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Rivers, Roads, and Rails: The Influence of Transportation Needs and Internal Improvements on Cherokee Treaties and Removal from 1779 to 1838

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To the Graduate Council:

I am submitting herewith a thesis written by Vicki Bell Rozema entitled "Rivers, Roads, and Rails: The Influence of Transportation Needs and Internal Improvements on Cherokee Treaties and Removal from 1779 to 1838." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.

Daniel Feller, Major Professor

We have read this thesis and recommend its acceptance:

Lorri Glover, Stephen V. Ash

Accepted for the Council:

Carolyn R. Hodges

Vice Provost and Dean of the Graduate School

(Original signatures are on file with official student records.)

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**Rivers, Roads, and Rails: The Influence of Transportation Needs and Internal
Improvements on Cherokee Treaties and Removal from 1779 to 1838**

A Thesis

Presented for the

Master of Arts

Degree

The University of Tennessee, Knoxville

Vicki Bell Rozema

December 2007

Abstract

This study examines the importance of transportation routes and internal improvements as factors in treaty negotiations and the removal of the Cherokees. Covering a period from approximately 1779 to 1838, the date of forced Cherokee removal from east of the Mississippi, it argues that the Cherokees opposed the construction of military roads and turnpikes and interfered with travel through Cherokee country. Safe passage clauses in Cherokee treaties, issues dealing with passports through Cherokee country, and disputes over ferries and taverns on transportation routes are reviewed. The plans of Southern leaders such as John C. Calhoun and Wilson Lumpkin to build canals and railroads through the Cherokee Nation are explored. Euro-Americans perceived the Cherokee Nation as an obstacle to economic trade and commercial transportation.

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Chapter I: Introduction

In 1821, the *Montgomery Republican* and *Niles' Register* reported the journey of a keelboat through Cherokee territory. The boat was the *Tennessee Patriot*. She measured fifty feet long and was built at Southwest Point in East Tennessee (present-day Kingston), where barrels of flour and whiskey were placed on board. The *Tennessee Patriot* traveled a hundred miles down the Tennessee River to the mouth of the Hiwassee, then another sixty-five miles up the Hiwassee to the Wocoo (Ocoee.) She ascended the Wocoo several miles to a portage area that was commonly used by smaller boats. The portage area lay east of the McNairs' (a prominent mixed-blood family) and the federal Georgia Road. The keelboat was carried ten miles overland, then placed in the Conasauga River and floated down to the Eustanaula, then to the Coosa and Alabama rivers where she finally landed at Montgomery, Alabama. The *Tennessee Patriot* traveled nearly one thousand miles through both Cherokee and Creek lands. This remarkable story illustrates the difficulty of transportation between neighboring Southern states in the early nineteenth-century and the determination of white entrepreneurs to carry their goods through Indian lands to market.¹

Historians have listed many causes of the Cherokee removal of the 1830s. These include ethnocentrism, land fraud, discovery of gold in the Georgia mountains, states rights issues, the perceived threat of a sovereign government within the borders of autonomous states, western expansion, depletion of eastern soils due to poor agricultural

¹ "Internal Navigation," *Niles' Register*, 24 March 1821, reprinted from the *Montgomery Republican*; "Map of the Country Belonging to the Cherokee and Creek Indians, 1815," Located at the University of Georgia, available online at <http://www.libs.uga.edu/darchive/hargrett/maps/1815m4.jpg>.

practices, and other reasons. The completion of the Federal Road through Creek lands in 1811 is often cited by historians, ranging from nineteenth-century Alabama biographer Albert J. Pickett to modern-day historian Michael Green, as a major cause of the Creek War of 1813-14. They argue that the road split the Creek Nation both geographically and politically into Upper and Lower Creeks. The two factions disagreed on how to deal with the influx of intruders brought by the new road. And several historians including Theda Perdue, Mary Young, and Gilbert Govan and James Livingood have mentioned Wilson Lumpkin's survey of Cherokee lands in 1826 for a railroad route in their discussions of events leading to the Cherokee removal. However, the desire by southern states to make internal improvements to their roads and waterways and the arrival of the railroads as a cause of the Cherokee removal have not been closely examined. The desire of Euro-Americans to control transportation routes to facilitate interstate communications and commerce and access to gulf and Atlantic ports has often been overlooked by historians when examining treaty negotiations and land cessions. The goal of this thesis is to illuminate the importance of transportation routes and internal improvements as factors in treaty negotiations and the removal of the Cherokees.²

² James R. Christianson, "Removal: A Foundation for the Formation of Federal Indian Policy," *Journal of Cherokee Studies*, 10 (Fall 1985): 215-25; Michael D. Green, *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln & London: University of Nebraska Press, 1982), 41; Mary Young, "The Exercise of Sovereignty in Cherokee Georgia," *Journal of the Early Republic*, 10 (Spring 1990): 43-63; Theda Perdue and Michael D. Green, *The Cherokee Removal: A Brief History with Documents* (Boston & New York: Bedford Books of St. Martin's Press, 1995), 59-60; Albert J. Pickett, *History of Alabama and Incidentally of Georgia and Mississippi from the Earliest Period* (Spartanburg, S.C.: The Reprint Company Publishers, 1975), 510; Gilbert Govan and James Livingood, *The Chattanooga Country, 1540-1976* (Knoxville: UT Press, 1977, 3d ed.), 85.

This study covers the period from approximately 1779, when white emigrants were traveling through Cherokee country to reach new settlements on the Cumberland Plateau, to 1838, the date of forced Cherokee removal. In addition to examining the construction of post and military roads and the building of the 1803 Georgia Road, the 1804 Cumberland Road, and the 1813 Unicoi Turnpike, the reactions of the Cherokees to these intrusions are observed. Issues dealing with passports through Cherokee country, the inclusion of clauses guaranteeing safe passage in Cherokee treaties, and disputes over ferries, taverns, and toll gates on transportation routes are reviewed. This study asks questions about relationships between land cessions and the desire to improve commercial transportation. For example, why did new towns such as Chattanooga, Tennessee, and Rome, Georgia, spring up along transportation routes immediately after Cherokee land cessions?

Finally, the policies of several Southern leaders including John C. Calhoun, Wilson Lumpkin, Willie Blount, and George Gilmer are explored. It was no coincidence that these leaders espoused Indian removal while advocating internal improvements. They and other white businessmen, politicians, and military men coveted Cherokee lands not just for agricultural purposes or for their gold mines, but also for their location along strategic waterways and transportation routes. The full economic promise of agriculture, industry, and trade in the South could not be realized as long as control of strategic transportation routes remained in Cherokee hands. The Cherokee Nation presented an obstacle to their pursuit of economic trade and their desire to build roads, canals, and railways.

Chapter II: Transportation Needs of Euro-Americans in Cherokee Country before 1786

The earliest uses of transportation routes in Cherokee territory by Europeans and Anglo-Americans included hunting, trade, and immigration. In the seventeenth and eighteenth centuries the Cherokees and English established a thriving trade using Indian trails that led from Charleston, South Carolina, to the Lower Cherokee towns in northwest South Carolina and continuing to the Overhill settlements in East Tennessee. One branch of these trails led to the “forked country” of the Creek Indians, which lay between the Flint and Chattahoochee Rivers. Settlers from the colonies (later, states) of Virginia and North Carolina followed the Great Indian Warpath southwest through the Appalachian Mountains to hunt for game in what would later become the states of Tennessee and Kentucky. Rivers, streams, and Indian trails served as the main routes for early white immigrants into the Cherokee lands of the old Southwest Territory.³

Travel on roads or horse paths in the early southwest was slow and dangerous because of weather, the poor condition of the roads, a lack of roads, and the possibility of Indian attack. Transportation of goods by waterways was also very slow due to flooding and drought that raised and lowered the river levels unpredictably and due to numerous obstacles in the waterways ranging from snags and sandbars to whirlpools, shoals, and the fall line. Before steamboats arrived on inland waters in the 1810s, cotton and other goods were floated to the ports on the Atlantic or the gulf in cotton-boxes, large flat-bottomed boats sixty to eighty feet long, or on pole-boats, flat or decked boats usually

³ Randle Bond Truett, *Trade and Travel Around the Southern Appalachians Before 1830* (Chapel Hill: The University of North Carolina Press, 1935), 16-18; J. G. M. Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century* (Philadelphia: J. B. Lippincott and Co., 1860), 64-73, 87-88.

with a single pole in the rear for steering. After reaching their destination, the cotton-boxes were broken up and sold as lumber and the pole-boats were filled with supplies and laboriously steered upstream to their origin. After the arrival of the steamboats, the states contracted for internal navigation improvements so the steamboats could travel from the seaports to major cities located along the fall line such as Augusta, Macon, Milledgeville, and Columbus in Georgia and Montgomery in Alabama. At cities along the fall line, steamboats picked up goods floated downstream on smaller boats because the steamboats could not go above the fall line (see Figure 1).⁴

Many early pioneers traveled west on the Tennessee River to emigrate to the Natchez district and the Cumberland Plateau. However, the strange geography of the river made it very dangerous and prevented it from becoming the great highway that other rivers such as the Ohio or Mississippi had become. The obstacles that lay along the river were legendary. Thomas Jefferson wrote about one of the river hazards, the Suck, in his *Notes on the State of Virginia*: "Above the Chickamogga towns is a whirlpool called the Sucking pot, which takes in trunks of trees or boats, and throws them out again half a mile below." The Indians called the treacherous spot Untiguhi, for "pot in the water." The Cherokees believed that the Suck was a haunted whirlpool, where a house full of people lived on the bottom of the river. The inhabitants reached through the beams of their house to pull travelers into the depths. In later years, obstacles like the Suck made it nearly impossible for steamboat captains to traverse the entire length of the river. Instead, steamboat lines operated on

⁴ Ulrich B. Phillips, *A History of Transportation in the Eastern Cotton Belt to 1860* (New York: Columbia University Press, 1908), 6-8, 71.

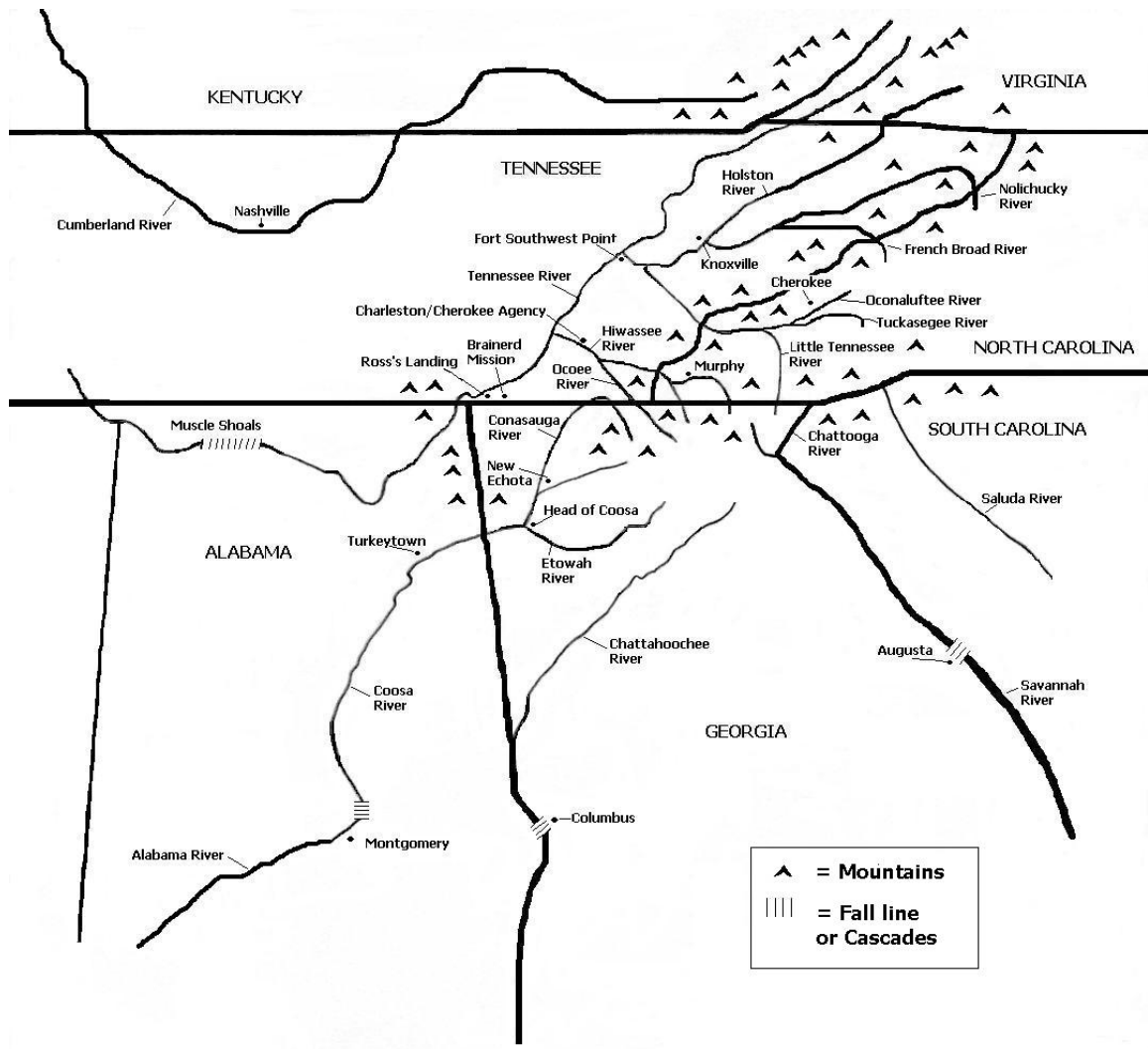


Figure 1. Major Rivers in Cherokee Country.

sections of the river between the obstacles, such as the sections from Knoxville to Chattanooga and from Chattanooga to Decatur. In some cases, railroad lines were built to transport passengers around the treacherous sections.⁵

Another hazard to travel on the Tennessee River came in human form. The Chickamaugans were a group of alienated Cherokees, under the leadership of Tsiyugunsini, or Dragging Canoe. Dragging Canoe and his followers broke off from the main body of Cherokees after the Sycamore Shoals Treaty in 1775, by which a large portion of Cherokee land was sold to the representatives of the Transylvania Company. Siding with the British during the Revolution, the Chickamaugans attacked American forces and frontier settlements and in retribution the Americans attacked Cherokee towns. In March 1777, many homeless Cherokees followed Dragging Canoe to new settlements on Chickamauga Creek in present day Hamilton County, Tennessee, where they were later joined by more Cherokees, Creeks, Tories, and black slave refugees. In April 1779, a group of Virginia and North Carolina volunteers under the command of Colonel Evan Shelby ransacked and burned the Chickamauga villages and carried off twenty thousand bushels of corn. This occurred while many of the Cherokee warriors were off fighting for the British along the Georgia and South Carolina borders. Rather than rebuild on the burned town sites, Dragging Canoe established five new towns further down the Tennessee River. It was from these five Lower Towns, still hungry and smarting from

⁵ Thomas Jefferson, *Notes on the State of Virginia* (Chapel Hill: University of North Carolina Press, 1982), 11; James Mooney, *History, Myths, and Sacred Formulas of the Cherokees*, 1900 (Reprint, Asheville, N. C.: Historical Images, 1992), 464, 544.

Shelby's invasion a few months earlier, that the Chickamaugans launched their initial attacks on the Donelson party.⁶

One of the best-known stories of early travel in Cherokee country is the story of John Donelson, Sr., a Virginia surveyor. In 1779, he prepared to move his family from Fort Patrick Henry (at present-day Kingsport) to the Big Salt Lick (present-day Nashville). Traveling with Donelson was his daughter Rachel, who later married Andrew Jackson, and several other families. Their four-month journey took them down the Holston River to the Tennessee, then they ascended the Ohio River to the Cumberland River. Excerpted below are several entries from Donelson's journal that illustrate the dangers of travel in Cherokee country before Tennessee was a state:⁷

JOURNAL OF A VOYAGE, intended by God's permission, in the good boat Adventure, from Fort Patrick Henry on Holston River, to the French Salt Springs on Cumberland River, kept by John Donaldson. (Donelson)

December 22, 1779 – Took our departure from the fort and fell down the river to the mouth of Reedy Creek, where we were stopped by the fall of water, and most excessive hard frost; and after much delay and

⁶ Grace Steele Woodward, *The Cherokees*, 1963 (Norman, Okla.: University of Oklahoma Press, Tenth printing, 1988), 88-89, 97, 100; J. G. M. Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century* (Philadelphia: J. B. Lippincott and Co., 1860), 117-19, 183, 185-89.

⁷ Ramsey, *The Annals of Tennessee*, 197-202; Samuel Cole Williams, *Early Travels in the Tennessee Country: 1540-1800*, 1928 (Reprint, Nashville: Franklin Book Reprints, 1970), 231-42.

many difficulties we arrived at the mouth of Cloud's Creek, on Sunday evening, the 20th February, 1780, where we lay by until Sunday, 27th when we took our departure with sundry other vessels bound for the same voyage, and on the same day struck the Poor Valley Shoal, together with Mr. Boyd and Mr. Rounsifer, on which shoal we lay that afternoon and succeeding night in much distress.

Monday, February 28th, 1780 – In the morning the water rising, we got off the shoal, after landing thirty persons to lighten our boat. In attempting to land on an island, received some damage and lost sundry articles, and came to camp on the south shore, where we joined sundry other vessels also bound down.

Wednesday, 8th – . . . we had come in sight of another town, situated likewise on the south side of the river, nearly opposite a small island. Here they again invited us to come on shore, called us brothers, and observing the boats standing off for the opposite channel, told us that “their side of the river was better for boats to pass.” And here we must regret the unfortunate death of young Mr. Payne, on board Capt. Blackemore's boat, who was mortally wounded by reason of the boat running too near the northern shore opposite the town, where some of the enemy lay concealed. . . .

Tuesday, 14th – Set out early. On this day two boats approaching too near the shore, were fired on by the Indians. Five of the crews were wounded, but not dangerously.⁸

The Donelson party arrived at the Big Salt Lick on the Cumberland River on April 24 without further serious incident. By comparison to their journey on the Tennessee River through Cherokee country, their travels on the Ohio and Cumberland Rivers proved relatively uneventful.

⁸ Ramsey, *The Annals of Tennessee*, 197-202; Williams, *Early Travels*, 231-42.

Chapter III: Transportation Needs of Euro-Americans in Cherokee Country after 1786

In 1786, Congress passed an ordinance for the management of Indian affairs. It divided the Indian department into Northern and Southern districts and placed the district agents under the power of the Secretary of War and Congress. The relationship between the Office of Indian Affairs and the War Department continued until 1849, when responsibility for Indian affairs moved to the newly established Department of the Interior. As a result of the 1786 ordinance, the Secretary of War took primary responsibility for implementing the Indian policies of Congress, and then a few years later the President did so. The War Department was also responsible for negotiating treaties and maintaining communications and trade with the Indians.⁹

The establishment of the Office of Indian Affairs altered relations between Native Americans and Euro-Americans. As an instrument of Congress or the President, the Secretary of War and his Indian agents began to exercise control over Indian affairs; before that time, local settlers felt empowered to deal directly with the Indians. This resulted in changes in policy toward transportation within Cherokee country, where settlers and agents of the federal government were often at odds.

The 1786 Indian affairs ordinance provided guidelines on the use of passports to control travel through Indian country. It stated “that no . . . passports be granted to any other person than citizens of the United States, to travel through the Indian nations, without their having previously made their business known to the superintendent of the district, and received his special approbation.” The district agent regulated travel and

⁹ Dorothy Williams Potter, ed. *Passports of Southeastern Pioneers: 1770-1823* (Baltimore: Gateway Press, Inc., 1982), 50, 68-69.

commerce in his district and controlled these activities by issuing or withholding passports. Other various agents of the War Department also had the authority to issue passes for Indian territory or foreign countries adjacent to the United States.¹⁰

The issuance of passports to people traveling through or conducting business in Cherokee country was further detailed in Article 9 of the 2 July 1791 Treaty of Holston: “No citizen or inhabitant of the United States shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go onto Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United State may, from time to time, authorize or grant the same.”¹¹

The Treaty of Holston was intended to achieve peace on the North Carolina frontier west of the Appalachians. Settlers from Virginia and North Carolina had illegally established settlements in Cherokee territory and established a new state called Franklin. In an effort to expand their settlements and drive Cherokees from the area, the settlers waged war not only on the rebellious lower towns of the Cherokees but also on the peaceful Overhill towns. In 1788, John Sevier’s men arranged a peace meeting with a group of chiefs, then proceeded to murder the chiefs, including the venerable Old Tassel. Violence was rampant in East Tennessee for over a decade. The clause in the 1791 Treaty of Holston which implemented the issuing of passports for travel in Cherokee Nation was intended to control illegal hunting and squatting by whites in Cherokee country. The

¹⁰ Potter, *Passports*, 50, 68-69.

¹¹ Potter, *Passports*, 82.

federal government also wanted to control trade and foreign agents who might agitate the Cherokees.¹²

The requirement to obtain a passport before traveling through Indian lands was a nuisance most whites resented. In 1811, Silas Dinsmoor, agent to the Choctaws, announced that he would arrest any Negro traveling in Choctaw territory whose owner had no passport for him. Dinsmoor's goal was to reduce the number of runaway slaves who took refuge in the Choctaw nation. However, in 1812, when Andrew Jackson transported twenty-six slaves belonging to a company in which he was an inactive partner from Natchez to Nashville, he deliberately ignored the requirement. As he passed the Choctaw agency, he was met by armed guards. Jackson expected a confrontation but was allowed to pass. Jackson objected vociferously to Dinsmoor's tyranny against honest citizens who were being "threatened with chains and confinement for peaceably traveling a road ceded by solemn Treaty." Jackson attempted to have Dinsmoor removed from the Choctaw agency, but without success. While the story does not directly involve the Cherokees, it illustrates the frustrations of many whites with federal interference in Indian affairs and restrictions on travel through Indian lands. In particular, it illustrates the attitude of Jackson, whose administration authored the 1830 Indian Removal Act

¹² Treaty of Holston, 2 July 1791, Charles J. Kappler, *Indian Affairs: Laws and Treaties*, Vol. 2, (Washington D.C.: Government Printing Office, 1904), 30; Wm. G. McLoughlin, *Cherokee Renascence in the New Republic* (Princeton: Princeton University Press, 1986), 23.

providing funds and authorization to remove all Indians living east of the Mississippi to the West.¹³

The late eighteenth century was also a period of significant frontier expansion in the old southwest that changed boundaries and altered relations with the Indians. This was especially true west of the Appalachians as new territories and states were established. In 1784, North Carolina ceded all of its lands west of the Alleghenies to Congress. William Blount was appointed governor of the region, which was called the Territory South of the River Ohio. In 1796, this region became the state of Tennessee. Although the Cherokees ceded most of their land in northeast Tennessee to settlers in the 1775 Treaty of Sycamore Shoals, their claims to much of the land in the remaining portion of Tennessee still posed problems for the new state. In 1799, two Moravian missionaries, Abraham Steiner and Frederick de Schweinitz, noted the problem caused by the continued existence of the Cherokee Nation in Tennessee. The following excerpt from the missionaries' journal is taken from Samuel Cole Williams' *Early Travels in The Tennessee Country*:

Knoxville is now the seat of the government of the State of Tennessee. The Superior Court of the eastern part of the State, also, has its sessions here. Both parts of the State, the eastern, or Washington District, and the western, or Mero District, appear to be mistrustful of each other, and each part would

¹³ Andrew Jackson to Willie Blount, 25 January 1812, *The Papers of Andrew Jackson*, Vol. 2, 1804-1813 (Knoxville: University of Tennessee Press, 1984), 277-79; Robert V. Remini, *Andrew Jackson and His Indian Wars* (New York: Viking, 2001), 52.

be glad to have all offices within its own confines, which condition is intensified because a great part of the Cherokee country, viz., their hunting grounds, lies between the two parts and they cannot, therefore, meet without passing through great wilderness.¹⁴

As white settlements in the eastern and western parts of Tennessee grew, tensions mounted between the Cherokees and settlers. The settlers viewed the Cherokee territory sandwiched between their lands as a prime area for expansion. Illegal settlements, hunting, and travel in the Cherokee Territory increased the tension between the Cherokees and their white neighbors. Misunderstandings between the two different cultures often ignited confrontations. The increase in the white population on either side of the Cherokee lands made it easier to push the Cherokees south toward Georgia and Alabama.

During the late eighteenth century, Southwest Point was located on the most direct route between the Washington and Mero districts of Tennessee. Perched on a hill above the confluence of the Clinch and Tennessee rivers, the fort was a strategic location for control of both water and land communications. Many settlers moving to the western settlements in the Tennessee territory passed through the area. About 1788, while the region was still part of the state of North Carolina, the North Carolina legislature authorized the establishment of

¹⁴ Williams, *Early Travels*, 455.

a road across Cherokee lands which separated White's Fort and the Cumberland settlements. This road was called the Avery Trace or Cumberland Road (see Figure 2).¹⁵

In 1792, John Sevier, then a leader of the Tennessee militia, took control of Southwest Point. Territorial governor William Blount called on Sevier and the militia to protect the Cumberland settlements in Middle Tennessee. Several fords crossed the Clinch and Tennessee rivers near Southwest Point, making it a strategic location for Sevier to launch raids on Indian settlements if necessary. At the time, hostilities raged on the Tennessee frontier. The *Knoxville Gazette* reported arson, horse theft, and murders almost daily.

The 2 July 1791 Treaty of Holston, which provided for passports through Cherokee lands, also provided for safe passage of travelers from East to West Tennessee. Article V stated: "It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river." The Treaty of Holston was the first Cherokee treaty to include a "safe passage" clause to protect communications and travel between white settlements by way of Cherokee lands. This proved to be an important precedent for future commercial, military, and emigration goals of Euro-Americans. However, the immediate object of guaranteeing free right of travel from East Tennessee settlements in the Hamilton (Knoxville) and Washington (Jonesboro) Districts to the Cumberland settlements around Nashville in the Mero District was not realized.

¹⁵ Samuel D. Smith, ed., *Fort Southwest Point Archaeological Site, Kingston, Tennessee: A Multidisciplinary Interpretation* (Nashville: Tennessee Department of Environment and Conservation, Division of Archaeology, 1993), 17.

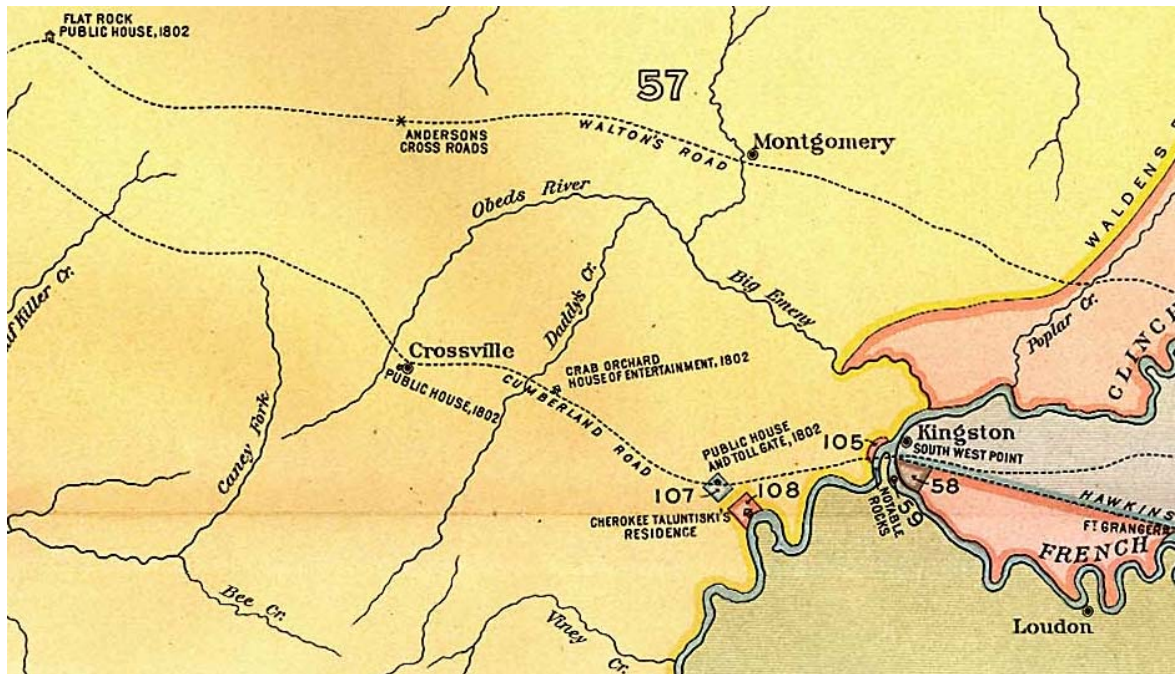


Figure 2. Fort Southwest Point and the Cumberland Road.

Source: *Tennessee (Detail)*, in "Indian Land Cessions in the United States," compiled by Charles C. Royce, PL. CLXII, *Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896-1897* (Washington D. C.: Government Printing Office, 1899).

Travel between the East Tennessee and Cumberland settlements remained dangerous.

Travelers who passed through Cherokee lands that lay between the two districts complained of robberies and murder. In 1792, Creek Indians attacked a group of thirty-seven militiamen near the Crab-Orchard on the Cumberland Road. Four militiamen were killed, four were lost, and one was wounded.¹⁶

The new governor of Tennessee, John Sevier, wanted to remedy the problem of travel through Indian lands. In 1798 he organized a treaty meeting between commissioners representing the state and federal governments and Cherokee leaders. For that meeting, Sevier instructed the commissioners on several objectives:

The communication of the Holston and Clinch with the Tennessee, and the right hand of the last river from our Southeast boundary to its confluence with the Clinch, are points to which you will direct your attention, as also to secure from future molestation the settlements so far as they have progressed on the northern and western borders of the state. The connecting [of] the districts of Mero and Hamilton now separated by a space of unextinguished hunting grounds of near eighty miles in width, will be considered by you Gentlemen as an object of great importance, as the inconveniences resulting from the present state of our settlements must be obvious to every mind conversant with the geography of the country,

¹⁶ Treaty of Holston, 2 July 1791, Kappler, *Indian Affairs*, Vol. 2, 30; Robert. H. White, ed. *Messages of the Governors of Tennessee*, Vol. 1 (Nashville: Tennessee Historical Commission, 1952), 118-19; J. G. M. Ramsey, *The Annals of Tennessee to the End of the Eighteenth Century*, (Philadelphia: J. B. Lippincott and Co., 1860), 595.

and is certainly too irksome to be continued, when the facts are fairly represented.¹⁷

The first treaty meeting organized by Sevier failed. Determined to resolve disputes between white settlers and Cherokees over the Treaty of Holston, Sevier organized a second meeting at Tellico Blockhouse, which succeeded. The “First Tellico Treaty” as the 2 October 1798 treaty is often called, included a clause that reconfirmed safe passage and expanded its scope. Article VII reads:

The Cherokee nation agree, that the Kentucky road, running between the Cumberland mountain and the Cumberland river, where the same shall pass through the Indian land, shall be an open and free road for the use of the citizens of the United States, in the like manner as the road from Southwest Point to Cumberland river. In consideration of which it is hereby agreed on the part of the United States, that until settlements shall make it improper, the Cherokee hunters shall be at liberty to hunt and take game upon the lands relinquished and ceded by this treaty.¹⁸

¹⁷ John Sevier to James Robertson, James Stewart, Lachlan McIntosh, 4 July, 1798, *Messages of the Governors*, Vol. 1, 62-63.

¹⁸ Treaty at Tellico, 2 October 1798, *Messages of the Governors*, Vol. 1, 68-69.

Although the treaty did not obtain any new land cessions from the Cherokees, it resolved disputes arising from the Treaty of Holston that resulted in confrontations between settlers along the Holston and French Broad Rivers and the Cherokees.

Due to weather, neglect, and Indian attacks, the Cumberland Road fell into disrepair. By 1799, the Tennessee legislature was calling for a new road. One of the purposes of the 1799 state act was to prod the federal government into marking the route the road would take. To further encourage the federal government, the state legislature was prepared to spend one thousand dollars for cutting a new route. Two more years passed and no safe and free road through Cherokee lands existed. Various primitive routes used by travelers to the Cumberland settlements were in poor condition and continued to harbor criminals. Cherokees collected fees for ferriage at river crossings. In 1801, Secretary of War Henry Dearborn instructed commissioners on terms for a new treaty to resolve the problem of the Cumberland Road. "You will endeavor to prevail upon [the Cherokees] to cede all the land that lies northward of the road, from Knoxville to the Nashville settlements, run conformable to the treaty of 1791, or, if they should be unwilling to grant this, a strip of land, from one to five miles in width, to include said road, in its whole extent across their lands." The terms provided not only for a new road through Indian lands, but for the cession of a large tract of land.¹⁹

The Cherokees initially balked at holding a meeting to discuss the construction of another road. However, they later agreed to a meeting in February 1802. At this meeting

¹⁹ White, *Messages of the Governors*, Vol. 1, 118-19; Henry Dearborn to Andrew Pickens, James Wilkerson, and Benjamin Hawkins, 24 June, 1801, *Messages of the Governors*, Vol. 1, 123.

the Cherokees once again rejected the construction of a road through their lands to replace the old 1788 road. In 1804, federal Cherokee agent Return J. Meigs obtained permission from the Cherokees to improve conditions along the Cumberland Road to Nashville. The federal government authorized Thomas N. Clark and his associates to establish several stops on the road that would provide food and lodging for travelers. For each stand established by Clark, he would pay the Cherokees \$200 per year. Finally, after years of struggling with the federal government and the Cherokees, Tennessee settlers received a safe, new road which they felt they had been guaranteed since 1788. The following year, on 27 October 1805, a treaty signed at Tellico Blockhouse ceded lands in the northern part of the country that lay between West and East Tennessee. This cession placed the main overland route between Knoxville and the Cumberland settlements in white hands. This move guaranteed that the new road was secure from future interference by the Cherokees.²⁰

Over the years a number of treaties with the Creeks and Cherokees included clauses written by the Americans asking for guaranteed safe passage along roads and rivers. These included Cherokee treaties of 1791, 1798, 1805, 1816, and 1817 and Creek treaties of 1805 and 1814. This list of treaties with safe passage clauses illustrates the importance of safe transportation through Indian lands to the white population.²¹

²⁰ Smith, *Fort Southwest Point*, 81-87; Treaty at Tellico, 27 October 1805, *American State Papers, Indian Affairs*, Vol. 1, (Washington D. C.: Gales and Seaton, 1832), 698.

²¹ *American State Papers: Indian Affairs*, Vol. 1, 124-25, 637-638, 697-698, 857-58; *American State Papers, Indian Affairs*, Vol. 2, (Washington D. C.: Gales and Seaton, 1834), 88-89; Kappler, *Indian Affairs*, Vol. 2, 85-86, 125-26.

John Sevier, the first governor of Tennessee, made it a priority of his administration to secure roads to connect East Tennessee to neighboring regions. On 1 April 1796, Sevier asked the freshman legislature to consider building a wagon road over the mountains east of Knoxville. The road was projected to run by way of the “warm springs,” which suggests the road was intended to follow the French Broad River through the mountains. The proposal for the wagon road, which would pass through lands recently ceded by the Cherokees, was defeated by the legislature. The exact purpose of this road is not clear from the records. However, it is important to note that this proposal was the first message submitted by the first governor of Tennessee to the newly formed state legislature. Historian Robert H. White, in discussing the rebuff of Sevier’s proposal by the legislature, argues that it was due to a lack of public funds rather than a lack of interest in internal improvements. Sevier understood the importance of transportation routes to the new state, and politicians and businessmen harbored no qualms about intruding on Cherokee lands to establish them.²²

As governor of Tennessee, Sevier oversaw the construction of a federal road that ran from Tennessee to Georgia through Cherokee lands. Called the Georgia Road or the Federal Road, it will be referred to in this thesis as the Georgia Road to distinguish it from another federal road that ran east-west from Georgia to Alabama through the Creek Territory. The plan for the Georgia Road began in 1799 as a project to connect Athens, Georgia, with Knoxville and Nashville. However, because of Cherokee opposition, it took three years and four treaty meetings to obtain the necessary approval from the

²² John Sevier to Tennessee State Legislature, 1 April, 1796, *Messages of the Governors*, Vol. 1, 5-7.

Cherokees. The issue divided the Cherokees. The Glass said that the Cherokees had no desire to sell any more lands or to allow a road to be built through their country. He complained that roads would “occasion many difficulties” between Cherokees and their neighbors. Other Cherokees were interested in learning how they could benefit from the proposed road. At one point, Cherokees accused wealthy Cherokee planter James Vann of Springplace, Georgia, of being bribed to support the project because he purchased a wagon in anticipation of the Georgia Road. The Cherokee Council revoked his place on the council.²³

After a complicated process of negotiations, an agreement was reached in October 1803 that defined terms for the Georgia Road. Doublehead, initially one of the strongest opponents of the road, was guaranteed operation of the ferry at Fort Southwest Point. The ferry, owned by the Cherokee Nation until Doublehead was given control, was a lucrative business. Doublehead further profited from the treaty by a provision guaranteeing that a spur of the Georgia Road would be built leading to his trading post miles away at Muscle Shoals. Several of the Upper Town Cherokees resented the favoritism shown to the Lower Town chief Doublehead. However, other Cherokees benefited because the treaty stipulated that Cherokees were to form a turnpike company to maintain the road and to collect fees. Cherokees would also be responsible for establishing taverns and ferries on the new road. *In Cherokee Renascence and the New Republic*, William G. McLoughlin argues that the Cherokees were upset over the use of bribes to obtain signatures for the

²³ White, *Messages of the Governors*, 187-89; John Sevier to Tennessee State Legislature, 18 September 1805, *Messages of the Governors*, Vol. 1, 189-92; McLoughlin, *Cherokee Renascence*, 77.

approval of the road. The machinations used by the government to manipulate certain Cherokees alerted them to “the dangers of their divided regional councils and the real limits on their so-called free consent to such actions.” The Chickamaugans, led by Doublehead, could be manipulated separately from the other councils by the use of bribes. Although Doublehead was later murdered for accepting bribes, the Cherokees were slow to change their political structure to better guard against minority dominance of treaty negotiations.²⁴

On 15 January 1805, Cherokee agent Return J. Meigs informed the Secretary of War that the road to Georgia through the Cherokee Nation was nearly complete. Meigs specified that ferries along this road would be operated by the Cherokees. The new road connected settlements in East Tennessee with roads leading east to Augusta and eventually to Charleston. However, Tennesseans were not satisfied with this new access to an Atlantic market. They soon began clamoring for access to the Gulf trade.²⁵

Willie Blount, half brother of territorial governor William Blount, served as governor of Tennessee from 1809 to 1815. During his administration, he was an outspoken advocate of both Indian removal and establishing a road from Tennessee to the Mobile River to take advantage of the Gulf trade. In 1811, Blount wrote to President Madison to argue for removing all obstructions between Tennessee and the Gulf including Cherokee, Creek, and other Indian titles. “We cannot forbear to express our entire approbation of the conduct of the executive of the United States, in regard to the Florida country; situated as we are, it cannot fail to advance in any high degree, the

²⁴ McLoughlin, *Cherokee Renaissance*, 88-90.

²⁵ Smith, *Fort Southwest Point*, 84.

interest of this state, in having an outlet for the abundant product of our rich and fertile soil. Nature seems to have designed the Mobile as a great high way for a large portion of the people of the western country, in as much, as perhaps most, or all of the tributary streams of that valuable out let, take their rise in this, and some of the adjoining states and territories. We believe, that although the government, from motives of sound policy, have heretofore refused to coerce the entire possession of that country, yet we trust that those difficulties may be removed, and that as the claim of the United States is bottomed upon justice and a solemn contract, that possession will be obtained in the shortest practicable time.”²⁶

That same year the state legislature took up the issues of both the extinguishment of all Indian claims in Tennessee and establishing a dependable transportation route to Mobile. They passed a resolution stating that “the people of this state consider themselves entitled to the right to pass and repass to and from the waters leading to the ocean, in the nearest practicable routes both by land and water, with their produce and merchandise.” This was to be accomplished, the legislature resolved, through the establishment of “a good wagon road from East Tennessee to Mobile, and also one from West Tennessee to the same place.” The two roads, their turnpike gates, and ferries should be maintained by whites, because Indians were not “able or competent to keep them up and provide for the comfort of travelers.” The road from Nashville would pass through Creek lands while the

²⁶ Blount to President James Madison, 1811, *Messages of the Governors*, Vol. 1, 322-23.

road from East Tennessee to Mobile would pass through both Cherokee and Creek lands.²⁷

President James Madison was well aware of Tennesseans' desires for roads to Mobile. The previous year, his Secretary of War, William Eustis, informed the Indian agents Silas Dinsmoor, Benjamin Hawkins, and Return J. Meigs that several residents of Tennessee had applied for permits to travel through Creek and Cherokee country to Mobile to carry on trade with that port. To facilitate the initiation of trade, Eustis ordered Hawkins to treat with the Creeks for permission to survey roads through their territory to Mobile.²⁸

In Expansion and American Indian Policy: 1738-1812, Reginald Horsman explains that the period 1810-11 was crucial in relations between the federal government, the Southern states, and the Southeastern Indians. Madison and Eustis pressured South Carolina, Tennessee, and Kentucky to extinguish all Indian claims to lands within their states. At the same time, Kentucky and particularly Tennessee demanded that the federal government establish transportation routes to Mobile. Both of these issues, land cession and transportation routes, renewed discussion of Indian removal west of the Mississippi. Horsman argues that Madison had not shown much interest in mass Indian emigration when Jefferson first discussed it during his presidency. However, these new pressures made the idea of a trade of lands and removal of Indians more appealing. While Madison and Secretary of War Eustis were unable to negotiate immediate large land cessions and

²⁷ House Resolutions, 1811, *Messages of the Governors*, 320-21.

²⁸ Reginald Horsman, *Expansion and American Indian Policy: 1738-1812* (Norman: University of Oklahoma Press, 1967), 160-61.

migration, they plowed ahead with plans to build a road to Mobile without first obtaining permission from the Indians. However, only one wagon road from the Tennessee River to Fort Stoddert on the Mobile River was opened. A second road from Fort Stoddert to the Creek Indian agency on the Flint River was also opened. While neither of these roads passed through Cherokee lands, they split the Creek lands.²⁹

One of the most pressing demands of new white settlements in the old southwest was postal service. When the Territory South of the River Ohio was formed in 1790, there were no official post roads within the territory or official post roads connecting it with other parts of the country. The territorial governor, William Blount, complained of delays in mail delivery from washed out bridges and Indian attacks. The territory included large expanses of land still in the hands of the Cherokees. In 1794, Blount reported an incident in which an express rider was attacked eighteen miles north of Southwest Point, presumably by Cherokees.³⁰

The need for post roads increased after Tennessee became a state. In 1808, Tennessee congressman John Rhea assisted in the creation of “the Committee of the Post Office and Post Roads” in the United States House of Representatives. One of the committee’s duties was recommending the establishment of new post roads in the young republic. Rhea served as chairman of the committee for many years. During his tenure, he witnessed the establishment of many new postal routes, including one that he recommended through Cherokee and Creek territory. The route ran from Washington in

²⁹ Horsman, *Expansion*, 162-64.

³⁰ Paul J. Phillips, “Never a Safe Road: Postal Communications in the Southwest Territory,” *Journal of East Tennessee History*, 62 (1990): 18-32.

Rhea County, Tennessee, through Cherokee territory in north Alabama to Brown's Ferry on the Tennessee River, then dropped south into Creek territory through St. Clair and Shelby counties to the town of Cahaba.³¹

Another need for roads through the old South was for military purposes. Indian uprisings and the threat of invasion by foreign powers demanded the ability to rapidly deploy troops. In 1801, Secretary of War Henry Dearborn, acting on directions from President Jefferson, sent commissioners to talk with the Choctaws, Chickasaws, Cherokees, and Creeks about opening a road through land they owned to Natchez in the Mississippi Territory. The talks with the Cherokees went poorly. The Cherokees, along with the Chickasaws, claimed land on both sides of the Tennessee River for some distance. Cherokee leader Doublehead objected to the building of military roads through Cherokee land because so many people of different descriptions would pass on the road and cause difficulties.³²

In 1807, Colonel Edmund P. Gaines oversaw the construction of a narrow post road from Georgia to Fort Stoddert and the Mississippi Territory. However, the military quickly outgrew it. Construction began on a new military road designed to accommodate wagons loaded with supplies. This road opened in 1811 and orders were given to provide

³¹ 9 November, 1808, *Journal of the House of Representatives of the United States, 1807-1809*, 345; *Biographical Directory of the United States Congress* (Washington D.C.: Government Printing Office, 1989), 1709; 15 December 1819, *Journal of the House of Representatives of the United States, 1819-1820*, 43.

³² Treaty with the Cherokees, Chickasaws, Choctaws, and Creeks at Chickasaw Bluffs, 24 October 1801, *American State Papers, Indian Affairs*, Vol. 1, 648-49; Thomas Jefferson to the House of Representatives, 8 February 1802, *American State Papers, Indian Affairs*, Vol. 1, 656; Speech of Commissioners to the Chiefs of the Cherokees at Southwest Point, 4 September, 1801, *American State Papers, Indian Affairs*, Vol. 1, 656-57.

“the Creeks the necessary information and explanations, the United States must have roads for the purpose of transporting the Ordnance and military stores from one military post to another, as occasion may require.” However, many of the Creeks resented the increase in traffic through their lands. Indian agent Benjamin Hawkins reported that between October 1811 and March 1812, 233 vehicles and 3,726 people had passed the Creek agency on the Flint River headed west through Creek territory. Traditionalist Creeks, agitated over this threat to their way of life, became hostile. Several historians, including Albert J. Pickett, Michael Green, and Reginald Horsman, blame the construction of the federal military road for dividing the Creek nation physically and politically and for contributing to the outbreak of the bloody Creek War of 1813.³³

Preparing for the Creek War of 1813, Governor D. B. Mitchell of Georgia corresponded with Tennessee governor Willie Blount and Secretary of War John Armstrong about the best way to get the troops to rendezvous in the Creek territory. Governor Mitchell wrote that he was “apprehensive that the want of roads by which to transport provision and ammunition will be a serious objection to the junction of the troops from the two states in the Cherokees. From Fort Hawkins in our state, there is an excellent road through the Creek Nation, passing in the immediate neighborhood of the hostile Indians, and this route would be infinitely the most convenient for our troops to march by.” Mitchell told Secretary of War Armstrong that the best route for the Tennessee troops would be down “the Coosa River, which would place them in the rear

³³ Henry deLeon Southerland and Jerry E. Brown, *The Federal Road through Georgia, the Creek Nation, and Alabama, 1806-1836* (Tuscaloosa & London: University of Alabama Press, 1989), 35-36; Horsman, *Expansion*, 162-65.

of the Indians.” Governor Blount responded that if the Georgia and Tennessee troops were to rendezvous, the best route through the Cherokee country would be “[a]cross the Tennessee river at Lowry’s ferry, thence into the road leading from East Tennessee to Georgia, passing by where David McNair lives on Conasauga.” Other letters discussed the troops from the two states rendezvousing at Turkeytown on the Coosa River (near present-day Gadsden, Alabama) in the Cherokee Nation. Although new military roads were recently opened through Choctaw, Chickasaw, Creek, and Cherokee lands, the military continued to have great difficulty in transporting supplies and men.³⁴

At the end of the Creek War, Major General Thomas Pinckney sent terms of peace to Indian agent Benjamin Hawkins. These included reserving the right of the United States to establish trading houses and military posts and “to make and use such roads as they may think necessary, and freely to navigate all the rivers and water courses in the Creek territory.”³⁵

One of the greatest advocates of building military roads through Indian Territory was General Andrew Jackson. Construction of a road from Nashville to Madisonville, Louisiana, through Choctaw territory began in June 1817 under Jackson’s supervision. He selected sites for military posts and, along with General John Coffee, assisted in the survey of the road and laying out one hundred townships. The road crossed the Tennessee near Florence, Alabama, and intersected the Gaines Trace near Russellville, Alabama.

³⁴ *Communication from His Excellency Governor Mitchell to Both Branches of the Legislature of Georgia, at the commencement of the Session in November 1813* (Milledgeville: S & F Grantland, Printers, 1813), 12-13, 16-18, 26-29.

³⁵ Thomas Pinckney to Benjamin Hawkins, 23 April 1814, *American State Papers: Indian Affairs*, Vol. 1, 857-58.

Completed in 1820, Jackson's Military Road shortened the distance from Nashville to New Orleans by two hundred miles and the travel time by several days. The new route improved mail service from Washington and commerce between Tennessee and New Orleans, and facilitated the deployment of military troops. As a cotton producer who shipped his crops to New Orleans by steamboat, Jackson likely benefited from the construction of the road when water levels on the rivers made passage on the rivers impassable.³⁶

Some historians refer to the years from 1800 to 1830 as the "turnpike era" in the United States. Local governments and corporations hastily built roads during the first three decades of the century. The Southern states lagged behind New England for several years. For example, North Carolina built only twelve turnpikes before 1810. By contrast, New England and New York constructed approximately 317 turnpikes by 1811. However, turnpikes and toll roads played an important part in the South through the antebellum era.³⁷

On 8 March 1813, the Cherokees signed an agreement at the Cherokee agency at the Hiwassee garrison giving permission for a turnpike company to cut a road through the Cherokee Nation. The route stretched from Tennessee to the Tugaloo River in the

³⁶ Andrew Jackson to George Graham, 11 June 1817, *American State Papers: Indian Affairs*, Vol. 2, 142; Andrew Jackson to Major William O. Butler, 14 August 1816, *American State Papers: Indian Affairs*, Vol. 2, 119-20; Andrew Jackson to Livingston, 24 October 1816, *Papers of Andrew Jackson*, Vol. 4, 71-72; Remini, *Andrew Jackson and His Indian Wars*, 117; Remini, *Andrew Jackson and the Course of American Freedom, 1822-1832*, Vol. 2, 131-33)

³⁷ Alan D. Watson, "Battling 'Old Rip': Internal Improvements and the Role of State Government in Antebellum North Carolina," *North Carolina Historical Review* 77 (April 2000), 194-96.

northeast corner of Georgia. Both Cherokees and white businessmen from Georgia composed the turnpike company. The agreement stated that the turnpike should revert to the Cherokees after twenty years. The turnpike company was authorized to open public houses along the road and to open ferries as needed for the operation of the turnpike.³⁸

Construction of the Unicoi Turnpike took approximately three years and roughly followed an old Cherokee trade path, the Wachesa Trail, which was the main route from the Great Indian War Trail and the Overhill towns to the Valley and Lower towns. In North Carolina and Georgia, the Wachesa Trail connected with major trade paths, including those to Charleston, South Carolina. The Unicoi Turnpike ran from the Overhill village of Chota, through Cane Creek, Tellico Plains, Coker Creek, and Unicoi Gap in Tennessee, to Unaka and Hayesville in North Carolina. In Georgia, the turnpike ran through Hiwassee, the Unicoi Gap of Georgia, the Nacoochee Valley, Toccoa, and the Tugaloo River. In 1821 Baptist missionaries traveling from Philadelphia to the Cherokee Valley towns in North Carolina traveled the Unicoi Turnpike in Conestoga wagons. Federal forces also used the turnpike to bring 3,000 Cherokees from North Carolina to camps at Charleston, Tennessee, during the 1838 removal. Today, several roads and highways closely follow portions of the Unicoi Trail.³⁹

³⁸ Cherokee Treaty, 1 March 1819 at the Cherokee Agency, Hiwassee Garrison, *American State Papers: Indian Affairs*, Vol. 2, 189.

³⁹ Brett Riggs and Lance Greene. *The Cherokee Trail of Tears in North Carolina: An Inventory of Trail Resources in Cherokee, Clay, Graham, Macon, and Swain Counties*. Revised report submitted to the National Park Service, Trail of Tears National Historic Trail, Santa Fe, New Mexico (Chapel Hill: University of North Carolina Research Laboratories of Archaeology and the Trail of Tears Association, North Carolina Chapter, 2006), 46, 49; Mooney, *History*, 87, 542-46; William E. Myer, "Indian Trails of the

The opening of the turnpike in 1816 greatly increased the traffic through the Cherokee Nation. Horses, cattle, hogs, and poultry produced in Tennessee and Kentucky were driven to markets in Georgia and South Carolina. Freight wagons carried commercial goods from Georgia to markets in Maryville and Knoxville, Tennessee, then returned with lumber, iron, cured meats, hides, and beeswax. The turnpike company had the right to open stock stands with stores, taverns, and inns along the turnpike to service the commercial traffic. The white operators of the Unicoi Turnpike were obligated to pay the Cherokees an annual stipend for use of the road through their country. However, during the 1820s, other turnpikes were opened across the Southern Appalachians and the traffic on the Unicoi Turnpike diminished. The operators allowed the turnpike to fall into disrepair and apparently never paid the Cherokees the \$160 per year due them. On 29 January 1829, John Ross wrote to Secretary of War P. B. Porter about the turnpike: "The Unicoi Turnpike Company having failed to Comply with the requisitions of their agreement with the Cherokee Nation for several years, the Agent was instructed by the Secry. Of War to institute a suit against the Company for the recovery of the annual stipend due the Nation, but has never complied with the instructions." Superintendent of Indian Affairs Thomas L. McKenney replied, "The government can give no aid in the prosecution of the case of the Cherokees against the Unicoi Turnpike Company as it was not a matter to which the United States was a party."⁴⁰

Southeast," *Forty-second Annual Report of American Ethnology, 1924—25*, (Washington, D.C.: Government Printing Office, 1928), 772.

⁴⁰ Riggs, *The Cherokee Trail of Tears*, 46-47; John Ross, et. al. to P. B. Porter, 29 January 1829, Gary E. Moulton, ed., *The Papers of Chief John Ross* (Norman: University of

In 1821 the Tennessee legislature, followed by that of North Carolina in 1824, passed acts authorizing the Great Smoky Mountain Turnpike Company to open a road from Sevierville in Tennessee through the Cherokee mountains to Haywood County in North Carolina. Tennessee directed that the eastern terminus should be somewhere between the foot of the Smoky Mountains and the mouth of Soco Creek in Haywood County. North Carolina directed that the turnpike should run “to or near Abraham Wiggins’s, on Deep Creek, in Haywood County.” The mouth of Soco Creek is on the Oconaluftee River in the heart of present-day Cherokee, North Carolina, while Deep Creek empties into the Tuckasegee at Bryson City. Had this turnpike been built in 1824, it would have cut through the heart of the lands occupied by the North Carolina Cherokees.⁴¹

Turnpikes were often a source of contention between whites and Cherokees. On 30 October 1819, the Cherokee Nation passed legislation regulating the construction of turnpikes within the boundaries of the Nation. The law was in response to complaints by several Cherokees about “a certain company of persons having formed a combination, and establishing a turnpike arbitrarily, in opposition to the interest” of the complainants. The new turnpike, which ran from “the forks of Hightower and Oostenallah river at Wills creek by way of Turkeytown” was allegedly in direct competition with a “privileged turnpike on the same road” owned by the people who lodged the complaint. The legislation abolished the new turnpike and also declared that “no person or persons

Oklahoma Press, 1985), 149-51; Thomas McKenney to John Ross, et. al., 4 April 1829, *Papers of Chief John Ross*, 158-59.

⁴¹ *Laws of North Carolina: 1824*, 29-35.

whatsoever, shall be permitted to cut out any road or roads leading from any main road now in existence, so as to intersect the same again and to the injury of the interest of any person or persons residing on said road, without first getting an order from the National Council for the opening of said road; and person or person violating this decree, contained in the foregoing resolution, shall be subject to such punishment and fine as the National Council and Committee may hereafter decide and inflict, on such case as may be brought before them for trial.”⁴²

The following month, a white woman living in the Cherokee Nation by the name of Ann E. White addressed a letter to President James Monroe requesting his protection for her turnpike. She feared that the eastern Cherokees planned to force all white families from the nation “without making them any satisfaction for the improvements they have made.” Asking Monroe to guarantee her right to stay in order to maintain her hotel and the turnpike on which it was located, White also agreed to move out of Cherokee territory if the Cherokees promised to compensate her for all of her improvements. White argued that her improvements were very valuable because “the roads from Chattahoochy to Tennessee River are in very indifferent order, insomuch that it is almost impracticable to carriages to pass, and quite so in safety.” The description of the location of White’s turnpike suggests it is not the turnpike in the center of controversy which caused the turnpike law to be passed.⁴³

⁴² Cherokee Nation, *Laws of the Cherokee Nation: Adopted by the Council at Various Periods*. Printed for the Benefit of the Nation (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852), 7-8.

⁴³ Ann E. White to James Monroe, 15 November 1819, *The Papers of John C. Calhoun*, Vol. 4, 1819-1820, (Columbia: University of South Carolina Press, 1969), 413-14.

In 1828, the Cherokee National Committee and National Council strengthened their control over turnpikes, tollgates, roads, and ferries by passing an amendment to the 1819 law. The new law stated that a permit from the Cherokee Council was required to open any new road regardless of whether it was a turnpike. Any road opened since the 1819 law without a permit was subject to closure by the sheriff of the district or marshal of the Nation. Violators brought to court were fined \$100. Any property belonging to the violator could be seized and sold to pay the fine.⁴⁴

In addition to being dependent on roads through Indian lands for transporting goods to market, Southerners also used waterways through Cherokee and Creek lands. White and Cherokee residents of north Alabama, north Georgia, and Middle or East Tennessee used the Tennessee River to ship goods to New Orleans. However, this route involved shipping goods down the Tennessee to the Ohio and Mississippi Rivers. Because of the distance and many obstructions including the Muscle Shoals, residents living on or near the upper Tennessee and its tributaries sought new routes. In 1812 *Niles' Weekly Register* reprinted an article which originally appeared in the Nashville *Clarion* arguing for the acquisition of West Florida from the Spanish in order to be able to import goods from Mobile Bay through the Creek and Cherokee nations to the Hiwassee River and ultimately the Tennessee River. One of the proposed routes was up the Alabama and Coosahatchee Rivers and over the ten-mile portage to the Hiwassee River. This is the same portage area described in the story of the keelboat at the beginning of this study. A second proposed route ascended the Tombigbee to a fifty-mile portage overland to Bear

⁴⁴ Cherokee Nation, *Laws*, 105-106.

Creek, then entered the Tennessee River below the Muscle Shoals. The writer of this proposal pointed out how wonderful it would be to have European goods imported to Tennessee via this method. He also wrote, “Imagination looks forward to the moment when all the Southern Indians shall be pushed across the Mississippi: when the delightful countries now occupied by them shall be covered with a numerous and industrious population; and when a city, the emporium of a vast commerce, shall be seen to flourish on the spot where some huts, inhabited by lawless savages, now mark the junction of the Alabama and Tombigbee rivers.”⁴⁵

Because of navigation difficulties including the Muscle Shoals, the Tennessee River was slower than many other Mississippi and Ohio tributaries to develop a thriving commercial traffic. This hampered the economic trade of East Tennessee and kept the region economically backward. For many years the Tennessee River remained a minor outlet for steamboat operations. The first steamboats on the lower Tennessee began operations about 1817. However, Florence, Alabama, was not reached by steamboat until 1821. The Knoxville Steamboat Company, which attempted to raise capital in 1825 to bring steamboats to the upper Tennessee, failed financially. The first steamship to reach Knoxville, the *Atlas*, arrived in 1828; however, it never returned. Later that year, a Knoxville company succeeded in building a small steamboat and placing it into operation. It was several years before this steamboat was joined by others. By the time of

⁴⁵ “The Floridas,” *Niles’ Weekly Register*, 26 September 1812, reprinted from the *Nashville Clarion; Map of the Country Belonging to the Cherokee and Creek Indians*.

the Cherokee removal in 1838, several steamboats had made their way to the upper Tennessee and were used in that tragic undertaking.⁴⁶

The Muscle Shoals, a thirty-seven-mile series of rapids located on the Tennessee River, were the most serious navigational obstruction in the Ohio river system. Ascending the rapids was nearly impossible and only a few steamboats made the attempt. Descent of the rapids was possible for only about one month of the year when the water level was at its annual peak. Small steamboats reached Florence and Waterloo, the main ports on the lower Tennessee, only five or six months each year. On the upper Tennessee above the shoals, small steamboats operated up to nine months per year. An additional problem with navigation from New Orleans to the Cumberland or Tennessee Rivers is that the Ohio River was often closed by ice. Steamboats could navigate the Lower Ohio River below the falls at Louisville for less than six months per year while the Upper Ohio was navigable by steamboats for approximately four months of the year.⁴⁷

Medium-sized steamboats (200 or 300 tons) traveling on the Mississippi or Ohio Rivers could travel upstream at an average speed of five to seven miles per hour. On many tributaries of these two rivers where smaller steamboats were required, such as the Tennessee River above Muscle Shoals, steamboat travel was even slower. Although these rates appear slow by modern standards, they represented a significant improvement over the speeds obtained by keelboats or stage coaches. The cost of steam transport

⁴⁶Louis C. Hunter, *Steamboats on the Western Rivers: An Economic and Technological History* (New York: Octagon Books, 1969), 39-40, 234; Stanley John Folmsbee, *Sectionalism and Internal Improvements in Tennessee, 1796-1845*, (Knoxville: East Tennessee Historical Society, 1939), 11.

⁴⁷ Hunter, *Steamboats*, 186-87, 221-23, 234.

downstream was about one-fourth to one-third the cost of shipping freight upstream. Rates for shipping by flatboats were lower than by steamboats. Shipping by steamboats did not reduce freight costs as much as it reduced time, especially when shipping items upstream.⁴⁸

The role of the steamboat in the development of the western United States has long been recognized. Nineteenth-century European and American writers commented on how the steamship transformed the primitive Western wilderness into a region of growing commerce. In 1841, one American wrote, “Steam navigation colonized the West! It furnished a motive for settlement and production by the hands of eastern men, because it brought the western territory nearer to the east by nine-tenths of the distance.”⁴⁹

Before the arrival of the steamboat, the settlements around Nashville relied on goods shipped upstream from New Orleans by keelboat. The 1,250-mile voyage to Nashville by way of the Mississippi, Ohio, and Cumberland Rivers required seventy-five to ninety days. A round trip between Nashville and New Orleans took as long as five months. As early as 1816, an attempt was made to raise funds for investing in a Nashville-to-New Orleans steamboat service. However, the first steamboat, the *General Jackson*, did not arrive in Nashville until the summer of 1818. Large steamboats operated at Nashville six months each year. Difficulties in shipping products from Middle and East Tennessee and north Georgia and north Alabama remained a serious problem long after the arrival of steamboats.⁵⁰

⁴⁸ Hunter, *Steamboats*, 25.

⁴⁹ Hunter, *Steamboats*, 27.

⁵⁰ Hunter, *Steamboats*, 38, 223.

Beginning about 1790, improvements in transportation became a priority for many Americans. Macademized roads, canals, locks, and other internal improvements garnered attention from businessmen and political leaders. States began investigating how to fund internal improvements and they set up boards for internal improvements. Responding to the success of canal building in Europe, Americans investigated many plans to improve commerce through the use of canals. From about 1790 to 1830, the United States experienced a surge in canal building. While the Southern states were slower to respond to the transportation revolution than their New England counterparts, the South did begin examining the use of canals to connect rivers and to bypass the Muscle Shoals in the Tennessee River. In 1786, South Carolina chartered a private company to construct a canal between the Cooper and Santee Rivers. This twenty-mile-long canal was finished in 1800 and was the second canal in the country.⁵¹

Americans developed many grand schemes for building canals to connect rivers. Most of these schemes were designed to make it cheaper and easier to transport goods from the interior to the major seaports. An April 1828 report by General Alexander Macomb, Jr., the chief engineer of the Corps of Engineers, reported that since 1824, the Corps had investigated, surveyed, or begun work on nearly one hundred internal improvements projects. These included thirty-four canals. One proposal was to build a canal over or near the old portage place in the Cherokee Nation that had been used for years to connect the Tennessee, by way of the Hiwassee and Ocoee to the Conasauga, Coosawattee, and Coosa Rivers. This is the same portage area mentioned earlier in the

⁵¹ David Kohn, ed., *Internal Improvements in South Carolina: 1817-1828* (Washington D.C.: private, 1938), introduction.

keelboat story. An 1826 report of the chief engineer of the Department of War listed the canal between the Coosa and Tennessee Rivers as a project to be investigated. The canal and river route cut through the heart of the Cherokee nation and provided access to the Gulf at Mobile by way of Head-of-Coosa (renamed Rome, Georgia, in 1834), and Turkeytown and Double Springs in Alabama (now called Gadsden) and Montgomery, Alabama.⁵²

In November 1828, General Macomb's annual report listed several new surveys that were conducted at the order of President John Quincy Adams under the 1824 Survey Act. Two of these surveys examined the feasibility of building canals or railroads between the Tennessee River and the Savannah and Altamaha Rivers. Connecting the Tennessee with the Savannah would allow Middle and East Tennessee farmers to ship goods to market via Augusta and Savannah while a connection with the headwaters of the Altamaha would provide access to the Atlantic by way of Macon and Milledgeville. The most direct route for either project ran through the Cherokee Nation.⁵³

In 1830, the Board of Internal Improvement renewed efforts to improve navigation of western rivers. The Board authorized studies for canals at the Louisville falls on the Ohio and Muscle Shoals on the Tennessee. Secretary of War John Eaton noted that the removal of snags and other obstructions from the Mississippi and Ohio Rivers brought immediate benefits in the forms of increased commerce and lower

⁵² Forest G. Hill, *Roads, Rails & Waterways; The Army Engineers and Early Transportation* (Norman: University of Oklahoma Press, 1957), 21, 58-59. *American State Papers: Military Affairs*, Vol. 3, (Washington, D.C.: Gales and Seaton, 1860), 358-60; *Map of the Country Belonging to the Cherokee and Creek Indians*.

⁵³ Hill, *Roads*, 59.

insurance rates. These transportation improvements aided commercial traffic for large western regions including Middle and East Tennessee. However, even with these improvements, the transport time of goods shipped from East Tennessee, in particular, by way of the Tennessee, Ohio, and Mississippi to New Orleans remained lengthy.⁵⁴

Prior to 1815, North Carolina left the responsibility for internal improvements to private enterprise. However, a North Carolinian by the name of Archibald Murphey was concerned that in the past twenty-five years more than two hundred thousand North Carolinians had left the state and moved to the river valleys of the Ohio, Tennessee, and Mobile. Murphey complained that although North Carolina openly accepted the importance of internal improvements, the state acted contrary to this in its actions.⁵⁵

In 1816 Murphey proposed that the state appropriate \$150,000 per year for seven years to fund internal improvements. He recommended that the bulk of the money be used to fund navigation improvements with the balance spent to construct good roads through Cherokee country and across the mountains. Murphey felt that these western roads would not only assist the western citizens of North Carolina but would attract trade from East Tennessee and Virginia to the valleys of the Yadkin and Catawba Rivers.⁵⁶

In 1819, the North Carolina legislature authorized the use of proceeds from the sale of former Cherokee lands to capitalize the internal improvements fund. Two years later, it augmented the internal improvements fund with dividends from state-owned stock in banks. These “Cherokee bonds” were used to fund other internal improvements

⁵⁴ Hill, *Roads*, 169-70.

⁵⁵ Watson, “Battling “Old Rip,”” 185; Archibald D. Murphey, Wm. Henry Hoyt, ed., *The Papers of Archibald D. Murphey* (Raleigh: E.Z. Uzzell & Co., 1914, 2 vols.), 20-22.

⁵⁶ Murphey, *Papers of Archibald D. Murphey*, 184-86.

projects. For example, in 1839, a new road from Franklin to Murphy through newly acquired Cherokee lands was allocated \$2,000 in bonds raised from the sale of Cherokee lands. On 4 January 1839, the North Carolina legislature ratified an amendment to use the Cherokee bonds to help fund the Fayetteville and Western Railroad.⁵⁷

Public works progressed faster in South Carolina than in the other Southern states. In 1817 the state started an ambitious program of state-operated internal improvements. The legislature appropriated \$1 million to fund improvements over the next four years. The canalization program in South Carolina continued in earnest until shortly after 1827, when the age of railroads arrived. That year South Carolina authorized its first railroad company and by 1830 the railroad was in partial operation; when completed in 1833, it became the South's first. As soon as the Charleston and Hamburg Railroad demonstrated the viability of shipping goods to market, all the prominent merchants, politicians, and military leaders of the South began to plan ways to connect roads, canals, and new railroads to the Charleston and Hamburg line.⁵⁸

In 1820 the Board of Public Works, with Joel R. Poinsett as president, took over the internal improvement projects of South Carolina. Poinsett oversaw the clearing of rivers in South Carolina to make them navigable. Reports published in 1820 while Poinsett was president of the Board of Public Works outline ambitious plans to make as many streams navigable as possible and to build roads from North Carolina and the mountains to the rivers of South Carolina in order to attract trade from Tennessee and

⁵⁷ Watson, "Battling "Old Rip,"" 189; *Laws of North Carolina*, 1819, (Raleigh: Thomas Henderson, 1820), 7; *Laws of North Carolina*, 1838-39 (Raleigh: J. Gales & Son, 1839), 36-37,.

⁵⁸ Kohn, *Internal Improvements*, introduction.

North Carolina to Charleston. One proposal even suggested a series of canals west of the mountains to connect the Ohio River valley, the Cumberland River, and the Tennessee River with the rivers of South Carolina to divert trade from New Orleans to Charleston. Poinsett would later serve as Secretary of War during the Cherokee removal.⁵⁹

Another prominent South Carolinian who served as Secretary of War, advocated Indian removal, and promoted internal improvements was John C. Calhoun. As Secretary of War under President James Monroe, Calhoun authored a report which included a plan for the removal of the Indians to west of the Mississippi. In *The Politics of Indian Removal: Creek Government and Society in Crisis*, Michael D. Green argues that Calhoun and Monroe “resurrected the old Jeffersonian concept” of Indian removal and that by the end of 1817 removal had become the focus of the Monroe presidency. Green explains that Calhoun wanted to scrap the treaty system but could not without Congressional approval. Instead, Calhoun encouraged the use of subterfuge and fraud to obtain land cessions from Native Americans that would ultimately lead to Indian removal. As Secretary of War from 1817 to 1825 during the administration of Monroe, Calhoun oversaw many Indian agents and set the general policies regarding the negotiations of many treaties and land cessions.⁶⁰

In 1816-17, as a member of the U.S. House of Representatives, Calhoun promoted a system of public improvements. The following year, the House of Representatives

⁵⁹ Kohn, *Internal Improvements*, introduction, 72-73, 76.

⁶⁰ John C. Calhoun to U. S. Senate, “Further Remarks on the Bill to Establish Branch Mints,” *The Papers of John C. Calhoun*, Vol. 12, 1833-1835, (Columbia: University of South Carolina Press, 1979), 505; William M. Meigs, *The Life of John Caldwell Calhoun* (New York: DaCapo Press, 1970), Vol. 1, 244-52; Green, *Politics of Indian Removal*, 49-50.

asked Calhoun, the new Secretary of War, to draw up a plan for internal improvements to aid movement of troops and weapons in times of war. Calhoun's 1819 report made recommendations for a broad program of internal improvements that were similar to those outlined by Secretary of the Treasury Albert Gallatin in 1808. The report proposed construction of Atlantic intra-coastal canals, improvements to the navigation of inland rivers, canals, and roads to connect inland rivers with Atlantic ports, and a National Road from Buffalo to New Orleans. Calhoun recommended that the federal government take responsibility for road and canal projects that were truly national in scope while leaving smaller regional road and canal projects to the towns and states. One of his most visible projects was the 1,500-mile National Road, which would run through Washington. Several routes were proposed including one that passed through Knoxville, then south through the Cherokee Nation.⁶¹

In 1819, Calhoun wrote Speaker of the House Henry Clay recommending that a survey of the entire country be made by army engineers to determine priorities for a system of highways. Five years later, in April 1824, Congress finally enacted "The Survey Bill," which authorized President Monroe to begin a survey of national road and canal projects. The execution of the survey fell under Calhoun's authority as Secretary of War. Calhoun and Monroe organized the Board of Engineers for Internal Improvements to conduct the survey. In his final report in December 1824, Calhoun recommended a system of canals and water routes connecting Lake Erie, the Ohio and Tennessee Rivers,

⁶¹ Meigs, *The Life of John Caldwell Calhoun*, Vol. 1, 244-52; Hill, *Roads*, 24, 40, 160-61; Baker, Pamela L., "The Washington National Road Bill and the Struggle to Adopt a Federal System of Internal Improvement," *Journal of the Early Republic* 22 (Fall 2002), 441; Truett, *Trade and Travel*, 76-77.

and the Mississippi. This proposal included a canal around the Muscle Shoals on the Tennessee River. The Secretary of War assured congressmen from Alabama and Tennessee, including Andrew Jackson, that the survey of a canal at Muscle Shoals had high priority. Following many plan revisions, the canal was finally completed in 1836, thirty years after the Cherokees ceded their rights to the land at Muscle Shoals. However, due to design problems, the canal was soon abandoned.⁶²

Although severely hampered by vast areas occupied by Cherokees and Creeks within its state boundaries, Georgia also established plans to improve transportation. One of the strongest supporters of internal improvements, and not coincidentally, one of the most vocal proponents of Creek and Cherokee removal was George Gilmer of Georgia. Gilmer served as governor of Georgia from 1829 to 1831 and then again from 1837 to 1839. From 1833 to 1835 he served in Congress, where he chaired the Committee on Indian Affairs. While governor, Gilmer recommended that the state take control of the gold mines in Cherokee country. He proposed that the state use the income from the operations of the mines to “improve the public roads, render the rivers navigable, and extend the advantages of education.” Georgia passed a law to take control of the mines in 1830. Like its neighbor North Carolina, Georgia used income from Cherokee lands to fund internal improvements.⁶³

⁶² Meigs, *The Life of John Caldwell Calhoun*, Vol. 1, 244-52; Hill, *Roads*, 24, 40, 54, 160-63, 171; Folmsbee, *Sectionalism*, 68; Treaty with the Cherokees, 7 January 1806, Kappler, *Indian Affairs*, Vol. 2, 90.

⁶³ *Biographical Directory*, 1064; George Gilmer, *Sketches of Some of the First Settlers of Upper Georgia* (Americus, Georgia: Americus Book Company, 1926), 284-85.

Chapter IV: Cherokee Industry and Transportation

The transportation revolution in America coincided with a new federal program designed to deal with Indians. President George Washington and his Secretary of War, Henry Knox, believed that it was much cheaper and more practical to educate the Cherokees about white civilization and to prepare them for incorporation in a Euro-American society than it was to make war against them. To this end, they created a civilization program by which the American government set up trade stations in Indian country and taught the Indians how to use agricultural and other implements. Of the southeastern tribes, the Cherokees most readily embraced the civilization program. In the last decade of the eighteenth century through the 1830s, the Cherokees converted from a largely hunting economy to an agricultural economy. They built ferries, mills, and iron works and exported goods to neighboring white communities. Some Cherokee planters purchased slaves and established cotton plantations. However, cotton agriculture and exportation remained limited because the majority of Cherokee lands lay in the mountains and foothills north of the ideal climate and soils for cotton agriculture. Most Cherokees remained small corn farmers. Cleared fields, outbuildings, and other improvements the Cherokees made to their properties, especially along transportation routes, attracted whites wishing to take advantage of the opportunities. The period of growth in Cherokee agriculture and commerce also coincided with an era of increased interest in internal improvements in the neighboring white world.⁶⁴

⁶⁴ Anthony Wallace. *Jefferson and the Indians: The Tragic Fate of the First Americans*. Cambridge: Harvard University Press, 1999, 165-70; Douglas C. Wilms, "Cherokee

During the 1820s and 1830s, it fell under the responsibility of Principal Chief John Ross and members of the Cherokee Council to act as mediators between the Cherokee Nation and the federal government in disputes regarding intrusions on their land by whites and valuations of property of emigrating or forcibly displaced Cherokees. Lucrative commercial properties located along rivers and roadways were often the subject of dispute. In 1824, Ross, Major Ridge, George Lowry, and Elijah Hicks addressed a letter to Secretary of War Calhoun requesting resolution of several disputes including one surrounding a ferry on the Chattahoochee. “We will also imbrace the opportunity to report the forcible occupancy of the North Western Bank of Chatahoochee ferry, by a man named Wynne, a citizen of Georgia, this ferry is known by the name of Vann’s ferry. It is established on the Federal road. The occurrence took place a considerable time past The emoluments arising from this ferry, which the nation has been deprived of, by said Wynn, is noted by the ferryman who lives at the place.”⁶⁵

Several of the more successful businessmen in the Nation owned ferries, including John Brown, Joseph Vann, Major Ridge, and John Ross. In 1833, when white intruders confiscated Ross’s lands at the Head of Coosa, the value of Ross’s ferry far exceeded the value of his other possessions. Ross’s two-story main house with basement and brick chimney earned an evaluation of \$3,500 while his ferry was appraised at \$10,000. Ross’s other property, including outbuildings, fields, orchards, and slave

Indian Land Use in Georgia, 1800-1838,” Ph. D. diss., University of Georgia, 1974, Ann Arbor: University Microfilms International, 1986), 135-36.

⁶⁵ John Ross, et. al to John C. Calhoun, 13 January 1824, *Papers of Chief John Ross*, 56-57.

quarters brought his property valuation up to \$16,097. One reason his ferry was so valuable was that it earned a net income of \$1,000 per year.⁶⁶

Another lucrative enterprise that caused disputes between Cherokees and their neighbors was the operation of taverns located on busy roads. In 1825, Ross wrote to Cherokee agent Hugh Montgomery about taverns owned by two white men. “Various & Repeated Complaints have from time to time been laid before the [Cherokee] Council against the locations of Jacob M. Scudder & James Cowen in the Cherokee Nation as publick housekeepers, the former under the garb of licensed Trader, has for a considerable time past been engaged in keeping a house of entertainment at the forks of the Tennessee & Alabama Roads, east of the Hightower River, in opposition to & prejudicial to the Interests of the Native Citizens occupying Stands near that place. The latter (as you may have learned) has been keeping a publick house at the agency (Charleston, Tennessee) and cultivating lands in that vicinity.”⁶⁷

Secretary of War Calhoun instructed agent Montgomery to remove James Cowan “but no sooner done than he (colo. Montgomery) placed Mr. Hardwick (his own son-in-law) in possession of the premises from which Mr. Cowan had been removed, who still continues to live there and to cultivate the lands of the nation.”⁶⁸

Little correspondence among Cherokees exists indicating how they transported their products to market or how they took advantage of strategic commercial locations on

⁶⁶ Property Appraisal for John Ross, 16 December 1836, *Papers of Chief John Ross*, 465-66.

⁶⁷ John Ross, A. McCoy, Elijah Hicks to Hugh Montgomery, 27 December 1825, *Papers of Chief John Ross*, 109-10.

⁶⁸ John Ross, et. al. to Andrew Jackson, 6 April 1829, *Papers of Chief John Ross*, 159-60.

rivers. Most information comes from Anglo-American sources. In a report from Return J. Meigs to Calhoun dated 15 November 1819, the Cherokee agent discussed the Cherokee's choice for a new capital. The brief discussion suggests that the Cherokees may have chosen to establish their new capital, New Town or New Echota, at a place conducive to commerce. The site was located at the junction of four roads that connected the town to the rest of the Cherokee Nation and where the Conasauga and Coosawattee Rivers join to form the Oostanaula River.

The Cherokees here have fixed on a piece of ground on Oostinalee [Oostanaula] River at the confluence of this river with the Cannasaga [Conasauga] river, from whence the navigation to Mobile Bay is practicable. A number of large Boats with flour & whiskey have descended this water to Mobile the last season. It is believed that with little expense in removing some obstruction, this navigation for large Boats may be of very great use to all the upper country on or near its waters.⁶⁹

The Cherokees produced several commodities for trade, including corn, wheat, livestock, and domestic hides. Some cotton was produced for the New Orleans market, but that crop was not as widely cultivated in the Cherokee nation as it was in regions to the south. Most Cherokee trade was conducted overland with neighboring states. Dr.

⁶⁹ Return J. Meigs to John C. Calhoun, 15 November 1819, *Papers of John C. Calhoun*, Vol. 4, 411-13; Wilms, "Cherokee Indian Land Use," 54.

Elizur Butler, a missionary at Haweis mission near Head-of-Coosa (present-day Rome, Georgia), reported on the trade conducted by the Cherokees.

Last season, while traveling on the frontiers of Georgia, I well recollect seeing wagon loads of corn going from the nation to the different states. Drovers of beef cattle and hogs are driven annually from this nation to the different states. A few weeks since, not less than 200 beeves were driven from this vicinity to the northern market; and I think as great numbers were collected in previous years.⁷⁰

Many of the beeves driven from the Cherokee nation were sent to Tennessee, Virginia, Pennsylvania, South Carolina, and Georgia. Drovers from outside the nation in Kentucky and Tennessee brought hogs, horses, and mules through Cherokee lands to Georgia. The Cherokees profited from this migration by supplying large amounts of corn for the livestock and food and lodging to the drovers.⁷¹

Many Cherokee villages were established at the intersection of transportation routes. In the late eighteenth century, the Chickamaugans established towns on each side of the Tennessee River Gorge, a steep-sided canyon formed by the Tennessee River as it cuts its way through Walden's Ridge on the Cumberland Plateau. The canyon, which separates Signal Mountain on the northern side from Raccoon and Lookout mountains to the south, forms a natural gap in the mountains. A number of Indian trade paths were established

⁷⁰ Wilms, "Cherokee Indian Land Use," 34-37.

⁷¹ Wilms, "Cherokee Indian Land Use," 37, 91.

through this gap. One of the busiest of these paths was the Great Indian War Trail, also known as the Great Indian War Path. The trail ran from Virginia and East Tennessee to Alabama. The Chickamauga Path entered the area from north Georgia and led to Kentucky. The Cisca and Saint Augustine Trail connected Middle Tennessee with Florida.⁷²

When the Chickamauga Cherokees moved into the area, the mountains and the turbulent waters of the Tennessee River Gorge provided protection for their lower towns and enabled them to control traffic through the area. In the early 1800s, several Cherokees established farms and industries along the river's banks.⁷³

In 1815, John Ross asked his brother, Lewis Ross, to join him in his trading firm after the death of his original business partner, Timothy Meigs. Lewis Ross managed operations at the firm's office at the Hiwassee Garrison, while John Ross moved back to his childhood home at Ross's Landing. Ross constructed a ferry and warehouse on the south bank of the Tennessee River where several of the Indian trails converged with the river on the east side of the gorge.⁷⁴

In 1837, George Featherstonhaugh, a visitor in the area, described his arrival at Ross's Landing in a journal:

After some time, they ran the canoe ashore at a beach where there was no appearance of a settlement, and told me that it was Ross' Landing. I was somewhat dismayed at first at the prospect of being abandoned on a lone

⁷² Myer, "Indian Trails of the Southeast," 732, 746-47, 846-49.

⁷³ Woodward, *The Cherokees*, 97, 100.

⁷⁴ Gary E. Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 8-9.

beach, since these men having fulfilled their agreement had a right to be paid immediately, and time was important to them to get back that night. Upon parleying with them, however, I learnt that there was a small settlement not far from us, and that they would carry my luggage there for a reasonable gratification. Upon which I sent them immediately on, and taking a last look at the river followed the road they took. At length I came to a small village hastily built, without regard to order or streets, every one selecting his own site, and relying on the legislature of Tennessee to pass a law for the permanent arrangement of their occupations.⁷⁵

Featherstonhaugh's account of his arrival at Ross's Landing describes an event that happened repeatedly in the early South. As Native Americans ceded lands to Anglo-Americans, whites moved quickly into Native villages located at strategic transportation hubs. Frequently, these Indian villages were located along the fall line of rivers and rapidly grew into thriving commercial towns. Georgia towns founded along the fall line of major rivers include Augusta on the Savannah, Macon on the Ocmulgee, Milledgeville on the Oconee, and Columbus on the Chattahoochee River. In Alabama, Montgomery was founded a few miles south of the fall line on the Alabama River and Tuscaloosa was founded on the Black Warrior River. Many other thriving white settlements such as Rome, Atlanta, and Chattanooga grew up where Indian trails met with strategic river ports. Land speculators and hopeful new white residents began moving into Ross's

⁷⁵ Featherstonhaugh, George W. *A Canoe Voyage up the Minnay Sotor*. Vol. 2, 1847 (Reprint, Saint Paul, Minn.: Minnesota Historical Society, 1970), 210.

Landing immediately after the Treaty of New Echota was signed in December 1835. The first post office at Ross's Landing was opened in March 1837 by mercantilist John P. Long. In the summer of 1838 before all Cherokees were removed, the new white "founding fathers" voted to rename the town Chattanooga. The Tennessee General Assembly officially recognized the name in December 1839. In 1836 a group of leaders drew new civil districts for Hamilton County that incorporated the ceded lands around Ross's Landing. This was two full years before the Cherokees were forcibly removed. Trails, creeks, rivers, and industries bearing Cherokee or other Indian names, such as Chickamauga and Ooltewah Creeks and Ross's and Vann's Ferries, appear on the map drawn by B. B. Cannon, which defined the new civil districts. Cannon speculated in land on the Tennessee River in the Vann's Town (renamed Harrison by the whites) and Ross's Landing areas in order to take advantage of the financial opportunities afforded by the Cherokee removal. In 1837, shortly after organizing the First Regiment of Tennessee Volunteer Infantry to aid with Cherokee removal, he led a detachment of voluntarily enrolled Cherokees on a northern route through Kentucky, Illinois, and Missouri to Arkansas. This route later became known as the Trail of Tears. Meanwhile, Chattanooga and other cities incorporated in Cherokee territory after the 1838 removal such as Charleston, Tennessee and Rawlingsville, Alabama, vied for railways and the economic growth they were expected to bring.⁷⁶

⁷⁶ Ulrich Phillips, *History of Transportation*, 6-9; Govan, *Chattanooga Country*, 102-109; James L. Douthat, ed., *Hamilton County, Tennessee 1836 Tennessee Civil Districts and Tax Lists* (Signal Mountain, Tenn.: Mountain Press, 1993), 1 ff.; Vicki Rozema, *Voices from the Trail of Tears* (Winston-Salem, N. C.: John F. Blair, Publisher, 2003), 79-92.

Chapter V: Railroads and the Department of War

Beginning in 1833, Charleston businessmen began discussing the idea of a great railroad running from Charleston to the Ohio and Mississippi Valleys. Proponents, including Robert Y. Hayne, hoped the railroad would revive Charleston's floundering economy as well as contribute to a South-West political alliance. The Louisville, Cincinnati, and Charleston Railroad Company was chartered in December 1835 and the following year a convention was held in Knoxville to encourage interstate support. Hayne supported the results of engineering surveys stating that the best route ran from Charleston to Asheville, North Carolina, and through the mountains by way of the French Broad River into Tennessee. In Tennessee, it would turn north and pass through the Cumberland Gap into Kentucky. As a result of the convention held in Knoxville in 1836, the South Carolina legislature set up a bank to fund the railroad via Hayne's French Broad route.⁷⁷

In 1836, Senator and former Secretary of War John C. Calhoun and engineer James Gadsden explored the Carolina mountains looking for an alternative route for the railroad. They identified a gap in the mountains between the Tuckasegee and White Water valleys that Calhoun named the Carolina Gap. The gap passed through the mountains at Whitewater falls near the North and South Carolina lines and ran through the Cashiers Valley. From the Little Tennessee River in North Carolina, the route ran towards the Tennessee River at Kingston and eventually hit the Mississippi near the

⁷⁷ Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York: Oxford University Press, 1987), 262-64; Meigs, *Life of John Caldwell Calhoun*, Vol. 2, 360-62.

mouth of the Missouri. In South Carolina the railroad would follow the old Cherokee Trade Path to Charleston. Calhoun's proposed route ran through the Cherokee Nation while Hayne's proposal skirted it.⁷⁸

To the dismay of Hayne, Calhoun immediately began promoting his southern route by writing letters to friends and by arguing the case for his southern route in the Pendleton *Messenger*. Calhoun invited his friends to purchase stock in the railroad so they could gain control of the board of directors. However, the financial panic of 1837 put a damper on both Calhoun's and Hayne's plans. The railroad through the French Broad was not built until after the Civil War and Calhoun's Tuckasegee railroad was never built.⁷⁹

That Secretaries of War such as Calhoun and Poinsett became directly involved in both internal improvements and Indian affairs was natural. As discussed earlier, Congress placed the Office of Indian Affairs under the direction of the War Department in 1786 and there it remained until 1849. Congress also placed the Corps of Engineers under the War Department. Created in 1802 and stationed at West Point, the Corps was initially involved almost entirely with coastal defenses. However, by 1824, when the Survey Act was passed, the Corps of Engineers was the primary federal agency planning internal

⁷⁸ John C. Calhoun to Editor of the *Pendleton Messenger*, 22 September, 1836, *Papers of John C. Calhoun*, Vol. 13, 1835-1837, (Columbia: University of South Carolina Press, 1980), 286-93; John C. Calhoun, "The Great Rail Road," *Niles' Weekly Register*, 8 October 1836; Meigs, *Life of John Caldwell Calhoun*, Vol. 2, 360-62; N. W. Woodfin to D. L. Swain, 2 October 1836, David L. Swain Papers, PC # 84, North Carolina State Archives.

⁷⁹ John C. Calhoun to Editor of the *Pendleton Messenger*, 22 September, 1836, *Papers of John C. Calhoun*, Vol. 13, 286-93; Meigs, *Life of John Caldwell Calhoun*, Vol. 2, 360-62; Peterson, *The Great Triumvirate*, 263.

improvements. The corps' engineers recognized that interior communications were an important part of national defense. The Corps was also one of the best sources in the early Republic for trained engineers. As Forest G. Hill discusses in *Roads, Rails, & Waterways: The Army Engineers and Early Transportation*, the Corps' involvement in internal improvements began to expand after 1812 due to an increased number of trained army engineers and increased interest by civil authorities in canals, bridges, and roads. Civil and private interests also demanded increased topographical information and transportation planning for the national frontiers.⁸⁰

The War Department often loaned army engineers to states or companies who needed their professional expertise. Colonel Stephen H. Long took a leave of absence from the army to work for the state of Georgia as the chief engineer on the Western and Atlantic Railroad. The Western and Atlantic was projected to run through the Cherokee Nation. However, most engineers involved in topographical work or internal improvements in the early South did so as officers on military assignment.⁸¹

One of those officers was Edmund P. Gaines. In 1806 Captain Gaines was charged with mapping a four-foot-wide post road from Athens, Georgia, to Ft. Stoddert in the Mississippi Territory above present-day Mobile. The road passed through the Creek village of Coweta in the heart of the Creek Nation while skirting south of the Cherokee Nation. Numerous problems with the delivery of the mail to and from the Mississippi Territory prompted the need for a more direct route. After the post road was completed in

⁸⁰ Hill, *Roads*, 4-5, 21-23.

⁸¹ James Houston Johnston, *Western and Atlantic Railroad of the State of Georgia* (Atlanta: State of Georgia, 1931), 19, 26-28; Folmsbee, *Sectionalism*, 93-94.

1807, Captain Gaines reported to the postmaster general that “the Indians are not well disposed” to the new post road. Gaines was appointed commander of Fort Stoddert with the responsibility of collecting import taxes.⁸²

Gaines also surveyed other roads that crossed through Southeast Indian lands, including parts of the Natchez Trace and the Gaines Trace from Cotton Gin Port in Mississippi to the Tennessee River. Gaines later became one of the most senior generals in the South and led an expedition during the Seminole wars. As commissioner to the Creeks, he attempted to convince the Creeks to accept the fraudulent Treaty of Indian Springs.⁸³

Gaines’s military service in the South acquainted him with the transportation needs of the region. A leading advocate of the Memphis to Charleston Railroad, he submitted a plan for a railroad from Memphis to Athens, Georgia, to the governor of Georgia in 1834. His plan called for connecting a railroad from the Mississippi to the railroad from Athens to Hamburg, thereby connecting Memphis with Charleston, South Carolina. Plans for the railroad called for it to pass through Decatur, Alabama, on the Tennessee River. Gaines secured the services of Colonel Long, who surveyed a route through Cherokee lands from Athens, Georgia, to Courtland, Alabama. However, Governor Wilson Lumpkin of Georgia advocated a more southern route from the Mississippi River through central Mississippi and Alabama to Savannah. In response,

⁸² Gideon Granger to President Jefferson, 4 August 1806, Wheaton Papers, MS#1124, University of Georgia; Edmund P. Gaines to Postmaster General, 1 April 1807, Wheaton Papers; Southerland and Brown, *Federal Road*, 133; Green, *Politics of Indian Removal*, 101, 105.

⁸³ Myer, "Indian Trails," 824-27; Green, *Politics of Indian Removal*, 101, 105-110.

Gaines arranged for the Atlantic and Mississippi Railroad to pay the expenses for Long to survey a second, more southerly route.⁸⁴

The relationship of the Corps of Engineers and the Office of Indian Affairs to the Department of War created a very powerful alliance. This arm of the federal government posed an overwhelming force to be reckoned with by the Southeast Indians. Because earlier treaties guaranteed safe passage in their lands and the combined power of three agencies was great, the Cherokees had little recourse when state and local governments began sending engineers such as Long to conduct surveys for internal improvements.

In 1825 the Georgia legislature created a board for public works whose mandate was to improve river navigation, canal construction, and railroad construction. Wilson Lumpkin, governor of Georgia from 1831 to 1835, served on this board. While visiting the Cherokee country as a member of the board, Lumpkin spoke with Cherokee leaders at the behest of Governor George Troup to prepare them for the idea of a complete removal from the state to land west of the Mississippi. Lumpkin spent twenty-five days with the state engineer, Hamilton Fulton, examining the country between north Georgia and the Tennessee River and looking for the best place for a canal to connect the rivers of the two states. They settled on a route near the McNair farm between the south fork of the Hiwassee River, which Lumpkin called the Amay, and the Conasauga River in Georgia. However, Lumpkin became convinced that the best solution was not a canal but a railroad.

⁸⁴ James W. Silver, "Edmund Pendleton Gaines: Railroad Propagandist," *The East Tennessee Historical Society's Publications* 9 (1937), 7-8; Ulrich Phillips, *History of Transportation*, 304-306; Hill, *Roads*, 119.

Lumpkin also recommended other means of connecting the Tennessee River with Georgia rivers. One idea was to build a hundred-mile canal from the Tennessee River to Will's Creek and the Coosa River in Alabama. He also recommended the construction of a road from the Chattahoochee to the Tennessee River. Concerning the road through Cherokee country, Lumpkin wrote, "the country abounds in fine timber, water, suitable stone for turnpiking, and masonry of every description."

With regard to the fact that the Cherokees still resided in an area where Fulton and Lumpkin planned to put a railroad, Lumpkin wrote in his autobiography: "the resources of Georgia could never be extensively developed by well devised system of internal improvements, and commercial and social intercourse with other portions of the Union, especially the great West, until this portion of the state was settled by an industrious, enlightened, free-hold population." Lumpkin also stated in his autobiography that the "whole plan of this railroad was well matured in my mind in the year 1826, while taking a general reconnoissance of the State, with a view to entering on works of internal improvement, in company with Mr. Fulton, our first State Engineer, and before I commenced my systematic plan for the removal of the Cherokee Indians from Georgia, in the year 1827, in the House of Representatives, in the Congress of the United States."⁸⁵

A year before the Treaty of New Echota was signed in late 1835, some Georgia citizens met to plan a railroad through Cherokee Territory. On 19 July 1834, the *Southern Banner* reported on this convention, held at Rome in Floyd County "for the purpose of

⁸⁵ Wilson Lumpkin, *The Removal of the Cherokee Indians from Georgia* (NY: Dodd, Mead & Co., 1907), Vol. 1, 37-42, Vol. 2, 273; Wilson Lumpkin to Gen. D. Newnan, *Georgia Statesman*, 4 July 1826.

taking into consideration, the practicability and importance of navigating some of our Western waters.” It included citizens of Floyd, Cherokee, Cass, and Paulding counties. They appointed a committee to contact the United States engineer and assist him while he was in the area surveying the route for the Georgia Union Rail Road from Memphis to Augusta, Georgia. Supporters of the new railroad wrote in the *Southern Banner*, “No section of country between those distant points would be more immediately and more immensely benefited by the Rail Road, than the now Cherokee counties of this State. Their remote situation from trade, their productive soil, and their rapidly growing population, all call aloud upon the people of that section, to be up and doing, to prosecute with energy and zeal, the noble work contemplated by their late meeting.”⁸⁶

In late 1836, another convention was held in Macon, Georgia, to discuss more railroad plans. The convention wrote an open letter to the state legislature recommending that it commence a system of railway improvements by constructing a railroad beginning at the Tennessee line at or near Rossville and running it through the “Cherokee counties, on the most practicable route” to the Chattahoochee River. They also recommended that the state legislature grant charters to create branch lines from this new railroad to run to Columbus, Forsyth, Athens, Milledgeville and other places in Georgia. On 21 December 1836, the Georgia legislature passed an act creating the Western and Atlantic Railroad and the following year Governor Gilmer sent General Daniel Newnan to Nashville to see the Tennessee governor about permission to build the northern terminus at the Tennessee River. The Tennessee legislature passed an act authorizing the Western and Atlantic to

⁸⁶ “Internal Improvements,” *Southern Banner*, 19 July 1834, article reprinted from the *Georgia Journal*.

enter the state and connect with the river on 24 January 1838. Construction began in Georgia in March 1838.⁸⁷

On 2 August 1838, Rev. Daniel S. Butrick, a missionary to the Cherokees at Brainerd Mission near Ross's Landing, reported an encampment of railroad engineers at the Brainerd Mission. This group of engineers was most likely from the Western and Atlantic Railroad. Chief Engineer Stephen H. Long recommended a circuitous route from Ross's Landing along Chickamauga Creek near the mission and around the end of Missionary Ridge, avoiding Rossville and a long and costly tunnel. Cherokees were still camped at Ross's Landing and Brainerd Mission waiting for emigration under the management of the Ross brothers when the engineers were inspecting the area.⁸⁸

Meanwhile, in 1836, businessmen and other leaders in East Tennessee, mostly from McMinn County, formed a plan to build a railroad in the valley between the Great Smoky Mountains and the Tennessee River. The terms of its charter stated that the railroad would run from Knoxville south through the Hiwassee district to the Tennessee state line. They planned to hook up with a railroad that was being built from Augusta to Memphis. This route ran through the Cherokee Nation; however, the commissioners considered it just a matter of time before the Cherokees would all be removed based on the recent Treaty of New Echota. One of the commissioners for the railroad, and one of

⁸⁷ "Memorial to the Georgia Legislature," *Southern Banner*, Athens, 3 December 1836; Johnston, *Western and Atlantic Railroad*, 8-11, 27.

⁸⁸ Daniel S. Butrick, *Journal of Rev. Daniel S. Butrick: May 19, 1838 – April 1, 1839* (Park Hill, Okla.: Trail of Tears Association, Oklahoma Chapter, 1998), 25; Johnston, *Western and Atlantic Railroad*, 26.

the stockholders, was General Nathaniel Smith, the McMinn County resident and Tennessee militia leader who was appointed superintendent of the Cherokee removal.⁸⁹

Grading of the road for the Hiwassee Railroad began in October 1837 two miles below Athens, Tennessee. The enterprise was initially called the Hiwassee Railroad but the name was later changed to the East Tennessee and Georgia Railroad. When the supporters of the Hiwassee Railroad learned of the plans for the Western and Atlantic to connect with the Tennessee River at Ross's Landing, they were concerned that it could destroy their railroad and protested that Georgia representatives to the Hiwassee Railroad convention in Knoxville had pledged to connect the Georgia Railroad to theirs near the Cherokee council grounds at Red Clay. The Western and Atlantic railroad proceeded with plans for a terminus at Ross's Landing with the idea of an eventual branch line to the Hiwassee Railroad.⁹⁰

Although the surveying and grading of the Hiwassee Railroad began months before the Cherokees were deported, the work went slowly and was abandoned altogether in 1839 after sixty-five miles were graded and a bridge was built over the Hiwassee River at Calhoun. The company renewed its effort in February 1848 under its new name of the East Tennessee and Georgia Railroad. The railroad was finally completed in 1855.⁹¹

General Nathaniel Smith was not the only person directly involved in the Cherokee removal who was a stockholder in the Hiwassee Railroad, which cut directly

⁸⁹ James W. Holland, "The East Tennessee and Georgia Railroad, 1836-1860," *East Tennessee Historical Society's Publications* 3(January 1931): 89-91.

⁹⁰ Holland, "East Tennessee and Georgia Railroad," 93-95; Johnston, *Western and Atlantic Railroad*, 9-10, 23.

⁹¹ Holland, "East Tennessee and Georgia Railroad," 95, 103.

through the Cherokee nation. Major Albert S. Lenoir, a member of the prominent Lenoir family of western North Carolina and East Tennessee, was also a stockholder. Lenoir was stationed at New Echota in 1836 and 1837 as issuing agent and then at Ross's Landing in 1838. He kept up to date on the progress of the railroad through letters from his family.⁹²

The completion of the Charleston to Hamburg Railroad in 1833 created an epidemic of railroad fever. Businessmen and politicians throughout the South met to discuss plans on how to utilize the new technology to reduce transport times and costs between markets. An important topic of conversation was funding: how were the Southerners going to pay for all of their railroad projects? Most hoped for a combination of public and private funding. In an ironic and sad twist, one railroad entrepreneur looked to the Cherokees to look for funds to build a railroad that would cross Cherokee lands. In February 1836, a man named John Williams wrote U. S. Senator Willie P. Mangum to say that he had spoken with Colonel Gideon Morgan as Morgan was traveling to Washington. Colonel Morgan was a white man who was married to a Cherokee woman and lived among her people. He had led a detachment of Cherokees in the Creek War of 1813-14, in which he was wounded. Williams suggested to Morgan that he meet with Cherokee leaders in Washington and speak to them about investing in the stock of the Charleston and Cincinnati Railroad using two or three million of the five million dollars they were to receive from the treaty signed at New Echota. Morgan apparently told Williams he would meet with the Cherokees and try to persuade them to use half their money to invest in a railroad they had not consented to and would never use. How the

⁹²Lenoir Family Papers II, #2262, University of North Carolina at Chapel Hill, Wilson Library.

Cherokee Council received this proposal, if it was ever made, is unknown. However, this story demonstrates the audacity of white entrepreneurs in their quest to fund and build internal improvements across Indian lands.⁹³

⁹³ John Williams to Willie P. Mangum, 6 February 1836, Henry Thomas Shanks, ed., *The Papers of Willie Person Mangum* (Raleigh, State Dept. of Archives and History, 1952), Vol. 2, 387-88.

Chapter VI: Conclusion

The Cherokees fully understood the importance of their taverns, ferries, roads, and waterways to not just their own people but to their white neighbors as well. In a letter to the United States House and Senate, Ross and the Cherokee Council protested the fraudulent Treaty of New Echota, which forfeited all Cherokee lands east of the Mississippi in exchange for land west of the river. They listed many assets belonging to the Nation as proof that the Cherokee government would never agree to cede their homelands. The Cherokee protest rated the advantages of their location and transportation routes highly:

The Cherokee Territory, within the limits of North Carolina, Georgia, Tennessee and Alabama, is estimated to contain ten millions of acres. It embraces a large portion of the finest lands to be found in any of the States; and a salubrity of climate unsurpassed by any; possessing superior advantage in reference to water power; owing to the numerous rills, brooks and rivers, which flow from and through it; some of these streams afford good navigation, others are susceptible of being easily improved and made navigable. On the routes where roads have been opened by the Cherokees, through this country, there must necessarily pass some of the most important public roads and other internal improvements, which at no distant day will be constructed.

There are many valuable public ferries also owned by the Cherokees, the income of some of them amount to from five hundred to one thousand, fifteen hundred and two thousand dollars per annum. Several public roads opened at private expense, were also kept by companies under regulations of the national council, and toll gate were erected on them. These regulations have all been prostrated by State Legislation, and the Cherokee proprietors thus deprived of their rights, privileges and property.⁹⁴

Although the Cherokees were determined to hold on to their valuable lands, powerful forces were working against them. The white population of the early nineteenth-century South coveted Cherokee and Creek lands not just for the agricultural opportunities and homesteading opportunities these lands offered, and not just for the value of their gold mines, but also for their location along strategic transportation routes. Ferries and taverns located in Indian Territory along these routes offered lucrative economic opportunities. Many of the South's largest cities including Chattanooga, Augusta, Macon, and Columbus grew up on strategic transportation spots on newly ceded Creek and Cherokee lands. The early South's most prominent military and political leaders were proponents of or directly involved in internal improvements in Indian lands and were also involved in the ceding of these lands or the removal of the Creeks and Cherokees in the 1830s. These leaders included Jackson, Gaines, Calhoun, Poinsett,

⁹⁴ John Ross, et. al., to the Senate and House of Representatives, 21 June 1836, *Papers of Chief John Ross*, 441, 443.

Gilmer, and Lumpkin. State militia officers and local families directly involved in the Cherokee removal speculated in railroads through Cherokee lands before removal. The military and political leadership of the South saw the Indians as obstacles in establishing postal and military roads, turnpikes, railroads, and water routes which they felt were crucial for military defense and economic opportunity. After forcing the Cherokees to give up their lands, political leaders in the South used the income from the sale of those lands to finance internal improvements.

From the earliest years of the new republic, when pioneers made their way over the Appalachian Mountains into the Indian country beyond, the Cherokees resisted all forms of encroachment. They posed a major threat to travel through their lands, they obstructed plans for internal improvements, and they demanded control over the ferries, toll gates, and taverns on the commercial routes through their country. The Cherokees sent a strong message to neighboring states and the federal government when they established their constitution. Their message was a declaration of sovereignty over their internal affairs, including the right to regulate transportation within their boundaries.

Georgia was the first state to respond by extending its laws over the Cherokee Nation and by declaring, "all laws and usages, made and enforced in said Territory by the Indians, to be null and void after the first of June, 1830." The Cherokees responded by writing the United States House and Senate, "We cannot admit that Georgia has the right to extend her jurisdiction over our territory, nor are the Cherokee people prepared to submit to her persecuting edict." The federal government responded by passing the 1830

Indian Removal Act. Southern leaders and the federal government agreed: the Cherokees were in the way. They had to go.⁹⁵

⁹⁵ John Ross, et. al., to The Senate and House of Representatives, 27 February 1829, *Papers of Chief John Ross*, 154-157.

Chapter VII: Epilogue

Tragically, moving west of the Mississippi provided Cherokees only temporary protection from internal improvement projects proposed by white Americans. In 1866, the Cherokees signed a treaty with the United States that essentially pardoned the Nation for the alliance of some of its citizens with the Confederacy. At the same time, the Cherokees agreed to a right of way for railroads through their nation. Congress would decide which railroad companies had the right to these build roads. In *Fire and Sprints, Cherokee Law from Clan to Court*, Rennard Strickland explains that the arrival of the railroad enabled exploitation of the Cherokee lands by timber and mining interests. Cherokees had difficulty adapting to the rapid cultural and social changes brought by the influx of non-Cherokees. According to Strickland, the “building of towns and cities severely dislocated the people of the Cherokee Nation.” The Cherokees became divided on how to deal with intruders, especially those who argued for dissolving the Cherokee boundaries and blending of the people into the greater territory. The Cherokee Nation became lawless and dangerous. Settlers argued that only submission to the civilizing influence of the territorial government could stem the tide of lawlessness. Congress responded to this argument and passed several acts closing tribal courts and opening Cherokee lands to all settlers. Events in the western Cherokee Nation after the arrival of the railroad bore a similarity to events that had happened several decades earlier east of the Mississippi. Once again, internal improvements in Cherokee country attracted

intruders who disrupted Cherokee society, challenged Cherokee sovereignty, and extended their laws over the Cherokees.⁹⁶

⁹⁶ Treaty with the Cherokees, 19 July 1866, Kappler, *Indian Affairs*, Vol. 2, 942-50; Rennard Strickland, *Fire and Spirits: Cherokee Law from Clan to Court* (Norman: University of Oklahoma Press, 1975), 177-78.

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