

Dawes Card #D652 Cherokee by Intermarriage The Story of Sterling A. Austin and Robbie

Native American Research Case #2
Compiled by Helen Cook Austin, Ph. D.

The story of the descendants of Englishman Nathaniel Austin of Simpsonville, South Carolina, often called the Gilder Plantation Austins of Gilder Creek, is known to most Austin researchers of the Southern United States. It was a surprise to this writer to find an application of one of those family members on the Dawes Final Roll of the Civilized Tribes dated 1907, as a membership applicant of the Cherokee Nation.

There is no question that Sterling Andrew Austin was white, unless there was an earlier marriage in the family to a Native American that we do not know about. He was born in March of 1855 in North Georgia. He was a son of Walter William Austin and Emeline Garner of Gwinett County, Georgia. Walter and other family members had removed from South Carolina to Georgia at the time of the Georgia Land Lotteries. They were prosperous farmers and owned more slaves than anyone else in the county in 1860.

W. P. Smith, a Minister of God, married Sterling Austin on 21 Nov 1878 in Milton County GA, to Robbie Scott Rogers, a Full Blood Cherokee. Robbie was born in 1856, near the large Cherokee community in Gwinett County called Old Suwanee Town on the Suwanee Creek, a tributary of the Chattahoochee River. Robbie was named for her father, a Cherokee physician, Robert Rogers. Robert was not only a doctor, who was certified in Washington, D. C. at a medical college (according to a descendant), he was also a signer of the 1830 Treaty between the U. S. Government and The Five Civilized Tribes. He was representing the Cherokee Council. Robert had many wives and many children. Not all at the same time. Bigamy was forbidden by the Cherokee.

Cherokee R 641

MARRIAGE LICENSE,
STATE OF GEORGIA, COUNTY OF MILTON.

TO ANY JUDGE, JUSTICE OF THE PEACE, OR MINISTER OF THE GOSPEL,

YOU ARE HEREBY AUTHORIZED TO JOIN STERLING A. AUSTIN and Robbie S. Rogers in the Holy State of Matrimony, according to the Constitution and Laws of this State and for so doing this shall be your License. (S H A L) And you are hereby required to return this License to me, with your certificate hereon of the fact and date of the marriage.
Given under my hand and seal this 21st day of November 1878.
W. H. Nesbit (L.S.)
Ordinary.

C E R T I F I C A T E.

I certify that Sterling A. Austin and Robbie S. Rogers were joined in Matrimony by me this 21st day of November eighteen hundred and seventy eight.
Recorded Nov 30 1878
W. P. Smith, Minister of the Gospel. W. H. Nesbit Ordinary

GEORGIA MILTON COUNTY. I, J. H. Seale, Ordinary in and for said Milton State and County and Keeper of the Records of said Court, do hereby certify that the within and foregoing is a true and correct copy of the marriage license of Sterling A. Austin to Robbie S. Rogers as now appears of Record in my said office.
(S H A L) Given under my hand and seal of Office attached at Alpharetta, Ga. this March 17, 1902.
H. J. Seale, Ordry for Milton County Ga.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. August 23, 1902.

Marriage Certificate Sterling
Austin + Robbie Rodgers
21 Nov 1878

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Mary Scott Jones was the mother of Robbie. The surnames Scott and Jones appear in many of the Cherokee Rolls and on the U. S. Census of Gwinett and Forsyth Counties in GA. Robbie's brother, Jackson Rogers applied to the Dawes Commission for a land allotment and lived by Sterling Austin's family. He was named in honor of Andrew Jackson, who was known personally by Robert Rogers.

It should be noted that Robbie claimed full blood Cherokee, as did both her parents. However, the

legendary pedigree of Robert Rogers has him as a descendant of John Rogers, a Scottish trader who became a member of the Cherokee Tribe by intermarriage. All the children of Robbie Rogers and Sterling Austin are listed on the rolls as half blood Cherokee and received allotments.

Sterling Austin's application to the Dawes Commission as a member of the Cherokee Tribe by Intermarriage was well documented. His marriage license and many affidavits support his claim. It took Sterling eight years, and the help of a lawyer to complete his case with the Dawes Commission. But at the final judgment, because he was white, Sterling did not win his case. His wife and children all were declared citizens of the tribe by the Commission. A three inch "Rejected" was stamped across the face of Sterling's card.

It was not until 1882 that Sterling, Robbie, and children, removed to Cooweescoowe, Nowata, Cherokee Nation, in present-day Oklahoma. In 1880 they were still living in Milton County, Georgia, now a suburb of Atlanta. He was a farmer in that community and had two black servants living in the household. They were named Cate and Harrison Rogers.

When the family arrived at Tahlequah, Cherokee Nation, Robbie and children were signed up at the Cherokee headquarters. The children were listed as half-blood Cherokee. On the 28th of June 1898 Sterling was denied citizenship. His wife Robbie died in 1894 according to his testimony of 1905. She was probably at their home in Cooweescoowee when she died. Robbie is buried in what is now Nowata County, Oklahoma.

It is not know exactly when Sterling died. He was listed on the 1910 U. S. Census with his son, Charles R. Austin living in Nowata County, Oklahoma. Charles, a single man, died there a year later, at age 28, and was buried in Nowata Memorial Cemetery with his siblings.

The seven children of Sterling Andrew Austin and Robbie Scott Rogers were Edna, Eular, Zula, Charles R., Walter Harris, Sevolia E. and Zerilda Cleveland Austin. They were all enrolled as full members of the Cherokee Tribe and they were Half Blood Cherokee. They all received an allotment from The Dawes Commission.

The children were:

1. Edna S. Austin, was born 15 Jul 1879/80 in Milton Co, GA. She died 24 Mar 1924 in Nowata, and was buried 26 Mar 1924 in Nowata Memorial Cemetery. She married Edgar R. Rutherford, a farmer, about 1896. They had six children: Susan Elizabeth, Ruth Ruby, Mary P., Samuel Earl, Edgar Sterling, and William Edward Rutherford, all who lived in Nowata County, Oklahoma. Samuel married Laura Elizabeth Brink.



Samuel and Laura Rutherford had two sons who should be mentioned. They were Austin "Buck" Rutherford b 1929 at Wolf Creek and William Edward Rutherford. Buck became a famous rodeo cowboy. His monument in the Nowata Memorial Cemetery, where he was buried in 1988, lists his achievements: Cherokee Cowboy 1949 Fifth National bull riding, 1950 Third Bareback Bronco Riding, 1950 Seventh All Around Title, 1951 Third National Bull Riding, 1951 Fourth All Around Title, 1954 Third National Bull Riding, World Championship Titles: "1952 IRA World Champion All Around Cowboy. He was inducted into the Cowboy Hall of Fame. 1954 World Champion All Around Cowboy.

2. Eular Austin, was born abt 1880 in Cherokee Nation, Indian Territory. It is not known what happened to Eular.

3. Zula Austin, was born Mar 1881 in Milton Co, GA. She died 4 Nov 1922 in Nowata, OK; buried 6 Nov 1922 in Nowata Memorial Cemetery, OK. She married Mansfield Lynch. They had two daughters, Alice Faye and Myrtle Allene Lynch. They were both well educated and became grade school teachers. Mansfield was a ranch man and a livestock buyer. Mansfield married his second wife, Erma in 1928. Daughter Alice was born 1905 in Glen Oak, Nowata County. She married on 28 Aug 1928 in Arcadia, Oklahoma, Cowan Neff, born 1904 in Oklahoma. The young newlyweds were boarding in the household of Robert and Mary Quarles on East 14th Street, Oklahoma City. Cowan was the manager of an Oil Station and Faye was teaching.



Her sister Myrtle Allene Lynch was born 7 Aug 1908 in Nowata, OK and she died 30 Mar 2001 in Bartlesville, Washington Co, Oklahoma. She married Carl Edward Newton. Myrtle and Carl had at least one child, a daughter named Allene Faye Newton born 1934 in Tulsa, Oklahoma. She married a Mr. Johnson and died in Arlington, Tarrant County, Texas in 1998. Myrtle was a public school teacher in Tulsa, Oklahoma.



4. Charles R. Austin, born 21 Mar 1883 in Cherokee Nation, Indian Territory. OK; died 18 Sep 1911, unmarried, in Nowata, County. He was buriedⁱ 1911 in Nowata Memorial Cemetery, Oklahoma.

5. Walter Harris Austin, named for his grandfather, was born 3 May 1885 in Cherokee Nation, Indian Territory. He died 13 Jan 1924 in Kansas. He married Mahala Lydia Hall in Nowata but the couple removed to Legansville, Curry County, New Mexico by 1909 and farmed there for awhile. Walter named his first son, Sevolia, for his brother. Then by 1930 they had moved again to Kansas where they and their children remained. Walter and Mahala had four daughters born in Bloom, Ford County, Kansas: Lenora, Alma Ruth, Samantha, Mary Lea. Their last child was Charles R. Austin born 1923, who was named for another brother of Walter. All the children of Walter were deceased before 2010.



A descendant of this family is Sharon Gurley who posted a group photo of the children of Walter and Mahala Austin on Ancestry.com to share with researchers. She also writes that, by family tradition, the middle name of Sterling A. Austin is Andrew.

6. Sevolia E. Austin, was born 19 Aug 1888 in Cherokee Nation, Indian Territory. He died 25 Jul 1931 in Hotchkiss, Delta County, Colorado and was buried 1931 in Riverside Cemetery,

Hotchkiss, Delta, Colorado. He married Grace Zona Hall in 1910. She was a daughter of Robert W. Hall and Betty Jo.

The World War I Draft Card for Sevolia Austin of Nowata Oklahoma, lists him as a Caucasian, born 19 Aug 1888 in Wagoner, Oklahoma, a farmer who has a wife and two children. He is described as being tall and slender with blue eyes and light hair. He is still a member of the Cherokee Nation as a half-blood.



Sevolia and Zona Austin had 3 daughters and one son born in Nowata County. The girls were: Zula 1913, Ula 1916, Roberta 1920. Then, Joe Jack Austin was born in 1921, but he died as a child about 1924 or 1925.

Farming in Oklahoma must not have been good for Sevolia. After the death of their son, Joe Jack, the family of Sevolia removed from Oklahoma to Hotchkiss, a very prosperous fruit growing area in Delta County, Colorado. It was there that their last two children were born. Beebe was born in 1926 and Wanda was born in 1929.

7. Zerilda Cleveland Austin, was born 22 Aug 1891 in Cherokee Nation, Indian Territory, She died 3 Jan 1941 in Nowata. She married Samuel Tilman Chastain.

The children of Zerilda were: Rachel born 1910, Opal born 1916, Juanita born 1919, and Junius born 1921. All were born in Nowata County, Oklahoma. Rachel married a Mr. Sartern from Texas and they had a son named Joe T. Sartern, b 1928 in Texas.

Summary: Although Sterling A. Austin never was given a citizenship in the Cherokee Nation, he was already a white citizen of the United States and entitled to government benefits. If his goal was to get land for his children, then that was accomplished. Although times were hard in Oklahoma, the children probably had a better life than they would have in impoverished Georgia at that time. Some of them were able to educate their children so they could become teachers and they did well in the Twentieth Century.

Comment:

A mysterious person was on the 1930 Census in Nowata County, Oklahoma next to the family of Zerilda Cleveland Austin Chastain. She, was named Zerelda J. Austin born about 1860 in Tennessee. Another Zerelda! Her parents were both born in TN. Her occupation was a nurse midwife and she was only 1/32 Cherokee Native. In the same household with this Zerelda was a Freddy D. Hockett, a foster child, a Cherokee, age 11 born in Oklahoma. Freddy's mother was born in Georgia.

One wonders who was this Zerelda Austin? What relationship could she have had to Sterling Austin, if any at all?
