Deposition of Catherine Spencer (June 8, 1838)

Transcribed by James Raymond Hicks in 2002 in his book Cherokee Lineages. Copied text below from WikiTree. Original on file at the National Archives and Records Administration, Washington, D.C.

Blue annotations added by Laura Sprauer.

(Cathrine Spencer lived for about 12 years at Doublehead's plantation after her fathers death. Born around 1788, her father, Pumpkin Boy, died when she was about 5. She was 19 when Dublehead died.)
Came Catherine Spencer and makes oath that she lived at the house of Doublehead the Chief when he was killed which was many years ago, she thinks it was about 27 years ago, and that she lived in his family about 12 years. Affiant is the niece of Old Doublehead, and is the only daughter and child of E=yah=chu=tlee, a brother of Doublehead, and Chau=e=u=kah is her mother, and was then a grown woman about 19 years old= and affiant states that the following described property was there and belonged to Doublehead the Chief when he was killed= to wit,

(Listing out slaves Doublehead owned at the time of his death)
One negro man named Andrew about 21 years old, very likely $1000,00
One young negro man named Joe a Race Rider, very smart $650,00
One mullatto boy named Ben, 16 years old $600,00
One brother of his named George, 14 years old $550,00
One negro boy named Jacob about 15 years old $550,00 == $2350,00
One negro man named Riddle about 22 years old 800,00
One negro woman named Phebe about 25 or 6 years old $500,00 and her four children, the oldest 10 & youngest 2 years old at $200 each on an average is $800,00
One negro woman named Mary or Polly about 23 years old $500,00 with her two children ---350,00
Austin, a man between thirty & 40 years old $600,00 and his wife Magon about 30 years old, a house woman, good cook, washer & Ironer $600,00 with five children the oldest a boy 12 years old & ranging from him down to the youngest about 2 years old, all worth on an average $200 each --$1000,00

(Cathrine Spencer's father was Eyahchutlee Pumpkin Boy, who died in 1793 (He was killed by sentries of John Sevier outside of Ish's Station - source Evans, E.R., 1976, Notable persons in Cherokee history: Bob Benge)
(Catherine claimed to be the rightful owner of the 7 person enslaved family listed above. After the death of her father, Doublehead inherited the enslaved family.)
This man and woman came by the death of the affiants father to ^the Old Chief Doublehead with this affiant when she was moved to his [quarters] after the death of her father, and from this man and woman these 5 children were raised and all these seven negros were [once] the right of this affiant but affiant does not know where it is now = affiant declares most solemnly on her oath that she never sold them to any body nor been paid one dollar for them--

(Nine additional slaves gifted from Chrisholm to Doublehead's estate after Doublehead's death - Chrisholm was debt collecting for Doublehead)
all of the above described negroes were there before the Georgia negroes were brought there, & affiant states that a white man named Chisholm was gone to Georgia to collect money due Old Doublehead when he was killed & shortly after that Chisholm returned with nine grown negroes from Georgia and left them there as a part of Doubleheads property and said he got those nine negroes in place of the money due unto Doublehead = affiant and the other Cherakees [evidently?] then took these nine negroes and put them in the negro cabins with the other negroes and provided for them as for the other negroes of Doublehead and they remained there as a part of his estate untill taken off by the white men; five of these Georgia negroes were men worth $700 each -- #3500,00 and the other four women worth $500 each --2000,00 all stout able negroes and well grown, the names not recalled nor the ages==

(Listing out livestock Doublehead owned at the time of his death)
There were 30 head of cows & calves worth $12 00 each --$360,00 and about 100 head of fine stock cattle, big sturdy [heifers] all worth 5 to 8 dollars each $650,00 one fine stud horse at home worth as the people said $700,00 and one other stud horse at South West Point said by the people to be worth $1000,00 and there were 8 other fine mares and geldings bought of Rik=e=ti=yah = John Christy's mother worth $100 each --$800,00 *(John "Trader John" Christie (senior) was born about 1764, probably in or near the Dutch Republic, since he is referred to as a Dutchman. His wife was a Cherokee Indian, born about 1766, called Hikatiyah "Oni". They lived in Turtletown, in the Old Cherokee Nation. "Rik=e=ti=yah" is likely referring to "Oni" as her and Trader John had a son John Christie (junior?) born around 1789 - source: Gapinski Ancestry)*
and nine other head of common [draw?] horses [ruous?] and colts worth about 50 or 60 dollars each, say 55 on an average $495,00 and [five good eail?] horses called first rate & worth $500,00

Doublehead paid a fine negro named Mary for the 8 bought of John Christy's mother with a view to increase his stock of horses, and that negro was not any of thoses housed here ==this John Christy has gone to Sekausas.

50 head of sows & pigs & shoots and small stock hogs running about the house $3.00 each –$150.00
One hundred head of large hogs running out in the woods worth $5.00 is –$500.00

(Listing out miscellaneous items Doublehead owned at the time of his death)
4 large first rate beds & bedding & bedsteads worth $40 each –$160.00
6 [windsor?] chairs at 2.00 each 12.00
12 common du .50 cts 6.00
1 case of bottles & liquor –10.00

4 doz plates –4.00
8 dishes, all large –6.00
2 good tables –8.00
1 fine du –1.50
2 large pots –10.00
3 large ovens –9.00
2 smaller pots –2.00
1 dinner pot –2.00
1 brass kettle, common size 2.50
1 tea kettle –1.50
3 pair of iron fire dogs 4.50
1 saddle & bridle & brace of pistols
a good saddle part worn =15.00
the pistols first rate with a case & working 30.00

(Doublehead owned a storefront, a man named Phillips was the clerk.)
[Prince] according to her best [yu agrement] of the value of such articles of property & affiant states that Doublehead had a store there and a white man named Phillips was the clerk and [rate for ach] and the Cherokee people came there daily and bought goods for cash and Phillips refused to sell goods on a credit to the Cherokees. it was a comendable stock worth about two or three thousand dollars, and Doublehead told affiant just before he was killed that he had three thousand dollars in a trunk in the store room=affiant sais large quantities of money in Phillips hands but cannot state how much as she never counted it; affiant did not know of her uncle buying any thing after that time and thinks there would have been as much as more than $3000 cash on hand==affiant admits it to be true that she does not know so well about the store and the money because Phillips the white man had the entire IOU that of it when Doublehead was died and and did not show the money any more and did not communicate the situation of it to affiant

(A white man named Samuel was managing a farmstead for Doublehead, using the enslaved people Doublehead owned for labor.)
that year a white man named Samuel [Llebarrinan alrevcee d] for Doublehead and was making a good crop and [anocianally] all the big negroes [icraekill] out. -- The [Observer] quit there [loan] after Doublehead was killed

(Bird Tail Doublehead (1795 - 1857) was a son of Doublehead. His mother was Nancy Drumgoole. He had one full sister, Peggy. In his 1838 deposition, Bird stated that when his father was murdered in 1807 he was living at Kingston with a white family named Clark in order to attend school. His sister Peggy was living with their mother at the time, and two half-sisters, Susannah and Alcy were attending school at Hiwassie.)
Bird Doublehead and his brother were sent to school and boarding at the Clarks and Peggy and Susannah and Alcy will [aff aho] None of the children of Doublehead were there nor does affiant recollect of their comming there == they were all very young. Bird was the eldest & many years younger than this affiant and no claims came through to protect their rights or secure their

property == [lit surrued] that after their father was killed by his people that the children were also endangered by the nation == this affiant [averried] and managed as well as she could do. Affiant states that as soon as the news came that Doublehead was killed Phillips shut up the store and kept it shut up and quit selling goods (When Doublehead died, Phillips shut down the storefront)

(Doubleheads slaves still worked the fields in the fall after Doubleheads death. Around this time, a small group of white men arrived to talk to Phillips, the store clerk. The white men (led by a man with the last name of Black) asked Catherine Spencer's Aunts and Uncle to loan out all removable Doublehead property (including slaves and livestock) to them to be taken care of until Doublehead's children were of age. None of Doublehead's Cherokee relatives protested and the storekeeper Phillips approved)

The crop was continued working by the ^negroes the others [heuinep] of Doublehead went on untill towards fall when four white men came there and stayed four or five days, -- these white men talked to Phillips a good long time and they seemed to be counselling together but affiant could not understand them -- these white men after talked to the negroes and after about four days councelling the white men asked affiant and her Aunts & [Soney] ^Thau=ti=ne - all Doublehead and Wah=hatch a brother of Doublehead *(Wau-hatchy, Wah-hatch, WawHatchy, or Wahhatih - all refer to Doubleheads Brother, Catherine Spencer's uncle - He was a signer of 1817 treaty between the Cherokee and the United States)* to [guarantee] a [loan] and these one of the white man named Black proposed that all the negroes and horses and cattle and hogs and all the removable property should be taken care off for the children of Old Doublehead this Black was the man with whom Bird Doublehead had been and was there boording at school = It was asked by the whites whether this should be done or not and none of the Cherokees countered to it, but Phillips the store keeper gave his consent to it and he went off with the three white men and they carried all the goods boxes and trunks and all belongings to the store (off with them) and all the above described articles of property and negroes, and cattle and horses and hogs [t&] off with them and they [neaii] and paid for [norletuiua] any more ==

(A black enslaved man named Andrew who could speak Cherokee and English, overheard the white men saying they had no intention of returning the property. The white men stole the property for their own use. Doublehead's enslaved laborers assisted the white men in collecting and loading Doubleheads property into their wagons. The only people left on the plantation were Catherine Spencer, her aunts, and Wahhatihi)

One of the negroes named Andrew who could speak and and understand both English & Cherokee stated to affiant that he understood what the white men said and he told this affiant that these white men were not [meaning] to save the negroes and the other property for the children of Doublehead and that they were [meaning] to get it all for their own use and fixing to steal it and that if the white men did act so with the property he Andrew would run away and come back to the nation again. The other negroes seemed to be concerned that these white men would take them to where Bird Doublehead was and went cheerfully and the negroes assisted the white men in collecting the stock and loading up the waggon and one of the negroes drove off the team and the plantation was left without any human beeing on it but her aunts and Wahhatihi

(Cathrine Spencer had two aunts present: Soney Doublehead & Kstieieah Doublehead)
It was the understanding with all the Indians that the children were to have all this property at last. Wahhatih got some Indians to [aprint them] and they gathered the crops and put it away and no more white men came there to [couriett] for the goods of the heirs of Old Doublehead, and this affiant and her two Aunts [Soney] & Ks=ti=e=ie=ah Doublehead and Wah=hatih [mode urea it thermires] ==Black and these other white men did not say that Doublehead owed them money, but only said that the property should be taken care of for the use of his heirs and this affiant and other kinfolks did not consent [uren] to that for this affiant these thoughts are known at the time that this affiant and the other Cherokees could have taken as good [coreafit] as these friendly white men could do.

Swarn to transcribed before me this 8th June 1838 [Leirniz Lieiculf]
Commissioner her Catherine X Spencer mark

Conclusion:
Kstieieah (Kizzie) Doublehead (1755 -1835) would have been around age 52 at the time of Doubleheads death. Her three sons would have been age 35 (Jefferson), 31 (Lewis), and 25 (James).
Doublehead's residence was near Blue Water Creek, Alabama (Muscle Shoals on the Tennessee river).

Deposition of Bird Doublehead (June 2I, 1838)

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(Bird Tail Doublehead (1795 - 1857) was a son of Doublehead. His mother was Nancy Drumgoole. Bird states that when his father was murdered in 1807 he was living at Kingston with a white family named Clark in order to attend school. - he was around 12 years old when his father died.)
Estate of Doublehead Cherokee Agency East Bird Doublehead, Son of Doublehead, a Cherokee Chief, makes that he had for some years previous to the time his father was killed as well as after and recalls its about 29 years ago he had been living at [Thomas Aorned: Clark's] at Kingston [Inn pu] for the purpose of going to school and was living at Clark's at the time his father was killed.

(In the fall prior to Doublehead's death, Bird visited his father for 3 months, then returned to live with the Clarks and resided there when his father died.)
In the fall prior to his death affiant went home to his father's at the Muscle Schoals on the Tennessee river on a visit and remained at his fathers house about 3 months, and again at the expiration of that time affiant returned to Clark's and continued to reside with him as affiant some time in the year 1812 and was residing there at the time of his father's death. At the time affiant was at his father's last before his father's death and at during another time which affiant lived at home.

(Bird recalls the property his father, Doublehead, owned at the time of his father's death. Doublehead gifted a large stock of 20 cattle to Bird, originally belonging to Bird's step-mother's (Kateeyeah Wilson - one of the wives of Doublehead) brother Thomas Wilson - It seems the livestock was given back to Thomas after Doublheads death.)
Affiant recollects well to have seen a considerable quantity of property belonging to his father. Consisting ^of a large stock of horses, he thinks 30 or 40 head, old and young. Among them one brown stud horse purchased by affiant's father from Old Peelin for the sum of $1000, one thousand dollars. This horse [mare] a stand at South West Point. Affiant's father was a stock [raiser] and had some fine breed mares and was trying to improve his stock of horses. There was also a large stock of cattle of which affiant's father had given affiant 20 head as part of the cattle belonging to affiants step mother the wife of the Chief Doublehead which part affiant presumes Thomas Wilson her brother got at Doublehead's death, but Doublehead still owned a considerable stock of cattle besides.

(Bird remembers more property Doublehead owned at the time of his death, including hogs, household and kitchen furniture, and a storefront with Phillips as a Clerk.)
He had as affiant believes also a large stock of hogs he is unable to say how many. He also had a large quantity of valuable household and kitchen furniture worth as affiant believes at least $600. affiant states there was a store there but affiant is unable to give any account of the quantity or value of the goods therein but thinks there was a pretty general aportionment. Affiant remembers that when affiant went home the fall before his ^father carried down the [money] in the boat an [abhtimal] stock of goods and after [setting/selling] some of them in the boat he put the ballance in the store with the other goods and a white man called Phillips kept the store. affiant thinks there could not have been less than $3000 worth of goods in the store. Affiant thinks the goods were not sold on a credit.

(Bird describes some of Doublehead's enslaved laborers)
Doublehead had also a considerable stock of negroes besides those afterwards brought from Georgia. Those negroes he had owned many years [torn part] of time before the recollection of affiant. Others were born there, and [Ms yellow boyz Bins oGimjyd] very likely were bought by Doublehead a few years before his death but affiant cannot recollect the precise numbers but believes there were at least 20 perhaps more at and before the time of Doublehead's death.

(Tassel son of Doublehead, half-brother to Bird, born approximately 1798 and died in 1807 - he was 9 years of age and died 2 weeks after Doublehead died)
Affiant's brother Tassel also went with him and boarded at Clark's. Affiant thinks $100 per year was the sum agreed to be paid to Clark for boarding each of us affiant and Tassel. Tassel died at Clark's about 2 weeksafter Doublehead was killed. affiant was then about 12 years of age, continued boarding at Clark's and did not go home but remained there at school.

(Bird had no legal guardian at the time of Doublehead's death. His 3 sisters were also not at home at the time of Doublehead's death. His sister Peggy was living with their mother at the time, and two half-sisters, Susannah and Alcy were attending school at Hiwassie.)
Affiant had no guardian appointed for him, nor did he directly or indirectly take upon himself the control or management of the property of his father's estate. Affiant had 3 sisters none of whom were at home when Doublehead was killed. One of them, Peggy, was living with her mother in what is now McMinn Co, TN. The others, Ms Susannah & Alcy were at Hiwassee Garrison at school.

(In the fall after Doublehead was killed, Clark went to the Doublehead plantation and returned home to Kingston with twenty one enslaved persons and some horses. Phillip, the store keeper, also arrived in Kingston with Clark. Phillip informed Bird that the property Clark acquired belonged to Doublehead. Phillip also stated that he and Clark had given some of Doublehead's slaves to Wau-hatchy (Wau-hatchy, Wah-hatch, WawHatchy, or Wahhatih - all refer to Doubleheads Brother, Bird's uncle - He was a signer of 1817 treaty between the Cherokee and the United States), ***Ulau hatchy (?)****, two other Cherokees, and Chisholm (a white man who was responsible for debt collecting for Doublehead))*

The next fall after Doublehead was killed Clark went to the Muscle Shoals and to the late residence of affiant's father's ^he did not inform affiant when he started what was his beliefs or where he was going. After an absence of some weeks Clark returned home to Kingston and brought with him 21, twenty one, negroes & some horses. Phillips the store keeper also came back with Clark. Phillips informed affiant that Clark had got the negroes and horses at the residence of affiant's father's and that some other negroes had also been taken that belonged to Doublehead [torn part] and had been by him delivered over to some other men, one of them to [Wau hatchy] one to [Ulau hatchy] his brother, two Cherokees, and one to Chisholm a white man, and the balance to some person or persons who are not recalled at present.

(Bird believed Phillips' statements since he recognized some of the enslaved persons Clark brought with him. Clark sold some of the slaves and put the others to work on his own property.)

Affiant was confident Phillips statement in relation to the property was true from the fact that of the negroes brought by Clark there were several affiant had himself known to have been in his father's family many years Jarrit, Austin, Magin, Andrew and Pheby and Peter Dempsy and some others which affiant understood had come from Georgia. affiant understands that Clark has disposed of the property which he took of the estate of affiant's father and has applied the [proceeds] to his own use [some] of the property affiant knows he sold one negro, Peter, to Sam [Martin] and other portions of the property affiant is informed he sold of which is one negro, Dempsy, a [brother?] to [Crozing] of Knoxville.

(Bird remained at Clarks for 2 to 3 years, and instead of going to school (as he was originally supposed to) Clark instead put him to work in the fields and for 6 months he worked as a blacksmith. Bird's mother (Nancy Drumgoole) finally arrived and took him away. Clark never returned any of the property stolen from Doublehead's estate (except for a pony, saddle, and bridle for use to leave Kingston with his mother)

affiant remained at Clark's for upwards of 2 years perhaps 3 years after his father's death. The latter part of which time Clark did not send affiant to school but put him in the field to plough and about 6 months of the time in a Black Smith Shop to blow and strike. When affiant's mother came after him and took him away. When affiant started Clark let him have one [Roane] pony 5 or 6 years old to ride away with his mother and an old saddle and bridle worth in all not exceeding $32 or 40. Clark never let affiant have any of the property or money of said estate except the pony, bridle, saddle, noit even money to bear affiant's expenses home. Nor did affiant believe Clark ever accounted to affiant's said sisters for one cent of the proceeds of the property of said estate. Nor has he to the knowledge of affiant ever accounted in any way for said property.

(In 1827 (Bird was 32 years of age) Bird hired Col Zachariah Sims to help him get compensation from Clark for the stolen Doublehead property, however a complaint was made against Sims forcing him to leave the Cherokee Nation during their investigation.)
Affiant further states that in the year [1827] he employed Col Zacharah Sims to assist affiant to get his property or compensation for it from Clark and procured him to come on for that purpose to Jackson's [Troly?] where he and affiant were about to make an effort for that purpose when a complaint was made against Sims and he was ordered to be driven by the Light Horse *(Cherokee police)* out of the Cherokee Nation. Affiant recollects that John Benge *(John Riddle Benge later known as "Wagonmaster John" - led a detachment of 1,000 plus people around 1838 during the Trail of Tears)* then living as affiant thinks on Battle Creek was Capt of the Light Horse and had Sims arrested. Affiant don't recollect how he obtained his release but remembers that he left the Nation.

(Shortly afterwards, Bird traveled to Arkansas in the fall, but has recently returned to claim his inheritance)
Affiant then became discouraged and did not then further [implicate] his claim but the next fall immigrated to Arkansas where he remained until recently. He has returned to again assert his rights. Affiant has now two sisters surviving namely Susannah the wife of George Chisholm and Alcy the wife of Giles McNulty. Affiant's other sister Peggy has departed this life leaving four children surviving [her hissy at laws] by her husband William Wilson who is also dead. The eldest named Jane Wilson, the 2d Elzrah Wilson, the third George Wilson and the fourth Bird Wilson.

[Signed] Bird Doublehead Sworn to oath inscribed before me this 21st June 1838 David [Sauam-ate.: C]