

**Alabama Collection Camps, Forts, Emigrating Depots
and Travel Routes Used During the
Cherokee Removal of 1838-1839**



**Lamar Marshall
Larry Smith
Michael Wren**

**Gail King
Project Director**

**Southeastern Anthropological Institute
Northwest Shoals Community College
Muscle Shoals, Alabama**

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When spring 2008 arrived, we were all surprised, because the dreary months of winter had flown by while working on this project. Acknowledgement of the research team is certainly in order. Larry Smith drove to numerous locations searching for primary source documents, and if he was unsuccessful the first time, he returned until he found something. He spent days on end sorting through documents and writing. Mike Wren could always find the answer to any question. Gail King and Mike spent hours at microfilm readers in the National Archives research center in Morrow, Georgia, until their eyesight dimmed. Mike volunteered to transcribe 27 pages of spoliation claims and compile information on ferries that were possibly used by Cherokees being forced into the roundup camps and the emigrating depots. Without Marty King's computer capabilities, we would have had a difficult time reading handwritten letters scanned from microfilm. Marty's photographs brought more depth and visual aspects to our research. His expertise in placing maps and photos into the text of the report was invaluable. He spent untold volunteer hours in working on the report. Lamar Marshall, another volunteer, led us all on expeditions to find the old road beds described in the original survey notes and shown on the plats maps of 1839-1840. When we found the 1830 roads, his remarks were "I told you they were here." Lamar was able to master his new, high-speed computer system, along with enduring several power outages while compiling an amazing number of maps to identify routes and sites associated the Cherokee removal, as well as the route taken by the Benige Detachment. His chapter became so huge and detailed that it had to be separated into two chapters for the report. Yet another volunteer Sharon Freeman organized three trips to the Fort Payne Chimney Site to conduct a Phase I Archaeological Survey. Many members of the Alabama Chapter traveled quite long distances to volunteer and help with the survey. The responsibility of editing, writing the remaining chapters, and putting all of this massive research together in an organized form fell to Gail King, the project director. Although she spent many hours beyond what was initially proposed for the project, the outcome was well-worth the effort.

All of us, who have worked on the project, want to thank the National Park Service for providing the opportunity to work on such an unclear and obscure part of American history. We especially want to thank Aaron Mahr for traveling to Tusculumbia, Alabama to meet with our research team on March 15th, 2007 and make sure we were headed in the right direction.

We want to express our deep appreciation to the National Archives in Morrow, Georgia. It is staffed by some of the most professional archivists and research assistants in this country. Their staff members are always courteous and attentive to researchers visiting their state-of-the art facility. There are few facilities that provide such easy access to documents and have such extensive microfilm holdings with digital scanning capabilities. Scanning of the microfilm to reproduce a copy digitally made it possible to clean up the images from microfilm and produce clean copies of very important letters relating to the Cherokee Removal in Alabama.

The staff of the Madison County Records Center in Huntsville, Alabama headed by Rhonda Larkin, was most helpful in finding information about 1830 roads in the Huntsville area. The staff not only located records for us, but spent their own time looking for relative information in the early 1800 records, newspaper articles, papers collected by individuals, and family histories. Their calls to local historians were immensely helpful in determining the route of the Benge Detachment across the mountains east of Huntsville.

Additionally we wish to acknowledge the assistance of Larry Benefield, Jerry Gunter, Ted Rumley, Cora Gamblin, Dr. Norwood Kerr of the Alabama Department of Archives and History, Dr. Sarah Hill, Laurie Brockman, Jerry Clark of the National Archives in Washington D.C., Patty Tucker, Patty Woodall, Dr. Stephan Brewer, David Jones, Jerry Cornelius, Vicki Rozema, Jerry Jones, Chuck Burns, Elizabeth Dunham of the University of Tennessee Hoskins Library Special Collections, Mr. and Mrs. Herbert Stanley, and Mrs. Emma Jordan.

Chapter 1

Introduction

By: Gail King

The goal of this project was to travel to multiple repositories, county courthouses, and sites to research and document the Cherokee removal from their homes, collection points, camps, removal forts, emigration depot(s), and associated travel routes located in north Alabama during the forced Cherokee Removal. In order to gain a better understanding of the forced removal, it was necessary to locate and access primary source material which documented events through eye witness accounts of actions and occurrences at the Cherokee encampments, in the forts, military posts, and supply depots. Letters written between military officers provided invaluable information about numbers of Cherokee at each location, as well as movement from one location to another.

The research locations which yielded the highest number of primary source documents were the National Archives Southeast Region, Atlanta (Morrow, Georgia); the National Archives and Records Administration in Washington, D.C., the Special Collections Library at the University of Tennessee, the Alabama Department of Archives and History in Montgomery; and the Madison County Record Center in the Huntsville Library. The microfilm collection at the Regional Archives (Morrow, GA) contained numerous letters written between the United States military, the Alabama troops, and other individuals involved in the removal of the Cherokee in Alabama. Their microfilm digitizers gave a tremendous advantage in researching microfilm, because they had the capability of downloading images of each frame onto a flash drive to be viewed in depth later. The National Archives in Washington D.C. houses the collection of the quartermaster's documents relating to the Cherokee Removal. These were photographed by a member of our research team. The Special Collections Library at the University of Tennessee contained yet a different aspect of the removal in the Lenoir papers. These papers contained chronological listings of construction supplies, furniture, and provisions sent to Fort Lovell, which was located in the Cedar Bluff area of Alabama. The Alabama Department of Archives and History in Montgomery had a microfilm collection of governors' letters written during the 1830s. The Madison County Records Room contains a vast number of records concerning the development of the Huntsville, Alabama area during the early 1800s. Road order books for the 1830s gave an important insight as to what roads would have been in existence when the Benge Detachment traveled through Huntsville. A trip to the courthouses in counties along the Georgia-Alabama state line yielded very little information pertaining to removal in Alabama during the 1830s. Records in many of the courthouses have been lost due to fires or other historical events, such as the Civil War and do not go back to the 1830s.

Researching extant land records pertaining to the State of Alabama is facilitated by the fact that it is a public land state. Lands in many public land states were once claimed by the thirteen original colonies, however in the early years of the United States these lands were traded to the U.S. government by the colonies. In turn the U.S. government would give up land claims within the colonies. As land was ceded by Indian nations in Alabama, ownership went directly to the U.S. government. See Figure 1.1 below for Indian Land Cession map.

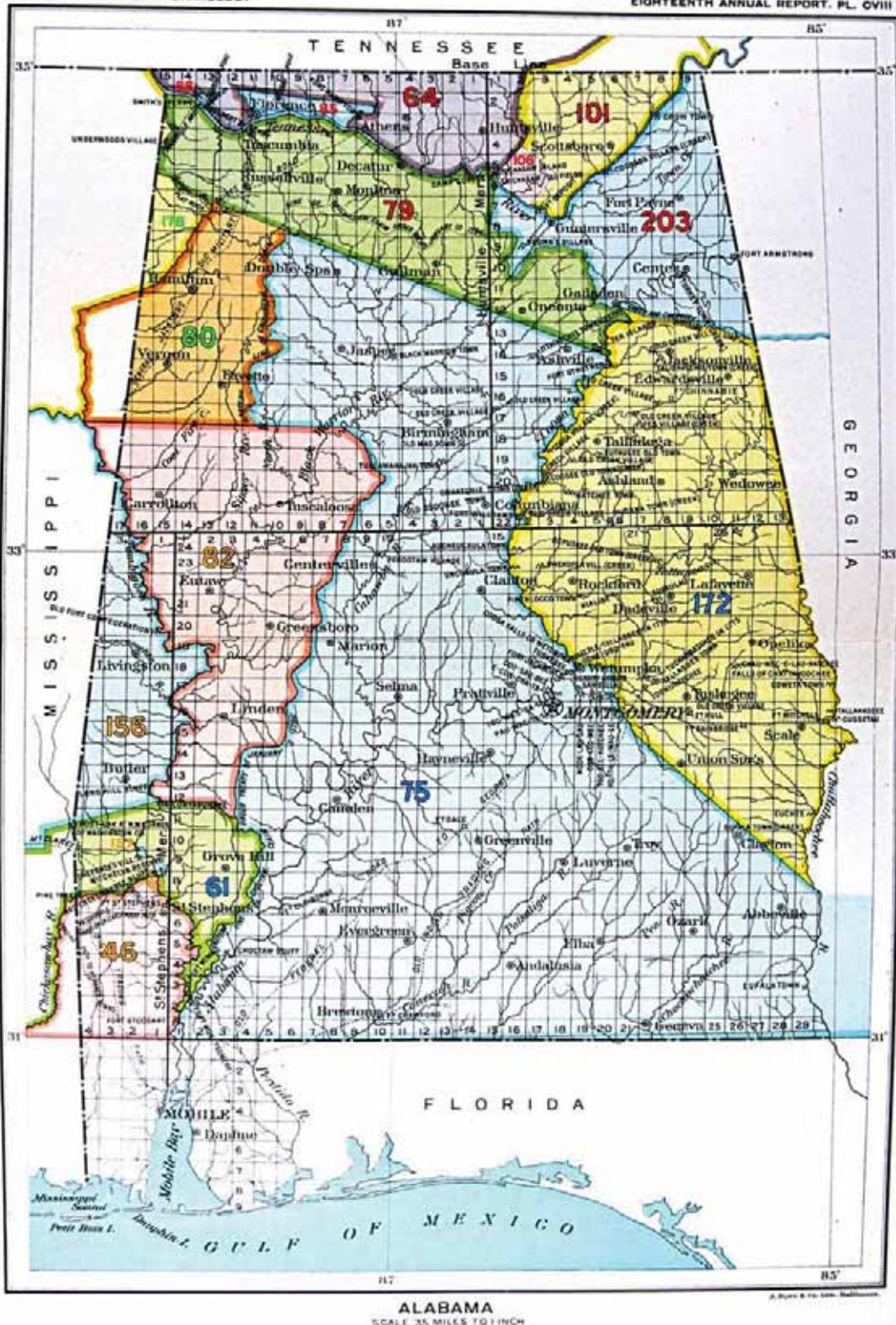


Figure 1.1. Map showing Cherokee Land Cessions in Alabama. No. 203 is the final land cession, as mandated by the Treaty of New Echota, December 29, 1835. Eighteenth Annual Report of the Bureau of American Ethnology, Part 2. 1899.

The benefit to the United States government was that the sale of lands in public land states could be sold to raise money for the U.S. Treasury. The General Land Office (GLO) was established by Congress in 1812 under the direction of the Department of the Treasury. The GLO would oversee the disposition of Federal lands. In Alabama land sales were sold through land offices located throughout the state. Before land could be sold, a survey was conducted which divided the land in Alabama into a grid system, such as seen on the map in Figure 1.1 above. This system of townships and ranges, with 36 sections to each township, is a tremendous asset to researchers in locating old roads, archaeological sites, and simply keeping track of land records as far back as the 1840s. (website www.blm.gov BLM and Its Predecessors)

The Bureau of Land Management website was extremely useful, because it contains recently digitized 1839-1840 Plat Maps. Many of the plat maps show roads that would have existed during the Cherokee Removal in Alabama. The General Land Office compiled survey notes and plat maps, which were recorded during the survey of the last Cherokee land cession in Alabama. Quite often the surveyors would record in their survey notes and hand-drawn maps the name of the road as they crossed it while surveying or at least record the name of the towns connected by the road. Historical maps and USGS topographical maps from the personal collections of Lamar Marshall and Gail King were digitized and used to plot the forced removal (roundup) routes and the route taken by the Benge Detachment. Modern county highway maps were used as a base map to overlay the roads as noted on the General Land Office 1840 Survey Notes and Plat Maps.

Field trips were taken by TTA Alabama Chapter member Lamar Marshall and several other TTA Alabama Chapters members to GPS old road beds and associated sites in order to compare GPS readings with the 1839 Survey Notes. The results were phenomenal. We felt we were truly following the footsteps of the Cherokee during those last days of what was known as the Cherokee Nation in Alabama. The field trips to physically search for the 1838 roads included the following

Guntersville State Park.

Fort Payne, Alabama to Dade County, Georgia.

Barry Springs, Alabama to Summerville, Georgia.

Cedar Bluff Gaylesville area.

Coosa River archaeological site.

Fort Payne via Rawlingsville to Valley Head.

Fort Payne via Lebanon, Ten Broeck, Grove Park, Smith's Gap to Guntersville

Lake where the old road disappeared into Guntersville Lake across from Guntersville State Park.

Fort Payne to the Tennessee River crossing to Bellefonte.

Guntersville via New Hope and Owens Cross Roads, over Blevins Gap to Huntsville.

An additional field trip was taken to Cedar Bluff, Alabama via Centre to cross the Coosa River at the bridge where the most recent Pathkiller's Ferry was located. From there the Coosa River was followed going toward Gadsden, where it goes through the town of Ball Play. Information collected from GPS readings during all of the field trips listed above was used to compile GIS shape files in order to create a base map of the

forced Cherokee Removal (the roundup area and routes) and the route of the Benge Detachment

Several trips were taken to talk to local people living in areas where there were military forts associated with the removal. One such interview, conducted by Larry Smith, Marty King, and Gail King, was with Mr. Jim Cavin (who owns Barry Springs), and his daughter, Becky. Important information as to the location of Fort Likens was recorded during this interview. We were told that Fort Likens had been located on a nearby hill. As Becky pointed to the hill while standing on the porch of her father's house, she offered to have one of their relatives take us to the exact location of Fort Likens. This information was substantiated by the 1839 Survey Notes, where the surveyors documented the exact location of the fort.

In an endeavor to locate Fort Turkeytown, several interviews were conducted with people concerning the Turkey Town area. Patsy Hanvey, a Cherokee descendant who lives in the Turkeytown area, was contacted. Jerry Jones, a local historian who lives in Gadsden, Alabama was interviewed for his vast knowledge of the old site of Turkeytown. In December 1st, 2007 Mr. Jones and Danny Crownover, president of the Etowah Historical Society, took several Alabama Chapter (Trail of Tears Association) members on a tour of the area near Turkeytown Creek, a few miles northeast of Gadsden. We were shown the site of the Turkeytown Council House and most importantly the site of James Lasley's house. U.S. troops, under the command of General Scott, took him from his home, along with other Cherokees, on June 1st, 1838. They were "marched to Fort Payne, a distance of about 35 miles" (Tennessee State Library and Archives 1842 Flint district Claim Book 4, 2).

Ted Rumley was interviewed during a field trip to Dade County, Georgia by Larry Benefield, Larry Smith, Marty King, and Gail King. His property is known to have been the site of the Benge Mill. Mr. Rumley took us to several other locations nearby, which were known to be connected with the John Benge family. One location is still known as Benge's Field.

In an effort to document the removal site in Fort Payne, archaeologist and T TA Alabama Chapter member, Sharon Freeman conducted three excavations during December 2007, February 2008, and June 2008 at the Fort Payne Chimney site (1Dk5) Fort Payne, Alabama. Numerous volunteers from our research team and the Alabama Chapter, as well as local volunteers, showed up to man shovels and sifters. A well in pristine condition was discovered. Refer to Chapter 11 to read what local oral history stated about the well.

A tremendous amount of time was spent by T TA Alabama Chapter member Mike Wren in extracting and transcribing documents pertaining to Cherokee Removal, Property Valuations, and Spoliations Claims. He dedicated hours upon hours of time on Saturdays researching records at the National Archives, Morrow, Georgia; the Georgia State Archives, Emory University Library, and an asunder other locations.

During June 2008 Dr. Sarah Hill of the Georgia Chapter contacted members of our research team, who are involved in this project, about records at the National Archives in Washington, D.C. that were turning up during research being conducted by Stephen Dennis. Mr. Dennis is a local Washington, D.C. attorney, who has family roots in Lafayette, Georgia. He has been hired to write a history of Lafayette by the county commissioner and a local committee of interested citizens. Since that time he has been in

contact with Mike Wren of our research team about various Cherokee Removal documents pertaining to Alabama which he is running across while researching for the LaFayette history. My personal communication with Mr. Dennis is that the records for the Cherokee Removal in Alabama are complete. All indications are that these records have never been microfilmed. His research is just one example of how many primary source documents are still in archives, libraries, or even personal collections waiting to be viewed by avid researchers of Southeastern Indian Removal.

In spite of all of the previous research focusing on the removal of the Cherokee over the past several years, additional records keep appearing. Dr. Dan Littlefield at the Sequoyah Research Center at the University of Arkansas in Little Rock has amassed an enormous number of primary source documents. He and his co-workers have been most generous in sharing those records with researchers from other Trail of Tears Chapters. During the September 2008 Trail of Tears Conference they opened the doors of the center and even provided the manpower and copiers for researcher to leave with copies to mull over.

The most recent field trip was due to a visit by a local amateur archaeologist while we were excavating at the Fort Payne Chimney site. He brought artifacts collected from a site on the Coosa River south of what was Sewell's Ferry, before a dam was built and the site was inundated. Many local people feel that the site is connected to Fort Armstrong (1813-1813 Creek War) or to Fort Lovell, an 1838 removal fort. Since a vast majority of maps show that Fort Armstrong was on the north side of the Coosa River, and this site is located on the south side of the Coosa very close to an 1840 road, it has led many local residents speculating that this was the site of Fort Lovell. A field trip in December 2008 by some members of our research team showed artifact surface scatter in a defined area.

The chapters that follow in this report will show the extensive research conducted by our research team in collecting and researching hundreds of documents and maps. It is our hope that readers of this report will have a much deeper and better understanding of the Cherokee Removal in Alabama.

References Cited

Bureau of Land Management Website www.blm.gov BLM and Its Predecessors.

Royce, Charles C.

1899 Eighteenth Annual Report of the Bureau of American Ethnology, Part 2.
J. W. Powell, Director. Government Printing Office, Washington, D.C.

Tennessee State Library and Archives

1842 Flint District Claim, Book 4, 2. Tennessee Cherokee Collection
Manuscript Collection 1787, Box 1, Folder 1. Nashville, Tennessee.

Chapter 2

Natural Setting of the Cherokee Nation in Alabama

By: Gail King

The last land cession by the Cherokee Nation in northeast Alabama, northwest Georgia, lower southeast Tennessee, and extreme western North Carolina occurred in 1835 by the signing of the Treaty of New Echota. The land cession in Alabama was located south of the Tennessee River, with the river forming the northern boundary, ending at the Huntsville Meridian. The southern border consisted of the Creek and Cherokee Dividing Line south of the Coosa, running diagonally toward the modern-day city of Gadsden, Alabama. See Figure 2.1 below.

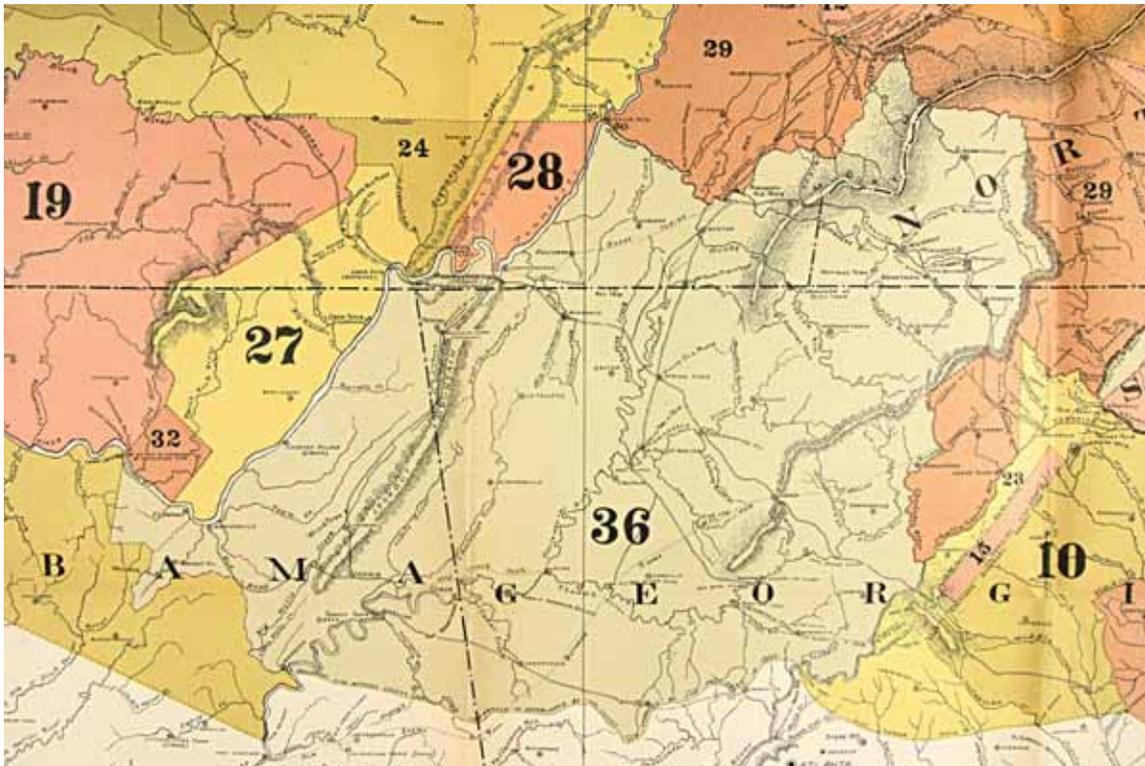


Figure 2.1. Detail of map showing areas in Alabama, Georgia, Tennessee, and North Carolina ceded by the Treaty of New Echota in 1835. No. 36 C.C. Royce. 1884. Fifth Annual Report. Bureau of American Ethnology.

Physical Divisions of Northern Alabama

In 1928 N. M. Fenneman proposed the physiographic divisions of the United States and defined their boundaries. In 1928 and 1929 William D. Johnston, Jr. conducted a study of ground-water in the Paleozoic rocks of northern Alabama and used the data from Fenneman's physiographic divisions. Johnston discovered, while compiling and arranging Fenneman's field data, that there was a need for more detailed

physical divisions of northern Alabama. Johnston's paper (Bulletin No. 38, Geological Survey of Alabama) brought together scattered descriptions in order to set forth a scheme of division, which has served as a physiographic basis for geographic studies. Many of these descriptions have stood the test of time and are still in use today. Below is a chart of the physical divisions of Northern Alabama as compiled by Johnston, incorporating data from Fenneman. (Johnston 1930 9-10).

PHYSICAL DIVISIONS OF NORTHERN ALABAMA

(Numbers in parentheses correspond with those used by Fenneman in Assoc. Am. Geographers, Ann., vol. 18, No. 4, December, 1928)

MAJOR DIVISION	PROVINCE	SECTION	DISTRICT	CHARACTERISTICS
Atlantic Plain	Coastal Plain	East Gulf Coastal Plain (3d)	Marginal	Old belted coastal plain.
Appalachian Highlands	Piedmont Province	Piedmont Upland (4a)	Ashland Plateau	Maturely dissected peneplain on disordered crystalline rocks; strong relief.
			Opelika Plateau	Submaturely dissected peneplain on disordered crystalline rocks; moderate relief.
			Weiser Ridges	Maturely dissected monoclinical mountains; strong relief.
			Coosa Valley	Mature plain with structural ridges of low relief.
	Valley and Ridge Province	Tennessee section (6a)	Coosa Ridges	Synclinal maturely dissected ridges of moderate relief.
			Cahaba Valley	Faulted monoclinical limestone valley of moderate relief.
			Cahaba Ridges	Monoclinical maturely dissected ridges of moderate relief.
			Birmingham-Big Canoe Valley	Faulted anticlinal limestone valley of moderate relief.
			Lookout Mountain	Submaturely dissected synclinal plateau of moderate relief.
			Wills Valley	Anticlinal tripartite valley of moderate relief.
	Appalachian Plateaus	Cumberland Plateau (8f)	Sand Mountain	Submaturely dissected synclinal plateau of moderate relief.
			Murphree Valley	Faulted anticlinal valley of moderate relief.
			Blount Mountain	Submaturely dissected synclinal plateau of moderate relief.
			Sequatchie Valley	Anticlinal tripartite valley of moderate relief.
Warrior Basin			Synclinal submaturely to maturely dissected plateau of moderate relief.	
Jackson County Mountains			Submaturely dissected plateau of strong relief.	
Interior Plains	Interior Low Plateaus	Highland Rim (11a)	Little Mountain	Submaturely dissected monoclinical ridge of moderate relief.
			Moulton Valley	Monoclinical limestone valley of low relief.
			Tennessee Valley	Young plateau of moderate relief.

Figure 2.2. Physical Division of Northern Alabama. Bulletin No. 38. Geological Survey of Alabama.

Before the removal in 1838, the Cherokee Nation was situated in the Valley and Ridge Province and the Appalachian Plateaus Province, which included (going south to north) the upper Coosa Valley, Lookout Mountain, Wills Valley, Sand Mountain (Raccoon Mountain), and the Sequatchie Valley (south of the Tennessee River. See map of physical divisions of northern Alabama below.

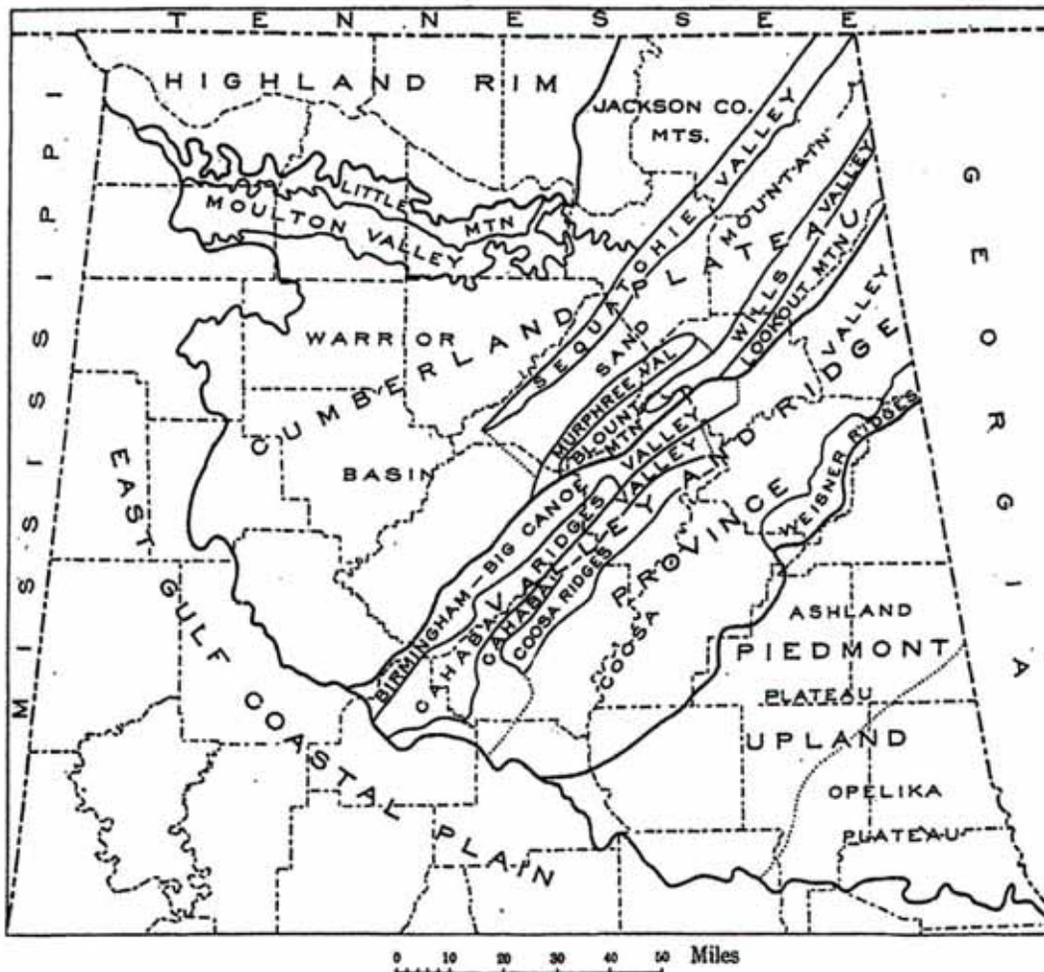


Figure 2.3. Map of Physical division of Northern Alabama. Bulletin No. 38. Geological Survey of Alabama.

Coosa Valley

The Coosa Valley extends north and south across Cherokee, Calhoun, St. Clair, Talladega, and Shelby Counties for 100 miles and has a maximum width of 20 miles. Its “western boundary follows the eastward-facing escarpment of Lookout Mountain southwest to Gadsden”. (Johnston 1930 17-18). The Cherokee Nation occupied the part of the Coosa Valley located in present-day Cherokee County and the upper part of present-day Calhoun County. (Road Atlas 2004 Map 4). This area may be defined as a mature plain with structural ridges of low relief. Shinbone Valley, located northwest of the Coosa River in Cherokee County, is described as a narrow but uniform valley. The valley “marks the outcrop of the Mississippian limestones on the eastern edge of Lookout Mountain.” East of Shinbone Valley is Shinbone Ridge, rising 250 feet above the valley. Broomtown Valley, located in the northern part of Cherokee County has an irregular rolling floor and adjoins Tucker Ridge on the east. Along the Coosa River,

from the state line between Alabama and Georgia, there is a broad belt of low rolling country (Johnston 1930 18).

Lookout Mountain

Lookout Mountain is located in the Cumberland Plateau Section of the Appalachian Plateaus. See Figure 2.3. Its description is as follows

Lookout Mountain is a narrow, synclinal, submaturely dissected, flat-topped remnant of the Cumberland Plateau which extends from Chattanooga, Tenn., on the north to Gadsden, Ala., on the south, a distance of approximately 75 miles. At the Alabama-Georgia State line it is seven miles wide and has a maximum altitude of 1700 feet, and at its southern end it is three miles wide and has an altitude of 1200 feet. Broad, undissected remnants of the plateau surface are preserved at its north end, but toward the south its roughness increases, and in Etowah County and southern Cherokee County it is highest at its edges and is depressed in the middle along the course of the southward-flowing Black Creek, which drains the southern half of the plateau. Little River, which flows to the south and leaves the plateau near Firestone, in Cherokee County, occupies a narrow, canyon-like valley in its lower course, which is locally known as Little River Gulf (Johnston 1930 27-28).

Lookout Mountain rises in a cliff 500 to 1,000 feet above Shinbone Valley on the east. This cliff marks the boundary between the Cumberland Plateau on the west (which includes Lookout Mountain) and the Valley and Ridge province on the east. The western side of Lookout Mountain rises from 400 to 750 feet above Little Wills Valley, “the most eastern of the tripartite valley that constitute the Wills Valley district. Lookout Mountain can be seen in its entirety on the Stevenson, Fort Payne, and Gadsden topographic maps (Johnston 1930 28)”

Wills Valley

Wills Valley (Big Wills Valley) extends for 70 miles southwestward from the Georgia state line across DeKalb and Etowah Counties to Greasy Cove, southwest of Gadsden. The average width is five miles and lies “between the plateaus of Sand Mountain on the west and Lookout Mountain on the east.” For most of its length, it is composed of three limestone valleys separated by ridges of resistant sandstones. Of the three valleys, Big Wills Valley is the middle valley and the largest, with an average width of one mile. The valley is drained by Wills Creek, which flows to the Coosa River (Johnston 1930 28). The origination of Wills Creek is near Valley Head in DeKalb County. It flows to the southwest for approximately 78 miles, then veers to the east for an additional 12 miles, where it joins the Coosa River just south of Gadsden in Etowah County (Gadsden City Planning Board 1970).

Little Wills Valley, the most eastern of the three valleys, is separated from Big Wills Valley by East Red Mountain, which rises about 500 feet above the valley floor. “The south half of Little Wills Valley is occupied by the southward-flowing Little Wills Creek, which joins Wills Creek at Attalla. The northern half of this valley is drained by tributaries of Wills Creek. These streams cut through East Sand Mountain in narrow gaps at intervals of 2 to 4 miles” (Johnston 1930 28-33).

The third valley is Dugout Valley, which is located to the west and separated from Big Wills Valley by West Red Mountain. “Like Little Wills Valley, it is cut in Mississippian limestones on the flanks of the Wills anticline, but it is narrower and less continuous, owing to the position of the Wills Valley fault (Johnston 1930 33). Swenson (1958) divided Wills Valley into four narrow valleys Little Wills Railroad, Big Wills, Dugout, and Sand Valleys. Big Wills, the largest, is located in the east-central portion (Swenson et al. 1958 2).

Sand Mountain

Sand Mountain (or Raccoon Mountain) “is a long, submaturely dissected synclinal plateau.” It is continuous with Walden Ridge in Tennessee. Sand Mountain runs for 80 miles in Alabama and has a width of 8 to 18 miles. At the Tennessee state line, Sand Mountain has an altitude of 1700 feet. It slopes gradually to the south and is only 1000 feet at its merging with the Warrior Basin. The boundaries of Sand Mountain correspond with the edge of the outcrop of the Pottsville formation.

In the east a steep escarpment 500 to 1000 feet high overlooks Wills Valley. In the west the sandstone escarpment, together with the escarpment formed by the truncated beds of the underlying Bangor limestone, rises 400 to 1,000 feet above the Sequatchie Valley and is the highest in the north.

The Alabama section of Sand Mountain is shown on the Stevenson, Fort Payne, Scottsboro, and Gadsden topographic maps (Johnston 1930 33-34).

Sequatchie Valley

The Sequatchie Valley, a distinct topographic feature in Tennessee, extends to the south into Alabama for 100 miles. The Alabama part of the valley is known as Brown or Blountsville Valley. Johnston (1930) prefers that it retain the name of Sequatchie Valley, because of its continuity and because “it is best developed north of the state line. It is developed upon the crest of the Sequatchie anticline and at its south end has the tripartite character possessed by all the anticlinal valleys in the Cumberland Plateau.” It is approximately five miles wide in Alabama. At Guntersville the Tennessee River turns sharply to the west, leaving the Sequatchie Valley. To the south of Guntersville to the Blount County line, the Sequatchie Valley separates into two sections, that of Brown Creek on the west and Big Spring Creek on the east (Johnston 1930 3).

This concludes the physical divisions of Alabama, which were occupied by the Cherokee Nation at the time of their removal. As noted above the topography was that of narrow valleys, plateau-like mountains, and rivers and streams in abundance in the valleys, except for Little River, which flows on top of Lookout Mountain.

Soil, Climate, and Forest

Soils within the Coosa River Valley, Wills Valley, and the Tennessee River Valley are generally Limestone Valley and Upland soils. See Figure 2.4 below.

General Soil map of Alabama

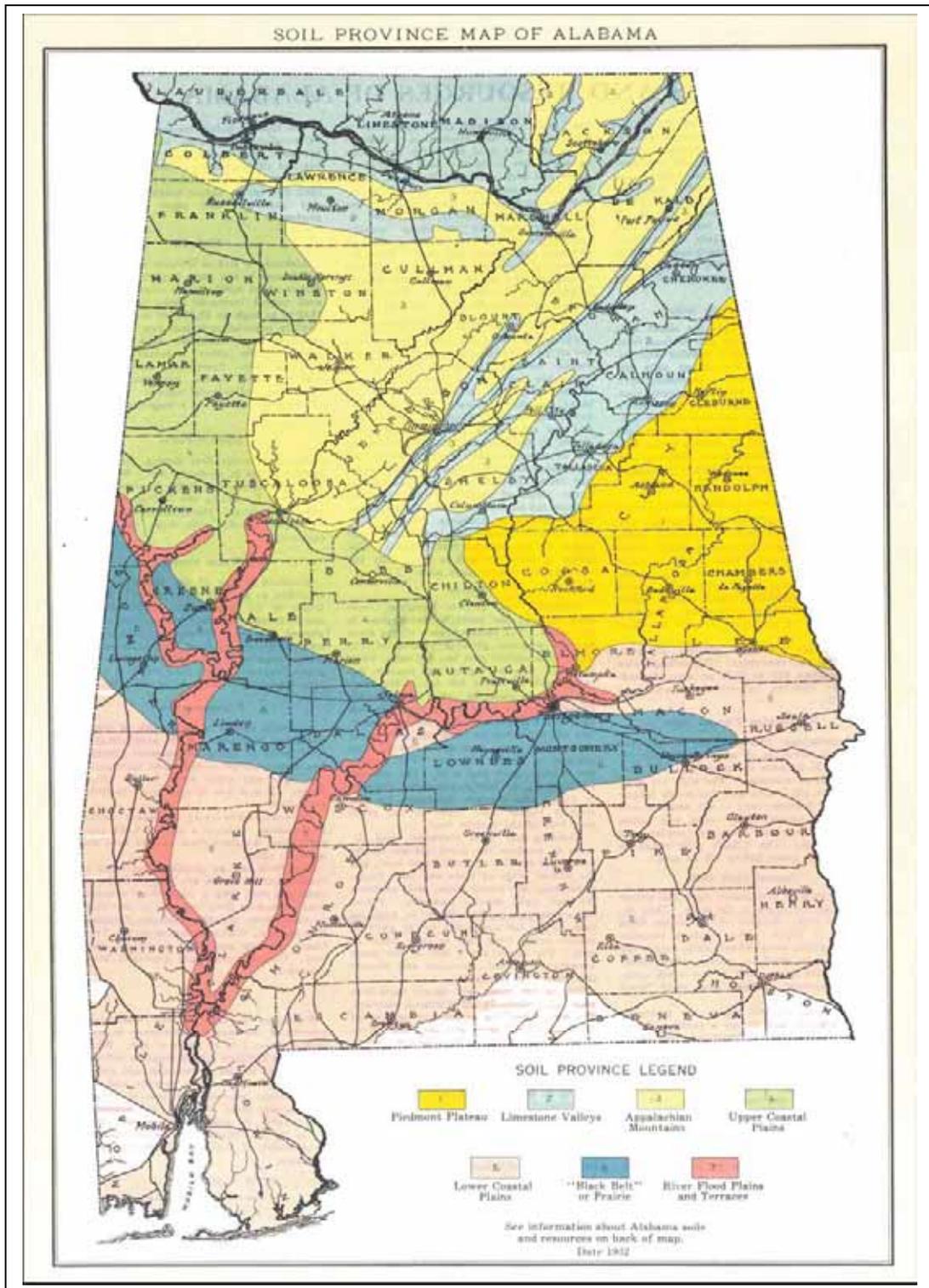


Figure 2.4. Map showing general soils occurring in Alabama. (www.alabama.ua.edu).

The Tennessee River and Coosa River valleys contain soils that were weathered from pure limestones and are composed chiefly of red clayey soils with silt loam surface textures (www.mo15.nrcs.usda.gov states al soils.html). Wills Valley is somewhat unique because it is divided by ridges into four narrow valleys according to (Swenson et al 1958 2).

The soils in the four narrow valleys composing Wills Valley are described in order of lowest elevation (valley floor and floodplain) to highest elevation (Lookout and Sand Mountain). The soil associations are as follows

Colbert-Tupelo-Etowah Soil Association

This soil association occurs on the limestone valley floor between two chert ridges. These soils at this level are shallow and typical of flood plain deposits (high silt content), “moderately well drained and rather fertile silt loam soil. The soil in the valley floor is the only soil association which supports crop production. Some soil at higher elevations may support the growth of grass for pastures (Swenson et al 1958 105).

Clarksville-Fullerton-Litz Soil Association

This soil association occurs on hilly and steep chert ridges that flank the valley. The high chert content renders contribute to the infertility of the soil. The Litz soil dominates on the narrow strips of shale exposed on the chert ridges and is not suitable for agriculture, since the soil is shallow and strongly sloped. Level areas next to drainages seem to show evidence of some fertile land. Remaining areas in this soil association are forested (Swenson et al 1958 105).

Allen-Hermitage and Muskingum-Rockland-Hartsells Soil Associations

These soil association are found below the escarpments of Lookout Mountain and Sand Mountain in two narrow strips. The characteristics of soil are moderately deep and generally red. Only along drainages are soils worthwhile for cultivation, but this is rare because most of the area is undulating to hilly. The Muskingum-Rockland-Hartsells Soil Association is located on the rougher terrain of the two mountains. Sandstone or limestone is present throughout the shallow soil, as well as being located on steep slopes, rendering it unusable to crops or pasture (Swenson et al 1958 105-10).

Climate

The Cherokee Nation in Alabama lived in a humid, mild, and temperate location. The average annual temperature is 59.5 degrees F., with a recorded high of 10 degrees F. and a recorded low of -18 degrees F. (Swenson et al 1958 5) The average annual rainfall for northeast Alabama is between 54 and 2 inches. (N AA Cooperative stations, 19 1-1990).

Forests

The land of Alabama with its forest diversity was probably encountered as far back as 12,000 years ago by nomadic tribes of hunters and gatherers. “Its special topography, suitable soils, and countless streams and rivers” must have inspired the newcomers to “gaze in awe and wonder at Alabama’s rich green landscape.” Alabama’s physiography has changed little due to the fact that the “topography-forming effects of

the ice age were over, establishing the Alabama coastline pretty much as it presently lies. Likewise, the northern, Appalachian region of the state stood dressed in the same rugged appeal we find today, a mountainous vestige of geological events from long before the ice age” (Phillips 200 13-14).

The Cherokee Nation in Alabama was located within the Temperate Deciduous Forest (TDF) biome, which is associated with a humid subtropical climate. There are two distinct seasons, summer and winter. The dominant forest species are broadleaf deciduous trees. The forest is composed mainly of hardwood species with pines intermingled, designated as the Oak-Pine forest region. The principal species are as follows: bitternut, mockernut, and pignut hickories; white, post, northern, and southern oaks; and loblolly and short leaf pine. Raw mockernut hickory nuts are edible and white and post oak acorns are only edible after removing the tannins. Other trees occurring in the northeast Alabama forest include tulip tree, basswood, sugar maple, chestnut, sweet buckeye, and hemlock. These forest supported fauna communities, which included white-tail deer, turkey, squirrel, and bears. (Smith and Windham 2004 9-11).

Tracking the evolution of Alabama’s forests is a much more difficult endeavor. The fact that nature has a way of being unpredictable by changing weather patterns clouds the ability to track the forests as it changed. Insects and disease certainly had an impact, but the most profound change of all most likely occurred from human occupation. As American Indian cultures changed from hunting and gathering in the forest to clearing the forest for farming, the forest landscape began to change. With a more sedentary lifestyle, frequent burning created open areas for villages, planting of crops, open spaces for grass and herbs to attract deer and turkey (Phillips 200 14-15). In clearings hickory trees yield eight times more nuts, “than under closed canopy” (Hill 1997 9).

Eye-witness accounts described the forest with open areas and somewhat park like in some places.

The forest realm, the first of historical record, is therefore often considered Alabama’s ‘original forest.’ Some sources proclaim that the original Alabama forest was so ancient and expansive that a squirrel could travel from Georgia to Mississippi without ever touching the ground. Others counter this notion of a vast old-growth forest, contending instead that Alabama was yet a mosaic of different settings (Phillips 200 15-17).

Settlement Patterns of the Cherokee

Basic needs must be satisfied by all living things in order to survive. Food, water, and shelter must be provided on a regular basis. “No creature could long survive if its relations with its environment were random and chaotic.” Because humans have culture, we have a “huge advantage over other animals in this challenge.” Over time, “culture has become our primary means of adapting to the limitations and possibilities within any given environment” (Haviland et al. 2007 203).

The exact date is not known as to when the ancestors of the Cherokee migrated from the Northeast into the Southern Appalachians, where they found a generally moderate temperature, distinct seasons, fertile soil, and abundant vegetation and wildlife. Settlements were established between mountains in valleys along waterways with

adjacent land claimed for hunting. Mountain peaks range from 4000 feet to over 7,000 feet in elevation. “The Appalachians are the oldest chain of mountains in the world and have been weathering for more than 200 million years. Cherokees lived amid an astonishing array of flora and fauna from at least 1400 A.D. until their forced removal in the mid-nineteenth century” (Hill 1997 5, 7).

On February 1, 1827 Charles R. Hicks wrote a letter addressed to John Ross as “President of the National Committee.” The letter gave an outline of oral traditions handed down from their Cherokee forefathers pertaining to their emigration to the Southern Appalachian Mountains. The following excerpt from his letter tells how the Cherokee Nation was “established in four divisions”

The traditions mention that our forefathers came from the course where the sun rises; and the first account that is given, speaks of only *two resting places* in their emigration before they finally reached on the lands of their rest and the *first* of which is mentioned was at *ah, nee, cah, yungh, lee, yeh* (the place of antiquity), which have reference to some large mountains lying some where between the head waters of the Holston, the Clinch the Cumberland waters Tennessee; and their *other next* was somewhere near *noh, nah, clooc, ungh* (the place of the cypress tree on the Roanoke Virginia near Fort Lewis, this side of Salem) and from this rest it is presumeable the nation separated, although there is no account given in the traditions; but it is stated that the Third Settlement was at a place called the Two Sparrows *tully-ceh-chesquah-yaw-ach* lying on the head of Tuckelechee Tuckasegee river Tennessee, fork of the Little Tennessee, and no doubt *this part of the nation* came up the French Broad River North Carolina and Tennessee, and from this it may justly be concluded that they extended their settlements on Cowee and Highwassee Hiwassee rivers Tennessee; and *the other part of the nation* as on about Echota old Echota or Chota on the little Tennessee, *but not till many years after of those two First Settlements mentioned*; and it is very likely that Cowee became the parent of the settlement they made on the *Koo,wah,hee* Keweh Keowee *Too,goo,lah* Tugalo rivers South Carolina; and the settlement in the valley towns became the parent of those on the big Tellico; and the nation being thus established on their final place of rest, the concluding part of their emigration is here introduced as testimonial of this right of the soil by the gifts of the power above (Moulton 1985 111-113).

Archaeological studies of the Tuckasegee site (Jk12) in Jackson County, North Carolina; the Garden Creek Sites (Hw 1, 2, 3, 7, 8) in Haywood County, North Carolina; and the Warren Wilson Site (Bn29) in Buncombe County, North Carolina were conducted by archaeologists Roy S. Dickens and Bennie C. Keel (Keel 1972 23, 111). These sites are all located in western North Carolina and are very close to the area where the Eastern Band of Cherokee Indians are presently located. Both archaeologists associate the *Yalla* phase (1450-1500 AD) of ceramic production, found at these sites, with Cherokee culture (Bird 2001 28). The *Yalla* phase is preceded by the Pisgah Ceramic phase (culture) and is defined by Dickens (1970) as representing “the climax of Mississippian influence in the Appalachian Summit Area” (Keel 1972 45). Dickens associates the Pisgah ceramic tradition with Cherokee manufacture circa 1000 AD which places it into the period of Mississippian mound building in the southeastern United States (Bird 2001 28). Both Keel and Dickens reported continued occupations of the above sites, “neither would attribute Cherokee occupation or cultural influence beyond

1,000 years ago.” The Eastern Band, members of the Cherokee Nation of Oklahoma, and the United Keetowah Bands of Cherokee believe in a much longer Cherokee occupation linked to the Tribe’s legends and oral history pertaining to continuous occupation of the Kituhwa Mound Site, near the Eastern Band Reservation in North Carolina ((Bird 2001 29 - 31).

In 1753 John Hammerer (native of Alsace and a Lutheran) returned with a delegation of Over Hills Cherokees, who had been taken to London by Lieutenant Henry Timberlake. He lived among the Cherokees for many years as a missionary. He gave the following description of the Cherokee settlement

First as to their towns The whole Nation of the Cherokees is divided into four settlements; namely, the Upper or Over Hills, the Middle, the Lower settlements, and the Valley, which lie in a kind of a cross. These settlements are separated from one another by such craggy mountains and bad roads that it will even be impracticable to make any communication by wagon-road from one to another (Williams 1928 24).

In 1755-1762 Cherokee towns were grouped in four settlements in what today are South Carolina, North Carolina, and Tennessee as seen in Figure 2.5 below.

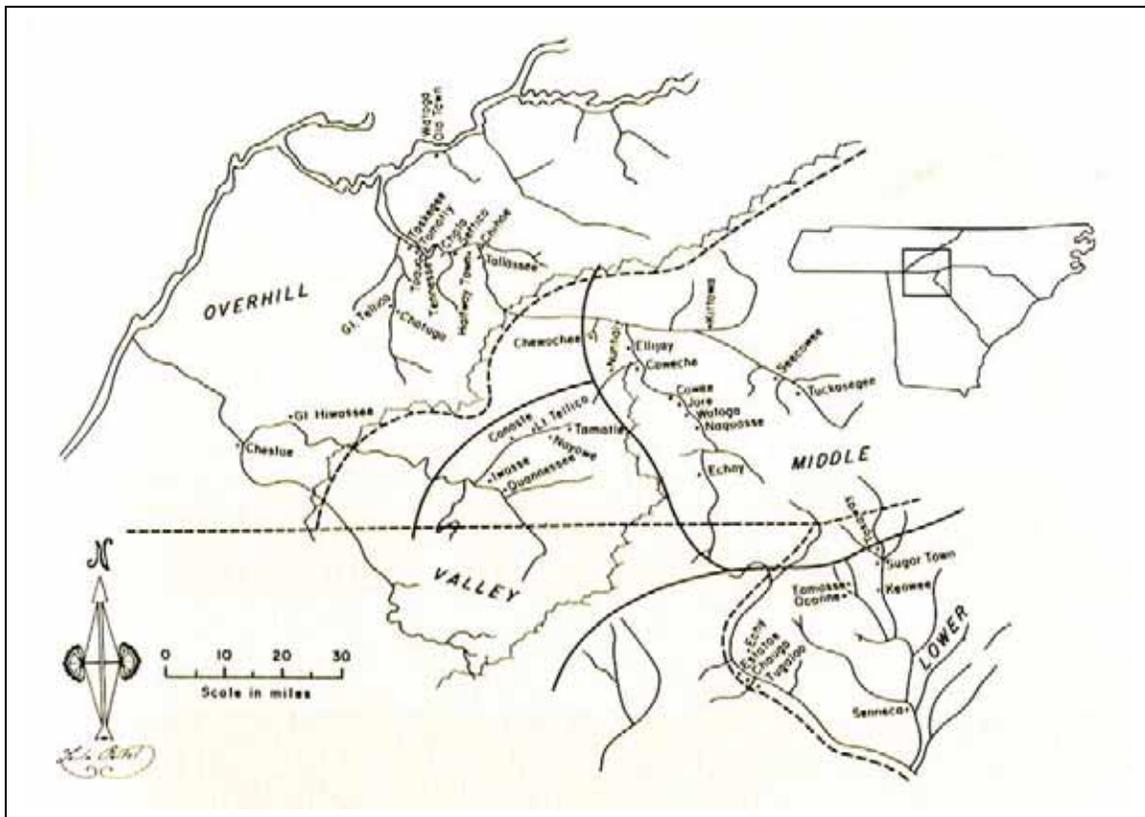


Figure 2.5. Map compiled by Smith (1979) showing distribution of eighteenth-century Cherokee settlements, c. 1755-1762.

The Southern Appalachians provided a home for the Cherokee unlike any other in North America and even Europe as a whole. These mountains were the home to the

greatest number of tree species in North America, and more than all of Europe. The more than 125 species of the Appalachian mixed deciduous forest found their own niche according to elevation, amount of sunlight, soil, moisture, and human intervention. Eye-witness reports of the first Europeans to walk the vast forests exclaimed the beauty of the Appalachians. During the early 1700s the English surveyor William DeBrahm named it “the American Cannan.” He noted that “this country seems longing for the hands of industry to receive its hidden treasures, which nature has been collecting and toiling since the beginning, ready to deliver them up.” The European settlers (“hand of industry”) would spread down the Appalachian valleys during the next two centuries (Hill 1997 7-8).

Excavations at the Over Hill Cherokee villages of Chota and Tanasee discovered settlement patterns consistent with other excavations of probable Cherokee sites. These villages are located on the east side of the Little Tennessee River approximately seven miles east-southeast of Vonore, Monroe County, Tennessee. Evidence of two townhouses, a summer pavilion, a plaza area, and associated features as public structures were uncovered during the excavation. The most common postmold patterns were those attributed to winter dwellings with their associated summer houses. These winter domestic structures were circular and “correspond closely in nearly every respect with the archaeological expectations of the ethnohistoric data.” The summer domestic dwellings were rectangular and “generally oriented parallel to the second river terrace.” Burials were found to be associated with the summer dwellings (Schroedl 1982 3-2 8).

Subsistence Patterns

Land use by the Cherokee was significantly different from the European view of conquering the land to use it for its “hidden treasures.” Although the Cherokees continually created different landscapes for villages, agricultural fields, and hunting areas, there was always the underlying principle of creating useful niches for different species of trees, shrubs, birds, and animals. This system of dense forest and thinned forest with cleared spaces made it possible for the Cherokee to shape landscapes and sustain “resources for food, medicines, clothing, tools, and dyes. Women encouraged nut- and fruit-bearing trees near their settlements.” Invading Spaniards noted that uncultivated walnut trees were growing about the Appalachian country just as robust as those growing in orchards in Spain. Nut-bearing trees, such as hickories, “yield eight times more nuts in clearings than under closed canopies (Hill 1997 8-9).

In the Blue Ridge and Ridge and Valley provinces, chestnut trees “comprised from one-quarter to one-half of some forest communities” at elevations up to 4,000 feet. The trees grew to immense sizes 120 feet in height and 7-foot circumferences. Foraging animals, such as bear, deer, squirrels, and wild turkey, were attracted to carpets of fallen chestnuts in the fall months and became so fat that they were easy prey for Cherokee hunters “In the 1700s, women traded chestnut (ti-li) by the bushel basket to white settlers and relied on the nuts and chestnut bread (gadu ti-li) as winter staples (Hill 1997 10). In November 28th, 1991 in a letter written by Benjamin Hawkins (agent among the Creeks) that a “woman had just returned from the settlements, a journey of 17 days. She carried a bushel and an half of chestnuts on her back and gave them for a petticoat. (Hawkins 191 18).

The red mulberry tree was useful not only for the fruit it produced at elevations up to 2,000 feet, but for weaving clothing, floor coverings, and wall coverings. Clothing was woven in the form of an apron and noted as being soft. The floor and wall coverings often depicted animals and birds or even the Cherokee themselves in social situations (Hill 1997 9). In 1713 Price Hughes, “a Welsh gentleman of property and connection,” came to promote a scheme of Welsh colonization. By the spring of 1713 he was in the mountain country with another scheme to capture the Indian trade. In a letter to the Duchess of Armond, Hughes wrote about a gift from the Cherokees to Queen Anne “a large carpet made of mulberry bark for herself to sit on and twelve small ones for her Counsellours” (Crane 195 103).

While nuts and fruits provided many essential nutrients, plants emerged on the floor of the forests before the canopy of leaves again closed off the light with the approaching summer. Food, medicines, and vegetable dyes were obtained from the more than 200 species of wildflowers which grew in the Southern Appalachians. Old fields were the seedbed of wild grapes, huckleberry, blackberry, raspberry, and strawberry. The first Cherokee festival of the year began when the strawberry began to ripen (Hill 1997 12). “The old fields abound with larger strawberries than I have seen in any part of the world; insomuch, that in the proper season, one may gather a hat-full, in the space of two or three yards square (Adair 1775 1939 439). Wild potatoes grew in clearings as well as pokeweed, which was used for greens when young, while the berries were used for medicine and dye. Adair’s description continues

Small fields next to their dwelling-houses’ were planted as soon as the weather permitted in the spring. “There they plant a variety of large and small beans, peas, and the smaller sort of Indian corn, which usually ripens in two months, from the time it is planted; though it is called by the English, the six weeks corn.

The chief part of the Indians begin to plant their out-fields, when the wild fruit is so ripe, as to draw off the birds from picking up the grain. This is their general rule, which is in the beginning of May. Corn is their chief produce, and main dependence. Of this they have three sorts; one of which hath been already mentioned. The second sort is yellow and flinty, which they call hommony-corn.’ The third is the largest, of a very white and soft gain, termed bread-corn.’ In July, when the chestnuts and corn are green and full grown, they half boil the former, and take off the rind; and having sliced the milky, swelled, long rows of the latter, the women pound it in a large wooden mortar, which is wide at the mouth, and gradually narrows to the bottom then they knead both together, wrap them up in green corn-blades of various sizes ..boil them well, as they do every kind of seethed food. They have another sort of boiled bread, which is mixed with beans, or potatoes; they put on the soft corn till it begins to boil, and pound it sufficiently fine.

The thin cakes mixt with bear’s oil, were formerly baked on thin broad stones placed over a fire, or on broad earthen bottoms fit for such a use but now they use kettles (Adair 1775 1939 435-437).

River cane flourished in the Southeast along waterways winding through each of the Cherokee settlements. Cane was used in numerous ways

for everything from house walls and hair ornaments to game sticks and musical instruments. Toys, weapons, tools, and beds were made of cane. When crops failed and

famine came, Cherokees made flour from cane. Before going to battle, warriors purified themselves with cane and root tea. Baskets and mats represented women's most frequent, complex, and significant use of rivercane.

Although women also made and used pottery containers, baskets became common serving vessels. Serving food to family and guests required different baskets. Cane mats covered house benches and beds, decorated interior walls, served as ceremonial rugs, and wrapped the bodies of the dead (Hill 1997 39-40).

When Henry Timberlake visited the river town of Chota in 1722, he saw numerous "small flat baskets, made of split canes" filled with "venison, bear, and buffalo likewise potatoes, pumpkins, hominy, boiled corn, beans, and peas" (Hill 1997 39-40, 54-55).

The most utilized game animal was the white-tailed deer. Deer meat supplied approximately one-half of the meat in the Cherokee diet. Essentially all parts of the deer were used for food, clothing, moccasins, trade, or ceremony (Hill 1997 19-20). "It is surprising to see the great variety of dishes they make out of wild flesh, corn, beans, peas, potatoes, pumpkins, dried fruits, herbs and roots. They can diversify their courses, as much as the English, or perhaps, the French cooks" (Adair 1775 1939 439).

The black bear was utilized for clothing, bedding, and blankets. Thread was spun from the coarse black hair. Bear oil was mixed with saffron and wild cinnamon and stored in large earthen jars. Bear fat was used by women to oil their hair, "as a mark of beauty." It was used by both women and men as an insect repellent (Hill 1997 20).

Cherokees never ate birds of prey because they consumed the blood of animals; however, warriors and ballplayers used their feathers in order to acquire "swiftness, keen vision, and cunning." The wild turkey, the most numerous fowl in Cherokee settlement areas, provided food, ornamentation, tools, and clothing. Turkey bone was used as scratchers, beads, and medicine tubes. Turkey breast feathers were woven into beautiful blankets, cloaks, and short gowns.

During the 1700s "southeastern waterways teemed with fish, including bass, trout, mullet, perch, carp, gar, pike, eel, sturgeon, redhorse, drum, walleye, sculpin, lampreys, suckers, and catfish." Women and men worked together during the summer months; the men swam in the icy water with woven handnets and the women waited on shore with baskets for scooping fish swarming from the men's nets. They sometimes used crushed buckeyes or walnut roots to stun the fish, making it easy for women and children to catch the fish in baskets (Hill 1997 23-24).

In 1825 David Brown (son-in-law of George Lowrey) of Creek Path wrote a letter to the editor of the *Richmond Family Visitor*. In his letter, he described the land of the Cherokee Nation as being

Well watered; abundant springs of pure water are found in every part. A range of majestic and lofty mountain stretch themselves across the nation. The northern part of the nation is hilly and mountainous. In the southern and western parts, here are extensive and fertile plains, covered partly with tall trees, through which beautiful streams of water glide. These plains furnish immense pasturage, and numberless herds of cattle are dispersed over them. Horses are plenty, and are used for servile purposes. Numerous flocks of sheep, goats, and swine, cover the valleys and hills. In Tennessee, Ustanala, and Canasagi rivers, Cherokee commerce floats. The climate is delicious and healthy;

the winters are mild. The spring clothes the ground with its richest scenery. Cherokee flowers, of exquisite beauty and variegated hues, meet and fascinate the eye in every direction.

In the plains and valleys, the soil is generally rich; producing Indian corn, cotton, tobacco, wheat, oats, indigo, sweet and Irish potatoes. The natives carry on considerable trade with the adjoining States; and some of them export cotton in boats down the Tennessee, to the Mississippi, and down that river to New Orleans. Apple and peach orchards are quite common, and gardens are cultivated, and much attention paid to them. Butter and cheese are seen on Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by the natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woolen cloths are manufactured here. Blankets, of various dimensions, manufactured by Cherokee hands, are very common. Almost every family in the nation grows cotton for its own consumption. Nearly all the merchants in the nation are native Cherokees. Agricultural pursuits, (the most solid foundation of our national prosperity,) engage the chief attention of the people. Different branches in mechanics are pursued (Smith and Windham 2004 8).

Cherokee Settlement in Alabama

The most significant Cherokee population movement into northeast Alabama took place soon after the Treaty of Sycamore Shoals on March 17, 1775. Dragging Canoe, son of the great Attakullakulla, protested this treaty, which “sold off” vast amounts of hunting lands between “Kaintuckee and Tennessee Rivers” and the “road to Kaintuckee.” Dragging Canoe adamantly opposed the land giveaway and declared to Henderson, the American treaty negotiator “You have bought a fair land, but there is a cloud hanging over it. You will find its settlement dark and bloody” (Brown 1938 9-12).

During the spring of 1777 Cherokees “poured southward to find new homes with Dragging Canoe, the chief who would fight for their lands. The towns of Settico, Great Island, Tellico, Toquo and Chilhowie were depopulated. Dragging Canoe and his people from Great Island settled at the old town of Chickamauga.” Little while, Dragging Canoe’s brother, chose a site up stream, near modern-day Graysville, Georgia (Brown 1938 13).

In 1784 Brother Schneider, a Moravian missionary, traveled in the upper Hill towns to

ascertain more about those regions and the needs of the Cherokees, so that the Brethren could plan something definite about establishing a mission among them.” He noted that the Cherokee Nation “had been very much weakened in the last War (Revolutionary War) by the Separation of the Chikamakas or lower Cherokees, . . . who have built 90 or 100 Miles down the Tennessee River.

He gave the reason for the separation was due to the fact that the upper Cherokees would not take action against the encroachment of the “white People,” and were even warning the settlers about their “designs.” As Brother Schneider traveled down the Little Tennessee River, he noted that a “Town of the Chikemakas called Delamatne” (Tommotly town) was burned down during the Revolutionary War and there were still many apple and peach trees, “which had grown quite wild” (Williams 1928 25 -257).

See Map below (Figure 2.) showing Cherokee settlements, c. 1775-1776 . Note the missing Overhill Cherokee settlements when compared to the 1755-1762 Overhill Cherokee settlements in Figure 2.5. The towns of Taskegee, Tomotly, Halfway Town are missing. Tomotly is the town Brother Schneider described as having been burned during the Revolutionary War.

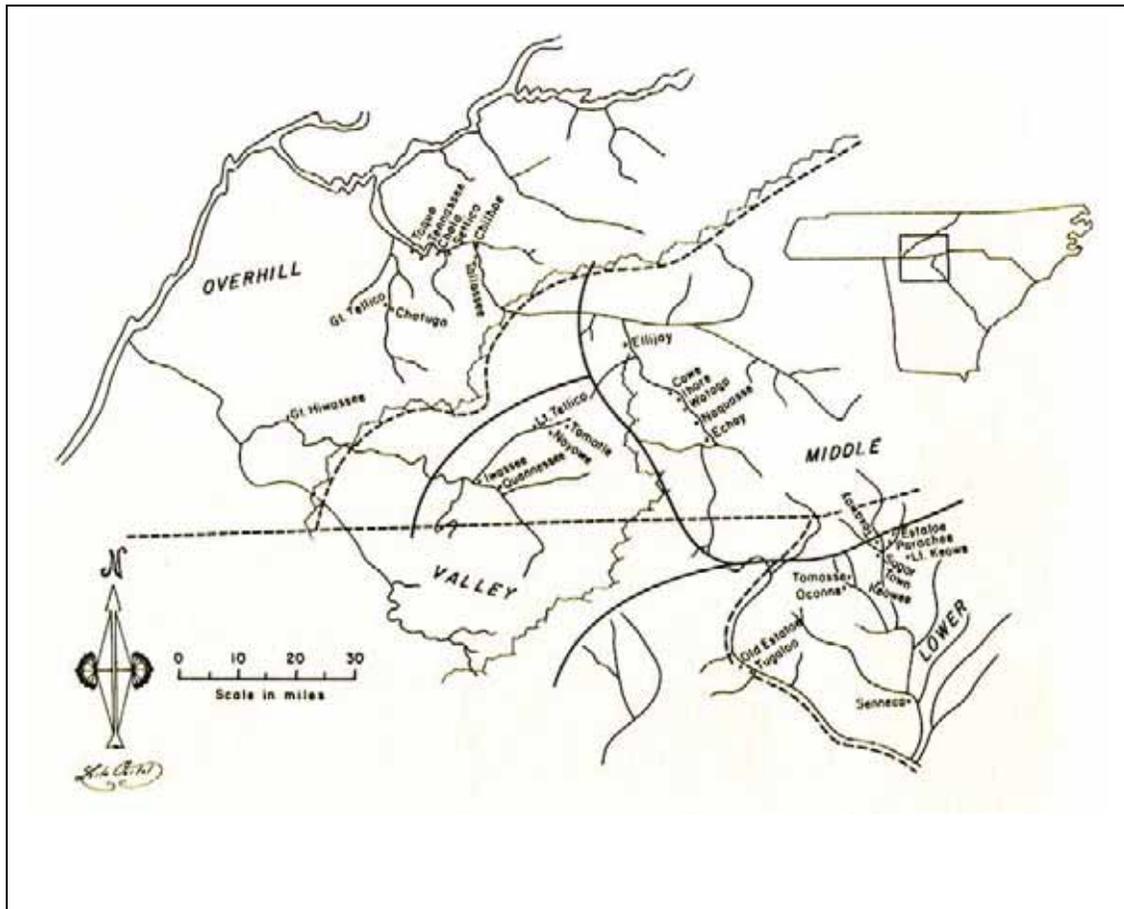


Figure 2.6. Map compiled by Smith (1979) showing distribution of eighteenth-century Cherokee settlements, c. 1775-1776.

In 1779 Virginia and North Carolina initiated a joint campaign, commanded by Evan Shelby, against the Chickamaugan towns. A force of approximately 900 men descended the Tennessee River and during the next two weeks systematically destroyed the Chickamaugan towns, burning 11 in all. Although the towns Shelby destroyed were partially reoccupied, the “bulk” of Dragging Canoe’s warriors followed him to what became known as the Five Lower Towns of the Cherokees. These were in Creek territory and were known as Running Water Town (Tennessee), Nickajack (Tennessee), Long Island (Tennessee-Alabama State Line), Lookout Mountain Town (Georgia), and Crow Town (Alabama). Although many of Dragging Canoe’s followers were Creeks

he punctiliously observed the etiquette of Indian diplomacy by sending a

delegation headed by his brother Little Owl to request permission of the great Creek Chief Alexander McGillivray. Considering them an oppressed people,' McGillivray gladly gave his consent to the settlements. The Five Lower Towns were old Indian townsites, extending back to and beyond De Soto's time (Brown 1938 172-175). See Figure 2.7 below.

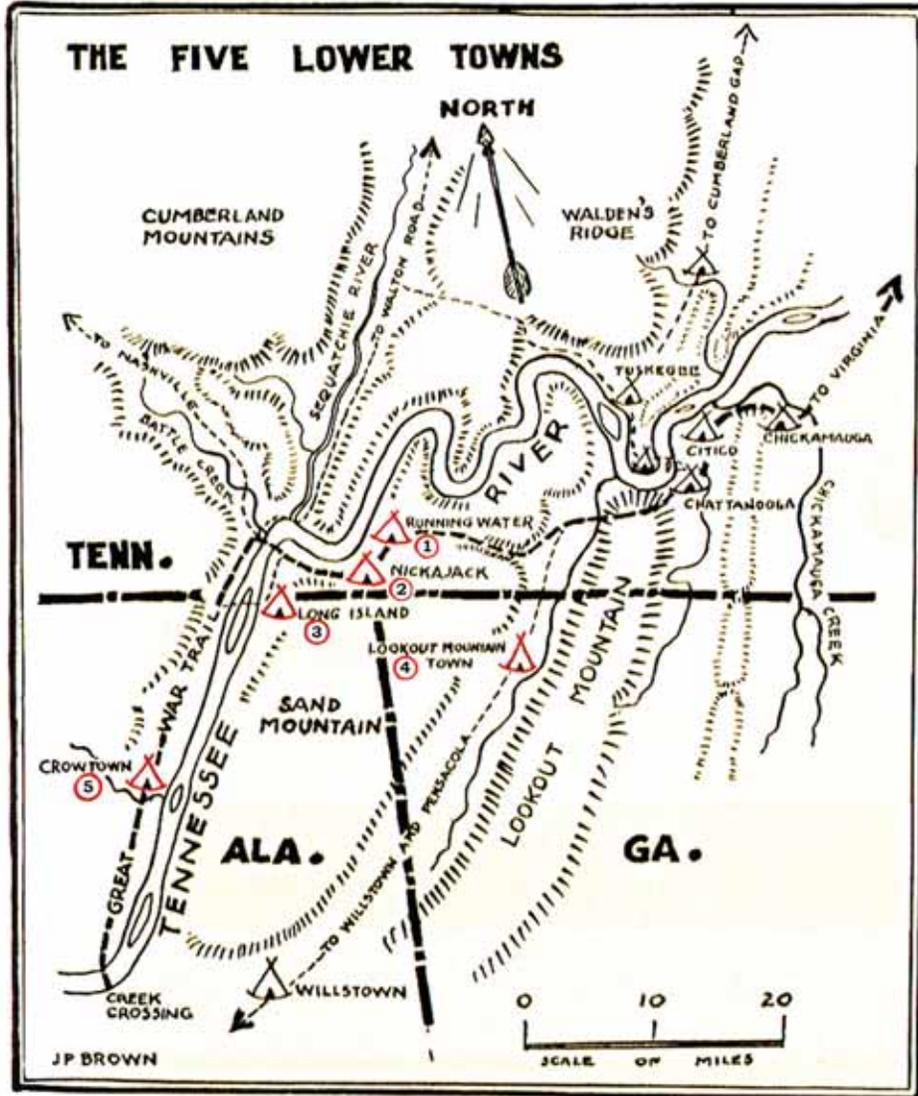


Figure 2.7. J. P. Brown Map of the Five Lower Towns.

For fifteen years, Dragging Canoe never waived in his hatred for the Americans' land greed. He was friends with the British, French, and Spanish, but continued to make the settlement of his hunting grounds by the Americans dark and bloody. Dragging Canoe died on March 1, 1792 at Lookout Town (Brown 1938 175,329). John Watts, who continued Dragging Canoe's mission of warring on the American settlements, moved to Willstown to be closer to the Spanish supply of arms from Pensacola and closer to his Creek allies. Warriors from all parts of the Cherokee Nation gathered in Willstown in September 1792 to hear Watts' report of a trip to Pensacola to meet with Spanish Governor 'Neal (Brown 1938 344).

The first movement of Cherokees into Willstown, near present-day Lebanon, Alabama may have been after the Creeks were defeated at the Battle of Taliwa (1755) in northern Georgia. Some historians place the establishment of Willstown as 1770. "While Willstown was home to Will Webber and some of the other most hostile Chickamaugas of their day, the village was apparently attacked only once by the whites." In 1782 John Sevier led a group of 100 men on a warring expedition from Chickamauga to Wills Town and on to Turkey Town and ironically was guided by John Watts, who would later become the Chickamaugan leader after Dragging Canoe's death in 1792. (Smith and Windham 2004 54-55).

Villages were established by the Chickamaugans at various locations along the Tennessee River. One such town was located on Coldwater Creek about 300 yards from the river (approximately 2.0 miles from the present-day town of Tusculum, Alabama) In 1781 and 1787 the town furnished a retreat for the warriors after their raids on the Cumberland settlers in Middle Tennessee.. (Nashville). Two Chickasaw discovered the town and reported it to Brigadier-General Robertson, who commanded 130 mounted volunteers. In June 1787, Robertson led the force to Muscle Shoals and burned the town. The town was predominantly Creek, but there were 10 Cherokees, and possibly some Delawares. Six or seven French traders lived in the town and were in possession of a large supply of sugar, coffee, cloth, blankets, shot, salt, knives, powder, tomahawks, tobacco, and other items suitable for trade with Indians. (Brown 1938 2 3-2 5; Sheridan 1980 70).

Numerous Cherokee families, who had enlisted to receive reservations on ceded land in Tennessee, moved into Alabama. The Treaty of 1817 stated that the head of Cherokee families would receive a life reservation. Their children could inherit the reservation upon the death of a parent. The stipulation was that they couldn't sell the land or retain it, if they moved somewhere else. Many families were mixed marriages of white and Indian, so this provision gave protection to their Indian children. However, a new treaty on February 27, 1819 added a provision that the United States would pay for improvements, if the family vacated their home located in the ceded territories. Those who wished to become citizens of the United States could continue to enlist for reservations under the same conditions as in the treaty of 1817 (Hampton 1979 i).

When the Cherokee families stayed on ceded land and enlisted for reservations through the 1817 and 1819 treaties, the encroachment by whites and the state governments usually made it almost unbearable to stay.

In Tennessee an act was passed providing for the survey of all of the lands received in the state. These lands were eventually sold with no provision made for the life estates received by the Indians and therefore in 1820 and 1821 those Indians who remained were evicted from the lands. Most were unaware of any judicial process which might have allowed them to stay, but many suits were brought and the state of Tennessee undertook defense against reservees' claims and eventually forced the abandonment of most of the life reservations (Hampton 1979 ii, 28, 29).

Several Cherokee families who lived in Marion County, Tennessee in the Battle Creek and Fiery Gizzard area, just north of the Tennessee-Alabama state line, had enlisted to receive reservations. These included Sally Lowrey, Elizabeth Lowry, George Lowry, James Lowry, Susannah Lowry, and Elizabeth Pack (Hampton 1979 9, 13, 14, 17, 20).

Because of adverse Tennessee state laws and white encroachment several families chose to move into Alabama. The LaTourette 1837 map below (Figure 2.8) shows the homes of George Lowery and Elizabeth Pack on the Ross' Landing Road, northeast of the Rawlins C.H (courthouse). and the Missionary Station (Willstown). George Lowery, Sr. stated in a claim filed in Flint District, Indian Territory, on March 20th, 1842 that he moved in 1821 from Battle Creek to Wills Valley (Transcription of claim in Tennessee Cherokee Collection by Mike Wren). In 1838 George Lowery became the Assistant Conductor for the Benge Detachment, a Cherokee forced removal group..

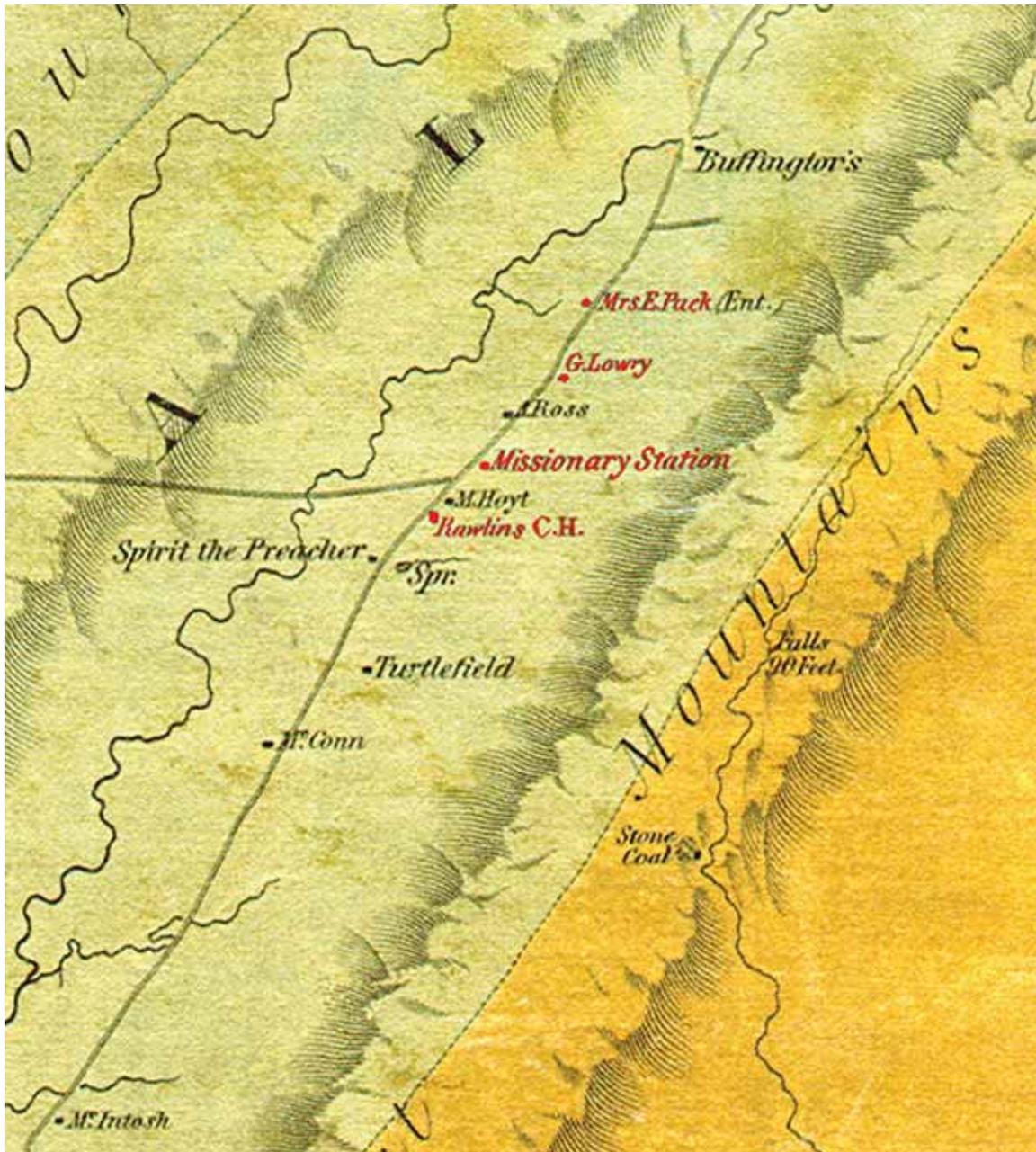


Figure 2.8. Detail of John LaTourette map ca 1837. An Accurate Map of the State of Alabama and West Florida.

Although Cherokee movement into Alabama was gradual and took place over a number of years, at the time of the removal, the Cherokee Nation was firmly entrenched into the beautiful valleys of northeast Alabama. Mission schools were established in Wills Town and Creek Path by the American Board of Commissioners of Foreign Missions. The Methodist Church with its circuit riders and Cherokee preachers made the biggest inroad in bringing Christianity to the Cherokee Nation in Alabama.

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Chapter 3

Missionaries, Government Politics, and Cherokee Removal

Introduction

By: Gail King

This chapter will focus on missionary activities in the Cherokee Nation during the late 1700s and early 1800s and describe their relationship with American government policies. It will show how missionary activities furthered government programs and politics during these years, but began to diverge as the idea of Cherokee removal by the federal government became a reality. It will summarize the Christian groups who established missions in the Cherokee Nation and their struggles to prevent Cherokee removal.

Beginning with the Treaty of 1721, when a tract of land in South Carolina was ceded, until the last land cession on December 29, 1835, the shrinkage of the Cherokee Nation's land base was constant. This resulted in the loss of vast amounts of hunting grounds, as well as lands occupied by villages. As lands were ceded to the British, then later after the Revolutionary War to the American government, there was a constant population shift by the Cherokee people to lands controlled by the Cherokee Nation. As villages disappeared due to land cessions, there was a shift from power in the hands of individual chiefs to a centralized government. As more and more negotiations occurred between the Cherokee Nation and the American government during the early 1800s, there was a greater necessity to become a unified nation and speak with one voice. This unity provided more resistance against the repeated encroachment by Anglo-Americans on Cherokee Nation boundaries.

Principal Chief Path Killer most appropriately referred to the loss of Cherokee lands in the following statement

President Washington agreed where the line should be had it run and marked and told them this should always be the line between the Cherokees and white people soon after there must be another treaty and another line again another treaty and another line an so on always telling them this shall be the last line and always using the same reasons when they wished for more land viz. you have more land than you want,--you can live much better if you leave hunting, raise cattle, hogs, corn and cotton make your own clothes, and have your bread and meat always at hand if you do this then you don't want so much land. May 7, 1823 entry in the Brainerd Journal (Phillips and Phillips 1998: 7).

From the very beginning of Cherokee relations with white men, there was a tendency for white traders to settle in Cherokee Country and marry into the Nation.

Often these were men of questionable character, however around the middle of the eighteenth century, a better class of traders (Scotch, Irish, and Scotch-Irish) moved into the Cherokee Nation. Their descendants rose to positions of leadership. A second group of individuals were Tories (British sympathizers), who brought a "high degree" of culture from the tidewater areas. The majority of the Tories and some of the traders wanted their children to receive the best education possible. A third group settling among the

Cherokees, were artisan-traders, mostly German, who instilled in the Cherokees, “a sturdy dexterity” (Malone 195 53-54).

During the Revolutionary War and the years following, the Cherokees suffered many hardships. Because the Cherokees allied with the British during the Americans’ struggle for independence, strife continued for many years between them and the American colonists. Acceptance of the U.S. government’s Indian policy, which promoted education and Christianity, became more and more a safeguard for survival. A shift toward acceptance by the Cherokees of President George Washington’s policy of “civilizing” the Indians and integrating them into white society began to take place (Phillips and Phillips 1998).

The Treaty of Holsten contained an important clause that set the stage for the future of the Cherokee Nation that would be the beginning of a new relationship “with the white man.” It is stated in Article 14 as follows

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful implements of husbandry. And further, to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many, persons to reside in said nations, as they may judge proper, and not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned them by the Cherokees for cultivation, for themselves and their successors in office; but they shall be precluded exercising any kind of traffic (Malone 195 35-3).

During the early 1800s American government policies were implemented by two groups of people Indian agents and missionaries. Agents lived with each tribe and worked on behalf of the government to oversee civilization programs and to negotiate with tribes for land cessions. “The government also used missionaries to implement the civilization’ programs. The missionaries supplied the expertise to train the Indians, while the federal government supplied plows, spinning wheels, and domestic farm animals” (Phillips and Phillips 1998 9). Both “federal policy makers and missionaries agreed that civilization’ was inseparable from Christianization. Therefore, during the period of 1800 to 1830 many religious groups met the call of government as well as God” (Phillips and Phillips 1998 2).

Other factors set the stage for the success of the civilization program. From 1808-1811, the Lower Towns (comprised mainly of Chickamaugans) and the Over Hill Cherokees united forming a more unified nation. The alliance between the Cherokee Nation and the Americans during the Creek War, 1813-1814, put the Cherokees on the side of the Americans for a change.

In 1821 the creation of Sequoyah’s syllabary, a phonetic system by which Cherokees could learn to read and write in a short period of time, often in one day, greatly facilitated bringing Christianity and civilization to many Cherokees who did not speak English. This syllabary “was destined” to fast-forward the Cherokees by “leaps and bounds” and bring literacy to the Cherokee Nation. In 1827, a national paper in the Cherokee language was established by the Cherokee Council. It was to be printed in both English and Cherokee on an “iron printing press of improved construction.” It was

Moravians (Society of United Brethren)

The earliest record for a mission established by the Moravians among the Cherokees was in 1740, when Johann Hagan (from Georgia) was deterred from establishing a mission due to a smallpox epidemic. In 1759 Moravian Bishop Spangenberg toured Cherokee country. Moravian church agents began attending Cherokee Council sessions to seek approval for establishing missions. A conference at Bethebara with several Cherokee chiefs proved unsuccessful (Malone 195 :92). In 1784 Brother Martin Schneider, a Moravian missionary, traveled in the Over Hill towns to determine the condition of the Cherokee people and the prospects of establishing a mission among them (Williams 1928 :25). In 1800 Moravian Abraham Steiner in cooperation with two Cherokees, James Vann and Charles Hicks, secured permission to establish a mission at Spring Place (Malone 195 :93).

In reference to establishing the mission at Spring Place, Little Turkey stated (in a speech to his council) that his interest was in the education which churches had to offer, rather than in Christian evangelization. In 1802 the Spring Place mission was threatened with banishment if measures were not taken to board and educate young Indians. In 1805 Reverend John Gambold and his wife arrived. Both had remarkable talents for educating “heathen” children. However the mission was in its ninth year before the first conversion of an adult occurred. After the death of Mrs. Gambold, John Gambold established a second mission at Oothcaloga, about 15 miles south of Spring Place. The success of the Moravians was apparent in producing outstanding students who attended college in Cornwall, Connecticut. Both Spring Place and Oothcaloga provided religious and secular education until the Cherokee Removal in 1838 (Malone 195 :92-95, 104).

Presbyterians

In 1758 John Martin, a missionary from Virginia, preached several years to the Over Hill Cherokees. Martin experienced very little success. Lieutenant Henry Timberlake, a friend of Martin, stated that Martin on one occasion preached until everyone was tired and the Indians told Martin “they knew very well, that if they were good, they should go up; if bad, down; that he could tell no more; that he had long plagued them with what they no ways understood, and that they desired him to depart the country” (Malone 195 :9).

In 1804 Gideon Blackburn established a school on the Hiwassee River with a grant of \$200 from the Presbyterian General Assembly. In 1805 Blackburn established a second school on Sale Creek near its termination into the Tennessee River. In 1810 Blackburn closed his schools due to poor health. His achievements were summarized by other workers in the Indian country

Within about five years, between four and five hundred young persons of both sexes were so instructed as to be able to read with a good degree of facility in the English Bible; were proportionably advanced in spelling, writing, and arithmetic; and at the same time were taught the privileges of the Christian religion. Many Bibles and religious tracts were distributed, and several individuals, some young and some of mature age, became hopeful and exemplary Christians (Malone 195 :98).

American Board of Commissioners for Foreign Missions (ABCFM)

The American Board of Commissioners for Foreign Missions was an interdenominational organization established on September 8, 1810 (Malone 195 98), by a group of men meeting in Farmington, Massachusetts. The ABCFM was composed of Congregational and Presbyterian Churches initially, but later included the Dutch Reformed Church. The missionaries sent by the ABCFM were greatly motivated by a movement, known as the Second Awakening, which was taking place in New England at the time. It was their goal to preach the gospel to Indians in North America and other native people around the world. “Not only did this religious revival spiritually awaken the New Englanders themselves, but the revival implanted a firm belief with the New England Congregationalists that their benevolence must extend beyond themselves, their cities, and their villages” (Phillips and Phillips 1998 2-3).

In January 13, 1817 the first mission was established on Chickamauga Creek (vicinity of present-day Chattanooga and where Dragging Canoe had established a village many years before), two miles from the Georgia state line, under the leadership of Cyrus Kingsbury. He chose this location due to a large population of mixed-ancestry Cherokees residing in the area. The mission was named Chickamauga after the creek on which it was located, however one year later it was renamed Brainerd Mission, in honor of a distinguished missionary to the Northern Indians (Malone 195 99).

In 1818 Kingsbury left for Choctaw country to pioneer another mission and was succeeded as superintendent by Ard Hoyt, who was accompanied by two other missionaries from Boston, Daniel S. Butrick and William Chamberlin (Malone 195 101). However, when Daniel S. Butrick arrived, he disagreed with Kingsbury’s policies of ethnocentrism and elitist policies and began to seek traditional Cherokees. He rejected the idea that upper-class, mixed bloods should be the first to be educated and endeavored to learn traditional customs and Cherokee language in order to be more effective with traditional Cherokees. In spite of this approach by Butrick, Kingsbury was correct in his belief that success in Christianizing would come

from bi-cultural Cherokees of mixed-ancestry rather than the people more wedded to traditional culture. Many people of mixed-ancestry enjoyed a ‘peculiar status in the tribe’ as cultural brokers, and they more cordially embraced the idea of missionaries in their nation. Therefore, the American Board, by their own design as well as the inclination of their selected students, ended up ministering to many of those individuals who, by 1838 (the year of the forced removal), emerged as the shapers of Cherokee society (Phillips and Phillips 1998 4).

A journal kept at Brainerd from 1817-1823 gives tremendous insight into the meeting of two very different cultures and missionary work at the Brainerd Mission during these years. Cyrus Kingsbury kept daily notes from the first day of arrival. These were later converted into a formal journal by Ard Hoyt, who succeeded Kingsbury. Along side Hoyt, Daniel Butrick, Moody Hall, William Chamberlin, Elizur butler, John Vail, John Elsworth, Ainsworth Blunt, and others recorded in this journal “their efforts to build a mission, to reach the Cherokee with education and the gospel, and to communicate the details of their daily lives” (Phillips and Phillips 1998 1).

In 1819 Brainerd was aided not only by the American Board, but also the federal government, various organizations, and individuals. President Monroe visited Brainerd and authorized a new building to be used as a girls' school. Brainerd became a "parent institution and supply point" for ten other missions sponsored by the ABCFM in the Cherokee Nation. The ten additional missions and the date of their establishment are listed below (Malone 195 100-101, Walker 1931(1993) 70).

Taloney, later named Carmel)	(Georgia)	1819
Creek Path	(Alabama)	1820
Hightower	(Georgia)	1823
Willstown	(Alabama)	1823
Haweis	(Georgia)	1823
Candy's Creek,	(Tennessee)	1824
New Echota	(Georgia)	1827
Amohee	(Tennessee)	1831
Red Clay	(Tennessee)	1835
Running Water	(Tennessee)	1835

Missions in Alabama Established by the ABCFM



Figure 3.2. Detail of the John LaTourette map ca 1837. An Accurate map of the state of Alabama and West Florida.

As can be seen on the map above (Figure 3.2), there were only two missions established in Alabama by the American Board of Commissioners for Foreign Missions. The Creek Path Mission was established in 1820, three years earlier than the Willstown Mission.

Baptists

In May 1817 the first meeting of the Baptist Missionary Convention was held in Philadelphia, where requests by the Cherokees for schools and missions were discussed.

In December 1817 Humphrey Posey, a Baptist hill-country preacher, was appointed by the Baptist Missionary Convention to take charge of the Cherokee missions. During the following year Posey established four missions: Cowee, Tillanoocy, Eastatory, and a mission at the house of a Cherokee mixed-breed named Edward Tucker. Posey preached at various places throughout the Cherokee Nation, as well as preaching in Georgia and upper South Carolina. In 1819 Posey left for a westward tour, possibly connected with the voluntary removal offer by the government in 1819 to Arkansas, and all four of his schools closed. In 1820 Posey returned and established Valley Towns mission, however he departed again in 1824 (Malone 195: 10-107).

By April 1825, only one family remained out of the original 25 persons plus Posey's and Dawson's families, who had occupied the mission in November 1821. There were many difficulties at Valley Towns, which was not even a town or village. Cherokee cabins or homesteads were located up and down the river for miles, far apart from each other. The closest family was two miles away and the closest cluster of Cherokee cabins was 15 miles downstream toward Tennessee. The climate was cold, spring floods made it difficult to construct mills along the river banks, and the closest white settlement was 40 miles to the east and 0 miles to the west, making supplies for the mission hard to get. The one bright spot at the mission were the Cherokee children, who were so eager to please their teachers that they would eagerly walk through the snow for two or three miles with only thin clothing for protection against the cold. "Cherokee children were taught to respect their elders and those in authority. They also had a remarkable ability for memorization and oral recitation (McLoughlin 1990: 31-33). Jones tried to invent a writing system for the Cherokee language, but the acceptance of Sequoyah's syllabary was too great and his attempts were abandoned (Malone 195: 109).

During the early 1820s a missionary station was founded at Tinsawattee (0 miles southeast of Valley Towns) by the Sarepta Missionary Society of Georgia. Later this missionary station became a branch of Valley Towns. In 1825 Tinsawattee was moved to Hickory Log, eight miles down the Hightower River (Malone 195: 107).

In 1833 Cherokee ministers, Jesse Bushyhead and John Wickliffe, were ordained as ministers. Jesse Bushyhead was baptized at Candy's Creek mission, an ABCFM mission. He had operated a one-man mission in his native Amohee district. From there he met the Baptists at Valley Towns and was "soon drawn into their organization" (Malone 195: 109).

During the 1830s, Jones and his associates at Valley Towns were busy with schools and circuit preaching. "As late as 1837 Jones and Bushyhead were touring and preaching at Coosawattee, Long Swamp, Tinsawattee, Big Savannah, Amagalolelega, Deganeetla, and at various native homes (Malone 195: 110).

Methodists

In 1822 the Methodist Church was the last of “large-scale missionary endeavors among early nineteenth century Cherokees” and was started in the Alabama portion of the Cherokee Nation. Malone (195) stated that Bishop William McKendree of the Tennessee Conference was “the first native American bishop of the Methodist Church” and “ardently hoped to Christianize the Indians adjacent to his area.” The idea was introduced to his preachers. Richard Neely, a young Methodist licensed preacher, who had been assigned to the Jackson Circuit in (North) Eastern Alabama, became acquainted with Richard Riley, an English-speaking half-breed, whose home was on the south side of the Tennessee River in the Cherokee Nation. The Cherokee Nation existed on the south side of the Tennessee River at that time and was across the river from the southern boundary of Neely’s circuit. Neely enlarged his circuit to include the Indian’s home at Fort Deposit (northwest of present-day Guntersville) and preached at Riley’s house once a month (Malone 195 110).

The Methodist missions to the Cherokees grew steadily. In October 1822 Andrew J. Crawford became the first assigned Methodist preacher to the Cherokees. By 1824 the missions were divided into an Upper Mission, directed by Nicholas D. Scales and a Lower Mission, directed by Richard Neely. Eventually a Middle Mission was created in 1825 and Isaac W. Sullivan was named as its minister. The Tennessee Conference leaders became concerned that the missionaries were “neglecting intellectual and material instruction” and only concentrating on Christian conversion. The two preachers, Scales and Sullivan, were ordered “first to teach and then to preach.” Neely’s preaching circuit included two Societies at Riley’s and Coody’s, an area from Chickasaw Island in the Tennessee River all the way to the junction of the Etowah and the Oostanaula Rivers, then to a point on Lookout Mountain and up the Tennessee River and back to Chickasaw Island. He preached anywhere a congregation would gather. (Malone 195 111).

In 1825 a mission school was established under the direction of Francis Asbury when at Othcaloga (near New Echota), due to a request by the Cherokees in that area. George W. Morris, who succeeded when the following year, reported that in the vicinity of the mission he had heard no profanity, saw no drunken men, heard no quarrels, nor heard the sound of an axe on the Sabbath (Malone 195 112).

Methodism attracted influential Cherokees, such as John Ross, who was “converted at a meeting in the Chickamauga area, and became an active Methodist.” Methodist work was greatly enhanced by native exhorters John Fletcher (The Boot), Edward Gunter, Joseph Blackbird, and Turtle Fields. Fields, a veteran of Creek War, became “so enthusiastic over Methodism that in December, 182 , he was appointed a regular itinerant preacher in the Methodist Church, the first Cherokee to be thus assigned” (Malone 195 112).

By 1827 there were five ministers assigned to Cherokee work. Two were assigned to circuits and three were primarily teachers. Methods of Christianizing in the Methodist Church were direct and focused on personal evangelizing. The camp meetings were especially effective

where lively and dramatic exhortations appealed to Indians as much as they had to whites. In the summer of 1830 a series of three- and four-day camp meetings resulted from a revival which swept through the Methodist areas of influence. By the end of the

year, 1,028 Cherokee Indians were claimed as members by the Methodists (Malone 195 113).

Rev. N. D. Scales, the Methodist preacher assigned to the upper mission of the Cherokee Nation, submitted a statement to the Cherokee Phoenix on May 28, 1828 (Vo. 1, No. 14) giving a description of the Cherokee Missions under the superintendence of the Methodist Episcopal Church. Four missionary stations were listed Creekpath, Chattooga Courthouse, ochgology, and Pinelog. At each station there was a school in which children were taught spelling, reading, writing, arithmetic, and English grammar. The number of students is about one hundred. Scales described the teachers as being preachers who

employ themselves during the week in the business of instruction, and on the Sabbath administer the word of life. None of the stations are permanently fixed .and when the whole nation shall have progressed so far in the arts and sciences as to supersede benevolent and charitable auxiliaries, the instructors may withdraw from the field of labor without having antiquated permanent establishments.

There are three large circuits embracing about sixty preaching places, upon two of which the gospel is regularly preached in English, and on the other in Cherokee. These circuits are superintended by the Rev. James I. Trott, the Rev. Greenburry Garret, and Turtle Fields, the last of whom is well known to be a Cherokee. Under the labors of these pious and devotedly zealous men, the prospects of doing much good appear invitingly encouraging. May their labors be abundantly blessed by the great Head of the Church.

There are seven hundred members of the Society. Some of whom are leading men of the nation, and many families of first respectability. These united exert a happy influence over their relatives, friends, neighbors' and the nation generally. (Kilpatrick and Kilpatrick 19 8 34-35).

The other Christian groups, established in the Cherokee Nation, were often critical of the Methodist methods in attracting converts. William Chamberlin, an American Board missionary, "was particularly disturbed over the idea that Cherokees on whom he and his colleagues had worked for some time might suddenly join a Methodist society after a single meeting "(Malone 195 115).

Missionaries and the Trail of Tears

By the mid-1820s, removal issues put the federal government, state governments, missionary societies, and the tribes involved on a direct collision course (Andrew 1992 138). n December 20, 1828, approximately one and one-half years after the Cherokee Nation adopted their own Constitution (much like the American Constitution), the Georgia legislature annexed all Cherokee lands in the state of Georgia, declared all Cherokee laws and customs null and void, and persons of Indian descent living in the Cherokee country were prohibited from entering in a lawsuit. n June 1, 1830, this law would take effect. The Cherokee property would be surveyed and divided into 1 0 acre tracts and sold by lottery, with one lottery ticket available for each white individual (Walker 1931(1993) 25 -257). n April 1 , 1830, Senator Sprague of Maine brought

national attention to the laws. He stated that the “Georgia laws gave the Cherokees’ property over to the cupidity of their white neighbors and left the Indians exposed to every outrage that lawless persons could inflict,” that even murder could be committed as long as no white person was present who would testify (Walker 1931(1993) 258-259).

Although treaties guaranteed the rights and lands of the Cherokees, they were told on April 18, 1829 that President Jackson “decided that the federal government would never assert its authority against the sovereign rights of the state of Georgia” (McLoughlin 1995 247).

In order to carry out these laws, Georgia officials passed another law, specifically aimed at destroying the Christian missions in Georgia. This law stated that all white men living on Cherokee land in the state of Georgia would be sent to the penitentiary at hard labor, if they refused to take an oath of allegiance to Georgia (Walker 1931(1993) 258). The law became effective on March 1, 1830. Soon afterwards, the Georgia guard arrested Samuel A. Worcester and John Thompson, missionaries of the American Board (ABCFM). A judge in the Gwinnett County court released them “since the two were utilizing United States funds in their work and were alleged to be agents of that government.” Governor Gilmer contacted Washington and learned that they were not federal agents, but that Worcester was the U.S. post master at New Echota. President Jackson assured Gilmer that Worcester would be removed from his position. On May 1, 1831 Governor Gilmer ordered Worcester to leave Georgia (Malone 195 175).

Meanwhile, the annual meeting of ABCFM was held in Boston in October 1830. A series of resolutions on behalf of the Cherokees and in defense of the missionaries was “enthusiastically” adopted (McLoughlin 1995 253). This appeared to add more incentive for the Georgians to carry out its law against white men living on Cherokee land in Georgia.

On May 28, 1831, the commander of the Georgia Guard announced a ten-day period during which all white missionaries were to leave the state, on pain of imprisonment” (Malone 195 175). The ten missionaries who refused to take the oath of allegiance to the State of Georgia were arrested, as well as the white printer of the *Cherokee Phoenix*. “They were beaten, chained, and forced to march 35 miles a day to the county jail (Inn 1980 141) “and remanded for trial in the September term of Gwinnett Superior Court” (Malone 195 175). Nine of those arrested swore allegiance to the Georgia laws, but Samuel Worcester and Elizur Butler refused to swear allegiance to the State of Georgia (Inn 1980 141). As noted below, this arrest was the second time for Samuel A. Worcester and the third arrest for John Thompson.

In giving further details of the above arrests, selected individual accounts are as follows ABCFM missionary, Dr. Elizur Butler, was arrested on July 7, 1831 by the Georgia Guard, because he had not sworn allegiance to the state of Georgia nor obtained a permit from the governor. He was sentenced to four years hard labor in the penitentiary at Milledgeville, Georgia. He was not released until January 14, 1833. Upon returning to the mission at Haweis, near Rome, Georgia, he was forced by Georgia authorities to remove to Brainerd in Tennessee in 1834, to escape further persecutions (Walker 1931(1993) 45).

Dr. Samuel A. Worcester (ABCFM) was arrested for the second time by the Georgia Guard on July 7, 1831 and sentenced with Dr. Elizur Butler on the same charges to four years of hard labor. He returned to Brainerd on March 15, 1834, after being

released from prison. He left in 1835 for the Dwight Mission in Arkansas, then moved to Park Hill, Indian Territory (Oklahoma), where he worked among the Cherokees until his death in 1859 (Walker 1931(1993) 48). Dr. Worcester wrote a letter, while in jail at Camp Gilmer on July 18, 1831, describing brutal treatment and events while enroute to jail. (A court case Worcester vs. Georgia that made it all the way to the United States Supreme Court is noted in Chapter 5). A Methodist missionary, Mr. Trott, and Cherokee by the name of Proctor were arrested and later Mr. McLeod, a Methodist circuit rider, was arrested (Walker 1931(1993) 2 2).

Reverend John Thompson (ABCFM) was arrested three times by the Georgia Guard. During his third arrest in July, 1831, one of the hottest days of the summer, he was chained to the tail of a horse-drawn cart and made to run over rough roads until his feet bled profusely. After several days in prison, he was released, after which he and his family, were forced to leave Hightower mission (Walker 1931(1993) 54-55).

Jeremiah Evarts, head of ABCFM was a stalwart opponent of Andrew Jackson's Indian removal policies, even before the arrests of ABCFM missionaries (Andrew 1992 144, abstract). He authored the William Penn essays defending the rights of Indian tribes (Andrew 1992 184). He died from exhaustion due to his efforts to block passage of the Indian Removal Bill of 1830 (Andrew 1992 abstract).

Resistance to removal was very evident in actions by Baptist minister, Evan Jones. McLoughlin (1995) stated that "on the one hand, Jones was a preacher and evangelist, but on the other, he was a political agitator." He actively impeded the enrollment of Cherokees by Ben F. Curry, of the War Department. He, along with the Ross Party, obtained signature from almost everyone in the nation, to rescind the Treaty of 1835, ceding all Cherokee lands in the East (McLoughlin 1995 324-325).

In a letter written by Daniel S. Butrick on August 21, 1838 at Brainerd Mission, he stated that he hoped to move the Brainerd congregation intact with Taylor's removal detachment. In another letter written from an encampment 25 miles west of Nashville, he stated that the last Brainerd meeting was assisted by Presbyterians and Methodists. He speaks of the journey (ABC 18.3.1, v.10). Walker (1931) stated that Dr Butler, ABCFM missionary accompanied the Cherokees on the removal to the West in 1838 as one of their attending physicians (Walker 1931(1993) 45).

McLoughlin (1990) stated that Evan Jones never had any doubt that he would march along the Trail of Tears with the Cherokees. Jones left all of his family, except his oldest son, in Columbus, Tennessee, until he could scout out a new location for the Baptist mission station. There were two detachments for the mountain Cherokees of North Carolina, one headed by Jesse Bushyhead and one led by Sitaugi, the detachment Evan Jones and his son went with. Jones hoped that by working with the ABCFM missionaries (referred to as the Presbyterians) that nearly all of the detachments would be supplied with "religious aid" (McLoughlin 1990 181).

McLoughlin(1990) further stated that only two ABCFM missionaries made the trip along with three of their native ministers. Two Moravian missionaries were present in the Cherokee camps, but did not accompany any of the detachments. They went west in their own wagons. David Cumming, a Methodist minister, was reported to have gone on a detachment. Evan Jones and Jesse Bushyhead were assisted by ganaya, Kaneeda, Dsusulawe, Beaver Carrier, John Foster, Tanenolee (McLoughlin 1990 181).

The Christian groups, who survived the Removal of the Cherokee Nation from the Southeastern United.States, were amazingly resilient. By 1841, the ABCFM missionaries had five mission stations and two schools, and were headquartered in Park Hill, Indian Territory (IT), under the leadership of Samuel Worcester. The Methodists had two or three circuits in the southwestern part of the Nation around Tahlequah. The Baptist were “left pretty much to themselves over a radius of fifty miles to the north and south of Breadtown, Cherokee Nation, IT. (McLoughlin 1990 20).

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Chapter 4

The Gathering Storm Clouds of the Cherokee Forced Removal

Historical Events Leading to Indian Removal

By: Gail King

During the 1760s and 1770s the American colonies were bombarded with act after act passed by the British Parliament impacting exportation and importation of goods between the colonies and England. These acts were generally always a form of taxation affecting the colonists and monetarily for the good of the British government. In 1764 the British Parliament enacted the “Sugar Act to raise money in the colonies to pay the British war debt” accumulated during the French and Indian War. Resentment by the American colonists continued to build as the Stamp Act, Quartering Act, Declaratory Act, and Townsend Acts were passed. The Quartering Act required the colonies to provide food and lodging for British soldiers (Urdang 1981: 126-132). All of these events culminated in the American Revolution.

When the Peace of Paris was signed by British and American representatives in 1783, the sovereign authority of England over all the land and people within its domain in the American colonies shifted. The colonies had won the Revolutionary War. The loss of the Revolutionary War by England and its Indian allies, one of which was the Cherokee Nation, set the stage for policies instituted by the newly created American government. When England lost, so did its Indian allies. Congress extended its authority over Indian tribes within the conquered territory (Perdue 1995: 7-8).

After 1783 Congress pursued a “conquered nations” policy north of the Ohio River, but allowed the individual states to pursue this policy south of the Ohio River. With the exception of South Carolina, southern colonial charters extended state lands west to the Mississippi River and beyond. “These states argued that England’s authority had passed to them, not Congress, by right of conquest, and they quickly began to act on their assertions.” As pressure mounted for land cessions by the Southeastern tribes, a split occurred in the Cherokee Nation. One faction believed in warfare against the Americans and the other faction believed in peaceful negotiations. (Refer to Chapter Two for details of the split by Dragging Canoe and his followers). The newly formed government of the United States and the Cherokee Nation signed the Treaty of Hopewell in 1785. Although it was a peace treaty between the two nations, Georgia and North Carolina refused to honor it and continued expansion into Cherokee territory, while “the Cherokees continued to resist.” This resistance led to new policies by the United States (Perdue 1995: 8-9), as will be seen throughout this chapter,

No analysis of Indian Removal policies instituted by the American government would be complete without addressing land cessions by the tribes and in this case, by the Cherokee Nation. Although in the beginning land cessions occurred when treaties were negotiated under British rule, the Treaty of Hopewell was the first treaty between the Cherokees and the United States. Treaties involving land cessions continued with the American government until 1835 when there were no lands under Cherokee Nation control east of the Mississippi River. Figure 4.1 below displays land cessions to Great

Britain (before 1785) and the United States government (1785 and afterwards).

Table showing approximately the area in square miles and acres ceded to the United States by the various treaties with the Cherokee Nation.

Date of treaty.	State where ceded lands are located.	Area in square miles.	Area in acres.
1721	South Carolina.....	2, 623	1, 678, 720
November 24, 1755	do	8, 635	5, 526, 400
October 14, 1768	Virginia	850	544, 000
	do	4, 500	2, 880, 000
October 18, 1770	West Virginia.....	4, 300	2, 752, 000
	Tennessee	150	96, 000
	Kentucky	250	160, 000
	do	10, 135	6, 486, 400
1772	West Virginia.....	437	279, 680
	Virginia	345	220, 800
June 1, 1773	Georgia	1, 050	672, 000
	Kentucky.....	22, 600	14, 464, 000
March 17, 1775.....	Virginia	1, 800	1, 152, 000
	Tennessee	2, 650	1, 696, 000
May 20, 1777	South Carolina.....	2, 051	1, 312, 640
July 20, 1777	North Carolina	4, 414	2, 824, 960
	Tennessee	1, 760	1, 126, 400
May 31, 1783	Georgia	1, 630	1, 056, 000
	North Carolina	550	352, 000
November 28, 1785.....	Tennessee	4, 914	3, 144, 960
	Kentucky.....	917	586, 880
July 2, 1791.....	Tennessee	3, 435	2, 198, 400
	North Carolina	722	462, 080
October 2, 1798	Tennessee	952	609, 280
October 24, 1804	North Carolina	587	375, 680
	Georgia	135	86, 400
October 25, 1805	Kentucky	1, 086	695, 040
	Tennessee	7, 032	4, 500, 480
October 27, 1805	do	1 ¹ / ₄	800
	do	5, 269	3, 372, 160
January 7, 1806.....	Alabama.....	1, 602	1, 025, 280
March 22, 1816.....	South Carolina	148	94, 720
	Alabama	3, 429	2, 194, 560
September 14, 1816	Mississippi	4	2, 560
July 8, 1817.....	Georgia	583	373, 120
	Tennessee	435	278, 400
	Georgia	837	535, 680
February 27, 1819.....	Alabama.....	1, 154	738, 560
	Tennessee	2, 408	1, 541, 120
	North Carolina	1, 542	986, 880
May 6, 1828.....	Arkansas.....	4, 720	3, 020, 800
	Tennessee	1, 484	949, 760
December 29, 1835	Georgia	7, 202	4, 609, 280
	Alabama.....	2, 518	1, 611, 520
	North Carolina	1, 112	711, 680
July 19, 1866 ^a	Kansas	61, 928	1, 233, 920
Total.....		126, 906 ¹ / ₄	81, 220, 374

^a In addition there was ceded by this treaty for the location of other Indian tribes all the Cherokee domain in Indian Territory lying west of 96°, containing by actual survey 8,144,772.35 acres or 12,726 square miles.

^b And a fractional square mile comprising 374 acres.

Figure 4.1. The Cherokee Nation of Indians. Charles Royce. Fifth Annual Report, 1883-1884. Bureau of Ethnology. The Smithsonian Institution.

The map in Figure 4.2 below specifically shows Cherokee Land cessions in Alabama.

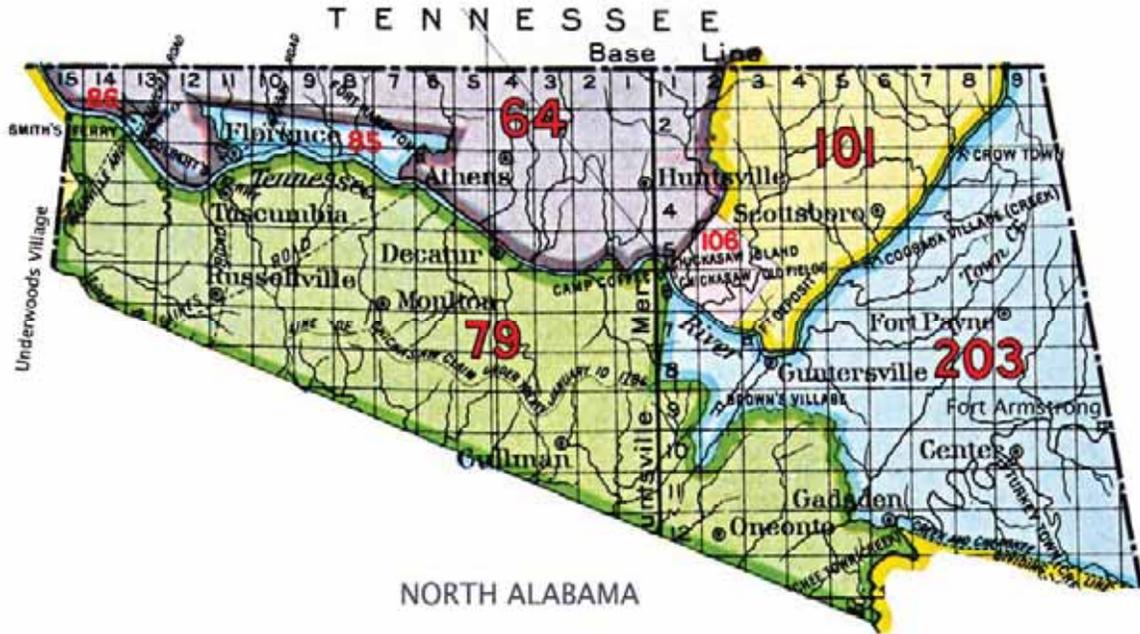


Figure 4.2. Detail of Map showing Cherokee Land Cessions in Alabama. Eighteenth Annual Report, Part 2, 1896-1897. Bureau of American Ethnology.

The Cession numbers below match the numbers on the Alabama Land Cession map above. Each number is matched to treaties listed in the 18th Annual Report of Bureau of American Ethnology. The following chart is a list of these treaties with dates, location of the signing of the treaty, and descriptions pertaining to land ceded in Alabama.

Cession #	Date of Treaty and Location	Description
64	January 7, 1806 Washington, D.C.	The Cherokee cede to the U.S. all claim to all that tract of country lying to the northward of the river Tennessee and westward of a line to be run from the upper part of the Chickasaw Old Fields at the upper point of an island called Chickasaw Island, on said river, to the most easterly head waters of that branch of Tennessee river called Duck river.
85	January 7, 1806 Cherokee Agency Tennessee	Reservation of John D. Chesholm, Au-tow-we, and Cheh-Chuh. This reserve was ceded by treaty of July 8, 1817.

86	January 7, 1806 Cherokee Agency Tennessee	Reservation of Moses Melton and Charles Hicks. This reserve was ceded by treaty of July 8, 1817.
No land was ceded – road(s) right-of-way(s)	March 22, 1816 Washington, D.C.	Boundary of Cherokee Land in relation to Creek land ceded by treaty of August 9, 1814. The Cherokees agree that the U.S. shall have the right to lay off, open, and have the free use of such road or roads through any part of the Cherokee nation lying N. of the boundary line above established as may be necessary for the free intercourse between the states of Tennessee, Georgia and Mississippi territory (Alabama and Mississippi).
79	September 14, 1816 Chickasaw council house and Turkey Town	The Cherokee nation acknowledge the following as their western boundary: S. of the Tennessee river, commencing at Camp Coffee, which is opposite the Chickasaw island; running from thence a due S. course to the top of the dividing ridge between the waters of the Tennessee and Tombigbee rivers; thence eastwardly along said ridge, leaving the headwaters of the Black Warrior to the right hand until opposed by the W. branch of Will's creek; thence down the E. bank of said creek to the Coosa river and down said river. The Cherokee nation relinquish to the U.S. all claim to lands lying S. and W. of the line above described.
101	February 27, 1819 Washington, D.C.	The Cherokee nation cedes to the U.S. all of their lands lying N. and E. of the following line, viz: Beginning on the Tennessee river at the point where the Cherokee boundary with Madison county, in the Alabama territory, joins the same; thence along the main channel of said river to the mouth of the Highwassee Old Town..... From the above cession 31 tracts of 640 acres each were reserved for individuals; it was also agreed that every head of an Indian family who would become a citizen of the U.S. should receive 640 acres.
106	February 27, 1819 Washington, D.C.	Also in trust to be sold for the benefit of the Cherokee national school fund, a tract equal to 12 miles square, to be located by commencing at the point formed by the intersection of the boundary line of Madison county and the No. bank of the Tennessee river; thence along the said line and up the said river 12 miles
108 Not on land cession map	February 27, 1819 Washington, D.C. (not numbered on Land Cession map)	Also one section of 1 square mile on the N. bank of the Tennessee river, where the Cherokee Talootiske now lives, which was reserved by said nation by treaty of Oct. 25, 1805. Talootiske had emigrated west of the Mississippi with aid from Indian Agent Return J. Meigs.
203	December 29, 1835 New Echota, Georgia	The Cherokee nation cede to the U.S. all the lands owned, claimed or possessed by them E. of the Mississippi river, and agree to remove W. of that river.

Figure 4.3 Bureau of American Ethnology. *Eighteenth Annual Report, 1896-1897: 672, 673, 674, 675, 680, 681, 682, 683, 696, 697, 754, 755.*

The continual loss of a land base, as seen above can be observed as one form of erasing a segment of a population, while another more aggressive population take its place. It is evident that some of the Indian population of the southeastern United States was absorbed into the white population as it encroached on Indian land illegally, as well as after each land cession took place. Not all Native People moved with their shrinking land base. Especially in the Southeast U.S. many Indian women simply were absorbed into White society, when they married white men. However many white men were absorbed into Indian society as they married Indian women and received land in the right of their Native wife. Whatever the circumstances were, the loss of land was a form of Indian removal and the constant chipping away at the Cherokee land base was relentless.

Shifting American Government Policies

Warfare, occurring during the years before and during the Revolutionary War between the Americans and Southeastern Indian tribes, was costly in lives lost and money spent. By the end of the 1780s, “the United States abandoned its assertion that the tribes were conquered enemies that had forfeited their rights to their lands.” Peace would be the answer. “In the South, where the policy had always been to end the fighting, the change meant increased government efforts to restrain the expansionist states of Georgia and North Carolina.” With the reorganization of the United States government under the Constitution, Indian affairs were placed solely in the hands of Congress and the president. Because the states were subordinate to the federal government, controlling the actions of the states and their citizens could be accomplished with greater ease (Perdue 1995: 9).

As parties and presidents changed, the policies of the American government toward the American Indians also changed. The new American government promoted the idea that there could be an eventual integration into white society, but gradually shifted to the idea that Indians were different from Anglo-Americans. Removal of the Cherokees (at first voluntary) gained more and more support, until it culminated in the legislation of forced removal under Andrew Jackson (Phillips and Phillips 1998:6-12). The shift in Indian policy during each administration until the forced removal of the Cherokee in 1838 is addressed in the following paragraphs.

President George Washington (1789-1797)

Henry Knox, President George Washington’s first Secretary of War, had several years of experience in Indian matters and developing relationships with the tribes. He held the opinion that the tribes were “sovereign, independent nations” and that each tribe was entitled to an autonomous, self-government within its borders. Knox suggested that the primary cause of warfare on the frontier was the encroachment of white settlers onto Indian land and that the way to control these United States citizens was through legislation. Knox felt that the federal government was obligated morally to protect American Indians, because “when uncivilized people came into contact with ‘civilized’ ones,” extinction of the uncivilized people was inevitable. However, Knox’s opinion had another side to it. He “fully concurred with the general American view that as the population of the United States grew, Indians must surrender their lands to accommodate

the increased numbers.” One historian called it “expansion with honor” (Perdue 1995:10)

Washington was in full agreement with Knox’s policy. During the first months of Washington’s administration, negotiating treaties with the tribes as sovereign nations became the policy of the federal government. The Constitution placed this responsibility securely in the hands of the federal government, prohibiting the states from negotiating treaties with Indian tribes. President Washington and Secretary of War Knox believed that civilizing the Indians ensured their survival and their uncivilized state was “cultural, not racial.” The role of government would be to instruct them how to “dress, think, act, speak, work, and worship the way rural United States citizens, ideally, did” (Perdue 1995: 10-11).

Relations between the United States and the Cherokee Nation were influenced almost immediately by this Washington and Knox’s new Indian policy. The Treaty of Hopewell in 1785 failed to end white settlement on Cherokee lands. “The thousands of settlers who had entered the Cherokee Nation in violation of the treaty could hardly be removed.” Washington and Knox proposed a new treaty, which would buy the land illegally settled, set a new boundary, strictly forbid any further encroachment, and begin a civilization program for the Cherokees. The 1791 Treaty of Holston included these provisions and provisions toward “civilizing” the Cherokees. The treaty stated the following:

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will, from time to time, furnish gratuitously the said nation with useful implements of husbandry.

The 1793 Trade and Intercourse Act contained a section

that extended to all the tribes this policy of donating agricultural implements and tools, draft animal, and other ‘civilized’ goods to Indians and called for the appointment of people to explain and demonstrate their use. Thus the ‘civilization’ program, a central feature of the expansion with honor policy devised by Knox and Washington, came into being at a time when the Cherokees desperately needed some alternative to their collapsed economy of deerskin trading (Perdue 1995: 11).

Although the Cherokee Nation accepted the program to civilize them with enthusiasm, needs and goals of the Cherokee themselves were of great importance in allowing the government to implement these programs. The Christian missions, established in the Cherokee Nation, were a prime example of this give and take relationship (Perdue 1995: 11). Refer to Chapter 3 for explanation of this relationship.

During Washington’s presidency, visits by Indians became a tradition. On one occasion Washington invited the chiefs of the Iroquois Confederation. Fifty-one chiefs accepted and were entertained for two months, “indeed so fulsomely that two died from overindulgence. This had been the start, as Major Ridge (Cherokee Nation)) understood it, of federal efforts to influence the Indians by means of entertainment” (Ehle 1988: 129).

President John Adams (1797-1801)

John Adams was born of Puritan heritage in Braintree (present-day Quincy), Massachusetts, with a deep independency in thinking and acting. His statement, "I must be independent as long as I live" became his demise in working with others in executing the responsibilities of the presidency. His personality was that of opposites—"a deep thinker, a brilliant and courageous visionary on one hand; vain, suspicious, and irascible on the other, extraordinarily learned but also prone to fits of temper." Although his presidency attempted to follow in the footsteps of George Washington, "he simply did not possess Washington's immense stature or his ability to hold divergent factions together." He was elected the nation's first vice-president under George Washington and even retained George Washington's entire cabinet after becoming president. For the most part his presidency became consumed by international affairs. At one time during his administration his political isolation became so intense that he retreated to his farm in Quincy. When he lost his bid for reelection to Thomas Jefferson in 1800, he refused to take part in Jefferson's inauguration (Kunhardt 1999: 132-138). Indian policies changed very little from those of Washington's administration.

President Thomas Jefferson (1801-1809)

The Jeffersonian generation saw the birth of the American government and expansion of the American domain. The transformation of the Indian from savagery to civilization was to catapult him into perfection. "The New World as paradise, inhabited by noble savages, supplied the needed formula. From the simplest improvements in the human condition to the grandest flights of achievement, the vision of a perfect order on earth operated as a basic force in the development of civilization." The New World was interpreted as a paradise unblemished by human hands. "By the Jeffersonian age, the noble savage had become the most important conventionalized term for the Indian. Rather than standing aside from his surroundings, as did civilized man, the noble savage blended into the surface of paradise." The Indian was one with the environment and the white man treated him as a natural resource. Civilization was conquering the continent. The Indian as noble savage, "indistinguishable from the land, should have gradually taken on the virtues, though not the vices, of the civilized world." The Indian "could no more be the noble savage in reality than he could consciously slough off the cultural accretions of a millennium. Still, the Jeffersonian generation persisted in its idealistic expectation that the Indian would some day meld into the white man's society" (Sheehan 1973: 89-91).

Jefferson's association with Indians began early in his childhood, when he watched parties of Indians traveling by his father's Virginia estate to visit the graves of their ancestors. Later in 1762, while attending William and Mary College, "he listened with admiration as Cherokee Chief Ostenaco addressed an assembly at Williamsburg's capitol building" (Hoig 1996: 17).

In 1784 Jefferson conducted the first systematic excavation of an earthen mound located on his Virginia estate. It had been known for some time that the mounds had been used for Indian burials, but Jefferson wanted to see how they were constructed. Professional archaeologists view his work "as an early example of scientific method: establishing a research goal, then devising a specific strategy to achieve it" (Bahn 1996: 79).

An embryonic idea of Indian removal began as early as 1776, when 6,000 militiamen from South Carolina, North Carolina, and Virginia jointly attacked the Cherokee Country. Fear caused by Cherokee attacks “triggered alarm” on the American-Cherokee frontier during the spring of 1776. “Histories and memoirs written just after the Revolution by veterans pointed to the rapid defeat of the Cherokees on the eve of Independence as a decisive galvanizing force in the decision for full-scale revolt against the King.” The American revolutionaries, free from fear of an Indian revolt, could wage war against Great Britain (Hatley 2003: 32). The seeds of removal began during the Revolutionary War when the Cherokees fought on the side of British against the colonists. Thomas Jefferson expressed his feelings toward the Cherokees in the following statement in a letter to Edmund Pendleton (Philadelphia) dated August 13, 1776:

I hope the Cherokee will now be driven beyond the Mississippi and that this in future will be declared to the Indians as the invariable consequences of their beginning a war. Our contest with Britain is too serious and too great to permit any possibility of avocation from the Indians. This then is the season for driving them off, and our Southern colonies are happily rid of every other enemy and may exert their whole force in that quarter” (Boyd 1950: 494).

Formal policy regarding Indian Removal began to form under the administration of Thomas Jefferson even though he continued the “civilization” program created during Washington’s administration. Jefferson advocated individual ownership of farms, instead of tribal ownership and a change from the Cherokee matrilineal clan system to the white man’s patrilineal system (Phillips and Phillips 1998:9).

“The land held a central place in the Jeffersonian design for the Indian’s future. The tribes claimed it, and white men wanted it.” The American government’s policy was to “distribute the Indian’s vast acres among the members of civilized society.” Philanthropists viewed the land as shifting from tribal property to that of civilized use. “Since the tribal possession of these surplus acres constituted one of the major signs of savagery, the abandonment of the land was a positive step toward civilization.” Savagery would disappear and civilization would rule. Jeffersonian opinion dictated that land should be formally purchased. “The mode of Indian land occupation demanded a formal system of liquidation.” The English acquired land by conquering or by arranging:

for the steady advance of their settlements by treating the Indians with the forms of sovereign power and by offering money or goods in return for each plot of ground.

The rhetoric of Indian negotiators, as a consequence, dripped with assurances that the Indians possessed full right to retain their lands as long as they wished. They held an unimpeachable title, and the government would not and could not force them to sell. The government repeatedly gave blanket guarantees to the tribes recognizing the legitimacy of their possession. And even when the inevitable moment arrived that white men wanted the land for new settlements, a certain formal delicacy usually characterized the proceedings. The government initiated negotiations and distributed gifts and whiskey to facilitate the discussions. Once boundaries and price (usually not more than a penny an acre) had been set, the negotiators gave new assurances for the Indian’s future security (Sheehan 1973: 167-168).

Civilization, linked to agriculture, bound the Indian to the earth and a plot of land he could cultivate. “Since the process of transition from savagery to civilization would be gradual, the land must be surrendered at a rate corresponding to the alteration in the Indian’s life, although taking it might accelerate the move into civilization.” Jefferson believed that it was an act of friendship to be ready to buy land whenever “red brethren” sold a portion of their land. The money would help them improve their land for agriculture and support them “more plentifully” (Sheehan 1973: 169).

President Jefferson increasingly found the American frontier difficult to control. Whites intruded in their lust for land, and new state governments claimed land already claimed by Southeastern Indian tribes. In a letter written in 1803 to William Henry Harrison, Jefferson suggested that the governor (governor of Louisiana Territory) use the government factories to indebted the Indians to the extent that they could only pay their debts by exchanging land. During the previous year he had proposed the same idea in a memorandum concerning Indian boundaries. This idea of indebting Indians far beyond their means went past “patriarchal manipulation and became outright deception, demonstrating how close the assertion of civilized superiority could come to reprehensible coercion” (Sheehan 1973: 170-171).

Rumors about Jefferson’s involvement in land speculation circulated for many years before he became president. “In the years from 1776 until he assumed the governorship of Virginia in 1779, Jefferson’s land-related policies and activities in the Virginia Assembly were at odds with the interests of powerful people in Virginia and elsewhere in the young nation.” A rumor circulated that Thomas Jefferson and Patrick Henry wanted to become partners in the Transylvania Company headed by Col. Henderson. Col. Henderson, the rumor continues, was afraid that Jefferson and Henry would supplant him and he “preferred not to have them admitted.” There is no hard evidence that Jefferson was involved in land companies even though several of his friends and associates participated in land companies “that planned to profit from private purchases from the Indians illegally made in defiance of the Proclamation of 1763. Some of them were quite well-known: George Washington, Benjamin Franklin, Patrick Henry, New Jersey governor William Franklin, two royal governors: Dunmore of Virginia and Johnson of Maryland and many other members of the state legislatures and Continental Congress. “The combination of these schemes with revolutionary and counter-revolutionary politics produced a tangle of intrigue and conflicts of interest that must have been deeply confusing to players and spectators alike” (Wallace 1999: 46-47).

When Jefferson learned in early 1783 that he might be dispatched to Europe, he withdrew from a land venture in North Carolina. In a letter dated November 11, 1783, he wrote the following letter to James Madison:

You mention that my name is used by some speculators in Western land jobbing, as if they were acting for me as well as themselves. About the 1776 or 1777 I consented to join Mr. Harvey and some others in an application for lands there: which scheme however I believe he dropped in the threshold, for I never after heard one syllable on the subject. In 1782 I joined some gentlemen in a project to obtain some lands in the Western parts of North Carolina. But in the winter of 1782, 1783, while I was in expectation of going to Europe and that title to Western lands might possibly come under the discussion of the ministers, I withdrew myself from this company. I am further assured that the members never prosecuted their views. These were the only occasions in

which I ever took a single step for the acquisition of Western lands, and in these I retracted at the threshold. I can with truth therefore declare to you, and wish you to repeat it on every proper occasions, that no person on earth is authorized to place my name in any adventure for lands on the Western waters, that I am not engaged in any one speculation for that purpose at present, and never was engaged in any, but the two before mentioned. I am one of eight children to whom my father left his share in the loyal company; whose interests however I never espoused, and they have long since received their quietus. Excepting these, I never was nor am now interested in one foot of land on earth, off the water of James river.

In May 1784, Congress appointed Jefferson as a minister (along with John Adams and Benjamin Franklin) to “negotiate treaties of friendship and commerce in Paris and other European capitals (Wallace 1999: 47-48).

Nineteen years later, during Jefferson’s presidency, a land acquisition that would nearly double the size of the United States would seem almost ironic when compared to Jefferson’s earlier policies on western land acquisition. Months before news of the Louisiana Purchase reached Jefferson on July 3, 1803, his Indian policies began to mature and would set the stage for the future of the Southeastern tribes. On December 29, 1802 Jefferson wrote a letter to Secretary of War Dearborn that Indian land should be acquired on the southern and western frontiers, particularly along the Mississippi “to provide a well-defended border with France in Louisiana and Spain in Florida.” Civilization of the Indian would alleviate the need for hunting grounds, which were becoming increasingly devoid of game, and they would exchange their lands “for the capital goods needed for white-styled agriculture.” The government factories, “although run honestly and clean of liquor, could increase in number and induce further cessions by encouraging the natives to run into debts so large that they could be lopped off only by cessions of land.” Having settled communities on both the Mississippi and the Atlantic would force the Indians to adopt agriculture. They will continually part with portions of land to obtain “money to buy stock, utensils & necessities for their farms & families” (Wallace 1999: 220-221).

Jefferson’s private instructions to Dearborn were followed with a confidential message to Congress on January 28, 1803. The confidentiality of these instructions, the real purpose of the factories, and the civilization policy must be kept secret, or they would be rejected by the tribes. He additionally recommended the renewal of the Trade and Intercourse Act, extension of the fur trade among tribes west of the Mississippi, an American expedition to find a passage to the Pacific Ocean, and an appropriation of \$2,500 to send a party under an “intelligent office” on a literary and scientific expedition of French territory. “This proposal was the genesis of the Lewis and Clark expedition.” In February 1803 Jefferson wrote three letters to Dearborn’s subordinates addressing the guidelines of American government Indian policies. “One was a letter to Jackson in which he stated the peace-and-lands objective of his policy, his personal confidence in Hawkins, his reliance on progress toward civilization as the means of weaning the native Americans from their hunting grounds, and his intention to secure the lands in the Oconee—Ocmulgee fork.” The other two letters were written to Jefferson’s principal Indian superintendents Hawkins and Harrison and “conveyed somewhat different sentiments.” To Benjamin Hawkins, an old associate, he stated his “private” views on Indian affairs. Jefferson’s views were based on the conviction that the Indian way of life

would disappear, Indian history would cease, and the survivors would melt into civilized society. “He added, as a kind of ‘by-the-way,’ a beseeching plea to Hawkins to please acquire for the United States, and Georgia, the lands in the Oconee-Ocmulgee fork.” His private letter to Harrison instructed him to induce influential men to “run in debt” to obtain land cessions and any tribe who was “foolhardy enough to take up the hatchet” would be driven across the Mississippi. Jefferson explained in detail how to proceed with the quest of Indian lands along the Mississippi River (Wallace 1999: 222-224).

Meanwhile Jefferson’s emissaries were in Paris negotiating with the French for the purchase of the New Orleans region. “The unexpected windfall of the Louisiana Purchase brought within the bounds of the United States a whole new world of Indian tribes, with whom could be opened a lucrative trade in furs and across whose lands could be the long-sought passage by river to the Pacific.” The Louisiana Purchase provided a place for the eastern tribesmen who wanted to follow the tradition of hunting on the western prairies. Due to the uncertain legality of the Louisiana Purchase under the United States Constitution, Jefferson drafted constitutional amendments, “one of which included the proviso that lands purchased by the United States on the west side of the Mississippi could be exchanged by act of Congress for Indian lands wanted by the United States on the east side of the river, and that whites on the west side might be removed to the thus-acquired lands on the east side” (Wallace 1999: 224)..

In November 1801 a copy of a treaty between France and Spain was obtained by James Madison. Included in the treaty was a land cession of Louisiana from Spain to France. Napoleon’s hopes for building an empire in America came to an end in 1803. His army was defeated in Santa Domingo and he anticipated war breaking out with Britain. If war broke out in Europe, Napoleon was warned that the United States would seize Louisiana and take New Orleans by force. On April 10, 1803, Napoleon, in a message to his finance minister Marbois, stated that he was considering ceding all of the Louisiana Territory to the United States. President Jefferson sent James Monroe to assist Robert Livingston, the newly appointed minister to France, and just before he arrived in Paris, the offer was made to Livingston to cede all of the Louisiana Territory to the United States. The cost was approximately \$15,000,000. The treaty was signed on May 2, 1803 and reached Washington on July 14, 1803. On December 20th, 1803 the United States took possession of the new and expansive territory. The boundaries were not clear in the treaty. In 1818 the United States and Great Britain set the northern boundary at the 49th parallel, however Spain disputed the southern boundary. The United States claimed part of Texas and West Florida. In a treaty between Spain and the United States in 1819, Florida was purchased by the United States and surrendered its claim to Texas. In return Spain gave up its claim to West Florida. (Van Noppen 1980: 434-435). See Figure 4.4 below for a map of the Louisiana Purchase, as well as a map showing the states created from the purchase.



The Louisiana Purchase

The map above shows the Louisiana Territory acquired by the United States by a treaty signed with France on May 2nd, 1808. Congress ratified the treaty on October 25th, 1803. The United States took possession of the territory on December 20th, 1803. The 1803 treaty expanded the U.S. boundary at the Mississippi River to its new boundary at the Rocky Mountains. As can be seen on the map to the left, part or all of 15 states were formed from the Louisiana Purchase.



Figure 4.4. Louisiana Purchase with land cessions of western lands. Van Noppen 1980.

President James Madison (1809-1817) “was the towering intellect of the founding fathers. The Constitutional Convention was Madison’s moment of special destiny, just as the Declaration of Independence had been Thomas Jefferson’s.” His presidency was dominated with volatile relations with Great Britain. American shipping rights had been

“grossly violated” for many years. Madison’s administration would see the War of 1812 commence against the British. The Capitol, the president’s mansion, and many other buildings were burned on August 24, 1814. Madison would see the “tide of war” change in the favor of the Americans at the Baltimore harbor and in early 1815 a victory in New Orleans made Andrew Jackson famous (Kunhardt 1999: 401-406).

Government policies relating to Indian nations changed very little during Madison’s two administrations. Voluntary removal to the west of the Mississippi River was being stressed. There were no Cherokee land cessions from 1806 to 1815. There were two land cessions in 1816 and four land cessions in 1817 (Royce 1883-1884: 131).

President James Monroe (1817-1825) served as an officer under George Washington during the Revolutionary War and Thomas Jefferson tutored him at Monticello in law and democracy. Jefferson would become his lifelong mentor and Monroe even bought land (2500 acres) adjacent to Jefferson’s Monticello and called his plantation Ash Lawn. Monroe was elected to the U.S. Senate in 1790 and four years later Washington asked him to serve as minister to France. In 1796 President Washington recalled Monroe from France claiming that he had failed to perform his duty. Monroe “wrote a fiery 407-page defense of himself, charging Washington with incompetence in foreign affairs. When Jefferson was elected president, Monroe was appointed to negotiate the purchase of New Orleans from France. He helped orchestrate the Louisiana Purchase (almost doubling the size of the United States) In 1811 Monroe served as secretary of state under President Madison and was also named Secretary of War during the late days of the War of 1812. In 1816 he was the fourth president coming from Virginia and the last to have served in the Revolutionary War (Kunhardt 1999: 308).

After his election, he became “an aggressive expansionist at every opportunity. He pushed the nation’s frontier 1500 miles westward to the Yellowstone River. And he allowed American troops to invade Spanish-owned Florida.” Andrew Jackson interpreted Monroe’s policies as encouraging him to rip through Florida capturing Spanish forts and conquering Spanish towns. “Though his actions were nothing short of a military invasion, it led to the signing of the Transcontinental Treaty, transferring Florida to the United States and consolidating the young nation’s hold on the continent.” In 1823 Monroe’s secretary of state John Quincy Adams composed a message that would become what was known as the Monroe Doctrine. ‘The American continentsare henceforth not to be considered as subjects for future colonization by any European powers.’ The Monroe Doctrine stated the policy of the United States toward the rest of the world in proclaiming “the United States as the chief protector of republican principles throughout the Americas.” As president, James Monroe “presided over a vast expansion of the American empire. He had spoken out as if the United States were a world power, and as he did so, it began to become one” (Kunhardt 1999:308-309).

During Monroe’s presidency there was a continuation of Jefferson’s Indian policy of civilization programs, acquiring land cessions through treaties, and voluntary removal to the west of the Mississippi River. He was continually criticized by the leaders of Georgia and their Congressional delegation for not extinguishing Cherokee and Creek titles to land in the State of Georgia. The Georgia legislature presented a memorial to Congress on December 18, 1823 and a letter from the Georgia delegation was presented to Congress on March 10, 1824. On March 30, 1824 President Monroe, in a message to

Congress, defended “the course that had been pursued by the executive authorities of the United States. Accompanying his message was a report compiled by Secretary of War, John C. Calhoun on March 29, 1824 of the progress made by the United States government in acquiring the Creek and Cherokee lands for the State of Georgia since the 1802 Compact between the United States and Georgia. At the date of the compact (1802) the Creeks were in possession of 19,578,890 acres and the Cherokees were in possession of 7,152,110 acres in Georgia. Since that date the United States had negotiated seven treaties, five with the Creeks and two with the Cherokees. Calhoun gives the following accounting of the money spent by the U.S. government and the land received by the State of Georgia:

The land thus acquired from the former [Creeks] in Georgia amounted to 14,449,480 acres and from the latter [Cherokees] to 995,310 acres. In acquiring these cessions for the State of Georgia the United States had expended \$958,945.90, to which should be added the value of the 995,310 acres given by the Cherokees in exchange for lands west of the Mississippi, the estimated value of which, at the minimum price of public lands, would amount to \$1,244,137.50. The United States had also (in addition to \$1,250,000 paid to Georgia as a part of the original consideration) paid to the Yazoo claimants, under the same compact, \$4,282,151.12, making in the aggregate \$7,735,243.52, which sum did not include any portion of the expense of the Creek war, whereby upwards of 7,000,000 acres were acquired for the State of Georgia. [A footnote states that the] Creek war was in large measure, if not wholly, superinduced by the unlawful and unjust aggressions by citizens of that State upon the rights and territory of the Creeks. Foreign emissaries, however, it is true, encouraged and inflamed the just indignation of the Creeks against the Georgians to the point of armed resistance.

The president expressed it as his opinion that the Indian title was not in the slightest degree affected by the compact with Georgia, and that there was no obligation resting on the United States to remove the Indians by force, in the face of the stipulation that it should be done *peaceably* and on *reasonable* conditions. The compact gave a claim to the State which ought to be executed in all its conditions with good faith. In doing this, however, it was the duty of the United States to regard its strict import, and to make no sacrifice of their interest not called for by the compact, not to commit any breach of right or humanity toward the Indians repugnant to the judgment and revolting to the feelings of the whole American people. The Cherokee agent, Ex-Governor McMinn, was shortly afterward ordered on May 3, 1824 ‘without delay and in the most effectual manner, forthwith to expel white intruders from Cherokee lands’ (Royce 1883-1884: 238-239).

The Cherokee Nation, alarmed by the views of the Georgia governor and legislature, appealed to Congress “for justice and for the protection of the rights, liberties, and lives of the Cherokee people.” In turn the doctrines enunciated by President Monroe’s special message “aroused the indignation of the governor of Georgia, who, in a communication dated April 24, 1824 to the President, commented with much severity upon the bad faith that for twenty years had characterized the conduct of the executive officers of the United States in their treatment of the matter in dispute” (Royce 1883-1884: 238-239).

Monroe was president during the entire time a journal was written at the Brainerd Mission (ABCFM). The journal included discussions by the missionaries about his

policies and the effect these policies had on the Cherokees, as well as the missionaries. President Monroe, “accompanied by Gen. Gaines & Lady,” visited Brainerd School on May 27, 1819. The Brainerd Journal describes his visit as follows:

We had expected the President would call as he passed, but thought we should hear of his approach in time to make a little preparation, & to meet & escort him in: but so silent was his approach that we had no information of his having left Georgia, until he was announced as at the door.

In thus taking us by surprise he had an opportunity of seeing us in our every-day dress, & observing how the concerns of the family & school were managed when we were alone: & perhaps it was best on the whole that he should have this view of us. If we had tried to appear a little better than common, we might only have made it worse.

He looked at the buildings and farm, visited the school, & asked questions in the most unaffected & familiar manner: & was pleased to express his approbation of the plan of instruction; particularly as the children were taken into the family, taught to work, &c. He thought this is the best, & perhaps the only way to civilize & Christianize the Indians: and assured us he was well pleased with the conducts & improvement of the children.

We had just put up, & were about finishing a log cabin for the use of the girls. He said that such buildings were not good enough, & advised that we put another kind of building in place of this; that we make it a good two-story house, with brick or stone chimneys, glass windows, &c, and that it be done at public expense. He also observed, that after this was done, it might perhaps be thought best to build another of the same description for the boys; but we would do this first.

Giving us a letter directed to the Agent, he observed, I have written to him to pay the balance of your account, for what you have expended on these buildings; & also to defray the expense of the house you are now about to build—make you a good house, having due regard to economy.

The President left us this morning after breakfast. Before his departure he, in the kindest manner, requested Fa. H. to write to him unofficially from time to time, & give him a free & particular statement of the concerns of the mission, & of our wants.

We feel ourselves under the great obligations of gratitude to the supreme giver of all good, & to the chief magistrate of our nation, for this friendly visit (Phillips and Phillips 1998:11, 116-117).

President John Quincy Adams (1825-1829) was the first president to follow the footsteps of his father, John Adams (presidential term 1797-1801). During his father’s administration he served as minister to Prussia. In 1809 President James Madison named him minister to Russia. His diplomatic skills helped negotiate the close of the War of 1812. President James Monroe named him secretary of state during his administration (1817-1825). His term as secretary of state is described as follow:

He proved himself to be brilliant in this role, perhaps the finest secretary of state in American history, toiling over complex negotiations involving boundary disputes and the

acquisition of Florida. And he became the chief architect of the Monroe Doctrine. 'Of the public history of Mr. Monroe's administration' he wrote, 'all that will be worth telling to posterity has been transacted by the Department of State.....I might confidently say by me.'

President Adams's achievements were overshadowed by his independence and arrogant manner. He became extremely depressed after the death of his father in 1826 and the suicide of his oldest son. The remainder of Adams's presidency was "desperately unhappy" and two years later Andrew Jackson defeated him by a large majority. In 1831 when his political career seemed over, the people of Massachusetts elected Adams as a representative to the U.S. Congress. He was the only ex-president to ever serve in Congress. For seventeen years, he became the most passionate and respected liberal voice in Washington. While in Congress, Adams spoke out on Indian rights (Kunhardt 1999: 170-171) at a time when Andrew Jackson was in the president's office denying Indian rights.

During the previous administration, President Monroe had "emphatically informed Congress" that the United States was not obligated to remove the Indians by force. In February 1826 Secretary of War James Barbour outlined the removal policy of John Quincy Adams's administration. The administration "called for removal of individual Indians 'in contradistinction of tribes.' These removals, Barbour insisted, would be conducted only with the Indian's own consent." In the minds of the whites who wanted Indian lands, this policy of voluntary removal was never really successful (Valliere 1982: 142).

Aggression by the State of Georgia intensified against the Creek and Cherokee people. Georgia surveyors forcibly entered into land ceded by the Creek treaty of 1826 before January 1st, 1827 despite the fact that the treaty forbade such action before the above date specified. In a special message to Congress on February 5, 1827 President Adams declared the following:

That it ought not to be disguised that the act of the legislature of Georgia, under the construction given to it by the governor of that State, and the surveys made or attempted by his authority beyond the boundary secured by the treaty of 1826 To the Creek Indians, were in direct violation of the supreme law of the land, set forth in a treaty which had received all the sanctions provided by the Constitution: that happily distributed as the sovereign powers of the people of this Union had been between their general and State governments, their history had already too often presented collisions between these divided authorities with regard to the extent of their respective powers. No other case had, however, happened in which the application of military force by the Government of the Union had been suggested for the enforcement of a law the violation of which had within any single State been prescribed by a legislative act of that State. In the present instance it was his duty to say that if the legislative and executive authorities of the State of Georgia should persevere in acts of encroachment upon the territories secured by a solemn treaty to the Indians and the laws of the Union remained unaltered, a superadded obligation, even higher than that of human authority, would compel the Executive of the United States to enforce the laws and fulfill the duties of the nation by all the force committed for that purpose to his charge (Royce 1883-1884: 239-240).

President Andrew Jackson (1829-1837) was described as the most violent-tempered man to serve as president. Thomas Jefferson stated, “His passions are terrible. He is a dangerous man.” John Quincy Adams characterized him as “a barbarian.” Upon arriving in Washington in 1824 Jackson wrote that he was “denounced as a man of revengeful temper with a tomahawk in one hand and a scalping knife in the other.” In 1824 Jackson ran against John Quincy Adams, who won in an election so close that it went to the House of Representatives. Jackson had won the popular vote, but when the speaker of the House, Henry Clay, supported Adams, the election went to Adams. It was then that Jackson was determined to topple the “old Eastern establishment.” Jackson won by a landslide (two-thirds of the electoral votes) in 1828 over incumbent John Quincy Adams (Kunhardt 1999: 350-353).

Two weeks after his election, Jackson’s wife died. “Now, his political opponents had done this to them, to him, attacking him viciously, slandering, libeling, belittling him, killing her. Embittered, Jackson sent this message to a Georgia congressman: ‘Build a fire under them. When it gets hot enough, they’ll (Indians) move’ (Ehle 1988: 219-220).

He vowed to turn the government over to the common man. He successfully fought the entrenched and increasingly corrupt United States Bank, which granted cheap loans to congressmen and senators. He used his veto power as a weapon and won his fight with the bank (Kunhardt 1999: 350-353).

“Jackson was a man of terrible contradictions—of deep prejudices against Native Americans, blacks, and those whom he considered his political enemies.” Unlike his predecessors, he was born poor and fought his way to the top. His simple roots put him on the same level with the working class in America. Through his eight years in office he helped define the modern presidency (Kunhardt 1999: 352-353).

Jackson supported Georgia claims to Cherokee lands and advocated total removal of the Cherokees. It was not an easy task to reverse the policies promoted by George Washington and guaranteed by treaty after treaty. In the opinion of the missionaries, civilizing and Christianizing of the Indians had been “eminently successful.” It was Jackson’s mission to convince “American voters that they were not sacrificing their ideals, laws, or institutions when they compelled 125,000 friendly Indians to move hundreds of miles from their homes to the westernmost frontier.” The bottom line of Jackson’s strategy was to tell the voters, what they wanted to hear, that moving them west “would put them beyond the reach of those oppressive, wicked whites who cheated them and plied them with liquor and intruded on their land.” Although Jackson’s removal policy included approximately seventy Indian tribes, the Cherokee Nation became the center of the controversy in its resistance to both the federal government and the State of Georgia (McLoughlin 1995:243-245).

In April 1830 an event that would bolster the passage of the Indian Removal Bill, passed during the following month, occurred when the highly populated and powerful Choctaw Nation of central Mississippi announced that it would consider signing a voluntary treaty of removal. It was a surprising decision to administration officials, but an opportunity Jackson seized to gain Congressional support for the Indian Removal Bill. The Choctaw treaty was submitted to the Senate for approval even while it was still in the proposal stage. “Jackson emphasized that the proposed treaty was the ‘voluntary’ act of the Choctaws and that, as President, he was willing to co-operate with whatever decision ‘my constitutional advisors may suggest.’ While the Senate took no action on the

proposed treaty and its exact impact in the passage of the Indian Removal Bill in May 1830 is unclear, Jackson was not about to ignore the Choctaw's willingness to sign a voluntary treaty of emigration." Commissioners were appointed to negotiate with the Choctaws and by September 1830 the treaty of Dancing Rabbit Creek was signed. What a great triumph this was for the Jackson Administration Indian removal treaties! It was the ideal document to set the stage for negotiations with other tribes. "It was very close to being the Jackson administration's perfect voluntary treaty of removal" (Valliere 1982: 142-143).

On May 28, 1830 the Indian Removal Act was passed in Congress after a bitter debate. The act authorized the president to exchange lands in the West for Indian-held lands in any state or territory. Congress passed an appropriation of \$500,000 to carry out the act. President Jackson could proceed with his removal policy and negotiate removal treaties with the southeastern tribes. It is stated as follows:

An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

Be it enacted....., That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Sec. 2 And be it further enacted, That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

Sec.3. And be it further enacted, That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Sec 4. And be it further enacted, That if, upon any of the lands now occupied by the Indians, and to be exchanged for there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the

improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Sec. 5. *And be it further enacted*, That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Sec. 7. *And be it further enacted*, That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided*, That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

Sec. 8. *And be it further enacted*, That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated (Prucha 2000 (1975): 52-53).

On Tuesday, December 7, 1830 President Jackson sent a message to be read to Congress and the following excerpt addresses the issues of Indian removal:

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress; and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay, which is lessening their numbers; and perhaps cause them gradually, under the protection of the Government, and

through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Towards the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits, and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers, they are not responsible to this Government. As individuals, we may entertain and express our opinions of their acts; but, as a Government, we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests to submitting to the laws of the States in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the inconveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country; and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and, one by one, have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there any thing in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion.

The present policy of the Government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern States, were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries, occupied by the red men of the south and west by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than

our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands, yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from every thing animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the General Government towards the red man is not only liberal but generous. He is unwilling to submit to the laws of the states, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new States, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions, and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be co-extensive with their limits, and that, with all convenient dispatch, the General Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the State Governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever with those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the General Government in relation to the states and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the general Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess, by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true conditions, and, by a speedy removal, to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened (Journal of The House of Representatives 1830: 25-33).

The storm clouds had been gathering between the State of Georgia and the Cherokee Nation ever since the United States agreed to pay Georgia \$1,250,000 for lands “lying south of Tennessee and west of Chattahoochee River and a line drawn from the mouth of Uchee Creek direct to Nickojack, on the Tennessee River and to extinguish the Indian title whenever the same could be done on peaceable and reasonable terms” (Royce 1883-1884: 233). Large land areas were occupied by both Cherokee and Creek Nations within the State of Georgia after 1802. The conflict between Georgia and the Cherokees would simmer for years until Jackson became president during the election of 1828.

Andrew Jackson of Tennessee was elected on a platform “that included reining in federal authority and ending the quasi-independent status of the tribes. Though known for championing the cause of the common man, Jackson also came into office with a serious constitutional agenda.” He felt that Knox (President Washington’s Secretary of War) was “misguided” in his views about American Indians. Jackson argued that the tribes were not “semi-autonomous sovereigns that could not be regulated by the States,” but rather “aliens who had no rights and could be governed by the States.” According to Jackson, the states could oversee tribal affairs (Magliocca 2003: 887).

These issues would culminate into the forced removal of the Cherokees beginning on May 23, 1838. The details of the hardships and turmoil, created during the Jackson Administration, is described in detail in the following chapter (5).

President Martin Van Buren (1837-1841) “was the perfect complement to Andrew Jackson, whom he served for eight years as chief advisor.” Van Buren was Jackson’s “chief political ally and alter ego.” His cool and calm demeanor balanced out Jackson’s temperament and impetuosity. Thurlow Weed, a devoted political enemy of Jackson and Van Buren, stated that Van Buren was non-committal, self-serving, and had the “habit of sitting on the fence on almost all controversial issues.” Van Buren wrote an autobiography in which he attempted to show himself “as the political heir of both Jefferson and Jackson.” In spite of this attempt, he was a different sort of politician—“the first modern, professional politician, and the father of American party politics.” Van Buren took office just prior to the forced removal of the Cherokees and saw the completion of negotiations for removal of Indians in the southeastern United States. Just as he had smoothed “choppy waters left in Old Hickory’s (Jackson) boiling wake,” (Kunhardt 1999: 93-94) his administration would see the boiling waters of the forced removal of the Cherokees and the smooth waters of seeing them gone.

War Department, Factories, and Indian Agents

During the first half of the 1790s contact between the Cherokee Nation and the United States government rested on the shoulders of Territorial Governor William Blount. When Tennessee became a state in 1796 Blount retired as Territorial Governor and as Superintendent of the Southern Indians. Benjamin Hawkins, an interim appointee, was given the title of “Principal Temporary Agent for the Southern Indians.” He was an exceptional choice because of his previous experience at various Indian treaty meetings and he was especially interested in carrying out the civilization provisions of Article Fourteen of the Treaty of Holston. He appeared to have no interest in personal gain, but sought progress for both Creek and Cherokee Nations, even though he resided in the Creek country (Malone 1956: 47-48).

Hawkins appointed Silas Dinsmoor as a Temporary Agent to the Cherokees. On April 15, 1797 Hawkins instructed Dinsmoor to procure food for a meeting with a group of chiefs and some whiskey. Less than ten days after the conference began, some Cherokees requested a little whiskey. Hawkins had totally deviated from the usual method of negotiation with Indian groups. The general accepted way was to get all Indians involved drunk, then negotiate. Hawkins “answered no, not one drop till the business they convened on was completely adjusted. They replied this was not usual, they heretofore were indulged and expected a continuance.” Finally the chief agreed with his decision and that good would come from it, “as heretofore much injury had been done them when in a state of drunkenness” (Malone 1956: 48).

Both Blount and Hawkins were in charge of controlling trade during their appointments as Indian Superintendents. There was a tendency for establishing trading houses, which came to be called “factories” and the agent in charge was called a “factor.” Congress passed an act in 1790 “to regulate trade and intercourse with the Indian tribes” whereby the Superintendent of Indian Affairs would issue traders a license on a biennial basis and traders would have to post a thousand dollar bond. On August 4, 1794 (thought to be the earliest) Blount issued a joint license for trading with the Cherokees to Barclay McGhee, Mathew Wallace, and John Lowrey (Malone 1956: 49).

Congress passed another “act in 1795 authorizing the President to establish such trading factories in the Indian country as was deemed necessary, and eventually \$150,000 was appropriated for the expenses of the project.” This act was passed to not only institute fair trading practices by placing strict controls on prices, weights, and measurements, but “to counteract the influence and prestige of British traders and Spanish agents.” The factory built to serve the Cherokee Indians was located at the Tellico Block House on the Tellico River, near the junction of the Tellico River as it flows into the Tennessee River. The site had a small garrison there and it was already an accepted location for meetings and negotiations with the Indians (Malone 1956: 49).

In spite of all the measures to keep the factories viable, successful, and honest, the results fell short of what was expected. Overpricing and tampering with measurement standards were evident all too often. Goods at the Tellico Factory were usually inferior to goods from British traders and the well-entrenched Panton, Leslie & Company in West Florida. Factors “were supposed to restrain themselves from improper financial gains,” however many of them became rich. Secretary of War Henry Dearborn in 1801 reported that the factory system had “a very salutary effect upon the minds of the Indians.” Of the

original \$150,000 appropriated, \$90,115.90 had been invested in the Creek factory at Colerain and the Cherokee factory at Tellico. The Colerain factory showed a greater profit probably due to the use of water transportation rather than the overland transportation used for the Tellico factory. An interesting statement by Dearborn was as follows: “the business of the two houses has been so managed, as, from the best information to be obtained, not only to save the original stock from diminution, but even to increase it about three or four percent” (Malone 1956: 50). The factory system was administered by a Superintendent of Indian Trade responsible to the Secretary of War until it was abolished in 1822. Thomas L. McKenney was the last Superintendent of Indian Trade and was appointed as head of the Bureau of Indian Affairs on March 11, 1824 when it was established within the War Department by order of Secretary of War John C. Calhoun. From 1824 to 1832 the bureau operated informally until an act of Congress (4 Stat.564) was passed to appoint a Commissioner of Indian Affairs to be under the direction of the Secretary of War. The Commissioner’s job was to direct and manage all matters arising from relations with the Indians. Secretary of War Calhoun originally named the department for Indian affairs, the Bureau of Indian Affairs, however common usage referred to it as the Office of Indian Affairs. It wasn’t until 1947 that the name Bureau of Indian Affairs was formally adopted (Hill 1965: 1 and 11).

McKenney’s career in Indian trade and affairs lasted for sixteen years. He served under Presidents Madison, Monroe, Adams, and Jackson. He was the man most responsible for bringing Indian delegations to Washington in the early 1800s. McKenney “is one of the most important yet little-known figures in the history of the frontier and the American Indian. He was an early champion of the Indians.” He was constantly in the middle of battles between two opposing cultures (European and American Indian) which were always colliding. On one side were the “practical, greedy, compromising politicians, backed by land-hungry whites” and on the other side “the embittered Indian nations and their harassed leaders.” Even though he shifted his views on Indian removal by supporting Jackson’s removal policies, the end of his career came during Jackson’s administration when “he met the world of ruthless power politics head on.” His greatest contribution to American Indian history was in establishing an archive for a collection of paintings of Indians who visited Washington, D.C. The three-volume set, *The Indian Tribes of North America with Biographical Sketches and Anecdotes of the Principal Chiefs*, which was produced from this collection, first appeared in London in 1837. The text for the volumes was written by James Hall, a frontier author and newspaper editor, from extensive research material supplied by McKenney. Struggles to publish the portfolio placed McKenney at near-poverty levels. “One report in the 1830s estimated the cost at \$100,000.” Today it is one of the most valued items, usually only found in special collections of large libraries and museums. In 1865, the original portraits were destroyed by a fire in a Smithsonian Institution gallery (Horan 1972: 22).

During the 1800s, there existed two principal types of field jurisdiction in Indian affairs: superintendencies and agencies. Superintendents were responsible for a geographical area, whereas agents maintained the closest contact with a tribe. Agents were responsible for keeping the peace within the tribe as well as outsiders, influencing the tribes to negotiate land cessions, distributing money and goods as specified in treaties, and carry out other provisions of treaties (Hill 1965: 6).

One such agent was Return Jonathan Meigs, who was appointed in 1801 at the beginning of the administration of President Thomas Jefferson. Meigs was to fill the combined rolls of Agent to the Cherokee Indians and Military Agent for the War Department in Tennessee. He selected Southwest Point (present-day Kingston, Tennessee) as the location for a combined Indian and War Department agency. Colonel Return Jonathan Meigs, a 60-year old Revolutionary War leader from Connecticut and who later moved to Ohio, was persuaded by Jefferson's new Secretary of War Henry Dearborn (a long-time friend of Meigs) to take the appointment. The garrison at Southwest Point was established in 1797 and by the first part of 1801, it had ceased to have a very active role as a military post. During the second half of 1801, the post was bustling with activities relative to the establishment of the Indian and military agencies at Southwest Point. The post would become a distribution point for the Civilization Program, as guaranteed by the Treaty of Holston in 1791. It is unclear as to whether the government factory at the Tellico Blockhouse initially played a role. Items distributed from Southwest Point included the following:

Shovel ploughs, Coulter ploughs, plough irons, corn hoes, mattocks, iron and steel, cotton cards, large cotton wheels, small spinning wheels, looms, 'reads or sleys' for looms, blankets, flat bottom boats, canoes, rifles, lead, powder, sheep, beef, bacon, flour, tobacco (M208: 8, 16, 79, 80, 97) and 'Indian medals' (M22:9) (Smith 1993: 51)

Due to the location being so distantly from Cherokee homes, Meigs obtained approval from the War Department "to establish a subsidiary Indian agency at Tellico Blockhouse. Major William L. Lovely was designated assistant Cherokee agent and placed in charge of this subagency late in 1801 (Malone 1956: 5) (Smith 1993: 51)

A glimpse into the life of Return Jonathan Meigs while at Southwest Point from 1801 to 1807 can be noted by reading the following selected excerpts (Smith 1993: 58, 59, 60, 61, 62, 65, 67, 68, 69).

June 25-20, 1801 – During the last part of June, Meigs was busy preparing for a treaty conference to be held at Southwest Point between various United States officials and representative of the Cherokee Nation. The War Department contributed a shipment of supplies for this conference, including 'one Marquee, two horsemen's Tents, three common Tents, Mattresses, Sheets, Blankets, and Camp Stools' (Banker 1972b:65)

July 10, 1801 – The Secretary of War informed Meigs that 100 cotton cards were being sent to him to be distributed as presents to 'industrious' Indians. Another 100 were being sent to the Tellico Factory to be sold (M208: 2)

August 1801 – The first of August was the date set by the Secretary of War for a treaty conference with the Cherokees to be held at Southwest Point. The United States government wished to obtain some land cessions and to build a road through the Cherokee Nation. The Cherokee leaders arrived at Southwest Point by the date requested, but the commissioners appointed by the Secretary of War did not arrive until later. Colonel Benjamin Hawkins arrived about three days late. General James Wilkinson was two weeks late, and General Andrew Pickens was a month late. Apparently most of the Indian delegation remained at Southwest Point during the entire month of August (Banker 1972b: 63-65).

August 11, 1801 – Colonel Meigs received a delivery of 458 pounds of tobacco, 200 gallons of whiskey, and 20 kegs of whiskey (M208: 3). Other shipments of ‘public stores’ were being sent to Southwest Point by wagon at this time (M22: 3), but goods that were to have been sent as gifts for the Indians in connection with the treaty conference were omitted (M22: 5).

September 4, 1801 – The Southwest Point treaty conference finally began at 2 p.m. on September 4. The commissioners were unable to obtain any of the cessions that they had wanted from the Cherokees, and they left Southwest Point within a few days (Banker 1972b: 65-67). The goods intended as presents to the Indians upon successful completion of the treaty eventually arrived at Southwest Point, but were no longer needed and were sent to the factory at Tellico Blockhouse (M15: 6).

October 23, 1801 – The Secretary of War requested that commanding officers in the area cooperate with Colonel Meigs in using non-officer army personnel ‘to work with the Cherokees as artificers and mechanics’ (M6: 5).

November 30, 1801 – Meigs proposed to the Secretary of War a plan to build a manufacturing center in the Cherokee Nation(M208: 5).

December 1801 – Toward the end of 1801 Colonel Meigs purchased some substantial quantities of Madeira wine and brandy in kegs, some as large as 20 gallons (M208: 54).

June 1802 – Colonel Meigs returned to Southwest Point on June 4 and learned that he had been appointed by the Secretary of War to superintend the running of the boundary line between the Cherokees and North Carolina. This occupied much of Meigs’ time for the remainder of the year (M208: 12; Meigs 1981: 218-220). During June a former Cherokee Agent, Silas Dinsmoor, was at Southwest Point preparing to descend the Tennessee to establish an agency for the Choctaw Indians. The stores for this agency were hauled from Knoxville to Southwest Point, and a flat bottom boat was purchased to move them downriver (M208: 12, 70, and 85).

September 1802 – About the middle of September, the French Botanist Francois Andre Michaux traveled from Middle to East Tennessee, as part of a much longer venture that was carefully recorded by him. The published version of Michaux’s journal (Thwaites 1904) contains several comments of interest: near the fort is established a kind of warehouse where the Cherokees carry ginseng and furs, consisting chiefly of bear, stag, and otter skins. They give them in exchange for coarse stuffs, knives, hatchets, and other articles that they stand in need of (Thwaites 1904: 264).

September 14, 1802 – Following a period of debate concerning the subject, the Secretary of War ordered Meigs to take appropriate measures to prohibit the sale of ‘ardent spirits to the natives’ (M208: 14).

October 10, 1802 – William Cocke, an Upper East Tennessee ironmaster, had been contracted to supply iron tools for the Cherokees (M208: 13). On October 10, Meigs placed an order for 100 light hoes, 100 light axes (‘must not exceed from 3 ½ to 4 lbs. each’). And 200 light plough irons (‘wedge shaped with a hole...not Barshear [bar share]’). During early 1803, 60 plough irons, 112 small axes, and 150 corn hoes were shipped by wagon to Southwest Point, and were subsequently distributed by Meigs to the

Upper and Lower Cherokee towns (M208: 18-19). The quality of these items was deemed unsatisfactory (M208: 19).

November 1802 - The annual treaty payment ('annuity') to the Cherokees which had last been made at Tellico Blockhouse in the fall of 1801 (M208:58) was made during the early part of November 1802, at Southwest Point. Because of a great deal of apprehension concerning what might happen in response to the recent murder of a Cherokee, followed by the retaliatory murder of a white, over fifty chiefs from the Cherokee Nation attended this gathering (M208: 15; Banker 1972b: 94).

November 28, 1802— Some idea of the kind of activities that were carried out by Colonel Meigs as Indian Agent can be gleaned from a letter written to him on this date by Secretary of War Dearborne. A party of Chickasaws had arrived unexpectedly in Washington, and the Secretary was sending them home in a four-horse wagon by way of Southwest Point. Meigs was to get a boat to send them down the Tennessee River and furnish them with provisions. 'The seven eldest men you will furnish with each a Rifle, one pound of powder, and two pounds of lead.' One of them was to be compensated \$10 for loss of an eye caused by a white man, and Meigs was instructed to explain to them the 'impropriety of coming to Washington without passports' (M15: 7).

In 1803 Colonel Meigs spent much of his time negotiating with the Cherokee Nation to allow a road from Northwest Point to Athens, Georgia; helping Gideon Blackburn find a location to build a school for the Cherokees (M15: 8); and dealing with white intruders settled on Cherokee land (Banker 1972a: 29; 1972b: 67-68). Permission was obtained in 1803 to run the road to Georgia (Smith 1993: 81).

From 1804 to 1807 "the Southwest Point Cherokee Agency remained a place where Indians came to receive goods, such as ploughs, spinning wheels, and cotton cards, supplied by the United States government" (208: 22-23) Activities at the agency were assisted by Samuel Riley, who served as a Cherokee interpreter (M208:77-78; Smith 1993: 70, 81). The first land cessions negotiated under the Meigs' Agency were the treaties of 1804 and 1805 (Malone 1956: 66) On June 20, 1807 Colonel Meigs wrote a letter that he intended to be his last from Southwest Point. He wrote that he would be at a new garrison at the mouth of the "Hiwassee River" (M208:44). Return Jonathan Meigs remained at the Hiwassee Garrison for the next eight years. In mid-June 1807 the Cherokee Factory at Tellico Blockhouse was moved to the Hiwassee Garrison by Nicholas Byers (M22: 14; Smith 1993: 94).

Cherokee Agent Meigs provided a myriad of services to the Cherokee people while at the same time carrying out instructions from the Secretary of War. In 1804 Meigs sent 300 bushels of corn to the drought-stricken Muscle Shoals area of the lower Tennessee River. Secretary of War Dearborn sent a congratulation message from the President (Jefferson): "You will embrace so favorable an opportunity for impressing the minds of the Cherokees with the fatherly concern and attention of the President to the distresses of his red children" (Malone 1956: 63).

Meigs also occasionally provided medical services. An extremely important task was to distribute annual annuities paid to the Cherokees by the United States (set by land cession treaties). The annuity distribution was usually held at the Cherokee Agency and was attended by large crowds, which included white and Indian speculators and disorder and confusion caused by the presence of whiskey. At first the annuity payments consisted

of colorful “gew-gaws”, but as the Cherokees became more acculturated requests were made for more practical items. The annuity distribution was usually held at the Cherokee Agency and was attended by large crowds. Problems included white and Indian speculators and disorder; confusion caused by the presence of whiskey; and the expense of supplying subsistence during the meetings. In 1817 The Cherokee National Council sent the following message to Washington:

Our annuity has been embarrassed by speculation both by whites and red people which has continued from Double Head’s time to the present day and that the nation now had Elected thirteen warriors to have the superintendence of it in the settlements with limited Powers subject to the unanimous acceptance or rejection by the members of our council and chiefs of the Cherokee nation. And that the Chiefs have resolved that hereafter the National Committee shall meet at the Agency to receive annuities, &c with the above limited power, as these great national meetings have of late produced quarrels among our people and division among our warriors &c. (Malone 1956: 64-65).

Another duty assigned to Meigs was that of arranging treaty conferences. “From 1801 to 1823 numerous attempts were made by federal and state commissioners to secure land grants from the Cherokees. Nine of these attempts were successful, reducing the Cherokee Nation to an area of some ten million acres. Most of the land cessions were in North Georgia.” Meigs was constantly sandwiched between the federal government, state governments, and the Cherokee Nation. His policy of persuading the Cherokees to cede their lands was founded in a message from the Secretary of War:

The money & goods which they will receive for the lands, more especially that part which will be paid annually will be of more real benefit to the nation under their improved state than the lands can be; that they will be enabled to make still greater progress in the useful arts, & will more & more rely on agriculture & domestic manufactories for their support & of course become a happy people (Malone 1956: 65-66)

The “reservations” clauses in the treaties of 1817 and 1819 added greatly to record keeping at the agency. Cherokees desiring 640 acres had to declare it to Agent Meigs. He in turn had to issue an acknowledgement and maintain a list of names and locations. “Nearly 150 reservations were filed in Meigs’ office” (Malone 1956: 70).

Return Jonathan Meigs, appointed on May 15, 1801, had served for nearly 20 years in the position of United States agent for the Cherokee Nation. “He had also, by his faithful, intelligent, and honest administration of the duties of his office as Indian agent, secured the perfect confidence of his official superiors through all the mutations of administration. He had acquired a knowledge of and familiarity with the habits, character, and wants of the Cherokees such as was perhaps possessed by few, if indeed by any other man.” In a communication to the Secretary of War dated May 30, 1820, Meigs felt that the time had arrived “when a radical change in the policy of managing their affairs had become essential.” Royce (1883-1884) expressed Meigs’ views as follows:

Ever since the treaty of 1791 the United States, in pursuance of a policy therein outlined for leading the Cherokees toward the attainment of higher degree of civilization, in becoming herdsmen and cultivators instead of hunters, had been furnishing each year a supply of implements for husbandry and domestic use. In consequence a respectable proportion of that nation had become familiarized with the use of the plow, spade, and hoe. Many of their women had learned the art of spinning and weaving, and in individual instances considerable progress had been made in the accumulation of property. Agent Meigs now thought that the point had been reached where the Cherokee people should begin to fight their own battles of life, and that any further contributions to their support, either in the shape of provisions or tools, would have only a tendency to render them more dependent upon the Government and less competent to take care of themselves. Those who were already advance in the arts of civilized life should be the tutors of the more ignorant. They possessed a territory of perhaps 10,000,000 acres of land, principally in the States of Georgia, North Carolina, and Tennessee, for the occupation of which they could enumerate little more than 10,000 souls or 2,000 families. If they were to become an agricultural and pastoral people, an assignment of 640 acres of land to each family would be all and more than they could occupy with advantage to themselves. Such an allotment would consume but 1,280,000 acres, leaving more than 8,000,000 acres of surplus land which might and ought to be sold for their benefit, and the proceeds (which he estimated at \$300,000, to be paid in fifty annual installments) applied to their needs in the erection of houses, fences, and the clearing and breaking up of their land for cultivation. The authority and laws of the several States within whose limits they resided should become operative upon them, and they should be vested with the rights, privileges, and immunities of citizens of those States. These views met with the concurrence of the administration and would possibly have been carried into effect but for the intense hostility thereto of not only the unprogressive element among the Cherokees themselves but of the officials and people of the States most interested, who could not view with complacency the permanent occupation of a single acre of land within their limits by the aboriginal owners (Royce 1883-1884: 231-232).

As Indian Agent to the Cherokees, Meigs performed a service no other representative of the government could as effectively. In spite of removal policies becoming stronger and stronger during his appointment, he was able to keep the Cherokees friendly toward the federal government. Meigs died during the winter of 1823 (Royce stated February 1823 and Malone stated January 1823), as the story goes, when he gave up his comfortable quarters to an aged Cherokee Chief and Meigs slept in a tent and caught pneumonia (Malone 1956: 73). On March 17th, 1823, Ex-governor McMinn of Tennessee was appointed as Indian Agent to the Cherokee Nation (Royce 1883-1884: 236).

The Cherokee Nation: One Nation Undivided

National Councils, composed of town chiefs, met only for specific issues. The “Grand Cherokee Council” of 1792 met at Ustanali (near present-day Calhoun, Georgia) on June 26, 1792. Chota, the previous Cherokee capital on the Little Tennessee River (East Tennessee), had been replaced by Ustanali to the south. (The Cherokee population was shifting to the south due to land cessions to the United States) The purpose of the Cherokee Council in 1792 was to meet with Governor Blount to discuss peace and land cessions (Malone 1956: 74-75).

In January 1809 when President Jefferson learned that Upper Town Cherokee Chiefs wanted to formally split the Cherokee Nation into two groups, Upper Cherokees and Lower Cherokees, he “urged conciliation between the two factions and suggested that the entire nation acquire unity through organizing a democratic type of government.” He recommended the creation of an assembly to enact essential laws and the appointment of judges to interpret the laws. He wished them success and promised that “in this you may always rely on the council and assistance of the government of the United States” (Malone 1956: 77).

During the decades before 1809 the government of the Cherokee Nation was loosely organized with the leading chief honored as “great beloved man” (Malone 1956: 74-75). “The council and local chiefs scrupulously monitored his actions, particularly in relations with the federal government, and in the early nineteenth century when the views of the principal chief failed to reflect the dominant opinion in the nation, other chiefs did not hesitate to depose him.” One such incident was when Chief Black Fox was inclined to accept President Jefferson’s proposal for the Cherokee Nation to exchange land acquired by the Louisiana Purchase (west of the Mississippi River) for lands claimed in the east by the Cherokee Nation. The vast majority of Cherokees strongly opposed the plan. Even though Cherokee Agent Meigs and some of the Chickamaugan chiefs supported Black Fox, in 1808 “a confederation of prominent chiefs” replaced Black Fox with Path Killer (Anderson 1991: 58-59).

There were no written laws until 1808, when the Cherokee Council instituted its first written law creating a national police force “to protect property and to ensure the inheritance rights of widows and orphans.” Today we usually apply the definition of property as being real estate, but in this case property is defined as chattel property and improvement. Real estate was owned by the Cherokee Nation. This law was a backlash from the incident with Black Fox and his inclination to agree with President Jefferson for the exchanging of Cherokee real estate east of the Mississippi River for land west of the Mississippi. For the next twenty years protecting property would remain at the forefront of developing governmental strategies for providing laws and oversight (Anderson 1991: 99).

On April 18, 1810 a step toward Cherokee Nation centralization was taken when the old law of Clan Revenge was abolished. The National Council enacted a law to deal with murder and punishment through its regulations. Punishment was to be taken out of the hands of the nearest relative in retaliating against the murderer’s relatives. The Revenge Law was so closely related to the Mosaic requirement of “an eye for an eye and a tooth for a tooth” (Brown 1938: 453-454). James Adair, who lived and traded among the Cherokees and Chickasaw from 1736 to 1768, believed that the Indians were “lineally descended from the Israelites.” (Williams 1930:14).

In 1817 the council “unanimously adopted articles of government ‘in order to obviate the evil consequences’ of independent towns and unauthorized individuals negotiating the concession of common land between council meetings” (Anderson 1991: 59). The Cherokee Council created a national bicameral legislature, with a “Standing Committee” (later known as the National Committee) as the upper house, which was composed of thirteen members (elected for a two-year term) from the National Council (Malone 1956: 78). The Standing Committee was created under the Articles of Government to manage the affairs of the Cherokee Nation when the council was not in

session (Anderson 1991: 59). An extremely important function of the Standing Committee was to oversee the annual annuity payments from the federal government administered by Agent Meigs (Malone 1956: 78). Also under the Articles of Government individual rights to improvements were reaffirmed under the principle of matrilineal descent and emigrants (who signed the emigration provision in the Treaty of 1817) forfeited any claims to Cherokee Nation property in the east (Anderson 1991: 59). A lower house was created to constitute the whole Council, which “retained reviewing powers over actions of the committee” (Malone 1956: 78).

In 1820 further steps were taken toward centralization of the Cherokee Government by the National Committee and National Council, with the approval of Principal Chief Path Killer. The Cherokee Nation would be divided into eight districts. See Figure 3.1 in Chapter 3 for a map of the Cherokee Nation districts. See Figure 4.5 below for chart of National Committee and National Council members, compiled in 1822 by a visitor to the American Board’s missions (Malone 1956: 79-81).

Path Killer - Principal Chief of National Council,
Charles R. Hicks - Second beloved man and treasurer of National Council.
Major Ridge – Speaker for the Council

National Committee Members	National Council Districts	Member	Member	Member	Member
John Ross, President	Coosawatee	William Hicks	Terrapin Head	Rising Fawn	One Vacancy
George Lowrie	Etowee	Tonnateehce	Walking Stick	The Feather	Old Turkey
Richard Taylor	Amohee	Going Snake	Choo-no-yuh-kee	Wa-nuh-kee	Ta-quh-kee
Cabin Smith or Big Cabin	Chatooga	Tsoo-ee-kullah	Big Rattling Gourd	Uh-nee-o-lee	Samuel Gunter
John Baldrige	Hickory Log	Slim Fellow	Gone to Sleep	Tuh-quo	Kee-nah-tee-hee
Sleeping Rabbit	Chickamaugah	Tah-lee-is-kee	Noisy Warrior	Three Killer	Charles Reese
Thomas Forman	Aquohee	Un-nee-ka-yah-no-hee	Sik-quh	Woman Keeper	Kul-lo-skee
The Hare	Tawquohee	Tsoo-a-lo-gee	Was-to-no-hee	A-maw-yee-tah	Charley
John Beemer					
Kee-la-chu-lee					
Kur-la-chu-lih					
Roman Nose					
John Downing, Jr.					

Figure 4.5. 1822 National Committee and National Council. Cherokees of the Old South.

Principal Chief Path Killer and Assistant Principal Chief Charles Hicks both died in early 1827, just as the “Cherokees were rising to their full potential as a sovereign nation (Phillips 1998: 397).

A council house would be established in each district for holding trials overseen by a district judge. There would be a marshal in each district to enforce the judge’s decisions. A special circuit judge would have jurisdiction over each two districts and “associate with the district judges in determining all causes agreeable to the national laws.” A company of light-horse would administer the circuit court orders (Malone 1956: 78).

In 1822 the National Committee and National Council took another important step in creating a republican form of government. A “National Superior Court” was created to meet concurrently with the legislature each autumn. Four district judges would sit on this bench and oversee both civil and criminal cases. A jury would be selected to bring in the court’s verdict. This court came to be known as the “Supreme Court of the Cherokee Nation” and met at Newtown (later named New Echota) in its first sessions on October 9, 1823. From October 9 to October 25, the high court heard twenty-one cases (Malone 1956: 93).

Elias Boudinot was appointed in October 1825 by the Cherokee Council to tour various cities in the United States to seek monetary support for establishing and maintaining a Cherokee national academy and establishing a printing office at New Town (the Cherokee capital, later named New Echota) with the capability of printing in both Cherokee and English. In “An Address to the Whites” delivered in the First Presbyterian Church in Philadelphia on May 26, 1826, Boudinot chronicled the Cherokee Nation’s progress in becoming civilized. The following excerpts are from this address::

The time has arrived when speculations and conjectures as to the practicability of civilizing the Indians must forever cease. A period is fast approaching when the stale remark—‘Do what you will, an Indian will still be an Indian,’ must be placed no more in speech. With whatever plausibility this popular objection may have heretofore been made, every candid mind must now be sensible that it can no longer be uttered, except by those who are uninformed with respect to us, who are strongly prejudiced against us, or who are filled with vindictive feelings towards us; for the present history of the Indians, particularly of that nation to which I belong, most incontrovertibly establishes the fallacy of this remark.....

It needs not the power of argument on the nature of man, to silence forever the remark that ‘it is the purpose of the Almighty that the Indians should be exterminated.’ It needs only that the world should know what we have done in the few last years, to foresee what yet we may do with the assistance of our white brethren, and that of the common Parent of us all.....Nor is it my purpose to enter largely into the consideration of the remnants, of those who have fled with time and are no more—. They stand as monuments of the Indian’s fate. And should they ever become extinct, they must move off the earth, as did their fathers. My design is to offer a few disconnected facts relative to the present improved state, and to the ultimate prospects of that particular tribe called Cherokees to which I belong.

The Cherokee Nation lies within the charted limits of the states of Georgia, Tennessee, and Alabama (and North Carolina). Its extent as defined by treaties is about 200 miles in length from East to West, and about 120 in breadth. This country which is

supposed to contain about 10,000,000 of acres exhibits great varieties of surface, the most part being hilly and mountaneous, affording soil of no value. The vallies, however, are well watered and afford excellent land, in many parts particularly on the large streams, that of the first quality. The climate is temperate and healthy..... Those lofty and barren mountains, defying the labour and ingenuity of man, and supposed by some as placed there only to exhibit omnipotence, contribute to the healthiness and beauty of the surrounding plains, and give to us that free air and pure water which distinguish our country. These advantages, calculated to make the inhabitants healthy, vigorous, and intelligent, cannot fail to cause this country become interesting.....

The population of the Cherokee Nation increased from the year 1810 to that of 1824, 2000 exclusive of those who emigrated in 1818 and 19 to the west of the Mississippi—of those who reside on the Arkansas the number is supposed to be about 5000.

The rise of these people in their movement towards civilization, may be traced as far back as the relinquishment of their towns; when game became incompetent to their support, by reason of the surrounding white population. They then betook themselves to the woods, commenced the opening of small clearing, and the raising of stock; still however following the chase. Game has since become so scarce that little dependence for subsistence can be placed upon it.....

On the other hand it cannot be doubted that the nation is improving rapidly improving in all those particulars which must finally constitute the inhabitants an industrious and intelligent people.

In 1810 there were 19,500 cattle; 6,100 horses, 19,600 swine; 1,037 sheep; 457 looms; 1,600 spinning wheels; 30 waggons, 500 ploughs; 3 saw-mills; 13 grist-mills &c.

At this time (1826) there are 22,000 cattle, 7,600 horses; 46,000 swine; 2,500 sheep; 762 looms; 2,488 spinning wheels; 172 waggons; 2,943 ploughs, 10 saw-mills; 31 grist-mills; 62 Blacksmith-shops; 8 cotton machines; 18 schools; 18 ferries; and a number of public roads.

Elias Boudinot continued describing in detail the Cherokee syllabary invented by George Guest and the high literacy rate among the young, the formation of a republican government in the Cherokee Nation, and laws passed to “establish the respectability of the nation.” His closing remarks are as follows:

But if the Cherokee Nation fail in her struggle, if she die away, then all hopes are blasted, and falls the fabric of Indian civilization.....There is, in Indian history, something very melancholy, and which seems to establish a mournful precedent for the future events of the few sons of the forest, now scattered over this vast continent. We have seen every where the poor aborigines melt away before the white population. I merely speak of the fact, without at all referring to the cause. We have seen, I say, one family after another, one tribe after another, nation after nation, pass away; until only a few solitary creatures are left to tell the sad story of extinction.

Shall this precedent be followed? I ask you, shall red men live, or shall they be swept from the earth? With you and this public at large, the decision chiefly rests. Must they perish? Must they all, like the unfortunate Creeks, (victims of the unchristian policy of certain persons,) go down in sorrow to their grave.

They hang upon your mercy as to a garment. Will you push them from you, or will you save them? Let humanity answer.

While Boudinot was in Philadelphia, his address was published in a pamphlet, which he hoped would reach even more people. Funds raised from his tour made it possible to purchase a press and the Cherokee National Council appropriated funds to build a printing office at New Echota and named the newspaper, the Cherokee Phoenix (Perdue 1996: 66-87).

On October 13, 1826 the National Committee and National Council called for a Constitutional Convention and an election to be held in each district for three delegates to the Convention. The delegates were elected as follows:

Districts	Delegate	Delegate	Delegate
Chickamauga	John Ross	John Baldrige	
Chattooga	George Lowrey	Edward Gunter	John Brown
Coosawatee	John Martin	Joseph Vann	Kelechulee
Amohee	The Hair (Hair Conrad)	Lewis Ross	Thomas Foreman
Hickory Log	James Daniel	John Duncan	
Hightower (Etowah)	Joseph Vann	John Beamer	Thomas Petit
Aquohee	Situwakee	Richard Walker	John Timson
Taquohee	Ooclenota	William Boling	

Figure 4.6. Delegates to the 1827 Cherokee Constitutional Convention. Cherokees of the Old South.

John Ross was named as the Presiding Officer of the Constitutional Convention and Alexander McCoy was appointed as Clerk. The document produced from this convention “epitomized nearly a generation of progressive legislation” and “led to a greater unity in government, and produced a broader system of justice for the Cherokee people (Malone 1956: 84-85). The road to adopting the Constitution was not without bumps. Strong opposition to the constitution was led by a full-blood conservative and member of the National Council, White Path. He held meetings in Turniptown, his home town, advocating the following measures: “repudiation of the constitution; abandonment of the white man’s religion, economic life, and social structure; and re-adoption of tribal existence.” After being removed from his office late in 1828, he had a change of attitude and made a public acceptance of the constitutional government. White Path was reinstated on the National Council (Malone 1956: 87).

Principal Chief Path Killer and Assistant Principal Chief Charles Hicks died six months before the Cherokee Nation reached its apex in the establishment of a republican form of government by the adoption of a Constitution on July 26, 1827. Both had “ardently supported a unified Cherokee Nation.” Elections for new leaders of the Cherokee Nation were held in the National Council meeting during fall 1828. John Ross was elected Principal Chief and George Lowrey was elected Assistant Principal Chief. Soon after all of these events took place in the Cherokee Nation, Andrew Jackson was elected President and the State of Georgia passed laws to seize control of Cherokee land lying within its boundaries and to nullify the laws adopted by the Cherokee Constitution.

Jackson supported these measures by saying “no sovereign nation, such as the Cherokee Nation, should be allowed to exist within the boundaries of a state or territory of the United States” (Phillips 1998: 397-398)

Chapter Five will describe the struggles by the Cherokee Nation for a greater part of the next decade to hold on to its sovereignty and republican form of government.

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Chapter 5

The Cherokee Holocaust

Introduction

By: Gail King

Professor Tom Hatley (Western Carolina University) presented his observations on the Cherokee Removal at a lecture he gave during the Eighth Annual Trail of Tears Conference & Symposium in Cherokee, North Carolina. His reflection on the meaning of holocaust was the impetus for the title of this chapter. Hatley (2003) stated:

We can find some very useful perspectives in writings about the Jewish Holocaust of this century. One school of Holocaust historians argues for the singularity of the Nazi-organized movement and against the inclusion of the destruction of Native American and other peoples in the same category as that Holocaust. However, one of the most singular characteristics that unites such episodes over the past two hundred years is their very singularity: evil cannot be classified as if it were a malignant bestiary in its local varieties. The Trail of Tears and Removal exhibit many of the same characteristics that relate to a dark and growing category of man-made destruction and dislocation of peoples in this century. Removal is certainly a Holocaust-like event, and similarities to the Nazi-executed Holocaust are instructive, especially because they reveal patterns of intentionality—personal or organizational—and action on the part of those who were the aggressors.

Perhaps the most telling of these characteristics is after-the-fact, historical denial that such events ever took place. Both the Holocaust and Removal atrocities are sometimes denied. The varieties of denial, some spontaneous, some not, and some superficially not denials at all, provide some useful places on which to focus. Denials, whether small or large, throw light on the many facets of the sorrowful and unresolved persistence of an event still lodged in the hearts of the nations—Cherokee and American.

According to McLoughlin (1984) by 1794 the acculturation of the Cherokees had made considerable advancement “when the last of their warriors in Alabama and Tennessee made peace with the United States.” He stated that the works of James Mooney, Charles Hudson, Fred Gearing, Raymond Fogelson, and William Gilbert studied changes in the Cherokee beliefs system and customs prior to 1776 from an anthropological point of view. The works of Charles Royce, David Cockran, Henry Malone, John Haywood, Rennard Strickland, and John Reid encompassed the same time period, but from the historical viewpoint. Ever since Ralph Linton in 1935 defined “non-directive (or voluntary) and “directive” (or compulsory) acculturation, “anthropologists and historians have recognized that a crucial watershed in the history of any tribe is the point at which it loses control over its own affairs. Robert Berkhofer (1976) postulated that “the most significant turning point in the acculturative history of any Indian tribe was the loss of political autonomy.” He further stated that at a point when tribal members were effectively under the control of the “agents of Anglo-American civilization, the commencement of reservation life began.” McLoughlin (1984) marks the year 1794 as the turning point in Cherokee acculturative history even though they were not by

definition on a tribal reservation. By 1794 the Cherokees had lost most of their hunting grounds and were surrounded by the white population.. For the past twenty years their crops and villages had been burned by invasion after invasion by white armies. Their decision in 1776 to remain loyal to the king of England put them on the wrong side of the American Revolution (Moulton 1984: 5-6).

A study of Cherokee history during the first four decades reveals a continual direction toward removal, at first by incentives for voluntary removal. In 1809 the first government assisted voluntary removal was made to Tahlonteskee, when he presented a list to Indian Agent Return J. Meigs of 1,023 of the Lower Town people who wanted to move west of the Mississippi. “The Tahlonteskee group took with them 1,273 black cattle, 369 horses, 868 hogs, 46 spinning wheels, 13 looms, and 36 plows. The removal was made by flatboat and canoe down the Tennessee, Ohio, and Mississippi rivers. Much of the Cherokees’ livestock was driven directly overland” (Hoig 1996: 19).

During Jefferson’s administration the 1803 Louisiana Purchase not only doubled the size of America, but provided ample land for Indian relocation to the west of the Mississippi River. From the time of the Louisiana Purchase to the forced removal, Indian agents and Christian missionaries worked among the Cherokee to bring them into the white man’s definition of civilization. Hunting on vast areas of land should be replaced with individual productive farms. Less land would be needed for each of the Southeastern tribes. Relocation would provide more productive lands for farms and the civilization programs would go on, unimpeded by white encroachment.

Statistics of the encroaching white population given in Michael Rogin’s *Fathers and Children* are as follows:

In 1790, there were 3,900,000 Americans, and most of these lived within 50 miles of the Atlantic Ocean. By 1830, there were 13 million Americans, and by 1840, 4,500,000 had crossed the Appalachian Mountains into the Mississippi Valley—that huge expanse of land crisscrossed by rivers flowing into the Mississippi from east and west. In 1830, 120,000 Indians lived east of the Mississippi. By 1844, fewer than 30,000 were left. Most of them had been forced to migrate westward. But the work ‘force’ cannot convey what happened (Zinn 1980: 125).

Howard Zinn (1980) defined subordinate groups in a society, such as women who were dominated by rich white males. Women, who were a necessary part of a home and considered the most interior, were on the opposite end of subordinate groups when compared to Indians, who were the most foreign, the most exterior. “Women, because they were so near and so needed, were dealt with more by patronization than by force. The Indian, not needed—indeed, an obstacle—could be dealt with by sheer force, except that sometimes the language of paternalism preceded the burning of villages” (Zinn 1980: 125) The “language of paternalism” refers to the use of father when referring to the American president or some other high dignitary.

The Relentless Pursuit for Evicting the Cherokee in Georgia

The relationship between the federal government and the Georgia state government began its tangled involvement in 1802, when Georgia ceded to the United States Government its land claims from its current western boundary to the Mississippi

River. Georgia's claim to this land was based on its colonial charter (Perdue 1995: 17). The agreement between Georgia and the federal government was as follows:

By an Agreement between the United States and the State of Georgia bearing date April 24, 1802, Georgia ceded to the United States all the lands lying south of Tennessee and west of Chattahoochee River and a line drawn from the mouth of Uchee Creek direct to Nickojack, on the Tennessee River. (The land in this agreement would later become the states of Alabama and Mississippi). In consideration of this cession the United States agreed to pay Georgia \$1,250,000, and to extinguish the Indian title whenever the same could be done on peaceable and reasonable terms: also to assume the burden of what were known as the Yazoo claims (Royce 1883-1884: 233).

Politicians in Georgia impatiently demanded for U.S. Government action. "Presidents Monroe and Adams countered repeatedly that they were moving as fast as they could: the law required that land could be purchased only by treaty, and federal policy respected the sovereign right of the Indians nations to refuse to sell. There was, therefore, nothing more they could do (Perdue 1995: 17). See the Response of President Monroe and Message of President Adams in Chapter Four under Sections *President James Monroe* and *President John Quincy Adams*.

The State of Georgia charged the United States with bad faith:

Ever since the date of this agreement the utmost impatience had been manifested by the Government and the people of the State of Georgia at the deliberate and careful course which had characterized the action of the General Government in securing relinquishment of their lands in that State from the Creeks and Cherokees. Charges of bad faith on the part of the United States, coupled with threats of taking the matter into their own hands, had been published in great profusion by the Georgians. These served only to enhance the difficulties of the situation and to excite a stubborn resistance in the minds of the Indians against any further cessions of territory (Royce 1883-1884: 233).

A committee appointed by the House of Representatives ironically had George R. Gilmer as chairman, who later became the governor of Georgia. "Acting on the report of the Gilmer committee, Congress appropriated \$30,000 for the extinguishment of Indian land titles within the limit of Georgia" and a commissioner was appointed to secure another land cession (Eaton 1914: 39).

The subject was brought to the attention of Congress through the action of the governor and legislature of Georgia. A select committee was appointed by the House of Representatives, at the first session of the Seventeenth Congress, to take the matter into consideration and to report whether the said articles of agreement between that State and the United States had so far been executed according to the terms thereof, and what were the best means of completing the execution of the same. This committee submitted a report to the House (January 7, 1822) wherein, after reciting the terms of the agreement, allusion is made to the Creek treaty of 1814, and the opinion expressed that the agreement might have been more satisfactorily complied with by demanding the cession at that treaty of the Creek lands within Georgia's limits, instead of accepting in large measure those within the Territory of Alabama. The Indians were by this action forced, in the opinion of the committee, within the limits of Georgia, instead of being withdrawn therefrom.

Respecting the Cherokee treaty of July 8, 1817, the committee say that some time previous to its conclusion the Cherokees had represented to the President that their upper and lower towns wished to separate; that the Upper Cherokees desired to be confined to a smaller section of country and to engage in the pursuits of agriculture and civilized life; that the Lower Cherokees preferred continuing the hunter's life, and owing to the scarcity of game in their own country, proposed to exchange it for land on the west of the Mississippi River; that to carry into effect these wishes of the Indians the treaty of 1817 was held and the United States then had it in their power to have so far complied with their contract with Georgia as to have extinguished the title of the Cherokees to most of their lands within the limits of that State; that this could readily have been done, for the reason that the Upper Cherokees resided beyond the boundaries of Georgia, and had expressed a desire to retain lands on the Hiwassee River, in Tennessee, whilst the Lower Cherokees, who were desirous of emigrating west, mostly resided in the former State. But, in spite of this opportunity, the United States had purchased an inconsiderable tract of country in Georgia and a very considerable one in Tennessee, apparently in opposition to the wishes of the Indians, the interests of Georgia, and of good faith in themselves. By this treaty the United States had also granted a reservation of 640 acres to each head of an Indian family who should elect to remain on the eastern side of the Mississippi. This the committee viewed as an attempt on the part of the United States to grant lands in fee simple within the limits of Georgia in direct violation of the rights of that State. The provision permitting Cherokees to become citizens of the United States was also characterized as an unwarrantable disregard of the rights of Congress. It was further asserted that by the treaty of 1819 the United States had shown a disposition and determination to permanently fix the Cherokee Indians upon the soil of Georgia, and thereby render it impossible to comply with their contract with that State. Yet another feature of this treaty too objectionable to be overlooked was the agreement of the United States that 12 miles square of land ceded by the Indians should be disposed of and the proceeds invested for the establishment of a school fund for those Indians. In conclusion the committee suggested that in order to a proper execution of the agreement with Georgia it would be necessary for the United States to relinquish the policy they had apparently adopted with regard to civilizing the Indians and keeping them permanently on their lands, at least in respect to the Creeks and Cherokees, and that appropriations should be made from time to time sufficiently large to enable the Government to hold treaties with those Indians for the extinguishment of their title (Royce 1883-1884: 233-235).

Jackson's election in 1828 was the impetus for the Georgia legislation to take action on its own. The State of Georgia lost no time enacting state laws over the Cherokee Nation. On December 20, 1828 "shortly after Jackson's victory, Georgia reaffirmed and expanded its policy of extending state civil and criminal jurisdiction over the Cherokee Nation" (Perdue 1995: 17). See Appendix A. Malone (1956) wrote the following synopsis of the Georgia Legislature edict:

A sweeping edict was passed by the state legislature, designed to cancel Cherokee authority and assert Georgia sovereignty over the coveted Indian territory. The act placed the entire Cherokee Nation under Georgia law, and specifically assigned various areas of the Indian country to the frontier counties of Carroll, DeKalb, Gwinnett, Hall, and Habersham. Appropriate sections of the Georgia legal code were to be applied to the new region, and all whites therein were declared subject to these laws. The act voided Indian

sovereignty with these words: 'All laws, usages, and customs made established, and in force in the said territory, by the said Cherokee Indians, be, and the same are hereby, on and after the first of June, 1830, declared null and void.' Further it was announced that no Indian could be considered a competent witness in Georgia courts in cases to which white men were parties (Malone 1956: 172, Dawson 1831: 198).

Relations between the Cherokee Nation and the State of Georgia became even more entangled when gold was discovered in a section of the Cherokee Nation lying in Georgia. Malone (1956) stated that even though the first gold strike was probably made by a John Witheroods in 1828 along Duke's Creek in Habersham County, Georgia, there were several other locations to the west reported shortly thereafter. The Cherokee government had previously passed a law that gold or other metals found within their borders were Cherokee national property. In total disregard for Cherokee laws nearly ten thousand "gold-fevered men" rushed in and by "mid-1829, a gold rush was in full swing." The Cherokee Council ordered the intruders to leave and requested Indian Agent Hugh Montgomery to take action. Agent Montgomery sent in U.S. troops, but had little effect on the situation (Malone 1956: 172 -173).

The State of Georgia took advantage of the situation by "reiterating its law of 1828 in a new and more inclusive edict issued on December 19, 1829, by the terms of which sovereignty was reasserted over the Cherokee country, and the previous year's decrees restated." See Appendix B. This edict went even further by stating that no one "was to prevent any Indian from enrolling for westward migration; any Indian could sell or cede Indian Lands; and a term of four years in the state penitentiary was to be meted out to violators of state rulings." (Malone 1956: 173, Dawson 1831: 198-199).

"It was soon apparent that neither red nor white national governments could maintain order." Georgians, feeling humiliated by the presence of federal troops, appealed to Governor Gilmer, who requested that President Jackson remove federal troops and the State of Georgia would send in its own force. Jackson, who "was in full sympathy with Georgia" complied and removed the federal troops. Cherokee hopes were dashed on May 28, 1830 when the Removal Bill was passed in Congress "to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the Mississippi." However, the closeness of the vote in the Senate, 28 to 20, and the House, 103 to 97, showed a great deal of opposition to the bill (Malone 1956: 173-174).

After the passage of the Removal Bill the State of Georgia feeling even more powerful created a sixty-man "Georgia Guard," which would eventually extend its jurisdiction not only over the troubled gold-rush areas, but over "the entire Indian nation." The act creating the Georgia Guard was passed by the Georgia legislature on December 22, 1830. Not only did it create a military force, but stated that "no Cherokee governing body could meet except to cede lands, and Indian officials holding any kind of court were to receive four years of hard labor." The act put one more nail in the coffin by declaring that by March 1, 1830, all whites residing in the Cherokee Nation must obtain a license and take an oath to "uphold the laws of Georgia (Malone 1956: 173). The part of the act affecting whites living in the Cherokee Nation was aimed directly at white missionaries. Refer to Chapter Three, Section on *Missionaries and the Trail of Tears* for intimidation and imprisonment of several missionaries by the State of Georgia.

In order to gather public support, the Cherokee Nation in a memorial to the American people pled for justice:

After the peace of 1783, the Cherokees were an independent people, absolutely so, as much as any people on earth. They had been allies to Great Britain.....The United States never subjugated the Cherokees; on the contrary, our fathers remained in possession of their country and with arms in their hands.....In 1791, the treaty of Holston was made.....The Cherokees acknowledged themselves to be under the protection of the United States, and of no other sovereign.....A cession of land was also made to the United States. On the other hand, the United States.....stipulated that white men should not hunt on these lands, not even enter the country, without a passport; and gave a solemn guarantee of all Cherokee lands, not ceded.....

We are aware that some persons suppose it will be for our advantage to remove beyond the Mississippi. We think otherwise. Our people universally think otherwise....We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States made in pursuance of treaties, guarantee our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.....

We intreat those to whom the foregoing paragraphs are addressed, to remember the great law of love. 'Do to others as ye would that others should do to you.'.....We pray them to remember that, for the sake of principle, their forefathers were compelled to leave, therefore driven from the old world, and that the winds of persecution wafted them over the great waters and landed them on the shores of the new world, when the Indian was the sole lord and proprietor of these extensive domains—Let them remember in what way they were received by the savage of America, when power was in his hand, and his ferocity could not be restrained by any human arm. We urge them to bear in mind, that those who would not ask of them a cup of cold water, and a spot of earth.....are the descendants of these, whose origin, as inhabitants of North American, history and tradition are alike insufficient to reveal. Let them bring to remembrance all these facts, and they cannot, and we are sure, they will not fail to remember, and sympathize with us in these our trails and sufferings (Zinn 1980: 139-140).

In December 1830, President Jackson responded to this memorial in his second Annual Message to Congress stating that the Choctaws and Chickasaw had already agreed to remove to the west and it would be to the advantage of all others to agree. According to Jackson the land now occupied by a “few savage hunters” would be replaced by a “dense and civilized population” of whites. The Indian population would through American government protection eventually “cast off their savage habits and become an interesting, civilized, and Christian community” (Zinn 1980: 140). Refer to Chapter Four, Section on *President Andrew Jackson* for 1830 Message to Congress.

Two court cases that went all the way to the U.S. Supreme Court ended with decisions that further sealed the fate of the Cherokee Nation to be forcefully removed. The first case in 1830 involved a Cherokee Indian named George Tassel, who was convicted of murder by the Hall County Superior Court and sentenced to death. William Wirt of Philadelphia, retained as counsel by the Cherokee Nation, took the case to the Supreme Court citing violations of Cherokee sovereignty and asked the court to void

Georgia's laws in Indian territory and to remove Georgia officials from Cherokee lands. Georgia disregarded the summons to attend a hearing and even expedited the execution of Tassel. When the writ of error appeared on the Supreme Court docket, this action by the State of Georgia was the impetus for a new and stronger appeal by the Cherokee Nation. In *Cherokee Nation vs. Georgia*, a request was made "for an injunction against the State of Georgia for numerous violations. Lawyers Wirt and Sargent argued that the Cherokee Nation was "a foreign State, not owing allegiance to the United States, nor to any State of this Union, nor to any prince, potentate, or state other than their own." (Malone 1956: 175, Peters 1857: V, 1.). On March 5, 1831 the Supreme Court "refused to accept jurisdiction because it declared that the Cherokee Nation was not a 'foreign nation' in the sense intended by the Constitution." John Marshall defined Indian tribes as "domestic dependent nations" (Prucha 2000: 57).

The second case going to the United States Supreme Court involving Cherokee sovereignty was that of *Worcester vs. the State of Georgia*. James Bird in his presentation at the 2003 Trail of Tears Conference & Symposium deemed it as the most significant Supreme Court case in American Indian History. It was heard on March 3, 1832 and unlike the first court case mentioned above, the outcome was a decision in favor of the Cherokee Nation. "Chief Justice John Marshall determined that the Indian Tribes were dependent sovereigns or nations within the borders of the United States. The Tribe was not subject to the passage of Georgia's state laws that disenfranchised them and determined that such laws were unconstitutional." President Jackson's refusal to enforce this decision "allowed the State of Georgia to deny civil rights to the Cherokee Nation. No doubt that Jackson was motivated by his desire for the removal of the Cherokee" (Bird 2003: 11, Royce 1975: 136-138). The outcome for Samuel Worcester was that he would remain in the Georgia penitentiary, even though the U.S. Supreme Court's decision was that his incarceration violated the treaty with the Cherokees and the states were bound under the U.S. Constitution. Georgia ignored the decision and the President refused to enforce the court order (Zinn 1980: 141).

The Cherokee Phoenix: Freedom of the Press?

In October 1827, the Cherokee Council at New Echota issued a resolution for the establishment of a newspaper to be printed weekly under the name of *Cherokee Phoenix*. The newspaper was to print important news and official publication in the Cherokee syllabary created by Sequoyah. Elias Boudinot, educated at Cornwall in Connecticut, was hired as editor at an annual salary of \$300. The first edition of the *Cherokee Phoenix* was published on February 21, 1828. Boudinot hoped for a wide circulation of the newspaper not only among Indians but also white men. He hoped it would serve "the best interests of the Cherokees" and "belonged to the Cherokee Nation" (Malone 1956: 158).

Boudinot planned to circulate 200 copies of each issue in the Cherokee Nation and through agents in a number of states, he obtained subscription from whites. "By July, he could boast thirty to forty subscribers in Mobile, Alabama, and a like number in Troy, New York, as well as scattered subscribers throughout the United States. A year later, a copy of the *Phoenix* had even reached Baron William de Humbolt in Berlin." His father-in-law, Benjamin Gold, wrote in a letter dated June 24, 1829 that approximately 100 U.S. newspapers were exchanged with the *Phoenix* (Perdue 1996: 16, 17, 36).

Malone (1956) summarized events concerning the *Cherokee Phoenix* during the months of July and August 1831. The July 12th issue discussed the second arrest of John Thompson, “stating that he was confined in chains and suffered other indignities prior to being released. The affair reflected discredit on the honor of the State of Georgia, observed Elias Boudinot” (the paper’s editor). Strongly critical letters from Thompson and James I. Trott were published in the same issue. “These letters described the imprisonment procedure and castigated the Georgia Guard and the officials of the state as well.” In a issue of the *Cherokee Phoenix* published during the following week, Boudinot viewed the missionary arrests and requirement of the oath of allegiance as intimidations to make the missionaries leave. He also included the rumor that the Georgia Guard had been order to “inflict corporeal punishment on such females as may be guilty of insulting them...” Colonel C. H. Nelson, commanding officer of the Georgia Guard, ordered Boudinot to appear before him and threatened him with whipping. Boudinot published an article in the *Cherokee Phoenix* on August 12, 1831 which stated:

The Col. Observed to us that there [had] been a great deal of lies, & abusive libelous articles published in the *Phoenix*. These slanders have been directed against the State of Georgia, and the Georgia Guard. Heretofore they [the Guard] had exercised forbearance toward us....[but] we must now look out. He also observed that as they could not prosecute us for libel, the only way that we could be punished would be to deal with us in their individual capacity, to tie us to a tree and give us a sound whipping.....

We are not aware of having slandered Georgia and the Guard, and if we have, we think it a very poor way indeed to convince the world of it by flagellating us.... Truth has been our object and truth shall be our object (Malone 1956: 176-177).

Not only did Colonel Nelson threaten Boudinot, but he received letters containing threats from various Georgians who objected to his articles on Cherokee removal and actions by the State of Georgia. One letter depicted a drawing of a figure hanging from a rope with words around it on four sides: “Hang the Traitor,” “Cut his Throat,” “Death to the Rebbel,” and “Shoot him.” Boudinot was summoned to appear before the Georgia Guard again to reprimand him for allowing the *Cherokee Phoenix* “to be a medium of communication for disgruntled missionaries. Nelson suspected that Worcester or another missionary was the brains behind the *Cherokee Phoenix*, since the Colonel thought the editor to be ‘peaceable, passive, inoffensive and an ignorant sort of a man, and as not possessing sufficient talents to write the editorial articles in the Phoenix’ “ (Malone 1956: 177).

After the Supreme Court decision in Worcester vs. Georgia and President Jackson’s refusal to honor the decision in the spring of 1832, Boudinot returned “dismayed and disillusioned” to the Cherokee Nation. A petition favorable to Cherokee removal circulated in July 1832 with Boudinot name on it. As editor of the *Phoenix*, he “insisted that the Cherokee People had a right to read arguments for as well as against removal. Principal Chief John Ross, who led the opposition to removal, disagreed. Under pressure from Ross and in protest of censorship, Boudinot resigned in August 1832 as editor of the *Cherokee Phoenix*.” (Perdue 1996: 25-26).

Elijah Hicks, John Ross's brother-in-law took over as editor on September 8, 1832. Hicks' lack of experience in journalism and lack of education contributed to the slow down of publications. Even though "Hicks became editor with the intention of upholding a strong no-removal policy, the pages of the Cherokee Phoenix actually began to have less matter pertaining to that problem." Other problems perplexed Hicks. After Samuel Worcester was relieved of his duties as postmaster at New Echota through the insistence of Georgia Governor Gilmer, the new post master was a Georgian names William J. Tarvin, who according to Hicks, "has refused to deliver to us our exchange papers several times, for the only reason that this paper was not published regularly some time ago. He was informed that the Phoenix was not discontinued, and yet in the face of this notice he has gratuitously and officially advised editors, on this point, with out authority and perfectly untrue." Hicks quoted the following notice from a Nashville newspaper in the Cherokee Phoenix dated August 24, 1833:

Post-Office, NEW ECHOTA, GA. June 16, 1833

EDITORS OF Newspapers that exchange with the CHEROKEE PHOENIX, will please stop sending their papers directed to it in exchange, as it is discontinued.

WM. J. TARVIN

The last issue of the *Cherokee Phoenix* was on May 31, 1834 after six years of publishing. Elijah Hicks stated that due to a lack of fund, the newspaper would close down "for a few weeks." However, it would never publish again in the Cherokee Nation in the East. The last paragraph read:

To our Cherokee readers, we would say, DON'T GIVE UP THE SHIP; although our enemies are numerous, we are yet in the land of the living, and of our clearly recognized right. Improve your children, in morality and religion, and say to intemperance now growing at our doors, depart ye cursed, and the JUDGE of all the earth will impart means for the salvation of our suffering nation (Malone 1956: 169-170).

Many Cherokees never gave up hope of restarting the Cherokee Phoenix even as late as 1835. However, their hopes were dashed when the Georgia Guard confiscated the printing press. The *New York Star* newspaper cited this action "as interference with freedom of the Press" (Davis 1979: 129)

Cherokee Lands Belong to Georgia

Perdue (2007) stated that "Georgia's legislation of harassment" was founded on several motivations. The most pressing goal was to possess the nearly five million acres held by the Cherokee Nation, but refused to sell. Some Georgia politicians visualized building a canal to the Tennessee River in order to gain access to the "vast interior market served by the Ohio-Mississippi River network." Land lotteries conducted by the State of Georgia gave adult male citizens and widows a chance to own land and was a way that individuals could benefit from a land cession by the Cherokees. "The result was that Indian policy was not an abstract issue in Georgia politics." Politicians hoped to gain votes with this policy. Laws passed by the Georgia legislature denying Cherokee citizens their rights over their land and rights as a sovereign government "threw open the door to

legalized theft of their property, brutalization of their persons, and intimidation of every conceivable kind” (Perdue 2007: 70-71).

Perdue (2007) further stated that “Georgia justified its campaign of land grabbing and legal aggression by claiming it had a charter right as one of the original colonies to exercise dominion over all the land and people within its borders.” Georgia claimed that the federal government could only regulate commerce as defined in the U.S. Constitution. Georgia had the right to regulate all other affairs. This placed the Cherokees on their own land as simply tenants who “could be dispossessed at a moment’s notice.” Words and threats by the Georgia Assembly served to intimidate Cherokee Nation citizens up until 1835, when words turned into action.

A Georgia law dated December 21, 1831 created “Cherokee County,” comprised of “all the lands lying west of the Chattahoochee River and north of the Carroll County line, within the limits of Georgia,” and included Indian lands already assigned to five Georgia counties. Georgians were electing local officials in the claimed Cherokee areas, and their administrations were replacing “the legal structure of the Cherokee republic.” In 1832 Georgia announced a gigantic lottery to raffle off land in the newly created Cherokee County. Legislation had already been passed in 1830 for this action and maps had already been created by surveyors. “Gold lots” and “land lots” of 40 and 160 acres became available to white males, who had resided in the State of Georgia for at least four years. This lottery was also available to physically handicapped persons, veterans and their widows or descendants, and soldiers. Winning land in the Creek lottery rendered a person ineligible. During 1832 Cherokee County was subdivided into the following counties: Cass, Cherokee, Cobb, Floyd, Forsyth, Gilmer, Lumpkin, Murray, Paulding, and Walker (Malone 1956: 179).

The Cherokee Nation Splits into Factions over Removal to the West

Attempts by the federal government to secure a land cession for the last of the Cherokee lands in Georgia, Alabama, Tennessee, and North Carolina were incessant. At the Cherokee National Council on October 20, 1830, Colonel John Lowry, who was appointed as a special commissioner to visit the Cherokee Nation, presented “a formal proposition for their removal west.” The federal government proposed:

1. To give to the Cherokees a country west of the Mississippi, equal in value to the country they would leave;
2. Each warrior and widow living within the limits of Alabama or Tennessee was to be permitted, if so desiring, to select a reservation of 200 acres, which if subsequently abandoned, was to be sold for the reservee’s benefit;
3. Each Indian desiring to become a citizen of the United States was to have a reservation in fee-simple;
4. All emigrants were to be removed and fed one year at the expense of the United States, and to be compensated for all property, except horses, they should leave behind them, and,
5. The nation was to be provided with a liberal school fund.

The action of the Cherokee National Council on October 22, 1830 was an “emphatic refusal.” During the following months several other special commissioners and emissaries were appointed to negotiate with the Cherokee Nation and met with the

same results Royce (1883-1884: 262). Note that Georgia lands were not included in the reservation selections.

During the winter and spring of 1831-1832, another formal attempt was made to secure a land cession and removal of the Cherokee Nation. A delegation of Cherokee had recently visited Washington representing Cherokee interests and from the sentiment of this delegation, the federal government saw a glimmering of change on the subject of removal. On April 17, 1832 the Secretary of War sent Mr. E. W. Chester to the Cherokee Nation to negotiate an even more expanded version:

1. The United States to provide them with a country west of Arkansas sufficiently large for their accommodation.
2. This country to be conveyed to them by patent under the act of Congress of May 28, 1830, and to be forever outside the limits of any State or Territory.
3. The Cherokees to retain and possess all the powers of self-government consistent with a supervisory authority of Congress.
4. To have an agent resident in Washington to represent their interest, who should be paid by the United States.
5. With the consent of Congress they should be organized as a Territory and be represented by a delegate in that body.
6. All white persons should be excluded from their country.
7. The United States to remove them to their new county and to pay the expenses of such removal, which might be conducted in either of three ways, viz:
 - (a) By a commutation in money, to be allowed either individuals or families.
 - (b) By persons to be appointed and paid by the United States.
 - (c) By arrangement among themselves, through which some competent person should remove them at a fixed rate.
8. The United States to provide them with subsistence for one year after removal.
9. An annuity to be secured to them proportioned to the value of the cession of territory they should make.
10. The United States to pay for all Indian improvements upon the ceded land.
11. Provision to be made for the support of schools, teachers, blacksmiths and their supplies, mills, school houses, churches, council-houses, and houses for the principal chiefs.
12. A rifle to be presented to each adult male, and blankets, axes, plows, hoes, spinning-wheels, cards, and looms to each family.
13. Indian live stock to be valued and paid for by the United States.
14. Annuities under former treaties to be paid to them upon their arrival west of the Mississippi.
15. Provision to be made by the United States for Cherokee orphan children.
16. Protection to be guaranteed to the Cherokees against hostile Indians.
17. A few individual reservations to be permitted east of the Mississippi, but only on condition that the reserves shall become citizens of the State in which they reside, and that all reservations between them and the United States, found upon their previous circumstances as Indians, must cease.

Mr. Chester failed to negotiate a treaty. On September 4, 1832 Governor Lumpkin, of Georgia, “was requested to attend the Cherokee council in October” and offer the same proposition. “A similar fate attended this attempt” (Royce 1883-1884: 263-264).

A Cherokee delegation, headed by John Ross, spent most of the winter of 1832-1833 in Washington with hopes of changing government policies concerning Cherokee removal. "A voluminous correspondence was conducted between them and the War Department upon the subject of their proposed removal. They were yet unshaken in their objections to a removal west of the Mississippi River. On the question of their rights and the justice of their cause, their minds were equally unchangeable." They additionally asked that the federal Government "satisfy the claims of Georgia by granting to those of her citizens who had in the lotteries of that State drawn lots of land within the Cherokee limits" by exchanging lands owned the United States in other territories or states. On February 2, 1833 the Secretary of War, replying for President Jackson, stated that no "practicable plan could be adopted by which the reversionary rights held under the State of Georgia could be purchased upon such terms as would justify the Government in entering into a stipulation to that effect." He further stated that it would not change the conditions of the Cherokee where they were subject to the laws of Georgia, surrounded by the white settlements, and "exposed to all those evils which had always attended the Indian race when placed in immediate contact with the white population." In Jackson's opinion, removing the Cherokee from these surroundings was the way to avoid that fate "which had already swept away so many Indian tribes" (Royce 1883-1884: 272).

John Ross replied in a communication expressed with great diplomacy, but with feelings of "great diffidence and deep regret" that "this scheme of Indian removal" was:

more expediency and policy to get rid of the Cherokees than to perpetuate their race upon any permanent, fundamental principle. If the doctrine that Indian tribes could not exist contiguous to a white population should prevail, and they should be compelled to remove west of the States and Territories of this republic, what was to prevent a similar removal of them from there for the same reason?

An attempt to bribe John Ross by the U.S. Government was denied by the Commissioner of Indian Affairs in a letter to Agent Montgomery dated April 22, 1833. While the story was unfounded, "its improbability would possibly have been more evident but for the fact that only five years earlier the Secretary of War had appointed secret agents and authorized them to expend \$2,000 in bribing the chiefs for this very purpose, and had made his action in this respect a matter of public record" (Royce 1883-1884: 273-274)

During January 1834 a Cherokee delegation returned again to Washington and submitted a proposition on March 28, 1834, stating that their existence and permanent welfare depended on the relationship between the Cherokee Nation and the federal government, which should "eventually lead to an amalgamation with the people of the United States. They proposed the following:

As the prospects of securing this object collectively, in their present location in the character of a territorial or State government, seemed to be seriously opposed and threatened by the States interested in their own aggrandizement, and as the Cherokees had refused, and would never voluntarily consent, to remove west of the Mississippi, the question was propounded whether the Government would enter into an arrangement on the basis of the Cherokees becoming prospectively citizens of the United States, provided the former would cede to the United States a portion of their territory for the use of Georgia; and whether the United States would agree to have the laws and treaties executed and enforced for the effectual protection of the Cherokees on the remainder of

their territory for a definite period, with the understanding that upon the expiration of that period the Cherokees were to be subjected to the laws of the States within whose limits they might be, and to take an individual standing as citizens thereof, the same as other free citizens of the United States, with liberty to dispose of their surplus lands in such manner as might be agree upon.

The reply (dated May 1, 1834) to this proposition was that the President (Jackson) did not see the slightest hope of a termination to the embarrassments under which the Cherokees labored except in their removal to the country west of the Mississippi (Royce 1883-1884: 274).

A most interesting aspect of this 1834 Cherokee delegation to Washington is that separate negotiations were being conducted by delegation members. Proposals were diverging as to their content and intentions. On March 3, 1834 Andrew Ross, John Ross's brother, who was also a member of the delegation, "suggested to the Commissioner of Indian Affairs that if he were authorized so to do he would proceed to the Cherokee country and bring a few chiefs or respectable individuals of the nation to Washington, with whom a treaty could be effected for the cession of the whole or part of the Cherokee territory." This was exactly what the federal government was hoping for and if a treaty should be concluded the government would pay the expenses of the delegation. Andrew Ross succeeded in assembling a committee at the Cherokee Agency and appointed William Hicks as chief and John McIntosh as assistant chief. When the committee arrived in Washington, Hon. J.H. Eaton was designated to negotiate with them. Before the treaty was concluded Eaton advised Ross of the negotiations and asked for his co-operation in the scheme. Ross answered in a letter dated May 29, 1834 refused to be a part of it and added in behalf of the Cherokee Nation that "in the face of Heaven and earth, before God and man, I most solemnly protest against any treaty whatever being entered into with those of whom you say one is in progress so as to affect the rights and interests of the Cherokee Nation east of the Mississippi River." On the June 19, 1834, the treaty or agreement was concluded as follows:

The treaty provided for the opening of emigrant enrolling books, with a memorandum heading declaring the assent of the subscriber to a treaty yet to be concluded with the United States based upon the terms previously offered by the President, covering a cession and removal, and with the proviso that if no such subsequent treaty should be concluded within the next few months then the subscribers would cede to the United States all their right and interest in the Cherokee lands east of the Mississippi. In consideration of this they were to be removed and subsisted for one year at the expense of the United States, to receive the ascertained value of their improvements, and to be entitled to all such stipulations as should thereafter be made in favor of those who should not then remove (Royce 1883-1884: 275).

The treaty failed to be ratified, however the enrolling books were opened and some Cherokees entered their names for emigration.

While negotiations for the treaty were being conducted, John Ross and his delegation presented a memorial to Congress on May 17, 1834. Royce (1883-1884) thought the memorial was worthy of being reproduced, because it portrays the Cherokee's attachment to the land of their fathers, assesses "the wrongs and humiliations

of the past,” and shows their lack of confidence that “justice, prosperity, and happiness awaited them” when removed to the west of the Mississippi. The memorial is as follows:

The memorial of the Cherokee Nation respectfully showeth, that they approach your honorable bodies as the representatives of the people of the United States, intrusted by them under the Constitution with the exercise of their sovereign power, to ask for protection of the rights of your memorialists and redress of their grievances.

They respectfully represent that their rights, being stipulated by numerous solemn treaties, which guaranteed to them protection, and guarded as they supposed by laws enacted by Congress, they had hoped that the approach of danger would be prevented by the interposition of the power of the Executive charged with the execution of treaties and laws; and that when their rights should come in question they would be finally and authoritatively decided by the judiciary, whose decrees it would be the duty of the executive to see carried into effect. For many years these their just hopes were not disappointed.

The public faith of the United States, solemnly pledged to them, was duly kept in form and substance. Happy under the parental guardianship of the United States, they applied themselves assiduously and successfully to learn the lessons of civilization and peace, which, in the prosecution of a humane and Christian policy, the United States caused to be taught them. Of the advances they have made under the influence of this benevolent system, they might a few years ago have been tempted to speak with pride and satisfaction and with grateful hearts to those who have been their instructors. They could have pointed with pleasure to the houses they had built, the improvements they had made, the fields they were cultivating; they could have exhibited their domestic establishments, and shown how from wandering in the forests many of them had become the heads of families, with fixed habitations, each the center of a domestic circle like that which forms the happiness of civilized man. They could have shown, too, how the arts of industry, human knowledge, and letters had been introduced amongst them, and how the highest of all the knowledge had come to bless them, teaching them to know and to worship the Christian’s God, bowing down to Him at the same seasons and in the same spirit with millions of His creatures who inhabit Christendom, and with them embracing the hopes and promises of the Gospel.

But now each of these blessings has been made to them an instrument of the keenest torture. Cupidity has fastened its eye upon their lands and their homes, and is seeking by force and by every variety of oppression and wrong to expel them from their land and their homes and to tear them from all that has become endeared to them. Of what they have already suffered it is impossible for them to give the details, as they would make a history. Of what they are menaced with by unlawful power, every citizen of the United States who reads the public journals is aware. In this their distress they have appealed to the judiciary of the United States, where their rights have been solemnly established. They have appealed to the Executive of the United States to protect these rights according to the obligations of treaties and injunction of the laws. But this appeal to the Executive has been made in vain. In the hope by Yielding something of their clear rights they might succeed in obtaining security for the remainder, they have lately opened a correspondence with the Executive, offering to make a considerable cession from what had been reserved to them by solemn treaties, only upon condition that they might be protected in the part not ceded. But their earnest supplication has been unheeded, and the

only answer they can get, informs them, in substance, that they must be left to their fate, or renounce the whole. What that fate is to be unhappily is too plain.

The State of Georgia has assumed jurisdiction over them, has invaded their territory, has claimed the right to dispose of their lands, and has actually proceeded to dispose of them, reserving only a small portion to individuals, and even these portions are threatened and will no doubt, soon be taken from them. Thus the nation is stripped of its territory and individuals of their property without the least color of right, and in open violation of the guarantee of treaties. At the same time the Cherokees, deprived of the protection of their own government and laws, are left without the protection of any other laws, outlawed as it were and exposed to indignities, imprisonment, persecution, and even to death, though they have committed no offense whatever, save and except that of seeking to enjoy what belongs to them, and refusing to yield it up to those who have no pretense of title to it. Of the acts of the legislature of Georgia your memorialists will endeavor to furnish copies to you honorable bodies, and of the doings of individuals they will furnish evidence if required. And your memorialists further respectfully represent that the Executive of the United States has not only refused to protect your memorialists against the wrongs they have suffered and are still suffering at the hands of unjust cupidity, but has done much more. It is but too plain that, for several years past, the power of the Executive has been exerted on the side of their oppressors and is co-operating with them in the work of destruction. Of two particulars in the conduct of the Executive your memorialists would make mention, not merely as matters of evidence but as specific subjects of complaint in addition to the more general ones already stated.

The first of these is the mode adopted to oppress and injure your memorialists under color of enrollments for emigration. Unfit persons are introduced as agents, acts are practiced by them that are unjust, unworthy, and demoralizing, and have no object but to force your memorialists to yield and abandon their rights by making their lives intolerably wretched. They forbear to go into particulars, which nevertheless they are prepared, at a proper time, to exhibit.

The other is calculated also to weaken and distress your memorialists, and is essentially unjust. Heretofore, until within the last four years, the money appropriated by Congress for annuities has been paid to the nation, by whom it was distributed and used for the benefit of the nation. And this method of payment was not only sanctioned by the usage of the Government of the United States, but was acceptable to the Cherokees. Yet, without any cause known to your memorialists, and contrary to their just expectations the payment has been withheld for the period just mentioned, on the ground, then for the first time assumed, that the annuities were to be paid, not as hitherto, to the nation, but to the individual Cherokees, each his own small fraction, dividing the whole according to the numbers of the nation. The fact is, that for the last four years the annuities have not been paid at all.

The distribution in this new way was impracticable, if the Cherokees had been willing thus to receive it, but they were not willing; they have refused and the annuities have remained unpaid. Your memorialists forbear to advert to the motive of such conduct, leaving them to be considered and appreciated by Congress. All they will say is, that it has coincided with other measures adopted to reduce them to poverty and despair and to extort from their wretchedness a concession of their guaranteed rights. Having failed in their efforts to obtain relief elsewhere, your memorialists now appeal to Congress, and respectfully pray that your honorable bodies will look into their whole case, and that such

measures may be adopted as will give them redress and security (Royce 1883-1884: 276-277).

Early in February 1835 of the following year, instead of one delegation going to Washington to represent the Cherokee Nation, two rival delegations arrived. Both claimed to represent the Cherokee Nation. John Ross, as principal chief, headed one delegation and was accompanied by R. Taylor, Daniel McCoy, Samuel Gunter, and William Rogers. The other delegation was headed by John Ridge (the same John Ridge who was educated in Cornwall, Connecticut) and accompanied by William A. Davis, Elias Boudinot, A. Smith, S.W. Bell, and J. West. Rev. J. F. Schermerhorn was authorized to meet with Ridge. Before Schermerhorn could meet with the Ridge delegation, the Ross delegation requested the opportunity to submit a proposal to the President for his approval. So much time lapsed with no proposal from the Ross delegation that Schermerhorn began negotiations with the Ridge delegation. The basic agreement was that Cherokee lands would be ceded for \$3,250,000 and \$150,000 would be set aside for depredation claims. An additional tract of 800,000 acres of land west of the Mississippi would be added to land already promised them, totaling to 13,800,000 acres (Royce 1883-1884: 278).

When the Ross delegation learned that negotiations were proceeding with the Ridge delegation, his delegation submitted a proposition on February 25th, 1835. The proposition asked for \$20,000,000 for the cession of the Cherokee lands and an uncertain amount of money for “a class of claims of uncertain number and value. This was considered so unreasonable as to render the seriousness of his proposition doubtful at the time, but it was finally modified by an assertion of his willingness to accept such sum as the Senate of the United States should declare to be just and proper” (Royce 1883-1884: 279)

A statement of all the facts involving the propositions from the two delegations was given to Senator King of Georgia and he submitted the statement to Committee on Indian Affairs on March 2nd. It was decided that this matter should be put before an assembly of the Cherokee people for their consideration. On March 6th the Secretary of War advised Ross that in the opinion of the Senate that “a sum not exceeding \$5,000,000 should be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi River.” Ross declined to negotiate under this condition. The treaty with the Ridge delegation was “completed with some modifications and duly signed on the 14th of March 1838, but with the express stipulation that it should receive the approval of the Cherokee people in full council assembled before being considered of any binding force.” The payment for the Cherokee land was changed to \$4,500,000 with 800,000 additional acres. On March 16th President Jackson sent an address to the Cherokees, “inviting them to a calm consideration of their condition and prospects, and urging upon them the benefits certain to inure to their nation by the ratification of the treaty just concluded and their removal to the western country” (Royce 1883-1884: 279).

During the year 1835 a census was taken of every Cherokee house to determine an accurate number for removal and to identify legitimate claimants for spoliations (Bird 2003: 11). This census is the only known enumeration documenting the whole Cherokee Nation and was to be taken under the direction of Major Benjamin F. Currey, Superintendent of Cherokee Removal. In a letter dated September 7, 1835 written to

Secretary of War Lewis Cass from Major Currey and others, the instructions were as follows:

To be fully possessed of a knowledge of their number, the number of each man's houses, the number of his farms, with the quantity of land under cultivation, the proportion of tillable land, the mineral resources and water privileges of the country, etc., the commissioners would be able to fix a true estimate upon the value of the country in case the whole tribe does not approve of the gross sum fixed upon already (Trail of Tears Association Oklahoma Chapter 2002: Introduction).

Five census takers were appointed by Major Currey. Rezin Rawlins was appointed census taker for the State of Alabama, George W. Underwood and C.H. Nelson for the State of Georgia, Nathaniel Smith for the State of North Carolina, and Daniel Henderson for the State of Tennessee. The name of the roll seems to have retained the name of Daniel Henderson and is sometimes called the Henderson Roll. Nathaniel Smith would later become the superintendent for Cherokee removal after the death of Benjamin Currey. The census for Tennessee was finished in late September 1835, in Alabama approximately one month later, and in Georgia and North Carolina it wasn't until late December 1835 (Trail of Tears Association Oklahoma Chapter 2002: Introduction). The census yielded the following population numbers:

States	Cherokees	Slaves	Whites Intermarried
Georgia	8,946	776	68
North Carolina	3,644	37	22
Tennessee	2,528	480	79
Alabama	1,424	299	32
Total	16,542	1,592	201

Figure 5.1. Chart compiled from Fifth Annual Report of the Bureau of Ethnology. 1883-1884.

President Jackson appointed Schermerhorn and General William Carroll to present the address to the council. Due to General Carroll's ill-health, Rev. Schermerhorn went to the Cherokee Nation alone. He spent the entire summer and fall of 1835 attempting to reconcile differences, but basically made no progress. In a communication to the Secretary of War Rev. Schermerhorn suggested two alternative propositions to secure a treaty as follows:

- (1) That the appraising agents of the Government should ascertain from influential Cherokees their own opinion of the value of their improvements, and promise them the amount, if this estimate should be in any degree reasonable, and if they would take a decided stand in favor of the treaty and conclude the same.

Or

- (2) To conclude the treaty with a portion of the nation only, should one with the whole be found impracticable, and compel the acquiescence of the remainder in its provisions.

On September 26, 1835 he was advised that President Jackson was opposed and asked that Schermerhorn “abandon the effort and leave the nation to the consequences of its own stubbornness. He (Schermerhorn) must make no particular promise to any individual, high or low, to gain his co-operation. The interest of the whole must not be sacrificed to the cupidity of a few” (Royce 1883-1884: 280).

A full council of the Cherokee people met in October 1835 and rejected the Ridge treaty proposal. Both John Ridge and Elias Boudinot pulled their support from Schermehorn and “coincided with the preponderance of Cherokee sentiment on the subject.” The Red Clay council authorized the Ross delegation to negotiate a treaty either at Red Clay or in Washington. During this council meeting the people of the Cherokee Nation were asked to meet with the United States commissioners on the third Monday in December at New Echota, “for the purpose of negotiating and agreeing upon the terms of a treaty. Notices about the meeting were also printed in Cherokee and circulated throughout the Cherokee Nation; however the notices additionally stated “that those who did not attend would be counted as assenting to any treaty that might be made.” While the October council was adjourning, John Ross was arrested and detained for some length of time under “the surveillance of a strong guard.” During his arrest “all of his papers were seized, including as well all his private correspondence and the proceedings of the Cherokee council” (Royce 1883-1884: 280-281).

In Schermerhorn’s report (to Washington) of his failure to conclude the negotiations with a treaty that was acceptable to the Cherokee Nation, he stated the following: (Royce 1883-1884: 280).

I have pressed Ross so hard by the course I have adopted that although he got the general council to pass a resolution declaring that they would not treat on the basis of the \$5,000,000, yet he has been forced to bring the nation to agree to a treaty, here or at Washington. They have used every effort to get by me and get to Washington again this winter. They dare not yet do it. You will perceive Ridge and his friends have taken apparently a strange course. I believe he began to be discouraged in contending with the power of Ross; and perhaps also considerations of personal safety have had their influence, but the Lord is able to overrule all things for good (Senate Document 120, Twenty-fifth Congress, second session: 124).

On December 22, 1835 Rev. Schermerhorn opened the Cherokee Nation Council at New Echota “in the absence of Governor Carroll, whose health was still such as to prevent his attendance.” The National Intelligencer (May 22, 1838 issue) reported that the number in attendance to be between 300 and 500 Cherokees. Schermerhorn in a communication to the Commissioner of Indian Affairs dated December 31, 1835 stated the following:

The objects of the council were fully explained, the small attendance, being attributed to the influence of John Ross. It was also suggested by those unfriendly to the proposed treaty as a good reason for the absence of so large a proportion of the nation, that the right to convene a national council was vested in the principal chief, and they were

unaware that that officer's authority had been delegated to Mr. Schermerhorn (Royce 1883-1884: 281).

On December 23rd those present at the council meeting entered into negotiations and appointed a committee of twenty members to work on the details of the treaty with the Commissioner (Schermerhorn) and present the results to the whole council. The treaty committee and Schermerhorn worked for the following five days. Details were agreed upon except whether or not the resolution of the Senate included compensation by the federal government for damages to individual property by white trespassers. The Cherokees wanted \$300,000 to cover these damages, and it was agreed "that the treaty should not be presented to the Senate without the consent of their delegation until they were satisfied the Senate had not included these claims in the sum named in the resolution of that body." An interesting stipulation in this treaty is granting of reservations to Cherokees wishing to remain in their homes and become citizens of the United States. Schermehorn agreed to the following stipulation:

To allow pre-emptions of 160 acres each, not exceeding 400 in number, in the States of North Carolina, Tennessee, and Alabama, to such heads of Cherokee families only as were qualified to become useful members of society. None were to be entitled to the privilege unless their applications were recommended by a committee of their own people (a majority of which committee should be composed of those members of the tribe who were themselves enrolled for removal) and approved by the United States commissioners. The latter also proposed to make the reservations dependent upon the approval of the legislatures of the States within which they might be respectively located, but to this proposition a strenuous objection was offered by the Indians.

The Cherokee committee reported the articles as agreed upon to the Cherokee council, where the treaty was approved, transcribed, and signed on the December 29th, 1835. The council designated a committee to travel to Washington and oversee any alterations proposed by the President or Senate. The council adjourned on December 30th and immediately afterwards, Commissioner Schermerhorn wrote the Secretary of War saying: "I have the extreme pleasure to announce to you that yesterday I concluded a treaty. * * * Ross after this treaty is prostrate. The power of the nation is taken from him, as well as the money, and the treaty will give general satisfaction." Source: National Intelligencer, published May 22, 1838 (Royce 1883-1884: 282). President Jackson disapproved of several articles in this treaty, especially the pre-emption right of 160 acres. This article was declared void. Removal expenses and payment of claims against citizens of the United States would be allowed at the sum of \$600,000, in addition to the \$5,000,000 for the land cession (Royce 1883-1884: 282).

John Ross in the meantime tried to influence pro-treaty senators to change their mind. He was in Washington again in the spring of 1836 with a delegation to present two protests against the ratification of the treaty. One was signed by 3,250 Cherokee living in North Carolina and the other by 12,714 persons living in the main body of the Cherokee Nation. Ross also demanded payment of the annuities "to himself as the duly authorized representative of the nation, which was declined unless special direction to that effect should be given by an authentic vote of the tribe from year to year." He was informed that President Jackson no longer recognized "any existing government among the Eastern

Cherokees.” In spite of attempts by the Ross delegation to stop the ratification of the treaty, it was ratified on May 23, 1836. The terms of the treaty mandated that within two years the Cherokee Nation must remove west of the Mississippi River. On June 7th, 1836 Gov. Wilson Lumpkin of Georgia and Gov. William Carroll of Tennessee were appointed commissioners to oversee execution of the treaty. Benjamin F. Curry was placed in charge of the agents to appraise the value of Cherokee improvements (Royce 1883-1884: 282-283).

Major William M. Davis was appointed by the Secretary of War to conduct the enrollment of Cherokees who volunteered to emigrate to the west and “for the appraisement of the value of their improvements.” On March 5th, 1836 he wrote the following letter to the Secretary of War:

I conceive that my duty to the President, to yourself, and to my country, reluctantly compels me to make a statement of facts in relation to a meeting of a small number of Cherokees at New Echota last December, who were met by Mr. Schermerhorn and articles of a general treaty entered into between them for the whole Cherokee Nation. * * * I should not interpose in the matter at all but I discover that you do not receive impartial information on the subject; that you have to depend upon the *ex parte*, partial, and interest reports of a person who will not give you the truth. I will not be silent when I see that you are about to be imposed on by a gross and base betrayal of the high trust reposed in Rev. J. F. Schermerhorn by you. His conduct and course of policy was a series of blunders from first to last. * * * It has been wholly of a partisan character.

Sir, that paper * * * called a treaty is no treaty at all, because not sanctioned by the great body of the Cherokees and made without their participation or assent, I solemnly declare to you that upon its reference to the Cherokee people it would be instantly rejected by nine-tenths of them and I believe nineteen-twentieths of them. There were not present at the conclusion of the treaty more than one hundred Cherokee voters, and not more than three hundred, including women and children, although the weather was everything that could be desired. The Indians had long been notified of the meeting, and blankets were promised to all who would come and vote for the treaty. The most cunning and artful means were resorted to in conceal the paucity of numbers present at the treaty. No enumeration of them was made by Schermerhorn. The business of making the treaty was transacted with a committee appointed by the Indians present, so as not to expose their numbers. The power of attorney under which the committee acted was signed only by the president and secretary of the meeting, so as not to disclose their weakness. * * * Mr. Schermerhorn’s apparent design was to conceal the real number present and to impose on the public and the Government upon this point. The delegation taken to Washington by Mr. Schermerhorn had no more authority to make a treaty than any other dozen Cherokees accidentally picked up for that purpose. I now warn you the President that if this paper of Schermerhorn’s called a treaty is sent to the Senate and ratified, you will bring trouble upon the Government and eventually destroy this (the Cherokee) nation (Royce 1883-1884: 284).

Lewis Cass, Secretary of the War Department, wrote a letter dated May 25, 1836 to Gov. William Schley of Georgia and Gov. C.C. Clay of Alabama concerning the raising of 2000 volunteers to be placed immediately in the service of the United States. See Figure 5.2 for a copy of the letter and Figure 5.3 for a *Memorandum of the Organization of the Militia*.

WAR DEPARTMENT,
May 25, 1836.

SIR: I have the honor to enclose herewith, copies of two acts of Congress; one entitled "An act to provide for the payment of volunteers and militia corps in the service of the United States;" and the other "authorizing the President of the United States to accept the service of volunteers, and to raise a regiment of dragoons or mounted riflemen." I am instructed by the President to request that you would cause to be raised, in the States of Georgia and Alabama, 2,000 volunteers (privates) to be placed immediately in the service of the United States. The act of Congress provides, that the officers shall be appointed agreeably to the laws of the State or Territory where they are raised. Where corps already organized tender their services, they will be accepted with their present officers and organization. Where this is not the case, and the men are to be engaged individually, they will, in the first instance, be arranged into companies, then into battalions, regiments, brigades, and a division. Where existing volunteer corps do not tender their services, the basis of the organization will be the present militia laws of the United States. These are the acts of Congress of May 8, 1792, of January 2, 1795, of March 2, 1803, of April 18, 1814, and of April 20, 1816.

An abstract accompanies this letter, showing the mode of organization, and the number and rank of the officers. You will conform in your arrangements to the principles of these laws, as herein explained. Taking into view the act of Congress of May 8, 1792, in the third section of which the organization directed, is limited to where the same may be convenient; and also, the fourth section of the act of 21st May, 1836, a discretionary authority appears to be vested in the President upon the subject of organization generally. It must therefore be controlled by the number of men required, and by other circumstances.

Each company will consist of 50 privates, and of the number of officers, non-commissioned officers, and musicians, designated in the abstract. You will organize the companies as fast as raised, into battalions; five companies forming a battalion; two of these battalions will then constitute a regiment; two regiments a brigade; and two brigades a division. Should circumstances not enable you to raise the whole number specified, you must organize those who may volunteer upon those principles. It is to be hoped, however, that from the number of militia now in service, the requisite force can be raised without difficulty or loss of time. One half of the whole number you raise may be mounted, and the other half infantry.

Major General Jesup will be instructed to have them mustered into service, and have them supplied with the necessary camp equipage, arms, &c. I need not urge upon you the necessity of the most prompt attention to this subject. It is proper to observe, that the provision in the 2d section of the act of May 21, 1836, which allows to volunteers a commutation for clothing, when called into actual service, must be construed to give them a claim to such commutation from that time, which will be paid to them at the same time, and in the same manner, they receive their monthly pay. No other construction can be given to the law, as it is impossible to ascertain until the end of the service the whole amount of commutation which may be due to a volunteer.

The pay of these volunteers will not commence until they are called into service, and they have reached the place of rendezvous; and they will, in all cases, be engaged to serve for twelve months thereafter, unless sooner discharged.

Very respectfully,
Your most obedient servant,
LEWIS CASS.

To his Excellency WILLIAM SCHLEY,
Governor of Georgia, Milledgeville.

To his Excellency C. O. CLAY,
Governor of Alabama, Tuscaloosa.

Figure 5.2. National Archives and Records Administration, RG 393, M1475, R1, F1.

MEMORANDUM OF THE ORGANIZATION OF THE MILITIA.

A COMPANY OF INFANTRY to consist of,

- 1 Captain.
- 1 Lieutenant.
- 1 Ensign, or, in lieu thereof, one 2d Lieutenant, if the laws of the State or Territory make provision for it.
- 4 Sergeants.
- 4 Corporals.
- 1 Drummer.
- 1 Fifer or Bugler.
- Privates, the number stated in the Instructions.

A BATTALION to consist of

- 1 Major.
- 6 Companies.

A REGIMENT to consist of

- 1 Colonel.
- 1 Lieutenant Colonel.
- 1 Major.
- 2 Battalions.

REGIMENTAL STAFF

- 1 Adjutant,
 - 1 Quartermaster,
 - 1 Paymaster,
 - 1 Surgeon.
 - 1 Surgeon's Mate.
 - 1 Sergeant Major.
 - 1 Drum Major.
 - 1 Fife Major.
- } To be taken from the line or otherwise, as the State or Territorial laws prescribe.

A BRIGADE to consist of

- 1 Brigadier General.
- 2 or more Regiments, as stated in the Instructions.

BRIGADE STAFF—

- 1 Brigadier General.
 - 1 Aid-de-Camp,
 - 1 Brigade Major and Inspector,
 - 1 Brigade Quartermaster,
- } To be taken from the line or not, as the laws of the State or Territory prescribe.

A DIVISION to consist of 2 Brigades.

DIVISION STAFF to consist of

- 1 Major General.
 - 2 Aids-de-Camp,
 - 1 Division Inspector,
 - 1 Division Quartermaster,
- } To be taken from the line or not, as the laws of the State or Territory prescribe.

Figure 5.3. National Archives and Records Administration, RG 393, M1475, R1, F2.

In September 1836 Brig. Gen. R.G. Dunlap, who commanded the East Tennessee volunteers described the Cherokee plight in a speech to his brigade at their disbandment: His speech dispelled rumors that the Cherokee were being incited by John Ross and “other evil disposed persons” to commit bloodshed. His speech to his troops portrayed his thoughts on the issue:

I forthwith visited all the posts within the first three States and gave the Cherokees (the whites needed none) all the protection in my power * * * My curse has excited the hatred of a few of the lawless rabble in Georgia, who have long played the part of unfeeling petty tyrants, and that to the disgrace of the proud character of gallant soldiers and good citizens. I had determined that I would never dishonor the Tennessee arms in a servile service by aiding to carry into execution at the point of the bayonet a treaty made by a lean minority against the will and authority of the Cherokee people * * * I soon discovered that the Indians had not the most distant thought of war with the United States, notwithstanding the common rights of humanity and justice had been had been denied them (Royce 1883-1884: 285-286).

Many noted and famous men strongly denounced the policies of the Jackson Administration. Among them were Daniel Webster and Edward Everett of Massachusetts, Theodore Frelinghuysen of New Jersey, Peleg Sprague of Maine, Henry R. Storrs of New York, Henry A. Wise of Virginia, and David Crockett of Tennessee. During a speech to the House of Representatives, Crockett “denounced the treatment to which the Indians had been subjected at the hands of the Government as unjust, dishonest, cruel, and short-sighted in the extreme.” The fact that his district bordered on the “domain of the southern tribes and that his constituents were perhaps as immediately interested in the removal of the Indians as those of any other member of the House. His voice would perhaps not be seconded by that of a single fellow member living within 500 miles of his home.” His public career was threatened to the point that if he did not support the forcible removal policy, his career would end. Crockett further stated that he wanted to please his constituents at the same time he honored the wishes of his colleagues, “he could not permit himself to do so at the expense of his honor and conscience in the support of such a measure (Treaty of 1835). He believed the American people could be relied on to approve their Representatives for daring, in the face of all opposition, to perform their conscientious duty, but if not, the approval of his own conscience was dearer to him than all else” (Royce 1883-1884: 288).

On November 3rd, 1836 Brig. General Wool per instructions from President Jackson, through the War Department, issued General Order No. 74 from his headquarters at Fort Cass, Tennessee. These orders gave notice to John Ross and his associates that the president was determined to have the Treaty of 1835 “religiously fulfilled in all its parts, terms and conditions, within the period prescribed”, and “no delegation which may be sent” to Washington “with a view to obtain new terms, or a modification of those of the existing treaty, will be received or recognized, nor will any intercourse be had with them, directly or indirectly orally or in writing.” The order included instructions to American citizens in Cherokee country and to Volunteers or Regular Troops. See Figure 5.4 for the entire order on the following page:

HEAD QUARTERS, ARMY E. T. & C. N. FORT CASS, }
NOVEMBER 3d, 1836. }

GENERAL ORDER.

No. 74.

I am instructed by the President of the United States, through the War Department, to make known to Mr. John Ross, and all others whom it may concern, that it is his determination to have the late Treaty, entered into between the United States and the Cherokee People, and ratified by the Senate, the 25th May, 1836, "religiously fulfilled in all its parts, terms and conditions, within the period prescribed," and that "no delegation which may be sent" to Washington "with a view to obtain new terms, or a modification of those of the existing treaty, will be received or recognized, nor will any intercourse be had with them, directly or indirectly, orally or in writing," and that the President regards the proceedings of Mr. Ross and his associates in the late Council held at Red Clay, "as in direct contravention of the plighted faith of their people, and a repetition of them will be considered as indicative of a design to prevent the execution of the Treaty, even at the hazard of actual hostilities, and they will be promptly repressed."

It is further made known by instructions from the War Department, that "if any of our citizens enter the Cherokee country and incite opposition to the execution of the treaty, they will be proceeded against according to the laws of the State, if any exist on the subject, in which they may enter; and if there should be "no law of the State which can be brought to bear on them, and under which they may be removed," "it is the opinion of the President" as expressed through the War Department "that they may be removed" out of the country, "under the 6th article of the treaty," in which the United States guarantee that the Cherokees shall be "protected against interruption and intrusion from citizens of the United States who may attempt to settle in the country," unless it is with the express consent "of the Committee who are acting under the 12th Article of the Treaty, and by the terms of that Article they alone are authorized to give it."

All officers of the Army, whether commanding Volunteers or Regular Troops, under my command, are required and directed to make known to all persons residing, or who may come within the range of their respective commands, the contents of this order. And to make diligent search and inquiry in regard to all citizens who may enter the Cherokee country, and incite opposition or interfere with the due execution of the treaty, and report their names and places of residences without delay, to General Head Quarters, in order that they may be proceeded against, according to the laws of the country, and the instructions of the President of the United States. They are also required and directed to prevent all meetings and to break up all Councils coming to their knowledge, assembled in the Cherokee country, for the purpose of opposing the treaty, or discussing its non-execution."

John E. Wool
Brig. Genl.
Comm. D.

Figure 5.4. National Archives and Records Administration, RG 393, M1475, R1, F8.

On November 22, 1836 General Wool transmitted a set of twelve regulations to Agents from his headquarters at New Echota, Georgia to govern the issuing of subsistence and clothing to the “poor and needy of the Cherokee Indians.” These regulations were very strict as to who would receive rations and clothing and how the issues would be determined. A ration would:

consist of one pound of fresh beef or three fourths of a pound of salt pork or bacon and of three fourths of a quart of corn or corn meal or of one pound of wheat flour to each grown person and four quarts of salt to every one hundred grown persons over the age of 14 and for persons under 14 one half the amount allowed to grown persons. No issue will be made to persons who are addicted to intemperance, or who would be likely to sell the rations or articles of clothing which they might draw: and Agents will not fail to make it known to all those who may draw either rations or articles of clothing that, should they sell either they will not be allowed again to draw either (Galileo Digital Library of Georgia Database).

On February 18, 1837 General Wool wrote in a letter to Adjutant-General Jones:

I called them (the Cherokees) together and made a short speech. It is however, vain to talk to a people almost universally opposed to the treaty and who maintain that they never made such a treaty. So determined are they in their opposition that not one of all those who were present and voted at the council held but a day or two since, however poor or destitute, would receive either rations or clothing from the United States lest they might compromise themselves in regard to the treaty. These same people, as well as those in the mountains of North Carolina, during the summer past, preferred living upon the roots and sap of trees rather than receive provisions from the United States, and thousands, as I have been informed, had no other food for weeks (Royce 1883-1884: 286).

General Wool expressed his feelings on conditions he saw among the Cherokees:

The whole scene since I have been in this country has been nothing but a heart rending one. If I could (and I could do them no greater kindness I would 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 or expect to have from the Government of the United States. Yes Sir, nineteen twentieth, if not ninety nine out of every hundred, will go penniless to the West (Whitmire 1990: 49).

In another letter dated June 3, 1837 General Wool wrote to the Secretary of War commenting on the death of Major (Benjamin) Curry, who played a prominent role in attaining the ratification of the Treaty of 1835. General Wool stated the following:

Had Curry lived he would assuredly have been killed by the Indians. It is a truth that you have not a single agent, high or low, that has the slightest moral control over the Indians. It would be wise if persons appointed to civil stations in the nation could be taken from among those who have had nothing to do with making the late treaty.

General Wool had enough of overseeing the Cherokee removal and he was relieved of his command at his own request. Order 39 dated July 1st, 1837 transfers the command from General Wool to Col. Lindsay. See Figure 5.5 on the following two pages.

Head Quarters
Army of the U. S.
Fort Cass, Tenn.
July 1st 1837.

Order 39.

~~and~~

In obedience to instructions from the War Department, Brig. Genl. Wool this day relinquishes the command in the Cherokee country to Col. Lindsay of the U. S. Artillery.

In taking leave, perhaps never to return to this country, Brig. Genl. Wool will not do so much injustice to his feelings, or to the merits of those he has commanded as to omit, on this occasion, to express his extreme reluctance at separating from companions, who have so faithfully, so harmoniously and with so much good feeling toiled with him through a year of constant labor, anxiety and perseverance to save their common country. Regulars and Volunteers, Tennesseans and Georgians, all, have done their duty and in a manner to command the confidence of the government and the approbation of their countrymen. The highest reward of the patriotic and gallant soldier, under their circumstances, having the part for his guarantee, Brig. Genl. Wool cannot doubt, but that

Colonel Lindsey (General Wool's successor) gave John Ross permission to hold a council meeting at Red Clay in August 1837. Several thousand attended to hear the latest news from John Ross and the delegation who had just returned from Washington. (The fact that a delegation went to Washington, because General Order No 74 dated November 3rd, 1836 stated that no delegation could be sent to Washington or received in Washington with the goal of obtaining a new treaty). Colonel Mason, a special United States agent, was sent by Colonel Lindsey, to make "a Talk" at the council to break down the Cherokee resistance to removal. "The 'talk' contained dagger-sharp allusions to the government's intentions" to carry out the 1835 New Echota Treaty (Woodward 1963: 196-197).

Also present was General Nathaniel Smith from Athens, Tennessee, who took Benjamin Curry's place as Superintendent of Cherokee Emigration after Curry's death the preceding winter. George Featherstonhaugh, an English visitor, recorded a description of the meeting held during a torrential downpour:

I went to the council-house. Great numbers of them were assembled, and Mr. Jones, the missionary, read out verses in the English language from the New Testament, which Bushyhead [the Reverend Jesse Bushyhead], with a singularly stentorial voice and sonorous accent, immediately rendered to the people in the Cherokee tongue, emitting a deep grunting sound at the end of every verse, resembling the hard breathing of a man chopping tree down.....This I was told in a universal practice....in Cherokee oratory.

When they sang, a line or two of a hymn printed in the Cherokee language was given out, each one having a hymn bookand I certainly never saw any congregation engaged more apparently in sincere devotion.

This spectacle Led me into reflection upon the opinion which is so generally entertained of its being impossible to civilize the Indian.....Here is a remarkable instance which seems to furnish a conclusive answer A whole Indian nation abandons the pagan practices of their ancestors, adopts the Christian religion, uses books printed in their own language, submits to the government of their elders, builds houses and temples of worship, relies upon agriculture for their support, and produces men of great ability to rule over them Are not these the great principles of civilization?

They were driven from their religious and social state then, not because they cannot be civilized, but because a pseudo set of civilized beings, who are too strong for them want their possessions!

Featherstonhaugh also noted that two thousand male Cherokees stood in the rain listening attentively "to Mason's belabored defense of the United States policy as promulgated by Jackson and by Van Buren" (Woodward 1963: 197).

See Figure 5.6 on the following two pages for an article published by the Athens Courier on December 28th, 1837 warning the Cherokee people that they had less than five months to settle their affairs before removal to their new homes. Signed by Nat (Nathaniel) Smith, Sup't. Cherokee Removal, Cherokee Agency.

ATHENS COURIER--EXTRA.

TO THE CHIEFS, HEAD-MEN AND PEOPLE OF THE CHEROKEE NATION.

FRIENDS:—Our official relation to the Cherokee people imposes it upon us, as a duty, to make you acquainted with the true state of your affairs, and with what the Government of the United States will require at your hands. We have long since been convinced that many of you are laboring under a dangerous error, and that you have been duped and deluded by those in whom you have placed implicit confidence. In the 16th article of the Treaty of Dec. 29th, 1835, it is stipulated that the Cherokees "shall remove to their new homes within two years from the ratification of the treaty"—and this having occurred on the 23d of May, 1836, you have now, after wasting opportunities, only the short period of less than five months for the settlement of your affairs here, and the preparation for your removal to your new homes. Do not deceive yourselves into a belief in the false hope held out to you that longer time will be given. The treaty will be executed, without change or alteration, and another day beyond the time named, cannot or will not be allowed to you. Your own safety, your own interests, require that you should abandon all idea of change, and set at once about the settlement of your affairs, and make your arrangements for speedy emigration. Rely no longer on the specious promises of Delegations at Washington—they have known for more than a year that no exertion or artifice of theirs could effect the slightest change in your position—and even if they have entertained a hope heretofore, on the subject, they can now be no longer in doubt. The Government has distinctly informed Mr. Ross that no alteration whatever would be made—and that the Cherokees must abide by the terms of the treaty of 1835; the Executive has formally declined all further intercourse or correspondence with Mr. Ross in relation to the treaty, and an end has been put to all negotiation upon the subject. These are truths we, who are your friends, repeat that you have been grossly deceived and

deluded—your pretended friends have proved themselves to be your worst enemies. They have subjected you to pecuniary loss—already—still, however, you have time and opportunity to prevent greater losses; and we entreat you, for the sake of your families and your nation, to delay not a moment longer in availing yourselves of the advantages and privileges offered to you under the treaty. For your houses, your fields, &c. you will receive generous prices in good money—ample remuneration will be given to you for all losses you have sustained at the hands of your white neighbors—the expenses of your journey to your new homes will be paid by the Government, and on your arrival West of the Mississippi, you will be put in possession of lands infinitely superior to those you will leave. You will get in exchange for your sterile, worn-out fields, lands remarkable for their fertility, and unsurpassed in productiveness by those of any other portion of North America. Your homes will be among your own people—your old friends and neighbors will be again around you—you will no longer be annoyed and harrassed by crafty and avaricious white men; but you will have a country of your own, where you will be protected from depredation and molestation, and where your only neighbors will be men of your own race. You will no longer be surrounded on all sides, as you have been, by a different people; the red men of the country will be your neighbors. You will again be the inhabitants of an Indian land; and your tribe may again attain its high standing among the Nations of the Earth. Your own laws, administered by your own people, will form your rule of right; and you will become, what you never could be East of the Mississippi, a free, great, prosperous, and happy people!

We have told you that five months of the time agreed upon in the treaty for your removal, only remain. That time cannot possibly be prolonged. The people of the States which surround you would require your removal at the time designated, even if the General Government would allow you to remain longer;

nor could you be protected in your violation of the treaty. The Commissioner of Indian Affairs, in a letter written at Washington on the 13th of this month, has requested us to "make you distinctly understand your situation and prospects." He tells us that it has been the "anxious desire of the Government to conciliate and satisfy all parties," and that every effort has been made to effect this object, but in vain. He says "that the Cherokees have been misled and betrayed by those in whom they confided," but adds that "it is the UNALTERABLE DETERMINATION of the President to execute the treaty."

You have been told by some that Mr. Ross would get back so much of your country as is situated in the States of Tennessee, North Carolina and Alabama, and that you would be required to give up only such of your lands and possessions as are within the State of Georgia. Mr. Ross may have been sincere in his belief that he could effect this alteration—but he was mistaken. He has asked the Government to make this change in the terms of the treaty—and he was answered with a positive and unqualified refusal. Mr. Ross, in his zeal upon the subject, may have deceived himself—but he is now fully convinced of his error; and, in a letter written by him to Col. Mason, an agent of the Government, dated at Washington the 6th of the present month, he says "we have nothing now to do but patiently to submit ourselves to the requirements of the government. He says this, after acknowledging that the Government has plainly told him "that the Cherokees must at all events remove to the lands set apart for them in the west."

Delay then no longer. The large sums of money due to you under the liberal provisions of the treaty, are now ready for your acceptance. The Commissioners appointed to execute the treaty, are prepared to furnish you with all information ~~concerning~~ the value of your improvements, and will cheerfully render you every assistance in the settlement of your affairs. They will advance you upon the sums

coming to you for your valuations, money enough to provide yourselves with every comfort on your journey to Arkansas, and the balances due to you will be paid in silver and gold immediately after your arrival West.— You have no occasion to employ any person to transact your business—your personal application will enable you to obtain ample satisfaction. Your own people are the interpreters at the offices of the Agents of the Government—they will make known your requests and wishes, and you will be subjected to no delay or difficulty to obtain a full hearing and ample justice.

We will not attempt to describe the evils that may fall upon you, if you are still obstinate, and refuse to conform to the requirements of the treaty. We will not paint the horrors that may ensue in such an event,—but we do earnestly beseech you to save yourselves from the dangers to which your obstinacy may expose you. We are not your enemies—we respect and regard you as the citizens of a great and honorable nation—and our solicitude for your prosperity and respectability, impels us to urge you to avail yourselves at once of the great and exalted privileges held out to you, and to be no longer false to your own interests as a nation and as men. Shake off the influence of treacherous advisers and counsellors,—do not believe the stories they put in circulation to deceive and ruin you—but be men, and accept the advantages which the Government offers to you. Place confidence no longer in men who boast of their ability to do impossible things—but as you value your lives, the lives of your families, and your existence as a nation, fail not to take the advice we have now given to you.

JOHN KENNEDY,
TH: W. WILSON,
U. S. Commissioners.

NAT. SMITH,
Sup't. Cherokee Removal.

Cherokee Agency, Dec. 28th, 1837.

Figure 5.6. Athens Courier – Extra Publication. December 18, 1837.

John Ross continued to object vigorously to the enforcement of the 1835 Treaty. Ross and a delegation again returned to Washington during the winter of 1838 to present a memorial to Congress signed by 15,665 persons protesting the treaty. Ross and the delegation asked friends in the Congress to propose a new treaty which would retain Cherokee lands outside of Georgia. On February 20th, 1838, with only three months left before forced removal would begin, Ross wrote a letter to his brother, Lewis:

...there is much anxiety and restive feeling among the big folks (War Department officials) in regard to the predicament the Cherokee affairs will place them in after the 23rd of May when the Cherokees shall be found still determined not to recognize that dirty paper they have told the Govt. that they never will acknowledge as a 'treaty.' Our friends in the Senate will move upon this controversy under the dictates of prudence and necessity so as to ensure action and decision upon the point of directing the difficulties to be closed by a new arrangement. It has been deemed best not to urge our memorial upon the House until movements in the Senate shall be developed (Woodward 1963: 198)

Rumors floated that President Van Buren "was softening toward John Ross and the Cherokee delegation, whom Van Buren had refused to recognize upon their arrival in Washington in January (1838)." At the same time Van Buren was swayed by reports from Governor Gilmer concerning the behavior of Cherokees in northern Georgia. The citizens of Georgia "were disturbed by their attitude of defiance." Gov. Gilmer sent spies into the Cherokee Nation to observe if the Cherokees were preparing to remove. Instead they were seen repairing fences and cleaning up their fields to plant corn. One report stated that Cherokee around Ellijay were "saucy, stubborn, and rebellious. They had told Gilmer's spies that they were not going to Arkansas but that the whites had to leave. In DeKalb County between fifty and sixty Cherokees were reported working on the new Western and Atlantic Railroad." Another report was that the Indians around Ellijay had been seen carrying corn into the mountains in order to survive capture by federal soldiers. (Woodward 1963: 199).

Van Buren refused the proposal by Ross and put six-foot-four Major General Winfield Scott in charge of approximately seven thousand federal and state troops. On March 17, 1838 C.A. Harris, Commissioner of Indian Affairs, sent the following notification to John Ross:

Yesterday the Senate had under consideration the Memorial of the Ross delegation, which by a decision of the majority (36-10) was promptly laid upon the table, every member of the Committee on Indian affairs, except one, voting in the affirmative. These proceedings leave no room to doubt that the legislative branch of the govmt. Concurrs with the executive and will sanction him in the purpose to carry the Treaty into full effect. You will perceive the importance of giving general circulation of these proceedings in forcible language, the unavoidable conclusion that a ready and cheerful acquiescence on their part can alone save them from serious calamities (Woodward 1963: 200).

On May 17, 1838 Orders No. 25 were sent from the headquarters of the Eastern Division of the Cherokee Agency, Tennessee. See Figure 5.7 on the following pages.

ORDERS. No. 25.

Head Quarters, Eastern Division. Cherokee Agency, Ten. May 17, 1838.

MAJOR GENERAL SCOTT, of the United States' Army, announces to the troops assembled and assembling in this country, that, with them, he has been charged by the President to cause the Cherokee Indians yet remaining in North Carolina, Georgia, Tennessee and Alabama, to remove to the West, according to the terms of the Treaty of 1835. His Staff will be as follows:

LIEUTENANT COLONEL W. J. WORTH, acting Adjutant General, Chief of the Staff.

MAJOR M. M. PAYNE, acting Inspector General.

LIEUTENANTS R. ANDERSON, & E. D. KINES, regular Aids-de-camp.

COLONEL A. H. KENAN & LIEUTENANT H. B. SHAW, volunteer Aids-de-camp.

Any order given orally, or in writing, by either of those officers, in the name of the Major General, will be respected and obeyed as if given by himself.

The Chiefs of Ordnance, of the Quarter-Master's Department and of the Commissariat, as also the Medical Director of this Army, will, as soon as they can be ascertained, be announced in orders.

To carry out the general object with the greatest promptitude and certainty, and with the least possible distress to the Indians, the country they are to evacuate is divided into three principal Military Districts, under as many officers of high rank, to command the troops serving therein, subject to the instructions of the Major General.

Eastern District, to be commanded by **BRIGADIER GENERAL EVERTS**, of the United States' Army, or the highest officer in rank, serving therein:—North Carolina, the part of Tennessee lying north of Gilmer county, Georgia, and the counties of Gilmer, Union, and Lumpkin, in Georgia. Head Quarters, in the first instance, say, at Fort Butler.

Western District, to be commanded by **COLONEL LINDSAY**, of the United States' Army, or the highest officer in rank serving therein:—Alabama, the residue of Tennessee and Dade county, in Georgia. Head quarters, in the first instance, say, at Ross' Landing.

Middle District, to be commanded by **BRIGADIER GENERAL ARMISTEAD** of the United States' Army, or the highest officer in rank, serving therein:—All that part of the Cherokee country, lying within the State of Georgia, and which is not comprised in the two other districts. Head Quarters, in the first instance, say, at New Echota.

It is not intended that the foregoing boundaries between the principal commanders shall be strictly observed. Either, when carried near the district of another, will not hesitate to extend his operations, according to the necessities of the case, but with all practicable harmony, into the adjoining district. And, among his principal objects, in case of actual or apprehended hostilities, will be that of affording adequate protection to our white people in and around the Cherokee country.

The senior officer actually present in each district will receive instructions from the Major General as to the time of commencing the removal, and every thing that may occur interesting to the service, in the district, will be promptly reported to the same source. The

Major General will endeavour to visit in a short time all parts of the Cherokee country occupied by the troops.

The duties devolved on the army, through the orders of the Major General & those of the commanders of districts, under him, are of a highly important and critical nature.

The Cherokees, by the advances which they have made in christianity and civilization, are by far the most interesting tribe of Indians in the territorial limits of the United States. Of the 15,000 of those people who are now to be removed—and the time within which a voluntary emigration was stipulated, will expire on the 23rd instant—) it is understood that about four fifths are opposed, or have become averse to a distant emigration; and altho' none are in actual hostilities with the United States, or threaten a resistance by arms, yet the troops will probably be obliged to cover the whole country they inhabit, in order to make prisoners and to march or to transport the prisoners, by families, either to this place, to Ross' Landing or Gunter's Landing, where they are to be finally delivered over to the Superintendent of Cherokee Emigration.

Considering the number and temper of the mass to be removed, together with the extent and fastnesses of the country occupied, it will readily occur, that simple indiscretions—acts of harshness and cruelty, on the part of our troops, may lead, step by step, to delays, to impatience and exasperation, and in the end, to a general war and carnage—a result, in the

case of those particular Indians, utterly abhorrent to the generous sympathies of the whole American people. Every possible kindness, compatible with the necessity of removal, must, therefore, be shown by the troops, and, if, in the ranks, a despicable individual should be found, capable of inflicting a wanton injury or insult on any Cherokee man, woman or child, it is hereby made the special duty of the nearest good officer or man, instantly to interpose, and to seize and consign the guilty wretch to the severest penalty of the laws. The Major General is fully persuaded that this injunction will not be neglected by the brave men under his command, who cannot be otherwise than jealous of their own honor and that of their country.

By early and persevering acts of kindness and humanity, it is impossible to doubt that the Indians may soon be induced to confide in the Army, and instead of fleeing to mountains and forests, flock to us for food and clothing. If, however, through false apprehensions, individuals, or a party, here and there, should seek to hide themselves, they must be pursued and invited to surrender, but not fired upon unless they should make a stand to resist. Even in such cases, mild remedies may sometimes better succeed than violence; and it cannot be doubted that if we get possession of the women and children first, or first capture the men, that, in either case, the outstanding members of the same families will readily come in on the assurance of forgiveness and kind treatment.

Every captured man, as well as all who surrender themselves, must be disarmed, with the assurance that their weapons will be carefully preserved and restored at, or beyond the

Mississippi. In either case, the men will be guarded and escorted, except it may be, where their women and children are safely secured as hostages; but, in general, families, in our possession, will not be separated, unless it be to send men, as runners, to invite others to come in.

It may happen that Indians will be found too sick, in the opinion of the nearest Surgeon, to be removed to one of the depots indicated above. In every such case, one or more of the family, or the friends of the sick person, will be left in attendance, with ample subsistence and remedies, and the remainder of the family removed by the troops. Infants, superannuated persons, lunatics and women in a helpless condition, will all, in the removal, require peculiar attention, which the brave and humane will seek to adapt to the necessities of the several cases.

All strong men, women, boys & girls, will be made to march under proper escorts. For the feeble, Indian horses and ponies will furnish a ready resource, as well as for bedding and light cooking utensils—all of which, as intimated in the Treaty, will be necessary to the emigrants both in going to, and after arrival at, their new homes. Such, and all other light articles of property, the Indians will be allowed to collect and to take with them, as also their slaves, who will be treated in like manner with the Indians themselves.

If the horses and ponies be not adequate to the above purposes, wagons must be supplied.

Corn, oats, fodder and other forage, also

beef cattle, belonging to the Indians to be removed, will be taken possession of by the proper departments of the Staff, as wanted, for the regular consumption of the Army, and certificates given to the owners, specifying in every case, the amount of forage and the weight of beef, so taken, in order that the owners may be paid for the same on their arrival at one of the depots mentioned above.

All other moveable or personal property, left or abandoned by the Indians, will be collected by agents appointed for the purpose, by the Superintendent of Cherokee Emigration, under a system of accountability, for the benefit of the Indian owners, which he will devise. The Army will give to these agents, in their operations, all reasonable countenance, aid and support.

White men and widows, citizens of the United States, who are, or have been intermarried with Indians, and thence commonly termed, *Indian countrymen*; also such Indians as have been made denizens of particular States by special legislation, together with the families and property of all such persons, will not be molested or removed by the troops until a decision, on the principles involved, can be obtained from the War Department.

A like indulgence, but only for a limited time, and until further orders, is extended to the families and property of certain Chiefs and head-men of the two great Indian parties, (on the subject of emigration) now understood to be absent in the direction of Washington on the business of their respective parties.

This order will be carefully read at the head of every company in the Army.

By Command.

Winfield Scott.

W. L. Smith
Chief of the Staff

Figure 5.7. National Archives and Records Administration, RG 393, M1475, R1, F252.

After Major General Winfield Scott sent out orders on May 17, 1838 to begin rounding up the Cherokees on May 23, 1838, the time set for forced removal, John Ross finally conceded to the fact that Cherokee emigration was inevitable. A proposition was made to General Scott by the Cherokee delegation on July 23, 1838. By this time three detachments had already been forcibly removed in June 1838. Ross' letter stated:

Sir: In respectfully presenting for your consideration the following suggestions in relation to the removal of the Cherokee people to the West, it may be proper very briefly to advert to certain facts which have an important bearing on the subject.

It is known to you, sir, that the undersigned, delegates of the Cherokee nation, submitted to the honorable Secretary of War the project of a treaty, on the basis of a removal of the Cherokee nation from all "the lands now occupied by them eastward of the Mississippi" and on terms the most of which the honorable Secretary expresses himself as "not unwilling to grant." The present condition of the Cherokee people is such, that all disputes as to the time of emigration are set at rest. Being already severed from their homes and their property—their persons being under the absolute control of the commanding general and being altogether dependent on the benevolence and humanity of that high officer for the suspension of their transportation to the West at a season and under circumstances in which sickness and death were to be apprehended to an alarming extent, all inducements to prolong their stay in this country are taken away; and however strong their attachment to the homes of their fathers may be, their interest and their wishes now are only to depart as early as may be consistent with their safety, which will appear from the following extract from their proceedings on the subject:

Resolved by the national committee and council and people of the Cherokee Nation, in general council assembled, That it is the decided sense and desire of this general council that the whole business of the emigration of our people shall be undertaken by the nation; and the delegation are hereby advised to negotiate the necessary arrangements with the commanding general for that purpose.

In conformity, therefore, with the wishes of our people, and with the fact that the delegation has been referred by the honorable Secretary of War to conclude the negotiation, in relation to emigration, with the commanding general in the Cherokee country, we beg leave, therefore, very respectfully to propose:

That the Cherokee nation will undertake the whole business of removing their people to the West of the Mississippi;

That the emigration shall commence at the time stipulated in a pledge give to you by our people, as a condition of the suspension of their transportation until the sickly season should pass away, unless prevented by some cause which shall appear reasonable to yourself;

That the per capita expense of removal be based on the calculation on one wagon and team, and six riding, being required for fifteen persons;

That the Cherokees shall have the selection of physicians and other persons as may be required for the safe and comfortable conducting of the several detachments to the place of destination, their compensation to be paid by the United States.

We have the honor to be your obedient servants,

John Ross
 Elijah Hicks
 Edward Gunter
 Samuel Gunter
 Situwakee
 White Path
 Richard Taylor
 (Starr 1993(1921): 98-100)

On July 25, 1838 General Scott accepted the proposition “with the understanding that the Cherokees take every precaution to get all of the Cherokees except certain ones that had been allowed to stay and become citizens of the States and such of the treaty party as might object to removal under the superintendence of Ross and his associates.” On July 27th, the proposition was agreed upon and General Scott fixed the date for the first detachment to leave on September 3rd. On July 31st the Cherokee committee “submitted an estimate of transportation for each thousand emigrants, distance eight hundred miles at eighty days travel, with twenty persons to the wagon.” The expenses were itemized as follows (Starr 1993(1921): 100):

# of Items	Description of Item	Cost/day	Cost /mile	Cost/Item	Total Cost
50	Wagons and Teams, includes forage	\$350			\$28,000
	Returning		\$7.00 per 20 miles		\$14,000
250	Extra Horses	40 cents			\$ 8,000
	Ferriages, etc.				\$ 1,000
80,000	Rations			16 cents	\$12,800
	Conductor	\$5.00			\$ 400
	Assistant Conductor	\$3.00			\$ 240
	Physician	\$5.00			\$ 400
	Returning		\$15.00 per 100 miles		\$ 120
	Commissary	\$2.50			\$ 200
	Assistant Commissary	\$2.00			\$ 160
	Wagon Master	\$2.50			\$ 200
	Assistant Wagon Master	\$2.00			\$ 160
	Interpreter	\$2.50			\$ 200
	Total				\$65,880

Figure 5.8. Estimate of Removal for 1000 Cherokees. History of the Cherokee Indians, 1993.

General Scott wrote a letter on August 1, 1838 to the Cherokee committee expressing that \$65,880 was extravagant. He used an example of the number of people per wagon. He goes on to say:

I have already consented, with a view to lighten the movement by land, that all the sick, the crippled and superannuated of the nation should be left at the depots until the rivers be again navigate for steamboats. All heavy articles of property, not wanted on the road may wait for the same mode of conveyance.

Deducting the persons just mentioned, I am confident that it will be found that among every thousand individuals, taken in families, without selection, there are at least 500 strong men, women, boys and girls not only capable of marching twelve or fifteen miles a day, but to whom the exercise would be beneficial, and another hundred able to go on foot half that distance daily. There would then be left according to your basis, only four hundred and fifty individuals, most of them children, to ride, and children are light. The 250 saddle horses or ponies would accommodate as many riders; leaving but 200 souls to be steadily transported in fifty wagons, or only four to a wagon.

Now, the wagon are large, and each drawn by five or six horses, (as must be presumed from your high estimate of seven dollars for each wagon going and returning). It strikes me that one such team and five horses ought to accommodate, on the route, thirty or thirty-five emigrants including subsistence for a day or two, from depot to depot.

I repeat, that I do not absolutely reject or cut down your estimate (which I think also too high) in putting down the rations at sixteen cents each. The whole expense of the emigration is to be paid out of appropriations already made by Congress, the general surplus of which is to go to the Cherokee nation in various forms; therefore, they have a direct interest in conducting the movement as economically as comfort will permit. Nevertheless, for the reason stated, I wish the several items of the estimate submitted be reconsidered. (Starr 1993: 100-101).

When General Nathaniel Smith, Superintendent of Cherokee removal, notified former President Jackson that John Ross would be placed in charge of the Cherokee Removal, Jackson flew into a rage (Woodward 1963: 211). He wrote the following letter to the Attorney General of the United States, Felix Grundy, from his retirement at the Hermitage (Nashville, Tennessee). The protest and anger in the letter is stated as follows:

Hermitage, August 23, 1838

My Dear Sir: (Private)

Colonel Walker has just shown me several communications from General Smith, removing agent for the Cherokees.

The contract with Ross must be arrested, or you may rely upon it, the expense and other evils will shake the popularity of the Administration (President Van Buren) to its center. What madness and folly to have anything to do with Ross when the agent was proceeding well with the removal on the principles of economy that would have saved at least 100 per cent from what the contract with Ross will cost. Whilst the present appropriation for this object would have exceeded the expense, the contract with Ross will far exceed it,

and compel a resort to Congress for further appropriation. What a fine excuse for Bell, Wise, and Adams.

I have only time to add as the mail waits that the contract with Ross must be arrested, and General Smith left to superintend the removal.

The time and circumstances under which General Scott made this contract shows that he was no economist, or is, sub rosa, in league with Clay and Co. to bring disgrace on the administration. The evil is done. It behooves Mr. Van Buren to act with energy to throw it off his shoulders. I enclose a letter to you under cover, unsealed, which you may read, seal, and deliver to him, that you may aid him with your views in getting out of this real difficulty.

Your friend in haste,
Andrew Jackson

P.S. I am so feeble I can scarcely wield my pen, but friendship dictates it and the subject excites me. Why is it that the scamp Ross is not banished from the notice of the administration? (Brown 1938: 511-512).

Alabama Laws Extended over the Cherokee Nation

On February 25th, 1832 the Cherokee Phoenix published an article commenting on the extension of Alabama laws over the Cherokee and Creek Nations in Alabama. The law was blamed for hundreds of citizens of Alabama intruding on Indian lands. The article expressed the “wanton cruelty and oppression excised” over the Cherokees. Land and property were taken away, their rights and liberties were invaded, and lawless intruders were swarming in. The extension of Alabama laws over the Cherokee and Creek Nations attracted the lawless citizens of the adjoining states. “We understand that Will’s Valley is now filled up by intruders; a great many are joining their fences to those of the Cherokees, others take possession of farms which may happen to be lying some distance from the house of the owner, without asking his consent. Others have threatened to possess themselves of Ferries and Bridges belonging to Cherokees” (Cherokee Phoenix 1832: 2).

Excerpts of the laws passed by the State of Alabama are shown below as printed in the Cherokee Phoenix issue of February 18, 1832.

**SUBSTANCE OF THE INDIAN
BILL OF ALABAMA.**

SEC. 1. The civil and criminal Jurisdiction of the State is extended over all Indian territory within the same.

SEC. 2. The Commissioners of Roads &c in each county where Indians inhabit territory, are authorized to establish such roads, ferries and bridges as they may think proper.

SEC. 3. This act is not to be construed to compel the Indians to muster or pay taxes.

SEC. 4. Indians shall have the same privilege of perpetuating testimony, recording wills and deeds, with the testimony of such persons, as white persons have.

SEC. 5. White persons, in the Indian territory shall be governed by the laws now in force for the government of whites.

SEC. 6. All laws and usages of the Creek and Cherokee Indians, within this State, contrary to our constitution or laws, are abolished.

SEC. 7. Any Indian, meeting in council and passing such laws, shall be imprisoned in the county jail not less then two nor more than four months.

SEC. 8. It shall be lawful for any chief or other Indian to meet any agent of the United States or of this State, for any purpose. Any person attempting to prevent such meeting, on the part of the Indians, shall, on conviction before the circuit court be imprisoned three months.

SEC. 9. In all suits brought against Indians on contracts hereafter made, for money or property, the consideration shall be proved by two credible witnesses.

SEC. 10. Any person confiscating the property of any one (or attempting it) for such persons enrolling for emigration (or attempting it) shall be imprisoned in the county jail not less then 2 nor more than 4 months.

SEC. 11. The Governor to have 200 copies of this act printed and distributed amongst each of the Indian tribes.

SEC. 12. Judges of circuit Courts, in counties where there are Indian tribes, to give this act in charge to grand juries.

SEC. 13. To take effect from its passage.

SEC. 14. Contracts freely made, whereby any white person shall purchase an improvement or claim of any Indian, or any of the unceded territory of this state, and receive possession, shall be obligatory, if the same be made in presence of one respectable free white person and reduced to writing, stating the terms the contract, and if a valuable consideration be paid. Approved Jan. 16, 1732.

Figure 5.9. *Cherokee Phoenix*, February 18, 1832. See Appendix C for full copy of law.

It is interesting that the State of Alabama extended her laws over the Cherokee Nation in 1832 when laws had already been extended by various counties in acts by the state legislature. An act approved on December 20, 1820 stated the following:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the circuit court of Cotaco (present-day Morgan County), shall have jurisdiction, and the county shall embrace all that tract of country lying west of Willstown valley and belonging to the Cherokee nation of Indians. And the county of St. Clair shall embrace all the tract of country belonging to the Cherokee nation of Indians in Willstown valley and east of the same.

Section 2. *And be it further enacted,* That the expenses of prosecuting and supporting criminals who are prosecuted for offences committed on Indian lands shall be paid out of the contingent fund, upon a certificate of the Judge, made out as in cases now provided for by law.

Section 3. *And be it further enacted.* That all acts and parts of acts, contravening this act, shall be, and the same are hereby repealed (www.legislature.state.al.us).

An Act was approved on November 27, 1821 to amend the 1820 Act stated above. This act is as follows:

To amend an Act giving jurisdiction to certain counties herein named, over that part of the Cherokee lands lying within the limits of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Circuit Court of Jackson shall have jurisdiction, and the county shall embrace all that tract of country lying west of Willstown valley, and east of the road leading from Ditto's landing on Tennessee river to Blountsville.

Section 2. *And be it further enacted,* That all Acts and parts of Acts coming within the purview of this Act, are hereby repealed (www.legislature.state.al.us).

On October 1, 1836 Benjamin Currey wrote a letter concerning appraising agents. "The Cherokee part of Alabama, or the second district, is composed of two divisions, distinguished as the upper and lower divisions of the second district." Rezin Rawlings and George S. Massey were placed over the lower division of Alabama with William Lapley (Lasley?) as their interpreter. General Andrew Moore, who was previously the assistant removing agent of the Creeks, and David Ricketts (both of Marshall County, Alabama) were placed over the upper division of Alabama with Andrew Ross as their interpreter. Currey further stated:

The full number of agents, with their interpreters, supposed to be necessary in valuing Indian improvements, are now in service. I regret, however, to inform you that, while the principal men at the council held out to General Wool a belief they would afford these agents every facility towards completing this branch of business, off at a distance the assessors have met with increased difficulty in getting the common Indians, since their return from the Red Clay council, to show their improvements.

The Removal Begins in Alabama

On May 24, 1838 Orders No. 34 were issued from Head Quarter's Eastern Division, New Echota, stating that Indians would be collected in Georgia beginning on the 26th of May or as soon as the order was received and would begin in the adjoining states ten days later. The order continued as follows:

The Commanding Officer at every fort & open Station will first cause to be surrounded & brought in as many Indians the nearest to his fort or station, as he may think he can secure at once, & and repeat the operation until he shall have made as many prisoners as he is able to subsist and send off, under a proper escort, to the most convenient of the emigrating depots—the Cherokee Agency, Ross's Landing & Gunter's Landing. These operations will be again and again repeated, under the order of the commanders of the respective Districts, until the whole of the Indians shall have been collected for emigration.

In many cases it may be almost impracticable for the commander of an open station to escort his prisoners to one of the distant emigrating depots mentioned above. It is permitted therefore, (not legible) to such commander, when necessary to send his prisoners under a proper escort, to the nearest fort in the direction of one of those depots there to wait for a (not legible) farther escort.

In every case when detachments are sent out to bring in Indians a sufficient guard will be retained to hold the fort or to guard the subsistence & all other property left at the open station.

Every Commander of a fort or open Station will report his operations & whatever else of interest that may occur around him to the commander of his District, & the latter will frequently make report to the Major General.

(not legible) Instant references will be made by all to the letter and the spirit of the printed general Order, No. 25, which has been extensively circulated for the purpose.

Until the arrival of Brigadier General Armistead, Brigadier General Floyd of the Georgia Militia, will be the Commander of the Middle District, head quarters for the present New Echota.

After order

To each Indian prisoner will be issued daily without regard to age or sex one pound of flour and half a pound of bacon." signed by W. J. Worth, Lt. Colonel, Chief of Staff, by command of Major General Scott (Galileo Digital Library of Georgia Database 2007: Document IVP012).

The following chapter (6) extensively addresses treatment of the Cherokee by the troops conducting the roundup during the summer of 1838, and by whites moving in and taking Cherokee property. Alabama Chapter member Mike Wren spent many hours transcribing Spoliation Claims taken in 1842 on Cherokees who had resided in the State of Alabama prior to the final forced Cherokee Removal.

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Appendix A:

Act of Georgia

Signed December 20, 1828

**Source: Whites Among the Cherokees:
Georgia 1828-1839**

Written by the Participants

Collected and Edited by;

Mary B. Warren

And

Eve B. Weeks

1987

Heritage Papers

Danielsville, Georgia

AN ACT
Signed December 20, 1828

To add the Territory lying within the limits of this State, and occupied by the Cherokee Indians, to the counties of **Carroll, DeKalb, Gwinnett, Hall** and **Habersham**; and to extend the laws of this state over the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,

SECTION 1. That from and after the passing of this act, all that part of the territory, within the limits of this state, and which lies between the Alabama line, and the old path leading from the Buzzard Roost on the Chattahoochee to Sally Huse's (Hughes'), where the said path strikes the Alabama road, thence with said road, to the boundary line of Georgia, be and the same is hereby added to, and shall become a part of the county of **Carroll**.

SECTION 2. And be it enacted by the authority aforesaid, That all that part of said territory, lying and being north of the last mentioned line, and south of the road, running from Charles Gates' ferry on the Chattahoochee river, to Dick Roe's, to where it intersects with the path aforesaid be, and the same is hereby added, and shall become a part of the county of **DeKalb**.

SECTION 3. And be it further enacted, That all that part of said territory lying north of the last mentioned line, and south of the old federal road be, and the same is hereby added to, and shall become a part of the county of **Gwinnett**.

SECTION 4. And be it further enacted, That all that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chestertee river, at the mouth of Yoholo creek, thence up said creek to the top of the Blue ridge, thence to the head waters of Notley river: thence down said river, to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of **Hall**.

SECTION 5. And be it further enacted, That all that part of said territory, lying north said last mentioned line, within the limits of Georgia be, and the same is hereby added to, and shall become a part of the county of **Habersham**.

SECTION 6. And be it further enacted, That all the laws of this State be, and the same are hereby extended over said territory, and **all white persons** residing within the same, shall immediately after the passage of this act, be subject and liable to the operation of said laws, in the same manner as other citizens of this state or the citizens of said counties respectively.

SECTION 7. And be it further enacted, That after the first day of **June, 1830**, all Indians then, and at that time, residing in said territory, and within any one of the counties as aforesaid, shall be liable and subject to such laws and regulations, as the legislature may hereafter prescribe.

SECTION 8. And be it further enacted, That all laws, usages, and customs made, established and in force, in said territory, by the said Cherokee Indians be, and the same are hereby on, and after the first of June, 1830, declared null and void.

SECTION 9. And be it further enacted, That no **Indian, or descendant of Indian**, residing within the Creek or Cherokee nations of Indians, shall be deemed a **competent witness**, or a party to any suit, in any court created by the constitution, or laws of this state, to which a white man may be party.

IRBY HUDSON, Speaker of the House of Representatives.
THOMAS STOCKS, President of the Senate.
Assented to Dec. 20, 1828
JOHN FORSYTH, Governor.

Appendix B:

Act of Georgia

Signed December 19, 1829

**Source: Whites Among the Cherokees:
Georgia 1828-1839**

**Written by the Participants
Collected and Edited by;
Mary B. Warren
And
Eve B. Weeks**

1987

**Heritage Papers
Danielsville, Georgia**

AN ACT
Signed Dec. 19, 1829

To add the Territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of **Carroll, DeKalb, Gwinnett, Hall and Habersham**, and to extend the laws of this State over the same, and to annul all laws and ordinances made by the **Cherokee nation** of Indians, and to provide for the compensation of officers serving legal process in said Territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight (which excluded Indian testimony and plaintiffs from Georgia courts), upon this subject.

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the unlocated territory within the limits of this State, and which lies between the Alabama line and the old path leading from the Buzzard Roost on the Chattahoochie to Sally Hughes' on the Hightower river: thence to Thomas Petet's on the old Federal road: thence with said road to the Alabama line, be, and the same is hereby added to, and shall become a part of the county of **Carroll**.

SECTION 2. And be it further enacted, That all that part of said territory lying and being North of the last mentioned line, and South of the road running from Charles Gates' ferry on the Chattahoochie river, to Dick Roe's, to where it intersects with the path aforesaid, be, and the same is hereby added to, and shall become a part of the county of **DeKalb**.

SECTION 3. And be it further enacted, That all that part of said territory lying North of the last mentioned line, and South of a line commencing at the mouth of Baldrige Creek: thence up said creek to its source: from thence to where the Federal road crosses the Hightower: thence with said road to the Tennessee line, be, and the same is hereby added to, and shall become a part of the county of **Gwinnett**.

SECTION 4. And be it further enacted, That all that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chestatee river at the mouth of Yoholo creek: thence up said creek to the top of the Blue Ridge: thence to the head waters of Notley river: thence down said river to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of **Hall**.

SECTION 5. And be it further enacted, That all that part of said territory, lying north said last mentioned line, within the limits of this State, be, and the same is hereby added to, and shall become a part of the county of **Habersham**.

SECTION 6. And be it further enacted, That all the laws both civil and criminal of this State be, and the same are hereby extended over said portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June next (1830), be subject and liable to the operation of said laws, in the same manner as other citizens of this State or the citizens of said counties respectively, and all writs and processes whatever issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

SECTION 7. And be it further enacted, That after the first day of June next (1830), all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders or regulations; nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

SECTION 8. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said Cherokee nation, to prevent, by threats, menaces or whatever means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this State, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant or for emigration, or intending to emigrate from said nation.

SECTION 9. And be it further enacted, That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be punished by confinement in the common jail of any county of this State, or by confinement at hard labor in the Penitentiary for a term not exceeding four years, at the discretion of the court.

SECTION 10. And be it further enacts, That it shall not be lawful for any person or body of persons, by arbitrary power, or under colour of any pretended rule, ordinance, law or custom of said nation to prevent, or offer to prevent, or deter any Indian, head man, chief or warrior of said nation residing within the chartered limits of this State, from selling or ceding to the U. States, for the use of Georgia the whole or any part of said territory, from meeting council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.

SECTION 11. And be it further enacted, That any persons or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be confined at hard labor in the Penitentiary for not less than four, nor longer than six years, at the discretion of the court.

SECTION 12. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary force or under colour of any pretended rules, ordinances, law or custom of said nation, to take the life of any Indian residing as aforesaid for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede as aforesaid, the whole or any part of said territory, or meeting or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any persons or body of persons offending against the provisions of this section, shall be guilty of murder, subject to indictment, and on conviction shall suffer death by hanging.

SECTION 13. And be it further enacted, That should any of the foregoing offences be committed under colour of any pretended rules, ordinance, custom of law of said nation, all persons acting therein either as individuals or as pretended executive, ministerial or judicial officers, shall be deemed and considered as principals, and subject to the pains and penalties herein before described.

SECTION 14. And be it further enacted, That for all demands which may come within the jurisdiction of a Magistrates court, suit may be brought for the same in the **nearest district** of the county to which the territory is hereby annexed, and all officers serving any legal process, or any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; and in case any of said officers should be resisted in the execution of any legal process issues by any court or Magistrate, Justice of the Inferior court or Judge of the Superior court of any of said counties, he is hereby authorised to call out a sufficient number of the **militia** of said counties to aid and protect him in the execution of his duty.

SECTION 15. And be it further enacted, That no Indian or descendant of any Indian residing within the Creek or Cherokee nations of Indians, shall be deemed a **competent witness** in any court of this State to which a white person may be a party, except such white person resides within the said nation.

WARREN JOURDAN, Speaker of the House of Representatives.
THOMAS STOCKS, President of the Senate.
Assented to, Dec. 19, 1829.
GEORGE R. GILMER, Governor.
SOURCE: Georgia Laws 1829.

Appendix C

**Acts Passed At
Thirteenth Annual session
of the
State of Alabama
Begun and Held
in the
Town of Tuscaloosa,
On The Third Monday In November,
One Thousand Eight Hundred And Thirty-one**

**John Gayle,
Governor.
James Jackson,
President of the Senate.
James Penn,
Speaker of the House Of Representatives.**

**Tuscaloosa,
Printed By Wiley, McGuire & Henry
State Printers
1835**

—●●●—
AN ACT

1852

To extend the Jurisdiction of the State of Alabama over the Territory according to the Geographical Boundaries within the Limits of said State, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the civil and criminal jurisdiction of the State of Alabama be, and the same is hereby extended over all the Indian territory within the State of Alabama.

Jurisdiction extended.

Sec. 2. *And be it further enacted,* That the commissioners' courts of revenue and roads, of any county in this State where Indians inhabit any portion of the territory, be, and they are hereby authorized to cause all such roads, bridges and ferries to be established within the territory upon which the Indians may live, as they may think the public good requires.

Roads, bridges, and Ferries established.

Sec. 3. *And be it further enacted,* That this act shall not be so construed as to compel Indians to muster, or perform any other military duty, to work on roads, or serve on juries; neither shall any thing in this act be so construed as to authorize the assessment or collection of any tax whatever, from any Indian or person of mixed blood descended of Indians, residing within the limits of the territory claimed by any of the Indian tribes within the chartered limits of this State.

Exempt from certain duties.

Sec. 4. *And be it further enacted,* That all Indians or persons of mixed blood descended of Indians, within the limits of the State of Alabama, may, within the county of their residence, have all the privileges of perpetuating testimony, recording wills and bills of sale and conveyances, with the testimony of such persons beforementioned, as white persons have in their respective counties with white testimony.

Certain privileges granted.

Sec. 5. *And be it further enacted,* That all white persons living within any portion of the country claimed by Indians, and attached to any county in the State, shall be in all respects governed by the same laws now in force for the government of the whites.

White persons living in Indian territory, how governed.

Sec. 6. *And be it further enacted,* That all laws, usages and customs now used, enjoyed or practised, by the Creek and Cherokee nations of Indians, within the limits of this State, contrary to the constitution and laws of this State, be, and the same are hereby abolished.

Indian customs abolished.

Sec. 7. *And be it further enacted,* That if any Indian or Indians shall meet in any counsel, assembly, or convention, and there make any law for said tribe, contrary to the laws and constitution of this State, shall, upon conviction, be imprisoned in the common

Punishment for enacting laws.

jail of the proper county, not less than two, nor more than four months.

Conventions allowable, and punishment for hindrance.

Sec. 8. *And be it further enacted,* That it shall at all times be lawful for the chiefs and headmen, or any portion of any of the Indian tribes within this State, to meet any agent or commissioner of the United States or this State, for any purpose whatever; and that any person attempting, by persuasion or by force, to prevent such meeting on the part of the Indians, shall, upon conviction thereof, before the circuit court of the county where the offence may be committed, be imprisoned three months.

Proof in suits.

Sec. 9. *And be it further enacted,* That in all cases where suit is brought on contracts hereafter made, to recover money or property from any Indian, the consideration shall be proved by two creditable witnesses.

Punishment in certain cases.

Sec. 10. *And be it further enacted,* That if any person or persons shall confiscate, or attempt to confiscate, the property of any person or persons, in consequence of his or her enrolling for emigration, or offering to enrol, shall, upon conviction, be imprisoned in the common jail of the proper county, not less than two, nor more than four months.

This act to be distributed, how.

Sec. 11. *And be it further enacted,* That it shall be the duty of the Governor of this State, to cause to be printed and distributed two hundred copies of this act, to each of the Indian tribes within the chartered limits of this State.

Act given in charge to grand juries.

Sec. 12. *And be it further enacted,* That it shall be the duty of the judges of the circuit courts, to give this act in charge to the grand juries of those counties to which any portion of the Indian territory is attached.

Sec. 13. *And be it further enacted,* That this act shall take effect from and after its passage.

Contracts in writing for Indian possessions.

Sec. 14. *And be it further enacted,* That contracts freely and voluntarily made, whereby any white man shall purchase an improvement or claim of any Indian, on any of the unceded territory in this State, and shall actually receive possession thereof, the same shall be obligatory on the parties to such contract: *Provided,* the same is made in the presence of one respectable free white person, and reduced to writing, in which shall be specified the terms of such contract; and provided a valuable consideration be paid for such claim.

Approved, January 16, 1832.

Chapter 6

Spoliation Claims of Cherokees Residing in Alabama

By: Michael Wren

Hill (1965) in his Preliminary Inventory of Record Group 75 for the National Archives and Records Administration states the following:

The First Board of Cherokee Commissioners was established in 1836, as provided by article 17 of the treaty of December 29, 1835, to adjudicate claims arising under or authorized by the treaty. Its members were appointed by the President, with the approval of the Senate. At first, the Board consisted of two Commissioners, Wilson Lumpkin and John Kennedy. In October 1837, a third Commissioner, Thomas Wilson, was added. In December 1837, Lumpkin was replaced by James Liddell. The Board concluded its work in March 1839. Most of the claims were presented by Indians for compensation for abandoned property of emigrants, for spoliations, and for lost reservations. There were also some claims against the Indians.” It goes on to note “The Second and Third Boards of Cherokee Commissioners were appointed under the provisions of article 17 of the treaty of December 29, 1835, to continue the adjudication of claims arising under the treaty. The Second Board was appointed in November 1842, with John H. Eaton and Edward H. Hubley as Commissioners. It adjourned in January 1844. It was replaced in June by the Third Board, which was appointed for 1 year; its Commissioners were George C. Washington and John T. Mason. The Third Board inherited and added to the records of the Second Board. It is therefore necessary to describe the records of the two Boards as a single unit. The Second and Third Boards - in addition to the reservation, spoliation, improvement, and other kinds of claims considered by the First Board -- also decided a large number of preemption claims based on articles 12 and 13 of the 1835 treaty and the supplementary articles of March 1, 1836. The Second Board rejected most of these claims; and the Third Board rejected them in entirety. The Fourth Board of Cherokee Commissioners was in existence from July 1846 until July 1847. The Commissioners, Benjamin H. Brewster and Edward Harden, continued the adjudication of claims under the treaty of 1835.”

There are several series and classes of Claims filed by Cherokees for losses incurred.¹ They are not all included here. All of the various claims, payments and valuations provide great insight into the lives of individual Cherokee and their families but also provide some limited information on the Removal itself.

In 1842, the Cherokee Commissioners collected Claim information in the Cherokee Nation West. Many, but not all, of these claims identified the Claimant’s Eastern Residence, the Detachment in which they emigrated and their Residence in the West giving tremendous

Foot Notes

¹ The Tennessee Cherokee Collection at the Tennessee State Library and Archives contains a Series of Claims referred to as the 1838 Claims Before Emigration. That series contains only a small handful of claims from Alabama. None of that small specific group of claimants are associated with the Benge Detachment. There are also Approved Spoliation Claims of the 1st Board of Cherokee Commissioners in the Records of the Bureau of Indian Affairs in the records at the National Archives but those are not included with this abstract. The National Archives also houses Miscellaneous Claims Papers of the First Board, Claims Papers of the Second and Third Board and Claims Papers of the Fourth Board. In addition to this class of Claims the Records of the Cherokee Removal at the National Archives contains other types of Claims.

insight into resettlement patterns. Occasionally, these claims provide first hand details of the Removal not found elsewhere.

These brief abstracts are for individuals who can clearly be placed in Benge's Detachment. The Flint District Claims do not include any Detachment information. Several Flint Claims are included based on best estimation and subject to additional future research to confirm or eliminate them from association with this Detachment. These abbreviated abstracts do not include 1842 Claims of Alabama Cherokee who were in other Detachments or removed as Old Settlers or as Voluntary Emigrants.

All of the various Claims filed by the Cherokee are spread among a large variety of repositories. Not all of the records are known to have survived. Many records are still being discovered and should provide additional insight with future research.

Cherokee Agency ²
August 9th 1838

Major Genl W Scott
USA Commdg
Sir

The clerks of the nation who are engaged in preparing and registering the Claims of the individual Cherokees for adjudication and settlement with the Agents of the U. States, will soon have completed the duties assigned them; consequently, Mr. George Lowrey the Asst Principal Chief has deemed it his duty in behalf of the Wills Town Detachment at Fort Payne through me to enquire; whether, upon the adjudication of the claims of the person forming that detachment, a disbursing officer can or will be sent down to that Post to pay them off? And if not, what other arrangements will be made for the convenience of these claimants to receive their dues from the U.S. previous to their departure for the West?

I have the honor to be Sir,
Yr Obt Hble Servt
Jn^o Ross

List of Claims rendered in by Mr Edward Gunter of Sundry persons attached to the Detachment of Cherokees to be conducted in the removal Westward by Capt John Benge & George Lowrey jr. ³

To wit

No	Name	Page	For	Location
1	Gideon E Coats	1	For improvements	Turkey Town
2	James Lowry	4	For spoliations	Wills Town Ala
3	Heirs of Wotiah Benge	6	ditto	Crow Town Ala
4	Nancy Benge	7	"	Look Out Valley
5	Elizabeth Lowrey	8	"	Wills Valley
6	Widow Sally	9	"	Wills Town
7	Polly Smith	10	"	Gunters Landing
8	Polly Smith	11	"	Ditto
9	Polly Smith	12	"	"
10	Nancy Benge	13	"	"
11	Davis	14	"	Uharly Creek
12	Charley	15	"	Ditto
13	Dogwood	16	"	Tarripin Creek
14	Skiauka	17	"	Turkey Town
15	Trunk	18	"	Wills Valley
16	Five Killer	19	"	Turkey Town

² National Archives and Record Administration Microfilm M1475, Roll 2, frames 51-52, Correspondence of the Eastern Division Pertaining to Cherokee Removal, April-December 1838, RG 393, Records of U.S. Army Continental Commands, 1821-1920, National Archives Southeast Region, Morrow Georgia.

³ Tennessee Cherokee Collection. Tennessee State Library and Archives Manuscript collection #1787, Box 4, Folders 6. Tennessee State Library and Archives Microfilm Collection 815, Reel 1.

17	Anny Benge	20	“	Look Out Valley
18	Jack Fish	21	“	Turkey Town
19	James Lasley	22	Improvement	Ditto
20	Five Killer	23	Spoilation	“
21	Skaukooheskee or Boil head	24	Spoilation	Wills Valley
22	Peter Path Killer	25	Do	Turkey Town
23	Anna	26	Spoilation	Wills Valley
24	Nakey	27	Ditto	Turkey Town
25	Peggy	28	“	“
26	The Benges – heirs of Rich ^d & Betsey Benge	29	Spo	Lookout Valley
27	Sally	30	Spoilation	Turkey Town
28	Sally	31	Improvement	Do
29	Sally	32	Spoilation	“
30	Caty	33	Ditto	“
31	Ooloocha	34	Ditto	Turnip Mountain

**REGISTRATION OF CLAIMS OF CHEROKEE INDIANS AGAINST THE UNITED STATES,
WITHIN THE STATE OF ALABAMA.⁴**

The following claims were taken at the Wills Town Detachment between August 22 and September 13, 1838. They were given before Jesse G. Beeson and George C. Lowrey.

#1 Gideon E. Coates for an Improvement “near Turkey Town” Alabama ... a Citizen of the United States intermarried with Margaritt Lasley a Native of the Cherokee Nation...
Witnesses: Richard Simmons & James Lasley

#2 James Lowery ... in the fall of 1835 a white man named Stenett took property from his dwelling house in Lookout Valley...
Witness: Sty-lesa

#3 Anna Benge, Rebecca Benge, Nancy Benge, Richard Benge & Patsy, heirs of Wateah Benge for an improvement in Crow Town Island
Witness: John Jones a citizen of De Kalb County Ala ... saieith that about the year 1818 he resided near to Crow Town Island on TN River ... Wateah (she) was driven from said Island by ... Ezekiel King

#4 Nancy Benge ... for 32 hogs ...stolen by Asa Daniel.....
Witnesses: Anna Thompson and Widdow Benge

#5 Elizabeth Lowery ...colt lost out of the range near Widow Salley’s who lived at that time in Little Wills Valley...
Witness: Widow Sally

#6 Widow Sally ... Living in little Wills Valley ... Sorrel mare stolen in 1822... stolen by Daniel
Witness: Stilisa

#7 Polly Smith ...
Archibald Campbell ... saeth that Polly Smith left in his care 5 head of cattle about the year 1818 about the settling of Jackson County ... before he could move the cattle were supposedly stolen by Joseph Chambers. He also had a horse of Polly’s ... persued from his residence then in Jackson County across paint Rock Creek in the direction of Madison County ... in fall of 1818

⁴ Indian Pioneer Papers, Western History Collection, University of Oklahoma, Norman OK. Volume 105, Grant Foreman Interview #1425. The original Book of Claims is on Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations).

- #8 Polly Smith Saieth that about the year 1816 she had 4 head of cattle killed by drinking the water at Bogass's Salt petre works in the Cherokee Nation now Jackson County Alabama
- #9 Polly Smith Saieth that in the Winter of 1836 she had 30 head of hogs that ran in the range near David Willis a citizen of the United States ... near her residence in Marshall County Gunters Landing.
- #10 Nancy Benge dispeost by Troops of the U States
- #11 Davis ... in fall of 1836 he saw a white man by the name of Rattle snake a citizen of the United States driving said hogs away towards the white settlement
Witness: Charles & Susannah
- #12 Charley.... In 1836 a white man named Cockren stole hogs & cattle and drove them off toward Georgia from his residence on Uhulley Creek
Witness: Davis & Hog Shooter (Georgia Guard took 3 guns from Charley who lived at Dirt Town)...
- #13 Dog Wood In 1830 two white men named Lankford & Logan ... took & carried away... his possessions
Witness: Skiouka
- #14 Skiouka In 1830 two white men named Lankford & Watts ... took and carried out of his possession 3 horses
Witness: Dog Wood
- #15 Trunk for an Improvement in Wills Valley ...taken in 1834 by Copelin
Witness: Charley {improvement on Wills Creek in Wills Valley taken from his brother, Trunk.}
- #16 Five Killerin 1833 two white men named Blake & Roden took his livestock
Witness: Us-quah-te-tah or As-quah-de-dah {livestock taken from Five Killers residence near Turkey Town}.
- #17 Anny Benge ... sometime in May last she lost horses and heard that Silas Williams (had an) execution for a debt of Young Beavers.
Witness: Nancy Benge, sister.
- #18 Jack Fish in 1832 lost horses running in the range near his residence in Turkey Town Valley
Witness: George {believes Logan stole the horses}
- #19 James Lasely ... for an improvement near Turkey Town Valley on Coosa River ... a white man intermarried with Caty a native of the Cherokee Nation..... also had a ferry across Coosa River possibly taken from him by David Smith a white man
Witness: GunPile & Young Wolf
- #20 Old Five Killer Thirty years ago he had running in the range near his residence in Wills Valley horses he believes were stolen by Sam.
Witness: Dogwood Lived at the time in the house of Five Killer and helped look for them
- #21 Skoh-coo-hu-skee In 1808 horses were in the range near his residence near TN River near Neckojack and in night they were stolen
Witness: Jack Justus... lived near him
- #22 Peter Pathkiller He had stolen out of the range near the mouth of Wills Creek he had livestock stolen out of the range and found them in the possession of a white man in Saint Clare County Ala named Nawl and Wagnon
Witness: Two Thousand

#23 Anny ... stolen from the range near her residence in Wills Valley about 4 years ago and saw white man driving them down Valley towards St Clair County ... also horses stolen and driven off towards Gunter's Landing

Witness: Nelly & Witch

#24 Nakey in 1818 that the horses were stolen at Fort Deposit while she was on a visit and that the cattle run about the road that leads through the Nation from Ala to Georgia and that about 10 years ago a white man passed her house in Turkey Town Valley with a drove of cattle and the next day she could not find her cattle

Witness: Gunpile was with Nakey on the visit from Turkey Town to Ft Deposit at the time the troops were returning from the Creek War. He lived near to Nakey in Turkey Town Valley

#25 Peggy In 1833 she lost the livestock off the range near her residence in Turkey Town Valley ... followed the tracks toward Georgia

Witness: Ski-ou-ka, lived in the same settlement

#26 Anny, Rebecca, Nancy, Richard, and Patsey Benge children and heirs of Richard & Betsey Benge. Witness: Anny Thompson ... lived near Richard & Betsey Benge before their decease and about the year 1813 said Benge was attacked by a party of white men headed by a man named Roberson and mortally wounded him & afterwards died and the party went in the direction of Franklin County TN ... hogs were missing and tracked in same direction. Cattle stolen in 1817 near Cedar Bluff in Jackson County Ala..... horse stolen in 1820 from Long Island

Witness: Oo-loo-cha Benge ... at the time Richard Benge was killed she lived near him

Witness: John Benge ... informed about 1817 by Locus that cattle stolen after dark from range near Cedar Bluff on the road between mouth of Battle Creek and Crow Creek.

Witness: John Benge.... his brother was murdered by some of the white people

#27 Sally She lost the property and has reason to believe that a white man named Cockren stole them ... from ... her residence in Turkey Town Valley

Witness: Ne-li-ka... he lived near her on Coosa River and she is his daughter

#28 Sally ... for an improvement at Turkey Town that was never valued

Witness: Ne-lah-ka-yah

#29 Sally For a table

#30 Caty In 1834 she lost out of the range near her residence in Turkey Town Valley the described property

Witness: Jack Fish

#31 Oo-loo-cha ... that she lost the above name property from her residence at Turnip Mountain Georgia about 3 years ago. She heard by Susannah that a white man ... had stole the hogs and cattle

Witness: Susannah

#32 Col-le-que or Qauh-lee-coo About 1832 a white man named Logan ... did take from her residence in Turkey Town ... the described property

Witness: Black Beard

#33 Young Puppy... had stolen from him and killed near his residence in Turkey Town Valley the described property

Witness: Black Beard ... he raised Young Puppy

#34 Polly Baldrige About 6 years ago she had stolen from her residence in Wills Valley the horses Had 15 Bee Stands stolen 8 years ago in Creek Path Valley

Witness: Jane states that about 8 years ago she was left by Baldrige to keep house while she was on a visit

Witness: Nelly ... she lived in the settlement of Polly Baldrige She was coming across the mountain from Creek Path to Wills Valley and met two white men driving 5 horses toward Gunter's Landing. She told Polly and she got her brother Young Baldrige but he could not recover

#35 Davis ... for an improvement on Uhully Creek... in GA...
Witness: Charley

#36 Susannah For an improvement on Uhully Creek... GA ... dispossesed about 5 years ago
Witness: Davis

#37 Nelly ... for a Negro woman named Caty taken from her residence in Turkey Town Valley about 8 years ago. Also horses taken to St Clare County Ala but could not recover. Taken from mouth of Wills Creek
Witness: Col-le-que or Quahlecoo, said a white man came to the house where she lived and took the Negro woman Caty. Hogs in possession of white man in Cherokee County Ala.
Witness: Peter Pathkiller ... lived near Nelly

#38 Nelly ... for property dispossessed by the soldiers

[NOTE THAT THE CLAIMS RE-NUMBERED BACK TO #31]

#31 Sally Duck About 12 years ago horses taken by a white man from the range in Wills Town Valley
Witness: Five Killer & Sides

#32 Co-le-que or Queh-le-coo...for an improvement on the Coosa River dispossessed by the late operations of the US Troops in May 1838

#33 Quahlecoo or Colleque ...for 1 Negro girl 10 years old taken from her about 8 years ago by a white man named Carrel from her residence in Turkeys Town, also for cattle taken by Kay, hogs taken by Scott
Witness: Nelly
Witness: Five Killer ... lived near the mouth of Wills Creek
Witness: Black Beard ... lived near Claimant

#34 Pigeon For an improvement near Turkey Town never valued to him ...

#35 Nancy (or Nanny)... for hogs lost near her residence in Browns Valley Mashel County about 9 years ago
Witness: Oo-nah-noo-goh-chee, lived with Nanny

#36 Pipe ...livestock stolen near his residence in Wills Valley
Witness: Bolten Duck, about 10 years ago he lived near to Pipe and was returning home from St Clare County Ala to his house in Wills Valley and met 2 men with 4 of Pipe's horses going down the road towards St Clare
Witness: Sunshine, lived near to Pipe in Wills Valley. About 5 years ago he was coming home from mountain and met a man named Bishop driving off the hogs of Bishop

#37 Betsey ...for horses stolen in the range on Tarpen Creek near her residence
Witness: Kener or Keener

#38 Betsey ... for an Improvement near Turkey Town

#39 Oo-dah-he-dee ...for an Improvement near the Mouth of Wills Creek
Witness: Se-coo-wee

#40 Kener About 5 years ago he had stolen from his lot on Coosa River by a white man named Robards and hogs killed by Hughes in the range
Witness: Oo-dah-he-dee

#41 Peggy ... for a negro woman named Culstah stolen about 6 years ago from her residence in Turkey Town Valley ... and was informed by her little brother who was at home at the time. She lost cattle about 5 years ago Her mother sold a cow to Woodard and he got her cattle also
Witness: Catherine, about 6 years ago she lived with the claimant

- #42 Jane Smith ... for an improvement at Creek Path in Brown Valley at Red Hill
- #43 Bark Flute for one Eight part of a ferry across Chattooga River. His father had the eight part of a ferry on Chattooga until his death then said ferry reverted to his mother and that the year the laws of the state of Ala was extended over the nation his mother ... was dispossessed by a man named Henry L. Smith Death of his mother the ferry or part that belonged to his father and mother reverted to him
Witness: James Lassley, he himself was a share holder in a ferry on Chattooga and that Flute was one of the owners until his death ...and that Bark Flute is the only heir of Flute and his wife De-dah-ke-yar-skee
- #44 Choctaw Killer ... for cattle taken from him in Brown Valley now Blount County Ala by Richard Hudson
Witness: Robert Lovitt, in 1814 he went with claimant to try and recover the cattle and found them in the pen of a man named Stier
- #45 Bark Flute ...about 14 years ago he had a white man living at his residence in Chattooga Valley and after turning out his time ..he left ... and 2 or 3 days passed then ... horse was stolen. [Other livestock stolen] about 17 years ago out of a cane brake at the mouth of Chattanooga Creek ... and crossed the TN River and was informed by Takey Justice.
Witness: Jane Bark... was with Takey Justice in the cane brake.
Witness: Sally Bark ... lived about a quarter mile from Bark Flute {at Chattooga}
- #46 B. Flute for an improvement in Chattooga Valley now Gailsville ... never valued.
Witness: Jane Bark, wife of Bark Flute
- #47 Oo-dah-he-dah ... for an improvement on Wills Creek
Witness: Se-cah-wew Improvement contained the Boundary
- #48 Oo-dah-he-dee Property destroyed by the troops
- #49 Gah-na-loo-gee-a-hee About 2 years ago she had horse taken out of the range in Turkey Town Valley by Hickman Dunman...who also took her hogs
Witness: James Lasley
- #50 James Lasley ...In January 1833 a white man named John Adams and a negro man a slave came and broke open his store house door at night in Turkey Town Valley and took items ... found in Blunt County in possession of Levi Robans. On 4th of October 1837 \$970 stolen out of his house by Silas Haden
Witness: Se-quah-tah & Caty Lassley
- #51 Hunter Langley.... About 21 years ago he lost cattle out of the range near his home in Sequatcha Valley near his residence... about 20 years ago 4 horses taken out of range in Sequatche Valley
Witness: Corn Silk
- #52 Ker-ta-gee (or Ker-ta-ker) Her hogs stolen by white man named Cheeks with others in Parch Corn Cove
Witness: I-you-que, lived a near neighbor
- #53 Parch Corn... about 20 years ago he lost horses & hogs near his residence in Crow Town on TN River ... then moved to near Ft Deposit on TN River ... returned to get hogs but could not locate them
Witness: I-u-qua, about 20 years ago she lived in Crow Town ... with Parch Corn. Fox Baldrige told her the hogs were stolen by whites
- #54 Cah-nah-skee-skee 5 years ago stolen out of the range near his residence in Turkeytown Valley.... after he got back Richard Ratliff told him the horses went to the white settlement
Witness: George
- #55 Wakey
Witness: Arley & I-you-ka make oath that about 3 years ago claimant lived with them ... in Parch Corn Cove

- #56 Bark Flute ... for items belonged to his mother and he is the only heir. Destroyed by troops in passing his mothers house in Broom Town Valley. He lived with his mother when the troops was on their way to the Creek War in 1814
 Witness: Mrs. Watts, lived near to the mother of Bark Flute at the time the troops was on their way to the Creek War. Bark Flute is the only heir.
- #57 Pipe ... for an improvement on Wills Creek
- #58 Nancy Baldrige ... for hogs stolen
 Witness: Witch... saw a white man driving 12 hogs off from the residence of Nancy Baldrige
- #59 Nancy Baldrige... 10 years ago whites pillaged her house and took cattle
 Witness: Jane .. about 10 years ago she lived near Nancy Baldrige in Creek Path Valley and saw white men driving cattle off in direction of Blunt County Ala.
- #60 Sul-teskee About 6 years ago he lost cattle, horses and hogs ... in the range near his residence in Wills Valley
 Witness: Nelly
 Witness: Che-skole-la or Skah-lah-lee, about 6 years ago he lived near claimant
 Witness: Garfish, about 5 years ago claimant lent his horse to a native who road it to Creek Path where it got into a white man's field and was shot
- #61 Caty Lassley... about 3 years ago she lost hogs in range on Coosa River to a man named Dunman
 Witness: James Lasley, husband of claimant. White man named Hickman Dunman
- #62 George Baldrige... had corn and hogs at his residence in Creek Path Valley at time he volunteered and went to the Creek War and in his absence they were destroyed
 Witness: Laugh at the Mush, lived a near neighbor to Baldrige in Creek Path
 Witness: Black Fox... lived near Was on way from Wills Valley to Creek Path and in the road near Cox's in Blount County he met a white man on the mare
- #63 Jack Justus..... horse lost at the time he lived at Sequatcha Valley
 Witness: Big Feather
- #64 Susannah... about 9 years ago stolen out of the range near her residence on TN River Marshel County Ala
 Witness: George Swimmer
- #65 Anny .. for a house burnt by citizens of the US about 4 years ago
 Witness: Pipe ... saw white man set fire to Anny's house in Wills Valley.
- #66 John English ... for an improvement near the river above Gunters Landing Marshall County
 Witness: Gar Fish
- #67 Jackson ... for an improvement near Duck Springs in Wills Valley Ala ..never valued.
 Witness: Pipe ... lived near to Jackson
- #68 Jeffrey... for property lost [between 1818 and 1837] by citizens of the US
 Witness: Jesse Lovett
- #69 Arley Parch Corn... property destroyed by the late actions of the troops
- #70 I-u-ka...property stolen by whites
- #71 Nakey... about 13 years ago lost hogs in the range when she moved from Wills Valley to Tarpen Creek
 Witness: Five Killer... lived near her in Wills Valley

#72 John English... barrows and sow taken about 7 years ago by Jas Johnson
Witness: Gar Fish

#73 John English... property destroyed by the late actions of the troops

#74 Bull Snake... about 3 years ago a white man named Musgrove came near his house on Wills Creek and killed hog and carried away his potatoes
Witness: Tuxey ... he lived near Bull Snake

#75(a) Laugh at the Mush, William Grimmatt and three others equal in a road thirty-six miles in length cut out and kept up by them until the Laws of Alabama was extended... the said parties petitioned to the General Council of the C Nation to cut out and make a Turnpike road from Sarkia in Wills Valley to Jack Ross' old place...

Witness: Laugh at Mush & William Grimmatt ... on the 15th day of November 1828 the General Council... did grant unto L Mush, Wm Grimmatt, Bark Flute, Betsy Sahkeyah and Night Killer the privilege of establishing a tole gate and cross the road leading from the house of Sarkeyah McCoy leading to Jack Ross's old place down Wills Valley

#75(b) Wm Grimmatt, Sally Bark heir of Betsey Broom, Bark Flute, Daniel Griffin transferred to David Vann and from Vann to Laugh at the Mush and William Grimmatt Lasley transferred to Bread and Rattling [Gourds] heirs who are the proper owners of a Turnpike road running from Wills Creek near Holloways in St. Clare County Ala to Cabbin Smiths in Turnip Mountain said road granted by the General Council held at New Echota.

Witness: William Grimmatt & Laugh at the Mush.... was dispossessed ... by the Laws of Ala

#75(c) Sally Bark for a ferry on Coosa River at Vanns Ferry now Cherokee County Ala... she owned two thirds of a ferry on Coosa River on the road leading from the old Alabama road to Vanns Valley. Said ferry was owned by Sally Vann, John Griffin and John Hair & she states ... that John Griffin ... transferred his claim to Sally Bark 4 years ago last January ... [she was dispossessed] by a white man by the name of Jno Maury

Witness: Laugh at Mush ... dispossessed about 6 years ago

#76 Sally Bark ... losses by the actions of the troops

#77 Sally Bullsnake... property lost by the late functions of the US Troops and for an improvement in Turkey Town

Witness: Huston... was well acquainted with her improvements ... and she was not in possession when valuing agents came.... She lived in Wills Valley

#78 Quaty... about 8 years ago she lost horse on the range on TN River above Gunters Landing and cattle lost about 3 years ago

Witness: Oo-wah-de-yah-kee... was told by her father, now dead, he tracked the horses to the river

#79 Bullsnake... for an improvement on Wills Creek dispossessed of about 2 years ago

#80 Cumberland ... property lost from his residence on Wills Creek by the late operations of the US Troops

#80 Pipe... he lost property by the late operations of the US Troops

#81 Sally Duck... about 12 years ago she was away from home ... whites took her corn. About 10 years ago ... some persons came to her house in Turkey Town Valley & broke her lock and robed her house

Witness: Oo-wah-de-yah-kee

Witness: Gun Pile... lived about 8 miles from Sally in Turkey Town

#82 Huston...for an improvement in Turkey Town Valley Ala on Coosa River

Witness: Black Beard

- #83 Samuel Spring...for an improvement in Turkey Town dispossessed of by the late operations of the US Troops
- #84 Huston...for 1 negro man named Stephen about 20 years old...stolen from him about 7 years ago by 5 white men.
Witness: Black Beard... lived in Turkey Town within 2 miles
- #85 Gold Hunter... for an improvement in Turkey Town Ala
- #86 Sequahtah ... for an improvement in Turkey Town Ala ... he was not home when the valuing agents came... his brother did not show him one of the his fields
- #87 Corn Tassel ... was dispossessed of an improvement in Turkey Town about 5 years ago by a citizen of the US
- #88 Alexander Ratliff... for an improvement on Lookout Mountain Ala ...he was dispossessed of..
- #89 Robert Benge... white man intermarried with Jane Lowry a native of the Cherokee Nation... for an improvement in Lookout Valley...[including] a grist mill on Lookout Creek
Witness: Thomas McDonald...a citizen of the US
- #89(b) Robert Benge ...for an improvement on Raccoon Mountain Ala...
Witness: George C. Benge
- #90 Robert Benge... a white man intermarried with Jane Lowry a native of the Cherokee Nation... was dispossessed of his improvement in Lookout Valley (Georgia) by a white man named Joshua Holden ... before the Treaty was ratified... appealed to Benjamin Curry. Andrew Ross told him the troops would come down and see to the matter. Left a note with John Benge to give to the troops where he could be found. The Georgia Guard came to John Benge's and said they were the US Troops. They found Robert Benge and arrested him and took him to the Walker County Court house and put him in the guard house
Witness: Thomas McDonald...a citizen of the US
- #91 Anna Turner...the troops of the US came to her house in Turkey Town Valley and dispossessed her about the 25th of May 1838
- #92 Anna Turner...about 10 years ago she had stolen out of the range near her residence in Turkey Town Ala... horses and hogs
Witness: Waky
- #93 Ooloocha Baldrige...for property stolen in 1813 and 1818
Witness: John Benge...about 1813 or 14 she lived with him. Followed grey horse to...Franklin Co TN. Mare taken out the range in Jackson County on Benges Creek.
- #94 Aley...stolen out of the range near her residence in Turkey Town Valley ... cattle about 10 years ago.
Witness: Nelaka... lived near to her then.... Saw cattle in lot of white man when he was on way to Ashville Court House
Witness: Sampson
- #95 Susan Spring.... Two and a half acres of potatoes dispossessed by troops on May 25
- #96 Jane Pathkiller...for one negro woman Maria and child ... about 5 years ago three white men came to her house and took the negroes out of her possession
Witness: Huston... lived near to her in Turkey Town Valley and was also at her house when the negroes were taken
- #97 George Swimmer... loss about 6 or 7 years ago from range above Gunters Landing on TN River.... Dr Davis and Nelson Ore undertook to get the horses and went in pursuit and overtook sd horses in Franklin county TN...recovered half
Witness: Thomas Watts... lived near Swimmer and lost a horse at the same time

#98 Thomas Watts...for Bee Hive taken about 6 years ago from his residence on TN River near mouth of Sauta Creek by a white man...also sows and shoats taken about 4 years ago
Witness: Akee Watts...she lived about a quarter mile from claimant

#99 Gah-nah-hee... shortly after the Creek War she lost 2 horses out of her brothers stable on TN River above Gunters Landing ...and another shortly out of range in Wills Valley near Bells old place
Witness: Fish... was employed by Gah-nah-hee to hunt for horses after they were stolen out of her brothers stable
Witness: Choctaw Killer...well acquainted with the mare taken in Wills Valley

#100 Tuxy...at the time of the Creek War he had hogs destroyed by troops of the US at Fort Armstrong
Witness: Ahnelahkayah...he was with Tuxy and saw the troops destroying his hogs.

#101 Sampson...for an improvement on Lookout Mountain near Yellow Creek...dispossessed May 23 1838

#102 Skahyahwegoo...for an improvement on the Coosa River Ala dispossessed on May 23 1838

#103 Sun Shine...for an improvement near Gunters Landing Alahe was with the Valuing Agent ...but when he went to Agency it could not be found
Witness: Cheyahmenah...she lived near claimant

#104 Ahnelahkayah...for property lost by the actions of the US Troops

#105 Ahnelahkayah...for an improvement near Turkey Town Ala he is dissatisfied with the Valuation

#106 Ahnelahkayah...horse lost about 10 years ago informed by Tuxey. Hogs stolen about 8 years ago from his residence in Turkey Town Valley

#107 Nancy...for cow stolen out of the range near her residence on Lookout Mountain
Witness: Jackson...

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TENNESSEE STATE LIBRARY AND ARCHIVES Microfilm Collection 815, Reel 7.
SALINE DISTRICT CLAIMS**

Book 1, #12 Date of Claim: 10-March-1842
OTTERLIFTER HUGHES ... rented out [his] place to white people just before he was forced to remove to this country – did not know but what it was valued.....
Witness: David Harris

**JOHN DREW PAPERS - Folder 54 – 1842 Tahlequah District Claims (1-79)
The Thomas Gilcrease Institute of American History and Art a/k/a Gilcrease Museum, Tulsa OK**

Claim #4 Date of Claim: 01-April-1842
YELLOW HAMMER Lived in Chattooga Valley and came to this country in Benge's Detachment, now lives on 14 Mile Creek
Witness: Samuel Spring ... was a neighbor

Claim #39 Date of Claim: 05-April-1842
Heirs of TANY LEE, dec'd ... by Samuel Lee, son who states that his mother died in this country; she lived in the old coutry in Coosa Valley and came to this country in Benge's Detachment, and that the heirs now lived in Talequah District.
Witness: Jesse Lee

Claim #269 Date of Claim: 13-April-1842
 RODY LAUGH-AT-MUSH For property abandoned 1838 ... at Sautie near Samuel Gunters or near the Tennessee River ... Emigrated ... in John Benge's Detachment and now reside on Sparinaw Creek, Delaware District. Witness: Archibald Campbell and Laugh-at-Mush {Their testimony concerns property that was abandoned by THE MINK in 1819 in Marshall County Alabama.}

Claim #288 Date of Claim: 12-April-1842
 UH-HE-HNAH.... For property abandoned ... near Samuel Gunter's on the Tennessee River, Marshall County Alabama. Emigrated in John Benge's Detachment. Present residence on Green Leaf Creek, Illinois District. Witness: Archabald Campbell

Claim #295 Date of Claim: 22-March-1842
 NAY-NEE of Tah-noo-wey-ye, Chattooga District. Emigrated In John Benge's Detachment. Present residence on 14 Mile Creek near to John F. Boot, Tahlequah District. Witness: Alcey

Claim #295 Date of Claim: 22-March-1842
 COOPER of Chattooga District. Emigrated ... in John Benge's Detachment. Present residence on 14 Mile Creek near to John F. Boot, Tahlequah District. Losses in 1813 by soldiers of US – at time of the Creek War his residence ... was at the mouth of the Chattooga River eight mile below Fort Strother {sic}. Also in 1838 a Ferry taken from him by a citizen of the US. Witness: Nay-nee and Alcey – stated they were neighbors in Chattooga District on Little River.

Claim #301 Date of Claim: 22-March-1842
 ALCEY at a place called Tah-no-wey-ye or Turkey Town, Chattooga District. Emigrated... in John Benge's Detachment.. Present residence 14 Mile Creek near to John F. Boot and Thigh Walker, Tahlequah District. Witness: Nay-nee and Susannah

Claim #321 Date of Claim: 5-April-1842
 JESSE LOVETT ... on or near the Tennessee River about twelve miles above Gunters Landing Alabama. Emigrated ... John Benge's Detachment. Present residence on or near the head of Green Leaf, Illinois District. Witness: Arch Campbell, John Rain Crow

Claim #332 Date of Claim: 14-April-1842
 JOHN RAIN CROW from near Tennessee River, above Gunter is Landing near Arch Campbell's in Marshall County Alabama. Emigrated ... in John Benge's Detachment. Present Residence head of Green Leaf, Illinois District. Witness: Jesse Lovett and Arch Campbell

Claim #331 or 351 Date of Claim: 22-March-1842
 SUSANNAH Dah-noo-wey-ye or Turkey Town, Chattooga District. Emigrated ... in John Benge's Detachment. Present residence on 14 Mile Creek near John F. Boots in Tahlequah District. Witness: Alcey, Naynee and Archey

Claim #341 Date of Claim: 10-March-1842
 SUSANNAH SOLTY ... Creek Path Valley, Chattooga District. Emigrated ... in Benge's Detachment from the state of Alabama Present Residence at Green Leaf, Illinois District. Witness: Archibald Campbell and Thomas Watts

Claim #344 Date of Claim: 16-March-1842
 SE-KA-WE near John Bells, Wills Valley Alabama Emigrated ... in John Benge's Detachment. Present residence on Spring Creek, Tahlequah District. {Claim included a Ferry Boat over Will's Creek}. Witness: The Pipe

Claim #347 Date of Claim: 7-April-1842
 NANCY CUNNETO lived on Browns Creek near Gunter's Landing Alabama. Emigrated ... in John Benge's Detachment. Present residence on Illinois River near John Ross', Tahlequah District. Claim is for her own losses plus also an additional claim by her as natural and legal guardian of heirs of BEAR SETTING DOWN dec'd of Town Creek Alabama Witness: Coo-we-skoo-wee

Claim # [unknown] Date of Claim: 21-April-1842
Heirs of SPEAKER, deceased, late of Brown's Creek, Marshall County Alabama emigrated in John Benge's Detachment Now reside on the south side of Illinois River near R. Brown, Flint District
Witness: Jane Speaker, Oo-tay-le-tah, Cheyolaske

Claim #377 Date of Claim: 21-April-1842
CHEYOLASKE for property {she} abandoned ... in Parch Corn's Cove, Marshall County Alabama. Emigrated in John Benge's Detachment ... present Residence on Illinois River near Robert Brown in Tahlequah District. Witness: Jane Speaker

Claim #388 Date of Claim: 16-April-1842
OO-TA-KE-A-LAH ... for property abandoned near Turkey Town on Coosa River Alabama. Emigrated ... in John Benge's Detachment, present residence on 14 Mile Creek, Tahlequah District.
Witness: E-yus-tee

Claim #406 Date of Claim: 23-April-1842
Heirs of RAHETAH for property abandoned from Wills Valley Alabama... in 1838. Emigrated in John Benge's Detachment. Present residence on Spring Creek near the Young Bird, Tahlequah District.
Witness: Sic-ka-we ... only two heirs, Ta-ne-no-le and Wa-lay-ice, both under age.

Claim #409 Date of Claim: 26-April-1842
PETER MILLER ... for property taken from him in the year 1840 in the western Cherokee Nation from a place, called Flint at Walter S. Adair's ...
Witness: Sun Shine

Claim #425 Date of Claim: 12-March-1842
CORN Silk ... on Brown's Creek not far from Gunter's Landing, Marshall County Alabama and came ... in John Benge's Detachment... now reside waters of Greenleaf near Robert Lovett, Illinois District.
Witness: Sun Shine

Claim #436 Date of Claim: 2-April-1842
JESSE LEE ... Cha-tu-ga Valley near Raccoon Town, Alabama. Emigrated ... with Benge's Detachment ... resides at 14 Mile Creek in Tahlequah District. Witness: Sam Lee

Claim #442 Date of Claim: 29-March-1842
POLLY SMITH ... in Creek Path Valley near Edward Gunter's residence, Marshall County Alabama. Emigrated ... in John Benge's Detachment. Present residence Tahlequah, Tahlequah District.
Witness: Ally Swimmer

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SKIN BAYOU DISTRICT CLAIMS
(from Loose claims # 151-268, plus four unnumbered claims)

Claim # 155 Date of Claim: 26-Feb-1842
TASSEL CAMPBELL For property lost in 1813 or 14 and also for an improvement left in the old nation in Chattooga Valley ... emigrated in Capt. John Benge's Detachment in 1838... Now reside about six miles from Fort Smith I lived at a place called Fort Armstrong the horses belonged to my wife before we was married She lost them in Creek Path near Gunters Landing.
Witness: Rachel Vann, now live on Sallisaw Creek and was a near neighbor when the hogs were killed by Jackson's Army.
Witness: Se-Ke-Ke, now live on Big Sallisaw.

Claim #158 Date of Claim: 28-Feb-1842
CHARLEY ... for property left in old nation ...lived on the Coosa River below mouth of Chattooga River, Alabama. Now resides on Big Sallisaw
Witness: Tasal Campbell, lived about five miles from claimant

Claim #162 Date of Claim: 28-Feb-1842
HEADTHROWER WATTS for an improvement on Teripin Creek Alabama, an improvement on Chattooga River and another place on Chattooga River the other place ... Was taken by troops to a Fort or Garrison on Chattooga to keep us in about three miles from where I lived. Emigrated in John Benge's Detachment. Now reside on Verdigris River near Osage town in Saline District.
Witness: Corn Tassel, nephew of claimant. Lived about a half mile from Claimant at his last place on Chattooga. He rented an improvement one summer from a widow woman named Nelly.

Claim #163 Date of Claim: 1-March-1842
MICCOHIJO or CROP - a Creek Indian entitled to the rights of citizenship of the Cherokee Nation for improvement near Samuel Gunter's, Creek Path, Marshall County Alabama. Emigrated in Capt. John Benge's detachment ... now live eight miles west of Fort Smith.
Witness: Tom, was a near neighbor to claimant

Claim #165 Date of Claim: 1-March-1842
LA-CHAH or BILL, for property lost in the old nation near Samuel Gunters Creek Path, Marshall County, Alabama in the year 1832 or 3 Emigrated in Capt. John Benge's detachment Part Creek and part Cherokee and now reside about eight miles west of Fort Smith
Witness: Tom, I was a near neighbor to claimant

Claim #166 Date of Claim: 1-March-1842
COUNTING, for an improvement left and abandoned in the old nation near Samuel Gunter at Creek Path, Marshall County, Alabama. Emigrated in Capt. John Benge's detachment. I am a Creek Indian but wife is a part Creek and Cherokee and now resided about eight miles west of Fort Smith.
Witness: Tom - I live about eight miles from Fort Smith ... I was a near neighbor to ... the claimant
Witness: G. W. Gunter – live about ten miles west of Fort Smith ... emigrated from ... near Samuel Gunter (my father) ... I lived about two miles from claimant.

Claim #168 Date of Claim: 1-March-1842
TOM, for an improvement and property lost ... in the old nation Creek Path, Marshall County, Alabama in 1838. Emigrated in Capt. John Benge's detachment. I am part Creek and part Cherokee and now reside about eight miles west of Fort Smith. Emigrated from near Samuel Gunters.
Witness: La-chah or Bill

Claim #169 Date of Claim: 1-Mar1842
HUNGRY or AH-GAH-NAH, for property lost in the old nation at Creek Path, about eight miles above Gunters Landing in 1829, and Chattooga Valley, Alabama in 1838. I ... now live on Big Sallisaw Creek
Witness: Se-ke-kee, live on Sallisaw and emigrated from Chattooga Valley Alabama and was well acquainted with claimant when he lived at Creek Path.

Claim #174 Date of Claim: 1-March-1842
POLLY LOCUST or CHEYOLOSKI for property lost in the old Nation near Crow Town, Alabama. Emigrated in Capt. John Benge's detachment. Now reside about two miles from John Benge. I have no husband.
Witness: Nancy Campbell, I lived about twenty miles from claimant but used to visit her ... frequently
Witness: John Benge, I lived about eighteen miles from Claimant. I was Judge at that time ... white man Haney came to me claiming mare she had bought off of Woods

Claim #176 Date of Claim: 1-March-1842
WAKY BENGE, now wife of MARTIN BENGE, daughter of TE-KAH-SE-NA-KI, for an improvement abandoned on the Hightower River, Georgia. Emigrated in John Benge's Detachment. Now reside about one half mile from John Benge.
Witness: Alexander Brown, I then lived with my mother about half a mile from Claimants father.

Claim #181

Date of Claim: 2-March-1842

SE-KE-KEE, for property lost in 1812 or 14 and property abandoned Chattooga Valley Alabama. Now reside on Big Sallisaw. I ... was living at creek near Gunter's Landing Alabama ... about the time of the Creek War In the year 1812 or 14.

Witness: Tasel Campbell, now live about six miles from Fort Smith and emigrated from Chattooga Valley Alabama

Witness: Hungry, emigrated from Chattooga Valley Alabama

Claim #235

Date of Claim: ___-March-1842

KA-NO-HEE, widow of SAWNEE BEAMER and daughter of CHO-KO-HEE for an old improvement abandoned in Alabama in consequence of the Creek War owned by my mother Cho-ko-hee Emigrated in John Benge's Detachment. I am a full blood Cherokee and now reside about two miles from John Benge Emigrated from Creek Path..... lived at Creek Path time of the Creek War ... left my house ... went across the Tennessee River ... near Gunter's Landing. Mother came to this country about 1818. The reason she did not return ... immediately to her house she left time of the Creek War was there was a great many soldiers came to John Browns residence and sent for all the men to come and attend – my husband also went, we were at my mothers and had a sick child ... my husband promised to be back that same night, and while he was there the soldiers killed him – shot him and two others

Witness: Chah-tah-te-he, lived a near neighbor at time of Creek War.

Claim #250

Date of Claim: 7-March-1842

EDWARD and MOSES LEA, executors of the Estate of THOMAS LEA, decd according to a Will produced before me. For property lost near the Chattooga River Alabama.

Moses Lee: I am part Cherokee and now reside about 4 mile from John Benge on Skin Bayou. Lived about a quarter mile from my father (who died in the old nation in the spring of 1838). My brother, Edward Lea, and I are Executors. The widow, children, and families were conducted to Wills Valley and we there joined the Large encampment.

Witness: Scream Owl, I lived about a quarter mile from Claimant's father

Claim #257

Date of Claim: 4-March-1842

AIKEY WALKER, sister of BENJAMIN TAPPAN for an improvement he owned in McLemore's Cove, Georgia. Now reside about three miles from Dr Bather's station (Fairfield) in Flint District. Emigrated in John Benge's Detachment from Ross's Landing (sic). Ned Bark was a near neighbor.

Witness: NELLY BOWLS, I lived about two miles from the Claimant in McLemore's Cove. Came to this country in the same Detachment.

Claim #268

Date of Claim: 2-May-1842

NAKEY, widow of ROBIN, for property ... at Creek Path, Alabama. Now live about two and a half miles from John Benge

Witness: G.W. Gunter

Claim # (unknown)

Date of Claim: 19-Feb-1842

NELLY McLEMORE for a place abandoned was a rented place about two miles from Ross's Landing. I went to where Capt. Benge's company was gathering at Willstown. I was a widow and put my things in my brother's wagon – his name was Partridge Nose. Had a son (grown man) and daughter living with me – they emigrated at the same time – his name was Cul-le-shawy(?). Had to abandon place in Georgia near head of Chickamauga Creek. Now live two miles from here in Skin Bayou District. I am still a widow.

Witness: Eagle McLemore, lived about a mile from where she lived (in Georgia) at a place called McLemore's Cove. I now live on Lees Creek, five miles from here. Claimant is my sister.

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TENNESSEE STATE LIBRARY AND ARCHIVES Microfilm Collection 815, Reel 7.
GOING SNAKE DISTRICT CLAIMS
BOOK 1**

Claim #32 Date of Claim: 30-March-1842
SHELL late of Hickory Log District, Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District
Witness: Peter and Bartholomew

Claim #54 Date of Claim: 5-April-1842
SALLY BARK late of Chattooga Cherokee Nation East removed by water in Drews Detachment and now resides in Tahlequah District ... for expenses ... to move myself and property to the Fort at Walker County Court house Georgia in 1838
Witness: Che-quah-huh and Chu-tah-ya-la-tah
{NOTE: This is likely a person with the same name as the Sally Bark who is on the Muster Roll (with a household of 18 people) who was also from Chattooga. It is possible this claimant could have been married to someone named Bark at this point in time, possibly a kinsman of the other Sally Bark but more likely of Old Bark, a Creek who was also in this detachment and living in Going Snake District.}

Claim #81 Date of Claim: 12-April-1842
DOLLY late of Chickamauga District Cherokee Nation East. Removed in Benge's Detachment in 1838. And now reside in Going Snake District
Witness: Goose Langley

Claim #82 Date of Claim: 12-April-1842
GOOSE LANGLEY late of Chickamauga District Cherokee Nation East. Removed in Benge's Detachment in 1838. And now resides on Lees Creek, District Cherokee Nation
Witness: Thomas McLemore

Claim #83 Date of Claim: 12-April-1842
THOMAS McLEMORE late of Chickamauga District Cherokee Nation East. Removed in Benge's Detachment in 1838. And now resides in Going Snake District Cherokee Nation.
Witness: Goose Langley

Claim #84 Date of Claim: 12-April-1842
LIVER late of Chickamauga District Cherokee Nation East. Removed in Benge's Detachment in 1838. And now resides in Going Snake District Cherokee Nation.
Witness: Thomas McLemore.

Claim #200 Date of Claim: 4-May-1842
MILLY late of Creek Path Cherokee Nation East. Removed in Capt. Benge's Detachment 1838. And now reside in Going Snake District.
Witness: Caleb Hunt

Claim #202 Date of Claim: 4-May-1842
JIM CONERTLY late of Wills Valley Cherokee Nation East. Removed in Benge's Detachment 1838. And now reside in Going Snake District Cherokee Nation.
Witness: Milly

Claim #206 Date of Claim: 4- May-1842
CALEB HUNT late of Creek Path Cherokee Nation East. Removed in Benge's Detachment 1838. And now Resides in Going Snake District Cherokee Nation. I think Richard Roberts stole my horses.
Witness: Stephen Jeffrey

Claim #370 Date of Claim: 30-Ap-1842
CREEK JOHN late of Creek Path Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District Cherokee Nation.
Witness: Stink Fish

Claim #371 Date of Claim: 30-April-1842
STINKING FISH (Creek man) late of Creek Path Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District Cherokee Nation.
Witness: John

Claim #372 Date of Claim: 30-April-1842
SALLY (Creek Woman) late of Creek Path Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District Cherokee Nation.
Witness: John

Claim #385 Date of Claim: 13-May-1842
SE-QUE-CHE (Creek Man) late of Cedar Bluff, Vann Valley, Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District Cherokee Nation.
Witness: Poor Bare

Claim #395 Date of Claim: 13-May-1842
Mr. RABBIT (Creek Man) late of Gunter's Landing Cherokee Nation East. Removed in Benge's Detachment and now resides in Flint District Cherokee Nation.
Witness: Stink Fish

Claim #398 Date of Claim: 30-April-1842
ALISEY (Creek woman) late of Creek Path Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District Cherokee Nation
Witness: John

Claim #399 Date of Claim: 30-April-1842
OLD BARK (a Creek Man) late of Wills Valley Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District.
Witness: Shell

Claim #400 Date of Claim: 30-April-1842
TOM COWSKIN (Creek Man) late of Wills Valley Cherokee Nation East. Removed in Benge's Detachment and now resides in Going Snake District.
Witness: John

Miscellaneous Cherokee Manuscript Collection

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GOING SNAKE DISTRICT CLAIMS

BOOK 2

Claim #12 Date of Claim: 8-March-1842
MRS. ANN THOMPSON late residing near Crow Town, on the Tennessee River, Cherokee Nation East, now living in Flint District, brought to this country in Mr. John Benge's detachment. Loss occurred ... in summer of 1813 at my residence on Battle Creek ... my brother Swimmer ...
Witness: Swimmer, I was living with my sister the whole time

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DELAWARE DISTRICT CLAIMS

Book 1 Claim #178 Date of Claim: 4-April-1842
Estate of JANE, deceased by Alsey, one of the heirs. Formerly from Sal-e-cowey. Present residence at the Head of Spring Creek. Emigrated in Benge's Detachment.
Witness: Sakey and Sally.

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DELAWARE DISTRICT CLAIMS

Book 2 Claim #295 Date of Claim: 4-April-1842
Estate of JANE, deceased by Alsey, one of the heirs. Formerly from Sa-le-co-ah. Present residence at the Head of Spring Creek. Emigrated in Benge's Detachment.
Witness: Sakey and Sally.

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DELAWARE DISTRICT CLAIMS

Book 4 Claim #10 Date of Claim: 22-April-1842
TRUNK a Native Cherokee from Wills Valley [removed] in Benge's line, now lives in Delaware District.
Witness: Night Killer, was a near neighbor.

Book 4 Claim #29 Date of Claim: 23-April-1842
JOHN HANDLEY is a native Cherokee from Wills Valley [removed] in Benge's line, resides now on Honey Creek Delaware District.
Witness: Sally Huss

Book 4 Claim #30 Date of Claim: 23-April-1842
SALLY HUSS is a native Cherokee from Wills Valley [removed] in Benge's line, resides now on Honey Creek Delaware District.
Witness: John Handley, was a near neighbor.

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DELAWARE DISTRICT CLAIMS

Book 5 #43 Date of Claim: 23-March-1842
The Estate of ALEY FAWN KILLER by Sally Fawn Killer, Adm^x resided at Little Wills Valley, Removed in Benge's Detachment. Present residence Honey Creek, Delaware District.
Witness: Laughing Mush

Book 5 #97

Date of Claim: 05-April-1842

Heirs of Tuneascucha of Wills Valley. Removed in Benge's Detachment. Present residence Honey Creek, Delaware District.

Witness: Laughing Mush

Cherokee Nation Papers.
University of Oklahoma, Western History Collections, File 2999,
Microfilm Roll 31
CANADIAN DISTRICT CLAIMS
BOOK 1

Claim #24

Date of Claim: 26-January-1842

NAH-NEE HUGHS ... now live on Canadian about eight miles from this place, emigrated to this country from Alabama in 1838. I lived on Wills Creek in old nation, had a [rented] farm there. I was not married, my husband had left me when I emigrated and he has since died. His name was "Bellows". I am now a widow, have 1 child, he is about 18 years of age. I came to this country in Capt. Benge's Company. It was in June 1838 when the soldiers came and took me off I have one witness living this nation on Sallisaw, who can prove the loss Her name is Kah-neh-tee or "Kept-in-remembrance". The man from whom I rented the place in the old nation lives on Caney, his name is Cumberland. Nelson Riley at Webbers knows that I owned the improvement I lost.

Witness: Jim Deerslayer: live now on Sallisaw .. emigrated in 1837, lived a near neighbor ... in old nation near Creek Path, lived about five miles of her. Taken by a white man who lived about two miles – his Cherokee name was "Raven"..... I am no relation.

CLAIM #37

Date of Claim: 27-January-1842

POLLY WOLF for property lost in Alabama ... in 1829 (including property of her mother and her late husband, Young Wolf).... Emigrated in John Brown's Company. My husband had two children before we were married but they are now dead. There is one of our children now living, Lydia Wolf, she is twenty years old and not married. My mother .. died in this country about two years ago. She has two children living besides myself ... William Fool and Jinny Dutch.

Witnesses:

James Spencer

Captain Baldrige I now live in the Cherokee Nation ILLINOIS River, Tahlequah District, came to this country in the spring of 1839 {in *BENGE'S DETACHMENT*}. I now live with my Aunt (Peggy Mink) on Salisaw.

Lydia Wolf, I live with Claimant

Rain Crow, I am a sisters Son of Young Wolf mother, now live in this district five miles from here.

Dennis Biggs, lived a near neighbor to QUAL-E-YU-GA or POLLY WOLF.

CLAIM #38

Date of Claim: 29-January-1842

ROBIN BOGGS for property lost in the old Nation East ... emigrated in John Benge's Detachment in 1838. Emigrated to Skin Bayou in Arkansas from Creek Path in ... Alabama ... three years ago near Gunter's Landing. Claim included counterfeit bills given to him by a white man Obe Woodall and a wagon and team taken by a constable named Jack Thomas while my family was in it. I was on a head trying to get in Richard Taylor's Detachment. Says his father was a half breed and his mother full Cherokee.

Witness: Daniel D. Spencer, saw B. D. Woodall give the two bills at a village called Warrenton.

James Spencer, was a neighbor in the old nation.

Captain Baldrige, has about one-eighth white blood and lived a near neighbor to Boggs ... near Creek Path. Now lives in Tahlequah District.

CLAIM #44

Date of Claim: 31-January-1842

ROBERT LOVETT, for property lost in the Old Nation in Alabama ... lives now on Greenleaf, twelve miles from Fort Gibson ... Emigrated ... near Creek Path in Capt. Benge's Detachment in 1838.

Witness: Sa-la-t.d.skee or Horsefly, states he is a Creek Indian now living in Tahlequah District was raised with the Cherokee.

CLAIM #53

Date of Claim: 2-February-1842

DICK SHOESOLE or OO-STAH-LI resided in the old nation at Creek Path Alabama near Gunters Landing now reside on Greenleaf Illinois District. Emigrated in 1838 in Capt. Benges party. My sister lives ... in this Country. I am still living with her, never had a wife. Her husband (Dryforehead) is still living with her. We all live together. William Lovett is my nephew, his mother was my niece.

Witness: Daniel D. Spencer

Dry Forehead, my family came by land with him.

CLAIM #59

Date of Claim: 3-February-1839

KATEE DRYFOREHEAD, now live six miles from this place on Greenleaf – my residence in the old nation was one mile from Gunters landing in Alabama. I emigrated ... in 1838, in Capt. John Benges detachment. Married to “Dry Forehead”.

Witness: Dick Shoe Sole, I am brother of the claimant. She raised me.

CLAIM #64

Date of Claim: 4-February-1842

ROCK THROWER McLEMORE, for property lost in ... Tennessee Emigrated in John Benges Detachment in 1838. Now live Twelve Mile Creek. Started from camp at Ross in Sept Soldiers took me, my wife, and two children, into camp. My house was in Tennessee, eight miles from Ross landing.

Witness: Charles Stofle, lived about half a mile from Claimant... came later in James Browns Detachment. I am part Cherokee, my father was a Dutchman.

CLAIM #68

Date of Claim: 5-February-1842

ARLEY PARHCORN for loses sustained in removal from Paint Rock Alabama in John Benges Detachment in 1838. I lived in old nation below Gunter's Landing opposite Painted Rock, Alabama. In spring or first part of Summer I went from my house to Agency at Calhoun (150 miles) while I was at agency.... my family was taken to camp at Will's Valley. .. I remained at Agency until about a week before detachment left. My Father and Mother and Grandmother lived with me. I was not then married, was a widow. The house we lived in was value to my father. My father's name was “Parched Corn” – he and my mother are both dead – died since emigrating. Have a half brother but he had another father. I am now married to a Cherokee named “Swan”. My half brother's name is Ko-hoosti. Father lost his horse ... when in camp on Tennessee River on our way emigrating ... he went to a Town called “Claysville” about a mile off... I am a full Cherokee – live on Salisaw about a mile from Dwight Mission.

Witness: Koo-hoo-sti, horses were taken while (detachment) camped north of Tennessee River near Claysville. Claimant is my half sister. I am a Cherokee and live on Vian in this District.

CLAIM #70

Date of Claim: 5-February-1842

KOO-HOO-STI or SOMETHING, lived in Alabama opposite Painted Rock ten or twelve miles below Gunters Landing, came to this country in Benges Detachment. The soldiers came and took me and my family off to Camp at Wills Valley. I am a Cherokee, live on Vian in this district. My wife died in emigrating. Am married again – my present wife's name is Oo-wo-di-yo-hi.

Witness: Arley Parchcorn. Half sister of claimant.

CLAIM #95

Date of Claim: 11-Februray-1842

BUFFALO NAIL, now lives near Dwight Mission, is about thirty-two years of age. Emigrated in 1837 with Lt. Deas Detachment from Turkey Town on Coosa River in Alabama.

Witness: A-DAH-DO-LE-NAH or STANDING TREE, lives about seven miles from Dwight Mission, emigrated in Capt. Benges Detachment in 1838 from Turkey Town.

Witness: SE-QUA-TAH, full blooded Cherokee, lives near Dwight Mission, Emigrated in Capt. Benges Detachment in 1838. Brother of Claimant.

CLAIM #97

Date of Claim: 11-February-1842

PATSY WHIRLWIND, says her former husband, Whirlwind died about two years ago in this country. She is now married and lives above Dwight Mission towards Flint District. She emigrated in 1838 in Capt. Benges Detachment – lived on Raccoon Mountain. Lived first on Lookout Mountain. Signed as PATSY STANDING TREE.

Witness: OOH-LA-NAH or JOHN HARRIS, lives near Dwight Mission. Emigrated in 1838 in Capt. Benges Detachment. Is a bachelor and lives with claimant part of time. Taken by soldiers with Whirlwind family.

CLAIM #101

Date of Claim: 12-February-1842

POLLY BENGE, emigrated ... in 1838 in Capt. Benge's detachment. I am now married to Dick Benge, a nephew of Capt. Benge. Was not married when I emigrated, lived with my grandfather, Capt. John Watts, his house was about three miles from Agency on same side of Hiwassee River, rather above Agency. Grandfather is now dead. I live on Salisaw in this district.

Witness: Cah-la-neh-ski, lived near her Grandfather.

CLAIM #103

Date of Claim: 12-February-1842

AH-DAH-DOO-LA-NEH or STANDING TREE, emigrated from Turkey Town Alabama in John Benge's Detachment 1838 Now lives near Dwight Mission.

Witness: Buffalo Nail, lived a neighbor to Standing Tree at Turkey Town.

JOHN ROSS PAPERS

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Folder #795

Skin Bayou Claim #248

Date: 5-March-1842

GEORGE WASHINGTON GUNTER for property lost in Creek Path Alabama (in Marshall County) and also for my father's (Samuel Gunter, deceased) property lost Emigrated in John Benge's Detachment ... now reside about ten miles west of Fort Smith in Skin Bayou District. The valuing agents (Moore and Ricketts) said they could not value the property. I was taken away from my house and home about the first of June 1838 ... and taken to a place called Camp Morrow, about 5 miles from Gunters Landing. The money was paid to a whiteman named Alexander Riddle administrator on the Estate of John Gunter Sr., my father was an heir of the Estate... My father was in Washington City when we were all taken by the troops.

Witness: Daniel R. Nave, I resided with G.W. Gunter for five years in the old Nation

Folder 803

Testimony of ARCHIBALD CAMPBELL on the Claim of George W. Gunter: "I am a part Cherokee and now reside at Park Hill in Tahlequah District and lived about a mile and half from this Claimant and had been a near neighbor for many years. I was taken to Wills Valley and the claimant to near Gunters Landing ... the claimant and myself came in John Benge's detachment.

Folder #801

Claim #123

Date: 10-March-1842

THOMAS WATTS resided on Sautee Creek on Tennessee River and emigrated ... in John Benge's Detachment. Resides at present on Skin Bayou in John Benge's neighborhood in Skin Bayou District.

Witness: Archibald Campbell, was a neighbor in the old nation

Folder #804

Claim #82 or #225

Date: 12-March-1842

TOMMY of Flint District ... for property abandoned in State of Georgia, near the Fork, Head of Coosa River in 1838. Personally appeared Te-sa-ske and Na-che-yah and they saith they were intimately acquainted with ... Claimant... for several years prior to his emigration. The said Tommy came to this country in John Benge's Detachment And now lives near Jack or John Griffin's in Flint District and is now sick and not able to attend at this place.

Folder #810

Claim #197

Date: 16-March-1842

THE PIPE or GAH-NUN-NA-WAH from Wills Creek, Wills Valley ... Emigrated in John Benge's Detachment, present residence on 14 Mile Creek near to John F. Boot, Tahlequah District.

Witness: Se-gah-we, lived a near neighbor to Claimant in Wills Valley.

Folder #816

Claim #358

Date: 21-March-1842

ELIZABETH COOPER, from Chattooga District Emigrated ... in John Benge's Detachment. Present Residence on 14 Mile Creek, near to John F. Boot, Tahlequah District.

Witness: Cooper.

#63 Date: 05-April-1842 Residence east Turkey Town, present residence Flint District
PEGGY AUGERHOLE ... states that she was residing in the Creek Nation at the time a Treaty was concluded between the US and Creek Nation ... that claimant was a native of said [Creek] Nation and that she had a Cherokee husband .. and was entitled to a Reservation of 640 acres. Forced off by citizens of Alabama and has resided in Cherokee Nation ever since. Claimants residence in the Creek Nation was near Tallasehatchy now Jacksonville.

Witness: Charles Stealer and Frog. She was forced off by Richard Rulley(?)

#99 Date: 15-April-1842

GOOSE LANGLEY States he had an improvement situated on Tennessee River four miles below Nickajack

Witness: Archabald Lowry

#111 Date: 19-April-1842 Residence east Wills Valley, present residence Flint District

RUN-ABOUT BALDRIDGE ... states that the owned the place situated in Little Wills Valley ... and he was dispossessed ... in 1833.

Witness: George Baldrige, father of Claimant.

#114 Date: 19-April-1842 Residence East Wills Valley, present residence Flint District

RUN-ABOUT BALDRIDGE ... states that while he was under the capture of the US Troops in he year 1838 at the agency He was imprisoned in a dungeon

Witness: David Skonatey(?)

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TENNESSEE STATE LIBRARY AND ARCHIVES Microfilm Collection 815, Reel 6
FLINT DISTRICT CLAIMS**

BOOK 2

#25 Date: 26-March-1842 Residence East Lookout Valley, now on waters of Caney, Flint District

JAMES LOWRY {Gave Power of Attorney to sell Reservation on Battle Creek now Marion County Tennessee to James McGowen at town of Jasper TN, but never got money from McGowen}

Wit George Lowry

#41 Date: 2-April-1842 Old Nation in McLemores Cove, now reside on Caney, Going Snake District. THOMAS McLEMORE and his sister BETSY, Heirs of ROBERT McLEMORE.

Wit: Pigeon – lived with Robert McLemore on Battle Creek about 1818 .

George Lowry Sr. – lived on Battle Creek in 1818 near Robert McLemore.

#46 Date: 4-April-1842 Residence East Lookout Valley, now head of Caney, Flint District

JAMES LOWRY In 1835, rented twenty-five acres to a Cherokee named Charles McIntosh of whom a white man dispossessed.

Wit John Lusk

#47 Date: 4-April-1842

GEORGE LOWRY Sr. and the Heirs of JOHN WALKER, Dec'd Claim for a Salt Petre Cave 1813-1819 on Duck River near the Tennessee

#50 Date: 4-April-1842 Old Nation at Lookout Valley now Ellinois, Tahlequah District.

PETER MILLER ... claim for property never valued. Also shot by a white in 1834

Wit: Nancy Miller

#73 Date: 8-April-1842 Old Nation in Wills Valley, now near Mills in Flint District.

NANCY states Was left on her place when taken by the troops in the summer of 1838

Wit: Nelly

#74 Date: 8-April-1842 Old Nation at McLemores Cove, now reside on Caney Tahlequah District. PARTIRIDGE McLEMORE states when residing on Battle Creek ... was compelled to abandon his house
Wit: Tarripinhead

#75 Date: 8-April-1842 Old Nation with P. McLemore, now reside on Caney, Tahlequah District. AGGY McLEMORE states that she owned the fifty head of hogs when she resided with Partridge McLemore
Wit Partridge McLemore

#78 Date: 8-April-1842 Old Nation Residence at Creek Path, now reside on Caney, Tahlequah District. WILLIAM McALEXANDER, a citizen by marriage ... said the improvements were not valued. ... had to leave when the troops were collecting the Cherokee for emigration
Wit: Joseph Williams

#99 Date: 16-April-1842 Old Residence near Fort Armstrong on Chat-tu-gah, now live near Flint line.
TARRIPIN, heir of CHICK-KA-YOUAH states that his grandmother in the year 1812 or 1813 during the Creek War had property stolen by the whites
Witness: Ah-ne-lah-ga-yuh (was at the house of claimant when white people took possession. ... we were taken by the Troops together and after we were taken into camps together).

#149 Date: 4-May-1842 Old Residence Chattooga, now reside on waters Caney, Flint District
ELEANOR, the wife of THOMAS CAMERON states She owned thirty acres Forcibly taken by whites
Wit Che-nah-see

#150 Date: 4-May-1842 Old Residence Chattooga, now reside on waters Caney, Flint District.
CHE-NAH-SA states She owned twenty acres of improved land
Wit Culstiah

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TENNESSEE STATE LIBRARY AND ARCHIVES Microfilm Collection 815, Reel 6
FLINT DISTRICT CLAIMS**

BOOK 3

#1 Date: 23-March-1842 Old Residence Turkey Town, present residence Flint District
TURNER states on oath that all the ... property was abandoned by him in consequence of being arrested by the US Troops in 1838 and owing the strict regulations of the military claimant was not permitted to see or dispose of said property. Further states he had a note on Lewis Rhea for \$102.

Wit: Oo-nah-tsu-see, James Lasley, George Augerhole (taken prisoner the same day and forced off to Ross Landing), Nancy Suake{Snake?}.

#5 Date: 22-March-1842 Old Residence: as specified in Claim #1 of this Book
TURNER in right of his mother Dec'd, WATTE BOOT states that the ... property was left at his residence in Turkey Town by the mother of claimant in consequence of being arrested by the US troops in 1838 and moved to Fort Paine Alabama at which place the old woman died therefore he claimant claims the right of the property as his mother always resided with him.

Wit: Oo-nah-tsu-see Resided at the same house when captured.

#14 Date: 25-March-1842 Old Residence Turkey Town Alabama, now residing Flint District near Lesley's. TOO-NEY said her place situated between Turkey Town and Tarpin Creek Alabama was never valued.

Wit: Peggy Augerhole and George Augerhole.

#18 Date: 26-March-1842 Old Residence Wills Town, now reside in Flint District
VINCENT GOLD or HOGSHOOTER States that the Property was his fathers dec'd. Horse stolen ...
while living on Battle Creek. ARQUEECHEE, father of Claimant, died in Flint District...
Wit: Jefersy ... knew Arquechy while living on Battle Creek

#21 Date: 28-March-1842 Old Residence Turkey Town Alabama, now resides Jas McKeys
NEH-GE GUNPILE of Turkey Town
Wit: Young Wolf, was a near neighbor.

#65 Date: 06-April-1842 Old Residence Turkey Town, now resides Flint District
CHARLES STEALER also, a large improvement situated on an Island of Coosa River which was not
valued
Wit: Frog Improvements were on an Island never visited by a valuing agent.

#66 Date: 06-April-1842 Old Residence Turkey Town, now resides Flint District
NELLY STEALER ... arrested by the US Troops in 1838 and not permitted to return
Wit: Frog

#71 Date: 07-April-1842 Old Residence Turkey Town Alabama, now resides Flint District
GEORGE AUGERHOLE ... arrested by US Troops in 1838
Wit: Frog, a near neighbor

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TENNESSEE STATE LIBRARY AND ARCHIVES Microfilm Collection 815, Reel 6
FLINT DISTRICT CLAIMS**

BOOK 4

#9 Date: 23-March-1842 Old Residence Turkey Town
MONEY CRYER
Wit: Too-you-kah-tar-nah

#10 Date: 23-March-1842 Old Residence Turkey Town
CRYING SNAKE
Wit: Turner, Houston and Nancy (lived at the house of Crying Snake for a great number of years)

#19 Date: 23-March-1842 Old Residence Turkey Town, now resides Flint
GOLD HUNTER
Wit: Two Thousand or Tah-le-ah-kah-yer-le

#49 Date: 04-April-1842 Old Residence Turkey Town, now resides Flint District
WAKY AUGERHOLE
Wit: George Augerhole

#50 Date: 04-April-1842 Old Residence Turkey Town, now resides Flint District
WATTE AUGERHOLE
Wit: George Augerhole and Peggy Augerhole

#52 Date: 05-April-1842 Old Residence Turkey Town, now resides Flint District
FROG {includes loss from the Creek War in 1814}
Wit: George Augerhole and Peggy Augerhole ... they have always lived a near neighbor

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FLINT DISTRICT CLAIMS**

BOOK 5

- #3 Date: 3-May-1842 Old Residence Chatanuga GA now on Cainey, Flint District
NANCY MILLER ... for items lost when forced to emigrate
Wit: Jinny Smith... lived a close neighbor
- #14 Date: 8-March-1842 Old Residence Chatanuga TN now on waters of Cainey Flint District
JACK MILLER... property lost in 1834-1835
Wit: William McAlexander
- #19 Date: 10-March-1842 Old Residence on Wills Creek Alabama now on waters of Cainey Flint Dist.
KE-NAH ... items never valued
Wit: Oo-nah-chu-see... he was well acquainted with claimant
- #28 Date: 12-March-1842 Old Residence near Coosa River in Alabama, now reside near Salisaw, Flint District.
SHADE ... dispossessed and moved to Chattooga GEORGIA and dispossessed again
Wit Man Killer
- #29 Date: 12-March-1842 Old Residence Cherokee County Alabama, now reside on headwater of Sallisaw.
JAMES ORE has reason to believe that the Improvements were never valued
Wit James Ore, Junr.
- #30 Date: 14-March-1842 Old Residence Chattooga Alabama, now in Flint District
GRITTS
Wit: Shade Well acquainted with claimant
- #57 Date: 18-March-1842 Old Residence Lookout Valley Alabama, now in Flint District
JAMES LOWRY
Wit: Charles Lowry .. lived at the house of James Lowry
- #58 Date: 18-March-1842 Old Residence Lookout Valley, now reside on Lees Creek
GOOSE LANGLEY loss in 1817 or 1819
Wit: Richard Boggs Lived a close neighbor
- #60 Date: 19-March-1842 Old Residence Chatanuga Georgia, now reside on waters of Caney, Flint District.
PETER MILLER
Wit: Goose Langley was well acquainted with claimant
- #65 Date: 20-March-1842
GEORGE LOWERY Sr. property stolen from him beginning from 1812 until 1821 when he moved from Battle Creek to Wills Valley. Mentions claim having been submitted to Liddell and Wilson and he had the testimony of Obadiah Bengé who is still living in Alabama.
Wit: Pigeon
- #68 Date: 21-March-1842 Old Residence Wills Valley Alabama, now Reside Flint District
LIZZA JUSTICE
Wit Jane Wheeler, well acquainted and lived a close neighbor
- #84 Date: 26-March-1842 Old Residence Chatanuga Creek Georgia, now Reside Flint District
ROBERT McLEMORE
Wit Sockinney Pigeon

#92 Date: 30-March-1842 Old Residence Coosa River Alabama, now Reside Flint District
ELI SMITH ... summer of 1838 was he was forcibly compelled to leave his house and all the property set forth
in his claim ...

Wit: Charles Downing (lived a close neighbor for several years) and Burnt Rail (a close neighbor)

#93 Date: 30-March-1842

TAH-CA-HA-GEE, dec'd by ELI SMITH, one of the Heirs was well acquainted with the property of his
father And that some time in the summer of 1838 the said Tah-ca-ha-gee dec'd was forcibly compelled to
leave his residence in consequence of being captured and taken prisoner by the troops

Wit Sutawaga Big Nose (he lived a close neighbor) and George Chambers

#95 Date: 23-May-1842 Old Residence Chattooga Valley Alabama, now resides on Sallisaw, Flint
District. GEORGE WHITE TOBACCO ... In summer of 1838 he was captured and taken prisoner by troops

Wit: Charles

#97 Date: 31-March-1842 Old Residence Turkeytown Alabama, now resides on waters of Lees Creek,
Flint District.

HOUSTON in summer of 1838, he was forcibly compelled to leave his house and all his property at his
residence in the old Nation in consequence of being captured and taken prisoner by the troops ...

Wit: Oo-tah-ke-a-lee

#103 Date: 01-April-1842 Old Residence Wills Valley, now on Sallisaw in Flint District

LUCY LOWRY ... corn lost while she living on Battle Creek in 1820 and 1821

Wit: < torn >

#128 Date: 14-April-1842

RACHEL ORE for expenses transporting 3 persons and 2 horses for 3 weeks.

Wit: Caty Benge ... states that she came in the same detachment with Rachel Ore the claimant and that said
claimant overtook Benge's Detachment about three weeks after they had started.

#134 Date: 18-April-1842 Old Residence Chattooga District, now reside Flint District

BARK FLUTE, LAUGH AT MUSH and WILLIAM GRIMMITT for damages sustained in consequence of
being disposed of a Turnpike five years... Obtained at the Council at New Echota in 1828 a grant or permit for
a road commencing at a large pond four miles south west of Grimmetts Ferry on Little River Alabama and
running to intersect the state line of Alabama there near Cox on Sand Mountain ... situated at the ford of Big
Wills Creek near at or near the residence of Capt. J. Mulkey who was then residing at said place

Wit William Griffin.

Sally Bark (listed after #135 but says it is for claim #124 but the testimony is actually relative to this
claim) – a white man named West was employed and ran off with the money

#135 Date: 18-April-1842 Old Residence Chattooga, now resides Flint District

BARK FLUTE said son road horse from Chattooga to Ross Landing and was arrested to emigrate west In
the month of September 1838 he started west in the company or detachment of John Benge

Wit George Bark

#138 Date: 19-April-1842

THOMAS CAMRON

Wit: Tooniye

#142 Date: 21-April-1842 Old Residence Chattooga Valley Alabama, now resides Flint District

E-YAH-CHA-KA GRIMMITT ... at some time in the summer of 1838 she was forcibly compelled to leave ...
In consequence of being arrested and taken prisoner by the troops

Wit Sally Allen, lived a close neighbor

#147 Date: 23-April-1842

JAMES LOWRY ... for furnishing himself and family with provisions from 23rd day of May until first of October (fifteen persons)

Wit Jack Justice .. lived a close neighbor to James Lowry and was captured and taken prisoner by the troops and was brought into the camp near where said Lowry resided and ... Lowry did not draw any of the public rations until the first of October.

#151 Date: 26-April-1842 Old Residence: Chattooga Valley Alabama, now reside in Flint District
SALLY ALLEN \$100 bill taken by soldier at a store near her house ... unjust charges and a negro boy stolen

Wit: William and E-yah-cha-ka Grimmitt, lived close neighbors {refers to her as Sally ~~Bark~~ Allen}
Sarah Bennet, lived at the house of Sally Allen in the old Nation

#152 Date: 26-April-1842 Old Residence Chattooga Valley Alabama, now reside in Flint District
WILLIAM GRIMMET & Co For fifteen cabbins, one shed or Camp at a Camp Ground....

Wit William Griffin

#153 Date: 26-April-1842 Old Residence Chattooga Valley Alabama, now in Flint District
WILLIAM GRIMMET ... the service of a wagon and four horses ... he removed himself...

Wit: George Grimmit (son of claimant)

#154 Date: Old Residence Chattooga Valley Alabama, now reside in Flint District
JINNY BARK for furnishing provision for herself and family, eight in number from 23rd May 1838 to the first of October at which time she joined the detachment of John Bengé ... the other Cherokees that were taken prisoner at that time was furnished with rations by the government until they were brought off to the west...

Wit Betsey Bark Lived with the above claimant in the old Nation

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FLINT DISTRICT CLAIMS**

BOOK 6

#8 Date: 4-March-1842 Old Residence Chattanooga, now reside on Sallisaw
SALLY LOWRY cash from her Register of Payments paid on a false claim to John Rice

Wit: Sochinna Pigeon, near neighbor

#32 Date: 8-April-1842 Old Residence Wills Valley
JANE WHEELER

Wit Anna Big Feather, a neighbor

#33 Date: 8-March-1842

ANNA BIG FEATHER ... horse stolen in 1834, same times as Andrew Ross's Seen in possession of whites by John Huss. [Other items abandoned] in consequence of being forced off in Jno Bengé's Detachment for emigration

Wit: Jane Wheeler ... was taken to the camps of emigration in company of claimant
Tyer he lived at the house of Anna Big Feather

#38 Date: 9-March-1842 Old Residence Wills Valley

PEGGY BALDRIDGE ... horses stolen from residence of her father, George Baldrige hogs stolen at Creek Path

Wit: Nelly Sides ... lived in the family of George Baldrige

- #44 Date: 10-March-1842 Formerly of Squirrel Town GA now of Illinois Tahlequah District
 PETER MILLER.... in 1836 he dispossessed of his place in Squirrel Town, Walker County GA and removed to
 TN side of the line
 Wit: Ketchum Smith, Nickilis Smith & Richard Boggs
- #54 Date: 11-March-1842
 RACHEL ORE ... about 1818 or 1819 a bay horse stolen ... Battle Creek, Marion County at which place she
 lived with her father, George Lowry,
 Wit Arch Lowry, brother of claimant
- #62 Date: 20-March-1842 Old Residence Chattooga Georgia
 WIDOW JUSTICE Forced to emigrate in summer of 1838 ... brought to Ross' Landing ...
 Wit Bark Flute and Jane Bark
- #74 Date: 25-March-1842 Old Residence Walker County Georgia, now reside Flint District
 THOMAS CAMERON
 Wit: Too-nie
- #75 Date: 25-March-1842 Old Residence Walker County Georgia, now reside Flint District
 ELINORE CAMRON .. claim for improvements in Alabama
 Wit Chee-nah-see
 Lucinda Pigeon, went with claimant to try and recover horse
- #77 Date: 29-March-1842 Old Residence Chattooga, Walker County Georgia, now reside Flint District
 PHEASANT
 Wit Eli Smith, lived a near neighbor
- #93 Date: 1-April-1842 Old Residence Wills Valley Alabama, now reside Flint District
 NELLY ... in summer of 1838 captured by troops
 Wit: Peggy Baldrige ... well acquainted and a close neighbor Know she was captured by the troops
- #106 Date: 4-April-1842 Old Residence near Fort Armstrong Alabama, now reside Flint District
 TURTLE
 Wit Foot Log Lived a close neighbor
- #108 Date: 5-April-1842 Old Residence Coosa River Alabama, now reside Flint District
 SALLY MANKILLER in summer of 1838 she was captured by troops
 Wit Eli Smith Well acquainted and lived a close neighbor....
- #125 Date: 8-April-1842 Formerly of Coosa River, Cherokee County, Alabama now Flint District
 KEE-NAH ... had in his possession the land ... and ferry boat and canoes claimed
 Wit Ta-key She was well acquainted with the claimants land....
- #126 Date: 8-April-1842 Old Residence Chattooga, Cherokee County Alabama, now Flint District
 SUSANNA SHADE
 Wit Wutty Pheasant
- #127 Date: 8-April-1842 Old Residence Chattooga, Cherokee County Alabama now Flint District
 WUTTY PHEASANT
 Wit Shade He was well acquainted with the claimant
- #150 Date: 20-April-1842 Old Residence Chattooga Alabama, now Flint District
 CHARLES DOWNING he was arrested by troops in summer of 1838
 Wit Eli Smith ... he lived a near neighbor
- #164 Date: 23-April-1842 Old Residence Chattooga Georgia, now Flint District
 GOOD DAY
 Wit Peggy Grimmitt

#194 Date: 7-May-1842 Old Residence Chattooga Alabama, now Flint District
WILLIAM GRIMMITT
Wit Good Day Lived at the house of William Grimmit

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
RECORD GROUP 75, Records of the Bureau of Indian Affairs
ENTRY 250, Claims Papers of the 4th Board of Cherokee Commissioners.
Washington DC

Not all of the Case Files for this Board have survived. Not all of the surviving Cases have been examined. Only cases which specifically reference Benges Detachment are included. Any duplication of 1842 Claims already included are not repeated.

#1011 Eliza Benge Her maiden name was Lowery, lives now about 1 mile from this place.
Emigrated in 1838 in Capt Jno Benges Detachment – from Lookout Mountain Alabama side.
Wit: Mrs. R. Benge (mother). John Benge, claimant is his step-daughter.

#1094 John Benge He now resides on Skin Bayou. That he emigrated in 1838 – had command & control of a Detachment from the old Nation east of Mississippi.

Chapter 7

Posts, Cantonments, Depots, Encampments, and Forts Associated With the Removal of Cherokee Indians From Alabama

By Larry Smith
Text Additions by Gail King
Photo Placement by Marty King

Introduction

Alabama played a much larger role in the forced removal of the Cherokee Indians from the state than was previously reported. At least eight companies of heavily armed troops, including regular United States army soldiers, and Alabama and Tennessee volunteers, poured into Northeast Alabama to carry out the removal of the Cherokees, and some Creeks, as called for by terms of the Treaty of New Echota. At least nine posts were constructed or temporarily manned by the troops in present-day DeKalb, Etowah, Marshall, and Jackson Counties to house supplies, billet troops, and hold the Indians in confinement before they departed for their new homes in the west in early October of 1838.

Complimenting the troops charged with rounding up the Indians and bringing them to the posts were others assigned to providing adequate supplies for both troops and captives and their livestock. An efficient system of procuring flour, bacon, sugar, coffee, and other items was put into place by the quartermasters. Literally tons of these supplies arrived from as far away as Ross's Landing (present Chattanooga, Tennessee), while many were purchased from local farmers and merchants. Clerks counted each item that came in, from fifes and drums to thousands of board feet of lumber. Many of these items were moved from post to post as needed, and detailed reports were sent to commanding officers and government agencies. Doctors were employed to care for the troops and the captives. Haulers were paid to transport supplies. Interpreters were secured as translators. A postal, or "express" system was put into place to send and receive orders. There were also emigration agents, and personnel assigned to securing funds to pay the troops and vendors. Enough ordnance, including artillery, was on hand to put down any insurrection the already disarmed Cherokees might attempt.

Each transaction, it seems, required a report to be completed, sometimes in triplicate. Fortunately, many of these original documents still exist in libraries and archives and are becoming available to researchers as interest in the removal increases. These primary source documents, most of which have never been published, were used extensively in the study.

To our knowledge, Camp Morrow associated with Gunter's Landing, Bellefonte, Rawlingsville, Camp Chatooga, and Camp Watts (Fort Lovell) have never been reported in publications concerning Cherokee Removal. It should be noted that letters and orders from the military and politicians often did not always specifically identify which post they were referring to. It was therefore impossible to determine if there was an encampment for holding the Indians at Gunter's Landing, or if it was strictly a post to hold supplies. Camp Morrow, some three miles north of Gunter's Landing, did hold captives. It was equally difficult separating the post at Rawlingsville and the one at Fort Payne. While Bellefonte may not have been a confinement post, it is included in this study since it was a major point for troops to be mustered into service

and to be dispatched to the various installations. Fort Turkeytown was also likely not used primarily as a post for confinement but was probably more of a military base.

Following is a brief history of each post, beginning with the first one at Gunter's Landing in 1836, and ending with the Camp Eight Miles South of Fort Payne, where the emigrants gathered after leaving Fort Payne to continue their journey to the west in 1838.

Gunter's Landing

Gunter's Landing (See Figure 7.1 and Figure 7.2), located in Marshall County at the southern-most penetration of the Tennessee River into Alabama, was the earliest post for removal identified in the study area. Major M.M. Payne, acting adjutant general, issued this special order on 12 October 1836:

Lieut. C.S. Howe Asst. Com. [Commissar] will have deposited as soon as practical at Gunter's Landing, Alabama Three months provisions for one company of eighty men. There being no officer with the detachment ordered to that place who can be expected to perform the duties of Asst. Com. Lt. Howe A.C.S. will employ a suitable agent to issue to the troops at that place (University of North Carolina Library, Chapel Hill [UNCL], Chilibab Howe Collection [CHC]).

Brigadier General John E. Wool had been ordered by Secretary of War Lewis Cass on 20 June 1836 to proceed to the Cherokee Nation and take command of troops that would be involved in the removal. He was instructed to meet with the principal leaders of the Cherokees and convince them to comply with terms of the Treaty of New Echota. Arriving in Tennessee, he began organizing his army and sent Captain James Morrow on a reconnoitering trip in the Cherokee Territory (American State Papers Military Affairs [ASPMA] Vol.VII:558-559).

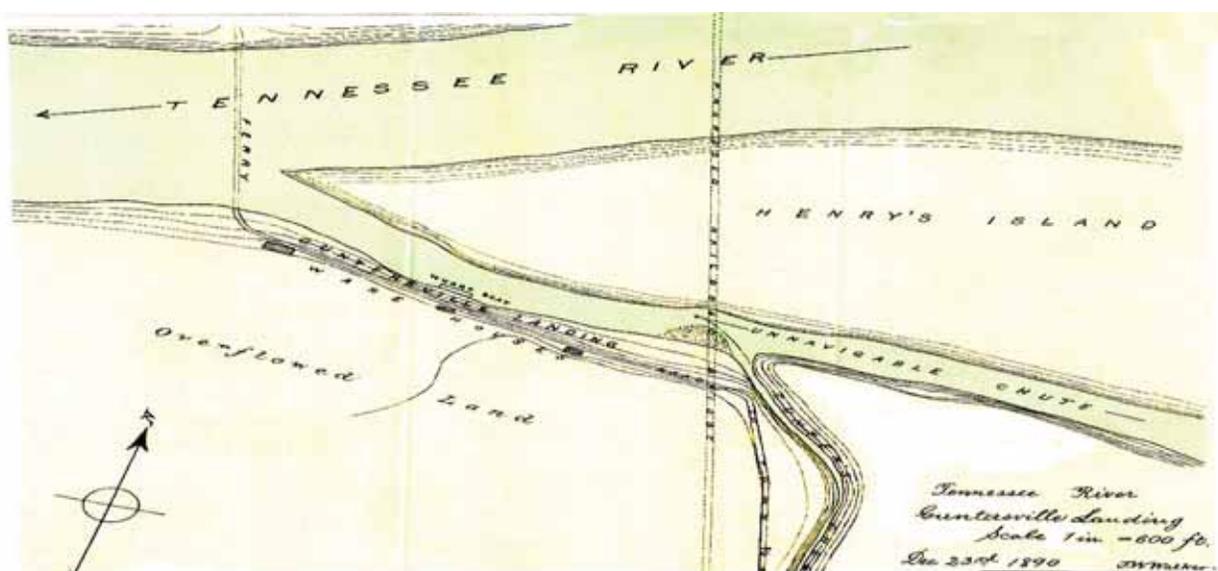


Figure 7.1. Guntersville Landing, Dec. 23, 1890, J.W. Walker

Captain Morrow was stationed at Gunter's Landing in early 1837 (ASPMA Vol. VII:568). Alabama Governor C.C. Clay wrote General Wool on 11 March that he had received a communication from Secretary of War Joel R. Poinsett apprising him of the general's authority to call for the raising of troops for the removal process. Governor Clay said he understood the East Tennessee Volunteers under the command of Captain Morrow near Gunter's Landing were about to be discharged and requested they be replaced by a company of volunteers raised by Captain E.A.D. Pearce of Marshall County. Captain Pearce had raised a company of mounted volunteers in March of 1837 from the nearby community of Warrenton but had not heard from Colonel Lindsey that it had been officially recognized (National Archives and Records Administration [NARA], Southeast Region, Record Group [RG] 393, Microfilm [M] 1475, Roll 1, Frames [Fr] 0089-0091).

Gunter's Landing took its name from John Gunter of Scotland, who settled on the southern bank of the river about 1790. Gunter married a Cherokee, who bore him several children. The family became wealthy land owners and farmers, and when Gunter died in 1835, a great deal of interest was created in how his property and possessions would be distributed and sold (Foreman 1947). Sheriff Alexander Riddle of Jackson County was appointed administrator of the will in 1837 and called on General Wool for military assistance to make sure it would be settled in accordance with the law (ASPMA Vol. II:537).



Figure 7.2. Aerial Photo, 09-23-1937, Gunters Landing

An incident pertaining to Gunter's Will at Gunter's Landing resulted in General Wool resigning from his position, followed by a lengthy military court of inquiry (ASPMA Vol.VII:533-571). Captain Morrow, stationed at a cantonment (temporary base without fortifications) three miles north of Gunter's Landing, was ordered by General Wool from New Echota, Georgia on 3 June 1837 to intervene in the settlement of the will to make sure it was done according to provisions of the will. General Wool no doubt felt justified in having the army become involved in the matter, since it involved the Gunters, who were part Cherokee. The matter became embroiled in controversy when some of the estate was sold directly by one of the Gunter heirs. Captain Morrow then dispossessed (evicted) one of the parties who had been living in one of the Gunter houses. A gun fight ensued leaving two people dead. Although

Captain Morrow was not present at the shoot out, the army was blamed for its intervention in the affair (ASPMA Vol. VII:534, 547, 564).

Governor Bagby then wrote Secretary of War Poinsett on 3 July 1837 and complained about the way the army, under the orders of General Wool, had handled the incident which had left two people dead. He also enclosed a joint resolution passed by the Alabama Legislature which condemned the army's intrusion into the state's affairs. Governor Bagby reminded the secretary of war that he had written him earlier about General Wool's unwarranted interference in his state and called for an investigation. General Wool then relinquished his command to Colonel Lindsey pending the outcome of the inquiry (ASPMA Vol. VII:545-546, 565).

A military court of inquiry was then ordered and convened on 4 September 1837 in Knoxville, Tennessee. By coincidence, General Winfield Scott, who was to become General Wool's replacement, served as president of the court. Colonel Lindsey and Major M.M. Payne also served on the jury with Lieutenant W.C. DeHart acting as judge advocate. After ten days of testimony, during which several witnesses were called by the defense, including Captain Morrow and Sheriff Riddle, General Wool was cleared of all charges (ASPMA Vol. VII:540-541). 1

Although exonerated, General Wool was not retained as the army's removal commander and was replaced by General Scott. The new commander of removal arrived in Athens, Tennessee, which was to be his headquarters, in early May of 1838 and began issuing orders to his troops and directives to the Cherokees. General Scott addressed a small gathering of Cherokee chiefs at his headquarters 10 May. He outlined why he was there—the President had sent him to carry out the Treaty of 1835, and their emigration was to begin in haste. “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....” Because so few Indians were in attendance at his speech he had it printed and distributed throughout the Cherokee nation (Elliott 1937:346-348).

Colonel Lindsey issued Order Number 19 from Fort Cass, Tennessee on 14 May 1838 establishing troop numbers at various posts in Alabama, Tennessee, and North Carolina. Gunter's Landing was to receive a lieutenant colonel and two companies of men (NARA RG393 M1475 Fr0239-0241). Colonel Lindsey was one of the most important officers of the removal, and served temporarily as overall commander of the removal army when General Wool stepped down during his court of inquiry. He visited the various posts under his command and on 24 June 1838 was headed to Gunter's Landing, where he was expected to stay for eight to ten days (NARA RG393 M1475 R1 Fr737-738).

On 17 May 1838 Major General Scott issued Order No. 25 from Head Quarters, Eastern Division, Cherokee Agency for the troops to cover the Cherokee country “in order to make prisoners and to march or to transport the prisoners, by families, either to this place, to Ross' Landing or Gunter's Landing, where they are to be finally delivered over to the Superintendent of Cherokee Emigration” (NARA RG393 M1475 R1 Fr 252).

On 24 May 1838 General Scott issued Order 34, that among other things named Gunter's Landing as a place for the Indians to assemble, and he set the dates for the roundup to begin--26 May in Georgia, and ten days later in Tennessee, North Carolina, and Alabama:

....The commanding officer at every fort & open Station will first cause to be surrounded and brought in as many Indians, the nearest to his fort or station, as he may think he can secure at once, & repeat the operation until he shall have made as many prisoners as he is able to subsist and send off, under proper escort, to the

Gunter's Landing is listed on Lieutenant E.D. Keyes' contemporary map of the Cherokee forced removal (See Figure 7.3) as being 170 miles south of the Cherokee Agency in Charleston, Tennessee. General Nathaniel Smith reported to General Scott on 13 August 1838 that there were "...at the Cherokee Encampment, or Depot, near Gunter's Landing, about 12,000 lbs. bacon, and 8 or 900 bushels of corn and corn meal...." (NARA RG393 M1475 R2 Fr80-81). It also contained forage for its livestock and a sizeable supply of ordnance. Lieutenant Charles S. Lovell, ordnance officer with the Sixth Alabama Infantry, reported on 22 May 1838 that 580 muskets were on hand at the depot, along with 575 sets of accoutrements, 11,900 cartridges, and 5,000 flints (NARA RG393 M1475 R1 Fr332-333).

William A. Lenoir was the quartermaster at Gunter's Landing in March of 1838 when he received orders to send the subsistence stores there to a new post being created at Cedar Bluff in Cherokee County (University of Tennessee Hoskins Library [UTHL] Special Collections, Lenoir Family Papers [LFP], Manuscript [MS] 16, Series [S] III Box [B] 1 Folders [F] 16, 19).

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F.A. Welcker was serving as acting assistant quartermaster at Gunter's Landing in June of 1838 when he wrote Lieutenant Abner Hetzel and asked what to do with wagons and express horses there. He also inquired about securing a black smith for Gunter's Landing (NA RQG R92 E352 Box 3).

While quartermaster records include much information on troop strength, subsistence supplies and ordnance, only a few mention the number of Indians being held at the camps. One of the rare letters mentioning the number of Indians came from Quartermaster Welcker. He sent a letter on 25 June to Lieutenant Hetzel and said "Though not altogether official & compatible in a communication from me I would state we have about 229 Indians in camps; more than a hundred of them were caught on their flight from Decatur" (NA RQG RG92 E352 Box 3). Welcker mentioned 229 Indians in camps, thus verifying that there was more than one camp holding the emigrants.

The number of troops stationed at Gunter's Landing varied, as did the number of Indians being held there. Captain John Page reported on 1 July 1838 that 200 Indians were at Gunter's Landing according to his last report (NARA RG393 M1475 R1 Fr833-834). Four days later Lieutenant J. Mackay reported to General Scott that 150 of the Gunter's Landing Indians were being transferred to Fort Payne and would arrive the next day (NARA RG393 M1475 R1 Fr918-920).

Troops returning from the Florida campaign against the Seminoles came by Gunter's Landing in June of 1838. Lieutenant Colonel William Foster reported to General Scott on 3 June that "If I do not receive orders from your headquarters I shall proceed to Calhoun [Tennessee] touching at Gunter's and Ross' Landings...." (NARA RG393 M1475 R1 Fr515-517).

On 21 June 1838, Lieutenant Colonel Henry Norwood of the Alabama Infantry, sent a letter to Governor Bagley, from "Gunters Landing, Headquarters ad interim of the Regiment of Alabama Volunteers," giving him a progress report of the regiment he was helping organize. He

stated that he hoped to raise ten companies and have them mustered into service by an officer of the United States at the headquarters at Bellefonte (Alabama Department of Archives and History, Governor A.P. Bagby Papers, SGO 24883 Reel 8) [ADAH GBP SGO 24883 R8]. It was also on 21 June that Colonel Lindsey wrote General Scott that he had not heard from the post at Gunter's Landing as to how many of the Indians being held there had been sent to other locations (NARA RG393 M1475 R1 Fr679-681). A day later he reported to General Scott that Captain Rogers had collected 400 Indians, 200 of whom were at Gunter's Landing (NARA RG393 M1475 R1 Fr688-691). Colonel Norwood's battalion of Alabama Infantry was short lived. His men, consisting of five companies, arrived at Gunter's Landing 5 July 1838 to be mustered out of service (NARA RG393 M1475 R1 Fr918-920).

The depot ceased operations in late June of 1838. Dr. John S. Young, an assistant for Cherokee emigration, wrote to Colonel Lindsey on 24 June and recommended that Gunter's Landing be discontinued as a depot, since there would only be 150 Indians there (NARA RG393 M1475 R1 Fr715-717). Captain John Page reported to the Cherokee Agency on 1 July that there were 200 Cherokees there at last report (NARA RG393 M1475 R1 Fr833-834) Lieutenant J. Mackay reported on 4 July that the depot at Gunter's Landing had been abolished, and that the 271 Indians there were on their way to Fort Payne. Lieutenant Mackay also boasted that "...there is not one [Indian] in Alabama not accounted for or collected (NARA RG393 M1475 Fr908-909). The 150 Cherokees mentioned by Colonel Lindsey as being on their way to Fort Payne were due to arrive there on 6 July, and the remainder would be on their way soon (NARA RG393 M1475 R1 Fr918-920).

The entire site of Gunter's Landing was inundated in 1939 with construction of Guntersville Dam, ending any chance of archaeological study (Guntersville Advertiser and Democrat, 11 January 1939). An extensive archaeological excavation was conducted in the area by the Tennessee Valley Authority prior to construction of the dam. The excavations yielded a tremendous amount of Native American artifacts, some dating to the historic era occupation of the Cherokees (Webb and Wilder 1951).

Rawlingsville

Records relating to military posts, emigration encampments, and depots in Wills Valley are at times confusing since the writers seemed to often lump Rawlingsville and Fort Payne proper together, while they were two and one-half miles apart. In a letter dated 9 April 1838, Colonel William Lindsey wrote Alabama Governor Bagby that "I have caused it to be understood by Capt's Patrick & Lamar that they will be mustered into service armed & equipped at Ft Payne Rawlingsville Wills Valley" (ADAH GBP SGO 24883 R8). Letters and reports often added to the uncertainty of the location of the Removal facilities by stating at or near Rawlingsville, or in the vicinity of Fort Payne (author's italics). It is highly probable, however, that Rawlingsville was a major encampment separate from Fort Payne, and may have actually been the larger of the two emigrant camps. In a 17 May 1838 report of Volunteer Posts and Stations of the Army of the Cherokee Nation, mileage was given from each post to the Cherokee Agency in Calhoun, Tennessee. Fort Payne was listed as near Rawlingsville, 101 miles from the agency (NARA RG393 M1475 R1 Fr0256).

It should also be noted that Wills Valley was the army's headquarters for the Western District of Cherokee Removal, further adding to the confusion of the location of the different removal facilities. Lieutenant J. Mackay wrote General Scott on 4 and 5 July 1838 from "Head

Quarters Western District CN [Cherokee Nation] Wills Valley (NARA RG393 M1475 R1 Fr908-909, 919-920).

Rawlingsville (See Figure 7.4) was one of the earliest Removal facilities identified in this study. On 15 January 1837, A.S. Lenoir, who was stationed at New Echota in Calhoun, Georgia, wrote his father that “Blount & F.A. Welcker talk of starting this morning to Rawlingsville, Ala. to which place Blount is ordered to attend to business in [the] future” (UTHL LFP MS16 SIII B1 F2).

Captain M.M. Payne wrote a letter from Rawlingsville on 23 October 1837 to Captain Thomas J. Rogers naming him assistant quartermaster and commissary at Fort Payne for the Alabama Volunteers, who had mustered into service on that day. The volunteers were to serve for twelve months unless discharged sooner. Captain Rogers was to enter his duties with Captain J.H. Rogers, who was stationed near Rawlingsville (NA RQG RG92 E352 Box 2).

Colonel Thomas J. Hindman wrote Dr. John Young from Rawlingsville on 26 October that when he enrolled as a collecting agent of Cherokee emigrants it was to profit from the removal through the use of his wagons and teams, but that “....since entering said service, so far as I am capable of judging, the prospect of the Cherokees removing for some time is quite gloomy....” (NA RQG RG92 E352 Box 2).

There were already emigrants at Rawlingsville in late 1837. Dr. Clark Lillybridge, one of the physicians assigned to the post, purchased a number of medicinal items from W.W. Macfarlane on 7 December 1837 and in January of 1838 he signed a statement for the medicine verifying that “....the Articles were purchased for, and were indispensably necessary for the sick at Cher. Post No. 4 near Rawlingsville, Ala. & I am accountable for the same.” Among the items purchased were castor oil, cayenne pepper, British oil, sweet oil, castile soap, and bees wax (NARA RG 217, General Accounting Office, Treasury Department, Second Auditor, Indian Accounts, 1817-1922, Edward Dees File). According to Dr. Lillybridge, Rawlingsville was designated as Post Number 4, which is the only instance found in this study where a post was assigned a number. By 31 October 1837 the post had 90 muskets and 90 sets of accoutrements on hand (UNCL CHC, Series 1.3, August-December 1837).

Colonel Hindman wrote from Rawlingsville to Lieutenant Hetzel at Fort Cass on 4 January 1838 that since there was no employment for his wagons and teams he would be glad to be employed in his service there (NA RQG RG92 E352 Box 3).

The encampment at Rawlingsville contained substantial housing for the Indians. Sixty five log cabins were constructed for the emigrants at Rawlingsville in early 1838. These cabins were no doubt constructed as an incentive for the Indians to come in voluntarily to the encampment (NARA RG393 M1475 R1 Fr715-717, 709-711). One of the builders of the cabins was an Indian by the name of Buffalo, who was compensated in February of 1838 for “....labour performed in building a cabin at the Indian Camp near Rawlingsville, Ala. for the use of Cherokee emigrants.” Dr. Young, who was assistant superintendent of Cherokee Removal, and a physician, certified that the work had been done (NARA RG217 General Accounting Office, Treasury Department, Second Auditor, Indian Accounts 1817-1922, Edward Deas File) [NARA RG217 GAO EDF]. Log cabins were also provided for the emigrants at Ross’s Landing (NARA RG393 M1475 R1 Fr1128-1131).

Dr. Young already had experience with the Removal, as he led a detachment of 466 emigrants, including Major Ridge and his family, which departed on steamboats from Ross’s Landing 3 March 1837. Dr. Lillybridge was also present on this early trip, as was Dr. Samuel Doak (Foreman 1931:232-245).

Dr. Young wrote Colonel Lindsey on 24 June 1838 that the 150 Cherokees at Gunter's Landing should be moved to "...the vicinity of Fort Payne, say Rawlingsville, where there is a camp of 65 or so houses built by the Indian Department and at present occupied by 500 Indians who desire to remain there...." (NARA RG393 M1475 R1 Fr715-717).

Rawlingsville also had its own supply of ordnance. Lieutenant C.L. Howe turned over to Lieutenant Abner R. Hetzel, quartermaster, a number of arms and ammunition on 17 October 1837. The invoice sent with the items accounted for the minutest items, including the number of screws:

90 muskets complete, 90 screwdrivers, 90 wipers, 90 leads for flints, 7 ball screws...90 cartridge boxes, 90 cartridge box belts, black; 90 bayonet scabbards; 90 scabbard belts, black; 90 belt plates; 90 brush & picks; 90 musket slings, and 300 musket flints" (NARA RG393 M1475 R1 Fr030-031).

Like most of the other posts, some of the Indians were transferred to and from Rawlingsville. On 4 March 1838, 90 Indians from Rawlingsville were moved to Bellefonte in Jackson County, some 27 miles away (NARA RG217 GAO EDF). The reason for this transfer is not known, but it may have been to allow the emigrants to board a steamboat at Bellefonte on the Tennessee River.

Colonel William Law wrote Colonel W.J. Worth on 30 June 1838 that he had ordered 270 Cherokee fugitives at Gunter's Landing to Ross's Landing unless facilities could be secured for them at Rawlingsville (NARA RG393 M1475 R1 Fr811-812).

Regular army and state militia troops also came and went from Rawlingsville. E. Jones wrote Governor Bagby from Rawlingsville on 13 April 1838 that he understood that Colonel Lindsey was raising companies of volunteers to serve in the Cherokee Country or Florida, and that he could raise a company. Samuel M. Baird was at "Rollinsville" on 17 April 1838 when he also wrote Governor Bagby that he and his company of Alabama volunteers had arrived there from service in Florida and offered to assist in raising one or two companies after they arrived at their homes in the Paint Rock Valley, Madison County (ADAH GBP SGO 24883 R8). It is natural that some of the soldiers left their posts because of sickness or other reasons. On 8 July 1838, Second Lieutenant A. C. Jones wrote Lieutenant R. Anderson that he was requesting a leave of absence for 60 days so that he could be with his sick father at home (NARA RG393 M1475 R1 Fr0958).

Colonel Lindsey's letter of 24 June 1838 to General Scott is a good insight into the status of Removal in Alabama. He stated:

[Captain J.H.] Rogers had brought up to me eight or ten chiefs of 500 Cherokees whom he has collected & now has embodied at his fort at Rawlingsville, Wills Valley. The state of Alabama Indians is this, 350 were brought in in the first instance [June 1], 340 two days since by [Captain T.M.] Likens & [Captain] Rogers reports 500 now at his camp, making in all 1190. It was believed by me that there were 1500 Indians in Ala., but some 300 went off by voluntary emigration, leaving 1200. I think I could safely say that there are not 200 Indians out in Ala., but I can certainly assert that if there should be, one weeks operation with the troops will gather the entire remainder. Under these circumstances, the 500 collected by [Captain] Rogers, have, thro their chiefs, whose names are

signed by the accompanying paper, proffered a petition to me that they should be permitted to remain at their encampment near Rawlingsville, upon a pledge given by their chiefs, as respectable as any in the nation, that their people shall conduct themselves with propriety & shall surrender themselves for emigration on the 1st of Septr., or at any other time when called for. They allege that their valley is healthy & their families now extensively afflicted with the measles that they do not wish to move. That they do not wish to trouble us with complaints or petitions & that they submit willingly [?] and cheerfully to any orders that may be issued....(NARA RG393 M1475 R1 Fr709-711).

George Lowery, second principal chief of the Cherokees, lived not far from Rawlingsville, according to John LaTourette's map of 1837, and may have been at the encampment there, although a person of his stature could have been allowed to stay at his home until removal. In a letter of 24 June 1838 to Colonel Lindsey, he intimated that the camp where he and 500 other Cherokees were being held was at or near Rawlingsville. The letter, signed by five other headmen, also reveals that the Cherokees were being treated well:

The undersigned chiefs and head men of the Cherokees for the _____ represent that they together five hundred of their people have by your orders been collected at Fort Payne Alabama and that they were assembled and brought together under your mandate without Difficulty to your officers and with kind & peaceable _____ towards [their ?] white brethren. The undersigned have learned that an _____ has been granted to their people to remain until 1st Sept and earnestly desire that they may be availed of the advantages of this leniency _____ so charitably & _____ to them by being permitted to remain at their camp near Fort Payne (author's italics). They pledge to themselves to maintain & not leave their positions and be ready & subject to the determination & wishes of the Government of the United States in relations to them this 1st September. The undersigned chiefs & head men hereby pledge themselves for the good conduct of their people assembled with them all under the most solemn pledge for the _____ of their own people they only wish they may be protected from _____ from the white population. The undersigned take occasion to express their satisfaction at the kind treatment they have received from Capt. [J.H.] Rogers the Commander at Ft. Payne and their willingness to remain under his supervision. To grant the above request would save the undersigned and the people they represent from much hardship and exposure and the loss of much property whilst the additional expense of subsisting them where they are would be

Most respectfully
George Lowrey, 2nd pl chief
Jno Benge, Judge S Court
Archy Campbell, counselor
Money Cryer, counselor
Mush

George C. Lowrey (NARA RG393 M1475 R1
Fr712-714)

Colonel Lindsey thought it best to leave the emigrants at their encampment at Rawlingsville as there had been talk of transferring them to Ross's Landing. In a 24 June 1838 letter to General Winfield Scott, Colonel Lindsey also recapped removal activities in Alabama.

The bearer of this letter Capt. [J.H.] Rogers of the Ala. Vols. is an officer of the highest merit & perhaps you may have heard one name him in conversation as standing on the same platform with Capt. Morrow. Rogers has brought up to me eight or ten chiefs of 500 Cherokees whom [he?] has collected & now has embodied at his post at Rawlingsville [author's italics] Wills Valley. The state of Alabama is this, 350 were brought in in the first instance [first of June], 340 two days since by [Captain Thomas M.] Likens and [Captain J.H.] Rogers reports 500 now at his camp; making in all 1190. It was believed by me that there were 1500 Indians in Ala., but some 300 went off by voluntary emigration, leaving 1200. I think I could safely say that there are not 200 Indians out in Ala., but I can certainly assert that if there should be, one weeks operation with the troops will gather the entire remainder. Under these circumstances, the 500 collected by Rogers, have, thro their chiefs, whose names are signed by the accompanying paper, proffered a petition to me that they should be permitted to remain at their encampment near Rawlingsville, upon a pledge to be given by their chiefs, as respectable as any in the nation, that their people shall conduct themselves with propriety & shall surrender themselves for emigration on the 1st of Sepr. or at any other time when called for. They allege that their valley is healthy & their families now extensively afflicted with the measles that they do not wish to move. They do not wish to trouble us with complaints or petitions & they submit willingly and cheerfully to any orders that may be issued....Dr. [John S.] Young had erected a considerable number of good cabins for the shelter of volunteer emigrants in which they are comfortably situated. I cannot but believe that they are better off there than they could be elsewhere in the nation. I informed them that I had been ordered by you to collect all the Cherokees at Ross's Landing & the Agency, that it is not in my power to grant their petition _____ you, but that I would make their wishes known, for which purpose I would send up Capt. Rogers to you, together with [George] Lowery one of the petitioners, further I would pledge myself for the character of George Lowery, John Bengé & some of the petitioners that they could not be induced to commit a breach of faith. I trust you will find yourself at liberty to grant the petition of these people as I feel _____ will unless consideration of expediency should present strong objections to obeying the suggestions of humanity.....(NARA RG393 M1475 R1 Fr709-714).

Another letter was sent on 24 June 1838 pertaining to Rawlingsville. Dr. Young, conductor and assistant superintendent of Cherokee emigration wrote Colonel Lindsey at Ross's Landing that:

....To continue the Indians and collect additional numbers at Gunters Landing would be subjecting them to much expense....whilst they could have at Rawlingsville a healthy location....Would it not be well for you to [have?] Capt. [John] Page to order Col Massey to Rawlingsville with the Indian stores from Gunters Landing...." (NARA RG393 M1457 R1 Fr715-717).

Colonel Lindsey was in Wills Valley in early July of 1838 on his way to Rawlingsville when he became ill. Lieutenant P. Mackey wrote General Scott on 4 July 1838 that:

Colonel Lindsey has been detained here with a violent attack of disease which renders him unable to write and he desires me to address you and say, that he has received your communications of the 26th and 29th June....He has availed himself of your permission to keep up a depot at Fort Payne and requests that an agent of the emigrating Dept. may be sent there. He has directed part of the Regular force under his command to take post at Red Clay, Cleveland, and Fort Payne...(NARA RG393 M1475 R1 Fr908-909).

Lieutenant Mackay wrote General Scott again the next day to update him on the condition of Colonel Lindsey:

I have the honor to say, by direction of Colonel Lindsey, that he is still unable to write you himself but is better today and has been able to travel in a barouche (a four wheeled carriage with a fold-up hood) eight miles nearer to Fort Payne, and hopes to get to Rawlingsville tomorrow....(NARA RG393 M1475 R1 Fr918-920).

Captain Rogers wrote W.A. Lenoir, assistant quartermaster, 17 July and said he was forwarding to him several wagon teams to his post and for him to send all the flour and bacon he had in his possession to the Indian agent at Rawlingsville (UTHL LFP MS16 SIII B1 F18).

The emigrants remained at their encampments through the summer and did not depart for their new homes in the west until late September and early October. John Bengé, who would lead the detachment, wrote Principal Chief John Ross from Wills Valley on 29 September 1838, complaining of the poor condition of his detachment:

Sir

We find on examination of the conditions of this detachment of Cherokees collected at this place for emigration that many of them, say at least two thirds are in a destitute condition and in want of shoes clothing and blankets. We were informed on the 28th Inst. by the Commanding officers at Fort Payne, that this Detachment must move by the first day of October and that the Issuing Agent would be instructed not to issue rations after that time unless some extraordinary circumstances should justify their continuing here after that time; in consequence of this information we have this day started fifteen waggons with Three Hundred

and five persons and we will probably start twenty more tomorrow and shall continue our best exertions until the whole detachment is underway. We would suggest the propriety and urge the necessity of your forwarding shoes, blankets and such other clothing as is provided for other parties of emigrating to meet us on the road near Huntsville or furnish us the necessary funds to purchase them at that place. The Detachment consist of One Thousand and Ninety Person and three families yet to come. We only have Eighty three Tents.... Mr. Colborn the Contractor has offered to procure the Necessary Supply of Tents at Huntsville if you will instruct [him] to do so the same can be made by the same person who made those we have already received and they can probably be in readiness by the time the Detachment will reach that point. We wish you to forward us such written instructions as we are to be governed by in the discharge of the duties assigned to us. The Wagon Master also wishes written instructions. He also requests that he may have the privilege of Sixty Waggon for the detachment as there is not the requisite number of Saddle Horses. We must also request that funds should be speedily forwarded for the use of the detachment all of which we respectfully submit for your consideration.

We remain yrs respectfully
 John Benge—his X mark
 George C. Lowry
 George Lowrey
 (GM JRP F #449-4026.659)

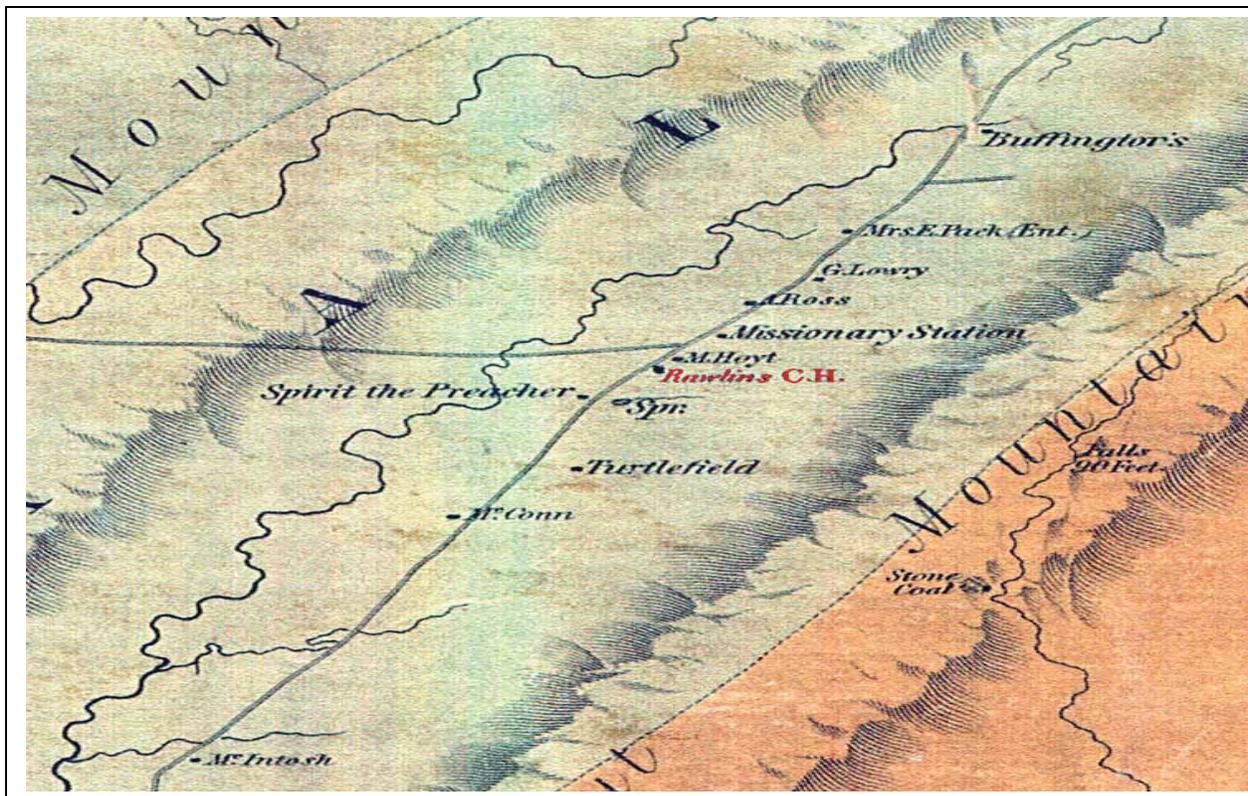


Figure 7.4. Detail of Rawlins Court House, LaTourette Map, 1837.

Rawlingsville was the county seat of DeKalb County during the time of removal (Acts of Alabama 1836: 170-171). See Figure 7.4. All that remains to identify the former historic site are two springs that would have provided an ample water supply for the Indians, and a small plaque erected by the Colonial Dames of America at 408 Crystal Lake Road. It reads:

RAWLINGSVILLE
Second County Seat
DeKalb County, Alabama
Jan. 20, 1837—Oct. 23, 1839
Cherokee Chapter
National Society Colonial Dames XVII Century

The town takes its name from Rezin Rawlings, an early enterprising settler in DeKalb County. He was involved in compiling the Cherokee Census of 1835, and was one of the commissioners who decided on what places would be voted on for the location of a county seat. Act 23, which called for an election to decide where the county seat would be, lists him as “Reason Rollins” (Acts of Alabama 1836: 38). Rawlings was also actively involved in the removal, beginning with the valuation of Cherokee improvements preparatory to removal. He and G.S. Massay were employed as valuers as early as 1836 (NA RG 75 Entry #224, Property Valuations 1835-1839, Rawlings and Massay). He was also employed 8 September 1837 to help collect the Indians for removal and was paid \$2.50 a day for his efforts. His employment was terminated on 5 April 1838 (United States Congressional Set S. Doc. No. 277, 25th Cong., 3rd Session 1838). When a dispute arose over the amount of corn delivered to one of the posts by Colonel Hindman, Rawlings was called on to measure the size of the Hindman’s wagons. Colonel Hindman called Rawlings one “whose character for honesty stands unimpeachable” (NA RQG RG92 E352 Box 2).

No evidence was found that any archaeological investigation has been conducted at Rawlingsville to locate the emigration camp. An abandoned farm is located adjacent to one of the two springs in the area and should be investigated for possible evidence of the encampment and its 65 log cabins.

Camp Morrow

Captain James Morrow was commander of a company of East Tennessee volunteers near Gunter’s Landing in early March 1837. He was stationed at a cantonment (temporary base without fortifications) about three miles north of the Tennessee River from Gunter’s Landing either at or near Claysville, then the county seat of Marshall (NARA RG393 M1475 R1 Fr013-014; ASPMA Vol. VII:534; Guntersville Democrat, 1 March 1883).¹

Captain Morrow had been with Brigadier General Wool, the army’s first commander of the removal, since the beginning of the campaign. General Wool described his captain as “an intelligent, discreet, and vigilant officer,” and sent him in 1836 to reconnoiter the Cherokee Nation. Captain Morrow was ordered by General Wool to assist the local sheriff in the settlement of John Gunter’s will in June of 1837, which tragically ended in bloodshed (ASPMA Vol. VII:534, 547, 564). While the event led to the resignation of General Wool and the animosity of Alabama’s governor toward the army’s intervention, the people of Claysville were fond of Captain Morrow and his troops and invited them all to a public dinner:

Claysville, Marshall County, Alabama, June 21, 1837

Dear Sir: At a large and respectable meeting of the citizens of Claysville, it was unanimously resolved that the undersigned should be appointed a committee to invite you to partake of a public dinner at this place, at any time you should be pleased to select, as a token of their friendly feeling towards yourself, and of their esteem for your conduct in the discharge of the important official duties of your station. It was also further resolved that the members and officers of your corps be also respectfully invited to accompany you. In pursuance of the pleasing duty thus assigned us, we beg leave to tender you the invitation of your fellow-citizens, and add the assurance of our individual esteem.

D.S. Dickinson
John S. Goforth
A.C. Beard
A.H. MacFarlane
W.P. MacFarlane

(ADAH GBP SGO 24883 R8)

By June of 1838 the cantonment had become Camp Morrow and housed Cherokees awaiting transfer to other posts. Colonel William Law wrote Colonel W.J. Worth on 30 June 1838:

I found at Camp Morrow Gunter's Landing 270 Indians of which 117 belonged to the neighborhood & 154 were fugitives from the Flat Boats at Tuscumbia & retaken by Capt. _____ Ala. Vols. I have ordered the entire party to Ross Landing unless the Major Gen. Com. should establish a camp at or near Rawlingsville. They go via Rawlingsville [to Ross's Landing]. I believe that there is not an Indian in Ala. not collected, accounted for as Gunter's Landing is too distant to constitute a part of the line of Indian encampments. I have broken it up as a depot (NARA RG393 M1475 R1 Fr811-812).

Among those being held at Camp Morrow were nine members of the Gunter family. Included in this group were Samuel Gunter (the eldest son of John Gunter) and his wife, and their son, George Washington Gunter and his wife, Eliza Nave Gunter (See Figure 7.5 and Figure 7.6). Along with the Gunters, there were twenty-nine of their slaves. Also included in the assemblage were thirty-three horses. When the camp closed they were allowed to remain in the area, which was close to their homes, while all of the remaining Indians were sent to other posts. The Gunter family and their slaves then went to Fort Payne in late September where they joined the Benge Detachment. After the removal, George Washington Gunter filed a claim with the federal government for subsistence allowance while outside the camp. Testimony in the trial contains useful information about the Gunters, Camp Morrow, and the legal system (NA BIA RG75 E250 Claim Papers 1846-1847, G.W. Gunter Subsistence in Camp) [NA BIA RG75 E250].

On 2 August 1842, litigation began to determine if Gunter was eligible for \$1,465.28 in subsistence for his family, the slaves, and horses. Gunter testified that from 14 July to 28 September he and 38 persons were in camp and not supported by the government during this time. Gunter asked for 2,888 rations at 16 cents per ration for the 38 people, and 2,508 rations at

40 cents per ration for the horses. This reveals a sad fact—the government was spending more on rations for horses than the Cherokees (NA BIA RG75 E250).

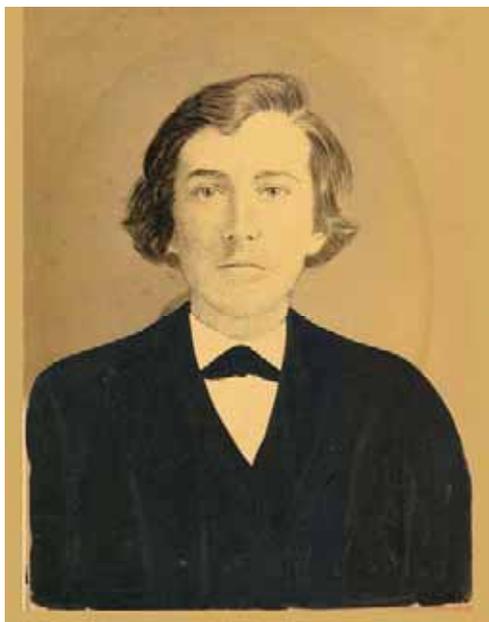


Figure 7.5. and 7.6. George Washington Gunter and Eliza Nave Gunter
By permission of the Guntersville Historical Society, Jerry Gunter Collection

Archibald Campbell, a respected member of the Cherokee Council, testified on 2 May 1843 that he lived near Gunter and that Gunter “...was a respectable and honorable man whose testimony is entitled to the highest respect.” Campbell’s testimony was certified by John Ross, principal chief of the Cherokees, whose niece, Eliza Nave, was married to Gunter (National Archive (NA), Bureau of Indian Affairs (BIA), Record Group (RG75), Entry (E) 250; personal correspondence with Jerry Gunter).

Joseph B. Tate testified in Washington, D.C. on behalf of Gunter on 5 August 1845:

That he has been intimately acquainted with George W. Gunter, the claimant, above named, since boyhood, twenty or twenty-five years ago. That he (deponent) resided within six miles of Gunter’s Landing in the Cherokee Nation, State of Alabama [at the] home of Edward Gunter. Deponent lived on north side of Tennessee River within the limits of the state. Gunter lived in Cherokee Nation. He knows that George W. Gunter, the claimant, was taken into camp with other Cherokees in the year 1838 and there remained some time before they were removed to Arkansas. Samuel Gunter (father of claimant) family were in camp at same time. He (deponent) has seen the account of G.W. Gunter for subsistence of thirty-eight persons, seventy-six days and he has every reason to

believe from actual observation and _____ report that it is correct. Samuel Gunter, the father of George W., died after they were taken into camp and as I understand the whole burden of supporting the family fell upon the latter who was the only son of deceased.

Deponent further testifies that at the time George W. Gunter subsisted the family of himself and father, he had been released from camp and thrown on his own resources by the US Government. They all lived within two miles of Gunter's Landing until they embarked for the Cherokee Nation West.

Deponent further declares that he cannot speak positive as to the number of horses foraged by Gunter but that the family was one of the wealthiest and most respectable in the Cherokee Nation and they had a very large stock of horses and cattle. Samuel Gunter was one of the Delegates at the _____ of government with Mr. [John] Ross in the year 1838 for the purpose of making an arrangement for the removal of the Cherokees (NA BIA RG75 E250).

While Tate's testimony contained at least one error—the Gunters were removed to Indian Territory (Oklahoma), not Arkansas—he revealed valuable information about the Gunter family, including the fact that George Washington Gunter's father, Samuel, died while being held at Camp Morrow.

Other testimony and letters of inquiry followed, providing more information on the Gunters and Camp Morrow. On 9 August, Gunter wrote his attorneys in Washington and asked them to inquire at the Office of Indian Affairs to verify that he and his family were taken to the camp in June. He also said "The detachment that I removed in was Capt. John Benge's detachment." Gunter's lawyers submitted a claim for \$1,465.28 on 30 December 1836 to the "Commissioners to Adjudicate Claims Arising Under the Treaty of 1835." They argued that the abandonment of the Gunters in July of 1838 was a violation of the Treaty, and that the charges claimed for rations and forage were the same as paid the other Cherokees. Their attorneys also stated that the Gunters subsisted on their own until 28 September, when they were enrolled in another detachment and started for their new home (NA BIA RG75 E250). Ironically, if the Gunters joined the Benge Detachment on 28 September, they would have almost immediately turned around and returned back to where they left. The Benge Detachment left Wills Valley by 4 October, headed for Gunter's Landing (NARA RG393 M1475 R2 Fr370-371).

John D. Clark testified on 5 August 1845 that he was living in the Cherokee Nation East of the Tennessee River in 1838 when the troops in the service of the United States were collecting the Cherokees and ejecting them from their homes and country. He testified that Gunter was "...forcibly taken with his family together with his father's family (Samuel Gunter now deceased) out of their homes and taken to Camp Morrow, about twenty miles off and after being kept there about ten days, Col. [William] Lindsey came down from the Cherokee Agency and removed all the Cherokees from that place to Fort Payne in Wills Valley about fifty miles off..." Clark went on to testify that he and his family and two or three other families were not taken at that time to Fort Payne because they were sick and could not be moved. They were "...left destitute of any means to subsist..." Clark then said the group joined Captain Benge's detachment on 10 October (NA BIA RG75 E250).

Clark’s statement that the Gunters and others were taken to Camp Morrow twenty miles away is in error, possibly made during recording of his testimony. His estimation that they were then transferred to Fort Payne “...about fifty miles off...” is, however, accurate.

Despite Gunter’s efforts and what appeared to be substantial evidence that his claim was justified, it was rejected on 18 March 1847 (NARA BIA RG75 E250 Claim 766).¹

Fort Payne

Historical records confirm the existence of Fort Payne, but its exact location and type of facilities it contained is unclear. In 1839, less than a year after the fort closed, Alexander M. White surveyed the area for the State of Alabama. His field notes from the survey place the fort within the SE ¼ of Section 7, Township 7 South, Range 9 East. He made the notation in his notes that “Fort Payne stands on the southeast quarter of this section.”² This narrows the location of the fort to one quarter of a section, or 160 acres.

Local Fort Payne historians have placed the site of the fort near a large spring that later became the water supply for the city (See Figure 7.7). This site falls within the 160 acres described by White. Located off Godfrey Avenue near the southern end of the city, the post was said to have contained a stockade (Howard 1971:10).

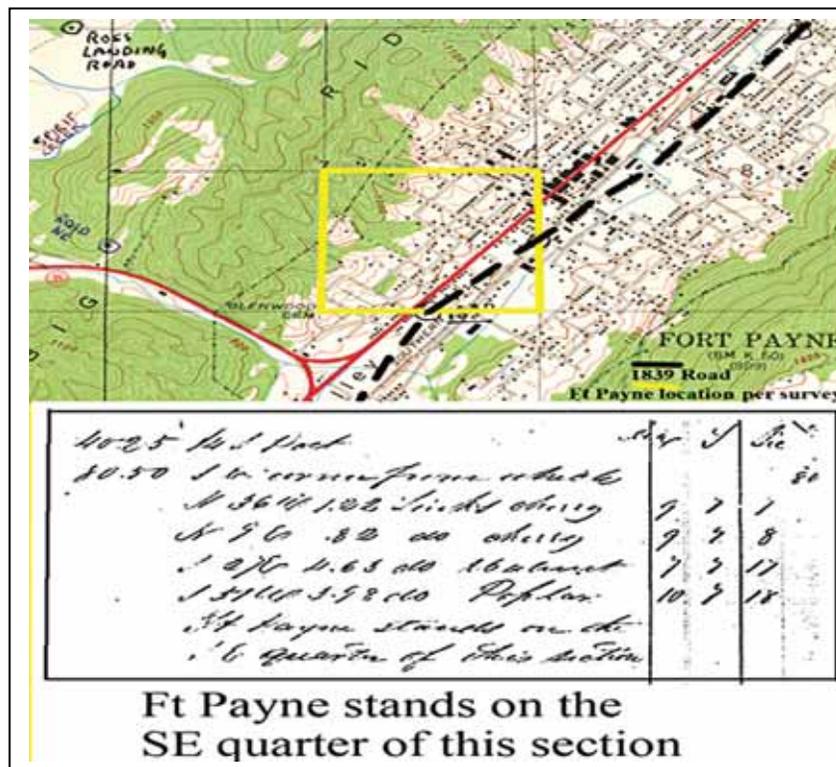


Figure 7.7. Map and 1839 survey notes showing site of Fort Payne. The 1839 field notes contained this entry confirming that Fort Payne was located in the SE 1/4 of Section 7. Fort Payne quadrangle 1946 revised 1983. Format by Lamar Marshall.

There are different versions of who the town is named for. One account says it was named for an Indian warrior (Young 1980:24). Marie Bankhead Owen, in her *History of Alabama, A History of the State*, said it was named “...for an Indian trader by the name of Payne, who had a trading post and ‘fort’ at the Spring there” (Owen 1949:420).

The most likely origin of the town’s name is Captain John G. Payne, an officer of the Alabama volunteers stationed at the post (See Figure 7.8).

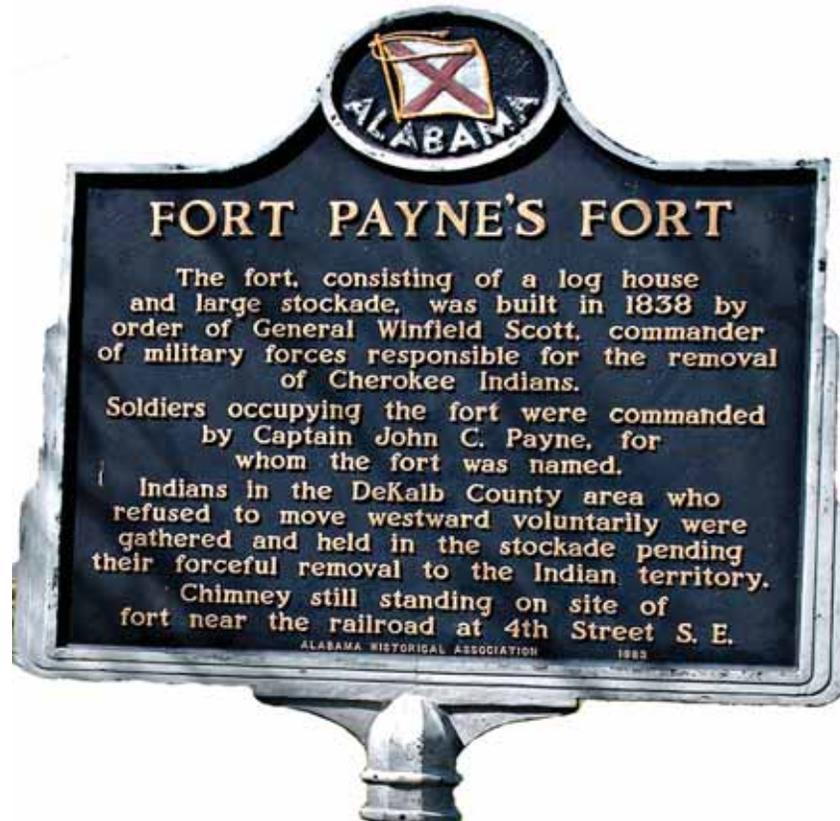


Figure 7.8.

Photo by Larry Smith.

A story in a publication of the DeKalb County Historical Society credits the naming of the town to Captain Payne:

Under [General Winfield] Scott’s orders, troops were dispatched to various points throughout the Cherokee country, and stockade forts were erected for gathering in and holding the Indians preparatory to removal. Captain John Payne was sent to the present site of Fort Payne where a stockade was erected near a large spring on a lot later occupied by the city water plant in the southern part of Fort Payne. The fort was named in honor of its commander (Howard 1971:10).

An article in the DeKalb Legend also tells of Captain Payne coming to the area:

Captain John Payne came to Willstown and built the fort, a large one-room building of rough hewn logs (See Figure 7.9). It had a large fireplace where food for the soldiers could be cooked in Dutch ovens. A hatch, located in front of the fireplace, led to a circular cellar. Built to hold Indians, this cellar had no windows and no passage-ways for air. A stockade was constructed next to the big ditch, where a large number of Indians could be kept before being marched westward. None of the stockade was still standing during Mrs. [Polly] Glidden's memory but she often heard the older people use the expression "down by the stockade...." (Howard 1977-1978:30).

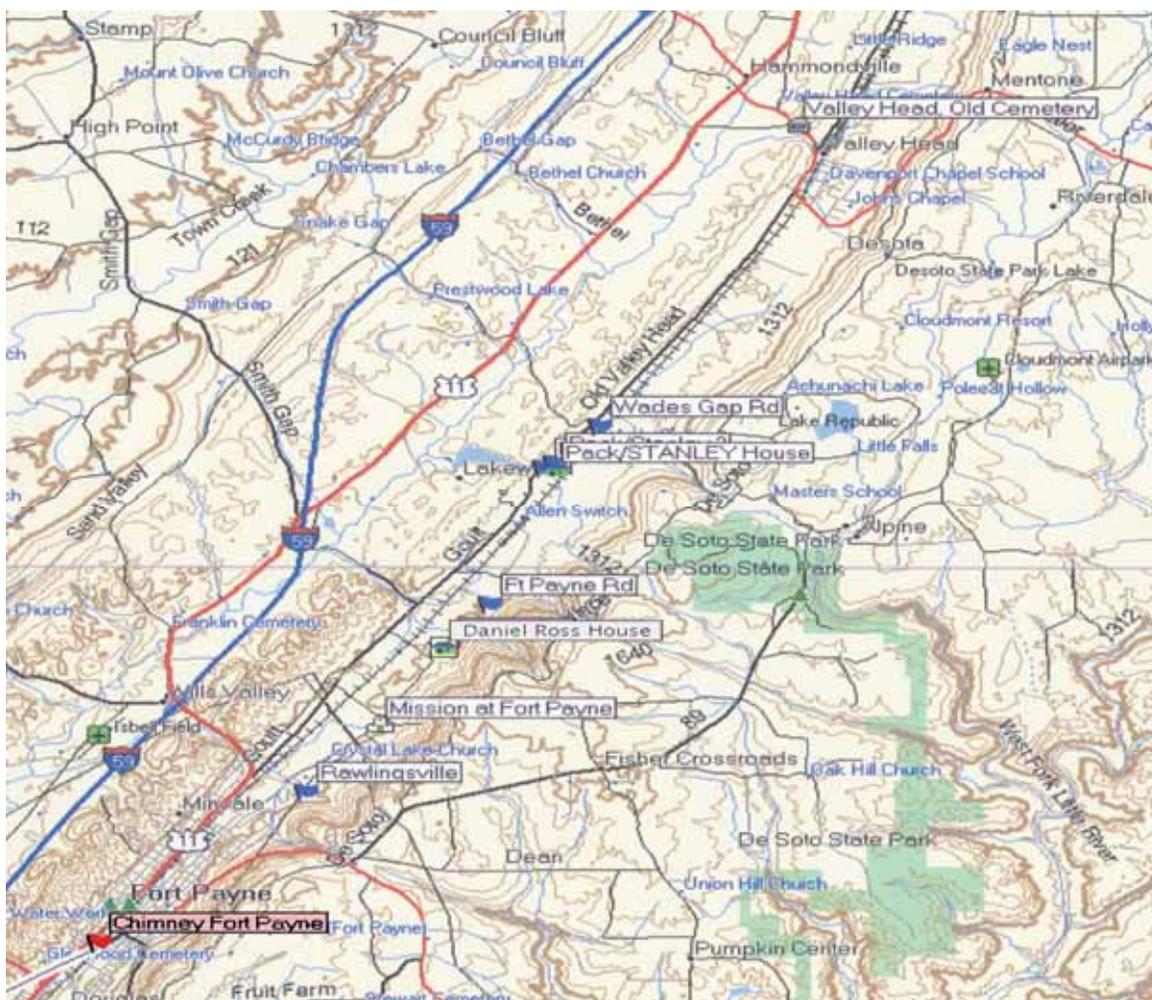


Figure 7.9. Map showing location of chimney associated with Fort Payne, as well as Rawlingsville, Willstown Mission, the home of Daniel Ross (Cherokee Plantation), Elizabeth Pack home (Rose Hill) and the cemetery on the old 1838 road bed near Valley Head. GPS points and map work by Marty King.

While no primary source material was found verifying Captain John Payne's service in removal of the Indians from Wills Valley, another article in The DeKalb Legend is explicit about

his record and date of commission: "Captain John G. Payne, commissioned on October 21, 1836, in the 3rd Division, 6th Brigade, 64th Alabama Regiment, was appointed as an agent for removal of Cherokee Indians in 1838" (Howard 1979-1980: 20-21).

The Index to Compiled Service Records of Volunteer Soldiers Who Served During the Cherokee Removal in Organizations From the State of Alabama, compiled in 1957 by the National Archives, does not list a Captain John G. Payne, but the list is incomplete (ADAH GBP M234 R1). A historical marker (See Figure 7.10) erected in 1998 by the Alabama Indian Affairs Commission states the fort was built by Captain James H. Rogers on a site chosen by Captain John G. Payne.

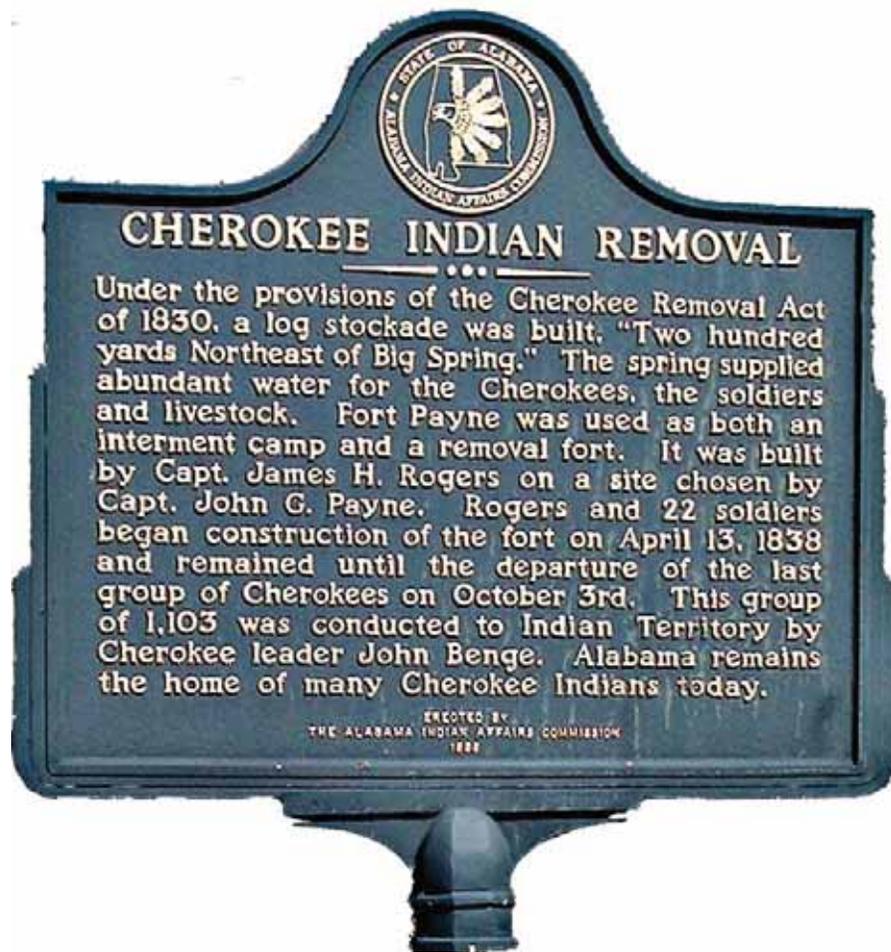


Figure 7.10.

Photo by Larry Smith

The log cabin (See Figure 7.11) alluded to was torn down in 1946, but the chimney remains and is owned by DeKalb County Landmarks, Inc. The University of Alabama Office of Archaeological Research conducted a survey of the cabin site and excavated three test units in July of 1984. The site yielded some artifacts associated with historic era occupation and others associated with aboriginal occupation. Some of the ceramic material recovered are typical of utilitarian wares of the 1830's and could be associated with removal activities. No evidence of a cellar large enough to hold the emigrants was found (Mistovich 1984:38-40).



Figure 7.11. House located at the Removal Fort of 1838. Only the chimney Remains today. Military officers may have used this log cabin for removal operations.

The construction of a log house at Fort Payne for the army's use during removal would not have been unreasonable, as 65 cabins were built at nearby Rawlingsville for the emigrants there (NARA RG393 M1475 R1 Fr715-717). The log cabin near the fort could have also pre-existed. John LaTourette's map of 1837 depicts a house belonging to Spirit the Preacher, also known as John Huss, in this immediate vicinity. Huss's valuation, performed on 3 October 1836, lists a dwelling house 19 feet by 18 feet, which fits the foundation stones of the Landmarks cabin, but it was a two story building. He had another house 18 feet by 16 feet, and it was a story and a half structure (NA RG75 E224, Rawlings and Massey Valuations).

Historian John G. Chambers recorded that the stockade was a small structure and was named for Captain Payne (See Figure 7.12): "The small, 40 foot by 60 foot stockade was named for a staff officer in the service of Col. Robert Wayne, Capt. John G. Payne, whose responsibilities included selecting the 'proper' site for all of the temporary stockades" (Chambers 1997:48-49). Unfortunately Chambers' claim was not referenced.

No primary source evidence was found in this study proving that Fort Payne contained a stockade for holding the emigrants or that the log cabin was associated in any way with their removal. An article from an 1891 Fort Payne newspaper, does claim the fort had a temporary stockade. Colonel L.A. Dobbs wrote a series of articles for the Fort Payne Journal about various subjects, including the history of the county and the Cherokees who were removed. He interviewed a person who said he remembered the fort and its closing:

The valley which bore the name of one of the Cherokees' most renowned chiefs, Chief Red-haired Will" Webber, was prospering under white dominance. By January 1, 1839, all remnants of the almost flimsy, temporary stockade had vanished, remembered Henry Elijah Harris, who was a lad of twelve when the cavalry arrived and began work on the stockade by the village's big spring. Young, impressionable, Henry remembered clearly the large tents, the army wagons and the fine food cooked in huge iron pots suspended over roaring fires from sturdy fire dogs. Harris was deeply concerned by the departure of the Cherokees, many of whom had been his playmates....
(Fort Payne Journal 22 May 1891).

Historical records do show that the post existed as early as the fall of 1837 and was first called a cantonment, which was an open area with little facilities. By October of 1837 several hundred food rations were on hand at Cantonment Payne, according to an abstract of provisions. There were 90 men stationed at the post at this time under the command of Captain J. H. Rogers (UTHL LFP MS16 SIII B1 F17).

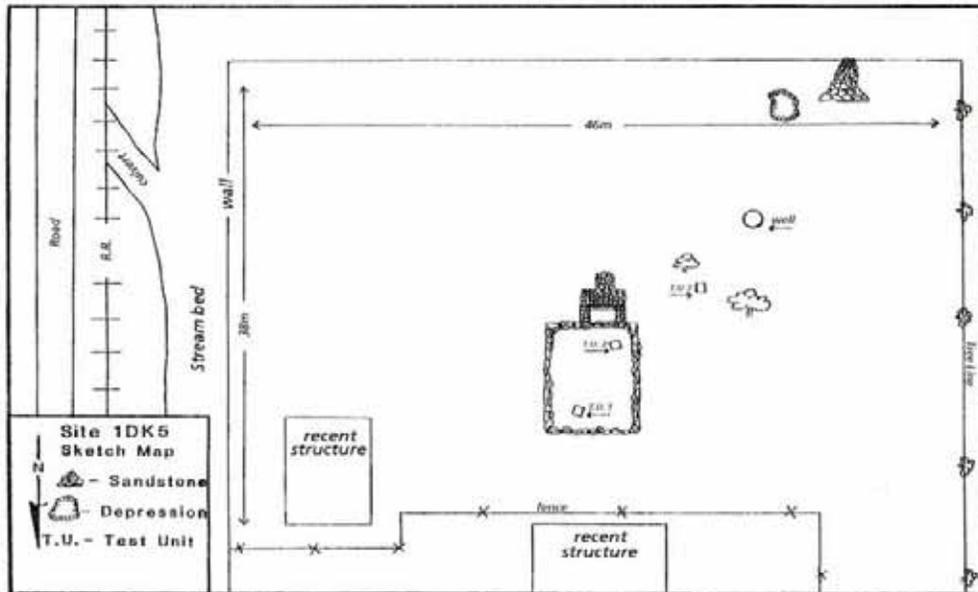


Figure 7. Sketch Map, Site 1DK5 (Fort Payne Stockade).

Figure 7.12. Site boundaries drawn in 1984. Tim S. Mistovich et al., University of Alabama.

Captain Thomas J. Rogers, the assistant commissary of subsistence, wrote from Cantonment Payne to Lieutenant Abner Hetzel, assistant quartermaster, 1 November 1837 that he was purchasing corn and fodder for the post. He said the horses were allowed eight quarts of corn and fourteen pounds of hay (or fodder) per day. There were ninety one soldiers stationed there at the time, including those in the hospital (NA RQG RG 92 E352 Box 2).

Another letter was sent from Cantonment Payne 23 November 1837 by Captain Rogers to Lieutenant Hetzel. He had little to report, except that the price of corn had taken a small rise since he last wrote: "...it is now selling at seventy five cents per bushel delivered" A week later Captain Rogers sent Lieutenant Hetzel his monthly report for November (NA RQG RG92 E352 Box 2).

Cantonment Payne had become Fort Payne by 10 December 1837. Captain Rogers wrote Lieutenant Hetzel:

I hereby forward you the account which you returned to me for correction, also a statement of the causes that led to the employment of the whole of Captain [J.H.] Rogers command during the months of October and November all of which I hope you will find in correct form. It was rather a difficult matter for me to determine what clause of Capt. R's orders would _____ his accounts. In the event I have selected the wrong one please inform me which is the correct one. If it is my duty to pay the officers for the transportation of their baggage please send me a form to make out their accounts by, and also the amount allowed (NA RQG RG 92 E352 Box 2).

The employment Captain Rogers referred to most likely had to do with the construction of more permanent facilities by the troops at Fort Payne.

In January of 1838 Lieutenant J. Mackay ordered seven posts in Georgia, North Carolina, Tennessee, and Alabama to be stocked with subsistence and forage provisions. Fort Payne was to receive the least number of these provisions, with 20,000 food rations and 5,000 bushels of corn. Fort Butler, near Murphy, North Carolina, was to receive the largest supply of provisions with 80,000 food rations and 20,000 bushels of corn (NA RQG RG92 E225 Folder 304 Consolidated Correspondence File).

A rift arose between Captain Rogers, the quartermaster, and Colonel Hindman, who sold supplies and provided wagons to the various removal posts. Captain Rogers wrote Colonel Hindman on 23 January 1838 that he had concluded not to pay him for some corn he had delivered that had not been properly checked when it arrived. This infuriated Colonel Hindman, who wrote Captain Rogers back from Rawlingsville on 25 January and said he had purchased the corn wholesale to sell to the army and paid for more than 12 bushels than he was credited as having. Captain Rogers then wrote Lieutenant Hetzel and explained the misunderstanding:

A gentleman from whom I purchased a small lot of corn has grown dissatisfied with the amount reported to be received at the Fort, and talks of suing me for the amount he pretends to have sent. The facts of the case are that he was to deliver at the camps, and the corn was to be measured by me. He sent the corn in my absence and the orderly sergeant received it and gave the Negro by whom it was

sent a receipt specifying the amt. I tendered the money in treasury notes which he refused. As I am _____ on subjects of this kind I concluded to ask your instructions. The difference between is small, but as it involves principles, I am not willing to yield (NA RQG RG92 E352 Box 3).

An inquiry was held by Preston Livingston, the justice of the peace, on 22 January to look into the matter, which evidently did not go in Colonel Hindman's favor. Colonel Hindman wrote Lieutenant Hetzel on 25 January about the misunderstanding but it apparently also did no good. Colonel Hindman wrote Lieutenant Hetzel again and stated he was in bad health and would return to his home in Jacksonville in a few days, and then to Walker County, Georgia (NA RQG RG92 E352 Box 3).

In his report to Lieutenant Hetzel on 28 February, Captain Rogers stated he had received and stored nearly three thousand bushels of corn and a small lot of fodder. The hospital is also mentioned again: "You will find three blankets in my account which were purchased for the hospital. I have also purchased some medicines, which I have not paid for" (NA RQG RG92 352 Hetzel Box 3).

Colonel Hindman then wrote a long, rambling letter on 5 March to Lieutenant Hetzel about what he had done since he last saw him:

Since I was at your place [Fort Cass, Tennessee] I have taken a tour of my residence in Jacksonville, Gunter's Landing, and back to this county [Walker County, Georgia] visiting on my way all the Indians I could conveniently see and am sorry to say I find them still opposed to emigration and from everything that now appears I have no doubt that force will have to be applied before they will come into the _____ of the Government (NA RQG RG92 E352 Box 3).

Colonel Hindman brought up the rift he encountered with Captain Rogers again in his 5 March letter to Lieutenant Hetzel, and complained about the way he was treated. He also asked Lieutenant Hetzel to keep him in mind if any companies from Benton County were formed and needed his wagon teams (RQG RG92 E352 Box 3).

Captain Rogers wrote Lieutenant Hetzel two letters on 6 March. One was simply to tell him he had forgotten to sign the first, and the second was to reiterate that he had acted properly in his dispute with Colonel Hindman (NA RQG RG92 E352 Box 3).

Few days passed without some type of correspondence from Captain Rogers to Lieutenant Hetzel and others. This inevitably led to a shortage of writing paper. On 11 March Captain Rogers wrote to Lieutenant Hetzel that "...should an opportunity offer please send me a ream of good letter paper ____ of good envelope paper and one hundred best quills" (NA RQG RG92 E352 Box 3).

On 30 March Captain Rogers wrote Lieutenant Hetzel that he was "...somewhat embarrassed on the account of not having funds sufficient to settle my accounts and will have a part of them unsettled until next quarter...." He also reported that William Lenoir was with him but would be leaving in a day or two for Gunter's Landing. Captain Rogers was also the disbursing agent for the post at Gunter's Landing, as he reported that "I have not as much money on hand as I think Mr. Lenoir should have but will give him all I can spare." Captain Rogers added that "...if you are still of the opinion he should purchase a wagon and express horses,

please inform me....The distance from Fort Payne to Cedar Bluff is twenty miles and is a passable road but rather rough (NA RQG RG92 E352 Box 3).

Captain Rogers was still short of funds on 3 April when he wrote Lieutenant Hetzel that he thought a few hundred dollars could be used at Fort Payne and also at Cedar Bluff as his funds were very low. "I would be glad how soon you could forward say fifteen hundred or two thousand dollars....This will at least give the persons who have claims, their claims" (NA RQG RG92 E352 Box 3).

There appears to have been no shortage of Alabama volunteers for the removal process, as Governor Bagby received letters from men wanting to join the military. Some wanted to form their own companies. Josiah Bagley wrote Governor Bagby from Camden in DeKalb County on 12 April 1838, offering his services. Although he lived in DeKalb County, Bagley, who described himself as "nothing but a plain farmer," said he could raise a company of men from Morgan County. Captain J.H. Rogers, who had been active in removal activities in Wills Valley, wrote Governor Bagby from Lynchburg (present Collinsville) on 15 March 1839 and offered his services for "the Florida service should a call be made on the State of Alabama for volunteers"(ADAH GBP SGO 24883 R8) Captain Rogers was relieved of his duties in Wills Valley in July of 1838 when he was mustered out of service at Fort Payne (NARA RG 393 M1475 R1 Fr851-853). S.C. Smith also wrote the Governor from Lynchburg in March of 1839 endorsing Captain Rogers as being a "...gentleman of undoubted integrity, and wide versed in military tactics...."Captain James Lamar wrote Governor Bagby from Lynchburg on 27 April 1838 advising him that he had been elected captain of a company of men formed for the Cherokee service (ADAH GBP SGO 24883 R8).

In a letter dated 14 April from Captain Rogers to Lieutenant Hetzel, he included information about some construction going on at Fort Payne. Though a few words are illegible, enough can be read to discern what was going on:

Capt Gant's company has been engaged in building an encampment_____ about 15 days, part of the time getting rails, part cutting timbers, building fence, digging up stumps_____ Nothing permanent for which he requires are to pay his men for extra service. Please give me such instruction as may be necessary to save trouble hereafter. The officers think that the men are entitled to draw whiskey while employed on extra duty. If so, please direct me in what way it would be issued (NA RQG RG92 E352 Box 3).

When General Scott assumed command of Cherokee removal in May of 1838, he issued Orders No. 25, dividing the area into three districts: Eastern, comprised of North Carolina, and parts of Tennessee and North Georgia, to be commanded by Brigadier General Eustis, or the officer of the highest rank; Middle, comprised of the State of Georgia, except the portions contained in two other districts, to be commanded by Brigadier General Armistead, or the highest officer in rank; and the Western District, comprised of the state of Alabama and portions of Georgia and Tennessee, to be commanded by Colonel William Lindsey, or the highest ranking officer. For the Western District, General Scott suggested Ross's Landing be the initial headquarters. (University of Georgia Libraries, Hargrett Rare Book and Manuscript Library, Captain Isaac Vincent Papers, Box MS617 Doc.1) [UGL HRBML Vincent Papers BMS617 D1] While the headquarters of the Western District may have initially been at Ross's Landing, they were changed to in Wills Valley. Lieutenant J. Mackay wrote letters to General Scott on the

fourth and fifth of July from “Head Quarters Western District C.N.” [Cherokee Nation] (NARA RG393 M1475 R1 Fr918-920; 918-920).

By 4 May 1838 supplies were increasing at Fort Payne, at least for the livestock, horses and mules. Captain Rogers reported to Lieutenant Hetzel that there were about six thousand bushels of corn there and another six or eight thousand bushels available within fifteen or twenty miles (NA RQG RG92 E352 Box 3). The Indians were to only be issued flour and bacon rations according to a letter from Captain Rogers to Lenoir on 30 May (UTHL LFP MS16 BIII F17).

Captain Rogers asked for permission from Lieutenant Hetzel to employ a Cherokee interpreter on 1 June 1838. More funds for the operation of the post were also requested from Lieutenant Hetzel. Captain Rogers wrote to Lieutenant Hetzel again on 9 June asking for more funds and said there had been two deaths in the camps there and asked for instructions relative to paying for funeral expenses (NA RQG RG92 E352 Box 3).

Horses belonging to the Cherokees at Fort Payne were being fed in the summer of 1838. Captain Rogers reported to Lieutenant Hetzel that he had “...been issuing forage to the herds belonging to the Indians.” Evidently this was the first time the quartermaster had allowed the Cherokees’ livestock to receive storage, for Captain Rogers stated he didn’t know how to report it on his abstract. Commanding officers were authorized to issue forage to “Indian horses and ponies” (NA RQG RG92 E352 Box 3).

By early July of 1838 there were 800 Indians at Fort Payne (NARA RG393 M1475 Fr918-920). Feeding this many emigrants and soldiers took a tremendous amount of food. There was plenty on hand, according to a subsistence report filed 1 July 1838 by F. Taylor. Among the items on hand were 10,000 rations of flour, 250,000 rations of corn, 15,000 rations of bacon, 32,000 rations of sugar, 36,000 rations of coffee, 6,000 rations of beans, 3,000 rations of vinegar, and 27,000 rations of salt. There were also 35,000 rations of soap for the army and 650 Indians being detained there at the time (NARA RG393 M1475 R1 Fr823-824). Horses and livestock also had to be fed. A report issued on 1 May 1838 stated that there were 6,000 bushels of corn on hand at Fort Payne and 550 bundles of fodder (NARA RG393 M1475 Fr0256).

By the summer of 1838 some of the posts were shut down. Lieutenant J. Mackay reported from Fort Payne on 8 July that he would go to the posts that had been abandoned and sell to the public all remaining property. Captain Rogers wrote Lieutenant Hetzel on 10 July asking for instructions on how the sale of the “public works” should be conducted (NA RQG RG92 E357). The post at Fort Payne, however, remained active. Reports were submitted monthly to the Commissioners of Cherokee Removal by physicians assigned to various detachments. Dr. Charles D. George, stationed in Fort Payne, stated in his July 1838 report that eleven Cherokees had died that month. Dysentery was by far the most common illness, perhaps caused by a change in their diet (NARA RG 393 M1475 R1 Fr1146-1149).

Captain John Page sent Lieutenant Mackay a report of the physicians employed in the Cherokee removal on 25 July 1838. The only physician he mentioned in Alabama was Dr. George at Fort Payne. He reported that each physician was furnished with an interpreter and there were commissaries at each post, adding that “...there is no end to the business that has to be done to keep up these different Depots. The wants and complaints of the Cherokees occupy all my time...” Captain Page’s report also states there were 900 Cherokees at Fort Payne in late July of 1838 (NA M234 R115).

Responding to Captain Page’s report, Dr. J.W. Lide, director of the physicians for Cherokee removal, stated that he believed his report to be “not very remote from the truth.” His

letter is reflective of the loose-knit way the way the Indians were being held, and the problems he had in getting them to take medication:

I beg leave further to remark, that when it is considered how scattered and dispersed are the family camps, within the limits of each general Encampment, extending thereby the bounds of each Physician's care, miles of distance. The repugnance of many of the Indians, (particularly the mountain Cherokees) to the use of Medicine, no matter how pressing the necessity....occasioned by the lack of the Indian language, making all the communications between the sick and the Physician of necessity mediate instead of direct....In addition to these causes of delay, and loss of time, the Physician finds it necessary in almost every instance, with the view of securing the adoption of his prescription to prepare and administer each dose of Medicine with his own hands (NA M234 R115)

C A Harris Esqr
Commr Indian Affairs
Washington City

A List of Physicians employed in the Cherokee Emigration

Name	Station	No Cher under charge
Dr. B. Cottle	Camp Ross	2,000
Dr. Elizur Butler	" "	"
Dr. A. M. Folger	East branch Mouse Creek (1 st encampment)	870
Dr. A. George	Fort Payne Ala	900
Dr. W. J. J. Morrow	Ross Landing	2,000
Dr. J. M. Kennedy	" "	"
Dr. J. Hunter	Agency Post	700
Dr. J. H. Hertzell	Rattle Snake Springs	600
Dr. S. H. Jordan	East branch Mouse Creek (2nd encampment)	1600
Dr. J. W. Netherland	" " " "	"
Dr. Madison Cox	Bedwells' Springs	900
Dr. A. W. Armstrong	Chees-too-ee	1300
Dr. J. W. Edrington	Ridge Encampment East of Agency	700
Dr. P. J. Edwards	Upper Cha-ta-te (number doubtful say)	600

Cher. Agency 26 July '38

Capt John Page USA
Prin Dist Agt & act Supt CE
Sir

The above List of attending Physicians, their stations, and the probably number of Cherokees under charge of each, is made out confirming to your request of yesterday in reference to it, I have the honor to remark, that, in annexing the number at the different Encampments entire precision and accuracy is not pretended. For I am not assure that the Census has been taken with decided certainty; and, even had it been, by frequent removals and

change of place, the number is made to fluctuate with almost every day. The above chart and description was compiled by Mike Wren.

Dr George Monthly Report for July 31, 1838
 Commissioner of Indian Affairs
 Commissioners Cher Removal
 Dr Young – Cher Delegation &c
 Cherokee Physicians

Monthly Report of the sick among the assembled Cherokees
 Fort Payne Ala for the month ending on the 31st July 1838

Remaining at last report			Taken sick &c															Remaining				
Sick	convalescent	Total	Fevers						Diarrhea	Dysentary	Gonorrhoea	Bronchitis	Consumption	Worms	Measels		Total	Aggregate	Dead	Sick	Convalescent	Total
			Intermittant	Remittant	Typhus																	
"	"	"	2	5	"	2	9	2	1	50	3	1	1	4	4		84	84	11	15	28	43
"	"	"	TOTALS			2	9	2	1	50	3	1	1	4	4		84	84	11	15	28	43

Remarks

But one of the eleven reported dead rec'd med asst. that one was a child who was seen but a few hours before death.

Charles D George
 Physician to Emigrant Cherokee

Fort Payne Ala
 July 31st 1838

To Dr J W Lide
 Sir

I herewith have the honor of transmitting to you my monthly report for the month of July 1838.

Very respectfully
 Your obt servt
 C. D. George
 Asst Phys C. E.

(NARA RG393 M1475 Roll 1 Fr 1146-1149) The above chart and description was compiled by Mike Wren.

Dr. Lide's letter states that the emigrants were not all being held in stockades or strict military confinement. Another indication that the Cherokees were not being held in confinement is the fact that whites were able to sell whiskey to them at will. It became such a problem that Lieutenant Poole wrote a letter from Fort Payne on 4 August 1838 to Lieutenant J. Mackay asking for help in combating the problem:

I have the honor to inform you that circumstances of recent occurrence illustrate thoroughly the necessity of keeping up at this post a mounted force. For the suppression of the trade in whiskey and the preservation of good order in the Indian Camps it is absolutely indispensable. If a guard is sent on foot several miles to destroy whiskey, the owner will be certain to learn of its approach and get it secreted before the guard arrives....(NARA RG393 M1475 R2 Fr14-16).

Lieutenant E.I. Steptoe reported to Brigadier General George Gibson that he was named acting assistant commissary of subsistence in late July of 1838. At the time there were two companies of men and "...to furnish supplies to a camp of near eight hundred Indians. Lieutenant Steptoe was also in charge of acting assistant quartermaster, and managed the public property and stores. He was named to the post on 22 July by Lieutenant Benjamin Poole (NA RQG RG92 E22 Fort Payne File, consolidated correspondence file box) [NA RQG RG92 E22 FPF].

Fort Payne received 200 transient Cherokees in late July 1838 who had escaped the month earlier. They were all Georgia Indians, according to John S. Young, who said all their relatives and friends were at Ross's Landing and expressed a desire to be taken to that place (NARA RG393 M1475 R1 Fr1128-1131).

Lieutenant Steptoe wrote General Gibson again on 8 August and gave him a report of the provisions received and issued at the Fort Payne post for the previous month. The quartermaster and commissary officers operated under an established, well defined set of regulations in buying and disbursing supplies. Lieutenant Steptoe reported to General Gibson that some of the subsistence he received did not have invoices, and that he requested a board of inquiry to draw up an inventory of the items. Beef was one of the items purchased from contractors during July (NA RQG RG92 E225 FPF).

Many of the Cherokees being held filed claims against the United States preparatory to leaving for the west for money due them for improvements on their property, loss of horses due to theft, and a variety of other reasons. Thirty one members of the Benge Detachment filed claims and turned them over to Edward Gunter to intervene for them with the government agents (Tennessee State Library and Archives, Tennessee Cherokee Manuscript Collection #1787, Box 4, Folder 6, Microfilm Collection 815 Reel 1).

John Ross wrote General Scott on 9 August 1838 to find out if a disbursing agent could be sent to Wills Valley to pay the claimants:

The clerks of the nation who are engaged in preparing and registering the claims of the individual Cherokees for adjudication and settlement with the Agents of the U. States, will soon have completed their duties assigned them; consequently, Mr. George Lowrey, the Asst. Principal Chief has deemed it his duty in behalf of the Wills Town Detachment at Fort Payne through me to enquire; whether, upon the

adjudication of the claims of the person forming that detachment, a disbursing officer can or will be sent down to that Post to pay them off? And if not, what other arrangements will be made for the convenience of these claimants to receive their dues from the U.S. previous to their departure for the West? (NARA RG393 M1475 R2 Fr051-052).

Lieutenant Poole wrote Captain Robert Anderson from Fort Payne on 10 August 1838 asking for more horses, as evidently his request a week earlier had been denied. In his letter, Lieutenant Poole pointed out that all was not all well in the removal process, and further strengthens the notion that the Cherokees were not being held in close confinement:

....I enclose herewith a duplicate of a letter sent several days since to....Lieut. Mackay setting forth the necessity of additional horses at this post. In addition reason then stated it is proper to add that the Cherokees are not controlled by their chiefs, but....disregard....their authority and that of the Agent....sometimes leave the camp and return with their families and effects to their former homes. If they are not immediately sent for and brought back their example will produce a prejudicial effect upon the dispositions and conduct of the others.... (NARA RG393 M1475 R2 Fr062-065).

On 15 August 1838 Lieutenant Poole requested that Fort Payne be constituted a double rations post, as he believed Fort Foster had received this status and "...believing that this post is equally entitled to request that it may be put upon the same footing...." Colonel Gates responded that Lieutenant Poole's request had been denied, and that Fort Foster had not been designated as a double rations post. Due to the time it would take to get the paperwork completed through the bureaucracy in Washington, Colonel Gates said it would not be practical, since Fort Payne would be closed in a few weeks (NARA RG393 M1475 R2 Fr140-141).

In his report to General Gibson for the month of August, Lieutenant Steptoe said some subsistence stores had been received from Lieutenant Hoskins from Turkeytown (NA RQG RG92 E225). The post at Turkeytown had been closed in early July 1838 (NA RQG RG92 E352 Box 3).

In early September 1838 some of the emigrants were allowed to move from one post to another to make the journey west with family or friends. Dr. Young reported to General Scott on 1 October that:

About a month since [early September] 200 Cherokees left this place for the Agency for the purpose of joining the Stills party, a few days afterwards 200 more left and have attached themselves to Benges Party at Fort Payne, about 100 more have been delayed for some time on account of the imprisonment of Terapin Head leave this morning for Fort Payne....(NARA RG393 M1475 R2 Fr319-323).

Another 300 emigrants joined the Benge Detachment and were anxious to begin their exodus to the west, according to a letter sent 2 September 1838 by Colonel Gates to Colonel Anderson:

I have to state for the information of the Major General that I have permitted the "Downing Party" consisting of 22 families or 150 Cherokees to leave this camp [Missionary Hill, Tennessee] and go to join their emigrating party, near Calhoun. They are many of them respectable people and were very anxious to be ready with their Chief to begin their journey. Chinabee, the Creek chief, could not get ready to leave here in time to join Elowee, on the 31st August....Mr. [Archibald] Campbell has just come for 300 of the Cherokees in camp near us; and they will depart tomorrow for Wills Valley or Fort Payne. He has enrolled 1200, and has fixed upon the 20th inst. as the day of the march for his whole party.

There seems to be a spirit of anxiety and willingness pervading the whole of the Cherokees and creeks to go on their way to the West (NARA RG393 M1475 R2 Fr202-203).

The day of departure for the Benge Detachment seemed to vary from day to day and must have been frustrating to the emigrants. Captain Page reported that he was "...making all preparations to commence the emigration on the 1st of Sept." (NA M234 R115). Captain Robert Anderson wrote Colonel Gates that the "...emigrants near Fort Payne will probably start around the 20th inst. [September] (NARA RG 393 M1475 R2 Fr252-254). John Benge's group departed with 305 people and 15 wagons on 29 September, ostensibly for the encampment eight miles below Fort Payne to wait for the remainder of the detachment. In all, Benge said his detachment consisted of 1,090 persons with three families on their way to join the group (GM JRP F449-4026.659).

It would not be John Benge's first trip to the west. In October of 1836, Benge, John Ross, Samuel Gunter, James Brown, and George Sanders went to visit Cherokees who had already emigrated to the west. They met at the home of Edward Gunter near Gunter's Landing to begin their trip, which was made to convince the early removal Cherokees to oppose the Treaty of New Echota. On their return home the delegation went to Washington to meet with government officials in what turned out to be another futile attempt to block implantation of the treaty (Moulton 1985 I:507-512).

Once the emigrants were gone, all that was left to do was sell the remaining supplies and stores remaining at Fort Payne. Lieutenant E.I. Steptoe wrote General George Gibson, head of the army's subsistence department, that he had sold at public auction the greater portion of the remaining supplies. He stated that a good portion of the remaining bacon had gone bad because of excessive heat and the fact that it had been housed in a log cabin that had a bad roof (NA RQG RG92 E225).³

Bellefonte

Bellefonte, in Jackson County, approximately 30 miles north of Gunter's Landing, was a depot for supplies, a post for voluntary removal before May 23, 1838, and a rendezvous site for Alabama removal regiments (NARA RG393 M1475 R1 Fr332-333, TSLA CC B3 F9 Ch082, ADAH GBP SGO 24883 R8).⁴ Located near the Tennessee River, it was an embarkation point for some of the emigrants to board steamboats at Bellefonte Landing. In early 1838, General Nathaniel Smith sent a notice to Cherokees informing them that steamboats would be available for their transportation to the west, and recommended they take them. The notice read:

The Cherokees are informed that the Superintendent of their removal west will have suitable steam boats ready for their transportation at the Agency on the 5th day of Feby [February] capable of taking one thousand persons at a time, with comfort and safety to their new homes, in fifteen days. The removal by land with unavoidable exposure and fatigue will require at least seventy days; the choice of way is, however, given to the emigrant. The places of rendezvous will be _____, the Agency [Charleston, Tennessee], Ross' Landing, and a point opposite Bellefonte, at each of which places the boats will stop to take in emigrants (TSLA CC B3 F9 Ch082).

General Smith also assured the Cherokees that they would be treated with kindness and friendship:

The Superintendent takes this occasion to repeat that he has been instructed by their great Father the President to treat the Cherokees with kindness and friendship, and to assure them that to linger in the midst of a white population, suffering oppression and encroachment, ruin and extermination must inevitably fall on them. In tenderness then to their persons and interests, he would urge them in the most friendly manner, assuring them at the same time that the Treaty will not be altered, to make speedy preparation, settle their business with the Commissioners, and remove before the 23rd of May, when the time arrives for the application of Military Force. Cherokee Agency East January 20, 1838 (TSLA CC B3 F9 Ch082).

Ninety Indians were transferred from the post at Rawlingsville to Bellefonte Landing in March of 1838 (See Figure 7.13 and Figure 7.14), presumably to board a steamboat at the landing. It took four days to travel the 27 miles from Rawlingsville to Bellefonte, an understandable pace since the group would have had to travel up Sand Mountain and then down to the Tennessee Valley. Payment records reveal that seven wagons were required to transport the Indians and their baggage, however this seems unlikely. It is more likely that many, if not most of the Indians either walked or rode horses, as seven wagons could not hold the group and their baggage. Total cost for transporting the group amounted to \$126.00 (NA GAO RG217).



Figure 7.13. Road to Bellefonte



Figure 7.14. Bryant Creek Ford

Photos by Marty King

To cross the Tennessee River after their journey from Rawlingsville, the group would have used the ferry once owned by Andrew Ross (National Archives Bureau of Indian Affairs, Valuations Under the Treaty of 1828, Emigrations 1833 and 1834, Rice and McCoy Valuations, Book 91 Number 74).⁵

General Scott wrote Governor Bagby on 11 April 1838 informing him of his authorization from the President to ask him to raise one regiment of infantry, consisting of ten companies of militia. They were to serve for three months, unless discharged sooner, and rendezvous at Bellefonte (ADAH GBP SGO 24883 R8).

General Scott's letter is an insight into the composition of troop units and their commanders:

This force being part of that to be employed by me in the removal of the Cherokees from the East to the West of the Mississippi, under the treaty of December, 1835, between the United States and the Indians of that name, I have further to request that the Regiment be ordered to rendezvous at Bellefonte, Jackson County, where it will be duly mustered into the service of United States, and receive my instructions, or those of some other superior officer of the same service. And, it is proper to add that no troops will be received, paid, or subsisted by the United States, other than such as may be specifically called for. On account of the particular service, and the apprehended scarcity of forage for horses, it and about the Cherokee Country, I have, in this requisition, specified infantry on foot. I will ask that the Regiment may appear at Bellefonte as near the tenth of the coming month as practicable, and already armed. I shall however, endeavor to have by that time, at or near the rendezvous, some United States muskets & rifles to supply deficiencies, & all the ammunition which may be needed.

Field & Staff of a Regiment

One colonel, one Lieutenant Colonel, one Major, one Adjutant, and one Quarter Master (each with the rank of First Lieutenant) one Sergeant-Major, one Quarter Master-Sergeant, one drum-Major & one fife Major.

Composition of a Company

One Captain, one first Lieutenant, one Ensign (to be paid as second Lieutenant), four Sergeants, four corporals, one Drummer, one Fifer (or bugler) & sixty four privates. I beg leave to impress upon your Excellency, that under the acts of Congress organizing the Militia, the above full complement of officers cannot be paid by the United States, without the full complement of privates—sixty-four per company....(ADAH GBP SGO 24883 R8).

On 12 May 1838, Governor Bagby wrote General Scott, giving him an update of the troops raised in Alabama for the removal. The letter points out that Bellefonte was the place chosen for the Alabama troops to rendezvous:

Before the receipt of your favor of the 10th and 11th and 23rd of April I had the request of Col. Lindsey accepted the services of four volunteer companies for the Cherokee service and I had also upon the intimation of Col. Lindsey that an additional call would be made on the state as soon as arms were received, ordered Col. Snodgrass, who had returned from Florida with a Regiment of Volunteers too late in the spring to engage in planting, to hold themselves in readiness, and to obey any order Col. Lindsey or other officer commanding in the Cherokee Nation might issue. I also authorized Col. Lindsey in order to prevent delay, should additional troops be found necessary, to call directly on Col. Snodgrass. An additional reason for pursuing this course was that Col. Snodgrass Regiment was on the very spot (Bellefonte Jackson County) where the troops from this state are requested to rendezvous. In the absence of any information either from Col. Lindsey or Col. Snodgrass, I have ordered Major Genl. Patterson to detach four companies of Infantry on foot, organized in conformity to your instructions, and to have them at Bellefonte with the least practicable delay. I have been thus particular in explaining the course I have pursued in order to afford an apology should the entire number of troops required from this state not be in place at the time required, and as a reason why I am in hopes the whole number will be received, even if it should exceed the amount of the requisition (ADAH GBP SGO 24883 R8).

Colonel Hindman of the Alabama Volunteers arrived at Bellefonte on 14 May 1838 to become the acting assistant quartermaster and reported there were no troops assembled and therefore had nothing to do.⁶ He said he had heard a report that the expected troops were at Gunter's Landing. He also reported that he had been directed to Fort Cass, in Tennessee, but remained at Bellefonte because "Mr. Rawlings the commissary is anxious to visit his family and I have been directed to remain in charge of the commissary stores until Mr. R. returns". On 16 May Colonel Hindman wrote Lieutenant Hetzel and told him that Lieutenant Taylor was going to Fort Cass and had instructed him to remain at Bellefonte until further orders.⁷ Colonel Hindman added a post script to his letter asking Lieutenant Hetzel to keep him in mind for the post at Turkeytown if it should be supplied with Tennessee troops (NA RQG RG92 E352 Box 3).

Colonel Hindman wrote a letter 17 May to Lieutenant J. Mackay and said the troops that were expected there still had not arrived. "Nor is there yet any intelligence of a call having been made by the Governor to comply with Genl. Scott's requisition," he added (NARA RG393 M1475 R1 Fr259). The expected troops were soon to be on their way to Jackson County. Brigadier General B.M. Lowe announced in a 24 May 1838 letter to the Huntsville Democrat that two full companies would be raised and rendezvous at Bellefonte:

Major General Patterson having made a requisition on my brigade for two full and effective companies of Infantry on foot, to be placed under the orders of Maj. Gen. Winfield Scott, of the United States Army, for the Cherokee service, the commandments of regiments in this Brigade, are hereby ordered to assemble their respective regiments at their usual places of parade, with the least possible delay, and either by volunteer or draft, raise from the 2nd and 3rd regiments one company complete, and from the 3rd and 62nd regiments, the other. The two companies

raised, will rendezvous at Huntsville on Saturday, the 26th instant, for the purpose of being organized, and taking up the line of march for Bellefonte, where they will be mustered into the service of the United States Army (Huntsville Democrat 24 May 1838 #762 Vol. XV).

Lieutenant Charles S. Lovell, who was in charge of ordnance, reported to Colonel W.J. Worth on 22 May that he had stored seven boxes of muskets (140), three boxes of accoutrements (180), 5,840 cartridges, and 5,000 flints at Bellefonte. Lieutenant Lovell was with the Sixth Alabama Infantry (NARA RG393 M1475 Fr332-333).

General Patterson wrote to William Glascock on 26 May that he had appointed him surgeon of his regiment: "I therefore appoint you surgeon to said regiment from this date, and you are hereby required, without delay, to report yourself to the U.S. Officer Commanding at the post of Bellefonte" (ADAH GBP SGO 24883 R8).

In a 28 May letter to Lieutenant Hetzel, Colonel Hindman said one thousand pounds of lead had been received at Bellefonte Landing, but did not know who ordered it. He said he would "... Have it hauled up and stored." Rezin Rawlings of Rawlingsville was at the Bellefonte post at this time acting as commissary and told Colonel Hindman that he wanted to go to the post to be established at Perkins, Georgia. Colonel Hindman wrote Lieutenant Hetzel "I say in confidence he cannot possibly discharge the duties alone for want of qualifications—he is honest but possesses no qualifications for business of this kind. Colonel Hindman also said he was extremely anxious to be stationed at Turkeytown (NA RQG RG92 E352 Box 3).

The two companies of Alabama Volunteers from Huntsville were at Bellefonte by 2 June according to a letter Colonel Hindman sent to Lieutenant Hetzel. One of these companies was the Huntsville Guards, which brought with them their own state arms, Halls Patent Rifles, which they had personally paid to have them delivered from Tuscaloosa. Arms for the entire regiment, Colonel Hindman said, had been left at Gunter's Landing and at Bellefonte. Among the items received by the troops at Bellefonte were 1,000 pounds of lead (NA RQG RG92 E352 Box 3).

Letters and dispatches were sent from one post to the other by "express," a soldier on horseback, or by stagecoach, which was slower. In a dispatch to Lieutenant Hetzel on 4 June, Colonel Hindman said the communication was being carried by a Mr. Moore, one of the Huntsville Guards. At times the horses used for express were rented from local people (NA RQG RG92 E352 Box 3).

Colonel Hindman reported to Lieutenant Hetzel on 7 June that Captain Morris had appointed a physician at Bellefonte "...to attend to the Troops at this place...." and added that medical instruments were being ordered from Huntsville. No mention was made that the physician would also treat any emigrants being held at the post (NA RQG RG92 E352 Box 3).

Bellefonte was a rendezvous post for personnel to be mustered into service and then be dispatched to other removal facilities, according to correspondence by Colonel Hindman. He reported on 12 June that five companies had been mustered into service and two more were expected from Lauderdale and Limestone Counties. The two companies from Madison County were ordered to Gunter's Landing and would leave his post the next day, according to Colonel Hindman (NA RQG RG92 E352 Box 3).

Lieutenant Colonel Henry Norwood of the Alabama Volunteers wrote to Governor Bagley on 21 June from Gunter's Landing expressing concern over the shortage of troops. He said that while some troops were being mustered in, others were being mustered out of service

on the same day, and that only five companies remained at Bellefonte. He added that a battalion was on the march to Turkeytown where they would be stationed (ADAH GBP SGO 24883 R8).

Colonel Hindman left Bellefonte in late June for Turkeytown to make sure supplies had been received there (NA RQG RG92 E352 Box 3).

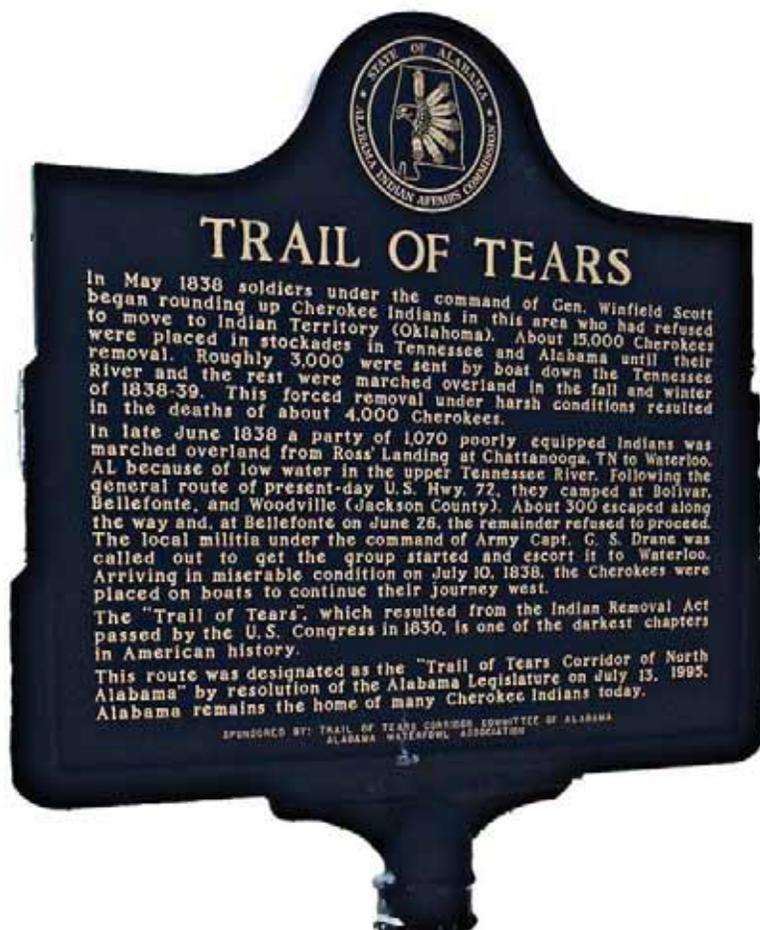


Figure 7.15.

Photo by Larry Smith

What was probably the biggest single act of revolt by the Indians during the Removal occurred at Bellefonte in late June, 1838. By chance, General Nathaniel (Nat) Smith, the superintendent for Cherokee removal, happened to be at Bellefonte when the incident occurred. To get a first hand look at how removal was going, General Smith left the Cherokee Agency in Charleston, Tennessee. Captain G.S. Drane, left Ross's Landing a week earlier. According to his report to C.A. Harris, Commissioner of Indian Affairs, he caught up with the detachment, at Bellefonte, on 25 June.⁸ Prior to his arrival, he said, the Indians learned from a messenger that General Winfield Scott had suspended further emigration until September 1, because of the drought. The Indians then asked General Smith for permission to return to the agency and stay there until the fall, but General Smith refused. About 300 of the Indians (See Figure 7.15), then got their belongings from the wagons and fled into the woods, though they were under the escort of armed guards. In his report of the incident to C.A. Harris, General Smith said he raised a

company of volunteers from Bellefonte to assist in rounding up those who had fled. Before proceeding, General Smith purchased some much needed clothing, shoes, and tents for the emigrants. He then called on the aged and ill emigrants and took them to the nearby Tennessee River, where they were put on two boats and taken to Decatur (NA BIA Micro Publication M574 Fr349-352).



Figure 7.16. View of Tennessee River with old road bed to Bellefonte visible during Lamar Marshall's descent to the river. Photo by Marty King

Captain Drane, in his account of the incident to General Scott, gave a slightly different version, perhaps because he did not send his report until 17 October. He was detailed for duty as a disbursing agent on 10 June and was to report to General Smith on or before 18 June, ostensibly to leave with the detachment from Ross's Landing. He was detained from leaving Ross's Landing with the detachment, however, "...because of not having received the necessary funds." Captain Drane reported that he arrived at Bellefonte (See Figure 7.16), on 25 June, which was the same day General Smith got there.

"...on the morning of 26th June when about to commence my march with the party, a Cherokee Indian arrived in camp from the Agency with a letter to one of the surgeons accompanying the party. He informed the emigrants that he had brought orders for them to return back to Ross's Landing. A large majority of them positively refused to proceed any further & unloaded the wagons and left camp....A small company of mounted Volunteers soon assembled, with their assistance a large number was brought back—yet 225 escaped—the feelings of discontent among the Emigrants were so great that Genl. N. Smith thought it

advisable to accept the services of the volunteers as a guard to accompany the Indians to Waterloo, Alabama.... (NARA BIA RG75 M 115, Drane to Scott, October 17, 1838).

The company of volunteers who escorted the Drane Detachment from Bellefonte to Waterloo was led by Captain Snodgrass. On 19 December 1838, Congress passed a resolution calling for payment to the Alabama troops involved in accompanying the emigrants from Bellefonte to Waterloo:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the sum of one thousand one hundred and twenty six dollars and fifty-seven cents, out of any moneys in the Treasury not otherwise appropriated, be, and the same hereby is, appropriated to defray the expenses of calling into service Captain Snodgrass's company of Alabama volunteers to serve as a guard in accompanying a party of emigrating Cherokees from Bellefonte [sic] to Waterloo, in the State of Alabama. (United States Congressional Serial Set, 25th Congress, 3rd Session, Committee on Military Affairs Bill 84)

Governor Bagby was also receiving letters from Bellefonte and Boliver during this time from people wanting to form companies for the war in Florida against the Seminole Indians. Between July and August, 1838, he received letters from Stephen Carter, Joseph P. Williams, Benjamin Snodgrass, William McReynolds, David Caulfield, William Mason, James Proctor, R.L. Scott (who wrote two letters), A. Finley and James Scruggs (ADAH GBP SGO 24883 R8).

Because of its proximity to the Tennessee River and Bellefonte Landing, the post may have been more of a facility for steamboats bringing emigrants down the river. No letters were found stating that Indians were held there for any length of time. It is not known how long the 90 Cherokees stayed at Bellefonte who were transferred there from Rawlingsville in March of 1838 (NARA RG217 GAO EDF). The post at Bellefonte and Bellefonte Landing hold little promise for archaeological exploration.

Fort Lovell

The earliest mention of Fort Lovell found in this study was from a 3 March 1838 invoice of subsistence stores forwarded from there to Gunter's Landing by Lieutenant Charles Hoskins. Among the items shipped were four thousand pounds of pork, fifty barrels of flour, five bushels of salt, and other items. The post was most likely just a storage facility at this point. Some of the provisions received at the new facility came from Fort Cass, Tennessee (UTHL LFP MS16 SIII B1 F18).

William A. Lenoir, acting assistant quartermaster at Gunter's Landing, was ordered by Lieutenant Hoskins on 24 March to send all of the food stores remaining there to Cedar Bluff, where the new post was being established. Lenoir was to be in charge of subsistence at Fort Lovell. Lieutenant Hoskins informed Lenoir that on 7 April a company of infantry would be mustered into service at Gunter's Landing and then proceed to Cedar Bluff in Cherokee County. Four different haulers were employed to carry the supplies and baggage of the troops, from

Gunter's Landing to Fort Lovell. Among the items shipped were timbers, ostensibly for the construction of the fort (UTHL MS16 SIII B1 F16,19).

On 24 March Colonel Lindsey called on Governor Bagby to raise four companies of infantry to be mustered into service at Cedar Bluff, the county seat of Cherokee County. Colonel Lindsey stated that a company of infantry would be composed of one captain, two second lieutenants, three sergeants, four corporals, and 64 privates. He said he would have an officer of the United States at Cedar Bluff (See Figure 7.17), to muster in the troops after being advised of the time they would arrive (ADAH GBP SGO 24883 R8). By May, a company of infantry was stationed there, according to a report of the "Volunteer Posts and Stations of the Army of the Cherokee Nation" (NARA RG93 M1475 R1 Fr256).

Colonel Lindsey's letter to Governor Bagby contains interesting information on the rate of pay the troops would receive:

A company [of] Infy. is entitled to a days pay & 12 cents in lieu of subsistence for every 20 miles march from the place of enrollment to the place of rendezvous, & as this allowance grows of the contingency of their marching 20 miles, it would be desirable, that they be mustered into service immediately on arrival at the place of rendezvous, which can only be effected by Yr. Exce'y [your excellency] giving the notice above requested (ADAH GBP SGO 24883 R8).

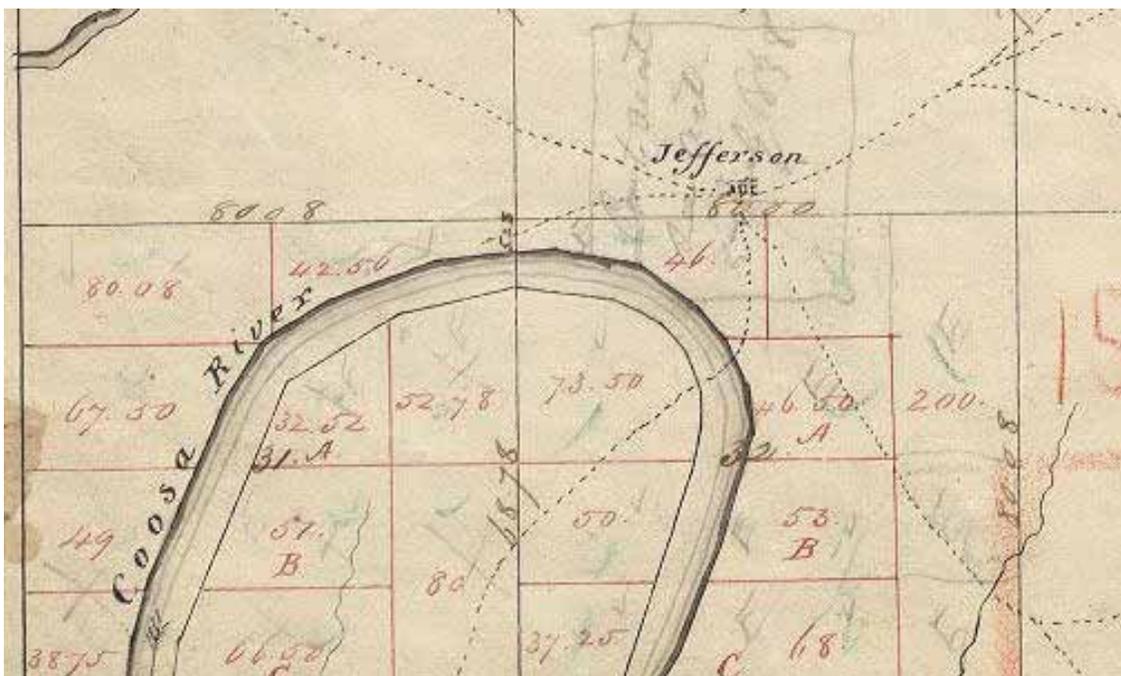


Figure 7.17. 1839 Survey Plat Map showing Jefferson (Cedar Bluff)

Fort Lovell had musicians as evidenced by a special requisition on 15 April for a fife and a drum. Two weeks later the fort received 60 gallons of vinegar, 12 bushels of beans, and five and three-fourths bushels of salt. Other food items received during April included coffee, and sugar. One of the biggest expenses of the post was for payment of shipment of supplies. During April, nine different individuals were paid \$325 for hauling provisions (UTHL LFP MS16 SIII B1 F18).

There were 64 men under Captain Thomas Watts' command stationed at the fort during April. Three women were also at the post, possibly to cook or do laundry. It is also possible that the three females were wives of some of the soldiers. Officers were allowed to purchase provisions from the quartermaster in addition to the rations they received. During April they bought 24 pounds of bacon, 50 pounds of sugar, and 10 pounds of coffee (UTHL LFP MS16 SIII Box 1 F18).

Fourteen different suppliers were selling all types of provisions to quartermaster Lenoir in May. Hugh Henry and Son Hardware of Gunter's Landing sold the fort 35 quires of paper, 100 quills, 9 bottles of ink, 18 sticks of sealing wax, 33 pounds of candles and other items, totaling \$39.50. The next month Henry and Son sold \$171.31 in goods to the fort, including salt, sugar, and soap (UTHL LFP MS16 SIII B1 F18).

On 2 June, J.M. Hendrix wrote from Cedar Bluff to Governor Bagby that he was in Cherokee County with the 9th Division of the Alabama Militia. There was a conflict as to who was in actual command of the unit. According to Hendrix, Colonel Frazer of Jackson County had lately been elected head of the group, but Major General H. Garrett of Cherokee County claimed to be its commander (ADAH GBP SGO 24883 R8).

Colonel Hindman, who was stationed at Bellefonte where many of the troops rendezvoused to be mustered into service, reported on 4 June that a new company of Alabama Volunteers was in service near Cedar Bluff and another at Fort Payne (NA RQG RG92 E352 Box 3).

According to a report filed by Captain Watts, the number of emigrants being issued rations by quartermaster Lenoir at Fort Lovell fluctuated greatly during the month of June: 24 on the fifth; 22 on the sixth; 50 on the ninth; 63 on the eleventh; 139 on the thirteenth; 48 on the fourteenth; 28 on the fifteenth; 224 on the seventeenth; and 27 on the twenty second. They were issued 2,607 rations of flour and 2,607 rations of bacon during this period. Twelve horses belonging to the Cherokees at Fort Lovell were also receiving forage, consisting of corn and fodder, during a ten day period in June. "Public horses" receiving forage during this period varied between 5 and 7. Another big consumer item at the fort was candles. Fifteen pounds of candles were received on 1 June. In addition to receiving flour and bacon, the troops also received rations of salt, sugar, coffee, beans and vinegar. They also received candles and soap (UTHL LFP MS16 SIII B1 F19).

While operations at the fort were winding down, supplies were still being delivered to the post. On 15 June, Lenoir delivered from Gunter's Landing two wall tents, twelve common tents, twelve camp kettles, fourteen hatchets, six axes, four spades, and other supplies. At this time Captain Watts' company of Alabama volunteers at Fort Lovell consisted of four officers, seventy two non-commissioned officers, musicians, and privates (UTHL LFP MS16 SIII B1 F19).

One month before Fort Lovell closed, it was apparently having new structures built. In addition to 274 bushels of corn 2,847 bundles of fodder and 6 chairs, on 30 June the fort also received 11 axes, 6 augers, 6 chisels, 4 drawing knives, 5 files, 3 hammers, 4 stock locks, 3 pad

locks, 325 pounds of nails, about 4,495 feet of planks, and 4 hand saws (UTHL LFP MS16 SIII B1 F18-19).

Lieutenant J. Mackay, assistant adjutant general, reported to General Scott on 5 July that about 30 Indians were taken from Fort Lovell to Fort Payne (NARA RG393 M1475 Roll 1 Fr918-920). This may have been the only remaining emigrants at the fort. As the forts closed supplies were transferred from one removal facility to another. Lieutenant F. Taylor stated on 1 July in his "Subsistence Report on Hand at Fort Payne" that some bacon and salt might be shipped to Fort Payne from Fort Lovell (NARA RG393 M1475 R1 Fr823-824).

Cedar Bluff was also known as Jefferson during the period of removal. In July of 1838 some members of the Alabama volunteers stationed at Fort Likens came to perform in an Independence Day celebration for the "...very friendly and hospital citizens of Jefferson..." (ADAH GBP SGO 24883 R8).

A public sale was held 30 July to dispose of articles remaining at the fort. Some 25 different people purchased items from auctioneer J.B. Nichols ranging from corn at 50 cents a bushel to horses, pad locks, saddles, chairs, blankets, bridles, 120 pounds of iron, a grindstone, a desk, a table, and two bottles of ink. The auction netted the United States Government \$490.15. The army took with them their saws, chisels, wedges, hammers, files, drawknives, adze, and augers (UTHL LFP MS16 SIII B1 F19).

Some historians think Fort Lovell was located on the site of Fort Armstrong, which was built during the Creek War of 1813-14, and was possibly a base of operations even earlier for the British during the Revolutionary War. Gideon Morgan was stationed at Fort Armstrong in March of 1814 when he ordered John Ross to Fort Strothers in St. Clair County for duty there (Harris 1977:35-36; Moulton 1985 I:19). In 1819 John Ross and his brother Andrew operated a store at Fort Armstrong, which was described as being about sixty miles from Brainerd, Tennessee (Walker 1993:101). The fort area contained a sizeable number of Cherokees in the 1820's. A newspaper article by historian Robert Sparks Walker in the Hamilton County, Tennessee Library states "...Chief John Ross appeared at Brainerd [Mission] asking for the opening of a mission at Fort Armstrong on the Chattooga...." (Hamilton County Library, Chattanooga, Tennessee, Robert Sparks Walker Scrapbook).

There is considerable disagreement among authors and historians as to the location of Fort Armstrong. Thomas M. Owen stated it was located in Georgia on the Etowah River, near the Coosa River (Owen 1921:1). Albert J. Pickett, one of the state's earliest historians, stated it was located on Coosahatchee Creek (Pickett 2003:579). John Melish's contemporary map of "Jackson's Campaign Against the Creek Indians 1813-14" identifies Fort Armstrong as being on the north bank of the Coosa River in Coosa County near the Georgia border. The fort appears again in the same place in his 1820 map. The only contemporary map located in this study showing Fort Lovell is Lieutenant E.D. Keyes' map of General Scott's Operations. Keyes lists Fort Lovell as being 20 miles west of Fort Likens and 30 miles southeast of Rome, Georgia.

No evidence was found in this study to confirm that Fort Lovell was built on the site of Fort Armstrong, or that an earlier fortification was used by the British. Unless it had been well maintained, it is not likely that Fort Armstrong would have survived the twenty five years between the Creek War and the 1838 removal. Quartermaster Lenoir's expense records reveal that at least a portion of Lovell was a new structure, as \$64.50 was spent to hire men to haul timber for the construction of the new post (UTHL LFP MS16 SIII B1 F16, 19).

Using the Melish maps and searching historical records, members of the Jacksonville State University Archaeological Resource Laboratory attempted to locate Fort Armstrong in the

spring of 2003. Investigation was concentrated on Pruett's Island, which is generally thought to be the area where the fort was located. Shovel tests were conducted over a 15 meter grid and yielded 60 historic pieces of ceramics that were manufactured as early as 1820. While other historical artifacts were uncovered, no conclusive evidence was found identifying Fort Armstrong (Burns 2005).

An important document relating to the mystery of the possible location of Fort Lovell was found in the spoliation claims taken in the Skin Bayou District of Indian Territory. Headthrower Watts gave the following statement on his claim:

From Terripin Creek I moved to my first place on the Chattoga river, I cleared the two acres I have charged and built the two houses. They never were valued to me or to any one else to my knowledge. It was so late in the spring when I moved to my first place on Chattoga -- I rented a place and farm about three miles from off -- for one summer. This was in 1835. The year I improved a farm close to this one, I had rented and soon returned back to my first place on Chattoga. There I cleared the sixteen acres for which I have chatg. and built the houses. I was on this place when I was forced to move to this country. The soldiers were taking the people and a white man who took possession of my place loaned me his wagon to take me into camp of to a little garrison or fort on Chattoga, which was made to keep us in and about three miles from where I lived. I took of my household and kitchen furniture as much as we could put in the wagon, and expected would be allowed to return for the things I left. I was put into one of the Forts or Garrison and these guarded until they marched us away from that place to another and never was permitted to go outside of the Garrison. TSLA, Manuscript collection #1787, B11, F 105, MC 815, R 4, Claim # 162.

If this "little Fort or Garrison on Chuttaga" referred to by Headthrower Watts was Fort Lovell, then the section of the Chattooga River that flows by the town of Cedar Bluff, immediately to the north of the town, would be a possible site. Additionally, several letters contain information about military activities at Cedar Bluff and there are letters are written from Cedar Bluff.

The attempt to find Fort Armstrong in 2003 on Pruitt's Island (south of Cedar Bluff) by Jacksonville State University was at a completely different location (on the Coosa River) than the location shown on John Coffee's hand drawn map of 1816. The Coffee map clearly shows Fort Armstrong at the mouth of the "Chatuga" (southwest of Cedar Bluff) as it flows into the Coosa River (Refer to Chapter 9, Page 122). Fort Lovell holds promise for additional research and a possible archaeological excavation if not under the waters of Lake Weiss; however, if Fort Armstrong is located as indicated by Coffee's 1816 map, then it is definitely located below the flood plain of Lake Weiss, which is seasonally inundated, thus limiting intrusion. Alabama Power Company, which controls the water level of the lake, has announced plans to permanently raise the water level in a few years. Another possible site for the location of Fort Lovell would have been a little further north of the Coosa River near the convergence of three contemporary roads, one of which led to Rawlingsville (present Highway 35).

Fort Likens

By spring of 1838 Fort Likens had been established in northeast Cherokee County's Broomtown Valley. On 24 April 1838, acting quartermaster Captain Thomas J. Rogers wrote to Lieutenant Hetzel that he had "...reported from Capt. Likens camp...to examine subsistence there recently forwarded to that place from Fort Cass [Tennessee]" (NA RQG RG 92 E352 Box 3).

Captain Thomas M. Likens already had a company of men formed and equipped by March of 1838, ostensibly for the Cherokee County post. A letter of 5 March 1838 from assistant quartermaster Colonel Hindman to Lieutenant Hetzel stated that Captain Likens had a company of men in readiness at Jacksonville, Alabama, which consisted of a "...mounted company with good uniforms, swords, pistols, good horses and composed of young men of first respectability of the county" (NA RQG RG 92 Entry 352 Box 3). Captain Likens' company was mustered into service on 12 March 1838 (ADAH GBP SGO 24883 Roll 8). On 9 April 1838 John Spencer was selected as quartermaster of the fort by Captain Rogers, acting quartermaster (NA RQG RG 92 E352 Box 3).

On 28 April Captain Rogers wrote Lieutenant Abner Hetzel that he had just returned from Captain Likens' camp to examine subsistence stores that had been forwarded from Fort Cass in Tennessee. He found that some of the articles did not have proper receipts and that "There was some small wastages, but some so great as to make it necessary to create trouble" (NA RQG RG92 E352 Box 3).

By 1 May Fort Likens had 100 bushels of corn on hand but no fodder, according to Lieutenant Hetzel, who estimated that 5,000 bushels of corn could be obtained in the area (NARA RG393 M1475 R1 Fr136-137).

The fort was most likely named for Captain Thomas M. Likens of the Mounted Alabama Volunteers.⁹ Lieutenant Benjamin M. Pope addressed a letter of 1 May 1838 to Captain Likens as "Commandant of Fort Likens" (NA RQG RG 92 Entry 352 Box 3).

Fort Likens is listed on Lieutenant E.D. Keyes' contemporary map of Indian Removal as being 20 miles south east of Fort Payne and 20 miles east of Fort Lovell. Keyes' map also shows a road connecting Gunter's Landing, Fort Lovell, and Fort Likens. In a report of Volunteer Posts and Stations of the Army of the Cherokee Nation, Fort Likens is listed as being 110 miles from the Cherokee Agency in Charleston, Tennessee (NARA RG393 M1475 R1 Fr256).

On 14 May 1838, Colonel Lindsey issued Order 19 from Fort Cass establishing the troop strength at various removal posts in Alabama, Tennessee and North Carolina. Among the posts was Fort Likens, in "Broomtown Valley, Ala." which called for a company of men (NARA RG393 M1475 R1 Fr239-240).

Colonel Hindman wrote Lieutenant Hetzel on 28 May and asked him to mention to Lieutenant Hoskins that he had been unable to procure the 12,000 pounds of bacon for Fort Likens, and that Captain Watts' camp had only received 6,000 pounds of bacon but that more was expected from Gunter's Landing in a few days. John Spencer wrote Lieutenant Hetzel on 29 May that he had received a shipment of bacon weighing 2,359 pounds and was at a loss as to what to do with it since there were no instructions with the meat (NA RQG RG92 E352 Box 3).

Colonel Lindsey reported to General Scott on 22 June 1838 that Captain Watts and Captain Likens of the Alabama Volunteers had brought to Chattanooga 315 Cherokees, and that "...Captain Rogers is said to have collected 400 and 200 are said to be at Gunters [Landing]. It

is therefore probable that 1000 Indians in Ala. are collected and on their way to this place (NARA RG393 M1475 R1 Fr688-691). He made a similar report two days later to Colonel W.J. Worth, but raised the number of Cherokees brought in by Watts and Likens to 340. He also said Captain Rogers' Alabama Volunteers had brought in between 400 and 500, adding that:

.....I have since estimated the amt. at 1200 of which 700 are now at this depot [Chattanooga] & the four or five hundred are supposed to be with Rogers, together with the number of remaining at known localities under protection....not many of the Alabama Indians are unaccounted for....Watts company Ala. Vols. Is expected to bring in hourly a party of Cherokees—Rogers' Ala. Vols. the same, & Likens Ala. Vols. will bring in another party. I have heard nothing from the new Ala. Troops stationed at Gunters Landg & Turkey Town (NARA RG393 M1475 R1 Fr706).

The area where the fort was located, in extreme northeastern Cherokee County near the Georgia border, was known as Barry Springs. Named for the Barry family, who were early settlers of the area, their property contained two large springs (ADAH Abstract of 1840 U.S. Population census Cherokee County Alabama).

Fort Likens contained a stockade to hold the Indians, according to records of the Alexander family. Eli Oliver Alexander was another pioneer settler of the Barry Springs area (ADAH Abstract of 1840 Population Census Cherokee County Alabama). A book written by his grandson, Robert Alexander, states that Eli Oliver Alexander was born in County Cork, Ireland on 12 March 1802, and migrated with his parents to South Carolina in 1808. Shortly after his marriage in 1826 to Margaret Barry Allison, they moved to northern Cherokee County. According to Alexander's book about the family, his grandfather remembered Fort Likens as having a stockade:

“The United States Government, in preparing to move the Cherokee Indians West in 1834 [sic], built a large circular stockade in which to gather the Indians, which were scattered over North Georgia and Alabama, and keep them under guard, until they were ready to move them west. The Stockade was built of split Chestnut logs, 20 feet tall, setting them end wise in the ground. The stockade was large enough for each family of Indians who were imprisoned there to have room to set up their Teepees [sic] for shelter, and cook their meals, the food being furnished by the U.S. Government, under the supervision of the soldiers who were guarding them. The Stockade was built on land adjoining my Grandfather's E.O. Alexander, mentioned above, and after the Indians were moved west, he and his brother-in-law, Richard Barry, purchased the logs which enclosed the Stockade, from the Federal Government and built two large barns, and a house for a cotton gin out of them, and used the remainder for building rail fences, which lasted for many years” (Alexander n.d.: 2).

The writer obviously meant 1834, which was also incorrect, as Fort Likens was not constructed until 1838. Alexander also erred in calling the Indians' houses teepees, as they were used only in the west. It was standard practice to sell at auction remaining items left at the army posts.

All of the Indians in the vicinity did not all come in voluntarily to Fort Likens. In a letter of 5 July 1838 Colonel Lindsey wrote to General Scot that "Captain Glasscock's company at Fort Likens has a detachment out in the mountains searching for Indians...." (NARA RG393 M1475 R1 Fr918-920).

Colonel Lindsey reported on 2 July 1838 that Captain Likens was taking the Indians from Fort Likens to Ross's Landing to turn them over to the Emigrating Department. Following this, Captain Likens' company of Mounted Alabama Volunteers was to be mustered out of service (NARA RG393 M1475 R1 Fr851-853). Fort Likens was most likely about to shut down operations, as a report filed by Lieutenant F. Taylor on 1 July 1838 stated that some supplies might be shipped from Fort Likens to Fort Payne (NARA RG393 M1475 R1 Fr823-824).

Some of the Indians at Fort Likens who were sent to Ross's Landing in Tennessee wound up in the Benge Detachment in Wills Valley. George Augerhole, a Cherokee, and his Creek wife, Wakiah, were living in Benton County (now Calhoun) near Jacksonville in Creek Territory just prior to Removal. They sold their property in April of 1834, and Augerhole moved to Ball Play Creek, which was "some seven miles off and near the line dividing the Creek from the Cherokee nation, and in the Cherokee nation." Ownership of the property then became embroiled in a long legal battle that wound up years later in the United States Supreme Court. Testimony in the long litigation revealed that Augerhole and his wife after moving to Ball Play Creek (modern-day Cherokee County) were caught up in the Cherokee forced removal and taken to Fort Likens:

The proof showed that Augerhole remained in the country until the summer of 1838, when he was taken west by the troops of the U.S. with the Cherokee tribe; the Creek tribe having been removed in the years 1836 and 1837. There was no proof as to the manner in which Augerhole was first taken by the troops, but there was proof showing that after he was taken, he, together with about 500 Cherokees, were kept by the troops at Fort Larkins [sic], in the State of Georgia [sic], and there put under guard and so kept until they were transported by the troops to Ross landing, in the State of Tennessee, and thence to the west of the Mississippi" (Supreme Court of the United States No. 158. Erby Boyd, Plaintiff in Error, vs. William Scott and William Green, pages 7-9, 22).

Information in the testimony of this case illustrates how the emigrants were often transferred from one post to another. Also of interest in the Augerhole litigation is the statement that 500 Indians were taken to Fort Likens. "Auger Hole" is listed on the Benge Detachment Roll as head of a family of four. He and his wife had a male and a female child. Charles Stealer (Stealer) was Augerhole's brother-in-law, and neighbor while they resided in the Creek town of Tallasahatchee near Jacksonville (Supreme Court Case No. 158: 28, 34). Stealer and his family were most likely with the Augerholes and others who were taken to Fort Likens and then Ross's Landing before being transferred to Wills Valley. The Benge Muster Roll lists Chas. Stealer and two other family members (transcribed Gilcrease Museum Muster Roll of John Benge Detachment, John Ross Papers, Folder #504).

In July of 1838 members of the Alabama Volunteers at Fort Likens traveled to Jefferson (present Cedar Bluff) to participate in what was apparently an Independence Day celebration. Captain Likens wrote to "The Committee of Arrangements" on 4 July that "...we will do ourselves the extreme pleasure of presenting to the very friendly and hospitable citizens of

Jefferson. On the public square with ten rounds of cartridges each for the purpose of responding to the sentiments or toasts of any under the direction of the president and officers of the day and for any other duty which may be required of us by the Jeffersonian Citizens" (ADAH SGO 24883 R8). It is interesting that troops from Fort Likens traveled 20 miles to Jefferson to perform for the citizens of that town, since Fort Lovell was located nearby. Fort Lovell was still in operation at this time, for 30 Indians were transferred from that post to Fort Payne on July 5 (NARA RG393 M1475 R1 Fr918-920). It could be that the Fort Likens group joined their comrades at Fort Lovell in the ceremony.

Remnants of the fort could still be detected on 8 June 1840 when Alexander M. White surveyed the area for the State of Alabama. He placed Fort Larkins [sic] on the section line between Section 18, Township 7 South, Range 11 East.10

The Cherokee County Historical Society erected a marker (See Figure 7.18), on Cherokee County Road 99 near the site of Fort Likens. It reads:

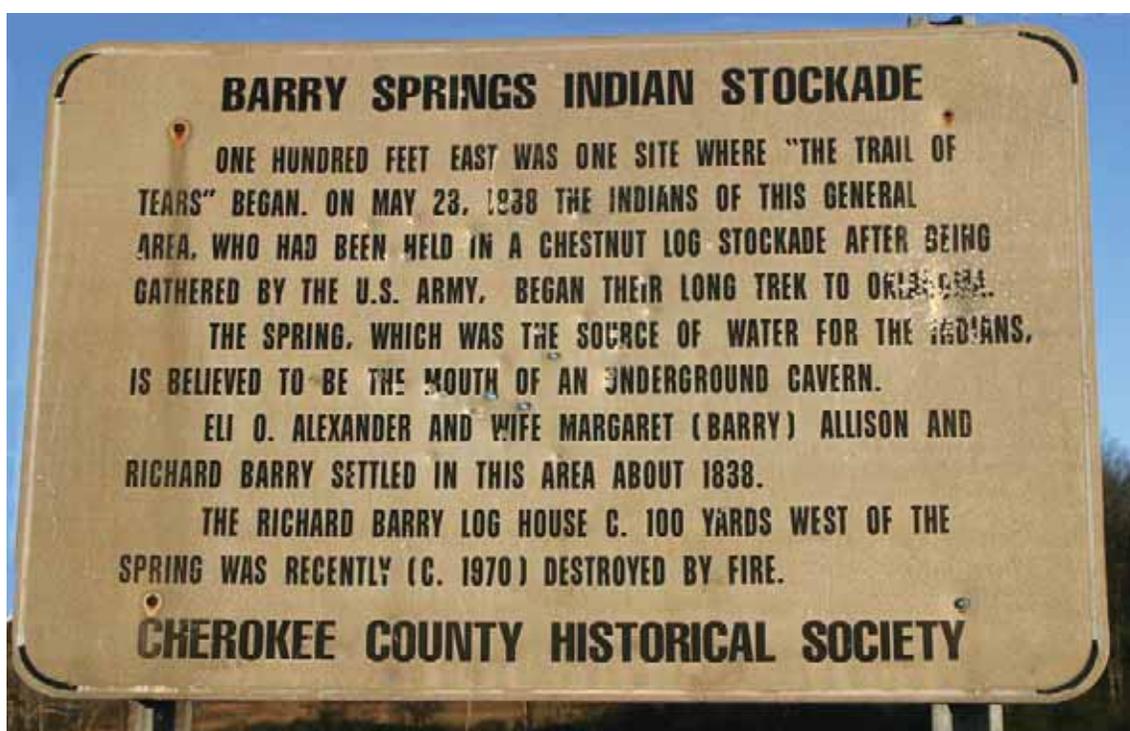


Figure 7.18.

Photo by Marty King

The property around Barry Springs was purchased in 1960 by Mr. and Mrs. Jim Cavin, who still reside there.11 Mr. Cavin erected a small marker near the springs (See Figures 7.19, 7.20 and 7.21), that reads:

John Barry
Born 16th of March 1771 Spartanburg Co. S.C.
Died 30th of March 1844 Cherokee County, Al
Buried in Liberty Hill Presbyterian Churchyard
Wife Elizabeth Watson Barry
Born 1774 York Co. S.C.
Married ca 1793 S.C.
Died 30th of Aug. 1838 Cherokee County, Al

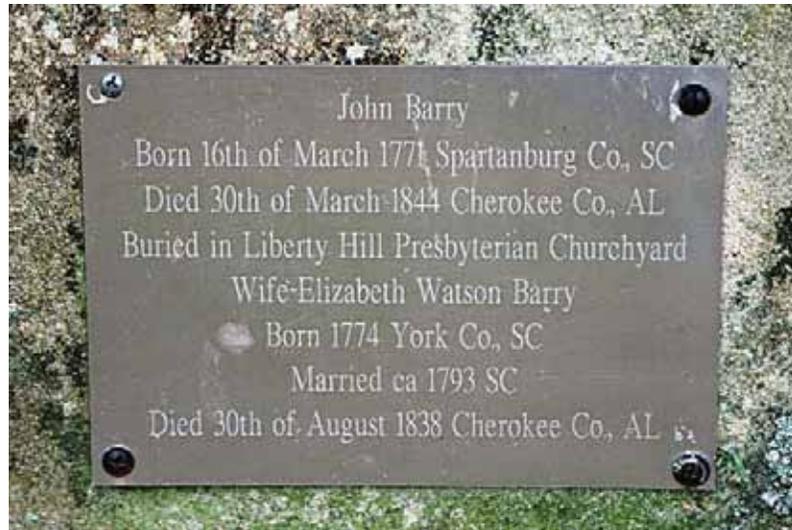


Figure 7.19.
Photo by
Marty King



Figure 7.20. Photo by Marty King

The marker is affixed to a very old tombstone, apparently the original marker for the grave of John Barry. Crudely inscribed on the stone is this information: “John Barry, died March 30 in his 79 year 1844.”



Figure 7.21. Barry Spring

Photo by Marty King

Locating the site of Fort Likens holds the best promise of all the removal posts included in this study because of its remoteness and lack of modern intrusion. John Lieb, an archaeologist with the University of Alabama Office of Archaeological Research, has done limited shovel testing and surveys in an effort to locate the post.

Camp Watts

On 28 May 1838 Thomas C. Hindman, A A Quartermaster Ala Vols, wrote a letter to Lt. A. R. Hetzel that “he was disappointed in procuring the 12000 [pounds] bacon for Fort Likens and Captain Watt’s camp. Only 6000 [pounds] has been sent but expect to start the balance from Gunters Landg in a few days.” A letter dated May 29 1838 from John Spencer A A Quartermaster, Ala Vols, at Fort Likens stated that he had received 2359 pounds of bacon. On 2 June 1838 Hindman asked in a letter to Lt. Hetzel that he “say to Lt. Hoskins the bacon I agreed to furnish at Fort likens and at Capt. Watts’s came in half delivd and the balance on the way.” On 4 June 1839 Hindman wrote “In my last letter I mentioned that I wished Lt. Hoskins to make some arrangement with you by which you would permit me to use some of the funds now in my hands in place of some he owes me for bacon delivered at Fort Likens and Camp Watts....” From all of these documents, there is evidence that a Camp Watts existed and that it was not distantly located from Fort Likens. Since Capt Thomas Watts was in command of Fort Lovell, Camp Watts was most likely another name for Fort Lovell (NA RQG RG 92 Entry 352 Box 3).

Fort Turkeytown

Colonel William Lindsey issued Order Number 19 from Fort Cass in Charleston, Tennessee on 14 May, 1838 that established troop numbers in the various Alabama, Tennessee, and North Carolina Removal facilities. A colonel, major, and six companies of men were ordered to Turkeytown, Alabama (NARA RG393 M1475 R1 Fr240).

Fort Turkeytown was the only removal facility listed in Alabama by author-historian James Mooney (Mooney 1992:221). Born in 1861, Mooney was an early employee of the Bureau of American Ethnology, which he joined in 1885. He traveled extensively among various Native American tribes, including the Eastern Band Cherokees. Among his many works are *Sacred Formulas of the Cherokees* (1891) and *Myths of the Cherokees* (1900).

Because of his contact with Cherokees and others who had been involved in removal, Mooney may have been the person most knowledgeable, and in the best position, to report on the tragic event. "The history of this Cherokee removal of 1838, as gleaned by the author from the lips of actors in the tragedy, may well exceed in weight of grief and pathos any other passage in American history," he recorded in *Myths of the Cherokees* (Mooney 1992:130). But for "Alabama Removal Forts in 1838", he listed only "...Fort Turkey Town, on Coosa river, at Center, in Cherokee county. Authority: Author's personal information." Mooney also omitted some forts and encampments in other Removal states (Mooney 1992:221).

Though Mooney lists only Fort Turkeytown as an Alabama removal facility, Lieutenant Keyes' contemporary map of the "Places, Forts, Posts, Routes and Distances in the Cherokee Nation" does not include it.

According to an 1822 report of one of the missionaries of the American Board of Commissioners for Foreign Missions: "Turkey Town was perhaps 30 or 40 miles long..." (American Board of Commissioners for Foreign Missions Papers, Harvard University R737 F528). Because of the vast area of the town, it could be impossible to locate the fort, which may now be under water. Much of the original site of Turkeytown was inundated with the creation of Weiss Lake. A portion of the town was preserved with the creation of the Turkeytown Ceremonial Grounds and Park near Gaston High School on U.S. 411 (Rozema 1995:354-356).

Colonel Lindsey wrote to General Scott on 22 June 1838, giving him an update of the Indians who had been moved from various posts but said he had not yet heard from the post at Turkeytown (NARA RG393 M1475 R1 Fr688-691).

Colonel Hindman, the acting assistant quartermaster at Bellefonte, arrived at Turkeytown in late June to inspect supplies that had been shipped there. He wrote on 26 June to Lieutenant Hetzel at Fort Cass, Tennessee, that there was a battalion of Alabama volunteers at the Turkeytown post (NA RQG RG92 E352 Box 3).

In early July, 1838, Fort Turkeytown was closed down as a removal facility. Colonel Hindman wrote to Lieutenant Hetzel on 6 July and acknowledged his orders to dispose of the public property there. There was not much to dispose of. Colonel Hindman said there were 1900 feet of planks, 50 pounds of nails, a cross cut saw, 19 quires paper, 10 quills, part of a bottle of black and red ink, two public horses, and one saddle and bridle and blanket. No forage was left for the livestock (NA RQG RG92 E352 Box 3).

Although the fort was closed, there were still Indians in the area. Lieutenant Benjamin Poole reported on 31 July that he occasionally had to send some of his troops from Fort Payne, some 30 miles away, to Turkeytown to protect the rights of the Indians:

In addition to the duties attending a proper surveillance over the Cherokee camps it is occasionally necessary to send some thirty miles below to the neighborhood of Turkey Town for the protection of Cherokee rights. These are instances of property belonging to Cherokees having been fraudulently detained from them on their removal from their homes which they now seek to reclaim. Their cases are of so simple and manifest a character that it seems unjust to deny the Cherokees the assistance necessary to enable them to recover their property (NARA RG393 M1475 R2 Fr14-16).

The site of Fort Turkeytown is clouded with the fact that research indicates that there was a council house and village established by Chief Little Turkey on Turkey Town Creek during the 1790s. This site was located near Gadsden in Etowah County. The old Pathkiller Ferry was near this location. The site of a later Turkey Town was again located near Pathkiller's Ferry, but on the Coosa River as it flowed past what is now the town of Centre, Alabama (personal communication with local historian, Jerry Jones). This information provides an excellent opportunity for additional research into the two sites.

Benge Detachment Camps

The Camp Eight Miles Below Fort Payne

Very little written accounts survive giving the route the Benge Detachment emigrants took from Wills Valley to their new homes in the west, especially within the State of Alabama. Records do show that their immediate destination was Gunter's Landing, where they would cross the Tennessee River and proceed to Huntsville where they hoped to pick up needed tents and other supplies (GM JRP F449-4026.659).

Earlier research of the removal route by historians suggest they followed a road along present Alabama Highway 35 in Big Wills Valley, up Sand Mountain, and then southwest along current U.S. Highway 75 to near present U.S. Highway 431, and then north to Gunter's Landing.

Original surveyors' notes taken in 1839 and 1840, however, do not show that these roads existed.

Beginning in late September of 1838 the Benge Detachment emigrants began moving to assemble at an encampment eight miles below Fort Payne where they would begin their long journey (GM JRP F449 4026.659). This would have been the vicinity of the present community of Lebanon, as it is exactly eight miles from the big spring at Fort Payne to that location. Lieutenant Poole reported to Colonel William Gates from his camp near Missionary Hill, Tennessee on 11 October that:

I have the honor to inform you that the emigrating party of Cherokees which Mr. John Benge is conductor, left its camp eight miles below Fort Payne, on the 4th instant; and I learned that on the 7th was within fourteen miles of Gunter's Landing. The last of the families which Mr. Benge reported were to join his party from this vicinity passed Fort Payne on the 5th. I however ascertained on my way hither that there are three families about six miles from here, in Lookout Valley, numbering about twenty persons, which are to accompany Mr. Benge. The

principal man among them, named Peter Miller, informed me that the greater part of their baggage had gone on, and that they should themselves start tomorrow or the next day. The public property at Fort Payne was sold at public auction except the camp and garrison equipment and medical stores, which has been transported to this place. The troops marched from Fort Payne on the 8th instant (NARA RG393 M1475 R2 Fr370-371).

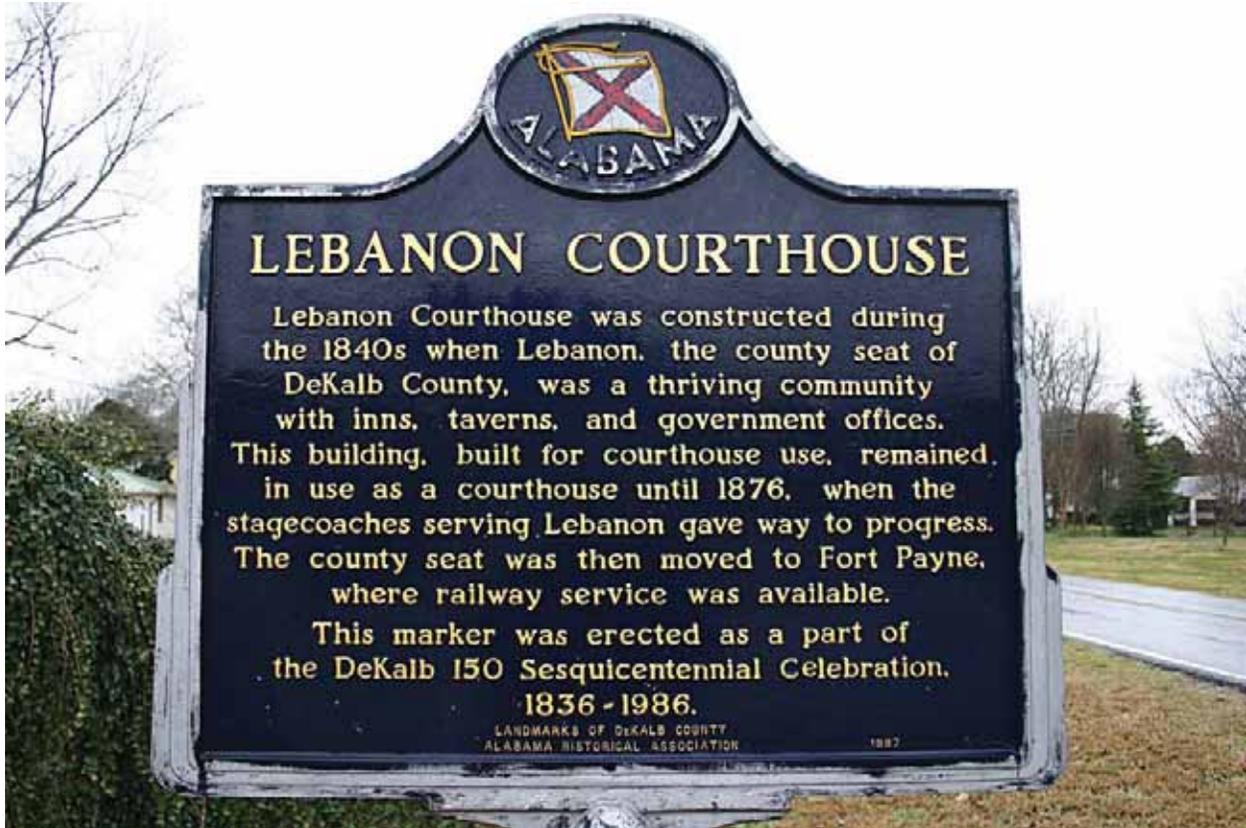


Figure 7.22.

Photo by Marty King

The Gunter's Landing-Lebanon Road existed at the time of removal and is the logical route the Bengé Detachment took to make the approximately 32 mile trip (1834 H. S. Tanner map) Portions of the old roadbed still exists. The area near the old courthouse at Lebanon (See Figures, 7.22 and 7.23), holds promise for archaeological investigation.

The town of Lebanon appears on the 1839 Mitchell map and the 1841 H. S. Tanner map; however, it is not mentioned in correspondence prior to removal. It is believed that the community takes its name from Christopher Carden, an attorney, and his family who came from Lebanon, Tennessee to settle in the early 1840's. It became an important town in DeKalb County when the county seat moved there in 1842, and also served as a land office for many years for the sale of property once belonging to the Cherokees (Statutes at Large, 30th Congress, 2nd Session, page 770; Howard 1971:63).



Figure 7.23. Lebanon Courthouse

Photo by Marty King

And so by 8 October 1838 all of the army and all of the Indians (it was thought) were gone from Wills Valley, Alabama.¹² But a few Cherokees escaped removal. One who did was an Indian by the name of “Granny Dollar,” who avoided being captured by the soldiers and forced to leave her homeland. She was born around 1826 near Buck’s Pocket on Sand Mountain and well remembered the removal. She became somewhat of a folk hero and lived in a little log cabin near present DeSoto State Park in DeKalb County until she died in 1931. Recalling the removal, in 1928 she told a journalist for Progressive Farmer magazine:

Another race has taken our fields, our forests and our game.
Their children now play where we were once so happy.

(Shrader1928)

Camp on Tennessee River

Arley Parched Corn lived in the Old Nation below Gunter’s Landing opposite Painted Rock, Alabama and emigrated with Capt. Benge. She filed Spoliation Claim #68 (Refer to Chapter 5: Spoliation Claims) in the Canadian District of the Cherokee Nation West in Indian Territory. Arley stated the following in her claim:

“The two horses for which I now claim were not left on place. Father bot. his horse while in camp at Wills’ Valley, he bought him on credit, and when I arrived gave him the money (\$100) to pay for him. The other horse I bought while at agency. I paid 115 \$ for him. My father lost his horse in this way: When in

camp on Tennessee River, on our way emigrating he went to a town called Claysville about a mile off and got drunk – while he was drunk, a white man by name of “Jack Thomas or Riddle” took the horse (CNP, U of OK, WHC, F 2999, MR 31).

This above statement by Arley Parched Corn shows that after crossing on Gunter’s Ferry, the Benge Detachment camped on the north side of the Tennessee River. Claysville is located north of Gunter’s Landing on the Tennessee River, as shown on the 1844 LaTourette Map, based on the US Survey of 1840 (Refer to Chapter 9, Page 39). Below is a section of the 1839 Burr Postal Map (See Figure 7.24), showing that Claysville (on the north side of the Tennessee River) was 2½ miles from Van Buren (Guntersville).

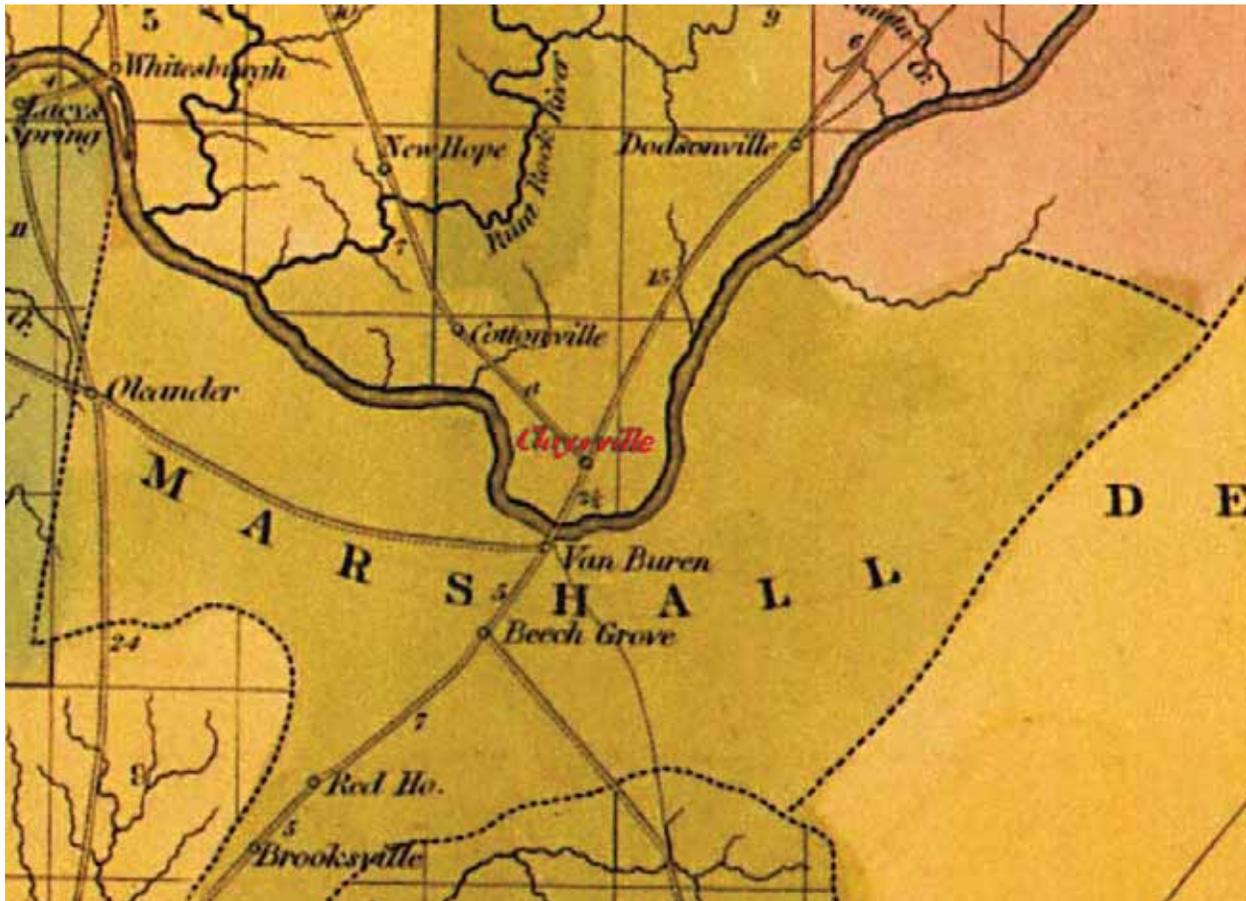


Figure 7.24. Detail of 1839 David Burr Postal Map, Alabama/Georgia

Notes

1 General Wool's fall from grace with his superiors may not have been his handling of the settlement of the Gunter will, but his affection for the Cherokees he was in charge of removing. See "Conscience or Duty: General John E. Wool's Dilemma With Cherokee Removal," by James F. Corn, *Journal of Cherokee Studies*, Museum of the Cherokee Indian, Cherokee, North Carolina, Hudson Printing & Lithographing Company, Inc., Chattanooga, Tennessee, Vol. III, No. 1, Winter, 1978

2 Research by Lamar Marshall from "Field Notes of Alexander M. White, fourth quarter 1839." Signed by James Weakley, surveyor general of the Public Lands in Alabama. Records held by the Alabama Secretary of State; Lands and Trademarks, and Land Surveys.

3 Lieutenant Steptoe's letter proves that there was at least one log cabin used during the removal at Fort Payne. While it is possible that the log cabin mentioned by Lieutenant Steptoe was the one that survived until 1946, it is not probable. The cabin used to store meat was already in bad shape in 1838, causing spoilage of the bacon stored there.

4 Bellefonte was incorporated on 15 December 1821 and in 1822 it was selected as Jackson County's second county seat, where it remained until 1859 (Acts of Alabama, Chapter LXIII, Section I:339).

5 See also www.Galileo.usg.edu/valuations under the Treaty of 1828. The valuation noted that Ross's ferry measured 10 feet wide by 40 feet long with a good iron chain and good oars. Its value was placed at \$50. By the time of removal in 1838 his ferry had probably been sold or acquired by another owner.

6 Thomas Carmichael Hindman was an enterprising and interesting man who had many dealings with the Cherokees and the army. Claimed to have been the first born male child in Knoxville (1793), he served in the War of 1812, and fought at the Battle of New Orleans as a regimental adjutant. After leaving the military he operated a military ferry on the Tennessee River in the Alabama Territory and served as a Lieutenant Colonel in the Tenth Territorial Militia. He later became a prosperous merchant licensed to trade with the Cherokees on the Tennessee, Alabama, and Georgia borders. He became friends with Lewis Ross, brother of Chief John Ross, and married the sister of Lewis Ross's wife, Fanny, in 1819. Colonel Hindman moved to Jacksonville, Alabama, around 1831. When forced removal of the Cherokees began, he was named quartermaster and sold goods to the army. He accompanied one of the detachments to the west, inspecting wagons, distributing supplies, and selecting campsites. Following the removal, Hindman continued to be an advocate for Cherokee rights and traveled frequently to Washington on their behalf. Among his children was Thomas C. Hindman, Jr., who became a general in the Confederacy and a states rights politician (Neal and Kremm 1997:1-3, 8, 18).

7 Abner Riviere Hetzel of Pennsylvania was born in 1805, attended West Point, and was appointed second lieutenant in the United States infantry 1 July 1827. He was promoted to first lieutenant in 1836, then to captain in 1839. He served as an assistant quartermaster from May 1835 to July 1838. In 1846 he published *Military Laws of the United States*. He died 20 July 1847 and is buried at Arlington National Cemetery. On 25 February 1850 the 31st Congress 1st

Session passed Senate Bill 130, "A Bill for the relief of Mrs. Margaret Hetzel, widow and administratrix of A.R. Hetzel, late quartermaster in the Army of the United States." This allowed payment to Mrs. Hetzel for money that was due her husband in 1838 but was never paid (www.arlingtoncemetery.net/arhetzel).

8 Although the Drane Detachment began their journey by land from Ross's Landing, once they arrived at Waterloo, in extreme northwest Alabama, they traveled the remainder of the way by boat, and are considered to be among the water route emigrants.

9 Research of Captain Charles M. Likens by Mike Wren. The United States Census of 1830 lists only one Thomas M. Likens, who was residing in District 284 of Morgan County, Georgia. He was listed as between 30-40 years old. The 1840 Census lists a Thomas M. Likens in Talladega County, Alabama. Additional research on the Likens Family by Patty Woodall. John Spencer was a brother-in-law of Captain Likens, having married Martha Likens. John Spencer was listed on the 1840, 1850, 1860 and 1870 Benton County census reports.

10 Research by Lamar Marshall from "Field Notes of Alexander M. White, approved by James Weakley, Surveyor General of Public Lands in Alabama. Records held by the Alabama Secretary of State; Lands and Trademarks and Land Surveys.

11 Mr. Cavin is 88 years old and as a young boy recalls his father driving cattle from his farm in Broomtown Valley all the way to Ross's Landing via Menlo, Lafayette, and Chickamauga, Georgia. He is of the opinion that Fort Likens was located northwest of the springs on a small rise. Surveyors' notes confirm the fort was located in this area (Personal interview with Mr. Cavin, 21 January, 2007).

12 Not all the Cherokees left at one time, as others trickled in after the main body of the emigrants departed. Caty Bengé did not catch up with the detachment until three weeks later (TSLA Manuscript Collection 1787 Box 16 Folder 2. Flint District Claim Book 5, Claim #128).

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Tennessee State Library and Archives, Tennessee Manuscript Collection #1787, Box 11, Folders 1-5, Microfilm Collection 815, Reel 4

Loose Papers

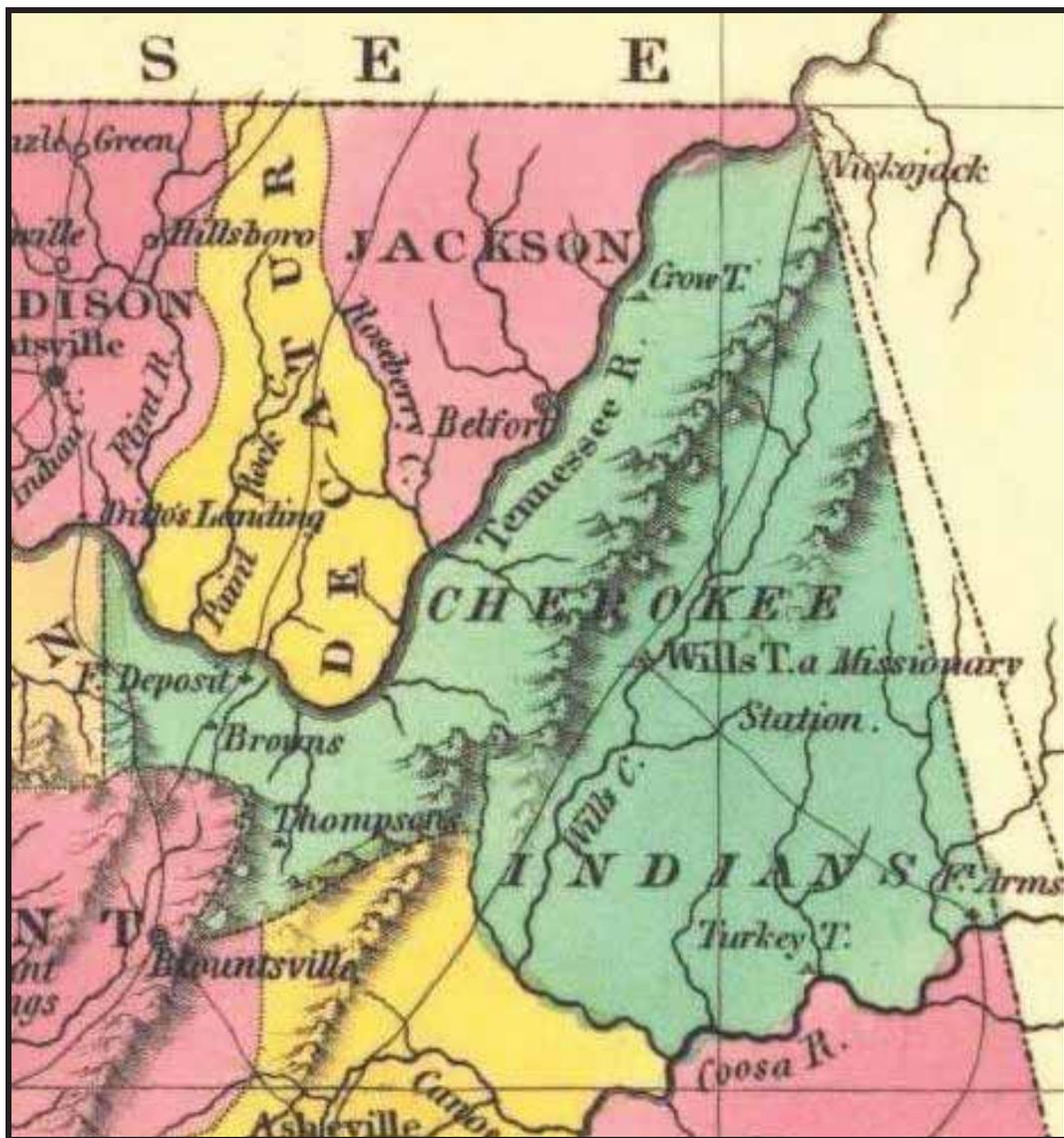
National Archives, Washington D.C., Record Group 92, Records of the Quartermaster General, R357, Boxes 2 and 3, and Fort Payne File (not microfilm)

National Archives, Washington D.C., Record Group 217, General Accounting Office, Treasury Department, Second Auditor, Indian Accounts, 1817-1922, Edward Dees File (not microfilm)

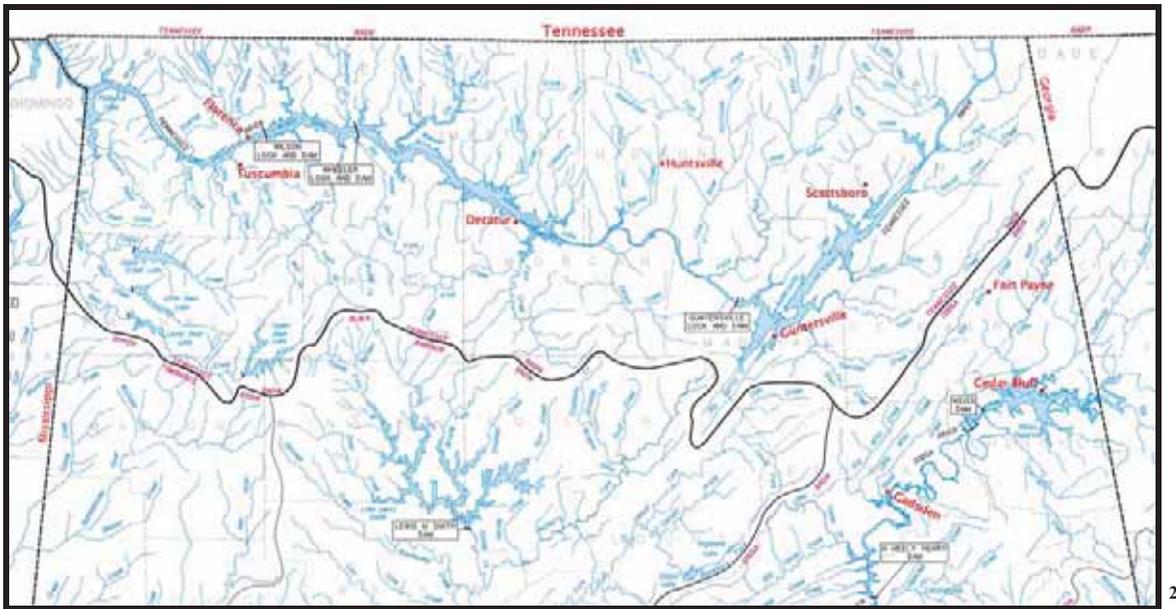
Chapter 8 Topography of the Removal Routes

Ferry Crossings on Major Rivers and Tributaries By Michael Wren

The topography of the Cherokee lands in Alabama formed distinct regions resulting in limited patterns of travel. The Coosa River, the Chattooga River, the Little River and the Tennessee River formed barriers and borders within the Cherokee lands in Alabama further defining transportation routes. Ferries were established at many points along these rivers and were major components of the transportation infrastructure becoming critical for moving the Cherokee population across these dividing rivers and to the internment facilities and eventually out of their former lands. The Military would have extensively used these ferries for transport of supplies and for troop movements.



¹ Anthony Finley, Map of Alabama, Philadelphia PA, circa 1831.
[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/alabama1831a.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xml](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/alabama1831a.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xml)



Using the Original Surveys of 1839, historical maps, Valuations made by the US Government to establish payment to individual Cherokee for their property and claims filed by Cherokee, the location of most of the ferries, the former Cherokee and later white owners, can be established. There may have been other ferries in existence in 1838 but no evidence has been located to identify or suggest those locations.

The Coosa River is formed at Rome, GA by the merging of the Hightower (or Etowah) River and the Oostanaula River. The Coosa flows west from Rome into Alabama. At present day Leesburg/Centre, AL area the river turns south/southwest. The point where Wills Creek empties into the Coosa River, in present day Gadsden AL, marked a border of the Cherokee lands.

The Chattooga River flows southwest out of Georgia and joins the Coosa west of present day Cedar Bluff, AL. The Little River flows on top of Lookout Mountain with the Little River Canyon restricting east-west movement across the middle portion of the river. In 1961, the Alabama Power Company built the Leesburg or Weiss Dam and most of the lower Chattooga and Little River Rivers were impounded along with the Coosa River. Prior to that event, the Little River flowed into the Chattooga River before the latter joined the Coosa.

The Tennessee River enters Alabama in the extreme northeast after passing Ross' Landing and modern Chattanooga, TN. The River flows southwest to present day Guntersville, AL where it turns northwest. The lands north of the Tennessee River had formerly been Cherokee Lands but were ceded under the 1817-1819 Treaty. In the late 1930's the Tennessee Valley Authority built an extensive series of dams on the Tennessee River. The Guntersville Dam is down river from the City of Guntersville and flooded many of the former Cherokee sites in the Gunter's Landing and Creek Path areas.

Starting at the Georgia State Line and using the Original Surveys of 1839, locations where roads crossed the Coosa River have been identified.

² Rivers and Streams of Alabama, Special Map 241, Geological Survey of Alabama.

Griffin received some compensation for his Ferry when he emigrated in 1834.⁹ In that Valuation, Griffin refers to the “*all the Ferry at Lemmons on Coosey that is, the Banks or work done on the banks of the river*”. On the 1904 30-Minute Topographical Map of the Rome, GA Quadrangle, this Ferry is named the Perkins Ferry.¹⁰ USGS website confirms the Perkins name but also gives an alternate designation as Lays Ferry.¹¹ The Original Patentees for the area around the ferry were John McGhee and also Thomas R. Billue and John Chapman as assignees of John A. Davis and Blumer Stephens¹²

⁸ Register of Payments, Volume B, p. 312; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. The Ferry was the only item credited to this account. There was a reduction of \$22.25 for a payment to James Hemphill. What that obligation entailed is not known at this point.

⁹ Valuation #110 on page 75, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville.

http://dbs.galib.uga.edu/cgi-bin/write_stats.cgi?statype=fulltext&dbcode=zlna&format=jpg&redirect=http://purl.galileo.usg.edu/nativeamericandocs/jpg/pav075.jpg

On the 1833 map by H. S. Tanner, A New Map of Alabama, from Tanner’s Universal Atlas there is a reference to “*M. Lemons*” in the Cherokee lands in Alabama but the exact location is not identifiable.

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1833b.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1833b.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/view-dhtml.xsl)

On the 1835 map of Alabama and Mississippi by Thomas Gamaliel Bradford, Boston: William D. Ticknor; New York: Wiley & Long, the reference is to *Mt. Lemons*.

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1835b.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1835b.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/view-dhtml.xsl)

In the Road Orders for St Clair County AL there is an order that states “*It is Ordered by the Court that Daniel Lemmon(,) Henry Smith(,) George Johnson(,) Eli Watts & Andrew Dollondson be appointed Commissioners to review and mark out a road from Chattooga vally road near the Camp meeting grounds passing near fort Armstrong thence Cross Coosa near the mouth of Spring Creek Thence to the old vilage on Tarripin Creek Thence on a direct core to the County Seat of Benton County to the Benton line.*” It is not known at this point if there is any connection between Daniel Lemmon and M^e Lemmons or M.

Lemmons. St. Clair County Court Minutes, 1828-1834, page 204, St Clair Archives, St Clair County Courthouse, Ashville, AL. The Original Patentee of the western half of the southeast quarter of Township 10, Range 11 East (which was just down river from this crossing) was a Jacob Laman. In the Circuit Court Minute Book (1837-1839) of St Clair County on pages 23-25 is recorded a State Case about a Riot on the former Cherokee lands being transferred to the Cherokee County Alabama court. The charges involved, among others, Jacob Layman, Daniel Layman Jr. and Jacob Lamon Sr. It is not known what if any connection may have existed between these men named Lemmon and Samuel Lemmons who emigrated west in 1834 from the areas of the Connesauga River TN.

¹⁰[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_rome.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_rome.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/view-dhtml.xsl#)

¹¹ <http://geonames.usgs.gov> See the United States War Department Atlas to Accompany the Official Records of the Union and Confederate Armies. Washington: Govt. Print. Off., 1895, Chickamauga Campaign, for the use of the Lays Ferry name.

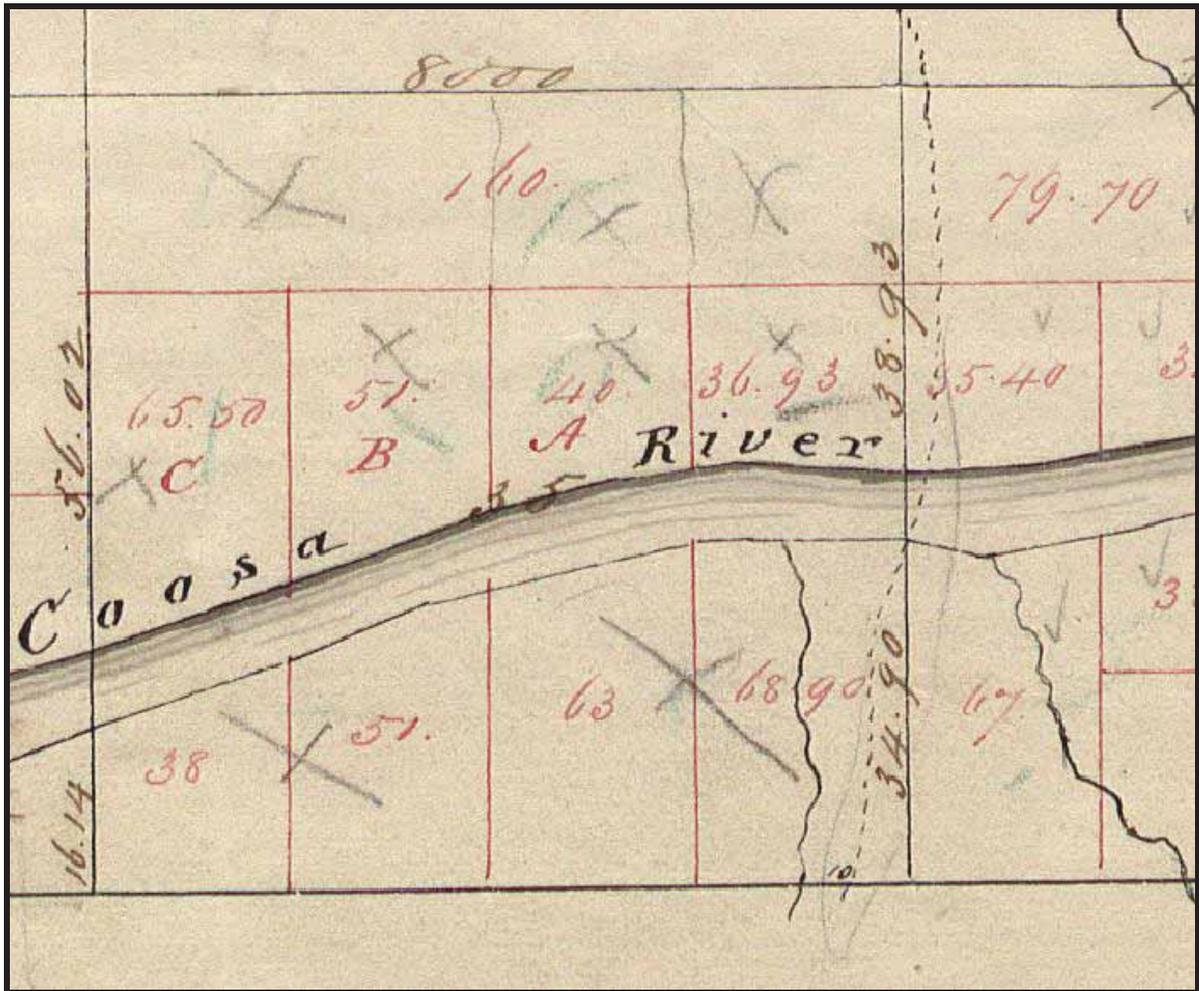
In Returns of Property, Entry 227; Records of the Bureau of Indian Affairs, Record Group 75 is recorded the sale of Cherokee Property. Cherokee County Sales are recorded in portions of Volume 37. On page 200 is noted a purchaser named Mr. Lay, on page 201 is named a James Lay, and on page 202 is a William Lay. It is not known if these men are connected to Lays Ferry.

¹² Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,188 for John McGhee of Cherokee County Alabama issued May 1, 1845 for fractions A and B of fractional Section 9 in Township 10 of Range 11 in the District of Lands subject to Sale at Lebanon Alabama. Pre-emption Certificate #7,188 for Thomas R. Billue and John Chapman (as tenants in common) assignees of John A. Davis and Blumer Stephens issued May 1, 1845 for the northeast fractional quarter of fractional Section 9 in Township 10 of Range 11 East in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/> NOTE: The online index has the second patent incorrectly indexed as Z188 instead of 7188.

COOSA RIVER #2

Township 9 South, Range 10 East, Sections 35-36

Vann's Ferry / Sally Bark's Ferry / Nesbeth's Ferry / Cothran's Ferry



13

Sally Bark and her brother, Bread Cutter (aka Cut Bread), claimed a Ferry on the Coosa River on the road from Widow Betsy Broom's to Vann's Valley. Originally started by David Vann¹⁴ under permit from the National Council, the ferry passed into the hands of Sally Bark and her brother according to the Laws of the Nation. On October 9, 1838, Sally stated they had been dispossessed for near seven years.¹⁵

¹³ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

¹⁴ Don Shadburn, Cherokee Planters in Georgia 1832-1838, Cumming GA: Don L. Shadburn Publisher, 1990, pages 131, 134-135. David Vann is said to be the son of Avery Vann and Margaret McSwain and lived in Vann's Valley. It is not known under what exact circumstances Sally Bark and Bread Cutter came into ownership of the Ferry from David Vann. Sally Bark did have a son named John A. Vann.

¹⁵ Statement of Sally Bark for a Claim for a Ferry Valuation October 9, 1838. Folder of Sally Bark; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. The Property Valuation of Widow Broom gave her residence as Chattooga River, Chattooga Valley in Cherokee County, AL. Other Valuations done at the same time imply locations in the lower part of the valley. Quatie Bearhead, the witness who said she lived near the ferry, resided near the Georgia line. In the St. Clair County Court Minute Book (1828-1834) on page 211 is a Court Order dated May 6, 1838 that may refer to this ferry "It is Ordered by the Judge of the County Court that John Nesbit be authorized to Establish a ferry on Coosa river on the Road leading from Tennessee to tarripin Creek about Two miles above fort Armstrong and be authorized to receive the following rates of

Earlier, on September 6, 1838 Sally filed a Claim where she stated that the ferry was on the Coosa River at Vann's Ferry on the road leading from the old Alabama Road to Vann's Valley. She stated the ferry was owned by Sally Bark, John Griffin and John Hair but that John Griffin transferred his claim to her four years earlier. She further stated they had been dispossessed by Jno Mury.¹⁶

William Grimmett, on October 8, 1838, said the ferry was situated on the Coosa River about eight miles from Gaylesville and forcibly taken by John Murray about eight years ago and that the ferry was worth about \$500 per annum. Betsey Barehead on the same date said she lived a quarter mile from ferry and that her son, Ah-ne-na-why, kept the ferry for the claimants until John Murray dispossessed the claimants about six years ago.¹⁷ Bread Cutter was paid \$300 for his half of the ferry plus \$180 for spoliation of rent.¹⁸ Sally Bark received an identical allowance for her portion.¹⁹

Vann's Valley is in Floyd Co, GA between Rome and Cedar Town, GA and south of the Coosa River. Gaylesville is north of Coosa River.

ferriage..." In 1835, the US House issued a resolution to the Committee on Post Office and Post Roads to "*inquire into the expediency of establishing a mail route from Calhoun, in the county of McMinn, in the State of Tennessee, passing by Richard Taylor's and John Brown's, thence down the Chattooga river and valley, crossing said river near a camp ground, thence crossing Coosa river at Nesbeth's ferry, thence crossing Terrapin creek at Adams's ford, and thence, by Jacksonville, to Talladega court-house, in the State of Alabama*".

¹⁶ Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425. Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. Claim #75(c). The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations). The witness to this Claim was Laugh at Mush. This claim seems to suggest that Sally Bark may have had an interest in the Griffin ferry and that it may be the ferry she claimed. The entire body of evidence at this point is not conclusive one way or another.

¹⁷ Certificates of William Grimmett, Laugh-at-Mush and Betsey Barehead. Folder of Sally Bark; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. John Murray has not been identified. Eight miles from Gaylesville would potentially put this ferry closer to the site of the Armstrong Ferry. See the Armstrong Ferry for insight into the contradictory information.

¹⁸ Register of Payments, Volume A, p. 413; Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁹ Register of Payments, Volume E, p. 51; Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.



20

This is possibly the unnamed Ferry shown by John LaTourette on his 1837 Map of Alabama. The 1864 Map by Captain William Merrill refers to this as Gayles Ferry.²¹ The USGS website identifies this ferry location as Carthen's Ferry.²² The Original Patentee of the southeast quarter of this section was John W. Cothran.²³

²⁰ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties.

Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/vie w-dhtml.xml#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/vie w-dhtml.xml#)

²¹ *Map of northern Georgia / made under the direction of Capt. W.E. Merrill, Chief Topl. Engr. from the Cherokee land maps and from information compiled by N. Finegan, draughtsman, from surveys of the Topl. Engrs., Army of the Cumbd., compiled by H. Riemann, draughtsman, [and from] the state map of Georgia. William Emery Merrill, Chattanooga, Tenn. : Lith. and printed in Topl. Engr. Office, Dept. Cumbd., 1864. Library of Congress Geography and Map Division Washington, D.C. 20540-4650 USA http://memory.loc.gov/cgi-bin/query/D?gmd:1:/temp/~ammem_aM9F:::@@mdb=gmd.ww2map*

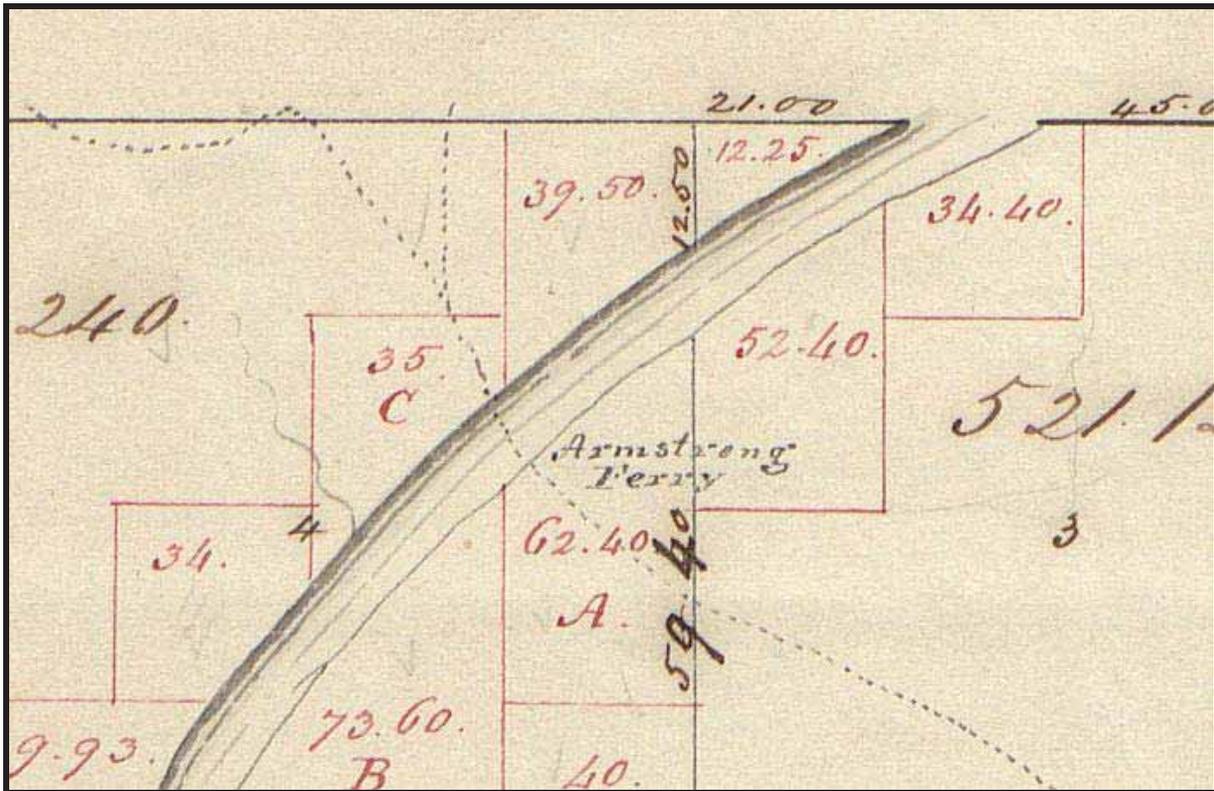
²² http://geonames.usgs.gov/pls/gnispublic/f?p=135:3:7410622463953915171::NO::P3_FID:149776 See also United States War Department Atlas to Accompany the Official Records of the Union and Confederate Armies. Washington: Govt. Print. Off., 1895, Chickamauga Campaign.

²³ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,365 to John W. Cothran of Cherokee County Alabama issued May 1, 1845 for the southeast quarter of Section 35 in Township 9 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.

<http://www.glorerecords.blm.gov/PatentSearch/>

See also Acts of Alabama 1853-1854, #337 "*An Act to amend the law authorising John W. Cathran to establish a ferry on Coosa river, in Cherokee county, approved 29th January, 1854.*"

COOSA RIVER #3
Township 10 South, Range 10 East, Section 4
Ft Armstrong Ferry / Sewell Ferry



24

The original survey identifies this as the Armstrong Ferry. The road went from Jefferson (modern day Cedar Bluff) to the southeast toward Vann’s Valley.

Fort Armstrong was a US Army fort used during the First Creek War and abandoned afterwards. Undocumented local tradition holds this is the site of an even earlier British Army post. This has not been confirmed by any known research. The exact location of Fort Armstrong is not currently known other than the fort was on the northern side of the Coosa River. Fort Armstrong was noted on maps as late as the 1860’s though that information likely was taken from earlier maps. This area was partially flooded by the Leesburg/Weiss Dam. Archaeological site investigations have not located the fort site.

No evidence has been found in any Property Valuations or Claims firmly linking any Cherokee ownership to this ferry by direct evidence.²⁵ This ferry was later known as the Sewell Ferry.²⁶

²⁴ Survey of Township 10 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Richard S. Coffee, Deputy Surveyor.
<http://www.glorerecords.blm.gov/SurveySearch/>

²⁵ Some of the evidence in the documentation of the ferry of Sally Bark and Bread Cutter suggested this site as being a strong possibility for the ferry they owned. However, other evidence seemed to contradict that possibility. Future research may resolve that conflict.

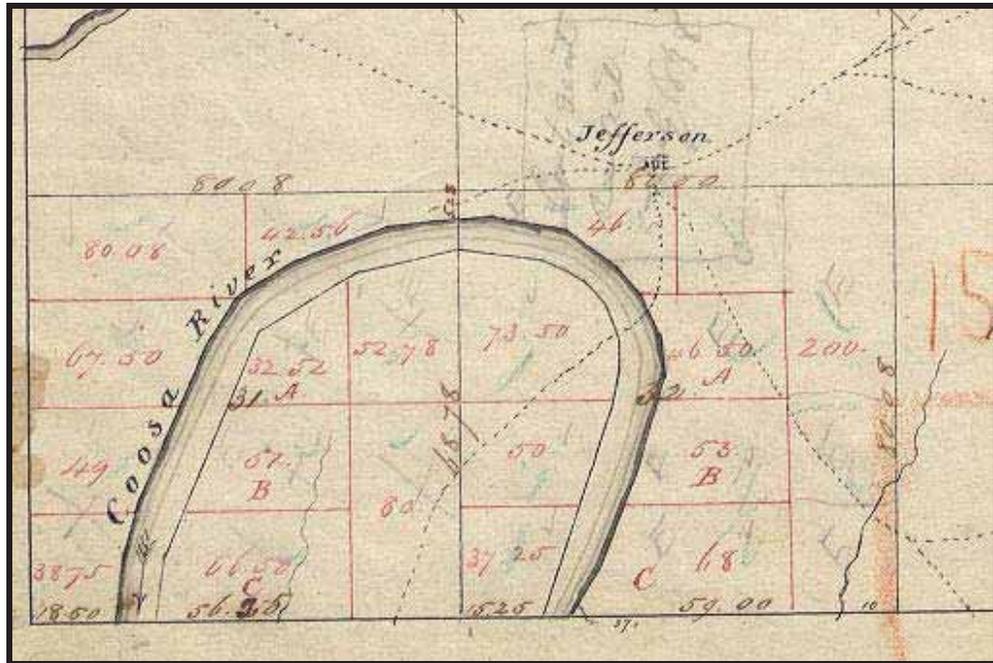
²⁶ http://geonames.usgs.gov/pls/gnispublic/f?p=170:3:15678165531742044017::NO::P3_FID:136977 There was no one named Sewell listed as a purchaser in the Returns of Property for Cherokee County, Entry 227; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #7,080 to James Law, assignee of Isaac Sewell issued May 1, 1845 for the north part of the northeast quarter and the fraction “C” of fractional Section 4 in Township 10 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama. Pre-emption Certificate #6,715 to Nimrod Merrell of Cherokee County Alabama issued June 1, 1845 for the fraction “A” of Section

COOSA RIVER #4
Township 9 South, Range 10 East, Section 32
Town of Jefferson (Cedar Bluff)

The 1839 Survey Plat shows a crossing at this site. The ferry at Cedar Bluff in 1837 belonged to William Woodley.²⁷ The USGS website identifies this as the Lawrence Ferry.²⁸ The 1900 Fort Payne 30 Minute Topographical Map also uses the name of Lawrence Ferry.²⁹

In 1842, a Cherokee named Kee-nah filed a claim for property lost which included a Ferry Boat on the Coosa River.³⁰ The claim was witnessed by Takey. This may have nothing to do with the ferries that were near Jefferson (Cedar Bluff).



31

4 in Township 10 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.

<http://www.glorerecords.blm.gov/PatentSearch/>

See also United States War Department Atlas to Accompany the Official Records of the Union and Confederate Armies. Washington: Govt. Print. Off., 1895. It uses the spelling of "Seawell's Ferry."

²⁷ See Acts of Alabama, 1837 Called Session, page 18, where the Cedar Bluff was said to be below William Woodley's ferry. William Woodley was mentioned in the Returns of Property as a Purchaser. See specifically National Archives and Records Administration, Washington DC, Record Group 75 (Records of the Bureau of Indian Affairs), Entry 227 (Returns of Property), Volume 37 page 183-184, 188-192, 194, 197-198.

See also Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Preemption Certificate #6,302 for William H. West and Jonathan Woodley (as tenants in common) of Cherokee County Alabama issued May 1, 1845 for the west part of the southwest quarter of Section 32 in Township 9 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.

<http://www.glorerecords.blm.gov/PatentSearch/>

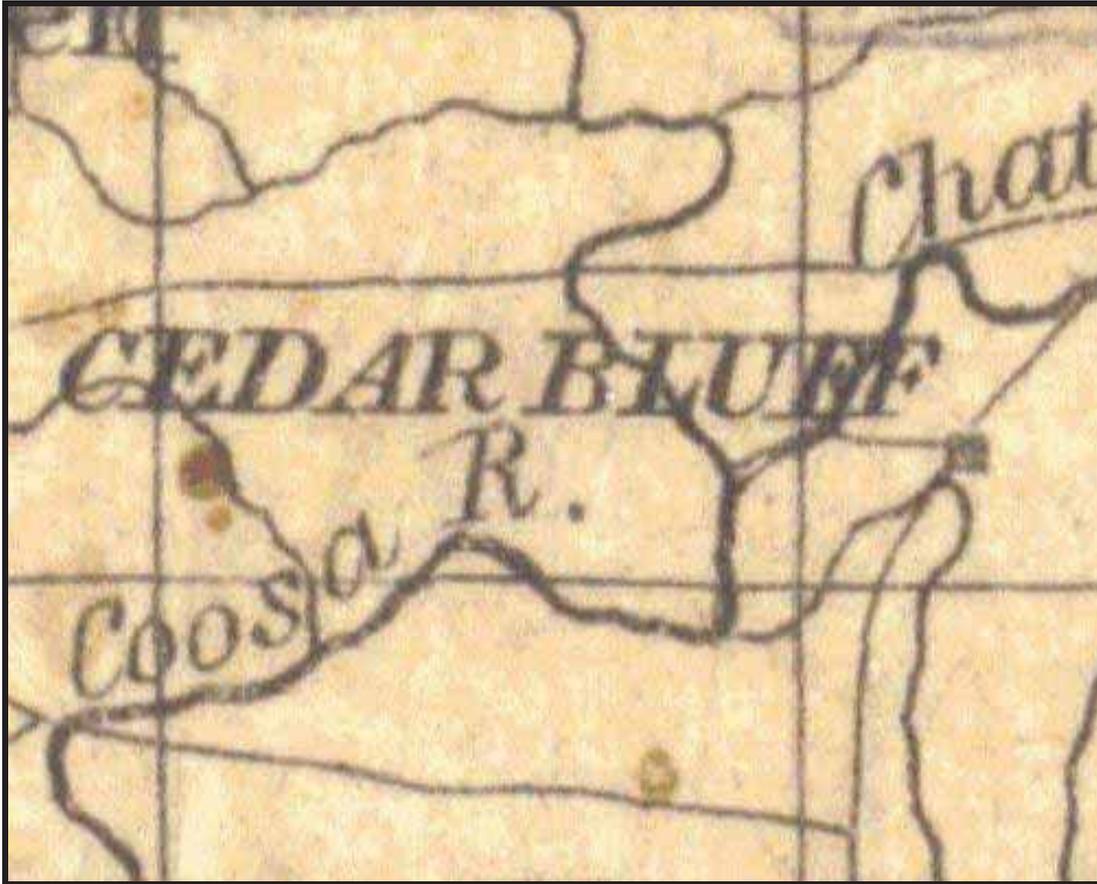
<http://www.glorerecords.blm.gov/PatentSearch/Detail.asp?Accession=AL3090%5F%5F%2E195&Index=1&QryID=30797%2E42&DetailTab=1>

²⁸ http://geonames.usgs.gov/pls/gnispublic/f?p=170:3:15678165531742044017::NO::P3_FID:136918

²⁹ [http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl#)

³⁰ Flint District Claims Book 6, Claim #125. Tennessee Cherokee Collection. Microfilm 815, Reel 7, frame 40. Tennessee State Library and Archives, Nashville TN. Kee-nah's statement was dated April 8 1842, as was that of the witness, Takey. Kee-nah gave his former residence simply as Coosa River, Cherokee County, Alabama. See also Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425, Claim #40, Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations). "Kener" in this claim simply gives his residence as on the Coosa River.

In the County Court Minute Book for St. Clair County, which was granted authority over this area when Alabama extended its laws over the Cherokee lands, is recorded an Orphans Court Order dated June 27, 1833 that states *“It is Ordered by the Judge of the County Court that David Gage be authorized to Establish a ferry on Coosa river at the mouth of Chattooga river and be authorized to receive the following ferriage...”*³² This is the closest ferry to that spot but it is unclear if this court order refers to this location or not.



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³¹ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee & William Weakley, Deputy Surveyors.
<http://www.glorerecords.blm.gov/SurveySearch/>

³² St. Clair County Alabama Court Minute Book (1828-1834) page 215, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL. On page 216 is recorded that the ferry was sanctioned by the County Commissioners of Road & Revenues on August 12, 1833.

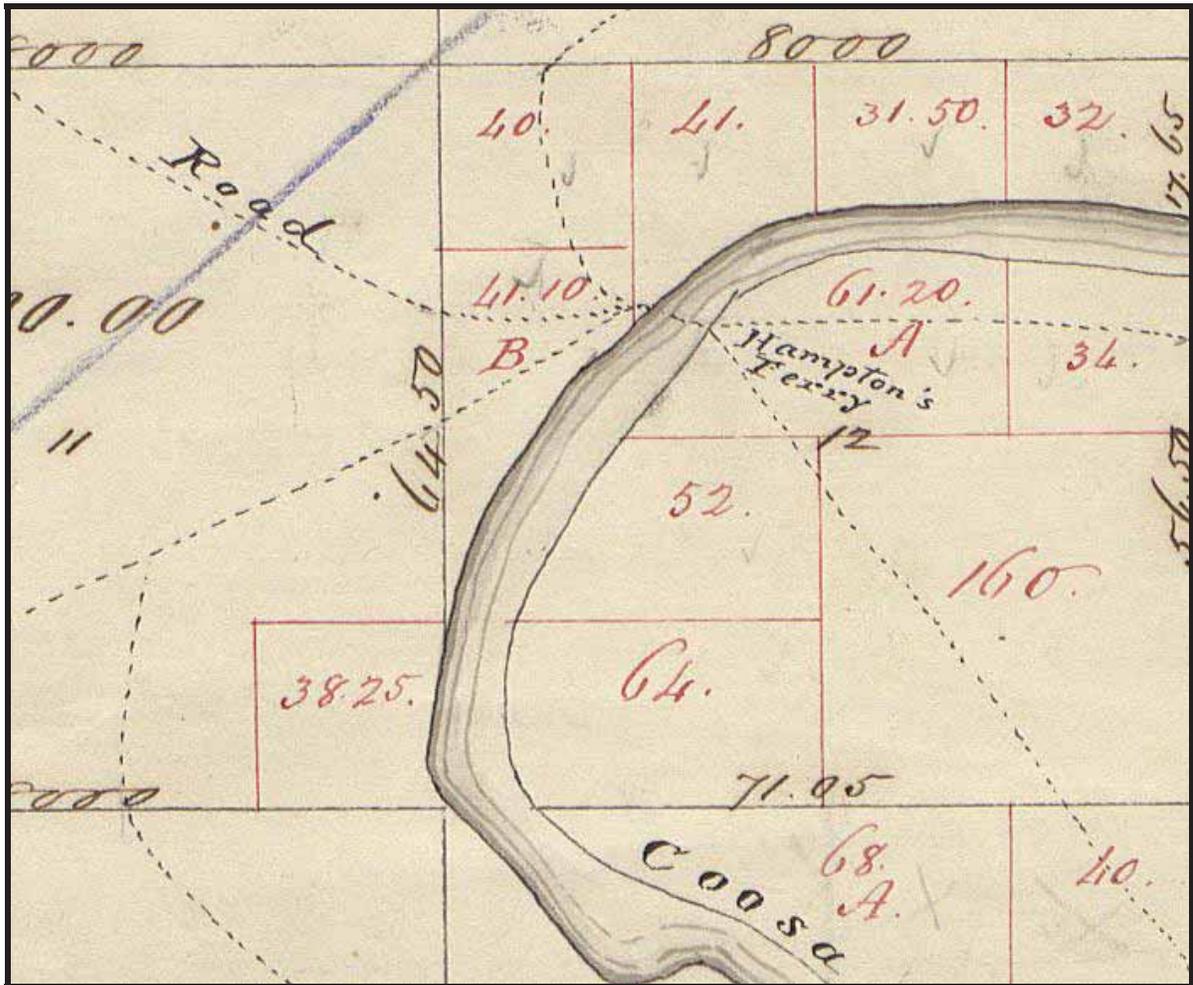
³³ John LaTourrette, A Map of the State of Alabama, Mobile, John LaTourrette, 1844.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>

Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1844a.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1844a.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/view-dhtml.xsl)

COOSA RIVER #5
Township 10 South, Range 8 East, Section 12
Hampton's Ferry



34

The original survey identifies this Ferry by the name Hampton's Ferry. However, the road from the east is incorrectly labeled Hamilton Ferry Road. The road from the west is labeled as the Coosa River Road.

The Cherokees James Hughes, John Ratliff, William Lasley and Jonathan Mulkey jointly owned a ferry on the Coosa River in Cherokee County.³⁵ On September 17, 1837 Jonathan Mulkey had a supplemental Valuation at that location for other improvements. Those improvements were noted to be on the northwest and southeast sides of the Coosa River at Hampton's Ferry.³⁶

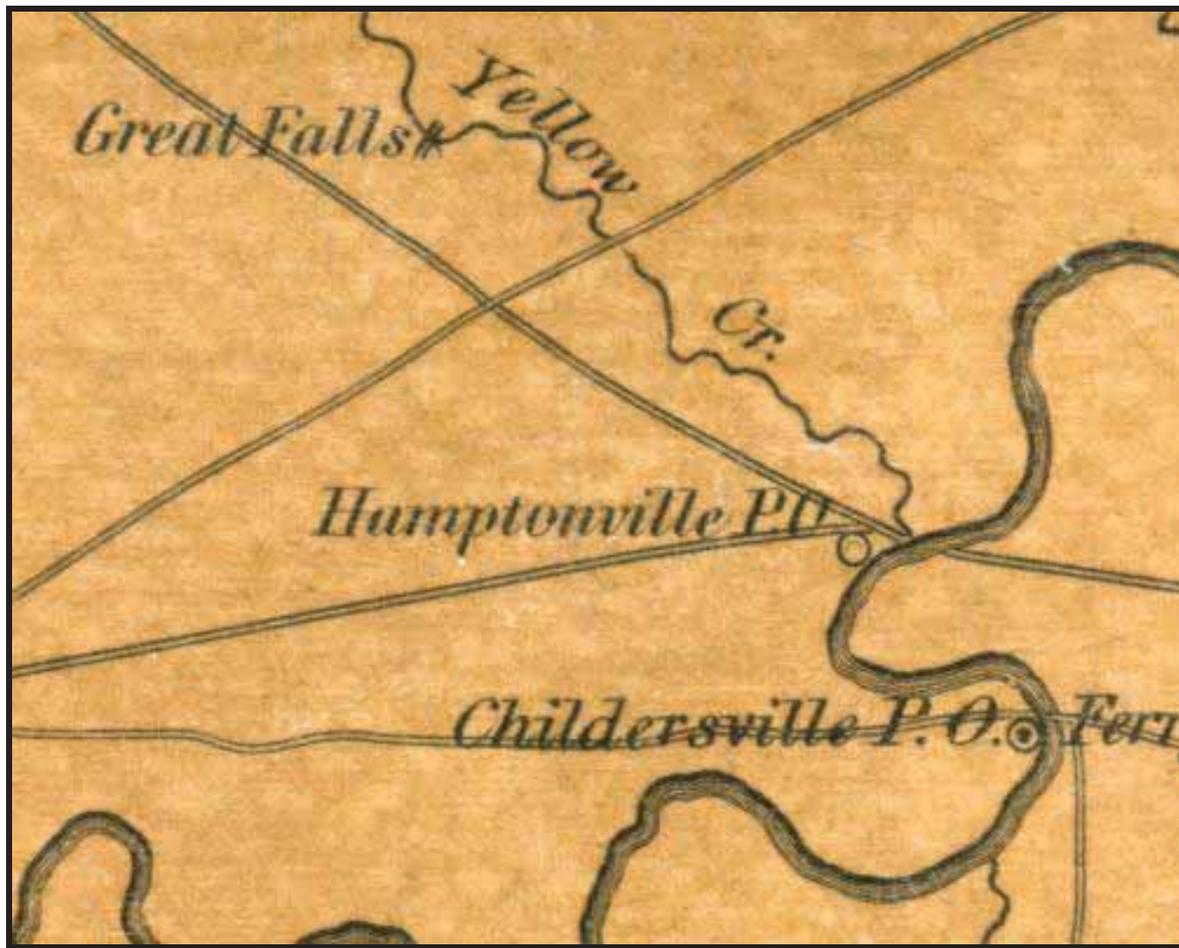
³⁴ Survey of Township 10 South of Range 8 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Richard S. Coffee, Deputy Surveyor.

<http://www.glorecords.blm.gov/SurveySearch/>

³⁵ Rice and McCoy/Rawlings and Massey's Valuations, Cherokee County, Alabama, #40; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. Valued on October 19, 1836, the annual net income of \$200 was based on a certificate of J. Hampton.

³⁶ Shaw and McMillans Valuations, #135; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. Remarks with this valuation stated that "This improvement was omitted by Rawlings and Massey and pointed out to us by Robert B. Hampton who together with his brother made the improvement commencing in the year 1833 under a special contract between them and Mulkey. See Mr. Hampton's certificate with others filed in your office." The Commissioners comments on September 23, 1837 added that the white men made the improvements but were acting as agents for Mr. Mulkey. See also Decisions on Valuation Claims Book 2 (BIA Volume 20) pp 97-99;

John LaTourette's 1837 Map identifies this area as the site of the Hamptonville Post Office.



37

On March 13, 1837 James Lasley wrote a letter to Commissioner Lumpkin complaining that John Mulkey had filed a claim for valuation for this ferry. Lasley asked Lumpkin to refer to Ridge, Boudinot, or Sam Bell about the ferry's ownership. Lasley stated that the four partners also opened a road to this ferry.³⁸ On March 14, 1837 John Ratliff gave a Deposition before Josiah Harper, an acting Justice of the Peace in

Decisions on Spoliation Claims 1838, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

³⁷ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties. Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name.Description\),cat\(Name.Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name.Description),cat(Name.Description)&style=simple/view-dhtml.xsl#)

The term Hamptonville is used on this map. It also is used by Henry Schenck Tanner in his 1841 and 1850 Maps of Alabama, Sidney Edwards Morse in his 1842 and 1848 Maps of Alabama, T. G. Bradford in his 1846 Map, S. Augustus Mitchell in his 1849 Map, Thomas, Cowperthwait & Co. 1850, 1851 and 1853 Maps of Alabama. The first occurrence of the name Leesburg was found on Joseph Hutchins Colton's 1853 Map of Alabama. All these maps are at

<http://alabamamaps.ua.edu/historicalmaps/index.html>

³⁸ Letter of James Lasley (Lasley) to Mr. (Wilson) Lumpkins (Lumpkin) dated March 13, 1837; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

Cherokee County saying that “*himself, James Lasley and James Hughs and Mulca astablished a fery as copardeners on cooca river known as hamptons at this time*”.³⁹

Robert Brown, by his agent John Gunter, wrote a letter on February 20, 1837 about this ferry. Brown said his wife, Sarah, had a Bill of Sale from her father, James Hughs, for said ferry dated June 23, 1832. William Lasley and Fox Fields witnessed the Bill of Sale.⁴⁰ Each of the four partners in this ferry received \$508.75 for their share. John Ratliff’s Register of Payments Account refers to this as Hampton’s Ferry while William Lasley’s refers to it as Hughs Ferry.⁴¹

It is not known when this ferry started. In the Records of the Cherokee Supreme Court on October 27, 1826 James Hughes had suit against Path Killer, the Principal Chief who lived at Turkey Town, to recover part of the ferry on Coosa River. The Court decided that James Hughs was equally interested in the ferry as the defendant.⁴² Jonathan Mulkey also had an earlier valuation for an improvement on the Coosa River including a quarter of the banks at Pollards ferry.⁴³

The Original Patentees for the land at this ferry were Robert B. Hampton and Richard F. Hampton.⁴⁴ In the 1900 30-Minute Topographical Map of the Fort Payne Quadrangle the ferry at this location is named Tripp Ferry.⁴⁵

³⁹ Affidavit of John Ratliff in relation to a ferry dated March 14, 1837. Folder of John Ratliff; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

⁴⁰ Letter of Robert Brown by John Gunter, Agent to the Commissioners contesting the right of James Hughes to a Ferry, February 20, 1837. Folder of James Hughes; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

⁴¹ John Ratliff’s Account was in Volume A, p. 4; William Lasley’s Account was in Volume A, p. 423; James Hughs Account was in Volume B, p. 6, but \$445.87 was transferred to Sarah Brown; Jonathan Mulkey’s account was in Volume B, p. 201; Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. William Lasley and John Ratliff had interest in other ferries.

⁴² Cherokee Supreme Court Minutes, page 22, October 27, 1826. Tennessee Cherokee Collection, Box 3, Folder 10, Microfilm Collection 815, Reel 1, frame 949. Tennessee State Library and Archives, Nashville, TN.

⁴³ Valuation #100 on page 72, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. http://dbs.galib.uga.edu/cgi-bin/write_stats.cgi?statype=fulltext&dbcode=zlna&format=jpg&redirect=http://purl.galileo.usg.edu/nativeamericandocs/jpg/pav072.jpg. Also, in 1842 Tahlequah District Claim #44 of James Hughes, Jonathan Mulkey refers to the ferry owned by Hughes and himself.

It is not known if Pollard’s Ferry is the same place as Hampton’s ferry. In the Returns of Property for Cherokee County there were two purchasers named J.W. Pollard and Benjamin G. Pollard. It is not known if these men named Pollard have any connection to “*Pollards Ferry*”. There is a Pollards Bend on the Coosa River down river from this location. There is no known evidence of any ferries or roads in the Pollards Bend area at the time of the Removal. Benjamin G. Pollard was an Original Patentee in Township 10 South of Range 8 East in Section 28. Solomon Smith assignee of John W. Pollard was an Original Patentee in Township 10 South of Range 8 East in Section 2. Mary Garrett assignee of Benjamin Pollard was an Original Patentee in Township 10 South of Range 9 East in Section 33. It may be that the Pollards were connected with the Garretts and their ferry but there is no evidence connecting John Mulkey to that particular ferry. Benjamin Pollard was a partner of John Ratliff, a half-breed Cherokee, in his Mill in Turkeytown.

In the St Clair County Court Minutes is an order that states “*It is ordered by the Court that Benjamin Pollard and Emanuel M Zimmerman be Authorized to Establish and keep a ferry on the Coosa river about Six miles above Childers ferry and be allowed the following ferriage [no rates listed]*”. St. Clair County Court Minutes, 1828-1834, page 202. St. Clair County Archives, St. Clair County Courthouse, Ashville AL. Childers Ferry was also known as Pathkillers Ferry or Garrett’s Ferry.

In St. Clair County Deed Book B on page 172 is a Power of Attorney dated 11-April-1834 where Richard Ratliff Sr. appointed Benjamin Pollard and Joseph Hampton his agent to recover from Henry L. Smith, Robert Ware & Isaak Hickman of Georgia debts owed to Ratliff. Richard Ratliff Sr. was a white man who was the father of the mixed blood Cherokee John Ratliff.

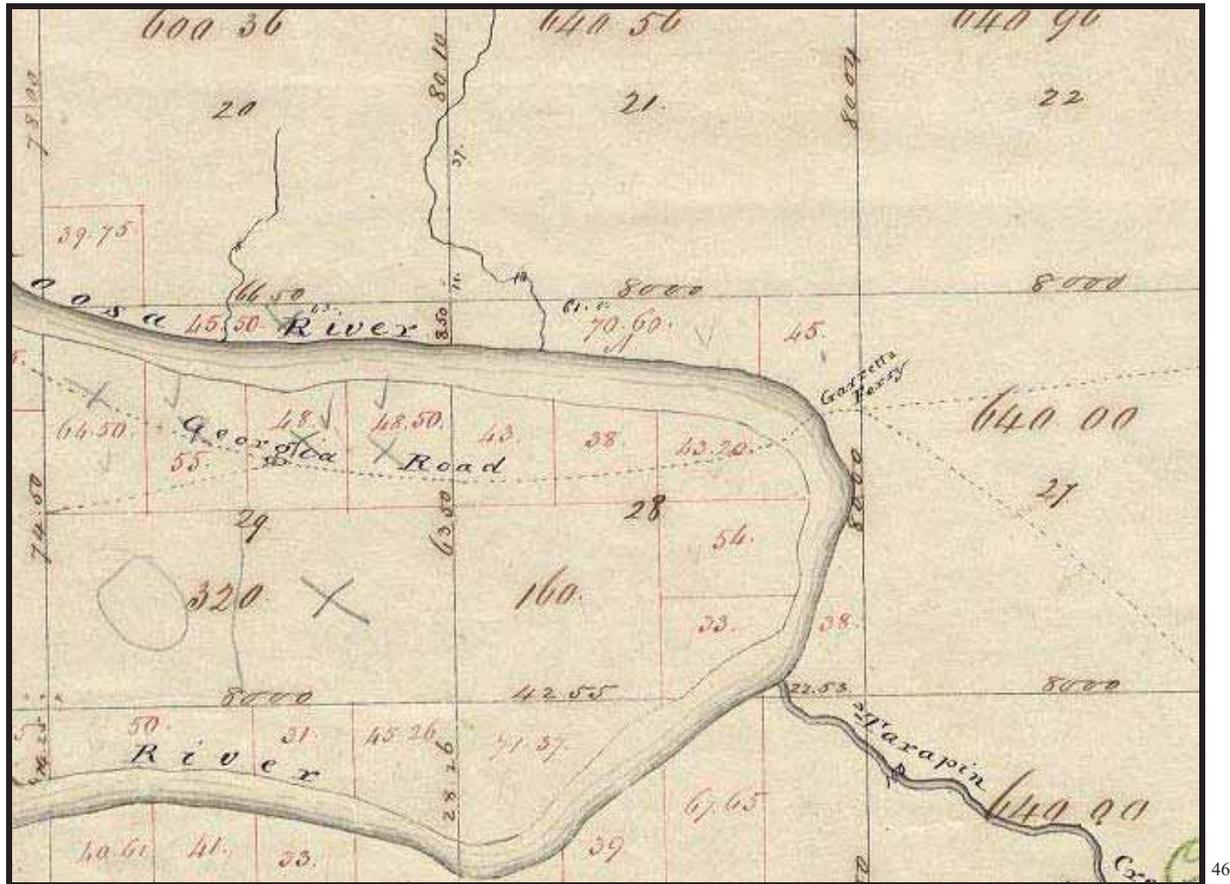
⁴⁴ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #7,375 for Richard F. Hampton of Cherokee County Alabama issued May 1, 1845 for the fraction “A” of fractional Section 12 in Township 10 of Range 8 East in the District of Lands subject to Sale at Lebanon Alabama. Pre-emption Certificate #7,018 for Robert B. Hampton of DeKalb County Alabama issued June 1, 1845 for the northwest fractional quarter and the fraction “B” of fractional Section 12 in Township 10 of Range 8 East in the District of Lands subject to Sale at Lebanon Alabama.

⁴⁵ [http://www.glorerecords.blm.gov/PatentSearch/http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl#](http://www.glorerecords.blm.gov/PatentSearch/http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl#)

COOSA RIVER #6

Township 10 South, Range 9 East, Section 28

Pathkiller's Ferry / Ridge's Ferry / Childers' Ferry / Garrett's Ferry



The Ferry crossing the Coosa River at this point was identified in the Original Survey as Garrett's Ferry. A ferry likely existed at this spot at least by the early 1820's. It was initially owned by the Pathkiller (Principal Chief of the Cherokee Nation from 1811 until his death in 1827). This ferry was the crossing point of the Georgia Road over the Coosa River.

After Pathkiller's death, controlling interest in the ferry was acquired by John Ridge while some members of Pathkiller's family continued to hold a minority interest. John Ridge employed a white man named William Childers to operate the ferry. It is likely that William Childers was the source of the name Childersville.⁴⁷

In 1830, a legal disagreement erupted over possession of the field on the west bank of the Coosa River at Pathkiller's Ferry.⁴⁸ Pathkiller's step-son, Ahamah or Hammer, apparently sold or transferred the field to

⁴⁶ Survey of Township 10 South of Range 9 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Richard S. Coffee, Deputy Surveyor.
<http://www.glorerecords.blm.gov/SurveySearch/>

⁴⁷ Childersville is found occasionally on maps until Joseph Hutchins Colton's 1853 Map of Alabama where the name "Center" first appears.
[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/alabama1853a.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/alabama1853a.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl)

⁴⁸ Affidavit of John Ross dated February 16, 1830. Tennessee Cherokee Collection, Box 4, Folder 3. Microfilm Collection 815, Reel 1, frames 1020-1021. Tennessee State Library and Archives, Nashville TN. "This is to certify that the Path Killer some short time prior to the death of my Grand Father was at my house where I lived near the Look Out Mountain, and got me to

Robert Brown who was brought into court by members of the Pathkiller family.⁴⁹ The case went to the Cherokee Supreme Court in the October 1830 Term.⁵⁰

In 1832, St Clair County authorized Emanuel M. Zimmerman to establish a ferry on the Coosa River.⁵¹ Zimmerman assigned that right to John H. Garrett. Garrett used that right to dispossess Ridge and Company their ferry on the Coosa River.⁵²

The ferry was valued to Ridge and the remaining owners from the Pathkiller family.⁵³ The Valuation of \$14,600.00 was by far the largest of any other Coosa River ferry in Alabama.⁵⁴ The implication being that the Georgia Road may have been the largest and most heavily traveled path.⁵⁵

write a will for him respecting his ferry and possessions on the Coosa River which as well as my memory serves me was a follows - That after his Death his Grand Son Crying Snake should inherit his ferry and possession and that in case he the said Crying Snake should think it proper to receive Ahamah and associate him in interest with him that it should be discretionary with himself, so to do but that the Crying Snake should stand foremost and do as may appear best to himself - Given under my hand at the Head of Coosa this 16th day of Feby 1830. /s/ John Ross

Chattooga court house, Cherokee Nation, May 25th 1830

I do hereby certify the Def _____ the l _____ as ea _____ in t _____ to my hand Robert Field, Clk CC

Note: John Ross' maternal grandfather, John McDonald, died August 29, 1824.

⁴⁹ Summons dated April 20, 1830 for Robert Brown to appear in Chattooga District Court. Box 1 Folder 200. Penelope Allen Collection, MS-2033. University of Tennessee, Knoxville, Special Collections Library. See also

[http://diglib.lib.utk.edu/cgi/t/text/text-](http://diglib.lib.utk.edu/cgi/t/text/text-idx?c=arrt;c=spct;c=tdh;xc=1;sid=a3fd1c08aa2b8126dda58e6d352d96a4;q1=ferry;rgn=main;view=text;idno=pa0318;cc=tdh)

[idx?c=arrt;c=spct;c=tdh;xc=1;sid=a3fd1c08aa2b8126dda58e6d352d96a4;q1=ferry;rgn=main;view=text;idno=pa0318;cc=tdh](http://diglib.lib.utk.edu/cgi/t/text/text-idx?c=arrt;c=spct;c=tdh;xc=1;sid=a3fd1c08aa2b8126dda58e6d352d96a4;q1=ferry;rgn=main;view=text;idno=pa0318;cc=tdh)

The Summons refers to “*the ferry and the improvements now occupied by Major Ridge.*” Other affidavits and testimony relative to this case are in Folders 199, 201-204 of this same Collection. It is not known why the summons referred to Major Ridge instead of John Ridge.

⁵⁰ Cherokee Supreme Court Minutes, page 72, October 20, 1830. Tennessee Cherokee Collection, Box 3, Folder 10, From Microfilm Collection 815, Reel 1, frame 974. Tennessee State Library and Archives, Nashville, TN.

⁵¹ St. Clair County AL County Court Minute Book (1828-1834) page 173-174 “*Ordered by the Court that Emanuel M. Zimmerman be authorized to Establish a ferry on the Coosa River at what is now known by the name of Pathkillers ferry where Childers now lives...*” on page 180 is states “*that Emanuel M. Zimmerman be authorized to Establish a keep a ferry on Coosa river below Heners Issland and above Childers ferry and below Mulkeys fery...*” The Alabama Legislature on January 12, 1832 authorized Garrett to “open a road” near his farm on the Coosa River and directed the Circuit Court of St. Clair County to grant Garrett a license to keep a ferry.

⁵² Letter to John Ridge March 13, 1835 from William Childers about Garrett and his efforts at taking the ferry and Ridges forward of the letter to the Secretary of War on March 13, 1835. Benjamin Currey's letter to CC Clay dated January 20, 1835 and the Letter of Benjamin Curry to Governor Gayle of AL dated January 21, 1835. National Archives Microfilm Publication M234, roll 76, frames 476-483; Letters Received by the Office of Indian Affairs, 1824-1881; Records of the Bureau of Indian Affairs, Record Group 75; National Archives – Southeast Region, Morrow, GA. The Childers letter mentions that “*Garret is here on the other side of the River has got Large double houses bilt and has taken them old houses that Pathkiller ust to Lie in and made kitchens of them*”. The legal and military wrangling between Ridge and Garrett over control of this ferry is documented in Fourth Board Claim #2 (Heirs of John Ridge vs. the United States); Claims Papers, 1846-1847, of the Fourth Board of Cherokee Commissioners, Entry 250; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See also Minute Docket 1 pages 4, 56-62; Minutes of the Fourth Board of Cherokee Commissioners, Entry 249; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. The early Court Records of Cherokee County Alabama were all lost in a series of courthouse fires. The Fourth Board Claim file contains a copy of the court record. Legal Notice was printed in *The Jacksonville Republican*, Jacksonville AL, Issue of November 2, 1837, Volume 1, No 42, pg 3, column 4. “*Cherokee County, Circuit Court, October Term 1837, John H. Garrett vs. John Ridge and William Childress. In Chancery.*” {*Note the Legal advertisement ran until January 1838.*} See also Letter dated August 12, 1837 from John Wool to General Dunlap in American State Papers, Military Affairs Volume 7, page 551. See also US Serial Set, Series 315, 25th Congress – 2nd Session, Senate Document 120, pp 26, 357-358, 728-729.

⁵³ Rice and McCoy/Rawlings and Massey's Valuations, Cherokee County, Alabama, #44; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. Annual Income \$1,460.00 based on certificates of David Vann, James Lasley, Wm Childers and John Fields. Of the amount allowed Ridge received 1/8th of the whole for ferrying, 1/2 of the remaining balance, 3/8 of the other half. Of the remaining portion, Crying Snake received 1/8th, Hughston (Houston) received 2/8th, Tarkaga (Tarkahagee) received 1/8th, and the final 1/8th went to Nancy (Pathkiller), Crying Snake's mother. See also Box 1 Folder 146, Testimony of William Childers dated September 20, 1836, Penelope Allen Collection, MS-2033. University of Tennessee, Knoxville, Special Collections Library.

[http://diglib.lib.utk.edu/cgi/t/text/text-](http://diglib.lib.utk.edu/cgi/t/text/text-idx?c=arrt;c=spct;c=tdh;cc=tdh;xc=1;sid=a7306fc6136eb299e29c1ed335604be1;q1=childers;rgn=main;view=text;idno=pa0258)

[idx?c=arrt;c=spct;c=tdh;cc=tdh;xc=1;sid=a7306fc6136eb299e29c1ed335604be1;q1=childers;rgn=main;view=text;idno=pa0258](http://diglib.lib.utk.edu/cgi/t/text/text-idx?c=arrt;c=spct;c=tdh;cc=tdh;xc=1;sid=a7306fc6136eb299e29c1ed335604be1;q1=childers;rgn=main;view=text;idno=pa0258)

⁵⁴ John Ridge was paid \$10,615.61 on Volume A, p. 318. Crying Snake was paid \$796.88 on Volume A, p. 14. Nancy was paid \$798.88 on Volume A, p. 14. Houston was paid \$1,593.75 on Volume B, p. 249. Tarkagee was paid \$796.88 on Volume B, p. 269. Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.



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John Garrett and Mary Garrett were the Original Patentees for this ferry location.⁵⁷ John LaTourette identified the ferry on his 1837 map. As late as 1960, the State of Alabama Highway Department Road Map for Cherokee County still identified this location as the Garrett Ferry.⁵⁸

⁵⁵ Journal of the US House of Representatives (1834-1835) page 117 records on December 22, 1834 “the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from ... Bellefonte, in Jackson county, by way of Rollins' and Nicholson's, in Wills' valley, and Childress's ferry, on Coosa river, to Jacksonville, in Benton county, Alabama.” Consideration as part of a postal route suggests that this crossing was on a then major route.

⁵⁶ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties. Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name.Description\).cat\(Name.Description\)&style=simple/view-dhtml.xml#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name.Description).cat(Name.Description)&style=simple/view-dhtml.xml#)

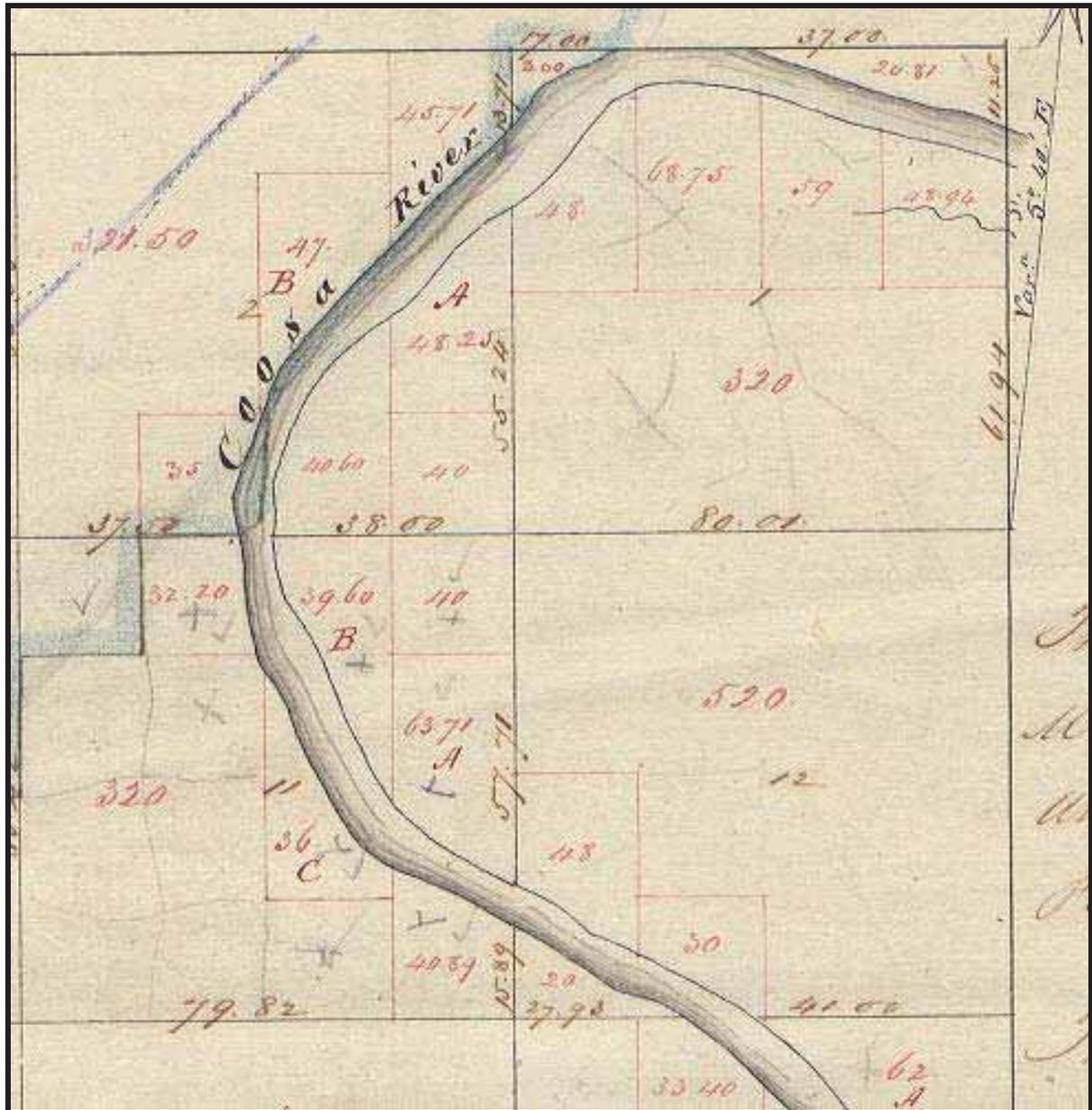
⁵⁷ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,698 for John H. Garrett of Cherokee County Alabama was issued June 1, 1845 for the northeast part and the fraction “A” of fractional Section 28 in Township 10 of Range 9 East. Pre-emption Certificate #6,694 for Mary Garrett of Cherokee County was issued on June 1, 1845 for the southwest part of the northeast quarter of fractional Section 28 in Township 10 of Range 9 East. Pre-emption Certificate #6,699 for Mary Garrett as assignee of Charles S. Legatt was issued June 1, 1845 for the southeast quarter of fractional Section 28 in Township 10 of Range 9 East, all in the District of Lands subject to Sale at Lebanon Alabama. <http://www.gloreords.blm.gov/PatentSearch/>

⁵⁸ [http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Counties/cherokee/hy_cherokeec60.sid&wid=500&hei=400&props=item\(Name.Description\).cat\(Name.Description\)&style=simple/view-dhtml.xml](http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Counties/cherokee/hy_cherokeec60.sid&wid=500&hei=400&props=item(Name.Description).cat(Name.Description)&style=simple/view-dhtml.xml)

COOSA RIVER #7

Township 11 South, Range 7 East, Section unknown (probably Section 1 or 2)

Lasley's Ferry / Smith's Ferry / Croft's Ferry



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The Survey does not show a road crossing the Coosa River in this area. However, there is a strong implication that there was a ferry. On the Original Survey of the eastern adjoining Township 11 Range 8 is a Smiths Ferry Road which should intersect Township 11 Range 7 at Section 12. However, there is no road shown on the Plat for that area. There is no information for a Smiths Ferry on the USGS website.⁶⁰

⁵⁹ Survey of Township 11 South of Range 7 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Samuel Bigham, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

⁶⁰ Geographic Names Information System (GNIS), U.S. Geological Survey, Department of the Interior.

<http://geonames.usgs.gov/pls/gnispublic>



James Lasley⁶² owned a Ferry on the Coosa River at Turkey Town, Cherokee County.⁶³ The Annual Net Income was reported to be \$100 with the total allowance amounting to \$1,000.⁶⁴ The modest income suggests this ferry was not on a major road. The John LaTourette's 1837 Map shows "Lesley's" in this general area. On August 24, 1838, James Lasley filed a Claim where he stated that "he had a ferry across the Coosa River possibly taken from him by David Smith".⁶⁵

⁶¹ Survey of Township 11 South of Range 8 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Samuel Bigham, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

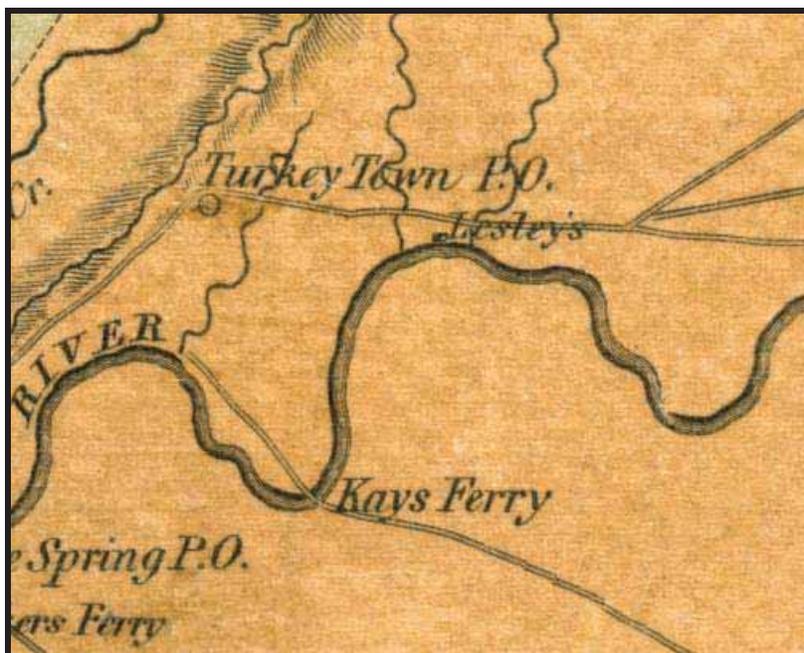
⁶² James Lasley was a white man connected to the Cherokee Nation by marriage. He lived at Turkey Town with his second Cherokee wife, Caty. He had filed for a Reservation under the Treaty of 1817-1819 on the Coosa River, near Turnip Mountain in Georgia for the benefit of his first Cherokee wife, Elizabeth, and her children.

⁶³ Rice and McCoy/Rawlings and Massey's Valuations, Cherokee County, Alabama, #77; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. See also the 1835 Cherokee Census. Alabama #210. James Lasley of Turkeytown shown as having one ferry.

⁶⁴ Volume B, p. 228. Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. The Ferry was not broken out specifically in the Payment Register but was aggregated in the entire Valuation.

⁶⁵ Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425. Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. Claim #19. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations).

Affidavits from Andrew Ward and James Kay discussed an improvement Lasley bought (where William Storey⁶⁶ formerly lived) in the little valley joining the old Lasley Mill at the foot of Lookout Mountain.⁶⁷



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Several other affidavits discussed an improvement claimed by both Anna (Pathkiller) Hampton and David Gage. The affidavits state that the contested improvement was five miles from (or below) Lasley's Ferry on the East of the Coosa River.⁶⁹

It is likely, though not definitive, that this is the location for Lasley's Ferry. The Original Patentee in the likely area of this ferry was John W. Croft.⁷⁰ It is probable that this was the crossing later known as Croft's Ferry.⁷¹

⁶⁶ William Storey married Margaret Lasley, probably the niece of James Lasley, on May 13, 1829 in St Clair County Alabama. Margaret Lasley and John Day (who had raised Storey), both long-term residents of the Cherokee nation, were killed along with Martin L. Newman by two Cherokees named Chestoo (or Rabbit) and Ya-oo-law-sa (or William Whoopingboy). The murder trials were held in the US District Court for the Northern District of Alabama. See Minute Book 3 (1835-1846) pages 6-9, 12, 17-18, 27, 41. National Archives and Record Administration - Southeast Region, Morrow GA. Record Group 21.

⁶⁷ Affidavits of Andrew Ward and James Kay both dated October 14, 1837. Folder of James Lasley. Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. Also in this file is a Bill of Sale to James Lasley for the improvement stating that the improvement was in Ratliff's Valley. No other information is known about Ratliff's Valley though there was a prominent mixed-blood Cherokee family by that name in Turkeytown. Lasley's Valuation did contain a mill.

⁶⁸ John LaTourette, An Accurate Map of the State of Alabama and West Florida, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties. Specifically see [http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl#)

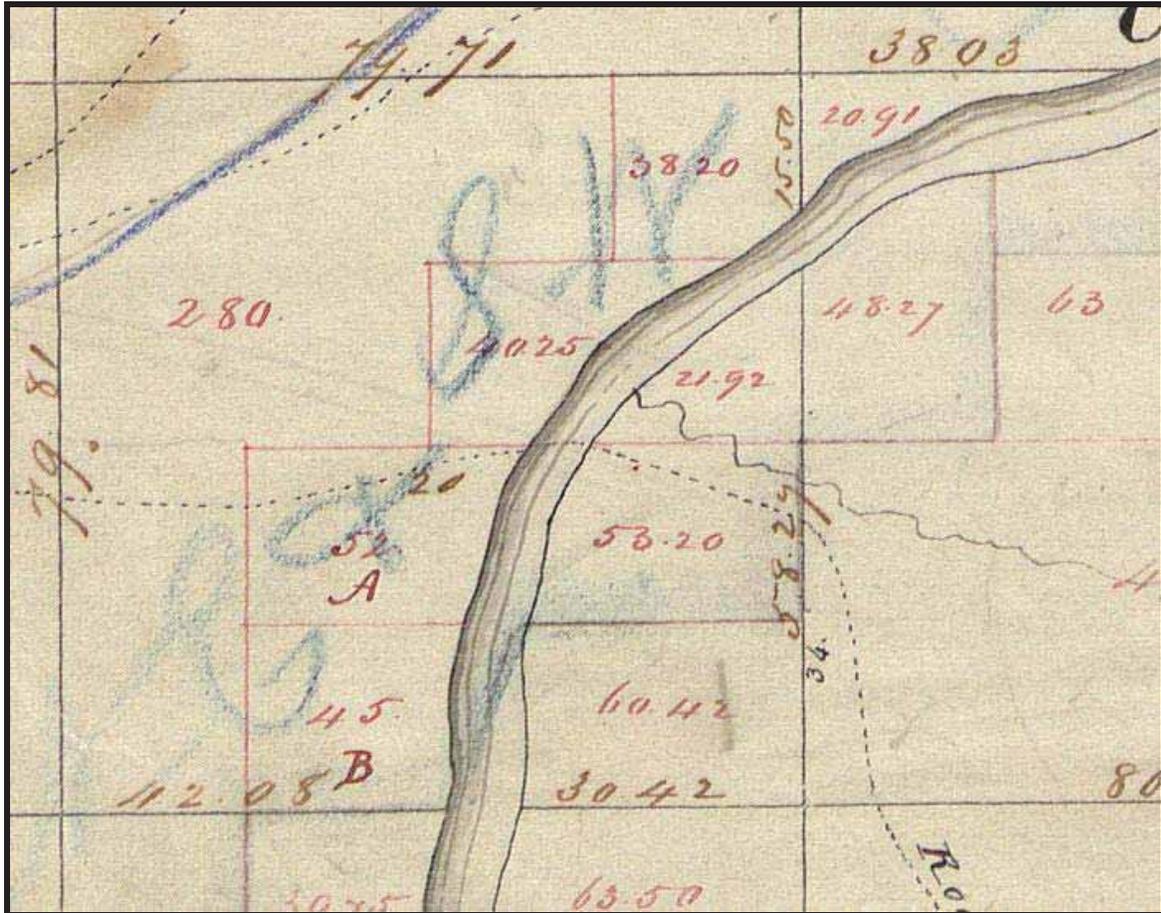
⁶⁹ Affidavit of Money Hunter dated August 28, 1837. Affidavits of Quata Campbell dated September 5, 1837 and October 14, 1837. Affidavits of George Campbell dated August 28, 1837 and October 14, 1837. Folder of James Lasley. Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. In the St. Clair County Court Minutes on page 176-177 is an order for a Thomas A. Cast to establish a ferry at Lasley's Ferry 5 or 6 miles above where Childers lives. It may be a misstatement that Lasley's Ferry was above where Childers lived (assuming this refers to William Childers who operated the Pathkiller-Ridge ferry) or Lasley could have had some unknown connection to another ferry upriver from the ferry operated by William Childers. William Childers had a brother named James who also lived within the Cherokee lands. Nothing further is known about this Thomas A. Cast.

⁷⁰ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,348 for John W. Croft of Cherokee County Alabama issued May 1, 1845 for the north part of the northeast fractional quarter and the fraction "B" of fractional Section 2 in Township 11 of Range 7 and the Pre-emption Certificate #6,347 for John W. Croft

COOSA RIVER #8

Township 11 South, Range 7 East, Section 20

Mrs. Pathkiller's Ferry / Kay's Ferry / Fitts Ferry



The Road from Asheville to Jacksonville crossed the Coosa River in Section 20. George Chambers, John Ratliff, Daniel Griffin Jr. and Peggy Pathkiller Sr were joint owners of a Ferry on the Coosa River in Turkey Town Valley, Cherokee County.⁷³ The Valuations gave an average annual income of \$100.00.

of Cherokee County Alabama issued May 1, 1845 for the northwest quarter of Section 1 in Township 11 of Range 7, both in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>
See also Bureau of Indian Affairs Volume 37, pages 201-203, Sale of the Property of Watty and Polly and Turner of Cherokee County Alabama; Returns of Property - 1838, Entry 227; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. One of the purchasers was John Croft.

⁷¹ 1900 30-Minute Map of the Ft Payne Quadrangle.

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/view-dhtml.xml](http://cartweb.geography.ua.edu:9001/StyleServer/calcrng?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/view-dhtml.xml)

⁷² Survey of Township 11 South of Range 7 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Samuel Bigham, Deputy Surveyor.

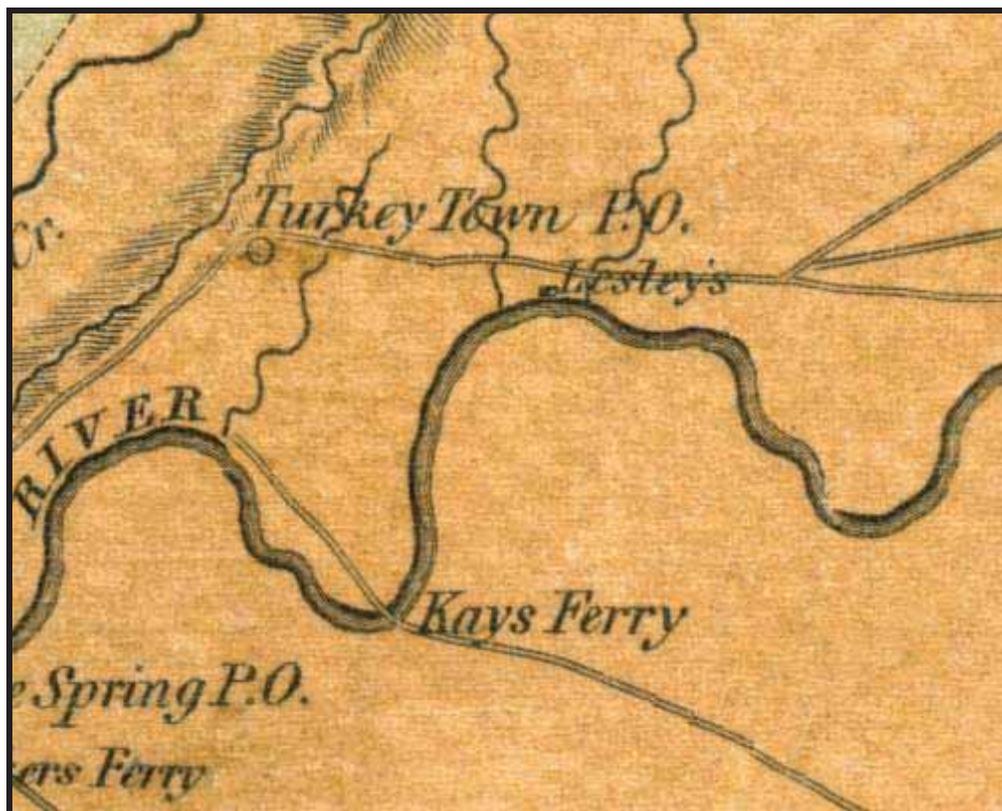
<http://www.glorerecords.blm.gov/SurveySearch/>

⁷³ Rice and McCoy/Rawlings and Massey's Valuations, Cherokee County, Alabama, #49; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. The \$1,100 total allowance was divided among the four partners. See also 1835 Cherokee Census. Alabama #231: George Chambers of Terrapin Creek was shown to have one ferry.

John Ratliff was paid in Volume A, p. 4. Peggy Pathkiller (*probably her heirs*) was paid in Volume A, p. 18. Daniel Griffin was paid in Volume A, p. 304. George Chambers was paid in Volume B, p. 205. Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

Included with this Valuation was a 16'x14' house and 10 acre field of bottom land under fence. The Claimants were dispossessed since spring of 1832.

John Ratliff filed a Claim for his ferry on January 16, 1837 before Josiah Harper, Acting Justice of the Peace for Cherokee County Alabama. He stated that the Ferry was 1½ miles below Turkeytown and was then in the possession of James Kay. He stated, however, that the ferry was taken from him by a white man by the name of Hays shortly after the laws of Alabama were extended over the Cherokee lands in January 1832.⁷⁴ The Original Patentee for the ferry's location was James Kay.⁷⁵



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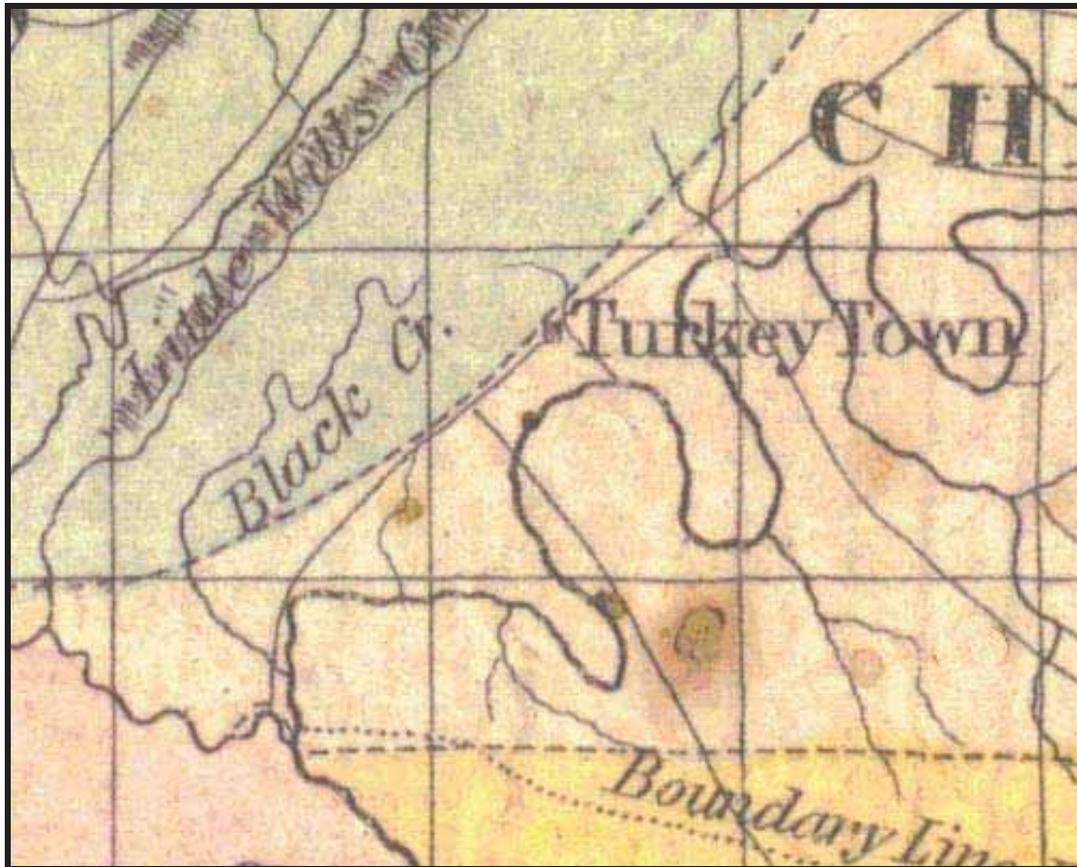
⁷⁴ John Ratliff's Spoliation Claim for a Ferry and Improvement. Folder of John Ratliff; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. In the St. Clair (AL) County Court Minutes (1828-1834) there is a road order on pages 172-173 "Ordered by the Court that David Gage be authorized to keep a ferry on Coosa River at Peggy Path killers provided it does not interfere with the Chartered limits of John H Garrett as Granted to him by the Legislature, at the following rates..." and on pages 226-227 "The applicant James Kay by David Gage attorney moved the judge and Commissioners of Roads & revenues that they would grant him license and take a bond for the ferry which the legislature authorized Hannebald Hays (under whom this applicant claims by purchase) to establish on the Coosa river where the road crosses the same at the place known by the name of Turkey Town in St Clair county which motion was ___-ted and the court refused to grant license or take a bond from the applicant on the ground that they had previously granted license to David Gage for the same ferry sometime prior to the act of the legislature giving it to Hays." See also Acts of Alabama for 1832-1833, Extra Acts, page 150, which Act authorized Hannibal Hays on the Coosa River.

See also Valuation #112 on page [77] 70, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. "No. 112. Daniel Griffin. ... "2/5ths of Hays Ferry on Coosa, that is of the work done on the banks & \$16 in with this amt." This Valuation was done January 10, 1834. <http://dlg.galileo.usg.edu/nativeamerican/jpg/pav077.jpg>

⁷⁵ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,885 for James Kay of Cherokee County Alabama issued June 1, 1845 for fraction "A" of fractional Section 20 in Township 11 of Range 7 East. Pre-emption Certificate #8,419 for James Kay of Cherokee County Alabama was issued April 10, 1847 for the northwest quarter of the southwest quarter of Section 20 in Township 11 of Range 7 East. Both in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

⁷⁶ John LaTourette, An Accurate Map of the State of Alabama and West Florida, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties.

The John LaTourette Map of 1837 shows the crossing as Kay's Ferry on the Coosa River. The course of the Coosa River on this map is not accurately represented. On LaTourette's 1844 Map, the river's course is correctly shown. The Asheville-Jacksonville Road crosses the Coosa at the same point on the 1844 map as on the Original 1839 Plat but no ferry name was supplied.



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On the 1900 30-Minute Fort Payne Quadrangle Map the ferry at this location is named Fitz Ferry.⁷⁸ The site is still referred to as Fitts Ferry.

Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name.Description\),cat\(Name.Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name.Description),cat(Name.Description)&style=simple/view-dhtml.xsl#)

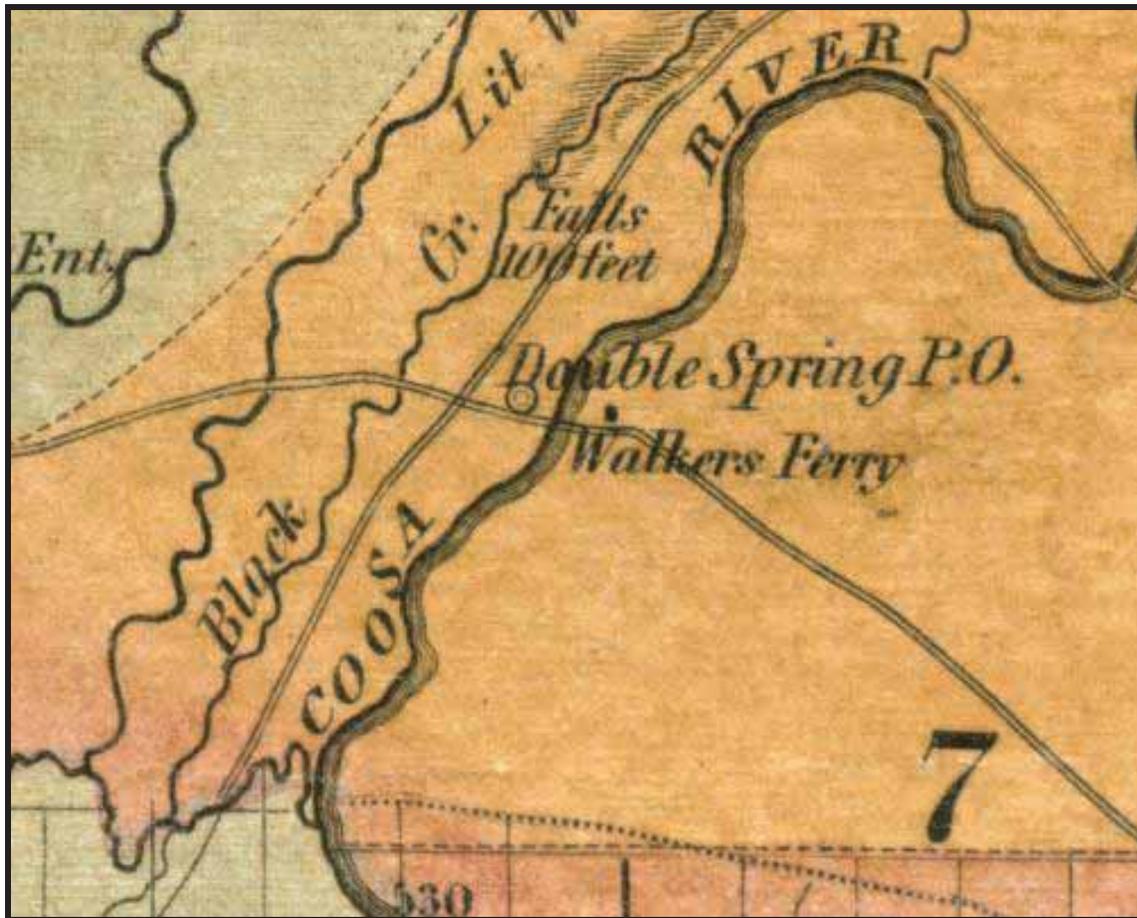
⁷⁷ John LaTourette, A Map of the State of Alabama, Mobile (AL), 1844.

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1844a.sid&wid=500&hei=400&props=item\(Name.Description\),cat\(Name.Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Alabama1844a.sid&wid=500&hei=400&props=item(Name.Description),cat(Name.Description)&style=simple/view-dhtml.xsl#)

⁷⁸ 1900 USGS 30-Minute Map of the Ft Payne Quadrangle.

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item\(Name.Description\),cat\(Name.Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/Topos/altopos/30_ftpayne.sid&wid=500&hei=400&props=item(Name.Description),cat(Name.Description)&style=simple/view-dhtml.xsl)

on the 10th day of August 1821 by H. Walker and Robert Walker, citizens of the U. States...⁸³ On March 16, 1842 Mrs. Susannah Riley also filed a claim that included “Fifty dollars, note of hand on William Walker, citizen of the U. States, Executed in the year 1835, prevented from collection by her Removal West and Interest on the same for seven years, Alabama Inst.”⁸⁴



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⁸³ John Riley Claim. Tahlequah District Claim #194. Folder 815. John Ross Collection. The Thomas Gilcrease Institute of American History and Art (a/k/a Gilcrease Museum), Tulsa OK. “*Curtailment on spoliation Claim for a Ferry on the Coosa River, after passing the Cherokee Committee while setting on Claims at the Cherokee Agency in 1838. Curtailed by the U. States Commissioners.*”

⁸⁴ Susannah Riley Claim. Tahlequah District Claim #167. Folder 808. John Ross Collection. The Thomas Gilcrease Institute of American History and Art (a/k/a Gilcrease Museum), Tulsa OK.

John Riley’s wife, Susannah, was white and her maiden name was Walker. It is not known if there was any familial relationship between her and any of these white men named Walker.

⁸⁵ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties.

Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/vicw-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/vicw-dhtml.xsl#)

On LaTourette's 1837 Map, the Ferry at the Double Springs Post Office is identified as Walkers Ferry. Double Springs is the present location of the City of Gadsden Alabama. The Jacksonville Road that crossed the Coosa River at Walker's Ferry would today be U.S. Highway 431. There were no Walkers among the Original Patentees in Section 3.⁸⁶ Claim #958 in the Records of the 4th Board made by the Heirs of John Riley vs. US was for loss of a ferry from 1807 to 1819.⁸⁷ This likely refers to a different ferry.

It is interesting to note that John Riley was also a part owner of a Toll Bridge on the road west and north crossing Black Creek on the road to Creek Path and Gunter's Landing.⁸⁸

⁸⁶ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,072 for James S. Leeth of Cherokee County Alabama issued May 1, 1845 for fractions "A" and "B" of fractional Section 3 in Township 12 of Range 6 East. Pre-emption Certificate #6,359 for William Boyd of Benton County Alabama issued May 1, 1846 for fraction "C" and the south part of the southeast quarter of fractional Section 3 of Township 12 in Range 6. Pre-emption Certificate #6,811 for William Tillison and Francis M. Tillison, assignees of Thomas Hollingsworth (as tenants in common) issued June 1, 1845 for the northwest fractional quarter and the fraction "D" of fractional Section 3 in the fractional Township 12 of Range 6 East. All in the District of Lands subject to Sale at Lebanon Alabama.

<http://www.glorerecords.blm.gov/PatentSearch/>

⁸⁷ Claim #958 (Heirs of John Riley vs. the United States) is not extant; Claims Papers, 1846-1847, of the Fourth Board of Cherokee Commissioners, Entry 250; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See Fourth Board Minute Docket 2 page 71; Minutes of the Fourth Board of Cherokee Commissioners, Entry 249; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. .

⁸⁸ Rice and McCoy/Rawlings and Massey's Valuations, Cherokee County, Alabama, #63; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. John Riley, Widow Boot, Money Hunter and Richard Ratliff Jr. were the joint owners of a Toll Bridge over Black Creek, Cherokee County. It was valued at \$4,000.00. However, none of the owners apparently ever received compensation. In John Riley's Folder in the Miscellaneous Claims Papers of the First Board is a statement he made on December 17, 1836 that they were dispossessed by Jacob Burger, a white man. On February 13, 1832 the St. Clair County AL Commissioners Court authorized "*Jac^b Bergur to keep up a toll bridge on Black Creek provided that he keeps to ford open so that carriages of all kinds can pass when the water is low*" – see County Court Minutes (1828-1834) page 172.

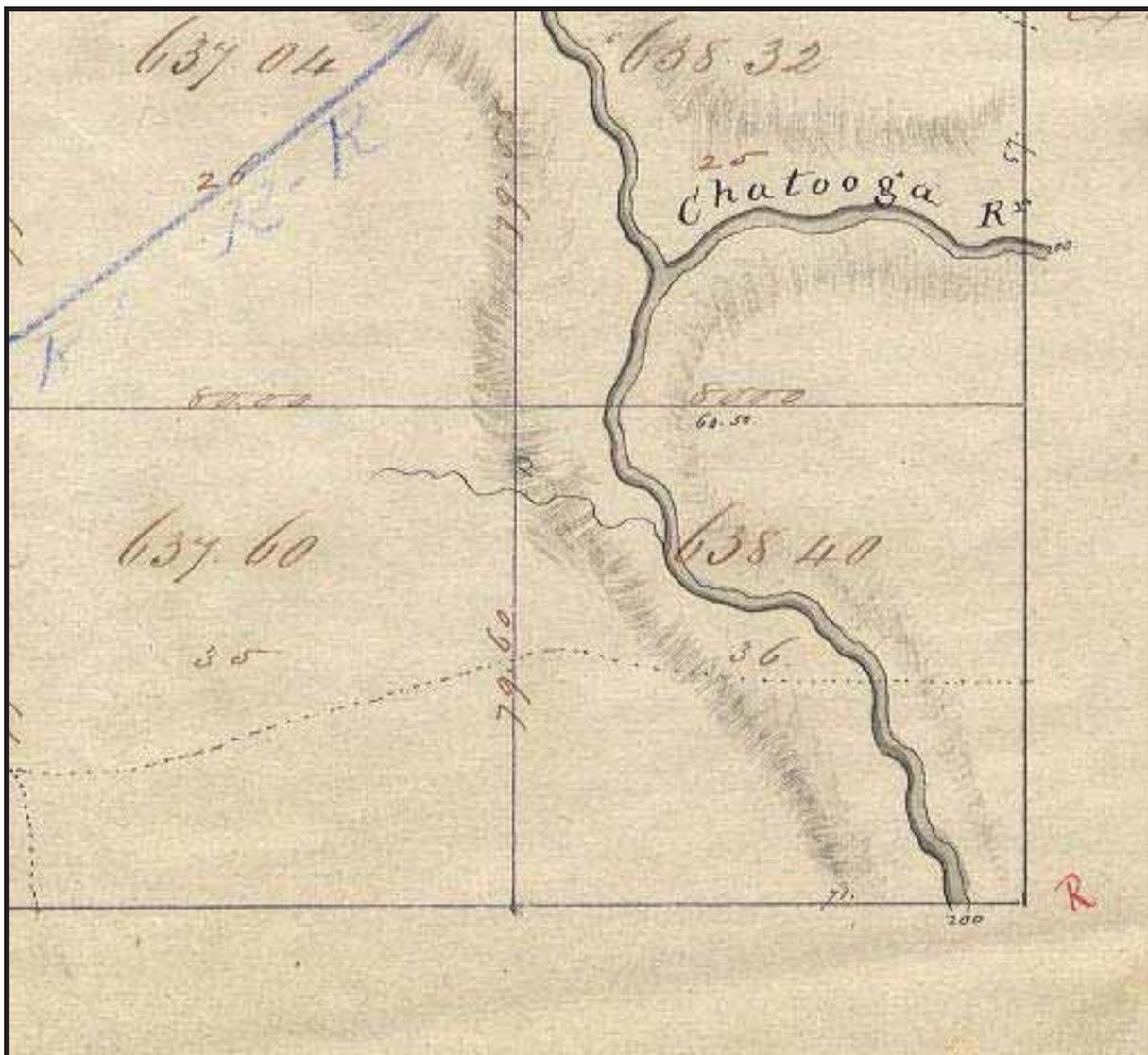
See also 1838 Claims made Before Emigration; Book A #242 and Book B #121; Tennessee Cherokee Collection, Box 5, Folders 1 and 2, Microfilm Collection 815, Reel 2, frame 25 and frame 75 respectively. Tennessee State Library and Archives, Nashville, TN.

See also 1842 Tahlequah District Claim #193 of John Riley dated March 8, 1842, John Ross Collection, Folder #962, The Thomas Gilcrease Institute of American History and Art (a/k/a Gilcrease Museum), Tulsa OK. In this Claim John Riley gives the names of the Company as John Riley, Richard Ratliff, Money Crier alias Money Hunter and Cul-qua-tay-kee and that they never received payment for the Toll Bridge even though it was valued. Cul-qua-tay-kee was the Cherokee name of Turner, the son of Widow Boot.

See also Decisions of Valuation Claims; Book 2 Volume 20; p. 158; Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. This was actually for the cabins & the other improvements at the Bridge and not for the Toll Bridge itself or the income. This valuation for \$392.00 was paid jointly to John Riley, Money Hunter, Widow Boot and Dick Ratliff on Volume C, p. 495; Registers of Payments; Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. Riley's home was on what is now known as Tuscaloosa Avenue in Gadsden AL. The road headed to the west and crossed Black Creek. It ran to St. Clair County, then to Elyton in Jefferson County and on to Tuscaloosa AL, then the state capital. This was likely the Turnpike owned by Bark Flute, Laugh at Mush and William Grimmatt. See 1842 Flint District Claim Book 5, Claim #134.

The identification of ferries on the Chattooga River and on the Little River is more problematic. Given the close proximity of these crossings to the sites of Fort Lovell and Fort Likens it is highly likely they were all used during the removal for military, supply or relocation of Cherokee. Little evidence exists to tie individual Cherokee as owners of specific ferries at these sites or to identify later white owners. It is possible that some of these sites were shallow fords and no ferries existed there. The Original Surveys show roads crossing the Chattooga River at the following points (starting at the Coosa River and heading up river):

CHATTOOGA RIVER #1
Township 9 South, Range 9 East, Section 36

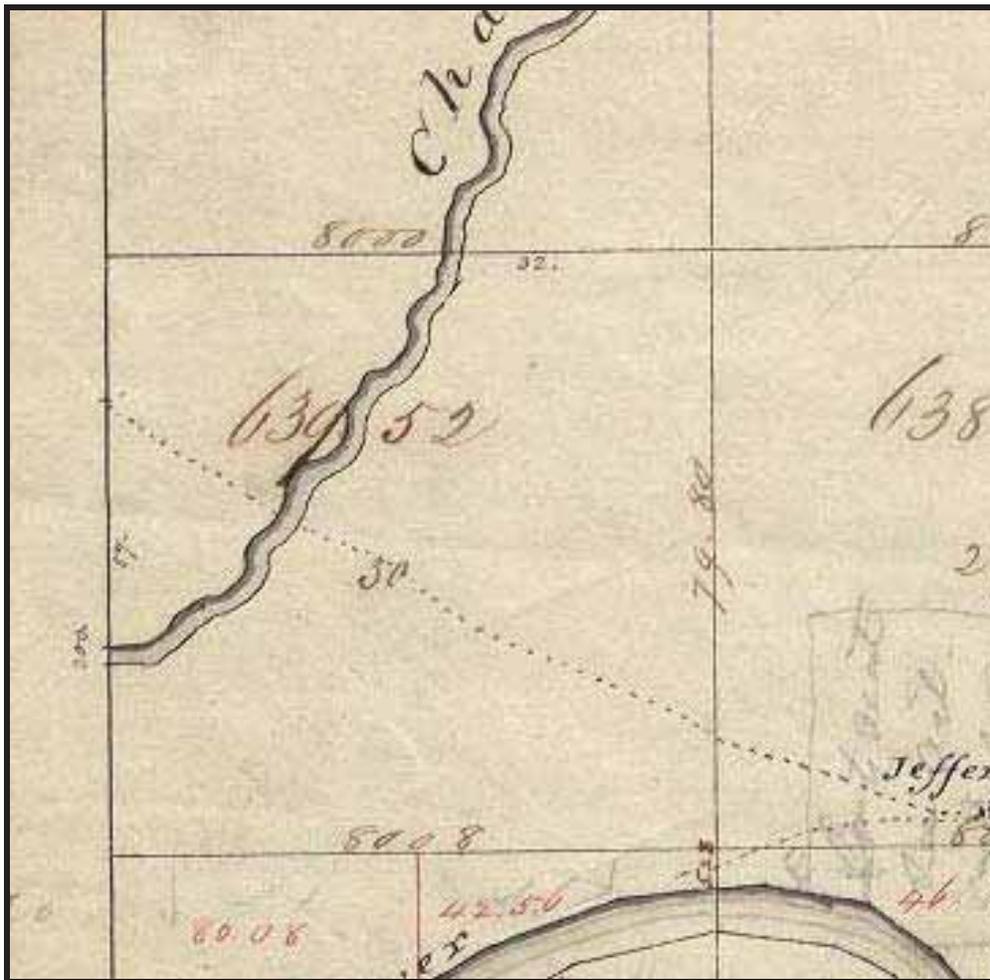


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⁸⁹ Survey of Township 9 South of Range 9 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee, Deputy Surveyor.
<http://www.glorerecords.blm.gov/SurveySearch/>

The road that followed the Coosa River along the western and northern shore crossed the Chattooga River at this point on its way toward Jefferson (Cedar Bluff). The original patentee was Solomon Smith, assignee of Alexander Westmoreland.⁹⁰ The Leesburg-Weiss Dam inundated this entire area. The United States War Department Atlas to Accompany the Official Records of the Union and Confederate Armies identifies this as Westmoreland Ferry with the notation “sometimes forded”.⁹¹ In the St. Clair County Court Minutes is an order given on February 13, 1832 stating “Thomas H Terrell be authorized to establish a ferry on the Chattooga on the road leading to Georgia at the following rates...”⁹²

CHATTOOGA RIVER #2
Township 9 South, Range 10 East, Section 30



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⁹⁰ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,832 for Solomon C. Smith assignee of Alexander Westmoreland issued June 1, 1845 for the southeast quarter of Section 36 in Township 9 or Range 9 East in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

⁹¹ United States War Department Atlas to Accompany the Official Records of the Union and Confederate Armies. Washington: Govt. Print. Off., 1895. Chickamauga Campaign.

⁹² St. Clair County Alabama Court Minute Book (1828-1834) page 173, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL. There is no one named Thomas Terrell among the Original Patentees in Cherokee County AL.

⁹³ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. <http://www.glorerecords.blm.gov/SurveySearch/>

After crossing the Little River, the road from Wills Valley crossed the Chattooga River at this location on its way to Jefferson (Cedar Bluff).

The only identifiable Cherokee ferry on the Chattooga River was “near Gaylesville”. William Grimmatt, William Lasley, Widow Watts, Mrs. Broom and Major Ridge jointly owned that ferry.⁹⁴ The Valuation noted that they had been dispossessed since 1832. Some of the other property valued the same day as this ferry was in Spring Creek Valley, a branch of the Little River. This crossing is a reasonable (but not definitive) choice for this group of owners unless additional information is later found that would suggest otherwise.

The property next to be valued was disallowed for compensation to Andrew Ross and Joseph Crutchfield. That property was the former Chattooga (District) Courthouse of the Cherokee Nation.⁹⁵

The 1835 Census of the Cherokee in Alabama stated that William Grimmatt of Little River had a ferry.⁹⁶ This reference suggests his ferry was near both rivers.

In 1822-1823 Lucius Verus Bierce passed through this area. In his writings he noted on April 3rd, “*Struck our tents and went two miles to Widow Broomes, a halfbreed who keeps a tavern. One mile from Broomes we crossed the Chatooga, a narrow but deep stream over which is a very good Indian ferry. Eight miles from the ferry we crossed the Ecwomisteba, or Little river, five miles from which we crossed Yellow river [i.e. Yellow Creek], all of which are headwaters of the Alabama.*”⁹⁷

On August 30, 1838, Bark Flute filed a claim where he stated they were dispossessed by Henry L. Smith.⁹⁸ In the Miscellaneous Claims Papers of the First Board of Cherokee Commissioners are several different files with information about this ferry. In the File of Bark Flute is a statement from Bark Flute, Tassel Campbell, Rebecca Grimmatt, Jane Bark and Sally Bark that they all resided near the ferry and knew the ferry had been dispossessed by a white man six years ago.⁹⁹ Added among the list of owners of the ferry

⁹⁴ Rice and McCoy/Rawlings and Massey’s Valuations, Cherokee County, Alabama, #37; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. Valued on October 17, 1836, the annual net income was of \$250 and valued at \$2,500. The Valuation included additional allowances for other structures at the ferry. The total allowance was \$2,592.00. See also Cherokee Nation Papers, Folder 6153, where it was noted that “2 shares of Ferry allowed Maj^r Ridge on Chattooga by Val Agents - \$864.00.”

⁹⁵ National Archives Microfilm M574; Special Files of the Bureau of Indian Affairs; Special File 184; Cherokee improvement claims, 1831-1844; Roll 51, frames 956-958; National Archives Southeast Region, Morrow GA. The Special File refers to Mr. Birdwell being adjacent to this site. There is no Birdwell listed as an original patentee in Cherokee County even though George Birdwell was the original Judge of the County Court. He is listed on the 1840 U.S. Census but it is not known exactly where he lived. In the St. Clair County Court Orders on September 24, 1833, George Birdwell was appointed overseer of the Road from Little River to Chattooga Ferry. St. Clair County Alabama Court Minute Book (1828-1834) page 236, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL.

See also Valuation #180 on page [96] 89, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. “No. 180. Martha Jean Smith Impt on Chatooga ala ... “the same being the house where the Indians formerly held Court”. It is suspected that the old Chattooga District Court House was at or near the present Town of Gaylesville.

http://dbs.galib.uga.edu/cgi-bin/write_stats.cgi?statype=fulltext&dbscode=zlna&format=jpg&redirect=http://purl.galileo.usg.edu/nativeamericandocs/jpg/pav096.jpg

⁹⁶ 1835 Cherokee Census. Alabama #135. William Grimmatt of Little River shown as having one Ferry.

⁹⁷ Travels in the Southland, 1822-1823: The Journal of Lucius Verus Bierce. Edited with a Biographical Introduction, by George W, Knepper. 1966. Ohio State University Press, Columbus OH, page 91.

⁹⁸ Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425. Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. Claim #43. In Claim #45 he stated he lived in Chattooga Valley. In Claim #46 he claimed for an improvement “in Chattooga Valley now Gailsville”. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations).

⁹⁹ Petition to the Commissioners dated May 22, 1838; Folder of Bark Flute; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

in that statement was the name of Mrs. Flute.¹⁰⁰ Each of the six owners was paid \$432.00.¹⁰¹ In the folder of Widow Watts she is identified as also being known as Nelly and was the widow and heir of Watts.¹⁰² Widow Broom died and left all of her assets to Sally Bark.¹⁰³ In the extant index to the missing 1842 Flint District Claim Book #7, the entry for Claim #8 identifies it as being for “*Bark Flute, William Grimmet, Laugh at Mush, Heirs of Betsy Broom, Heirs of Jn^o Watts & Jno Hairs heirs. Claim for F & I.*”¹⁰⁴

The Original Patentee of the Southwest quarter was William W. Coker.¹⁰⁵ Undocumented information states that the adjacent crossing over the Little River was at one time called Coker’s Ferry but that it may have been more of a ford than an actual ferry.

¹⁰⁰ Folder of Bark Flute; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See additionally the Certificate of William Hughs dated January 22, 1838 that stated that Bark Flute was the only surviving heir of Susan Flute; Statement of Rebecca Grimmett and Tastle (Tassel) Campbell dated May 22, 1838 making the same assertion; Statement of Charles Downing and Scraper dated January 22, 1838 confirmed the same fact.

¹⁰¹ Widow Watts’ Account was in Volume A, p. 16. William Lasley’s Account was in Volume A, p. 423. William Grimmett’s Account was in Volume B, p. 198. Mrs. Broom’s share was credited her Account in Volume B, p. 285 but was transferred to Sally Bark (as legatee) to her Account in Volume E, p. 51. The payment to Bark Flute, heir of Mrs. Susan Flute, has not been located. Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

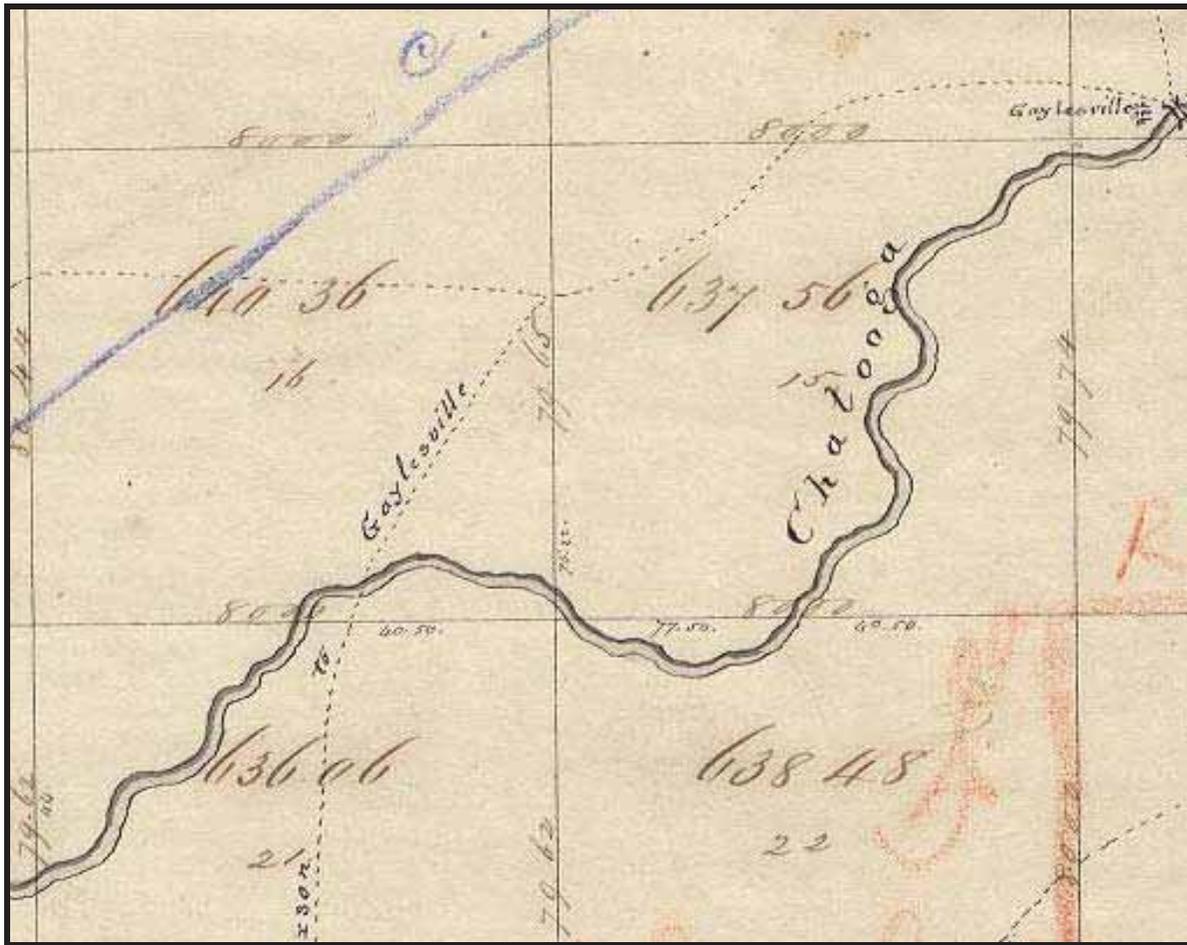
¹⁰² Affidavit of James Ore and Archibald Campbell dated September 5, 1838; Folder of Widow Watts; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁰³ Will of Betsey Broom; Folder of Betsey Broom; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See also in the same series the Folder of Sally Bark for the Petition of Sally Bark and Margaret Coats dated May 22, 1838; Claim of Sally Bark dated May 23, 1838 (as legatee under the Will of Betsey Broom). Additionally, see Changes in Assignment of Property Valuations. 1837-38, p 51, Entry 225; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁰⁴ 1842 Flint District Claims, Book 7 Index, Claim #87. Tennessee Cherokee Collection, Box 15, Folder 1, Microfilm Collection 815, Reel 6, frames 245 (numerical index) and 254 (alphabetical index). Tennessee State Library and Archives, Nashville, TN. Since this information comes only from the Indices, it is not known what was specifically was being claimed.

¹⁰⁵ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,304 for William W. Coker of Cherokee County Alabama issued May 1, 1845 for the southwest quarter of Section 30 in Township 9 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.
<http://www.glorerecords.blm.gov/PatentSearch/>

CHATTOOGA RIVER #3
Township 9 South, Range 10 East, Section 16



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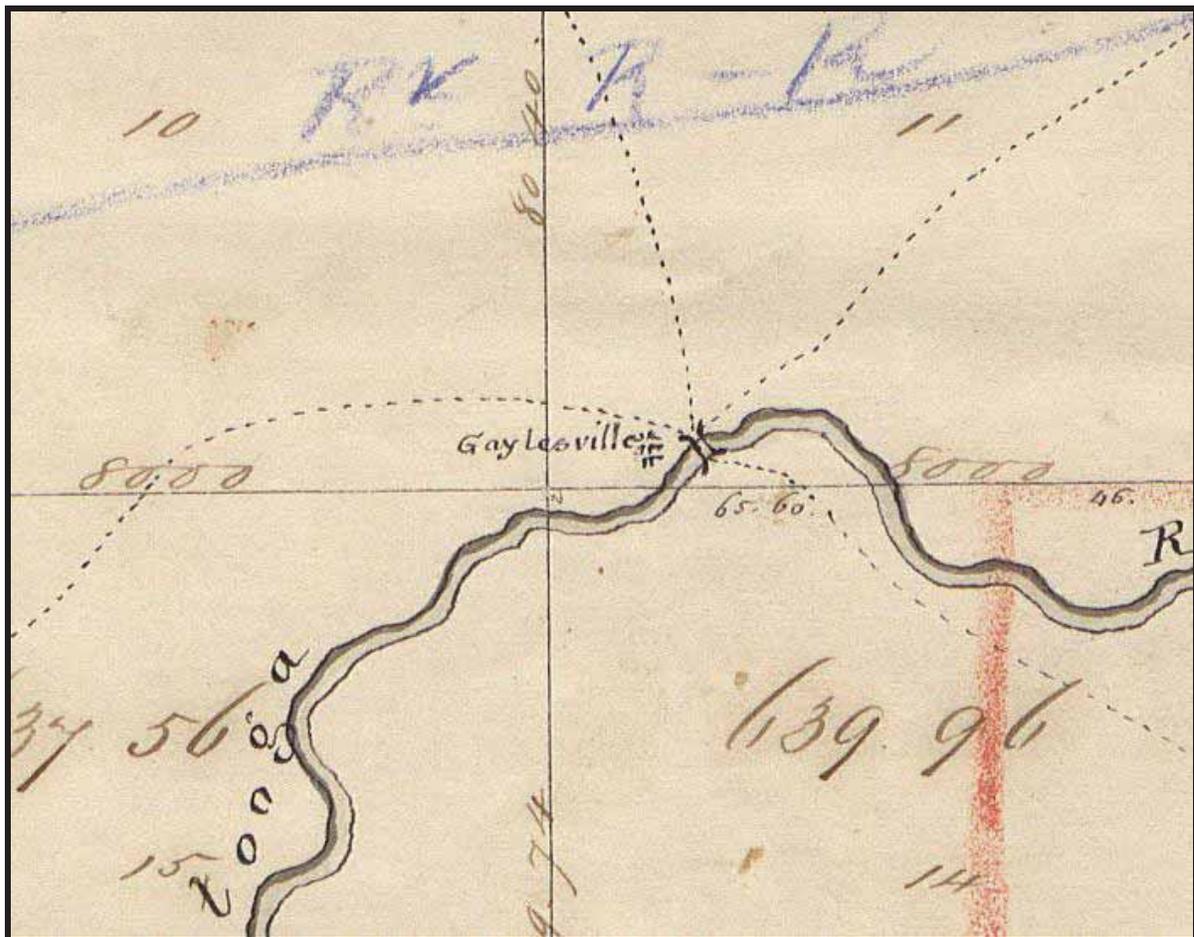
The road from Gaylesville to Jefferson (Cedar Bluff) crossed the Chattooga River near the southern boundary of this section. Nothing is known of any ferry at this site. This was a State of Alabama Land Grant Section (School Lands). The State of Alabama 16th Section Land Patent Book C page 268 identifies the original patentee as “*Judith Ringer assignee etc.*”¹⁰⁷ It does not indicate who might have held a prior position in that land.

¹⁰⁶ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

¹⁰⁷ Alabama Secretary of State, Lands and Trademarks Division, Land Patent Inquiry, 16th Sections. <http://arc-sos.state.al.us/cgi/SOSLND04C.mbr/iNput>

CHATTOOGA RIVER #4
Township 9 South, Range 10 East, Section 11



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This was the crossing at the Town of Gaylesville. The symbol on the Survey Plat suggests that the crossing over the Chattooga River was a bridge. It is not known when or by whom this bridge was constructed.

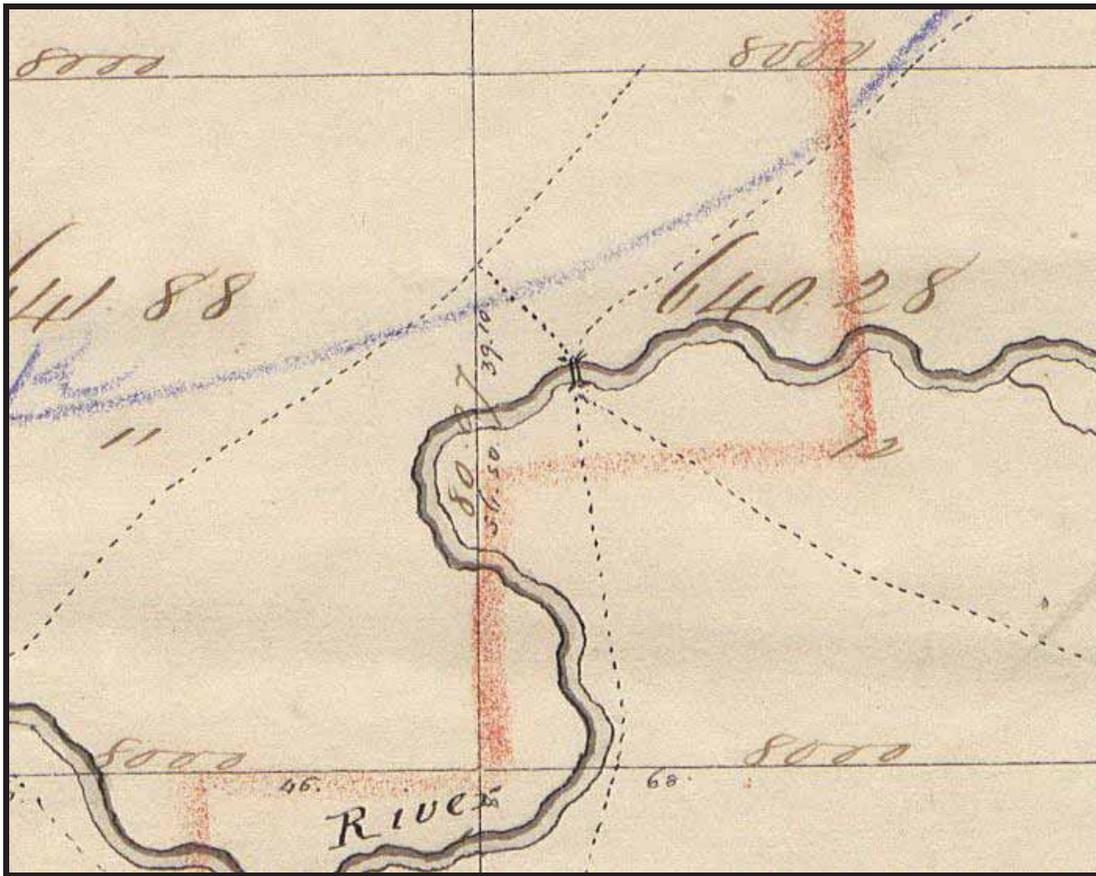
It is suspected that the old Chattooga District Court House was located at or near Gaylesville.

The Original Patentee of the southwest quarter of Section 11 was Hugh M. Elder.¹⁰⁹

¹⁰⁸ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee, Deputy Surveyor.
<http://www.glorerecords.blm.gov/SurveySearch/>

¹⁰⁹ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #5,878 for Hugh M. Elder of Cherokee County Alabama issued May 1, 1845 for the southwest quarter of Section 11 in Township 9 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.
<http://www.glorerecords.blm.gov/PatentSearch/>

CHATTOOGA RIVER #5
Township 9 South, Range 10 East, Section 12



The Original Survey shows a crossing over the Chattooga River at this point. However, it also appears to have been a Bridge.¹¹¹ It is not known when or by whom this bridge was constructed.

In 1835, the US House issued a resolution to the Committee on Post Office and Post Roads to “*inquire into the expediency of establishing a mail route from Calhoun, in the county of McMinn, in the State of Tennessee, passing by Richard Taylor's and John Brown's, thence down the Chattooga river and valley, crossing said river near a camp ground, thence crossing Coosa river at Nesbeth's ferry, thence crossing Terrapin creek at Adams's ford, and thence, by Jacksonville, to Talladega court-house, in the State of Alabama*”. This is the crossing over the Chattooga River referred to in this resolution.

The original patentee of the southwest quarter was William Gray, assignee of Samuel L. Wray.¹¹² William Gray was also the patentee of the western half of the northwest quarter.¹¹³

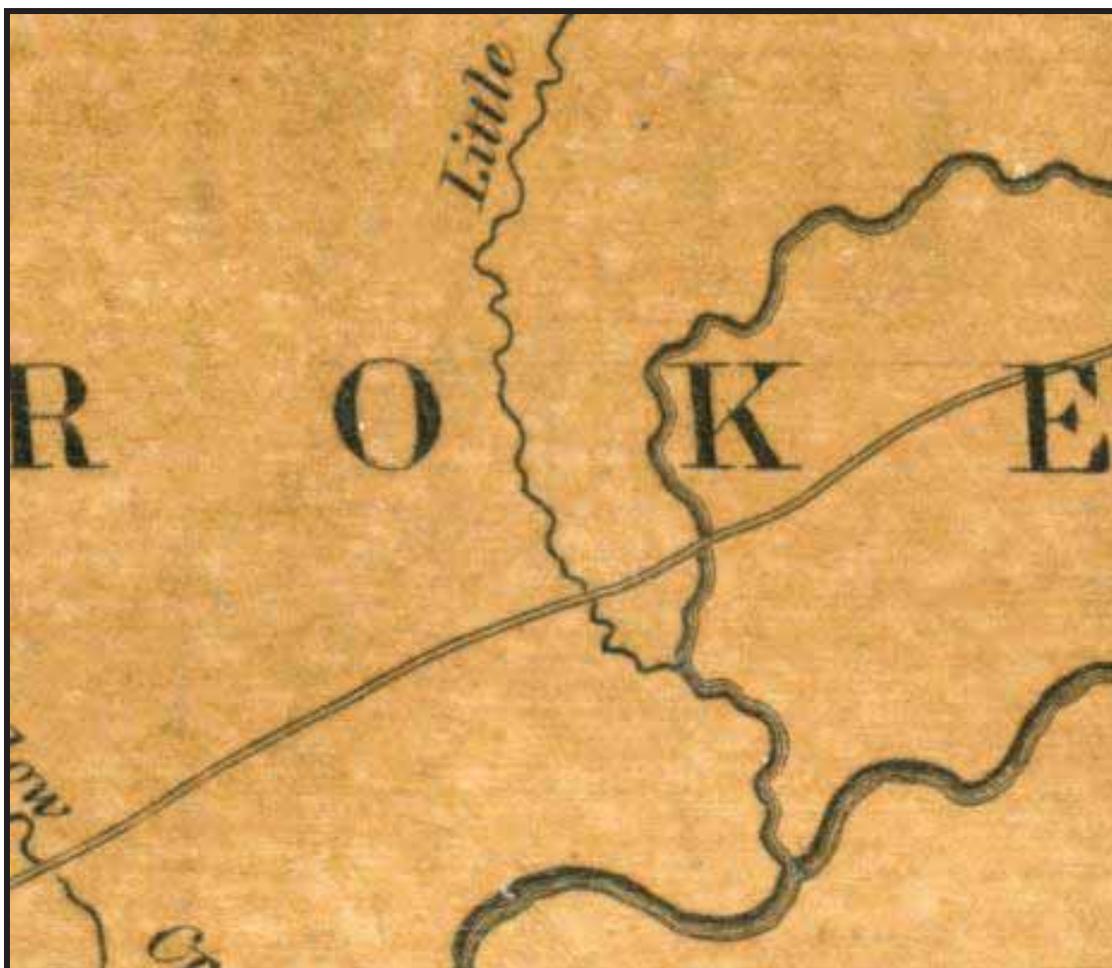
¹¹⁰ Survey of Township 9 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Andrew J. Coffee, Deputy Surveyor.
<http://www.glorerecords.blm.gov/SurveySearch/>

¹¹¹ The copy of the Plat at the Bureau of Land Management only shows a symbol that appears to represent a bridge. The copy of the Plat in the Land Records of the Alabama Secretary of State does identify the crossing as a bridge.
<http://arc-sos.state.al.us/PTM/SOSTMPDF.001/0000E114.PDF>

¹¹² Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #7,211 for William Gray, assignee of Samuel L. Wray issued May 1, 1845 for the southwest quarter of Section 12 in Township 9 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.
<http://www.glorerecords.blm.gov/PatentSearch/>

¹¹³ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,957 for William Gray of Cherokee County Alabama issued June 1, 1845 for the East half of the northeast quarter of Section

Cooper's other Valuation was made on November 14, 1836 also on the Little River. He seemed to have been living relatively close to Mrs. Broom, Bark Flute, White Tobacco and Fox Fire who were on the Chattooga River. Naynee is probably Naynee Harris [aka Old Nanny Harris] who lived at the forks of the Chattooga & Coosa River but also had improvements on the Etowah River in Floyd County Georgia.



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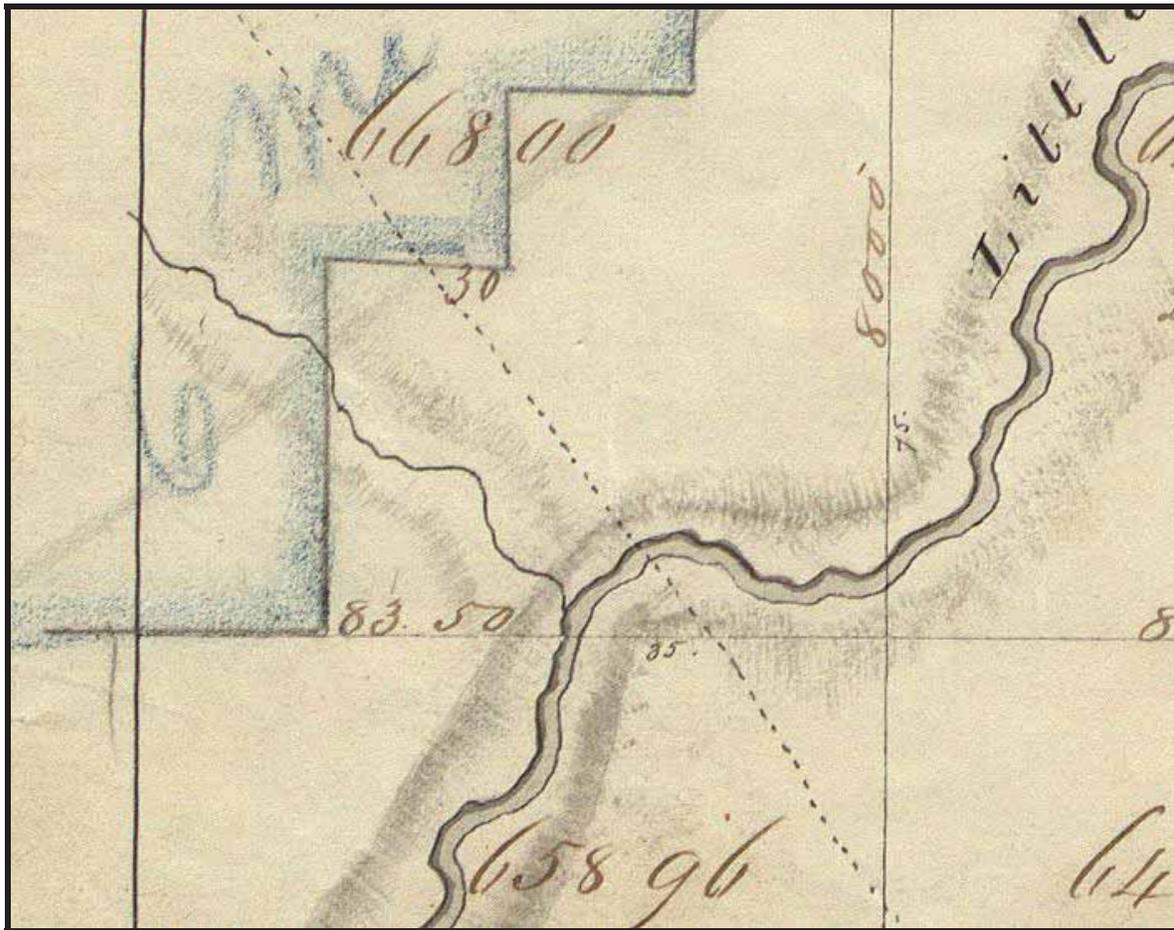
In the County Court Minute Books of St. Clair County is recorded an Orphans Court order dated March 4, 1833 *"It is further Ordered by the Judge of the County Court that Henry L Smith be Authorized to keep Two ferrys [one] on yellow Creek where the Tennessee & Georgia road Crosses said Creek and the Other on little river where said road Crosses said river and be allowed to receive the following rates at each ferry..."*¹¹⁹

¹¹⁸ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties. Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name.Description\),cat\(Name.Description\)&style=simple/view-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name.Description),cat(Name.Description)&style=simple/view-dhtml.xsl#)

¹¹⁹ St. Clair County Alabama Court Minute Book (1828-1834) page 206, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL. On page 216 of the Minute Book is recorded this ferry being sanctioned by the County Commissioners of Road & Revenues on August 12, 1833. One Page 245 is recorded an order relative to Samuel Handley being authorized to build a mill on Yellow Creek two hundred yards below where the road crosses said creek ... provided the said mill does not obstruct the fords across said creek. There is no known evidence that a ferry was operating over Yellow Creek.

LITTLE RIVER #2
Township 7 South, Range 10 East, Section 30



120

Nathan L. Rawlings was the original patentee of the southeast quarter of the southeast quarter.¹²¹ The southwest quarter of the southeast quarter was not patented until 1883. The fact that neither of these were early patents may suggest that this was not as desirable to early white settlers as the other Little River crossing and may have been a ford.

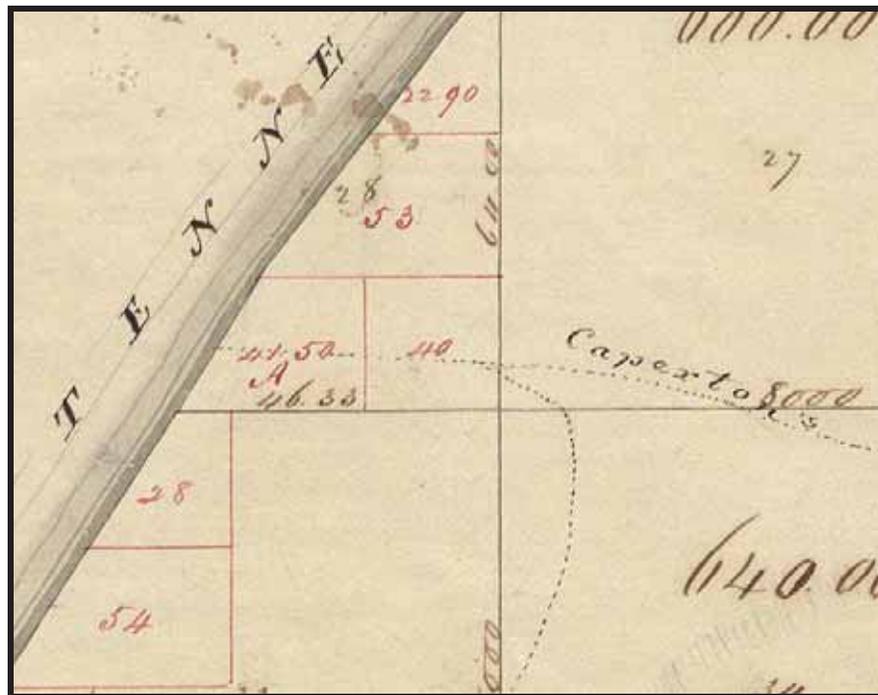
¹²⁰ Survey of Township 7 South of Range 10 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Alexander M. White, Deputy Surveyor.
<http://www.gloreCORDS.blm.gov/SurveySearch/>

¹²¹ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #8,449 for Nathan L. Rawlings of Cherokee County Alabama issued April 10, 1847 for the southeast quarter of the southeast quarter of Section 30 in Township 7 of Range 10 East in the District of Lands subject to Sale at Lebanon Alabama.
<http://www.gloreCORDS.blm.gov/PatentSearch/>

TENNESSEE RIVER #1
Township 2 South, Range 8 East, Section 28
Caperton's Ferry



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The Original Survey of the eastern bank of the Tennessee River for this section identifies the road approaching the river as Caperton's Ferry Road. The western bank was the site of the land Reserved to

¹²² Survey of Township 2 South of Range 8 East, of the Huntsville (AL) Meridian. Surveyed 1st quarter of 1823 by John Coffee, Surveyor; John S. Doxey and James H. Weakley, Deputy Surveyors.

<http://www.glorerecords.blm.gov/SurveySearch/>

¹²³ Survey of Township 2 South of Range 8 East, of the Huntsville (AL) Meridian. Plat certified April 20, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Leroy May, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

John Baldrige under the Treaty of 1817-1819.¹²⁴ In 1833, John Baldrige claimed for “an improvement and ferry at Crew {sic. Crow} Creek, Jackson County Alabama” on land ceded under the 1817 Treaty.¹²⁵ In 1842, Polly Baldrige as Executrix of the Estate of John Baldrige filed a claim for a loss of a sawmill on Raccoon Creek.¹²⁶ She stated they were dispossessed about 1832 by a George Meals [Mills?]. She further stated that the mill was about seventeen or eighteen miles from Lookout Valley, where they were living at the time. Additionally, the claim included a ferry on the Tennessee River in Alabama about ten miles from the mill. She did not state who had dispossessed them of that ferry. It is about eighteen miles from the mouth of Raccoon Creek to Lookout Valley. It is about ten miles up river from the mouth of Raccoon Creek to the location of the Caperton Ferry.



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The ferry was not known by any subsequent names other than Caperton’s Ferry. There were many Capertons among the Original Patentees of the land in this area.

¹²⁴ John Baldrige had Fee Simple Reservation #19 under the Treaty of 1819. The Reservation was surveyed February 11, 1820. Horace Houston and Drury Armstrong were the chain carriers.

¹²⁵ US Serial Set, Series 340, 25th Congress – 2nd Session, Senate Document 188. Dated February 7, 1839, the Report to the Committee of Indian Affairs by Mr. Sevier was to accompany H.R. Bill 494. The report refers to affidavits provided by William Dawson, James Rutherford, John Johnson and Benjamin Carbett [Corbitt]. The request was turned down. Dated January 30, 1838, H.R. 494 was styled “A Bill for the Relief of John Baldrige” and was for \$300.00. The Journal of the House of Representatives for 1837-1838 on page 43 shows that the Petition was initially considered on December 11, 1837. There was earlier House Bill that dealt with John Baldrige’s improvement abandoned under the Treaty of 1817. It is unclear, but likely, the first consideration included the ferry. See 24th Congress – 1st Session H.R. Bill 548 “A Bill for the Relief of John Baldrige”. In the House Journal for 1835-1836, dated March 14, 1836, on page 509 it is recorded “Mr. Graham presented a petition of John Baldrige, praying remuneration for certain improvements made, prior to the treaty with the Cherokees, in 1817, upon a lot of land situated in Jackson county, in the State of Alabama, which, after the said treaty, was surrendered to the people of the United States.”

¹²⁶ 1842 Skin Bayou District Claims, Claim #239. Tennessee Cherokee Collection, Box 11, Folder 3, Microfilm Collection 815, Reel 4, frames 900-906. Tennessee State Library and Archives. Nashville, TN.

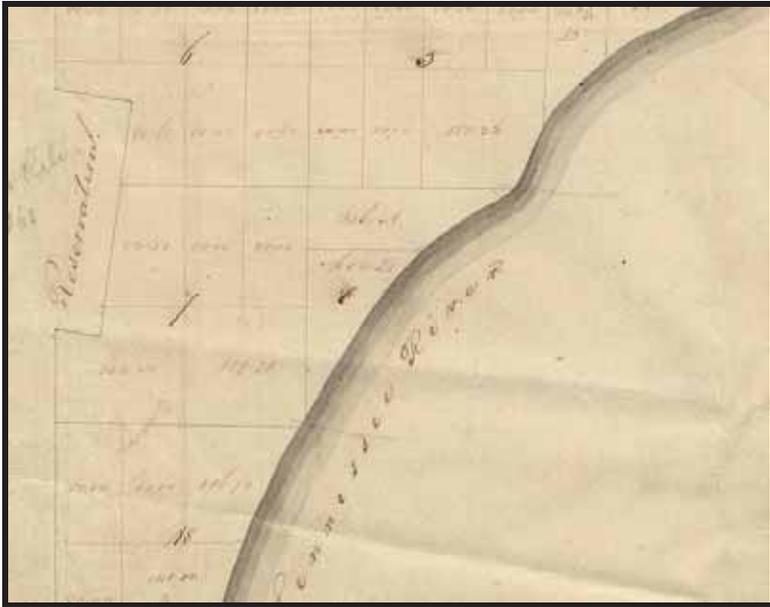
¹²⁷ John LaTourette, An Accurate Map of the State of Alabama and West Florida, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties.

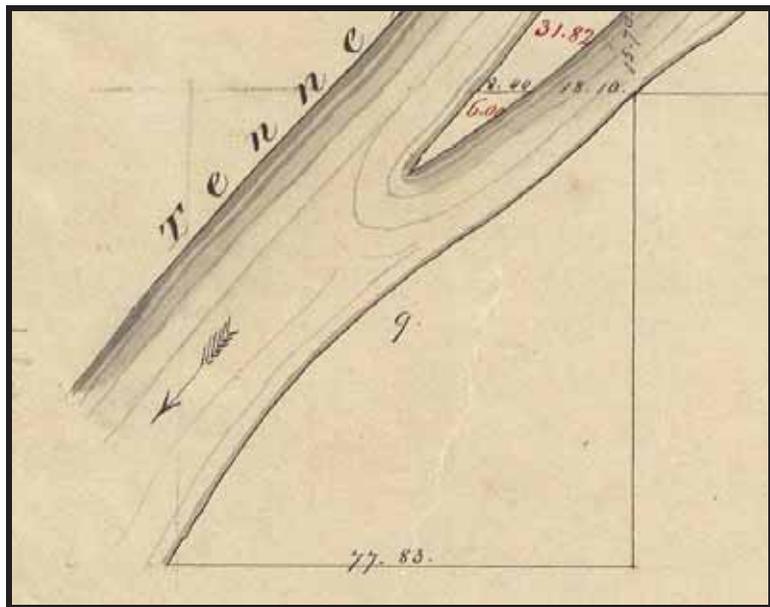
Specifically see

[http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/vicw-dhtml.xsl#](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet02.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/vicw-dhtml.xsl#)

TENNESSEE RIVER #2
Township 4 South, Range 7 East, Section 9
Andrew Ross' Ferry / Gay's Ferry / Bellefonte Ferry



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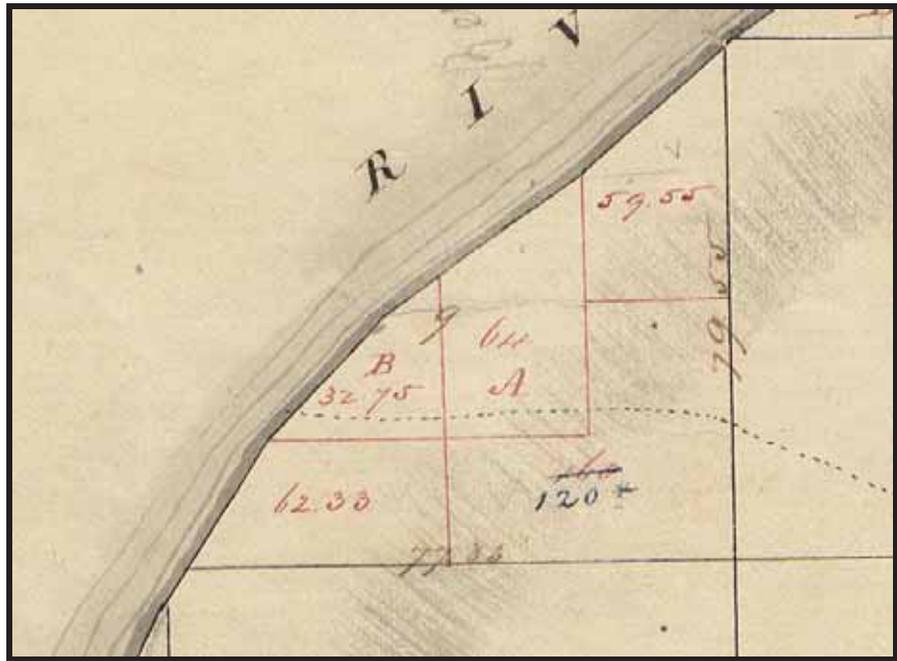
129

¹²⁸ Survey of Township 4 South of Range 7 East, of the Huntsville (AL) Meridian, north of the Tennessee River. Surveyed 1st quarter of 1823 by John Coffee, Surveyor General. Isaac H. Bell, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

¹²⁹ Survey of Beed Island, Township 4 South of Range 7 East, of the Huntsville (AL) Meridian. Plat certified January 17, 1843 by James W. Weakley, Surveyor General of the public lands in Alabama. William Weakley, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>



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A road crossed Raccoon (or Sand) Mountain and intersected the Tennessee River across from the Town of Bellefonte.¹³¹ The north shore was near the section of land Reserved for James Riley under the Treaty of 1817-1819.

In the Cherokee Property Valuation Books, Andrew Ross, brother of Principal Chief John Ross, had a ferry on the Tennessee River. The property was described as a “*Ferry on the Tennessee River south bank at or near Gay ferry; opposite Bellefonte.*” The annual income was adjudged to be \$387.50 resulting in a Valuation of \$3,875.00.¹³²

In Andrew Ross’ File in the Miscellaneous Papers of the First Board of Cherokee Commissioners are several documents that give additional insight into this ferry. Ross petitioned the First Board for an additional allowance because a white man named Clark had illegally established a ferry near his own. Henry McCoy one of the Valuing Agents gave a Certificate supporting Ross’ claim. On January 31, 1837, the Commissioners raised the Allowance to \$8,875.¹³³ The increased amount was paid to Andrew Ross along with his other property valuations.¹³⁴ Ross’ listing in the 1835 Census stated he had a ferry.¹³⁵

¹³⁰ Survey of fractional Township 4 South of Range 7 East, of the Huntsville (AL) Meridian, east of the Tennessee River. Plat certified June 10, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Samuel D. Weakley, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

¹³¹ See Act # 167 of Acts of the General Assembly of Alabama for 1836 [An Act to authorize Samuel Gay to Turnpike a road therein named]. The road was “*to commence at the ferry of the said Gay on the Tennessee river, in the county of Jackson and to pass over the Raccoon mountain, to the foot of said mountain at the place known as the widow Koons, at the eastern foot of said mountain.*”

¹³² Rice and McCoy Valuations in Alabama (Bureau of Indian Affairs Volume #91), #74; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

See also Valuation #160 (part 3) on page 139 [numbered as 132], Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. Part 3 was for Andrew Ross’ improvement at Ross Ferry opposite Bellefonte and included “*1 Ferry Bank & large Ferry boat 40 by 10 feet Strong & good Iron chain and good Oars worth \$50.00.*”

<http://dlg.galileo.usg.edu/nativeamerican/jpg/pav139.jpg>

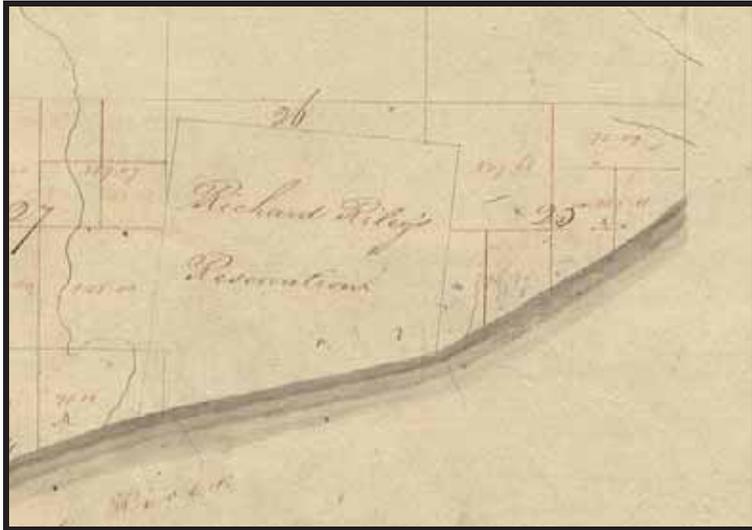
¹³³ Folder of Andrew Ross; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹³⁴ Volume A, p. 363; Register of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

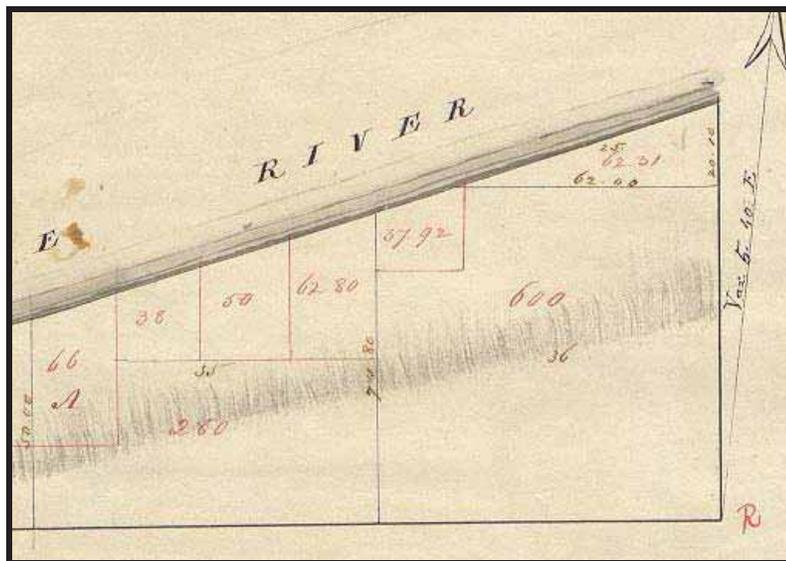
¹³⁵ 1835 Cherokee Census. Alabama #5. Andrew Ross of Jackson County. 1 ferry.

The Original Patentee for the all the portions of this section on the south bank of the Tennessee River was Samuel Gay.¹³⁶

TENNESSEE RIVER #3
Township 5 South, Range 5 East, fractional Section 26 & 35
Larkin's Landing Ferry



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¹³⁶ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,427 to Samuel Gay of Jackson County Alabama issued May 1, 1845 for the fractional northeast quarter of fractional Section 9 in fractional Township 4 of Range 7 in the District of Lands subject to Sale at Lebanon Alabama. Pre-emption Certificate #6,428 to Samuel Gay of Jackson County Alabama issued May 1, 1845 for the Fractions A & B of the south part of the southwest quarter of fractional Section 9 in fractional Township 4 of Range 7 in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

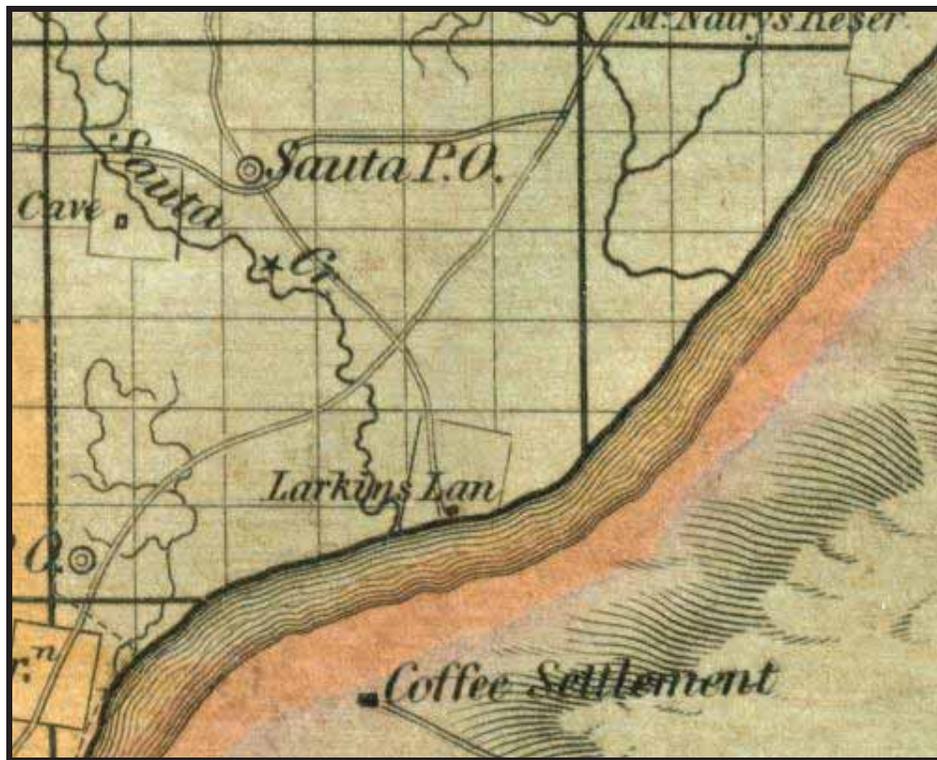
¹³⁷ Survey of Township 5 South of Range 5 East, of the Huntsville (AL) Meridian, north of the Tennessee River. Surveyed 1st quarter of 1823 by John Coffee, Surveyor. James W. Exum, Deputy Surveyor. <http://www.glorerecords.blm.gov/SurveySearch/>

¹³⁸ Survey of fractional Township 5 South of Range 5 East, of the Huntsville (AL) Meridian, south of the Tennessee River. Plat certified June 10, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. William Weakley, Deputy Surveyor.

<http://www.glorerecords.blm.gov/SurveySearch/>

The Larkin's Landing Ferry crossed the Tennessee River just above the mouth of Sauta Creek. The north shore landing was the site of the section of land Reserved to Richard Riley under the Treaty of 1817-1819.¹³⁹ About 1821, two white men who were brother-in-laws, Richard B. Clayton and David Larkin, settled on Richard Riley's reservation.¹⁴⁰ By the spring of 1822 Richard Riley had sold his reservation for \$6500 to Richard B. Clayton and David Larkin and moved twelve miles south of Fort Deposit in the Cherokee Nation.¹⁴¹

The Valuation of the property of Josiah Elliott included an improvement at Larkin's Landing in Jackson County Alabama and his residence 1 mile out. In addition, the valuation contained an allowance of \$500 for "*the south bank of the ferry at Larkins Landing nett income \$50 per an*" His total valuation was \$1,572 and approved by the Commissioners on June 23, 1837.¹⁴² Elliott was compensated in his Payment Account.¹⁴³ Josiah Elliott was a son of Joseph Elliott, a Reserver under the Treaty of 1817-1819.



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The southern bank of the Tennessee River was patented to Nathaniel Wilborn and George Freeman.¹⁴⁵ The ferry has never been known by name other than Larkin's Landing.

¹³⁹ Richard Riley had Fee Simple Reservation #25 under the 1819 Treaty. The Reservation was surveyed February 10, 1820. Horace Houston and Drury Armstrong were the chain carriers.

¹⁴⁰ Handwritten, unpublished manuscript of Matthew Powers Blue, undated but written about 1860, located in Alabama Department of Archives and History, PB Rg. H, Sec 7, Shelf 6, Box 2.

¹⁴¹ National Archives. National Archives and Records Center. Washington, DC. Record Group 75, Entry 250, Cherokee Removal Fourth Board of Commissioners Claim Papers 1846-1847, Claim #41 for John McNary, Deposition of Nelson Riley dated February 22, 1845. *Chronicles of Oklahoma*, Vol. 11, No. 4, December, 1933, p. 1021.

¹⁴² Shaw and McMillan's Miscellaneous Valuations for Georgia, Alabama and Tennessee, Valuation #109; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. The entire valuation was duplicated in Decisions on Valuation Claims, Book 2 (Volume 20), pp 80-81, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

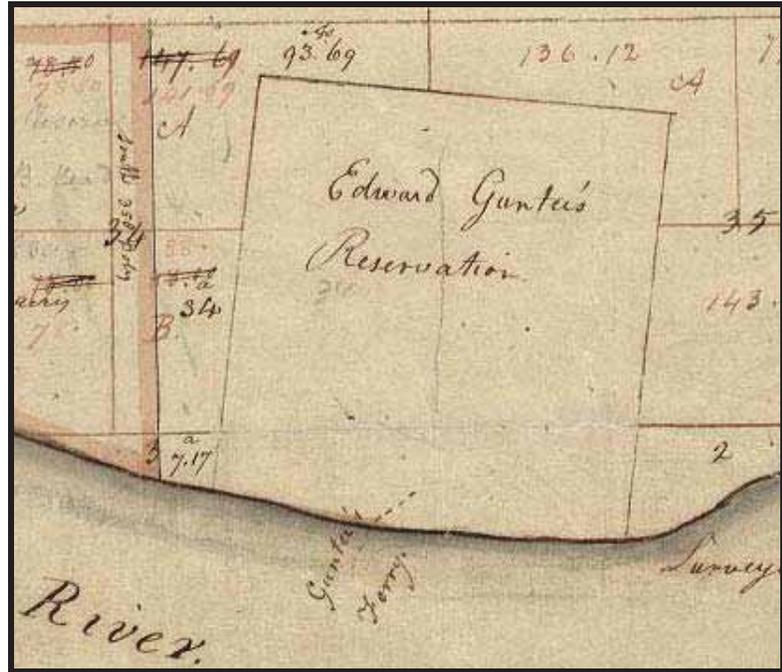
In Shaw and McMillan's Field Book of Rejected Valuations #4 was for Betsey Downing, widow of John Elliott deceased. It stated she "*claims a ferry on Tennessee river if she is entitled to one we could not ascertain that it was of any value.*" It is not known if this rejected claim has any relevance to this ferry or if not, then to what specific location it may refer.

¹⁴³ Register of Payments, Volume C, p. 482; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

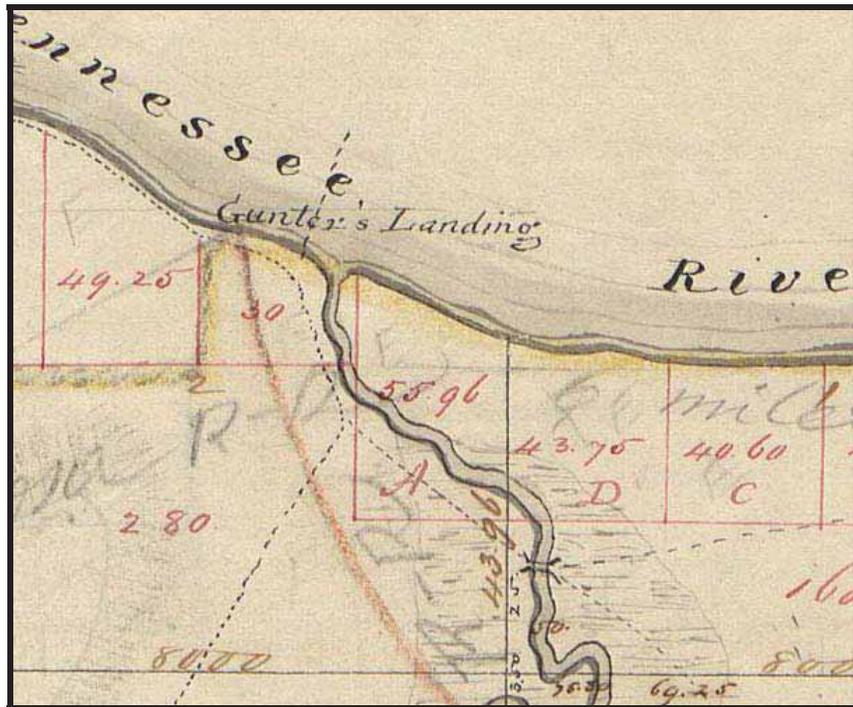
¹⁴⁴ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 2 covers Cherokee, DeKalb and Jackson Counties.

TENNESSEE RIVER #4
Township 8 South, Range 3 East, Section 2 (south side) and
Township 7 South, Range 3 East Section 34-35 (north side)
Gunter's Ferry



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¹⁴⁵ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #7,010 to Nathaniel Wilborn of Jackson County Alabama issued June 1, 1845 for the fractional northeast quarter of fractional Section 35 in Township 5 of Range 5 East. Pre-emption Certificate #6,732 to George Freeman of Jackson County Alabama issued June 1, 1845 for the southeast part of the northwest quarter and the fraction "A" of Section 35 in Township 5 of Range 5 East. All in the District of Lands subject to Sale at Lebanon Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

¹⁴⁶ Survey of Township 7 South of Range 3 East, of the Huntsville (AL) Meridian, north of the Tennessee River. Surveyed 4th quarter of 1822 by John Coffee, Surveyor. William B. Jones, Deputy Surveyor. <http://www.glorerecords.blm.gov/SurveySearch/>

The Gunter's Landing ferry was financially the most valuable of any Cherokee ferry in the State of Alabama. It was the ferry that the Benge Detachment utilized to cross the Tennessee River. The ferry landing on the northern bank was on the section Reserved for Edward Gunter under the Treaty of 1817-1819.¹⁴⁸

In the Valuations of Marshall County Alabama made by Moore and Ricketts, the Valuation made for the benefit of Edward Gunter included several items of interest under the category of

“Property immediately at Gunters Landing including the ferry – South side of the river”¹⁴⁹

47. *One ware house 36 by 50 ft hew'd logs – weatherboarded one story 14 feet high – stone foundation 30 inches high – 2 rooms – shingle roof one plank floor – 3 doors – 3 windows – platform in front 8 by 50 feet. This house is new and well built and near ferry well situated for a business house and the work is wooden – the whole is worth - \$750*
The entire weatherboarding and one window was done between the signing and satisfaction of the treaty and is of value - \$93
48. *one kitchen – 18 by 20 ft. frame – weatherboarded – One door 2 windows – One story – board roof – nailed on – no chimney \$90*
No 48 was done between the signing & Ratification of the treaty
49. *One stable – Log & frame – Log middle – frame sheds – Log part 16 by 25 ft – frame sheds each 12 by 25 ft. board roof. Four acres. The whole worth \$50*
50. *One dwelling house – 20 by 60 feet – Log hew-d – 2 Pens – 17 doors – 8 windows. 2 first rate floors – stone foundation – 2 stone chimneys – 4 fireplaces – Shingle roof – 2 flight stairs. Old and much decay'd. \$450*
51. *One corn field immediately at Gunters Landing – there is 80 acres enclosed – 30 which is a cornfield – river bottom – well clear'd – the whole is enclosed with a good 10 rail fence. The whole is valued at \$400*
52. *One Lot of ground – ½ acre including the foundation of a house 16 by 50 feet at the Steamboat Landing. \$15*
53. *One Steam Boat Sign Post \$5*
54. *One Ferry Boat Sign Post \$4*
55. *One Well – 28 feet deep – wall'd with stone – frame rope & bucket \$35*
56. *One Lot of ground ½ acre immediately above Blackwoods store house Post & Rail fence \$12*
57. *16 Pairs rafters \$8*
58. *1000 Rails (in the woods) \$7.50*
59. *2900 Oak boards (3 ft) (in the woods) \$14.50*
No. 58 & 59 well done between the signing & Ratification of the treaty.
60. *One Ferry in Marshall County – upon the Tennessee River – at the place known as Gunters Landing – The best evidence shows that the nett income per annum is \$3,000 – The North bank of the said ferry, situated on Mr Gunters Reservation. The south bank in the Cherokee Nation. \$15,000*

Mr. Edward Gunter states to us that the gross income of his ferry at Gunters Landing (No 60) is twenty dollars for every day in the year & that it has been worth that amount for the last three years.

Mr. John G. Ross & Mr. William Turner testifies on oath that they believe the gross income of the above ferry for every day in the year is about ten dollars.

¹⁴⁷ Survey of fractional Township 8 South of Range 3 East, of the Huntsville (AL) Meridian, south of the Tennessee River. Plat certified June 10, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Ferdinand Lannoner, Deputy Surveyor. <http://www.glorerecords.blm.gov/SurveySearch/>

¹⁴⁸ Edward Gunter had a Fee Simple Reservation surveyed February 9, 1820 on the north side of the Tennessee River. The chain carriers were Horace Houston and Drury Armstrong.

¹⁴⁹ Moore and Ricketts Valuations, Marshall County, Alabama, Valuation #1; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

From our acquaintance with Mr. Gunter's witnesses (Ross & Turner) of Knowing the math of Said ferry we have come to the conclusion that after paying the necessary expenses for hands & board that the nett income of the whole ferry per year is three thousand dollars – as stated – see No. 60.

See John G. Ross' & William Turner's certificates in our files. No 3 & 4.



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There are several papers in the Folder of Edward Gunter in the Miscellaneous Claims Papers of the First Board but neither of the aforementioned Certificates of John G. Ross or William Turner are among them. However, there is among those papers several of interest relative to this ferry and attempts by John Gilbreath to operate a competing ferry at the same location beginning in December 1833.¹⁵¹ Edward

¹⁵⁰ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837.

<http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 3 covers Blount, Jackson, Limestone, Madison, Marshall and Morgan Counties. Specifically see [http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl)

¹⁵¹ Folder of Edward Gunter; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See specifically Petition of Edward Gunter for reimbursement of \$4,401.91 outlining the loss of income and the legal means taken and costs incurred to stop Gilbreath until the latter's death; Statement of George Swink, Clerk of the Circuit Court for Chancery of Jackson County Alabama dated August 18, 1836; Statement of Richard S. Randle dated September 16, 1837, Statement of George R. Clark dated September 30, 1836, Statement of Lety Henson dated October 12, 1836, Affidavit of Napoleon B. Clark dated September 9, 1837.

Gunter also filed a Claim, a portion of which included “*the Road and Ferry Landing which the Commissioners considered inadmissible*”.¹⁵² Edward Gunter was paid \$15,000 for the ferry.¹⁵³

On the 1835 Census of the Cherokee, Edward Gunter was shown as having two ferries.¹⁵⁴ It is unclear where the second ferry was located. In a Valuation Claim made by Samuel Gunter (Edward’s brother) part of what he claimed compensation for was “*a Ferry 2.5 miles below the first place on the Tennessee River {i.e. Old Creek Path near old Creek Town Marshall Co Ala}*” but the Agents stated “*upon the closest examination we are satisfy he never had a shaddow of claim to the Place.*”¹⁵⁵ It is not known if these two references to a second ferry refer to the same place.

The original patentee of the landing on the south bank was Thomas J. Baker, assignee of Mary Mathis.¹⁵⁶

¹⁵² Decisions on Valuation Claims Book 2 (BIA Volume 20) pp 46; Decisions on Spoliation Claims 1838, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. See also Shaw and McMillan’s Miscellaneous Valuations for Georgia, Alabama and Tennessee, Valuation #63; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁵³ Register of Payments, Volume B, p. 314; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁵⁴ 1835 Cherokee Census. Alabama #52. Edward Gunter of Creek Path. 2 ferries.

¹⁵⁵ Decisions on Valuation Claims Book 2 (BIA Volume 20) pp 42-43; Decisions on Spoliation Claims 1838, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. See also Shaw and McMillan’s Miscellaneous Valuations for Georgia, Alabama and Tennessee, Valuation #61; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁵⁶ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #6,590 to Thomas J. Baker, assignee of Mary Mathis issued May 1, 1845 for the southwest part of the northeast quarter of Section 2 in Township 8 of Range 3 in the District of Lands subject to Sale at Lebanon Alabama.
<http://www.glorerecords.blm.gov/PatentSearch/>

The ferry was later involved in at least two known cases heard before the Alabama Supreme Court. The first during the January 1846 (Garrett, Admr of Gunter v Ricketts et al). The second was heard during the June 1852 Term (Lamar v The Commissioners Court of Marshall County). The petitioner in the second, James Lamar, claimed the ferry as purchaser of Edward Gunter. James Lamar, a white man, was the second husband of Sally Vann (daughter of Chief James Vann & widow of Evan Nicholson). For details on the first case see Alabama Reports 9 Ala 329 and for the second case see Alabama Reports 21 Ala 732.

TENNESSEE RIVER #5

Location undetermined

Hugh Henry's Ferry

Hugh Henry, a white man with a Cherokee wife, claimed for a Valuation

*“Opposite Cedar Bluff on Tennessee River Jackson County Alabama Henry also claims a Ferry at this place. There appears to have been some crossing her formerly though but little and no regular established Ferry - and if their was there would be no net income of profit. There being no road to place on the south side of the River. Henry had not married his wife when this Improvement was made. The above disallowed.”*¹⁵⁷

The only known Cedar Bluff on the Tennessee River was much further upriver, between the mouth of Widows Creek and Crow Creek.¹⁵⁸ In Hugh Henry's Valuation he was said to have a Ferry one and a fourth mile below Gunters Ferry.¹⁵⁹ There were no known roads down river that distance from the Gunter Ferry. Undocumented local sources state that Henry's ferry was up river from the Gunter Ferry near to the sight of the Reservation taken by Thomas Harrison under the Treaty of 1817-1819. This area had no roads on the original survey that would have been an easily identified ferry point.

In the 1835 Census of the Cherokee Nation, Hugh Henry, a white man of Blount County Alabama is identified as having two ferries.¹⁶⁰ Hugh Henry had been married to Martha Jane Gunter, a daughter of John Gunter Sr. At the time of the removal, she was married to Richard Blackburn. It is not known if any connection exists between Hugh Henry's ferry, the ferry over Browns Creek for which Blackburn was reimbursed or the unknown ferry claimed by Samuel Gunter.

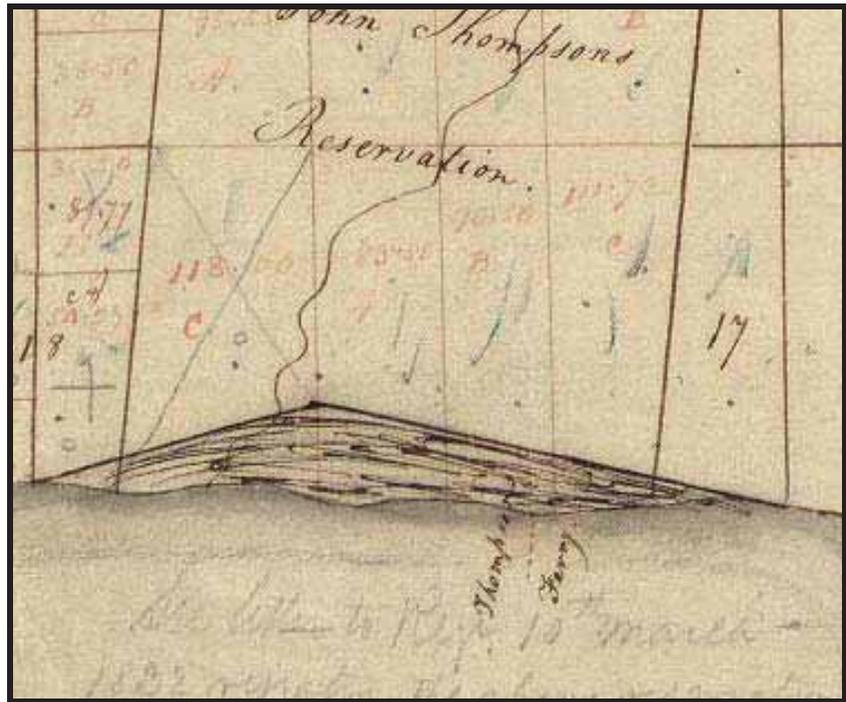
¹⁵⁷ Decisions on Valuation Claims Book 2 (BIA Volume 20) pp 44; Decisions on Spoliation Claims 1838, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. See also Shaw and McMillan's Miscellaneous Valuations for Georgia, Alabama and Tennessee, Valuation #62; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. See also Folder of Hugh Henry; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁵⁸ Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425. Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. Claim #26. Specifically see the testimony of John Bengé where he refers to the location of Cedar Bluff. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations). Cedar Bluff is noted on the 1863 Map of Stevenson compiled under the Direction of Capt Wm E Merrill, Chief Engineer of the Army of the Cumberland. In the Acts of the General Assembly of the State of Alabama for the 1838-1839 Term there is Act approved on February 1, 1839 *“To Authorize David Cawlfild to establish a public ferry at the Cedar Bluff on the Tennessee river in the county of Jackson.”* It is not known if this Act refers to the same place or not.

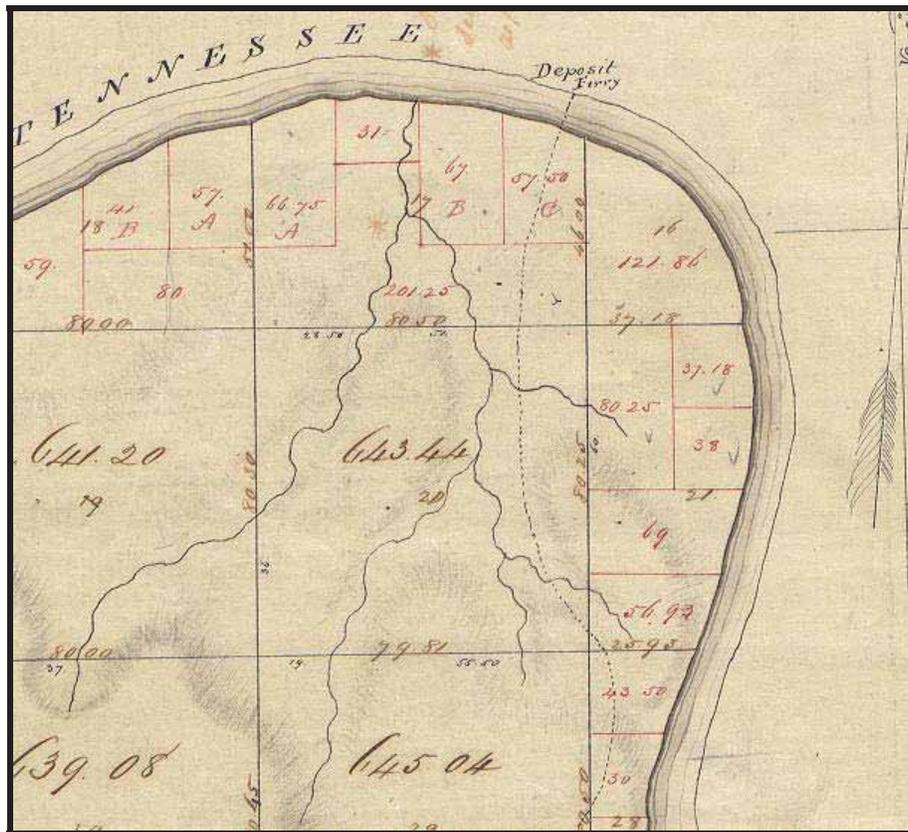
¹⁵⁹ Moore and Ricketts Valuations, Marshall County, Alabama, Valuation #10; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. The Ferry was said to be in charge of by Col. Robert Steele and was worth \$2,000.00. The surveys do not identify any ferry in the area suggested.

¹⁶⁰ 1835 Cherokee Census. Alabama #84. Hugh Henry of Blount County shown as having two ferries.

TENNESSEE RIVER #6
Township 7 South, Range 3 East, Section 17
Fort Deposit Ferry / Thompson's Ferry



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¹⁶¹ Survey of Township 8 South of Range 3 East, of the Huntsville (AL) Meridian, north of the Tennessee River. Surveyed 4th quarter of 1822 by John Coffee, Surveyor. William B. Jones, Deputy Surveyor. <http://www.gloreCORDS.blm.gov/SurveySearch/>

The original survey of the south shore called the road crossing the Tennessee River the Road from Warrenton to Fort Deposit. On that survey, the Ferry is called the Deposit Ferry. The northern bank was the site of the section of land Reserved to John Thompson under the Treaty of 1817-1819.¹⁶³ The survey of the north shore identifies the spot where, what it names as the Thompson Ferry landed. Fort Deposit was a US Army fort used during the Creek War. Abner Moore was the original patentee for the site of the southern landing of this ferry.¹⁶⁴

The Register of Payments account for Charles Thompson¹⁶⁵ of five miles south of Gunter's Landing showed he was paid \$2,433.33 for a Ferry Valuation and \$1,703.33 for spoliation on the same. The Valuation has not been located. However, there are documents in the Miscellaneous Papers of the First Board that give some insight into this ferry.¹⁶⁶ The documents are dated July-September 1838 and include statements from James Spencer, John Drew, Archibald Campbell, Alexander Gilbreath, John F. Boot and Laugh-at-Mush. According to these statements, John Thompson held the ferry until left for Arkansas about 1829-1830 when his son Charles Thompson operated the ferry. They further relay that after that time one Alexander Brown attempted to establish a competing ferry too close to this ferry. John Drew stated he had been ferryman for the Thompsons in 1816-1817 and 1819.

John Thompson Sr. died about 1832-1833 on John Drew's plantation in the west. The Heirs of John Thompson filed a Claim for a share of the ferry. That claim was rejected. The Valuing Agents had paid Charles Thompson one-half interest in the Ferry and John Thompson Sr. was adjudged to have no interest.¹⁶⁷

On January 10, 1834 Betsey (Thompson) Whitney, a daughter of John Thompson, had her improvements on Tennessee [River] Alabama valued under the terms of the Treaty of 1828 for her emigration west. In that valuation is included "*1 Ferry boat \$25.00 Bank dug down 10.*"¹⁶⁸

¹⁶² Survey of fractional Township 8 South of Range 3 East, of the Huntsville (AL) Meridian, south of the Tennessee River. Plat certified June 10, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Ferdinand Lannoner, Deputy Surveyor. <http://www.glorerecords.blm.gov/SurveySearch/>

¹⁶³ John Thompson had a Life Estate Reservation on the north shore of the Tennessee River. The Reserve was surveyed December 13, 1820 with Aaron Armstrong and William Green being the chain carrier. Honeycomb Creek flows in the Tennessee River through this site.

¹⁶⁴ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #5,577 to Abner Moore of Jackson County Alabama issued September 10, 1834 for fraction "C" of the fractional Section 17 in Township 7 of Range 3 East in the District of Lands subject to Sale at Huntsville Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

¹⁶⁵ Register of Payments, Volume B, p. 365; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁶⁶ Folder of Charlie Thompson; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁶⁷ Claim #1227; Claims Papers, 1846-1847, of the Fourth Board of Cherokee Commissioners, Entry 250; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See also Minute Docket 2 pages 181-182; Minutes of the Fourth Board of Cherokee Commissioners, Entry 249; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁶⁸ Valuation #122 on page [87] 80, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. <http://dlg.galileo.usg.edu/nativeamerican/jpg/pav087.jpg>



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¹⁶⁹ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 3 covers Blount, Jackson, Limestone, Madison, Marshall and Morgan Counties. Specifically see [http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item\(Name,Description\).cat\(Name,Description\)&style=simple/vie w-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item(Name,Description).cat(Name,Description)&style=simple/vie w-dhtml.xsl)

In the Original Survey of the south bank of the Tennessee River this crossing is called Black's Ferry. On the north bank, the Flint River flows into the Tennessee River.

In the Register of Payments Account for Richard Fields (five miles south of Gunter's Landing), there is an entry for his being paid \$2,000 for a Ferry on the South Bank of the Tennessee River plus \$1,000 for spoliation rent. The Valuation Book containing this has not been located.¹⁷²

Richard Fields and his brother Rider Fields were granted permission on November 1, 1831 from the Cherokee Committee and Council to open a road and establish a ferry on the Tennessee River at or near the mouth of Caney Creek opposite the mouth of the Flint River. The road to intersect the road leading from Ditto's Landing to Blountsville at or near where Mr. George Hale lived on the mountain and known as a public stand. On September 12, 1838 Richard Fields made a statement to the Commissioners that he and his brother had placed Simpson Black on the ferry and improvements to improve the same. The Fields had received permission on November 18, 1830 to employ Black. After the State of Alabama extended their laws over the Cherokee lands, Black refused to give up the ferry. Rev. William Potter, Napoleon B. Clark and Absalom Black confirmed Fields claim.¹⁷³

Richard Fields had a claim with the Fourth Board of Cherokee Commissioners that included this ferry.¹⁷⁴ The Claim File contains a transcription from "*Book of Promiscuous Valuations – McMillin, Shaw and others, leaf turned down, book not paged*" that details the Valuation of the ferry.

B.

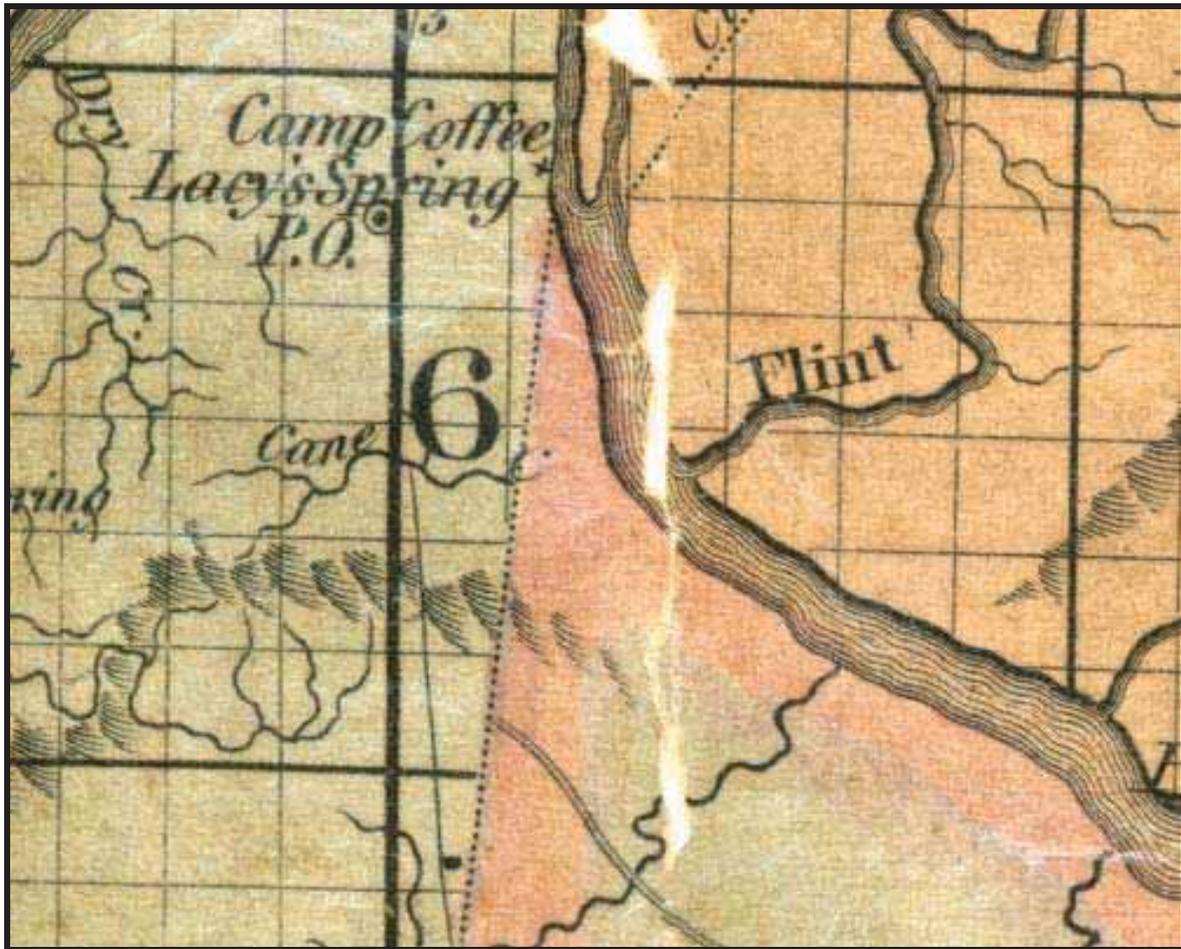
Richard Fields }	
South Bank }	Claims the valuation of the Ferry on Tennessee River opposite the
	mouth of Flint River Morgan County Alabama
Nett income pr annum \$200	\$2,000
In the year 1832	
Rent pr ann \$250 for 5 years spoliation	<u>\$1,000</u>
Total	<u>\$3,000</u>

¹⁷¹ Survey of fractional Township 6 South of Range 1 East, of the Huntsville (AL) Meridian, south of the Tennessee River. Plat certified June 10, 1840 by James W. Weakley, Surveyor General of the public lands in Alabama. Ferdinand Lannoner, Deputy Surveyor. <http://www.glorerecords.blm.gov/SurveySearch/>

¹⁷² Register of Payments, Volume B, p. 363; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁷³ Folders of Richard Fields and Rider Fields; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁷⁴ Claim #845; Claims Papers, 1846-1847, of the Fourth Board of Cherokee Commissioners, Entry 250; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. See also Minute Docket 1 pages 360 and 419; Minutes of the Fourth Board of Cherokee Commissioners, Entry 249; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.



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John LaTourette's 1837 Map does not identify this ferry's location. The USGS website incorrectly mixes this ferry and another site slightly down river with the variant name of Ditto's Landing, Hobb's Ferry and Whitesburgh though it does also use the variant name of Blacks Ferry associated with this site. The Original Patentee for the site of the ferry landing on the south bank was David Simpson Black of Marshall County.¹⁷⁶

¹⁷⁵ John LaTourette, *An Accurate Map of the State of Alabama and West Florida*, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>, Sheet 3 covers Blount, Jackson, Limestone, Madison, Marshall and Morgan Counties. Specifically see [http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item\(Name,Description\),cat\(Name,Description\)&style=simple/view-dhtml.xsl](http://cartweb.geography.ua.edu:9001/StyleServer/calcrn?cat=North%20America%20and%20United%20States&item=States/Alabama/LatouretteSheet03.sid&wid=500&hei=400&props=item(Name,Description),cat(Name,Description)&style=simple/view-dhtml.xsl)

¹⁷⁶ Bureau of Land Management, General Land Office Records, Eastern States Office, Springfield, VA. Pre-emption Certificate #12,388 to David Simpson Black of Marshall County Alabama issued July 1, 1845 for the south part of the southeast part of fractional Section 21 in Township 6 of Range 1 East. Pre-emption Certificate #12,633 to David Simpson Black of Marshall County Alabama issued July 1, 1845 for the east part of the southeast part of fractional Section 21 in Township 6 of Range 1 East. Pre-emption Certificate #15,618 to David Simpson Black of Marshall County Alabama issued April 1, 1852 for the north part of the northwest part of the fractional Section 21 in Township 6 of Range 1 East. All in the District of Lands subject to Sale at Huntsville Alabama. <http://www.glorerecords.blm.gov/PatentSearch/>

MISCELLANEOUS FERRY, BRIDGE & CROSSING INFORMATION

The following information refers to ferries or other crossings but the locations cannot be conclusively determined or is suspect in some manner. Several of the crossings refer to creeks and not rivers and may have been seasonal in operation.

Moore & Rickett's Book of Valuations in Marshall County AL contains in Valuation #4 for Richard Blackburn an allowance for a Ferry on Browns Creek.¹⁷⁷ Brown's Creek is believed to have been too narrow to have justified a ferry. No evidence has been found to identify any potential site for such a ferry or to reconcile this information. Blackburn was paid \$1,000.00 for this valuation.¹⁷⁸

In Shaw & McMillan's Field Book of Rejected Valuations, entry #7 for John G. Ross states that he "*claims a ferry on Tennessee river[.] from information got on the spot we think it of no value. June 22nd From additional evidence in this case it appears that Ross obtained from the nation a permit & opened a road & made the ferry called Ridges ferry on Tennessee river in or about 1810 that he gave the white man who owned the north bank the use of his part rent free the first year for furnishing the Boat. Since which he has never attended to it. This is his own version of the matter.*" Ross had an improvement at the Cave Springs ½ mile south of Gunter's.¹⁷⁹ No additional information has been located to specifically identify this ferry's location. There is no evidence of any payment to Ross for a ferry.

In the Dawes Commission Application for William H. Shoemake¹⁸⁰ is contained a transcription of the Cherokee Citizenship Case of W. H. Shoemake & John W. Shoemake vs. The Cherokee Nation. Within that case is testimony dated January 5, 1882 from Samuel R. Keys. Samuel R. Keys was the son of Samuel Keys who was a Reservee under the Treaty of 1817.¹⁸¹ In the Citizenship Case, Samuel R. Keys stated that "*I used to run a ferry boat on the Tennessee river and he (John A. Shoemake, father of William H. Shoemake) used to cross his stock at my ferry.*" It is not known for which ferry that Samuel R. Keys ran the boat. It is suspected that it was the Capterton Ferry but that is speculative.

On March 28, 1842, Nancy Baldrige filed a Claim that included the loss of a ferry at Creek Path on the Tennessee River. Nancy was the wife of George Baldrige. The witnesses to her claim were Side Fox & Peggy Baldrige (her daughter).¹⁸² There is no other information that has been located to identify this purported ferry.

Benjamin Merrill resided in Parch Corn Cove on the south bank of the Tennessee River. In his Valuation part of his improvements were located at Blue Rock Ferry but did not include any ferry valuation.¹⁸³ Nothing further is known about any such ferry or its exact location.

In the 1835 Census, Benjamin Sinnes of Jackson County AL is said to have had one ferry.¹⁸⁴ He is likely connected with a Cherokee named Sinew who had Valuation on the south side of Wills Creek in what would have been the upper end of Wills Valley.¹⁸⁵ That Valuation did not include any ferry. Sinew's

¹⁷⁷ Moore and Ricketts Valuations, Marshall County, Alabama, Valuation #4; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁷⁸ Register of Payments, Volume B, p. 316; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC.

¹⁷⁹ Moore and Ricketts Valuations, Marshall County, Alabama, Valuation #3 for John G. Ross; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁸⁰ National Archives Microfilm M1301, Roll 308. Application D123.

¹⁸¹ Reservation Roll #30. Reservation on the waters of Mud Creek, taken in right of his wife.

¹⁸² Flint District Claims Book 1, Claim #19. Tennessee Cherokee Collection. Microfilm 815, Reel 6. Tennessee State Library and Archives, Nashville TN.

¹⁸³ Moore and Ricketts Valuations, Marshall County, Alabama, Valuation #68; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

¹⁸⁴ 1835 Cherokee Census. Alabama #9 as Benjamin Sinnes. Entry #8 was for Sinnes.

¹⁸⁵ Rice and McCoy's Valuations, Wills Valley, Alabama, Valuation #58 for Sinew; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC.

Account in the Register of Payments does not contain any other items he was paid for. It does suggest he was an early emigrant.¹⁸⁶ In Special File 154 of the Records of the Bureau of Indian Affairs are recorded payments for Transportation and Subsistence to Sinew(s) and to Benjamin Sinew(s).¹⁸⁷ Ben Sinew emigrated in Lt. Deas Detachment that arrived west on May 1, 1838.¹⁸⁸

On March 16, 1842, Se-ka-we filed a Claim that included “*1 Ferry Boat 30 ft by 8 over Wills’ Creek*”.¹⁸⁹ Se-ka-we stated he had lived near John Bell in Wills Valley. A Cherokee called “The Pipe” witnessed his claim. There is no Valuation for any Cherokee named Se-ka-we (or any variant spelling) in Wills Valley. There is a Valuation for a Secowee, a full blood Cherokee, in the Turkey Town – Lookout Mountain area.¹⁹⁰ John Bell lived in Big Wills Valley on the south side of Wills Creek in DeKalb County.¹⁹¹ See-cah-wee’s father lived in Wills Valley near John Bell and Pipe.¹⁹²

In the Orphans Court Minutes of St. Clair County it is recorded on March 4, 1833 “*It is Ordered by the Judge of the County Court that on the application of Henry McCoy that the Said Henry McCoy be authorized to keep a ferry on Wills Creek at the place where Taylors Old Bridge formaly Stood and be Authorized to receive the following Rates...*”¹⁹³ On September 26, 1833 at a Special Court Term in St. Clair County it was “*Ordered by the Judge of the County Court that Henry McCoy be authorized to keep up a Tole Bridge on little wills Creek provided he keeps the ford open so that Carriages of all kinds can pass wen the water is low and be authorized to receive the following tole...*”¹⁹⁴ On January 13, 1834 the Court Minutes record “*It is Ordered by the Judge of the County Court that Joel Chandler Sr be authorized to Establish and keep a ferry on Wills Creek at the place where Henry McCoy formaly kep a ferry and be authorized to receive the following tole on ferriage...*”¹⁹⁵ Taylor bridge was on the old High Town Path where it intersected into the Creeks Path at Jackson's Camp Wills. It was south of where Line Creek

¹⁸⁶ Register of Payments, Volume B, p. 155; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. Sinew was advanced \$195 in October 1837 and the balance of his account was sent west in November 1837.

¹⁸⁷ National Archives Microfilm M574; Special Files of the Bureau of Indian Affairs; Special File 154; Cherokee claims for commutation of transportation and subsistence, treaty of 1835-36, 1845-55; Roll 32, frames 70, 87, 90, 102 and 116; National Archives Southeast Region, Morrow GA.

¹⁸⁸ Muster Roll of Lt. Deas who arrived West May 1st, 1838. Detachment #4. National Archives Microfilm A23. National Archives – Southeast Region, Morrow, GA. Ben Sinew of Wills Town family consisted on one male and one female, both between ages 10-25.

¹⁸⁹ Tahlequah District Claims, Loose Claim #344, Tennessee Cherokee Collection, Box 12, Folder 3. Microfilm 815, Reel 4. Tennessee State Library and Archives, Nashville TN.

¹⁹⁰ Rice and McCoy’s Valuations, Lookout Mountain, Alabama, Valuation #90 for Secowee or Awressena; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. Secowee was paid \$43 for this Valuation in Register of Payments, Volume B, p. 241; Registers of Payments, Entry 247; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. In that account, he was also paid \$100 for First Board Approved Spoliation Claim #1097. In that Claim his residence was given as Turkey Town.

¹⁹¹ Rice and McCoy Valuations in Alabama (Bureau of Indian Affairs Volume #91), #16; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. This is identified as being South of Wills Creek. See also Shaw and McMillan’s Miscellaneous Valuations for Georgia, Alabama and Tennessee, Valuation #175; Property Valuations, Entry 224; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. The entire valuation was duplicated in Decisions on Valuation Claims, Book 2 (Volume 20), pp 126-127, Entry 232; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington, DC. These two entries identify Bell’s location as Big Wills Valley in Dekalb County with the notation “*3 places valued to John Bell last fall by Rice & McCoy & revalued by Shaw & McMillan under the directions of the US Commissioners.*”

¹⁹² Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425. Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. Claims #39 & #47. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations). These specifically are the Claim of Oo-dah-hee-de or Oo-dah-hi-dah, the father of See-coo-wee or Se-cah-wee, for improvements on Wills Creek. One claim was specifically stated to have been near the mouth of Wills Creek. Oo-tah-he-tah, with 7 in his family, had a small Valuation on the west side of Wills Creek recorded by Rice & McCoy in their Wills Valley Valuations as #20. John Bell’s Valuation was #16. Pipe’s cabin was part of Joseph Crutchfield’s Valuation #19 (part 8). In the 1835 Census (Alabama #187) Ooh-tah-he-tah of Wills Valley is inexplicably shown as having a household of 27 full bloods.

¹⁹³ St. Clair County Alabama Court Minute Book (1828-1834) page 209, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL.

¹⁹⁴ Ibid, page 238.

¹⁹⁵ Ibid, page 249.

entered Wills Creek.¹⁹⁶ The Cherokee National Council and Committee on November 15, 1828 authorized a Company composed of Laugh at Mush, Night Killer, The Bark, William Grimmatt and Quaty Sah-keh-yah to put up a toll turnpike gate on the Wills Valley road from Sahkeyah's to Jack Ross's on Wills Creek and to establish a ferry over Wills Creek at Shoats in time of high water.¹⁹⁷



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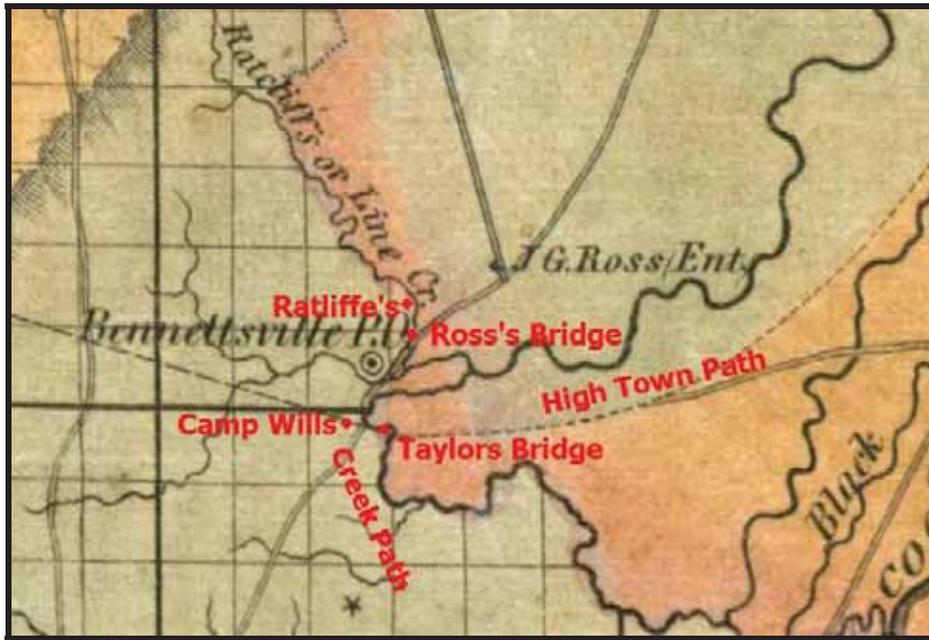
Also recorded in that same Orphans Court Minutes Book of St. Clair County on March 4, 1833, "*It is Ordered By the Judge of the County Court that Charles Hollaway be Authorized to keep a ferry on Wills Creek at the place where William Hollaway formally keep a ferry and be Authorized to receive the following rates....*"¹⁹⁹

¹⁹⁶ See Acts of the General Assembly of the State of Alabama for 1828, page 34 [An Act to Authorize James Taylor to keep in repair a bridge built by him across Wills Creek in St. Clair county; and for other purposes.] The Act describes the bridge as being "*across Wills creek , and that the road from said bridge to Bennett's store shall be kept in repair by the hands by law required to work on said road from Bennett's store to Line Creek at Ross bridge.*"

¹⁹⁷ Folder of Laugh at Mush; Miscellaneous Claims Papers, 1836-1839, of the First Board of Cherokee Commissioners, Entry 236; Records of the Bureau of Indian Affairs, Record Group 75; National Archives Building, Washington DC. In the same folder are papers of a Claim filed in 1838 for loss of the turnpike. That claim was rejected. See also Indian Pioneer Papers, University of Oklahoma, Western History Collection, Norman OK. Volume 105, Grant Foreman Interview #1425, Claims #75(a), Registration of Claims of Cherokee Indians against the United States, Within the State of Alabama. The original Claims Book is in Oklahoma Historical Society Microfilm CHN80 in Section X (Cherokee-Federal Relations). This copy of the claim dated September 5, 1838 said the road was 36 miles down Wills Valley from Sarkeyah McCoy's to Jack Ross's old place. Shoat was likely either Silas Choate or his brother John Choate.

¹⁹⁸ Contemporary photograph of the extant surviving pier of the Taylor Bridge.

¹⁹⁹ St. Clair County Alabama Court Minute Book (1828-1834) page 206, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL.



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During the August 1833 St Clair County Court Term it was “further ordered by the Court that Henry L Smith be authorized to establish and keep a ferry on Wills Creek where the road now crosses said Creek in Wills Town valley near Mulkey's old Stand.”²⁰¹ John Mulkey, a brother-in-law of John Ross, was appointed Post Master at Bennett's Store on January 25, 1828.²⁰² Bennett's Store was at the lower end of Wills Valley just over the boundary of the Cherokee lands.

On May 6, 1833 the St. Clair Orphan's Court Minutes noted that “It is Ordered by the Judge of the County Court that Peter Wagon Sr be authorized to Establish a ferry on Wills Creek near the mouth and be authorized to receive the following rates of ferriage...”²⁰³ Wills Creek was the southern boundary of the Cherokee lands. This was likely the crossing over Wills Creek on what was called the Cahaba Road.

On April 9 1842, Thigh Walker filed a Claim in Skin Bayou District of the Cherokee Nation which included “rent of Ferry on Wills Creek for four years.” He stated in his claim that he was dispossessed when the laws of Alabama were extended over the nation. Walker went on to state that he did live at the place at the time of the Valuations.²⁰⁴ Nothing further has been found to identify the specific location of this ferry.

²⁰⁰ John LaTourette, An Accurate Map of the State of Alabama and West Florida, NY: Colton & Co., 1837. <http://alabamamaps.ua.edu/historicalmaps/alabama/1825-1850.html>. Additional notations added in red.

²⁰¹ St. Clair County Alabama Court Minute Book (1828-1834) page 230, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL.

Also see the Valuations of Silas Chote as Valuation #45 to #52, Valuations under the Treaty of 1828 Emigrations 1833 and 1834, Penelope Johnson Allen Collection, Manuscript Collection 2033, Box 1 Folder 239, The Special Collections Library of the University of Tennessee, Knoxville. Specifically see Valuation #46 “one other Imp^t where Mulkey lived called Ratliffe's home place where Rob^t G. Rhea lives, Wills Creek Ala..”

²⁰² The Post Office was alternately known as the Bennettsville Post Office and Bennington Post Office. John G. Ross was briefly Postmaster prior to John Mulkey holding that position.

²⁰³ St. Clair County Alabama Court Minute Book (1828-1834) page 212, St. Clair County Archives, St. Clair County Courthouse, Ashville, AL.

²⁰⁴ Skin Bayou District Claims. Claim #264. Tennessee Cherokee Collection, Box 11, Folder 4, Microfilm Collection 815, Reel 4. Tennessee State Library and Archives, Nashville, TN.

Appendix A
Cases Argued and Determined
in
The Supreme Court of Alabama,
During
The June Term, 1852.

Reported by
J. W. Shepherd

VOL. XXI.

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1853

CASES

ARGUED AND DETERMINED

IN

THE SUPREME COURT OF ALABAMA,

DURING

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REPORTED BY
J. W. SHEPHERD.

VOL. XXI.

MONTGOMERY:
PRINTED BY BRITTON AND DE WOLF.
1853.

LAMAR vs. THE COMMISSIONERS' COURT OF
MARSHALL COUNTY.

1. Any judgment or decree of any court, which shows upon its face a want of jurisdiction, either of the subject-matter or of the parties, is not merely voidable, but void.
2. The Commissioners' Court of Roads and Revenue in this State is a court of limited jurisdiction; and its proceedings, like those of all courts of limited jurisdiction, must show upon their face sufficient to support its jurisdiction, or its judgments are not merely voidable, but void.
3. The only case in which the Commissioners' Court has power to revoke a ferry license, is that given by the statute, (Olay's Digest, 513, § 26,) where the grantee fails to renew his bond, after receiving ten days' notice to do so; and the proceedings must show this notice, before the jurisdiction of the court begins. But it has no power to take a ferry from one who is in the enjoyment of it, and grant it to another, upon the petition of the latter showing a vested right in himself to the franchise.
4. It seems, that the petitioner's remedy, in such case, is, a proceeding in the na-

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ture of a *quo warranto*, before the tribunal having jurisdiction of the subject-matter.

5. *Mandamus*, when directed to an inferior tribunal, is a writ which seeks to compel action; but it does not point out to that court how it shall act in a matter over which it has a discretionary power of decision. *Certiorari*, on the other hand, is a writ revisatory in its nature, and is issued for the purpose of enabling the superior court to correct the erroneous action of the inferior.

ERROR to the Circuit Court of Marshall.
Tried before the Hon. GEO. D. SHORTRIDGE.

James Lamar, the plaintiff in error, petitioned the Circuit Court for a *certiorari* to revise certain proceedings had before the Commissioners' Court of Marshall county, in the rejection of his petition seeking to be recognized as the owner and proprietor of the ferry at Gunter's Landing, and to be let in, to the enjoyment of the franchise, on filing his bond, according to the statute in such case made and provided.

In his petition to the said Commissioners' Court, the petitioner sets out his claim, as being founded on a grant of the franchise to Edward Gunter, by the Commissioners' Court of Jackson county, within which county Gunter's Landing was then included. When Marshall county was established this landing fell within its borders. This grant to Edward Gunter was made on the third Monday in July, A. D. 1820. The petitioner alleges, that said Gunter went into the enjoyment of this franchise soon after the grant was made, renewed his bond from time to time before the said Commissioners' Court, and had the rates of ferriage established; that he continued in the enjoyment of said franchise until the year 1840, when he was restrained from the further enjoyment of it, by an injunction issued from the Court of Chancery, at the instance of Boggess & Randles, in a suit instituted in said Chancery Court, wherein said Boggess & Randles were complainants, and said Gunter and others were defendants. This suit was continued until some time in the year 1845, when it was voluntarily dismissed by the complainants. The petitioner propounds his title to the court, by which it appears that he is the owner in fee of the lands owned by said Gunter on the banks of the river at the ferry, claiming them by purchase from said Gunter.

The petitioner's application was resisted before the Com-

missioners' Court by James M. Gee, who was then in the occupation and enjoyment of the ferry franchise, and at his instance Lamar's petition was rejected. To revise this action of the Commissioners' Court, Lamar sued out the *certiorari* in this case, returnable to the Circuit Court; and in the record sent up to that court, the following facts appear:

That license to keep the said ferry was granted to Gunter, as alleged in the petition, and that his bond was renewed, and the rates of ferriage regulated, from time to time up to 1835-6; that in August, 1838, a license was granted to the said Boggess & Randles, to run a ferry boat from the south side of the Tennessee river at the same place, and they filed their bond according to the statute; that, on the first Monday in February, 1840, an order was made by said Commissioners' Court, revoking the license of said Gunter; but no reason is assigned for this action of the court, except that it is done on the petition of said Boggess & Randles, to whom the same order grants the exclusive privilege of keeping the ferry; and they then file a new bond. The record does not show that Gunter was notified of any proceedings against him, prior to the making of this order, or that he was required to do anything on pain of forfeiting his license.

The record further shows, that Gunter appeared before the court, the day after the last named order was made, and by his attorney moved the court to rescind said order, revoking his license; and that he tendered a bond, with good security, according to the statute, which he prayed the court to receive. This motion appears to have been made, and the bond tendered, on the third of February, 1840. The language of the court, in overruling the motion, is as follows: "This motion is overruled; first, on the ground that no bond has been given by Edward Gunter, or his agent, for keeping up said ferry; second, that no application has been made to the Court of Commissioners of Roads and Revenue, to grant to said Gunter a license to keep a public ferry at Gunter's Landing, according to the statute in such case made and provided."

It also appears, that, on the first Monday in February, 1845, James M. Gee applied to the said Commissioners' Court, for a license to keep a ferry at the same place; whereupon an order was made, revoking the license of Boggess & Randles,

and granting license to said Gee, who filed his bond, according to the statute; but no reasons are given for the revocation and grant.

It further appears, that, on the first Monday in May, 1846, Smith, Lamar and others filed a petition in said court, praying a license to keep said ferry, and founding their right on the original grant to Edward Gunter. Their petition shows to the court, that they are the owners of the land owned by said Gunter, to which this franchise is attached as appurtenant; and they claim to have acquired the franchise, by reason of their having acquired the land from Gunter. Boggess & Randles and said Gee appeared before the court, and contested this application, and the petition was rejected.

It further appears, that, on the first Monday in February, 1848, Lamar, the present plaintiff in error, filed another petition, in his own name, praying a license to keep said ferry, and showing that he is the sole owner of the land to which he claims the said license granted to Gunter has become appurtenant. Gee again appeared, and contested this application; and a trial was had between them, on the first Monday in May, 1848, of which the following entry appears in the record:

"James Lamar, }
v. }
James M. Gee. } In the matter of the petition of the plaintiff for renewing the bond as ferryman at Gunter's Landing, in his right by the purchase of Gunter's reservation: After hearing the evidence of the parties, and the attorneys on each side, and due consideration had thereon, it is ordered by the court, that said application be rejected." A bill of exceptions was taken on this trial, and by it the proof seems to have been voluminous.

On the nineteenth of August, 1850, the plaintiff in error filed another petition, alleging substantially the same facts as to his right to the franchise, and setting them out more fully and particularly. When this petition was filed, Gee again made himself a party, and contested Lamar's right to the ferry. A trial was again had between them; Lamar's petition was again dismissed, and he took a bill of exceptions, which sets out all the facts above stated.

The record contains a statement of many other facts, which are not deemed essential to a correct understanding of the

Lamar v. The Commissioners' Court of Marshall County.

opinion of the court, and which are therefore omitted. The Circuit Court dismissed the *certiorari*, on the ground that it was not the proper remedy; intimating at the same time, that if the plaintiff had any rights, the proper mode in which to bring the case before that court was, a rule for a *mandamus*.

C. C. CLAY, Jr., for plaintiff in error.

BRICKELL & CABANISS, *contra*.

GIBBONS, J.—It is essential to the validity of all judgments or decrees, that they should be rendered by tribunals possessing the proper jurisdiction. The elements of this jurisdiction are two-fold: first, of the subject-matter adjudged; and secondly, of the parties whose rights are affected by such judgment or decree. The former of these the court acquires by the act of its creation, and possesses inherently by its constitution; the latter it acquires by its own acts, through the medium of its process and its officers. Any judgment or decree of any court, which shows upon its face a want of jurisdiction, either of the subject-matter or of the parties, is not merely voidable, but void.

Again; courts of limited jurisdiction must show, upon the face of their proceedings, sufficient to support their jurisdiction, or the same results will be visited upon their judgments or decrees. The Commissioners' Court of Roads and Revenue in the State of Alabama, is a court of limited jurisdiction. Its powers are confined to a small class of subjects; its boundaries are fixed and defined by the statute; and these it has no power to transcend. If it does so, its judgments are not merely voidable, but void.

Let us apply these principles to the action of this court, in the establishment of a ferry. It has the power expressly given to it to establish ferries, but the statute also defines how it shall act in such cases; and the court, in order to support its jurisdiction, must pursue the directions of the statute, or its acts will be nullities.

Again; this court has the power, in a given case, to revoke a ferry license; but in proceeding to exercise this power, its proceedings must show, upon their face, that the court acts upon the precise case made by the statute, and in the mode

provided by the statute, or its judgment will be of no avail. Applying this principle directly to the case at bar: The record shows, that the Commissioners' Court of Marshall county revoked the license of Gunter on a certain day. This court certainly had jurisdiction of the subject-matter, if the case made by the statute giving it this jurisdiction was before it; otherwise, it had no power to act in the premises. The proceedings of the court must show, upon their face, that it acted upon the case made by the statute. The only case given by the statute, in which this court has the power to revoke a ferry license, is that found in Clay's Digest, 513, § 26, where the licensee fails to renew his bond, after receiving ten days notice to do so. This notice is the very essence of the jurisdiction of the court; and without it, its judgment is absolutely void. The proceedings of the court must show this notice, before its jurisdiction begins. This view which we have taken disposes of the judgment or decree of the Commissioners' Court, revoking the license of Gunter. These proceedings, as shown by the record before us, do not show that Gunter was notified or required to renew his bond; and until this fact is made to appear, upon the face of the proceedings, the judgment must be held to be void. *Garrett, Adm'r. v. Ricketts et al.*, 9 Ala. 529.

If the views which we have above expressed are correct, they also dispose of this entire case at this point. The record shows, that Lamar, the plaintiff in error, filed a petition in the Commissioners' Court of Marshall county, showing a vested right in himself to a franchise, and prayed that court to grant him the power to exercise that franchise, to which he was entitled, and of which another had deprived him. He might as well have gone into that court with a writ of ejectment, or of trespass to try titles. The court to which he addressed his petition, had no power to grant him the relief which he prayed, for the reason that it had not jurisdiction of the subject-matter. That court had the power to establish a ferry, and grant a license to a person to keep it, in a case made by the statute; but it had no power to take a ferry from one man, and give it to another. As above stated, it may revoke a license in the case provided by the statute, but in any other case it is utterly powerless to act.

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The petition on its face shows the entire want of jurisdiction of the Commissioners' Court over the subject-matter, upon which it is called on to act. It is not the establishment of a ferry that is sought; but that one who is in the enjoyment of the franchise belonging to the petitioner should be ousted, and the petitioner be restored to his rights. He shows that he is the owner of the land to which this franchise became appurtenant while in the possession of Gunter; that the grant of the franchise to Gunter was a valid grant, and that it has never been legally revoked or annulled. He further sets out the manner in which he derives his title to the property, and seeks to stand in Gunter's shoes in respect to this right, which he claims to be appurtenant to the soil. This right is denied by Gee, the person in the enjoyment of the franchise; and the Commissioners' Court thereupon tries the issue between them. It may well be asked, where this court obtained the power to try an issue of this character. Certainly not from the statutes creating it, nor from any acts that we are aware of enlarging its jurisdiction.

We cannot distinguish the case made by the petition of the plaintiff, from that of any other proprietor of a franchise, who is interrupted in the enjoyment of his right by an intruder or a usurper. The usual remedy in such cases is, a proceeding in the nature of a *quo warranto*, before the tribunals having jurisdiction of the subject-matter. In that form of proceeding, the petitioner can obtain his rights, if he has any; but, as the case now stands before us, we can only say, that the whole proceedings, from the filing of the plaintiff's petition to the final judgment, are null and void.

The court below dismissed the *certiorari*, on the ground that the plaintiff had proceeded by *certiorari* to bring the case from the Commissioners' Court to the Circuit Court, instead of proceeding by *mandamus*. In this opinion the Circuit Court was doubtless in error; because, if the Commissioners' Court had passed judgment upon a matter within its jurisdiction, its proceedings could only be revised by *certiorari*. *Mandamus*, when directed to inferior tribunals, is a writ which seeks to compel action; but it does not point out, in a matter over which the inferior court has a discretionary power of decision, how that court shall act. *Certiorari*, on the other

hand, is a writ revisatory in its nature, and is issued for the purpose of enabling the superior court to correct the erroneous action of the inferior.

It follows from what we have said, that the Circuit Court decided correctly in dismissing the *certiorari*, but for a wrong reason; and its judgment is consequently affirmed.

Appendix B:
Reports
of
Cases At Law and In Equity
of the
Supreme Court of Alabama

During Parts of the January and June Terms, 1846

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**By the Judges of the Court**  
~~~~~

Tuscaloosa:

Printed by M. D. J. Slade
~~~~~

**1846**



# REPORTS

OF

## CASES AT LAW AND IN EQUITY

ARGUED AND DETERMINED

IN THE

# SUPREME COURT OF ALABAMA,

During parts of the January and June Terms, 1846.

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BY THE JUDGES OF THE COURT.

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TUSCALOOSA:

PRINTED BY M. D. J. SLADE.

1846.

**GARRETT, ADM'R OF GUNTER, v. RICKETTS, ET AL.**

1. A decree *pro confesso*, against a defendant, for failing to appear, is not evidence as an admission of the allegations of the bill, if the bill is afterwards dismissed.
2. A record of the county court, cannot be proved by the transcript of the record of a chancery suit, in which the record of the county court is an exhibit, as that is but the copy of a copy.

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**ALABAMA.**

Garrett, Adm'r, v. Ricketts, et al.

3. The absence of the licensee of a ferry from the State, is no sufficient reason for revoking the license; nor can the license in such case be revoked for the insufficiency of the bond, without ten days notice to execute a sufficient bond. Such a bond may as well be exacted from the heir, alienee, or lessee of the ferry, as from the licensee.

**Error to the Circuit Court of Marshall.**

**DEBT**, by the plaintiff in error, against the defendants in error, on a bond executed by them to the plaintiff's intestate.

Upon the trial, as appears from a bill of exceptions, it was proved, that the bond sued on was given for the rent of a ferry at Gunter's Landing, for the year 1840, and that they had the use and benefit of the ferry, until some time in the month of April, 1840, when they were restrained from the use and benefit of it, by an injunction from the Chancery Court at Huntsville, in a suit there instituted by John S. Boggess and Richard S. Randells, against Gunter and the defendants in error, as his lessees of the ferry; a transcript of which, with the certificate of the Register, the defendants offered to read in evidence to the jury, and were permitted by the court to do so, against the objection of the plaintiff, and to which he excepted.

From the transcript of the Chancery suit, which is sent up with this record, it appears, that the complainants claimed the ferry as their property—that Gunter was a Cherokee Indian, and had removed with his tribe to Arkansas, and for more than three years before the 1st January, 1840, had failed to give the bond required by law. They also alledged, that the license granted to Gunter had been revoked, and that they had obtained a license from the commissioners court of Marshall county, on the 3d February, 1840, and had executed the necessary bond; and append to the bill as an exhibit, a transcript of the commissioners' court duly certified, showing these facts. At a subsequent term, a decree *pro confesso* was entered against Gunter as a non-resident, he having failed to appear and answer the bill.

Subsequently the bill was dismissed by the complainants without prejudice.

The plaintiff moved the court to instruct the jury, that as Gunter had not personal notice of the suit in Chancery against him, given him by the present defendants, and no diligence proved by them to do so, the plaintiff was not precluded by the record in Chancery. But the court decided, that the pendency of the Chancery suit was sufficient notice, and that a personal notice to Gunter was not necessary, and refused the motion, to which the plaintiff excepted.

The court further instructed the jury, that the failure of Gunter to renew his bond, could be given as evidence, although neither he or his agent had notice to do so; to which the plaintiff excepted.

These matters were all opened by the assignments of error.

S. PARSONS, for plaintiff in error. The court clearly erred in permitting the entire transcript from the Chancery Court as evidence. The exhibit to the bill, showing the revocation of Gunter's license, as permitted to be proved by the transcript, was but the copy of a copy. Although a decree *pro confesso*, was taken against Gunter, yet when the bill was dismissed, the decree lost its force. The transcript therefore only proved the fact, that such a bill was filed, and injunction issued. It neither established nor took away any right.

The exhibit from the commissioners' court, does not show that Gunter had notice that a new bond was required; the act of the commissioners' court was therefore void. [1 Pirtle's Dig. 445, 8.]

The title of Boggess and Randell, originated after the lease was made. A general covenant for quiet enjoyment, does not extend to an eviction by a wrong doer, nor to an eviction that originated after the lease; not even if granted by the public authorities. [6 Mass. 246; 2 Hill's N. Y. 111.]

JAMES ROBINSON, contra. Gunter was a party to the suit, and a non-resident, the decree *pro confesso*, was therefore proof of all the allegations of the bill as to him. The decree in such a case, has therefore the same effect, as actual notice by service of subpœna.

The language of the court, that the failure of Gunter to give his bond, might be given in evidence, is not entirely explicit. If the court intended to say, that by failing to give his bond after three years, he forfeited his right, it was strictly correct. [Aik. Dig. 2 ed. 642.] The record shows, that the commissioners court of Marshall county did vacate the license for this cause.

The act, (Clay's Dig. 513, § 26,) authorizing the Court at any time, on ten days notice, to require a new bond, does not repeal the former law. It was only intended for greater security to the public, as it often happens, that the securities to these bonds fail before the expiration of three years.

A party complaining of error, must show it affirmatively, as all reasonable presumptions must be made in favor of the judgment.

ORMOND, J.—The decree of a Court of Chancery, is certainly conclusive as between the parties to it, of all the facts put in issue. But in this case, there was no final decree made by the Chancellor, upon the case made by the bill. The decree *pro confesso* against Gunter, was interlocutory merely, subject to the future action of the court—to be set aside if the party appeared and answered, or confirmed by the final decree. The bill being dismissed, the interlocutory decree can have no effect as an admission of facts, alledged in the bill. The transcript of the record, therefore, of the Chancery cause, was evidence merely that such a bill had been exhibited, injunction awarded, &c. For what purpose it was introduced, or for what reason objected to, the record affords no information, we are not therefore able to say, whether the court erred or not, in refusing to exclude it.

From the argument of counsel, it would seem, that the objection was to the reading to the jury, as evidence, an exhibit to the bill, purporting to be a transcript of the commissioners' court of Marshall county, by which that court revoked a license previously granted to Gunter, to establish a ferry. It is very clear, that the act of the commissioners' court could not be established by the transcript of the record of the Chancery suit, in which it was an exhibit; it was in fact merely a copy of the transcript of the record in the commissioners'

court. No question however is made, as to the propriety of this exhibit as evidence, nor are we able to say from the record, that it was relied on as evidence. And as the record of the Chancery suit between the same parties, might have been evidence for some purposes, we cannot say that the court erred in refusing to exclude it.

The instruction of the court to the jury, raises the question, whether a license to establish a ferry, can be revoked, without notice to the licensee to renew his bond.

The grant of a license to establish a ferry, is an incorporeal hereditament, subject to be revoked if a sufficient bond is not executed, within ten days after such requisition is made. [Lewis v. The Intendant of Gainsville, 7 Ala. Rep. 85.] It is now insisted, that the act of 1834, (Aik. Dig. 2 ed. 642, § 7,) is still in force, By that act, the Judge of the County Court is authorized to revoke a license for a ferry, if the bond is not renewed every three years, and to grant a license to any one who will apply for the same. In 1839, (Clay's Dig. 513, § 26,) an act was passed which was evidently intended to supersede the former law on this subject, as it goes fully into detail, and embraces most of the provisions contained in the former acts, with some new modifications. It was considered by the compiler of Clay's Digest, as consolidating and repealing the former acts, and such was the opinion of this court in the case cited from 7 Ala. Rep. 85. If then, it were conceded, that the Judge of the County Court, under the act of 1834, could revoke a license to establish a ferry, without notice to the licensee to execute a new bond, ten days notice is expressly required by the act of 1839.

The reason assigned by the commissioners' court, for the revocation of Gunter's license, as appears from the exhibit to the Chancery suit, is, that "Gunter has left the State without renewing his bond, as by law required," &c. As the grant of a license to establish a ferry is an incorporeal hereditament, it is the subject of transfer by sale, and would descend to the heir of the licensee; it results therefore necessarily, that the absence from the State of the original grantee of the ferry, would be no sufficient reason for revoking the license. The franchise might doubtless be lost by abandon-

ment, or forfeited by a refusal to execute a new bond when demanded by the County Court, and such bond, as is said in the case previously referred to, "might as well be exacted from the heir, alienee, or lessee, of the ferry, as from the licensee." [7 Ala. Rep. 89.] From these views, it follows, that the court erred in its charge, that the license might be revoked, without notice to renew the bond.

What influence, if any, the injunction was calculated to exert on the right of Gunter's representative, to demand the rent of the ferry, whilst the injunction was in force, is a point not made in the court below; and although adverted to in argument, as it is not made upon the record, we decline expressing any opinion upon it.

Let the judgment be reversed and the cause remanded.

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## Chapter 9

### Routes of the Cherokee Roundup in Alabama

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Additions by Gail King

#### Historic Maps of the Cherokee Nation

#### Base maps of Cherokee Roundup Routes and Bengie Detachment Route

#### Doorstep of the Cherokee

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#### Doorstep of James Lasley

#### Removal Route to Fort Payne

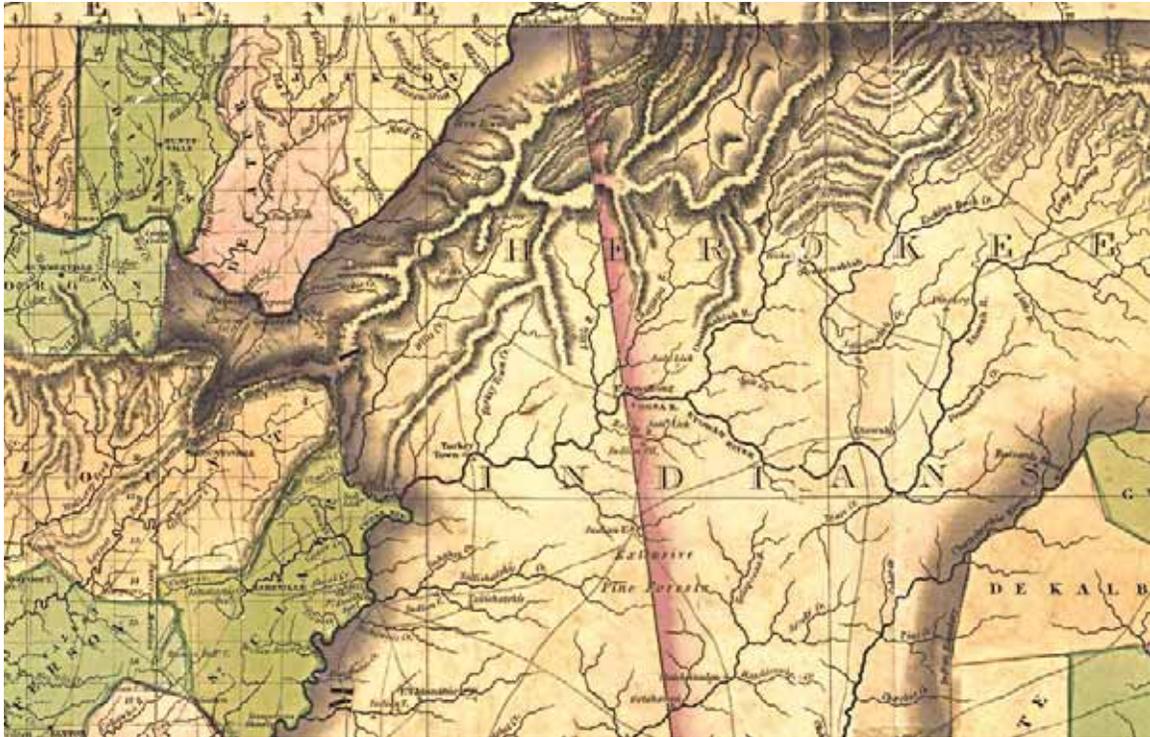
#### Methodology Used in Compiling Routes

#### Survey Notes and Plats of 1840

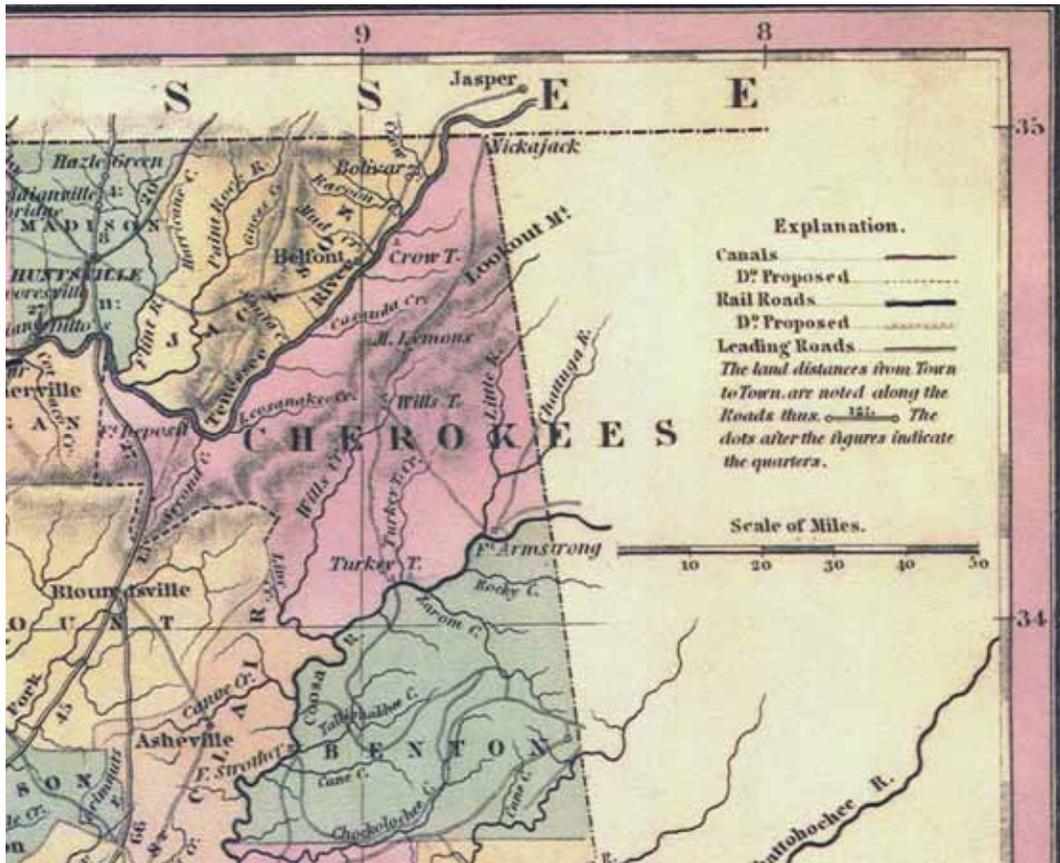
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#### Roundup Routes

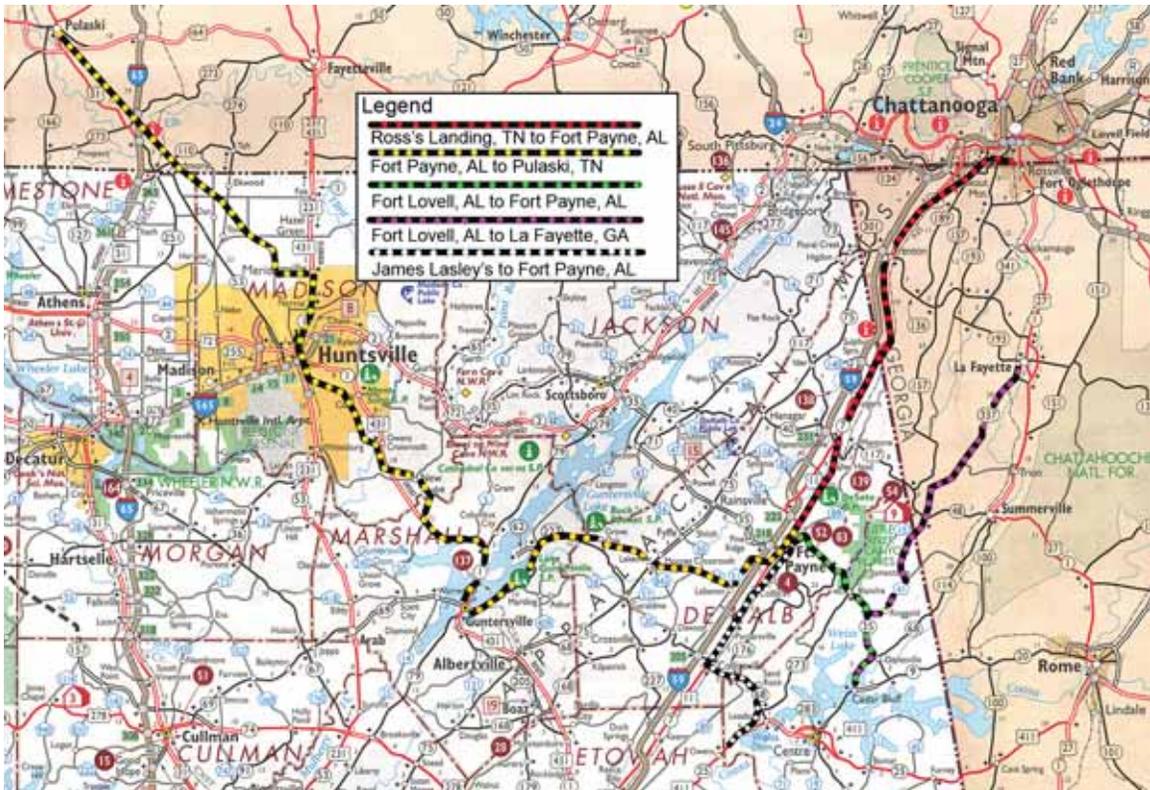
- Fort Lovell near modern Cedar Bluff to Fort Likens at Barry Springs, Alabama.
- Fort Likens to Ross's Landing by way of LaFayette, Georgia.
- Fort Lovell to Fort Payne via Rawlingsville, Alabama.
- Ross's Landing (present-day Chattanooga, Tennessee), to Fort Payne.



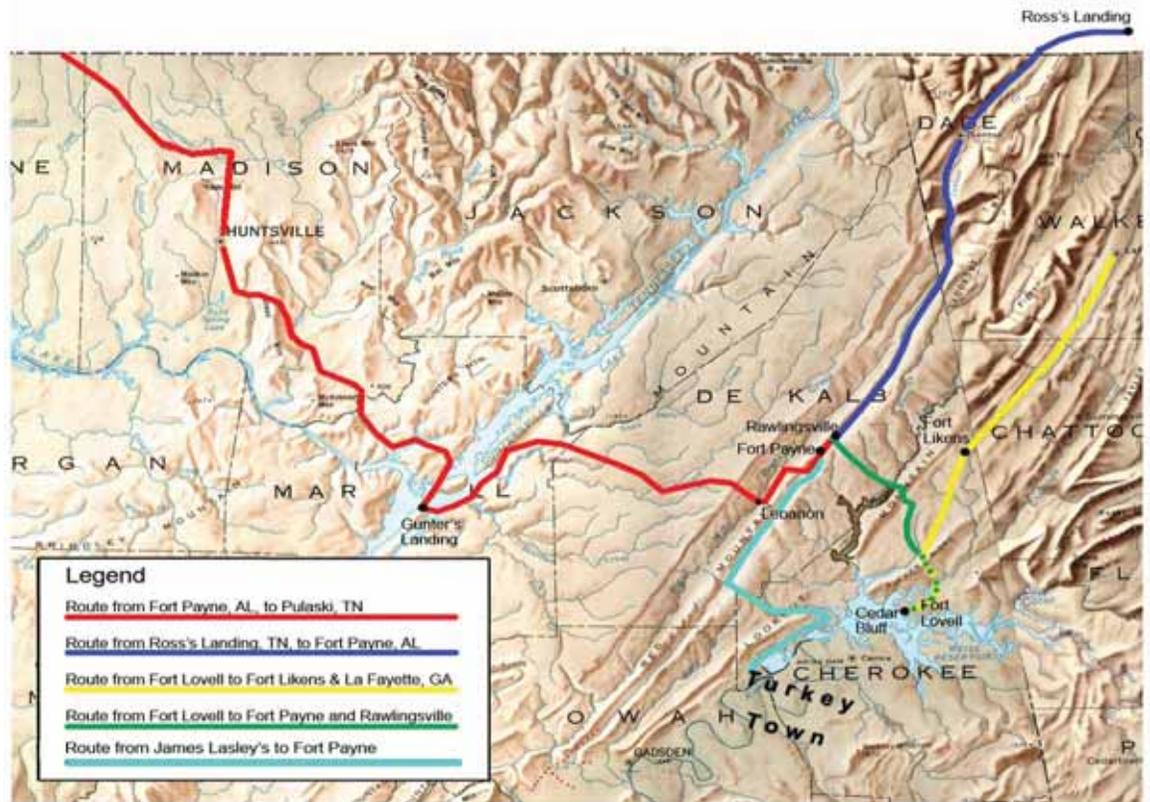
Tanner Map



Tanner Map



Roundup Routes and Bengé Detachment Route on modern highway map



Roundup Routes and Bengé Detachment Route on modern raised relief map

## Doorstep of the Cherokee

Introduction

Aaron Mahr, Superintendent of the National Trails System Office (Santa Fe, New Mexico) of the National Park Service, so aptly stated that the forced removal of the Cherokee Nation started at the doorstep of every Cherokee home. After being removed from their homes, the majority of Cherokee families were “concentrated” and held at designated camps or posts manned by U.S. troops and Alabama volunteer soldiers before moving to emigration depots, where there were large Cherokee encampments. By 1838, the Cherokee Nation traveled on a developed road system, overlaid on the ancient vast trail or path system that traversed the mountains and valleys of north Alabama. Cherokees operated businesses much the same as whites did in those days.

There were planters, tavern keepers, ferry operators, toll-gate operators and those engaged in many other occupations. A philosophical division occurred among the Cherokees in the early 1800's leading a faction of the tribe to voluntarily emigrate west of the Mississippi in order to maintain their freedom and to pursue the more traditional way of life by hunting, gathering and subsistence farming. Those who stayed in the East emulated the American lifestyle, government and trade.

The geography of northeast Alabama can be described by long valleys separated by mountains. Big Wills Valley, the location of Fort Payne and beginning point of the Benge Detachment, was the epicenter of the Cherokee Nation living in Alabama at the time of Removal. Turkey Town was situated at the southern terminus of the valley and served as a capital of the Cherokee Nation at one time.

The Doorstep of James Lasley

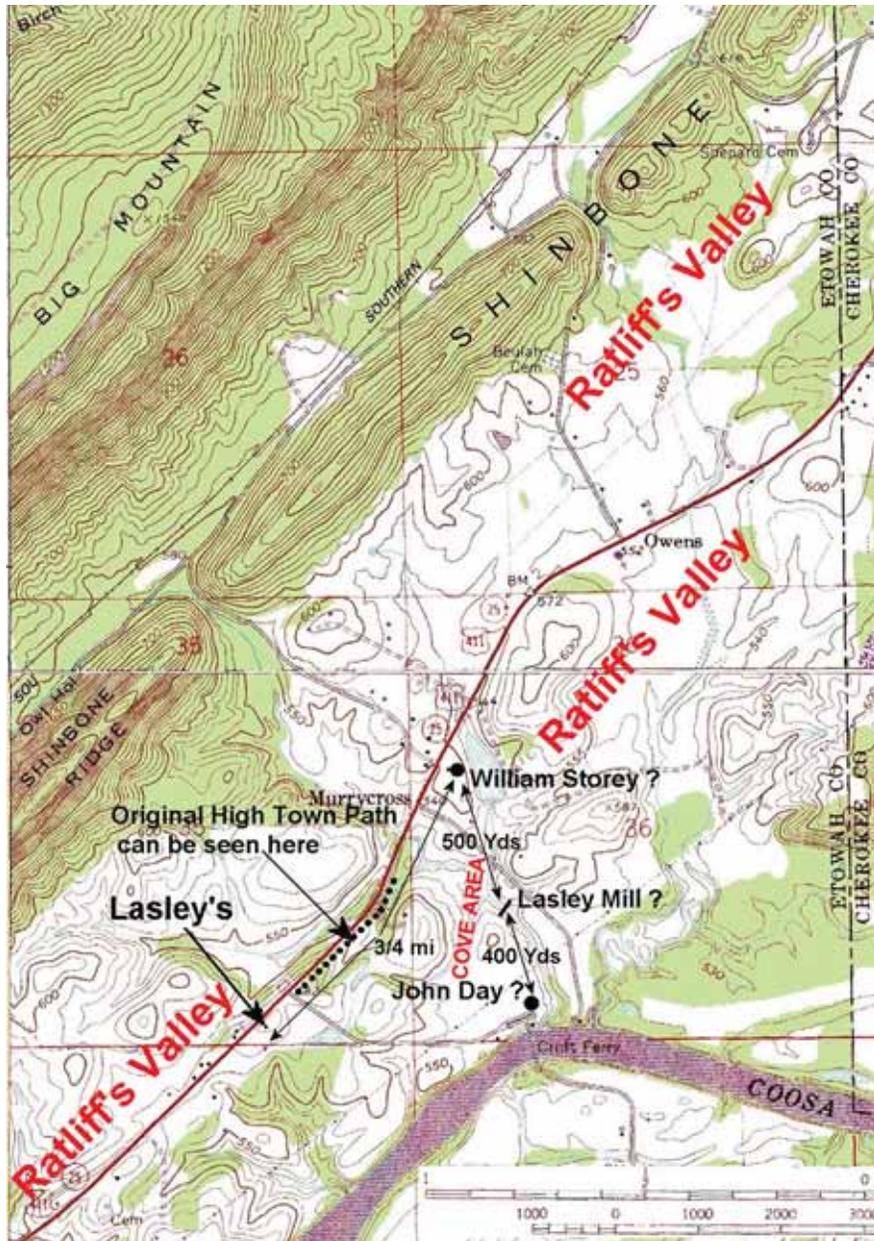
James Lasley was removed from his Turkey Town home on the north side of the Coosa River and taken directly to Fort Payne. Lasley filed a claim in March 1842 for his losses when taken from his home by the United States troops. An excerpt from his claim is as follows:

“the foregoing claim consisting of stock, household & kitchen furniture, farming utensils the claimant was compelled to abandon when captured with many Cherokees on the 1<sup>st</sup> June 1838 by the United States troops under the command of Genl. Scott and marched to Fort Payne a distance of about 35 miles, the claimant owing to the strict regulations of the military was not allowed or permitted to return to his residence to get or dispose of the articles charged and set forth in the foregoing claim against the U.S.” (Tennessee State Library and Archives, Tennessee Cherokee Collection, MS #1787, Box 16, Folder 1).

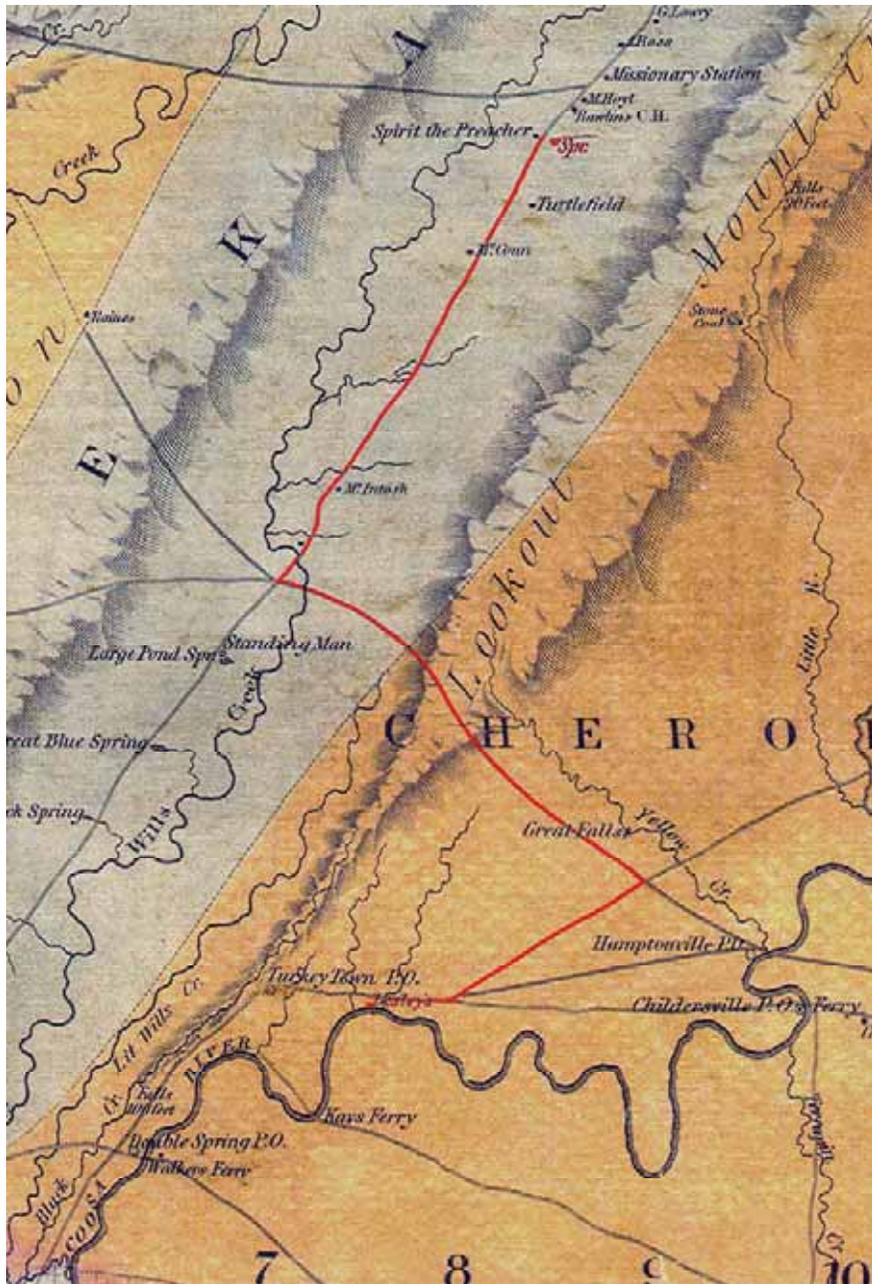
James Lasley was a wealthy, slave-owning white man married into an Indian family. He and his family live on a prosperous farm with a cotton gin, store, and ferry.

A study of the road leading between Turkey Town and Fort Payne shows that the shortest and most feasible route would lead from the Coosa River Valley across Lookout Mountain to Little Wills Valley along the headwaters of Yellow Creek. From Lasley's plantation, the route would proceed NE along the Georgia Road or old High Town Path, where it forked with Garrett's Road in Section 19, T10S, R8E. The Georgia Road forked again in Section 16, T10S, R8E. Lasley and the other Cherokees would have taken the shortest or north fork of the Georgia Road. The route today skirts the north shore of Weiss Reservoir. The party would have made a

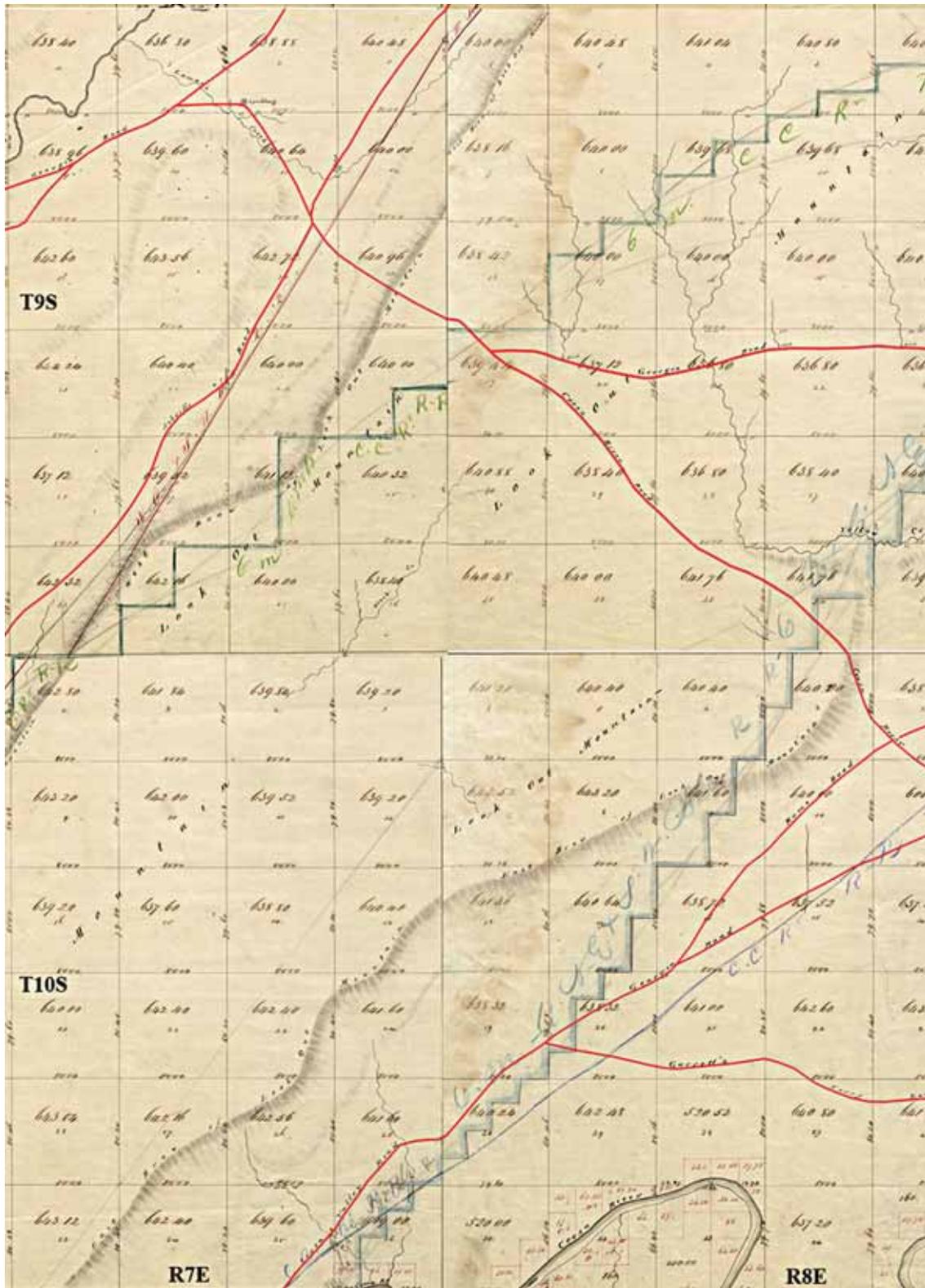
left turn at a crossroads located today at modern Leesburg where a road running SE from modern Collinsville crossed Lookout Mountain and Shinbone Ridge to the Coosa River at Hampton's Ferry. The intersection is located in Section 2, T10S, R8E. From here, a traveler would go through a gap across Shinbone Ridge, across Shinbone Valley, and ascend Lookout Mountain through a gap. Once on top of Lookout, the road ran along the headwaters of Yellow Creek. The surveyors of 1839 tagged this road the "road from Gunters Landing to Gaylesville," as it connected these two places. The road descended a steep gap into Little Wills Valley at modern Collinsville. This was also a crossroads and it might be observed that many modern towns grew up at crossroads which made good places for stores or trading posts and inns.



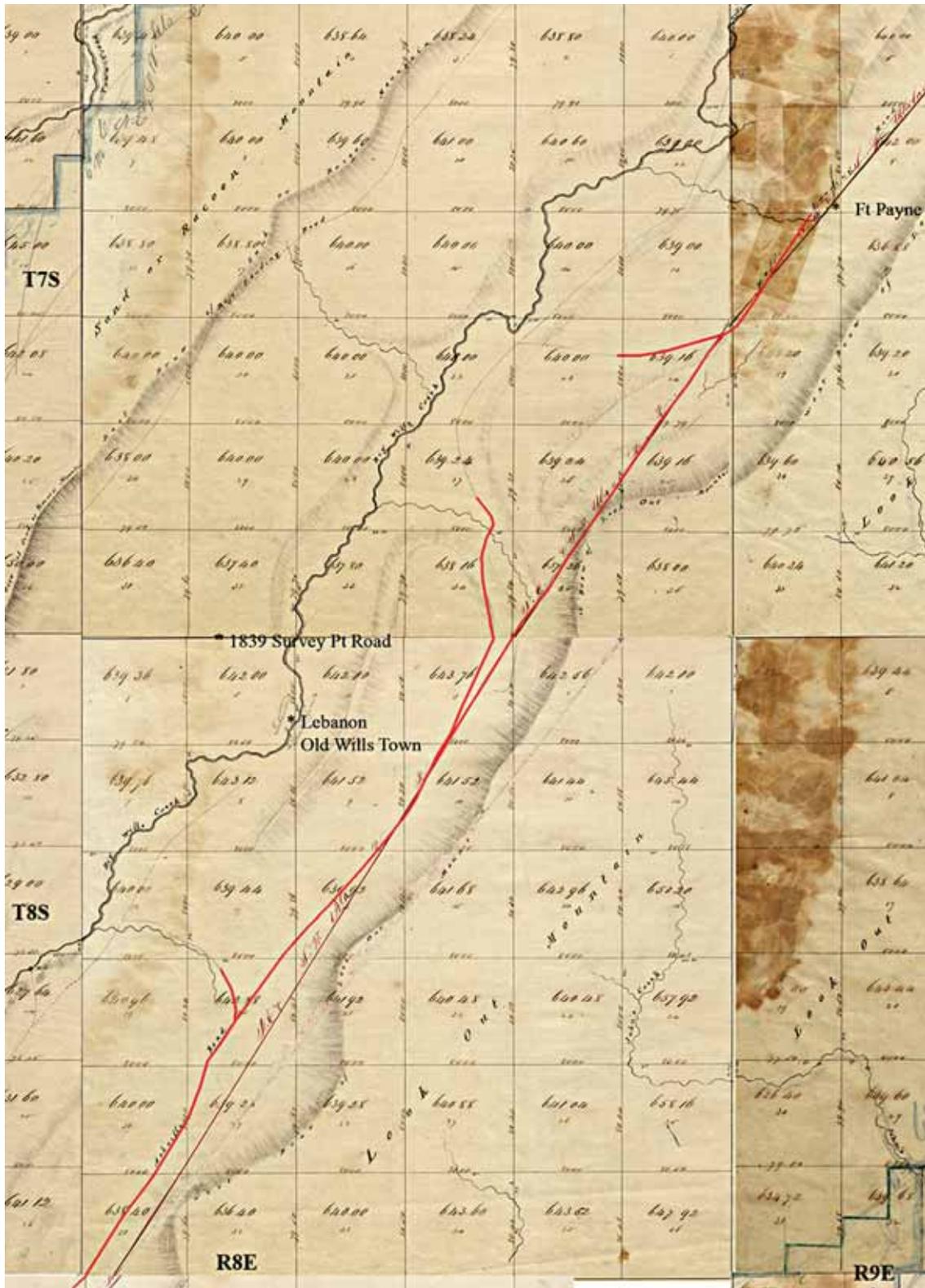
Detail of Ballplay T P . Courtesy of Danny Crowover, Gadsden, Alabama.



Route of James Lasley when taken to Fort Payne. Detail of LaTourette Map 7.



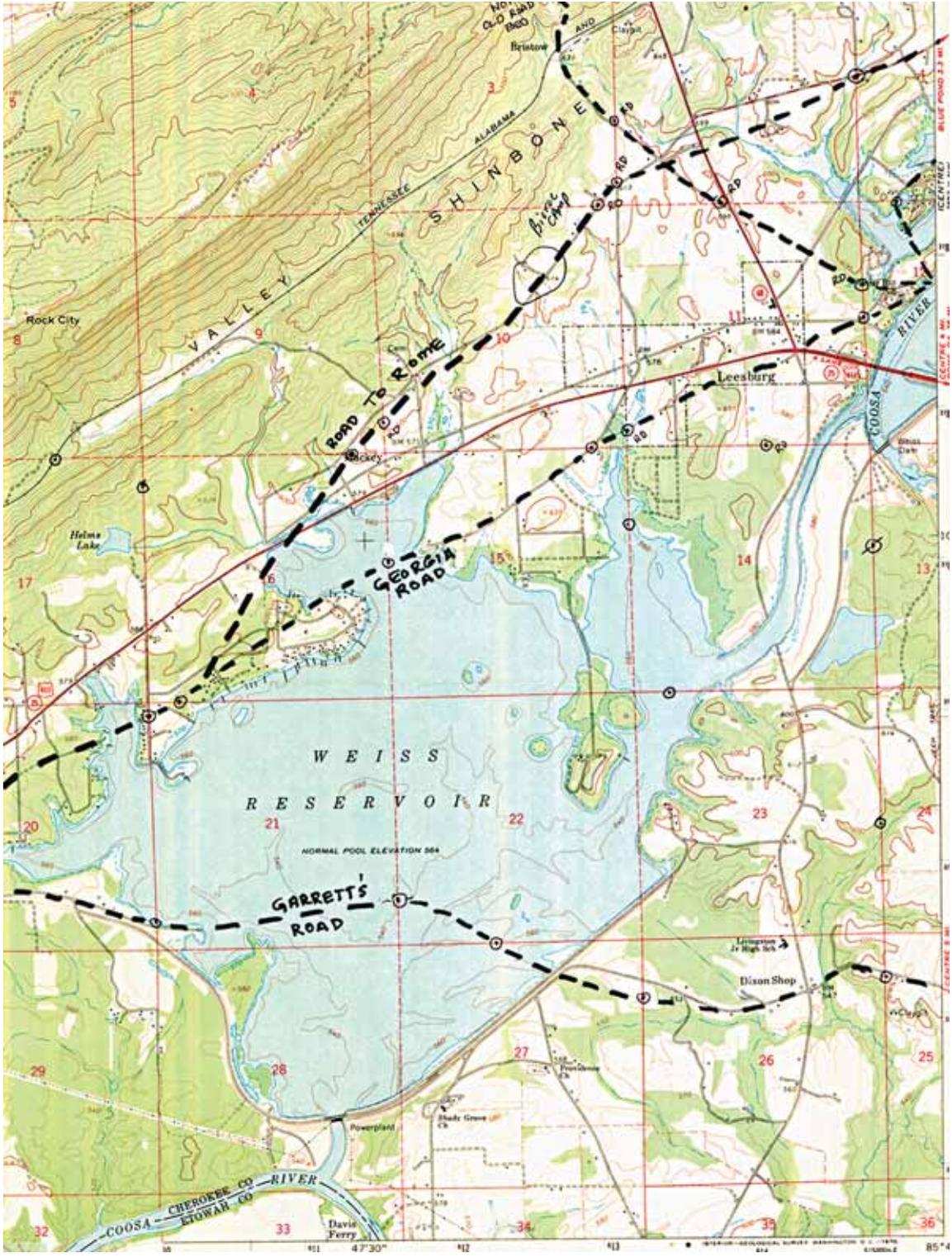
0 Plat Map, Lasley Route.



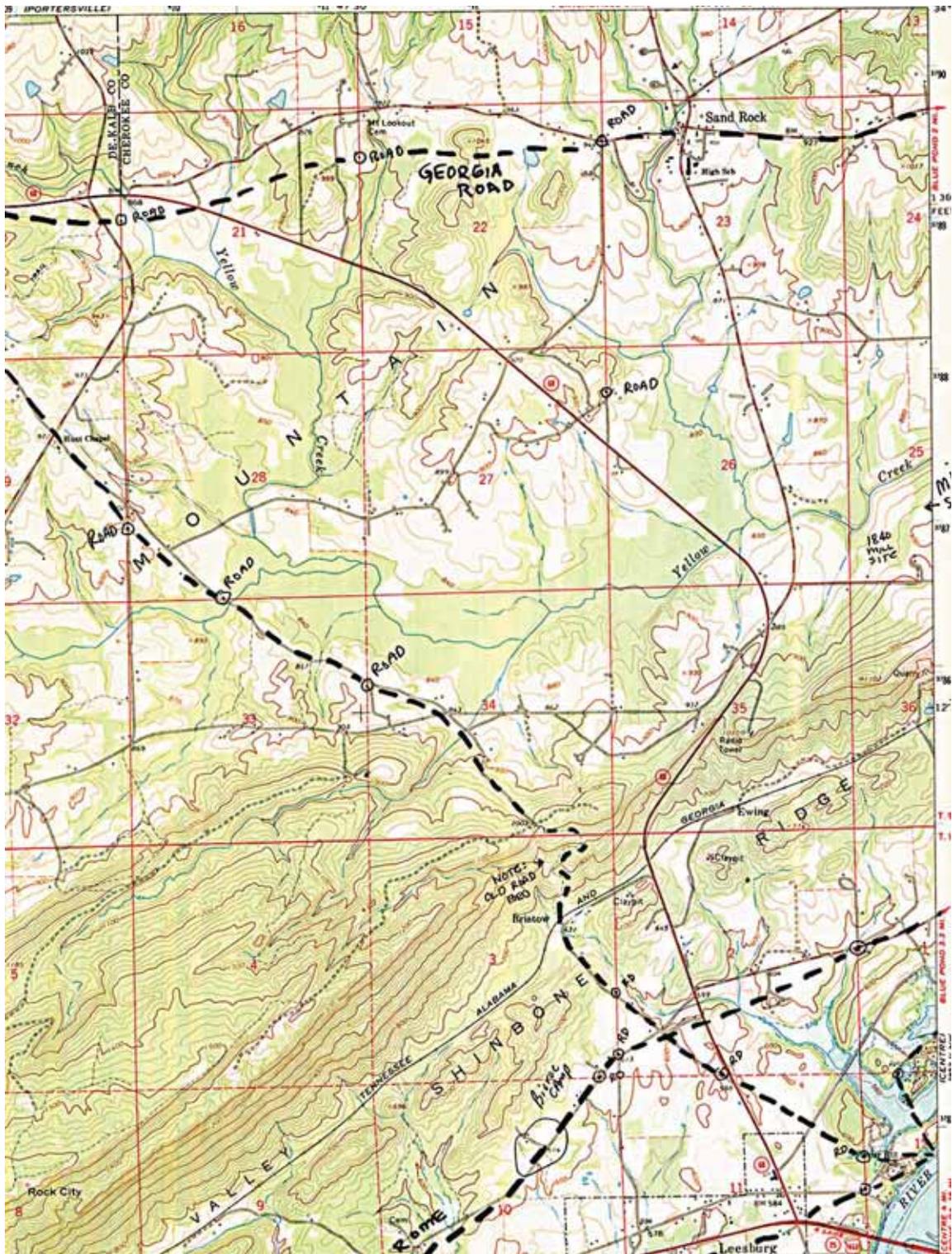
0 Plat Map, Lasley Route.



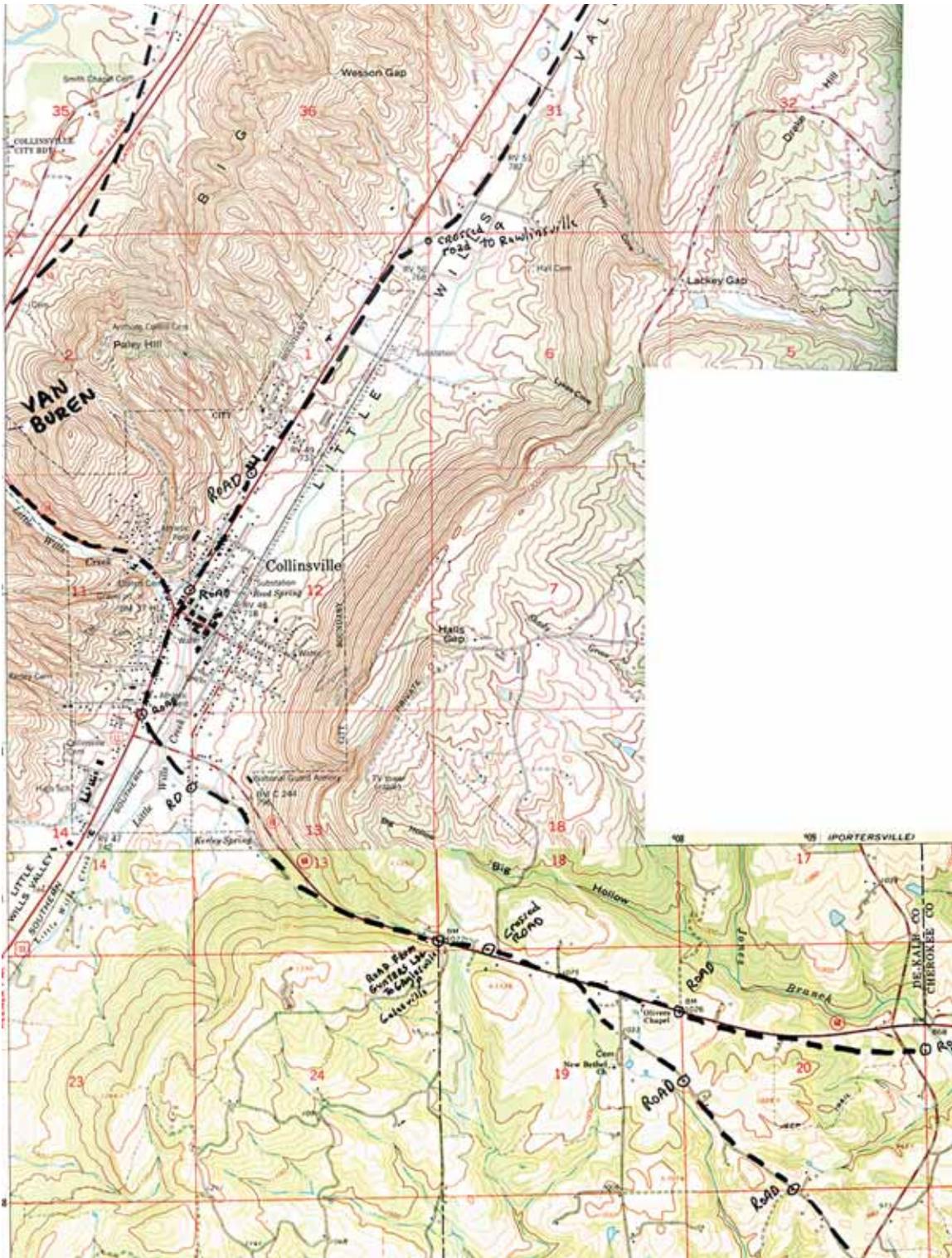
Lasley Route, Ball Play, Alabama T P .



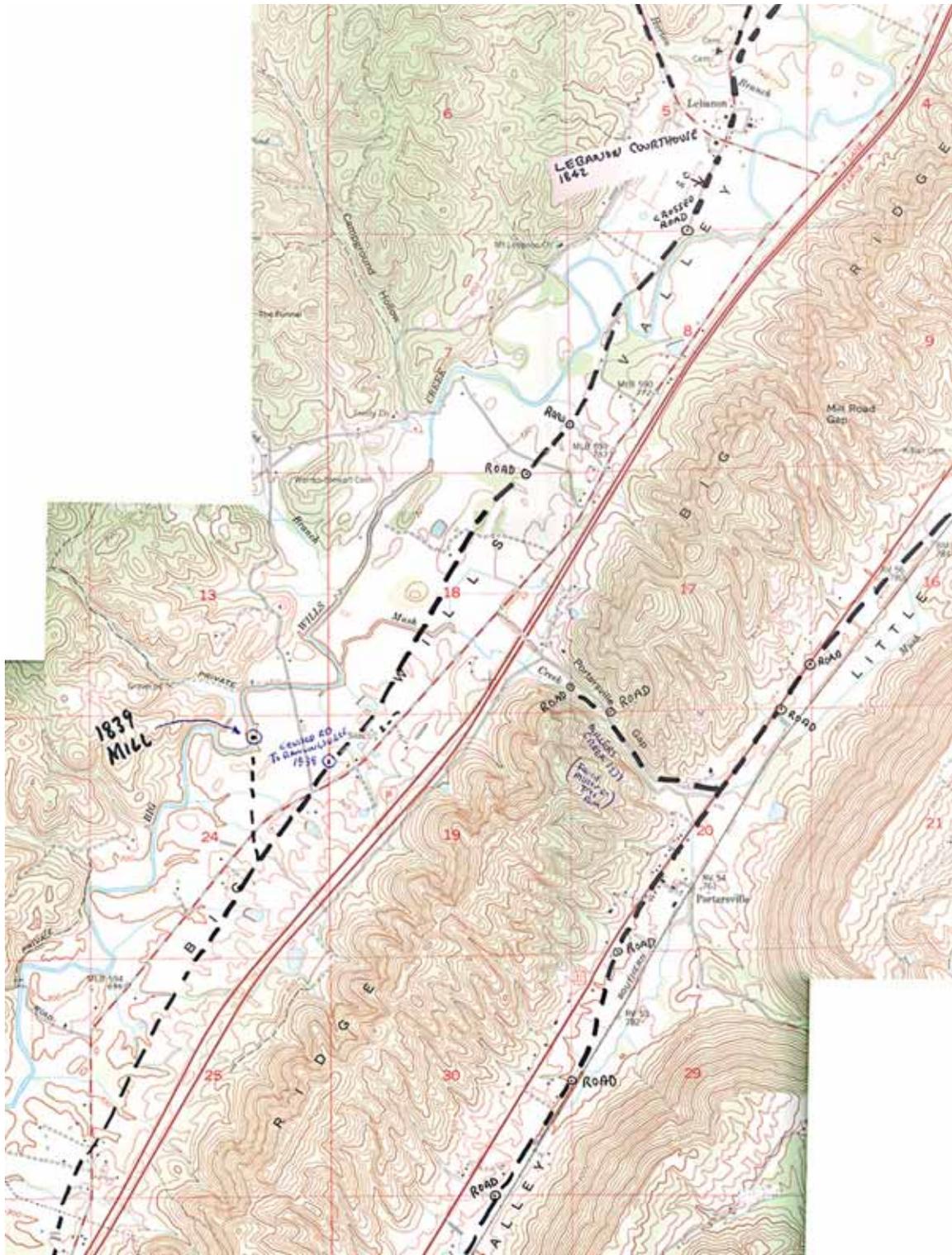
Lasley Route, Leesburg, Alabama, T P .



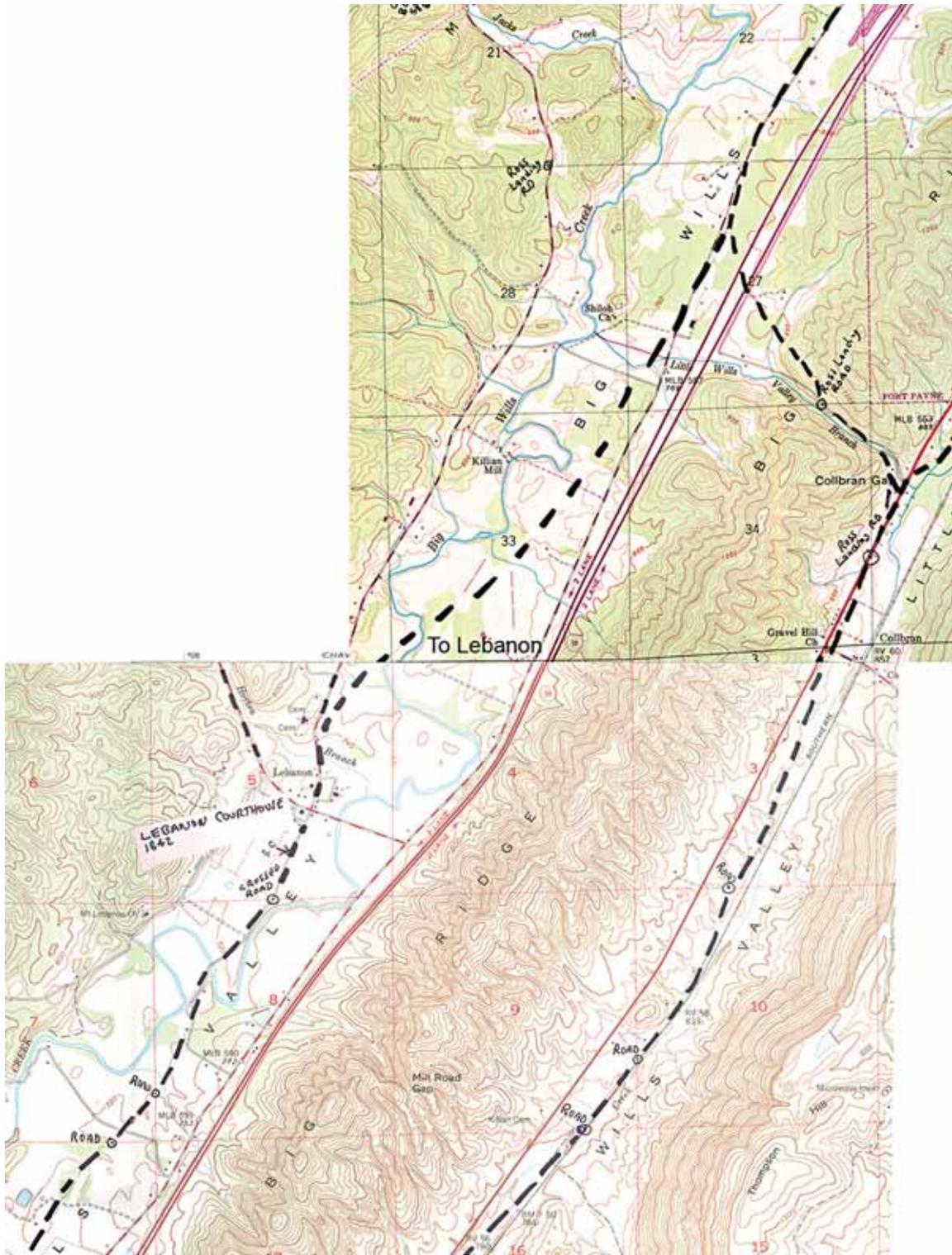
Lasley Route, Leesburg, Alabama, T P .



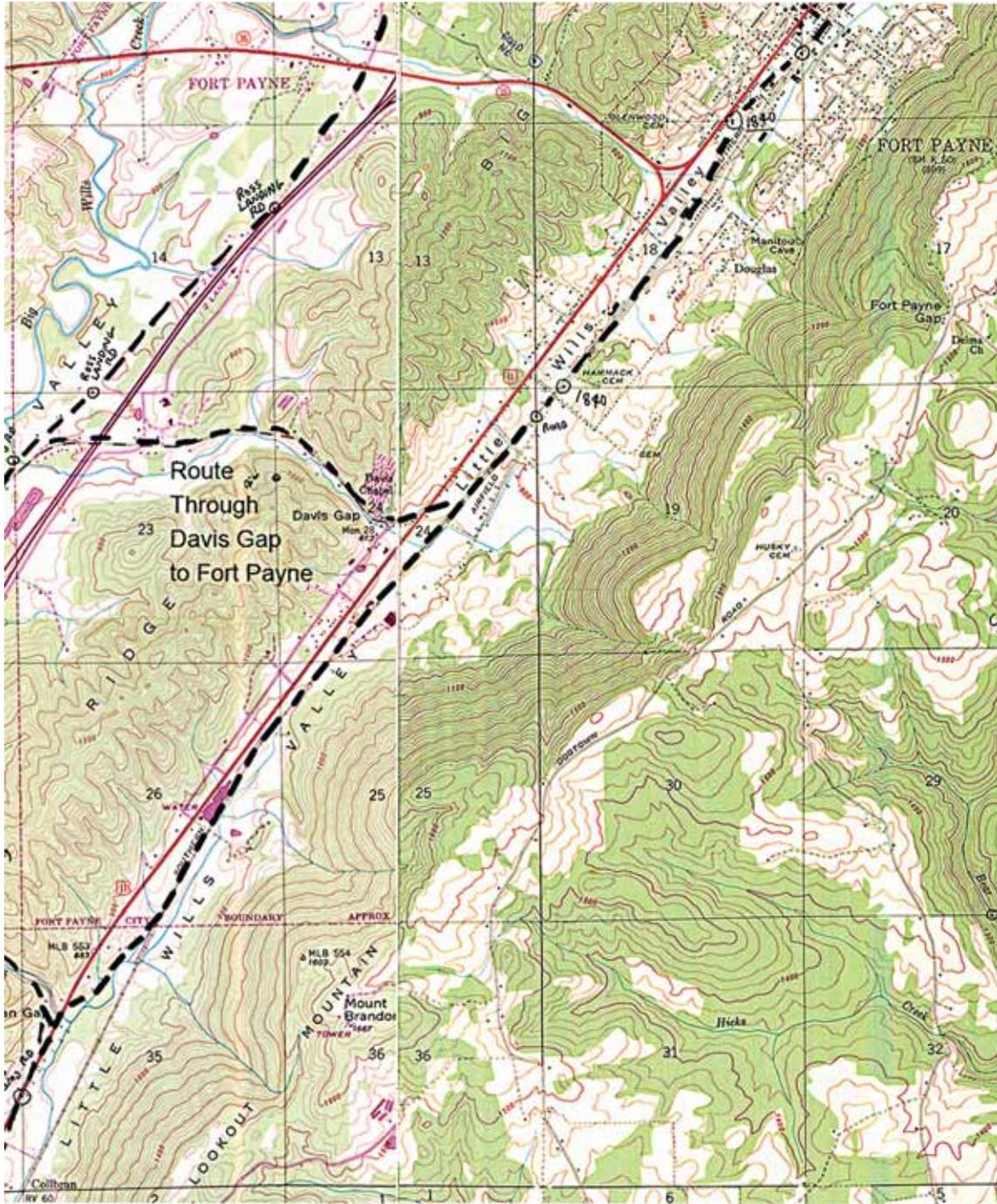
Lasley Route, Portersville, Alabama T P .



Lasley Route, Portersville, Alabama T P .



Lasley Route, Fort Payne Chavies Alabama T P .



Lasley Route, Fort Payne, Alabama T P .

Little Wills Valley and Big Wills Valley are very unique valleys that extend from near the Georgia line to the Coosa River at Gadsden, Alabama. They are separated by a long and narrow dividing ridge called Big Ridge. In the early days, these two parallel valleys contained trails from Turkey Town on the Coosa River to Ross's Landing at Chattanooga. Lasley and the other Cherokees would have turned right up Little Wills Valley and followed the wagon road to Fort Payne.

Note: The Georgia Road was a wagon road that was improved from an ancient trading and travel route from Charles Town, South Carolina, called the High Town Path. The Cherokee High Town or Hightower was located at or near modern Rome, Georgia. The High Town Path forked near modern Attalla, one route leading south to the Cahaba Valley, another west to Walnut Grove and yet another north across Sand (Raccoon) Mountain to Gunter's Landing. This northern trail was known as Creek Path.

### Wagon Roads

By the time of Removal, there was a developed wagon road system in place in the Cherokee territory of northeast Alabama. Some of these roads were built by Cherokee Turnpike Companies who cleared and widened horse paths into wagon roads and operated toll gates and ferries.

In 1838, the Removal detachments that traveled overland to the West utilized wagons (though in short supply) for transporting their belongings and family members who were unable to walk or ride horses. Obviously, the routes followed during the removal of the Cherokees were well-known and developed wagon roads. Although pulled by oxen, the wagon in the photograph below may have represented some of the wagons used during the Cherokee's travels to Indian Territory in the west. In 1838 it appears that wagons were pulled by horses, which is well-documented by extant forage records and count of horses taken at various forts. See Chapter 13 for images of original records on "public horses" and "Indian Horses" kept at Fort Lovell, Alabama.

The lack of using oxen for labor was noted in the Cherokee Phoenix, dated June 11, 1828 as follows:

Few people in this part of the country, either red or white, know anything about working oxen. A few pair, well broken, introduced into different parts of the Nation, may do much toward teaching the people that 'Much increase is by the strength of the ox.' Cattle are so easily raised in this country that the natives might easily furnish themselves with oxen, did they but know their use, & how to train them for work (Malone 1956: 140).

An official census taken by the Cherokee government in 1824 was published in the Cherokee Phoenix in 1828. It listed 7600 horses and 22,400 cattle. There was not a separate listing for oxen. It is documented, however in James Lasley spoliation claim that he owned one yoke oxen valued at \$50.00.

Nathaniel Smith, Superintendent of Cherokee Emigration wrote a letter dated June 11<sup>th</sup>, 1838 to Captain John Page, Principal Disbursing Agent Cherokee Emigration. The letter requested that two hundred wagons and teams were to be ready on specified dates. The teams were "to be composed of five horses each, with a suitable wagon, and subject to the inspection of the wagon-master, to travel twelve miles per day, and to carry three thousand pounds if required,

and the drivers thereof to be under the orders of the conductors of parties” (Report No. 137, House of Representatives, 26<sup>th</sup> Congress, 2<sup>nd</sup> Session, February 12, 1841. Claims of Clements, Bryan, & Co., Cherokee Rations Contract).



Modern Cherokees in ox drawn wagon on Qualla Reservation in North Carolina in 1909

## Methodology of Compiling Routes

### The Survey Notes and Plats of 1840

The field surveys and plats that were completed in 1839 and 1840 are the most important primary source for identifying the existing roads and their locations. Early historic maps, though colorful and useful, are very incomplete and out-of-scale. They are very useful for establishing that routes existed between geographical points, towns, fords, etc., in a given era. Before 1800, only a few, if any, developed roads existed in Alabama. Most paths were foot and horse (bridle) paths.

To establish exactly where roads were located, we plotted the 1839 survey points on modern quadrangles by converting chains and links into feet. One section or square mile is

equivalent to 80 chains of 66 feet to each chain. A Gunter's or surveyor's chain equals 66 feet which equals 100 links which equals 4 rods.

Before we reconstructed the actual wagon roads between Fort Payne and Guntersville, AL, the general belief was that the Benge Detachment traveled from the Fort Payne area along what is today would be Highway 35 from Fort Payne to Rainsville and Highway 75 from Rainsville to Albertville and thence to Gunter's Landing. Historical evidence does not bear this out. A careful study of the established road system of 1839, as surveyed by the federal government, defines the Gunter's Landing Road as the established wagon route between Lebanon in Big Will's Valley and Gunter's Landing. Only three notations identifying paths and trails were recorded by surveyors out of approximately 350 notations where roads crossed section, township or range lines.

Through the use of the original survey notes for Alabama and early maps, the primary or significant road system present in 1840 in present day Cherokee, DeKalb, Etowah and Marshall Counties can be established by survey points on modern maps and in many places on the ground. These survey notes qualify as a "primary source" since a federal surveyor measured, located and recorded the information identifying the roads. The survey notes can be used to relocate the exact location of the roads on the ground today. The original survey notes of Alabama have been overlooked as a primary source of historical information for one reason or another. The primary reasons are a lack of technical training in reading and plotting survey notes. Until they were recently put on the internet by the BLM and Secretary of State, these survey notes were unavailable to the general public.

I have included the BLM Plats first as the most reliable map for each known qualifying Trail of Tears route. I created a layer in Photoshop where I highlighted the route in red. Where the plats left off small segments of roads known to exist in 1839, I used red dots. For example, the field notes sometimes noted roads not shown on the plats. However, where surveyors did not note roads, we can only assume that no improved road existed. The consistency with which improved roads were shown on plats and noted in field notes indicates that the BLM plats are the most precise documents in existence that prove where wagon roads existed in 1839. Trails and paths were not considered roads and the government surveyors did not see the necessity of recording many of them.



Example: "Crossed the Gunters Landing Road"

Symbol used on the topographic maps in this report for a reference point found in the field notes. Most of these are hand drawn onto our maps using a scale that measures in chains. Eighty chains is equal to one mile.

48.

53.00 *183 No 36 Pine 1/4 S*

80.00 *Crossed Town Creek 1.50 wide base 1/4 S*

80.00 *Set up the five mile post from which* 81.00

|                             |    |   |   |    |
|-----------------------------|----|---|---|----|
| <i>N 84 E 0.25 Post oak</i> | 12 | 7 | 7 | 30 |
| <i>N 36 W 0.29 Post oak</i> | 9  | 6 | 7 | 25 |
| <i>S 42 W 0.48 Post oak</i> | 10 | 6 | 7 | 36 |
| <i>S 13 E 0.34 Post oak</i> | 10 | 7 | 7 | 31 |

*Continued South land rolling 3<sup>rd</sup> rate*

*Growth oak chestnut & pine*

1.00 *Crossed road leading to Gunter's Landing S.E.*

*to Mills Valley & N.W. to the Landing*

10.00 *1/4 Section post from which*

*N 56 E 0.37 Black gum 1/4 S*

*N 47 W 0.54 White oak 1/4 S*

81.00 *South West corner of the Township?* 82

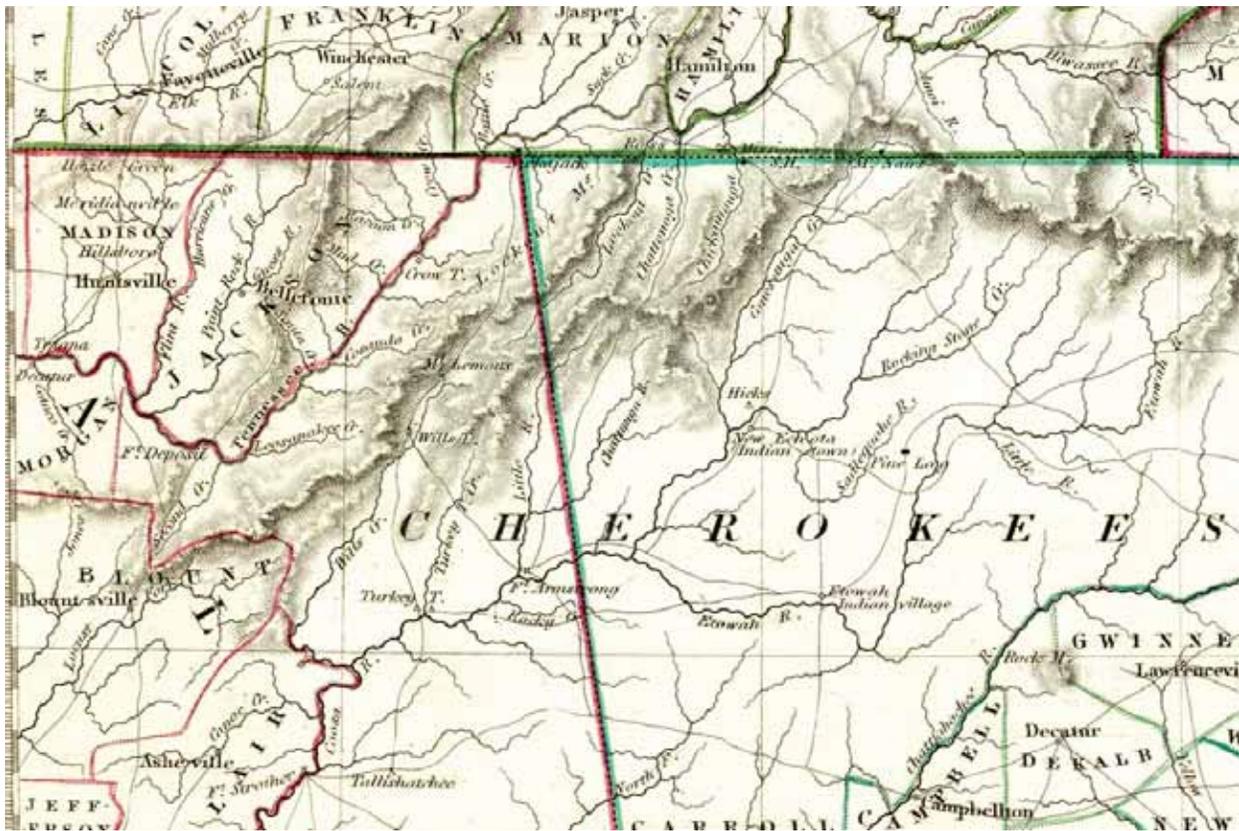
Example of a road notation in the page of Wealkey's Field Notes, August 1839. From a five mile post on a range line, continued south 1.00 chain: "Crossed road leading to Gunter's Landing S.E. to Mills Valley and N.W. to the Landing." These survey points are noted on the USGS Topographic maps in each section of this report on Section, Township and Range lines. They are identified by the symbol:

# Map Classifications

The focus of this report is on the Cherokee Nation in Alabama east of the Tennessee River, north of the old Creek Boundary. Several categories of maps were used in this report:

Early historic Maps Regional and state

Early historic maps are important to establish the existence of routes, roads and trails between known geographical points. Their accuracy and scale varies greatly from early to later. Maps such as the La Tourette series that were based on the government land surveys were much more accurate.

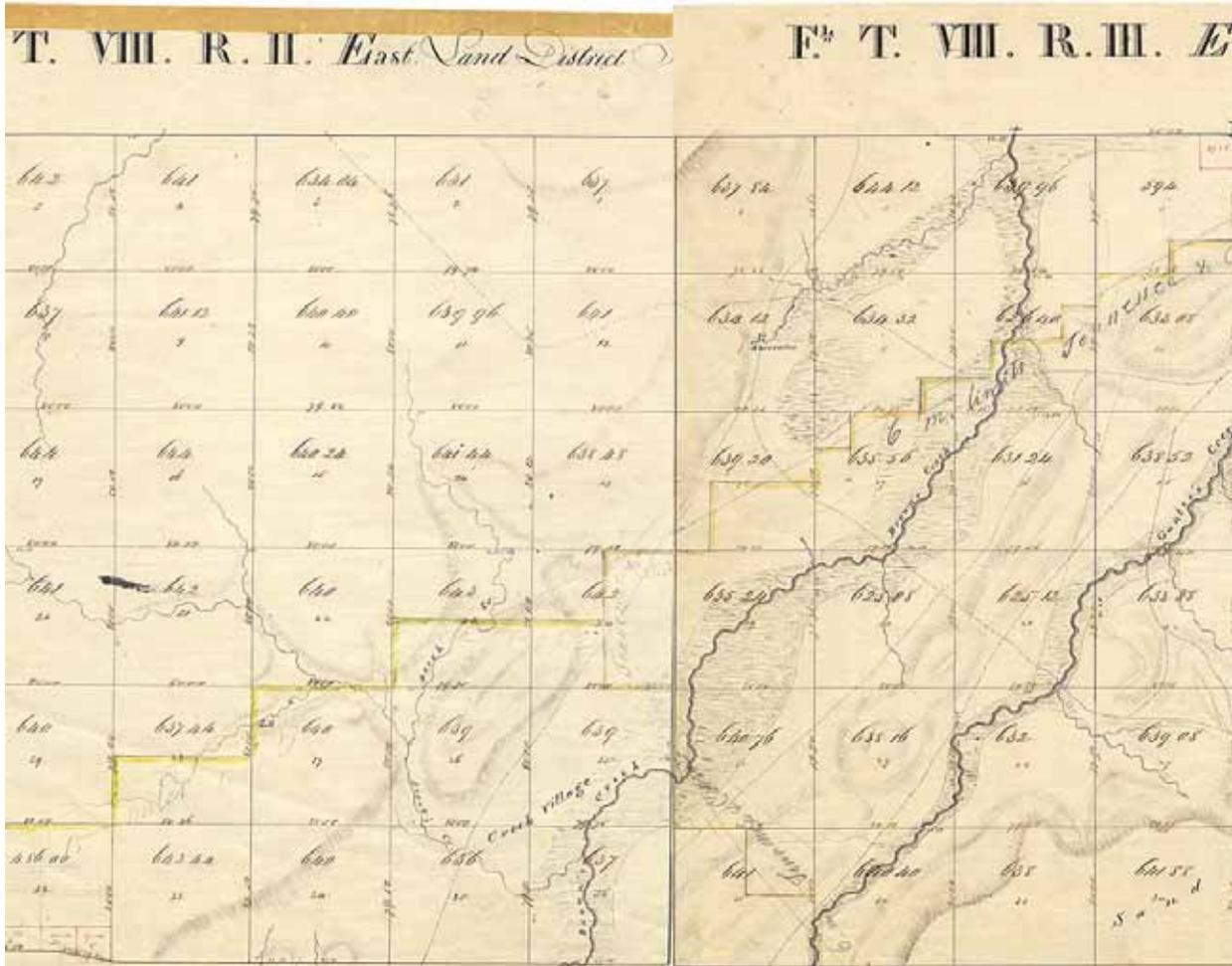


Historic Map

Baldwin and Cradock

Survey Plats and Field Notes

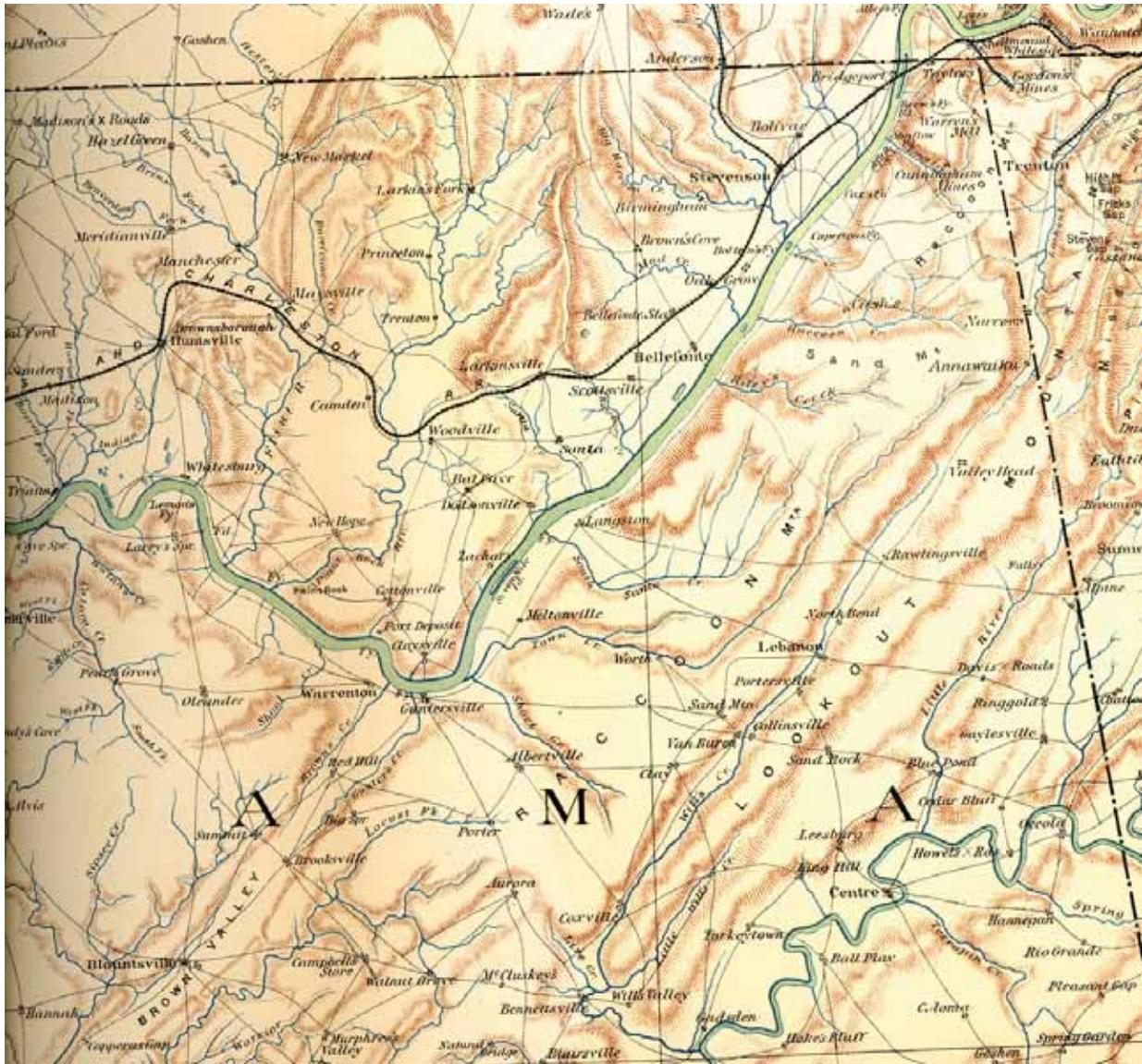
The most precise and valuable maps available are the survey plats produced from the original field notes produced by the Surveyor General of Alabama after each Indian land cession. The Bureau of Land Management has made high-resolution copies of the survey plats available online.



Survey Plat Township III Range II East east south of Creek Path and Gunter's Landing

## Civil War Era Maps

Field engineers and cartographers were employed by both North and South to produce accurate maps of roads.



1860s Civil War Map Northeast Alabama

### Quadrangle Maps

The United States Geological Survey began producing the first accurate topographic maps in Alabama from about 1890 to 1905. These maps are essential to produce a snapshot of the road system in 1900. These maps eliminate over a hundred years of modern road-building. The scale is 1:

The USGS 7.5 Minute Standard Quadrangle Maps are the latest generation of topographic maps that are updated periodically.

### Brief History of Alabama Pertaining to Land and Surveys

Portions of Alabama were once claimed and fought over by England, France and Spain. In 1763 a general peace was made between Spain, France and England. France ceded to England her possessions in Canada and Louisiana. The King of England decreed that Florida be divided under two governments of two provinces called East Florida and West Florida. In 1783, after the Revolutionary War, Britain had no choice but to return Florida and Louisiana to Spain. American colonists took control of Illinois and other lands previously controlled by Britain and ceded the lands west of their borders to the U.S. government to establish a public domain. The United States recognized the old northern line of West Florida the 31<sup>st</sup> line of latitude until the Adams-Onís Treaty was signed between the United States and Spain on February 22, 1819 and took effect on July 10, 1821. According to the terms of the treaty, the United States acquired the Florida Territory, and, in exchange, renounced all its claims to Texas.

The Mississippi Territory was created on April 7, 1798 from a part of the old British Province of Georgia and a part of West Florida. People were already pouring into the Territory despite the fact that the land was still under the dominion of the Chickasaws, Choctaws, Creeks and Cherokees. A Constitution was adopted and the first governor, Sargent, was appointed over it.

### First Surveyor General of the United States

In 1797, Isaac Briggs was appointed as the first Surveyor General of the United States following the passage of the Act of 1796 by the fourth United States Congress on May 18, 1796. The purpose of this act was the establishment of surveys for the sale of public lands. Section one of this act provided for the appointment of a Surveyor General Section two laid out the method of surveying the land into sections, townships and ranges. Section corners were marked by the setting of a post and the marking of witness trees which identified the corner. Trees were blazed along the lines. The following are some of the instructions set forth in this act as to the information that was to be recorded:

Every surveyor shall note in his field book the true situations of all mines, salt licks, springs, and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales; he shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in said lands, describing the subdivisions thereof, and the marks of the corners (Faircloth 1992: 62).

In the early days, it was a common practice for travelers to follow the new survey lines in their travel and search for places or prospective land purchases. These lines were cut out and blazed. Section corners, ¼ section line markers and witness trees were available for those who knew how to interpret them.

On August 12, 1858, .....

Heretofore the citizens of the county had followed either the Indian trails which had been used by the Aborigines, or they had been under the more primitive necessity, in the parlance of the backwoods, of busing it, or of following the range, township or section lines when they were obliged to pass from one portion of the county to another. And more than once we have been told of instances in which persons enquiring for the settlement of Mr. A., have been told that he lived in the N.W. quarter of section\_\_\_, township\_\_\_, range\_\_\_ east or west, as the case may have been....(A History of Chickasaw County, Jim Turpentine, Journal of Mississippi History, Volume XLI, February-November, 1979, published by the Mississippi Historical Society in cooperation with the Mississippi Department of Archives and History, Jackson, MS).

## Roundup Routes

The following are recorded movements of Cherokees to and/or from roundup sites:

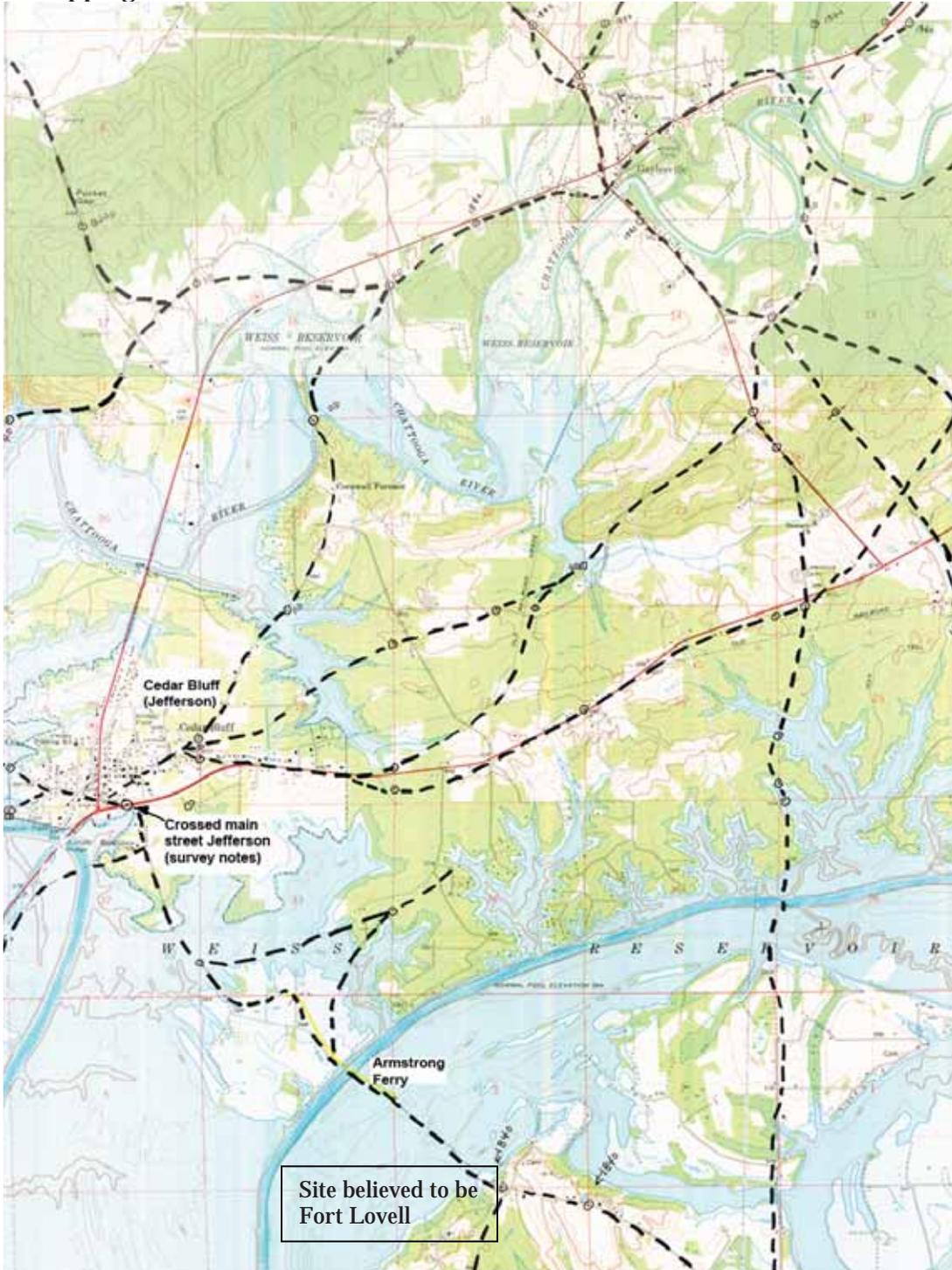
- Fort Lovell near modern Cedar Bluff to Fort Likens at Barry Springs, Alabama.
- Fort Likens to Ross's Landing by way of LaFayette, GA.
- Fort Lovell to Fort Payne and Rawlingsville.
- Ross's Landing at Chattanooga, TN, to Fort Payne and Rawlingsville, AL.

The Benge Detachment Route From Fort Payne to Pulaski, TN

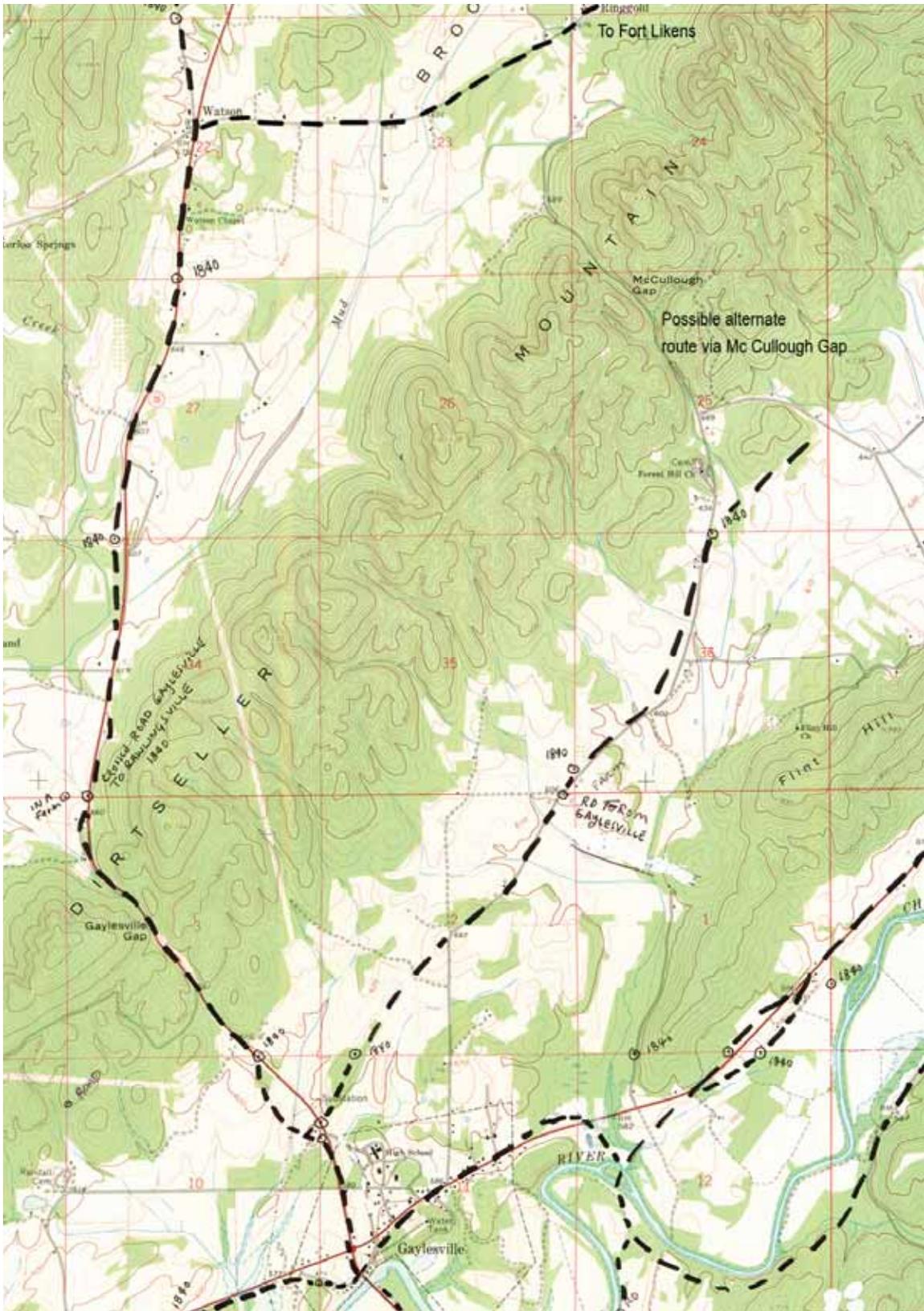
In chapter 11, we discuss and map the actual Benge Detachment and the route associated with the Cherokee Trail of Tears in Alabama. The route taken by the Benge Detachment from Fort Payne (Rawlingsville), Alabama, crossed the Tennessee River at Gunter's Landing and commenced through Huntsville and Meridianville to Pulaski, Tennessee.

# Fort Lovell to Fort Likens

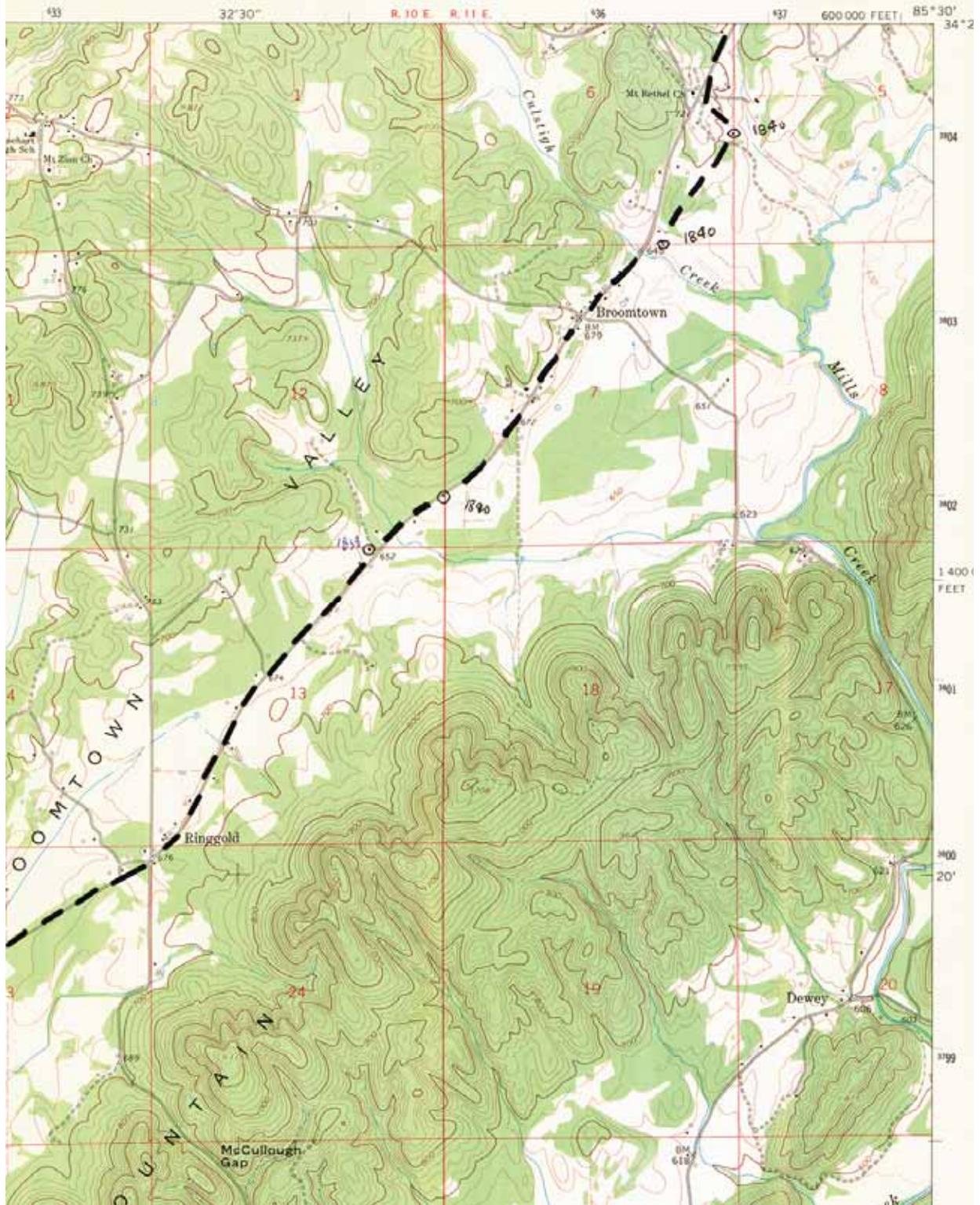
Mapping of Route:



Map ne Fort Lovell to Fort Likens

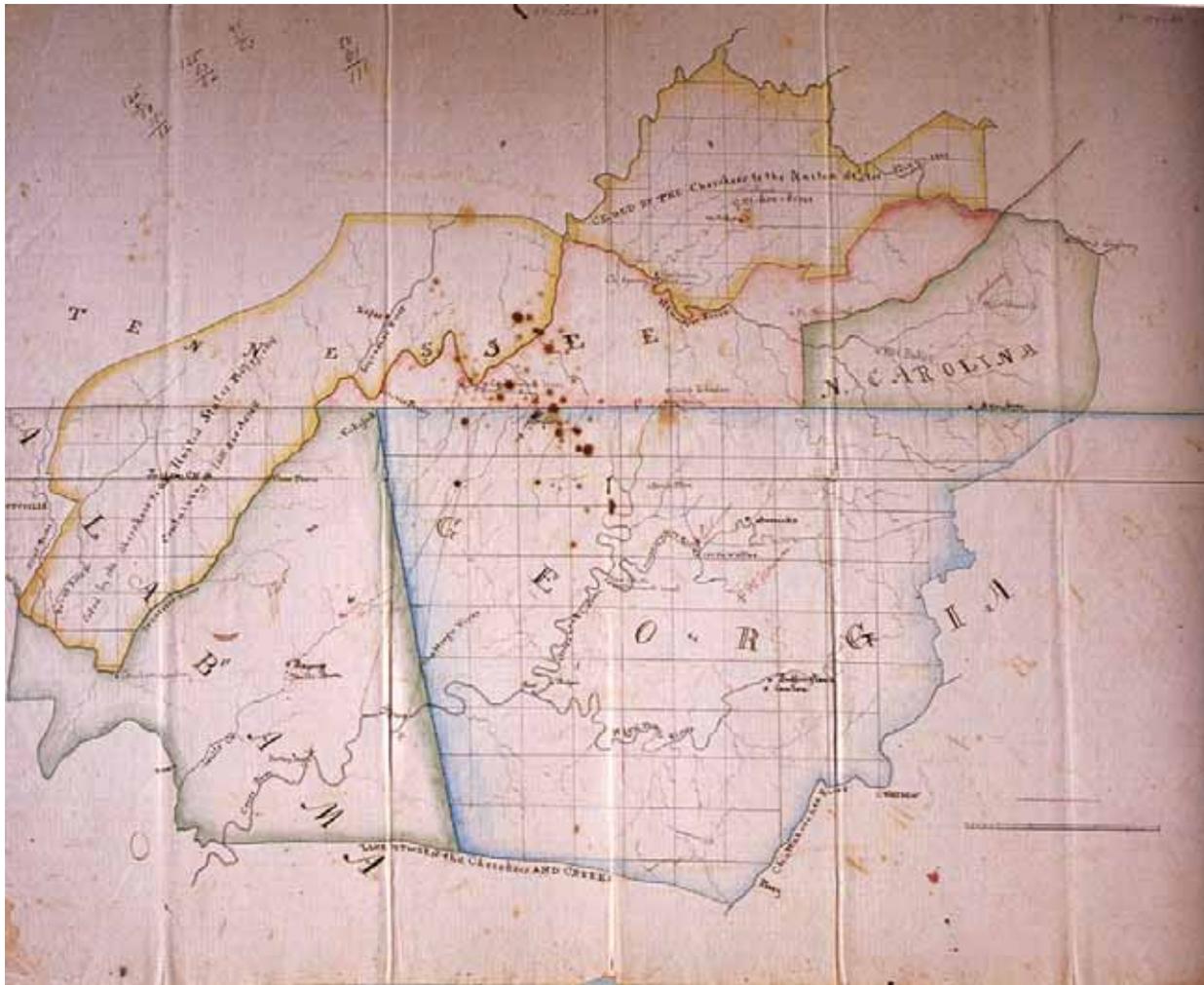


Map Two Fort Lovell to Fort Likens



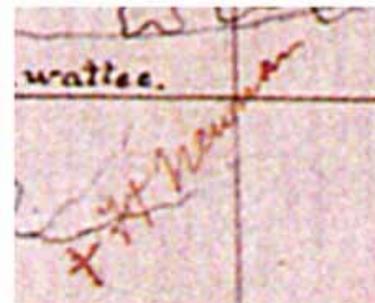
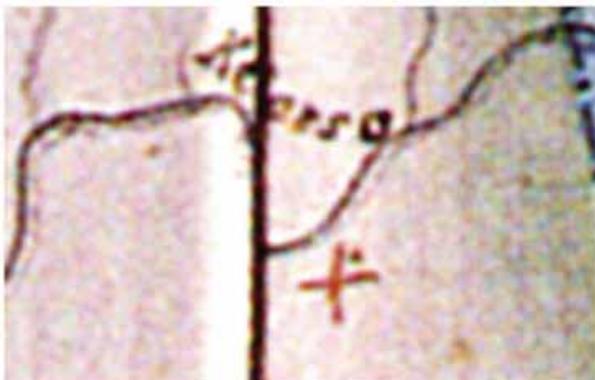
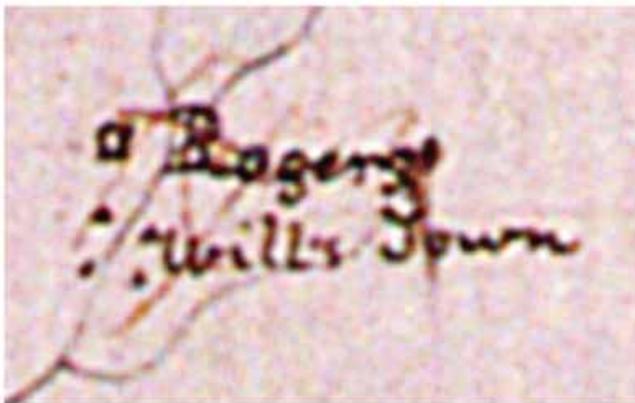
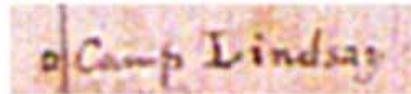
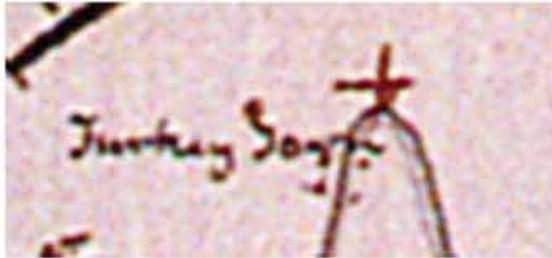
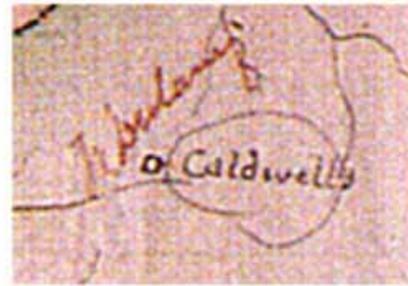
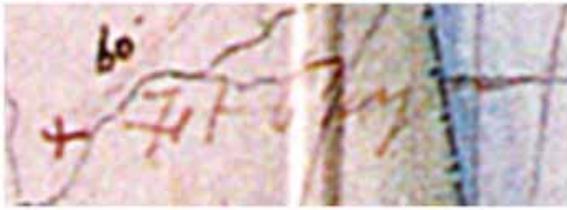
Map Three Fort Lovell to Fort Likens





Military Map, circa 1838. The Cherokee Trail of Tears. Duane King. Collection of the Cherokee Indian, Cherokee, Swain County, North Carolina.

This map possibly locates Fort Lovell by an X just south of the Coosa River near the Georgia line. Unfortunately, all other Forts were named except this one and the one to identify Fort Turkeytown.



If the pattern means anything at all, this x represents the site of a fort, very probably Fort Lovell

Details of Military Map circa showing s at fort sites.

Report on Potential Fort Lovell site  
Feb. 20, 2008

We had an exciting visit to a site yesterday that is located at a major crossroads on the south side of the Coosa River (Weiss Lake). The first crossroads south of Sewells Ferry (Old Fort Armstrong Ferry) is normally under water but winter low water allowed us to walk to what was yesterday an island. Larry St John and Larry Benefield took me to the site. Larry St John and his friends have found over a hundred military and other brass/metal buttons. I have dated two buttons he gave me to the Waterbury Company (B & Burnham - Extra Rich) which were made from 1834 to 1843. There are other buttons dating earlier. In addition, they found numerous iron materials, gunlocks, barrels, buckles, and dozens of .31, .36 and .50 caliber rifle and pistol balls. Larry Benefield and I (Alabama Chapter Trail of Tears researchers) surface-collected over a hundred pieces of ceramics, and some very old stone primitive utensils. I found fragments of hand-made brick. The site evidently is prehistoric, historic, colonial at least up to and after Removal. The crossroads were Cherokee trails and roads according to the 1840 survey.

The significance of this site is the fact that Fort Armstrong is believed by most people to be on the north bank of Coosa on what is now Pruett's Island just across the river at this old crossing place. Some maps show Ft. Armstrong on the south side. The Cherokee round-up Fort Lovell has never been located exactly. It could have been here or near Ft. Armstrong on the north shore from Cedar Bluff (old Jefferson) to near Gaylesville. Other accounts say that the British operated a trading post near here before or around 1800. Whatever this site is, it is a part of the SE Cherokee road system. I photographed every artifact that Larry St John had as well as what we found yesterday. The ceramics are a myriad of distinct and intricate designs. Gail King will get the site recorded into the state site files. We are planning to consult with an archaeologist, who is an expert in 1830 artifacts and hopefully this will lead to a future archaeological investigation of the site.

#### Fort Likens

The 1840 Survey notes shown below describe the location of Fort Likens. Interviews with local residents, living at the location of Barry Springs, identified the site as being on a nearby hill not far from Barry Springs. The site matches with the survey notes below, when located on a modern topographical map.

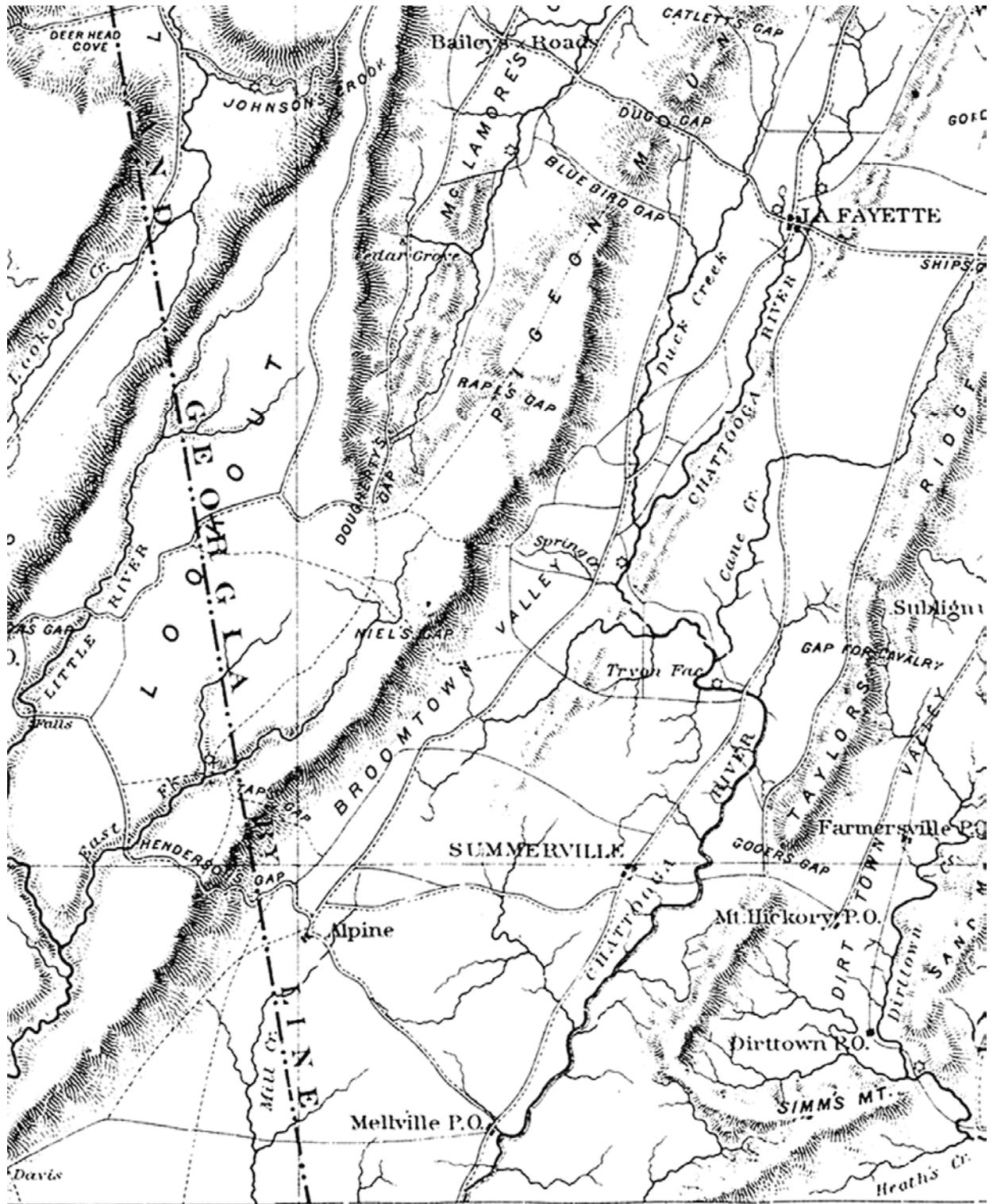
| Page  | Section | Description                        | Date | Time    | Page  | Section                     | Description      | Date  | Time |
|-------|---------|------------------------------------|------|---------|-------|-----------------------------|------------------|-------|------|
| 328   |         | 185 No. 15 Pine 1/2 S              |      |         | 329   |                             | 1/2 section part |       |      |
| 77.50 |         | North East corner from which       |      | 77.50   | 6000  | 1/2 section part from which |                  |       |      |
|       |         | 118 No. 18 Past oak                | 20   | 11 7 10 |       | 175 No. 21 Past oak 1/2 S   |                  |       |      |
|       |         | 175 No. 20 Past oak                | 18   | 11 7 7  |       | 170 No. 20 Past oak 1/2 S   |                  |       |      |
|       |         | 181 No. 47 White oak               | 30   | 11 7 20 | 77.70 | North East corner           |                  | 77.70 |      |
|       |         | 112 No. 47 Pine                    | 15   | 11 7 15 |       | North East                  |                  |       |      |
|       |         | Section #11                        |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
| 6000  |         | 1/2 section part from which        |      |         |       | Blackberry                  |                  |       |      |
|       |         | 183 No. 70 White oak 1/2 S         |      |         |       | Blackberry                  |                  |       |      |
|       |         | 186 No. 57 Pine 1/2 S              |      |         |       | Blackberry                  |                  |       |      |
| 62.50 |         | North East corner                  |      |         |       | Blackberry                  |                  |       |      |
| 9000  |         | North East corner                  |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
| 6000  |         | 1/2 section part from which        |      |         |       | Blackberry                  |                  |       |      |
|       |         | 117 No. 77 Past oak 1/2 S          |      |         |       | Blackberry                  |                  |       |      |
|       |         | 116 No. 58 Pine 1/2 S              |      |         |       | Blackberry                  |                  |       |      |
| 9000  |         | North East corner from which       |      |         |       | Blackberry                  |                  |       |      |
|       |         | 155 No. 70 Black oak               | 4    | 11 7 7  |       | Blackberry                  |                  |       |      |
|       |         | 178 No. 33 Black oak               | 12   | 11 7 8  |       | Blackberry                  |                  |       |      |
|       |         | 182 No. 54 Past oak                | 8    | 11 7 7  |       | Blackberry                  |                  |       |      |
|       |         | 130 No. 55 Past oak                | 5    | 11 7 18 |       | Blackberry                  |                  |       |      |
|       |         | Section #7                         |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
| 6000  |         | 1/2 section part from which        |      |         |       | Blackberry                  |                  |       |      |
|       |         | 170 No. 47 Past oak 1/2 S          |      |         |       | Blackberry                  |                  |       |      |
|       |         | 188 No. 25 Red Oak 1/2 S           |      |         |       | Blackberry                  |                  |       |      |
| 80.00 |         | North East corner                  |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
| 35.70 |         | 1/2 section part                   |      |         |       | Blackberry                  |                  |       |      |
| 6000  |         | 1/2 section part from which        |      |         |       | Blackberry                  |                  |       |      |
|       |         | 115 No. 26 Black oak 1/2 S         |      |         |       | Blackberry                  |                  |       |      |
|       |         | 127 No. 32 Past oak 1/2 S          |      |         |       | Blackberry                  |                  |       |      |
| 40.80 |         | 1/2 section part                   |      |         |       | Blackberry                  |                  |       |      |
| 89.60 |         | North East corner from which       |      |         |       | Blackberry                  |                  |       |      |
|       |         | 158 No. 24 Past oak                | 12   | 11 7 6  |       | Blackberry                  |                  |       |      |
|       |         | 189 No. 65 Pine                    | 16   | 11 7 5  |       | Blackberry                  |                  |       |      |
|       |         | 131 No. 44 Past oak                | 7    | 11 7 8  |       | Blackberry                  |                  |       |      |
|       |         | 126 No. 15 Past oak                | 11   | 11 7 7  |       | Blackberry                  |                  |       |      |
|       |         | Section #6                         |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
|       |         | Section #29                        |      |         |       | Blackberry                  |                  |       |      |
|       |         | Beginning at the North East corner |      |         |       | Blackberry                  |                  |       |      |
|       |         | thence North East 2 1/2 miles from |      |         |       | Blackberry                  |                  |       |      |
|       |         | out & Hickory                      |      |         |       | Blackberry                  |                  |       |      |
| 6000  |         | 1/2 section part from which        |      |         |       | Blackberry                  |                  |       |      |
|       |         | 180 No. 11 Black oak 1/2 S         |      |         |       | Blackberry                  |                  |       |      |

Field notes for Section T7S R E noting the survey line passed through Fort Larkens Fort Likens



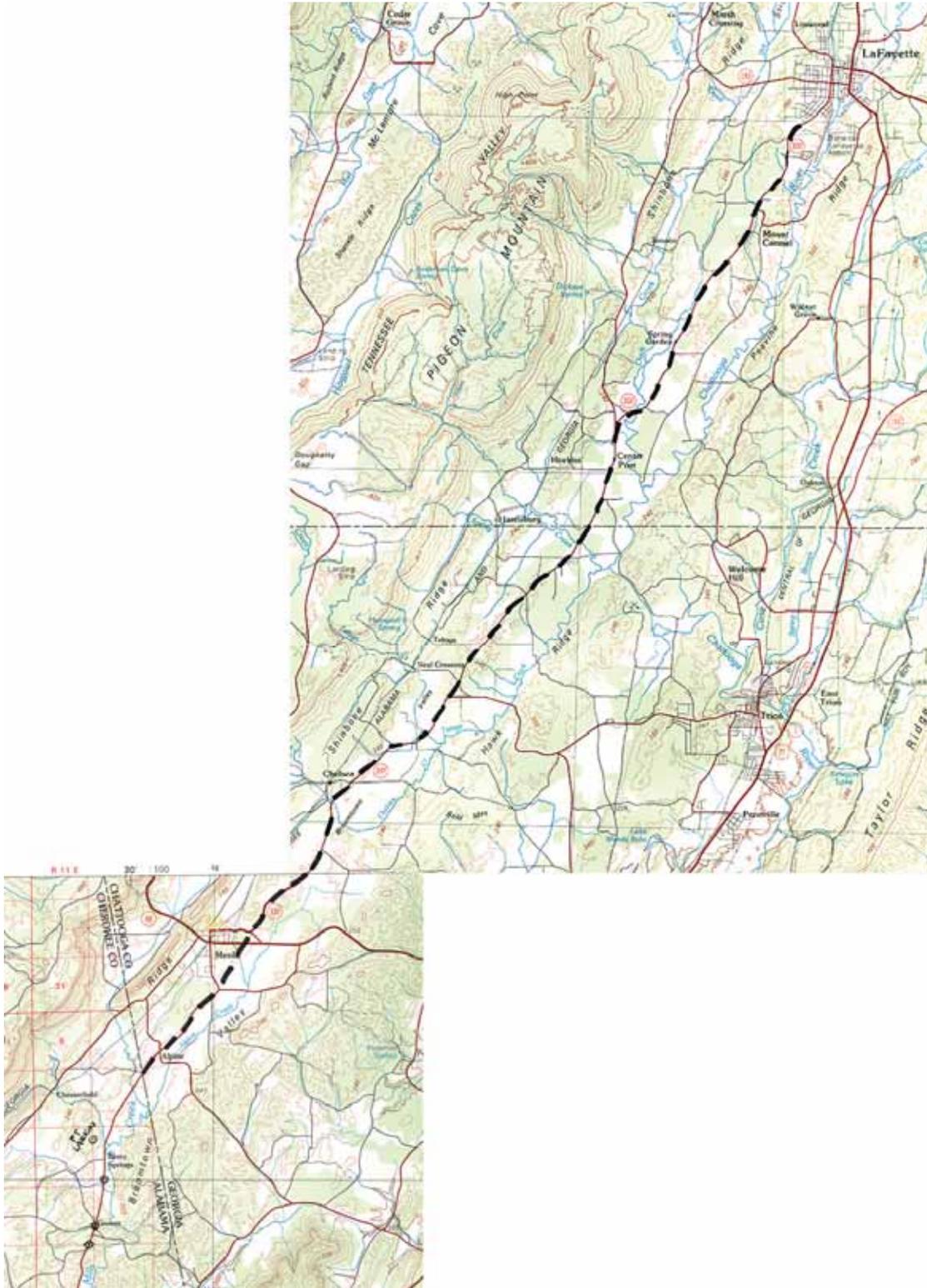
The road from Fort Likens to LaFayette, GA, did not change from the removal era to the Civil War era.

Wadsworth Map  
Cedar Bluff, AL, to LaFayette, GA

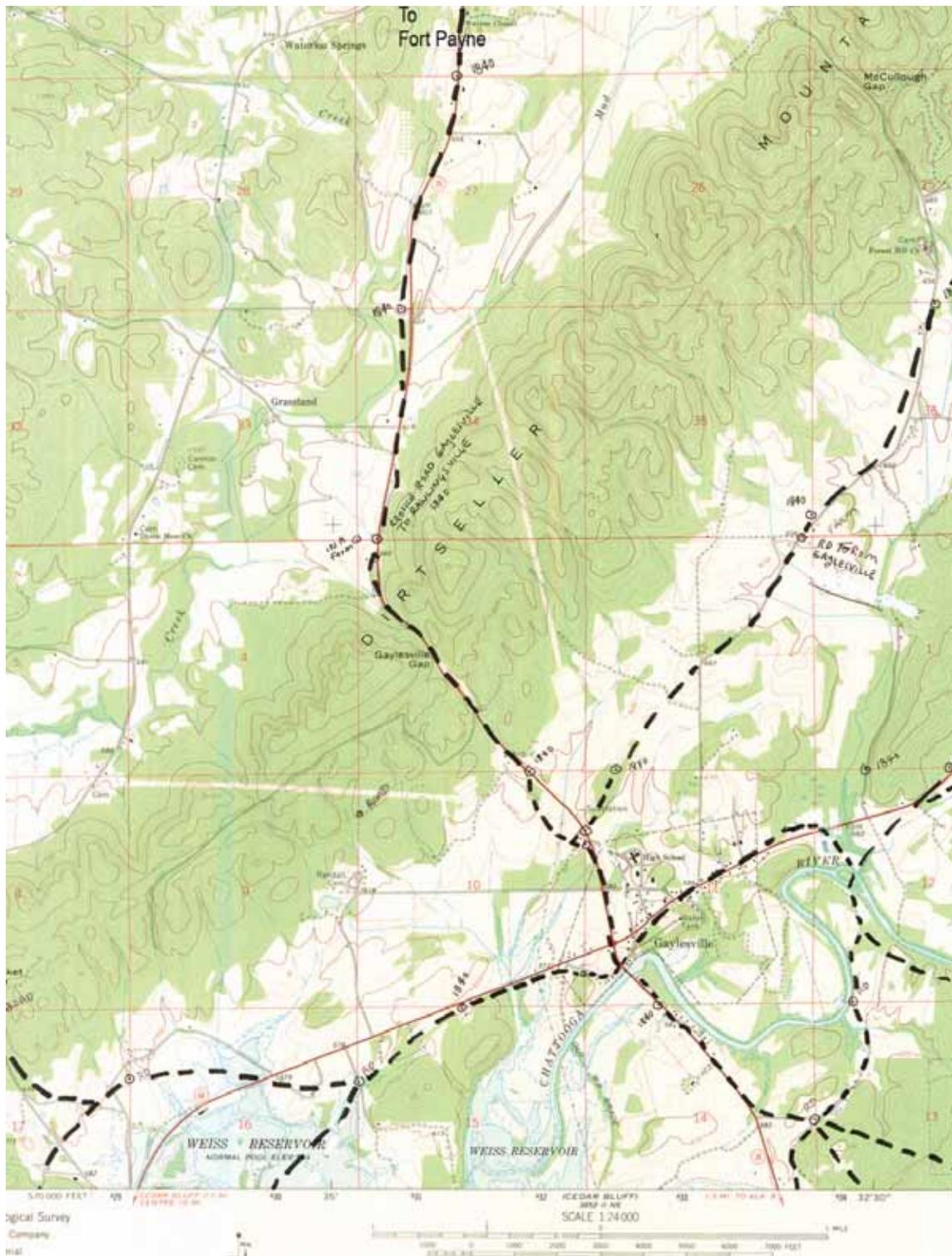


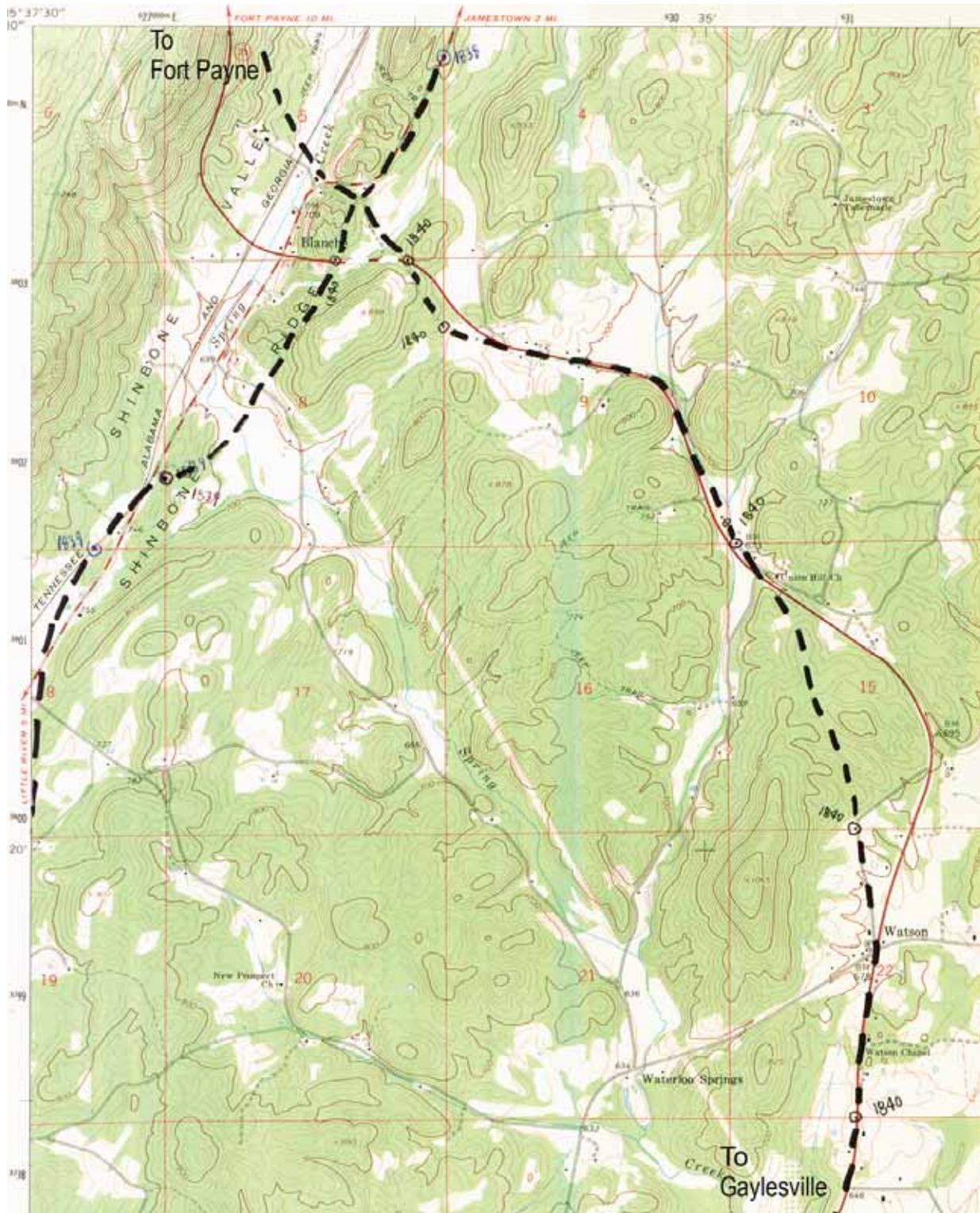
Civil War Era map showing the road from Fort Likens area to LaFayette, GA

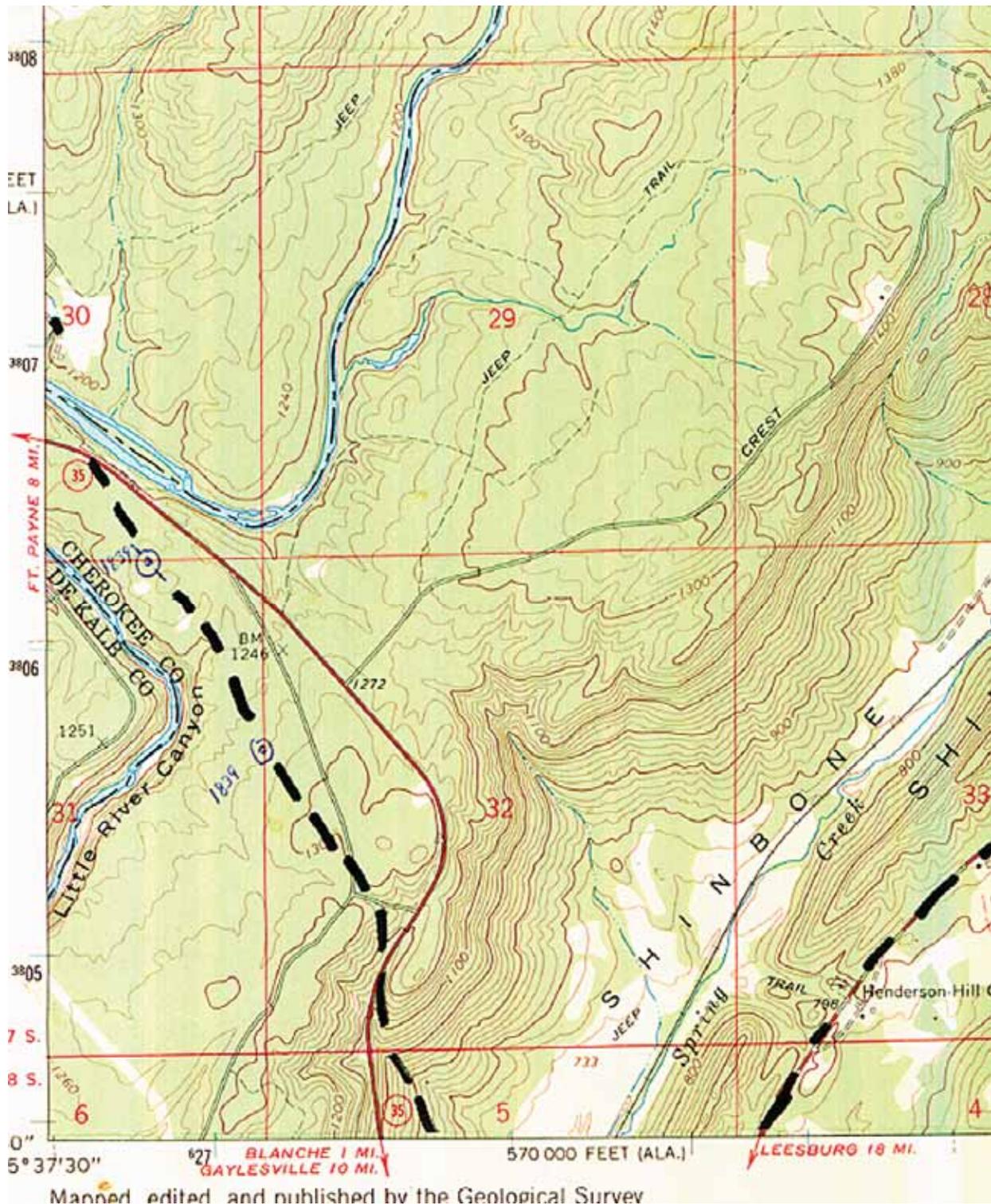
## Fort Lovell to Fort Payne Roundup Route



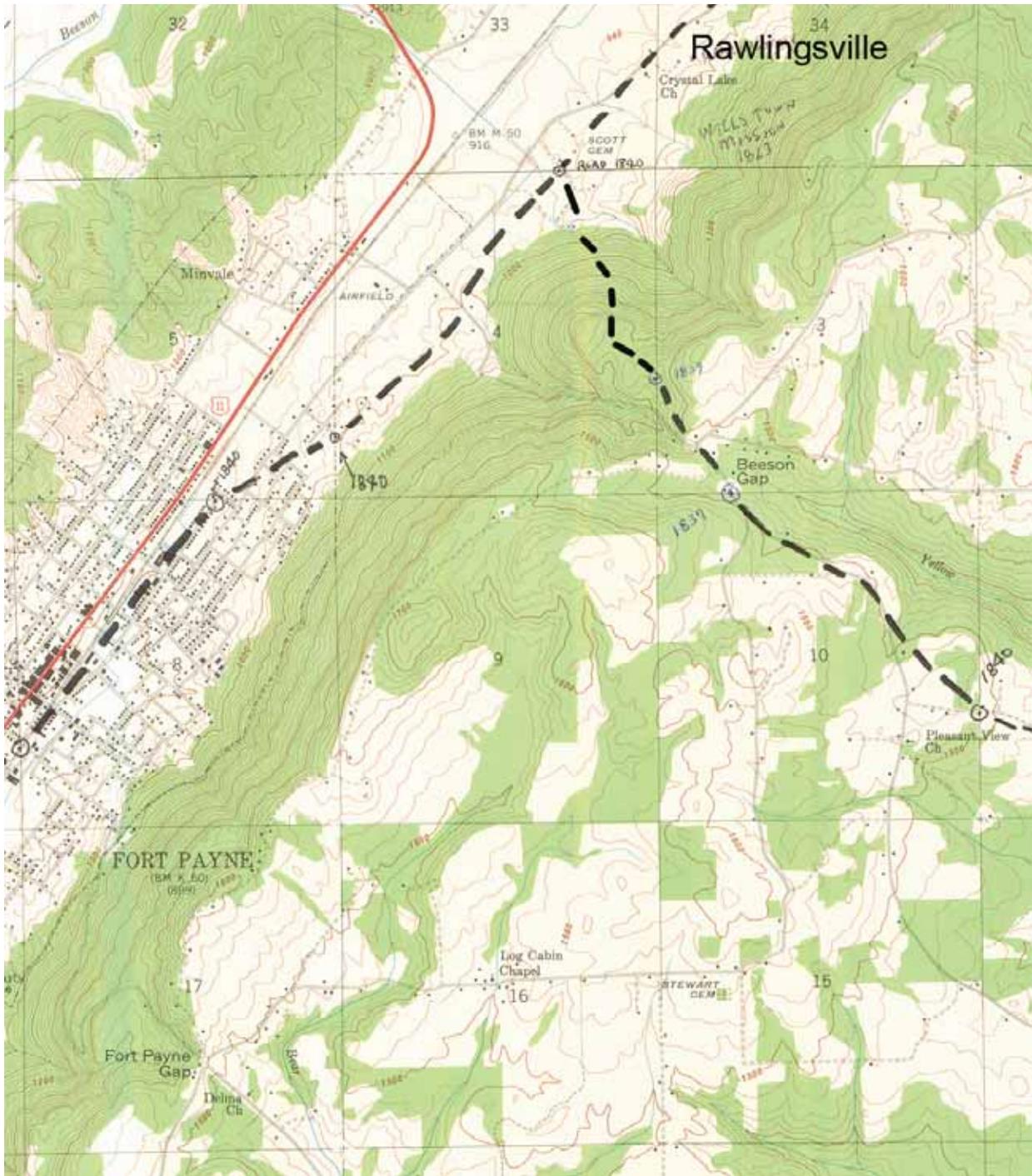
This Map and the Following Five Topographical Maps Show the Fort Lovell to Fort Payne Roundup Route.



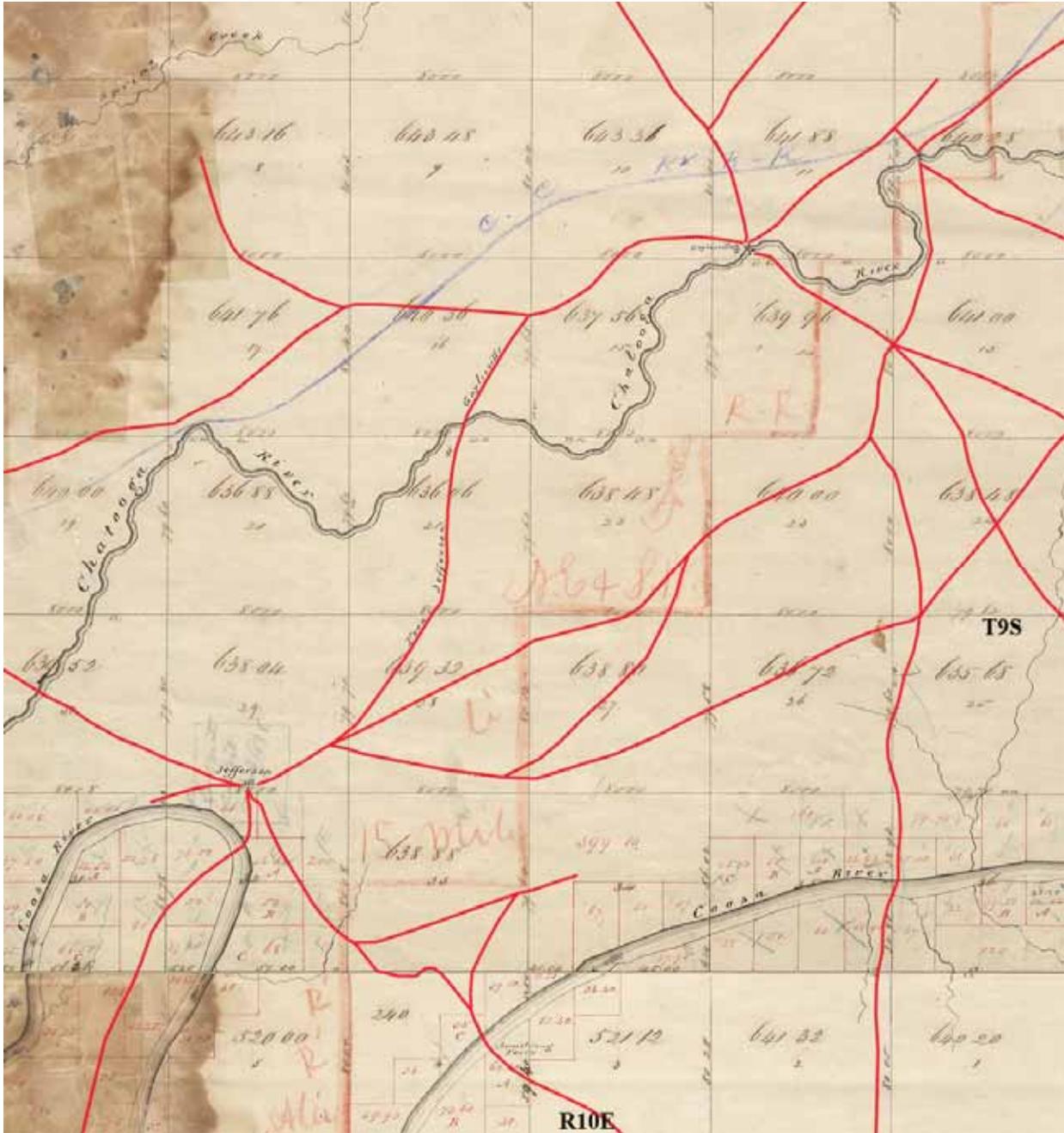




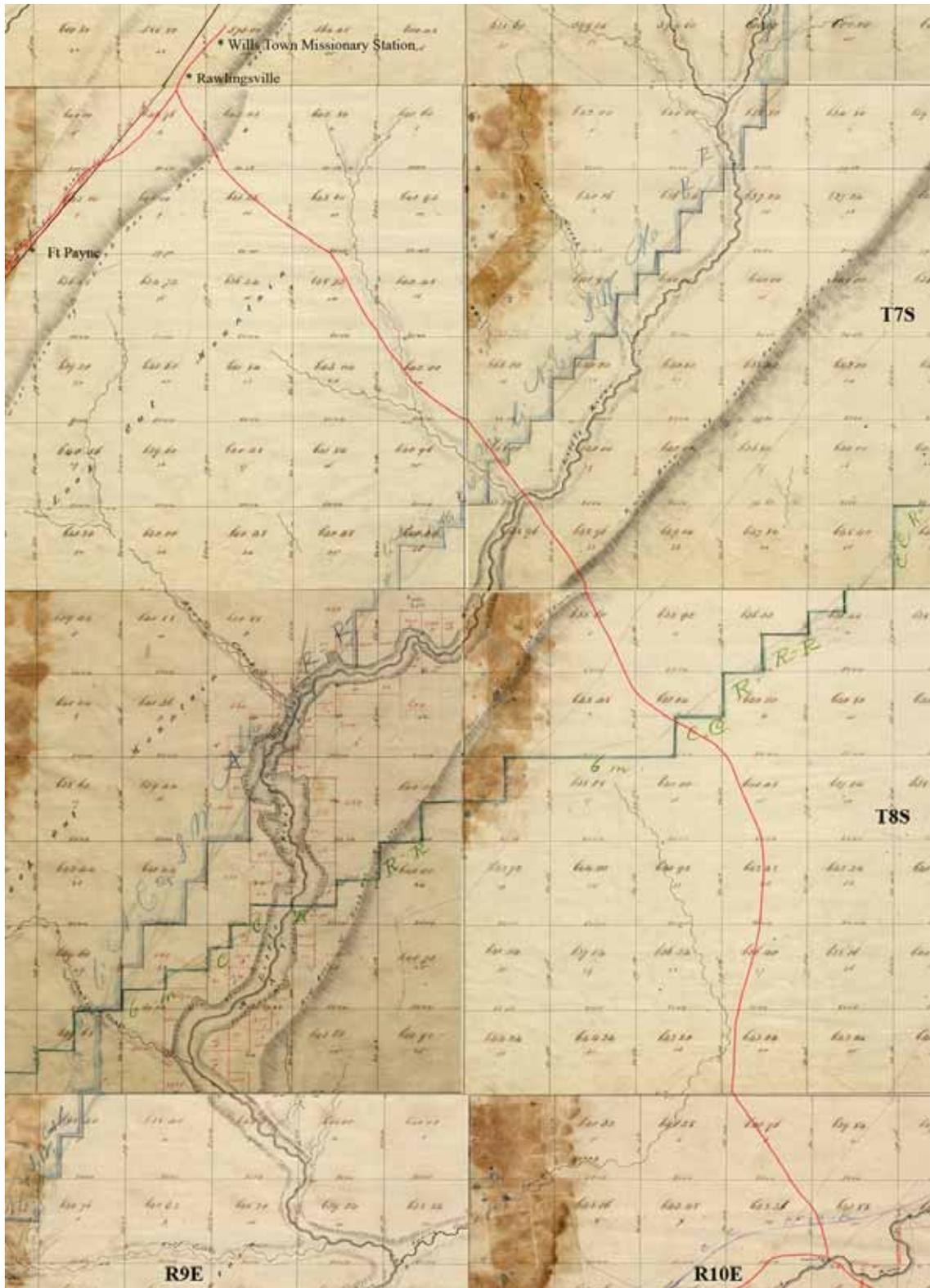






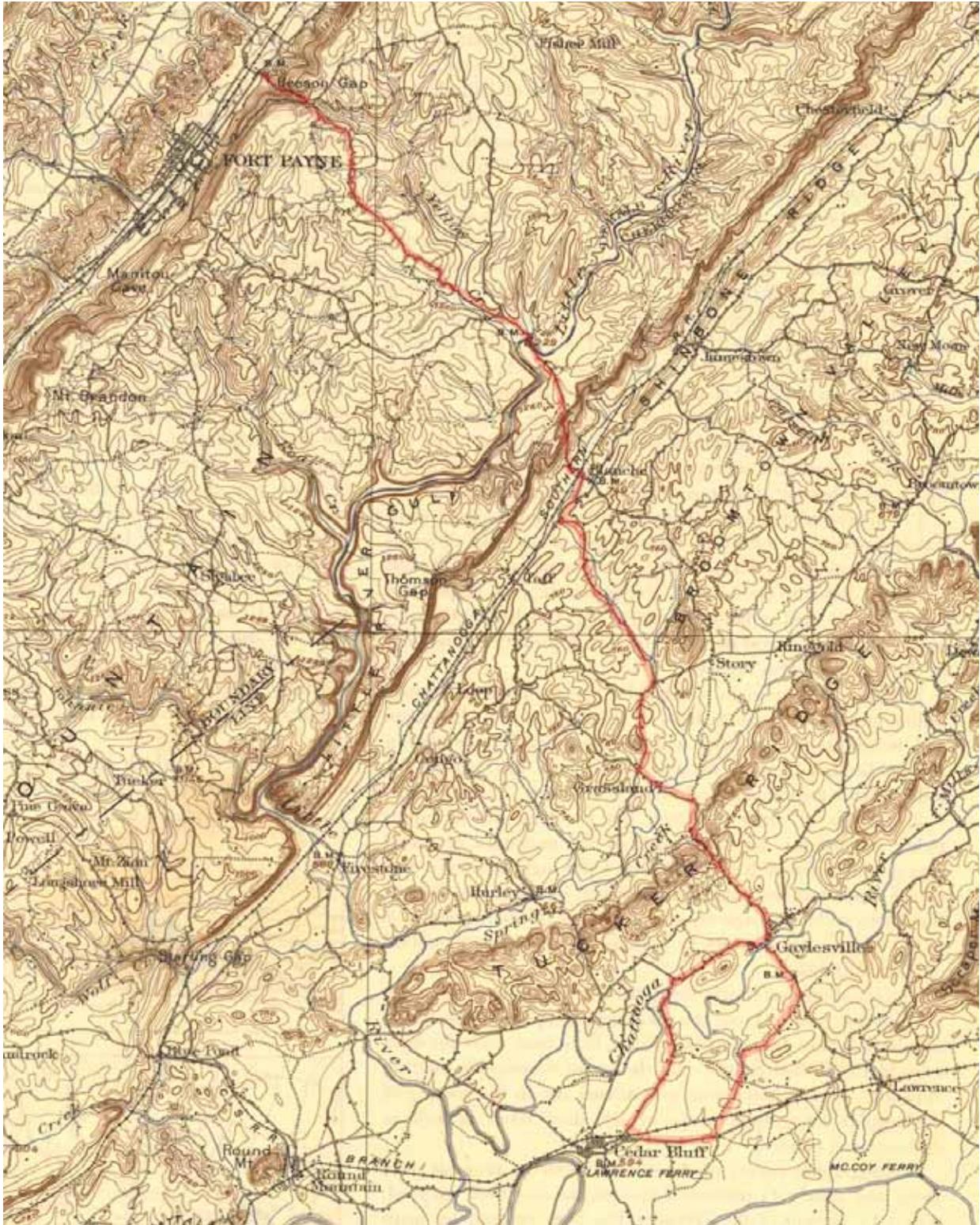


0 Survey Plat Showing Jefferson Cedar Bluff



0 Survey Plat Gaylesville to Rawlingsville and Fort Payne





900 SGS Fort Payne

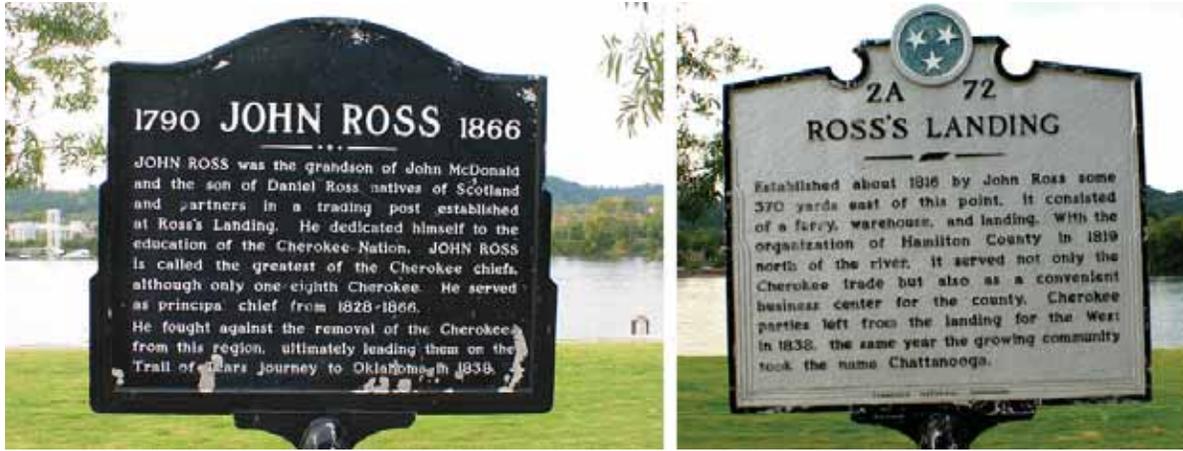


Little River Falls, Little River Canyon or Mays Gulf. The route across Lookout Mountain from the Cedar Bluff area crossed Little River just above Little River Falls which constituted the head of a deep and impassable canyon.

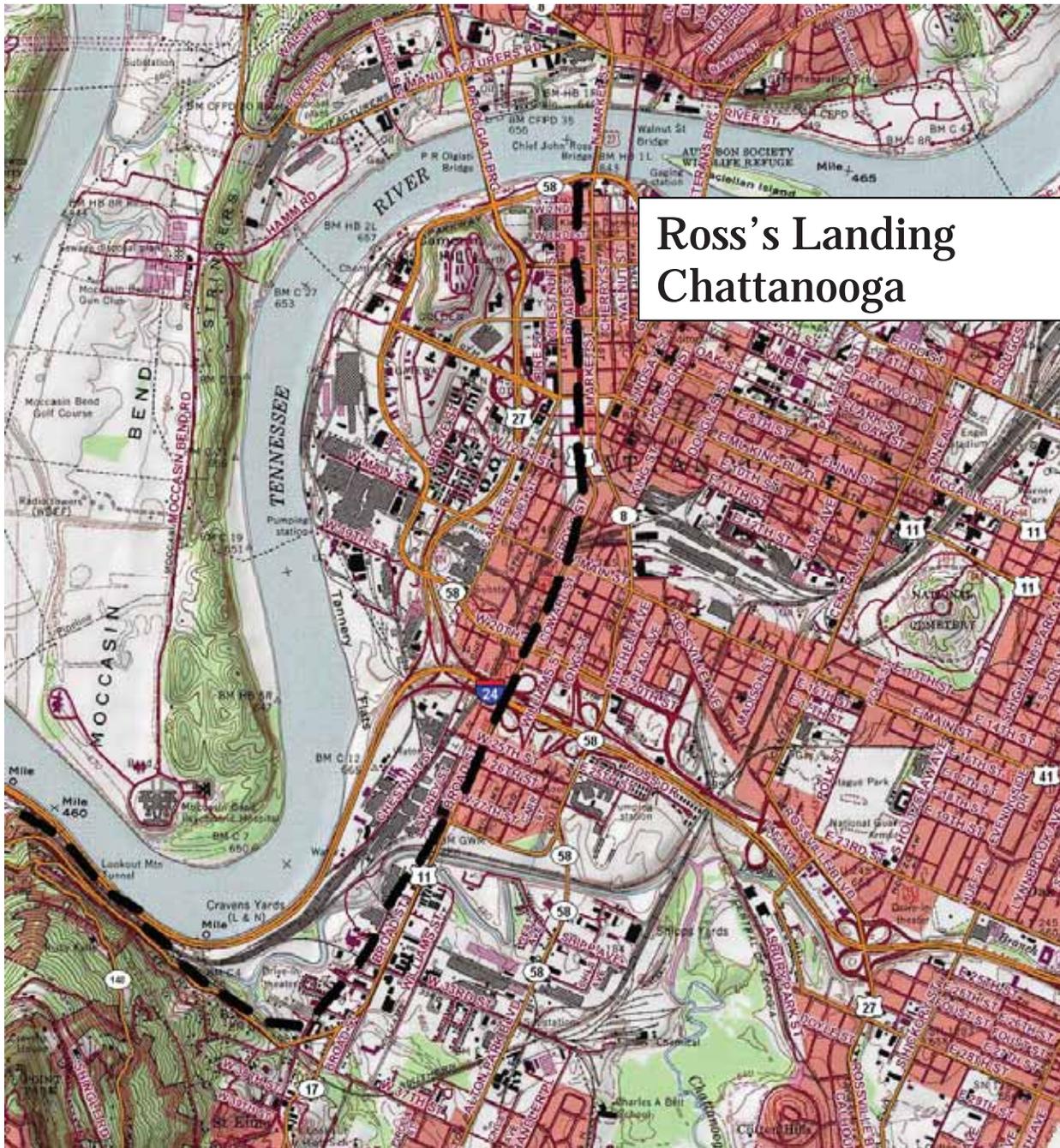


Grace's High Falls illustrates the nature of the bluffs that ring the canyon's rim

Ross's Landing, TN, to Rawlingsville , AL, Roundup Route

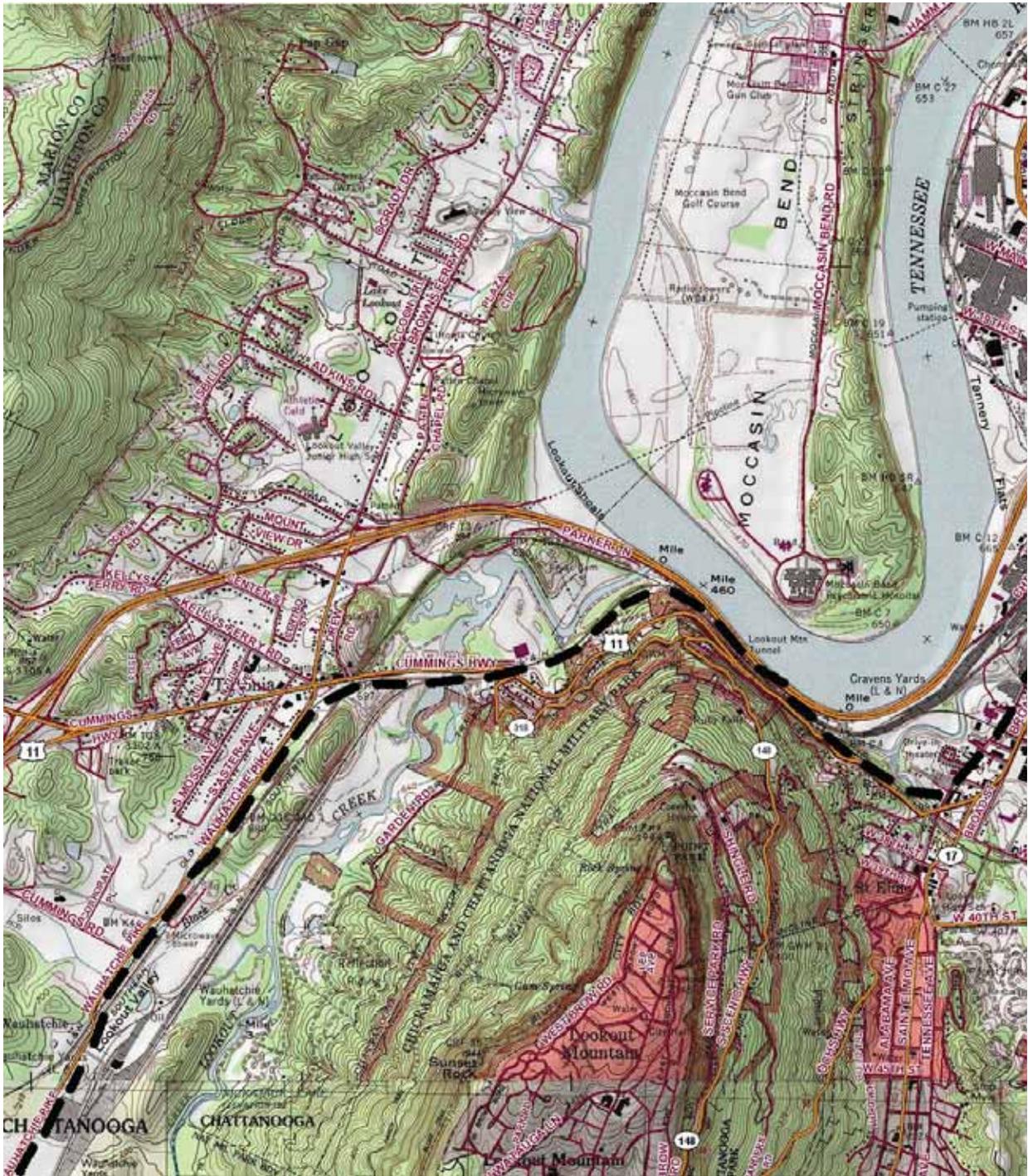


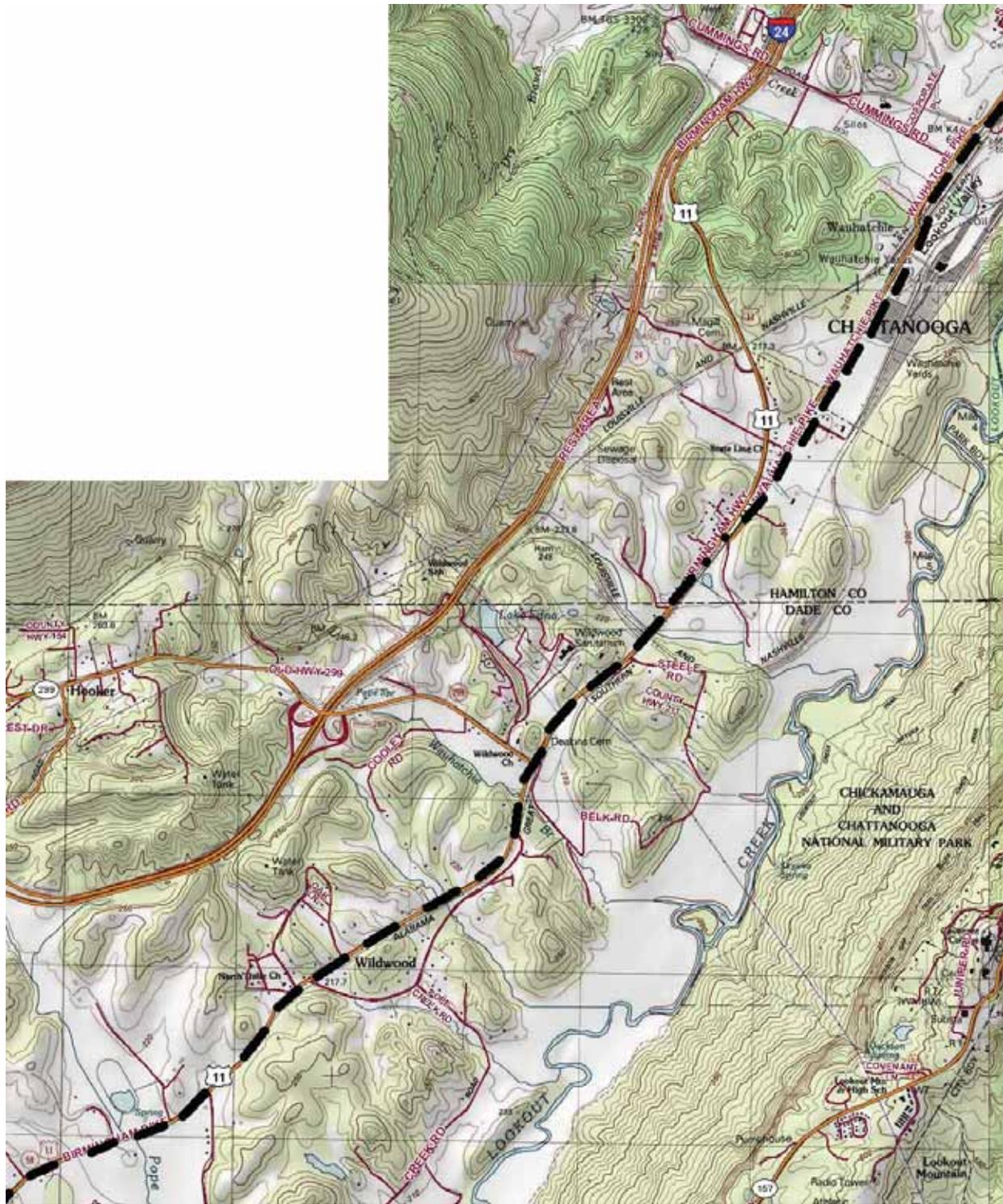
historical markers in Chattanooga on the Tennessee River mark site of Ross's Landing

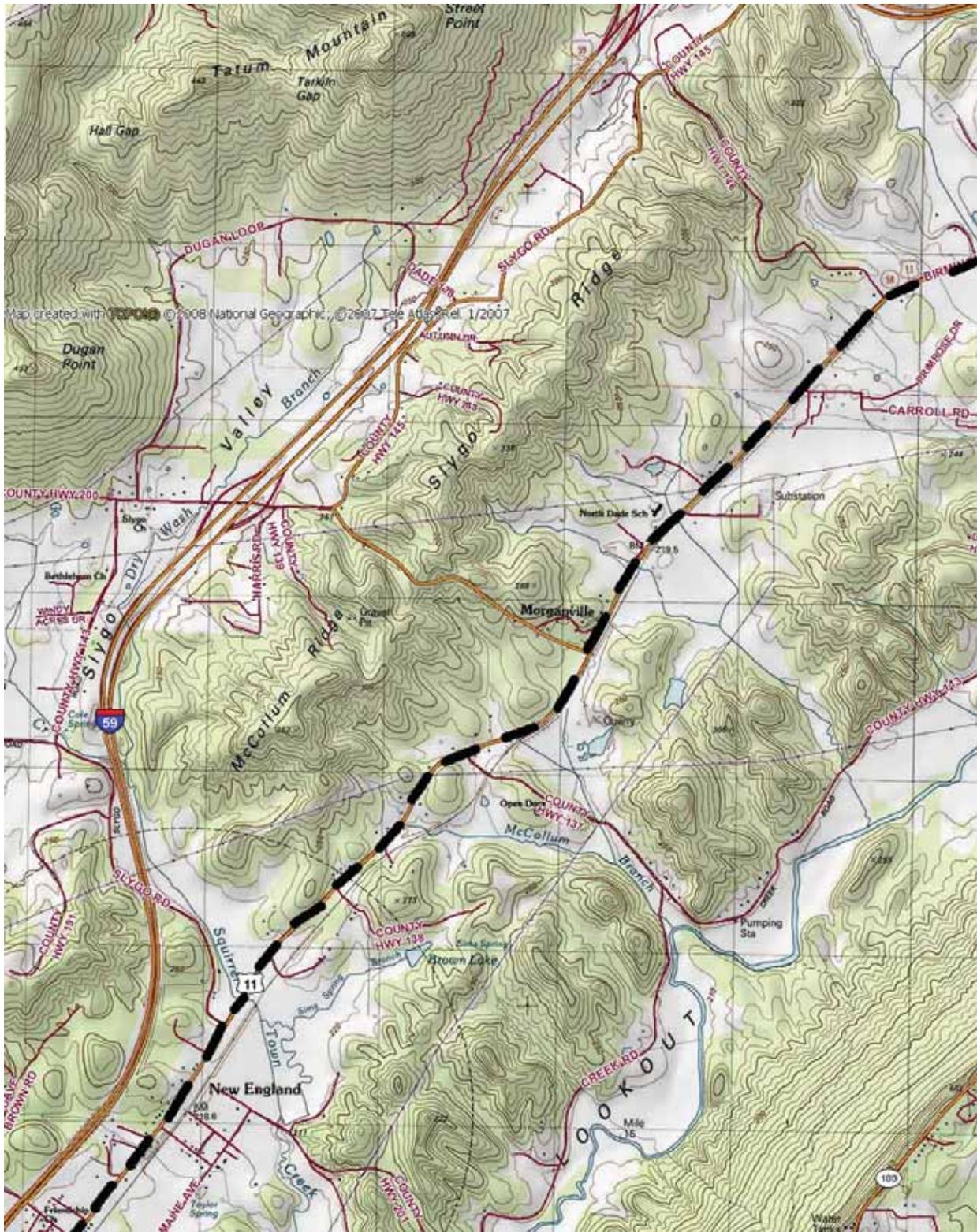


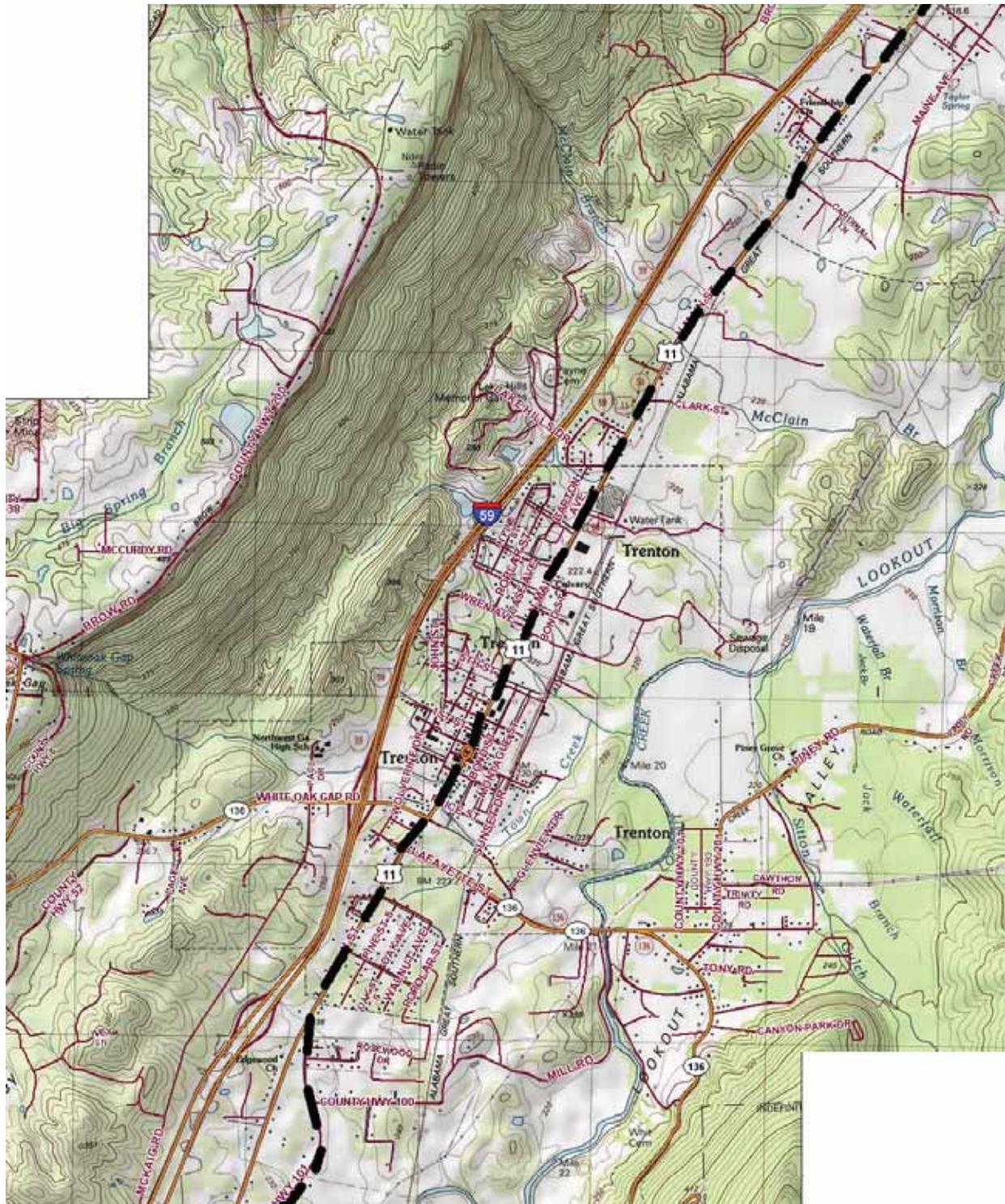
The following topo maps from Chattanooga to the Alabama state line are courtesy of National Geographic Topographic Maps.

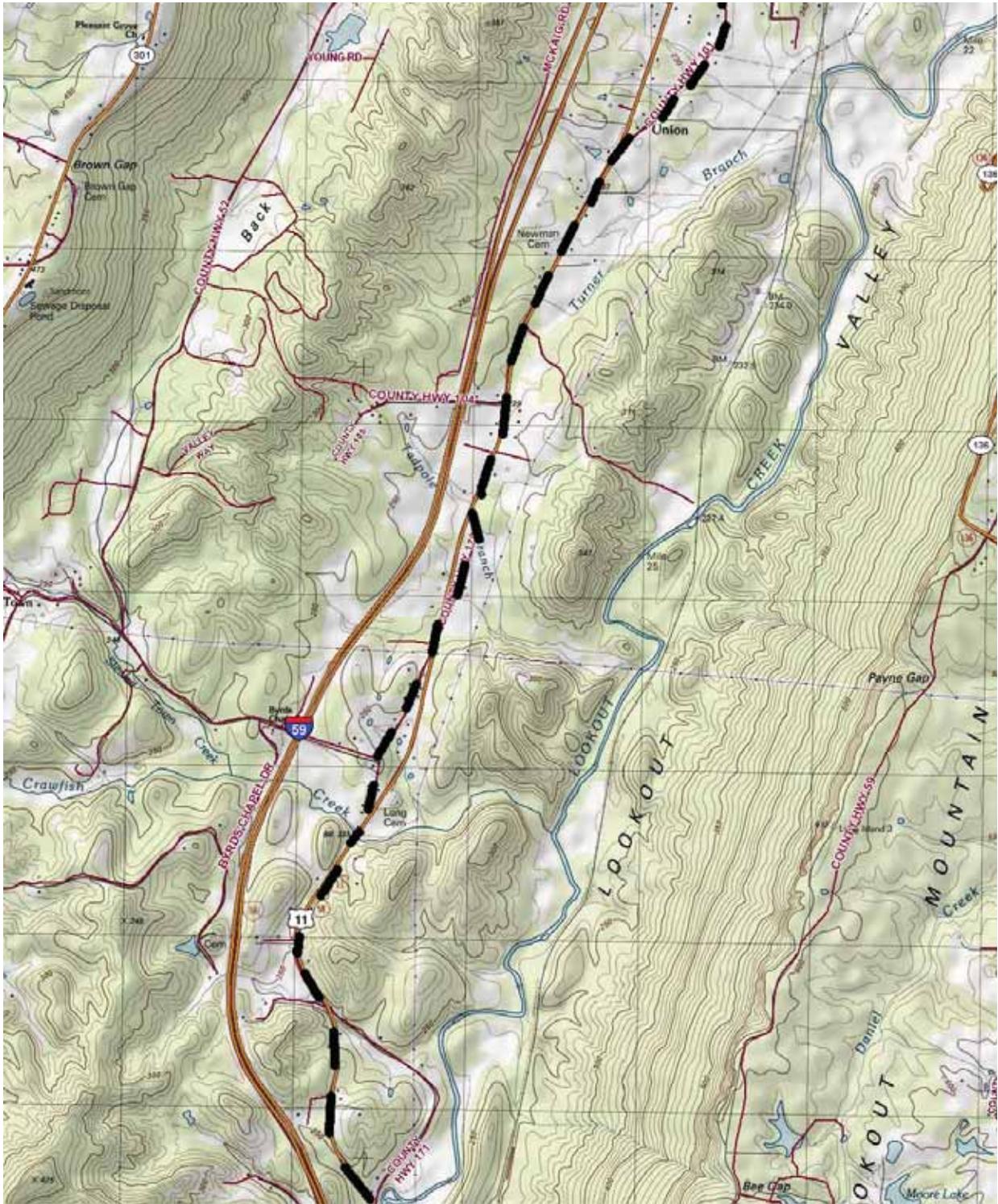
Note: I have marked the route along the original road that was used in 1838 from Ross's Landing to the Alabama state line. This route is assumed and needs further research. From Sulfur Springs, GA, to Rawlingsville, AL, I have plotted the road according to the 1840 survey notes and plats.

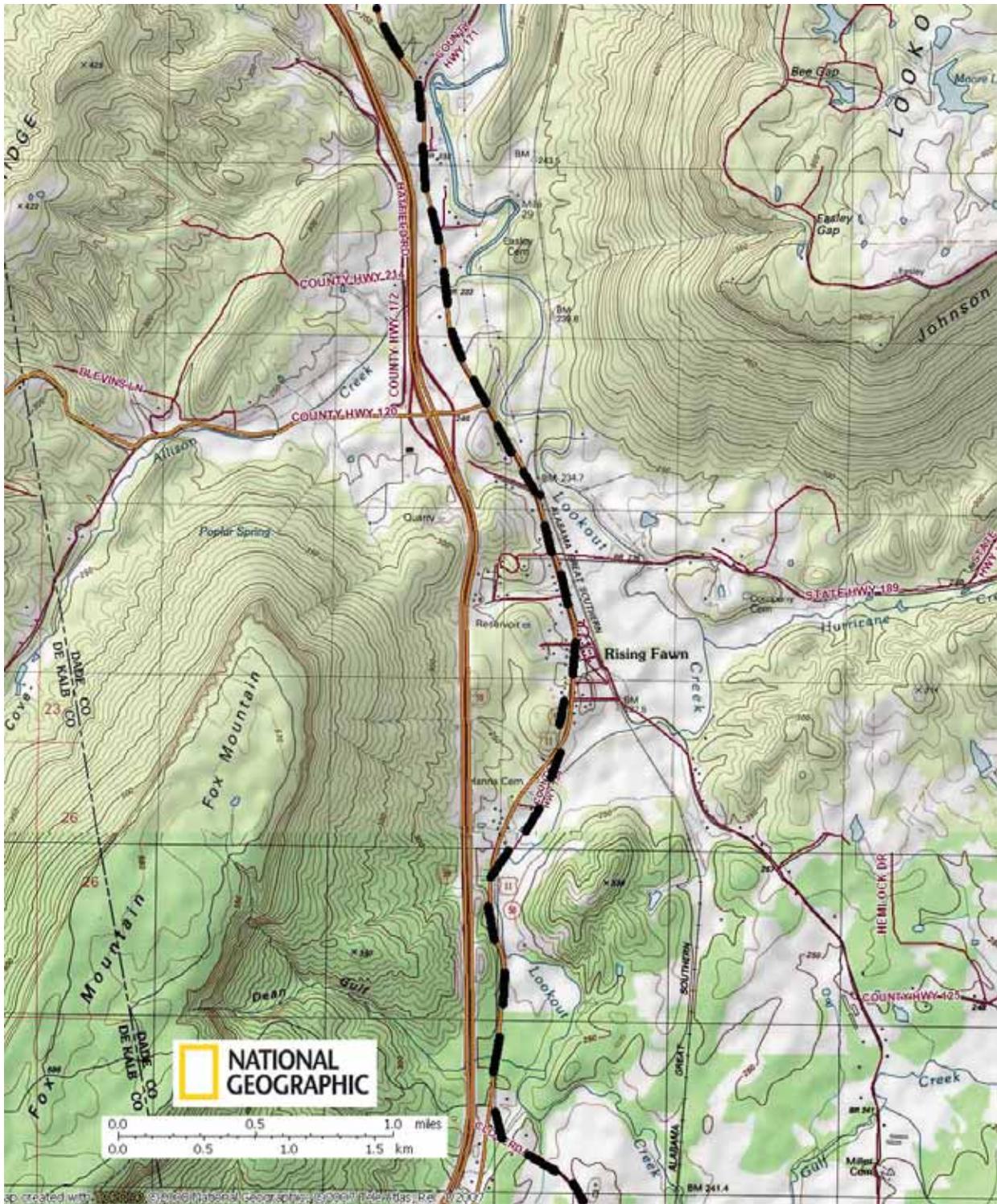


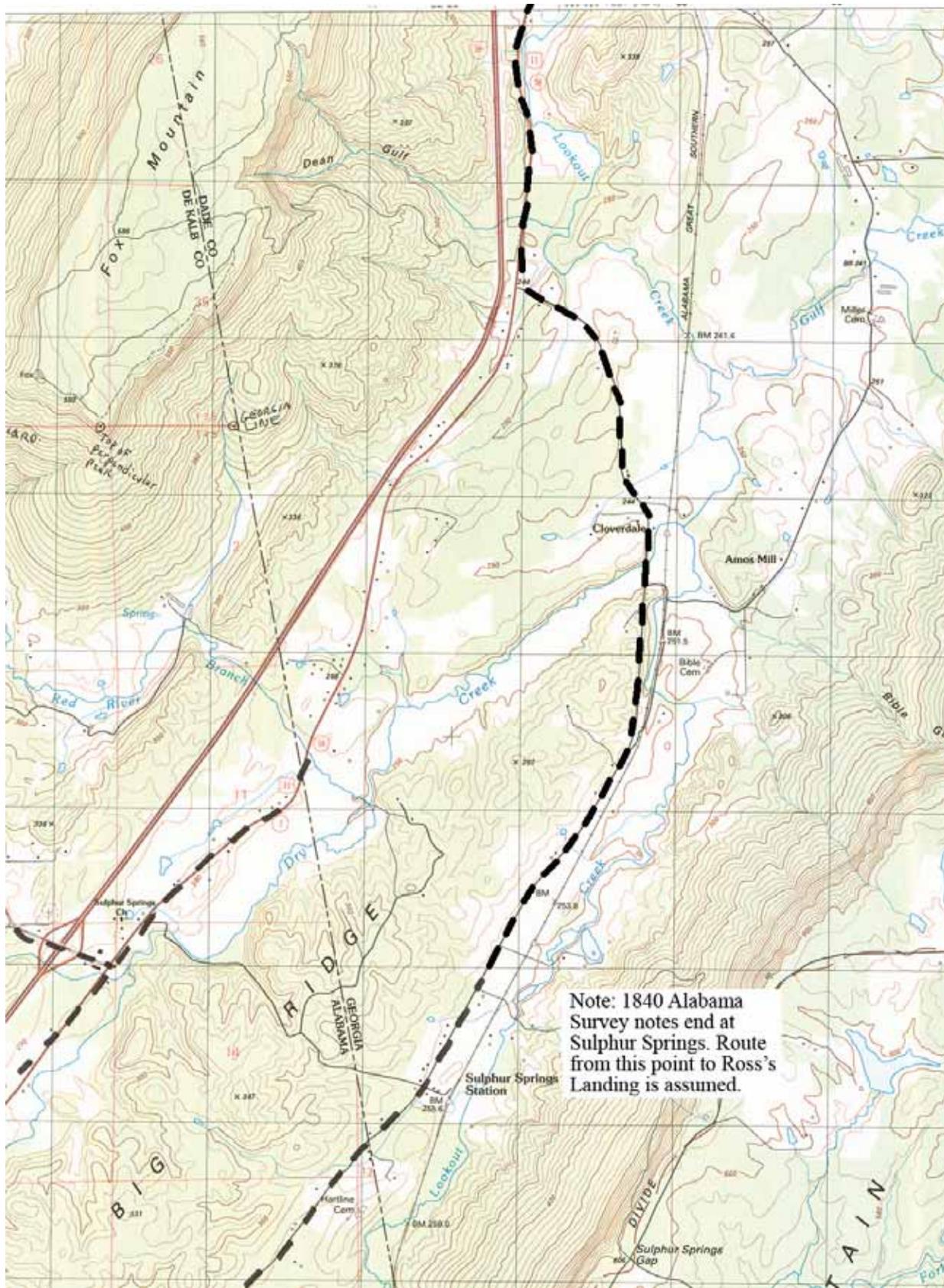


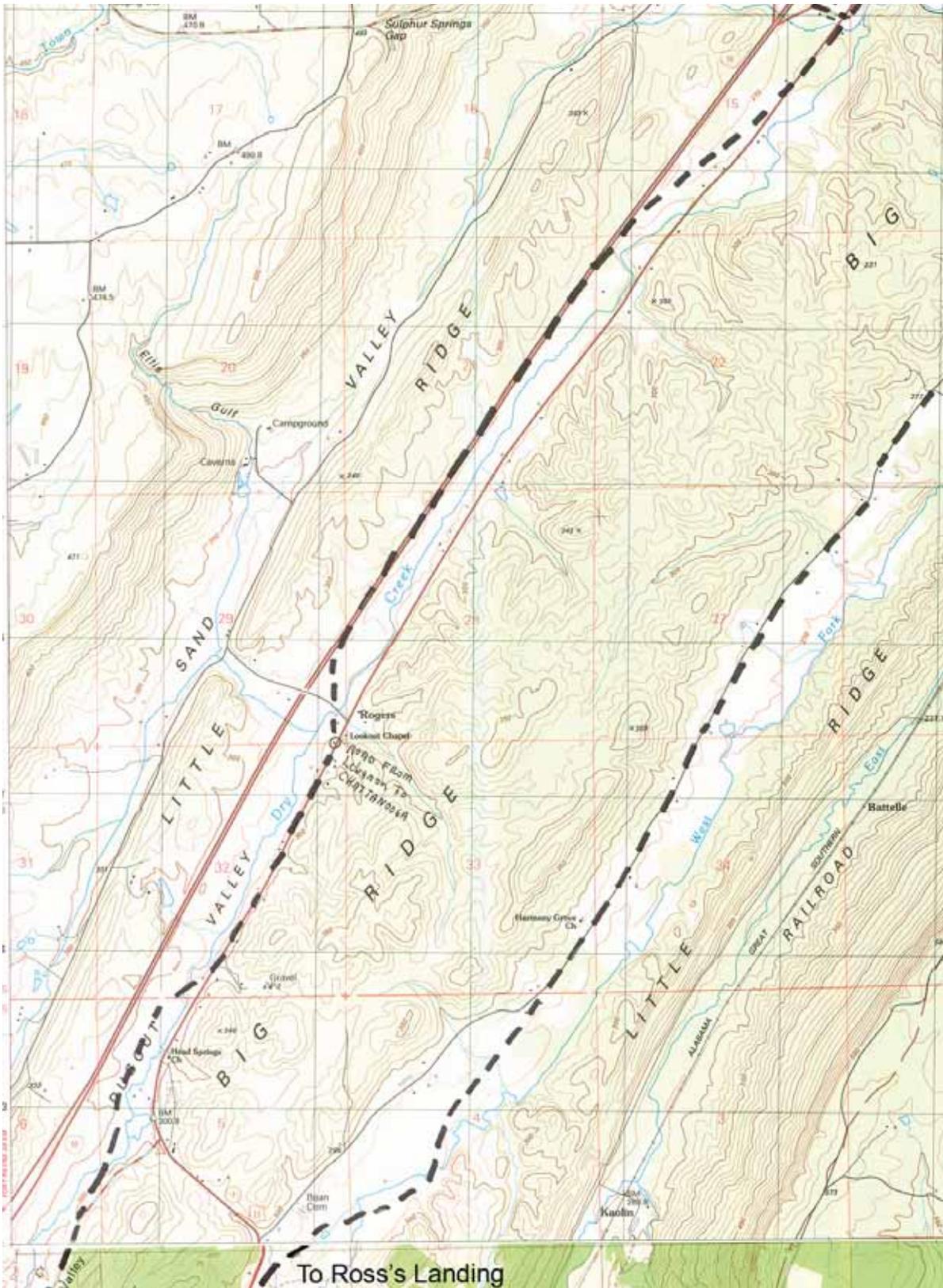




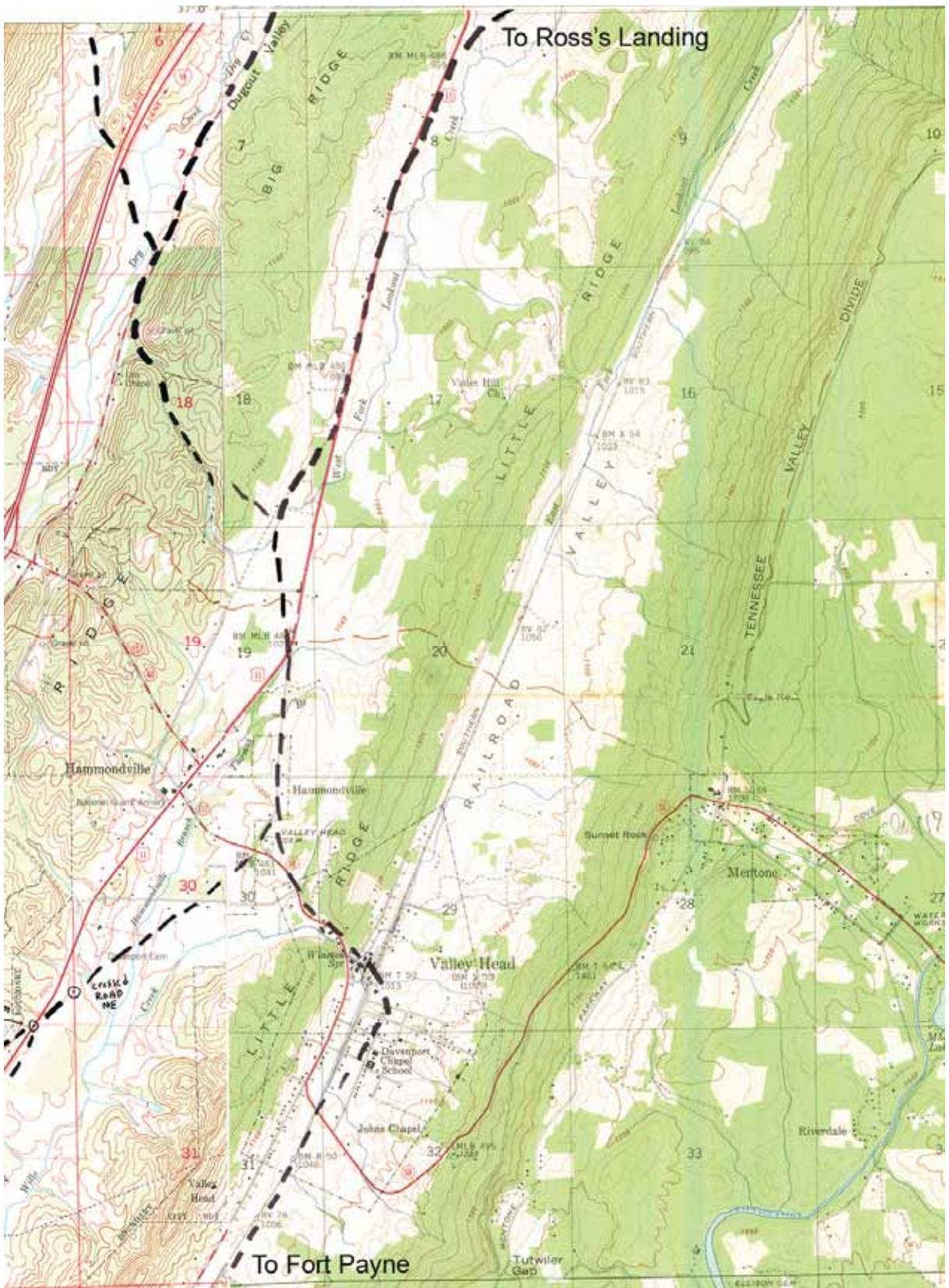




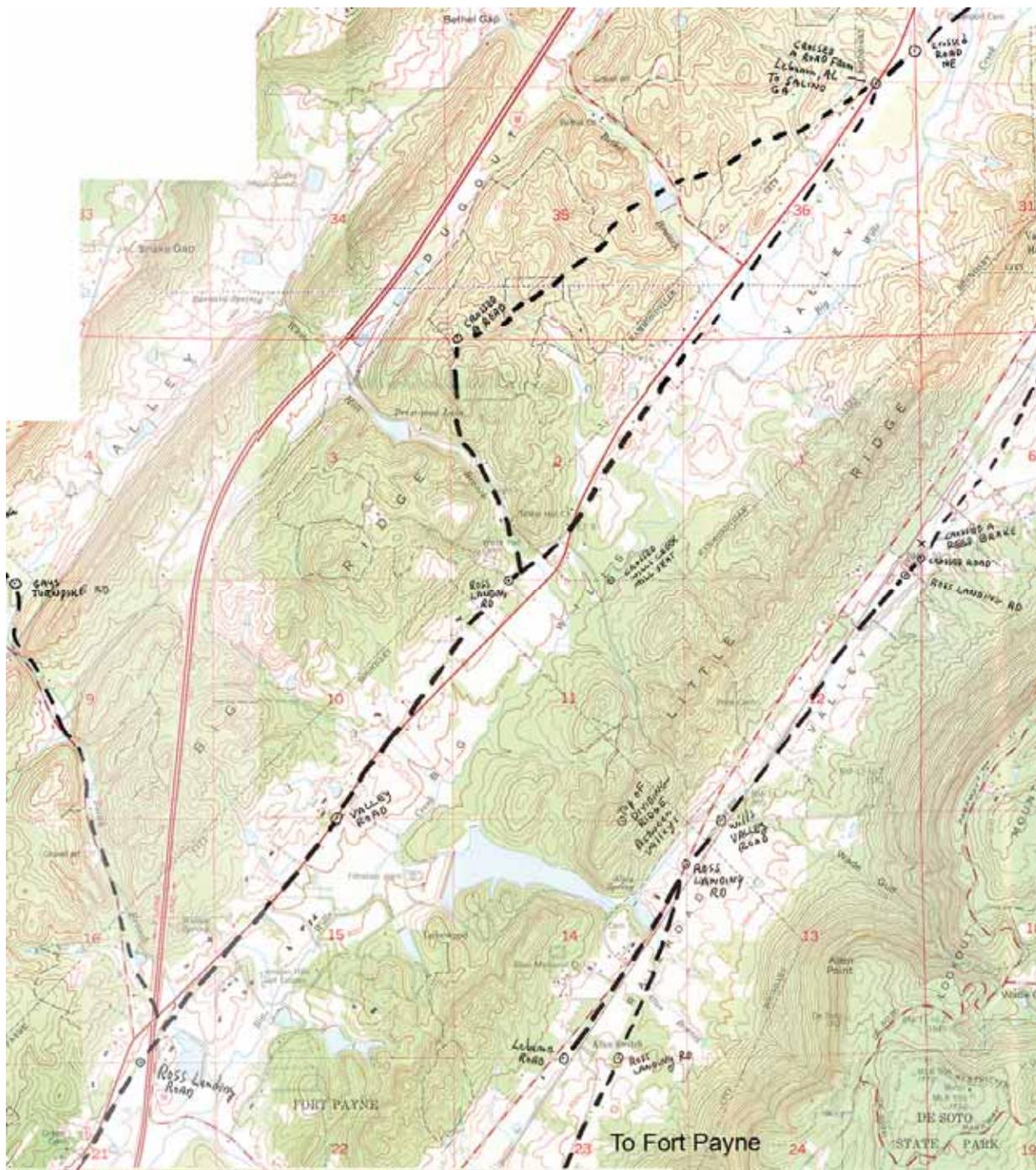




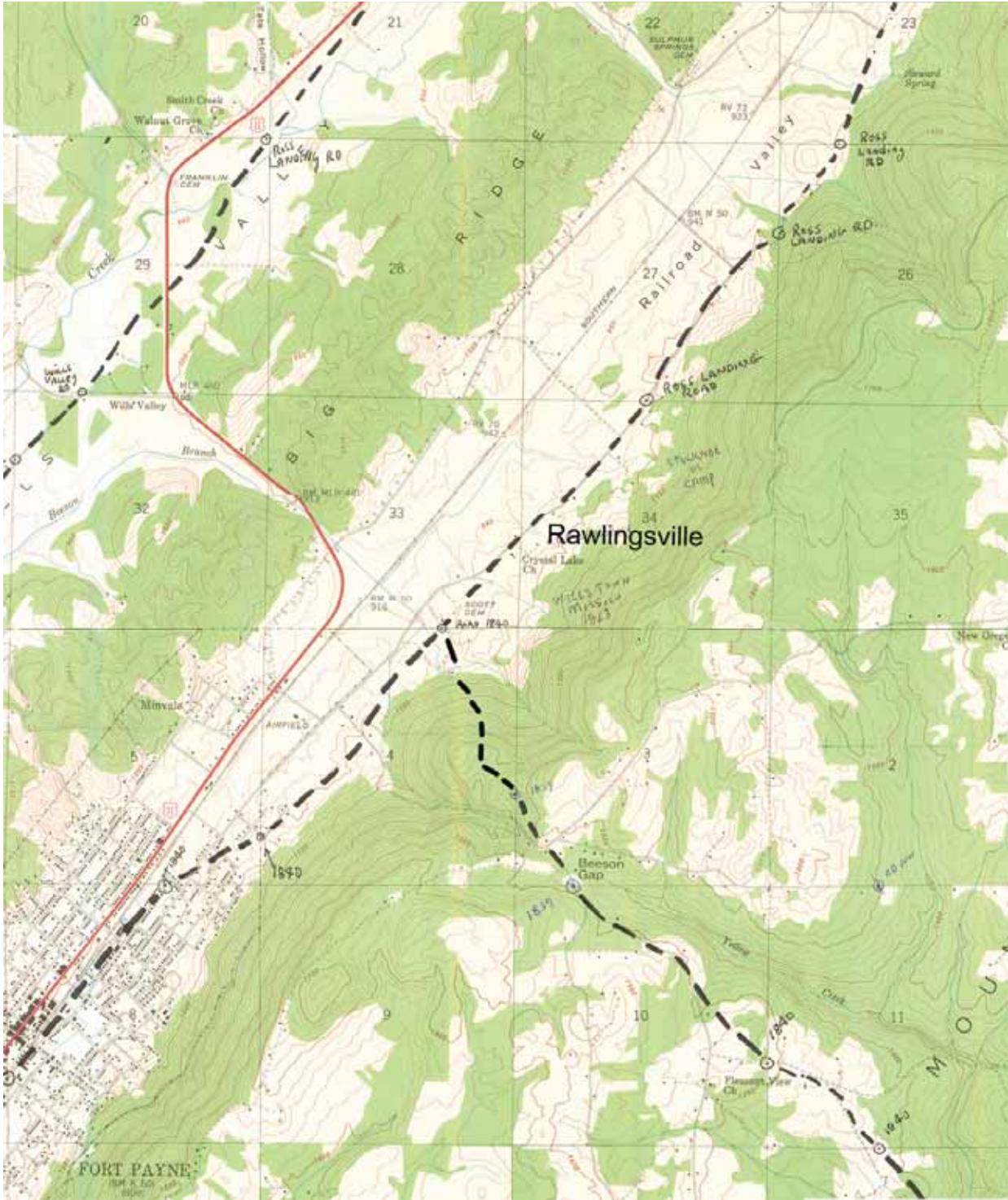
To Ross's Landing  
 alley road and Sulphur Springs, AL GA



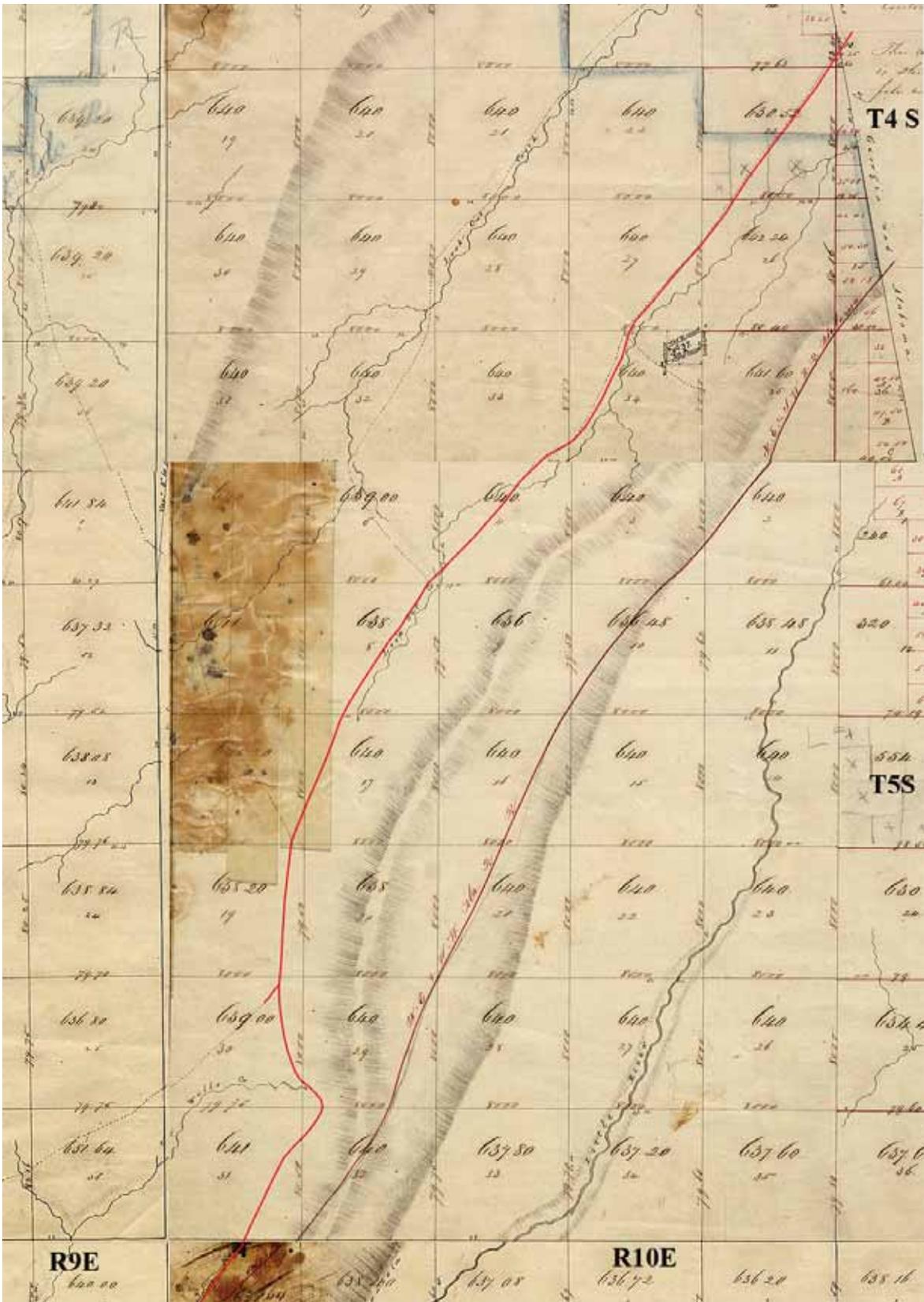
alley ead



Dugout alley



Fort Payne



0 Survey Plats Ross Landing Road to Georgia state line





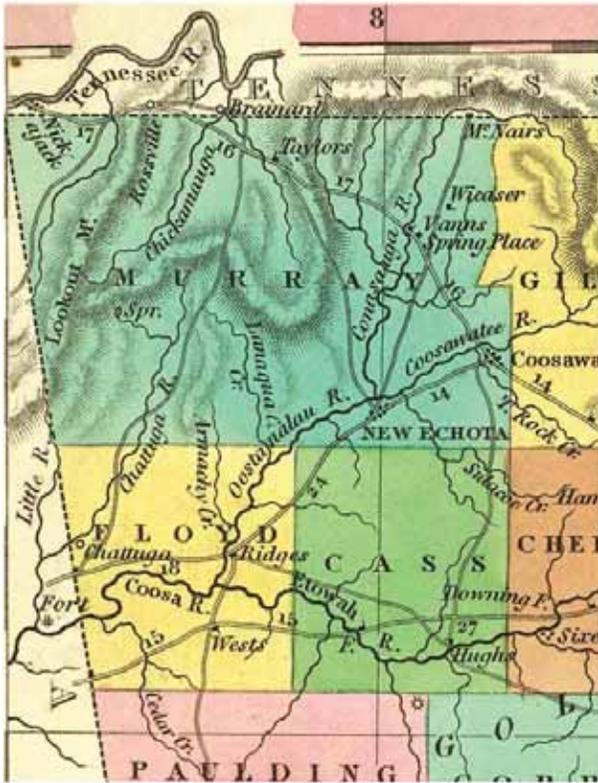
map of Georgia by John Bethune



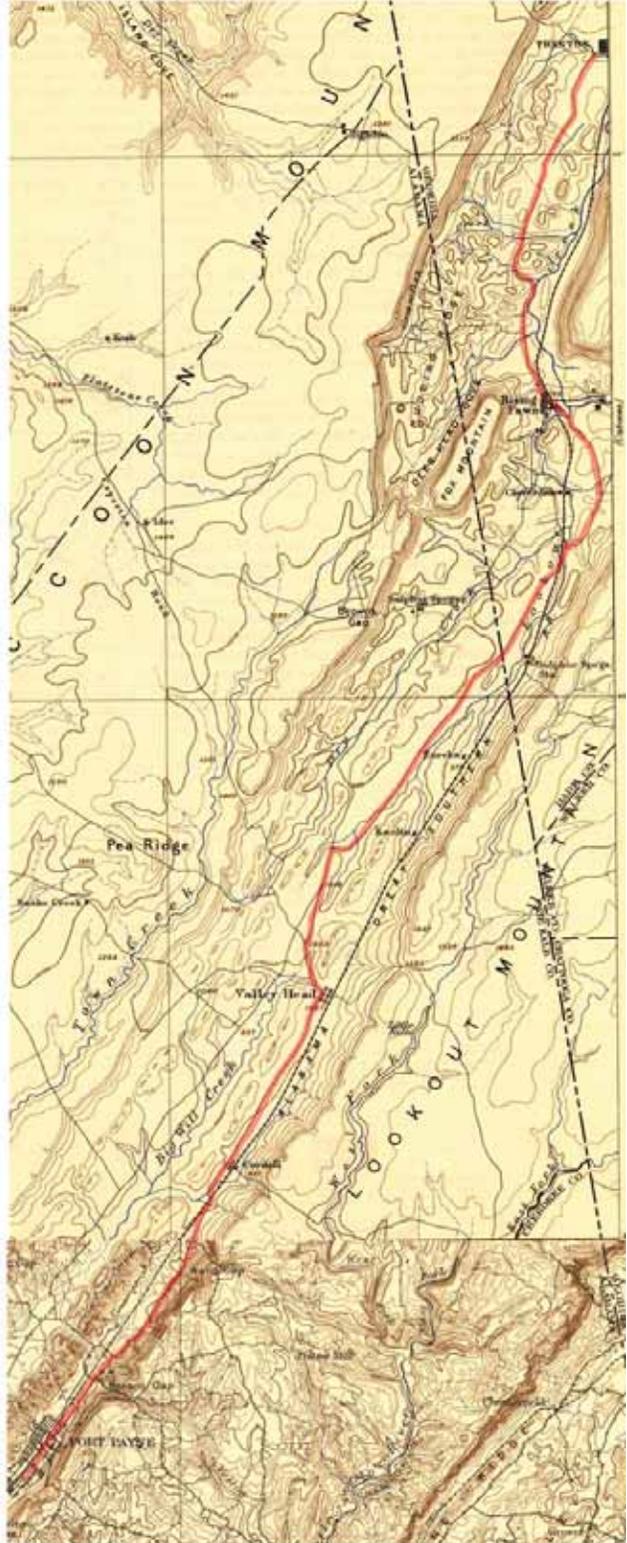
Lt. E.D. Keyes      Map of Posts and Distances in the Cherokee Nation



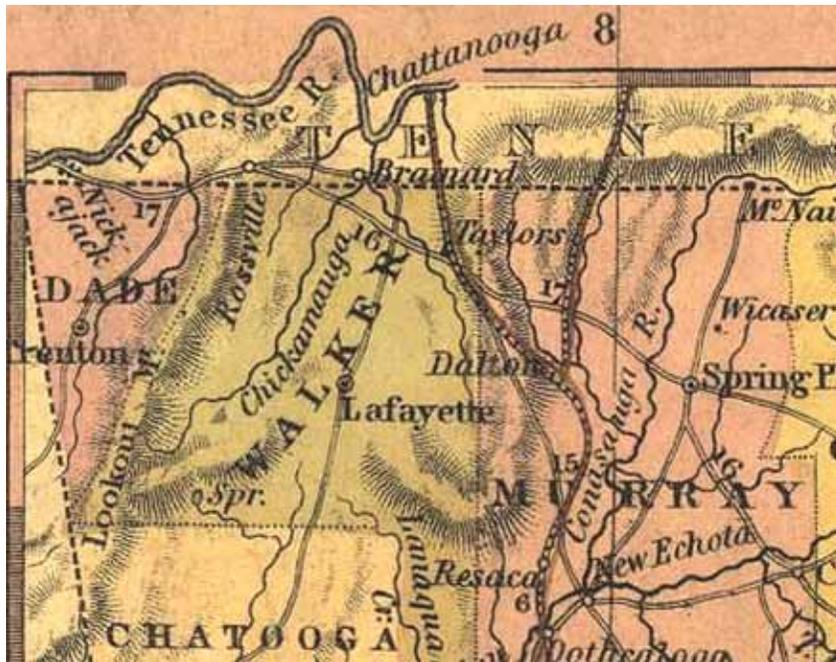
Tanner map with distances.  
Note the mile route from Willstown to Fort Deposit



map of NW GA

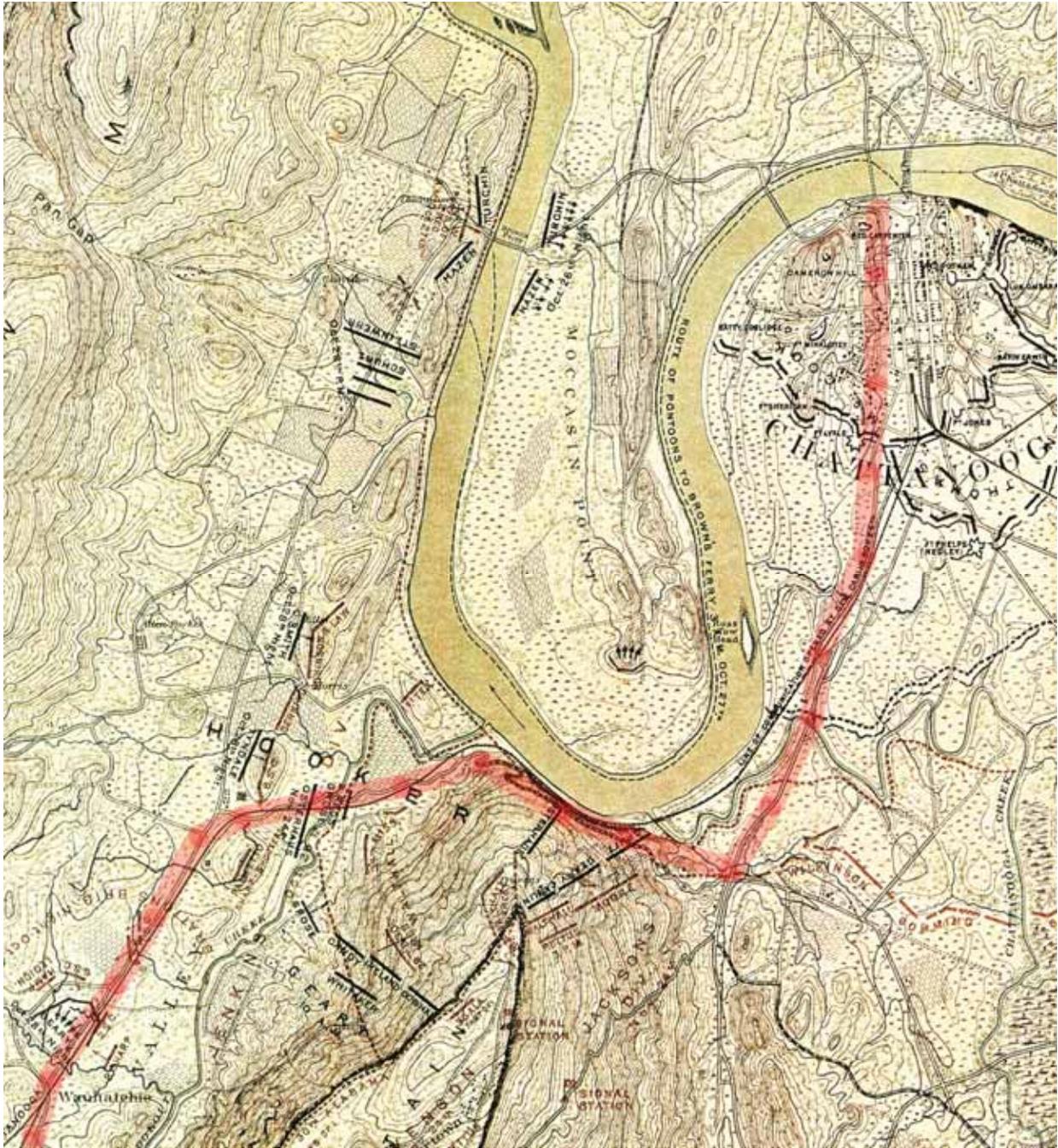


9 Stevenson and 900 Fort Payne SGS  
0 minute maps

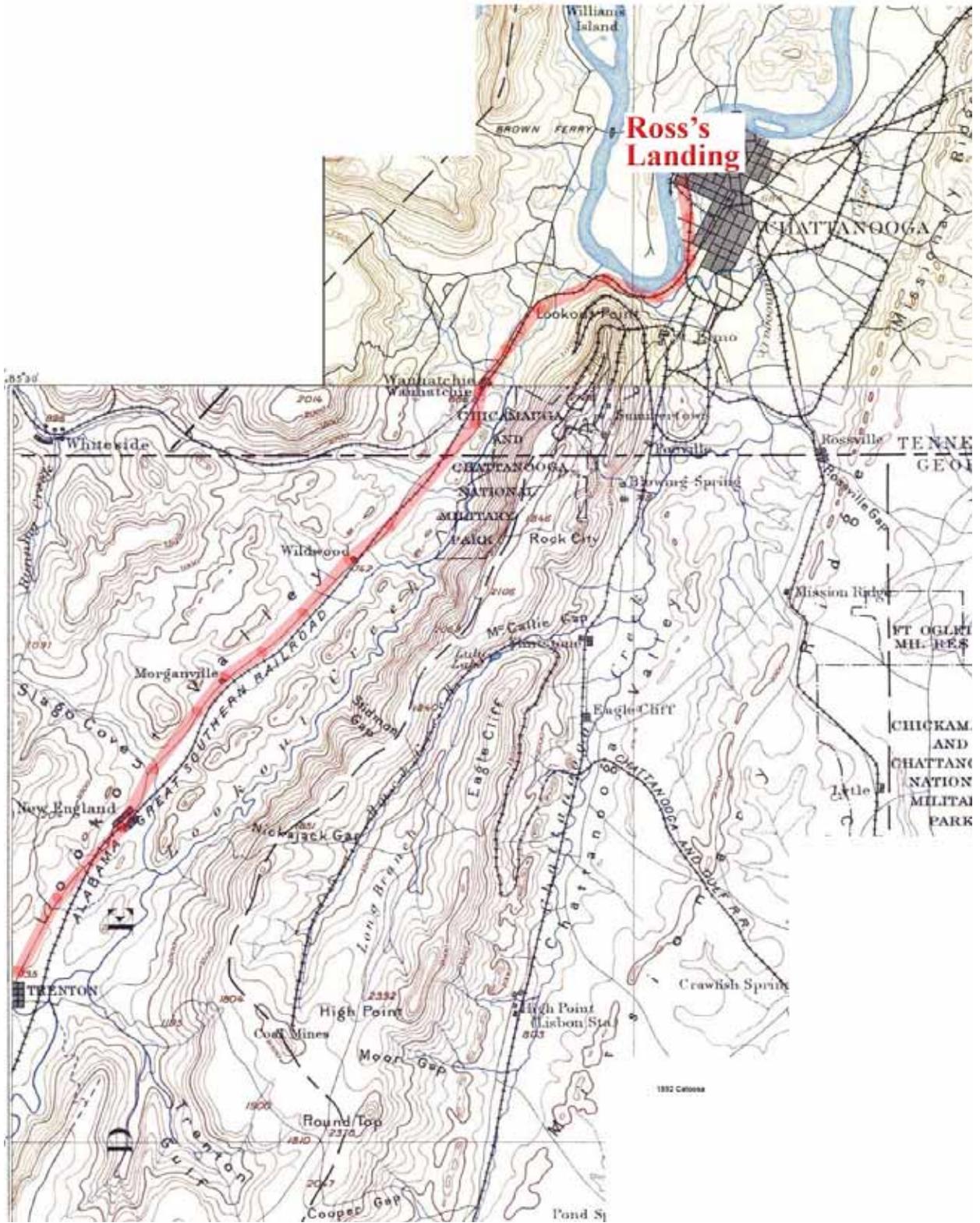


detail from a Mitchell map





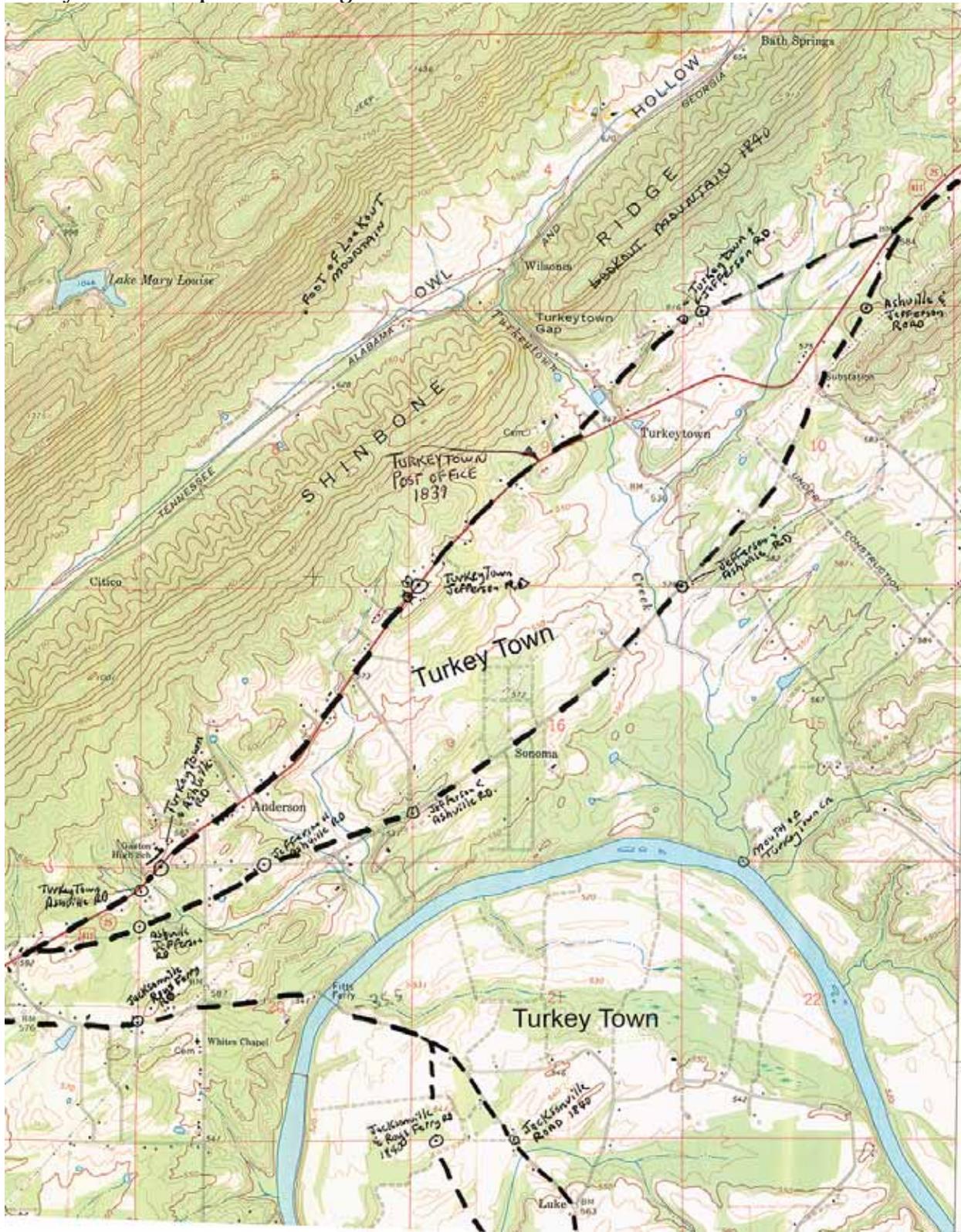
0s Civil War Map of Chattanooga Area

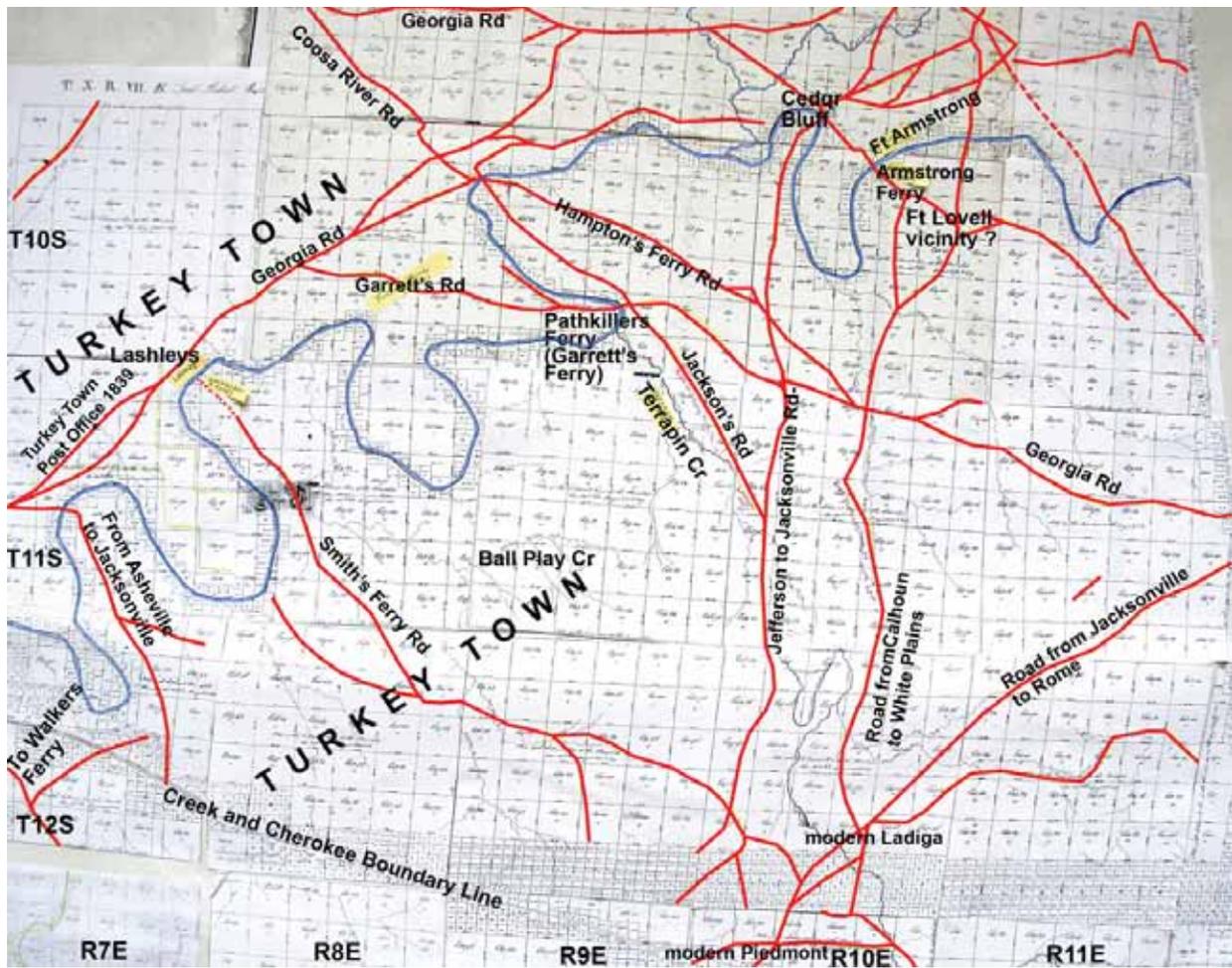


9 SGS Chattanooga, Catoosa and Ringgold sheets with the old route highlighted in red

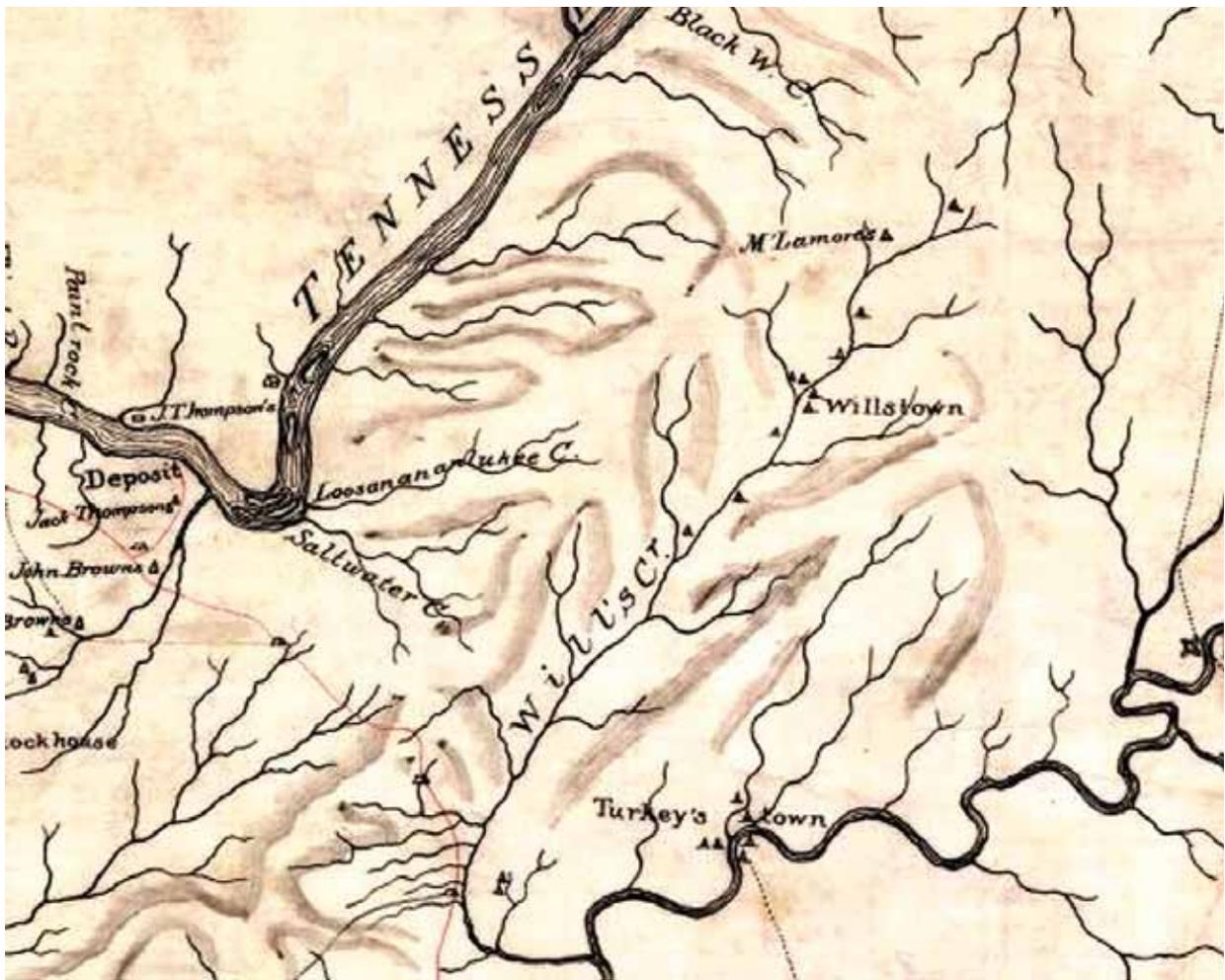
## Turkey Town to Fort Lovell Roundup Route

Turkey Town was spread out along the north and south banks of the Coosa River.





A work map composite of copies of 1800 survey plats with roads highlighted in red with names as shown on the originals. Place names were added Ft Lovell vicinity, Cedar Bluff, and Lashleys. Townships are shown with one mile squares.



Seat of War by John Melish. This map was based on the Creek War of



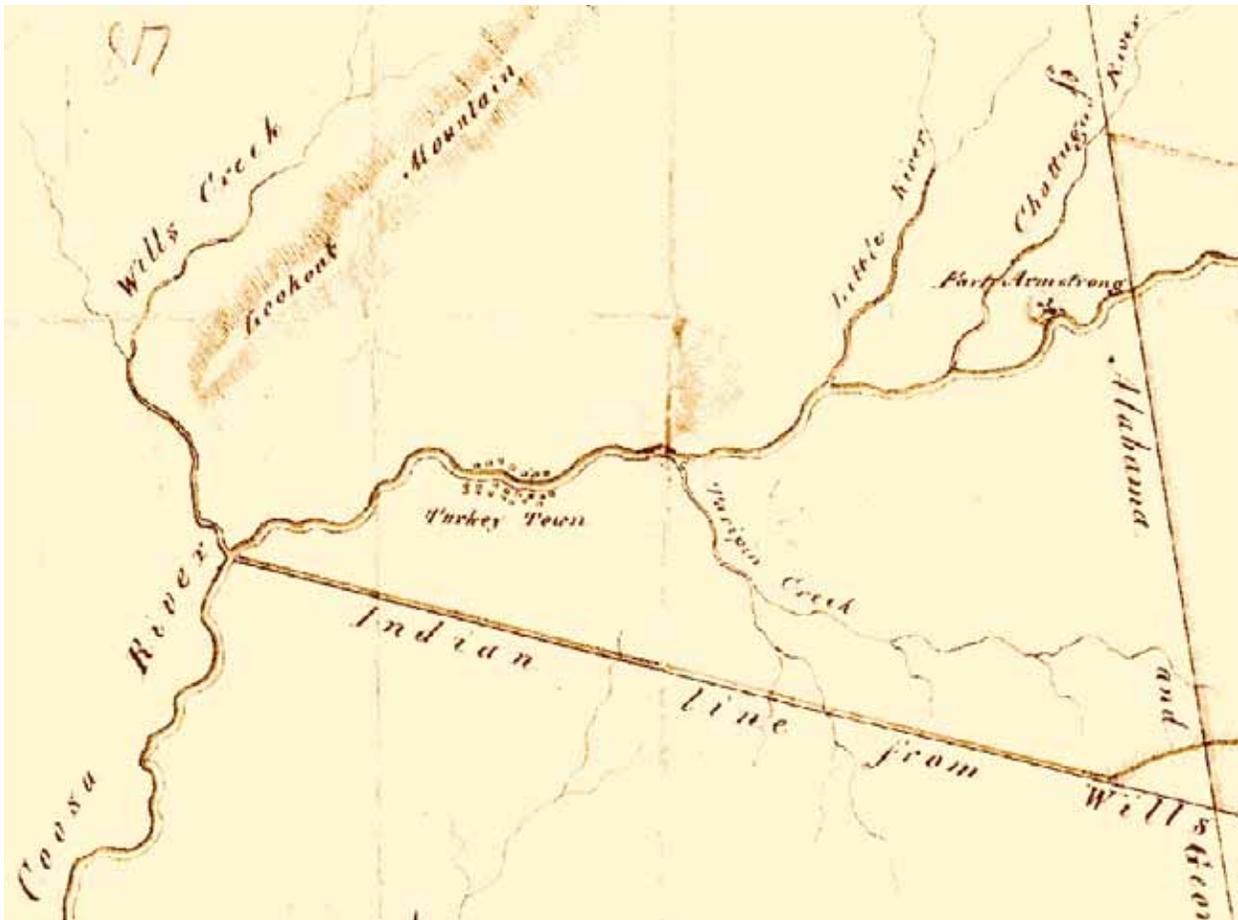
ohn Coffee map of Creek claims

### ohn Coffee

Above an 1816 Hand drawn map by General John Coffee, who fought under Andrew Jackson in the Creek War. Jackson got Coffee appointed as Surveyor General of Alabama to survey the Creek lands. Coffee had firsthand knowledge of Fort Armstrong and Turkey Town. The map and enlargement show Turkey Town on both banks of the Coosa River just east of the influx of Big Wills Creek and west of Yellow Creek.

Fort Armstrong is shown just east of the conjunction of the Chattooga River near Cedar Bluff. Fort Lovell was in the vicinity of Cedar Bluff and Fort Armstrong.

Fort Lovell could be located on the south side of the Coosa River now under Weiss Lake. There was a crossroads there and evidence that a military post might have existed there. An 1835 Army removal map shows a red "X" at this location as well as a red "X" downstream labeled Turkey Town. It is known that there was some sort of a collection center at Turkey Town. One Civil War map shows Fort Armstrong on the south shore of the Coosa River. It may well be that locals remembered this as the site of a fort, but unaware that it was the later Removal Fort Lovell.



7 Map of disputed Creek Cherokee boundary line showing the location of Turkey Town west of Terrapin Creek. By \_\_\_\_\_, the town was more spread out.

## References Cited

### Publications

Faircloth, James M.

1992 The Faircloth Notes. C.E.D. Technical Services, Tuscaloosa, Alabama.

King, Duane.

2007 The Cherokee Trail of Tears. Graphic Arts Books, Portland, Oregon.

### Government Documents

Claims of Clements, Bryan, & Company, Cherokee Rations Contract. Report No. 137, House of Representatives, 26<sup>th</sup> Congress, 2<sup>nd</sup> Session, February 12, 1841.

### Maps

University of Alabama Historical -Map Collection

<http://alabamamaps.ua.edu/historicalmaps/index.html>

David Rumsey Map Collection

Historic Maps of Alabama and Southeast

<http://www.davidrumsey.com/view.html>

1840 Survey Plats of Alabama

Bureau of Land Management

<http://www.glorecords.blm.gov/SurveySearch/Default.asp?>

Survey plats were the official survey documentation used when land title was transferred (via a Land Patent) from the Federal government to individuals. The drawings were created to represent survey lines, boundaries, descriptions, parcels and subdivisions. They are critical historic documents that can be used to help researchers locate the land referenced in a land patent's legal land description (i.e. Meridian, Township, Range, and Section/Block). The field work for the plats used in this report was done in the 3<sup>rd</sup> and 4<sup>th</sup> quarter of 1839 and the plats are dated 1840.

1839 Survey Field Notes for Alabama

Alabama Secretary of State

<http://www.sos.state.al.us/business/land.htm>

Detail of Ballplay TOPO Courtesy of Danny Crownover.

University of Alabama Historical Map Collection  
Main Author: Tanner, Henry Schenck  
Title/Description: Georgia and Alabama Improved to 1825/ by H.S. Tanner  
Publication Info: Philadelphia: H.S. Tanner, 1825  
Date: 1825  
Scale: 1:1,125,000  
Original Source: W. S. Hoole Special Collections Library

Cherokee Roundup Routes and Bengie Detachment Route on modern Alabama Highway map.

Cherokee Roundup Routes and Bengie Detachment Route on USGS relief map of Alabama  
USGS State of Alabama  
Scale 1:500,000  
Shaded Relief, 1970

LaTourette, John  
Date: 1837  
An Accurate Map of the State of Alabama and West Florida. Colton and Company, New York.

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Ballplay, Leesburg, and Fort Payne

1943 photo of ox-drawn wagon on Qualla Boundary – courtesy of Eastern Band web site

Excerpt from 1840 survey notes

University of Alabama  
Main Author: Society for the Diffusion of Useful Knowledge  
Title/Description: North America, sheet XII: Georgia with parts of North & South Carolina, Tennessee, Alabama & Florida  
Publication Info: London: Baldwin & Gradock  
Date: 1833  
Original Source: W.S. Hoole Special Collections Library

Main Author: Surveyor General of the United States  
Title/Description: A diagram of the State of Alabama exhibiting the situation of the Public Surveys. Surveyor's Office, Florence  
Publication Info: Alabama, Jas. H. Weakley, Surveyor General of the Public Lands in Alabama

1840 BLM survey plat

From the Official Military Atlas of the Civil War, Major George B. Davis, U.S. Army, Leslie J. Perry, Civilian Expert, Joseph W. Kirkley, Civilian Expert, Washington, Government Printing Office, 1891-1895

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Cedar Bluff, Gaylesville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Gaylesville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Gaylesville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Jamestown, AL

1835 Military Map circa 1835. The Cherokee Trail of Tears. Duane King. Graphic Art Books,  
Portland, Oregon. (Collection of the Cherokee Indian, Cherokee, Swain County, North Carolina)

1840 field notes for Section 18-T7S-R11 E noting the survey line passed through Fort Larkens  
(Fort Likens)

Main Author: Wadsworth, George

Title/Description: Map of Alabama Showing its Rail-Roads and their Connections North East.

Publication Info: Hand drawn

Date: 1858

Scale: not indicated

Original Source: Alabama Department of Archives and History

From the Official Military Atlas of the Civil War, Major  
George B. Davis, U.S. Army, Leslie J. Perry, Civilian  
Expert, Joseph W. Kirkley, Civilian Expert, Washington,  
Government Printing Office, 1891-1895

USGS Topographic Quadrangle Map Series, 1:100,000 scale  
Rome & Chickamauga

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Gaylesville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Gaylesville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Jamestown, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fort Payne, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fort Payne, AL

4 images:

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fort Payne, AL with detail of the old fort site.

Detail from 1827 Drayton Map

Main Author: Drayton, James

Title/Description: Geographical, statistical, and historical map of Alabama

Publication Info: [S.l. : s.n.] c. 1827

Date: 1827

Scale: 1:1,900,000

Original Source: W. S. Hoole Special Collections Library

Detail from 1826 map:

Main Author: Vance, D.H. and Young, J.H.

Title/Description: Map of Louisiana, Mississippi, and Alabama, Constructed from the Latest Authorities

Publication Info: Philadelphia: A. Finley, 1826

Date: 1826

Scale: 1:1,900,000

Original Source: Alabama Department of Archives and History

Main Author: Fenner, Sears and Company

Title/Description: Map of the States of Alabama and Georgia

Publication Info: London: Hinton, Simpkin & Marshal, c.1831

Date: 1831

Scale: 1:2,217,000

Original Source: Courtesy of Whitney Telle, Northport, Alabama

1840 BLM Survey Plat

1840 BLM Survey Plat

Main Author: Wadsworth, George

Title/Description: Map of Alabama Showing its Rail-Roads and their Connections North East.

Publication Info: Hand drawn

Date: 1858

Scale: not indicated

Original Source: Alabama Department of Archives and History

1900 USGS Fort Payne Topographic Map

Photo: Little River Falls, Lamar Marshall

Photo: Grace's High Falls, Lamar Marshall

Photos of Ross's Landing Historical Markers, Lamar Marshall

Topographic maps from National Geographic TOPO software

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Sulfur Springs, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Valley Head and Sulfur Springs, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Valley Head, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Dugout Valley, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fort Payne, AL

1840 BLM Survey Plat

1840 BLM Survey Plat

Main Author: Bethune, John

Title/Description: A Map of that Part of Georgia Occupied by the Cherokee Indians

Publication Info: Milledgeville: Surveyor General of the State of Georgia, 1831

Date: 1831

Scale: 1:285,000

Original Source: Alabama Department of Archives and History

Lt. E.D. Keyes 1838 Map of Posts and Distances in the Cherokee Nation

3 maps:

Main Author: Tanner, Henry Schenk

Title/Description: Map of the Roads, Canals and Rail Roads of the United States

Publication Info: Philadelphia: H.S. Tanner, 1834

Date: 1834

Scale: not indicated

Original Source: W. S. Hoole Special Collections Library

Main Author: Bradford, Thomas G.

Title/Description: Georgia

Publication Info: Boston: Weeks, Jordan & Co.; New York: Wiley and Putnam

Date: 1838

Scale: 1:584,000

Original Source: David Rumsey Collection

Stitched details from 1895 Stevenson and 1900 Fort Payne USGS 30 minute maps

Detail from map by Samuel Augustus Mitchell, A New Map of Alabama, 1846

Main Author: Meyer, Joseph

Title/Description: Georgia

Publication Info: Hildburghausen Bibliographischen Institute

Date: 1845

Scale: 1:750,000

Original Source: David Rumsey Collection

Map of the Battlefields of Chattanooga and Wauhatchie, prepared under the direction of the Honorable Daniel S. Lamont, Secretary of War, by the Chickamauga and Chattanooga National Park Commission, 1896

1893 USGS Chattanooga, Catoosa and Ringgold

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale

Gadsden East, AL

Composite of copies of 1840 survey plats

Main Author: John Melish

Title/Description: General Jackson's Campaign Against the Creek Indians, 1813 - 1814

Publication Info: Philadelphia: J. Melish, 1815; from A Military and Topographical Atlas of the United States"

Date: [c.1815]

Scale: 1:633,000

Original Source: Alabama Department of Archives and History

The Library of Congress. Map by John Coffee done circa 1816 as a part of determining the boundary between the Creek and Cherokee

[http://memory.loc.gov/cgi-bin/query/D?gmd:6:./temp/ammem\\_ozx1::mdb\\_gmd](http://memory.loc.gov/cgi-bin/query/D?gmd:6:./temp/ammem_ozx1::mdb_gmd)

Map by which the Creek Indians gave their statement at Fort Strother on the 22nd Jany, 1816 : [Alabama and Georgia].

CREATED/PUBLISHED

[1816]

NOTES

Shows Alabama and Georgia from the Tombigbee River in the west to the southern Great Smoky Mountains and the Savannah River in the east and indicating U.S. Army forts in that region.

1817 John Coffee map of disputed Creek - Cherokee boundary line showing.

## Chapter 10

### The Benge Detachment

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## The Benge Detachment

### The Benge and Lowrey Families

John Benge was the conductor of Detachment #4 (detachment number in John Ross Papers) and George Lowrey was the Assistant Conductor. It is not surprising that these two men were chosen to lead the Benge Detachment during the forced removal of the Cherokee Nation in the fall of 1838. The Benge family and the Lowrey family had a long-term relationship dating back many years. Both families had their beginnings from white traders of Scottish descent, who came to trade in the Cherokee Nation during the middle to late 1700s and married Cherokee women.

The grandfather of John Benge was also named John Benge and was of Scot ancestry. In the mid-1700s he obtained a trader's license to conduct business in the Cherokee Nation and married the sister of Chief Old Tassel. A son, Robert (Bob) Benge, was born to them with fiery red hair. Bob Benge, also known as The Bench, became totally involved in the Cherokee and Creek resistance against white settlement, especially after his uncle, Old Tassel, was killed by a white man under a flag of truce. As a young man, he "swore lifelong vengeance against the white man. Due to the fact that he wore a sword (given to him by his grandfather, the Raven), he came to be called Capt. Benge by the white men; but to the Indians he became Benge Teehee, or Benge the Killer." Capt. Benge became well known to white settlers due to his killing of forty or fifty persons at different times on the frontier. He was so notorious that mothers could make their children behave simply by saying: "Captain Bench will get you, if you're not good." Bob Benge was described as speaking fluent English. "Benge's favorite hunting ground for white captives and scalps was southwestern Virginia. His route was up the trail in Sequatchie Valley to the Kentucky road at Cumberland Gap, thence into Virginia." He was killed in 1794 during a raid in southwestern Virginia (Brown; Chattanooga News-Free Press; June 7, 1956). The son of Bob Benge was John Benge, who became the conductor of the Benge Detachment.

George Lowrey, Jr., the assistant conductor, also descended from a Scot/Cherokee marriage. His father, George Lowrey, Sr. was born in Scotland ca. 1740. He settled in the East Tennessee part of the Cherokee Nation and married Nannie, a full blood Cherokee of the Holy (Holly) Clan. Nannie was born ca. 1748 and died in the Cherokee Nation East in Georgia. Their son, George Lowrey, Jr. was born in 1770 in Tahakeegee on the Tennessee River in East Tennessee. He married Lucy Benge, the sister of Capt. Benge. Lucy Benge was born ca. 1786 in Tennessee. George and Lucy were the parents of ten children, all born on the Tennessee River in Tennessee (Bell 1972: 248-250). Therefore George Lowrey's wife was the aunt of John Benge, the conductor.

Interestingly, the majority of white traders who settled in the Cherokee Nation were Scots, many coming directly from Scotland. Even the well-known Chief John Ross descended from one of these Scot-Cherokee marriages and was connected to the Lowrey family by marriage. The Cherokees, for several generations before the time of Chief John Ross, married traders who circulated among them. The first such alliance in John Ross's direct line took place in the section of the Little Tennessee River, where Fort Loudon was later erected (1756). William Shorey, a Scotch trader, married Ghi-goo-u about 1740 and one of their two daughters married John McDonald (born in Inverness Scotland) and the other daughter married John Lowrey (Armstrong 1931: 56), the brother of George

Lowery, Jr. (Bell 1972: 248-249). John Ross's brother, Andrew Ross, married Susan Lowrey, the daughter of George Lowery (Armstrong 1931: 56). There were other marriages between the Benge, Lowrey, Ross, and Shorey families, but those mentioned above were directly involved with events related to the Cherokee Removal during the 1830s and the Benge Detachment in 1838.

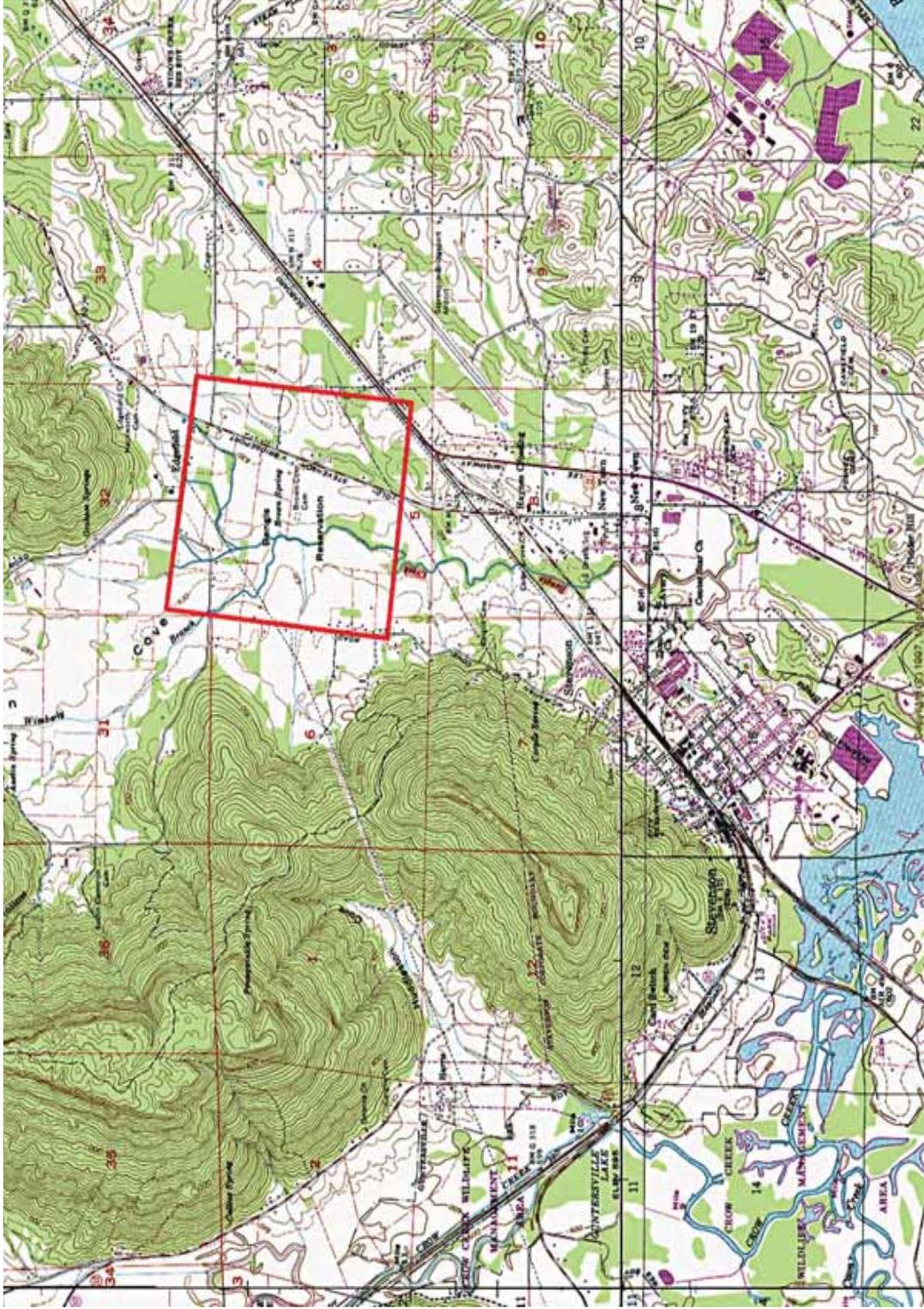
### **The Benge and Lowrey Families Move from their Reservations**

In a letter to the Office of Indian Affairs, War Department, dated January 19, 1838 from T.L. McKenney both John Benge and George Lowrey are listed as receiving "Fee Simple reservations." This list is titled: "List of persons entitled to reservations under the treaty with the Cherokees of February 27, 1819, according to the treaty, and the returns of the commissioners appointed to superintend the surveying and laying off said reservations to the War Department, showing those entitled to reservations for life and those entitled to reservations in fee simple" (American State Papers 1998 [1860]: 396-397). In Hampton's (1979) compilation of Cherokee Reserves the reservations for both John Benge and George Lowrey are listed as being located "within the chartered limits of Tennessee." There is no other information in this compilation to indicate where the John Benge reservation was located, however there is a reference to a reservation taken by The Pigeon, a native, being located "on Battle Creek one mile from George Lowry's" (Hampton 1979: 7, 13). Armstrong (1931) substantiates that George Lowrey did live on Battle Creek in Marion County, Tennessee (the location of Battle Creek) and moved to Willstown, Alabama, when a treaty extinguished the title to his reservation. Armstrong furthers states:

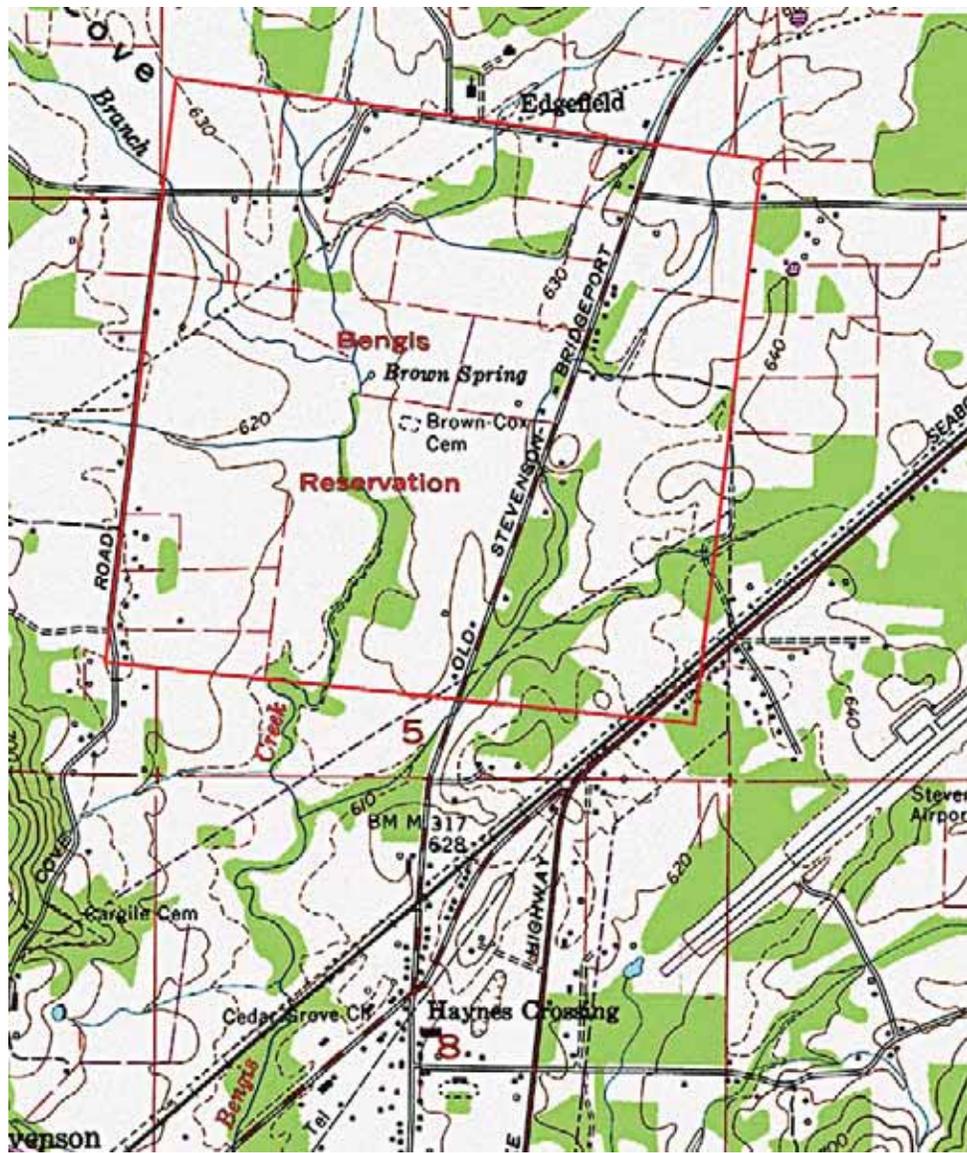
He and his wife, Lucy Benge, a half sister of Sequoyah, were members of the Brainerd Presbyterian Church and he was elected a ruling elder. He spoke English fluently and frequently acted as Interpreter in the Brainerd Church and later at Willstown where he was also elected elder in the Presbyterian Church. Sequoyah made his home (at Battle Creek) with his sister, Lucy Benge Lowrey, and her husband, Major George Lowrey. Major Lowrey was the first to learn Sequoyah's Syllabary (after Sequoyah had taught it to his little daughter (Armstrong 1931: 43).

In a spoliation claim filed by George Lowrey on March 21, 1842 for property stolen from him beginning from 1812 until 1821, he stated that he moved from Battle Creek to Wills Valley. Lucy Lowry filed a spoliation claim on April 1, 1842 for corn lost while she was living on Battle Creek in 1820 and 1821.

John Benge's reservation was actually located in the northeast part of Alabama. The reservation lies 6.299 miles from the Tennessee State Line and 12.7 miles from the Georgia State Line. John Benge moved to Lookout Valley in the northwest corner of Georgia some time after the Cherokee Land Cession dated February 27, 1819. See Chapter Four. The following pages show John Benge's Reservation on the Doran Cove USGS Topo Map, AL and the area where he relocated in Lookout Valley, Georgia.. According to an interview with Ted Rumley, a local resident, the field in the photo is still called Benge's Field (behind the Rising Fawn Church of God). According to oral history John Benge's house was located two houses to the right of the church. The mill site was located on Ted Rumley's property nearby. See Appendix A for property valuations.



John Benge's Reservation shown on Doran Cove TOPO.



Detail of John Benge's Reservation on Doran Cove, Alabama TOPO.



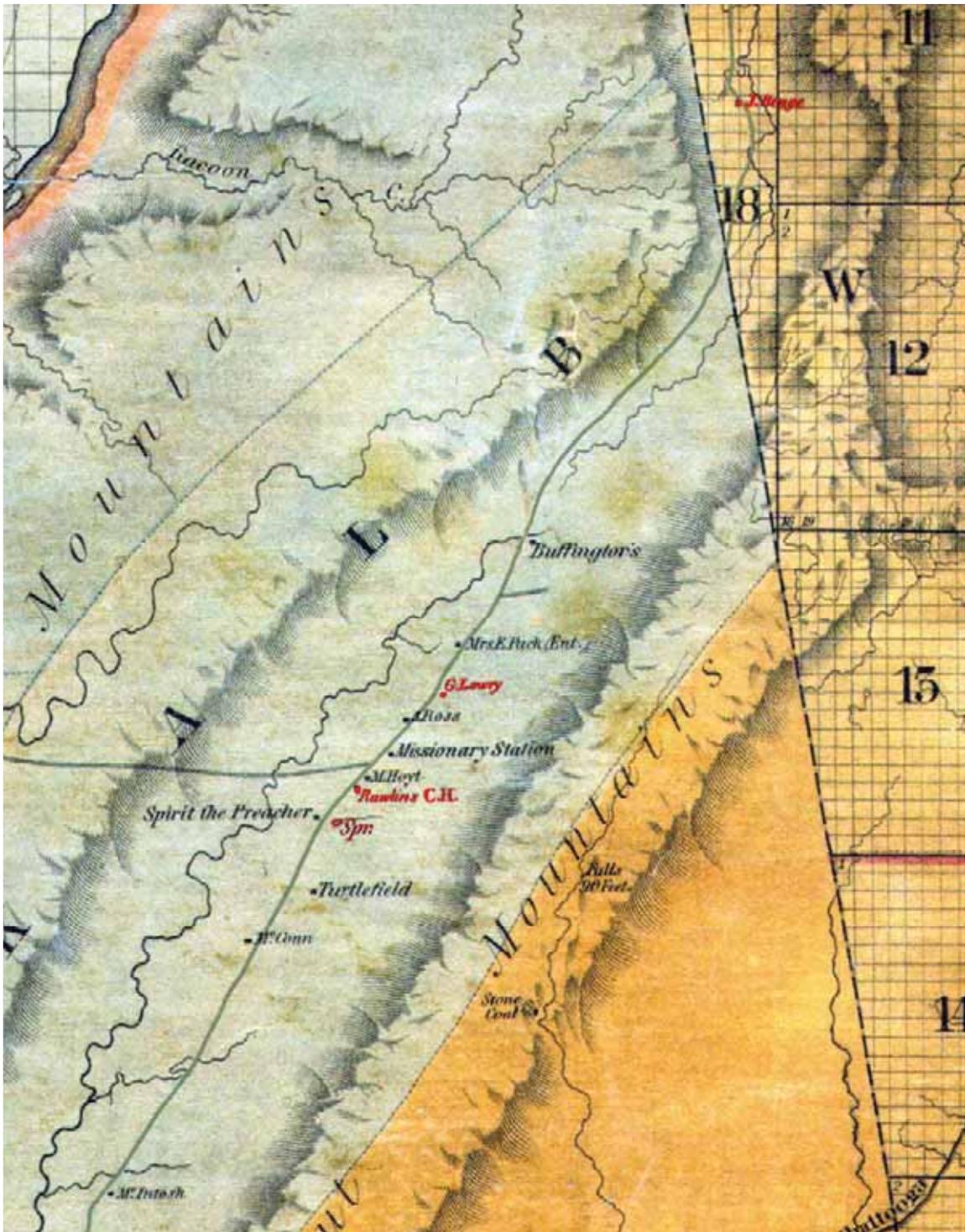
**Rising Fawn, Georgia Church of God.**

**Photo by Marty King**



**John Benge's field, behind the above church.**

**Photo by Marty King**



Detail of LaTourette Map of 1837. J. Benge and G. Lowry residences can be seen in red.  
Digitized and adjusted by Marty King

### **Politics of the Cherokee Nation – John Benge and George Lowrey**

Both John Benge and George Lowrey were openly opposed to Cherokee removal to west of the Mississippi River; however, historic records indicate that George Lowrey was more involved than John Benge in holding positions in political offices. Although John Benge did not appear to occupy many political offices before removal to the west, he did show his solid support for the John Ross side of removal issues by signing several documents sent to Congress and being involved with resistance to the 1835 Treaty of New Echota and Cherokee Removal.

On October 13<sup>th</sup>, 1826 John Benge was nominated and recommended for the Chicamauga District as a delegate to the constitutional convention (Starr 1993[1921]: 51); however, Malone (1956: 84) does not show him as being elected as a delegate. A letter dated June 21<sup>st</sup>, 1836 was written to the Senate and House of Representatives as a “statement of facts.” This letter addressed unjustified treatment toward the Cherokee Nation by the federal government and the State of Georgia, as well as hostile and unscrupulous treatment of individual Cherokees. John Benge signed this letter as a representative of the Cherokee nation, east of the river Mississippi (Moulton 1985: 427-444).

On September 28, 1836 a memorial addressing the state of affairs was submitted to the Senate and House of Representatives from an assembly of the Chiefs, National Committee and Council and people of the Cherokee Nation at Red Clay in part stating the following recommendation:

In conclusion, we commend to your confidence and favor, our well-beloved and trust-worthy brethren and fellow-citizens, John Ross, Principal Chief, Richard Taylor, Samuel Gunter, **John Benge**, George Sanders, Walter S. Adair, Stephen Foreman, and Kalsateehee of Aquohee, who are clothed with full powers to adjust all our existing difficulties by treaty arrangements with the United States, by which our destruction may be averted.

Signed by Ross, **George Lowrey**, Edward Gunter, Lewis Ross, thirty-one members of the National Committee and National Council, and 2,174 others (Moulton 1985: 460-461).

On September 30, 1836 a letter was written to Brigadier General John E. Wool addressing the 1835 Treaty of New Echota. An excerpt is as follows:

The undersigned Chiefs and Representatives of the Cherokee People, beg leave to address you as the Commanding General intrusted with the execution of the orders of the President of the United States [Andrew Jackson], concerning the instrument purporting to be a treaty between the United States and the Cherokee Nation East of the Mississippi, and have the honor to state, that your communication of the 19<sup>th</sup> inst. to the Cherokee People, respecting your instruction on the subject, was promptly read and interpreted to them in General Council assembled. The result of their deliberations & the expression of sentiments adopted by upwards of twenty one hundred male adults on this occasion, the undersigned would also most respectfully communicate thro’ you, to the Govt. of the United States as follows to wit—The chiefs, National Committee & Council and the people of the Cherokee Nation in General Council assembled, have resolved that, the instrument purporting to be a treaty made at New Echota, on the 29<sup>th</sup> day of Decr. 1835

by the Revd. Jno F. Schermerhorn Commissioner of the United States and the Chiefs, Head men & people of the Cherokee Tribe of Indians, is a fraud upon the Govt. of the United States and an act of oppression on the Cherokee people—that those who are represented as acting on the part of the Cherokees, and who assume the style of “Chiefs & Head men” hold no such title or designation from the Cherokees, nor, have they received authority from the Nation to form said instrument, therefore said instrument is null & void and can never in justice be enforced upon the nation, as they do most solemnly disclaim and utterly reject said instrument in its principles and all its provisions—that a respectful memorial to the Govt. of the United States be prepared on behalf of the Cherokee people praying that the said instrument may be set aside. That a delegation consisting of John Ross Principal Chief, Richard Taylor, Samuel Gunter, George Sanders, Walter S. Adair, **John Benge**, James Brown & Stephen Foreman be & are appointed with full powers to represent the Cherokee people before the Govt. of the United States, and to enter into arrangements for the final adjustment of all their existing difficulties. That this delegation are instructed to confer with the Cherokee West of the Mississippi on the subject of their acting in concert for the interests & happiness of the whole Cherokee family.....

Signed by Ross, **George Lowrey** and thirty-one members of the National Council and National Committee (Moulton 1985: 461-462).

On February 22<sup>nd</sup>, 1837 another memorial and petition was made, denying the 1835 treaty, to the Senate and House of Representation from a delegation of Eastern Cherokees and a delegation from the Western Cherokees. An excerpt states: “We, the regularly commissioned delegation of the Cherokee Nation in the face of Heaven and appealing to the Searcher of all hearts for the truth of our statements ask you to listen to our remonstrances. We implore you to examine into the truth of our allegations.” This memorial/petition was signed by Jno Ross, R. Taylor, James Brown, Samuel Gunter (X), George Sanders (X), **John Benge (X)** – Delegation from the Eastern Cherokees. John Looney (X), Aaron Price (X), Wm. Dutch (X), and W.S. Coody signed as the delegation from the Western Cherokees (Moulton 1985: 470, 473-474).

On March 16<sup>th</sup>, 1837 a letter was written to congratulate Martin Van Buren on his “accession to the lofty and dignified situation which you have been called upon by your Countrymen to fill (the presidency).” This letter was to inform President Van Buren of the situation in the Cherokee Nation and their opposition to the 1835 treaty. An excerpt is as follows:

The documents we have with us—an which have been seen by the Commissioner of Indian Affairs [Elbert Herring] and by the Secretary of War, show that we are now fully empowered as we were in 1835, to negotiate upon all matters with the United States. We are prepared at once to enter upon such negotiation and we believe that all difficulties may be arranged to the mutual satisfaction of all parties.

This letter was signed by the same persons signing the February 22, 1837 memorial as noted above, except the signatures were not designated as East or Western Cherokees. John Benge was again listed as one of the signers (Moulton 1985: 480-487).

On August 3<sup>rd</sup>, 1837 the Cherokee Nation met in General Council to report on a trip west by a delegation of the Eastern Cherokees. “In the discharge of this duty the delegation Consisting of Messrs. James Brown, Saml. Gunter, **John Benge**, George Sanders, Stephen Foreman and myself (John Ross), met at the house of Mr. Edward Gunter in Creek path Valley—and set out from thence, for Arkansas, on the [blank in the manuscript] day of October last.” Opposition by the Western Cherokee to the removal of the Eastern Cherokee to the west was explained in detail. Interestingly the delegation learned the following:

“that the eight hundred thousand acres of land which has been negotiated for by [Major] Ridge & his Associates with the Commr. Mr. [John F.] Schermerhorn for the sum of \$500,000 is separated from the territory heretofore surveyed for the Western Cherokees by the lands occupied by the Senecas, Shawnees & Quapaws—above all, it was worthless to the Cherokees, as it can never be settled for the want of wood, water & tillable soil—it being situated in a bleak region and represented as being almost entirely a prairie country and covered over with Stones” (Moulton 1985: 507-509).

After the Cherokee Removal John Benge was one of the signers of the Act of Union between the Eastern and Western Cherokees on July 12<sup>th</sup>, 1839 (Starr 1993[1921]: 121).

George Lowrey was very involved in the affairs of the Cherokee Nation. He served as captain of the light horse company in 1808 and 1810, was a member of the Standing Committee from 1809-1822, signed the Treaties of 1817 and 1819, translated Cherokee laws and the New Testament of the Christian Bible (jointly with his son-in-law David Brown) into the Cherokee language, was a member of the National Committee in 1822, was a member of the Constitutional Convention from the Chatooga District in 1827, one of the signers of the Constitution of the Cherokee Nation on July 26, 1827, began serving as assistant principal chief in 1829, was vice-president of the National Temperance Society in 1833, and signed as the President of the Eastern Cherokees the Act of Union in 1839, which reunited the eastern and western Cherokees after removal (Malone 1956: 80, 105, 166); Moulton 1985: 726; Starr 1993[1921]: 121).

### **Letters Describing Conditions in the Benge Detachment**

As conductor and assistant conductor, both John Benge and George Lowrey showed their concern for the people in their detachment. They wrote a letter to John Ross on Sept. 29<sup>th</sup> 1838 stating that “at least Two thirds are in a destitute condition and in want of shoes, Clothing and Blankets.” They were told by the commanding officer at Fort Payne that the detachment must move by October 1<sup>st</sup> and that they would no longer be receiving rations after that time. Fifteen wagons with 305 persons had been started that day and twenty more would probably start the following day. They asked that shoes, blankets, and clothing be supplied as was the case with other emigrating parties. They asked for these supplies to be furnished on the road near Huntsville or if not, they requested the funds to buy such items. They stated that the detachment consisted of “One Thousand and Ninety Persons and three families yet to come in.” At the present time there were only 83 tents and many families were compelled to start without a tent. “Mr. Colborn the Contractor has offered to procure the Necessary supply of Tents at

Huntsville if you will Instruct him to do so they can be made by the same person who made those we have already received and they can probably be in readiness by the time the Detachment will reach that point (Moulton 1985: 673).

On October 11<sup>th</sup>, 1838 a letter was written by B. Poole, 1<sup>st</sup> Lieut Arty, to Lt. Col. Wm. Gates, Comdg Lower District Cherokee Nation, stating that the Benge Detachment had left its “camp eight miles below Fort Payne” on October. 4<sup>th</sup> and that on October 7<sup>th</sup> it was within fourteen miles of Gunter’s Landing. The remaining families to join the Benge Detachment passed Fort Payne on October 5<sup>th</sup>; however, during Lieut. Poole’s travel to a camp near Missionary Hill, Tennessee there were about twenty more persons on their way to join the detachment. “The public property at Fort Payne was sold at public auction except the Camp and garrison equipment and medical stores, which has been transported to this place.” The troops left Fort Payne on October 8<sup>th</sup> (National Archives and Records Administration (NARA), M1475, RG 393, Roll 2, Frames 370-371).

Another letter written by John Ross on November 12<sup>th</sup>, 1838 from Cherokee Agency East to Major General W. Scott stated that Mr. Theodore Johnson had been “dispatched by Lewis Ross and business to Col Colbourn, the contractors agent for supplying Capt Benges detachment on the route” and had just returned. Mr. Johnson stated that he “overtook this detachment near Reynoldsburg and continued with it to that Town and there left the Emigrants crossing the Tennessee River on the 3<sup>rd</sup> inst (November).” He also stated that things were going well except for sickness, which was “to a greater extent in that detachment on the road than others” (NARA, M1475, RG 393, Roll 2, Frames 447-452).

The following letter (report) was written by Capt. John Page, 4<sup>th</sup> Infty on July 19<sup>th</sup>, 1841 to John Bell Secretary of War which gives a verbal picture of the removal, as well as describing the Benge Detachment in detail. It is transcribed as follows (digital copy of letter in Appendix B):

Washington City  
19<sup>th</sup> July 1841

Hon. John Bell  
Secty of War

Sir

In accordance with your verbal order requiring me to examine the Abstract of Provisions, Soap & Forage, issued by the contractor of the Cherokee nation, during the suspension of emigration, by order of Genl. Scott and to ascertain whether at any time double issues were made. I have the honor to make the following report.

But before entering into details connected with this report, I beg leave to mention that the subject of these issues was referred for my examination by Genl. Scott in a letter dated “14” November 1838, in order that so much of the requisition for \$92,781.00 as found to be justly claimed might at the end of the Emigration be referred to the War Dept. for payment. (one letter not legible) It will be proper here to explain why it is that no report has heretofore been made. At the time of receiving these papers, the Emigration was hurrying to a close, and the constant demand upon my time growing out of the duties devolving upon me from my first arrival in the nation up to this time did not afford the opportunity of bestowing that critical examination their importance required.

There appearing also no absolute necessity for a report before the “end of the Emigration,” for until then it could not be positively known whether the advances for the estimate of eighty days would cover any portion of these issues or not, subsequently in submitting my accounts and abstracts of issues, I also submitted the papers transmitted to me by Genl. Scott on the “14” Nov 1838 and addressed a letter to the Com. of Ind. Aff. stating my readiness to offer any explanation in reference to the subject that might be desirable in the consideration of this claim premising that in as much as all the papers connected with the subject were before the Dept., the examination could be as will made by its officers as by me, but if desired I was ready to act upon such suggestions as would be deemed advisable to a more perfect knowledge of the subject. I received no reply to this offer either written or verbal, and from this fact supposed that the dept. had relied on the shewing of the papers as sufficient to justify its action without further explanation. Subsequently again to this, being in Washington I manifested my readiness, if required, or it appeared desirable to the Dept. to afford such additional information as might be thought useful in the settlement of this business, but received no intimation that it was desired.

This was at a time however, when the late Secty of War had refused to have any intercourse with Mr. John Ross who was then in the city, and as I understood, urging a settlement of the Emigration accts. in behalf of his nation. Being now called on and having I presume sufficiently shewn that no want of respect or duty has operated to direct my attention, I now proceed to give the result of my examination in the various points embraced in this matter.

After the collection of the Cherokees by the U.S. troops under the command of Genl Scott, they were encamped at various points, where the convenience of water and facilities for obtaining supplies seemed most favorable, previous to their final departure. The greatest number were in the neighbourhood of the Agency, scattered in parties for miles around, numbering at each encampment from fifty to twenty six hundred and upwards as for instance at Camp Ross 14 miles south of the agency – (one letter not legible) \_ \_ \_ \_ \_

The rest were collected and encamped in other and more distant sections of the country viz, at Red Clay, twenty-five miles, Ross’ landing, forty-eight miles and at Fort Payne Ala one hundred miles from the Agency. The provisions & Soap issued by me were made to the various bodies that encamped at the time according to their respective numbers as exhibited by my abstracts of issues on file. The Detachment organized under the arrangements made by Genl. Scott with the nation giving to the Cherokees the entire management of their own removal were often composed of detached parties from two or more of these encampments in accordance generally with the wishes of the Indians themselves, so as to unite in one body relations, friends and those from the same section of country - My issues being invariably made to them before their organization into said parties for the journey west, the number decreased in proportion as they joined the detachments, which they did by abandoning the old encampment and forming a new one under the direction and management of their own agents; and upon that organization my issues ceasing. They received their supplies from the contractor of the nation. I was careful as the Superintendent of issues on the part of the U States that no double issues should be made and I am confident there were none. This opinion is confirmed by a comparison of my abstracts with those of the contractor of the nation. The whole number of rations by both does not exceed the number the body of the Cherokees were entitled to receive up to the period of their departure.

The detachment marched from Fort Payne may be referred to as evidencing the carefulness observed in the issues, and as presenting a fair opportunity to detect errors of double issues if any existed.

This party was formed entirely of Alabama Cherokees and were conducted west by Capt. Benge. They were turned over to the Cherokee Agents on the (date unclear, possibly 1<sup>st</sup>) of Oct. 1838, and began to receive their supplies from the contractor of the nation, as exhibited by his abstracts, and likewise them by mine that my issues ceased the day before, except to a very small number who were left behind for a few days in consequence of sickness after the body had moved off. Altho not called upon to report directly as to the number of persons in any of these

detachments yet, while referring to this particular one it may not be improper to state a fact which will explain to the Dept. one principal reason why discrepancies exist between the different muster rolls, of the number of these Indians. Many families were permitted by Genl Scott and other officers to remain in their houses, and were not brought into the encampments. They were generally the most wealthy Cherokees who had large families, considerable property, and a number of (one word unclear). These families joined a detachment either after they had begun to travel or just on the eve of moving. This was the case with the one above alluded to.

As regards the forage furnished by me, it will be proper to state that these issues were for horses owned and brought by the Cherokees into the encampments, first formed upon their capture by the U.S. troops and were made previous to the time of their organizing into detachments and being turned over to the control of their own agents. I am also satisfied by a careful comparison of the forage abstracts that the contractor of the nation furnished no forage for these horses, whilst thus provided for by me, but commenced at the time when my issues ceased and theirs began for provisioning the detachments. It may be necessary further to observe that I issued no forage for the teams purchased by the nation for their transportation. They were foraged by their own contractor, and over which I had no Superintendance, it being a matter under the immediate and special control of the Cherokees themselves. I have no means therefore of knowing anything further in reference to these particular issues than is shewn by their certified abstracts, the correctness of which I have no reason to doubt. The nation deeming it more economical, determined upon applying the funds allowed for wagon hire in the estimate agreed upon with Genl. Scott, to the purchase of wagons and teams. I can state that I know of purchases of from fifty to one hundred fifty horses per day previous and preparatory to the general removal; but his whole business of purchase and foraging being subject to their own supervision (and these teams being indispensable for the transportation of the Indians.) I have no other means as before stated of knowing the exact number of forage rations furnished, than by the abstracts alluded to, which being certified to by John Ross, the acknowledged superintendent of the Emigration on the part of the nation. I am bound to believe they are correct\_\_\_\_\_.

Having already stated my conviction that the issues made by the Cherokee contractor were not to the same persons and horses whilst similar issues were being made by the agents of the U.S.

It now only remains to consider that part of my instructions from Genl Scott, relative to the prices charged for said issues.

Genl. Scott in his letter of Nov. 14, 1838 says that you will see "the prices charged for the several articles. You shall find to be properly issued, are not too high." The charges made for these articles I find to be the same, as fixed upon in the estimate of the expenses of the Emigration agreed on by Genl. Scott and the nation, and that the items of rations are the same as furnished in the route:\_\_\_ Whether the Contractor has realized much or any profit from these issues, I have no means of ascertaining if any however, I should incline to the opinion the amount must be inconsiderable\_\_\_. It will be recollected that a large number of mounted and foot troops in the service of the United States and employed in the capture of the Indians had been subsisted by supplies drawn from the country, besides the Cherokees, who after their collection were provisioned and their horses foraged for three months and upwards, by the agents of the United States from the same section of country before these issues were commenced. From the great quantity of provisions and forage consumed previous to the time of commencing his issues, and the high price of grain, it is but fair to state that the contractor commenced under disadvantaged circumstances, as supplies were not only high but had to be transported at considerable expense from a distance.

It will be seen by reference to my accts at this period that I was purchasing corn at from one dollar to one dollar and twenty five cents per bushel, and the general scarcity of supplies of all kinds during the months of August and Sept. and even later in consequence of the extreme drought that prevailed, other articles rated proportionately high.

I have therefore no hesitation in expressing the opinion that the prices charged for the articles in these issues are equally as reasonable if not more so than the same charges for similar articles furnished on the route.

After a careful examination of the whole subject and in obedience to the order of Genl. Scott above alluded to I respectfully recommend to the War Dept for payment the requisition before mentioned, presented to Genl Scott, and referred by him to me, covering these issues, and amounting to the sum of ninety-two thousand, seven hundred and eighty-one dollars and fifty cents (\$92,781.50) all of which is respectfully submitted.

I have the honor to be  
Very Respectfully Yr. obt. Svt.  
John Page  
Capt 4<sup>th</sup> Infty

*Courtesy of Sequoyah Research Center, University of Arkansas, Little Rock, Arkansas*

### **Confusing Accounts Relating to the Benge Detachment**

Research often becomes confusing when names do not fit in a particular event, place, or time. Such is the case with several events, names, and places involving the Benge Detachment being repeated throughout numerous publications. A letter written by William Shorey Coodey, a nephew of John Ross, has been used in numerous publications, mostly as an excerpt of the original letter. One publication contains the complete letter and gives a somewhat different view than the excerpts displayed in other publications. The letter is written as follows (Ehle 1988: 150-151):

No Date

John Howard Payne, Esqr.

The entire Cherokee population were captured by the U.S. troops under General Scott in 1838 and marched, to principally, upon the border of Tennessee where they were encamped in large bodies until the time for their final removal west. **At one of these encampments, twelve miles south of the Agency and Head quarters of Genl. Scott, was organized the first detachment for marching under the arrangement committing the whole management of the emigration into the hands of the Cherokee themselves.**

The first of Septer. was fixed as the time for a part to be in motion on the route. Much anxiety was felt, and great exertions made by the Cherokees to comply with everything reasonably to be expected of them, and it was determined that the first detachment would move in the last days of August.

I left the Agency on the 27<sup>th</sup>, after night, and watched the encampment above alluded to, early the following morning for the purpose of aiding in the arrangements necessary to get a portion in motion on that day—the remainder to follow the next day and come up while the first were crossing the Tennessee River, about twelve miles distant.

At noon all was in readiness for moving, the teams were stretched out in a line along the road through a heavy forest, groups of persons formed about each wagon, others shaking the hand of some sick friend or relative who would be left behind. The temporary camp covered with boards and some of bark that for three summer months had been their only shelter and *home*, were crackling and falling under a blazing flame; the day was bright and beautiful, but a gloomy thoughtfulness was depicted in the lineaments of every face. In all the bustle of preparation there was a silence and stillness of the voice that betrayed the sadness of the heart.

At length the word was given to “move on.” I glance along the line and the form of Going Snake, an aged and respected chief whose head eighty winters had whitened, mounted on his favorite pony passed before me and led the way in advance, followed by a number of young men on horse back.

At this very moment a low sound of distant thunder fell on my ear. In almost an exact western direction a dark spiral cloud was rising above the horizon and sent forth a murmur. I almost fancied a voice of divine indignation for the wrongs of my poor and unhappy countrymen, driven by brutal power, from all they loved and cherished in the land of their fathers, to gratify the cravings of avarice. The sun was unclouded—no rain fell—the thunder rolled away and sounds hushed in the distance. The scene around and before me, and in the elements above, were peculiarly impressive & singular. It was at once spoken of by several persons near me, and looked upon as omens of some future event in the west.

In several letters written to my friends on the same evening, I alluded to the circumstances, so strong was the effect on my own mind at the time.

W. Shorey Coodey

Note that the Benge Detachment is not mentioned in the letter above or the following account below. Ehle (1988) wrote that this first Cherokee-administered march began on August 28<sup>th</sup>, the second detachment left on September 1<sup>st</sup>, and the third left on September 3<sup>rd</sup> (1838). He further wrote that according to Captain Page there were 710 people in the 1<sup>st</sup> detachment, 859 people in the 2<sup>nd</sup> detachment, and 846 people in the third detachment. John Ross had a higher count, but insisted on the accuracy of his count of 729, 858, and 950 respectively.

The routes for all of the Ross marches were substantially similar. The thirteen detachments sought to retain their own identity and members throughout, but there was intermingling of people and often Cherokees would drop out of one march and join another; sometimes they were looking for friends or relatives or better food, or they were tired to death and needed a rest, or they were changing their mind about going west (Ehle 1988: 351-352).

As research was conducted it was discovered that secondary publications for the most part did not contain correct information about the Benge Detachment as to where it started or when it started. Writings about the other detachments were also blemished with erroneous interpretations, but since the focus of this report is on the Benge Detachment, this will not be addressed. If information concerning the Benge Detachment was taken from primary source documents, it would seem plausible that the majority of writings would agree. There would be only so many documents still surviving from which to extract the information. In order to simplify the myriad of differences, a chart was compiled below to show differences among well-known publications. The dates of the publications cover from 1914 to 2007, which is a significant period of time.

**Chart Showing Information about Bengé Detachment in Publications**

| <b>Publication</b>       | <b>Contains Wm. S. Coody Letter to Howard Payne In Publication</b> | <b>Bengé Detachment Associated with Coody Letter</b>   | <b>Bengé Detachment Listed as First to Leave for the West</b> | <b>Bengé Detachment Left from Rattlesnake Springs, Tennessee</b> | <b>Description of Thirteen Detachments Location and Time of Departure Information about Bengé Detachment, if included</b>                                                                                                                                                                                                  |
|--------------------------|--------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Eaton<br/>1914</b>    | Yes<br>Part of letter                                              | No                                                     | No                                                            | No                                                               | <b>Number of Land vs. Water Detachments</b><br>A company should be ready to start the last day of August from the camp about 12 miles south of the agency in Tennessee. The last detachment under the personal direction of the principal chief himself, left Rattlesnake Springs, near Charleston, Tennessee, October 31. |
| <b>Foreman<br/>1932</b>  | Yes<br>Part of letter                                              | No                                                     | Yes                                                           | Yes                                                              | 9 detachments left during October<br>4 detachments left during November<br>John Ross remained behind to supervise the preparations.                                                                                                                                                                                        |
| <b>Brown<br/>1937</b>    | Yes<br>Part of letter                                              | Yes                                                    | Yes                                                           | Yes                                                              | 9 detachments left during October<br>4 detachments left during November<br>Last detachment under George Hicks                                                                                                                                                                                                              |
| <b>Woodward<br/>1963</b> | No                                                                 | No                                                     | Yes                                                           | Implied                                                          | Conductors of 13 detachments selected.<br>Departure postponed until October due to extended drought. Bengé's Detachment and the 12 that followed it had a hard go.                                                                                                                                                         |
| <b>Wilkins<br/>1970</b>  | Yes<br>Part of letter                                              | Yes<br>William S. Coody Contractor to Bengé Detachment | Yes                                                           | Yes                                                              | Bengé Detachment left October 1 <sup>st</sup> , and started toward Nashville.<br>3 days later, the second detachment left. By the early part of November<br>12 parties on the road. Thirteenth Detachment traveled by water (Ross).                                                                                        |

|                        |                               |            |                                                                          |                                                          |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------|-------------------------------|------------|--------------------------------------------------------------------------|----------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Jahoda<br/>1975</b> | <b>Yes<br/>Part of Letter</b> | <b>No</b>  | <b>No</b>                                                                | <b>No</b>                                                | <b>No</b>                            | <b>No detailed detachment information</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Carter<br/>1976</b> | <b>Yes<br/>Part of Letter</b> | <b>Yes</b> | <b>Yes<br/>Coody listed as<br/>Contractor in<br/>Benge Det.</b>          | <b>Yes</b>                                               | <b>Yes</b>                           | <b>Would move in 13 separate groups.<br/>Would travel closely on one another's heels.</b>                                                                                                                                                                                                                                                                                                                                                         |
| <b>Ehle<br/>1988</b>   | <b>All of Letter</b>          | <b>No</b>  | <b>No detachment<br/>named. First<br/>detachment<br/>left on Aug. 28</b> | <b>All detachments<br/>crossed at Blythe's<br/>Ferry</b> | <b>Thirteen Detachments by land.</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Rozema<br/>1995</b> | <b>Yes<br/>Part of Letter</b> | <b>No</b>  | <b>No</b>                                                                | <b>No</b>                                                | <b>No</b>                            | <b>The council at Rattlesnake Springs decided<br/>that 13 detachments would travel overland<br/>instead of by water, as originally planned.<br/>Wm. S. Coody, a nephew of John Ross,<br/>described the scene when the first<br/>detachment left in late August.</b>                                                                                                                                                                               |
| <b>King<br/>2007</b>   | <b>No</b>                     | <b>No</b>  | <b>No</b>                                                                | <b>No</b>                                                | <b>No</b>                            | <b>Benge Detachment left on September 28,<br/>1838 eight miles south of Fort Payne,<br/>Alabama. Comprehensive list of starting<br/>points of three detachments leaving from<br/>Ross's Landing in June 1838, the thirteen<br/>detachments overseen by John Ross leaving<br/>from August 23, 1838 to December 5, 1838<br/>from various points, and the Bell<br/>Detachment as a separate detachment from<br/>the detachments under John Ross.</b> |

Eaton 1914: 122-123; Foreman 1932: 290-291, 302-303; Brown 1938: 513-514; Woodward 1963: 212-215; Wilkins 1970: 324-325;  
Jahoda 1975: 233-234; Carter 1976: 250-253; Ehle 1988: 349-352; Rozema 1995: 105; King 2007: 114-115 Appendix A.

It is obvious from the chart above that the Benge Detachment has been included in many publications with other detachments leaving from starting points in Tennessee. The Benge Detachment is the only detachment that left from Fort Payne, Alabama. The letter as noted earlier in this chapter written from Wills Valley by John Benge and George Lowrey dated September 29, 1838 to John Ross clearly stated that the commanding officer at Fort Payne would stop disbursing rations if the detachment didn't move by October 1<sup>st</sup>. Fifteen wagons had started that day (29<sup>th</sup>) and twenty more would probably start the next day. Lieut. Poole stated in a letter (also noted earlier in this chapter) that the detachment had left its "camp eight miles below Fort Payne (Lebanon) on October 4 and by October 7<sup>th</sup> was within fourteen miles of Gunter's Landing. The Benge Detachment connection with Rattlesnake Springs in Tennessee and the William S. Coody's eye-witness observations does not have credibility.

In one publication Coody is listed as a contractor to the Benge Detachment. An article published in the Batesville News, Batesville, Arkansas on December 20, 1838 also lists W. S. Coody as a contractor in connection with John Benge and George Lowrey. Mr. Colborn, the contractor, was mentioned in the September 29<sup>th</sup> letter written by Benge and Lowrey to John Ross. Colburn had offered to procure tents at Huntsville, Alabama.

Colburn was interrogated on March 2, 1841 about expenses incurred during emigration by the Benge Detachment. His answers have been extremely valuable in locating the route traveled by the Benge Detachment. Excerpts from his statement are as follow:

I was employed with John Benge's Detachment of Cherokee Emigrants, who set out from Fort Payne, Alabama on the 27<sup>th</sup> September 1838 and arrived at Jackson in the State of Missouri on the 28<sup>th</sup> November 1838. My business was that of sub-contractor under Lewis Ross. The whole of this Interrogatory is answered in the first except the route, which was as follows from Ft. Payne to Gunter's landing on Tennessee river thence to Mederedian ville, Pulaski, Columbia Iron banks on the Mississippi. From Fort Payne to Tennessee via the country was mountainous and the road bad, the detachment was three days in crossing the river from there to the Iron banks the road passed over a rough country and was in bad condition in some instances we were compelled to repair bridges before the people and wagons could cross. We were detained ten days in crossing the Mississippi and from this point to Jackson about 70 miles is most of the way a swamp. I neglected to mention before the detachment made a second crossing of the Tennessee river at Reynoldsburg which occupied five days. Fort Payne is about one hundred miles So west of the Cherokee Agency, the point from which most of the other detachments set out. As well as my recollection serves me, which I think is correct—there were twelve hundred Cherokees and five hundred and ninety horses—at the time of setting out there probably was not that number, but they were joining daily for some time, and at one time was over twelve hundred Cherokees and five hundred and ninety horses. At the time of setting out there probably was not that number, but they were joining daily for some time and at one time was over twelve hundred. I am certain there were a larger number joined than the number of deaths on the road as they continued to overtake the detachment until we arrived at the Mississippi river and the Cherokees were satisfied with the issues.

I crossed the Mississippi river on the 30<sup>th</sup> November 1838. The ice was then running in considerable quantities—enough to make it dangerous. I met two detachments at the river (Colston's and Hick's). I would have considered entirely unsafe to have attempted to cross with wagons in consequence of the ice at that time. The weather got considerably colder and I learned soon the river became impassable for a considerable

time and I have no doubt of the fact. The Ohio was also much blocked up with ice which would of course retard the crossing for some time. I returned from Jackson (State of Missouri) as far as Nashville in the State of Tennessee (a distance of 230 miles) on the same route traveled by the other detachments of Cherokee Emigrants. I traveled this route early in the month of December and met on the way several detachments. (Government Accounting Office, Record Group 217 Box 370, 1841, Acct. 6289-F). Courtesy of Carolyn Kent and the Sequoyah Research Center

If Colburn only went to Jackson, Missouri, William Coody could have taken over as contractor for the Benge Detachment after that location, however all we have found in primary source material linking him to the Benge Detachment is the article in the Batesville News. In Report No. 137, House of Representatives, 25<sup>th</sup> Congress, 2<sup>nd</sup> Session, February 12, 1841 Colburn was called on by Mr. Clements, Bryan, & Company to state facts about a contract they had with Captain John Page, of the United States army, for the subsistence of the emigrating Cherokees, in the summer of 1838. (The contract was voided when Cherokee emigration was postponed until the fall and put under John Ross). In Colburn's statement of facts, he replied that he had emigrated all the Alabama Cherokees under a sub-contract with Lewis Ross and "was, perhaps, the first person who proposed to said Ross to take measures to get the new contract, which he afterwards got, for the emigration of the Cherokees" (Report No. 137, House of Representatives, February 12, 1841).

Several publications in the chart above listed the Benge Detachment as the first detachment to leave for the West. The following letters from the papers of John Ross is the most detailed information found thus far on the starting dates of the various detachments. On **October 2<sup>nd</sup>, 1838** John Ross wrote a letter to Winfield Scott at the Cherokee Agency East and stated the following:

The several detachments of Emigrating Cherokees under the charge of Messrs. Hair Conrad, Elijah Hicks, John Benge, Jesse Bushyhead, Sitewakee (Situwakee), James D. Wofford, Stephen Foreman, & Moses Daniel having signified their readiness for the road and will take up the line of march as soon as their business at the office of the U.S. Commrs. shall be closed. In consequence of continued bad state of Mr. Conrad's health, Capt. David Colston has been appointed in his stead and will without delay conduct the detachment on. Mr. E. Hicks has taken the lead in the Emigration and has moved on with his party.....

A letter from Winfield Scott written on **October 3<sup>rd</sup>, 1838** from Head Quarters, Eastern Division Cherokee Agency to John Ross reads as follows:

I have received your note (not found) of yesterday requiring funds for a fifth & a sixth detachment of Cherokees to be emigrated under the arrangement {July 25, 27, and 31, 1838} entered into with me, by the Delegation of which you are the chief.

You inform me, that, besides the two detachments which were halted, some time ago, by the drought, beyond the Tennessee river, & the one which is known to be in route for the west, from Fort Payne, Alabama, there are five other (under Messrs. {Jesse} Bushyhead, Situakee {Situwakee}, {J. D.} Wofford, {Stephen} Foreman & {Moses} Daniel) which have already "signified their readiness for the road, & will take up the line of march so soon as their business at the office of the U.S. Commissioners, shall be closed."

Nearly a week ago it was informally communicated to me that the claims of Mr. Bushyhead's detachment had been adjudicated, & the certificates issued. These, of course, have been, or will be paid, on presentation to Capt. {Isaac P.} Simonton, the proper disbursing agent. It is, therefore, not seen why this party is not in motion, as it is known that Mr. Bushyhead is anxious to march.

But in respect to the two detachments halted by the drought, beyond the Tennessee, & which on information deemed satisfactory, I yesterday reported to the War Department to be again in march, I have two observations to make:

1. I am not a little apprehensive to day, that that report was premature; 2. I find today on inspecting the rolls, made by officers send down a *second* time (26<sup>th</sup> ultimo) to muster those parties, that one of them presented 859 individuals only, & the other is, but 559 instead of 1,000 each as had been agree upon.

And here I must distinctly say that the detachments which move by land, must *average* not less than 1,000 emigrants, or the estimate agreed upon, under the arrangement, may be very sensibly augmented by the pay of extra conductors, physicians & petty officers.

By the arrangement, it was stipulated, that the movement should actively commence on the first ultimo, & be followed up without delay, so as to be completed by the 20<sup>th</sup> instant. I am aware that the drought made it impossible to march until within a few day. Time, however, was thus gained for the fullest preparation, & therefore, immediately on the fall of sufficient rain, which we had at the end of the last month, four thousand emigrants ought to have taken the road with alacrity. The whole sum of money to pay all expenses of the movement, to the Cherokee country, in the west, had been some time before advance for that number.....(Moulton 1985: Volume I 675-677).

The information in the letters above indicate that the Benge Detachment left at about the same time as the Hicks Detachment. However Hicks may have been in the lead in starting, but was detained by drought at some point beyond the Tennessee River.

The chart on the following page was compiled from several sources. The *Detachment* numbers, *Conductors*, *Begin* dates, *End* dates, *Days Paid*, *Ross's Count* for numbers of people in each detachment, *Wagons* (numbers), and *Number of Horses* were compiled from Ross's hand-written documents (Government Accounting Office, Record Group 217, Box 370, 1841, acct. 6289-E), Courtesy of Sequoyah Research Center, University of Arkansas. The Number of People in the *East* was compiled from *The Papers of Chief John Ross* (Moulton 1985: Volume I, 690). The *Number of People* in the *West* was compiled from the *History of the Cherokee Indians* (Starr 1993[1921]: 103). Many publications have listed the starting dates as the one listed in Ross's hand-written documents of 1841, but from the letters in the *Papers of Chief John Ross*, the actual start dates differ for many of the detachments. Woodward (1963) stated that movement by the detachments was delayed due to extended drought. All of this information is an attempt to better understand what actually happened and place the events in some sort of chronological frame.

| Forced Removal Detachments Conducted by the Cherokee Nation |                   |                    |                    |           |                  |       |              |        |        |        |             |  |
|-------------------------------------------------------------|-------------------|--------------------|--------------------|-----------|------------------|-------|--------------|--------|--------|--------|-------------|--|
| Detachment                                                  | Conductor         | Begin              | End                | Days Paid | Number of People |       | Ross's Count | Births | Deaths | Wagons | # of Horses |  |
|                                                             |                   |                    |                    |           | East*            | West* |              |        |        |        |             |  |
| 1A*                                                         | Hair Conrad       | August 28, 1838    | September 30, 1838 | 34        | 710              | 654   | 729          | 9      | 54     | 36     | 360         |  |
| 1B*                                                         | Daniel Colston    | October 1, 1838    | January 17, 1839   | 109       |                  |       |              |        |        |        |             |  |
| 2                                                           | Elijah Hicks      | September 1, 1838  | January 4, 1839    | 126       | 809              | 744   | 858          | 5      | 34     | 43     | 430         |  |
| 3                                                           | Jessee Bushyhead  | September 3, 1838  | February 27, 1839  | 178       | 864              | 898   | 950          | 6      | 38     | 48     | 430         |  |
| 4                                                           | John Benge        | September 28, 1838 | January 11, 1839   | 106       | 1079             | 1132  | 1200         | 3      | 33     | 60     | 600         |  |
| 5                                                           | Sittewakee        | September 7, 1838  | February 2, 1839   | 149       | 1205             | 1033  | 1250         | 5      | 71     | 62     | 560         |  |
| 6                                                           | Captain Oldfield  | September 24, 1838 | February 23, 1839  | 153       | 841              | 921   | 983          | 19     | 57     | 49     | 490         |  |
| 7                                                           | Moses Daniel      | September 20, 1838 | March 2, 1839      | 164       | 1031             | 924   | 1035         | 6      | 48     | 52     | 519         |  |
| 8                                                           | Chooalooka        | September 14, 1838 | March 1, 1839      | 162       | 1120             | 970   | 1150         |        |        | 58     | 578         |  |
| 9                                                           | James Brown       | September 10, 1838 | March 5, 1839      | 177       | 745              | 717   | 850          | 3      | 34     | 42     | 422         |  |
| 10                                                          | George Hicks      | September 7, 1838  | March 14, 1839     | 189       | 1031             | 1039  | 1118         |        |        | 56     | 560         |  |
| 11                                                          | Richard Taylor    | September 20, 1838 | March 24, 1839     | 186       | 897              | 942   | 1029         | 15     | 55     | 51     | 460         |  |
| 12                                                          | Peter Hilderbrand | October 23, 1838   | March 25, 1839     | 154       | 1449             | 1311  | 1766         |        |        | 88     | 881         |  |
| 13                                                          | John Drew         | December 5, 1838   | March 18, 1839     | 104*      |                  | 219   | 231          |        |        |        |             |  |

\* Detachment 1 - Hair Conrad became ill and Daniel Colston replaced him.

\* Detachment 13 - John Drew's party was delayed for 28 days due to low water. The water became high enough to travel on December 5, 1838.

\* East, Page took muster at the beginning of the journey and West, Stephenson took muster at the end of the journey.

### Benge Detachment Timeline

| DAY | DATE        | # PEOPLE | # HORSES | LOCATION / COMMENTS                                                                                              |
|-----|-------------|----------|----------|------------------------------------------------------------------------------------------------------------------|
| M   | 01-Oct-1838 | 1003     | 485      |                                                                                                                  |
| Tu  | 02-Oct-1838 | 1003     | 485      | some of the white wagoners no longer serving                                                                     |
| W   | 03-Oct-1838 | 1003     | 485      | some of the white wagoners no longer serving                                                                     |
| Th  | 04-Oct-1838 | 1003     | 485      | Detachment left camp 8 miles below Ft Payne                                                                      |
| F   | 05-Oct-1838 | 1003     | 485      |                                                                                                                  |
| Sa  | 06-Oct-1838 | 1003     | 485      | Genl Scott writes TN Gov Cannon stating that one detachment is 4 days march from Ft Payne (Huntsville Democrat?) |
| Su  | 07-Oct-1838 | 1003     | 485      | Detachment was within 14 miles of Gunter's Landing                                                               |
| M   | 08-Oct-1838 | 1003     | 485      |                                                                                                                  |
| Tu  | 09-Oct-1838 | 1150     | 525      | <i>(SOMEBODY SHOWED UP)</i>                                                                                      |
| W   | 10-Oct-1838 | 1150     | 525      | Detachment left Gunter's Landing (Batesville AR News)                                                            |
| Th  | 11-Oct-1838 | 1195     | 553      | <i>(SOMEBODY SHOWED UP)</i>                                                                                      |
| F   | 12-Oct-1838 | 1195     | 553      |                                                                                                                  |
| Sa  | 13-Oct-1838 | 1195     | 553      |                                                                                                                  |
| Su  | 14-Oct-1838 | 1195     | 553      |                                                                                                                  |
| M   | 15-Oct-1838 | 1195     | 553      | JL Coulborn's boy no longer serving as a wagoner. (Huntsville??)                                                 |
| Tu  | 16-Oct-1838 | 1195     | 553      |                                                                                                                  |
| W   | 17-Oct-1838 | 1200     | 555      | <i>(SOMEBODY SHOWED UP)</i>                                                                                      |
| Th  | 18-Oct-1838 | 1200     | 555      |                                                                                                                  |
| F   | 19-Oct-1838 | 1200     | 555      |                                                                                                                  |
| Sa  | 20-Oct-1838 | 1200     | 555      |                                                                                                                  |
| Su  | 21-Oct-1838 | 1200     | 555      |                                                                                                                  |
| M   | 22-Oct-1838 | 1200     | 555      |                                                                                                                  |
| Tu  | 23-Oct-1838 | 1195     | 555      | Passed through Pulaski TN. 5-6 deaths mostly children from whooping cough and measles                            |
| W   | 24-Oct-1838 | 1195     | 555      |                                                                                                                  |
| Th  | 25-Oct-1838 | 1125     | 555      | <i>(LARGE GROUP LEAVES. Sickness?????)</i>                                                                       |

|    |             |      |     |                                                                                                                                                            |
|----|-------------|------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| F  | 26-Oct-1838 | 1125 | 555 |                                                                                                                                                            |
| Sa | 27-Oct-1838 | 1125 | 555 |                                                                                                                                                            |
| Su | 28-Oct-1838 | 1125 | 555 | Probably near Centreville on Duck River                                                                                                                    |
| M  | 29-Oct-1838 | 1125 | 555 | Thos McCalley no longer serving as a wagoner                                                                                                               |
| Tu | 30-Oct-1838 | 1125 | 555 |                                                                                                                                                            |
| W  | 31-Oct-1838 | 1125 | 555 |                                                                                                                                                            |
| Th | 01-Nov-1838 | 1150 | 590 | <i>(SOMEBODY SHOWED UP<br/>Some of the group from<br/>10/25???)</i>                                                                                        |
| F  | 02-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Sa | 03-Nov-1838 | 1150 | 590 | Crossed TN River at Reynoldsburg TN (letter John Ross to Gen Scott written 09-Nov)                                                                         |
| Su | 04-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| M  | 05-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Tu | 06-Nov-1838 | 1150 | 590 | John Young no longer Asst Wagon Master. Replaced by Richard Guist.                                                                                         |
| W  | 07-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Th | 08-Nov-1838 | 1150 | 590 | James H. Rogers no longer serving as Commisary                                                                                                             |
| F  | 09-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Sa | 10-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Su | 11-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| M  | 12-Nov-1838 | 1150 | 590 | George W Campbell starts serving as an Asst Wagon Master.                                                                                                  |
| Tu | 13-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| W  | 14-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Th | 15-Nov-1838 | 1150 | 590 | Money Cryer no longer serving as one of the 2 managers. Replaced by Jesse Lovett. John F Boote also starts serving as a Manager making 3 Managers at once. |
| F  | 16-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Sa | 17-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Su | 18-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| M  | 19-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| Tu | 20-Nov-1838 | 1150 | 590 |                                                                                                                                                            |
| W  | 21-Nov-1838 | 1150 | 590 |                                                                                                                                                            |

|    |             |      |     |                                                                                                                                                                                                                   |
|----|-------------|------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Th | 22-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| F  | 23-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| Sa | 24-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| Su | 25-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| M  | 26-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| Tu | 27-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| W  | 28-Nov-1838 | 1150 | 590 |                                                                                                                                                                                                                   |
| Th | 29-Nov-1838 | 1150 | 598 | 8 more horses                                                                                                                                                                                                     |
| F  | 30-Nov-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Sa | 01-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Su | 02-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| M  | 03-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Tu | 04-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| W  | 05-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Th | 06-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| F  | 07-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Sa | 08-Dec-1838 | 1150 | 598 |                                                                                                                                                                                                                   |
| Su | 09-Dec-1838 | 1150 | 598 | Camped at Forche Damas                                                                                                                                                                                            |
| M  | 10-Dec-1838 | 1144 | 598 |                                                                                                                                                                                                                   |
| Tu | 11-Dec-1838 | 1144 | 598 |                                                                                                                                                                                                                   |
| W  | 12-Dec-1838 | 1144 | 600 | John F Boote no longer serves as one of the Managers. Passed Smithville. Upwards of 100 wagons (where did the extra wagons come from?) Batesville paper reports 50 deaths since Gunter's Landing (1195-1144 = 51) |
| Th | 13-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| F  | 14-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| Sa | 15-Dec-1838 | 1144 | 600 | Arrived at Batesville AR. Jas Troop no longer serving as a wagoneer                                                                                                                                               |
| Su | 16-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| M  | 17-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| Tu | 18-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| W  | 19-Dec-1838 | 1144 | 600 |                                                                                                                                                                                                                   |
| Th | 20-Dec-1838 | 1144 | 600 | George W Campbell no longer serving as an Asst Wagon Master.                                                                                                                                                      |
| F  | 21-Dec-1838 | 1144 | 604 | J Mulkey no longer serving as Commissary. Replaced by Asst Commisary, George W                                                                                                                                    |

|    |             |      |     | Lovette. |
|----|-------------|------|-----|----------|
| Sa | 22-Dec-1838 | 1144 | 604 |          |
| Su | 23-Dec-1838 | 1144 | 604 |          |
| M  | 24-Dec-1838 | 1144 | 604 |          |
| Tu | 25-Dec-1838 | 1144 | 604 |          |
| W  | 26-Dec-1838 | 1138 | 604 |          |
| Th | 27-Dec-1838 | 1138 | 604 |          |
| F  | 28-Dec-1838 | 1138 | 604 |          |
| Sa | 29-Dec-1838 | 1138 | 604 |          |
| Su | 30-Dec-1838 | 1138 | 604 |          |
| M  | 31-Dec-1838 | 1138 | 604 |          |
| Tu | 1-Jan-1839  | 1138 | 604 |          |
| W  | 2-Jan-1839  | 1138 | 604 |          |
| Th | 3-Jan-1839  | 1138 | 604 |          |
| F  | 4-Jan-1839  | 1132 | 604 |          |
| Sa | 5-Jan-1839  | 1132 | 604 |          |
| Su | 6-Jan-1839  | 1132 | 604 |          |
| M  | 7-Jan-1839  | 1132 | 604 |          |
| Tu | 8-Jan-1839  | 1132 | 604 |          |
| W  | 9-Jan-1839  | 1132 | 604 |          |
| Th | 10-Jan-1839 | 1132 | 604 |          |

**Muster Roll of Benge Detachment  
January 17, 1839  
Alphabetical Listing**

**Source: Gilcrease Museum  
John Ross Papers, #504**

Transcription by Kitty Sloan  
Alphabetical Listing by: Gail King

|                           |                               |
|---------------------------|-------------------------------|
| Adohlaee                  | Corn Tassle                   |
| Ah ge goh wah ter         | Creek Jesse                   |
| Ahdahwartuskee & Quaty    | Crying Snake                  |
| Ahdlohsenee               | Cumberland                    |
| Ahnelahgayah              | Cunnatty, Jas.                |
| Ahqueehee                 | Dah hah ager                  |
| Alexander, Wm.            | Dahey, daughter & son         |
| Allstring, Dick           | Dahnnoowee                    |
| Auger Hole                | Dehchusee                     |
| Baldrige, Capt.           | Dernevacku                    |
| Baldrige, Geo.            | Dirt Setters Widow            |
| Bark                      | Dooneyer & Eggs               |
| Bark Flute                | Dooniye                       |
| Beard, B. & Path Killer   | Dooniyer                      |
| Benge, John               | Downing, Chas.                |
| Benge, Martin             | Ehwohtee                      |
| Benge, Rebecca            | English John                  |
| Benge, Richd.             | Fawn                          |
| Benge, Robt.              | Five Killer                   |
| Big Feather               | Gahloh No Haskee              |
| Boot, Jno. F.             | Gahnahusher                   |
| Boot, Polly or Widow      | Gahyahlanah                   |
| Bottur, Polly & Lequahtah | Gaksahulu                     |
| Bull Snake                | Gehtakee                      |
| Campbell, A.              | George & Alcy                 |
| Campbell, Thos            | Gowas Coowu                   |
| Catnop                    | Grimmet, William              |
| Caty                      | Gritts                        |
| Charisey                  | Gun Pile                      |
| Chicken                   | Gunter, E.                    |
| Chis Too                  | Gunter, Geo.                  |
| Choctaw Killer            | Head Thrower                  |
| Choctaws                  | Houston                       |
| Chuwey                    | Hunt, Caleb                   |
| Chuyohlukkee              | Jeffrey                       |
| Ckeyohlaska               | Jolly, Bark                   |
| Cohilla                   | Justice, Jack & Widow Wheeler |
| Corn Silt                 | Killer, Jane P.               |
| Corn tassle               | Killer, Nelly P.              |
| Corn Tassle               | King                          |

Langley, H.  
Laughing Mush  
Lea, Edward  
Lea, Jesse  
Lea, Moses  
Lea, Moses  
Lea, Walter  
Leegeeger  
Lequgeooshe Cohge  
Lichar  
Lovett, Jesse  
Lowry, A.  
Lowry, Geo. C.  
Lowry, Geo. Ser.  
Lowry, James  
Mankiller  
McLemore, Prase  
McLemore, Tom  
Melton, Chas.  
Miller, Jack  
Miller, Nancy P.  
Money Crier  
Mushroom  
Nahqahsey Ahhoolah  
Nan  
Negookarchy  
Ohletah Yahkehe  
Okwah Dey oher  
Oodahneyehder  
Oodaleder  
Oodillooger  
Oodiyee  
Oolahahhe  
Ooleyahder  
Opposum  
Ore, James  
Ore, James  
Ore, Nelson  
Otter Lifter  
Pack, Eliza(tte)  
Parch Corn  
Pheasant  
Pipe  
Rabbit, Caty  
Radcliff, R.  
Rising Fawn  
Rising Fawns Widow  
Rotten Fish  
Sally  
Screech Owl  
Seaklalale & OodaLeder

Seconcou  
Shade  
Shite Pokes Widow  
Sides  
Smith, Eli  
Smith, Jane  
Smith, Sokinne  
Soldiers Triers  
Speaker  
Spring, Saml.  
Stealer, Chas.  
Stinking Fish  
Sunshine  
Tahey  
Tarpin Head  
Thompson, Mrs.  
Turner  
Walking Wolf  
Watts, Thos.  
Whirlwind  
White Tobacco  
Widow  
Will, Peter  
Wipe My etc.  
Witch & wife  
Wottee  
Young Beaver  
Young Chicken  
Young Dick  
Young Ducks Widow  
Young Wolf  
Young, John

## Page Muster Roll of Cherokees Who Wanted to Emigrate West of the Mississippi<sup>1</sup>

This muster roll does not contain the names of any specific Detachment Leaders but these pages from that roll appear to contain many of the names found in other records of the Benge Detachment. Captain Page's recapitulation said that Benge's Detachment left with 1,079 emigrants. Some of the names associated with the Benge Detachment are not listed here. Other names appear here who likely were not in the final emigrating detachment led by John Benge. Additions & changes were happening even after the Detachment initially left. It is not known how or when Captain Page compiled his consolidated Muster Roll. Care should be given in making any assumptions based on this selected group of names. It is likely that this list below incorrectly included some names and incorrectly omitted other names. However, additional insight may be gained for some families and individuals from the information contained herein. Where family units can be found on both lists, it might be determined which families suffered deaths during removal.

| The name of individuals not belonging to any family designated by an * | Number and Ages of Indians |                  |                  |         |          |                  |                  |         | Number of Slaves |        | Total |
|------------------------------------------------------------------------|----------------------------|------------------|------------------|---------|----------|------------------|------------------|---------|------------------|--------|-------|
|                                                                        | Males                      |                  |                  |         | Females  |                  |                  |         | Male             | Female |       |
| Names of Heads of Families                                             | Under 10                   | Of 10 & under 25 | Of 25 & under 50 | Over 50 | Under 10 | Of 10 & under 25 | Of 25 & under 50 | Over 50 |                  |        |       |
| <i>Page 56</i>                                                         |                            |                  |                  |         |          |                  |                  |         |                  |        |       |
| Hungry                                                                 | 2                          |                  | 3                |         | 1        |                  | 2                | 1       |                  |        | 9     |
| Downing, Charles                                                       | 2                          | 1                | 1                |         |          | 1                | 1                |         |                  |        | 6     |
| Lea, Watt                                                              | 1                          | 1                | 1                |         | 3        | 2                | 1                |         |                  |        | 9     |
| Guess, Richard                                                         | 1                          | 1                | 1                |         | 2        |                  | 1                |         |                  |        | 6     |
| Smith, Eli                                                             | 2                          |                  | 1                |         |          |                  | 1                |         |                  |        | 4     |
| Pheasant                                                               |                            | 1                | 1                |         |          |                  | 1                |         |                  |        | 3     |
| Man Killer                                                             | 2                          | 1                |                  |         |          |                  | 1                | 1       |                  |        | 5     |
| <i>Page 57</i>                                                         |                            |                  |                  |         |          |                  |                  |         |                  |        |       |
| Cooper                                                                 |                            |                  | 2                |         | 1        | 1                | 1                |         |                  |        | 5     |
| Mushroom                                                               | 1                          | 2                | 2                |         | 1        | 1                | 1                |         |                  |        | 8     |
| Campbell, Tassel                                                       | 1                          | 3                | 1                |         | 1        | 1                | 1                |         |                  |        | 8     |
| Wiper                                                                  | 1                          | 4                |                  | 1       |          |                  |                  |         |                  |        | 6     |
| Tah ka ga                                                              |                            |                  |                  | 1       | 1        | 1                | 1                | 1       |                  |        | 5     |

<sup>1</sup> National Archives and Record Administration Microfilm A42, Page Muster Roll of Cherokees Who Wanted to Emigrate West of the Mississippi, selected names on pages 56-60 and all names on pages 81-91, National Archives Southeast Region, Morrow GA.

|                    |   |   |   |   |   |   |   |   |   |   |    |
|--------------------|---|---|---|---|---|---|---|---|---|---|----|
| Fish, Jack         | 2 |   |   | 1 |   | 1 | 2 |   |   |   | 6  |
| Stealer            | 2 | 2 | 1 |   | 2 | 1 | 3 | 1 |   |   | 12 |
| <i>Page 58</i>     |   |   |   |   |   |   |   |   |   |   |    |
| Gritts             | 1 | 3 | 1 |   | 1 | 2 | 1 | 1 |   |   | 10 |
| Dirt Seller        | 2 | 1 | 1 |   | 1 | 2 | 2 |   |   |   | 9  |
| Head Thrower       |   |   | 2 | 1 | 1 | 3 |   |   |   |   | 7  |
| <i>Page 59</i>     |   |   |   |   |   |   |   |   |   |   |    |
| Shade              |   | 2 | 1 |   | 1 | 1 | 1 |   |   |   | 6  |
| <i>Page 60</i>     |   |   |   |   |   |   |   |   |   |   |    |
| Turner             | 1 | 1 |   |   |   | 1 |   |   |   |   | 3  |
| <i>Page 81</i>     |   |   |   |   |   |   |   |   |   |   |    |
|                    |   |   |   |   |   |   |   |   |   |   |    |
| Archibald Campbell | 1 | 1 |   | 1 | 1 | 3 | 1 |   | 1 | 2 | 11 |
| Olly Swimmer       | 1 |   |   |   | 3 |   | 1 |   |   |   | 5  |
| John F Boot        |   | 1 | 1 |   | 3 | 2 | 1 |   |   |   | 8  |
| * Flora            |   |   |   |   |   | 1 |   |   |   |   | 1  |
| William Grimmate   | 1 | 1 | 1 |   |   | 1 | 1 |   |   |   | 5  |
| * Jane             |   |   |   |   | 1 |   |   |   |   |   | 1  |
| * Nancy            |   |   |   |   |   |   |   | 1 |   |   | 1  |
| * Good Day         |   | 1 |   |   |   |   |   |   |   |   | 1  |
| Sally Bark         |   | 1 |   |   | 2 |   | 1 |   | 1 | 3 | 8  |
| Charles Adams      |   |   | 1 |   | 1 | 1 |   |   |   |   | 3  |
| Laugh at Mush      | 1 | 1 | 1 |   | 1 | 2 | 1 |   |   |   | 7  |
| Jeffrey            | 1 | 1 |   | 1 | 1 | 1 | 1 |   |   |   | 6  |
| * Mrs Watts        |   |   |   |   |   |   |   | 1 |   |   | 1  |
| Sarah Bennett      |   |   |   |   | 1 | 1 |   |   |   |   | 2  |
| Coo-wi-scoo-wee    | 2 |   | 1 |   | 1 |   | 1 |   |   |   | 5  |
| * Nancy            |   |   |   |   |   |   | 1 |   |   |   | 1  |
| Young Duck         | 3 | 1 | 1 |   |   |   | 1 |   |   |   | 6  |
| Anna Duck          | 1 |   |   |   |   | 1 |   |   |   |   | 2  |
| Fox                |   |   |   | 1 |   |   |   |   |   |   | 1  |
| Boating            |   | 1 | 1 |   |   | 1 | 1 |   |   |   | 4  |
| Big Feather        | 2 | 2 | 3 |   |   | 1 | 1 |   |   |   | 9  |
| Charles Melton     |   |   | 1 |   |   |   |   |   | 5 | 9 | 15 |
| Jack Justice       | 1 | 2 | 1 |   |   | 3 | 1 |   |   |   | 8  |
| * Jane Wheeler     |   |   |   |   |   |   | 1 |   |   |   | 1  |
| * John Wheeler     |   | 1 |   |   |   |   |   |   |   |   | 1  |
| <i>Page 82</i>     |   |   |   |   |   |   |   |   |   |   |    |
| * Head             |   |   |   | 1 |   |   |   |   |   |   | 1  |
| Choctaw Killer     | 1 | 1 |   | 1 | 3 | 1 | 1 |   |   |   | 8  |
| Cha-too-hea        |   |   |   |   |   | 1 | 1 |   |   |   | 2  |
| Sally              | 1 |   |   |   | 1 |   | 1 |   |   |   | 3  |
| Fish               |   |   | 1 |   |   | 1 |   | 1 |   |   | 3  |

|   |                      |   |   |   |   |   |   |   |   |   |  |    |
|---|----------------------|---|---|---|---|---|---|---|---|---|--|----|
|   | John Rain Crow       | 2 |   | 1 |   | 1 |   | 1 |   |   |  | 5  |
| * | Susanna              |   |   |   |   |   |   | 1 |   |   |  | 1  |
|   | Jesse Livett         | 2 | 1 | 1 |   | 1 |   | 1 |   |   |  | 6  |
| * | Coon                 |   |   |   | 1 |   |   |   |   |   |  | 1  |
|   | Caleb Hunt           | 1 |   | 1 |   |   | 1 | 1 |   |   |  | 4  |
|   | Lucy                 | 1 | 1 |   |   |   |   | 1 |   |   |  | 3  |
| * | Cun-ta-ki            |   |   |   |   |   |   | 1 |   |   |  | 1  |
| * | Widow Swell<br>Knees |   |   |   |   |   |   | 1 |   |   |  | 1  |
|   | Ah-hin-trier         |   | 1 |   |   |   | 2 |   |   |   |  | 3  |
|   | Thomas Watts         |   |   | 1 |   |   | 2 | 1 |   |   |  | 4  |
|   | Aggy Watts           |   | 1 |   |   |   |   | 1 |   |   |  | 2  |
|   | Aul Kinney           |   |   |   |   |   |   |   | 1 |   |  | 1  |
|   | Bull Snake           |   |   | 1 |   |   |   | 1 |   |   |  | 2  |
| * | Trunk                |   |   | 1 |   |   |   |   |   |   |  | 1  |
|   | Whirlwind            | 1 |   | 1 |   | 3 |   | 1 |   |   |  | 6  |
| * | Bug                  |   |   | 1 |   |   |   |   |   |   |  | 1  |
| * | Sally                |   |   |   |   |   |   | 1 |   |   |  | 1  |
|   | John Young           | 3 |   | 1 |   | 3 |   | 2 |   | 1 |  | 10 |
|   | Charles Beaver       |   | 1 |   |   |   |   |   |   |   |  | 1  |
|   | Thread Toter         |   |   | 1 |   |   | 1 |   |   |   |  | 2  |

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|   |                       |   |   |   |   |   |   |   |   |    |   |    |
|---|-----------------------|---|---|---|---|---|---|---|---|----|---|----|
|   | Jesse                 | 1 |   | 1 |   |   | 1 |   |   |    |   | 3  |
|   | Dick Benge            |   |   | 1 |   | 2 | 1 |   |   |    |   | 4  |
|   | Conna Thompson        |   |   |   |   |   |   |   | 1 |    | 2 | 3  |
| * | Ca-Wheel              |   | 1 |   |   |   |   |   |   |    |   | 1  |
|   | Betsey                | 1 |   |   |   |   | 1 |   |   |    |   | 2  |
|   | Oo-la-nah             | 1 |   | 1 |   |   |   | 1 |   |    |   | 3  |
|   | Becky Benge           | 1 |   |   |   | 2 |   | 1 |   |    |   | 4  |
|   | Oo-na-tle             |   |   | 1 |   | 1 |   | 1 |   |    |   | 3  |
|   | Jim                   | 1 | 1 |   |   |   | 1 |   |   |    |   | 3  |
|   | Widow Locust          | 2 | 2 |   |   |   |   | 1 |   |    |   | 5  |
|   | Bark                  | 1 |   | 1 |   |   | 1 | 1 |   |    |   | 4  |
|   | North Carolina        |   |   | 1 |   | 3 | 1 | 1 |   |    |   | 6  |
|   | Mrs Elizabeth<br>Pack | 3 |   | 1 |   | 1 | 1 | 2 |   | 10 | 8 | 26 |
| * | Elizabeth Lowry       |   |   |   |   |   |   |   | 1 |    |   | 1  |
| * | Eliza Hust            |   |   |   |   |   | 1 |   |   |    |   | 1  |
| * | Annis Foreman         |   |   |   |   |   | 1 |   |   |    |   | 1  |
|   | John Hanel            | 1 | 1 | 1 |   |   | 1 | 1 |   |    |   | 5  |
| * | Betsy Foreman         |   |   |   |   | 1 |   |   |   |    |   | 1  |
|   | Sally                 |   | 1 |   |   |   | 1 |   | 1 |    |   | 3  |
|   | Anderson Lowery       | 2 |   | 1 |   | 1 |   | 1 |   | 2  | 1 | 8  |
|   | Noo-char-wee          |   |   |   | 1 |   |   |   |   |    |   | 1  |
| * | Daniel Knave          |   | 1 |   |   |   |   |   |   |    |   | 1  |

|                         |   |   |   |   |   |   |   |   |   |   |    |
|-------------------------|---|---|---|---|---|---|---|---|---|---|----|
| James Lowery            |   | 3 | 1 |   |   | 1 | 1 |   | 6 | 2 | 14 |
| John Benge              | 2 | 2 |   | 1 |   | 1 | 1 | 1 | 3 | 1 | 12 |
| Martin Benge            | 2 |   | 1 |   |   | 1 |   |   |   |   | 4  |
| <i>Page 84</i>          |   |   |   |   |   |   |   |   |   |   |    |
| George Lowery           |   |   |   | 1 |   |   |   | 1 | 4 | 5 | 11 |
| * Oo-ta-chy             |   |   |   | 1 |   |   |   |   |   |   | 1  |
| * John Brown            |   | 1 |   |   |   |   |   |   |   |   | 1  |
| * Katy Brown            |   |   |   |   |   | 1 |   |   |   |   | 1  |
| Parch <sup>d</sup> Corn |   |   |   | 1 |   |   |   | 1 |   |   | 2  |
| Co-hoo-is-ta            | 2 |   | 1 |   |   | 1 | 1 |   |   |   | 5  |
| * I-you-qua             |   |   |   |   |   |   | 1 |   |   |   | 1  |
| * Sally Fields          |   |   |   |   |   | 1 |   |   |   |   | 1  |
| * Elizabeth Gunter      |   |   |   |   | 1 |   |   |   |   |   | 1  |
| * Takey                 |   |   |   |   |   | 1 |   |   |   |   | 1  |
| * Aggy                  |   |   |   |   |   | 1 |   |   |   |   | 1  |
| * Shoe Sole             |   |   | 1 |   |   |   |   |   |   |   | 1  |
| * Takey                 |   |   |   |   |   |   | 1 |   |   |   | 1  |
| * William Levitt        |   | 1 |   |   |   |   |   |   |   |   | 1  |
| * Buzzard               |   |   | 1 |   |   |   |   |   |   |   | 1  |
| Walker                  | 2 |   | 1 |   |   |   | 1 |   |   |   | 4  |
| * Yellow Jacket         |   |   | 1 |   |   |   |   |   |   |   | 1  |
| Cha-we-you-ca           |   |   | 1 |   |   |   |   | 1 |   |   | 2  |
| Hannah Moore            |   |   |   |   | 2 |   | 1 |   |   |   | 3  |
| * Charles Thompson      |   |   | 1 |   |   |   |   |   |   |   | 1  |
| Car-noo-ski-ski         | 1 | 1 | 1 |   | 2 | 1 | 1 |   |   |   | 7  |
| Darney                  |   |   |   |   |   | 4 | 1 |   |   |   | 5  |
| Dean-na                 | 2 |   |   |   |   |   | 1 |   |   |   | 3  |
| * Charles               |   |   | 1 |   |   |   |   |   |   |   | 1  |
| * Six Killer            |   |   | 1 |   |   |   |   |   |   |   | 1  |
| <i>Page 85</i>          |   |   |   |   |   |   |   |   |   |   |    |
| * Culstia               |   |   |   |   |   |   | 1 |   |   |   | 1  |
| * Oo-sa-na-le           |   |   |   | 1 |   |   |   |   |   |   | 1  |
| Crow Killer             |   | 3 | 1 |   |   | 1 | 1 |   |   |   | 6  |
| Isaac                   | 2 | 1 |   |   |   | 1 |   |   |   |   | 4  |
| Ca-tu-ski-sti           |   |   |   |   |   | 2 | 1 |   |   |   | 3  |
| Sally                   |   |   |   |   | 1 |   | 1 |   |   |   | 2  |
| Oo-til-ki               |   | 1 |   |   |   | 1 |   |   |   |   | 2  |
| * Young Turkey          |   |   | 1 |   |   |   |   |   |   |   | 1  |
| Thompson                |   | 2 | 1 |   |   |   | 1 |   |   |   | 4  |
| * Edward                |   | 1 |   |   |   |   |   |   |   |   | 1  |
| Capt Baldrige           |   |   | 1 |   |   | 1 |   |   |   |   | 2  |
| Corn Silk               |   | 1 | 1 |   | 4 |   | 1 |   |   |   | 7  |
| Ca-te-ge-ski            | 1 |   | 1 |   |   | 1 |   |   |   |   | 3  |
| Oo-ca-we-you            |   | 3 |   |   | 1 |   | 1 |   |   |   | 5  |

|   |                |   |   |   |   |   |   |   |  |   |
|---|----------------|---|---|---|---|---|---|---|--|---|
|   | Empty          |   | 1 |   |   | 1 |   |   |  | 2 |
|   | French         |   | 1 |   | 1 |   | 1 |   |  | 3 |
| * | Ah-hoo-i-ca    |   |   | 1 |   |   |   |   |  | 1 |
| * | Ne-coo-ta-ye   |   |   |   |   |   | 1 |   |  | 1 |
| * | Tancy          |   |   |   |   | 1 |   |   |  | 1 |
| * | Blossom        |   | 1 |   |   |   |   |   |  | 1 |
|   | Whip-poor-will | 1 | 3 | 1 |   | 2 | 1 |   |  | 8 |
| * | Ca-you-ca      |   |   |   |   |   |   | 1 |  | 1 |
|   | Coos-too       |   | 1 |   | 1 | 3 | 3 | 1 |  | 9 |
| * | Chi-qua-gi     |   | 1 |   |   |   |   |   |  | 1 |
|   | Turkey         |   |   |   | 1 | 1 | 4 | 1 |  | 7 |

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|   |                   |   |   |   |   |   |   |   |   |   |
|---|-------------------|---|---|---|---|---|---|---|---|---|
| * | Treamer           |   | 1 |   |   |   |   |   |   | 1 |
|   | Chin              | 1 |   | 1 |   | 1 |   | 1 |   | 4 |
|   | Ta-ney            |   |   | 1 |   | 2 |   | 2 |   | 5 |
|   | Charles           | 1 |   | 1 |   | 1 |   | 1 |   | 4 |
|   | Young Bird        |   |   | 1 |   |   |   | 1 |   | 2 |
|   | Dica-est          |   |   | 1 |   | 2 |   | 1 |   | 4 |
| * | Sa-li-coo         |   |   | 1 |   |   |   |   |   | 1 |
|   | Dick              |   |   | 1 |   |   |   |   |   | 1 |
|   | Cu-chi-sta-na-ski | 1 |   | 1 |   | 1 |   | 1 |   | 4 |
| * | An-na             |   |   |   |   |   | 1 |   |   | 1 |
|   | Darkey            | 1 |   |   |   | 1 |   | 1 |   | 3 |
| * | Ca-qua-la-wa-ti   |   |   | 1 |   |   |   |   |   | 1 |
| * | Trunk             |   |   |   | 1 |   |   |   |   | 1 |
|   | Lucy              | 2 | 1 |   |   | 1 |   | 1 |   | 5 |
|   | Turtle            | 3 |   | 1 |   |   |   | 1 |   | 5 |
| * | Ca-let-ta         |   |   |   |   |   |   |   | 1 | 1 |
|   | Na-ne             | 1 |   |   |   | 1 | 1 | 1 |   | 4 |
| * | Ta-na-ne          |   | 1 |   |   |   |   |   |   | 1 |
|   | Rock              | 2 | 2 | 1 |   |   | 1 | 1 |   | 7 |
|   | Cummings          | 1 | 1 | 1 |   | 1 | 1 |   |   | 5 |
| * | Ah-ta-loo-sci     |   |   | 1 |   |   |   |   |   | 1 |
|   | Snake             |   |   | 1 |   |   | 1 |   |   | 2 |
|   | Ah-li-ca          | 1 | 1 |   |   |   | 2 | 2 |   | 6 |
| * | Chi-na-sa         |   |   |   |   |   | 1 |   |   | 1 |
|   | Na-ki             |   |   |   |   | 1 |   |   |   | 1 |

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|   |             |   |   |   |   |   |   |   |  |    |
|---|-------------|---|---|---|---|---|---|---|--|----|
| * | Ta-li-ha    |   |   | 1 |   |   |   |   |  | 1  |
|   | Frog        | 2 | 2 | 1 |   |   | 3 | 1 |  | 9  |
| * | Nancy       |   |   |   | 1 |   |   |   |  | 1  |
|   | Nancy       |   | 4 |   |   | 1 | 4 | 1 |  | 10 |
| * | Na-ya-hi    |   | 1 |   |   |   |   |   |  | 1  |
| * | Mul-kee     |   | 1 |   |   |   |   |   |  | 1  |
| * | Oo-sa-na-li |   |   |   | 1 |   |   |   |  | 1  |

|   |                   |   |   |   |  |   |   |   |   |  |  |   |
|---|-------------------|---|---|---|--|---|---|---|---|--|--|---|
| * | Wa-ye (or Pigeon) |   |   | 1 |  |   |   |   |   |  |  | 1 |
| * | Davy              |   | 1 |   |  |   |   |   |   |  |  | 1 |
| * | Ca-ste-sta-na-ski |   |   | 1 |  |   |   |   |   |  |  | 1 |
| * | Sophia            |   |   |   |  |   |   | 1 |   |  |  | 1 |
|   | Che-an-sa         |   | 1 |   |  | 1 | 1 |   |   |  |  | 3 |
|   | Can-ta-qua-ski    |   | 1 |   |  | 2 | 1 |   |   |  |  | 4 |
| * | Betsey            |   |   |   |  |   |   |   | 1 |  |  | 1 |
|   | Haws              | 2 | 1 |   |  | 1 |   |   |   |  |  | 4 |
|   | Darkey            | 1 |   |   |  |   |   | 1 |   |  |  | 2 |
| * | Samuel            |   | 1 |   |  |   |   |   |   |  |  | 1 |
|   | Nancy             | 1 |   |   |  | 1 |   |   | 1 |  |  | 3 |
| * | Peggy             |   |   |   |  |   |   | 1 |   |  |  | 1 |
|   | Oo-ta-coo-hoo     |   | 3 | 1 |  | 2 | 2 | 1 |   |  |  | 9 |
|   | Diver             |   |   | 1 |  | 1 | 1 |   |   |  |  | 3 |
|   | Ta-la-ha-li       |   | 1 |   |  |   | 1 |   |   |  |  | 2 |
|   | Davis             | 1 | 2 | 1 |  | 2 |   |   | 1 |  |  | 7 |
|   | Sce-qua-ni-yaw    | 1 | 2 | 1 |  |   | 1 | 1 |   |  |  | 6 |
|   | Na-ki             |   |   |   |  |   | 1 |   |   |  |  | 1 |

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|   |                             |   |   |   |   |   |   |   |   |   |   |    |
|---|-----------------------------|---|---|---|---|---|---|---|---|---|---|----|
| * | Betsey                      |   |   |   |   |   | 1 |   |   |   |   | 1  |
|   | Banter                      |   | 1 | 1 |   | 3 | 1 | 1 |   |   |   | 7  |
| * | Barefoot                    |   | 1 |   |   |   |   |   |   |   |   | 1  |
| * | Ta-che-za                   |   | 1 |   |   |   |   |   |   |   |   | 1  |
|   | James Leslie                |   |   |   | 1 |   | 1 | 1 |   | 1 | 1 | 5  |
|   | Col-lo-qui<br>(or Gun Pile) |   | 2 |   | 1 |   | 1 | 2 | 1 |   |   | 7  |
|   | Too-na-ya-chi               | 2 |   | 1 |   |   |   | 1 |   |   |   | 4  |
|   | Wolf                        | 1 |   |   | 1 | 2 | 1 |   | 1 |   |   | 6  |
|   | Huston                      | 3 |   | 1 |   | 1 |   | 1 |   |   |   | 6  |
| * | Si-ki-ca                    |   |   |   | 1 |   |   |   |   |   |   | 1  |
| * | Too-ca                      |   |   |   |   |   |   |   | 1 |   |   | 1  |
|   | Ta-noo-ya                   | 2 | 1 | 1 |   |   | 1 |   | 1 |   |   | 6  |
|   | Money Crier                 | 3 | 4 | 1 |   | 1 | 1 | 1 |   |   |   | 11 |
|   | Noo-ta-loo-na               |   |   | 1 |   |   | 1 |   |   |   |   | 2  |
|   | Samuel Spring               | 1 |   | 1 |   | 2 | 1 | 1 |   |   |   | 6  |
|   | Too-na-ya                   | 1 | 1 | 1 |   | 2 | 1 | 1 |   |   |   | 7  |
| * | Charles                     |   |   | 1 |   |   |   |   |   |   |   | 1  |
|   | Ah-ni-la-ca-ya              |   | 3 |   | 1 | 1 | 1 | 1 |   |   |   | 7  |
| * | Na-ne                       |   |   |   |   |   |   | 1 |   |   |   | 1  |
| * | Oo-la-tsi-ta                |   |   |   | 1 |   |   |   |   |   |   | 1  |
|   | Sha-lan-ti                  | 2 | 2 | 1 |   | 1 |   | 1 |   |   |   | 7  |
|   | See-ca-wi                   | 1 | 1 | 1 |   |   | 2 | 1 |   |   |   | 6  |
|   | Ooes-cal-te-ki              |   | 1 | 1 |   |   |   |   |   |   |   | 2  |
|   | Side Fox                    |   |   | 1 |   |   |   | 1 |   |   |   | 2  |

|                         |   |   |   |   |   |   |   |   |  |    |
|-------------------------|---|---|---|---|---|---|---|---|--|----|
| Sche-le                 | 2 |   | 1 |   | 1 |   | 1 |   |  | 5  |
| <i>Page 89</i>          |   |   |   |   |   |   |   |   |  |    |
| Nancy                   | 1 | 1 |   |   |   | 1 | 1 |   |  | 4  |
| Pipe                    |   | 1 |   | 1 |   |   | 1 |   |  | 3  |
| * Cumberland            |   |   |   | 1 |   |   |   |   |  | 1  |
| * Jackson               |   |   | 1 |   |   |   |   |   |  | 1  |
| Chi-an-loo-ki           | 4 | 2 |   |   | 1 | 3 | 1 |   |  | 11 |
| * William Blue Cat      |   | 1 |   |   |   |   |   |   |  | 1  |
| * Yellow Hammer         |   |   | 1 |   |   |   |   |   |  | 1  |
| Auter Lifter            | 1 | 1 | 1 |   | 1 |   | 1 |   |  | 5  |
| Black Beard             |   | 1 | 1 |   |   |   | 1 |   |  | 3  |
| Pigeon                  |   |   | 1 |   | 2 | 1 |   |   |  | 4  |
| Alexander Ratliff       | 2 |   | 1 |   |   |   | 1 |   |  | 4  |
| Chi-co-na-la            |   |   |   |   | 1 |   |   |   |  | 1  |
| George                  |   |   | 1 |   |   |   | 1 |   |  | 2  |
| An-na-loo-ga            |   |   |   |   | 1 | 1 |   |   |  | 2  |
| * Oo-na-su-ha           |   |   | 1 |   |   |   |   |   |  | 1  |
| Sophia                  |   | 1 |   |   |   |   | 1 |   |  | 2  |
| Cheatham                |   | 1 |   |   |   | 1 |   |   |  | 2  |
| Tassel                  | 1 | 1 | 1 |   |   | 1 | 1 |   |  | 5  |
| Ta-noo-la-ski           |   |   | 1 |   |   |   |   | 1 |  | 2  |
| * Bear Pouch            |   |   | 1 |   |   |   |   |   |  | 1  |
| Sa-jo-wosta             |   |   | 1 |   |   |   | 1 |   |  | 2  |
| Se-qua-ta               |   |   | 1 |   |   |   | 1 |   |  | 2  |
| * Polly                 |   |   |   |   |   |   |   | 1 |  | 1  |
| * Ta-ne-an-ta           |   | 1 |   |   |   |   |   |   |  | 1  |
| Ellick                  | 1 | 1 |   |   |   | 1 |   |   |  | 3  |
| <i>Page 90</i>          |   |   |   |   |   |   |   |   |  |    |
| Takey                   | 1 | 1 |   |   | 1 | 2 | 1 |   |  | 6  |
| Elizabeth               |   |   | 1 |   |   |   |   | 1 |  | 2  |
| Polly                   | 2 |   |   |   |   | 1 | 1 |   |  | 4  |
| * Ti-ca-na-ous-ki       |   | 1 |   |   |   |   |   |   |  | 1  |
| * Polly                 |   |   |   |   |   | 1 |   |   |  | 1  |
| Che-wee                 | 1 | 1 | 1 |   |   |   | 1 |   |  | 4  |
| Ca-woot-le (or Jim)     |   | 1 | 1 |   | 3 |   | 2 |   |  | 7  |
| * Tuck-sci (or Tarapin) |   |   | 1 |   |   |   |   |   |  | 1  |
| Five Killer             | 2 | 1 | 1 |   | 1 | 1 | 1 |   |  | 7  |
| Ta-noo-ye               |   |   | 1 |   |   |   | 1 |   |  | 2  |
| * Swimmer               |   |   | 1 |   |   |   |   |   |  | 1  |
| Bill                    | 2 | 1 | 1 |   | 1 |   | 1 |   |  | 6  |
| * Ma-che-ca-li          |   | 1 |   |   |   |   |   |   |  | 1  |
| * Sophia                |   |   |   |   |   |   | 1 |   |  | 1  |
| King                    |   |   | 1 |   |   | 1 | 1 |   |  | 3  |

|                |                               |   |   |   |  |   |   |   |  |  |  |   |
|----------------|-------------------------------|---|---|---|--|---|---|---|--|--|--|---|
|                | Coleman                       |   |   | 1 |  |   |   |   |  |  |  | 1 |
|                | John                          | 1 | 1 | 1 |  | 2 |   | 1 |  |  |  | 6 |
|                | Oo-le-you-ti                  |   |   | 1 |  |   | 2 | 1 |  |  |  | 4 |
|                | Neg                           |   |   | 1 |  | 1 | 1 | 1 |  |  |  | 4 |
|                | Ul-te-you-hi                  | 1 |   | 1 |  |   |   | 1 |  |  |  | 3 |
|                | John                          |   | 1 | 1 |  |   | 1 | 1 |  |  |  | 4 |
|                | Micco                         |   | 1 | 1 |  | 1 | 1 | 1 |  |  |  | 5 |
|                | Rabbit                        |   |   | 1 |  | 2 |   | 1 |  |  |  | 4 |
|                | Sally Parch <sup>d</sup> Corn |   |   |   |  | 1 |   | 1 |  |  |  | 2 |
|                | Ca-na-ski-ski                 | 1 |   | 1 |  |   |   | 1 |  |  |  | 3 |
| <i>Page 91</i> |                               |   |   |   |  |   |   |   |  |  |  |   |
| *              | Ta-ca-tun-ca                  |   | 1 |   |  |   |   |   |  |  |  | 1 |
| *              | Ta-cu-na-esk                  |   | 1 |   |  |   |   |   |  |  |  | 1 |
| *              | Te-est-E-esk                  |   |   | 1 |  |   |   |   |  |  |  | 1 |
| *              | Tla-noo-sci                   |   |   | 1 |  |   |   |   |  |  |  | 1 |
|                | Nelly                         |   |   |   |  |   | 1 | 1 |  |  |  | 2 |
| *              | Co-ho-na                      |   |   |   |  |   |   | 1 |  |  |  | 1 |
| *              | Katy                          |   |   |   |  |   |   | 1 |  |  |  | 1 |
|                | Too-ni                        | 1 |   |   |  |   |   | 1 |  |  |  | 2 |

**Muster Roll of Detachment N<sup>o</sup> of Emigrating  
Cherokees under Charge of Capt. John Benge<sup>2</sup>**

| Heads<br>Of<br>Families | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES<br>(UN-LABELLED COLUMN) |   |
|-------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------------------------------|---|
| John Benge              | 2                    | 1                      | 2                   |                       | 5              | 4                   | 3                     |               | 1               | 8             | 1<br>3               | 1                | 3               | 4                    | 1<br>7                                               | 8 |
| Laughing Mush           | 1                    | 1                      |                     | 1                     | 3              | 3                   | 2                     |               |                 | 5             | 8                    |                  |                 |                      | 8                                                    | 4 |
| Sally Bark              | 1                    | 4                      | 3                   | 1                     | 9              |                     | 2                     |               | 1               | 3             | 1<br>2               | 2                | 4               | 6                    | 1<br>8                                               | 3 |
| W <sup>m</sup> Grimmet  |                      | 1                      | 1                   | 1                     | 3              | 3                   | 2                     |               | 1               | 6             | 9                    |                  | 2               | 2                    | 1<br>1                                               | 4 |
| Jno F. Boot             |                      | 2                      | 1                   | 1                     | 4              | 1                   | 1                     |               |                 | 2             | 6                    |                  |                 |                      | 6                                                    | 3 |
| Bull Snake              |                      |                        | 1                   | 1                     | 2              |                     |                       |               |                 |               | 2                    |                  |                 |                      | 2                                                    | 1 |
| Cha <sup>s</sup> Melton |                      |                        |                     |                       |                |                     |                       | 1             |                 |               | 1                    | 3                | 1<br>1          | 1<br>4               | 1<br>5                                               | 1 |
| A. Campbell             |                      | 3                      | 1                   | 1                     | 5              | 2                   | 5                     |               |                 | 7             | 1<br>2               | 1                | 2               | 3                    | 1<br>5                                               | 6 |
| Tho <sup>s</sup> Watts  |                      | 1                      |                     |                       | 1              | 2                   | 3                     |               | 1               | 6             | 7                    |                  |                 |                      | 7                                                    | 3 |
| Ohwah dey<br>ohee       |                      |                        |                     |                       |                |                     | 1                     |               | 1               | 2             | 2                    |                  |                 |                      | 2                                                    | 1 |
| Soldiers Triers         |                      |                        | 1                   |                       | 1              |                     | 1                     |               |                 | 1             | 2                    |                  |                 |                      | 2                                                    | 1 |
| Caleb Hunt              | 1                    | 1                      |                     |                       | 2              | 2                   | 4                     |               |                 | 6             | 8                    |                  |                 |                      | 8                                                    |   |
| Gahsahulee              | 2                    |                        |                     |                       | 2              | 1                   | 2                     |               |                 | 3             | 5                    |                  |                 |                      | 5                                                    | 4 |
| Stinking Fish           | 1                    | 2                      |                     | 1                     | 4              | 1                   | 1                     |               |                 | 2             | 6                    |                  |                 |                      | 6                                                    | 2 |
| Choctaw Killer          | 1                    | 3                      | 1                   |                       | 5              | 1                   | 4                     |               |                 | 5             | 1<br>0               |                  |                 |                      | 1<br>0                                               | 1 |
| Big Feather             | 3                    |                        |                     | 1                     | 4              | 4                   | 1                     |               |                 | 5             | 9                    |                  |                 |                      | 9                                                    | 1 |
| Young Ducks<br>widow    | 5                    | 1                      |                     |                       | 6              | 2                   | 3                     |               |                 | 5             | 1<br>1               |                  |                 |                      | 1<br>1                                               | 1 |
| Gowas coowee            | 1                    |                        | 1                   |                       | 2              | 1                   | 1                     |               | 1               | 3             | 5                    |                  |                 |                      | 5                                                    | 1 |
| Jeffrey <sup>3</sup>    | 1                    | 2                      |                     | 1                     | 4              | 1                   | 1                     | 1             |                 | 3             | 6                    |                  |                 |                      | 7                                                    | 1 |

<sup>2</sup> John Ross Papers, Folder #504 (4026.707), The Thomas Gilcrease Museum of American History and Art, Tulsa OK. This is believed to be an ending Muster Roll of those who arrived in the west. Most, but not all, of the Benge Detachment emigrants can be found on the pre-emigration Muster Roll of Emigrating Cherokee compiled by Captain John Page. They are primarily located on pages 81 to 91 but some others are intermittently found on pages 56 to 60. Pages Muster Roll can be found on National Archives and Record Administration Microfilm A42 "Page Muster Roll of Cherokees Who Wished to Emigrate West of the Mississippi."

| Heads<br>Of<br>Families              | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES<br>(UN-LABELLED COLUMN) |
|--------------------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------------------------------|
| Sam <sup>1</sup> Spring              | 2                    | 2                      |                     |                       | 4              | 1                   | 2                     |               |                 | 3             | 7                    |                  |                 |                      | 7                                                    |
| Seakalale & Oodaheder                | 2                    | 1                      | 2                   |                       | 5              | 2                   | 2                     | 1             |                 | 5             | 1<br>0               |                  |                 |                      | 1<br>0                                               |
| Secouwee                             | 2                    |                        |                     | 1                     | 2              | 5                   | 2                     |               |                 | 7             | 9                    |                  |                 |                      | 9                                                    |
| Sides                                | 2                    |                        |                     | 1                     | 3              | 1                   | 2                     |               |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Pipe                                 |                      |                        |                     |                       |                | 5                   | 1                     |               |                 | 6             | 6                    |                  |                 |                      | 6                                                    |
| Cumberland                           |                      |                        |                     |                       |                |                     |                       | 1             |                 | 1             | 1                    |                  |                 |                      | 1                                                    |
| Cheyohlasksee                        | 2                    | 1                      | 2                   |                       | 5              | 4                   | 5                     |               |                 | 9             | 1<br>4               |                  |                 |                      | 1<br>4                                               |
| Otter Lifter                         | 1                    | 1                      | 1                   |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| <i>(page torn)</i>                   |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      |                  |                 |                      |                                                      |
| B. Beard & Path Killer               | 2                    | 2                      |                     |                       | 4              | 4                   | 3                     |               |                 | 7             | 1<br>1               |                  |                 |                      | 1<br>1                                               |
| Bolting, Polly & }<br>Sequahtah<br>} |                      |                        |                     |                       |                | 1                   | 1                     |               | 1               | 3             | 3                    |                  |                 |                      | 3                                                    |
| Le-qe-ge-oo-ske-loh-ge               | 1                    | 1                      | 1                   |                       | 3              | 1                   | 3                     |               |                 | 4             | 7                    |                  |                 |                      | 7                                                    |
| Gahloh-no-haskee                     |                      |                        |                     |                       |                | 2                   | 2                     |               |                 | 4             | 4                    |                  |                 |                      | 4                                                    |
| Ahdahwartuske<br>& Quaty             |                      |                        |                     |                       |                | 3                   | 1                     |               | 1               | 5             | 5                    |                  |                 |                      | 5                                                    |
| Takey                                | 2                    |                        |                     | 1                     | 3              | 3                   | 3                     |               |                 | 6             | 9                    |                  |                 |                      | 9                                                    |
| Money Crier                          | 3                    | 1                      | 2                   | 1                     | 7              | 2                   | 1                     |               |                 | 3             | 1<br>0               |                  |                 |                      | 1<br>0                                               |
| Crying Snake                         |                      | 1                      |                     |                       | 1              | 1                   | 1                     |               |                 | 2             | 3                    |                  |                 |                      | 3                                                    |
| Polly or Widow Boot                  | 1                    |                        |                     | 1                     | 2              |                     | 1                     |               |                 | 1             | 3                    |                  |                 |                      | 3                                                    |
| Jas Cunnatty                         | 1                    | 2                      |                     |                       | 3              | 1                   | 2                     |               |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Chuwey                               | 2                    |                        |                     |                       | 2              | 2                   | 1                     |               |                 | 3             | 5                    |                  |                 |                      | 5                                                    |
| Turner                               |                      |                        | 1                   | 1                     | 2              | 2                   | 1                     |               |                 | 3             | 5                    |                  |                 |                      | 5                                                    |
| Choctaw                              | 2                    | 2                      | 1                   |                       | 5              | 1                   | 1                     |               | 1               | 3             | 8                    |                  |                 |                      | 8                                                    |
| Dooniyee                             |                      |                        |                     |                       |                | 2                   | 1                     |               |                 | 3             | 3                    |                  |                 |                      | 3                                                    |

<sup>3</sup> This entry for Jeffrey on the original contains a mathematical or clerical error.

| Heads<br>Of<br>Families           | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES<br>(UN-LABELLED COLUMN) |
|-----------------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------------------------------|
| Corn Silk                         |                      | 4                      | 1                   |                       | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                                                    |
| Capt Baldrige                     |                      |                        | 1                   |                       | 1              | 1                   | 2                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Jack Justice &<br>Widow Wheeler   | 2                    | 2                      |                     |                       | 4              | 3                   | 3                     | 1             |                 | 7             | 1                    |                  |                 |                      | 1                                                    |
| Parch Corn                        | 2                    | 1                      |                     | 3                     | 6              | 3                   | 2                     | 1             | 1               | 7             | 1                    |                  |                 |                      | 1                                                    |
| Gehtakee                          |                      | 1                      |                     | 2                     | 3              |                     |                       | 1             |                 | 1             | 4                    |                  |                 |                      | 4                                                    |
| Caty                              |                      |                        |                     |                       |                | 3                   |                       |               | 1               | 4             | 4                    |                  |                 |                      | 4                                                    |
| Sunshine                          |                      | 2                      |                     |                       | 2              | 1                   | 1                     |               | 1               | 3             | 5                    |                  |                 |                      | 5                                                    |
| <i>(page torn)</i>                |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      |                  |                 |                      |                                                      |
| Oodilloogee                       |                      |                        |                     |                       |                | 1                   | 1                     |               |                 | 2             | 2                    |                  |                 |                      | 2                                                    |
| King (a<br>Creek)                 |                      |                        |                     | 1                     | 1              | 2                   | 1                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| English John<br>(D <sup>o</sup> ) | 1                    | 1                      | 1                   |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Rotten Fish<br>("")               |                      | 2                      |                     |                       | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                                                    |
| Negookarchy                       | 1                    | 2                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Ooleyahder                        |                      |                        |                     |                       |                | 1                   | 3                     |               |                 | 4             | 4                    |                  |                 |                      | 4                                                    |
| Ahletah<br>yahkehe                | 1                    |                        |                     |                       | 1              | 1                   | 1                     |               |                 | 2             | 3                    |                  |                 |                      | 3                                                    |
| Lechar                            | 2                    | 2                      |                     |                       | 4              | 2                   | 1                     |               |                 | 3             | 7                    |                  |                 |                      | 7                                                    |
| Nah-gah-se-<br>yah-hoo-lah        |                      |                        |                     | 1                     | 1              | 2                   | 1                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Chis-too                          |                      | 2                      |                     |                       | 2              | 1                   | 2                     |               |                 | 3             | 5                    |                  |                 |                      | 5                                                    |
| Oodahneyehder                     | 1                    | 1                      | 1                   |                       | 3              | 1                   | 2                     | 1             |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Jesse Lovett                      | 2                    | 1                      |                     |                       | 3              | 2                   | 1                     |               |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Man Killer                        |                      |                        | 2                   | 1                     | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Shade                             | 1                    | 2                      |                     |                       | 3              | 2                   | 1                     |               |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Pheasant                          |                      |                        |                     |                       |                | 1                   | 1                     |               |                 | 2             | 2                    |                  |                 |                      | 2                                                    |
| Eli Smith                         | 2                    |                        |                     |                       | 2              | 2                   | 1                     |               |                 | 3             | 5                    |                  |                 |                      | 5                                                    |
| Dah-kah-agee                      |                      | 1                      |                     |                       | 1              |                     | 2                     | 1             |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Walking Wolf                      |                      |                        |                     |                       |                | 2                   | 2                     |               |                 | 4             | 4                    |                  |                 |                      | 4                                                    |
| Shite Pokes<br>Widow              |                      | 1                      |                     |                       | 1              |                     | 1                     |               |                 | 1             | 2                    |                  |                 |                      | 2                                                    |
| Mushroom                          | 2                    | 2                      | 1                   |                       | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                                                    |

| Heads<br>Of<br>Families  | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES<br>(UN-LABELLED COLUMN) |
|--------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------------------------------|
| White Tobacco            | 2                    |                        |                     |                       | 2              | 5                   | 4                     | 1             |                 | 1             | 1                    |                  |                 |                      | 1                                                    |
| Chicken                  |                      |                        |                     |                       |                | 2                   | 1                     | 1             |                 | 4             | 4                    |                  |                 |                      | 4                                                    |
| Wottee                   | 1                    | 2                      |                     |                       | 3              | 2                   | 2                     |               |                 | 4             | 7                    |                  |                 |                      | 7                                                    |
| <i>(page torn)</i>       |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      |                  |                 |                      |                                                      |
| Wipe My etc.             | 2                    |                        | 1                   |                       | 3              | 1                   |                       | 1             |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Legeeger                 | 2                    |                        |                     |                       | 2              | 4                   | 2                     |               |                 | 6             | 8                    |                  |                 |                      | 8                                                    |
| Corn Tassel              | 1                    | 1                      | 2                   | 1                     | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                                                    |
| Head Thrower             |                      | 2                      |                     | 1                     | 3              | 2                   |                       |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Cha <sup>s</sup> Downing | 2                    | 1                      | 1                   |                       | 4              | 1                   | 1                     |               |                 | 2             | 6                    |                  |                 |                      | 6                                                    |
| Gritts                   | 2                    | 3                      | 1                   |                       | 6              | 1                   | 1                     |               | 1               | 3             | 9                    |                  |                 |                      | 9                                                    |
| Ehwohtee                 |                      |                        | 1                   |                       |                | 1                   | 1                     |               | 1               | 2             | 3                    |                  |                 |                      | 3                                                    |
| George & Alcy            |                      | 1                      |                     |                       | 1              | 2                   | 2                     |               |                 | 4             | 5                    |                  |                 |                      | 5                                                    |
| Dehchusee                |                      |                        |                     |                       |                |                     |                       | 1             |                 | 1             | 1                    |                  |                 |                      | 1                                                    |
| Gun pile                 |                      |                        | 2                   | 1                     | 3              | 1                   | 3                     |               |                 | 4             | 7                    |                  |                 |                      | 7                                                    |
| Derneyackee              | 2                    |                        |                     |                       | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                                                    |
| Young Wolf               | 1                    | 2                      |                     |                       | 3              | 1                   | 2                     |               |                 | 3             | 6                    |                  |                 |                      | 6                                                    |
| Dahnoowee                | 2                    |                        |                     |                       | 2              | 2                   | 2                     |               |                 | 4             | 6                    |                  |                 |                      | 6                                                    |
| R. Radcliff              | 1                    | 1                      | 2                   | 3                     | 7              | 3                   | 3                     |               |                 | 6             | 1                    |                  |                 |                      | 1                                                    |
| Ah-ge-goh-wah-ter        |                      | 1                      |                     | 1                     | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                                                    |
| Augerhole                |                      |                        | 1                   |                       | 1              | 1                   | 2                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Cha <sup>s</sup> Stealer |                      |                        |                     |                       |                | 1                   |                       |               | 2               | 3             | 3                    |                  |                 |                      | 3                                                    |
| Opposum                  |                      |                        | 1                   |                       | 1              | 1                   | 2                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Nancy P. Miller          | 1                    | 1                      |                     |                       | 2              |                     | 1                     |               | 1               | 2             | 4                    |                  |                 |                      | 4                                                    |
| Houston                  | 3                    | 1                      |                     |                       | 4              | 2                   | 1                     |               | 1               | 4             | 8                    |                  |                 |                      | 8                                                    |
| Catnop                   |                      |                        |                     |                       |                | 1                   |                       |               |                 | 1             | 1                    |                  |                 |                      | 1                                                    |
| Nan                      |                      | 1                      |                     |                       | 1              | 1                   | 2                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |
| Dirt Settors<br>Widow    | 1                    | 2                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Dooneyer &<br>Eggs Widow | 1                    | 2                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                                                    |
| Five Killer              | 1                    | 4                      | 1                   |                       | 6              | 3                   | 2                     | 1             |                 | 6             | 1                    |                  |                 |                      | 1                                                    |
| Nelly P. Killer          | 2                    | 1                      |                     |                       | 3              |                     | 3                     |               | 1               | 4             | 7                    |                  |                 |                      | 7                                                    |
| Jane P. Killer           |                      | 1                      |                     |                       | 1              | 1                   | 2                     |               |                 | 3             | 4                    |                  |                 |                      | 4                                                    |

| Heads<br>Of<br>Families   | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES | (UN-LABELLED COLUMN) |
|---------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------|----------------------|
| Fawn                      |                      | 2                      |                     |                       | 2              | 1                   | 2                     |               |                 | 3             | 5                    |                  |                 |                      | 5                            | 2                    |
| Dakey,<br>Daughter & Son  |                      |                        |                     |                       |                | 1                   | 3                     |               |                 | 4             | 4                    |                  |                 |                      | 4                            |                      |
| Ahnelahgayah              | 2                    |                        |                     |                       | 2              | 2                   | 1                     |               |                 | 3             | 5                    |                  |                 |                      | 5                            |                      |
| Gahnahusker               | 1                    |                        |                     |                       | 1              | 1                   | 1                     |               |                 | 2             | 3                    |                  |                 |                      | 3                            |                      |
| Corn Tassle               | 2                    |                        |                     | 1                     | 3              | 2                   | 2                     |               |                 | 4             | 7                    |                  |                 |                      | 7                            |                      |
| Whirlwind                 |                      | 3                      |                     |                       | 3              | 3                   | 2                     |               |                 | 5             | 8                    |                  |                 |                      | 8                            | 2                    |
| Rebecca Benge             | 1                    | 2                      |                     |                       | 3              |                     | 1                     |               |                 | 1             | 4                    |                  |                 |                      | 4                            | 2                    |
| Oolahah-he                | 1                    |                        |                     |                       | 1              | 1                   | 1                     |               |                 | 2             | 3                    |                  |                 |                      | 3                            |                      |
| Rich <sup>d</sup> Benge   |                      | 2                      |                     |                       | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                            | 2                    |
| Mrs Thompson              | 1                    |                        | 1                   | 1                     | 3              |                     | 1                     |               |                 | 1             | 4                    |                  | 2               | 2                    | 6                            | 9                    |
| John Young                | 3                    | 3                      |                     |                       | 6              | 1                   | 2                     |               |                 | 3             | 9                    |                  | 1               | 1                    | 1                            | 5                    |
| Cheyoh laskee             | 2                    |                        | 1                   |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                            | 3                    |
| Creek Jesse               |                      |                        |                     |                       |                | 1                   | 1                     |               |                 | 2             | 2                    |                  |                 |                      | 2                            |                      |
| Bark (A Creek)            | 1                    |                        |                     | 1                     | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                            |                      |
| Gahyahlanah               |                      | 3                      |                     |                       | 3              | 1                   | 2                     |               |                 | 3             | 6                    |                  |                 |                      | 6                            |                      |
| Walter Lea                | 2                    | 3                      |                     | 2                     | 7              | 1                   | 1                     |               |                 | 2             | 9                    |                  |                 |                      | 9                            | 2                    |
| Screech Owl               | 1                    | 2                      | 1                   | 1                     | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                            | 3                    |
| James Lowry               |                      |                        | 1                   |                       | 1              | 3                   | 3                     |               |                 | 6             | 7                    | 4                | 4               | 8                    | 1                            | 5                    |
| Geo Lowry Ser.            |                      | 1                      | 1                   |                       | 2              |                     |                       | 1             | 1               | 2             | 4                    | 6                | 8               | 1                    | 1                            | 5                    |
| A Lowry                   | 2                    | 1                      |                     |                       | 3              | 1                   | 1                     | 1             |                 | 3             | 6                    |                  | 3               | 4                    | 8                            |                      |
| Caty Rabbit               | 1                    | 1                      |                     |                       | 2              | 1                   |                       |               | 1               | 2             | 4                    |                  |                 |                      | 4                            | 2                    |
| Eliza <sup>tte</sup> Pack |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      | 5                | 1               | 1                    | 1                            | 4                    |
|                           |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      | 2                | 2               | 7                    | 7                            |                      |
| <i>(page torn)</i>        |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      |                  |                 |                      |                              |                      |
| Coohilla                  | 1                    | 1                      |                     |                       | 2              | 2                   | 3                     |               |                 | 5             | 7                    |                  |                 |                      | 7                            | 2                    |
| Sally                     |                      |                        |                     |                       |                | 1                   | 2                     |               |                 | 3             | 3                    |                  |                 |                      | 3                            | 2                    |
| George C.<br>Lowry        | 1                    | 1                      | 1                   | 1                     | 4              | 1                   | 1                     |               |                 | 2             | 6                    |                  | 2               | 2                    | 8                            | 2                    |
| Witch & Wife              | 1                    | 1                      |                     |                       | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                            |                      |
| Geo Baldrige              |                      |                        |                     | 1                     | 1              |                     | 3                     | 1             |                 | 4             | 5                    |                  | 3               | 3                    | 8                            | 1                    |
| James Ore                 | 3                    | 2                      |                     |                       | 5              | 2                   | 1                     |               |                 | 3             | 8                    |                  | 1               | 1                    | 9                            | 4                    |
| Edward Lea                | 1                    | 3                      | 1                   |                       | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                            | 4                    |
| Rising Fawns              |                      |                        |                     |                       |                | 2                   | 1                     |               |                 | 3             | 3                    |                  |                 |                      | 3                            | 3                    |

| Heads<br>Of<br>Families   | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15 | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES | (UN-LABELLED COLUMN) |
|---------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|---------------|----------------------|------------------|-----------------|----------------------|------------------------------|----------------------|
| Widow                     |                      |                        |                     |                       |                |                     |                       |               |                 |               |                      |                  |                 |                      |                              |                      |
| Moses Lea                 |                      | 3                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                            | 2                    |
| Jesse Lea                 |                      | 1                      |                     |                       | 1              | 1                   | 1                     |               |                 | 2             | 3                    |                  |                 |                      | 3                            | 2                    |
| Speaker                   | 3                    |                        | 2                   | 2                     | 7              |                     |                       |               |                 |               | 7                    |                  |                 |                      | 7                            |                      |
| Dick Allstring            |                      |                        | 1                   | 4                     | 5              |                     |                       |               |                 |               | 5                    |                  |                 |                      | 5                            |                      |
| Young Dick                | 1                    | 2                      | 1                   |                       | 4              |                     |                       |               |                 |               | 4                    |                  |                 |                      | 4                            |                      |
| E Gunter                  | 2                    | 3                      | 2                   | 3                     | 1              |                     |                       |               |                 |               | 1                    | 1                | 2               | 3                    | 42                           |                      |
| Geo Gunter                | 1                    | 4                      | 1                   | 3                     | 9              |                     |                       |               |                 |               | 9                    | 6                | 1               | 2                    | 31                           |                      |
| Martin Benge              | 2                    | 2                      |                     |                       | 4              | 2                   | 1                     |               |                 | 3             | 7                    |                  | 2               | 2                    | 9                            | 3                    |
| Robt Benge                | 1                    | 3                      | 1                   |                       | 5              | 1                   | 1                     |               |                 | 2             | 7                    |                  |                 |                      | 7                            | 1                    |
| W <sup>m</sup> Alexander  | 2                    |                        |                     |                       | 2              | 1                   | 2                     |               |                 | 3             | 5                    |                  |                 |                      | 5                            | 1                    |
| Jack Miller               |                      | 1                      |                     | 1                     | 2              | 1                   | 2                     |               |                 | 3             | 5                    |                  |                 |                      | 5                            | 5                    |
| H. Langley                | 3                    | 2                      |                     | 1                     | 6              | 2                   | 2                     |               | 1               | 5             | 1                    |                  |                 |                      | 11                           | 1                    |
| Jane Smith                | 1                    |                        |                     |                       | 1              |                     | 1                     |               |                 | 1             | 2                    |                  |                 |                      | 2                            | 6                    |
| Sokinne Smith             | 1                    |                        |                     |                       | 1              | 1                   | 1                     |               | 1               | 3             | 4                    |                  | 4               | 4                    | 8                            | 8                    |
| Peter Will                | 1                    | 1                      | 1                   |                       | 3              | 1                   | 1                     |               |                 | 2             | 5                    |                  |                 |                      | 5                            | 4                    |
| Young Beaver              | 4                    |                        | 1                   |                       | 5              | 1                   | 3                     |               |                 | 4             | 9                    |                  |                 |                      | 9                            | 5                    |
| Young Chicken             |                      |                        |                     |                       |                | 1                   | 1                     |               |                 | 2             | 2                    |                  |                 |                      | 2                            |                      |
| Charisey                  | 1                    | 2                      | 1                   |                       | 4              | 2                   |                       |               |                 | 2             | 6                    |                  |                 |                      | 6                            |                      |
| Corn Tassle               | 3                    | 1                      |                     |                       | 4              | 3                   | 4                     |               |                 | 7             | 1                    |                  |                 |                      | 11                           |                      |
| Rising Fawn               | 2                    | 2                      | 1                   | 1                     | 6              | 3                   | 2                     |               |                 | 5             | 1                    |                  |                 |                      | 11                           |                      |
| Prase<br>McLemore         |                      | 1                      |                     |                       | 1              | 1                   | 7                     |               |                 | 8             | 9                    |                  |                 |                      | 9                            | 5                    |
| Tarpin Head               | 1                    | 1                      | 1                   | 1                     | 4              | 2                   | 2                     |               |                 | 4             | 7                    |                  |                 |                      | 7                            | 1                    |
| Tho <sup>s</sup> Campbell |                      | 3                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2             | 6                    |                  |                 |                      | 6                            | 3                    |
| Oodiye                    | 2                    |                        |                     |                       | 2              | 1                   | 1                     |               |                 | 2             | 4                    |                  |                 |                      | 4                            |                      |
| Oodaleder                 | 3                    |                        |                     | 2                     | 5              | 1                   | 2                     |               |                 | 3             | 8                    |                  |                 |                      | 8                            |                      |
| Dooniye                   | 1                    | 2                      |                     | 1                     | 4              | 1                   | 1                     |               |                 | 2             | 6                    |                  |                 |                      | 6                            |                      |
| Ahquechee                 |                      | 1                      |                     |                       | 1              |                     |                       | 1             | 1               | 2             | 3                    |                  |                 |                      | 3                            |                      |
| Tom McLemore              | 2                    | 2                      |                     | 1                     | 5              | 2                   | 1                     |               | 1               | 6             | 9                    |                  |                 |                      | 9                            | 3                    |
| Adohlae                   |                      | 2                      |                     | 1                     | 3              | 2                   | 2                     |               |                 | 4             | 7                    |                  |                 |                      | 7                            | 2                    |

| Heads<br>Of<br>Families | MALES UNDER 10 YEARS | FEMALES UNDER 10 YEARS | MALES BETWEEN 10-15 | FEMALES BETWEEN 10-15 | TOTAL UNDER 15 | MALES BETWEEN 15-50 | FEMALES BETWEEN 15-50 | MALES OVER 50 | FEMALES OVER 50 | TOTAL OVER 15    | TOTAL NO. OF INDIANS | NEGROES UNDER 10 | NEGROES OVER 10 | TOTAL NO. OF NEGROES | TOTAL # OF INDIANS & NEGROES | (UN-LABELLED COLUMN) |
|-------------------------|----------------------|------------------------|---------------------|-----------------------|----------------|---------------------|-----------------------|---------------|-----------------|------------------|----------------------|------------------|-----------------|----------------------|------------------------------|----------------------|
| Ahdlohsenee             | 2                    | 2                      |                     | 1                     | 5              | 1                   | 1                     |               |                 | 2                | 7                    |                  |                 |                      | 7                            |                      |
| Nelson Ore              | 1                    |                        |                     |                       | 1              | 1                   | 1                     |               |                 | 2                | 3                    | 2                | 2               | 3                    | 6                            | 2                    |
| James Ore               | 2                    | 2                      | 1                   |                       | 5              | 2                   | 1                     |               |                 | 3                | 8                    |                  | 1               | 1                    | 9                            | 3                    |
| Moses Lea               |                      | 3                      |                     |                       | 3              | 1                   | 1                     |               |                 | 2                | 5                    |                  |                 |                      | 5                            | 2                    |
| Bark Flute              | 1                    | 2                      | 1                   |                       | 4              | 2                   | 2                     |               |                 | 4                | 8                    |                  |                 |                      | 8                            | 1                    |
|                         | 157                  | 169                    | 64                  | 60                    | 450            | 226                 | 241 <sup>4</sup>      | 17            | 25              | 509 <sup>5</sup> | 959 <sup>6</sup>     | 41               | 103             | 144                  | 1103                         | 242                  |

(Signed in Cherokee Syllabary) Conductor

<sup>3</sup>The Total for the Column headed "Females between 15 and 50" contains a mathematical error. The Total should be 240 not 241.

<sup>4</sup> The Total for the Column headed "Total over 15" contains a mathematical error. The Total should be 507 not 509.

<sup>5</sup> The Total for the Column head "Total N<sup>o</sup> of Indians" contains a mathematical error. The Total should be 956 not 959.

**Abstract of Provisions issued to detachment of Cherokee Emigrants.  
John Benge, Conductor, by Lewis Ross Contractor for subsisting the  
Cherokee Emigration in their removal west, commencing on the first  
day of October 1838, and ending on the tenth day of January 1839.**<sup>7</sup>

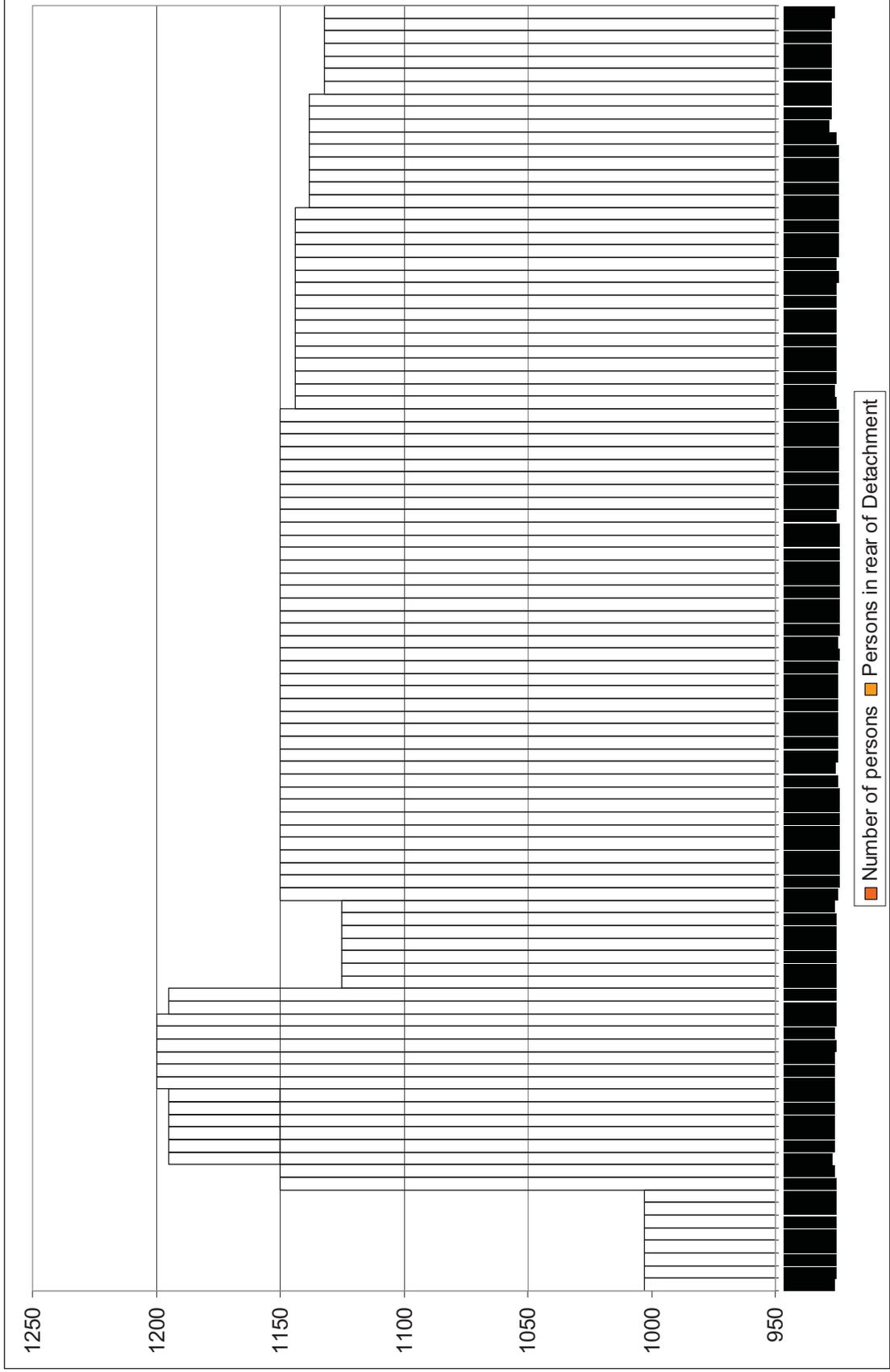
| No of voucher | Date         | No of persons | Time drawn for |            |         | Items of the rations issued on requisitions when the complete ration could not be furnished |                        |                 |                  |                   | Total No of complete Rations issued on the requisitions that was full | Total No of Soap Rations issued | Remarks                           |
|---------------|--------------|---------------|----------------|------------|---------|---------------------------------------------------------------------------------------------|------------------------|-----------------|------------------|-------------------|-----------------------------------------------------------------------|---------------------------------|-----------------------------------|
|               |              |               | No days        | Commencing | Ending  | Rations of meat                                                                             | Rations of Bread stuff | Rations of Salt | Rations of Sugar | Rations of Coffee |                                                                       |                                 |                                   |
| 1             | 1st Oct 1838 | 1003          | 8              | 1st Oct    | 8-Oct   |                                                                                             |                        |                 |                  |                   | 8024                                                                  | 8000                            |                                   |
| 2             | 9 " "        | 1150          | 2              | 9 "        | 10 "    | 2300                                                                                        | 1656                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 3             | 11 " "       | 1150          | 2              | 11 "       | 12 "    | 2300                                                                                        | 1656                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 4             | 13 " "       | 1150          | 2              | 13 "       | 14 "    | 2300                                                                                        | 1656                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 5             | 15 " "       | 1150          | 2              | 15 "       | 16 "    |                                                                                             |                        |                 |                  |                   | 2300                                                                  | 2300                            |                                   |
| 6             | 16 " "       | 45            | 5              | 11 "       | 15 "    |                                                                                             |                        |                 |                  |                   | 205                                                                   | 2300                            | for persons in rear of detachment |
| 7             | 17 " "       | 1200          | 2              | 17 "       | 18 "    |                                                                                             |                        |                 |                  |                   | 2400                                                                  | 2400                            |                                   |
| 8             | 19 " "       | 1200          | 2              | 19 "       | 20 "    |                                                                                             |                        |                 |                  |                   | 2400                                                                  | 2400                            |                                   |
| 9             | 21 " "       | 1200          | 2              | 21 "       | 22 "    |                                                                                             |                        |                 |                  |                   | 2400                                                                  | 2400                            |                                   |
| 10            | 23 " "       | 1195          | 2              | 23 "       | 24 "    | 2390                                                                                        | 1704                   | 2400            | 2400             | 2400              |                                                                       | 2400                            |                                   |
| 11            | 25 " "       | 1125          | 2              | 25 "       | 26 "    |                                                                                             |                        |                 |                  |                   | 2250                                                                  | 2250                            |                                   |
| 12            | 27 " "       | 1125          | 2              | 27 "       | 28 "    | 2250                                                                                        | 2028                   | 2250            | 2250             | 2250              |                                                                       | 2250                            |                                   |
| 13            | 29 " "       | 1125          | 3              | 29 "       | 31 "    | 3375                                                                                        | 3048                   | 3375            | 3375             | 3375              |                                                                       | 3375                            |                                   |
| 14            | 1 Nov "      | 1150          | 2              | 1st Nov    | 2nd Nov | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 15            | 3 " "        | 1150          | 2              | 3 "        | 4 "     | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 16            | 5 " "        | 1150          | 2              | 5 "        | 6 "     | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 17            | 7 " "        | 1150          | 2              | 7 "        | 8 "     | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 18            | 9 " "        | 1150          | 2              | 9 "        | 10 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 19            | 11 " "       | 1150          | 2              | 11 "       | 12 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 20            | 13 " "       | 1150          | 2              | 13 "       | 14 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 21            | 15 " "       | 1150          | 2              | 15 "       | 16 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 22            | 17 " "       | 1150          | 2              | 17 "       | 18 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 23            | 19 " "       | 1150          | 2              | 19 "       | 20 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 24            | 21 " "       | 1150          | 2              | 21 "       | 22 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 25            | 23 " "       | 1150          | 2              | 23 "       | 24 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 26            | 25 " "       | 1150          | 2              | 25 "       | 26 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 27            | 27 " "       | 1150          | 2              | 27 "       | 28 "    | 2300                                                                                        | 2076                   | 2300            | 2300             | 2300              |                                                                       | 2300                            |                                   |
| 28            | 29 " "       | 1150          | 2              | 29 "       | 30 "    |                                                                                             |                        |                 |                  |                   | 2300                                                                  | 2300                            |                                   |

<sup>7</sup> John Ross Papers, Folder #501 (4026.3052), The Thomas Gilcrease Museum of American History and Art, Tulsa OK.

|    |                    |      |   |            |            |       |       |       |       |       |       |       |      |
|----|--------------------|------|---|------------|------------|-------|-------|-------|-------|-------|-------|-------|------|
| 29 | 30 " "             | 1150 | 2 | 1st<br>Dec | 2nd<br>Dec |       |       |       |       |       | 2300  | 2300  |      |
| 30 | 2nd<br>Dec         | 1150 | 2 | 3 "        | 4 "        |       |       |       |       |       | 2300  | 2300  |      |
| 31 | 4 " "              | 1150 | 2 | 5 "        | 6 "        |       |       |       |       |       | 2300  |       |      |
| 32 | 6 " "              | 1150 | 2 | 7 "        | 8 "        |       |       |       |       |       | 2300  |       |      |
| 33 | 8 " "              | 1150 | 2 | 9 "        | 10 "       |       |       |       |       |       | 2300  |       |      |
| 34 | 10 " "             | 1144 | 2 | 11 "       | 12 "       |       |       |       |       |       | 2288  |       |      |
| 35 | 12 " "             | 1144 | 2 | 13 "       | 14 "       |       |       |       |       |       | 2288  | 2288  |      |
| 36 | 14 " "             | 1144 | 2 | 15 "       | 16 "       |       |       |       |       |       | 2288  | 2288  |      |
| 37 | 16 " "             | 1144 | 2 | 17 "       | 18 "       |       |       |       |       |       | 2288  | 815   |      |
| 38 | 18 " "             | 1144 | 2 | 19 "       | 20 "       |       |       |       |       |       | 2288  |       |      |
| 39 | 20 " "             | 1144 | 2 | 21 "       | 22 "       |       |       |       |       |       | 2288  |       |      |
| 40 | 22 " "             | 1144 | 2 | 23 "       | 24 "       |       |       |       |       |       | 2288  |       |      |
| 41 | 24 " "             | 1144 | 2 | 25 "       | 26 "       |       |       |       |       |       | 2288  |       |      |
| 42 | 26 " "             | 1138 | 2 | 27 "       | 28 "       |       |       |       |       |       | 2288  |       |      |
| 43 | 28 " "             | 1138 | 2 | 29 "       | 30 "       |       |       |       |       |       | 2276  |       |      |
| 44 | 30 " "             | 1138 | 1 | 31 "       | 31 "       |       |       |       |       |       | 1138  |       |      |
| 45 | 31 " "             | 1138 | 2 | 1st<br>Jan | 2nd<br>Jan |       |       |       |       |       | 2276  |       |      |
| 46 | 2nd<br>Jan<br>1839 | 1138 | 2 | 3 "        | 4 "        |       |       |       |       |       | 2276  |       |      |
| 47 | 4 " "              | 1132 | 2 | 5 "        | 6 "        |       |       |       |       |       | 2264  |       |      |
| 48 | 6 " "              | 1132 | 2 | 7 "        | 8 "        |       |       |       |       |       | 2264  |       |      |
| 49 | 8 " "              | 1132 | 2 | 9 "        | 10 "       |       |       |       |       |       | 2264  |       |      |
|    |                    |      |   |            |            | 47115 | 40812 | 47125 | 47425 | 48125 | 69137 | 76838 | 2306 |

I certify that I have examined the above abstracts of provisions and find it to be correct, amounting to sixty nine thousand and one hundred and thirty seven complete rations and forty seven thousand one hundred & fifteen meat rations and forty one thousand eight hundred and twelve rations of meal and forty seven thousand one hundred & twenty five salt rations, forty seven thousand four hundred and twenty five rations of sugar & forty eight thousand one hundred & twenty five rations of coffee in addition to the aforesaid number of complete rations furnished the detachment conducted by me ---- and two thousand three hundred & six & \_\_\_ hand soaps.

(Signed in Cherokee Syllabary) Conductor  
George C. Lowry asst



**Abstract of Forage issued to the horses belonging to a detachment of Cherokee Emigrants, John Benge Conductor, by Lewis Ross Contractor for subsisting the Cherokee Emigration in their removal west, commencing on the first day of October 1838, and ending on the tenth day of January 1839.**<sup>8</sup>

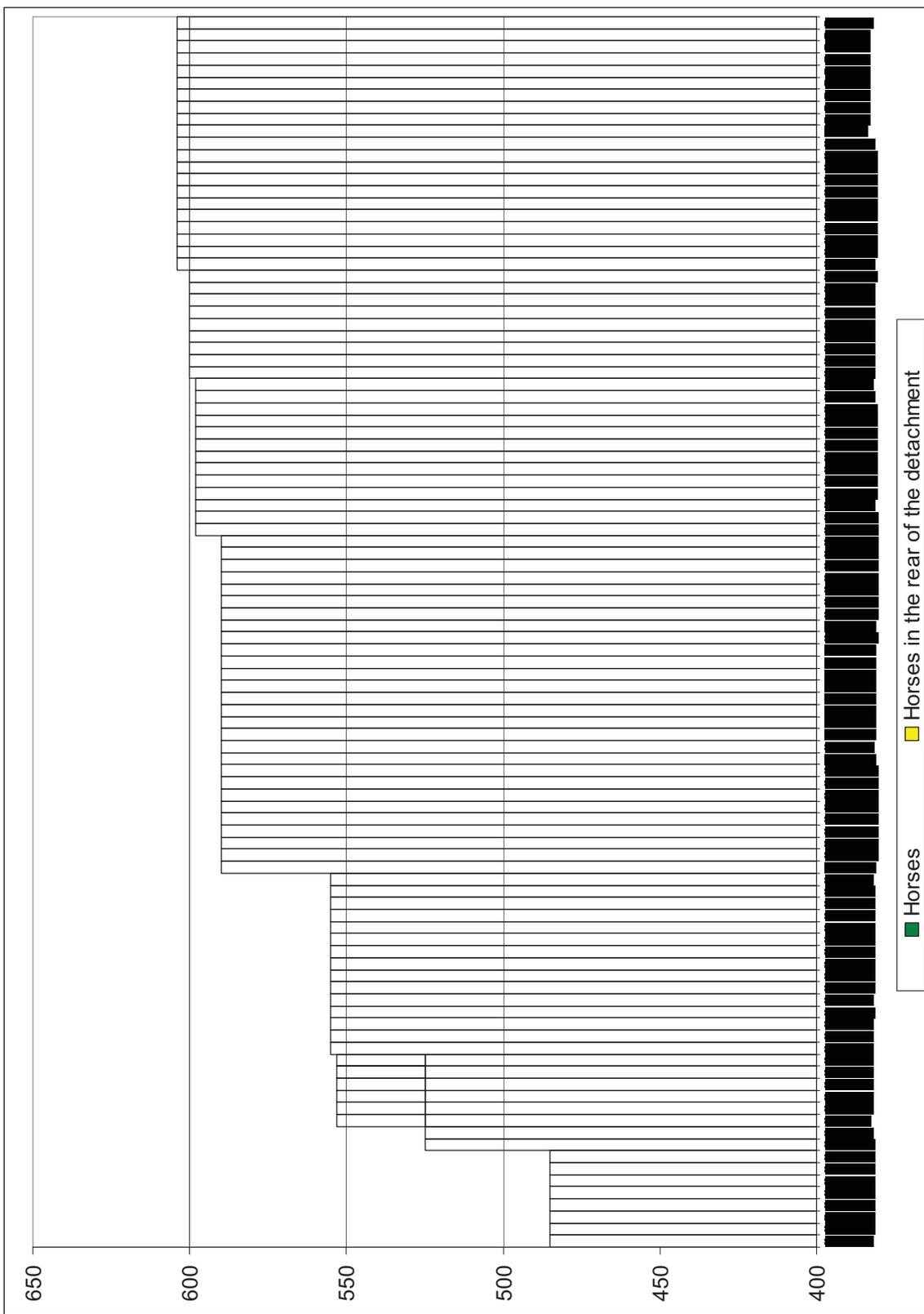
| No of voucher | Date         | No of horses, mules & oxen | Time drawn for |            |            | Items of the Rations issued when the complete ration was not furnished |                         | Total N° Complete rations of forage issued when the requisitions were filed complete | Remarks                          |
|---------------|--------------|----------------------------|----------------|------------|------------|------------------------------------------------------------------------|-------------------------|--------------------------------------------------------------------------------------|----------------------------------|
|               |              |                            | No days        | Commencing | Ending     | Rations of corn & oats                                                 | Rations of Fodder & hay |                                                                                      |                                  |
| 1             | 1st Oct 1838 | 485                        | 8              | 1st Oct    | 8-Oct 1838 | 3870                                                                   | 3830                    |                                                                                      |                                  |
| 2             | 9 " "        | 525                        | 2              | 9 "        | 10 "       |                                                                        |                         | 1050                                                                                 |                                  |
| 3             | 11 " "       | 525                        | 2              | 11 "       | 12 "       |                                                                        |                         | 1050                                                                                 |                                  |
| 4             | 13 " "       | 525                        | 2              | 13 "       | 14 "       |                                                                        |                         | 1050                                                                                 |                                  |
| 5             | 15 " "       | 525                        | 2              | 15 "       | 16 "       |                                                                        |                         | 1050                                                                                 |                                  |
| 6             | 15 " "       | 28                         | 5              | 11 "       | 15 "       |                                                                        |                         | 140                                                                                  | for horses in rear of detachment |
| 7             | 16 " "       | 555                        | 2              | 17 "       | 18 "       | 1110                                                                   | 1080                    |                                                                                      |                                  |
| 8             | 18 " "       | 555                        | 2              | 19 "       | 20 "       | 1110                                                                   | 1080                    |                                                                                      |                                  |
| 9             | 21 " "       | 555                        | 2              | 21 "       | 22 "       |                                                                        |                         | 1110                                                                                 |                                  |
| 10            | 23 " "       | 555                        | 2              | 23 "       | 24 "       | 1110                                                                   | 1110                    |                                                                                      |                                  |
| 11            | 25 " "       | 555                        | 2              | 25 "       | 26 "       | 1110                                                                   | 1110                    |                                                                                      |                                  |
| 12            | 27 " "       | 555                        | 2              | 27 "       | 28 "       |                                                                        |                         | 1110                                                                                 |                                  |
| 13            | 29 " "       | 555                        | 3              | 29 "       | 31 "       |                                                                        |                         | 1665                                                                                 |                                  |
| 14            | 1 Nov "      | 590                        | 2              | 1st Nov    | 2nd Nov    |                                                                        |                         | 1180                                                                                 |                                  |
| 15            | 3 " "        | 590                        | 2              | 3 "        | 4 "        |                                                                        |                         | 1180                                                                                 |                                  |
| 16            | 5 " "        | 590                        | 2              | 5 "        | 6 "        |                                                                        |                         | 1180                                                                                 |                                  |
| 17            | 7 " "        | 590                        | 2              | 7 "        | 8 "        |                                                                        |                         | 1180                                                                                 |                                  |
| 18            | 9 " "        | 590                        | 2              | 9 "        | 10 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 19            | 11 " "       | 590                        | 2              | 11 "       | 12 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 20            | 13 " "       | 590                        | 2              | 13 "       | 14 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 21            | 15 " "       | 590                        | 2              | 15 "       | 16 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 22            | 17 " "       | 590                        | 2              | 17 "       | 18 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 23            | 19 " "       | 590                        | 2              | 19 "       | 20 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 24            | 21 " "       | 590                        | 2              | 21 "       | 22 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 25            | 23 " "       | 590                        | 2              | 23 "       | 24 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 26            | 25 " "       | 590                        | 2              | 25 "       | 26 "       |                                                                        |                         | 1180                                                                                 |                                  |
| 27            | 27 " "       | 590                        | 2              | 27 "       | 28 "       |                                                                        |                         | 1180                                                                                 |                                  |

<sup>8</sup> John Ross Papers, Folder #528 (5126.887), The Thomas Gilcrease Museum of American History and Art, Tulsa OK.

|                                |                          |     |   |                     |                          |             |             |              |  |
|--------------------------------|--------------------------|-----|---|---------------------|--------------------------|-------------|-------------|--------------|--|
| 28                             | 29 " "                   | 598 | 2 | 29"                 | 30 "                     |             |             | 1196         |  |
| 29                             | 30 " "                   | 598 | 2 | 1st Dec             | 2nd Dec                  |             |             | 1196         |  |
| 30                             | 2nd Dec                  | 598 | 2 | 3 "                 | 4 "                      |             |             | 1196         |  |
| 31                             | 4 " "                    | 598 | 2 | 5 "                 | 6 "                      |             |             | 1196         |  |
| 32                             | 6 " "                    | 598 | 2 | 7 "                 | 8 "                      |             |             | 1196         |  |
| 33                             | 8 " "                    | 598 | 2 | 9 "                 | 10 "                     |             |             | 1196         |  |
| 34                             | 10 " "                   | 598 | 2 | 11 "                | 12 "                     |             |             | 1196         |  |
| 35                             | 12 " "                   | 600 | 2 | 13 "                | 14 "                     |             |             | 1200         |  |
| 36                             | 14 " "                   | 600 | 2 | 15 "                | 16 "                     |             |             | 1200         |  |
| 37                             | 16 " "                   | 600 | 2 | 17 "                | 18 "                     |             |             | 1200         |  |
| 38                             | 18 " "                   | 600 | 2 | 19 "                | 20 "                     |             |             | 1200         |  |
| 39                             | 20 " "                   | 604 | 2 | 21 "                | 22 "                     |             |             | 1208         |  |
| 40                             | 22 " "                   | 604 | 2 | 23 "                | 24 "                     |             |             | 1208         |  |
| 41                             | 24 " "                   | 604 | 2 | 25 "                | 26 "                     |             |             | 1208         |  |
| 42                             | 26 " "                   | 604 | 2 | 27 "                | 28 "                     |             |             | 1208         |  |
| 43                             | 28 " "                   | 604 | 2 | 29 "                | 30 "                     |             |             | 1208         |  |
| 44                             | 30 " "                   | 604 | 1 | 31 "                | 31 "                     |             |             | 1208         |  |
| 45                             | 31 " "                   | 604 | 2 | 1 <sup>st</sup> Jan | 2 <sup>nd</sup> Jan 1839 |             |             | 1208         |  |
| 46                             | 2 <sup>nd</sup> Jan 1839 | 604 | 2 | 3 "                 | 4 "                      |             |             | 1208         |  |
| 47                             | 4 " "                    | 604 | 2 | 5 "                 | 6 "                      |             |             | 1208         |  |
| 48                             | 6 " "                    | 604 | 2 | 7 "                 | 8 "                      |             |             | 1208         |  |
| 49                             | 8 " "                    | 604 | 2 | 9 "                 | 10 "                     |             |             | 1208         |  |
| <b>Total n° Rations issued</b> |                          |     |   |                     |                          | <b>8310</b> | <b>8200</b> | <b>49591</b> |  |

I certify that I have examined the above abstract with the original returns and find it to be correct, amounting to forty nine thousand five hundred and ninety one complete forage rations and eight thousand three hundred and ten corn rations and eight thousand two hundred fodder rations in addition to the above amount of complete rations, issued to the detachment conducted by me --

(Signed in Cherokee Syllabary) Conductor  
George C. Lowry asst Conductor



## Names of People who Provided Services to the Detachments<sup>9</sup>

### Detachment #4

| Names                           | # of Teams | Rank        | Commencement of Service | Expiration of Service | # of Months | Time of Service # of Days | \$ per day | Allowance for Return | 1st Payment | Balance Due | Total Amount | Dates of Receipt in Full 1841-2 | Signatures for Receipt                       | Witness       |
|---------------------------------|------------|-------------|-------------------------|-----------------------|-------------|---------------------------|------------|----------------------|-------------|-------------|--------------|---------------------------------|----------------------------------------------|---------------|
| John Benge                      |            | Conductr    | 28 Sept 1838            | 11 Jan 1839           |             | 106                       | 5.00       |                      |             |             | 530.         | "                               | John Benge                                   | C Runyan      |
| Geo C. Lowrey                   |            | Asst Conr   | 28 Sept 1838            | 11 " "                |             | 106                       | 3.00       |                      |             |             | 318.         | "                               | Geo C Lowry                                  | C Runyan      |
| Robt Benge                      |            | Wagn Master | 3 " "                   | 11 " "                |             | 131                       | 2.50       |                      |             |             | 327.50       | "                               | Robt Benge                                   | C Runyan      |
| John Young                      |            | Asst        | 28 " "                  | 5 Nov 1838            |             | 39                        | 2.00       |                      |             |             | 78.          | "                               | John Young                                   | C Runyan      |
| Richd Guist                     |            | Asst        | 6 Nov 1838              | 11 Jan 1839           |             | 67                        | 2.50       |                      |             |             | 134.         | "                               | Richd Guess                                  | P M Craigmily |
| Jas H Rogers                    |            | Comry       | 9-Oct                   | 7-Nov                 |             | 40                        | 4.00       |                      |             |             | 160.         | "                               | a/ct & Receipt pd by                         | E Gunter      |
| Geo. W. Lovette                 |            | Asst        | 5-Oct                   | 20 Decr               |             | 77                        | 2.00       |                      |             |             | 154.         | "                               | Geo W Levett                                 | John H Strain |
| J Mulkey                        |            | Comry       | 8-Oct                   | 20 "                  |             | 43                        | 2.50       |                      |             |             | 107.         | "                               | J Mulkey                                     |               |
| G. W. Lovette                   |            | "           | 21 Decr                 | 11 Janry              |             | 22                        | 2.50       |                      |             |             | 55.          | "                               | G W Levitt                                   | John H Strain |
| Wm. P. Rolls                    |            | Physician   | 20 Sept 1838            | 11 " 1839             |             | 114                       | 5.00       | 120.                 |             |             | 690.         | "                               | pd as per a/ct & receipt - pd as per receipt |               |
| A. P. Lowery                    |            | Interpreter | 1-Oct                   | 11 " "                |             | 103                       | 2.50       |                      | 400.        | 115         | 257.50       | "                               | A P Lowry                                    | C Runyan      |
| Robt Benge                      | 1          |             | 1 Oct 1838              | 11 Jan 1839           |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 7-Jan                           | Robert Benge                                 | Jas M Payne   |
| John Young                      | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 28-Dec                          | John X Young                                 | Jas M Payne   |
| Richd Guist                     | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 5-Jan                           | Richard Guist by Eliza Guist Exxs            | Jas M Payne   |
| Geo. C. Lowrey                  | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 8-Jan                           | George C Lowry                               | Jas M Payne   |
| John Benge                      | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 11-Jan                          | John XXXX Benge                              |               |
| A. P. Lowery                    | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 29-Dec                          | A P Lowry                                    | Jas M Payne   |
| A. P. Lowery                    | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 29-Dec                          | A P Lowry                                    | Jas M Payne   |
| Martin Benge, son of John Benge | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 7-Jan                           | Martin Benge                                 | Jas M Payne   |
| Anna Thompson                   | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 31-Dec                          | Anna X Thompson                              | Jas M Payne   |
| Geo. W. Gunter                  | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         |                                 | H a/ct & receipt                             |               |
| Geo. W. Gunter                  | 2          |             | "                       | "                     |             | 103                       | 5.00       |                      | 800.        | 230.        | 1030.        |                                 | H a/ct & receipt                             |               |
| Edd Gunter                      | 1          |             | "                       | "                     |             | 103                       | 5.00       |                      | 400.        | 115.        | 515.         | 28-Jan                          | Edward Gunter                                | DI Colston    |

<sup>9</sup> John Ross Papers, Folder #912 (4026.708.3), The Thomas Gilcrease Museum of American History and Art, Tulsa OK.

|                               |     |  |   |   |  |     |      |  |      |        |        |            |                               |             |
|-------------------------------|-----|--|---|---|--|-----|------|--|------|--------|--------|------------|-------------------------------|-------------|
| Edd Gunter                    | 2   |  | " | " |  | 103 | 5.00 |  | 800. | 230.   | 1030.  | 28-Jan     | Edward Gunter                 | DI Colston  |
| Geo. Baldrige                 | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 31-Dec     | George X Baldrige             | Jas M Payne |
| Thos Watts                    | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 5-Jan      | Thomas X Watts                | Jas M Payne |
| Crying Snakee                 | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 3-Jan      | Crying X Snake                | Jas M Payne |
| Chey-olas-ka                  | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 10-Jan     | Gold Hunter, Admr             | E Hicks     |
| Koo-es Koo-wee                | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 29-Dec     | Koo-wi-skoo-wi                | Jas M Payne |
| Jessee Lee                    | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 27-Dec     | Jessee X Lee                  | Jas M Payne |
| Boalting Duck                 | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 4-Jan      | Bolting X Duck                | Jas M Payne |
| Turner                        | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 3-Jan      | Turner X                      | Jas M Payne |
| Walter Lee                    | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 27-Dec     | Walter X Lee                  | Jas M Payne |
| Richd Benge                   | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 28-Dec     | Richd X Benge                 | Jas M Payne |
| James Oar                     | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 5-Jan      | James Ore                     | Jas M Payne |
| Wm Alexander                  | 1.5 |  | " | " |  | 103 | 7.50 |  | 600. | 172.50 | 772.50 | 28-Dec     | William M Alexander           | Jas M Payne |
| Laffing Mush                  | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 31-Dec     | Laughing X Mush               | Jas M Payne |
| Dahkahaga                     | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 3-Jan      | Bark X Flute                  | Jas M Payne |
| Bark Flute                    | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 4-Jan      | Dah-ka-ha-ki X                | Jas M Payne |
| Charley Downing               | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 4-Jan      | Charles X Downing             | Jas M Payne |
| Martin Benge, son of Obadiah  | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 7-Jan      | Martin X Benge                | Jas M Payne |
| Sally Bark                    | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 21-Jan     | Sally X Bark                  | John G Ross |
| Charles Melton                | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 28-Dec     | Charles X Melton              | Jas M Payne |
| Arch. Campbell                | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 27-Dec     | Archd Campbell X              | Jas M Payne |
| Arch. Campbell                | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 27-Dec     | Archd Campbell X              | Jas M Payne |
| George Lowrey, senr           | 2   |  | " | " |  | 103 | 5.00 |  | 800. | 230.   | 1030.  | 4-Dec      | George Lowry                  | Evan Jones  |
| Jno D. Brown                  | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 4-Dec      | George Lowry for John D Brown | Evan Jones  |
| John F. Boot                  | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 28-Dec     | John F X Boot                 | Jas M Payne |
| Jessee Lovette                | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 27-Dec     | Jessee X Lovett               | Jas M Payne |
| Jonathan Mulkey               |     |  | " | " |  | 103 | 5.00 |  |      |        | 515.   | 5 Mar 1844 | J Mulkey                      |             |
| Nelson Ore, decd & Rachel Ore | 1   |  | " | " |  | 103 | 5.00 |  | 400. | 115.   | 515.   | 4-Dec-1842 | George Lowry for Rachel Ore   | Evan Jones  |

|                      |     |         |            |                                         |   |     |           |       |      |       |                |                               |                                                                               |              |
|----------------------|-----|---------|------------|-----------------------------------------|---|-----|-----------|-------|------|-------|----------------|-------------------------------|-------------------------------------------------------------------------------|--------------|
| William Grimmit      | 2   |         | "          | "                                       |   | 103 | 5.00      |       | 800. | 230.  | 1030.          | 4-Jan                         | William X Grimmit                                                             | Jas M Payne  |
| Corn Tassel          | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | Feb 1843                      | Corn X Tassel (pd \$60 to Archey Carmbell per note from Corn Tassel attached) | A Campbell   |
| Cooley               | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 31-Dec                        | Cooley X                                                                      | Jas M Payne  |
| James P. Lowrey      | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 11-Jan                        | James P Lowry                                                                 |              |
| Elizabeth Peck       | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 12-Feb                        | Elizabeth Pack                                                                |              |
| Elizabeth Peck       | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 12-Feb                        | Elizabeth Pack                                                                |              |
| Money Cryer          | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 3-Jan                         | Money Cryer by Kalohe X                                                       | Jas M Payne  |
| Partridge Nose       | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 29-Dec                        | Partridge X Nose                                                              | Jas M Payne  |
| Peter Miller         | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 28-Dec                        | Peter X Miller                                                                | Jas M Payne  |
| Tarapin Head         | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 29-Dec                        | Tarripinhead X by Partridge nose                                              | Jas M Payne  |
| Thos Campbell        | 0.5 |         | "          | "                                       |   | 103 | 5.00      |       | 200. | 57.50 | 257.50         | 31-Dec                        | Thos X Campbell                                                               | Jas M Payne  |
| Robt Lovette         | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 27-Dec                        | Robt X Lovett                                                                 | Jas M Payne  |
| All String           | 1   |         | "          | "                                       |   | 103 | 5.00      |       | 400. | 115.  | 515.           | 27-Dec                        | Sokinney X Hendrix, Admx                                                      | Jas M Payne  |
| John Latty           |     | Wagoner | 28-Sep     | 2-Oct                                   |   | 5   | 25/m<br>o |       |      |       | 4.16<br>2/3    | pd and discharged             |                                                                               |              |
| J. L. Coulbourns Boy |     | Wagoner | 3 "        | 15-Oct                                  |   | 12  | 25/m<br>o |       |      |       | 35.            | pd & discharged at Huntsville |                                                                               |              |
| Thos McCally         |     | Wagoner | 7 "        | 29-Oct                                  |   | 23  | 25/m<br>o |       |      |       | 44.16<br>2/3   | do                            |                                                                               |              |
| Thos Galloway        |     | Wagoner | 28 "       | 2-Oct                                   |   | 5   | 25/m<br>o |       |      |       | 4.16<br>2/3    | do                            |                                                                               |              |
| Danl Crownover       |     | Wagoner | 28 "       | 2-Oct                                   |   | 5   | 25/m<br>o |       |      |       | 4.16<br>2/3    | do                            |                                                                               |              |
| R C Sims             |     | Wagoner | 3 "        | sent back from Hunstville with Teams    |   |     |           |       |      |       |                |                               |                                                                               |              |
| E P Prat             |     | Wagoner | 3 "        | sent back from Hunstville with Sims     |   |     |           |       |      |       |                |                               |                                                                               |              |
| Jas Troop            |     | Wagoner | 7 Oct 1838 | 15-Dec                                  | 2 | 8   | 25/m<br>o | 20.00 |      |       | 76.00          |                               | a/ct & receipt by                                                             | E Gunter     |
| Byrum Caldwell       |     | Wagoner | 7 Oct "    |                                         |   |     |           |       |      |       |                |                               |                                                                               |              |
| Thread Toter         |     | Wagoner | 3 Sept "   | 15 Jan 1839                             | 4 | 12  | 25/m<br>o |       |      |       | 109.9<br>6     |                               | Thread Toter X                                                                | T N Clark jr |
| Screach Owl          |     | Wagoner | 1 Oct "    | 11 " "                                  | 3 | 11  | 25/m<br>o | 25.00 |      |       | 109.1<br>6 2/3 |                               | Screach Owl X                                                                 | C Runyan     |
| Ferguson             |     | Wagoner | 3 Oct "    | sent back with Sims from Hunstville Ala |   |     |           |       |      |       |                |                               |                                                                               |              |
| Ahnelacayah          |     | Wagoner | 1 Oct "    | 11 Jany "                               | 3 | 11  | 25/m<br>o | 25.00 |      |       | 109.1<br>6 2/3 |                               | Ahnelacayah                                                                   | T N Clark    |

|                        |                                                                                                                      |           |            |   |     |           |       |  |  |                |                     |                                                                             |                |
|------------------------|----------------------------------------------------------------------------------------------------------------------|-----------|------------|---|-----|-----------|-------|--|--|----------------|---------------------|-----------------------------------------------------------------------------|----------------|
| Saml Adams             | Wagoner                                                                                                              | 17 Sept " | 11 Jany "  | 3 | 26  | 25/m<br>o | 25.00 |  |  | 121.6<br>6 2/3 |                     | pd in full & vouchers filed, Ned recd the money and receipts for his father |                |
| Watt Smith             | Wagoner                                                                                                              | 19 Decr   | 18-Mar     | 3 | 26  | 25/m<br>o | 25.00 |  |  | 75.00          |                     | Watt Smith X                                                                | C Runyan       |
| Takolokah              | Wagoner                                                                                                              | 16-Oct    | 11-Jan     | 2 | 27  | 25/m<br>o | 20.00 |  |  | 92.50          |                     | Ta-ha-to-kah X                                                              | T N Clark Jr   |
| Berman Boyd            | Wagoner                                                                                                              | 14 Jany   | 20-Mar     | 2 | 6   | 25/m<br>o | 20.00 |  |  | 54.98          |                     | Boman Boyd                                                                  | C Runyan       |
| Jim Mush               | Wagoner                                                                                                              | 8-Apr     | 30-Apr     | 2 | 23  | 25/m<br>o | 20.00 |  |  | 19.16<br>2/3   |                     | James Mush                                                                  | C Runyan       |
| John F. Boot           | Manager                                                                                                              | 15-Nov    |            |   | 25  | 2.50      |       |  |  | 62.50          | 11-Jan              | John F X Boot                                                               | E Hicks        |
| Archd Campbell         | Manager                                                                                                              | 28-Sep    | 11-Jan     |   | 106 | 2.50      |       |  |  | 265.0<br>0     | 27-<br>Jan-<br>1842 | Archibald X<br>Campbell                                                     | Daniel Colston |
| Two Thousand           | Gravedigger - one seventh of 84 graves                                                                               |           |            |   |     | 5.00      |       |  |  | 12.00          | 12-Jan              | Two X<br>Thousand                                                           | Allen Ross     |
| Archibald<br>Campbell  | For cash paid Stinnett for ferriages of public waggons & teams                                                       |           |            |   |     |           |       |  |  | 3.00           | 13-<br>Jan-<br>1842 | Archibald X<br>Campbell                                                     | Danl Colston   |
| John F. Boot           | for superintending the burial of 42 person of Capt Benges Detachment who died on the road in the emigration @ 25 cts |           |            |   |     |           |       |  |  | 10.50          | 14-<br>Jan-<br>1842 | John F X Boot                                                               |                |
| Jessee Lovet           | Manager                                                                                                              | 15-Nov    | 11-Jan     |   | 58  | 2.50      |       |  |  | 145.0<br>0     | 24-<br>Jan-<br>1842 | Jesse X Lovett                                                              |                |
| Money Cryer            | Manager                                                                                                              | 28-Sep    | 14-Nov     |   | 48  | 2.50      |       |  |  | 120.0<br>0     | 31-<br>Jan-<br>1842 | Money X Cryer                                                               | Danl Colston   |
| Geo. W.<br>Campbell    | Asst<br>Wagg<br>Mr                                                                                                   | 12-Nov    | 19<br>Decr |   | 37  | 2.00      |       |  |  | 74.00          | 31-<br>Jan-<br>1842 | G W Campbell                                                                | DI Colston     |
| Otter Lifter<br>Hughes | for 1/8 part of the expenses of burying 30 persons at \$1 each (in all \$30)                                         |           |            |   |     |           |       |  |  | 3.75           | 20-<br>Jan-<br>1844 | Otter Lifter X<br>Hughes                                                    | Will P Ross    |

The United States

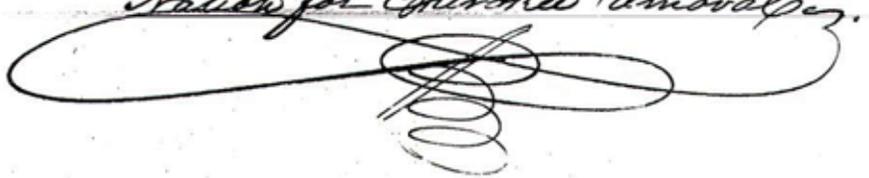
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4

In ac<sup>t</sup> with the Cherokee Nation, for expenses incurred under an arrangement with Major General Winfield Scott for the removal of the Cherokees.

| Detachment No. 1. |                                                                                                                                                                           | Dollars | Cents |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------|
|                   | For compensation to John Benge, Conductor, from 28 September 1838 to 11 January 1839, inclusive, making 106 days @ \$5 p <sup>r</sup> day . . . . .                       | 530     |       |
|                   | do to Asst Conductor, for same time @ \$3 p <sup>r</sup> day . . . . .                                                                                                    | 318     |       |
|                   | do to Attending Physician from 20 September 1838 to 11 Jan'y 1839, inclusive, making 116 days @ \$5 p <sup>r</sup> day - is \$570. Allowance for returning \$120. . . . . | 690     |       |
|                   | do to Interpreter for Physician for same time @ \$2.50 p <sup>r</sup> day . . . . .                                                                                       | 285     |       |
|                   | do to Wagoner pay & Wagon Master from 28 Sept 1838 to 11 Jan'y 1839, inclusive, 106 days @ \$5 p <sup>r</sup> day . . . . .                                               | 530     |       |
|                   | do to Asst Wagoner & Asst Wagon Master for same time @ \$2 p <sup>r</sup> day each . . . . .                                                                              | 424     |       |
|                   | Hire of 60 Waggon Teams for 1200 persons for same time @ \$50 p <sup>r</sup> day \$3000. . . . .                                                                          | 7       |       |
|                   | Allowance of 60 days for returning @ \$7 p <sup>r</sup> day each, including travel expenses 4200. . . . .                                                                 | 4800    |       |
|                   | Forage for 600 Waggon Riding Teams from 1 <sup>st</sup> October 1838 to 11 Jan'y 1839, inclusive making 103 days, and 61800 forage rations @ 40¢ . . . . .                | 24720   |       |
|                   | Subsistence for 1200 persons for same time making 123600 rations @ 16¢ . . . . .                                                                                          | 19776   |       |
|                   | Allowance of 3 <sup>rd</sup> of soap to each 100 rations making \$708 <sup>7</sup> / <sub>10</sub> @ 15¢ . . . . .                                                        | 1062    |       |
|                   | Allowance for Turnpike pay ferries &c at the rate of \$1000. to each detachment of 1000 persons . . . . .                                                                 | 1250    |       |
|                   | 1074. Page                                                                                                                                                                | \$97529 | 20    |

I certify that the above account is accurate and just.

Wm. P. Print Chief  
Superintendent of the Cherokee  
Nation for Cherokee Removals.



*The United States in account with the Cherokee nation, for expenses incurred under an arrangement, with Major General Winfield Scott, for the removal of the Cherokees.*

| DETACHMENT No. 4.                                                                                                                                                                             |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| For compensation to John Benge, conductor, from 28th of September, 1838, to 11th of January, 1839, inclusive, making 106 days, at \$5 per day                                                 | \$530 00  |
| For compensation to assistant conductor, for same time, at \$3 per day                                                                                                                        | 318 00    |
| For compensation to attending physician, from 20th September, 1838, to 11th January, 1839, inclusive, making 114 days, at \$5 per day, is \$570; allowance for returning, \$120               | 690 00    |
| For compensation to interpreter for physician, for same time, at \$2 50 per day                                                                                                               | 285 00    |
| For compensation to commissary and wagon-master, from 28th September, 1838, to 11th January, 1839, inclusive, 106 days, at \$2 50 each                                                        | 530 00    |
| For compensation to assistant commissary and assistant wagon-master, for same time, at \$2 per day each                                                                                       | 424 00    |
| For hire of 60 wagons and teams, for 1,200 persons, for same time, at \$5 per day, \$31,800; allowance of 40 days for returning, at \$7 per day each, including travelling expenses, \$16,800 | 48,600 00 |
| For forage for 600 wagon and riding horses, from 1st October, 1838, to 11th January, 1839, inclusive, making 103 days and 61,800 forage rations, at 40 cents                                  | 24,720 00 |
| For subsistence for 1,200 persons, for same time, making 123,600 rations, at 16 cents                                                                                                         | 19,776 00 |
| For allowance of three pounds of soap to each 100 rations, making 3,708 pounds, at 15 cents                                                                                                   | 456 20    |
| For allowance for turnpike, ferriage, &c., at the rate of \$1,000 to each detachment of 1,000 persons                                                                                         | 1,200 00  |
|                                                                                                                                                                                               | 97,529 20 |

I certify that the above account is accurate and just.

JOHN ROSS, *Principal Chief,*  
*and Sup'g Agent of the Cherokee nation for Cherokee removal.*

## The Benge Detachment Missing Persons

According to Mike Wren, Alabama Chapter Trail of Tears research, the Benge Detachment passed through Pulaski, Tennessee on October 23<sup>rd</sup>, 1838. There were 1195 rations given that day and the following day to persons in the detachment. There were deaths reported, mostly children, from whooping cough and measles. On October 25<sup>th</sup>, 1838, there were 70 less rations given. Did a large group leave due to sickness?

Several years ago an interview was conducted at separate times with two sisters, who told the same basic story, each with parts of the story. They spoke of their great-grandfather, born in 1832, and what happened to him as a child. One sister stated that he was Chikamaka (Chickamaugan) and that he was born on the Cumberland Mountain near Monteagle, Tennessee, just north of the Alabama-Tennessee State Line. The other sister stated that he was adopted by the Tate family to keep him from going out west when they were moving all the Indians and the Tate family gave him their name. He couldn't use his real name, because people would know he was Indian. He and other children slipped away at night and were taken to the Tate home.

Investigations into this story showed that in fact this man did exist at the time and place the sisters pointed out. Census records, a Civil War Pension record, and other historical records of the area showed that he was born in Marion County, Tennessee in 1832. At the time of his adoption the Tate family was living in Warren County, Tennessee, the part that later became Grundy County. What was so interesting about this story was that in checking the 1840 U.S. Census record, there were 74 persons listed under the category of "Free Colored Persons" in not only the Tate household, but the households of eleven other families. Further research has indicated that the area where the sisters' great-grandfather was born was close to where the Lowreys, Packs, and many other Cherokee families had their reservations on Battle Creek and Fiery Gizzard Creek in Marion County, Tennessee. Their grandfather had written a great deal of information in the family Bible, but after he died their grandmother (his wife) had one of their uncles bury it in his backyard, in order to get rid of the information about the Indian heritage.

Further research located an article by Wanda Gant of McMinnville, Tennessee in the Warren County Genealogical Bulletin, Summer 1994 about this group of "Free Colored Persons." The article stated that prior to 1860 there was no social class for Indians and they were classed as persons of colour or free colored (sometimes listed as all other free persons on the census records). "By 1840 MOST of the people with ¼ or more Indian blood were FORCED to go West except those who fled to the mountains. The mountainous areas of Warren and surrounding counties is where these people stayed and many people have such traditions in their family" (WCGA Bulletin Summer 1994, Volume III, Number 2: 14).

When the State of Georgia took an 1830 census of persons living on lands confiscated from the Cherokee Nation, they enumerated the Cherokee families as "Free Colored Persons," since there was no appropriate census listing for Indians. John Ridge was listed under this category with 1 white female 20/30 years of age.

The following 1840 Warren County Census Record shows a group of 74 persons under the "Free Colored Person" category with a large number of children. This record has the Tate household and the other eleven families who took them in to their homes.

(No. 4.) **SCHEDULE of the whole number of persons within the division allotted to William Lusk**

| NAMES OF HEADS OF FAMILIES | FREE WHITE PERSONS, INCLUDING HEADS OF FAMILIES |    |    |    |    |    |         |    |    |    |    |    | FREE COLORED PERSONS |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----------------------------|-------------------------------------------------|----|----|----|----|----|---------|----|----|----|----|----|----------------------|----|----|----|----|----|---------|----|----|----|----|----|--|--|--|--|----|--|--|--|--|--|--|--|--|--|--|--|--|--|
|                            | MALES                                           |    |    |    |    |    | FEMALES |    |    |    |    |    | MALES                |    |    |    |    |    | FEMALES |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
|                            | 17                                              | 18 | 19 | 20 | 21 | 22 | 17      | 18 | 19 | 20 | 21 | 22 | 17                   | 18 | 19 | 20 | 21 | 22 | 17      | 18 | 19 | 20 | 21 | 22 |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Robt. Johnson              | 1                                               |    |    |    |    |    |         |    |    |    |    |    | 2                    |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Wm. Lusk                   |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| William Lusk               |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| David Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| James Lusk                 |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  |    |  |  |  |  |  |  |  |  |  |  |  |  |  |
| John Lusk                  |                                                 |    |    |    |    |    |         |    |    |    |    |    |                      |    |    |    |    |    |         |    |    |    |    |    |  |  |  |  | </ |  |  |  |  |  |  |  |  |  |  |  |  |  |

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**Microfilm**

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# Appendix A

Page 1

|             |                                         |                  |
|-------------|-----------------------------------------|------------------|
| 2 Sept 1836 | Look out Valley                         |                  |
| +           | John Benge half breed                   |                  |
|             | dwelling house 24 by 20. 2 stories      |                  |
|             | high with cellar and balconies          |                  |
|             | each side, underpinned with             |                  |
|             | rock, one stone chimney                 | 650 0            |
|             | Kitchen 16 by 16 floor and chimney      | 35 0             |
|             | Out house 20 by 12 floor & chimney      | 25 0             |
|             | Smoke house 16 by 14                    | 25 0             |
|             | Stable 28 by 18 @ 10                    | 40 0             |
|             | Stable 15 by 10 @ 10                    | 50 0             |
|             | Double stable 40 by 18 @ 10             | 10 0             |
|             | Three enclosed lots containing one acre | 294 0            |
|             | Field 14 1/2 acres @ 6 per acre         | 87 0             |
|             | ditto 10 1/2 acres at ditto             | 63 0             |
|             | ditto 5 acres at ditto                  | 30 0             |
|             | ditto 3 acres at ditto                  | 18 0             |
|             | 34 apple trees at 2 1/2                 | 68 0             |
|             | 100 Peach trees at 75 cents             | 75 0             |
|             | <del>irregularity 1/4 1/2</del>         | <del>147 0</del> |

|    |                                           |                   |
|----|-------------------------------------------|-------------------|
| 13 | John Benge's Mill Place                   |                   |
| // | dwelling house 44 by 20 entry and H L     |                   |
|    | Porch on floor, two wooden chimneys       | 150 0             |
|    | Stables 12 1/2 horse house & C. L. 5 1/2  | 25 0              |
|    | one grist mill framed pier head           |                   |
|    | and dam, H & house                        | 300 0             |
|    | one field 2 1/2 acres upland @ 6 per acre | 168 0             |
|    | one ditto 8 acres at 5 1/2 per acre       | 40 0              |
|    | 21 Peach trees at 70 cents                | 18 90             |
|    | 14 hony trees @ 50 cents                  | 7 0               |
|    |                                           | <del>708 90</del> |

Remarks.

The whole of the above improvements, made by Obadiah Benge a white man, under permit as Miller, except the mill, it was understood that when Obadiah lost the premises the whole of the improvements are to revert to John Benge. Obadiah left some months before the beginning of the Treaty, and John Benge was in possession at the date of the Treaty but was dispossessed under the law of Georgia about the 1st of March last no conflicting deeds and improvements.

|                            |           |
|----------------------------|-----------|
| Appraisal                  | \$ 108 00 |
| Appraisal 1837             | 108 00    |
| Valuation mill, additional | 100 00    |
| Appraisal mill,            | 300 00    |

## Appendix B

Washington City  
19<sup>th</sup> July 1861.

100  
112

Hon John Bell  
Secty of War.  
Sir

In accordance with your verbal order, requiring me to examine the Abstract of Provisions, Soap & Storage, issued by the Contractor of the Cherokee nation, during the suspension of Emigration, by order of Govt Scott, and to ascertain whether at any time double issues were made, I have the honor to make the following report.

But before entering into details, connected with this report, I beg leave to mention, that the subject of these issues was referred for my examination by Genl Scott, in a letter dated 14<sup>th</sup> November 1858, in order that so much of the requisition for \$92,781.00 as found to be justly claimed might at the end of the Emigration be referred to the War Dept for payment. &c. It will be proper here to explain why it is that no report has hitherto been made. - At the time of receiving these papers, the Emigration was hurrying to a close, and the constant demands upon my time, growing out of the duties devolving upon me from my first arrival in the nation up to this time, did not afford the opportunity of bestowing that critical examination, which importance requires. Thus appearing also no absolute necessity for a report before

the 'end of the emigration', for until then it could not be positively known whether the advances ~~of the amount of eight~~ for the estimate of eight days would cover any portion of these issues or not, subsequently, in submitting my account & abstracts of issues, I also submitted the papers transmitted to me by Genl Scott on the 11<sup>th</sup> Nov 1888, and addressed a letter to the Com of Ind Aff. stating my readiness to offer any explanation in reference to the subject that might be desirable in the consideration of this claim, - promising that inasmuch as all the papers connected with the subject were before the Dept, the examination could be as well made by its officers as by me, but if desired I was ready to act upon such suggestions as would be deemed advisable to a more perfect knowledge of the subject. I received no reply to this offer either written or verbal, and from this fact supposed that the Dept had relied on the shewing of the papers as sufficient to justify its action without further explanation. Subsequently again to this, being in Washington I manifested my readiness, if required, or it appeared desirable to the Dept to afford such additional information as might be thought useful in the settlement of this business; but recd no intimation that it was desired.

This was at a time however, when the late Secy of War had refused to have any intercourse with Mr John Ross who was then in the city, and as I understood, urging a settlement of the emigration acct. in behalf of his nation. Being now called on, and having I presume sufficiently upon that no want of respect to duty had operated to direct

my attention, I now proceed to give the result of my examination on the various points embraced in this matter.

After the collection of the Cherokes by the Lt S Group, under the command of Genl Scott, they were encamped at various points, where the convenience of water, and facilities for obtaining supplies seemed most favourable, previous to their final departure. The greatest number were in the neighbourhood of the Agency, scattered in parties for miles around, numbering at each encampment: from fifty to twenty six hundred, and upwards, as for instance at Camp No 14 miles south of the Agency, &c. &c.

The rest were collected and encamped in other and more distant sections of the country, viz, at Red Clay, twenty-five miles - Moss' Landing, forty-eight miles and at Fort Payne with one hundred miles from the Agency. The provisions & Soap issued by me, were made to the various bodies thus encamped, at the time according to their respective numbers, as exhibited by my abstracts of issues on file. The detachments organized under the arrangements made by Genl Scott with the nation giving to the Cherokes the entire management of their own removal were often composed of detached parties from two or more of these encampments, in accordance generally with the wishes of the Indians themselves, so as to unite in one body relations & friends, and those from the same section of country - My issues being invariably made to them before their organization into said parties for the journey and the number decreased in proportion as they joined the detach

ments, which they did by abandoning the old encampment and forming a new one under the direction & management of their own agents; and upon that organization, my issues ceasing, they received their supplies from the contractor of the Nation. I was careful as the Superintendent of issues on the part of the U. States that no double issues should be made, and I am confident there were none. This opinion is confirmed by a comparison of my abstracts with those of the contractor of the Nation. The whole number of rations by both does not exceed the number the body of the Choctaws were entitled to receive up to the period of their departure.

The detachment marched from Fort Payne may be referred to as evidencing the carefulness observed in the issue, and as presenting a fair opportunity to detect errors of double issues if any existed.

This party was formed entirely of Alabama Cherokees and were conducted West by Capt. Benge. They were turned over to the Cherokee Agents on the 1<sup>st</sup> of Oct. 1838, and began to receive their supplies from the contractor of the Nation, as exhibited by his abstract, and likewise shown by mine. That my issues ceased the day before, except to a very small number who were left behind for a few days in consequence of sickness after the body had moved off. Altho' not called upon to report directly as to the number of persons in any of these detachments, yet, while referring to this particular one it may not be improper to state a fact which will explain to the Dept. one principal reason why discrepancies exist.

between the different-Quarter rolls, of the number of these Sons.  
 Many families were permitted by Genl Scott and other officers  
 to remain in their houses, and were not brought into the  
 encampments; they were generally the most wealthy Cherokee  
 who had large families, considerable property, and a number of them  
 these families joined a detachment, either after they had begun  
 to travel, or just on the eve of moving, this was the case with the  
 one above alluded to.

As regards the forage furnished by me, it will be proper to state, that  
 these mules were for horses owned and brought by the Cherokee into  
 the encampments, first furnished upon their capture by the U S troops  
 and were made previous to the time of their organizing into detachments  
 and being turned over to the control of their own agents. I am also satisfied  
 by a careful comparison of the forage abstract, that the contractor of the  
 Nation, furnished no forage for these horses, which was provided for  
 by me, but commenced at the time when my issues ceased, and they  
 began for provisioning the detachments: It may be necessary further to  
 observe that I issued no forage for the teams purchased by the Nation for  
 their transportation. They were foraged by their own contractor, and  
 over which I had no superintendance, it being a matter under the  
 immediate and special control of the Cherokee themselves. I have no means  
 therefore of knowing any thing further in reference to these particular  
 issues, than is shown by their certified abstract, the correctness of  
 which I have no reason to doubt. The Nation deeming it more  
 economical, determined upon applying the funds allowed for  
 wagon hire, in the estimate agreed upon with Genl Scott, to the pur-  
 chase of wagons & teams. I can state that I know of purchasing of  
 from fifty to one hundred fifty horses per day previous and preparatory

to the general removal; but this whole business of purchase and  
trading being subject to their own supervision (and these seasons  
being indispensable for the transportation of the Indians,) I have no  
other means as before stated, of knowing the exact number of  
Horse Nations furnished, than by the Abstracts alluded to, which being  
certified to by John Ross, the acknowledged Superintendent of the  
Emigration, on the part of the Nation, I am bound to believe they  
are correct —

Having already stated my conviction that the issues made by  
the Cherokee Contractors were not to the same persons and horses  
which similar issues were being made by the Agents of the U.S.

— It now only remains to consider that part of my instructions  
from Genl Scott, relative to the prices charged for said issues —

Genl Scott in his letter of Nov 14 1838 says that <sup>you will see</sup> "the prices  
charged for the several articles, you shall find to be properly  
issued, are not too high." The charges made for these articles  
I find to be the same, as fixed upon in the estimate of  
the expenses of the Emigration, agreed on by Genl Scott  
and the Nation, and that the terms of rations are the same  
as furnished on the route; — Whether the Contractor has real-  
ized much, or any profit from these issues, I have no means  
of ascertaining, if any however, I should incline to the opinion  
the amount must be inconsiderable — It will be recollected

that a large number of mounted & foot troops, in the service  
of the United States, and employed in the capture of the Indians,  
had been subsisted by supplies drawn from the country, besides  
the Cherokee, who, after their collection were provisioned and  
their horses grazed for three months and upwards, by the  
Agents of the United States from the same section of country

7

before these issues were commenced. From the great quantity of provisions and forage consumed, previous to the time of commencing his issues, and the high price of grain, it is but fair to state that the contractor commenced under disadvantageous circumstances, as supplies were not only high but had to be transported at considerable expense from a distance.

It will be seen by reference to my acc'ts at this period that I was purchasing Corn, at from one dollar to one dollar & twenty five cents per bushel, and the general scarcity of supplies of all kinds, during the months of August & Sept. and even later in consequence of the extreme drought that prevailed, other articles rated proportionately high.

I have therefore no hesitation in expressing the opinion — that the prices charged for the articles in these issues, are equally as reasonable, if not more so, than the same charge for similar articles furnished on the route.

After a careful examination of the whole subject and in obedience to the order of Genl Scott, above alluded to, I respectfully recommend to the "Hon. Dep't for payment" the requisition before mentioned, presented to Genl Scott, and referred by him to me, covering these issues, and amounting to the sum of Twenty-two thousand, seven hundred and eighty-one dollars and fifty cents (\$22,781.50) all of which is respectfully submitted.

I have the honor to be

Very Respectfully Yr. obt. Servt.

John P. Page  
Capt. U.S. Army



# Chapter

## The Benge Detachment Route

By Lamar Marshall  
Additions by Gail King

### Chapter Contents

General Description of Route

The Route on Modern County Maps: DeKalb, Marshall and Madison Counties

The Route on 1840 Bureau of Land Management Survey Plats

The Route on Historical Maps

The Route on U.S.G.S. 1900's Series Topographic Maps

A Detailed Description of the Route

The Route on U.S G.S. Modern Topographic Maps

### Route of the Benge Detachment by Segments between Important Landmarks

Fort Payne to Gunter's Landing: Crossing Sand Mountain to the Tennessee River Ferry

Gunter's Landing to Huntsville: Forging the Paint Rock River and Crossing the Green Mountains at Blevin's Gap

Huntsville to Meridianville: Picking up Supplies in Huntsville and Camping in Meridianville

Meridianville to Pulaski, Tennessee

### Alabama Mountain Gaps used in the Trail of Tears During the Benge Detachment

Fort Payne, AL, To Pulaski, TN

- Davis Gap, Big Ridge, DeKalb County
- Winston Gap, Sand Mountain, east rim, DeKalb County
- Smith Gap, Sand Mountain, west rim, Marshall County
- Lucas Gap, McCorkle Mountain, Marshall County
- Ricketts Gap, Grassy Mountain, Marshall County
- Blevins Gap, Green Mountain, Madison County

### Stream Crossings From Fort Payne to Tennessee State Line

- Big Wills Creek, DeKalb County
- Town Creek, Lebanon Ford, DeKalb County
- Town Creek, Old Town Ford, Marshall County
- Tennessee River, Gunter's Ferry, Marshall County
- Honeycomb Creek, Marshall County
- Little Paint Rock Creek, Marshall County
- Paint Rock River, Madison County/Marshall County Line
- Flint River, Madison County
- Limestone Creek, Madison County

## Benge Detachment Route Gunter's Landing Road on 0 BLM Survey Plats

The BLM plats of 1840 show most of the roads in this section of the route. The dotted portion of the road existed although not shown on the plat. Using the field notes, we were able to find the 1839 survey point shown on the line of section 32 just north of Lebanon. The bold place-names were added by the author.

### Fort Payne to Pulaski, TN, via Gunters Landing and **untsville**

Leaving Rawlingsville and Fort Payne, this route followed the Ross Landing Road down Wills Valley to the Lebanon area where the Benge detachment probably camped. Lebanon is believed to be at or close to the old or original Wills Town. From Lebanon the road ascended Sand or Raccoon Mountain at Winston Gap. This road was noted by the surveyors as the road leading from Gunter's Landing to Wills Valley.

It is approximately 32 miles from Gunters Landing to Lebanon. The road branched westerly off of the Ross Landing Road at Lebanon. It crossed the Middle Ridges along the Horton Creek gap and Sand Valley to the foot of Sand Mountain and Winston Gap. From the brow of the mountain at Winston Gap the road went through modern Peeks Corner. It continued west near Lusk Chapel and Flat Rock Church. Just northwest of Viewpoint the road forded Town Creek at Lebanon Ford in Section 25.

Continuing west, the road went near modern Ten Broeck and on to Grove Oak. The location of the route conveniently follows the dividing ridge between two deep and rugged gorges. Bucks Pocket is a gorge through which runs South Sauty Creek. Blackoak Creek, a fork of Town Creek, becomes a gorge below the beautiful High Falls.

The road follows "The Narrows" that separate Morgan Cove and Mormon Hole to Center Point. It then descends the west slope of Sand Mountain at Smith Gap and runs near or south of Five Points, by Meltonsville and Cooper Cemetery. The road crossed Town Creek and entered what is today Guntersville State Park.

The road parallels the shoreline and follows the ridges around Signal Point to the old Gunter's Landing. I found 32 survey points on this road. This is the shortest route from Fort Payne to Gunter's Landing.

**Route of the Benge Detachment Across Modern County Maps.  
De Kalb County, Marshall County and Madison County**

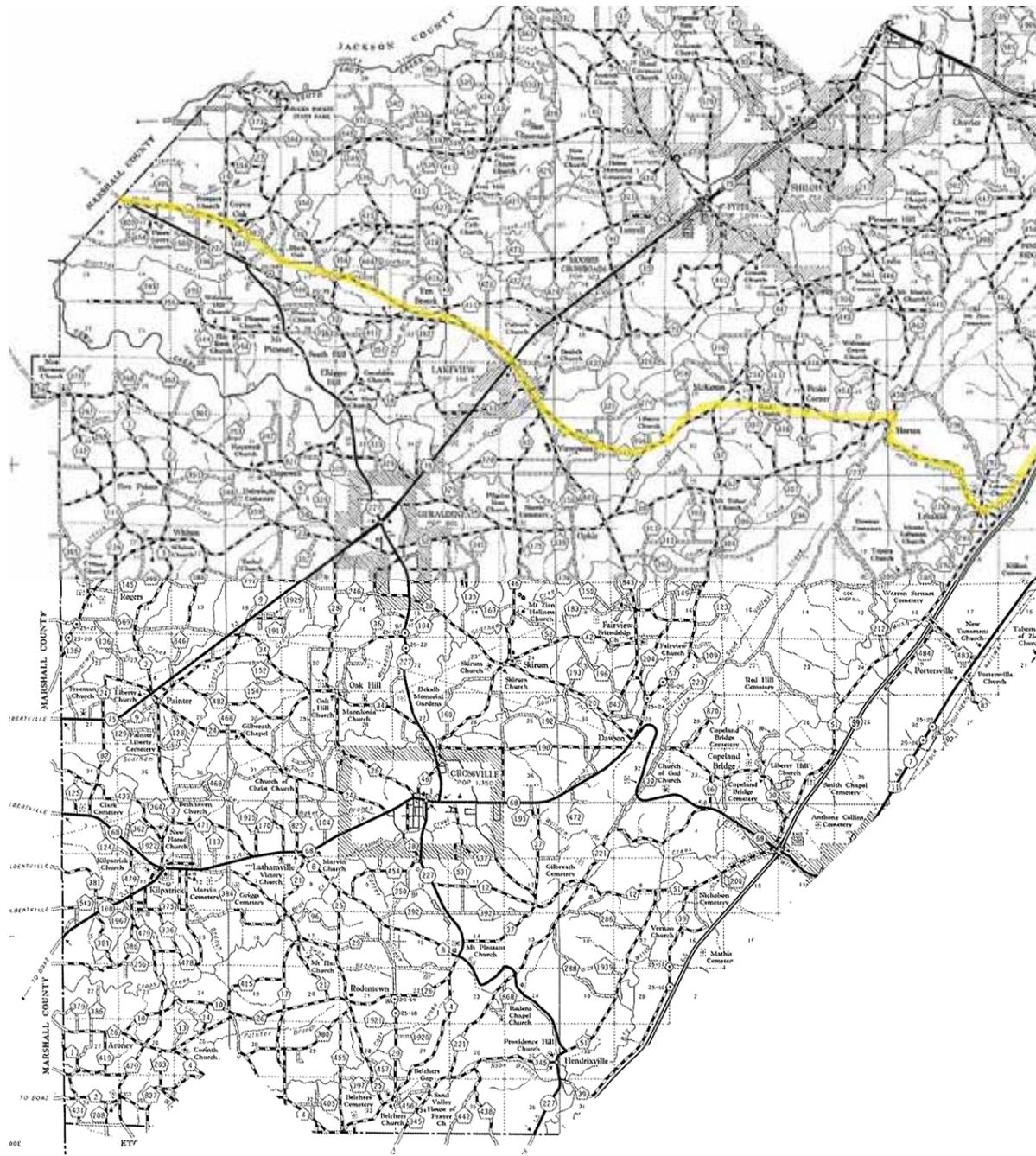


Wills valley looking north . This is an ancient Indian trail corridor leading from Chattanooga, TN, to Gadsden, AL. Raccoon or Sand Mountain at left and Big Ridge at right. The old Ross Landing Road follows the modern roads in the valley to Chattanooga. Highway Photo by Lamar Marshall

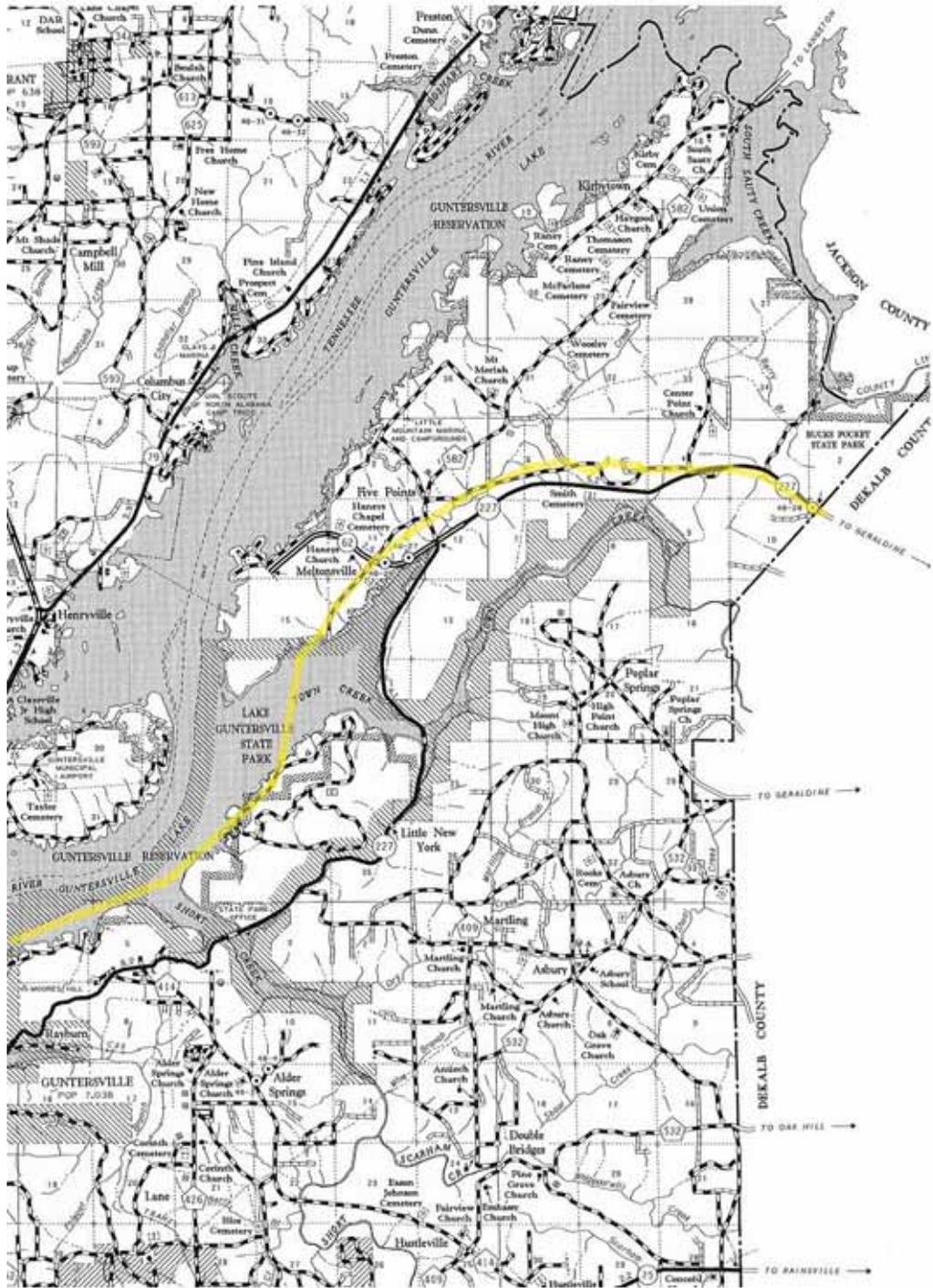
# Benge Detachment Route Modern County Maps



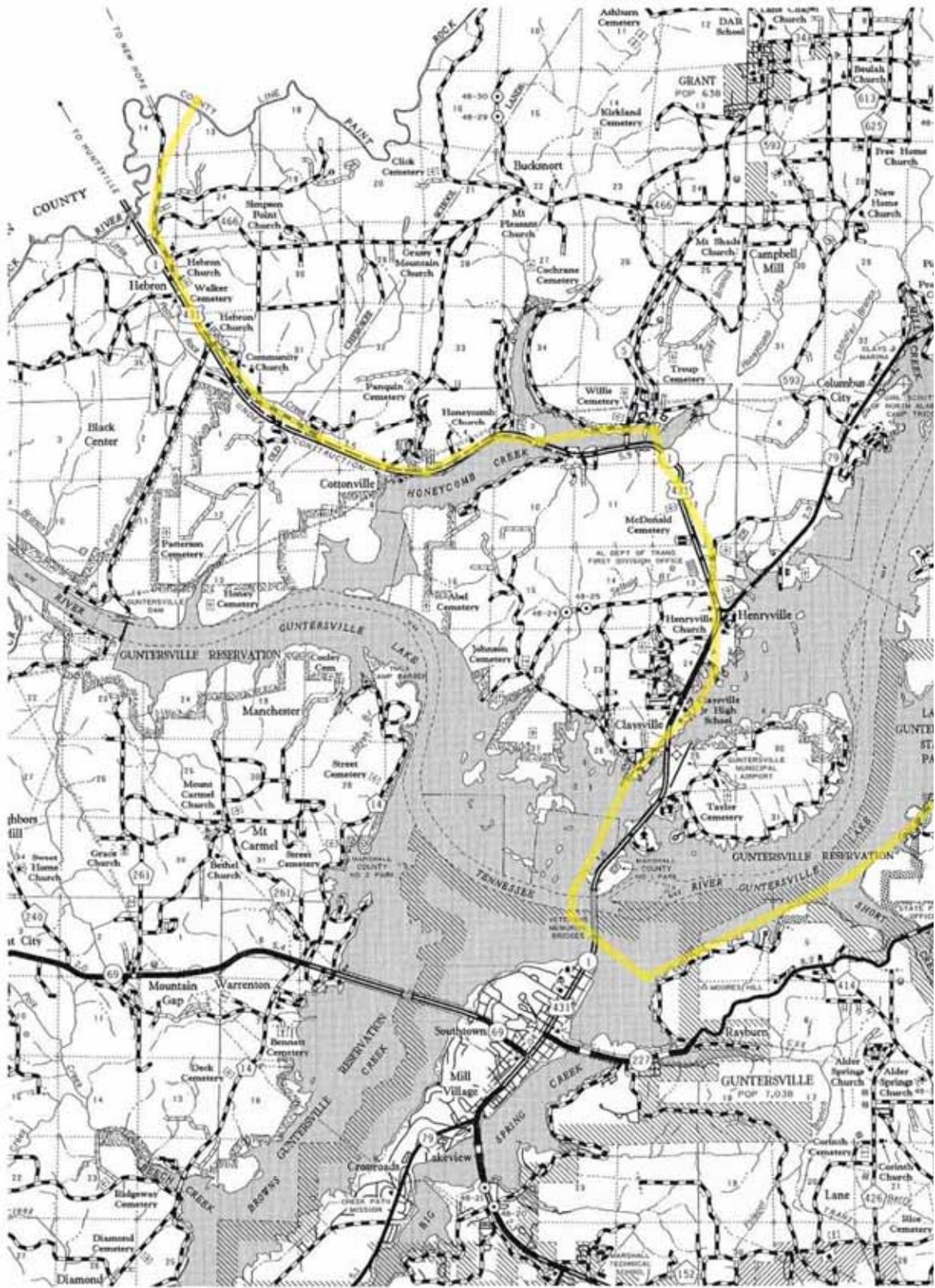
DeKalb County Fort Payne, Wills alley, Lebanon, Sand Mountain to Peaks Corner



County Road Maps Lebanon, De Kalb County to Marshall County Road Maps



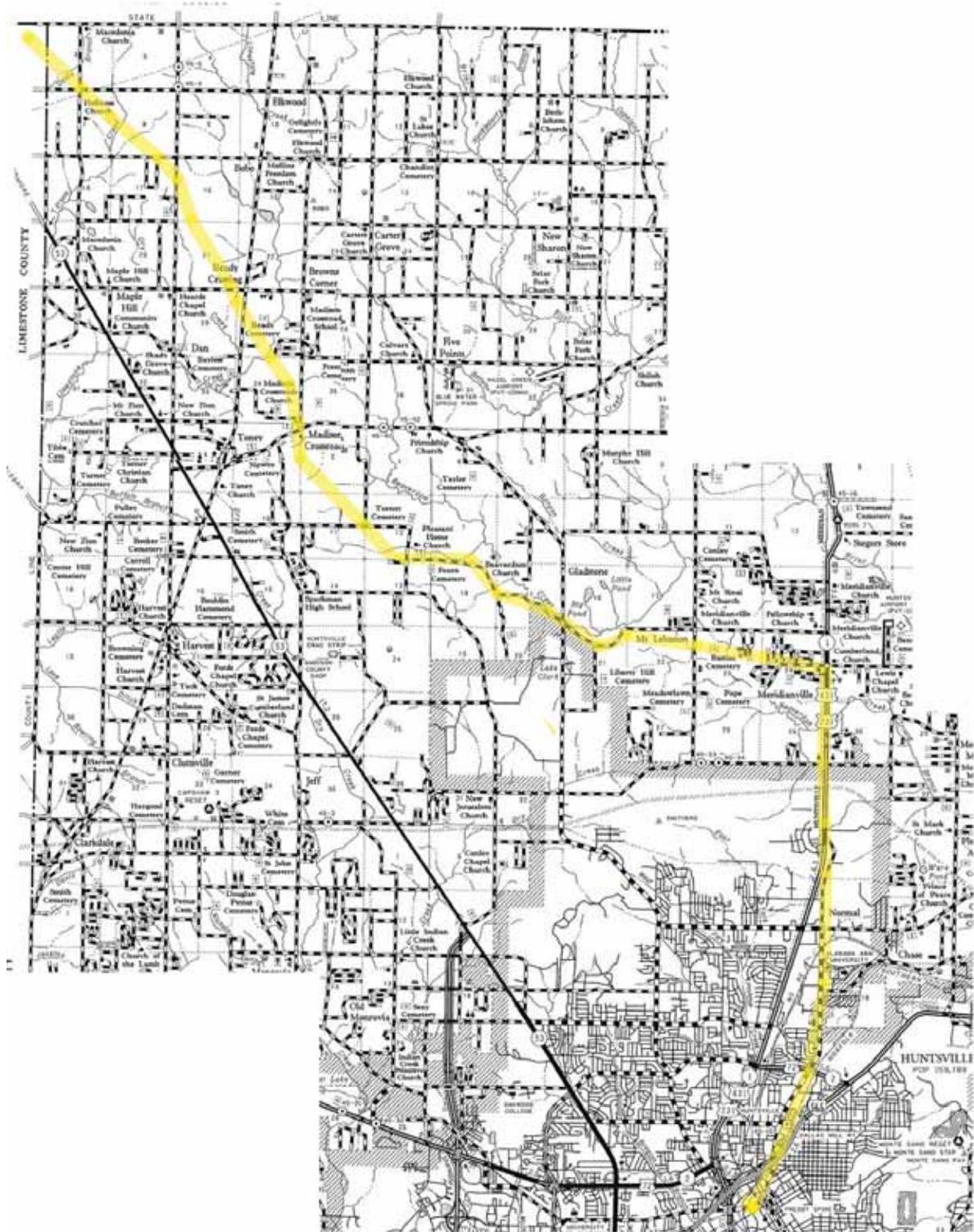
County Road Maps DeKalb County Line to Guntersville



County Road Maps Guntersville to Paint Rock River on Madison County Line

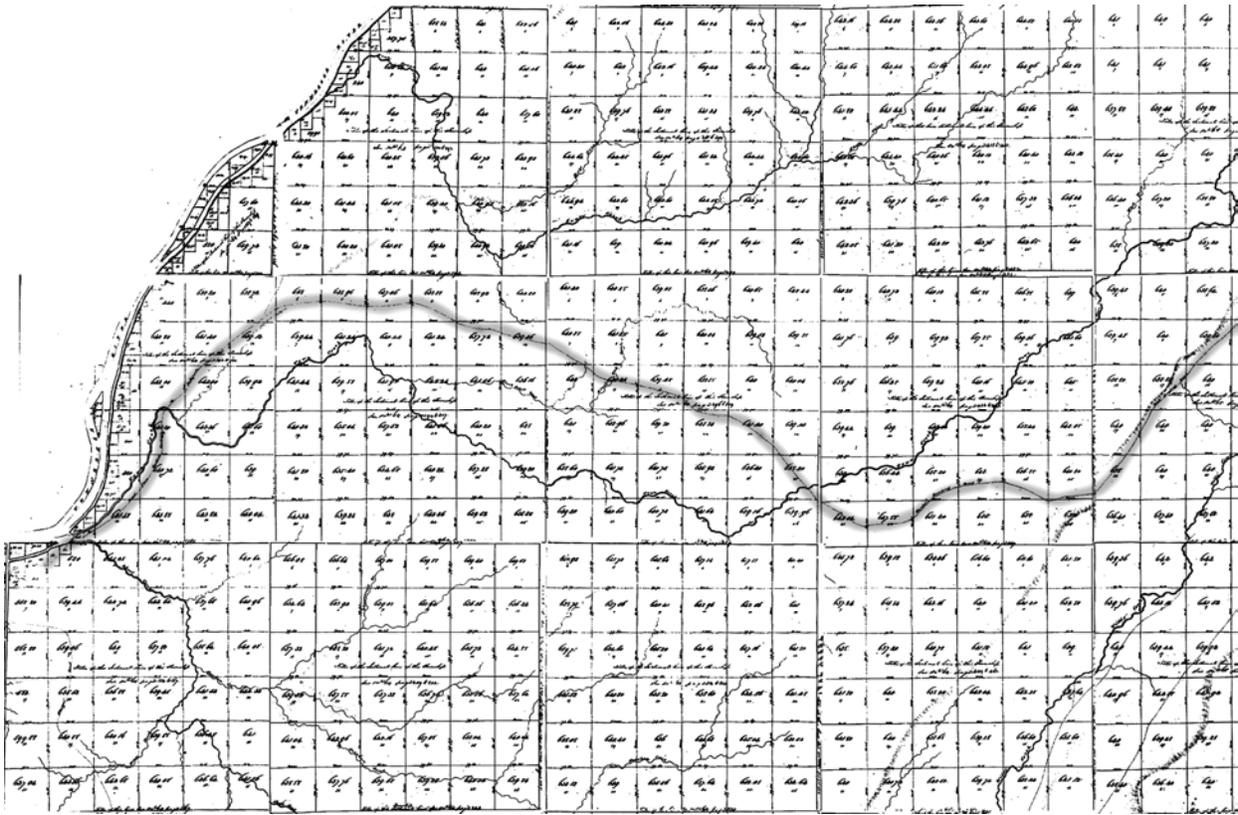


County Road Maps Paint Rock River to Huntsville



Madison County    untsville to Limestone County and Tennessee State Line

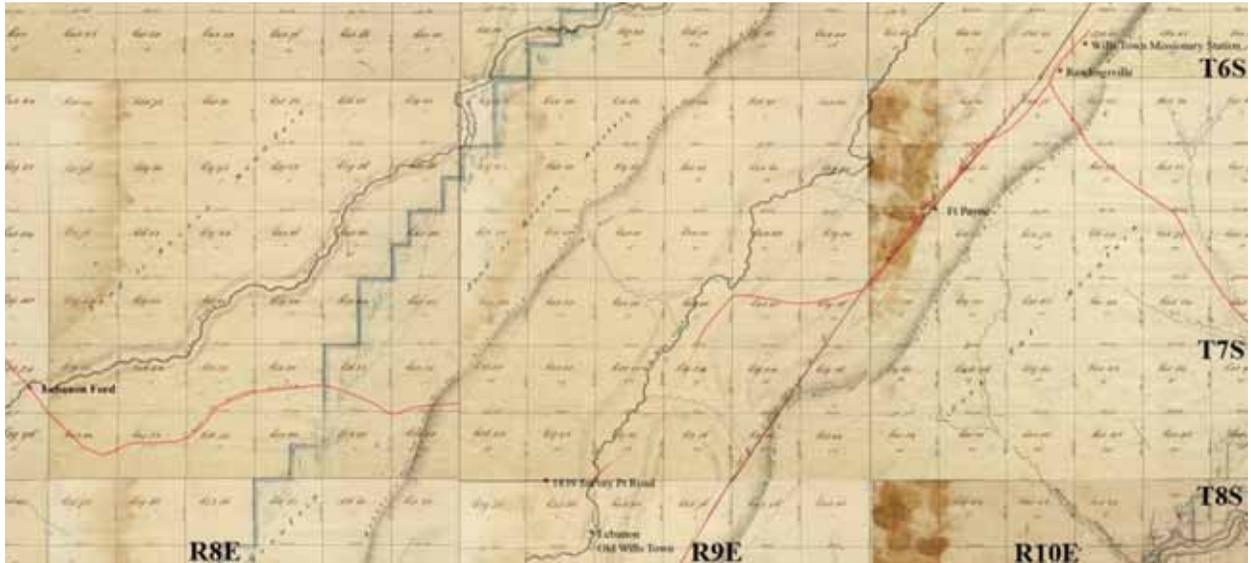
## Benge Detachment Route Gunter's Landing Road on 0 BLM Survey Plats



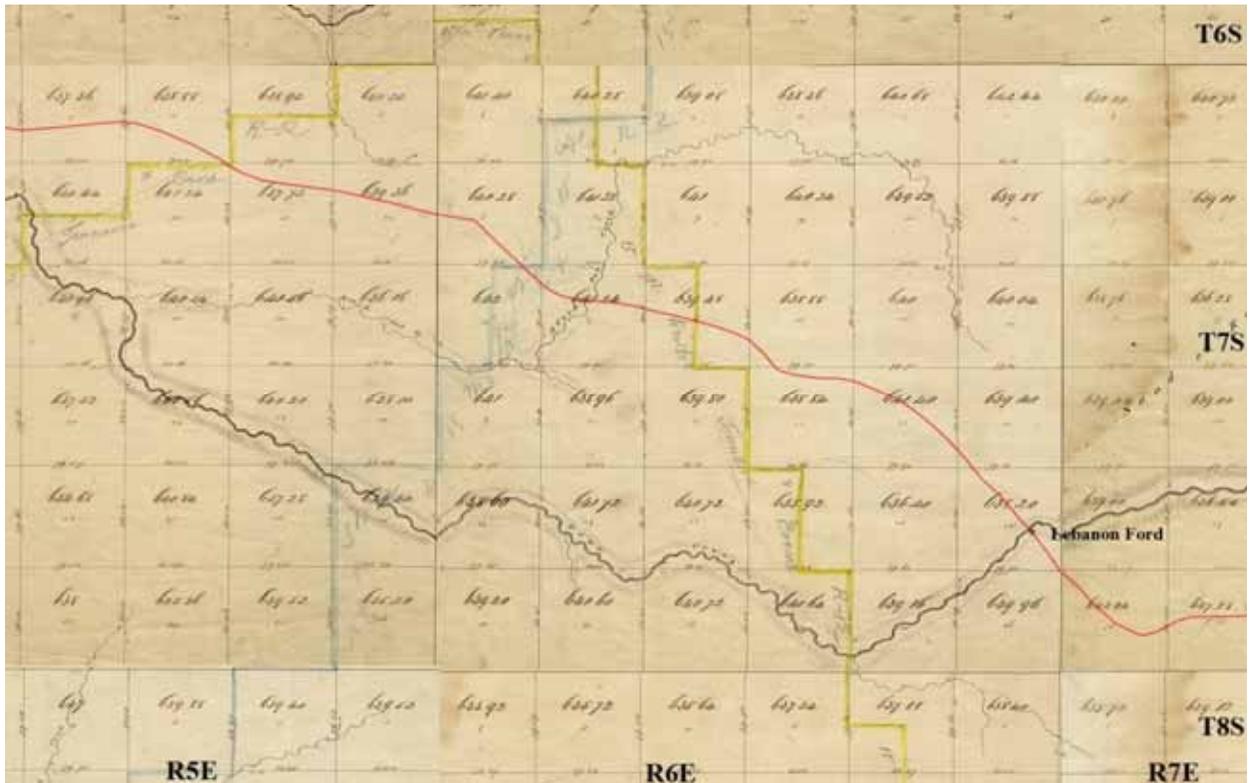
Composite of 10 survey plats with Gunter's Landing road shaded. Larger scale survey plats are reproduced below. Each square is a section or one square mile.

The BLM plats of 1840 show most of the roads in this section of the route. The dotted portion of the road existed although not shown on the plat. Using the field notes, we were able to find the 1839 survey point shown on the line of section 32 just north of Lebanon. The bold place names were added by the author.

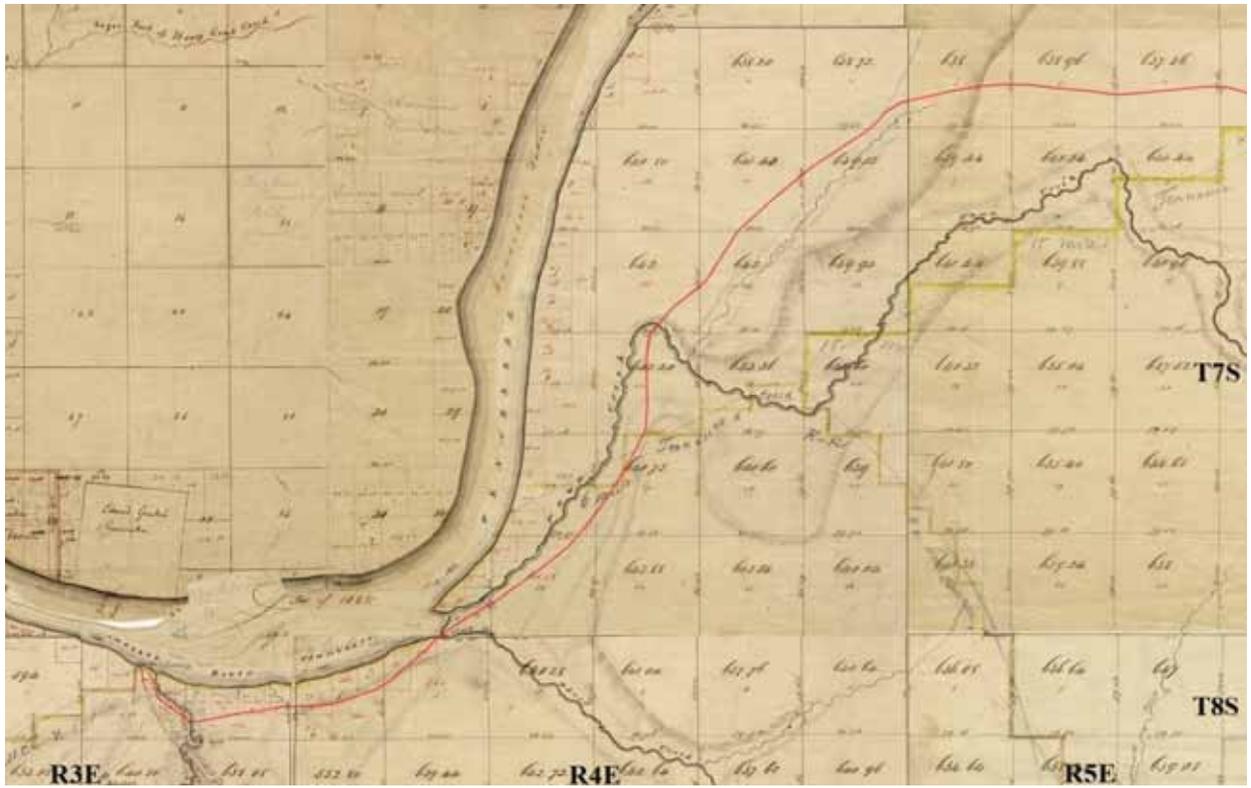
0 survey plats with modern place names added for reference. Red highlight added to roads noted by the surveyors. In some cases, the roads were not drawn in even though they are known to exist.



0 Survey Plats, Rawlingsville to Lebanon Ford



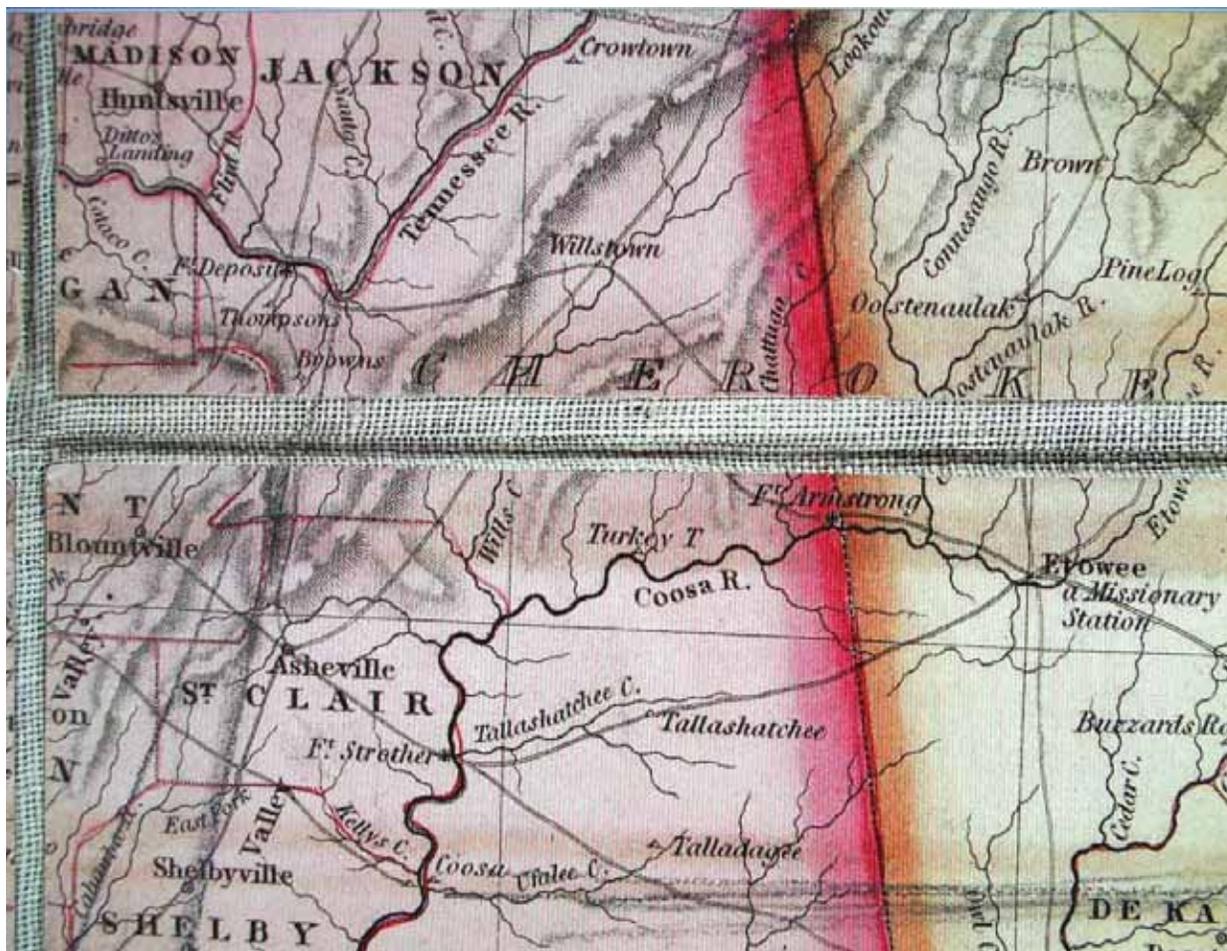
Lebanon Ford to Gunters Landing



Gunters Landing

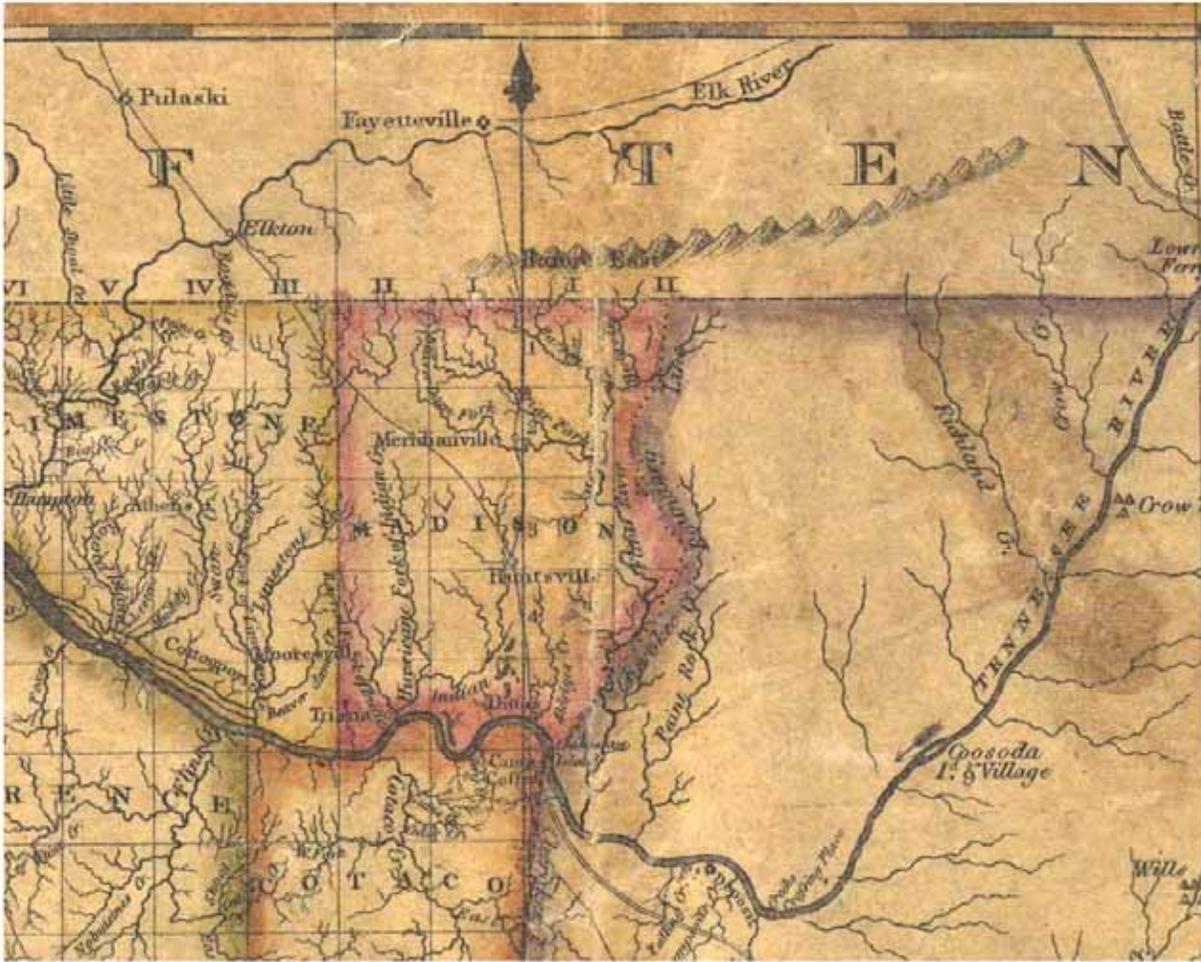


## historical Maps Showing Removal Era Roads



David Vance and Anthony Finley.  
Gunter's Landing Road

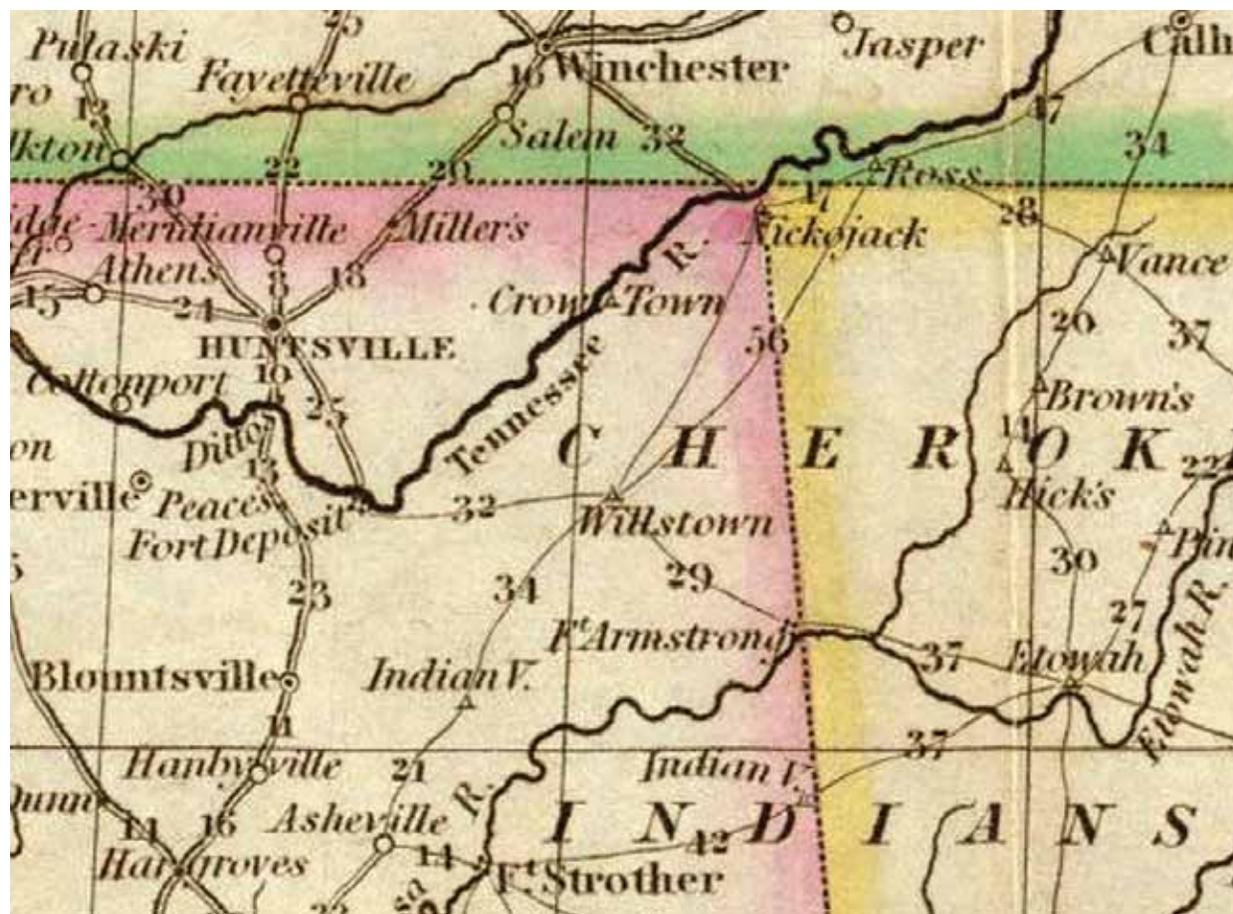
is the earliest date we have found showing



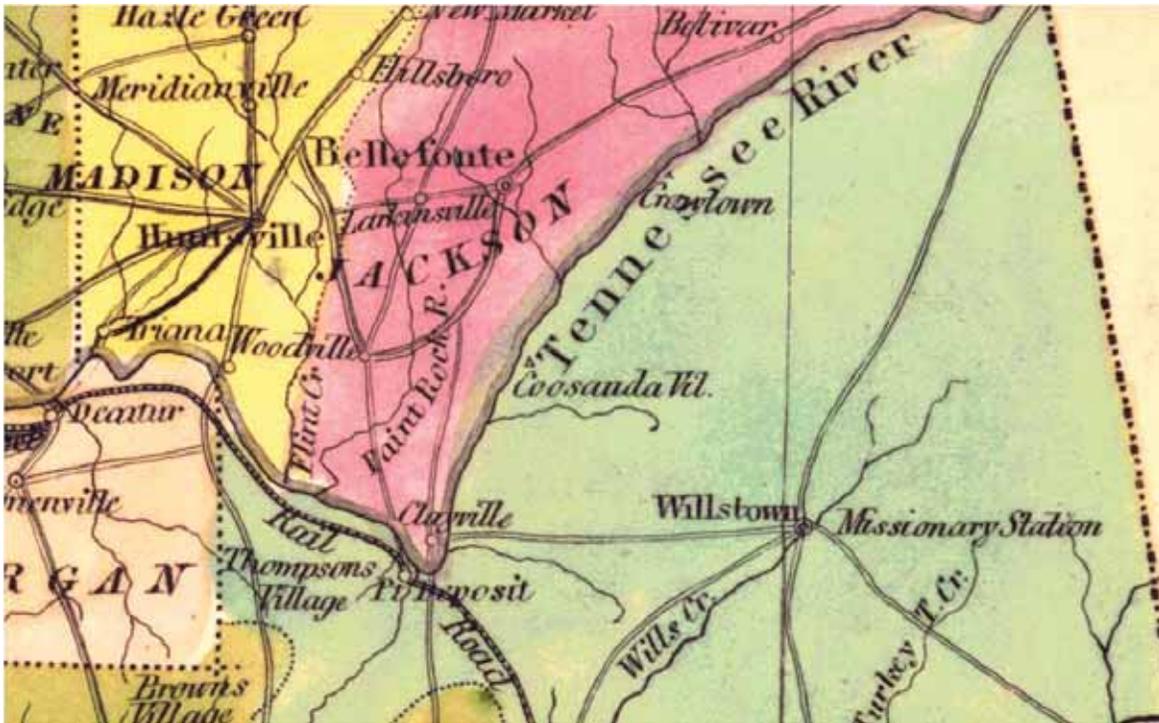
Melish Map showing Madison County and the void of Cherokee territory on right



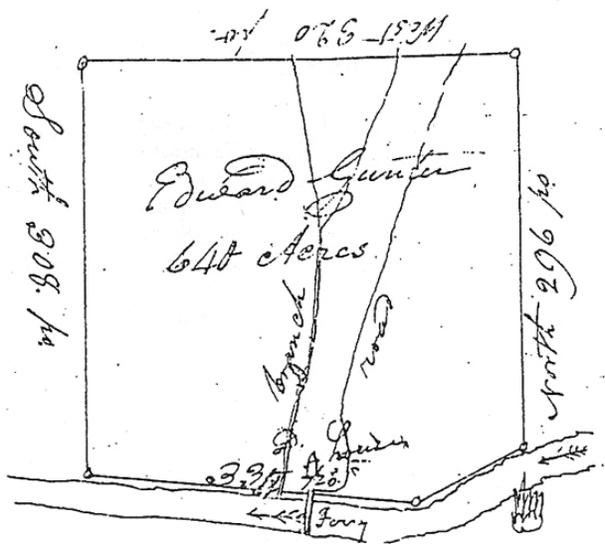
Lucas Fielding Huntsville to Pulaski



Henry Tanner map with mileages between principle towns. Note the 32 mile road from Huntsville to Fort Deposit Gunter's Landing. Note the 29 mile road from Willstown to Gunters Landing.



Jeremiah Greenleaf map



#908 EDWARD GUNTER

I have Surveyed for E<sup>d</sup> Gunter 640 acres of land on the North side of Tennessee River. Beginning at an ash[,] Ironwood and red oak on the bank of the River 170 poles above the s<sup>d</sup> Gunter's ferry landing, thence North 296 poles to a post oak in the end of a glaid [sic], thence West 320 po to a black gum tree, crossing the road leading to Gunter's ferry at 41 po, crossing a branch at 90 po, crossing another branch at 165 po, thence South 308 poles to a stake on the bank of the river near a marked ash and hackberry, thence up the meanders of the river 334 poles to the Beginning passing the mouth of a creek, and the ferry landing at 160 po.

Surveyed the 9th Feb<sup>r</sup> 1820

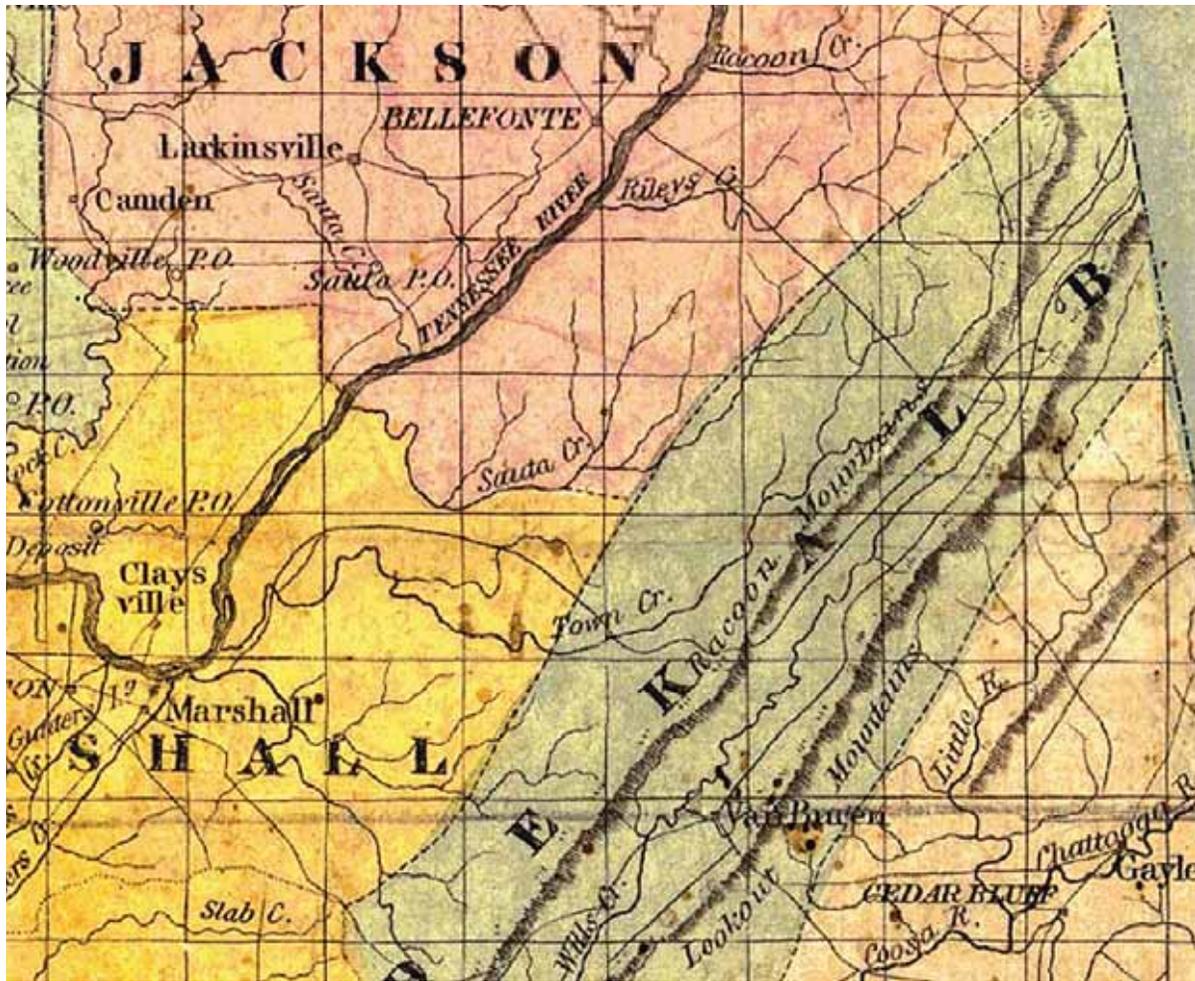
H. B. Houston }  
D. P. Armstrong } S.C.C.

Robert Armstrong  
Surveyor

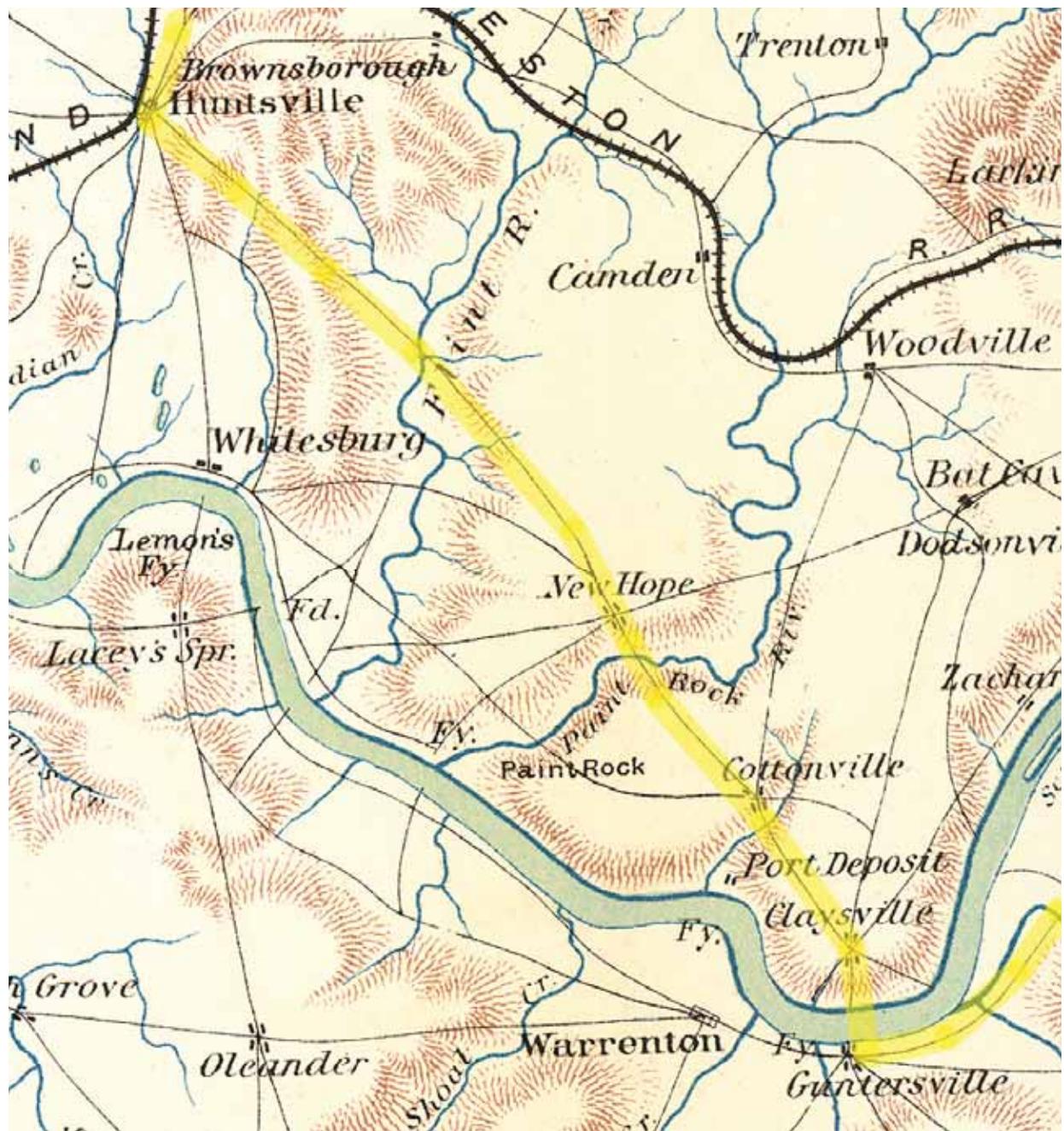
Edward Gunter's Reservation was surveyed in 1820. (Armstrong, Survey Book of Cherokee Lands).



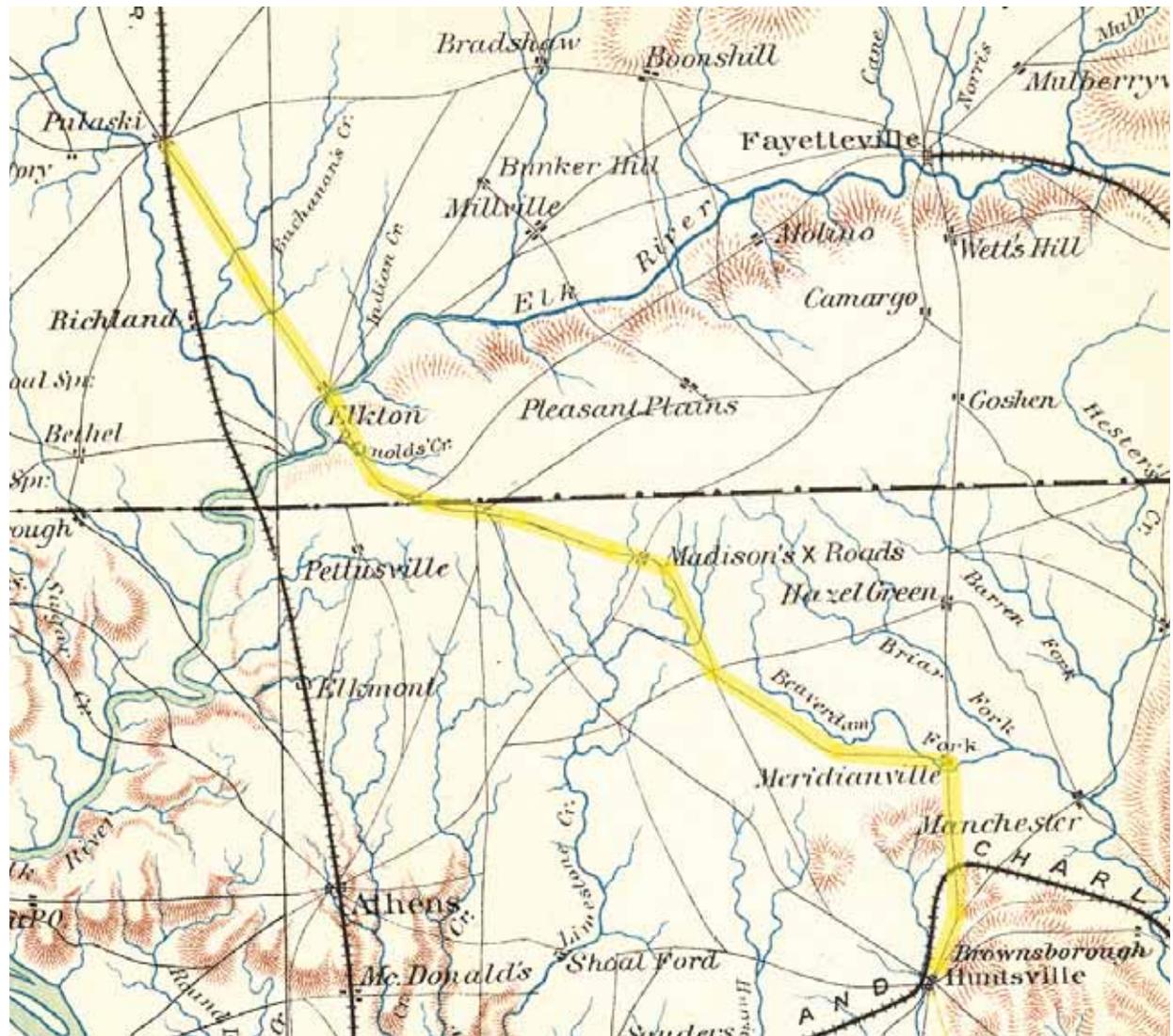
7 Mitchell



LaTourette Map shows the Gunters Landing to Ft Payne Road. This map is based on the S Survey of 1800

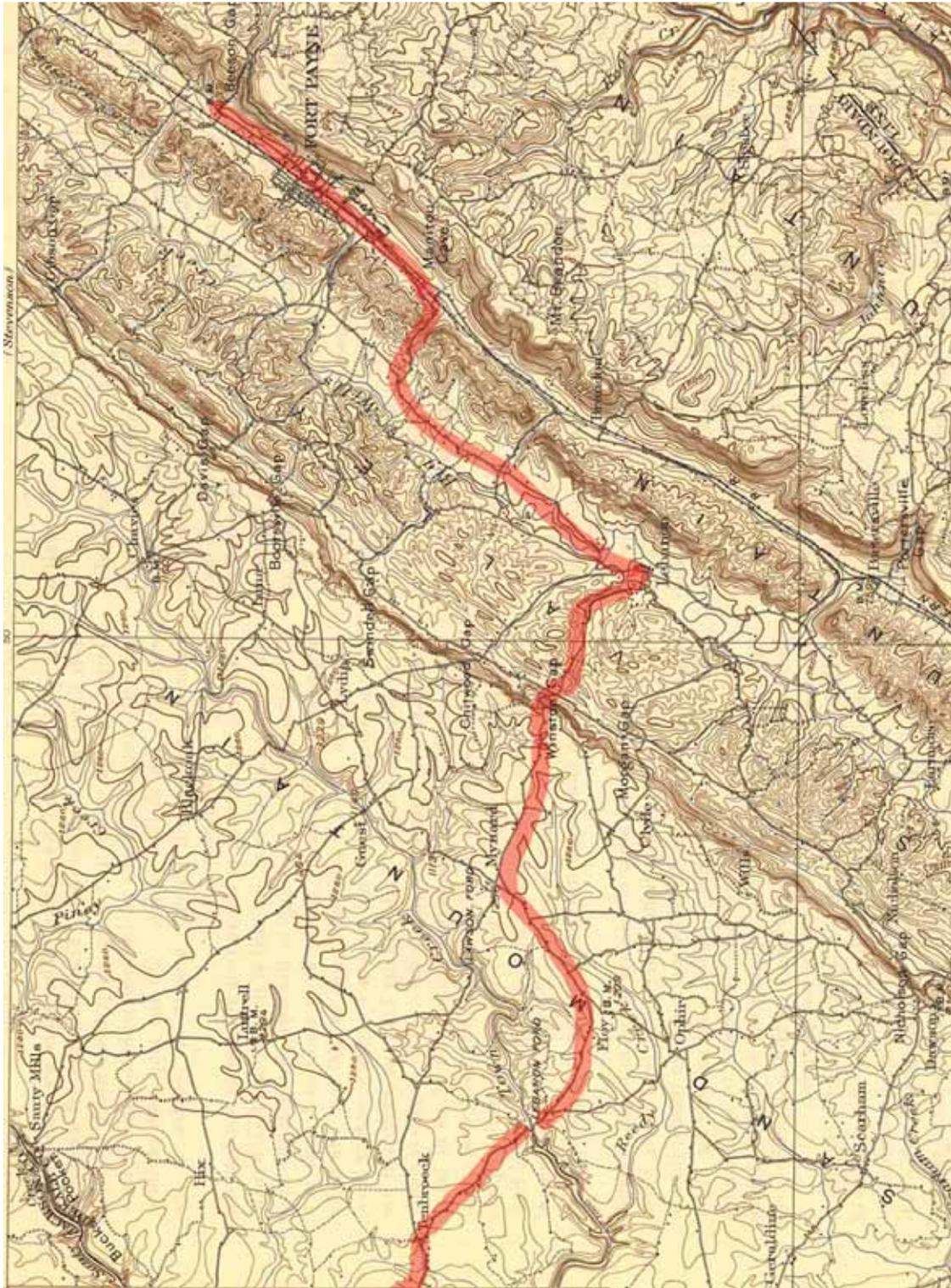


1860s Civil War Map

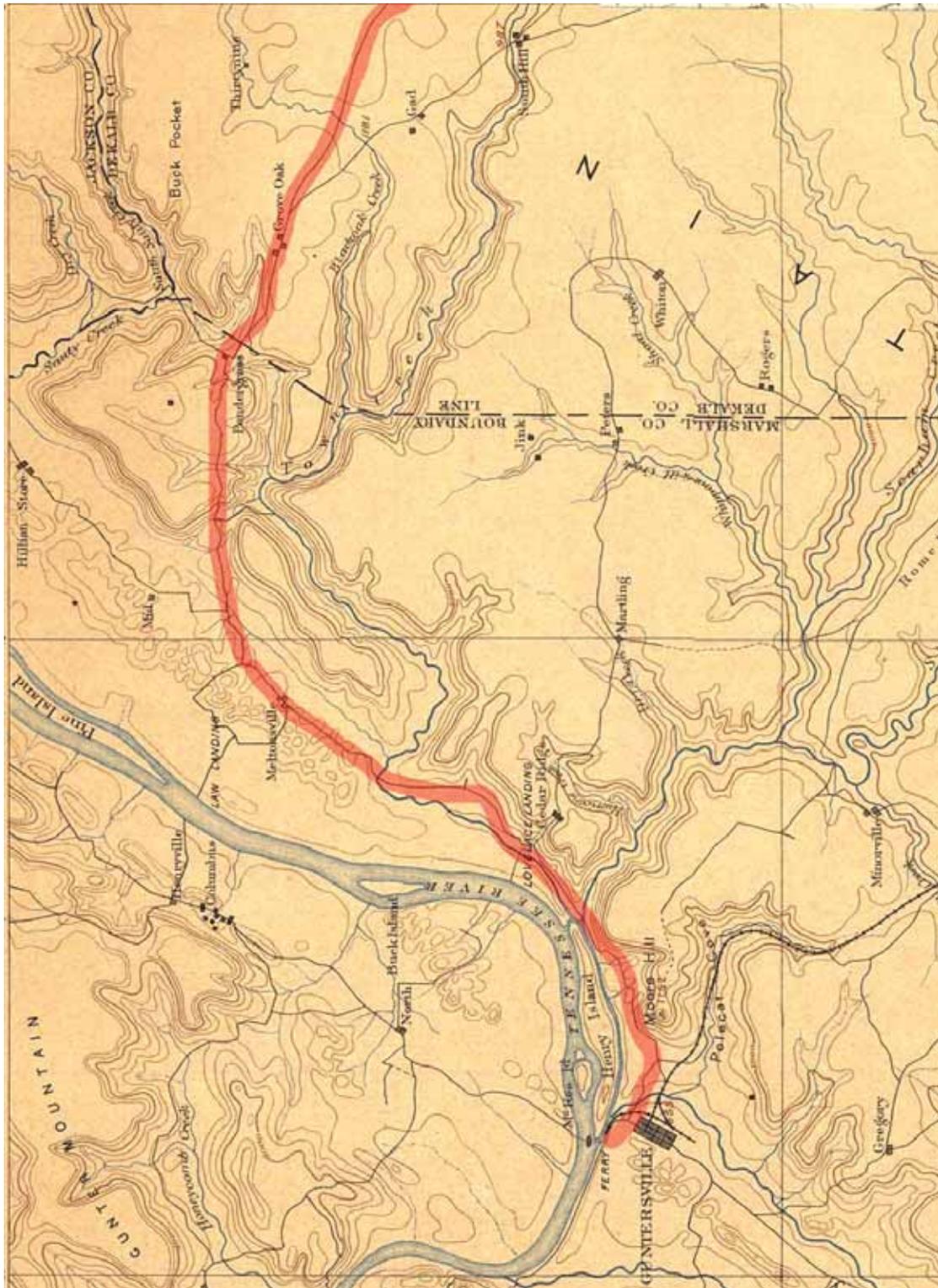


1860s Civil War Map

.S.G.S. 900s Series Topographic Maps



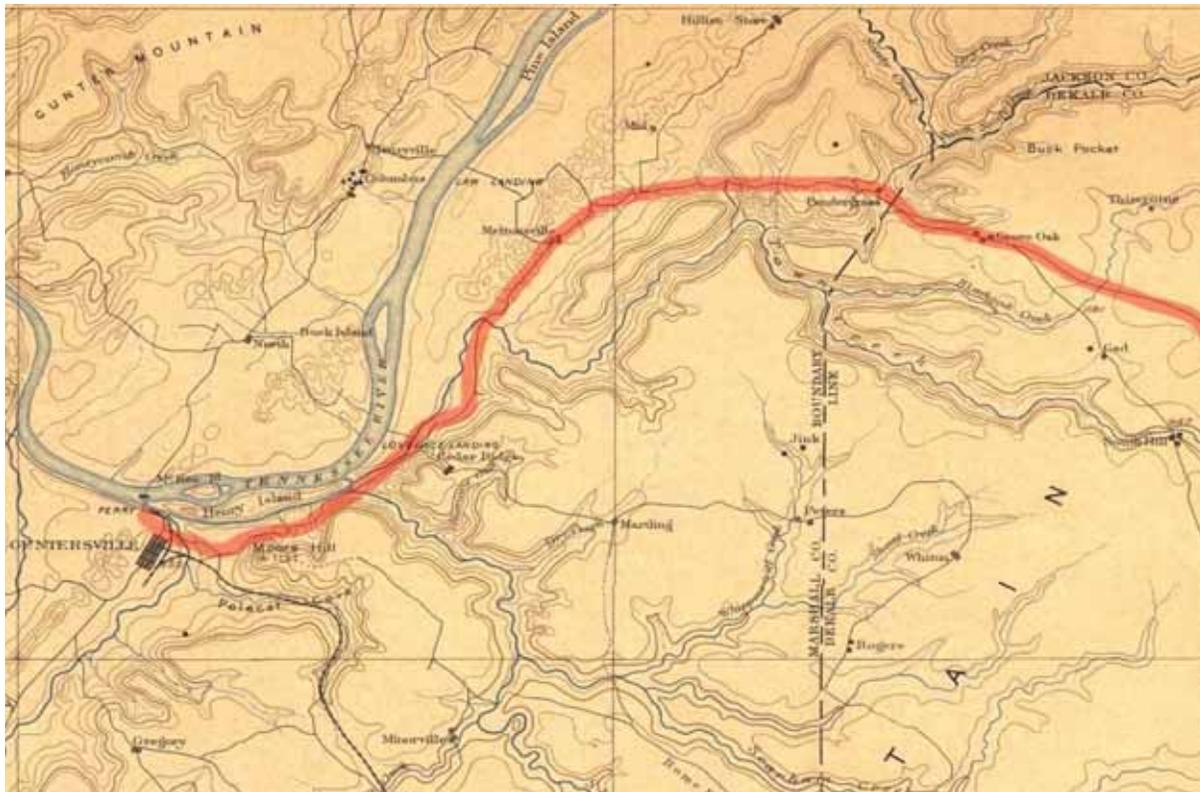
900 SGS Fort Payne



The Gunter's Landing Road highlighted on the Gadsden 90, previous page, and the Fort Payne, 900, SGS 0 Minute quadrangles. The 900 vintage SGS Maps show the same principle road system as was plotted on the BLM maps in 2010.



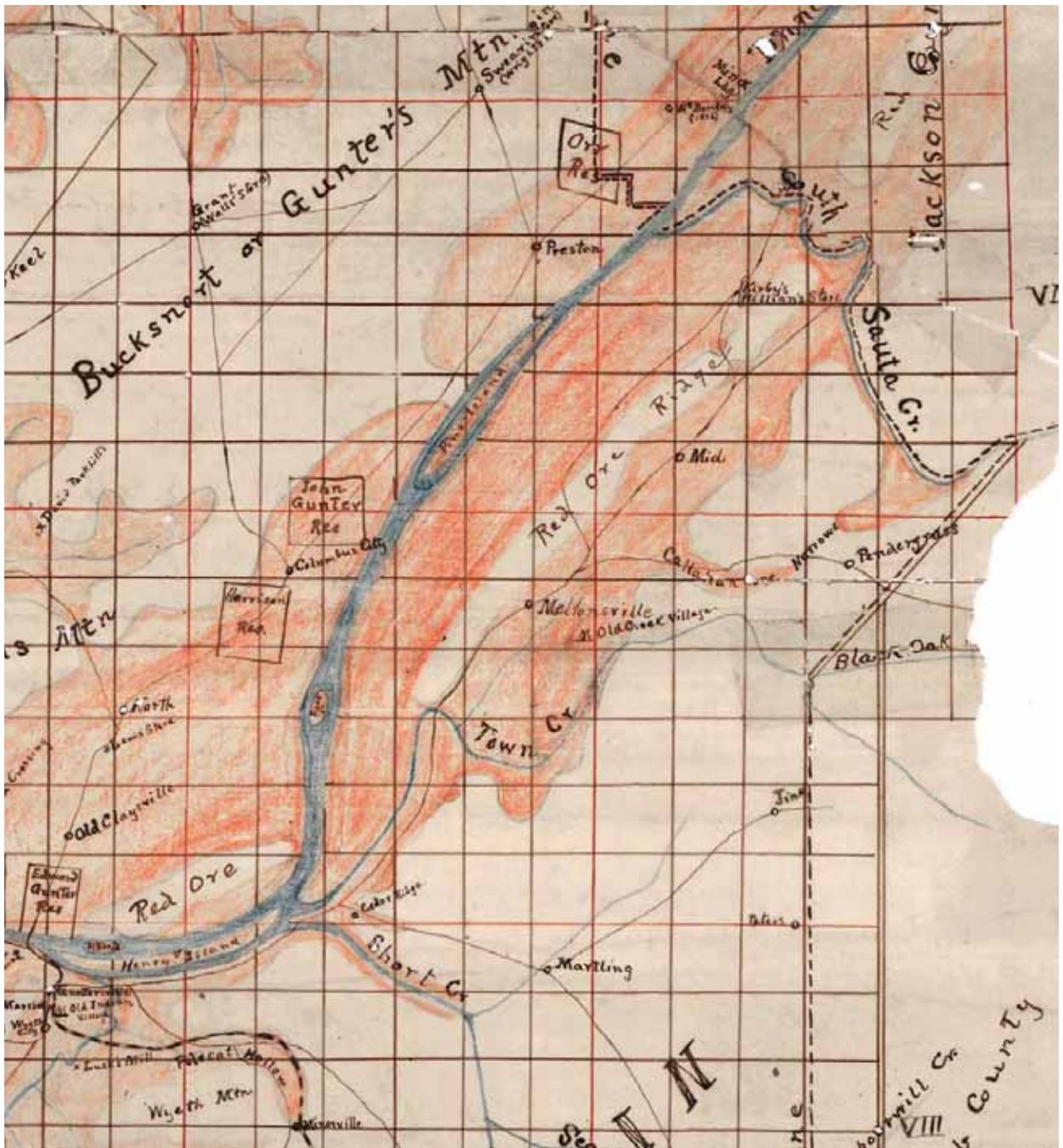
Lebanon Ford of Town Creek on Sand Mountain between Viewpoint and Ten Broeck, DeKalb Co.



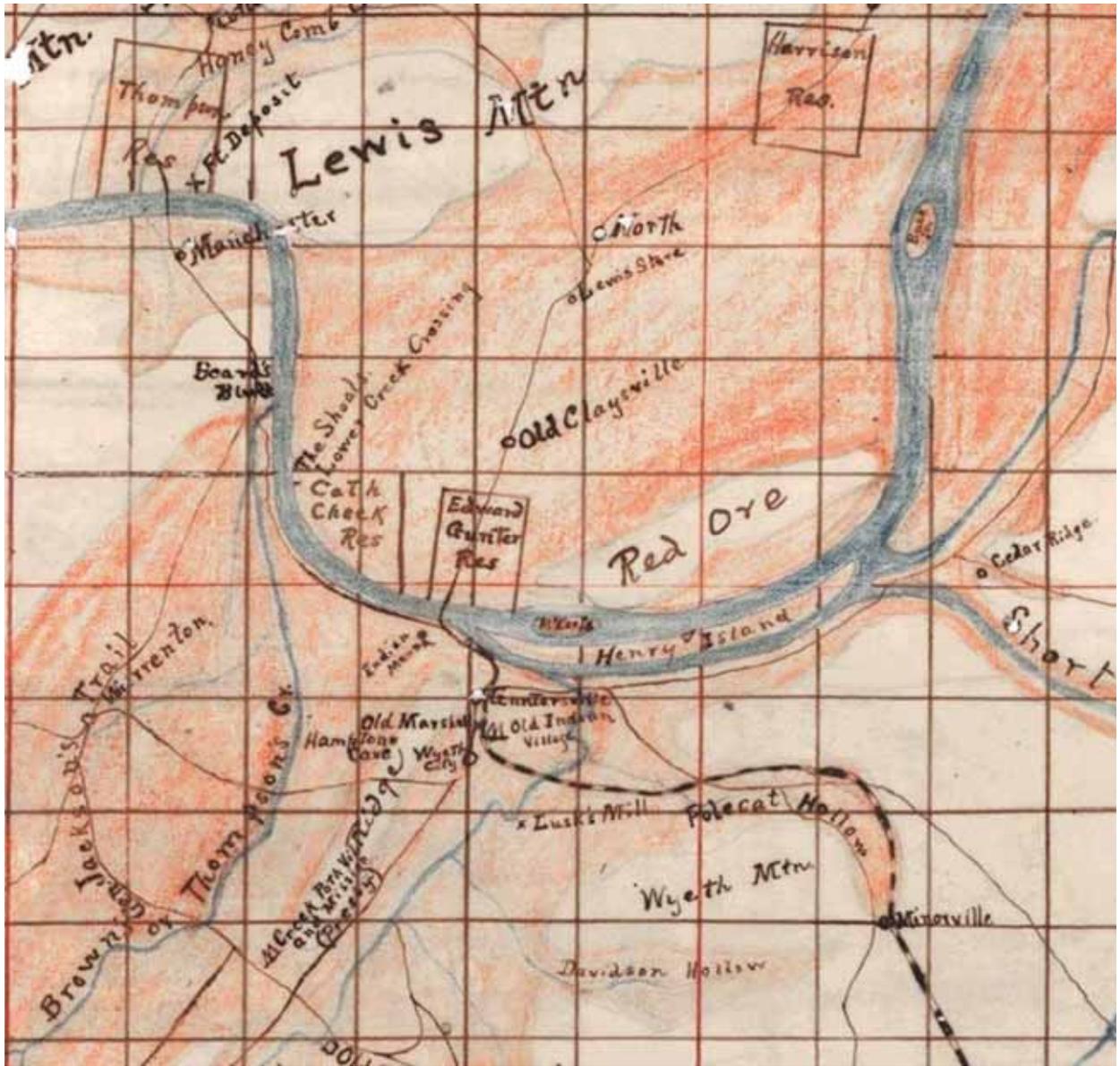
90 SGS Gadsden map



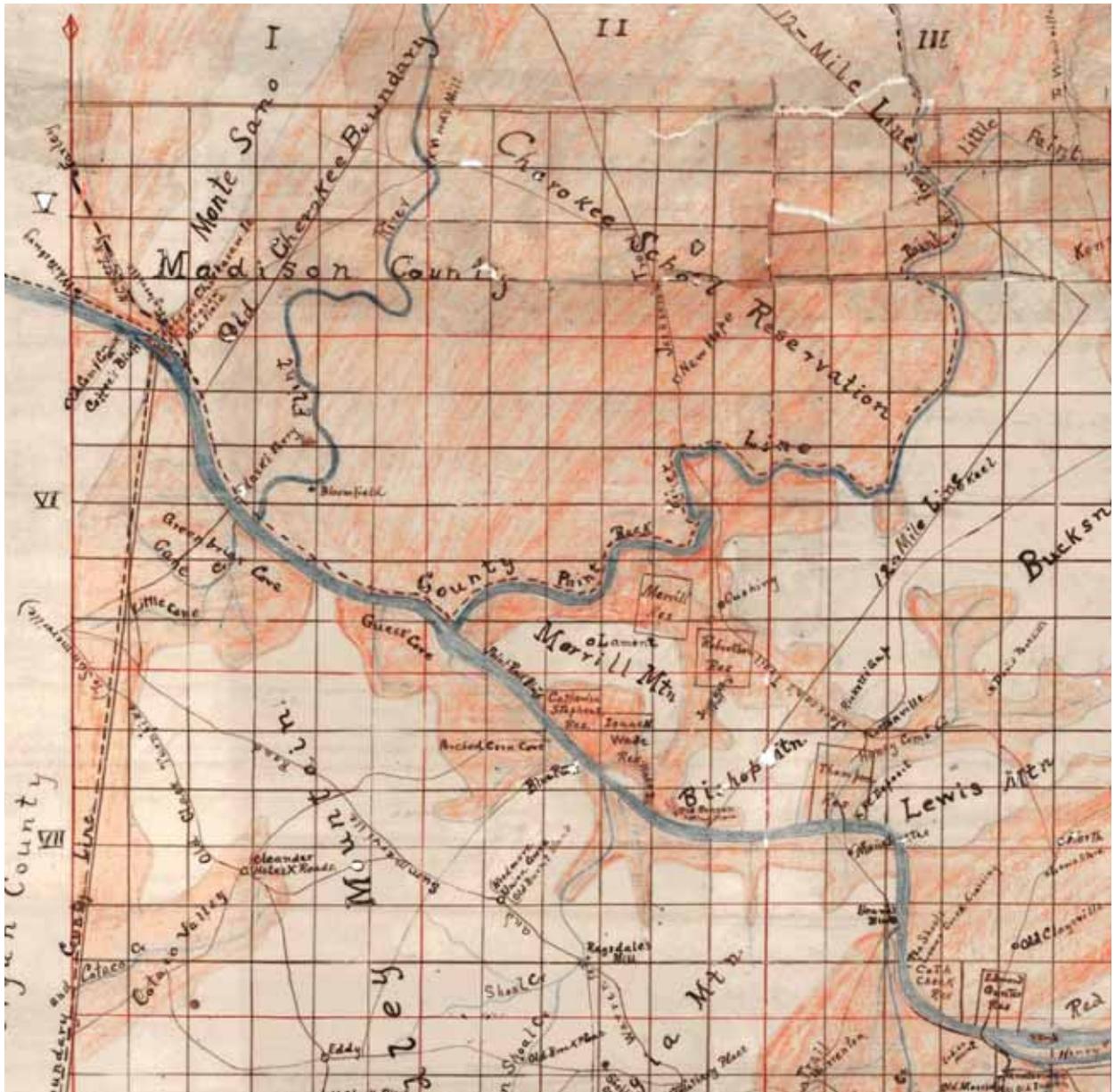
Surviving remnant of the Road to Gunter's Landing used by the Benge Detachment in October, 1794. Located in the Guntersville State Park, this point was recorded in the field notes of the first survey of Alabama by James Weakley, Surveyor General, 1799.



Marshall County Circa 1900. Removal route is along route Meltonville to Pendergrass



Marshall County Circa 1900 Gunter's Creek area



Marshall County Circa 1900 Guntersville to Huntsville via New Hope

The road branched westerly off of the Ross Landing Road at Lebanon. It crossed the Middle Ridges along the Horton Creek gap and Sand Valley to the foot of Sand Mountain and Winston Gap. From the brow of the mountain at Winston Gap the road went through modern Peeks Corner. It continued west near Lusk Chapel and Flat Rock Church. Just northwest of Viewpoint the road forded Town Creek at Lebanon Ford in Section 25.

Continuing west, the road went near modern Ten Broeck and on to Grove Oak. The location of the route conveniently follows the dividing ridge between two deep and rugged gorges. Bucks Pocket is a gorge through which runs South Sauty Creek. Blackoak Creek, a fork of Town Creek, becomes a gorge below the beautiful High Falls.

The road follows "The Narrows" that separate Morgan Cove and Mormon Hole to Center Point. It then descends the west slope of Sand Mountain at Smith Gap and runs near or south of Five Points, by Meltonsville and Cooper Cemetery. The road crossed Town Creek and entered what is today Gunter'sville State Park. The road parallels the shoreline and follows the ridges around Signal Point to the old Gunter's Landing.

I found 32 survey points on this road. This is the shortest route from Fort Payne to Gunter's Landing.

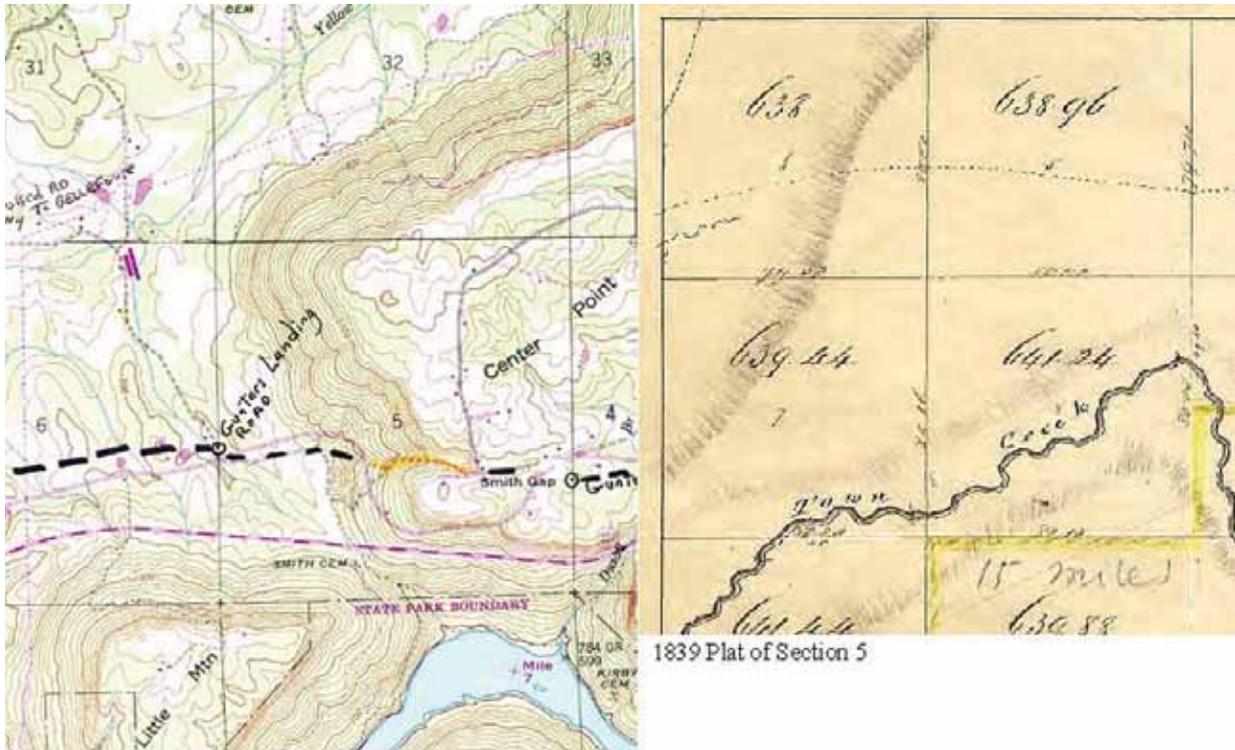
## Smith's Gap - Gunter's Landing to Lebanon Road

Section 5- T7 S- R5 E



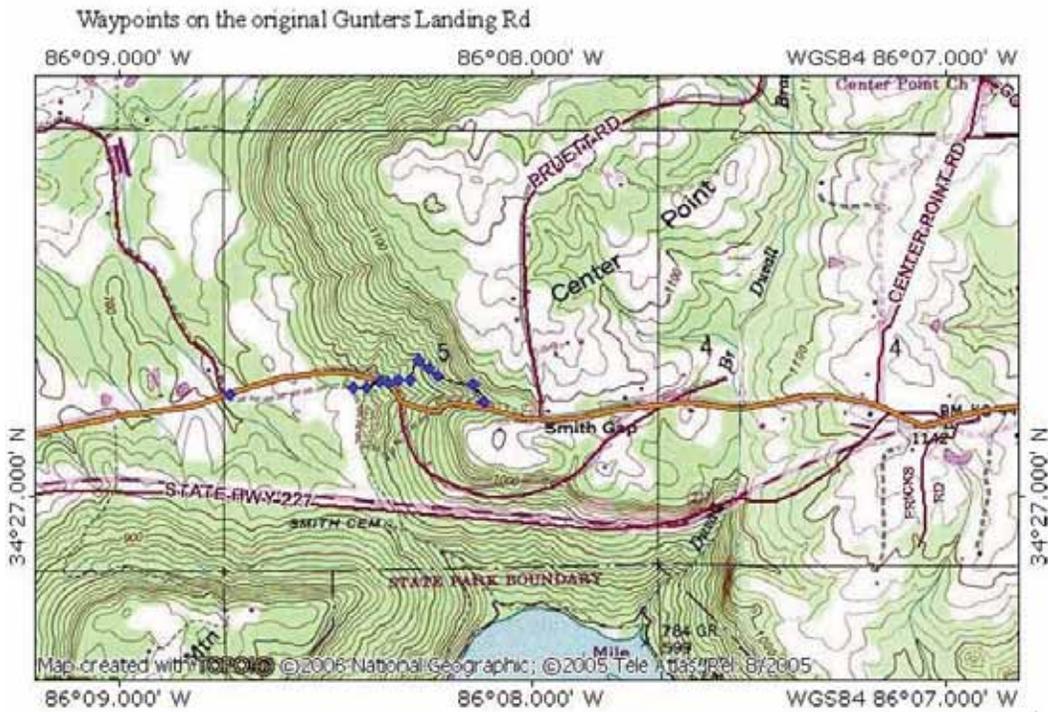
This section of the Gunter's Landing Road is located at an 1839 Survey point on old County Road 227 at the west line of Section 5. This abandoned portion of the road was obviously graded early in the 20th Century.





1839 Plat of Section 5

Grove Oak USGS topo. Photos previous page taken at survey point at left on west line of Section 5.





NW 1/4 of SE 1/4 of Section 5 in upper section of Smith Gap. This section is a premier example of an original wagon road that was not graded by modern machinery. It hugged a mountain side and meandered through boulder fields.





The landscape along the old road includes bluffs beyond the trees and large boulder fields.





The road was routed between rocks defining the road as wagon width.

Boulders have fallen off the mountainside into the road bed.





Nearing the gap in Sand Mountain

### Gunter's Landing to Huntsville

The route followed by the Benge Detachment from Gunter's Landing, Alabama, followed an old and well-established road. Huntsville was founded in 1811 in Madison County which had been established by the Governor of the Mississippi Territory on Dec. 13, 1808.

Unfortunately, the surveyors who laid off the early townships and ranges did not note roads on the first survey plats as did the government surveyors who later surveyed the Cherokee Cession in 1839. This route can be documented by examination of the early historical maps, an 1875 map of Madison County and USGS maps made around 1895 to 1900.

From Gunter's Landing the Cherokees crossed the Tennessee River at Gunter's Ferry near today's US Highway 431 and State Highway 79. On March 2<sup>nd</sup>, 1841 Colonel John L. Colburn was involved in an interrogation in Washington City about the Benge Detachment (National Archives and Records Administration, Government Accounting Office, Record Group 217, Box 370, Year 1841, Acct. 6289-F). One of his answers was that it took three days for the detachment to cross the Tennessee River at Gunter's Landing. Going north through Claysville and Henryville, the route leaves Highway 79 and follows Hwy 431 westerly where it crossed Honeycomb Creek to modern Cottonville.

This was known as the Deposit Road, the "Big Road," and the Huntsville Road. Old Highway 431 was built on the corridor of the original road. The new four-lane Highway 431 has straightened and abandoned sections of old Highway 431



oneycomb Creek    oneycomb Creek The Gunter's Landing to    untsville Road crossed  
oneycomb Creek at right. An    survey point is underwater near the center of the photo.  
Photo taken from    .S.    looking north from Section    T7S R    E towards Gunters Mountain.



Dan Fulenwider stands in a five foot deep, original section of Deposit Road. This was the old  
Blevins Gap to Deposit Road and is located in Section    , T7S, R    E



Little Paint Rock alley

Leaving Honeycomb Creek the old road crossed through Ricketts Gap between Bishop Mountain and Grassy Mountain. View here is facing northwest from Ricketts Gap into the Little Paint Rock alley and U.S. Highway 421.



Ford on Flint River

Flint River at the old crossing at Owens Crossroads. The ford crossed an island. From here the trail went to Big Cove and crossed Green Mountain at Blevins Gap.

The route went through the Little Paint Rock Valley and the Robertson Reservation. At Grassy Mountain the old road left Highway 431 and turned northeast and crossed the Paint Rock River at an old ford. The route went through New Hope where it again follows the corridor of old Highway 431 (Main Drive). The road forded the Flint River at Owens Crossroads and went up Big Cove along the corridor of Old Big Cove Road. Then, the road crosses Blevin's Gap between Huntsville and Green Mountains.

1822 Journal of Lucius Bierce

The most detailed account of the road from Gunter's Landing to Huntsville is that of Lucius Bierce who kept a journal in 1822-1823. Bierce walked from Ohio through the Carolinas and through Georgia to Alabama, Gunters Landing and to Huntsville via Blevins Gap.

April 6,

"Resumed my march... I found myself on the banks of the Tennessee River, at Gunters landing. Ten miles from the Tennessee river I came to Big honey comb spring which is a large limestone spring and very noted in this part of the Country. Five miles from Big honey comb, I crossed Paint rock, a deep but narrow river..... the road here was through a rich cane bottom.....Nine miles from Paint rock I crossed the Flint, similar in size to the former. These rivers empty into the Tennessee..... 29 miles."

April 7,

"Leaving Flint, which is the boundary between Decatur and Madison Counties, I went five miles, when I came to Blevins Gap, an opening in another-wise impassable mountain, and after wading through creeks and mud holes eight miles farther I came to Huntsville and the County Seat of Madison county, being the first village I had seen for two hundred and eight miles and containing the first brick dwelling house I have seen since leaving Virginia." (Bierce 1966: 94-96)

Bierce, Lucius V.

1966 Travels in the Southland 1822-1823.

Ohio State University, Columbus, Ohio

According to Nancy Rohr, "Early local records refer many times to the road through the gap. At a meeting of the Orphan's Court between 1810 and 1817, the minutes stated: "...David Cobb and James Neeley be appointed overseers over a road leading from John Bunches and by Armistand Bealers, by Dillon Blevins and crossing the mountain at his gapp [sic] and on the Stick Sholes [sic] of the Flint River."

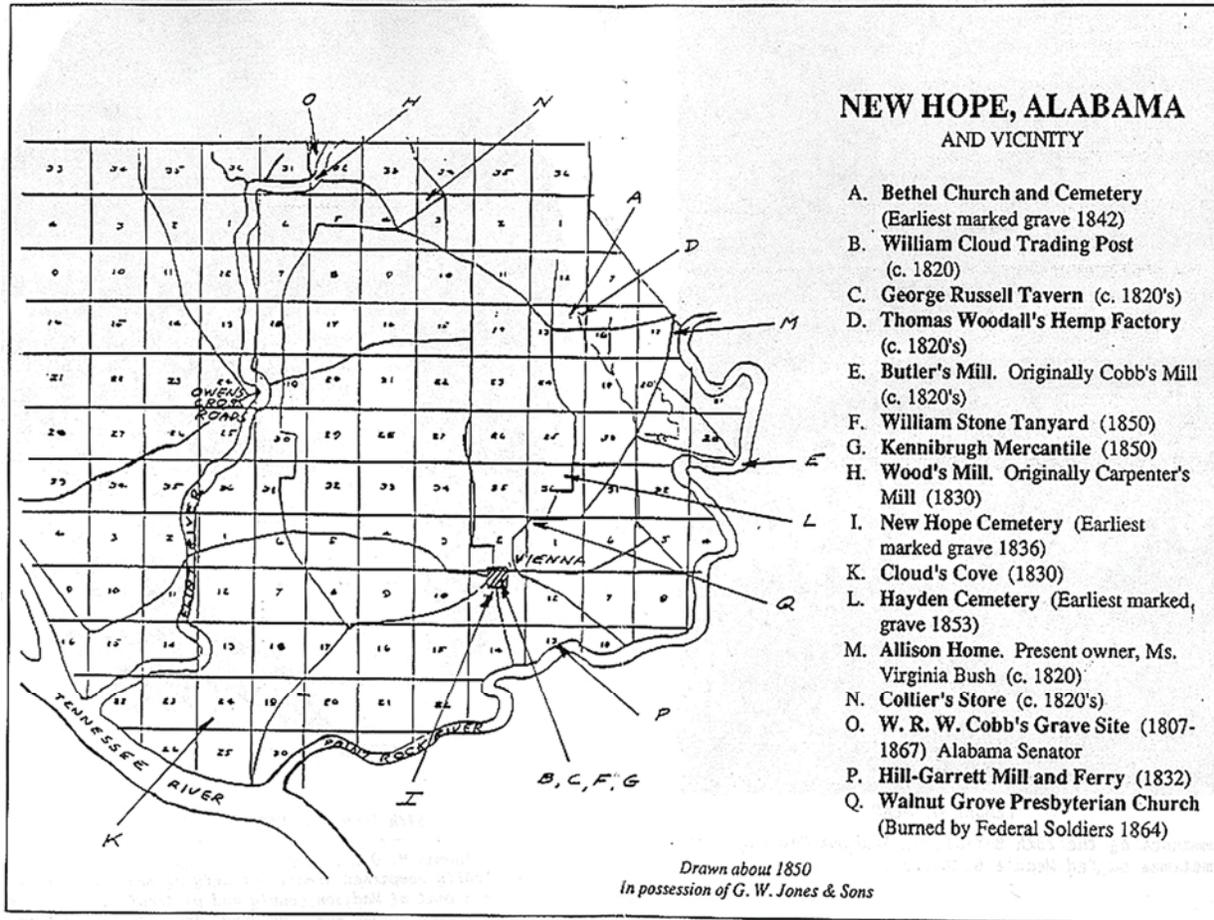
Blevins Gap: A Road Less Traveled, Historic Huntsville  
Quarterly of Local Architecture and Preservation,  
Vol. XIV, No 4, Summer 1988.



Dan Fulenwider stands in Blevins Gap Road on east slope of Green Mountain in Sec 7 , T S, R E. A premiere section of the Trail of Tears is preserved in the Blevins Gap Preserve bought by the Huntsville Land Trust



Looking at Blevins Gap from the east side of the mountain. It was a 100 ft climb over the gap.



From New Hope Remembers, The Friends of New Hope Public Library, 990

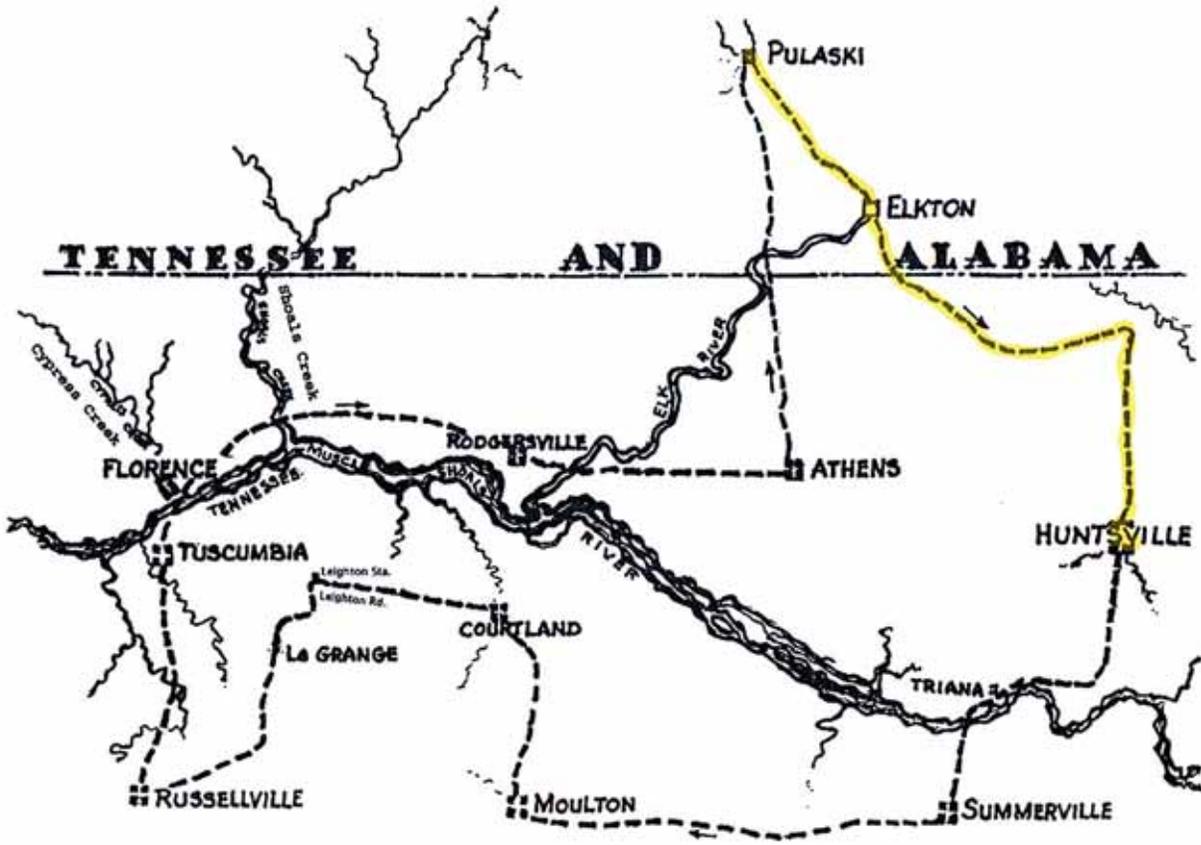
Over the mountain, the road entered Esslinger Cove, skirted Baily Cove, through Flemington Heights and followed modern Whitesburg Drive north to near Big Spring. It is not clear at this point in time exactly how the old road connected to Pulaski Pike. Further research would probably reveal the original route.

### Huntsville, Alabama to Pulaski, Tennessee

From the Big Spring in downtown Huntsville, the detachment took the road to Meridianville and thence to the Pulaski road to Tennessee. The Pulaski road was an very old road showing up on the Melish Map of 1818 and the examination of a series of the earliest maps shows that the Pulaski to Huntsville Road was well established. It is apparent from looking at the generations of early maps that as the road through northwest Madison County was settled, landowners petitioned the county commission to relocate the Pulaski Road around their property on section or forty lines. This lengthened the route and by 1875 it appears in some places to follow a checkerboard circuit. Most people did not want a public road bisecting their property.

As stated earlier John L. Colburn was involved in an interrogation in Washington City in 1841. He stated that the Benge Detachment went through Meridianville, Alabama. The 1875

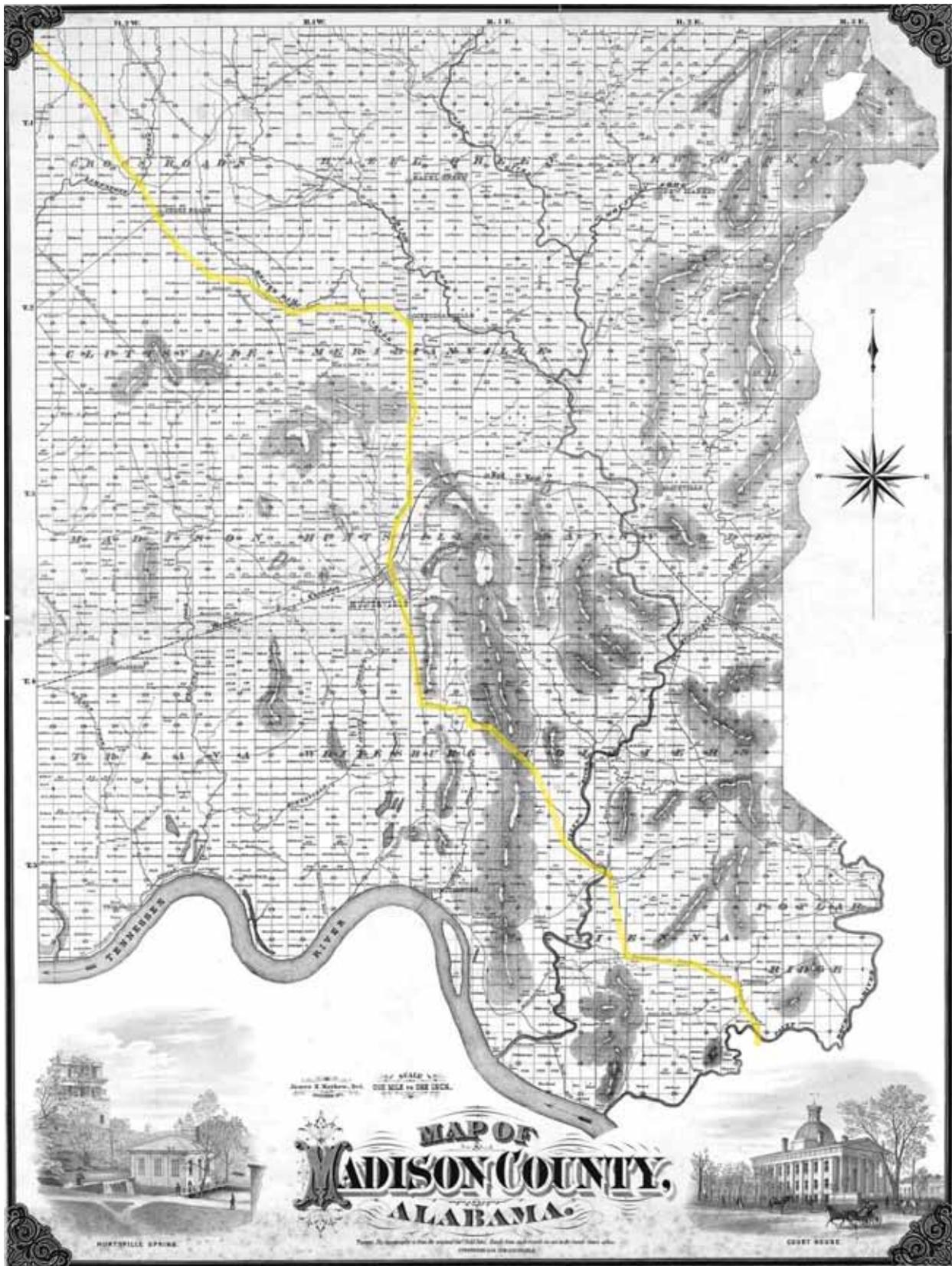




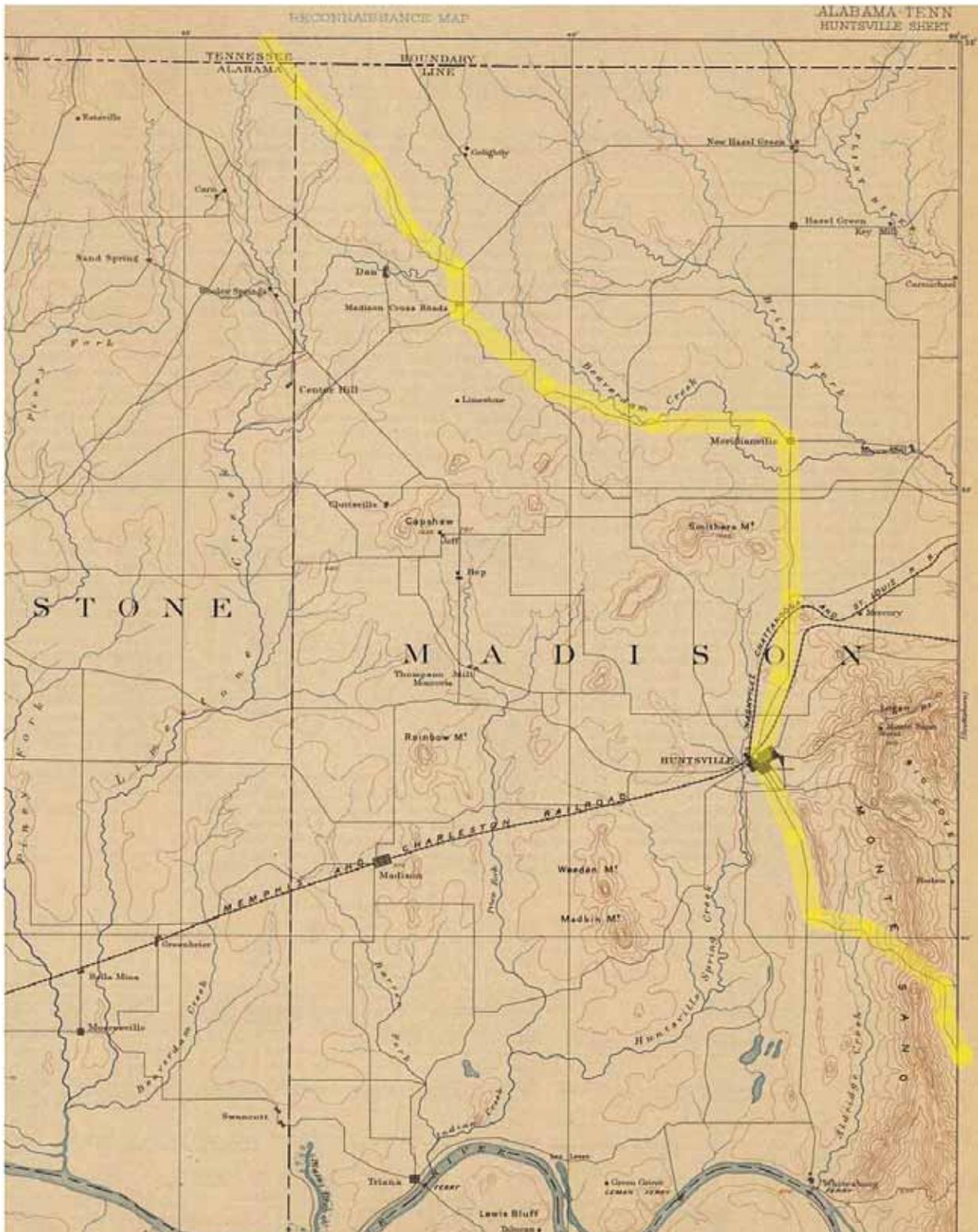
The Reverend Samuel W. Calvert's tour through North Alabama in 1831 is indicated on this map by the dashed lines.

Samuel Wilson Calvert was licensed to preach on January 9, 1825 by the Presbytery of West Tennessee. From 1826 to 1831 Reverend Calvert preached at Elk Ridge (Giles County), ten miles from Fayetteville, Tennessee. In 1831 he did a fund-raising tour of North Alabama, as shown on the map above. On February 8<sup>th</sup>, Rev. Calvert spent the night in Pulaski, Tennessee. On February 11<sup>th</sup>, he met with a Mr. Fain of Elkton and rode to Mr. Fain's house. They were "detained a little at the River." On February 12<sup>th</sup>, Rev. Calvert set out for Huntsville. On the way, he recorded seeing an eclipse of the sun and that the road was generally very bad. Rev. Calvert "ascended a hill at the distance of two miles from Huntsville. A beautiful range of mountains, at the distance of many miles, skirted the whole view." The route he travelled took him through Meridianville. This probably was the best route to Huntsville at the time.

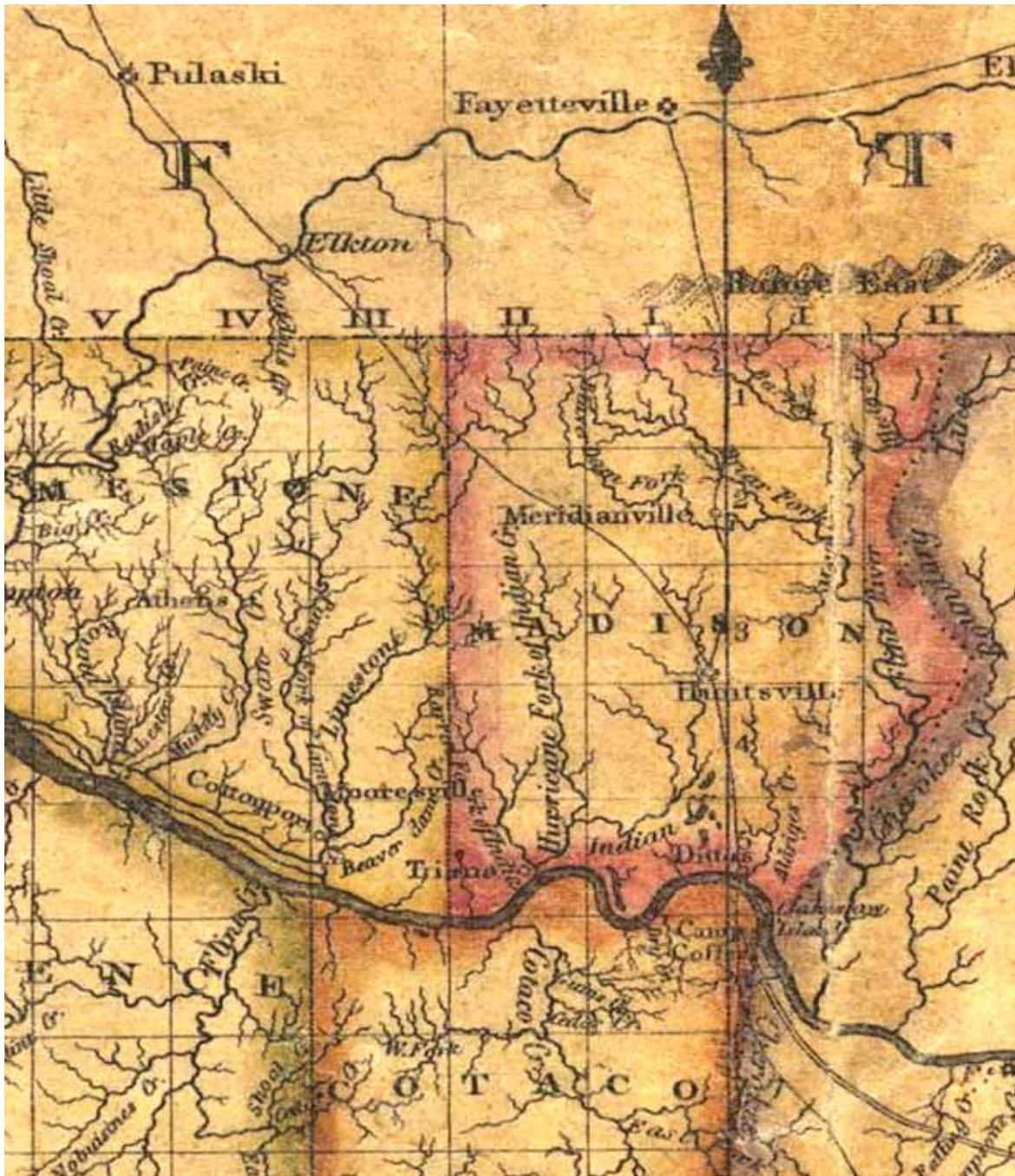
The map below, published by James H. Mayhew in December 1875, was one of the most important early maps of Madison County found to date. "Note: The topography is from the original Government Field Notes. Roads from such records as are in the County Commissioners Office." This map shows the Deposit Road entering the southeast corner of Madison County at the Paint Rock River.



7 Map of Madison County by James M. Mayhew. Note that the town of Vienna is now New Hope



9 SGS Huntsville Topographic map with route highlighted.



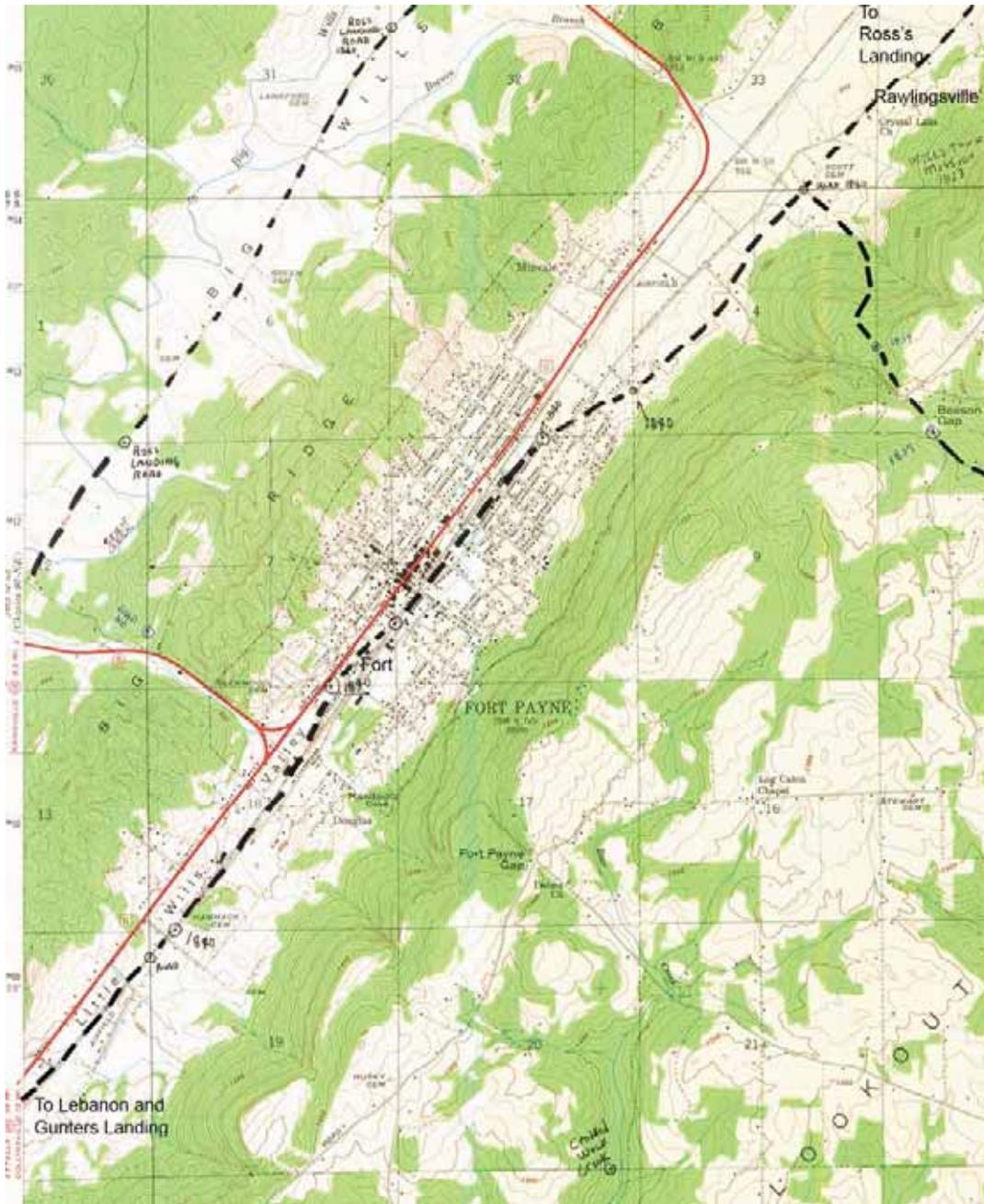
Detail of the Melish map showing the main roads from Huntsville into Tennessee



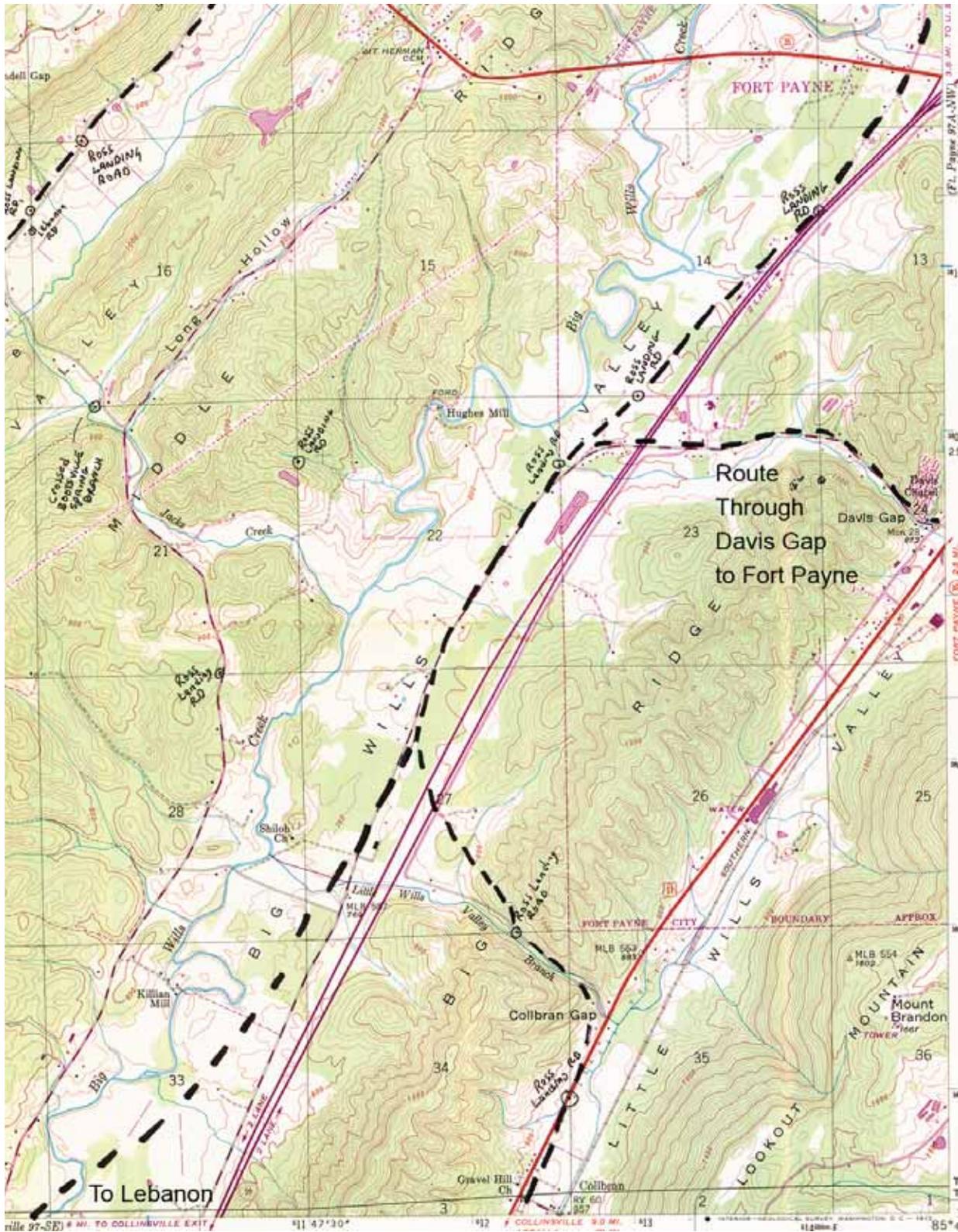
7 Augustus Mitchell showing the major Huntsville road system

## The Benge Detachment Route Shown on 1:50,000 Scale Topographic Maps

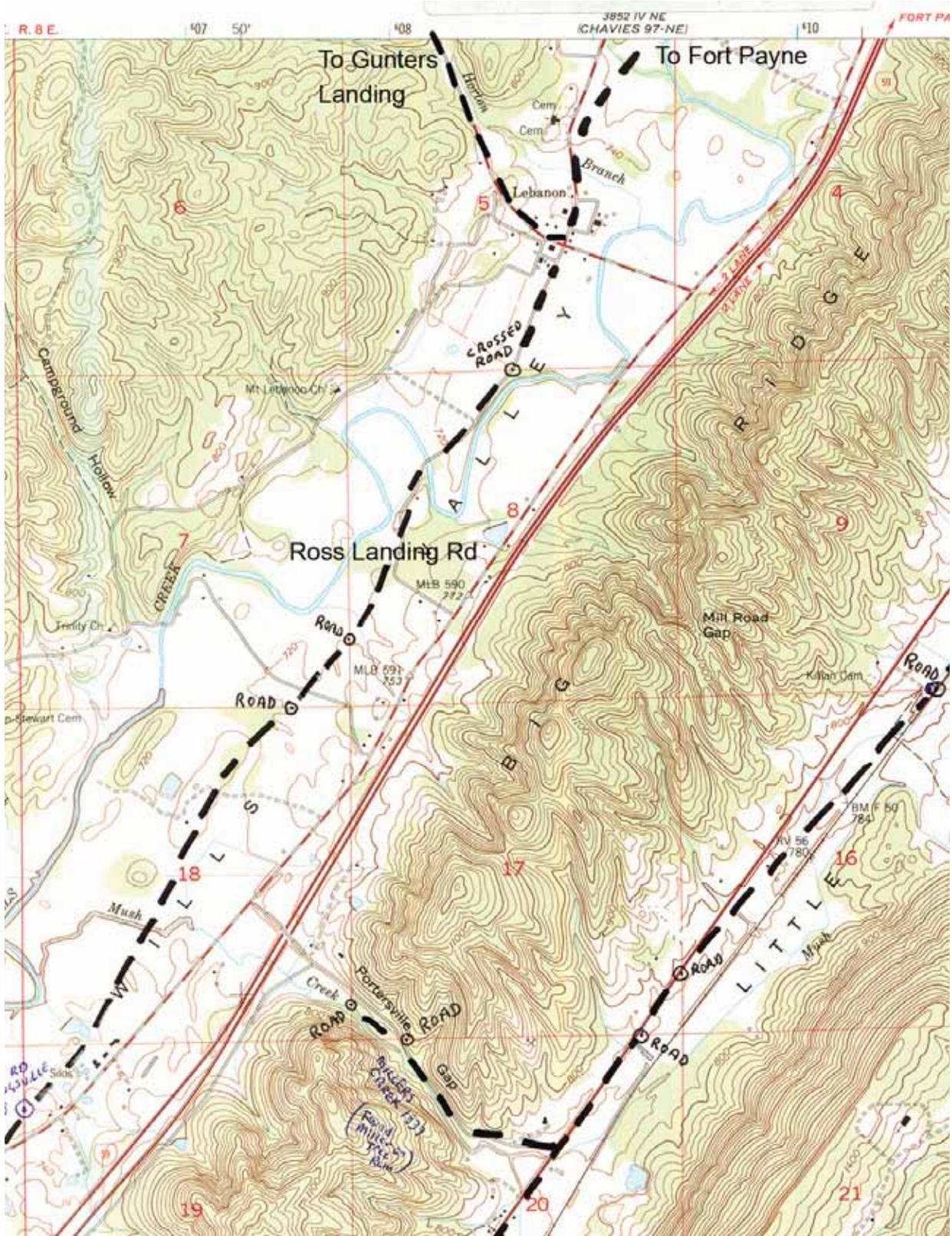
The following pages are a connected series of maps with known survey points drawn in. The dashed line is a composite of field note survey points and the roads as shown on the BLM plats of the surveys. This system is typical for all topo map series throughout this report. The name of the quadrangle is noted below each map.



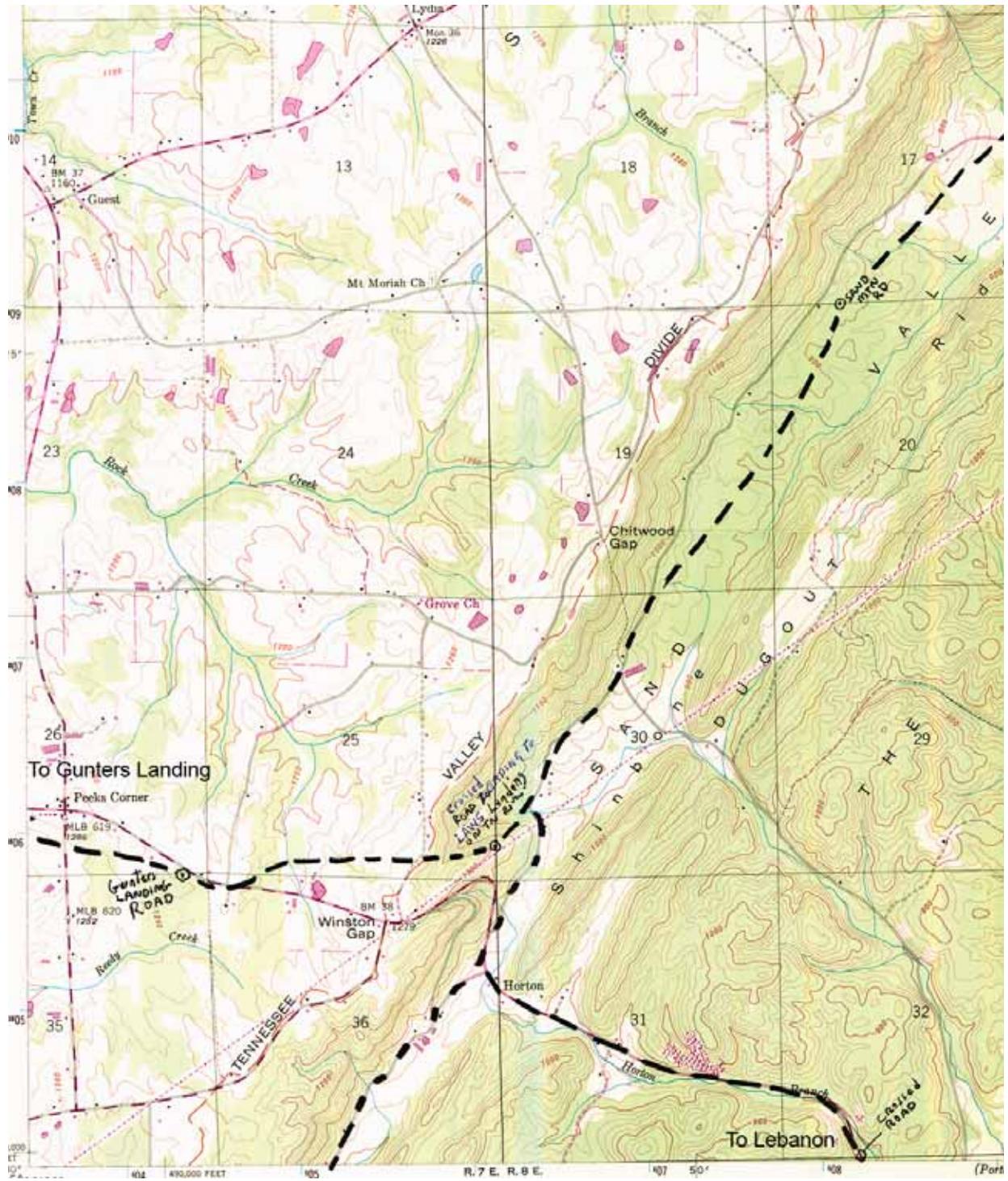
Fort Payne quadrangle



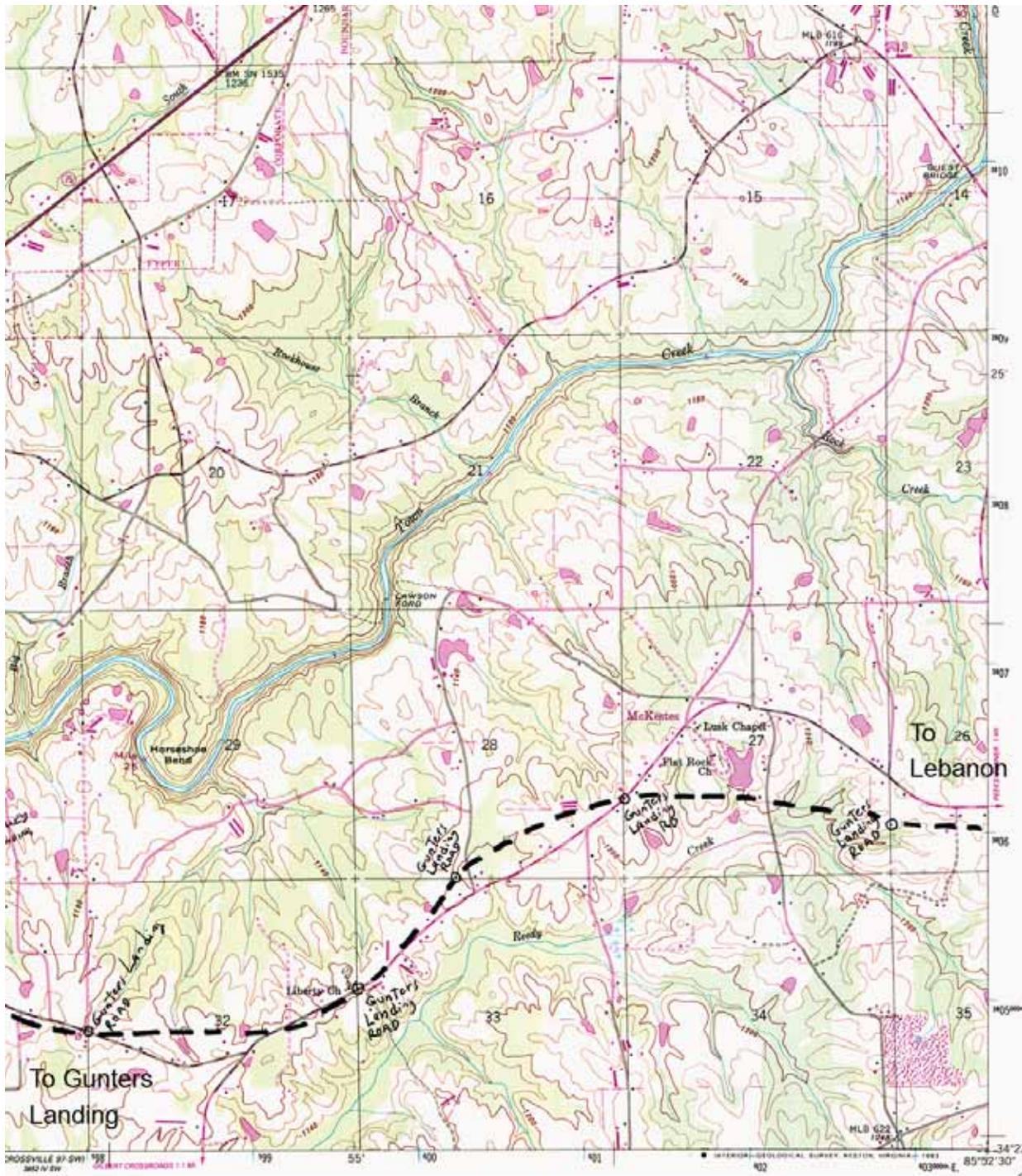
Chavies uadrangle



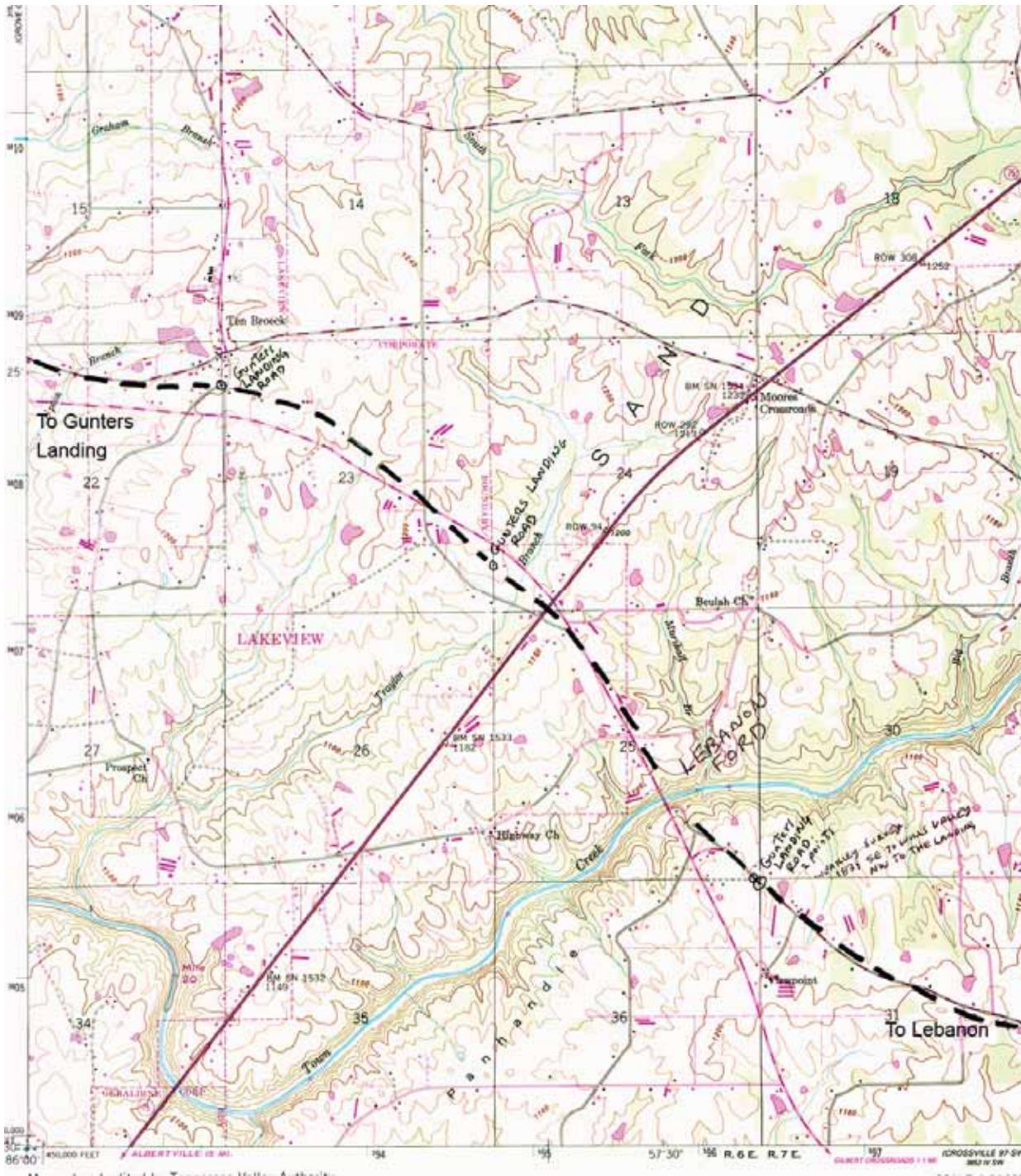
Portersville uadrangle



Chavies uadrangle



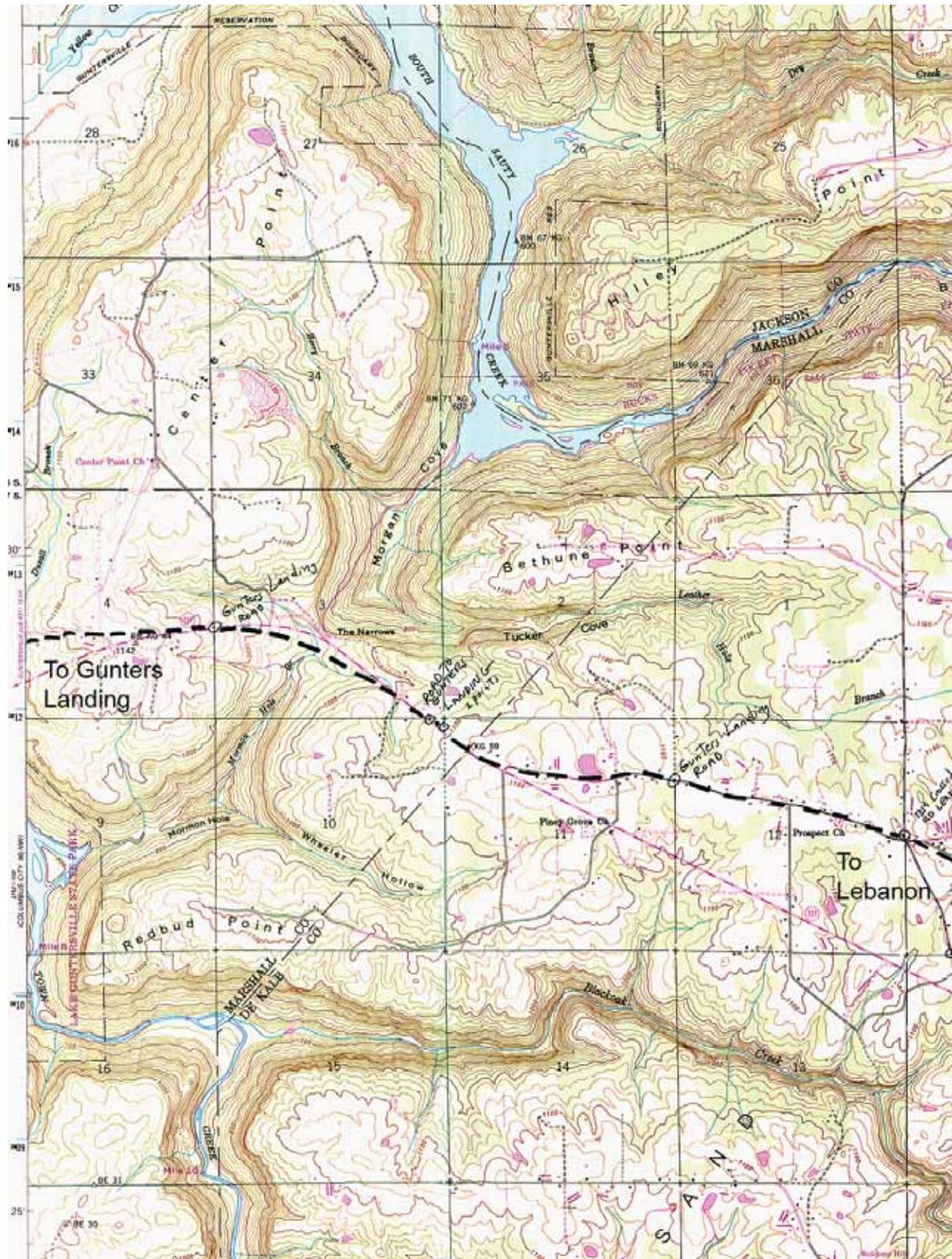
Fyfe quadrangle



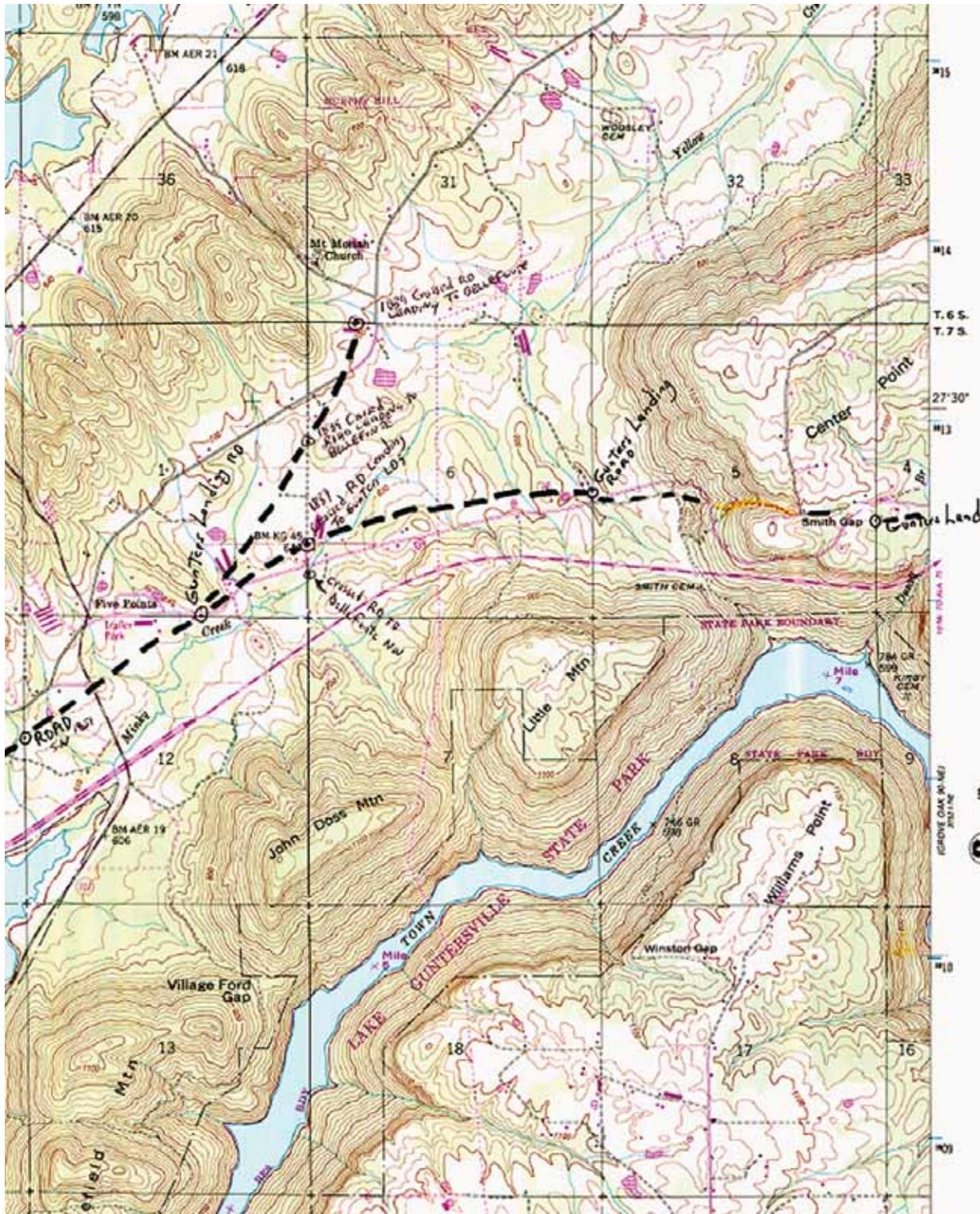
Fyfe quadrangle



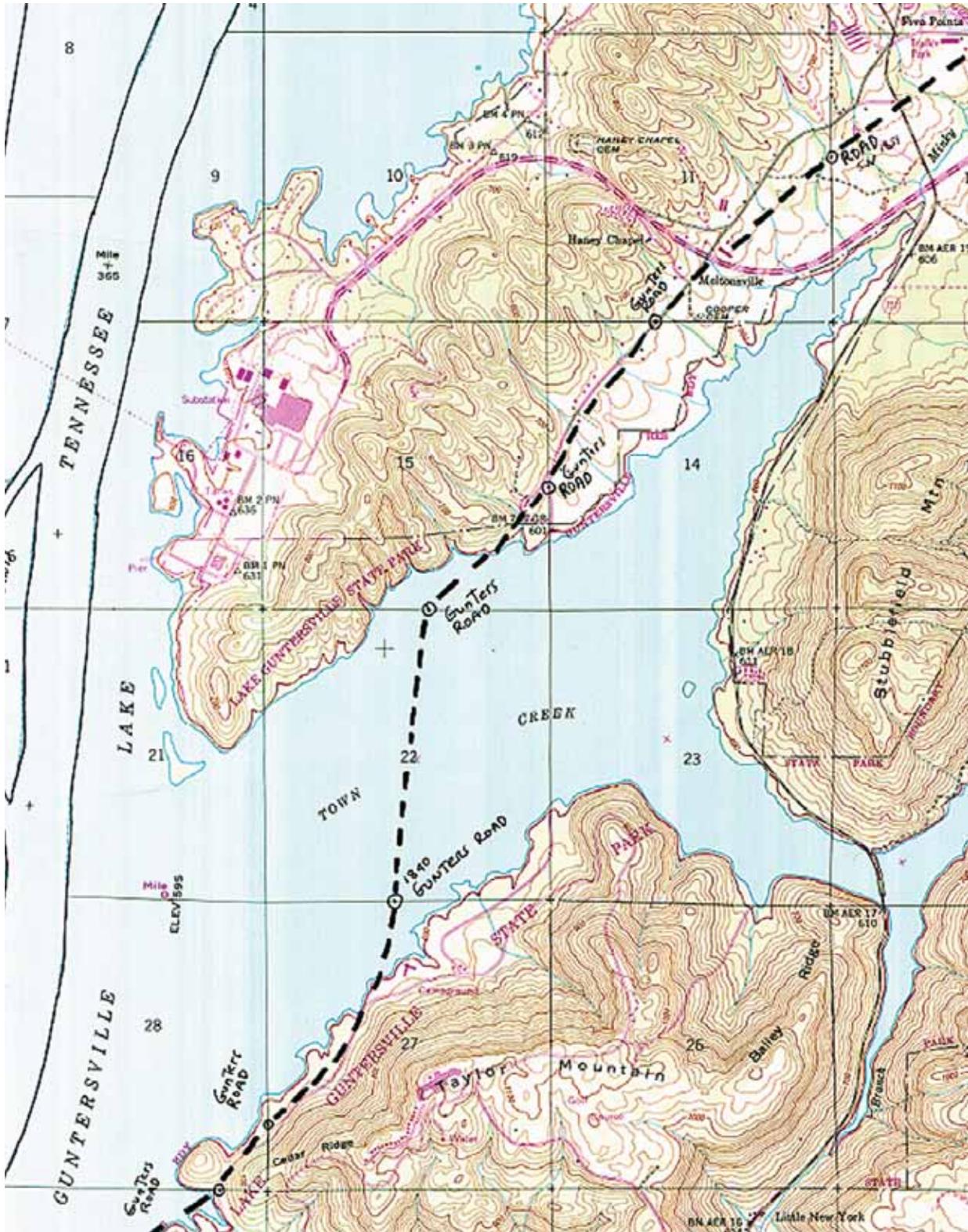
Groves ak uadrangle



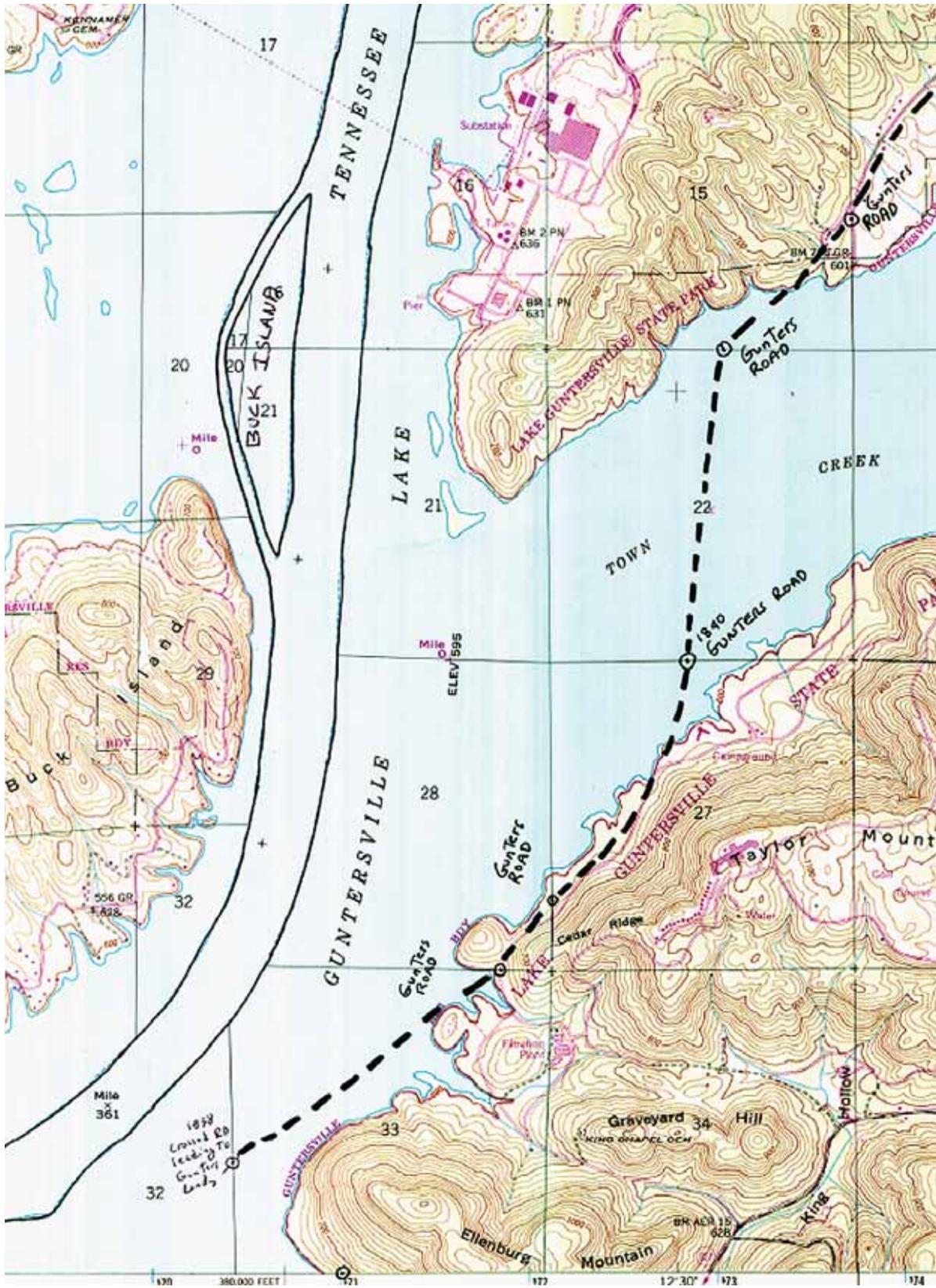
Grove ak uadrangle



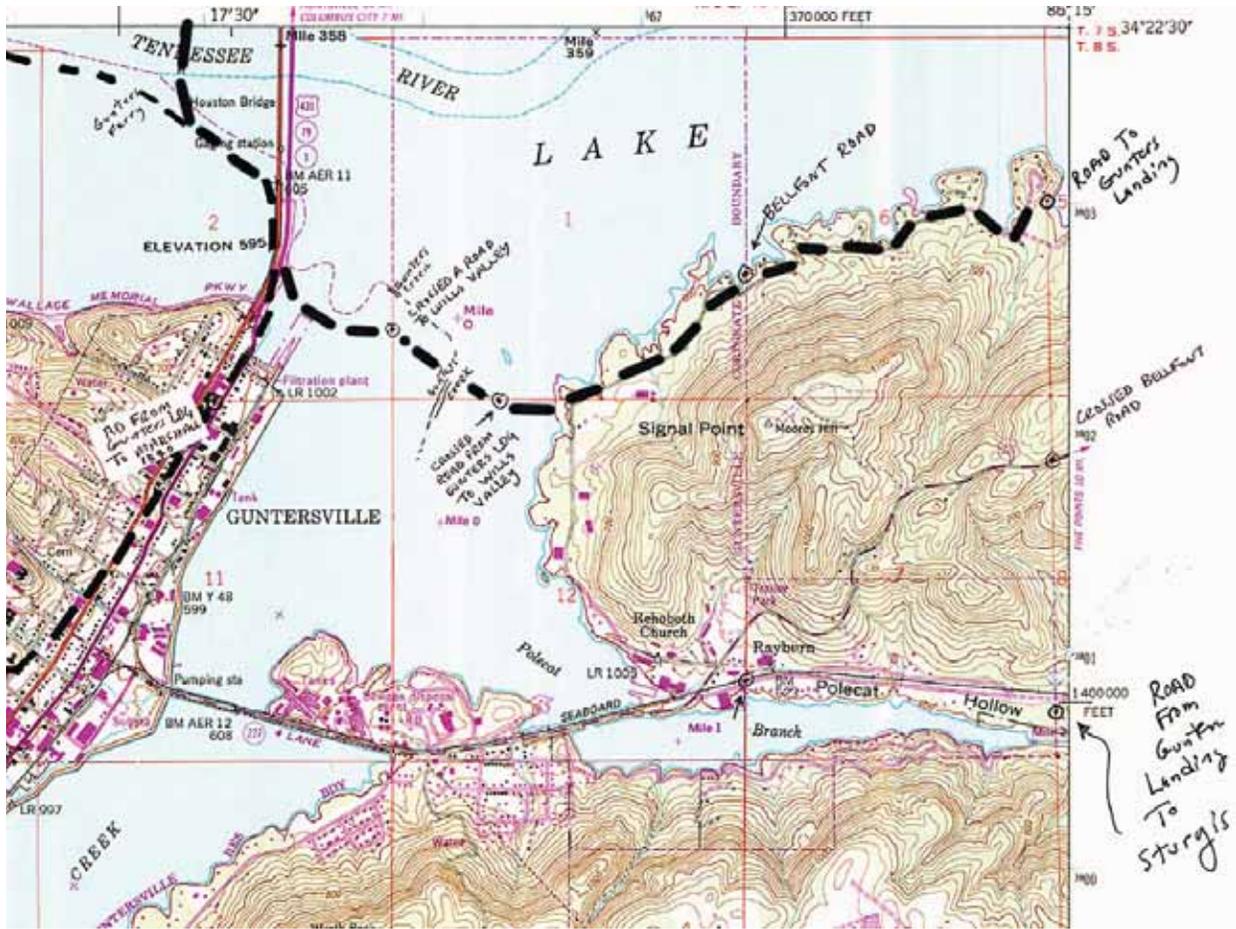
Columbus City quadrangle



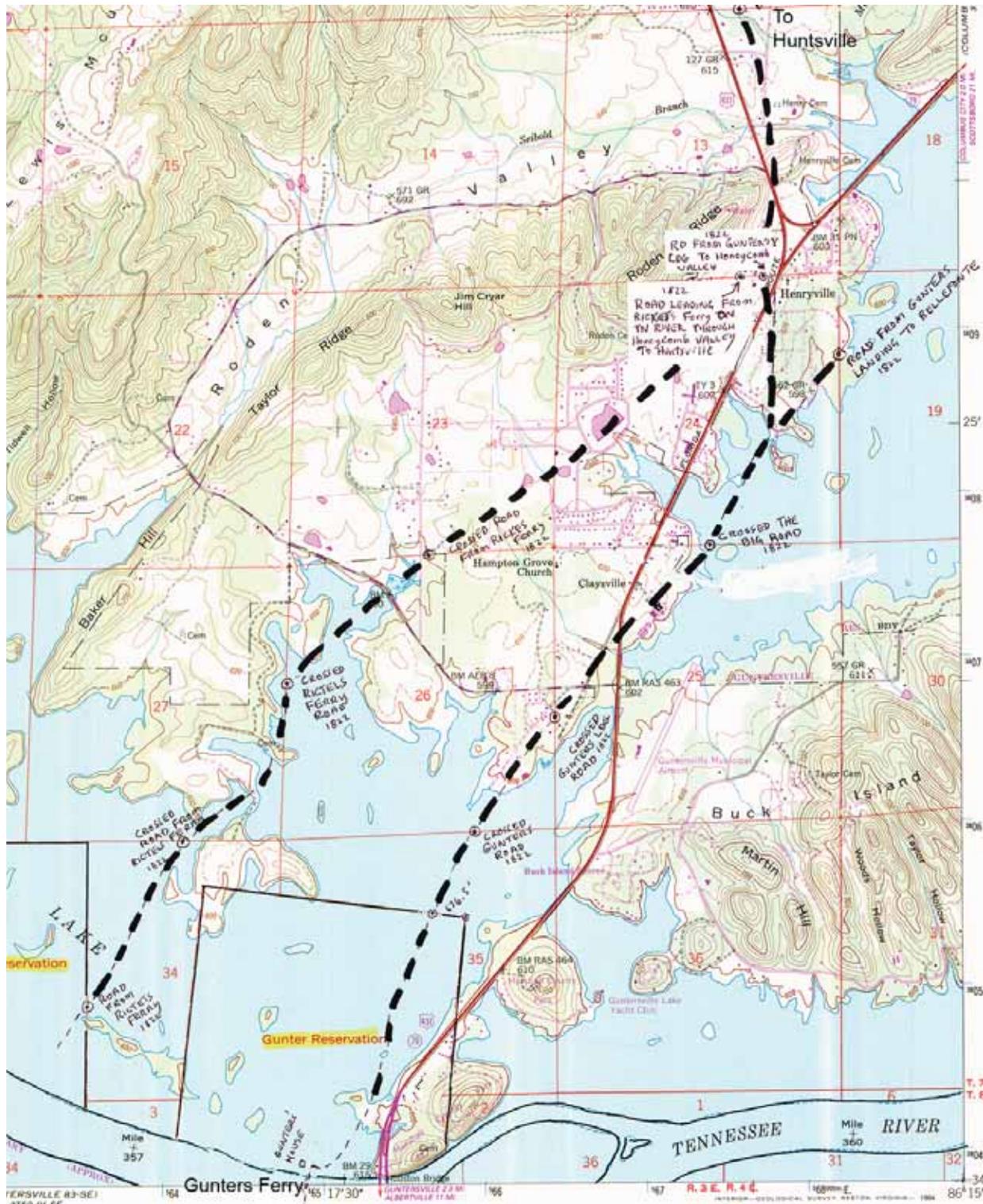
Columbus City quadrangle



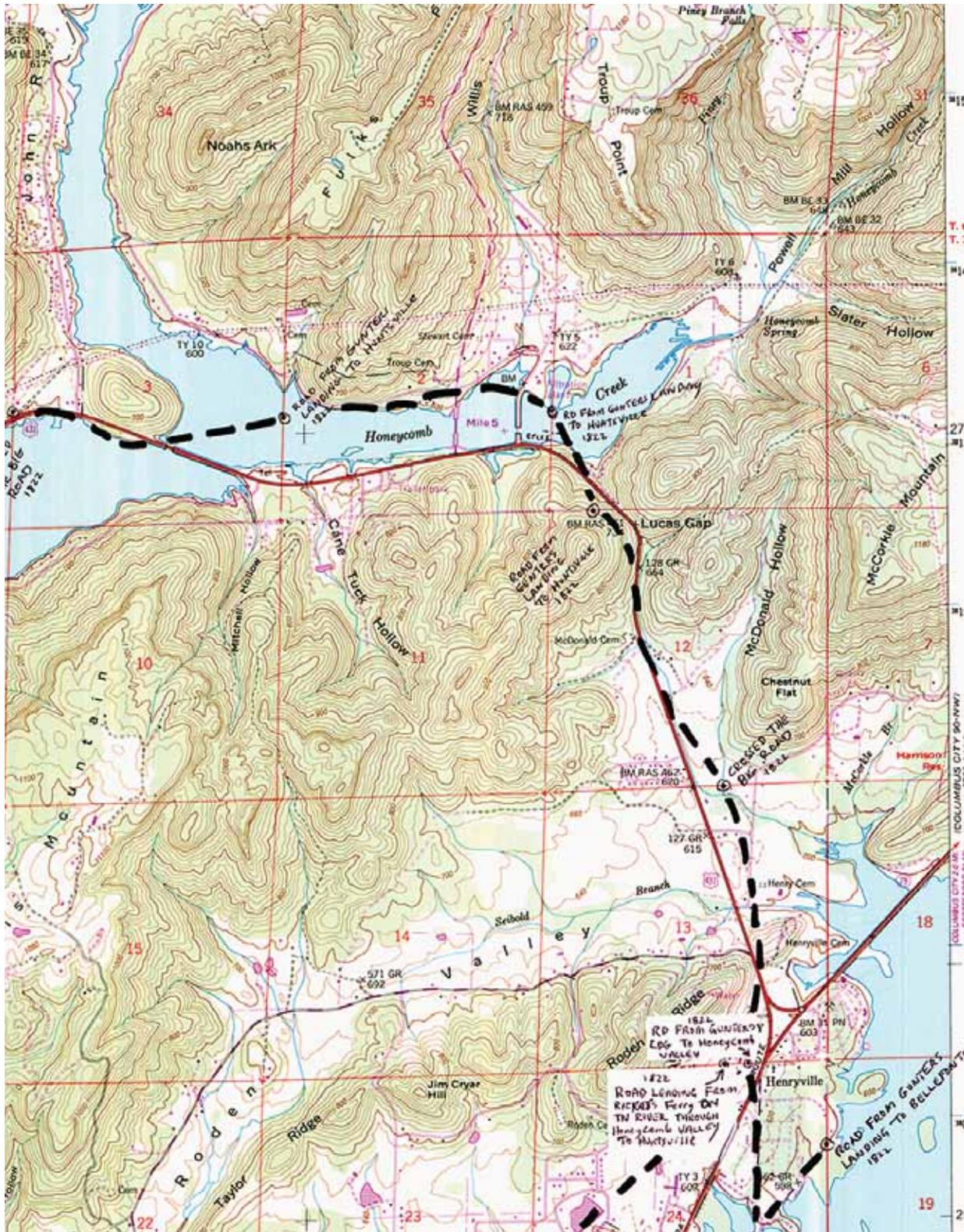
Columbus City quadrangle



Guntersville uadrangle



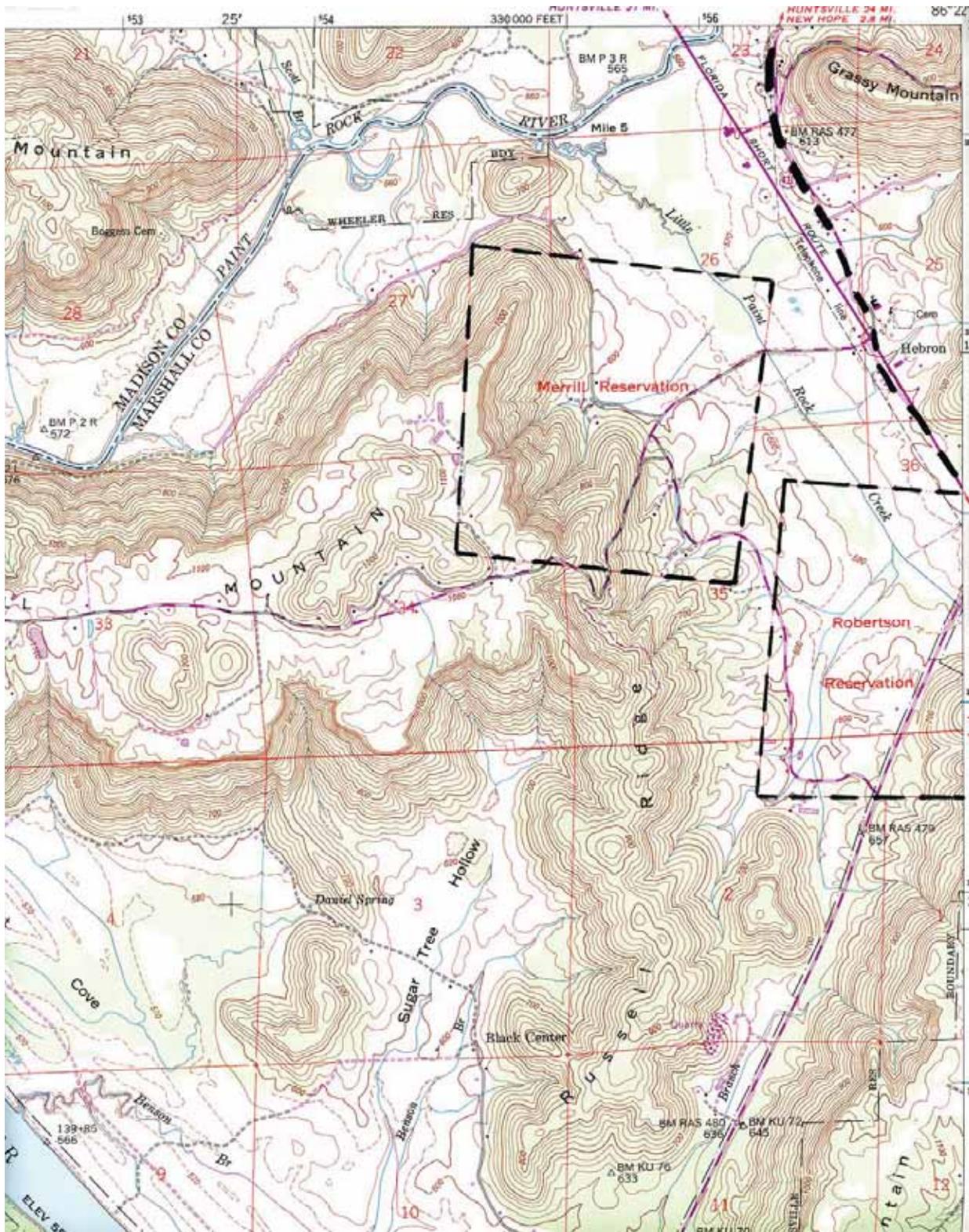
Mt Carmel quadrangle



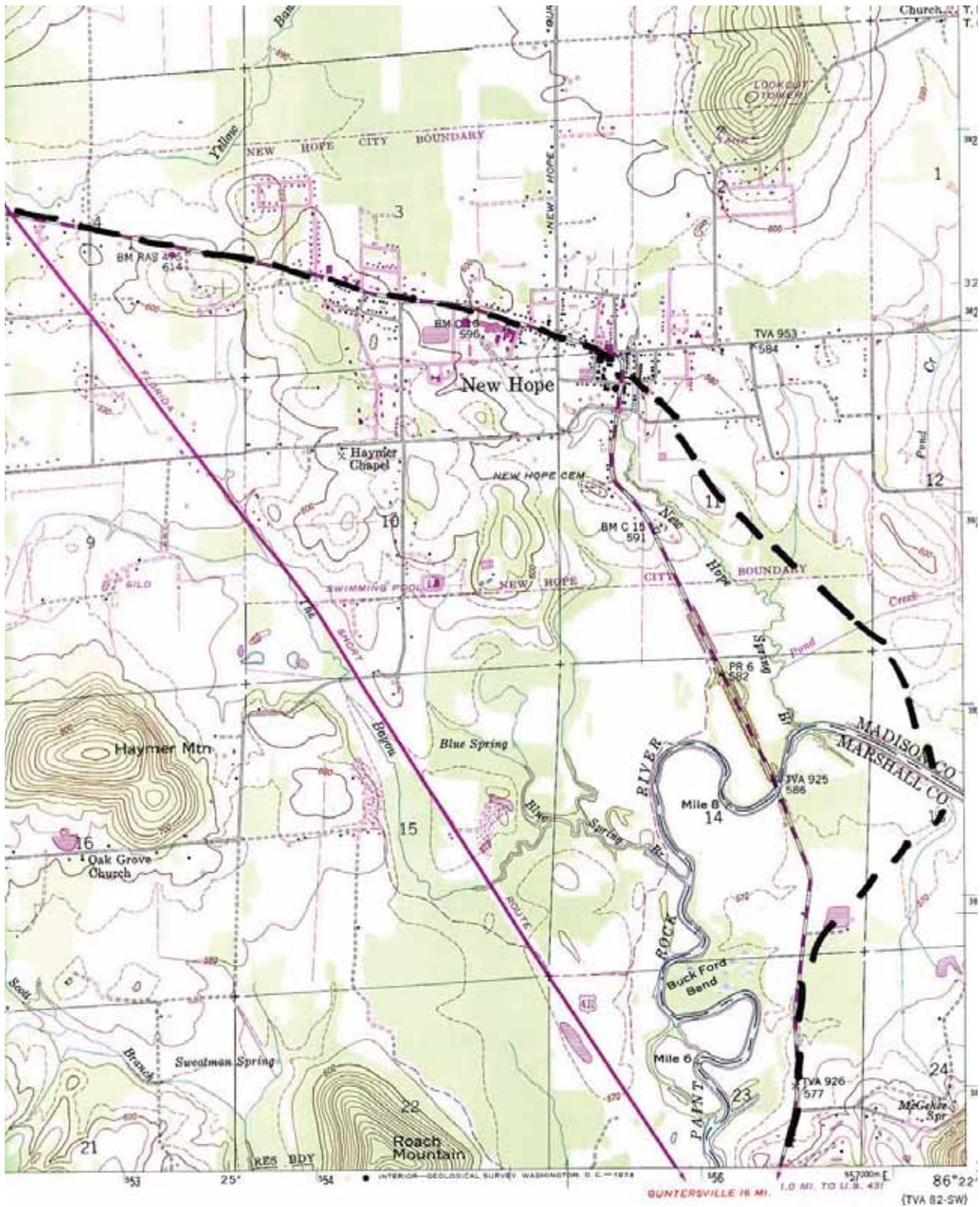
Mt Carmel quadrangle



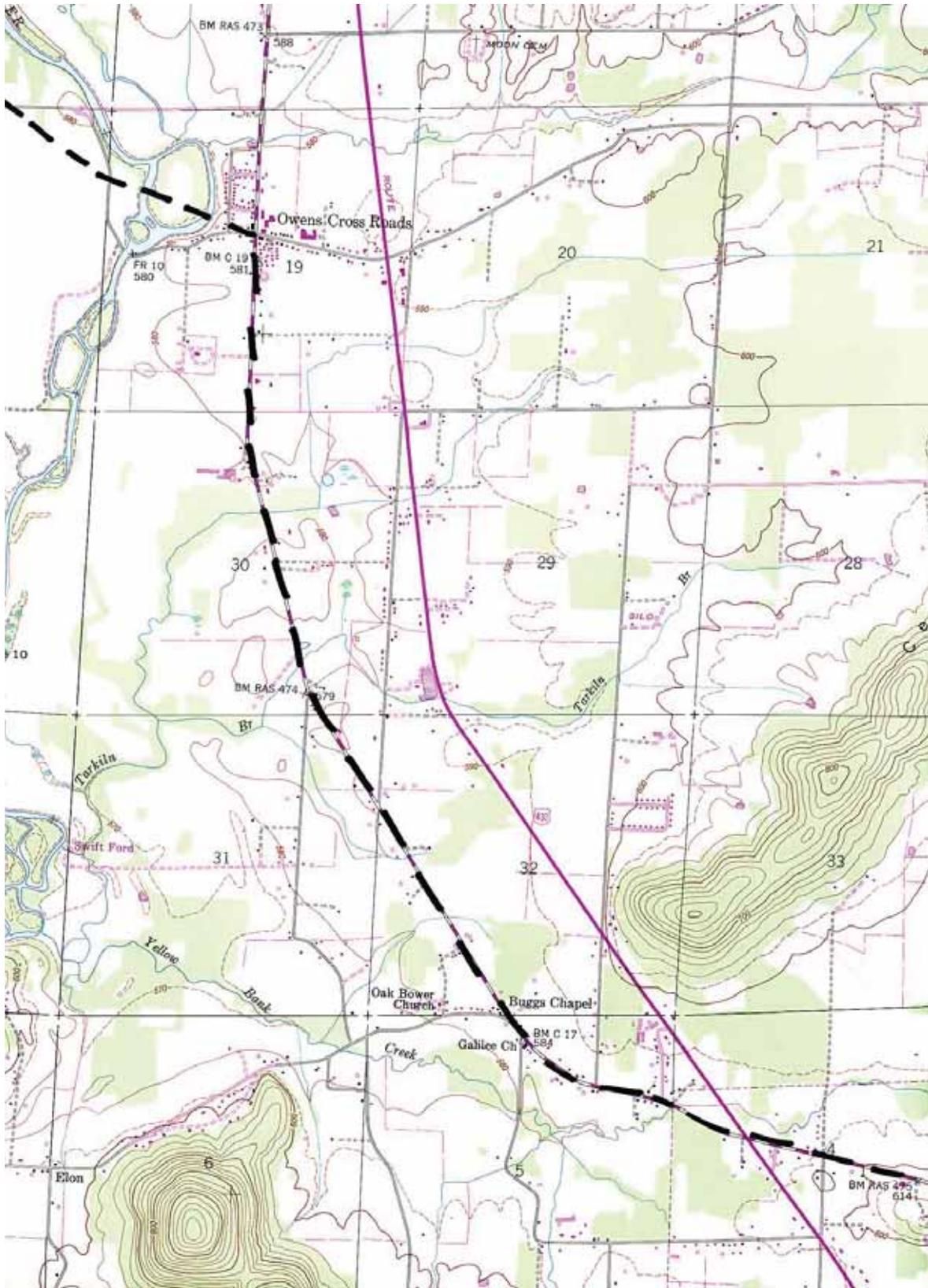
Mt Carmel quadrangle



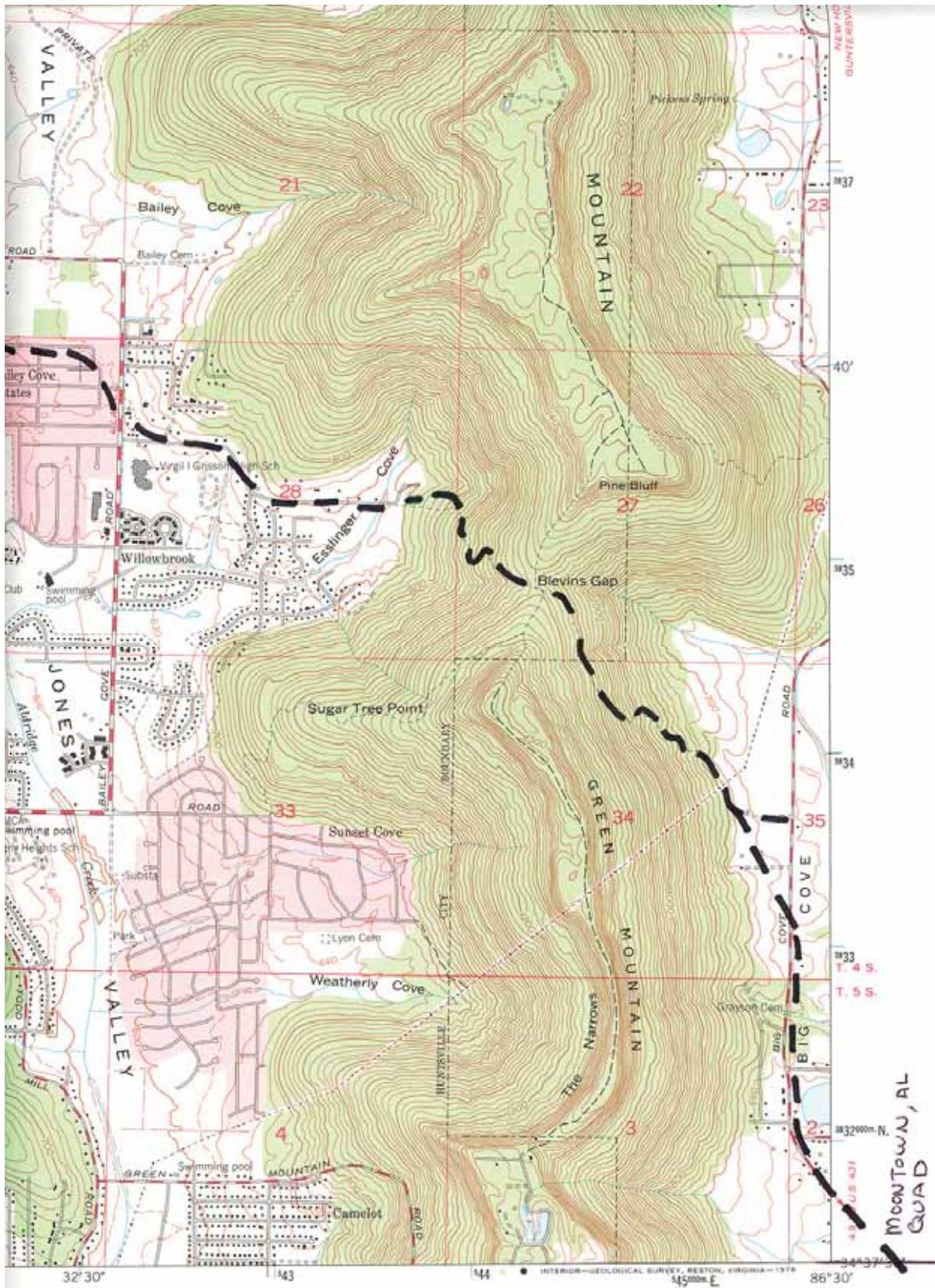
Guntersville Dam quadrangle



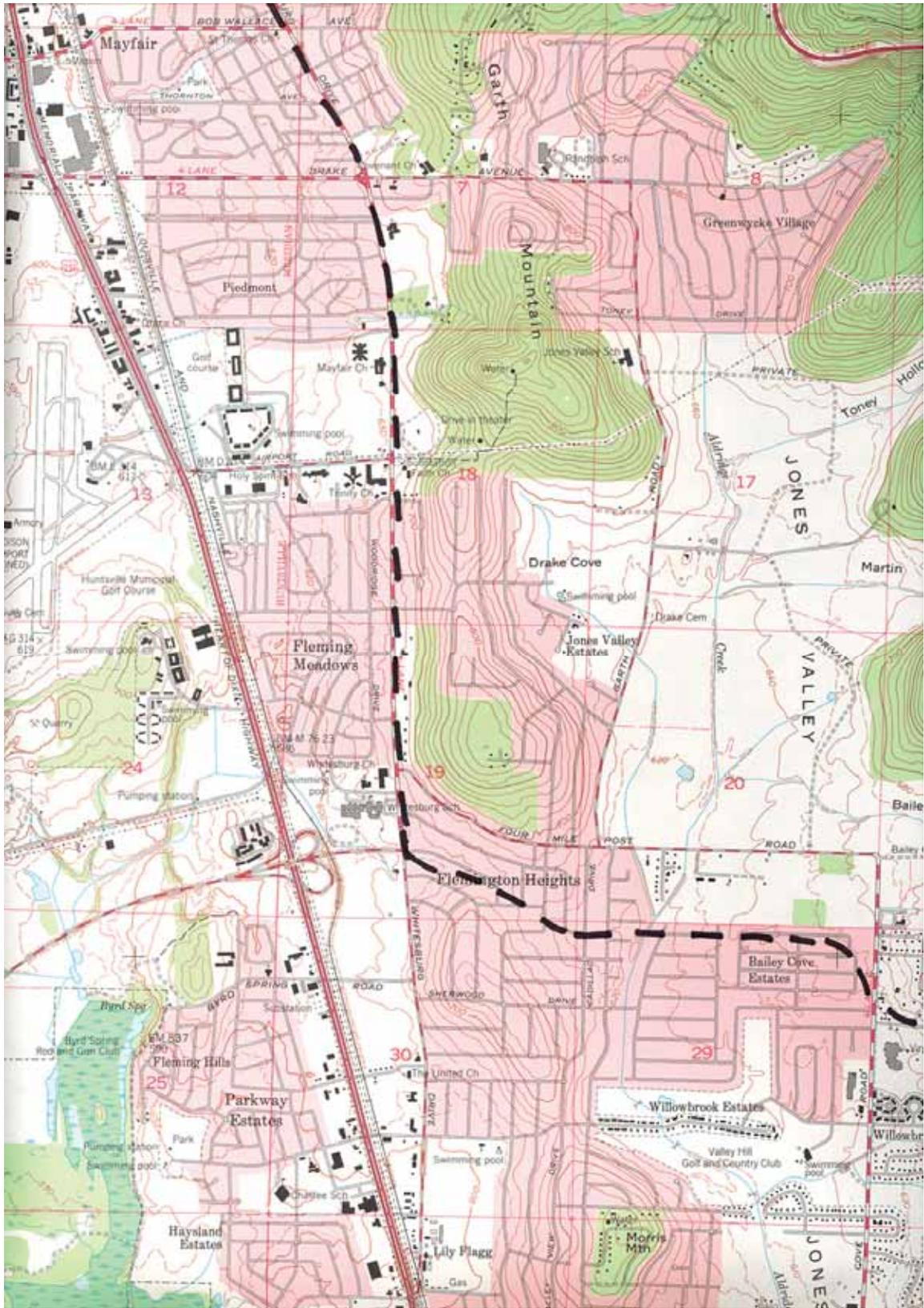
New ope uadrangle



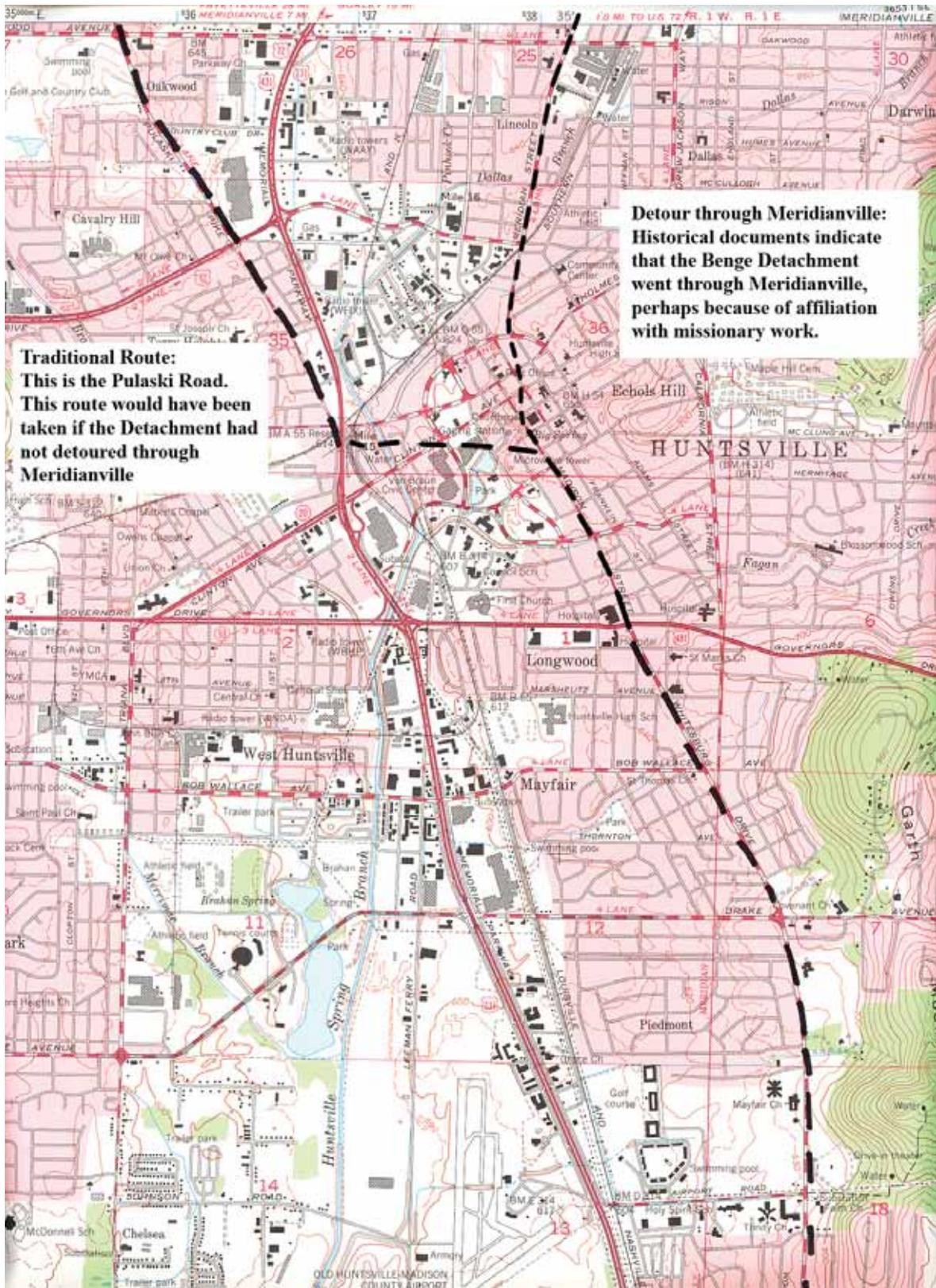
New ope uadrangle



Moontown quadrange



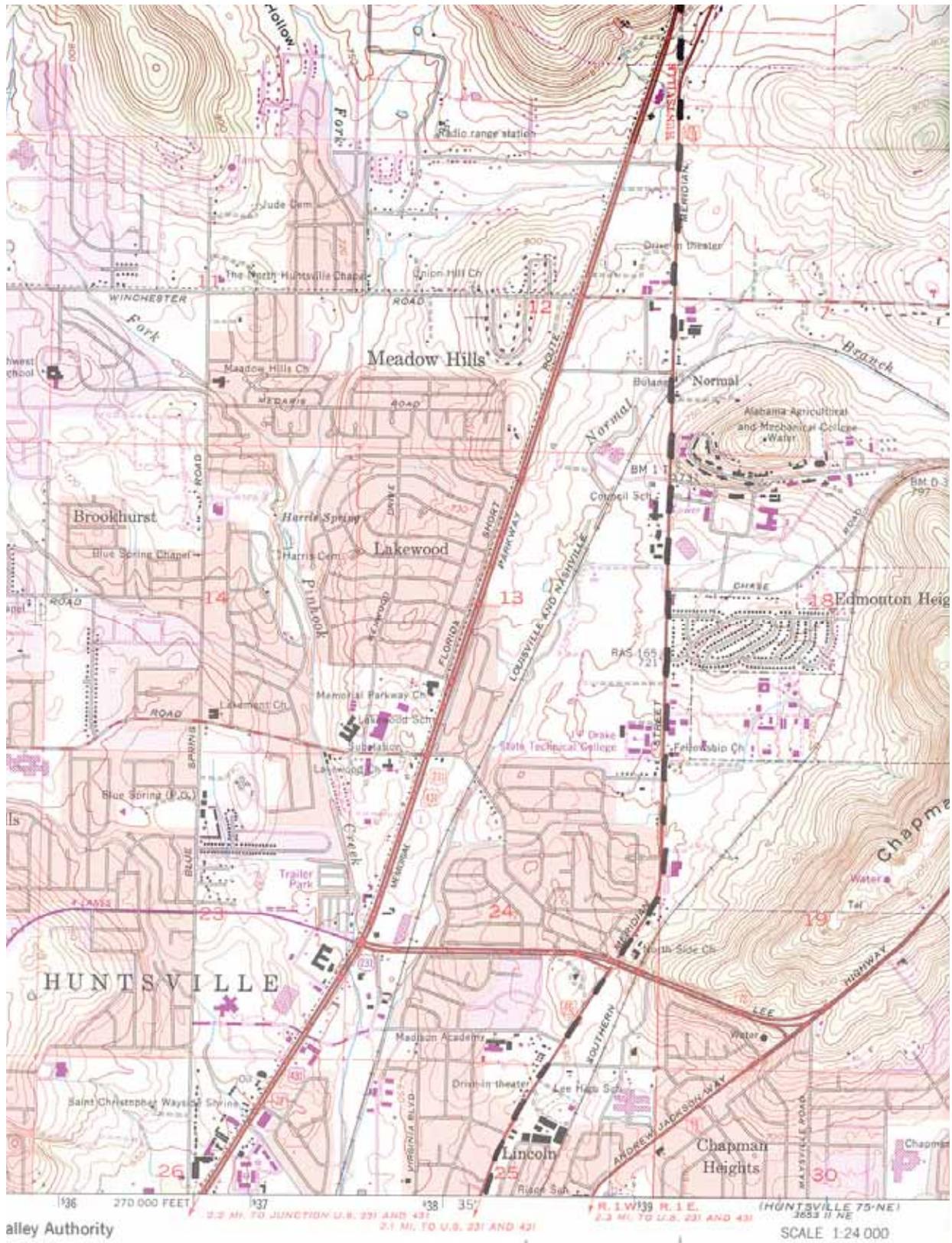
Huntsville quadrangle



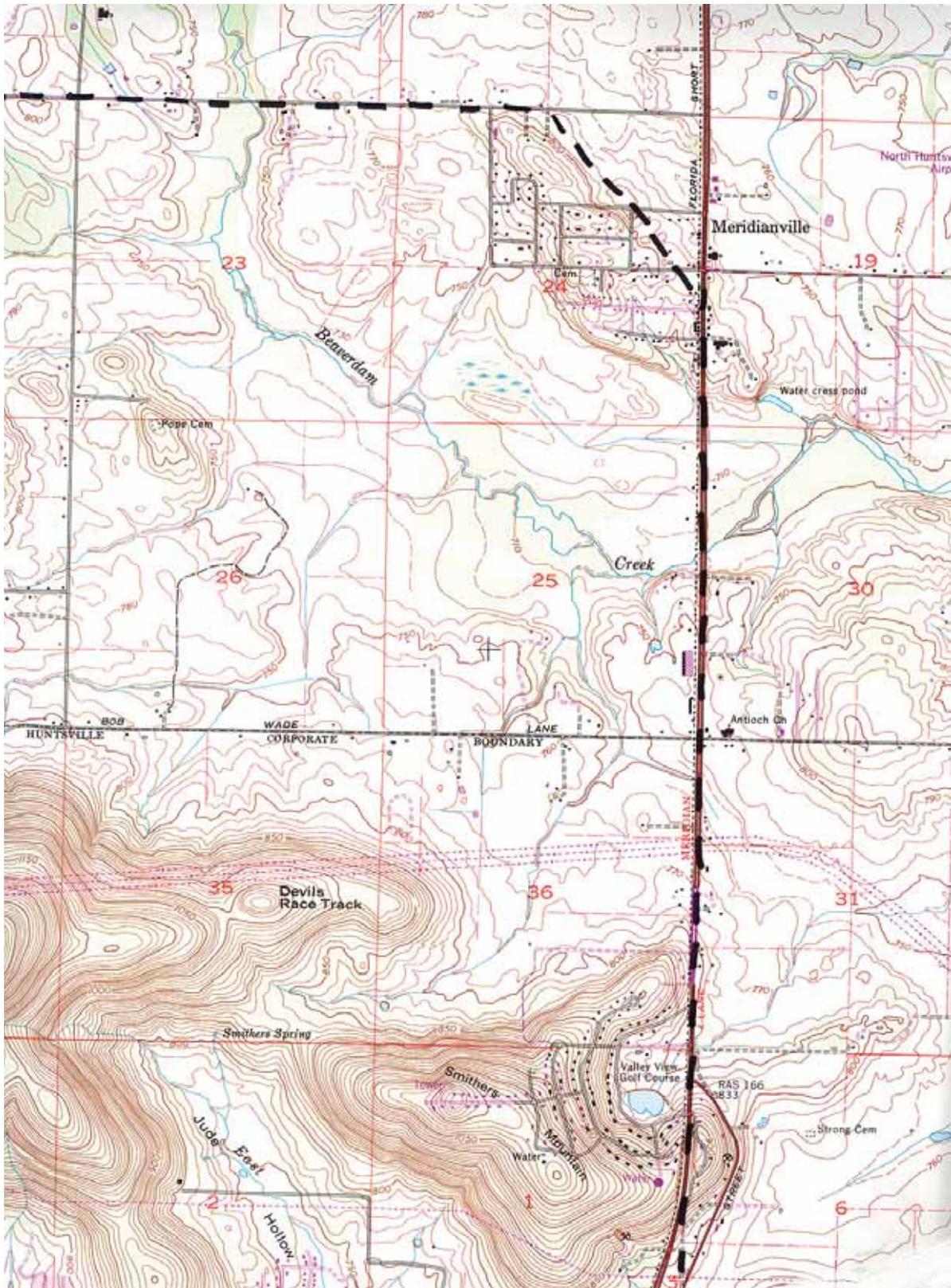
**Traditional Route:**  
 This is the Pulaski Road.  
 This route would have been taken if the Detachment had not detoured through Meridianville

**Detour through Meridianville:**  
 Historical documents indicate that the Bengé Detachment went through Meridianville, perhaps because of affiliation with missionary work.

Huntsville quadrangle



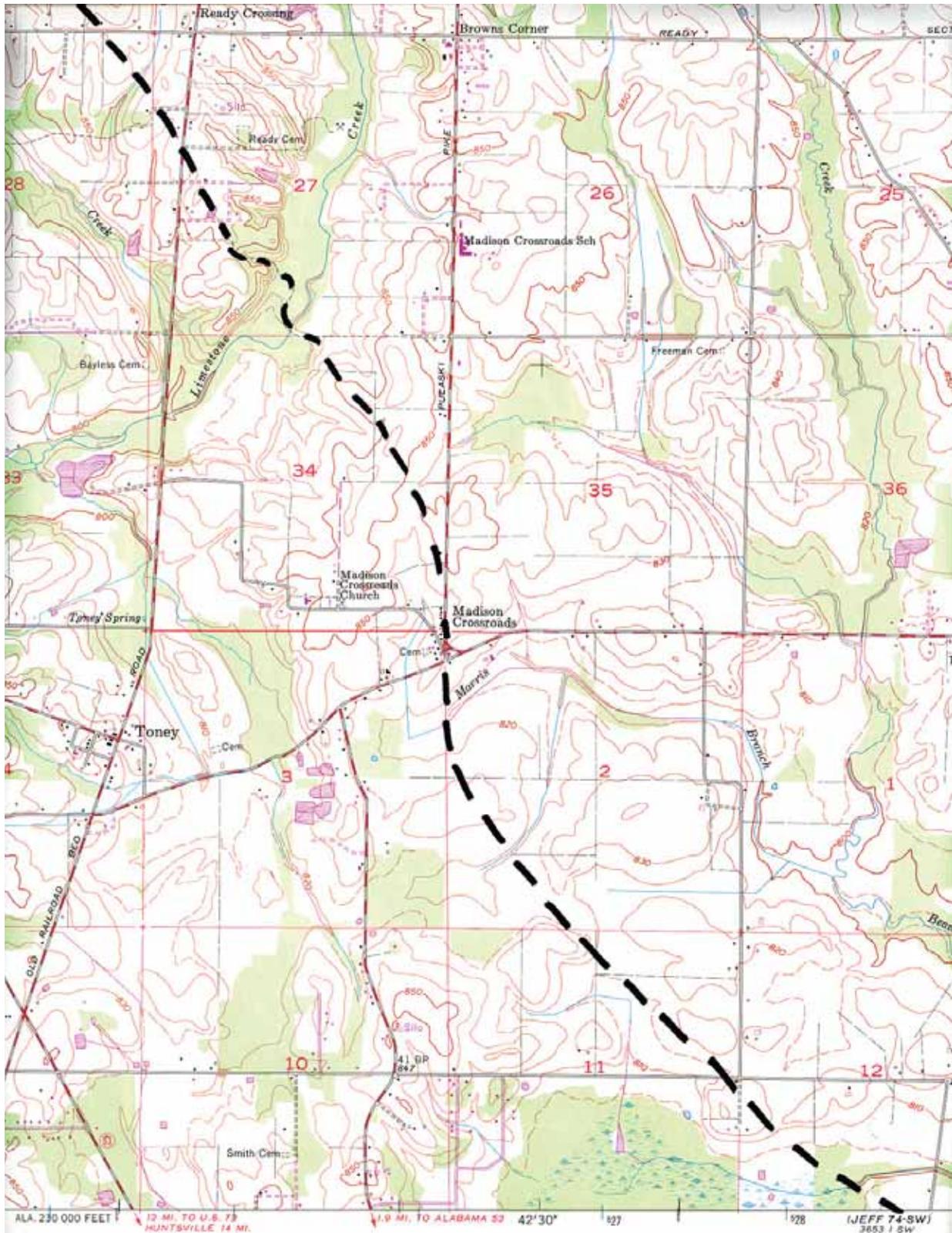
Meridianville quadrangle



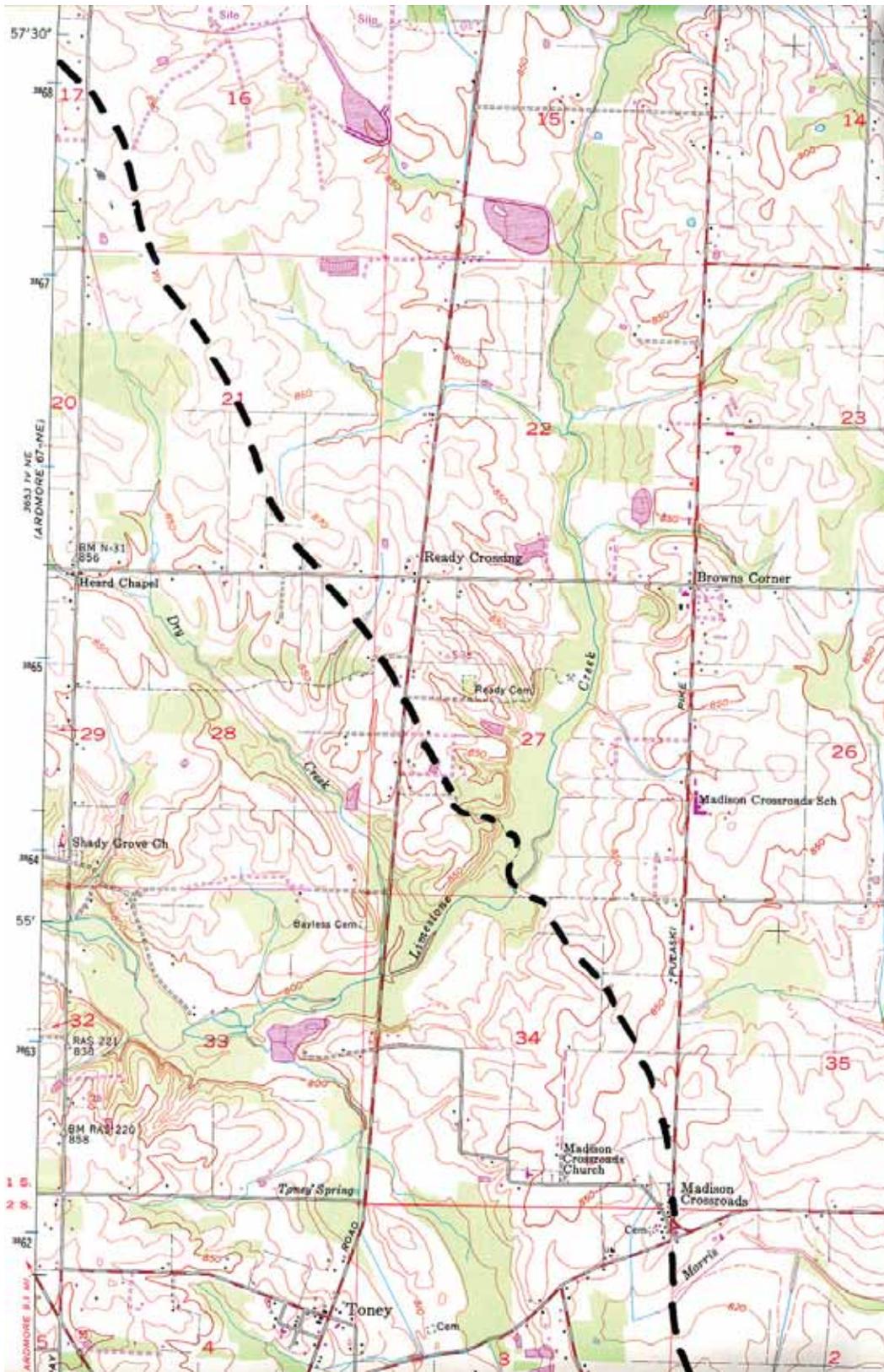
Meridianville quadrangle



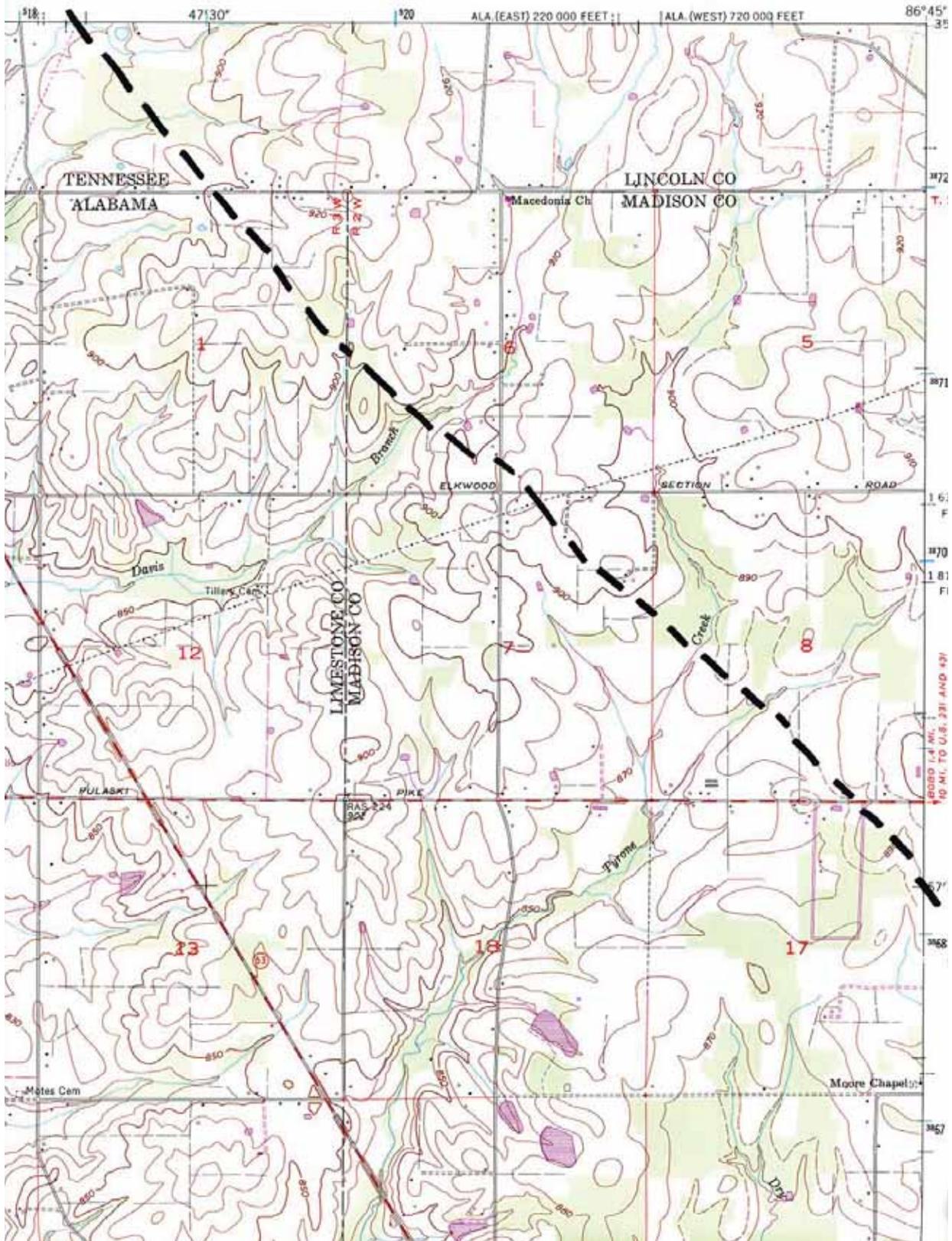




Toney quadrangle



Toney quadangle



Ardmore quadrangle

## References Cited

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Douthat, James L.

No Date Robert Armstrong – Plat Book of those Indians given Reservations after the 1817 Treaty. Mountain Press, Signal Mountain, Tennessee.

Bierce, Lucius V.

1966 Travels in the Southland 1822-1823. Ohio State University, Columbus, Ohio

Rohr, Nancy

1988 Blevins Gap: A Road Less Traveled, Historic Huntsville Quarterly of Local Architecture and Preservation, Vol. XIV, No 4, Summer.

### Map Sources

University of Alabama Historical -Map Collection

<http://alabamamaps.ua.edu/historicalmaps/index.html>

David Rumsey Map Collection

Historic Maps of Alabama and Southeast

<http://www.davidrumsey.com/view.html>

1840 Survey Plats of Alabama

Bureau of Land Management

<http://www.glorecords.blm.gov/SurveySearch/Default.asp?>

1839 Survey Field Notes for Alabama

Alabama Secretary of State

<http://www.sos.state.al.us/business/land.htm>

### List of Map References

DeKalb County Highway Map, Alabama State Highway Department, 1999, 1:125,000

Marshall County Highway Map, Alabama State Highway Department, 1996, 1:125,000

Madison County Highway Map, Alabama State Highway Department, 1996, 1:125,000

BLM Survey Plats, Bureau of Land Management

<http://www.glorecords.blm.gov/SurveySearch/Default.asp?>

Survey plats were the official survey documentation used when land title was transferred (via a Land Patent) from the Federal government to individuals. The drawings were created to represent survey lines, boundaries, descriptions, parcels and subdivisions. They are critical

historic documents that can be used to help researchers locate the land referenced in a land patent's legal land description (i.e. Meridian, Township, Range, and Section/Block). The field work for the plats used in this report was done in the 3rd and 4th quarter of 1839 and the plats are dated 1840.

USGS 30 Minute Quadrangle, 1903 Gadsden, AL

USGS 30 Minute Quadrangle, 1900 Fort Payne, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fort Payne, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Chavies, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Portersville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Chavies, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Fyfe, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Grove Oak, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Columbus City, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Guntersville, AL

Main Author: Vance, David H; Findley, Anthony  
Title/Description: Map of the United States of North America  
Publication Info: Philadelphia: [1825]  
Date: 1825  
Scale: 1:2,154,240  
Original Source: David Rumsey Collection

Main Author: Tanner, Henry Schenck  
Title/Description: A Map of the Roads, Canals, and Steam Boat Routes of the United States  
Publication Info: Philadelphia: H.S. Tanner [1825]  
Date: May 21, 1825  
Scale: 1:4,118,400  
Original Source: David Rumsey Collection

Main Author: LaTourrette, John  
Title/Description: A Map of the State of Alabama  
Publication Info: Mobile: John LaTourrette  
Date: 1844  
Scale: 1:1,000,000  
Original Source: Rucker Agee Map Collection

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Grove Oak, AL

1825 Deed Map  
Early History of Huntsville Alabama 1804 to 1870  
Edward Chambers Betts, 1909  
Brown Printing Co. 1916

Main Author: Jones, G.W.  
Title/Description: Map of Madison County, Alabama  
Publication Info: Unknown publisher, 1909  
Date: 1909  
Scale: 1:50,000  
Original Source: Alabama Department of Archives and History

Main Author: Mayhew, James H.  
Title/Description: Map of Madison County, Alabama  
Publication Info: Cincinnati: Strobridge and Co., 1875  
Date: 1875  
Scale: 1:63,000  
Original Source: Geological Survey of Alabama

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Mt Carmel, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Guntersville Dam, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
New Hope, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Huntsville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Meridianville, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Jeff, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Toney, AL

USGS Standard Topographic Quadrangle Map Series, 1:24,000 scale  
Ardmore, AL

USGS 30 Minute Quadrangle, 1892 Huntsville

Main Author: Melish, John

Title/Description: Map of Alabama constructed from the surveys in the General Land Office and other documents

Publication Info: Philadelphia: John Melish, 1818

Date: 1818

Scale: 1:950,000

Original Source: Alabama Department of Archives and History

Main Author: Lucas, Fielding

Title/Description: Geographic, statistical, and historical map of Alabama / drawn by F. Lucas, Jun.; B. Turner, Sc.

Publication Info: Philadelphia: Carey & Lea, 1822?

Date: 1822

Scale: 1:2,100,000

Original Source: W. S. Hoole Special Collections Library

Main Author:

Title/Description: Map of the Southern States of Louisiana, Mississippi, and Alabama

Publication Info: Philadelphia: S. Augustus Mitchell, 1837

Date: 1837

Scale: 1:1,775,000

Original Source: Alabama Department of Archives and History

From the Official Military Atlas of the Civil War, Major George B. Davis, U.S. Army, Leslie J. Perry, Civilian Expert, Joseph W. Kirkley, Civilian Expert, Washington, Government Printing Office, 1891-1895

## Chapter

### The Excavation at Fort Payne

By Gail King

On December 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>, 2007 a Phase I archaeological survey was conducted by archaeologist and Trail of Tears Alabama Chapter member, Sharon Freeman. Sharon's goal is to place the site of 1Dk5 (Alabama site file #) on the National Register of Historic Places and certify it as a site on the Trail of Tears National Historic Trail System of the National Park Service. Her professional status as an archaeologist at the Office of Archaeological Research, Moundville Archaeological Park, University of Alabama certainly qualified her for conducting this field work. This survey was conducted by Sharon, as a volunteer, to complete a project she started in a class at the University of Alabama in 2003. The survey consisted of shovel tests at specified meter intervals, dug to the level of sterile soil (no artifacts). A further description of the field methods will be described in detail in the final report. The field work was continued on February 15<sup>th</sup>, February 16<sup>th</sup>, June 16<sup>th</sup>, and August 2, 2008. Analysis of the artifacts will be in the final report, which is progressing, in spite of the fact that Sharon is now in graduate school at the University of Memphis, Memphis, Tennessee. An earlier survey of the site in 1984 by the University of Alabama (Mistovich) will also be noted.

Site 1Dk5 (often known as the Fort Payne Chimney and Cabin Site) is situated in downtown Fort Payne, DeKalb County, Alabama and is located on 4<sup>th</sup> Street SE, between Gault Avenue South and Godfrey Avenue. Although it is surrounded today by businesses, private homes, and railroad tracks (along one side, a few yards from the site), it is still somewhat isolated and not impacted by the surrounding, dense development. Fourth Street dead ends at the site and roads on the opposite side are cut off by the railroad tracks. Due to the persistence of Olivia Baxter Cox of Landmarks of DeKalb County, the site was fenced just prior to the excavation in 2007 and 2008.

The purpose of this chapter is to show information compiled about the site due to the fact that Fort Payne was the beginning location for the Bengé Detachment, listed by John Ross as the 4<sup>th</sup> Detachment of the Cherokee Forced Removal. The first wagons were started on September 29<sup>th</sup>, 1838. After 171 years have passed, it is interesting to note that this site is still known as the Fort Payne military site connected with the Cherokee Removal. During the excavations at Fort Payne many local residents stopped by and offered their help and comments. We took advantage of the opportunity to conduct further interviews and locate additional documents. The results are described below and information compared to that collected in earlier work by Sharon in 2003.

#### Interviews and Documents

Beginning with one of the most detailed and earliest maps of Little Wills Valley, the 1837 LaTourette map is shown on the following page in Figure 12.1. The map clearly shows the location of a spring and the residence of John Huss (Spirit the Preacher), a Native Cherokee, whose property was valued in 1836, when he voluntarily removed. See Figure 12.2 for location of 1Dk5 in SE Quarter of Section 7, T7S, R9E, the same location as noted in 1840 Survey Notes. Figure 12.3 shows a photo of the cabin before it became so dilapidated that it had to be torn down, leaving only the chimney.

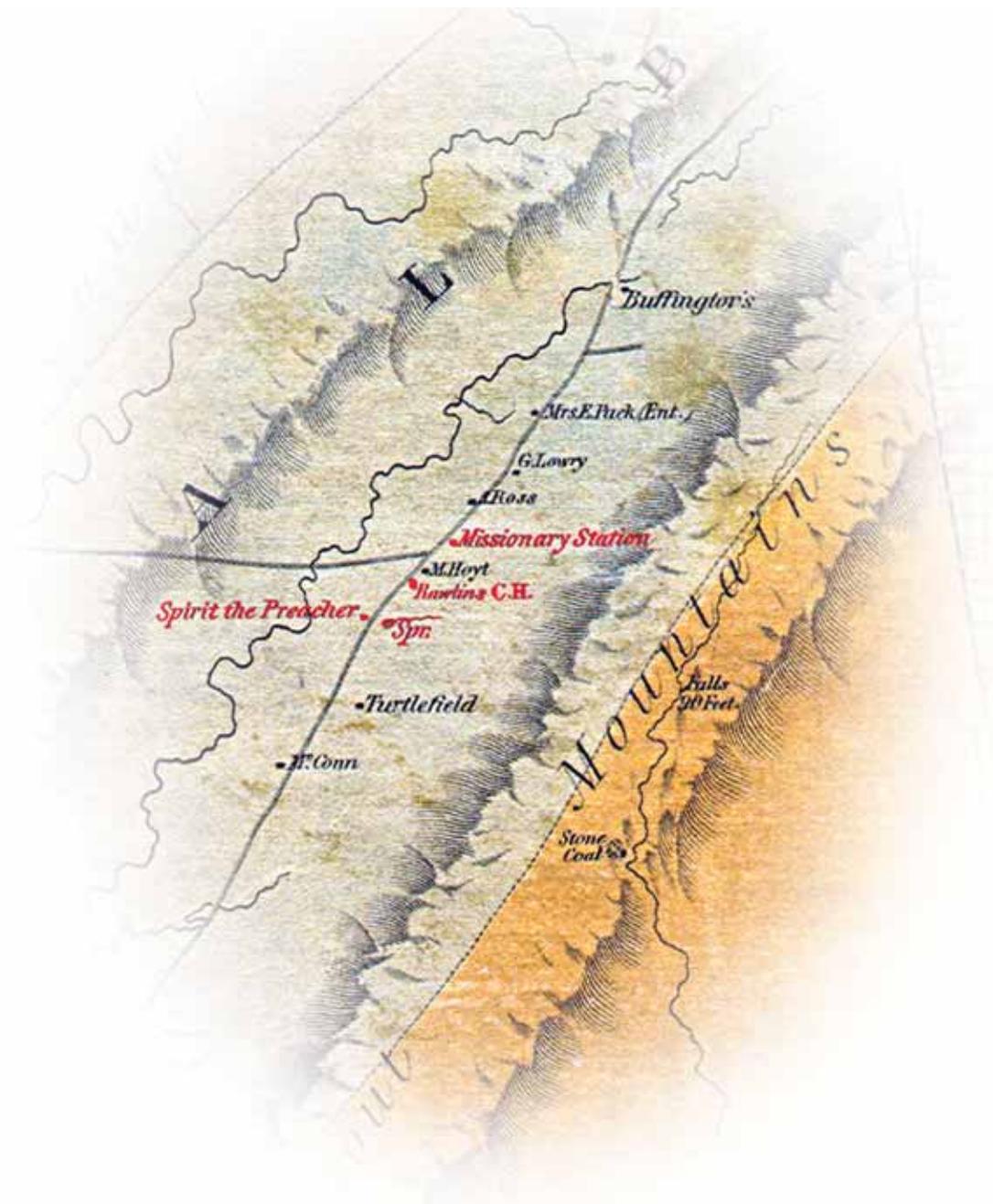


Figure 12.1. Detail of the 1837 State Map of the State of Alabama and West Florida. By John A. Toth, 1837.

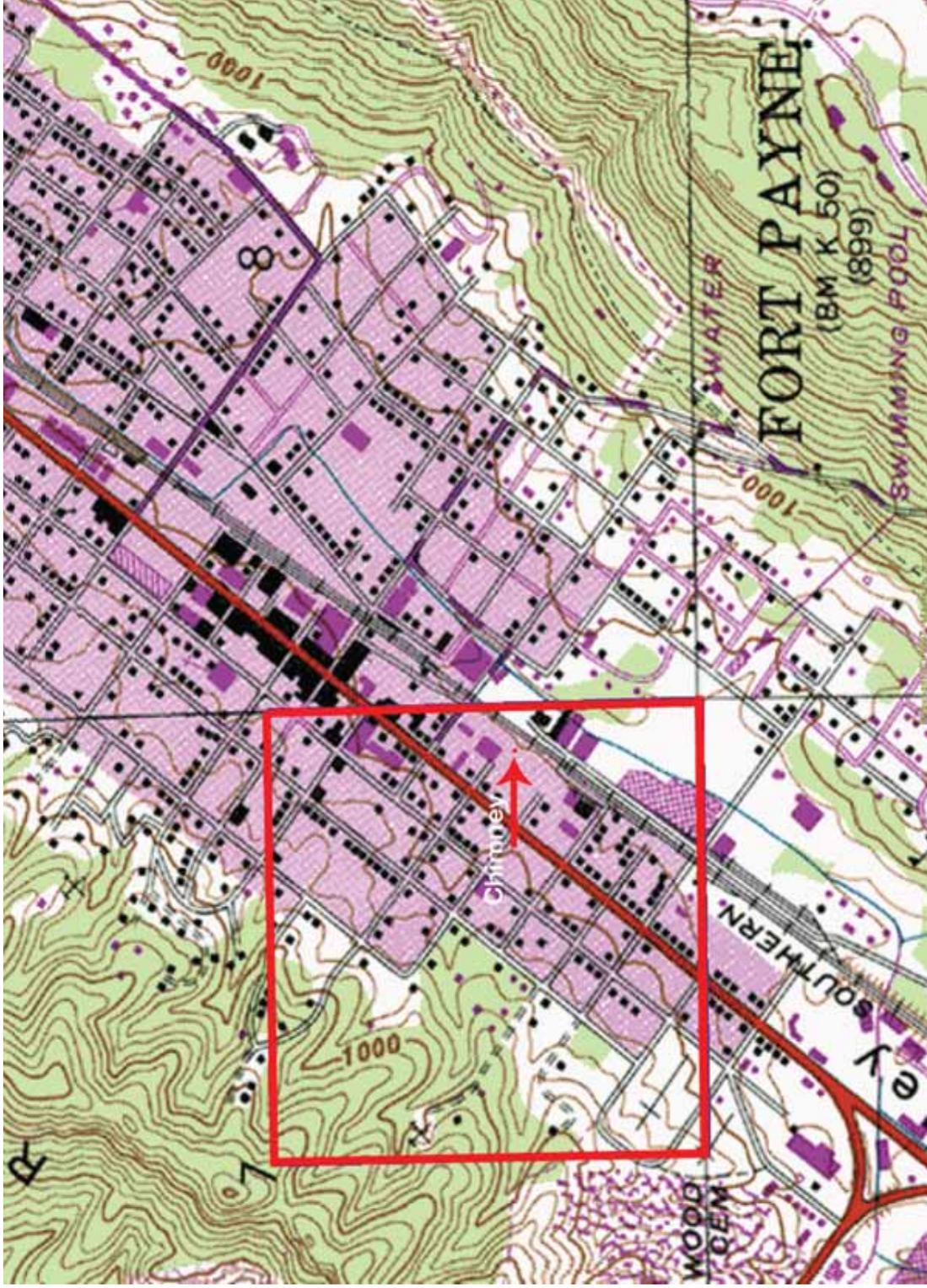


Fig re 12 2 detail of the Fort Payne Chimney site Fort Payne T P



*House located at the Removal Fort of 1838. Though the chimney only remains today, this building may have been used by officers during the removal. Hand-hewn logs from this structure can be viewed in the old depot museum in DeKalb County, Alabama.*

Fig re 12 3 Pre 1946 photo of Ca in at the Fort Payne Chimney ite The ca in was demolished in 1946 and the chimney was left standing

Through several interviews conducted by Sharon Freeman in 2003, she learned that the entire removal site was scattered in area and more of a complex of different human activity sites associated with the Cherokee Removal than one concise location as often portrayed in historical accounts. More often than not a visual image is painted that the Cherokees were in a single stockade. The information collected from these interviews was as follows:

According to Fort Payne oral history, there are two areas of interest to support nearby encampments. The present courthouse located on Grand Avenue and 1<sup>st</sup> Street, which is located approximately one half mile west from Site 1Dk5, was supposedly a large encampment area with sentries walking the perimeter guarding the Cherokee prisoners. Yet another area is located approximately 300 to 400 years north of 1DK5 and west of Big Spring. The Cherokee were held in a farmer's pastureland. The soldiers formed a

picket line around the pasture (Judy Brown, Perry Morgan, John Story, Barbara Kammer, and Roberta Dobbs, Personal Communication).

On February 26, 2008 Gail King conducted an interview with Mr. William B. Campbell of Sheffield, Alabama. His grandfather, Andrew Louis Campbell, Sr. owned the property at one time on which 1Dk5 (the chimney site) is located. He stated that the cabin associated with the chimney was the site where the military officer lived, who was in charge of gathering the Cherokees. Mr. Campbell stated that Richard King told him that the lot behind his (Mr. King's house), where the Killians had a tennis court, was the area in which the Indians were detained before starting their trip west. Mr. King lived at 307 4<sup>th</sup> Street SW. He also stated that there was a second residence on 303 Forest Avenue and the back of this house bordered near the tennis court. In locating these residences, they are both near the present-day DeKalb County Courthouse.

Two interviews were conducted by Gail King in 2008 with Olivia Baxter of Rawlingsville. The corral area, of which Mr. Campbell spoke, was substantiated by Olivia while driving her around during the interview. This was located approximately ½ block from the rear of the DeKalb County Courthouse. She stated that the area at the front of the courthouse (Grand Avenue) was where women and children were kept. According to what she had been told, the stockade existed for "hot-blooded men." During the second interview on November 13<sup>th</sup>, 2008, the two areas near the courthouse were recorded on our GPS unit. We also drove 2.5 miles to Rawlingsville, where Olivia lives, and used our GPS unit to record the spring at Crystal Lake. She showed us a small cove at the foot of Lookout Mountain, where she stated that local residents had located evidence of one of the cabins used during the voluntary removal and later the forced removal.

The following pages display GPS waypoint maps created during the 2<sup>nd</sup> interview with Olivia. The maps are Figure numbers: 12.4 and 12.5. The numbers on the maps correlate with the following descriptions:

#### Fort Payne Sites

|                      |     |
|----------------------|-----|
| Old 1830s Roadbed    | 005 |
| Chimney              | 002 |
| Well                 | 010 |
| Corral               | 009 |
| Encampment           | 008 |
| Spring at Fort Payne | 007 |
| Manitou Cave Road    | 004 |

#### Rawlingsville Sites

|                             |     |
|-----------------------------|-----|
| Rawlingsville Spring        | 006 |
| Crystal Lake Church         | 003 |
| Rawlingsville Cabin Remains | 001 |

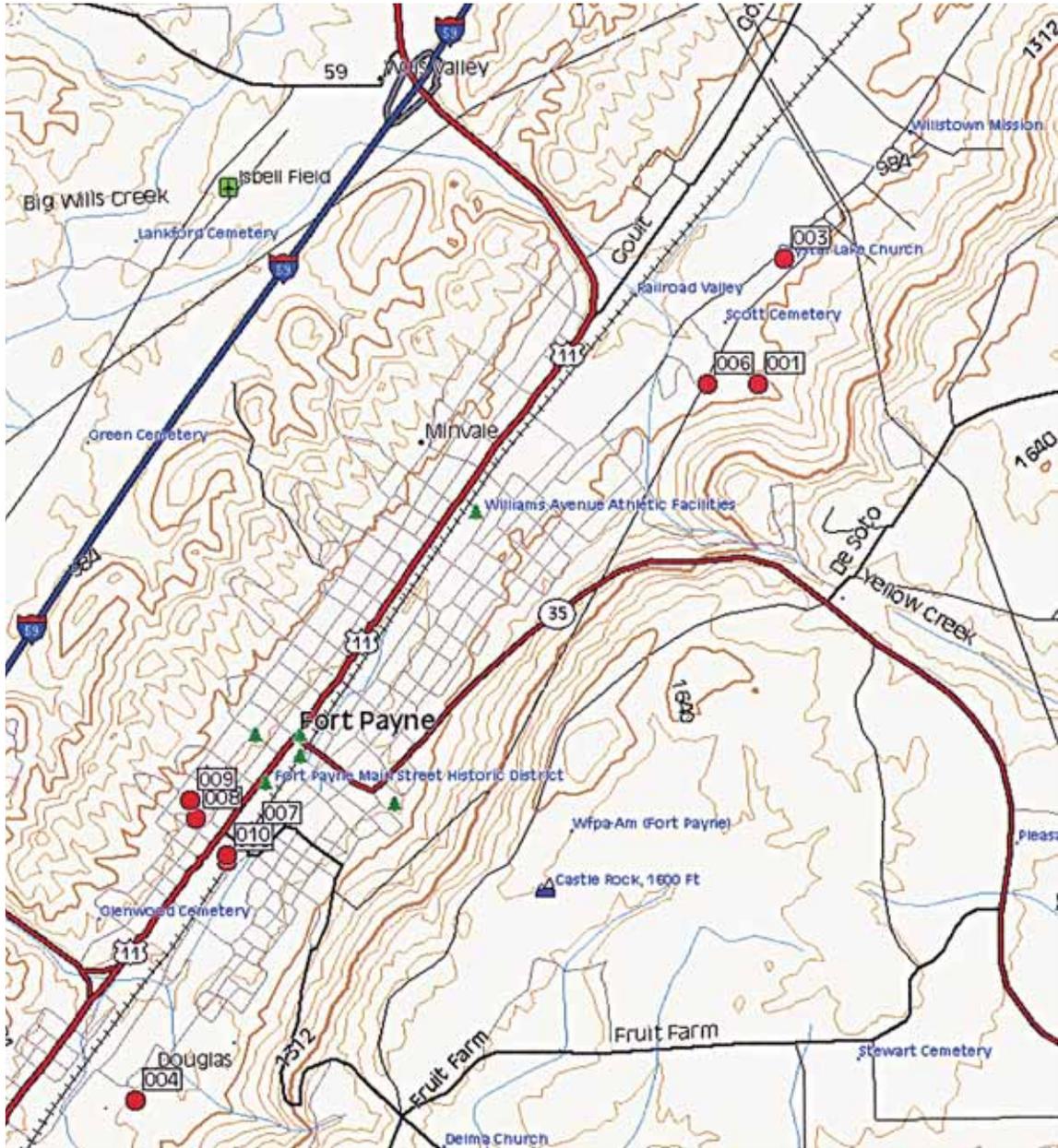


Figure 12.4 P waypoints recorded 11/13/2008 during an interview with Olivia Barber

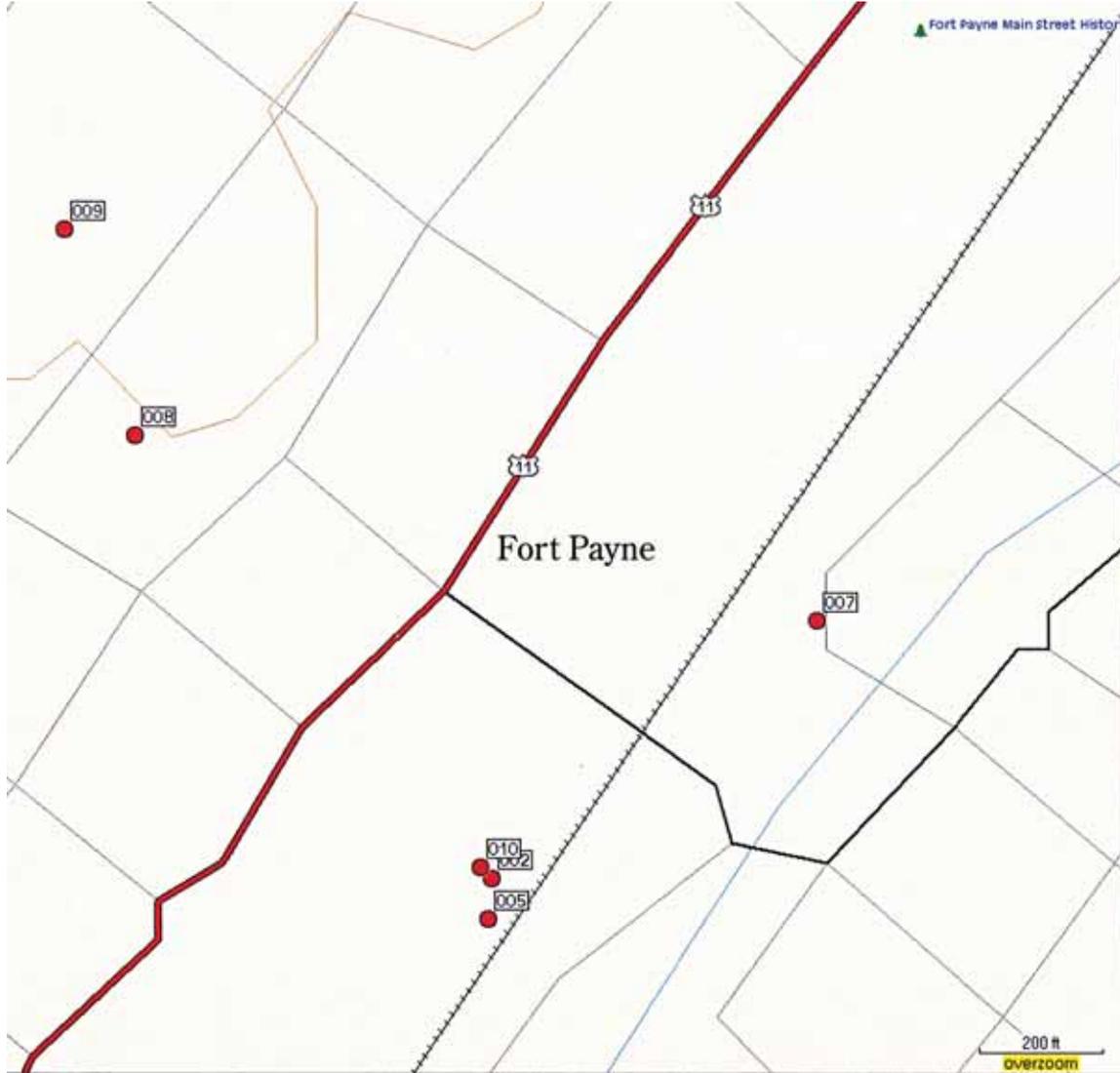


Fig re 12 5 detail of fig re 12 4

An interesting document collected by Olivia Baxter was an undated statement, titled “History of Old Fort Payne,” written by one of the grand-daughters of Curran Mitchell. Mr. Mitchell bought the old log cabin in December 1888. The grand-daughter stated that the cabin “was part of a large encampment and stockade that was built because of a large fresh water spring that was present at the present location of third street. The so—Fort was not a fortification but a well built log cabin that served as Capt. Paynes Headquarters and offices. There was a good well of high potabililty that had been dug by Capt. Payne and his men.” See Chapter 7, Fort Payne for information about Capt. John G. Payne.

Extensive development has covered the original spring site. A document located at The Depot Museum in Fort Payne, by an unknown author, contained the following information: “The spring, covered by the plant known as “Spring Hosiery” is located at the northeast corner of the intersection of 3<sup>rd</sup> Street and Godfrey Avenue SE. The adjacent Railroad was not built until several years later.” This unknown author created a map (not found by museum personnel) showing the location of the Cherokee residence labeled “Spirit The Prophet (or Spirit The Preacher)” situated westerly from the spring and in the area of the Sherman property (chimney site),” which is “the only such property within the immediate area of the spring, which is approximately 200 yards away.”

Olivia Baxter, during her interview stated that the original spring site was located under the present-day Fort Payne Improvement Authority building. This location is shown in Figures 12.4 and 12.5 as No. 007. Figure 12.6 below shows the location of the Fort Payne Improvement Authority, the “Spring Hosiery” location alluded to by the unknown author, and the Fort Payne Chimney/Cabin site.



**A. Fort Payne Improvement Authority**  
 115 Godfrey Ave SE, Fort Payne, AL -  
 (256) 845-0671

**D. Fort Payne Improvement Authority:**  
**Warehouse**  
 115 Godfrey Ave, Fort Payne, AL -  
 (256) 845-3701

Figure 12.6



Figure 12.7 shows a photo of the spring as an open spring which Olivia believes the photo was taken before 1888

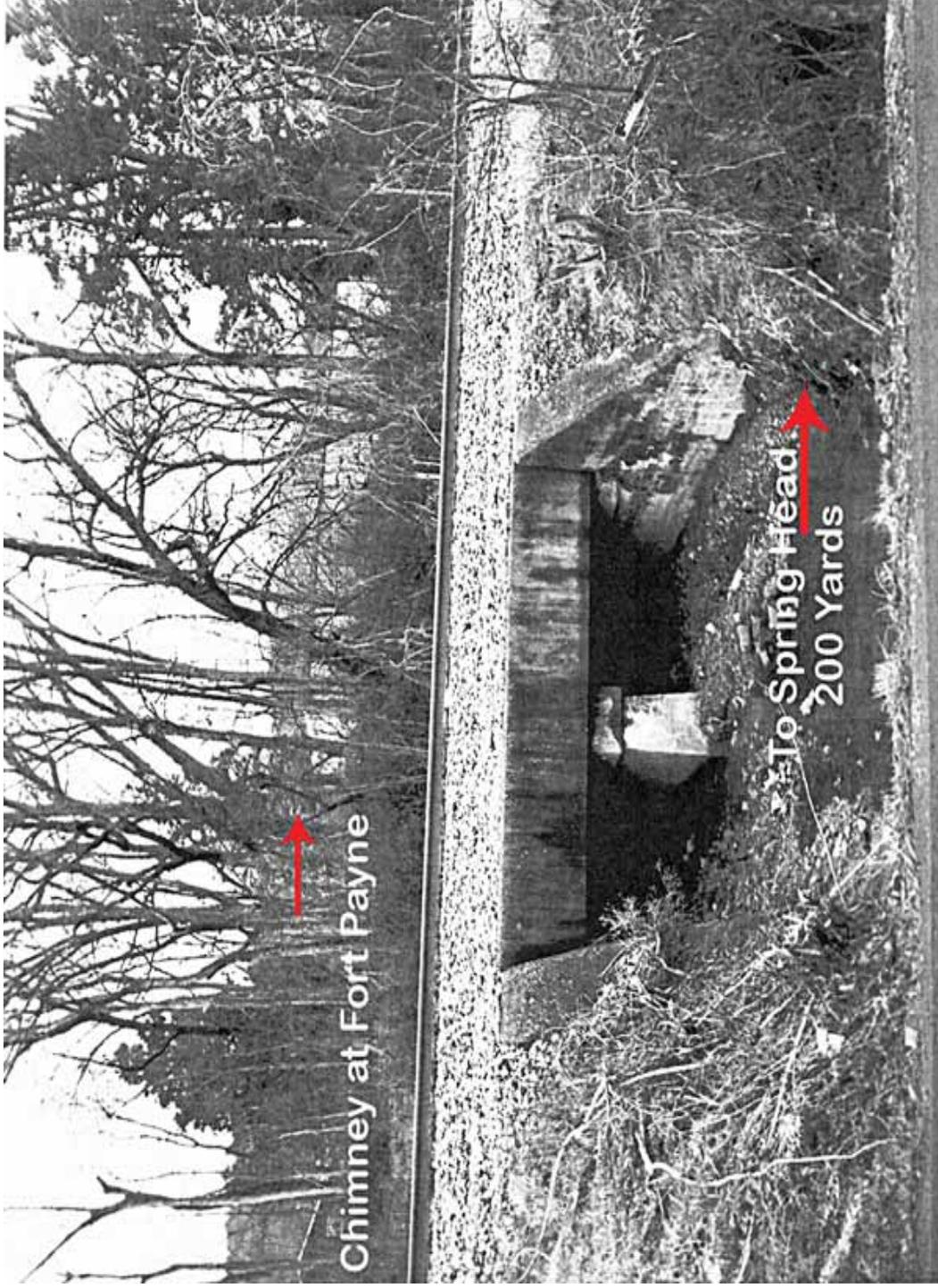


Figure 12.8 shows a ranch created by the spring flowing through a culvert under the railroad track next to the chimney at the site.

The 007 and 00 Excavations at the Fort Payne Chimney Cabin Site  
Dk



Figure 12.9 The Chimney at Fort Payne Alabama



Figure 12.10 Covering the old well at the Chimney site



Figure 12.11 Overhead view of the well



Figure 12.12 Digging removed the years of vegetation hiding the well



Figure 12.13 Front Row 2<sup>nd</sup> from left Sharon Freeman was the supervisor of the excavation. Everyone in the picture volunteered for the dig.



Figure 12.14 More volunteers



Figure 12.15 Ellen Messleman and Barry with two Alabama Trail of Tears board members

## Chapter

### The Search for Alabama Removal Forts

Fort Lovell

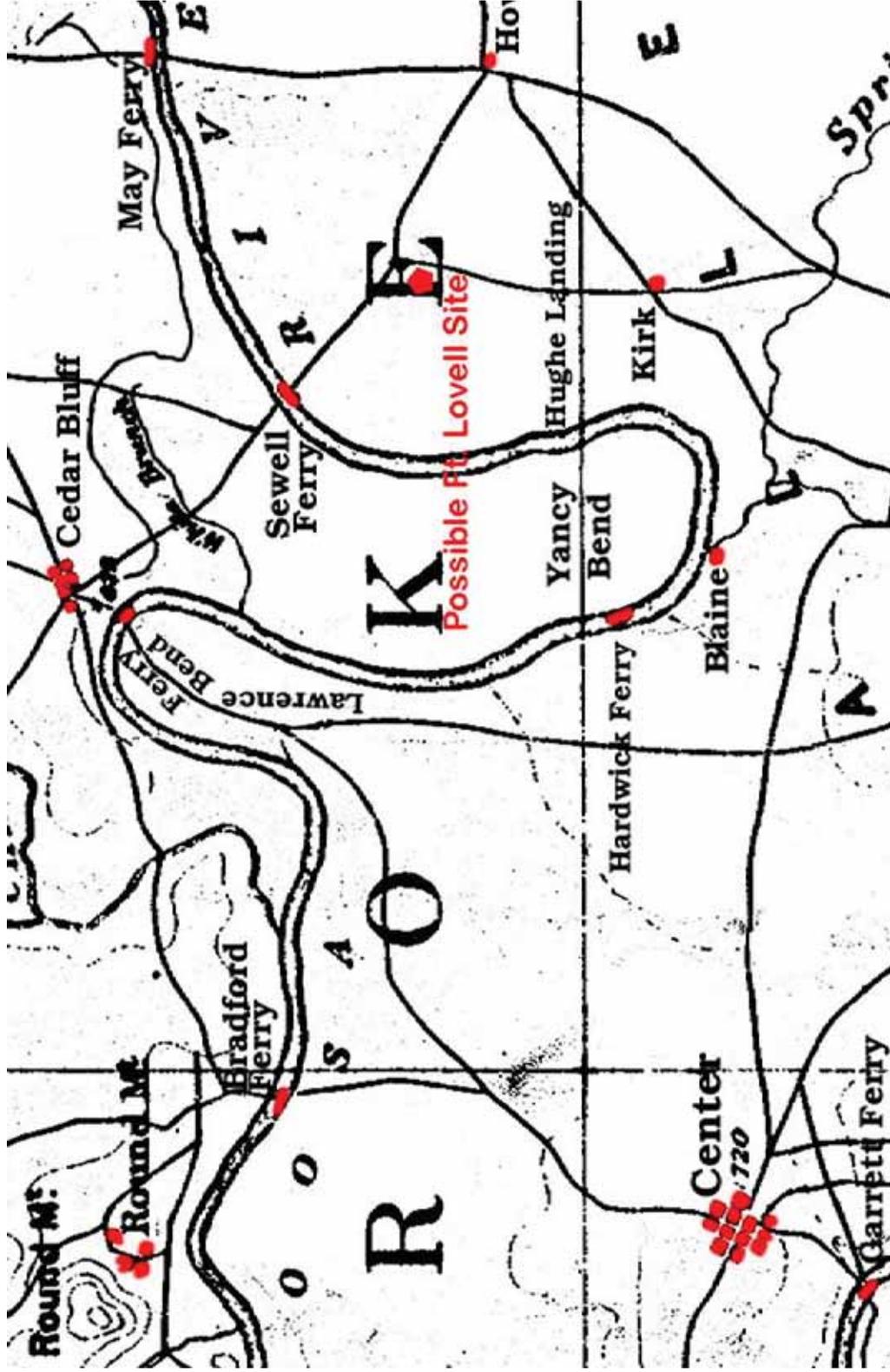
By: Gail King

While excavations were being conducted at Fort Payne during December 2007, we were informed of a site on the Coosa River yielding some interesting artifacts collected by amateur archaeologists. Some of the artifacts (military-appearing buttons) were brought to the Fort Payne site for us to analyze. We were told that they were also finding a large number of historic ceramic sherds and other interesting artifacts. The site was inundated with water most of the year, but when Alabama Power lowered the water level during the winter, it became dry enough to walk on. Within a few weeks Alabama Chapter Board member, Lamar Marshall, went with the amateur archaeologists to view the site and surface collected more buttons and ceramic sherds. He also photographed one of the collections from the site.

On December 8<sup>th</sup>, 2008 a group of Alabama Chapter members, Larry Smith, Laurie Brockman, Larry Benefield, Gail King, and Marty King were shown the site by Larry St. John. More ceramic sherds and numerous square-head nails were surface collected. Larry St. John has a permit from the authorities overseeing the Coosa River. All of the artifacts previously collected, as well as those collected at that time, have been photographed, descriptions written, sorted, and separately bagged to consult with an archaeologist who is currently studying 1830 artifacts. One of the buttons (B. Burnham) was manufactured from 1834 to 1843 and many of the ceramic pieces were manufactured in the early 1800s. A personal communication with Alabama State archaeologist, Stayce Hathorn, inquiring about china being used by military personnel at their camps yielded some interesting information. Often men brought their own dinnerware for their personal use and as a symbol of status.

This site is located on the south side of the Coosa River on an 1840 road at the point of intersecting with a road that crossed at the Armstrong (Sewell) Ferry going northwest to Cedar Bluff. A map in Duane King's 2007 publication, *The Cherokee Trail of Tears*, displays red X marks, which appear to be fort sites, at two locations on the Coosa River within the State of Alabama. This site fits one of the approximate locations. In Chapter 9 Lamar Marshall has given extensive mapping details as to the location of Cedar Bluff using an 1840 Plat map, historic maps, and modern maps. On the 1840 Plat Map the name of "Jefferson" appears, but not the name Cedar Bluff. A personal communication with Terry Barger, a local resident on the Coosa River, stated that Cedar Bluff was used to denote the general area at that time and later the name of Jefferson was changed to Cedar Bluff. In military records, the site of Fort Lovell was always referred to as being near Cedar Bluff and not near Jefferson.

The map on the following page will show the modern-day location of Cedar Bluff and the site from which the buttons, ceramic sherds, and miscellaneous artifacts were collected. Photos of some of the artifacts are on the following pages. Because documents kept by W.A. Lenoir, the Assistant Commissary at Fort Lovell, are so complete, selected documents in chronological order are also included. These are the most complete and detailed documents to our knowledge which give an almost day by day account of fort activities and movement of troops and imprisoned Cherokees.



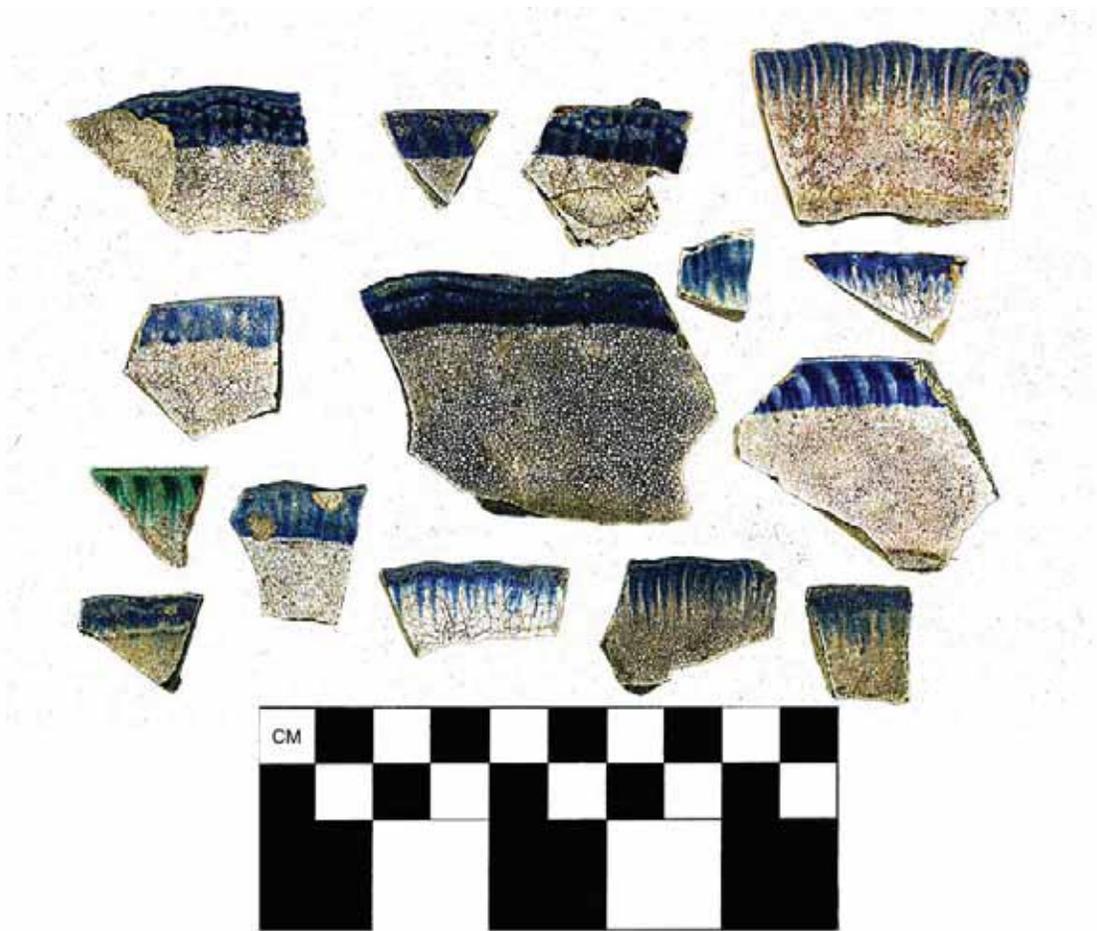
United States Geological Survey Map Division Historical File Topographic Division Fort Payne Sheet Edition of October 1893



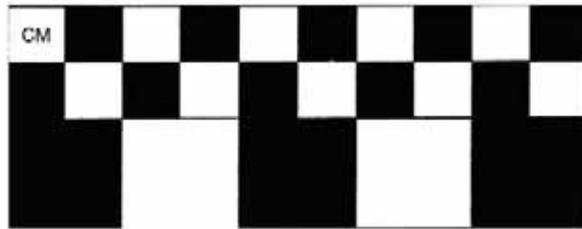
Possible Military Buttons Collected from Site below Sewell's (Armstrong) Ferry  
Coosa River, Alabama.



Possible Military Buttons Collected from Site below Sewell's (Armstrong) Ferry  
Coosa River, Alabama.



Sherds of Blue Feather Ceramics Collected from Site below Sewell's (Armstrong) Ferry  
Coosa River, Alabama.



Sherds of Blue Willow Ceramics Collected from Site below Sewell's (Armstrong) Ferry  
Coosa River, Alabama.

Fort Lovell Documents  
 Lenoir Papers  
 Special Collections, Hoskins Library  
 University of Tennessee  
 Knoxville, Tennessee

Index of Primary Documents

| Date                      | Description                                                                                                                                                 |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quarter Ending<br>March , | Account Current with W. A. Lenoir, A.A.C.S. to Lieut. Hoskins. January<br>st to March st.                                                                   |
| Month of March            | Account Current with W. A. Lenoir, A.A. .M. to Thos. . Rogers<br>Disbursements                                                                              |
| No Date                   | First Cost and Transportation Prices of Provisions purchased at and<br>Transported from Fort Cass to Fort Lovell, Ala.                                      |
| March                     | Invoice of Articles of Camp Garrison E uipage Delivered at Gunter's<br>Landing.                                                                             |
| March ,                   | Invoice of Subsistence Stores forwarded this day to Gunter's Landing,<br>Ala.                                                                               |
| March ,                   | Paid to Peter S uigglepipes. Received at Gunters Landing by W. A.<br>Lenoir A.A. .M., Ala. ols.                                                             |
| March ,                   | Paid to John Smith. Received at Gunter's Landing Ala. By W. A. Lenoir,<br>A.A. .M.                                                                          |
| March ,                   | Paid to John Peters for hire of team, th to th March , days at<br>.00 day, hauling forage for vols. at Gunter's Landing.                                    |
| March ,                   | 7th day of April a company of Infantry is to be mustered into service at<br>Gunters Landing and will be stationed at Cedar Bluff.                           |
| March ,                   | Invoice of subsistence stores forwarded during the month of March .<br>0 Barrels of flour, 000 lbs. of bacon, bushels salt.                                 |
| Month of April            | Account Current with W.A. Lenoir, A.A. .M. to Thos. . Rogers<br>Disbursements.                                                                              |
| Month of April            | Abstract of Provisions Issued to Capt. Thos. B. Watts Company of Ala.<br>Volunteers at Camp Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms. f<br>Subsistence. |
| Month of April            | Returns of Provisions received and Issued at Camp Lovell, Ala. By W. A.<br>Lenoir, A.A.C. Subsistence.                                                      |
| April to April<br>,       | Abstract of Disbursements at Camp Lovell, Ala. During the month of<br>April by W. A. Lenoir, A.A. .M.                                                       |
| April 0,                  | Disbursements to nine individuals. Received at Fort Payne from Thos. .<br>Rogers A. .M. Ala ols. Signed by W. A. Lenoir                                     |
| April 0,                  | Invoice of Subsistence Stores forwarded to W. A. Lenoir A.A.C.S., Ala.<br>ols. Signed by Thos. . Rogers                                                     |
| Month of April            | Monthly Report of Persons and Articles hired or Employed at Fort<br>Lovell, Ala. by W. A. Lenoir, A.A. .M. Ala. ols.                                        |

|                          |                                                                                                                                                                                                                                                                                |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Month of April           | Abstract of Provisions Sold Flour, bacon, sugar, and coffee to officers at blank by W. A. Lenoir, A.A.C.S.                                                                                                                                                                     |
| Month of May             | Account Current with W. A. Lenoir, A.A. .M. Purchases and Disbursements.                                                                                                                                                                                                       |
| Month of May             | Account Current with W. A. Lenoir, A.A. .M. Purchases and Disbursements.                                                                                                                                                                                                       |
| May 7,                   | Invoice of Subsistence Stores forwarded to W. A. Lenoir, A.A.C.S. Three thousand six hundred and forty three pounds of bacon.                                                                                                                                                  |
| May ,<br>May ,           | For amounts paid to fourteen individuals.                                                                                                                                                                                                                                      |
| Month of May             | Returns of Provisions received and issued at Fort Lovell, Alabama by W. A. Lenoir, Act. Ast. Coms. of Subsistence                                                                                                                                                              |
| Month of May             | Abstract of Provisions Issued to Capt. Thos. B. Watts Company of Ala. volunteers at Fort Lovell, Ala. by W.A. Lenoir, Act. Ast. Coms. of Subsistence.                                                                                                                          |
| May 7,                   | Invoice of Subsistence Stores this day received from Lt. C. oskins per Col. indman's Boy and Waggoner 9 lbs. Bacon                                                                                                                                                             |
| May 0,                   | Bill of Sales of Articles of Subsistence Stores condemned and Sold at Fort Lovell, Ala. Signed by auctioneer, name no legible.                                                                                                                                                 |
| May 0,                   | Letter from Fort Payne Issues to Indians will be made under consolidated returns signed by the commanding office of the post or detachment at the rate of one pound of Flour day and a half pound of bacon. No other rations will be allowed. Signed by Thos. . Rogers, A. .M. |
| May ,                    | Invoice of quarter Masters Stores delivered to W. A. Lenoir, A.A. .M. Ala. ols. at Fort Lovell, Ala. Signed by Thos. . Rogers                                                                                                                                                  |
| May ,                    | Re uisition for Forage for public orses at Fort Lovell, Ala. From the <sup>th</sup> to the <sup>rd</sup> , 0 days. Signed by W. A. Lenoir, A.A. .M.                                                                                                                            |
| May ,                    | Re uisition for Forage for public orses at Fort Lovell, Ala. from May <sup>th</sup> to May <sup>st</sup> , . Signed by W. A. Lenoir, A.A. .M.                                                                                                                                  |
| Month of une             | Account Current with W. A. Lenoir, A. .M., Ala. ols. Purchases, Disbursements, and Expenditures.                                                                                                                                                                               |
| quarter ending<br>une 0, | Abstract of Provisions Purchased at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms. of Subs. April 7 <sup>th</sup> to une <sup>th</sup> .                                                                                                                                   |
| une , to<br>une ,        | Provision Return for Capt. Watts Co. of Ala. ols. for four days. Number of men 7 , number of women .                                                                                                                                                                           |
| une ,                    | Abstract of Extra Issues at Fort Lovell, Ala. lbs of candles for the Guard.                                                                                                                                                                                                    |
| une ,                    | Re uisition of Fifteen pounds of candles for the use of the Guard at Fort Lovell, Ala. I certify on honor that the above re uisition is correct and ust and that the candles are absolutely necessary for the use of the Guard. Signed by Thomas B. Watts                      |
| une ,                    | Letter from Fort Cass ou will issue to each Indian man, woman, or child one pound of flour or if they prefer it one pint of corn and lb. bacon per day. Signed by Chas. oskins.                                                                                                |
| une ,                    | Letter from Fort Cass Lt. oskins directs me to inform you that your Returns for May have been received that the Re uisition for Candles for the guard should be accounted for in the abstract of Extra Issues.                                                                 |

|                        |                                                                                                                                                                                                                                                                                                               |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | Mentions Doctor Harris the Commissary at Ross Landing. Signed by P. Liddy, Ag. Sub. Dept.                                                                                                                                                                                                                     |
| June 0,                | Letter from Fort Cass concerning monthly and quarterly abstracts of Sales to officers in case of having sold provisions. Signed by P. Liddy, Agt. Sub Department.                                                                                                                                             |
| June 0,                | Invoice of Subsistence stores this day rec'd from F. A. Welcker 0 pounds of bacon. Signed by W. A. Lenoir, A.A.C.S.                                                                                                                                                                                           |
| June ,                 | Camp Garrison E uipage. Capt Thos. B. Watts                                                                                                                                                                                                                                                                   |
| June ,                 | Re uision for camp and garrison e uipage for Capt. Thos. B. Watts company of Infantry consisting of four commissioned officers and Seventy two non commissioned officers, musicians, and privates. E uipage included wall tents and flies, common tents, camp kettles, mess pans, hatchets, axes, and spades. |
| May , June 0,          | Abstract of Articles Received from fficers at Fort Lovell, Ala. Shows articles being received by W. A. Lenoir, A.A. .M., Ala. ols. from Thos. . Rogers, A. .M.                                                                                                                                                |
| Quarter Ending June 0, | Return of Public Property received, Issued and remaining on hand at Fort Lovell, Ala. Includes Forage, Stationary, Specialties, and Expended property .                                                                                                                                                       |
| Month of June          | Return of provisions received and Issued. Signed by W. A. Lenoir. Provisions received on June st, 0th, and th and list of From Whom received.                                                                                                                                                                 |
| June , to June 0,      | Abstract of Articles purchased at Fort Lovell, Alabama. Signed by W. S. Lenoir, A.A. .M. Ala. ols.                                                                                                                                                                                                            |
| June , ,               | Abstract of Disbursements at Fort Lovell, Ala. List of individuals paid for services and supplies.                                                                                                                                                                                                            |
| June 0,                | Invoice of Quarter Masters Stores delivered to W. A. Lenoir, A.A. .M. Ala. ols. at Fort Lovell. Signed by Thos. . Rogers                                                                                                                                                                                      |
| June , to June ,       | Abstract of Provisions Issued to Indians at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms. f Subsistence. Signed by Thos. B. Watts, Capt. Ala. ols. Numbers of Indians at Ft. Lovell listed.                                                                                                              |
| June                   | Provision Return for Indians in Fort at Fort Lovell, Ala from th to th June four days. Signed by Thos. B. Watts, Capt. Ala. ols.                                                                                                                                                                              |
| June                   | Provision Return for Indians in charge of Capt Watts from 7th to 0th June . Signed by Thos. B. Watts, Capt Ala. ols.                                                                                                                                                                                          |
| May , to June ,        | Abstract of Forage Issued to W. A. Lenoir, A.A. .M. Ala. ols. at Fort Lovell, Ala.                                                                                                                                                                                                                            |
| June , to June 0,      | Abstract of Forage Issued to Indians orses at Fort Lovell, Ala. Signed by W. A. Lenoir, A.A. .M., Ala. ols.                                                                                                                                                                                                   |
| June , to June ,       | Re uision for Forage for orses belonging to Indians at Fort Lovell, Ala. for four days th to th June four days.                                                                                                                                                                                               |
| June , to June 0,      | Re uision for Forage for orses belonging to Indians at Fort Lovell, Ala. from th to 0th June eight days.                                                                                                                                                                                                      |
| June 0, to June 0,     | Re uision for Forage for orses belonging to Indians at Fort Lovell, Ala. from 0 to 0th June ten days.                                                                                                                                                                                                         |
| June , to June ,       | Re uision for Forage for public orses at Fort Lovell, Ala. from st to th June eight days.                                                                                                                                                                                                                     |

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 9, to June 10,        | Requisition for Forage for public horses at Fort Lovell, Ala. from 9 <sup>th</sup> to 10 <sup>th</sup> June five days.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| June 10, to June 11,       | Forage for 7 days. W. A. Lenoir, A.A. .M.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| June 10,                   | Requisition for stationary for W. A. Lenoir, A.A. .M., Ala. mules at Fort Lovell, Ala. from 7 <sup>th</sup> April to 10 <sup>th</sup> June,                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Quarter ending on June 10, | Abstract of stationary issued at Fort Lovell, Ala. to W. A. Lenoir, A.A. .M., Ala. mules in the quarter ending on the 10 <sup>th</sup> June.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Quarter ending on June 10, | Abstract of article Issued on Special Requisitions at Fort Lovell, Ala. in the quarter ending on the 10 <sup>th</sup> June.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Quarter ending June 10,    | Abstract of Articles expended in the Public Service. Worn out at Fort Lovell, Ala. under the direction of W. A. Lenoir, A.A. .M. Ala. mules in the quarter ending the 10 <sup>th</sup> June.                                                                                                                                                                                                                                                                                                                                                                              |
| Quarter ending June 10,    | List of Quartermaster's Stores expended and worn out in public service at Fort Lovell, Ala. under the direction of W. A. Lenoir, A.A. .M., Ala. mules.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Quarter ending June 10,    | Return of Camp and Garrison Equipage Received and Issued at Fort Lovell, Ala. by W. A. Lenoir, A.A. .M., Ala. mules.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Month of June              | Abstract of Provisions Issued to Capt. Thos. B. Watts Company of Ala. Volunteers at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms. of Subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Month of June              | Return of Provisions received and Issued at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms of Subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Month of June              | Abstract of Provisions sold to officers at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms. of Subsistence.                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Month of July              | Account Current with W. A. Lenoir, A.A. .M. Purchases and Disbursements, proceeds of the Sale of Public property, and balance due Thos. B. Rogers last month..                                                                                                                                                                                                                                                                                                                                                                                                            |
| Month of July              | Return of Provisions received and Issued at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Commissary of Subsistence                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Month of July              | Abstract of Provisions Issued to Capt. Watts company of Ala. Volunteers at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Coms of Subsistence. Rations issued commencing July 1 <sup>st</sup> and ending July 10 <sup>th</sup> . Rations issued commencing July 11 <sup>th</sup> and ending July 15 <sup>th</sup> , . Number of men 70. Number of women staff at Fort Lovell                                                                                                                                                                                                |
| July 1,                    | Letter from Fort Cass from signature not legible to W. A. Lenoir, A.A.C.S. As the posts in Alabama with the exception of Ft. Payne are to be abandoned immediately you must begin by settling all accounts of the subsistence dept. before leaving. I have no funds as yet unless you could settle the accounts with Alabama money . Capt. Page the superintendent of Cherokee emigration will need an agent at Ft. Payne to attend to the issues to the Indians. He has agreed to appoint you the agent for that post which appointment I hope will be agreeable to you. |
| July 1,                    | Letter from Fort Payne, Ala. to Lieut C. Hoskins, A.C.S. Signed by W. A. Lenoir, A.A.C.S. Sir, yours of 1 <sup>rd</sup> Inst. has been received. My accts in Subs. Departs are all closed. I was supplied with the necessary funds by A.A.C.S. Rogers. I left Fort Lovell 1 <sup>rd</sup> Inst for Fort Payne by order of A M Rogers. Capt. Watts Co. left for Gunter's Landing same day. The Subs. Stores are in charge of Esqr. Nichols in which I have every                                                                                                           |

|                         |                                                                                                                                                                                                                                                                                                                    |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | confidence. I shall leave for Fort Lovell tomorrow at which place illegible . The appointment offered me by Capt Page is quite agreeable for which I tender to you my kindest acknowledgement.                                                                                                                     |
| July 9,                 | Letter from Fort Cass, Tenn. To W. A. Lenoir, Esq. A.A. .M. Signed for Lieut. A. R. et al, A. .Master, C et al.                                                                                                                                                                                                    |
| July 7,                 | Letter from Fort Payne to W. A. Lenoir, Esq., A.A.C.S. Signed Thos. . Rogers A.A.C.S. I forward several teams to your post by which please forward all the Flour and Bacon in your possession to the Indian Agent at Rawlingsville.                                                                                |
| July 0,                 | Bill of Sale of Public property sold at Public Auction at Fort Lovell, Ala. List of Purchasers Names and Articles Sold. Certified by . B. Nichols, Auctioneer.                                                                                                                                                     |
| July 0,                 | Requisition for Forage for seven public horses at Fort Lovell, Ala. from 1 <sup>st</sup> to 10 <sup>th</sup> July 1860 days. Signed by W. A. Lenoir, A.A. .M.                                                                                                                                                      |
| Month of July           | Return of Provisions Received and Issued at Fort Lovell, Ala. by W. A. Lenoir, Act. Ast. Commissary of Subsistence.                                                                                                                                                                                                |
| Months of June and July | Return of Provisions Received Issued Delivered or Remaining on hand at Fort Lovell, Alabama by W. A. Lenoir, A.A.C.S. under the supervision of Lieut Charles Hoskins, A.C.S. Detailed Report.                                                                                                                      |
| July , to August ,      | Return of Public Property Received Issued and remaining on hand at Fort Lovell, Ala. during commencing the 1 <sup>st</sup> July and ending 10 <sup>th</sup> August by W. A. Lenoir, A.A. .M., Ala. vols. Lists what was remaining on hand June 10 <sup>th</sup> .                                                  |
| July , to August ,      | Abstract of Articles expended in the Public Service worn out and at Fort Lovell, Ala. under the direction of W. A. Lenoir, A.A. .M., Ala vols during the period commencing the 1 <sup>st</sup> July and ending the 10 <sup>th</sup> August .                                                                       |
| July , to August ,      | List of Quarter Master Stores expended in Public Service at Fort Lovell, Ala. under the direction of W. A. Lenoir. A.A. .M. Ala. vols. during the period commencing the 1 <sup>st</sup> July and ending the 10 <sup>th</sup> August . Signed by Thos B. Watts, Capt. Ala vols and W. A. Lenoir, A.A. .M. Ala vols. |

Photographed by Marty King on November 10, 2000 in the Special Collections Room of the Hoskins Library, University of Tennessee, Knoxville, Tennessee. The Lenoir Papers were photographed in the order of arrangement in their folders. After images were downloaded into the computer for cropping, layering if writing was light, and other Photoshop techniques to create more legible writing, the images were printed and rearranged into chronological order.

Indexing by Gail King. Text for the indexing was written as it appeared on individual documents with some added punctuation for ease of understanding.

Source of Documents

Lenoir Family Paper, 7 9 7 bulk 0 90 MS 00

Series III

Box Folder Letters from Fort Cass to W. A. Lenoir involving  
Indian Removal.

Box Folder 7 Financial Matters with Fort Payne, Alabama.

Box Folder Account with Fort Lovell, Alabama,

Box Folder 9 Account with Fort Lovell,

Courtesy of the  
Special Collections Staff  
oskins Library  
niversity of Tennessee  
Knoxville, Tennessee

Debit B. Washin is Account Current with W. A. Lewis A. A. B. S. in the Quarter ending 31<sup>st</sup> Dec. 1838

|                                    | 1838 | 1838   | 1838 | 1838   |
|------------------------------------|------|--------|------|--------|
| 1838                               |      |        |      |        |
| Change of <sup>1838</sup> 1838     | 700  | 58     |      | 1078   |
| " " " " " "                        | 247  | 42     |      | 215    |
| February                           | 211  | 142    |      | 3      |
| " " " " " "                        | 4    | 20     |      | 434    |
| March 31                           |      |        |      |        |
| By amount of what is to Office     |      |        |      |        |
| for 1 <sup>st</sup> change of 1838 | 270  | 00     |      |        |
| at 30.00 per Dec.                  | 1485 | 32 1/2 |      | 1218   |
|                                    | 266  | 00 1/2 |      | 28 1/2 |

I certify as before that the above which is the statement of all items which have come into my hands on account of the Subversion Department in the quarter ending 31<sup>st</sup> Dec. 1838, and that the Disturbances have been faithfully made

W. A. Lewis  
A. A. B. S.

Cofey



A statement showing the First cost and  
 Transportation Prices of Provisions purchased at  
 and Transported from Fort Cass to Fort Lowell, Ala.

| Provisions | First cost<br>Price | Transportation<br>Price        | Total<br>Amount                | Remarks    |
|------------|---------------------|--------------------------------|--------------------------------|------------|
|            | cts p lb            | cts p lb                       | cts p lb                       |            |
| Flour      | 4                   | 2 <sup>3</sup> / <sub>4</sub>  | 6 <sup>3</sup> / <sub>4</sub>  |            |
| Bacon      | 12                  | "                              | 14 <sup>3</sup> / <sub>4</sub> |            |
| Coffee     | 18                  | "                              | 20 <sup>3</sup> / <sub>4</sub> |            |
| Sugar      | 15                  | "                              | 17 <sup>3</sup> / <sub>4</sub> |            |
| Vinegar    | 50                  | 27 <sup>1</sup> / <sub>2</sub> | 77 <sup>1</sup> / <sub>2</sub> | per Gallon |
| Beans      | 25                  | 2 <sup>3</sup> / <sub>4</sub>  | 27 <sup>3</sup> / <sub>4</sub> |            |
| Salt       | 10                  | 4                              | 14                             | per Quart  |
| Apples     | 10                  | 2 <sup>3</sup> / <sub>4</sub>  | 12 <sup>3</sup> / <sub>4</sub> |            |
| Oranges    | 10                  | "                              | 10 <sup>3</sup> / <sub>4</sub> |            |

Invoice of Articles of Camp & Garrison  
Equipage delivered  
at Gunter's Landing, Ala. March 1838.

- Two Hall Tents and Flies,
- Twelve Common Tents,
- Twelve Camp Kettles,
- Twenty four Axes Tang,
- Fourteen Hatchets,
- Six Axes
- Four Spades

(duplicates)

A. R. H. T. G. L.  
 G. V. M.  
 A. D.

March 3<sup>rd</sup> 1838

Invoice of Subsistence Stores forwarded this  
day to Gunter's Landing, Ala.

Viz

115 Sides, 164 Soints, & 44 Sows of Bacon  
weighing Four thousand pounds

50. Fifty Barrels of Flour

5. Five Bushels of Salt

1. One pair of Scales

1. One " Patent Ballances

1. One Set of Weights.

Cyprian

Chas Hoskins  
A. V. A. B. J.

THE UNITED STATES.

1838

TO

Peter Squirepipes Dr.

| DATE.    |                          | DOLLARS. | CENTS. |
|----------|--------------------------|----------|--------|
| March 14 | For 12 quires paper @ 50 | 6        | 00     |
|          | 100 quills --            | 3        | 00     |
|          | 200 pounds Iron @ 10c    | 20       | 00     |
|          | 6 axes @ 250             | 15       | 30     |
|          | 1 table                  | 3        | 00     |
|          | 3 pair hinges @ 100      | 3        | 00     |
|          | Ac Ac                    | 50       | 30     |

I certify on honor that the above acct is correct and just that the articles were received as stated and that they were necessary for the Public service

W. A. Lerwin  
Act Am alcks

RECEIVED *Butlers Landing* March 14<sup>th</sup> 1838 from  
W. A. Lerwin Act Am alcks Vols Fifty <sup>30</sup>/<sub>100</sub>  
Dollars, in

full of the above account.

50 30

[DUPLICATES.]

Peter Squirepipes

THE UNITED STATES,

TO

John Smith

DR.

1838

For 100 Bushels Corn 20,00

Dollars.

Cents.

100 00

I certify to the

I certify on honor that the above account is correct & just that the article has been received as stated & that it was necessary for the public service

Wm. A. Lewis

A. S. D. M.

Received

Quarter's Landing Me. March 15 1838 from

Wm. A. Lewis

P. A. Q. M. One hundred

and

Dollars, in

full of the above account.

(Duplicates.)

\$100.00

John Smith

THE UNITED STATES,

TO

John Peters

DR.

1838

For Hire of team from 12<sup>th</sup>  
to 15<sup>th</sup> March 1838 4 days  
at \$4.00 per day - hauling for:  
exp for Vols at Gunter; d<sup>o</sup>.  
ing. ——— - 16 00

Dollars.

Cents.

16 00

I certify in honor to be,

that the above account is correct & just that the services  
have been rendered as stated & c. & v. j. That they were  
necessary for supplying the Vols at Belandine with Storage  
Mr. A. Senior

Received

by *Geoffrey Loring* March 15 1838 from

Mr. A. Senior

A. A. Q. M. U. S. A. Vols.

sixteen

Dollars, in

full of the above account.

(Duplicates.)

*1600*

John Peters.

C. 112-73  
Office A. C. S.  
St. Call Town  
March 28. 1838

W. A. Lenoir  
A. C. S.

Sir

On the 7th day of April a  
company of Infantry is to be mustered into service  
at Hunters Landing & will be stationed at Cedar Bluff  
in Cherokee County Alabama.

You will please forward  
from Hunters Landing to that Place all the Subsistence  
Stores remaining at the Landing & take charge of the  
Sub. Dept. at Cedar Bluff.

I have received no  
funds as yet, but will furnish you as soon as  
I can.

You will please forward your accounts as  
soon as possible after the end of this month, also  
Col. Cox's receipt which you hold & Rogers' & Ramsey's  
receipts also if you have them & I will credit your  
receipt with the amt. accounted for by you.

You will also send an Act. Current.

Respectfully  
Yours &c

(Signed) C. Has. Hoostings Lt  
& A. C. S.

L. Mar 38

Invoice of Subsistence Stores  
forwarded during the month of March 1838  
to Fort Lovell Alabama viz.

- 50 Barrels of Flour
- 4000 lbs. of Bacon
- 5 Bushels of Salt
- (Duplicates)

March 31<sup>st</sup> 38

Chas Hoskins  
The 1<sup>st</sup> 38

DR. *M. A. Leonard*

AN ACCOUNT CURRENT WITH *M. A. Leonard* A. Q. M. IN THE MONTH OF *April* 1838. CR.

| 1838                                               |          | 1838   |                                            | 1838     |        |
|----------------------------------------------------|----------|--------|--------------------------------------------|----------|--------|
|                                                    | DOLLARS. | CENTS. |                                            | DOLLARS. | CENTS. |
| To amount of purchases per abstract                |          |        | By Cash as per Receipt                     | 500      |        |
| " " of Disbursements                               | 335      | 17 1/2 | " Proceeds of the Sale of damaged property |          |        |
| " " " Expenditures                                 |          |        |                                            |          |        |
| <i>Mo 28/100</i>                                   |          |        |                                            |          |        |
| Balance due <del>to</del> carried to next account. | 174      | 62 1/2 |                                            |          |        |
|                                                    | 500      | 00     |                                            | 500      | 00     |

I CERTIFY, OR USOR, that the above exhibits a true statement of all the monies which have come into my hands on account of the Quartermaster's Department, in the month ending the *30th* April 1838, and that the Disbursements have been faithfully made.

*M. A. Leonard*  
A. Q. M.



Statement of Provisions received & consumed during the month of April 1888 at Camp Swamp Mo.  
 by W. A. Lewis & A. H. C. Johnson.

| Date                                 | No. from whom received | Flour |    | Wheat |    | Sugar |    | Coffee |    | Rice |    | Beans |    | Apples |
|--------------------------------------|------------------------|-------|----|-------|----|-------|----|--------|----|------|----|-------|----|--------|
|                                      |                        | lb    | pk | lb    | pk | lb    | pk | lb     | pk | lb   | pk | lb    | pk |        |
| 1888                                 |                        | 486   | 15 | 2     | 26 | 2     | 2  | 2      | 2  | 2    | 2  | 2     | 2  |        |
| 4/17                                 | from provisions        | 50    | 1  | 0     | 0  | 0     | 0  | 0      | 0  | 0    | 0  | 0     | 0  |        |
| 4/17                                 | from provisions        | 0     | 0  | 1     | 0  | 45    | 0  | 0      | 0  | 0    | 0  | 0     | 0  |        |
| 4/17                                 | from provisions        | 0     | 0  | 0     | 0  | 0     | 0  | 8      | 0  | 0    | 0  | 0     | 0  |        |
| 4/17                                 | from provisions        | 0     | 0  | 0     | 0  | 0     | 0  | 0      | 0  | 0    | 0  | 0     | 0  |        |
| 4/17                                 | from provisions        | 0     | 0  | 0     | 0  | 0     | 0  | 0      | 0  | 0    | 0  | 0     | 0  |        |
| 4/17                                 | from provisions        | 0     | 0  | 0     | 0  | 0     | 0  | 0      | 0  | 0    | 0  | 0     | 0  |        |
| Quantity to be accounted for         |                        | 536   | 15 | 1     | 26 | 45    | 0  | 8      | 0  | 0    | 0  | 0     | 0  |        |
| Issued to Troops by W. A. Lewis      |                        | 9     | 45 | 1     | 5  | 64    | 5  | 11     | 64 | 5    | 11 | 24    | 2  | 14     |
| Issued to Troops by A. H. C. Johnson |                        | 0     | 0  | 0     | 0  | 0     | 0  | 0      | 0  | 0    | 0  | 0     | 0  | 0      |
| Quantity consumed                    |                        | 9     | 45 | 1     | 5  | 64    | 5  | 11     | 64 | 5    | 11 | 24    | 2  | 14     |
| Remaining on hand                    |                        | 48    | 50 | 4     | 20 | 81    | 11 | 11     | 14 | 14   | 14 | 21    | 2  | 1      |

(The 45 lb flour was used by the troops)  
 (The 24 lb beans were used by the troops)

I certify on honor that the above statement is correct

*(Signature)*

W. A. Lewis  
 A. H. C. Johnson

L. Ag. 38

Abstract of Disbursements at Camp Lovell Me  
During the month of April 1838 by H. A. Lewis & A. D. M. Alford

| Date<br>1838          | No of<br>Invoices | To whom Paid          | Amount |                 | On what account       |
|-----------------------|-------------------|-----------------------|--------|-----------------|-----------------------|
|                       |                   |                       | Doll   | Cts             |                       |
| April 1 <sup>st</sup> | 1                 | Henry Kuffstahler     | 48     | 19 <sup>2</sup> | Hauling Provisions    |
| " 14 <sup>th</sup>    | 2                 | Baxter Gilbreth       | 79     | 55              | Hauling Provisions    |
| " 15 <sup>th</sup>    | 3                 | David S. M. Alexander | 36     | 00              | Hire of team          |
| " 23 <sup>rd</sup>    | 4                 | David S. M. Alexander | 32     | 40              | Hauling Provisions    |
| " 23 <sup>rd</sup>    | 5                 | Robt Gilbreth         | 64     | 10              | Hauling Provisions    |
| " 28 <sup>th</sup>    | 6                 | Isaac P. Moragne      | 7      | 50              | Hire of horse & wagon |
| " 28 <sup>th</sup>    | 7                 | Peter Wilson          | 21     | 00              | Hire of team          |
| " 28 <sup>th</sup>    | 8                 | Jeremiah Waters       | 31     | 50              | Hire of team          |
| " 28 <sup>th</sup>    | 9                 | George Birdwell       | 12     | 00              | Hire of team          |
|                       |                   |                       | 325    | 17 <sup>2</sup> |                       |

(Duplicate)

H. A. Lewis  
A. D. M. Alford

THE UNITED STATES.

TO *W. A. Lewis & A. D. M.*

Dr.

| DATE.         |                                         | DOLLARS.   | CENTS.        |
|---------------|-----------------------------------------|------------|---------------|
| <i>138</i>    |                                         |            |               |
| <i>Apr 14</i> | <i>For and paid Henry Hoffmeister</i>   | <i>48</i>  | <i>12</i>     |
| " "           | <i>" " " Baxter, Gilbreth " " " 2</i>   | <i>72</i>  | <i>55</i>     |
| <i>" 15</i>   | <i>" " " D. J. M. Alexander " " " 3</i> | <i>36</i>  |               |
| <i>" 23</i>   | <i>" " " D. J. M. Alexander " " " 4</i> | <i>32</i>  | <i>40</i>     |
| " "           | <i>" " " Noble Gilbreth " " " 5</i>     | <i>64</i>  | <i>10</i>     |
| " "           | <i>" " " J. P. Morgan " " " 6</i>       | <i>7</i>   | <i>50</i>     |
| " "           | <i>" " " P. W. Wilson " " " 7</i>       | <i>21</i>  | <i>00</i>     |
| <i>25</i>     | <i>" " " Jeremiah Waters " " " 8</i>    | <i>31</i>  | <i>50</i>     |
| " "           | <i>" " " George Birdwell " " " 9</i>    | <i>12</i>  | <i>00</i>     |
|               |                                         | <i>325</i> | <i>17 1/2</i> |

RECEIVED *Short Payment April 26<sup>th</sup>* 1838 from

*Thos J Rogers A D M Ala*

*Three hundred & twenty five & 17/100* Dollars, in

full of the above account.

[DUPLICATES.]

*\$325.17 1/2*

*W. A. Lewis  
A. D. M.*

Invoice of Subsistence Stores this day  
forwarded to W. A. Lewis A. A. C. S.  
Ala. Vols. April 30<sup>th</sup> 1838-

- 60 Sixty Gallons Vinegar.
  - 12. Twelve Bushels Beans.
  - 5/4. Five & three fourths Bushels.
- (Duplicatus)

Thos. J. Rogers  
A. A. C. S. Ala. Vols.

MONTHLY REPORT OF PERSONS AND ARTICLES HIRED OR EMPLOYED AT *Fort Lowell, Ariz* DURING THE MONTH OF *April* 1888, BY *W. H. Lewis*

| NAMES OF PERSONS AND ARTICLES HIRED OR EMPLOYED. | TERM OF SERVICE. |           | RATE OF WAGE OR COMPENSATION. |            | By whom hired or furnished. | WAGE AGREED UPON. |        | REMARKS.                                             |
|--------------------------------------------------|------------------|-----------|-------------------------------|------------|-----------------------------|-------------------|--------|------------------------------------------------------|
|                                                  | DAYS.            | HOURS.    | Per Month.                    | Per Piece. |                             | Dollars.          | Cents. |                                                      |
| One Team                                         | 17 <sup>th</sup> | 15 hrs    | "                             | 4          | <i>Ed. M. ...</i>           | 36                | 00     | <i>For hauling 1350 lbs of Substitution from ...</i> |
| One "                                            | 19 "             | 23 "      | "                             | 100        | <i>S. ...</i>               | 7                 | 50     | <i>For hauling 400 lbs of ...</i>                    |
| One Team                                         | 18 "             | 23 "      | "                             | 250        | <i>Ed. M. ...</i>           | 5                 | 00     | <i>For hauling 400 lbs of ...</i>                    |
| One Team                                         | 18 "             | 25 "      | "                             | 450        | <i>S. ...</i>               | 3                 | 50     | <i>For hauling 400 lbs of ...</i>                    |
| One Team                                         | 23 "             | 26 "      | "                             | 5          | <i>S. ...</i>               | 12                | 00     | <i>For hauling 400 lbs of ...</i>                    |
| Wagon                                            | 21 <sup>st</sup> | 8 1/2 hrs | "                             | 25         | <i>S. ...</i>               | 10                | 00     | <i>Employed as teamster at ...</i>                   |
| TOTAL                                            |                  |           |                               |            |                             |                   |        |                                                      |

I CERTIFY THAT THE FOREGOING REPORT EXHIBITS A TRUE STATEMENT OF THE PERSONS AND ARTICLES EMPLOYED AND HIRED AT *Fort Lowell, Ariz* in the month of *April 1888*

*W. H. Lewis*  
*A. B. ...*

Abstract of Provisions Sold to Officers at — Ma  
 during the month of April 1838 by W. A. Lewis & J. A. Hill

| Articles & quantity<br>Sold | Usual Cost of     |                | Amount |     |
|-----------------------------|-------------------|----------------|--------|-----|
|                             | Price             | Transportation | Col    | 15  |
| 24 <sup>lb</sup> Bacon      | 12 <sup>1/2</sup> | 2              | 3      | 48  |
| 50 <sup>lb</sup> Flour      | 5                 | 2              | 3      | 51  |
| 12 <sup>lb</sup> Sugar      | 16 <sup>3/4</sup> | 2              | 2      | 335 |
| 10 <sup>lb</sup> Coffee     | 18                | 2              | 2      | 16  |
|                             |                   |                |        |     |
|                             |                   |                |        |     |
|                             |                   |                | 11     | 475 |

I certify on honor that the above is a correct statement  
 of all the sales of Subsistence Stores made to Officers  
 at — Ma during the month of April 1838

(Implicator)

W. A. Lewis  
 J. A. Hill



DR. Wm. S. Rogers IN ACCOUNT CURRENT WITH Wm. S. Rogers A. Q. M. IN THE MONTH OF May 1888. CR.

| 1888                                               |    | 1888 |    | DOLLARS | CENTS | DOLLARS | CENTS |
|----------------------------------------------------|----|------|----|---------|-------|---------|-------|
| To amount of purchases per abstract                | A. | 1490 | 86 |         |       | 1350    | 00    |
| " " of Disbursements                               | B. | 418  | 93 |         |       |         |       |
| " " " Expenditures                                 | C. | 1909 | 38 |         |       | 176     | 82    |
| Balance due Lager: By vana carried to new account. |    |      |    |         |       |         |       |
|                                                    |    |      |    |         |       | 38      | 56    |
|                                                    |    |      |    | 1909    | 38    |         |       |
|                                                    |    |      |    |         |       | 1909    | 38    |

I CERTIFY, on honor, that the above exhibits a true statement of all the monies which have come into my hands on account of the Quartermaster's Department, in the month ending the 31<sup>st</sup> of May 1888.  
*W. S. Rogers*  
 A. Q. M.

L - May - 58

Invoice of Subsistence Stores this day  
forwarded to W. A. Senior. A. A. C. S. M. V. Co.  
May 7<sup>th</sup> 1838 (viz) Three thousand six hundred  
and forty two

Thomas Bacon

Thos. Rogers  
W. A. C. S. M. V. Co.

L-100-38

THE UNITED STATES:

TO W. A. Lenoir, A. S. D. M.

Dr.

| DATE.               |                                    | DOLLARS. | CENTS. |
|---------------------|------------------------------------|----------|--------|
| 1838                |                                    |          |        |
| May 1 <sup>st</sup> | For amt pd M. Irwin as per book #1 | 160      | 00     |
| " "                 | " " " J. B. Nichols " " " " 2      | 129      | 50     |
| " "                 | " " " Hugh Henry Jones " " " " 3   | 89       | 50     |
| " 4                 | " " " W. L. M. Michael " " " " 4   | 595      | 00     |
| " 10 <sup>th</sup>  | " " " Eli Dodge " " " " 5          | 23       | 87 1/2 |
| " 14 <sup>th</sup>  | " " " Baxter Gilbert " " " " 6     | 24       | 00     |
| " 15 <sup>th</sup>  | " " " Wm. D. Watts " " " " 7       | 13       | 00     |
| " 20 <sup>th</sup>  | " " " Gilbert Kennedy " " " " 8    | 62       | 79     |
| " 24 <sup>th</sup>  | " " " Geo. Spann " " " " 9         | 300      | 00     |
| " 30 <sup>th</sup>  | " " " Shadrack Thompson " " " " 10 | 19       | 00     |
| " 31 <sup>st</sup>  | " " " John S. Wilson " " " " 11    | 19       | 75     |
| " 31 <sup>st</sup>  | " " " J. Mangum " " " " 12         | 27       | 17     |
| " 31 <sup>st</sup>  | " " " Geo. Clefton " " " " 13      | 9        | 00     |
| " 31 <sup>st</sup>  | " " " J. Roberts " " " " 14        | 28       | 87 1/2 |
|                     |                                    | 1490     | 46     |

RECEIVED Short Lovell Ala May 31<sup>st</sup> 1838 FROM  
 W. A. Lenoir, A. S. D. M. Ala Pol  
 Fourteen hundred & forty six <sup>46</sup>/<sub>100</sub> DOLLARS, IN  
 FULL OF THE ABOVE ACCOUNT.

\$ 1490.46

DUPLICATES.

W. A. Lenoir  
A. S. D. M. Ala Pol

Statement of Provisions received & issued during the month of May 1832 at Fort Loud, Mo. taken by W. A. Lewis, Act. Ad. Comdr of Arkansas

| Date   | By | Where taken received               | From |     | Salt |    | Lard |    | Sugar |    | Beans |    | Rice |     |     |    |    |    |
|--------|----|------------------------------------|------|-----|------|----|------|----|-------|----|-------|----|------|-----|-----|----|----|----|
|        |    |                                    | lbs  | q   | bu   | pk | lb   | q  | bu    | pk | lb    | q  | bu   | pk  |     |    |    |    |
| May 1  |    | From St. Charles as per receipt    | 58   | 58  | 20   | 8  | 11   | 11 | 110   | 14 | 700   | 11 |      | 213 | 5   | 1  | 1  |    |
| May 5  |    | St. Charles as per receipt         |      | 394 |      |    |      |    |       |    |       |    |      |     |     |    |    |    |
| May 15 |    | St. Charles as per receipt         |      | 245 |      | 5  | 24   |    |       |    |       |    | 13   |     |     |    | 60 |    |
| May 17 |    | Wagoner's                          | 17   |     |      |    |      |    |       |    |       | 5  | 15   |     |     |    |    |    |
|        |    | Quantity to be accounted for       | 65   | 56  | 228  | 8  | 10   | 13 | 110   | 14 | 700   | 11 | 17   | 15  | 213 | 5  | 61 |    |
|        |    | Account to Company as per Abstract | 12   | 11  | 463  | 8  | 1    | 11 | 122   | 11 | 97    | 8  | 8    | 15  | 22  | 12 | 21 | 2  |
|        |    | Received on 1/2 by bread of Army   | 1    | 18  | 110  |    |      |    |       |    |       |    | 12   |     |     |    |    |    |
|        |    | Provisions                         |      | 86  | 143  |    | 9    | 2  | 9     |    | 5     |    |      |     | 2   |    | 1  | 31 |
|        |    | Account to Govt as per Receipts    |      |     |      |    |      |    |       |    |       |    |      |     |     | 15 |    |    |
|        |    | Quantity Received                  | 14   | 16  | 1795 | 8  | 1    | 20 | 183   | 10 | 93    | 8  | 17   | 16  | 49  | 12 | 32 | 1  |
|        |    | Remaining on hand                  | 51   | 40  | 720  | 1  | 8    | 24 | 97    | 14 | 666   | 3  | 11   | 163 | 9   | 38 | 1  |    |

I certify on honor that the above is correct  
(Duplicate)

W. A. Lewis  
Act. Ad. Comdr



Journe  
of Subsistence Stores this day received  
from Lt to Hoskins per Col Dickinson & Boy  
Long gear 11 1/2

2961<sup>th</sup> Two thousand nine hundred & sixty one pounds  
May 27<sup>th</sup> 1838

W. A. Lewis  
A. A. Co.

*[Faint, illegible handwritten notes or a list of items, possibly including quantities and descriptions.]*

Bill of Sales of Articles of Subsistence  
Stores condemned and sold at Fort Lowell  
Ala May 30th 1838-

| No. | By Whom Purchased | Articles & Quantities Purchased | Amount |        |
|-----|-------------------|---------------------------------|--------|--------|
|     |                   |                                 | Dols   | Cts    |
| 1   | Jas A Turnley     | 1 Barrel of Ham                 | 2      | 00     |
| 2   | Jas A Turnley     | 110 pounds of Bacon             | 3      | 37 1/2 |
| 3   | J. P. Moragne     | 12 Bushels of Beans             | 2      | 06 1/2 |
|     |                   |                                 | 11     | 43 1/2 |

I certify on honor that the above is a correct Bill of Sales of Subsistence Stores sold at Fort Lowell Ala as above stated

(Duplicate)

Attest  
Aston Craft  
Auctioneer

P. May - 38

Fort Payne Ala.  
May 30<sup>th</sup> 1898.

Sir

Your bearing date the  
20<sup>th</sup> this Inst. is now before me. In  
answer to that part relating to funds I have  
to state I am entirely out. But am  
expecting a supply daily.  
Commuted Rations are paid for in the Commissary  
Department.

Issues to Indians will be made  
under consolidated returns signed by the  
Commanding Officer of the Post or detachment  
at the rate of One pound of Flour per day  
and a half pound of Bacon no other  
rations will be allowed

Thos S Rogers  
A. M.

W. A. Senior Esq.  
A. A. M. Alamos.

L-114-31

Invent of Quarter Master Stores delivered To  
M<sup>r</sup> L. L. A. A. M. Ala Vol. at Fort  
Lovell Ala May 31<sup>st</sup> 1838 - 31/2

76<sup>2</sup>/<sub>3</sub> Bushels of Corn.  
815 Bundles of Stour.  
35 Quires of Paper.  
100 quilts  
9 Bales of Sute.  
2 Papers of Sand.  
6 Boxes of Mappes.  
18 of Leathery Mapp  
1 Desk  
1 Table  
1 Rule  
1 Broad Apr  
1 Ape  
3 Blankets  
2 Bredes.  
33<sup>1</sup>/<sub>4</sub> pounds Shorn Candles.  
1 Lignum.  
1 Sife  
3 Axes  
1 Grind Stone  
4 Sets Mappes Horns.  
5 Dr. Knives  
7 Horses.  
489 pounds of Iron.  
1 Deer Leather  
2 Hooks  
2 Mallocks.  
3145 Feet of Blanket.  
2 Sawdels.  
2 Saw.  
1 Mappes.  
4 Mappes.

Wm. J. Rogers  
A. A. M. Ala Vol.

L. May-38

Requisition for Forage for public Horses at  
Fort Lowell Ala from the 4<sup>th</sup> to the 23<sup>rd</sup> 1838  
20 Days

| No of horses | No of Days | Daily allowance to each horse |                      | Total allowance    |                      |
|--------------|------------|-------------------------------|----------------------|--------------------|----------------------|
|              |            | Corn<br>Bushels of            | Fodder<br>Bundles of | Corn<br>Bushels of | Fodder<br>Bundles of |
| 5            | 20         | 8                             | 2                    | 25                 | 200                  |
|              |            |                               |                      | 25                 | 200                  |

I certify on honor that the above Requisition is correct  
& just and that there were actually the number of public  
Horses specified in the Requisition

W. A. Lenoir  
A. A. D. M. Ala

Received Fort Lowell Ala May 23<sup>rd</sup> 1838 from  
W. A. Lenoir A. A. D. M. Ala Cold Twenty five  
Bushels of corn & four hundred Bundles of Fodder  
in full of the above Requisition

(Duplicated)  
W. A. Lenoir  
A. A. D. M. Ala

L. Aug. 38

Requisition for For Forage for public Horses at  
Fort Lowell Ala from the 22<sup>nd</sup> to the <sup>May</sup> 31<sup>st</sup> 1858  
San Diego

| No. of Horses | No. of Days | Daily allowance for each horse |                | Total allowance |                |
|---------------|-------------|--------------------------------|----------------|-----------------|----------------|
|               |             | Corn Bunches                   | Fodder Bundles | Corn Bunches    | Fodder Bundles |
| 7             | 7           | 8                              | 4              | 12              | 196            |
|               |             |                                |                | 12              | 196            |

I certify on honor that the above Requisition is correct & just and that there were actually the number of public Horses specified in the Requisition

W. A. Lenoir  
A. A. D. M. Ma Gole

Received Fort Lowell Ala May 31<sup>st</sup> 1858 from  
W. A. Lenoir A. A. D. M. Ma Gole Twelve Bunches one part  
of one hundred & ninety six Bundles of Fodder  
in full of the above Requisition

(Duplicales)  
W. A. Lenoir  
A. A. D. M. Ma Gole







Abstract of Extra Issues at Fort Louis  
Ala during the month of Jan 1838 1839  
W. A. Lenoir A. A. C. S

| Date                | Candles |    |               |
|---------------------|---------|----|---------------|
|                     | lbs     | oz |               |
| Jan 1 <sup>st</sup> | 15      | "  | For the Guard |
| "                   | 15      | "  |               |

I certify on honor that I have carefully  
compared the Above Abstract with the  
original return now in my possession &  
Find that it amounts to fifteen pounds  
of candles

Duplicate

Thos. W. Waller  
Capt. A. C. S.

Requisition for Fifteen pounds of Candles for  
the use of the Guard at Fort Lowell Ma

15 lbs Candles

I certify on honor that the above requisition  
is correct & just & that the candles are absolutely  
necessary for the use of the Guard

(Signed) Thos B. Watts  
Capt Comd Post

The Asst Comdants with honor agreeably to the  
the above Requisition

(Signed)  
Thos B. Watts  
Capt Comd Post

Received at Fort Lowell Ma June 1<sup>st</sup> 1838 from  
W. A. Lewis Asst Comdants Sub Fifteen Pounds of  
Candles in full of the above Requisition

Duff (Signed)  
Thos B. Watts  
Capt Comd Post

Office A. G. 9  
At. Cap. L.  
June 1<sup>st</sup> 1837

(L) W. H. Lenoir Esq  
S. C.

Sir

In the event of having  
to submit any Indians which may  
be collected at your post your  
will have to them on requisitions  
required by the Comdg<sup>g</sup> Office of the Post  
or the Officer immediately in charge  
of the Indians, a separate Abstract of  
Items must be made & signed by one  
of the above named Officers.

You will give  
to each Indian (man, woman, or child)  
one pound of flour or (if they prefer it) one pint  
of corn &  $\frac{1}{2}$  lb bacon per day.

Respectfully

Chas. J. Morris  
Lt. & A. G. 9

c. 72-30

Office A. C. S  
Fort Leass June 6<sup>th</sup> 1838

W. A. Genois Esq.

Sir

    Lt. Hoskins directs me to inform you that your Returns for may have been received that the Requisition for candles for the Guard should be accounted for in the Abstract of Extra Issues, a Form of which I have herewith sent you which you will make two copies and have signed by the ~~Commanding~~ by the Commanding Officer and returned to this Office with the least delay Your Abstracts of Issues to Troops contains some small errors in carrying out the Quants of Rations in Bulk: Mr. Hoskins directs me to tell you that any supplies needed you you will make timely Requisition on Doctor Harris the Commissary at Pass Landing send you back the original Requisition for candles for the Guard which you will present to the Captain on his signing the Abstract and when done he will destroy the Provision Return for the Public Seamanster you need not have sent here as it appears on your Abstracts of Issues but destroy as the Company Return

P. Liday A. G. Sub. Deft

Officer A. C. S  
Fort Cass Jan 10<sup>th</sup> 1858

M. A. Lenoir Esq.

Sir

Lieut. Hoskins  
directs me to inform you that herewith  
you will receive a Statement of Prices  
of Sul Stores purchased here and trans-  
ported hence to Fort Lovell in order the more  
easy to make out your Monthly and  
Quarterly Abstracts of Sales to Officers  
in case of your having sold Provisions

Respectfully Sir  
your obed<sup>t</sup> Serv<sup>t</sup>  
E. Liddy Esq  
Sul Department

June 10<sup>th</sup> 1838

Invoice

of Subsistence Stores this  
day rec<sup>d</sup> from Ft. Velcher  
Viz

3024 <sup>four</sup> Three thousand & twenty eight pounds seven

W. A. Inoué  
A. S. G.

*[Faint, illegible handwritten notes or a list of items, possibly including quantities and descriptions.]*

Camp & Car's Expense  
Ohio

Exp'd Thos B. Drake

Jan. 15<sup>th</sup> 1838

Requisition for Camp & Garrison equipage for  
Capt Tho<sup>s</sup> Bratts company of Infantry  
consisting of four commissioned officers and  
Seventy two men commissioned officers Musicians  
and Privates

- 2 Wall Tents & Flies
- 12 Common Tents
- 12 Camp Stoves
- 24 Mess Pans
- 14 Hatchets
- 6 Axes
- 4 Spades

I certify on honor that the above Requisition  
is correct & just & that there are actually the  
number of men in my company specified

Capt Ma Rob

Received Fort Leach Ma June 15<sup>th</sup> 1838  
from W. A. Lewis A. A. Ma Rob, Two Wall Tents  
& flies, Twelve common Tents, Twelve Camp Stoves  
Twenty four Mess pans, Fourteen Hatchets  
Six Axes & four Spades in full of the above  
Requisition

Capt Ma Rob









Abstract of Disbursements at Fort Lock, Ala during the month of June 1838 by H. Lenoir A.D.M.

| Date<br>1838 | No of<br>Cooks | To whom paid     | Amount on what account |     |                              |
|--------------|----------------|------------------|------------------------|-----|------------------------------|
|              |                |                  | Doll                   | Cts |                              |
| June 11      | 1              | Abram Taylor     | 60                     | 00  | hire of team                 |
| " 23         | 2              | Ede Dodgen       | 11                     | 00  | Blacks nothing               |
| " "          | 3              | John F. Atty     | 36                     | 00  | hire of team                 |
| " "          | 4              | Tom Shockley     | 36                     | 00  | hire of team                 |
| " "          | 5              | Samuel Bannan    | 40                     | 00  | hire of team                 |
| " "          | 6              | John Ruda        | 40                     | 00  | hire of team                 |
| " "          | 7              | Palashu Gony     | 40                     | 00  | hire of team                 |
| " "          | 8              | H. M. Elder      | 40                     | 00  | hire of team                 |
| " "          | 9              | Samuel Martin    | 40                     | 00  | hire of team                 |
| " "          | 10             | J. B. Nichols    | 38                     | 00  | hire of team                 |
| " "          | 11             | Leominah Trotter | 121                    | 50  | hire of team                 |
|              |                | Expenses Men     | 6                      | 50  | expenses while on extra duty |
|              |                |                  | 501                    |     |                              |

Duplicate

copy

H. Lenoir  
A.D.M. Ala Fort

Invoice of Mr. Martin's store delivered to  
Wm. Loring at A. J. M. M. Vol. at New York  
the 30<sup>th</sup> 1838. by

2743. Roubin's Cove  
2847. Roubin's Cove  
6 Chairs  
11 Axes.  
6 Augers.  
6 Chisels.  
4 Drawing Knives  
5 Files  
3 Hammer  
4 Master Chains  
4 Stock Locks.  
3 Pin Locks.  
335 lbs of nails  
3 Kegs of Turpentine  
1550 Sheet Plank  
1 Spade  
4 Hand Saws.  
1 pr. Tenter  
1 duplicate

Wm. Loring  
A. J. M. M.

Abstract of Provisions Issued to Indians at Fort Lowell Ma during the month of June 1838 by W. A. Lenoir act asst Comd of Subsistence

| Date 1838            | No of Rations | No of Indians | No of Days | No of Rations | Commencing           | Ending               | Flour   | Bacon     |
|----------------------|---------------|---------------|------------|---------------|----------------------|----------------------|---------|-----------|
| June 5 <sup>th</sup> | 1             | 20            | 4          | 96            | 5 <sup>th</sup> June | 8 <sup>th</sup> June | 96      | 96        |
| " 6                  | "             | 22            | 3          | 66            | 6 <sup>th</sup> "    | 8 <sup>th</sup> "    | 66      | 66        |
| " 9                  | 2             | 50            | 4          | 200           | 9 <sup>th</sup> "    | 12 <sup>th</sup> "   | 200     | 200       |
| " 11                 | "             | 63            | 2          | 126           | 11 <sup>th</sup> "   | 12 <sup>th</sup> "   | 126     | 126       |
| " 13                 | 3             | 139           | 4          | 556           | 13 <sup>th</sup> "   | 16 <sup>th</sup> "   | 556     | 556       |
| " 14                 | "             | 48            | 3          | 144           | 14 <sup>th</sup> "   | 16 <sup>th</sup> "   | 144     | 144       |
| " 15                 | "             | 28            | 2          | 56            | 15 <sup>th</sup> "   | 16 <sup>th</sup> "   | 56      | 56        |
| " 17                 | 4             | 224           | 5          | 1120          | 17 <sup>th</sup> "   | 21 <sup>st</sup> "   | 1120    | 1120      |
| " 22 <sup>nd</sup>   | 5             | 27            | 9          | 243           | 22 <sup>nd</sup> "   | 30 <sup>th</sup> "   | 243     | 243       |
| Total Issued         |               |               |            |               |                      |                      | 2607    | 2607      |
|                      |               |               |            |               |                      |                      | 566 lbs | 566 lbs   |
| Quantity in Bulk     |               |               |            |               |                      |                      | 13      | 59 1363 8 |

I certify on honor that I have carefully compared the above Abstract with the original Rations now in my possession & find that they amount to be Two Thousand and Six hundred & seven Rations of Flour Two Thousand and Six hundred & seven Rations of Bacon

Thos. B. Watts  
Capt. Adj. Genl.

Provisions Returns for Indians in Fort  
at Fort Lock Ala from 13<sup>th</sup> to 16<sup>th</sup> June Four days

| 1838<br>Days          | No of<br>Rations | No of<br>Indian | <del>Plt of</del><br><del>Plt of</del> | Rations<br>Horses | Rations<br>Beaver |
|-----------------------|------------------|-----------------|----------------------------------------|-------------------|-------------------|
| June 13 <sup>th</sup> | 3                | 139             | 4                                      | 556               | 556               |
| " 14                  | 3                | 48              | 3                                      | 444               | 444               |
| " 15                  | •                | 28              | 2                                      | 56                | 56                |
| 31                    |                  |                 |                                        |                   |                   |
| 0                     |                  |                 |                                        |                   |                   |
| 0                     |                  |                 |                                        |                   |                   |

Wm. B. Yeates  
Capt Ala Pol.

L. Dec-38

Expenses in Return for Passes in charge of  
Exp. Bats ex from 17<sup>th</sup> to 2<sup>nd</sup> Jan 1838

| Jan<br>1838         | No of<br>Bats | No of<br>Passes | No of<br>Days | Alloy<br>of<br>Silver | Wagon<br>of<br>Bacon |
|---------------------|---------------|-----------------|---------------|-----------------------|----------------------|
| Jan 1 <sup>st</sup> | 4             | 224             | \$ 5          | \$94 1120             | \$94 1120            |

Thos. B. Yeates  
Capt. U.S.A.

1<sup>st</sup> Apr - 30<sup>th</sup> June '38

Abstract of Storage Issued to W. A. Lewis A. A. M. M. D. S.  
at Fort Loud Ala in the Quarter ending the 30<sup>th</sup> June 1838

| No of Vouches | Date of Issue           | To whom Issued             | Corn Bushels     | Added Bushels |
|---------------|-------------------------|----------------------------|------------------|---------------|
| 1             | 4 <sup>th</sup> May '38 | W. A. Lewis A. A. M. D. S. | 25               | 400           |
| 2             | 24 <sup>th</sup> " "    | " "                        | 12 $\frac{1}{2}$ | 196           |
| 3             | 7 <sup>th</sup> June "  | " "                        | 10               | 160           |
| 4             | 9 <sup>th</sup> " "     | " "                        | 7 $\frac{1}{2}$  | 120           |
| 5             | 14 <sup>th</sup> " "    | " "                        | 29 $\frac{1}{2}$ | 1476          |
| Total Issued  |                         |                            | 84 $\frac{1}{2}$ | 2352          |

W. A. Lewis  
A. A. M. D. S.

L. Apr 30-38

Abstract of Forage Issued to Indian Horses  
at Fort Lowell Ariz in the Quarter ending 30<sup>th</sup> June 1838

| No of Voucher | Date of Issue           | To whom Issued  | Corn | Fodder | Bushels or Bundles |
|---------------|-------------------------|-----------------|------|--------|--------------------|
| 1             | 8 <sup>th</sup> Jan '38 | Capt Tho B'rate | 5    | 80     |                    |
| 2             | 15 <sup>th</sup> . . .  | . . . . .       | 60   | 960    |                    |
| 3             | 20 <sup>th</sup> . . .  | . . . . .       | 30   | 240    |                    |
| Total Issued  |                         |                 | 95   | 1280   |                    |

W. A. Lenoir  
A. A. De Me Hob

L. 7c-38

Requisition for Forage for Horses  
belonging to Indians at Fort Lowell Ala  
from 6<sup>th</sup> to 12<sup>th</sup> June - Four days

|                     |   |                      |
|---------------------|---|----------------------|
| No of Horses        | 5 |                      |
| Daily allowance     |   | Total allowance      |
| 8 lbs corn          |   | 5 Bushels of corn    |
| 4 Bundles of Fodder |   | 80 Bundles of fodder |

I certify that the above Requisition is  
correct & just that there are actually the  
number of Indian Horses now under my  
charge for which Forage is required

Wm B Yeatts  
Capt Ala Vols

Received Fort Lowell Ala June 5<sup>th</sup> 1838  
from W.A. Lenoir A.A. & M Ala Vols  
five Bushels of corn & eight Bundles  
Fodder in full of the above Requisition  
(Duplicates) Wm B Yeatts  
Capt Ala Vols

Requisition for Forage for Horses belonging  
to Indians at Fort Lovell Ala from 1<sup>st</sup> to  
28<sup>th</sup> June 1838. - Eight days

|                           |                       |
|---------------------------|-----------------------|
| No of Horses 30           |                       |
| Daily allowance           | Total allowance       |
| 6 B <sup>ts</sup> of corn | 60 Bushels of corn    |
| 2 Bundles of Fodder       | 960 Bundles of Fodder |

I certify that the above Requisition is correct  
& just that there are actually the number of  
Indians Horses now under my charge for  
which Forage is required

Thos B Coates  
Capt Ala Vols

Received Fort Lovell Ala June 13<sup>th</sup> 1838  
from W. A. Lenoir A. A. I. M. Ala Vols  
sixty Bushels of corn & nine hundred and  
sixty Bundles of Fodder in full of the  
above Requisition

(Duplicate)

Thos B Coates  
Capt Ala Vols

A-24-38

Requisition for Forage for Horses belonging to  
Indians at Fort Lowell Ala from 20<sup>th</sup> to 30<sup>th</sup>  
June 1838 Ten Days

|                     |                       |
|---------------------|-----------------------|
| No of Horses 12     |                       |
| Daily Allowance     | Total Allowance       |
| 8 Lb of corn        | 30 Bushels of corn    |
| 2 Bundles of Fodder | 240 Bundles of Fodder |

I certify that the above Requisition is correct &  
just that there are actually the number of Horses  
belonging to Indians now under my charge for  
which Forage is required

Thos J. Watts  
Capt Ala Bds

Received Fort Lowell Ala June 20<sup>th</sup> 1838 from  
Tr. A. Leair A. A. D. M. Ala Bds Thirty Bushels  
of corn & Two hundred & forty Bundles of  
Fodder in full of the above Requisition

Duplicates

Thos J. Watts  
Capt Ala Bds

Requisition for Forage for public Horses at Fort Lowell Ala from 1<sup>st</sup> to 8<sup>th</sup> June 1838 Eight Days

| No of Horses | No of Days | Daily Allowance for each Horse |                | Total Allowance  |                |
|--------------|------------|--------------------------------|----------------|------------------|----------------|
|              |            | Coorn Bbls of                  | Hay Bundles of | Coorn Bushels of | Hay Bundles of |
| 5            | 8          | 8                              | 4              | 10               | 160            |
|              |            |                                |                | 10               | 160            |

I certify on honor that the above Requisition is correct & just that there were actually the number of public Horses specified in the Requisition

W. A. Lenoir  
A. A. M. McRob

Received Fort Lowell Ala June 1<sup>st</sup> 1838 from W. A. Lenoir A. A. M. McRob Ten Bushels of coorn & One hundred & sixty Bundles of Forage in full of the above Requisition

W. A. Lenoir  
A. A. M. McRob

Requisition for Forage for public Horses at Fort Louis Ala from 9<sup>th</sup> to 13<sup>th</sup> June 1838 Five Days

| No of Horses | No of Days | Daily Allowance for each horse |                   | Total Allowance  |                   |
|--------------|------------|--------------------------------|-------------------|------------------|-------------------|
|              |            | Grain<br>Lbs of                | Hodder<br>Bundles | Grain<br>Bushels | Hodder<br>Bundles |
| 6            | 5          | 8                              | 4                 | 7 1/2            | 120               |
|              |            |                                |                   | 7 1/2            | 120               |

I certify on honor that the above Requisition is correct & just that there were actually the number of Public Horses specified in the Requisition

W. A Lenoir  
A. A. D. M. Ala. Vol

Received Fort Louis Ala June 9<sup>th</sup> 1838 from  
W. A Lenoir A. A. D. M. Ala. Vol Seven & a half Bushels of  
Corn & one hundred & Twenty Bundles of Hodder  
in full of the above Requisition

W. A Lenoir  
A. A. D. M. Ala. Vol

G

No 5

W. J. Lenoir  
A. D. M.

29% Bunches of corn  
17% Bunches of Hordles  
from 14 # to 30 #  
17 Days

Requisition for Stationery for W. A. Lenoir A. A. D.  
M Ala Vols at Fort South Ala from April  
to 30<sup>th</sup> June 1838

- 30 Quires of Paper
- 100 Quills
- 2 Papers of Sand
- 7 Bottles of Ink
- 3 Boxes of Traps
- 10 lbs of Sealing Wax

I certify on honor that the above Requisition is  
correct & just & that the articles therein specified  
were actually necessary to enable me to discharge  
the duties of A. A. D. M Ala Vols at Fort South

W. A. Lenoir  
A. A. D. M Ala Vols

Received at Fort South Ala June 30<sup>th</sup> 1838  
from W. A. Lenoir A. A. D. M Ala Vols Thirty Quires  
of Paper One hundred Quills Two papers of Sand  
Seven Bottles of Ink Three Boxes of Traps & ten  
pounds of sealing Wax in full of the above Requisition

W. A. Lenoir  
A. A. D. M Ala Vols

Abstract of Stationary Issued at Fort Lenoir Ala  
to W. A. Lenoir A. A. D. M. Ala. Vols in the Quarter  
ending on the 30<sup>th</sup> June 1838 By W. A. Lenoir  
A. A. D. M. Ala. Vols

| No of<br>Packets | Paper Parage | Quills per doz | Candle by weight | Ink bottles of | Propane by weight | Writing Ink by weight |
|------------------|--------------|----------------|------------------|----------------|-------------------|-----------------------|
|                  | 30           | 100            | 2                | 7              | 3                 | 10                    |
|                  | 30           | 100            | 2                | 7              | 3                 | 10                    |

W. A. Lenoir  
A. A. D. M. Ala. Vols

Abstract of articles Issued on Special Requisitions  
at Fort Lock Ala in the Quarter ending on the  
30<sup>th</sup> June 1838 by W. A. Lenoir A. A. M. M. H. P. S.

| Classes                |                      | D        | A     | O           |
|------------------------|----------------------|----------|-------|-------------|
| Date                   | To whom Issued       | Quantity | Value | Per centage |
| 1838                   |                      |          |       |             |
| April 15 <sup>th</sup> | 1 Capt Thos B. White | 1        | 1     | 3           |
|                        |                      | 1        | 1     | 3           |

Duplicate

W. A. Lenoir  
A. A. M. H. P. S.

Abstract of Articles expended in the Public Service  
 Worn out &c at Fort Loud Ala under the direction  
 of W. A. Lewis A. A. D. M. McPoke in the Quarter  
 ending the 30<sup>th</sup> June 1838

| No of<br>Certificates | Com. Books of | Header Books of | Com. Books of | Files of | Wages paid of | Shoe Books of | Wattin Licks of | Locks of | Books of | Nails, Boards of | Blank feet of |
|-----------------------|---------------|-----------------|---------------|----------|---------------|---------------|-----------------|----------|----------|------------------|---------------|
|                       | to            | F               | H             | I        | L             | L             | L               | L        | L        | P                |               |
| 1                     | 10            | 15%             | 3             | 5        | 369           | 1             | 2               | 3        | 325      | 4495             |               |
| 2                     | 95            | 1280            | "             | "        | "             | "             | "               | "        | "        | "                | "             |
| <i>Total</i>          | 105           | 1280            | 15%           | 3        | 5             | 369           | 1               | 2        | 3        | 325              | 4495          |

W. A. Lewis  
 A. A. D. M. McPoke

List of Quartermaster Stores expended and worn out  
in public service at Fort Lowell Ma under the direction  
of W. A. Lenoir & A. A. McAlister in the Quarter ending 31<sup>st</sup> Dec 1868

| Articles                              | Application                |
|---------------------------------------|----------------------------|
| 10 Bushels Corn                       | Lost in Issues             |
| 15 $\frac{3}{4}$ <sup>th</sup> Boards | Expended in public service |
| 3 Files                               | Worn out in " "            |
| 5 Hinges                              | used on public Buildings   |
| 36 <sup>th</sup> Iron                 | Used in public Smith Shop  |
| 1 Side Leather                        | Do on public Harness &c    |
| 2 Locks                               | Used on public Buildings   |
| 3 Hook Locks                          | " " " "                    |
| 325 <sup>th</sup> Nails               | " " " "                    |
| 4495 Feet Plank                       | " " " "                    |

I certify that the several articles of Quartermaster Stores  
above enumerated have been necessarily expended and  
worn out in public service at Fort Lowell Mass  
as indicated by the Marginal Remarks annexed to  
them respectively

(Examined & countersigned)

Thos. W. Watty  
Capt Comdg

W. A. Lenoir  
A. A. McAlister

Return of Camp & Garrison Equipage Received and Issued at Fort Lock Ala in the Quarter ending 30<sup>th</sup> of June 1838 By W. A. Lewis A. A. D. M. Ala. G. S.

| Date                      | No of Boxes | From whom        |   |    | Camp & Garrison | Equipage | Receivd | Issued |   |
|---------------------------|-------------|------------------|---|----|-----------------|----------|---------|--------|---|
| 1838                      |             | Received         |   |    |                 |          |         |        |   |
|                           |             | Genl A. P. Hodge | 2 | 12 | 12              | 24       | 14      | 6      | 4 |
| Total to be accounted for |             |                  | 2 | 12 | 12              | 24       | 14      | 6      | 4 |
| June 15 <sup>th</sup>     | 1           | Capt M. B. Fells | 2 | 12 | 12              | 24       | 14      | 6      | 4 |
| Total Issued              |             |                  | 2 | 12 | 12              | 24       | 14      | 6      | 4 |
| Remaining on hand         |             |                  | " | "  | "               | "        | "       | "      | " |

(Duplicate)

W. A. Lewis  
A. A. D. M. Ala. G. S.

Abstract of Provisions Issued to Capt. West's Company of the Battalion at Fort Sumter during the month of June 1861 by Wm. A. Lewis Post Adj. Genl. of the 1st S. C. Inf.

| Date    | Quantity | Commencing           | Closing              | Other | Draw | Sell | Exp | Exp | Exp | Draw | Crude | Money |
|---------|----------|----------------------|----------------------|-------|------|------|-----|-----|-----|------|-------|-------|
| Jan 1st | 1        | 1 <sup>st</sup> June | 2 <sup>nd</sup> June | 296   | 296  | 296  | 296 | 296 | 296 | 296  | 296   | 296   |
| " 2     | 0        | 5 <sup>th</sup> "    | "                    | 310   | 310  | 310  | 310 | 310 | 310 | 310  | 310   | 310   |
| " 9     | 0        | 9 <sup>th</sup> "    | 12 <sup>th</sup> "   | 292   | 292  | 292  | 292 | 292 | 292 | 292  | 292   | 292   |
| " 13    | 4        | 13 <sup>th</sup> "   | 16 <sup>th</sup> "   | 292   | 292  | 292  | 292 | 292 | 292 | 292  | 292   | 292   |
| " 17    | 5        | 17 <sup>th</sup> "   | 20 <sup>th</sup> "   | 310   | 310  | 310  | 310 | 310 | 310 | 310  | 310   | 310   |
| " 23    | 6        | 23 <sup>rd</sup> "   | 25 <sup>th</sup> "   | 296   | 296  | 296  | 296 | 296 | 296 | 296  | 296   | 296   |
| " 27    | 7        | 27 <sup>th</sup> "   | 30 <sup>th</sup> "   | 444   | 444  | 444  | 444 | 444 | 444 | 444  | 444   | 444   |
| " 30    | 1        | 30 <sup>th</sup> "   | 30 <sup>th</sup> "   | 31    | 31   | 31   | 31  | 31  | 31  | 31   | 31    | 31    |
|         |          |                      |                      | 292   | 292  | 292  | 292 | 292 | 292 | 292  | 292   | 292   |
|         |          |                      |                      | 444   | 444  | 444  | 444 | 444 | 444 | 444  | 444   | 444   |
|         |          |                      |                      | 13    | 13   | 13   | 13  | 13  | 13  | 13   | 13    | 13    |

I certify on honor that I have carefully compared the above Abstract with the original Returns now in my possession & find that they are correct to Two thousand two hundred & fifty Dollars of Silver and Three hundred two hundred & fifty Dollars of Paper Two thousand two hundred & fifty Dollars of Paper Two thousand two hundred & fifty Dollars of Paper Two thousand two hundred & fifty Dollars of Paper Two thousand two hundred & fifty Dollars of Paper

Wm. A. Lewis  
Adj. Genl.



Abstract of Provisions sold to officers at Fort  
Levee Ala during the month of June 1838 by  
W. A. Lincoln. Act. Act Genl of Subsistence

| Articles & quantity<br>Sold | Contract |               | Cost of |                               | Amount |                                |
|-----------------------------|----------|---------------|---------|-------------------------------|--------|--------------------------------|
|                             | Price    | Transpiration | Del     | cts                           | Del    | cts                            |
| 20 <sup>th</sup> Bacon      | .        | 12            | -       | 2 <sup>3</sup> / <sub>4</sub> | 2      | 95                             |
| 14 Sugar                    | h        | 13            | 2       | 1 <sup>1</sup> / <sub>2</sub> | 1      | 99 <sup>1</sup> / <sub>2</sub> |
|                             |          |               |         |                               | 4      | 94 <sup>1</sup> / <sub>2</sub> |

I certify on honor that the above is a correct  
statement of all sales to officers of Subsistence  
Stores made at Fort Levee Ala during the  
month of June 1838.

(Testimony)

W. A. Lincoln  
Act Genl

DR. *Wm. J. Higgins* IN ACCOUNT CURRENT WITH *Wm. J. Higgins* A. Q. M. IN THE MONTH OF *July* 1838. CR.

| 1838                                              |         | 1838  |         | 1838  |         |
|---------------------------------------------------|---------|-------|---------|-------|---------|
|                                                   | DOLLARS | CENTS | DOLLARS | CENTS | DOLLARS |
| To amount of purchases per abstract               | 10      | 50    |         |       |         |
| " " of Disbursements                              | 135     | 50    |         |       |         |
| " " " Expenses                                    |         |       |         |       |         |
| <i>W. J. Higgins</i>                              |         |       |         |       |         |
| Balance due James Higgins carried to new account. |         |       | 1091    | 58    |         |
|                                                   |         |       |         |       | 1227 58 |
|                                                   |         |       |         |       | 1227 58 |

By Cash as per Receipt  
 " Proceeds of the Sale of <sup>Public</sup> property  
 as per Bill of Sale  
 Dollars on *Bill of Sale*  
 last month

I CERTIFY, as witness, that the above exhibits a true statement of all the monies which have come into my hands as account of the Quartermaster's Department, in the month ending the 31<sup>st</sup> July 1838, and that the Disbursements have been faithfully made.

*W. J. Higgins*  
*A. S. D. M.*

Part of Provision received and issued during the month of July 1868 at Fort Laramie by W. A. Lewis, Act. Asst. Comdr. Co. of Engineers

| Date                            | By whom received       | Flour |      | Wheat |     | Corn |     | Sugar |     | Coffee |     | Beans |     | Cattle |     |
|---------------------------------|------------------------|-------|------|-------|-----|------|-----|-------|-----|--------|-----|-------|-----|--------|-----|
|                                 |                        | lbs   | cts  | lbs   | cts | lbs  | cts | lbs   | cts | lbs    | cts | lbs   | cts | lbs    | cts |
| July 1st                        | On hand at Ft. Laramie | 24    | 1000 | 20    | 800 | 5    | 200 | 3     | 120 | 3      | 120 | 3     | 120 | 3      | 120 |
|                                 | Balance in hand        |       |      |       |     |      |     |       |     |        |     |       |     |        |     |
| Total received                  |                        | 27    | 66   | 27    | 899 | 13   | 200 | 14    | 250 | 5      | 200 | 3     | 110 | 13     | 50  |
| Issued to Troops at Ft. Laramie |                        | 3     | 10   | 11    | 33  | 5    | 200 | 11    | 400 | 3      | 120 | 3     | 120 | 3      | 120 |
| To outposts                     |                        | 24    | 1000 | 5     | 200 | 5    | 200 | 5     | 200 | 3      | 120 | 3     | 120 | 3      | 120 |
|                                 |                        | 27    | 66   | 27    | 899 | 10   | 400 | 16    | 600 | 6      | 240 | 6     | 240 | 6      | 240 |

I certify in honor that the above returns is correct  
 W. A. Lewis  
 Act. Asst. Comdr.

Abstract of Provision Issued to Capt Webb company of the Volunteers at Fort  
 Worth. The during the month of July 1851 by William Act and Com of Subsistence

| Date                | Quantity | Quality | Quantity | Quality | Quantity | Quality   | Quantity | Quality | Quantity | Quality | Quantity | Quality |
|---------------------|----------|---------|----------|---------|----------|-----------|----------|---------|----------|---------|----------|---------|
| 1851                | 1        | 20      | 0        | 292     | 1        | July 1851 | 292      | 292     | 292      | 292     | 292      | 292     |
| 1851                | 1        | 20      | 0        | 292     | 1        | July 1851 | 292      | 292     | 292      | 292     | 292      | 292     |
| Total Issued        |          |         |          |         |          |           |          |         |          |         |          |         |
| Distributed in Bulk |          |         |          |         |          |           |          |         |          |         |          |         |

I certify or bear that I have carefully compared the above Abstract with the original Returns and  
 in my opinion find that they amount to Five hundred and eighty four Patrons of Five  
 Five hundred and eighty four Patrons of Five Five hundred and eighty four Patrons of Five  
 Five hundred and eighty four Patrons of Five Five hundred and eighty four Patrons of Five  
 Five hundred and eighty four Patrons of Five Five hundred and eighty four Patrons of Five  
 Five hundred and eighty four Patrons of Five Five hundred and eighty four Patrons of Five

Wm B Webb  
 Capt. U.S.A.

C-34-98

Office A. C. S.  
St. Louis  
July 28 1858

Mr. Senai Alas  
Sir

As the posts in Alabama  
with the exception of Ft Payne are to  
be abandoned immediately you will ob-  
lige me by settling all accounts of the  
subsistence dept. before leaving. I have  
no funds as yet unless you could  
settle the accounts with Alabama money  
at 8% discount should <sup>you</sup> think you can  
make these funds answer and an app<sup>ro</sup>p  
immediately I will send you the amount  
required.

Capt. Page the Superintendent of the  
other military posts will need an agent at  
Ft Payne to attend to the farms to the Army  
he has agreed to appoint you the Agent  
for that post which appointment  
I hope will be agreeable to you  
I wish you to inform me whether  
you will accept it or not. should  
you accept it your duties will commence  
as soon as you shall have settled your  
accounts with St. Louis & myself.

Very truly  
yours  
A. C. S.



Office, A. D. Master  
Fort Cass, Okm:  
July 9<sup>th</sup> 1838.

M. A. Lenoir Esq,  
A. S. I. M.

Sir, -

Your property  
and Camp & Garr. Equipage Returns  
for the last Quarter have been received  
at this Office, examined previous to their  
transmission to Washington, and found  
to be correct with the exception of the  
accompanying Voucher to the Camp & Garr.  
Equipage Return, to the certificate and  
Receipt of which the signature of  
Capt. Watts is required,

for Lieut. A. R. Hethel,  
A. D. Master,  
C. Hethel

Hort Payne et al  
July 17<sup>th</sup> 1838

W A Lewis Esq.  
A A C S

Sir

I forward several  
Boxes to your post, by which please  
forward all the Flour and Bacon in  
your possession, to the business agent  
at Newburgville,

You will please make out Bills of  
Lading and in weighing your meats  
send a correct Memorandum of the  
number of pieces kind and Wt,

Thos. J. Payne  
A A C S

Bill of Sale of Public property sold at Public Auction at Fort Lowell, Ariz.  
 by order of the U.S. Land Office on the 21<sup>st</sup> of July 1858

| Purchasers Names | Articles Sold           |     |    |
|------------------|-------------------------|-----|----|
| John Paly        | 100 Bushels of corn     | 50  | 00 |
| A. Nichols       | 5 Bales of Paper        | 1   | 25 |
| A. Nichols       | 2 Bales of Lard         |     | 15 |
| J. Cook          | 2 Bales of Soap         |     | 25 |
| J. B. Nichols    | 5 Bales of Lard         |     | 25 |
| J. B. Nichols    | 1 Bales                 | 5   | 00 |
| J. B. Nichols    | 1 Bales                 | 2   | 00 |
| J. B. Nichols    | 1 Bales                 |     | 00 |
| Mathew Smith     | 4 Bales of Lard         | 3   | 50 |
| J. B. Nichols    | 2 Bales                 | 2   | 50 |
| L. Hoffmiller    | 2 Bales                 | 1   | 00 |
| J. B. Nichols    | 15 Bales of Lard        | 7   | 10 |
| Richard Brown    | 1 Horse                 | 2   | 00 |
| Wm. Coffey       | 2 Saddle Horses         | 29  | 00 |
| James Wilson     | 1 Horse                 | 66  | 00 |
| John Paly        | 1 Horse                 | 60  | 00 |
| John Paly        | 1 Horse                 | 75  | 00 |
| John Paly        | 1 Horse                 | 54  | 00 |
| John Paly        | 1 Horse                 | 26  | 00 |
| C. H. Smith      | 2 Horses                | 220 | 00 |
| Wm. Coffey       | 2 Saddle Horses         | 3   | 35 |
| John Paly        | 120 pounds of Soap      | 8   | 25 |
| John Paly        | 1 Saddle                |     | 50 |
| A. Nichols       | 2 Saddles               |     | 25 |
| R. Brown         | 1 Saddle                | 2   | 00 |
| James Wilson     | 1 Saddle                | 9   | 00 |
| John Paly        | 1 Saddle                | 11  | 75 |
| C. B. Williams   | 1 pair of Saddle Girths | 1   | 00 |
| John Paly        | 1 Wagon                 | 118 | 00 |
|                  | Public Goods            | 10  | 00 |
|                  |                         | 130 | 15 |

I certify on honor that the above is a true list of the sale of Public Property  
 at Fort Lowell Ariz on the date above specified, pursuant to the authority herein  
 expressed

(J. of Auction)

J. M. Nichols  
 Auctioneer

L-54-39

Requisition for Forage for Public Horses at Fort  
Scott Ala from 1<sup>st</sup> to 30<sup>th</sup> July 1838 - 30 Days

| No of Horses | No of Days | Daily allowance for each Horse |           |        |            | Total allowance |            |        |            |
|--------------|------------|--------------------------------|-----------|--------|------------|-----------------|------------|--------|------------|
|              |            | Corn                           | Stalks of | Hodder | Bundles of | Corn            | Bushels of | Hodder | Bundles of |
| 7            | 30         | 8                              |           | 4      |            | 52½             |            | 840    |            |
|              |            |                                |           |        |            | 52½             |            | 840    |            |

I certify you honor that the above Requisition is correct & just & that there were actually the number of Public Horses specified in the Requisition

W. A. Lenoir  
A. A. M.

Received Fort Scott Ala July 30<sup>th</sup> 1838 from  
W. A. Lenoir A. & M. M. Gold Fifty two and  
a half Bushels of corn and Eight hundred  
& forty Bundles of Hodder in full of  
the above Requisition.

Duplicates

W. A. Lenoir  
A. A. M.

Return of Precious Metals and Minerals during the month of July, 1858  
 Fort Snelling, Minn. (W. A. Lewis) (Not Not - Complementary of Subscribers)

| Date | Ref from whom received | Hear |    | Buen |    | Lath |    | Lyon |    | Buen |    | Buen |    |
|------|------------------------|------|----|------|----|------|----|------|----|------|----|------|----|
|      |                        | to   | of |
| 1858 |                        | 206  | to | 100  | of | 6    | of | 295  | of | 100  | of | 110  | of |
| 206  | to                     | 100  | of | 700  | of | 100  | of | 700  | of | 100  | of | 110  | of |
|      | to                     |      | of |
|      | to                     | 2    | of | 1800 | of |      | of | 1000 | of | 100  | of |      | of |
|      | to                     | 27   | of | 2000 | of | 6    | of | 292  | of | 100  | of | 110  | of |
|      | to                     |      | of |
|      | to                     | 3    | of | 400  | of | 10   | of | 200  | of | 100  | of | 110  | of |
|      | to                     | 34   | of | 700  | of | 5    | of | 270  | of | 100  | of | 100  | of |
|      | to                     |      | of |
|      | to                     | 37   | of | 2000 | of | 6    | of | 292  | of | 100  | of | 110  | of |
|      | to                     |      | of |
|      | to                     | 37   | of | 2000 | of | 6    | of | 292  | of | 100  | of | 110  | of |
|      | to                     |      | of |

I certify on honor that the above Return is correct.  
 (W. A. Lewis)  
 W. A. Lewis  
 A. A. Col.

Return of Provisions Received Since October 1st Remaining on hand at Fort Scott, Oklahoma during the month of June & July 1887 by W. A. Lewis, A. G. S. and in the presence of Lieut. Charles Arthur, A. G. S. West Army.

| Date                                | No. of Pkts | For what Service           | Flour |      | Sugar |      | Salt |      | Lard |      |    |      | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|                                     |             |                            | lb    | pkts | lb    | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb   | pkts | lb | pkts |
| Aug 1                               | 1           | for bands for Army Station | 51    | 40   | 5515  | 1    | 8    | 20   | 39   | 14   | 97   | 11   | 46   | 12   | 165  | 74   | 27   | 28   | 1    | 17   | 3    |      |    |      |
| 2                                   |             | for C. Anderson            |       |      | 3124  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| 3                                   |             | for bands for Army         |       |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| 4                                   |             | for W. A. Lewis            |       |      |       |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| 5                                   |             | for C. Anderson            |       |      | 2911  |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
|                                     |             | for samples                | 2     | 714  | 114   | 8    |      |      |      |      |      |      | 15   | 44   |      |      |      |      |      |      |      |      |    |      |
| Total to be accounted for           |             |                            | 53    | 1112 | 1063  |      | 8    | 20   | 39   | 14   | 158  | 11   | 103  | 54   | 5    | 20   | 163  | 74   | 53   | 17   | 1    | 17   | 3  |      |
| Lard to troops in form of Abstract  |             |                            | 13    | 172  | 1487  | 5    | 1    | 13   | 90   |      | 80   |      | 90   |      | 5    | 30   | 23   | 19   | 28   | 2    |      |      |    |      |
| Lard to Anderson for Abstract       |             |                            | 13    | 57   | 503   | 0    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| Lard to Co. for Abstract            |             |                            |       |      | 20    |      |      |      |      |      |      |      |      |      |      |      | 15   |      |      |      |      |      |    |      |
| Lard to Officers for Abstract       |             |                            |       |      | 20    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| Lard to Troops for Abstract         |             |                            | 3     | 69   | 438   |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |    |      |
| Lard to the C. Anderson for samples |             |                            | 24    |      | 700   |      | 5    | 20   | 24   | 1    | 500  |      | 700  |      |      |      | 100  |      | 25   |      | 1    | 17   | 3  |      |
| Postage on orders                   |             |                            |       |      |       |      |      |      |      |      |      |      |      |      |      |      | 5    | 18   |      |      |      |      |    |      |
| Total Received                      |             |                            | 53    | 1112 | 1063  |      | 8    | 20   | 39   | 14   | 158  | 11   | 103  | 54   | 5    | 20   | 163  | 74   | 53   | 17   | 1    | 17   | 3  |      |

It certifies on honor that the above Return is correct  
 W. A. Lewis  
 A. G. S.





List of Quarter Master Stores expended in Public  
service at Fort Lowell Ma under the direction of  
of Mr. A. Lenoir A. A. D. M. A. P. Vols during the  
period commencing 1<sup>st</sup> July and ending the 14<sup>th</sup> August 1838

- 9 Baskets of Corn      Lost in Issues
- 33 Bundles of Fodder      "      "      "

I certify that the several articles of Quarter  
Master Stores above enumerated have been  
necessarily expended in the Public Service at Fort Lowell  
Ma as indicated by the Remarks annexed to each  
respectively

Examined & Countersigned  
by  
Thos. J. Watts  
Capt A. A. Vols

Mr. A. Lenoir  
A. A. D. M. A. P. Vols

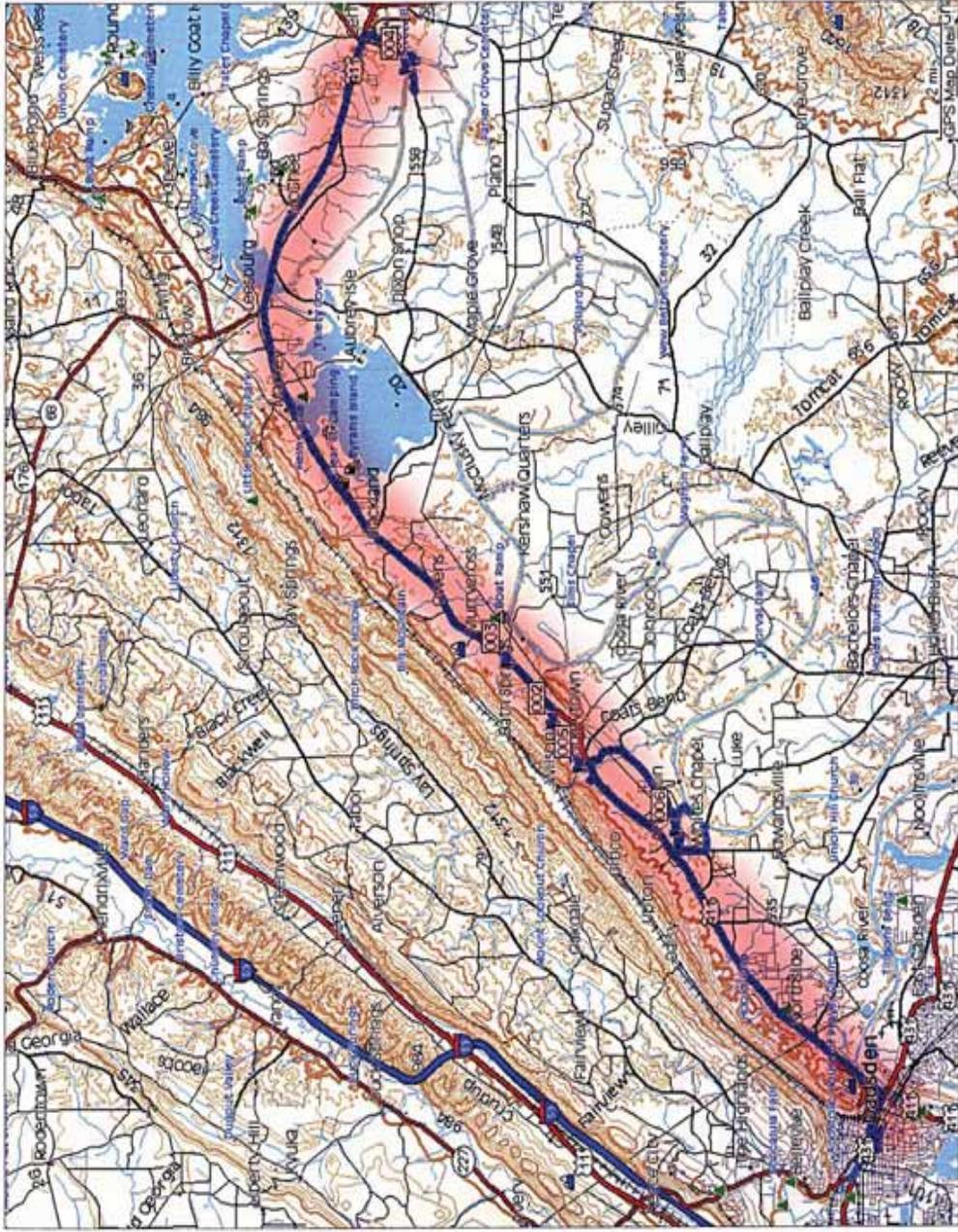
## Fort Turkeytown

The search for Fort Turkeytown has been the most difficult, because thus far, we have found no primary source documents naming a specific location that was associated with the fort, other than the fact that the fort was named Turkeytown. Even the exact location of the Cherokee settlement of Turkeytown has long been somewhat of a mystery. Turkeytown has been listed as a town, as a meeting place, as an area all the way from Gadsden, Alabama to Centre, Alabama along the Coosa River, as an area south of the Coosa River to the Cherokee-Creek Boundary Line, and as the location of a removal fort.

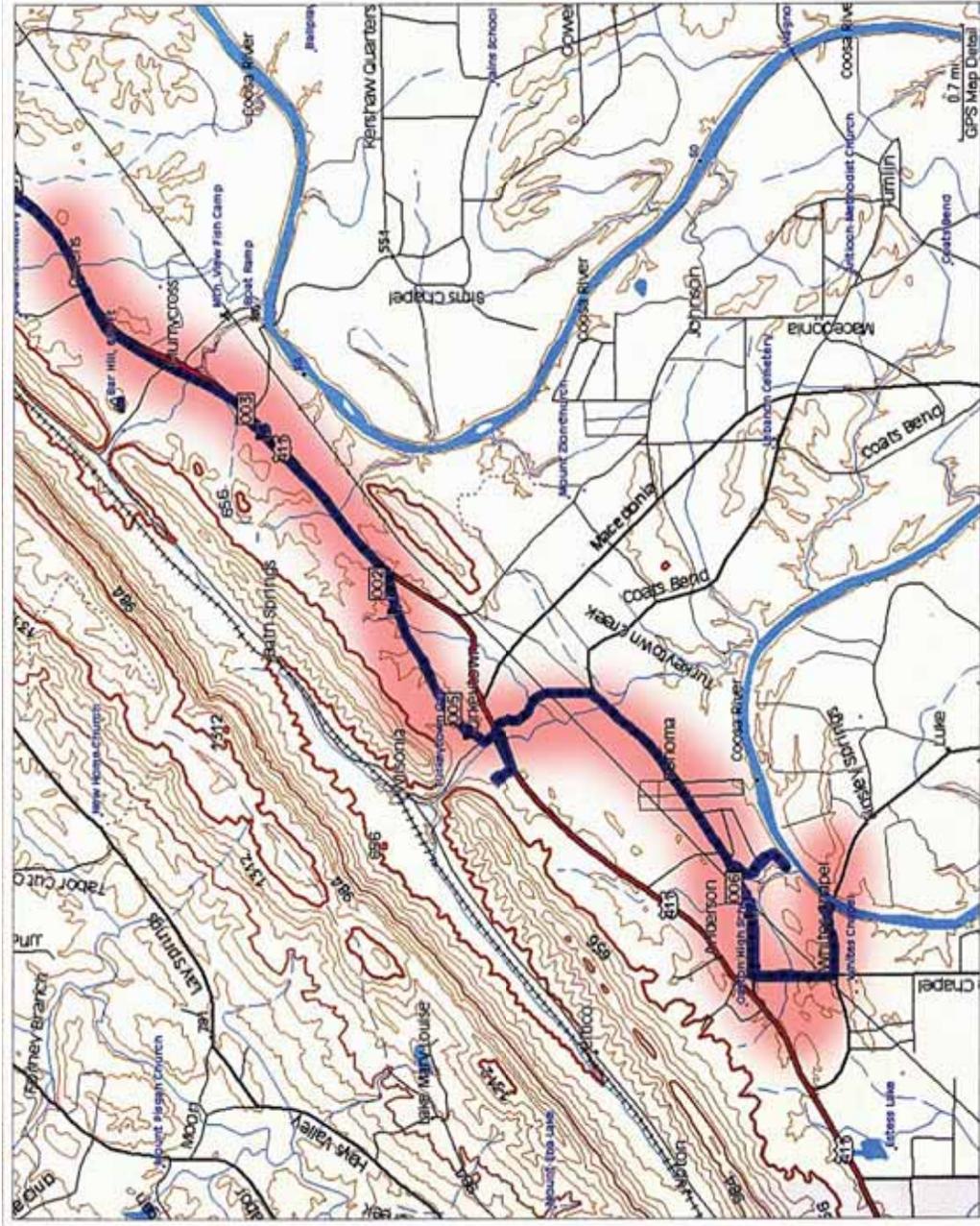
Amos J. Wright, Jr. spent much of the later part of his life researching maps in order to locate historic Indian towns in Alabama. Wright's research revealed that seven maps placed its location near Gadsden on the east bank of the Coosa River and 31 maps placed Turkey Town on the east or west bank of the Coosa River at or about the mouth of Terrapin Creek near Centre, Alabama (Wright 2003: 166).

Research into the history of Turkeytown revealed the following information. John McDonald, a trader for Pantan & Leslie Company, wrote in 1794 that Turkey Town was a lower Cherokee town. Principal Chief Pathkiller operated a ferry across the Coosa River somewhere near the Town (See Chapter 8 for description, Coosa River Ferry #8). Missionaries at Brainard Mission near Chattanooga stated that Pathkiller and many other old chiefs lived at Turkey Town in 1822. They stated that the town was actually 30 or 40 miles long. The earliest location of Turkey Town was called Little Turkey's Town after Chief Little Turkey (Malone 1956: 75, 199; Phillips and Phillips 1998: 402, Wright 2003: 165). The Scott map in 1795 located Little Turkey's Town on the east bank of the Coosa River northeast of Wills Creek in present-day Etowah County. The John Melish maps of 1815 and 1818 located Turkey's Town on the Coosa River a few miles north of the mouth of Will's Creek (present-day Gadsden. Swanton stated that the town was located on the west bank of the Coosa River opposite modern-day Centre, Alabama in Cherokee County (Swanton 1953: 221). Mike Wren's research has uncovered that Pathkiller moved from his original ferry near the old town site of Turkeytown, to a later ferry site near Centre, Alabama, sometime after 1820. If location was tied to specific dates, then why would a USGS map compiled in 1883 still list Turkey Town near its Gadsden location?

Mike Wren contacted Jerry Jones, a (very) long time historian in Etowah County to answer some of our questions. Danny Crownover, the president of the Etowah Historical Society was also brought into the quest for Fort Turkeytown. On December 1<sup>st</sup>, 2007, several members of the Alabama Chapter went on a field trip with Danny and Jerry to view and GPS the sites they have located that are associated with the Turkeytown near Gadsden. They identified the sites where Little Turkey lived, the Turkeytown Council House site, James Lasley's Log Cabin. All of these were a few miles northeast of Gadsden. They further identified the second Pathkiller ferry site and his grave in the Garrett Cemetery on a hill above the Coosa River. On the next three pages is a map of GPS waypoints taken during this field trip. On the following three pages are the John Melish Maps of 1815 and 1818, followed by a USGS 1893 Topographical map, compiled from a survey in 1884, still showing the site of Turkeytown.

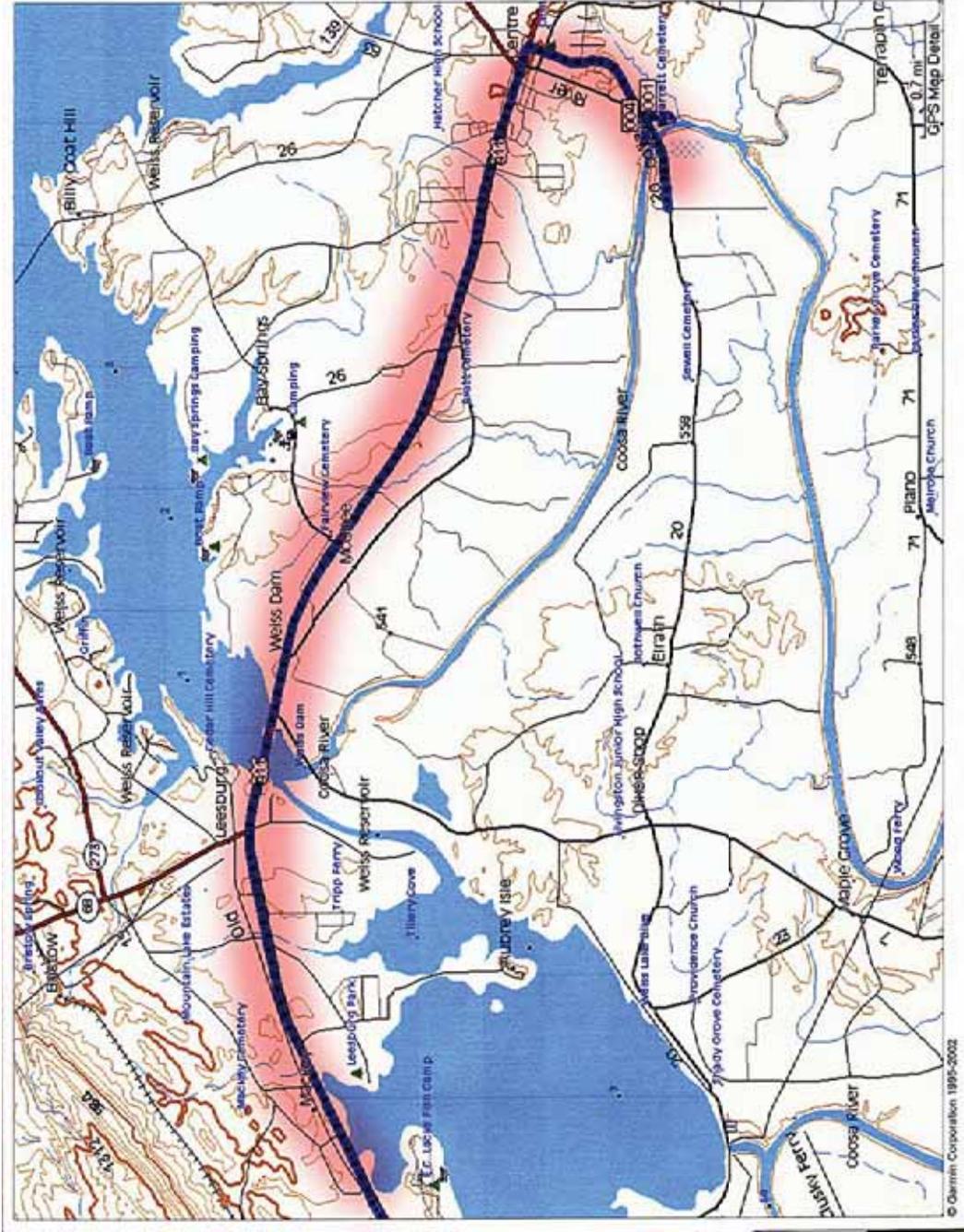


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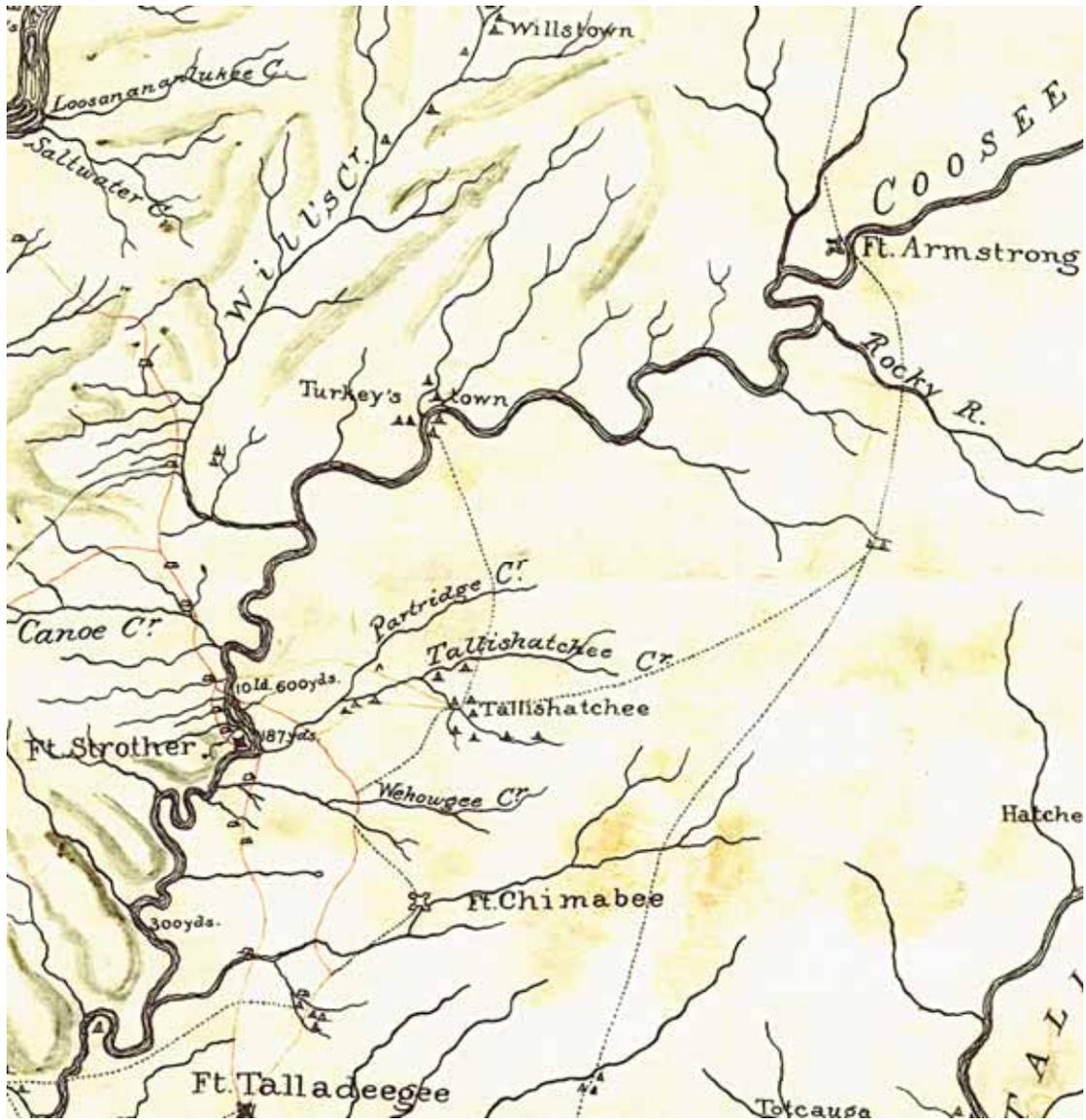


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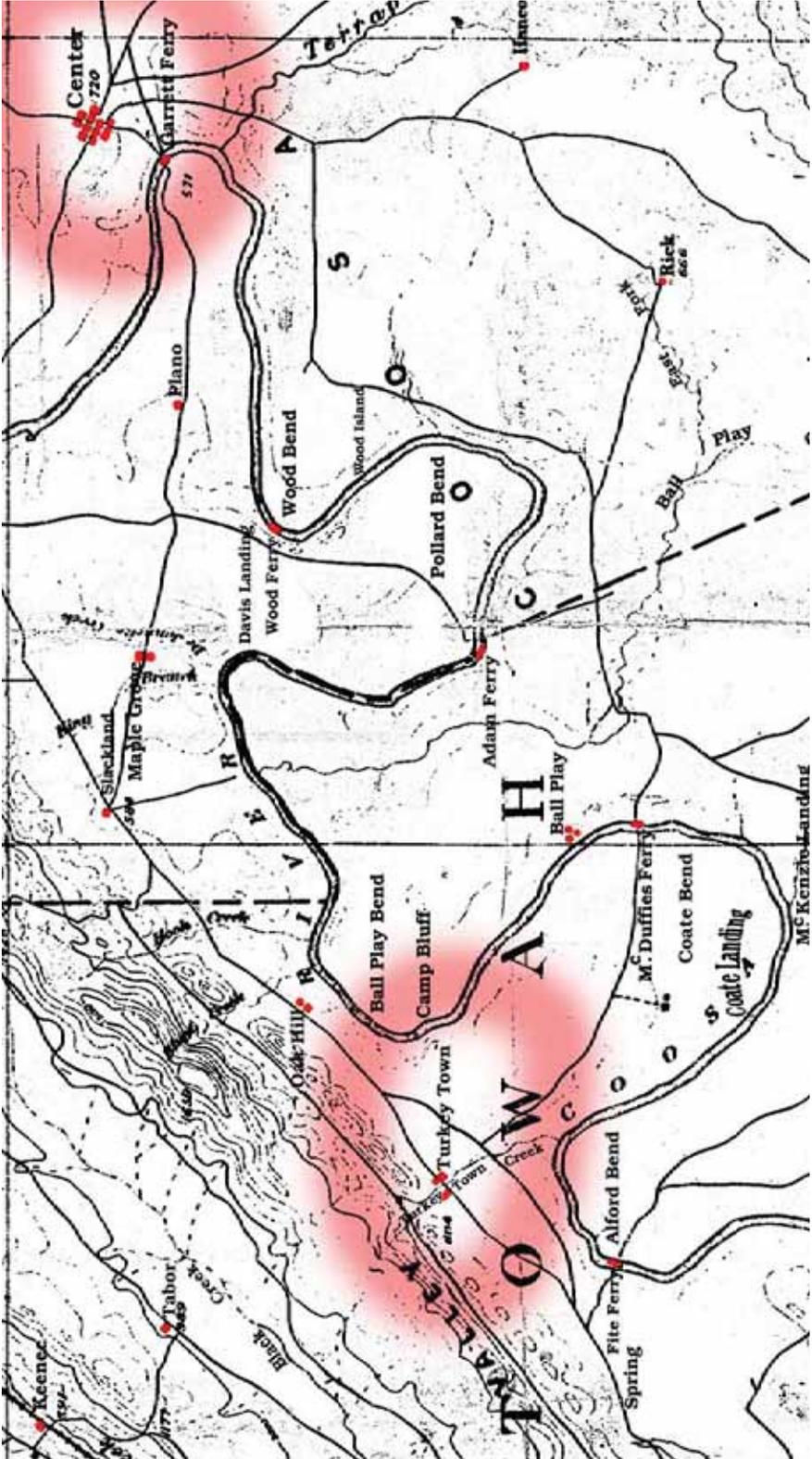
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John Melish 1815 map of the Georgia-Florida border region. Cartographic Research Laboratory, Department of Geography, University of Alabama at Tuscaloosa, Alabama.



John Melish Map of the Cherokee Nation, constructed from the surveys in the General and Office and other documents, Department of Geography, University of the State of Georgia, Tallahassee, Florida



Historical File Map Topographic Division Fort Payne Sheet Edition of 1893

## Chapter

### Summary and Conclusions

By Gail King

This report has been of the longest duration that any of us connected with the research has probably ever endured. At every turn, there was a new document to add to our humongous piles of research materials which either added to our report or changed a section of the report already finished. We have all silently thought to ourselves and openly to each other, if there could only be one location to archive all of the primary source documents to make research easier, less time consuming, and much more accurate. I have sifted through my rather large library of secondary publications and found many discrepancies in material written about the exact same event, dates, and even interpretations of the same primary source document. Human error or deviation will always be present, but some is due to lack of digging deep enough to check out sources in secondary publications. Many secondary publications do not even give their source of information.

What I have learned from this project is that computer programs we all thought were compatible tend to die or become extremely uncontrollable when taken from one computer system to another. Merging everyone's writings into one computer system has required hundred of hours and sometimes a lot of hair pulling. Everyone has had a phone call at one time or another asking for a different way of sending their writings, not just through e-mail. It took a while for everyone to realize that we don't have high speed internet and that our server often kicks out huge downloads. After several months, things began to flow more smoothly, until all of the chapters were merged into one combined document. What this report represents is not just the hours of research in primary source documents, traveling to numerous locations and finding only parts at each location of what we needed as a whole, sorting through secondary publications and comparing their writings, but finalizing the report into a linked, compatible format to make sense to the National Park Service and the vast audience of Indian Removal researchers, scholars, and just everyday people who should be educated about the removal of the Southeastern Indians from their homeland.

Since the American Revolution, the Cherokee Nation often became divided on many issues. Factions came and went. Land cessions were probably the most controversial, but acquiring white culture through civilization programs versus retaining Cherokee traditional lifeways and values often caused splits. The civilization programs were linked to Indian Agents and missionaries from various protestant denominations. The last and most devastating split in the Cherokee Nation before removal was due to its forced relocation to the West of the Mississippi River.

Vicki Rozema in her 2004 presentation to the Ninth Annual Trail of Tears Association Conference in Catoosa, Oklahoma summarized the Cherokee and Creek Removal in the following statement:

Historians have listed many causes of the Creek and Cherokee removals of the 1830's. These include ethnocentrism, land fraud, discovery of gold in the Georgia mountains, states rights issues, the perceived threat of sovereign governments within the borders of autonomous states, western expansion, depletion of eastern soils due to poor agricultural practices, and other reasons.

Leading white businessmen, politicians, and military leaders coveted Cherokee and Creek lands not just for agricultural purposes or for their gold mines, but also for their location along strategic waterways and transportation routes. The Cherokee and Creek nations were obstacles to their pursuit of economic trade and their desire to build postal and military roads.

Lieutenant Charles Noland, U.S. Disbursing Agent for Removal of the Cherokee People from Georgia, Tennessee, North Carolina, and Alabama, wrote in January 1835 the following concerns in his diary:

Georgia continues to legislate them out of their lands and in fact out of their (esteem?), a righteous Heaven will award a just reward. I can't but feel for the Indians. The white population is flowing in on them in torrents. Georgia and North Carolina pressing them on one side. Tennessee and Alabama on the other. They must emigrate or perish. Fate has decreed it. I lost no opportunity of impressing upon them, the Majesty of this measure. They, however, appear chained to the land of their forefathers. I cannot blame them for it, 'Tis natural.

The Cherokee Removal in Alabama was not as turbulent as that occurring in the State of Georgia, but when the spoliations claims for the Benge Detachment are read, the claimants use words such as "arrested or captured by the troops." They had to immediately leave their homes with no preparations for closing up their homes, feeding their animals, or taking essentials for the trip. To put ourselves in their places is unthinkable. How would people react today in being removed by the same methods, losing all they had worked to build or achieve, and face the possibility of death from exposure or disease?

#### Alabama Removal Sites Needing Additional Research

There are several sites that still need to be researched and located. We have a tremendous amount of information on Fort Lovell in military documents, know the approximate location with a lead to a possible site, but we still do not know the exact location. Fort Turkeytown still remains a mystery; however, it seems impractical that it would have been placed near Centre (where so many sources say Turkeytown was located), because of Center's close proximity to Cedar Bluff.

A letter written from Camp Chattooga, dated April 23, 1838, by John Spencer, AAQM, Ala. Vols. to Lieut. A. R. Hetzel certainly sparks another research quest. John Spencer a few days later wrote letters from Fort Likens, Alabama on May 1<sup>st</sup>, 1838, May 11<sup>th</sup>, 1838 and May 29<sup>th</sup>, 1838. Headthrower Watts, who emigrated in the Benge Detachment, stated the following: "was taken by troops to a Fort or Garrison on the Chatooga to keep us in about three miles from where I lived." See Chapter 6, Spoliation Claims of Cherokees Residing in Alabama. There are many records which mention a campground on the Chatooga River, a campground where a Cherokee Council was once held, and a Methodist campground. Research in the area around Gaylesville, Alabama could yield information about where Headthrower Watts was taken.

The report has brought knowledge about the Cherokee Removal in Alabama a tremendously long way, but there are still many loose ends that need to be tied together in order to fit the rest of the puzzle together.