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THE BEDFORD SERIES IN HISTORY AND CULTURE

# **The Cherokee Removal**

## **A Brief History with Documents**

*Edited with an Introduction by*

**Theda Perdue**  
**Michael D. Green**

*University of Kentucky*

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## The Census of 1835

| HEAD OF HOUSEHOLD    | MALES UNDER 18 | MALES OVER 18 | FEMALES UNDER 18 | FEMALES OVER 18 | TOTAL CHEROKEE |
|----------------------|----------------|---------------|------------------|-----------------|----------------|
| 1. William Reese     |                | 1             |                  |                 | 1              |
| 2. Roman Nose Johnso | 2              | 2             | 2                | 1               | 7              |
| 3. Turnover          | 3              | 2             |                  | 1               | 6              |
| 4. Lizy Ratley       | 2              |               | 5                | 1               | 8              |
| 5. Ooyeakee          | 2              | 4             | 3                | 3               | 12             |
| 6. Dry               | 1              | 2             | 2                | 3               | 8              |
| 7. Wallace Ratley    | 1              | 1             | 1                | 1               | 4              |
| 8. Deer Coming       | 2              | 2             |                  | 1               | 5              |
| 9. Ootiah            | 3              |               | 2                | 2               | 7              |
| 10. Johnson          |                | 1             |                  | 1               | 2              |
| 11. Whirlwind        |                | 4             | 3                | 1               | 8              |
| 12. The Hunter       | 1              | 3             | 4                | 3               | 11             |
| 13. Moses            | 2              | 1             |                  | 2               | 5              |
| 14. The Dog          |                | 2             |                  | 1               | 3              |
| 15. Peggy Waters     | 3              | 1             |                  | 2               | 6              |
| 16. The Doctor       | 2              | 1             | 1                | 1               | 5              |
| 17. William Read     |                |               |                  | 1               | 1              |
| 18. Pigeon           | 1              | 3             | 2                | 4               | 10             |
| 19. Big Jim          |                | 1             |                  | 1               | 2              |
| 20. Path Killer      | 2              |               | 2                |                 | 4              |
| 21. Polly Gritts     | 1              |               | 2                | 1               | 4              |
| 22. John Blythe      | 1              | 1             | 2                |                 | 4              |
| 23. James Vann       | 2              | 1             | 1                |                 | 4              |
| 24. Adam Seabolt     |                | 1             | 2                | 2               | 5              |
| 25. Betsey Goins     |                |               |                  | 2               | 2              |
| 26. Wilson Nivens    | 3              |               | 3                | 1               | 7              |

Source: United States. National Archives. Census of 1835. Reference group 75.

## The Census of 1835 (continued)

| HEAD OF HOUSEHOLD     | MALE SLAVES | FEMALE SLAVES | TOTAL SLAVES | WHITES CONNECTED BY MARRIAGE |
|-----------------------|-------------|---------------|--------------|------------------------------|
| 1. William Reese      |             |               |              |                              |
| 2. Roman Nose Johnson |             |               |              |                              |
| 3. Turnover           |             |               |              |                              |
| 4. Lizy Ratley        |             |               |              |                              |
| 5. Ooyeakee           |             |               |              |                              |
| 6. Dry                |             |               |              |                              |
| 7. Wallace Ratley     |             |               |              |                              |
| 8. Deer Coming        |             |               |              |                              |
| 9. Ootiah             |             |               |              |                              |
| 10. Johnson           |             |               |              |                              |
| 11. Whirlwind         |             |               |              |                              |
| 12. The Hunter        |             |               |              |                              |
| 13. Moses             |             |               |              |                              |
| 14. The Dog           |             |               |              |                              |
| 15. Peggy Waters      |             |               |              |                              |
| 16. The Doctor        |             |               |              |                              |
| 17. William Read      | 1           | 1             | 2            | 1                            |
| 18. Pigeon            |             |               |              |                              |
| 19. Big Jim           |             |               |              |                              |
| 20. Path Killer       |             |               |              |                              |
| 21. Polly Gritts      |             |               |              |                              |
| 22. John Blythe       |             | 1             | 1            | 1                            |
| 23. James Vann        | 5           | 9             | 14           | 1                            |
| 24. Adam Seabolt      | 1           |               | 1            |                              |
| 25. Betsey Goins      |             |               |              |                              |
| 26. Wilson Nivens     |             | 1             | 1            |                              |

## The Census of 1835 (continued)

| HEAD OF<br>HOUSEHOLD  | ACRES<br>IN |             | BUSHEL<br>WHEAT<br>RAISED | BUSHEL<br>CORN<br>RAISED |
|-----------------------|-------------|-------------|---------------------------|--------------------------|
|                       | FARMS       | CULTIVATION | HOUSES                    |                          |
| 1. William Reese      | 1           | 30          | 3                         | 200                      |
| 2. Roman Nose Johnson | 1           | 30          | 8                         | 300                      |
| 3. Turnover           | 1           | 5           | 1                         |                          |
| 4. Lizy Ratley        |             |             | 1                         |                          |
| 5. Ooyeakee           | 1           | 50          | 5                         | 400                      |
| 6. Dry                | 1           | 40          | 6                         | 450                      |
| 7. Wallace Ratley     | 1           | 15          | 2                         | 200                      |
| 8. Deer Coming        | 1           | 15          | 4                         | 300                      |
| 9. Ootiah             | 1           | 3           | 2                         | 60                       |
| 10. Johnson           | 1           | 4           | 1                         |                          |
| 11. Whirlwind         | 1           | 20          | 2                         | 200                      |
| 12. The Hunter        | 1           | 6           | 1                         | 50                       |
| 13. Moses             | 1           | 10          | 4                         | 30                       |
| 14. The Dog           | 1           | 30          | 3                         | 450                      |
| 15. Peggy Waters      | 1           | 40          | 5                         |                          |
| 16. The Doctor        | 1           | 6           | 1                         | 30                       |
| 17. William Read      | 1           | 20          | 4                         |                          |
| 18. Pigeon            | 1           | 3           | 2                         | 15                       |
| 19. Big Jim           | 1           | 11          | 4                         | 200                      |
| 20. Path Killer       | 1           | 35          | 7                         | 300                      |
| 21. Polly Gritts      | 1           | 3           | 1                         | 15                       |
| 22. John Blythe       | 1           | 55          | 5                         | 500                      |
| 23. James Vann        | 1           | 100         | 20                        | 2000                     |
| 24. Adam Seabolt      | 1           | 35          | 8                         | 20 350                   |
| 25. Betsey Goins      | 1           | 22          | 5                         | 100                      |
| 26. Wilson Nivens     | 1           | 100         | 14                        | 1000                     |

## The Census of 1835 (continued)

| HEAD OF<br>HOUSEHOLD  | BUSHEL<br>WHEAT<br>SOLD | BUSHEL<br>CORN<br>SOLD | FOR<br>HOW<br>MUCH | BUSHEL<br>CORN<br>BOUGHT | FOR<br>HOW<br>MUCH | MILLS |
|-----------------------|-------------------------|------------------------|--------------------|--------------------------|--------------------|-------|
|                       |                         |                        |                    |                          |                    |       |
| 1. William Reese      |                         |                        |                    |                          |                    |       |
| 2. Roman Nose Johnson |                         | 150                    | 75.00              | 47                       | 23.00              |       |
| 3. Turnover           |                         |                        |                    | 30                       | 15.00              |       |
| 4. Lizy Ratley        |                         |                        |                    | 50                       | 25.00              |       |
| 5. Ooyeakee           |                         |                        |                    |                          |                    |       |
| 6. Dry                |                         |                        |                    | 10                       | 5.00               |       |
| 7. Wallace Ratley     |                         |                        |                    |                          |                    |       |
| 8. Deer Coming        |                         |                        |                    |                          |                    |       |
| 9. Ootiah             |                         |                        |                    |                          |                    |       |
| 10. Johnson           |                         |                        |                    |                          |                    |       |
| 11. Whirlwind         |                         | 100                    | 50.00              |                          |                    |       |
| 12. The Hunter        |                         | 10                     | 5.00               |                          |                    |       |
| 13. Moses             |                         |                        |                    |                          |                    |       |
| 14. The Dog           |                         | 150                    | 37.50              |                          |                    |       |
| 15. Peggy Waters      |                         |                        |                    |                          |                    |       |
| 16. The Doctor        |                         |                        |                    |                          |                    |       |
| 17. William Read      |                         |                        |                    | 100                      | 33.00              |       |
| 18. Pigeon            |                         |                        |                    | 8                        | 4.00               |       |
| 19. Big Jim           |                         |                        |                    |                          |                    |       |
| 20. Path Killer       |                         | 100                    | 50.00              |                          |                    |       |
| 21. Polly Gritts      |                         |                        |                    |                          |                    |       |
| 22. John Blythe       |                         | 150                    | 75.00              | 20                       | 6.00               |       |
| 23. James Vann        |                         | 20                     | 9.00               |                          |                    |       |
| 24. Adam Seabolt      | 15                      | 200                    | 85.00              |                          |                    |       |
| 25. Betsey Goins      |                         |                        |                    | 20                       | 7.50               |       |
| 26. Wilson Nivens     |                         | 100                    | 50.00              |                          |                    |       |

## The Census of 1835 (continued)

| HEAD OF<br>HOUSEHOLD  | FERRY<br>BOATS | FARMERS<br>OVER 18<br>YEARS | MECHANICS<br>OVER 18<br>YEARS | READERS<br>IN<br>ENGLISH | READERS<br>IN<br>CHEROKEE |
|-----------------------|----------------|-----------------------------|-------------------------------|--------------------------|---------------------------|
| 1. William Reese      | 1              |                             |                               | 1                        |                           |
| 2. Roman Nose Johnson |                | 1                           |                               |                          |                           |
| 3. Turnover           |                | 2                           | 1                             |                          | 2                         |
| 4. Lizy Ratley        |                |                             |                               |                          |                           |
| 5. Ooyeakee           |                | 4                           | 1                             |                          | 5                         |
| 6. Dry                |                | 2                           | 1                             |                          | 1                         |
| 7. Wallace Ratley     |                | 1                           |                               | 1                        | 1                         |
| 8. Deer Coming        |                | 2                           | 2                             |                          | 1                         |
| 9. Ootiah             |                |                             |                               |                          |                           |
| 10. Johnson           |                | 1                           | 1                             |                          | 1                         |
| 11. Whirlwind         |                | 4                           | 1                             |                          |                           |
| 12. The Hunter        |                | 3                           |                               |                          | 3                         |
| 13. Moses             |                | 1                           |                               |                          |                           |
| 14. The Dog           |                | 2                           | 1                             |                          |                           |
| 15. Peggy Waters      |                | 1                           |                               |                          | 1                         |
| 16. The Doctor        |                | 1                           |                               |                          |                           |
| 17. William Read      |                | 1                           |                               | 1                        | 1                         |
| 18. Pigeon            |                | 3                           | 1                             |                          |                           |
| 19. Big Jim           |                | 1                           | 1                             |                          |                           |
| 20. Path Killer       |                | 2                           | 1                             |                          |                           |
| 21. Polly Gritts      |                |                             |                               | 1                        |                           |
| 22. John Blythe       |                | 1                           | 1                             | 2                        |                           |
| 23. James Vann        |                | 1                           |                               | 2                        |                           |
| 24. Adam Seabolt      |                | 1                           |                               | 2                        | 1                         |
| 25. Betsey Goins      |                |                             |                               | 1                        |                           |
| 26. Wilson Nivens     |                | 1                           | 1                             | 3                        |                           |

## The Census of 1835 (continued)

| HEAD OF<br>HOUSEHOLD  | HALF-<br>BREEDS | QUADROONS | FULL<br>BLOODED | WEAVERS | SPINNERS |
|-----------------------|-----------------|-----------|-----------------|---------|----------|
| 1. William Reese      | 1               |           |                 |         |          |
| 2. Roman Nose Johnson | 6               |           | 1               | 1       | 4        |
| 3. Turnover           | 4               |           | 2               |         | 1        |
| 4. Lizy Ratley        | 8               |           |                 | 1       | 3        |
| 5. Ooyeakee           | 6               |           | 6               | 3       | 4        |
| 6. Dry                |                 |           | 8               | 4       | 4        |
| 7. Wallace Ratley     | 4               |           |                 | 1       | 1        |
| 8. Deer Coming        |                 |           | 5               | 1       | 1        |
| 9. Ootiah             |                 |           | 7               |         | 2        |
| 10. Johnson           |                 |           | 2               |         | 1        |
| 11. Whirlwind         |                 |           | 8               |         | 1        |
| 12. The Hunter        |                 |           | 10              | 1       | 3        |
| 13. Moses             |                 |           | 5               |         | 1        |
| 14. The Dog           |                 |           | 3               | 1       | 1        |
| 15. Peggy Waters      |                 |           | 6               | 2       | 2        |
| 16. The Doctor        |                 |           | 5               | 1       | 1        |
| 17. William Read      |                 | 1         |                 | 1       | 1        |
| 18. Pigeon            |                 |           | 10              |         | 2        |
| 19. Big Jim           | 1               |           | 1               | 1       | 1        |
| 20. Path Killer       |                 |           | 4               |         |          |
| 21. Polly Gritts      | 3               |           | 1               | 1       | 2        |
| 22. John Blythe       |                 | 4         |                 | 1       | 1        |
| 23. James Vann        |                 | 4         |                 | 1       | 1        |
| 24. Adam Seabolt      |                 | 4         | 1               | 2       | 3        |
| 25. Betsey Goins      | 1               |           | 1               | 1       | 2        |
| 26. Wilson Nivens     |                 | 7         |                 | 1       | 2        |

are cited by the name of the reporter, and each reporter has his own series of volumes beginning with volume 1. The first Cherokee case, *Cherokee Nation v. Georgia*, is cited as 5 Peters 1–80 (the fifth volume of the series edited by Richard Peters, pages 1 through 80). *Worcester v. Georgia* is cited as 6 Peters 515–97. You can find a good introduction to laws and court decisions regarding Native Americans in Charles F. Wilkinson, *American Indians, Time, and the Law* (New Haven: Yale University Press, 1987). The best discussion of the Cherokee cases remains Joseph C. Burke, “The Cherokee Cases: A Study in Law, Politics, and Morality,” *Stanford Law Review* 21 (February 1969): 500–31.

What was Worcester’s original plea? On what evidence does he base that plea? What right, according to Marshall, did Native Americans have to their land? What rights did European discoverers have to Native land? What evidence does Marshall cite in support of Cherokee sovereignty? What evidence had Georgia presented to counteract claims of Cherokee sovereignty? Which argument does Marshall find most compelling?

## UNITED STATES SUPREME COURT

### *Worcester v. Georgia*

March 1832

Mr. Chief Justice Marshall delivered the opinion of the Court.

This cause, in every point of view in which it can be placed, is of the deepest interest.

The defendant is a state, a member of the Union, which has exercised the powers of government over a people who deny its jurisdiction, and are under the protection of the United States.

The plaintiff is a citizen of the state of Vermont, condemned to hard labour for four years in the penitentiary of Georgia; under colour of an act which he alleges to be repugnant to the Constitution, laws, and treaties of the United States. . . .

The indictment charges the plaintiff in error, and others, being white persons, with the offence of “residing within the limits of the Cherokee nation without a license,” and “without having taken the oath to support and defend the constitution and laws of the state of Georgia.”

The defendant in the state Court appeared in proper person, and filed the following plea:

“And the said Samuel A. Worcester, in his own proper person, comes and says, that this Court ought not to take further cognisance of the action and prosecution aforesaid, because, he says, that, on the 15th day of July, in the year 1831, he was, and still is, a resident in the Cherokee nation; and that the said supposed crime or crimes, and each of them, were committed, if committed at all, at the town of New Echota, in the said Cherokee nation, out of the jurisdiction of this Court, and not in the county Gwinnett, or elsewhere, within the jurisdiction of this Court: and this defendant saith, that he is a citizen of the state of Vermont, one of the United States of America, and that he entered the aforesaid Cherokee nation in the capacity of a duly authorized missionary of the American Board of Commissioners for Foreign Missions, under the authority of the President of the United States, and has not since been required by him to leave it: that he was, at the time of his arrest, engaged in preaching the gospel to the Cherokee Indians, and in translating the sacred Scriptures into their language, with the permission and approval of the said Cherokee nation, and in accordance with the humane policy of the government of the United States for the civilization and improvement of the Indians; and that his residence there, for this purpose, is the residence charged in the aforesaid indictment: and this defendant further saith, that this prosecution the state of Georgia ought not to have or maintain, because, he saith, that several treaties have, from time to time, been entered into between the United States and the Cherokee nation of Indians. . . . all which treaties have been duly ratified by the Senate of the United States of America; and, by which treaties, the United States of America acknowledge the said Cherokee nation to be a sovereign nation, authorized to govern themselves, and all persons who have settled within their territory, free from any right of legislative interference by the several states composing the United States of America, in reference to acts done within their own territory; and, by which treaties, the whole of the territory now occupied by the Cherokee nation, on the east of the Mississippi, has been solemnly guarantied to them; all of which treaties are existing treaties at this day, and in full force. . . .”

This plea was overruled by the Court. And the prisoner being arraigned, plead not guilty. The jury found a verdict against him, and the Court sentenced him to hard labour, in the penitentiary, for the term of four years. . . .

The indictment and plea in this case draw in question, we think, the validity of the treaties made by the United States with Cherokee Indians; if not so, their construction is certainly drawn in question; and the decision has been, if not against their validity, “against the right, privilege, or

exemption, specially set up and claimed under them." They also draw into question the validity of a statute of the state of Georgia, "on the ground of its being repugnant to the Constitution, treaties, and laws of the United States, and the decision is in favour of its validity." . . .

It has been said at the bar, that the acts of the legislature of Georgia seize on the whole Cherokee country, parcel it out among the neighbouring counties of the state, extend her code over the whole country, abolish its institutions and its laws, and annihilate its political existence.

If this be the general effect of the system, let us inquire into the effect of the particular statute and section on which the indictment is founded.

It enacts that "all white persons residing within the limits of the Cherokee nation on the 1st day of March next, or at any time thereafter, without a license or permit from his excellency the governor, or from such agent as his excellency the governor shall authorize to grant such permit or license, and who shall not have taken the oath hereinafter required, shall be guilty of a high misdemeanor, and, upon conviction thereof, shall be punished by confinement to the penitentiary, at hard labour, for a term not less than four years."

The eleventh section authorizes the governor, should he deem it necessary for the protection of the mines, or the enforcement of the laws in force within the Cherokee nation, to raise and organize a guard," &c.

The thirteenth section enacts, "that the said guard or any member of them, shall be, and they are hereby authorized and empowered to arrest any person legally charged with or detected in a violation of the laws of this state, and to convey, as soon as practicable, the person so arrested, before a justice of the peace, judge of the Superior, or justice of inferior Court of this state, to be dealt with according to law."

The extra-territorial power of every legislature being limited in its action to its own citizens or subjects, the very passage of this act is an assertion of jurisdiction over the Cherokee nation, and of the rights and powers consequent on jurisdiction.

The first step, then, in the inquiry, which the Constitution and laws impose on this Court, is an examination of the rightfulness of this claim.

America, separated from Europe by a wide ocean, was inhabited by a distinct people, divided into separate nations, independent of each other and of the rest of the world, having institutions of their own, and governing themselves by their own laws. It is difficult to comprehend the proposition, that the inhabitants of either quarter of the globe could have rightful original claims of dominion over the inhabitants of the other, or over the lands they occupied; or that the discovery of either by the other should

give the discoverer rights in the country discovered, which annulled the pre-existing right of its ancient possessors. . . .

The Indian nations had always been considered as distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial, with the single exception of that imposed by irresistible power, which excluded them from intercourse with any other European potentate than the first discoverer of the coast of the particular region claimed; and this was a restriction which those European potentates imposed on themselves, as well as on the Indians. The very term "nation," so generally applied to them, means "a people distinct from others." The Constitution, by declaring treaties already made, as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties. The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth. They are applied to all in the same sense.

Georgia, herself, has furnished conclusive evidence that her former opinions on this subject concurred with those entertained by her sister states, and by the government of the United States. Various acts of her legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right should be extinguished by the United States, with their consent: that their territory was separated from that of any state within whose chartered limits they might reside, by a boundary line, established by treaties: that, within their boundary, they possessed rights with which no state could interfere; and that the whole power of regulating the intercourse with them was vested in the United States. A review of these acts, on the part of Georgia, would occupy too much time, and is the less necessary, because they have been accurately detailed in the argument at the bar. Her new series of laws, manifesting her abandonment of these opinions, appears to have commenced in December, 1828.

In opposition to this original right, possessed by the undisputed occupants of every country; to this recognition of that right, which is evidenced by our history, in every change through which we have passed; is placed the charters granted by the monarch of a distant and distinct region, parcelling out a territory in possession of others whom he could not



remove and did not attempt to remove, and the cession made of his claims by the treaty of peace.

The actual state of things at the time, and all history since, explain these charters; and the King of Great Britain, at the treaty of peace, could cede only what belonged to his crown. These newly asserted titles can derive no aid from the articles so often repeated in Indian treaties; extending to them, first, the protection of Great Britain, and afterwards that of the United States. These articles are associated with others, recognising their title to self-government. The very fact of repeated treaties with them recognises it; and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence—its right to self-government, by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. "Tributary and feudatory states," says Vattel, "do not thereby cease to be sovereign and independent states, so long as self-government and sovereign and independent authority are left in the administration of the state." At the present day, more than one state may be considered as holding its right of self-government under the guarantee and protection of one or more allies.

The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation, is, by our Constitution and laws, vested in the government of the United States.

The act of the state of Georgia, under which the plaintiff in error was prosecuted, is consequently void, and the judgment a nullity. Can this Court revise and reverse it?

If the objection to the system of legislation, lately adopted by the legislature of Georgia, in relation to the Cherokee nation, was confined to its extra-territorial operation, the objection, though complete, so far as respected mere right, would give this Court no power over the subject. But it goes much further. If the review which has been taken be correct, and we think it is, the acts of Georgia are repugnant to the Constitution, laws, and treaties of the United States.

They interfere forcibly with the relations established between the United States and the Cherokee nation, the regulation of which, according to the settled principles of our Constitution, are committed exclusively to the government of the Union.

They are in direct hostility with treaties, repeated in a succession of years, which mark out the boundary that separates the Cherokee country from Georgia; guaranty to them all the land within their boundary; solemnly pledge the faith of the United States to restrain their citizens from trespassing on it; and recognise the pre-existing power of the nation to govern itself.

They are in equal hostility with the acts of Congress for regulating this intercourse, and giving effect to the treaties.

The forcible seizure and abduction of the plaintiff in error, who was residing in the nation with its permission, and by authority of the President of the United States, is also a violation of the acts which authorize the chief magistrate to exercise this authority. . . .

It is the opinion of this Court that the judgment of the Superior Court for the county of Gwinnett, in the state of Georgia, condemning Samuel A. Worcester to hard labour in the penitentiary of the state of Georgia, for four years, was pronounced by that Court under colour of a law which is void, as being repugnant to the Constitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled.

## DISPOSSESSING THE CHEROKEES

While the state laws extending jurisdiction into the Cherokee Nation had as their general purpose to harass the Indians to the treaty table and out of the state, the body of legislation enacted by the Georgia General Assembly between 1828 and 1835 covered a range of specifics that applied both to government and to property. As the Cherokees clung to their homes, farms, and businesses despite the pressures to leave, politicians devised new schemes to turn up the heat. Many Georgians were reluctant to infringe on the rights of the Cherokees to their improved property, however, and so most improvements remained relatively secure for a while.

Many of the leading men in the Cherokee government were wealthy businessmen and planters. If they could be dispossessed, Georgians came to think, they would surely agree to removal. The problem of how to do so was solved when a federal agent realized that many of the wealthiest, including Principal Chief John Ross, had accepted reserves (individual or personal reservations) under the terms of the treaties of 1817 and 1819. The treaty provisions in question assumed that those who took reserves intended to leave the Cherokee Nation and either become citizens in the states where their reserves were located or sell them and move west. While no one in the Cherokee Nation believed that accepting these re-

## Memorial of Protest of the Cherokee Nation

June 22, 1836

It is the expressed wish of the Government of the United States to remove the Cherokees to a place west of the Mississippi. That wish is said to be founded in humanity to the Indians. To make their situation more comfortable, and to preserve them as a distinct people. Let facts show how this *benevolent* design has been prosecuted, and how faithful to the spirit and letter has the promise of the President of the United States to the Cherokees been fulfilled—that *“those who remain may be assured of our patronage, our aid, and good neighborhood.”* The delegation are not deceived by empty professions, and fear their race is to be destroyed by the mercenary policy of the present day, and their lands wrested from them by physical force; as proof, they will refer to the preamble of an act of the General Assembly of Georgia, in reference to the Cherokees, passed the 2d of December, 1835, where it is said, “from a knowledge of the Indian character, and from the present feelings of these Indians, it is confidently believed, that the right of occupancy of the lands in their possession should be withdrawn, *that it would be a strong inducement to them to treat with the General Government, and consent to a removal to the west;* and whereas, the present Legislature openly avow that their primary object in the measures intended to be pursued, *are founded on real humanity to these Indians,* and with a view, in a distant region, to perpetuate them with their old identity of character, *under the paternal care of the Government of the United States;* at the same time frankly disavowing *any selfish or sinister motives towards them in their present legislation.*” This is the profession. Let us turn to the practice of *humanity*, to the Cherokees, by the State of Georgia. In violation of the treaties between the United States and the Cherokee nation, that State passed a law requiring all white men, residing in that part of the Cherokee country, in her limits, to take an oath of allegiance to the State of Georgia. For a violation of this law, some of the ministers of Christ, missionaries among the Cherokees, were tried, convicted, and sentenced to hard labor in the penitentiary. Their case may be seen by reference to the records of the Supreme Court of the United States.

Valuable gold mines were discovered upon Cherokee lands, within the chartered limits of Georgia, and the Cherokees commenced working

them, and the Legislature of that State interfered by passing an act, making it penal for an Indian to dig for gold within Georgia, no doubt *“frankly disavowing any selfish or sinister motives towards them.”* Under this law many Cherokees were arrested, tried, imprisoned, and otherwise abused. Some were even shot in attempting to avoid an arrest; yet the Cherokee people used no violence, but humbly petitioned the Government of the United States for a fulfilment of treaty engagements, to protect them, which was not done, and the answer given that the United States could not interfere. Georgia discovered she was not to be obstructed in carrying out her measures, *“founded on real humanity to these Indians,”* she passed an act directing the Indian country to be surveyed into districts. This excited some alarm, but the Cherokees were quieted with the assurance it would do no harm to survey the country. Another act was shortly after passed, to lay off the country into lots. As yet there was no authority to take possession, but it was not long before a law was made, authorizing a lottery for the lands laid off into lots. In this act the Indians were secured in possession of all the lots touched by their improvements, and the balance of the country allowed to be occupied by white men. This was a direct violation of the 5th article of the treaty of the 27th of February, 1819. The Cherokees made no resistance, still petitioned the United States for protection, and received the same answer that the President could not interpose. After the country was parcelled out by lottery, a horde of speculators made their appearance, and purchased of the “fortunate drawers,” lots touched by Indian improvements, at reduced prices, declaring it was uncertain when the Cherokees would surrender their rights, and that the lots were encumbered by their claims. The consequence of this speculation was that, at the next session of the Legislature, an act was passed limiting the Indian right of occupancy to the lot upon which he resided, and his actual improvements adjoining. Many of the Cherokees filed bills, and obtained injunctions against dispossession, and would have found relief in the courts of the country, if the judiciary had not been prostrated at the feet of legislative power. For the opinion of a judge, on this subject, there was an attempt to impeach him, then to limit his circuit to one county, and when all this failed, equity jurisdiction was taken from the courts, in Cherokee cases, by acts passed in the years 1833 and 1834. The Cherokees were then left at the mercy of an interested agent. This agent, under the act of 1834, was the notorious William N. Bishop, the captain of the Georgia Guard, aid to the Governor, clerk of a court, postmaster, &c. and his mode of trying Indian rights is here submitted:



Murray county, Georgia, January 20, 1835

Mr. John Martin:

Sir: The legal representative of lots of land,

|        |             |            |
|--------|-------------|------------|
| No. 95 | 25 district | 2d section |
| 86     | 25 "        | 2 "        |
| 93     | 25 "        | 2 "        |
| 89     | 25 "        | 2 "        |
| 57     | 25 "        | 2 "        |

has called on me, as States agent, to give him possession of the above described lots of land, and informs me that you are the occupant upon them. Under the laws of the State of Georgia, passed in the years 1833 and 1834, it is made my duty to comply with his request, you will, therefore, prepare, yourself to give entire possession of said premises, on or before the 20th day of February next, fail not under the penalty of the law.

Wm. N. Bishop, *States Agent*

Mr. Martin, a Cherokee, was a man of wealth, had an extensive farm; large fields of wheat growing; and was turned out of house and home, and compelled, in the month of February, to seek a new residence within the limits of Tennessee. Thus Mr. Bishop settled his rights according to the notice he had given. The same summary process was used towards Mr. John Ross, the principal chief of the Cherokee nation. He was at Washington city, on the business of his nation. When he returned, he travelled till about 10 o'clock at night, to reach his family; rode up to the gate; saw a servant, believed to be his own; dismounted, ordered his horse taken; went in, and to his utter astonishment, found himself a stranger in his own house, his family having been, some days before, driven out to seek a new home. A thought then flitted across his mind, that he could not, under all the circumstances of his situation, reconcile it to himself to tarry all night under the roof of his own house as a stranger, the new host of that house being the tenant of that mercenary band of Georgia speculators, at whose instance his helpless family had been turned out and made homeless.

Upon reflecting, however, that "man is born unto trouble," Mr. Ross at once concluded to take up lodgings there for the night, and to console himself under the conviction of having met his afflictions and trials in a manner consistent with every principle of moral obligation towards himself and family, his country and his God. On the next morning he arose early, and went out into the yard, and saw some straggling herds of his cattle and sheep browsing about the place. His crop of corn undisposed of. In casting a look up into the wide spread branches of a majestic oak, standing within the enclosure of the garden, and which overshadows the spot where lies

the remains of his dear babe, and most beloved and affectionate father, he there saw, perched upon its boughs, that flock of beautiful peafowls, once the matron's care and delight, but now left to destruction and never more to be seen. He ordered his horse, paid his bill, and departed in search of his family, after travelling amid heavy rains, had the happiness of overtaking them on the road, bound for some place of refuge within the limits of Tennessee. Thus has his houses, farm, public ferries and other property, been seized and wrested from him. Mr. Richard Taylor was, also, at Washington, and in his absence, his family was threatened with expulsion, and compelled to give two hundred dollars for leave to remain at home for a few months only. This is the "*real humanity*" the Cherokees were shown by the real or pretended authorities of Georgia, "disavowing any selfish or sinister motives towards them."

Mr. Joseph Vann, also, a native Cherokee, was a man of great wealth, had about eight hundred acres of land in cultivation; had made extensive improvements, consisting, in part, of a brick house [see p. 49], costing about ten thousand dollars, mills, kitchens, negro houses, and other buildings. He had fine gardens, and extensive apple and peach orchards. His business was so extensive, he was compelled to employ an overseer and other agents. In the fall of 1833, he was called from home, but before leaving, made a conditional contract with a Mr. Howell, a white man, to oversee for him in the year 1834, to commence on the first of January of that year. He returned about the 28th or 29th of December 1833, and learning Georgia had prohibited any Cherokee from hiring a white man, told Mr. Howell he did not want his services. Yet Mr. Bishop, the State's agent, represented to the authorities of Georgia, that Mr. Vann had violated the laws of that State, by hiring a white man, had forfeited his right of occupancy, and that a grant ought to issue for his lands. There were conflicting claims under Georgia for his possessions. A Mr. Riley pretended a claim, and took possession of the upper part of the dwelling house, armed for battle. Mr. Bishop, the State's agent, and his party, came to take possession, and between them and Riley, a fight commenced and from twenty to fifty guns were fired in the house. While this was going on, Mr. Vann gathered his trembling wife and children into a room for safety. Riley could not be dislodged from his position up stairs, even after being wounded, and Bishop's party finally set fire to the house. Riley surrendered and the fire was extinguished.

Mr. Vann and his family were then driven out, unprepared, in the dead of winter, and snow upon the ground, through which they were compelled to wade, and to take shelter within the limits of Tennessee, in an open log cabin, upon a dirt floor, and Bishop put his brother Absalom in possession

of Mr. Vann's house. This Mr. Vann is the same, who, when a boy, volunteered as a private soldier in the Cherokee regiment, in the service of the United States, in the Creek war, periled his life in crossing the river at the battle of the Horse Shoe. What has been his reward?

Hundreds of other cases might be added. In fact, near all the Cherokees in Georgia, who had improvements of any value, except the favorites of the United States agents, under one pretext or other, have been driven from their homes. . . .

The Cherokee delegation have thus considered it their duty to exhibit before your honorable body a brief view of the Cherokee case, by a short statement of facts. A detailed narrative would form a history too voluminous to be presented, in a memorial and protest. They have, therefore, contented themselves with a brief recital, and will add, that in reviewing the past, they have done it alone for the purpose of showing what glaring oppressions and sufferings the peaceful and unoffending Cherokees have been doomed to witness and endure. Also, to tell your honorable body, in sincerity, that owing to the intelligence of the Cherokee people, they have a correct knowledge of their own rights, and they well know the illegality of those oppressive measures which have been adopted for their expulsion, by State authority. Their devoted attachment to their native country has not been, nor ever can be, eradicated from their breast. This, together with the implicit confidence, they have been taught to cherish, in the *justice, good faith, and magnanimity of the United States*, also, their firm reliance on the generosity and friendship of the American people, have formed the anchor of their hope and upon which alone they have been induced and influenced to shape their peaceful and manly course, under some of the most trying circumstances any people ever have been called to witness and endure.

## WHITE INTRUDERS

The Cherokees complained bitterly about white people moving onto their land, mining their gold, stealing their livestock, and evicting them from their houses and farms. The United States government sent soldiers to eject intruders and offer protection to the Cherokees, but the small force had little effect, except perhaps in the gold country where the soldiers were concentrated. While many intruders had no claim to Cherokee land, the status of others was less clear-cut. Confronted with Cherokee refusal to negotiate removal, Georgia began awarding Cherokee land to its citizens in an attempt to force the Cherokees out. Thousands of white

settlers, who believed that they had legitimate title to land, moved into the Cherokee Nation.

Georgia had a well-established method for distributing public lands which, the state insisted, included Cherokee territory. Male residents of the state as well as widows and orphans registered for land lotteries, and certain categories of people, such as veterans, could register twice. Surveyors partitioned the land into plots of 20 $\frac{1}{4}$  acres and prepared plats, or maps, for each of these plots. Lottery officials pulled a name out of one hopper and a plat out of another, thereby matching winner and prize. The winner paid only a small filing fee for his or her acreage. Unlike the later federal homestead law that required people to settle the land they claimed, Georgia's lotteries placed no restrictions on the winners. Consequently, many winners did not move to their new land but sold either their chances or the property to another party, often through one of the real estate agents who appeared on the scene. Wealthy planters tended to buy up the best land and leave that of marginal quality to poorer folk. The market was speculative and volatile, and some participants lost a great deal of money.

One of those who lost money in the market that followed the lottery for Creek lands was John Brandon, husband of Zillah Haynie Brandon, whose memoir is printed here. The Creeks ceded their last land in Georgia to the federal government in 1827. The Compact of 1802 required that this land be surrendered to the state, and so Creek lands became available for distribution to the citizens of Georgia through the lottery. The lottery was so successful and popular that Georgia did not wait for the Cherokees to vacate their land before granting it to state citizens. Indeed, Georgia officials hoped a survey and lottery might hasten the Cherokees' departure. In 1830, the Georgia legislature provided for a survey of Cherokees lands in preparation for a lottery. In 1832, the same year that the Cherokees won their case before the United States Supreme Court, the lottery wheels began to turn in the state capital. Georgia law gave some protection to land that Cherokees actually occupied, but the process for halting eviction by a lottery winner became so complicated and expensive that few Cherokees could take advantage of it. As a result, lottery winners or those who bought land from winners swarmed into the Cherokee Nation.

John Brandon's early loss had not dampened his enthusiasm for the land lottery and the secondary market that followed. When he failed to draw a lot, he purchased another man's rights to Cherokee land. He had not met with much success in life, and land in the Cherokee Nation gave him yet another opportunity to start over. He did not hope alone. Many in Georgia sang the popular song:

## UNITED STATES CONGRESS

### *Indian Removal Act*

May 28, 1830

#### Chapter CXLVIII

*An Act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other.

Sec. 2 *And be it further enacted,* That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto.

Sec. 3 *And be it further enacted,* That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Sec. 4 *And be it further enacted,* That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such

improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Sec. 5 *And be it further enacted,* That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Sec. 6 *And be it further enacted,* That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Sec. 7 *And be it further enacted,* That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

Sec. 8 *And be it further enacted,* That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

#### ANDREW JACKSON APPLAUDS THE REMOVAL ACT

In his first annual message, delivered December 8, 1829, President Andrew Jackson outlined his Indian policy and called on Congress to enact legislation that would remove eastern Indians to the region west of the Mississippi. Jackson had a reputation, won during the Creek War of 1813-14, as an Indian fighter, but this was not a blood and glory pronouncement. He was critical, however, of the policies of his predecessors.



September 1838 and April 1839. The *Baptist Missionary Magazine* was one of several evangelical publications that kept their readers informed about the Cherokees and that serve as important sources for historians. Many of these publications have been microfilmed as part of the American Periodical Series and are available in college and university libraries. If you would like to know more about Evan Jones and his son John, see William G. McLoughlin's superb book, *Champions of the Cherokees: Evan and John B. Jones* (Princeton: Princeton University Press, 1990).

How did Jones regard the Cherokees? What was his opinion of white Georgians? How did the Cherokees spend their time in the stockade? What were conditions on the removal west?

## EVAN JONES

### *Letters*

*May–December 1838*

#### May 21

Our minds have, of late, been in a state of intense anxiety and agitation. The 24th of May is rapidly approaching. The major-general has arrived, and issued his summons, declaring that every man, woman and child of the Cherokees must be on their way to the west before another moon shall pass. The troops, by thousands, are assembling around the devoted victims. The Cherokees, in the mean time, apprized of all that is doing, wait the result of these terrific preparations; with feelings not to be described. Wednesday, the 16th inst.,<sup>1</sup> was appointed as a day of solemn prayer.

#### May 31

We have cause for thankfulness that some few glimmerings of hope have at length penetrated the gloom. The delegation at Washington have at last come to an understanding with the Secretary of War on the basis of a new arrangement; the Indians to cede the country east, to remove within two years to the west, to be protected during their stay, and escorted to their

<sup>1</sup> "Instant": the current month.

place of destination; to remove themselves, and have a title in fee to the country west of Arkansas; to receive a gross sum to cover all demands. May the Lord direct all for the advancement of his own glory!

#### Camp Hetzel, near Cleveland, June 16

The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take any thing with them, except the clothes they had on. Well-furnished houses were left a prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth. Females, who have been habituated to comforts and comparative affluence, are driven on foot before the bayonets of brutal men. Their feelings are mortified by vulgar and profane vociferations. It is a painful sight. The property of many has been taken, and sold before their eyes for almost nothing—the sellers and buyers, in many cases, being combined to cheat the poor Indians. These things are done at the instant of arrest and consternation; the soldiers standing by, with their arms in hand, impatient to go on with their work, could give little time to transact business. The poor captive, in a state of distressing agitation, his weeping wife almost frantic with terror, surrounded by a group of crying, terrified children, without a friend to speak a consoling word, is in a poor condition to make a good disposition of his property and is in most cases stripped of the whole, at one blow. Many of the Cherokees, who, a few days ago, were in comfortable circumstances, are now victims of abject poverty. Some, who have been allowed to return home, under passport, to inquire after their property, have found their cattle, horses, swine, farming-tools, and house-furniture all gone. And this is not a description of extreme cases. It is altogether a faint representation of the work which has been perpetrated on the unoffending, unarmed and unresisting Cherokees.

Our brother Bushyhead and his family, Rev. Stephen Foreman, native missionary of the American Board, the speaker of the national council, and several men of character and respectability, with their families, are here prisoners.

It is due to justice to say, that, at this station, (and I learn the same is true of some others,) the officer in command treats his prisoners with great respect and indulgence. But fault rests somewhere. They are prisoners, without a crime to justify the fact.

These *savages*, prisoners of *Christians*, are now all hands busy, some

cutting and some carrying posts, and plates, and rafters—some digging holes for posts, and some preparing seats, for a temporary place for preaching tomorrow. There will also be preaching at another camp, eight miles distant. We have not heard from our brethren in the mountains since their capture. I have no doubt, however, but the grace of God will be sufficient for them, and that their confidence is reposed in the God of their salvation. My last accounts from them were truly cheering. In a few days they expected the victorious army, to sweep them into their forts, but they were going on steadily in their labors of love to dying sinners. Brother O-ga-na-ya wrote me, May 27, that seven, (four males and three females,) were baptized at Taquohee on that day. He says, "If it shall be peace, we intend to meet at this place on the second Saturday. We are in great trouble. It is said, that on Monday next we are to be arrested, and I suppose it to be true. Many are greatly terrified."

The principal Cherokees have sent a petition to Gen. Scott, begging most earnestly that they may not be sent off to the west till the sickly season is over. They have not received any answer yet. The agent is shipping them by multitudes from Ross's Landing. Nine hundred in one detachment, and seven hundred in another, were driven into boats, and it will be a miracle of mercy if one-fourth escape the exposure to that sickly climate. They were exceedingly depressed, and almost in despair.

### July 10

The work of war in time of peace, is commenced in the Georgia part of the Cherokee nation, and is carried on, in most cases, in the most unfeeling and brutal manner; no regard being paid to the orders of the commanding General, in regard to humane treatment of the Indians. I have heard of only one officer in Georgia, (I hope there are more,) who manifests any thing like humanity, in his treatment of this persecuted people. . . .

The work of capturing being completed, and about 3,000 sent off, the General has agreed to suspend the further transportation of the captives till the first of September. This arrangement, though but a small favor, diffused universal joy through the camps of the prisoners. . . .

### July 11

Brethren Wickliffe and O-ga-na-ya, and a great number of members of the church at Valley Towns, fell into Fort Butler, seven miles from the mission. They never relaxed their evangelical labors, but preached constantly in the fort. They held church meetings, received ten members, and

on Sabbath, June 17, by permission of the officer in command, went down to the river and baptized them, (five males and five females.) They were guarded to the river and back. Some whites present, affirm it to have been the most solemn and impressive religious service they ever witnessed.

I have omitted till now to say that as soon as General Scott agreed to suspend the transportation of the prisoners till autumn, I accompanied brother Bushyhead, who, by permission of the General, carried a message from the chiefs to those Cherokees who had evaded the troops by flight to the mountains. We had no difficulty in finding them. They all agreed to come in, on our advice, and surrender themselves to the forces of the United States; though, with the whole nation, they are still as strenuously opposed to the treaty as ever. Their submission, therefore, is not to be viewed as an acquiescence in the principles or the terms of the treaty; but merely as yielding to the physical force of the U. States.

On our way, we met a detachment of 1,300 prisoners. As I took some of them by the hand, the tears gushed from their eyes. Their hearts, however, were cheered to see us, and to hear a word of consolation. Many members of the church were among them. At Fort Butler, we found a company of 300, just arrived from the mountains, on their way to the general depot, at the Agency. Several of our members were among these also. I believe the Christians, the salt of the earth, are pretty generally distributed among the several detachments of prisoners, and these Christians maintain among themselves the stated worship of God, in the sight of their pagan brethren, and of the white heathens who guard them.

We had a very laborious journey through the mountains, which we extended to the Cherokee settlement in North Carolina. Here we had several meetings with whites and Indians, and on Sabbath, the 1st inst., had the pleasure to baptize, on profession of their faith, three Cherokee females, who had previously been examined and approved.

### December 30

We have now been on our road to Arkansas seventy-five days, and have travelled five hundred and twenty-nine miles. We are still nearly three hundred miles short of our destination. We have been greatly favored by the kind providence of our heavenly Father. We have as yet met with no serious accident, and have been detained only two days by bad weather. It has, however, been exceedingly cold for some time past, which renders the condition of those who are but thinly clad, very uncomfortable. In order, however, to counteract the effects of the severity of the weather in some degree, we have, since the cold set in so severely, sent on a

company every morning, to make fires along the road, at short intervals. This we have found a great alleviation to the sufferings of the people.

At the Mississippi river, we were stopped from crossing, by the ice running so that boats could not pass, for several days. Here br. Bushy-head's detachment came up with us, and we had the pleasure of having our tents in the same encampment; and before our detachment was all over, Rev. Stephen Foreman's detachment came up, and encamped along side of us. I am sorry to say, however, that both their detachments have not been able to cross.

The members of the church, generally, maintain consistency of conduct, and many of them are very useful. Our native preachers are assiduous in their labors, seizing all favorable opportunities to cherish a devotional spirit among the brethren. Their influence is very salutary.

I am afraid that, with all the care that can be exercised with the various detachments, there will be an immense amount of suffering, and loss of life attending the removal. Great numbers of the old, the young, and the infirm, will inevitably be sacrificed. And the fact that the removal is effected by coercion, makes it the more galling to the feelings of the survivors.

### REMOVAL THROUGH A CHILD'S EYES

In early summer 1838, United States soldiers rounded up most Cherokees and imprisoned them in stockades to await deportation. Emotions no doubt ranged from indignation to anger to terror to resignation as people abandoned their homes and belongings. Stories abounded of families inadvertently separated and children accidentally left behind in the confusion. The hot, crowded conditions of the stockades ultimately gave way to the seemingly endless journey west. Most detachments took about five to six months to cover the thousand miles between the Cherokees' old home and their new. Some people rode in wagons or on horses while others walked the entire way. Fatigue, disease, and ultimately the cold took a heavy toll.

Rebecca Neugin was three years old when she made the journey west with her family. Her parents and brother no doubt augmented her memory by frequent recounting of the family's experience on the "Trail of Tears." She shared her personal account with Grant Foreman, an Oklahoma historian, in 1932 when she was nearing one hundred years of age, and Foreman published the interview in his *Indian Removal*.

Do you think that this account of removal as experienced by a very

small child and retold by her at an advanced age has historical value? Should a historian use family stories that are handed down orally? How does this account compare with that of Evan Jones, which was written at the time of removal rather than nearly a hundred years later?

REBECCA NEUGIN

### *Recollections of Removal*

1932

When the soldiers came to our house my father wanted to fight, but my mother told him that the soldiers would kill him if he did and we surrendered without a fight. They drove us out of our house to join other prisoners in a stockade. After they took us away my mother begged them to let her go back and get some bedding. So they let her go back and she brought what bedding and a few cooking utensils she could carry and had to leave behind all of our other household possessions. My father had a wagon pulled by two spans of oxen to haul us in. Eight of my brothers and sisters and two or three widow women and children rode with us. My brother Dick who was a good deal older than I was walked along with a long whip which he popped over the backs of the oxen and drove them all the way. My father and mother walked all the way also. The people got so tired of eating salt pork on the journey that my father would walk through the woods as we traveled, hunting for turkeys and deer which he brought into camp to feed us. Camp was usually made at some place where water was to be had and when we stopped and prepared to cook our food other emigrants who had been driven from their homes without opportunity to secure cooking utensils came to our camp to use our pots and kettles. There was much sickness among the emigrants and a great many little children died of whooping cough.

### REBUILDING THE CHEROKEE NATION

In 1841 Ethan Allen Hitchcock traveled west to investigate charges of corruption in the removal of the southern Indians. In addition to writing a scathing report on the government's Indian policy, which was suppressed,