



**ARKANSAS HISTORIC  
PRESERVATION PROGRAM**

*The Promised Land:*  
The Cherokees, Arkansas, and  
Removal, 1794-1839

By Charles Russell Logan

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*Sequoyah*

Illustrations courtesy of Arkansas State Archives.  
Trail of Tears map from “Trail of Tears National Historic Trail  
Comprehensive Management and Use Plan”

# Contents

Arkansas as Refuge.....	Page 5
Arkansas as Reservation .....	Page 11
Cherokee Politics and the Failure of Voluntary Removal .....	Page 22
The Treaty of New Echota .....	Page 31
Treaty Party Removal .....	Page 35
The Trail of Tears .....	Page 39
Epilogue .....	Page 52
Methodology, Goals and Priorities .....	Page 54
Endnotes.....	Page 55

## “The Promised Land”: The Cherokees, Arkansas, and Removal, 1794-1839

*It may be regarded as certain that not a foot of land will ever be taken from the Indians without their own consent. The sacredness of their rights is felt by all thinking persons in America and Europe.<sup>1</sup>*

-- Thomas Jefferson, 1786

In the mid-1820s, because of the pressure exerted by rapidly growing white settlement in western Georgia, and partly to please his cousin, Governor George M. Troup, Creek Chief William McIntosh signed a treaty with the State of Georgia relinquishing the lands of the tribe within the state. The cession of tribal lands was a violation of traditional Creek tribal law, and Creek tribesmen executed McIntosh -- the punishment demanded for those who violated this most sacred tribal precept. McIntosh's widow, Peggie, a Cherokee, later explained why her husband signed the treaty: "Government say to my husband `Go to Arkansas, go to Arkansas, and you will be better off.'"<sup>2</sup>

Although McIntosh must have known his action would result in his death, perhaps he believed, after a continuing series of land cessions and broken promises of protection from the onslaught of white settlers, that the emigration of his tribe to Arkansas was the only way to save it. During the first four decades of the nineteenth century, Arkansas -- the idea as much as the place -- played an important role in attempts by the United States government to remove from the southeastern United States to west of the Mississippi River the five "civilized" tribes of Indians -- Cherokee, Creek, Choctaw, Chickasaw and Seminole. Federal authorities, including presidents from Thomas Jefferson to Andrew Jackson, sought to lure the tribes to Arkansas with promises of abundant game, arable land and freedom from the pressures of white settlement. Few Indians wanted to leave their ancestral homelands, however, and only the Cherokees, who eventually were granted a reservation in the northwest part of the state, emigrated to Arkansas in large numbers. Ultimately, Arkansas was an inevitability for almost all the members of the five tribes, as the state served as a conduit for the often forced and devastating removals to Indian Territory (present-day Oklahoma) of the tribes in the 1830s and early 1840s.

The most infamous of these was the Cherokee removal, known as the Trail of Tears, or "Nunahi-duna-dlo-hilu-l" (The Trail Where They Cried).<sup>3</sup> Although the removals of other tribes, particularly that of the Creeks, were equally as dolorous in terms of the number of deaths among and the suffering of the emigrants, historically the Cherokee removal has been symbolic of the tragic fate experienced by all Native American tribes during the nineteenth century. Adding to the Cherokee pathos was the effort of many of the tribesmen to assimilate themselves to Anglo-American culture in the hope they might remain in their homeland. The wealthier Cherokees built European-style homes and farmsteads.<sup>4</sup> In 1799, for example, Joseph Vann, who owned 110 slaves, built a red-brick, Georgian-style plantation house designed by a Philadelphia architect. It featured carved mantelpieces, a floating stairway in the center hall, and a two-story portico. Many Cherokees bought their furnishings from eastern cities, and many dressed in clothing of the same kind and cut as whites of a similar economic level.<sup>5</sup> The Cherokees developed a written language, established a newspaper, wrote a constitution modeled on that of the United States, and many converted to Christianity.<sup>6</sup> They also built roads, constructed mills, engaged in commerce, and sent

their children to schools conducted by missionaries. By the late 1820s the Cherokees had advanced so far "in learning and culture as to establish themselves permanently on the soil," but it was this threat of permanence that increased the resolve for removal among white settlers and their leaders, particularly in Georgia, where gold was discovered on Cherokee lands in 1829.<sup>7</sup>

## **I. Arkansas as Refuge**

While the discovery of gold in Georgia in effect marked the beginning of the end for the Cherokee Nation in the east, Cherokee hopes for their homeland were doomed as far back as the 1780s. During the ratification process for the U.S. Constitution in the late 1780s, boundaries for the states of Georgia, South Carolina, North Carolina and Virginia were drawn through Cherokee territory as if the tribe didn't exist. Later, boundaries for the new states of Kentucky, Tennessee and Alabama likewise included Cherokee lands, despite the fact that the federal government and the states recognized by various treaties the sovereignty of the tribe.<sup>8</sup> Many white settlers showed the same lack of respect for Cherokee territorial claims, encroaching on Cherokee hunting grounds and depleting the game. Often, the Cherokee reaction to the growing white presence was a hostile one. After the American Revolution, in which the tribe sided with the British, bands of Cherokees intermittently warred with the United States. The Spanish encouraged the Cherokees to fight against the Americans, hoping the battles might halt U.S. expansion. The Cherokees lost most of these small-scale wars, with the defeats typically resulting in the usurping of more tribal land by the United States.<sup>9</sup>

The myriad pressures led a few Cherokees to look to the trans-Mississippi area for relief. In the 1780s, in search of more abundant game, small numbers of Cherokees began to spend winters hunting in the valleys of the St. Francis, White and Arkansas rivers in Spanish Louisiana.<sup>10</sup> Spanish colonial records indicate that the Cherokees traded furs at Arkansas Post in the late 1780s. In the early 1790s, the Cherokees traded exclusively with Carlos de Vilemont, the Arkansas Post commandant during the last decade of Spanish rule.<sup>11</sup> In May 1792, a group of Cherokees contacted Estevan Miro, the Spanish governor of the Louisiana Territory, and received permission to settle in Spanish territory west of the Mississippi River.<sup>12</sup> The Spanish welcomed Native Americans from eastern tribes as a buffer against attacks from the volatile Osage, who occupied south-central Missouri and western Arkansas. The Quapaw tribe, numbering less than a thousand at this time, was too decimated by European diseases by the end of the eighteenth century to continue to serve this purpose. As part of this Spanish effort, Louis Lorimier, a Spanish agent, established in the early 1790s a "sizable" Shawnee and Delaware community in the vicinity of Cape Girardeau, Missouri.<sup>13</sup> At this time a small group of Cherokees also relocated from the east to the area around New Madrid, a Spanish settlement in southeastern Missouri north of the St. Francis River. More Cherokees followed, settling along the St. Francis River in northeast Arkansas.<sup>14</sup> By the turn of the century, perhaps as many as 1,000 Cherokees lived along the river.<sup>15</sup> Many of these early emigrants were Chickamauga Cherokees, also known as the Lower Towns Cherokees, who resisted assimilation and sought to retain traditional religious and hunting traditions.

Among the first Cherokee emigrants to settle in Arkansas was a Chickamauga leader called “the Bowl.” According to a written account by a missionary, in June 1794 a party of white emigrants traveling on rafts encountered a group of Cherokees at Muscle Shoals, Alabama, on the Tennessee River. The white emigrants saw a chance to make money and invited the Indians aboard to trade for goods, including whiskey. The Bowl suspected the pioneers of cheating his men and complained, but he received “no satisfaction.” With tensions high, the pioneers decided a resumption of their journey down the Tennessee might be wise. Three Cherokees dawdled in disembarking and the pioneers attacked them, killing one with a boat pole. The Indians on shore immediately retaliated, firing their rifles at the boat and later boarding it, where they killed all the white men in the party, sparing the women and children. The Bowl realized U.S. authorities would expect “an accounting for this incident,” and he and his followers boarded the rafts and fled down the Tennessee and Ohio rivers, crossed the Mississippi River, and entered the St. Francis River valley in northeastern Arkansas. The Indians allowed the surviving white women and children and “four faithful black men” to float down the Mississippi to New Orleans, where they reported the “Muscle Shoals massacre.”<sup>16</sup>

After more than 20 years of sporadic warfare with the U.S., in which the Chickamauga Cherokees played a leading role, the Cherokee council decided to pursue a peace agreement with the Americans. The Cherokees and the U.S. agreed to terms in October 1794, and, with the exception of a faction of the tribe during the Civil War, the Cherokees have not fought a war against the U.S. since. The Muscle Shoals Massacre occurred during the tenuous time between war and peace, and the Cherokee council decided it would be fortuitous to condemn the Bowl and his band in an attempt to disassociate the tribe from the killing of whites. The council ordered the Bowl to return east to face trial, but he refused, rendering himself and his followers renegades. The Cherokee council’s failure to believe his version of the Muscle Shoals Massacre angered the Bowl, creating the first of many rifts between Cherokees in the east and those in the west. Government officials who investigated the case eventually exonerated the Bowl and his followers, but they did not return to their homelands. Instead, they found the rich soil, plentiful game and scarcity of white settlers in the St. Francis River valley to their liking. The Bowl’s endorsement of life in Arkansas trickled back to the east through migrating hunting parties and contributed to the continued emigration of Cherokees to the area through the turn of the century.<sup>17</sup>

The U.S. government’s policy of Indian removal had its genesis during the administration of Thomas Jefferson. The desire to remove the Indians played a significant role in Jefferson’s decision to pursue the acquisition of a vast territory in the west from the French. Following the Louisiana Purchase in 1803, Jefferson hoped to lessen the trepidations between white settlers and Indians on the eastern frontier by convincing the Indians to remove west of the Mississippi River. Jefferson saw the Arkansas region of the Louisiana Purchase as an ideal home for the eastern Indians, chiefly because it was relatively uninhabited. The Osage, who lived in western Arkansas, drove the Caddo out of

the state in the 1780s, and the Quapaw did not exist in large enough numbers to pose a hindrance to emigration. Jefferson and his agents worked aggressively to convince the Cherokees to move to Arkansas and the Quapaw and the Osage to leave it.<sup>18</sup> As cessions of Cherokee land continued at frequent intervals during the first two decades of the nineteenth century, the number of Cherokees emigrating to Arkansas increased. Many of the new arrivals settled further west, between the Arkansas and White river valleys. The Cherokee population in this region grew so rapidly that in 1805 John B. Treat opened a trading post at Spadra Bluff, near present-day Clarksville, to serve the emigrants. A land cession obtained by the federal government from the Osages in 1808 (negotiated in St. Louis by William Clark, the renowned explorer) opened vast tracts of land in the northwest part of the state. Between 1809 and 1812, approximately 2,000 Cherokees settled along the White River and in the Arkansas River valley upstream from Little Rock.<sup>19</sup>

The Arkansas River valley in this area was fertile, the tributaries north of the river were full of fish, the mountains provided ideal areas for hunting and gathering, and the terrain looked much like the Cherokee homelands in the east.<sup>20</sup> Despite these attractive selling points, Jefferson's Indian agents were not above using chicanery to entice Cherokees to emigrate. The agents encouraged government traders to keep Cherokees in debt as a way of more easily obtaining their land. They also wantonly bribed Indian leaders in an effort to convince them to sign away more territory.<sup>21</sup>

The most prominent of the Indian agents during this period was Return J. Meigs, who tirelessly promoted voluntary removal. His double-dealing was instrumental in securing numerous land cessions from Lower Towns Cherokees in 1805 and 1806, which he obtained by granting "special considerations" to town leaders such as Doublehead and Tolontuskee. The leaders of the Upper Towns were furious about the selling or trading of more Cherokee land to whites, which violated a Cherokee tribal edict, and they contemplated enforcing the death penalty for the transgressions. Later, the Upper Towns chiefs learned that, in exchange for a cession, the U.S. secretly gave Doublehead a "reservation" at Muscle Shoals, where government officials hoped he would establish a village dedicated to the modes of modern civilization. Doublehead never had the opportunity to build this village; he was assassinated in August 1807 by, among others, the Ridge, who later became one of the Cherokee's most powerful leaders and played a significant role in Cherokee politics and culture during the 1810s, 1820s and 1830s. Tolontuskee, Doublehead's brother, also faced accusations of selling land to whites, but he denied it and continued to live on the land he ceded to prove his innocence. Meigs later wrote of Tolontuskee that he was "void of every principle of honesty," but he became Meigs' most valuable ally in the push for removal.<sup>22</sup>

Doublehead's assassination revealed the extent of the enmity between the Upper and Lower Towns. The murder had the effect intended by the Upper Towns chiefs, almost stopping the cessions. Because of this, the number of Cherokees removing west in 1807 and 1808 dropped considerably. With removal at a standstill, Meigs began to doubt that coerced emigration was the only way to solve the "Indian question." In a dispatch to the

secretary of war, Meigs reported that “some mixed bloods” in the Nation had turned to farming and husbandry with great success. He noted that a few “collected property,” which he considered a sign of growing civilization. Meigs also wrote of his belief that Cherokee inter-marriage with whites would one day cause the Cherokees as a people to “disappear.” This latter notion disturbed Meigs, and he was “torn between assimilation and preservation of tribal identity.” Eventually, though, the hostile factionalism among the Cherokees and the continued intrusions by whites into Cherokee hunting grounds ended Meigs’ ambivalence. “It is my opinion that there never will be quietness on any of these frontiers until the Indians are removed over the Mississippi,” Meigs wrote from the Cherokee Agency in Tennessee in 1808.<sup>23</sup>

To rekindle interest in removal, for the first time federal authorities allowed Meigs to suggest exchanges of land in the east for land in the west. Indian agents also began to offer to pay emigration costs for Cherokees favoring Arkansas colonization. Rather than consider the new proposals, leaders of the agrarian-minded Upper Towns asked President Jefferson for individual land ownership in the east and the opportunity to seek U.S. citizenship. Jefferson, the proponent of agrarian democracy, was sympathetic to the aspirations of the Upper Towns, but his more immediate concern was the hunting-oriented Lower Towns, whom he believed would continue to cause difficulties on the eastern frontier until they removed west. Thus, in his January 9, 1809, letter to Cherokee chiefs, Jefferson suggested the Lower Towns Cherokees “reconnoitre ... the Arkansas and White Rivers -- and the higher up the better.” If they “found a tract of country suiting,” Jefferson added, they might “exchange” equal amounts of their eastern lands for it.<sup>24</sup> A Cherokee delegation, sponsored by the government, visited Arkansas in the summer of 1809 and returned with favorable reviews of the area.<sup>25</sup>

In September 1809, in an effort to restore harmony between the Upper and Lower Towns, chiefs from both regions met in council at Williston, Alabama, and selected a committee of chiefs to direct the nation’s business. The idea behind the formation of the committee was to keep individual Cherokees from making deals on their own to cede tracts of tribal land. The attempt at tribal unity and the agreement for strict monitoring of all land deals threatened to thwart several years of Meigs’ work. However, he still had support from Tolontuskee, who remained convinced that removal was best for his people. In 1808, Tolontuskee wrote Jefferson of his determination “to cross the river towards the West. Our bad brothers may dispute, but with me 12 towns go.”<sup>26</sup> He kept his word, and in 1809 he presented Meigs with a list of more than 1,000 Cherokees for removal. On the cusp of his first large-scale success, Meigs discovered the money he promised for removal was not forthcoming; James Madison’s presidential administration altered Jefferson’s Indian policy, adopting a more “cautious” approach, including a withdrawal of Jefferson’s promise to pay for removals. Tolontuskee and some 1,200 Cherokees nevertheless emigrated to Arkansas at their own expense. The group took with it more than 1,000 cattle, hundreds of horses and pigs, and dozens of spinning wheels, looms and plows. The party also included 68 black slaves. Meigs’ only provisions to the emigrants were a blanket to each traveler and a gun to each man.<sup>27</sup>



Most of Tolontuskee's people traveled by flatboat down the Tennessee, Ohio and Mississippi rivers and settled in makeshift camps near the villages of the "St. Francis" Cherokees. They drove their livestock "straight overland," probably crossing the Mississippi River into Arkansas from Lower Chickasaw Bluff, site of present-day Memphis.<sup>28</sup> Among the group were many of the Lower Towns' poorer members, and they struggled to survive on the limited resources Tolontuskee could provide. Since the flight of the Bowl in 1794, the eastern Cherokees tended to view their western counterparts with disdain. In 1808, eastern Cherokees exacerbated the rift between the two factions by refusing to share annuities from treaties. This left the Cherokees already residing in Arkansas little to share with the new arrivals. Tolontuskee petitioned Meigs for relief. With this denied, he then requested a trade of his lands in Alabama for property along the Arkansas River, where he and his people might settle permanently.<sup>29</sup> His pleas were to no avail. The Arkansas Tolontuskee and his followers found in 1810 was far from "the promised land of the Cherokee future" he would later claim it to be.<sup>30</sup>

By 1811, however, the Cherokees who emigrated to Arkansas had started to experience better times. They cultivated corn, raised cattle and hogs, wove clothing from their own looms and hunted buffalo on the prairie to the west. An influx of white settlers to the St. Francis area was a source of consternation, as were raids by Osage warriors in the west. Yet, for the most part, the western Cherokees were beginning to thrive in their new home when, in late 1811 and early 1812, disaster struck. The New Madrid earthquake and its aftershocks lowered the land level of areas adjacent to the St. Francis River's flood plain, inundating with water and destroying most of the Cherokee villages there. Nearly all the Cherokees abandoned their homes and fled west to join their tribesmen living between the White and Arkansas rivers. The Bowl, also known as Duwali, moved his people south of the Arkansas River, settling west of the Petit Jean River in what today is northern Yell County.<sup>31</sup> Tolontuskee settled along Illinois Bayou, north of the Arkansas River near what is today Russellville.<sup>32</sup> The disaster left the St. Francis Cherokees in "distress" and short of food. In desperation, they petitioned the U.S. War Department for an Indian agent who might voice their dire predicament to Washington. In January 1813, the department appointed William Lewis Lovely to the position.<sup>33</sup> He established his post about a mile up Illinois Bayou on the north side of the Arkansas River opposite Dardanelle Rock.<sup>34</sup> Lovely soon grew fond of his new surroundings, calling the area "the Garden of the World."<sup>35</sup>

The assignment of Lovely as their agent was fortuitous for the Cherokees. Lovely, who had spent some time negotiating cessions in the east, was already friendly with many of the Indians, such as Tolontuskee, who in March 1813 even asked Lovely's help in courting a woman. The agent tended to sympathize with the Cherokees in disputes with the Osage and with white settlers. This latter inclination was particularly important because in 1812 Congress created the Missouri Territory, which included the "county" of Arkansas, effectively bringing the Cherokees under U.S. civil law. Many of the whites who inhabited Arkansas at this time had moved west of the Mississippi to escape living under U.S. law and hence were not inclined to follow it when dealing with the Cherokees. Lovely wrote to

William Clark in St. Louis requesting two companies of troops to protect the Cherokees, adding “there are some whites of the worst character in this country whose influence with the Indians is dangerous to the peace of the land.” Whites resented Lovely’s loyalties and wrote Congress about the matter, claiming that Lovely was a drunk.<sup>36</sup>

Lovely spent most of his time mediating land disputes between whites and other Indians and attempting with little success to keep the peace between the Cherokee and the Osage. In the summer of 1816, Lovely persuaded the Osage to make a cession of territory north of the Arkansas River and west to the Verdigris River, which runs south out of present-day Kansas and joins the Arkansas River east of present-day Tulsa. Previously, Cherokee hunting parties and herders had to trespass on Osage land to reach the prairie, which often led to violence. The cession, called Lovely’s Purchase, in theory provided the Cherokees with long-desired access to the game and grasslands of the prairie. Unfortunately, Lovely contracted a fever and died on February 24, 1817, and the peace he brokered disintegrated into a series of retaliatory and murderous raids by both tribes. Tolontuskee and his war chief, Takatoka, formed a coalition of Quapaw, Shawnee, Delaware and Choctaw to check the Osage “menace.” The western Cherokees’ legacy of cooperation with the late Lovely caused the U.S. government to lean toward the Cherokee side of the feud, and they prepared for a full-scale war with William Clark’s approval. Warriors from the east moved west to join Takatoka’s growing force. Armed with cannon and possessed of gunnery skills acquired while fighting with Andrew Jackson against the Red Stick Creeks in 1813-1814, the allied Cherokee army overwhelmed Clermont’s band of Osage in August 1817 in a battle on the Grand River, or what is today called the Neosho River in northeastern Oklahoma. The victory did not bring peace, however, as the Cherokee and Osage continued to fight until the mid-1820s. The balance of power in western Arkansas, though, clearly shifted in favor of the Cherokees.<sup>37</sup>

With the Osage temporarily at bay, Tolontuskee and other Cherokee leaders in the west turned their attention to securing legitimate title to a reservation before whites claimed their land. The Arkansas chiefs also desired a federal trading factory to frustrate duplicitous private traders from St. Louis who often cheated the Cherokees, and they wanted a U.S. military post on their western border to maintain peace between the Cherokees, the Osage and the white settlers.<sup>38</sup> Repeatedly, government officials told the Arkansas Cherokees that their sole chance for a deal rested in the exchange of land in the east for land in the west. However, by 1816, the Madison administration’s tactics had failed to produce a large land swap and emigration had slowed to a trickle following the departure of Tolontuskee’s group in 1809. Frustrated with the slow progress of removal, William Crawford, Madison’s secretary of war, wrote to Meigs in 1816 that he believed seizure by force of the eastern Cherokee lands was a simple alternative to cessions, although he admitted such an action would be “abhorrent to the feelings of an enlightened and benevolent nation ... ”<sup>39</sup>

Meigs took Crawford’s letter as a positive sign that the Madison administration -- its attention diverted by the War of 1812 and the Creek War earlier in the decade -- again contemplated the Cherokee question. The agent pursued the Cherokee leaders with new

enthusiasm, spreading “seed money,” or bribes, among the chiefs. His efforts soon bore fruit. In March 1816, following “some outlays of gifts,” eastern Cherokee leaders surrendered claims to all remaining tribal lands in South Carolina.<sup>40</sup> Then, in September 1816, with Andrew Jackson acting as one of the leading negotiators for the U.S., 12 representatives of the tribe signed away some 2.2 million acres south of the Tennessee River in return for \$5,000 immediately and an annuity of \$6,000 for 10 years. The representatives, to whom Jackson found it “both wise and politic to make a few presents,” insisted on a clause that reserved the right of the Cherokee council to approve the agreement. While Jackson secured the land south of the Tennessee River, Joseph McMinn, the former governor of Tennessee, bargained with the Cherokees for the land north of it. McMinn desired removal of all Indians from his state, but in an attempt to induce the Cherokees to sign his treaty he proposed that Cherokees who remained in the east could do so with the status of a free colored citizen who paid taxes.<sup>41</sup>

The pressure on the eastern Cherokees to remove gave the Arkansas Cherokees cause to be optimistic that a reservation was forthcoming. Their confidence increased with the change in presidential administrations from Madison to James Monroe, who ordered an increase in the coercion of the eastern Cherokees to emigrate or become second-class citizens. In 1817, both the U.S. Senate and President Monroe gave advance approval of the objectives of a contemplated treaty to officially sanction a Cherokee reserve in the west. Although some of the most powerful eastern chiefs, such as Pathkiller, an adamant opponent of the treaty, were not in attendance, Andrew Jackson on July 8, 1817, secured all the Cherokee signatures he needed to accomplish the deal.<sup>42</sup>

## **II. Arkansas as Reservation**

The Treaty of 1817 had sweeping ramifications for Cherokees living on both sides of the Mississippi River. Because Pathkiller and several other prominent Eastern Cherokees, such as John Ross and Major Ridge, did not participate in the negotiations of the treaty, many members of the eastern band contested its legitimacy and the Cherokee council refused to ratify it. The council also continued to oppose splitting the tribal annuity with the Arkansas group -- called for in the treaty’s fourth article -- and unrealistically demanded that the Arkansas Cherokees return to their ancestral homelands. Despite the protests, federal officials proceeded as if the treaty were a done deal. For all practical purposes, it was. Jackson, ever the proponent of American expansionism, believed the treaty offered “justice to all,” and in truth his opinion mattered the most.<sup>43</sup> As the general ascended in power during the next decade, eventually elected to serve in the highest office in the U.S. in 1828, the fortunes of the eastern Cherokees waned. The Cherokee National Council continued to oppose the Treaty of 1817 and blocked the movement of emigrants, but several sizeable -- totaling more than \$100,000, according to some sources -- and well-placed bribes impeded the council’s effectiveness and resulted in the Treaty of 1819, which essentially cemented everything in the Treaty of 1817. Throughout the entire treaty process, Arkansas Cherokee leaders circulated among their eastern brethren and in effect worked as allies of the federal government in promoting removal.<sup>44</sup>

The Treaty of 1819 called for the Cherokees to cede around 5 million acres in the east for more than 3 million acres in Arkansas.<sup>45</sup> The latter area encompassed almost all the Arkansas Ozarks north of the Arkansas River. The boundary in the east ran from Point Remove Creek, just west of present-day Morrilton, to the White River just upstream from Batesville; in the west it ran from Fort Smith to the area of present-day Harrison.<sup>46</sup> Because the government saw in the western Cherokee reservation an example for removing other tribes from the east, it complied, in an unusually rapid fashion, with several of the treaty's more important provisions, such as the building of a fort and trading post. The government also cleared whites -- with the exception of an invited few, such as William Lovely's widow -- from northwestern Arkansas in preparation for the removal of the entire tribe.<sup>47</sup> The treaty was timely for the western Cherokees because it carved out a niche, federally protected from white settlement, just prior to Arkansas becoming a separate territory in 1819. Arkansas's territorial status and improvements in modes of travel -- particularly the advent of the steamboat to take advantage of Arkansas waterways -- led to a population boom, as the number of Americans living in the territory grew from 14,000 in 1820 to 30,000 in 1830. Despite the growth, Arkansas in the 1820s remained a turbulent frontier society, where men carried guns and knives and were quick to use them. The amount of crime was, as one historian noted, "impressive," involving highwaymen, river pirates, bootleggers and counterfeiters.<sup>48</sup> Pressure exerted by white settlers ultimately forced both the eastern and western branches of the Cherokee tribe to Oklahoma, but, undoubtedly, those who lived in Arkansas enjoyed a less-menaced existence than did their brothers and sisters in the east.

The building of Fort Smith, ordered by a military directive July 30, 1817, and accomplished by Major William Bradford and a company of the "crack" Rifle Regiment, strategically placed U.S. troops between the warring Osage and Cherokees and provided a deterrent against intrusions by whites into Cherokee lands. Eastern Cherokee leaders had used the fear of lawless whites and marauding Osage to stem the migratory tide during the mid-1810s, but the construction of Fort Smith brought some peace of mind to many would-be emigrants. The fort, at Belle Point at the junction of the Arkansas and Poteau rivers on the present-day Arkansas-Oklahoma border, was the first U.S. military installation in the American Southwest and ultimately became the "mother post" for the conquest and settlement of the entire region.<sup>49</sup> In 1818, in fulfillment of another treaty obligation, the U.S. located a trade factory at the Belle Point compound.<sup>50</sup> During removal of the Five Civilized Tribes in the late 1830s and early 1840s, the fort served as a major supply depot and relocation center. Fort Smith enjoyed an unusually long lifespan for a frontier outpost, and it continued to be useful to the federal government until 1896, when the government closed the federal district court of Judge Isaac Parker, also known as the "hanging judge," who attempted through the use of the gallows to curb the rampant lawlessness of Indian Territory.<sup>51</sup>

In the sixth article of the Treaty of 1817, the government offered "to all the poor warriors" who left for Arkansas "one rifle gun and ammunition, one blanket, and one brass kettle, or in lieu of the brass kettle, a beaver trap..." as well as flatboats for transport. Meigs

recruited hundreds of Cherokees for immediate removal after the signing of the treaty and planned to start them west in August 1817. The agent again found himself frustrated, though, as the federal government did not provide sufficient food stores to support the journey until November. Also, McMinn, who because of his role in securing the 1817 treaty gained an appointment as an agent for Cherokee removal, used many of the same rifles and blankets and kettles promised in the treaty as gifts, in essence bribing the tribesmen with offers of goods already guaranteed them. Facing a winter march and pressure from their eastern brothers and sisters not to abandon the homeland, the numbers enrolled to remove dwindled and only small parties emigrated west in late 1817 and early 1818.<sup>52</sup> Cherokees continued to remove west in this piecemeal fashion during the next decade, with the tiny bands of a few families adding up to some 3,000 to 4,000 who moved to Arkansas, swelling the Cherokee population in the state to perhaps 5,000 to 6,000 by 1828.<sup>53</sup>

One of the more prominent of these emigrants was John Jolly, also known as Oolooteskee, who was a brother of Tolontuskee and uncle of Sequoyah. Jolly, who had owned a “substantial” farm at the mouth of the Hiwassee River in Tennessee, earned the respect of whites and Indians alike while living in the eastern Cherokee homeland. Around 1808, Jolly adopted the young runaway Sam Houston for three years, giving him the Indian name Colonah, or the Raven. Houston, by 1817 a lieutenant in the U.S. Army, helped persuade Jolly of the merits of moving to Arkansas. In early 1818, Jolly and about 330 emigrants started west aboard 12 flatboats and four keelboats, settling in Arkansas along Spadra Bluff.<sup>54</sup> Whites hindered Jolly’s party throughout most of the trip, selling the emigrants whiskey and stealing their horses. John Rogers, a white trader with a Cherokee wife, wrote to John C. Calhoun, the secretary of war, that the Cherokees were in constant danger of plunder or murder during the journey.<sup>55</sup>

Prior to his departure, Jolly wrote to Calhoun that the secretary of war “must not think that by removing we shall return to the savage life. You have taught us to be herdsmen and cultivators, and to spin and weave ... numbers of our young people can read and write.”<sup>56</sup> Because the Cherokees lived in such close contact with American colonists in the east, the Cherokee culture had changed dramatically. Although government officials originally conceived of the Arkansas tract as a refuge for Cherokee hunters, by 1820 the numbers of Arkansas Cherokees who farmed and those who raised livestock and hunted was proportionately similar to the east.<sup>57</sup> Even the most conservative Arkansas Cherokees evidenced at least some influence of Anglo-America culture, particularly when compared to the neighboring Osages and Quapaws. Descriptions of Cherokee settlements in Arkansas by early white travelers often differed little from those of nearby whites.<sup>58</sup> One visitor to the Arkansas valley, Timothy Flint, wrote that the Cherokees lived in “decent log houses” and owned “slaves, fine horses, waggons and ploughs, and implements of husbandry and domestic manufacture.”<sup>59</sup>

One cultural tradition the Cherokees brought to Arkansas was the yearly Green Corn ceremony, celebrated in late-summer on “special grounds” located in or adjacent to each community. The ceremony, according to one historian, “served to reinforce the solidarity of

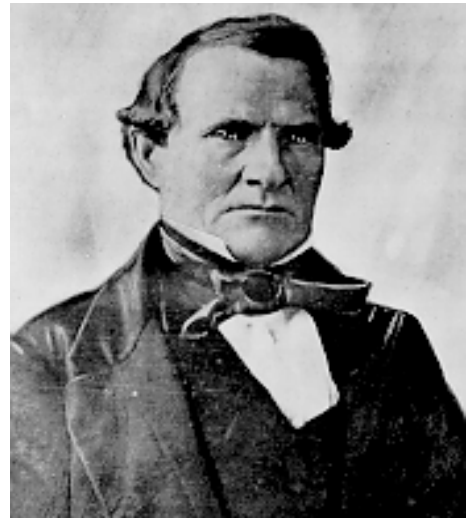
village residents, many of whom lived miles apart in scattered farmsteads, and kept alive many traditional beliefs concerning the sacred relationships between the Cherokees and the social and natural worlds in which they lived.”<sup>60</sup> The Cherokees also continued to participate in a game called “anet’sa,” or ball-play. This Cherokee pastime required that players use a racquet to direct a ball between goalposts on an open field. The game helped train and condition Cherokee warriors. Injuries and deaths during ball-play were not uncommon, although as the Cherokees came under the influence of white civilization the games became less violent. Several North American tribes played a variant of ball-play, including the Seminoles in Florida and the Crees in Canada. Eventually, the game evolved into what today we call lacrosse.<sup>61</sup> Another feature of Cherokee life in Arkansas was the pattern of settlement along the tributaries of the Arkansas and White rivers, which provided a framework for the continuation of the Towns system of the east. Cherokee families lived in dispersed farmsteads grouped into “linear villages,” each headed by charismatic leaders who maintained local authority.<sup>62</sup>

The Cherokees eventually established towns along, among other places, Point Remove Creek; Illinois Bayou; Piney Creek, west of present-day London in what is today southeastern Johnson County; Spadra Creek, adjacent to Spadra Bluff or present-day Clarksville; and the Mulberry River, on the present-day border between Crawford and Franklin counties. Another band, led by the Bowl, resided south of the Arkansas River west of the Petit Jean River at the time of the treaties of 1817 and 1819. The Bowl strenuously objected to the treaty stipulation that called for his people to relocate to the north side of the river. Instead, in 1819 he moved his people southwest to Lost Prairie, near present-day Fulton, on the west bank of the Red River. At the time the Red River represented the international border between U.S. and Spanish territories. The following year, in the summer of 1820, a local white “militia” group attacked the Bowl’s camp, driving him into Spanish Texas, where he eventually settled north of Nacogdoches in eastern Texas. In 1839, at the age of 83, the Bowl died in battle against the army of the Republic of Texas on the Neches River near Tyler, Texas. The old Cherokee chief, who in 1794 was one of the first of his tribe to settle west of the Mississippi River, perished while resisting the Texans attempts to disarm and remove his followers to Indian territory.<sup>63</sup>

Slavery was one issue that divided the Cherokees traditionalists from the assimilationists. Although slavery had long been a part of Cherokee culture in the east, many traditionalists who sought to remain separate from frontier American society saw the continuation of slavery in Cherokee Arkansas as the importation of “a repugnant feature of white American culture.” As in the rest of United States, slavery became a divisive issue in the tribe by mid-century, and ultimately the Cherokees violently split their loyalties between the Union and the Confederacy during the Civil War.<sup>64</sup> In 1820, though, slavery engendered relatively little debate among the Cherokees compared with the contentious topic of mission schools. Missionaries had worked to educate and Christianize Cherokees in the east for decades prior the government’s granting of a reservation in Arkansas. The federal government tacitly supported the missionaries because they discouraged “the perpetuation of the Indians’ native culture.” In a way, the missionaries complemented the government’s

land policy -- although not consciously -- by “civilizing” the Indians, working to alter their basic economy by teaching them husbandry, weaving and plow agriculture, among other things. By changing from hunters to farmers, the Cherokees required less land to survive.

Missionaries built schools in the east in the early 1800s. Although some tribesmen had qualms about the Christian aspect of the institutions, they wanted their children to learn to read and write, so the first mission schools thrived. The American Board of Commissioners for Foreign Missions, established in Boston in 1810, established its first mission to the Cherokees in 1817, near present-day Chattanooga. The mission, called Brainerd, provided the first educational training to such notable Cherokees as John Ridge, Major Ridge’s son, and Elias Boudinot, who later edited the first tribal newspaper, the *Cherokee Phoenix*.<sup>65</sup>



Tolontuskee emigrated to Arkansas in 1810 to escape from the influences of white civilization, but during the next decade, as the western Cherokees’ leading statesman, he began to believe in the need for a balance between Euro-American civilization and Cherokee traditions. In 1818, while in the east to lobby for eastern Cherokee support for the Arkansas reservation, he visited Brainerd Mission and gained a respect for the work being done there. At a council at the Cherokee Agency at Calhoun, Tennessee, in July 1818, Tolontuskee met two members of the American Board and expressed a desire to have a mission in Arkansas. The board members agreed and assigned Presbyterian ministers Rev. Cephas Wasburn and Rev. Albert Finney, and their two assistants, Jacob Hitchcock and James Orr, to establish the mission.<sup>66</sup> The United Foreign Missionary Society of Utica, New York, planned to send two missionaries to the Arkansas Cherokees as well, and its representatives arrived ahead of those from the American Board. However, because Tolontuskee explicitly invited the American Board ministers, the United Foreign delegates decided to continue up the Arkansas River, where they established Union Mission on the Grand River to serve the Osage.<sup>67</sup>

Tolontuskee did not live to see the American Board mission constructed. After his death in 1819, political leadership naturally fell to Takatoka, whose village, seven miles up Illinois Bayou, served as the western Cherokee capitol from 1813 to 1824. The war chief vehemently opposed the mission school, believing the educational and Christian teaching would make his people reluctant to the fight against the Osage. After the school’s construction, he prevented children in villages surrounding his from attending, calling those who favored the white man’s education the “breeches and pantaloons party.” Dick Justice, an ally of Takatoka who emigrated in 1819, recalled that Takatoka believed, “... that for the true Indian the old ways were the best ... his people were getting to be neither white nor

Indians ... .” After Takatoka died, Rev. Finney recalled that “he harbored the most inveterate prejudices against civilization ... .”<sup>68</sup>

Fortunately for the missionaries, John Jolly took power from Takatoka prior to their arrival. In 1820, at a council in Takatoka’s village, the western Cherokees met to establish a more centralized form of government and other reforms, including elected district representatives, a court system and a light-horse police force. Jolly won election as principal chief over Takatoka. Tolontuskee had vowed to give the missionaries a warm welcome, and Jolly delivered it. Jolly’s friend and second-in-command, Walter Webber, also favored the establishment of the mission schools. (Webber, like Jolly, was an assimilationist. He owned slaves and dressed in an Anglo-American manner.) When the missionaries finally arrived in July 1820 after a grueling trip that rendered them deathly ill, Jolly and Webber assured the missionaries of their cooperation.<sup>69</sup>

After recuperating for five weeks at the home of the widow Lovely, Washburn chose a site for the mission on the west bank of Illinois Bayou. The ministers selected the name Dwight Mission, in honor of the Rev. Timothy Dwight, president of Yale College and one of the organizers of the American Board. On August 28, construction began on the first building -- a 20-foot-square log structure.<sup>70</sup> The mission eventually included more than 25 buildings, including seven log cabins, a dining hall, library, post office, lumber house, carpenter shop, saw mill, meat house, grist mill and barn.<sup>71</sup> In 1821, members of the missionaries’ families arrived at Dwight Mission compound. The mission finally hosted its first worship service May 13, 1821. Over the years the missionaries used the pulpit to emphasize the evils of drink, to denounce Cherokee witchcraft and the execution of alleged witches, and to praise industriousness in general. The tenets of Christianity were slowly accepted by many Cherokees, but education, not religion, was the primary reason Cherokee leaders wanted the missions. In January 1822, the Dwight Mission school opened with only three Cherokee students in attendance. Many Cherokees shared Takatoka’s belief that the mission had a sinister purpose. Jolly and Webber worked against this perception and energetically recruited more pupils. Eventually, the student population grew to as high as 100, although the times of peak attendance probably had more to do with Cherokee parents sending their children to the mission for safety reasons during Osage raids.<sup>72</sup> The curriculum taught at the school varied. Classes included poetry, prose, spelling, word definition, geography and penmanship. Cherokee girls were instructed on how to organize a household, wash dishes, sew clothes and iron. Boys were given lessons in farming, animal husbandry, blacksmithing and carpentry.<sup>73</sup>



Because of the continuing hostilities between the Osage and the Cherokees, the missionaries at Dwight did not branch out in an attempt to reach Cherokees in the western- and northern-most regions of the reservation until 1828. That year, the American Board created Mulberry Mission on the Mulberry River in present-day Polk County to serve seven villages.<sup>74</sup> Army patrols from Fort Smith prevented border skirmishes and retaliatory raids between the Osage and Cherokees from escalating into a full-scale war but were unable to stop the bloodshed. The War Department once again decided in 1822 to try diplomacy, and it ordered General Edmund Gaines to Fort Smith to negotiate a treaty between the tribes. Aided in the deliberations by William Miller, Arkansas's territorial governor, Gaines convinced the tribes to sign a pact on August 9 that included provisions for exchanging prisoners and sharing hunting rights on land south of the Arkansas River west of Fort Smith. The tribes also agreed to surrender warriors accused of theft or murder for hearings at Fort Smith. The latter provision angered Takatoka, because it categorized "tribal acts of honor as common crimes." In protest he led about 100 followers to the Kiamichi River valley, southwest of Fort Smith, near the settlement of another renegade Cherokee known



as "Dutch." In defiance of the treaty and the federal government, Takatoka and Dutch continued to raid Osage villages. The western Cherokees, led by assimilationists eager for peace, denied any connection with the actions of the Dutch-led rebels. In an attempt to check this threat, the War Department dispatched Colonel Matthew Arbuckle and 250 fresh troops to Fort Smith.<sup>75</sup>

In 1823, an Osage war party massacred Major Curtis Wellborn and a party of trappers in southern Indian territory. The federal government responded immediately. In 1824 it established Fort Gibson near the mouth of the Verdigris River in the heart of Osage territory. The government next built Fort Towson near the Red River by Dutch's renegade Cherokee settlements. Then, in 1825, federal officials summoned Osage leaders to St. Louis where they were forced to sign a treaty ceding all their territory west of Fort Smith. The Osage were to vacate their villages along the Verdigris and Grand rivers and move to what later became southern Kansas. Despite the daunting specter of an engagement with U.S. troops from the forts in the area, the Osage were slow to remove and in 1826 warriors from the tribe still occasionally raided Cherokee settlements. The area the Osage vacated finally cleared Lovely's Purchase for the Cherokees, but to their disappointment they were not allowed to take possession of it immediately.<sup>76</sup>

One of the more prominent members of the western band during its last years in Arkansas was George Guess, better known as Sequoyah, who emigrated to Arkansas in 1824. Sequoyah invented the Cherokee syllabary, which many historians consider one of

the more lofty achievements in the history of mankind. Sequoyah and his family originally intended to move to Arkansas with the Jolly party in 1819, but they were among 837 Cherokees who recanted their removal decision.<sup>77</sup> Until 1821, when Sequoyah offered his syllabary to the Cherokee people, many of his fellow tribesmen viewed him as lazy, irresponsible and perhaps possessed by evil spirits.<sup>78</sup> Cherokees suspected of witchcraft often perished at the hands of their superstitious tribesmen. In devising his alphabet, people often saw Sequoyah making unintelligible marks on stones, bark and leaves, leading many to suspect he was “in league with the powers of darkness.” Such was the fear of Sequoyah’s scribbling that, according to one source, a gang of Cherokees burned his cabin in an attempt to destroy his collection of “evil” hieroglyphics. Later, his wife, angered because she felt Sequoyah’s “hobby” led him to be negligent in his duties to her and their children, destroyed all of his work. Captain John Stuart, who commanded Fort Coffee on the Arkansas River near Sequoyah’s Indian Territory home, heard stories recounted in which the inventor “was laughed at by all who knew him, and was earnestly besought by every member of his own family to abandon a project which was occupying and diverting so much of his time from ... essential duties he owed his family.”<sup>79</sup> John Ross, later the Cherokee chief, one day remarked to Elias Boudinot while riding past Sequoyah’s cabin, “The man has been so absorbed by his foolish undertaking that he has neglected to do other labor.”<sup>80</sup>

When Sequoyah finished with the alphabet -- 86 characters representing the 79 vowel-consonant sounds in the Cherokee language -- few Cherokees could see any value in his invention.<sup>81</sup> However, he did convince his daughter, Ah-yokah, to learn it, and soon she was able to read and write in Cherokee. Ridiculed in the east, Sequoyah in 1821 traveled to the Arkansas Cherokees to present his syllabary. They too scoffed at the invention. Before leaving Arkansas, Sequoyah had a Cherokee dictate a letter to a friend in the east, which he wrote in Cherokee and sealed with wax. Back in the Old Nation, Sequoyah called a meeting of several prominent men, unsealed the letter, and both Ah-yokah and the inventor read it in Cherokee to the astonished addressee. The demonstration terrified some of the men, but it suitably impressed others to such an extent that they determined to learn the alphabet immediately. After several more of these performances, the desire by Sequoyah’s tribesmen to learn the Cherokee language spread exponentially. According to the *Cherokee Advocate*, “Sequoyah became at once schoolmaster, professor, philosopher, and chief. His countrymen were proud of his talents and held him in reverence as one favored by the Great Spirit.” One man, a nascent Christian, even believed him to be “Agaghehe,” or Jesus Christ.<sup>82</sup> To be certain, the creation of an alphabet by an unschooled Indian rendered ridiculous the European notion of the inherent inferiority of Native Americans.

Despite his “revolutionary” invention, Sequoyah remained a proponent of traditional Cherokee culture, rejecting Christianity and assimilation. In fact, later in his life he lamented ever creating the syllabary because missionaries translated the Bible into Cherokee and used it to win converts.<sup>83</sup> Regardless of his esteem in the Old Nation, Sequoyah tired of the incessant haggling with whites there, and in 1824 he emigrated to Arkansas. Unfortunately,

no written record of the move exists. He later settled about 15 miles up Illinois Bayou by a salt spring near the present-day Pope County town of Scottsville. The Arkansas Cherokees by mid-decade thrived in their adopted homeland. Men such as John Rogers, Tom Graves, Walter Webber and John Jolly even lived in homes of brick or stone. Some of the settlers owned slaves, who worked fields of corn or cotton, and they had hogs and cattle and poultry. Many of the poorest Cherokees owned at least a milk cow. The women churned butter and worked looms and spinning wheels. One visitor to the area told the *Arkansas Gazette* he believed the Cherokees to be better dressed than the whites who lived south of the Arkansas River.<sup>84</sup>

Although flanked by examples of successful assimilation, Sequoyah, a confidant would later remember in the *Fort Gibson Post*, “had little faith in the white man ... He saw so many bad white men everywhere ... who were tolerated by society, that he had come to the conclusion that the white man’s religion could not be a good one.”<sup>85</sup> Much to the chagrin of Jolly and Webber, Sequoyah became an ally of Takatoka, who by 1824 apparently returned from his exile with Dutch’s rebel Cherokees. Takatoka believed Sequoyah’s invention provided the Cherokees with the opportunity to be truly independent of the white man, and he arranged for “the Cherokee Cadmus” to teach the Cherokee language in his village. Beside the teaching, Sequoyah busied himself with blacksmithing and mining his saline spring, for which, according to a claim against the government for reimbursement later made by his wife, he bought 10 black kettles.<sup>86</sup>

Sequoyah did not aspire to play a role in tribal politics, but his prominence as “the Cherokee genius” led tribal leaders -- seeking to use his prestige for their own ends -- to involve him nonetheless. Thus, Sequoyah joined a delegation of western Cherokee diplomats who traveled to Washington, D.C., in December 1827 in what proved to be an ill-fated trip. A Grand Council of the Western Cherokees a month earlier charged the delegates -- Sequoyah, Black Fox, David Brown, Thomas Graves, Thomas Maw, George Mavis, John Flowers, John Looney and James and John Rogers -- “to do and perform any and everything which they in their best judgment shall deem most likely to conduce to the interest and happiness of the people of their nation.”<sup>87</sup> The directive included one caveat: under no circumstances was the delegation to negotiate a cession.<sup>88</sup> The party’s more specific responsibilities included securing payment of overdue annuities, arranging for a survey of their Arkansas lands, and arguing for the prohibition of white settlement in Lovely’s Purchase.<sup>89</sup>

The Cherokees desired an “official” survey to legally define their holdings in Arkansas because at mid-decade whites started settling along and within the borders of the reservation and disputing the boundaries. President Monroe in an 1818 letter had told Tolontuskee that his tribe “should have no limits to the west, so that you may have good mill seats, plenty of game, and not be surrounded by the white people.”<sup>90</sup> Tolontuskee assumed that Lovely’s Purchase was the promised western outlet, and he insisted that the Arkansas reservation’s western boundary remain ambiguous so that it might easily expand to accommodate the new territory as well as a mass emigration by the eastern Cherokees.

Of course, the bulk of the eastern Cherokees did not emigrate until forced to do so in the late 1830s. After Tolontuskee died in 1819, his successor, John Jolly, sought to secure the Cherokees' claim to Lovely's Purchase, but the ongoing hostilities with the Osages precluded any agreement concerning the dispute.

The Cherokees' prospects dwindled by the mid-1820s, when whites in Arkansas began to agitate for the removal of the Cherokees from the territory. The *Arkansas Gazette*, the most influential newspaper in the territory, favored removal and urged the "dense population" of Lovely's Purchase to counter the Cherokee claim.<sup>91</sup> Territorial officials such as Robert Crittenden, the territorial secretary, tired of the Cherokees' border squabbles with whites and their skirmishes with the Osage and unabashedly supported the white settlers, aiding their cause by withholding Cherokee annuities.<sup>92</sup> Federal officials provided little relief, particularly after John Quincy Adams won the 1824 presidential election; his administration decidedly favored settler interests.<sup>93</sup> Whites began to inhabit Lovely's Purchase, even before the removal of the Osage to Kansas, and the Arkansas territorial government contemplated annexing the region.<sup>94</sup> Army officers ordered no action against the settlers, claiming they lacked authority to eject whites occupying territory west of Arkansas because the Cherokee reservation lacked a clearly defined western boundary.<sup>95</sup> By the time the western Cherokee delegation departed for Washington in December 1827, some 3,000 whites lived in Lovely's Purchase, threatening the reservation with encirclement.<sup>96</sup>

The delegates arrived in Washington February 8, 1828, after traveling by steamboat down the Arkansas River, up the Mississippi River to the Ohio River, then up the Ohio River to Wheeling, West Virginia. From there, the Cherokees traveled by stage over the National Road through Pittsburgh to Washington, where they lodged in the Williamson Hotel.<sup>97</sup> The primary representatives of the Adams administration with whom the Cherokees negotiated were James Barbour, the secretary of war, and Thomas McKenney, the commissioner of Indian affairs. One of the first issues raised by the delegation was the "acre for acre" promise made by Andrew Jackson during negotiations for the treaties in 1817 and 1819. In those agreements the Cherokees ceded more than 7 million acres and received in exchange less than half that amount. McKenney was sympathetic to their arguments.<sup>98</sup> In a March 18 letter to Barbour, McKenney noted the failure of the federal government to fulfill those treaties: "In regard to the promise made to the Cherokees that Lovely's Purchase should be reserved, it is all true."<sup>99</sup> McKenney devised a plan, which would include Lovely's Purchase, that would make good the government's obligation, but it required the Arkansas Cherokees to leave their Arkansas reservation. The delegation, of course, did not have the authorization to accept such a proposal, and as federal officials pressured them to agree to it, many expressed a desire to leave Washington. Black Fox told Barbour on March 29 of his comrades' "great anxiety to bring their business to a close, as soon as practicable, that they may return to their homes."<sup>100</sup> However, the delegates had no means of returning home on their own, and government officials held them in Washington to continue discussions.<sup>101</sup>

As the Cherokees continued to reject the government's offer, President Adams grew impatient with the deliberations and by April 24, the delegation feared the government might forcibly remove the Cherokees from Arkansas without additional considerations. Although the delegates insisted they would not sign an agreement to remove, the beleaguered Cherokees asked what inducements the government might offer to lessen the loss of the crops and improvements that would be left behind in Arkansas. Sensing that Cherokee opposition to a deal verged on collapse, Adams entered into the talks and personally vowed that previous agreements would be satisfied if the Cherokees removed from Arkansas. Reluctantly, the Cherokees signed a treaty on May 6, 1828, promising to leave Arkansas within 14 months.<sup>102</sup>

In many ways, the Treaty of 1828 benefitted both government and Cherokee interests. The Cherokees received a tract of land west of Arkansas and east of the Verdigris River estimated at around the 7 million acres to which the Cherokees believed themselves entitled. The government also gave the Cherokees a "perpetual" western outlet along the 100th meridian and paid them \$8,000 in Osage reparations, both long-desired by the tribe. For Cherokee improvements to Arkansas land, the government agreed to an immediate payment of \$50,000 plus a three-year annuity of \$6,000. It also pledged to build a grist mill and saw mill, among other considerations. (One such consideration gave the western Cherokees \$1,000 to procure a printing press.) As was the case with most Indian treaties, the government awarded "gifts" to those who signed.<sup>103</sup> Sequoyah, for example, received \$500 "for the great benefits he has conferred upon the Cherokee people, in the beneficial results which they are now experiencing from the use of the Alphabet discovered by him." He also garnered a saline spring in the new territory to replace the one on his property in Arkansas.<sup>104</sup>

News of the treaty shocked the leaders of the western Cherokees back in Arkansas. The delegates' specific instructions forbade them to cede land, and they faced the death penalty for violating Cherokee law. The delegates knew what end awaited them upon return to Arkansas, so they decided to reside temporarily among their eastern brethren until the furor over the treaty subsided. The western Cherokees anticipated their return, and on July 2 the *Arkansas Gazette* reported, "Poles have been erected in front of the houses of the Delegation on which their heads are to be exhibited as soon as they return."<sup>105</sup> Jolly convened a council, which futilely condemned the treaty. By fall, surveyors worked throughout the reservation preparing it for white settlement.<sup>106</sup> When the "Old Settlers," as the Arkansas Cherokees became known, emigrated to Indian territory in 1829, it brought to a close significant occupation of Arkansas lands by Native Americans.<sup>107</sup> Dwight Mission moved west as well, to Sallisaw Creek, where the school reopened on May 1, 1830.<sup>108</sup> Less than a decade after leaving Tolontuskee's "promised land of the Cherokee future," the Old Settlers were joined in Indian territory by their brothers and sisters from the east.

### III. Cherokee Politics and the Failure of Voluntary Removal

After more than a quarter-century of federal Indian removal policy, a majority of the members of the Five Civilized Tribes continued to reside east of the Mississippi River. This included two-thirds of the Cherokee tribe, who in the 1820s experienced a period of cultural and political growth known as the “Cherokee Renaissance.” During this time, the Cherokees came to possess an alphabet, a network of churches and schools, a constitution modeled on that of the United States, and a newspaper, the *Cherokee Phoenix*. The Cherokees wanted to remain on their lands and to govern themselves and they hoped such achievements might convince the federal government of their ability to cultivate “civilization.” Ironically, the flowering of Cherokee civilization worked to the Indians’ disadvantage. Early in the nineteenth century, in a deal known as the Compact of 1802, the State of Georgia had ceded its western territories, which later became the states of Alabama and Mississippi, in exchange for \$1.25 million and a promise by the federal government to extinguish all Indian claims to land in Georgia. Federal Indian removal policy had failed to achieve this end by the late 1820s, and Georgia officials feared the implications of “permanence” in the rapid development of the Cherokee republic.<sup>109</sup>

Although the Monroe and Adams administrations pushed the Cherokees to remove to the west, they assured the tribe of its sovereignty. Numerous treaties also bound the federal government to protect Cherokee interests. The 1828 presidential election, however, signaled an imminent departure from this stance. Andrew Jackson, a strong partisan of states’ rights, made Indian removal a national issue during the election.<sup>110</sup> Before he took office, he was quoted as telling Georgia officials concerning the Cherokees: “Build a fire under them. When it gets hot enough, they’ll move.”<sup>111</sup> The Georgia legislature wasted little time turning up the heat, passing a law on December 19, 1828, that the state claimed “preempted” all Cherokee claims to national independence previously granted by treaties. The law also prohibited the Cherokee National Council from assembling within the state and declared that “no Indian or descendant of Indian ... shall be deemed a competent witness in any dispute or litigation involving a white person.” Thus, while the law -- to go in effect June 1, 1830 -- made the Cherokees subject to all Georgia state laws, it denied them the protections guaranteed by those laws.<sup>112</sup>

Chief John Ross and a delegation left immediately for Washington to protest. Jackson informed the Ross delegation that the Cherokees’ sovereignty and safety was no longer guaranteed by the United States; that the U.S. acquired title to lands relinquished by Great Britain following the American Revolution, “of which the Cherokee domain was a part”; that the Cherokees, as allies of Great Britain, were taken “into protection as a dependent people” by the U.S.; and that Jackson believed in the “sovereignty of each State over all the land within its boundaries, be its occupants white or Indian.”<sup>113</sup> The Georgia law and Jackson’s attitude toward it bore unfortunate ramifications for the Cherokees. Georgians “squatted” on Cherokee land, burned houses and crops, and stole property without fear of redress. The state imprisoned Cherokees who resisted the decimation of their farmsteads and the looting of their property.<sup>114</sup> This onslaught intensified after the

discovery of gold in July 1829 on Cherokee land in northern Georgia. The state soon thereafter extended its dominion over the Cherokees, passing laws to altogether abolish the Cherokee government, to authorize a survey of Cherokee lands for distribution to whites through a lottery and to establish the Georgia Guard to police the area.<sup>115</sup> Following Georgia's example, Mississippi and Alabama adopted similar laws over the Creeks, Choctaw and Chickasaw in January 1830.<sup>116</sup>

In addition to his outspoken support of the states' harassment campaigns against the Indians, Jackson -- true to his campaign promise -- made Indian removal an administration priority and in 1830 he pressed Congress to consider a bill concerning Indian removal. A bitter debate ensued in both houses, but the Indian Removal Act passed both chambers by narrow margins and was signed by the president on May 28, 1830. The edict gave Jackson the power and money to take whatever steps he deemed necessary to remove all Indians to west of the Mississippi River.<sup>117</sup> One of Jackson's first actions following the passage of the Indian Removal Act was to order Cherokee agents to cease the enrollment and departure of small parties of Cherokees "because the numbers leaving were inconsequential."<sup>118</sup> Prior to Jackson's decree, removal under his administration continued in the piecemeal fashion of previous regimes. Jackson designed the decree as a scare tactic and he soon reopened removal. To expedite the removal process, the War Department secretly employed influential Cherokees, such as James Rogers, a western Cherokee, to travel among their brothers and sisters and convince them to emigrate under the terms of the Treaty of 1828. Georgia officials and Cherokee agents believed the combination of coercion and duplicity would induce many Cherokees to move and the agents optimistically ordered 70 keelboats and flatboats for transport.<sup>119</sup>

The few hundred Indians who boarded the boats at Gunter's Landing in Alabama steered the crafts down the Tennessee, Ohio, and Mississippi rivers to Montgomery's Point at the mouth of the White River. From there, they embarked on steamboats for the passage through the White River cut-off and then up the Arkansas River to Indian Territory. The *Arkansas Gazette* reported that around 200 Cherokees on the steamboat *Industry* passed Little Rock on January 28, 1830. The steamboat *Waverly* passed the city the next day carrying another 200 Cherokees. The newspaper noted that few of these emigrants looked like Indians, as most of them were intermarried whites with their Indian families and black slaves. In March, the steamboat *Reindeer*, towing a large keelboat, arrived in Little Rock with some 70 emigrants. This was followed in April by another trip upriver by the *Industry*, which carried about 80 emigrating Cherokees. George Vashon, the Cherokee agent in Indian territory, wrote in August that 500 Cherokees "reached here this year." He noted that the emigrants "have been under the necessity from a want of supplies" and "regretted that the long continued delay of payment has operated to place these unfortunate people so much in the pitiless power of speculators."<sup>120</sup> The government's negligence in fulfilling its promises for payment and supplies made life difficult in the west for the emigrants, and a few returned to the east with unfavorable reports of the new country. The Cherokees' faith in the government's removal campaign continued to decline with reports of the arduous

journey and the Jackson administration's failure to comply with the terms of the Treaty of 1828.<sup>121</sup>

Cherokee leaders believed their final recourse against the option "to remove or perish" rested with the U.S. Supreme Court, and they hired William Wirt, a former U.S. attorney general, to represent their interests. In order to gain a hearing concerning Cherokee sovereignty, Wirt needed a specific case in which Georgia's exercise of state's rights violated constitutionally guaranteed pledges made to the Cherokees under the federal government's prerogative to make treaties with "foreign" states. Wirt soon found the case he needed in that of Corn Tassel. Corn Tassel allegedly killed another Indian within the Cherokee Nation and was on trial for murder before a tribal court when Georgia authorities arrested him and tried his case in a state court. The Georgia court convicted him and sentenced the Indian to hang. Wirt successfully petitioned the Supreme Court to review the Corn Tassel case during its 1831 term and to decide whether the prosecution of the crime and the fulfillment of the punishment fell within Georgia's jurisdiction. George Gilmer, the Georgia governor, rendered the question moot when, on his order, the state openly defied federal authority and executed Corn Tassel before the hearing.<sup>122</sup>

Annoyed by the Cherokees' lawsuit, Jackson on February 22, 1831, sent the U.S. Senate a message in which he "announced himself as the champion of Georgia in her controversy with the Indians" and frankly stated his intention not to enforce the treaties made by the government with the Cherokees "wherein they conflicted with the pretensions of Georgia."<sup>123</sup> Unbowed, Wirt on March 5, 1831, filed a motion for an injunction restraining the State of Georgia from enforcing its laws within the Cherokee Nation. In *Cherokee Nation v. Georgia*, he argued that the Cherokee nation was a sovereign foreign state, as numerous U.S. treaties recognized. He also noted that the U.S. Constitution prohibited states from passing laws impairing the fulfillment of obligations made by the U.S. in treaties. Although many members of the Court indicated they pitied the plight of the Cherokees and two dissented from the final opinion, the Court nonetheless denied the motion. Chief Justice John Marshall, writing for the majority, stated that "an Indian tribe is not a foreign state in the sense of the Constitution" and "may more correctly perhaps be denominated domestic dependent nations."<sup>124</sup>

The Supreme Court ruling meant the Indians had absolutely "no forum in which to assert their rights." Many whites in northern Georgia greeted the news of the decision as an invitation to escalate their wanton pilfering and terrorizing of the Cherokees living in the state. One common tactic for stealing Cherokee lands involved the charging of Indians with false debts. Georgia law denied Indians the right to testify on their own behalf, which made it easy for Georgia officials to seize Cherokee land as payment for a contrived "debt."<sup>125</sup> With the Cherokee position never more desperate, Jackson's "superintendent for the removal of the Cherokee," Benjamin F. Currey of Tennessee, observed that "many Indians ... wished to flee from the oppression and misery that beset them, but were restrained by the threats and persuasions of the great majority of the tribe who proposed to stand on their rights."<sup>126</sup> In 1831, Currey used every scheme available -- from employing Cherokee



recruiters to outright bribery -- to encourage Cherokees to remove in the spring of 1832, but to scant avail. The Indians feared whippings promised by their chiefs if they enrolled; they also distrusted many of Currey's assistants, whom were Georgians.<sup>127</sup> In fact, such were the suspicions of the government's removal offers that about 170 Cherokees used their own resources to emigrate in 1832.<sup>128</sup> Currey had hoped to lead at least 1,000 Cherokees west when he left the Cherokee agency at Calhoun, Tennessee, on April 10; instead, he departed with around 200, plus 40 whites and 108 blacks.<sup>129</sup> According to a report in the *Arkansas Gazette*, the party reached Little Rock on April 30. Despite great effort, in all Currey moved only 626 Cherokees in 1831-1832.<sup>130</sup>

Jackson again suspended removal in the summer of 1832 following another Supreme Court ruling on second case brought by Wirt.<sup>131</sup> This time, however, the incarceration by Georgia of clergymen sympathetic to the Cherokees led to a reversal of the *Cherokee Nation v. Georgia* decision. Under an 1830 law, Georgia required all white residents living within the Cherokee Nation to secure a license from the governor and to take an oath of allegiance to the state.<sup>132</sup> Many of the whites obeyed to avoid the penalty of four years in prison, but several missionaries refused and the Georgia Guard arrested and imprisoned the renegades. The state eventually brought 11 of these men to trial, but all but two -- Samuel A. Worcester and Elizur Butler -- chose to recant their opposition. The state convicted the two clergymen and sent them to the state penitentiary.<sup>133</sup>

Wirt saw the Worcester-Butler case as another opportunity to try the unconstitutional extension of Georgia law into the Cherokee Nation. In this case, however, instead of claiming the Cherokee Nation was a foreign country, he argued that the Constitution reserved for the federal government the exclusive right to regulate all commerce and intercourse with Indian tribes; therefore the interference by Georgia with federal treaties was unconstitutional. The Supreme Court heard *Worcester v. Georgia* in January 1832 and agreed with Wirt. Marshall, again writing for the majority, based the decision on "the Principle of Discovery, by which a discoverer took possession of discovered territory in the name of his country, [but] did not convey ownership nor impair the right of the occupants to sell or not to sell their land." The United States made treaties in which it bought land from the Indians, which indicated that the U.S. recognized the Indians previously had a legal title to the land. The Court found that Indian nations could indeed make treaties, and since under the Constitution treaties are the supreme law of the land, federal law had exclusive jurisdiction within the boundaries of the Cherokee Nation. Based on this finding, the Court ordered the missionaries released from prison.<sup>134</sup>

The State of Georgia refused to abide by the verdict. With Georgia recalcitrant, the missionaries needed the support of the executive branch, perhaps even military intervention, for the state to obey the decision. Jackson, of course, offered neither. According to George N. Briggs, a U.S. Congressman from Massachusetts, Jackson succinctly summed up his attitude toward the affair: "John Marshall has made his decision, now let him enforce it."<sup>135</sup> Shortly after the ruling, John Ridge, the Major's son and a lawyer, called on Jackson at the White House to ask "whether the power of the United

States would be exerted to execute the decision and put down the legislation of Georgia.”<sup>136</sup> Jackson replied that it would not, and then pleaded with Ridge to “go home and advise his people that their only hope of relief was in abandoning their country and removing to the West.”<sup>137</sup> Previously, Ridge was vehement in his opposition to removal. In fact, in 1829, as clerk of the Cherokee National Council, he wrote the law that codified the old tribal precept of death as punishment for the sale of tribal lands.<sup>138</sup> Yet, during his meeting with Jackson, Ridge experienced something of an apostasy. Amos Kendall, a member of Jackson’s so-called “kitchen cabinet,” later recalled that Ridge “left the President with the melancholy feeling that he had [heard] the truth. From that moment he was convinced that the only alternative to save his people from moral and physical death was to make the best terms they could with the government, and remove out of the limits of the States.”<sup>139</sup>



Elias Boudinot and two other Cherokees were in Washington with Ridge, and they too agreed with his assessment of the futility of the Cherokee position. The group’s opinion solidified after querying Cherokee supporters in Congress. Almost to a man, the Congressmen “advised that they could no longer render aid and comfort to the antiremoval cause.”<sup>140</sup> Finally, Ridge and his compatriots met with John McLean, one of the Supreme Court justices who sided with the

Cherokees in *Worcester v. Georgia*. McLean “confessed that the Court was prostrate before Jackson’s inaction and that the Cherokee cause in the East was lost.” He then offered to serve as a commissioner for a removal treaty to ensure the Cherokees received the most advantageous terms. Ridge requested that McLean write John Ross with his proposal.<sup>141</sup>

Word of the delegates change of heart trickled back to the Old Nation, causing great consternation among the Indians. Publicly, Ridge reaffirmed his stand against removal, going so far as to write a letter published in the *National Intelligencer* discounting the rumors. Privately, however, the delegates met April 16 with Lewis Cass, Jackson’s secretary of war, to hear the terms the federal government might offer in a removal treaty. Cass told the delegates that such a treaty would grant a “sufficiently extensive and fertile” section of land; self-government; an agent to represent their interests in Washington; a delegate to Congress, in preparation for their country becoming a territory; forced exclusion of unauthorized whites; protection from hostile Indians; one year’s subsistence after arrival; an annuity corresponding to the value of the cession, plus payment of all overdue annuities

as well as for all improvements and livestock left behind in the Old Nation; money to build schools, churches, orphanages and council houses; and an assortment of blankets, rifles, looms, ploughs and other implements needed for farmsteads. The delegates thought the terms generous, and they made arrangements for a third party, Elisha Chester, one of the missionaries' attorneys in *Worcester v. Georgia*, to serve as emissary for the proposal.<sup>142</sup>

The Cherokee diplomats apprehensively departed Washington May 15, 1832, fearful they might encounter hostility back in the homeland. However, much to their surprise, they arrived in a Cherokee Nation engaged in joyous celebration over the Supreme Court's *Worcester v. Georgia* ruling. The younger Ridge visited his father and found the Major exultant as well. John dolefully told the Major of his meeting with Jackson and that any hopes for the survival of the Cherokee Nation in the east "were utterly delusive."<sup>143</sup> The Major had headed the fight against removal for more than two decades and he had personally executed a Cherokee chief, Doublehead, in 1807 for signing away tribal lands. He also had been one of the more energetic proponents of assimilation as the answer to the Cherokee dilemma. In the late 1820s, though, like many of the more educated and wealthy Cherokees, he became an ardent Cherokee nationalist, believing that the "salvation" of the Cherokee people "and the progress of civilization among them could be retained only by their cohering in a separate and distinct community."<sup>144</sup> John Ridge expressed his opinion that, in light of Jackson's intent to do nothing about the *Worcester v. Georgia* ruling, treating with the government as soon as possible was the only chance for the Cherokees to avoid being overrun by whites. Reluctantly, the Major agreed.

The Ridge faction faced an obstacle to their plans to "save the Cherokees" in Chief John Ross. The Ridges had been longtime supporters of Ross, but the chief disagreed with their assessment of the tribe's predicament, calling John Ridge's actions in Washington "one of the most consummate acts of treachery toward [the] country that the annals of any nation affords."<sup>145</sup> Ross, although educated and wealthy like John Ridge, was enormously popular among the tribe's more traditional element, which provided him with majority support against removal. He told the Cherokee masses they would not have to leave their land and it was what they wanted to hear. To assure the vote at a July special council went in his favor, Ross circulated a slanderous letter from a Washington newspaper that accused Ridge and Boudinot of accepting bribes and entering into a removal agreement without authority. Thus, when Elisha Chester presented the government's treaty terms at Red Clay, Tennessee, in late July, he faced an extremely cynical audience. Ross also used Georgia's threats to abolish the Cherokee government to gain a resolution to cancel national elections, including the race for the position of chief. This served to increase the animosity between Ross and John Ridge, who doubtless would have been Ross's main rival for the top post. Finally, Ross prevented Boudinot from publishing in the *Cherokee Phoenix* an account by the delegates of the "true" story of their trip to Washington. The chief opposed the publicizing of anything that might smack of a pro-removal point of view, demanding "unity of sentiment and action for the good of all." Rather than accept Ross's censorship, Boudinot resigned as editor of the *Cherokee Phoenix* on August 1, 1832. His replacement was Elijah Hicks, Ross's brother-in-law, who used the position to impugn the reputations of

the treaty advocates.<sup>146</sup> Nevertheless, what John Ridge had told the Cherokees was true, as Jackson did not enforce *Worcester v. Georgia* and the missionaries remained in prison. By the October 1832 council, the Ridge-Ross rivalry resulted in a split in the Cherokee Nation between the rich and the poor, between the educated and the uneducated, that in 1835 would lead to the “minority” Treaty of New Echota and tragic consequences for both sides.

During the summer of 1832 Georgia surveyors busied themselves marking 160-acre plots out of Cherokee land for dispersal in a lottery. Before the October council adjourned, Georgia officials started the land giveaway, fishing winners from giant barrels filled with lottery tickets. A popular song of the period went: “All I want in this creation/Is a pretty little wife and a big plantation/Away up yonder in the Cherokee Nation.”<sup>147</sup> The Cherokees gained a brief respite in November 1832 when Georgia suspended the lottery to investigate allegations of fraud. The invasion of lottery winners commenced in earnest in 1833 and 1834, though, and even John Ross suffered.<sup>148</sup> Ross returned home from a Washington junket in the spring of 1834 to find that a white man, Stephen Carter, had seized his fine estate. The lucky lottery winner took possession of Ross’s valuable ferry at the head of the Cossa River, his large farm, his flocks of peacocks and his home. Carter also demanded the horse on which Ross arrived at the scene. The Cherokee chief found his ailing wife and children crowded into two small rooms on the first floor of his stately home. Under Georgia law Ross was powerless to fight against the outright larceny, and he had no choice but to move across the state line into Tennessee, where he settled in a log cabin at Red Clay.<sup>149</sup> The Ridges, Boudinot and their supporters also lost their land in the lottery, although, because of their vocal support of removal, Georgia officials saw to it that they were not evicted immediately. Ross partisans pointed to the special treatment afforded the treaty members as more evidence of the corruption of John Ridge and his followers. Years of research by respected scholars such as Theda Perdue and Grant Foreman have not produced any evidence that, according to Foreman, “the [treaty] signers received financial rewards for their acts.” Likewise, charges by the treaty party against Ross that he “lined his pockets from the Removal” have proved unfounded as well, according to Foreman and noted Ross biographer Gary E. Moulton (although Ross’s brother Lewis did substantially benefit from “properly made” contracts with the Cherokee Nation).<sup>150</sup>

While Ross pleaded with Jackson in Washington and Georgia lottery winners snatched Cherokee farmsteads, Currey, the Cherokee agent, continued to employ any means necessary to enroll Cherokees for emigration. By late in the winter of 1834 he had more than 1,000 Indians on his roster and he noted that another 200 chose to remove at their own expense. Intimidation by members of the anti-emigration party and rumors of a cholera outbreak along the Mississippi and Arkansas rivers considerably thinned the ranks of the enrollees.<sup>151</sup> Before the party left the Cherokee agency on the Hiwassee River, Lieutenant Joseph W. Harris of New Hampshire, a West Point graduate of the class of 1825 who was assigned to conduct the party, noted that whiskey dealers besieged the emigrants and that many suffered from measles. The Indians left the agency aboard six flatboats.<sup>152</sup> When the fleet reached Waterloo, Alabama, on March 19, 1834, where the

party transferred to the steamboat *Thomas Yeatman* and three keelboats in its tow, Harris had 457 Cherokees in his charge. In his journal, Harris wrote that the voyage had been uneventful to this point except for the whiskey peddlers waiting at every stop. During the trip down the Tennessee, Ohio and Mississippi rivers, Harris picked up another 67 Cherokees.<sup>153</sup>



At Montgomery's Point at the mouth of the White River, Harris found eight or nine flatboats with the 200 emigrants who had opted to move on their own. The stranded party was disease wracked and several of the emigrants had died.

The group was low on provisions and begged Harris to conduct them the rest of the way. Harris took aboard a few and made arrangements for the rest to follow. Numerous snags and shoals slowed the steamer's ascent up the Arkansas, forcing the party to travel only by daylight. Harris noted occasional stops to bury a dead person and that measles increasingly spread among his charges. The party arrived at Little Rock on April 6 and put ashore some provisions to lighten the craft to clear the shallow water ahead. The steamboat made only 43 miles the first two days, with delays caused by difficult shoals, a damaged paddle wheel and two stops to bury dead children. The ascent was so slow that on April 10 Harris induced 102 of his party aboard two keelboats to go ashore at Cadron Creek, just north of present-day Conway, and to proceed overland. He paid them two dollars each for their subsistence and to purchase transportation. Harris hoped to carry the rest and one keelboat up the river but, after only an hour of travel, the steamer encountered a sandbar only 26 inches below the water. The boat drew three and one-half feet. The craft returned to Cadron Creek, where the party reunited.<sup>154</sup> Harris decided to make camp at Cadron Creek until the water rose or he could secure wagon teams to move the Indians overland. The area once was the site of the Cadron Settlement, which was the first permanent white settlement in central Arkansas. The town, which had a slack water port until the river cut it away, had been considered for the territorial capitol. It did not win that distinction, and went into decline around 1830. Harris wrote about the town's abandoned dwellings in his diary.

Harris contacted a nearby doctor, Dr. Jesse C. Roberts, and he visited the camp to tend to the growing number of sick. He also scoured the countryside in a vain attempt to purchase wagons and draft animals for overland travel. It was planting time, and the farmers needed their animals or wagons for that purpose. However, 17 Cherokees did find transportation and, to their good fortune, started west immediately. On April 15, a cholera

outbreak struck the camp. At least six people died during the first 24 hours of the epidemic. The next day, according to Harris, three died "before breakfast and eleven in all before the sun went down." The Indians made the doctor's attempts to treat them more difficult by "scattering through the woods, building their camp fires as remote from each other as their several fears direct," until they were extended over an area of three miles.<sup>155</sup> Seven more Cherokees died on April 17 and seven more on the April 18. Many of those afflicted with cholera were already weak from the measles. Dr. Roberts dutifully attended his patients, treating them with doses of up to one grain of opium, and from 15 to 40 grains of calomel. Under his diligent care, the death rate dropped to one a day on April 20 and April 21. However, Harris returned April 21 from another search for transportation to find the doctor sick. He summoned a Dr. Mennifee from 15 miles away to care for him, but Dr. Roberts died the next day, survived by a wife and several young children.<sup>156</sup>

Dr. Mennifee gave Harris instructions for ministering to the ill and then left "to look after his own patients." He was relieved by a Dr. Fulton from Little Rock, which allowed Harris to resume his desperate search for transport, but Fulton also fell ill and left the camp. On April 24, the steamboat *Cavalier*, carrying a full load of the sick Cherokees left at the mouth of the White River, passed the encampment. On April 25, Harris recorded "several more deaths." Six teams of oxen and one five-horse team arrived at the camp that day, but word of the death of Dr. Roberts and the extreme sickness of Dr. Fulton caused other teamsters with whom Harris had contracted to return home. Harris himself became ill April 26 but, after treating himself with opium and calomel, continued his quest for more wagon teams. He also helped with the loading of the provisions and the sick into the wagons already in camp. Four more ox teams arrived that evening and the party departed on the morning of April 27. Harris required the Cherokees to abandon all but the most essential of their personal effects so that the wagons might carry the sick and as many provisions as possible. A flood the previous year had destroyed many of the crops along the river, and Harris knew "living off the land" would be difficult. Most of the emigrants traveled on foot, carrying what they could on their backs.<sup>157</sup>

The party made it past Point Remove Creek on April 28. On April 29, Harris considered ferrying south across the Arkansas River to use an old "military road," a path leading from present-day Dardanelle to Fort Smith that later became known as the Jefferson Davis Highway (Highway 22) because Davis had surveyed the road while stationed as a young officer at Fort Gibson.<sup>158</sup> Instead, Harris opted for an "upper road" on the north side of the river, which, he wrote, "will carry us through one or two flourishing settlements where I am sure of obtaining corn and bacon." The detachment made 14 miles this day, with the first three through the boggy Point Remove Creek bottoms.<sup>159</sup> Eight more Cherokees died between Cadron Creek and the party's passing of Illinois Bayou on April 30.<sup>160</sup> After camping three miles beyond the bayou that night, Harris made nine miles May 1, eight miles May 2, and 11 miles May 3, when he camped on "a range" that was probably Spadra Bluff.<sup>161</sup> During this time three more children died, although the overall health of the emigrants improved -- except for bleeding feet -- helped no doubt by finding "good water" along the way. Harris traveled ahead each day to scout for food and forage. He attempted

to arrange for provisions in advance of his party's arrival, but frequently found his contractors renege on the deals.<sup>162</sup> The emigrants made 12 miles May 4; they camped six miles above White Oak, west of the present-day town of Ozark in what is now Franklin County, after traveling eight miles on May 5; and they crossed the Mulberry River on May 6 in making 11 miles. The detachment had its best day May 7, making 15 miles and camping four miles above Frog Bayou, which runs just west of the present-day town of Alma, only six and one-half miles from Indian territory.<sup>163</sup> The party finally entered the new Cherokee homeland May 8, after which the emigrants scattered to find places to settle. Harris reported that 81 of the people in his party died en route, 45 of whom were children under 10 years of age. According to one estimate, nearly half of the party died from complications related to the journey before the end of the year.<sup>164</sup>

#### **IV. The Treaty of New Echota**

In the 18 months between John Ridge's disappointing meeting with President Jackson and the October 1833 council, the tribe's opposing factions failed to reconcile their differences. As the two groups debated and jockeyed for power, the Cherokees' prospects grew worse with each passing day, as Georgia lottery winners in blitzkrieg-like fashion made easy conquests of Cherokee farmsteads. Ross twice met with President Jackson in early 1833 and asked that he enforce existing treaties. In reply, Jackson made a \$3 million offer for Cherokee lands, which Ross rejected outright.<sup>165</sup> At the May 1833 council at Red Clay, William Coodey, Ross's nephew, presented a petition of protest against the "course of delay" pursued by Ross, but the crafty chief politicked his way out of having to answer it. The October council chose to send yet another antiremoval delegation to Washington, with Ross again at its head. President Jackson reaffirmed his states' rights stance and again advocated removal, providing Ross no encouragement. The treaty party, at its own expense, sent three delegates to Washington, with Andrew Ross, John's brother, as the *de facto* leader.<sup>166</sup>

After John Ross rejected their overtures for unity, the treaty delegates pursued their own course and met with President Jackson. As he had demonstrated during negotiations for the Treaty of 1817, Jackson had no aversion to reaching an agreement with a minority faction. However, he knew he would need the signatures of Cherokees with more prestige for ratification. Andrew Ross returned to the Cherokee Nation and convinced Major Ridge, Boudinot and a few other prominent Cherokees to travel to Washington. The presence of such distinguished representatives for the treaty advocates inspired John Ross to request a meeting with Lewis Cass, Jackson's secretary of war, to discuss in earnest potential treaty terms. Ross sought a solution that might allow the Cherokees to remain in the east, even if it meant submitting to the jurisdiction of the states and the loss of Cherokee national identity. Cass informed Ross that the president would only negotiate a treaty that removed all the Cherokees west of the Mississippi.<sup>167</sup> When rumors surfaced of John Ross's meeting with Cass, Major Ridge scoffed at the notion that the chief might sign away the Cherokees' nationality. However, Andrew Ross saved his brother from potential humiliation when he and three other Cherokees signed an unratifiable treaty ceding all Cherokee lands

in the east for petty considerations. John Ridge later wrote that the treaty was “made at loose ends, and containing no substance of national privileges,” and Major Ridge, Boudinot, David Vann and John Walker, Jr., refused to sign it.<sup>168</sup> Nevertheless, at an August 1834 council, John Ross used the outrageous treaty to deflect criticism of his own efforts and to discredit all the treaty party delegates. Before the council adjourned, both Ridges and David Vann found themselves impeached and removed from their positions on the executive council pending a trial at the October council.<sup>169</sup> Antipathies between the opposing Cherokee factions resulted in sporadic violence, including shootings and stabbings. Treaty party supporters feared “danger from Cherokees even more than from whites.”<sup>170</sup>

John Ross and his allies declined to prosecute or withdraw their impeachment charges against the Ridges and Vann at the October council. The accused pushed for a trial to clear their names, but their efforts were in vain. Locked out of the Cherokee government, the Ridge party held its own three-day council starting November 27, 1834. The rebel council, attended by only 83 Cherokees, selected an eight-man delegation headed by John Ridge to present the removal party’s case in Washington.<sup>171</sup> On February 4, 1835, Henry Clay of Kentucky presented a memorial drafted by the treaty party to the U.S. Senate. “It is impossible to conceive of a community more miserable, more wretched,” Clay said in his introduction. “Even the lot of the African slave is preferable to the condition of this unhappy nation. The [financial] interest of the master prompts him to protect the slave; but what mortal will care for, [or] protect the suffering injured Indian, shut out from the family of man?”<sup>172</sup>

A delegation from the “National Party,” as the Ross faction became known, also was in Washington, but the War Department chose to deal with the Ridge group and appointed John F. Schermerhorn, a former parson with a reputation for selling whiskey to Indians, to negotiate an agreement. The Treaty Party, as the Ridge faction became known, agreed to a “preliminary treaty” -- meaning the delegates promised to sign it but reserved the right of the Cherokee National Council to ratify it -- that gave the Cherokees many of the considerations previously offered plus \$4.5 million in exchange for the tribe’s removing west of the Mississippi River. Before the consummation of the deal, however, John Ross asked to submit a proposal by the National Party. Because President Jackson and Schermerhorn knew of Ross’s popular support among the Cherokee people, they agreed. Finally, after 10 days passed, Ross offered to sell the Cherokee lands for \$20 million. Jackson, outraged by the delay, accused Ross of filibustering. Ross responded to the rejection with another offer. “We are prepared, so far as we are concerned, to abide by the award of the sense of the American Senate upon our proposition, and to recommend the same for the final determination of our nation,” Ross wrote in a February 28 letter signed by his delegation.<sup>173</sup> When the U.S. Senate recommended \$5 million, Ross called the Senate’s decision “a mere expression of opinion.” Jackson tired of Ross’s stalling tactics and again ordered Schermerhorn to meet with the Ridge delegates. The government sweetened the pot, adding 800,000 acres to the 13 million it offered previously. The federal government estimated the additional acreage to be worth \$500,000, making the offer



equivalent to the Senate's recommendation and the one proffered to Ross. In addition, the plan called for a perpetual annuity to be earmarked for expenditures on schools, which pleased the highly educated John Ridge and Boudinot.<sup>174</sup>

With the National Party now on record as bargaining for the sale of Cherokee lands, the Ridge faction hoped to gain a fair hearing of the treaty terms it had negotiated. However, through use of couriers, John Ross passed distorted information about the treaty throughout the Cherokee Nation and accused the treaty party of "collusion" with the Jackson administration.<sup>175</sup> To make matters worse for the treaty proponents, the constitution being considered as the basis for admission of the new State of Arkansas to the Union roused considerable anger among Cherokees east and west. The constitution proposed the western boundary of the state extend to a line 40 miles west of the present western boundary of Arkansas suggested by Congress in 1824, to go into effect "when the Indian title is extinguished." Of course, the Treaty of 1828 superseded this arrangement, yet the notion of a federal promise in the past to "extinguish" title to Cherokee lands in the west reminded many tribesmen of the justification the State of Georgia used to plunder and pillage tribal lands in the state.<sup>176</sup> Thus, when the Cherokees convened a council at Running Waters, Alabama -- John Ridge's plantation -- on July 18, 1835, sentiment against removal ran high and Ross clearly enjoyed the support of the vast majority of the 4,000 men, women and children in attendance.<sup>177</sup> Schermerhorn, who Ross's followers called "the Devil's Horn," nonetheless bullied Ross into allowing him to read a letter from President Jackson outlining the treaty terms, to which the Cherokees listened with great interest. Schermerhorn requested a meeting with the members of both factions at the Cherokee agency on July 29 in an attempt to restore harmony between the groups. Ross and his associates did not show, with Ross claiming he had diarrhea. The Ridges hosted the Green Corn Dance in late August at Running Waters and used the opportunity once again to tell hundreds of Cherokees about the treaty. The uncensored discussions of the treaty stimulated numerous defections by key Ross supporters, who "had grown concerned about the head chief's stalling tactics."<sup>178</sup> At the October council at Red Clay, Ross masterfully delayed consideration of the Schermerhorn Treaty, as it became known, by calling for a conference between five representatives each from the opposing factions. After five days of deliberations, the groups reached a compromise, about which John Ridge wrote, "The Ross party and the Treaty party have united, and have agreed to close the Cherokee difficulties by a general treaty."<sup>179</sup> The committee rejected the \$5 million offer and agreed to grant full powers to a delegation of 20 Cherokees to travel to Washington and treat with federal officials there. The treaty party members -- including John Ridge, Boudinot and Charles Vann -- signed the proposal, assuming that the delegates would accept a modified treaty in Washington. The general council then overwhelmingly rejected the Schermerhorn Treaty.<sup>180</sup>

Schermerhorn, angered at the rebuff, warned the Cherokees that President Jackson would refuse to receive the delegation in Washington, and a dispatch from the War Department a few days later confirmed the administration's wishes for negotiations to take place in the Cherokee Nation. Schermerhorn called for a general council at New Echota on

December 21 and ordered it publicized throughout the nation along with the warning that those Cherokees not in attendance would be considered as sanctioning the actions taken there. With the nation's official delegation determined to go to Washington regardless, John Ridge and Boudinot told Schermerhorn that few people would respond to his demand for a council, and they advised the former parson to accompany the delegates to the U.S. capital. Schermerhorn refused to yield, creating a situation in which 20 of the most influential Cherokees, including a few treaty party members, would be in Washington while the Devil's Horn hammered out a treaty at New Echota.<sup>181</sup>



In what was likely an effort to keep Ross from departing with the delegation, a platoon of the Georgia Guard on November 7, 1835, arrested the chief and his houseguest, noted writer John Howard Payne, famous for his song "Home, Sweet Home." Georgia officials accused Ross and Payne of being abolitionists involved in plotting an insurrection among area slaves -- a trumped-up charge to say the least. John Ridge secured Ross's release on November 16. Payne remained in jail another three days, presumably to intimidate him from "meddling" in Cherokee affairs. John Ridge and Ross departed with the rest of the delegates on December 1, 1835. During the journey, Ridge read an account of the arrest written by Payne in the *Knoxville Register*. In it, Payne noted that the Cherokees preferred to remain as citizens of Tennessee and Alabama and that a small faction of the tribe had been seduced by government officials into favoring removal. Ridge, suspecting Ross's hand in the Payne dispatch, immediately protested to the chief and considered leaving the delegation. Ross convinced him to stay, as a show of "unity." As promised, President Jackson refused to receive the delegation. John Ross busied himself meeting Mexican officials and British emissaries and futilely exploring other options, such as the removal of the tribe to Mexico or the Pacific Northwest, respectively.<sup>182</sup>

Schermerhorn convened his council at New Echota even though no more than 400 Cherokees attended. A committee of 20 signed on December 29 a treaty similar to the one offered at the October council, and the general council, small though it was, approved it. On making his mark, Major Ridge supposedly said, "I have signed my death warrant."<sup>183</sup> Boudinot, another signee, said, "What is man worth who will not dare to die for his people?"<sup>184</sup> The council then appointed a delegation with Major Ridge as its head to accompany the treaty and Schermerhorn to Washington. All the members of the treaty

group arrived in Washington by February 3. John Ridge and Stand Watie defected from the Ross delegation and signed the Treaty of New Echota. As the treaty went to the Senate for ratification, protest poured in from citizens around the U.S. John Quincy Adams, the former president and at the time a U.S. Congressman, called the document an “eternal disgrace upon the country.” Despite these lamentations, the Senate approved the treaty by a single vote. Jackson proclaimed it law on May 23, 1836.<sup>185</sup> The Cherokees were given two years to leave.<sup>186</sup>

## V. Treaty Party Removal

Treaty party delegates departed Washington on May 26, 1836, for their homes in the Cherokee Nation despite advice from friends that they risked certain death should they return. John Ridge wrote home that he was ready for death: “If I can relieve my bleeding countrymen ... I am even prepared to be immolated to gratify the ambitions of my enemies.”<sup>187</sup> Before the group left Washington, rumors had reached President Jackson that Georgians were fleeing panic-stricken before marauding Cherokees angry about the treaty. The treaty party arrived in the Cherokee Nation to find that, in fact, the opposite was true. The sight of so many once-proud warriors wandering indigent across the landscape saddened Major Ridge, and he immediately concluded that the Cherokees were too destitute to mount the warpath. The Major and John Ridge -- both of whom had vast tracts of their land usurped by whites while in Washington -- wrote President Jackson to apprise him of the situation and request federal troops for protection. “[The Georgians] have got our lands and now are preparing to fleece us of the money accruing from the treaty,” they wrote. “We found our plantations taken ... [and] suits instituted against us for back rents for our own farms ... the lowest classes of the white people are flogging the Cherokees with cowhides, hickories, and clubs.”<sup>188</sup> Jackson did indeed send troops, but not to protect the Cherokees. Instead, he sent troops to protect Georgians from a non-existent “hostile” Cherokee element. General John Wool arrived in July 1836 to take command of federal troops in the area and to call up volunteers from Tennessee to quell the supposed “insurrection.”<sup>189</sup>

Wool’s orders were to “apply force only if hostilities are initiated by the Cherokees,” a mandate he found farcical considering the wretched state of the Indians. Although Wool staunchly believed in removal -- he warned John Ross that resisting the treaty would do the Cherokees “much evil” -- the general nonetheless sympathized with the plight of the Cherokees.<sup>190</sup> He ordered his troops to protect both whites and Cherokees, allowing “no encroachments on either side” and suppressing the sale of whiskey. Wool’s loose interpretation of his orders angered Jackson, who believed the acute stress of living day after day with scurrilous whites would break down the resistance to the Treaty of New Echota by John Ross and his followers. Wool was torn between his duty and his conscience and privately wished he could “remove every Indian tomorrow beyond the reach of the white men, who, like vultures, are watching, ready to pounce upon their prey and strip them of everything they have ... .”<sup>191</sup> Complaints about Wool’s egalitarian treatment of the Indians mounted on his superiors’ desks in Washington, with the Alabama

Legislature charging the general with “having usurped the powers of the civil tribunals, disturbed the peace of the community, and trampled upon the rights of the citizens.” Jackson and War Department officials pressed Wool to pursue a harder line in preparing the Cherokees for removal. Instead of following orders, Wool asked to be removed from his post, a request that was granted in June 1837.<sup>192</sup>

An official census taken in December 1835 reported the number of Cherokees in the east at 16,542. More than half of that total resided in various states of destitution in Georgia.<sup>193</sup> The mass removal of so many people in the two years called for in the treaty was a daunting task requiring tedious preparations and efficient administration -- in short, competence which in previous attempts at large-scale removals the federal government had shown a lack. Currey, who had served in frustration as superintendent for Cherokee removal since 1831, wrote that “fifteen hundred or two thousand Indians would be off this fall ... .”<sup>194</sup> Once again, various difficulties thwarted Currey’s plans, and Currey died on December 16, 1836, before any Cherokees departed for the west.<sup>195</sup> Treaty adherents began readying themselves for the move to the land they still called “Arkansas” (although their reservation lay past the western boundary of the state) in the late summer of 1836, but they were delayed by the slow processing of their claims caused when one of Jackson’s hand-picked claims commissioners, William Carroll, a former governor of Tennessee, failed to show for duty because of immobilizing rheumatism. Jackson did not replace Carroll until late in the fall, but still no Cherokees could leave because the dispersal agent, who was responsible for paying the Cherokees their dues, was late in arriving.<sup>196</sup>

By January 1837, only a small number of Cherokees had settled their business, received payment and were ready to emigrate. Commissioners Wilson Lumpkin and John Kennedy wrote: “A Large company of the most wealthy and intelligent of the Cherokee people have availed themselves of that provision of the treaty which authorizes them to emigrate themselves and families ... We estimate the number in this company at 600.”<sup>197</sup> The group probably followed a path similar to the northern land route later used by most of the Ross detachments, traveling overland through Nashville, Tennessee; Hopkinsville, Kentucky; and southern Illinois. They likely crossed the Mississippi by ferry at Cape Girardeau, Missouri, and continued across southern Missouri and into northwest Arkansas to Indian territory. A 1992 National Park Service study using contemporary U.S. Geologic Survey planimetric maps traced this northern overland route. In terms of present-day landmarks, the study plotted the Cherokees’ course through northwest Arkansas as follows: entered Arkansas near Sugar Creek in Benton County; followed a route south past the western edge of Gann Ridge; continued down what was later called the Telegraph Road through the southeastern edge of Pea Ridge National Military Park (NR 10-15-1966); moved southwest across Little Sugar Creek; continued southwest at Avoca along the St. Louis-San Francisco Railroad; turned due south just north of Rogers, and following Highway 265, skirted the eastern edge of the city; continued south along Highway 265 through Cross Hollow into Washington County past the eastern edge of Springdale; cut southwest north of Fayetteville near Clear Springs and traveled into the heart of the city; picked up Highway 62 in Fayetteville and headed west-southwest through Farmington,

Prairie Grove and Lincoln; then moved north-northwest through Summers and across Ballard Creek into northeast Oklahoma, east of Westville, Oklahoma.<sup>198</sup>

The first group moved by the government, most of whom were treaty party supporters, included 466 Cherokees (half of whom were children) and five Creeks.<sup>199</sup> Among the Cherokees was Major Ridge and many of his family. The Ridge had wanted to move himself, but because of frail health he decided to accept transportation from the government.<sup>200</sup> The conductor of the detachment, which followed the water route with the exception of a short detour by train in Alabama, was Dr. John S. Young, who brought along three assistants, three interpreters and a physician, Dr. C. Lillybridge, who kept a detailed diary during the journey. The group embarked from Ross's Landing, near present-day Chattanooga, on March 3 in 11 flatboats. Intoxication was an immediate problem and the conductor chose to tie the boat to islands at night to prevent the Indians from going ashore and getting drunk. Unfortunately, some Indians succeeded in escaping the boats anyway, and Lillybridge reported treating patients for "whiskey colic." At Gunter's Landing, the flatboats, which were open to the chilly winds and thus caused considerable sickness among the emigrants, were tied to the steamboat *Knoxville*.<sup>201</sup> A few of the wealthier Cherokees received deck passage on the steamer. Major Ridge and his family garnered preferential treatment and received cabin passage for the rest of the trip, for which the government paid \$300, or about 15 times what the government spent on the average Cherokee.<sup>202</sup>

After a detour by train, a mode of transport most of the emigrants had never experienced, the party boarded the steamboat *Newark* and its two large keelboats and departed Tusculum, Alabama, on March 14, 1837. The "spacious" and "clean" keelboats were a vast improvement over the flatboats, with covered areas for sleeping and hearths for cooking.<sup>203</sup> The party made Memphis by March 17. Lillybridge noted that the principal complaints among the party were "colds, influenza, sore throat, coughs, pleurisy, measles, diarrhea, bowel complaint, fevers, toothache, wounds from accidents and fighting, and gonorrhea among the young men."<sup>204</sup> The flotilla passed Montgomery's Point on March 18 and arrived in Little Rock March 21, where the Cherokees landed for the night on the north side of the Arkansas River to prevent them from going into the town for a "whiskey frolic." The next day the *Revenue*, a steamboat of lighter draft, took the keelboats in tow. The going was slow because of numerous sandbars and snags and the party reached Van Buren on March 27 and Fort Smith on March 28, where whiskey peddlers besieged the emigrants. Two miles above Fort Smith, the boats landed to allow Major Ridge and his family to disembark, which they did against the advice of the removal agents. The Ridge had already determined to settle on Honey Creek in the northeastern corner of Oklahoma, and he traveled from Van Buren up the Line Road, an old military highway that ran north almost parallel to Arkansas's western boundary to Cane Hill in southwestern Washington County, where the road veered east and Major Ridge went northwest. The rest of the party continued by boat to Fort Coffee. None of the emigrating party died en route, a rarity in the annals of Cherokee removal.<sup>205</sup> The water route traveled by the group covered approximately 1,226 miles.<sup>206</sup>

As with previous concentrated removal efforts by the government, many Cherokees removed themselves in small bands rather than trust their conduct to the government. Included in this number were John Ridge and Elias Boudinot and their respective families, who emigrated overland around the first of October 1837 in a small party that included William Lassley and his family, a woman named Polly Gilbreath and three of John Ridge's slaves. Earlier, Ridge had sent his slaves, horses and livestock west under the charge of his former ferryman, William Childers. Often, the Cherokees drove their livestock and horses directly overland from the Cherokee Nation to Memphis, then from Memphis to Little Rock. From Little Rock, the herders would follow the course of the Arkansas River into Indian Territory. Although this route was by far the shortest in terms of mileage, few large parties chose to follow it because it was treacherous and inhospitable, and they instead opted for what was considered then the easier northern overland route through Tennessee, Kentucky, Illinois, Missouri and northwest Arkansas. This was the route John Ridge and company traveled, and recollections of the journey indicate the group encountered few difficulties en route. In fact, Rollin Ridge, John's son, described it as "a zestful voyage of discovery among new flora and fauna."<sup>207</sup> John Ridge also settled in the Honey Creek area, where he opened a general store with his father.

Solidarity against removal among John Ross's followers kept the government's emigration rolls minuscule and in the fall of 1837, General Nathaniel Smith, who replaced the deceased Currey as superintendent for Cherokee removal, started west only one party of 365 Cherokees, again mostly treaty supporters. Lieutenant B.B. Cannon, who kept a journal of the arduous trip, conducted the party, which traveled to Indian territory via the northern overland route. The group set out from the Cherokee agency on the Hiwassee River on October 14, 1837. The crossing of the Cumberland Mountains took four days and "severely taxed the endurance" of the Indians, many of whom started the journey suffering from dysentery and diarrhea contracted while waiting at the emigration depot.<sup>208</sup> On October 25, around Murfreesborough, one of the children in the party died. On October 28, the group reached Nashville, where several Cherokees visited Andrew Jackson.<sup>209</sup> Cannon led the party into Kentucky where, on November 3 near Hopkinsville, another child died. The consumption of stagnant water and wild grapes in Illinois caused violent illness among many of the travelers, and several Indians and a few of the wagon drivers dropped out of the party to recuperate before continuing the journey. The party reached the Mississippi River November 12 and another child died before Cannon completed of the crossing into Missouri of the entire party, which took two days because of high winds.<sup>210</sup> Although Cannon reported "sickness prevailing" among the emigrants, the detachment made 13 to 17 miles a day across southern Missouri. On November 21, Cannon wrote: "A considerable number drunk last night -- obtained the liquor at Farmington yesterday, had to get out of bed about midnight to quell the disorder."<sup>211</sup> The party rested on November 23 to allow stragglers to catch up and on November 25, Dr. G.S. Townsend, the detachment's physician, advised Cannon to suspend the march because at least 60 of the Indians were too ill to travel. Four days later Cannon moved the sick two miles to a schoolhouse, where the Indians would be out of the cold weather while they recovered. Four members of the

party, including one of the black wagon drivers, died before the sickness abated enough for Cannon to restart the group on December 4, although there were not enough wagons to carry all the sick.<sup>212</sup> On December 8, another child died and Cannon reported another problem with drunkenness. After the party passed Springfield, Missouri, on December 16, Cannon halted the group for two days because of extreme sickness and the snowy weather, and three more Indians died while the group was encamped. Two more Indians died by December 24, when the party reached “X Hollows,” probably the site of the present-day town of Cross Hollow, Arkansas, in south-central Benton County, northeast of present-day Lowell. On December 26, Cannon wrote, “halted at James Coulter’s on Cane Hill, Ark,” where the group buried “Aalsey Timberlake” the next day.<sup>213</sup> By the evening of December 27, the party was in Cherokee country. Cannon completed his duties on December 30 and surrendered responsibility for the Indians to another Army officer. Fifteen Indians, including 11 children, died during the march.<sup>214</sup>

## VI. The Trail of Tears

*You, sir, will bring down that renowned chair in which you sit into infamy if your seal is set to this instrument of perfidy; and the name of this nation, hitherto the sweet omen of religion and liberty, will stink to the world.*<sup>215</sup>

-- Ralph Waldo Emerson, in a letter to  
President Martin Van Buren concerning  
Cherokee removal, April 23, 1838.

According to a January 8, 1838, report to Congress by the War Department, 2,103 Cherokees emigrated westward in 1837, with more than half of that number moving themselves.<sup>216</sup> The deadline set for the completion of Cherokee removal was May 23, 1838, but at the 1837 rate of emigration, it would have taken until 1844 to remove all the Cherokees from the east. John Ross believed government officials would realize the improbability of meeting the deadline and might reconsider the validity of the treaty. Also, with Andrew Jackson’s retirement in 1837, Ross hoped Martin Van Buren’s new presidential administration might be more disposed to compromise on the subject of Cherokee removal. For months he pressured Van Buren and his underlings to declare the treaty a fraud, but the administration refused to be moved, replying that the treaty had been ratified by the U.S. Senate and therefore was beyond its powers to question. Van Buren, however, was willing to consider granting the Cherokees an extension on their emigration deadline. When Georgia Governor George Gilmer heard of Van Buren’s wavering, he protested that any delay would violate the rights of the owners of the soil -- Georgia whites who gained the land by lottery or duplicity -- and might force a collision between state and federal troops. Van Buren, of course, did not believe the Cherokee question worthy of a battle over states’ rights. Ross then tried to circumvent the executive branch, presenting the Senate with a protest and memorial dated February 22, 1838, which he claimed was signed by 15,665 Cherokees (although most of the signatures were merely marked as an “X”).<sup>217</sup> The Senate rejected the memorial on March 26, by a vote of 36 to 10.<sup>218</sup>

Despite the impending deadline, very few Cherokees prepared for emigration. As several observers at the time noted, many Cherokees gave little thought to moving west and busied themselves with spring planting. General Smith, the emigration agent, started only one party west in the spring of 1838. On April 5, 1838, 250 Cherokees under the direction of Lieutenant Edward Deas departed Waterloo, Alabama, aboard the steamboat *Smelter* with one keelboat in tow. By 1838, experience with removal by land and water indicated the latter was less taxing on the emigrants, and it was clear that the government intended to move the majority of the Cherokees by boat.<sup>219</sup> Government officials had ordered the construction of several large keelboats -- 130 feet in length and including a 100-foot-long, two-story house complete with stoves and hearths -- which were docked near the Cherokee agency.<sup>220</sup>

The Deas party, most of whom were treaty supporters, proceeded down the Tennessee, Ohio and Mississippi rivers with alacrity and almost without incident. According to Deas' journal, on April 7 some waves from the Ohio River splashed into the keelboat and sent the Indians scrambling in a panic to board the steamboat. Deas found it impossible to convince the Cherokees of the keelboat's safety, so he allowed all the emigrants on board the *Smelter* and abandoned the keel.<sup>221</sup> Deas also took the precautionary measure of anchoring out in the river at night to prevent the whiskey peddlers from selling to his charges. The party reached Montgomery's Point on April 9 and Little Rock on April 11. The Arkansas River was low and Deas ascertained that it would be impossible for the *Smelter* to ascend higher, so he secured passage for the emigrants aboard the *Little Rock*, a steamboat of lighter draft, with two keelboats in tow.<sup>222</sup> "The Party is to have the entire use of one Keel, the Top of the other, & all parts of the S. Boat except the cabins," Deas wrote.<sup>223</sup> After the group got underway the next day, one keelboat loaded with freight sprung a leak, forcing the captain to run aground to save the cargo. The delay for unloading and attempting to repair the damaged keelboat concerned Deas because he had heard "the Small-Pox is in this section of the country, a disease, apparently, of all others the most fatal to Indians."<sup>224</sup> Finally, the captain decide to abandon the leaky keelboat and the party proceeded up river, arriving on April 14 at a sandbar Deas called "the Lewiston Bar" some 65 mile upriver from Little Rock. From this point, the steamboat stopped almost daily because of low water. Often, to lighten the load as the steamboat negotiated a sandbar or a snag, the Indians walked upriver along the bank. The party camped on April 18 on the south bank of the river opposite Scotia, a town just east of Piney Creek in the southwest corner of present-day Pope County. On April 20, about 45 miles below Fort Smith at what Deas called McLean's Bottom, an area near present-day Roseville in what is today northeastern Logan County, Deas determined the steamboat could go no further and ordered his charges to collect their possessions and disembark.<sup>225</sup>

Deas eventually secured 16 ox-drawn wagons and one mule-drawn wagon, and the detachment started west again on April 24, probably traveling along the same old military road south of the river that Lieutenant Harris debated traveling in 1834. In his journal, Deas noted, "The roads from McLean's Bottom have been level & in good order but the country is not very well watered." Two children, one a slave, died on April 26, with the party 16



miles east of Fort Smith. According to Deas, both children, the only two people to die during the trip, were sick prior to undertaking the journey. The group reached Fort Smith on April 28 and completed ferrying the Arkansas River into Cherokee country on April 29. The trip was a relatively speedy and healthy one in the annals of Indian removal, no doubt in large part to Deas' meticulousness. For his part, Deas noted in his journal that the journey's worst annoyance "resulted from the people obtaining liquor, the use of which with Indians as far as I have observed invariably results in rioting, fighting, or disorder of some kind. The infamous traffic of whiskey with Indians, is carried on to a greater extent at Fort Smith, than at any place I have seen, and could any means be devised to check, or put a stop to it, much good must be the result to the neighboring Tribes, or emigrating Parties that may be obliged to pass in that vicinity."<sup>226</sup>

While Deas and his small band of Cherokees made their way west, federal troops in the east accelerated their preparations to enforce the May 23 deadline for removal of the entire tribe. General Wool's interim replacement, Colonel William Lindsay, in nine months of frenetic activity made up for much Wool's ambivalence, creating a militia force of 31 companies, building 23 forts and collecting vast subsistence stores.<sup>227</sup> The government's apparent determination to enforce the Treaty of New Echota drew criticism from several Congressmen and many newspapers, which deplored the treaty as an "improper instrument." Even foreign observers commented cynically about "a government founded upon such lofty principles" having its "deviations exposed to public scrutiny."<sup>228</sup> Despite the protests, Van Buren remained steadfast, and on April 6 the War Department ordered General Winfield Scott to report to the Cherokee agency on the Hiwassee River "to ensure compliance" with the treaty.<sup>229</sup> Scott arrived at the agency May 10. He had at his command about 2,200 regular troops, officially called the Army of the Cherokee Nation, as well state militia and volunteer troops from Tennessee, North Carolina, Georgia and Alabama, which brought his force to more than 7,000 men.<sup>230</sup>

Scott, like Wool, felt sympathy for the Cherokees, but he did not allow this sentiment to interfere with the execution of his duties. On May 10, two days after he arrived in Cherokee country, Scott gathered some 60 chiefs and other important tribesmen at the agency and explained that he had come to the Cherokee Nation to enforce the Treaty of New Echota. "The emigration must be commenced in haste ...," he said. "The full moon of May is already on the wane, and before another shall have passed away, every Cherokee man, woman and child must be in motion to join their brethren in the far West ..."<sup>231</sup> Scott sent copies of his address to newspapers and ordered it printed on handbills and circulated throughout the Cherokee Nation. On May 17, Scott issued orders to his troops concerning a roundup of the Cherokees and he commanded them to treat the Cherokees humanely and mercifully. Finally, on May 23, 1838, the date set by the treaty for the Indians' removal, came and passed without incident. Three days later, soldiers in Georgia left their posts in squads with orders to collect all Cherokees and return with them to the stockades. A few days later soldiers started operations in North Carolina, Tennessee and Alabama.<sup>232</sup> In total, the troops built 31 forts for the purpose of collecting Cherokees, with 13 in Georgia, five in North Carolina, eight in Tennessee and five in Alabama. As soon as practical, the

soldiers concentrated the Cherokees in 11 more centrally located internment camps, with 10 in Tennessee and one in Alabama.<sup>233</sup>

Unfortunately, a few of the troops under Scott's command did not obey his orders for mercy toward the Cherokees. According to interviews with Cherokee participants conducted late in the nineteenth century by James Mooney and published in 1900 by the Bureau of Ethnology, "Families at dinner were startled by the sudden gleam of bayonets in the doorway ... Men were seized in their fields or going along the road, women were taken from their wheels and children from their play ... they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage ... hunts were made by the same men for Indian graves, to rob them of the silver pendants and other valuables deposited with the dead." A Georgia volunteer, afterward a colonel in the Confederate service, said of the roundup: "I fought through the Civil War and have seen men shot to pieces and slaughtered by the thousands, but the Cherokee removal was the cruelest work I ever knew."<sup>234</sup> Treaty Party members had prepared for removal and therefore saved much of their property, but those caught in the roundup often had no more than the clothes they wore when captured. In the stockades, the soldiers had built almost no shelters inside the 16-foot-high walls, and thus most Cherokees slept exposed to the elements. Also, because they had no implements with which to cook, the Cherokees often ate their daily ration of salt pork raw. Eventually, Scott ordered his officers to allow a few women outside the walls to hunt for fruit and edible plants. A few men also received permission to return to their homes to retrieve property, but usually they found the abodes had been stripped bare by roving hordes of whites who followed the soldiers as they collected the Cherokees.<sup>235</sup> According to an *Arkansas Gazette* report, John Ridge was bitter about the pillaging of the Cherokees' property, and he blamed John Ross. "If Ross had told them the truth in time," he said, "they would have sold off their furniture, their horses, their cattle, hogs, and sheep, and their growing corn."<sup>236</sup>

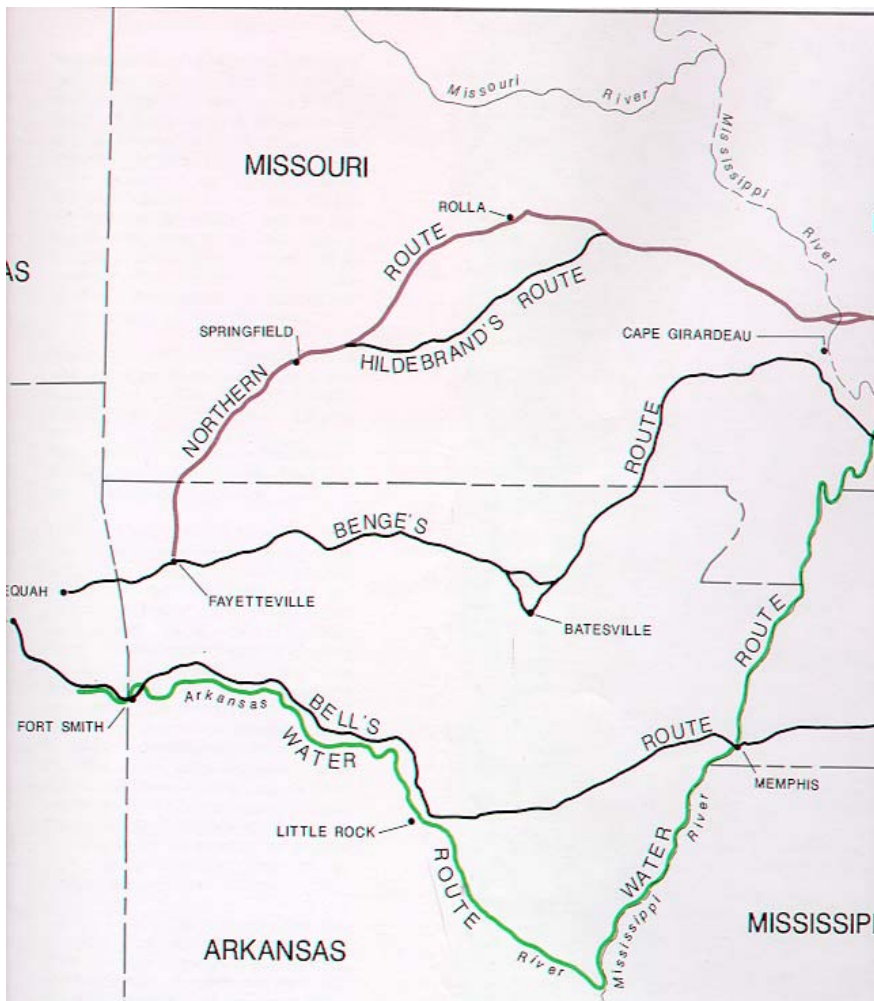
Not all the Cherokees allowed themselves to be taken prisoner, as hundreds fled into the Smokey Mountains of eastern Tennessee and western North Carolina and attempted to live off the land until the roundup ended. Others later escaped the stockades and joined these "fugitives."<sup>237</sup> Many of these runaway Cherokees sought refuge with the Oconaluftee Cherokees who lived in the mountains of North Carolina. The Oconaluftee Cherokees traced their origin to an 1819 treaty that gave them American citizenship and some land just beyond the border of the Cherokee Nation; thus, they claimed the Treaty of New Echota did not apply to them. The Oconaluftee Cherokees cultivated an image as peaceful, industrious Indians in their bid to remain in the east. However, an incident in which two U.S. soldiers were killed -- the only overt hostility directed toward federal troops during the roundup phase of forced removal -- threatened to destroy the Oconaluftee Cherokees' hopes. A Cherokee named Tsali grew upset with the treatment accorded his wife by U.S. soldiers as his family was being led to a stockade. Tsali and several of the males in the group suddenly attacked the soldiers, killing two and seriously injuring a third, and the party of 12 escaped into the Smokey Mountains. Exactly what happened next is confused by conflicting reports and the growth of Tsali's story into legend. According to the

legend, General Scott found hunting Tsali in the mountains impracticable, and he offered freedom to other Cherokees hiding in the mountains, led by a Cherokee named Euchella, as well as to the Oconaluftee Cherokees, if Tsali and his family surrendered. An article in the *Journal of Cherokee Studies*, based on a reading of letters and government documents of the time, attributes the offer of such a deal to Colonel William S. Foster, commander of the 4th Infantry, who later had to justify his actions to General Scott. Regardless, Tsali and his sons surrendered and the four were executed on November 25, 1838. Legend has it that federal soldiers forced Cherokee prisoners to kill the four Cherokees, although, according to Colonel Foster's letters, Euchella and members of his runaway Cherokee band executed Tsali themselves -- after federal troops had left the area.<sup>238</sup> The State of North Carolina eventually recognized the rights of the Oconaluftee Cherokees, and, along with Euchella's followers, in time they became the Eastern Band of Cherokees, who continue to reside in North Carolina today.<sup>239</sup>

While the roundup was underway, federal soldiers began moving large groups of Cherokees to emigration depots along the Tennessee River to be loaded into boats and started west. The first of these detachments consisted of between 600 and 800 Cherokees aboard a flotilla of one steamboat and six flatboats, which departed Ross's Landing on June 6, 1838, under an armed guard. Lieutenant Deas, just back from Indian Territory after escorting a group of treaty party members, served as conductor.<sup>240</sup> The armed guard was necessary because, as reported by General Smith, the emigration superintendent, the Indians were "very stubborn and difficult to manage." The temper of the Cherokees also accounted for the government officials' inability to gain an accurate headcount.<sup>241</sup> At Paducah, Kentucky, Deas finally mustered the Indians for an accurate count and reported 489 in the party, with the attrition rate accounted for by the many Indians who escaped. The group reached Montgomery's Point on June 14, Little Rock on June 17 and Fort Smith on June 19. At the end of the journey, Deas, who among all the government conductors has been lauded the most for his care and diligence during removal, reported no deaths in the party during the trip.<sup>242</sup>

Government officials on June 13 started west a second party of around 875 Cherokees from Chattanooga under Lieutenant R.H.K. Whiteley, who had with him five assistants, three interpreters, two physicians and one hospital attendant. The captives boarded six flatboats and floated down the Tennessee River to Brown's Ferry, where two more flatboats of Cherokees joined the flotilla, bringing the total number of emigrants to around 1,000. At Kelly's Ferry, the eight flatboats were lashed to the side of the ironically named steamboat *George Guess*. On June 18, Whiteley reported a death and a birth. By June 20, two more Indians had died and 25 had escaped. To avoid a shallow section of the Tennessee River, the Indians moved by train from Decatur, Alabama, to Waterloo, Alabama. While the party waited for the steamboat *Smelter* at Waterloo, three more Indians died, another was born, and another 118 escaped. The party suffered one more death by July 4, when the group reached the Arkansas River through the White River cut-off. Three children died before the party reached Little Rock, where the detachment changed to the lighter-draft *Tecumseh*. The *Tecumseh* steamed out of Little Rock on July 12, but later the

same day it ran aground near Lewisburg, site of present-day Morrilton, on the Benson (or Benton) Sandbar.<sup>243</sup> Unable to ascend the river, Whiteley began to scour the countryside for enough wagons to service his rather large party. By July 20, he secured 23 wagons, and most of his charges -- except those most ill, who followed the next day -- started overland toward Indian Territory following the north bank of the Arkansas River.<sup>244</sup> The party might have followed the old Pyeatt Road to Cadron, the road so-named after Major John Pyeatt, who lived at Crystal Hill in the early decades of the nineteenth century. From Cadron, Whiteley probably followed the same road north of the Arkansas River that Lieutenant Harris journeyed in 1834.<sup>245</sup> Water was scarce because of a long drought and



the weather was so hot that Whiteley started his marches before sunrise and ended them at noon. Despite this precaution, between July 20 and August 1 Whiteley recorded three to five deaths each day. On August 1, with half his party ill, he established a camp on Lee's Creek, just north of Fort Smith. While camped at this site from August 1 through August 4, as many as seven Indians died each day. When the party finally entered Indian Territory on August 5, Whiteley's party had been reduced to 602 Indians through death and desertion. Whiteley recorded 70 deaths during the course of the journey.<sup>246</sup>

By the middle of June, the Tennessee River above Waterloo, Alabama, was no longer navigable, and a third party of 1,070 emigrants left Ross's Landing by wagon and foot. Two days after the party got underway, General Scott accepted a proposal from the Cherokee National Council to halt emigration until September 1, at which time the Cherokees would take responsibility for their own removal. In defending his actions to

Congress, Scott wrote: “By June 19, the Hiwassee and Tennessee rivers had almost ceased to be navigable, and were still rapidly falling. It was known that the Arkansas [River] was in a bad state, and that land routes in great part, had become sickly, with a scarcity of good drinking water.”<sup>247</sup> Other than health considerations, Scott agreed to the council’s proposal because it marked the first time “the great body of the Cherokees remaining in the east ... consented to emigrate.” He also was wary of the growing public outcry against the roundup and forced removal, and perhaps he welcomed the opportunity to rid himself of the onus of what was seen as a brutal undertaking.<sup>248</sup> Hearing of the postponement, the emigrants en route to Waterloo petitioned General Smith to be allowed to join the mass of Cherokees emigrating in the fall. General Smith decided the detachment, conducted by Captain G.S. Drane, would be the final one of the summer. When the party reached Waterloo July 10, five Indians had died and as many as 500 had deserted. Drane used a company of local mounted volunteers to round up many of the fugitives, although 225 of the party were not recovered. On July 14, the Drane detachment left Waterloo aboard the *Smelter*. Eight days later, while ascending the Arkansas River, the *Smelter* ran aground some 30 miles below Little Rock. The lighter draft *Tecumseh* picked up the party on July 25 and transported the emigrants to Little Rock. From there, the Indians boarded an even lighter draft steamboat, but it too ran aground, on the Lewiston sandbar just below where low water stranded Whiteley’s detachment a few weeks earlier. The Drane party followed in the Whiteley detachment’s footsteps up the north bank of the Arkansas River, finding the route arduous and suffering from disease. When the group finally staggered into Fort Coffee in Indian Territory on September 7, 1838, 146 emigrants had died.<sup>249</sup>

If the Cherokees feared the hardships of a removal during the summer drought, the concentration camps were hardly preferable. Because of the crowded conditions, broiling heat, lack of sanitation, and a diet of food to which they were not accustomed, many Cherokees fell ill and died in droves. Epidemics of dysentery, measles, whooping cough, pleurisy and bilious fever raged through the camps. To make matters worse, as the Cherokees started to receive payment for their claims, whiskey traders flocked to the camps, adding drunkenness to the list of epidemics. Daniel Butrick, a missionary, reported on the practice of whiskey peddlers inducing young Cherokee women into drunken orgies. Elizur Butler, the missionary who served time in a Georgia prison during the *Worcester v. Georgia* affair, estimated that as many as 2,000 Cherokees died in the camps, although contemporary scholars have put the number of deaths in the camps at closer to 500.<sup>250</sup>

While the Cherokees suffered in the camps, John Ross again traveled to Washington where he convinced government officials to raise the payment under the treaty to \$6,647,067. When he returned July 13, the Cherokees began preparations for their fall exodus.<sup>251</sup> General Scott received orders from the War Department to assemble for the Cherokees 645 wagons, 5,000 horses and oxen and water transport for the aged and infirm.<sup>252</sup> After he accomplished this, he relinquished responsibility for the removal to Ross, who had assumed the title of “Superintendent of Removal and Subsistence.” Lewis Ross, the chief’s brother, received the lucrative contract to furnish transportation and supplies.<sup>253</sup> Ross and his lieutenants selected the northern overland route as the path most of the

Cherokees would follow to the west. The land route took more days to travel, which made it more costly to the government, much to the benefit of the agents and contractors appointed by Ross. However, the Cherokee leaders likely picked a land route because of fears of low water levels along the Tennessee and Arkansas rivers.<sup>254</sup> Ross had often warned government officials that a wholesale removal of the tribe would be expensive, and General Scott, knowing the Cherokees would need extra supplies because of the drought and additional transport because of the large number of sick, reached an agreement with the Cherokee council for an allowance of \$65 per head for removal, which was more than double the amount the War Department expected.<sup>255</sup>

A few weeks before the September 1 deadline, the Cherokees held a final council at Rattlesnake Springs, near present-day Charleston, Tennessee, where they voted to retain their constitution upon arriving in the west. For good measure, the council once again passed a resolution denouncing the Treaty of New Echota. The lingering drought, though, again caused the postponement of the starting date. Finally, after two good rains in late September, Ross determined that conditions had improved enough for the Cherokees to start for Indian territory. The Indians traveled in groups ranging in size from 700 to 1,600 people, with each detachment headed by a conductor and an assistant conductor appointed by John Ross and including a physician and sometimes a clergyman. Draft animals and wagons carried the sick and the old and whatever Cherokee possessions remained after the roundup, as well as supplies of flour, corn, salt pork, coffee and sugar.<sup>256</sup>

Another group of Treaty Party members, conducted by John Bell and administered by Lieutenant Edward Deas, refused to be part of Ross's contingent and moved in a separate detachment. The group, reported to be between 650 and 700 people by Deas, left Fort Cass in eastern Tennessee on October 11, some 10 days after the first Ross detachment started west using the northern overland route. So as not to encounter Ross detachments en route, thus avoiding the potential for hostilities, the treaty supporters traveled the supposedly more arduous straight overland route used in previous decades by small parties of emigrants and for transporting livestock to the west.<sup>257</sup> The party traveled across southern Tennessee, first going through Winchester, through Pulaski, across the Tennessee River at Savannah, then to Memphis.<sup>258</sup> Deas wrote to, C.A. Harris, then the commissioner of Indian Affairs, that the party made 10 or 12 miles a day and it arrived in Memphis on November 22 without incident except that west of Pulaski a number of oxen died from eating poisonous weeds. At Memphis, Deas shipped "a considerable quantity of Baggage, Potware" belonging to the Indians up the Arkansas River by steamboat, allowing the detachment to travel lighter and faster. After crossing the Mississippi River, the route traveled west to Little Rock, then up the north side of the Arkansas River past Cadron and the Old Dwight Mission to Frog Bayou, where the party turned north.<sup>259</sup>

Duane King, the Cherokee studies scholar, has discovered, since the publication of the National Parks Service report on the Trail of Tears in 1992, additional payment vouchers and letters for the Bell detachment, providing a more accurate picture of the

route. Unfortunately, Lieutenant Deas' journal for the trip, which was last referenced by T. Hartley Crawford, the commissioner on Indian affairs, in a report of the U.S. House of Representatives in 1843, remains missing. Nevertheless, the vouchers suggest several significant alterations from the path plotted in 1992. According to the new information, in terms of present-day landmarks, the party crossed the Mississippi River into Crittenden County, Arkansas, just north of the Interstate 40 bridge rather than south of it; moved northwest along a railroad cut to Marion; headed southwest on Highway 218 to Shearerville; picked up Highway 70 heading west; ferried Black Fish Lake; continued on Highway 70 through Forrest City in St. Francis County; and moved into Monroe County through Brinkley. The 1992 report had the Bell party crossing the White River at present-day DeValls Bluff, but the current information, in terms of present day landmarks, suggests the party turned south off Highway 70 onto Highway 302 to Clarendon, where the detachment crossed the White River at the mouth of the Cache River. Of course, the discovery of the southerly route negates the 1992 study's contention that the party followed Highway 70 all the way to Little Rock, although it is possible the group moved up the west side of the White River to rejoin Highway 70 after crossing at the White River at Clarendon. However, the party might have moved southwest to Stuttgart and then traveled up Highway 165 to Little Rock. According to Duane King, the vouchers aren't specific enough in this region to suggest a probability. Regardless, the party reached Little Rock in Pulaski County by December 14 and rested there until December 17. From Little Rock, the group probably followed what is today Highway 365 into Faulkner County and past Conway. From Conway, the route roughly followed Highway 64 through Morrilton in Conway County and past Point Remove Creek, which the emigrants ferried on December 25, 1838. The National Park Service study shows the route staying on Highway 64 into Fort Smith, passing through Russellville in Pope County, Clarksville in Johnson County, Ozark in Franklin County and Alma in Crawford County. However, if the emigrants followed the "upper road," probably once a Caddo Indian trace, followed by Lieutenant Harris in 1834 and Lieutenant Whiteley and Captain Drane in the spring of 1838, they often would have been just north of Highway 64 traveling along the ridges so as to avoid the marshy bottomlands of the Arkansas River and of the numerous creeks that flow into it along this route. After the Deas party reached Frog Bayou on January 5, it turned north instead of continuing into Fort Smith and into Indian Territory as previously assumed. The party disbanded on January 7 near Vineyard Post Office, site of present-day Evansville, Arkansas, in Crawford County.<sup>260</sup> The detachment covered 765 miles and succeeded in avoiding contact, for the meantime, with followers of John Ross.<sup>261</sup>

The first detachment of Ross emigrants, numbering around 1,000 Cherokees under the conduct of John Benge, departed on October 1, 1838.<sup>262</sup> Most of the emigrating parties followed the 826-mile northern route used previously by other removal groups that journeyed, with slight variations, from southeastern Tennessee across central Tennessee through Nashville; across southwestern Kentucky through Hopkinsville; across southern Illinois to the Mississippi River; across the Mississippi River at Cape Girardeau, Missouri; across southern Missouri through Springfield; across the northwest corner of Arkansas through Fayetteville; and into Indian Territory around the present-day town of Westville,

Oklahoma.<sup>263</sup> The Benge party, however, followed a different route, and departed from Fort Payne, Alabama; traveled through Pulaski, Tennessee; crossed the Tennessee River at Reynoldsburg Ferry, Tennessee; moved through the southwestern corner of Kentucky; crossed the Mississippi River at Iron Banks, at the present-day town of Columbus, Kentucky; and traveled across southeastern Missouri and into Arkansas just west of the Current River in Randolph County.<sup>264</sup> The Benge detachment's trip through Arkansas had been the subject of debate and confusion among scholars until an intensive National Park Service study during the late 1980s and early 1990s, using research by Duane King, revealed some surprising conclusions. Previously, historians generally suggested two possibilities for the Benge party in Arkansas: the first entered Arkansas near the Current River and traveled through Batesville to Little Rock, then marched to Fort Smith following the northern bank of the Arkansas River. The second entered Arkansas from Missouri at about the same place and likewise headed to Batesville, but made almost a 90-degree turn from Batesville and continued directly west to Oklahoma through present-day Stone, Searcy, Newton, Madison and Washington counties.

In truth, the Benge detachment entered Arkansas just west of the Current River and moved southwest through Smithville toward Batesville. Before reaching Batesville, though, the party split into two segments in Sharp County, with one segment heading west into IZARD County and the other moving south into Independence County and Batesville.<sup>265</sup> A report in the *Arkansas Gazette*, taken from article by William Byers in the *Batesville News*, placed the Indians at Smithville on December 12. According to Byers, "The whole company appear to be well clothed, and comfortably fixed for traveling ... they are very peaceable, and commit no depredations upon any property in the country through which they pass ... It is stated that they have the measles and whooping cough among them and there is an average of four deaths per day."<sup>266</sup> Another *Arkansas Gazette* article, this time from a *Batesville News* report by G.W. Morris, noted the Indians at Batesville on December 15. According to Morris, the Cherokees came to town to have their carriages repaired and horses shod. Also, in contrast to Byers' report of the Cherokees favorable countenance, Morris reported the Indians "destitute of shoes and other necessary articles of clothing" and claimed 50 members of the party had died since it departed Alabama.<sup>267</sup> The need for services for horses and wagons is likely why the party divided in Sharp County, with the emigrants on foot continuing their westward march while those in wagons or on horses headed to Batesville. Previously, historians probably assumed the party that entered Batesville constituted the entire detachment, and that it crossed the White River at Batesville and from there turned west or took the road to Little Rock. Instead, the Batesville segment of Benge's party turned northwest after receiving repairs and rejoined the other half of the detachment southeast of present-day Sage in southeastern IZARD County.

The 1992 National Park Service study using contemporary U.S. Geologic Survey planimetric maps traced the Benge route through Arkansas. In terms of present-day landmarks, the study plotted the Cherokees' course through the state as follows: entered Arkansas on Highway 166 in Randolph County and headed to Maynard; continued southwest on Highway 328; left Highway 328 north of Attica but continued southwest past



Black Ferry Bridge to Imboden in Lawrence County; followed Highway 115 south-southwest through Smithville; left Highway 115 north of Jessup and moved south of Mill Creek into Sharp County; and picked up Highway 115 again at Calamine heading west. Just southwest of Ben-Gay and west of Spring Creek, the Benge party split into two groups, and the southern half of the detachment left Highway 115 and headed overland through Hilltop, joined Highway 167 just south of Hickory Valley; continued south into Batesville; then picked up Highway 69 and moved north through Cushman into Izard County; where it met the northern half of the detachment at the intersection of Highway 69 and Highway 58. After dividing, the northern group continued on Highway 115 past Ben-Gay to Cave City; and stayed on Highway 58 west-northwest out of Cave City into Izard County where the groups reunited southeast of Sage. Once rejoined, the route followed Highway 69 into Melbourne; moved north-northwest through Belview and Newburg; joined Highway 56 at Band Mill heading west; continued west on Highway 56 across Izard County north of the White River; entered Baxter County and moved west through Norfolk and across the North Fork of the White River; headed west across Baxter County through Arkana, Shady Grove and Buford; crossed the White River into Marion County at Buford Station; picked up Highway 62 south of Cotter and headed northwest through Flippin and then southwest through Yellville; continued west through Georges Creek on Highway 62 into Boone County to Bellefonte; moved northwest on Highway 62 through Harrison and Bear Creek Springs; picked up Highway 412 at Alpena and headed south-southwest across Carroll County and into Madison County to Huntsville; picked up Highway 74 and continued west-southwest into Washington County; joined Highway 16 east of Harris and traveled into Fayetteville, where the Benge party followed the west-southwest route along Highway 62 to Westville, Oklahoma used by the other detachments.<sup>268</sup> The Benge detachment traveled approximately 734 miles before arriving in Cherokee country on January 10, 1839.<sup>269</sup>

The second party of about 750 Cherokees, conducted by Elijah Hicks, left around November 4 and traveled the northern overland route. According to the *New York Observer*, when the group passed through Nashville, “40 to 50 were on the sick list, and four or five were afterward buried near the city.” Hicks’ detachment reached its new home on January 4, 1839, the first party of the Ross faction to make it to Indian territory. Ten more contingents left at staggered intervals throughout October and early November with the last overland party leaving around November 4. The parties were conducted by Daniel Colston, Sittuakee and Rev. Evan Jones, Captain Old Field and Rev. Stephen Foreman, Rev. Jesse Bushyhead, Choolooka, Moses Daniel, James Brown, George Hicks, Richard Taylor, and Peter Hildebrand. The progress along the trail was slowed in part because heavy rains in early November muddied the roads. Cherokees who continued to passively resist the emigration often refused to march, causing still more delays.<sup>270</sup> Also, rampant illness in practically every detachment, exacerbated by the Indians sleeping on the icy ground exposed to the winter cold, hampered the parties’ movement.<sup>271</sup> Despite the horrible conditions and the lack of adequate shelter, many Christian Indians would not travel on Sundays in observance of the Sabbath.<sup>272</sup> A man from Maine traveling in Kentucky wrote an article in the *New York Observer* detailing the wretched state of the travelers. “When I past the last detachment of those suffering exiles ...,” he wrote, “I turned

from the sight with feelings which language cannot express and ‘wept like childhood then.’” As the groups reached the Mississippi River in December and January, many found themselves delayed several days because floating hunks of ice in the river made it dangerous to cross by ferry.<sup>273</sup> Under the myriad stressful conditions, death in the ranks was a daily occurrence. A full-blooded Cherokee, a boy during the Trail of Tears, later told the *Sunday Oklahoman*, “Looks like maybe all be dead before we get to new Indian country, but always we keep marching on.”<sup>274</sup>

On December 4, 1838, President Van Buren, in a message to both houses of Congress, announced his "sincere pleasure to be able to apprise you of the entire removal of the Cherokee Nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress with a view to the long-standing controversy with them have had the happiest effects, and they have emigrated without any apparent reluctance ...

<sup>275</sup> The speech came more than four months before the last Cherokee contingent arrived in Indian Territory around March 25. In fact, the last detachment did not depart until December 5. Some of those Indians whom sickness prevented from emigrating by land were in the party of some 220 Cherokee conducted by John Drew that left the day after Van Buren’s missive. This group included John Ross, who had remained in the east to oversee all the final details of the removal. The journey was delayed several times because of icy conditions in the rivers along this route, and the detachment arrived in Little Rock aboard the steamboat *Victoria* on February 1, 1839, almost two months later. Ross's wife, Quatie, died while the group was docked in Little Rock; her death notice appeared in the



February 6, 1839, issue of the *Arkansas Gazette*. According to legend, although the weather was freezing, Mrs. Ross, who was already ill, gave her blanket to a sick child. Mrs. Ross developed pneumonia and died. She was buried, according to a report in the *Little Rock Advocate*, in “a little cemetery at this village.” The city's first public cemetery was at the site now occupied by the Federal Building in downtown Little Rock, and historians have long-debated whether Mrs. Ross was buried there. In 1861, to make room for the building of a school, most of the headstones and some of the bodies from the cemetery were moved to Mount Holly Cemetery. For years, Quatie Ross has had a “memorial” headstone in Mount Holly, erected by the General George Izard Chapter of the United States Daughters of 1812 in 1936, but the mystery

surrounding her burial remained unsolved until March 1996. During restoration of the a 107-year-old receiving house at Mount Holly, several old tombstones were found beneath the flooring. One was Quatie Ross's original headstone, so it is likely she was buried in the old cemetery and her headstone, if not her body, moved to Mount Holly around 1861.<sup>276</sup>

Elijah Hicks' detachment was the first of the Ross parties to reach Indian Territory on January 4, 1839. The last party to arrive was Peter Hildebrand's detachment on March 25. All the groups were on the trail more than the 80 days for which John Ross had planned, with the travel times ranging from 93 to 139 days.<sup>277</sup> Because the Cherokees conducted themselves without military assistance, details concerning the total number of emigrants and the number of deaths in and suffering of the detachments are more difficult to ascertain than with previous parties led by military conductors, who kept detailed daily logs. Accounts of the Ross detachments come mostly from missionaries who traveled with the Indians, Cherokees who gave interviews about the ordeal years after the fact, and travelers who encountered the Cherokees during their march. Captain John Page, the U.S. Army's disbursing officer in Tennessee, counted some 11,800 Cherokees as moving west under Ross's command. Many historians have cited Page's figures as low, accounting for the many Indians who refused to give their names or cooperate in any way with government officials. John Ross claimed he started around 13,100 Cherokees on the journey to the west, but government officials at the time believed Ross padded his numbers in an effort to gain more money from the federal government. During the march, the number of Indians in each detachment changed because of deaths, births, desertions and the sick lagging behind and joining other groups. Some detachments actually grew in size along the march. Captain J.R. Stephenson, the U.S. Army's receiving agent in Indian Territory, counted on the arrival of the detachments about 11,500 Cherokees.<sup>278</sup>

Elizur Butler, the missionary who traveled to the west with Elijah Hicks's detachment, told a Chattanooga newspaper that around 4,000 Cherokees -- the figure most often cited in Trail of Tears literature -- died during forced removal, a figure he later revised upward to 4,600.<sup>279</sup> Often, writers about the Trail of Tears have used Butler's estimate to insinuate that 4,000 Cherokees died during the forced march from October 1838 to March 1839, which is not true. Butler's figure, however, included deaths in the concentration camps and well as the number of casualties among Cherokees hiding in the mountains and those traveling in the three detachments that went west in June 1838. Butler mistakenly believed the death rate among the three June 1838 parties and the mountain refugees to be around 50 percent when they were, in fact, much lower. Regardless, one historian has estimated the total population loss, counting all the deaths associated with removal, including those who later died from infirmities in Indian Territory, as well as children who were not born because of family disruptions, to be as high as 10,000.<sup>280</sup> Practically all the figures related to the Trail of Tears have been the subject of debate among historians over the years. What is not disputed is that the Trail of Tears was a tragedy.

## VII. Epilogue

The Old Settlers, as the Arkansas Cherokees who moved to Indian Territory in 1829 came to be known, viewed the arrival of the more numerous eastern Cherokees with trepidation. They had heard of the council at Rattlesnake Springs, and they knew of the eastern Cherokees' determination to implement their constitution and laws upon arrival in Indian Territory. The Old Settlers lived under a rather loose form of government with no constitution and few written laws. The Treaty Party members had accepted the Old Settlers way of governance, and for the most part had integrated themselves into the fabric of the western Cherokee society by the time Ross's followers arrived. Ross told Cephas Washburn, the missionary, that "his people were ready to come under the government and laws already existing here."<sup>281</sup> In June 1839, at John Ross's suggestion, the Old Settlers and the Late Immigrants, as Ross's followers were called, met in a council at the town of Takatoka, not far from present-day Tahlequah, Oklahoma. Ostensibly, the purpose of the meeting was to create a formal union between the two groups. The Treaty Party members, not wanting to raise the ire of the Late Immigrants, participated in the proceedings only peripherally. They knew, as Elizur Butler succinctly noted, that "All the suffering and all the difficulties of the Cherokee people [Ross's followers] charge to the accounts of Messrs. Ridge and Boudinot."<sup>282</sup> After John Brown, chief of the Old Settlers, formally welcomed the emigrants, John Ross took one of his first opportunities to speak to object to the western form of government. Startled by Ross's confrontational tone and recognizing that the Old Settlers were outnumbered, Brown suggested the parties wait until the October council before revising the western code and considering a constitution for adoption. Ross replied that he and his people wanted a constitutional convention called at once, but Brown, sensing he was quickly losing control of the meeting, adjourned the council.<sup>283</sup>

Despite a complete lack of evidence, many of Ross's followers blamed the Treaty Party -- specifically the Ridges and Boudinot -- for failure of the Old Settlers and the Late Immigrants to cement a union. Although Ross publicly asked his followers not to harm Treaty Party members, some of his supporters believed the Cherokees would never be at peace until the signers of the Treaty of New Echota were dead. Thus, a group of men met secretly and invoked the Blood Law, which called for the death penalty for Cherokees who signed away tribal land. Ironically, John Ridge was the one who codified the Blood Law in 1829. The men singled out for death included John Ridge, Major Ridge, Elias Boudinot, Stand Watie, John A. Bell, and James Starr, among others. On the morning of June 22, 1839, several groups of mounted Cherokees rode to various locations in Indian Territory to exact justice. At John Ridge's house, they pulled the Treaty Party leader from his bed and into front yard. There, in front of his wife and children, the assassins stabbed him 25 times and slit his throat, then each of the 25 men in the company kicked the body.<sup>284</sup> Another posse of some 30 Cherokees waited until mid-morning to attack Boudinot, who was staying with the Rev. Samuel Worcester at the time. Boudinot left the missionary's house to join several carpenters at work on a building. Four members of the assassination party approached Boudinot and asked him for medicine for their sick families. Once they got Boudinot away from the building site, one Cherokee stabbed him in the back. Once on the ground, another Cherokee swung repeatedly at Boudinot's head with a tomahawk, until the

former newspaper editor's skull was cloven in as many as seven places. Worcester sent a Choctaw to warn Stand Watie. When the Choctaw arrived at Watie's store, the assassins were milling about the store. The Choctaw feigned as if bargaining for sugar but whispered to Watie of his brother's death and of his immediate danger. Watie snuck out the back of the store and made his getaway on a horse provided via the Choctaw by Worcester.<sup>285</sup> That same morning, another band of assassins ambushed and killed Major Ridge in Arkansas on the Line Road near the present-day town of Dutch Mills in southwestern Washington County. Major Ridge was shot five times. He had been on his way to Van Buren to check on the health of one of his slaves.<sup>286</sup>

Sarah Ridge, John Ridge's caucasian wife, immediately fled Indian Territory to Fayetteville, Arkansas, with her children and a family friend, Sophie Sawyer, a missionary school teacher. In the summer of 1839, Ms. Ridge bought what would thenceforth be known as the Ridge House in Fayetteville, where she lived until 1859, when her son Aeneas, a doctor, died. She then moved to what was known as Osage Prairie, Arkansas (Benton County). Her daughter Susan married J. Woodward Washbourne, son of Cephas Washburn (his son restored the traditional spelling), who later edited the *Van Buren Intelligencer* and then the *Fayetteville Arkansian*. Daughter Flora married a Dr. William Polson and returned to Indian Territory. One son, Herman, died fighting against Union-aligned Cherokees in the Civil War; another son, Andrew, was a lawyer in Texas, then in California. Son John Rollin Ridge was educated in the east like his father but was obsessed with avenging his father's death. He became embroiled in the Cherokee civil war and, after killing a Cherokee judge in self-defense, escaped the territory to avoid what he knew would be an unfair trial. In California, John Rollin gained some notoriety as the frontier poet Yellow Bird and as the biographer of Joaquin Murieta, a Robin Hood-like bandit. He also edited several newspapers. He returned to Indian Territory after the Civil War and led a group that futilely attempted to secure separate recognition of a Southern Cherokee Nation.<sup>287</sup>

In July 1839, Ross used the numerical superiority of his followers to usurp power from the Old Settlers. Rather than fight Ross over control of the government, John Brown fled to Mexico. One of the first acts of Ross's new government was to pardon the murderers of the Ridges and Boudinot. Watie and John Bell appealed to Washington for help in bringing the assassins to justice. After John Ross claimed not to know the names or whereabouts of the assassins, companies of federal soldiers scoured the Cherokee Nation in a fruitless search for the killers. None of the murderers was ever brought to trial, although Treaty Party members did over time manage to find and kill several of the assassins. A civil war ensued between Watie and Ross followers from 1839 to 1946, which one historian called "something like a Corsican vendetta." The uneasy truce that followed the end of the Cherokee civil war disintegrated during the American Civil War, as Watie and his followers supported the Confederacy and Ross and his supporters fought for the Union. The fighting between the factions devastated the Cherokee Nation and, despite the Confederate defeat, only the death of John Ross in 1866 helped forge a troubled but more lasting peace that, for the most part, ended that death and destruction wrought by U.S. Indian removal policy and the Trail of Tears.<sup>288</sup>

## VIII. Methodology, Goals and Priorities

The context, “The Promised Land: The Cherokees, Arkansas, and Removal, 1794-1839,” was written to provide a basis for the future survey and multiple-property listing of properties or sites associated with the Cherokees in Arkansas or the Cherokee Trail of Tears.

Charles Russell (Rusty) Logan, an Arkansas Historic Preservation Program special projects historian, was responsible for the research and writing of the historic context. Logan received a B.A. in American history from Connecticut College and an M.A. in American studies from New York University.

In 1987, Congress passed Public Law 100-192 designating two of the removal routes taken by the Cherokees, the northern overland route that crosses northwest Arkansas and the water route that in Arkansas includes the Arkansas River from its mouth to the Oklahoma border, as a National Historic Trail within the National Trails System. The National Park Service administers the Trail of Tears National Historic Trail, which is managed through partnerships between the National Park Service and other federal, state and local agencies, individuals, and the Trail of Tears Association. The partnership works to identify, protect, develop and manage trail resources and interpretive points along the trail, and to educate the public.

In April 1996, the Department of Arkansas Heritage hosted the inaugural conference for the national Trail of Tears Association. The Arkansas Trail of Tears Association was created during the conference proceedings. The state and national associations function as the National Park Service’s private-sector counterpart in the promotion, protection and preservation of Trail of Tears National Historic Trail resources. In conjunction with the conference, the Arkansas Historic Preservation Program sponsored a scholarly symposium on the Trail of Tears and other Indian removals.

The recent increase in awareness of the Trail of Tears in Arkansas has led to the marking with specially designated signs of much the northern overland route and the water by public and private groups (such as the marking of 12 river-side parks along the Arkansas River by the Arkansas State Society of the Colonial Dames of the XVII Century). According to a lecture given at the Trail of Tears Symposium in April 1996 by Leslie Stewart-Abernathy, a survey archeologist with the Arkansas Archeological survey, the historical archeological study of the Cherokee in Arkansas is in its infancy. Thus, the potential exists for a multiple-property archeological nomination in the future covering several periods of Cherokee activity in Arkansas. Any property or site that reflects this period and aspect of Arkansas’s history would be eligible for inclusion provided it meets the integrity requirements based on a knowledge of existing properties and the Secretary of the Interior’s Standards for Eligibility to the National Register of Historic Places. Any information on research, events or issues not adequately covered in this study should be directed to the AHPP special projects historian.

## IX. Endnotes

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By Charles Russell Logan

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