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CHEROKEE HISTORY.

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December 16, 1937.

EARLY HISTORY OF THE CHEROKEES  
By J. C. Starr, (now deceased)  
Paper written in 1903.

The founding of the early colonies embraced all of that region south from Chesapeake bay to Florida, and west from the shores of the Atlantic, to the father of waters. Within this vast area dwelt the Cherokees, and confederated and closely allied tribes. Tradition has it that Sir Walter Raleigh was welcomed by this powerful Cherokee nation when he landed in Virginia, and it was from them he learned of tobacco and its soothing effects. It was by the Cherokees that Capt. John Smith, of historic fame, was taken captive, and it was through the intercession of a Cherokee maiden, Pocahontas, that his life was spared.

Of course all of this is merely traditional, having been handed down by word of mouth, from one generation to another from ancient times, until the present day. There is no recorded history in support of these claims.

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

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Oglethorpe treated with the Cherokees before he made the first ill fated attempt to found his colony in Georgia. They were haughty, though hospitable, docile, though quick to resent injustice, and those characteristics are as marked today among the Cherokees as they were when Governor Oglethorpe and his colonist sought to establish their plantations along the Georgia coast.

A Government Established

As the colonies gained in population and development, the domain of the Cherokees diminished at a corresponding ratio. The steady persistent encroachments were stubbornly resisted, and finally a series of fierce and bloody wars between the colonies and the Indians, the rightful owners of the lands, ensued. Invariably the Cherokees were defeated, but defeat only served to intensify their war-like spirit; and from time to time, they ventured forth from the mountain fastness and made heavy reprisals upon the frontier



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and isolated settlements. But eventually the Indians were subjected. With their primitive weapons of warfare, it was futile to contend against the muskets of their adversaries. Overpowered but not conquered they lay down their arms, and entered into a treaty of peace with Great Britain.

Missionaries then went among the Cherokees, instructing them in the principles of the Christian religion, and in the arts and usages of civilization. Endowed with the superior order of intelligence, the Cherokees were quick to grasp those things which were good, and their advancement from savagery to a higher plane was rapid. They formulated and established a government for themselves, and enacted laws and enforced the same with a rigor and severity which would have rejoiced the staunchest Puritan heart.

Their treaty with the English remained inviolate, and in the early French and Indian wars, which followed, the Cherokees as allies rendered the British great service. In appreciation of this service, and of their

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fideliity, Great Britain recognized the Cherokees as an independent and civilized people, and in its after relations with them observed all the decorum and ceremony that was employed in its relations with the highest powers of Europe. In the Revolution however the Cherokees remained true to England, and consequently caused the revolutionists no little trouble. But when the Independence of the colonies had been accomplished, and the United States Government established, the Cherokees fore-swore their allegiance to Britain and entered into a treaty with the new federation.

#### Recognized as Independent Power

The United States government recognized the Cherokee nation as an independent power, and conceded to it all the rights, privileges, powers, etc., that had been conferred by Great Britain.

The first treaty between the United States and the Cherokees was concluded on November 22, 1785, at Hopewell, on the Keowee river, and was between the

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head men and warriors of the nation, and Benjamin Hawkins, Andrew Pickens, Joseph Martin and Lachlane McIntosh, commissioners of the United States.

The articles of agreement recited that "The commissioners plenipotentiary of the United States, in congress assembled, give peace to all Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions: The head men and warriors of all the Cherokees shall restore all the prisoners, citizens of the United States, or subjects of their allies to their entire liberty. They shall also restore all the negroes, and all the other property taken during the late revolutionary war from the citizens, to such persons, and at such time and place as the commissioners shall appoint.

The commissioners shall restore all the prisoners taken from the Indians during the late war to the head men and warriors of the Cherokees as early as practicable.

The said Indians, for themselves and their respective tribes and towns, do acknowledge all the Cherokees to



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## Emigration Decided Upon

The Cherokees found themselves completely surrounded by the rapidly increasing white population. The game departed from their hunting grounds when the white men came, and the fish disappeared from their streams. The troubles of the Cherokees continued to multiply, and they were added to by internal dissensions and strife. The wise men of the tribe reasoned, that if the Cherokees could move to a new country toward the setting sun, and far removed from the settlements of the whites, they might find a refuge there, and all would be well with the tribe.

The question of removal was agitated among them, until it took deep root, and at last it was decided that their salvation as a people depended upon an early emigration. The Cherokees, however, were divided upon this proposition, a few of them loath to depart from the hills and forests and broad valleys that for ages had been the home of their forefathers.

By the terms of a treaty proclaimed December



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26, 1812, those who wished to remove were permitted to send an exploring party to reconnoiter the country on the waters of the Arkansas and White rivers, "and the higher up, the better, as they will be longer unapproached by our settlement, which will begin at the mouths of these rivers."

A large representation of the tribe departed for the territory of Arkansas, where they established homes and engaged in the peaceful pursuits of civilization. But they were not permitted to dwell thus very long, without molestation. The settlement of the country had begun, and the aggressive whites were again crowding upon the Cherokees.

The desire for removal to a more isolated section of the west again seized them, and another treaty was negotiated in 1828, which gave them and their brethren residing in the old nation, their present domain in the Indian Territory in exchange for lands east of the Mississippi and \$5,000.00 in cash.

The Cherokee Nation Today  
(1903)

In the creation of the favored region, which

comprises the Indian Territory, nature was decidedly partial to the Cherokee nation. Within the confines of this grand division nothing was omitted or forgotten when nature was showering her blessings. There was no short age or discrepancy in the apportionment here of the things that are essential to the well being of mankind. On the contrary, nature dealt here with a lavish hand. While she has given liberally to other portions of the territory, she bestowed her bounty here with prodigality. In fact the Cherokee nation was given all the elements essential to the maintenance of an empire. For it is enclosed within a Chinese wall. Its inhabitants, with the natural resources at their command, could live and prosper independently of the outside world. In no other quarter of the Indian Territory is there to be found an equal variety of resources and natural advantages.

First of all, the Cherokee nation is an agricultural region. It is peculiarly adapted to the growing of cereals, but cotton takes high rank as one of the products of the soil. But the wealth of the Cherokee

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nation lies underneath the soil, and is found in the vast deposits of coal, oil and natural gas. Rich deposits of lead and zinc have also been discovered in various parts of the nation, but up to the present time there has been no systematic development of these minerals.

The Cherokee nation is well watered by innumerable small streams and several rivers of considerable magnitude. There is abundance of timber along the streams and in the valleys; the timber growth is of hickory, walnut, oak, pecan, pine, etc., and furnishes the material for the operation of many lumber mills.

The central and northern portion of the nation is high rolling prairie but the eastern edge extends into the western foothills of the Ozark range. Along the extreme western edge lies a range of rugged hills, which extend in an almost broken chain from central Nebraska to southern Texas, forming a natural dividing line between Indian Territory and Oklahoma. The soil

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is black, sandy and of extraordinary fertility. The rainfall in the Cherokee nation is equal to that of eastern Kansas and western Missouri. The winters are of brief duration, lasting from the first of the year to the middle of March. It is rare indeed for the mercury to go below zero, even in the coldest weather that ever reaches this latitude.

The summers are warm and sometimes dry, but never oppressively hot. During the summer months the nights are always delightfully cool and pleasant, no matter how high the mercury may range during the day. The Cherokee nation lies outside the pathway of cyclones, and the equally destructive hot winds. This section is never visited by storms, or floods, and owing to the equable rainfall and even temperature crop failures are unknown.

The principal towns of the Cherokee nations are; Vinita, Bartlesville, Claremore, Pryor, Fort Gibson, Nowata, Collinsville and Tahlequah, the capital.

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### Inter-married White Citizens

The question of the right of inter-married citizens of the Cherokee nation to share in the division of the Cherokee tribal funds at the final distribution thereof, and to participate in the allotment of land, now being made, is pending in the United States Court of Claims, and much interest is being manifested in the outcome of this suit.

The Cherokees, by legislative act provided that white men, and foreigners, desiring to marry Cherokee citizens, Delaware and Shawnee, and were Cherokee citizens (by blood), should procure a license from the district clerk authorizing such marriage, and then be married by the clerk under this license, or by some ordained minister, or other person authorized to perform the marriage ceremony, and that such inter-married white person then became a citizen of the Cherokee nation.

The law required the clerk to require the applicant for marriage license to present a certificate

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of good moral character, and a certificate from the county clerk of the county of the state where he lived last, and also to present a petition to the clerk signed by ten citizens of the Cherokee nation and to pay for his license \$10.00 and to take the oath of allegiance to the Cherokee nation, and to swear that he would not take advantage of the intercourse laws of the United States to prosecute any Cherokee citizen. This law was enacted many years ago, and has three means of forfeiture of citizenship: First, should the white man take advantage of the intercourse laws, to prosecute Cherokee citizens; second, should he abandon his Cherokee wife; third, if she should die, or they separate, without fault on his part, and he afterward married a white woman, he "Married out," and lost his citizenship. These three requirements were not to be violated, and in case either was violated, the white man lost his right.

The Cherokees, up to the date their courts were abolished, held jurisdiction over the white man, and the United States sustained them.

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On December 16, 1895, the Cherokee legislature provided, by act of council, that no white person after that date marrying a Cherokee, Delaware or Shawnee woman acquired any rights of citizenship, by virtue of such marriage. Since that time no inter-married white man, who married since that date, has claimed any right, except to live in the nation.

On one occasion, James Williams, an inter-married white man, was indicted by the grand jury of Cooweescoowee district for the murder of Jim Boggs, a Cherokee; was tried, convicted and sentenced to hang, but died before the execution day arrived. The grand jury that found the indictment was composed of five members of the trial jury, and had twelve members. He was sentenced by Judge H. T. Landrum of the Cherokee Circuit court. No question was ever raised as to the right of the Cherokee court to inflict the death penalty but the convicted man died a few days before the date set for the execution, and cheated the gallows.

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In making the roll of inter-married citizens, the Dawes Commission had great trouble in investigating the cases of abandonment that came up, and also many cases of marrying out.

In one case at Catoosa, Indian Territory, a white man, after the death of his Cherokee wife, married a white woman, and she lived with him until she died, and, as a result of this marriage, one child was born; the white man came before the Dawes Commission and denied this marriage. It was then up to the Cherokee nation to prove the marriage. Under the Cherokee law citizens could marry without procuring a license, and the minister performing the ceremony would give them a certificate of marriage, which was usually recorded, but not always so. It developed in this case that the last wife of the white man never told her mother of the marriage, but the Nation found the preacher who performed the ceremony, and the white man lost out.