

ROSS, S. W.

A CHEROKEE LAWYER

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INTERVIEW

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Elizabeth Ross,
Investigator,
April 14, 1938.

An Interview with Mr. S. . Ross,
Park Hill, Oklahoma.

A Cherokee Lawyer.

Simon R. Walkingstick was born in 1868, in the old Goingsnake District of the Cherokee Nation. His death occurred April 5, 1938, at Claremore. Twice married, his second wife, who was Rebecca Chandler, survives. There are five sons and three daughters. Four are children of his first wife, long dead.

Simon R. Walkingstick attended the National public schools as a youth, and later enrolled as a student at the National Male Seminary, near Tahlequah. He entered this institution with the intention of completing the four years of high school and was graduated in the class of 1887.

Within recent years Cherokee lawyers have been rather few in number, though in earlier times, when the Cherokee government was in existence they were numerous. In long past years there were lawyers among the Cherokees who were of much ability, besides others who were decidedly mediocre in their attainments. The laws of the Cherokee Nation did

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not provide for an examination and any citizen of the Nation who wished to practice law could secure a certificate of permission upon depositing a stated fee with the clerk of the Cherokee Supreme Court. Consequently, there were besides the really qualified and capable lawyers a number whose knowledge of law was exceedingly small. The leading lawyers of the Cherokee Nation were those who had made diligent study, and were able had they been called upon to stand a rigorous examination. In the years beginning with 1840 and closing in 1860 there have been mentioned several lawyers of outstanding ability, able to practice in any of the courts of the old states of the American union. Following the close of the Civil War, until the dissolution of the Cherokee Nation there were a number of accomplished lawyers, some of whom had been graduated from leading law schools of the United States.

While staying in the city of Fort Smith, Arkansas, where he served for some time as interpreter in the United States court for the Western District of Arkansas, Mr. Walkingstick engaged in the study of law in his spare time. The Federal

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Court at Fort Smith had jurisdiction over the Indian Territory, and among the cases tried in the court, which was in session the entire year there were many involving citizens of the various Indian nations of the Territory.

As there were Cherokees who did not understand the English language among the defendants in court, an interpreter, one who spoke and understood both the English and Cherokee languages, was a necessity.

After returning to his home from Fort Smith, Mr. Walkingstick engaged in the practice of law in the Cherokee Nation. He was soon afterwards elected as a member of the Cherokee National Senate from the Goingsnake District and served for a period of two years. Thereafter he removed to Tahlequah and resided there for a number of years, practicing law until the United States Commission to the Five Civilized Tribes engaged in preparing a complete roll of Cherokee citizens preparatory to the allotment of the lands of the Cherokee Nation. Mr. Walkingstick then secured a position with the commission and was for some time employed in the land office, first at Vinita, and later at Tahlequah, assisting until the allotment of lands was completed. He then

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engaged in the leasing and sale of Cherokee lands from which the restrictions had been removed by the Department of the Interior. Eventually he removed from Tahlequah to Okmulgee about 1922 and was for some time employed in one of the departments of the municipal government in that city. In 1936 he removed to the city of Holdenville, in Hughes County. He experienced failing health, and after several months spent in the United States Indian Hospital at Claremore, died at the age of seventy years. Interment was made at Okmulgee. For a long period a member of the Methodist Episcopal Church, South, at Tahlequah, Simon R. Walkingstick was often pointed out as a leading member of his Nation. Enrolled as of full native blood, he was one of a very few full blood Indians to be graduated from the famous Cherokee National Male Seminary. A number of notable Cherokees completed the course of study at the seminary in early and later years, but the majority were of mixed white and Indian blood in varying degree.

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