

THE CHEROKEE EMIGRANTS IN MISSOURI, 1837-1839

BY B. B. LIGHTFOOT*

At irregular intervals from the fall of 1837 through the winter of 1838-39, starveling bands of Cherokee Indians wound their way across southern Missouri to new lands above Fort Gibson in Indian Territory. Cheived from their homes in Georgia by federal troops and Georgia militia, they joined the other eastern tribes on the road to the west. The story of the removal of any tribe is a story of heartbreak and pathos, but the Cherokees, by the dignity of their resistance and the great suffering attendant upon their removal, have become a symbol of the agony of a race.

When the forced movement began, with the official adoption of the policy of removal in 1825, the Cherokees were already a divided nation. A portion of the tribe, accepting the terms of Jackson's treaty of 1817, had moved west to the upper reaches of the Arkansas River.¹

The great majority however, had rejected the government's offer of land in the west, free transportation, a kettle, gun, blanket, and a year's supply of food, and remained on their ancestral lands in North Carolina and Georgia.² Here, occupying some of the most fertile lands in the United States, they had adopted American dress and were acquiring with the aid of missionaries American education and American techniques of agriculture.

In 1829 the Cherokees in the East numbered some 15,000 persons and owned 22,000 cattle, 1,300 slaves, 2,000 spinning wheels, 700 looms, 31 grist mills, 10 saw mills, eight cotton gins, and 18 schools. They had been supplied by the famous George Guess (Sequoyah) with a syllabic alphabet in which religious tracts, bibles, and works of non-fiction were published on the press of the national newspaper, the *Cherokee Phoenix*.³

For two years, while the federal government concentrated on the removal of the neighboring Creek Indians, the Cherokees were not

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¹Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman, 1938), 5; James Mooney, "Myths of the Cherokee," *Nineteenth Annual Report of the Bureau of American Ethnology, 1897-98* (Washington, 1900), XIX, Part 1, 102-3.

²Ray Allen Billington, *Westward Expansion* (New York, 1952), 312.

³*Ibid.*, 311-16.

molested; but in 1827 they created a situation which could be used to justify action against them. On July 26, 1827, the tribe, in council at New Echota, Georgia, wrote a constitution for the Cherokee Republic, and within a month had elected its first president, Charles R. Hicks.

The Constitution of the United States forbids the erection of a new state within the borders of an existing state without the consent of that state. Georgia had not been asked for her consent. Therefore, the Georgians reasoned (spurred by the news of the discovery of gold on the Cherokee lands) that the Cherokees could be properly punished only by being forced to give up their lands. In December, 1827, the Georgia Legislature adopted resolutions demanding the help of the national government in expelling the Indians; Congress appropriated \$50,000 for their removal; and agents were sent among the tribesmen offering land in the west, transportation, a blanket, a rifle, five pounds of tobacco, a year's supply of food and \$50 in cash to every Indian who would move. The tribesmen did not accept this offer. They petitioned for federal protection against the state authorities.

In 1828, however, Andrew Jackson became President and in his inaugural address promised speedy enforcement of the removal policy. Georgia took further action. The State Legislature passed resolutions declaring that after January 1, 1830, all the state's laws would be applied to the Indians. All the laws and customs of the Indians were declared null and void. Any person of Indian blood or descent living in the Cherokee country was prohibited from being a witness in, or party to a lawsuit where the defendants were white men. The Cherokee country was to be surveyed and divided into farming lots of 160 acres each, and gold claims of forty acres. Once surveyed, the lands were to be distributed by lottery, with each white citizen of the state receiving one ticket. And, finally, in legislation aimed at the missionaries working among the Indians, all white men found living on Cherokee property within the Georgia boundaries after the first day of March, 1830, without having taken an oath of allegiance to the state of Georgia, and without possessing a license from the governor, or his agent, were to be sentenced to not less than four years at hard labor.⁴

In May, 1830, the Federal Government added its weight to that of the state of Georgia. Congress passed the Removal Bill, which authorized the President to remove any eastern tribe to trans-

⁴Robert S. Walker, *Torchlights to the Cherokees* (New York, 1931), 257-58.

Mississippi lands, by force if necessary. The Cherokees turned to the federal courts for help, but were informed by the Supreme Court that they did not constitute a foreign nation within the meaning of the Constitution, and, therefore, had no right to bring suit before the court.

Though rejected in their own persons, the Cherokees obtained a hearing before the court when two of the missionaries working among them, Samuel A. Worcester and Elizur Butler, who had been arrested and sentenced to four years at hard labor under the state law mentioned above, refused to accept the pardon of the Governor of Georgia and carried their case to the Supreme Court on a writ of error. On February 23, 1832, Chief Justice John Marshall declared the Georgia law null and void, and issued a mandate for the release of Worcester and Butler. No effort was made by the administration to enforce this decision, the Supreme Court of Georgia refused to obey the mandate, and the Cherokees were finally deprived of the protection of the federal government.

The drawing for Cherokee lands began October 22, 1832. The federal government stopped the payment of annuities due under the treaty of 1817, debts owed to Cherokees were declared canceled by the Georgia courts, and the winners of the state lottery seized the land and the homes they had won. Under this pressure, small parties of Cherokees were prevailed upon to accept removal, and, escorted by army officers, were carried by flatboat and steamer from Gunter's Landing on the Tennessee down the Ohio and Mississippi to Montgomery's Point at the mouth of the White, where they transferred to steamers for passage up the Arkansas to Fort Gibson.⁵ However, by 1835, not more than 1,000 persons of all ages had been removed under these conditions.

Regular meetings of the Cherokee Council refused to treat with agents of the federal government, or accept proposals for removal. The Indian Nation held firm to the opinion expressed by Samuel Worcester in a letter to the Secretary of War as early as 1830.

It is said, abroad, that the common people would gladly remove but are deterred by the chiefs, and a few other influential men. It is not so. I say, with the utmost assurance, it is not so. Nothing is plainer than that it is the earnest wish of the whole body of people to remain where they are. They are not overawed by the chiefs. On the other hand, if there was a chief in favor of removal, he would be overawed by the

⁵Grant Foreman, *Indian Removal* (Norman, 1950), 229-30.

people. He would know that he could not open his mouth in favor of such a proposition but on pain, not only of the failure of his reelection, but of popular odium and scorn. The whole body of national feeling sets in one strong unbroken current against a removal to the west.⁶

For five years the Cherokees held out. Delegations to Washington under the firm guidance of John Ross refused to treat for removal and petitioned for the recognition of their rights by the federal government. At the semi-annual councils of the nation, the representations of agents of the federal government were rejected, and resolutions asserting the will of the people to remain in their homes were passed.

But in 1835 the united front was broken. A handful of leading tribesmen, feeling that resistance was futile and resolved to make the best bargain they could for their people and themselves, negotiated terms for a treaty of removal with the agents of the federal government, the Reverend John F. Schermerhorn and General William Carroll. The treaty was, however, rejected by the council. Schermerhorn spent the summer and autumn in fruitless attempts to get the document ratified; and, failing, circularized the Cherokee Nation informing them that one more council would be held in December, 1835, with the understanding that absentees would be counted in favor of any treaty made.⁷ John Ross was seized and held prisoner for 12 days to prevent his going to Washington to protest, and the *Cherokee Phoenix* was silenced by Georgia authorities, yet on the appointed day no more than three hundred Indians assembled. Major William M. David, appointed to enroll the Indians for removal, described what happened.

Sir that paper . . . called a treaty, is no treaty at all because it is not sanctioned by the great body of the Cherokee 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 by 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. . . . The most cunning and artful means were resorted to to conceal the paucity of numbers present at the treaty. No enumeration of them were made by Schermerhorn. The business of making the treaty was

⁶Walker, *Torchlights to the Cherokees*, 254-55.

⁷Marion L. Starkey, *The Cherokee Nation* (New York, 1910), 261-67.

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 Cherokee accidentally picked up for the purpose.⁸

And General John Ellis Wool described the reaction of the tribe:

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. Many have said they will die before they will leave the country.⁹

All protests were in vain. The Senate ratified the treaty by one vote. The resolutions of protest adopted by the Indians were rejected by President Jackson, who rebuked General Wool for transmitting "a paper so disrespectful to the executive, the senate, and the American people," and Jackson declared his settled determination that the treaty should be carried out with dispatch.

Under the terms of this document, called variously the "Treaty of New Echota" and the "Schermerhorn Treaty," the Indians were to evacuate their lands in the East, receiving equivalent acreage west of the ninety-fifth meridian in what is now eastern Oklahoma. They were to receive \$4,500,000 for their lands, and to be moved at the expense of the federal government. The migration was to begin as soon as possible, and all Indians who had not removed voluntarily by May 23, 1838, were to be removed by force.

The Cherokees had, since 1830, seen their farms stolen and their homes destroyed. Some had been arrested without cause. One, at least, had been hanged by the Georgia authorities in defiance of a federal court order. The great majority had lost most of their property, and many had been forced to flee into Tennessee for safety.

⁸Charles C. Royce, "The Cherokee Nation of Indians," *Fifth Annual Report of the Bureau of American Ethnology, 1883-84* (Washington, 1887), V, 285.

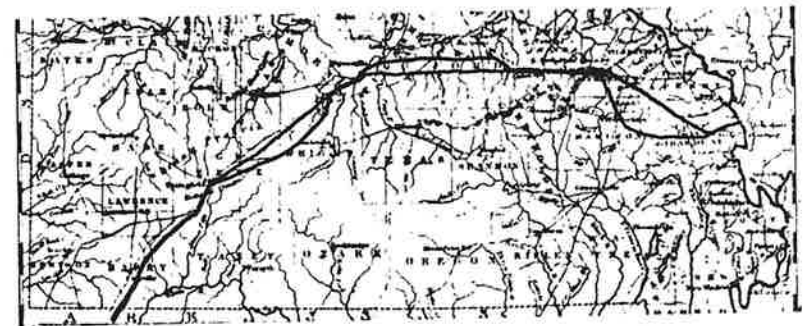
⁹*Ibid.*, 286.

Now, under a fraudulent treaty, they were to be expelled from lands that generations of their ancestors had called home.

Under the direction of General Wool, compounds to house the migrants were prepared near Ross's and Gunter's Landings on the Tennessee, and at the Cherokee Agency on the Hiwassee River. But only a few came in to be moved, and those were mostly of the treaty party, followers of Major John Ridge and the Waties. The journal of Dr. Lillybridge, the physician in attendance upon the first of these parties, describes their migration. Consisting of 466 persons, including some of the signers of the treaty, this party departed by flatboat from Ross's Landing (near Chattanooga) on March 3, 1837. At Gunter's Landing they were taken in tow by a steamer, the *Knoxville*, which carried the party as far as Decatur. From Decatur to Tusculum the party traveled by rail, and then took to the river again. By steamer they dropped down the Mississippi to Montgomery's Point where they entered the Arkansas; reaching Fort Smith, most of the party disembarked on March 28.

The second party, numbering 365 persons, was conducted overland by B. B. Cannon. As this was the first party to pass through Missouri, we shall follow its travails in some detail.

Cannon's party left the Cherokee Agency on October 14, 1837, crossed the Hiwassee River at Calhoun, and reached the Tennessee River on the second day of the journey. Crossing the Cumberland Mountains took four days, and then the route led through McMinnville, Murfreesboro, and Nashville, in Tennessee; to Graves, Hopkinsville, Princeton, and Salem, in Kentucky, and then to Berry's Ferry on the Kentucky shore of the Ohio opposite Golconda. Following the Golconda road west, the party reached the Mississippi on November 12 and began crossing to the Missouri side. The



Cherokee "Trail of Tears" Across Missouri

crossing took two days, and after one day's rest, the wagons moved out for Jackson, which they passed through on November 16.¹⁰ The night of the 16th the emigrants camped at the "Widow Roberts" on the road to Farmington, and in journeys of 13 to 16 miles a day crossed White Water Creek and Wolf Creek to reach Farmington on November 20.¹¹

From Farmington the route led through Caledonia and the Courtois Diggings, toward the Meramec River crossing near Massey's Iron Works (southeast of the modern town of St. James). But the iron works were not reached until December 6. Illness, which had stalked the party since it left Georgia, seized the train on November 25 in its camp on Huzza Creek, and the attending physician, Dr. G. S. Townsend,

found the increasing number of cases rendered it absolutely necessary for the detachment to discontinue its march in order that I might have some chance to combat with the formidable and overwhelming disease that seemed to threaten the party with destruction.¹²

Sixty persons were ill with what Dr. Townsend described as "violent attacks of dysentery and Bowel complaints, of a dangerous character,"¹³ and from November 26 until November 29 Cannon's "Journal" records only the dismal refrain "Sickness continuing and increasing," "sickness still increasing," and on November 29 the additional note, "Buried Corn Tassels' child today." On November 30 the fever began to abate, and by December 4 the march could be resumed. Dr. Townsend reported that at the height of the epidemic two-thirds of the company was affected, but he must have done valiant work, for Cannon records only five deaths between November 25 and December 8. Weakened by its bout with dysentery and hampered by extreme cold and a shortage of fodder for the

¹⁰B. B. Cannon, "Journal of Occurrences", Records of the Bureau of Indian Affairs, Letters Received, 1837. Cherokee Emigration, (file C-553). Photostat in the archives of the State Historical Society of Missouri, Columbia, Missouri. Cannon gives no specific place for the crossing, but John S. Kochitzky in his "Removal of the Cherokee Indians in 1838-39. An account of their passing through Cape Girardeau County," (1935), a typescript in the possession of the State Historical Society of Missouri, identifies the place where the Golconda road from Jackson, Missouri, comes to the river as Moccasin Springs. In the vicinity were two ferries, Green's Ferry and Willard's Landing. As Cannon's "Journal" mentions that his party passed through Jackson it is reasonable to assume that they also used this crossing.

¹¹*Ibid.*

¹²Letter of G. S. Townsend, dated "Cherokee Agency, January 25, 1838," Records of the Bureau of Indian Affairs, Letters Received, 1838. Emigrating Cherokee, (T-241). Photostat in the archives of the State Historical Society of Missouri.

¹³*Ibid.*

livestock, the party limped through Waynesville on December 9, crossed the Gasconade River on the 10th, and, passing above the James fork of the White River, entered Springfield on the 16th. It snowed the next day, and two of the party died, but the wagons made 10 miles down the wire road to the home of a "Mr. Dyes." Dr. Townsend sent back to Springfield for medicine, and after one more death the party resumed its march on the 19th.

Eight more days of travel on a route leading across Flat Creek to Cross Hollows and Cane Hill brought the party into the Cherokee lands, and on December 28 the Indians refused to go farther. Two more children had died on the journey, and before the remustering had been completed two more were buried. In the course of the journey, which had taken 77 days, 15 persons, including 11 children, had died and more might have been lost had it not been for the labors of Dr. Townsend. For his part, Dr. Townsend's reaction to the journey is summed up in the letter previously quoted:

The experiment just made of land transportation will not justify repetition, either on account of economy, expedition or comfort to the Emigrants. . . .

The party conducted by B. B. Cannon was composed of tribesmen who had come in voluntarily to be moved, but persons who complied with the treaty numbered less than 2,000. The great majority, adopting a policy of passive resistance, tilled such lands as were left to them, lived as best they could and hoped for public sympathy to avert the day of forced removal.

On May 23, 1838, General Winfield Scott ordered the removal of the tribe by force.

Squads of troops were sent to search out with rifle and bayonet every small cabin hidden away in the coves or by the sides of mountain streams, to seize and bring in as prisoners all the occupants, however, and wherever, they might be found. Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade. Men were seized in the fields or going along the road, women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage.¹⁴

¹⁴Mooney, "Myths of the Cherokee," 130.

By June 16, General Scott reported that nearly all the Cherokees had been taken prisoner. Some escaped into the hills of North Carolina, where their descendants still live, but Scott had nearly 15,000 in his concentration camps.

Three parties, totaling approximately 2,779 persons, were sent west under the escort of army officers and Indian agents between June 6 and 17, by flatboat and steamer. Of the three parties dispatched in June, only one, the first, suffered no deaths. The second detachment, under Lt. R. H. K. Whiteley lost 70 persons in three weeks, while the third lost 357 persons, most of them by desertion, before it reached Little Rock.

The approach of the cholera season and the beginning of a long drought, which dried up the streams and made overland travel impractical, caused General Scott to accede to a request by the leading men of the tribe that removals be halted until fall. He also agreed to let the tribe, under the supervision of John Ross, move itself. Under Ross's supervision the remaining tribesmen were divided into 13 parties, each headed by a conductor who was assisted by wagon masters, farriers, commissaries and physicians. Wagons to carry property and the ill were also provided at an estimated expense of \$66 per person, \$65,880 per detachment.¹⁵ The distance to be traveled was 800 miles, and it was estimated that 80 days would be needed, but none of the companies completed their journey in less than four months, and one party was more than six months on the road.¹⁶

A letter from George Hicks, one of the Cherokee conductors, to John Ross reflects the feelings of the tribesmen at their departure and describes some of the problems that attended the beginning of their journey.

It is with sorrow that we are forced by the whitemen to quit the scenes of our childhood. . . . From the little trial we have made in a start to move we know that it is a laborious undertaking, but with firm resolution we think we will be able to accomplish it if the white citizens permit us. But since we have been on our march, many of us have been stopped and our horses taken from our teams for the payment of unjust and past demands; yet the government says we must go, and its citizens say you must pay me, and if the debtor has not the means, the property of his next friend is levied on, and yet the Government has not given us our

¹⁵Wardell, *A Political History of the Cherokee Nation*, 11.
¹⁶*Ibid.*

spoliation promised; our property has been stolen and robbed from us by the white men and no means given us to pay our debts.¹⁷

The migration began at Rattlesnake Springs, about two miles south of the Hiwassee River near Charleston, Tennessee.

It was like the march of an army, regiment after regiment, the wagons in the center, the officers along the line, and the horsemen on the flanks and at the rear.¹⁸

The Tennessee River was crossed at Tucker's Ferry, at the mouth of the Hiwassee, then the route lay south to Pikesville, through McMinnville, and on to Nashville, where the Cumberland was crossed. We have a description of one party of the migrants from "A Native of Maine Traveling in the Western County."

The last detachment which we passed on the 7th embrace [*sic*] rising two-thousand Indians with horses and mules in porportion. The forward part of the train we found just pitching their tents for the night, and notwithstanding some thirty or forty wagons already stationed, we found the road litterally [*sic*] filled with the procession for about three miles in length. The sick and feeble were carried in wagons . . . a great many ried [*sic*] on horseback and multitudes go on foot, even aged females, apparently nearly ready to drop in the grave were traveling with heavy burdens attached to the back—on sometimes frozen ground, and sometimes muddy streets, with no covering for the feet except what nature had given them. . . . We learned from the inhabitants of the road where the Indians passed that they buried fourteen or fifteen at every stopping place, and they make a journey of ten miles per day only on an average.¹⁹

The route crossed the Ohio by ferry near the mouth of the Cumberland and passed through southern Illinois to the Mississippi, opposite Cape Girardeau.

The lapse of over half a century had not sufficed to wipe out the memory of the miseries of that halt beside the frozen river with hundreds of sick or dying penned up in wagons or stretched on the ground, with only a blanket overhead to keep out the January blast. The crossing was made at last

¹⁷Foreman, *Indian Removal*, 305.

¹⁸Mooney, "Myths of the Cherokee," 132.

¹⁹Foreman, *Indian Removal*, 305-6.



Oklahoma Historical Society

Cherokee Emigrants

in two divisions, at Cape Girardeau and at Green's Ferry, a short distance below, whence the march was on through Missouri to Indian Territory. . . .²⁰

After crossing the Mississippi at Green's Ferry and Willard's Landing, the Cherokee columns (except two which swung south from Jackson, Missouri, into Arkansas) appear to have followed the route pioneered by the Cannon party of 1837, which led from Jackson to Farmington, Caledonia, Massey's Iron Works, and thence south of the present Route 44 to Springfield, where they swung southwest into Barry County, crossing Flat Creek and Washburn's Prairie into Arkansas.²¹ The last detachment passed through Jackson on February 15²² but did not reach Arkansas until March 25, 1839. The records of this great migration repeat the incidents recorded so faithfully in Cannon's "Journal." Plagued by illness and hostile white population, moving over roads axle deep in mud or frozen solid, so short of food that they had to forage off the

²⁰Mooney, "Myths of the Cherokee," 133.

²¹The fragmentary "Diary Kept by Dr. W. I. I. Woodward, 1839" follows the movements of party number eleven, of which he was contract surgeon, from a point near Caledonia along this route. Dr. Woodward lists stops on private property near Courtois Lead Mine, Huzza Creek, Steelville, Massey's Iron Works, Waynesville, Springfield, Bell's Tavern, and Washburn's Prairie. A photostat of the diary is in the archives of the State Historical Society of Missouri.

²²Jackson *The Southern Advocate*, February 16, 1839.

country, it is not surprising that one of the attending physicians (Dr. Butler) estimated the total deaths among the emigrants at 2,000, even before the final returns had been compiled.²³

Even though figures are cold the statistics upon which the federal agents based their disbursements convey the travail of this journey. The first detachment, under Elijah Hicks, consisting of 858 persons, numbered 744 upon arrival in Oklahoma. Hair Conrad, beginning with 858, arrived in Oklahoma with 654. Jesse Bushyhead lost 38 persons; John Bengé, 97; Evan Jones, 112; Stephen Foreman, 62; Choowalooka, 180; Mose Daniels, 111; James Brown, 142; George Hicks, 78; John Drew, 12; Richard Taylor, 85; and Peter Hildebrand, 464. Of nearly 15,000 Indians who had begun the march in June, 1838, slightly over 11,000 arrived in their new home on the Arkansas River at the confluence of the Grand.

Accurate casualty lists are not obtainable. The statistics in the federal records vary as much as 600 in the reports of the number of tribesmen who traveled with the last 13 columns. The best estimates place the total loss of life at over 1,600, and even then make allowance for the number of children born on the march, who compensate in some degree for the loss. The great loss of life is attributed to malnutrition, exposure, cholera, and the extremes of age represented in the movement. The journey was truly, as the Cherokees call it, a "Trail of Tears."

²³*Little Rock Gazette*, December 26, 1838.