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Trail of Tears

by Carolyn Marquette

NOTE:

Contains several
inaccurate bits
of info.

WCB
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Shrine and plaque mark the grave of Princess Otahki in the Trail of Tears State Park. The Cherokee princess died at the Mississippi River crossing near Cape Girardeau. (Photo by Hadley K. Irwin)

IT SEEMS SOMEWHAT of a paradox the Missouri State Park Board's first land gift by a county should be dedicated to a tragedy caused by the taking away of land.

Trail of Tears State Park, just ten miles north of Cape Girardeau, contains a portion of the route used by some of the Cherokee Indians on their forced march from their homelands in Georgia and Tennessee into a desolate portion of Oklahoma. The driving issue behind the displacement of this most advanced Indian nation was greed—greed for the gold and rich farms their ancient homelands contained. The march, now more than 150 years back into American history, is passed over with few words in most textbooks, a part of the settling of America's frontier most would like to forget.

These displaced Cherokees who passed sadly through the Cape Girardeau area in the severe winter of 1838-39 were among the 13,000 who refused to leave their ancient homeland voluntarily. Despite treaties and promises offered the Cherokees by Washington politicians throughout the first part of the 1800's, the fate of the Indian nation had really been finalized by an 1802 treaty between the federal government and Georgia promising the state all Indians would be removed whenever it could be peacefully done.

This treaty was in direct conflict with a series concluded earlier between the Cherokees and the federal government which recognized the Cherokees as a nation to be governed by their own laws and customs. Area settlers took advantage of the Indians's good faith and in many instances encroached on their lands. In 1817, the government did gain some land cessions from the Indians, however, in 1819 the National Council of the Cherokees initiated a death penalty law to any Cherokee signing a treaty giving more land to the United States.

Georgia legislators, under pressure from their constituents who were eager for the wealth they saw on the Cherokee land, pressed for fulfillment of the treaty calling for the Indians'

removal. In 1822, the United States House of Representatives appropriated \$30,000 to remove the Indians from the land claimed by Georgia. The next year, two United States commissioners were sent to negotiate with the Cherokees about their removal. These commissioners elicited help from the Creek chief, who was highly trusted by the Cherokees, and attempted to bribe three members of the National Council of Cherokees to give up their land. However, the attempted bribery failed and the betrayal attempt only brought anger and distrust of the government's true intentions.

As the Georgia population increased along with their desire for the rich Cherokee land, protests grew stronger in Washington for the enforcement of the Indian removal. The Georgians charged the Cherokees were primitive savages who were blocking the state's progress. In reality, the Cherokees were the most advanced of the American Indian tribes, and it is probably this very advancement that hastened their removal. Many Georgians became afraid of these Red Men in whose land missionary trade schools flourished and many of whom had adopted the language, religion, customs and aspirations of the white man. In 1821, a new impetus to learning came with the invention of a Cherokee alphabet. An uneducated tribesman after 12 years of work invented a syllabary which enabled Cherokees to read and write by simply memorizing 86 characters. Adult education spread throughout the nation. By 1828, a Cherokee newspaper was in print. In 1827, the influence of the white man was so dominant that the Cherokee government was reorganized with a constitution patterned closely after the United States'. The preamble asserted, "We, the Cherokee people, constituting one of the sovereign and independent nations of the earth, and having complete jurisdiction over its territory to the exclusion of the authority of any other state, do ordain this constitution."

The proclamation naturally upset the Georgians who reaffirmed their claim

that the Indians were merely tenants and their removal was inevitable. On December 20, 1828, the Georgia legislature declared that the laws of the Cherokee nation would be null and void after June 1, 1830. Just six months later a rich deposit of gold was found on Cherokee land and the drone for immediate removal increased. The Cherokees appealed to the Supreme Court, however, Chief Justice John Marshall denied an injunction against Georgia on the grounds the Court lacked jurisdiction because the Cherokees comprised a "domestic dependent" nation rather than a foreign state within the meaning of the Constitution. Another Georgia law of 1830 required white residents in the Cherokee country to be licensed by the state. Some zealous Cherokee missionaries refused to obtain the license and were convicted under the state law. In an appeal to the Supreme Court, Chief Justice Marshall indicated the national government had exclusive jurisdiction in the Indian territory and the Georgia law requiring a license was unconstitutional. One happy Cherokee reportedly wrote, the decision is like "a shower of rain on thirsty vegetation."

However, President Andrew Jackson remained sympathetic with Georgia and is said to have exclaimed, "John Marshall has made his decision, now let him enforce it."

Many of the Indian leaders were already in despair and ready to accept the removal as their fate. Among them was the editor of the Cherokee paper, Elias Boudinot. He wrote:

We hardly have known which way to turn. Trouble upon trouble, vexation upon vexation. I allude to the Georgia affair. The war is becoming hotter and hotter every day . . . Our enemies cannot complete their designs until they get the land . . . They intend to get it by force . . . and that before long, too . . . The enemy is at the door and there is not time to be lost . . .

Despair spread throughout the Cher-

(continued)

ignorant of consideration

okee nation and not without good reason as the grievances continued. The Cherokees submitted a list of their injustices to the Secretary of War in late December, 1831, noting the taking of gold mines by Georgia, the denial of legal process in the taking of homes and goods, the Georgians' survey of Cherokee land, their proposed lottery to divide it among Georgia citizens and the new law enacted preventing any Cherokee from conveying his property

to any other person, white or Indian, except to the governor of the state or the federal government.

In December, 1835, about three hundred of the 17,000 Cherokees approved a treaty signing away the ancient homeland for \$5 million and transportation costs to the new land in Oklahoma. The Cherokee Council protested that no official of the nation had signed the treaty and that there was no support for it throughout the

nation. However, the Senate ratified the treaty although by only one vote and May 23, 1838 was set for the final day of Cherokee land occupation. Nearly 13,000 refused to leave and the Governor of Georgia wrote President Jackson to ignore the Indian's complaints since, "nineteen-twentieths of the Cherokees are too ignorant and depraved to entitle their opinions to any weight of consideration in such matters."

The forced removal of those remaining after the May 23rd date was under the direction of General Winfield Scott who had nearly 7,000 troops in his command. Stockades were built to herd the Indians together in preparation for their removal. Accounts of the roundup point to its horror:

Squads of troops were sent to search out with rifle and bayonet every small cabin hidden away



in the caves or by the sides of mountain streams, to seize and bring back as prisoners all the occupants, however or 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 their 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. So keen were these outlaws on the scent that in some instances they were driving off the cattle and

other stock of the Indians almost before the soldiers had fairly started the owners in the other direction. . . . A Georgia volunteer, afterward a colonel in the Confederate service said: "I fought through the Civil War and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruellest work I ever knew."

An unprecedented drought prevailed during the summer of 1838 and the sickness and disease which followed caused General Scott to postpone the removal until the fall with the bands under the direction of the Cherokee themselves. However, the Indians remained in the stockade forts under heavy guard throughout the summer with disease rampant and food inadequate. Nine divisions left during October and the last four left in early November.

One detachment that passed through the Trail of Tears State Park area was under the direction of the Reverend Jesse Bushyhead. He wrote, "We have a large number of sick and very many extremely aged and infirm persons in our detachment that must of necessity be conveyed in wagons. Our detachment now consists of about 978 or 79 Cherokees and there are 49 wagons."

As the Indians reached the Mississippi River in their 800-mile trek it was midwinter and ice delayed the river crossing by the group opposite Cape Girardeau. An observer noted, "Hundreds of sick and dying penned up in wagons or stretched upon the ground, with only a blanket overhead to keep out the January blast. The crossing was made at last 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, the later detachments making a northerly circuit by Springfield, because those who had gone before had killed off all the game along the direct route."

Although there are no official

records, legend says that Reverend Bushyhead's own daughter, Princess Otaiki, succumbed to the chilling cold and weariness from nursing the aged and sick. The site claimed by some as the location of her grave is marked by a plaque donated by the Cape Girardeau Rotary Club. It reads: "Here is buried Princess Otaiki, daughter of Chief Bushyhead. . . . One of the several hundred Cherokee Indians who died here in the delayed crossing of the Mississippi River in the United States government's forced exodus from Tennessee, North Carolina and Georgia to the Indian Territory (now Oklahoma) in the severe winter of 1838-39."

The 3,346 acre Trail of Tears State Park provides a recreational haven for southeastern Missouri. The land was first purchased in 1956, when the citizens of Cape Girardeau County, authorized a \$150,000 bond issue to purchase the land which was given to Missouri for a state park. It is the only state park located directly on the Mississippi River and a new marina now under construction will further enhance its recreational value. It is also part of the Great River Road which extends southward on both sides of the Mississippi from the headwaters at Lake Itasca, Minnesota to the Gulf of Mexico. The Mississippi River was first discovered in 1539 by DeSoto and much of the nation's history is traced along this route crossing through ten states and two Canadian provinces.

Catfish, perch and carp can easily be snagged from "the Great River," while the Park Board's Lake Boutin is stocked with bass, blue gill, and catfish.

A new campground is under construction on the east side of Lake Boutin and will provide additional facilities for the number of campers who are using state parks. The Trail of Tears State Park already has picnicking and campground facilities.

Picturesque nature trails wind along the limestone bluffs and the area abounds with deer, rabbit, squirrel and possum. The heavily wooded park is abundant with American beech, tulip, red maple, cucumber and winged-elm trees. ■



Artist's panorama depicts sufferings of the Cherokee Nation on their forced migration from Georgia. From the original oil painting in Woolaroc Museum, Bartlesville, Oklahoma.