

7-3-2012

Legacy of Betrayal: A Trans-Atlantic Comparison of the Cherokee Removal and the Highland Clearances

Lisa Brown

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**LEGACY OF BETRAYAL: A TRANS-ATLANTIC COMPARISON OF
THE CHEROKE REMOVAL AND THE HIGHLAND CLEARANCES**

by

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B.A., History-University of Texas at Austin, 1997
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DISSERTATION

Submitted in Partial Fulfillment of the
Requirements for the Degree of

**Doctor of Philosophy
History**

The University of New Mexico
Albuquerque, New Mexico

May 2012

ACKNOWLEDGEMENTS

First and foremost I need to thank my parents, Dwight and Karen Brown, without whose constant love, support and encouragement I would never have accomplished this goal. As a professor and a teacher, they instilled in me a love of learning that defines who I am and still continues to drive me. I also would like to thank my brothers, Delon and Greg, and their families, for their support and love as well.

Next, I need to thank Dr. Howard Yonas, whose knowledge of the obscure and skillful surgical hands, has allowed me to carry forward in life “almost” as good as new.

To my advisor, Margaret Connell-Szasz, I give my utmost thanks for all your advice and guidance over these many years. From the first time I walked in your office many years ago, you have always been willing to listen and help direct my focus in the most productive avenues. From the classroom to seminars, to chats in your office, to running into you and Dr. Szasz at the NLS in Edinburgh, you have always encouraged my interest in comparative history. Thank you for fostering a growing love of Native American history, and being equally nurturing of my existing love of Scottish history. And a special thank you for not telling me, or letting me, give up seven years ago when others told me I should, and it would have been such an easy out.

For countless “pep talks,” hugs, encouragement, and assuring me I’m not the first, or last, who will survive the range of emotions that come with getting a doctorate, I thank Kimberly Gauderman. You have gone above and beyond over the years, and I especially thank you for welcoming me into your home and family for holidays. You saw something in me I never saw in myself, and I thank you for your unwavering belief in me that helps me to believe in myself.

For his incomparable hugs, contagious smiles, easy manner and supportive words, I thank Charlie Steen. From the classroom to your office hours, your enthusiasm for history and your students is palpable and such an inspiration. I’d also like to thank Patricia Ranft, who when I was at Central Michigan where there was no Scottish historian, stepped out of her field to learn along with me, allowing me to pursue my dream of studying Scottish history; and especially for encouraging me to pursue the Ph.D. And many thanks to Colin Calloway, for agreeing to serve on my committee and providing another example of someone who does not have to be “of” a people to love their history to provide incomparable scholarship regarding those histories.

To the amazing colleagues I’ve been blessed with throughout my academic career, you all helped shaped the scholar and person I am today. My thanks to Duncan Woodhead, my phenomenal colleague and first friend in Mt. Pleasant, MI, where the idea for this project first formulated and grew while talking over beers at the Bird. You are an inspiration and your insight has been invaluable. To my many colleagues at the University of New Mexico, there are too many of you to properly thank you all, but a special thanks to Tiffany Sippial, who has been my best friend since we were nine and

was the first to encourage me to contact Dr. Connell-Szasz and explore the possibility of pursuing my doctorate at UNM. Between Tiffany, Amy Scott and Blair Woodard, I managed to win the “trifecta” of friends/colleagues who were always at the ready with advice, support and much needed smiles. I also want to thank Sonia Dickey, Sarah Payne and Breanna Griego. To Sonia and Sarah, who took me under their wings when I first arrived in Albuquerque, and stood by me “in the trenches,” all these years, I owe many thanks. Thank you for the breaks, the smiles, the laughter to fight back the tears, and reminding me to never take life too seriously. To Breanna Griego, who started out as and has remained one of my biggest cheerleaders. Thank you for your constant encouragement, support and love. You never failed to believe in my topic and me and you provided unquestioning friendship and support along the way. Between all these amazing people, and others, countless hours were spent talking over my topic, my research and all sorts of scholarly ideas that have shaped the scholar I am.

I also thank my other friends who have supported me and believed in me all these years. To Susan Biles, my other best friend from childhood who has remained one of my closest confidants, thank you for always knowing I could do it and telling me so when I began to falter. To Marisa Castaneda, Carla Beasley and Spring Robbins, who came to visit while I was in Scotland, cheered me on, and provided a much needed reprieve from the archives. And to Ann Collinge, who provided a warm and welcoming environment for my lengthy stays in Edinburgh.

My thanks to the University of New Mexico’s Center for Regional Studies for the very generous graduate fellowship (2008-2009) that helped fund my six months of research in Edinburgh, Scotland. I could not have managed to stay as long without the good fortune of this fellowship. I also need to thank the History Graduate Students’ Association and the Graduate Professional Students Association for the grants that helped fund preliminary trips to Oklahoma and Georgia to scout the archives before my move east.

After two years of research in the U.S. and abroad, I need to thank the archivists and staff at the University of Oklahoma’s Western History Collection, Oklahoma Historical Society, Cherokee Heritage Museum archives, and a special thanks to April Miller of Tulsa’s Gilcrease Museum Archives for the many private appointments with which she accommodated me. My thanks to the unnamed person or persons who painstakingly transcribed the thousands of documents found in *Cherokee Letters, Talks and Treaties*, and the staff who assisted me in finding dozens of microfilm documents at the Georgia Department of Archives and History in Atlanta. To the friendly and helpful staff at the National Archives and Records Administration, Southeast Region, I also owe great thanks. My appreciation also goes to the amazing staff at Scotland’s National Archives, the Highland Council Archives, and most especially the staff at the National Library of Scotland, who brought out hundreds and hundreds of boxes from the Sutherland Estate Papers for me to peruse on a daily basis for six months; and my thanks to the reproduction staff who, as I ran out of time in Edinburgh, patiently read my numerous and detailed requests for expedited copies of documents I had not yet managed to read.

To Dr. Julia Coates, Cherokee Council representative at large and professor of Native American Studies at University of California, Davis, I owe special thank you. I appreciate you taking the time to meet with me, offering incredible insight and helping to guide my research, educating me on current Cherokee Nation affairs, and especially for inviting me to attend the Cherokee Nation History course you offered in Dallas in 2007.

My thanks are also extended to the Newberry Library's Native American and Indigenous Studies summer internship (2010). The program itself, as well as the scholars I met, interacted with, and befriended, remain one of my most cherished academic experiences. This prestigious award afforded access to the John Howard Payne papers and exposure to fellow students of Native American history, incomparably enriching my experience as a scholar as well as broadening the parameters of my dissertation.

Finally, my thanks to Yolanda Martinez, the History Department administrator. For all your help over these many years, for being the voice of reason when I was ready to break down in tears (and often did), and for making what seemed the impossible quite simple with the wave of your magic wand, I thank you! I'd also like to thank the departmental secretaries, Dana Ellison, Helen Ferguson and Barbara Wafer, for the many ready smiles, hugs and words of encouragement every time I walked in the door. My hat is off to you four amazing ladies, I can't imagine all the work that goes on "behind the scenes," but I know the department and myself are grateful that all of you make it appear so seamless!

This has been a long journey, and those who helped along the way are numerous and varied, so if I have forgotten to specifically mention anyone, I apologize and please know that you are appreciated.

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ABSTRACT

In my work I offer a comparative study of the removal experiences of the Cherokees of Georgia and the Sutherland Gaels in the Highlands of Scotland. Examining the effects of colonialism and cultural imperialism on indigenous populations, the following examines the ways in these peoples mediated their colonial experiences through their own cultural mores, how the removals were carried out, and the resultant impact on these indigenes. The following focuses largely on the role of acculturation, or assimilation, of the elite into the colonizing society's values and life ways, and how this led to a growing distance between the chiefs and commoners of Gaelic and Cherokee societies. In turn, this increasing distance and loss of traditional obligation between chief and clan informed and influenced the role that these indigenous elite played in the ultimate dislocation of their people.

In the case of the Cherokee Removal, many monographs provide a dichotomized examination of the events leading up to and surpassing removal from the Southeast; many authors favor either the pro removal or anti removal parties and consequently demonize the opposing party. This work attempts to provide a more balanced representation, offering insight into the reasoning behind each party's stance. Additionally, in regard to the Highland Clearances, the events have been represented as the inevitable result of industrialization and modernization or the cultural genocide of the Highland Gaels. Focusing largely on the Sutherland region, this work offers an examination of the Gaelic elites' reasoning behind the massive removals of Gaels from the inland regions of Sutherland, and the reaction of the average Highlander to this loss of protection and parental interest from their chiefs.

This work adds to the growing body of literature in the ethnohistorical examination of Celts and Native Americans and in this way shows the universality of colonialism and its effects on indigenous populations, which is vital to the understanding of history and equally as relevant in today's modern world.

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Chapter One

Introduction

Driving through Tennessee and Georgia in July of 2009, I found myself on an interstate dotted with towns, rest stops and the occasional historical marker to Civil War battles and various other historical events, and a few to the one time original inhabitants of America's southeast region. First passing through Tennessee, the winding and mountainous path along the highway afforded some of the most beautiful scenery I had ever encountered. A "hidden gem" in America, I determined as I eased up on the gas pedal, savoring the majestic views the route afforded. Once home to the Overhill Cherokees, I could understand the opinion of James Adair, an early trader among the southeastern tribes, that "the Alps of Italy are much inferior to several of the Cherakee [sic] mountains."¹ Traveling further south into Georgia, the landscape leveled out significantly, and as I drove I noticed a small brown sign along Interstate 75 that read: "Exit #317 to New Echota." As I observed the bustling modernity of twenty first century Georgia and the hundreds of cars that travelled alongside me on the interstate, I could not help but reflect upon the descriptions from passers by in the eighteenth and nineteenth centuries, of the uncorrupted natural beauty of the original Cherokee lands. There remained some of the "oaks of several sorts, birch, ash, pines, and a number of other trees..." Lieutenant Henry Timberlake described in the 1760s, lining the highway. Bridges spanned some of the abundant "fine rivers...well stored with fish, otters and

¹ James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 239.

beavers.” There may well still be fish in these rivers, but the otter and beaver, valued and traded for their pelts, had largely been trapped out of existence long ago.²

As a student of Cherokee history, the name “New Echota,” elicits competing feelings of betrayal, sympathy and understanding in my heart and mind. However, I wondered how many of the passing cars even knew what New Echota was; what it had once represented to the Cherokee people, or that it was the birthplace of the false treaty negotiated between the U.S. government and a small, unauthorized group of Cherokees, resulting in the final dispossession of these ancient people’s homelands. As they zoom down the highway, an ultimate destination in mind, how many stop to explore this small reminder of America’s betrayal of the first inhabitants of this continent? How many even notice the tiny sign along the side of the road? How many, be they passing through or residents of Georgia, experience the “bitter reflection ...that the country they will be so proud of and blest in, was torn from the Aborigines in this wrongful manner?” that British geographer George Featherstonhaugh predicted?³

In contrast to the busy highway running through the ancestral lands of the Cherokee nation, across the Atlantic in Sutherland, Scotland, stands a stark reminder of the dislocation of thousands of Highland Gaels. The rail system that runs throughout Great Britain can carry tourists to almost any location they desire. Running north/south, one Scot Rail line runs from Inverness up to Wick, the furthestmost tip of Caithness in the

² Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 69.

³ George William Featherstonhaugh, *A Canoe Voyage up the Minnay Sotor; with an Account of the Lead and Copper Deposits in Wisconsin; of the Gold Region in the Cherokee Country; and Sketches of Popular Manners* (Minnesota Historical Society, 1970), 233-234.

northernmost region of Scotland. Once in Sutherland, scheduled station stops include Golspie, the home of Dunrobin Castle and the seat of the earldom of Sutherland; Brora and Helmsdale, two of the nineteenth century coastal fishing villages where countless Gaels found themselves relocated; and for the more adventurous, you can specially request a stop at Kildonan, but good luck getting back on a train unless you find your way to Helmsdale. [figures 1-2] Kildonan, a beautiful and fairly fertile area of Sutherland once inhabited by over eight thousand Sutherland Gaels, was depopulated in the second decade of the nineteenth century as a result of the Highland Clearances. A traveler noted in 1825:

“All was silence and desolation. Blackened and roofless huts, still enveloped in smoke; articles of furniture cast away as of no value to the homeless; and a few domestic fowls scraping for food among the hills of ashes: [these] were the only object that told us of man. A few days had sufficed to change a countryside teeming with the cheeriest sounds of rural life, into a desert.”

It was perhaps an exaggeration to say that it had taken just a few days, but the series of evictions that occurred over a decade resulted in what can still be found there now—a quiet sanctuary with beautiful views of hills and valleys, but bereft of almost any human population. Only one of countless areas cleared throughout Sutherland for the sake of more profitable sheep farms, historian James Hunter points out, “Much of Sutherland is a desert still.”⁴

Unwilling to brave the excitement of driving on the left side of the road, in April of 2009, I booked a room at a lovely Bed and Breakfast in Helmsdale, where the train *does* make scheduled stops. After a long explanation as to why I wanted to visit “the

⁴ Quoted in James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 259.

middle of nowhere,” my gracious hosts offered to drive me the 10-15 miles inland to Kildonan. Anxious to connect with the area I had spent so many years studying, I thanked them for the ride down the single-track road and determined that I would simply walk back to Helmsdale. I have never spent a more enjoyable day. On a rare sunny and warm spring day in the Highlands, I wandered over bridges, crawled over stone fences to explore the long abandoned Kildonan church and graveyard, and generally just tried to soak up the history of the region. [figures 3-4] A vastly different experience than the one I would have just a few short months later, traveling through what had originally constituted parts of “Cherokee country,” the only living creatures I encountered on my walk were sheep and a few Highland black cattle. [figure 5-6] The scenery was breathtaking; brooks flowed into the River Helmsdale and in the distant hills, I could almost see the small huts that would have dotted the eighteenth and early nineteenth century landscape. As relatively fertile as this particular region of Sutherland is, one cannot help but notice the rock outcrops that pervade the area. From larger boulders to thousands of smaller rocks exposed by time and erosion, only the occasional field remains free of the rocky intrusions and, most likely, only became so after great labor and pain to clear the areas. [figures 7-9]

Both of the areas just described were changed irrevocably after colonizing powers forced the removal of the indigenous populations. Both landscapes have their own story to tell, both house the unspoken secrets of the relationship between a people and their ancestral homelands, and both stories will be related here, drawing out the similarities to be found across oceans and between two indigenous peoples whose histories intertwined again and again over centuries. Two very different outcomes of removal: one giving way

to towns, cities, interstate highways and a dense population, the other boasting a single-track road where the only traffic consists of sheep wandering into the road. [figure 10] But both harbor the untold heartache and betrayal of an indigenous population overawed by powers beyond them.

Comparative indigenous studies is a growing field in ethnohistory. The particular examination of the experiences of Scottish Highlanders and Native Americans is relatively unexplored, excepting two recent works by established scholars, Margaret Connell-Szasz and Colin G. Calloway. However, the many connections between Scots and Native Americans began with the earliest European colonists in America. While most certainly not all Highlanders, the Scots who came to America as tradesmen, soldiers and immigrants interacted with Native Americans in significant and lasting ways. Several authors have examined the links between Scotland and North America in general and also its native inhabitants. James Hunter examined the intertwined history of the Angus McDonald family and their Nez Perce descendants in *Glencoe and the Indians*, and the earliest publication I found on the impact of Scotsmen in North America was a 1921 work entitled *Scotland's Mark on America* by George Fraser Black. A number of other works, including Ian C. Graham's *Colonists from Scotland: Emigration to North America, 1707-1783*, and much more recently, Ferenc M. Szasz's *Scots in the North American West*, examine the early arrival and impact of both Highland and Lowland Scots in America. Additionally, R. Celeste Ray has published several works on Scottish emigrants and the surviving cultural connections between America and Scotland.⁵

⁵ See R. Celeste Ray, *Highland Heritage: Scottish Americans in the American South* (Chapel Hill: University of North Carolina Press, 2001) and *Transatlantic Scots* (Tuscaloosa: University of Alabama Press, 2005).

The following work examines the colonial experiences of the Highland Gaels of Scotland, particularly in the Sutherland region, and the Cherokee Indians of North America. Analyzing the influence of outsiders on these distinct cultures, I explore the acculturation of indigenous elite to the dominant culture and its role in the final removal of these indigenes from their ancestral lands. The dislocation of the Cherokee people from their homelands, commonly known as the Trail of Tears, is perhaps one of the most recognized episodes in Native American history. The Cherokee tribe itself is one of the largest native tribes still in existence in North America, and even if only superficially, most people are aware of their existence and the tragedy of their removal. The Cherokee tribe and their experience on the Trail of Tears has been examined and discussed by numerous authors for almost two centuries, since the Cherokees' dispossession and relocation in 1838. Hundreds, perhaps thousands of works relate the story through children's books, documentaries, articles, museum exhibits and countless scholarly works. Some of the better-known academic authorities on the Cherokees include James Mooney, Theda Perdue, Gary Moulton, Robert Conley, William Anderson and William G. McLoughlin. However, hundreds of others have published studies of the Cherokees, their culture and their encounters with Europeans.

Similarly, the Highland Gaels of Scotland and the series of events in Scottish history known as the Highland Clearances, has garnered immense attention, both popularly and academically. Alexander Mackenzie published the first known monograph on the Clearances, *History of the Highland Clearances*, in 1883, but this work consisted more of a compilation of sources, including newspaper articles, letters and pamphlets on

the evictions, than a scholarly examination. However, it is an invaluable resource and reflected the first attempt to meet the public's desire to know more about this particular episode in Scottish history. Since Mackenzie, hundreds of works have been published regarding the Highland Clearances. While hindered by romanticism and nostalgia, John Prebble emerged as one of the first authors to address the lingering sense of betrayal in relation to the Clearances in his work *The Highland Clearances*, published in 1969. Several prominent historians have followed and furthered the scholarly exploration of the Clearances. Perhaps the most prolific writer on the Clearances is Eric Richards, but other outstanding scholars have contributed a great deal to the study of these events and the changes in Gaelic culture brought about through contact with outsiders in the broader examination of Scottish history. These include Allan Macinnes, James Hunter, Michael Coleman, T.M. Devine, Colin Calloway, Margaret Connell-Szasz and Robert Dodgshon, to name only a few.

However, what scholars have not tackled is a comparative study of the Cherokee removal experiences and those of another tribal peoples, the Gaels of Scotland. My work revises literature in the fields of post-colonial history, Native American history, and Scottish history by examining both the powers that forced indigenous relocation and the dislocated people themselves. Additionally, by examining the impact of local culture and customs in the mediation of the removal process, this project emphasizes an ethnohistorical dimension. Scholars have produced dichotomized narratives of the Trail of Tears and Highland Clearances, typically favoring one side over the other, and thereby offering a paradigm of either victimization or cultural genocide versus forward thinking individuals who embraced the 'inevitability' of 'civilization' and industrialization. My

comparative approach examines these two colonial experiences from a more neutral stance, exposing in a single work, the actions and self-justifications of historical participants on both sides of removal. This innovative dual approach and the trans-Atlantic comparison of Native Americans and global indigenous populations, is a new and burgeoning field. I am determined to strengthen and add to comparative indigenous history through this and future projects. Through a comparative analysis of aboriginal colonial experiences, my scholarship provides a fuller understanding of the interstices of these cross-cultural interactions and helps assign meaning to the complicated encounters between, and within, colonizer and colonized.

My approach to the crisis that the Cherokee nation faced in the years leading up to removal attempts to recognize and examine the logic of both the pro and anti treaty parties. At the time of the signing of the Treaty of New Echota, and for years afterward, the men who attached their signatures to the fraudulent treaty were considered traitors; several of them paid with their lives for the perceived betrayal. However, in retrospect and through a re-examination of the available sources, it becomes clear the Treaty Party, led by the Ridge-Watie faction in the Cherokee nation, reacted to U.S. and Georgian land aggression in the way they thought best. While numerous sources on the Cherokee removal villainize one side or the other, it is my contention that both Cherokee factions worked for the best interests of their nation and people. While I almost expected, even hoped for, a similar revelation when researching the Highland Clearances, I did not experience such a transformation in understanding regarding the removal of the Gaels.

As disparate as the Cherokees of Georgia and the Gaels of Sutherland, Scotland may appear, there are vast similarities, both in their cultures and societal structure and in

their experiences with colonizing powers. Both the Cherokees and Gaels were tribal societies with strong warrior traditions, both were clan based and both relied largely on oral means to perpetuate their histories among the people. The similarities of these indigenous populations are further underscored in the ways in which the dominant societies in the United States and in Scotland viewed these indigenes as “the other.” Contemporaries often compared the ‘savage’ state of Highlanders and Native Americans and colonizers often cloaked the attempted eradication of traditional life ways in a humanitarian guise, claiming they were bettering the lives of these unfortunate and ‘uncivilized’ people. Sharing an intense connection to the land of their forefathers, the Gaels and Cherokees also suffered removal from their ancient homelands. The following examines the experiences of Highland Gaels and Cherokees in an effort to reveal the universality of the colonial experiences of global indigenous populations and the resultant impact on their cultures and societies.

Chapter one looks at the relationship between the Cherokee people and their ancient homelands. It examines the origins of the Cherokee in the southeastern United States, identifies the close ties to the land that drove the tribe to fight against the final loss of the remnants of their once vast territory and examines the dozens of treaties by which the Cherokee were divested of their homelands. Spanning from the first land treaty negotiated with Britain’s colonial representatives in 1721, to the final treaty of New Echota in 1835, this chapter explores the continued land greed of Euro-Americans, the numerous false and broken promises made to the Cherokee people by the United States, and the tenacity of the Cherokee people as they fought against an unrelenting power.

Chapter two discusses the increasing contact between Europeans and Cherokees, tracing the process of acculturation to European and Euro-American values and mores within and among the Cherokee people. The process of assimilation lies at the heart of the tragedy of removal. Assured that a cultural transformation to better resemble and emulate Euro-Americans would provide for their security and independence, the Cherokees moved to adopt Euro-American life ways, values, language and religion. Rather than produce the equality promised, the acculturation of the Cherokees resulted in the partial loss of their ancient culture, and failed to prevent their final dispossession. However, the European styled education adopted by the Cherokee ruling classes, and the population's decision to invest power in these European educated Cherokees, did ensure that this nation would prove to be the most formidable Native opponents the United States and Georgia faced in the final years leading up to removal.

Chapter three examines the fracturing of the Cherokee nation during the 1830s, as the removal crisis intensified. Initially presenting a united front against white land aggression, and fighting against the federal and state governments on Euro-American legal grounds, there came a point in the early 1830s when some Cherokee leaders began to see the futility of resisting and began to campaign for tribal removal to the West. It was at this point that brother turned against brother, leading the Cherokee nation to confront its greatest crisis: the destruction of Cherokee unity and solidarity. The pro removal party, led by John Ridge, recognizing the immense powers the Cherokee were up against, became fearful of the tribe's complete annihilation, and worked with federal and state officials to effect a final removal. The anti treaty party, led by John Ross, adamantly resisted the government's continued pressure to forfeit the last remains of the

Cherokees' ancient homelands. With the exception of a few authors, such as historians William McLoughlin and Theda Perdue, most authors addressing Cherokee removal favor either the pro or anti treaty parties, demonizing the opponents of their chosen side. This chapter attempts to provide insight into the reasoning and logic, as well as the emotion that fueled each party's actions. It discusses the means by which the nation became divided, the inter-fighting between the parties and their followers and the final outcome of the removal crisis.

By signing the Treaty of New Echota, the Treaty Party sealed the fate of the Cherokees in the East. John Ross and his supporters tenaciously, but unsuccessfully, fought against the passing of the false treaty, and then lobbied the U.S. for a renegotiation of its terms with the authorized representatives of the Cherokee nation, again, unsuccessfully. Forced to finally admit defeat, Ross returned to the Cherokee nation and prepared his people for the long trek west. This was a difficult chapter to write: the blatant injustice meted out to the Cherokee people, the countless broken promises and the tangible heartbreak of Cherokees being forced from their homelands is difficult to relate. However, equally distressing are the feelings of those treaty party members who signed away the last of the Cherokees' birthright. The heart wrenching decision to culturally and, by the 1830s, legally, betray the Cherokee customs, law and people by forfeiting the lands of their forefathers must have haunted the members' every waking moment. However, the more likely alternative of the complete annihilation of the Cherokee people should they have remained, may have justified the perceived betrayal.

Chapter four turns to the Highlands of Scotland. After a brief synopsis of the early history of Scotland and the various influences that shaped the cultures and races of

that region, I examine the relationship between Highland chiefs, specifically the Sutherland chiefs, and the crown. The Western Isles and northern Highlands were nominally held by Norway for centuries, until Alexander II gained control of the areas through a peace treaty negotiated in 1266. However, as we see in this chapter, the geographical distance and the difficulty in reaching the Highlands and Islands during the medieval period allowed for the virtual autonomy of Highland chiefs. The growing perception of the Highlands as a homeland for a lesser and more barbaric race of people began to pervade Lowland Scotland by the fourteenth century, following the Lowland's increasing contact with the southern influence of England. As the kings of Scotland centralized their power, they worked to bring the far reaches of their kingdom under their control. The perceived need to 'civilize' the Gaels led James VI/I to force certain Highland chiefs to sign the Statutes of Iona in 1609. Herein lies the initial acculturation of Highland elite; the Statutes required the sons of lairds and leading members of the Highland gentry to be educated in the south, creating a cultural rift between the Gaelic elite and the average clansmen and women of the Highlands. Once acculturated to the lifestyles of Lowlanders, many chiefs began to accept the view held by the Lowlanders and English, who perceived most Highlanders as backward, culturally stunted and lazy. This chapter also discusses the genealogical history of the Sutherland chiefs and the role that the usurpation of the earldom in 1520, played in increasing the distance between Sutherland's chief and his people. The assimilation of these men and women into Lowland culture lies at the heart of the removals carried out in the nineteenth century.

The final chapter examines the series of removals in the Highlands, especially those that took place in the first two decades of the nineteenth century on the Sutherland

estate. Largely motivated by economic forces and demand for raw materials from outside the Highlands, landowners in the Highlands and Islands determined to make drastic changes on their estates. Clearing out inland Gaels from ancestral lands where their families had lived for centuries, Highland chiefs relocated a vast number of Gaels to the shorelines, where they labored in the harvesting of kelp and engaged in the fishing industry. On the hills where Gaels had once grazed their own cattle and sheep, reared their families and raised meager crops of barley, oats and rye, there now roamed thousands of sheep. Some of the Highlanders who had the financial means chose to emigrate to the Americas or Australia. Those who remained behind, either out of loyalty or an inability to pay for their passage on emigrant ships, faced unimagined hardship once they had been removed from their inland crofts to the inhospitable coasts. Highland chiefs and the estate factors claimed that the removal was in the interest of the people and the estate, but the Gaels, already inured to hardship on a fairly regular basis, faced starvation and deprivation on levels previously unimagined. The obvious impetus behind removals in the Highlands and Islands was economic profit, but improvers also claimed they were helping to lift the Gaels into 'civilized' society. Landowners and estate managers, intent on turning their "barbarous hordes" into contributing members of British society, bore the responsibility for intensive suffering, as Gaels met constant harassment through attacks on their culture, language and tradition, all in the name of progress. Once the kelp industry began to falter, and fishing seasons declined, many landlords encouraged the once rejected idea of emigration. By the 1840s, when the Highland Famine struck, some landlords were physically forcing their people to board the emigrant ships bound for distant shores.

This work offers an examination of two indigenous populations, an ocean apart, who were forced by colonizing powers to abandon their ancient homelands. While there were obvious differences between the Cherokees and the Gaels, the similarities in their cultures, their connection to the land, and their forced relocation by outside forces and influences, are fascinating, striking and worthy of exploration. The impact of the acculturated indigenous elite in these removals remains important; the resilience of these two populations in the face of such discrimination and attempted cultural assassination retains equal significance.



Fig. 1 – ScotRail stop at Helmsdale



Fig. 2 – View of Helmsdale



Fig. 3 – View of abandoned Kildonan Kirk (church) and graveyard



Fig. 4 –Kildonan Kirk (church) and graveyard



Fig. 5 – Kildonan ‘locals’ – Cheviot sheep



Fig. 6 – Highland Black Cattle



Fig. 7 – Large rock outcrops in Kildonan



Fig. 8 – Kildonan



Fig. 9 -- Example of rocky soil exposed by erosion



Fig. 10 – 5 o'clock traffic in Kildonan

Chapter Two

“We solemnly guarantee all lands not hereby ceded”

Shortly after first contact with Europeans, Native societies began to surrender land to the new arrivals. Unfamiliar with the Europeans’ foreign concept of land “ownership,” Natives provided land to them with the understanding it was just intended for the white man’s “use”; relinquishing land did not imply its permanent loss. However, Europeans continued to arrive and they demanded more land from their indigenous neighbors. Foreign powers occasionally acknowledged Native rights to land but these rights did not extend beyond the right of occupancy. Basing their claims to the Americas on the contemporary theory of ‘discovery,’ colonial powers nevertheless entered into treaty negotiations to purchase lands for their restless colonists.⁶ Once the United States was created, the federal government continued to negotiate the further cession of Indian lands through official treaties. The second article of the United States Constitution awarded to the President the power to make treaties “by and with the advice of the Senate...provided two thirds of the Senators present concur.” The sixth article of the Constitution then established treaties made with foreign nations as “the Supreme Law of the Land.”⁷ Therefore, by employing the use of treaties to negotiate with Indian tribes, the U.S. acknowledged an inherent Native ‘ownership’ of land, the existence of Native rights to their own territories and, in essence, classified Native societies as independent

⁶ For an excellent rebuttal to the theory of discovery, and conquest as justification for taking Cherokee lands, see John Ross’s Annual Message, 1828 in Gary E., ed. Moulton, *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 142-144.

⁷ Copy of constitution found at http://www.archives.gov/exhibits/charters/constitution_transcript.html. Accessed 09/24/11

‘foreign’ powers. The following chapter will explore the Cherokees’ relationship with their land and the series of treaties by which they were slowly, and completely, divested of their ancient homelands.

At the time of first contact and for several centuries after, the Cherokees lived in autonomous villages scattered along the Appalachian mountains; they identified with clan affiliations, as opposed to an overarching tribal mentality; and they governed themselves through a long-standing, unwritten code of ethics and laws.⁸ The decentralized power of the Cherokees proved difficult for colonists to grasp or work with and, as a consequence, colonial officials arbitrarily appointed or elevated certain individuals to the position of ‘chief’ to negotiate for the “tribe.” Unfortunately, the colonists too often resorted to treacherous methods, such as threats, violence or bribery, to attain their goals.⁹ In just over a century, from the first treaty with British colonial representatives in 1721, to the final treaty with the U.S., the Treaty of New Echota in 1835, the Cherokee Nation ceded over one hundred thousand square miles of territory through just twenty-three treaties.

Though Rudyard Kipling published his poem, “The White Man’s Burden,” in 1899, more than four centuries after Europeans’ first contact with the indigenous populations of the Americas, it nevertheless aptly described the attitude of the earliest

⁸ For more on the original composition of Cherokee towns/society see Thomas Lee Ballenger, *The Development of Law and Legal Institutions Among the Cherokees* (Tahlequah, Okla: Cherokee National Press, 2010), 1-5. See also William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 56-57; Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 25-32; John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 1-31.

⁹ For more on the appointment of Cherokees as ‘chiefs’ or ‘kings’ in order to negotiate, see John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 1-12; Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 10-12.

colonizers.¹⁰ Whether they based this conviction on their own tenets of ‘civilization,’ stemming from religious or societal structure, many Europeans felt a sense of innate superiority over the ‘savage,’ despite the initial reliance of colonials on Natives for their very survival. The more ‘advanced’ society accepted its ‘obligation’ to aid those who lingered in the ‘barbaric’ past. This concept underscored many, if not all, of the dealings between the two groups, most especially after the American Revolution.

As will be discussed in the following chapter, some Cherokee traditionalists balked at the adoption of white ways, while others moved forward, armed with the promise that adopting the white man’s idea of ‘civilization,’ would lead to equality with their ever encroaching white neighbors. The success of this ‘civilized’ tribe did not prevent the continued seizure of land and rights by surrounding whites. It can be surmised that the colonials’, and later the U.S.’s, continued discrimination against, and the perpetual pressure to remove, Native American populations was a preconceived notion. Too often, Americans made false promises—with each land cession they assured the Cherokee they would not disturb their remaining land holdings.

The relationship between the Cherokees and their land is long and varied. It remains unclear how the Cherokees came to occupy their southeastern homelands, but one tradition holds they had always resided in what is now the southeastern United

¹⁰ For the full text of this poem, see Rudyard Kipling, *Kipling, a Selection of His Stories and Poems* (Garden City, N.Y: Doubleday, 1956).

States.¹¹ Other theories, based on various Cherokee legends and oral histories, and supported by their Iroquoian based language, claim they migrated southward from today's northeastern United States.¹² Whether they migrated to the region or had inhabited the area from "time immemorial" as John Ross explained, the fact remained that the Cherokee people felt a strong and unbreakable bond to their homelands. In the early nineteenth century, Cherokee agent Return J. Meigs urged the Cherokees to remove west, where they would be "freed from the restraints of the white customs, and might pursue the game unmolested & perpetuate the race of Indians." Chief Bloody Fellow related his peoples' attachment to their lands when he responded, he had "no inclination to leave the country of his birth...and even should the habits and customs of the Cherokees give place to the habits and customs of the whites, or even if they themselves should become white by intermarriage, not a drop of Indian blood would be lost; it would be spread more widely, but not lost." He was adamant about preserving them together as a people, regardless of complexion.¹³

Europeans' and Euro-Americans' interpretation of land differed significantly from the relationship Native American societies shared with the land.¹⁴ Traditional native

¹¹ Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 1. See also Gary C Goodwin, *Cherokees in Transition: A Study of Changing Culture And environment Prior to 1775* (Chicago: University of Chicago, Dept. of Geography, 1977); Thomas Lee Ballenger, *The Development of Law and Legal Institutions Among the Cherokees* (Tahlequah, Okla: Cherokee National Press, 2010), 1-2.

¹² Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 5-6. For a fuller discussion of Cherokee origins, refer to the above monograph, or James Mooney's *Myths of the Cherokee*, pp. 15-23, and Grace Steele Woodward's *The Cherokees*, pp. 17-26.

¹³ John Howard Payne papers. Newberry Library, Chicago. Vol. 1, 134.

¹⁴ For an alternate view on the similar ways in which Natives and Europeans viewed land, see Shoemaker, Nancy. *A Strange Likeness: Becoming Red and White in Eighteenth-Century North America*. New York: Oxford University Press, 2004, 13-34.

societies were based in a symbiotic relationship with their surroundings. “The spiritual aspect of knowledge about the world taught the people that relationships must not be left incomplete. The Indian people were concerned about the results of what they did in their environments, and they sought to anticipate and consider all possible effects of their actions.”¹⁵ It was through this worldview that Natives formed the habit of paying respect to animals killed and plants harvested; this approach was based on “recognition that the universe was built upon constructive and cooperative relationships that had to be maintained.”¹⁶

The European attitude toward land has largely centered on exploitation of land and resources for profit, and a uniquely European idea of land ‘ownership’ equated with individuality and success. Conversely, though there are some exceptions, most Native tribes universally held land in common. Among the Cherokees, each member of the tribe was allowed as much land as required as long as he did not infringe on his neighbors’ needs.¹⁷ With such differing ideas regarding land and its use, it is little wonder that these cultural norms clashed violently when Europeans first landed on the shores of the Americas. Viewing the New World as ‘virgin’ territory, various European nations and their representatives scrambled to lay claim to the vast and ‘uninhabited’ lands. Citing

¹⁵ Vine Deloria, *Power and Place: Indian Education in America* (Golden, Colo: Fulcrum Pub, 2001), 23.

¹⁶ Ibid., 24.

¹⁷ For more information on the customary communal use of land among the Cherokees, see Thomas Lee Ballenger, *The Development of Law and Legal Institutions Among the Cherokees* (Tahlequah, Okla: Cherokee National Press, 2010), 3; Ronald N. Satz, “The Cherokee Trail of Tears: A Sesquicentennial Perspective,” *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 431-466; William Anderson, ed. *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 1-28.

Natives' 'savage' state of existence and lack of 'civilization,' European immigrants deemed Native occupants incapable of proper land use and proceeded to take whatever lands they desired. However, some nations, such as Great Britain, France and later the United States, grudgingly acknowledged a right of occupancy and negotiated treaties with tribes for the purchase or exchange of land.

Due to the Cherokees' rather remote location and distance from the earliest colonial settlements along the southeastern coastline of North America, initially they did not interact often with the invaders. However, they still benefited early on from inter-tribal trade and exchange of European goods with neighboring indigenous peoples, who dealt more with early Spanish explorers. The Cherokees' first contact with Europeans may have been as early as Hernando de Soto's Spanish expedition in the mid sixteenth century. At this first encounter, the Cherokees claimed lands spanning over one hundred thousand square miles and encompassing all or parts of what are now the southern states of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama and Kentucky.¹⁸ To be certain, the tribe did not occupy all of this vast expanse of land, which included 'claimed' lands and hunting territories often shared with, or claimed by, other indigenous tribes, but the Cherokees had 'settled' around forty thousand square miles.¹⁹

The hunting lands were often the first to be ceded away, and the Cherokees

¹⁸ Conley, Robert J. *The Cherokee Nation: A History*. (Albuquerque: University of New Mexico Press, 2007), 25. For more on possible Cherokee contact with the Spanish, see Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 7-8.

¹⁹ Russell Thornton. *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 10-11. For more on Cherokee settlement patterns see John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 13-22.

negotiated the first transfer of territory with the British colony of South Carolina in 1721.²⁰ As colonists ventured farther inland and invaded Indian lands, the Cherokees negotiated additional treaties with the crown's representatives, establishing and re-establishing boundaries between themselves and whites. This particular method of whites squatting upon, and subsequently purchasing, the lands they illegally occupied became a favored way to wrestle lands away from Native occupants, and continued well after the American Revolution and the founding of the United States. In fact, the issue of white intrusions on Cherokee lands led to the tribe's involvement in the colonial rebellion.

The role of the Cherokees in the American Revolution is a fascinating study, one that has been more fully addressed in James H. O'Donnell's, *Southern Indians in the American Revolution*. The Cherokees first became involved in the accelerating conflicts between the authorities of Britain and the colonials in the spring of 1776, even though the British had officially 'advised' them to remain neutral. "No longer would the Cherokees tolerate the daily loss of their territory or the duplicity of the frontier leaders who professed friendship for the tribe and then cheated it at every opportunity."²¹ The isolated actions of a handful of Cherokee war leaders (including Dragging Canoe and the Great Warrior) could not be considered overwhelming successes due to news of their plans reaching the settlements. However, Cherokee attacks in South Carolina and North

²⁰ For an examination of the Cherokee/British relations and treaty making, see Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 17-54; David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 20-27.

²¹ James H O'Donnell, *Southern Indians in the American Revolution*, 1st ed. (Knoxville: University of Tennessee Press, 1973), viii. For more information on the Cherokees in the Revolutionary War, see also David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 46-51.

Carolina resulted in the destruction of property, the taking of prisoners and the deaths of around forty settlers.²² Retaliatory attacks from colonials ended with the whole sale burning of Cherokee towns, crops and provisions. The American patriots intended to discourage any further attacks and to convince nearby tribes, such as the Creek, to refrain from involvement. Cherokee attacks on the colonial frontier officially meant they ‘aided’ the British, but they were largely concerned about their own difficulties with white intruders on Cherokee territory, and their raids intended to counter “the insatiable appetite for land which drove the colonials.”²³ With the Proclamation of 1763, the crown had forbidden the settlement of lands west of the Appalachians. Frontiersmen had largely ignored this decree from across the ocean, but the Proclamation convinced Native peoples that the British were the lesser of the two evils and most tribes backed the British forces during the Revolution.²⁴

By the fall of 1776, certain leaders of the Cherokees sought out peace with the American rebels and attempted to reestablish themselves in their war torn lands. While several Cherokee leaders sued for peace and refrained from further involvement in this white man’s war, Dragging Canoe and his followers “remained intransigent,” moved farther south to rebuild new towns, and served as a thorn in the side of the Americans for

²² James H O’Donnell, *Southern Indians in the American Revolution*, 1st ed. (Knoxville: University of Tennessee Press, 1973),42-43.

²³ *Ibid.*, 13.

²⁴ David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 27-34. For information on the British policy toward Native Americans after the French/Indian War see Clarence E. Carter, “British Policy towards the American Indians in the South, 1763-8,” *The English Historical Review* 33, no. 129 (January 1, 1918): 37-56.

years to come.²⁵ Peace negotiations conducted by some Cherokees ultimately divested the tribe of lands in South Carolina, Tennessee and North Carolina, totaling nearly 11,000 square miles.²⁶ Hundreds of British loyalists, resident whites living among the Cherokees and Cherokee citizens who suffered displacement from subsequent peace treaties and land cessions, followed this leader to settle along the Tennessee border. Dragging Canoe, who now led what Americans considered the aggressive branch of the Cherokee tribe, known as the Chickamauga, took no part in peace treaties negotiated between the Cherokees and the American patriots. Rather, he continued his fight against white land aggression and remained a loyal ally of the British forces for the duration of the American Revolution.

Many historians villainize Dragging Canoe, but Cherokee author, Robert Conley argues he was not the “bloodthirsty leader of a band of outlaw Cherokees who simply hated white people.” Dragging Canoe was primarily a patriot to the Cherokee cause, defending Cherokee lands, life ways and sovereignty.²⁷ Unfortunately natives chose the

²⁵ James H O'Donnell. *Southern Indians in the American Revolution*, 1st ed. (Knoxville: University of Tennessee Press, 1973), 48. For more on the role of Dragging Canoe's role in the Revolution, see Brent Alan Cox, *Heart of the Eagle Dragging Canoe and the Emergence of the Chickamauga Confederacy* (Milan, Tenn: Chenanee Publishers, 1999), 79-115.

²⁶ Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 62-63 and Chadwick "Corn tassell" Smith, "Cherokee Nation History Course" (Cherokee Nation, 2000), 1-1.

²⁷ Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 68-70. For more on Dragging Canoe and the Chickamauga see Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 58-65; David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 44-45, 47-49, 78-79; David Knapp Jr., "The Chickamaugas," *The Georgia Historical Quarterly* 51, no. 2 (June 1, 1967): 194-196; M. Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1993), 222-226; Brent Alan Cox, *Heart of the Eagle Dragging Canoe and the Emergence of the Chickamauga Confederacy* (Milan, Tenn: Chenanee Publishers, 1999).

losing side when they supported the British, and at the peace negotiations between the victorious colonials and the British at Paris in 1783, all of the tribes involved in the war were completely disregarded. These allies of the British were simply considered a conquered enemy and therefore subject to land confiscation under the premise ‘to the victor go the spoils.’²⁸

In 1785, representatives of the Cherokees and the newly created United States signed the Treaty of Hopewell, the first treaty negotiated between these two nations.²⁹ This treaty placed the Cherokee people under the protection of the United States and established the boundaries of Cherokee territory with the proviso that if anyone “not being an Indian” attempted to settle on Indian lands and refused to remove within six months, he would “forfeit the protection of the United States, and the Indians may punish him or not as they please.” The Articles of Confederation Congress designed the Treaty of Hopewell, which cost the Cherokees over 2,000 square miles, to foster a friendly and reciprocal relationship between the U.S. and the Cherokees. It stated “the hatchet shall be forever buried” and both sides “shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.”³⁰ Only six short years later, the Treaty of Holston reiterated the claims of peace and friendship between the two entities and

²⁸ Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly*, 1st ed. (Berkeley: University of California Press, 1997), 41.

²⁹ For more information on treaties between the U.S. and Natives after the Revolution, see Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly*, 1st ed. (Berkeley: University of California Press, 1997), 41-66; David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 73-88.

³⁰ “Treaty of Hopewell,” in Chadwick "Cornstassel" Smith, “Cherokee Nation History Course” (Cherokee Nation, 2000), 1-15, 1-16.

further stated that the Cherokees would not treat with anyone but the representatives of the federal government, precluding negotiations with individual states or any resident of a state. The Cherokees ceded an additional 4,500 square miles in the Treaty of Holston and agreed to the promise that the U.S. would make in every subsequent treaty: “The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.”³¹

However, the boundaries set by this treaty proved as unenforceable as all previous and subsequent treaties. While representatives of the Cherokee tribe were in Washington negotiating this particular treaty and complaining of continued intrusions in Cherokee territory, small Cherokee war parties raided the border settlements on the fringes their lands. On the advice of President George Washington the U.S. Senate increased the annuity to the Cherokee people from \$1000 to \$1500 for the inconvenience of further intrusions, but North Carolinians and other white settlers who would not remove from within Cherokee boundaries, as dictated by the treaty, remained subject to occasional incursions by smaller war parties between 1791 and 1795.³²

In 1794, another treaty provided for the demarcation of the boundary lines established in the Treaty of Holston, a raise in the annuities to \$5000, and a stipulation that \$50 would be deducted from the annuity for every horse stolen by a Cherokee and not returned within three months.³³ This is one of only two treaties signed between the

³¹ “Treaty of Holston,” in *Ibid.*, 1-18.

³² Charles C Royce, *The Cherokee Nation of Indians* (Chicago: Aldine, 1975), 41-43. See also David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 72-79; M. Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1993), 216-228.

³³ Chadwick "Cornstassel" Smith, “Cherokee Nation History Course” (Cherokee Nation, 2000), 1-3.

United States and the Cherokees that did not result in significant land loss for the Cherokee people. In fact, a treaty concluded only four years later, called for the cession of lands that whites had defiantly encroached upon. Early Cherokee historian Charles C. Royce noted, "Owing to misunderstandings and consequent delay in running the boundary line prescribed by the treaties of 1791 and 1794, and the ignorant encroachment of settlers on the Indian lands within the limits of such boundaries before their survey, it became desirable that the Indians should cede more land." This treaty provided that the United States guarantee the Cherokees "the remainder of their country forever."³⁴ An empty and worthless promise that, as mentioned, found its way into every single treaty concluded with the Cherokees and was 'honored' only until further white intrusions into Cherokee territory necessitated additional cessions on the part of the tribe.

In April of 1802, the United States concluded an agreement with the State of Georgia for the cession of the western portion of that state, which became the present-day states of Alabama and Mississippi. In return Georgia received \$1,250,000 and the promise of the federal government to, at their own expense, "extinguish for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to all the other lands within the State of Georgia."³⁵ It appeared the United States anticipated their continued ability to purchase native title to lands, and in fact, they did manage to acquire an additional 18,000 square miles of Cherokee lands before John Ross,

³⁴ Charles C Royce, *The Cherokee Nation of Indians* (Chicago: Aldine, 1975), 46, 47.

³⁵ William Penn, "Cherokee Phoenix," January 20, 1830. For more on the Georgia Compact see David A. Nichols, "Land, Republicanism, and Indians: Power and Policy in Early National Georgia, 1780-1825," *The Georgia Historical Quarterly* 85, no. 2 (July 1, 2001): 199-226; William G. McLoughlin, "Georgia's Role in Instigating Compulsory Indian Removal," *The Georgia Historical Quarterly* 70, no. 4 (December 1, 1986): 605-632; Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 83, 131.

then president of the Cherokee National Committee, and future principal chief of the Cherokee Nation, wrote in a letter dated October 24, 1822, to Secretary of War John C. Calhoun (1817-1825), “we now declare to you in words with an unchangeable heart that we will never cede away any more lands.”³⁶

Following the Georgia Compact of 1802, the year 1804 brought the next of the treaties that continued to chip away at the remaining lands of the Cherokees. Resulting in the loss of 135 square miles, the following year brought yet another treaty by which the Cherokees forfeited another 1,087 square miles. Yet again, in 1806, through ‘negotiations,’ the Cherokees lost over 5,260 square miles.³⁷ The underhanded negotiations of Cherokee chieftain Doublehead in the treaty of 1806, ultimately resulted in his assassination by Major Ridge, James Vann and other prominent Cherokees in 1807. Doublehead had negotiated the private award of certain tracts of land for his own use (which he leased out to a white man) and in return, he relinquished some of the Cherokees’ best hunting lands without authorization from the tribe. Appointed Speaker of the Nation in 1796, he had continually benefitted from his dealings with the U.S. government. In the treaty of 1798, Doublehead had received a stable of blooded horses and a few dozen slaves to work his lands, and again in 1804, he had most likely taken bribes from federal representatives. Historian Thurman Wilkins explains that it was common knowledge that Doublehead had prospered from his favorable approach to treaties with the U.S., and his public image was not the best among his people. “It would

³⁶ Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 44.

³⁷ Chadwick "Cornassel" Smith, “Cherokee Nation History Course” (Cherokee Nation, 2000).

have been even lower had the Cherokees known that the secretary of war had instructed his agents to deal specifically with Doublehead, on the assumption he could always be bought.”³⁸ Up to this point, the Cherokees had not yet codified their ancient laws, but tribal members knew that the unauthorized selling of territory was considered treason and punishable by death.

The same year of Doublehead’s assassination about one thousand Cherokees made it known to the federal government they wished to move west. A few years would pass before Tahlonteskee actually led these Cherokees west, but some historians speculate that his desire to leave Cherokee country at this time stemmed from the fact that he had signed the same treaty as Doublehead, and feared for his life. However, considering James Vann had also signed the same treaty and had been an original member of the assassination party sent after Doublehead, it should not be assumed that Tahlonteskee chose to move west out of fear for having signed the 1806 treaty.³⁹

With rising tensions between Britain and the U.S., the federal government did not enter into any further treaty negotiations with the Cherokees for a decade. In fact, since the British remained in Canada, smarting from their loss to the “colonials,” the U.S. government worked to secure the support of Native Americans. In defiance to the

³⁸ Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 38. For more on Doublehead see Robert Conley, *A Cherokee Encyclopedia* (Albuquerque: University of New Mexico Press, 2007), 84; Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 76-78, 83-85; William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 67-71, 120-121

³⁹ Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 84-85. For more on early Cherokee settlement in the west, see Robert A. Myers, “Cherokee Pioneers in Arkansas: The St. Francis Years, 1785-1813,” *The Arkansas Historical Quarterly* 56, no. 2 (July 1, 1997): 127-157; Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 129-131.

continued and growing avarice of whites, in 1811, the Shawnee/Creek leader, Tecumseh, rallied a pan-Indian confederation to resist further white land encroachment into Indian lands. Promoting his dream, he traveled to the southeast to speak with the Creeks, among whom he had relatives.⁴⁰ Approaching the Cherokees as well, Tecumseh failed to attract any progressive leaders, such as Major Ridge, to his cause. None of the Cherokees proved willing to engage the Americans in a war that would surely mean the destruction of the Cherokee people.

The Creeks, much like the Cherokees, had split into two factions, conservative and progressive. The conservative faction, who supported Tecumseh and were known as the Red Sticks, attacked the progressive Creek towns after the Creek government proclaimed friendship for the U.S. The Creek civil war soon turned into a war against the United States, and since the progressive Creeks sought the assistance of the U.S., they also enlisted the aid of Cherokee volunteers. More than five hundred Cherokees, including prominent men such as Major Ridge, John Ross and Sequoyah, eventually came under the command of General Andrew Jackson and helped to defeat the Red Sticks in the Battle of Horseshoe Bend during the War of 1812.⁴¹ [figure 11-13]

The thanks the Cherokees received for their role in the Creek civil war was the destruction of their lands by American soldiers who traveled through Cherokee territory on their return march north. In 1816, several Cherokee leaders who had participated in

⁴⁰ For more on Tecumseh, see R. David Edmunds, *Tecumseh and the Quest for Indian Leadership*, 2nd ed. (New York: Pearson Longman, 2007); Jim Poling, *Tecumseh: Shooting Star, Crouching Panther* (Toronto: Dundurn Press, 2009); John Sugden, "Early Pan-Indianism; Tecumseh's Tour of the Indian Country, 1811-1812," *American Indian Quarterly* 10, no. 4 (October 1, 1986): 273-304.

⁴¹ Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 87-91. For more on the Creek War, see Mike Bunn, *Battle for the Southern Frontier: The Creek War and the War of 1812* (Charleston, SC: History Press, 2008); Susan K. Barnard and Grace M. Schwartzman, "Tecumseh and the Creek Indian War of 1813-1814 in North Georgia," *The Georgia Historical Quarterly* 82, no. 3 (October 1, 1998): 489-506.

the Creek War traveled to Washington to ask for compensation for the spoliation and to establish the Cherokee/Creek territorial boundaries. Their trip persuaded the U.S. government to reimburse individual Cherokees for the damages caused by the soldiers, and an agreement to redraw the Creek/Cherokee boundaries in a manner satisfactory to the Cherokees. However, these negotiations also led to the forfeiture of all Cherokee lands in South Carolina.⁴²

The following year, when Andrew Jackson returned to the Southeast in the capacity of U.S. Commissioner, he demanded that the Cherokees exchange lands in the East to equal the lands in the West where the Western/Arkansas Cherokee had settled almost a decade earlier. During Jackson's negotiations with the Cherokee in 1817, he made it clear he wished the entire nation to "pack up and move west and trade all their remaining land for western lands."⁴³ The leaders of the Eastern Cherokees balked at further loss of land, but when Jackson threatened to carry out negotiations exclusively with the Arkansas Chiefs, Eastern representatives capitulated and signed the Treaty of 1817. This treaty provided for the exchange of lands in the east totaling 6,195 square miles for the land the Arkansas portion of the tribe occupied. Additionally, the U.S. government offered to the warriors who removed, "one rifle gun and ammunition, one blanket, and one brass kettle...which is to be considered as a full compensation for the improvements which they may leave." Those who chose to remain on the lands in the East that were exchanged by the Cherokee nation were offered U.S. citizenship and given

⁴² Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 96.

⁴³ *Ibid.*, 97.

a six hundred forty acre reservation that could be passed down to their offspring, but could never be sold and would revert back to the United States if they ever left the area.⁴⁴

Just over 2,100 eastern Cherokees chose to move west following this treaty and several dozen took the eastern reservations offered, including John Ross. The terms of the treaty indicated that once a Cherokee accepted a reservation, the recipient became a U.S. citizen and therefore technically, by Cherokee law, was no longer a citizen of the Cherokee nation. This particular article of the 1817 treaty would complicate matters for Ross and several other prominent leaders in the Cherokee nation during the 1830s. Several U.S. officials tried to discredit Ross and undermine his authority as principal chief of the Cherokees by relying on the assumption that Ross had accepted U.S. citizenship. The Cherokee enrolling agent William Hardin wrote to Georgia governor Wilson Lumpkin in 1832, relating Hardin's correspondence with former U.S. Attorney General, John Berrien (1829-1831). Berrien endorsed Hardin's intention to remove reserve holders from the Cherokee Nation as intruders, and Berrien offered a list of the reservations allocated in 1817 and 1819, adding that such grants of land "were made in behalf of those who should wish to become citizens of the United States." Hardin further stated that since the treaty called for those accepting reserves to apply to the Indian agent for citizenship within six months of the treaty ratification, even though these Cherokees had never applied, "their own acts prove it was their intentions to do so," and therefore they should "have no further claim on the government as belonging to the Cherokee

⁴⁴ Chadwick "Cornstassel" Smith, "Cherokee Nation History Course" (Cherokee Nation, 2000), 3-3, 3-4. For more on the issue of citizenship implied in this treaty, see William G. McLoughlin, "Experiment in Cherokee Citizenship, 1817-1829," *American Quarterly* 33, no. 1 (April 1, 1981): 3-25.

tribe.”⁴⁵ John Ross and the others adamantly denied that their acceptance of these lands within ceded territory indicated any break with the Cherokee Nation, and it appeared the vast majority of the Cherokees agreed, having elected Ross to various governmental positions during the 1820s, and finally to the office of principal chief over a decade after he accepted the allotment.⁴⁶

Another treaty negotiation quickly followed the Treaty of 1817, whereby the Cherokees forfeited an additional 4,787 square miles in consideration for those Cherokees who had already moved to Arkansas to join the Western Cherokees. In April of 1817, the Arkansas Cherokees had also approached Congress and asked to be recognized as “a separate and distinct people, clothed with the power to frame and administer their own laws, after the manner of their brethren east of the Mississippi.” The separate recognition the Western Cherokees desired was granted in the treaty of 1819.⁴⁷ This particular treaty also provided for allotments of 640 acres for those who wished to remain on their lands within areas ceded by the Cherokees, and again it mentioned the acceptance of such lands indicated a desire to become a citizen of the United States. Based on the number of emigrants and members already settled in the West, totaling around four thousand at this time, the U.S. government also divided

⁴⁵Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 329-330.

⁴⁶ For Ross’s own reply to these accusations, see Gary E., ed. Moulton, *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 280-281.

⁴⁷ Charles C. Royce. *The Cherokee Nation* (Chicago: Aldine, 1975), 93. See also Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly*, 1st ed. (Berkeley: University of California Press, 1997), 146-147; Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 133-143.

annuities owed to the Cherokee Nation between the two tribes, with two-thirds remaining with the Eastern tribe and one-third offered to the Arkansas Cherokees.⁴⁸

The United States negotiated the treaty of 1828 with the Western Cherokees alone, but it still had an impact on the Eastern tribe. The Western Cherokees had occupied lands in what became Arkansas territory since the first emigrants moved West in the eighteenth century, but by treaty they had been officially assigned lands in Arkansas and promised them in perpetuity. As expected, when whites began to intrude, they soon surrounded the Western Cherokee Nation; this led the U.S. government to once again remove Native Americans to make way for white settlers. In May of 1828, the U.S. government approached the Western Cherokees with an offer of seven million acres in what was then known as Indian Territory, in exchange for their removal from Arkansas territory. In the preamble of the treaty, the U.S. promised this would be a permanent home “that shall never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State.”⁴⁹

The U.S. offer to exchange lands for those in Indian Territory also extended to residents of the Cherokee Nation East, providing a rifle, a kettle, tobacco and a blanket to any head of a Cherokee family willing to remove west. John Ross expressed the contempt with which most Cherokees viewed this offer. “Such are the temptations offered to induce us to leave our friends, our relatives, our houses, our cultivated farms,

⁴⁸ Charles C. Royce. *The Cherokee Nation* (Chicago: Aldine, 1975), 91-96.

⁴⁹ Ibid., 101. See also, David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 125-128.

our country, and everything endeared to us by the progress of civilization.”⁵⁰ Not surprisingly, very few Eastern Cherokees chose to accept such an insulting offer. Two Western Cherokee chiefs had made the trip east to encourage such migrations, and while it was almost certainly at the behest of the U.S. government to further Cherokee removal from valuable eastern lands, the Cherokees did not welcome these men and considered them to be usurping the authority of the Eastern Cherokee government. Ross stated that the Cherokees had shown great restraint in not bringing harm to the Western chiefs, considering “the indignity offered by the design of their visit.”⁵¹

The Treaty of 1828 further solidified Cherokees’ disbelief in any promises the U.S. government made to the Native Americans. Promises of land belonging to the Cherokees “as long as the grass grows, waters run and the sun rises,” rang hollow with John Ross and the Cherokee leadership, who knew full well that the land was guaranteed only as long as whites did not want or need it.⁵² Ross questioned the provision in the 1828 treaty that provided no territory or state would be created around Indian Territory. Citing the fact that the U.S. government had already infringed upon territory formerly set aside for the exclusive use of the Cherokees with the creation of the State of Arkansas, Ross further worried “who shall say how soon...new bordering states may become as uneasy from the Indian neighborhood as the old ones are now?”⁵³ Unfortunately, John

⁵⁰ Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 144,

⁵¹ *Ibid.*, 144.

⁵² Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly*, 1st ed. (Berkeley: University of California Press, 1997), 372.

⁵³ Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 446.

Ross's prophecy proved accurate. When the U.S. created the State of Oklahoma in 1907, it encompassed the original Indian Territory in its entirety.

In 1830, the legislature of Georgia implemented a bill passed in 1828, imposing Georgia's laws over Cherokee territory, thereby nullifying the governmental apparatus of the Cherokees. It can be surmised that Georgians intended to make life so miserable for the Cherokees that they would happily remove to Indian Territory. With Cherokee laws abrogated and the extension of Georgia's laws over the natives, Cherokee people had no legal standing in Georgia's courts and could not even testify against a white person. Georgia had first instituted a land lottery for its citizens in 1805, and six more such lotteries followed as the state gained, or took additional Cherokee and Creek Indian lands. Therefore, when the Georgia lottery winners took possession of Cherokee property they had 'won,' or if neighbors stole horses and other property, the Cherokees had no legal recourse to fight the intruders and thieves. Cherokee Council member and veteran of the War of 1812, Major George M. Waters, wrote to Georgia governor Wilson Lumpkin (1831-1835) in 1832, and again in 1833, complaining that others were infringing upon his lands. Waters informed Lumpkin that the governor's agent had rented out fields within Waters' enclosure, lands that had been "cleared within two or three years by several *lawless* and abandoned whites (who neither respect the laws of God, or men)." Waters further protested against "the assumption of your Excellency's authority to direct the renting of any lands within my inclosure, or premises." [sic] Aware that official complaints would most likely fall on deaf ears, Waters confronted Lumpkin with his hypocrisy. "You have declared you would see equal justice done to the native,

as well as to the white. Other natives as well as myself have not experienced this even handed justice. I doubt they ever will.”⁵⁴

Another letter the following year outlined Waters’ grievances much more thoroughly, as he related how the same white men had cleared the woodlands on his property and planted a crop within his premises, by which he “was curtailed in [his] planting interest nearly one hundred acres.” Waters added, “they were to all intents and purposes the worst of intruders because they trespassed within the immediate premises of a native.” He described the intruders and those who bordered the Cherokee’s territory as the “most abandoned and profligate of the human race.” However, he had faith in justice being awarded to the Cherokees and concluded, “If there was not a promise of better times, I would not live two years more among such a set of lawless *incendiaries* for the best place within the Cherokee Territory.”⁵⁵ Despite his understanding of the powerless position in which the Cherokees found themselves and his growing frustration with whites, Waters remained a Ross supporter and a prominent name among the anti treaty party members in official correspondence with the United States and the pro treaty party.

Life, indeed, had become increasingly unbearable for the Cherokee people. U.S. agent Benjamin Currey wrote to Governor Lumpkin just two months before the negotiation of the Treaty of New Echota in 1835, regarding the state of the Cherokee people. Currey had toured Cherokee country recently and with unconcealed delight he related that “the early and severe frosts, with the lateness of the crops, renders it highly probable the Red population...of Georgia will suffer during the ensuing season.” Currey

⁵⁴ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 335.

⁵⁵ *Ibid.*, 390-391.

added, “This scarcity with increasing political torments arising from a more rigorous extension and enforcement of state laws will compel them...to surrender the country...for a sum fixed upon by the senate of the U.S.”⁵⁶

It may very well have been the recognizable suffering and starvation of their people that propelled the Ridges and pro treaty members to meet with U.S. representative James Schermerhorn on December 29, 1835, and forfeit all remaining Cherokee lands. After signing his name to the document, Elias Boudinot defended the decision. “In another country, and under other circumstances, there is a *better* prospect. Removal, then, is the only remedy...our people *may* rise from their very ashes to become prosperous and happy...My language has always been, ‘fly for your lives’—and it is now the same.”⁵⁷ As will seen in chapter 3, that had, in fact, not *always* been his language, but nevertheless, he signed the infamous Treaty of New Echota. This was the final treaty to affect the Cherokee Nation East, and it unalterably changed the course of Cherokee and American history. U.S. representatives and various Cherokee leaders had engaged in a series of negotiations from 1833 onwards, but it was the illegal Treaty of New Echota that finally displaced the Cherokee tribe. Well before this momentous event, however, several negotiations had taken place in the years and months preceding that fateful December day.

In the spring of 1834, Andrew Ross (John Ross’s brother) had traveled to Washington to negotiate a treaty for the exchange of the Eastern lands. The empowered members of the Cherokee delegation remained in Cherokee country as Andrew Ross

⁵⁶ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 620.

⁵⁷ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens: University of Georgia Press, 1996), 225.

purported an influence and authority he simply did not possess. However, eager U.S. officials, including U.S. Commissioner John Coffee, pushed for monetary support of Andrew Ross's 'delegation.' Coffee wrote, "I have no doubt but if Ross succeeded in bringing on his friends, that a treaty will be made. I therefore hope you will give him every aid...to procure the necessary funds." President Jackson stipulated that only if a treaty were negotiated would he secure the monies needed to pay the expenses of the pretended Cherokee delegation. According to Coffee, this initial refusal "cooled nothing of Andrew Ross's ardor," and he proceeded with negotiations and did, in fact, sign a treaty with the United States.⁵⁸ The Cherokees submitted a protest, signed by over thirteen thousand Cherokees, against the treaty Andrew Ross and his followers had concluded. President Andrew Jackson objected: "raising his arm [he] exclaimed vehemently...the whole nation don't exceed 10,000." John Ross disabused him of this notion, stating, "You are under a great mistake, sir. There are many more than even 13,000 in the nation."⁵⁹ Despite Jackson's objections, the Senate refused to ratify such a clearly fraudulent document and negotiations continued.

Even John Ridge, who had been concealing his recently adopted pro removal stance, discarded the idea of Andrew Ross's treaty and moved to work with the United States to gain a more favorable treaty for the Cherokee people. Coming to a preliminary treaty agreement in early 1835, John Ridge urged John Ross to present the terms to the Cherokee people at the Council meeting in October of 1835. Ross fully rejected the terms Ridge had agreed upon. As early as April of 1835, a U.S. representative in Georgia

⁵⁸ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 473-475.

⁵⁹ John Howard Payne Papers. Newberry Library, Chicago, vol. 1, 132.

warned Governor Lumpkin, “the prospect is at present gloomy of an acceptance of the treaty made by the Ridge party—Mr. Ross has returned and is using the whole weight of his influence against it.”⁶⁰ However, soon forced into a position of negotiation by the understanding that the United States would treat with whoever was amenable, John Ross presented the terms at the meeting the following October.

Citing the interference of John Ridge and others as the reason why the authorized delegation had been unable to negotiate “a final termination of the sufferings of our people, that they might repose in peace and comfort in the land of their nativity,” he nevertheless explained the terms and the sum the Senate had offered. The figure of five million dollars was based on the negotiations between Ridge and U.S. authorities and a report from the Committee on Indian Affairs, but Ross presented the terms in such a way that any true Cherokee could not have sanctioned it without questioning his own patriotism. Ross cautioned that the sum was “*merely an opinion*,” indicating that it was not guaranteed, nor should it be countenanced as binding in any manner. Ross further underscored the contempt he felt for Ridge and his party when he effectively obliged those at the meeting to discard anything Ridge negotiated by stating, the Cherokees “are determined to never sanction any measure which may be adopted...by unauthorized individuals.” He publicly chastised Ridge and his followers, saying “it is to be regretted that there are individuals...who, regardless of the wishes of the great mass of the people and the constituted authorities, seem disposed to assume to themselves the power of

⁶⁰ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 537.

dictation over the rights, liberties and happiness of the nation.”⁶¹ John Ross may have presented the proposed terms of a treaty, but he did so in such a way that it was certain to be rejected. The Council did, however, appoint a committee of pro and anti treaty Cherokees to go to Washington to meet with officials.

In the days following the annual Council meeting, U.S. Commissioner, John F. Schermerhorn, suggested another meeting. Ross responded, telling him should more agreeable terms be proposed, a meeting was possible, but otherwise “you are fully aware how unnecessary it will be again to ask the sentiments of the people upon the treaty you have already proposed, to which they have altogether objected.”⁶² Ross explained it would be more satisfactory to deal with the United States in Cherokee territory as opposed to incurring the expense of another trip to Washington, but it appears that Schermerhorn intended exactly that--for the authorized agents of the Cherokees to leave the vicinity. He wrote to Ross and stated he, as a representative of the United States, did not recognize Ross’s authority, nor that of the elected and appointed delegates of the Cherokee population. In a rather juvenile retort, Ross claimed the Cherokees could not be assured of the authority of Commissioner Schermerhorn either, and Ross prepared to leave for Washington with the appointed delegates from both parties. As soon as they left, Schermerhorn made his move. Posting a few placards around the nation, he called for a meeting to be held at New Echota in late December to come to a treaty arrangement.

⁶¹ Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 355-358. For more information on the Treaty Party, see Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986); Bethany Schneider, “Boudinot’s Change: Boudinot, Emerson, and Ross on Cherokee Removal,” *ELH* 75, no. 1 (April 1, 2008): 151-177; William, ed. Anderson, *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 55-72.

⁶² Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 359.

Elias Boudinot and John Ridge had been selected as pro removal appointees for Washington, but Boudinot resigned, while John Ridge traveled to Washington with the delegation in December of 1835. It is notable that the U.S. commissioner would have planned and conducted a meeting while the appointed Cherokee delegation for negotiations traveled to Washington. Underhanded and obviously fraudulent, this meeting of just over two hundred Cherokees, of which only eighty-two voted, out of a total population of over *sixteenthousand* tribal members, nevertheless produced the final ‘treaty’ between the U.S. and the Cherokee Nation.⁶³ Very few Cherokee people paid attention to the call to the New Echota council grounds, knowing that John Ross and all authorized representatives were in Washington for negotiations. However, this limited attendance suited Schermerhorn well, since he was fully aware the Council and the Cherokee Nation had already rejected the terms he had presented just two months prior.

James Trott, a Methodist missionary to the Cherokee people, promptly wrote to the delegation in Washington regarding the details of the “Christmas trick”, which he had attended. Trott noted that “no more than 100 warriors were present at any time during the meeting,” and that known adversaries of removal who attended, such as Walter Adair,

⁶³ For further sources regarding the Treaty of New Echota, see David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 184-192; Theda Perdue, “The Conflict Within: The Cherokee Power Structure and Removal,” *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 467-491; Carl J. Vipperman, “The Bungled Treaty of New Echota: The Failure of Cherokee Removal, 1836-1838,” *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 540-558; Michael Morris, “Georgia and the Conversation over Indian Removal,” *The Georgia Historical Quarterly* 91, no. 4 (December 1, 2007): 403-423; Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 137-144; Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 264-290.

were threatened with bodily harm if they opposed the treaty. On the third day of the meeting, moments after the treaty was read aloud, the roof of the council house caught fire and Trott attributed it to “the indignation of Heaven at the unlawful proceedings within.”⁶⁴ Commissioner Schermerhorn warned the Cherokees as he presented the treaty terms, “take the five millions offered...for if you do not, the bordering States will forthwith turn the screw upon you tighter and tighter, till you are ground to powder.”⁶⁵ Therefore, despite heavenly disapproval, Commissioner Schermerhorn and his hand-selected delegates signed the deceitful agreement under the cover of night and without the presence of even the few Cherokees who were on the grounds in attendance. As a member of the *authorized* delegation in Washington, John Ridge obviously remained absent from the ‘negotiations’ that took place at New Echota. But considering the terms were almost identical to those he had agreed upon earlier, when he returned from Washington he chose to sign his name next to the others, most notably, his father Major, his cousins Elias Boudinot and Stand Watie, and Andrew Ross. This was the document that fully dispossessed the Cherokees.⁶⁶

Secure in their knowledge of the fraudulent nature of the Treaty of New Echota, John Ross and the Cherokee Council assured themselves and their people it would never be accepted by the United States. However, to the shock and horror of most Cherokee people, in March of 1836, the U.S. Senate ratified the illegal document by a single vote,

⁶⁴ Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 379.

⁶⁵ John Howard Payne papers. Newberry Library, Chicago. Vol 1., 255.

⁶⁶ Theda Perdue and Michael D Green, eds., *The Cherokee Removal: A Brief History with Documents*, 2nd ed., Bedford series in history and culture (Boston: Bedford/St. Martin's, 2005), 146.

and prepared to enforce its provisions. In the years that followed, John Ross and the Cherokee Nation fought continuously, submitting petitions, memorials and protests to the Senate, the American people and the newspapers, in the hopes of justice prevailing. News of the tragic injustice accorded to the Cherokee people had spread across the United States and even across the ocean long before this final insult to their sovereignty and independence. But relief and justice was not likely to come for the Cherokees. One Cherokee by the name of Kah-tungh-watt-lee, warned his people that “the people of the United States now shut their ears at the conduct of the government in violating its contracts, and they shut their eyes and they do not wish to hear nor to see, now, what are their Treaties, and they have put them under their feet.”⁶⁷ There were, however, some philanthropists who worked as tirelessly for the Cherokee cause as some of the Cherokees themselves.⁶⁸

The plight of the Cherokees garnered the attention of many influential Americans, politicians and laypeople alike, but it also drew an international audience. The unfair dealings of the U.S. government with its Native American population inspired visiting foreigners to assert their own opinions. In 1837, British geographer, George Featherstonhaugh, happened to be passing through Cherokee country when he heard of

⁶⁷ John Howard Payne papers. Newberry Library. Vol. 1, 267.

⁶⁸ For more on the roles of outsiders, especially missionaries, in forwarding the Cherokee agenda see Althea Bass, *Cherokee Messenger* (Norman: University of Oklahoma Press, 1996), which examines the role of Samuel Worcester, 51-220; William Gerald McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (Princeton, N.J.: Princeton University Press, 1990); William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 50-126; *Between Indian and White Worlds: The Cultural Broker*, Red River books ed. (Norman: University of Oklahoma Press, 2001), 98-121.

the annual council meeting and secured an invitation to attend the proceedings. Almost two years after the Senate ratified the Treaty of New Echota, annual Cherokee Council meetings continued to address the crisis facing the nation. Featherstonhaugh accompanied John Mason, Jr., a representative of the United States saddled with the unwelcome task of persuading the tenacious Cherokees to accept their inevitable fate. Featherstonhaugh recorded copious notes regarding his experience at the meeting grounds, including his observations of those in attendance. He shared his own opinion on the situation in his publication, *A Canoe Voyage up the Minnay Sotor*. Featherstonhaugh noted the then widely known fact that “the proposition to abandon their native country was abhorrent to the Cherokees with the exception of a very small minority of them, that had been gained over by some subordinate chiefs, whom the agents of the United States Government had induced to enter into a contract to cede the whole territory to the Georgians. In this contract, the legitimate chiefs, who alone were authorized to transact public business for the Cherokees, and who, in fact, constituted the Government of the nation, had had no part.” Featherstonhaugh mentioned the notoriety of the ongoing events and, while he expressed sympathy for these “much wronged people,” he also acknowledged that “justice was not to be expected.”⁶⁹

Featherstonhaugh described an unceasing stream of “Cherokee men, women, youths and children moving about in every direction, and in the greatest order; and all, except the younger ones, preserving a grave and thoughtful demeanor imposed upon

⁶⁹ George William Featherstonhaugh, *A Canoe Voyage up the Minnay Sotor; with an Account of the Lead and Copper Deposits in Wisconsin; of the Gold Region in the Cherokee Country; and Sketches of Popular Manners* (Minnesota Historical Society, 1970), 202.

them by the singular position in which they were placed, and by the trying alternative of delivering up their native country to their oppressors, or perishing in vain resistance.”⁷⁰

Beginning with the first land cession to the British colonists in 1721, the Cherokee people were divested of millions of acres of land in just over a century. The promises of later treaties with the United States to leave all remaining Cherokee lands for the Cherokee people proved hollow each time. As discussed in the following chapter, the assurance that acculturation to, and adoption of, Euro-American values and standards of ‘civilization’ would provide peace, independence and acceptance for the Cherokees proved just as illusory. This nation of indigenes made unbelievable sacrifices in order to try and preserve their culture and their people on a remnant of their homelands. Unfortunately, the greed and avarice of whites proved too much, and the Cherokee people were finally forced to move west by illegal and unauthorized measures. The tragically fraudulent appropriation of the Cherokees’ ancestral homelands remains an indelible stain on American history. However, after surviving centuries of threats, deceit and violence, they have managed to relocate, rejuvenate and thrive as a distinct native people.⁷¹

⁷⁰ Ibid., 231-232.

⁷¹ For further information on the Cherokees following removal, see William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 188-284; Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998); 191-234.



Fig. 11 – Horseshoe Bend Military Park, Daviston, Alabama



Fig. 12 – Staging ground for Jackson's troops



Fig. 13 – Tallapoosa River

Chapter Three

A Civilized People Who Must Move On

From the first sustained contact with Europeans, the Cherokee people adopted certain aspects of that foreign culture that they found useful, but discarded many other features of European culture and customs. Tools, manufactured goods, and firearms were a few of the items they adopted, but initially most Cherokees took advantage of trade without considering European ways superior to their own. With increasing contact and influence, however, the life-ways of the Cherokee people began to change dramatically. By the time of the creation of the United States, the Cherokees were under increasing pressure to alter their culture and customs in favor of those of the white man. President George Washington urged the Cherokees to “abandon the pursuit of the chase...cultivate large fields, and use the plough for their cultivation. You must have all the arts and sciences. You will then know the benefits of changing your system of life.”⁷²

While there remained some staunchly conservative Cherokees, the majority did, in fact, take up the plough and adopt this new way of life. Even traditionalists acknowledged an advantage to Western education and, if nothing else, encouraged some schooling among their children to better navigate their changing world. Believing assimilation was the key to survival and success in a growing white dominated world, many Cherokees accepted the challenge to acculturate themselves to European values and

⁷² John Howard Payne papers. Newberry Library, Chicago. Vol. 1, 267. Although mainly dealing with the Choctaw and Chickasaw, the following article also addresses the Cherokee, Jack D. L. Holmes, “Benjamin Hawkins and United States Attempts to Teach Farming to Southeastern Indians,” *Agricultural History* 60, no. 2 (April 1, 1986): 216-232.

life-ways. They were extremely successful, to the point they often surpassed many of their white neighbors in wealth, education and culture. This chapter will examine early contact between Cherokees and Europeans, the slow process of acculturation and the bitter fruits of Cherokee adaptation.

As mentioned, the first Cherokee contact with Europeans is believed to have been with Hernando de Soto's Spanish expedition in 1540. Following that initial and limited contact, it appears that the Cherokees remained largely unmolested by Europeans for over a century. However, with the establishment of the first British colony in what is now South Carolina in 1670, the contact between the two cultures increased well beyond the occasional trader passing through Cherokee country.⁷³ Even before the first English colony, the Cherokees possessed many European goods, most notably fire arms, acquired through both inter-tribal trade and the occasional Native/European exchange. In 1673, Virginian colonial officials sent two white traders to the Cherokees to open a trading route between the Cherokee town of Chota and the colony.⁷⁴ Cherokee historian, Robert Conley notes that for the next several years the "Cherokees and English

⁷³ For more on early Cherokee contact with Europeans see David H Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62*, 1st ed. (Norman: University of Oklahoma Press, 1962); M. J Dauntton and Rick Halpern, eds., *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850* (Philadelphia: University of Pennsylvania Press, 1999), 42-78, 167-185; Steven J Oatis, *A Colonial Complex: South Carolina's Frontiers in the Era of the Yamasee War, 1680-1730* (Lincoln: University of Nebraska Press, 2004), 223-263; M. Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1993), 32-51.

⁷⁴ Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 27. For more information on the early trade networks between the Cherokees and colonists, see John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 23-38.

colonists visited each other frequently.”⁷⁵ However, the year 1690 brought the first resident trader among the Cherokee, an Irishman by the name Cornelius Dougherty. The first of many white traders who intermarried and lived alongside the Cherokees throughout the following centuries, Dougherty and others often remained with the tribe for the rest of their lives, raising children with Cherokee wives and gaining influence among the people.⁷⁶ These men can be credited with the first sustained European influence on the Cherokee people.

Located in the Appalachian Mountains, the Cherokees initially remained free from encroachment and European influence, but as British colonists crept inland, the Cherokees ceded the first lands to South Carolina through treaty negotiations in 1721.⁷⁷ This meeting also brought trade regulations between whites and the Cherokees, determined boundaries lines and appointed one ‘chief’ to represent the numerous Cherokee towns and people. “Thus were the Cherokee reduced from their former condition of a free people, ranging where their pleasure led, to that of dependent vassals with bounds fixed by a colonial governor,” anthropologist James Mooney recorded in his annual report in 1891.⁷⁸ However, to cite this one treaty as the catalyst for Cherokee

⁷⁵ Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 26. For more on early trading between Cherokees and Europeans see M. Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1993), 32-51; John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 23-51.

⁷⁶ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 31.

⁷⁷ For more on the early Cherokee land cessions, see David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011); *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850* (Philadelphia: University of Pennsylvania Press, 1999).

⁷⁸ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 34.

vassalage and dependency upon colonials is shortsighted and ethnocentric. Portions of Cherokee territory remained distant and largely unaffected by encroaching whites for decades after, and there continued to be numerous clashes between Cherokees and bordermen for the remainder of the eighteenth century as whites infringed upon native territory and Cherokees retaliated. Most notable of the Cherokee resistance was the conflict the British dubbed the “Cherokee War” (1759-1761). This series of skirmishes took place after the Cherokees determined to rescind their support and aid to the British during the French and Indian War.⁷⁹

The English were not the only Europeans with whom the Cherokees dealt on a regular basis in the early years of contact. The tribe oftentimes favored the French and Lieutenant Henry Timberlake, an appointed British emissary to the Cherokees, admitted in his memoirs that the Cherokees were “much attached to the French,” and they had made peace with the British for trade purposes alone. This favoritism toward the French could be attributed to the fact that the French rarely infringed upon Cherokee territory and they had “the prudence, by familiar politeness, (which costs but little, and often does a great deal) and conforming themselves to their ways and temper, to conciliate the

⁷⁹ For a more complete examination of the Cherokee War, see Fred Anderson’s *Crucible of War: The Seven Years’ War and the Fate of Empire in British North America, 1754-1766*, pp. 457-471. See also David H Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62*, 1st ed. (Norman: University of Oklahoma Press, 1962), 191-206; M. Thomas Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1993), 119-167; David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011); Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 45-55; David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 14-19.

inclinations of almost all the Indians they are acquainted with.” James Adair, an Irish trader and author of *History of the American Indians*, who worked and lived among the Southeastern tribes for over forty years, also noted the Cherokee preference for the French, explaining that natives initially relied upon the French for ammunition “to enable them to avenge their injuries, and maintain their lives and liberties against the mischievous and bloody English colonist; who, they said, were naturally in a bitter state of war against all the red people, and studied only how to steal their lands.”⁸⁰ Henry Timberlake recognized the cunning of the Cherokees in balancing these two traditional European enemies against one another, which provided for Cherokee safety and, perhaps more so, because they “foresaw, or the French took care to shew [sic] them, that, should they [the French] be driven out, the English would in time extend themselves over all North America.”⁸¹

However much the Cherokees may have anticipated being overrun by the increasing number of British colonials, the presence of that government’s authorized trading agents in almost every Cherokee town, increased their reliance upon these intruders. As early as 1745, Skiagunsta, a Cherokee chief, told the governor of South Carolina, “My people cannot live independent of the English...The clothes we wear we cannot make ourselves. They are made for us. We use their ammunition with which to kill deer. We cannot make our own guns. Every necessary of life we must have from the

⁸⁰ James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 261-262.

⁸¹ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 96-98. See also David W Miller, *The Taking of American Indian Lands in the Southeast: A History of Territorial Cessions and Forced Relocation, 1607-1840* (Jefferson, N.C: McFarland, 2011), 14-19.

white people.”⁸² It must be noted, however, that this particular chief was from the Lower Towns region, which initially experienced more exposure to European influence and goods than the Middle and Overhill Cherokees.⁸³ While using a gun to kill game may have been more efficient, it is certain that natives could, and did, hunt without the use of fire arms before and *after* the European technology arrived. Perhaps more appropriately, the Cherokees relied upon such weapons because “harsh experience had taught them that any people cut off from the gun trade faced destruction by their native enemies.”⁸⁴

The growing population of whites and their increasing encroachment into Cherokee territory alarmed many conservatives, who chose to relocate farther west in an effort to distance themselves from the influence of these foreigners on their society. Others, however, embraced the manufactured goods of the Europeans, if not the Europeans themselves. The reliance of a once self-sufficient people on trade goods increased exponentially as the decades passed.⁸⁵ The European demand for pelts, skins and other native goods grew as well, and within the matter of a century, much of the surrounding game had been hunted out of existence in order to meet the demands of

⁸² Quoted in William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 3.

⁸³ The Lower towns were located in Georgia and South Carolina, the Middle in North Carolina and the Overhill in Tennessee. For more on the Middle and Overhill Cherokees, see Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 5-46; Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 26-31, 64-67; John Phillip Reid, *A Better Kind of Hatchet: Law, Trade, and Diplomacy in the Cherokee Nation During the Early Years of European Contact* (University Park: Pennsylvania State University Press, 1976), 1-12.

⁸⁴ Alan Taylor, *American Colonies* (New York: Viking, 2001), 395.

⁸⁵ For more on the growing reliance of Cherokees on European goods see William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 3-32. Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 25-44.

traders and the desire of the Cherokees for their goods.⁸⁶ The extent of some Cherokees' dependence on the much more readily available British trade goods, especially guns and ammunition, is evident in their cooperation with the British during both the French and Indian War and the American Revolution. For their support of the British during the colonial rebellion, the Cherokees received generous gifts from well-supplied British Indian superintendents, and anticipated recovering portions of their lost territories once the Americans were defeated.⁸⁷

Unfortunately the expectation of expelling land greedy Americans did not occur. Cherokee aid to the British and the subsequent victory of the Americans categorized the tribe as conquered enemies, and therefore subject to further forfeiture of lands. The departure of the British left the Cherokees vulnerable to the demands of the Americans, and, as previously discussed, the treaties negotiated between the new United States and the Cherokee both slowly divested them of their lands and applied greater pressure on them to assimilate to Euro-American values and standards. The second treaty the Cherokees signed with the United States in 1791, promised the tribe it would receive the tools of 'civilization,' i.e. "implements of husbandry...to become herdsmen and cultivators, instead of remaining in a state of hunters." The U.S. also offered to send American men into the nation to aid in the adoption and use of these instruments.⁸⁸ Since

⁸⁶ Wilma A. Dunaway, "The Southern Fur Trade and the Incorporation of Southern Appalachia into the World-Economy, 1690-1763," *Review (Fernand Braudel Center)* 17, no. 2 (April 1, 1994): 215-242.

⁸⁷ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 47.

⁸⁸ "Treaty of Holston," printed in Chadwick "Cornstassel" Smith, "Cherokee Nation History Course" (Cherokee Nation, 2000), 1-19. See also Jack D. L. Holmes, "Benjamin Hawkins and United States Attempts to Teach Farming to Southeastern Indians," *Agricultural History* 60, no. 2 (April 1, 1986): 216-232.

British traders had long resided in the nation, such tools were not unheard of, but neither were they commonplace. Henry Timberlake noted that by 1762, “they have of late many tools among them and, with a little instruction, would soon become proficient in the use of them, being great imitators of any thing they see done.” He also remarked on the building of homes being hindered by the lack of saws, but noted that their “houses are tolerably well built,” despite the “great labour” [sic] it took to construct them from timber.⁸⁹

While Timberlake frequently used the terms barbarian and savage in his memoirs, he nevertheless acknowledged the skill and innate intelligence of the Cherokees. “The curious manner in which they dress skins, point arrows, make earthen vessels, and basket work,” he cited as “proofs of their ingenuity, possessing them a long time before the arrival of Europeans among them.” Additionally, he recognized that “they have many of them a good uncultivated genius [and] are fond of speaking well, as that paves the way to power in their councils.”⁹⁰ He also praised their skill with mathematics and their manner of providing for the poor among them, stating that it was “the most laudable of their religious ceremonies.”⁹¹ James Adair also admired many facets of Cherokee life-ways. He praised the Cherokees for their “great knowledge of specific virtues in simples; applying herbs and plants, on the most dangerous occasions, and seldom if ever, fail to effect a thorough cure,” adding “I would prefer an old Indian before any chirurgeon [sic]

⁸⁹ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 84-85.

⁹⁰ Ibid., 80, 85.

⁹¹ Ibid., 92.

whatsoever...both for the certainty, ease, and speediness of cure.”⁹² Native knowledge of the medicinal value of plants and herbs and their unique use, suggests one of many ways in which Native Americans, not just Cherokees, influenced the Western world.⁹³

While the Cherokees affected the lives of their white neighbors in very positive ways, more often than not, it was the Cherokees who adopted the tools, values, religion and agricultural methods of the Europeans.⁹⁴ Timberlake noted that the Cherokees not only had horses, but “also hogs, and other of our animals...” While they did not have cows or sheep by 1762, he seemed to think they could supply themselves with such by breeding tame buffalos.⁹⁵ In regard to the adoption of European appearance and dress, Timberlake left conflicting passages in his memoirs. In his earliest description of the Cherokee people, he observed they were “generally painted,” with shaved heads “except a patch on the hinder part of the head...which is ornamented with beads, feathers, wampum, stained deer hairs, and such like baubles.” He also noted the custom of ears being slit, stretched “to an enormous size,” and “adorned with silver pendants and rings, which they likewise wear at the nose.” In depicting their dress, he explained that those who could afford it, wore a collar of wampum, silver breast-plates, silver bracelets on

⁹² James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 246.

⁹³ For more information on Cherokee medicine/herbal remedies, see J. T. Garrett, *The Cherokee Herbal: Native Plant Medicine from the four directions* (Rochester, Vt: Bear & Company, 2003).

⁹⁴ For more on the acculturation/assimilation of the Cherokees, see William Gerald McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven: Yale University Press, 1984); William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986); William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994).

⁹⁵ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 72-73.

their arms and wrists, “a bit of cloth over their private parts, a shirt of the English make, a sort of cloth boots and mockasons [sic].” Timberlake recorded that the elders in the nation “remember and praise the ancient days, before they were acquainted with the whites, when they had but little dress, except a bit of skin about their middles, mockasons [sic], a mantle of buffalo skin for the winter, and a lighter one of feathers for the summer.”⁹⁶ However, his description of their then current dress does not appear to be as “much like the European,” as he claimed; they only seemed to have added the use of shirts while maintaining the majority of their traditional dress. Timberlake also claimed that they had learned to sew and they “excepting shirts, make all their own cloaths [sic].”⁹⁷ However, his observation that they wore moccasins before Europeans arrived, a distinctly Native American creation, he noted, belies the observation that they had never known how to sew material together. Cherokees had always made their own clothes, granted, with animal hides as opposed to manufactured cloth, but they had always known how to sew; they simply adopted the use of steel needles, scissors and manufactured thread as opposed to bone needles and sinew as thread.⁹⁸

Historian William McLoughlin noted that after the 1790s, when the United States offered to provide farming instruments gratuitously, Cherokees’ lives changed

⁹⁶ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 75-77.

⁹⁷ Ibid., 86.

⁹⁸ William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 5. For more information on the early life-ways of Cherokees see Thomas E Mails, *The Cherokee People: The Story of the Cherokees from Earliest Origins to Contemporary Times* (Tulsa, Okla: Council Oak Books, 1992), 17-190.

dramatically and they began to rely more and more on the instruments and ways of Europeans. While they had long been a sedentary people accustomed to agriculture, with the introduction of more efficient European hoes, plows and shovels, their crops expanded from individual gardens of beans, squash, Indian tobacco and corn, adding peas, potatoes and apples, to just name a few. The traditional Cherokee gender roles associated with farming also altered as Europeans insinuated themselves and their values into Native societies.⁹⁹ Cherokee women had always been responsible for the planting, tending and harvesting of the crops, though sometimes men had assisted with the harvest. The quality of the soil in Cherokee territory offered yet another reason surrounding whites coveted the land. Timberlake, who was unacquainted with Cherokee gender roles, claimed, in a most condescending way, that the soil was so “remarkably fertile, that the women alone do all the laborious tasks of agriculture, the soil requiring only a little stirring with a hoe.”¹⁰⁰ Historian Theda Perdue negates this assumption, explaining that while fields belonged to individual families, the work in the fields was a cooperative effort with women working together and moving from field to field.¹⁰¹ She further clarifies that Cherokee women had been farming for centuries and far from just stirring

⁹⁹ For more information on the roles of Cherokee women see Susanna Delfino and Michele Gillespie, eds., *Neither Lady nor Slave: Working Women of the Old South* (Chapel Hill: University of North Carolina Press, 2002), 57-76. See also Gregory A Waselkov, ed., *Powhatan's Mantle: Indians in the Colonial Southeast* (Lincoln: University of Nebraska Press, 2006), 305-338; Christie Farnham, ed., *Women of the American South: A Multicultural Reader* (New York: New York University Press, 1997), 43-55.

¹⁰⁰ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 68.

¹⁰¹ Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 83.

the soil a little, “many of the crops and *techniques* used by Euro-Americans came from Native peoples.”¹⁰²

Euro-Americans usually associated agriculture with ‘civilization,’ but qualified that generalization with the assertion that men should be the ones engaged in farming. Americans introduced the weaving loom and domestic arts to the Cherokees to correct what they viewed as perverted gender roles. Early observers of the Cherokees claimed the men were lazy, leaving all the work to the women while they hunted and warred with neighboring tribes. Henry Timberlake observed, “the sole occupations of an Indian life, are hunting, and warring abroad, and lazying [sic] at home.”¹⁰³ Cherokee historian Theda Perdue confirms the strength of this prevailing sentiment held by early colonials. European men considered hunting and fishing ‘sport,’ not ‘work,’ and “so they believed Cherokee men were lazy and Cherokee women were virtual slaves.” Women, did, in fact, perform the majority of manual labor in early Cherokee society; they were responsible for farming, gathering wood and water for the household and the making of goods. However, the women’s responsibilities were accompanied by much more personal freedom and political power for Cherokee women, especially when their lives

¹⁰² Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 111. Emphasis my own. For more on Cherokee women’s roles see the above. See also *Powhatan's Mantle: Indians in the Colonial Southeast* (Lincoln: University of Nebraska Press, 2006), 305-338; Christie Farnham, ed., *Women of the American South: A Multicultural Reader* (New York: New York University Press, 1997), 43-55.

¹⁰³ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 99.

are compared to the limited freedom granted to early European women.¹⁰⁴

Timberlake casually noted that women could acquire the title of “Beloved,” by which they held such great power that they could “by the wave of a swan’s wing, deliver a wretch condemned by the Council, and already tied to the stake.”¹⁰⁵ However, their power went beyond saving poor souls chosen to die; women held positions in war and peace councils and wielded a great deal of influence in both community and spiritual realms. Furthermore, Cherokee society was a matrilineal society. This meant that a person could claim Cherokee clan association only through the female line. “Mothers conveyed Cherokee identity; no one could be a Cherokee unless he or she had a Cherokee mother.”¹⁰⁶ Mooney and Perdue both noted the prominent role played by Nancy Ward, the War Woman of Chota, in peace negotiations between her people and surrounding whites during the late revolutionary period (1780s).¹⁰⁷

Cherokee society centered on a sense of cosmic balance, Cherokees “conceived of their world as a system of categories that opposed and balanced one another. In this belief

¹⁰⁴ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot* (Athens: University of Georgia Press, 1996), 148. For a thorough examination of the changing roles of women in Cherokee society, see Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835*.

¹⁰⁵ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 94.

¹⁰⁶ Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 55.

¹⁰⁷ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 58 and Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 54. For more on Nancy Ward, see Norma Tucker, “Nancy Ward, Ghighau of the Cherokees,” *The Georgia Historical Quarterly* 53, no. 2 (June 1, 1969): 192-200. See also Robert J Conley, *Cherokee Thoughts, Honest and Uncensored* (Norman: University of Oklahoma Press, 2008), XXX-XXX; Tiya Miles, “The Narrative of Nancy, a Cherokee Woman,” *Frontiers: A Journal of Women Studies* 29, no. 2/3 (January 1, 2008): 59-80.

system, women balanced men just as summer balanced winter, plants balanced animals, and farming balanced hunting.”¹⁰⁸ Unfortunately, with the arrival of the Europeans, and later Euro-Americans, who touted their own sense of ‘proper’ gender roles, the status of Cherokee women plummeted. “Guided by an idealized view of men and women in their own society, reformers sought to turn men into industrious, republican farmers and women into chaste, orderly housewives.”¹⁰⁹

During the eighteenth century, the growing influence of encroaching whites, and especially those white men who married into the Cherokee tribe, meant the importance of men’s roles increased. Among the Cherokee, men had always been in charge of war, the hunt and inter-tribal exchange (or foreign relations.) Therefore their role in commercial aspects of the fur and hide trade elevated them even further as the importance of trade increased. Additionally, the creation and growth of a Cherokee ‘central government’ also placed men in a position of sole power that deviated from customary traditional Cherokee ways; Europeans and Euro-Americans expected to deal with males alone in a negotiating capacity.¹¹⁰

The presence of British traders in Cherokee society and the growing influence of neighboring whites led to the slow but sure insertion of European patriarchal values in the matrilineal society. The institution of marriage itself and the subservient role of women in that institution arrived as a creation of Christianized Western Europe. Traditionally,

¹⁰⁸ Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 13.

¹⁰⁹ Theda Perdue, *The Cherokees* (Philadelphia: Chelsea House, 2005), 109.

¹¹⁰ M. J. Daunt and Rick Halpern, eds., *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850* (Philadelphia: University of Pennsylvania Press, 1999), 167-184.

Cherokee women owned their homes and material goods separate from their husbands. In the case of divorce or more appropriately, separation, it was the man who was forced out of the home to return to his own family. Cherokee women chose their partners, and the power and fluidity with which they could, and did, direct and redirect their romantic connections proved shocking to most Europeans.¹¹¹ Henry Timberlake observed that marriage among the Cherokee proved to be “as little binding as ceremonious; for though many last till death...it is common for a person to change three or four times a year.”¹¹² William McLoughlin explains that the whites that married Cherokee wives gave no credence to the matrilineal world in which they lived. “White husbands did not respect the Cherokee customs regarding the right of the wife to her own property, her right to her house and children, her right to live in her own town near her kin; they refused to accept the matrilineal practices of inheritance.”¹¹³

As white traders intermarried with Cherokee women and had children, they imposed their patriarchal views on Cherokee society through their own families. The first written evidence of the eventual adoption of European patriarchy and inheritance practices took place in 1808, when the Cherokees codified their laws and included a provision for material and patriarchal inheritance. Traditionally, Cherokees had lived at a

¹¹¹ For more information on Cherokee marriage customs and rites, see Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 81-83 and William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 32,24, 67-67-70, 131-133.

¹¹² Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 89.

¹¹³ William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 31.

subsistence level, acquiring few material goods to be passed on. Henry Timberlake observed that peoples' worldly items were usually buried with them to "prevent avarice, and, by preventing hereditary acquisitions, make merit the sole means of acquiring power, honor and riches."¹¹⁴ However, with the acquisition of expensive farming implements and the growing influence of European outsiders, the need to pass on such items to one's progeny superseded the traditional burial rites Timberlake mentioned.

The adoption of white men into Cherokee society certainly contributed to changing gender roles, the growth of patriarchy and further shifting values in native society. The presence of mixed-blood children from these unions proved as helpful as it was harmful. Most, if not all, white fathers raised their children with European values, language, religion and education. Many 'progressive' natives, not just the offspring of these mixed marriages, found themselves in the precarious position of balancing two worlds.¹¹⁵ McLoughlin postulates that "these white men and their foreign-speaking, European dressed children...proved helpful in many ways." Their knowledge of the white man's customs and language enabled them in to become translators and aides for Cherokee leaders unfamiliar with non-Cherokee societies. However, the author concludes that European fathers and their children "were as much trouble as help" after sustained contact. Those of mixed ancestry "tended to marry their own kind, to raise their children as whites did, and to perpetuate a social group separate from the rest of the

¹¹⁴ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 91.

¹¹⁵ For a thorough examination of the dual role many Native Americans found themselves in, see Margaret Connell-Szasz, *Between Indian and White Worlds: The Cultural Broker*.

nation.”¹¹⁶ While this may have been the case initially, as the years passed, many full blood Cherokees, such as Major Ridge, also ensured that their children were educated in the European manner so that they could better serve their people and nation.

Additionally, countless mixed blood Cherokees, most especially John Ross, dedicated their lives to their people; to assume they maintained a separate existence from the majority of the nation is presumptuous and not entirely true. Cherokee children, full and mixed blood alike, who entered the mission schools throughout the nation felt obligated to educate and aid their fellow tribes people. Even as they learned the ways of the whites and expressed curiosity about the outside world, they showed no inclination to leave their nation, people or homelands. “What enabled these children to be brokers...was an equally strong identification with all of their own people, the majority as well as the elite.”¹¹⁷

Many Cherokees adapted well to their changing circumstances. Some of the more conservative members of the tribe chose to relocate, but most accepted that their world had been irrevocably changed. Whereas earlier times had called for education in the hunt, as well as war and trade, the new reality in which the Cherokees found themselves required a different sort of training. As game became scarce, hunters found themselves forced to travel farther and remain away longer each winter to manage a good catch; they also faced competition from white hunters trespassing on Cherokee hunting grounds.

¹¹⁶ William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 31.

¹¹⁷ Michael C. Coleman, “Cherokee Girls at Brainerd Mission,” in *Between Indian and White Worlds: The Cultural Broker*, Red River books ed. (Norman: University of Oklahoma Press, 2001), 127. For more information on the impact of European education on the Cherokees see William Gerald McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven: Yale University Press, 1984).

Europeans and Euro-Americans took advantage of this major economic revolution to encourage a more 'civilized' lifestyle, urging Cherokee men to farm and raise domesticated animals, and Cherokee women to emulate European housewives. The provision in the 1791 treaty with the United States promised farming tools for men and pledged spinning wheels and looms for Cherokee women. By 1801, the Cherokee agent, Return J. Meigs, found he could not keep up with the demand for these implements and reported that "the raising and manufacturing of cotton is all done by Indian Women; they find their conditions so much bettered by this improvement that they apply for wheels, cards, etc. with great earnestness."¹¹⁸

The introduction of the tools of husbandry had some of the desired effect. While still technically owning land in common (a practice Europeans found to be the antithesis of individuality and self-improvement), Cherokees did begin to distance themselves from traditional village life. "For instance, the individual Cherokee family unit separated from the community and began living on isolated farms."¹¹⁹ The degree to which Cherokees were successful in their new occupations varied throughout the nation, but almost universally, they accepted this new way of life. Those who preferred to maintain a more traditional lifestyle were encouraged to move west, and by 1831, Georgia whites observed that agriculture had become the mainstay of the Cherokee nation. A certain Jacob Scudder wrote to Georgia governor Gilmer (1829-1831 and 1837-1839) that he

¹¹⁸ Quoted in William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J.: Princeton University Press, 1986), 63. For more information on Cherokee acculturation, see William Gerald McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven: Yale University Press, 1984); William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994).

¹¹⁹ *The Brainerd Journal: A Mission to the Cherokees, 1817-1823* (Lincoln: University of Nebraska Press, 1998), 13.

knew of “no family of Indians who depend on the game for their support. Their principle dependence for support is from what ground they cultivate in corn, pumpkins, potatoes & beans, etc.” While some families such as the Vanns, Lowreys, Rosses and Ridges, were extremely affluent, owning plantations, slaves and homes to rival any southern planter, Scudder noted that “the larger portion are very poor and to persons unaccustomed to Indians they would seem miserably so. But to me who has resided amongst them for fourteen years they appear the most contented people on Earth.”¹²⁰

In addition to farming instruments and prescribed gender roles, Europeans equated ‘civilization’ with the practice of Christianity. The earliest known extended exposure to Christianity among the Cherokees came with the arrival of a French Jesuit priest, Christian Priber, who settled amongst the tribe in 1736, and remained for several years. Adair related, “he ate, drank, slept, danced, dressed and painted himself with the Indians, so that it was not easy to distinguish him from the natives—he married also with them.” Priber is believed to have gained much favor with leaders in the nation through his adoption of their language, customs and dress. He encouraged the creation of a central, republican government (of which he served as secretary), attempted to bias the Cherokees against the English, and is believed to have written a dictionary of their language.¹²¹ However, despite the fact Priber was a Jesuit priest, no sources seem to discuss what religious impact, if any, he had on the Cherokees. Adair, Timberlake and Mooney all mention Priber’s various ‘civilizing’ roles but none mention religion.

Perhaps the divisive nature of Catholicism versus Protestantism accounts for the lack of

¹²⁰ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 316.

¹²¹ James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 254.

mention of any ‘approved’ religious instruction.¹²²

Mooney quotes a writer of the period as saying “To the shame of the Christian name, no pains have ever been taken to convert them to Christianity; on the contrary, their morals are perverted and corrupted by the sad example they daily have of its depraved professors residing in their towns.”¹²³ Timberlake’s memoirs make no specific mention of any Christian influence, noting that each person was at liberty to think for himself, but that the Cherokees generally believed in one superior Being, “who made them, and governs all things, and therefore [they are] never discontent at any misfortune, because they say, the Man above would have it so.”¹²⁴ While it may be a matter of semantics, the choice of “man” above could indicate some Christian influence, considering one of their most often cited origin stories looks to both female and a male influences that direct events on earth and the heavens (Selu and Kantai).¹²⁵

The Cherokees had a long and deep seeded religiosity, or spirituality, based on cosmic and natural balances. Their designated spiritual leaders led extensive religious ceremonies and dances to honor, appease or ask favor of their gods. Episodes of small

¹²² For more information on Christian Priber’s role in early Cherokee affairs, see Knox Mellon, “Christian Priber’s Cherokee “Kingdom of Paradise”,” *The Georgia Historical Quarterly* 57, no. 3 (October 1, 1973): 319-331.

¹²³ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 37-38.

¹²⁴ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 87.

¹²⁵ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 240. For more on Cherokee origins see the above and Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007).

pox and other European diseases, against which the Cherokees had no natural or acquired immunity, and the inability of their medicine men/priests to provide a remedy helped to negate the once superior place held by these practitioners. A particularly virulent outbreak of smallpox in 1738-1739, reported to have killed over half of the Cherokee population, diminished the power of their medicine men. Adair recorded that when these men could not cure the ailment they “broke their old consecrated physic-pots, and threw away all the other pretended holy things they had for physical use, imagining they had lost their divine power by being polluted; and shared the common fate of their country.”¹²⁶ McLoughlin postulates that this episode caused “tribal animosity against the priests [and] resulted in what seems to have been the repudiation of them and their methods, perhaps even their assassination.” The ability of European doctors to deal with small pox did persuade some Cherokees to believe “the white man’s understanding of the spirit world and his power to apply that knowledge to prevent death were greater than those of the Indian.”¹²⁷

Even if the Cherokees did acknowledge European doctors’ success in treating European based diseases, it did not translate into an immediate belief in the European god or the abandonment of Cherokee religious traditions. Christian influence on the Cherokees was very limited and for centuries it met with little success. When Moravian missionaries entered the Cherokee nation in 1799, and offered to build a school, leaders in the nation embraced the idea of education but specifically rejected Moravian religious

¹²⁶ James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 245.

¹²⁷ William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 18.

instruction.¹²⁸ While Cherokees may have been increasingly involved in an agricultural economy and moved ever closer to a codified centralized government, they still retained many traditional practices and beliefs.¹²⁹ The Moravians arrived in 1801, and, assisted by a mixed blood chief, James Vann, and Agent Meigs, began to establish their mission at Spring Place. Two years later it became known that the missionaries did not intend to establish the promised school until they had converted an acceptable number of Cherokee parents to Christianity. The Council reacted angrily, making it clear they “wanted practical teachers for their children rather than preachers of a new theology.” The Moravians were given six months to open a school or quit the nation. The Moravians hurried to open Spring Place Mission School before they lost favor and influence among the Cherokees.¹³⁰

Once the Cherokees allowed the Moravians to enter their nation, other denominations quickly followed. Shortly after the Council became aware of the ulterior motives of the Moravians, a Presbyterian by the name of Gideon Blackburn offered to open a school without first requiring conversion. Additionally, he offered to house, feed and clothe the students at the expense of the Presbyterian Church. By contrast the Moravians had indicated Cherokee parents would have to pay room and board for the

¹²⁸ For more on the role of Moravians among the early Cherokee, see Anna Rosina Gambold, *The Moravian Springplace Mission to the Cherokees*, Indians of the Southeast (Lincoln: University of Nebraska Press, 2007); C. Daniel Crews and Richard W Starbuck, eds. *Records of the Moravians Among the Cherokees* (Tahlequah, Okla: Cherokee National Press, 2010).

¹²⁹ Anna Rosina Gambold, *The Moravian Springplace Mission to the Cherokees* (Lincoln: University of Nebraska Press, 2007), xiii.

¹³⁰ Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 100.; William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 47; James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 84.

children attending Spring Place Mission School. Blackburn's boarding school, Hiwassee School, opened in 1804, shortly before Spring Place, and was followed two short years later by another day school.¹³¹ Both schools' curricula included religious instruction: the missionaries hoped that by indoctrinating the children of influential chiefs, they would set an example for other children and even the parents. Whether Cherokee elders expected the schools to provide religious instruction, it was most certainly in the curriculum. John Ridge, one of the first students at Spring Place Mission, later wrote that in addition to learning to read, write and "labor in the Garden & in the field," students "were first taught to sing & pray to their Creator, & here Gospel Worship was first established." Ridge credited the missionaries, the Gambolds, with dispersing his ignorance and providing "the rays of civilization" that expanded his intellect.¹³²

However, most adult Cherokees did not adopt Christianity in the early nineteenth century and the first Mission Church in the nation did not open until 1818, under the auspices of the American Board of Commissioners for Foreign Missions (ABCFM). When the Brainerd Mission was founded, McLoughlin believes that most Cherokees considered its early missionaries to be "'good men'—meaning that they were not trying to take their land or cheat them," but McLoughlin maintains these few missionaries did not have any significant influence on the religious acculturation of the wider Cherokee population until after 1819. Even with the establishment of early mission schools and the entrance of the ABCFM and its church, there remained resistance to outside influences within the

¹³¹ William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 73-75.

¹³² Quoted in Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 100-101.

Cherokee nation.¹³³ The United States Congress passed the Indian Civilization Fund Act in 1819, which encouraged benevolent societies to aid in the ‘civilization’ process and provided these groups annuities to further their work among the aborigines. John Ross, always interested in the education and advancement of his people, also supported and supplemented federal funds to the early missionary schools.¹³⁴ Although the Cherokees had finally permitted the opening of mission schools within the nation, it did not have the ultimate desired effect that the young American Republic expected. Meant to cultivate and ‘civilize’ the Cherokees, “the instruction was chiefly of use to those mixed-blood parents already committed to rapid acculturation, but even these were reluctant to have their children stay too long at the schools.”¹³⁵

Although American Protestant efforts to Christianize the tribe may have not had the far-reaching impact anticipated by the authors of the Indian Civilization Fund Act, it must still be recognized that a number of missionaries substantially influenced the Cherokees during the early to mid nineteenth century. Several prominent missionaries assumed important roles in the Cherokees’ fight for land rights and sovereignty. Presbyterians Daniel S. Butrick, Samuel Worcester and Jeremiah Evarts, and Baptists Evan and John B. Jones, all remained with the Cherokees during these struggles,

¹³³ William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 76. For more on the role of missionaries among the Cherokee, see William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994); William Gerald McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven: Yale University Press, 1984); William Gerald McLoughlin, “Cherokee Anti-Mission Sentiment, 1824-1828,” *Ethnohistory* 21, no. 4 (Autumn 1974): 361-370; Theda Perdue, “Traditionalism in the Cherokee Nation: Resistance to the Constitution of 1827,” *The Georgia Historical Quarterly* 66, no. 2 (July 1, 1982): 159-170.

¹³⁴ Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 6-8.

¹³⁵ William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 76.

forwarding the Cherokee agenda against intrusive whites.¹³⁶ Worcester was forced from the Cherokee nation after his successful Supreme Court case against the State of Georgia, but recognizing the almost inevitable outcome of the Cherokees' continuing problems in Georgia, he traveled ahead to Indian Territory to establish a new mission and prepare for their arrival.¹³⁷ Both the Jones stayed until the bitter end, leading detachments of Cherokees on the Trail of Tears and remaining with them once they reached Indian Territory.

Although many missionaries targeted the mixed-blood 'progressives,' others, such as Butrick and the Jones, ministered to the traditionalists, endeavoring to learn their language and customs in order to aid in conversion.¹³⁸ It might be surmised that the most successful efforts were among mixed bloods whose fathers were of European, Christian descent, but even principal chief John Ross did not officially convert to Christianity until 1829.¹³⁹

By the late 1820s, the Cherokee Nation had become an advanced, well-established, autonomously functioning, republican society. The year 1827 witnessed the

¹³⁶ For more on the missionaries in later Cherokee struggles, see William Gerald McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (Princeton, N.J.: Princeton University Press, 1990); William Gerald McLoughlin, *Cherokees and Missionaries, 1789-1839* (New Haven: Yale University Press, 1984). John Howard Payne, *The Payne-Butrick Papers*, William Anderson, ed. (Lincoln, Neb.: University of Nebraska Press, 2010).

¹³⁷ For the most complete study on Samuel Worcester and his role among the Cherokees, see Althea Bass, *Cherokee Messenger* (Norman: University of Oklahoma Press, 1996).

¹³⁸ Joyce B Phillips and Paul Gary Phillips, eds., *The Brainerd Journal: A Mission to the Cherokees, 1817-1823* (Lincoln: University of Nebraska Press, 1998). 3-5.

¹³⁹ There are several books on the influence of Christianity and the role of missionaries on the Cherokees, for the most thorough study see William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994).

adoption of a Cherokee constitution based on the United States' constitution, the creation of a democratically elected bi-cameral legislation, and a sophisticated court system.

Some historians have postulated that it was the discovery of gold in the Cherokee Nation that prompted Georgia in its final 'push' to rid the state of the Cherokees. In reality, by the mid-eighteenth century it was widely known that there were valuable mineral deposits throughout Cherokee territory.¹⁴⁰ It is more likely that the Cherokees' creation of a republican government and their successful cultural and economic adaptation reignited Georgia's eagerness to remove the last of the 'Civilized Tribes.'

It is notable that once the Cherokees acquiesced to the desires and requirements of 'civilization,' meaning "Euro-American manners, style of dress, language, law and social life," they still were not afforded entrance into the American family. British geographer George Featherstonhaugh complimented the dress and manners of the Cherokees, noting they were not to be confused with the "wild savages" of the West, but rather that they differed from their white neighbors only "in a browner complexion, and in being less vicious and more sober."¹⁴¹ In accepting these changes, Elias Boudinot, John Ridge, John Ross and several other leading Cherokees had expected fulfillment of the promise of equality offered by early proponents of the "civilizing policy." President George Washington had indicated that acculturation to Euro-American societal standards and

¹⁴⁰ See Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 73 and James Adair, *Adair's History of the American Indians* (New York: Promontory Press, 1974), 248.

¹⁴¹ George William Featherstonhaugh, *A Canoe Voyage up the Minnay Sotor; with an Account of the Lead and Copper Deposits in Wisconsin; of the Gold Region in the Cherokee Country; and Sketches of Popular Manners* (Minnesota Historical Society, 1970), 231.

values would lead to equality.¹⁴² The Cherokees were sadly disappointed. Instead, their efforts to match European standards of ‘civilization’ brought accusations of the nation being controlled and manipulated by white men, including several of the leading missionaries. Boudinot refuted these beliefs, including one accusation that claimed the *Cherokee Phoenix* (the first Native American newspaper) was written and edited by Worcester rather than Boudinot. Surrounding whites also claimed that white men controlled the nation because a majority of Cherokee leaders bore English surnames. Boudinot countered that among the Cherokee nation’s elected officials, “56 were half-breeds, but not a *single white man*,” held office.¹⁴³ Boudinot himself was a full-blood Cherokee who had adopted his patron’s English name. In fact, it was customary for Europeans to give Cherokees white names. “Their common names are given them by their parents’ but this they can either change, or take another when they think proper; so that some of them have near half a dozen, which the English generally increase, by giving them an English one.”¹⁴⁴

The widespread accusation that “white” leaders held undue influence appears throughout most of the later correspondence between U.S. government agents in the Cherokee nation, Georgia’s governors and federal officials. The advancement of the

¹⁴² Joyce B Phillips and Paul Gary Phillips, eds., *The Brainerd Journal: A Mission to the Cherokees, 1817-1823* (Lincoln: University of Nebraska Press, 1998), 6. See also Christian B. Keller, “Philanthropy Betrayed: Thomas Jefferson, the Louisiana Purchase, and the Origins of Federal Indian Removal Policy,” *Proceedings of the American Philosophical Society* 144, no. 1 (March 1, 2000): 39-66.

¹⁴³ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens: University of Georgia Press, 1996), 18.

¹⁴⁴ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 95.

Cherokee people negated the lingering belief that an Indian could not be cultivated or ‘civilized’ in every possible way and, in fact, the adaptability of the tribe to the prescribed tenets of ‘civilization’ proved to be a stumbling block to the plans of surrounding whites to rid Georgia of its ‘savages.’ Henry Timberlake surmised early on that were “the Cherokees contracted into a fortified settlement [and] governed by laws...they might become formidable.”¹⁴⁵ They had, indeed, fulfilled this forecast, becoming formidable opponents to white land aggression, employing the education, customs and tactics of their oppressors to the point that U.S. officials often accused those Cherokees who continued to fight the federal and state governments of being too “white.”

Although many of the nation’s leaders were mixed-blood, they still identified with their Cherokee roots and their people. These men took advantage of their European styled education and knowledge of the white man, and they had aptly learned how to navigate within the white man’s world. Yet they recognized the importance of keeping their ancestral homelands, and they faced every obstacle with vigor and tenacity. William Bishop, the head of the Georgia Guard, contemptuously argued that “these abominable Indian White men wishes to run out all except what are friendly to their policy.”[sic]¹⁴⁶ But Cherokee tradition dictated the removal of all dissenting opinion in order to present a united front against aggression. In keeping with this tradition, pro removal Cherokees such as John and Major Ridge, were forcibly removed from their Council seats when they refused to step down, as was customary, and John Ross and

¹⁴⁵ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 98.

¹⁴⁶ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 417.

other anti removal advocates labeled them traitors to their people.¹⁴⁷

The best warriors, those who had proved their merit and worth, had originally comprised the Cherokee Council. But even as the Cherokees became more centralized and secular, the Council still housed the most useful and worthy of Cherokee leaders—those who were best able to meet and fight the white man on his playing field. A U.S. agent to the Cherokees complained that “The whole opposition that the President & State of Georgia now meets with, may be traced to this class of men, with the exception of John Ridge and perhaps two others.”¹⁴⁸ It stands to reason that opposition to removal would originate with this “class of men,” since they served as elected representatives of the nation.

The Cherokees had made every effort to adapt to the new Atlantic-borne world. By adopting agriculture, domesticity, religion, education and many of the values and mores of Europeans, they had expected to be welcomed into the American family. However, the further they advanced in their efforts to meet these requirements for ‘equality,’ the more they faced an onslaught of prejudice and pressure from Georgians who expected the Cherokee to leave their homeland. It was, I believe, Cherokee skill and cunning at adaptation that led to their final removal. By the 1820s, jealous whites had already surrounded them. The Georgians envied the Cherokees’ success and they coveted their farms, homes and wealth. The ‘civilizing’ policy of George Washington, Thomas Jefferson and Henry Knox, introduced in the 1790s, had come to fruition, yet it

¹⁴⁷ For more on the removal of the Ridges from their Council seats, see Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 260-263.

¹⁴⁸ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 330.

still did not afford the Cherokees the peace, independence and respect the leaders of the Young Republic had once promised.

No matter how well the Cherokees managed to adopt these foreign standards of ‘civilization,’ their efforts were never sufficient. The bar always lay beyond their reach. Some surrounding whites remained convinced that an Indian would always be an Indian. Elias Boudinot took exception to an accusation that no progress was being made in the ‘civilization’ of the Native Americans because of the Indians’ continued attachment to “practices and opinions, which constitute the distinctive traits of their character.” Boudinot refuted this opinion and rightly concluded that in order to dispel such prejudices, he would have to “prove that *Cherokees* are not *Indians*.”¹⁴⁹ Government officials, and many American citizens, expected the Cherokees to adopt European values, dress, customs and manners, and to also change their very nature!

Contemporary authors, John Howard Payne and George Featherstonhaugh, both made reference to the advancement of the Cherokees in established definitions of ‘civilization’, and noted how they differed from their so-called ‘civilized’ white neighbors. John Howard Payne, a well-known contemporary author and playwright, had taken an interest in the Cherokee Nation’s plight as early as 1835, and secured an introduction to John Ross during Payne’s tour of the South that same year. Samuel Rockwell, an attorney for the Cherokee Nation, wrote in his letter of introduction that John Howard Payne, “whose high literary reputation, both at home & abroad you are doubtlessly acquainted with,” sought Ross out to “obtain an insight into your national

¹⁴⁹ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens: University of Georgia Press, 1996), 18.

history & copies of such documents, as you may have in your possession concerning the traditions of the [sic] this oppressed People in order that if the race is to be extinguished, its history & that of its wrongs may be preserved.”¹⁵⁰

Ross and Payne struck up a fast and easy friendship as Payne availed himself of Ross’s hospitality, while examining and recording official Cherokee documents and interviewing tribal elders. In November of 1835, just weeks after the failed presentation of possible treaty terms, the Georgia Guard crossed the border into Tennessee, where Ross then resided, arrested Payne and Ross, and forced them back to Georgia, where they were imprisoned without charge. Payne remained in prison more than two weeks after John Ross was released, presumably to give the Georgians time to copy all of Payne’s papers relating to Cherokee affairs he had been collecting for several months. After his release, Payne published a memorial entitled “John Howard Payne to his Countrymen,” in the *Knoxville Register* relating the details of the false imprisonment, which was promptly picked up by other papers across the nation.

Payne himself concluded that his arrest was actually an attempt by government officials to obtain copies of “certain documents regarding the treaty discussions...which had been asked for by the government agents, and not given.” Payne was accused of inciting the Cherokees against whites and writing defamatory remarks against the Georgia Guard, Georgia and the General Government of the United States. He exonerated himself of any wrongdoing when he explained that “the very little I have gathered regarding the Cherokees, by a pure and disinterested wish to render my own country service, in leading it to be simply just to theirs [the Cherokees’]. I repeat again

¹⁵⁰ John Howard Payne. “John Howard Payne to His Countrymen.” Ed. Clemens de Baillou. Athens: University of Georgia Libraries, 1961, 4-5.

and again, I have looked into this matter as a philanthropist, not as a politician.”¹⁵¹ While it is conjecture, it seems probable that Ross was released in early December to ensure he would be among the delegates traveling to Washington. Had he been in the area it is certain that he would have stopped the sham meeting Schermerhorn arranged at New Echota.

In the address to his countrymen Payne had published after being released from imprisonment by the Georgia Guard, he candidly described the members of the Guard who arrested Ross and himself. He exposed to readers across the nation the rough and untutored men who comprised this group. On the long ride back to Georgia he noted that the members of the Guard were “whooping and galloping and singing obscene songs.” Upon stopping for refreshment someone mentioned the Bible and one of the guards “disclaimed much knowledge: he didn’t believe he’d ever read fifteen chapters.”¹⁵² Payne related his account of the poor treatment they received, as well as the uncouth presence and actions of the guards. It appears that in his description of the Georgia Guard, Payne made a clever and ironic statement that these coarse people were representative of the ‘civilized’ white settlers who were being accommodated and benefitting from forcing out the ‘savage’ Indians in order to lay claim to their lands.

After Ross was released, Payne remained in custody, where his “only amusement was parading before the door, and mentally composing a doggerel description of my captivity,” and listening to “conversation, which exceeded in vulgarity, obscenity,

¹⁵¹ John Howard Payne. “John Howard Payne to His Countrymen.” Ed. Clemens de Baillou. Athens: University of Georgia Libraries, 1961, 45-47.

¹⁵² Ibid., 20.

profanity and filth, any thing I ever could have fancied.”¹⁵³ When brought before Colonel Bishop, the head of the Georgia Guard, Payne was told to “Look upon them men. Them’s the men you in your writings have called banditti.” Payne was ordered not to speak and related that he “did *not* speak, but I *did* look upon the men; and, if I ever compared them in appearance to Banditti, the glance of that moment made me feel that I ought to ask of any Banditti the most respectful pardon.”¹⁵⁴ Payne stood accused of going into Georgia “to rise up the Cherokees against the whites. You’ve wrote agin [sic] these worthy men (pointing to the Guards.) You’ve wrote agin [sic] the State of Georgia. You’ve wrote agin [sic] the Ginerall [sic] Government of the United States. Now, Sir, take your papers, Hang ‘em on your arm, Sir, and I order you to cut out of Georgia. If you ever dare again show your face within the limits of Georgia, I’ll make you curse the moment with your last breath...clear out of the state forever, and go to John Ross, God damn you!”¹⁵⁵ Payne remained a strong and influential advocate of the Cherokees’ cause for years and lent his name and writing skills to several memorials and editorials in their favor. Although his *History of the Cherokee*, remains unpublished as a manuscript, his extensive research notes have recently been edited and published, along with those of Cherokee missionary, Daniel Butrick.¹⁵⁶

¹⁵³ John Howard Payne. “John Howard Payne to His Countrymen.” Ed. Clemens de Baillou. (Athens: University of Georgia Libraries, 1961), 34.

¹⁵⁴ Ibid., 38.

¹⁵⁵ Ibid., 38.

¹⁵⁶ John Howard Payne, *The Payne-Butrick Papers*, ed. William Anderson (Lincoln, Neb.: University of Nebraska Press, 2010).

George Featherstonhaugh also encountered the Georgia Guard during his travels in Cherokee country, and he described them as “unshaven and dirty as they could well be.” He noted that the “officers...were only distinguished by having Cherokee fringed hunting shirts on,” and added that “many of the men were stout young fellows, and they rode on, talking, and cursing and swearing without any discipline.” They reminded him of “the descriptions of the condottieri of ancient times,” who were hired mercenaries during the Renaissance.¹⁵⁷ By contrast, he described the Cherokees as “being dressed decently after the manner of white people, with shirts, trousers, shoes and stockings” and noted that they “conformed in every thing to the customs of the whites [and] spoke as good English as them.” Upon his observations of these Cherokees, Featherstonhaugh remarked,

“This spectacle insensibly led me into reflection upon the opinion which is so generally entertained of its being impossible to civilize the Indian in our sense of the word. Here is a remarkable instance which seems to furnish a conclusive answer to skepticism on this point. A whole Indian nation abandons the pagan practices of its ancestors, adopts the Christian religion, uses books printed in their own language, submits to the government of their elders, build houses and temples of worship, relies upon agriculture for their support, and produces men of great ability to rule over them, and to whom they give willing obedience. Are these not the great principles of civilization? They are driven from their religious and social state, not because they cannot be civilized, but because a pseudo set of civilized beings, who are too strong for them, want their possessions! What a bitter reflection it will be to the religiously disposed portion of the people, who shall hereafter live here, that the country they will be so proud of and so blest in, was torn from the Aborigines in this wrongful manner.”¹⁵⁸

Even government officials employed the logic that it was in the best interests of the Cherokees to distance themselves from the poor influence of their white neighbors.

¹⁵⁷ George William Featherstonhaugh, *A Canoe Voyage up the Minnaw Sutor; with an Account of the Lead and Copper Deposits in Wisconsin; of the Gold Region in the Cherokee Country; and Sketches of Popular Manners* (Minnesota Historical Society, 1970), 229.

¹⁵⁸ *Ibid.*, 233-234.

Lewis Cass, Secretary of War (1831-1836), warned that the Cherokees had “better remove, and soon,” if they hoped to have “the means of preserving their institutions, without interference of the white people.”¹⁵⁹

America has never been home to a homogenous group of people, despite the efforts of some citizens to make it so. It has always been one of the most diverse and culturally disparate countries in the world, and yet, that reality has never translated into tolerance or acceptance of others. It certainly did not provide for the general acceptance of the original inhabitants of this continent. Ironically, Boudinot, one of the greatest proponents of acculturation, “found himself treated as an outcast by the very people he had tried to emulate.”¹⁶⁰ Despite the Cherokees’ valiant efforts to conform to a society that considered itself innately superior, the Cherokee people were nevertheless forced from their land, regardless of the message they had absorbed that acquiescence to Euro-American life-ways would ensure them peace and independence next to their white brethren. Once removed, however, the Cherokees managed exactly what John Ridge expected and hoped for: “the preservation of his people as a distinct community where they may learn civilization & religion and grow up to a high state of respectability in the character of a Nation.”¹⁶¹ However, the removal crisis the Cherokee nation faced irrevocably altered both American and Cherokee relations and history.

¹⁵⁹ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 297.

¹⁶⁰ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens: University of Georgia Press, 1996), 10.

¹⁶¹ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 553.

Chapter Four

Divided We Fall

The fracturing of the Cherokee Nation in the 1830s ran along two lines, those in favor of removing West and those opposed to leaving their homelands. John Ridge, a full blood Cherokee and one-time member of the Cherokee Council, represented the pro removal side and oftentimes that party is referred to as the Treaty or Ridge Party. Similarly John Ross, elected principal chief of the Cherokee Nation, led the anti removal party and lent his own name to that following, known as the Anti Treaty or Ross Party. At the time of the controversy and crisis, both men called into question the other's sincerity, each suggesting ulterior motives for his opponent's stance on removal. Ridge claimed Ross was being speculative and taking advantage of the 'ignorant' Indians and Ross maintained that Ridge and his supporters had misplaced their loyalties and betrayed their people.¹⁶² There is much more to this story than the dichotomy of pro or anti removal attitudes; human nature is too often forgotten in the black and white examination of the available documents. Only further examination of letters and other sources enables one to glean the leaders of the Cherokee Nation's continual heart-wrenching internal struggle.

This chapter will explore the two competing parties within the Cherokee Nation, the

¹⁶² For more information on the split in the Cherokee leadership see Theda Perdue, "The Conflict Within: The Cherokee Power Structure and Removal," *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 467-491; William Anderson, ed. *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 55-74; Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 214-241; Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 54-71.

reasoning on both sides, the ongoing battle of attachment to homelands versus the ultimate fate of a people, the methods by which the United States effected the final removal of the Cherokee Nation beyond the Mississippi River and the aftermath of these events.

The decades-long battle to withstand the continual onslaught of white land greed and racism took its toll on the Cherokee people. Although several thousand Cherokees had moved west by the 1830s, the vast majority of the nation had chosen to remain on the lands of their forefathers, and in so doing faced increasing pressure and assaults on their sovereignty and tribal solidarity by the federal government and resident Georgians. The 1830s proved to be a turning point in Cherokee and American history, ultimately resulting in the division of the Cherokee nation, the tragic removal of this people from their homeland and further disgrace of the United States in its dealings with Native peoples.¹⁶³

During the removal crisis the rift that erupted between pro and anti removal advocates within the Cherokee nation tore apart families, friendships and long lasting political alliances. Both sides felt they had the welfare of the Cherokee people at heart and both believed they were promoting the best interests of the people. But on a cold December day in 1835, a handful of pro removal representatives would sign away the remainder of the Cherokee nation's lands in the East and consequently be branded by

¹⁶³ For more on the debate over Cherokee removal see Louis Filler, *The Removal of the Cherokee Nation: Manifest Destiny or National Dishonor?* (Huntington, N.Y: R. E. Krieger Pub. Co, 1977).

contemporaries, and history, as betrayers of their people, their ancestors and their freedom.¹⁶⁴

Interestingly, both John Ross and John Ridge were hopeful that posterity would render justice to the Cherokees of this period; Ross expected history to condemn the United States and Georgia for its transgressions and broken treaties, and Ridge hoped to be exonerated by future generations for his perceived betrayal. Ridge was aware of the brand he would wear for his pro removal advocacy, writing that he could only rely on “posterity to award my motives and the tribute of justice they deserve.”¹⁶⁵ As if sensing an unfavorable outcome, a few weeks before the Senate ratified the Treaty of New Echota by a single vote, John Ross wrote to a friend “that the only chance of justice for us is in History.”¹⁶⁶ Both of these men exerted every effort to bring about peace and prosperity for the Cherokee people, initially fighting on the same side, only to turn bitter enemies during the years of the removal crisis.

The united front the Cherokee Nation had long presented to Georgia and the United States began to fracture in the early 1830s. The Cherokees were not unaccustomed to debate and controversy over the influence of white society on their own and, as previously discussed, many chose to voluntarily distance themselves in the century preceding the Trail of Tears. The earliest recorded migration of Cherokees west of the

¹⁶⁴ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 592-93. For the most thorough examination of the Treaty Party, see Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986).

¹⁶⁵ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 553.

¹⁶⁶ Gary E. Moulton, ed., 1985. *The Papers of Chief John Ross*. Vol. 1. 2 vols. (Norman, Oklahoma: University of Oklahoma Press), 391.

Mississippi appeared shortly after the first land cession in 1721, when Yunwi-usagaseti (“dangerous man”) led a group of Cherokees who, “foreseeing the inevitable end of yielding to the demands of the colonists, refused to have any relations with the white man, and took up their long march for the unknown West.”¹⁶⁷ Small groups continued to migrate through the eighteenth century and in 1809, Tahlonteskee led over one thousand more Cherokee people west to continue their more traditional lifestyle; this portion of the tribe became known as the Arkansas, or Western, Cherokees.¹⁶⁸ As discussed previously, they established their own government, separate from the Eastern Cherokees, and formed their own relationship with the United States government. Because they were distinct from Cherokees still residing in the East, the Western Cherokees played a limited role in the events of the 1830s.

Through subsequent treaties in 1817, 1819, and again in 1828, thousands more joined their western brethren, but by the 1830s, Georgia and the U.S. government no longer deemed partial emigration as an acceptable option. Both federal and state legislation undermined decades of legal and moral battles fought and won in the courts and in the public mind. President Andrew Jackson took office in 1829, under the premise of taking care of the ‘Indian problem,’ and he managed to secure the votes necessary in 1830 for Congress to pass the Indian Removal bill that he signed into law.¹⁶⁹ As

¹⁶⁷ Quoted in Russell Thornton. *The Cherokees: A Population History*. (Lincoln: University of Nebraska Press, 1990), 43.

¹⁶⁸ Robert Conley, *The Cherokee Nation*. (Albuquerque, University of New Mexico Press, 2005), 85.

¹⁶⁹ For more on Andrew Jackson and his role in Indian removal, see Michael Paul Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian*, 1st ed. (New York: Knopf : distributed by Random House, 1975); A. J. Langguth, *Driven West: Andrew Jackson and the Trail of Tears to the Civil War*, 1st ed. (New York: Simon & Schuster, 2010); F. P. Prucha, “Andrew Jackson’s Indian Policy: A Reassessment,” *The Journal of American History* 56, no. 3 (December 1, 1969): 527-539; Robert Vincent Remini, *Andrew Jackson & His Indian Wars* (New York: Viking, 2001).

mentioned earlier, that same year Georgia extended its state laws over the Cherokee Nation, thereby abolishing established Cherokee sovereignty over its own people and nation.¹⁷⁰

This disruption of Cherokee governmental functions effectively put a moratorium on council elections that, ironically, could have meant the selection of leaders more favorable to removal. John Ridge had intended to run against John Ross as principal chief, and considering he was soon in contact with Georgia's governor and showing pro-removal tendencies, had Georgia not imposed her laws over the nation, the difficulties of the removal controversy might have been very different. Instead, the Cherokee Council voted to keep all current officials in their elected positions for the duration and proceeded within the boundaries of white law to reclaim their sovereign rights.¹⁷¹

In 1830, the Cherokees hired William Wirt, former U.S. Attorney General under Presidents James Monroe and John Quincy Adams, to fight Georgia's imposition of her laws over the Cherokee nation.¹⁷² *Cherokee Nation v. Georgia* (1831) was the first of two

¹⁷⁰ For more information on the extension of Georgia's laws over the Cherokee nation, see Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 157-168; William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 437-438; *The Cherokee Removal: A Brief History with Documents*, 2nd ed., Bedford series in history and culture (Boston: Bedford/St. Martin's, 2005), 71-80; Theda Perdue, *The Cherokee Nation and the Trail of Tears*, The Penguin library of American Indian history (New York: Viking, 2007), 77-89.

¹⁷¹ William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 437; Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 147-148.

¹⁷² For more on the role of Wirt in Cherokee affairs, see Kenneth W. Treacy, "Another View on Wirt in Cherokee Nation," *The American Journal of Legal History* 5, no. 4 (October 1, 1961): 385-388; Jill Norgren, "Lawyers and the Legal Business of the Cherokee Republic in Courts of the United States, 1829-1835," *Law and History Review* 10, no. 2 (October 1, 1992): 253-314

landmark Supreme Court cases that would affect Native American communities for generations to come. Wirt argued that “they [Cherokees] have always been respected and treated with, by the British government, the State governments, by that of the United States under their articles of confederation and lastly, by that of the present United States under their federal constitution, as a *sovereign people*, to be governed *exclusively* by their own laws, usages and customs, and owing no allegiance either to the state governments or to the government of the United States, nor amendable to their laws except so far as they have engaged, by their own voluntary treaties, to respect those given by the United States.”¹⁷³ The Cherokee Nation and Wirt claimed that native communities should be classified and treated as foreign nations and therefore the case properly belonged in the Supreme Court’s jurisdiction, but Chief Justice John Marshall remarked that they would “more correctly perhaps be denominated *domestic dependent nations*,”¹⁷⁴ and that they occupied “a territory to which we assert title independent of their will, which must take effect in point of possession when their right of possession ceases – meanwhile they are in a state of pupillage.”¹⁷⁵

Justice Marshall made it clear he would like to side with the Cherokees, but the way in which the case was presented placed the issue outside the judicial domain of the United States. “If courts were permitted to indulge their sympathies, a case better

¹⁷³ William Wirt. *Opinion on the Right of the State of Georgia to Extend Her Laws Over the Cherokee Nation*. Variation: LLMC-digital series (Baltimore: F. Lucas, Jr.1830), 3.

¹⁷⁴ Emphasis my own.

¹⁷⁵ Richard Peters. *The Case of the Cherokee Nation Against the State of Georgia: Argued and Determined at the Supreme Court of the United States, January Term, 1831: With an Appendix ...* (Philadelphia: John Grigg, 1831), 2.

calculated to excite them can scarcely be imagined,” he remarked. Marshall went on to explain that the Cherokee nation was not to be considered a foreign nation as the term was intended in the constitution, but added that any case that involved a citizen as a plaintiff and a state as the defendant was certainly under the Supreme Court’s jurisdiction, opening the way for the second important case, *Worcester v. Georgia*, the following year. *Cherokee Nation v. Georgia* subsequently classified all native peoples as “domestic dependent nations” and placed them in the position of a “ward to its guardian.”¹⁷⁶ Such a classification led to some difficulties in the future, but stemmed from the paternal role the government had perpetuated from the beginning; a role some tribes were willing to accept if it meant the protection and support of the federal government.

While the Supreme Court was determining the nature of the relationship between tribal populations throughout the United States and the federal and state governments, the foundation of Cherokee unity began to fracture. As previously discussed, in 1828, the Western Cherokees and the United States negotiated a treaty that provided for their further removal from the limits of Arkansas into the region then known as Indian Territory. Representatives from the Western Cherokees and the United States approached the Eastern nation of Cherokees intending to persuade them to join their

¹⁷⁶ Richard Peters. *The Case of the Cherokee Nation Against the State of Georgia: Argued and Determined at the Supreme Court of the United States, January Term, 1831: With an Appendix ...* (Philadelphia: John Grigg, 1831, 161. For more information on the Supreme Court cases affecting the Cherokees, see Michael J. Klarman, “How Great Were the “Great” Marshall Court Decisions?,” *Virginia Law Review* 87, no. 6 (October 1, 2001): 1111-1184; Joseph C. Burke, “The Cherokee Cases: A Study in Law, Politics, and Morality,” *Stanford Law Review* 21, no. 3 (February 1, 1969): 500-531; Ronald A. Berutti, “The Cherokee Cases: The Fight to Save the Supreme Court and the Cherokee Indians,” *American Indian Law Review* 17, no. 1 (January 1, 1992): 291-308; William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 428-446.

western brethren in the new territory but to no avail. In fact, many Cherokees considered it an insult that these people who had severed all ties with the nation in the East pretended any influence with Eastern tribe.

In his annual address in 1828, John Ross praised the eastern Cherokee for acting with restraint in not “committing any violence on the persons of the two Arkansas chiefs for the indignity offered by the design of their visit.”¹⁷⁷ No more than a few hundred Cherokee chose to move across the Mississippi at this time and the further displacement of the Western Cherokees underscored existing Cherokee distrust of the federal government’s “solemn guarantee” that the new land would “remain theirs forever.”¹⁷⁸ Again, such language had been used in every single treaty negotiated between the Cherokees and the United States, only to be followed by white intrusions into remaining native lands and subsequent pressure from the U.S. government for additional land cessions; government officials found it more convenient to negotiate the purchase of the illegally occupied lands than to force white squatters from Cherokee territory. Soon, some Eastern Cherokees began to see the futility of fighting against the perpetual pressure of whites crowding into Cherokee lands and proposed that they consider the offer of lands in the West where they could continue to cultivate their culture and pursue civilization without interference.

Led by the Ridge-Watie-Boudinot faction (commonly known as the Ridge party), the pro removal party included such influential men as John and Major Ridge, their

¹⁷⁷ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985)144.

¹⁷⁸ “Treaty of 1828” in Chadwick “Corntassel” Smith, “Cherokee Nation History Course” (Cherokee Nation, 2000), 3-6-3-10.

extended family, Stand Watie and Elias Boudinot, former Cherokee head chief, William Hicks, and Andrew Ross, John Ross' brother. For decades these men had fought against the encroachment of whites on Cherokee lands, and they had also defended the power, culture and history of their native people. Most of them had benefited from missionary or European styled education and had first used such skills and knowledge to fight against white intrusions.

Initially, Elias Boudinot proved a staunch opponent of further land loss, but he did favor adopting the white man's ways in order to secure a better future for the Cherokees and a more equal footing with their white neighbors. As a young man he met a philanthropic patron whose name he adopted, discarding Gallegina or "Buck" Watie for that of his patron, Elias Boudinot, president of the American Bible Society. This newly renamed Cherokee attended school at the American Board of Foreign Missions in Cornwall, Connecticut, along with his cousin, John Ridge. Later Boudinot traveled throughout the Northeast, exhibiting the 'civilizing effects' of European style education and religious conversion on natives. This tour helped raise funds for the creation of the *Cherokee Phoenix*.

Throughout his travels Boudinot spoke to potential donors and praised the advancement his society had made in so short a time. He anticipated the continual refinement of his nation and expected that at some point "they will be admitted into all the privileges of the American family."¹⁷⁹ His desire to establish the Cherokees as equal among nations of the earth would soon be disappointed. The inherent racism that

¹⁷⁹ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, ed. Theda Perdue (Athens: University of Georgia Press, 1996), 75.

permeated American society in the nineteenth century would not allow for any non-white people to stand on equal footing with whites, no matter how educated, Christianized or benevolent they may have been. The controversy that arose after the marriages of both Ridge and Boudinot to white women they had met while attending school in Cornwall revealed the underlying bigotry, which extended to those who had initially encouraged the assimilation of Indians into white society.¹⁸⁰

John Ridge, perhaps the best-known member of the Treaty party, had been groomed since childhood to be of service to his nation. His father, Major Ridge, recognized the growing need for Cherokee leaders who were educated in the white man's ways and could deal with the newly created United States government on its terms. Major insisted John attend school at Spring Place Mission, despite his scrofulous condition and frailty, and at the time he left his seven year old son with the missionaries, John only spoke his native language. An excellent pupil, John next attended Brainerd Mission School in the nation and later leading missionaries selected him to continue his education in Cornwall, Connecticut. He emerged a very capable and well-educated advocate for Indian rights. He gained a seat on the National Committee after returning to Cherokee country, and his education and familiarity with white ways garnered employment with the Creek nation as well. He served as a secretary for the Creek negotiations with the U.S. government in Washington and helped draft the treaty that replaced the fraudulent Treaty of Indian Springs. One U.S. senator credited Ridge with completing "a treaty on better terms for the Creeks, and worse terms for the United

¹⁸⁰ For more on the marriages of Boudinot and Ridge to white women, see Theresa Strouth Gaul, ed., *To Marry an Indian: The Marriage of Harriett Gold and Elias Boudinot in Letters, 1823-1839* (Chapel Hill: University of North Carolina Press, 2005); Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 119-152.

States, than all the diplomatic functionaries [we] employed.”¹⁸¹ Historian Thurman Wilkins stated the Creek “felt in great need of skilled and knowing agents of their own race, in particular of educated men in whom they could place their trust, to help them deal with federal agents whom inevitably they regarded as much their enemies as the most aggressive frontiersmen.”¹⁸²

Having worked diligently for the Creek nation, Ridge later turned his efforts to his own people. He traveled with Boudinot to raise funds for the *Cherokee Phoenix*, and he also became one of the first lawyers in the Cherokee nation. In his relatively short political career he aspired to be principal chief. Although he was prevented from running by the abrogation of Cherokee elections, he held positions in the National Committee and General Council until forced from his seat in 1834. He was more often than not in Washington representing Cherokee interests, and he gained the favor of important senators early on; later he would garner the support of Georgia’s governors and even President Jackson with his pro removal tendencies.

The Ross party is more difficult to delineate than the Ridge party, as it included the vast majority of the nation. Some of the more notable leaders included John Ross, his brother Lewis Ross and assistant chief George Lowery, in addition to the more than fifteen thousand Cherokees who signed their names to petitions against removal. The Ross party may have represented the views of the Cherokees at large, but John Ross was sufficiently aware that he was up against a formidable opponent in the U.S. government.

¹⁸¹ Quoted in Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 174.

¹⁸² Ibid., 179.

A more unlikely leader of the Cherokees may be difficult to imagine than John Ross. Only one-eighth Cherokee, he had the short stature and European features of his Scottish ancestors rather than the tall, dark and lean physique of his adopted people. John Ross was born to Daniel Ross, a Scottish trader, and a quarter-part Cherokee mother Mollie McDonald. Daniel Ross made certain his sons received the best education possible, ascertaining they had the latest newspapers, books and maps available in the home and employing private tutors before sending them to boarding schools. Growing up at his father's trading post, Ross was exposed to the ancient customs of full bloods and it can be surmised that most of his childhood friends were probably Cherokees. However, in adulthood he spoke only broken and halting Cherokee, resulting in his need to employ various translators to relay his words to the Cherokee people.¹⁸³

Appearances aside, John Ross was perhaps the greatest advocate the Cherokee people had ever known, and he remained their principal chief from 1828 until his death in 1866. Historian and Ross biographer Gary Moulton admits that Ross initially shared a remote relationship with the Cherokee people and may have chosen "the Cherokee path because he found among this people a ready avenue for personal advancement. Ross had mastered the necessary political techniques and possessed genuine qualities of leadership, but, more important, he had assumed the Cherokees' instinctive love for their land."¹⁸⁴

¹⁸³ There are numerous books and articles on John Ross and he figures largely in any history of the Cherokee nation. For some sources on Ross, see Rachel Caroline Eaton, *John Ross and the Cherokee Indians*, 1st ed. (New York: AMS Press, 1978); Walter H. Conser, "John Ross and the Cherokee Resistance Campaign, 1833-1838," *The Journal of Southern History* 44, no. 2 (May 1, 1978): 191-212; Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978); Brian Hicks, *Toward the Setting Sun: John Ross, the Cherokees, and the Trail of Tears* (New York, NY: Atlantic Monthly Press, 2011); Gary E. Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985).

¹⁸⁴ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 53.

Whatever his reasoning for turning his aspirations toward service to the Cherokee people, he was a favored leader in the nation, sacrificing personal wealth, friendships and his own well being in his efforts to best represent his constituency.

Ross first became involved in Cherokee affairs as a young man when he was sent to Arkansas to determine the political leanings of the Western Cherokees as tensions between the U.S. and Great Britain began to rise again. Upon his return to the East, he served alongside Major Ridge, Sequoyah, George Lowery and hundreds of other Cherokees under then General Andrew Jackson in the southern arena of the War of 1812, fighting against the “Red Sticks,” the renegade faction of Creeks influenced by Tecumseh’s pan-tribal confederacy. By 1818, Ross was serving as president of the National Committee. A few years later he was appointed leader of the Cherokee Light Horse, the police force charged with removing white intruders from Cherokee territory, and by the early 1820s, he had become clerk to principal chief Pathkiller.¹⁸⁵

In 1822, John Ross wrote to Secretary of War John C. Calhoun on behalf of the Cherokee Nation. As mentioned in chapter 1, Ross made it clear the Cherokees had relinquished their last lands in the treaty of 1819; by this date they had lost nearly three million acres.¹⁸⁶ “We now declare to you in words with an unchangeable heart that we will never cede away any more lands...we...are determined not to sell one foot of

¹⁸⁵ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985)10-33. For more on the creation and role of Cherokee police force, see Bob L. Blackburn, “From Blood Revenge to the Lighthorsemen: Evolution of Law Enforcement Institutions among the Five Civilized Tribes to 1861,” *American Indian Law Review* 8, no. 1 (January 1, 1980): 49-63; Michelle Daniel, “From Blood Feud to Jury System; The Metamorphosis of Cherokee Law from 1750 to 1840,” *American Indian Quarterly* 11, no. 2 (April 1, 1987): 97-125; William Gerald McLoughlin, *Cherokee Renascence in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 43-44, 139-40.

¹⁸⁶ Chadwick “Corntassel” Smith. *Cherokee Nation History Course*. (Cherokee Nation, 2000), 1-4.

land.”¹⁸⁷ Even those lands that had not been sold were infringed upon daily by white intruders, but U.S. officials ignored the numerous complaints and petitions to the federal government asking for assistance in these difficulties, and by the 1830s, the intrusion of whites into Cherokee territory was state and federally endorsed through the Georgia land lottery.

When the Cherokee people elected John Ross as principal chief in 1828, in his first address to the nation he discussed the claims of Georgia to Cherokee land that were based on the three principles of discovery, conquest and compact. Ross eloquently refuted each of these claims and encouraged his people to submit a memorial to Congress expressing the sentiments of the Cherokees and suggesting the United States adjust their compact with Georgia rather than “anticipate any further cession of land from this nation.”¹⁸⁸ By the time he was elected, Ross had been dealing with land issues and the U.S. government for over a decade and he expected to continue his fight against white intrusion on Cherokee property. Within a few months of his election as principal chief, Ross accepted an appointment to attend Cherokee affairs in Washington with authorized Cherokee delegates. One of his first points of business was a formal protest against the impending imposition of Georgia’s laws over Cherokee citizens. The state legislature had passed that particular legislation in December of 1828, shortly after the election of Andrew Jackson. Georgia set June 1, 1830 as the implementation date for these laws.¹⁸⁹

¹⁸⁷ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 44.

¹⁸⁸ *Ibid.*, 143-44.

¹⁸⁹ For more on the implementation of Georgia’s laws over Cherokee nation, see William Gerald McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, N.J: Princeton University Press, 1986), 437.

Ross received no satisfaction from federal representatives on this point. U.S. politicians gave him the unwelcome advice that moving west would relieve the Cherokees of this particular problem. Additionally, the petition the Cherokees submitted to Congress regarding the issue was not even read before the session ended and Ross and his compatriots went home with little to show for the months spent in Washington.¹⁹⁰ Nevertheless, Ross returned to Washington countless times over the next several years as he forwarded Cherokee interests and attempted to maneuver within the established limits of the U.S. executive, judicial and legislative branches. Ross spent a great deal of time in Washington trying to persuade the U.S. government to follow through with the promises outlined in previous treaties, including paying arrearages in annuities and other payments promised to the Cherokee Nation but never received.¹⁹¹

With such a disproportionate amount of time spent in Washington, Ross fostered some powerful friendships with congressmen, such as Henry Clay, Daniel Webster and David (Davy) Crockett, all of whom argued against the Removal Bill and seemingly supported Cherokee rights. But one has to wonder to what extent these men really cared about the Cherokee people and to what extent they just wanted to be a thorn in President Jackson's side. When Ross and the Cherokees were faced with their greatest obstacle, the Congressional vote on the Treaty of New Echota, several Congressmen did not vote

¹⁹⁰Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 36-38.

¹⁹¹ For more on Ross's resistance efforts, see Walter H. Conser, "John Ross and the Cherokee Resistance Campaign, 1833-1838," *The Journal of Southern History* 44, no. 2 (May 1, 1978): 191-212. Also see footnote # 22.

in the way promised, and some did not show up to vote at all. For the moment, however, Ross believed these men honestly had the interests of the Cherokee at heart in their political rhetoric.¹⁹² Regardless of the apparent support of powerful allies, the Cherokee suffered the joint machinations of Georgia and Andrew Jackson who intended to make life so miserable for the Cherokee that they would welcome removal. Ross encouraged perseverance, with the ultimate hope Jackson would not be reelected in 1832, and it is little coincidence that Jackson's reelection coincided with the definitive split in the nation between pro and anti removal parties.

After Georgia extended her laws over the Cherokee nation and the failed legal battle of *Cherokee Nation v. Georgia*, a second Supreme Court case would technically secure native rights to sovereignty. Two of the Presbyterian missionaries working among the Cherokee, Elizur Butler and Samuel Worcester, were arrested and convicted to four years hard labor by the State of Georgia for their refusal to sign the state's oath of loyalty.¹⁹³ In *Worcester v. Georgia* (1832), the Supreme Court ruled that the Cherokee Nation was entitled to federal protection from a state's infringement on tribal sovereignty; this victory brought hesitant hope to the Cherokee. In a letter to his brother, Elias Boudinot wrote, "You will...have heard of the decision of the Supreme Court of the United States, in favor of Mr. Worcester and Butler and against the State of

¹⁹² Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 72-86; William, ed. Anderson, *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 41-44.

¹⁹³ For more on the loyalty oath and arrests of these men, see Althea Bass, *Cherokee Messenger* (Norman: University of Oklahoma Press, 1996), 138-160; William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 54-83;

Georgia. It is a glorious [sic] news! The laws of the State are declared by the highest judicial tribunal in the Country null and void. It is a great triumph on the part of the Cherokees so far as the questions of their rights were concerned. The question is forever settled as to who is right and who is wrong.” As excited as Boudinot was regarding this decision, he still manifested some reservations when he wrote, “We can only look and see whoever prevails in this momentous crisis.”¹⁹⁴ Like his cousin, John Ridge also remained cautious about what the *Worcester* victory would mean to the Cherokee people. In a letter to Stand Watie, Ridge called it a “glorious decision,” and “momentous event,” but in the very next sentence he went on to warn, “But you are aware and ought to advise our people that the contest is not over and that time is to settle the matter either for us and all the friends of the Judiciary or against us all!”¹⁹⁵

Despite this favorable outcome, *Worcester* proved only a moral victory for the Cherokee Indians and their supporters; the decision did establish who was right and who was wrong, as Boudinot believed, but it could not protect the Cherokees from President Jackson and the State of Georgia. Although it is impossible to corroborate and most likely was never said, folklore suggests that when Andrew Jackson was told of the ruling he remarked, “John Marshall has made his decision; let him enforce it now if he can.”¹⁹⁶ It was obvious the U.S. government was not going to interfere with any decisions the state had made. As early as 1830, John H. Eaton, Secretary of War (1829-1831), assured

¹⁹⁴ Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family*, The civilization of the American Indian series v. 19 (Norman: University of Oklahoma Press, 1995), 7-8.

¹⁹⁵ Ibid., 8.

¹⁹⁶ Ibid., 8.

Georgia “the measures which the state of Georgia may adopt in relation to the Cherokees will accord with the policy which has been adopted by the General Government.”¹⁹⁷

Without the executive branch to enforce the ruling of the judicial branch, the *Worcester v. Georgia* ruling proved a hollow victory for the Cherokee Nation. John Eaton proposed the U.S. government enter into treaty negotiations with the Cherokees within days of the ruling, proving that Jackson and his administration took no official notice of the Supreme Court’s decision.

By the early 1830s, officials in Washington believed that the majority of Cherokees in Tennessee and North Carolina were willing to relocate. John Ridge assured representatives in Washington that this was a false assumption and “granting for the sake of argument that the Government succeeded in making a treaty with a fraction or faction of our Nation,” he warned that “we assuredly would protest against it and defeat it.”¹⁹⁸ Ironically, it would be Ridge’s party who would sign the Treaty of New Echota without the approval of the majority of the nation just three years later.

For the moment, however, Ridge expressed a continued optimism for the future of the Cherokees in their homeland. “Since the decision of the Supreme Court, I have felt greatly revived—a new man and I feel independent. I am hoping you all do too.”¹⁹⁹ But before Ridge returned to the Cherokee nation, he met privately with Andrew Jackson and

¹⁹⁷ Georgia Department of Archives and History. *Cherokee Letter, Talks and Treaties*, 240.

¹⁹⁸ Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family*, The civilization of the American Indian series v. 19 (Norman: University of Oklahoma Press, 1995), 8-9.

¹⁹⁹ *Ibid.*, 10.

shortly thereafter he began to show a change of heart, though he would hide his true feelings from his fellow Cherokees as long as possible.²⁰⁰

Jackson wrote to Brigadier-General John Coffee, U.S. agent to the Cherokee Nation, that “the decision of the Supreme Court has fell [sic] still born, and they [Cherokees] find that it cannot coerce Georgia to yield to its mandate.” He further clarified that John Ridge “has expressed despair, and that it is better for them to treat and move. In this he is right...if a collision was to take place between them and the Georgians, the arm of the government is not sufficiently strong to preserve them from destruction.”²⁰¹ What transpired in that meeting between Jackson and Ridge must have finally broken Ridge, who had fought for Indian rights since he was a young man. Jackson told Ridge “to go home and advise his people that their only hope of relief was in abandoning their country and removing to the West.”²⁰² Ridge was crushed by this news, and though he continued to put up a public front of remaining anti removal, he was working on how to best provide for his nation; he determined removal was their only hope of survival. His cousin, Elias Boudinot, and several others had come to the same conclusion and the strength of the pro removal party gained the backing and, more importantly, the leadership capabilities, of these influential Cherokees. These men

²⁰⁰ For more information on Ridge’s change of heart, see Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 214-241; Stan Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville, Ark: University of Arkansas Press, 1998), 157-162.

²⁰¹ Andrew Jackson. *Correspondence of Andrew Jackson*. Washington, D.C: Carnegie Institution of Washington, 1926, vol. 4, 430.

²⁰² Quoted in Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 236.

redirected the passion and determination with which they had fought *against* removal to now convince their people of the absolute necessity of moving west.²⁰³

The untenable position in which the Cherokee found themselves is perhaps best illustrated in Major Ridge's change of heart. In 1807, Major Ridge had been responsible for the execution of a Cherokee chieftain, Doublehead, who had dealt with the U.S. government and sold the tribe's best hunting lands without the Council's approval. The fact that the very man who had assassinated Doublehead for his dealings with the government now advocated the relinquishment of their homeland indicated that the Cherokees had run out of options. Without the support of the Executive Branch and, further, its outright unwillingness to interfere in the extension of Georgia law over the Cherokees, it appeared to these Cherokee leaders that their people would be annihilated within generations. Both John and Major Ridge were aware of the seriousness of their decision to change sides. Major Ridge himself had drafted and endorsed the law that inflicted the penalty of death on anyone who sold lands without the Council's approval and as he signed the false treaty in 1835, he commented, "I have just signed my death warrant."²⁰⁴

The division in the nation manifested itself in several different ways. Friendships and families were torn asunder, lives were threatened, murders committed, preferential treatment given, and censorship endorsed. Attempts to silence dissension were common;

²⁰³ For reasoning behind the Treaty party's change of heart, see Bethany Schneider, "Boudinot's Change: Boudinot, Emerson, and Ross on Cherokee Removal," *ELH* 75, no. 1 (April 1, 2008): 151-177; Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot* (Athens: University of Georgia Press, 1996), 157-233. See also footnote # 38.

²⁰⁴ Quoted in Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 289.

Elias Boudinot returned from Washington in early 1832, and that summer he signed his name to a petition in favor of relocation. When he unsuccessfully argued with John Ross and the Council that the people were entitled to read about both sides of the removal issue in the *Phoenix*, he resigned from his position as editor. In Boudinot's letter of resignation, he explained he felt obligated to talk over the issue and could not accept being editor so long as his ability to do so would be curtailed. "My usefulness would be paralyzed by being considered, as I have already been, an enemy to the interests of my country and people. I love my country and I love my people, as my own heart bears me witness, and for that very reason I should deem it my duty to tell them the whole truth."²⁰⁵

Although the Cherokee constitution may have resembled that of the United States, there was no provision for freedom of the press, and John Ross made certain that the views presented in the national paper were those of the nation at large. "The *views of the public authorities* should continue and ever be in accordance with the *will of the people*; and the *views of the editor of the national paper* be the same. The toleration of *diversified views* to the columns of such a paper would not fail to create fermentation and confusion among our citizens, and in the end prove injurious to the welfare of the nation."²⁰⁶

²⁰⁵ Boudinot, Elias. *Cherokee Phoenix*, August 1832. For more information on Elias Boudinot see Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot* (Athens: University of Georgia Press, 1996); Robert Conley, *A Cherokee Encyclopedia* (Albuquerque: University of New Mexico Press, 2007), 33-34; Barbara Francine Luebke, *Elias Boudinot, Cherokee Editor: The Father of American Indian Journalism*, 1981; Ralph Henry Gabriel, *Elias Boudinot, Cherokee, & His America*, 1st ed. (Norman: University of Oklahoma press, 1941).

²⁰⁶ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 250.

As censorious as this may appear, Ross was acting in accordance with traditional Cherokee values. If a dissenting view were expressed in Council, the person or persons who did not agree with the issue at hand were obligated to excuse themselves from the proceedings, thereby leaving the consenting majority to present a united front. The Cherokee nation may have adopted many aspects of American styled government, but the countenance of oppositional views was not one of them. In his annual message delivered on October 13, 1828, Ross encouraged the patronage of the then new publication but stipulated, “The press being the public property of the Nation, it would ill become its character if...infringements upon the feelings of the people should be tolerated.”²⁰⁷ On October 15, 1833, Ross reminded everyone that “on all important questions, when a difference of opinion arise in regard to their rights and interest, the sentiments of the majority should prevail, and whatever measure is adopted by that majority for the public good, should be the duty of the minority to yield...a contrary course would lead to faction, confusion and injury.”²⁰⁸

John Ridge initially appeared to waver between the pro and anti removal sides. No doubt, his instincts were to fight for Cherokee rights, but when faced with an adversary as ominous as the U.S. government, he finally determined that to fight would mean the destruction of the Cherokees as a nation and a people. Unlike Boudinot, Ridge chose to hide his pro removal leanings as long as he possibly could. In an undated letter to Georgia governor Wilson Lumpkin (1831-1835), Ridge insisted that his name must be

²⁰⁷ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 141.

²⁰⁸ *Ibid.*, 271.

kept from the public eye.²⁰⁹ In 1835, another letter to Lumpkin asked for confidentiality in order that his influence would not be compromised by the exposure of his communication with the governor. The majority of the letters did not seem detrimental to Ridge or his cause, but there are a few lines that would not have been taken kindly by the elected ruling class of the Cherokee nation. He worried over the increasing miseries of his people and reiterated that his motive was “the preservation of his people as a distinct community where they may learn civilization and religion.”

Rightly concerned over the ultimate fate of his nation, Ridge blamed the Ross party for holding out on acceptance of a treaty that would secure the Cherokees a better future. He claimed these “half-breeds and white lawyers...detain them here for ultimate speculation.”²¹⁰ The term ‘half-breed’ was used liberally by Ridge in much of his correspondence with government officials, and it was a common reference that those of mixed ancestry were taking advantage of the ‘ignorant’ Cherokees. While his perpetuation of such stereotypes is disturbing, Ridge was likely writing in terms familiar to, and endorsed by, most U.S. government officials. Portraying the average Cherokee as ignorant, child-like and in need of guidance and protection played into the paternalistic views that had been employed by colonizing powers in the Americas since the sixteenth century. In the earliest documents between Cherokees and whites, the king of England was referred to as “the Great White Father.” This term would later be used to describe the President of the United States and this role of ‘protector’ was maintained throughout

²⁰⁹ The letter was most likely written in 1835, as it references a call for a general meeting with commissioners in December and this meeting did take place, resulting in the Treaty of New Echota.

²¹⁰ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 553.

the history of Indian/white relations to justify the imposition of actions that were ‘in the best interests’ of the natives. By using these terms and phrases, Ridge endorsed the filial role of the Cherokees and offered himself and his party as allies at the disposal of the U.S. government in its efforts to relocate the tribe west of the Mississippi.²¹¹

Some people speculated that Ridge and his supporters benefitted monetarily for their ultimate signing of the Treaty of New Echota, as this had long been a tactic the U.S. government endorsed and employed. There is little to no hard evidence that bribery was involved, but the pro removal faction did reap some benefits from their acquiescence. John Ross and the official representatives of the Cherokee Nation were denied federal aid to travel to Washington and were ignored outright by the President and his administration, even when they managed to pay their own expenses to be there. Alternately, as early as December of 1832, Cherokee agent Benjamin Currey wrote to Georgia officials on behalf of the treaty party to secure them monies; “their expenses will not fall short of three thousand dollars.” Endorsing their “laudable plans,” Currey related that the party believed “one season more will give them an entire ascendancy over all opposition provided they receive a hearty support from the state and General governments,” and urged the “importance of having a fund to be reached through the draft of the Superintendent to carry on the cause successfully.”²¹² It is up for

²¹¹ The most thorough examinations of the Ridge party and its members can be found in Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of People*, 2nd ed. (Norman: University of Oklahoma Press, 1986). Also see Edward Everett Dale and Gaston Litton, eds., *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family*, The civilization of the American Indian series v. 19 (Norman: University of Oklahoma Press, 1995).

²¹² Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 516.

interpretation what “hearty support” translated to in dollars and cents and in what manner such funds would be used.

The final Georgia land lottery of 1832 displaced most of the Cherokee in Georgia, including John Ross and other prominent anti removal advocates.²¹³ Technically, the lots drawn in the Georgia land lottery would not be occupied until the removal of the tribe was effected, but in almost all cases whites took possession almost immediately of the Cherokee lands they drew. Through multiple letters exchanged among Ridge party members and Georgia governors Wilson Lumpkin and George Gilmer, it was understood that pro removal party members were considered exempt from preemptive occupation of their lands until the time of removal. The commander of the Georgia guard, William Bishop, wrote to Governor Lumpkin in 1833, acknowledging orders to secure the rights of Elias Boudinot to his lands and improvements. Treaty party members were at least nominally protected from early eviction, though the large number of letters between governors and various military personnel assigned to the area reveal this protection was difficult to enforce.

The impatience of Georgia whites did not abate over the years. In October of 1833, John Ridge wrote on behalf of his father Major Ridge, asking for protection from white encroachment and still again in 1835, he complained that the treaty party was being hindered by the actions of Georgians. “It does seem to us hard that those who are willing to comply with the wishes of the state and general government on this subject should be

²¹³ For more on the sixth and final land lottery in Georgia, see H. David Williams, “Gambling Away the Inheritance: The Cherokee Nation and Georgia's Gold and Land Lotteries of 1832-33,” *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 519-539; Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 176.

turned out of their possessions without home or shelter until at least the government shall be ready to remove them.”²¹⁴ It was commonplace for Cherokees to lose their homes once they were enrolled for emigration, and even those who refused enrollment were subject to losing their property to the lottery winners. Ironically, local whites complained of vagrancy in the areas where Cherokees were forced out of their homes.²¹⁵

In 1834, a Cherokee by the name of Suntadegi wrote to prominent leaders in the Cherokee nation and explained that he had been to visit a friend and had become intoxicated. On his journey home he stopped on the side of the road, where he saw several Cherokees and a “small white man” as they rode past. The white man, he later learned, was Major Benjamin Currey, the enrolling agent for the U.S. government. Suntadegi claimed that they tried to persuade him to enroll and, upon his refusal, they rode a short distance ahead and called back to him that he was enrolled for emigration and proceeded to his home to value it. Suntadegi complained that he and his family left for a few days to travel to another of his properties farther south and when he returned he found his “home broken open and occupied by a white man named Johnson who has taken possession of the fields also.” Suntadegi, who was most likely literate only in Cherokee, asked Evan Jones, the aforementioned important Baptist missionary and advocate for the Cherokees, to pen this letter for him, and Jones added his own postscript to the document; “The facts of this man’s place being taken from him are notorious and

²¹⁴ Georgia Department of Archives and History. *Cherokee Letter, Talks and Treaties*, 611.

²¹⁵ *Ibid.*, 491.

known by everybody in the vicinity.”²¹⁶ Though the probability of Suntadegi being intoxicated and not recalling events exactly as they occurred is high, it is quite possible that many Cherokees found themselves enrolled in such a manner. Government officials had long tried to keep spirituous liquors out of the nation and out of any land dealings, but it was not uncommon for alcohol to be illicitly distributed in an effort to “ease” negotiations. In an attempt to avoid such tactics, the Cherokee Council passed a law in 1822 that forbade “any person or persons from bringing ardent spirits within three miles of the General Council house...”²¹⁷ State and federal laws also prohibited the sale of liquor in the Cherokee nation, but smugglers made quite a profit, despite the laws.²¹⁸

The division of the Cherokee leadership and their respective followers brought with it a good deal of violence and intimidation for both parties. Although by far not the first assassination attempt on John Ross, one occurred in 1831 that shook Ross enough to persuade him to write down an account of it. Although Ross does not relate what the underlying motive may have been, he explains that a white man named Harris followed him and his brother Lewis to a secluded area and called out as he fired his gun, “Ross I have been for a long time wanting to kill you, and I’ll be d----d if I don’t now do it.”²¹⁹

²¹⁶ Suntadegi. “John Ross Collection,” April 3, 1834. Folder 93. Gilcrease Museum. For more information on the Evan Jones, see William Gerald McLoughlin, *Champions of the Cherokees: Evan and John B. Jones* (Princeton, N.J.: Princeton University Press, 1990); William Gerald McLoughlin, *The Cherokees and Christianity, 1794-1870: Essays on Acculturation and Cultural Persistence* (Athens: University of Georgia Press, 1994), 91-126.

²¹⁷ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 137.

²¹⁸ For more information see Izumi Ishii, “Alcohol and Politics in the Cherokee Nation before Removal,” *Ethnohistory* 50, no. 4 (October 1, 2003): 671-695.

²¹⁹ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 8, 23.

Ross obviously escaped, but this was not the first nor would it be the last attempt on his life.

Intimidation tactics increased on both sides of the issue as the tension between the two parties mounted, and consequently numerous Cherokees and some whites lost their lives. The enrolling agents for the Cherokees, Benjamin Currey and Hugh Montgomery, both complained of threats against the Treaty party and themselves, but they seemed particularly worried for the safety of John Ridge; since he was one of the most influential and capable pro treaty members, the government needed to preserve his life to aid in their endeavors. Andrew Jackson addressed these threats in a letter, stating that Ross needed to be made aware that he would be personally held “answerable for every murder committed by his people on the emigrants or emigrating party.” Montgomery and Currey were further instructed to apprehend “all persons who have made threats against any of the chiefs of the Emigrating party, or against yourself...” Jackson concluded with the declaration that “the civil powers is [sic] competent to protect the honest Citizen, and to punish civil discord and murder, and you may assure Mr. John Ross and his coadjutors that it will perform its duty.”²²⁰ Since Cherokees, whether pro or anti removal, were not considered U.S. citizens, it is noticeable that Jackson was willing to extend the protection of the executive branch and civil authorities to protect individuals he found useful, and to use the same measures to punish those who thwarted his designs. It is also unfortunate these competent “civil powers” were not available when Georgia imposed its laws over the Cherokees.

²²⁰ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 503.

Jackson's letter was inspired by the complaints of agents Currey and Montgomery, but the year 1834 also witnessed the prominent murders of two Ridge party Cherokees; John Walker, Jr., who had long-standing pro removal leanings, and Eli Hicks, a member of the Cherokee Light Horse, the Native police force. John Walker's assassination was almost undoubtedly connected with his machinations to effect a treaty with the federal government without authorization. Walker's name appeared in numerous letters exchanged between Cherokee leaders, revealing his subversive dealings, and even John Ridge acknowledged that the men Walker had tried to induce to go to Washington with him "were too high minded and patriotic" to accept him in a leadership capacity.²²¹ Walker was shot in the back after leaving a Council meeting and died shortly thereafter at his home. Eli Hicks was also shot in the back and killed while trying to arrest two Cherokees accused of robbery. Whether it was just coincidence cannot be determined, but Hicks had enrolled for emigration only one month prior to his murder. Even if the murder of Hicks were not ultimately related to his determination to move west, it could well have served as a deterrent to other Cherokees considering enrollment.

Agents and local white citizens constantly complained that Cherokees who wanted to enroll were prevented from doing so due to threats of violence and assassination. In a request for a military presence to protect whites, a Dr. John Brewster added that "those Indians who are favorably disposed to the interest of Georgia are intimidated from acting according to their volition, it is universally believed (& so the Indians threaten) that if any Indian...was to manifest the least inclination to enroll that he

²²¹ Duane H. King and E. Raymond Evans, "The Death of John Walker, Jr.: Political Assassination or Private Vengeance?" in *Journal of Cherokee Studies*, volume 1, 7.

would be promptly assassinated, this is publicly threatened & with perfect impunity.”²²² As late as January 1838, after the Treaty of New Echota had been ratified by Congress and removal was imminent, government agents were still having trouble persuading Cherokees to enroll openly; Colonel John T. Storey complained to Governor Gilmer that Cherokees were “afraid to enroll unless there was a company of soldiers stationed near their camp.”²²³ A Cherokee memorial to the U.S. Senate offers yet another explanation as to why so few Cherokees were willing to sign their names; upon enrollment, Cherokees “absolved themselves from all further connexion [sic] with the nation east of the Mississippi.”²²⁴ The prospect of losing their homes, potential violence upon their person and exile from their nation was reason enough for most Cherokees to maintain an almost unreasonable faith that Ross would overturn the treaty.

Federal agents found it in their best interests to portray their inability to fill their emigration rolls as the consequence of intimidation tactics of the Ross party, and while there is little doubt the fear of reprisal discouraged some otherwise willing emigrants, very few people, white or Cherokee, denied the authentic Cherokee attachment to their homelands. In the eighteenth century, Lieutenant Henry Timberlake, a veteran of the French and Indian War and an appointed emissary to the Cherokee nation, commented prophetically on white encroachment in Cherokee territory. The natives “had all the reason in the world to apprehend being swallowed up, by so potent neighbors, or driven from the country, inhabited by their fathers, in which they were born, and brought up, in

²²² Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 491.

²²³ *Ibid.*, 660.

²²⁴ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 299.

fine, their native soil, for which all men have a particular tenderness and affection.”²²⁵

Other early accounts note “from time immemorial they have had possession of the same territory which at present they occupy...these lands of their ancestors they value above all things in the world. The man that would refuse to take the field in defense of these hereditary possessions is regarded by them as a coward, and treated as an outcast from their nation.”²²⁶

Decades after this was recorded, an elder in the nation, Womankiller, spoke in 1829, following the codification of the law that established death as the penalty for selling lands within the nation’s boundaries.²²⁷ Praising the law as evidence of the Cherokees’ attachment to the country, he felt certain that if the United States trampled the National Council beneath their feet and forced the abandonment of “the bosom of this earth we have received from our fathers who had it from the Great Being above,” it would not “be with the consent, or by the misconduct of our people.”²²⁸ The final treaty that relinquished remaining Cherokee lands was obtained with the consent of a very small contingent of Cherokees, and while it remained an illegal negotiation, the men who signed at New Echota in December of 1835 could, and perhaps should, be considered as martyrs. They were aware of what their signatures on that treaty entailed according to

²²⁵ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 97.

²²⁶Alexander Hewatt and South Carolina, *An Historical Account of the Rise and Progress of the Colonies of South Carolina and Georgia* (London: Printed for A. Donaldson, 1779), 201.

²²⁷ Major Ridge drafted this amendment and promoted its adoption only to be subject to it with his own assassination in Indian Territory.

²²⁸ Vicki Rozema, ed. *Voices from the Trail of Tears*. (Winston-Salem, N.C: J.F. Blair, 2003) 44.

Cherokee tradition and written law, and yet they willingly put their lives on the line in an effort to prevent the greater tragedy of the complete annihilation of the Cherokee people.

The roughly two hundred attendees at New Echota on that December day were not representative of the feelings of a majority of the Cherokees, and countless memorials to the United States and her citizens relate Cherokees' fierce attachment to their lands.²²⁹ But as historian Gary Moulton postulates, had John Ross viewed the Ridge party "as loyal opposition rather than unpatriotic threat to unity, he may have stifled their growth."²³⁰ Ross strongly, and perhaps naively, believed that if the nation could present a united front, their rights to their lands could not be violated. He advised the Cherokees to remain "united together and be of one mind," and he maintained this view through the entire removal crisis. His refusal to allow any dissenting ideas had resulted in the resignation of Elias Boudinot as editor of the *Cherokee Phoenix* and the dismissal of John and Major Ridge from their council positions.

Such an inflexible position led some Cherokees and many whites to view Ross as an iron-fisted leader who was ultimately detrimental to the welfare of his people. Ross felt that any Indian nation who removed to Indian Territory would lose its national character as a distinct community and rightly questioned what guarantees the United States could give for native title to lands in the West if they were unwilling to secure

²²⁹ For more sources on the Treaty of New Echota see Theda Perdue and Michael D Green, eds., *The Cherokee Removal: A Brief History with Documents*, 2nd ed., Bedford series in history and culture (Boston: Bedford/St. Martin's, 2005), 145-152; Theda Perdue, *The Cherokee Nation and the Trail of Tears*, The Penguin library of American Indian history (New York: Viking, 2007), 91-115; Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 264-290; Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 182-191.

²³⁰ Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 53.

Cherokee rights to their original habitation.²³¹ Conversely, Ridge and his party felt that removal west would be the salvation of Cherokee culture and tradition. Ross equated freedom with retaining Cherokee lands in the East and assured Lewis Cass, Andrew Jackson's second Secretary of War (1831-36), that the tribe would never agree to "sell their freedom—nor dispose of their heritage in the soil which moulders [sic] the bones of their ancestors, for any consideration, if it can be avoided."²³²

Ross was a champion for his people and it is unlikely that his continued fight to keep ancestral lands was anything but the promotion of Cherokees' desires. Several letters between government officials indicate that the Ross party manipulated the 'common' Cherokee by providing false hopes of overturning the New Echota treaty. William Bishop complained to Governor Lumpkin "these kingly personages...have wrought a considerable change upon the common Indians who are certainly further from a disposition to treat than unusual." He then asked for suggestions on how best to "intimidate" the anti removal chiefs.²³³ The 'common Indians' Bishop refers to did not have the authority to 'treat' with anyone, but had elected those who they entrusted to represent their desires and wishes. Characterized as a "villain and unworthy [of] any particular confidence,"²³⁴ the fact remained that Ross protected and promoted Cherokee objectives. The idea that the entire nation was being swayed by the opinion of only one man, who may have simply reflected his peoples' viewpoint, is awarding entirely too

²³¹ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 254,187-88.

²³² *Ibid.*, 288.

²³³ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 400.

²³⁴ *Ibid.*, 594.

much credit to John Ross; it also undermines Cherokee individuality and the sincerity of their attachment to their homeland. Samuel Worcester advised that “individuals may be overawed by *popular opinion*, but not by the *chiefs*. On the other hand, if there were a chief in favor of removal, *he* would be overawed by the *people*.”²³⁵ The fact that Ross remained in Washington until July 1838, suggests his tenacity and continued dedication to the Cherokee nation at large.

Through the Treaty of New Echota, the U.S. allowed the Cherokee nation two years from the passage of the treaty to remove west, and while some Cherokees, including most of the pro removal party, enrolled and moved out west between 1836 and early 1838, under the direction and supervision of the U.S. government, the vast majority of the nation remained on their lands and carried on as if there had been no treaty. Complaints of Cherokees planting their crops reached state and federal officials. As late as February of 1838, just months prior to the appointed date of removal, a Richard Butler wrote to Georgia governor, George Gilmer, relating that “some of the Ross party of Indians appears to have great faith in John Ross and think he will regain their lands in this country for them. They are making in building new houses and repairing them and also preparing for another crop as though they do not intend to leave this country.”[sic]²³⁶

Almost all Cherokees did, in fact, expect Ross to be able to turn over the treaty, or failing that, to at least extend the deadline for removal by several years. Ross seemed to harbor hopes along the same lines, proven by the fact that he continuously petitioned Congress and the President in the months leading up to and surpassing the deadline for

²³⁵ Quoted in Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 47.

²³⁶ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 679.

removal. He remained an unwelcome presence in Washington and a growing nuisance to U.S. authorities. In August of 1837, Ross addressed the Cherokee Nation, discussing a recent trip to the Western Cherokee Nation to employ their assistance in protesting the implementation of the treaty. Upon arrival, the Eastern delegation discovered that the United States' Executive had ordered the Superintendent of Indian Affairs at Ft. Gibson to arrest Ross' delegation if they "should be found opposing the alleged *"treaty"* either in Council or in conversations with the Western Cherokees."²³⁷ The orders were ignored by local officials and the Eastern delegation met with the Western Cherokee Council, and the elected representatives of the roughly five thousand Western Cherokees joined Ross and the others in Washington in protest to the treaty, where they laid before Congress a joint Memorial; it was tabled due to the lateness of the session.²³⁸

Members of the pro removal faction encouraged U.S. officials to cut off communication John Ross and his party. William Rogers curtly advised that the government "do whatever it intends to do with him [Ross], as speedily as possible. If it intends to treat with him, let it be done. If not, let that determination be made known to the Cherokees at once." Rogers worried that the "spirit of emigration" among the tribe was "extinct," due to the belief that Ross would be able to annul the treaty, and Rogers advised that as long as "Mr. Van Buren continues to treat Mr. Ross with distinction and

²³⁷ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 508.

²³⁸ William Anderson, ed. *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 87.

appoint agents to confer and reason and beg with him, this expectation will be kept up.”²³⁹

U.S. officials sent federal agent John Mason, Jr., to the eastern Cherokees in August of 1837, to quietly persuade the Cherokee Council to concede defeat and accept that removal was imminent. In his correspondence with superiors in Washington, Mason noted that Ross would not accept the Treaty of New Echota, explaining, “were he...to advise the Indians to acknowledge the treaty, he would at once forfeit their confidence, and probably his life.” Mason added that Ross’s opposition to the treaty was “not a mere political game played by Ross for the maintenance of his ascendancy in the tribe,”²⁴⁰ as so many U.S. government officials and pro removal party members asserted. Though there were instances of violence throughout the Cherokee nation, Mason granted that Ross’s influence prevented it from escalating further.

The Cherokees found a sympathetic advocate in John Mason, Jr., and Ross was hopeful that they would receive a more fair hearing under Martin Van Buren’s administration. “They [the Cherokees] confidently cherish the hope” Ross wrote to Mason, “that the representations which you may deem it proper to make will induce the Government to change the course of action pursued towards them.”²⁴¹ A new delegation was selected to travel to Washington to make their repeated appeal to Van Buren and they arrived in late December 1837, only to discover that Van Buren considered the false

²³⁹ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 640.

²⁴⁰ Quoted in Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 85.

²⁴¹ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 515.

treaty valid and that John Mason “was officially bound, if not personally disposed, to adhere to the Treaty of New Echota.”²⁴² Turning next to the legislative branch, the delegation addressed Congress, but to no avail. There would be no new negotiation and the set date of May 23, 1838 for removal would stand. Still Ross remained in Washington, hoping against hope that he could come to a new arrangement with the administration, if not for a full treaty renegotiation, then to allow for the Cherokees to remove themselves without the prodding of military bayonets.

While Ross fought in Washington during those months leading up to and beyond the May 23 deadline, the U.S. government erected hastily built stockades to “house” the Cherokees as they waited for removal, and ordered General Winfield Scott along with over seven thousand troops to Georgia to effect the movement. The use of such inadequate shelter for the Cherokees freshly removed from their comfortable homes was not a result of poor planning or haste, but rather a reflection of the continued ill treatment afforded to these proud people. As early as 1831, U.S. officials had proposed to collect the Cherokees and send them to “some place of rendezvous on the Georgia side...where they ought to be guarded and supplied with necessary provisions.”²⁴³ Within the stockades shelter was largely non-existent and the unsanitary close quarters along with poor provisions led to countless deaths from disease and exposure even before the removal began. Hunted down and brought to the detention forts as prisoners of the U.S. Army, the emigrants’ treatment left much to be desired. Despite an order from General Scott to treat the Cherokees with “every possible kindness, compatible with the necessity

²⁴² Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 89.

²⁴³ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 282.

of removal,”²⁴⁴ racist and overzealous troops mistreated and even killed some of the Cherokee people. In January of 1838, a federal order directed that the Cherokees be divested of their weapons, including guns and bows and arrows, and that thereafter they remain unarmed and unable to protect or provide for themselves.²⁴⁵

White paranoia abounded and many Georgians worried about possible uprisings and bloodshed, but by almost all accounts the Cherokee remained passive and friendly. Some local authorities exaggerated the potential threat with the hopes that local poor whites would enlist in the militia for pay. However, in answer to Georgia governor George Gilmer’s request for the disposition of the Cherokees, most of his agents responded that there was no threat whatsoever. “The Cherokees remain as friendly as they ever were,” remarked Georgia agent Lacy Witcher. Witcher then went on to lodge a complaint with the governor regarding the treatment of the Cherokees by a company of Georgia militia. “The officers, with one or two exceptions are a great part of their time so much intoxicated that they are unfit for the service...Some twelve or fifteen men had encamped near Cedartown, and in the early part of the night some Indians were passing the road was hailed by the guard, two answered and so soon as they answered and was known to be Indians there were six or eight guns discharged at them but fortunately did no injury.”[sic] Calling their conduct “lawless” this agent reiterated his opposition to the company being in service and advised “I shall ever be opposed to them so long as they treat the Cherokees as they have been done.”²⁴⁶

²⁴⁴ Winfield Scott, “Cherokee Removal Order 25.” *Confidential and Unofficial Letters*. A1 – 21. National Archives-Southeast Regional Archives.

²⁴⁵ Georgia Department of Archives and History. *Cherokee Letters, Talks and Treaties*, 655.

²⁴⁶ *Ibid.*, 722.

As noted, many of the Cherokees had been carrying on as if the treaty of 1835 did not exist (legally it did not), so when General Scott sent soldiers to gather the prisoners (and they were considered and treated as such once in custody), almost all were woefully unprepared to leave their homes. Evan Jones, Baptist missionary to the Cherokees, wrote in June of 1838, “The Cherokees are nearly all prisoners. They have been dragged from their houses, and encamped at the forts and military posts, all over the nation. In Georgia, especially, multitudes were allowed no time to take anything with them, except the clothes they had on.” The prosperity of many Cherokees, who surpassed their white neighbors in manners, education and material wealth, oftentimes prompted the embittered hatred of poor whites against these supposed ‘savages.’ Resident Georgians were at the ready to steal or destroy what the Cherokee families were forced to abandon, and Jones related that “well-furnished houses were left prey to plunderers, who, like hungry wolves, follow in the train of the captors. These wretches rifle the houses, and strip the helpless, unoffending owners of all they have on earth.”²⁴⁷

Bereft of their belongings and crowded together like so much livestock, Cherokees waited to be shipped out west to meet their uncertain futures. George Lowery, assistant principal chief and acting chief in John Ross’s absence from the Cherokee nation, applied directly to General Scott in the summer of 1838, for an extension on removal until after the sickly season. Forced to admit there would be no renegotiation of treaty terms, John Ross managed to convince U.S. officials in Washington to turn over the management of removal to the Cherokee Nation. He also successfully submitted a

²⁴⁷ Theda Perdue and Michael Green, eds. *The Cherokee Removal: A Brief History with Documents*. (Boston: Bedford/St. Martin’s, 2005), 172.

request to delay removal until September when the weather was more favorable, but communications were slow and not until two detachments of Cherokees had already been dispatched in June of 1838, did orders arrive to halt removal and turn the process over to Cherokee officials. “The agent is shipping them by multitudes from Ross’s Landing...it will be a miracle of mercy if one-fourth escape the exposure to that sickly climate,” Jones commented in late June.²⁴⁸ When word reached the deployed detachments that there was a temporary stay, hundreds fled back to their homeland, but the U.S. military commanders forced the majority to continue west. According to Evan Jones, even the brief reprieve of postponing emigration until September 1 caused elation throughout the camps.²⁴⁹

Despite the earlier emigration of pro removal party members in 1836 and 1837, under the guidance of the United States military, and the removal of the first detachments in the summer of 1838, roughly thirteen thousand Cherokees still waited to move west beginning in September 1838. True to their word, the first Cherokee detachment of about 1000 people left the prison camps on that date. Within the next weeks several more detachments followed.²⁵⁰ On the eve of his own detachment’s departure from Cherokee territory, George Hicks lamented, “We are about to take our final leave and kind farewell to our native land the country that the Great Spirit gave our Fathers....it is with sorrow

²⁴⁸ Theda Perdue and Michael Green, eds. *The Cherokee Removal: A Brief History with Documents* (Boston: Bedford/St. Martin's, 2005), 175.

²⁴⁹ *Ibid.*, 174.

²⁵⁰ For more on the 1838 detachments see Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 212-218; Theda Perdue, *The Cherokee Nation and the Trail of Tears*, The Penguin library of American Indian history (New York: Viking, 2007), 117-140. For information regarding earlier migrations of the removed Cherokees see Woodward, pp.192-212

that we are forced by the authority of the white man to quit the scenes of our childhood, but stern necessity says we must go.”²⁵¹

Reports sent back to Ross reveal that the emigrating Cherokees were unforgivably ill prepared for the very long trek west. Examining the condition of emigrating Cherokees gathered at one departure point, Cherokee leaders told John Ross that “two thirds are in destitute condition and in want of shoes, clothing and blankets.” For a detachment of one thousand and ninety persons, there were only eighty-three tents, leaving the majority exposed to the elements as they traveled. Despite the lack of preparation, this group readied themselves for their journey, even though the commanding officer at the camp refused to supply any rations for the imprisoned Cherokees beyond the date set for their departure.²⁵² This lack of preparedness and proper supplies was representative of the majority of the detachments, and it is little wonder that most conductors recorded widespread illness and numerous deaths amongst their charges. Official documents reveal a large portion of the monies allotted to aid in the Cherokee self-removal had been dispensed to John Ross and the Cherokee Nation, and even allowing for the soldiers’ refusal to let many Cherokees gather their possessions during the round up, no excuse can be found to explain why so many emigrants were still without the basic necessities months after their capture and imprisonment in the stockades.

²⁵¹Gary E., Moulton, ed. *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 687.

²⁵² *Ibid.*, 673.

Poorly equipped and disappointed in Ross's inability to overturn the false treaty, the Cherokees prepared for their move west with heavy hearts. Roughly treated by commanding officers and soldiers of the U.S. Army during captivity, despite General Winfield Scott's numerous orders for kind treatment, the abuse this ancient tribe suffered did not end with their quiet departure from their homelands.

The dispossessed continued to encounter prejudice and fraud on the part of greedy whites as they made their way west. Evan Jones revealed his detachment had been "fleeced" in the Cumberland Mountains, where they were charged an exorbitant rate per wagon and per horse to pass, and delays in water crossings proved overly expensive as well; one leader claimed, "I am constrained to the conclusion that the proprietors of the Ferry, influenced by the surrounding citizens (for lucrative purposes) are determined to retard all exertions on the part of the conductors to proceed with their detachments."²⁵³ For many Cherokees, the evaluations of their properties were not completed once they had been imprisoned in the camps, nor were most conducted before the Cherokees' departure for Indian Territory, leaving them with no real recourse to counter unfair property appraisals. Certain unscrupulous men also made late demands for real and pretended debt, which required a mere testimonial from a white person to validate the claim, thereby appropriating either personal items or what little money Cherokees were afforded for their property. George Hicks complained that along the journey west "many

²⁵³Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 682.

of us have been stopped and our horses taken from our teams for the payment of unjust & just demands.”²⁵⁴

The total number of Cherokees lost to disease, accident, murder and general hardship is difficult to enumerate.²⁵⁵ The accepted figure is approximately four thousand deaths resulting from the time of their imprisonment to the end of the first year following settlement in Indian Territory.²⁵⁶ Disease was rampant in the internment camps and medical assistance almost non-existent. For an estimated four thousand prisoners, one camp that was plagued with whooping cough, pleurisy and measles claimed it had only three doctors.²⁵⁷ Additionally, on previous migrations west most detachment officials only assigned one doctor for four to five hundred souls, which “fatigued their physicians.” Ross received recommendations from some detachment leaders that two physicians be afforded to the remaining groups, which numbered upwards to one thousand people each.²⁵⁸ It does not seem logical that if one doctor were overwhelmed by five hundred, providing two doctors for twice that number would reduce the work load of

²⁵⁴ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 686, 687.

²⁵⁵ For the most complete and recent study on the population of the Cherokee people from the time of contact through their removal west and up to the late twentieth century, see Russell Thornton, *The Cherokee: A Population History*. See also Russell Thornton, “Cherokee Population Losses during the Trail of Tears: A New Perspective and a New Estimate,” *Ethnohistory* 31, no. 4 (October 1, 1984): 289-300; Ronald N. Satz, “The Cherokee Trail of Tears: A Sesquicentennial Perspective,” *The Georgia Historical Quarterly* 73, no. 3 (October 1, 1989): 431-466.

²⁵⁶ Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 73-75.

²⁵⁷ *Ibid.*, 67.

²⁵⁸ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 667.

the physicians, especially considering most of the earlier groups had traveled by waterways, lessening the extended exposure to the elements, lack of supplies and the fatigue of traveling several thousand miles over land; the route followed by those removed after September of 1838.

The difficulties of the move west proved numerous and varied. Obviously exposure to the elements, disease, exhaustion and infirmity contributed heavily to the number of those who died along the trail itself, but poor preparation and provisions once they arrived in Indian Territory also played a role. George Hicks wrote to Ross in mid March of 1839, one day after his party's arrival, that upon their reaching the destination, they lacked any instruction on what to do with the "the publick property in our charge. We have no funds to pay for the subsistence of the teams & the wagoners." [sic] Hicks also worried that "they have some shelled corn & some very poor beef for our subsistence which is unfit for use."²⁵⁹

Most scholars accept the estimated loss of four thousand Cherokees ultimately resulting from the Trail of Tears, including deaths before and after the actual migration itself, but anthropologist Russell Thornton surpassed the accepted population loss to speculate what the total number of Cherokees might have been had removal never occurred. The 'what ifs' of history are enormous and futile, but they do inspire thought

²⁵⁹ Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 1, 2 vols. (Norman, Oklahoma: University of Oklahoma Press, 1985), 701. For more on post-removal life in Indian Territory, see Gary E Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1978), 107-204; William, ed. Anderson, *Cherokee Removal: Before and After* (Athens, Georgia: University of Georgia Press, 1991), 112-138; Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 329-344.

provoking scenarios. In his work Thornton arrived at an estimated population of 21,542, including those residing in the west, had the Cherokees been left in their homelands. With no census information for 1840, the year he marks as the conclusion of the Trail of Tears, he utilized the same formula to determine a likely population count, projecting 13,032 for the year 1840, again including the western Cherokees. “Subtracting one from the other, 10, 138 more Cherokees would have been alive in 1840...had removal not occurred.”²⁶⁰ When one looks at such figures, the tragedy of the Cherokees looms even larger, but one must also consider the perspective of the more probable outcome of annihilation had they remained; it is this particular (not uncommon) consequence of resistance that John Ridge and his followers were attempting to avoid with their ‘betrayal.’

As mentioned, arrival in Indian Territory did not end of the sufferings of the Cherokee people. Inadequate shelter and provisions and the difficulties faced in acclimating to a new environment claimed many more lives. Additionally, the divisions that had arisen within the nation back east remained and intensified once the Cherokees had arrived in their new territory. Removing to the West early on, the Treaty Party had already been incorporated among the existing ‘old settlers,’ or Western Cherokee, and when Ross and his followers arrived, the process of combining the two nations proved to be a trying endeavor. An initial meeting of the two groups in June of 1839, ended in a stalemate when Ross refused to concede to the power of the Western Cherokee government. Many of the new arrivals still identified as members of the Ross party or members of the Ridge party, and Ross’s followers blamed the miseries of the Cherokees

²⁶⁰ Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 76.

on the signatories of the Treaty of New Echota. On June 22, in separate locations that were dozens of miles apart, Ross party supporters brutally assassinated John Ridge, Major Ridge and Elias Boudinot.²⁶¹ Several others had been marked for the same fate, but Ridge party members rushed to warn the remaining targets, and they managed to escape with their lives.²⁶² The story of the assassinations and the ensuing chaos must be saved for another time, but suffice it to say, even those admittedly involved in the murders never faced criminal charges. It had long been a law, first understood inherently and then codified in the Cherokee constitution and law, that any person who ceded land without the approval of the Cherokee National Council had committed treason and was subject to the death penalty. This was the fate Major Ridge had expected and he duly noted its reality when he signed his name to the fraudulent treaty.

The underlying issues of Cherokee removal cannot be easily addressed. Each party and its leaders struggled amongst and within themselves to find an avenue that would best provide for their people. One side has often been hailed as a hero, resisting down to and past the final moment, while the other has been dismissed too often as a traitor. John Ridge and John Ross both proceeded with their agendas only after they had engaged in intensive introspection and evaluation. Both men took different paths to reach the hoped for salvation of their people; both also believed they had the best interests of the Cherokees at heart. Although one should not dismiss the lives lost along the Trail of

²⁶¹ For more information on the assassinations, see Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation Of a People*, 2nd ed. (Norman: University of Oklahoma Press, 1986), 320-339; Grace Steele Woodward, *The Cherokees*, 1st ed. (Norman: University of Oklahoma Press, 1963), 219-228.

²⁶² Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 78-79.

Tears, perhaps the greatest tragedy resulting from the controversy surrounding the removal crisis was the loss of solidarity and unity among the Cherokee leaders and their people; the division over removal far outlasted the crisis itself and tainted the Cherokee nation for decades to follow. The distrust, animosity and anger that lingered for generations among the Cherokee people remained the legacy of the betrayal of the United States, with its Eurocentric, self-serving attitude, and its inability to honor so called sacred treaties. The source for the enduring division among the Cherokee lies not with the men who saw the writing on the wall and scrambled to preserve a culture and a race, nor does it lie with the men who futilely struggled to represent and promote their people's desires and sincerest hopes against an impossible force. Most Cherokees today will admit that John Ridge and his party had the best interests of the nation at heart and do not fault him for his actions, but they also appreciate the tenacity of John Ross's struggle for sovereignty and self-determination; that same tenacity has remained perfectly representative of the Cherokee people in the nineteenth as well as the twenty first century.

Chapter Five

“For [to] Scotland I will not return on any account”

Use your diligence to take away the relics of the Irish barbarity which as yet Remains in your country, to wit, the Irish language, and the habit. Purge your country piece and piece from that uncivil kind of clothes, such as plaids, mantels...and blew bonnets....It is no excuse which some would pretend alleging that uncivil habit to be the lightest among the mountains...Press to civilize your country and the inhabitants thereof, not only in this point, but likewise in all other things which you shall observe abroad in your travels among other nations.
[sic]²⁶³

So read Robert Gordon’s instructions to his nephew, the Earl of Sutherland in the early seventeenth century. Appalled at the continued use of the Gaelic language and the traditional Highland dress, the Lowland association of these Celtic-based traits with barbarism had been absorbed by the very chiefs of the Sutherland clan.

The Highlands and Lowlands of Scotland became divided early on by culture, language and natural land barriers. The life ways of the Highlands were romanticized in the eighteenth and nineteenth centuries by such authors as Robert Burns and Sir Walter Scott, and in time the image of the rugged, independent and fierce Highlander dressed in a plaid came to represent all of Scotland. As much as Scotland may embrace or refute such a representation today, for centuries Scottish Lowlanders and the English considered Highland Gaels to be lazy, backward, uncivilized and a veritable unworthy race of people.

By the twelfth century, the clans of the Highlands, based on a tribal system, differed significantly from their more feudally based Lowland counterparts. Kings of

²⁶³ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 45.

Scotland recognized “the manner in which feudalism could be of enormous help...to help expand their authority.”²⁶⁴ David I (1124-1153), one of Scotland’s most feudally inclined monarchs, as well as many subsequent kings, understood that if they could extend their influence widely, outside threats to their power and position could be avoided.

For centuries Scotland’s monarchs worked tirelessly to bring the distant Gaels under the control of the crown. Even after the English and Scottish crowns merged under James VI and I in 1603, and James was no longer resident in Scotland, but ruling from Westminster, he sought to bring the Highlands under closer control. By the middle eighteenth century, most especially after the failed Jacobite rising in 1745, the British crown had achieved a high level of success in the subjugation and acculturation of the Highland elite.²⁶⁵

Despite the generations of colonialism, the average Highlanders remained largely the same, continuing to speak Gaelic or “Irish,” maintaining a subsistence level of existence and relying on old traditions for their identity. As historian Margaret Connell-Szasz explains, the relative isolation and poverty of many Highlanders “reflected the deep imprint of their natural environment on their lives...[and] also served as their first line of cultural defense.”²⁶⁶ After the Gaelic elite ventured to Edinburgh, St. Andrew’s or

²⁶⁴ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 95. For more on the changing social, political and land systems in both Highland and Lowland Scotland, refer to the above. See also William Fraser, *The Sutherland Book* (Edinburgh, 1894), 45-54.

²⁶⁵ For more information on the Jacobite rebellions see Jeremy Black, *Culloden and the '45*, Pbk. ed. (Stroud, Gloucestershire: Sutton Pub, 2000); Geoffrey Gilbert Plank, *Rebellion and Savagery: The Jacobite Rising of 1745 and the British Empire* (Philadelphia: University of Pennsylvania Press, 2006); Hilary Kemp, *The Jacobite Rebellion* (London: Almark Publishing, 1975); John L Roberts, *The Jacobite Wars: Scotland and the Military Campaigns of 1715 and 1745* (Edinburgh: Polygon at Edinburgh, 2002).

²⁶⁶ Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 60.

London for the education of their youth or for meetings by order of the king, clan chiefs spoke less Gaelic in favor of Scots or English and spent more and more time away from their Highland homes. In this manner the chiefs increasingly distanced themselves from ordinary clansmen and women. Some acculturated clan chiefs even came to view their own Gaelic people as backward and uncivilized.

From the sixteenth century forward, certain Highland chiefs worked actively to eradicate the Gaelic language and ‘barbaric’ ways of their people. They opened parish schools in order to educate the ‘common’ clan members, and sent the children of the upper gentry to the Lowlands for their schooling.²⁶⁷ Beginning in the mid eighteenth century, Highland landowners, in a final effort to ‘civilize’ their people, increase the income of their estates and adapt to the changing economy during the nascent years of industrialization, introduced a series of removals throughout the Highlands and Islands of Scotland. These removals came to be known as the Highland Clearances. During a long century, various clan chiefs employed different methods of removal. Some of the chiefs engaged in brutal tactics to clear their people off the land. Regardless of their methods the end result was always the same: the dislocation and diaspora of the Highland Gaels. This chapter will give a brief overview of Scotland’s history, it will explore the traditional relationship between a chief and his clan, and further, the relationship between

²⁶⁷ Evidence of early parish schools being established in Sutherland to educate Gaels can be found in William Fraser, *The Sutherland Book* (Edinburgh, 1894). For more information on the acculturation of Highland elites, see Stana Nenadic, *Lairds and Luxury: The Highland Gentry in Eighteenth Century Scotland* (Edinburgh: John Donald, 2007); Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998).

the crown and the Highland chief. More specifically, I will examine the chiefs of the Sutherland clan and their changing relationship with the region and its native people. I will also discuss the acculturation of Highland chiefs, a process that aided in the alienation of the Sutherland Highlanders throughout the generations leading up to their removal during the clearances.

The early history of Scotland can be described as bloody and complicated. By the seventh century, Scotland had become home to four races of people: the Picts, the Scots, the Britons and the Angles. For more than a thousand years the Picts had largely ruled over a Scotland that they knew as Alba, but in the mid ninth century the Scotti, a Gaelic-speaking war-like people, emigrated from Ulster, in Northern Ireland, and took control of Alba, renaming it Scotland.²⁶⁸ During the eighth and early ninth centuries frequent raids by Norsemen (Vikings) who settled in the region, also plagued Alba, leading the Scot, Kenneth McAlpin to attempt to unify the country.²⁶⁹ In 843, McAlpin, who also held some claim to the Pictish throne, defeated the existing Pictish dynasty by killing all rival claimants and naming himself king of all the lands north of the Forth.²⁷⁰

²⁶⁸ For more information on early Celts in Britain, see Peter Berresford Ellis, *The Celts: A History*, Rev. ed. (New York: Carroll & Graf, 2004) and *The Celtic World* (London: Routledge, 1996). For more information on Kenneth McAlpin see Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 39-50. For additional resources on the early peoples of Scotland, including the Picts, Scots and Britons, see Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 26-38 and A. A. M Duncan, *Scotland, the Making of the Kingdom* (Edinburgh: Oliver & Boyd, 1978), 41-78.

²⁶⁹ Michael Lynch contends that McAlpin was not, in fact, the first King of Scots, but was only declared such because early medieval chroniclers described him to be. For more information, see *Scotland: A New History* (London: Pimlico, 1992), xv, 40-42.

²⁷⁰ Fitzroy Maclean, *Scotland: A Concise History*, Rev. ed. (London: Thames & Hudson, 2000), 14-22. The Firth of Forth is the body of water flowing into the North Sea, dividing the ancient kingdom of Fife from the West Lothian region where Edinburgh stands. For more information on the division of Highland and Lowland Scotland see Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 43-44.

In 843, McAlpin claimed control over a vast country divided by immense stretches of moorland and hills. Additionally, variant traditions and practices of the many different cultures further divided this now ‘unified’ entity. Celtic and Norse influences dominated the Highlands and Islands, while Britons and Angles populated the Lowlands, which diversified further with the arrival of Anglo-Normans following the Norman Conquest of 1066. Scotland had become a country of many languages. Its people spoke Latin, French, Scots, Norse, English and several Gaelic dialects by the time King David (1124-1159) came to the throne in the twelfth century. A man of Celtic heritage who was reared in England, David moved the Lowlands toward a feudal system of land ownership. By sweeping away the old Celtic way of life, he created a “relatively efficient, Anglo-Norman order of things.” In the Highlands and Islands, however, a patriarchal social structure persisted and allegiances, in the rare instances they existed, were tied to Norway.²⁷¹

The Isles and parts of northern mainland Scotland had been under the nominal control of Norway since the early Viking raids in the eighth and ninth centuries. Battles occasionally broke out when Norway’s kings attempted to take advantage of weak Scottish monarchs, but in 1263, Alexander III (1249-1286) defeated Norway and under the stipulations of the Scottish-Norwegian Treaty concluded in 1266, Scotland assumed control of the Western Isles, leaving only Orkney and Shetland in the Norwegians’ possession.²⁷² Whether Scotland or Norway held nominal control of these areas, their

²⁷¹ Fitzroy Maclean, *Scotland: A Concise History*, Rev. ed. (London: Thames & Hudson, 2000), 30. For more information on the early kings of Scotland see Plantagenet Somerset Fry, *Kings & Queens of England & Scotland*, 1st ed. (New York: DK Pub, 1999), 112-121.

²⁷² Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 21.

remoteness from the central authorities in the Lowlands ensured a level of independence and cultural autonomy. The remnants of Norse influence can still be seen in the “linguistic legacy in these regions.” As historian Margaret Connell-Szasz explains, “on the Isle of Lewis (‘Leodhus’ for the Norsemen), where the common language was Norwegian, one can still hear the Nordic lilt in the speech of the residents.”²⁷³

Sutherland, the region of focus in this study, took its name from the Old Norse “Suthrland,” – the Southland (meaning the southern reaches of the Caithness region).²⁷⁴

Within Sutherland itself, the mixture of Gaelic and Nordic roots can be found in place names such as Strath Helmsdale, which “include both the Gaelic and Norse words for a valley.”²⁷⁵ The marriage of Alexander’s daughter to King Eric of Norway almost twenty years later in 1281, put an end to further violence and established friendly relations between the two countries.²⁷⁶

While the kingdom of Scotland may have claimed ownership of the Hebrides, just as the Norwegians had once claimed control over the Highlands and Islands, more often than not Gaelic chiefs garnered the full loyalty of their followers and recognized no

²⁷³ Ibid., 21.

²⁷⁴ Donald Omand, *Sutherland Book* (Northern Times, 1982), 16.

²⁷⁵ “Dalr” was the Old Norse word for valley and “srath” means valley in Gaelic. Donald Omand, *Sutherland Book* (Northern Times, 1982), 16, 181. For more on the early Viking influence in Sutherland, see the above, pp. 180-184; Bryan Sykes, *Saxons, Vikings, and Celts: The Genetic Roots of Britain and Ireland*, 1st ed. (New York: W. W. Norton & Company, 2006); Alexander Bugge, “The Norse Settlements in the British Islands,” *Transactions of the Royal Historical Society* 4, Fourth Series (January 1, 1921): 173-210; W. F. H. Nicolaisen, “Norse Settlement in the Northern and Western Isles: Some Place-Name Evidence,” *The Scottish Historical Review* 48, no. 145 (April 1, 1969): 6-17; David M. Wilson, “Scandinavian Settlement in the North and West of the British Isles: An Archaeological Point-of-View,” *Transactions of the Royal Historical Society* 26, Fifth Series (January 1, 1976): 95-113.

²⁷⁶ Fitzroy Maclean, *Scotland: A Concise History*, Rev. ed. (London: Thames & Hudson, 2000), 32-33; G. W. S. Barrow, “A Kingdom in Crisis: Scotland and the Maid of Norway,” *The Scottish Historical Review* 69, no. 188 (October 1, 1990): 120-141.

authority but their own. Composed of Norse and Celtic roots, Highlanders were a people unto themselves and their geographical distance and isolation allowed them to maintain patriarchal and tribal traditions that differed to some degree from the feudal system that dominated Europe and had infiltrated Lowland Scotland. The Lordship of the Isles (1267-1493), controlled by Clan Donald (or MacDonald) from the clan's seat on Islay in the Inner Hebrides or Western Isles, retained the main central authority that reigned in the Highlands and Islands until its forfeiture in 1493. As University of Edinburgh scholar, Michael Lynch points out, the Lordship "was a force for peace rather than a destabilizing influence," and it served as "the chief patron of a renaissance of Gaelic culture and art," during the fourteenth and fifteenth centuries.²⁷⁷

The Gaelic term *clann* translates as 'children.' The chief of a clan was the 'father' of his people and, in theory at least, shared the same bloodline with them. Historian T.M. Devine argues that the blood ties between ruling families and ordinary clansmen were largely mythical and more of an emotional bond between "those who followed the same chief whatever their own lineage."²⁷⁸ Historian Allan Macinnes suggests, "the primary value of clanship was protection. *Dion*/the protective ethos of

²⁷⁷ Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 67. For more information on the Lords of the Isles, see Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 3, 10-11; Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 3-4; Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 21,44; James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 13, 14, 125-139; Alexander Mackenzie, *History of the MacDonalds and Lords of the Isles* (Edinburgh: A & W Mackenzie, 1881)

²⁷⁸ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 8-9; For more on the relationship between chief and clan, also see Michael Fry, *Wild Scots: Four Hundred Years of Highland History* (London: John Murray Publishers, Ltd., 2006), 4-5; Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998).

clanship was personified in the chiefship, specifically in the designation of the chief as *ceann-cinnidh*/head of the kindred and was made manifest specifically by his bestowal of hospitality and generally by his patriarchal attitude towards his clan.”²⁷⁹ The chief commanded his clan’s absolute loyalty and required the military assistance of the clansmen to serve as warriors, first in his frequent quarrels with neighboring clans and later in the regional regiments for the British army. Though the chief held full ownership of his lands and maintained firm power over his people, he awarded lands to his leading men, and lesser gentry (the *fine*) could become leaseholders, or tacksmen in exchange for their service. These lesser elites parceled out land to the common Highland clansmen and women in return for rents (usually rent in kind). However, the chief and his *fine* remained the land’s ‘keepers,’ and held it in trust for the clan.²⁸⁰

But the clanspeople had their own stake in the land. It was their understanding the area settled by a clan was their collective heritage and the chiefs, or elites, were merely guardians, protectors and trustees of the land, not its master. The Gaelic word *duthcas* expressed this concept of joint possession. It “articulated the expectations of the masses that the ruling families had the responsibility to act as their protectors and guarantee secure possession of the land in return for allegiance, military service, tribute and rental.” Yet another Gaelic word, *Tuath*, defined as ‘tribe’ or ‘kin group,’ served as

²⁷⁹ Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 2.

²⁸⁰ For more information on the concept of *duthcas* see Colin Calloway, *White People, Indians and Highlanders* (New York: Oxford University Press, 2008), 6-7; Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 45-46.; James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 172

the means of fostering loyalty and kinship ties between elites and ordinary clanspeople.²⁸¹

Historian Michael Fry concludes “while a clan always had a chief, kinship gave its members a feeling of equality—especially in connection with its land, which they held to be a communal resource.”²⁸² Depending on the extent of acculturation to the Lowlands, some chiefs maintained and fostered the belief in *duthcas* amongst their clans, while others dismissed it outright. In 1815, the Countess of Sutherland wrote to her husband complaining of the tacksmen class of Highlanders, describing them as an “ungrateful set of people, that we have dealt too leniently with...” The Countess then condescendingly states, “the question now is whether the estate is our own, or theirs.”²⁸³

The clanspeople tended the resources of that land, including crops of grain, oats and potatoes, as well as raising cattle, sheep and other livestock; they paid portions of these meager resources to the chief as rent in kind. With the temperamental climate of the Highlands, crops often failed, or became blighted. The chief addressed these crises by providing subsistence to his clan in times of shortage or famine and hosting feasts for his people during times of plenty. “Here the elites were acting as a source of social insurance in a society where harvests could be erratic because of an inhospitable environment.”²⁸⁴ As will be addressed in the next chapter, as late as the nineteenth

²⁸¹ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 10-11. See also Allan MacInnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 56-87.

²⁸² Michael Fry, *Wild Scots: Four Hundred Years of Highland History*, illustrated edition. (John Murray Publishers Ltd, 2005), 4.

²⁸³ Elizabeth Gower to Lord Stafford. 13 August 1815, Dep 313/749. National Library of Scotland.

²⁸⁴ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 10. For more information on the role of feasting in Highland culture, see Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 84-101.

century, when the Clearances were in full force, this traditional responsibility of the chief to provide for the clan in times of need remained in place.

The mutual obligation shared by chiefs and clanspeople served as the foundation of Highland life. Some historians identify the final defeat of the Jacobite rebellion at Culloden in 1746, as the turning point in the loss of clan affiliations. In his work, *Culloden*, John Prebble claims that “once the chiefs lost their powers, many of them lost also any parental interest in their clansmen.”²⁸⁵ However, Prebble’s romantic view of the Highland way of life and his condemnation of strict laws, such as the Disarming Act that Westminster first imposed against the Highlands following the failed rebellion in 1715, as the beginning of the end, so to speak, has been revised by more recent scholars. T.M. Devine explains that “clan society was undergoing a process of gradual and protracted decline long before the ’45 and that the climax to this was reached in the decades after the failure of the rebellion.”²⁸⁶ Robert Dodgshon further postulates that “the processes and pressures by which chiefs began to think and act as landlords...[was] under way by the sixteenth century.” He adds that this transformation must be seen as a gradual process “rather than something that happened dramatically or suddenly in the aftermath of defining events like Culloden.”²⁸⁷ This protracted change in chief/clan relations most definitely characterized the Sutherland region.

²⁸⁵ John Prebble, *Culloden*, 1st ed. (New York: Atheneum, 1962), 214.

²⁸⁶ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 11.

²⁸⁷ Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 102.

As previously mentioned, due to the remoteness of the Highlands and the rugged terrain that separated it from the Lowland areas of Scotland, most Highland chiefs ruled their lands and people without regard to the king's government, first in Stirling and later Edinburgh. Kings of Scotland had intermittently, and usually unsuccessfully, tried to assert authority over these pseudo kings of the Highlands. David I (1124-1153) inserted nobles of Norman ancestry into the Celtic dominated areas in an attempt to bring the regions under the control of the central government. While some nobles did, in fact, try to modify their lands and people to adhere more to Norman feudal society, others reacted not by trying to change Gaelic society, but rather by endeavoring to make themselves part of it. Norman families, including the early Stewarts, from whom the Stewart line of kings descended, "had become naturalized rather than importing foreign ways."²⁸⁸ As the power of the Scottish kings increased over the centuries, so did their attempts to manage this peripheral region. Several kings took inaugural trips throughout the Highlands and Islands to court the allegiance of the ruling Highland families.²⁸⁹

Robert Bruce (1306-1329) relied on his Highland allies, including the Lords of the Isles, to aid in his defeat of Edward II at Bannockburn in 1314, and even to hide him at various times during his early struggle for the Scottish throne.²⁹⁰ However, over a century later, in 1427, James I (1406-1437) ordered the Highland chiefs to Inverness,

²⁸⁸ Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), xiv.

²⁸⁹ For more on the attempts of early Scottish kings bring the area under central authority, see James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 92-111.

²⁹⁰ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 126-127.

where he arrested forty of them.²⁹¹ Alexander MacDonald, Lord of the Isles, was one of the forty, and when James incarcerated him, MacDonald's allies and followers swiftly retaliated. James was forced to not only release MacDonald and restore his lordship, but he also awarded MacDonald the newly created Earldom of Ross to foster more amiable relations. As historian James Hunter points out, the "Lordship of the Isles looked to have undone much of what the Scottish monarchy had been trying for centuries to accomplish in the Highlands and Islands – by restoring to the region a good deal of its age-old independence."²⁹² Within decades though, James III (1460-1488) stripped the Lord of the Isles of his earldom in Ross and James IV (1488-1513), one of the few Scottish kings who spoke Gaelic, officially abolished the Lordship of the Isles in 1493.²⁹³

The successive kings of Scotland had continually tried to insert themselves into the good graces of the Highland chiefs in an attempt to bring them under central authority. The history of this early period of power struggles between the Lowlands and the Highlands and Islands can be confusing and difficult to relate in a matter of pages, but historian James Hunter does an excellent job of relating the tumultuous history in his

²⁹¹ Fitzroy Maclean, *Scotland: A Concise History*, Rev. ed. (London: Thames & Hudson, 2000), 54. See also James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 114, 135-138; Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 140-141. Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 58, 99; Peter and Fiona Somerset Fry, *The History of Scotland* (New York: Barnes and Noble, 1982), 98.

²⁹² James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 137.

²⁹³ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 143.

work *Last of the Free*.²⁹⁴ Despite advances in bringing the region under the tutelage of the crown and the abolishment of the Lordship of the Isles, the Highland and Islands remained a different world from the Lowlands of Scotland.

T.M. Devine argues that the division of Scotland into ‘Highlands’ and ‘Lowlands’ is a relatively recent development. The first written commentary on cultural and racial differences between the two geographical areas is found in the fourteenth century, but the vastly different histories of the regions leads one to believe that Lowlanders and Highlanders were aware they were separate and distinct long before Aberdeen chronicler John of Fordun offered his opinion on the Highlanders in 1380.²⁹⁵ Fordun described the Highlanders as a “savage and untamed nation, rude and independent...exceedingly cruel,” and unsightly in their dress. He categorized them as a different race of men, who were “hostile to the English people and language.”²⁹⁶

John of Fordun was the first of many to offer opinions on the Highland Gaels. In the reign of James I (1406-1437), Henry V of England (1413-1422) sent a man by the name of John Hardyng to Scotland to confirm the superiority of England and investigate the best ways in which to launch an attack on the country. Hardyng did as he was told, writing back, “the verie waye bothe by sea and land...to conveigh an armie that ye maye take in hand. Hereafter shall followe in as good ordre as I maye, the true descripcion, and

²⁹⁴ For the most complete history of this period, see James Hunter’s *Last of the Free: A Millennial History of the Highlands and Islands of Scotland*.

²⁹⁵ Michael Lynch also argues that there was little to no difference in Lowland and Highland Scotland prior to 1400, see *Scotland: A New History* (London: Pimlico, 1992), xiv, 70-73.

²⁹⁶ Quoted in T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 2.

distaunce and the waye.”[sic]²⁹⁷ While his description of ports and roads that an army and navy could use to invade Scotland is fascinating, it is his description regarding the Highlands that is relevant here. Hardyng tells the English king that “over all the mountaynes, drye mosses and wete, [is] where the wild Scottes do dwell.”[sic] He named Ross, Sutherland, Caithness and the Isles as the places inhabited by the ‘wild Scots.’²⁹⁸ Don Pedro de Ayala, a representative from the court of Ferdinand and Isabella during the reign of James I, also offered a glimpse into prevailing opinions on the Highlands. Noting that James I “speaks...the language of the savages who live in some parts of Scotland and on the islands,” Ayala added that the inhabitants “are very warlike and agile...they do not know what danger is.” He also pointed out that “none of the former kings have succeeded in bringing the people into such subjection as the present king.” Hoping for a marital alliance between the Scottish and Spanish crowns, one must question to what degree James actually subdued the Highlanders and what was just offered up as proof of his skill in rulership.²⁹⁹ After all, the Gaels forced the Scottish king to release Alexander MacDonald and James offered him the earldom of Ross.

In the same period an Italian by the name of Andrea Trevisano offered a different interpretation of the Highlanders. Describing the mountainous areas as almost uninhabitable, Trevisano explained that “the inhabitants of the country are called the wild or savage Scots, not however from the rudeness of their manners, which are extremely courteous.” Highlanders were widely known for their hospitality, and while Trevisano

²⁹⁷ Peter Hume Brown, ed., *Early Travellers in Scotland* (New York: Lennox Hill Pub. (Burt Franklin), 1970), 17.

²⁹⁸ *Ibid.*, 20.

²⁹⁹ *Early Travellers in Scotland* (New York: Lennox Hill Pub. (Burt Franklin), 1970), 39, 46.

does not further explain where the terms ‘wild’ and ‘savage’ would have stemmed from, it is possible that he considered their military prowess its source. “These savages are great soldiers, and when they go to war, the privilege of guarding the king’s royal person belongs to them.”³⁰⁰ The superior military reputation of Highlanders has persevered for centuries.³⁰¹

Whether the differentiation between Highland and Lowland was always there, or came as late as the fourteenth century as T. M. Devine and others postulate, the fact remains that by the end of the medieval period, these two areas of Scotland consisted of separate and distinct cultures and races of people. The Highlanders differed from their Lowland counterparts in dress, religion, language and perceived ‘savagery.’³⁰² The clan system had long disappeared in the Lowlands while it remained central to the lives of many ordinary Highlanders into the nineteenth century. The entrance of Norman and English figures influenced many Lowland leaders, intermarriage between kings of Scotland and English princesses, and the continuous war between England and Scotland for autonomy and independence overpowered the Celtic roots of Lowland Scotland.³⁰³ The Scots tongue, along with English, replaced Gaelic, or “Irish,” in the south while the

³⁰⁰ Ibid., 52.

³⁰¹ See Hew Strachan, “Scotland's Military Identity,” *The Scottish Historical Review* 85, no. 220 (October 1, 2006): 315-332.

³⁰² Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 46-67; James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 123-124.

³⁰³ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 1-17; Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 1-24, 56-81; James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 173-174.

outlying areas of the Highlands and Islands remained largely Gaelic in speech and custom.

However, as distant and remote as the Highlands were from the Lowlands of Scotland, this did not entirely preclude Lowland influences. As mentioned earlier, some of the ruling families in the Highlands were of Anglo-Norman ancestry and while they derived their power from rulership over their clans, some of them tried to ‘civilize’ their clanspeople in the centuries preceding the Clearances. The emotional and familial bond between chief and the ordinary clansperson began to deteriorate in certain areas by the sixteenth century, and this process intensified after James VI and I (1567-1625) succeeded to the English throne in 1603, uniting the thrones of England, Wales and Scotland. Exhibiting an existing distaste for his Gaelic subjects, James ordered a naval expedition to the Isles, where a dozen surrounding chiefs were summoned on board and subsequently not allowed to leave. Carried off to the Lowlands, these men were imprisoned in Lowland castles for several months, to be released only upon their signing of James’ Statutes of Iona, “often seen as the first act of general legislation for the Highlands.”³⁰⁴ While the long-term effectiveness of the Statutes is debated among scholars, some historians suggest the document severely undermined clanship and Highlands and Islands tradition.³⁰⁵

³⁰⁴ Michael Fry, *Wild Scots: Four Hundred Years of Highland History*, illustrated edition. (John Murray Publishers Ltd, 2005), 13.

³⁰⁵ For more information on the Statues of Iona and their effectiveness see: Roberts, John L., *Feuds, forays and rebellions: History of the Highland clans, 1475-1625* (Edinburgh: University of Edinburgh Press, 1999), 200; Rosalind Mitchison and Peter Roebuck, *Economy and Society in Scotland and Ireland, 1500-1939* (Edinburgh: John Donald Publishers Ltd, 1988), 13; T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 13-14. Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 48-50; Julian Goodare, “The Statutes of Iona in Context,” *The Scottish Historical Review* 77, no. 203 (April 1, 1998): 31-57.

Among other things, the Statutes called for the erection of inns in the Highlands; limited the military retinues of chiefs; banned the sale of whisky and wine; outlawed the carrying of weapons and, in a direct attack on Highland culture, proscribed Gaelic bards, who served as clan historians. As James Hunter explains, the Romans described the Gaelic bards' predecessors as "the most steadfast defenders of the Celtic value-systems..." and the Gaelic bards similarly served as protectors of Gaelic tradition and clan histories. Hunter further observes that seventeenth century clan heralds "were to be duly horrified when their chiefs began gradually to adopt the southern habits and tastes." These men, who underwent extensive training and education in the craft, held the invaluable role of "repositories and propagators of traditional values."³⁰⁶ While the nominal loss of the Gaelic bard was a blow to the traditional Highland culture, perhaps the most devastating restriction was the long-term effect of the sixth statute. It required that the chiefs and leading clansmen "educate their eldest son in the Lowlands so that they could speak, read and write English." Barring sons, their daughters were subject to the same.³⁰⁷ Additionally, chiefs were held responsible for the actions of their clansmen through the requirement of sureties and were mandated to appear regularly in Edinburgh both to attend the king and also to account for their clansmen's actions. The requisite trips to Edinburgh, which in some cases could take a chief weeks, if not months, to

³⁰⁶James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 205; Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 49-50; Eric Cregeen, "Oral Sources for the Social History of the Scottish Highlands and Islands," *Oral History* 2, no. 2 (October 1, 1974): 23-36.

³⁰⁷ Quoted in Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 49; Michael Fry, *Wild Scots: Four Hundred Years of Highland History*, illustrated edition. (John Murray Publishers Ltd, 2005), 13-15.

accomplish, alongside the Lowland education of the elite's sons and daughters, persuaded many Highland chiefs that they must enter "a society from which they had hitherto kept determinedly aloof."³⁰⁸ Their assimilation into the broader Scottish landed society and exposure to material and luxury goods while in Edinburgh led many Highland chiefs to desire similar possessions at home. This newly found ambition entailed increased expenditure on expensive clothing, furniture and exotic foods, leading to increasing debts.³⁰⁹ Among the clanspeople, money rents began to replace the common practice of accepting rent in kind as the chiefs' debts climbed.³¹⁰ While market forces played a role in this transformation in rent payments, it was also dictated by the Scottish crown in 1616, when chiefs were "bound to let the remainder of their estates to tacksmen for a fixed rent, without the additional customs which they had imposed on their tenants."³¹¹ The acceptance of rent in kind and reciprocal actions such military service and feasting characterized the 'customs' mentioned. Any chiefs who had not already succumbed to the increasing market economy requiring cash transactions, now had little choice but to phase out this ancient tradition of rent in kind. For some increasingly acculturated Highland chiefs, especially the Sutherland chiefs, the practices of *tuath* and *duthcas* soon

³⁰⁸ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 176.

³⁰⁹ See Stana Nenadic, *Lairds and Luxury: The Highland Gentry in Eighteenth Century Scotland* (Edinburgh: John Donald, 2007),

³¹⁰ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 14.

³¹¹ Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 106. This work is the most complete study of the gradual transformation of Highland chiefs into landlords.

became notions of the past. The lands that chiefs “had once held on behalf of the their tribe now became theirs in fact and law.”³¹²

Much of Highland society had arisen “out of a mixture of Gaelic tribalism and European feudalism.” The blend of these two cultures was unique to Scotland and varied from clan to clan.³¹³ The symbiotic relationship between chief and clan consisted of the paternalistic care of the chief toward his clans and the clanspeoples’ service to their chief through labor, military assistance and rent payments.³¹⁴ Some chiefs may have begun to change after exposure to material wealth increased desires for the same sort of creature comforts back in the Highlands, but some started to distance themselves even prior to the legislative impetus of the Statutes. However, clanspeoples’ unwavering loyalty to the chief largely remained, even as the chief and his heirs distanced themselves from their people. As mentioned, the level of elite acculturation and the concern of chiefs for their clansmen and women could vary from clan to clan, but for the purposes of this study, the area addressed is Sutherland, and the earls of Sutherland had strongly absorbed Lowland and English culture by the sixteenth century.

Scholars believe that in 1235, King Alexander II (1214-1249) carved out the earldom of Sutherland from the region of Caithness (the area currently north of

³¹² John Prebble, *Culloden*, 1st ed. (New York: Atheneum, 1962), 314. For a thorough study of the increasingly expensive lifestyles Highland chiefs and its effect on chief/clan relations see Stana Nenadic, *Lairds and Luxury: The Highland Gentry in Eighteenth Century Scotland* (Edinburgh: John Donald, 2007).

³¹³ Michael Fry, *Wild Scots: Four Hundred Years of Highland History*, illustrated edition. (John Murray Publishers Ltd, 2005), 5.

³¹⁴ For a complete study of the reciprocal relationship between chiefs and clanspeople, including the mutual obligation between the two, see Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 55-121 and Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 1-29.

Sutherland). If it were in fact “created” from the existing Caithness district, “it was the first such creation, as opposed to royal recognition of an existing native title, in Scottish history.”³¹⁵ The earldom of Sutherland did not encompass ownership of the entire region initially, although that would be the case by the nineteenth century; rather, several leading families vied for control of various parts of Sutherland over the centuries, including the de Moravias, Freskins, Sinclairs and Mackays. The de Moravias (from whom the Freskins descended) married into a local clan, Clan Moddan, sometime in the twelfth century and through that marriage took control of Kildonan, an area in the Sutherland region. The Freskin house was in control of large portions of Sutherland by the early thirteenth century, as proven by the first Sutherland charter on record (circa 1211). Hugh Freskin granted the areas of Skibo, Creich and Invershin to his relative Gilbert de Moravia, archdeacon of Moray and future Bishop of Caithness. Gilbert, in turn, granted portions of these lands to his kin as he chose.³¹⁶

When Alexander II created the earldom of Sutherland, he awarded it to William, son of Hugh, son of Freskin, and it appears that Hugh had taken the name of his region, Sutherland, as his last name. The title and much of the region remained with the Freskins/Sutherlands until the Gordon family usurped it through intermarriage, intrigue and murder in the early sixteenth century. Adam Gordon, a younger son of the Earl of Huntly from present-day Aberdeenshire, Scotland, married Elizabeth, sister of John, ninth earl of Sutherland. Since John had mental health issues, Adam Gordon quickly moved to

³¹⁵ Donald Omand, *Sutherland Book* (Northern Times, 1982), 185; James Gray, “Boundaries of Estates in Caithness Diocese Shortly after 1222,” *The Scottish Historical Review* 20, no. 80 (July 1, 1923): 285-289.

³¹⁶ Donald Omand, *Sutherland Book* (Northern Times, 1982), 185-186; James Gray, “Boundaries of Estates in Caithness Diocese Shortly after 1222,” *The Scottish Historical Review* 20, no. 80 (July 1, 1923): 285-289.

have Elizabeth's brother declared incompetent. Adam was named a curator for the mentally challenged John, who died mysteriously shortly thereafter. However, a younger brother, Alexander Sutherland, also held claim to the earldom and garnered the support of most of the clan. For several years Alexander held off the Gordon claim, occupying the seat of the earldom, Dunrobin Castle. Unfortunately, in 1520, Alexander Sutherland, the last of the Freskin house, was murdered and his head brought back to Dunrobin on a spear to be placed on the highest turret of the castle. Elizabeth Gordon was declared heir and her husband, Adam, soon styled himself Earl of Sutherland in her stead.³¹⁷

One of the most famous historians of Sutherland and a relative of the Sutherland chiefs, Sir Robert Gordon, seems to have obscured much of Sutherland's early history during the early seventeenth century in his attempts to legitimize the Gordon family's claim to the title. Gordon asserted that Alexander had been an illegitimate son and therefore not entitled to the earldom, but "of Alexander's bastardy there was, and is, no proof."³¹⁸ Within a century, the Sutherland estates were entailed to ascertain that, failing heirs, the lands and title could only pass to a son of the Earl of Huntly. The Gordons ensured that no one else could exploit the means by which they, themselves, had taken control of Sutherland.³¹⁹

The growing rift between the Sutherland chief and his clanspeople can be traced to the ascendancy of the Gordons to the earldom of Sutherland. More anglicized than the

³¹⁷ Ibid, 185-192.

³¹⁸ Donald Omand, *Sutherland Book* (Northern Times, 1982), 189.

³¹⁹ For more information on Robert Gordon and the earldom of Sutherland, see David Allan, "Ane Ornament to Yow and Your Famelie': Sir Robert Gordon of Gordonstoun and the "Genealogical History of the Earldom of Sutherland",³ *The Scottish Historical Review* 80, no. 209 (April 1, 2001): 24-44.

Freskins, the Gordons did not need the Statutes of Iona to encourage them to educate their sons in the south. Originally from Aberdeenshire, the Gordons had been closely tied to the Lowlands for centuries. Robert the Bruce awarded the family estates in Berwickshire, located in the Lowlands, in gratitude for their support and assistance at the Battle of Bannockburn. Additionally, the Gordon family had been given the earldom of Huntly in the mid-fifteenth century, and generations of Gordon men had served in the Privy Council in Edinburgh. Their exposure to both Lowland and English influences for several generations leads one to surmise that when the Gordons garnered the earldom of Sutherland, the traditional Gaelic connection between the Sutherland chief and his clan was largely severed.

The Gordons had little respect for Highland clan custom. By the early seventeenth century, John, 13th Earl of Sutherland, viewing his ‘people’ as hindered by Gaelic barbarism, was instructed to “cause the inhabitants of the countrey to cloith them selfs as the most ciwill prowinces of the kingdome do.”[sic] Further antipathy toward Gaelic culture is revealed in Robert Gordon’s advice regarding the Gaelic language. “The Ireishe language cannot so soone be extinguished. To help this plant schooles in ewerie corner of the countrey to instruct the youth to speak Inglishe.”[sic]³²⁰ Despite the prejudice against his Gaelic speaking clanspeople, John was still encouraged to “learn to speak the vulgar language of the country that you may truly understand and uprightly judge the complaints of the poor ones.”³²¹ Such a suggestion indicates that not all Sutherland chiefs had taken the time and effort to learn the native tongue of their region. There may

³²⁰ Quoted in Donald Omand, *Sutherland Book* (Northern Times, 1982), 189.

³²¹ Quoted in *Ibid*, 198.

have been some expansion in the use the English language in the region, especially among the more elite classes, but centuries later James Loch, manager of the Sutherland Estates, noted that the Celtic language still prevailed in Sutherland. Acknowledging, perhaps tongue in cheek, the “deeply regrettable” loss of Gaelic, he maintained that its use retarded “improvement and progress;” he insisted that it be replaced by English and maintained “the co-existence of the two languages is impossible.”³²²

When the Gordons usurped the earldom in the sixteenth century, the advent of a new Earl of Sutherland may not have necessarily changed living conditions for the average Sutherland Highlander. As far back as the early ninth century, after the union of the Picts and Scots, political control of Sutherland vacillated between the Norse and the Scots. The Sutherland men would have fought on the side of their chief, but win or lose, they would have “simply returned to their homes and continued their simple farming activities. The only change for these people would be their acknowledgement of a new overlord with whom they probably had little contact.”³²³

Over the centuries many Highland and Island chiefs carried on as if they had absolutely no loyalties to the crown, most especially during the rulership of the Lordship of the Isles. However, the house of Sutherland appeared to maintain fairly close ties to the king from very early on, especially given their remote location. James Loch noted, “the distance from the seat of government was more remote, the power of the crown diminished, while that of chief was augmented...For a considerable part of the earlier

³²² James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 44.

³²³ Donald Omand, *Sutherland Book* (Northern Times, 1982), 181.

period of Scottish history, we perceive the Earls of Sutherland...taking but little concern in the general turbulence of the kingdom.”³²⁴ Despite distance and Loch’s interpretation of their relative autonomy, the Earls of Sutherland were marked for success by their support of the kings of Scotland, with the Freskins introducing a long history of political and familial alliances with the Scottish monarchs. William, 2nd Earl of Sutherland, fought alongside Robert Bruce at Bannockburn in 1314, and David II (1329-1371), Bruce’s son and successor, handsomely rewarded the family. When William, 5th Earl of Sutherland married David’s sister, Margaret, he was gifted with numerous lands throughout Scotland and the creation of Sutherland as a free regality in 1345, which granted William king-like powers in his earldom. Unfortunately, Margaret died without issue and, per the marriage contract, the family lost many of the lands granted and also the powers of the regality.³²⁵

Sutherland would not be a free earldom again until Mary, Queen of Scots (1542-1567) granted a new charter in 1567, and it would not become a free regality again until the reign of James VI. The earls of Sutherland seemed to be highly involved in court intrigues during the regency of Mary of Guise and also during the reign of Mary, Queen of Scots. In 1555, John, 10th Earl of Sutherland, received a yearly pension from Mary of Guise for “guid, trew and thankfull service”[sic] in times bygone.³²⁶ John had captured and arrested a man named Aoidh Mackay after he refused a summons to meet Mary of

³²⁴ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 42.

³²⁵ Donald Omand, *Sutherland Book* (Northern Times, 1982), 186.

³²⁶ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 2.

Guise in Inverness. Sutherland also materially benefitted from the reduction of Mackay's estate when he was awarded some of the forfeited lands.

The influence of the crown in the far reaches of northern Scotland relied heavily upon the power and cooperation of the earls of Sutherland. Letters from Mary Queen of Scots authorizing John to arrest several men evidences the degree to which the crown relied on the Sutherland chief to keep order in the north. In 1565, she ordered the capture and arrest of a certain Neill Mackay and his clansmen for the disorder and disruption they were causing in Sutherland's Strathnaver region due to the continuing, and centuries old, feud between the two families. She offered another commission in 1567, for the arrest of a Thomas Robertson, whom the queen simply labeled 'a pirate.'³²⁷

The intricacies of the earldom of Sutherland with its feuds and intrigues would be a fascinating book in its own right. The rise and decline of the Sutherland family vacillated over the centuries, largely depending on whether the family/clan held the favor of the crown. Despite a seemingly close connection between the monarchs and the earls of Sutherland, when James VI and I took the throne in 1567, he still understood the instability of the region to be a product of the centuries-old blood feuds between the Sutherlands, Mackays and Sinclairs of Caithness. James required a very large surety to be paid in 1594, to help ensure peace in the north. Nevertheless, in 1601, James VI renewed the original land grants awarded by David II and once again recognized Sutherland as a regality.³²⁸

³²⁷William Fraser, *The Sutherland Book* (Edinburgh, 1894), 3-6.

³²⁸ Donald Omand, *Sutherland Book* (Northern Times, 1982), 192.

When the Reformation took hold in Scotland from the 1560s forward, it was slow to infiltrate the northern reaches of the country. John, 12th Earl of Sutherland, “adhered to the old faith of his family, which was Catholic.”³²⁹ In 1601, James VI reestablished the Sutherland region as a regality and created Sutherland as a separate sheriffdom, over which the earl and his descendents retained complete power. Such honors did not come without expectations though. The General Assembly appointed a minister to reside for three months with the family in Sutherland to educate them in the reformed faith. Since this conversion attempt was unsuccessful, four years later the government ordered the earl, his wife and his mother to be confined in Inverness with the ministry for further instruction. Again, conversion was not complete, but the family was left unmolested for several years. In 1614, the bishops of St. Andrew’s required John to “either subscribe and communicate or ward himself in the castle of Edinburgh.” The family was forced to remain in Edinburgh, where they incurred great debts, and the estate suffered as a consequence of such extended periods of absence and diversion of funds from the managing of the estate. After promising he would continue to attend the reformed church in Sutherland, the earl and his family finally received permission to go home. Upon his return, the earl “lamented that many of his people would have to suffer through famine and want of seed corn. His own great expenses at St. Andrew’s and Edinburgh had stopped useful works and improvements which he had commenced in his own country.”³³⁰ However, the number of permits issued by James VI for the earl to leave the country for travel to the continent reveals that whether in forced captivity in Edinburgh or

³²⁹ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 186.

³³⁰ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 188.

elsewhere, the Gordon family was not resident in Sutherland as often as some would purport.

The rising debts of the Sutherland family increased over the generations as the earls sent their sons away to Edinburgh, St. Andrew's and London for their education. John, 13th Earl of Sutherland was educated in Edinburgh and later at St. Andrew's. Sir Robert Gordon records that "so exceedingly loving and thankful did [the clan] show themselves, that they not only contributed a marriage portion for the earl's sister, but they voluntarily subscribed a yearly sum to assist in maintaining the earl and his two brothers at the university for five years in a manner befitting their rank."³³¹ One has to wonder to what degree this contribution was "voluntary." In the nineteenth century, Sutherland resident Donald MacLeod discussed the raising of a subscription to buy the Countess some costly ornaments to welcome her back to Dunrobin. "Emissaries were dispatched for this purpose, even to the small tenantry located on the moors and barren cliffs, and every means used to wheedle or scare them into contributing. This caused many of the poor creatures to part with their last shilling..."³³² While it is romantic to imagine the Sutherland Highlanders offering up their last shilling to honor their overlords, whom many probably never even laid eyes upon, it was most likely not entirely voluntary, whether in the seventeenth or nineteenth century.

With education expenses, trips abroad and expenditures on luxury goods, the growing family debt is evidenced in John's (13th Earl) turning over the management of the estates to his uncle, Sir Robert Gordon in 1654. John had to sell his "silver

³³¹ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 214-215.

³³² Donald MacLeod, *The Stonemason: Donald Macleod's Chronicle of Scotland's Highland Clearances* (Praeger, 2001), 35.

plate...that certain creditors named may be satisfied out of the proceeds.”³³³ This particular earl had incurred great debt owing to his support of the Covenanters’ Revolution, as well as a lavish lifestyle.³³⁴ But such debt did not prevent him from sending his two sons to London for their education. Earl John complained of their expenditures, noting that, “Iff I wer as exhorbitant in my spending as they ar, I wold be called a destroyer of the house.”[sic] Later in life, however, John himself seemed not to mind contributing to the debts of the estate. After he turned over the running of the estate to his son, George, Lord Strathnaver and future earl of Sutherland, John left for the continent and soon wrote a letter to George that his “finances were somewhat scant” and offered an “earnest appeal to Lord Strathnaver to furnish more ready money.”³³⁵

While there may have been short-lived moments of royal disfavor, more often than not the shrewd and calculating earls of Sutherland chose the winning side, including John, 13th Earl of Sutherland, who was the first noble to sign the National Covenant when Charles I (1625-1649) tried to impose religious change in Scotland.³³⁶ The Sutherlands took part in the Scottish (or Covenanter) Revolution in the 1630s, cooperated with the occupying forces of Cromwell in the 1650s, supported the restoration of the Stewart

³³³ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 269.

³³⁴ For more on the financial role of Scottish aristocrats in the Covenanting Movement, see, Keith M. Brown, “Aristocratic Finances and the Origins of the Scottish Revolution,” *The English Historical Review* 104, no. 410 (January 1, 1989): 46-87.

³³⁵ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 289.

³³⁶ For more information on the Covenanters’ War, see Allan Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Lothian: Tuckwell Press Ltd., 1996), 88-121; Macinnes, Allan, *Charles I and the Making of the Covenanting Movement, 1625-1641* (Edinburgh: John Donald Publishers Ltd, 1991); Allan I Macinnes, *The British Revolution, 1629-1660* (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2005). For the specific role of the Sutherlands in the revolution, see Keith M. Brown, “Aristocratic Finances and the Origins of the Scottish Revolution,” *The English Historical Review* 104, no. 410 (January 1, 1989): 46-87.

dynasty in 1660, and, finally, backed William and Mary during the Glorious Revolution in 1688. The Sutherlands also found a chance to prove their loyalty to the Hanoverian succession by fighting on the side of the crown during the two Jacobite rebellions in 1715 and 1745.³³⁷

Highlanders like the Sutherlands, who supported the crown in the Jacobite rebellions were not exempt from the restrictive legislation the government in London passed against the Highlands following the uprisings. When the rebellion of 1715 failed, the British Parliament passed the Disarming Act against the Highlands in order to better secure peace. Unfortunately, this proscription applied to both Jacobite chiefs and loyalists to the crown, including the Sutherlands. John, 16th Earl of Sutherland, was a member of the House of Lords and therefore resident in London. He received complaints from his clansmen regarding raids by neighboring clans and the inability to effectually counter the depredations due to lack of weapons. A certain David Ross wrote to the earl in London in 1720, “My lord, ever since the rebellions...thieves and robbers from the shires of Inverness and Ross have carried away spreaths [herds] of cattle out of the country. Because of the act for security of the peace in the highlands, we are not allowed the use of firearms...in our defense against rebels, we are very ill provided to make resistance against them that are so well arm’d.”³³⁸ It seems a number of people chose to

³³⁷ For more information on the Jacobite Rebellions, see D. Szechi, *1715: The Great Jacobite Rebellion* (New Haven: Yale University Press, 2006); James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 187-199; Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 329-329, 334-338; Geoffrey Gilbert Plank, *Rebellion and Savagery: The Jacobite Rising of 1745 and the British Empire* (Philadelphia: University of Pennsylvania Press, 2006).

³³⁸ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 362.

ignore the Disarming Act and took advantage of those who obeyed the edict from Westminster.

The Disarming Act also proved to be a hindrance when the second rebellion took place in 1745. William, 17th Earl of Sutherland, had been sent abroad as a child for his education. Upon his accession to the earldom in 1733, William continued to live in London, attending to his parliamentary duties with only occasional visits to Scotland. When he received word in 1745, of Prince Charles Edward's landing in Scotland, he wrote to the king and complained, "his majesty's firmest friends are destitute of arms and ammunition, while the king's inveterate enemies are but too well provided." William called for a mustering of all available Sutherland men to support king and country. He addressed his clansmen personally and enticed the recruits with the promise of forgiveness of all arrears in rent and "the current rent of this year I do not expect till the affairs of this nation are settled, as you seem heartily inclined to follow me and risk your all in defense of his majesty's person and government." The earl also promised that "if it happens to come to action, you will see that my person will be the first exposed to danger with yours; and if any of you suffer by death, or be rendered incapable to support your families, if I survive, they shall be my peculiar care."³³⁹ The Sutherland regiments did see action, including the decisive Battle of Culloden in 1746. Soon after, William changed his last name to Sutherland, perhaps to distance himself from his Gordon relatives who had supported the Pretender. He travelled to London shortly afterwards and never returned to his estates. Turning over the management of the estate to his mother, he wrote, "I will not return on any account...it would be hard to force me to live

³³⁹ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 404-405.

in Scotland where I can never be happy. I hope your ladyship will be so good not to insist on it.”³⁴⁰

As generations passed, the chiefs of Sutherland became more estranged from their clanspeople. Although written about Skye, Neil MacLeod related the feeling of distance between chief and clan, writing:

At one time our fathers
lived under fine landlords,
with minds that were noble
with truth and with grace;
they loved their sweet language
and gave kinship such value
that in peace and in battle
they held fast to their race.

They lived with their clansfolk,
as was always their practice;
they were fully informed
of their plight at each time;
when they would foregather
at church on the Sabbath,
so concerned was their asking,
so warm and so kind.

They and their people
so firm and united,
like a family so loving
only death could them part;
neither sheep nor high profits
were desired by their honors,
but heroes unbending
who could fend with their hearts.³⁴¹

³⁴⁰ Ibid., 428-429.

³⁴¹ Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995), 224-225.

Evidence of the absenteeism of chiefs is found in William, 17th Earl of Sutherland, who was raised in Edinburgh and then London, where he had received a commission in the military while still a child. He does not appear to have returned to Sutherland until he sought to recruit soldiers for his regiment in the eighteenth century. There appears to be little information on William, 18th Earl of Sutherland, who held the title for 16 years before his death, but his daughter, Elizabeth, would change the history of Sutherland and its native people irrevocably.

Born in 1765, Elizabeth was named 19th Countess of Sutherland following the deaths of her parents in 1766. Raised in Edinburgh by her maternal grandmother, Elizabeth never even set eyes upon her Sutherland estates until 1782, when she was 17 years old. After her initial visit, designed to examine Dunrobin Castle and propose changes and improvements, “the countess resided alternately in Edinburgh and London, chiefly the latter city.”³⁴² However, her time in London resulted in one of the most financially advantageous marriages to ever affect Sutherland, excepting perhaps the marriage of the earl to King David II’s sister in the fourteenth century. In 1785, Elizabeth married George Granville Leveson Gower, Lord Stafford, eldest son of Granville, Earl of Gower. Long before he was elevated to Duke of Sutherland (1833), the effects of Gower’s immense wealth would reverberate throughout Sutherland in the guise of “improvements” during the late eighteenth and nineteenth centuries. Such improvements included privately funded railways and the building of roads into the once almost impassable eastern Highlands, additional investments in existing salt and coals

³⁴² William Fraser, *The Sutherland Book* (Edinburgh, 1894), 469; For more on Elizabeth and George see Eric Richards, *The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution* (London: Routledge and Kegan Paul, 1973), 3-11.

mines in Sutherland, furtherance of the fishing and kelping industries and the most infamous, the Sutherland Clearances.³⁴³

The Countess was as far removed from her people as most of her ancestors had been, if not more so. Later in life, she and her family visited the area only once a year, exclusively during the summer, and in some years they never ventured north. She considered the clanspeople backward, uncivilized and superstitious. She commented in a letter to a friend that “this country is an object of curiosity at present, from being quite a wild corner inhabited by an infinite multitude roaming at large in the old way, despising all barriers and all regulations, and firmly believing in witchcraft, so much so that the porter durst not send away two old women who were plaguing us one day, believing them to be witches.”³⁴⁴ Despite her physical and emotional distance, many Sutherland clanspeople remained loyal to their Countess, largely excusing her role in the Clearances. George Mackay, a Sutherland tenant, remarked that he and his predecessors had “lived comfortably and happily, under the worthy and ever to be esteemed family of Sutherland from time immemorial.” He was confident that it was never the intention of Lady Stafford to “annihilate...such a heroic race.” Strict adherence to clan loyalty led many clan members and their sympathizers to place the blame for removal with “factors, legal agents, tacksmen, incoming tenant farmers and even sheep.”³⁴⁵ Other tenants, however, were not as forgiving. A certain Donald Sutherland wrote to the Countess, addressing her

³⁴³ Eric Richards, *The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution* (London: Routledge and Kegan Paul, 1973), xv-xvi.

³⁴⁴ William Fraser, *The Sutherland Book* (Edinburgh, 1894), 484-485.

³⁴⁵ Allan Macinnes. “Scottish Gaelicdom: the first phase of clearance,” in T.M. Devine and Rosalind Mitchison, eds. *People and Society in Scotland: 1760-1830 v. 1*. (John Donald Publishers Ltd, 2004), 72.

as “You damned Bitch.” Sutherland went on to say, “You...deserve to be worried and burnt for burning out the poor Highlanders. If you don’t make a public apology and explanation, I will have you.”³⁴⁶

As mentioned, the severance of ties between chief and clansmen and women varied throughout the Highlands. In the case of the Sutherland clan, it can be surmised that the usurpation of the earldom by the Gordon family in the early sixteenth century began the long decline in chief/clan relations. The already advanced acculturation of this family to Lowland and English values and their entrance into an ancient society, for which they had no respect or personal connection, increased the rift between chief and clan in the Sutherland region. However, the antipathy of the chief toward his or her clanspeople was rarely reciprocated; the average Sutherland Highlander still offered up rents, military service and unwavering loyalty based on centuries of tradition. While there were some instances of resistance, it was their unquestioning nature and ill founded faith in their benefactors, that led thousands of Sutherland Highlanders to more or less quietly accept the removals in the nineteenth century.

³⁴⁶ Donald Sutherland to Marchioness of Stafford, 14 July 1819. Dep 313/1016. National Library of Scotland.

Chapter Six

“Give them some small trifle from me...”

In January of 1821, a boat full of relocated Sutherland tenants took to the sea at Brora, in the Sutherland parish of Clyne. Forced into an occupation with which they had no experience, these men, unfamiliar with the sea and unable to swim, had the misfortune to have their boat capsize. They all drowned in the waters of the Dornoch Firth along the eastern seaboard of Sutherland. James Loch wrote to the resident factor, Francis Suther, that he “received [the] letter with the really distressing account of the loss of poor King and his companions.” After telling Suther to afford the widows “temporary relief...until His Lordship gives them something from himself,” Loch went on to order Suther “to give them some small trifle from me, as I have been the cause of inducing so many to go to sea.”³⁴⁷ Loch had, indeed, forced thousands of inland Gaels to take part in a foreign industry. He caused the loss of their ancient homelands, their way of life, their traditions, and finally, he caused the loss of their lives; all in the name of ‘progress’ and ‘civilization.’

The series of removals throughout the late eighteenth and nineteenth centuries in the Highlands and Islands of Scotland displaced countless numbers of Gaels. Landowners’ efforts to increase estate profits and move into the Industrial Age enveloping England forced Highlanders from their ancestral homelands. Acculturation of the Highland elite had been an ongoing process since the sixteenth century; by the eighteenth century clan leaders had become more landlords than traditional chiefs with

³⁴⁷ James Loch to Francis Suther, 27 January 1821. Dep 313/1141. National Library of Scotland.

the parental concern for their clan in mind.³⁴⁸ During the clearances, a Donald Cameron commented, “families who had not been disturbed for 4 or 500 years are turned out of house and their possessions given to the highest bidder,” and added cynically, “So much for Highland attachment between Chief and clan.”³⁴⁹ However, the average Gael largely remained loyal to his or her chief and when Highlanders were told to move, most did so quietly and without much resistance.

The Clearances differ from other removals of indigenous populations. Although the land had been occupied and worked by Gaels from “time immemorial,” it had always properly belonged to the chiefs. While the tradition of *duthcas* provided for a feeling of equal land rights amongst kinsmen and their chiefs, in actuality the common Highland farmer never “owned” the land he was forced to leave. Additionally, in the sixteenth century chiefs began to issue leases, and the concept of *duthcas* was fundamentally incompatible with land tacks: “the one implied a right to occupy land in perpetuity; the other, as a result of leases running for specific periods, introduced a degree of time-limitation into such occupation.”³⁵⁰ However, the tradition of equality found in *duthcas* eventually resulted in legislation that endorsed this Highland tradition and finally afforded Highlanders the opportunity to “own” their lands. In the 1880s Highlanders began to campaign for crofters’ rights, and this time the issue was not just between the

³⁴⁸ For the most complete study of this transformation, see Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998).

³⁴⁹ Quoted in Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 108.

³⁵⁰ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 172.

tenant and the landlord, but organized crofting lobbies in the south (often made up of second and third generation Highlanders who had been forced to immigrate after the Clearances.)³⁵¹ The land agitation that erupted in the Highlands during the 1880s did not return the lands from which Highlanders had been removed in the previous decades, as “that would have amounted to expropriation of property, [and that] remained politically unthinkable.” However, the measures taken did “make the tenancy of a croft heritable, providing a security of tenure to the crofters previously unknown. In the 1880s, the government had established the Napier Commission, chaired by a Borders peer, Francis Napier, to gather evidence on the land agitations taking place throughout the Highlands.³⁵² The Report this commission submitted, “was...as symbolic victory for the crofting agitation as, for the first time, a public body had admitted the validity of the land rights of the people, even though these were not recognized in law.” The Report suggested, “that the government should...assist crofters to purchase their holdings,” and it led to the Crofters Holding Act of 1886.³⁵³ But prior to the Crofters Holdings Act, no such recourse was available to Gaels, and at the time of the Clearances, whether a

³⁵¹ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 220.

³⁵² James Hunter, “The Politics of Highland Land Reform, 1873-1895,” *The Scottish Historical Review* 53, no. 155 (April 1, 1974): 45-68.

³⁵³ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 220. For a complete study of the Crofters' Wars see the above. Also see T. M. Devine, *The Transformation of Scotland: The Economy Since 1700* (Edinburgh: Edinburgh University Press, 2005), 34-99; John G. Francis, *Land Wars: The Politics of Property and Community* (Boulder, Colo.: Lynne Rienner Publishers, 2003), 96-100. For a thorough study of the Land Agitation and effects of the Crofters' War in Sutherland, see Annie Tindley, *The Sutherland Estate, 1850-1920: Aristocratic Decline, Estate Management and Land Reform* (Edinburgh: Edinburgh University Press, 2010).

Highlander held deed to the land on which he and his ancestors had lived for centuries did not alter his perception of, and attachment to, his homelands.

When historian Eric Richards published his extensive study of the Clearances in 1982, he noted that the Highland Clearances, “despite the large role which [they] occupy in the history and national consciousness of modern Scotland,” still remained largely unexamined and there existed “only a handful of historical accounts of the Highland Clearances.” The subject has garnered much more academic and popular attention in the decades since his first study, but Richards remains by far the leading authority on the Highland Clearances today. However, even he admitted his own study reflected “the twin problems of the scale of the subject and the deficiency of detailed studies of the Highland experience.”³⁵⁴

John Prebble is perhaps one of the best-known early authors on the Highland Clearances, with his works *The Highland Clearances* and *Culloden*, published in the 1960s. More recent scholarly monographs have approached the subject matter from an academic perspective rather than a romantic or emotional one. Eric Richards remains a prolific writer on the Clearances. His works include a two-volume study, *A History of the Highland Clearances*; *The Highland Clearances: People, Landlords and Rural Turmoil*; *Patrick Sellar and the Highland Clearances*, and most recently, *Debating the Highland Clearances*. Other historians who have examined the subject include James Hunter, *Last of the Free* and *The Making of the Crofting Community*, T.M. Devine, *Clanship to Crofter's War*; *Clearance and Improvement: Land, Power and People in Scotland, 1700-*

³⁵⁴ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), preface.

1900; *The Transformation of Rural Scotland: Social Change and the Agrarian Economy, 1650-1815*; and Robert A. Dodgshon, *From Chiefs to Landlords*, just to name a few.

Adding to the difficulty of studying this particular episode in Scottish history is the imbalance in sources. The large number of primary sources from the landlords, factors (land managers) and estate managers (collectively, the removers) contrasts sharply with the scant number of sources from the Gaels who were removed. Largely illiterate, the majority of the Highlanders relied on a handful of fellow clansmen and women who knew enough English to write petitions for them or translate notices issued by their chiefs/landlords and the resident factors. Though limited in number, some sources can be accessed from the records of Highlanders who were bilingually educated and who recorded their feelings and viewpoints in English. An oral culture by tradition, the Gaels' story, related from the perspective of those removed has managed to survive largely in Gaelic poetry and song. While modern Gaelic poetry continues to reminisce about the Highland Clearances, the contemporary poets of the nineteenth century directly related the sense of betrayal many Highlanders felt.³⁵⁵ In his edited work, *Tuath is Tighearna (Tenants and Landlords)*, Professor Donald Meek compiled and translated almost fifty Gaelic poems composed between 1800 and 1890, covering the period of the Clearances through the Crofters' War of the 1880s.³⁵⁶ These poems are invaluable in

³⁵⁵ For more information on the role of Gaelic poetry in Scottish identity please see Silke Stroh, *Uneasy Subjects Postcolonialism and Scottish Gaelic Poetry*, SCROLL: Scottish Cultural Review of Language and Literature, 17; Variation: SCROLL: Scottish Cultural Review of Language and Literature, 17. (Amsterdam: Rodopi, 2011) and Colin Nicholson, *Poem, Purpose, and Place: Shaping Identity in Contemporary Scottish Verse*, Determinations; Variation: Determinations. (Edinburgh: Polygon, 1992).

³⁵⁶ Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995).

relating the feelings of the Gaels, but unfortunately most of the documented sources regarding the Clearances reflect the vantage point of the landlords and their representatives. As much as possible I will try to give an adequate primary source representation to the Highlanders themselves, both through their own writings or translated poems, and by gleaning their vantage point from the sources recorded by the landlords and factors during the nineteenth century.

While the Clearances affected all portions of the Highlands and Islands of Scotland during wide ranging decades perhaps the most notorious removals took place in Sutherland during the early decades of the nineteenth century. The above-mentioned authors who have contributed to the history of the Highland Clearances all make mention of the Sutherland Clearances, which is to be expected, since the Sutherland removals remain infamous. But these particular removals also offer one of the richest fields of study because their archival resources are abundant. As early as 1883, Alexander Mackenzie, editor of *Celtic Magazine*, and author of the first book ever compiled on the history of the clearances, declared that a proper account of the Sutherland clearances “would take a bulky volume.”³⁵⁷ The following chapter will examine the Highland Clearances, focusing largely on Sutherland itself. It will also assess the motivation and logic behind removals, the process of the removals, the local resistance, and the aftermath of this era when the Gaels were cleared from their homelands.

The earliest orchestrated clearances in the Highlands began in the mid eighteenth century. Largely propelled by events originating far beyond the Highlands and Islands of Scotland, they were a testimony to Scotland’s growing links with the larger European

³⁵⁷ Quoted in Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), preface.

economy. The emerging industrialization of Great Britain and the increase of manufacturing in England required raw materials, most especially kelp and wool.³⁵⁸ Kelp (incinerated seaweed) had first been produced along the Firth of Forth coastline in 1720, but by the middle of the century it was known that the northern isles contained a vast quantity of kelp. This “abundant natural resource [was] in high demand at prices which rose faster than virtually all other prices.” The demand for kelp meant it remained “the greatest growth sector in the west Highlands from 1750 to 1815.”³⁵⁹ Consequently, several landlords in Orkney and the Hebrides moved hundreds of their Gaelic peoples to the coastline in order to engage their labor in a new occupation--the gathering of seaweed. Kelping required little skill, but the alkaline substance it produced when fired in a kiln proved vital in various eighteenth century manufacturing processes, including the making of soap and glass. Not the typical seaweed we would find washed up on beaches, “the purest kelp was weed cut from underwater rocks.” A laborious and often dangerous task, procuring this weed forced kelpers to wade out into the ocean at low tide and harvest the material, literally by the ton. Historian James Hunter explains how the lack of skill required and the economic value of the substance should have led to a fairly lucrative income for the kelpers.³⁶⁰ However, the labor force behind kelp’s production received little of the profit it afforded. Eric Richards points out that “freakish growth” of

³⁵⁸ For more on the effect of the industrial revolution in Scotland, see T.M. Devine, *Scotland's Empire, 1600-1815* (London: Penguin Books, 2003), 119-139; James Hunter further discusses the growing collaboration between Highland lords and the British government in *Last of the Free*, 199-219.

³⁵⁹ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 132. See also James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 247-253.

³⁶⁰ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 247-253.

the kelp industry in the Highland economy and its attendant profits “leaked out of the region and had little permanent developmental effect...Kelp revenues flowed directly to the Edinburgh office of the landlord and, apart from wages, did nothing to stimulate further the economic activity at the source of the revenue.”³⁶¹

Landowners refused to pay the kelpers more than two to three pounds sterling a ton, while they received upwards to twenty pounds per ton.³⁶² Spurred by their search for profit, landlords forced these Highlanders to settle on rocky and barren coastline crofts in order to induce them to join the kelping industry. Their success “enabled landowners...to exploit the labor force in a thorough fashion...It [also] encouraged the detachment of the population from the land and their dependence on kelp-income and potatoes.” These early victims of removal and economic exploitation oftentimes fared horribly on the unforgiving coastlines of the North Sea. After the Napoleonic Wars the “catastrophic termination of the industry,” left a concentrated and “dependent population in the worst places.”³⁶³ Faced with the prospect of being forced to the coastlines, it is not surprising that “many prospective crofters, rather than tamely fall in with their landlords’ plans, took themselves off to North America.”³⁶⁴

³⁶¹ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 133.

³⁶² James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 248.

³⁶³ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 133. In the 1820s, the very high duty on importing cheaper kelp was eliminated, in addition to technological changes, and the industry was largely destroyed.

³⁶⁴ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 246-252.

Highlanders who had the means often determined to emigrate to North America or Australia. During the late eighteenth and early nineteenth centuries, as the flood of emigrants embarked for a new life abroad, the workforce Highland landlords needed for the growing kelp and fishing industries dwindled. Between 1801 and 1803, it is estimated that upwards to five thousand Highlanders sailed for distant shores.³⁶⁵ Additionally, the emigration of the Highlanders, whose bravery and fighting skills were renowned, curtailed the number of Gaelic men entering the British military. In the midst of the Napoleonic Wars and in need of both raw materials and manpower, the British landowners and government could not afford to lose able-bodied Highlanders to emigration. Landowners “were concerned about the loss of a labor force at a time of high profits for such labor-intensive activities as kelp and fishing, and [the government] was equally sensitive to the hemorrhage of a population which had demonstrated its martial qualities in the imperial armies.”³⁶⁶ Additionally, Richards suggests, “Military service absorbed an extraordinarily high proportion of the male population [and] had substantial direct benefits for the Highland economy.”³⁶⁷ Under pressure from kelping landlords and military recruiters, the British Parliament passed the Passengers Vessels Act in 1803. This legislation, purportedly limiting the number of passengers a ship could carry for the safety of said passengers, vastly reduced the number of emigrants ships could have; it

³⁶⁵ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 255; T.M. Devine, *Scotland's Empire, 1600-1815* (London: Penguin Books, 2003), 134-139.

³⁶⁶ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 178-179.

³⁶⁷ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 149.

also increased the cost of passage to the point that it remained out of reach for most Highlanders.

Charles Hope, the chief law officer in Scotland for the British government, publicly proclaimed Parliament passed the legislation for humanitarian purposes, but a year later he privately admitted that it had actually been passed “to prevent the effects of that pernicious spirit of discontent against their own country, and rage for emigrating to America, which had been raised among the people [of the Highlands and Islands.]”³⁶⁸ Historian Michael Fry postulates that “the most talented Gaels were leaving, people who in the Highland hierarchy came closest to a middle class.”³⁶⁹ This class, known as tacksmen, had previously maintained close relations with their clansmen and women as well as the clan chief. Balancing between tradition and innovation, tacksmen served as cultural intermediaries. The tacksmen spoke the Gaelic language of the average Highlander as well as English, and they also understood the Gaelic culture much better than the anglicized and often absent chiefs. Obviously not all of the tacksmen sailed for distant shores and better opportunities, but many chose this opportunity. With emigration no longer an option for most and evictions on the rise, the majority of Highland Gaels found themselves “glad to get any sort of plot and hut.”³⁷⁰

³⁶⁸ Quoted in James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 255-256.

³⁶⁹ Michael Fry, *Wild Scots: Four Hundred Years of Highland History* (London: John Murray Publishers, Ltd., 2006), 143.

³⁷⁰ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999). For more information on emigration see T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 177-191; See also Allan I Macinnes and Marjory Harper, *Scotland and the Americas, C. 1650 - 1939: A Documentary Source Book* (Edinburgh: Scottish History Society, 2002).

In the Highlands, the year 1792 is known as *bliadhna nan caoraich*--the year of the sheep. Although the herds did not arrive en masse in that single year, they encroached upon great swathes of land once reserved for the clansmen and women, and their growing presence led the Highland Gaels to become restless and resentful. The hills Highlanders had once seen as their own, where they grazed their own small herds of cattle and a few sheep and raised crops of oats, barley, rye and potatoes, were falling under the control of the owners of large scale sheep farms. The arrival of a new outsider and his thousands of sheep in Easter Ross in the summer of 1792 sparked the first violent removal riots in the Highlands. The protest eventually required the assistance of the British military to subdue.³⁷¹ Although it was published almost a century later, Calum Campbell MacPhail's "Song between a Crofter and a Landlord," relates clearly the continued use of the military to overpower the Gaels and further the interests of landlords.

Tenant

It would almost be better to be dead under the turf
than to suffer the evicting which landlords impose upon us;
officers and eviction notices now pursue us
in ways to which we are unaccustomed;
the crooked leg of the law gives them support,
and they will strike us in every possible way...

Landlord

If you were obedient to my will,
I would control you in a noble fashion,
but since you have staged a rebellion,
you will be given a fight which you will not win;
I will get soldiers from the Crown
who will send you over the seas;
and your land will be laid waste

³⁷¹ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982),251.

with white sheep and a large farm.³⁷²

Eric Richards postulates, “the defeat of the resistance to sheep farming in 1792 was thoroughly broken and never again was there a chance for the old Highland Society to hold back the invasion of sheep.”³⁷³

Sheep had long been a part of life in the Highlands, and had in fact roamed the hills of the Highlands for centuries, but the Blackface and Cheviot breeds brought in from the south in the eighteenth and nineteenth centuries were vastly different from the small breeds native to the Highlands. The Highland sheep, “being of the wiry and diminutive variety...were judged by southern buyers to be hopelessly inferior to the much larger animals, known as the blackfaces and cheviots.”³⁷⁴ The vast stretches of land, both in the hills and in lower elevations, required to support the enormous flocks of these new and more destructive sheep, dictated that Highlanders who had lived on the same land for generations must make way for the new woolly tenants. The traditional Highland use of land, involving a “cereals-cattle mix...was incompatible with sheep production, as it began to be practiced in the Highlands and Islands.”³⁷⁵ A nineteenth-century reporter wrote that the Cheviot breed “was enabling sheep-farmers to pay initially twice the rent

³⁷² Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995), 229.

³⁷³ Eric Richards, *A History of the Highland Clearances: Agrarian Transformation and the Evictions, 1746-1886*, 251. For more information on the Ross-shire riots, see the above, pp. 249-283.

³⁷⁴ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 239. For more on the entrance of these breeds and how it affected Highlanders, see the above, pp. 239-244; Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 249-253.

³⁷⁵ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 239.

that had been possible under the Blackface.” However, the Cheviot breeds “could not survive the climate without low Winterings, and even some hay in bad seasons. This will soon annihilate Arable [lands] except [in] towns.”³⁷⁶ The Gaelic world was suddenly a changing place, and the arrival these specific breeds of sheep on a grander scale than ever before, with their voracious appetite for land, led the landlords towards the removal of their people. The earliest expansion of sheep farming in the mid eighteenth century did not yet involve the widespread and wholesale removal of Highlanders, but the growing wool industry in the south ensured that would soon be the case. In one example of the growth of sheep farming, the Isle of Lewis landlord, Francis Mackenzie, issued notices of removal in the 1790s to “several hundred souls,” and by 1832, he had given out over 2,300 summons to clear lands in Lewis, “for the sake of sheep.”³⁷⁷

The stark poverty that characterized the lives of many Highlanders was incomprehensible to the educated and more acculturated Lowlanders, but in their minds, the poverty justified the removal of the Gaels. In 1775, when Samuel Johnson’s, *A Journey to the Western Isles of Scotland*, appeared, it offered a glimpse of the primitive “other” who also laid claim to Scotland. In this classic account, Johnson revealed many of his preexisting prejudices against Scotland, and especially Gaelic Scots. Johnson belittled the Highlanders, depicting them as a people “not commonly dexterous: their narrowness of life confines them to few operations, and they are accustomed to endure

³⁷⁶ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 201-202. See also James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 244-245.

³⁷⁷ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 200.

little wants more than to remove them.” In addition to accusing them of ignorance, Johnson claimed they were “thievish, because they are poor,” and he also described them as a “warlike people,” a reference to the history of clan feuds in the region.³⁷⁸ In a defense of the Highlanders, an anonymous author published a rebuttal in 1775, refuting a number of Johnson’s unfounded opinions. This author declared, “Mountaineers are not thieves because they are poor; they seldom extend their ideas beyond the necessities of life; -- these they in general possess; and they cannot be called poor, who have all they wish for.”³⁷⁹

Johnson had embarked on his journey with a preconceived notion of the incivility of the Highlanders, and he also imposed his existing prejudices on a society that differed from his own. While some of the travel accommodations could have been considered ‘lacking,’ both Johnson and his travelling companion (and Scottish biographer), James Boswell, enjoyed the hospitality of some palatial homes as well appointed as any in the Lowlands or England. Upon returning to Edinburgh, when Johnson was asked how he liked the Highlands, he became irritated and responded, “How, sir, can you ask me what obliges me to speak unfavorably of a country where I have been hospitably entertained? Who *can* like the Highlands?”³⁸⁰ At least he had the compunction to admit to being well treated before slandering an entire region. A Lowlander, James Boswell shared a similar perception of Highlanders, viewing them

³⁷⁸ Samuel Johnson, *A Journey to the Western Islands of Scotland* (Boston: Small, Maynard and company, inc, 1925), 40 and 64.

³⁷⁹ Quoted in Donald MacNicol, *Remarks on Dr. Samuel Johnson's Journey to the Hebrides (1779)* (New York: Garland Pub, 1974), 14.

³⁸⁰ James Boswell, *The Journal of a Tour to the Hebrides with Samuel Johnson, LL.D* (London: J.M. Dent & sons, ltd, 1931), 315.

almost as oddities of nature. He recalled passing a hut just outside of the town of Inverness when he saw a woman standing in the doorway, and he “thought here might be a scene that would amuse Dr. Johnson.” Boswell described the home as “a wretched little hovel of earth only...and for a window had only a small hole.” After they drank a whisky with the woman, she expressed through their guide (speaking only Gaelic, or Erse as Boswell termed it) that “she was as happy as any woman in Scotland.”³⁸¹ Boswell’s opinion that the Gaels were lazy was seemingly based on the fact that the Highland method of thrashing oats differed from the method used in the Lowlands.³⁸² Like Johnson and Boswell, the absentee landlords and estate managers (who were often Lowlanders or Englishmen), held similar perceptions, holding the notion that since that the Highland way of life differed from that of the Lowlands it was therefore deficient. These beliefs of outsiders, who neither understood the culture, language or traditions of their charges, nor found anything redeeming about their way of life, helped propel the decisive changes on Highland estates.

To these men of the Enlightenment who supported the “improvement” schemes, leaving these poor creatures where they were would have meant certain ruin for both the estate and its occupants; this perspective enabled the improvers to cloak Highland Clearances in a humanitarian guise. James Loch, who was not the first to use the term “improvement” to describe the massive changes occurring throughout the Highlands, nevertheless used it repeatedly. In his work *An Account of the Improvements of the*

³⁸¹ James Boswell, *The Journal of a Tour to the Hebrides with Samuel Johnson, LL.D* (London: J.M. Dent & sons, ltd, 1931), 99.

³⁸² Ibid., 130.

Estates of the Marquis of Stafford...Loch used ‘improvement’ to describe “the nature and the progress of those measures...which [had been] adopted...for the amelioration of [the] estate.” By using the term “improvement,” Loch believed he could “contradict in the most positive and direct manner, the unfounded and unwarrantable statements...which have been circulated in regard to this subject.” Since the Sutherland family and the removals they initiated had come under increasing public scrutiny as the second decade of the nineteenth century wore on, Loch felt it was his duty to explain that the “improvements adopted...[had] already bestowed, and must continue to confer...as much additional happiness and comfort...on so large a portion of my fellow-creatures.”³⁸³ Loch noted that upon the acculturation of the Highland elite and their increased desires for the same material goods “as their brethren in the south...it was necessary that they convert their estates to that mode of occupation most suited to their circumstances [i.e. sheep farms].”³⁸⁴ James Hunter argues that these improvement schemes were experiments in “social engineering,” and while apologists claim the removals “enabled entire communities to move from the country’s interior, where living conditions were allegedly poor, to seaside locations offering more in the way of opportunity,” in reality, “so small were those crofts that their occupants became more pauperized with every year that passed.”³⁸⁵

³⁸³ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), v-vii.

³⁸⁴ *Ibid.*, xvi.

³⁸⁵ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 260.

The attempts of James Loch and the Sutherland family to portray the massive evictions of Highlanders as a measure intended for the Gaels' own good largely fell on deaf ears in the nineteenth century, and it continues to do so today. The efficient use of the land, guaranteed rent payments and the overall wealth and income of the estate remained first and foremost in the minds of these "improvers." Hunter exposes the thin veil of humanitarian motives in the Clearances when he states, "Nobody acquainted with Sutherland geography—and both the duke and duchess were certainly acquainted with it—could ever have believed that a family's material prospects would be enhanced by removing them from Strathnaver or from the Strath of Kildonan [and] depositing them on an exceptionally stormy coastline..."³⁸⁶

However, it is most likely true that outsiders, be they from England or the Lowlands, looked upon Highland living conditions and convinced themselves no one could be happy in such a state. The perceived need to 'civilize' and lift the Gaels to a better standard of living provided the impetus and also served as an excuse for the massive evictions. It is difficult to deny that the precarious lives of most Highlanders did not meet the standards imposed by Lowlanders or English. Crop failures were frequent, arable land was scarce and creature comforts were almost non-existent for the average Highlander. It was, however, a more than satisfactory life for those Gaels who had little knowledge or interest in a life beyond their hills.

Highland Gaels lived a subsistence life often negotiated around the success or failure of crops, outside employment in off seasons and the going price for Highland

³⁸⁶ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 261. It must be stated here that Strathnaver and the Strath of Kildonan were two areas in Sutherland with relatively good soil for cultivation.

cattle and other livestock.³⁸⁷ Cattle had long been an important part of the Highland economy, but the region had become more reliant upon cattle “with the rise of the cattle trade by the end of the seventeenth century.” Furthermore, the Act of Union in 1707, uniting England, Scotland and Wales, increased the cattle trade and “proved more advantageous to the Highlands than to virtually any other region in the country.” By 1723, “as many as 30,000 cattle a year were being driven south.”³⁸⁸ Devine explains that “commerce, and in particular the export of cattle and the import of meal, had long been vital to Gaelic society.”³⁸⁹

Many parts of the Highlands, while vast in geographical space, did not include arable land. For example, Assynt, one of the largest parishes in the Sutherland region, contained over 105,000 acres and just over 2,500 acres were arable, meaning less than two and half percent of the land could be cultivated at any reasonable level. Land settlement in the Sutherland region often “took place along the fertile eastern seaboard and up the deep straths (valleys).”³⁹⁰ According to Robert Dodgshon, four factors contributed to the lack of Highland cultivation: the rugged, exposed topography of many Highland areas, the acidic soil, the frequent rock outcrops or thin soils and the unsettled

³⁸⁷ For more on the seasonal migration of Gaels see T. M. Devine, “Temporary Migration and the Scottish Highlands in the Nineteenth Century,” *The Economic History Review* 32, no. 3, New Series (1979): 344-359.

³⁸⁸ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 27, 49.

³⁸⁹ T. M. Devine, *Clanship to Crofters' War: The Social Transformation of the Scottish Highlands* (Manchester University Press, 1994), 32. For more information on cattle in the Highland economy see Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 171-179; Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 49. A.R.B. Haldrane, *The Drove Roads of Scotland* (Edinburgh: Birlinn Ltd, 1997).

³⁹⁰ Donald Omand, *Sutherland Book* (Northern Times, 1982), 244.

climate of the region.³⁹¹ Such harsh living conditions could scarcely be fathomed by outsiders and surely called for the ‘civilization’ and ‘betterment’ of the poor Gaels. Many of those who initiated and carried out the removals were motivated by profit, but some of them argued that they were offering the Highlanders a better life.

Describing the homes of the Sutherland Gaels, Loch deplored their condition: “their huts were of the most miserable description. Built of turf, dug from the most valuable portions of the mountainside...they were placed lengthways, and sloping with the declination of the hill. This position was chosen in order that all the filth might flow from the habitation without further exertion upon the part of the owner.” What Loch apparently considered a sign of laziness on the part of the Gael, others may have viewed as innovative or simply logically expedient. Additionally, in the winter, animals and humans occupied the same space and the fires, meant to provide heat to the structure, had the effect of covering everything in “a black glossy soot, and to the most evident injury to the appearance and eyesight of those most exposed to its influence.”³⁹²

While one must keep in mind that Loch had a specific purpose for relating these depictions, Johnson and Boswell also observed some children who resided in these black houses. “There was great diversity in the faces of the circle around us: Some were as

³⁹¹ Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 16.

³⁹² James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 52-53.

black and wild in their appearance as any American savages whatever. One woman was as comely almost as the figure of Sappho, as we see it painted.”³⁹³ Loch intended to alleviate some of the bad publicity the Estate suffered in the public’s opinion, and while it perhaps served his purposes to exaggerate the living conditions of some Highlanders as yet unaffected by the “improvements,” his criticism probably reflects the position of an outsider looking in and not liking what he sees. It is difficult to imagine that families who were stuck in the over-crowded city slums of Glasgow or London during the nineteenth century differed so much in appearance and health from the poorest of the Highland Gaels in the late eighteenth and nineteenth centuries.

Most often critics of the clearances, both contemporary and present, blame the greed and prejudice of land proprietors and their representatives for the seemingly heartless removal of the Gaels from their homelands. Ample evidence suggests that economics largely drove the change in land usage, but as historian Eric Richards argues, “the Highlands was a particular variant of the larger agrarian transformation,” occurring throughout Europe and the world. Admitting that the “Highlands of Scotland was a region of structural change and of demographic displacement, and it was the scene of ugly acts committed in the name of lairds,” Richards still argues that “this process was not in any sense unique to Scotland.”³⁹⁴ Perhaps agrarian transformations were taking

³⁹³ James Boswell, *The Journal of a Tour to the Hebrides with Samuel Johnson, LL.D* (London: J.M. Dent & sons, ltd, 1931), 108.

³⁹⁴ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), preface. See also T. M. Devine, *The Transformation of Scotland: The Economy Since 1700*. Lee, C. H. (Edinburgh: Edinburgh University Press, 2005).

place throughout Europe and the world, and perhaps the process itself was not “unique,” but the methods of removal and the lasting effects of the Highland Clearances were absolutely unique to Gaelic Scotland, and some of the most infamously ‘unique’ removals took place in Sutherland.

In the minds of the landlords, the status quo in the Highlands demanded change. In their perspective the Gaels (clanspeople) were not utilizing the land in the most efficient manner, rents were constantly in arrears, and the crofters were lazy. Given these conditions, the landlords argued that the Highlanders must be taught how to be industrious, contributing members of the estate and the broader British society. Like others, Loch viewed remoteness and isolation to be the central problem of the crofters’ lack of ‘civilization.’ Before the nineteenth century, outsiders found it difficult to travel to Sutherland. Sutherland’s topography, made up “almost entirely of one uninterrupted succession of wild mountain or deep morass,” discouraged internal communication as well. In the nineteenth century the Duke of Sutherland worked to improve the infrastructure of the region by sponsoring the extensive building of roads throughout Sutherland. Prior to these improvements, however, many considered travelling to and between areas of Sutherland difficult and dangerous for anyone unaccustomed to the environment. James Loch noted that for centuries only “the natives who were brought up to such toil and exertion” could accomplish movement within Sutherland.³⁹⁵ It is fascinating that the same people accustomed to the ‘toil and exertion’ of simply traveling within their lands could also be considered lazy in so many other respects.

³⁹⁵ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 20-21.

As mentioned in the previous chapter, the connection between the Sutherland chief and his/her clanspeople had already begun to deteriorate by the sixteenth century. By the time Elizabeth Gordon became Countess of Sutherland in 1766, the degree of absentee landlordism was far advanced. Her marriage to George Levenson-Gower and her proposed plans for improving Sutherland and increasing its income, propelled her Scottish estate into the new industrial age already enveloping the rest of the British Isles by the late eighteenth century. During the late eighteenth century removals on other estates had already begun, but the first small scale clearances on the Sutherland estate did not begin until 1800. It was not until the Countess's husband inherited the title of Marquis of Stafford and its attendant fortune in 1803, that she could implement her plans to radically alter the nature of the estate. Since much of the land in the region was tied up in lease agreements, the Sutherland Gaels did not face the massive evictions for which the region came to be known until the first leases expired in 1807.³⁹⁶ As mentioned, the chain of land ownership/control was organized from the top down--from chief to tacksmen to under-tenants or sub-tenants of the tacksmen. The leaseholder, who owed rents to the chief, or landlord, also received rents from the lesser tenants. Therefore, the rescinding of tacks (leases) affected not only a single tenant and his family; its impact changed the lives hundreds of people. The first larger clearances in 1807 were poorly planned and met with moderate resistance from the Gaels, and those who could afford the fare chose to emigrate. However, in 1809, the Countess hired Lowlanders James Young

³⁹⁶ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 285-290.

and Patrick Sellar as factors and they directed the evictions more efficiently and on a much grander scale as more leases came due in 1810, 1812 and 1814.³⁹⁷

Sutherland's north and west coasts along the North Sea were rich with fish, and when the landlords began the removals of inland Highlanders in order to accommodate sheep, the proprietors intended the removed to take part in the growing fishing industry. Similar to the earlier kelping landlords who had forced the Gaels into new and more profitable endeavors, Young and Sellar planned small coastal allotments that became more restricted over the years. Initially they allotted two to three acre plots to the inland Highlanders removed to Sutherland's coasts, but by 1816, James Loch ordered the lots to be reduced to one acre or less because it "would induce the men sooner to take to the fisheries if they had not too much land."³⁹⁸ However, unlike kelping, the fishing industry required a rather large initial investment for boats and supplies and did require some skill; skills that inland crofters did not possess. Intending to turn the inland areas into vast sheep runs, Loch and the local factors continued to push more and more Gaels to the coastlines. By 1820, "in almost every part of the western and northern coast which was at all capable of settlement, there existed a swollen population crowded on minute and often infertile fragments of land..."³⁹⁹ But in addition to tiny parcels of land (for which the Gaels owed rent to the chief), landlords also offered the people incentives to fish. In

³⁹⁷ For more information on early Sutherland clearances, Young and Sellar, see Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 125-137 and Patrick Sellar, 83-127

³⁹⁸ James Loch to Mackay, 26 August 1816. Acc.10853. National Library of Scotland.

³⁹⁹ Donald Omand, *Sutherland Book* (Northern Times, 1982), 258. For more on the fishing industry in Sutherland see the above, pp. 253-265; James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999) 226-232; Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 306-307.

addition to providing fishing lines to lend out, for which payment could be arranged, the landowners also offered rewards and prizes to the most successful boats, ranging from five to twenty pounds.⁴⁰⁰ Considering in a good year the fish curers made a seasonal income of 1,500 pounds while the fishermen “carry home about 20 pounds,” it is certain the fishermen appreciated such ‘generous’ prizes.⁴⁰¹ James Loch considered the relocation of Sutherlanders to the coasts to be “a benevolent action.” He stated that it “put these barbarous hordes into a position, where they could better associate together, apply to industry, educate their children, and advance in civilization.”⁴⁰²

While the Sutherland region did not have as many seaweed rich shores, it had some along the North Sea. In addition to the fishing communities established in Sutherland along the North Sea as well as in the southeast on the shores of the Dornoch Firth, there were also kelping crofts along the North Sea. Sutherland was better known for its abundant herring and cod, but there was some income to be had from kelp shores. As late as 1818, when the value of kelp had decreased significantly, the local factor, Francis Suther wrote to James Loch regarding a dispute between a tacksman named Macdonald and his tenants over Macdonald withholding the pay of his kelpers for supposedly damaging crops of kelp in previous years. Suther explained that the people refused to manufacture for Macdonald, claiming they “would not touch a blade” for him. Ever with the benefit of the estate, and therefore themselves, in mind, this factor stated “Kelp shores are valuable and pay well, in my opinion they never should have been let—

⁴⁰⁰ James Loch, to Francis Suther 21 August 1817. Dep 313/1136, National Library of Scotland.

⁴⁰¹ Francis Suther to Lady Stafford 4 September 1817. Dep 313/1591, National Library of Scotland.

⁴⁰² Quoted in Colin Calloway, *White People, Indians and Highlanders* (New York: Oxford University Press, 2008), 184.

such shores afford excellent employment to the people on the coast and by taking their labor in that way you always have their rent in your own hands.”⁴⁰³

The factors and landlords rid themselves of any consequent ill effects of removing people to the coast, believing that by forcing them to settle there, the Gaels would eventually be rendered a “benefit to the estate [and] they could support themselves by exertion and industry.” By forcing a farming community to partake in a new and foreign industry, the overseers believed they had “placed [the people] in a situation to ensure certain daily food even in the worst seasons and when there, if they will starve for want of exertion they deserve to suffer.”⁴⁰⁴ The Gaels had a different reaction to the move. Even among those Gaels who had initially accepted coastal lots, some of them later rejected the barren lands and fled to other areas in the Highlands. James Loch complained that many Highlanders chose to move to Caithness or Ross, the regions just northeast and south of Sutherland, respectively. Forfeiting the seaside crofts they were allotted in the relocation scheme, these people chose to leave their homelands in order to maintain their traditional existence, rather than move to the coasts. “The people in the Hills all considered themselves farmers and took it as a degradation to be compared to laborers or fishermen.”⁴⁰⁵ James Loch and Francis Suther, along with others, considered the hesitancy of the Gaels to engage in the fishing industry to be a result of laziness and slothfulness, claiming these people preferred “idleness, precarious food and clothing and the train of ruinous consequences on health and morals attendant on that state.” Without

⁴⁰³ Francis Suther to James Loch, 28 February. 1818. “Dep 313/1468,” National Library of Scotland.

⁴⁰⁴ James Loch, 6 December. 1817. “Dep 313/1468,” National Library of Scotland.

⁴⁰⁵ Francis Suther to James Loch, 23 July 1819, Dep 313/1468, National Library of Scotland.

acknowledging that these subsistence farmers wished to maintain lifestyles that had been in place for generations, rather than take on new identities and existences, Suther condemned them for their unwillingness to take part in the fisheries, opting rather for a life of “smuggling, begging and idleness.”⁴⁰⁶

As mentioned, the Sutherland removals began slowly, almost hesitantly, and increased exponentially in size and frequency. However, when one examines census records for various parishes in Sutherland it is obvious that even by 1811, a large number of Highland families had been removed from their homelands. Most often the census was taken by the local schoolmaster, or a leading tenant in the absence of such person, and the census forms these men submitted offer a glimpse of the degree to which the change in land usage affected several areas. These forms posed a series of questions, including the number of inhabited houses and by how many families, uninhabited houses, houses under construction, families employed in agriculture, families employed in trade, manufacture or handicraft, and all other families not involved in the previous two forms of employment. The sixth question requested the current population of any given parish and inquired: “to what cause do you attribute any remarkable difference in the number at present?” Question 7 allowed the census taker to address “any other matters which you may think it necessary.”⁴⁰⁷

A few brave schoolmasters took the opportunity to express their feelings regarding removal in the section that asked for an explanation for any given increase or decrease in a parish’s population and any other matters of concern. William Mackay,

⁴⁰⁶ Francis Suther to James Stewart, 22 July 1819. “Dep 313/1468,” National Library of Scotland.

⁴⁰⁷ Highland Council Archives, “1811 Census,” HRA/D269/4, Highland Council Archives, Inverness.

schoolmaster in the parish of Durness, commented that he attributed “the cause of decrease entirely owing to the great extent of land laid waste by sheep farming.” He also mentioned a “number of houses laid in ruins by sheep farming.”⁴⁰⁸ By 1811, the population had decreased by nearly 300 people in Golspie, and schoolmaster John Bruce explained, “I can account for the diminution in no other way than that a number of small farms have been converted into large ones, and the old tenants of course removed.” In Edrachillis, Angus McKay recorded the loss of 126 people “to emigration and the monopoly of sheep farms.” In a few parishes the population remained stable and in some it actually increased. Explanations ranged from a simple statement of “few deaths and the number of births that have happened since 1801,” to there have been “no removals since that period (1801) to the present time,” and the “influx of new settlers,” who had been removed from neighboring districts.⁴⁰⁹

The Countess did not want her people to leave the region, and she encouraged her factors and land managers to find them new accommodations on the estate. Obviously, she needed their labor in the growing fishing industry and perhaps a remnant of the obligation and attachment between a chief and his/her clanspeople remained. Along with coastal crofts, the local factors forced people onto previously uninhabited and uncultivated moorlands. James Loch removed numerous families to the Dornoch Muirs (moors) on the Sutherland estate and expected these Gaels to drain the land and turn it from wasteland to productive farms. Loch described the Muirs as “a most extensive district...well suited both in situation and aspect, as well as in every respect for

⁴⁰⁸ Ibid.

⁴⁰⁹ Highland Council Archives, “1811 Census,” HRA/D269/4, Highland Council Archives, Inverness.

improvement and cultivation and... the commencement of industry... will soon convert the whole of it into cultivated land.”⁴¹⁰ Given more acreage than their coastal counterparts, the landowners expected them to do equally well, if not better, than the fishermen, once they drained the land and initiated cultivation. However, as T.M. Devine points out “townships which existed on moorland, wasteland or on mosses were notoriously among the most impoverished.”⁴¹¹

Sutherland was the largest landed estate in Scotland. For this reason the extensive evictions throughout the Sutherland region garnered a great deal of attention from outsiders. Elizabeth, Countess (later Duchess) of Sutherland, her husband, Lord Stafford (later Duke of Sutherland) and their factors suffered intense criticism in the media and contemporary public opinion. It is interesting to note that while many outsiders condemned the Duke and Duchess for their roles in removal, many of the clanspeople explained away their chief’s immediate role in the devastating clearances, placing full blame on the factors and even the sheep. Former tenant, Donald Macleod argued that the Duke was “by nature, a simple minded man,” who mistakenly entrusted his estate affairs to unworthy and cruel individuals.⁴¹² Posterity, however, has deemed the Duke to be “symbolic of everything that is evil in Scottish history.” Historian Eric Richards argues that it was in fact, not the duke who initiated the massive dislocation of Sutherland’s

⁴¹⁰ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 102.

⁴¹¹ T.M. Devine, *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the Nineteenth Century* (Edinburgh: John Donald Publishers, Ltd., 1995), 6.

⁴¹² Alexander Mackenzie, *History of the Highland Clearances* (Edinburgh: Mercat Press, 1999), 132.

Gaels; rather, he simply provided the wealth necessary to carry out his wife's improvement schemes and actually channeled massive financial resources into the region to help ameliorate the adverse effects of relocation.⁴¹³

The depopulation of the Highlands in general, and Sutherland in particular, did not come without resistance. While many Gaels submitted to the desires and wishes of their 'chiefs' or landlords, others reacted with an emotion and vigor that many of the factors did not expect. Highlanders resisted both passively and actively, depending on the locale. While James Loch and others praised many townships for their easy acceptance of change, they also faced varying levels of resistance. When served with notice to quit their habitations, many Highlanders stayed until the very last moment. It was established tradition throughout the Highlands that when tenants moved, they were allowed to take the lumber from their homes to a new location to rebuild.⁴¹⁴ Many Gaels, remaining in their homes up to and past the appointed date of removal, faced parties of factors and local law enforcement figures who would arrive to directly oversee the disassembly of the small huts and the departure of the Highlanders. However, on countless occasions, the tenants would carry off their lumber and their livestock in the presence of the Estate agents, but once the official representatives had left the area, they would return and rebuild their homes overnight. This tenacious behavior served as an annoyance and an embarrassment to the factors and the new outside tenants. Such

⁴¹³ Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 119-120. Also see Eric Richards, *Leviathan of Wealth* for a complete study of the Duke of Sutherland's economic endeavors in the Highlands.

⁴¹⁴ Donald MacLeod, *The Stonemason: Donald Macleod's Chronicle of Scotland's Highland Clearances* (Westport, Connecticut: Praeger, 2001), 8.

passive aggressiveness by the tenants eventually resulted in one of the most controversial and hated practices on the Sutherland Estate—the burning of Sutherland Gaels’ homes.

Not content to direct and enforce the changes taking place in Sutherland, Patrick Sellar also decided to try his hand at sheep farming and he became a tenant in 1813. After he leased out the vast Strathnaver region, all that stood in Sellar’s way were the thousands of tenants who happened to live on his newly acquired lands. The methods Sellar employed to remove these Gaels guaranteed that the Sutherland clearances would remain the most infamous of all the Highland Clearances. As Eric Richards explains, the removals in Sutherland were associated with extreme brutality and inhumanity and most infamously, “it was in Sutherland that the word ‘burnings’ came to be commonly associated with the Highlands Clearances.”⁴¹⁵ Patrick Sellar, the factor cum sheep farmer on the Sutherland Estate, remains the main reason for this association; while he is most often remembered for the indiscriminate and cruel burning of Gaels’ homes on his newly leased Strathnaver lands in 1814, as we will see, he was not the only one guilty of such measures.

While all those involved in the clearances may have been put on trial in the public mind, Sellar was the only one officially charged with culpable homicide and brought to trial in a court of law. His actions and the subsequent legal case remain one of the best-known episodes in Highland Clearance history. When this employee of the Countess became a tenant, he went about ridding his newly acquired lands of tenants by means previously unimagined. The Gaels of Strathnaver were a determined lot and when officers would come to serve notices of eviction, they dutifully carried off their meager

⁴¹⁵ Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*. (London: Croom and Helm, 1982), 284.

belongings, livestock and timber in the officials' presence. However, like others, once the Estate representatives left the area, these Gaels returned and rebuilt their homes overnight; this tactic ensured multiple official visits and orders for removal. In his frustration, Sellar finally ordered the homes to be burned to prevent their rebuilding.⁴¹⁶

Complaints against Sellar mounted as time went on. Some critics claimed that he set heath pastures on fire to hasten the removal of tenants and their cattle; the cattle depended largely on the heather for food. Other critics accused Sellar and his officials of arriving while the able-bodied men were away and ordering immediate removal; this action allegedly resulted in "the devastators...demolishing all before them. Timber, furniture, and every other article that could not be instantly removed was consumed by fire or otherwise destroyed." One of the more infamous accusations, and one that ultimately led to Sellar being brought up on charges, was the case of an old woman by the name of Margaret Mackay. She was staying in the home of her son-in-law William Chisholm and it is recorded that this bedridden woman of near one hundred years of age, was home alone when Sellar's officers arrived. A neighbor, Donald Macleod, informed the men of the occupant's inability to remove at that time and asked Sellar to stay the proceedings. Macleod claims Sellar responded, "Damn her, the old witch; she has lived too long; let her burn," and ordered the structure to be set on fire. Macleod declared that he and others went into the burning home to save her and "the blankets in which she was

⁴¹⁶ For more information on Patrick Sellar refer to Eric Richards, *A History of the Highland Clearances. Vol 1. Agrarian Transformations and the Evictions, 1746-1886*, 299-308. Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil*, 138-154. Eric Richards, *Debating the Highland Clearances*, 143-148. Eric Richards, *Patrick Sellar and the Highland Clearances*. Alexander Mackenzie, *History of the Highland Clearances*, pp. 4-30. James Hunter, *Last of the Free*, 257-261. Michael Fry, *Wild Scots*, pp. 160-61 and 168-175. Donald Macleod, *The Stonemason: Donald Macleod's Chronicle of Scotland's Highland Clearances*.

carried were in flames before she could be got out.” Those who carried her suffered burns to their hands and the woman died within five days.⁴¹⁷

Sellar denied the charges and submitted to the Lord Advocate his side of the story. He explained that Chisholm was not an actual tenant, but a sub-tenant of someone who had already removed and further accused him of being a bigamist. Unlike Macleod’s version, Sellar claimed that Chisholm was present and was busy removing furniture from the home to another hut a few dozen yards away, while the officers unroofed his abode. Sellar said he offered Chisholm the opportunity to re-erect his home on another family’s lands but he refused outright to leave the area. At that point, Sellar, who claimed he was eighty yards away, ordered the officers to complete the dismantling of the home while he remained at said distance. He explained the fire was ignited by the coals of a fire the family had started earlier in the day coming in contact with “turf rubbish,” and not by his deliberate order. He did admit that he believed the story of an old woman being unable to remove was “a mere trick,” but he insisted that he was told she was not in the house, but at the end of the byre (a shelter for cows). He maintained that she did not come to harm nor was she near any flames, that he never even saw her since she had been removed from one place to the other before his arrival, and he maintained she was “left in quiet possession of the small hut adjoining the barn.”⁴¹⁸ As with any story, there are two sides and the truth usually resides in the middle. First of all, very few Gaels could afford coal; rather, they relied on peat that they lifted each summer, hauling it to their homes for

⁴¹⁷ Donald MacLeod, *The Stonemason: Donald Macleod's Chronicle of Scotland's Highland Clearances* (Westport Connecticut: Praeger, 2001), 8.

⁴¹⁸ No. 15, *Statement of Facts humbly submitted to the Right Honorable The Lord Advocate by Patrick Sellar for the Most Noble The Marquis and Marchioness of Stafford*. Dep 313/991. National Library of Scotland.

use as their winter fuel.⁴¹⁹ Secondly, it is highly unlikely that Sellar would have remained at such a vast distance from the proceedings, and lastly, the simple fact is he did often order the burning of homes and, most likely, did on this occasion as well.

In a private letter to her husband, Elizabeth Gower, Countess of Sutherland expressed her opinion that “the more I see and hear of Sellar, the more I am convinced he is not to be trusted. He is so exceedingly greedy and harsh with the people, there are very heavy complaints against him from Strathnaver in taking possession of his farm and not allowing...indulgences. He is full of lies...[he is] too much the knave in conduct, besides having no judgment or discrimination.”⁴²⁰ The Countess later came to Sellar’s defense, once he was acquitted of the charges against him, but the fact that she had written her husband a full year before formal charges were brought shows that her one time star factor had earned the distaste of his employer and landlord, both through personal experience and word of mouth. A Donald Baillie memorialized his opinion of Sellar in, “A Satire on Patrick Sellar.” Calling him a black rogue, Baillie went on to write, “Sellar is in Culmally, left there like a wolf, caching and oppressing everything that comes within his range.” The poem goes on:

What a pity that you were not in prison
For years, existing on bread and water,
With a hard shackle of iron
Strong and immovable, about your thigh.

If I could get at you on an open field,

⁴¹⁹ For more information on peat gathering and use as a source of fuel, see Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 85-86. See also Donald Omand, *Sutherland Book* (Northern Times, 1982), 39, 69-70.

⁴²⁰ Elizabeth Gower to George, 1st Duke of Sutherland, 1814. Dep 314/748, National Library of Scotland.

With people tying you down,
I would pull with my fists
Three inches [of flesh] out of your lungs.

You yourself and your party
Went up to the braes of Rosal,
And you set fire to your brother's house
So that it burned to ashes.

When death comes upon you,
You will not be placed in the ground,
But your dung-like carcase will be spread
Like manure on a field's surface.⁴²¹

James Loch was engaged in damage control while this whole fiasco was occurring and he wrote his first version of *An Account of the Improvements on the Estates of the Marquis of Stafford*...largely in defense of the measures being enforced on the Sutherland estate. Loch outlined in great detail the poverty and backwardness of the Gaels, and while he obviously had an agenda, he asserted that those residing on the estate “were inclined to take a more accurate and correct view of the subject, and to submit to those changes which the altered state of the country at large required.”⁴²² Later in this work, however, he admitted that the Sutherland Highlanders “were attached with a degree of enthusiasm only felt by the natives of a poor country, to their own glen and mountainside, adhering in the strongest manner to the habits and homes of their fathers. They deemed no comfort worth the possessing...no improvement worthy of adoption, if it was to be

⁴²¹ Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995), 190-191.

⁴²² James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 2-3.

obtained at the expense of sacrificing customs, or leaving the homes of their ancestors.”⁴²³

It is no coincidence that Loch first published his *Account* in 1815, after the news of Sellar’s treatment of the Strathnaver Gaels reached an audience outside Sutherland. Sellar was quickly relieved of his duties as factor and replaced with a new land manager, Francis Suther. Loch stressed the reputation of the Sutherland family was at stake and that every possible measure was to be taken to make the transition for the Gaels as easy as it could be. This, by no means, meant that they would be permitted to remain on their ancestral lands, but it was important that more bad press did not reach the public. Suther was instructed to keep the “character” of the family foremost on his mind as he continued to effect the removals.⁴²⁴ Suther initially followed orders, being as careful as one could be when disowning an ancient people of their land.

Massive evictions and removals continued through the latter half of the second decade of the nineteenth century. While the fishing industry proved lucrative (for the estate, not the fishermen), the coastal crofting communities were quickly becoming overcrowded. James Loch began to encourage emigration for many, but the Countess and her representatives provided favors for some more readily than others. James Loch instructed Francis Suther to “recollect that Gordon of Dalehorn is rather a favorite of her Ladyship, so if you put him out, you must take care and put him well somewhere else.”⁴²⁵ Contrarily, the Duchess refused the petitions of other Sutherland Gaels. One tenant,

⁴²³ Ibid., 63-64.

⁴²⁴ James Loch, “Memorandum respecting the management of the Sutherland Estate.” Acc. 10853: Papers of James Loch. National Library of Scotland.

⁴²⁵ James Loch to Francis Suther, 7 December 1817. “Dep 313/1136,” National Library of Scotland.

Mary Maxwell Sutherland, apparently named after the Countess's mother, beseeched Lady Elizabeth Sutherland to allow more time before removal in order to try and get a fair price for their cattle.⁴²⁶ The Countess firmly replied that they had been given notice to quit eighteen months prior, that "there can be no just reason for complaint on your part; and that we regret...to repeat to you that there can be no change in our determination."⁴²⁷ Other tenants complained of promises given and never fulfilled. After he was ordered to remove for a second time, a tenant pointed out that he had been promised an inn to run and his daughter promised a schoolhouse, neither of which ever materialized during the four years they had lived in their new location before being told to remove once again.⁴²⁸

Francis Suther faced his own difficulties during the continued removals. In 1816-1817, a poor crop, accompanied by extremely low cattle prices, adversely affected most Highlanders. Loch observed that "their wretchedness was so great, that after pawning everything they were possessed of to the fishermen on the coast, such as had no cattle were reduced to come down from the hills in the hundreds, for the purpose of gathering cockles on the shore. Those who lived in more remote situations of the country were obliged to subsist on broth made of nettles, thickened with a little oatmeal. Those who

⁴²⁶ When the Napoleonic Wars came to an end and the military no longer needed such provisions for their men, the price of cattle dropped dramatically, adversely affecting the Highlanders who relied on selling cattle to pay rents and support themselves.

⁴²⁷ "Elizabeth Gower Sutherland to Mary Elizabeth Sutherland 27 September 1817. Dep 313/1591, National Library of Scotland.

⁴²⁸ Alex Stuart to Lady Stafford, February 9, 1817. Dep 313/1591, National Library of Scotland.

had cattle had recourse to the still more wretched expedient of bleeding them, and mixing the blood with oatmeal, which they afterwards cut into slices and fried.”⁴²⁹

In this time of famine, the Earl of Sutherland provided meal to those most in need, as Highland chiefs had always done in accordance with tradition. However, providing food to a people who could not pay rent was simply not good business. The age-old tradition of the chief providing food to his clan in times of scarcity irritated James Loch and others, who believed that the industrious should not need to rely upon the chief for food. Loch noted condescendingly that, “hitherto a Highlander conceived he was as much entitled to be fed by Lord Stafford, as any Englishman ever conceived the same thing as to parish relief.”⁴³⁰ When money rents replaced rent in kind, the chiefs no longer had a store of foodstuffs to relieve their people in times of need, but would have to pay to have outside supplies sent to their estates. This cash transaction, as opposed to simply doling out surplus goods, no doubt impressed the chiefs/landlords as to how often famine struck the Highlands of Scotland. According to one source, in Sutherland crop failure struck once every third year.⁴³¹ James Loch objected to providing relief to all Sutherlanders, and the humanitarian measures taken were “distributed on a highly selective basis. Any person who had resisted authority in the recent past was denied

⁴²⁹ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 76-77.

⁴³⁰ James Loch to Francis Suther (?), 17 February 1818. “Dep 313/1137,” National Library of Scotland.

⁴³¹ Robert Dodgshon, *From Chiefs to Landlords: Social and Economic Change in the Western Highlands and Islands, c. 1493-1820* (Edinburgh: Edinburgh University Press, 1998), 15.

support. If they were also in arrears they were likely to be evicted. Moreover, no relief was accorded unless work was given in exchange.”⁴³²

Francis Suther wrote to James Loch in 1817, advising that those already removed to the coast had paid their rents and were sufficiently healthy, while those in the interior were not paying “a farthing.” He suggested that “it is only on the coast that they can benefit either themselves or the Estate. If they remain in the interior they will starve and occupy land that a rent may be got for.” In a letter to another factor the following year, Suther explained that, based on a list of arrears, the people were to be ordered out, noting that “their holdings would let well to a substantial tenant as a sheep farm.”⁴³³ It seemed more important to Suther that the land (and the people) yield an income for the Estate and therefore himself; he appeared to have very little concern for the lives and well being of the Gaels themselves.

The purposeful thinning of a growing population was a concern as the second decade of the nineteenth century wore on. Returning Highland soldiers who had served in the Napoleonic Wars came home expecting the traditional award of land tacks to those who served their chief and country, but no such lands remained available; sheep roamed across all of them. Further, the majority of new leaseholders came from the Lowlands, purposefully brought in by the estate managers. Even as these war heroes returned home after serving their country, Loch wrote to Suther, “I cannot impress too strongly upon you my sense of the importance of getting as many strangers into the

⁴³² Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), 227-228.

⁴³³ Francis Suther to James Loch 17 October 1817, and Francis Suther to William Mackenzie 2 June 1818. “Dep 313/1468,” National Library of Scotland.

country as possible—both on account of their superior skill and industry as their real intelligence and worth as farmers and tenants. A Highland gentleman in the Army or in India...is sure to make himself respected and rise to the top of his profession. It is not so with him at home.”⁴³⁴ Such disrespect and prejudice against Gaelic veterans was almost unforgiveable and left them with nowhere to go but to the shore, the moorlands, or abroad. It is little wonder that many of these same veterans led several of the emigration parties to North America, Australia and South Africa.⁴³⁵

The resources remained limited, while those depending on them increased. James Loch and the resident factors seized upon every excuse to entirely remove people from the lands. Unfounded and uncorroborated complaints against tenants regularly led to their being kicked off the estate through the arbitrary decision of the factor.⁴³⁶ Francis Suther wrote to a tacksman in 1818, claiming some people on his lands had been accused of fishing illegally; Suther used this excuse as a basis for their eviction. “It is determined to remove every person off the Estate who has so trespassed.”⁴³⁷ Perhaps because they lived in an interior area and were not part of the seaside industry, their innovative means of acquiring food served as yet another reason to kick them off the estate. However, it is more likely that the landlord’s determination to end all subtenant agreements was the

⁴³⁴ James Loch to Francis Suther, 11 May 1818. Dep 313/1138, National Library of Scotland.

⁴³⁵ For more on the emigration parties led by former Highland soldiers, see James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 253-257; Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), 103-105, 263-265.

⁴³⁶ James Loch to Francis Suther, 3 October 1817, Dep 313/1136, National Library of Scotland.

⁴³⁷ Francis Suther to Mr. Mackay, 9 March 1818. “Dep 313/1468,” National Library of Scotland.

driving factor in this decision. Additionally, Loch and Suther gave bribes to the local ministers to secure their support and aid in encouraging the peaceful removal of Highlanders. This action drew the ire of many Gaels since the ministers were supposed to have their flock's best interest at heart, and, of course, Highlanders believed remaining on their lands was in their own best interest. When asked to procure signatures on a document stating that the Gaels understood that "these changes were 'for their own good, and at their request,'" a Reverend Walter Ross managed to persuade people to sign it, "by reading only partial or garbled extracts—but that when, as a honest man, the same paper was given to Mr. Sage, he read the whole to the men who, on such a reading, refused to sign." Alexander Sutherland, the author of the letter sent to Ross, expressed his strong "indignation and resentment" at such underhanded measures employed by a man of God.⁴³⁸

James Loch became more desperate as the outlay of estate money to the Gaels for survival increased in the post war years. Poor crops and an immense drop in the prices of beef, wool and kelp all contributed to the growing need for outside assistance in Sutherland.⁴³⁹ Sellar warned that the people were starving to death and without "emigration...nobody can predict the consequences." Loch and Suther began to entertain large emigration schemes, offering monetary rewards to men who could induce people to leave the estate, or to heads of families who left for foreign lands, but only if they took *all* their relatives with them. In 1818, James Loch explained that a man by the name of Gordon would be paid two hundred pounds "upon a competent number of Kildonan

⁴³⁸ Alexander Sutherland to Walter Ross, 16 June 1815. Acc. 10853, National Library of Scotland.

⁴³⁹ Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), 224-245.

people being actually on board, but not till then.” Having promised the forgiveness of past due rents to those willing to emigrate, Loch also pointed out that the Marquis particularly desired that “no one benefits by his letting them have their farm for free and giving up their arrear, who does not take the *whole* family with them.”⁴⁴⁰ In this way the landowners and Loch subtly encouraged emigration, instructing the factors: “when they [Gael] once move the example will be spread and you may quietly assist it,” clarifying “though the emigration of a considerable body is necessary, a clean sweep is by no means desired.”⁴⁴¹ With the estate and its treatment of Highlanders still under the watchful eye of the public, many of the starving Sutherland Gaels had become a liability as opposed to any contributing asset to the estate. With so much land under sheep farms and many of the remaining interior Gaels unable to eke out a living, Sellar “remarked that the rising arrears and hunger of the interior tenantry afforded an opportunity to remove them altogether.”⁴⁴² In 1818, Francis Suther offered the forgiveness of rent arrears if the Sutherland Gaels signed a sheet of paper stating, “We the undersigned tenants voluntarily refuse to take possession of the lots of land pointed out to us on the Estate of Sutherland and freely relinquish all claim to an holding thereon and we farther feel most grateful for the very liberal conduct of the Noble Proprietors in relieving us from all arrears due by us to the Noble Family.”⁴⁴³ The forgiveness of arrears was only one method by which Gaels

⁴⁴⁰ James Loch to unknown, 23 May, 1818. Dep 313/1138, National Library of Scotland.

⁴⁴¹ James Loch to Francis Suther, 2 May 1818, and 8 May 1818. Dep 313/1138, National Library of Scotland.

⁴⁴² Eric Richards, *Patrick Sellar and the Highland Clearances: Homicide, Eviction and the Price of Progress* (Edinburgh: Polygon, 1999), 224.

⁴⁴³ Francis Suther to James Loch, 23 April, 1818. Dep 313/1468, National Library of Scotland.

were encouraged to leave the estate. As mentioned, the infrastructure of Sutherland underwent intense change in the nineteenth century, most especially in the building of roads in the region.⁴⁴⁴ As discussed, Loch refused to provide any provisions without something in return, and he determined to use forced labor to construct these roads by exacting “their [tenants] arrears out of them by work upon the roads, which will not make them perhaps very desirous to stay.”⁴⁴⁵

By 1819, as evictions continued and resistance flared, Suther began employing the same methods formerly used by Sellar—burning people out of their homes. Suther complained that, like Sellar, he was dealing with tenants who carried off their furniture as their homes were demolished, but the tenacious Gaels returned to their spots and his representatives had to return to the location of several evicted tenants “to destroy what they had erected in the course of the night.” This was accomplished “by burning the empty houses.” Numerous letters between Loch and Suther reveal that Loch chastised Suther for his behavior, while Suther justified his actions, assuring Loch it was “accomplished legally and I can assure you with humanity.”⁴⁴⁶ The legality claim asserted that Suther had the timber of the homes valued and allegedly paid that amount to the occupants, but to what extent the burning of a home can be done with humanity escapes me entirely. Despite the anger he expressed in regard to Suther’s actions, it is

⁴⁴⁴ For more information on the changes in roads, railroads and communication with and within Sutherland, see Eric Richards, *The Leviathan of Wealth: The Sutherland Fortune in the Industrial Revolution* (London: Routledge and Kegan Paul, 1973), 150-168.

⁴⁴⁵ James Loch to Francis Suther, 8 May, 1818. Dep 313/1138, National Library of Scotland.

⁴⁴⁶ Francis Suther to James Loch, 3, June 1819. Dep 313/1468. National Library of Scotland.

unlikely that Loch was as much concerned for the Gaels as he was for the deteriorating reputation of his employers.

Suther, while defending his actions to Loch, denied them outright to others, claiming they had never occurred. Lowlanders who passed through Sutherland publicly commented on the smoldering ashes of homes they had observed and such reports reached the newspapers. Suther wrote to a lawyer in Edinburgh complaining that the accusations were “made up of the most malicious falsehoods that ever was penned...the tourists’ information [is] lies from beginning to end...not a house nor a bit of timber was burned!”⁴⁴⁷ The fact that Suther admitted such to Loch and tried to explain it away, while he denied it to others, lends credence to the fact that, despite being found innocent of murder, Sellar engaged in similar actions and lied in his deposition to the Lord Advocate.

So again, in 1820, James Loch re-published his *Account of the Improvements*, to persuade the public that the changes taking place were in the best interests of the Gaels. Thousands had been removed to the barren coastlines, but a few places managed to escape forced removal for the time being. Knockin and Elphin, two areas in the western parish of Assynt were rich in limestone deposits, and still operated under the old system with a few changes. First, all tenants held their land directly from the landlord and were individually responsible for their rents (previously communal rent payment was not uncommon, making the entire community responsible for the rent). Secondly, they were required to erect stone houses and these had to be placed in view of the roads so they “will not only be constantly under the eye of the local management, but will gradually acquire industrious habits from their being placed near the lines of communication

⁴⁴⁷ Francis Suther to James Loch, 26 May 1819; Francis Suther to James Loch, 3 June 1819; Francis Suther to James Stuart, 21 July 1819, Dep 313/1468, National Library of Scotland.

through the country.”⁴⁴⁸ The Sutherland family’s attempts to ‘civilize’ the Gaels was rarely welcomed by the Highlanders, but most people submitted.

However, officials both feared and hated the most tenacious of Gaels. Riots and resistance characterized some of the attempted removals throughout the Highlands, as well as instances of petty violence committed by the removed. Sutherland, whose widespread removals garnered the attention of the public throughout the first decades of the nineteenth century, most especially the Strathnaver episode, also had its share of violent resistance. The case of the Gruids, a settlement in the central/southwest parish of Lairg (see map) was one of the most violent resistance movements.

The first sheriff’s officer who went to Gruids to serve notices of eviction to the people in 1820, only suffered to have his papers torn to pieces and thrown in his face. The second unfortunate officer who returned to summon the people off the land met with violent resistance and very nearly lost his life. In a letter to James Loch, Francis Suther theorized the first man was spared bodily harm because he was from the area, while Donald Bannerman was an outsider from a different parish and therefore more cruelly treated. According to the official report, the Gruids people “stripped him naked tearing even his shirt, threw him down and bound his hands behind his back.” The people took the papers he carried and left him tied up for about three quarters of an hour, returned and kindled a fire, to which they committed the papers. “At this time the women laid hold of [Bannerman] by the arms the legs, lifted him up and threatened to burn him on the fire.” The testimony of the surgeon who attended the unfortunate officer recorded that he had

⁴⁴⁸ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 104.

been severely beaten with “blunt instruments,” and was afterwards confined to his home for a month, unable to walk. Two witnesses accompanied Bannerman on his errand and their testimony verified that he was beaten with sticks and actually was singed by the fire on both his back and his stomach. Once the Gruids ascertained these men carried no eviction notices, they suffered relatively little compared to Bannerman and in fact, ran into the hills, leaving Bannerman to his fate. When the Gruids mob finally let the men leave, many of the rebellious tenants continued to follow them for miles, pelting them with sod and stones as they walked, and the Highlanders even forced their way into the inn where the men sought safety.⁴⁴⁹ Bannerman was permanently disabled from his injuries and the Countess ordered Loch“ to have him taken care of, and secure proper provision allotted to enable him to live...” The Sutherland family gave him a pension for the remainder of his life.⁴⁵⁰

When the riots at Gruids went largely unpunished, it encouraged resistance in other areas. When over twenty men went to Achness in the parish of Creich just to the south of Lairg, to serve notice for the subtenants to remove, the crowd attacked and “put them to flight.” Following the men for more than five miles, the Achness Gaels inflicted blows on the men of the removal party as they fled. Francis Suther reported this incident to Loch and complained that “as the affairs of Culrain and Gruids have been so quietly passed over they have got in their heads that the government...wink at their resistance and whatever they do no punishment will follow.” Suther’s own life was threatened should the people ever happen upon him and he refused to enter that part of the Estate

⁴⁴⁹ “Precognition relative to the Gruids Riot, 1821,” pp. 1-22. Dep 313/1009. National Library of Scotland.

⁴⁵⁰ Lady Stafford to James Loch, nd. Dep 313/1141. National Library of Scotland.

until military assistance could be had.⁴⁵¹ With much of the public on their side and reprisal slow in coming for their resistance, the Highlanders were indeed convinced the government sympathized with them and would not allow them to be forced from their ancestral hills. Suther was especially concerned that with such beliefs circulating among the native Gaels, those who had removed peaceably would “return and forcibly take possession of their old situations again.” Suther explained to a William Mackenzie that “all classes of the natives with I presume few exceptions” admired and approved of the “gallant resistance,” and it was generally believed if they had all resisted in such manner from the beginning, “there would have been but a few sheep.”⁴⁵²

By the spring of 1821, Sutherland officials requested that the government send military assistance into the area. Suther noted that “the people are now most submissive since the troops made their appearance.” When he received a letter from the rebellious Achness tenants asking to be allowed to stay until May and promising to remove quietly, Suther refused, believing “it was absolutely necessary to eject the people and pull down their houses, for if we were giving way they would instantly imagine though the troops had come they had no order to act against them.” When the military arrived in Achness, they only found empty homes and a few elderly women sitting on a knoll. Leveling several homes, the soldiers discovered some men hiding nearby to observe the proceedings, but the men fled and the soldiers were unable to secure them, the Gaels having taken “up the hill side like mountain deer—they got clear off.”⁴⁵³

⁴⁵¹ Francis Suther to James Loch, 5 March 1821. Acc 10853. National Library of Scotland.

⁴⁵² Francis Suther to William Mackenzie, 17 March 1821. Dep 311/1469. National Library of Scotland.

⁴⁵³ Francis Suther to James Loch, 9 April 1821. Dep 311/1469. National Library of Scotland.

Aware of the troops' impending arrival to their own area, the Gruids people maintained they would resist. Additional forces were brought in and when the troops arrived at the river Shin (which one had to cross to reach these particular Highlanders) the Gruids Gaels had taken all the boats onto their side of the shore and there was no way to reach them. A nearby ferry was ordered to the area for the following morning and when the troops finally reached the opposite side, they again found empty homes. Unable to take into custody the guilty parties from Bannerman's assault, the homes were simply broken into to leave the summonses of removal inside.⁴⁵⁴

While removals continued throughout the nineteenth century, the most infamous and sweeping of Sutherland's clearances had been accomplished by 1821, especially with the forceful eviction of the Gruids and Achness tenants. The 1821 census, therefore, further reveals insights into the state of the population flux on the Sutherland estates. While there was an increase in populations for some parishes, such as Tongue, Assynt and Dornoch, other localities, such as Kildonan, were all but abandoned by 1821, losing thousands of inhabitants to relocation and emigration schemes. In Durness, a parish in the north, the schoolmaster wrote "the cause of this decrease I attribute to the introduction of sheep farming, as the small tenants are removed and dispossessed for the particular accommodation of individual sheep farmers, which is generally known in these Northern districts."⁴⁵⁵ In the cases where populations increased, the reasons given largely refer to the resettlement of people from surrounding parishes who had been forced out by the extensive sheep farms, as well as the return of men from British military service.

⁴⁵⁴ Francis Suther to James Loch, 11 April 1821 and 13 April 1821. Dep 311/1469. National Library of Scotland.

⁴⁵⁵ "1821 Census," HRA/D269/5, Highland Council Archives, Inverness.

The determination of Loch, Suther and the landlords to rid themselves of the Gaels continued in the following decades. In 1833, James Loch sent out a circular to all the factors and ordered them to remove any person found to be indulging in the excessive consumption of whiskey, “as an example to their companions,” and to prove that only “a correct and moral conduct can make them be treated with kindness and care.”⁴⁵⁶ As the Great Famine hit the Highlands in the 1840s, the people who had remained were strongly encouraged to leave. While tenants were starving to death the new factor, William Gordon stated he would “continue to conform to the difficult but very essential rule of not giving out any supplies to those able to earn wages...for those who are willing to earn wages I shall endeavor to offer work.” He added that two other resources were available: emigration and the military. Explaining that any “young men of spirit [and] proper age cannot have any pretense for complaining of want if they prefer sitting in peat smoke at home to serving their country.”⁴⁵⁷ The Duke additionally offered to pay all taxes associated with the emigrants arriving in Canada during this period.⁴⁵⁸ As previously mentioned, the areas of Knockin and Elphin had been allowed to continue to operate essentially under the old system, but by the late 1840s, even these areas were in distress and under orders to remove. The occupants appealed to the Duke to be allowed to remain, but James Loch insisted that removal was “absolutely necessary for them, that they should not remain where they are. It is quite clear that they have not the means of

⁴⁵⁶ James Loch to factors of Sutherland, March 30, 1833, Acc. 10853/Folder 11, National Library of Scotland.

⁴⁵⁷ William Gordon to Duke of Sutherland ? 27 Dec 1847. Dep 313/863, National Library of Scotland.

⁴⁵⁸ Duke of Sutherland to Earl Grey, 1848. Dep. 313/878, National Library of Scotland.

living [or] putting the payment of rent. Their existence must be one of great wretchedness, equally detrimental to the moral and their temporal improvement.” While the managers claimed they would prefer the tenants to remove to the shore, they had conveniently calculated and related to the Duke that “the cost of conveying them to America would...amount to 1000 pounds.”⁴⁵⁹

However, the tactics used on the Sutherland estate (assisting emigration and encouragement to join the military) were not nearly as horrifying as what other Highland landlords did during the famine years to rid themselves of a destitute population.⁴⁶⁰ Several accounts detail how certain Highland chiefs commissioned ships and forced the entire population of their lands unwillingly onto boats bound for North America and Australia. During the famine period of the 1840s, John Gordon of Cluny owned the Hebridean islands of Barra, South Uist and Benbecula. Rather than help his starving tenants, he chartered five ships and forced the entire population to depart for Canada. Some of the people, unwilling to leave their island, hid themselves, but Gordon determined not to be responsible for these poor and destitute people and sent dogs after them. “Several, upon being found, were bound, hand and foot, in order to forestall renewed escape attempts.”⁴⁶¹

⁴⁵⁹ James Loch to Duke of Sutherland, 13 August 1848, Dep 313/877, National Library of Scotland.

⁴⁶⁰ For a thorough examination of the outbreak of famine in the Scottish Highlands and its consequences, see T.M. Devine, *The Great Highland Famine: Hunger, Emigration and the Scottish Highlands in the Nineteenth Century* (Edinburgh: John Donald Publishers, Ltd., 1995).

⁴⁶¹ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 281.

Gaelic poetry also immortalized the use of dogs to hunt down evasive Highlanders who tried to avoid the evictions. Gordon was not the only one to employ such barbarous methods to rid himself of unwanted tenants. Apparently the people of Bernera (a small island near Lewis in the Western Isles) had suffered the same treatment and Murdo MacLeod, originally of Lewis but residing in Glasgow, wrote a poem to memorialize these Gaels who had effectively fought off eviction in the later nineteenth century.

A hundred salutes to the folk of Benera
From a poet of the people of Lewis;
You would really make fine heroes
Who would be effective in the fight;
It would cause sorrow and pain
If Parliament were to see the like of you
Be driven out of your houses
And your places given over to ewes.

My dear folk, what a pity
That I was not with you, when the dogs
Began to scatter you, hoping to banish you
Over the ocean away from your familiar haunts...⁴⁶²

The regulation of morality, the ‘encouragement’ of industrious work habits and the continued attempts to ‘civilize’ the Gaels, including the attempted eradication of the Gaelic language and traditions, characterized the deliberate subversion of a culture. Beginning as early as the sixteenth century, carried forward in the seventeenth century with the Scottish Society for the Propagation of Christian Knowledge (SSPCK) and culminating in the Highland Clearances during the eighteenth and nineteenth centuries, the efforts of outsiders left once highly populated areas of the Highlands largely

⁴⁶² Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995), 210.

uninhabited, and they remain so today.⁴⁶³ As Allan MacDougal wrote very early in the period of the Clearances:

A calamity has befallen us in Scotland;
Poor folk are starkly exposed before it,
Without food, without clothes, without shelter;
The north has been devastated;
Only sheep and lambs are visible,
Lowlanders surrounding them on every slope;
All the lands have gone to waste...⁴⁶⁴

The issue of the Highland Clearances remains an emotive and controversial topic. The sense of betrayal that clansmen felt “was great and the psychic wounds inflicted did not heal; a sense of wrong was carried from generation to generation.”⁴⁶⁵ When James Loch republished his *Account* in 1820, he claimed that it was those who had long ago left the Highlands who fought so desperately against the changes taking place.

Acknowledging a “deep regret, felt and openly expressed by every Highland gentleman, at the loss of those manners and customs,” of traditional Gaelic society, Loch maintained that such an attachment to the past was “expressed more strongly by those who had themselves long abandoned their paternal homes and national habits than by those who

⁴⁶³ For the most recent and informative study of the role of the SSPCK in the Highlands of Scotland, refer to Margaret Connell-Szasz’s *Scottish Highlanders and Native Americans*. James Hunter’s *Last of the Free* gives a most thorough examination of the changing environment of the Highlands and Islands of Scotland over the last millennium.

⁴⁶⁴ Donald E. Meek, ed., *Tuath Is Tighearna: Tenants and Landlords, An Anthology of Gaelic Poetry of Social and Political Protest from the Clearances to the Land Agitation*. (Edinburgh: Scottish Academic Press, Ltd., 1995), 186.

⁴⁶⁵ Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 120.

continued to reside among their native hills.”⁴⁶⁶ As illustrated by the resistance movements, this was most certainly not the case.

Some Highland sympathizers continue to paint the Gaelic world of old in a romantic light, as a quaint and charming world of virtuous, if slightly untamed people attached to their traditions and customs and willing to remain on a remnant of their homelands at any cost. The truth is that many Gaels *were* willing to endure almost anything to remain in the vicinity of the lands of their forefathers. As Eric Richards comments, “it was a sign of the tenacity of these people that, several decades later, they still occupied the remnant of their old lands.”⁴⁶⁷ Clearly some Highlanders had emigrated voluntarily as old traditions began to falter and life ways were forever altered. Other Gaels migrated seasonally to the cities to make money to help support their families through the winters, but most of them returned home, and whether they returned seasonally or never again, all Gaels remained attached to their Highland hills and homelands in spirit. Acculturation of the Highland elite, economic forces and allegedly humanitarian motives all combined to change the face of the Highlands of Scotland forever. The virtual destruction of traditional Gaelic life ways, considered as collateral damage in the attempt to modernize and ‘civilize’ the Highlands, translated into the end of an era and the near eradication of a culture and a people.

⁴⁶⁶ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 2.

⁴⁶⁷ Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 111.

Chapter Seven

Conclusion

The previous chapters have outlined the experiences of two very different indigenous peoples. While the Gaels of Scotland and the Cherokees may appear as distant and different as their homelands, the fact remains that both peoples underwent extensive dislocation and cultural changes due to the influence of colonial powers. As Colin Calloway states, “In some ways, of course, the histories of Highland Scots and American Indians are so different as to render comparisons superficial.” He clarifies, however, that their identities were “forged not only by land and culture but also by colonial experiences and cultural imperialism.”⁴⁶⁸ It is the similarities in their removal experiences that propelled this project initially. While there are vast and obvious differences between the dislocation of Gaels and Cherokees, it remains that they were both victims of more powerful outside forces that changed the very fabric of their ancient societies. There are obviously differences between these two cultures, their experiences and the outcomes of removal, but the ways in which outsiders viewed the “other” in their respective countries are very similar. Comparative indigenous studies is a new and burgeoning field, and the comparisons between Gaels and Native Americans is in its infancy. While this work contributes to the subject, two established scholars have particularly advanced the field in recent years: Margaret Connell-Szasz and Colin Calloway.

In both cases of the Highland Gaels and the Cherokees, the slow acculturation of the leaders (or elite) was the foundation of change. The education of indigenous elites

⁴⁶⁸ Colin Calloway, *White People, Indians and Highlanders* (New York: Oxford University Press, 2008), 10

and the purposeful inclusion of them in colonizers' life ways and culture caused the severing of ties between native leaders and the 'common' people. Changes in the Highland elite may have been a slow process, but the Statutes of Iona in 1609 requiring the children of clan elite to be sent south for an education increased the speed and depth of acculturation. As Margaret Connell-Szasz states, "For every society, the children represent the future: only the children can carry on the traditions; only the youth have the potential to become repositories of the society's worldviews."⁴⁶⁹ Education in the south for the Gaelic elite's children helped to sever the link between the ruling families and the common Highlanders back home. Similarly, the European based education that many of the Cherokees embraced to better understand and negotiate with Euro-Americans subsumed traditional native education; it even convinced many, like Elias Boudinot, that the ancient ways were uncivilized and needed to be phased out. By the eighteenth century, outsiders had arrived in many parts of the Highlands to educate and 'civilize' the children of the average Highlanders. Roughly fifty years later, the same "opportunities" were provided to Cherokee children. Through these means, the culture and traditional life of Gaels and Cherokees came under increasing attack from Lowlanders and Euro-Americans, respectively.

Concepts of 'civilization' are social and political constructs of individual societies. The European equation of literacy with 'education' and 'civilization' disregarded the practical education of Gaels and Cherokees in their own traditions and cultures. It was, in fact, the knowledge and education of Native Americans that allowed

⁴⁶⁹ Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 3.

for the very survival of early colonials. In many ways, the oral traditions of these indigenes, and their ability to carry their histories forward through mythology and storytelling, is far more impressive than the ability to write something down and then forget it, secure in the knowledge that it is available for reference. The Cherokees, and other tribes, realized that Europeans' memories were not as sharp as Native Americans', and employed the use of wampum in an effort to record negotiations with Europeans, so that they too would have a record. The elite of Gaelic society, especially Gaelic bards, had long made use of written documentation to record clan histories, but the belief of Lowlanders and the English that it was a 'barbarous' language diminished the fact they were a literate people.

Before sustained contact with outsiders, in both Scotland and America, the strength of a chief was largely based on the number of men he could get to follow him. Initially the confidence that a chief could command amongst his people was the true sign of leadership, not material wealth. This is not to say that wealth did not play a role in tribal leadership, but initially the wealth that was important was largely based on the chief's ability to feed, provide for, and protect the rights of the people, not material possessions necessarily. Over time and with continued contact with the outsiders, material belongings became the signifier of the leading members of the society, and when this change came about the fabric of Gaelic and Cherokee life was altered significantly.

As the elite acculturated to the outside world, even they began to work for change amongst their people. The encouragement of religious conversion, the adoption of English and the emulation of the mainstream society were all areas of focus, both in Scotland and America. As mentioned, by the sixteenth century the chiefs of the

Sutherland clan no longer spoke the native language, despite being encouraged to learn it so they could deal more fairly with their people. On the other side of the ocean, the elite more commonly spoke the Cherokee language; but even Chief John Ross, speaking only broken Cherokee, needed a translator to relay his words to his people. An inability to communicate with many of their followers did not necessarily indicate a lack of devotion on the parts of the chiefs. John Ross most definitely had the interests of the Cherokee people at heart as he fought against removal, but so did John Ridge when he finally capitulated and signed the Treaty of New Echota in his efforts to save the tribe from annihilation. Similarly, while motivated by economics and increased income from their lands, letters from the Duke and Duchess of Sutherland seem to reveal that they actually believed they were bettering the lives of their people and aiding in their ‘civilization’, through the introduction and increase of new industries into the region.

It is noteworthy that contemporaries of Gaels likened them with Native Americans, albeit in a most unfavorable manner. On their travels through the Highlands and Islands, Boswell observed to Johnson that being amongst the Gaelic speaking Highlanders “was much the same as being with a tribe of Indians,” to which Johnson responded, “Yes, sir; but not so terrifying.”⁴⁷⁰ As Calloway observes, the likening between Highland Gaels and Native Americans was not uncommon, even amongst themselves. “They lived in tribal societies with a strong warrior tradition, they inhabited rugged homelands, and they were accustomed to deprivation and inured to hardship.”⁴⁷¹

⁴⁷⁰ James Boswell, *The Journal of a Tour to the Hebrides with Samuel Johnson, LL.D* (London: J.M. Dent & sons, ltd, 1931), 107.

⁴⁷¹ Colin Calloway, *White People, Indians and Highlanders* (New York: Oxford University Press, 2008), 9.

While some Highlanders became colonizers themselves, the many connections between
Gael and Native Americans are fascinating, not the least being the fact that perhaps the
greatest chief of the Cherokee Nation was seven-eighths' Scots and only one eighth
Cherokee by blood. Patrick Sellar often compared the Gaels to the Native Americans.
He complained of the Gaels'

“obstinate adherence to the barbarous jargon of the times when Europe was possessed by savages. Their rejection of any of the several languages now used in Europe, and which being sprung, or at least improved from those of the greatest nations of antiquity, carry with them the collected wisdom of all ages, and have raised their possessors to the most astonishing pitch of eminence and power. Their seclusion, I say, from this grand fund of knowledge, places them, with relation to the enlightened nations of Europe, in a position not very different betwixt the American colonists and the aborigines of that country...Both live in turf cabins in common with brutes, both are singular for patience, courage, cunning and address. Both are most virtuous where least in contact with men in a civilized state, and both are fast sinking under the baneful effects of ardent spirits.”⁴⁷²

It is fascinating that a man who endorsed bringing ‘civilization’ to the Gael would liken the virtuosity of people he liberally referred to as ‘savages’ with the extent of their exposure to those in a ‘civilized’ state.

There are several points of comparison between the Cherokees and the Gaels. First and foremost is the obvious connection that both societies were tribal and based on a clan system. Cherokee society consisted of seven clans and affiliation with each clan was passed down through the mother. As Robert Conley suggests, the independence of the initially autonomous Cherokee towns was bridged by the fact that in each town there existed the same seven clans and “in theory, at least, every individual Cherokee had

⁴⁷² Patrick Sellar, “Notes Concerning Sutherland” Dep 313/991, No. 21,

relatives in every Cherokee town.”⁴⁷³ Similarly, the ties amongst clan members in the Highlands of Scotland, real or imagined, proved to be an almost unbreakable bond. Additionally, affiliations between Gaelic clans provided an even broader network within which Gaels interacted, intermarried, and cooperated.

Both Gaelic and Cherokee cultures were primarily oral prior to contact with outside influences. Before Sequoya’s invention of the Cherokee syllabary, the Cherokees maintained their oral histories through specially appointed individuals, known as *asi*. James Mooney noted “that they had once a long oration...nearly forgotten, which recounted the history of their wanderings from the time when they had been first placed upon the earth by some superior power from above.”⁴⁷⁴ As discussed in Margaret Connell-Szasz’s *Scottish Highlanders and Native Americans*, there was a tradition of literacy amongst the Gaelic elite, drawing on “Gaelic, Latin, and Scots.” While the habit of writing in Gaelic was waning by the seventeenth century, “bards...composed their verse in Gaelic.”⁴⁷⁵ However, it must be noted, this literacy was largely found among the elite of Gaelic society, and only through oral means did the average Highlander become acquainted with his or her clan history and heritage. Gaelic bards, discussed further in chapters 5 and 6, afforded the same service to their clan and chiefs as the *asi* did for their tribes. Highly trained to memorize ancient, and create new, oral histories, these individuals served as historians to their people, linking the past to the present.

⁴⁷³ Robert J Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2007), 11.

⁴⁷⁴ James Mooney, *Myths of the Cherokee* (New York: Dover Publications, 1995), 229.

⁴⁷⁵ Margaret Connell-Szasz, *Scottish Highlanders and Native Americans: Indigenous Education in the Eighteenth-Century Atlantic World* (Norman: University of Oklahoma Press, 2007), 49.

The viewpoint of outsiders regarding the life ways of Cherokees and the Gaels is shockingly similar. James Loch noted that while a hardy people, the Gaels were not industrious and “impatient of regular and constant work, all the heavy labor was abandoned to the women.”⁴⁷⁶ Early Americans remarked on the Cherokee women also being forced to carry out manual labor while the men lazed about. Henry Timberlake commented, “the women alone do all the laborious tasks of agriculture.”⁴⁷⁷ It was the belief of Europeans that hunting and war was not ‘work,’ and therefore they believed the Cherokee men exploited the Cherokee women, who did, in fact, perform almost all duties associated with agriculture.⁴⁷⁸ In addition to the perceived laziness of indigenous men and the ‘unnatural’ role of women in labor, the living conditions of the Gaels and the Cherokees were also matters of concern to outsiders.

The early Cherokees had summer and winter homes. The summer homes were rectangular, built of sticks, daubed with mud and had thatched roofs made of grass. The winter homes, or *osi*, were smaller and dome shaped “and may have served double duty as a sometime sweat lodge.” The town house, or meeting place, was much larger and built of logs. The earliest European visitors often could not bear being in the town houses very long due to the fact “they were generally filled with smoke, both from the

⁴⁷⁶ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 51.

⁴⁷⁷ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 68.

⁴⁷⁸ Elias Boudinot, *Cherokee Editor: The Writings of Elias Boudinot*, Theda Perdue, ed. (Athens: University of Georgia Press, 1996), 148.

fire that burned in the middle of the room and from the smoke of the many pipes puffed there.⁴⁷⁹ Henry Timberlake observed such homes on his journey to Cherokee country in the late eighteenth century, but he still found them to be “tolerably well built.”

Describing the homes, Timberlake noted that “a number of thick posts is fixed in the ground...between each of these posts is placed a smaller one, and the whole wattled with twigs like a basket, which is then covered with clay very smooth, and sometimes white washed.” He also made mention of the homes being next to “the little hot house,” presumably the *osi*, and expressed his belief that “most of them [are] inconvenient for want of chimneys, a small hole being all the vent assigned in many for the smoak [sic] to get out at.”⁴⁸⁰

The typical home of the average Gael was perhaps even more humble than those of the Cherokee. In some areas of the Highlands and Islands, such as on Orkney, “the exterior walls of most homes appear to have consisted largely of stone.” However, as related in James Boswell’s journal and the descriptions in James Loch’s *Account*, most Highland homes were built with rudimentary timber frames and largely made of turf or wattle. More often than not, the erection of these structures were a community effort: “since the building of such dwellings required no very great expertise, a township’s whole population—men, women and children—could be mobilized to assist with a house’s construction. The people of a Highlands and Islands township regularly got

⁴⁷⁹ Robert Conley, *A Cherokee Encyclopedia* (Albuquerque: University of New Mexico Press, 2007), 51.

⁴⁸⁰ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 84.

together in numbers sufficient to ensure that entire homes were put up between the sun's rise and setting."⁴⁸¹ Once the improvements in Sutherland began, Loch and others insisted that stone houses replace those made of turf. On the other end of the spectrum were the palatial homes of the clan chiefs, such as Dunrobin Castle. [figures 14-15]

Soon after the arrival of Europeans amongst the Cherokees, and easier access to metal tools, many Cherokee began to construct timbered homes similar to early colonials, and by the late eighteenth and early nineteenth centuries, some of the homes were quite palatial and ornate. However, the above-mentioned types of homes were likely more commonly found among the average Cherokee.⁴⁸² Many of the wealthiest Cherokee elite were of mixed ancestry as a result of early traders intermarrying with Cherokee women and speeding up the process of acculturation within their own families. This was, by no means, the norm amongst the greater portion of the Cherokee nation. Even as late as 1831, Jacob Scudder, an outsider who resided among the tribe for over fourteen years, noted that the Ridge family was one of the few full blood Cherokees who commanded great wealth. "I know of no other full blood families that own much or any property. The larger portion are very poor and to persons unaccustomed to Indians they would seem miserably so." However, Scudder clarified that to him "they appear the most

⁴⁸¹ James Hunter, *Last of the Free: A Millennial History of the Highlands and Islands of Scotland* (Edinburgh: Mainstream Pub, 1999), 153.

⁴⁸² The homes of James Vann, John Ross, Major Ridge and other leading Cherokees are examples of homes that surpassed most in size and construction. James Vann's home is still perhaps one of the best-preserved Cherokee plantation homes from the pre-removal era. For more information on the Vann House see Tiya Miles, *The House on Diamond Hill*; Vicki Rozema, *Footsteps of the Cherokee: a guide to the eastern homelands of the Cherokee*, 306-307; Frances Kennedy, *American Indian Places: a Historical Guidebook*, 120.; and William McLoughlin, *Cherokee Renaissance in the New Republic*, 73-74.

contented and happy people on earth. They reflect but little on the future or the past [and] if their wants are supplied they are contented.”⁴⁸³

The understanding that Scudder showed in evaluating the typical Cherokee’s life and world is similar to the understanding that the anonymous author of the rebuttal to Samuel Johnson expressed when he explained that Highlanders “seldom extend their ideas beyond the necessities of life...and they cannot be called poor who have all they wish for.”⁴⁸⁴ When Boswell and Johnson made their trip into the Highlands and Islands of Scotland, the poverty they encountered was abysmal in their eyes, but as Boswell mentioned, one Gaelic woman who shared a most humble dwelling made of earth with her husband, five children and animals considered herself “as happy as any woman in Scotland.” This “contented family...lived all the spring without meal, upon milk and curds and whey alone. What they get for their goats, kids, and fowls, maintains them during the rest of the year.”⁴⁸⁵ With few material wants, the life of the average Gael or Cherokee may have appeared deficient to outsiders, but was certainly not considered so by the indigenes themselves.

In addition to the poor living conditions and perceived laziness of the Gaels and Cherokees, outsiders often viewed them as mentally deficient or child-like, incapable of making their own decisions. The resistance the U.S. government and Scottish landowners encountered when trying to effect removal was attributed to the influence of

⁴⁸³ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 316.

⁴⁸⁴ Donald MacNicol, *Remarks on Dr. Samuel Johnson's Journey to the Hebrides (1779)* (New York: Garland Pub, 1974), 14.

⁴⁸⁵ James Boswell, *The Journal of a Tour to the Hebrides with Samuel Johnson, LL.D* (London: J.M. Dent & sons, ltd, 1931), 100.

others rather than the real attachment to the land these peoples felt. In his *Account*, James Loch claimed that although most Gaels left “their habitations...with much regret, they did so in the most quiet, orderly and peaceable manner,” and that the only discontent was due to the “misconduct of persons whose duty it was to have recommended and enforced obedience to the laws, infusing into the minds of the people feelings of contrary description. As soon as the interference of these persons was withdrawn, the poor people returned to their usual state of quietness and repose.”⁴⁸⁶ While the people supposed to enforce the law most likely referred to the tacksmen, to indicate that the Highlanders would not have resisted without the order of the upper classes is both defamatory to the Gaels and blatantly refuted by the many rebellious acts and riots committed by the evicted, both early on and throughout the removal period.

When offered a year’s free rent and gratuitous lumber to build their new homes on the appointed lots, some Gaels signed up for the deal, but Loch noted that “they took no further step...encouraged by those who expected that if they could get the people to hold out to the last, they would force their landlords to abandon their arrangements; thus, as is always the case with such advisers, sacrificing the interest of the people to their own selfish purposes.”⁴⁸⁷ In both Sutherland and Georgia, it was hoped by holding out that those perpetrating the schemes would change their minds, either through public pressure or a renewed sense of what was ‘right.’ However, in both cases, the economic gains to be

⁴⁸⁶ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 76.

⁴⁸⁷ *Ibid.*, 89.

had outweighed any inkling of consideration for those being removed. Racism and a belief in the self-superiority of the removers certainly did not aid in either matter.

Similar to the tacksmen John Loch mentioned, John Ross and the anti removal party were constantly accused of not considering the welfare of the ‘common’ Cherokees. Before the development of the two opposing parties in the Cherokee Nation, the government agents claimed “was it not for their Chiefs there would be no difficulty whatever in forwarding the views of the Government.”⁴⁸⁸ Once Ridge and others turned pro removal, the blame for resistance was placed squarely on John Ross and his party. In 1833, Joseph Vann and Richard Taylor were accused of having “wrought a considerable change upon the common Indians who are certainly further from a disposition to treat than usual.”⁴⁸⁹ By 1835, William Bishop, head of the Georgia Guard, lamented that while Ridge had managed to convince about one hundred and fifty Cherokees of the need to move west, Ross still had “a very large majority and his influence is hard to contend against.”⁴⁹⁰ It is interesting to note that in 1834, Cherokee agents William Hardin and James Montgomery wrote to Georgia governor William Lumpkin and claimed that “all or many of the most influential Indians have enrolled,” and yet, the thousands of poor, deluded Cherokees relying on John Ross were still resistant to removal.⁴⁹¹ Rather than acknowledge his own people’s attachment to their lands, John Ridge accused Ross and his party of being composed of “half-breed nullifiers” who refused to deal with the U.S.

⁴⁸⁸ Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 287.

⁴⁸⁹ *Ibid.*, 400.

⁴⁹⁰ *Ibid.*, 594.

⁴⁹¹ *Ibid.*, 471.

government and worked to keep the Cherokee on their ancient homelands “for ultimate speculation [and] that they may pray upon the last avails of an oppressed race.”⁴⁹² While it was true that Ross and many of the anti treaty members were successful businessmen with an interest in remaining where they were, the fact remains that by 1834, John Ross and many other anti treaty supporters had been divested of their homes and businesses through the Georgia lottery and held little hope of regaining the properties.

John Ross was considered the sole force behind the majority of Cherokees’ refusal to leave Georgia. However, D.R. Mitchell, the Solicitor General for the Cherokee circuit in Georgia warned, “from the excessive ignorance of the great body of common Indians, and their utter aversion to leave the country—I think that some difficulty with them may be reasonably expected.” Mitchell claimed the more intelligent among them had already moved west and therefore “when the time for their removal arrives, they must be removed by force, unless Ross tells them to go, which I am sure he will not do.” John Ross did have great influence among his people, but to assume that Cherokees were so ignorant that their “aversion” to leaving was based solely on Ross’ whims undermines the emotional and traditional attachment Cherokees felt for their ancestral homes.⁴⁹³

An interesting point of comparison is the strong, if opposing, leadership the Cherokees claimed in the midst of their removal crisis. No similar leadership seemed to exist amongst the Gaels. The Highland chiefs had largely abandoned their people, their homeland and their obligations to the Gaels, while the Cherokees always remained of and among their people. As mentioned, many of the Cherokee elites were educated outside

⁴⁹² Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 553-554.

⁴⁹³ *Ibid.*, 647.

the Cherokee Nation, but they always returned to their homes and their people. In contrast, the Highland chiefs, especially in Sutherland, rarely, if ever lived among their clans. One exception was the tacksmen, many of whom had been raised in the Highlands, left the area for service in the military, but returned home and felt an unbreakable bond with their fellow Gaels. One tacksman, a Colonel Sutherland, fought desperately against his own eviction and the removal of those he considered his people. Francis Suther condescendingly noted, “The Colonel is a decided enemy to the sheep system and indeed to all improvements that are conducive to strip the interior of the country of its population.” Obviously unable to comprehend the attachment to the land, tradition, people and life ways of the Highlands, Suther further expressed his belief that “He [Colonel Sutherland] is evidently getting a little feeble minded, that weakness is most apparent from his conduct with the people in the childish grief he shows at the prospect and approach of their separation.”[sic]⁴⁹⁴ It can only be surmised that so deep did the tradition of loyalty and acquiescence to the chief’s desires, that even this class of Gael, who obviously bore a stronger bond with the common Highlanders than the chief, had no choice but to relent and leave their lands.

Across the ocean, the Cherokee people were not as accommodating. Attributing the general refusal of Cherokees to voluntarily move to the “whites who have intermarried with them and the half breeds,” enrolling agent D.A. Reese believed that his efforts needed to be directed toward “the poor Cherokees who are generally ignorant, poor and oppressed by the intruders and whites.” However, he at least acknowledged that

⁴⁹⁴ Francis Suther to James Loch, 29 April 1819. Dep 313/1468. National Library of Scotland.

this class of Indians deeply and honestly felt “an attachment for their country in itself.”⁴⁹⁵

The continued insistence on the label of ‘ignorant’ makes little sense and is disproven by the fact that almost all Cherokees were literate in their own written language, if not in English, and the same could not be said for the majority of their English speaking white neighbors.

A very strong attachment to the land of their ancestors was a common trait amongst both Cherokees and Gaels. One Sutherland tenant, Mary Maxwell Sutherland, faced with removal at the end of 1817, wrote to the Countess, “But how can I describe my own feelings at the idea of quitting Sutherland forever!! It is so dreary to me that I dread it like annihilation. Were I not so very interested in the future of my children, gladly I would die before the year is out.”⁴⁹⁶ The instinctive connection of Gaels to their ancestral lands was widely acknowledged. A nineteenth-century observer of the clearances wrote in a letter to a friend, “You know the warm attachment of the Highlanders to their country and nothing but cruel oppression and necessity will drive them from their habitations.”⁴⁹⁷ The connection Gaels felt to their lands and their traditional obligations to chief and clan were powerful forces, but could not contend with the will and desires of the landowners; nor could the Cherokee attachment to their homelands overpower the United States. However, a desire to continue traditional life

⁴⁹⁵Georgia Department of Archives and History, *Cherokee Letters, Talks and Treaties*, 322.

⁴⁹⁶ Mary Maxwell Sutherland to Lady Stafford, 4 September 1817. Dep. 313/1591. National Library of Scotland.

⁴⁹⁷ Quoted in Eric Richards, *The Highland Clearances: People, Landlords and Rural Turmoil* (Edinburgh: Birlinn Ltd, 2000), 108.

ways characterized both peoples as well, and sometimes overrode the yearning to remain on their lands. The earliest Cherokees moved west in the 1720s in order to maintain their lifestyles and others followed over the century preceding the Trail of Tears. Similarly, there were those in the Highlands of Scotland who preferred to leave the area, through emigration or relocation further into the Highlands, rather than accept the marginal lands allotted to them. Francis Suther noted, “several...people prefer going away altogether rather than take lots in the Moors of Dornoch.”⁴⁹⁸

The concept of communal landholding was anathema to progressive minded outsiders. The land in Scotland, once leased out to tacksmen, gave way to subtenants sharing the lands for agriculture and grazing. In Sutherland, the communal practice of *run rig* farming was to be abolished and replaced with individual lots, the rent for which each tenant was solely responsible. Loch believed that communal rents poorly affected the people, calling it oppressive and cruel that some industrious Highlanders had to supplement the rent for the lazy and idle ones. “The hill pastures were held in common; the right to pasturage being regulated by the extent of arable ground which each person held. In case default was made by any worthless fellow, he was left to do as he liked; and the industrious, the hard-working, sober man who had already discharged his own rent, was called upon and obliged to pay a portion of that due by the idle profligate who escaped.... so deep a root had it taken...it was not until 1816 that it could be completely abolished.”⁴⁹⁹ Never did Loch take into consideration that some Gaels had better years

⁴⁹⁸ Francis Suther, to James Loch. 2 June 1818. Dep 313/1468, National Library of Scotland.

⁴⁹⁹ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 51.

than others and perhaps did not mind aiding their fellow man in times of need. Patrick Sellar even had poor years and appealed to the Duchess for a lower rent. Did this make him lazy and idle? Based on this generalization, it must have.

This sense of communal obligation was present in Cherokee society as well. Timberlake commented that one ceremony he observed was among the most “laudable of their religious ceremonies...When any of their people are hungry...or in distress, orders are issued by their headmen for a war-dance.” Through an elaborate ceremony, spare wealth was collected and “divided among the poor.”⁵⁰⁰ Similar to the feasts that early chiefs of Highland clans provided, this sense of communal obligation was diminished as capitalistic ideas forced their way into these societies. It is little wonder that Sellar noted the intrusion of ‘civilization’ altered the world of Gaels and James Loch admitted, “the inroads [made] on the ancient habits and manners of the children of the Gael were cruel; and impolitic in the extreme.”⁵⁰¹

Similarly, the concept that individual land ownership was equated with ‘civilization’ dominated the American mindset. While each Cherokee was allowed as much land as needed, as long as he did not infringe upon his neighbors’ needs, the land itself still belonged to the tribe as a whole. Even upon removal and relocation to Indian Territory, the Cherokee communal landholding system remained. It was not until the

⁵⁰⁰ Henry Timberlake and Museum of the Cherokee Indian, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, N.C: Museum of the Cherokee Indian Press, 2007), 92-93.

⁵⁰¹ James Loch, *An Account of the Improvements on the Estates of the Marquis of Stafford in the counties of Stafford and Salop and on the Estates of Sutherland with remarks*. (London: Longman, Hurst, Rees, Orme and Brown, 1820), 55.

Dawes Act that individual allotments were set aside for Cherokees, and it was through this implementation of individual ownership of land that speculators managed to wrest from the Cherokees large portions of their new lands.

As mentioned, the common Highlanders may have never properly ‘owned’ the lands they considered their legacy, but their inherent ownership or stake in the land known as *duthcas*, was finally acknowledged in the 1886 Crofter’s Holding Act. While they were most certainly a race unto themselves, depending the definition of ‘nation,’ the Gaels were perhaps not a nation proper, such as the Cherokee Indians came to be considered. The term and concept of nation and nationhood has been the subject of hundreds of academic works, and it is not my intention to address the debate in this work. The concept is difficult to delineate, and I myself have multiple ideas regarding what comprises a nation. Do a people need a functioning governmental apparatus to be considered a nation? According to Webster’s Standard Dictionary, a nation is “A group of people bound by a common government, heritage, etc.”⁵⁰² However, in Michael Hechter’s work, *Internal Colonialism*, he offers multiple definitions of ‘nation.’ He argues that a nation, “in essence, is a socially constructed boundary which serves to designate societal membership to some groups and not to others.” He further states, “National development is a process which may be said to occur when the separate cultural identities of regions begin to lose social significance, and become blurred. In this process, the several local and regional cultures are gradually replaced by the establishment of one *national* culture, which cuts across the previous

⁵⁰² Webster’s Standard Dictionary (Trident Reference Publishing, 2006).

distinctions.”⁵⁰³ Most especially after the abolishment of the Lordship of the Isles, those on the fringes of Scottish society were drawn further into the culture and control of the Lowlands. Initially this change only affected the upper classes (the landowners and the gentry of Highland society), but as time passed, with the introduction of the SSPCK and its educational objectives as well as increasing outside economic forces, the average Gael became more exposed to Lowland ways including language, religion and culture. Based on the number of Sutherland Highlanders who spoke only Gaelic as late as the nineteenth century, however, it can be surmised that the acculturating efforts of Lowlanders were not as effective and far reaching as they might have hoped.

In the case of the Cherokees, they always ‘owned’ the lands they were forced to slowly parcel off until their final removal in 1838. The fact that treaties were negotiated between tribal leaders and the U.S government proves that they were considered a nation within a nation (according to Webster’s definition) and understood to be an entity unto themselves. However, this acknowledgement of nationhood can be attributed to the influence of Europeans’ concepts of ‘nation.’ Unfamiliar with Native societies, early colonials appointed ‘chiefs’ to negotiate the cession of lands. Originally autonomous villages, bound together by clanship more than anything else, Europeans and Euro-Americans forced the Cherokees to move toward the creation of a central government and unified nation, in the European sense of the word. However, this does not preclude the fact that the Cherokees were a nation long before the imposition of the European definition of nation.

⁵⁰³ Michael Hechter, *Internal Colonialism: The Celtic Fringe in British National Development* (New Brunswick, N.J: Transaction Publishers, 1999), 4-5. This is an excellent work that discusses the maintenance of a separate Celtic identity in Britain.

The slower appropriation of Cherokee lands versus the relatively quick dislocation of Gaels is yet another difference. While the Cherokee tried to be accommodating of colonists' land needs, forfeiting their own ways of life and their lands as they did so, the Gaels were quite abruptly forced to move. It must be noted, however, that small-scale relocations were not uncommon in the Highlands, even centuries before the Clearances. It was the complete disruption of ancient lifestyles and traditions in a relatively short time that adversely affected the Highlanders. Never again would the Gael dominate the Highland countryside. In my travels in Sutherland in 2009, I stayed in Helmsdale, one of the most productive and successful fishing villages of the nineteenth century. Helmsdale still bears evidence of a fishing industry, but appears to rely largely on the tourist industry, apparently as a preferred destination for sports fishermen from the south. [figure 16] Aside from shops, a pub and a few Bed and Breakfast establishments, no other industry made itself apparent to me. The rail stop in Kildonan, where thousands of people once resided, has largely been abandoned, standing quiet watch over the empty hills and the River Helmsdale. [figures 17-18]

Wandering through the countryside in the Strath of Kildonan was an exercise in beautiful solitude. As mentioned, the only living creatures I happened upon were sheep, which still outnumber the human inhabitants of Sutherland by ten to one. I also found an abandoned Kirk, one farmhouse and a few black cattle. More disappointing, I encountered more English people than Scots in Helmsdale. But whether or not many, if any, descendents of the removed Sutherland Gaels remain in the area, Helmsdale is renowned for its acknowledgement to the Gaels who were removed. Over a fish and chips dinner at the pub, the barmaid made certain I, as an obvious outsider, understood

that this village boasts the memorial to the Clearances. Initially intended to be larger and more visible than the massive statue built and dedicated to the Duke of Sutherland in Golspie, [figure 19] unfortunately a lack of funding ensured the sculpture is not comparable in size to the Duke's. However, it is much more accessible and, without doubt, one of the most beautiful and moving monuments I have ever encountered. Entitled "Emigrants," the sculpture portrays a determined Highlander staring out over the sea, his hand forcefully guiding an obviously bewildered and reluctant small child forward, while his wife looks longingly back up the Strath of Kildonan holding an infant. [figures 20-25] Helmsdale is also home to the Timespan Heritage Center, which boasts a walk-through museum dedicated to the Highland Clearances and houses a small archive on the second floor, to which I was fortunate enough to gain access.

Memorials to the Cherokees and the Trail of Tears can be found all over the southeastern United States and in present day Oklahoma, where they relocated. A crossing point for several of the Cherokee detachments on the Trail of Tears, along the Mississippi River running through Cape Girardeau, Missouri, is the home of the Trail of Tears State Park. [figure 26] Looking out over the muddy Mississippi, again it is not difficult to imagine the fear, angst and heartache of thousands of Cherokees waiting to cross into a new and foreign land. [figure 27] In Park Hill, a suburb of Tahlequah, Oklahoma, the capital of the Cherokee Nation West, the Cherokee Heritage Center provides a beautiful museum dedicated to Cherokee culture and history. It boasts ancient village, and it also hosts an annual Trail of Tears art show, which is open to all tribes. The Heritage Center houses an archive in its basement, to which I was also graciously allowed access.

Despite acculturation and removal, the Cherokees and the Highland Gaels' cultures persevere today. The Cherokees may have undergone intense changes in their life ways, but they remain one of the strongest, and one of the largest, Native American tribes in the United States. Both in Oklahoma, North Carolina, and in between, the Cherokee people have carved out their place in a new world and once again, as in the early years of the colonization of the United States, adaptation to their environment will ensure the survival of a strong, independent and beautifully ancient people. The Gaels, many scattered to the winds after the Clearances, still claim one of the largest ancestral populations in the world. A plaque on the side of the Kildonan Kirk is only one example of the far reaching impact of the dislocated Gaels and their descendents; a former Prime Minister of Canada dedicated the memorial to his great-grandfather, a resident forced from the hills of Kildonan in 1812-1813. [figure 28-29] Who among you cannot claim, or does not know someone who is of Celtic heritage? Highland Games and societies pervade foreign lands, especially the United States, New Zealand and Canada. Just sign up on Facebook for "Kearny's Scottish Market," located in New Jersey, and you will see Highland games across the northeast advertised weekly. A revitalization of the Cherokee and Gaelic languages in recent decades is only one characteristic of persistence these two cultures share. Monuments, powwows, Highland games, state and national parks, and continued oral tradition and collective memory ensure that Gaelic and Cherokee cultures will never be lost or forgotten, nor will the atrocities committed against these indigenous populations.



Fig. 14 – Dunrobin Castle. Golspie, Scotland



Fig. 15 – Gardens at Dunrobin



Fig. 16 – Harbor at Helmsdale



Fig. 17 – Kildonan ScotRail stop



Fig. 18 – River Helmsdale



Fig. 19 – Duke of Sutherland statue, Golspie, Scotland



Fig. 20 – Memorial to the Highland Clearances, “Emigrants.” Helmsdale, Scotland



Fig. 21 – A determined Gael looking out over the sea



Fig. 22 – A guiding hand



Fig. 23 – Mother and infant -- one last look back



Fig. 24 – Her last view



Fig. 25 – placard on the monument (in English)



Fig. 26 – Trail of Tears, Cape Girardeau, Missouri



Fig. 27 – Mississippi River



Fig. 28 – Memorial to George Bannerman of Kildonan



Fig. 29 – Hills of Kildonan

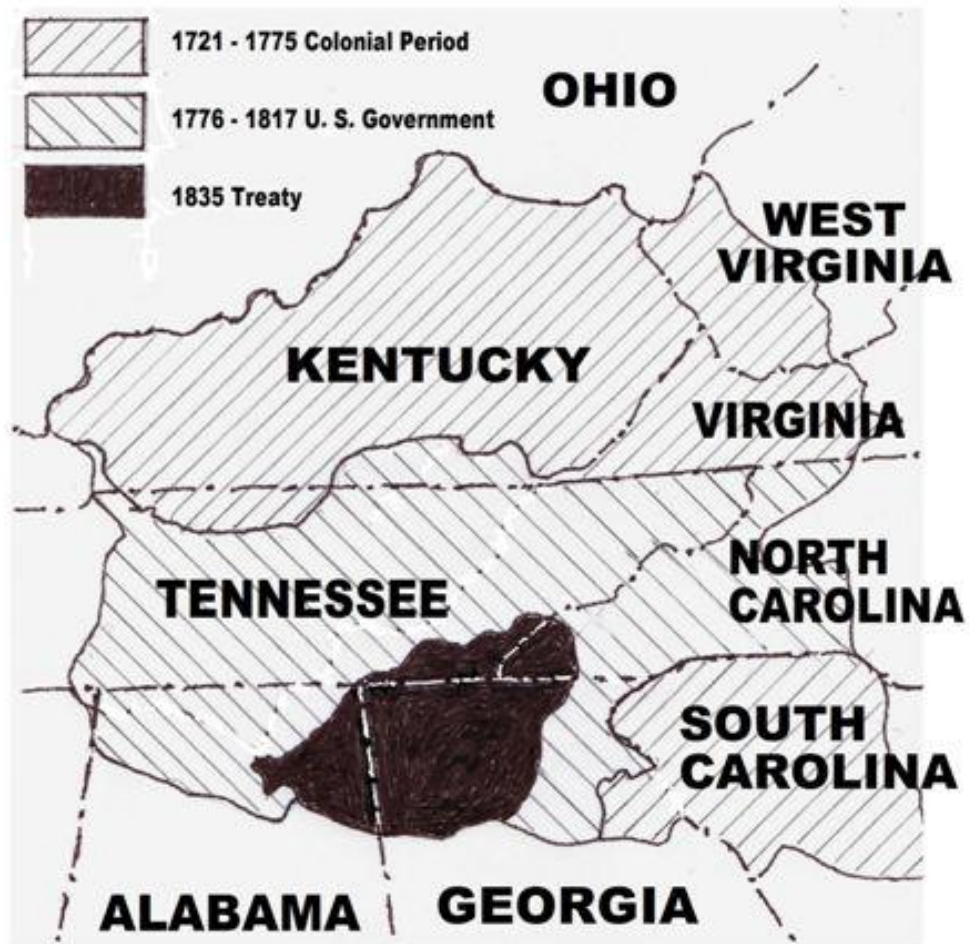


Figure 30 - Map showing Cherokee land cessions.
<http://www.cherokeeremoval.org/HISTORY.htm> Accessed 11/1/11



Figure 31 - Map of Sutherland parishes
<http://www.highlandroots.org/Genealogy/Genealogy-Images/Parish%20Map%20-%20Sutherland.png>
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