4-20-1846

Documents in relation to difficulties existing in the Cherokee Nation of Indians.

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Recommended Citation
S. Doc. No. 301, 29th Cong., 1st Sess. (1846)
29th Congress,  
1st Session.  

[ SENATE. ]  

[ 301 ]  

DOCUMENTS  

IN RELATION TO  

Difficulties existing in the Cherokee nation of Indians.  

APRIL 20, 1846.  

Referred to the Committee on Indian Affairs, and ordered to be printed.  

WAR DEPARTMENT,  
Office Indian Affairs, April 18, 1846.  

Sir: I have the honor to transmit herewith a copy of a report from the agent for the Cherokees, received since the transmission of the President’s recent message to Congress, and copies of some letters from Generals Gaines and Arbuckle, containing further information in relation to the difficulties among those Indians. As the intelligence contained in these papers is of some importance, I would respectfully suggest that they be presented to the Senate, with the view of their being printed, in connexion with the other papers accompanying the President’s message on the same subject.  

Very respectfully, your most obedient servant,  

W. MEDILL.  

Hon. A. H. SEVIER,  
Chairman of the Committee on Indian Affairs,  
U. S. Senate.  

CHEROKEE AGENCY, March 23, 1846.  

Sir: Fresh excitements and additional aggressions have sprung up in the Cherokee nation within the last two or three weeks.  

The occurrence which appears to have produced the greatest sensation, is the murder of a pretty prominent man of the administration or Ross party, named Stand, or Ta-kah-tah-kah.  

I would have made a communication to the department in regard to this occurrence, and others in the nation, at an earlier day, but under the existing state of affairs it is extremely difficult, if not impossible, to obtain a correct statement of facts, from the rumors of the country in relation to any occurrence calculated to produce or rather keep up the prevailing excitement. It may be proper to remark that Stand, the deceased, was one of the company who murdered James Starr and others, when those Cherokee violences broke forth early in November last.  

The history of this affair seems to be substantially as follows: Shortly after the killing of Stand, suspicion attached to a Cherokee named Wheeler, as being accessory to the murder, who was neither a treaty nor  

Ritchie & Heiss, print.
Ross man, but rather neutral in regard to Cherokee politics. He was, however, in the confidence of, and in habits of intimacy with, Stand, the deceased, and was equally so with the "Starr boys." The deep animosity which existed between the "Starr boys" and the party to which Stand adhered, is believed to be well known to the department. Each party knowing the intimacy of Faught with the other, they both made overtures to him: Stand to inveigle the Starr boys into his power, and they to operate on Stand in the same way. It seems both parties made liberal offers to effect their respective objects, though Faught closed with the propositions of the "Starr boys."

A dance was held on the night Stand was killed, which was pretty numerously attended. Among others, Stand and Faught attended. Some time after night Faught invited Stand to go out with him and take a drink of whiskey out of a jug he had hid out. Stand accordingly went, and while they were at the jug five guns were fired at Stand. Two balls took effect. He was stabbed eleven times and scalped. Faught returned to the dance, but said nothing about Stand being killed, nor was the fact known by the company till morning, when he was found in the situation above described. Under this state of facts, Faught was prosecuted and condemned as accessory to the murder, and is sentenced to be hung on the 26th instant. There appears to be no evidence as to who killed and scalped Stand, though from the above facts it is charged against the "Starr boys" and their friends.

For the purpose of arriving at the facts of the case, I sent my interpreter to attend the trial of Faught, and the foregoing is the purport of his statement.

There are also two other Cherokee men now under arrest and confinement, on a charge of being indirectly (as I understand) concerned in the above murder. What course may be ultimately taken with them I am unable to say.

There have also been three other murders lately committed in the nation. Two of the victims were Cherokees, and one a white man, citizen of the United States.

Martin Culsowee, a Cherokee, was found dead and supposed to have been murdered near Fort Gibson. Two Cherokees were charged with the offence, and tried, but acquitted. This appears to have been the result of dissipation, and unconnected with the politics of the nation, therefore little excitement was produced.

The other Cherokee, Samuel Martin, was murdered at Maysville, a village on the Cherokee line. I understand the deceased was drunk at the time he was killed, and those charged with the murder were in the same situation. The Cherokees charged with this offence are now under arrest awaiting their trial. Their names are Squirrel, Muskrat, and Wicket. This affair appears also to be unconnected with party politics.

In the case of the white man who was murdered on the night of the 10th instant, the circumstances are as follows: Two wagoners, Reynolds and Weldon, who were travelling with their teams from Fort Gibson to Fort Smith, on the public military road, took up camp about equidistant between those forts. Shortly after dark, two Indians of the Uchee band, who live in the Creek nation, came to the camp and obtained something to eat. They remained but a short time and walked off. They went but a small distance into the dark, when both attempted to fire at the wagoners, who were stand-
ing by their camp fire. One of the guns discharged and killed Reynolds dead. The other gun refused fire, and Weldon made his escape. They robbed Reynolds of a small amount of money found about his person; stole two mules out of the teams, and made their way into the Creek nation.

I informed Col. Logan, agent for the Creek nation, of the occurrence, upon which Gen. McIntosh, the Creek chief, had them arrested, after which they confessed the whole matter. One of them, however, has since made his escape, though the Creeks are in pursuit of him, and it is believed he will be retaken. The other is in possession of the military at Fort Gibson, and will be sent on to Little Rock for trial in the district court of the United States.

There is also another case which has resulted in the death of a Cherokee, within a few days past. This case seems to partake of the character of a family quarrel. Crossland, the deceased, a Cherokee, and Brown, a white man, who killed him, were brothers-in-law; both having Cherokee women for wives. A quarrel took place, and a fight ensued between the women in the presence of their husbands. This drew the men into a combat also, in which Crossland, the Cherokee, was killed. It is said that Brown was justifiable under the circumstances. He has voluntarily surrendered himself to the civil authority of the United States for trial.

I herewith enclose you the copy of a deposition made by John Williams, a white man living in the Cherokee nation, having a Cherokee woman for his wife, setting forth the conversation held with, and the threats made by, Anderson Springston, a member of the national committee.

It will be observed, from the foregoing statements, that the Cherokee nation is far from being in a state of tranquility.

I have the honor to be, very respectfully, your obedient servant,

JAS. McKISICK,
Cherokee Agent west.

WILLIAM MEDILL, Esq.,
Commissioner of Indian Affairs, Washington, D. C.

P. S.—I have just heard, from the United States deputy marshal, that Brown, who killed Crossland, has fled, and that he never did surrender himself for trial.

J. McK., C. A. W.

 Appeared before me in Delaware district, Cherokee nation west, John Williams, a white man with a Cherokee family, on the 10th day of March, 1846, and made the following statement, to wit:

On the night of the 1st of March, 1846, about 8 o’clock, Anderson Springston, and another Cherokee by the name of Pigeon, both armed with guns, came to my house, and Springston called me to the door, and asked me to come and show them the way, as they were lost. I rather refused, and asked my wife to light a candle. Springston commenced swearing that he was not afraid of any man, and swore that he had come to kill me, and that a great many more had to die soon, to wit: Lynch, Thompson, Bell, Watie, and numerous others. He continued in that strain of conversation for about an hour, repeating frequently that he had come to kill me. I sent my negro boy with the candle to put them in the way. They were
gone about an hour, and returned again. When the boy started to show
them the road, Springston made the boy hold the candle for him to ex-am-
ine the cap on his gun. He sprang the trigger, and came rapidly back to
the door with his gun presented. My wife put her hand on the muzzle of
his gun, and told him not to shoot her. He said if he killed one he would
kill all. Pigeon asked Springston to let him shoot me two or three times.
Springston said no; wait awhile. He frequently asked Springston to make
haste, and do what he came to do. He said no; he could not; he must
get some person else to do it. After being absent about an hour, they again
returned, and asked my negro boy where I was. He told them I was
asleep; that he had better go in the other room and go to bed. He replied
that he would if the boy would put their horses up, which he accordingly
did. In the morning of the second of March they staid until after break-
fast, during which time Springston again repeated all he had said the night
previous; that there would be a great deal of blood shed soon; that he
intended to come back some dreary night and kill me, and for me not to
come out unless I knew his voice; and that if I shot, to make a sure shot,
as it would be the last. He stated that others might come under his name
and deceive me. Said Anderson Springston is, and was at the last national
council, one of the members of the committee. When in conversation
with me he said that he knew that Jim Starr was to be killed, but did not
know the day it was to be done or would be done. He also swore that
they intended to destroy Watie and his company; that Lieutenant John-
ston's 45 dragoons could not prevent it.

JOHN WILLIAMS.

The above statement sworn to and subscribed before me this 10th March,
1816.

JAS. McKISICK,
Cherokee Agent west.

The above is a true copy from the original.

JAS. McKISICK,
Cherokee Agent west.

CHEROKEE AGENCY, 24th March, 1816.

HEADQUARTERS WESTERN DIVISION,
New Orleans, December 3, 1815.

SIR: Having carefully examined the documents numbered 1 to 5, in-
exclusively, accompanied by Brigadier General Arbuckle's letter of the 19th
ultimo to the Adjutant General of the army, in relation to the official mur-
ders in the Cherokee nation, I think myself in duty bound to address you,
empowered as you are by law to protect the interests of the Indians, as
secured to them by treaties and other laws of the United States, and ex-
press to you my cordial approbation of the prompt and judicious measures
taken by that meritorious officer to arrest the progress of those scenes of
outrage which strike at the root of that beautiful tree of civilization, plant-
ed by the hands of Washington and nurtured by his successors in office
for near half a century past, and which may soon tend to blight its fruits
amongst the whole of our red neighbors, and endanger the peace of our frontier inhabitants.

If the spirit of party which divided the Cherokee people ten years past had been guided by a moderate share of honesty, with a few grains of patriotism, surely no reasonable man can doubt but that the treaty-making party would at this time constitute more than nine tenths of the whole nation. The country at present owned by the Cherokee nation, lying west of the State of Arkansas, is deemed to be worth much more than that ceded by the treaty party to the United States, lying east of the Mississippi river; and when to this fact is added the known truth of the rapid advances which most of the Cherokee people have made in all the substantial elements of civilization, and the obvious growing wealth and prosperity of all but the harassed and persecuted members of the treaty-making party, it cannot but be matter of amazement to perceive that this unexampled prosperity, pervading, probably, nine tenths of the whole Cherokee people, is enjoyed mainly by the anti treaty-making party; not by the devoted friends of the United States at the time the treaty was made, but by that party, many of whom were known, ten years past, to be ready and willing to resume the tomahawk, and fight and die upon their lands east of the Mississippi, rather than exchange or sell them for anything like their estimated value. And what is now the condition of these devoted friends of the enlightened policy of removing the Indians westward, and thereby rescuing them from inevitable ruin? These patriotic men, who had the moral courage to make the exchange so essential to the existence of their people as a nation, and so much desired by the government and people of the United States—what is their present condition? Can it be believed that this philanthropic band—this ill-fated treaty-making party—have constantly been for ten years past, and still are, treated as traitors to their nation; their favorite chiefs and warriors, and of late their little children, shot down and murdered without the color of law, and without a crime! while their and our enemies of the years 1835 to 1837—the anti treaty-making party—are unblushingly appropriating to themselves all the rich fruits of the treaty so violently opposed by them from its first inception to its final conclusion, regardless of the solemn provisions embraced in the treaty, and obligatory on all the Cherokees as upon the United States, guarantying the protection of the treaty-making party against the intriguing and infuriated chiefs and savages opposed to the treaty; a guaranty which every sound principle of natural law sustains, under the circumstances of the case, where the contracting parties were not independent nations, but an independent civilized nation acting as the natural guardian of, and treating with a dependant savage tribe, or at least a nation just then rising from the darkness of barbarism to the divine light of civilization. Such was the condition of the Cherokee nation at the time the treaty was made; and the master-spirits of that treaty were the brightest ornaments among the leaders of that glorious movement. The murdered Ridges and Boudinot will be remembered with gratitude, as the master-spirits of this great movement, when their enemies will be recollected only as their cold blooded murderers, actuated alone by a thirst for money and power.

I have the honor to be, very respectfully, your obedient servant,

EDMUND P. GAINES,

Major General U. S. army, commanding the western division.

Hon. Wm. L. Marcy, Secretary of War.
SIR: I have to inform you that, since the date of my last letter, (January 6,) the greater portion of the Cherokee "exploring party," composed of treaty men and old settlers, have returned from Texas.

I conversed with the principal men among them as they passed by this place, and was gratified to find that, although highly incensed at the conduct of the dominant party in their nation, they were determined to pursue a peaceable line of conduct, and leave the adjustment of their difficulties to the government. They at the same time expressed great solicitude that the measure of relief might be adopted as soon as practicable, as numbers of their people are destitute of the means of supporting themselves, and cannot, as they firmly believe, return with safety to their homes.

In two months these people ought to be in a situation to commence preparations for making a crop; and I, therefore, cannot too strongly urge their case upon the early consideration of government.

From Beatie’s prairie I learn that Stand Watie’s party remains quiet, and that he has again declared that his only object in occupying Fort Wayne is self-defence. Lieutenant Johnston had heard that a large number of the Ross party were assembling on the “Briney,” (probably near Grand Saline,) about thirty miles from Fort Wayne; and Captain Boone reports that another body had arrived at Downing’s, on the mountain near Evansville, the evening he wrote, (the 11th instant,) but he had not had time to ascertain their object.

These assemblages, together with the movements of the light-horse in this vicinity, are probably measures of precaution against an attack from the refugees, which the Ross party has perhaps apprehended would be made on the return of the exploring party, but which, I have every reason to believe, is not meditated. I have taken means to have the authorities of the nation informed that they have no cause to fear an attack; and I therefore hope these parties will soon disperse and return to their homes.

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,
Brig. General U. S. Army.

The Adjutant General of the Army,
Washington, D. C.

Extract from a letter of Brigadier General Arbuckle, U. S. A, to the Adjutant General of the army, dated

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, January 13, 1846.

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, January 17, 1846.

You inform me, “you (I) will perceive by my (your) letter of the 3d instant, (December,) that the Secretary of War has been particularly anxious to obtain speedy information upon the subject of the recent murders
by the dominant party of the Cherokees, as well as the murders committed by or ascribed to the other party, during the present year.”

I have not interpreted your letter of the 3d December as calling for information respecting all the murders committed during the past year by any party in the Cherokee nation; but I will now proceed to give you such information as I possess on the subject, first premising that I have received no official, or even written communications, touching any such matter, until the outrages were committed on the 9th November last.

About a year ago, two Ross men were killed in Evansville, Arkansas, by McDaniel, (old settler,) and one of the Wests (not John) of the treaty party. Motive attributed—revenge for injuries received from the dominant party.

About the same time, Bean Starr (treaty party) was shot near Fort Washita, by a party of Ross men, who went from the nation in pursuit of him. Reason assigned—that he was guilty of high crimes committed in the nation.

Last spring, Thornton, an old settler who had joined the dominant party, was murdered at his house; supposed to have been done by some of the Starrs or their relatives, in consequence of his agency in the killing of Bean Starr.

I have heard that between the time Thornton was killed, and the commencement of the recent disturbances, four or five murders were committed on persons belonging to different parties; but I have not understood that they have been attributed by any one to any other cause than drunkenness.

On the 4th November last, the bodies of two Cherokees (Ross men) were found in the woods, near “Meiggs’s” house; they had been murdered. This crime has been ascribed to the same individuals who are charged by the dominant party with burning that house on the 1st November, viz: several of the treaty and old settler parties. No doubt the motive for these murders was, to prevent the detection of the individuals concerned in the house burning. (As connected with this subject, see affidavits enclosed with my letter of the 6th instant.)

Then follow the murders, on the 9th November, of James Starr and Suet Rider, and the wounding of Washington Starr and Buck Starr, (the latter has since died of his wounds.) Next, the murders of Thomas Watie, about the 14th November, and Swimmer and Stoain, or Mill Boy, on the 19th or 20th November, and on the 27th of December that of Charles Smith. These were treaty men, with the exception of Rider, an old settler, and they were killed, or wounded, by mobs consisting of the dominant party, or by the light-horse of the nation; at least, such is the information I have received.

On Christmas, one Duncan killed John Ward, in Maysville, Arkansas, in a dispute which arose between them. Neither of them of the dominant party.

On the 9th instant, at Maysville, Braxton Nicholson killed Granville Rogers, a son of John Rogers, now at Washington. “The affair is said to have grown out of a private quarrel; perhaps an old grudge.” I have not heard that the act is ascribed to party feeling.

It is probable a few other murders have taken place among the Cherokees, during the past year, which I have not heard of; or, if I have been informed of them, the facts have escaped my memory.
Nothing has occurred in relation to Cherokee affairs worthy of notice since my last letter to you on the subject, dated January 13. I have not yet received the acting chief's answer to the suggestions contained in my letter to the agent of the 15th instant.

Extract from a letter from Brigadier General M. Arbuckle, dated

"HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, January 24, 1846."

"In my letter of the 6th inst. I informed you that I had not had occasion to call upon the authorities of Arkansas for a militia force. The state of affairs is still unchanged. No more outrages have been committed, that I am aware of, and tranquillity apparently prevails in the Cherokee nation, and will probably so continue while the weaker party preserve their present attitude. The refugees, both treaty party and old settlers, whose numbers remain about the same, or are perhaps slightly increased, are quiet. Captain Boone writes on the 20th inst: 'I conversed with a number of influential men (refugees) on the subject of returning to their homes, but they all decline doing so; and I must say that I could not with propriety urge them to do so, as it is well known that there are armed parties of the dominant party still roaming through the nation and watching the roads.' In this opinion I entirely concur. In view of the conduct of the authorities of the nation, I do not think it can be expected that the refugees will return. I am convinced that, under existing circumstances, they could not do so with safety. The authorities have done nothing, and seem determined not to do anything to encourage them to return. I am still without an answer to the suggestions which I addressed, through the agent, to the acting principal chief on this subject."

HEADQUARTERS 2D MILITARY DEPARTMENT,
Fort Smith, February 21, 1846.

SIR: I herewith transmit, for the information of the government, a copy of the deposition of Beauford Alberty, a Cherokee lad of seventeen or eighteen years of age, which has been furnished me by the Cherokee agent, relative to another act of violence committed by the dominant party in the Cherokee nation.

This outrage was doubtless committed by a body of light-horse; and goes to show that the authorities of the nation have not changed their policy towards the weaker party, but are ready and willing at all times to shoot them down wherever found, on mere suspicion of acts which the dominant party allege to be criminal; which suspicion may be very conveniently made to attach to any person or persons whom they may think proper to put out of the way.

This state of things is to be deplored, and calls for some corrective measure. It is with the government to decide what that shall be.

I have the honor to be, sir, your obedient servant,

M. ARBUCKLE,
Brigadier General U. S. A.

Adjutant General of the Army,
Washington, D. C.
Personally appeared before me, James McKisick, agent for the Cherokee nation west, Beauford Alberty, who states: That, on last Thursday morning, about thirty-five armed men, headed by John Brown, came to the house of Mrs. Nancy West, at which place he lives. They passed the house some little distance and stopped. He, Alberty, went down to the stable and caught a horse, and was leading him along, when six of the company whooped and charged at him. He became alarmed, and mounted the horse to make his escape. The company pursued him some distance, and shot at him three times. The last time they shot at him was at or near the mouth of Spring creek. The bullet struck the water just before the horse was on. The horse turned round short, and threwed him off. He then ran on foot some distance, and was overtaken by Nick Sanders. He drew his knife; and, while parleying with Sanders, another man ran up and flashed his gun at him. He then gave up his knife to Sanders; and then Sanders struck him on the head with his gun, and knocked him to his knees. Sanders then drew the knife, and told him he had a notion to stab him. The company then took him a little distance and tied him, and consulted whether or not to whip him; but finally concluded not to whip him, but told him he ought not to run—that they had nothing against him; but thought it was William Alberty—that if it had been him, he could not have got off alive. He then asked them what they had against William Alberty, to which they replied that the talk was that they harbored the Starrs and Ellis West. They further told him, when they discharged him, not to go off and tell any tale about it; if he did, they would give him a hundred lashes. An old man, by the name of Chee-wa-loo-kee, was in the company, and rather interceded in his behalf—told the company that he had known him for a long time, and that he had always been a good boy—that he had never even voted at any of the elections, &c. One of the bullets that was shot at him passed through his hunting shirt. Nick Sanders was the man that shot the last gun at him. He does not know who shot the other two.

Sworn to and subscribed before me the day and date above written.

JAS. McKISICK,
Cherokee Agent west.

A true copy from the original, on file in the agency office.

JAS. McKISICK,
Cherokee Agent west.

FEBRUARY 17, 1846.