

( EIGHT )

## EARLY NINETEENTH CENTURY CHEROKEE SOCIETY

THE EARLY nineteenth century was a new era for the Cherokee Indians. In an age when their government was undergoing a remarkable degree of national democratization, Cherokees faced sweeping changes in their social structure. Sedentary life, especially after objecting reactionaries found refuge in western areas, brought a concomitant alteration in everyday economics. Missionary enterprise which moved into high gear in the 1820's brought knowledge not only of Christianity but of something more important to the Indians — education in English, arithmetic, and domestic arts. Return J. Meigs sponsored much improvement. An accelerating force in Cherokee social development was the written Cherokee language, the amazing accomplishment of the half-breed Sequoyah. The compound resulting from these diverse elements was a peculiar red-white social structure.

At the turn of the century, approximately 20,000 Cherokees inhabited 43,000 square miles of Southern Appalachian country. Twenty years later, as a result of treaty adjustments and voluntary westward emigration, the Cherokees numbered about 14,000 and occupied some 28,000 square miles. In 1835, near the close of the regime of the Cherokee Republic in the East, an official census revealed the following population data:<sup>1</sup>

	Indians	Slaves	Intermarried Whites
Georgia	8,946	776	68
North Carolina	3,644	37	22
Tennessee	2,528	480	79
Alabama	1,424	299	32
<b>TOTALS</b>	<b>16,542</b>	<b>1,592</b>	<b>201</b>

These sixteen thousand Cherokees lived in forty towns and villages and on isolated farms and settlements. While there were occasional clusters of houses and cabins at such important localities as New Echota and Oostanaulah, most Cherokee towns of this era were glaringly different from those in white communities. The sharpest point of contrast was that of size. Although the villages were shown as individual spots on various maps, many were actually areas of some distance in length, containing scattered homes and farms. One of the most lasting institutions of Cherokee local government was the office of Town Chief, whose authority extended well into the period of the republic. Judging by the appearance in Cherokee geography of such names as Going Snake's Town, Thomas Foreman's Town, and Vann's Old Town, the Town Chief must indeed have controlled not merely a cluster of houses, but an area more nearly like a township or a city-state. The missionaries in the Cherokee country saw some of this community grouping. In 1818 a preacher from Brainerd reported difficulty in getting groups together to hear his sermons, and ascribed this trouble to the fact that "there is no place near us where a large audience can be collected. As the people do not live in villages, but scattered over the country from 2 to 10 miles apart, to collect in a place 20 or 30 who can understand our language, is as much as can be expected."<sup>2</sup>

Perhaps these missionaries were more accurate in calling the locations "places," rather than the white man's conventional "towns." A "List of Places in the Cherokee Nation," prepared by the Brainerd brethren about 1822, names twenty-one of these communities, and offers illustrations of the types of organization. Hightower (or Etowah) was stated to have "a large population . . . upwards of 200 families," and to be "perhaps 50 or 60 miles in length." Turkey Town, where lived "the king, his first council, & many other old chiefs," was about "30 or 40 miles long." Still further evidence of this widespread community arrangement may be had from the description of Chattooga: "Bounded by Turkey Town, Lookout, Raccoon Town, Turnip Town, and the Creek line." On the other hand, some places like Hickory Log, Saliga, and Pine Log, were stated to be "compact," usually along a creek or river.<sup>3</sup>

The incomplete Cherokee gazetteer compiled by the Brainerd men listed the towns of Wills Valley, Squirrel Town, Crow Town, Sauta, Hightower, Turkey Town, Chattooga, Turnip Town, Hick-



## THE CHEROKEE COUNTRY ABOUT 1825

SCALE: One inch equals approximately eighteen miles

† - Mission Stations

⊞ - Well-known Public Stops



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Justice Baldwin on the case of Messrs. Worcester and Butler.<sup>101</sup> We have heard very little said on the subject, and in fact on the general subject of Indian affairs. The people appear to be more indifferent than I expected to find them; and it is not at all improbable that, if it were not for the leading men, another demagogue who cannot obtain the votes of the people but by promising the *Indian land*,<sup>102</sup> the Cherokees would be permitted to remain peaceably on the soil of their fathers, and the authority of the Supreme Court of the United States would not be contemned. I am glad that it has so turned out that Mr. Baldwin, who is supposed to be favorable to the Georgia policy, has signed the citation. You will recollect the Chief Justice was very harshly dealt with last year, on Tassell's case, by the legislature and by most editors in the State.— His conduct was viewed in the light of *interference*. Whether the legislature will think proper to notice Mr. Baldwin's citation as they did the Chief Justice, I do not know. I think it probable, however, they will. Some of the editors are out upon Mr. Baldwin already. They view his conduct as an "outrage upon the dignity of the State." It is surprising how some of them, at least, will attempt to mislead the people. They must know that for a Judge of the Supreme Court to sign a citation is not an outrage upon the dignity of a state—it is a matter of course. Whether the court will take jurisdiction is another question.

Since we came to this place I have seen the *Federal Union*<sup>103</sup> which states that the House of Representatives of Georgia Legislature passed, a few days since, a bill authorizing the immediate survey and occupancy of the Cherokee country. The Senate had not yet acted upon it.<sup>104</sup> Be their course as it may it cannot effect the determination of the Cherokees. They have taken their stand and are contending for vital principles—They have counted the cost, and if the long protracted controversy between them and Georgia must end in the loss of their beloved country it must be so.<sup>105</sup> They must trust themselves to superintending providence, and to the guarantees and promises of good faith which the people of the United States have made. To take our lands by force is a serious matter—it is fraught with considerations full of interest to the people of Georgia themselves and to the whole Union.— A respectable portion of Georgia view it

in that light. It would be robbery to all intent and purposes. And would the General Government look on with indifference and see its solemn pledges trampled in the dust? "There is a Lion in the way" whether the Government of the United States interferes or not—The integrity of the Union is at stake. As respects the Cherokees, their duty is plain—they cannot err. They reside on the land which God gave them—they are surrounded with guarantees which this Republic has voluntarily made for their protection and which once formed a sufficient security against oppression. If those guaranties must now be violated with impunity for purposes altogether selfish, the sin will not be at our door, but at the door of our *oppressor* and our faithless *Guardian*.

## NOTES

<sup>1</sup>*Laws*, 85.

<sup>2</sup>Because only 18 percent of the households in the Nation contained members who could read English, Cherokee types were necessary if the paper reached most citizens. The Prudential Committee of the American Board reported in October 1827 that "punches have been cut, and types cast, after the model of Guess's alphabet at the foundry of Messrs. Baker and Greele, Boston." *Report of the American Board of Commissioners for Foreign Missions* (Boston, 1827), 111. Since the press and types did not arrive until 1828, the prospectus had to be printed in English only. For the Cherokee alphabet, see pp. 48-58.

<sup>3</sup>According to Boudinot, Cherokee translations of articles proved to be "by far the most arduous part of our labor." *Cherokee Phoenix*, May 6, 1828. Consequently, most material reprinted from English language journals appeared only in the original language. Laws of the Cherokee Nation, selections from the Bible, editorials, and letters to the editor usually were published in both languages. Scripture sometimes appeared only in Cherokee. In general, however, the *Phoenix* published far more English material than Cherokee. The Council was keenly aware of the discrepancy and the difficulties involved in translating all copy into Cherokee. In 1829 Edward Graves was hired to translate proceedings of the Council for publication in the *Phoenix*, and Stephen Foreman was appointed assistant editor to translate public documents and English news into Cherokee. *Laws*, 135, 144.

<sup>4</sup>Boudinot obtained most news items and "miscellaneous articles" that were not local in subject from the approximately 100 newspapers with which he exchanged copies.

<sup>5</sup>Boudinot had hoped to begin publication in January, but no paper arrived with the press, and the printer had to go to Knoxville for a supply. An excellent account, written by John F. Wheeler, relates these early days at the

evidence of such progress found Georgians the more determined to remove them. Finally in 1827, outraged at the impudence of a Cherokee constitution and a proposed newspaper, the legislature of Georgia issued a resolution to "extend her authority over the Cherokee country if the United States should further refuse to assist her." In the year that followed this expression of firm intent, sentiment for Cherokee removal grew apace.<sup>3</sup>

On December 20, 1828, 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.<sup>4</sup>

Coincident with the announcement of this legislation came startling news from northeastern Cherokee Georgia. Gold had been found! Although the first strike was probably made in 1828 by a John Witheroods along Duke's Creek in Habersham County, several other locations farther west shortly were made known. By mid-1829, a gold rush was in full swing. The center of the ore-bearing region seemed to be in the eastern part of the Cherokee Nation, a sparsely populated mountainous country. Prospectors poured in and took up claims without regard to Indian ownership. Within a year nearly ten thousand gold-fevered men were crowding this part of the nation. Many were unscrupulous characters of the worst sort, and the region soon became noted for its lawlessness. Cherokees attempting to extract gold were usually thrust out of their mines. Pillaging and fighting made mere existence in the area dangerous for Indians, and many began to shift farther west.<sup>5</sup>

By an earlier law of the Cherokee government, gold or other metals found within Indian borders were to be considered Cherokee national property. Consequently the Council ordered intruders out of the gold country and called upon Indian Agent

Hugh Montgomery to remove them. Although he aided by obtaining United States troops, the force sent was inadequate and had little effect upon the rapidly deteriorating condition in the mining areas. It was soon apparent that neither red nor white national governments could maintain order. Georgia capitalized on 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. But the new law went even farther: 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.<sup>6</sup>

The presence of United States troops in the Cherokee gold country was humiliating to Georgians, who appealed to Governor Gilmer. He notified Andrew Jackson that recent state legislation made Cherokees subject to Georgia, and asked that federal troops be withdrawn so that he could send in a Georgia force. Jackson, entirely willing to go along with this suggestion, removed the American soldiers.<sup>7</sup>

On the Cherokee removal question President Jackson was in full sympathy with Georgia. He favored leaving the "poor deluded Cherokees to their fate, and their annihilation." Their condition, he thought, had been brought on by listening to "wicked advisers," who had probably told the Indians that the longer they held out for their rights, "and opposed the views of the government, the greater would be the offers made by the Executive." Then, "all the missionary and speculating tribe would make fortunes out of the United States."<sup>8</sup>

Emboldened by the President's attitude and anxious to possess the Cherokee territory, Georgia took further steps. After United States troops were withdrawn from the gold country, the legislature created a sixty-man "Georgia Guard" and assigned it to the area; eventually this unit extended its jurisdiction to the entire Indian nation. The same act, passed December 22, 1830, provided 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. Finally, the law declared that by March 1, 1830, all whites remaining in the Cherokee Nation must possess a license, which was to be issued only to those taking an oath to uphold the laws of Georgia.<sup>9</sup>

Cherokee hopes for United States interference were dampened



by the passage of a bill in Congress on May 28, 1830, "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." Some consolation was found in the closeness of the vote which in the Senate was 28 to 20 and in the House, 103 to 97, and also in the hue-and-cry over the Removal Bill raised by speakers and writers throughout the country.<sup>10</sup>

With Georgia's deadly intentions clear, and federal antipathy to Indian distress also evident, the Cherokee situation in the early 1830's was grim. Established legal processes were voided at a stroke by Georgia law. The missionary program, with its accompanying educational and literary values, was threatened by the act requiring licenses for whites. The missionaries stoutly refused to swear the oath of allegiance to Georgia since they firmly believed that the state had no right to enforce its laws in the Cherokee Nation. Political, social, and economic progress faced a "dead end." All in all, the Cherokees of the early 1830's confronted an almost hopeless situation. The United States Supreme Court was the only remaining recourse. William Wirt of Philadelphia was retained as counsel by the Cherokee Nation, and an issue anxiously sought which would take the Indian question to the Supreme bench.<sup>11</sup>

In 1830 an opportunity came. A Cherokee Indian named George Tassel was convicted of murder by Hall County Superior Court and sentenced to death. Wirt and his associates appealed the case to the Supreme Court. On December 12, 1830, Georgia was cited to appear in Washington and show cause why a writ of error should not be issued in the Tassel case. Georgia not only ignored the message, but expedited Tassel's execution.<sup>12</sup> This abrupt action indicated a contempt for federal interference which spelled an end to Cherokee hopes for justice.

By the time the writ of error came up on the Supreme Court docket, it had been made a part of a new and stronger appeal. The new case was a request for an injunction against the State of Georgia for numerous violations of Cherokee sovereignty. William Wirt and Winthrop Sargent argued for the Cherokee Nation that it 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." The court was asked to void Georgia's laws in the Indian territory and remove that state's officials from Cherokee lands. Georgia disregarded the Supreme

Court's summons to attend the hearing; the court's ruling, however, indirectly favored the state's position. Chief Justice John Marshall announced on March 5, 1831, that the Cherokees were a state, but not in the sense meant by the Constitution, and therefore his court had no jurisdiction in the matter.<sup>13</sup>

This decision set Cherokee hopes back another notch. Grimly determined to hang on if possible, the Indian leaders waited for an opportunity to meet Supreme Court jurisdictional requirements. Meanwhile they sought to help their people through the unhappy days at hand. One source of trouble was the President of the United States. Jackson had already implemented the terms of the federal Removal Act by appointing Benjamin F. Curry of Tennessee to serve as "Superintendent of Cherokee Removal from Georgia"; and Curry began to stir up Indian sentiment for emigration.<sup>14</sup>

Georgia's order requiring white men to secure licenses and swear allegiance to the state became effective on March 1, 1830. Shortly afterward, officers of the Georgia Guard arrested American Board missionaries Samuel A. Worcester and John Thompson and brought them before the Gwinnett County court on a writ of habeas corpus. The judge released them, however, since the two were utilizing United States funds in their work and were alleged to be agents of that government. Georgia's governor soon clarified this issue. He contacted Washington and established that the missionaries were not federal agents. It was revealed, however, that Worcester was United States Postmaster at New Echota. Gilmer thereupon requested and received Jackson's assurance that the missionary would be discharged from that office. A few weeks later, on May 16, 1831, the Governor ordered Worcester to leave Georgia.<sup>15</sup>

Now determined to make an example of the white clergymen who were believed by many Georgians to be advisers and instigators of Indian resistance, the state's officials moved into action. 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. At the expiration of that time, eleven missionaries who refused to take oath of allegiance to Georgia were taken into custody, treated with some brutality, and remanded for trial in the September term of Gwinnett Superior Court.<sup>16</sup>

Some indication of the tension existing in Cherokee Georgi:

during this period may be gained from a study of the *Cherokee Phoenix* during the months of July and August, 1831. The leading editorial in the issue of July 12 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. Criticism of the offending state was much stronger in letters of Thompson and James I. Trott, published in the same issue. These letters described the imprisonment procedure and castigated the Georgia Guard and the officials of the state as well. Apparently the Georgia force objected to this criticism, for the following issue carried an editorial in which Boudinot maintained stoutly that as far as he knew the *Cherokee Phoenix* had published no "falsehoods." If, however, error had crept into his newspaper, he wanted to hear about it from "some reputable person," for, he continued, "it is far from our wish to injure any set of men, among whom we take the liberty to include the Georgia Guard."<sup>17</sup>

The following week, Boudinot recapitulated the entire affair of missionary arrests and scored Georgia's "vindictiveness." In the editor's view, Georgia's sole object in requiring the oath of allegiance was to get the missionaries out of the country. As for the Georgia Guard, the editor repeated a rumor that the unit had been ordered to "inflict corporeal punishment on such females as may be guilty of insulting them. . . . We think first, it is very undignified for a female to exercise it [an insult] under any circumstances; and second, it is equally undignified, for any gentleman to inflict a corporeal punishment on a female."<sup>18</sup>

The answer of the Georgia Guard to the newspaper articles was swift. Elias Boudinot was hailed before the organization's commanding officer, Colonel C. H. Nelson, who reprimanded the editor and threatened him with whipping. In an account printed in the *Cherokee Phoenix* on August 12, 1831, Boudinot 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.<sup>19</sup>

The Cherokee editor was receiving other threats, too, from various Georgians who objected to material he published on Cherokee removal and the state's actions. Three protesting letters were published in August, 1831, as typical of the feeling of "a certain class in Georgia," although Boudinot stated that he had no wish "to shock the feelings of the honest and worthy people of Georgia, nor to intimate in the least that the spirit exhibited in these letters will be approved generally by even those who are eager for the Indian lands." One of the letters headed "GAINSVILL, 19th July, 1831," read:

Dr Sir In looking over the last Cherokee Phoenix I noticed the remarks you made in that paper concerning the Georgia Guard &c. and about the President &c. Now you d—d little frog eater and wasp [wasp] destroyer . . . you favor a negro more than a d—d Indian. The treatment you and your countrymen are receiving is in payment of your d—d rascally treatment you have treated the whitemen when you had the power to do so . . . you d—d mountain rainger and wolf eater. . . . Your with indifference RALPH SCRUGGS<sup>20</sup>

Another of the letters dated July 7, 1831, was properly described by Boudinot as "significant." Under the sentence "You can answer this if you wish," there was drawn a figure hanging from a rope. On the four sides of the drawing were these sentiments: "Hang the Traitor," "Cut his Throat," "Death to the Rebbell," and "Shoot him."<sup>21</sup>

Colonel Nelson became so dissatisfied with Boudinot's conduct that he summoned the editor before the Georgia Guard again, and reprimanded him for allowing his sheet to be a medium of communication for disgruntled missionaries. According to Boudinot, 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."<sup>22</sup>

The eleven missionaries were found guilty of violating Georgia laws on September 15, 1831, and sentenced to four years of hard labor. Nine of them promptly accepted Georgia's offer of a pardon in exchange for an oath of allegiance. Worcester and

Elizur Butler remained in the penitentiary, while Cherokee advocates petitioned the Supreme Court for justice.<sup>23</sup>

The case of *Worcester versus Georgia* was heard in the court at Washington in February, 1832. To the great joy of the Cherokee Indians and their supporters, the court ruled that the State of Georgia was in error. John Marshall announced that only the United States government could legislate for Indians, and that any state laws attempting to do so were null and void. Georgia was ordered to release Worcester and Butler from the penitentiary.<sup>24</sup>

Cherokee reaction was instantaneous and enthusiastic. At last it seemed that down-trodden Indians could overcome the humiliation of the past three years and re-assert their national sovereignty. A number of leading Cherokees, including Elias Boudinot, were in Washington during the Worcester hearing, attending court sessions and seeking additional aid. The Cherokee editor wrote his brother, Stand Watie, about the decision:

It is glorious news. The laws of the State are declared by the highest judicial tribunal in the Country null and void. It is a great triumph on the part of the Cherokees so far as the question of their rights were concerned. The question is forever settled as to who is right and who is wrong, and the controversy is exactly where it ought to be, and where we have all along been desirous it should be. . . .

Expectation has for the last few days been upon tiptoe—fears and hopes alternately took possession of our minds until two or three hours ago. . . . I will take it upon myself to say that this decision of the Court will now have a most powerful effect on public opinion. It creates a new era on the Indian question.<sup>25</sup>

But the court's emphatic statement of "who is right and who is wrong" failed to vouchsafe the right so defined. To the disappointment of Cherokee Indians and their supporters throughout the country, the State of Georgia defied John Marshall. Samuel Worcester and Elizur Butler were kept in custody and the state legislature continued to pass laws tyrannizing the Cherokees. On November 6, 1832, Governor Wilson Lumpkin told the General Assembly that he would resist to the utmost the Supreme Court's effort to "prostrate" Georgia sovereignty. Much encouragement for Georgia came from the nation's chief executive, who seemed willing to let Marshall enforce his own ruling. Jackson told friends that the decision was part of an effort of his enemies to

embarrass him during an election year. He urged Lumpkin and other Georgians to continue with their anti-Cherokee activities, with a warning that it would be wise to avoid doing anything which might fall within the Supreme Court's jurisdiction.<sup>26</sup>

Although grateful for this advice, Georgia hardly needed the encouragement. Under authority of a law dated December 21, 1831, state authorities had established white government in the Indian country by creating a "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," including the Indian areas previously assigned to five counties.<sup>27</sup> Local officials were elected by Georgians already in the Cherokee area, and their administration sought to replace the legal structure of the Cherokee republic.

With Georgians clamoring for Indian lands and the gold rush booming, the state's next step was to announce a gigantic lottery in which Cherokee County would be raffled off in individual lots. Enabling legislation for this distribution had been passed in 1830, and surveyors were ready to issue maps. Drawings for "gold lots" and "land lots" of 40 and 160 acres were available to all white adult males in Georgia who had lived in the state for at least four years. Certain others were privileged as well, including physically handicapped persons, veterans and their widows or descendants, and soldiers. No one who had previously won land in the Creek Lottery was eligible. The Cherokee Lottery occurred in 1832, and during that year Cherokee County was subdivided into ten smaller counties: Cass, Cherokee, Cobb, Floyd, Forsyth, Gilmer, Lumpkin, Murray, Paulding, and Walker.<sup>28</sup>

The rush of thousands of whites into Cherokee territory to secure newly won land lots heightened the turmoil and confusion among the Indians. Some Georgians found empty cabins whose owners had already been persuaded to emigrate. Others arrived at their new lands to find them occupied, and forcibly ejected the Cherokee occupants. In most cases, however, the newcomers waited until the Indians could be removed from the region by treaty or other means. The distraught condition of the Cherokee Nation was further troubled by the inevitable clashes of red and white gangs. Embittered and disillusioned, the Indians still hoped for relief from their sufferings.<sup>29</sup>

The Cherokee government was of little assistance. Its small police forces were powerless to bring order. Within the National

Council and Committee the specter of factionalism loomed ominously. Federal and state agents, anxious to persuade prominent Indians that a removal treaty was the only sensible solution, encouraged the growing split in native ranks. Meanwhile discouraged missionaries saw their own establishments subject to confiscation by the "fortunate drawers," and faced the perplexing problem of continuing a Christian evangelization in the midst of terror and despair. The experiences of two are typical. Worcester and Butler (now pardoned after taking Georgia's oath, following the Supreme Court incident) were under orders to leave Cherokee Georgia as soon as practicable. The American Board told them not to surrender mission property without exercising every legal right — although the Board admitted that it was "heartily tired of this trouble with law, courts, & political men."<sup>30</sup>

Butler's mission establishment at Haweis was obtained by Georgians in January, 1834. In the same month Worcester was advised by his superiors to release his house at New Echota: "You had better get along as well as you can, if you are driven from your house, till next fall, & then cross the Mississippi."<sup>31</sup> In February Worcester received this message:

It becomes my duty to give you notice to evacuate the lot of land No. 125, in the 14th District, of the third section, and to give the house now occupied by you up to Col. William Harden, or whoever he may put forward, to take possession of the same and that you may have ample time to prepare for the same, I will allow you until the 28th day of this month to do the same. Given under my hand this 16th day of February 1834.

William E. Springer  
Agent for the Cherokees, in Georgia<sup>32</sup>

By 1835 some Indians came to the realization that the troubles with Georgia would end only with removal, and that a treaty under the best possible terms was necessary. Notable among leaders adopting this view were Major Ridge, John Ridge, Elias Boudinot, and Stand Watie. On March 10, 1835, John Ridge reported to his father and others from Washington that he had succeeded in getting "a treaty made to be sent home for the ratification of the people. It is very liberal in its terms — an equal measure is given to all. The poor Indian enjoys the same rights as the rich — there is no distinction. We are allowed to enjoy

our lands in the West."<sup>33</sup> At the same time that Ridge and associates were in Washington, however, a delegation under the personal leadership of Chief John Ross was also seeking federal assistance. In successive visits to the American capital, Ross had steadfastly refused to consider any negotiations leading to a relinquishment of Cherokee territory east of the Mississippi. When he learned of the John Ridge treaty he and his delegation advanced a counter-proposal, suggesting that an allowance of \$20,000,000 be paid the Cherokee Nation for the cession of its lands, and that an indefinite number of claims be paid also. Subsequently Ross pared this demand down to whatever figure might be considered reasonable by the United States Senate. On March 6, 1835, the Principal Chief was advised that the Senate's opinion was that the Cherokees should be paid not more than \$5,000,000. Ross in disgust suspended treaty discussions.<sup>34</sup>

In the meantime John Ridge had returned to the Cherokee country with his treaty. Accompanying him was a New York clergyman named John F. Schermerhorn, appointed by President Jackson to negotiate the removal. Ridge's treaty was presented to the Cherokee Council at Red Clay (on the Tennessee-Georgia border) in October, 1835. Its most important provisions gave \$3,250,000 to the Cherokees for their eastern lands; \$150,000 for depredate claims (including Creek War losses); restated a guarantee to 13,000,000 acres of western territory granted in treaties of 1828 and 1833 to previously emigrated Cherokees; and gave an additional 800,000 acres in that same region to those going west. The opposition of John Ross's faction proved too formidable for the Ridge party at Red Clay, and the Cherokee Council rejected the proposed treaty. Even John Ridge and Elias Boudinot turned against Schermerhorn and voted refusal, although that agent raised his offer to the full \$5,000,000 suggested by the United States Senate.<sup>35</sup>

During the Red Clay negotiations Schermerhorn called on the Cherokee Council to meet again at New Echota the following December, for further treaty conferences. The Red Clay Council, however, authorized John Ross to conclude the best possible treaty. Realizing that Schermerhorn had no additional terms to offer, Ross proceeded to Washington to resume negotiations there.<sup>36</sup>

During John Ross's absence his Cherokee republic in the South fell apart. Meeting in December with Schermerhorn, a small