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BUTLER, BOB. INTERVIEW.

2-26-37

Carl Sherwood

Personal interview with Bob Butler, Muskogee, Okla.

HOW THE CHEROKEES LIVED AFTER THEIR RETURN FROM TEXAS IN 1865 AFTER THE WAR.

Some came back in June and July at the time peaches were beginning to ripen. They prepared the peaches many different ways; some were toasted over hot coals of fire, and as they were out of corn and wheat to make bread they lived on fruit and fish. They would build a fish trap across a stream of water out of large logs and clapboards which made a dam and had a small gate at the bottom for the fish to enter. All the neighbors were welcome to go there and help themselves to the fish and they would only catch what they could use for each meal. The Indians believe today that the white man came into the country and soon educated the fish, for this reason the fish would go to a shallow body of water to spawn and lay their eggs. At this season of the year the fish were tame and easily caught and the Indians would go there and catch what they could use for a meal; but when a white man would find a place like this he would stay there and catch all the fish, take them home, eat all they could and let the rest spoil as they had no ice boxes or any way to keep them fresh. In this way the white man has destroyed the fish and game, and the Indians that live far away from the railroads go hungry today.

After the Civil War they did not have cross-cut saws, but they had axes, wedges and mauls which they used to build their houses, barns and fences. They built their homes in the bottom lands of creeks and rivers; the neighbors would get together and make rails to fence small fields for their corn and gardens. After the rails were all cut for each family's field, they would all be notified on a certain day of the month, in the light of the moon, to lay what they called the worm rail, which was first on the ground.

The men, women and children would help to lay the first rail at each home; after this was done they could take their time in building up the rest of the fence, but the bottom rail had to be layed at a certain time in the light of the moon or the rail would rot in a year.

They had about the same principle in clearing the timber for their fields. In the month of August, when the moon was at a certain stage, they would take their ax and cut a ring around each tree, which would kill them instantly, roots and all. They would let them stand until the following year; at a certain time they would push the trees over and roots would come out of the ground. Then they would cut and drag the trees off the land; this made them plenty of dry wood for several winters. White man cut trees any time, not look at moon, and plow around stump, and break their plows for years.

On their return from Texas to the Indian Territory they had no matches to start their community log fire, which kept burning all the time. In this way they would carry hot coals to their place of cooking. One method they had to start their log pile burning was with a muzzle loading shot gun. They would load with powder and cotton instead of shot. He would shoot the cotton into the brush at the logpile, which soon started a blaze. The Cherokee Indians had two reasons for planting their fruit trees in the corners of their rail fences on the inside of the fields. One, was the trees would not be injured by the team or plows in cultivating the field. The other was a fine protection to the rail fence and crop in the field; as the fruit would ripen and fall on the outside of the fence the native hogs would smell the ripe fruit and they would come up and eat the fruit, root up the ground, and lay under the shade of the trees, waiting for more fruit to fall. In this way they kept the vegetation down all around the field for quite a space.

HOW THE CHEROKEES WOULD MAKE LIME TO CHINK THEIR LOG BUILDINGS AND FIRE PLACES.

They would build a pen out of dry logs, say 10' x 10' and 8' high. They would build one outside pen about 13' x 13' and 8' high, then haul limestone and fill in the space between the two pens. They would haul dry brush and pile up on the walls of the pen and set it on fire; in this way they made lime for their community. One Indian, for many years, used a bottle of Syman's liniment for a spirit level on foundations, buildings, and dams. Out on the prairie, they would build a dam across a ravine for water for the stock. Before the white man began grazing cattle in the Indian country, the Indians did not worry about feed for their stock in the winter. A weed grew in the Creek and river bottoms that had a small pod of peas on it. They called this weed beggar's lice. The horses, cattle and deer would stay fat all winter on this, and on cane breaks which were plentiful before grazing cattle by white men.

The hogs would live on the nuts and acorns in the woods all the year and the wolves and coyotes did not bother the pigs. As the native hogs were of wild nature and were ready for a fight at the crack of brush, all the hogs in the wood would help the mother sow to protect her young. But after the white man imported better breeds of hogs from the North and turned them loose among the native hogs, it was not many years until the wolves would steal the young pigs. They were not ready to fight for their young as the wild hogs were.

When a young Indian couple was engaged to be married the neighbors would all work together cutting logs for their house and out-buildings. After the logs were cut and clap boards were made for the roof they would give a log-rolling to erect the log buildings. The women would do the cooking and they would have a big feast. The men would each receive a hand of homemade tobacco from the father of the bride or groom for their help during the log-rolling.

They would have a community trading post, which was generally at the fork of the roads, and they would meet there and trade among themselves. In this way a store was soon started there. The Indians have always respected the game seasons and did not kill any game during the raising of their young. The Indians probably originated the theory, let every day provide for itself, as each morning the man would get out early in the morning and bring in enough game for that day, only.

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THE CHEROKEES WERE LOYAL DURING THE CIVIL WAR

by

Carl Sherwood

Furnished by Bob Butler, Muskogee, Oklahoma.

The Keetoowah organization as such and the individual members thereof and the Cherokees by blood as a class, the parties on whose behalf this suit is brought, remained loyal to the government of the U. S. throughout the Civil War; and they never gave aid, comfort or assistance to the cause of the Confederacy. Between the year of 1861 and 1865 they furnished to the Federal Army about 3100 soldiers out of a total Cherokee population of 18,000 persons. In February 1863, almost three years prior to the abolition of slavery by the defendant, through the adoption of the Thirteenth Amendment, the Keetoowah society and Cherokees by blood voluntarily caused the Cherokee National government to abolish slavery within the Territorial limits of the Cherokee Nation. Some of the citizens of the Cherokee Nation and some of the Cherokees, a small minority of all, were, during the war of 1861 to 1865, disloyal to the Cherokee tribe of people and actively aided the cause of the Confederate States against the Union cause. As a consequence the government of the Cherokee Nation, by acts of the National council, in effect outlawed all such disloyal individuals and confiscated their farms and other property and reference to said acts is hereby made. By the first Treaty made by the U. S. of America and the Cherokees after the close of the Revolutionary War, the Cherokee Indians declared their friendship for and acknowledged themselves to be under the protection of the United States and no other Sovereign whosoever. By the fourth Treaty between the parties, dated July 2, 1791, which date was after the adoption of the Constitution of the United States, the Cherokees again acknowledged themselves to be under the protection of the United States, and agreed that they would not make any Treaty with any foreign power, individual, State, or with individuals of state. This agreement has remained without change in full force and effect to and for all possible intents and purposes to the present time. At all times, heretofore

and now acknowledged treaties were, and are, held by the Cherokees to be supreme law of the land. The Cherokees possessed inherently as an independent people, the right and power to govern themselves under their own laws, which right was recognized and secured to them by defendant in the treaty of December 29, 1835, as follows: The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article, shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any state or territory. But they shall secure to the Cherokee Nation the right by their National councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them. Provided always that they shall not be inconsistent with the Constitution of the United States, and such acts of Congress as have been or may be passed, regulating trade and intercourse with the Indians. The laws of the United States in force at the time this treaty of 1835 was entered into, and ever since, provides that no purchase, lease, or other conveyance of lands of any title or claim thereto, from any Indian Nation or tribe of Indians, shall be of any validity in any law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Perpetual peace and friendship shall exist between the citizens of the United States and the Cherokee Indians. The United States agrees to protect the Cherokee Nation from domestic strife and foreign enemies and against internecine wars between the several tribes. The Cherokees shall endeavor to preserve and maintain the peace of the country and not make war upon their neighbors. Prior to the war between the States, 1861-1865, a few of the wealthier citizens of the Cherokee Nation, including some members of the tribe by blood, were the owners of African slaves. At that time the institution of slavery was lawful among the Cherokees, as it was in the United States. The Cherokee people were entirely innocent of the causes of the war and were in no wise whatsoever

party to the commencement of hostilities. For many months after actual war commenced the Cherokee tribe and the "Cherokee Government" endeavored in every way within their power to remain neutral and at peace with their neighbors the warring states, and faithfully to adhere to their treaty obligations to the United States. The proof of this is in the records and files of the department of the defendants, and reference thereto is hereby made. Notwithstanding the agreement as to perpetual friendship between the Cherokees and citizens of the United States and the promise of defendant to protect the Cherokees against domestic strife and foreign enemies, almost immediately after the outbreak of the war, defendant withdrew all of its armed forces and all of its civil and executive officers from the Cherokee country and left the Cherokees entirely exposed to the threatened horrors of invasion of their country by the armed enemies of defendant from the south, east and west. In these circumstances the government of the Cherokee Nation, but not the Cherokee tribe, did on the seventh day of October in 1861 make a pretended treaty with the so-called Confederate States, enemies of the United States, but said act on the part of the government of the Cherokee Nation was beyond its power to in any manner or to any extent whatsoever bind or obligate the Cherokees; and was moreover, in violation of the express provisions of the Constitution of the Cherokee Nation, by virtue of which the said "Government" existed, and it was absolutely void. This action on the part of the Cherokee National Government was a ruse of subterfuge to save the people, who were not parties thereto, from a threatened dire calamity. Compelled by the exigencies of war to become active they at once began to, and continued, to do all in their power to aid the United States against its enemies. While hemmed by the Confederate forces during the winter of 1861-1862 under great hardship and at heavy personal sacrifice to themselves, the aforesaid Cherokees furnished a large quantity of supplies, consisting of food and clothing to the Federal Army, under the command of Appothlehala, for

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which the defendant in recognition of their Loyal conduct, agreed in the treaty of 1866, to pay to the Cherokees the sum of \$10,000.00.