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Thomas Jefferson and the Beginning of Cherokee Nationalism, 1806 to 1809

William G. McLoughlin*

TO many Georgians and other worried southern frontiersmen the thirteen thousand Cherokee people on their borders appeared by 1827 to have established an imperium in imperio of such internal strength and stability as to pose a threat that could be countered only by their forced removal. While ethnohistorians disagree about the nature and extent of nationalism, acculturation, and deculturation among the various Indian tribes of North America, they generally concur that in the early nineteenth century the Cherokees achieved the closest approximation to nationhood of any tribe east of the Mississippi.[1] One of the largest and wealthiest tribes, they adopted a written constitution in 1827 (modeled closely upon the United States Constitution), published a national newspaper in their own language (utilizing the unique Sequoyan syllabary), and developed such a sophisticated legislative, judicial, and educational system that their social order was more advanced than that of many of the rude white settlements around them. Many Americans in the North, particularly in New England, thought the Cherokees deserved serious consideration as a potential Indian state within the Union.

Most accounts date the beginning of Cherokee nationhood from 1817 when a law of the council established "a republic" with a "national bicameral legislature."[2] But in important respects the impulse toward

* Mr. McLoughlin is a member of the Department of History, Brown University.

[1] See the excellent survey of ethnohistorical research on these issues, with particular reference to the Cherokees, by Robert F. Berkhofer, Jr., "The Political Context of a New Indian History," *Pacific Historical Review*, XL (1971), 357-382. Tribal nationalism, as discussed here, of course differs radically from pan-Indian nationalism. Important articles on acculturation and nationalism can be found in William N. Fenton and John Gulick, eds., *Symposium on Cherokee and Iroquois Culture*, Bureau of American Ethnology, Bulletin 180 (Washington, D. C., 1961); Edward H. Spicer, ed., *Perspectives in American Indian Culture Change* (Chicago, 1961); and Stuart Levine and Nancy Oestreich Lurie, eds., *The American Indian Today* (Deland, Fla., 1968).

[2] Henry Thompson Malone, *Cherokees of the Old South: A People in Transition* (Athens, Ga., 1956), 77-78. The basic histories of the Cherokees are Charles C. Royce, "The Cherokee Nation of Indians: A Narrative of Their Official Relations with the Colonial and Federal Governments," U. S. Bur. of Am. Ethnology, *Fifth Annual Report* (Washington, D. C., 1887), 121-378, hereafter cited as "Cherokee Nation,"

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Cherokee nationalism began much earlier. Administratively it started with the reunification of the tribe in 1794 under a national council with a principal and second principal chief. Institutionally significant was the development of the Cherokee mounted police. Supported in part by the American government from 1797 to 1801,[3] and reinstituted by the Upper Town area in 1804,[4] this police force achieved permanence by statute in 1808 with the establishment of the lighthorse guard paid for and supervised entirely by the national council.[5] Two years later a major cultural shift took place with the legal abolition of clan revenge for murder.[6] These Cherokee statutes of 1808 and 1810 not only created new administrative precedents for coercive central control over all Cherokees but also instituted new patterns of inheritance for widows and orphans.[7]

But laws and administrative institutions are not in themselves the basis of nationhood. Nationalism involves the manifest spirit and will of a people engaged in a concerted drive toward unity and self-government that has become associated with the term "national identity." The Cherokee people clearly displayed these nationalistic qualities during the removal crisis of 1817-1819, and their will to survive as an autonomous people produced the brilliant burst of political development that culminated in the constitution of 1827. This sense of national identity originated, however, at least as early as the first decade of the nineteenth century, during the first removal crisis of 1806-1809. For it was in that crisis that the Cherokees first faced the real possibility of dissolution, schism, and separatism that forced a profound reassessment of their identity. The emergence of this cohesive and dynamic national spirit was marked by the creation of the national executive committee in 1809, uniting the disparate factions and regions of the tribe, and by the declaration of the

and James Mooney, "Myths of the Cherokee," *ibid., Nineteenth Annual Report*. Pt. I (Washington, D. C., 1900), 3-548, hereafter cited as "Myths."

[3] Report of a conference with a Cherokee delegation headed by The Glass in Washington, D. C., dated June 30, 1801, Letters Sent by the Secretary of War Relating to Indian Affairs, 1800-1824 (M-15), Roll 1:72, Records of the Bureau of Indian Affairs (RG 75), National Archives, hereafter cited as Letters Sent, Sec. War (M-15).

[4] See W. S. Lovely, address to the Cherokee Chiefs in Council, June [?] 1804, Records of the Cherokee Indian Agency in Tennessee, 1801-1835 (M-208), Roll 2, Records of the Bureau of Indian Affairs (RG 75), Natl. Arch., hereafter cited as Cherokee Agency, Tenn. (M-208). In this letter Lovely praises the Cherokee chiefs for their new "regulating laws."

[5] *The Constitution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839-51* (Tahlequah, Cherokee Nation, 1852), 3-4.

[6] *Ibid.*, 4.

[7] For example, the law of 1810 clearly leaned toward a new patrilineal inheritance system.

national council that any Cherokees who accepted President Thomas Jefferson's offer to emigrate west of the Mississippi would be considered expatriates—Cherokees without a country. The famous "bicameral law" of 1817 did little more than reaffirm and codify these earlier actions.[8]

A key feature of the rise of Cherokee nationalism was the redefinition of membership in "the Cherokee nation"—an old but ambiguous term related more to cultural identity and treaty-making powers than to any precise definition of residence or citizenship.[9] After 1809, membership in the Cherokee Nation, and the rights and privileges associated with it, required residence within the boundaries of the ancestral homeland in the southeastern part of the United States. In effect, between 1806 and 1809 the Cherokees became consciously aware of the quintessential importance of a fatherland, with all the religious and emotional connotations of the phrase "love of country."[10] Not all of them welcomed this new definition of what it meant to be "a Cherokee," but given the political exigencies of their situation, the overwhelming majority acquiesced in it and were willing to accept the sacrifices necessary to sustain it.[11]

[8] *Ibid.*, 4-5. In addition to specifying the duties and tenure of "the Standing Committee," this law reasserted, in the face of a new federal effort to force migration westward, that "the authority and claim of our common property [in the land, annuities, etc.] shall cease with the person or persons who shall think proper to remove themselves without the limits of the Cherokee Nation."

[9] For the 18th-century phase of Cherokee nationhood see Fred Gearing, "Priests and Warriors," *American Anthropological Association Memoir 93* (1962), hereafter cited as "Priests and Warriors," and David H. Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62* (Norman, Okla., 1962). Unfortunately, the sources do not provide a precise, step-by-step account of changing Cherokee opinion between 1806 and 1809. We have letters from various Cherokee individuals and groups presenting their grievances or fears to the agent, to Jefferson, or to other officials; we have formal proclamations by councils; but we have virtually no correspondence by Cherokees speaking freely and frankly to each other. Most unfortunate of all, we have no written records of the debates in the several councils that evolved the new consensus bit by bit. Nevertheless, the issues are plainly stated, and the actions of the Cherokees speak with sufficient clarity to substantiate the thesis educed here.

[10] Some suggestive articles on the relationship of acculturation to national identity are Edward H. Spicer, "Types of Contact and Processes of Change," in Spicer, ed., *Perspectives*, 517-543; Fred A. Gearing, "The Rise of the Cherokee State as an Instance in a Class: The 'Mesopotamian' Career to Statehood," in Fenton and Gulick, eds., *Symposium*, 125-134; Anthony F. C. Wallace, "Cultural Composition of the Handsome Lake Religion," *ibid.*, 143-151; and John Witthoft, "Eastern Woodlands Community Typology and Acculturation," *ibid.*, 69-76. See also D'Arcy McNickle, *The Indian Tribes of the United States: Ethnic and Cultural Survival* (London, 1962), and Anthony F. C. Wallace, *The Death and Rebirth of the Seneca* (New York, 1969).

[11] Needless to say, the federal government did not accept this new definition of the Cherokee Nation nor did the national spirit prevent the voluntary withdrawal of individuals and groups from the East to join friends and relatives in the West.

Underlying the legal, administrative, and political institutions of emerging Cherokee nationalism was a set of interlocking policies agreed upon after extensive formal and informal participatory debate. The most important of these consensual decisions were (1) the refusal to grant any further land cessions that might deplete the fatherland; (2) the rejection by a preponderate majority of the tribe of Jefferson's option, first offered in 1808, of removal to the West; (3) the exclusion as legitimate members of the Cherokee Nation of "stragglers" who did remove; (4) the union of all geographical regions of the tribe under one national council whose policies were to be carried out between council meetings by a national executive committee made up of representatives from all factions and regions; (5) the insistence that the federal government live up to its treaty guarantees of Cherokee borders against frontier and state intrusions; (6) the commitment to acculturation and deculturation at a rate slow enough to accommodate all groups while still permitting enforcement of national regulations for the good of the whole (such as the use of Cherokee lighthorse to punish horse thieves and the substitution of tribal or American judicial processes for clan revenge); and (7) the rejection of Jefferson's offer, alternative to removal, of integration of the Cherokees into the surrounding American states as fee-simple farmer-citizens of the United States.

While the implementation of these and other decisions had yet to be worked out in detail, by 1809 most of the Cherokees had become convinced that the integrity, identity, and survival of their nation were integrally related not only to residence in the ancestral homeland but also to maintenance of communal ownership of that land and perpetuation of tribal self-government. These decisions remained unchanged until Andrew Jackson broke the supreme law of the land in 1832 and thereby destroyed the assumptions upon which they rested. To the extent that Cherokee nationalism required new legal and political procedures, it constituted an acceleration of acculturation (or biculturalism) traceable in the Cherokees' developing adoption and adaptation of American political and economic practices; but to the extent that it protected geographical integrity, participatory self-government, and the ethic of consensus, it also preserved basic aspects of Cherokee values, beliefs, and practices.[12] In that sense the rise of Cherokee nationalism constitutes one of the most important revitalization movements in nineteenth-century Indian history.

The problem of whether the Cherokees east and west constituted one or two nations was not solved until what was tantamount to a Cherokee civil war in the years 1839-1846. For the story of the earlier Cherokee migrations to the West in the 1780s and 1790s see Mooney, "Myths," 99-101; for the story of the final resolution of the division see Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman, Okla., 1938).

[12] For excellent studies of the harmony ethic and the noncoercive consensus governmental system of the Cherokees see Gearing, "Priests and Warriors"; Gearing, "Rise of the Cherokee State," in Fenton and Gulick, eds., *Symposium;* and John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970).

In addition to the immediate removal or separatist crisis precipitated by the options Jefferson offered to the quarreling factions within the Cherokee Nation, there were other less direct but equally important causes for the drastic reassessment and restructuring that began at this time. Ever since their final military defeat in 1794 the Cherokees had fallen into increasing confusion and disunity. Factional division, plummeting morale, economic hardship, social dislocation, and cultural disorientation almost overwhelmed them. Only the closely knit family structure and hospitality ethic seemed to keep them together. In 1806 the Cherokees inhabited a territory of fifteen million acres (twenty thousand square miles) where the states of North Carolina, Georgia, Alabama, and Tennessee adjoin. The tribe had been divided into two regions, known as the Upper and Lower Towns, since 1777 when a large group of young chiefs, led by Dragging Canoe (Tsiyugunini), had refused to accept the peace treaty and land cessions granted by the older chiefs to terminate Cherokee participation with the British in the Revolution. Withdrawing down the Tennessee River Valley to the area between Chickamauga and Muscle Shoals, these dissident warriors waged guerrilla warfare with frontier whites until 1794.[13] When the decimation of the Lower Towns finally forced them to make peace, they returned to an uneasy alliance with the Upper Towns (themselves divided into an upper and lower division) and accepted the nominal leadership of Little Turkey (Gunadiga) as principal chief of the two sections. When Little Turkey died in 1802, he was succeeded as principal chief by his brother, Black Fox (Enolee, Inali). While general councils met for tribal business, each of the two regions continued to hold its own sectional council that asserted control over its area. In the general breakdown of traditional authority, the popularly chosen town chiefs asserted what little power there was locally. These internal divisions left the Cherokees highly vulnerable both to federal pressures for land and road concessions and to the lawless frontiersmen who surrounded them.

[13] Detailed accounts of the withdrawal of the Lower Town dissidents and their guerrilla warfare can be found in John P. Brown, *Old Frontiers: The Story of the Cherokee Indians from Earliest Times to the Date of Their Removal to the West, 1838* (Kingsport, Tenn., 1938); John Haywood, *Civil and Political History of the*

Internal confusion led to factionalism, government bribery, angry clashes over land cessions, and bitter quarrels over the distribution of government technical assistance, payments for land, and annuities.[14] Local government disintegrated as families moved out to distant farms to try to make an independent living. Frustrated and angry younger men, denied self-fulfillment through war or hunting, turned to horse stealing for adventure and displays of courage. Tribal religion fell away, drunkenness increased, children and old people were ill cared for, and the old patterns of communal responsibility, ritual, and unity were severely disrupted as rival chiefs plotted to secure the favors that the white agents and frontier commerce offered.[15] Some Cherokee chiefs and traders became rich, while the vast majority of the people often hovered on the border of starvation.

In this situation the old ethic of harmony was temporarily lost; the more aggressive and domineering chiefs strove to aid their own relatives, towns, and friends. Warrior chiefs, to whom the Cherokees in the past had granted authority only in time of war, now maintained leadership in time of peace because relations with the surrounding whites were virtually a continual state of siege—a battle of wits, strength, and cunning in which neither tribal nor American law provided any real restraint.[16] Some chiefs not only refused to punish horse thieves from their towns but actually abetted them.[17] Individual retaliation for murder, especially when whites were involved, led to indiscriminate bloodshed and to vigilantism. Sig-

State of Tennessee . . . (Nashville, Tenn., 1821); and R. S. Cotterill, *The Southern Indians: The Story of the Civilized Tribes before Removal* (Norman, Okla., 1954).

[14] Since 1792 government policy had included the regular distribution of ploughs, axes, hoes, looms, spinning wheels, and other implements of "husbandry and domestic manufacture" to the Cherokees as part of the government's "civilization" policy. In addition, the government provided gristmills, sawmills, and "cotton machines," as well as white blacksmiths and artisans to train the Cherokees in these skills. The federal agent naturally used this economic aid to gain the support of those local chiefs whom he found most pliant, cooperative, or, in his words, "well disposed to government and to progress." See Francis P. Prucha, *American Indian Policy in the Formative Years* (Cambridge, 1962), and Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill, N. C., 1973).

[15] The taverns, mail stands, and ferries on federal highways were lucrative sources of revenue for which chiefs competed, usually in partnership with enterprising whites who then leased these concessions from the chiefs. Saltpeter caves were another lucrative internal franchise.

[16] See Gearing's very suggestive analysis of the personality types associated with the red and white Cherokee infrastructure in "Priests and Warriors." For a discussion of the complexities of Indian factionalism see James A. Clifton, "Factional Conflict and the Indian Community: The Prairie Potawatomi Case," in Levine and Lurie, eds., *American Indian Today*, 115-131.

[17] Subagent Lovely, praising the "regulating law" of 1804, noted that horse thieves "will now find that they can't impose upon their head men as formerly by saying that their great men were as bad as themselves in sharing the proffits arrising

nificantly, the first important laws expressing the new spirit of revitalization sought to establish internal control over theft and violence by a national police force and national protection of property inheritance for widows and orphans. Assertion of coercive national authority was not simply a reaction to federal removal policies. Internal needs and external pressures came together in a crisis that only national unity could overcome.

The dominant figures in the Lower Town region between 1794 and 1809 were Doublehead, The Glass (Tauqueto), Tolluntuskee, Toochalee (Toochelar or The Flute), Dick Justice, John D. Chisholm, John Lowrey, Turtle at Home, Skiuka, The Seed, The Gourd, Kategiskee, and John Riley. It should be noted that Black Fox, although ostensibly chief of all the Cherokees, tended to align himself with the Lower Town faction. As the nephew of Dragging Canoe, he was intimately associated with these towns in the guerrilla warfare of 1781-1794, but he does not appear to have become as interested in acculturation as Doublehead and the other Lower Town chiefs. Belonging to an older generation, he looked backward rather than forward; unable to solve the mounting crises of his people or overcome the sectional divisions, he let Doublehead speak and act on his behalf in dealing with the hard-driving whites. Although he took his full share of "presents" from the government for cooperating in treaties, he seems to have allowed himself to be too easily led or misled by his old warrior friends.

Doublehead (Taltsuske or Chequlaloga) owed his ascendance over the Lower Towns to his status as a great war chief, to his native shrewdness and forcefulness, and to his ability to manipulate government largesse so as to obtain the lion's share of presents and annuities for himself and his people, in exchange for his support of government requests for road and land cessions. By 1802 he had become a wealthy trader, land speculator, farmer, and slaveowner. The federal agent, Col. Return J. Meigs, held him in great respect as a force for law, order, progress, and cooperation. Jefferson was so impressed by Doublehead's progressivism that he presented him with a gift of one thousand dollars in January 1806 and an official commendation "in consideration of his active influence in forwarding the views of Government, in the introduction of the arts of civilization among the Cherokee Nation of Indians, and for his friendly disposition towards the United States and for the purpose of enabling him to extend his useful example among the Red People."[18]

from stolen horses." Lovely, address to the Cherokee Chiefs, June [?] 1804, Cherokee Agency, Tenn. (M-208), Roll 2. These and other aspects of internal disorganization are amply documented in the federal Indian records for these years.

[18] Henry Dearborn to R. J. Meigs, Jan. 8, 1806, Letters Sent, Sec. War (M-15),

Although a fullblood, Doublehead appears to have had little interest in trying to sustain Cherokee culture. Having been defeated in 1794 by the superior manpower and technology of the white frontiersmen, he seems to have concluded that the best course for the Indians was to adopt the way of life of their conquerors, and the sooner the better. Because he himself was successful in so doing, he had little patience with those Cherokees who held back—"people who have hardly any holes in their heads" to let in the light of new ideas, he told the federal agent.[19] Although chosen "Speaker of the Council" for his ability, Doublehead was never honored as "a beloved man," and Meigs was specifically rebuked after 1806 by some of Doublehead's opponents for applying this title to him.[20] Egocentric, self-reliant, and aggressive, as a war chief should be, Doublehead nevertheless sincerely believed that he was acting in the best interests of his people. It can be argued that the wealth acquired by the nation from annuities, land cessions, turnpike franchises, and technical assistance, although not evenly distributed under Doublehead's leadership, was a vital factor in Cherokee survival up to 1806.

Doublehead's power was never supreme. He had always to win the cooperation of enough chiefs in the Upper Towns to gain a majority in the national council. Until 1806 there were plenty of Upper Town chiefs who shared his views and ambitions; most of them lived in the contiguous "lower part of the Upper Towns." The "upper division" of the Upper Towns, located predominantly in the Great Smoky Mountains of

… Roll 2:153. Some measure of Doublehead's commercial success may be seen in the letter he sent to Meigs, Nov. 20, 1802, requesting him to build a keelboat for Doublehead's private trade with New Orleans and "the western wild Indians" up the Arkansas and White rivers. Quoted in Malone, *Cherokees*, 145.

[19] Lovely quotes this remark of Doublehead's in a letter to Meigs, June 13, 1803, Cherokee Agency, Tenn. (M-208), Roll 2.

[20] Chulio signed a communication from the Cherokee council at Oostenaleh to Meigs, Apr. 25, 1806, in which the council directed him to point out that "you know that Double Head is not a beloved man but only a speaker, which you was informed of that two years agoe in this council." *Ibid.*, Roll 3. Gearing argues that "beloved men" were older chiefs with priestly functions, skilled in the art of leadership by consensus because of their patience, restraint, affection, and sensitivity to unspoken feelings. Gearing, "Rise of the Cherokee State," in Fenton and Gulick, eds., *Symposium*, 128-132; Gearing, "Priests and Warriors." I find that in 1806-1809 it was younger chiefs like Hicks, Ridge, and Ross who demonstrated these qualities. Hicks, after his conversion to Christianity in 1813, added some priestly qualities to his role; all three of these leaders, by their active participation in the Creek War, also added some of the warrior qualities to their status. The new nationalistic leaders seem to have embodied the syncretic features of the new Cherokee state in their own personalities. Probably Pathkiller, who was born in 1745, provided the important link between the older, traditional leadership of "beloved men" and the new, mixed-blood, bicultural leadership.

western North Carolina and eastern Tennessee, were generally known as "The Valley Towns" or "The Hill Towns." By all accounts, the people of the Valley Towns remained the most traditional or, in Meigs's terms, "backward," largely because they were more isolated and poor.[21] Their land was not especially coveted by whites, and they managed in the mountains to sustain a hunting-farming economy very similar to that which had preceded the fur trading economy. They had the highest proportion of fullbloods of any region of the nation, the lowest proportion of black slaves, and the smallest proportion of those who could read or write English. They were also the most profoundly attached to their land—perhaps because their traditionally animistic religious beliefs and medical practices were more intact and were intimately related to the mountains, streams, rocks, trees, waterfalls, springs, caves, herbs, and flowers of the region. The Valley Towns were far from unsullied by contact with white men, however, and they too were eager to obtain government assistance in the form of plows, axes, hoes, looms, spinning wheels, and mills in order to improve their meager subsistence economy.

Whites who argued that the more "backward" Cherokees were those most eager to move West in order to maintain their old hunting ways never understood that the people of the Valley Towns were the most culturally conservative of the Cherokees and therefore the most unwilling to move West. Less directly involved in national affairs, their names appear infrequently in extant documents, but among their identifiable leaders in this period were The Big Bear, Stone Carrier, Woman Holder, James Davis, Nepheu, Kalawiska, Chatloe, The Moose, Juliat, and Wilosey. While they left few records of their sentiments, it is clear from their actions that they remained fiercely loyal to the new concept of the territorial integrity of the Cherokee Nation.[22] After 1808 they staunchly supported those nationalistic chiefs who utilized the legalistic arguments of

[21] When Meigs sent George B. Davis to make a census of the Valley Towns in 1808, Davis wrote back, "I had not an Idea of seeing such Indians as there is over the hills and in the Valies; they are at least twenty years behind the lower town Indians." Of 583 black slaves in the Cherokee Nation in 1808, the Valley Towns owned only 5; of 500 ploughs in the nation, they possessed only 40; of 1,600 spinning wheels, they had only 271; of 467 looms, only 70. Yet their population totaled 3,648 out of 12,395 Cherokees, or almost 1/3. Davis to Meigs, Oct. 17, 1808, Cherokee Agency, Tenn. (M-208), Roll 2.

[22] If there has been such a thing as a "peasant" caste among American Indians, the Valley Town Cherokees represented that intense attachment to the soil and customs of their ancestors that is associated with peasant people. See Robert Redfield, *Peasant Society and Culture: An Anthropological Approach to Civilization* (Chicago, 1956). It also appears that the conservative Valley Town people were shocked at the lawless individualism and violence of the Lower Towns and favored stringent policing against horse thieves.

treaty guarantees to oppose removal and to sustain self-government, although at one moment during the crisis their rancor against the more "progressive" regions of the nation almost led them into a schism. Their seeming inconsistency in asking Jefferson in 1808 to grant their region independence so that they might become fee-simple farmer-citizens resulted from their failure at first to understand the full implications of this request—as Jefferson seemed to realize. Their primary purpose was to guarantee their rights against further frontier aggressions and their integrity as a regional group whose interests they felt were misrepresented and undermined by the chiefs of both the Lower Towns and the lower division of the Upper Towns.

In the opening years of the century, Doublehead's counterpart in the Upper Towns was James Vann, whose influence, according to Meigs in 1805, was "more than all the rest of the Chiefs and yet he never comes openly forward; his life is in danger [from rivals], perhaps, but he can opperate on some of the best men in the nation and I think [he] has no objection to the cession [of land] we ask for."[23] Vann was neither a warrior chief nor a "beloved man," but like Doublehead an aggressive, shrewd spokesman for those Cherokees who were ready to try to cope with the whites on the whites' own terms of ambitious entrepreneurship, commercial speculation, and pragmatic bargaining. The son of a Scotch trader and a Cherokee woman, Vann was, by 1806, the richest man in the Cherokee Nation, richer even than his sometime ally and later archrival, Doublehead. He owned a large farm and cattle herds at Diamond Hill (Springplace), Georgia; he possessed a score or more of black slaves and managed two large trading posts (one in Alabama); he had a grist mill and a ferry near his home and, like Doublehead, had made considerable profit from favors given for his part in obtaining treaty concessions.

From 1801 to 1806 Meigs regarded Vann as the chief friend of the government in the Upper Towns; thereafter he was considered its most dangerous enemy. Meigs always believed that Vann initially clashed with Doublehead "thro' envy" and personal rivalry for power. Yet after 1806 Vann gradually moved toward the new concept of national unity that Doublehead rejected. He also became a vehement opponent of removal to the West and of granting franchises within the nation to whites, and a strong supporter of the laws against horse thieves and other criminals. The owner of an imposing two-storied brick mansion where he entertained lavishly, Vann may be seen as the first exemplar of a rising red

[23] Meigs to Gen. Daniel Smith, May 21, 1805, Cherokee Agency, Tenn. (M-208), Roll 3.

bourgeoisie, the bicultural mixed-bloods, who dressed, thought, acted, and lived like the nouveaux riches white cotton planters but who identified themselves as Cherokees. He was, however, so headstrong, irascible, and unstable that he gradually alienated most of the new nationalist leaders who, like true "beloved men," were willing to be patient, tactful, and sensitive to the feelings of all groups for the sake of tribal unity.

Another prominent figure in the opposition to Doublehead was Charles Hicks, who by 1806 was beginning to emerge as a leader of a coalition of Upper and Lower Town nationalists. Hicks, like Vann, was of mixed white and Indian ancestry, but he was neither as rich nor as commercially ambitious. Born in 1767, he was appointed an official interpreter for the federal agency in 1801 and so knew intimately the machinations of the government. His opposition to further land cessions after 1806 earned him the enmity of both Doublehead and Meigs. Hicks's rise to leadership can only be surmised from his increasing participation in documented protest meetings after 1806. By 1808 one of the government interpreters described the anti-Doublehead faction to Meigs as "the insurgon party of the Cherokees, the Backers of Charles Hicks." A few weeks after receiving this information, Meigs wrote to Washington that "Charles Hicks had joined the party against Double Head." Later that year Meigs fired Hicks as an interpreter for being "insolent." A diplomat rather than a warrior, Hicks chose to work for harmony within the nation; he acted in concert with his fellow rebels, not as their leader. At first he let Vann take the dominant role in the coalition against Doublehead, but as Vann's impetuous, drunken, and violent behavior revealed his instability, Hicks and other Upper Town chiefs gradually isolated him from their councils. Later, when the rebels deposed Black Fox and installed Pathkiller as principal chief, Hicks played virtually the same role for him that Doublehead had played for Black Fox—that of power behind the throne.

An important aspect of the Cherokees' acculturation difficulties was that elderly, traditionalist chiefs, while important for purposes of tribal unity, lacked the skills to deal with the whites. Their role came to be that of holding the less acculturated members of the tribe together by representing their views in councils (of which we unfortunately have no records). The articulate mixed-bloods, like Hicks, or the acculturated fullbloods, like Doublehead, did the official talking and correspondence with the whites as speaker or secretary or second principal chief. Significantly, Hicks is identified in official correspondence in 1809 as "Secretary of the Upper Town Council" and in February 1810 as "Secretary of the National Committee."[24]

[24] Letter from the Cherokee Council at Fortville to the Creek Nation, May 27,

The crisis began for the Cherokees in January 1806, when the second of two important treaties was completed by a tribal delegation in Washington, D. C.[25] By this treaty and its predecessor of October 1805 the Cherokees ceded to the United States 8.6 million acres of their old hunting ground in Tennessee at less than two cents per acre. The sixteen chiefs who made the treaty, including Doublehead and Vann, stipulated that the government would not only pay off eight thousand dollars in private debts owed by them and other chiefs to private white traders (an indication of how "progressive" in commerce and trade some chiefs had become), but also liberally reward a number of these chiefs with tracts of land and monetary gifts. Some of these presents were hidden in secret clauses of the treaty of 1806 and were not discovered until later by the rest of the Cherokee Nation. Vann did not profit as much as Doublehead and the Lower Town chiefs, and he appears to have been at the center of the opposition that gathered force in a series of councils and countercouncils that spring and summer. In addition to expressing dissatisfaction with the treaty negotiations, these debates raised a host of other issues that had been troubling the nation. Objections were leveled in particular against the presence within the nation's boundaries of increasing numbers of whites; some of these whites were intruders whom the government neglected to expel, but others were there as the partners or employees of wealthy chiefs to exploit the land, resources, and trade of the nation. This opposition culminated in a bitter conference at Willstown in September 1806 that so offended the friends of Doublehead—notably The Glass and Dick Justice—that they stalked out in anger.[26] Meigs tried to soothe the animosities and defend the treaties, but the criticism continued to mount.

1809, *ibid.*, Roll 4; letter from the Cherokee Council at Oustennalligh to Meigs, Apr. 11, 1810, Letters Received by the Secretary of War, Main Series, 1801-1870 (M-221), Roll 38, frame 5238, Records of the War Department: Records of the Office of the Secretary of War (RG 107), Natl. Arch., hereafter cited as Letters Received, Main Ser. (M-221).

[25] The details of all Cherokee treaties, including references to the secret clauses, are in Charles C. Royce, comp., *Indian Land Cessions in the United States*. Bur. of Am. Ethnology, *Eighteenth Annual Report* (Washington, D. C., 1899). Inasmuch as much of this ceded area was also claimed by the Chickasaws, the bargain to sell it may have been a good one, but the manner in which it was done and the subsequent efforts to enlarge the cession without consulting the council precipitated the crisis.

[26] For the grievances of this council see Willstown Council to Meigs, Sept. 19, 1806, Cherokee Agency, Tenn. (M-208), Roll 3. The council also protested franchises given by Doublehead and his friends to "white men without the smallest privilege [rent or royalty]" to the nation. Nationalism was obviously spurred by growing awareness of national profits to be made from national assets.

Doublehead defended himself angrily in letters to Meigs and other chiefs, calling his opponents "half Breeds," hypocrites, "Desin[in]g and foolish persons that are Enemies to all Improvement. Enemies to all those that wish to improve."[27] John Lowrey, a chief allied with Doublehead at that time, described the opposition as "yong chiefs and indede some of them no chiefes atole," who were trying to upset lawful treaties: "What is our cuntry cum to if the yong, simple, drunken idel people is to breake laws that all the Chiefes and king [principal chief] makes. . . . my fealings was much Hurte to think these young people was holding ther Ta[l]ke [council] to think that we old chiefs and King shold be made as if Thay was Nothing."[28] Black Fox, the principal chief, was technically leader of both the Upper and Lower Towns, but he lived in the Lower Town area and sided steadily with Doublehead's faction. Hence when opposition arose, it appeared to Meigs as a rebellion against duly constituted authority. Its leadership contained not only "half breeds," as Doublehead said, but many fullblood chiefs, especially those from the Valley Towns, and even a few white men married into the nation, like John Rogers. Although designating themselves at first only as spokesmen for the Upper Towns, the opposition leaders found as time passed that many in the Lower Towns shared their views. While Doublehead and Meigs described them as "backward," "indolent," and "enemies to progress," their later course of action indicates the contrary.[29]

Those chiefs who repudiated the treaties of 1806 at Willstown identified themselves in their letter to Meigs as Hicks, John Walker, John Ross, Will Shorey, Young John Watts, Young Wolf, George Fields, Dick Fields, James Brown, Colaqueskee, John Spears, and Naw-the-Whits.[30] From the evidence of later activities we can add the names of The Ridge, Pathkiller, Chulioa, Stone Carrier, Woman Holder, George and Alex Sanders, John Doherty, John Beamer, Sharp Arrow, Sour Mush, Dreadful Water(s), Kelachula, Katahee, Tuskegatahee, Cabbin Smith, Thomas Wilson, Nawayontaeh, and John McIntosh (Quotiqueskee). Some of the Valley Town chiefs, such as Stone Carrier and Woman Holder, at first opposed not only Doublehead but Vann. Many seem to have shifted from one side to another between 1806 and 1809, depending on the specific issue or strategy under consideration. After 1810 even such ardent former supporters of Doublehead as The Glass, Black Fox, Lowrey, and Toochalee

[27] Doublehead to Meigs, Oct. 3, 1806, Jan. 14, 1807, *ibid.*

[28] John Lowrey to Meigs, Oct. 23, 1806, *ibid.*

[29] Pathkiller *et al.* to Meigs, Sept. 19, 1806, *ibid.* These chiefs came from both divisions of the Upper Towns.

[30] Lowrey to Meigs, Oct. 23, 1806, *ibid.*

swung over to support the new leadership and its policies. For the sake of simplicity, the anti-Doublehead faction (Meigs called it "the anti-government faction" or "the insurgents") will be designated the Hicks-Ridge-Pathkiller faction, for these were the men who maintained leadership for the next generation and, together with Ross, became the pillars of the rising nationalist program.[31]

The rise to power of the Hicks-Ridge-Pathkiller leadership was assisted by the deaths of Doublehead in February 1807 and Vann in 1809. Doublehead's authority had been undermined by the rewards he reaped from the treaty of 1805 and by his agreement to the secret clauses in the treaty of 1806 that alienated tribal land and enriched him and his friends. The assassination of Doublehead was plotted by Upper Town chiefs who privately agreed that he had betrayed the nation. It appears from later events that these chiefs saw themselves as official agents of tribal justice and that their action was accepted as just by the majority of the tribe. Vann, who participated in the plot, was himself killed two years later by a relative of a man he had shot in a duel, but he had already been pushed aside by the new Upper Town leaders.[32] Although the violence that destroyed Vann and Doublehead accents the intensity of the passions aroused in this critical period, when one considers the stresses involved in the transfer of authority to new leadership under new policies, the transition appears remarkable for its lack of bloodshed. The successful attempt in November 1808 to depose Black Fox as principal chief and replace him with Pathkiller confirms the view of Meigs that what took place was an internal revolution. However, the peaceful reinstatement of Black Fox as principal chief in 1810, after the crisis had passed, indicates that fundamental policies, not personal animosities or the desire of ambitious individuals for power, were at the heart of the matter.

[31] The absence of genealogical data makes it difficult to say which faction contained more Cherokees of mixed ancestry, but obviously neither can be defined in these terms. Pathkiller (1745-1827) and The Ridge (1771-1830) were fullbloods; Hicks (1767-1827) was the son of a white father and a Cherokee mother; Ross (1790-1866) was seven-eighths white; John Rogers was a white married to a Cherokee. But, as noted above, the staunchest support for the new nationalism came from the Valley Towns where there had been comparatively little intermarriage with whites. Nor was there any such thing as a Christian or a pagan party; missionary activity had barely started in the nation. Indicating the continuity of the new leadership that arose in 1806, Pathkiller was principal chief from 1811 to 1827; Hicks was second principal chief from 1819 to 1827 and succeeded Pathkiller for a short time in 1827; Ross was principal chief from 1828 to 1866; Ridge was probably the second most important leader from 1827 to 1830.

[32] Doublehead's assassination is described *ibid.*, Aug. 9, 1807, and in Brown, *Old Frontiers*, 452; for Vann's death see Malone, *Cherokees*, 60. For a different version of Doublehead's murder, indicating elements of clan revenge, see the John Howard Payne Papers, typescript, II, 26-30, 43-46, Newberry Library, Chicago.

Jefferson's role in the crisis is ambiguous. His wisdom lay in recognizing the complexity of the situation and in refusing to interfere in the Cherokees' internal affairs. He preferred rather to create options than to choose sides. His mistake lay in failing to control the subordinates who took advantage of his ambivalent options to push their own program. And because Meigs and Secretary of War Henry Dearborn wanted total removal of the Cherokees and total exchange of their land, it became possible eight years later for Gen. Andrew Jackson, Secretary of War John C. Calhoun, and Gov. Joseph McMinn of Tennessee to construe Jefferson's words-of 1809 as supporting their plan for removal.[33] Jefferson, by suggesting removal and exchange to the Cherokees in 1809, Meigs and Dearborn by pushing it, Doublehead's faction (led then by Tolluntuskee and The Glass) by claiming to represent a majority in favor of it, and Meigs by carrying out the first stage of the program, in effect converted Jefferson's option into "an agreement." During the second removal crisis of 1817-1819 the Hicks-Ridge-Pathkiller faction would argue that Jefferson had made no such agreement, but Meigs and Jackson insisted that he had and that they were obliged to carry it through as an official commitment to the Lower Town faction.[34]

In 1808 and 1809 Cherokee delegations traveled to Washington to meet with Jefferson. Not only is the precise wording of the president's talks to the Indians important but so are the circumstances in which he spoke, particularly the circumstances among the Cherokees before and after their delegates presented their diverse positions to him. Jefferson's name had been brought into the controversy as early as September 1806, when Rogers, a leader of the Hicks-Ridge-Pathkiller faction and a year later one of the appointed assassins of Doublehead (together with The Ridge and Alex Sanders), accused the president of using unfair tactics to force the Cherokee Nation to sell its land to the government. This was reported

[33] See the opening paragraph of the treaty of July 8, 1817, printed in Richard Peters, *The Case of the Cherokee Nation Against the State of Georgia* . . . (Philadelphia, 1831), 265. Just as logically, Elias Boudinot, the Cherokee editor of the *Cherokee Phoenix* (New Echota, Ga.), could quote Jefferson in the first issue, Feb. 21, 1828, to demonstrate that the Cherokee constitution was instituted in accord with Jefferson's advice in 1809. For Jefferson's early interest in encouraging, but not forcing, Indian removal in 1803 and 1805 see Annie H. Abel, *The History of the Events Resulting in Indian Consolidation West of the Mississippi* (Washington, D. C., 1906). He did not broach it to the Cherokees, however, until 1806.

[34] This second crisis is discussed in Cotterill, *Southern Indians*, 203-210.

to Meigs by Samuel Riley, a government interpreter, who said that Rogers claimed to have his information from John W. Hooker, the government factor at the Cherokee trading post. Hooker reportedly told Rogers "that in conversation with Mr. Jefferson, he [Jefferson] asked him if he could get the Cherokees to run in debt to the amount of ten or twelve thousand dollars in the public store. Mr. Hooker told him for answer, fifty thousand. Well, says he, that is the way I entend to get there cuntry, for to get them to run in dett to the public store and they will have to give there land for payment."[35] Rumors that Doublehead's faction and other chiefs might run up such heavy debts that more, perhaps all, of the Cherokee lands would have to be sold to cancel them were spread and believed amid mounting tribal paranoia. Nevertheless, even after Doublehead's assassination, Meigs continued to deal primarily with Doublehead's friends as the spokesmen for the nation; in view of Black Fox's support, Meigs had some justification for this.

On September 11, 1807, Meigs bribed Black Fox, The Glass, and several other Lower Town chiefs to alter and extend the cession line of 1806 during surveying operations.[36] Then in December 1807, over strong objections from Vann, he negotiated a treaty signed by only twenty-three chiefs, most of them of Doublehead's faction, for a cession of six square miles of Cherokee land in the heart of the nation near Chickamauga Creek. The cession was made to Col. Elias Earle, an entrepreneur from South Carolina, who had convinced Jefferson and Dearborn that there was valuable iron ore in that area that he could mine and manufacture for the benefit of himself, the Cherokees, and the government.[37] The Hicks-Ridge-Pathkiller faction immediately wrote to Jefferson, Dearborn, and George Clinton, president of the Senate, which was then considering ratification, denouncing the "sham treaty" that they said had been forced upon a few chiefs by intimidation.[38] Another letter from the same group went to

[35] Samuel Riley to Meigs, Nov. 29, 1806, Cherokee Agency, Tenn. (M-208), Roll 3. Meigs heard the same story from David Fields, who had heard it from Pathkiller. Fields to Meigs, Nov. 18, 1807, *ibid*. See also Sheehan, *Seeds of Extinction*, 171; Prucha, *American Indian Policy*, 88; and Cotterill, *Southern Indians*, 139-140.

[36] In addition to personal gifts to the chiefs who agreed to the alteration, Meigs agreed to cancel "a debt to the United States of 1,803 dollars." Meigs to Dearborn, Sept. 28, 1807, Cherokee Agency, Tenn. (M-208), Roll 2.

[37] See Meigs to Dearborn, Dec. 3, 1807, Letters Received by the Secretary of War, Unregistered Series, 1789-1861 (M-222), Roll 2, frame 0883, Records of the War Department: Records of the Office of the Secretary of War (RG 107), Natl. Arch., hereafter cited as Letters Received, Unregistered Ser. (M-222). The Glass was the chief proponent of this treaty with Earle.

[38] Pathkiller *et al.* to Thomas Jefferson, Jan. 24, 1808, *ibid*., Roll 3, frames 1152-1153; Pathkiller *et al.* to George Clinton, Jan. 24, 1808, *ibid*., frames 1154-1155.

Black Fox declaring that "the upper towns had never sanctioned the treaty" and that they regarded it as invalid.[39]

Earle nevertheless collected one hundred white families in South Carolina, plus a wagon train of supplies with a superintendent and some slaves, and started them off to his newly acquired property. Hearing that the Cherokees were angry, most of the white families turned back, but Earle ordered his superintendent, slaves, and several white employees to proceed. No sooner had their wagon train entered Cherokee territory in Georgia than it was surrounded by armed Cherokees whom Vann had equipped and directed. After threatening and harassing the superintendent and other white employees, the Indians forced them to turn back to South Carolina. Meigs, living two hundred miles west in Tennessee, did not learn of this "warlike" event until it was over. Doublehead's faction, now led by The Glass, Tolluntuskee, Black Fox, and John D. Chisholm, a white man married into the tribe and the executor of Doublehead's estate, denounced Vann as "a boney part" for his high-handed action and suggested that Meigs arrest him.[40] Vann told William Brown, Earle's superintendent, that "the chiefs had given orders for Mr. Earle's waggon[s] to be stoped."[41] Lowrey, writing to Meigs on February 8, 1808, said with stark understatement, "It appears that there is a part of our Nation in grate confusion."[42]

In March 1808 a group of Upper Town chiefs who were no friends of Vann's but who were also angry at the Lower Town chiefs set out for Washington to see Jefferson. They carried a letter from Gov. John Sevier of Tennessee vouching for them as "friendly" to the United States, but they obviously distrusted Meigs for they neither sought his permission nor told him of their departure.[43] Led by Stone Carrier and Woman Holder, they were from "the vicinity of Blount County and Tellico Blochouse" and apparently represented the upper division of the Upper Towns. In an

[39] Charles Hicks to Black Fox, Feb. 15, 1808, Cherokee Agency, Tenn. (M-208), Roll 4.

[40] Lowrey to Meigs, Feb. 8, 1808, Letters Received, Unregistered Ser. (M-222), Roll 3, frame 1311.

[41] Affadavit signed by William Brown, Feb. 15, 1808, Cherokee Agency, Tenn. (M-208), Roll 4.

[42] Lowrey to Meigs, Feb. 8, 1808, *ibid*.

[43] Sevier's letter, dated Feb. 9, 1808, is in the Daniel Parker Papers, Box 2, Historical Society of Pennsylvania, Philadelphia. He lists some of the chiefs in this delegation: The Stone Toater (or Stone Carrier), John of Chillhowa, The Crawling Boy, Chilcoehatah, and The Deer Biter. They appear to have been from the upper part of the Upper Towns. I am indebted to Julian P. Boyd for calling the Parker Papers to my attention and for suggestions made after reading an early draft of this paper.

interview with Dearborn in April they complained that Meigs was giving to the Lower Towns an unfair proportion of the government's technical aid and annuities; that the chiefs who had signed the treaty of 1806 had no right to use the payment for tribal land or the money from the annuities to discharge their personal debts to white traders since the land belonged to the whole nation; and that they were tired of being dominated by the chiefs of the Lower Towns. The delegation asked the government to erect a gristmill in their area and to send them more ploughs, spinning wheels, looms, and hoes.[44]

These chiefs also offered a plan of their own to solve the nation's problems. We have no record of it in their own words, but Jefferson paraphrased it in a talk to the delegation on its departure from Washington on May 4, 1808: "You propose, my children, that your nation shall be divided into two, and that your part, the upper Cherokees, shall be separated from the lower by a fixed boundary, shall be placed under the government of the United States, become citizens thereof, and be ruled by our laws; in fine, to be our brothers instead of our children." Apparently these chiefs, seeing that their rights were not well represented by the Lower Town chiefs and that their lives and property were not respected by the white frontiersmen who intruded upon them, sought the protection of citizenship. But Jefferson wondered if they understood the degree of acculturation this would require: "Are you prepared for this?" he asked, outlining the process necessary. "Have you a resolution to leave off hunting for your living, to lay off a farm for each family to itself, to live by industry, the men working that farm with their hands, raising stock or learning trades as we do, and the women spinning and weaving clothes for their husbands and children?" He urged them to consider this, to "consult with the lower towns," and, if the Lower Town chiefs agreed, to have delegates sent to Washington "with power to arrange with us regulations" by which the Cherokees would be governed as citizens. He would then ask the assistance of "the Congress, whose authority is necessary to give validity to these arrangements." Whether this would entail granting them

[44] Dearborn, in describing the complaints of this delegation to Meigs, said, "They state that for several years their part of the nation has received scarcely anything from the United States either as annuities or as pay for the lands sold; that the great chiefs generally live in the lower part of the nation and after receiving the annuities, etc. they divide nearly the whole among those of their own neighborhood." He also noted that "they speak of Vann as a turbulent and dangerous man." Dearborn to Meigs, May 5, 1808, Cherokee Agency, Tenn. (M-208), Roll 4. For previous complaints of this sort and an earlier threat of secession from the nation (at that time by the Lower Towns) see Mooney, "Myths," 83.

full citizenship or merely some intermediate status under further federal supervision was not stated.[45]

More important, perhaps, Jefferson suggested that those Indians who opposed this solution might "go, if they choose it, and settle on our lands beyond the Mississippi." Although he said nothing about an exchange of land, he did indicate that the government would establish "a store there among them where they may obtain necessaries" in trade for their hides. But he would agree to nothing until "the principal part of your people determine to adopt this alteration." Since Meigs and Dearborn had been discussing removal and exchange for the preceding three months, it is surprising that nothing specific was said about exchange; the problem may have been that Meigs and Dearborn favored total, not partial, removal of the Cherokees.

Frustrated by increasing factionalism, unable to hold back the white intruders as he was supposed to do, and dubious about the speed with which the Cherokees could be "civilized," Meigs had written to Dearborn in February 1808: "I understand some years ago that the Government had in contemplation an exchange of lands with the Indians South of the Ohio. It is my opinion that if specific propositions were made to the Cherokees, holding out suitable encouragement and protection, that it would in a short time produce a general sentiment amongst them in favor of exchange. Some who are well situated as farmers would probably require reservations of competent tracts for their use, but even these would finally sell out and follow the nation."[46] Dearborn wrote back on March 25, "If you think it practicable to induce the Cherokees, as a nation generally, to consent to exchange of their present country for a suitable tract of country on the other side of the Mississippi, you will please to embrace every favorable occasion for sounding the Chiefs on the subject; and let the subject be generally talked about [among] the natives until you shall be satisfied of the prevailing opinion."[47] Although we do not know whether Dearborn discussed this plan with Jefferson, it presented such difficulties and expense that it would seem strange for him to have encour-

[45] Jefferson to the Cherokee delegation in Washington, D. C., May 4, 1808, Letters Sent, Sec. War (M 15), Roll 2:374.

[46] Meigs to Dearborn, Feb. 9, 1808, Cherokee Agency, Tenn. (M 208), Roll 4. For the earlier "contemplation" of removal to which Meigs refers see Lovely to Meigs, Oct. 27, 1803, *ibid.*, Roll 2, and Abel, *History of the Events*, 252.

[47] Dearborn to Meigs, Mar. 25, 1808, Cherokee Agency, Tenn. (M-208), Roll 4. There were probably about 800 Cherokees who had voluntarily moved across the Mississippi between 1780 and 1808 for various reasons, but no one had paid much attention to them. See Mooney, "Myths," 99-101.

aged it without doing so. Yet there is no evidence that Jefferson had considered it in May 1808 when he addressed Stone Carrier's delegation.

But Meigs, close to the scene and seeing a general emigration as a way of solving most of his problems, at once started talking with "well-disposed" chiefs and working on plans for removal and exchange. While admitting in June 1808 that the Cherokees were at "a crisis in their national existence," Meigs was so confident of cooperation from the Lower Town chiefs on his removal strategy that he planned to take a delegation of them to Washington to discuss its details. On June 3 he wrote to Dearborn that "there is a good number who wish to go over the Mississippi," and that "the general idea of an exchange" of land should be pushed.[48]

Meigs may thus be seen as the architect of Cherokee removal. Yet he promoted it not to destroy but to preserve that nation. When Dearborn wrote that Jefferson had told Stone Carrier's delegation how to prepare for citizenship, Meigs responded that this was a forlorn hope. Furthermore, the granting of plots of land in severalty to Upper Town farmers would undermine the project of total removal and exchange. The Cherokees, he believed, once given individual title to their land, would soon sell it or be defrauded of it by unscrupulous whites. What then would they have to exchange? "Their existence as a distinct people depends on their migration; they must change their ground or their idle habits. . . . Their women . . . are industrious, the greater part of the labor is imposed on them and this trait [male laziness] in the character of their people proves that they are better fitted for migration to a new Country than to remain here surrounded now by white people where something is continually arrising to arouse their reciprocal prejudices into acts of injustice."[49] Consequently, he wrote, "I found it necessary to go a step farther than simply mentioning the exchange," as Dearborn had authorized him to do. He had, in fact, given a written statement to certain chiefs saying: "It is proposed to place the Cherokees on good hunting ground" in the West and the "protection and fostering hand of Government will go with you . . . [T]o enable you to make the removal they will make the necessary advancements and your present stipulated annuities will be continued" in the West.[50] Meigs had no authority to offer such a proposition but so skeptical had he become of the federal Indian policy of civilization and incorporation in situ that for the rest of his career as agent to the Cherokees (until his death in 1823) he bent every effort toward total removal.

[48] Meigs to Dearborn, June 8, 1808, Letters Received, Main Ser. (M-221), Roll 26, frame 8670.

[49] *Ibid.*

[50] *Ibid.* Division of the annuities between Cherokees east and west posed serious problems, then and afterward, which Meigs glossed over here.

Having found some sympathetic ears among the Lower Town chiefs, Meigs next had to convince Dearborn that removal, although expensive, would be well worth the cost: "Suppose the U. States give them land [in the West] equal to one-half by estimation [to that they leave in the East], having some natural boundaries, and buy the other half at one-half cent per acre, say total 105,000 dollars, payable by installments in twenty years. If they move, they will want one or two of these instalments to buy arms, powder, lead, and provisions to support them untill their first crops come in." The remaining installments and economic aid would be in the form of trust funds or annuities to give the Indians regular income with which to purchase such items as ploughs, hoes, gristmills, and cotton gins. While $105,000 seemed a large sum, it would "bring millions into the Treasury" from the sale of the Cherokees' present lands, and the transaction would settle innumerable thorny problems along the southeastern frontier. In addition, twelve hundred warrior Cherokees in the West "will be a formidable Barrier against savages or people of any other character." Meigs excused his generous promises of aid to the chiefs on the ground that they had to be induced to persuade others: "It must be considered that notwithstanding they are Indians, they have strong local prejudices, and to induce them to migrate they must have strong excitements to leave the place of their nativity and the graves of their fathers." Jefferson's plan to make farmer-citizens of the Indians was deemed totally impracticable by Meigs because "they can no more hold property than a seive can hold water." Whatever Stone Carrier's delegation may have told Jefferson, Meigs claimed that only "a small part" of the Upper Town Indians really wanted "to put themselves under the laws of the United States and become citizens."[51]

Three months later, in September 1808 at a council held at Broomstown, Meigs put removal to the chiefs as an either-or proposition. "You have your choice, to stay here and become industrious, like white people, so that the women and children shall not cry any more for bread, or go over the Mississippi, where meat is plenty and where corn may be raised as well as here." He did not deny that they had made important strides toward "civilization" but turned his argument into an appeal for national unity: "The Cherokees have more knowledge as farmers, as manufac-

[51] *Ibid.* Meigs said that there might be "perhaps three hundred families" in the entire nation (mostly mixed-bloods) "that might hold land as individuals and make useful citizens."

tur|er|s and have more knowledge of literature than any nation of Red men of equal numbers in America. I wish to excite in yourselves a just pride, that is to have you value yourselves as *Cherokees;* the word *Cherokee* or *Cherokees* should always convey an idea of Respectability to your people and to preserve your nation from being lost, to keep up your National existence as a distinct people, you must not let your people straggle one or two at a time or in small parties [to the West] because small parties cannot support the character of the Nation."[52] It is ironic that Meigs should have utilized an appeal to the rising nationalism of the Cherokees on behalf of his program. Far from uniting them behind the few who wanted to emigrate, it united the majority against removal and also against a permanent division of the nation into Upper and Lower sections. If the Cherokees were to be a distinct nation and if they had succeeded so well where they were, it seemed to most of them more logical to continue in the East than to leave it.

The council at Broomstown and a second council a month later at Highwassee Garrison constituted major turning points in the national mood. These councils decided to send a joint delegation to Jefferson, composed of three chiefs from the Lower and three from the Upper Towns. It appears, however, that the Lower Town delegates, with the connivance of Meigs, went to Washington under instructions from their chiefs to discuss removal and exchange of lands, while the Upper Town delegates went under the assumption that the tribe was now opposed to removal and exchange. The confused and conspiratorial aspects of these councils make them difficult to describe. According to the fullest account, written in 1818, "during the session of the Council [at Broomstown] a private meeting of the river chiefs was called in the woods, half a mile or more from the Council house, to vote for emigrating west of the Mississippi. Those wishing to emigrate lost the majority of votes" but nevertheless "after the close of this Council it was said by some of the river chiefs that they would go to the City of Washington to exchange the Country."[53] If this was true, the Lower Town chiefs were not acting, as Jefferson was led to believe, for a majority of their own people, much less for a majority of the nation. According to this account, the council at Broomstown agreed only to meet at Highwassee Garrison a month later to choose six

[52] Meigs, address to the Cherokee Council, Sept. 6, 1808, *ibid.*, Roll 27.

[53] Copy of a letter signed by 49 Cherokee chiefs to Joseph McMinn, June 30, 1818, American Board of Commissioners for Foreign Missions Papers, 18.3.1, II, Houghton Library, Harvard University, Cambridge, Mass., hereafter cited as ABCFM 18.3.1, II.

delegates to go to Washington to offer formal thanks to Jefferson for his help during his administration, a suggestion made by Meigs.

We have no copy of the instructions, but apparently the delegates, while free to discuss other matters informally, were not empowered to make any official agreements or treaties. However, according to the same account of 1818, the chiefs of the Upper Towns discovered at Highwassee Garrison that the Lower Town chiefs, in concert with Meigs, had issued secret instructions to their three delegates to work out a plan for removal and exchange with Jefferson, "on which information considerable difference arose between the parties and three of the river chiefs were broke [deposed] in consequence of it. That is, the Glass, Tahlantuskey, and the Black-fox. After which the council then in session at that place elected John Walker, Quotoquaskee, Toochala, Ridge, Skeaka, and the Seed delegates to see our father, Thomas Jefferson and to communicate to him that the Cherokees did not wish to exchange any part of their country." But despite this action, the three Lower Town delegates still considered themselves bound to present the views of the Lower Towns and the deposed chiefs. In fact, it appears that neither they nor Meigs accepted the validity of the deposition.

The Upper Town chiefs, according to another account, written in 1817, discovered "a few days before the delegation started to the city of Washington" that the Lower Town delegates planned to follow the orders of the deposed chiefs. They held a council and "appointed two other delegates in addition to those who were first chosen in order to frustrate the designs of that part of the delegation who should attempt to do anything that would be in any wise injurious to the nation in general. But, unfortunately when the delegates arrived at the city of Washington, the two [additional] delegates, in whom the faith and confidence of the nation was placed, were rejected and were not admitted to a hearing."[54] Thus, if these accounts are to be believed, Meigs not only abetted a conspiracy to divide the nation but saw to it that the additional delegates were denied the right to participate in the discussion with Jefferson.

Since these documents of 1817 and 1818 present the viewpoint of the Hicks-Ridge-Pathkiller faction, it is necessary to check them against what little contemporary evidence we have. One such document is a letter from The Glass to Dearborn dated November 2, 1808, at the time the council at Highwassee Garrison was in session. It corroborates the view that the

[54] *American State Papers. Documents, Legislative and Executive . . .* (Washington, D. C., 1834), *Indian Affairs*, II, 143. Dated July 2, 1817, this was signed by 67 chiefs, some of whom had been on the opposite side in 1808.

Lower Town delegates were expected to discuss removal and exchange: "Our peopel [in the Lower Towns] expects that Exchange of land will take place with the United States."[55] A more important letter, written about the same time by fifteen of the Lower Town chiefs, protested the deposition of The Glass, Tolluntuskee, and Black Fox, and the latter's replacement by Pathkiller. It also confirms that the Lower Town chiefs instructed their delegates to discuss proposals for removal and exchange. Claiming to represent "the sentiment of 13 Towns composing nearly one half of the Cherokee Nation and taking into view our people that are already crossed the Mississippi, we are a majority," these fifteen wrote,

> It is only 4 days since the upper Division of the Nation met in Council and had very contrary talks and very distant from our wishes; they therewith usurped authority, attempted to stop the mouths of four of our old and beloved chiefs and leaders [the fourth was Chisholm]. . . . These men had done nothing that could be laid to their charge except holding fast to our father the President and Governments advise and wishing the true happiness of the Nation and Interest of the United States . . . we wish you to inform us pointedly if you will permit us and protect us in Removing if we should wish to do so. . . . We have also sent 3 of our Chiefs to see you, they will inform you of our minds, viz. Too-cha-lee, The Seed, and Ski-u-ka.[56]

They closed by praising Meigs and signed their names with marks: The Glass, Dick Justice, Turtle at Home, Toochalee, The Seed, Skiuka, John Boggs, Waskah, Eusononu, The Gourd, Chickasawtahee, Conwaloe, Tickachulaste, Black Bird, and Parch(ed) Cornflour.

What the contemporary documents do not settle is when and by whom the two additional delegates were chosen or even whether the council at Highwassee Garrison was a full national council or only an Upper Town council. A letter from Meigs to Dearborn, dated Kingston, Tennessee, November 15, 1808, indicates that when he and the first six chosen delegates left for Washington he knew nothing of the appointment of two additional delegates: "I am thus far on my way to the City with my accounts. Five or Six Cherokee Chiefs accompany me to see the President previous to his leaving the Administration and to converse with him on the subject of exchange of Country. If dependence can be placed on my

[55] The Glass to Dearborn, Nov. 2, 1808, Letters Received, Unregistered Ser. (M-222), Roll 3, frame 1206. By "our peopel" The Glass meant the Lower Towns.

[56] *Ibid.*, frame 1156. Addressed to Jefferson from "The Head Men of River Division," it was obviously written before the delegation left the nation on Nov. 15 and was probably presented secretly by the Lower Town delegates.

information, more than one half are in favor of going over the Mississippi. A party is already formed to explore the lands on the waters of Arkansa and Red rivers. I have persuaded them to wait 50 days for an answer from me which I promised to send them after my arrival at the City. I was induced to this not knowing on what part of the Country the U.S. would choose to place them."[57] Another letter, dated November 23, 1808, from subagent Maj. William S. Lovely (Meigs's son-in-law) to Meigs stated that he had just learned of the appointment of two additional delegates by what he called a "nocturnal council" presided over by "the now great Chief, the Path Killer, Damn his brains, that he could not foresee the consequence that would result."[58] Lovely was not at the council but knew that it had been called to oppose removal and exchange.

While such evidence corroborates the view that information concerning the actions of the Lower Town chiefs had been kept secret from the chiefs of the Upper Towns, it does not explain why the latter waited until after Meigs's departure to appoint additional delegates unless they only then discovered that the Lower Towns planned to betray a presumed agreement reached at the last council. It also implies that the "nocturnal council" was not the council at Highwassee Garrison but a rump group of Upper Town chiefs. Lovely noted that this council had appointed Rogers and Thomas Wilson (Hicks's nephew) as additional delegates and sent them to catch up with the original six. He blamed Vann as the prime mover of this "deceitful conspiracy." A letter to Jefferson from Highwassee Garrison on November 25 by The Glass, Tolluntuskee, and Turtle at Home indicates no knowledge of the extra delegates but it denounced the depositions and made clear that Toochalee, The Seed, and Skiuka (and not the whole delegation) would speak for them. In fact, it specifically attacked The Ridge and cautioned that "we do not wish the Chiefs to hear this letter read. Our hearts are true to the U. States." Tolluntuskee added a revealing personal postscript: "I have tried to make our people sensible of our own good, but they would not listen. I and my part are determined to cross the river towards the sunset. Our bad brothers may dispute, but with me 12 towns go."[59]

The two additional delegates sent by Pathkiller, together with a chief named Cabbin Smith, caught up with Meigs at Alexandria, Virginia, on December 13. Meigs refused to acknowledge them as representatives of the nation and advised Dearborn not to recognize them: "After the Coun-

[57] Meigs to Dearborn, Nov. 15, 1808, *ibid.*, frame 8971.

[58] Lovely to Meigs, Nov. 23, 1808, *ibid.*, frames 1314-1315.

[59] Turtle at Home *et al.* to Jefferson, Nov. 25, 1808, *ibid.*, frame 1151.

cil [at Highwassee] had gone home, Vann and Hicks having a jealousy that those that were regularly appointed would not transact the business agreeably to their factious views, sent on three person to oppose the others."[60] Despite Meigs's opposition, Rogers, Wilson, and Smith went on to Washington and met regularly with the other delegates. The communications to Jefferson that have survived indicate that the Upper and Lower Town delegates were working against each other throughout their meetings, which lasted from mid-December to January 9. Without impugning the motives of either faction as to what was best for the nation, and admitting that there were chiefs on both sides who had venal interests of their own, it seems clear that Meigs and the Lower Town chiefs did not represent the majority, their assertions to the contrary notwithstanding.[61] Events would prove that all the efforts of these chiefs and Meigs could not induce more than one-tenth of the Cherokees to emigrate.

The talks began with the presentation to Jefferson on December 21 of the noncontentious thanks of the nation for "his protecting and fostering hand" as president.[62] But in the following week the Lower Town delegates evidently met separately with Dearborn and presented the letters from their faction to him and to Jefferson. When the Upper Town delegates discovered this, they wrote an indignant note to Jefferson on December 28 saying, "We did not think that we were bringing the talks of our old chiefs that we have dismissed. We thought that we were bringing the talks of our beloved man, the Path Killer, our present Principal Chief, and the talk of 42 towns that are also of his mind." The reason the "old chiefs" were deposed was that "they had already made up their minds to move us out of our houses [and across the Mississippi] before we knew anything of it." Apparently they adopted Meigs's view that removal and exchange applied to the whole nation and not just to one part of it. They then reiterated the complaint about the unfair proportion of annuities and economic aid that had gone to the Lower Towns: "You advise us to learn your ways; it is that we mean to do; we have learned many things. And if it had not been for them [the Lower Towns], we would have learned more."[63]

[60] Meigs to Dearborn, Dec. 13, 1808, *ibid.*, frame 1306.

[61] Evidently the definition of a "town" varied considerably, but most estimates state that there were between 40 and 50 Cherokee towns at this time.

[62] The copy of this document in the Parker Papers, Box 2, differs somewhat from that in Cherokee Agency, Tenn. (M-208), Roll 4, Dec. 21, 1808.

[63] Parker Papers, Box 2. The letter was signed by Ridge, Walker, and McIntosh, but Thomas Wilson's signature was crossed out.

On December 29 the six delegates presented a letter that apparently represented an agreement that a boundary line should be drawn between the two parts of the nation, although this was not in any way related to removal and exchange. The six chiefs seemed ready to blame the need for a boundary upon "the old chiefs" who had not proceeded rapidly enough to educate the young or to make laws against horse thieves:

> We want to do the best we can for ourselves and our Nation. But the old people of our nation are hard to [find it hard to?] understand what is for the benefit of [the] Nation. You know that learning has been recommended to our people when our children are small. Since that [time] our children have grown up and we do not know of but very few of the old chiefs that has given their children learning. . . . For if we follow the old customs of our people, we will never do well, for now our children are not grown up fit for any business that we wish them to follow. . . . When a man wants anything he ought to work for it and then he would be called an honest man. This is our reason that we wish to secure land to persue honesty and Industry.[64]

To indicate that the establishment of this boundary was not intended to give the Lower Towns the right to remove or sell their lands by unilateral action, the delegation's letter concluded: "The proposition that we proposed was for a division line to run from Tennessee River so as to take in all the waters of Hiwassee to the boundary between us and your people. All north of that line to be under the laws of their own forming. This line would be made for no other purpose than to suppress theft and to secure our land and keep our chiefs from selling our land (or another part of the Nation)."[65]

The Lower Town delegates did not interpret this letter as preventing them from pursuing their own plan for removal and exchange. On January 4, 1809, Toochalee wrote to Jefferson asking him to confirm the removal plan that had been worked out with Meigs: "Father, I am sent by my peopel, the princeable Chefes of the Lower towns . . . my part of the Nation, the Lower towns, is deturm[in]ed to move over the massippa if they like the Cuntry when they exploar it, pervided there father will assist

[64] *Ibid.* The letter also said "our old chiefs will see people with stolen property but wont try to put a stop to it."

[65] *Ibid.* Signed by the original 6 delegates; the signatures of Cabbin Smith and Wilson were crossed out. Jefferson noted on this document, "The Upper are about 30 towns and about 1200 [warriors? families?]."

them in there persute. A father knows the wants of there Children when Going to travel; he fits them out Comferubly; if we should wish to move we shall Lack Boates to move in and Good Guns to kill meet to Liv on and to Gard our wimmen and Children."[66]

The last message to Jefferson came from the Upper Town delegates in response to Toochalee's letter of January 4. They attacked the Lower Town chiefs for deceiving them and for turning against the government's policy of civilization. "They are asking you for assistance to move. They are asking you for Guns. Your advise has Been to us, Lay by [y]our Guns and Goe to farming. Git hoes, plowes, and axes. The yung peopel holds your talk fast Respecting farming and Industrey. . . . Like wise our wimmin was told for to Set in the house and make Close [clothes] for ther family. . . . The wimmin is to be pitted [pitied]. It tis by them that we are all Borne and Raised. They love there Children to be Near them as when they are in the Corne field they Expect to See them at mele times."[67] Apparently the women opposed removal too.

On January 9, 1809, Jefferson delivered his written answers, one to the Upper Town delegates and one to the delegates of both factions. No treaties or agreements were signed. Jefferson knew that treaties could only be made with the consent of councils.[68] To the Upper Towns Jefferson said, "with respect to the line of division between yourselves and the lower towns, it must rest on the joint consent of both parties." The division seemed "reasonable" to him, however, and he would be "willing to recognize those on each side of that line as distinct societies." He went on to advise the Upper Towns on how to establish laws that were "only for the present" and such as "suit your present condition." They should call a council and consult with Meigs about such laws, particularly "a law giving to every head of family a separate parcel of land" that should go to his descendants. "I sincerely wish," he concluded, "you may succeed in

[66] *Ibid.* Jefferson noted on this letter that "12 towns wish to remove across Misipi and want to be well fitted out." Adding these 12 Lower towns to the 10 Upper towns in n. 65 gives a total of only 22, which seems to leave many unaccounted for. See n. 61.

[67] *Ibid.*

[68] In Apr. 1808, to prevent Meigs from making treaties only with those well disposed to the government, "a full council" passed a law "that no act of any Chief or Chiefs should be considered binding on the Nation unless they were first appointed in a council and then to be ratified by a full counsel of the Nation before whom these proceedings is to be laid." Ridge, Pathkiller, and 17 other chiefs sent a copy of this law to Jefferson, June 4, 1808, Letters Received, Unregistered Ser. (M-222), Roll 3, frame 1343. The law was adopted, however, by a council dominated by the Upper Town chiefs.

your laudable endeavors to save the remains of your nation by adopting industrious occupations and a government of regular law." He did not mention future citizenship, but this was his clearly implied goal.[69] Interpreting this message to Chisholm after returning to the agency, Meigs noted that the Upper Towns had "requested to be divided by a line of division" and that within their bounds "they propose to introduce a regular government but not denationalize themselves. . . . If that be agreed to, that section East of Highwassee will try to organize a regular government by selecting such laws of the United States as may be found adapted to the state of information among them."[70]

Jefferson's message to the whole delegation took note of the distinction between those Cherokees who wished "to remain on their [ancestral] lands" and "betake themselves to agriculture" and those who, "retaining their attachment to the hunter life . . . are desirous to remove across the Mississippi." The government wished to satisfy both parties, "those who remain" and "those who wish to remove." Jefferson therefore permitted the Lower Towns to send an exploring party up the Arkansas and White rivers to find "a tract of country suiting the emigrants and not claimed by other Indians." When such a tract had been found, "we will arrange with them and you the exchange of that for a just portion of the country they leave and to a part of which proportioned to their numbers they have a right. Every aid towards their removal and what will be necessary for them there will then be freely administered to them."[71]

The chiefs appear to have been satisfied with this proposal because each faction had a different interpretation of it. The Upper Towns took Jefferson to mean by "joint consent" and a future arrangement "with them and you" that both sides would have to agree to the terms of removal after the explorations and before any division of their homeland or exchange of land. The Lower Towns took him to mean that they might move as soon as they found a suitable spot in the West, that the government would provide them with transportation and the means of support in their journey and settlement, and that only the details of the sale or exchange of lands would need to be worked out by later councils. The latter view was also taken by Meigs, who told the Cherokees upon their return to the nation that "the exchange does not depend on the consent of the nation because emigration cannot be restricted." (Presumably, "exchange" in this context meant simply the right of emigrants to settle in

[69] Jefferson, Address to the Cherokee Chiefs of the Upper Towns, Jan. 9, 1809, Letters Sent, Sec. War (M-15), Roll 2:414.

[70] Meigs to John D. Chisholm, Mar. 28, 1809, Cherokee Agency, Tenn. (M-208), Roll 4.

[71] Jefferson, Address, Jan. 9, 1809, Letters Sent, Sec. War (M-15), Roll 2:416.

the West.)[72] When Tolluntuskee told Meigs in March 1809 that he did "not want to explore [the West] because he has already the necessary information" and that he would be ready to leave shortly with his followers, Meigs assumed that they were free to go.

By the middle of August 1809 Tolluntuskee had 1,130 men, women, and children ready to move, and Meigs wrote at once to the secretary of war that "they expect the aid of Government" for their journey. He outlined the aid necessary: one keel boat, 200 rifles, 200 pounds of powder, 1,000 flints, 800 pounds of lead, 200 beaver traps, 100 axes, 100 corn hoes, 50 grubbing hoes, 250 wool and cotton cards, and 50 small ploughs. He expected "some thousands" more to follow this first contingent and noted that they would need similar assistance. The government should be prepared to buy up Cherokee land in the East in proportion to the percentage of Cherokees who had removed. "I estimate the whole number of Cherokees at 12,000, the whole quantity of land at 15,000,000 acres. Admitting this to be correct, . . . each man, woman, and child are entitled to 1250 acres; at this ratio, 2000 emigrants settled on those rivers [Arkansas and White] will intitle the United States to 2,500,000 acres [of the eastern Cherokee homeland]. If the United States grant the aid now asked, there will be upward of 2000 Cherokees on those rivers before spring and probably double that number within two years."[73]

On July 24, however, The Ridge and fifteen Upper Town chiefs, meeting at Oostenali, had sent Meigs a letter reminding him that "our father [Jefferson] has told us that our whole nation should be present at the sales of our lands, which we think is just."[74] The Upper Towns clearly expected that no emigration would be permitted until the terms of exchange had been worked out jointly. But they were disappointed. Not only did Meigs not believe that the Upper Towns had any right to prevent removal and exchange, but on August 17 he described the talks with

[72] Meigs to Chisholm, Mar. 28, 1809, Cherokee Agency, Tenn. (M 208), Roll 4.

[73] Meigs to William Eustis, Aug. 17, 1809, Letters Received, Unregistered Ser. (M-222), Roll 3, frame 1574.

[74] Meigs to The Ridge and the chiefs of 15 Upper Towns, Aug. 2, 1809, referring to action taken in council on July 24, Cherokee Agency, Tenn. (M 208), Roll 4. Ridge claims in this letter (sent after the meeting) that this council represented the will of the same 42 towns that had instructed the delegates to Washington "that the path killer and 42 towns held to their country." In 1818, 49 chiefs said, "On the return of the deputation [from Washington] a Council was convened at this place [Oostenali] of 30 towns. They unanimously rejected a division line between the upper and lower towns." ABCFM 18.3.1, II. If the Upper Towns did cast such a vote in July 1809 (whether by 15 or 30 towns), it still needed to be ratified at a council of, or including, the Lower Towns. This came at Willstown in Sept. 1809.

Jefferson as a "negotiation with the President. The result was an agreement to exchange lands here for lands on the Arkansas and White rivers."[75] It seems highly unlikely that Jefferson and the delegates at that time saw it as a "negotiation" and "agreement," although Tolluntuskee and Meigs later chose to interpret it so.

Meigs still thought that the current of Cherokee opinion was moving toward mass emigration. He wrote James Robertson on September 1, asking him to inform Sevier that at the coming general council of the whole nation "it is probable, as has always been the case in such business, some of the Chiefs of the refractory party will try to get resolutions not to sell land," but within a short while "they will cast eyes and thoughts to the Mississippi and a sale or exchange will amount to the same thing eventually."[76] On September 21 he predicted that if Congress would only provide forty or fifty thousand dollars for expenses, there would soon be "a migration over the Mississippi" of "one half at least of the Cherokees."[77] But while Meigs persisted in this hope, the Cherokees were reaching the final stage of a very different consensus. Recognizing that Tolluntuskee and a few others probably could not be stopped, the majority of chiefs, Upper and Lower, concluded that national unity was the only way to prevent another land cession.

Late in September 1809, at a council at Willstown, the Cherokee Nation at last overcame its internal divisions and animosities. Uniting behind the leadership of the Hicks-Ridge-Pathkiller party, a new coalition rejected both the proposed division line between the Upper and Lower Towns and Jefferson's suggestion that the Cherokees become fee-simple farmer-citizens. More than that, they voted to merge the sections of the nation by abandoning entirely their old regional division into Upper and Lower Towns. Doublehead's old faction had finally dissolved. Pathkiller informed Meigs of the new situation on September 27: "It has now been along time that we have been much confused and divided in our opinions, but now we have settled our affair[s] to the satisfaction of both parties and become as one. You will now hear from us not from the lower towns nor the upper towns but from the whole Cherokee nation." This new national union was institutionalized by the creation of a national executive committee empowered to act for the nation when the national council was

[75] Meigs to Eustis, Aug. 17, 1809, Letters Received, Unregistered Ser. (M-222), Roll 3, frame 1574.

[76] Meigs to James Robertson, Sept. 1, 1809, Cherokee Agency, Tenn. (M-208), Roll 4. Sevier was hoping to obtain a cession of all the remaining Cherokee land in Tennessee at federally sponsored negotiations later in September.

[77] Meigs to James Trumble, Sept. 21, 1809, Letters Received, Main Ser. (M-221), Roll 34, frame 1752.

not in session. "We have this day," wrote Pathkiller, "appointed thirteen men to manage our national affairs, for we found it very troublesome to bring anything to bear where there were as many as we formally [formerly] had in our council."[78] This executive committee, which henceforth played an important role in Cherokee affairs, became the upper house of the bicameral national legislature in 1817. The committee chosen in 1809 consisted of influential chiefs from all three regions of the nation: Charles Hicks, The Ridge, John Walker, John McIntosh, Turtle at Home, John Lowrey, Richard Brown, George Lowrey, George M. Waters, Thomas Pettit, Doghead, Tuscock, and Sower John.[79]

On behalf of the united nation the Willstown council also refuted Meigs's interpretation of Jefferson's address: "Concerning the people that want to move over the Mississippi, we have read the president's speech and we understand by it that nothing could be done without a national council and the majority of the nation." Commenting on Meigs's request to the secretary of war for a boat, guns, and other equipment for Tolluntuskee's emigrants, the council said, "we have read the letter" and "you ought not to have wrote so soon on that subject for it never was brought to a national council."[80]

Obtaining no response from Washington by the time the first emigrants were ready to leave, Meigs told the secretary of war, "I furnished this party with provisions" from the factory.[81] The first contingent left on January 14, 1810—sixty-three men, women, and children, "all from one town 160 miles about this post." A few days later another party of one hundred departed "from two Towns situated about 100 miles below this place on the Tennessee River." On February 16, 1810, "Tolluntuskee left this place with a considerable party." Meigs had feared some opposition from the national committee, which was present at the embarkation, but, he said, they did not "use any arguments to dissuade the migration."[82] With Tolluntuskee's departure, emigration came to a halt. The nation

[78] Pathkiller and other chiefs to Meigs, Sept. 27, 1809, Cherokee Agency, Tenn. (M 208), Roll 4. This was signed by Pathkiller, Chulio, The Glass, Sour Mush, Big Half Breed, Dick Justice, Toochalee, Keuchestenasky, "and the rest of the Chiefs." Black Fox sent a representative who was well received. Unfortunately, we lack details on this council.

[79] Apparently Hicks, Ridge, Walker, McIntosh, and Pettit represented the lower division of the Upper Towns; Brown, the Lowreys, and Turtle at Home, the Lower Towns; and the remainder, the Valley Towns. For other actions of this committee and its changing membership see Cherokee National Committee to Eustis, Feb. 13, 1810, Meigs to Eustis, Feb. 14, 1810, and Cherokee Council at Oostennele to Meigs, Apr. 9, 1810, *ibid.*, Roll 5.

[80] Pathkiller and other chiefs to Meigs, Sept. 17, 1809, *ibid.*, Roll 4.

[81] Meigs to Eustis, Jan. 22, 1810, *ibid.*, Roll 5.

[82] Meigs to William Blount, Feb. 16, 1810, *ibid.*

would not be moved. Part of Meigs's problem was that he had no help from Washington. William Eustis, James Madison's secretary of war, informed Meigs that "the removal of the Cherokees and Choctaws to the Western Side of the Mississippi as contemplated by Mr. Jefferson has been considered by the present President. A gradual migration until some general arrangements could be made has been preferred."[83]

The final act in this first removal crisis took place on April 11, 1810, when a council of the newly unified nation faced the fact that, one thousand emigrants having recently departed, there were now almost two thousand Cherokees living in Arkansas.[84] What relationship did they bear to the nation and what equity did they have in its ancestral land? For their own survival, the eastern Cherokees concluded that the western emigrants had forfeited all rights to their national patrimony:

> The country left to us by our ancestors has been diminished by repeated sales to a tract barely sufficient for us to stand on and not more than adequate to the purposes of supporting our posterity. . . . Some of our people have gone across the Mississippi without the consent of the nation although by our father, the President [Jefferson] in his speech, required that they should obtain [it] previous to their removing. We hope that the advice of our former president in encouraging our people to apply their minds to improvements in agriculture and the arts may be continued that their knowledge in these arts may be extended, and we rest assured that the General Government will not attend to, or be influenced by, any straggling part of the Nation to accede to any arrangement of our country that may be proposed contrary to the will and consent of the main body of the Nation.[85]

Henceforth to be a Cherokee meant to dwell in the land of the Cherokee forefathers. "Stragglers" from that land were now expatriates. (In 1816 the Cherokees suggested that the government compel return of the western Indians to the fatherland; in 1818 the westerners were deemed traitors for insisting on fulfillment of the land exchange.) Not surprisingly, in May 1810 Meigs referred to the Hicks-Ridge-Pathkiller coalition as the

[83] Eustis to Meigs, Mar. 27, 1811, *ibid.*; Abel, *History of the Events*, 255, n. 6.

[84] In subsequent years the birthrate among the eastern Cherokees more than made up for these and later emigrants. By 1825, although there were 3,500 to 4,000 Cherokees in Arkansas (as the result of the second removal crisis), there were 13,583 in the East. In 1835, there were almost 5,000 Cherokees in the West and 16,542 in the East. Mooney, "Myths," 125.

[85] Cherokee chiefs at a Council in Oostenally to Meigs, Apr. 11, 1810, Cherokee Agency, Tenn. (M-208), Roll 5.

party "of popularity and blind patriotism."[56] By restoring Black Fox as principal chief later that year, the Cherokees stood united at last by a clear conception of their identity and their destiny.[57] The crisis of 1806-18[illegible], threatening the fragmentation of the tribe, ended in the reunification and revitalization of the Cherokee Nation.

[56] Meigs to Eustis, May 10, 1810, Letters Received, Main Ser. (M 221), Roll 3[illegible], frame 5198.

[57] When the Cherokees told the treaty commissioners in 1817, "We consider ourselves a free and distinct nation and that the government of the United States have no police over us farther than a friendly intercourse in trade," they were simply reiterating a decision made in 1809. Copy of a letter signed by 49 Cherokee chiefs to McMinn, June 30, 1818, ABCFM 18.3.1, II. Although the government always insisted that the Cherokees east and west constituted a single nation, it was unwilling or unable to provide a permanent home for those who moved West until 1828, when they were finally sent to what is now the northeastern corner of Oklahoma.

Whither Columbia? Congressional Residence and the Politics of the New Nation, 1776 to 1787

Lawrence Delbert Cress*

IN 1790 Congress adopted legislation that moved the nation's capital from New York to Philadelphia, with the stipulation that a new capital city be built on the banks of the Potomac River by 1800. This was not the first time that Congress had acted on the question of the location of the national government. Repeatedly, over a period of more than two years—from 1782 to 1784, when New York was designated the temporary residence of Congress and the decision was taken to fix its permanent site in open country near the falls of the Delaware—the representatives of the confederated states had grappled with the issue. Their deliberations involved important sectional interests, both political and economic, and these considerations were associated with basic attitudes toward the power and function of central government, federally conceived, in a republican society. The wanderings of Congress during the Confederation period were also related to the declining political fortunes of the proponents of a stronger national government and the subsequent reaffirmation of the limited government prescribed in the Articles of Confederation. The debates over the location of the capital thus provide insights both into the nature of factional divisions in Congress at the close of the period of nationalist ascendancy and into the complex relationship between ideology and sectional self-interest that influenced the decision-making process in Congress during the 1780s.

The Continental Congress had been meeting in Philadelphia for nearly two years when independence was declared in July 1776. During the next two years Congress was forced to flee Philadelphia twice to avoid capture by British regulars. General William Howe's advance into New Jersey in December 1776 sent Congress south to Baltimore until late February 1777. In September 1777 Howe threatened once more; again Congress fled

* Mr. Cress is a graduate student at the University of Virginia.