

# Georgia Prehistory: Indigenous People and How their Claims were Extinguished

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## Abstract

*The chiefdoms of pre-contact Georgia were as diverse as their ecological regions but shared kin-based subsistence-plus modes of production with patriarchal and matrilineal family structure. Relations with each other and with the European colonial powers differed similarly but shared mechanisms of cooptation, brokering, and divide-and-conquer in the process of establishing tributary modes of production on the path to capitalist hegemony. A comparison of coastal, lower piedmont, and mountain settlements of the Gaule, Creek, and Cherokee, illustrate these mechanisms and this process.*

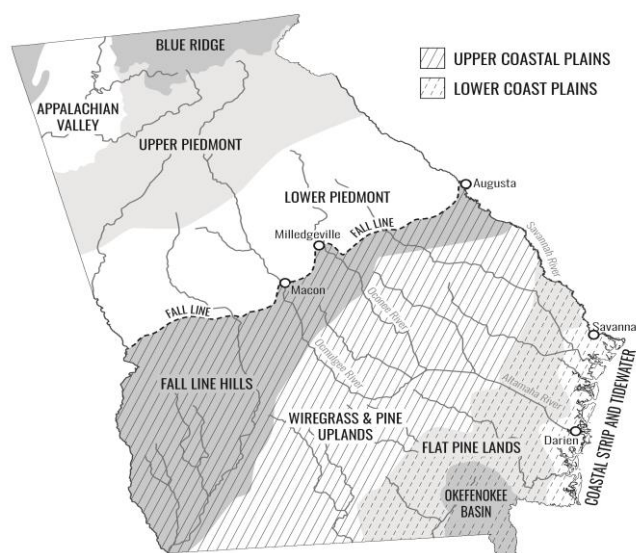
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While considering, on the one hand, nineteenth century efforts to reconstruct Georgia after the Civil War and, on the other, twenty-first century efforts to promote critical thinking about race, to celebrate the 1619 project, and to bring missing voices into the narrative, it occurred to me that my revisionist history, following DuBois, Foner, and Hahn, was decidedly lacking.<sup>1</sup>

My earliest drafts betrayed a tendency to ignore women. This was, perhaps, due to the focus on elections in a world where only men voted, but this missing feminine voice becomes even more apparent as I attempt to move beyond the world of 1619, colonization and slavery, into what we used to call the “virgin land” of what eventually became the State of Georgia.

This land is geographically and ecologically diverse, as we see in Map 1, which illustrates the major ecological regions, rivers and population centers of the early river-bound trade system.

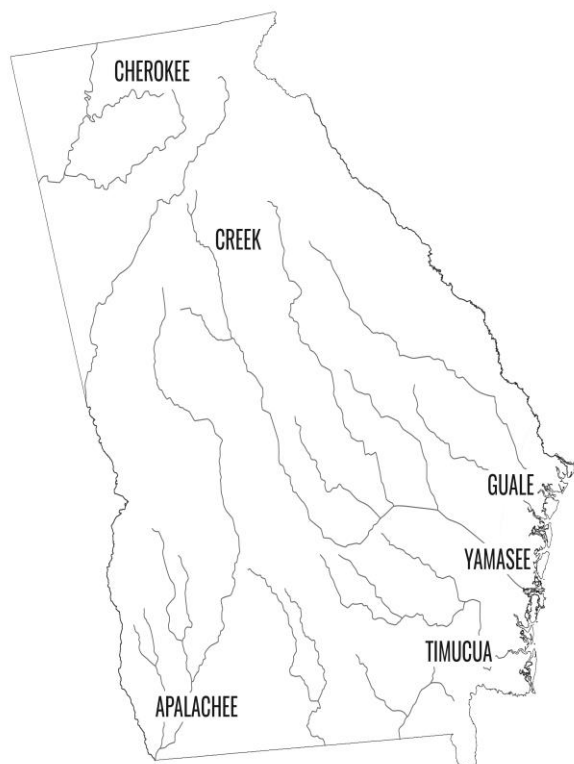
The cotton towns along the fall line of the major rivers connect to the sea at the ports of Savannah, linking Augusta on the Savannah River, and Darien, linking Milledgeville on the Oconee River and Macon on the Ocmulgee River via the Altamaha River.



**Map 1 Georgia Nineteenth Century Regions**

Source : Félicia Roger-Hogan Barrett, based on Mart A. Stewart, “What Nature Suffers to Groe”: Life, Labor, and Landscape on the Georgia Coast, 1680-1920. (Athens: University of Georgia Press, 1996), p. 15

<sup>1</sup> W. E. B. Du Bois, *Black Reconstruction in America*, with an Introduction by David Levering Lewis, (NY: Free Press, 1998 [1935]); Eric Foner, *Reconstruction: America’s Unfinished Business, 1863-1877* (NY: HarperCollins Perennial Modern Classics, 2014 [1988]); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, MA: Harvard University Press, 2003); Richard Hogan, “Resisting Redemption: The Republican Vote in Georgia in 1876.” *Social Science History* 35, 2 (Summer 2011), pp. 133-166; Richard Hogan, “Tunis G. Campbell, Sr. (1812-1891),” *Journal of African American Studies* 18 (December 2014):409-416; Richard Hogan, “Outrages: Contention, Vigilantism, or Lynching? Accounting for Racial Violence in Biased Sources.” *International Journal of Contemporary Sociology* 54, 2 (October 2018), pp. 87-114.



**Map 2 Georgia Original Inhabitants**

Source: Félícia R-H Barrett based on <http://www.native-languages.org/georgia.htm>

Guale labor to the point where the Guale rebelled in 1597.

Then, in 1633, British King Charles II granted the lands from South Carolina to Saint Augustine, Florida, to the Carolina proprietors. From that point forward, Native American militarized chiefdoms joined in wars between European colonizers, attempting to divide and conquer the conquerors. The Creek and the Cherokee joined the British in attacking the Spanish Guale missions, in 1680, and so the wars began.<sup>5</sup>

Colonial military forces insinuated themselves into kin-based Native American modes of production—the equivalent of yeoman family farms, coopting chiefs or tribal leaders and offering Spanish horses and British guns to entice these leaders to abandon their kin and support the colonizers, who made them chiefs of nations, when they had been merely leaders of local kinship groups.<sup>6</sup> At that point they could sign treaties on behalf of their tribal nations and engage in international wars, as when the Creeks and Cherokee fought with the British against the Spanish Guale missions, in 1680, and then fought each other in the Yamasee War of 1715, inspiring the Yamasee

Before Hernando De Soto led his expedition from Florida into what is now the Georgia coast, in 1540, the various chiefdoms represented on Map 2 were able to share the resources of what became Georgia.<sup>2</sup> The Timucua, Yamasee, and Guale occupied the sea islands and coastal ports that became trading centers, where seafood, meat and vegetables would meet. These early settlers created a complex social, economic, political and cultural life that fostered long distance trade.<sup>3</sup> One might imagine that the Cherokee were somewhat isolated, as are the mountain folk of Northern Georgia, even today, particularly in the Northwest corner, in Dade County.<sup>4</sup>

There are no longer any Native American tribal lands in Georgia, and we will consider, in the each of the next three sections, how Native American claims were extinguished. Here I simply offer an outline and a discussion of the process and mechanisms through which this was accomplished.

This story predates the British settlement of Savannah, founded by James Edward Oglethorpe and his colonists in 1733. The Spaniards had already colonized the Guale, using Native labor in their mission farms, settling on the sea islands off the Georgia coast in 1566. These missions were finally able to sustain themselves as subsistence if not profitable endeavors, effectively exploiting

<sup>2</sup> Kenneth Coleman, *Colonial Georgia: A History* (NY: Charles Scribner's Sons, 1976), chapter 1, p. 1 (De Soto). "Tribelet" is a term that John Walton, *Storied Land: Community and Memory in Monterey*. (Berkeley: University of California Press, 2001), uses in his discussion of the Monterey, California, Native American settlements that preceded the Mission and the Presidio. Chiefdom is probably a more accurate term for Georgia coastal settlements.

<sup>3</sup> Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (Englewood Cliffs, NJ: Prentice-Hall, 1974), pp. 14-17; Grant D. Jones, "The Ethnohistory of the Guale Coast through 1684," pp. 178-210, in David Hurst Thomas, Grant D. Jones, Roger S. Durham, and Clark Spencer Larsen, *The Anthropology of St. Catherines Island: 1. Natural and Cultural History. Anthropological Papers of the American Museum of Natural History* Vol. 55, part 2 (1978).

<sup>4</sup> Charles Hudson, *The Southeastern Indians* (Knoxville: University of Tennessee Press, 1976), pp. 434-435, reports that the Franciscans claimed 38 missions and 26,000 "Christianized Indians" in 1665. This rather optimistic estimate includes Timucua, Gaule, and Apalachee, throughout La Florida, including what becomes coastal Georgia. According to Hudson, the British trade in this period never effectively incorporated the Cherokee, but trade with the Creek thrived as early as 1690. Dade County residents were connected to a different river—the Tennessee, which is not in Georgia and thus not on our maps.

<sup>5</sup> Coleman, *Colonial Georgia*, pp. 2-5; Nash, *Red, White, and Black*, offers a distinct view of Creek guile, rather than manipulation by the colonizers, which we will consider later.

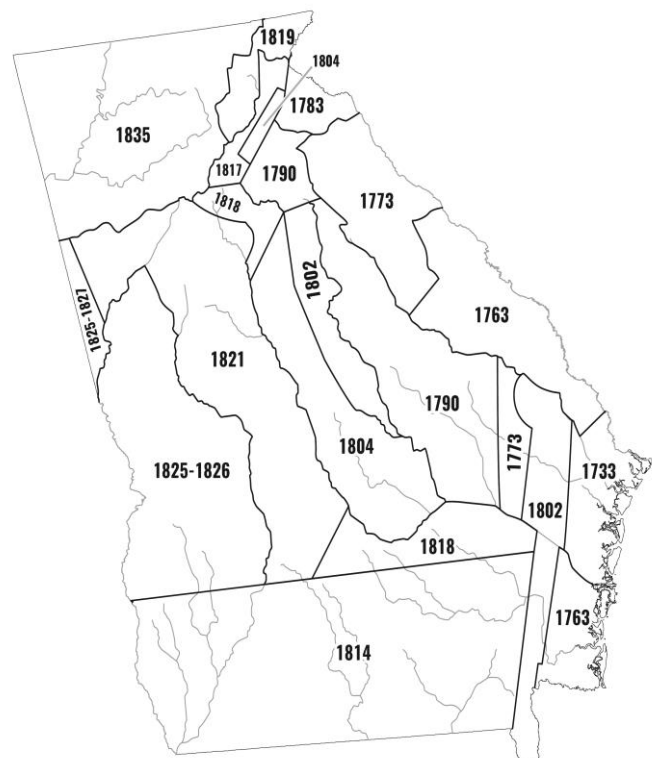
<sup>6</sup> Walter L. Williams, "Southeastern Indians Before Removal: Prehistory, Contact, Decline," pp. 3-24, in Walter L. Williams (editor), *Southeastern Indians: Since the Removal Era* (Athens, University of Georgia Press, 1979), reports that the European trade provided Creeks, with guns, horses, cloth and alcohol (p. 10), while the small coastal tribes (including the Guale) joined the Spanish (p. 9). Hudson, *The Southeastern Indians*, p. 435, explains that the "Spanish did not arm their Mission Indians [which] proved to be disastrous for [the] Timucua, Apalachee, and Gaule" once they faced off against the Creek and the Cherokee.

and their allies to join the Spanish in Florida.<sup>7</sup>

When Spain surrendered Florida and France surrendered all lands east of the Mississippi to England, in the Treaty of Paris, in 1763, Georgia, at that point, a Royal Province, negotiated with its Native American allies—the Creek and the Cherokee. Map 3 indicates Native American land cessions, 1733-1835. Treaties were negotiated between 1763 and 1773, making what became the eastern Cotton Belt available for settlement. Plantation slavery was then imported into this region. By 1835, the Cherokee were dispossessed.<sup>8</sup>

For now, it is important that we recognize tribal modes of production as kin-based systems, like family farms. They were ultimately displaced by capitalism, but it was through a process in which family members were coopted, then divided and conquered in a pre-capitalist Tributary mode of production, characterized by “extraction of surplus from primary producers by political or military rulers.”<sup>9</sup> It was through the coercion of the military that kin-based subsistence-plus production systems were effectively destroyed, as kin leaders were coopted and then divided and conquered, paving the way for capitalism, once the potential workers had nothing but labor to sell and needed to buy everything necessary for production and subsistence. At that point, the capitalist mode of production was hegemonic.<sup>10</sup>

Of course, in Georgia, it was necessary to physically remove the Cherokee, in 1838. For white and Black Georgians, it required not only the American Revolution and the War of 1812 but the Civil War, the abolition of slavery and the destruction of capital in virtually all forms—slaves, railroads, industrial works, commercial and financial credit, before the yeomen and the Freedmen (and their wives and families) had nothing to sell but their labor. Like the Cherokee, they were liberated, in this sense—not by capital but by the military. Reconstruction was a Tributary mode of production in which the Freedman’s Bureau and the army faced civil authorities and citizen militias in ongoing battles to distribute patronage and collect taxes (or tribute). This was not free market, hegemonic capitalism. It was, essentially, a Tributary system imposed on a kin-based production system to facilitate the development of capitalist relations, primarily through the mechanisms of cooptation and divide and conquer.<sup>11</sup>



**Map 3 Georgia 1733-1835 Native American Land Cessions**

Source: Fécilia R-H Barrett, based on Kenneth Coleman, *A History of Georgia* (Athens: University of Georgia Press, 1977), p. 100 .

### **Prehistory of the McIntosh County Region**

When, where, and why people settled near the site of what has become Darien, seat of McIntosh County, is a complicated story, but we can begin with a simple explanation. People who lived along the rivers settled where the rivers met the sea. These became major gathering points where upland hunters and farmers met port residents who harvested oysters, planted vegetables and sustained a long-distance trade that included relatively sedentary agricultural populations and would eventually include the European colonizers.

There were three chiefdoms on the Georgia coast, each with two major townsites, and each town with its own chief and its own playing field for “chunky” (something like field hockey with sticks and a flat stone puck). Pre-contact, there were probably rotating head chiefs—alternating between the chiefs of each major town. There were also inter-chiefdom councils and feasts hosted by the town chiefs (or head chiefs), in their respective towns.

<sup>7</sup> Coleman, *Colonial Georgia*, pp. 5, 78; Nash, pp. 149-151.

<sup>8</sup> Phinizy Spalding, “Part One: Colonial Period,” in *A History of Georgia*, edited by Kenneth Coleman (Athens: University of Georgia Press, 1977), pp. 49-53. We will discuss slavery and the Native Americans later.

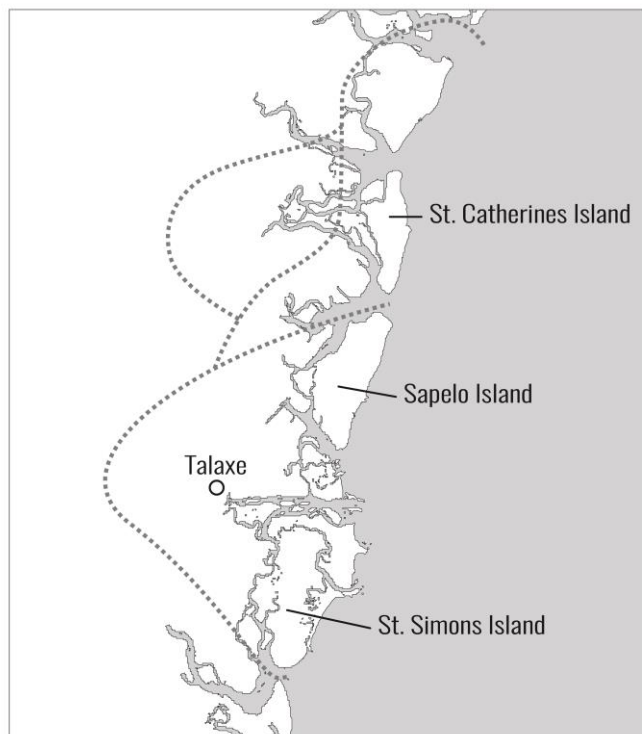
<sup>9</sup> Eric Wolf, *Europe and the People Without History* (Berkeley: University of California Press, 1982), p. 79.

<sup>10</sup> This is a general, largely theoretical explanation of the process of changing modes of production. As we shall see, the process, in each time and place, was variable, but the mechanisms of brokering alliances and dividing and conquering opponents were broadly similar.

<sup>11</sup> Doug McAdam, Sidney Tarrow, and Charles Tilly, *Dynamics of Contention* (Cambridge: Cambridge University Press, 2001), are the pioneers in the analysis of processes and mechanisms.

With a little imagination, ethnohistorians have suggested that inter-chiefdom gatherings were social and political, as well as cultural and economic. We can imagine bridal and commodity exchanges and gifts, religious rituals and even athletic contests, with relatively routine, low-levels of interpersonal violence—a certain amount of brawling and feuding, not unlike a football Saturday at a Big Ten university campus today.<sup>12</sup>

The earliest settlements on the islands of Sapelo and Saint Simons date from the Woodland era (between 2200 and 1100 B. C.), before falls in sea level, during the Mississippian era (circa 500-850 A. D. and 1200-1850 A. D.). Somewhere in the process of adapting to the rise and fall of the sea, port cities extended their river-side



**Map 4 Georgia Spanish Period Coastal Towns**

Dashed lines denote chiefdom boundaries Source: Félicia R-H Barrett, based on Jones (footnote 3, above)

gatherings into long distance trade networks, which included large sedentary urban populations.<sup>13</sup> This is most probably when Talaxe (near the current site of Darien) was settled, although there is room for speculation about what happened where, between the mound-building settlements of the Woodland era and European contact, during the Mississippian era.<sup>14</sup>

Even after contact, the Gaule coastal settlements were not as sedentary and urban, and certainly not as hierarchical and monocratic, as the Spanish mission required. The Jesuit explorers of 1566 were less successful than they had hoped, because Native Americans resisted demands that they provide food for the conquerors. One might suppose that only women and children and men too old to fight or hunt would have been willing to live as mission Indians.<sup>15</sup>

Even at the Northern edge of New Spain, at Santa Elena, there was a general revolt in 1576 and ongoing rebellion thereafter, as the Spanish massacred Gaule people, burned their towns and their food storage. The combined forces of the mission and the military failed to re-establish order, inspiring the Spanish to abandon Mission Santa Elena, first in 1587 and then in 1597, as the Gaule rebellion threatened to dissuade Spanish King Phillip III from continuing to waste his efforts in La Florida.<sup>16</sup>

As the Mississippian culture peaked, 1200-1600 A. D., it became increasingly threatened by the diseases and the political entanglements of the European colonizers. In response, the Creeks developed a confederation of chiefdoms and became increasingly tied to the Charleston, South Carolina, trade, while the Guale and the rest of the coastal chiefdoms, allied with the Spanish and merged into multi-tribal communities. The Yamasee absorbed immigrants from declining chiefdoms, and other chiefdoms retreated to island or interior (up-river) settlements, where they developed a more isolated, self-sufficient, sedentary agricultural life.<sup>17</sup>

<sup>12</sup> David Hurst Thomas, "Introduction," pp. ix-xxi, in David Hurst Thomas, editor, *Ethnology of the Indians of Spanish Florida* (NY: Garland Publishing, Inc., 1991). See Thomas, *Historic Indian Period Archaeology of the Georgia Coastal Zone* (Athens: University of Georgia Laboratory of Archaeology Series, Report No. 31, Georgia Archaeological Research Design Paper No.8 (1993), pp. 46-47, "Research Domain VI. The Guale Problem."

<sup>13</sup> Stewart, "What Nature Suffers to Gro:" p. 23; Victor D. Thompson and John E. Worth, "Dwellers by the Sea: Native American Adaptations along the Southern Coasts of Eastern North America," *Journal of Archaeological Research* 19 (2011), pp. 51-191.

<sup>14</sup> Walter L. Williams, "Southeastern Indians Before Removal: Prehistory, Contact, Decline," pp. 3-24, in Walter L. Williams (editor), *Southeastern Indians: Since the Removal Era* (Athens, University of Georgia Press, 1979), pp. 5-7. David Hurst Thomas, "Introduction," pp. xiii-xix, and David Hurst Thomas, "Abstract," *The Archaeology of Mission Santa Catalina de Guale: I. Search and Discovery*, Anthropological Papers of the American Museum of Natural History, Volume 63, part 2, pages 47-161 (June 1987), accessed online: <https://digitalibrary.amnh.org/discover>, p. 50, explains disagreements about dating and other details. See Clarence B. Moore Jean-François-Albert du Pouget Nadaillac, *Certain Aboriginal Mounds of the Georgia Coast* (Philadelphia, PA: P.C. Stockhausen, 1897), for extent and location of burial mounds, accessed online (September 1, 2019): <https://catalog.hathitrust.org/Record/000450176/Home>; Stewart, pp. 22-23.

<sup>15</sup> This is what Walton, *Storied Land: Community and Memory in Monterey*, p. 32, reports in Monterey, California.

<sup>16</sup> David Hurst Thomas, "Introduction," pp. xiii-xxxviii, in David Hurst Thomas, editor, *The Missions of Spanish Florida*, Volume 23 in the Spanish Borderlands Sourcebooks (NY: Garland Publishing, Inc, 1991), pp. xvi-xviii

<sup>17</sup> Williams, "Southeastern Indians Before Removal," pp. 7-9.

The Guale, who had occupied the banks of the fresh water rivers, between the Altamaha and the Savannah, became farmers, on the sea islands, including Saint Catherines Island, after the Spanish arrived, thereby anticipating the efforts of Tunis G. Campbell and his Freedmen community.<sup>18</sup> There were many chiefdoms scattered across the sea islands from Port Royal, South Carolina, to the coast of Florida, extending up the Savannah River between what is now Savannah to Augusta, penetrating the land of the Creek and blending the coastal settlements of the Guale, Yamasee and Timucua, but not reaching the Northern territory of the Cherokee. These chiefdoms cooperated in maintaining a diversified subsistence-plus, kin-based economy that included long distance trade. They later cooperated in resistance to the European colonists, but they ultimately were destroyed in the process.<sup>19</sup>

The culture of the Mound Builders included all these kin-groups—Creek, Guale, Yamasee and Timucua, who lived in chiefdoms, with established towns, including what became Darien and Savannah, which might have been major port gathering areas. These gatherings put the plus in subsistence-plus hunting, fishing, and gathering efforts. One would imagine that there were feuds, but these never approached, in intensity or duration, the wars between the European monarchs. This relatively peaceable kingdom (or, more accurately, series of chiefdoms) endured for several centuries before the Spanish invasion and might have endured indefinitely if not for the efforts to colonize or enslave them.<sup>20</sup>

It is still not clear exactly how this type of kin-based production and exchange system operated, but it offers an excellent example of what might be possible under a somewhat authoritarian communalism that was patriarchal but matrilineal, allowing entry for military or mission to entice women and children with protection or men with the potential to achieve regional dominance through an escalation of the means of coercion, or simply the enhanced ability to hunt, using the guns that the English could provide or the horses and more prosaic weapons of the Spanish Conquistadores.

Ultimately, the kin-based production and exchange systems of the Guale and their neighbors were destroyed by the mission system and the military occupation, which worked in tandem to impose a tributary system on the subjects, who would thereby be dispossessed or killed, or sold into slavery (if captured by the Carolinians). In a world where the Spanish, French, and English were fighting each other for control of the coastal lands, relying on their superior naval power, much as the Yankees would during the Civil War, there were no good choices. The Guale were, to some extent, missionized by the Spanish, but they were not simply passive victims.

Quite the contrary, the Spanish abandoned their efforts to missionize or colonize the Guale. It was more practical to cooperate with the chiefdoms, particularly with Chief Guale of Saint Catherines Island. This international trade agreement, as it evolved between the chiefdoms and the empire, sustained Saint Augustine more effectively than it sustained Gaule.

In the end, the coastal homeland of the missionized Guale ... was abandoned between 1661 and 1702 as a result of mainland slave raids, maritime piracy, and outright assault by English Carolina; as refugees their descendants survived to emigrate to Cuba with the Spanish in 1763.<sup>21</sup>

By the time that the Georgia Colony was established, in 1733, the English had managed to divide if not conquer the Creek and the Cherokee, thereby defending their claims to the Carolina coastal region. In their victory in the Yamasee War of 1715, the British managed to secure the support of the Cherokee, who abandoned the coalition of the Creek and the coastal chiefdoms, notably, the Yamasee, who were absorbing their coastal neighbors who had not yet died or joined the Spanish in La Florida. This was the last hope of united Native American opposition to the imperial powers colonizing the eastern seaboard. After this defeat, the Creek moved away from the coast, back to their Chattahoochee River towns and became more embedded in British trade.

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<sup>18</sup> According to Grant D. Jones, "The Ethnohistory of the Guale Coast through 1684," pp. 178-210, in David Hurst Thomas, Grant D. Jones, Roger S. Durham, and Clark Spencer Larsen, *The Anthropology of St. Catherines Island: 1. Natural and Cultural History. Anthropological Papers of the American Museum of Natural History* Vol. 55, part 2, (1978), p. 178, 185, the Guale moved to the islands after the Europeans arrived and became more self-sufficient, agrarian, and isolated—probably in response to the increasing tensions between Creek and Guale, who ultimately wound up on opposite sides to the European colonial wars; William S. McFeely, *Sapelo's People: A Long Walk into Freedom* (NY: W. W. Norton, 1995) discusses Campbell's efforts.

<sup>19</sup> John H. Hann, "Political Leadership among the Natives of Spanish Florida." *The Florida Historical Quarterly*, Vol. 71, No. 2 (Oct.), 1992, pp. 188-208; Victor D. Thompson and John E. Worth, "Dwellers by the Sea: Native American Adaptations along the Southern Coasts of Eastern North America." *Journal of Archaeological Research* 19 (2011), pp. 51–101; Grant D. Jones, "The Ethnohistory of the Guale Coast through 1684,"

<sup>20</sup> Gary B. Nash, *Red, White, and Black: The People of Early America* (Englewood Cliffs, NJ: Prentice-Hall, 1974), pp. 16-17; 110-119; Clarence B. Moore Jean-François-Albert du Pouget Nadailac, *Certain Aboriginal Mounds of the Georgia Coast* (Philadelphia, PA: P.C. Stockhausen, 1897), (for extent of burial mounds), accessed online (September 1, 2019): <https://catalog.hathitrust.org/Record/000450176/Home>; Jane Landers, "The Geopolitics of Seventeenth-Century Florida." *The Florida Historical Quarterly*, 92, 3 (winter), 2014, pp. 480-490 (on the destruction visited upon the Native Americans by Spanish colonization).

<sup>21</sup> Thompson and Worth, "Dwellers by the Sea: Native American Adaptations along the Southern Coasts of Eastern North America," p. 82.

The Cherokee were already enmeshed in British trade to the point where they would support the Loyalists in the colonial revolt of 1776. Meanwhile, the Yamasee and the rest of the coastal chiefdoms retreated to Spanish Florida, where they eventually merged into the amalgamated Seminole people, who united Freed people, Black and Native American, in a nineteenth century revolt against the colonizers, ultimately defeated by Andrew Jackson.<sup>22</sup>

Meanwhile, in 1733, Governor Oglethorpe arrived in what soon became Savannah, with his ship-load of eager colonists—most of whom were not criminals or debtors, but, as Londoners, they were not exactly agriculturalists either. Still, Oglethorpe was intent on developing an agrarian utopia, which would be populated by temperate smallholding farmers. There were only a few families of Creek origin who welcomed the British to what had become the periphery of Creek settlement, and they were far from hostile.

Oglethorpe was not interested in enslaving or even trading with the Native Americans, but he was interested in Creek support for his settlement. It was his good fortune to meet Mary Musgrove, born Coosaponakesee (around 1700) to a Creek mother and white father, who had her baptized as Mary and educated in South Carolina schools, after which she married John Musgrove—the son of a white trader. The Musgroves were granted Creek and Carolinian sanction to establish a trading post near the site of what would become Savannah. Because of Mary Musgrove's support from Creek and British authorities, and her skills as a diplomat and translator, Oglethorpe was able to secure the Treaty of May 1733, granting to Oglethorpe and the Trustees all but a small plot in the Savannah region and the sea islands of Ossabaw, St. Catherines, and Sapelo—which were reserved for the Creek. Although the colonists ultimately invaded these reserves, they were able to settle in peace, until they achieved the capacity to take what they wanted despite Creek resistance.<sup>23</sup>

Initially it was not the Creek but the Carolinians who were most concerned with the Savannah settlement, which threatened their control of the Savannah River trade. The fact that Oglethorpe and the Trustees forbade slavery and strong spirits (beer and wine were tolerated) further complicated the question of who controlled the River. The real savages in this scenario—from Oglethorpe's perspective, were the planters, the rum merchants, and the Carolinians, more generally, whose claim to Port Royal and the Savannah River confounded the efforts of the Georgia colony to control the emerging river town of Augusta, founded in 1736, which would later become a supply-town for the Cotton Belt and then, during Reconstruction, the center of white Radical Republicanism.<sup>24</sup>

We shall say more about the Cotton Belt and slavery. For now, the problem of La Florida is more pertinent. Spanish Florida was a problem that Oglethorpe inherited. In 1663, King Charles II granted all lands from Charles Town to Saint Augustine to the lords of the Carolinas. For the next hundred years, Spanish La Florida and British Carolina fought by land and sea to establish their claims to what eventually became the Georgia coast. The Spanish failed to capture Port Royal but established a military presence at Santa Catalina (in the Guale chiefdom) in 1673 and a more substantial fort in Saint Augustine, built between 1673 and 1687.

After the Yamasee War of 1715, the Carolinians accepted a proposal from a Scottish baron, Sir Robert Montgomery, to build a colony between the Savannah and Altamaha Rivers, but this was never done. Suffice it to say that Fort King George—now celebrated as a tourist attraction in Darien, was not built until 1721, and was, at that time, only a temporary shelter, which was burned in 1725 and not rebuilt until the Georgia colony recruited Scottish Highlanders—including 100 soldiers and their families, in 1736, and reinforced to yield a population of several hundred persons, between 1737 and 1741.<sup>25</sup> These Highland Scots served as an effective deterrent to Spanish aggression and fought bravely during the Spanish War that continued until a treaty, in 1748, allowed both sides to declare victory and maintain their competing claims to the borderlands, defended, on the Georgia side, by the Scots of Darien, seat of McIntosh County.<sup>26</sup>

### **The Carolinians and the Native Americans**

Unlike the Georgia colony, the Carolinians were, from the outset, committed to plantation slavery. In fact, the planters, some of whom had migrated from the Barbados, effectively controlled the most desirable land—on the rivers and on the coast, which they claimed in 150 acre lots, nominally under the authority of the British proprietors, according to the proclamation of 1663, granting the Carolinians all the land between Charleston and Saint Augustine. The resident planters became traders and defied the proprietors and the Crown, quickly shifting from trade in deer pelts to trade in Native American slaves.

<sup>22</sup> Nash, *Red, White, and Black: The People of Early America*, pp. 150-151; Williams, pp. 12-20.

<sup>23</sup> Thomas, *Historic Indian Period Archaeology of the Georgia Coastal Zone*, pp. 20-21.

<sup>24</sup> Kenneth Coleman, *Colonial Georgia: A History* (NY: Charles Scribner's Sons, 1976), pp. 81 (rum on the river), 50-51 (founding Augusta and its emergence as the commercial center for the Carolina-Creek trade), 92 (governing Augusta). We will revisit Augusta. Meanwhile, see Stewart, p. 49 (founding Augusta); Russell Duncan, *Entrepreneur for Equality: Governor Rufus Bullock, Commerce, and Race in Post-Civil War Georgia* (Athens: University of Georgia Press, 1994); J. William Harris, *Plain Folk and Gentry in a Slave Society: White Liberty and Black Slavery in Augusta's Hinterlands* (Middletown, CN: Wesleyan University Press, 1985); Ruth Currie-McDaniell, *Carpetbagger of Conscience: A Biography of John Emory Bryant* (Athens: University of Georgia Press, 1987).

<sup>25</sup> Coleman, *Colonial Georgia: A History*, pp. 5-12, 49.

<sup>26</sup> Coleman, pp. 49-76.

The Westos had already benefitted from the Virginia trade and were amply supplied with British guns to establish their dominance in the region just west of the coast. So, the Carolinians sponsored coastal raids on the Westos, as an adjunct to their African slave trade.

Charleston became a major transshipment center, sending Africans to mainland plantations while shipping most of the Native American men to the Caribbean. The danger of Native American slave revolts, or simply escape back to the homeland, deterred extensive domestic use of Native American slaves, but there were, in the 1708 white Carolina settlements: 5,300 whites, 2,900 African slaves, and 1,400 Native American slaves—including 500 men, 600 women, and 300 children.<sup>27</sup>

It was not military conquest of the Native Americans but their dependence on European trade that ultimately led to their dispossession. The Charleston slave and Indian traders continued to defy British and Georgia authority—expanding into Augusta and the hinterland after Oglethorpe established the Georgia colony.<sup>28</sup> The Crown had attempted to regulate the Carolina trade with Native Americans, beginning in 1695, and continuing with the reform act of 1707, but these efforts were futile.<sup>29</sup>

Colonel John Barnwell, a prominent slave trader, attempted to mobilize the Yamasee, in 1711-1712, for the Tuscarora War in North Carolina, but the Yamasee who had not deserted by January of 1712, when the assault commenced, claimed the Tuscarora captives as their own. After this failed attempt to import Tuscarora slaves, James Moore, another slave trader, mobilized nearly 900 Cherokee, Yamasee, Creek, and Catawba, in March of 1713, to burn the Tuscarora fort, with hundreds of Native American burned alive. Over 150 more Tuscarora men were killed, and nearly 400 women and children were transported to Charleston for sale as slaves.

Two years later, however, the Yamasee came dangerously close to uniting the Creek, Cherokee, and the Choctaw, in a war against the colonizers, motivated, to a large extent, by the unscrupulous dealings of the traders. Aside from abusing their women, the Carolina traders used liquor and false weights and measures to swindle the Yamasee, virtually reducing them to debt peonage. In 1711, the traders claimed they were owed 100,000 skins, and they seized women and children whom they sold into slavery to cover part of this alleged debt. That was when the Yamasee revolted.<sup>30</sup>

Eventually, the Creek and the Cherokee were the last Native Americans standing, after the Charleston traders had worked their way through the Westos, who were killed or sold into slavery by the Shawnee, also known as the Savannahs, who later fled to the north, as the stragglers were killed in a rear-guard action by 450 Catawba, who had been offered generous bounties by the Carolinians, in their efforts to extinguish their agreement with the Savannahs. After the coastal chiefdoms failed to get Creek and Cherokee support in the Yamasee War of 1715, the coastal chiefdoms retreated into Spanish Florida and, eventually into Cuba, while the Creek moved back to their earlier settlements on the Chattahoochee River.<sup>31</sup>

The Creek did not withdraw, however, from their efforts to play European powers against each other, just as the Europeans played the Creek against the Cherokee. Creek Chief Brim used his sons to maintain relations with the British and the Spanish, until his death early in the 1730s. The Cherokee tended to support the British, but the Creeks attempted to remain neutral.<sup>32</sup> The Cherokee and the Creek had become dependent on European trade, but the British also depended on the Cherokee, as a buffer protecting them from the Western tribes and the French, and as a slave patrol for the coastal planters and traders, who offered bounties for the capture of escaping African slaves.<sup>33</sup>

The Cherokee took advantage of their bargaining power with the Carolinians, after abandoning the Native American alliance in 1715, but the same issues surrounding the traders' abuse of Native Americans enflamed Cherokee opposition to the Charleston traders in the 1730s. A German prophet or mystic was teaching the Cherokee the science of weights and measures and advising them to maintain independence from the European powers by playing the French against the British. When South Carolina demanded his arrest 1739, the Cherokee defended him, but he was captured by the Creek in 1743.<sup>34</sup> This was the opening act of what became an increasingly violent struggle between the Cherokee and the colonizers. The Cherokee attempted to mobilize the Creek and the Choctaw but were ultimately alone in the Cherokee Rebellion of 1759-1761. This was, perhaps,

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<sup>27</sup> Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (Englewood Cliffs, NJ: Prentice-Hall, 1974), pp. 111-113.

<sup>28</sup> Kenneth Coleman, *Colonial Georgia: A History* (NY: Charles Scribner's Sons, 1976), pp. 81 (rum on the river), 50-51 (founding Augusta and its emergence as the commercial center for the Carolina-Creek trade), 92 (governing Augusta), 215 (Native American "Indian" trade expanding from Charleston to Augusta).

<sup>29</sup> Nash, *Red, White, and Black: The Peoples of Early America*, pp. 145-146.

<sup>30</sup> Nash, 146-150.

<sup>31</sup> Nash, pp. 116-119 (Westo, Savannahs, Creeks), 149-151 (Yamasee War)

<sup>32</sup> Nash, p. 248-252.

<sup>33</sup> Nash, pp. 268-273 (Cherokee); Walter L. Williams, "Southeastern Indians Before Removal: Prehistory, Contact, Decline," pp. 3-24, in Walter L. Williams (editor), *Southeastern Indians: Since the Removal Era* (Athens, University of Georgia Press, 1979), p. 11 (slave catchers).

<sup>34</sup> Nash, p. 269.

payback for the Cherokee abandoning the 1715 alliance. In any case, the Creek did not join the rebellion, so the Cherokee were defeated.<sup>35</sup>

The Creek and Cherokee were valuable allies and dangerous enemies, whom the Carolinians could not afford to antagonize. So long as the European colonists and the Southern colonies were divided, the threat of a Cherokee-Creek alliance could be exploited in dividing and conquering the colonies and the colonists. This possibility continued through the Seven Years, 1756-1763 (or French and Indian), War, which inspired the Cherokee Rebellion of 1759-1761. Once again, however, the alliance of Creek and Cherokee was preempted by British domination of the Atlantic trade—which severely limited what the French could offer. The British blockade was increasingly effective after 1757. The British took advantage of this situation by offering even more of their bounty of Western industrial products to the Creeks, who exploited the situation to their advantage, until British victory and the Treaty of Paris, in 1763, removed the competing European powers from East of the Mississippi.<sup>36</sup>

At that point, in 1763, the British Crown made what proved to be a futile attempt to restrain the westward expansion of colonial enterprise beyond the Appalachian Mountains.<sup>37</sup> From that point forward, the coalition of colonies in opposition to the Crown further undermined the efforts of the Creek and the Cherokee to play one white colonizer against another. The Carolinians had won the battle but not the war. Economically, Georgia was to be an extension of the Carolinian planters' domain, but politically it was to be an independent Royal Colony.

Despite rising tides of colonial revolt, Georgia Governor Wright was able to negotiate with the Cherokee and even the Creek, who were being victimized on both ends by the traders, who offered everything that the empire could produce, on credit no less, and the settlers, who attempted to steal everything, most notably, the land and its products. Wright and his allies could negotiate between the traders, the settlers, the Cherokee, and the Creek because they did not have a dog in this fight.

They did not need land or free labor, but they were willing to use the authority of the Crown to resolve the problem of honor among thieves. The traders were not always paid, the Cherokee and especially the Creek were not always willing to accept the terms, and the settlers were generally unwilling to wait for legal title.<sup>38</sup>

In fact, we should consider the possibility that the “head right” system of distributing land claims prior to 1802 was adopted because the governing coalition did not really care about the distribution of lands and the problems of local government, county and municipal improvements.<sup>39</sup>

Until the British surrendered their colonial claims and ceased their efforts to play Loyalist against Patriot and indigen against invader, there was very little progress in the settlement of Northeast Georgia. The Native American or “Indian” traders of Georgia and South Carolina mobilized Cherokee and Creek allies in Patriot and Loyalist troops, currying favor with the American or British powers who could deliver the consumer goods needed to sustain the trade.<sup>40</sup> By 1783, however, the British withdrew from the contest, leaving the Loyalist Cherokee and Creek without defense from the traders and the colonies organized as confederated states. By the time that Oglethorpe County was organized in 1793, there was a new constitutional authority. Ceded lands had expanded, and population had increased sufficiently for Oglethorpe to be carved out of Greene and Franklin Counties.

### **The Cherokee Nation**

Long before Georgia seceded from the Union, in 1861—and even before Dade County allegedly seceded from the State of Georgia, in 1860, the Cherokee lived in the Northwest corner of Georgia, in Cherokee Territory. They had their own constitution and even published a bilingual newspaper. They respected the treaty they had negotiated with President George Washington, in 1791, which they attempted to use, in 1838, in negotiation with President Martin Van Buren, as a basis for opposing their forced removal from their lands. From Dade County to Governor Joseph Brown's home in Canton, seat of Cherokee County, this was Cherokee Territory and remained so, for all intents and purposes, until 1847.<sup>41</sup>

<sup>35</sup> Nash, pp. 271-273.

<sup>36</sup> Nash, pp. 268-275;

<sup>37</sup> Williams, “Southeastern Indians Before Removal: Prehistory, Contact, Decline,” p. 10.

<sup>38</sup> Coleman, pp. 50-51, 215, 262-263; Spalding, pp. 49-51; Kenneth Coleman, “Part Two,” pp. 72, 92-93, in Kenneth Coleman (general editor), *A Georgia History* (Athens, GA: University of Georgia Press, 1977), and virtually all of the people who cite them seem to agree on the broad outlines of this story, but none really explore the problem of nonpayment, which, allegedly, generated some scandals, years later, when Crawford—one of the pioneers of Oglethorpe County and the namesake for Crawford, Georgia, was accused of unreasonably profiting from his client's claim, when he successfully negotiated the payment of the heirs of George Galphin, who appears in some documents of the Wright era as a party to the treaty. His side of the story is told by George White, *Historical Collections of Georgia*, (NY: Pudney and Russel Publishers, 1854), pp. 246[297]-251[301], accessed online: <http://books.google.com/>—bracketed numbers are from pdf file. A more scholarly account of Galphin and his legacy is offered by Michael Morris, “George Galphin: Portrait of an Early South Carolina Entrepreneur,” *The Proceedings of the Southern Carolina Historical Association*, 2002, pp. 29-44.

<sup>39</sup> Mohr, p. 6; Ava D. Rodgers, *The Housing of Oglethorpe County: 1790-1860* (Tallahassee: Florida State University Press, 1971 [reprinted Lexington, GA: Historic Oglethorpe County, Inc., 2015]), pp. 5-6.

<sup>40</sup> Morris, “George Galphin: Portrait of an Early South Carolina Entrepreneur,” pp. 34-39.

<sup>41</sup> Parks, p. 5.



The Cherokee, like the Creek, were matrilineal but patriarchal, which means that men ruled as chief, in virtually all cases, but inheritance followed the maternal line. The maternal uncles were more important than the father in raising young Cherokee men and establishing their status as Cherokee and as men.

Anglo-American culture was both patriarchal and patrilineal, so there were both opportunities and problems in determining what we today might call race and nationality. The opportunity we have already seen, in the case of Mary Musgrove.<sup>42</sup> We have also seen how Creek Chief Brim, in the early 1730s, operated as a patriarch and attempted to use his sons to establish something of a patrilineal chiefdom.<sup>43</sup>

A similar change occurred among the Cherokee, in 1775, when Ada-gal'kala declared himself "president of the nation" and was accepted as such by the British. His son, Dragging Canoe, soon was recognized as the leader of the Cherokee. He and his son, Young Dragging Canoe, represented a patrilineal tendency in a patriarchal society, which was, at once, drawn into a war between colonies and colonizer, and embroiled in an internal cultural war.<sup>44</sup>

This cultural war included youthful rebellion, as Dragging Canoe defied his father and the elders who were prepared to sell land for weapons—even if the buyers were not representatives of the British Crown. Dragging Canoe and his young followers defended the Crown even after the British left the field. There were also elements of race or nationality, since many of the young warriors were of mixed or purely white ancestry. The older Cherokee and their colonial allies were pressing for peace but could only delay the violence. In 1777, they signed treaties with South Carolina, Georgia, and Virginia, but Dragging Canoe continued to fight, allied with the British until they withdrew in November of 1782, at which point, he continued to fight alone, without allies in a lost cause.<sup>45</sup>

The peace movement was, perhaps fundamentally, a battle of the sexes or a gender war. Dragging Canoe and his sister (or cousin), Nancy Ward—born of Cherokee parents but married to a white man when her Cherokee husband died, fought together and then against each other, as he chose war and she chose peace.<sup>46</sup> At one point, in 1776, she warned the settlers, who were thereby able to repel a raid led by Dragging Canoe, resulting in 13 Cherokee killed and Dragging Canoe among the wounded. There were racial or national identity issues here, but the culture war was also a feminist peace movement. In 1781, when continued war seem fruitless, Nancy Ward told the Cherokee warriors, "We are your mothers. You are our sons. Our cry is for peace."<sup>47</sup>

The Cherokee signed a treaty with the United States in 1785, before the Federalists had convinced the reluctant states to take a chance on a new constitution and a federal government. This treaty was not respected by land-hungry Anglo-Americans, so Dragging Canoe and local militias continued their war into the first term of George Washington's presidency (in 1789). Finally, at Washington's insistence, in August of 1790, a commission was established to investigate what Secretary of War, Henry Knox, described as:

the disgraceful violation of the Treaty [and] manifest contempt of the authority of the United States [such that] Indian tribes can have no faith in such imbecile promises, and the lawless whites will ridicule a government which shall, on paper only, make Indian treaties and regulate Indian boundaries.<sup>48</sup>

This commission produced a new treaty, in July of 1791, when even Dragging Canoe agreed that the Cherokee were "under the protection of the said United States" and would no longer make treaties with any other authorities or individuals. In exchange for agreeing to precise boundaries and allowing the federal government to regulate trade and to allow citizens to travel freely on a road across Cherokee Territory, and on the Tennessee River, the Cherokee would be granted the land, wherein whites would not be allowed to hunt or to settle or to enter without authorization. There were protests and modifications, including an increase in the annual payment to the Cherokee. There were ongoing struggles with Chickamauga and Cherokee, particularly after Dragging Canoe died, in 1792, but Hanging Maw emerged as the Head Chief of the Cherokee Nation and negotiated what promised to be a lasting peace on November 7, 1794.<sup>49</sup>

Of course, nothing is forever, including the peace treaty that marked the end of the British colonization efforts. Before long, the impressment of seamen or other indignities, real or imagined, and always exaggerated by

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<sup>42</sup> David Hurst Thomas, *Historic Indian Period Archaeology of the Georgia Coastal Zone* (Athens: University of Georgia Laboratory of Archaeology Series, Report No. 31, Georgia Archaeological Research Design Paper No.8 (1993), pp. 20-21.

<sup>43</sup> Gary B. Nash, *Red, White, and Black: The Peoples of Early America* (Englewood Cliffs, NJ: Prentice-Hall, 1974), pp. 248-252.

<sup>44</sup> Robert J. Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2005), pp. 55-60. Young Dragging Canoe was never the Cherokee chief, so the patrilineal system was not effectively established in this case.

<sup>45</sup> Conley, *The Cherokee Nation: A History*, pp. 57-68.

<sup>46</sup> The distinction between sister and maternal first-cousin is not clear among the Cherokee.

<sup>47</sup> Conley, pp. 60-70 (quote: p. 69).

<sup>48</sup> Conley, pp. 74-75.

<sup>49</sup> Conley, pp. 75-79.

the political opposition, led the Jeffersonian Republicans into another war with the British. Of course, Native Americans were quick to seize upon these political opportunities—divided elites, powerful allies, and a reluctance or inability to repress protest.<sup>50</sup>

Tecumseh had Creek family ties, so he was very effective in mobilizing their support for a confederacy of all Native American nations, tribes, or chiefdoms. He and his brother, the Prophet, urged everyone to abandon the ways of the white men and to be prepared to join the British in their continuing efforts to halt the western migration of the Anglo-Americans.<sup>51</sup>

Like Dragging Canoe, Tecumseh did not want to declare war on all white men. He was happy to play the Brits against the Anglo-Americans, but he was less than successful in overcoming the divisions—not just between, but within the Cherokee and Creek nations. There were conservative Upper towns and more Progressive Lower towns. The more conservative Upper Creek towns were more supportive.

Ultimately, however, the Anglo-American forces were able to broker a coalition of Lower Creek and Cherokee to attack Upper Creek towns, after the Creek nation, in April of 1813, executed eleven Creek men who had attacked an Anglo-American settlement and killed some settlers. The “Red Sticks,” who were inclined to oppose the settlements but had not necessarily supported the raids, were ready to fight after the executions. This made it relatively easy for Andrew Jackson and his allied forces to divide and conquer the opposition in mobilizing Lower Creek and Cherokee, including John Ridge and John Ross, to join Sam Houston and Davy Crockett on the heroic “Indian fighting” mission.<sup>52</sup>

The story of the Cherokee removal of 1838 provides an interesting historical and comparative case for an analysis more ambitious than time and space permit here. Having already discussed the international dimensions, the importance of the treaty of 1791, and the role of British or Anglo-American traders in effecting the treaty of 1777, we will focus here on what changed between 1791 and 1838.

First and foremost, the extent to which the Cherokee had ceased fighting with the British against the U.S.A., despite Tecumseh’s efforts during the War of 1812, is a critical difference. Second and largely ignored in the literature, is the absence of a colonial or Anglo-American merchant class, which continued to be important in extinguishing Native American claims elsewhere, notably in what became Indiana after the Battle of Tippecanoe and the defeat of Tecumseh.<sup>53</sup>

The Cherokee were an embarrassment, in some sense, because they represented the best and worst of the Native American people. They were “civilized” in the Anglo-American sense of that term, to the point where they held Black slaves and adopted miscegenation law. They even published a newspaper and drafted a constitution, clearly imitating the U.S. model. Unlike the U.S., however, the Cherokee paper, as early as 1828, published an article questioning the morality of slavery, at a time when the federal government was still attempting to maintain the gag rule on discussions of the slavery issue, three years before William Lloyd Garrison began publishing the *Liberator*.<sup>54</sup>

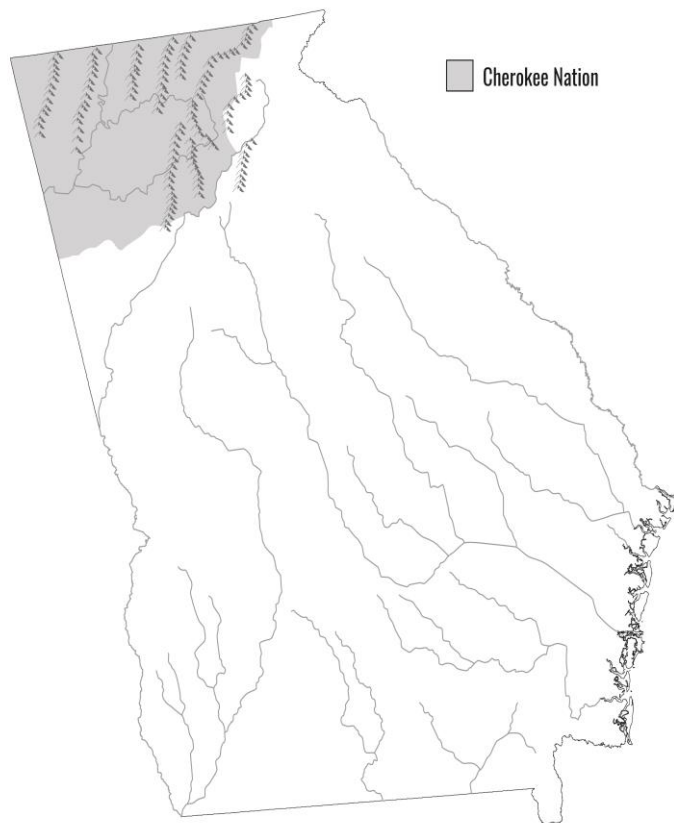
<sup>50</sup> On political opportunities, see Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics, Revised and Updated Third Edition* (NY: Cambridge University Press, 2011), pp. 160-161; 165-166.

<sup>51</sup> Conley, p. 87.

<sup>52</sup> Conley, pp. 87-91.

<sup>53</sup> John Lauritz Larson and David G. Vanderstel, “Agents of Empire: William Conner on the Indiana Frontier, 1800-1855.” *Indiana Magazine of History* LXXX (December, 1984), pp. 301-328; Robert A. Trennert, *Indian Traders of the Middle Border: The House of Ewing, 1827-1854* (Lincoln, Nebraska: University of Nebraska Press, 1981).

<sup>54</sup> Steve Inskeep, *Jacksonland: President Andrew Jackson, Cherokee Chief John Ross, and a Great American Land Grab* (NY: Penguin, 2015), pp. 120-131, 171-180; see *Cherokee Phoenix*: some articles in English have been transcribed, accessed online via Western Carolina University library, digital collections: <http://www.wcu.edu/library/DigitalCollections/CherokeePhoenix/>; F. N. Boney, “Part Three, 1820-1865,” in Kenneth Coleman, general editor, *A History of Georgia* (Athens, GA: University of Georgia Press), p. 133, describes John Ross as, “More Scot than Cherokee,” and adds that John Ridge and Boudinot, “ignored the wishes of the great majority of their tribe and, like McIntosh of the Creeks, they were later murdered by their own people.” (pp.133-34). Robert E. May, *Slavery, Race, and Conquest in the Tropics: Lincoln, Douglas, and the Future of Latin America* (NY: Cambridge University Press, 2013), pp. 16-17; Robert Preston Brooks, *History of Georgia* (Boston: Atkinson, Mentzer [c1913]), p. 196, explains, “The Cherokees had during the first quarter of the last century to some extent abandoned savage modes of life and were making progress in civilization.” accessed online:<http://hdl.handle.net/2027/inu.32000002827949>; Joel Chandler Harris, *Memoirs of Georgia*, volume 1, (Atlanta, Georgia, The Southern Historical Association, 1895), Chapter 1, p. 41, “the Cherokees were the most intelligent Indians that peopled the solitudes of the American forest.”



**Map 5 Georgia 1830**

Source: Félícia R-H Barrett, based on Anthony Finley Co., *Map of Georgia*, 1830

The cooperation of Jackson and Ross, the end of British interference in the U.S.A., and the rise of Jackson's economic and political fortunes, paralleled the rise of John Ross and the Cherokee nation. By 1828, Jackson was elected President, and the Cherokee Nation published its constitution, in their bilingual newspaper, the *Phoenix*.<sup>56</sup>

The Cherokee even managed to convince Supreme Court Chief Justice Marshal (and the court majority) that their treaty with the federal government gave them rights that trumped the laws of the State of Georgia. Unlike the Southern Civil Rights Movement, however, the Cherokee were not able to convince President Jackson or President Martin Van Buren to uphold the court decision and impose federal authority in the State of Georgia, as President John Quincy Adams had threatened to do with the Creek treaty of 1825.<sup>57</sup>

John Quincy Adams, the last Federalist, had attempted to maintain a firm hand in dealing with a South that was already threatening to nullify federal law or, at least, to ignore executive orders. In the 1825 Treaty of Indian Springs, Georgia Governor Troup and his cousin, William McIntosh, who was supposed to represent the Creeks, agreed to extinguish all remaining Creek claims in Georgia. Despite the overwhelming support of the Georgia electorate, these actions were so far outside the bounds of what might be considered "competent" and "moral" that it is hard not to blame the conspirators for their fate. President Adams renegotiated what became the Treaty of Washington, in January of 1826, which ceded virtually all Creek land to the U.S.A. Troup continued to support his treaty, but his personality cult suffered irreversible damage, and McIntosh was killed by "his people" (presumably, the Creek).<sup>58</sup>

Meanwhile, state and federal authorities faced the Cherokee problem. The problem, for President Jackson, was that John Ross and he were too similar or not similar enough. They were both sons of Scotch-Irish hill-country traders and farmers of the Appalachian or Cumberland plateau. They were not exactly frontier mountain men, hunters or trappers, but Jackson was both an experienced military leader and a lawyer, whereas Ross was less

Like the colonists, who defended their rights as Englishmen, the Cherokee claimed the same rights as the other states. Like the Black men who returned from World War II and demanded that they be granted the freedom they had risked their lives for, the Cherokee joined.

General Jackson's forces in avenging the Creek massacre with an equally bloody campaign, in 1813-1814, and later claimed the same rights as their white counterparts, with whom they fought and with whom they shared the same veteran benefits—both pay and pension, which Jackson insisted they not be denied.<sup>55</sup>

John Ross and John Ridge were part of that Cherokee force, which effectively trapped the Creek on the wrong side of the Tallapoosa River, where Jackson and his mix of federal and Tennessee militia troops occupied the higher ground. This and other battles in these years, while the war with Great Britain continued, ultimately led to the Treaty of Fort Jackson, in 1814, which established Jackson as a permanent Major General in the federal army, which launched him into his celebrated battle of New Orleans, technically after the war of 1812 was over.

<sup>55</sup> Steve Inskeep, *Jacksonland*, pp. 24, 38-47.

<sup>56</sup> Inskeep, pp. 22-37, 38-50, 171-183; Jon Meacham, *American Lion*, pp. 30-31, does not mention the Cherokee here but does discuss them elsewhere. Conley tells this story in Chapter Twelve-Eighteen, pp. 87-157.

<sup>57</sup> Brooks, *History of Georgia*, pp. 188-194; F. N. Boney, "Part Three, 1820-1865," in Kenneth Coleman, general editor, *A History of Georgia* (Athens, GA: University of Georgia Press), pp. 129-135.

<sup>58</sup> Boney, "Part Three, 1820-1865," pp. 130-131.

distinguished as a military man but very well-traveled as a trader, and not at all distinguished as a barrister, although, with the assistance of counsel, he defeated the State of Georgia before the Supreme Court.<sup>59</sup>

Nevertheless, Ross won the battle but lost the war—or did he? By the time the Supreme Court decided his case, the Indian Relocation Act of 1830 was the law of the land in Georgia, and the Cherokee lands had already been offered to settlers, in the Land Lottery of 1832. There was no stopping the white appropriators—Georgia would not protect the Cherokees or respect the Supreme Court judgement. Georgia Governor George C. Gilmer explained, [that]treaties were expedients by which ignorant, intractable, and savage people were induced without bloodshed to yield up what civilized peoples had a right to possess by virtue of that command of the Creator ... be fruitful, multiply, and replenish the earth, and subdue it.<sup>60</sup>

Eventually, even Cherokee leaders, most notably John Ridge (Sr. and Jr.) and *Phoenix* editor, Elias Boudinot, signed a treaty in 1835, agreeing to relocate for \$5 million. Their justification is reminiscent of what became the Post-Marx Marxist (Leninist) line.

If one hundred persons are ignorant of their true situation [Boudinot wrote], we can see strong reasons to justify the action of a minority of fifty persons—to do what the majority would do if they understood their condition.<sup>61</sup>

As the intelligentsia split from the people's champion, the Cherokee were divided and all but conquered, although Ross, with incredible support from the Cherokee who remained, ultimately negotiated a better deal with President Martin Van Buren, after the Cherokee had already been rounded up for relocation. Governor Gilmer, who had been re-elected in 1837, was furious, but the relocation was financed federally, ultimately to the tune of \$1.357 million and supervised by Ross, who returned in time to rescue the federal troops and the Cherokee from what would have been a forced march. Once again, Ross conquered the Tennessee River, as he guided the flotilla of the old and young, the infirm or otherwise unable to travel by land.<sup>62</sup>

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<sup>59</sup> Boney, pp. 129-136; Inskeep thoroughly compares/contrasts Jackson and Ross. In the process, he describes at least two instances where Ross fought the rapids and successfully followed the Tennessee River from Chattanooga to the Mississippi (pp. 1-10)—something that neither Jackson (pp. 80-81) nor Ridge (pp. 312-313) managed to accomplish, without the benefit of a railroad (p. 231).

<sup>60</sup> Meacham, p. 92.

<sup>61</sup> Inskeep, p. 297. Ridge and Budinot, after selling out the Cherokee and endorsing the forced march or “Trail of Tears,” were eventually killed by the Cherokee, who apparently came to appreciate the loyalty of Ross and the treachery of Ridge and Budinot—see [https://www.cherokeephoenix.org/culture/june-22-1839-a-bloody-day-in-cherokee-nation/article\\_6254b899-f25e-5f73-b23a-839e3b6ce00a.html](https://www.cherokeephoenix.org/culture/june-22-1839-a-bloody-day-in-cherokee-nation/article_6254b899-f25e-5f73-b23a-839e3b6ce00a.html)

<sup>62</sup> Inskeep, pp. 313-336.