





# Chapter 5:

**1803-1839:**

**How The *Flood of Settlers'* Lust for Land  
Led to *Deepened* Racial Tensions,  
& The Rise of Tecumseh's Confederacy,**



*Moving Westward in the Jackson era, "The Indian Removal Act/The Trail of Tears", artist uncited:  
<https://sites.google.com/a/student.ccsd.edu/moving-westward-in-jacksons-era/the-reign-of-king-andrew/the-indian-removal-act-the-trail-of-tears>*

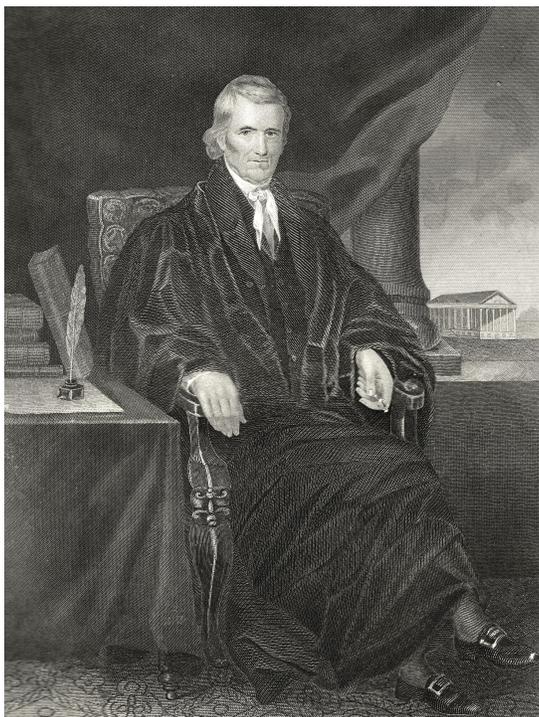
**& How The War of 1812 Led to The Rise of Andrew Jackson  
& the unconscionable horrors of**

***Indian Removal***

**Against Eastern Indigenous Nations,**

**But How *Sequoyah* Changed The Future by Developing the *Written Cherokee*  
Language, & How Native Tribes Began Fighting for Their Rights in Court.**

## 1801-1835: John Marshall Serves as Chief Justice of the U.S. Supreme Court:



*Steel engraving with signature. "National Portrait Gallery of Eminent Americans from original full length portraits by Alonzo Chappel" Vol I, New York: Johnson, Fry & Co. 1862 "The Cooper Collections"*

John Marshall (Sept. 24<sup>th</sup>, 1755 – July 6, 1835) was the fourth Chief Justice of the Supreme Court, the longest-serving Chief Justice & the fourth longest-serving justice in U.S. Supreme Court history. His court opinions helped lay the basis for U.S. constitutional law, & established the Supreme Court as the final authority on the meaning of the Constitution in cases & controversies that must be decided by the federal courts.<sup>1</sup> He reinforced the principle that federal courts are obligated to exercise judicial review, by disregarding purported laws if they violate the constitution. *Marbury v. Madison* 5 U.S. 137 (1803). Thus, Marshall cemented the position of the American judiciary as an independent & influential branch of government. He repeatedly confirmed the supremacy of federal law over state law, & supported an expansive reading of the enumerated powers. Some of his decisions were unpopular. Nevertheless, he built up the third branch of the federal government, & augmented federal power in the name of the Constitution & rule of law.<sup>2</sup>

In 1788 Marshall was selected as a delegate to the Virginia convention, responsible for ratifying or rejecting the U.S. Constitution, which had been proposed by the Philadelphia Convention a year earlier. Together with James Madison & Edmund Randolph, Marshall led

the fight for ratification, & was especially active in defense of Article III (*page 3*), which provides for the Federal judiciary. His most prominent opponent at the ratification convention was Anti-Federalist Patrick Henry. Ultimately, the convention approved the Constitution by a vote of 89–79.<sup>3</sup>

In 1795, Marshall declined Washington's offer of Attorney General of the U.S., & in 1796 he declined to serve as minister to France. In 1797, however, he accepted when President John Adams appointed him to a three-member commission to represent the U.S. in France alongside Charles Cotesworth Pinckney & Elbridge Gerry. However, when the envoys arrived, the French refused to conduct diplomatic negotiations unless the U.S. paid enormous bribes. This diplomatic scandal became known as the XYZ Affair, inflaming anti-French opinion in the United States. Hostility increased even further when the French Foreign Minister Talleyrand refused to negotiate with Marshall & Pinckney, prompting their departure from France in April 1798. Marshall's handling of the affair made him popular with the American public when he returned to the U.S. In 1798, he declined a Supreme Court appointment, recommending Bushrod Washington, who later became one of his staunchest allies in Court.<sup>4</sup>

1 John Marshall at Supreme Court Historical Society

2 Charles F. Hobson, *The Great Chief Justice: John Marshall and the Rule of Law* (2000) p. 121

3 Smith, *John Marshall* (1998) pp. 118–20

4 "Ariens, Michael. "John Marshall."

Marshall was a known leader of the Federalist Party in Virginia prior to serving as Chief Justice. Alongside fellow Federalist Party member Daniel Webster (who argued some of the cases), Marshall sought to build a stronger federal government,<sup>5</sup> to support a strong national government & commercial interests, over the opposition of the Jeffersonian Republicans, who advocated states' rights & idealized the yeoman farmer & the French Revolution.<sup>6</sup>

In 1799 he reluctantly ran for a seat in the U.S. House of Representatives. Although his congressional district favored the Democratic-Republican Party, Marshall won the race, in part due to his conduct during the XYZ Affair & in part due to the support of Patrick Henry. His most notable speech was related to the case of Thomas "Jonathan Robbins" Nash, whom the government had extradited to Great Britain on charges of murder. Marshall defended the government's actions, arguing that nothing in the Constitution prevents the U.S. from extraditing one of its citizens. Marshall served for one year, & on May 7, 1799, President Adams nominated Congressman Marshall as Secretary of War. However, on May 12, Adams withdrew the nomination, instead naming him Secretary of State as a replacement for Timothy Pickering. Confirmed by the Senate on May 13<sup>th</sup>, Marshall took office on June 6<sup>th</sup>, 1800. As Secretary of State, Marshall directed the negotiation of the Convention of 1800, which ended the Quasi-War with France & brought peace to the new nation.<sup>7</sup>

Marshall was thrust into the office of Chief Justice in the wake of the presidential election of 1800. With the Federalists soundly defeated & about to lose both the executive & legislative branches to Jefferson & the Democratic-Republicans, (2<sup>nd</sup>) President Adams & the lame duck Congress (*in politics, a "lame duck" is an elected official whose successor has already been elected*) passed what came to be known as the Midnight Judges Act, which made sweeping changes to the federal judiciary, including a reduction in the number of Justices from six to five (*upon the next vacancy in the court*) so as to deny Jefferson an appointment until two vacancies occurred.<sup>8</sup> As the incumbent Chief Justice Oliver Ellsworth was in poor health, Adams first offered the seat to ex-Chief Justice John Jay, who declined on the grounds that the Court lacked "energy, weight, & dignity".<sup>9</sup> Jay's letter arrived on January 20, 1801, & as there was precious little time left, Adams surprised Marshall, who was with him at the time and able to accept the nomination immediately.<sup>10</sup>

Marshall served during the administrations of six Presidents: John Adams, Thomas Jefferson, James Madison, James Monroe, John Quincy Adams, & Andrew Jackson. He remained a stalwart advocate of Federalism & a nemesis of the Jeffersonian school of government throughout its heyday. He participated in over 1000 decisions, writing 519 of the opinions himself.<sup>11</sup>

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5 Jean Edward Smith, *John Marshall: Definer of a Nation* (1998) p. 8

6 Smith, *John Marshall* (1998) pp. 118–20

7 Smith, *John Marshall: Definer of a Nation* (1998) pp. 258–59, 268–86

8 Stites (1981), pp. 77–80

9 "John Jay to President John Adams, Jan. 2, 1801, in 4 *The Correspondence and Public Papers of John Jay*, (Henry P. Johnson ed., 1893)".

10 Robarge, David (2000). *A chief justice's progress: John Marshall from Revolutionary Virginia to the Supreme Court*. Greenwood Publishing. p. xvi.

11 John Edward Oster, *The political and economic doctrines of John Marshall* (2006) p. 348

## **Marbury v. Madison, 5 U.S. 137 (1803):**

This landmark U.S. Supreme Court case formed the basis for the exercise of judicial review under Article III of the Constitution, & helped define the boundary between the constitutionally separate executive & judicial branches of the American form of government.

### **Article III:**

**“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.**

**The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.**

**In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.**

**Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.**

**Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.**

**The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.”**

The case resulted from a petition to the Supreme Court by William Marbury, who had been appointed Justice of the Peace in the District of Columbia by President John Adams but whose commission was not subsequently delivered. Marbury petitioned the Supreme Court to force the new Secretary of State, James Madison, to deliver the documents.

The Court, with John Marshall as Chief Justice, found firstly that Madison's refusal to deliver the commission was both illegal *and* correctible. In deciding whether Marbury had a remedy, Marshall stated: "**The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right.**" One of the key legal principles on which *Marbury* relies is the notion that for every violation of a vested legal right, there must be a legal remedy. Marshall next described two distinct types of Executive actions:

1. **"Political Actions"**: Where the official can exercise discretion.
2. **"Purely Ministerial Functions"**: Where the official is legally required to do something.

Marshall found that delivering the appointment to Marbury was a purely ministerial function required by law, & therefore the law provided him a **remedy**:<sup>12</sup>

**Remedy**: "n.. (13c) 1. The means of enforcing a right or preventing or redressing a wrong; legal or equitable relief. — Also termed *civil remedy*."<sup>13</sup>

Marshall concluded that a **writ of mandamus**, by definition, was the correct judicial means to order an official of the United States (in this case, the Secretary of State) to do something required of him (in this case, deliver a commission), **however the Court stopped short of ordering Madison to hand over Marbury's commission, instead holding that Section 13 of the Judiciary Act of 1789 which enabled Marbury to bring his claim to the Supreme Court was itself unconstitutional, since it purported to extend the Court's original jurisdiction beyond that which Article III of the Constitution establishes.** The petition was therefore denied.

**Original Jurisdiction**: "(17c.) A court's power to hear & decide a matter before any court can review the matter."<sup>14</sup>

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12 *Bender v. Williamsport Area Sch. Dist.*, 475 U.S. 534, 541 (1986) (quoting *Mitchell v. Maurer*, 293 U.S. 237, 244 (1934)); accord *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998)

13 Black's Law Dictionary *Deluxe Tenth Edition*. Compiled by Henry Campbell Black. Editor in Chief Bryan A. Garner. Page 1485. ISBN: 978-0-314-61300-4

14 " " page 982

### **Marshall Determined The Court Can Strike Down Unconstitutional Acts of Congress and that the Supreme Court has *Appellate Jurisdiction*, Not Original Jurisdiction:**

Marshall first examined the Judiciary Act of 1789 & determined that Section 13 purported to give the Supreme Court original jurisdiction over writs of mandamus. Marshall then looked to Article III of the Constitution, which defines the Supreme Court's original *and* appellate jurisdictions. Marbury had argued that the Constitution was only intended to set a floor for original jurisdiction that Congress could add to. Marshall disagreed & held that Congress does not have the power to modify the Supreme Court's original jurisdiction. Consequently, Marshall found that the Article III of the Constitution & *section 13 of the Judiciary Act of 1789 conflicted*., & therefore Section 13 was *unconstitutional*:

**“SEC . 13. And be it further enacted, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state & its citizens; & except also between a state & citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; & original, but not exclusive jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul, or vice consul, shall be a party. And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts & courts of the several states, in the cases herein after specially provided for; & shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty & maritime jurisdiction, & writs of mandamus, in cases warranted by the principles & usages of law, to any courts appointed, or persons holding office, under the authority of the United States.”**

**Marshall wrote:** “To enable this court then to issue a mandamus, it must be shown to be an exercise of **appellate jurisdiction** (*on appeal, not original action*)... It has been stated at the bar that the appellate jurisdiction may be exercised in a variety of forms, & that if it be the will of the legislature that a mandamus should be used for that purpose, that will must be obeyed. This is true; yet the jurisdiction must be appellate, *not* original.

It is the essential criterion of appellate jurisdiction, that it revises & corrects the proceedings in a cause already instituted, & does not create that case. Although, therefore, a mandamus may be directed to courts, yet to issue such a writ to an officer for the delivery of a paper, is in effect the same as to sustain an original action for that paper, & therefore seems not to belong to appellate, but to original jurisdiction... The authority, therefore, given to the supreme court, by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the constitution; & it becomes necessary to inquire whether a jurisdiction, so conferred, can be exercised.”<sup>15</sup>

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15 **Jim Riley, *Regis University, Denver, Colorado:***

[http://academic.regis.edu/jriley/400section\\_13\\_of\\_1789\\_judiciary\\_act.htm](http://academic.regis.edu/jriley/400section_13_of_1789_judiciary_act.htm)

**Writ:** “(bef. 12c.) A court’s written order, in the name of a state or other competent legal authority, commanding the addressee to do or refrain from doing some specified act.”<sup>16</sup>

**“Writs have a long history. We can trace their formal origin to the Anglo-Saxon formulae by which the king used to communicate his pleasure to persons & courts. The Anglo-Norman (Norman = “Norse”, Norwegian) writs, which we meet with after the Conquest, are substantially the Anglo-Saxon writs turned into Latin. But what is new is the much greater use made of them, owing to the increase of royal power which came with the Conquest.”**<sup>17</sup>

**Writ of Mandamus:** “*n.* [Latin “we command”] A writ issued by a court to compel performance of a particular act by a lower court or a governmental officer or body, usually to correct a prior action or failure to act. Also termed *mandamus*. **mandamuses**, *pl.* – **mandamus**, *vb.*”<sup>18</sup>

**“The modern writ of mandamus may be defined as a command issuing from a common-law court of competent jurisdiction, in the name of the state or sovereign, directed to some corporation, officer, or inferior court, requiring the performance of a particular duty therein specified, which duty results from the official station of the party to whom the writ is directed, or from operation of law. in the specific relief which it affords, a mandamus... is resorted to for the redress of purely private wrongs, or the enforcement of contract rights... The object of a mandamus is to prevent disorder from a failure of justice & a defect of police, & it should be granted in all cases where the law has established no specific remedy & where in justice there should be one. And the value of the matter in issue, or the degree of its importance to the public, should not be too scrupulously weighed... The writ of mandamus is of very ancient origin, so ancient indeed that its early history is involved in obscurity, & has been the cause of much curious research & of many conflicting opinions. It seems, originally, to have been one of that large class of writs or mandates, by which the sovereign of England directed the performance of any desired act by his subjects, the word ‘mandamus’ in such writs or letters missive having doubtless given rise to the present name of the writ. These letters missive or mandates, to which the generic name mandamus was applied, were in no sense judicial writs, being merely commands issuing directly from the sovereign to the subject, without the intervention of the courts... The term mandamus, derived from these letters missive, seems gradually to have been confined in its application to the judicial writ issued by the kings bench, which has by a steady growth developed into the present writ of mandamus.”**<sup>19</sup>

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16 Black's Law Dictionary *Deluxe Tenth Edition*. page 1845

17 W.S. Holdsworth, *Sources and Literature of English Law* 20 (1925).

18 Black's Law Dictionary *Deluxe Tenth Edition* under “mandamus”, page 1105

19 James L. High, *A Treatise on Extraordinary Legal Remedies* § 2, at 5-6 (1884).

### **Marshall Ruled *Laws (etc.) That Conflict with The Constitution Are Not Laws:***

This conflict raised the important question of what happens when an Act of Congress conflicts with the Constitution. Marshall answered that Acts of Congress that conflict with the Constitution are not law, & the Courts are bound instead to follow the Constitution, affirming the principle of judicial review. In support of this position Marshall looked to the nature of the written Constitution— there would be no point of having a written Constitution if the courts could just ignore it. Marshall argued that the very nature of the judicial function requires courts to make this determination. If two laws conflict with each other, a court must decide which law applies.<sup>20</sup>

Finally, Marshall pointed to the judge's *oath* requiring them to uphold the Constitution, & to *the Supremacy Clause* of the Constitution.

### **“The Supremacy Clause”: (Article VI, Clause 2)**

**“This Constitution, & the laws of the United States which shall be made in pursuance thereof; & all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; & the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”<sup>21</sup>**

### **“The Oaths Clause”: (Article VI, Clause 3)**

**The Senators & Representatives before mentioned, & the members of the several state legislatures, & all executive & judicial officers, both of the United States & of the several states, shall be bound by oath or affirmation, to support this Constitution “<sup>22</sup>,**

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20 5 U.S. (1 Cranch) 176-177

21 Transcript of The Constitution of The United States, National Archives website::

<https://www.ourdocuments.gov/doc.php?flash=true&doc=9&page=transcript>

22 Transcript of The Constitution of The United States, National Archives website::

<https://www.ourdocuments.gov/doc.php?flash=true&doc=9&page=transcript>

### **Statements by Marshall in Regards to the decision:**

**“It is emphatically the province & duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, expound & interpret that rule. If two laws conflict with each other, the Courts must decide on the operation of each.**

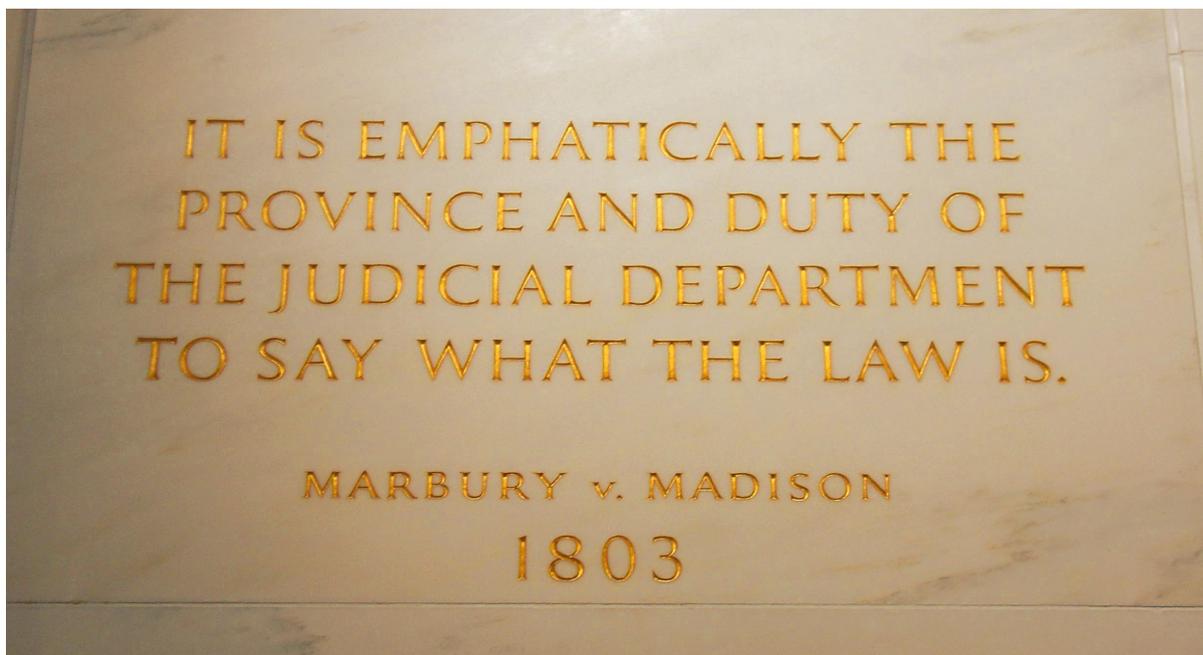
**So, if a law [e.g., a statute or treaty] be in opposition to the Constitution, if both the law & the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty...**

**... Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, & see only the law [e.g., the statute or treaty].**

**This doctrine would subvert the very foundation of all written constitutions.”**

– Chief Justice John Marshall, *Marbury v. Madison*

### **Plaque engraved into the wall of the U.S. Supreme Court Building:**



*Photo Source:*

[https://upload.wikimedia.org/wikipedia/commons/f/f7/Plaque\\_of\\_Marbury\\_v.\\_Madison\\_at\\_SCOTUS\\_Building.JPG](https://upload.wikimedia.org/wikipedia/commons/f/f7/Plaque_of_Marbury_v._Madison_at_SCOTUS_Building.JPG)

## 1804: First Encounter Between U.S. Government Officials & Sioux Tribes:

Tribal people of the Great Plains regions did not come across a United States government official until they met members of the *Lewis & Clark Expedition*—formally known as “*The Corps. of Discovery*”—in 1804—near the Missouri River.<sup>23</sup>

The expedition comprised a select group of U.S. Army volunteers as well as an African American slave named York. The Corps was under the command of Captain Meriwether Lewis & his close friend Second Lieutenant William Clark. Together their perilous journey lasted from May 1804 to September 1806.

As the journals of the expedition testify, this first black man to cross the continent north of Mexico played a meaningful role in our young nation’s first exploration of the American West. He faithfully performed his share of the duties required of every member in order for the expedition to reach the Pacific & return. His unique features & great strength were viewed with astonishment & awe by Native Americans encountered across the continent. His presence was considered a remarkable phenomenon that enhanced the prestige of the white strangers, who never had been seen previously by the isolated Indian populations<sup>24</sup>

### The Lewis & Clark Expedition:



*"Lewis and Clark at Three Forks" by E. S. Paxson, 1912. York is depicted second from the left. Courtesy Montana Historical Society:*

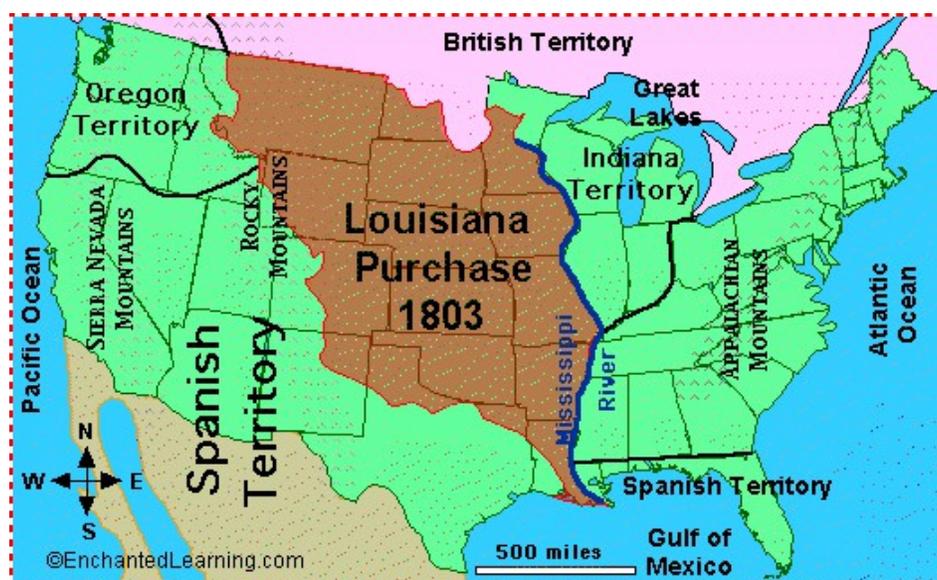
[http://www.nebraskastudies.org/0400/stories/0401\\_0106.html](http://www.nebraskastudies.org/0400/stories/0401_0106.html)

23 Linea Sundstrom, “Cross-Cultural Transference of the Sacred Geography of the Black Hills,” *World Archaeology* 28, no. 2 (Oct. 1996): 177.

24 PBS “York”: <http://www.pbs.org/lewisandclark/inside/york.html>

The *third* President of the United States, & *author of The Declaration of Independence*, *Thomas Jefferson*, commissioned the Corps. of Discovery shortly after the Louisiana Purchase (*purchased from France in order to release their claim*) in 1803. The primary objective was to explore & map the newly-acquired territory, to find a practical riverine route across the western half of the continent to secure a western trade route, & to establish an American presence in this territory before Britain or other European powers tried to claim it. Jefferson called the purchase “an ample provision for our posterity and a widespread field for the blessings of freedom.”<sup>25</sup>

### Map of *The Louisiana Purchase*:



<http://www.enchantedlearning.com/history/us/1800/louisianapurchase/>

The campaign’s *secondary objectives* were scientific & economic: to study the area’s *plants, animal life, & geography*— & to establish trade with local tribes. The expedition was *also* charged with *observing & recording* the *whereabouts, lives, activities, & cultures* of the various tribes who lived there. They encountered *many* tribes along the way— *many of whom offered assistance*— providing the expedition with their knowledge of the wilderness, & also with provisions of *food*. They carried with them *weapons, powder, tools, & cooking utensils*, & also blank leather-bound journals & ink for record-keeping purposes. They *also* brought various gifts of medals, ribbons, needles, mirrors, & *other artifacts* intended to ease tensions when negotiating passage with the various tribal *chiefs* they’d encounter along the way.

25 History: “8 Things You May Not Know About the Louisiana Purchase”:

<http://www.history.com/news/8-things-you-may-not-know-about-the-louisiana-purchase>

### Experiencing Cultural Differences:

As many tribes had had friendly experiences with British *and* French fur traders during various isolated encounters along the Missouri & Columbia Rivers, the expedition subsequently did not encounter any hostilities with the exception of the Teton-Sioux tribe under *Waglula* aka “Black Buffalo” & also the Partisan tribe on September 25, 1804. These two tribes were rivals & hoped to use the expedition to their own advantage— each demanding tribute (*offering*) for passage over the river at that particular juncture. Captain Lewis made his first mistake by offering the Sioux chief gifts *first*, which *insulted & angered* the Partisan chief. Communication was difficult since the expedition’s only Sioux interpreter, *Pierre Dorion*, had stayed behind with the other party for the purpose of negotiating diplomatic affairs with *another* tribe. Consequently, both chiefs were offered a few gifts, but *neither* were satisfied. At that point, some of the warriors from the Partisan tribe then took hold of their boat & one of the oars. Lewis took a firm stand, ordering a display of force, presenting arms; Captain Clark, by gesture of brandishing his sword, threatened violent reprisal. Just before the situation erupted into a violent confrontation, *Waglula* ordered his warriors to back off. After the ensuing diplomacy & with the aid of *better gifts* including a bottle of whiskey, the captains



PBS: “Inside the Corps.”, outbound route in red, inbound in blue:

<http://www.pbs.org/lewisandclark/inside/>

were able to negotiate their passage through without further incident. During the next two days, the expedition made camp not far from *Waglula*’s tribe. When they attempted to leave, *similar* incidents occurred, but they were averted with still more gifts, this time, of *tobacco*.<sup>26 27</sup> The expedition refrained from entering the Black Hills because they lacked governmental jurisdiction, *and* they feared *deadly consequences* of entering the sacred land— *the oldest mountain range within the contiguous United States*.<sup>28</sup> With *maps, sketches, & journals* in hand, the expedition eventually returned to St. Louis to report their findings to Jefferson.<sup>29</sup>

26 Allen, Paul; Clark, William; Lewis, Meriwether (1916). *Meriwether Lewis and William Clarke, Volume 1*. Elliott-Madison Company. p. 366.

27 Woodger, Elin; Toropov, Brandon (2009). *Encyclopedia of the Lewis and Clark Expedition*. Infobase Publishing. p. 438. ISBN 0-8160-4781-2.

28 Linea Sundstrom, “Cross-Cultural Transference of the Sacred Geography of the Black Hills,” *World Archaeology* 28, no. 2 (Oct. 1996): 177.

29 Ambrose, Stephen E. (1996). *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West*. Simon and Schuster, New York. p. 511. ISBN 9780684811079.

## Lesser Known Facts About The Lewis, Clark, York, & Sacagawea (Hidatsa word for “Bird Woman”) Expedition:

York was a hit with frontier tribes, many of whom had never seen a person with dark skin. The Arikara people referred to him as “Big Medicine”. He made the entire journey from St. Louis to the Pacific & back, & became a valued member of the expedition, including as a skilled hunter.

Lewis & Clark first met Sacagawea, a Shoshone native who was kidnapped from her tribe as an adolescent, while spending the winter among the Mandan tribe along the Upper Missouri River, near *present-day Bismarck, North Dakota*. Still only a teenager, Sacagawea was the wife of a French-Canadian fur trapper, Toussaint Charbonneau, who had purchased her from Hidatsa kidnappers the year before. The Hidatsa had taken Sacagawea from her homeland along the Continental Divide in modern-day southwestern Montana & southeastern Idaho, where she was the daughter of a prominent Shoshone chief. Viewing such captives as little more than slaves, the Hidatsa were happy to sell her *and* another woman to Charbonneau.

During a run-in with a band of Shoshone in the summer of 1805, she famously discovered the tribe’s chief was none other than her long lost brother, whom

she had not seen since her abduction five years earlier. The tearful reunion helped facilitate peaceful relations between the explorers & the Shoshone, allowing Lewis to procure much-needed horses for his trek over the Rockies.

On February 11<sup>th</sup>, 1805, Sacagawea went into labor. Lewis, *who would often act as the expedition’s doctor in the months to come*, was called on for the first & only time during the journey to assist in a delivery. Lewis was anxious to insure his new Shoshone interpreter was in good shape for the arduous journey to come, & he later worriedly reported “her labour was tedious, & the pain *violent*.” Told that a small amount of the rattle of rattlesnake might speed the delivery, Lewis broke up a rattler tail & mixed it with water. “She had not taken [the mixture] more than ten minutes before she brought forth,” Lewis reported.<sup>30</sup>



“*Sacajawea and Pomp*” by Agnes Vincens Talbot:

<http://lightpixiestudio.com/sacajawea-salmon-idaho/>

30 “**10 Little-Known Facts About the Lewis and Clark Expedition**”: <http://www.history.com/news/history-lists/10-little-known-facts-about-the-lewis-and-clark-expedition>

## **1805: Tenskwatawa, The Shawnee Prophet”, Incites *Witch-Hunts* Against Fellow Natives:**

Following The Northwest Indian Wars (*page 198*), Tecumseh was a man who refused to participate in the treaty which followed; he & many others had not agreed to relinquish ancestral lands. Ten years later, he watched his brother Lalewithaka succumb to alcoholism & render him unable to provide for his family. During this time, Lalewithaka came to know Penagashea, a highly regarded medicine man. When Penagashea died in 1804, Lalewithaka attempted to take his place.

In the winter of 1804-05, *disease ravaged the Shawnee, – children, elders, & even strong warriors*. Lalewithaka attempted to treat them, but with little success. Sitting in his wigwam one cold afternoon, he took a burning twig from his fire to light his pipe, but before he could do so, dropped the twig & fell unconscious. His wife rushed for help, but Lalewithaka's neighbors were skeptical, believing that he had probably drunk too much & simply passed out. After finding he was no longer breathing, he was presumed to be dead, & preparations were made for his funeral.

However, Lalewithaka miraculously awoke, claiming he'd been given a vision by the *Master of Life*. He claimed his soul had been taken to the spirit world, where he was shown the past & the future. He saw a paradise for the Shawnee people, as well as a large lodge filled with fire where evildoers were condemned to go. Overcome, Lalewithaka wept as he described the vision, & renounced alcohol & his previous ways. He accepted a new name, “Tenskwatawa” (“The Open Door”), & lived as a *holy man* who would lead his people to paradise. Many were still skeptical, however others were convinced he was sincere, & his vision true.<sup>31</sup>

In May 1805, when Buckongahelas (*page 196*) died of presumably smallpox or influenza, surrounding tribes believed his death, & the diseases of others, was caused by witchcraft, & a witch-hunt then ensued, leading to the death of several suspected Lenape witches. The witch-hunts inspired a nativist religious revival led by Tenskwatawa (commonly known as “The Prophet”), who remained as a strong proponent of the witch hunts. Tenskwatawa quickly became strong political threat to the influence of politically-compromising chiefs, such as Buckongahelas had been accused of being among his later years.

As part of his religious teachings, Tenskwatawa urged Indians to reject “white man ways”— *drinking liquor, wearing European-style clothing, & the use of firearms*. He called for tribes to refrain from ceding *any more lands* to the United States. Numerous fellow tribespeople who were inclined to cooperate with the U.S. became accused of witchcraft, & several were executed by Tenskwatawa's followers. The famous Shawnee *head civil chief*, Black Hoof, was accused, *but not executed*. From his village at Greenville, Tenskwatawa compromised Black Hoof's friendly relationship with the U.S., which led to rising tensions with settlers in the region. Black Hoof & other tribal leaders began to put pressure on Tenskwatawa & his followers to leave the area to prevent the situation from escalating.

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31 **Encyclopedia of World Biography, “Tenskwatawa”**. Retrieved June 06, 2017:  
<http://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/tenskwatawa>

### Tenskwatawa's Teachings:

- **Doctrine of the Great Spirit-** He commanded people to give up many of their spiritual practices & follow the doctrine that was given to *him* by the Great Spirit.
- **Give up sacred bundles-** Most traditionalist natives kept sacred medicine bundles that were revealed to them by their guiding spirits, which acted to bring them good fortune while hunting, & to protect them in battles. These bundles could also be used for producing magicks. The controversy over the sacred bundles was probably the least successful aspect of Tenskwatawa's preaching. Warriors were reluctant to give them up. Tenskwatawa associated medicine bundles with witchcraft.
- **Abandon witchcraft-** Many natives believed magick could be used for either good *or* evil, but that the power itself was not in itself evil. Tenskwatawa preached that *all* witchcraft was evil, & had to be *given up*.
- **Monogamous Marital Practices-** among many tribes, having *multiple partners* was accepted without question. Dissolution of the marriage was also very simple & straightforward— couples would simply stop living together as husband & wife. Tenskwatawa preached that natives were supposed to remain monogamous & faithful to *one* wife.
- **Worship only the Great Spirit-** this was another break with many traditions- although by the time Tenskwatawa began advocating this, most Native Americans were already familiar with the doctrine to worship only *one god* through their exposure to Christianity. Tenskwatawa preached that the Great Spirit created all the people of the earth, & that the black people, red people, & white people had all been given land upon which to subsist. This is yet another break with traditional religious practice. Before the rise of prophets like Tenskwatawa, many Native Americans did not explicitly worship a “single supreme being”. As opposed to the demand that warriors give up their magic bundles, this tenet was exceedingly popular.
- **White People are Inherently Evil-** Tenskwatawa taught that white people were also the spawn of the *Great Serpent*, & that they were inherently evil, & *that* was why they were attempting to expropriate lands that belonged to both the red man *and* the black man.
- **Creating Sacred Space-** Tenskwatawa's village near Greenville took on a new role— it was a *sacred place* for many Native peoples, much like Vatican City to Roman Catholics, or *Mecca* to Muslims. Many native groups migrated to Greenville to listen to Tenskwatawa speak.
- **The Longhouse Church-** the main area for worship was a large structure said to be at least 150 feet long. Each evening, the Prophet appeared in this structure to preach to the gathered masses.<sup>32</sup>



Painted by George Catlin in 1830,  
Smithsonian American Art  
Museum, Washington,  
D.C.,1985.66.279:  
[www.warmuseum.ca/war-of-1812/explore-history/the-native-american-war/key-native-american-personalities/](http://www.warmuseum.ca/war-of-1812/explore-history/the-native-american-war/key-native-american-personalities/)

32 Great Americans- “Religious Life at Greenville”: <http://greatamericansclass.blogspot.com/2012/03/religious-life-at-greenville.html>

**1805-10: Britain Captures U.S. Trade Ships, Forces Americans to Join Royal Navy; France, at War with England, Responds by Blocking U.S.-British Trade; President Thomas Jefferson Halts Trade with *Both*, U.S. Citizens Disregard:**

Tensions that caused the War of 1812 arose from the French Revolutionary & Napoleonic Wars (1792–1815). During these constant conflicts between France & Britain, American interests were injured by each of the two countries' endeavors to block the U.S. from trading with the other.

American shipping initially prospered from trade with the French & Spanish empires, although the British countered the U.S. claim that “free ships make free goods” with the belated enforcement of the Rule of 1756 (trade not permitted in peacetime would not be allowed in wartime). The Royal Navy *enforced* the act from 1793 to 1794, especially in the Caribbean Sea, before the signing of the Jay Treaty on November 19, 1794. Under the primary terms of the treaty, U.S. maritime commerce was given trading privileges in England & the British East Indies, Britain agreed to evacuate forts still held in the Northwest Territory by June 1, 1796, & the Mississippi River was declared freely open to both countries. Though the treaty was ratified by both countries, it was highly unpopular in the U.S. & was one of the rallying points used by pro-French Republicans, led by Thomas Jefferson & James Madison, in wresting power from the pro-British Federalists, led by George Washington & John Adams.

When Jefferson became president in 1801, relations with Britain deteriorated, & systematic enforcement of the *Rule of 1756* resumed in 1805. Compounding this troubling development, the decisive British naval victory at the Battle of Trafalgar on October 21, 1805 & efforts by the British to blockade French ports prompted the French emperor, Napoleon, to cut off Britain from European *and* American trade. *The Berlin Decree* on November 21, 1806 established Napoleon's *Continental System*, which impinged on U.S. neutrality rights by designating ships that visited British ports as enemy vessels. The British responded with *Orders in Council* on November 11, 1807, requiring neutral ships to obtain *licenses* at English ports before trading with France *or* French colonies. In turn, France announced *the Milan Decree* on December 17, 1807, which strengthened the Berlin Decree by authorizing the capture of any neutral vessel that submitted to search by the British. Consequently, American ships that obeyed Britain faced capture by the French in European ports, & if they complied with Napoleon's Continental System, they could fall prey to the Royal Navy.

The Royal Navy's use of impressment (*seizing & forcing into public service*) to keep ships fully crewed also provoked Americans. The British accosted American merchant ships to seize alleged Royal Navy deserters, carrying off thousands of U.S. citizens into the British navy. In 1807 the frigate H.M.S. Leopard fired on the U.S. Navy frigate *Chesapeake* & *seized four sailors*, three of them being *U.S. citizens*. London apologized, but it had almost caused the U.S. to declare war.

Jefferson chose to exert economic pressure against Britain *and* France by pushing Congress in December 1807 to pass *the Embargo Act*, which forbade all export shipping from U.S. Ports, & *most* imports from the British. The Embargo Act hurt Americans more than the British or French, however, causing many Americans to defy it. Just before Jefferson left office in 1809, Congress replaced it with *the Non-Intercourse Act* (“*intercourse*” = “*commerce*”), which exclusively forbade trade with Great Britain & France. Also ineffective, it was replaced by Macon's Bill No. 2 on May 1, 1810, thus resuming commerce between all nations but stipulating that if Britain *or* France dropped commercial restrictions, the U.S. would revive nonintercourse against the other.

## 1807: British Parliament Passes Ban on The Trans-Atlantic Slave Trade; Thomas Jefferson Bans the Trans-Atlantic Slave Trade in the U.S.:

“*An Act for the Abolition of the Slave Trade*”<sup>33</sup> was an Act of the Parliament of the United Kingdom passed on March 25<sup>th</sup>, 1807 which abolished the Trans-Atlantic slave trade in the British Empire, & also encouraged British action to press other European states to abolish their slave trades, but it did not abolish slavery itself. Many of the Bill's supporters thought the Act would lead to the death of slavery, but it was not until 26 years later that slavery would become abolished in Britain.<sup>34</sup>

The Committee for the Abolition of the Slave Trade was formed in 1787 by a group of Evangelical English Protestants allied with Quakers who united in their shared opposition to slavery. The Quakers had long viewed slavery as immoral, a blight upon humanity. By 1807 the abolitionist groups had a sizable faction of like-minded members in the British Parliament, controlling 35–40 seats. Known as the "Saints", the alliance was led by the best known of the anti-slave trade campaigners, William Wilberforce, who had taken on the cause of abolition in 1787 after reading evidence compiled by Thomas Clarkson *against* the trade. Parliament overwhelmingly voted to abolish the trade with 283 votes for to 16 against, which carried in the House of Commons.<sup>35</sup>

On December 2, 1806, in his widely circulated annual message to Congress, longtime anti-slavery advocate, President Thomas Jefferson, too, denounced the "violations of human rights" attending the international slave trade, calling for its criminalization on the first day possible. He said:

**“I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe.”**<sup>36</sup>

The bill passed the House and Senate on March 2, 1807, called “*An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord, One Thousand Eight Hundred and Eight.*” The bound measure also regulated the coastwise slave trade. Jefferson signed the bill March 2, 1807.<sup>37</sup> Many in Congress believed the act would doom slavery in the South, but they were mistaken.<sup>38</sup>

The law banned the external slave trade beginning January 1, 1808. With that act, enslaved persons could no longer be brought to the United States. Although the law would be frequently violated until the eve of the Civil War, many black and white anti-slavery activists hailed it as the first major step toward banning slavery itself.

33 Abolition of the Slave Trade Act. The National Archives

34 Mar 2, 1807: Congress abolishes the African slave trade", This Day in History.

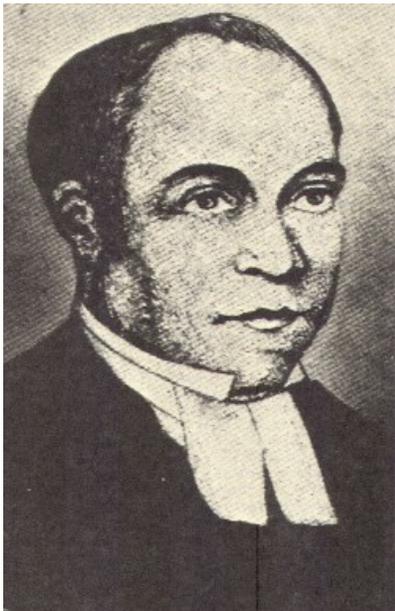
35 William Wilberforce (1759–1833

36 John Paul Kaminski (1995). *A Necessary Evil?: Slavery and the Debate Over the Constitution*. Rowman & Littlefield. p. 256.

37 United States (1850). *The Public Statutes at Large of the United States of America*. Charle C. Little and James Brown. pp. 426–430.

38Peter Kolchin, *American Slavery* (1993) p 80

## New Years 1808: Rev. Peter Williams, Jr. Delivers Anti-Slavery Speech:



Rev. Peter Williams, Jr.

One of those activists was the son of the man who founded New York's African Methodist Episcopal Zion Church back in 1796: Episcopal Reverend Peter Williams, Jr. delivered the following address *at the church* on January 1, 1808, celebrating the passage of the act:

**“Fathers, Brethren, & Fellow Citizens: At this auspicious moment I felicitate you on the abolition of the Slave Trade. This inhuman branch of commerce, which, for some centuries past, has been carried on to a considerable extent, is, by the singular interposition of Divine Providence, this day extinguished. An event so important, so pregnant with happy consequences, must be extremely consonant to every philanthropic heart.**

**But to us, Africans & descendants of Africans, this period is deeply interesting. We have felt, sensibly felt, the sad effects of this abominable traffic. It has made, if not ourselves, our forefathers & kinsmen its unhappy victims; & pronounced on them, & their posterity, the sentence of perpetual slavery.**

**But benevolent men have voluntarily stepped forward to obviate the consequences of this injustice & barbarity. They have striven assiduously, to restore our natural rights; to guarantee them from fresh innovations; to furnish us with necessary information; & to stop the source from whence our evils have flowed.**

**The fruits of these laudable endeavors have long been visible; each moment they appear more conspicuous; & this day has produced an event which shall ever be memorable & glorious in the annals of history. We are now assembled to celebrate this momentous era; to recognize the beneficial influences of humane exertions; & by suitable demonstrations of joy, thanksgiving, & gratitude, to return to our heavenly Father, & to our earthly benefactors, our sincere acknowledgments.**

**Review, for a moment, my brethren, the history of the Slave Trade. Engendered in the foul recesses of the sordid mind, the unnatural monster inflicted gross evils on the human race. Its baneful footsteps are marked with blood; its infectious breath spreads war & desolation; & its train is composed of the complicated miseries of cruel & unceasing bondage.**

**Before the enterprising spirit of European genius explored the western coast of Africa, the state of our forefathers was a state of simplicity, innocence, & contentment. Unskilled in the arts of dissimulation, their bosoms were the seats of confidence; & their lips were the organs of truth. Strangers to the refinements of civilized society, they followed with implicit obedience the (simple) dictates of nature. Peculiarly observant of hospitality, they offered a place of refreshment to the weary, & an asylum to the unfortunate. Ardent in their affections, their minds were susceptible of the warmest emotions of love, friendship, & gratitude.**

Although unacquainted with the diversified luxuries & amusements of civilized nations, they enjoyed some singular advantages from the bountiful hand of nature & from their own innocent & amiable manners, which rendered them a happy people. But alas! This delightful picture has long since vanished; the angel of bliss has deserted their dwelling; & the demon of indescribable misery has rioted, uncontrolled, on the fair fields of our ancestors.

After Columbus unfolded to civilized man the vast treasures of this western world, the desire of gain, which had chiefly induced the first colonists of America to cross the waters of the Atlantic, surpassing the bounds of reasonable acquisition, violated the sacred injunctions of the gospel, frustrated the designs of the pious & humane, & enslaving the harmless aborigines, compelled them to drudge in the mines.

The severities of this employment was so insupportable to men who were unaccustomed to fatigue that, according to Robertson's "History of America", upwards of nine hundred thousand were destroyed in the space of fifteen years on the island of Hispaniola. A consumption so rapid must, in a short period, have deprived them of the instruments of labor, had not the same genius which first produced it found out another method to obtain them. This was no other than the importation of slaves from the coast of Africa. The Genoese made the first regular importation, in the year 1517, by virtue of a patent granted by Charles of Austria to a Flemish favorite; since which, this commerce has increased to an astonishing & almost incredible degree.

After the manner of ancient piracy, descents were first made on the African coast; the towns bordering on the ocean were surprised, & a number of the inhabitants carried into slavery.

Alarmed at these depredations, the natives fled to the interior, & there united to secure themselves from the common foe. But the subtle invaders were not easily deterred from their purpose. Their experience, corroborated by historical testimony, convinced them that this spirit of unity would baffle every violent attempt; & that the most powerful method to dissolve it would be to diffuse in them the same avaricious disposition which they themselves possessed; & to afford them the means of gratifying it, by ruining each other. Fatal engine: fatal thou hast proved to man in all ages: where the greatest violence has proved ineffectual, their undermining principles have wrought destruction. By the deadly power, the strong Grecian arm, which bid the world defiance, fell nerveless; by thy potent attacks, the solid pillars of Roman grandeur shook to their base; and, Oh! *Africans!* By this parent of the Slave Trade, this grandsire of misery, the mortal blow was struck which crushed the peace & happiness of our country. Affairs now assumed a different aspect; the appearances of war were changed into the most amicable pretensions; presents apparently inestimable were made; & all the bewitching & alluring wiles of the seducer were practiced. The harmless African, taught to believe a friendly countenance, the sure token of a corresponding heart, soon disbanded his fears & evinced a favorable disposition towards his flattering enemies.

Thus the foe, obtaining an intercourse by a dazzling display of European finery, bewildered their simple understandings & corrupted their morals. Mutual agreements were then made; the Europeans were to supply the Africans with those gaudy trifles which so strongly affected them; & the Africans in return were to grant the Europeans their prisoners of war & convicts as slaves. These stipulations, naturally tending to delude the mind, answered the twofold purpose of enlarging their criminal code & of exciting incessant war at the same time that it furnished a specious pretext for the prosecution of this inhuman traffic. Bad as this may appear, had it prescribed the bounds of injustice, millions of unhappy victims might have still been spared. But, extending widely beyond measure & without control, large additions of slaves were made by kidnapping & the most unpalliated seizures.

Trace the past scenes of Africa & you will manifestly perceive these flagrant violations of human rights. The prince who once delighted in the happiness of his people, who felt himself bound by a sacred contract to defend their persons & property, was turned into their tyrant & scourge: he, who once strove to preserve peace & good understanding with the different nations, who never unsheathed his sword but in the cause of justice, at the signal of a slave ship assembled his warriors & rushed furiously upon his unsuspecting friends. What a scene does that town now present, which a few moments past was the abode of tranquillity. At the approach of the foe, alarm & confusion pervade every part; horror & dismay are depicted on every countenance; the aged chief, starting from his couch, calls forth his men to repulse the hostile invader: all ages obey the summons; feeble youth & decrepit age join the standard; while the foe, to effect his purpose, fires the town.

Now, with unimaginable terror the battle commences: hear now the shrieks of the women, the cries of the children, the shouts of the warriors, & the groans of the dying. See with what desperation the inhabitants fight in defense of their darling joys. But, *alas!* Overpowered by a superior foe, their force is broken; their ablest warriors fall; & the wretched remnant are taken captives.

Where are now those pleasant dwellings, where peace & harmony reigned incessant? Where those beautiful fields, whose smiling crops and enchanting verdure enlivened the heart of every beholder? *Alas!* Those tenements are now enveloped in destructive flames; those fair fields are now bedewed with blood and covered with mangled carcasses. Where are now those sounds of mirth & gladness, which loudly rang throughout the village? Where those darling youth, those venerable aged, who mutually animated the festive throng? *Alas!* Those exhilarating peals are now changed into the dismal groans of inconceivable distress; the survivors of those happy people are now carried into cruel captivity. *Ah!* Driven from their native soil, they cast their languishing eyes behind, & with aching hearts bid adieu to every prospect of joy & comfort.

A spectacle so truly distressing is sufficient to blow into a blaze the most latent spark of humanity; but, the adamant heart of avarice, dead to every sensation of pity, regards not the voice of the sufferers, but hastily drives them to market for sale.

**Oh Africa, Africa!** To what horrid inhumanities have thy shores been witness; thy shores, which were once the garden of the world, the seat of almost paradisiacal joys, have been transformed into regions of woe; thy sons, who were once the happiest of mortals, are reduced to slavery, & bound in weighty shackles, now fill the trader's ship. But, though defeated in the contest for liberty, their magnanimous souls scorn the gross indignity, & choose death in preference to slavery. Painful; *ah!* Painful, must be that existence which the rational mind can deliberately doom to self destruction. Thus the poor Africans, *robbed of every joy*, while they see not the most transient, glimmering, ray of hope to cheer their saddened hearts, sink into the abyss of consummate misery. Their lives, embittered by reflection, anticipation, & present sorrows, they feel burthensome; and & (whose dreary mansions appall the stoutest hearts) they view as their only shelter.

You, my brethren, beloved Africans, who had passed the days of infancy when you left your country, you best can tell the aggravated sufferings of our unfortunate race; your memories can bring to view these scenes of bitter grief. What, my brethren, when dragged from your native land on board the slave ship, what was the anguish which you saw, which you felt? What the pain, what the dreadful forebodings which filled your throbbing bosoms?

But you, my brethren, descendants of African forefathers, I call upon you to view a scene of unfathomable distress. Let your imagination carry you back to former days. Behold a vessel, bearing our forefathers & brethren from the place of their nativity to a distant & inhospitable clime; behold their dejected countenances, their streaming eyes, their fettered limbs; hear them, with piercing cries, & pitiful moans, deploring their wretched fate. After their arrival in port, see them separated without regard to the ties of blood or friendship: *husband from wife; parent from child; brother from sister; friend from friend*. See the parting tear rolling down their fallen cheeks; hear the parting sigh die on their quivering lips.



*John Street Methodist Church was a center of abolitionist sentiment. Etching from 1768: <http://www.nycreligion.info/harlem-faith-american-revolution/>*

But let us no longer pursue a theme of boundless affliction. An enchanting sound now demands your attention. *Hail! Hail!* Glorious day, whose resplendent rising disperseth the clouds which have hovered with destruction over the land of Africa, & illumines it by the most brilliant rays of future prosperity. Rejoice! Oh *Africans!* No longer shall tyranny, war, & injustice, with irresistible sway, desolate your native country; no longer shall torrents of human blood deluge its delightful plains; no longer shall it witness your countrymen wielding among each other the instruments of death; nor the insidious kidnapper, darting from his midnight haunt, on the feeble & unprotected; no longer shall its shores resound with the awful howlings of infatuated warriors, the deathlike groans of vanquished innocents, nor the clanking fetters of woe doomed captives. Rejoice, oh, ye descendants of Africans! No longer shall the United States of America, nor the extensive colonies of Great Britain, admit the degrading commerce of the human species; no longer shall they swell the tide of African misery by the importation of slaves. Rejoice, my brethren, that the channels are obstructed through which slavery, & its direful concomitants, have been entailed on the African race. But let incessant strains of gratitude be mingled with your expressions of joy. Through the infinite mercy of the great Jehovah, this day announces the abolition of the Slave Trade. Let, therefore, the heart that is warmed by the smallest drop of African blood glow in grateful transports, & cause the lofty arches of the sky to reverberate eternal praise to his boundless goodness.

Oh, God! we thank Thee, that thou didst condescend to listen to the cries of Africa's wretched sons, & that Thou didst interfere in their behalf. At Thy call humanity sprang forth & espoused the cause of the oppressed; one hand she employed in drawing from their vitals the deadly arrows of injustice; & the other holding a shield, to defend them from fresh assaults; & at that illustrious moment, when the sons of '76 pronounced these United States free & independent; when the spirit of patriotism erected a temple sacred to liberty; when the inspired voice of Americans first uttered those noble sentiments, "We hold these truths to be self-evident, tat all men are created equal; that they are endowed by their Creator with certain unalienable rights; among which are life, liberty, and the pursuit of happiness"; & when the bleeding African, lifting his fetters, exclaimed, "Am I not a man & a brother"; then, with redoubled efforts, the angel of humanity strove to restore to the African race the inherent rights of man.

To the instruments of divine goodness, those benevolent men who voluntarily obeyed the dictates of humanity, we owe much. Surrounded with innumerable difficulties, their undaunted spirits dared to oppose a powerful host of interested men. Heedless to the voice of fame, their independent souls dared to oppose the strong gales of popular prejudice. Actuated by principles of genuine philanthropy, they dared to despise the emoluments of ill-gotten wealth, & to sacrifice much of their temporal interests at the shrine of benevolence.

As an American, I glory in informing you that Columbia boasts the first men who distinguished themselves eminently in the vindication of our rights & the improvement of our state.

Conscious that slavery was unfavorable to the benign influences of Christianity, the pious Woolman loudly declaimed against it; and, although destitute of fortune, he resolved to spare neither time nor pains to check its foot & exhorted his brethren, of the denomination of Friends, to abjure the iniquitous custom. These, convinced by the cogency of his arguments, denied the

privileges of their society to the slaveholder, & zealously engaged in destroying the aggravated evil. Thus, through the beneficial labors of this pattern of piety & brotherly kindness, commenced a work which has since been promoted by the humane of every denomination. His memory ought therefore to be deeply engraven on the tablets of our hearts; & ought ever to inspire us with the most ardent esteem.

Nor less to be prized are the useful exertions of Anthony Benezet. This inestimable person, sensible of the equality of mankind, rose superior to the illiberal opinions of the age; and, disallowing an inferiority in the African genius, established the first school to cultivate our understandings and to better our condition.

Thus, by enlightening the mind and implanting the seeds of virtue, he banished, in a degree, the mists of prejudice, and laid the foundations of our future happiness. Let, therefore, a due sense of his meritorious actions ever create in us a deep reverence of his beloved name. Justice to the occasion, as well as his merits, forbid me to pass in silence over the name of the honorable William Wilberforce. Possessing talents capable of adorning the greatest subjects, his comprehensive mind found none more worthy his constant attention than the abolition of the slave trade. For this he soared to the zenith of his towering eloquence, and for this he struggled with perpetual ardour. Thus, anxious in defense of our rights, he pledged himself never to desert the cause; and, by his repeated and strenuous exertions, he finally obtained the desirable end. His extensive services have, therefore, entitled him to a large share of our affections, and to a lasting tribute of our unfeigned thanks.

But think not, by brethren, that I pretend to enumerate the persons who have proved our strenuous advocates, or that I have portrayed the merits of those I have mention. No, I have given but a few specimens of a countless number, and no more than the rude outlines of the beneficence of these. Perhaps there never existed a human institution which has displayed more intrinsic merit than the societies for the abolition of slavery.

Reared on the pure basis of philanthropy, they extend to different quarters of the globe, and comprise a considerable number of humane and respectable men. These, greatly impressed with the importance of the work, entered into it with such disinterestedness, engagedness, and prudence, as does honor to their wisdom and virtue. To effect the purposes of these societies no legal means were left untried which afforded the smallest prospects of success. Books were disseminated, and discourses delivered, wherein every argument was employed which the penetrating mind could adduce from religion, justice or reason, to prove the turpitude of slavery, and numerous instances related calculated to awaken sentiments of compassion. To further their charitable intentions, applications were constantly made to different bodies of legislature, and every concession improved to our best possible advantage. Taught by preceding occurrences, that the waves of oppression are ever ready to overwhelm the defenseless, they became the vigilant guardians of all our reinstated joys. Sensible that the inexperienced mind is greatly exposed to the allurements of vice, they cautioned us, by the most salutary precepts and virtuous examples, against its fatal encroachments; and the better to establish us in the path of rectitude they instituted schools to instruct us in the knowledge of letters and the principles of virtue.

**By these & similar methods, with divine assistance they assailed the dark dungeon of slavery; shattered its rugged wall, and enlarging thousands of the captives, bestowed on them the blessing of civil society. Yes, my brethren, through their efficiency, numbers of us now enjoy the invaluable gem of liberty; numbers have been secured from a relapse into bondage, and numbers have attained a useful education.**

**I need not, my brethren, take a further view of our present circumstances, to convince you of the providential benefits which we have derived from our patrons; for if you take a retrospect of the past situation of Africans, & descendants of Africans, in this and other countries, to your observation our advancements must be obvious. From these considerations, added to the happy event which we now celebrate, let ever entertain the profoundest veneration for our munificent benefactors, and return to them from the altars of our hearts the fragrant incense of incessant gratitude. But let not, my brethren, our demonstrations of gratitude be confined to the mere expression of our lips.**

**The active part which the friends of humanity have taken to ameliorate our sufferings has rendered them, in a measure, the pledges of our integrity. You must be well aware that notwithstanding their endeavors, they have yet remaining, from interest, and prejudice, a number of opposers. These, carefully watching for every opportunity to injure the cause, will not fail to augment the smallest defects in our lives and conversation; & reproach our benefactors with them as the fruits of their actions.**

**Let us, therefore, by a steady and upright deportment, by a strict obedience and respect to the laws of the land, form an invulnerable bulwark against the shafts of malice. Thus, evincing to the world that our garments are unpolluted by the stains of ingratitude, we shall reap increasing advantages from the favors conferred; the spirits of our departed ancestors shall smile with complacency on the change of our state; and posterity shall exult in the pleasing remembrance.**

**May the time speedily commence when Ethiopia shall stretch forth her hands; when the sun of liberty shall beam resplendent on the whole African race; and its genial influences promote the luxuriant growth of knowledge & virtue.”<sup>39</sup>**

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<sup>39</sup> (1808) Rev. Peter Williams, “An Oration On The Abolition Of The Slave Trade”: [www.blackpast.org/1808-rev-peter-williams-oration-abolition-slave-trade#sthash.fu719InL.dpuf](http://www.blackpast.org/1808-rev-peter-williams-oration-abolition-slave-trade#sthash.fu719InL.dpuf)

## **1811: While Britain Monopolizes the Atlantic Trade & Arms Tribes, Ohio Governor Harrison Attacks Tecumseh's Growing Confederacy, Destroys Prophetstown:**

In August, Napoleon claimed he would exempt American shipping from the Berlin *and* Milan decrees; President Madison, though doubtful, accepted. Britain responded by demonstrating French restrictions continued, U.S. Pres. James Madison was dissatisfied & reinstated nonintercourse against Britain in 1810, increasing tensions. Britain continued to assert its “neutral rights” in order to continue trade, a need derived from *more than the emergency* caused by the European war. In addition, their manufacturing & shipping interests demanded the Royal Navy continue to promote & sustain British trade against “Yankee” (a common slang term used to describe Americans) competitors. By ignoring U.S. laws, Americans became convinced they were being consigned to a de facto (“by fact”) colonial status. Britons, on the other hand, denounced American actions that effectively made the U.S. a participant in Napoleon’s Continental System.

Meanwhile, in the Northwest Territory, Indian fears & disdain regarding continued American encroachment led to increased tensions. Tecumseh & Tenskwatawa continued to attract followers arising from this discontent & formed what became known as “Tecumseh's Confederacy”, which actively opposed U.S. Expansion into Native territory, the American government, & assimilation.<sup>40</sup> American settlers blamed Britain for heightened tensions with natives & as war loomed, Canadian militia forces sought to augment themselves with Indian allies, which confirmed the worst fears of American settlers.<sup>41</sup>

As tensions & violence increased, Governor Harrison marched with an army of about 1,000 men to disperse the confederacy's headquarters at Prophetstown, near the confluence of the Tippecanoe & Wabash Rivers. Tecumseh, not yet ready to oppose the United States by force, was away recruiting allies when Harrison's army arrived. Tenskwatawa, not a military man, was in charge, & when Harrison camped near Prophetstown on November 6 & arranged to meet with Tenskwatawa the following day, the next morning *warriors from Prophetstown* attacked Harrison's army. The outnumbered attackers took Harrison's army by surprise, however Harrison & his men stood their ground as war ensued for more than two hours. Tecumseh's Confederacy withdrew after their ammunition ran low, at which time they abandoned Prophetstown, which Harrison's men then burned to the ground before destroying the food supplies stored for the winter, & returning home. Harrison, having accomplished his goal of destroying Prophetstown, proclaimed he had won a decisive victory, & thus gained the nickname "Tippecanoe", which was popularized in the campaign song "Tippecanoe and Tyler too" during the election of 1840, which Harrison won before becoming president. The defeat was a setback for Tecumseh's confederacy from which it never fully recovered.<sup>42 43</sup>

This event led to what became known as *Tecumseh's Curse* (a.k.a “The Curse of Tippecanoe”), *which is* associated with the fact that every president who was elected in a year ending in zero— from William Henry Harrison to John F. Kennedy— has died in office.<sup>44</sup>

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40 Ohio History Central, “Tecumseh”: <http://ohiohistorycentral.org/w/Tecumseh?rec=373>

41 Encyclopedia Britannica, “War of 1812; UNITED KINGDOM-UNITED STATES HISTORY” by David S. Heidler, Jeanne T. Heidler (2016): <https://www.britannica.com/event/War-of-1812>

42 Blaine T. Brownell; Robert C. Cottrell (2010). *Lives and Times: Individuals and Issues in American History: To 1877*. Rowman & Littlefield. p. 130. ISBN 9781442205581.

43 Spencer C. Tucker (2014). *Battles That Changed American History: 100 of the Greatest Victories and Defeats*. ABC-CLIO. p. 83. ISBN 9781440828621.

44 Periodic Table of the Presidents, “What is Tecumseh’s Curse?” by PJ Creek: <https://periodicpresidents.com/2013/06/11/what-is-tecumsehs-curse/>

### **Winter 1811-12: Tecumseh's Speech to the Osages:**

**“Brothers,—We all belong to one family; we are all children of the Great Spirit; we walk in the same path; slake our thirst at the same spring; and now affairs of the greatest concern lead us to smoke the pipe around the same council fire!**

**Brothers,—We are friends; we must assist each other to bear our burdens. The blood of many of our fathers and brothers has run like water on the ground, to satisfy the avarice of the white men. We, ourselves, are threatened with a great evil; nothing will pacify them but the destruction of all the red men.**

**Brothers,—When the white men first set foot on our grounds, they were hungry; they had no place on which to spread their blankets, or to kindle their fires. They were feeble; they could do nothing for themselves. Our father commiserated their distress, and shared freely with them whatever the Great Spirit had given his red children. They gave them food when hungry, medicine when sick, spread skins for them to sleep on, and gave them grounds, that they might hunt and raise corn.**

**Brothers,—The white people are like poisonous serpents: when chilled, they are feeble and harmless; but invigorate them with warmth, and they sting their benefactors to death. The white people came among us feeble; and now we have made them strong, they wish to kill us, or drive us back, as they would wolves and panthers.**

**Brothers,—The white men are not friends to the Indians: at first, they only asked for land sufficient for a wigwam; now, nothing will satisfy them but the whole of our hunting grounds, from the rising to the setting sun.**

**Brothers,—The white men want more than our hunting grounds; they wish to kill our warriors; they would even kill our old men, women and little ones.**

**Brothers,—Many winters ago, there was no land; the sun did not rise and set: all was darkness. The Great Spirit made all things. He gave the white people a home beyond the great waters. He supplied these grounds with game, and gave them to his red children; and he gave them strength and courage to defend them.**

**Brothers—My people wish for peace; the red men all wish for peace; but where the white people are, there is no peace for them, except it be on the bosom of our mother.**

**Brothers,—The white men despise and cheat the Indians; they abuse and insult them; they do not think the red men sufficiently good to live. The red men have borne many and great injuries; they ought to suffer them no longer. My people will not; they are determined on vengeance; they have taken up the tomahawk; they will make it fat with blood; they will drink the blood of the white people.**

### Tecumseh:

**Brothers,—My people are brave and numerous; but the white people are too strong for them alone. I wish you to take up the tomahawk with them. If we all unite, we will cause the rivers to stain the great waters with their blood.**

**Brothers,—If you do not unite with us, they will first destroy us, and then you will fall an easy prey to them. They have destroyed many nations of red men because they were not united, because they were not friends to each other.**

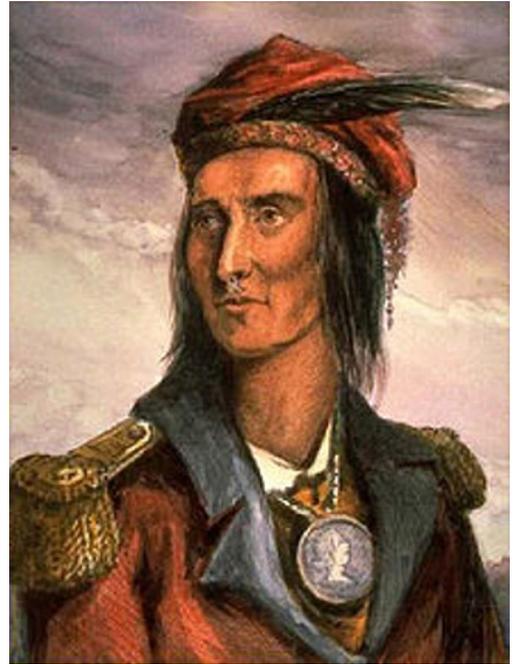
**Brothers,—The white people send runners amongst us; they wish *to* make us enemies that they may sweep over and desolate our hunting grounds, like devastating winds, or rushing waters.**

**Brothers,—Our Great Father, over the great waters, is angry with the white people, our enemies. He will send his brave warriors against them; he will send us rifles, and whatever else we want—he is our friend, and we are his children.**

**Brothers,—Who are the white people that we should fear them? They cannot run fast, and are good marks to shoot at: they are only men; our fathers have killed many of them; we are not squaws, and we will stain the earth red with blood.**

**Brothers,—The Great Spirit is angry with our enemies; he speaks in thunder, and the earth swallows up villages, and drinks up the Mississippi. The great waters will cover their lowlands; their corn cannot grow, and the Great Spirit will sweep those who escape to the hills from the earth with his terrible breach.**

**Brothers,—We must be united; we must smoke the same pipe; we must fight each other's battles; and more than all, we must love the Great Spirits he is for us; he will destroy our enemies, and make all his red children happy.”<sup>45</sup>**



*Fictionalized painting of Tecumseh in a British uniform – from the late 1800s. No authenticated portrait of Tecumseh exists. SOURCE: The Periodic Table of the PresidentsThe Home of the Periodic Table of the Presidents, "The Tecumseh Bond", artist uncited: <https://periodicpresidents.com/iconic-bonding/tecumseh-bond/>*

<sup>45</sup> History is a Weapon, Zinn and Arnove's *Voices of a People's History of the United States* "Tecumseh's ISBN-10: 1583229167, Tecumseh's "Speech to the Osages (Winter 1811-12)": <http://www.historyisaweapon.com/defcon1/tecumosages.html>

## **Britain Captures U.S. Trade Ships, Forces Americans Into Royal Navy, While Monopolizing Atlantic Trade & Trade with Tribes, War of 1812 Commences:**

Under increasing pressure, Madison summoned the U.S. Congress into session November 1811. Pro-war western & southern Republicans (“War Hawks”) assumed a vocal role, especially after Kentucky War Hawk Henry Clay was elected speaker of the House of Representatives. Madison sent a war message to the U.S. Congress June 1<sup>st</sup>, 1812, & signed the *declaration of war* June 18, 1812. The vote seriously divided the House (79–49) & was gravely close in the Senate (19–13). Because seafaring New Englanders opposed the war, while westerners & southerners supported it, Federalists accused war advocates of expansionism under the ruse of protecting American maritime rights.

However, British commercial restrictions hurt American farmers by barring their produce from Europe. Regions seemingly removed from maritime concerns held a material interest in protecting neutral shipping. “Free trade and sailors’ rights” was not an empty phrase for those Americans. The prospect of taking Florida from (Catholic) Spain also encouraged southern (mostly Protestant) support for the war.

The onset of war was seen with disdain by the British, especially as they were preoccupied with the fight against France. In addition, political changes had moved their government to assume a conciliatory posture toward the U.S. Prime Minister *Spencer Perceval*’s assassination on May 11, 1812, brought to power a more moderate Tory government under Lord Liverpool. British West Indies planters had complained for years about the interdiction against U.S. Trade (refusal to trade with the U.S.), & their growing influence, along with a deepening recession in Great Britain, convinced the Liverpool ministry that the *Orders in Council* (page 304) were averse to British interests. On June 16, two days before the U.S. declared war, the Orders were suspended.

Neither the British in Canada nor the U.S. were prepared for war. The American people, however, were optimistic, due to popularity of American ideals of forming a just & free republic. William Eustis, the U.S. secretary of war, stated, **“We can take the Canadas without soldiers, we have only to send officers into the province and the people... will rally round our standard.”**

Congressman Henry Clay said that **“the militia of Kentucky are alone competent to place Montreal and Upper Canada at your feet.”**

And Thomas Jefferson famously wrote: **“The acquisition of Canada this year, as far as the neighborhood of Quebec, will be a mere matter of marching, & will give us experience for the attack of Halifax the next, & the final expulsion of England from the American continent.”**

The British government, preoccupied with France, saw American hostilities as a bothersome distraction, resulting in a paucity of resources in men, supplies, & naval presence until late in the event. The British in Canada operated with scarcity, however when Michigan territorial governor William Hull led U.S. forces into Canada from Detroit, Isaac Brock & Tecumseh’s warriors chased Hull back across the border & frightened him into surrendering Detroit on August 16, 1812, *without firing a shot*—behavior Americans & even Brock’s officers found disgraceful. The Northwest was then recaptured by Tecumseh’s Confederacy alongside British forces led by Maj. Gen. Henry Procter.

## 1670-1812: Creek & Indo-European Relations Prior to The War of 1812:

When General James Oglethorpe & his Georgia colonists arrived in 1733, Creek-English relations were already well established. Early interaction between Creeks & colonists centered on the exchange of slaves & deerskins for foreign products like textiles & kettles. Soon after the establishment of South Carolina in 1670, the Creeks set up a brisk business capturing & selling Florida Indians to their new neighbors. By 1715 this segment of the trade had nearly disappeared due to lack demand. Deerskins then became the main currency.

By the 1730s tens of thousands of skins were leaving the port of Charleston, South Carolina, each year, bound for English factories, where they were cut into breeches, stretched into book covers, & sewn into gloves. Savannah, Georgia later joined Charleston as a leading port, & in the 1750s it exported an estimated 60,000 skins each year. In Creek towns the profits from the trade included cloth, kettles, guns, & rum – items which became integral parts of the culture, thus easing the labor tasks of Creeks. However, these products also created conflict by enriching some, but not all, Indians.

Some Georgia traders took up residence among the Creeks, settling in towns on the Chattahoochee, Coosa, & Tallapoosa rivers. They married Creek women & had children, some of whom later became important Creek leaders, such as Alexander McGillivray & William McIntosh. They, along with others, encouraged Georgia's native peoples to join the plantation economy spreading across the South.

Many Georgia newcomers were African slaves who forged ties with the Creek Indians. Over the course of the eighteenth century, hundreds of fugitive slaves found refuge in Creek towns. They too shaped the Creek peoples, especially by encouraging them to oppose slavery.



*Painting (1805) of Benjamin Hawkins on his plantation along the Flint River, instructing Muscogee Creek how to use a plow. A Creek Indian carries a basket of corn from the back of a wagon.*

Though Creeks largely avoided the American Revolution their lives changed dramatically thereafter. The deerskin trade collapsed due to a shrinking white-tailed deer population, & the new state of Georgia consequently viewed Creeks population as contradictory to their expansion of plantation slavery. Under pressure by Georgia, Creeks ceded their lands east of the Ocmulgee River in the Treaties of New York (1790), Fort Wilkinson (1802), & Washington (1805).<sup>46</sup>

<sup>46</sup> **New Georgia Encyclopedia, “Creek Indians” by Claudio Saunt, University of Georgia, 08/08/2002. Last edited by Chris Dobbs on 06/06/2017:** <http://www.georgiaencyclopedia.org/articles/history-archaeology/creek-indians>

### **Amidst The War of 1812, Georgia Real Estate Speculators, in Collusion with U.S. War Department, in Racketeering Scheme, Incite Creek Civil War of 1813-14 :**

Renown American banker, television producer, historical writer, museum administrator, former director of the Smithsonian Institute's *National Museum of American History*, and head the National Park Service in 1993 under the Clinton administration, Roger G. Kennedy (1926 – 2011)<sup>47</sup>, carried out extensive research to prove that the primary motivation for the Red Stick War and Trail of Tears was a strategy by Southern aristocrats & land speculators to steal all the prime cotton growing lands from the Creek & Choctaw Indians. During the Redstick War, Andrew Jackson hired four agronomists to prepare a map which showed which sections of the Creek Nation had suitable soils & climates for growing cotton profitably. Behind the scenes, thugs worked to intentionally drive the Alabama Creeks into furor, while simultaneously providing economic opportunities & temporary respect for Georgia Creeks. The conspirators worked a calculated effort to manufacture a Creek Civil War, & eventually got exactly that. Roger Kennedy originally made this discovery following an investigation of early U.S. War Department documents known as “the Birdtail King papers”<sup>48 49</sup>.

When the U.S. initiated a program to turn Creeks into ranchers & planters, some willingly embraced the program, while others who opposed encroachment & loss of their traditional ways of life, *opposed the program*. The declining economic situation, coupled with resentments caused by increasing accommodation of American demands by the Creek National Council, & the increasing pressure from expanding white settlement along Creek borders (particularly along the newly constructed Federal Road), *and* the demands on Creeks by a reactionary religious movement, caused further resentment against the Creek National Council *and* American settlers, by the Creek populace. By 1812, the Creek National Council agreed to use annuity payments from the U.S. government for sales of hunting lands to retire the debts of major Creek debtors— an unacceptable action to much of the Creek populace. The loss of these hunting grounds to American settlements along the Creek-Georgia border & in the Cumberland Valley caused further resentment, & impinged on Creek peoples' ability to move freely & live their traditional ways.

In spring of 1812, Creek representatives met with Shawnee leaders, including Tecumseh, on the Ohio River regarding the possibility of obtaining arms from the British. The Shawnee were undergoing a revitalization movement & purposely urging those from other tribes to resist white encroachment. A small number of Creek warriors took action against the unwelcome settlers & killed two families near the Duck River in what is now Tennessee as well as two men along the Federal Road. Federal Indian agent Benjamin Hawkins called for the immediate execution of the guilty & threatened the Creeks with federal intervention if the murderers were not executed. The National Council complied & ordered the execution of eight Creeks.

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47 Alumni Profiles: ROGER KENNEDY, CLASS OF 1952, *Perspectives* (UMN Law), Fall 2011, accessed December 16, 2011.

48 Jackson County Creeks *Home Page*: <http://www.jacksoncountycreeks.org/home-more/>

49 U.S. War Department “Birdtail King Papers”: <http://wardepartmentpapers.org/>

By 1813, the hunting & trading economy was largely on the decline, & growing numbers of Creeks were forced by circumstance to adopt herding & agriculture to survive among the dividing landbase. As a result, there was an increasing disparity in wealth, & access to imported foreign goods, which were growing ever more expensive. Lacking an industrial base, Creeks were completely dependent on imported goods, including cloth, tools, & weaponry. The U.S. provided limited amounts of goods through trading stores, or "factories", but most Creeks got the majority of their supplies from the Florida-based Scottish trading post, *Panton, Leslie and Company*, & its successor, *John Forbes & Company*.<sup>50</sup>

In January 1813, another group of Americans was murdered by a small party of Creeks in communication with the Shawnee, and Hawkins again pressed the Creek National Council to act quickly and punish the offenders. The council sent out warriors, known as the Law Menders, led by William McIntosh (Tustunnuggee Hutkee) of Coweta to execute the dissidents, who were largely from the Upper Creek Towns. Traditionally, such matters had been handled by clans, rather than the council. Thus, in spite of their intentions to preserve peace with the U.S., this action by the council split the Creek Nation. The dissidents, attempting to subsist in a broken economy in which only a few prospered and resenting the increasing border encroachments and traffic along the contested Federal Road, acted against the council. These Creek dissidents blamed the expanding conflict on the relatively new exercises of power by the National Council. The executions came at a time of intense religious prophecy among many Native American groups that urged a spiritual awakening & a return to pre-contact traditions combined with a denunciation of foreign influences & the use of armed force if necessary to regain Indian land, a movement largely influenced by the Shawnee brothers Tenskwatawa & Tecumseh. Creek traditionalists especially resented the infringement of traditional clan authority that the Creek National Council had assumed when ordering the execution of lead warriors, *now on more than one occasion*.

The National Council was a relatively new body that had developed from the traditional regional meetings of headmen from the Creek towns. Under the auspices of federal Indian agent Benjamin Hawkins, their authority & powers continued to expand, entrenching the divide. Tension between devout traditionalists who opposed encroachment, who called themselves the Red Sticks, & those who supported the National Council, erupting into a civil war in 1813.

As Creek warriors rose against their National Council & threatened the traditional seats of power in Tuckabatchee & Coweta, Benjamin Hawkins ruled out any hope of reconciliation when he called on the Creeks to renounce the dissidents & "prophets." Hawkins made it clear that those who did not fight the dissidents were America's enemies, given the widely held belief that a September 1811 visit by Tecumseh had aimed to form a pan-Indian confederation to fight white expansion. The Shawnee call for unity & armed resistance to American expansion was accompanied by "new war songs and dances" as well as prophetic messages. The call for rejection of the American system, armed resistance to American expansion, & revitalization of Creek culture found receptive ears.

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<sup>50</sup> **Encyclopedia of Alabama, "Creek War of 1813-14" by Kathryn Braund, Auburn University:**  
<http://www.encyclopediaofalabama.org/article/h-1820>

## **1813: Armed Creek Resistance Leads to Rising Jackson Confederacy:**

The dissidents' objective was to attack Tuckabatchee, home to one of the leading chiefs on the National Council. In addition, they attacked accommodationist headmen &, in the Upper Towns, began a systematic slaughter of domestic animals, most of which belonged to men who had gained power by adopting aspects of European culture. Many believed that domesticated animals perverted the natural order in which animals were meant to live in the woods. The slaughter, however, condemned the Creeks to hunger during the war. Deer herds had been dramatically reduced, & with men occupied in war, trade disrupted, & ammunition scarce, hunting was often sharply curtailed.

In preparation for action against the National Council, the dissidents traveled to Pensacola to seek ammunition & assistance from the Spanish government. On their return home, they were attacked by Mississippi militia & Tensaw area settlers who wanted to prevent Spanish ammunition from reaching the main body of disaffected warriors. The attack on July 27, 1813, near Burnt Corn Creek (in present-day Escambia County near Brewton), changed & escalated the nature of the war. In retaliation for the attack at Burnt Corn, the native rebels turned their fury on the fortified settlement of Samuel Mims. They soon became known as the Red Sticks because they had raised the "red stick of war", a favored weapon & symbolic Creek war declaration. The brutal attack on Fort Mims on August 30, 1813, by nearly 700 Red Sticks left approximately 250 inhabitants dead, with perhaps 100 others taken captive. Sporadic attacks were likewise launched against American settlers along the Chattahoochee River, & among the Upper Towns. Support for the Red Sticks expanded rapidly.

Following the attack on Fort Mims & the ensuing escalation, the divided Creek towns faced an invasion of their country by military forces from Mississippi, Georgia, & Tennessee. The sprawling & open lay-out of Creek towns made them difficult to defend or fortify. Creek prophets cast "magic" incantations & spiritual barriers to protect warriors & locations from bullets, & the Red Stick leadership fortified towns & removed noncombatants from exposed locations. The embattled towns sought strength in numbers, relocating scattered residents to fortified centers, one for each of the three major Creek divisions. The Alabama towns collected at the Econochaca (Holy Ground), Tallapoosas congregated near Autossee, and the Red Stick Abeikas (primarily Okfuskees) took refuge behind a formidable barrier they erected at Tohopeka (Horseshoe Bend). These hastily constructed positions became the focus of American attacks.

Gov. William Blount of Tennessee called for 3,500 volunteers from across the state to be mustered in two armies, led by rival commanders: John Cocke & Andrew Jackson, whose West Tennessee militia of 1,000 men was supported by 1,300 cavalry commanded by John Coffee. Jackson's force was also supplemented by a sizeable contingent of Cherokee warriors. On November 3<sup>rd</sup>, Jackson militia & Coffee's cavalry routed Creeks at the town of Tullusahatchee<sup>51</sup>, killing 200 Red Stick warriors as well as a number of women & children as "retaliation for Indian slaughter of Americans at Fort Mims".<sup>52</sup> A few days later, a large Red Stick force laid siege to the Creek town of Talladega. Jackson attempted to encircle the town, but most of the approximately 1,000 attackers managed to escape, but with heavy losses of perhaps one-third of their warriors.

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51 **Encyclopedia of Alabama, "Creek War of 1813-14" by Kathryn Braund, Auburn University:**  
<http://www.encyclopediaofalabama.org/article/h-1820>

52 **Library of Congress, "The War of 1812 and Indian Wars: 1812-1821":**  
<https://www.loc.gov/collections/andrew-jackson-papers/articles-and-essays/andrew-jackson-timeline-1767-1845/the-war-of-1812-and-indian-wars-1812-1821/>

## 1814: Final Showdown Between Jackson's & Tecumseh's Confederacy:

As the war broke out against the backdrop of the War of 1812, Americans were fearful that southeastern Indians would ally with the British, & quickly joined the war against the Red Sticks, turning the civil war into a military campaign designed to destroy Creek power. To prove their loyalty to the U.S., contingents of Choctaw & Cherokee warriors joined the war against the Creeks. Thus, the Creek civil war was quickly transformed into a multidimensional war that resulted in the total defeat of the Creek people at the hands of American armies & their Native American allies.<sup>53</sup>

To the north, American Oliver Hazard Perry's Lake Erie squadron had retaken Detroit from the British & factions of Tecumseh's Confederacy following a large battle at Put-in-Bay on Sept. 10<sup>th</sup>, 1813, & then, at the *Battle of the Thames* on Oct. 5<sup>th</sup>, Tecumseh was been killed in battle, at which time the northern factions of his confederacy, too, was disbanding, shattering their hope for an independent inter-tribal confederacy under the protection of the British.<sup>54</sup>

Creek tribe's *Hillabee residents* sent word to Jackson that they did not intend to support the Red Sticks, however, without Jackson's knowledge, Cocke sent a contingent of his army to attack the town, killing roughly 70 warriors & capturing nearly 300. Those who escaped joined the Red Sticks. Supply problems, short enlistments, poor communications, & quarrels between Jackson & Cocke plagued the Tennessee forces, & by the end of 1813, Jackson was left with ~150 men at Fort Strother on the Coosa River. Following subsequent battles, by the middle of January, only one American army remained—that of Andrew Jackson, whose army of 60-day enlistees had now expanded to nearly 1,000 men.

Seeking to defeat the Red Sticks before his army dissolved again, Jackson moved south from Fort Strother. By the end of the month, he had engaged the enemy at Emuckfau Creek & Enitachopco Creek with little success. The arrival of the 600-man Thirty-ninth U.S. Infantry Regiment allowed Jackson to embark on an ambitious campaign against the single largest remaining Red Stick settlement: *Tohopeka* at the Horseshoe Bend of the Tallapoosa River. There, on March 27<sup>th</sup>, aided by Cherokee, Creek, & Choctaw allies, Jackson's army routed the Red Sticks, killing nearly all of the estimated 800 warriors who had gathered behind an impressive barricade. From Horseshoe Bend, Jackson's men proceeded along the Tallapoosa River, burning approximately 50 towns & destroying improvements in their path, until he reached the junction of the Coosa & Tallapoosa rivers, where he rebuilt the earlier French post, Fort Toulouse, into Fort Jackson. Stray Creek scouts were killed.

Estimates ranging from 1,500 to 3,000 were killed. The death toll among noncombatants continued to climb after hostilities ceased, primarily from starvation & exposure. Many Red Sticks surrendered in large numbers, preferring to take their chances with Andrew Jackson rather than face death at the hands of their own people, who blamed them for their destitution. Others led their people into canebrakes & swamps to hide, taking refuge in Florida to among the Seminoles.<sup>55</sup>

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53 **Encyclopedia of Alabama**, “Creek War of 1813-14” by Kathryn Braund, Auburn University:  
<http://www.encyclopediaofalabama.org/article/h-1820>

54 **Encyclopedia Britannica**, “War of 1812; UNITED KINGDOM-UNITED STATES HISTORY” by David S. Heidler, Jeanne T. Heidler (2016): <https://www.britannica.com/event/War-of-1812>

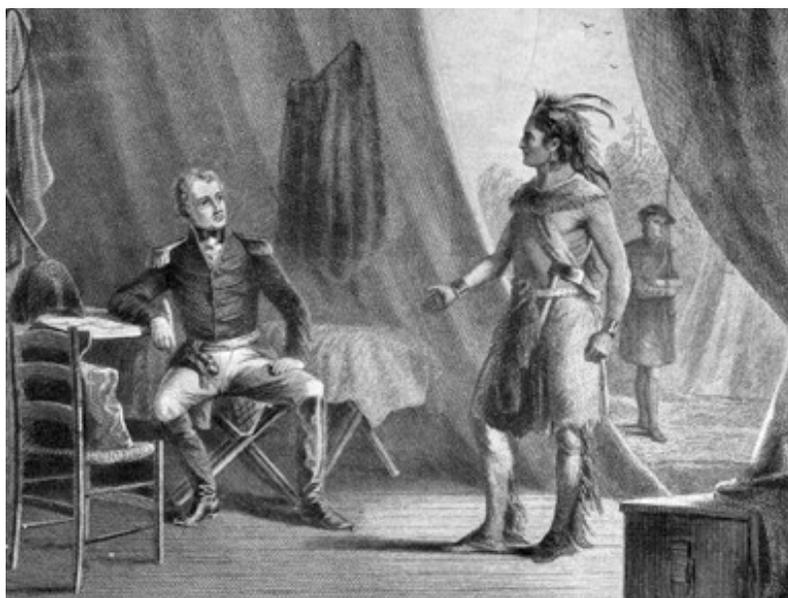
55 **Encyclopedia of Alabama**, “Creek War of 1813-14” by Kathryn Braund, Auburn University:  
<http://www.encyclopediaofalabama.org/article/h-1820>

## 1814: Creeks Forced to Cede 22 Million Acres in Treaty of Fort Jackson:

“The Red Stick War”, as it became called, officially ended August 9<sup>th</sup>, 1814 with the signing of the Treaty of Fort Jackson. With most Upper Creek headmen either killed in battle, in hiding, or under arrest, representatives of the National Council, signed the treaty, ceding 22 million acres, including a huge tract in southern Georgia. The cession of land was demanded “as payment for the cost of the war”, & included more than 20 million acres west of the Coosa River (the hunting territory of the Abeika) as well as a swath of land to the south of the Tallapoosa River & north of the border with Florida that reached from the Tombigbee River to the St. Marys River—in effect, taking a good deal of Tallapoosa & Lower Creek land, including some Alabama town sites. The treaty also purported to erect a buffer between the Creek towns & potential Spanish suppliers at Pensacola. Though many Creeks objected to the treaty, they had little choice but to agree to Jackson's terms.<sup>56</sup>

U.S. Secretary of War John Armstrong tasked Maj. Gen. Thomas Pinckney & Indian agent Benjamin Hawkins charged Jackson with obtaining an agreement that included an undefined cession of land to pay for the war, free passage on roads through Creek territory, handing over any leaders who had urged resistance to American expansion, & ending all communications with Spanish outposts. Jackson proceeded to impose much harsher terms than any of the parties envisioned, thus earning the nickname "Sharp Knife" from the Creek negotiators including Lower Creek leader William McIntosh Jr. & Yuchi chief Timpoochee Barnard. To justify the terms, Jackson cited an "unprovoked" war waged by the Creeks, & violations of the 1790 Treaty of New York including the Fort Mims attack. T

he treaty demanded that the Creek Nation stop communicating with the British & Spanish, & to cease contact with agents & traders not licensed by the U.S. In addition, it required the Creeks allow the U.S. to construct military posts, trading houses, & roads in Creek territory, & for them to return property taken from settlers. The treaty also demanded they surrender leaders who had instigated the war. Jackson promised the U.S. would provide for the Creeks until they were able to build up sufficient stores of corn, & assured them access to federally sanctioned trading houses to procure clothing. The former Creek land was opened to settlement & greatly expanded slave-based plantation agriculture.<sup>57</sup>



Gen. Andrew Jackson and Creek leader William Weatherford.  
Courtesy of Alabama Department of Archives and History:  
<http://www.encyclopediaofalabama.org/article/m-4883>

56 **Encyclopedia of Alabama**, “Creek War of 1813-14” by Kathryn Braund, Auburn University:  
<http://www.encyclopediaofalabama.org/article/h-1820>

57 **Encyclopedia of Alabama**, “Treaty of Fort Jackson”: <http://www.encyclopediaofalabama.org/article/h-3026>

## August 24<sup>th</sup>, 1814: Britain Burns Down U.S. Capital & Library of Congress:

After defeating Napoleon at Leipzig, & his subsequent fall from power which led to his abdication (renunciation from office) on April 6<sup>th</sup><sup>58</sup>, Britain was able to send sizable forces to America. Then, after defeating the Americans at the Battle of Bladensburg, Maryland, a British force led by Major General Robert Ross, occupied Washington. On the evening of Aug. 24<sup>th</sup>, George Cockburn, a rear admiral in the British Navy, walked into the House of Representatives in Washington, D.C., sat in the chair of the Speaker of the House, & marveled at the opulence of the Renaissance-style regal room, which contained **“26-foot-high Corinthian columns of solid & beautiful freestone.”**

**“Shall this harbor of Yankee democracy be burned? All for it will say ‘Aye.’”**, he stated. The verdict from his countrymen was loud & unanimous: within minutes, his men piled furniture, books & anything they could find into piles. The Senate & House of Representatives buildings, including the Library of Congress, which held thousands of books representing the nation’s earliest repository of knowledge — were then set ablaze.<sup>59</sup>

Next stop was the White House (known as the *Presidential Mansion* at the time) & the Capitol, as well as other government buildings – *all burned*.<sup>60</sup> The British justified this as retaliation for the American destruction of York (modern Toronto), the capital of Upper Canada, the previous year.<sup>61</sup>

Less than a day had passed when a sudden, very heavy thunderstorm— likely a hurricane— put out the fires. It also spun off a tornado that passed through the center of the capital, set down on Constitution Avenue, & lifted & dropped two cannons several yards away, killing British troops *and* U.S. civilians. Following the storm, the British returned to their ships, many of which were badly damaged. The occupation of Washington lasted only about 26 hours. After the "Storm that saved Washington", as it soon came to be called, Americans were able to regain control of the city.<sup>62</sup>



*A hand-colored woodcut, artist uncited:*

<http://nypost.com/2014/08/17/what-it-meant-when-the-british-burned-down-the-white-house/>

58 "The Rise of Prussia 1700-1830"

59 "When Britain Burned The White House; The 1814 Invasion of Washington" by British political & military journalist Peter Snow using personal accounts from both sides, ISBN: 9781410474858

60 "The White House at War: The White House Burns: The War of 1812". White House Historical Association. Retrieved June 9, 2011.

61 Library of Congress, "War of 1812 & The Battle of New Orleans":

[http://www.americaslibrary.gov/aa/jackson/aa\\_jackson\\_icon\\_4.html](http://www.americaslibrary.gov/aa/jackson/aa_jackson_icon_4.html)

62 *The War of 1812*, Scene 5 'An Act of Nature', History Channel, 2005

## 1814: Jackson Attacks Southern British Outposts,

After unsuccessfully attempting to capture New York at the *Battle of Plattsburgh Bay* on Sept. 11<sup>th</sup>, British raids in Chesapeake Bay directed by Admiral Alexander Cochrane were more successful.

By this time, U.S. officers such as Jacob Brown, Winfield Scott, & Andrew Jackson, had now completely replaced veterans from the American Revolution<sup>63</sup>. To these Americans *and* to the general public, the War of 1812 was seen as a “second war of independence”, something perhaps not fully understood by native people fighting against encroachment.<sup>64</sup> Memories of oppressions beneath King James, the tyranny it entailed, & the hard-fought war for independence & to establish the Bill of Rights was still fresh on the minds of Americans: rule beneath a monarchy was *unacceptable*. Jackson, now promoted to Major General, moved his army to attack the British in Mobile, Alabama.<sup>65</sup>

In August, 1814, a British fleet entered Pensacola Bay with the consent of the Spanish government & raised the British flag over the forts. The Seminoles & Creeks were now openly engaged to make war on the Americans, & were supplied with arms & ammunition, marching in British uniforms.

Jackson, determined to put a stop to this, raised a force of three thousand volunteers from Tennessee & Kentucky, and, joined by other troops, marched against Pensacola. On November 6<sup>th</sup>, 1814, he camped less than two miles from the Spanish fortifications & sent forward an officer, Henri Peire, with a flag of truce to the governor. The officer was fired upon, & Jackson immediately demanded the surrender of the town. The governor refused, but Jackson was determined to take the town. Pensacola was well protected with a fort, batteries, & war ships guarding the city.<sup>66</sup>

Next, Jackson sent a Spanish prisoner, demanding that after the British evacuated the forts, & that this was not a war against Spain.<sup>67</sup> As Jackson's forces advanced upon the city the next morning, Manrique surrendered within minutes— though the commanders stalled for several hours in vain hope of British reinforcement. Before Jackson could move on the remaining British forces at Fort San Carlos de Barrancas, they organized a hasty retreat on November 8<sup>th</sup>.

Jackson's actions at Pensacola were precarious for American diplomacy. Secretary of State James Monroe wrote with instructions to **“withdraw your troops from the Spanish Territory, declaring that you had entered it for the sole purpose of freeing it from the British violation.”**

Jackson returned to Mobile, suspecting a retaliation attack. However, when he arrived, he caught word to move immediately to New Orleans, as the British had planned an attack.<sup>68</sup>

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63 *Encyclopedia Britannica*, “War of 1812; UNITED KINGDOM-UNITED STATES HISTORY” by David S. Heidler, Jeanne T. Heidler (2016): <https://www.britannica.com/event/War-of-1812>

64 *History.com*, “War of 1812”: <http://www.history.com/topics/war-of-1812>

65 *Library of Congress*, “War of 1812 & The Battle of New Orleans”: [http://www.americaslibrary.gov/aa/jackson/aa\\_jackson\\_icon\\_4.html](http://www.americaslibrary.gov/aa/jackson/aa_jackson_icon_4.html)

66 *Exploring Florida*, “Jackson, Andrew; A History of Florida, 1904”: [fcit.usf.edu/florida/docs/j/jacks04.htm](http://fcit.usf.edu/florida/docs/j/jacks04.htm)

67 Tucker, Spencer (ed). (2012): *The Encyclopedia of the War of 1812: A Political, Social, and Military History*. ABC-CLIO. ISBN 1851099565, p246

68 Heidler, David Stephen & Jeanne T (2003): *Old Hickory's War: Andrew Jackson and the Quest for Empire*. Louisiana State University Press. ISBN 978-0-8071-2867-1, page 46.

## **Christmas Eve 1814: Treaty of Ghent Signed to End Conflict, 15 Days Later British Forces Attack New Orleans, Defeated by Andrew Jackson:**

The British assault on Baltimore (*Sept. 12–14*) foundered when Americans fended off an attack at Northpoint & withstood the naval bombardment of Fort McHenry, an action that inspired Francis Scott Key's "Star-Spangled Banner". When Ross was killed at Baltimore, the British left Chesapeake Bay to plan an offensive against New Orleans.

Meanwhile, New England Federalists, angry about the war's effect on commerce, gathered at Hartford, Connecticut, to propose ways of redressing their grievances. Convening from December 15<sup>th</sup>, 1814 to January 5<sup>th</sup>, 1815, the Hartford Convention adopted moderate resolutions, & its mere existence prompted other parts of the country to question New England's patriotism *and* Federalist loyalty.

So Britain could turn its full attention to Napoleon, talks of *ending the war* had begun at Ghent (in modern Belgium) back in August, but, with France defeated, the British stalled, expecting a decisive victory in America. Most Britons were angry the U.S. had become an unwitting ally of Napoleon, but even that sentiment was half-hearted among a people who had been at war for more than 20 years. Consequently, after learning of their defeats at Plattsburgh, Baltimore, & the Battle of Waterloo, the British government moved to make peace by dropping their attempts to change the Canadian boundary & establish an Indian barrier state in the Northwest. The commissioners signed a treaty Dec. 24<sup>th</sup>, 1814 based on the status *quo antebellum* ("the situation before the war"). Many Americans were dissatisfied with this however because they were not happy with "the situation before the war", which they felt was *its very cause*.

Unaware of the treaty, British forces under Edward Pakenham assaulted New Orleans January 8<sup>th</sup>, 1815<sup>69</sup>, but were soundly defeated by Andrew Jackson's famous *ragtag army* who held their ground in a long earthen barrier they had made. Jackson's army consisted of inexperienced volunteers—*free blacks, Tennessee & Kentucky riflemen, Louisiana militia, & even pirates* he recruited to join. Despite the fact that they outnumbered two to one by British professionals, they prevailed. The British rushed the Americans, but were cut down in great numbers by rifle & cannon fire, the Americans suffering only a handful of deaths. Overnight, Jackson became a national icon & hero, which would later help him win the presidency. The Treaty of Ghent was ratified by Congress days after the Battle of New Orleans, thus officially *ending the war*.<sup>70</sup>

Article IX required the U.S. to restore to British-allied Indian nations any property, rights, or privileges that stood prior to 1811, & prior to hostilities, essentially *nullifying the land cession* in the treaty at Fort Jackson, & on other lands as well. Jackson objected to this on the grounds that it would make the nation less secure & that it was impractical, & it was subsequently ignored by the U.S..<sup>71</sup>

After the war, a surge of patriotism occurred in America. Contrary to expectations, Canada remained British & developed its own national identity. Meanwhile, Britain's influence among the northwestern Indians ended, & U.S. expansion in that region proceeded unchecked.<sup>72</sup>

69 **Encyclopedia Britannica**, "War of 1812; UNITED KINGDOM-UNITED STATES HISTORY" by David S. Heidler, Jeanne T. Heidler (2016): <https://www.britannica.com/event/War-of-1812>

70 **Library of Congress**, "*War of 1812 & The Battle of New Orleans*": [www.americaslibrary.gov/aa/jackson/aa\\_jackson\\_icon\\_4.html](http://www.americaslibrary.gov/aa/jackson/aa_jackson_icon_4.html)

71 **Encyclopedia of Alabama**, "Treaty of Fort Jackson": <http://www.encyclopediaofalabama.org/article/h-3026>

72 **Encyclopedia Britannica**, "War of 1812; UNITED KINGDOM-UNITED STATES HISTORY" by David S. Heidler, Jeanne T. Heidler (2016): <https://www.britannica.com/event/War-of-1812>

### **Transcript of The Treaty of Ghent:**

Treaty of Peace and Amity between His Britannic Majesty (King George III)  
and the United States of America.

His Britannic Majesty & the United States of America desirous of terminating the war which has unhappily subsisted between the two Countries, & of restoring upon principles of perfect reciprocity, Peace, Friendship, & good Understanding between them, have for that purpose appointed their respective Plenipotentiaries, that is to say, His Britannic Majesty on His part has appointed the Right Honourable James Lord Gambier, late Admiral of the White now Admiral of the Red Squadron of His Majesty's Fleet; Henry Goulburn Esquire, a Member of the Imperial Parliament & Under Secretary of State; & William Adams Esquire, Doctor of Civil Laws: And the President of the United States, by and with the advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, & Albert Gallatin, Citizens of the United States; who, after a reciprocal communication of their respective Full Powers, have agreed upon the following Articles.

#### **ARTICLE THE FIRST.**

There shall be a firm & universal Peace between His Britannic Majesty & the United States, & between their respective Countries, Territories, Cities, Towns, & People of every degree without exception of places or persons. All hostilities both by sea & land shall cease as soon as this Treaty shall have been ratified by both parties as hereinafter mentioned. All territory, places, & possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this Treaty, excepting only the Islands hereinafter mentioned, shall be restored without delay & without causing any destruction or carrying away any of the Artillery or other public property originally captured in the said forts or places, & which shall remain therein upon the Exchange of the Ratifications of this Treaty, or any Slaves or other private property; And all Archives, Records, Deeds, and Papers, either of a public nature or belonging to private persons, which in the course of the war may have fallen into the hands of the Officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the Islands in the Bay of Passamaquoddy as are claimed by both parties shall remain in the possession of the party in whose occupation they may be at the time of the Exchange of the Ratifications of this Treaty until the decision respecting the title to the said Islands shall have been made in conformity with the fourth Article of this Treaty. No disposition made by this Treaty as to such possession of the Islands and territories claimed by both parties shall in any manner whatever be construed to affect the right of either.

#### **ARTICLE THE SECOND.**

Immediately after the ratifications of this Treaty by both parties as hereinafter mentioned, orders shall be sent to the Armies, Squadrons, Officers, Subjects, & Citizens of the two Powers to cease from all hostilities: & to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said Ratifications of this Treaty, it is reciprocally

agreed that all vessels and effects which may be taken after the space of twelve days from the said Ratifications upon all parts of the Coast of North America from the Latitude of twenty three degrees North to the Latitude of fifty degrees North, and as far Eastward in the Atlantic Ocean as the thirty sixth degree of West Longitude from the Meridian of Greenwich, shall be restored on each side:-that the time shall be thirty days in all other parts of the Atlantic Ocean North of the Equinoctial Line or Equator:-and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies:-forty days for the North Seas for the Baltic, and for all parts of the Mediterranean-sixty days for the Atlantic Ocean South of the Equator as far as the Latitude of the Cape of Good Hope.- ninety days for every other part of the world South of the Equator, and one hundred and twenty days for all other parts of the world without exception.

### **ARTICLE THE THIRD.**

All Prisoners of war taken on either side as well by land as by sea shall be restored as soon as practicable after the Ratifications of this Treaty as hereinafter mentioned on their paying the debts which they may have contracted during their captivity. The two Contracting Parties respectively engage to discharge in specie the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

### **ARTICLE THE FOURTH.**

Whereas it was stipulated by the second Article in the Treaty of Peace of one thousand seven hundred and eighty three between His Britannic Majesty and the United States of America that the boundary of the United States should comprehend "all Islands within twenty leagues of any part of the shores of the United States and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such Islands as now are or heretofore have been within the limits of Nova Scotia, and whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, & the Island of Grand Menan in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said Islands are claimed as belonging to His Britannic Majesty as having been at the time of and previous to the aforesaid Treaty of one thousand seven hundred and eighty three within the limits of the Province of Nova Scotia: In order therefore finally to decide upon these claims it is agreed that they shall be referred to two Commissioners to be appointed in the following manner: viz: One Commissioner shall be appointed by His Britannic Majesty and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said Commissioners shall meet at St Andrews in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall by a declaration or report under their hands and seals decide to which of the two Contracting parties the several Islands aforesaid do respectly belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred and eighty three. And if the

said Commissioners shall agree in their decision both parties shall consider such decision as final and conclusive. It is further agreed that in the event of the two Commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said Commissioners refusing or declining or wilfully omitting to act as such, they shall make jointly or separately a report or reports as well to the Government of His Britannic Majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they or either of them have so refused declined or omitted to act. And His Britannic Majesty and the Government of the United States hereby agree to refer the report or reports of the said Commissioners to some friendly Sovereign or State to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one Commissioner together with the grounds upon which the other Commissioner shall have refused, declined or omitted to act as the case may be. And if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done in such manner that the said statement may be referred to such friendly Sovereign or State together with the report of such other Commissioner, then such Sovereign or State shall decide *ex parte* upon the said report alone. And His Britannic Majesty and the Government of the United States engage to consider the decision of such friendly Sovereign or State to be final & conclusive on all the matters so referred.

#### **ARTICLE THE FIFTH.**

Whereas neither that point of the Highlands lying due North from the source of the River St Croix, and designated in the former Treaty of Peace between the two Powers as the North West Angle of Nova Scotia, nor the North Westernmost head of Connecticut River has yet been ascertained; and whereas that part of the boundary line between the Dominions of the two Powers which extends from the source of the River St Croix directly North to the above mentioned North West Angle of Nova Scotia, thence along the said Highlands which divide those Rivers that empty themselves into the River St Lawrence from those which fall into the Atlantic Ocean to the North Westernmost head of Connecticut River, thence down along the middle of that River to the forty fifth degree of North Latitude, thence by a line due West on said latitude until it strikes the River Iroquois or Cataraquy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in the present Article. The said Commissioners shall meet at se Andrews in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall have power to ascertain and determine the points above mentioned in conformity with the provisions of the said Treaty of Peace of one thousand seven hundred and eighty three, and shall cause the boundary aforesaid from the source of the River St Croix to the River Iroquois or Cataraquy to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals certifying it to be the true Map of the said boundary, and particularizing the latitude and longitude of the North West Angle

of Nova Scotia, of the North Westernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And in the event of the said two Commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained, and in as full a manner as if the same was herein repeated.

#### **ARTICLE THE SIXTH.**

Whereas by the former Treaty of Peace that portion of the boundary of the United States from the point where the fortyfifth degree of North Latitude strikes the River Iroquois or Cataraquy to the Lake Superior was declared to be "along the middle of said River into Lake Ontario, through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication into the Lake Huron; thence through the middle of said Lake to the water communication between that Lake and Lake Superior." and whereas doubts have arisen what was the middle of the said River, Lakes, and water communications, and whether certain Islands lying in the same were within the Dominions of His Britannic Majesty or of the United States: In order therefore finally to decide these doubts, they shall be referred to two Commissioners to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in this present Article. The said Commissioners shall meet in the first instance at Albany in the State of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said Commissioners shall by a Report or Declaration under their hands and seals, designate the boundary through the said River, Lakes, and water communications, and decide to which of the two Contracting parties the several Islands lying within the said Rivers, Lakes, and water communications, do respectively belong in conformity with the true intent of the said Treaty of one thousand seven hundred and eighty three. And both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained, and in as full a manner as if the same was herein repeated.

#### **ARTICLE THE SEVENTH.**

It is further agreed that the said two last mentioned Commissioners after they shall have executed the duties assigned to them in the preceding Article, shall be, & they are hereby, authorized upon their oaths impartially to fix & determine according to the true intent of the said Treaty of Peace of one thousand seven hundred & eighty three, that part of the boundary between the dominions of the two Powers, which extends from the water communication between Lake Huron & Lake Superior to the most North Western point of the Lake of the Woods; to decide to which of the two Parties the several Islands lying in the Lakes, water

communications, & Rivers forming the said boundary do respectively belong in conformity with the true intent of the said Treaty of Peace of one thousand seven hundred & eighty three, & to cause such parts of the said boundary as require it to be surveyed & marked. The said Commissioners shall by a Report or declaration under their hands & seals, designate the boundary aforesaid, state their decision on the points thus referred to them, & particularize the Latitude & Longitude of the most North Western point of the Lake of the Woods, & of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation & decision as final & conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations or statements shall be made by them or either of them, & such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained, & in as full a manner as if the same was herein revealed.

#### **ARTICLE THE EIGHTH.**

The several Boards of two Commissioners mentioned in the four preceding Articles shall respectively have power to appoint a Secretary, and to employ such Surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements, & decisions, & of their accounts, & of the Journal of their proceedings shall be delivered by them to the Agents of His Britannic Majesty & to the Agents of the United States, who may be respectively appointed & authorized to manage the business on behalf of their respective Governments. The said Commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the Exchange of the Ratifications of this Treaty. And all other expenses attending the said Commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such Commissioner respectively shall be supplied in the same manner as such Commissioner was first appointed; and the new Commissioner shall take the same oath or affirmation and do the same duties. It is further agreed between the two contracting parties that in case any of the Islands mentioned in any of the preceding Articles, which were in the possession of one of the parties prior to the commencement of the present war between the two Countries, should by the decision of any of the Boards of Commissioners aforesaid, or of the Sovereign or State so referred to, as in the four next preceding Articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war by the party having had such possession, shall be as valid as if such Island or Islands had by such decision or decisions been adjudged to be within the dominions of the party having had such possession.

#### **ARTICLE THE NINTH.**

The United States of America engage to put an end immediately after the Ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom they may be at war at the time of such Ratification, and forthwith to restore to such Tribes or Nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided

always that such Tribes or Nations shall agree to desist from all hostilities against the United States of America, their Citizens, and Subjects upon the Ratification of the present Treaty being notified to such Tribes or Nations, & shall so desist accordingly. And His Britannic Majesty engages on his part to put an end immediately after the Ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom He may be at war at the time of such Ratification, and forthwith to restore to such Tribes or Nations respectively all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and eleven previous to such hostilities. Provided always that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty and His Subjects upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

#### ARTICLE THE TENTH.

Whereas the Traffic in Slaves is irreconcilable with the principles of humanity and Justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

#### ARTICLE THE ELEVENTH.

This Treaty when the same shall have been ratified on both sides without alteration by either of the contracting parties, and the Ratifications mutually exchanged, shall be binding on both parties, and the Ratifications shall be exchanged at Washington in the space of four months from this day or sooner if practicable. In faith whereof, We the respective Plenipotentiaries have signed this Treaty, and have hereunto affixed our Seals.

Done in triplicate at Ghent the twenty fourth day of December one thousand eight hundred and fourteen.

HENRY GOULBURN [Seal]

WILLIAM ADAMS [Seal]

J. A. BAYARD [Seal]

JON. RUSSELL [Seal]

GAMBIER. [Seal]

JOHN QUINCY ADAMS [Seal]

H. CLAY. [Seal]

ALBERT GALLATIN [Seal]<sup>73</sup>

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<sup>73</sup> *Transcript of Treaty of Ghent (1814)*: [www.ourdocuments.gov/doc.php?doc=20&page=transcript](http://www.ourdocuments.gov/doc.php?doc=20&page=transcript)

## 1815-1818: Andrew Jackson Leads Military Offensive Against Seminoles; *Conquers Spanish Florida, Recaptures Fugitive Slaves:*

In 1815 & again in 1818, Jackson marched against the Seminoles in Spanish held Florida, in part to punish them for harboring fugitive slaves.<sup>74</sup> In addition, the seminoles in Spanish Florida & Americans in Georgia had continued to stage raids against each other, both the U.S. and Spain being unable to control the borders. Many Americans clamored for the U.S. government to step in and protect them, & in 1818 secretary of war *John C. Calhoun* ordered commander Jackson to stop the raids. After destroying several villages, Jackson overstepped his orders & seized Spanish settlements, then removed the Spanish governor from power.<sup>75</sup> As a result, the Spanish government realized it could not defend Florida against the U.S., & the following year sold Florida to the States in the Adams-Onis Treaty, giving America power over Florida & finalizing the American western border. While Jackson was on his way en route to Washington, Henry Clay was criticizing Jackson's actions to the House of Representatives. A political rift was surmounting.<sup>76</sup>



Saved by Mark Beerdorn from American Indian War Art, artist uncited:  
[www.pinterest.com/pin/322077810829941087/](http://www.pinterest.com/pin/322077810829941087/)

74 **Legends of America**, “Native American Legends; *Indian Removal Act of 1830*”:  
<http://www.legendsofamerica.com/na-indianremovalact.html>

75 **Andrew Jackson Military Career**, “*The Invasion of Florida*”: [andrewjacksonmilitarycareer.weebly.com/the-invasion-of-florida.html](http://andrewjacksonmilitarycareer.weebly.com/the-invasion-of-florida.html)

76 **Library of Congress**, “*The War of 1812 and Indian Wars: 1812-1821*”:  
<https://www.loc.gov/collections/andrew-jackson-papers/articles-and-essays/andrew-jackson-timeline-1767-1845/the-war-of-1812-and-indian-wars-1812-1821/>

## Brief History of The Seminole People Prior to Jackson's Calvary:

The unique confluence of culture & circumstance which became today's Seminole people shows ample evidence that it traces back at least 12,000 years! When Spaniards "discovered" Florida in 1513, this large territory held a population of approximately 200,000 who lived among hundreds of tribes who all spoke various dialects within the Maskókî linguistic family.

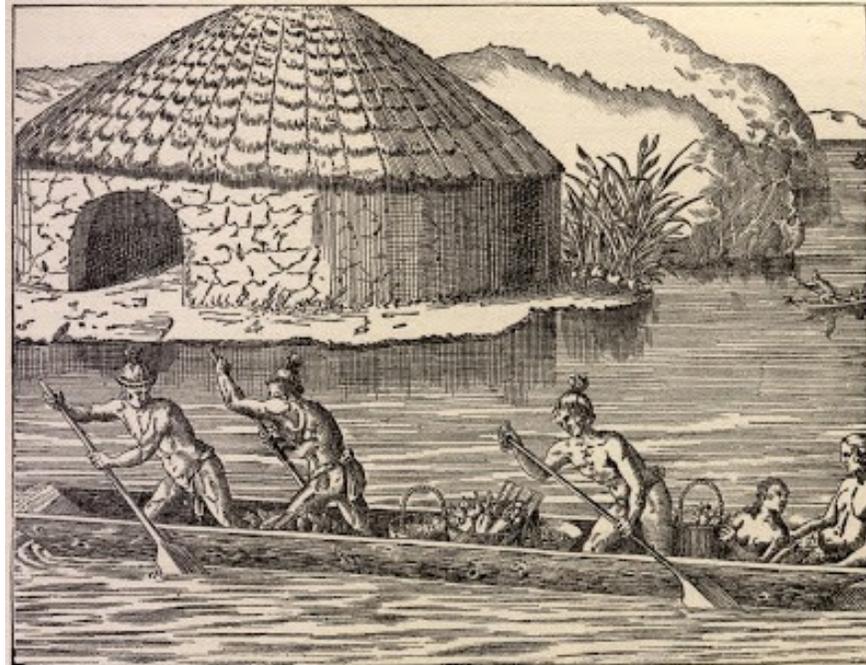
The first Europeans brought with them new diseases such as the measles, smallpox, & the common cold, which killed thousands, & competition for land & resources by the warring Spanish, English, & French brought further death & displacement

Spaniards called some of these indigenous people cimarrones, or "free people", because they would not allow themselves to be dominated. The word was taken into the Maskókî language and, by the mid 1800s, U.S. citizens referred to Florida natives as "Seminoles."

Survivors of these devastating waves of European intrusion again became disrupted in the early 18th century through American colonization efforts.

Throughout this time, the Creek, Hitchiti, Apalachee, Mikisúkî, Yamassee, Yuchi, Tequesta, Apalachicola, Choctaw, & Oconee became joined by escaped slaves & others who longed to live among the thick forests, wide grass prairies, & wild spring-fed rivers; they all shared an instinct for survival & a *refusal to be dominated by the white man*.<sup>77</sup>

### Seminole Tribe in Dugout Canoe:



From "Indian Picture Gallery of the Seminole Indian Tribe":  
<https://indianspictures.blogspot.com/2011/10/indian-picture-gallery-of-seminole.html>

<sup>77</sup> Official Website of the Seminole Tribe, "History": <http://www.semtribe.com/history/Introduction.aspx>

## **1816: Jackson & Coffee Collude in Racketeering Scheme, Step I: Take Cherokee & Chickasaw Land Using Taxpayer Money:**

Following the War of 1812, former Tennessee State Calvary & Militia General, John Coffee (*see page 320*), began work as a surveyor.<sup>78</sup> Exceeding his instructions from Washington, he went to work expanding the land cession<sup>79</sup> with regard to the upcoming 1816 “Treaty with the Cherokee”<sup>80</sup>. When local native people protested, Jackson threatened “immediate punishment”, authorized the surveyor to hire bodyguards, & promised that gunmen would be paid, “even though I am not Legally authorized to call for such a force.” Jackson also turned a blind eye to settlers illegally moving onto Indian land, while altering the facts on the ground. Jackson was taking an extra two million acres—more than 3,000 square miles—a land area somewhat greater than one-third of the size of New Jersey.

To Jackson’s outrage, he was stopped. A delegation from the Cherokee Nation happened to be in Washington at the time of the attempted land grab. John Ross, a young English-speaking Cherokee (*page 344*) who was a veteran of Jackson’s own army, complained to Jackson’s civilian superiors at the War Department, arguing that Cherokees had proven their “attachment” to the United States in war, so their rights must be respected. Jackson’s superiors agreed, & ordered Coffee to stop the illegal activity.

Jackson raged against the decision, writing to President James Madison that the government had “wantonly surrendered” territory of “incalculable Value to the U. States.” He then set about undermining his civilian superiors. As the commanding general in the area, his duty was to evict the settlers squatting on Indian land, however Jackson argued the settlers were poor families without the means to relocate, an argument that was *hard to deny, under public pressure*, to the man still proclaimed as an indisputable national hero following the War of 1812.

Having been thwarted in his effort to illegally *take* the land, Madison’s administration permitted him to try to buy it. He was reported to have conducted tough, coercive negotiations with Cherokees in late 1816, telling them they had one of two options: sell the government the land, or run the risk their nation being destroyed by encroaching settlers anyway. Cherokee negotiators decided to keep some of their real estate, & to sell the areas Jackson wanted most<sup>81</sup>, signing the “Treaty with the Cherokee” on October 4<sup>th</sup>. The federal government paid the Cherokee \$65,000 for the south bank of the Tennessee River, a fraction of the amount for which it would soon be subdivided & sold.

In “Treaty with the Chickasaw, 1816”<sup>82</sup>, Jackson obtained a strategic chunk of the *north* bank of the Tennessee River; this treaty was was not *proclaimed* until December 30<sup>th</sup>, only months after the Cherokee had signed theirs. Access to the Tennessee River, for natives, had now been effectively cut off from either side of the river, access to their homelands *gone & soon* to be bought up in droves.

78 **The Encyclopedia of Oklahoma History and Culture**

79 **Politico Magazine, “How Jackson Made a Killing in Real Estate” by Steve Inskeep, co-host of NPR's "Morning Edition", author of *Jacksonland: President Andrew Jackson, Cherokee Chief John Ross, & Great American Land Grab*, U.S. History Department. 7-4-2015 Sourced from the U.S. History Department: [www.politico.com/magazine/story/2015/07/andrew-jackson-made-a-killing-in-real-estate-119727\\_Page2.html#.WThFYRPyvUI](http://www.politico.com/magazine/story/2015/07/andrew-jackson-made-a-killing-in-real-estate-119727_Page2.html#.WThFYRPyvUI)**

80 **Cherokee Nation website, “Treaty with the Cherokee”, 1816 *Transcript*: [www.cherokee.org/About-The-Nation/History/Facts/Treaty-with-the-Cherokee-1816](http://www.cherokee.org/About-The-Nation/History/Facts/Treaty-with-the-Cherokee-1816)**

81 **Politico Magazine, “How Jackson Made a Killing in Real Estate” by Steve Inskeep. 7-4-2015.**

82 **Treaty with the Chickasaw, 1816, *Transcript*: [www.tngenweb.org/cessions/18160920.html](http://www.tngenweb.org/cessions/18160920.html)**