

Providence College

DigitalCommons@Providence

---

History & Classics Undergraduate Theses

History & Classics

---

Spring 2024

## Georgia's Deportation of the Creeks and Cherokees: A Prelude to the Trail of Tears

Sean Michael Ahearn II

Follow this and additional works at: [https://digitalcommons.providence.edu/history\\_undergrad\\_theses](https://digitalcommons.providence.edu/history_undergrad_theses)



Part of the [United States History Commons](#)

---

**Georgia's Deportation of the Creeks and Cherokees:**

**A Prelude to the Trail of Tears**

**By**

**Sean Michael Ahearn II**

**HIS 490 Honors Thesis**

**Department of History and Classics**

**Providence College**

**Spring 2024**



To my parents, who sent me through college and always pushed me to work to the best of my ability. And to my grandfather, Kevin Bradshaw, who taught me to never stop asking questions. I

hope I made you proud.

## Contents

Acknowledgements	v
<b>Introduction</b>	<b>1</b>
<b>Chapter 1: Creek Removal from Georgia: False Treaties and False Leaders</b>	<b>13</b>
Introduction	13
Prelude to Creek Deportation from Georgia: The Compact of 1802	16
The Upper and Lower Creeks	19
The First Treaty of Indian Springs	22
The Second Treaty of Indian Springs and the ‘Troup McIntosh Alliance’	26
The Third Treaty with the Creeks and Ultimate Removal from Georgia	31
<b>Chapter 2: The Expulsion of the Cherokees from Georgia:     Unification Efforts and Resistance</b>	<b>35</b>
Introduction	35
The Cherokees of Georgia	38
The Constitution of the Cherokee Nation and John Ross	40
The Legal Resistance of the Cherokees	44
The Treaty of New Echota: An End to Cherokee Lands in Georgia	47
<b>Conclusion</b>	<b>51</b>
<b>Bibliography</b>	<b>53</b>

## **Acknowledgements**

I would like to thank Dr. Ted Andrews of the Providence College History Department. Dr. Andrews was with me every step of the way for my research process. He was the professor who taught my thesis writing workshop and was my advisor. I am extremely grateful for his help, and his expertise in early American history was of tremendous help. Additionally, I would like to thank Dr. Smith, who brought the premise of writing a senior honors thesis to my attention, and Dr. Erginbas, who pushed me to become a better writer. Lastly, I would like to thank the History and Classics Department at Providence College for allowing me to undertake my research and write my thesis.

## Introduction

When presented with the term “Indian Removal,” many students, educators, and historians alike may think of the Trail of Tears and Andrew Jackson’s Indian Removal Act of 1830. Prior to the Trail of Tears, however, Native American tribes faced immense pressure to abandon their lands and move westward. The history of Indian Removal, specifically in Georgia, is far more complex than simply the Trail of Tears. It was a long, and often conflicting process which took more than three decades to complete. The US federal government introduced the concept of a total removal of the native population from the claimed lands of Georgia, via the Compact of 1802.<sup>1</sup> The actual process of Indian Removal in Georgia began to take form following the first Treaty of Indian Springs in 1821 and the second Treaty of Indian Springs in 1825, which state politicians aimed at drastically reducing the Creek Native Americans’ land within the state’s borders.

These removal efforts culminated on a national scale with the controversial Indian Removal Act of 1830, supported by President Andrew Jackson, which gave Georgia’s removal policies the backing of the executive branch of the federal government, and aligned the aims of the executive branch with those of state politicians. The final stages of Indian Removal in Georgia occurred with the Treaty of New Echota in 1835, which expelled the Cherokees from the state. By 1838, the last of the Cherokees were forcibly deported from Georgia, and the process of total Indian Removal within the state was completed. The two differing processes of Creek and Cherokee removal from Georgia took years to complete, and demonstrate that, contrary to popular belief, Indian Removal is not simply the Trail of Tears. Rather, Indian Removal took the

---

<sup>1</sup> George Lamplugh, "Yazoo Land Fraud," *New Georgia Encyclopedia*, last modified Jun 8, 2017. <https://www.georgiaencyclopedia.org/articles/history-archaeology/yazoo-land-fraud/>.

form of a series of complex processes that differed on a state by state basis, and even varied among the removal of different groups within each state. Georgia's forced removal of the Creeks and the Cherokees is indicative of the complexity of Indian Removal.

Primarily, two Native American tribes inhabited the lands that now consist of the state of Georgia. These were the Creeks and the Cherokees. The Creeks, also known as the Muscogee, were a group of Indigenous Americans who historically lived in most of present-day Georgia, although their territory went beyond Georgia's state borders, incorporating parts of modern day Mississippi, Alabama and parts of Northern Florida. The Creek tribes of Georgia were loosely organized amongst each other, and frequently clashed. British colonists and later Georgia state politicians took note of this, and further exacerbated the lack of unity among the Creeks. In addition to this loose organization, the Creeks were also divided and split geographically. The Creeks were either designated as "Upper Creeks" or "Lower Creeks," based off of their geographic location. The Lower Creeks inhabited the heartland of modern Georgia, with lands extending from present-day Savannah to the center of the state. The Upper Creeks lived mainly in the west of modern Georgia, along with portions of Alabama. In the 1810's the Upper and Lower Creeks engaged in violent conflict with one another, known as the Creek War, which lasted two years, and saw various Native American tribes in the American Southeast align with either the British or the United States. The Upper and Lower Creeks were thus pitted against one another, with the Lower Creeks who sided with the United States and the Upper Creeks who allied with Britain. The United States and the Lower Creeks ultimately defeated the Upper Creeks, who were forced to sell large portions of territory in present day Alabama and Mississippi to the United States federal government.



This division between Upper and Lower Creeks only intensified in the 1820's when removal efforts increased in Georgia. The Lower Creeks had a history of diplomacy with the United States. Interestingly, one prominent Lower Creek chief in the 1820's, William McIntosh, and the governor of Georgia, George Troup, were cousins. Not only were McIntosh and Troup cousins, but also political allies. McIntosh used his personal connections with his cousin, Governor Troup to increase his political standing, and became an unofficial leader for the Creeks, a leader who frequently met with federal and state officials to discuss land sales. Thus, the Lower Creeks, led by the unofficial leader McIntosh, entered into various treaties known as the Treaties of Indian Springs, which sold their land to the federal government and further to the state of Georgia in exchange for large amounts of money (much of which went to specific individuals such as McIntosh). I refer to this as the 'McIntosh Troup alliance,' and argue that this mutual political alliance benefitted both Chief McIntosh and Governor Troup. While McIntosh received money and land, Troup was able to complete his goal of total Creek removal from Georgia by the beginning of 1828.

The Cherokees, on the other hand, historically lived in northern Georgia and Alabama, along with the mountainous areas of southern Tennessee, and in limited areas of modern-day South Carolina. Seen by President Thomas Jefferson as a "civilized" tribe, many politicians, including Jefferson, envisioned a future in which the Cherokees would discard their former lifestyle and instead emulate the lives of southern, white planters. Jefferson offered a possible path to citizenship for the Cherokees. In a May 1808 speech to the Cherokee nation, Thomas Jefferson urged the Cherokees to "leave off hunting for your living, to lay off a farm for each family to itself, to live by industry, the men working that farm with their hands, raising stock or

learning trades as we do.”<sup>2</sup> Jefferson’s use of the term “as we do” is significant - it indicates that the former President perhaps wanted the Cherokees to live alongside whites, and live “as we do.”

Interestingly, the Cherokees quickly adopted the lifestyle of many white southerners. As scholar Lynn Hudson Parsons notes, “not only did the Cherokees take up farming, they took up the raising of livestock, the grinding of grain, and the manufacture of textiles.”<sup>3</sup> To add, similar to white southerners, some wealthy Cherokee landowners also owned slaves. Presented with removal, the Cherokees were quick to organize together, draft a national constitution, establish a government known as the Cherokee National Council, and set up a capital in New Echota. As opposed to the Creeks, the Cherokees were far more organized, mainly due to the strong guidance of the charismatic Chief John Ross, the leader of the Cherokee National Council, who fought against removal. The Cherokees also took legal efforts against Georgia’s incessant policies of Indian Removal, with two cases reaching the United States Supreme Court. Despite their various forms of resistance, the Treaty of New Echota in 1835 indicated an end to Cherokee lands in Georgia, and the last of the Cherokees left Georgia by the end of 1838.

Removal of Native Americans living in Georgia was conducted by the federal government and the state government of Georgia. On multiple occasions, Georgia’s efforts were impeded by the federal government. Some examples of this can be seen in John Quincy Adams’ rejection of the second Treaty of Indian Springs (1825) with the Creeks, and the judicial response of the Marshall Court over several of Georgia’s removal laws regarding the Cherokees. In particular, the administrations of John Quincy Adams and Andrew Jackson were especially important in context of removal. Since the administration of Thomas Jefferson, the federal

---

<sup>2</sup> Thomas Jefferson, “From Thomas Jefferson to Cherokee Nation, 4 May 1808,” *Founders Online*, National Archives, accessed February 12, 2024, <https://founders.archives.gov/documents/Jefferson/99-01-02-7956>.

<sup>3</sup> Lynn Hudson Parsons, “‘A Perpetual Harrow upon My Feelings’: John Quincy Adams and the American Indian,” *The New England Quarterly* 46, no. 3 (1973), 355, <https://doi.org/10.2307/364198>.

government and state government of Georgia had various treaties with the Creeks and Cherokees living in Georgian lands. While state governments were able to send delegates to be present in treaties among Native American groups and the federal government, it was ultimately the federal government which had the final say in these treaties. This frequently led to tensions between federal and state governments, and scholars such as Parsons and Hill take note of this. In order to accurately understanding Indian Removal in Georgia, and how it was both alike and different amongst Creeks and Cherokees, it is essential to examine these such treaties. They include but are not limited to the first Treaty of Indian Springs, the second Treaty of Indian Springs, the Third Treaty with the Creeks (1826) also known as the Treaty of Washington, and the Treaty of New Echota.

The aim of my research is to conduct a historical analysis of Georgia's removal of Creeks and Cherokees. In order to do so, I employ a variety of primary and secondary sources, although my research is heavily reliant on the use and analysis of primary sources. What many scholars of Indian Removal fail to do in the study of Creek and Cherokee Removal is to conduct an apt and thorough textual analysis of these aforementioned treaties which sold Native American land. In this sense, my research is largely unique. Initially, I focus on the "Articles of Agreement and Cession," later known as the Compact of 1802, which began the process for Indian Removal in Georgia. Later, I offer a textual analysis of the three treaties with the Creeks - the First Treaty of Indian Springs, the Second Treaty of Indian Springs, and the Treaty of Washington - which goes beyond the current historical discourse on Creek Removal. I highlight specific articles and passages from these treaties which were of the utmost significance in regard to Creek Removal. By understanding the process of Indian Removal in Georgia through a literal sense - that is a direct analysis of these such treaties which facilitated removal, a more clear understanding of the

distinct processes of removal of the Creeks and Cherokees comes to light. In order to conduct my textual analyses, I rely on archival research, primarily from the Library of Congress' archive collection, *US Statutes and Large*. By looking at Creek removal in Georgia through the lens of specific passages of treaties, my research offers a new way of approaching the historical problem of indigenous removal, specifically within Georgia. In approaching the topic of Georgia's Indian Removal through archival research and textual analysis, it can be shown that while Creek and Cherokee Removal were approached similarly and yielded almost identical outcomes, they were nonetheless two distinct processes. I also conduct a textual analysis of two US Supreme Court Cases concerning the Cherokees, *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832), and connect their impacts with the removal of the Cherokees from Georgia.

Other primary sources which are not treaties are also tremendously important for my research. For example, I examine a series of letters shared between Chief McIntosh and Governor Troup in the Spring of 1825, which indicate a mutual political alliance between the two. I use these letters in support of my 'Troup McIntosh Alliance' argument. Additionally, I explore laws made by the Georgia state government which targeted Indian Removal in the state, most notably the laws of 1829 and 1830, when the state of Georgia seized large portions of Cherokee land, and argue that this initiated the process of the forced removal of the Cherokees. I also focus on the writings of Cherokee leader John Ross, and documents from the Cherokee National Council, such as the Cherokee Constitution, all of which were written efforts designed at combatting the expulsion of the Cherokees from their lands in Georgia's borders. Ultimately, my research employs the use of a variety of primary sources, with a particular focus on the textual analysis of specific treaties. Since much of this research presents original ideas, it is necessary for it to be reliant on primary sources.

I also use several secondary sources for ancillary information, and to explore different historical arguments and perspectives. Some examples of secondary scholarship that I use include full length books, monographs and scholarly journal articles. The first secondary source which will be used for this research project is Paul Murray's article, "Party Organization in Georgia Politics 1825-1853," published in the *The Georgia Historical Quarterly* in 1945. This source was published almost 80 years ago, which deems it as rather old for a secondary source. Despite the age of Murray's article, it is perhaps the most detailed history of Georgia's governorship in the 1820's and the 1830's. Murray thoroughly details the term and campaign of George Troup. What is most impressive about this work is the details which Murray provides regarding the campaign of George Troup, and his historical arguments on how Georgia's Indian Removal was brought to national attention. Murray argues that Governor Troup won his campaign for reelection largely due to his "fiery correspondence which he carried on with officials of the United States government concerning the removal of the Creek Indians."<sup>4</sup> One of Murray's core arguments is that Governor Troup was successful in presenting Georgia's Indian Removal policies on a national-scale. He explains that supporters of Troup made their way into federal offices, stating that "the friends of Troup, on the other hand, staged an aggressive campaign and won overwhelming victories for their nominees for Congress and the Electoral College."<sup>5</sup> Murray details how Troup's intense, pro-removal rhetoric, paired with an infiltration of federal offices by Troup's cronies, allowed for Georgia's Indian Removal efforts to be brought to national attention.

---

<sup>4</sup> Paul Murray, "Party Organization in Georgia Politics 1825-1853," *The Georgia Historical Quarterly* 29, no. 4 (1945), 195, <http://www.jstor.org/stable/40576991>.

<sup>5</sup> Murray, "Party Organization in Georgia," 196.

Another useful secondary source is Lynn Hudson Parsons' "'A Perpetual Harrow upon My Feelings': John Quincy Adams and the American Indian." This article, which was published in *The New England Quarterly* in 1973, goes into vivid detail surrounding John Quincy Adams' dealings with Native Americans throughout his political career. While Parsons does not have a high level of analysis surrounding removal, her description of the struggle that arose between the presidency and the state government of Georgia over Indian Removal is extremely useful for the purposes of my research. Specifically, Parsons pays close attention to the struggle that arose from John Quincy Adams' rejection of the second Treaty of Indian Springs. One question that some may have regarding the executive rejection of the second Treaty of Indian Springs is, why did John Quincy Adams vehemently oppose it to such a large extent? Parsons provides a very interesting and valid answer. She concludes that, John Quincy Adams, "whose constitutional nationalism was more thoroughgoing than that of any other nineteenth-century President, the fact that the integrity of the federal government now was closely tied to the protection of the Indians," caused him to oppose Troup and his second Treaty of Indian Springs. Parsons' argument is rather interesting and shows an evolution in the scholarship, as the author indicates a federal and state struggle over Georgia's Indian Removal policies.<sup>6</sup>

Perhaps the most influential work in the study of the removal of the Creeks is Michael D. Green's 1982 book, *The Politics of Indian Removal: Creek Government and Society in Crisis*. Green pays particularly close attention to Georgia's removal of the Creeks, and provides his own historical arguments on the second Treaty of Indian Springs. He offers several interesting and valid points surrounding Creek removal, and also analyzes some letters exchanged between Troup and McIntosh. However, it appears that Green is too sympathetic to Lower Creek Chief

---

<sup>6</sup> Parsons, "'A Perpetual Harrow upon My Feelings'" 353.

William McIntosh. Further, Green overlooks the mutual alliance between Troup and McIntosh, and indicates that McIntosh was dependent on Troup, when this was not the case. Specifically, when writing of the second Treaty of Indian Springs, Green writes that Governor George Troup “deceived McIntosh, his cousin.”<sup>7</sup> Is it a fair assessment to say that McIntosh was deceived, when in numerous dealings with the state government of Georgia and the federal government, he experienced large personal financial gains? Despite my own disagreements with Green’s arguments, his work is perhaps the most detailed account of Creek removal from Georgia. My research incorporates some of Green’s work for necessary background information, but more importantly assesses his historical arguments, and addresses how they fit into the current historical discourse on the subject of Creek Removal.

Another useful secondary source is Sarah H. Hill’s article, “‘To Overawe the Indians and Give Confidence to the Whites:’ Preparations for the Removal of the Cherokee Nation from Georgia.” This article, published far more recently than the previous two sources, was published in the *The Georgia Historical Quarterly* in 2011. Hill begins her work following the signing of the Treaty of New Echota, which, on paper, finalized the removal of Cherokees from Georgia. She describes this total removal in thorough detail, in addition to accurately recounting it under the second term of Georgia governor George Gilmer. Like previous scholars before her, Hill also takes note of a federal versus state struggle, but in a different context than in the sources of Paul Murray and Lynn Hudson Parsons. Hill describes a conflict that arose during the actual process of removal. In short, the federal government sent federal agents to assist in the removal of the Cherokees. But, according to Hill Georgia wanted state officials to do so, without help from the federal government. Hill argues that the federal government complied with Georgia’s wishes,

---

<sup>7</sup> Michael D. Green *The Politics of Indian Removal: Creek Government and Society in Crisis* (Lincoln, Nebraska: University of Nebraska Press, 1982; Reprint, Lincoln, Nebraska: University of Nebraska Press, 2018), 86.

further stating that “the federal government's capitulation to Georgia's demands underscores its eagerness to avoid a confrontation over states rights’.”<sup>8</sup> Similar to other scholars before her, Hill also notices a conflict over states’ rights. This source is useful in a comparison of the removal of the Creeks from Georgia and the removal of the Cherokees from Georgia.

Theda Perdue and Michael Green’s 2016 book, *The Cherokee Removal: A Brief History with Documents* is an incredibly useful secondary source for the purposes of this research. Perdue and Green’s book is, for the most part, a collection of primary sources. Some of these primary sources are used for the purposes of my research. *The Cherokee Removal*, however, also serves as a valid piece of scholarship. Perdue and Green provide helpful annotations and commentary, explaining important background information and historical context for these primary sources. The authors’ commentary describing the Supreme Court case *Worcester v. Georgia* (1832) and their explanation of the anti-Cherokee laws passed by the Georgia State Assembly, prove to be extremely helpful in further understanding various primary sources. Similar to Hill, Perdue and Green focus solely on Cherokee removal from Georgia in their work, as the title suggests. Ultimately, the commentary that Perdue and Green provide allows for an easier conceptualization of some crucial primary sources.

The most recent secondary source which I use for my research is Claudio Saunt’s 2021 book, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*. The scope of Saunt’s research is centered solely in Georgia around the topic of Indian Removal. Similar to Green, Saunt also discusses the context of Creek Removal in Georgia. In terms of early removal efforts in Georgia, Saunt asserts that “Cherokee politicians successfully

---

<sup>8</sup> Sarah H. Hill, “‘To Overawe the Indians and Give Confidence to the Whites:’ Preparations for the Removal of the Cherokee Nation from Georgia,” *The Georgia Historical Quarterly* 95, no. 4 (2011), 486. <http://www.jstor.org/stable/23621655>.



outmaneuvered Troup, but the Creek nation proved to be more vulnerable, in part because of the dealings of an influential but dishonest Creek leader, William McIntosh.”<sup>9</sup> This is also of importance because Saunt makes a clear distinction with how the Creeks approached the policies of Governor Troup as opposed to the Cherokee approach. Similar to Parsons, Saunt also acknowledges that the Second Treaty of Indian Springs caused a “fiery political confrontation,” between the presidential administration of John Quincy Adams and the governor administration of George Troup.<sup>10</sup> Ultimately, Saunt asserts that “the state-sponsored, systematic expulsion of indigenous families would not have occurred without a law, passed by Congress and implemented by the executive branch.”<sup>11</sup> This indicates a shift in the scholarship of Indian Removal. Many scholars such as Paul Murray, assert that Indian Removal in Georgia was intertwined with the concept of states’ rights. Scholars like Parsons and Hill mention a struggle between the federal government and the state government of Georgia, and make it out to seem like the state of Georgia ultimately “won” this struggle. Saunt seems to challenge this notion. While the state government of Georgia accomplished their goals of removal, Saunt argues that process was instead facilitated by the federal government, and not the state government. This is extremely important when the Treaties of Indian Springs, the Treaty of Washington, and the Treaty of New Echota are taken into consideration.

Indian Removal in Georgia is something that has been written about extensively for years. For scholars who wish to undertake research projects on this topic, this is both a blessing and a curse. Thus, it is necessary to propose a series of original research questions. Firstly, why did the removal of Cherokees from Georgia take place almost 8 years after the Creeks? Further,

---

<sup>9</sup> Claudio Saunt, *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory* (New York, New York: W.W. Norton & Company, Inc., 2021), 35.

<sup>10</sup> Saunt, *Unworthy Republic*, 35.

<sup>11</sup> Saunt, *Unworthy Republic*, 30.

how were the Creeks and Cherokees dealt with in different manners by the federal government and the state government of Georgia? Lastly, what were the reasons for the differences in the manner in which the Creeks were removed from Georgia as opposed to the way Cherokee removal occurred? Through an analysis of several treaties and other primary sources, it becomes clear that the geographic position of the Cherokees, along with unified leadership and legal resistance caused a long, drawn out, process of removal, whereas a lack of unity by the Creeks paired with the 'McIntosh Troup Alliance' led to a swift and quick removal of the Creeks.

I propose to suggest that Indian Removal is not as monolithic as it may initially seem, and use Georgia's forced removal of the Cherokees and the Creeks as an example. Just as the process of Indian Removal varied state by state, it also varied within each state, which can be seen by the different processes of removal of the Creeks and the Cherokees. Further, the process of removal in Georgia saw the Creeks and the Cherokees dealt with in differing ways by both the federal government and the state government of Georgia. While the Creeks were removed through various federal treaties, the Cherokees instead faced intense levels of trespassing and discriminatory laws that, piece by piece, lessened their amount of land, until they were ultimately removed with the Treaty of New Echota. I argue that the difference between the ways and which the Creeks and Cherokees were removed is largely attributed to four reasons. These are the lack of unity of the Creeks, indicated by the Lower Creeks' fellowship and partial alliance with the United States, the 'McIntosh-Troup Alliance', the leadership of John Ross of the Cherokee National Council and the legal resistance of the Cherokees.

## Chapter 1

### Creek Removal from Georgia: False Treaties and False Leaders

#### Introduction

As the frosts of March faded to the rainy days of April of 1825 in Georgia's heartlands, the self-proclaimed leader of the Creeks, William McIntosh, faced imminent danger. McIntosh undoubtedly held reasonable fears that there were those who wanted to see him dead. Four years earlier, in 1821, McIntosh led a party of several Creek chiefs who entered into an agreement with the United States federal government. Later known as the First Treaty of Indian Springs, this agreement saw the Creeks lose large portions of their land in central and northern Georgia. McIntosh, however, experienced great personal gain, and was entrusted to a large plantation for his sole use.

To make matters worse, McIntosh's new plantation was inside these lands which he sold to the federal government to be given to the state of Georgia. While his fellow Creeks were required by the stipulations of the treaty to immediately abandon their land, McIntosh, himself, was permitted to stay on his personal plantation. This immediately led to divisions within the Creeks and further intensified the polarization of the Upper and Lower Creeks - two geographically separated factions of the same tribe, who frequently clashed with one another. In February of 1825, McIntosh again led a party of a few Lower Creeks into a treaty with the federal government. Known as the Second Treaty of Indian Springs, this treaty not only caused much division amongst the Creeks, but also led to a struggle between the federal government and the state of Georgia. The second of the two treaties also led to McIntosh's personal gain, as the

illegitimate chief was recognized by the US federal government as the leader of the Creeks. In a series of panicked letters to his cousin, Governor of Georgia George M. Troup, McIntosh admitted “there will be hostility with us [the Creeks of Georgia],” and asked for Troup’s protection.<sup>12</sup> This protection, however, would mean virtually nothing. The second that McIntosh sold away Creek lands, he was as good as dead.

McIntosh’s actions were not only a catalyst for his own demise, as he was murdered by a group of his fellow Lower Creeks in 1825, but also for the complete and systematic removal of Georgia’s indigenous Creek population. McIntosh’s unpopular decisions, along with a series of treaties in the 1820’s, furthered contributed to the expulsion of the Creeks from their lands within Georgia. For selling out Creek lands in Georgia, McIntosh was brutally assassinated. On April 25, 1825, jut about two months after the Second Treaty of Indian Springs, an angry group of armed Creeks “surrounded his plantation house on the Chattahoochee River, set it afire, and shot him dead as he emerged from the flames.”<sup>13</sup> Despite McIntosh’s death, the future of Creek lands in Georgia seemed grim.

A major factor in the removal of Georgia’s Creeks was the series of treaties which are now known by historians as the Treaties of Indian Springs. While many historians incorrectly refer to Indian Springs as one individual treaty, these were actually a series of three treaties made between the U.S. federal government and a small, select group of Lower Creek Chiefs, which was headed by McIntosh. The First Treaty with the Creeks (1821), also known as the First Treaty of Indian Springs, was signed in 1821 and gave large portions of Creek lands to Georgia. The Second Treaty with the Creeks (1825), also known as the Second Treaty of Indian Springs, was

---

<sup>12</sup> William McIntosh to George M. Troup, March 29, 1825, in *Digital Library of Georgia: Sharing Georgia’s History and Culture Online*, ed. the University of Georgia University Libraries, [https://dlg.usg.edu/record/dlg\\_zlna\\_tcc182?canvas=0&x=1092&y=1838&w=10756](https://dlg.usg.edu/record/dlg_zlna_tcc182?canvas=0&x=1092&y=1838&w=10756).

<sup>13</sup> Saunt, *Unworthy Republic*, 35.

signed in 1825. This treaty, as some scholars point out, was largely controversial, and led to a federal-state struggle between the presidential administration of John Quincy Adams, and the Georgia state government.<sup>14</sup> A Third Treaty with the Creeks (1826) was later signed, which became known as the Treaty of Washington. This final treaty, negotiated between the United States federal government and the Creeks of Georgia effectively solidified complete removal from the state.<sup>15</sup>

The removal of the Creeks from the state of Georgia was a long, complicated, and systematic ordeal that cannot be simply attributed to one sole reason. Chief William McIntosh's actions certainly helped speed up the plans of Georgia's state officials, but his authorization of indigenous land sales are not the only factor behind the deportation of the Creeks. Thus, it is necessary to take into account all the possible reasons, causes, and factors that contributed to Creek removal in Georgia. Although some historians have explored this topic, there is much confusion and disagreement amongst contemporary scholarship. What most, if not all modern scholars who study this forced deportation fail to do is conduct a thorough textual analysis of the treaties and legislation that actually facilitated this affair. Michael D. Green, perhaps the most prominent scholar in the study of Creek removal, provides a plethora of useful information in his work, *The Politics of Indian Removal: Creek Government and Society in Crisis*. Additionally, more recent scholarship, such as Claudio Saunt's *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*, emphasizes Creek removal specifically in Georgia. Saunt and Green, although leaders in this topic of interest, do not offer a comparative analysis of the treaties made between the Creeks and the United States government. In order to

---

<sup>14</sup> “‘A Perpetual Harrow upon My Feelings’: John Quincy Adams and the American Indian,” 355.

<sup>15</sup> For more on this conflict which arose from the Treaty of Washington, see Richard J. Hryniewicki, “The Creek Treaty of Washington, 1826,” *The Georgia Historical Quarterly* 48, no. 4 (1964): 425–41.

accurately understand why and how Creek removal in Georgia transpired, it is necessary to closely examine the two Treaties of Indian Springs, and the Third Treaty with the Creeks (1826).

These aforementioned treaties alone provide invaluable insight into the process of Creek removal from Georgia, but so do earlier treaties brokered by the federal government, most notably, the Compact of 1802. Additionally, the personal letters of McIntosh shed some light on Creek removal. In order to adequately understand the removal of the Creeks from Georgia, it is necessary to take into account all of these primary sources, as well as an analysis of the current historical discourse on the subject - and any contradictions these secondary works may raise. Creek removal in Georgia in the 1820s was a distinct process both separate to Indian Removal on a national scale, and separate from the forced removal of other Indigenous peoples within the state of Georgia, such as the Cherokees. Most importantly, a comparative analysis of federal treaties, combined with the letters of William McIntosh, reveal that the removal of Creeks from Georgia was a unique historical process that was largely shaped by federal promises in the Compact of 1802, interference from the executive branch of the federal government in the Second Treaty of Indian Springs, and the development of the 'Troup-McIntosh Alliance.'

### **Prelude to Creek Deportation from Georgia: The Compact of 1802**

Creek removal from Georgia cannot be solely attributed to the irresponsible actions of William McIntosh. The origins of this mass deportation can be traced back to the first years of the 19th century. Following the American Revolution, in the late 1700s, Georgia was swindled out of much of their claimed land. Georgia's land claims to the west were already controversial, as it coincided with much of the land of the Upper Creeks. The state loosely possessed huge swaths of land in the American Southeast, known as the Yazoo. In 1795, Georgia sold this land,

“35 million acres in present-day Alabama and Mississippi to four companies for \$500,000,” which is roughly \$12 million in the present day.<sup>16</sup> These four companies, the Georgia Company, the Georgia Mississippi Company, Upper Mississippi Company, and the Tennessee Company jumped at the chance to buy so much land at such a small price.<sup>17</sup> Additionally, each of these companies bought land located either on the Mississippi River, or its tributaries, which would serve as valuable trading ports and centers of commerce. A major problem with this transaction, however, was that Georgia’s politicians drastically undervalued the price of this land. State politicians and lawmakers in Georgia were quick to reject this land sale, and took this up with the federal government.

Much to the delight of Georgian politicians, President Thomas Jefferson readily came to their aid. In 1802, the Articles of Agreement and Cession of Georgia’s Western Lands, later known by historians as the Compact of 1802, issued a federal promise of total removal of Native Americans from Georgia’s lands, so long as the state of Georgia relinquished their claims to the Yazoo Lands. Despite losing a significantly large portion of claimed land, Georgia’s politicians were eager to accept Jefferson’s proposition, as it promised to completely rid the Native American population from within Georgia’s borders. President Jefferson acknowledged this on an April 26th, 1802 letter to Congress, where he remarked “articles of agreement and cession have accordingly been entered into and signed by the said Commissioners of the US and of Georgia.”<sup>18</sup>

---

<sup>16</sup> George Lamplugh, “Yazoo Land Fraud,” *New Georgia Encyclopedia*, last modified Jun 8, 2017, <https://www.georgiaencyclopedia.org/articles/history-archaeology/yazoo-land-fraud/>.

<sup>17</sup> Lamplugh, “Yazoo Land Fraud.”

<sup>18</sup> Thomas Jefferson to the Senate and the House of Representatives, April 26, 1802, *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/01-37-02-0271>.

This agreement “transferred the land and the Yazoo Land claims to the federal government. The United States paid Georgia \$1.25 million.”<sup>19</sup> Georgia no longer held claim to these lands, and the federal compensation which the state received still did not aptly meet the value of the total land which Georgia lost. However, the Compact of 1802 established the foundation for the removal of the Creeks, and placed the duty of Creek removal not in the hands of the state of Georgia, but rather in the control of the United States federal government. The text of the Compact of 1802 states, “fourthly - that the United States shall, at their own expense, extinguish, for the use of Georgia, as the same can be practicably obtained on reasonable terms, the Indian title to the Country.”<sup>20</sup> While the Compact of 1802 was signed almost 20 years before the federal government’s first formal treaties with the Creeks, this laid the foundation for Creek removal from the state, and placed this process in federal hands. Although Georgia was still not adequately compensated for their loss of land, the reason that Georgia’s politicians were so eager to accept the Articles of Agreement and Cession of 1802 was because of this federal promise of Indian Removal. Despite Georgia’s boundaries now much smaller, than before the Compact of 1802 gave Georgia’s politicians hope for eradicating the state’s lands of its indigenous population.

Some scholars assert that the Compact of 1802 directly influenced state removal policies and legislation. George Lamplugh, in his article, “Yazoo Land Fraud,” suggests that the Compact of 1802 directly influenced Georgia’s policies of the 1820s concerning Creek Removal. Lamplugh asserts, “anger over this matter fueled the development of the states’ rights philosophy, for which Georgia’s leaders became notorious in the 1820s and 1830s as they

---

<sup>19</sup> Lamplugh, “Yazoo Land Fraud.”

<sup>20</sup> United States. “Articles of Agreement and Cession Regarding Georgia’s Western Lands, 1802,” Governor’s Subject Files, Executive Dept., Governor, RG 1-1-5, Georgia Archives, <https://vault.georgiaarchives.org/digital/collection/adhoc/id/417>



continually prodded the United States to complete the process of Indian Removal.”<sup>21</sup> The Compact of 1802, as previously mentioned, solidified that the federal government would facilitate removal, and not the state government. However, the United States federal government, still in its adolescent stage, was concerned with other national and international conflicts - chiefly the War of 1812. Indian Removal in Georgia was not largely a national issue, or even a significant state issue for that matter, until the 1820s, as the United States was dealing with several crises, most notably the War of 1812. While the federal government seemingly appeared to ‘forget’ about its promises to Georgia via the Compact of 1802, Georgia’s politicians, however, did not. Lamplugh’s assertion on the political implications of the Compact of 1802 is tremendously important, and can be seen in the governorship of George M. Troup in the 1820s. As the US federal government lagged behind in their promises of Indian Removal from Georgia, Georgia’s politicians grew frustrated. Two decades later, an ambitious and charismatic senator, George Troup, won Georgia’s gubernatorial election in 1823, and dedicated his term in office to ridding Georgia of its indigenous Creek population. Prior to Troup’s election victory, the future of the Creeks in Georgia remained in question

### **The Upper and Lower Creeks**

The Creeks inhabited the heartlands of Georgia for centuries. Their lands, however, extended beyond these boundaries, and parts of modern day Alabama, Mississippi and Northern Florida. Despite their long and historic inhabitation of the state of Georgia, the Creeks were largely a divided people. Unlike the Cherokees, which will later be discussed in chapter two, the Creeks were separated geographically. Those residing in northern Georgia, close to the Piedmont

---

<sup>21</sup> Lamplugh, “Yazoo Land Fraud.”

Mountains, as well as those to the west in Alabama and Mississippi were called the Upper Creeks. Those in the forests and swamps of much of present day Georgia were thus called the Lower Creeks. Prior to the arrival of white Europeans to the Americas, there was little tension between the Upper and Lower Creeks, as they were virtually separated along natural geographical boundaries. Following the American Revolution, and the birth of the United States as a nation, the Creeks lived in lands which were said to belong to the state of Georgia. As a result of this, the Upper and Lower Creeks came into increasingly greater contact with one another, and with the state government of Georgia and the federal government of the United States. While the Lower Creeks more warmly embraced discussion and discourse with the United States, the Upper Creeks were far more distrustful in dealing with who they viewed as foreign invaders.

The divisions and tension between the Upper and Lower Creeks were further exacerbated by the Creek War, a year long war between various groups of Indigenous Americans, which took place from 1813 to 1814. While this war can be written about extensively, it is, for the most part, outside of the intended scope of research for the topic of Creek removal. It is still nonetheless necessary to briefly examine and analyze the historical context surrounding the Creek War, and the implications it had on Creek Removal. The Creek War saw the Creeks again divided - the Lower Creeks sided with the United States and fought against the Upper Creeks. The Lower Creeks were labeled as a peaceful group, and referred to by the US as the “White Sticks,” while the Upper Creeks were seen as savage, barbaric, and murderous, thus called the “Red Sticks.”<sup>22</sup> To simplify the Creek War, the Upper Creeks were the ‘losers’ - although both the Upper and

---

<sup>22</sup> For more on the Creek War, and its results, see Michael D. Green *The Politics of Indian Removal: Creek Government and Society in Crisis*. (Lincoln, Nebraska: University of Nebraska Press, 1982; Reprint, Lincoln, Nebraska: University of Nebraska Press, 2018), 42-43.

Lower Creeks suffered as a result. This further brewed resentment between Upper and Lower Creeks.

As scholar Michael D. Green notes, the Creek War saw William McIntosh of the Lower Creeks fighting along side US federal troops. This was the beginning of McIntosh's interactions with the US federal government and various state governments. It also saw McIntosh temporarily benefit financially from his support to the United States, and temporarily increased his position amongst the Lower Creeks, until his assassination in April of 1825.<sup>23</sup> It can be argued that the Creek War began McIntosh's cooperation with federal and state governments - a cooperation which worked to personally benefit McIntosh, while simultaneously speeding up the process of the removal of Georgia's native Creeks. While some scholars hold differing interpretations regarding the character of William McIntosh, the Lower Creek chief soon became a pivotal ally to Georgia state officials in the removal of the Creeks from Georgia's borders. His actions in the two Treaties of Indian Springs indicates how McIntosh contributed to the demise of his own peoples' claims to their ancestral homeland.

But who was William McIntosh? And why was he so controversial? William McIntosh was born in 1778, of mixed descent, explaining his familial relationship to the white Governor Troup. McIntosh's mother was a Lower Creek woman and his father was either a British or a Scottish soldier (various scholars provide differing accounts). According to Andrew K. Frank, who wrote a descriptive biography on McIntosh, argues that McIntosh was able to "live in two worlds simultaneously," because of his status as mixed-race.<sup>24</sup> McIntosh was highly educated and lived much like a white southerner would at the time. Frank notes that McIntosh, "participated in

---

<sup>23</sup> Green, *The Politics of Indian Removal*, 42.

<sup>24</sup> Andrew K. Frank, "The Rise and Fall of William McIntosh: Authority and Identity on the Early American Frontier." *The Georgia Historical Quarterly* 86, no. 1 (2002): 25.

the marketplace, spoke English, owned slaves, herded cattle, and consistently proved his loyalty to the United States”<sup>25</sup> Although McIntosh’s lifestyle and physical appearance resembled those of white southerners, the way in which he dressed was much like the Creek chiefs of the time, with a typical Creek feathered headdress. McIntosh’s time serving alongside the US military helped increase his wealth and status, which gave way to his rise in political power amongst the Lower Creeks. McIntosh’s actions in the First and Second Treaties of Indian Springs, however, caused his own assassination and an end to Creek lands in Georgia.

### **The First Treaty of Indian Springs**

The First Treaty with the Creeks, signed in 1821, indicated Georgia’s growing frustration with the federal government’s promise of complete Indian removal, some twenty years prior. Although the power of Indian removal from Georgia was vested in the federal government, as outlined by the Compact of 1802, the state pestered the federal government to take action. In 1821, a group of federal officials, led by Commissioner David Meriwether, met with several Lower Creek chiefs. It should be noted that Meriwether was a citizen of Georgia. In addition, in the Articles of the Agreement of the Treaty, the supposed ‘federal commissioners’ who represented the United States federal government, were actually “appointed by the Governor of the state of Georgia,”<sup>26</sup> which suggests that perhaps Georgia’s politicians had more influence on Creek removal than previously thought. The Creek side of the meeting consisted of McIntosh, who spoke as if he was representative of all Creeks, and then 25 other Lower Creek chiefs. The First Treaty of Indian Springs, also known formally as the Treaty with the Creeks (1821) is largely overlooked in secondary scholarship, because it does not fit into a common historical

---

<sup>25</sup> Frank, “The Rise and Fall of William McIntosh,” 23.

<sup>26</sup> Treaty with the Creeks 1821, US-Creek Nation, January 8, 1821, *US Statutes at Large* 7, 217.

narrative which some scholars present. Many scholars highlight the “Treaty of Indian Springs” but solely examine the Second Treaty of Indian Springs, from 1825, because it effectively solidified Creek removal from Georgia. The first of these such treaties, however, is of great significance in the historical study of the removal of Georgia’s Creeks because, through this treaty, McIntosh himself authorized the sale of historic Creek lands in central Georgia.

On January 8, 1821, McIntosh and 25 other Lower Creeks met with federal officials headed by Meriwether. In this treaty, the Creeks gave away most, but not all of their land in Georgia. The specific terms of the treaty were declared by the federal officials, who effectively redrew the borders of Creek lands. Article I of the treaty states as follows:

The Chiefs, Head Men, and Warriors, of the Creek Nation, in behalf of the said nation, do, by these presents, cede to the United States all that tract or parcel of land, situate, lying, and being, east of the following bounds and limits, viz: Beginning on the east bank of Flint river, where Jackson's line crosses, running thence, up the eastern bank of the same, along the water's edge, to the head of the principal western branch; from thence, the nearest and a direct line, to the Chatahooche river, up the eastern bank of the said river, along the water's edge, to the shallow Ford, where the present boundary line between the state of Georgia and the Creek nation touches the said river.<sup>27</sup>

This stipulation located in Article I of the Treaty with the Creeks (1821) contains a cession of Creek lands, further minimizing their territory. Despite these land cessions to the United States federal government, the First Treaty of Indian Springs contained no plans for the removal of the Creeks. This raises some rather important questions - where were these now displaced Creeks expected to go? When would the federal government remove them? And where would they be removed to? All of these questions go unanswered in the First Treaty of Indian Springs.

Instead of outlining their impending removal, the only way in which the First Treaty of Indian Springs even remotely addressed the future of Georgia’s Creeks was through financial

---

<sup>27</sup> Treaty with the Creeks 1821, 215.

compensation. Article IV of the treaty states that the Creeks were entitled to various forms of compensation and financial aid from the United States federal government. Albeit confusing, and with many accompanied terms and conditions, Article IV of the Treaty with the Creeks (1821) affirms that the Creeks were entitled to “fourteen payments in fourteen successive years, without interest, in money or goods and implements of husbandry, at the option of the Creek nation.”<sup>28</sup> The federal government also affirmed that they would pay the state of Georgia. These payments related to “claims of the citizens of Georgia against the Creek nation, for property taken or destroyed prior to the act of Congress of one thousand eight hundred and two, regulating the intercourse with the Indian tribes.”<sup>29</sup> In this passage from Article IV, the treaty references the “the act of Congress of one thousand eight hundred and two,” or the Compact of 1802. This reaffirms the notion that the Compact of 1802 significantly impacted Creek removal from Georgia, as its purpose was “regulating the intercourse with the Indian tribes.” As previously noted, the Compact of 1802 placed the duty of Creek removal from Georgia in the hands of the federal government. Thus, the federal government’s promises to Georgia in 1802 were now coming to fruition.

What is perhaps most significant of the First Treaty of Indian Springs is that it contributed to the immense personal and financial gain of William McIntosh. The federal officials who engaged in this treaty dealt with McIntosh as if he were the leader of the entirety of the Creeks. Meriwether, a citizen of Georgia, would most certainly have known somewhat about the Upper and Lower Creek divisions, and of McIntosh’s lineage as a Lower Creek. This was overlooked, however, and McIntosh was seen as speaking “in behalf of the said nation.”<sup>30</sup> This

---

<sup>28</sup> Treaty with the Creeks 1821, 216.

<sup>29</sup> Treaty with the Creeks 1821, 216.

<sup>30</sup> Treaty with the Creeks 1821, 215.

proved to largely work to the benefit of McIntosh. While he agreed to sell all Creek lands east of the Chattahoochee River, McIntosh was one of the select few Creeks allowed to remain in these historic Creek lands. Further, he was given an enormous plot of land for his own personal use. This was not a subsection to an article of the treaty, nor was it briefly mentioned. McIntosh's personal gain from the Treaty of Indian Springs was explicitly outlined in the very first article of the First Treaty of Indian Springs. Article I of the aforementioned treaty declared, "six hundred and forty acres on the western bank of the Oakmulgee River, so as to include the improvements at present in the possession of the Indian Chief General M'Intosh."<sup>31</sup> This was a slap in the face to the Creeks. Not only were their lands sold, but McIntosh, who did not have the power to sell these lands, experienced personal benefit from the First Treaty of Indian Springs.

The Treaty with the Creeks (1821), or the First Treaty of Indian Springs, had significant impacts on the history of Creek removal in the state of Georgia in the 1820s. Firstly, it entirely disposed of Creek land claims in much of southern and central Georgia. Secondly, it showed McIntosh's large personal gain, and his willingness to cooperate with the federal government. McIntosh's cooperation with the federal government would prove to be even more detrimental to the Creeks of Georgia with the Second Treaty of Indian Springs, four years later. The First Treaty of Indian Springs also highly politicized the removal of Creeks from Georgia. Perhaps the most important politician in regard to Creek removal from Georgia was Governor George M. Troup, who served two terms from 1823 to 1827. Troup politically benefitted from Creek removal. According to scholar Paul Murray, Troup found political success via "the fiery correspondence which he carried on with officials of the United States government concerning the removal of the Creek Indians."<sup>32</sup> Other scholars also take note on how Creek removal was a highly politicized

---

<sup>31</sup> Treaty with the Creeks 1821, 215.

<sup>32</sup> Murray, "Party Organization in Georgia Politics 1825-1853," 195.

issue within Georgia. Claudio Saunt mentions how the 1825 governor race in Georgia was basically “a contest over which candidate hated Indians the most.”<sup>33</sup> With this being said, Governor George Troup emerged as the figurehead for Indian Removal in Georgia, and would soon find a strategic political ally in William McIntosh.

### **The Second Treaty of Indian Springs and the ‘Troup-McIntosh Alliance’**

Following the First Treaty of Indian Springs, the Creeks lost almost half of their land in central Georgia. The Treaty with the Creeks (1825), or the Second Treaty of Indian Springs further increased support for Troup, and once again, saw McIntosh’s cooperation with federal and state officials result in his own, personal benefit. While this treaty was not federally ratified, its terms hold large significance for Creek removal in Georgia. Article I of the treaty proposed that the Creeks were to “cede to the United States all the lands lying within the boundaries of the State of Georgia.”<sup>34</sup> This treaty further called for a complete and total removal of all Creek people residing in Georgia’s borders. The federal government had plans in this treaty to financially compensate the Creeks, along with providing them with land, “like quantity, acre for acre, westward of the Mississippi, on the Arkansas river.”<sup>35</sup> The federal government also agreed to annual financial installments, and promised to provide wagons and blacksmiths to the Creeks along their journey of forced departure. As with the First Treaty of Indian Springs four years prior, McIntosh once again led the Creek group which dealt with the federal government. And, as with the previous treaty, McIntosh also personally benefited while his people suffered the

---

<sup>33</sup> Saunt, “The White People of Georgia,” 66.

<sup>34</sup> Treaty with the Creeks 1825, US-Creek Nation, February 12, 1825, *US Statutes at Large* vol. 7, 237.

<sup>35</sup> Treaty with the Creeks, 1825, 237.



consequences. Along with McIntosh, there were six accompanied Lower Creek chiefs. In the conclusion of the Second Treaty of Indian Springs, these chiefs asserted “we, the undersigned chiefs and head men of the Creek nation, do hereby agree to relinquish all the right, title, and control of the Creek nation to the said reserve, unto him the said William M'Intosh and his heirs, forever, in as full and ample a manner as we are authorized to do.”<sup>36</sup> Not only did the Second Treaty of Indian Springs propose to rid Georgia entirely of its indigenous population, but also seemingly gave full power of the remaining Creek lands to William McIntosh, power that he did not truly have.

William McIntosh and George Troup, as known by many, held a familial connection - they were cousins. This historical fact presents itself in much of the secondary scholarship concerning Creek removal. However, this familial connection is largely overlooked by scholars, and its importance is frequently downplayed. Both, McIntosh and Troup, held frequent communication with one another in 1825, until McIntosh's death in April of that same year. Both men were able to benefit financially and politically from one another. It can be argued that McIntosh and Troup were more than just a pair of distant cousins. Rather, they were close political allies who experienced a mutually beneficial relationship from working with one another. This is a new historical argument, thus referred to as the ‘Troup-McIntosh Alliance.’ Through the analysis of a series of letters exchanged between Troup and McIntosh, along with points of disagreement in contemporary scholarship, the development of the ‘Troup-McIntosh Alliance’ becomes clear.

McIntosh was not a pawn to Troup, nor was he unaware of the detrimental effects of his actions on the Creeks of Georgia. McIntosh further sought to increase his status and wealth through cooperation with Governor Troup. A letter written by McIntosh to Troup dated March

---

<sup>36</sup> Treaty with the Creeks, 1825, 239.

29, 1825 signifies this. McIntosh anxiously wrote to Troup, seeking protection. He acknowledged divisions among the Creeks following the Second Treaty of Indian Springs, and expressed that many were extremely upset with him. McIntosh wrote, “there will be hostility with us,” and asked Troup to send him two thousand dollars for his own personal protection.<sup>37</sup> McIntosh not only acknowledged that he was aware of the consequences that his actions had on the Creeks of Georgia, but also continued to push for state funding from Governor Troup.

Another letter from McIntosh to Troup, written two weeks later on April 12, 1825, echoes similar sentiments. Firstly, McIntosh allowed Troup to conduct a survey of Creek lands before the Creeks were to be removed. Due to his actions from the Second Treaty of Indian Springs, McIntosh openly and admittedly knew that Creeks wanted him dead. He vested his trust in Troup, his cousin, and believed that Troup can and will “Cause Such Men to be punished, and will protect the Nation from such influences, and defend those who signed the Treaty.”<sup>38</sup> McIntosh also acknowledged his cooperation with Troup and other state officials, and believed that this cooperation should continue. McIntosh wrote to Troup, “correspondence should pass in relation to our Interests appertaining [appertaining] to the Treaties made with our Nation and the United States.”<sup>39</sup> Perhaps the most striking aspect of this letter from William McIntosh is his concluding remarks, which not only suggest a close familial connection between him and Troup, but also a close political alliance. McIntosh ends his letter to Troup reaffirming their alliance and

---

<sup>37</sup> William McIntosh to George M. Troup, March 29, 1825, in *Digital Library of Georgia: Sharing Georgia's History and Culture Online*, ed. the University of Georgia University Libraries, [https://dlg.usg.edu/record/dlg\\_zlna\\_tcc182?canvas=0&x=1092&y=1838&w=10756](https://dlg.usg.edu/record/dlg_zlna_tcc182?canvas=0&x=1092&y=1838&w=10756).

<sup>38</sup> William McIntosh to George M. Troup, April 12, 1825, in *Digital Library of Georgia: Sharing Georgia's History and Culture Online*, ed. the University of Georgia University Libraries, [https://dlg.usg.edu/record/dlg\\_zlna\\_tcc183?canvas=0&x=1146&y=1844&w=13306](https://dlg.usg.edu/record/dlg_zlna_tcc183?canvas=0&x=1146&y=1844&w=13306).

<sup>39</sup> McIntosh to Troup, April 12, 1825.

relationship, stating that “I remain Your friend & brother.”<sup>40</sup> The word ‘brother’ indicates that McIntosh saw himself and Troup as equals - further supporting the notion of the ‘Troup-McIntosh Alliance.’

The ‘Troup-McIntosh Alliance’ conflicts with some observations of contemporary historical discourse. Michael D. Green, in his book, *The Politics of Indian Removal: Creek Government and Society in Crisis*, also analyzed the same April 12, 1825 letter from McIntosh to Troup. Green, however, sees this in a different light. Instead of a mutually beneficial cooperation between McIntosh and Troup, it seems that Green argues that McIntosh was used as a political pawn by Troup. While Green does acknowledge the familial connection shared between McIntosh and Troup, this is unimportant to him. Further, Green writes that Troup “deceived McIntosh, his cousin.”<sup>41</sup> Regarding this aforementioned letter, Green argues for McIntosh’s “dependence on Troup, and [that] he was extremely uncomfortable at having to entrust the governor with his life.”<sup>42</sup> This assumption seems rather problematic. How was McIntosh ‘uncomfortable’, when he openly expressed his confidence in George Troup? This is clear when McIntosh wrote, “we know you can and will Cause Such Men to be punished, and will protect the Nation from such influences, and defend those who signed the Treaty.”<sup>43</sup> Green’s analysis of this letter from William McIntosh to George Troup must thus be called into question. Moreover, it does not appear that McIntosh was dependent on Troup as Green makes it seem. This was a mutually beneficial political alliance between the two men, in which both gained from their dealings with one another.

---

<sup>40</sup> McIntosh to Troup, April 12, 1825.

<sup>41</sup> Green, *The Politics of Indian Removal*, 86.

<sup>42</sup> Green, *The Politics of Indian Removal*, 94.

<sup>43</sup> McIntosh to Troup, April 12, 1825.

Is Green's contention a fair assessment, though? How could it possibly be that McIntosh was deceived by Troup, considering that McIntosh openly admitted the consequences of his actions, and acknowledged that there were people who wanted to see him dead? Was McIntosh truly dependent on Troup, as Green argues? Further, how could this deception be true, when both men gained through their cooperation with one another? To be fair, Green does, without question, emphasize the fact that McIntosh sought to personally gain from his dealings with the federal government. This is evident when he writes that McIntosh's "treaty negotiations provided even greater opportunities for making money."<sup>44</sup> McIntosh's personal benefit from his dealings with the federal government is the common consensus in the current historical discourse on Creek Removal, and Green nonetheless takes note of this in great detail.

Green also acknowledges that "McIntosh managed to pocket virtually the entire annuity income of the [Creek] Nation."<sup>45</sup> Green's arguments, however, indicate that firstly Troup took advantage of McIntosh, secondly that McIntosh was entirely dependent on Troup, and lastly that this relationship between the two men only worked to serve Troup's aims of removal. The reality behind this relationship is that it was mutually beneficial. I argue that Green downplays William McIntosh's mutually beneficial relationship with Governor Troup, and the state government of Georgia. McIntosh was not simply a political pawn, utilized by Troup, rather the two worked in cooperation with one another. This was not a one-sided relationship, and should be characterized as a political alliance. While Green's book is arguably the most influential and detailed work in regards to the study of Creek removal from Georgia, it should be noted that he downplays the alliance between McIntosh and Troup as merely one sided.

---

<sup>44</sup> Green, *The Politics of Indian Removal*, 57.

<sup>45</sup> Green, *The Politics of Indian Removal*, 57.

More recent forms of secondary scholarship take aim at McIntosh's character. Saunt, for example, characterizes McIntosh as "an influential but dishonest Creek leader."<sup>46</sup> Saunt's characterization of McIntosh as "dishonest," along with the new ideas of the 'Troup-McIntosh Alliance' represent an evolution, and shifting opinion in current secondary scholarship. McIntosh's cooperation with Troup and state and federal officials, however, was not enough to protect him. McIntosh's death was particularly violent. Saunt details how "the Creek Nation resolved to execute McIntosh for treason, and on the last day of April 1825, some 150 armed men surrounded his plantation house on the Chattahoochee River, set it afire, and shot him dead as he emerged from the flames."<sup>47</sup> Despite McIntosh's death, the Creeks were at an impasse, as their ultimate deportation seemed inevitable. That same year, several prominent Creek chiefs sought federal assistance in order to prevent their removal from Georgia.

### **The Third Treaty with the Creeks and Ultimate Removal from Georgia**

The Second Treaty of Indian Springs, although advocated heavily on the end of Troup and the state of Georgia, did not go into effect. John Quincy Adams rejected it, much to the dismay of Governor Troup, who intensely defended it. Adams, instead, called for another treaty, which came to be known by historians as the Treaty of Washington. While the goals and results of the Third Treaty with the Creeks (1826) and the Second Treaty of Indian Springs were largely the same - the complete removal of Creeks from Georgia - it appears that the Third Treaty directly opposed certain aspects of the Second Treaty of Indian Springs. For example, one major difference between these two treaties was that the Third Treaty with the Creeks (1826)

---

<sup>46</sup> Saunt, "The White People of Georgia," 65.

<sup>47</sup> Saunt, "The White People of Georgia," 65.

acknowledged that McIntosh was not the leader of the Creeks, despite the fact that McIntosh was already dead by this point. This new treaty recognized that “a great majority of the Chiefs and Warriors of the said Nation have protested against the execution of the said Treaty, and have represented that the same was signed on their part by persons having no sufficient authority to form treaties, or to make cessions.”<sup>48</sup> This directly shows the lack of authority that McIntosh possessed, and how him and Troup worked together to mutually benefit. More importantly, the Treaty of Washington denounced the Second Treaty of Indian Springs, and “declared [the Second Treaty of Indian Springs] to be null and void, to every intent and purpose whatsoever.”<sup>49</sup> Although the federal government and state government of Georgia appeared to be at odds with one another, their end goal was the exact same - to expel the Creeks from their home.

This state-federal struggle between the administration of John Quincy Adams and the state government of Georgia is well known by historians.<sup>50</sup> Some historians argue that Troup and Georgia were the ‘winners’ of this struggle. For example, Lynn Hudson Parsons suggests that Adams gave into pressure from Troup and the state of Georgia in his support of the Third Treaty. Parsons argues, “Adams was none too gracefully let off the hook by the conclusion of a third treaty which ceded the remaining portion of Georgia to the whites.”<sup>51</sup> Although the two treaties sought to accomplish essentially the same goal - Creek removal from Georgia - the Third Treaty with the Creeks (1826) stands out as an example of executive interference from the federal government. Adams was not “let off the hook,” as Parsons argues.<sup>52</sup> Rather, he remained

---

<sup>48</sup> Treaty with the Creeks 1826, US-Creek Nation, January 24, 1826, *US Statutes at Large* vol. 7, 286.

<sup>49</sup> Treaty with the Creeks 1826, 286.

<sup>50</sup> See Richard J. Hryniewicki, “The Creek Treaty of Washington, 1826,” *The Georgia Historical Quarterly* 48, no. 4 (1964): 425–41.

<sup>51</sup> Parsons, “A Perpetual Harrow upon My Feelings,” 355.

<sup>52</sup> Parsons, “A Perpetual Harrow upon My Feelings,” 355.

consistent to promises made by Thomas Jefferson and the federal government from two decades prior. Sticking true to federal promises from the Compact of 1802, John Quincy Adams reaffirmed that it was the duty of the federal government, not the state government, to facilitate removal of the Creeks from Georgia. Further, Adams proved that he would not be bullied by Troup, or by the state of Georgia, who so strongly defended the Second Treaty of Indian Springs. In other words, Creek removal was the goal all along, both on the federal level and the state level. That is why the two treaties - the Second Treaty of Indian Springs and the Third Treaty with the Creeks (1826) - sought to accomplish the same thing - the complete removal of the Creeks from Georgia

Following the Third Treaty, Creek removal from Georgia was, at least on paper, complete. The Creeks were given a total of two years to be entirely gone, not only from Georgia, but from all lands east of the Mississippi River. Article 7 of the Third Treaty with the Creeks stipulated the timeframe of Creek Removal. The terms of the treaty stated that “the emigrating party shall remove within twenty-four months, and Emigrating the expense of their removal shall be defrayed by the United States.”<sup>53</sup> In other words, the the Creeks had until January of 1828 to entirely relocate. Any Creeks remaining in Georgia’s state borders past January of 1828 would be in violation of the terms of the Third Treaty with the Creeks and Georgia’s state laws. Although some resisted, the Creeks had no other viable option for remaining in Georgia. McIntosh’s collaboration with Troup, along with the First Treaty of Indian Springs, drastically shrunk ancestral Creek homelands in Georgia. Along with this, Georgia’s white population, which was eager to push westward within the state, held no qualms of harassing those Creeks who refused to leave Georgia.

---

<sup>53</sup> Treaty with the Creeks 1826, 287.

The removal of the indigenous Creeks from their homelands was a long and consequential process that took the state government of Georgia and the federal government over two decades to successfully complete. The origins of Creek Removal can be seen in the Compact of 1802, in which the federal government promised to “extinguish, for the use of Georgia, as the same can be practicably obtained on reasonable terms, the Indian title.”<sup>54</sup> Creek Removal in Georgia slowly waged on until the First Treaty of Indian Springs in 1821, which resulted in a massive loss of Creek land. The Second Treaty of Indian Springs in 1825, which was replaced for the federally-supported Treaty of Washington a year later, completed the full removal of Georgia’s original Creek population. Thus, the Creeks were displaced and forced to move to unfamiliar lands west of the Mississippi River. All of this happened before the Trail of Tears, and prior to the Indian Removal Act of 1830, which demonstrates the uniqueness of the history of the forced removal of Georgia’s Creeks. Thus, the removal of the Creeks from Georgia was a distinct historical process that was largely shaped by federal promises, interference from the executive branch of the federal government, and the ‘Troup-McIntosh Alliance.’ With the Creeks out of the picture by January of 1828, Georgia’s state government would now divert their attention to a greater challenge - ridding Georgia of the Cherokees in the northwest of the state.

---

<sup>54</sup> United States, “Articles of Agreement and Cession.”



## Chapter 2

### The Expulsion of the Cherokees from Georgia: Unification Efforts and Resistance

#### Introduction

John Ross was furious upon learning that a group of Cherokee chiefs had entered into an agreement with the United States, selling all of Cherokee east of the Mississippi for five million dollars. This treaty, known as the Treaty of New Echota, was signed in 1835 in the capital of the Cherokee Nation, of the same name. Ross, the leader of the Cherokee Nation, pleaded to the Cherokee National Council to not even consider entering into negotiations for land sales. 20 other Cherokee chiefs, however, signed the Treaty of New Echota, including Ross' longtime friend and mentor, Major Ridge. Thus, all of the original lands of the Cherokees were now transferred to the ownership of the United States. The Cherokees were given two years to move the entirety of their population and relocate west of the Mississippi River.

Ross was livid, and refused to accept the Treaty of New Echota. A few months following the signing of the treaty, John Ross published his *Letter in Answer to Inquiries from a Friend*, which offered a series of arguments against the stipulations of the 1835 treaty. According to Ross, the treaty was fraudulent. The Cherokee leader asserted that “neither myself nor any other member of the regular delegation to Washington, can, without violating our most sacred engagements, ever recognize that paper as a treaty.”<sup>55</sup> As with McIntosh selling Creek lands at Indian Springs, selling land was in direct violation of the Cherokee way of life.

---

<sup>55</sup> John Ross, “Letter in Answer to Inquiries from a Friend,” in *The Cherokee Removal: A Brief History with Documents* ed. Theda Perdue and Michael D. Green (Boston, Massachusetts: Bedford/St. Martin's, 2016), 146.

Moreover, for Ross, the Treaty of New Echota aimed at the complete destruction of the Cherokees as a people. Ross argued that the Cherokees would continuously be forced to relocate until there was no place left to go. The Cherokee leader asserted that removal would destroy “the character of the Cherokee nation as a distinct community; the nation becomes legally extinct; the lands revert to the United States, and the Cheokee people are bound, by assenting to the conditions of the pretended Treaty, to acquiesce in this law providing a plausible pretext for their annihilation.”<sup>56</sup> According to Ross, the 1835 treaty with the Cherokees did not simply aim at removal to lands west of the Mississippi River. Rather, it was a direct attempt to dismantle the Cherokee Nation, and, as Ross suggested, serve as “a plausible pretext for their [Cherokee] annihilation.”<sup>57</sup> How did the Cherokees get to this point? How were they able to outlast the Creeks in Georgia for over a decade? Were their unification efforts not enough?

The promise of Indian Removal made by the federal government to the state of Georgia via the Compact of 1802 was half way complete. In the 1820’s, Georgia’s politicians, particularly Governor Troup, were entirely preoccupied with the Creeks, as white citizens of Georgia continuously pushed westward within the state. In this sense, Creek lands served as a buffer zone, separating Cherokee lands in the distant northwest of the state from Georgia’s state government. Since Creek lands were in closer proximity to Georgia’s white population, the state government addressed the closer issue first - the Creeks. The Cherokees’ geographic separation and Georgia’s preoccupation with the Creeks bought them some time. But with the Creeks out of the picture by the beginning of 1828, Georgia’s politicians could now shift their focus to the Cherokees.

---

<sup>56</sup> Ross, “Letter in Answer to Inquiries from a Friend,” 147.

<sup>57</sup> Ross, “Letter in Answer to Inquiries from a Friend,” 147.

Much to the delight of Georgia and some of her neighbors, the Jackson administration took office in 1829. Andrew Jackson, who vehemently supported Indian Removal, catapulted the issue to the forefront of national politics. His controversial Indian Removal Act barely passed the House vote in 1830. However, with the passing of the Indian Removal Act, the executive branch now had the power to force Native American tribes to the negotiating table to sell their lands and relocate. Within Georgia, this meant that the Cherokees were a target directly in the crosshairs.

Some scholars group Indian Removal within Georgia as largely monolithic. For example, Parsons argues that “parallel with the Creek controversy was a dispute between Georgia and the Cherokees.”<sup>58</sup> The removal of Cherokees in Georgia was in no way ‘parallel’ to the removal of the Creeks. In fact, both processes of removal were entirely different. The Cherokees fearfully watched as Troup forced the Creeks out of Georgia. Unlike the Creeks, who were undermined by the illegitimate leader McIntosh, the Cherokees, on the other hand, were led by John Ross, who staunchly opposed removal. With the arrival of the Jackson administration, however, the Cherokees had no sympathy from the executive branch, as the Creeks did with John Quincy Adams’ refusal to validate the Second Treaty of Indian Springs. The Cherokees instead tried a different approach - legal resistance. Two cases concerning the Cherokees reached the Supreme Court in the early 1830’s, *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832). Although the Supreme Court did not make a decision on the first case, they ruled in favor of the Cherokees in the latter. Further, Chief Justice John Marshall offered a significant explanation in support of the Cherokees, who argued that the Cherokees did not have to abide by Georgia’s state laws. Ultimately, it would be erroneous to group Creek and Cherokee removal from Georgia together in a classification of ‘Indian Removal.’ Just as Indian Removal differed on a state by state basis, it also differed among separate Native American tribes within each state, as with the

---

<sup>58</sup> Parsons, “‘A Perpetual Harrow upon My Feelings’” 355.

Creeks and Cherokees. Moreover, the forced expulsion of the Cherokees from Georgia is largely defined by resistance - resistance in the form of John Ross' staunch anti-removal stance and in the form of legal efforts presented before the United States Supreme Court.

### **The Cherokees of Georgia**

Like the Creeks, the Cherokees inhabited lands in the American Southeast for thousands of years, which extended beyond state borders. The Cherokees lived in parts of present day Georgia, Alabama, Tennessee, North Carolina, South Carolina and Virginia. The Cherokees of Georgia primarily inhabited the northern and western areas of the state. In the 1820's, Georgia's white population began to move west within the state, frequently bringing settlers closer to Creek territories. These settlers began to intensely intrude on Creek lands, until the Third Treaty with the Creeks in 1826, which rid Georgia of all Creek claims to land within the state. With the Creeks removed from Georgia, this allowed Georgia's settlers to move further west within the state in search of land for the production of cash crops, primarily rice and cotton. This led to white citizens moving into Cherokee lands, which initiated the process of Georgia's removal of the Cherokees.

To make the matter of white encroachment worse, plentiful gold mines were found within Cherokee lands, further drawing in the white citizens of Georgia to Cherokee lands, which is known as the Great Intrusion. Further, "by late 1829, north Georgia, known at the time as the Cherokee Nation, was flooded by thousands of prospectors looking for gold."<sup>59</sup> Georgia's state government then initiated a series of laws targeted at subjecting the Cherokees to state law. In the *Memorial Protest of the Cherokee Nation*, the Cherokees acknowledged how white

---

<sup>59</sup> David Williams, "Gold Rush," *New Georgia Encyclopedia*, last modified September 12, 2018, <https://www.georgiaencyclopedia.org/articles/history-archaeology/gold-rush/>

encroachment led to Cherokee persecution. The authors of this document asserted that the Georgia state government “interfered by passing an act, making it penal for an Indian to dig for gold within Georgia...many Cherokees were arrested, tried, imprisoned, and otherwise abused.”<sup>60</sup> The removal of the Creeks in January of 1828, paired with the discovery of gold in Cherokee lands in 1829, and Georgia’s white population’s desires to settle new farmland in the north and west of the state, brought a hostile white population and the Cherokees to a direct confrontation.

Given their geographical position within the state, the Cherokees were targeted after the Creeks. The Cherokees were not ignorant to the situation with the Creeks, and were greatly concerned for what it meant for their lands. According to Green, “the Cherokees and Creeks had exchanged ambassadors,” which prompted a meeting between Lower Creek Chief William McIntosh and Cherokee National Council. Along with selling Creek lands in the First and Second Treaties of Indian Springs, McIntosh attempted to pressure the Cherokees to sell land as well. Green also notes, “McIntosh wrote a private letter to John Ross, president of the Cherokee National Committee, saying that he was authorized to offer him two thousand dollars to agree to a [land] cession plus ten thousand dollars more to spread among his friends.”<sup>61</sup> According to Green, John Ross was greatly concerned, and “exposed McIntosh before the Cherokee Council.”<sup>62</sup> Unlike the Creeks, the Cherokees had a strong leader in John Ross. Further, Cherokee politicians remained wary of figures such as McIntosh, who supported land sales.

---

<sup>60</sup> “Memorial Protest of the Cherokee Nation,” in *The Cherokee Removal: A Brief History with Documents* ed. Theda Perdue and Michael D. Green (Boston, Massachusetts: Bedford/St. Martin's, 2016), 86.

<sup>61</sup> Green, “The Politics of Indian Removal,” 75.

<sup>62</sup> Green, “The Politics of Indian Removal,” 76.

The Cherokees were also cautious in avoiding negotiations with the state government of Georgia and the federal government. The Cherokees took note of how state pressure from Georgia's government, particularly from Governor Troup, facilitated the process of Creek Removal. Given their geographic position they were able to avoid Georgia authorities, and refused to speak with Georgia's politicians. Only rarely, and when necessary, would the Cherokees negotiate with the federal government. Some scholars take note of the Cherokees' ability to avoid the negotiating table. According to Claudio Saunt, "Cherokee politicians successfully outmaneuvered Troup," and were able to avoid shrewd Georgia politicians and their policies of removal.<sup>63</sup>

### **The Constitution of the Cherokee Nation and John Ross**

While the Creeks did have their own form of government, the Creek National Council, it did not compare to that of the Cherokees. The Creek National Council was plagued by disunity among the Upper and Lower Creeks, as well as the actions of irresponsible and controversial chiefs such as McIntosh. The Cherokees, on the other hand, possessed unified leadership and attempted to establish a nation. The Constitution of the Cherokee Nation is indicative of this, which outlined the borders of the Cherokee Nation, the roles and functions of different branches of government, and some laws of the land. The Cherokee Constitution was largely modeled off of the United States Constitution, and incorporated fundamental ideas such as the separation and balance of power. Article II Section 1, for example, established an executive, judicial and legislative branch. The Constitution of the Cherokee Nation was signed on July 26, 1827 at New

---

<sup>63</sup> Saunt, "The White People of Georgia," 35.

Echota, the capital of the Cherokee Nation. It was authored by chief John Ross and several other prominent Cherokee statesmen.

Article I Section 1 of the Constitution of the Cherokee Nation is significant, considering it established that Cherokee lands belong to Cherokees, and are not to be sold or otherwise redistributed. The first line of Article I of the Constitution states, “the boundaries of this nation, embracing the lands solemnly guaranteed and reserved forever to the Cherokee by Treaties concluded with the United States, are as follows, and shall forever hereafter remain unalterably the same.”<sup>64</sup> The next section then goes onto define the Cherokee Nation’s borders - much of which was located in lands claimed by Georgia. The Constitution of the Cherokee Nation thus put Cherokee land claims and the state of Georgia’s land claims at odds with one another.

Article I Section 2 is also immensely significant, as the Cherokees claimed their own national sovereignty. In the next few years to come, Georgia’s State Assembly began to push for laws in direct contradiction of Cherokee sovereignty, which the Cherokees then took to the U.S. Supreme Court. Further, Article I Section 2 asserts, “the sovereignty and Jurisdiction of this Government shall extend over the country within the boundaries above described, and the lands therein are, and shall remain, the common property of the Nation.”<sup>65</sup> Articles III, IV, and V go on to outline the structure and functions of the legislative, executive and judicial branches of government. Ultimately, the Constitution of the Cherokee Nation was an attempt by the Cherokees to formally establish a government, largely based on the United States model with a constitution. This government included three branches of government and had democratic

---

<sup>64</sup> John Ross, et. al, “Constitution of the Cherokee Nation,” in *The Cherokee Removal: A Brief History with Documents* ed. Theda Perdue and Michael D. Green (Boston, Massachusetts: Bedford/St. Martin's, 2016), 60.

<sup>65</sup> John Ross, et. al, “Constitution of the Cherokee Nation,” 61.

elections. In the next years to come, the state of Georgia would directly challenge several components of the Cherokee Constitution.

One of the main authors of the Constitution of the Cherokee Nation was John Ross, the first head executive of the Cherokee Nation. Following the drafting of the Constitution of the Cherokee Nation, Ross was democratically elected as the Principle Chief of the Cherokee Nation, or in other words, the chief executive. Like McIntosh, Ross was of mixed race, and understood both, the white and the Native American way of life. Unlike McIntosh, however Ross, attempted several unification and anti-removal efforts, which can be seen in documents such as the Constitution of the Cherokee Nation, and in his efforts to align the Cherokees with the white, southern way of life. Most notably, he sought to transition the Cherokees to an agricultural society, much like that of the Southern United States. Under Ross, the Cherokees, “had become a settled people with well-stocked farms, schools, and representative government.”<sup>66</sup> John Ross hoped to serve as a model for his fellow Cherokees in adopting a civilized way of life which included adopting agriculture and farming, as well as promoting education.

After all, Ross was extremely educated and a wealthy landowner, owning a plantation and several slaves. John Ross was not the only slave holding Cherokee, though. Sarah H. Hill notes, “nearly nine thousand Cherokees lived inside the so-called chartered limits of Georgia, along with some eight hundred black slaves.”<sup>67</sup> Although Ross envisioned a transformation of the Cherokee way of life, a growing white population in Georgia which pushed westward within the state placed the Cherokees and the state government of Georgia at odds with one another. This

---

<sup>66</sup> Editors of Encyclopaedia Britannica, “John Ross.” Encyclopedia Britannica, September 29, 2023, <https://www.britannica.com/biography/John-Ross-chief-of-Cherokee-Nation>.

<sup>67</sup> Hill, ““To Overawe the Indians and Give Confidence to the Whites,”” 465.



can be seen immediately following the removal of the Creeks, as Georgia passed laws directed at dismantling the validity of the Constitution of the Cherokee Nation and Ross' vision for the future of the Cherokees.

Perdue and Green's work, *The Cherokee Removal*, includes these laws, formally known as *Laws Extending Jurisdiction over the Cherokees*. These laws were passed on December 19, 1829, and December 22, 1830 by the Georgia State Assembly, and asserted that Georgia had the right to seize certain lands belonging to the Cherokee Nation. Additionally, these laws attempted to subject Cherokees to the state law of Georgia. According to the Georgia State Assembly, they proposed to "add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham."<sup>68</sup> In other words, this meant seizing Cherokee lands, and dividing them into five separate counties belonging to Georgia.

Another section from the laws passed by the Georgia State Assembly affirms, "all the laws both civil and criminal of this State be, and the same are hereby extended over said portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this State."<sup>69</sup> This law indicated that every person within Georgia's state borders be subject to state law. What did this mean for the Cherokees, though? The Cherokees had their own laws and their own borders, as outlined in the Constitution of the Cherokee Nation. The next section directly addressed the Cherokees, and denounced their constitution. The law stated, "all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the

---

<sup>68</sup> Georgia State Assembly, "Laws Extending Jurisdiction over the Cherokees," in *The Cherokee Removal: A Brief History with Documents* ed. Theda Perdue and Michael D. Green (Boston, Massachusetts: Bedford/St. Martin's, 2016), 76.

<sup>69</sup> Georgia State Assembly, "Laws Extending Jurisdiction over the Cherokees," 76.

Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed.”<sup>70</sup> The laws passed by the Georgia State Assembly in 1829 and 1830 directly targeted the Cherokees, and attempted to seize the entirety of their land and subject them to state laws. State politicians argued in support of these laws by holding onto the promises made by the federal government in the Compact of 1802. According to Perdue and Green, Georgia’s politicians argued, “if the United States failed to acquire the Cherokee Nation for Georgia under the Compact of 1802, the state was within its sovereign rights to take it.”<sup>71</sup> Faced with immense pressure from the state government of Georgia, the Cherokees initiated efforts of legal resistance against these laws, which they viewed as discriminatory.

### **The Legal Resistance of the Cherokees**

Following Georgia State Assembly’s 1829 and 1830 laws, the state began attempts to exert its legislative power onto the Cherokees. After the state of Georgia executed a Cherokee man accused of killing a fellow Cherokee, the Cherokee National Council argued that state law did not apply to them. The case was presented before the United States Supreme Court, *Cherokee Nation v. Georgia* (1831). Perdue and Green note that, “the Supreme Court ultimately declined to rule on the issue at stake - the enforcement of Georgia law within the Cherokee Nation.”<sup>72</sup> While the Supreme Court did not make a ruling in *Cherokee Nation v. Georgia* (1831), a remark made by Chief Justice John Marshall is rather significant. Perdue and Green add that, “the Cherokee

---

<sup>70</sup> Georgia State Assembly, “Laws Extending Jurisdiction over the Cherokees,” 76.

<sup>71</sup> Perdue and Green, *The Cherokee Removal*, 74.

<sup>72</sup> Theda Perdue and Michael D. Green, “Georgia and the Supreme Court,” in *The Cherokee Removal: A Brief History with Documents* (Boston, Massachusetts: Bedford/St. Martin's, 2016), 70.

Nation had no legal standing as a ‘foreign nation’ before the Court. Chief Justice John Marshall referred to the Cherokees as a ‘domestic dependent nation.’<sup>73</sup> Marshall’s classification as the Cherokees as a ‘domestic dependent nation’ is somewhat confusing and unclear. The first part, domestic, relates to it being within Georgia and further, within the United States. The second part, dependent, referring to the Cherokee Nation’s reliance on the United States. And the last part, nation, relating to sovereignty and statehood. Marshall’s classification of the Cherokee Nation as a “domestic dependent nation” only served to blur the standing of the Cherokees. The term “domestic dependent nation” is inherently contradictory, considering a nation is generally independent and sovereign.

It appears that Marshall shifted his views regarding the national status of the Cherokee Nation in the next case brought to the Supreme Court by the Cherokees, *Worcester v. Georgia* (1832). *Worcester v. Georgia* (1832) was perhaps the most impactful effort of legal resistance on the part of the Cherokees, in which they won the support of Chief Justice John Marshall. Georgia prohibited whites from living among the Cherokees, which was declared in the State Assembly’s *Laws Extending Jurisdiction over the Cherokees*. Christian missionaries visiting the Cherokee Nation broke this state law and were apprehended by Georgia state authorities. Samuel Worcester was one of these such missionaries. The Cherokees claimed that the state of Georgia had no legal right to arrest Worcester, as he was residing on Cherokee lands, which state law had no authority over. Once again, the Cherokee National Council challenged Georgia state law before the United States Supreme Court. This time, John Marshall changed his mind. Marshall initially provided an obscure definition of what the Cherokee Nation was, as a political entity. He stated, “the Indian nations had always been considered as distinct, independent political communities, retaining

---

<sup>73</sup> Perdue and Green, *The Cherokee Removal*, 79.

their original natural rights, as the undisputed possessors of the soil.”<sup>74</sup> This is rather ambiguous, however Marshall did note that the Cherokees have a right to their claimed land, which is indicated when he asserts that they serve “as the undisputed possessors of the soil.”

Marshall then addressed the importance Compact of 1802, and acknowledged Georgia’s *Laws Extending Jurisdiction over the Cherokees*. According to the Chief Justice of the Supreme Court, “various acts of her [Georgia’s] legislature have been cited in the argument, including the contract of cession made in the year 1802, all tending to prove her acquiescence in the universal conviction that the Indian nations possessed a full right to the lands they occupied, until that right be extinguished by the United States, with their consent.”<sup>75</sup> Here, John Marshall informed the state of Georgia that removal of the Cherokees must be done via federal and not state means. He asserted that Georgia did not have legal power over the Cherokees, and that the state itself did not have the power to remove the Cherokees from their land. Marshall’s words indicated that Georgia must wait until the federal government carries out removal. Further, the Chief Justice seemingly supported the notion of the Cherokees as an independent nation, without directly saying it. Marshall shifted his position of the Cherokees as a “domestic dependent nation” as seen with the previous case, *Cherokee Nation v. Georgia* (1831).<sup>76</sup> In *Worcester v. Georgia* (1832), Marshall offered his new interpretation of the Cherokee Nation as “a distinct political community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter.”<sup>77</sup>

---

<sup>74</sup> *Worcester v. the State of Georgia*, 31 US 515 (1832).

<sup>75</sup> *Worcester v. the State of Georgia*, 31 US 515 (1832).

<sup>76</sup> Perdue and Green, *The Cherokee Removal*, 79.

<sup>77</sup> *Worcester v. the State of Georgia*, 31 US 515 (1832).

Marshall and the Supreme Court ruled in favor of the Cherokees. The significance of *Worcester v. the State of Georgia* (1832) is primarily that the Supreme Court ruled that Georgia had no legal control of the Cherokees, and the Cherokee Nation did not have to follow Georgia's laws. This also meant that Georgia could not carry out removal of the Cherokees without authorization from the federal government. While Marshall did not directly call the Cherokee Nation an independent nation, his definition as a "distinct political community, occupying its own territory, with boundaries accurately described" is quite similar to the idea of a nation. Despite gaining the support of the Marshall Court through their legal efforts, the Cherokees were faced with President Andrew Jackson and the Indian Removal Act of 1830. Thus, while Marshall ruled that the state of Georgia had no power to remove the Cherokees, Jackson was happy to rid Georgia of the Cherokees, and supported increased state pressure. This continued until the end of 1835, when the Cherokees were presented with the Treaty of New Echota, ultimately facilitating their expulsion from Georgia.

### **The Treaty of New Echota: An End to Cherokee Lands in Georgia**

The Indian Removal Act was passed in 1830 by the US Congress, decided by a slim margin, with immense support from President Andrew Jackson. This pledged federal support for Indian Removal, and gave Georgia the authorization to carry out removal. Despite challenges from the Supreme Court, and Resistance by the Cherokees, Georgia was now legally able to remove the Cherokees within state lands through the help of executive agents of the federal government. The arrival of Jackson to the Presidency, paired with the passing of the Indian Removal Act discouraged some prominent Cherokee politicians, especially Major Ridge, one of John Ross' longtime friends and political allies. They feared that if the Cherokees remained, they

would face complete destruction. According to Green and Perdue, “those who despaired of remaining in the East and advocated negotiation became known as the Treaty Party.”<sup>78</sup> In December of 1835, federal officials and state officials met with members of the Treaty Party in New Echota, the capital of the Cherokee Nation. Although John Ross openly denounced any land sale negotiations, the federal government and state government of Georgia persisted in negotiations with a select group of Cherokee chiefs.

The Treaty of New Echota ultimately solidified the removal of the Cherokees from Georgia. Article I of the treaty states, “The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river.”<sup>79</sup> This forced the Cherokees to give up the entirety of their ancestral lands, and not just their lands within Georgia’s state borders. The treaty also stipulates that the government provide means of transportation for the Cherokees. Article VIII states, “the United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of steamboats and baggagewagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government.”<sup>80</sup> The Cherokees were given two years to completely relocate. Perhaps article VI of the treaty is the most hypocritical. It states, “perpetual peace and friendship shall exist between the Peace to be citizens of the United States and the Cherokee Indians.” Considering the United States forced the Cherokees to sell the entirety of their native territory, this is particularly contradictory.

---

<sup>78</sup> Perdue and Green, *The Cherokee Removal*, 137.

<sup>79</sup> Treaty with the Cherokees, December 29, 1835, *US Statutes at Large* vol. 7, 479.

<sup>80</sup> Treaty with the Cherokees, December 29, 1835, *US Statutes at Large* vol. 7, 482

John Ross and other Cherokee leaders were not present at the signing of the Treaty with the Cherokees (1835), or the Treaty of New Echota. Sarah Hill notes, “the majority of Cherokees considered the treaty fraudulent because neither their chief nor national council had agreed to it. Most refused to emigrate.”<sup>81</sup> Thus, the Treaty of New Echota is comparable with the two Treaties of Indian Springs, since both were seen as illegitimate. Hill also suggests that the federal government’s delayed response to the treaty, paired with the Cherokees’ unwillingness to move from their homeland, intensified removal efforts from the state of Georgia - something only the federal government was authorized to do. Hill writes that Georgia’s citizens’ “irrational fears combined with suspicion of the federal government to make removal preparations in Georgia a haphazard and brutal affair.”<sup>82</sup> Hill also notes that the Treaty of New Echota caused a state vs. federal struggle, as did the Second Treaty of Indian Springs. Further, as Hill suggests, “mistrust characterized many of the relationships among removal forces. Suspicious of the intentions of non-Georgians, state authorities demanded the exclusive use of Georgians to remove the Cherokee.”<sup>83</sup> Both treaties were controversial, and both led to an interesting struggle between the state of Georgia and the federal government.

Despite some similarities between Creek and Cherokee removal from Georgia, these were two separate and distinct processes, yet with identical outcomes. Similar to McIntosh’s assassination by his fellow Creeks, Major Ridge, a longtime friend and ally of John Ross, was also killed due to his support of land sales. Considering his change of opinion, and his later support of Cherokee land sales, “Ross's supporters assassinated him, his son John, and his

---

<sup>81</sup> Hill, ““To Overawe the Indians and Give Confidence to the Whites,”” 466.

<sup>82</sup> Hill, ““To Overawe the Indians and Give Confidence to the Whites,”” 467.

<sup>83</sup> Hill, ““To Overawe the Indians and Give Confidence to the Whites,”” 476.

nephew Elias Boudinot on June 22, 1839.”<sup>84</sup> The forced removal of the Cherokees from Georgia saw strong leadership from John Ross, who promoted the formation of the Cherokee Nation. Although the Marshall Court remained sympathetic to Ross and the Cherokees, the Jackson Administration championed Indian Removal, and pushed for the Treaty of New Echota in 1835, which solidified the complete removal of the Cherokees from Georgia.

---

<sup>84</sup> James P. Pate, “Ridge, Major (1771-1839),” *The Encyclopedia of Oklahoma History and Culture*, last modified January 15, 2010, <https://www.okhistory.org/publications/enc/entry?entry=RI005>



## Conclusion

While the various processes of Indian Removal differed on a state by state basis, it also varied within each state - especially within Georgia. Primarily, the two largest and most powerful Native American tribes which historically lived within Georgia's state borders were the Creeks and the Cherokees. As Georgia's white population grew, they continuously pushed westward within the state. Frustrated at the Native American population, Georgia's white settlers looked to the state government, who in turn looked to the federal government, holding onto promises of complete Indian Removal from the state made during the Compact of 1802.

The Creeks were the first group to be targeted. A largely divided people, the Creeks were separated amongst Upper and Lower Creeks. Georgia's governor, George Troup found a political ally in his cousin, William McIntosh, who was a prominent Lower Creek Chief. The two exchanged a series of letters with one another, and held a mutually beneficial political relationship, in which McIntosh gained wealth and land. McIntosh's alliance with Troup, his cousin, aided the Georgia Governor in his goal of Creek removal from Georgia. Troup, however, desired to dictate Creek removal on state terms, something which he was not authorized to do. Thus, President John Quincy Adams, on behalf of the executive branch, intervened in the Second Treaty of Indian Springs, and drafted a new treaty, the Treaty of Washington (1826), which held the same exact goal as the Second Treaty of Indian Springs a year prior. The only difference is that the Treaty of Washington was dictated on federal, and not state terms. By January of 1828, the last of the Creek left their lands within Georgia's borders.

The removal of the Cherokees from Georgia was a completely separate process, distinct from Creek removal from Georgia. Facing removal, the Cherokees drafted the Cherokee National Constitution, established a government with a capital at New Echota, and employed

legal efforts by taking cases to the United States Supreme Court, in order to combat removal. The efforts of legal resistance by the Cherokees and the sympathetic Marshall Court, paired with strong leadership under John Ross, was of avail in preserving the Cherokee homelands in Georgia, as the Treaty of New Echota in the end of 1835 solidified Cherokee Removal from Georgia. Despite some prominent Cherokees, such as Major Ridge who advocated for removal from Georgia, the forced removal of the Cherokees was not due to the actions of irresponsible leaders, as was the case with the Creeks. Rather, with the Creeks out of the picture, the pro-removal politicians of Georgia were able to direct one hundred percent of their attention to ridding Georgia's lands of the Cherokees. Additionally, the Jackson Administration, which held similar pro-removal goals with the Georgia state government, helped push the Cherokees out, as the Georgia state government now had executive support.

Despite the similarities between the Treaty of New Echota and the Second Treaty of Indian Springs, the process of the removal of the Cherokees from Georgia was much different than that of the Creeks, primarily due to their great efforts against forced relocation. Ultimately, the process of removal of the Creeks and Cherokees from Georgia can be attributed to four reasons. These are Creek's lack of unity and resistance, the 'McIntosh-Troup alliance', the leadership of John Ross of the Cherokee National Council and the legal resistance of the Cherokees. The forced removal of Native Americans to lands west of the Mississippi River is a stain on the legacy of the United States. The history of Indian Removal is largely misunderstood in contemporary discourse as simply the Trail of Tears, when actually, it was a series of separate and distinct processes (varying on a state by state basis and varying among different groups within each state) all with identical outcomes. This is exemplified by the different processes of removal of the Creeks and Cherokees within Georgia.

## Bibliography

### Primary Sources

- Georgia State Assembly. "Laws Extending Jurisdiction over the Cherokees." In *The Cherokee Removal: A Brief History with Documents* edited by Theda Perdue and Michael D. Green, 174-180. Boston, Massachusetts: Bedford/St. Martin's, 2016.
- Jefferson, Thomas. Thomas Jefferson to the Senate and the House of Representatives, April 26, 1802. *Founders Online*. National Archives.  
<https://founders.archives.gov/documents/Jefferson/01-37-02-0271>
- McIntosh, William. William McIntosh to George M. Troup, April 12, 1825. In *Digital Library of Georgia: Sharing Georgia's History and Culture Online*, edited by the University of Georgia University Libraries.  
[https://dlg.usg.edu/record/dlg\\_zlna\\_tcc183?canvas=0&x=1146&y=1844&w=13306](https://dlg.usg.edu/record/dlg_zlna_tcc183?canvas=0&x=1146&y=1844&w=13306).
- McIntosh, William. William McIntosh to George M. Troup, April 25, 1825. In *Digital Library of Georgia: Sharing Georgia's History and Culture Online*, edited by the University of Georgia University Libraries.  
[https://dlg.usg.edu/record/dlg\\_zlna\\_tcc185?canvas=0&x=1146&y=1910&w=14736](https://dlg.usg.edu/record/dlg_zlna_tcc185?canvas=0&x=1146&y=1910&w=14736).
- McIntosh, William. William McIntosh to George M. Troup, March 29, 1825. In *Digital Library of Georgia: Sharing Georgia's History and Culture Online*, edited by the University of Georgia University Libraries.  
[https://dlg.usg.edu/record/dlg\\_zlna\\_tcc182?canvas=0&x=1092&y=1838&w=10756](https://dlg.usg.edu/record/dlg_zlna_tcc182?canvas=0&x=1092&y=1838&w=10756).
- Ross, John, et. al. "Constitution of the Cherokee Nation." In *The Cherokee Removal: A Brief History with Documents* edited by Theda Perdue and Michael D. Green, 143-164. Boston, Massachusetts: Bedford/St. Martin's, 2016.
- United States. "Articles of Agreement and Cession Regarding Georgia's Western Lands, 1802." Governor's Subject Files, Executive Dept., Governor, RG 1-1-5, Georgia Archives,  
<https://vault.georgiaarchives.org/digital/collection/adhoc/id/417>
- United States. Treaty with the Cherokees. December 29, 1835. *US Statutes at Large* vol. 7, 478-487.
- United States. Treaty with the Creeks 1821. January 8, 1821. *US Statutes at Large* vol. 7, 215-218.

United States. Treaty with the Creeks 1825. February 12, 1825. *US Statutes at Large* vol. 7, 237-240.

United States. Treaty with the Creeks 1826. February 12, 1826. *US Statutes at Large* vol. 7, 286-290.

US Congress, House of Representatives. Report of a Committee and Resolutions of the Legislature of the State of Georgia in Relation to Certain Lands Occupied by the Cherokee Indians Belonging to Said State. 20th Cong., 1st sess., 1828. HR. Doc. 102. [https://www.govinfo.gov/content/pkg/SERIALSET-00171\\_00\\_00-043-0102-0000/pdf/SERIALSET-00171\\_00\\_00-043-0102-0000.pdf](https://www.govinfo.gov/content/pkg/SERIALSET-00171_00_00-043-0102-0000/pdf/SERIALSET-00171_00_00-043-0102-0000.pdf).

### Secondary Sources

Britannica, Editors of Encyclopedia. "John Ross." Encyclopedia Britannica. Last modified September 29, 2023. <https://www.britannica.com/biography/John-Ross-chief-of-Cherokee-Nation>.

Frank, Andrew K. "The Rise and Fall of William McIntosh: Authority and Identity on the Early American Frontier." *The Georgia Historical Quarterly* 86, no. 1 (2002): 18–48. <https://www.jstor.org/stable/40584639>.

Green, Michael D. *The Politics of Indian Removal: Creek Government and Society in Crisis*. Lincoln, Nebraska: University of Nebraska Press, 2018.

Hill, Sarah H. "'To Overawe the Indians and Give Confidence to the Whites:’ Preparations for the Removal of the Cherokee Nation from Georgia." *The Georgia Historical Quarterly* 95, no. 4 (2011): 465–97. <https://www.jstor.org/stable/23621655>.

Hryniewicki, Richard J. "The Creek Treaty of Washington, 1826." *The Georgia Historical Quarterly* 48, no. 4 (1964): 425–41. <https://www.jstor.org/stable/40578419>.

Lamplugh, George. "Yazoo Land Fraud." New Georgia Encyclopedia. Last modified June 8, 2017. <https://www.georgiaencyclopedia.org/articles/history-archaeology/yazoo-land-fraud/>.

Murray, Paul. "Party Organization in Georgia Politics 1825-1853." *The Georgia Historical Quarterly* 29, no. 4 (1945): 195–210. <http://www.jstor.org/stable/40576991>.

- Parsons, Lynn Hudson. “‘A Perpetual Harrow upon My Feelings’: John Quincy Adams and the American Indian.” *The New England Quarterly* 46, no. 3 (1973): 339–79.  
<https://doi.org/10.2307/364198>.
- Pate, James P. “Ridge, Major (1771-1839).” *The Encyclopedia of Oklahoma History and Culture*. Last modified January 15, 2010.  
<https://www.okhistory.org/publications/enc/entry?entry=RI005>.
- Perdue, Theda and Michael D. Green. *The Cherokee Removal: A Brief History with Documents*. Boston, Massachusetts: Bedford/St. Martins, 2016
- Saunt, Claudio. *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*. New York, New York: W.W. Norton and Company, 2021.
- Williams, David. “Gold Rush.” *New Georgia Encyclopedia*. Last modified September 12, 2018.  
<https://www.georgiaencyclopedia.org/articles/history-archaeology/gold-rush/>.