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Occupying the Cherokee Country of Oklahoma

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Leslie Hewes

Occupying the
Cherokee Country
of Oklahoma

new series no. 57

University of Nebraska Studies

1978

Occupying the Cherokee Country of Oklahoma



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Occupying the Cherokee Country of Oklahoma

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Contents

List of Tables	vii
List of Figures	ix
1. Introduction	1
2. Cherokees in the New Land, Pre-Civil War	9
3. Cherokee Country Rebuilt and Extended	33
4. Cherokee Country at Allotment	47
5. Conclusion	57
Notes	64
Acknowledgments	76

List of Tables

- | | |
|---|----|
| 1. Summary of Cherokee Census of 1835 | 6 |
| 2. Population, Cherokee Nation, 1880 | 39 |
| 3. Agriculture in Cherokee Nation, 1880 | 43 |

List of Figures

1. Cherokee Land Cessions in the Southeast	3
2. Home of Sequoyah	11
3. Cherokee Nation as Allotted and Indian Territory	12
4. Physical Divisions of Cherokee Country and Political Divisions of 1850	13
5. Vegetation, Railroads, and Towns of the Cherokee Nation	14
6. Open woods in southern Adair County	15
7. Basin Valley of Upper Sallisaw Creek	16
8. Little Lees Creek	17
9. Sycamore Spring in Delaware District	20
10. Political Districts, 1895	40
11. Surveyors' Map part of Cowskin Prairie and Woods to the South	51
12. Pre-allotment map of Vinita Area	58
13. Vinita area after allotment	59
14. Indians in Stilwell	60
15. Field of Full Blood on Jenkins Creek	61
16. Cherry Tree (Full-blood) Baptist Church	61
17. Cherokee capitol, now Cherokee County Courthouse	62

1. Introduction

“CITIZENSHIP IN THIS NATION, as you know, does not mean the possession of civil rights merely—as it does outside Indian Territory. The right of citizenship in this Nation means . . . the right to erect residences and make farms on land bought and paid for by the Nation. . . . It means the right to materials and benefits which elsewhere must be purchased by the citizen himself.” So spoke D. W. Bushyhead, Principal Chief of the Cherokee Nation, at Tahlequah, Indian Territory, the Cherokee capital, in 1883. He added that all citizens and their posterity expected to enjoy these benefits without limitation “except that all share equally, and that no transfer of the common right shall be made without the common consent.”¹

He was expressing the aboriginal American communism which more than anything else distinguished the occupance, or human geography, of the Five Civilized Tribes from that of other parts of the American frontier. The new land had been acquired in exchange for eastern land, and the Cherokee government and schools were supported primarily from the proceeds of land, east and west, disposed of to the federal government and to other Indians.

The thesis of this study is the making of a portion of Oklahoma, the Cherokee country, under Cherokee control. Cherokee culture, although markedly changed by contacts with whites, was distinguished by a basic attitude toward the land—that it belonged to all members of the tribe. The rights of all Cherokees in the resources of the land were recognized in laws adopted even before the Cherokees came west. Although outside forces and events were important, the distinctiveness of the Cherokee country on the American frontier resulted primarily from the aboriginal attitude toward the land. Cherokee customs and laws were fundamental in shaping the new land.

The Cherokees came to what is now Oklahoma from the South-

east, the earlier arrivals after some years in Arkansas, the main body and late arrivals directly from their old homeland. The movement began as early as about 1792 and continued late into the 1800's. The largest number, traveling the well-reported Trail of Tears, arrived in Oklahoma in 1839 under forced removal. They were preceded by the Old Settlers, or Cherokees West, who crossed from Arkansas in 1828, and the Ridge, or Treaty, party, who came west immediately after the land cession of 1835. Others had lived elsewhere, including eastern Texas.²

CHEROKEES IN THE SOUTHEAST

The tribe was one of the largest on the English, later American, frontier. Contemporary estimates and counts from 1709 to 1835 ran between 10,000 and 20,000; later estimates placed the population at 22,000 before important European contact.³

The land occupied at least from the time of DeSoto (1540) embraced an area of somewhat varying extent in and about the southern Appalachians, centering most of the time in what is now southeastern Tennessee and westernmost North Carolina, but including areas in South Carolina, Georgia, and Alabama. Many maps and contemporary accounts record long occupancy of the area, with moderate changes in the outer limits of Cherokee towns.⁴ Bartram's account of 1776 identified quite precisely the Cherokee homeland before the retreat southwest during and after the Revolutionary War. The last area ceded, in 1835, continued to be the home of most Cherokees until 1838, although by that time overrun by whites, especially in Georgia (Fig. 1).

The land in which the Cherokees resided was mainly hilly, partly mountainous, a well-watered, largely wooded country. Naturalist Bartram reported that it contained dense forests, grassy open forests, "savannah," "grassy vales," and "meadows." The openness, it was claimed, was partly man-made.⁵

Cherokee economy at the time of white contact has been summarized thus: "The Cherokee subsistence pattern was one of mixed hunting, fishing, gathering, and agriculture." Slash-and-burn agriculture was basic; and from early in the 1700's trading, especially of pelts and furs, was important. Although there was much scattering of fields resulting from the scarcity of large level tracts, there were a good many bodies of cropland several miles in length.⁶

The basic settlement form was the town or village. In fact, population was ordinarily reported by towns, numbered from thirty-two

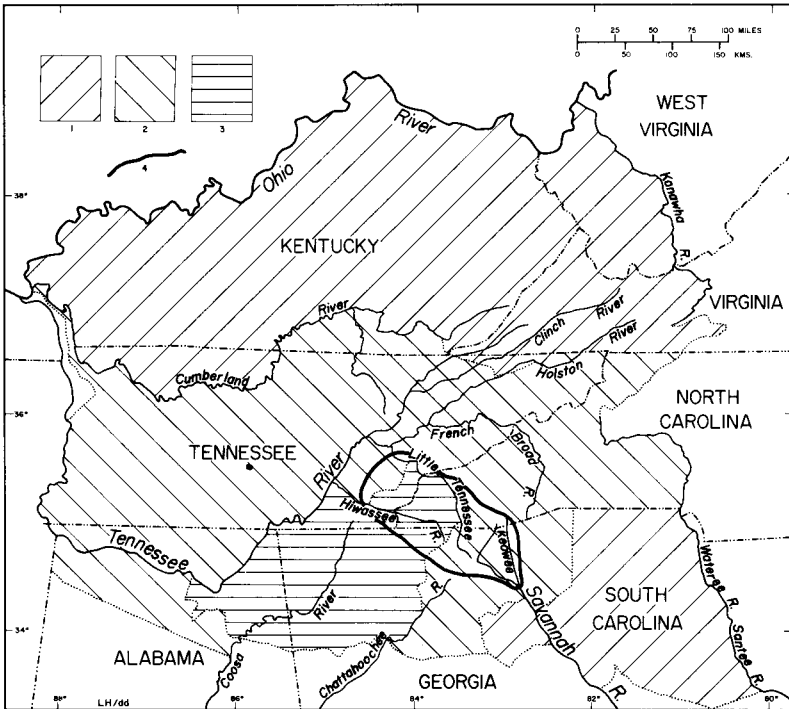


Fig. 1.—Cherokee land sessions in the Southeast (1, before 1776; 2, to 1820; 3, in 1836) based on Royce. The heavy line, 4, outlines the area occupied in 1776, according to Bartram, *Travels*. The Cherokees at the time of removal, 1838, were living in the area ceded in 1836. Map adapted, with permission, from the *Geographical Review*, Vol. 32 (1942).

to sixty-four. Bartram in 1776 gave a “list of the town and villages in the Cherokee nation inhabited at this day,” totaling forty-three. The villages varied in compactness and size. The eight on the Little Tennessee River mapped by Timberlake in 1762 ranged from about sixty to six hundred inhabitants. Bartram noted villages of up to five hundred.⁷

The Cherokees, like other Indians of the Southeast, emphasized corn as their main crop. Adair distinguished “three sorts” of corn. Other mainstays were at least two kinds of beans, squash, and pumpkins. Some tobacco was grown. James Adair, in describing Cherokee agriculture from four decades of observation that began in 1736, noted both garden plots and larger outfields and group

planting of individual fields. Although there was some variation in harvesting practices, agriculture was still largely a community enterprise when American federal and state governments replaced agents of the British crown as the chief outside political influences affecting the Cherokees.⁸

By that time some changes in Cherokee farming had taken place. Hatchets and hoes of iron were in use, and new crops, including peaches, pears, plums, melons, potatoes, and cabbages, were grown. Horses, commonly tethered when not in use, were appreciated. Some hogs were kept but few cattle because of lack of fencing. The plow was not in common use although it had been introduced.⁹ Instead of agriculture's being mainly women's work, by the time of the American Revolution even war chiefs worked at planting. Shortly (1789) it was said that "not one-third as many females as males are seen at work in their plantations" during the growing season.¹⁰

Bloody Fellow, claiming to speak for his people, is reported to have told the United States Secretary of War in 1791 or 1792: "The treaty [of Holston, 1791] mentions ploughs, hoes, cattle and other things for a farm; this is what we want; game is going away among us. We must plant corn and raise cattle, and we desire you to assist us."¹¹ A period of peace for the Cherokees, in contrast to the pillage and destruction of their villages and crops from 1761 to 1794, permitted many changes to be made quite rapidly beginning about 1800.¹²

The census of 1809 showed that the 12,357 Cherokees in the East had 480 to 500 plows, 13 gristmills, and 30 wagons; 19,600 cattle, 9,400 hogs, and 1,037 sheep; 1,500 spinningwheels and 467 looms. They were reported as owning 583 (or 538) slaves, and 341 whites lived among them. According to the *Cherokee Phoenix*, the census begun in 1824 showed a population of about 15,000, 1,000 slaves, 22,400 cattle, 7,600 horses, 40,000 swine, 3,000 sheep, 2,450 plows, 120 wagons, 20 gristmills, 6 cotton gins, 12 sawmills, 55 blacksmith shops, 10 ferries, 1 turnpike, 6 public roads, 1,850 spinningwheels, and 700 looms.¹³ Here is statistical evidence that the Cherokees had an economy much like that of white frontiersmen.

By the 1820's, most Cherokees were living on separate farms rather than in villages. As early as 1818 a missionary from Brainerd, near present-day Chattanooga, in country into which the Cherokees had moved while the American Revolution was in progress, generalized: "The people do not live in villages, but scattered

over the country from 2 to 10 miles apart." In 1819 or 1820 the claim was made, with partial explanation:

At present only that portion of the Cherokee nation, which is confessedly the most indigent and degraded continues to live in towns. The greater and more respectable part live on their plantations and thus acquire the habits of industry and sobriety, which are uniformly counteracted by their congregation together. Hence it has become a principle of sound government of the United States, to employ all its influence to wean them from that habit, and to encourage the plantation system.¹⁴

The long house, up to seventy feet in length, had been reduced in size and, apparently, somewhat slowly transformed. Not surprisingly, the log cabin had become the usual house. Worcester, after four years' residence and wide travel, described housing thus:

The houses of the Cherokees are of all sorts, from an elegant painted or brick mansion, down to a very mean cabin. If we speak of the mass of the people, they live in comfortable log houses, generally one story high, but frequently two; sometimes of hewn logs and sometimes unhewn; commonly with a wooden chimney.¹⁵

The fundamental change in settlement type was reflected in a law passed on November 12, 1824: "Resolved by the National Committee and Council, that no person or persons whatsoever, shall be permitted to settle and make improvements within the distance of one-fourth mile of the field or plantation of another, without the consent or approbation of such resident person, under the penalty of forfeiting the whole of their labor for the benefit of the original resident."

Also, fence laws for the protection of crops were adopted promptly. A fence five feet high was declared lawful, apparently, against cattle and horses; and another two and one-half feet high with no more than four inches between rails for hogs.

About this time, a town plan, including a public square, was drawn up for New Echota, the new capital, located in northern Georgia.¹⁶

Although the Indian was becoming much like the white man, the relation of the Cherokee to the land continued to be diametrically opposite to that of the white frontiersman. Long-established tradition was reaffirmed in the constitution adopted in July 26, 1827, which provided that all lands were common property; only the improvements made on the land were private property; and the legislature was empowered "to prevent the citizens from monopolizing improvements with the view to speculation."¹⁷

Although citizens of the United States might acquire the rights to use land and to carry on business as Cherokee citizens through

intermarriage, the Cherokee laws strictly limited the activities of United States citizens. Especially important were provisions forbidding Cherokees to use United States citizens to farm for them; and limiting teachers, smiths, manufacturers, mechanics, etc., admitted by permit, to cultivate only twelve acres for support of themselves and families.¹⁸

Thomas L. M'Kenney, who had been superintendent of the government trade with the Indians and Chief of Indian affairs, included a letter of a Cherokee preacher in his memoirs. This rather rosy account of 1824 called attention to a diversified agriculture that engaged the chief attention of the people. Included in that agriculture were livestock, corn, cotton, tobacco, wheat, oats, indigo, sweet and Irish potatoes, gardens, and apple and peach orchards. "The natives," it was claimed, "carry on considerable trade with the adjoining States; and some of them export cotton in boats down the Tennessee, to the Mississippi, and down that river to New Orleans." He spoke of "flourishing villages," the manufacturing of cotton and wool, and reported that nearly all merchants were native Cherokees. The population had shown substantial growth. However, a much more adverse judgment of conditions was recorded a few years later—that the full bloods, constituting nineteen-twentieths of the population, lived very poorly.¹⁹ Even if greatly exaggerated, these reports show a to-be-expected variation in economic condition.

The census of 1835 provides the last quantitative measure of the main body of the Cherokees in the East.²⁰ It shows that most Cherokees were living to the south and west of territory occupied at the beginning of the Revolutionary War (Table 1). The character

TABLE 1
SUMMARY OF CHEROKEE CENSUS OF 1835

States	Indians	Slaves	Intermarried Whites	Farms	Acres Cultivated	Bushels of Corn
Alabama	1,424	299	32	259	7,252	88,776
Georgia	8,946	776	68	1,735	19,216	267,644
North Carolina	3,644	37	22	714	974	78,392
Tennessee	2,528	480	79	412	10,692	129,179
Totals	16,542	1,592	201	3,120	38,134	563,991

SOURCES: Microfilm of Manuscript Census, Western History Collection, University of Oklahoma, and Malone, *Cherokees of Old South*, p. 118.

of the population reported makes contemporary claims that half or more of the Cherokees were of mixed blood seem highly unreasonable. A vast majority of the families were classed as full bloods. The count showed: full-blood families, 2,097; half-blood, 401; fourth-blood, 346; mixed Negro, 17; mixed Catawba, 9; and mixed Spanish, 2; in addition, a considerable number of families were not classified by the enumerators. Practically all of the Negro slaves were held by mixed-blood Cherokees and intermarried whites.²¹

According to Henry T. Malone, 2,495 out of 2,668 families had at least one farm, leaving only 173 not in farming. A total of 362 had more than one farm, of whom 224 had two, 77 had three, 33 had four, 17 had five, 8 had six, 1 had seven, 1 had nine, and 1 had thirteen.²² It would appear that a few dozen Cherokees were following the example of the white man in trying to "get ahead."

An extensive sampling of the 1835 census, using the first and subsequently fourth, eighth, twelfth, etc., enumeration pages, gave the following totals of acreage cultivated per family: none, 59 families; 1-9 acres, 349; 10-19 acres, 157; 20-59 acres, 101; 60-99 acres, 17; 100-199 acres, 10; 200 and more, 6. The number of slaveholding families by acreage cultivated was: zero, none; 1-9 acres, 3; 10-19 acres, 8; 20-59 acres, 7; 60-99 acres, 9; 100-199 acres, 8; 200 acres or more, 4. In the 60 acres or more categories, slaveholding families were in the majority; however, the largest cultivator, of 351 acres, had no slaves.²³ Draft animals and plows would not have been necessary for the scale of farming carried on by perhaps half of the families. Probably the date of the census prevented the results from being a fair test of Cherokee farming; nevertheless, at least 202 families, nearly 30 per cent of the sample, were reported as selling corn (producing a surplus); in ten cases over 1,000 bushels, up to 6,000. Probably many had been forced off larger farms by invading whites. This assumption is given credence by the fact that in Georgia, especially overrun by whites, 237 of 369 families in the sample were cultivating fewer than 10 acres.

The imposition of the laws of the states within whose boundaries the Cherokees found themselves and the invasion of white settlers, contrary to federal treaties with the Cherokees, resulted in a breakdown of Cherokee government and chaotic conditions highly unfavorable to a peaceful society. The hopelessness of the situation may well have provided the motivation for the final land cession, agreed to by an unrepresentative, minority faction of the Cherokees.²⁴ The removal of the main body of Cherokees followed in 1838.

2. Cherokees in the New Land, Pre-Civil War

LIFE IN THE NEW LAND in what is now Oklahoma was a new beginning for the Cherokees whether they arrived by traveling a few miles from neighboring Arkansas, came from East Texas, journeyed at various times at their choice from the Southeast, or followed the Trail of Tears at forced removal in the winter of 1838–39. Many, especially among the large body who arrived in 1839, lost nearly all of their belongings. “Fortunate were those able to bring with them some of their cherished household possessions.” Another authority gave the opinion that “this removal turned the Cherokees back in the calendar of progress and civilization at least a quarter of a century.”¹

Cherokee culture introduced into the new land, as in the old, was a mixture of aboriginal and white elements. This was as true of the Cherokees West, or Old Settler, group, already resident when the major immigration occurred in 1838–39, as of those who had remained tenaciously in the Southeast. Accounts of the Cherokees in Arkansas prior to their going to Oklahoma in 1828, despite the reported propensity of that group for hunting, reveal an economy and settlement pattern much like those of their brothers still in the East.² Although social considerations and preference for valley lands favored fairly close settlement, loosely grouped scattered farms were the rule. For example: “On this creek [the Illinois River, a tributary of the Arkansas] are Cherokees in a continuous settlement from the mouth upward to a distance of twenty or five and twenty miles. The whole is known as Ta-kau-to-caugh’s village, because here the influence of this chief is the greatest and his village, properly so-called on this creek and included in this settlement.” The village proper consisted of “no more than five or six cabins.”³

The western group, like the eastern, had a system of laws. In the West, as in the East, death was decreed for the unauthorized selling of land; in both a light-horse company for maintaining order was

established early; in both, burning of the woods was prohibited in the months of January and February; in both, legal fence was defined specifically (nine rails high in the West); the introduction of liquor to the government center was prohibited both East and West.⁴ There were fewer laws in the West, especially those regulating conduct with United States citizens, suggesting a less complicated society.

The earlier Cherokee residents in the new land were well established when the main body of migrants arrived early in 1839. Those already in the area had the advantages of time and of not having lost most of their possessions in a forced removal. The Cherokees already in what is now Oklahoma were estimated at about 8,000, with about 1,000 to 1,100 farms. The farms were said to produce corn, oats, potatoes of both kinds, beans, peas, pumpkins, and melons. The Indian agent wrote also: "The great profit of the Cherokee farmer is his corn, his horses, his cattle, and his hogs," and "there are no Cherokees who follow the chase, for a living." There were several native traders, one of whom owned a steamboat plying between New Orleans and the Cherokee Nation.⁵ Such a group could help supply the later arrivals and in some cases disposed of their improvements to them.⁶

The earlier settlers were widely distributed, but most were concentrated in the wooded Ozarkian section, especially in the south, near the Arkansas waterway and their former homes in Arkansas. Among them was Sequoyah, inventor of the Cherokee syllabary, who lived in a modest log cabin (Fig. 2). The three public schools operating in 1833 were in the south; the polling places were all to the south of the site later selected for Tahlequah; and the four missions of the American Board of Commissioners for Foreign Missions were located in the southern half of the chiefly wooded section of the Nation.⁷ However, there, as well as to the north, there was room for newcomers.

THE NEW LAND

The new land west of Arkansas received by the Cherokees in exchange for their eastern homeland and the land held briefly in Arkansas was a spacious domain of some 20,000 square miles, an area more than one-third the size of the state of Georgia. The Cherokees gradually occupied about the eastern one-third of their new territory, land that was eventually allotted to them (Fig. 3). This essay is concerned primarily with how Cherokees and others



Fig. 2.—Home of Sequoyah, inventor of the Cherokee syllabary, constructed about 1830, in district later renamed Sequoyah. In 1936 workmen enclosed it as a monument.

under Cherokee authority established themselves in this part of Oklahoma before allotment.⁸ Some two-thirds of their territory was never occupied effectively by the Cherokees, but was sold piecemeal between the Civil War and 1891. Included were a large block in southeastern Kansas and a narrow strip along the southern border of that state (the Neutral Lands and the Strip), land sold to the Osages, and a broad belt west of the 96th meridian, known as the Cherokee Outlet but often erroneously referred to as the Strip, which had been intended to serve as an outlet to the buffalo plains.⁹

The Cherokee country actually occupied consisted of two nearly equal parts, Ozarks and Prairie Plains.¹⁰ The Grand, or Neosho, River, continued southward by the Arkansas, forms a convenient approximate division (Fig. 4). The country east of the Grand was primarily wooded, whereas the plains to the west were mainly prairie (Fig. 5).

The United States surveyors in the late 1890's, in their field notes, described the country in detail along all the section lines that they were establishing. Township plats were drawn from the field notes, and a general map of vegetation was drawn from both sources. Although there are numerous discrepancies between field notes and plats and between plats and the summary map of vegeta-

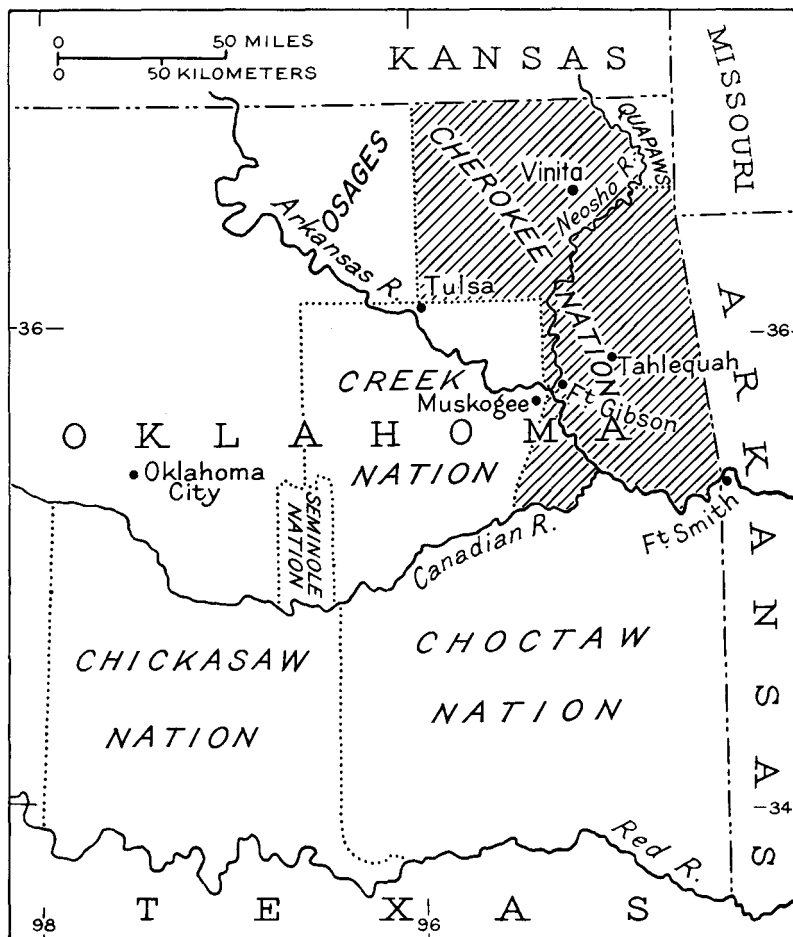


Fig. 3.—The Cherokee Nation as allotted. This was the only area in Oklahoma effectively occupied by the Cherokees. Map adapted with permission from the *Geographical Review*, Vol. 32 (1942). Lands of Five Civilized Tribes as reduced after the Civil War.

tion, the last is judged an acceptable generalization.¹¹ The distribution of vegetation in the Ozarkian area had a much more detailed pattern than mapped. It should be added that the accounts of early travelers, although the descriptions were rarely precise, tend to confirm the general distribution of prairie as mapped.

The eastern area was largely an oak-hickory woodland with occasional stands of pine. Much of the woodland was quite open and

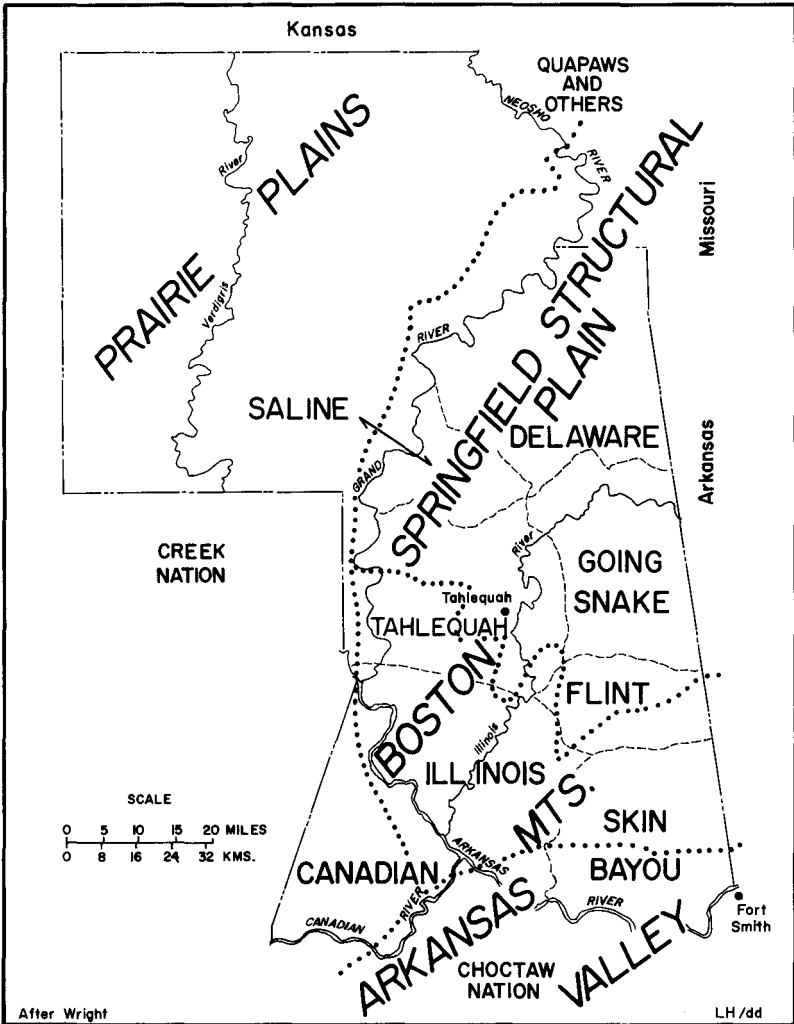


Fig. 4.—Physical divisions of the Cherokee country and political divisions of 1850. Political divisions after Muriel H. Wright, Oklahoma Historical Society.

grassy (Fig. 6). As late as 1874, the entire country of the Five Civilized Tribes was called a vast pasture.¹² Cherokees born about the time of the Civil War gave lucid accounts of open woods, in a number of cases in conversations with the author in the 1930's recalling the cutting of bluestem prairie grass in the woods with

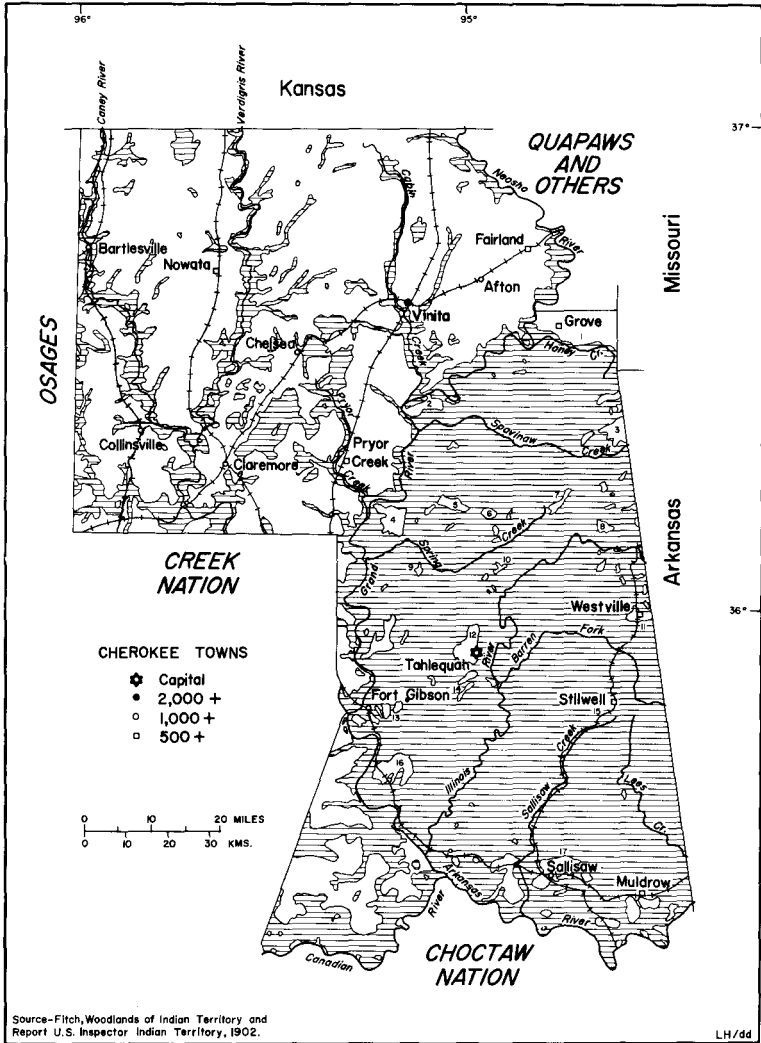


Fig. 5.—Vegetation, railroads, and towns of the Cherokee Nation. The shaded areas were wooded. Railroads are those shown by Fitch, 1899, plus railroad through Collinsville added in 1900 (Rand McNally archives). The towns are the larger ones reported in 1902. Numbers identify selected prairies: 1. Cowskin, 2. Lynch, 3. Beattie, 4. Markham, 5. Rose, 6. Elm (Ulm), 7. Long, 8. Mosely, 9. Peggs, 10. Lowry, 11. Alberty (Westville), 12. Tahlequah, 13. Menard, 14. Park Hill, 15. Zion, 16. Braggs, and 17. Wild Horse (Sallisaw).



Fig. 6.—Open woods in southern Adair County. Scene is representative of condition described as general earlier.

mowing machines. There may have been less replacement of grassland by woods than in the Missouri and Arkansas Ozarks, where notable changes took place.¹³

APPRAISAL OF THE NEW LAND

The Ozarkian portion of the new Cherokee land was much like the old. Both were largely wooded hill country, with many streams and springs and with grass in both open woods and small prairies. Both had game, but the buffalo had retreated from them. In both, small tracts of potential cropland were more common than extensive areas. The forest in the new land was generally less luxuriant than in the old, and damaging drought was fairly frequent; the grassland west of the Grand River had no counterpart in the East. Other assets included salt wells and salt springs, especially near the Arkansas and Grand rivers.¹⁴ Probably with the varied known resources in mind, an early acting Indian superintendent concluded that “the country is inferior to none west of the Mississippi.” His judgment was repeated by others familiar with the country.¹⁵ Among those lauding the land were some who should have been both disinterested and competent to judge, among them a missionary, who, after several years among the Choctaws, in 1844

traveled from Fort Smith, Arkansas, to Fairfield Mission, on Sallisaw Creek, in what is now Adair County. He wrote, "Our course of travel was . . . through a country much more fertile and productive, and better supplied with timber than any we had previously seen in the south-west."¹⁶ Although the Arkansas was navigable seasonally for steamboats to Fort Gibson (two miles up the Grand) and keelboats and flatboats were used on the Grand, accessibility was probably less than in the older homeland. The remoteness from hordes of white settlers was a major asset. The earliest unfavorable appraisal included in the reports of the Commissioner of Indian Affairs seems to be one of 1869: three-fifths was rocky and suited only for pasture and timber.¹⁷

Settlement indicative of Appraisal.

The Cherokees did not avoid the rocky, timbered Ozarks. Cherokee citizens were entitled to occupy and use any part of the national domain. They were free to pick and choose and to move to a new locality if not satisfied. A country that combined small bodies of productive soil, extensive open woods, and small prairies with abundant sources of water was not a poor country. Sites combining



Fig. 7.—Basin valley of upper Sallisaw Creek in old Flint District, still largely occupied by mixed-blood Cherokees in 1935. Outliers of Boston Mountains in background. Photograph reproduced courtesy of *Economic Geography*, Vol. 18 (1942).

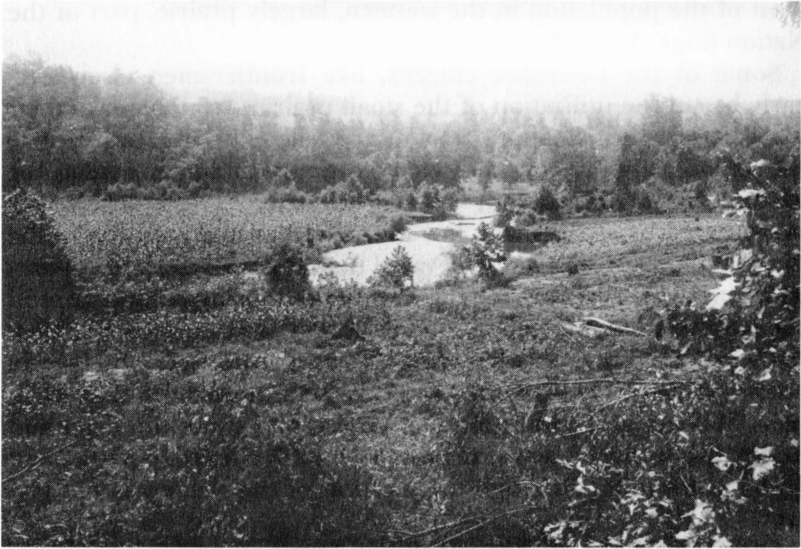


Fig. 8.—Little Lee's Creek in old Flint District in Boston Mountain area. In 1935 it was still occupied by full-blood Cherokees. Photograph reproduced courtesy of *Economic Geography*, Vol. 18 (1942).

these assets were commonly those occupied by the full bloods, long the most numerous group.¹⁸ Valleys were usually preferred (Figs. 7 and 8). Stream-side farming localities were noted for the earliest Cherokee settlers: Lees Creek, Skin Bayou, Sallisaw Creek, Illinois River, both sides of the Arkansas above the mouth of the Canadian, and Grand River.¹⁹

Most of the newcomers, anxious to end the misery of the march of the Trail of Tears and probably attracted by the advantages of being close to points of disbursement of rations by the contractors and to established centers in Arkansas, settled in especially large numbers near the eastern boundary. Three districts on the border, Delaware, Going Snake, and Flint, were for some years the most populous in the Cherokee Nation (Fig. 4). Legislation passed in 1841 provided for two public schools in each of these districts, with one each for the others; in 1843 these were the only districts entitled to three schools, increased to four common schools each for these districts in 1845. The vote for principal chief by districts in 1847 was Delaware, 963; Going Snake, 638; Flint, 529; Tahlequah, 507; Skin Bayou, 448; Saline, 345; Illinois, 324; and Canadian, 93, for a total of 3,847.²⁰ Only in thinly peopled Canadian District was

most of the population in the western, largely prairie, part of the Nation (Figs. 4 and 5).

Some of the Cherokee citizens, like frontiersmen elsewhere, early began the utilization of the small prairies from bases at their wooded margins. Beattie's (variously spelled) Prairie, adjacent to the Arkansas boundary, known to old-timers at a later date as the garden spot of the Nation, was such an area: "The Prairie seems surrounded by settlers who live in the timber and cultivate in the Prairie. The Prairie is more elevated than the surrounding country which perhaps accounts for the numberless springs found around the edge of it, as if to supply the settlers, at places most convenient to them." The observer who wrote this, an army officer who made a considerable traverse of the Ozarkian area, noted also that white men, William and James H. Thompson, had three hundred and nearly two hundred acres, respectively, under fence, perhaps half under cultivation, although the location of the fields was not given.²¹

Other Cherokee citizens established farms on prairie sites in the Ozarkian part. Prominent men who did so included John and Lewis Ross (the principal chief and his brother) on Park Hill Prairie, Joseph M. Lynch on the north edge of Lynch's Prairie, and Samuel Mayes, Sr., on Mayes Prairie, in Flint District.²² Perhaps it is significant that the prairies named were well situated: Beattie's and Mayes prairies to Arkansas, Park Hill Prairie to Tahlequah, the capital, and Lynch's Prairie to Grand River (Fig. 5). Long-time residents, however, commonly agree that settlement in most prairies in the eastern half of the Nation lagged behind that of adjacent wooded land. The Cherokees left familiar country reluctantly.

While the Ozarkian area was moderately settled, the prairies to the west of the Grand and the Arkansas held few Cherokees even at the beginning of the Civil War. The newly established Methodist circuit in 1848 reported only 17 (Webbers Falls, in Canadian District) there of a membership of 1,482 in the Nation; in 1851, the Canadian circuit was credited with 25, and Verdigris with 42 in a total of 1,781 in the Southern Methodist circuits; in the following year the counts were Canadian, 74, and Big Bend and Verdigris, 34, of a total of 1,885. The only public schools in the Cherokee Nation in a total of twenty one in 1858 that could be identified as located to the west were Mount Claremont (near present Claremore) and Canadian River. Similarly, of the thirteen post offices established prior to 1860, only Webbers Falls (Canadian District)

and Verdigris were situated west of the Arkansas and the Grand.²³ Webbers Falls was an old boat landing on the Arkansas. The settlement along the Verdigris represented a distant outpost of Cherokee settlement on the Prairie Plains, and even there a substantial amount of timber was found. Cooweescoowee, the largest prairie district, was created in 1856 from Saline District (Figs. 5 and 10). Its first courthouse, 1856–67, was located on Bird Creek, in the eastern part of land later sold to the Osages.²⁴ Bird Creek was well beyond schools and post offices and perhaps missionaries. In 1858 the Cherokee Indian agent reported that many Cherokees were settling on the frontier for the purpose of utilizing the open range.²⁵ Although settlement must have preceded missionary activity, schools, post offices, and political organization by a few years, the western, largely prairie, part of the Cherokee country lagged well behind the mainly wooded eastern portion.

MODE OF SETTLEMENT

Ethan Allen Hitchcock, a few years after the arrival of the main body of migrants, writing about Cherokee settlement near the Arkansas border, said that they had “their own farming improvements as well established as their neighbors.” Also, he noted, “the Cherokees are scattered in isolated families in all parts of the nation,” and “there are no villages strictly speaking but settlements more or less densely populated occupying favorable positions embracing a circle of many miles under various names, Grand Saline, Beatty’s Prairie, Sallisaw etc.” About the same time the touring missionary Henry C. Benson identified the Fairfield Mission (along the Sallisaw) and the capital, Tahlequah, as situated in populous localities, in contrast to occasional farms seen en route from Fort Smith to Fairfield. Another churchman, Harris, spoke of scanty population as common, with farms “usually within 5 miles of each other.”²⁶

When one considers both the tradition of co-operation and the need for it in the poverty of equipment brought with them, it is reasonable to assume that full bloods, at least, gave permission to friends and relatives to live in proximity. Clustering about large springs may be assumed from the start (Fig. 9).

The usual house in the Cherokee country was made of logs. The Cherokee agent in 1843 said: “They generally live in double cabins and have about them the utensils and conveniences of such habitations.” After extensive observation, Hitchcock added confirmation

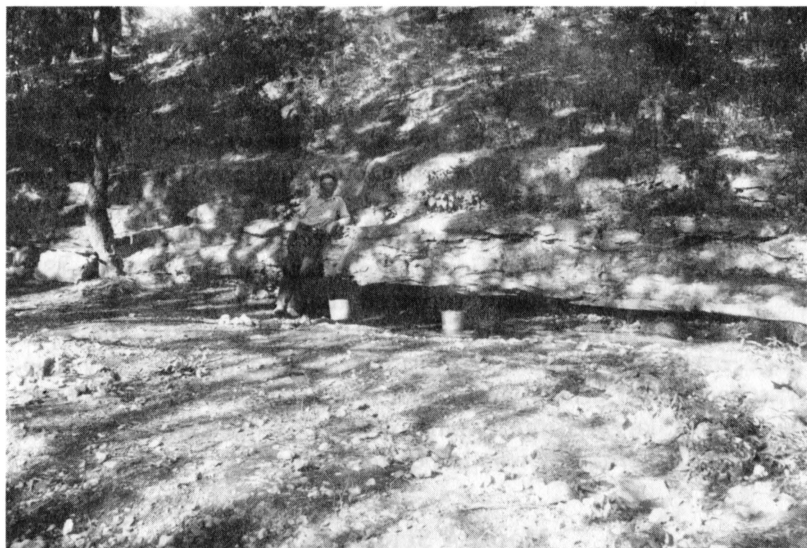


Fig. 9.—Sycamore Spring on Beattie Creek in eastern part of Delaware District in a very dry summer. A community of a dozen full-blood families was still located about the spring in 1936. Steve W. Peak, superintendent of Delaware County schools, in picture. Photograph reproduced courtesy of *Economic Geography*, Vol. 18 (1942).

and detail: “There are many houses though of logs, that are perfectly comfortable; double, with a covered passage between them and porch front and rear; embracing a second story with floors, planed, jointed and grooved supported upon dressed joists—with good doors, with iron hinges and locks—glass windows with moveable sashes.” He wrote also of the small huts of “the poorest Indians of the Cherokee Nation” along Spavinaw Creek, but they may be judged as somewhat representative of “a large class who are familiarly spoken of as ‘the poor,’ ‘the common people,’ the ‘ignorant people,’” He reported in contrast that the house of Lewis Ross, the merchant (also slaveholder, who lived on the Ross, or Park Hill, Prairie), “is of the cottage character, clapboarded and painted, his floor carpeted, his furniture elegant.” It seems safe to assume that most log houses had one story.²⁷

Other structures than houses on the farmsteads were mentioned infrequently. Their number and size doubtless varied substantially. Barns were not very common even in 1857, when the agent expressed the hope that the Cherokees would build barns because their crops were spoiling in the fields. The corn crib must have

been common. Harris made specific note of a corn crib of logs holding two hundred bushels. The Cherokee agent included in his report of progress in the Cherokee Nation in 1859, "Wherever it is practical spring houses [small structures over springs], for the preservation of milk, butter, and cheese are to be found."²⁸ Because large springs were not common and dairy products were slow to gain acceptance, it can be assumed that spring houses were not usual parts of a Cherokee farmstead.

Farms varied as much as houses. The scene witnessed by Hitchcock in 1844 in the southeastern part of the region was probably representative: "Passed several log houses with enclosures of several acres—upward of 100 in one instance—trees merely girdled and left to decay. Saw corn and pumpkins, hogs, fowls and cattle, two wagons and some oxen and horses; a fine looking negro at Lowry's was 'snaking' in trees with two yoke of oxen." Benson, a visiting missionary, noted great inequalities in the way the Cherokees lived: "All day long," he said, while going northwest from Fort Smith, "we were permitted to witness the varied evidences of Cherokee civilization. . . . There were occasional farms with comfortable dwellings, and with barns, orchards, wagons, carts, plows, harrows and other implements of husbandry. . . . But in the immediate vicinity of those comfortable homesteads we would see the smoky hovel and the little irregular patch of corn and pumpkins; and every object would indicate degradation and squalid poverty." Some Cherokees, the agent reported in 1853, "live much in the style of the Southern gentlemen of easy circumstances. Many of the dwellings of that class are large, comfortable, and handsome buildings; their fields, too, are well enclosed with good rail fences, and their yards and gardens are handsomely paled in, and the grounds tastefully laid off and ornamented with rare and beautiful shrubbery."²⁹

Doubtless the zigzag rail fence, commonly called snake or worm fence, was a prominent feature of the rural scene. It was rarely reported, probably because it was taken for granted. No other type of enclosure was lawful until after the Civil War.³⁰

Despite a general claim to the contrary, there seems little reason to doubt that Cherokee settlement was relatively stable. The claim made by the Superintendent of Indian Affairs for the Southern Superintendency in 1858 that most of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws because they did not own the land they cultivated were "continually on the wing, moving from place to place," so that there were more deserted than inhabited

houses³¹ is not supported by reports of the Indian agents or others in direct contact, and makes little sense for predominantly agricultural peoples.

Cherokee Towns

The low density of population, the availability of goods in towns just over the Cherokee boundary in Arkansas and Missouri, the control of trade by Cherokee authorities, and the basically subsistence nature of the economy combined to limit the growth of towns. Tahlequah, the capital, and Fort Gibson, the boat landing and military post, were the only towns in the Cherokee Nation until the arrival of railroads after the Civil War (Fig. 5).

Tahlequah was fairly centrally located in the wooded portion of the country that held most of the population, rather close to the boat landing at Fort Gibson but distant enough from the military base to avoid its disturbing influences. The townsite was by a major spring, partly in the prairie and partly in the woods. Prior to being designated the capital, the site had been the national council ground. An impromptu but somewhat orderly village grew up, described by Hitchcock in 1841 thus: "I saw a number of log houses arranged in order with streets, or one street at all events was clearly visible but the houses were very very small." Two years later the National Council ordered a survey, with some lots reserved for public buildings and occupancy rights of others to be sold to citizens making the highest bids. Tahlequah was incorporated in 1852.³² The town was described thus one year after its incorporation: "There was an excellent brick court-house, well and conveniently arranged. . . . in the village there were dry goods stores, and a number of mechanic shops—also a tavern and a boarding house," and a school and a church were located close to the village.

A few years later the editor of the Cherokee newspaper wrote: "We have in the town of Tahlequah, five hotels, five stores, two smith shops, a tailor shop and a fair prospect of an increase of the assortment." From the Fort Smith newspaper came the description of Tahlequah as "a quiet and orderly place, though rather dull in the way of business. Here are four stores, one saddler's shop, a tailor shop, three blacksmith's shops, a shoemaker's shop, and three taverns."³³ The taverns did not sell liquor.

When the military establishment at Fort Gibson was abandoned in 1857, the Cherokees promptly laid out a town, the second planned town in the Nation, temporarily named Kee-too-whah. After reserving a number of buildings already there for public

purposes, the remaining lots, after survey, were disposed of in the same manner as at Tahlequah.³⁴

It seems reasonable to suppose that the rather strict control of immigration exercised by the Cherokees through their policy of admitting only limited numbers of laborers and traders under permits and the prohibition of the sale of alcoholic beverages tended to strengthen trade and encourage the growth of towns along the Arkansas and Missouri border outside the Cherokee country. Among these places were Fort Smith, Evansville, Cincinnati, Cherokee City, Maysville, and Neosho; Van Buren, a little farther away, was important. Van Buren, in the mid 1840's was sustained, it was said, by Indian annuities and supplying the troops at Fort Smith. Maysville, adjacent to temporarily occupied Fort Wayne, in 1841 was called a groggery by Hitchcock. Trade of various sorts, liquor included, was carried on with the Cherokees. So damaging was the sale of liquor to Cherokees considered by the National Council that it adopted an official resolution requesting the governors of the States of Arkansas and Missouri to use their influence to stop the liquor traffic with the Cherokees.³⁵

CHEROKEE ECONOMY

The essentially subsistence character of the economy, based mainly on crops and livestock, favored the growing of a wide range of crops, many of them brought from the Southeast by the Cherokees. Probably virtually all native and introduced crops grown there by the Cherokees were tried in their new home.

Corn, the aboriginal crop, was the mainstay of Cherokee economy. It was produced mainly for food. Hand-operated gristmills and mortar and pestles were used early to prepare the grain; water-driven gristmills were added in time, their number being restricted by the irregular flow of most streams.³⁶ So great was the dependence on locally produced corn that drought, frequently reported, resulted in hunger. The Indian agents reported droughts in 1838, 1848, 1854, 1856, 1860, and 1862, those of 1854, 1860, and 1862 being especially severe:

I have serious apprehension that there will be considerably suffering among the poorer classes [1854]; The crops have almost wholly failed the present year in a large part of the nation; and the Indians must suffer much for want of bread [1860]; The drought has been severe. Of corn, there will not be half enough to bread the country. The crop of wheat is good, though only a few of the more wealthy farmers produce it. . . . Beef, however, is plentiful, and will more than furnish enough for the subsistence of the people [1862].³⁷

The unimportance of wheat was emphasized by the bringing in of flour from southwestern Missouri. In the mid-1840's it was reported that flour was being carried on flatboats down the Cowskin, an east bank tributary of the Grand just to the north of Delaware District, to the Grand, then on the Arkansas, supplying various points on the rivers.³⁸

The first cotton gin in the Cherokee Nation was erected near the Arkansas River in 1844, where some plantations near Fort Smith were using Negro slaves. However, cotton as a supply crop, separated by hand, was grown even in the northern part of Delaware District.³⁹ In 1848, some upland rice was reported grown by the owner of the cotton gin. In 1858 the Cherokee agent reported the production of sorghum from cane.⁴⁰ Although orchards were reported early in the Southeast, they were said to be unusual among the Cherokees in the new land, according to the agent's report in 1851. An interesting contemporary account follows:

Proceeded [from Fort Gibson toward Tahlequah] . . . to the house of Mr. L____, a sturdy yeoman from New York; he had married a Cherokee, and opened a farm in the nation; his house, log, two stories; some acres in corn; had set out 100 apple trees, a fine peach orchard in front of his house. . . . such a farm invaluable as a pattern to the Indians, many of whom had profited by it.⁴¹

Whether the example was followed or not, Mr. L____, an intermarried white, represented an important agent of change among the Indians.

Wild hay may well have been a new crop for the Cherokees. Their agent in 1839 reported, "The rich prairie while it affords the best summer range, produces fine grass, which when cut and properly cured, is but little inferior to our timothy hay." Within two decades large quantities of prairie hay were being cut and cured.⁴²

Methods of farming, as well as scale, varied substantially. No doubt the sharp contrasts in "comforts of life," with "the better classes" who were "refined and wealthy while the lower classes are destitute and thriftless" remarked by an early traveler, included ways of farming. Hitchcock in 1841 generalized that there was a large class of poor Indians who did not possess even hoes after their removal from the Southeast.⁴³

Community effort common on the American frontier had, as noted, long been an essential part of Cherokee farming. Although formally organized social groups called towns seem not to have been established, it was asserted by men still living in the 1930's that "towns" and "town work" were common in their youth. In a number of instances, groupings of five or six families of full bloods

about springs were called towns. Along Honey Creek, in the northern part of Delaware District, it was recalled that there were two "towns," each about seven miles long, within which, "workin's," "railmaulin's," and "house raisin's" were group activities. Also, community-cradling of wheat was cited.⁴⁴ In the early years, sharing of scarce equipment and the "kindliness and liberality [of the wealthy] that have not been learned from the whites"⁴⁵ no doubt helped many of the numerous poor to survive.

After at least two decades in the new land, before the beginning of the Civil War, improvements in agriculture were such as to include "the application of machinery in farming, such as reapers, mowers, threshers, etc.," but just a few years earlier the Indian agent generalized that "the full Indian confines his industry to corn and sweet potatoes, etc." The four thousand Negroes reported by the agent in 1859 must have been employed mainly on farms. White laborers under permit were other non-Cherokees at work.

The keeping of livestock was an essential part of the economy. The judgment of the acting superintendent of the Western Territories in 1837 that "the great profit of the Cherokee farmer is his corn, his horses, his cattle, and his hogs"⁴⁶ would apply for many years, although sales were ordinarily minimal.

Horses or other draft animals, of course, were essential to extensive crop raising. The other domestic animals, less needed for frequent service at or near the farmstead, largely foraged for themselves. The missionary Cephas Washburn, who spent more than twenty years among the Old Settler group in Arkansas and Oklahoma, the latter part of the time at Dwight Mission on the Sallisaw, described a system of stock-keeping that remained little changed until well after the Civil War. He wrote: "They had numerous heads of cattle, horses, and swine. . . . They are rarely salted, but the country abounds in licks, as they are termed." His biographer added:

The people of the frontier settlements, in early times, who owned cattle, were accustomed to prepare what were usually called lick logs. These were simply fallen trees with notches cut out in them a few inches deep, and at a distance of two or three feet apart. To these logs it was usual to repair once or twice a week and salt the cattle. In this manner each man attended to his own flock, and was able to keep them separate from others.⁴⁷

The Indian agents, without going into much detail, corroborated the widespread keeping of cattle on an open range basis: prairie "affords fine range" (1841); "settling on the western frontier in order to secure the winter and summer range" (1858); "This is

decidedly a stock raising country, and but little expense or exertion is necessary to raise cattle, as they generally winter themselves" (1859). A more specific description of pre-Civil War stock raising was provided immediately after that conflict:

Horses, mules, cattle, sheep, and hogs are reared with so little trouble and expense that at the beginning of the late rebellion almost all the Cherokees had some stock. Many had large stocks and a few had them *of their own raising* [italics by Hewes] by the thousands. They have not, heretofore, had to feed their stock of any kind in the winter except a few for use.⁴⁸

Neither was very much work required to keep up the pastures, the chief oversight being that of "greening up the grass" by setting fires in the spring in the woods and, presumably, on the prairies, a practice that was brought from the Southeast. The National Council in 1841 restricted the season in which it was legal "to set the woods on fire" to the period from March 1 to October 15.⁴⁹ This was the portion of the year in which damage to trees and danger to fences and buildings should be least.

Grazing was good, at least at the outset, with the use of the open woods and many small prairies and with many water sources. The wild peavine, which was common, was especially esteemed by cattle, according to men born after the Civil War. The woods offered protection from the heat of summer and from winter winds, and canebrakes, often more than head tall, offered refuge as well as succulent young growth along the Arkansas and major tributaries well north in the Cherokee country. Although the Ozarkian area remained the chief stock country until well after the Civil War, part of the big prairie, presumably even far beyond Grand River, was well stocked at the outbreak of that conflict. Hogs, considerably less important than cattle, if the Indian agent's statistics for 1859, reproduced below, were representative, also foraged for themselves, finding an abundance of acorns and other feed in the woods. As reported by Hitchcock, "Everybody has plenty of hogs and a sufficiency of cattle unless it is a few full-blooded Indians. His hogs were fattened on mast (wild nuts) as good a fat as from corn he thinks."⁵⁰

In a broader context, perhaps Cherokee cattle keeping exemplified "the Anglo-American tradition of open-range cattle herding derived from the Carolinas through the Upper South." Certainly, it was an open range operation; some use of salt for control of herds and burning of the grass have been noted, and there must have been cattle drives and some use of horses. The larger operations, but probably not most, required more than family labor. Hogs were commonly run with the cattle both in the open

woods of the Ozarks and on the wooded homesteads within the western prairies. Marks and brands, however, may not have been an essential part of the system; at least, laws governing marks and brands apparently were not enacted until after the Civil War.⁵¹ It is reasonable to assume that a much greater area served as range for livestock than was used for any other purpose, but it does not follow that cattle raising was the chief element of the Cherokee economy, although cattle at times constituted the chief export.

Probably most of the Cherokees included cattle in a general farming operation using family labor, but some larger cattle raisers used Negro slaves. A number of Old Settlers employed slaves to raise cattle before the main body of Cherokees arrived in 1839.⁵² Doubtless the practice was extended as more slaves were brought into the new country and cattle grazing spread to the big prairies. The Cherokee agent just before the Civil War, a Southerner, linked the advancement of the Cherokees with the use of slaves: "The raising of cattle is becoming a leading occupation of some of the largest farmers. I am clearly of the opinion that the rapid advancement of the Cherokees is owing in part to the fact of their being slaveholders, which has acted as an incentive to all industrial pursuits."⁵³ However, if nearly all Cherokees kept cattle, the number owning cattle was vastly greater than the 384 Cherokees reported as owning slaves in 1860.⁵⁴ Most, even some of the larger, stock raisers, "had them of their own raising," as previously noted. As early as 1835 a much-traveled missionary, described as Register of Indian Affairs, stated, "It was thought by some intelligent white men in their country, that within five years past, they have sold between six and seven thousand head of cattle."⁵⁵ In 1842, however, according to the Cherokee agent, "all of them own stock cattle, yet make little beyond their consumption." Probably sales were small until large numbers of migrants passing through or near the Cherokee country on the way to California provided an expanded market. Large numbers of cattle were reported sold in 1855, 1857, and 1859.⁵⁶

The Indian agent, then in his ninth year as agent, included a statistical summary of Cherokee progress in his report of 1859. It showed conditions at a peak after recovery from the disaster of removal and before the destruction wrought by the Civil War. The Cherokees were said to number 21,000; whites, 1,000; and Negroes, 4,000. Other statistics included 102,500 acres cultivated; yields of 35 bushels of corn, 12 bushels of wheat, and 30 bushels of oats per acre; 240,000 cattle, 20,000 horses and mules, 16,000

hogs, and 5,000 sheep. Although there is no assurance that the figures given were approximately correct, the amount claimed cultivated was much greater than the 38,134 acres shown in the census of 1835, and larger than in the census of 1880. The large number of cattle came after some expansion of settlement onto the western prairies and improvement in the quality of stock through introduction of breeding stock from Missouri and other states.⁵⁷ With over 100,000 acres for 21,000 Cherokees, the amount cultivated per family would average about 20 to 25 acres, quite reasonable amounts considering the unimportance of agricultural exports and the failure to grow crops for cattle or hogs. The 20 to 100 acres said to make up the "many excellent farms" in 1846⁵⁸ probably represented both the need of the family and ability to clear, fence, and cultivate, and the general availability of land. Approximately sixty head of cattle per family, if close to accurate, was indeed a high average.

The public domain was useful not only for grazing but for other things as well. Although the time spent by the average Cherokee probably declined sharply with distance from his log cabin, the full-blood male may have spent more time on the public domain than on his own land and may have depended more on the resources outside his enclosures than within. If the clearing of the farm failed to provide adequate building material, firewood, and fencing, the woods adjoining could. Hunting as a source of meat and often of pelts for sale was common on the American frontier. It would have been strange indeed if Indians with a longer tradition of hunting than their white neighbors had not conformed to the frontier pattern.

The Indian agents and the Cherokees themselves may have felt the need to distinguish the Five Civilized Tribes from the wild Indians on the plains to the west. Otherwise, the lack of attention to game in most early official reports is incomprehensible. However, a report from George Gibson, of the office of Commissioner General of Subsistence, in 1835 in praise of the new land being occupied by Cherokees, Creeks, and Choctaws, included the words: "Game is in undiminished abundance." This assessment of the Cherokee country seems much fairer than that of seven years later that "there is no game within 150 or 200 miles of their limits." In 1844, Hitchcock, apparently summarizing information given by the Cherokee Joseph Vann, one of the Old Settler group, reported "no game of any consequence, used to be buffalo and elk." However, in Hitchcock's account of his first recorded meal in the Cherokee country,

venison was the first food mentioned; later he generalized: "The common people wear leggings of dressed deer skins and sometimes coats of the same material," evidence of the abundance of deer.⁵⁹

The Cherokee authorities, no doubt with popular approval, passed a number of laws intended to preserve the resources for the general good. The regulation for only seasonal burning of the woods has been cited. The Cherokees West in 1831 made it illegal to authorize white men to cut timber for sale outside the Nation. The restriction was broadened in 1841 to forbid the sale of timber, rails, boards, or stone to citizens of the United States, excepting cord wood, which might be sold legally for use by steamboats. Probably cutting timber for local use was at least tacitly approved, but large-scale removal of wood from the public domain by citizens was not. On one occasion, a resident of Beattie's Prairie, after rafting five hundred pine logs down Grand River to Fort Gibson, was stopped as he was floating seven or eight hundred more down Spavinaw Creek, the logs being confiscated as property of the Nation.⁶⁰ The Cherokees West in 1831 prohibited the cutting down of pecan trees as a way of harvesting the nuts, a regulation long continued. The laws of 1875 contained a provision making it illegal to cut down, kill, or destroy pecan, walnut, hickory, or other fruit or nut-bearing trees on the public domain, but without specifying the date of enactment.⁶¹ Salt wells and salt springs were of special concern, judging by the number of laws passed. As of 1833 the Cherokees West declared salines were the property of the Nation and that after existing leases expired, the salines should be leased to the highest citizen bidder for no longer than five years; later actions extended the period of the leases and limited a citizen to the lease of one saline. While still in the Southeast and before the discovery of gold on Cherokee land in Georgia, the Cherokees had declared various metals national property. Coal, added quite early to the list of minerals, was not to be leased to non-citizens. In the absence of arrangements for leasing, it appears that citizens were free to use coal deposits on the public domain. In 1848, a five-year lease on some lead mines was approved and later was revised.⁶² As conditions changed, legislation was extended to other resources in efforts to insure the equitable use of the public domain.

Because the Cherokee economy was primarily a subsistence economy, little money was in circulation. A small annuity from bonds purchased from the proceeds of former land sales held for them by the federal government provided limited support for the Cherokee government and schools and occasional per capita pay-

ments. Exports were small, except for occasional substantial sales of cattle, as noted. The Cherokees, well supplied with salt wells and springs, sold some salt to their neighbors. Their Indian agents on occasion lamented the lack of exports, owing in large measure to lack of transportation.⁶³

Transportation may not have been much worse than usual on the frontier. The Arkansas River, on the southern border, could be navigated by steamboat much of the time, and the Grand, along the western margin of settlement, by keelboat and flatboat. Roads were few and poor. Early travelers complained of roughness on main travelways, the old military road from Fort Smith to Fort Gibson, and from Fort Gibson to Tahlequah.⁶⁴

CHEROKEE SYSTEM EVALUATED

Because the Civil War interrupted Cherokee development in their new land, much as removal from the old land had set them back, perhaps an appraisal of their occupancy system at a crest of development just before the Civil War is in order.

The Cherokee land system was based on the principle of equal opportunity for all Cherokee citizens. Repeated pieces of legislation were enacted to protect the public domain, for both then living citizens and posterity. Speculation and monopoly were decried. The possibility of unlimited extension of farms into the public domain, of course, made for inequality, an inequality aggravated by the use of Negro slaves and of white farm laborers.⁶⁵ Some Cherokees also attempted through speculation to harvest some of the unearned increment of rising land values on the frontier, even though the land itself could not be sold. The following letter from one prominent Cherokee to another shows that a speculative practice of the white man's frontier was appreciated on the Cherokee frontier also:

I wish you to assist me in purchasing improvements on Grand River, where large farms may be hereafter made. And I also intend to purchase on the Arkansas river. A few hundred dollars together with stock may be extended in this way, which will in a short time return an immense percentage. . . . This gentleman of whom I speak, says you have a foundation for an immense fortune—land only considered.⁶⁶

Despite the 4,000 Negro slaves, or by another count the 2,504 slaves, held by 384 Cherokee owners in 1860 and the 1,000 whites, who were probably mainly farm workers or *de facto* renters, it follows that most Cherokees did their own work. Possibly there was some multiplication of farms in the possession of individual

Cherokees through the purchase of improvements (house, fences, and the like). Nevertheless, the Cherokees must have come close to the Jeffersonian ideal of a democracy of yeoman farmers. Most Cherokees were farmers, farming for themselves, secure behind the quarter-of-a-mile buffer zones around their farms.

Possibly largely because of an abundance of wooded country for a limited population, the Cherokees made less use of their prairie lands than white pioneers in states to the north settled about the same time. While the Cherokee prairie was still lightly used open range grazing country at the outbreak of the Civil War, most of the grassland of Iowa had been claimed for agricultural purposes, leaving little of that state open to the homesteader at the enactment of homestead legislation in 1862.

Some appraisals of the Cherokees were extremely unflattering, such as that made by the new superintendent of Cherokee schools in 1856:

Our lands are uncultivated, shops are vacant, or never have started, we must buy machinery, furniture, produce, stock and goods, all at foreign markets, or else hire them made by white men. The nation cannot live without money or its equivalent. There is everything to take it out. There is nothing made—all is bought. When we take into account that all these purchases are to be made, too, out of meager currency put into circulation as the proceeds of our invested funds, which does not amount to more than scarcely half a share of some minor New York firm, the picture is still more alarming.⁶⁷

This dour judgment of conditions, although overdrawn, did point out the difficulty of maintaining public services in a largely subsistence economy. Both the male and female seminaries of the Cherokees were closed in that year for lack of funds.⁶⁸ The national newspaper, *The Cherokee Advocate*, had suspended publication three years earlier.

3. Cherokee Country Rebuilt and Extended

THE CHEROKEES had to start over again after the Civil War, as they had done several times in the Southeast and upon their arrival in Oklahoma. Not all returned after taking refuge either in Kansas or to the south or engaging in the conflict. The 21,000 Cherokees, 1,000 whites, and 4,000 Negroes claimed in 1859 had dwindled in 1869 to 14,000 Cherokees, including nearly 1,000 Delawares who had purchased citizenship in the Cherokee Nation, plus 1,500 freedmen, now citizens. No figure was given for whites. In explanation of the reduction of population, the special Indian commissioner reported: "In no part of our country was the war waged with greater destruction of property or loss of life. . . . On every hand the traveler sees the charred and blackened remains of ruined homesteads."¹ Speaking of the Cherokee Nation as a whole in 1874, J. H. Moore confirmed: "This nation was generally devastated during the war, and the improvements generally throughout the country are new, and give a character of thrift and enterprise."² He was describing a land largely rebuilt.

Official reports confirm rapid recovery. Four years after the end of the war, the Cherokee Indian agent reported, "Crops have been abundant, and the herds of horses and cattle of which the war almost totally deprived them, have in some measure been replaced." The statistics given in 1872, even if only half-true, show substantial rebuilding: 120,000 acres cultivated, 16,000 horses, 75,000 cattle, 160,000 hogs, and 9,000 sheep. There were said to be 3,500 houses of log and 500 of frame. The year before many of the log houses were said to look like frame houses because they had been weather-boarded. The masses of the people were reported to be very poor.³

Because the Cherokees themselves did not ordinarily distinguish degree of blood, it is not surprising that the agents made estimates that varied from full bloods outnumbering all other citizens combined (1873) to a substantial majority of mixed bloods (1876).⁴

CONTINUITY AND CHANGE EAST OF THE GRAND

Of the Cherokees who returned following the Civil War, it may be assumed that many—perhaps most—chose to salvage what they could where they had been living. One group, the freedmen, now Cherokee citizens with the right to claim places to live on the public domain but with no homesteads to reclaim, formed communities in part in localities previously little settled. However, some, perhaps many, returned to familiar areas, possibly to work for their former owners. In the spring of 1866 they were, in the words of the Cherokee agent, “at work on plantations or elsewhere for crops or wages,”⁵ an arrangement not uncommon in other former slave-owning communities.

Although settlements of free Negroes were new features of the landscape, there seems little reason to assume major changes in the distribution of population or the spatial arrangement of its component parts aside from a general reduction in the number of inhabitants, a reduction very possibly unequally distributed. The process by which the more commercially oriented *white Cherokees* (intermarried and mixed bloods) came to occupy the more accessible areas and many full bloods the out-of-the-way localities continued. J. H. Beadle’s generalization that in full-blood communities children who spoke only Cherokee at home learned English at school is consistent with such locations.⁶

It appears that except for the necessary rebuilding and some charred and abandoned buildings and fences that remained, the eastern part of the Cherokee country was but little changed from prewar conditions. The account of the countryside by Beadle in 1872 might well have been written thirty years earlier. After ferrying across the Arkansas River, he walked by well-cultivated fields on his way to Fort Gibson, three miles away. From there he proceeded to Tahlequah, part of the way through well-improved country. The log houses, he said, were “superior in style to those in most new countries.” He noted the residence of a white Cherokee as “the usual log with porch between.” According to another observer, the economy was primarily subsistence, that throughout the territory the Cherokees “simply raise what they need,” adding “they simply desire to make a living.” He noted that game, hogs, and cattle were abundant and that corn was ground with the mortar and pestle. The Cherokees were credited with the greatest advances in civilization among the Five Civilized Tribes.⁷

Corn remained the chief crop. The agent in 1872 estimated that crop in the nation was about thirty times as great as wheat, oats, or

potatoes. Other crops included tobacco, cotton, and apples. The tobacco was produced in small amounts, cotton by "a few large cotton growers, but most of it . . . by small farmers." The tobacco was for local use; the cotton, as a cash crop, was expected "to bring money into the country as no other crop will." Tobacco production was scattered, cotton concentrated in the southern part. The Cherokee Indian agent reported in 1871 that two men, one with experience in New York and Illinois, were induced to start a nursery near the center of the Nation. The wagonloads of apples being exported to Texas in 1874, however, represented earlier plantings, as did the fine apples reported in 1870.⁸

Within a few years after the end of the Civil War, livestock was again important in the open woods and small prairies of the Ozarkian area. The agent in 1872 spoke of a new start: "Cattle from Texas and the southern portion of the Indian Territory have given the people another start in stock-raising, and every family has its little herd growing up around it, while the more wealthy and enterprising are growing vast herds of cattle and horses."⁹ Most of the large herds were probably on the less populous western prairies. Although Texan contributions to stock raising were now important, the cattle, it was claimed, were superior to those of Texas. Collecting (rounding up) and branding in the spring were described as the chief labor required in what was mainly an open range industry. Hogs, whose numbers could be built up more rapidly, foraged in the woods, although they included both those of "razor edge" character and Berkshire and Chester White breeds.¹⁰

The long-settled eastern portion of the Cherokee Nation, with a high percentage of conservative full bloods, nevertheless experienced changes. It seems possible to summarize post-Civil War changes and continuities in man-land relationships in the Ozarkian portion of the Cherokee country based on the testimony of a number of long-time residents, from full bloods to *de facto* renters, with but little disagreement among them. The story starts with residence in the valleys, adjacent to springs, with cultivation in the valleys, and grazing of cattle and foraging of hogs and hunting on the public domain. As time passed, the larger valleys were occupied increasingly by mixed bloods and intermarried whites, some of whom extended their holdings by the use of white permit laborers or renters. As the valleys filled up locally, increasing use was made of scattered fields on the uplands in both wooded and prairie sites. Few of the prairies were large enough to make the procuring of rails for fencing difficult. In a good many cases it was necessary to dig wells in order to secure water. With the introduction of barbed

wire for fences, apparently in the 1880's as on the western prairies, the enclosure of the prairies was accelerated, not only for cultivation but also for pasture and wild hay. Here, as on the bigger grasslands to the west, mixed bloods, intermarried whites, and white renters played leading roles. Until the small prairies were occupied, hogs, driven to Fort Smith and other markets in Arkansas, were claimed most often as exports. Later, some of the prairies produced surpluses of grain.

Although the eastern half of the Cherokee country contained Tahlequah and Fort Gibson, the only Cherokee towns until railroads were built on the western prairie, it remained primarily rural. For a time Fort Gibson succeeded Tahlequah as the larger place. In the words of the Cherokee Indian agent in 1870:

From the fact that it is on the traveled road between Texas and the northern states, the town of Fort Gibson has come to be the most considerable in the Cherokee country and to have at all times a large transient population. That which is permanent is made up of half-bloods, who speak English, whites married to Indians, or residing under permit, as mechanics, and colored citizens of the nation. The trade carried on is extensive and brings to the place many persons from different parts of the United States.¹¹

Apparently the road was more important to the town than the boat landing. Very shortly travelers crossing the prairies on the new, north-south railroad just to the west approached the Cherokee capital by way of Fort Gibson.¹² Tahlequah was described as like a better Indiana village of five hundred.¹³

ONTO THE WESTERN PRAIRIES

The fact that a number of Cherokees found little to reclaim at their old homesteads after the Civil War probably induced some to take advantage of the opportunity to look elsewhere on the public domain for places to live. Animosity among former neighbors who had been on opposite sides in the Civil War may have added to the urge to go west. At any rate, the movement to the western grassland, begun before the war, was resumed.

Some early postwar official reports help picture developments on the prairie. The special Indian commissioner, in following the north-south Texas road just west of the Grand River in 1869, observed "settlers, mostly half-breeds . . . scattered at intervals," passed cattle moving north from Texas, and noted roadside inns belonging to white men married to Indians. In 1871, the Missouri, Kansas and Texas Railroad was built through the prairies just to

the west of Grand River. The majority of the Cherokees were said to regard this railroad and the Atlantic and Pacific, which had been built westward to reach it at Vinita, as introducers of "calamities." The agent added that the first effect was to despoil the country along the tracks of timber, which was already scarce.¹⁴

Several outside observers gave brief accounts of the western prairies in an early stage of settlement. Beadle, having come into the Cherokee prairies from Kansas and returning there, remarked on the emptiness of the Cherokee portion: "As we near the edge of Kansas [going north] a sudden and surprising change occurs. From east to west appears an even line, with fence nearly all the way—on the south side an unbroken prairie, on the north farms, orchards, nice dwellings and every evidence of civilization." Such was his impression although he had traversed the most populous part of the Cherokee prairie. The explanation was that the settlers were few and were not to be found on the open prairie but rather in the timber along the creeks. West of the Grand, said Moore, apparently in 1874: "Here are emphatically the farming and grazing lands of the Cherokees. . . . Comparatively a small portion of this extensive region has been put under cultivation. Some of the more enterprising of the natives, with the assistance of white labor, have tolerable farms, and corn and wheat sufficient for home consumption are raised. The great dependence of the people, however . . . is their stock." A third visitor was amazed by the abundance of game, including prairie chickens, wild turkeys, deer, and rabbits, between the new railroad and Fort Gibson, seven miles to the east, and noted log houses along the route.¹⁵

The forces operating to attract settlers to the western prairies included its relative emptiness as compared to older Cherokee country on the east and Kansas on the north. From the east came mainly mixed-blood Cherokees, intermarried whites, and freedmen. Delawares and Shawnees, white laborers on permit, and squatters came in numbers from Kansas. Familiar stream-side woodland provided bases from which the prairie was gradually occupied. Texas cattle aided in stocking the ranges and provided a demand for hay and pasturage.¹⁶ Prairie plows, here somewhat belated, well-drilling equipment, and railroads, also delayed, were agencies of change.¹⁷ Shortly, also, the use of barbed wire aided rapid enclosure of the grassland.

Mixed-blood Cherokees, intermarried whites, and Cherokee freedmen, many of them now Cherokee citizens, much more than the full bloods, recognized opportunity in the extensive grasslands

to the west. The so-called “white Indians”—mixed bloods and intermarried whites—in many cases made use of white permit laborers, often actual renters, in their farming. By 1880 permit laborers were numerous on the western prairie (Cooweescoowee, Canadian, and part of Delaware districts), although it appears that most Cherokees there were doing their own farming (Table 2 and Fig. 10). Other inhabitants were the Delaware and Shawnee Indians from Kansas, admitted under terms of the treaty of 1866. Both groups, 985 Delawares and 770 Shawnees, purchased Cherokee citizenship,¹⁸ occupying vacant land in the northwestern prairie. The agent in 1869 had reported that the Delawares were settled in fine country along the Verdigris River. In 1872, some 300 Delawares had returned to the Caney, a tributary of the Verdigris, from the Peorias on the Quapaw agency,¹⁹ in what is now the northeastern corner of Oklahoma.

The success of whites in taking over Indian lands in Kansas was the occasion of large-scale squatting on Cherokee lands along the Kansas border and at the western margin of Cooweescoowee District. The agent, with the aid of the United States army, reported removing about 1,500 intruders in 1872.²⁰ But the census of 1880 showed intruders to be the second most numerous group in Cooweescoowee (Table 2).

The selective character of settlement is shown by the observation of Beadle made in 1872: “This is the most windy part of the West I have yet visited, and I suppose it is for this reason, I always find the Indians living in the timber along the creeks.” Acting Chief William P. Ross gave a better explanation of selective settlement in the same year when he spoke of much of the western prairie as “too remote from timber and water to make it useful for the Indians for agricultural purposes.” Beadle did remark on the poor quality of water from sloughs, rivers, or shallow wells available on the prairie.²¹

Actually the distance from timber was not great in most parts of the prairie (Fig. 5). C. H. Fitch, the topographer in charge of the surveying and topographic mapping in Indian Territory just before 1900, in the general description of vegetation by congressional townships (squares six miles to a side), classified only three townships on the prairie as having no timber, the timber in five as scanty, four as having scattered timber along streams, twenty with timber along streams, nine as timbered along streams and on ridges, and five on ridges or rough land. In addition, some townships were more largely timbered or not easily classified. The valleys supported the best timber.²²

TABLE 2
POPULATION, CHEROKEE NATION, 1880

Districts	Cherokees by blood	Delawares	Shawnees	Other Indians	Intermarried Whites	Freedmen citizens	Claimants	On permit	Intruders	Totals*
Coo.	1,797	600	290	5	220	546	68	842	912	5,323
Del.	2,371	72	209	3	274	101	208	715	79	4,068
Saline	1,212				19	122	30	73	29	1,605
Going S.	2,015				108	5	65	161	48	2,424
Flint	1,469			10	49	12	33	94	46	1,730
Tahl.	2,298			41	93	456	53	120	66	3,162
Ill.	1,556		4	155	87	539	94	42	362	2,863
Sequoyah	1,217			16	54	125	196	312	173	2,120
Canadian	1,372			10	128	70	39	386	106	2,143
Totals	15,307	672	503	245	1,032	1,976	787	2,745	1,821	25,438*

* Small discrepancies in totals result from a reported orphan population under sixteen years of 351. The ethnic character of this group was not reported.

SOURCE: Summary of the Census of the Cherokee Nation, 1880.

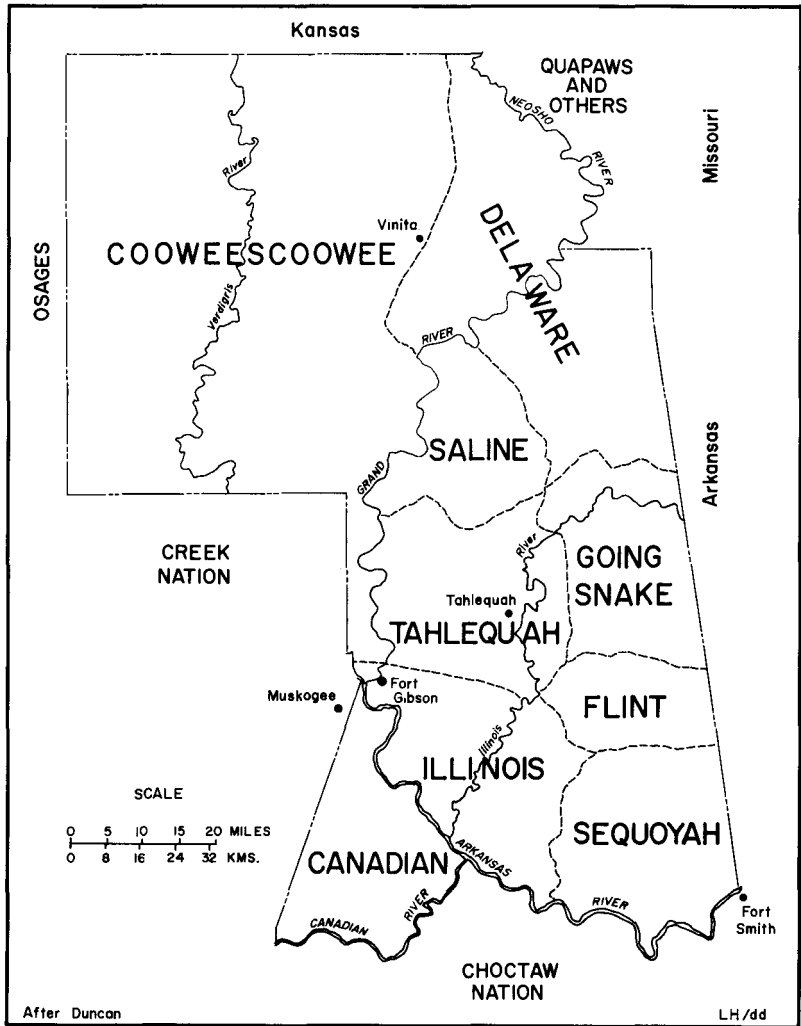


Fig. 10.—Political districts of the Cherokee Nation, 1895, after J. W. Duncan's map in Phillips Collection, University of Oklahoma.

Probably the pioneer fence to the west as well as to the east was the rail fence, the only kind then lawful. The Cherokee laws of 1875, without indication of the date or dates of enactment, designated other types of enclosures as legal: post and rail, board, picket, paling, stone, ditches, and hedges.²³ The recognition of other

types of enclosures may well have been based on their use by citizens. In fact, hedges of Osage orange and hawthorn, especially of the former, were described as extensively used on the prairies in 1869 by an observer who had traveled in the prairie section and gone somewhat into the Ozarks.²⁴ Enough time had elapsed since the return of the Cherokees from Kansas after the Civil War for hedges of the sort common in Kansas to have become effective fences. Somewhat later, 1886, plank, wire, and rail fences were reported in use to the west and worm (zigzag rail) fences to the east.²⁵ Barbed wire had come into use on the Cherokee prairies despite its being illegal. Probably it had acquired some importance by the early 1880's.²⁶

The Cherokee government attempted to control the developments taking place by enacting new legislation: by outlawing the use of wire fencing, as noted; by restricting the amount of grass that might be enclosed; by the levying of a drover's tax on transient animals; by requiring the herding and taxing of cattle bought by United States citizens in the Cherokee country; by taxing non-citizens cutting hay; on two occasions attempting to end the practice of renting farms to non-citizens by discontinuing the use of permit labor; by ordering the arrest of non-citizens hunting game; by regulating the cutting of timber; and by reserving as townsites land around all railroad stations in the Nation.²⁷

CENSUS OF 1880 AS A MILESTONE OF DEVELOPMENT

The Cherokee census of 1880 provides a statistical check on the qualitative descriptions, analyses, and estimates. By providing data by the nine political divisions, the census contributes to the understanding of conditions at a time of marked change.

The number and distribution of the various groups in the population, as shown in Table 2, are of special interest.²⁸ The census shows that despite attention placed on permitted laborers and intruders, the citizen population constituted a substantial majority in all districts, although Cherokees by blood were outnumbered by others in the prairie district of Cooweescoowee (Table 2 and Fig. 10). This district contained half of the intruders, the largest number on permit (Table 2 includes family members), most of the Delawares, a majority of the Shawnees, the largest number of freedmen citizens, and the second largest number of intermarried whites. The census did not distinguish among Cherokees by degree of blood, but qualitative reports at this time and later called atten-

tion to the small number of full bloods resident on the prairies. It seems a valid conclusion that the western prairies had notably fewer Indian and Cherokee occupants than the older predominantly wooded area to the east. The Cherokees, in their strict interpretation of the treaty of 1866, considered only those freedmen of the Cherokees who returned within six months as citizens. Probably many who claimed citizenship, both those who had been rejected and those whose cases had not been decided, along with many intruders and perhaps some Negroes working under permit, were former slaves of the Cherokees. However, somewhat more claimants were called white than colored. Of the 1821 intruders, 931 were white, 757 were classed as colored, and 133 as Indians. Of the 839 permitted persons not including families, 809 were white and 30 were colored.²⁹

Cherokee society was overwhelmingly agrarian. The census classified 3,549 Cherokee citizens as farmers, plus 13 stockmen. Mechanics were a very poor second at 133; teachers were third at 82. On the average, a farmer had some thirty-one acres of enclosed land, twenty-four acres in crops, nineteen cattle, and thirty one hogs (Table 3). As was true much earlier, the major emphasis was on cattle, hogs, and corn. Crop yields reported (for 1879) were low, probably because the year had been dry, corn yielding a little more than twelve bushels per acre, wheat about six. It is apparent, however, that only a small acreage had been enclosed for pasture or hay. Over ten thousand tons of hay, probably wild, were reported cut in 1879. Delaware District was credited with four-tenths of the hay cut, followed by Cooweescoowee and Canadian. With 4,104 farms belonging to 3,549 farmers, it follows that most Cherokee citizen farmers had only one farm. The number of permitted persons, 839, was small in comparison. Obviously, the common claim that most Cherokee farming was done by white men was untrue. The farms occupied by claimants of citizenship and by intruders are not included in Table 3 or the figures given above.³⁰

The opinion of an outsider that the prairies were emphatically the farming and grazing lands of the Cherokees was not yet realized fact in 1880, although the western lands were fast catching up to the older eastern lands. The western districts of Cooweescoowee and Canadian together contained roughly one-fourth of the farms, one-third of the acreage enclosed, somewhat less than one-third of the cultivation, about one-third of the hogs, and substantially more than one-third of the cattle. The addition of a considerable fraction of the figures given for Delaware District to the

TABLE 3
AGRICULTURE IN CHEROKEE NATION, 1880

Districts	Farms	Acres Enclosed	Acres Cultivated	Acres Corn	Acres Wheat	Number Cattle	Number Hogs
Cooweescoowee	713	29,521	19,815	15,781	2,054	20,198	24,137
Delaware	703	25,387	19,762	14,413	3,161	8,277	16,108
Saline	291	6,453	5,354	4,005	383	4,035	8,436
Going Snake	362	9,629	8,532	4,898	2,150	2,568	7,294
Flint	325	7,679	6,221	3,837	1,140	2,809	5,978
Tahlequah	415	8,713	6,234	4,359	674	5,667	8,792
Illinois	610	8,139	7,440	5,198	281	8,938	12,740
Sequoyah	336	7,184	4,489	2,748	24	6,782	13,100
Canadian	349	8,250	6,974	4,247	33	8,131	11,967
Totals	4,104	110,955	84,821	59,486	9,899	67,405	108,552

SOURCE: Summary of Cherokee Census of 1880.

western prairies would still leave the eastern half of the Nation ahead in all categories.

Extensive sampling of the original census books for Coowees-coowee District showed that eight of sixty-seven Cherokees had more than one farm, as did eight of forty-three Delawares, nine of thirty-six intermarried whites, four of twenty-three freedmen, and three of twenty Shawnees. Those having eighty acres or more enclosed included ten Cherokees, seven Delawares, fourteen intermarried whites, no freedmen, and no Shawnees. One white was credited with one thousand acres, two Cherokees and one Delaware with more than five hundred. Six Cherokees had eighty or more cattle, as compared to one Delaware, four whites, one freedman, and no Shawnees. Having eighty hogs or more were ten Cherokees, two Delawares, nine whites, no freedmen, and no Shawnees.³¹ Although there were marked inequalities between citizens, there was little evidence of efforts at monopolizing the land, probably because of the newness of settlement, the extent of the open range, and difficulties in enclosing land, in addition to conformance to Cherokee traditions of equality.

Curiously, although the Cherokee Nation included three incorporated towns, the census did not distinguish town populations. The three incorporated places were Tahlequah, Fort Gibson, and Vinita, the last incorporated in 1873 under the name of Downingville.³² Vinita was located at the northeastern edge of Coowees-coowee District at the intersection of the two earliest railroads (Fig. 5).

As in all censuses, there is the possibility of incomplete reporting. The apparent disappearance of 313 Delawares and 267 Shawnees in roughly a decade suggests an undercount, but the Cherokees, well aware of claims that they were not using the land, surely did not knowingly understate census statistics.

REGIONAL CONTRASTS

The Indian agent, himself an educated Cherokee, included an exceptionally lucid description and interpretation of the evolving scene in the Cherokee country in his report for 1886. In it he distinguished clearly between the country east and west of Grand River. He emphasized the eastern woodland as the home of full bloods, who lived in double log cabins, with log outhouses, stables, and cribs. Their fields of 5 to 150 acres, protected by worm fences, were usually in the valleys. Corn for the family and horses and

some for the hogs, potatoes, beans, and other vegetables were their crops. Springs were the usual sources of water; hogs in the main foraged for mast in the woods. Some full bloods had single log houses, few other buildings, and little production, and in case of need expected help from their neighbors. The grasslands to the west were described as occupied primarily by mixed-blood Cherokees and adopted citizens, who lived in frame, double log, and box houses, with stables, cribs, meathouses, stock pens, and hayricks. Many of their farms were 50 to 500 acres and were fenced with plank, wire, or rail. Draw wells, provided with buckets, and some springs provided water. Vinita, the chief town of the prairie, was likened to a Missouri town of one thousand inhabitants.³³

Although the generalizations made by Agent Owen ring true, the actual distribution of the several groups of citizens and their modes of living presented far more varied patterns than stated.

There is some official record of such local variation. The segregated schools of the Cherokees provide evidence of the location of the communities of freedmen. Seven of the schools for colored citizens in 1886 were east of the Grand—two in the cotton section by the Arkansas, one at Fort Gibson, one on Menard Prairie, one at Tahlequah, one on the prairie in the western part of Tahlequah District, one on Lynch's Prairie in Saline District; four were on the western prairie.³⁴ There were few intermarried whites east of the Grand in 1880, the fewest in Saline and Flint districts (Table 2). The census of 1896 reported only 42 in Saline and 78 in Flint. Tahlequah District, with 312 in 1896, had more than any other political district entirely east of Grand River.³⁵ In the early years of Cherokee occupancy, when a large majority were full bloods, it may be assumed that they lived in most occupied localities. It seems probable, too, that with increasing numbers of intermarried whites and mixed bloods, a process of segregation by attrition developed. Reference has been made to the more individualistic "get ahead" attitude of "white Indians" that led to their occupying the larger tracts of superior land. The preservation of racial purity was doubtless easier in the less accessible localities—the small valleys and hills.³⁶ This is the explanation commonly given for the *de facto* segregation of the full bloods. In 1901, after non-citizens were admitted to the public schools, 30 of the 125 public schools of the Nation were described as schools for full bloods, evidence of continued geographical separation.³⁷

In a physically less varied setting in the western prairies, where mixed-blood Cherokees and intermarried whites played important

roles, local variations were probably fewer than to the east; however, there were enclaves of other classes of citizens. In addition to segregated Negro communities around the schools for freedmen, the Delawares and Shawnees were largely segregated also, apparently by choice. The location of Delaware churches and schools of a later date was consistent with the census findings of 1880. Several localities near the Verdigris were included. The Shawnees, at least in 1890, lived in separate communities.³⁸

4. The Cherokee Country at Allotment

INCREASING MONOPOLIZATION of land and intrusion of non-citizens led to the conclusion by many Cherokees and many of their friends that their system of land tenure and government was not working. Those who decried the land system of the Five Civilized Tribes as “un-American” and their tenure as impeding progress now had the additional argument that the “real” Indian, the full blood, was being dispossessed in his own country. Monopoly and intrusion were greatest on the western prairies, where few full bloods had ever chosen to live.

MONOPOLY BY CITIZENS AND INTRUSION

The processes of occupying the land already described continued at accelerated rates on the western prairies. Agent Owen in successive official annual reports in the late 1880's, reacted to events transpiring on the prairie: He concluded that the Cherokee system of land tenure “precludes the possibility of unjust pauperism so often imposed on worthy labor,” although regretting the improvidence of some full bloods; noted with satisfaction that “the abuse of large tracts of pasture” behind barbed wire had been ended by enforcement of remedial legislation; expressed the fear that large-scale cultivation by some citizens would force the allotment of land.¹

The increased use of permit labor, aided no doubt by cheap barbed-wire fencing, created a class of landlords as well as providing ready-made farms for their children.² Since there was no legal restriction on the amount of land that a citizen might claim for cultivation and the law against the use of barbed-wire fencing appears to have been ignored except for large grassland pastures and hayfields, the danger of monopoly was real. In 1894, the agent concluded that the communal land system was unfair to the full bloods, who in the main were not involved in large-scale fencing.

The Vinita newspaper, serving that mixed-blood community, charged that the Cherokee Nation had been looted mercilessly by its own citizens.³

Perhaps the abuse of the public domain by squatters was greater than by Cherokee citizens. Intruders, who had coveted the grasslands of the Cherokees from the early 1870's, were reported in 1895 as cultivating themselves or with the aid of renters 50 to 200 acres each and enclosing grassland for pasture and hay, with no pretense of heeding acreage limitations. The pasture could be rented out and the hay sold in the mining towns of southwestern Missouri and to the stockyards in Kansas City. The towns of the intruders were described as merely camps. Family heads listed by the appraisers in the "prairie section" in 1895 numbered 1,367. Thus, Cooweescoowee, with a recorded citizen population of 8,448 in 1896, probably still had substantially more citizens than intruders, although some localities, in addition to "intruder towns," probably had intruder majorities. It seems likely that there were as many laborers, tenants of citizens, as intruders on the prairies, because in 1890 non-citizens in Cooweescoowee at 12,322 outnumbered citizens, 5,621, by more than two to one; and also in Delaware, partly prairie, and in Canadian, in the southwest, non-citizens were in the lead. Intruders were numerous, also, on the Arkansas lowland in the mainly wooded, southeastern part of the nation.⁴

PEOPLES AND LANDSCAPES

The reports made by the Commission to the Five Civilized Tribes (Dawes Commission) and by the surveyors who described and mapped the Cherokee Nation, supplemented by United States and Cherokee censuses, provide exceptional records of occupance of a land at a period of critical change as the land-tenure system and government of the Cherokees ended. Actually, as noted, the Cherokees were not then masters nor their land system dominant in some parts of their territory. The township plats and field notes of the surveyors present contrasting landscape patterns with some explanatory description.

Country to the East

The predominantly wooded country east of Grand River, although varying locally, was largely Indian. The 1890 census showed that citizens exceeded non-citizens by more than two to one

in Flint, Going Snake, and Tahlequah, and by more than three to one in Saline. In 1896, Cherokees by blood in these same districts were far more numerous than all other classes of citizens combined, outnumbering them from twenty-three to one in Flint to four to one in Tahlequah District.⁵ In much of the Arkansas lowland in the south, however, Cherokee citizens were outnumbered. In Sequoyah District in 1890 only 1,440 of a total of 4,971 were citizens. In 1896 the citizen population consisted of 1,599 Cherokees by blood, 194 intermarried whites, 149 freedmen, and five Indians other than Cherokees. Many of the 1,337 heads of families of intruders in the "cotton section" along the Arkansas and Canadian in 1895 probably lived in Sequoyah District, near the Arkansas border. Probably most of the squatters were operating small farms, but one was reported as employing fourteen tenants, and Muldrow was called an intruder town.⁶

The cultivation of small fields, mostly of corn, open range grazing of cattle, and foraging of hogs continued important with some hunting. In 1890 it was claimed that the Cherokee country had abundant game, including turkeys, bear, deer, and wolves. In 1900, Fitch, the topographer in charge of the topographic mapping preparatory to allotment of land, described the wooded land near the Grand and Illinois rivers as "one of the best game regions in the country."⁷ Men interviewed in the 1930's were virtually unanimous in calling hunting the chief means by which full bloods obtained their meat up to the time of allotment.

The number of full bloods continued to vary greatly locally, fewer in the better farming areas. A locality in old Flint District provides an example. The basin valley of the upper Sallisaw (pictured in Fig. 6), which contained much land appraised at greater than average value for the Nation, was claimed by Cherokees of less than one-half blood, largely one-fourth or less, and by intermarried whites, with much smaller acreages allotted to these groups on adjoining upland. Full bloods, however, secured many allotments in the smaller stream valleys in the neighboring hills.⁸ It may be assumed that many allottees exercised the right to claim homes and farms already occupied.

In another locality having more whites than were common in the woodland, the surveyors generalized in 1898: "The settlement is very scarce, however, it is equally divided between whites and Indians, the former cultivating the rolling uplands and the latter a portion of the narrow valleys."

In contrast, significant statements about the small prairies in-

cluded: "The prairie portion is very thickly settled by white people who carry on farming to a small extent," and "There are probably 400 people in the entire Tp. mostly white or half-breed."⁹

The township plat of the southwestern part of Cowskin Prairie, the largest grassland in the eastern part of the Cherokee country, and of woodland to its south, prepared from the field notes of the surveyors, epitomizes in contrasting cultural landscapes fundamental differences within the country east of Grand (Fig. 11).¹⁰ The prairie was the home of white men, mixed-blood and intermarried white Cherokee citizens, and their tenants. Cultivated fields, fenced pastures and meadows, some larger than one square mile in extent, almost completely occupied the prairie; there was no semblance of the traditional quarter-mile-wide zone around farms; the small number of roads that had survived enclosure ran angular courses closely constrained by fences, mainly of wire but partly of rail; no public domain survived. It was not a Cherokee landscape. The occupants themselves, largely *de facto* tenants, were illegal. The wire fences were illegal.¹¹ Many of the meadows and pastures, by exceeding fifty acres per Cherokee family member, were illegal. Monopoly, contrary to the Indian ideal, prevailed.

In the woods to the south lived Indians, largely full bloods. If there were white tenants, there was little evidence of them. The fields, mainly in the valleys but a number on the upland, varying in size from ten acres to more than one hundred acres, occupied less than one-sixth of the area. An extensive public domain was left, with room for unimpeded, usually winding roads, in greater number than on the more populous prairie. Most fences were rail, and no farms, even in the main valley (Honey Creek), abutted on one another, although in one case the separation was less than one-fourth of a mile. There were only a few small enclosed pastures. Several springs were mapped. This was an Indian landscape, representative of most of the Ozarkian woodland.

The better farming areas in formerly wooded sections, occupied largely by mixed bloods, tended to have landscapes intermediate between the types just described.

Not only Cowskin Prairie but most of the small prairies among the woods were farmed more completely than the woods. Grasslands near the Arkansas were exceptions. Among the prairies quite completely fenced were Beattie's, Tahlequah, Alberty or Westville, Lynch, Mosely, and Lowry (Fig. 5). Others less than half enclosed, but more so than their surroundings, included Menard, Markham, Long, Ulm (Elm), Peggs, and Rose. Some enclosures as large as one

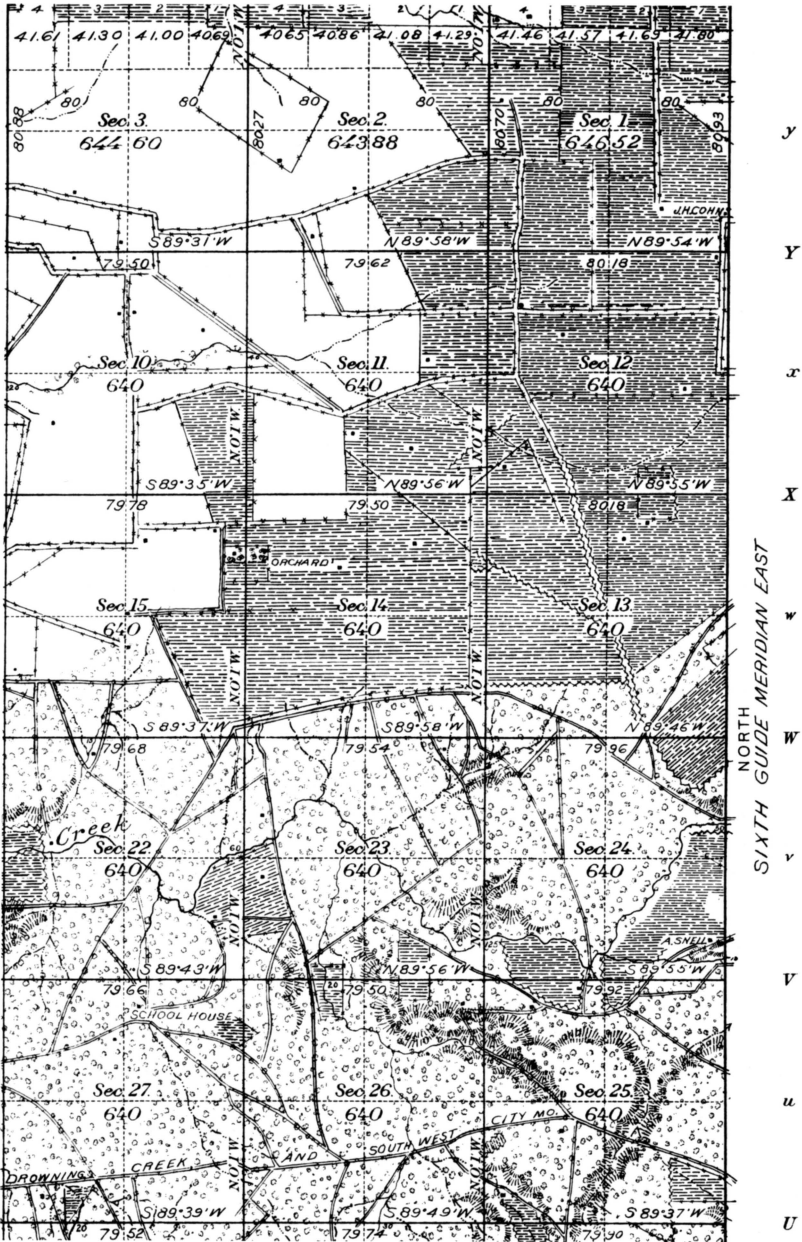


Fig. 11.—Surveyors' map of part of Cowskin Prairie and woods to the south, 1897. Map signed by Director of U.S. Geological Survey, November 5, 1898.

square mile were shown on the maps of Beattie's and Alberty prairies as well as of Cowskin Prairie. Large enclosures were less common in the woods and less likely to be of wire. In the main, allotments on the prairies were claimed by mixed bloods, although freedmen allottees were in the majority in several prairies along the Grand and the Arkansas.

Western Prairies

Cultural landscapes on the big prairie to the west were in considerable part like those of Cowskin Prairie. The habitat occupied was similar but more extensive; the people of the same sorts, plus Delawares, Shawnees, freedmen, and a number of white intruders; the time and conditions of development much the same, although the railroads came earlier to the west.

The surveyors in 1896–97 commented on the makeup of population in twenty-two of the congressional townships west of the Grand. Summarized, the results were these: whites mentioned in nineteen, formed a majority in ten, intermarried whites mentioned in one; Negroes, mentioned in seven, majority in four; Indians mentioned in six, majority in none, fourth-bloods mentioned in two, full bloods not mentioned. Apparently, the Delawares and Shawnees were not distinguished. Mixed-blood Indians may have been mistaken for whites.

The township plats showed considerable variation in land occupation. A good many townships, especially to the north and east, were quite completely enclosed, in some cases entirely so by wire fences. Cultivated fields, pastures, and meadows frequently exceeded one square mile in extent. As on Cowskin Prairie, some fences interfered with roads. Most enclosures were irregular in shape, but on the north, near Kansas, some followed the cardinal directions.

Settlement to the south and west on the prairies lagged, with less than one-third of the land fenced in a number of townships. In some of these, traditional modes of land occupancy remained. Township 20N., range 15E., along the Verdigris River at the southern margin of the Cherokee big prairies, was such a locality. The township plat shows eighteen fields of less than one hundred acres each, all but four enclosed by rail fence and all but four (not identical) cultivated, in and immediately adjacent to the wooded bottoms of the Verdigris and its tributaries. In addition, there were somewhat fewer but larger enclosures on the upland prairie of barbed wire, some as large as one square mile, shown both in culti-

vation and as pasture or hay. Settlement had begun to expand from the valley bases and illegal barbed-wire fencing had begun; but in large part, it was still an Indian landscape. The small railroad village of Catoosa was reported as incorporated under Cherokee law.¹²

Towns in the Cherokee Country

By the time of allotment, which began in 1903, the Cherokee Nation, like adjacent non-Indian country, had acquired several railroads and many towns. By 1899 the western prairies were fairly well served by rail, the Arkansas valley crossed, and the Ozarks penetrated. In that year the United States Indian agent reported 89 towns and 612 traders in the Cherokee Nation, adding that no white men were permitted to trade except in Canadian District. However, judging by the reports of the surveyors (1896–98), few places were more than small villages.¹³ The older centers, Tahlequah, estimated at 1,800, and Fort Gibson, at 1,500, were largest, followed by Claremore (for which a claim of more than 1,500 was recorded), Vinita, Fairland, Pryor Creek, Afton, Nowata, Stilwell, all 500 or more. The population of Bartlesville was estimated at 300. Muldrow, identified elsewhere as a town of the intruders, was credited with 300 by the surveyors of the township exteriors, but only 180 by those who surveyed the interiors.¹⁴ No figures were given for a number of towns.

It is significant that except for the Cherokee capital, Tahlequah, all of the larger towns were on railroads by 1902 (Fig. 5). Most had grown up about the railroad stations, a process active at the time of the survey.¹⁵ Judging from the comments of the surveyors, the three chief town-forming factors were railroad stations, stores, and post offices. The smaller places were most commonly identified as post offices, often with specific reference to a store or stores and houses. In only one case did the surveyors, in apparent surprise, note their absence. Also identified were blacksmith shops, mills—both sawmills and mills for grain—cotton gins, churches, schools, hotels, and courthouses. Complete inventories of establishments were not attempted except for some of the smaller places. Tahlequah, the largest town, was credited with several large stores, many small shops, two hotels, several large livery stables, and the Cherokee Female Seminary, with an enrollment of about 350.¹⁶

A wide range in town form existed, as exemplified by neighboring places in the northeastern part of the prairie. In the words of the surveyors:

Ogeechee or Prairie City [earlier called Rossville] is a chartered town under Cherokee laws, on the Frisco R.R. and has been *surveyed and laid off into streets and lots*, [italics by Hewes], it was the original site for Fairland. . . . Fairland . . . contains several good stores, 2 churches, 1 school and a hotel and post office, and has a population of about 600. It is an incorporated town under Arkansas statutes, but *has never been surveyed* [italics by Hewes].¹⁷

In those towns having a semblance of control by Cherokee authorities, non-Cherokees commonly leased or bought the right to use lots claimed by Cherokee citizens. Vinita, the earliest Cherokee town on the prairie, has been described as substantial. Places incorporated under Cherokee laws, according to the surveyors, included Claremore, Nowata, Catoosa, Vian, and Ogeechee, as noted. There were others in addition to the oldest Cherokee towns, Tahlequah, Fort Gibson, and Vinita, which were incorporated early.¹⁸ Several were incorporated under the laws of Arkansas, which superseded Cherokee laws following the implementation of the Curtis Act in 1898. Among these were Stilwell, Fairland, and Nowata, the last of which was said to be incorporated under both Cherokee and Arkansas laws. Where Cherokee authority was flouted, disorder was said to be the rule. In 1890 it was claimed for the Five Civilized Tribes that the towns of intruders were “merely camps,” without town limits and lacking municipal services, but had “valuable and important buildings.”¹⁹ It may be presumed that most structures were of a temporary character and most such towns had irregular layouts.

Direct expressions of Cherokee political authority were not prominent in the landscape, although indirect expressions were pervasive, setting the Cherokee country apart from most parts of the United States. Even in Tahlequah, which the surveyors identified as the capital, only the national high school for girls was a matter of comment. Elsewhere the national schools and the insane and orphans' asylums and the district courthouses were noted. One may assume that district officials—a judge, clerk, and sheriff per district—had offices there and may have lived in the neighborhood. Only one of the six settlements containing courthouses described could qualify as more than a hamlet. Webbers Falls, called a cotton market and seat of government of Canadian District, situated on Arkansas River by two-foot-high falls, was called a town of sixty dwellings, four stores, cotton gins, two hotels, one church, and a courthouse. Garfield (Illinois District) in addition to the courthouse included a store, school, church, and “a number” of dwellings. Suagee, courthouse center for Delaware District, was credited with about fifty inhabitants.²⁰

Thirty towns of two hundred inhabitants or more and an additional seventeen smaller places were surveyed and platted in 1902–1903 by the Commission to the Five Civilized Tribes in preparation for the allotment of land. In all, fifty-three towns were delimited and the land made unavailable as allotments. The citizen “owners” of lots were permitted to purchase them at costs below their assessed values.²¹ Towns of five hundred inhabitants or more, as reported by the United States Inspector for Indian Territory in 1902, and railroads are shown in Fig. 5. Vinita, at 2,500, was followed by Tahlequah, 1,800.²² The Cherokee country was no longer overwhelmingly rural.

5. Conclusion

THE CURTIS ACT, 1898, provided for the end of Cherokee government and system of land use. In the allotment in severalty of Cherokee real estate, conducted in the years 1903–10, land was divided among the citizens equally—110 acres of land of average value, more of less valuable land, less of more valuable land.¹ Mineral rights went with the land.² One can conclude that the Cherokee principle of equality was the only fundamental principle retained. The cultural landscape was reorganized within the constraints of the grid of the United States land survey, less completely in rugged areas and with more land holdings than usual crossing section lines. Although many farmsteads, the railroads, and the towns remained where they were, the reorientation of roads, and the reshaping of many farms resulted in largely new patterns on the land, especially on the western prairie (Figs. 12 and 13).

A comparison with modern maps will show that the urban pattern of northeastern Oklahoma was in the main established in the last years of the Cherokee Nation (Fig. 5). The railroads were forced on the Cherokees; the towns built along them were Cherokee creations only in part and were inhabited by other than full bloods. The judgment of the inspector in choosing townsites has been justified by subsequent events. Of the forty-seven surveyed, only thirteen had fewer than two hundred inhabitants in 1977. Of these thirteen, only one was not listed in the latest Rand McNally Atlas and three were classed as “rural” without an estimate of population.³ Also, most of the towns, villages, and hamlets listed by the surveyors (who did not use the last term) are still recognized places. The Cherokee country may be judged exceptional in the small number of ghost towns, although the courthouse settlements of the Cherokees fared poorly. Of the six listed by the surveyors, only Webbers Falls, the largest and one of the townsites chosen by the commission, continues to exist. Where the political function was primary, the courthouse hamlets were outmoded by the termination of Cherokee government.

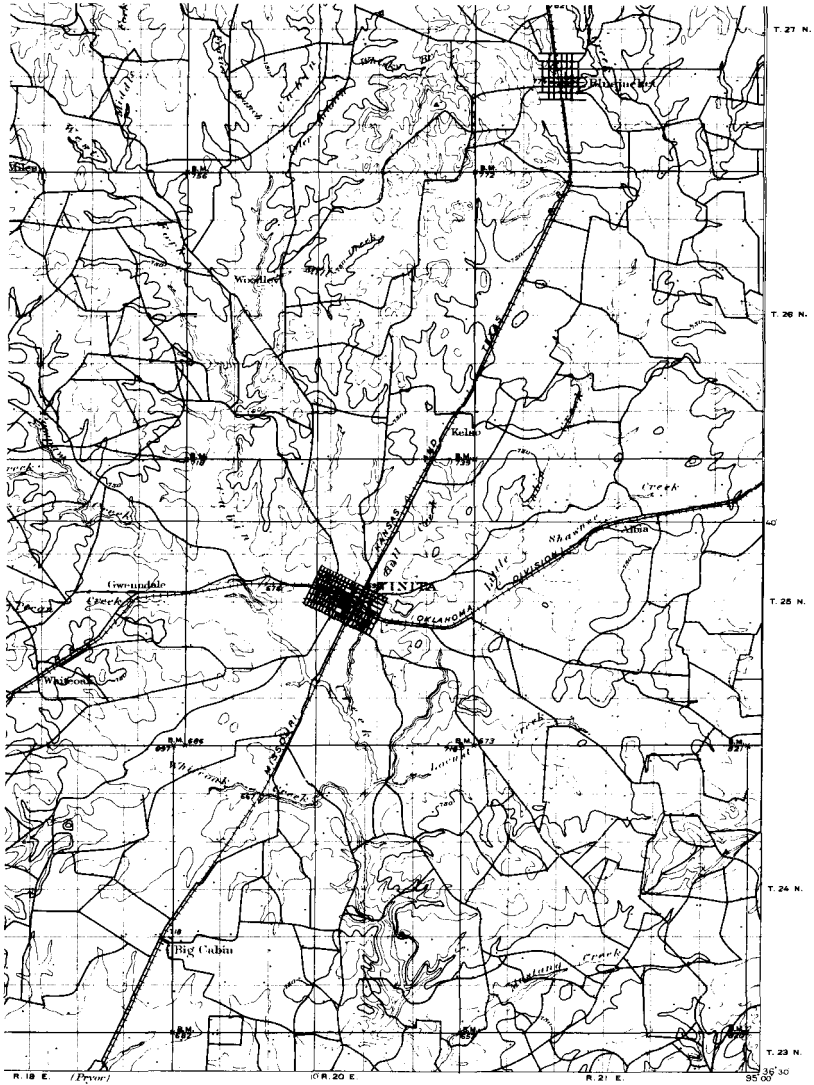


Fig. 12.—Southeastern part of Vinita Quadrangle of U.S. Geological Survey, surveyed 1896-97, edition of 1901. Pre-allotment.

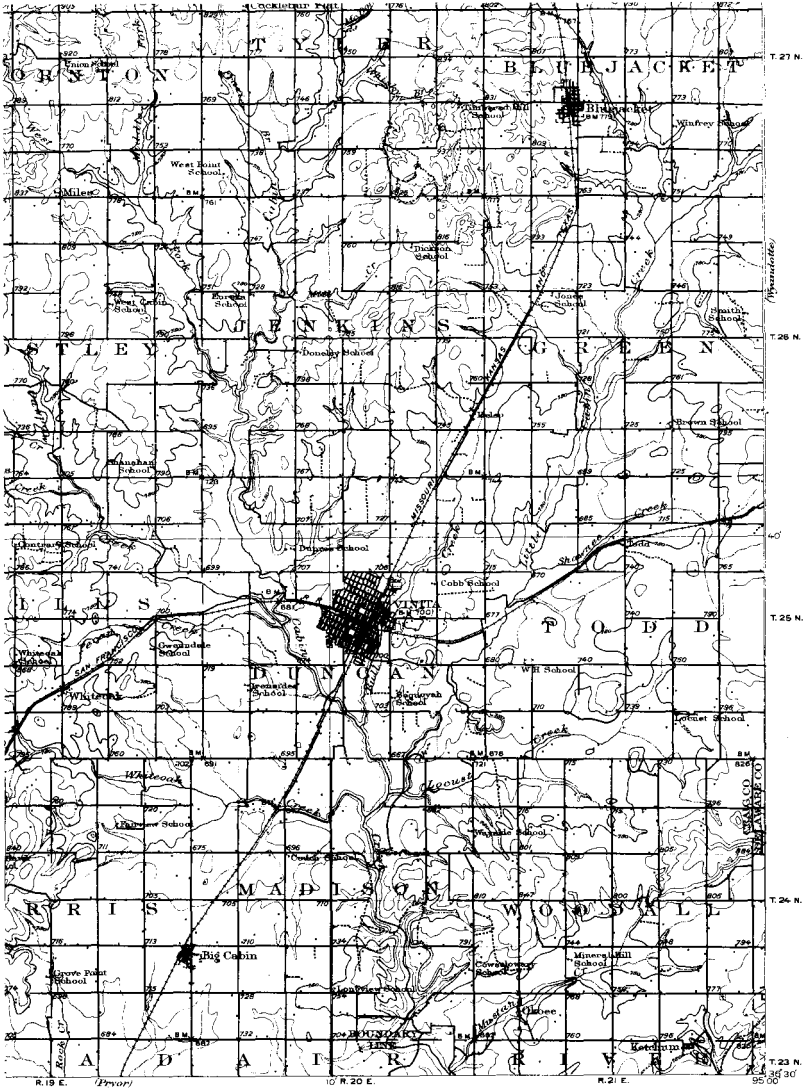


Fig. 13.—Southeastern part of Vinita Quadrangle, surveyed 1911–12, edition of 1913. After allotment.

Many evidences of Cherokee occupance remain, including the numerous descendants of Cherokee citizens, commonly in localities where they have long been residents (Fig. 14). The mixed bloods are still to be found in the towns and more accessible rural areas, the full bloods, now further diminished in numbers, largely in small valleys in the hills. The full bloods commonly make use of bottomland for their small fields and full-blood churches commonly indicate Indian communities (Figs. 15 and 16). By now, the intermarried whites have faded into the ranks of the mixed-blood Cherokees. The once numerous Cherokee freedmen are represented by only a small remnant of blacks in a diminishing number of communities as a result of out-migration.

Whites, long present as permitted renters and mechanics and later as squatters, now include later migrants and their children. The former tenants and squatters, willing to forgo political and educational privileges under the Cherokees, have had to "lift themselves by their bootstraps." Descendants of non-citizens constitute a large majority in both town and country.

Probably the best-known reminder of Cherokee occupance aside from place names is the Cherokee national capitol building, which



Fig. 14.—Indians in Stilwell on a Saturday, 1936, probably more interested in socializing than shopping. An unusually large number of Indians live near Stilwell.



Fig. 15.—Field of full blood on Jenkins Creek, old Flint District. Note rail fence, “deadening” (standing girdled trees), and the crop of corn. Photograph reproduced courtesy of *Economic Geography*, Vol. 18 (1942).



Fig. 16.—Cherry Tree (full-blood) Baptist Church in southern Adair County. Such churches commonly identify Indian communities.



Fig. 17.—Cherokee national capitol, Tahlequah, built in 1867. Now Cherokee County courthouse. Picture taken in 1972.

now serves as Cherokee County courthouse (Fig. 17). In Tahlequah the former Cherokee Female Seminary building is part of North-eastern State University.

The retarded mature settlement, with the preservation of pioneer conditions,⁴ is becoming less evident as even the Ozarkian area becomes meshed in the regional and national economy. Reservoirs with their resorts and improved highways have reduced isolation. The sturdy log house, however, remains more common than outside the Cherokee Ozarks. Slowly the open range tradition in the eastern hills has given way, so that enclosed pasture is now as common in the Oklahoma Ozarks as to the east. On the western prairies the cowboy ethic, portrayed eloquently in the musical *Oklahoma*, continues to find expression in more pasture and hay and less wheat than in adjacent Kansas. The high percentage of tenancy, deeply rooted historically, has recently given way. The Cherokee Ozarks now conform to the southern hill country norm of predominantly owner-operation of farms.

The Cherokees, at least the full bloods, seem to have changed less than the land. Recent field work shows them living mainly in marginal Ozarkian areas, largely in a subsistence economy, spending less than their neighbors because of many living on land that

belongs to relatives or friends and the sharing of labor in construction. In many localities Cherokee remains the dominant language and for some the only language.⁵

The visitor who characterized the Cherokee Nation as a protectorate of the United States and its land tenure as one to arouse the cupidity of white neighbors recognized two basic weaknesses.⁶ Without doubt, many Cherokee citizens by monopolizing land, legally and illegally, in the process inviting American citizens as tenants, contributed to the break-up of the Cherokee political and economic systems. But the fact that the full bloods were the chief opponents of both changes suggests strongly that protection of the weak against the strong was rationalization for federal action rather than reason.⁷ Henry L. Dawes, for eighteen years chairman of the Senate Committee on Indian Affairs and head of the Commission to the Five Civilized Tribes (Dawes Commission), probably stated the basic reasons for ending the Cherokee political and land-use system when he said that the United States government felt impelled "to induce these anomolous governments [Five Tribes] with their communal land titles to exchange them for political institutions and land tenure in harmony with our own."⁸ In other words, the Cherokees were "un-American."

One may speculate that the Cherokee experiment might have had a different outcome if the Cherokees had lived in a less exposed geographical position, or ideas of progress and manifest destiny had not dominated American thinking at the end of the nineteenth century. Finally, a land system that worked well under frontier conditions broke down as technology made possible the rapid conquest of the open grassland.

Notes

CHAPTER 1

1. First Annual Message (second term), Hon. D. W. Bushyhead, Principal Chief, Cherokee Nation, November 7, 1883. Phillips Collection (now part of Western History Collection) University of Oklahoma, no. 2755.

2. [Cephas Washburn], *Reminiscences of the Indians*, ed. Hugh Park (Van Buren, Ark.: Argus Press, 1955), pp. 60, 63; Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1932), Cherokees, pp. 229–312. Mary Whatley Clarke, *Chief Bowles and the Texas Cherokees* (Norman: University of Oklahoma Press, 1971); Albert Woldert, “The Last of the Cherokees in Texas and Life and Death of Chief Bowles,” *Chronicles of Oklahoma*, I, No. 3 (June, 1923), pp. 177–226.

3. Summaries are provided by Raymond D. Fogelson and Paul Kutsche, “Cherokee Economic Cooperatives: The Gadugi,” in *Symposium on Cherokee and Iroquois Culture*, eds. William N. Fenton and John Gulick, Smithsonian Institution, Bureau of American Ethnology *Bull. 180* (Washington: GPO, 1961), pp. 89–90; and by John R. Swanton, *The Indians of the Southeastern United States*, Smithsonian Institution, Bureau of American Ethnology *Bull. 137* (Washington: GPO, 1946), p. 114.

4. Swanton, *Indians of S.E. U.S.*, maps following p. 34; [William Bartram], *The Travels of William Bartram*, ed. Mark Van Doren (New York: Masy-Masius, 1928), pp. 301–302; Louis De Vorse, Jr., *The Indian Boundary in the Southern Colonies, 1763–1775* (Chapel Hill: University of North Carolina Press, 1961), p. 19, maps, pp. 15 and 69.

5. Bartram, *Travels*, pp. 275, 276, 278, 279; Adelaide L. Fries, ed., *Records of the Moravians in North Carolina*, Vol. 3, *Publications of the North Carolina Historical Commission* (Raleigh: Edwards and Broughton, 1926), pp. 49, 51, 56.

6. Quotation from Fogelson and Kutsche, “The Gadugi,” p. 90; [James Adair], *Adair's History of the American Indians*, ed. Samuel Cole Williams (Johnson City, Tenn.: Watauga Press, 1930), p. 239; Bartram, *Travels*, pp. 284, 286; Adelaide L. Fries, ed., *Records of the Moravians in North Carolina*, Vol. 5 (Raleigh: North Carolina Historical Commission, 1941), p. 1994. Adair was in the Indian country for decades in the mid-1700's; Bartram visited in 1776, and the Moravian, Schneider, in 1783–84.

7. Fogelson and Kutsche, “The Gadugi,” pp. 89–90; Bartram, *Travels*, pp. 301–302; F. W. Hodge, *Handbook of Indians North of Mexico*, Bureau of American Ethnology *Bull. 30*, Pt. 1 (Washington: GPO, 1907), p. 247; [Lieut. Henry Timberlake], *Lieut. Henry Timberlake's Memoirs, 1756–1765*, ed. Samuel Cole Williams (Johnson City, Tenn.: Watauga Press, 1927), map at front; Bartram, *Travels*, pp. 269, 296; Adair, *History*, p. 442.

8. Swanton, *Indians of S.E. U.S.*, p. 265; Adair, *History*, pp. 435–39, 462; Bartram, *Travels*, pp. 400–401; Fries, *Moravians in North Carolina*, Vol. 5, p. 1984.

9. Adair, *History*, pp. 242, 435–36, 442; Timberlake, *Memoirs*, p. 72; Bartram, *Travels*, p. 400; William Bartram, "Observations on the Creek and Cherokee Indians, 1789," *Transactions of the American Ethnological Society*, 3, pt. 1 (1853), p. 48. In "Observations," the latest of the reports, Bartram explained that the lack of cultivation of small grains was due to their not using plows.

10. John R. Swanton, "Aboriginal Culture of the Southeast," *Forty-second Annual Report of the Bureau of American Ethnology to the Smithsonian Institution* (1924–25) (Washington: GPO, 1928), p. 691. Adair, *History*, p. 436. Bartram, "Observations," p. 31.

11. Grace Steele Woodward, *The Cherokees* (Norman: University of Oklahoma Press, 1963), p. 117.

12. The repeated devastation of villages and fields, more than fifty towns in an expedition, is reported in considerable detail in John P. Brown, *Old Frontiers: The Story of the Cherokee Indians from the Earliest Times to the Date of the Removal to the West, 1838* (Kingsport, Tenn.: Southern Publishers Inc., 1938), pp. 110–430.

13. Rev. Jedidiah Morse, *A Report to the Secretary of War of the United States on Indian Affairs* (New Haven, Conn.: S. Converse, 1822), p. 152; John B. Davis, "The Life and Work of Sequoyah," *Chron. of Okla.*, 8, No. 2 (June, 1930), p. 157; Henry Thompson Malone, *Cherokees of the Old South, a People in Transition* (Athens: University of Georgia Press, 1956), p. 147, citing the *Cherokee Phoenix*, May 14 and June 11, 1828.

14. Morse, *Rept. to Sec. of War*, p. 155, quoting the first number of the United Brethren's *Missionary Intelligencer*.

15. Bartram, *Travels*, p. 296; Bartram, "Observations," p. 37; Fries, *Moravians in North Carolina*, Vol. 5, p. 1984; Althea Bass, *Cherokee Messenger* (Norman: University of Oklahoma Press, 1936), p. 102. Worcester's work among the Cherokees is Bass's subject.

16. *Laws of the Cherokee Nation, adopted by the Council at various times* (1808–1835) (Tahlequah, C. N.: *Cherokee Advocate* Office, 1852), pp. 40–41 (Nov. 12, 1824); pp. 57–58 (Nov. 18, 1825), p. 173 (March 23, 1831); pp. 62–63 (Nov. 12, 1825).

17. *Ibid.*, Constitution, Art. 1, sec. 2, pp. 119–20 (July 26, 1827).

18. *Ibid.*, p. 134 (Oct. 21, 1829); p. 6 (Oct. 26, 1819).

19. Letter of David Brown in Thomas L. M'Kenney, *Memoirs, and Travels, Official and Personal, with sketches of travels among the northern and southern Indians; embracing a war excursion and descriptions of scenes along the western border*, 2 volumes in one (New York: Paine and Burgess, 1846), pp. 37–38. The late chief of Indian affairs quoted this Christian Cherokee with evident approval. J. H. Moore, *The Political Condition of the Indians and the Resources of Indian Territory* (St. Louis: Southwestern Book and Publ. Co., 1874), p. 32, quoting House Committee on Indian Affairs, Feb. 24, 1830.

20. Microfilm of manuscript of Cherokee Census of 1835, Western History Collection, University of Oklahoma; Malone, *Cherokees of Old South*, p. 118.

21. From copy of Cherokee Census of 1835 in possession of Judge J. T. Parks, Tahlequah.

22. Malone, *Cherokees of Old South*, p. 138.

23. Microfilm, Cherokee Census of 1835.

24. M'Kenney, *Memoirs*, p. 265, recalled Major Ridge, one of the Cherokee signers, as saying that he accepted the Treaty of New Echota of 1835–36 for the good of his people, although he expected to die for signing. He was killed a few

years later in the new land. Malone, *Cherokees of Old South*, pp. 171–84, recounted the means used by the state of Georgia to bring about the eviction of the Cherokees.

CHAPTER 2

1. Grant Foreman, *The Five Civilized Tribes* (Norman: University of Oklahoma Press, 1934) p. 281; Charles C. Royce, "The Cherokee Nation of Indians: A narrative of their official relations with the colonial and federal governments," *Fifth Annual Report of the Bureau of American Ethnology*, 1883–84, (Washington: GPO, 1887), p. 375.

2. *Part IV of James's Account of the S. H. Long Expedition, 1819–1826*, Vol. 18, *Early Western Travels*, ed. Reuben Gold Thwaites (Cleveland: Arthur H. Clark Co., 1905), pp. 17f.; *Nuttall's Travels into the Arkansas Territory, 1819*, Vol. 13, *Early Western Travels*, ed. Reuben Gold Thwaites (Cleveland: Arthur H. Clark Co., 1905) pp. 17, 22, 173. [Rev. Cephas Washburn], *Reminiscences of the Indians by the Rev. Cephas Washburn, A.M., Many Years Superintendent of the Dwight Mission, with a Biography of the Author*, ed. Rev. J. W. Moore (Richmond: Presbyterian Committee of Publication, c.1869), pp. 24, 115.

3. Alfred Finney to Jeremiah Evarts, Esq. (Aug. 12, 1824) in "Dwight Mission," *Chron. of Okla.*, 12, No. 1 (March, 1934), p. 44; James, *Account of Long Expedition*, p. 23.

4. *Laws of Cherokee Nation, 1808–35*, pp. 169–70 (March 22, 1831), pp. 136–7 (Oct. 26, 1829); pp. 178–179, (1820); p. 20 (Oct. 27, 1821); p. 169 (March 22, 1831); p. 41 (1824); p. 173 (March 23, 1831), p. 41 (Nov. 12, 1824); p. 150 (Sept. 19, 1831), pp. 26–27 (Nov. 8, 1822).

5. *Rept. Com. Ind. Affairs*, 1837 (Washington: GPO, 1837), p. 540.

6. "Report of the Principal Disbursing Agent for the Western Territory," *Rept. Com. Ind. Affairs*, 1837, p. 545, spoke of the sale of agricultural products to government garrisons and the newcomers, and Hitchcock reported, "Some of them have sold their improvements to advantage to the late emigrants," *A Traveler in Indian Territory: The Journal of Ethan Allen Hitchcock, late Major-General in the United States Army*, ed. Grant Foreman (Cedar Rapids, Iowa: Torch Press, 1930), p. 53.

7. *Report of the Bureau of Indian Affairs*, 1833, p. 193; Emmet Starr, *Cherokees West, 1794–1839* (privately printed for Emmet Starr, Claremore, Okla., 1910) p. 117; Joseph B. Thoburn, *A Standard History of Oklahoma* (Chicago and New York: Amer. Hist. Soc., 1916) I, pp. 148f., and Emmet Starr, *Early History of the Cherokees, embracing aboriginal customs, religion, laws, folklore, and civilization* (no place, no publisher, c.1917), p. 78.

8. The term Cherokee country was restricted to the portion of the Cherokee Nation to the east of Grand River in Leslie Hewes, "The Oklahoma Ozarks as the Land of the Cherokees," *Geographical Review*, 32, No. 2 (April, 1942), 269–81 and in Hewes, "The Geography of the Cherokee Country of Oklahoma" (Ph.D. dissertation, University of California, Berkeley, 1940). However, in Hewes, "Cherokee Occupation in the Oklahoma Ozarks and Prairie Plains," *Chron. of Okla.*, 22, No. 3 (Sept., 1944), 324–37, the areal coverage was the same as here.

9. The land sales up to 1883 were summarized by Chief Bushyhead, "Message," appendix. The annuities from the proceeds (sale price \$2,953,300.58) provided most of the support for Cherokee government after the Civil War. The Treaty of 1866, forced on the Cherokees because of support given the Confederacy, provided that 50 per cent of the income should go for general governmental operation, 35 per cent for schools, and 15 per cent for orphans.

10. The new land was the home of most Cherokees beginning in 1839, although a remnant in North Carolina escaped removal and individuals and groups lived elsewhere. A few Cherokees at one time or another lived in territory later sold by the Cherokee Nation. In 1841, as reported to Hitchcock, *Traveler*, pp. 74 and 75, some ninety or one hundred Cherokees were the only inhabitants of Cherokee-owned land in the Neutral Lands in what is now southeastern Kansas. Before the Civil War some were living on Bird Creek in the eastern part of present-day Osage County (land sold to the Osages after the Civil War), as shown by the location of Coowees-coowee courthouse there from 1856–67 (Emmet Starr, *History of the Cherokee Indians and Their Legends and Folklore* (Oklahoma City: The Warden Company, 1921), p. 79. Before the sale of the Cherokee Outlet in 1891, some seventy Cherokees were thought to have farms on land to the south of the Osages in the southeastern-most part of the outlet, according to *Sen. Ex. Doc. 56*, 52 Cong. 1 sess. (1892), p. 12.

11. C. H. Fitch, "Woodland of Indian Territory," *21st Annual Report of the United States Geological Survey*, Dept. of Interior (1900), Pt. 5 (Washington: GPO, 1900), plate CXLII (map dated 1899); [United States Surveyors], *Field Notes, Subdivisions* (1896–98), Vols. 15, 17, 42, 44, 45, 47, 49, 51, 53, 55, 57, 58, 60, 62–72, examined at Division of Indian Lands and Money, Superintendency of the Five Civilized Tribes, Muskogee, deal with the Cherokee Nation. See also U.S. Geol. Survey, *Township Plats*, lithographed by General Land Office.

12. Moore, *Political Condition of the Indians*, pp. 35–36. He added, "The wooded parts of the country are generally open and tall, rank grass grows as freely shaded by the forest, as where it waves in the light and breeze of prairie expanse."

13. Curtis F. Marbut, "Soil Reconnoissance of the Ozark Region of Missouri and Arkansas," *Thirteenth Report, Field Operations of the Bureau of Soils*, 1911, (Washington: GPO, 1914), pp. 1727–38, and 1740.

14. Grant Foreman, "Salt Works in Early Oklahoma," *Chron. of Okla.*, 10, No. 4 (Dec., 1932), p. 498.

15. William Armstrong, Acting Superintendent, Western Territory in *Rept. Com. Ind. Affairs, Rept. Dep. of War*, 1838, p. 468; "Report of the Principal Disbursing Agent for the Western Terr.," *Rept. Com. Ind. Affairs, Rept. Dept. of War*, 1837, p. 545; George Butler, Cherokee Agent, *Rept. Com. Ind. Affairs*, 1857, p. 212.

16. Henry C. Benson, *Life Among the Choctaw Indians and Sketches of the Southwest* (Cincinnati: L. Swormstedt & A. Poe for the Methodist Episcopal church, 1860), p. 227.

17. Hon. Vincent Colyer, U. S. Special Indian Commissioner, in *Rept. Com. Ind. Affairs*, 1869, p. 73.

18. Hewes, "Oklahoma Ozarks," pp. 273, 279–80.

19. Grant Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830* (New Haven: Yale University Press, 1930), p. 264f.

20. Foreman, *Five Civilized Tribes*, p. 285, lists five rationing points, at least four of which were close to the Arkansas border. *The Constitution and Laws of the Cherokee Nation; passed at Tahlequah, Cherokee Nation, 1839–51* (Tahlequah, Cherokee, Nation: 1852), pp. 59–61, 101, and 133–34; *Cherokee Advocate*, Aug. 12, 1847, cited by Morris L. Wardell, *A Political History of the Cherokee Nation, 1838–1907* (Norman: University of Oklahoma Press, 1938), p. 113.

21. Hitchcock, *Traveler*, p. 76.

22. *Ibid.*, p. 47; "Lynch's Mill was Spavinaw's Name in Early Day History," in *Chron. of Okla.*, 5, No. 3 (Sept. 1927), p. 323, copied from *Tulsa Daily World*, Nov. 1, 1925; "Samuel Houston Mayes," *Chron. of Okla.*, 6, No. 2 (June, 1928), p. 230.

23. T. B. Ruble, in *Rept. Com. Ind. Affairs, Rept. Dept. of War*, 1848, pp. 517f.;

Thomas B. Ruble in *Rept. Com. Ind. Affairs, Rept. Dept. of Interior*, 1851, p. 383; D. B. Cumings, in *Rept. Com. Ind. Affairs, Rept. Dept. of Interior*, 1852, p. 403; H. D. Reese, Superintendent of [Cherokee] Public Schools in *Rept. Com. Ind. Affairs*, 1858, p. 142. Grant Foreman, "Early Post Offices in Oklahoma," *Chron. of Okla.*, 6, No. 1 (March, 1928), p. 17.

24. Starr, *History of Cherokee Indians*, p. 79.

25. George Butler, in *Rept. Com. Ind. Affairs*, 1858, p. 141.

26. Hitchcock, *Traveler*, p. 245, citing letter of Jan. 9, 1842, pp. 242, 49; Benson, *Choctaw Indians*, pp. 230, 244, 227; [Harris, N. Sayre], "Journal of a Tour in the Indian Country by N. Sayre Harris," ed. Carolyn Thomas Foreman, *Chron. of Okla.*, 10, No. 2 (June, 1932), p. 241. Harris was referring to the old law which the National Council re-enacted within months of the arrival of the main group. This law protected a strip one-fourth mile wide around the house or other "improvement" of an earlier settler from encroachment; however, the distance was reduced to one hundred yards by "a spring or running water, and timber" around a field of an earlier settler located half a mile or more from his house. *Laws of the Cherokee Nation Passed during the Years 1839-1867*, compiled by authority of the National Council (St. Louis: Missouri Democrat Print, 1868), p. 76, date of Sept., 1839.

27. *Rept. Com. Ind. Affairs*, 1843, p. 414; Hitchcock, *Traveler*, pp. 239, 87, 44; The double log house, most often of one story and commonly with open passage between, was frequently referred to as of double-pen construction, as in Fred Kniffen, "Folk Housing: Key to Diffusion," *Annals Assoc. Amer. Geogrs.*, 55 No. 4 (Dec., 1965), 549-77. The two pens and a passage type was said to have originated in southeastern Tennessee (p. 561).

28. Harris, "Tour in Indian Country," p. 244; *Rept. Com. Ind. Affairs*, 1857, p. 211; 1859, p. 172.

29. Hitchcock, *Traveler*, p. 24; Benson, *Choctaw Indians*, pp. 227-28; *Rept. Com. Ind. Affairs*, 1853, p. 382.

30. *Laws, 1839-1867*, p. 120 (Sept. 25, 1839). The law of 1839 recognized fences ten rails high or eight if staked and ridered.

31. Elias Rector, in *Rept. Com. Ind. Affairs*, 1958, pp. 126-27.

32. Hitchcock, *Traveler*, p. 56; Benson, *Choctaw Indians*, 244-45; *Constitution and Laws of the Cherokee Nation; Passed at Tahlequah, Cherokee Nation, 1839-51* (Tahlequah: Cherokee Nation, 1852), pp. 82-84; *Laws*, p. 123.

33. Foreman, *Five Civilized Tribes*, p. 400, quoting *Cherokee Advocate*, Dec. 18, 1848, and *Ft. Smith Herald* as repeated in *Cherokee Advocate*, 1849.

34. *Laws, 1839-67*, pp. 91-92 (Nov. 5, 1857).

35. Foreman, *Five Civilized Tribes*, p. 379; Benson, *Choctaw Indians*, p. 82; Hitchcock, *Traveler*, p. 76; *Laws, 1839-67*, p. 121.

36. Benson, *Choctaw Indians*, p. 267, declared that he had not seen a gristmill except hand mills west of the Mississippi. Hitchcock, *Traveler*, p. 36; *Rept. Com. Ind. Affairs*, 1840, p. 313.

37. *Rept. Com. Ind. Affairs*, 1838, p. 509; 1848, p. 515; 1854, p. 114; 1856, p. 132; 1860, p. 116; 1862, p. 160.

38. Foreman, *Five Civilized Tribes*, p. 392, citing *Arkansas Intelligencer*, 1846.

39. Foreman, *Five Civilized Tribes*, p. 378; Judge J. T. Parks, interview, Tahlequah, July 29, 1936, reported picking seed by hand from cotton grown near Cowskin Prairie after the Civil War.

40. Foreman, *Five Civilized Tribes*, p. 398, citing *Cherokee Advocate*, Nov., 1848; *Rept. Com. Ind. Affairs*, 1858, p. 141.

41. *Rept. Com. Ind. Affairs*, 1851, p. 382. Harris, "Tour in Indian Country," p. 240.
42. *Rept. Com. Ind. Affairs*, 1839, p. 466; 1858, p. 141; 1859, p. 172.
43. Benson, *Choctaw Indians*, p. 228; Hitchcock, *Traveler*, p. 239.
44. Informants: Judge J. T. Parks, James P. Butler, Dave Mann, Charles Snell, Dave Peak, and Eli Whitmire.
45. Hitchcock, *Traveler*, p. 240.
46. *Rept. Com. Ind. Affairs*, 1837, p. 540.
47. Washburn, *Reminiscences*, ed. Moore, pp. 139 and 38.
48. *Rept. Com. Ind. Affairs*, 1841, p. 334; 1859, p. 172; Reply of J. Harlan, in "Report on the Condition of Indian Tribes," *Report of the Joint Special Committee, Sen. Rep. No. 156*, 39 Cong., 2 sess. (Washington: GPO, 1865), p. 445.
49. *Laws, 1839-67*, p. 25 (Oct. 13, 1831).
50. "Large herds of cattle were raised north [northwest and west] of Grand River; and when the Indian troubles commenced, two years ago many persons living south of Grand river, and owning large herds of cattle, for greater security from rebel raids removed their herds to the north side of that river." *Rept. Com. Ind. Affairs*, 1863, p. 180. Hitchcock, *Traveler*, p. 210.
51. Terry G. Jordan, "Early Northeast Texas and the Evolution of Western Ranching," *Annals Assoc. Amer. Geogrs.*, 67, No. 1 (March, 1977), 66-87, presents a general model of the spread of Anglo-American cattle ranching in addition to applying it to northeastern Texas. The quotation is from p. 87. Michael F. Doran, "Antebellum Cattle Herding in the Indian Territory," *Geographical Review*, 66, No. 1 (Jan., 1966), 48-58, assembled evidence for the Five Civilized Tribes that open range herding, cattle drives, unimproved breeds, extensive land use, Negro slave labor, horseback operations, and dominance of cattle herding over farming characterized the stock raising of these Indians. *Constitution and Laws of the Cherokee Nation*, Will P. Ross, Principal Chief, Fort Gibson, June 21, 1875 (no publisher given), p. 58, contained a provision on marks and brands. No earlier law was found in the compilations of laws, arguing that the legislation had been enacted since 1867, the date of the last previous listing.
52. John Jolly, a Cherokee chief of the Old Settler group living at the confluence of the Illinois and Arkansas rivers, used slaves to cultivate his "farms" and to care for "several hundred head of cattle," according to Emmet Starr, *Cherokees West*, p. 141.
53. George Butler in *Rept. Com. Ind. Affairs*, 1859, p. 172.
54. Arnold J. Lien, *The Acquisition of Citizenship by the Native American Indians*, *Washington University Studies*, 13, No. 1, Humanistic series (St. Louis: Oct., 1925), p. 130, citing U.S. Bureau of Census, 1860.
55. Isaac McCoy, *History of Baptist Indian Missions, Embracing Remarks on the Former and Present Condition of the Aboriginal Tribes; Their Settlement Within the Indian Territory and their Future Prospects* (Washington: William M. Morrison; New York: H. and S. Raynor; Utica, N. Y.: Bennett, Backus, and Hawley, 1840), p. 605, includes an extract from speech of A. H. Sevier, Arkansas, in U. S. Senate, Feb. 23, 1839, quoting McCoy, Register of Indian Affairs, 1835. McCoy had run the survey of the boundary between the Cherokees and the Creeks in 1830.
56. *Rept. Com. Ind. Affairs*, 1842, p. 454. Norman Arthur Graebner, "History of Cattle Ranching in Eastern Oklahoma," *Chron. of Okla.*, 21, No. 3 (Sept., 1843), 300-11, refers to sales to California migrants, p. 301. Despite the title of Graebner's study, it is significant regarding the origins of cattle raising in the Cherokee country that the terms ranching and ranch were rarely used there, at least in the antebellum

period. W. P. Adair and Dan'l H. Ross, Cherokee delegation, "Indians Opposed to the Transfer Bill," *House Misc. Doc. 33*, 45 Cong., 1878 (Washington: Gibson Brothers, printers, 1878), p. 8, claimed that 90,000 beeves were exported to California and eastern markets in 1855. *Rept. Com. Ind. Affairs*, 1857, p. 211, reported several thousand cattle and a considerable number of ponies were driven from the Nation, many of the cattle to California. According to the agent, reporting in 1859, a large number of beef cattle had been sold (*Rept. Com. Ind. Affairs*, 1859, p. 172).

57. *Rept. Com. Ind. Affairs*, 1859, p. 173; 1858, p. 151; 1857, p. 211.

58. *Ibid.*, 1846, p. 271.

59. *Rept. Com. Ind. Affairs*, 1835, p. 290; 1842, p. 454; Hitchcock, *Traveler*, pp. 53, 23, 241.

60. *Laws, 1808-35*, pp. 171-72 (March 23, 1831); *Laws, 1839-67*, p. 25 (Oct. 13, 1841); Grant Foreman, *Advancing the Frontier, 1830-1860* (Norman: University of Oklahoma Press, 1933), p. 60.

61. *Laws, 1808-35*, p. 169 (March 22, 1831); *Constitution and Laws, 1875*, Art. 29, p. 143.

62. *Laws, 1808-35*, pp. 177-78 (Dec. 6, 1833); *Laws of the Cherokee Nation passed at Tah-le-quah, Cherokee Nation, 1840, 41, 42, & 43* (Cherokee: Baptist Mission Press, 1844); pp. 45-46 (Oct. 30, 1843); pp. 19-20 (Oct. 22, 1841); *Constitution and Laws of the Cherokee Nation Passed at Tahlequah, Cherokee Nation, 1839-51* (Tahlequah: Cherokee Nation, 1852), p. 178 (Oct. 28, 1848); p. 211 (Nov. 5, 1851).

63. *Rept. Com. Ind. Affairs*, 1844, p. 466, reported payment of \$6,000 to the Cherokee national treasury from rental of salines and claimed that there was enough salt to supply both the Cherokees and Arkansas. *Ibid.*, 1859, p. 172, cites the absence of means of getting products to market.

64. Hitchcock, *Traveler*, p. 64; Harris, "Tour in Indian Country," p. 240.

65. *Rept. Com. Ind. Affairs*, 1851, p. 381. The agent, when he reported, "In many cases they employ white men to cultivate their farms; their farms contain from five to one hundred acres," was indefinite regarding the number of employers or employees. However, if most Cherokees who made use of white laborers employed only one or two, the number of citizens using white farm labor may have been as great as the number using blacks. The largest farms doubtless used slaves. If the white farm workers were not actually tenants, the practice was legal. The prohibition against the use of white laborers on farms enacted in the Southeast was not continued in Oklahoma, but renting, leasing, or selling farms to non-citizens was forbidden. *Laws 1840-43*, (Nov. 15, 1843); and *Laws, 1839-67*, p. 24 (Nov. 3, 1859).

66. E. C. Boudinot to Stand Watie, Fayetteville, Arkansas, Feb. 12, 1861, Cherokee Papers, Series II, Vol. 1, S11-V1-P13, No. 5 (Box 1, folder 7), Western History Collection, University of Oklahoma, showed eagerness to speculate.

67. W. A. Duncan, superintendent of [Cherokee] schools, in *Rept. Com. Ind. Affairs*, 1856, p. 141.

68. Foreman, *Five Civilized Tribes*, p. 414. The national treasury was reported in 1851 to have a deficit of \$200,000 (*Rept. Com. Ind. Affairs*, 1851, p. 118). National coffers remained impoverished until the sale of Cherokee lands after the Civil War.

CHAPTER 3

1. *Rept. Com. Ind. Affairs*, 1859, p. 173, claimed a census as basis for the figures; *ibid.*, 1869, pp. 36, 73.

2. Moore, *Political Condition of the Indians*, pp. 45-46.

3. *Rept. Com. Ind. Affairs*, 1869, p. 406. *Ibid.*, 1872, p. 33. *Ibid.*, 1871, pp. 564–65.
4. *Ibid.*, 1873, p. 202. *Ibid.*, 1876, pp. 212–13.
5. *Ibid.*, 1866, p. 287.
6. Hitchcock, *Traveler*, p. 187, just a few years after the arrival of the main body of Cherokees, had called the half bloods the “civilizers.” J. H. Beadle, *The Undeveloped West, or Five Years in the Territories* (Philadelphia and Chicago: National Publishing Company, 1873), pp. 403, 405–406, noted racial characteristics in three instances from the Arkansas Ferry then along the main road from Fort Gibson to Tablequah in 1872: two “white” Cherokee widows, who owned the ferry, and farms of a “white” Cherokee and of an intermarried white. The full-blood settlements in which the children who spoke only Cherokee at home learned to read English at school (*ibid.*, 425) must have been in more isolated localities. The Indian agent was more pessimistic about the learning accomplished in the schools for full bloods, saying that the students did not understand the meaning of the words (*Rept. Com. Ind. Affairs*, 1872, p. 236). At this time it was claimed that an 1830 report of the House Committee on Indian Affairs characterizing most Cherokee full bloods as living “poorly remote from the highways and the neighborhood of the wealthy and prosperous” was still true in 1874 (Moore, *Political Condition of the Indians*, p. 32.) In contrast, an Indian agent, although not referring specifically to full bloods, asserted that missionaries who came west with the Cherokees assured him that they had advanced so much as to be “no longer recognizable as the same people” (*Rept. Com. Ind. Affairs*, 1870, p. 287).
7. Beadle, *Undeveloped West*, pp. 403, 405, 425. Edward King, “The Great South: The New Route to the Gulf,” *Scribner’s Monthly*, 6, No. 3 (July, 1873), 604, 610, 604.
8. *Rept. Com. Ind. Affairs*, 1872, pp. 402–403. *Journal of the General Council of the Indian Territory*, 1870 (Lawrence, Kan: 1871), p. 41, said tobacco was “extensively grown.” Surprisingly, the Cherokee agent, in *Rept. Com. Ind. Affairs*, 1873, p. 205, reported that cotton culture had been “commenced.” *Ibid.*, 1871, p. 565. Moore, *Political Condition of the Indians*, p. 46; *Journ. Council Ind. Terr.* 1870, p. 41, claimed there were no better apples in the United States than grown north of the Canadian and Arkansas rivers although the territory in general was “lamentably behind the times.”
9. *Rept. Com. Ind. Affairs*, 1872, p. 235.
10. Moore, *Political Condition of the Indians*, p. 38; King, “New Route,” p. 61.
11. *Rept. Com. Ind. Affairs*, 1870, p. 289.
12. For example, Edward King, the writer for *Scribner’s*, followed that route.
13. Beadle, *Undeveloped West*, pp. 407, 409.
14. *Rept. Com. Ind. Affairs*, 1869, p. 77; 1871, p. 566.
15. Beadle, *Undeveloped West*, pp. 361–62; Moore, *Political Condition of the Indians*, p. 47; King, “New Route,” p. 273.
16. *Rept. Com. Ind. Affairs*, 1874, p. 68.
17. Prairie plows were said to be common in 1870, according to *Jour. Council Ind. Terr.*, 1870, p. 40. At least on the smaller prairies to the east, longtime residents report that drilled wells came later. As late as 1888, the digging of wells was said to be expected of white renters (*Rept. Com. Ind. Affairs*, 1888, p. 135).
18. Royce, “Cherokee Nation” p. 357.
19. *Rept. Com. Ind. Affairs*, 1869, p. 38; *ibid.*, 1872, p. 232.
20. *Ibid.*, p. 33.
21. Beadle, *Undeveloped West*, p. 355; Mrs. Wm. P. Ross, *The Life and Times of Hon. William P. Ross of the Cherokee Nation* (Fort Smith: Weldon and Williams, printers, 1893), p. 47. Both assessments were made in 1872.

22. Fitch, "Woodland," pp. 609–72, map dated 1899, Part 5, plate CXLII.
23. *Laws, 1875*, Art. 20, secs. 105–11, p. 222.
24. *Rept. Com. Ind. Affairs*, 1869, pp. 75–76.
25. *Ibid.*, 1886, p. 613.
26. Wire fences of all types were declared illegal in 1882, but in 1892 wire fences of seven strands with closely set slats were declared lawful. *Constitution and Laws of the Cherokee Nation Published by an Act of the National Council, 1892* (Parsons, Kan.: Foley R'y Printing Co., 1893), Art. 22, sec. 705, p. 350. It must be presumed that wire fences had some use by 1882 and that the specifications set up in 1892 were considered ridiculous by all concerned, meaning for practical purposes that wire fences remained illegal. However, as noted above, wire fences were in use on the prairies in 1886. It appears that the authorities enforced the no wire fence laws reluctantly. The Principal Chief in 1890 is quoted as instructing a district sheriff not to cut wire fences unless they enclosed pastures containing more than fifty acres (per family member), explaining that the purpose of the law was to prevent the monopolization of the public domain (Graebner, "Cattle Ranching in Eastern Okla.," p. 309, citing letter of J. B. Mayes to H. Ballentine, Aug. 2, 1890).
27. The agent, *Rept. Com. Ind. Affairs*, 1888, p. 134, noted the limitation of fencing for pasture to fifty acres per citizen. However, efforts to eliminate or greatly reduce the use of non-citizen renters of farms failed because the practice was so widespread that juries would not convict citizens for breaking the law. *Rept. Com. Ind. Affairs*, 1887, pp. 111–12, and Wardell, *Political History*, p. 272. Corrective legislation dealt with timber, *Laws, 1875*, Appendix, pp. 250–51, 255; with the control of cattle belonging to non-citizens, *Compiled Laws of the Cherokee Nation, published by Authority of the National Council* (Tahlequah, I. T.: National Advocate Print, 1881), chap. 12, Art. 1, sec. 1, pp. 246–47, sec. 6, pp. 248–49; with the control of cutting hay by non-citizens, and seizure of timber and coal taken from the public domain by non-citizens, Art. 4, sec. 64, p. 59 (Dec. 1, 1876); the prohibition of killing game by non-citizens, Art. 31, p. 304. The National Council promptly reserved 160 acres for townsites around every railroad station (*Laws, 1875*, Appendix, p. 257 [Dec. 14, 1870]).
28. "Summary of the Census of the Cherokee Nation, 1880," John Ross Manuscripts and Papers, Phillips Collection, Western History Collection, University of Oklahoma, pp. 6, 7, and 14.
29. *Ibid.*, pp. 6, 7, 13, 14.
30. *Ibid.*, pp. 7–9. However, the *Rept. Com. Ind. Affairs*, 1879, p. 251, gave the figure of 60,000 bales of hay. Part of the discrepancy may be due to inclusion of production of claimants and intruders by the agent.
31. The three manuscript enumeration books of Cooweescoowee District were examined at the Western History Collection, University of Oklahoma.
32. *Laws, 1892*, Art. 3, sec. 603, p. 305 (Nov. 27, 1873).
33. *Rept. Com. Ind. Affairs*, 1886, pp. 147–48, 154–55. Robert L. Owen had been superintendent of Cherokee national schools and later became United States senator from Oklahoma.
34. *Ibid.*, pp. 151–52.
35. "Cherokee Census Authorized by an Act of Nat'l Council, August 21, 1896," Division of Indian Lands and Money, Five Tribes, Muskogee.
36. The agent in 1892 summarized the situation: "A very few full-bloods have secured homes upon first-class soil . . . but the half-breed and his white brother invariably (and it is not to their discredit) select the best bottom lands for their farms" (*Rept. Com. Ind. Affairs*, 1892, p. 251). Apparently, the "white Indians," in

addition to farming in the major Ozarkian valleys, were still in large part utilizing the western prairie uplands from homesteads in the valleys.

37. *Ibid.*, 1901, p. 134, "There were conducted 30 full-blood, 80 mixed and 14 negro public schools." Mixed schools must have been for both Cherokee citizens and non-citizens. The Cherokee authorities by this time no longer had control of schools.

38. "The Delaware Indians against Cherokee Nation," Court of Claims No. 21139, pp. 9, 54. According to testimony, the Delawares had built two churches on California Creek, two on Caney Creek, and one on Lightning Creek, and had five schools in the western part of the Nation. According to Fletcher Meredith, "The Cherokees," *The Five Civilized Tribes in Indian Territory, Extra Census Bulletin* (Washington: GPO, 1894), p. 48, "The Shawnees in the Cherokee Nation live generally in close neighborhood and preserve their language and customs."

CHAPTER 4

1. *Rept. Com. Ind. Affairs*, 1886, p. 155; 1887, p. 111; 1888, p. 135.

2. *Ibid.*, 1887, p. 112; *Fourteenth Annual Report, Board of Indian Commissioners* (Washington: GPO, 1882), p. 35; and Rezin W. McAdam, "An Indian Commonwealth," *Harper's New Monthly Magazine*, 87, No. 522 (Nov., 1893), pp. 886 and 892.

3. *Rept. Com. Ind. Affairs*, 1894, p. 141; 1900, p. 151, citing *Vinita Chieftain*; Charles F. Meserve, *The Dawes Commission and the Five Civilized Tribes* (Philadelphia: Office of Indian Rights Association, 1896), pp. 32-33; "Five Civilized Tribes in Indian Territory," pp. 4, 8; "Cherokee Census, 1896."

4. Meserve, *Dawes Commission*, p. 32, citing, "Report, Board of Appraisers, March 16, 1895," on intruders; population from *Five Civilized Tribes in Ind. Terr.*, p. 4, and "Cherokee Census, 1896."

5. *Five Civilized Tribes in Ind. Terr.*, p. 4; "Cherokee Census, 1896."

6. Meserve, *Dawes Commission*, p. 32, citing "Report Board of Indian Appraisers, March 16, 1895," on intruders; population from *Five Civilized Tribes in Ind. Terr.* and "Cherokee Census, 1896."

7. C. H. Fitch, "The Five Civilized Tribes," *Bul. Amer. Geog. Soc.*, 32, No. 1 (March, 1900), p. 16.

8. Map information from appraisal and allotment records, Division of Indian Lands and Money, Five Tribes, Muskogee. The surveyors in 1898 reported that the township to the south (T.14N.,R.25E.), consisting mainly of rough land, was inhabited chiefly by full bloods. [Surveyors], *Subdivisions*, Vol. 51, p. 493.

9. *Ibid.*, T.19N., R.22E., Vol. 62, p. 529; T.17N., R.19E., Vol. 57, p. 419; and T.22N., R.25E. (Beattie's Prairie), Vol. 68, p. 322.

10. The surveyors recorded that the prairie part was thickly settled by people from Missouri, Arkansas, Illinois, and Kansas. Probably they were tenants. *Ibid.*, T.24N., R.24E., Vol. 71, p. 720.

11. It seems unlikely that any citizen would attempt to satisfy the requirements for a legal fence of wire set up in 1892—seven strands of barbed wire plus closely set slats (*Laus 1892*, p. 350).

12. [Surveyors], *Subdivisions*, Vol. 63, p. 285; T.20N., R.15E. was surveyed in 1896.

13. *Rept. Com. Ind. Affairs*, 1899, p. 197. [Surveyors], *Subdivisions*. Several volumes include descriptions and estimates by surveyors.

14. [Surveyors], *Exteriors*, Between 2nd and 3rd Standard Parallels North and 6th

Guide Meridian East and Ark. Line, Vol. 13, p. 438, and *Field Notes, Subdivisions*, Vol. 45, p. 432, T.11N., R.26E., Sept. 27–Oct. 4, 1897.

15. [Surveyors], *Exteriors*, Between 4th and 5th Standard Parallels North, and the 3rd and 4th Guide Meridians East, Vol. 15, p. 430, noted numerous small towns were being built along the St. Louis and San Francisco Railroad in 1897, adding, "This country is being rapidly settled by the whites."

16. [Surveyors], *Field Notes, Subdivisions*, Vol. 58, p. 125. T.17N., R.22E., surveyed October 8–20, 1897.

17. *Ibid.*, Vol. 73, p. 631, T.26N., R.23E., dated July 13, 1897.

18. In their usual manner, the Cherokees provided for the survey, platting, and sale of rights of occupancy of town lots to citizens in a number of new towns, including Webbers Falls (on old site) in 1885, Chelsea, and Chouteau, as well as Claremore, in 1889 (*Constitutions and Laws, 1892*, pp. 306, 305).

19. *The Five Civilized Tribes in Ind. Terr.*, p. 8.

20. [Surveyors], *Subdivisions*, Webbers Falls, Vol. 47, p. 291, T.12N., R.21E., surveyed Aug. 31–Sept. 9, 1897; Garfield, T.14N., R.21E., Vol. 51, p. 245, surveyed March 22–30, 1898; Suagee, Vol. 71, p. 720, T.24N., R.24E., surveyed June 22–30, 1897; others, Vol. 53, p. 638; Vol. 60, p. 527, Vol. 64, p. 235.

21. Townsites listed in *Annual Rept. U.S. Indian Inspector for Ind. Terr.*, p. 187, *Annual Rept. Dept. of Int.*, 1902, Pt II; *ibid.*, 1904, p. 213; Provision for acquisition of lots, *Seventh Annual Rept. Com. to Five Civilized Tribes* (Appendix, p. 39, *Annual Rept. Dept. Int.*, 1900, Pt. I.

22. *Annual Report, U.S. Inspector for the Ind. Terr.* 1902, p. 187, *Annual Rept. Dept. Int.*, 1902, Pt. II.

CHAPTER 5

1. Delawares still living who had bought Cherokee citizenship were exceptions, being permitted 160 acres each regardless of quality. *Rept. Com. Ind. Affairs*, p. 128, *Annual Rept. Dept. of Int.*, 1905, Pt. I.

2. Only a little drilling for oil and gas or coal production had taken place on the prairie before the allotment period. Cherokee law had been unfavorable except for local production of coal. See *Rept. Com. Ind. Aff.*, 1887, p. 119; *ibid.*, 1888, p. 128; H. Craig Miner, *The Corporation and the Indian Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865–1907* (Columbia: University of Missouri Press, 1976), especially pp. 146, 149–51; G. E. Condra, "Opening of Indian Territory," *Bul. Amer. Geogr. Soc.*, 31, No. 6 (June, 1907):334–37.

3. Rand McNally & Company, *1977 Commercial Atlas and Marketing Guide*, 108th ed. (New York, Chicago, and San Francisco: 1977), pp. 436–38.

4. Hewes, "Oklahoma Ozarks," pp. 269–81; Hewes, "Indian Land in the Cherokee Country of Oklahoma," *Econ. Geog.*, 18, No. 4 (Oct., 1942), 401–12; Hewes "Cultural Fault Line in the Cherokee Country," *Econ. Geog.*, 19, No. 2 (April, 1943), pp. 136–42.

5. Albert L. Wahrhaftig, *Social and Economic Characteristics of the Cherokee Population of Eastern Oklahoma, Report of a Survey of Four Cherokee Settlements in the Cherokee Nation*, ed. Ward H. Goodenough, *Anthropological Studies 5* (Washington, D.C.: Anthropological Association, 1970).

6. Beadle, *Undeveloped West*, pp. 423, 426.

7. Many Cherokee full bloods were so strongly opposed to allotment and the ending of Cherokee government that the commission resorted to arbitrary allotments for about 3,500. *Rept. Com. to Five Civ. Tribes*, p. 35, *Annual Rept. Dept. of Int.*, Part II, 1904; *ibid.*, 1908, p. 204; *ibid.*, 1909, p. 327.

8. *Rept., Board of Indian Commissioners*, 1900, p. 42. Imrie Sutton, *Indian Land Tenure: Bibliographical Essays and a Guide to the Literature* (New York and Paris: Clearwater Publishing Company, 1975) is a comprehensive study of Indian land tenure in the United States.

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THIS STUDY, like most studies, is a joint project to which many persons, both remembered and not, have made contributions. Without the financial support of the University of Nebraska Research Council, this report probably would not have been undertaken. The help of the Research Council is gratefully acknowledged.

The suitability of the Cherokee country as a research project to be carried on from a base at the University of Oklahoma was first urged by Carl O. Sauer, Department of Geography, University of California, whose *Morphology of Landscape* provided much of the ideological underpinning of the study. The general formula that culture as agent (as carried by a group of people), acting through time, on the natural area as medium, producing the cultural landscape as result was applied. The distinctiveness of the region is seen as resulting largely from Cherokee control, especially from aboriginal attitudes toward the land.

Morris L. Wardell, of the University of Oklahoma Department of History, whose *Political History of the Cherokee Nation* was then in press and who was then sponsor of the university Indian Club, provided introductions to key individuals in the Cherokee country, who in turn listed others. Among the prime informants was J. T. Parks, of Tahlequah, who had been private secretary of Chief Thomas Mitchell Buffington of the Cherokee Nation. Judge Parks made available his manuscript copy of the Cherokee census of population of 1835.

Through formal and informal conversations with scores of Cherokees and others, a feel for the lore of the country was developed. In several cases experiences going back before the Civil War were recalled. Both those with responsible positions in Cherokee, county, and state government and those met on farms, paths, and roads helped in the development of insights. A hitchhiking John Pathkiller, who expressed amusement at white folks' peculiar names, and Cherokee women and children walking to-

ward Stilwell over stony roads, carrying their shoes to save them for town, provided color. Very possibly not all shades of opinion or of background were represented because no Cherokee interpreter was employed. However, a son of Redbird Smith, a leader of the full-blood faction opposed to allotment, was interviewed at what had been his father's homestead. Also, a former clerk and judge of Flint District, who as agent for a group of Cherokees dissatisfied with allotment was sent to Central America to try to find a suitable refuge, served as informant.

Without the records made available by various officials of the Indian Service, especially by A. M. Landman, superintendent of the Five Civilized Tribes agency, Muskogee, and J. D. Fulton, clerk, Division of Indian Lands and Money of the agency, the investigation would have been handicapped greatly.

The library resources of the University of Oklahoma and of the University of Nebraska and of the Oklahoma and Nebraska historical societies provided official reports, accounts of travel, general studies, and other valuable records. James J. Hill, himself part-Cherokee, as assistant librarian at the University of Oklahoma in the 1930's when the study of the Cherokee country was begun, was an invaluable aid in finding source material in the Phillips Collection and elsewhere. Much later, when the study was resumed with particular attention to the place of Cherokee laws in mirroring and guiding development in the Cherokee Nation, John Ezell, director of the Western History Collection of the University of Oklahoma, made additional valuable records available. Among them were manuscript census books of 1880 and microfilm copies of the census of agriculture for 1835, as well as compilations of the laws of the Cherokees.

I want to acknowledge the many hours of assistance in the field, in the library, in the office, and archive, and as critic, of my wife, Elma B. Hewes. Donald B. Deal drew the maps, and my typist, Audria B. Shumard, expertly put the manuscript into readable form. To all those named, and to many others, I owe a debt of gratitude.