

not attempt to divorce themselves completely from their old way and superimpose on it absolutely the new White Man's constitution. You know, they tried that in Latin America many times with countries that would take the United States's Constitution adopt it word for word. They'd have a revolution-- simply wasn't suited to them. So the Cherokees gradually evolved their legal system. They changed it step by step by step, until finally, they established in 1828 specific penalties for murder. But during this period, it was left to the descretion of the individual judge in each of the districts. There's an excellent example of this reported in the Cherokee Phoenix and it's reprinted in Mrs. Kilpatrick's new E-Cho-Ta Letters. The hanging of a Cherokee for murder by the name of Slay Back. And Slay Back delivered with eloquent, speech. At this particular time, just before he's being hung, telling the Cherokees to be good--not to find themselves in the position they are. I'm not sure that Slay Back delivered this eloquent speech. Have always felt when I read it that there was a strong bid of the editorial hand of Wyatt Boudinot in it. But anyway, they were able to build--and in addition to this--they were able to take the existing tribal leadership and put it into a frame work of their new laws. They continued the hereditary of Cherokee kinships clear through the 1818 to 1820's until the last, of these died rather than simply replacing them. So in the evolution of the legal system, you see them gradually changing. Often we think, I think, that Sequoyah invented or created-- whatever he did--the alphabet in 1818, 1821, 1822, or whatever it was, and miraculously over night we had a civilized people. Well, anyone who's traveled as much as most of us have now in the area of Cherokee county know that 140 years later we don't have a miraculously civilized nation yet. But we do have, in this period, the growth of a primitive people from a