadly weapons, and refuse to desist therefrom, being commanded so to do and put up such weapons, either by the owner of the house or by any other person, shall, for the first offence, be fined the sum of five dollars and pay all damages which may accrue; for the second offence, shall be confined in jail for thirty-five days, be fined twenty dollars, and pay all damages as aforesaid.

5. Officers shall be appointed to appraise all damages occurring under the last preceding section, who shall hear all the evidence and render judgment according to the law and the evidence.

6. Whoever shall, being under the influence of liquor, attend public worship, or any other public meeting, shall first be commanded peaceably to depart, and if he refuse, it shall be the duty of the sheriff to arrest and confine such person until he become sober, and the offender shall pay a fine of five dollars.

7. It shall be the duty of the sheriff to attend all meetings for public worship.

8. No member of the Delaware Nation shall be held liable for any debts contracted in the purchase of intoxicating liquors.

9. The United States agent and the chiefs shall have power to grant license to bring merchandise to the National Payment for sale, to so many traders as they may think proper for the interest of the nation.

10. It shall be unlawful for any person to bring any kind of drinks, except coffee, on or near the payment ground; and any person who shall offend against this section shall forfeit his drinkables and his right to remain on the payment ground.

## STATISTICS OF INDIANS.

11. It shall be unlawful for any person to bring within the reserve more than one pint of spirituous liquors at any one time. For the first offence against this section the offender shall forfeit his liquors and pay a fine of five dollars; for the second offence, he shall forfeit his liquors and pay a fine of ten dollars; and for the third offence, he shall forfeit his liquors and be fined the sum of twenty-five dollars.

12. Any person who shall find another in possession of more than one pint of liquor at one time upon the reserve may lawfully spill and destroy the same, and shall use such force as may be necessary for that purpose. Should the owner resist and endeavor to commit bodily harm upon the person engaged in spilling or destroying said liquor, he shall be taken into custody by the sheriff, and be punished as an offender against the law.

13. The sheriff may lawfully compel any man, or any number of men, ministers of the gospel excepted, to assist in capturing any person who shall violate these laws.

14. Whoever shall offer resistance to any capture or arrest for violating any of the provisions of these laws, shall be punished not only for the original offence for which he was arrested, but also for resisting an officer.

## ARTICLE VI.

1. All business affecting the general interest of the nation shall be transacted by the council in regular session.

2. All personal acts of chiefs, counsellors, or private individuals, in such matters as affect the general interest of the nation, shall be considered null and void.

3. Whoever shall violate the last preceding section, by undertaking in private capacity and manner to transact business, shall be imprisoned in the national jail for a period of not less than six months nor more than one year, and shall forfeit his place in office or position in the nation, which place or position shall be filled by the appointment of other suitable persons.

4. Counsellors shall be appointed who shall take an oath faithfully to perform their duties to the nation, and for neglect of such duty others shall be appointed to fill their places.

5. Should a counsellor go on a journey, so that it is impossible for him to attend to meetings of the council regularly, he may appoint a substitute who shall act for him in his absence.

6. Certain days shall be set apart for council and court days.

7. The chiefs and counsellors shall appoint three sheriffs, at a salary of one hundred and fifty dollars per annum each; one clerk, at one hundred dollars per annum, and one jailer, at a salary of one hundred dollars per annum, whose salaries shall be due and payable half-yearly, and in case either of the above officers shall neglect or refuse to perform any of the duties of his office he shall forfeit his salary, and his office shall be declared vacant and another shall be appointed to fill the office.

8. The chiefs and counsellors shall semiannually, in April and October, make an appropriation for national expenses, which appropriation shall be taken from the trust fund, or any other due the Delawares, and paid into the treasury.

9. There shall be a treasurer appointed annually on the first day of April, whose duty it shall be to receive and disburse all moneys to be used for national purposes, but the treasurer shall pay out money only on the order of the chiefs and counsellors, and for his services he shall be paid five per cent on the amount disbursed.

## ARTICLE VII.

1. It shall be lawful for any person before his or her death to make a will and thereby dispose of his or her property as he or she may desire.

2. If a man die leaving no will to show the disposal of his property, and leave a widow and children, one-fourth of his property shall be set aside for the payment of his debts. Should the property so set aside be insufficient to pay all his debts in full, it shall be divided away among his creditors pro rata, which pro rata payment shall be received by his creditors in full satisfaction of all claims and demands whatever.

3. If the property so set apart for the payment of debt is more than sufficient to pay all debts, the remainder shall be equally divided among the children.

4. The widow shall be entitled to one-third of the property not set aside for the payment of debts, and the remainder shall be equally divided among the children.

5. If a man die leaving no widow and children his debts shall first be paid out of the proceeds of his personal property, and the remainder, if any, with the real estate, shall be given to the nearest relative.

6. Whoever shall take or receive any portion of the property belonging to the widows and orphans shall be punished as if he had stolen the property.

7. The council shall appoint guardians for orphan children when they deem it expedient so to do.

## ARTICLE VIII.

1. If a white man marry a member of the nation, and accumulate property by such marriage, said property shall belong to his wife and children, nor shall he be allowed to remove any portion of such property beyond the limit of the reserve.

2. Should such white man die in the nation, having no children, all his property shall belong to his wife after paying his debts.

3. Should such white man lose his wife and have no children, one-half of the personal property shall belong to him, and the other half shall belong to his wife's nearest relatives.

4. Should such white man be expelled from the reserve, and the wife choose to follow her husband, she shall forfeit all her right and interest in the reserve.

## ARTICLE IX.

1. No member of the nation shall lease any grounds to persons not members of the nation.

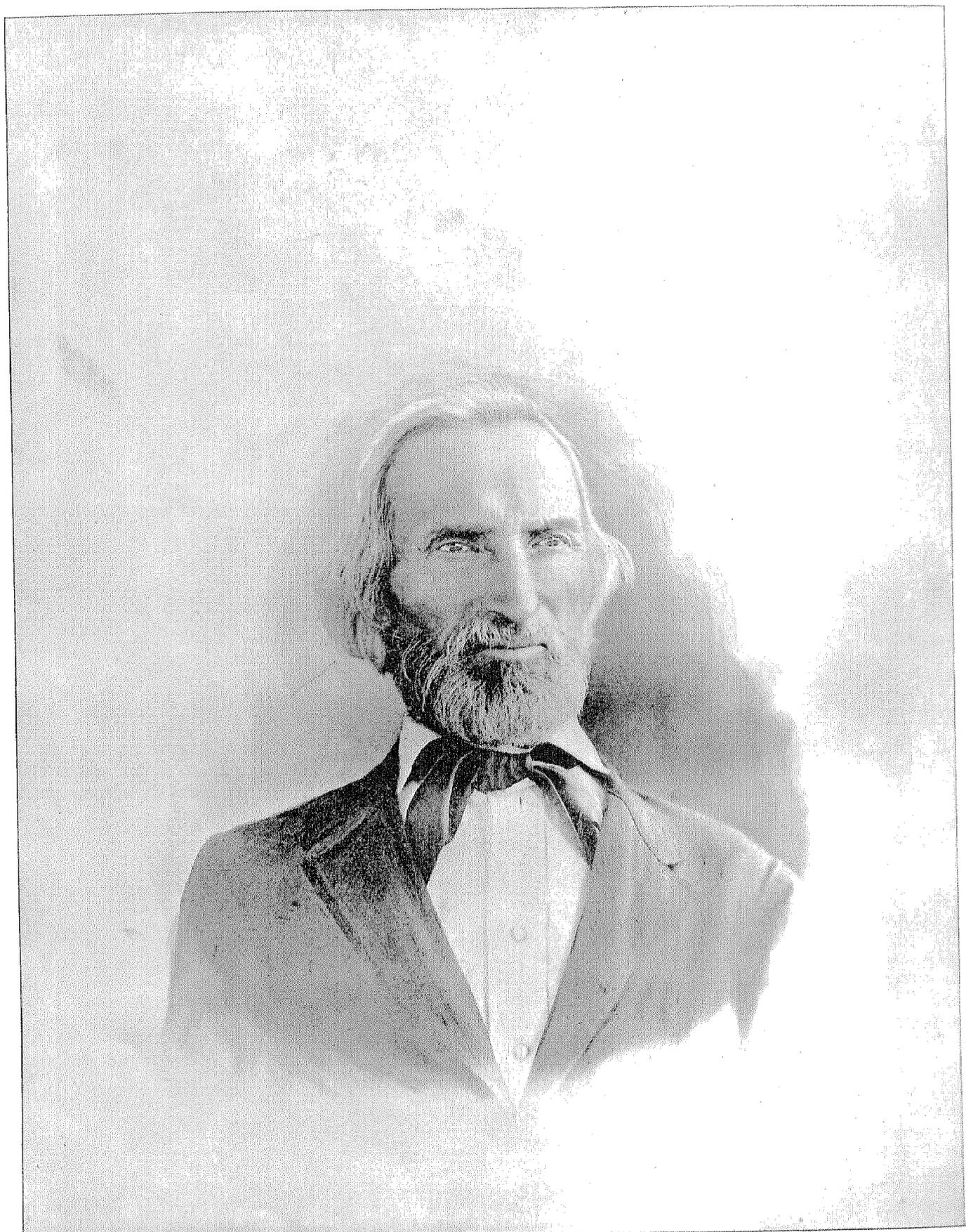
2. Should a white man seek employment of any member of the nation he shall first give his name to the United States agent, and furnish him with a certificate of good moral character, and also a statement of the time for which he is employed, and the name of his employer.

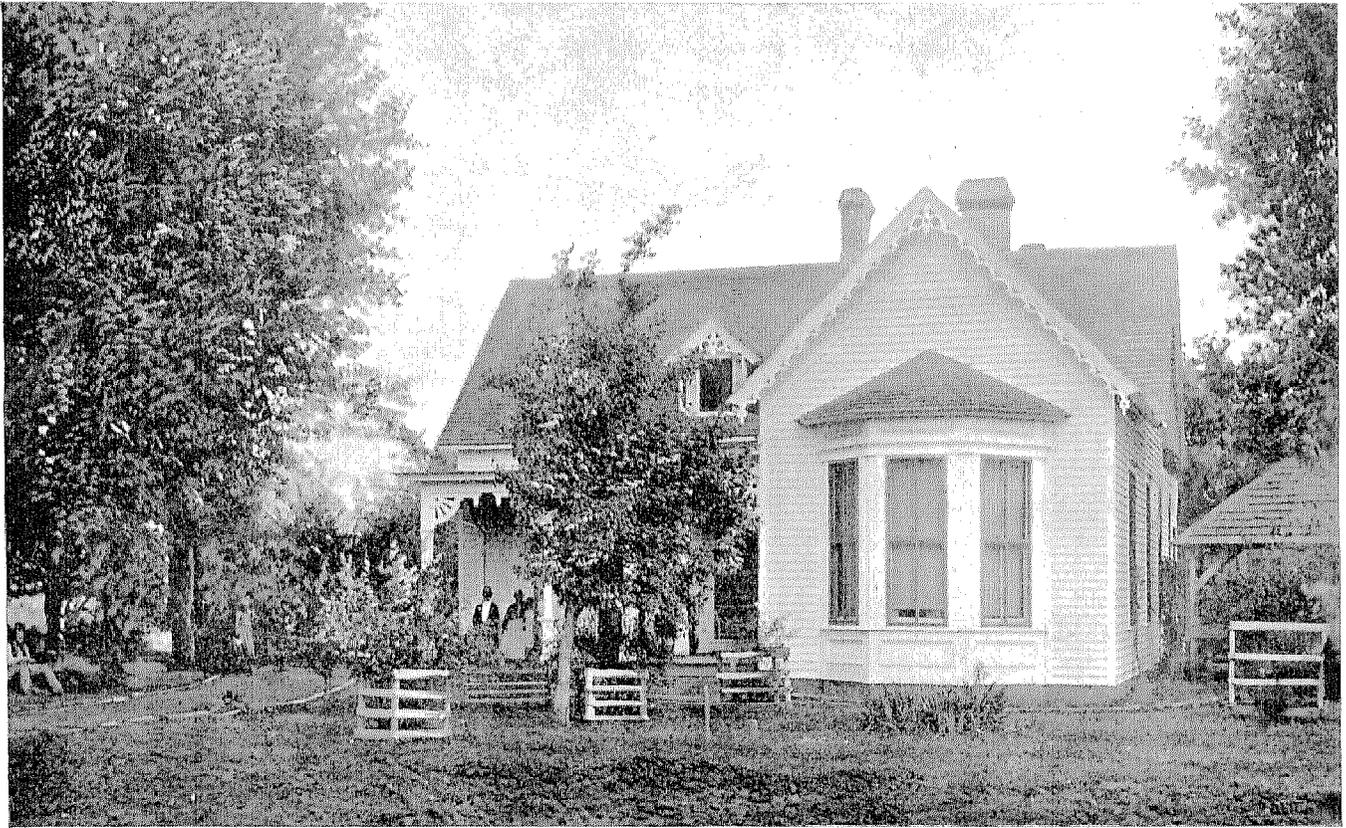
3. The employer shall pay all hired help according to the agreement. Any person or persons violating any of the provisions of these laws on the reserve shall be punished as therein provided.

4. All white men on the reserve disregarding these laws shall also be expelled from the reserve.

## ARTICLE X.

1. Whoever shall forcibly compel any woman to commit adultery, or who shall commit rape upon a woman, shall for the first offence be





Residence of Charles Journeycake, Chief of the Delaware Indians, Cherokee Nation, 1890.



ined the sum of fifty dollars and be imprisoned in jail for thirty-five days; for the second offence he shall be fined one hundred dollars and be confined three months in the national jail, and for the third offence he shall be punished as the court shall see proper.

**HISTORY.**—The following history of the Delaware Indians is written by Mr. R. C. Adams, a Delaware, of Alluwe, Indian territory:

We have no books that I know of that give any history of our people, and my only way of gaining information is from what I can learn by manuscript or diaries kept by our old people, and which are written in our own language.

The Delawares are the remains of a bold, daring, and numerous tribe, formerly of the states of Pennsylvania, Delaware, and New Jersey. When there they numbered more than 50,000 people. They called themselves Lenni Lenape, meaning true men. They began selling their lands to the Dutch as early as 1616, and to the Swedes in 1638, and to William Penn in 1682. The treaty they made with William Penn is known as the great treaty under the elm tree at Schackamaxon, which was never sworn to and never broken. From there (Pennsylvania, Delaware, and New Jersey) they moved up the Susquehanna river and over the Alleghanies, down the Monongahela to Wheeling. Then by treaty in 1789 lands were reserved to them between the Miami and Cuyahoga rivers, and on the Muskingum, Kihoga (Cuyahoga), and Upper Sandusky rivers in Ohio.

It is more than likely that the Delawares have been one of the fiercest and most warlike tribes on the American continent. When they were on the Susquehanna the Catalpa Indians overcame the Shawanees in Virginia and drove them north across the Potomac to the Delawares, where they [the Shawanees] procured the assistance of the Delawares and killed and massacred most all the Catalpas. While they were in Ohio they would go south on hunting expeditions as far as the Cherokees' hunting grounds. The Cherokees, to avenge themselves, made war against the Delawares, which lasted more than a year and resulted in a victory for the Delawares, after which the Cherokees granted them free access to a greater portion of their hunting grounds. March 8, 1772, Colonel Crawford, with a body of soldiers marched to Conondiehon, Tuscon county (Tuscaroras), Ohio, where there was a Moravian mission, in which there were about 100 Christian Delawares and Munsie Indians, surrounded them and drove them into a church, set fire to it, and burned and massacred all except one boy about 12 or 13 years old, who, in trying to crawl past a sentinel, was discovered, knocked in the head, and scalped and left for dead, but he recovered before day and made his escape to the Upper Sandusky, where he met some Delaware hunters, and one of them killed a black squirrel and put the skin on his head while it was yet warm; it grew there and he lived to be an old man. He joined Indians the following year in the massacre of Colonel Crawford, when he attempted to make another raid on the Delawares. Colonel Crawford, in 1773, was met at Upper Sandusky by a large body of braves and warriors, who in a short time killed, captured, and routed most all his men. Among those who escaped were Colonel Crawford and 7 men. They were followed by our braves, who overtook them before day and brought all of them back prisoners. They were killed one by one and tortured to death till none were left save a doctor and Colonel Crawford. A vote was cast as to what should be done with them. It was decided to spare the doctor and burn Colonel Crawford at a stake, the chief, Wingeond, telling him meanwhile that it was the will of God that he should suffer as he had caused 100 Christian Indians to do. Delawares went from Ohio to Indiana, and, in 1812, joined the Shawanees in the battle of Tippecanoe. In 1818 the Delawares ceded all their lands to the government and removed to Missouri, near the head waters of the Merrimac and White rivers, near the present Springfield. While there they joined the Tehe band of Cherokee Indians and overcame the Osages, who were on the western boundaries of Arkansas and Indian territory. In 1829 they sold their lands and made a treaty for lands in what is now Kansas, but some of the tribe did not want to go there, saying that the two rivers (Kansas and Missouri) came together near their new lands, looking too much like a white man's trousers, and there was a division in the tribe, and part of them went to Indian territory and settled with the Kiowas and Wichitas, where they now are. The Delawares have been moved from time to time and planted in the midst of new enemies. Their first occupation has always been to take up weapons in self-defense and fight for their new homes which they have bought. When they got to Kansas they had trouble with the Pawnee, Comanches, Sioux, and other tribes. They lost many people by sickness brought on by change of climate, and in the wars, contending honorably and bravely for the grounds they had passed over, fighting both the frontier settlers and other Indians who claimed the lands and in whose midst they had been thrust by the United States. So, at last, a large and powerful nation was reduced to about 1,000 when they removed to Kansas. Their war with the Pawnee and Sioux began in 1835 and lasted till 1837. They were led in most of their battles by a Delaware brave named Thomas Hill, who was also noted for his bravery in the Mexican war, in which he was made captain of a United States company of soldiers.

At one time when the Pawnees were surrounded and most all of the warriors killed or captured, 8 Pawnee warriors sought refuge under a large rock or small cave, and being well armed made it very difficult to take them, but Thomas Hill jumped off from the top of the cliff above them in their midst and killed all of them with his tomakawk. In the Mexican war Hill was out with 8 federal soldiers, when a company of Mexican soldiers charged them; he made his men to hastily erect a circular fortification or earthwork out of sand, and awaited the charge, himself staying on the outside. He killed and scalped the Mexican captain and routed the rest without losing a man. For his acts of bravery he was presented with a saddle ornamented with gold and silver by the United States officers who served with him. In the late civil war the Delawares furnished 170 soldiers to the Union cause, out of an able-bodied male population of 201. Among them was Captain Fall-leaf, who was also noted for his bravery, and who captured Captain Tom Taylor, a Cherokee Confederate captain, near Fort Gibson. In 1866 the Delawares sold their lands in Kansas to the Union Pacific Railroad Company, and bought lands and a citizenship in the Cherokee Nation. After coming to the Cherokee country, in 1867, for a number of years there was strife between the two tribes, in which a number of each were killed. But finally the trouble was settled, and now they are on peaceable and friendly terms save a legal fight which is pending before the Court of Claims for a portion of a per capita fund which was paid to the Cherokees by blood, and to which the Delawares claim to be entitled by reason of their being citizens of the Cherokee Nation. They paid the Cherokees for 160 acres of land for each individual in the Delaware tribe who had been enrolled upon a certain register made in 1867 by the Delaware agent and on file in the office of Indian affairs, at the rate of \$1 per acre, and in addition to this they paid to the Cherokees \$128,000 as their proportion to the existing Cherokee national funds, which included general funds, school funds, and all of the Cherokee interest, and they are now recognized as Cherokee citizens, and have no separate government. They are located in Coo-wee-scoo-wee and Delaware districts, and do not mix very much with the Cherokees. The Delaware children, however, go to the public schools and seminaries.

**GOVERNMENT.**—The Delawares, though they have no separate government, have a chief who serves for life and either inherits his chieftaincy or is elected by the tribe by acclamation, or by the council for some act of bravery he has done. James Connor, late principal chief, now dead, was succeeded by Charles Journeycake, who was assistant chief.

The Delawares have been receiving annually \$60 each, payable semiannually, as trust fund interest for money in the hands of the United States, but a bill has been passed to pay the Delawares \$400,000 out of the principal of the trust fund. They number in the Cherokee Nation 754, and are Cherokee citizens. There are 95 Delawares with

the Kiowas and Wichitas. Those who are in the Cherokee Nation are in much better circumstances than many of the white people in several of the adjoining states. There were in April, 1890, 236 heads of families who owned the following property, as estimated :

Total.....	\$651,693
508 buildings and improvements valued at.....	389,103
5,915 cattle, at \$14.....	82,810
1,814 horses, at \$40.....	72,560
4,448 hogs, at \$3.....	13,344
51 reapers and mowers, at \$40.....	2,040
413 plows, at \$10.....	4,130
355 wagons, at \$40.....	14,200
792 acres oats, at \$3.....	2,376
4,260 acres wheat, at \$5.....	21,300
16,610 acres corn, at \$3.....	49,830

They had 27,878 acres of land improved. In the above estimate the landed interests of the Delawares are not fully included. Among the Delawares nearly every farmer of any pretensions has an orchard. Among them we find some of the best merchants, and there are mills of various kinds owned by them in the different settlements. Their houses are for the most part well built and substantial, and their outhouses, fences, and other improvements are well taken care of. No one who has visited the Delaware settlements could fail to note that they are among the most thrifty and intelligent Indians in the entire Indian country. They send representatives to the Cherokee national council.

TRADITION—By R. C. Adams.—Many hundred years before the white man came to what is now the United States, a treaty of friendship was made with other Indian nations, and in memory of this event a wampum belt was presented to the Delaware chief, with a copper heart in the center of it. That belt was seen and acknowledged by William Penn, afterward by British generals, later by General George Washington, and from that down to about 45 years ago, 1841, by every Indian tribe in the north and east.

In presenting the belt at a grand council the Delaware chief would always hold it out and ask if any one could detect any change in the heart, whereupon it would be passed from one chief to another and from one brave to another and returned, and each chief would respond that the heart had remained unchangeable and true, although the sinews that held the wampum may have become rotten with age and had to be replaced with new ones. Although a wampum may have fallen off and thereby a figure in it been changed, yet the heart was always just the same. After exhorting for a time on the subject they would renew their bonds of friendship, smoke the pipe of peace, and depart.

From what I can learn, Captain Ketcham had this wonderful belt when he died in 1858. My informant thinks it is in the possession of the Delawares, who are now with the Kiowas and Wichitas.

WHY THE DELAWARES WENT TO CANADA.—These are notes by William Adams, an aged Delaware, father of R. C. Adams, of Alluwe, Indian territory :

While the Delawares were living in Ohio, on a certain occasion, they had a great feast, and were feasting on buffalo, deer, and bear meat. The chiefs of each clan with their war chief were there, together with the head chief, and everything going on smoothly and all enjoying themselves, when the bears' feet were passed around (which was considered a great dish, and on such occasions were given only to the chief and head men), when the chief of the Wolf clan was slighted on account of the chief of the Turkey clan, who did not think the chief of the Wolf clan came by his chieftaincy through legal inheritance, and purposely took two of the bears' feet. Then the chief of the Wolf clan being insulted, struck the other chief, and they began to fight, their war chiefs standing by to see fair play. Presently one war chief, seeing his chief under, asked the other war chief to take his chief off, when he replied: "Your chief began the fight, take him off yourself". But the war chief of the Wolf clan insisted that the other war chief should stop his chief, when he answered by burying his tomahawk in his own chief's head, saying, "Now stop your chief as I have done". But the war chief of the Wolf clan did not do so, but fled with his chief, and that night left with part of his clan for Canada. After remaining there for a few years, part of the clan returned to the tribes, but the remainder, or what there was left of them, are there to-day.

CLANS AND DANCES.—The following notes on the Delaware clans and dances were furnished by R. C. Adams, a Delaware Indian, before noted :

There were always and now are three clans with the Delawares ; each had a chief. The three clan chiefs acted the same as three judges for the whole tribe. In council the opinion of two was taken as final. The clans were always traced from the mother's side, and lived in separate villages in olden times, but now they live together. Each chief had his war chief or head warrior under him. The clans represent the "Turkey", taken from the feathery kingdom, the "Wolf", taken from the animal kingdom (or beast), and the "Turtle" from the reptile kingdom. Each clan is divided into subclans. The only use of the subclans is to keep parties from intermarrying, as one could rarely marry in his own clan, and in no case in his own subclan. There was always a principal chief called sachem, who presided over all. His office was inherited. When the sachem would die then his oldest male relative, son first, then brother or nephew, would be the sachem. And in the same manner the office of the chief of each clan was inherited.

The war dance, it will be observed, has become a social dance, and in fact most of those noted are now such. Even with this civilized Indian tribe, where a large proportion are active churchmen, and the rest of highest morality and good citizens, the survival and exercise of ancient forms and customs is most marked. Some of the dances have lost much of their ancient significance, and are merely kept up as relics or for social purposes. Indian dances are now devotional or for amusement. As a race, Indians are given to dancing.

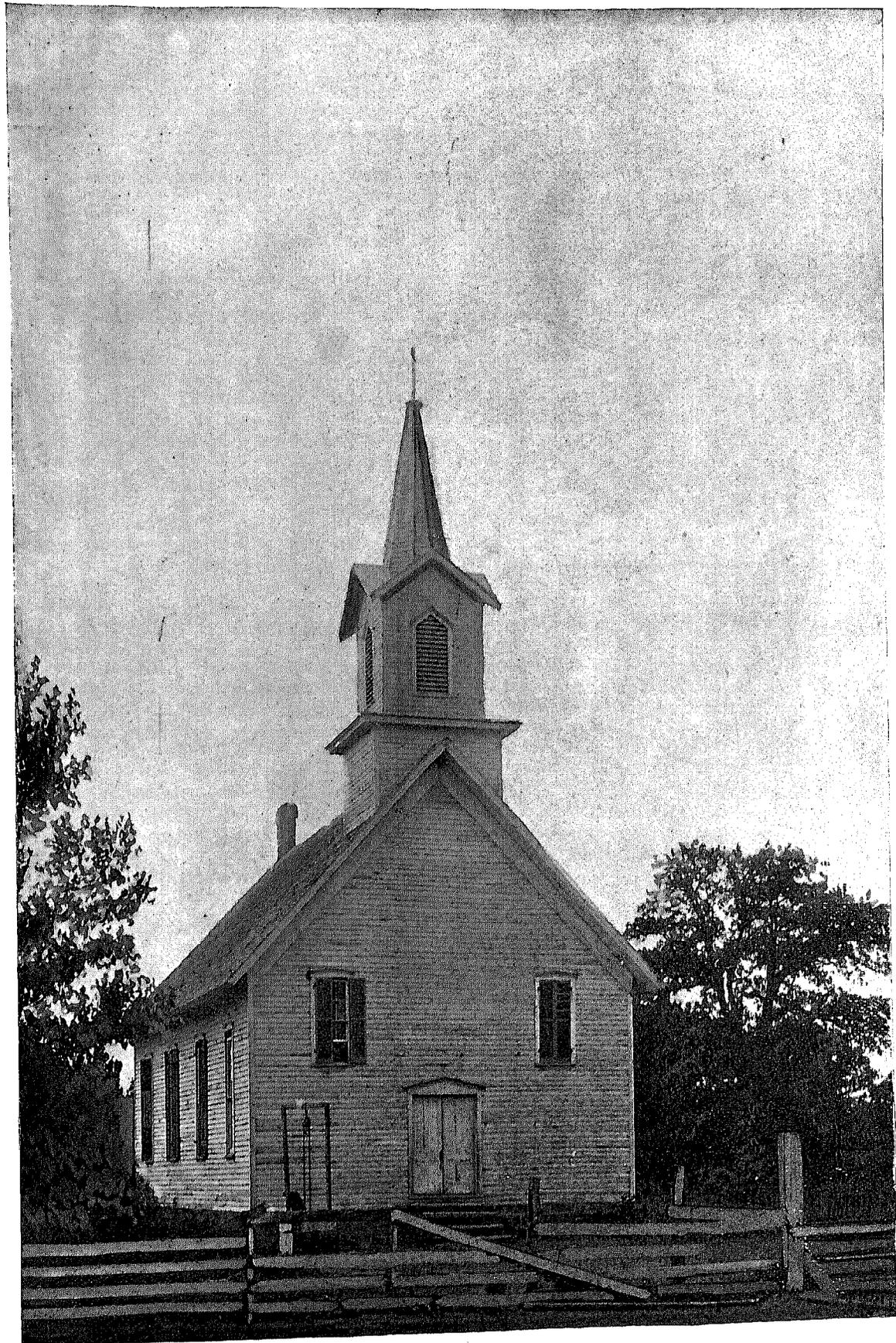
The Delawares in the Cherokee Nation have a number of dances, devotional or propitiatory in character, which are traditional and preserved mostly by reason of their tribal antiquity. Mr. Adams wrote in regard to them :

I inclose you a description of the skeleton dance, devil dance, buffalo and war dance, and the clans. I also inclose you a sketch of a



Delaware Delegates to Washington, 1867.

1. James Ketchum. 2. James Connor. 3. John Connor. 4. Charles Journeycake. 5. Isaac Journeycake. 6. John Sarcoxie, Sr. 7. John Young. 8. Charlie Armstrong.  
9. Agent Pratt. 10. Henry Tiblow. 11. Black Beaver. 12. James McDanniel, (Cherokee).



wampum belt which was used as an emblem of a treaty of peace and alliance with other nations. The Christian Indians do not join these dances. We have a little over 200 Delaware Indians who are members of the Delaware Baptist church. We have no other denomination among us. There are about 200 who believe in the old faith, and about 400 who do not belong to church, but do not worship the old way.

**THE WORSHIP DANCE OF THE DELAWARES.**—The peculiar steps which they use in this dance have caused the name "stomp" or "stamp" to be applied to it.

In regard to the stomp dances of our people, we have several kinds of dances; the most important one is the "worship dance", which is carried on in a large building called a temple, which is rectangular and ranges from 60 to 80 feet long, from 30 to 40 feet wide, and is about 10 feet high. It is built of wood with 2 doors. The main entrance is at the eastern door, and it has only a dirt floor.

On each post is carved a human face. On the center post or one in the center of the building four faces are carved; each face is painted one-half red and one-half black. All the people enter at the east and go out the same way. When they come in they pass to the right of the fire, and each of the three clans of the Delawares take seats next to the wall, the Turtle clan on the south, the Turkey on the west, and the Wolf on the north. In no case can any one pass between the center post and east door, but must go around the center post, even to go to the north side of the temple.

This dance is held once each year, in the fall, and generally in October, in the full moon, and lasts not less than 12 days for each part. The tribe is divided into three clans, and each clan has to go through the same part, so the dance is sometimes 36 days long, but sometimes the second and third clans do not dance more than 6 days each.

The Turtle clan usually lead or begin the dance. A tortoise shell, dried and beautifully polished and containing several small pebbles, is placed in the southeast corner near the door in front of the first person. If he has anything to say he takes the shell and rattles it, and an answer comes from the south side of the temple from the singers, who strike on a dried deer's hide; then the party who has the tortoise shell makes an address or talk to the people, and thanks the Great Spirit for blessings, and then proceeds to dance, going to the right and around the fire, followed by all who wish to take part, and finally coming to the center post he stops there; then all the dancers shake hands and return to their seats. Then the shell is passed to the next person, who dances or passes it on, as he chooses.

On the third day of the dance all men, both married and single, are required to keep out of the company of women for 3 days at least. They have a doorkeeper, a leader, and 2 or 3 parties who sweep the ground floor with turkey wings, and who also serve as deacons. The ashes from the fire are always taken out at the west door, and the dirt is always swept in the fire. In front of the east door outside is a high pole on which venison hangs. It is a feast dance and the deacons distribute food among the people. The officers and waiters are paid in wampum for their services.

In no case is a dog allowed to enter the temple, and no one is allowed to laugh inside it, or in any way be rude. Each person is allowed to speak and tell his dream or dreams or to give advice. It is believed by the Delawares that every one has a guardian spirit which comes in the form of some bird, animal, or other thing, at times in dreams, and tells them what to do and what will happen. The guardian spirit is sent from the Great Spirit.

Traditions say that 10 years before white men came to this country (America) a young man told his dream in the temple. This was on the Atlantic coast. He saw coming across the great waters a large canoe with pinions (wings) and containing strange people, and that in 10 years they would in fact come. He told this dream and predicted the arrival of the white men each year until they came and were seen by his people. Many of our people still keep up this dance, but the temple is not so large as it used to be, and the attendance now is not more than 100 persons. Any Indian of any tribe can also take part in the dance, but no white man can.

When the dance is over all the people go out and stand in a single line from east to west with their faces to the south. Then they kneel down and pray, and then go home. We do not know the origin of the worship dance, but the old Indians claim that the Great Spirit came many years ago and instructed it and also gave them the wampum. We, the Delawares, also have the bread dance, war dance, dole dance, buffalo dance, and human skeleton dance.

**HUMAN SKELETON DANCE.**—Given only by the Wolf clan of the Delawares. A certain dance given as a memorial to the dead was supposed to clear a way for the spirit of the deceased to the spirit land. When a member of the Wolf clan died, the flesh was stripped from the bones and buried, and the bones were dried at some private place. At the end of 12 days the skeleton would be wrapped in white buckskin and taken to a place prepared for the dance and there held up by some one. As the singers would sing the men who held the skeleton would shake it and the bones would rattle as the dancers would proceed around it. After the dance the skeleton was buried. Traditions say that in ancient times some of the head men in the Wolf clan had a dream that they must treat their dead in that way, and the custom has been handed down to them for many centuries. The other clans say the custom does not belong to them. The custom has been long dropped. There has not been a skeleton dance since 1860.

**MESSINGQ, OR SOLID FACE DANCE OR DEVIL DANCE.**—The principal leader in this dance is the messingq, an Indian, who is dressed in a bearskin robe with a wooden face, one-half red and one-half black. He has a large bearskin pouch and carries a stick in one hand and a tortoise shell rattle in the other. He is a very active person. The dance is only for amusement, and men and women join in it. A large place is cleared in the woods, and the ground is swept clean and a fire built in the center. Across the fire and inside of the ring is a long hickory pole supported at each end by wooden forks set in the ground. On the east of this pole the singers stand; on the west end is a venison or deer, which is roasted. About daylight, when the dance is nearly over, all the dancers eat of the venison. They have a dried deer hide stretched over some hickory poles, and standing around it beat on the hide and sing. The dancers proceed around the fire to the right, the women on the inside next to the fire. After the dance is under headway the messingq comes from the darkness, jumps over the dancers, and dances between the other dancers and the fire. He makes some funny and queer gestures, kicks the fire, and then departs. The messingq is never allowed to talk, but frequently he visits the people at their homes. He is a terror to little children, and when he comes to a house or tent the man of the house usually gives him a piece of tobacco, which the messingq smells and puts in his big pouch, after which he turns around and kicks back toward the giver, which means "thank you", and departs. He never thinks of climbing a fence, but jumps over it every time that one is in his way. The Devil dance is what the white men call it, but the Delawares call it the Messingq, or "solid face" dance. The messingq does not represent an evil spirit, but is always considered a peacemaker. I suppose that it is from his hideous appearance that white men call him the devil.

**BUFFALO DANCE.**—The Buffalo dance is a pleasure dance and always begins in the morning and lasts all day. The ground is made clean in a circle large enough to dance on, and in the center a fire is built and a fork driven into the ground on each side, and a pole placed across the fire east and west. On each side of the fire is a large brass kettle hanging across the pole with hominy in it, and when the dance is nearly over the dancers eat the hominy, dipping their hands in the kettle. The singers are outside of the ring and beat on a dried deer hide stretched

over poles. They do not use the same step in the dance, but gallop like buffaloes and bellow like them, also have horns on their heads, and occasionally hook at each other. The dance is usually given before starting on a chase.

*WAR DANCE.*—The war dance is always given in the daytime, usually before starting on a war party, and often in times of peace. It is a very beautiful dance, for all the warriors appear in full war gear with paint, feathers, some with horns on, and their weapons on their persons and in their hands. In time of war a scalp is placed on a pole and the dance is around the pole. The singers are outside of the circle and beat a quicker time than for other dances and sing their war songs, which are answered by the braves with approvals and war whoops. They seem to move with great caution and care, with very wild expressions in their eyes, and looking and watching as if expecting an approach of the enemy at any moment. Then they will make sudden springs to the right or left, or backwards, or forwards, strike at an invisible foe or dodge an imaginary blow, and suddenly, as if the foe were conquered, resume a slow and cautious march, all the while going around the pole. The action of the dancers is commanded by the war song, for they act out what they sing. In time of peace, instead of a pole with scalps on it, a fire is built in the center and the dance is the same.

#### SHAWNEES WITH THE CHEROKEE NATION.

On June 7, 1869, the Shawnee tribe of Kansas became incorporated into the Cherokee Nation in Indian territory by an agreement which was approved by the President June 9, 1869, and which contained this clause:

*That the said Shawnees shall be incorporated into and ever after remain a part of the Cherokee Nation, on equal terms in every respect, and with all the privileges and immunities of native citizens of said Cherokee Nation.*

The Shawnees in the Cherokee Nation live generally in close neighborhood and preserve their language and customs. They vote at elections and participate in all the affairs of the Cherokee Nation on equal terms with other citizens. In 1890 they numbered 694.