

**THE ORPHAN STRIP COMMUNITY:
CRUCIBLE OF CULTURAL CHANGE**

Electronic Draft

By

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Draft Edition????

When my daughter was a toddler and I was a stay at home Mom I became engaged in the genealogy and history of Transylvania County and surrounding areas, especially area cemeteries. Eventually this research led to a particular interest in the “Walton War” of local history. I soon realized this subject needed far more than the amateur research myself and others had completed. So it was back to school for a Master of Arts degree in American History with concentrations in Cherokee Studies and Local History. What follows is an updated version of my Master’s Thesis.

From the beginning the plan was to publish this work so it would be available to the many family members descended from what has become known as the Orphan Strip Community. However graduation was followed by the reality of needing a pay check. What followed was a series of full time and part time work including 4 ½ years as an Adjunct Instructor teaching United States history that I would not trade for anything. But I have had to cut back my activities due to medical reasons. Overall, the overwhelming time and energy it takes to prepare a manuscript for publication simply has not been there. I commend the leaders of the local genealogical groups for their stamina in ongoing publication commitments both online and in print.

After eight years, it is time for that original intention of getting this information out to the community to happen on way or the other. I still hope to publish a fuller volume one day with maps and more genealogical information in the appendices. In the meantime, please enjoy the fruits of my research as much as I have enjoyed delving into the story behind the Walton War.

Just one request – please do not contact me at work with follow up questions. I’m sorry, but I am simply too busy. Thanks in advance for understanding.

Dedication

In memory of my Grandmother, Veardeary Fisher Hoxit
Great granddaughter of Frankie Patterson
Indian

Acknowledgements

First and foremost, the depth of research and multitude of methods used in researching the history of my community would not have been possible without the timeless dedication of my thesis committee members as well as the support of Western Carolina University's the History and Anthropology Departments as a whole. With patience and persistence, Dr. L. Scott Philyaw helped in every detail of planning and preparation. He also helped me, and all his students, to recognize the wide variety of approaches to history available. Dr. Curtis Wood has played a significant part in opening up the field of Appalachian Studies as a whole in addition to his constant encouragement for this project. Thesis director Dr. William L. Anderson continued to demand his high standards of solid research methods. Future researchers will appreciate the attention to detail for citations that will make sources far easier to locate than the constant frustrations I experienced. In addition to my formal committee members, Dr. Richard Starnes introduced me to the contributions and complexities of using oral history as a method. Dr. James Lewis helped me navigate through the over 2000 microfilm reels of Revolutionary War Pension Applications. Dr. Philip E. Coyle in the Anthropology Department helped me understand the importance of applying kinship and cultural ecology theories and models to historic research.

Ongoing collaboration with two area archaeologists has been a vital part of interpreting the events surrounding the communities involved in the Walton War boundary dispute. Ruth Wetmore, a long time veteran of Transylvania County archaeology, provided many historic and technical resources during the course of research. Bill Jurgelski's current work in an area and time adjacent to my own research provided a welcome encounter with serendipity and a vital chance to discuss at length the legal details of Indian boundaries, Love family political and professional careers, and interracial labor relations. Bill has become a true mentor through his support and assistance. I'm looking forward to his completed dissertation at the University of Georgia that will help place the circumstances of the French Broad Community within a larger regional context.

Many archivists, past and present, contributed to the research process through preserving documents and providing kind assistance even on weekends. A few faced particularly stiff challenges with my research topics.

Bob Taylor at the Harry Ransom Humanities Research Library at the University of Texas – Austin recognized that the community I had on my web page matched an obscure Georgia Census in their collection and sent me a copy. Robert Mackintosh at South Carolina State Archives took time out of a busy Sunday afternoon to help me find the documents connected to South Carolina’s role in the boundary disputes. Kimberly Cumber at North Carolina State Archives successfully took every rumor of a source I e-mailed to her and found the original source. I look forward to her continued service in her new position at NCEcho.

Hundreds of family historians and genealogists have been a part of keeping local traditions alive and untangling our complicated past. A few specifically helped with this present work. Through family research into the Hoxit/Hogshead families, Jean Gillett introduced me to the detailed research methods of genealogy and remains the most organized researcher I have ever met. Marty Grant first told me that the southwestern corner of present day Transylvania County had once been a part of Macon County despite the common assumptions that the area was always in Haywood County before Jackson County was formed. Barbara Shedd provided critical historic details concerning the influential Allen and Chastain families. Patricia Cantrell and Ray Hannah discovered the Guion-Miller Roll applications connected to the Patterson families since I knew better than to even bother looking for them. While Owen and Galloway family genealogies will never be completely untangled, Elizabeth Barton’s years of research have created a good foundation for future researchers. Jeanne and Gene “Spook” Nicholson provided the inside story about Chief Toxaway’s alleged resting place really being a practical joke as well as a multitude of treasured stories and traditions. Ruth Jarrett Whitmire shared stories from her family and her own life and graciously agreed to let me share them with others.

Finally I must give posthumous recognition to the influence of Rowell Bosse in almost every aspect of promoting twentieth century historic preservation in Transylvania County as well as my own personal research. One of the last true Southern Gentlemen, Rowell remains greatly missed by those of us who had the privilege to call him friend.

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Prologue - The Walton War

“Walton War - A boundary dispute in 1804 between N.C. & G.A. led to armed conflict. Militia called out after constable John Havner was killed ½ mile E.”

-North Carolina Highway Historic Marker P-76
US Highway 64, Transylvania County, North Carolina

On the night of December 14, 1804, twenty-one men attacked North Carolina landowner John Havner at his home near the headwaters of the French Broad River, an area claimed by both North Carolina and Georgia. In the ensuing mêlée, Georgia defender Samuel McAdams struck Havner’s head with the butt of his rifle. The attack on Havner became the third of a series that had begun December 3, when fourteen Georgians attacked Havner’s business partner, Robert Orr. The second attack on December 13 resulted in the targeted William Raxter being imprisoned in his home for one hour.¹ Buncombe County, North Carolina officials, who maintained that the disputed area was within their jurisdiction, were alarmed by the attacks and by December 17 were developing plans to quell the growing violence.²

Maj. James Brittain later reported to the North Carolina legislature that on December 19, he led about sixty members of the Buncombe County

¹ *State v. William Thomason, Samuel McAdams, James Williamson, John Ritchie, et al.*, Morgan District Superior Court, Criminal Action Papers 1805-1806 (March 1805), North Carolina State Archives, accession number DSCR.205.327.7. L805.

² Robert Scott Davis, Jr., "The Settlement at the Head of the French Broad River or the Bizarre Story of the First Walton County, Georgia," in *Transylvania Beginnings: A History*, Mary Jane McCrary (Easley, SC: Southern Historical Press, 1984), 109.

Militia to where the rioters were concentrated and arrested fifteen “of the most notorious” and took ten to jail in Morganton.³ In 1806, John Davies, a Walton County, Georgia Justice of the Peace, collected affidavits of the arrests that described riotous North Carolina claimants violently seizing men and property, actions they justified only by the Georgians alleged disobedience to North Carolina. Davies delivered these and similar affidavits of violence to the Georgia Governor in an effort to bring resolution to the dispute. Curiously, only three of the ten leaders the Georgians reported as having been arrested were among those North Carolina later indicted for participation in the December 1804 attacks.⁴ Specific indictments issued in 1805 concerning the three attacks called for the arrest of thirty-four mostly young men who directly participated in the riots. Included in the highly charged rhetoric of the indictments was the description that the wanted men acted “...not having the fear of God before their eyes...being moved and seduced by the instigation of the Devil...” The indictment then provided the specific details of the attack on John Havner, his suffering and resulting death.⁵

The court delivered these indictments after efforts of Buncombe County Justice Lambert Clayton carefully presented Havner as a martyr with specific appeals to the North Carolina Legislature for the care of his widow and six children. Havner continued as the focus for what local residents now refer to as the “Walton War.” That one state would take military action against a sister state has fascinated local residents for about 200 years. In their records, North Carolina and Georgia equally accused the other of violence and lawlessness, but it was the readily available account of the North Carolina faction leaders that became incorporated into early twentieth century accounts of local and regional history. The resulting historic marker on the side of Highway 64 recalls the time when John Havner died in a boundary dispute between two states. Far longer than the moment necessary to read the marker, the Walton War continued until 1811. In this year, a new

³ Davis, "The Settlement at the Head of the French Broad," 109.

⁴ *State v. William Thomason, Samuel McAdams, James Williamson, John Ritchie, et al.*; Affidavits Concerning the Disturbances (July 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

⁵ *State v. William Thomason, Samuel McAdams, James Williamson, John Ritchie, et al.*

survey by renowned scientist and surveyor Andrew Ellicott⁶ convinced the state of Georgia that all of Walton County, Georgia was actually located within the boundary of North Carolina.⁷ John Davies served as Walton County's last representative in the Georgia Legislature until a new Walton County, Georgia was established far to the South in 1818.

Unlike the historic marker, the surviving Buncombe County Court records fail to mention John Havner among the numerous constable appointments. His only presence in these remaining civil court records comes through the settlement of his estate by Lambert Clayton and George Havner. In 1805 these administrators submitted an inventory of his belongings to the Buncombe County Court.⁸ As expected, the inventory contained farm implements, furniture, and cooking utensils. But in the case of John Havner, the inventory also contained two spelling books and two histories. Far from a simple martyr, these books demonstrate more complex life including a commitment to education.

The school children of Havner's day have long given way to new students in what is now Transylvania County, North Carolina. For them, time has reduced the story of John Havner and the larger boundary dispute to an item of local trivia. But ultimately, the boundary dispute at the head of the French Broad River affected far more than one life. Something inspired a mob to attack John Havner the night of December 14, 1804. What follows represents a history of the community those men once called home and a story of a forgotten legacy born from the intersection of Cherokee hopes and American dreams.

⁶ Andrew Ellicott (1754-1820) began his nationally renowned survey career in 1784 when he was appointed to help survey a continuation of the Mason-Dixon line. During his career he surveyed boundaries and cities from New York to Florida, including surveys for the District of Columbia. Ellicott was appointed Professor of Mathematics at the United States Military Academy in 1813. Allen and Dumas Malone Johnson, eds., *Dictionary of American Biography*, 20 vols. (New York: Charles Scribner's Sons, 1934), 6:89-90.

⁷ Marvin Lucian Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, James Sprunt Studies in History and Political Science (Chapel Hill: Univ. of NC Press, 1941), 198-201.

⁸ April Session, 1805, Buncombe County, NC Court of Pleas and Quarters, Vol. 3, 240-241.

Cherokee Wars ~ Cherokee Peace

Head of french Broad river at a meeting 1794 Whareas some of the Lore order of Indians have Been in trading their Baskets and have told us that this land we live on Belongs to them therefore we think it good to send aman to Enquire of the Chiefs for the truth of it and if so to ask leave to continue our settlement untill the sell it to Congress the Result of the Indian Council is that we are their peaple and to continue on the land.

...as horse stealing has Been somuch Complained of in the ajessent states around us we think it is good for us to appoint three men as Near on the Leading rodes through our settlement as may Be Matthew patterson Richard Williamson William Allen you are hereby appointed to Examin all travelers as Well as those that attempt to settle...

-1803 Petition to Gov. John Milledge¹

Rivercane. Cherokee women spent much of their lives harvesting, cutting, dying, and weaving the tall green cane into multicolored baskets and mats. The remainder of their lives involved the almost infinite uses of the woven cane. Large baskets carried on the back and held by a strap across the forehead allowed both hands to quickly harvest corn, beans, and other crops. Shallow baskets served in food preparation. Other baskets became serving dishes. Baskets could carry water. Woven mats provided bedding. Rivercane intertwined into stick frames formed a foundation for the heavy clay mud architecture of their homes, surrounding daily life with the carefully cultivated cane.²

¹ Richard Williamson, et al. to Governor of Georgia (30 June 1803), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives. Original spelling and syntax have been retained in all quotations.

Rivercane grows naturally throughout the southern Appalachian wetlands. However, the dense canebreaks most suitable for producing weaving material develop through deliberate human intervention. After fire or flood, cane is one of the first plants to return, emerging stronger because the devastation removes competition and provides a fertile soil. Hardy roots send up new shoots that grow at a prolific rate, reaching heights of several feet in two or three years. Sometimes the cane can grow so thick that passage is difficult and visibility, even of the ground, becomes almost impossible.³ After harvesting the mature cane, a woman, her daughters, and their daughters would gather in their home to create the baskets. The young girls, not yet skilled, would imitate the older experienced women with unsuitable scrap basket-staves while casual conversation flowed between generations that could not comprehend any other mode of living.

The arrival of Europeans and their slaves brought changes through new diseases, new cultures, new technologies and new challenges. The environment, including the human population, experienced rapid changes. Following the initial explorations of Spanish explorer Hernando De Soto in 1540, the Cherokees watched as the new people focused on ever-changing abstract boundary lines, far more complicated than previous disputes over hunting territory with neighboring groups. These came in a variety of settings: Between the different and often overlapping claims of European nations, between the claims of European nations and the native peoples, between a new United States, the native peoples, and the remaining claims of European nations, between the different colonies of Britain which were replaced by the states of the new nation, and between individuals.

Following the boundary dispute between Georgia and North Carolina with its significant property loss, violence, and at least one death, James McKinney understandably wanted a clear decision on the political location of his home and surrounding area on the Toxaway River at the headwaters of the Savannah. More importantly, officials from North Carolina and South Carolina wanted a clear definition of the boundary between the two states to end a boundary dispute dating from before the American Revolution. Both

² For detailed descriptions of the role of rivercane in Cherokee lives see Sarah H. Hill, *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry* (Chapel Hill: Univ. of NC Press, 1997), 35-109.

³ Hill, *Weaving New Worlds: Southeastern Cherokee Women and Their Basketry*, 38-41, 60.

states sent representatives to McKinney's house in 1813 to determine how to survey the boundary.⁴ The resulting 1815 survey map identified a "Big Cane Break" on the Toxaway River that covered 400 to 500 acres.⁵ This geographic designation was not focused on Cherokee women and their baskets, even though this cane break remained largely within Cherokee Territory. The survey party successfully marked a permanent section of the boundary between North Carolina and South Carolina.⁶

The eighteen foot long map of the boundary line survey identifies the many features crossing the new state line. Just to the east of Big Cane Break, the survey party identified the "Toxaway Path" as crossing the new state boundary and turning eastward into North Carolina. Still further east, the "Negro Path" crossed the state line and joined the Toxaway Path.⁷ Further east, the "Eastatoe Path" crossed the line. After connecting with the Negro Path in North Carolina, the Toxaway Path ended at the Eastatoe Path. The Eastatoe Path traveled north to the headwaters of the French Broad River and joined a network of Indian trails which led to Virginia and Tennessee and beyond.⁸ Closer destinations allowed access to nearby towns on the headwaters of the Tennessee River such as Tuckasegee.⁹ Throughout the eighteenth century, colonial traders joined the Cherokees in using the old

⁴ Boundary Settlement with South Carolina (04 September 1813), H.M. Wagstaff, ed., *The Papers of John Steele*, 2 vols. (Raleigh: Edwards & Broughton Printing Company, 1924), 2:832-834.

⁵ South Carolina-North Carolina Boundary Line Map (1815), South Carolina Archives.

⁶ Blackburn, George. *The Astronomer's Journal*. Edited by Minerva Wilson Andrews. McLean, Virginia: Carolina-Virginia Genealogy Publishing Company, 1995, 1-3.

⁷ The spelling of Cherokee town names has varied greatly through the centuries. The spelling of Toxaway, Eastatoe, and Jocassee reflect the current standardized spelling used in Transylvania County, North Carolina place names.

⁸ 1815 South Carolina-North Carolina Boundary Map, South Carolina State Archives.

⁹ The Buncombe County, NC Land Records contain numerous references to these old Indian paths.

paths in rapidly increasing commercial activity that quickly drew the Cherokees into the global marketplace. While European economic trade practices and values remained foreign, the Cherokees enjoyed distinct advantages in this process. Located between colonies of Britain, France, and Spain, Cherokee headmen learned quickly to use international competition and power politics for their own advantage. Even specific colonies within the same empire battled to control the Cherokee resources.

Leading these colonial efforts were South Carolina and Virginia. On the whole, South Carolina took the most aggressive stance in securing Cherokee trade, claiming jurisdiction over many of those towns that would one day be considered part of North Carolina. Trade was closely regulated to protect Cherokee interests and maintain positive trade relations in face of competition. However, many businessmen of questionable character continued to seek profits from the Cherokees in underhanded methods. Complex trade and debt relationships developed before those involved recognized the radical social changes they were creating.

Money did not grow on trees in the backcountry – it literally ran on four legs through the forests. With seemingly plentiful deerskins as the standard form of currency, Cherokee hunting and colonial trade quickly grew outside the limitations of the trade regulations as unscrupulous traders threatened future Cherokee relations. In 1751, South Carolina Governor James Glen proposed a new plan to regulate the Cherokee trade that divided the Cherokee towns into districts and assigned a reputable trader familiar with Cherokee customs and language to each district. This plan proposed to set standard prices, enforce fair weights, and limit the number of slaves and amount of rum going into Cherokee Territory. Besides improving trade relations, South Carolina also planned to establish a fort in the Cherokee Lower Towns.¹⁰

While the exact origin of the name for the Negro Path remains a mystery, the Eastatoe and Toxaway Paths clearly took their names from two of the Cherokee Lower Towns. Cheeowie, Estatoie, and Taxawa comprised one trade district within the Lower Towns though their location is

¹⁰ Scheme for Regulating the Indian Trade (24 May 1751), William L. McDowell, Jr., ed., *Documents Relating to Indian Affairs: May 21, 1750 - August 7, 1754*, Colonial Records of South Carolina (Columbia: South Carolina Department of Archives and History, 1992), 86-89. The construction of Fort Prince George in 1753 was one result of this plan.

more difficult to ascertain than the lost Cherokee paths.¹¹ The residents of Cherokee communities regularly moved their villages in response to diminishing resources or pressures from neighboring groups. Eighteenth century maps of the South Carolina backcountry region record differing locations for the numerous villages, reflecting these changes.¹²

In the latter half of the eighteenth century, European colonial events directly influenced these Cherokee community movements even beyond the radical changes already generated through the deerskin trade and earlier epidemics. As the low country plantations of South Carolina grew larger, devoting coastal resources to production of cash crops, population pressures on lower classes along with government promotion created a growing population in the backcountry that further pressured the Cherokees and fundamentally changed backcountry households and communities.¹³ In the 1750s, as global warfare developed between the European nations competing for colonial lands, those colonial pressures pushed the backcountry into a series of violent confrontations between settlers and Cherokees. Towards the end of the French and Indian War, Britain adopted a radical plan to resolve its Indian problems. In 1760 Archibald Montgomery¹⁴

¹¹ Scheme for Regulating the Indian Trade (24 May 1751).

¹² For an explanation and maps of these changing locations see Betty Anderson Smith, "Distribution of Eighteenth Century Cherokee Settlements," in *The Cherokee Indian Nation: A Troubled History*, Duane H. King, ed. (Knoxville: Univ. of Tennessee Press, 1979), 46-60.

¹³ A description of these settlement pattern changes as they were manifested at the household level is found in Richard D. Brooks, Mark D. Groover, and Samuel C. Smith, *Living on the Edge: The Archaeology of Cattle Raisers in the South Carolina Backcountry*, Savannah River Archaeological Research Program 10 (Columbia, South Carolina Institute of Archaeology and Anthropology, University of South Carolina, 2000), 15-46.

¹⁴ Archibald Montgomery (1726-1798) raised a regiment of Highland Scots that he took to America in 1757. He later became the eleventh Earl of Eglinton. William L. Anderson, "Traders and Invaders, Assimilators and Destroyers: The Scots and Irish among the Cherokee," in *Selected Papers from the 1989 and 1990 George Rogers Clark Trans-Appalachian Frontier History Conferences*, Robert J. Holden, ed. (Vincennes, Indiana: Eastern National Park and monument Association and Vincennes University, 1991), 9.

and again in 1761 James Grant¹⁵ marched colonial troops deep into Cherokee Territory destroying towns, burning crops, and creating an uneasy peace amid the ashes. Simultaneously, an undercurrent of favorable intercultural relationships born out of mutual economic concerns developed as traders in competition with the political leaders continued to foster personal and even intimate relationships with the Cherokees. Cherokee headmen recognized the importance of these alliances in maintaining a place for their people in the changing Cherokee frontier. Increased numbers of these “White Indians” in the backcountry alarmed the South Carolina elite concerned about the degradation of morality in the backcountry that increasingly resembled savage ways, including a more egalitarian perspective of gender and racial relationships.

Following the French and Indian War and the destruction caused by the Montgomery and Grant expeditions, the Cherokee found a hoped-for lasting peace in the new dividing line of 1763 which supposedly established a permanent western boundary for the British colonies in North America. However, tensions continued to escalate between the peoples who populated the backcountry. Many arriving settlers aspired to become planters but found their plans were hindered by a lack of local access to the courts and only minimal government representation in comparison with coastal planters. In addition, these acquisitive settlers found their fields and herds challenged by the existing multi-ethnic population.

Historian Rachel Klein identified three main overlapping settler groups in the backcountry in the time between the Cherokee Wars and the Revolutionary War. Many who lived like Indians hunted commercially, an occupation increasingly in conflict with agricultural land needs. Another group was described as gangs of bandits. Some of these were simply attracted to the criminal lifestyle, but others adopted banditry due to financial pressures. Runaway slaves and some Indians also participated in these wandering groups feared by the aspiring planters. The definition of banditry became increasingly broad as even prominent Indian trader John

¹⁵ James Grant (1720-1806) began his military in 1744 when he joined the Royal Scots. He served in Montgomery’s regiment during the 1760 expedition against the Cherokee. Anderson, "Traders and Invaders," 9.

Vann was ultimately identified as part of such a lawless group.¹⁶ A third group consisted of backcountry landowners pursuing an agricultural economy. Similar to North Carolinians with legal grievances against coastal political and economic control, these relatively recent settlers formed their own Regulator movement. However, in South Carolina, the low country elite turned the backcountry rage to the advantage of civilized society by directing the often-violent Regulator vigilante justice against the various groups that they considered to be vagabonds, pushing them further into the frontier.¹⁷

After the South Carolina government pardoned the Regulators of that state in 1771, tensions remained high, again exploding as the colonies declared their independence and Britain encouraged an active alliance with the Cherokees and other Indians. In the summer of 1776, North Carolina, South Carolina, and Virginia sent coordinated military campaigns into Cherokee territory in response to reports of a three-pronged attack by the Cherokees. Most Indians fled the invading forces. Those caught were scalped or taken prisoner. A few were sold as slaves along with other plunder.¹⁸ More importantly, the armies destroyed all Cherokee villages they encountered with their crops, just as Montgomery and Grant had done. The following year, Virginia and North Carolina made a treaty with the Cherokees while South Carolina and Georgia made their separate treaty. These treaties were again meant to establish a permanent boundary where the emerging new nation was not allowed to sell Cherokee land. However, the colonial boundary dispute between the Carolinas and differing treaty terminology meant that the location where the two boundaries met was more of an abstract ideal instead of a geographic reality.

Following the 1776 destruction of the Cherokee villages and the 1777 treaties, military activities in the Cherokee frontier quieted down substantially but not completely. Most notably, the Chickamauga Cherokees,

¹⁶ On both side of the Walton War boundary dispute similar rhetoric described the actions of the opposition as illegal and immoral..

¹⁷ Rachel Klein, "Ordering the Backcountry: The South Carolina Regulation," *William and Mary Quarterly*, Third Series, 38, 4 (October 1981), 661-680.

¹⁸ Report of Captain Moore to General Rutherford of his Command during the Expedition against the Cherokees (17 Nov 1776), William L. Saunders, *Colonial Records of North Carolina*, 10 vols. (Raleigh: Josephus Daniels, 1887), 10:895-898.

led by mostly young warriors continued to fight until 1794. Minor skirmishes within the region demanded the attention of the American forces against Tories and their Cherokee allies for the duration of the war. Shifting allegiances and individual determination could quickly undermine formal political agreements. North Carolinians felt the need to build a series of small forts in the mountain region between the two peoples while the Cherokees concentrated on rebuilding their towns despite continued attacks.¹⁹ The Cherokee Lower Towns did not recover following the war. The vast network of trails and intimacy with the difficult mountain terrain made escape up the waters of the Savannah a simple matter. If these communities attempted to rebuild their villages as had been done so many times before, they were quickly absorbed in their changing world – leaving only a handful of obscure references to the former place names.

Following the 1777 treaties, the new North Carolina state government needed to develop a system to move land, such as the area acquired by the 1777 treaty, from the public domain into private ownership. For many political leaders, that private ownership would preferably be their own, or at least joint control with business partners or relatives. General Griffith Rutherford,²⁰ leader of the North Carolina forces against the Cherokees, helped shape the land entry system for the newly acquired Cherokee lands.²¹ One of his colonels, Charles McDowell,²² became entry taker for the newly

¹⁹ Revolutionary War Pensions and Bounty-Land-Warrant Application Files, Records of the Veterans Administration, Record Group 15, National Archives, M804 (hereafter referred to as Revolutionary War Pension Files), John Carson, #S9132, reel 482; Ebenezer Fain #R3421, reel 948.

²⁰ General Griffith Rutherford (c1731-1800) represented Rowan County in the North Carolina Assembly in the early 1770s and took a leading military role in North Carolina during the American Revolution. He represented Rowan County in the North Carolina Senate several times between 1777 and 1786 before moving to the Territory South of the River Ohio where he was appointed to the Legislative Council in 1794. Samuel A. Ashe, ed., *Biographical History of North Carolina: From Colonial Times to the Present*, 8 vols. (Greensboro, NC: Charles V. Van Noppen, 1905), 2:381-385.

²¹ Walter Clark, ed., *State Records of North Carolina*, 16 vols. (Raleigh: State of North Carolina, 1895), 24:43-48.

formed Burke County, one of two new counties covering this new territory. In January 1778 Charles McDowell opened his office and began issuing land entries for the new land, including some farmland protected by the Cherokee treaties and land that was too far south to even conceivably be a part of Burke County as defined by the General Assembly.

Among the areas of particular interest were the wide bottomlands along the upper French Broad River and its tributaries, particularly Ben Davidson's Creek, Little Creek and beyond. On the South Fork of the French Broad River Joseph McDowell²³ had even managed to mark his initials on trees for these future land transactions.²⁴ In addition to the regular pay the soldiers of the Cherokee expedition received following their return, they took advantage of their service and service connections to locate and claim the best tracts of farmland for themselves.²⁵ The Davidson family was particularly aggressive in acquiring these lands, and Benjamin Davidson's claim and home permanently marked his name on the landscape as Davidson's River.²⁶ The McDowells also claimed much of the area, though

²² Colonel Charles McDowell (1743-1815) received a colonial commission as Captain of the Rowan County Militia in 1774. He served extensively against the Cherokee throughout the American Revolution. He served in the North Carolina Senate in 1777 and 1778 before giving up the position due to a conflict as Burke County Entry taker. He returned to the Senate 1782-1789. Emmett R. White, *Revolutionary War Soldiers*, 158-182.

²³ Joseph McDowell (1756-1801) represented North Carolina in the House of Commons 1780-1784 and in the Constitutional Convention. He later served in the 3rd and 5th United States Congress, departing politically from his brother, Charles McDowell, by becoming an anti-federalist. In 1799 he participated in surveying the boundary between North Carolina and Tennessee. White, *Revolutionary War Soldiers*, 183-204.

²⁴ 1808 Price-Strouthers Map, North Carolina State Archives. The South Fork of the French Broad River is currently called Middle Fork. The 1808 Price-Strouthers Map shows it as Eastatoc Creek.

²⁵ Cherokee Expedition officers received payment for the troop services November 1776. Salem Diary (1776), Adelaide L. Fries, ed., *Records of the Moravians in North Carolina*, vol. 3, 1776-1779 (Raleigh: Edwards & Broughton Company, 1926), 1080.

²⁶ Davidson River is a tributary of the French Broad River located in Pisgah Forest, Transylvania County, North Carolina.

tending to take their entries further up the French Broad River near where the three main forks of the headwaters come together. While property descriptions remained vague, in addition to references to the French Broad River and the Old Cherryfields were references to the Indian Path, which later found its way onto the 1815 State Line Survey map.²⁷ On May 18, 1778, within months of the Burke County entries for land on the French Broad River, North Carolina recognized confusion concerning the Indian lands. The state clarified its boundary while voiding all entries and grants that had been issued within Cherokee Territory, ordering the entry takers to refund all associated fees.

In 1785 a new national treaty with the Cherokees replaced the 1777 state treaties and helped to smooth out the confusion surrounding the intersection of the two previous treaty boundaries. When South Carolinian Andrew Pickens²⁸ later surveyed the new boundary, he remained true to his home state in interpreting the location of the disputed state boundary that marked one corner of the new Indian line. Through a natural curve near the southern end of the Blue Ridge Divide, a narrow strip at the head of the French Broad River remained open to settlement through South Carolina.²⁹

Moving treaty-making authority from the state to the national level was an important part of the transition from the Articles of Confederation to adoption of the United States Constitution. In conjunction with ratification of the Constitution, states ceded their western lands to the national government until future treaties would return them. In the case of South Carolina, this involved its claim to a strip of land approximately twelve miles wide reaching from just inside the Blue Ridge Divide west to the

²⁷ Edith Warren Huggins, ed., *Burke County, North Carolina Land Records*, vol. 1, 1778 (Carolina Copy Center, 1977).

²⁸ Andrew Pickens (1739-1817) volunteered for military service with James Grant's expedition against the Cherokee in 1761. He continued his military service against the Indians throughout the American Revolution. Later, he served in many diplomatic missions with the Indians until he declined further service in 1801. Allen and Dumas Malone Johnson, eds., *Dictionary of American Biography*, 20 vols. (New York: Charles Scribner's Sons, 1934), 14: 558-559.

²⁹ This includes Upper East Fork and Cedar Mountain in present Transylvania County, North Carolina

Mississippi River. Since the cession placed the area outside any state jurisdiction, it became known as “The Orphan Strip.” In 1789, just as South Carolina had done, North Carolina ceded these western lands still within Cherokee Territory after the 1785 Treaty of Hopewell, to the United States General Government.³⁰

Well over a century later, attorney George Smathers spent his career sorting through land titles of western North Carolina, particularly those left in confusion by premature acquisitions and the evolution of Indian Boundary lines. His argument that this area at the head of the French Broad River was never in Burke County or Rutherford County, North Carolina was a matter of trivia since time had long since cleared the titles.³¹ However, at the close of the Revolutionary War, the issue was real for residents and landowners. The area’s economic potential attracted the North Carolina Revolutionary War officers even before the close of hostilities. South Carolina Revolutionary Veterans and backcountry residents maintained their own claims to the area. In 1800 the resulting community petitioned the United States Congress to be returned to South Carolina with their land titles restored. The petition explained that in 1787 South Carolina ceded their claims to the area to the United States. Based on government surveys dating back to 1772, this community believed it existed between South Carolina and North Carolina and requested its status to be clarified since the recent Indian Boundary had moved the settlement outside Cherokee Territory.³² A letter from General Andrew Pickens verified this claim.

Earlier, as a result of the state cessions to the United States and the

³⁰ *Claims on the Lands Ceded by North Carolina* (04 Apr 1800), Walter Lowrie and Matthew St. Clair Clark, eds., *American State Papers*, vol. 4, *Public Lands* (Washington, D.C: Gales and Seaton, 1832), 103-104. The term “General Government” is used instead of the more modern term “Federal Government” throughout the documents from related to the Walton War boundary dispute, including the records of the French Broad Community. This term reflects the strong sense of state autonomy that limited the authority of the national government.

³¹ George H. Smathers, *The History of Land Titles in Western North Carolina* (The Miller Printing Company: Asheville, NC, 1938), 11-39.

³² *Settlers on the Lands Ceded by South Carolina Ask a Retrocession* (07 Apr 1800), Walter Lowrie and Matthew St. Clair Clark, eds., *American State Papers*, vol. 4, *Public Lands* (Washington, D.C: Gales and Seaton, 1832), 103-104.

1785 Treaty of Hopewell almost all of the headwaters of the French Broad River were reserved for the Cherokees.³³ The existing and arriving settlers were not the first community to make a home within Cherokee Territory or a self-government outside the jurisdiction of a state. Unlike the South Carolina Regulator movement that simply took colonial government control into its own local-based hands, the North Carolina Regulator movement suffered significant defeat, leading some to move west out of North Carolina jurisdiction on the Watauga, Holston, and other frontier rivers. The Watauga Settlement of what would become eastern Tennessee successfully maintained its own community government for five years before requesting a return to North Carolina jurisdiction.³⁴

By 1790, the backcountry, which included the headwaters of the French Broad and Savannah Rivers still reserved for the Cherokees, was home to a variety of peoples and interests. Migration patterns had led residents through an infinitely complex variety of trade relations, the development of commercial hunting, aspirations to become the planter elite, intensification of animal husbandry to support the low-country planter economy, bandits of varying legal and moral status, slaves, runaways, mixed race individuals, Indians who preferred a more European lifestyle, and individuals of European descent who preferred a more Indian lifestyle. These people had experienced devastating wars, a series of severe droughts, ongoing epidemics, rebellion and revolution against governments, and experiments in self-government and nation building.

Natural geography influenced migration and state allegiances along the headwaters of the French Broad River. Inhabitants on the South and West side of the French Broad River and south of “Three Forks” where the main headwaters of the river come together favored South Carolina and later Georgia.³⁵ Those along the North and East side of the French Broad River

³³ Charles C. Royce, *The Cherokee Nation of Indians*, Introduction by Richard Mack Bettis (Chicago: Aldine Publishing Company, 1975), 28-30.

³⁴ George Henry Alden, "The State of Franklin," *The American Historical Review* 8, 2 (January, 1903): 471.

³⁵ Allegiance to Georgia was based on South Carolina's earlier claims. In the compact of 1802, the United States Congress gave this area, previously believed to be past of South Carolina, to Georgia.

considered their land part of Rutherford County, North Carolina. Many of these residents were included in the 1790 Federal Census covering Rutherford County. And many signed a 1790 petition to form a new county out of the area west of the Blue Ridge contained in Burke and Rutherford Counties. As with all county formations, Buncombe County was formed under the pretense of improving access to the courthouse for these and other western North Carolina residents.³⁶

For absentee landowners who had family representatives in the area, as well as those individuals who held entries and titles issued by North Carolina, the new Buncombe County created an opportunity to gain closer control over business affairs and make property improvements while the Indian Boundary issues resolved themselves. In April 1792, one of the first orders of business of the newly formed Buncombe County Court was to appoint Lambert Clayton as a Justice of the Peace. Clayton lived near the junctions of Benjamin Davidson's River, Little River and the French Broad River in what soon became known as Claytonville. He had married into the Davidson Family that controlled Buncombe County politics from the start and maintained business relations with absentee landowner Charles McDowell of Burke County.

After Clayton's appointment and managing other administrative details, the new court made its first action concerning improving transportation through the region by ordering a new road to be built from Colonel William Davidson's house on the Swannanoa River, where this first Court meeting was held, to Benjamin Davidson's River. Clayton was appointed to head a committee to determine the best location for the road. In the same session, the Court appointed Clayton to collect the taxes for the French Broad and Little River areas.³⁷ By mid decade, this area was regularly referred to as Captain Clayton's district, clarifying its place within in the frontier military organization that dominated the post revolution United States.

At the July session, the location of the new road had been determined. Ebenezer Fain was appointed overseer for construction of the section from

³⁶ Old Buncombe County Genealogical Society, "Petitions for the Formation of Buncombe County," *First Families of Buncombe*, <http://www.obcgs.com/ffob.htm>: 11 Nov 2001.

³⁷ April Session, 1792, Buncombe County, NC Court of Pleas and Quarters, vol. 1, 1-6.

the top of the mountain to Ben Davidson's Creek.³⁸ Fain had served in both North Carolina and South Carolina during the Revolutionary War from his home in Washington County, North Carolina that subsequently became part of Tennessee. His several tours of duty involved skirmishes against the Cherokees and Tories. In 1836, applying for a veteran's pension, he recounted that after marrying in 1781, he and his family moved to what was then the Ninety-six District of South Carolina. He lived there from 1783 to 1792 when he moved to Buncombe County, North Carolina.³⁹ Fain's military experience hardly reflected that of the elite officers who initially formed and governed Buncombe County. Fain remained a private and served one tour as a substitute. However, his knowledge of the backcountry helped him form connections with these elite families. In addition, his location at the head of the French Broad River was important enough for him to quickly rise to the status of Justice of the Peace, with his own military company for defense and taxation purposes at the head of the French Broad River.⁴⁰

Other residents had their own reasons for living along the headwaters of the French Broad River. Many claimed to own land based on old South Carolina titles or claimed to own the land on account of being Cherokee, while others of different racial and ethnic backgrounds sought refuge from prosecution within the backcountry. Some settlers simply hoped to carve out a home for themselves outside the legal and financial complexities of a more standard process of land acquisition. For these individuals, the establishment of Buncombe County was problematic. In 1793, several residents gathered together in the face of North Carolina claims and demands for rent. Clarifying their position as lying outside the jurisdiction of any state, they formed an agreement among themselves that community members would

³⁸ Little Mountain in Transylvania County, NC. Highway 280 roughly traces the route of this earlier road in present day Transylvania County, NC that in turn was based on the earlier Eastatoe Trail.

³⁹ Revolutionary War Pensions and Bounty-Land-Warrant Application Files, Ebenezer Fain #R3421, reel 948. Fain clarified that his home in South Carolina was in present day Pickens County, South Carolina. Pickens County was formerly within Pendleton District and before that the Ninety-six District.

⁴⁰ April Session, 1800, Buncombe County, NC Court of Pleas and Quarters, vol. 3, 64-65; July Session, 1800, Buncombe County, NC Court of Pleas and Quarters, 68.

not enter surveys with any state or purchase, rent, or lease land based on what they termed “fraudulent” land titles until the “general government” empowered a state to take jurisdiction over their homes.⁴¹ The following year they received confirmation of how fraudulent those North Carolina titles were as Indians visited the area in connection with their basket trade and informed the residents they were living on Cherokee lands.⁴²

Previously, residents at the Muscle Shoals settlement, a speculation venture developed by William Blount⁴³ and Griffith Rutherford among others, had also been told by the Cherokees they were on Indian land. In the case of Muscle Shoals, the Cherokee diplomatic attempts to remove the settlers were unsuccessful. As a result, angered Cherokees eventually used force to maintain their territory, destroying the settlement and killing many residents.⁴⁴ However, for the community that identified itself as the Head of the French Broad, relations with the Cherokees would be far different, beginning with the encounter with Cherokee basket traders.

South Carolina colonial trade relations with the Cherokees had been dominated by men and therefore the by deerskin trade which depended on male hunting skills. Alongside the deerskin trade, Cherokee women participated in the rapidly expanding global trade with items such as baskets, agricultural products, and nut oils.⁴⁵ The encounter at the head of the French Broad River involved the female-dominated basket trade that held far less

⁴¹ Richard Williamson, et al. to Governor of Georgia (30 June 1803).

⁴² Richard Williamson, et al. to Governor of Georgia (30 June 1803).

⁴³ William Blount (1749-1800) represented North Carolina in the Continental Congress 1782-1783 and 1786-1787. George Washington appointed him Governor of the Territory South of the River Ohio in 1787. He was elected as U.S. Senator representing Tennessee in 1796 but was forced to leave office following a scandal to acquire Spanish lands for Great Britain. Ashe, ed., *Biographical History of North Carolina*, 3:24-27.

⁴⁴ The Muscle Shoals Speculation took place in what is now Northern Alabama. For a description of this settlement and its fate see A.P. Whitaker, "The Muscle Shoals Speculation, 1783-1789," *The Mississippi Valley Historical Review* 13, 3 (Dec. 1926), 365-386.

⁴⁵ A summary of eighteenth century Cherokee basket trade is included in Hill, *Weaving New Worlds*, 55-60.

recognition with colonial and state governments. In addition, the settlers demonstrated a willingness to accept the basket traders' statements that their homes were built on Cherokee land. The community sent an envoy to all the available Cherokee chiefs concerning the national jurisdiction of their homes. Unlike the ill-fated Muscle Shoals settlement, the Cherokees accepted the community as their own people and granted the residents permission to remain.⁴⁶ Community records reveal a clear understanding that both community members and the Cherokees recognized that in time the area would no longer be a part of Cherokee Territory. The communities shared the problem of speculators, entry and titleholders, and new settlers' claims to their land. In this moment, the Cherokees and the French Broad settlers came together in mutual support of each other's claims.

In 1796, following continued problems with holders of North Carolina titles and entries, the community re-affirmed its relationship with the Cherokees. Congress had resolved that all whites were to be removed from Cherokee Lands. In a second meeting to affirm their permission to remain within Cherokee Territory, the community sent Reuben Allen to gather the Chiefs of the many autonomous Cherokee villages together. Again, the Cherokees allowed the community to remain, provided they maintained "the peace," allowed the Cherokees to continue hunting, and did not allow any others to settle in the area.⁴⁷ The provision for hunting rights is curious. The 1798 Treaty of Tellico that did finally move the eastern end of the Orphan Strip to United States control contained a similar provision that preserved Cherokee hunting rights in the ceded territory which included the headwaters of the French Broad River.⁴⁸

Despite harmonious Cherokee relations, the community faced continued lawsuits from the North Carolinians. As part of its 1796 activities the community resolved to clarify the location of the 35th parallel that defined the southern boundary of North Carolina. Community residents were confident this survey would prove the boundary was north of their homes. In 1797, they recorded that the newly surveyed Indian Boundary line made it clear that all community residents were at least 1-½ miles within Cherokee

⁴⁶ Richard Williamson, et al. to Governor of Georgia (30 June 1803).

⁴⁷ Richard Williamson, et al. to Governor of Georgia (30 June 1803).

⁴⁸ Royce, *The Cherokee Nation of Indians*, 174-175.

Territory.⁴⁹ This survey was the long overdue boundary line run by Benjamin Hawkins and Andrew Pickens following the 1791 Cherokee Treaty. In addition to clarifying the status of the French Broad residents, the surveyors learned that William Blount had earlier run an “experiment” line much further west and had been encouraging settlement and land entries in this area while deliberately postponing the official survey. They also learned that Blount had been conspiring to instigate a war involving the United States, Britain, Spain and several Indian tribes in order to secure more Cherokee Territory for his family. The then Senator Blount faced impeachment as the plan was thwarted, but the survey line remained under dispute.⁵⁰ However, a series of 1796 grants totaling nearly one million acres of Buncombe County land remained unquestioned even though much of this property acquired by David Allison on behalf of the Blounts remained west of this new Pickens Line. The entries and grants of the war veterans and their associates now joined by the major speculative ventures of the Blount family and others meant little if any land in the community would be available for anyone intending to follow the prescribed North Carolina land-entry-and-grant system following a future Cherokee treaty.⁵¹

In the meantime, the community faced other problems. Complaints from nearby areas concerning horse stealing caused the community to appoint Matthew Patterson, Richard Williamson, and William Allen to patrol the roads. This patrol was meant to limit entry by people of poor character, particularly those requesting directions to Fains. John Brown, speculation agent of William Cathcart and George Lattimer, recorded such an incident of Indians stealing horses and selling them on the upper French Broad River in 1795 among his more usual accounts of bribery and deceit involved in the business of speculation, including a secret deal with Lambert

⁴⁹ Richard Williamson, et al. to Governor of Georgia (30 June 1803).

⁵⁰ Journal Entry (07 April 1799), Benjamin Hawkins, *Letters of Benjamin Hawkins*, Georgia Historical Society Collections IX (Savannah: Georgia Historical Society, 1916), 115.

⁵¹ E.M. Moffit Map prepared for George Smathers 1937. The map includes these significant grants which crossed the Meigs-Freeman Line established in 1802 and does not include smaller speculation activity.

Clayton.⁵² The French Broad community patrols were also instructed to try to prevent further settlement in the area as much as possible under the law.

Problems with horse stealing permeated Cherokee Territory. Historian William McLoughlin recognized that for many younger Cherokees, frustrated by white encroachment and lack of war, horse stealing provided a measure of revenge and profits.⁵³ The appointment of the French Broad light horse patrols took place at the same time the Cherokee council began appointing its own law enforcement patrols in an effort to pacify whites and maintain order. These patrols became the more formal “Light Horse Regulators” of the Cherokees.

In 1799 the community found hope that the confusion over jurisdiction was over. The new boundary line run after the 1798 Treaty of Tellico showed they were now in the United States. In 1800 the community, numbering about fifty families, sent a petition to the United States Congress requesting to be returned to South Carolina and to have their former South Carolina titles validated. General Pickens sent a letter verifying that his former survey had found the community was south of the 35th parallel and therefore within South Carolina. The congressional committee agreed that the request was reasonable but did not feel Congress had the right to validate the titles. Instead they suggested that South Carolina be granted the right of soil along with the right of jurisdiction to clarify the status of these claims themselves. However, the matter never reached beyond the committee.⁵⁴

In 1802, while seeking clarification from the United States about the state jurisdiction of their community, residents met another survey party in another attempt to determine the controversial Indian Boundary line following the 1798 Tellico Treaty. This party, commanded by Indian Agent Return J. Meigs, worked with Indians and local settlers to form a new, relatively stable line that held until the Treaty of 1819.⁵⁵ Georgia was

⁵² A.R. Newsome, ed., "John Brown's Journal of Travel in Western North Carolina in 1795," *North Carolina Historical Review* XI (1934): 311.

⁵³ William G. McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton: Princeton Univ. Press, 1986), 44-46.

⁵⁴ Right of Jurisdiction only gave a state the ability to maintain criminal and civil control. Right of Soil was necessary to allow actual land grants from the public domain. *Settlers on the Lands Ceded by South Carolina Ask a Retrocession* (07 Apr 1800).

involved in a bitter dispute with South Carolina concerning the boundary between those two states, specifically including the matter of jurisdiction over the headwaters of the Savannah River. Georgia was only too happy to accept the approximately twelve-mile wide “Orphan Strip.” Georgia obtained possession of the strip as well as a significant monetary pledge from the Federal Government to secure the remaining Cherokee portion of the tract from the Cherokees at a future date in exchange for the state’s western lands.⁵⁶

In 1803 Georgia conducted a census of its new territory along the French Broad River, dividing the area into two districts. Adopting the existing military districts, the Western District was defined as being under Capt. Fain and the Eastern District under Capt. Clayton.⁵⁷ Residents petitioned the state to form a county that would give them full rights as Georgia citizens. In December the Georgia legislature created Walton County, Georgia, along with designating its county officials, boundaries, and process for allocating headright grants to local citizens.⁵⁸

The census included surveyor Zachariah Candler as a resident of the Western District. While his neighbors began to build a new Georgia county, he began buying North Carolina land grants in the area. These grants revealed the extent to which the French Broad settlers had developed their

⁵⁵ Return J. Meigs to Sec. of War (21 September 1802), *Records of the Cherokee Indian Agency in Tennessee, 1801-1835*, United States Bureau of Indian Affairs, Cherokee Agency, National Archives Microcopy 208, reel 1.

⁵⁶ Marvin Lucian Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, James Sprunt Studies in History and Political Science (Chapel Hill: Univ. of NC Press, 1941), 161-164.

⁵⁷ "A Census of the people settled on that Tract of Country which is extinguished of Indian claims, lying on the head of French Broad River, within the Territory ceded by the United States to the State of Georgia." (1803), Harry Ransom Humanities Research Center, University of Texas at Austin. Hereafter referred to as “1803 French Broad Census.”

⁵⁸ *An Act to Lay Out and Establish a County in the Territory lately acquired by cession from the General Government* (10 December 1803), Augustin Smith Clayton, *A Compilation of the Laws of the State of Georgia, Passed by the Legislature since the Political Year 1800, to the Year 1812, Inclusive* (Augusta: Adams & Duyckinck, 1813), 128-130.

Cherokee Territory communities with a modern infrastructure and extensive estates. Candler's land transactions include references to paths, ferries, roads, gristmills, camps, lick logs for cattle herding, "improvements," plantations, a powder mill, and even the Presbyterian Meeting House.⁵⁹ Beyond demonstrating the extent of development along the headwaters of the French Broad River, these grants also revealed that the dispute concerning the location of North Carolina's southern boundary was far from over.

⁵⁹ Land Records of Zachariah Candler, Buncombe County, NC Deed Indices and Books.

Changing Nations ~ Changing States

I am eighty three years of age. I was born in Transylvania County and have always lived in Transylvania. I knew Wesley Patterson and Frankie Patterson, Wesley Patterson's wife. I have herd Frankie Patterson say several times that she was part-Cherokee Indian blood, as to how much I don't know but from her appearance she looked to be about half.

Signed Lewis (his mark) P. Galloway
Sworn July 18, 1908 before L.M. Glazener¹

Riots were not uncommon in the young Buncombe County, North Carolina. The justices and juries regularly fined rioters among the many other minor civil matters brought before the Court of Common Pleas and Quarters. The mob that attacked Robert Orr was far from the first and the mob that attacked John Havner was far from the last to erupt near the headwaters of the French Broad River.² However, the riots that occurred in December 1804 attracted more than casual attention. Even before the death of John Havner, military leaders readied plans for the Buncombe County militia to march against the one year old Walton County, Georgia.³ North Carolina property owners simply had too much to lose.

Georgia named its new county at the head of the French Broad River

¹ Fate O. Thomas and Three Children, Application #31844, Eastern Cherokee Applications of the U.S. Court of Claims, 1906-1909, National Archives, Microfilm M1104 (hereafter referred to as Guion Miller Roll Applications), reel 254.

² Buncombe County, North Carolina Court of Pleas and Quarters, vol. 3, 1798-1812.

³ Davis, "The Settlement at the Head of the French Broad," 109-110.

after former Georgia Governor George Walton.⁴ This was the last Georgia County to be formed under the headright system of land distribution. In 1777, Georgia adopted this system, following the colonial models of North Carolina and South Carolina that had evolved into a relatively effective way to promote settlement of new frontier lands. The Georgia system provided land for state citizens at no charge other than an administrative fee. In addition, limits on the size of land grants prevented or at least deterred speculation ventures that could slow down settlement as a result of increased land prices. Ironically, this was the same year North Carolina Revolutionary War leaders changed their state's colonial system to one more favorable for personal land speculation, making way for their own grants for land at the head of the French Broad River.

The headright system well served Georgia until 1789 when Governor Walton began allowing land speculators too much access to the Georgia public domain. The Yazoo Land Speculation venture originally authorized by the Georgia legislature in 1789 was only the beginning of problems. In addition, Georgia Governors regularly signed fraudulent speculation grants alongside legitimate claims. In 1789 Governor Walton began this practice by issuing one man a grant for 50,000 acres – well above the limit of 1000 acres per grant.⁵ In some counties grants had been issued for ten times the actual acreage of the county – or more.⁶

As the eighteenth century came to a close, fraudulent grants dwindled as even fictitious land became scarce. Amidst a growing scandal, the Yazoo companies reformed under new names and in 1795 obtained the last of the major non-existent Georgia speculation lands. By this time, Georgia's land grant system faced a multitude of problems. Besides having grants for more total acreage than the total acreage of the state, much of Georgia territory remained in the hands of the Creek and Cherokee Indians and therefore

⁴ George Walton (1749-1804) represented Georgia in the Continental Congress prior to his election as Georgia Governor in 1779. He was re-elected governor in 1789. James F. Cook, *Governors of Georgia* (Huntsville, AL: The Strode Publishers, Inc., 1979), 43-46.

⁵ S.G. McLendon, *History of the Public Domain of Georgia* (1924; The Reprint Company, 1974), 40-60.

⁶ Charles C. Jones to General Philip Cook (26 May 1890), McLendon, *History of the Public Domain of Georgia*, 60-64.

unavailable. Also, the United States government was interested in obtaining Georgia's western lands to form the new Mississippi Territory. Georgia negotiated its way out of these difficulties through a compact with the United States government on April 24, 1802.⁷ Georgia would receive the first \$1,250,000 in land sale profits in exchange for the western lands that conveniently included the area involved in the Yazoo purchases. The claims of the Yazoo grant holders then were left to the United States Congress to contend with. In addition, the United States became responsible for the costs involved in future purchases of all Cherokee and Creek lands remaining in Georgia. By 1824, the United States Government had spent over \$7,735,000 to fulfill its obligations under the Compact of 1802.⁸

In addition to solving complex financial and legal difficulties, the Compact of 1802 allowed Georgia to assert its boundary claims against South Carolina. The boundary between the two states had originally been described as following the head of the Savannah River, but without clarifying which branch of the headwaters should be used as the boundary line. Portions of the headwaters reached the divide with the headwaters of the French Broad River. As a result, Georgia set its eyes on obtaining the self-governing community at the head of the French Broad River and the remainder of the "orphaned" twelve mile wide strip extending below North Carolina and Tennessee, which South Carolina had ceded to the federal government in 1787. In negotiating the Compact of 1802, Georgia used the community as a bargaining chip in setting the price for the Mississippi Territory.⁹ Following the September 1802 completion of the Meigs and Freeman Indian Boundary that ended the question of Cherokee claims to the area, the Compact of 1802 provided the legal justification for Georgia to win the community at the head of the French Broad River.¹⁰

⁷ *An Act to Ratify and Confirm Certain Articles of Agreement and Cession entered into on the 24th Day of April 1802* (16 June 1802), Augustin Smith Clayton, *A Compilation of the Laws of the State of Georgia*, 88-91.

⁸ McLendon, *History of the Public Domain of Georgia*, 65-118.

⁹ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 161-165.

¹⁰ While both the Yazoo Land and the French Broad Community were affected by the Compact of 1802, it is important to distinguish the two regions as they existed in

With the Yazoo problems solved from a Georgia perspective, Georgia Governor John Milledge¹¹ sought a new method to distribute the recently acquired lands that would become Wayne County, Georgia in 1803. A special session of the Georgia Legislature called for this purpose devised a new land lottery system for the disposition of the Georgia public domain as a way to avoid further problems. The new county and future Indian cessions were divided into equal tracts of land with little regard to specific local geography or resources. Only qualifying state residents were eligible for the drawing.

The new system was promoted as an equitable way to avoid granting too much land and to protect citizens from speculation schemes. David Weiman's study of the 1821 and 1827 lotteries found that in practice, the failure to take into account variations of land quality and location assured the creation of a secondary land market that attracted the attention of state speculators. Despite this reality, the secondary market at least favored profits by the Georgia elite instead of out of state speculators. The lottery also offered the yeoman farmers an important, though perhaps inequitable chance to access inexpensive land.¹²

Walton County, Georgia, established after Wayne County and the land lottery system, included a provision to distribute lands through the former headright system. Georgia restricted these grants to free white male United States citizens who had been living in the area prior to May 16, 1803. This provision protected the residents from outside speculators while

Georgia. The Yazoo lands were on the Western frontier of Georgia in Mississippi Territory. The original Walton County, Georgia would have been in the North East section of Georgia. Although part of Georgia's solution to the Yazoo problems, the community was not a part of 1795 Yazoo speculation.

¹¹ John Milledge (1757-1818) represented Georgia in the United States Congress three terms before his 1802-1806 service as Governor. He then represented the state as Senator from 1806-1809. James F. Cook, *Governors of Georgia* (Huntsville, AL: The Strode Publishers, Inc., 1979), 91-93.

¹² David F. Weiman, "Peopling the Land by Lottery? The Market in Public Lands and the Regional Development of Territory on the Georgia Frontier," *The Journal of Economic History* 51, 4 (December 1991), 835-860.

allowing white residents to validate the claims to their homes.¹³ Any remaining Cherokees were ineligible. To secure continued safe access to traditional hunting lands and cultivated cane fields they had to depend on their earlier agreements with the community they helped foster.

Walton County, Georgia was doomed to fail before the ink dried on the legislative act that established it. By the time Walton County was created, the majority of its land was already claimed under North Carolina titles. Most of these landowners claimed more than the promised 200-acre headright grant. While community members defended their Georgia residency, North Carolinians set about obtaining and legitimizing the remainder of unclaimed or insecurely claimed land following the 1798 Treaty of Tellico. In 1803, while the French Broad community formed a Georgia county, Buncombe County, North Carolina court records reveal successful continued lawsuits by North Carolina landowners against the Georgia residents. Emotions were already running high before the creation of the Georgia county. The Court handed down three guilty verdicts for rioting in 1803 against Daniel Smith, Robert Lea and other defendants from the French Broad community. French Broad resident Thomas McClure acted as prosecutor in an attempt to convict John Carson¹⁴ and other North Carolina landowners of similar rioting. However, instead of guilty verdicts, the Court ordered McClure to pay all costs associated with his unsuccessful suit.¹⁵

While the Georgians faced the external problem of continued North Carolina claims to their property, an internal problem slowly emerged with the political role of Ebenezer Fain. His position as a Buncombe County Justice of the Peace as well as a militia captain made him an inevitable

¹³ *An Act to Lay Out and Establish a County in the Territory Lately Acquired by Cession from the General Government* (10 December 1803).

¹⁴ John Carson (1752-1841) was born in Ireland and later served in the 1776 North Carolina Expedition against the Cherokee and was stationed in western North Carolina forts several times through the remainder of the Revolutionary War. Emmett R. White, *Revolutionary War Soldiers of Western North Carolina*, vol. 1, *Burke County* (Easley, SC: Southern Historical Press, 1984), 35-36.

¹⁵ Buncombe County, North Carolina Court of Pleas and Quarters, vol. 3, 140-173.

choice as a Justice of the Inferior Court for Walton County. Despite his new appointment, Fain continued to serve the Buncombe County Court throughout 1804.¹⁶ His official Buncombe County service stopped only after his election to the Georgia Legislature representing Walton County in 1805. Even then his assistance to Buncombe County officials would continue. Despite Fain's election credentials, the Georgia Senate refused to seat him based on an investigation into open violations of the State's elections laws.¹⁷

Ebenezer Fain's simultaneous political involvement in Buncombe and Walton counties illustrates the complexities of emerging Walton County politics. In a traditional war, company rosters, muster rolls, and records of desertions would help clarify who defended which side. Far from a traditional war, the Walton War was hardly a war at all. There was a single North Carolina militia march onto allegedly Georgian soil, but the boundary dispute was ultimately fought with words between opposing state politicians and within opposing courts of law. The violence primarily manifested itself through less than official action. Riots, assaults, threats and property seizures dominated local events while politicians negotiated for a settlement. The property seizures and arrests may have been based on official court judgments, but the clandestine or violent means of implementation were based on unofficial, individual decisions. Determining who defended which side of the boundary dispute, as with allegiances in all disputes, is a blurry matter at best and becomes progressively more unclear as events unfold. Allegiances of the many participants can only be determined by the rhetorical accusations of opposing court records and the signatures of the many petitions from Walton County, Georgia residents requesting their government to settle the dispute.¹⁸

Prior to the creation of Walton County, French Broad community leaders Richard Williamson and Reuben Allen conducted a census at the head of the French Broad River as part of the process of integrating the community into Georgia jurisdiction. Curiously, this census failed to include Benjamin Davidson, Lambert Clayton, and many of their Davidson River

¹⁶ Buncombe County, North Carolina Court of Pleas and Quarters, vol. 3, 175-215.

¹⁷ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 173.

¹⁸ See appendix for a complete description of the documents used and individuals identified as participating in the dispute.

neighbors while describing the Eastern District as lying under the military jurisdiction of Captain Clayton.¹⁹ This effectively limited the political control of these substantial property owners and their Buncombe County supporters in the new Georgia county. However, many households included in the census, particularly those in the Eastern District, supported the North Carolina cause.

In creating the new county, Georgia appointed Richard Williamson, Kitt Smith, James LeFoy, Ebenezer Fain, and Reuben Allen as the original inferior court justices with the authority to appoint officers, tax residents, build a court house and jail, and manage all future elections.²⁰ Williamson and Allen had both worked hard to establish Walton County and Allen had served as the community envoy to the Cherokees. Illegal activities surrounding Fain had earlier inspired the community to form its own law enforcement patrol. The later depositions of Walton County citizens complaining of violence and property seizure by North Carolinians do not reveal any losses for Fain, though the other justices all had complaints.²¹

Following Fain's unsuccessful 1805 election, the Georgia Legislature did seat Richard Williamson to represent Walton County in 1806. This year also produced a series of affidavits from Walton residents concerning violence and property seizures. Among the many complaints, Peter Weaver and George Glasener testified that Ebenezer Fain and the Buncombe County Sheriff had appeared at Glasener's home, dragged him outside, and beat him until his wife agreed to pay rent on the property. These depositions emphasized Fain's assistance in the violence and property seizures while serving as a Justice of the Peace of Walton County.²² Residents also complained of the arrests of ten leaders by the Buncombe County Militia in 1804, as well as property seizures including horses, cotton, cattle, and a gun.

¹⁹ "1803 French Broad Census."

²⁰ *An Act to Lay Out and Establish a County in the Territory Lately Acquired by Cession from the General Government* (10 December 1803).

²¹ Affidavits Relative to Disturbances (July 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor-General's Office, Georgia State Archives.

²² Affidavits Relative to Disturbances (July 1806).

Some of these seizures occurred while residents were at home, leading to assaults in the process. Other attacks came only when residents were gone. Despite the acceptance of Williamson in the Legislature, the situation in Walton County continued to deteriorate, and many Georgians fled to South Carolina or Georgia to escape the violence amidst pleas from county officials to conduct the boundary survey and end the dispute.

The planned boundary line survey faced continual delays caused by the presence of the North Carolina titles. While 1805 and 1806 brought increasing tensions and violence among the residents of Walton County, the rhetorical debate escalated between the governors of the respected states regarding the terms of the boundary line survey. The numerous North Carolina land titles in the region caused the most contention. North Carolina maintained that Georgia should promise to honor these titles if the survey found them to be in Walton County based on common practice of boundary disputes between nations and states. Georgia contended that the land grants were invalid even by North Carolina law and honoring the titles would deliver the county into the hands of absentee landowners. In particular, Georgia recognized that grants in the area were forbidden until after the 1798 Tellico Treaty.²³

North Carolina became increasingly concerned about these titles as another unofficial survey confirmed the belief that the area was in Georgia. On August 11, 1806, Presbyterian minister and scientist Rev. James Hall reported he had taken survey measurements at Squire Clayton's. Concerned about increased violence if his survey results were known, he left Walton County and wrote the letter from Cane Creek, North Carolina and refused to reveal the results.²⁴ However, the North Carolina faction responded to Hall's survey with a realistic plea to Georgia for amnesty and representation in the Georgia Legislature. Charles Lane served as chairman of a group that recommended Lane, and Henry Lance as additional Walton County justices to help oversee the elections, as the earlier justices had left the county.²⁵

²³ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 177-179.

²⁴ Letter of James Hall (11 August 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

²⁵ Charles Lane et al. to Governor Irwin (30 August 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

Their appointment would effectively allow the North Carolinians to control Walton County, Georgia politics. The selection of Charles Lane may have been based on his Revolutionary War service and earlier residence in Georgia.²⁶ Like Ebenezer Fain, Charles Lane had served under Col. Elijah Clarke against the Indians and Tories of the backcountry.²⁷

Revolutionary War service alone did not determine allegiances in the Walton War boundary dispute. John Nicholson had also served with Ebenezer Fain.²⁸ Yet Nicholson had defended Walton County and even participated in the December 1804 riots. Near the beginning of the boundary dispute, Nicholson had been taken prisoner to Morganton as a result of his activities in defending the rights of the new county. However, his 1806 election to the Georgia legislature was contested. The election had actually taken place in Franklin County, Georgia based on the provision that elections could take place out of a county during a state of invasion. He was seated, but then unseated as questions about the validity of this election surfaced.²⁹ His allegiance during the remainder of the dispute is unclear, but by the end of his life, he and Fain were friends, and Nicholson testified concerning their mutual military service when Fain applied for his Revolutionary War veteran's pension.³⁰

While the residents petitioning for representation in 1806 faced

²⁶ Charles Lane, Revolutionary War Pension Application File, #R6118, M-804, reel 1519. While the migration patterns in Lane's pension application deposition confirm that it is the same Charles Lane, he signed these papers with his mark, being illiterate. It is likely his signature on the petition to Georgia was actually forged, though with his consent.

²⁷ Ebenezer Fain, Revolutionary War Pension Application File, #R6118, M-804, reel 948.

²⁸ John Nicholson, Revolutionary War Pension Application File, #R6118, M-804, reel 1820.

²⁹ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 173-174.

³⁰ Ebenezer Fain, Revolutionary War Pension Application File, #R6118, M-804, reel 948.

possible property loss, they also gained eligibility for the Georgia Land Lottery, as did the residents taking refuge in Franklin County, Georgia. The North Carolinians actively embracing their new state still hoped that their former titles would eventually be honored as negotiations for the boundary settlement continued. In addition, Georgia citizenship would allow them to claim their 200-acre headright grants in Walton County as well as eligibility in the upcoming Georgia land lottery. A third group of Walton County citizens took refuge in their former home of South Carolina where they focused on South Carolina's continued simultaneous dispute with both North Carolina and Georgia. As a result, three separate factions based in separate states claimed the legal right to manage local government affairs for the head of the French Broad River.

In 1807 North Carolina's Senator and former Governor James Turner worked actively with John Steele³¹ to resolve the simultaneous and to some extent overlapping boundary disputes with South Carolina and Georgia. In a letter to John Steele, Turner expressed regret that Steele's attempt to resolve the South Carolina dispute had been unsuccessful. He also was pleased with the progress of Georgia Senator and former Governor John Milledge who seemed more willing to protect legitimate North Carolina titles in Walton County if they could be separated from the purely speculative ventures.³² Turner, still faithful to the interests of his state, saw the compromise as encouraging and even suggested defending the Georgia claim in future negotiations with South Carolina.³³

The diplomacy of Turner and Milledge in the boundary dispute ultimately succeeded. On June 15, 1807 the commissioners appointed by both states to locate the boundary met at the Buncombe County Court

³¹ General John Steele (1764-1815) served as Federalist representative for North Carolina 1790-1793. He was the first comptroller for the U.S. Treasury from 1796 until his resignation in 1802. Steele served in various capacities in resolving North Carolina's boundary disputes with South Carolina and Georgia from 1806 until his death in 1815. Blackburn, *The Astronomer's Journal*, 11.

³² James Turner to John Steele (01 January 1807), H.M. Wagstaff, ed., *The Papers of John Steele*, II: 488-491.

³³ John Milledge to John Steele (27 January 1807), Wagstaff, ed., *The Papers of John Steele*, II: 494-495.

House. Steele identified three participants as the scientists for the survey party. Dr. James Hall had made previous observations in 1806, but failed to report them as official due to concerns about violence. Dr. Joseph Caldwell³⁴ from State University also represented North Carolina. Georgia sent Dr. Josiah Meigs,³⁵ president of the University of Georgia and son of Return J. Meigs who had surveyed the Indian Boundary that marked the western edge of Walton County. In addition, each state sent political observers.³⁶

On June 18 the commissioners and scientists signed an agreement concerning the procedures for the survey. John Steele had actively defended the North Carolina titles by arguing that the claim of Georgia was recent, dating only to 1802. He maintained that North Carolina had obtained the area by right of conquest following Rutherford's Revolutionary War march against the Cherokees in 1776. He suggested that all the North Carolina grants were innocent mistakes based on the understanding of the North Carolina Charter.³⁷ Steele also argued that the North Carolina grants were issued to war veterans and that Georgia should respect this military service if the survey found the area was within Georgia. Specifically, he identified the grants as resulting from payment for military services, pointing out, "That the lands granted by North Carolina were paid for in certificates obtained for the services performed in the common cause of the American Revolution, or

³⁴ Dr. Joseph Caldwell (1773-1835) graduated from Princeton in 1791 and was appointed professor of Mathematics at the University of North Carolina in 1796. In 1804 he was appointed president of the university. Caldwell served as North Carolina's scientist in both the 1807 North Carolina-Georgia boundary survey and the 1814 North Carolina-South Carolina Boundary Survey. Blackburn, *The Astronomer's Journal*, 12.

³⁵ Josiah Meigs (1757-1822) was elected Professor of Mathematics at Yale in 1794. In 1801 he became the president of the University of Georgia. William J. Northen, ed., *Men of Mark in Georgia*, 7 vols., (Atlanta: A.B. Caldwell, 1910); The Reprint Company, 1974, 2:37-39.

³⁶ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 183.

³⁷ In making his argument, Steele neglected to address South Carolina's claim over the area existing from before the Revolutionary War based on a 1772 boundary line believed to be the 35th parallel or acknowledge the 1777 treaty with the Cherokees made prior to any entries or grants in the area. John Steele to Nathaniel Alexander (02 July 1807), Wagstaff, *The Papers of John Steele*, II: 521-522.

in money to be applied to the discharge of those certificates.”³⁸ Steele’s insistence on protecting the veterans’ grants would have allowed Georgia to invalidate the grants issued to out-of-state speculators, a matter of little concern to North Carolina politicians.

Ultimately, the commissioners agreed that the boundary line would be located at the 35th parallel. The Georgia representatives did not feel they had authority to protect the North Carolina claims, but would recommend to the legislature that they do so. Finally, all commissioners agreed to plead for amnesty for residents following the survey, recognizing “There having been great discentions between the people resident in the neighboring counties of Buncombe and Walton, and the said discentions having produced many riots, affrays, assaults, batteries, and woundings, and imprisonments as well as on the one side as on the other...”³⁹

The Commissioners made their first mathematical observations at the home of Major Amos Justice. This spot was located on the road from South Carolina to Kentucky, where the boundary line was believed to cross based on an earlier survey by Georgia’s Surveyor-General Daniel Sturges.⁴⁰ John Steele’s later report of the survey explained his own recommendations and the qualifications of the scientists as well as the careful procurement of the best instruments, coming from the universities of each respective state. Based on the observations of the scientists with the best equipment possible, everyone agreed that this planned starting point for the boundary survey was well north of the 35th parallel marking the state line. They moved further

³⁸ John Steele to Nathaniel Alexander (02 July 1807), Wagstaff, *The Papers of John Steele*, II: 521-522. Since Steele’s argument, the idea that Western North Carolina was settled with North Carolina land grants issued directly for military service has grown into accepted fact. However, the actual North Carolina Military Grants issues for Revolutionary War Service were restricted to a military reservation now entirely within Tennessee. While it is possible that Burke County Entry Taker Charles McDowell and others did encourage veterans to purchase Western North Carolina grants with their military pay, further work would be needed to document and verify this purchase method for the grants. Ultimately, any potential connection between the grants and military service would have been based on personal decisions by the veterans, not official state policy.

³⁹ July Session, 1807. Buncombe County, North Carolina Court of Pleas and Quarters Minutes, Vol. 3, 363-365.

⁴⁰ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 186.

south to the flat lands of Little River near the home of Charles Lane. Again, the scientists' observations agreed the location was well north of the 35th parallel. The commissioners then proceeded to a place near Dowthards Gap at the extreme Southern end of the Blue Ridge Divide between Table Rock and Caesar's Head. This third measurement also revealed that this location was clearly north of the 35th parallel. Since what had been believed to be the southern tip of Walton County had just been shown to actually lie in North Carolina, mathematically, Walton County, Georgia did not exist.⁴¹

The commissioners' final report showed complete agreement that the headwaters of the French Broad River were fully contained within North Carolina. In addition, they mutually affirmed their pledge to seek amnesty for the residents that had erroneously defended Georgia's claims.⁴² For North Carolina, the matter was over as the commissioners' agreement was accepted into law. Understandably, Georgia did not immediately agree. The sudden loss of an entire county, the future Orphan Strip lands, and partial payment for the Mississippi Territory, was met with disappointment and disbelief. The latter manifested itself as Georgia officials called for a new survey, convinced faulty equipment was responsible for the sudden discovery of the 35th parallel far south of where earlier surveys had located the boundary. Ultimately Governor Jared Irwin⁴³ requested a new survey to be conducted by two scientists and Georgia Surveyor-General Sturges with new equipment despite questions regarding the latter's conduct during his previous survey.⁴⁴

North Carolina tried to bring peace to the region by pardoning all residents in the disputed area of crimes committed between the date Walton

⁴¹ John Steele to Nathaniel Alexander (02 July 1807), Wagstaff, *The Papers of John Steele*, II: 520-525.

⁴² July Session, 1807. Buncombe County, North Carolina Court of Pleas and Quarters Minutes, vol. 3, 365-366.

⁴³ Jared Irwin (1750-1818) served as Georgia Governor 1796-1798 and 1806-1809. Departing from his predecessors, Irwin worked to overturn the "Yazoo Law" and other state policies that supported land speculation fraud. James F. Cook, *Governors of Georgia* (Huntsville, AL: The Strode Publishers, Inc., 1979), 77-80.

⁴⁴ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 193-194.

County was formed and the date the commissioners agreed the area was really within North Carolina.⁴⁵ At the head of the French Broad River, however, neither North Carolina's attempts at reconciliation nor Georgia's protests had much effect on the ongoing tensions. Many of the refugees returned to their homes, hoping the problems were over. However, on February 19, 1809 many had again fled and set up a temporary government in South Carolina. In their request to the Georgia Legislature they explained they had returned home, and had believed that the \$2000 in property taken by North Carolinians for rent early in the dispute was sufficient for any claims against them. By February 16, 1809, Buncombe County officials had arrived with seventy-five judgments averaging fifteen dollars each for additional claims.⁴⁶ The residents continued to send representatives to the Georgia legislature, causing both states to be concerned about overlapping representation. Georgia included Walton County in the 1810 Federal Census, while North Carolina included the area in Buncombe County.⁴⁷

North Carolina consistently dismissed Georgia's requests for a new survey, including the notification that Georgia's Governor Irwin had hired nationally renowned surveyor Andrew Ellicott to determine the location of the 35th parallel. As a result, Ellicott conducted his survey alone. His findings confirmed the 1807 results forcing Georgia to finally accept its geographical fate. Walton County no longer held representation in the Georgia Legislature after 1811, at least until Georgia established a new Walton County in 1818. For the state of Georgia all that remained of the original Walton County was the matter of Andrew Ellicott's bill that

⁴⁵ Skaggs, *North Carolina Boundary Disputes Involving Her Southern Line*, 195.

⁴⁶ Remonstrance from the Citizens of Walton County to Governor Jared Irwin of Georgia (21 February 1809), Telamon Culyer Collection, Hargett Library Special Collections, University of Georgia. MS 1170, Box 6, Folder 6.

⁴⁷ As with the majority of Georgia Census records from the 1810 Third Federal Population Census of the United States, only the final population statistics remain. Residents were also included in the Buncombe County, North Carolina Federal Census for this year.

remained unpaid.⁴⁸

From time to time, Georgia revisited the old boundary disputes. In 1971 Georgia Governor Jimmy Carter and North Carolina Governor Bob Scott briefly renewed the dispute after the Georgia Boundary Dispute Committee voted to file a lawsuit, re-opening the issue. Far different from the violent original, renewed interest in the boundary line simply provided entertainment for reporters and their audiences otherwise faced with little cheerful news.⁴⁹

The results of the Walton War boundary dispute remained far more than a trivial matter for the former citizens who had steadfastly, though erroneously, defended Georgia's claims. Poor survey methods, overlapping boundary disputes, and the placement of friendly politicians into local Georgia politics by North Carolina property owners combined to result in far more than the simple demise of a geographical impossibility. By the end of the dispute, residents of the former self-governing community at the head of the French Broad River had passed from Cherokee Territory into a new state and nation, but without access to inexpensive land grants, political power, or financial opportunities. Instead, they found themselves as tenants, a landless class similar to the Cherokees before them. George Glazener, once beaten by his own Justice of the Peace and the Buncombe County Sheriff in efforts to collect rent, found himself in this legal and economic reality. In 1795, Glazener had sold his Franklin County, Georgia property for £30 before finding his way into Cherokee Territory and the community at the head of the French Broad River. Had he known his new home was in North Carolina, he would not have been able to purchase it – lacking the political access to a land grant system favoring the speculators. Western North Carolina land grants in the first decade of the nineteenth century typically sold for thirty or fifty shillings per one hundred acres. To escape tenancy following the Walton War boundary dispute, Glazener had to pay \$600 to

⁴⁸ Andrew Ellicott to Governor David B. Mitchell (11 August 1813) and Andrew Ellicott to Governor David B. Mitchell (13 September 1813), Georgia North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

⁴⁹ Georgia North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives. These materials were collected as part of the investigation into Georgia's renewed claims.

out of state owner Thomas Blithe for a mere eighty-seven acres.⁵⁰ For the majority of his neighbors, such purchases remained unattainable.

⁵⁰ Thomas Blithe to George Glazner (04 October 1811), Buncombe County, North Carolina Deed Book G, p. 360. Blithe is listed as a resident of Bedford County, Tennessee.

Changing Peoples

I remember my grandparents. As far as I recollect they always lived in N.C. Buncombe Co. They were living in a white settlement there as far back as I can recollect. I have heard my father talk about the Indians. He never was with them much only when they would come in and make baskets. They would camp with my father. He never did live with them. They boarded with him when they came and made baskets. I don't know whether my father was a member of the tribe or not. I don't know whether my grandfather owned land in N.C. or not, I think he owned some land in Buncombe Co. I just know what my grandparents say. My grandfather Wesley Patterson said that his mother was 1/4 Indian. Her name was Nancy Bird, and she married a Patterson. I don't know where Nancy Bird lived.

- Selena Patterson Galloway, July 20, 1908¹

After 1811, most disputes springing from overlapping land claims along the French Broad River were between individuals, far different from a mere decade earlier when such disputes involved nations. A few French Broad residents continued to pursue the claims that South Carolina should have received jurisdiction of the area following the Cherokee land cessions.² Questions and lawsuits surrounding earlier Indian Boundaries would continue well into the twentieth century, though these were largely disputes among whites holding conflicting claims.³ Throughout all levels of legal interpretation concerning the clarity of color for various titles, a consistent theme emerged. The overwhelming competition for new frontier lands

¹ Selena Galloway, Application #33250, Guion Miller Roll Applications, reel 264.

² A.S. Salley, "The Boundary Line between North Carolina and South Carolina," *Bulletin of the Historical Commission of South Carolina*, 10 (1929): 29-31.

³ Smathers, *The History of Land Titles in Western North Carolina*. This report was written in response to concerns by Champion Fibré Company over continued litigation resulting from these early land grants.

forced all competitors, from Philadelphia speculators to backcountry yeoman farmers, to participate in an increasingly complex system of corruption and deception created by no one and perpetuated by all. In the conflicting approaches to land acquisition, everyone shared a common acquisitive goal of profiting from Appalachian lands. While the justifications of claims were far different, they perhaps shared a legitimacy of hope that could reach beyond the questionable methods necessary for success.

Revolutionary War officers and some of their enlisted men obtained large tracts of bottomlands along the French Broad River. While their grants were purchased through a combination of legal land grant procedures and any necessary bribes and manipulation of political boundaries, these men likely discovered “the plains of the French Broad River” through their military service. This service also gave them an advantage of the access in obtaining French Broad property. These relatively moderate grants normally ranged from 200 to 640 acres.

The Revolutioners specifically purchased quality farmland and some mineral lands, leaving the more mountainous areas available for later claimants.⁴ Many elite officers, including Charles McDowell, remained in central North Carolina. Agents living along the French Broad and its tributaries managed the mountain property for these absentee landowners and maintained necessary local political influence. Frequently, sons-in-law served in this capacity. Lambert Clayton, married into the Davidson Family, frequently used his political position to benefit the Davidsons through activities such as road building. Burke County resident Charles McDowell helped protect his claims and those of his family by giving a large tract of French Broad land to his daughter Sarah and son-in-law William Paxton as a wedding present.⁵ These family-controlled grants could be sold at a profit, or maintained by relatives to extend the business interests of the extended family groups. Whatever the eventual use of the land, the goal of long-term profits motivated these families, resident or not, to promote a stable and strong community infrastructure. For these investors, agricultural production through moderate plantations could produce long-term steady income with

⁴ Huggins, *Burke County*.

⁵ Mary Jane McCrary, *Transylvania Beginnings: A History* (Easley, SC: Southern Historical Press, 1984), 277.

the potential for additional income through less reliable industries such as mining.

Other speculators had far bigger and less permanent plans. When land agent John Brown traveled through western North Carolina in 1795 to purchase property for Philadelphia physician William Cathcart and Cathcart's brother-in-law, merchant George Lattimer, the corruption involved throughout the process was unquestionably accepted. Brown recorded both his triumphs and losses in the region, limiting his comments concerning the corruption to mere frustration when competitors' bribes left his own claims unrecognized. His clandestine deal with Lambert Clayton remained secret, not from shame, but to protect Clayton's continued political access to the system.⁶

The massive speculation grants obtained by Cathcart and Lattimer, and competing speculations of the Blount family included significant property along the headwaters of the French Broad River. One grant purchased by the Blounts through their agent David Allison covered over a quarter million acres. These grants, though impeding on remaining Cherokee Territory, carefully avoided the majority of grants purchased by the Revolutionary War veterans. Obtaining quality farmland took a secondary role in these ventures. Speculators planned to obtain the land at rock bottom prices, use their substantial political influence to maintain the titles, and sell the entirety in small lots to Europeans.⁷ Since these large landowners did not plan to maintain long-term ownership of the property, the potential profits of agriculture or other commercial pursuits remained largely irrelevant in their initial purchase decisions. Likewise, long-term community stability was unnecessary for promotion of oversea sales.

Surveyor Zachariah Candler developed his own approach to speculation. The Virginia native began buying North Carolina land grants at the head of the French Broad River as soon as Georgia established jurisdiction over the area. In 1803, he was listed as resident in the newly acquired Georgia lands. Earlier surveys by Andrew Pickens and Georgia Surveyor-General Daniel Sturges had asserted that the area was south of the

⁶ A.R. Newsome, ed., "John Brown's Journal of Travel in Western North Carolina," *North Carolina Historical Review*, XI 1-4 (1934): 284-313.

⁷ David Allison to John Gray Blount (11 March 1796), William H. Masterson, ed., *The John Gray Blount Papers*, 4 vols., vol. 3, 1796-1802 (Raleigh: State Department of Archives and History, 1965), 3:30-31.

North Carolina boundary. Candler, however, recognized the mathematical error. Instead of revealing this information, he used it to his advantage. The veterans had largely neglected the area to the west of the French Broad River and south of “Three Forks” where the French Broad headwaters come together. While boundary line confusion deterred others from obtaining grants for this area, Candler began actively pursuing these small tracts. His familiarity with the region and residents allowed him to obtain grants for homes, plantations, mills, roads, and ferries. Following the dispute, Candler continued to advance his property holdings along the French Broad River. He became a highly successful speculator, eventually controlling the Blount speculation lands earlier obtained by David Allison.⁸

In 1795, surveyor Robert Love⁹ provided John Gray Blount with a description of the “Buncombe Lands” to aid future sales. He spoke of vast timber reserves and scenic wonder.¹⁰ A century later, a new investor, George Vanderbilt, purchased the largely unsettled tract from the Candler family. Within ten years, the Vanderbilt was already actively working to sell the massive tract. His forester, Carl Alwin Schenck,¹¹ prepared an optimistic account of potential profits in a report designed to facilitate this sale. The timber reserves Love had observed remained largely untouched. There were also abandoned interior farmlands and windswept ridges unsuitable for

⁸ Land Records of Zachariah Candler, Buncombe County, North Carolina Land Deeds and Indices.

⁹ Col. Robert Love (1760-1845) became a prominent leader in western North Carolina business and political affairs following his service in the Revolutionary War. In 1809 he founded the town of Waynesville in the new Haywood County, North Carolina. W.C. Allen, *The Annals of Haywood County, North Carolina: Historical, Sociological, Biographical, and Genealogical* (1935; The Reprint Company Printers, 1977), 107-113.

¹⁰ Robert Love to John Gray Blount (07 December 1795), Alice Keith, ed., *The John Gray Blount Papers*, 4 vols., vol. 2, 1790 – 1795 (Raleigh: State Department of Archives, 1959), 2: 616.

¹¹ Dr. Carl Alwin Schenck (1868-1955) was born in Germany where he learned the scientific methods of forest management that emphasized forest renewal. He came to the United States in 1895 to manage George Vanderbilt’s new property of Pisgah Forest. Schenck operated the first school of forestry in America in Pisgah Forest from 1898 to 1913. Carl Alwin Schenck, *The Birth of Forestry in America: Biltmore Forest School 1898-1913.*, Ovid Butler, ed. (Santa Cruz, CA: The Forest History Society and the Appalachian Consortium, 1974), iii-v.

anything other than livestock. Schenck proposed converting Pisgah Forest into a series of resort areas that could bring moderate profit despite the unfavorable agricultural potential.¹²

Sociologist Wilma Dunaway has suggested that throughout the Southern Appalachian region, absentee speculators such as the Blounts prevented significant settlement of the mountains.¹³ However, owners certainly did not intend for the lands to remain vacant. In a later report, as Love began his work as the third agent to manage the Blount lands in western North Carolina, his observations were less than encouraging. Potential buyers increasingly passed up the overpriced mountain lands for new, cheaper lands opening further westward. In addition, costs involved from taxes, surveys, and on-going litigation consumed profits at an astounding rate. Love recommended selling the land as soon as possible at what ever terms could be arranged.¹⁴ As Schenck's later report demonstrated, even this compromise was insufficient to attract significant customers. Despite the North Carolina victory in the mathematical Walton War, the triumphant landowners found it increasingly difficult to profit from their prize.

The western North Carolina mountains proved unable to support the agricultural patterns of the plantation south. Despite limited success with cash crops such as cotton and tobacco, the slave-supported monocrop agriculture prevalent among the lowland planters could not create substantial mountain profits. The ideal of vast tracts of available Appalachian farmland met the hard reality that most mountain land was simply unsuitable for substantial agricultural production.

Large tracts of quality farmland did exist in the elongated river bottoms. For aspiring planters extensive competition for quality lands and

¹² Carl Alwin Schenck, "Report on Resources Available within the Confines of Pisgah Forest the Property of George W. Vanderbilt," (1905), Carl Alwin Schenck Collection, Special Collections, North Carolina State University.

¹³ Wilma A. Dunaway, *The First American Frontier: Transition to Capitalism in Southern Appalachia, 1790-1860* (Chapel Hill: Univ. of NC Press, 1996).

¹⁴ Robert Love to John Gray Blount (02 April 1816), Morgan, *The John Gray Blount Papers*, 4: 264-267.

the remote location of these tracts complicated management of traditional slave based agriculture.

These rugged environmental conditions contributed to slavery's failure to become a dominant form of relatively inexpensive labor in western North Carolina. While the head of the French Broad River remained in Cherokee Territory, Ebenezer Fain had a brief experience as a slave owner. By the end of the boundary dispute, all of his slaves were gone despite his victory.¹⁵ Gunsmith John Gillespie, focusing on profits through his artisan skills instead of agriculture, maintained only one slave. By the end of the boundary dispute he, too, was no longer a slave owner.¹⁶ Successful speculator Zachariah Candler inherited a share of his uncle's Virginia slaves, but sold this share to his cousin.¹⁷ Aside from this transaction, Buncombe County census and court records fail to reveal even one slave in the Candler household, though indentured girls were regularly employed.¹⁸

However, environment alone cannot explain the failure of slavery to become the primary regional labor system. Mountain elites quickly developed new tactics to maintain the profitability of slaves. Owners often rented their slaves for temporary employment in projects such as transportation improvements. In addition, the relatively few slaves who lived in the mountains could often find direct employment in the labor-hungry region. Store accounts from the first half of the nineteenth century include purchases by both blacks and Indians. One list of accounts crossed racial lines by listing a black customer among the Indian accounts.¹⁹ The ability for slaves to obtain wages continued through the nineteenth century and into

¹⁵ "1803 French Broad Census;" *Third Federal Census of the United States* (1810), Buncombe County, North Carolina.

¹⁶ "1803 French Broad Census;" *Third Federal Census of the United States* (1810), Buncombe County, North Carolina; Gillespie Family Box, Mary Jane McCrary Collection, TCJHPCA.

¹⁷ Zachariah Candler to William Dickenson (25 April 1835), Buncombe County, North Carolina Deed Book 19, p. 414.

¹⁸ Buncombe County Court of Pleas and Quarters, vol. 3, p. 226-227, 297; Buncombe County, North Carolina Will Book A, p. 116.

¹⁹ Several store accounts divided along race lines are included in estate settlements in Haywood County, North Carolina, Will Book A1.

the Civil War. During the war, the newly created Asheville armory employed blacks alongside whites in the production of guns for the Confederate States of America.²⁰ As the regions' property holders adapted to the challenges of extracting a profit from the mountains, slaves slowly gained increased economic autonomy, and some even purchased freedom.²¹

With new personal freedom, these former slaves became a minority part of the majority of western North Carolina residents forming a common landless class stretching across racial lines.²² The purchase and maintenance costs of a slave-based labor system rendered the "peculiar institution" inefficient. It also meant that the population of moonlighting and recently freed slaves was hardly sufficient to fill the regional labor needs.

Simultaneous to efforts to adapt slave profitability to the mountain conditions, landowners found a relatively large population of landless residents left in the wake of boundary changes and confusion. While the settlers at the head of the French Broad River and the Cherokees who preceded them maintained differing objectives for the future of the region, they had shared a common threat as the small, legally white community developed within Cherokee Territory. These different peoples now shared a common destiny as a landless labor source. Landless residents of all backgrounds remained without political influence, direct representation, or even the right to vote. Attempts to collect rent had inspired most violence in the Walton War boundary dispute as both factions coped with the

²⁰ William B. Floyd, "The Asheville Armory and Rifle." *The American Society of Arms Collectors* 44 (1981): 21-41.

²¹ For an extensive explanation of the unique circumstances of Appalachian slavery, see John C. Inscoe, *Mountain Masters: Slavery and the Sectional Crisis in Western North Carolina* (Knoxville: Univ. of TN Press, 1989).

²² The nineteenth century concept of race was more like the modern concept of ethnicity. Africans and Indians were seen as separate races, as were Irish, Germans, Scots, French, and English. The distinctive appearance and differing religious beliefs made discrimination against indigenous people and African captives easier to justify in enslaving both peoples. For a discussion of the emergence of slavery as a labor system in colonial America see Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton and Company, 1975).

unexpected tenancy. Following the dispute, participants adapted to the resulting tenant labor system, transformed it into a more symbiotic relationship, and integrated it into the emerging regional economic system.

With deep roots in European practice, tenancy had existed in various forms as a viable option in North America ever since the British began colonizing the new world. At the headwaters of the French Broad River, tenancy developed as an unintentional compromise to the complexities of area settlement. Mountain agricultural production, supplemented with hunting, had been sufficient for the local needs of the Cherokees. For young Buncombe County, North Carolina, a growing population required greater production for local needs and market profits. As had been the case before the Revolution, lowland plantations increasingly devoted agricultural lands to profitable cotton production, requiring suppliers from outside the plantation to provide food for the landowners' family and his hundreds of slaves. Colonial promotion of backcountry settlements had supplied this need. However, as these new settlements grew to develop large plantations as well, opening frontier regions became necessary supply areas. This pattern stopped at the mountains where environmental factors prevented large scale monocrop plantations. Despite the physical limitations, residents of the Southern Appalachian Mountains and their business leaders found new opportunities for profit. Businessmen rapidly improved mountain roads and developed a growing network of drover stands that attracted increasing use by livestock producers as far away as Tennessee and Kentucky while they drove their herds to southern markets to supply the larger plantations. These drover stands required substantial regional agricultural production to feed the animals each night as they conveniently walked themselves to market for slaughter.²⁴ The proportionately meager agriculture lands of western North Carolina had to support an increasing population as well as the annual livestock drives. Also, the aspiring gentlemen who owned the scattered farmland were unwilling and, in truth, unable to perform the necessary labor themselves.

Former Walton County was not the first region to find itself having to intensify agricultural production. Anthropologist Robert Netting, in developing his theories of cultural ecology, chronicled the development of

²⁴ H. Tyler Blethen and Curtis W. Wood, Jr., *From Ulster to Carolina: The Migration of the Scotch-Irish to Southwestern North Carolina* (Raleigh: North Carolina Department of Cultural Resources, Division of Archives and History, 1998).

farmsteads using labor generated by small families that required full participation and motivation from all members.²⁵ Far different from its feudal roots, tenancy along the French Broad River provided an alternative to slavery through a self-motivated labor force that did not require supervision or investment. The Walton War boundary dispute, which had begun with court actions surrounding demands for rent on disputed lands, created a community of tenants in its resolution. For property owners, tenancy quickly provided income from unsold land, minimized losses and extended hope for future profit. For landless residents of all races unable or unwilling to move from their homes, and who could not pay the steep land prices, tenancy offered the chance to stay and the hope of one day producing sufficient excess to purchase their homes. As property owners diversified into managing drover stands, tenants provided the necessary supplies, allowing potential increased profits for all participants.

Zachariah Candler avoided slave ownership while he pursued tenancy on his French Broad lands until residents were able to purchase their homes or moved elsewhere. On the North Fork of the French Broad River, Candler tenants joined in creating the Gloucester Settlement along the Meigs and Freeman Indian Boundary. Each fall, following the annual livestock drives, Candler added new grants to his increasing land holdings. While many minor North Carolina speculators eventually lost their fortunes, Candler left a massive estate to his wife and children. Son George Candler, who had followed in the surveying profession, bought his siblings' shares of the estate and continued to pursue tenancy as part of the family business. Even after the Civil War, a third generation of the Candler family continued to grant new leases to grandchildren of former French Broad Community residents. Some eventually bought the lands their ancestors once claimed through a combination of Cherokee alliance and mathematical misunderstanding.²⁶

The virtually abandoned lands of large absentee speculators such as

²⁵ Robert McC. Netting, *Smallholders, Householders: Farm Families and the Ecology of Intensive, Sustainable Agriculture* (Stanford: Stanford University Press, 1993).

²⁶ Land Records of Zachariah Candler, Buncombe County, North Carolina Deed Indices and Books; Land Records of G.W. Candler, Buncombe County and Henderson County, North Carolina Deed Indices and Books.

the Blounts and Lattimers remained nearly untouched by agricultural activity. Far from preventing settlement, the large mountains speculation tracts maintained earlier use of the land. Frustrated absentee owners saw their land become an unofficial commons, used for hunting and pastureland by a multitude of neighbors and a minority of squatters. The rich chestnut mast provided ideal pastureland. In the wake of a depleted deer population, cattle, pigs, and sheep profited from the abundant forests. In turn, area farmers found a modest profit from livestock to supplement the meager profit from crops. Hunting also continued to provide profits, though now the meat itself was valued in addition to the skins. Large, undeveloped speculation tracts provided excellent hunting opportunities for whites and Indians alike.

These activities proceeded through the contemporary legal and economic structure of the early United States. However, they reflected centuries old human adaptations to former and soon-to-be-former Cherokee lands. The dual Cherokee practices of slowly migrating agriculture along the bottomlands along with using the mountain slopes for hunting had allowed them flourish despite the environment. As the boundary line between the two nations continued to move westward, the continued Cherokee presence created a patchwork of interconnected households linking the two peoples. In 1817 and 1819 new treaties again moved the Cherokee boundary, as the United States demanded Cherokee Land in exchange for land in Arkansas where some Cherokees had already relocated.²⁷ In 1820 North Carolina commissioned a survey of the newly ceded area that revealed Indians and settlers living side by side. Many of those settlers found living near the old Meigs and Freeman Line were former residents of Walton County, Georgia.²⁸

As many former residents of the French Broad Community spread deeper into the Appalachian region, they carried their Cherokee ties with them. One mountain community that attracted them was on the Caney Fork of the Tuckasee River in present Jackson County, North Carolina, which had

²⁷ The 1817 and 1819 treaties were the first removal treaties that insisted that Cherokee move from the ceded area. Earlier treaties had allowed Cherokee to remain, although they lost their land.

²⁸ Love Survey Map (1820). Copy located at Hunter Library, Western Carolina University; Barbara McRae, "Organization of Cherokee Lands, 1820," *Teresita Press*, <http://www.teresita.com/html/love.html>: 12 MAR 2002.

remained largely in Cherokee Territory during the boundary dispute. While his son, James Hooper, became a tenant for Zachariah Candler, Absolam Hooper and his brother Clement “Boonie” Hooper moved into Caney Fork near the 1802 Meigs and Freeman Indian Boundary. Here, the families again established personal ties with their Cherokee neighbors.

As part of the Treaties of 1817 and 1819 that brought the remainder of Caney Fork under United States control, any Cherokees wishing to remain in the ceded territory could apply for a personal life reservation of 640 acres and American citizenship.²⁹ Three of Hooper’s neighbors claimed such reservations: Old Nanny, John Ben, and William Reed on behalf of his Cherokee wife. Only two of the many western North Carolina life-estate reservations had been formally granted in fee simple through the 1819 Treaty, leaving the remainder, including the three Caney Fork area reservations, vulnerable to quickly appearing claims of white settlers. Before the reservations could be surveyed, Haywood County conducted a rushed survey of the newly acquired lands to identify and sell the best farmland – often occupied by these remaining Indians. In this flurry of surveys and sales, Hooper’s oldest son, John, along with Abraham Pickleseimer, Milton Brown, and Edward Chastain, all from Walton County families, purchased 450 acres of the Old Nanny reservation.³⁰

Based only on this land grant, a quick interpretation of the transaction suggests that the Hoopers and their former Walton County neighbors had learned from the speculation activities that claimed their earlier homes and implemented similar tactics irrespective of Cherokee claims. However, Hooper family tradition offers a different perspective. Descendants record that Absolam and John Hooper both spoke fluent Cherokee, and operated a store and blacksmith shop for the Cherokees. Included in family recollections is Absolam Hooper’s Cherokee name.³¹ Like James Crawford,

²⁹ This treaty provision marks the beginning of the struggle for clear citizenship for the Cherokee that did not end until 1946.

³⁰ Brett H. Riggs, *An Historical and Archaeological Reconnaissance of Citizen Cherokee Reservations in Macon, Swain, and Jackson Counties, North Carolina* (Knoxville, TN, Department of Anthropology, University of TN, Knoxville, 1988), 80-81.

³¹ *Jackson County Heritage, North Carolina* (Waynesville, NC: Walsworth Publishing Company, 1992), 297.

who operated a trading post along the Tuckaseige River in the 1750s, the Hoopers would have benefited from the continued presence of the Cherokees. A simple land transaction does not reveal if the motivation was to remove the Cherokee residents or to protect them, as merchant William Holland Thomas³² would soon do in purchasing what would become the home of the Eastern Band of Cherokee Indians.

As Robert Love observed, many potential land buyers and tenants chose to migrate westward instead of investing money and labor in overpriced and under-producing mountain land. Andrew Jackson's victory against the Creek opened up Alabama Territory for settlement soon after Georgia gave up its claim to the Orphan Strip. Many former Walton County citizens relocated accordingly. George Glazener's Widow Eleanor, who had once agreed to pay rent to stop her husband from being beaten by Buncombe County officials, left the land her husband finally purchased and migrated to Alabama with her youngest son and family.³³

Alabama Territory did not attract only hopeful farmers. Despite the problems connected to Buncombe County lands, speculators were eager to take hold of the new territory. Blount operative John Strouther was hired to mark the boundary line between the Creek Nation and United States Territory. While employed on this project, Strouther simultaneously worked for the Blounts, mapping for them the best lands to acquire. The plan encountered premature difficulty when Strouther died August 19, 1815 before he could complete the project.³⁴ Zachariah Candler was also involved in the new lands opened up by the Creek War. His survey notebook includes a diary, description, and map of the region.³⁵

³² William Holland Thomas (1805-1893) became a leader among both whites and Cherokee. Cherokee chief Yonaguska encouraged the Cherokee to adopt Thomas early in Thomas' career. Thomas became the advisor and agent for the Eastern Cherokee, playing a significant role in securing a permanent home in North Carolina despite removal efforts. Vernon Crow, *Storm in the Mountains* (Cherokee, NC: Press of the Museum of the Cherokee Indians, 1982), 1-5.

³³ *Seventh Federal Census of the United States* (1850), DeKalb County, Alabama.

³⁴ Robert Love to John Gray Blount (04 October 1815), Morgan, *John Gray Blount Papers*, 4:260-261.

Many Walton County residents stayed closer to home, returning to Georgia. Former Revolutionary War veterans and Walton County defenders John Nicholson and Benjamin Oliver chose to leave their French Broad homes for the golden hills of Georgia, perhaps less motivated by the loss of promised headright grants than by the glittering promise of the Georgia Gold Rush. Georgia began to distribute its new lands in the northeast section of the state by lottery in 1820, with the gold rush reaching sufficient heights to justify a bank branch in 1833.³⁵ Ebenezer Fain joined the many residents struck by gold fever and sold his Buncombe property to follow the gold dream. Fain even won a Georgia Land Lottery lot based on his Revolutionary War service and Georgia residency.³⁷ In his later years, Fain continued his low level political career as a county justice. Despite the move to Georgia, the Fain family remained in an area heavily influenced by the Cherokees. In 1839 grandson Mercer Fain became a prominent leader in Cherokee County, North Carolina, managing the land surveys and entries following what was meant to be the final removal of Cherokees from North Carolina and all areas east of the Mississippi. In addition, Mercer Fain became the friend and business partner of the adopted Cherokee leader, William Holland Thomas. Their mutual correspondence reveals that in addition to business activity, the two shared a Cherokee heritage of their own – a passion for the sport of stick ball.³⁸

South Carolina attracted some of its former residents from the French Broad Community. More than simple nostalgia, South Carolina's well established and improving transportation network facilitated trade with the low country provided economic motivations for this return. For a short time, South Carolina offered the prospect of another boundary line survey. These

³⁵ Zachariah Candler's Survey Field notes vol 5, TCJHPCA. Half of the first page of the description of this journey is missing, which includes the details of why the journey was made.

³⁶ Milton Sydney Heath, *Constructive Liberalism: The Role of the State in Economic Development in Georgia to 1860* (Cambridge: Harvard Univ. Press, 1954), 146, 186.

³⁷ This lottery award was later used as evidence of Fain's Revolutionary War Service. Revolutionary War Pension Application File, Ebenezer Fain #R6118, reel 948.

³⁸ Fain Family Papers, Hunter Library Special Collections, MSS 80-21, folder 7.

migrants still cherished the hope that another survey might prove the headwaters of the French Broad were south of North Carolina. In 1809, as Georgia's claim continued to weaken, South Carolina continued to pursue its rights over the region, requesting a boundary survey in part to aid those they considered to be South Carolinians living at the headwaters of the French Broad River.³⁹

The agreement reached at McKinney's on the Toxaway River in 1813 provided for this final survey. When it took place the following year, John Steele served as a North Carolina commissioner just as he had in the survey of the Georgia-North Carolina boundary. Among the witnesses were surveyor and speculator Zachariah Candler, host James McKinney, and George Blackburn.⁴⁰ Blackburn would later act as surveyor for South Carolina on account of his position as a mathematician and astronomy professor at the University of South Carolina.⁴¹

George Blackburn enjoyed the survey experience, even writing a few satirical verses about the journey, the people encountered, and the boundary dispute. In more serious notes, he described the complexities of surveying the area with limited equipment as well as some of the more scenic sites the survey party visited. One was the valley of Jocassee where just two years earlier seven families had settled on the former location of a Cherokee town. They had no slaves, a characteristic for which Blackburn praised the community. In Blackburn's later notes on the subject of equality he argued the need for equal rights and the ongoing struggle between the poor and rich. Blackburn somewhat cynically concluded was only possible during a state of war.⁴² Blackburn's comments may explain why a nearby path included the

³⁹ Journal of the House of Representatives for the Session of 1809 quoted in Salley, "The Boundary Line between North Carolina and South Carolina," 31.

⁴⁰ George Blackburn (1765-1823) was born in Ireland and educated at Trinity College in Dublin. Blackburn was a professor of Mathematics at the College of William and Mary before becoming professor of mathematics and astronomy at South Carolina College in 1811. In 1821, Blackburn and his daughter established a school for young ladies in Columbia, South Carolina. Blackburn, *The Astronomer's Journal*, 1.

⁴¹ "Boundary Settlement with South Carolina," Wagstaff, *The Papers of John Steele*, II: 832-834.

⁴² George Blackburn, *Poems, Notes and Reports on the 1813 NC-SC Boundary Expedition*, South Carolina State Archives, Microfilm #ST0830.

label “Negro Trail,” lying just inside Cherokee Territory and thereby offering a potential escape route.

Blackburn’s almost pastoral description presents the Jocassee Valley community as a kind of innocent paradise. The white settlers of the community lived without laws, being inside Cherokee Territory. As a result, they had no lawyers. They also had no physicians, depending on natural remedies for medicine for the few diseases that affected them. The children, playful, yet bashful, attended a nearby school. Clothing was a mixture of cloth and local animal skins. Blackburn described them as “Happy people secluded from all ills of polished and luxurious life.”⁴³

In contrast, Blackburn described their host of two or three weeks, Maj. James McKinney, in less than complimentary language. McKinney’s house, where the final agreement on the terms of the survey had been negotiated, was situated three miles from the Pickens Indian Boundary Line established following the 1785 Treaty of Hopewell. The accommodations were far different from those of Columbia. Blackburn described Mrs. McKinney as working with her gown tucked up, and arms, head, and bosom naked. To accompany their meager food, instead of coffee, their hostess served a roasted wheat drink flavored with honey that commanded a price equal to that of a city tavern. Blackburn’s description of Maj. McKinney was only slightly more favorable. McKinney was a wealthy farmer in part because he owned “a rich Indian town on the Toxaway.” However, Blackburn criticized McKinney for poor treatment of the Indians who still used the property and who could have easily overtaken the McKinney household by force.⁴⁴

When the ink dried on the 1815 South Carolina – North Carolina boundary survey map, three states had finally agreed to a mutual corner between their boundaries. However, the effects of the rhetorical exchanges between distant state capitols were far from over along the Blue Ridge Divide, where summer rains equally flow to the Savannah and Tennessee Rivers. Along the headwaters of the French Broad River, members of a broken community had found amnesty. In Jocassee, still within Cherokee Territory, white settlers had adopted an Indian lifestyle. In McKinney’s

⁴³ Blackburn, *Poems, Notes and Reports on the 1813 NC-SC Boundary Expedition*.

⁴⁴ Blackburn, *Poems, Notes and Reports on the 1813 NC-SC Boundary Expedition*.

Toxaway, now in United States territory, Indians became participants in the European concepts of property ownership. In 1815, George Blackburn and the other surveyors submitted their final boundary map that included the description of the “Big Cane Break” of 400 or 500 acres near the confluence of the Toxaway and Jocassee Rivers in what had been the disputed Orphan Strip. Beyond the boundary calls, the cane break represented a place where two separate peoples had found their lives inseparable, tightly woven together alongside the rivercane.

The Orphan Strip Community Finds Its Home

Mr. Thomas, Leonard Thomas, you've heard of him I know. You may be related to him... he taught history. And we was in history class. And I'd worked out in the fields that summer, you know. I was brown as any Indian in Cherokee. I mean I was just awful dark... And we was talkin about, you know, the Indian heritage or whatever. American history or whatever. And anyway, he asked the class, he said, "How many of you know that you got a little Indian in you," you know. And about everybody in the class raised their hand of course. I did, too cause I'd always been told, you know, that... And he looked over at me and he said, "Ruth's the only one in here that looks like she's got a little Indian in her."

Ruth Jarrett Whitmire
Interview November 2, 2000
Rosman, North Carolina¹

On July 20, 1908, Charles Bradley enjoyed one of his better assignments. Following a settlement with the Eastern Cherokees for losses under the 1835 Treaty of New Echota and later treaties, the United States instructed Indian Agent Guion Miller to enroll those individuals eligible for compensation. Bradley served as a special agent investigating many applicants' claims. He experienced poor mountain roads and less than adequate lodging along the way. This place was different.

The northern industrialists who invested in the Jackson County, North Carolina-based Toxaway Company had set forth to profit from their Appalachian property in any way possible including mining, logging, raising livestock, producing power production, and finally by operating a series of resort properties.² Their capitalist objectives would have been well

¹ Interview of Ruth Jarrett Whitmire by Linda Hoxit Raxter, November 2, 2000.

² Toxaway Company Incorporation Papers, Jackson County, NC Incorporation, Vol. 1, p. 480-487.

understood by the speculators who purchased the property while it was still in Cherokee Territory, a century before the Toxaway Company formed. In keeping with its more luxurious objectives, the Toxaway Company had built a series of resort inns and reservoirs in the mountains of North Carolina's Transylvania and Jackson Counties. Much of the Toxaway Company's 30,000 plus acres of mountain property had been obtained from what its agents called "the natives" by deception, promising that the new owners were developing a game preserve for hunting. In reality, they were planning to focus on mining and timber before developing their exclusive vacation paradise, using the guise of a hunting preserve to obtain local property at less than full value.³ In addition to providing lodging for Bradley, the Toxaway Inn offered him all the amenities intended for its wealthy guests including electricity, refrigeration, and even telephone service. Such conveniences were financially and geographically beyond the reach of the mountain families who had been called to testify at the Toxaway Inn that July day.

Selena Patterson Galloway recalled that her father, Asa Patterson, fled the Removal by returning to live in the remote Cane Break community. Selena said her father was white and lived as a white man, but that his grandmother, Nancy Bird, was Cherokee. She testified that her father was born in Buncombe County. It was this statement that doomed the applications of Selena Galloway and her kin.⁴ To Charles Bradley, Buncombe County clearly did not include any former Cherokee Territory affected by the court settlement. Macon County marked the eastern edge of the area included in the treaties covered by the court settlement. It was an easy mistake to make in light of the complicated political history of the Patterson's community. However, when Wes and Franky Patterson, and their son Asa lived in Cane Break, it was part of Macon County which had a clear Cherokee presence at the time of the 1838 removal. Also forgotten was the time when Matthew and Alexander Patterson had been adopted with their community into the Cherokee Nation, and even helped defend it from criminals. In 1808, Toxaway had been remembered as a Cherokee town. In 1908, only a vacation resort remained, claiming a name from a mythological

³ W.J. Jenks "Memorandum" (6 November 1891). Toxaway Collection. TCJHPC.

⁴ Guion Miller Roll Application for Selena Galloway, #33250.

Cherokee chief allegedly buried in a nearby grave.⁵

Selena's cousin, Franky Stewart Thomas, claimed her Cherokee heritage through both parents, Daniel Stewart and Nancy Patterson Stewart. She was named after her part Cherokee grandmother, Francis Patterson. Born in what was then Buncombe County, the younger Franky later moved with her parents to Polk County, Tennessee. Not knowing the details of her ancestry after so long away from where the Pattersons helped lead the French Broad Community, she only testified that her mother told her she had Cherokee Indian Blood.⁶

Franky's son, Fate O. Thomas, also testified, even calling an eye witness, octogenarian Lewis Galloway who had known Franky Patterson and agreed that she looked half Indian and claimed Cherokee ancestry. Despite the testimony, Bradley quickly rejected all the Patterson descendants' applications based on Selena's statement that Asa was born in Buncombe County, including the notation "Franky Thomas and daughter Fate O. Thomas - rejected." Fate continued to correspond, not to correct his gender, but to change his racial identity. Clearly motivated by possible allotments, Fate's letters are filled with requests to know how much money he would receive. He also complained that the other applicants were not actively pursuing enrollment and that Bradley had not allowed him to present all of his witnesses. Moreover, he attempted to explain the problematic changes in political boundaries that meant that the Patterson homes were not in Buncombe County at the time the family settled near the head of the French Broad River and later retreated to the Cane Break to

⁵ There are two local traditions concerning Chief Toxaway's Grave. One, circulated among tourists, is that he was a great Cherokee Chief, father of Princess Jocassee and is buried near Lake Toxaway. The other story, circulated within the community by laughing elders, tells of the construction of a fake grave for the fictitious chief as a long-standing practical joke. Jocassee also derives its name from a lower Cherokee town. Just as the Toxaway River was named after the Cherokee Town, the Horsepasture and Thompson Rivers once were called the east and west fork of the Jocassee River. Cane Break, the Toxaway River, and the Jocassee River are identified on the 1815 survey map of the North Carolina-South Carolina State Line, South Carolina State Archives. Cane Break continues to be identified on United States Geological Survey Maps.

⁶ Guion Miller Roll Application for Franky Thomas, #31843, reel 254.

escape removal.⁷ But Charles Bradley and the opportunity for enrollment had moved on to other towns.

A century before the Guion Miller Roll hearings at Lake Toxaway, the South Carolina-based Saluda Conference began an investigation into reported irregularities reported to exist within Catheys Creek Baptist Church.⁸ The allegations concerned too little attendance and too much alcohol on the part of members. However, the individuals involved reflect opposing allegiances in the larger political dispute. The committee appointed to conduct the investigation included Robert Orr. In 1809, the church sent James Chastain, Joseph Beasley, and John Nicholson, all supporters of Walton County, to the Saluda Conference where the entire church was removed from fellowship.⁹

Around 1812, when Asa Patterson was born in Buncombe County, he was born into a defeated community that had lost far more than the support of its religious denomination. In 1813, following the Walton War boundary dispute, eight members reestablished Catheys Creek Baptist Church.¹⁰ Members included the Johnson and Jordan families, both living adjacent to the old Presbyterian Meeting House.¹¹ The list of new members suggests that reconciliation was easier for the community women. Mary King, Phoebe Johnson, and Nancy Patterson all joined without husbands. This feminine independence continued when Phoebe Johnson later left her

⁷ Guion Miller Roll Application for Fate O. Thomas, #31844, reel 254.

⁸ Catheys Creek Baptist Church is located on Catheys Creek Church Road in Transylvania County, North Carolina. Alsa Franklin Gavin, *Beginnings: A History of the Founding of Baptist Churches in Transylvania County, 1795-1865* (Cullowhee, NC: Lynche's Office Supply, 1970), 73-75.

⁹ Catheys Creek Church Records, in possession of church historian Nell Waldrop; Robert P. Hamby, ed., *Brief Baptist Biographies 1707-1982*, 2 vols. (Greenville, SC: A. Press, 1982), 443-444.

¹⁰ Catheys Creek Church Records, in possession of church historian Nell Waldrop.

¹¹ The exact location of the Presbyterian Meeting House has been lost. Based on land records it was near the French Broad River in the vicinity of Dunn's Rock and Sugar Loaf Mountain. Buncombe County, North Carolina Land Records for the Johnson and Jordan families mention their proximity to the Meeting House.

husband, eventually moving to Tennessee only to return after her husband's death to claim her widow's portion of his estate.¹²

In 1819, Zachariah Candler sold his "old meeting house" property.¹³ The fellowship then moved to a temporary building in the Selica community.¹⁴ In 1821, this was replaced with a permanent log structure at the church's current location. In 1822, members began to keep more permanent records and the additional thirty-six members who had joined since 1813 were added to the church roll. Both the 1813 and 1822 membership rolls show a community involved in a healing process as representatives from both sides of the Walton War boundary dispute joined the new fellowship. Membership continued to grow at a steady pace until 1838 when the church saw a sudden increase in membership as fifty-two new members joined, fifty-one by experience. While it would be expected that the younger generation would be joining the church, these new members included many families from the former French Broad Community that had existed in Cherokee Territory. The list included Isaac Glazener and his wife Betsey Owen Glazener who waited until they reached their fifties to join the church, even though Betsey's parents had joined before 1822. During the sudden period of growth, the congregation also held a series of prayer services for their Indian neighbors who would soon begin their forced journey across the Mississippi. Despite the official Indian removal in the late 1830s, the church continued to report Indian members into the 1840s.¹⁵

The remaining families from the French Broad Community maintained their social ties with the Cherokees as reported by children and grandchildren who witnessed the regular visits of old family friends. Selena

¹² Estate Record of Reuben Johnson (1846), North Carolina State Archives, accession number C.R.050.508.53.

¹³ Zachariah Candler to William Wood (11 Mar. 1819), Buncombe County Deed Book 12, p. 261.

¹⁴ The Selica Community is in Catheys Creek Township, Transylvania County, North Carolina.

¹⁵ Gavin, *Beginnings*, 59. Gavin cites the Catheys Creek Church Minutes, however, this volume that also reported three Indian church members in the 1840s, is no longer available as reported by Church Historian, Nell Waldrop. Mrs. Waldrop does say that Gavin did have access to the missing records at the time he was researching for his book.

Galloway's testimony in the Guion Miller Roll hearings included descriptions of Cherokee travelers staying with her father, Asa Patterson, when they visited Cane Break to gather materials for their baskets. These visits continued long after the 1838 removal that occurred as young Selena Patterson was born.¹⁶

By the 1835 Treaty of New Echota, the French Broad Community had greatly changed from its initial development within Cherokee Territory. Originally solidified in a common goal to avoid demands for rents by North Carolinians on their Indian Territory homes, the community initially came apart under the pressures of overwhelming property loss. Under Georgia law, each family would have received clear title to 200 acres. At least fifty families lost this promised farmland as well as very tangible homes, crops, and livestock. In proportion, the Walton War caused a greater loss for the community than the Civil War. In this relatively small boundary dispute 100% of the Georgia defenders suffered substantial or even complete property loss.

For those families who remained along the headwaters of the French Broad River, tenancy and potential land ownership created a careful economic balance that allowed the participants in both sides of the dispute some level of economic gain. At the outbreak of the Civil War, the former Walton County finally obtained its own local government when North Carolina formed Transylvania County. Representative Joseph P. Jordan, whose family had been among the North Carolinians accused of stealing property from Walton County, Georgia residents, named the county. That the location for the first court meeting was set next to B.C. Lankford's store¹⁷ demonstrated the success of residents in adapting their profit motives to local circumstances. As a diversion from the painful effects of aging, Lankford's daughter Sue Clingman later wrote a letter to her sisters recalling the old store. She reminisced about the wagons loaded down with goods to be shipped to the Charleston markets. In addition to the animal droves, these wagons hauled products of the hunt including venison hams, deer and bear

¹⁶ Guion Miller Roll Application for Selena Galloway, #33250, reel #264.

¹⁷ Braxton Caldwell Lankford (1824-1895) operated his Valley Store near Oak Grove Methodist Church in what is now Brevard, NC. In addition to his merchant activities, he served as mayor and postmaster of Brevard. McCrary, *Transylvania Beginnings*, 250.

skins, and fashionable turkey wing fans.¹⁸

In time, the French Broad community attracted little attention from anyone. Earning the name the Orphan Strip Community, its existence provided a bit of trivia in otherwise dry accounts of political history or added outlandish tales to outlandish early accounts of local events. A historic marker was placed commemorating the Walton War, though focusing on the death of John Havner instead of the dispute itself.¹⁹ The boundary dispute would be remembered as an exclusive moment in Transylvania County history, an experience not shared by any other locality but not worth more study than a passing glance from area genealogists. However, the circumstances that formed the French Broad community were not unique in the American frontier experience. The expansion of European colonies, the young United States and the Canadian provinces occurred through a long series of cultural collisions.

To the South of the Cherokees, their long time adversaries, the Creek, also encountered colonial European traders and their African slaves. Cultural blending became so pronounced that a newly defined native population was formed, the Seminole. The biological mixing which produced this new people continues to create racial tensions among the tribe as it attempts to define itself as a native group, leading some to try to exclude members who are predominantly of African heritage.²⁰ Their current obsession with racial purity is ironic in light of Creek history in which the mixed race members were the ones who became known as the militant Red Sticks, fighting to retain traditional Creek values and territory.²¹

Far to the north, but in a similar process of creolization, indigenous peoples faced newcomers from a different nation, France. The blending of

¹⁸ Sue E. Clingman to Ashley Huston (03 April 1928) Langford Family File, Mary Jane McCrary Collection, TCJHPCA.

¹⁹ This marker is located south of Brevard, North Carolina on Highway 276.

²⁰ Melinda Micco, "Seminole and Black Seminoles in Contemporary Tribal Politics," Presented at "Eating Out of the Same Pot: Relating Black and Native Histories" A Cross-cultural Symposium at Dartmouth College April 20-22, 2000.

²¹ Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (New York: Cambridge Univ. Press, 1999).

these two cultures resulted in a new cultural group, the Métis. Canadian history and government recognizes the Métis as a distinct indigenous group. Significant study of the Métis has occurred since the days when they led the Red River Rebellion against the white government in an attempt to maintain a more traditional indigenous lifestyle. Marcel Giraud completed his detailed two-volume study of the Métis as a separate group in 1945. His work presented motivations, advantages, and significance behind the development of this ethnic group. Importantly, Giraud moved beyond simple corporate motivations to emphasize that genuine respect and love formed the basis of many of these very individual inter-cultural relationships that helped shape the frontier between colliding nations.²² A distinct people, the Canadian Métis developed a unique material culture blending both ethnic backgrounds and adapting these to their changing political and economic circumstances.²³

In contrast to the celebrated accounts of the Red Sticks and Red River Rebellion, Cherokee histories provide little recognition of the role played by those individuals who lived between white and Cherokee society. Far from a tradition of leading rebellions, the “mixed blood” Cherokees, when recognized, tend to be viewed as detrimental to traditional Cherokee culture. However, like the Creek and Canadian Métis, the strong Cherokee traditionalist movement came out of those individuals with little or no Indian ancestry. The Cherokee Keetoowah Society, which perpetuates traditional beliefs and promotes a pure biological strain of Cherokees, was formed largely through the efforts of 7/8 white leader John Ross and two white Baptist missionaries, Evan and John Jones. Patrick Mingus has described in detail the multitude of ethnic and religious traditions that combined in the evolution of the traditionalist Keetoowah Society and the resulting irony that too often Cherokees with less than pure bloodlines are neglected in tribal policies.²⁴

²² Marcel Giraud, *The Métis in the Canadian West*, George Woodcock, trans., 2 vols. (Lincoln: Univ. of Nebraska Press, 1986), 1:262.

²³ Jacqueline Peterson and Jennifer S.H. Brown eds., *The New Peoples: Being and Becoming Métis in North America*, Manitoba Studies in Native History (Lincoln: Univ. of Nebraska Press, 1985).

²⁴ Patrick Mingus, "The Keetoowah Society and the Avocation of Religious Nationalism in the Cherokee Nation, 1855-1867" (PhD diss., Union Theological Seminary, 1999).

The Guion Miller enrollment process was not the first or last time the United States attempted to define who was Cherokee. The first attempt at a comprehensive list of all Cherokees came in 1835 in preparation for removal. Later rolls established eligibility for federal payments. The nine enrollment efforts from 1835 to 1924 shared the administrative goal of separating the three races that had lived together throughout Appalachia for centuries in order to create a manageable list of those individuals affected by legislation and court awards. Each attempt met with controversy from every affected group. This imperfect system of sifting through biological complexities remains in effect. The enrollment process differed greatly from the simple pre-contact practice of identifying any one born to or adopted by a Cherokee woman had adopted as a Cherokee. Adoption and marriage brought newcomers into a Cherokee-defined world in accordance with Cherokee custom. Currently, administrative requirements have replaced these customs. Membership in the Eastern Band of Cherokee Indians is based on having one sixteenth Cherokee blood and a documented ancestor listed on the 1924 Baker Roll. Despite the understanding that DNA is not passed through a system of fractions, Federal, State, and Tribal governments agree on this definition.

Outside of civic convenience, tourists have shaped the Cherokee identity with their own definitions of what a Cherokee is and a willingness to pay for that image. Often, the commercial Cherokee is something of a pan-Indian Hollywood stereotype. The downtown strip of Cherokee greets visitors with plastic ti-pis, totem pole architectural themes, and “Street Chiefs” dressed in Plains Indian costumes and willing to be photographed for a moderate fee. Even the more traditional aspects of Cherokee culture have experienced market modification. Sarah Hill’s examination of how Cherokee baskets reflect the changes Cherokee women have made in their lives ends with the seasonal Oconaluftee Village basket-making station where baskets are now made for decorative sales instead of family use.²⁵ The market definition of Cherokee identity has preserved many of the basket making methods. However, the central function of handmade rivercane baskets in daily life has been replaced by the same plastics and other manufactured goods used throughout Appalachia.

Historians and anthropologists have helped shape the Cherokee

²⁵ Hill, *Weaving New Worlds*, 309-313.

identity for over a century. At the end of the nineteenth century, James Mooney feared the Eastern Cherokees would soon disappear. His work focused on preserving the ritual and spiritual life of the Indians.²⁶ The resulting books emphasized the exotic uniqueness of Cherokee culture instead of addressing the reality of a community coping with industrialization of the region. Theda Perdue, a prolific Cherokee historian at the close of the twentieth century, has also interpreted Cherokee culture as one struggling to retain those characteristics that emphasize exceptionalism from neighboring mountain communities. For Perdue, the mixed race presence in the Cherokee nation has been detrimental to continued Cherokee traditionalism by establishing an unnatural class system and forcing abandonment of indigenous technologies and cultural practices.²⁷

Only recently have historians begun to look beyond those shrinking boundaries to find another perspective of Cherokee history. This approach portrays a people taking an active roll in controlling their future despite seemingly insurmountable odds against their survival. Sarah Hill, in her revolutionary study of Cherokee women, focused on changes in material culture to demonstrate how the Cherokees adapted to best cope with and benefit from the political changes affecting their communities. For Hill, the Cherokees continue a long tradition of cultural evolution as the women incorporate new technologies, lifestyles, and environmental changes into their existing worldview.²⁸

Tom Hatley focused his attention on a line drawn between Cherokees and Whites before the French Broad community emerged. In examining the transition associated with the 1763 Proclamation Line, Hatley observed that the Cherokees actively worked to move their former lands ended into the ownership of the traders' mixed race children, whom Hatley recognized as métis. In this way, the Cherokees would enjoy the benefits of the new line, such as a hoped-for lasting peace, while retaining access to traditional hunting lands now owned by people they recognized as Cherokees. In

²⁶ James Mooney, *History, Myths and Sacred Formulas of the Cherokees* (Asheville, NC: Historical Images, 1992).

²⁷ Theda Perdue, "The Conflict Within: Cherokees and Removal," in *Cherokee Removal: Before and After*, ed., William L. Anderson, (Athens: Univ. of Georgia Press, 1991), 55-74.

²⁸ Sarah H. Hill, *Weaving New Worlds*.

promoting land ownership by these métis, they hoped to create a buffer between the two nations. In this interpretation, the mixed race children held a special function in the frontier. With white fathers, they enjoyed United States citizenship, the ability to own land without fear of seizure, and the ability to participate in politics and court. At the same time, they were also full citizens of their Cherokee clans.²⁹

The children of mixed race relationships were not alone in enjoying a dual-citizen status among the Cherokees. The most notable of the whites living between the two nations was William Holland Thomas, who effectively became the leader of the Eastern Band despite having no Cherokee ancestry. Thomas' adoption by the Cherokees proved beneficial for everyone involved. Growing up among the Cherokees, Thomas adopted many Cherokee customs. Historian John Finger chronicled the development of the Eastern Band and Thomas' influence in his unique look at the time between the Treaty of 1819 and the formal creation of the Eastern Band, when definitions of Indian identity remained vague and dangerous. In time, Thomas was able to use his leadership role in both Cherokee and white communities to carve out a permanent home for his Oconoluftee Cherokees, saving his adopted community from complete removal and loss of all tribal lands.³⁰

While the unique dual citizenship held by many people living in or near Cherokee Territory was important to both nations, for the Cherokees, it was absolutely vital. In one instance of troublesome trade relations, the war leader under the title of the Raven called on what he described as his half-breeds to join the Indians in a trade boycott. In doing so, he recognized this group as different from the Indians, but also as a people clearly under his governance who were ready to aid their Cherokee kinsmen.³¹

Between the eighteenth century property transfer to the Cherokee children of South Carolina traders and the nineteenth century legal services

²⁹ Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians through the Revolutionary Era* (New York: Oxford University Press, 1995), 208.

³⁰ John R. Finger, *The Eastern Band of Cherokees 1819-1900* (Knoxville: Univ. of TN Press, 1984).

³¹ Talk of the Cherokee Indians to Governor Glen, In Council (14 November 1751) McDowell, *Documents Relating to Indian Affairs*. 175-178.

of William Holland Thomas, the French Broad community found its own place within Cherokee Territory. For the Cherokees, having the French Broad residents in place would help facilitate the annual hunts. However, this could only happen if community families exercised their rights as white citizens of the United States. If they were considered Cherokees, they would be forced to move. Ultimately, the Cherokees were not the only ones who would benefit from the presence of a friendly white community at the head of the French Broad River.

When the 1802 survey party led by Return J. Meigs established a new boundary following the 1798 Tellico Treaty, the line's ultimate placement threatened grants held by Lambert Clayton and other North Carolina land titleholders. Meigs faced questions as to which Little River was meant to designate the southern end of the new line. If the Little River near Clayton's home had been used, many of his grants would have been void. In the middle of the survey, Clayton wrote Col. Meigs in a successful effort to prevent this from happening.³² In Meigs' final account, he reported that his new line had prevented nearly 100 white families from discovering their homes were in Cherokee Territory. At least fifty of these were located at the head of the French Broad River. The rest may have been part of the community, or living elsewhere, or simply a matter of exaggeration. Meigs also reported that only five Indian families remained on the east side of the line. Acceptance of the former Butler Line would have cut off ten to twelve Indian communities. Recognition of the residents at the head of the French Broad River as a white community despite close ties to the Cherokees simplified the paperwork and forged a boundary line that would last a generation.

Following the Meigs and Freeman Line and resolution of the Walton War boundary dispute, property owners continued to experience motivation for keeping the French Broad community residents in place as tenants. The ongoing need of a landless class to provide labor intensified as western North Carolina businessmen continued to push their operations westward. In preparation for removal, regional businessmen complained that they needed the Indians to remain to provide labor in such activities as William Holland

³² Lambert Clayton to Col. Meigs (15 September 1802), Records of the Cherokee Indian Agency in Tennessee 1801-1835, Roll 1: Correspondence & Misc. Records 1801-1802 (Washington: National Archives, 1952). Microfilm # 208.

Thomas' region-wide turnpike projects and Daniel Foute's Cades Cove Iron Works.³³ While national politics may have called for the complete removal of the Cherokees, it would be a simple matter for local officials to overlook an Indian family, especially a family sharing white ancestry and the Christian faith. Clearly, hundreds of Cherokees escaped the removal process and drifted through four decades of uncertain identity and status before formally obtaining a permanent home in the mountains. The complex process of determining who was Indian and who was eligible to receive government compensation for past treaty violations launched a series of attempts to define western North Carolina in terms of distinct racial lines. The Guion Miller Roll represented only a small part of this process.

In Lake Toxaway, North Carolina, one of the Guion Miller Roll applicants did not live to see her application rejected. Nancy Patterson Fisher died in 1907, soon after submitting her application that claimed Indian ancestry through her grandparents Wes and Franky Patterson. Nancy's husband Benjamin Perry Fisher continued to pursue enrollment for his living children. He also died before the 1908 hearings. Daughter Emma continued to correspond with government agents in an attempt to have the family applications accepted, claiming Cherokee ancestry through both parents.³⁴

While Emma Fisher's Patterson grandparents adopted a quiet existence in the Cane Break, her grandfather Jim "Big Lie" Fisher became a national celebrity. In 1847, Charleston novelist William Gilmore Simms traveled to the then remote mountains of southern Macon County, North Carolina where he joined professional hunters led by Fisher.³⁵ In particular, Fisher was known for his high-quality deer skins, prepared in the Indian manner, as well as the multitude of meats he sold to low-land planters.³⁶

³³ John Kennedy to Maj. Gen. Winfield Scott (15 May 1838). *Correspondence of the Eastern Division pertaining to Cherokee Removal*. Record Group 486, reel 1.

³⁴ Guion Miller Roll Application of Nancy Fisher, #33251, reel 264.

³⁵ William Gilmore Simms, *The Cub of the Panther: A Hunter Legend of the "Old North State,"* ed., Miriam Jones Shillingburg, Arkansas Edition (Fayetteville: Univ. of Arkansas Press, 1997), 252.

³⁶ Jim Bob Tinsley, "Long Hunters of the Toxaway and Upper French Broad Rivers." *The Land of Waterfalls: Transylvania County, North Carolina* (Kingsport, TN:

Simms integrated a description of the hospitable Fisher's home and family into two 1850 lectures promoting summer travel in the mountain region by Charleston planters escaping heat and malaria. In addition, he planned to write a book from the notes he made in his travel journal that summer. As sectional tensions erupted into war, delaying these plans, the author lost his Charleston home and wealthy audience. Instead, Simms sought to cater to a new northern audience appreciative of the predominantly white Appalachian population. In 1870 Jim Fisher, caricatured in deer skin and antlers and holding his drink, was featured in *Harper's Monthly* as part of an emerging literary genre, the local color stories which slowly created a stereotype of the Appalachian residents as backwards, uncivilized drunks. Simms included Fisher in two post Civil War works: *The Cub of the Panther* and *How Sharp Snaffles Got his Capital and his Wife*. This son of a revolutionary war veteran was described as garbed in a hunting shirt that reached below his knees with leather leggings and a fur cap made from the pelts of small animals.³⁷

In colonial days, South Carolina backcountry preacher Charles Woodmason might have attributed such customs as belonging to a "White Indian," those whites in the colonial frontier that had adopted the savage Indian ways of life, to the extreme disapproval of the Regulators. However, Simms' depiction of Fisher and his comrades was as mountaineers rather than Indians, except for half Comanche son-in-law John Green. These two stories represented only a small part of the Local Color literary movement. Just as the Indians were romanticized into the idea of a "Noble Savage," the mountaineers would become romanticized by a nation in the throws of industrial change seeking something that had become lost, eventually earning the mountaineers the label of "our contemporary ancestors."

In 1870, as *Harper's Monthly* prepared Simms' story for publication, Jesse Coleman Owen was born in the remotest section of Gloucester Township, Transylvania County, North Carolina. His great grandparents, James and Anna Right Owen had been illiterate residents within the French Broad community. However, Jesse Coleman Owen attended a family-operated mountain school, later left the mountains to study at Wake Forest and eventually earned his Doctor of Divinity degree and became a

Kingsport Press, 1988), 147-155.

³⁷ Jim Bob Tinsley, "Long Hunters of the Toxaway and Upper French Broad Rivers," 147-155.

missionary to China. Despite this distant travel, Owen never forgot his mountain home. As the Local Color literary movement gave way to romanticized non-fiction attempts to describe the mountaineer, Jesse Coleman Owen responded in outrage. His own book, *Southern Mountaineers*, was self-published in 1955 as an angered response to Horace Kephart and others who adopted and promoted the drunken and ignorant image of a Southern Appalachian stereotype as a region-wide standard. Owen complained that too often prominent area men were not included as real mountaineers by the “Uplifters” who raised money to support outside intervention for what they promoted as a depraved region. Among the many descriptions of respectable mountain citizens, Owen included an account of his father’s boyhood friends, George Washington and Charley Hornbuckle, who happened to be Indians. These long-time hunting companions continued to visit his father’s house during annual trips to Cane Break for basket making supplies and metals. In describing these annual visits, Owen included the details, “Two abundant meals and plenty of tobacco must be provided, and conversation which fascinated and thrilled us boys went on.” Later, the grandson of one of these Indian friends went on to Carlisle and gave Jesse Coleman Owen a \$500 Liberty Bond to support Owen’s Christian school.³⁸

Jesse Coleman Owen’s cousin, Jesse R. Owen Jr., also wrote of the Indian friends that grew up alongside the Owens living in Gloucester. J.R. Owen wrote about his father, Jesse Roland Owen, in a small tract, “A Member of a Forgotten Race.”³⁹ He recounted that his father and friend George Washington had been born near to each other on the Indian side of the line in 1822.⁴⁰ Growing up together, their inseparable friendship lasted a lifetime despite the fact the George was Cherokee and spoke only broken English. The small pamphlet described how Jesse Owen Sr. hid his friend in the local mountain coves during the 1838 removal. Again, descriptions of annual visits to the Cane Break with food-laden stops by the Owen household recalled the time when Indians shared the mountains with the community that once stood on the Indian Boundary. Jesse R. Owen, Jr.

³⁸ Jesse Coleman Owen, *Southern Mountaineers* ([1955]), 16-18.

³⁹ J.R. Owen, “A Member of a Forgotten Race”, n.p., n.d. Owen Family File, Mary Jane McCrary Collection, TCJHPC.

⁴⁰ This was the Meigs and Freeman Indian Boundary that ceased to mark the boundary following the Treaty of 1819.

ended by relating that many descendants of Jesse Roland Owen had served in World War II, an observation that demonstrated the vast changes of time experienced in the community.

The writings of both Dr. Jesse Coleman Owen and Jesse R. Owen, Jr. reflected a change in the perception of community history. Despite the vivid family gastronomical memory of Indian friendship, their accounts of area settlement included the by then standard account of Revolutionary War veterans, and the arrival of alleged “first settler west of the Blue Ridge” Samuel Davidson who died at the hands of angered Indians in 1785. Forgotten were the South Carolina traders who had established trading communities in what would become western North Carolina at least thirty-five years before Davidson’s failed attempt at settlement. The new history came to the region in 1914 through the Daughters of the American Revolution and their historian, John Preston Arthur.⁴¹ As Leonard Thomas’ eighth grade history class learned, the stories of a community history filled with friendly Indians did not match what the official history allowed and reported as written by the families of the Revolutionary soldiers who destroyed the Cherokee towns and later profited by regional land speculation. Far different from the Canadian Métis or the Seminole, throughout the twentieth century the western North Carolina descendants of the dual citizens making up the French Broad community were simply recognized as Appalachians, or mountaineers, or rednecks.

The quick decisions of Guion Miller roll agent Charles Bradley assigned an arbitrary racial definition in a nation that recognized few options. The Pattersons’ Cane Break community likewise faced few options as the industrial era took increasing control in the Southern Appalachian region. Soon after Fate Thomas gave up his struggle for Eastern Band enrollment, the then New Jersey-based Duke Power Company began acquiring water rights and land in the Cane Break area. Feminine independence continued as Eveline Patterson Chappell and her daughter Lunar Cantrell were among the last people to live in the Cane Break, living without the support of their former husbands or financial allotments based on their Cherokee ancestry. Economic pressures in the small community grew after the Lake Toxaway dam burst during extensive flooding in 1916,

⁴¹ John Preston Arthur, *Western North Carolina: A History* (Raleigh: Edwards & Broughton Printing Company, 1914).

destroying the buildings of the Cane Break community. Ultimately, the utility company demonstrated little concern for ethnicity or tradition in purchasing over 30,000 acres in North and South Carolina and later flooding the colonial Fort Prince George alongside the Cherokee mother town of Keowee to create the Jocassee Reservoir that extends up the Toxaway River to cover the old Patterson farmland at Cane Break.

In 1915, while Duke Power aggressively took control of the Cane Break, newspaper editor Ora Jones was preparing his *History of Transylvania County*. Jones relied on traditions of a community he did not grow up in as well as the recently published history by John Preston Arthur. The fanciful tales of the Walton War, as told by descendants of the victors, described the Orphan Strip Community members as simply squatters.⁴² The presence of accepted members of the Eastern Band might have encouraged him to recognize the too often overlooked reality that there are always at least two sides to every story. Instead, Jones' account of the Walton War and county history as a whole reflected minimal research skills, the overall lack of finding aids such as deed indices for Buncombe County, and a decidedly racist agenda. Despite this antiquated approach to county history, Jones' interpretation that the Orphan Strip Community was comprised of simple squatters remains the accepted view, continuing to play a role in county and state historic preservation planning.⁴³

Mary Jane McCrary inherited this interpretation of county history by Arthur and Jones as she began decades of her own genealogy-based history research with plans to write a county history. In keeping with the established interpretation of western North Carolina history, the Mary Jane McCrary collection of her personal files includes two boxes of information

⁴² Ora Jones, *History of Transylvania County* (Asheville, NC: Asheville Citizen, 1916). The history was first serialized in the Asheville Citizen. Clippings collected by Mary Jane McCrary have since periodically been republished in the *Transylvania Times*. Clippings are located at the Transylvania County Library, Transylvania County Archives, and Hunter Library Special Collections. As was common in Southern Newspapers of the time, Jones publications were largely meant to promote the Democratic Party as well as other locally accepted political ideals without representing alternative views.

⁴³ North Carolina General Assembly Rep. Bill Ives identified the community as squatters in justifying his 1998 legislation that banned hunting in the Toxaway River Gorge despite protests from descendants of the French Broad Community seeking to preserve their cultural heritage. Personal correspondence of the author.

on the Lambert Clayton Family as well as extensive accounts of the first Transylvania County Court Meeting near B.C. Lankford's Valley Store. The collection contains no files on the family of William Allen, whose home hosted the Walton County, Georgia court. When the Transylvania County Historic Properties Commission published McCrary's history of Transylvania County in 1984, the work included a token chapter about black history, a genealogical account of the Walton War, and occasional mention of romanticized and feared Indians among the accounts of Revolutionary War soldiers and their families.⁴⁴ McCrary had been attentive to Cherokee history. An active member of the Western North Carolina Historical Association, she served on the Board of Directors the Cherokee Historical Association (CHA), a sister organization that developed the original drama *Unto These Hills* on behalf of the Cherokees. McCrary also worked with the CHA to promote local Cherokee legends through erection of historic markers.⁴⁵ By the time of her death, McCrary had unwittingly and with good intentions divided the county history into three separate histories: White, Black and Indian.

Rejected Guion Miller Roll applications have been discounted by recognizing that many whites attempted to enroll through fraudulent claims. However countless excuses of errors, hidden sins, and greed have proven unsatisfactory to the thousands of Appalachians seeking to understand family traditions of a Cherokee past. Instead, recent literature describing generalized Melungeon theories is attracting family researchers with connections throughout Southern Appalachia. The idea of an Appalachian community with mixed racial ancestry has inspired book purchases, gatherings, and even calls for tribal recognition. While Melungeon research remains limited, it allows grandmother's stories of Indian heritage to be true, something scholars, tribal councils, and government agencies have failed to accomplish.⁴⁶

⁴⁴ Mary Jane McCrary, *Transylvania Beginnings: A History*.

⁴⁵ Indian Box, Mary Jane McCrary Collection, TCJHPC.

⁴⁶ The current Melungeon movement promoted by Brent Kennedy actively applies the specific circumstances and identity of a relatively small area on the West Virginia border in a somewhat umbrella fashion to the entire Southern Appalachian region. N. Brent with Robyn Vaughan Kennedy, *The Melungeons The Resurrection of a Proud People an Untold Story of Ethnic Cleansing in America* (Macon, GA: Mercer Univ.

Even before Simms and other writers began their literary journey through Appalachian culture, America recognized the people of the Southern Appalachian region as somehow different from other Americans. Efforts to define and evaluate that exceptionalism continued throughout the twentieth century, eventually leading to an entire professional organization dedicated to the region, the Appalachian Studies Association. Multiple explanations have come and gone as scholars recognized that economic and rural factors shaping Appalachia are not specifically unique to the region or sufficient to explain its culture. The inclusion of Cherokee history in Appalachian studies is a natural part of the process. However, the tendency to limit Cherokee influence in Appalachian affairs to federally enrolled Cherokees reflects the current limitations of fragmented social history as a whole.

Two factors make the multi-state Southern Appalachian regional history truly unique: The mountain environment with its scenic beauty, diverse microsystems, and specific challenges to human use, and the Cherokees who mastered these environmental factors. European contact fundamentally changed the Cherokees in infinite ways that continue to manifest themselves with each new birth. Ultimately, these changes are based on multitudes of individual choices and circumstances. The Eastern Band of Cherokee Indians is one expression of the Cherokee experience. The Cherokee Nation in Oklahoma and the Keetoowah Society are other expressions. The integration of Cherokee people and Cherokee customs with the arriving settlers that created a small community at the head of the French Broad River represents one more aspect of the Cherokee experience – the Appalachian experience.

Press, 1994). To clarify, though both the Melungeon Community and the French Broad Community maintain a multi-racial self-identity, the two are separate and distinct communities.

Epilogue – Living in the Cherokee Shadow

“Estatoe Path – Trading route between mountain settlements of the Cherokees and their town Estatoe, in what is now South Carolina, passed nearby.”

*- North Carolina Highway Historic Marker P-47
Rosman, Transylvania County, North Carolina*

The nineteenth century residents along the headwaters of the French Broad River had little need for elusive racial labels. Reminders of the former Indian presence were easily found in the communities of Eastatoe Ford and Toxaway, both deriving their names from former Cherokee Lower Towns that shared in the network of trading and hunting routes. The two communities developed from a slightly different history. Lying on opposing sides of the Meigs and Freeman Indian Boundary, the communities were politically separated from 1802 until 1861 when residents in Toxaway and Cane Break successfully petitioned to join the new Transylvania County. At the beginning of the twentieth century, industrialist Joseph Silversteen incorporated Eastatoe Ford as a company town, changing the community name to Toxaway. Silversteen later changed the new town name again, after confusion by tourists heading to the new Lake Toxaway resort led to inadvertent stops at the tannery town depot. Drawing from the names of two business partners who likely never visited the region, Silversteen created the new name of Rosman.

Selena Patterson Galloway listed Rosman as home on her application for the Eastern Band of Cherokee Indians. It is also the community where Ruth Jarrett Whitmire now lives and affectionately remembers “Granny Selenie.” Ruth has become one of those strong women with the fiery spirit to get things done and take care of her community. Recently, despite failing health and aging joints, she organized collections to place a new marker on the grave of Asa Patterson at the Old Toxaway Cemetery after this author found a fading partial inscription on an old fieldstone that marked the

location of his remains. Selena Galloway said he lived as a white man. His presence in a European style church cemetery testifies that he died as a white man as well. At the dedication ceremony for the new marker, Ruth described the life of Asa Patterson as one of a farmer simply seeking the best for his family.

Like many other people, Ruth enjoys researching genealogy. Like many genealogists, she has compiled a scrapbook of her family. Instead of tracing her surname to find a patriarchal family crest in distant Europe, her scrapbook is about her mother. Alongside pictures of her mother and maternal grandmother, she has written a biographical sketch of these two women who played a significant role in her extended family. In it, she describes growing up in a family where she, her sister, her mother, and her mother's sisters were the ones who cultivated the fields. She also describes the custom of frequently visiting her mother's sisters for dinner, as all the children were equally welcome at all the tables. In interviewing Ruth, a world revolving around the community women emerges. Ruth describes the farm work that caused her skin to turn so brown that flirtatious boys teased her about being Indian. The women would hoe the corn into hills and plant beans between them. She still maintains this is the best way to plant corn, preventing the stalks from blowing over in a hard storm. Ruth and her husband of over fifty years still argue about which way to plant corn. In 1986, a few years after Ruth's mother died, Joan Green and H.F. Robinson described a similar process of women planting corn and beans together in the same hills. Unlike Ruth's casual conversation, Green and Robinson identified this as a Cherokee method of corn cultivation in the *Journal of Cherokee Studies*.¹

What would change if "Granny Selenie's" application had been accepted? Perhaps not much. Ruth Jarrett Whitmire would still maintain the superiority of hoeing corn into hills and planting heirloom "corn field beans" amid the stalks. For one Rosman resident, the difference would simply affirm the spoken and unspoken traditions that her community shares a Cherokee past.

When Ruth's ancestors: Galloways, Aikens, Pattersons, Glazeners, and Owens formed a small community in Cherokee Territory, they created a place where two cultures intersected. The practice of growing corn and

¹ Joan Greene and H.F. Robinson, "Maize Was Our Life: A History of Cherokee Corn," *Journal of Cherokee Studies* XI, 1 (Spring 1986), 40-49.

beans together may have come as a result of a white ancestor marrying an Indian woman who taught the practice to her daughters. Or it may have come as an Indian woman watched the newcomers struggle with their fields and took pity on them, instructing them in her superior agricultural methods.

The extent biology played in creating the partial Cherokee identity among descendants of the French Broad community is unclear and largely irrelevant in light of Cherokee adoption practices that allowed non-Cherokees to become incorporated into the clan system. What is clear, from its own account, is that it existed as a community of dual citizens. In accepting white religion and politics, the community created a space where Indian friends and kin could continue to hunt, or gather cane, or simply stop by to reminisce. Despite the multitude of these dual citizens throughout regional history, there currently exist only three racial definitions in Appalachian studies: White, Black, and Indian. Of these options, none satisfactorily explain why at the dawn of the twenty-first century, a white woman in Rosman, North Carolina still insists on the superiority of planting corn in keeping with traditional Cherokee methods.

The history of this small community is unique only in that a conflict between opposing economic interests attracted enough state attention to produce written records and a roadside historic marker. There may be other pockets within the Southern Appalachian Mountains where family and community history is better understood with an additional Cherokee perspective. It may be that the Cherokees and culturally diverse settlers did create a combined ethnic group that remains in the mountains disguised as “our contemporary ancestors.”

More significant than regional issues, the brief existence of an orphaned community born on the cusp of two nations teaches a simple lesson. A grandmother’s stories should not be quickly dismissed or forgotten, because among the headwaters of the French Broad River, the grandmothers of the grandmothers of the grandmothers remembered the Cherokees who left a permanent shadow across the place they once called home.

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Raleigh, North Carolina. North Carolina State Archives.
Estate Records for Buncombe, Henderson and Transylvania Counties.
Morgan District Superior Court, Criminal Action Papers 1805-1806.

Sylva, North Carolina. Jackson County, NC Registrar of Deeds Office.
Deed Books and Indices.
Incorporations Book 1.
Land Entry Book.

Washington, D.C. National Archives and Records Administration.
HR6A, Records of United States House of Representatives, Record
Group 223.

Waynesville, North Carolina. Haywood County, NC Registrar of Deeds
Office.
Deed Books and Indices.
Will Book A1.

MAPS:

1808 Price-Strouthers Map, North Carolina Department of Archives,
Raleigh, North Carolina. Photocopy located at Hunter Library Special
Collections, Western Carolina University, Cullowhee, North Carolina

1815 South Carolina – North Carolina Boundary, South Carolina
Department of Archives, Columbia, South Carolina

1820 Love Survey Map, North Carolina Department of Archives, Raleigh,

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Appendices

Appendix A

HOUSEHOLDS AFFECTED BY THE WALTON WAR BOUNDARY DISPUTE

Perhaps more of a war of words, the Walton War boundary dispute did not leave muster rolls or pension records. Instead, petitions, census records, and court records reveal the households involved in the dispute and often time allegiances in the dispute. As with all such heated disagreements, allegiances can be strong, moderate, or non-existent. They can also change as the dispute develops. The list of households affected by the boundary dispute includes information about which of the following documents were used to identify the household. State allegiance in the dispute is given in parenthesis when allegiance can be determined.

08 February 1800, Matthew Patterson, et al. to United States House of Representatives¹

In this petition, community members explained the earlier claim of South Carolina and requested a retrocession to South Carolina. These individuals are considered to have supported the Georgia claim.

30 June 1803, Richard Williamson, et al. to Governor of Georgia²

¹ *Settlers on the Lands Ceded by South Carolina Ask a Retrocession* (07 April 1800), Walter Lowrie and Matthew St. Clair Clark, eds., *American State Papers*, vol. 4, *Public Lands* (Washington, D.C: Gales and Seaton, 1832), 103-104. Matthew Patterson and others to the United States House of Representatives (08 January 1800), Records of United States House of Representatives, Record Group 223, National Archives and Records Administration, HR6A.

² Richard Williamson, et al. to Governor of Georgia (30 June 1803), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

In this petition and brief community history, the community that had earlier requested retrocession to South Carolina recognized that the United States had ceded their community to the state of Georgia. These individuals are considered to have supported the Georgia claim.

1803, Eastern District, French Broad Census³

Residents living on the eastern side of the French Broad River. While Georgia commissioned the census, names listed only indicate residence and do not clarify allegiance.

1803, Western District, French Broad Census⁴

Residents living on the western side of the French Broad River. While Georgia commissioned the census, names listed only indicate residence and do not clarify allegiance. The majority of the supporters of the Georgia claim lived in the Western District.

1805 Morgan District Superior Court, Criminal Action Papers⁵

These include the North Carolina indictments for the three riots that took place in Walton County, Georgia December 1804. The individuals included in the indictments are considered to have supported the Georgia claim.

July 1806, Affidavits Concerning the Disturbances⁶

³ "A Census of the people settled on that Tract of Country which is extinguished of Indian claims, lying on the head of French Broad River, within the Territory ceded by the United States to the State of Georgia." (1803), Harry Ransom Humanities Research Center, University of Texas at Austin.

⁴ "A Census of the people settled on that Tract of Country which is extinguished of Indian claims, lying on the head of French Broad River, within the Territory ceded by the United States to the State of Georgia." (1803), Harry Ransom Humanities Research Center, University of Texas at Austin.

⁵ *State v. William Thomason, Samuel McAdams, James Williamson, John Ritchie, et al.*, Morgan District Superior Court, Criminal Action Papers 1805-1806 (March 1805), North Carolina State Archives, accession number DSCR.205.327.7. L805.

This group of affidavits was made to the Walton County, GA court by Walton County residents complaining of property seizures, beatings, and arrests by individuals supporting the North Carolina claims. State allegiance is based on the role of the individual described in the text of the affidavit.

30 August 1806, Charles Lane et al. to Governor Irwin⁷

In this petition, North Carolina supporters requested amnesty and political representation following the survey observations by James Hall. While these individuals were prepared to take best advantage of a possible Georgia residency, they are considered to have supported the North Carolina in light of their request for amnesty.

23 February 1807, Memorial from the Citizens of Walton County, GA to Gov. Jared Irwin⁸

This petition requested quick resolution of the boundary dispute through a new official survey. Of all the petitions gathered from the Head of the French Broad, this has the most signatures. These individuals are considered to have supported the Georgia claim. However, many of the individuals may have been somewhat ambivalent about the ultimate outcome and motivated more by simply finding an end to the dispute.

21 February 1809, Remonstrance of Walton County Citizens to

⁶ Affidavits Relative to Disturbances (July 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor-General's Office, Georgia State Archives.

⁷ Charles Lane et al. to Governor Irwin (30 August 1806), Georgia-North Carolina Boundary Dispute Box, Surveyor General's Office, Georgia State Archives.

⁸ Memorial from the Citizens of Walton County, GA to Gov Jared Irwin, Telamon Culyer Collection, Hargett Library Special Collections, University of Georgia, MS 1170 Box 6, Folder 6.

Governor Jared Irwin⁹

Despite the joint survey that showed the disputed area was actually in North Carolina, these residents complained of continued problems with North Carolinians and requested yet another survey that they hoped would prove the area was actually in Georgia. These individuals are considered to have supported the Georgia claim.

Additional documents are described on an individual basis.

ADAMS, John (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

AKINS, Ezekial (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

AKINS, John (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

ALEXANDER, John

1803 Western District, French Broad Census (4 whites)

ALLEN, James Sr.¹⁰ (GA)

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1805, Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

ALLEN, James Jr. (GA)

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1805, Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

⁹ Remonstrance from the Citizens of Walton County to Governor Jared Irwin of Georgia (21 February 1809), Telamon Culyer Collection, Hargett Library Special Collections, University of Georgia. MS 1170, Box 6, Folder 6.

¹⁰ A James Allen is mentioned in the Walton County, GA Depositions and a James Allen signed the 1800 Orphan Strip Petition - not sure which one.

ALLEN, Lewis (NC)

1803, Eastern District, French Broad Census (9 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin

ALLEN, Reuben (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives¹¹

30 June 1803 Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (11 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

21 February 1809, Remonstrance of Walton County Citizens to Governor Jared Irwin

ALLEN, Samuel (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (4 whites, 1 black)

ALLEN, William (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803, Western District, French Broad Census (12 whites)

1809 Walton County, GA Petition to Governor Jared Irwin.

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

ARMSTRONG, George

1803 Western District, French Broad Census (7 whites)

BAKER, William

1803 Eastern District, French Broad Census (3 whites)

BEARD, Absolam (NC)

July 1806, Affidavits Concerning the Disturbances

BEARD, Alexander (NC)

July 1806, Affidavits Concerning the Disturbances

BEARD, Jonathan (NC)

1803 Eastern District, French Broad Census (5 whites)

July 1806, Affidavits Concerning the Disturbances

¹¹ Reuben Allen was mentioned as a community liaison to the Cherokee in this document.

BEASLEY, Joseph (GA)

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (11 whites)

1805 Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

BEESEY, John (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

BEZLEY, Reuben (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

BLYTHE, Daniel

1803 Western District, French Broad Census (4 whites)

BOND, Charles (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

BOULLIEN, Ann

1803 Eastern District, French Broad Census (8 whites)

BRACKENS, James

1803 Eastern District, French Broad Census (5 whites)

BRISEN, Samuel

1803 Eastern District, French Broad Census (10 whites)

BRISEN, William

1803 Eastern District, French Broad Census (2 whites)

BROCK, Thomas (GA)

1803 Eastern District, French Broad Census (3 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

BROWN, George

1803 Western District, French Broad Census (4 whites)

BROWN, Hugh

1803 Western District, French Broad Census (5 whites)

BROWN, Robert (NC)

1803 Western District, French Broad Census (7 whites)

July 1806, Affidavits Concerning the Disturbances

BURKE (first name not listed – possibly Benjamin Burke)

1803 Eastern District, French Broad Census (8 whites)

BURKE, Benjamin (NC)

July 1806, Affidavits Concerning the Disturbances

BYERS, James

1803 Eastern District, French Broad Census (3 whites)

CANDLER, Zachariah

1803 Western District, French Broad Census (4 whites)

CANNON, Tim Cock

1803 Eastern District, French Broad Census (7 whites)

CANTRELL, Stephen (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

CARETON, John

1803 Eastern District, French Broad Census (4 whites)

CARNEY, James

1803 Western District, French Broad Census (7 whites)

CHASTEEN, Abraham (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (3 whites)

1805 Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin¹²

CHASTEEN, James Sr. (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (7 whites)

23 February 1807, Memorial from the Citizens of Walton County, GA to Gov. Jared Irwin

CHASTEEN, James Jr. (GA)

23 February 1807, Memorial from the Citizens of Walton County, GA to Gov. Jared Irwin

¹² Spelled “Shasteen” in 1807 Memorial. The handwriting matches that of Samuel Williamson who signed above and likely signed for Abraham based on local enunciation.

CHASTAIN, John (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

CHASTEEN, Peter

1803 Western District, French Broad Census (2 whites)

CLARK, Jonathan (NC)

1803 Eastern District, French Broad Census (8 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin (Signed as Justice of the Peace)

CLAYTON, Lambert (NC)

30 Aug 1806, Charles Lane et al. to Governor Irwin

COWARD, Jonathan (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (6 whites)

1805 Morgan District Superior Court, Criminal Action Papers

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

CRISP, Bray (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

CRONEY, James

1803 Western District, French Broad Census (7 whites)

DAVIDSON, Benjamin

30 Aug 1806, Charles Lane et al. to Governor Irwin

DAVIE, John

1803 Western District, French Broad Census (3 whites)

DAVIES, Samuel (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

DAVIS, Isaac (GA)

1803 Eastern District, French Broad Census (7 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

DAVIS, John (GA)

1803 Western District, French Broad Census (4 whites)

21 February 1809, Remonstrance of Walton County Citizens to Governor Jared Irwin

DAVIS, Samuel (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

DAVIS, William

1803 Western District, French Broad Census (7 whites)

DAWSON, Jonas

21 February 1809, Remonstrance of Walton County Citizens to Governor Jared Irwin

DENNIS, Joseph

1803 Eastern District, French Broad Census (2 whites)

DOUTHIT, Jesse (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

DUNCAN, Thomas (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

DUNN, Phoebe

1803 Eastern District, French Broad Census (8 whites)

DUNN, Simon (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

ERWIN, David (NC)

July 1806, Affidavits Concerning the Disturbances

ERWIN, James (NC)

July 1806, Affidavits Concerning the Disturbances

30 Aug 1806, Charles Lane et al. to Governor Irwin

ERWIN, William (NC)

July 1806, Affidavits Concerning the Disturbances

FAIN, David

1803 Eastern District, French Broad Census (2 whites, 2 blacks)

FAIN, Ebenezer (NC)

1803 Eastern District, French Broad Census (9 whites)

July 1806, Affidavits Concerning the Disturbances

30 Aug 1806, Charles Lane et al. to Governor Irwin

FORYE, James L.

1803 Eastern District, French Broad Census (10 whites)

GILLESPIE, John (GA)

1803 Western District, French Broad Census (6 whites, 1 black)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

GILLESPIE, William (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

GALLOWAY, William

1803 Western District, French Broad Census (7 whites)

According to his grandson's family Bible, William Galloway settled on the East Fork of the French Broad River in 1796.¹³

GIBSON, Levi

1803 Eastern District, French Broad Census (4 whites)

GLAZENER, Abraham (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (3 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

GLAZENER, George (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (10 whites)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

GLAZENER, Giles (GA)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

¹³ John Galloway Bible, TCJHPCA.

GLAZENER, Isaac (GA)

1805 Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

GREEN, Jeremiah

1803 Western District, French Broad Census (10 whites)

HAGOOD, James (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HARKINS, John

1803 Eastern District, French Broad Census (5 whites)

HARKINS, Thomas

1803 Eastern District, French Broad Census (4 whites)

HARRIS, William

1803 Western District, French Broad Census (4 whites)

HATCHER, Charles (NC)

July 1806, Affidavits Concerning the Disturbances

HAWKS [no first name listed]

1803 Eastern District, French Broad Census (7 whites)

HAWKS, Joseph

1803 Eastern District, French Broad Census (9 whites)

HAYES, David (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HAYES, Elijah (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HAYES, William (GA)

1803 Western District, French Broad Census (7 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HEFNER, Daniel (NC)¹⁴

July 1806, Affidavits Concerning the Disturbances

HEFNER, Fred

1803 Eastern District, French Broad Census (4 whites)

¹⁴ The spelling of Hefner varies widely throughout the documents, including Hafner and Havner.

HEFNER, George

1803 Eastern District, French Broad Census (5 whites)

HEFNER, Jacob (GA)

July 1806, Affidavits Concerning the Disturbances

HEFNER, John

1803 Eastern District, French Broad Census (8 whites)

HEFNER, Samuel

1803 Eastern District, French Broad Census (7 whites)

HIGHTOWER, Ephradotis (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HIGHTOWER, Sterling (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HOGSHEAD, Samuel (NC)

1803 Eastern District, French Broad Census (9 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin

HOGSHEAD, Walter (NC)

1803 Eastern District, French Broad Census (10 whites, 2 blacks)

July 1806, Affidavits Concerning the Disturbances

HOOPER, Absalom (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

HOOPER, Clement

1803 Western District, French Broad Census (9 whites)

HOOPER, James

North Carolina Grant #1794 to Zachariah Candler (30 NOV 1809), "...on the waters of the East Fork of French Broad River including the place known by the name of Langford's Lick log where James Hooper now lives..."

Buncombe County, North Carolina Deed Book D p. 9.

HUGGINS, Phillip (NC)

30 Aug 1806, Charles Lane et al. to Governor Irwin

IRVIN, James

1803 Eastern District, French Broad Census (5 whites)

IRVIN, William

1803 Eastern District, French Broad Census (7 whites)

JAMES, John

1803 Western District, French Broad Census (2 whites)

JAMES, William

1803 Western District, French Broad Census (4 whites)

JOHNSON, D. (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

JOHNSON, Hezekiah

1803 Western District, French Broad Census (7 whites)

JOHNSON, Nathaniel (GA)

1803 Eastern District, French Broad Census (8 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

JOHNSTON, Reuben (NC)

1803 Eastern District, French Broad Census (2 whites)

July 1806, Affidavits Concerning the Disturbances

JORDAN, Joseph (NC)

July 1806, Affidavits Concerning the Disturbances

JORDAN, Robert (NC)

July 1806, Affidavits Concerning the Disturbances

JORDAN, Thomas P.

1803 Eastern District, French Broad Census (5 whites)

KING, Samuel (NC)

1803 Eastern District, French Broad Census (7 whites)

July 1806, Affidavits Concerning the Disturbances

KITCHEN, Stephen

1803 Western District, French Broad Census (9 whites)

KIRKINDOL, Abraham

1803 Eastern District, French Broad Census (1 white, 8 blacks)

KIRKENDOL, James (NC)

1803 Eastern District, French Broad Census (12 whites, 1 black)

30 Aug 1806, Charles Lane et al. to Governor Irwin

KUYKENDALL, Joseph

30 Aug 1806, Charles Lane et al. to Governor Irwin

LAFOY, James (GA)

1803 Eastern District, French Broad Census (10 whites)

July 1806, Affidavits Concerning the Disturbances

LAKE, Daniel (NC)

1803 Eastern District, French Broad Census (8 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin

LANE, Charles (NC)

1803 Eastern District, French Broad Census (8 whites, 5 blacks)

30 Aug 1806, Charles Lane et al. to Governor Irwin

LEDBETTER, Edmund

1803 Western District, French Broad Census (3 whites)

LEDBETTER, George

1803 Western District, French Broad Census (5 whites)

LEE, Robert (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (7 whites)

1805 Morgan District Superior Court, Criminal Action Papers

LINVILLE, John (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MACKEY, Joel (NC)

30 Aug 1806, Charles Lane et al. to Governor Irwin

MASTERS, James (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MASTERS, John (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MASTERS, Richard (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MASTERS, Thomas (GA)

1803 Eastern District, French Broad Census (10 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MCADAMS, Samuel (GA)

1805 Morgan District Superior Court, Criminal Action Papers

MCCALL, Samuel

1803 Eastern District, French Broad Census (5 whites)

MCGATHEY, Adam

1803 Eastern District, French Broad Census (7 whites)

MCLUNG, John (GA)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MCLURE, Charles (GA)

1803 Western District, French Broad Census (9 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MCLURE, John (GA)

1803 Eastern District, French Broad Census (4 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

MCLURE, Robert

1803 Western District, French Broad Census (4 whites)

MCLURE, Thomas (GA)

1803 Western District, French Broad Census (2 whites)

July 1806, Affidavits Concerning the Disturbances

MCMAHAN, James

1803 Eastern District, French Broad Census (5 whites)

MCMAHAN, James

1803 Eastern District, French Broad Census (2 whites)

MITCHELL, Andrew

1803 Eastern District, French Broad Census (11 whites, 2 blacks)

MOORE, John (NC)

July 1806, Affidavits Concerning the Disturbances

MOORE, Samuel

1803 Eastern District, French Broad Census (8 whites)

MORGAN, Charles (NC)

July 1806, Affidavits Concerning the Disturbances

MORSE, Matthew

July 1806, Affidavits Concerning the Disturbances

MORSE, William (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

NEIL, George

July 1806, Affidavits Concerning the Disturbances

NEIL, Margaret

1803 Eastern District, French Broad Census (7 whites)

NICHOLSON, Jonathan (GA)

1803 Eastern District, French Broad Census (11 whites)

1805 Morgan District Superior Court, Criminal Action Papers

July 1806, Affidavits Concerning the Disturbances

21 February 1809, Remonstrance of Walton County Citizens to Governor Jared Irwin

ODELL, Benj. Sr.

1803 Western District, French Broad Census (8 whites)

(A Benjamin Odell mentioned Walton County, GA Depositions)

ODELL, Benj. Jr.

1803 Western District, French Broad Census (3 whites)

ODELL, John

1803 Western District, French Broad Census (4 whites)

July 1806, Affidavits Concerning the Disturbances

OLIVER, Benjamin (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (6 whites, 2 blacks)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

OLIVER, William (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (2 whites)

1805 Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

ORR, Robert¹⁵

1803 Eastern District, French Broad Census (2 whites)

ORR, Robert (NC)

1803 Eastern District, French Broad Census (7 whites, 1 black)

¹⁵ One of the two Robert Orr's is mentioned in the Affidavits Concerning the Disturbances (July 1806).

OWENS, James (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

1803 Western District, French Broad Census (6 whites)

OWINS, Jesse

North Carolina Grant #1410 to Zachariah Candler 19 Dec 1804. "...On both sides of the French Broad River...below the mouth of Catheys Creek...just above where Jese Owins field where he formerly lived..." Buncombe County, NC Deed Book 10, p. 203.

OWENS, Peter (GA)

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Eastern District, French Broad Census (7 whites)

PATTERSON, Alexander

1803 Western District, French Broad Census (4 whites)

PATTERSON, Matthew (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (2 whites)

PATTON, Joseph (NC)

1803 Eastern District, French Broad Census (2 whites)

July 1806, Affidavits Concerning the Disturbances

PATTON, Thomas (NC)

1803 Eastern District, French Broad Census (3 whites, 2 blacks)

July 1806, Affidavits Concerning the Disturbances

PENDERGRASS, John (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (5 whites)

1805 Morgan District Superior Court, Criminal Action Papers

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

PHARIS, Absolam (GA)

1803 Western District, French Broad Census (5 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

PHILLIPS, Jacob

1803 Eastern District, French Broad Census (6 whites)

RAXTER, William (NC)

1803 Eastern District, French Broad Census (2 whites, 6 blacks)

July 1806, Affidavits Concerning the Disturbances

REID, John

1803 Western District, French Broad Census (3 whites)

RICHIE, Jonathan (GA)

1803 Eastern District, French Broad Census (6 whites)

1805 Morgan District Superior Court, Criminal Action Papers

July 1806, Affidavits Concerning the Disturbances

ROBINSON, John (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

ROBERSON, Precilla

1803, Eastern District, French Broad Census (8 whites, 1 black)

SCOTT, James

1803, Eastern District, French Broad Census (6 whites)

SCOTT, Joseph (NC)

July 1806, Affidavits Concerning the Disturbances

SEYMORE, Henry P.

1803 Western District, French Broad Census (7 whites)

SHIPMAN, Edmund

1803 Eastern District, French Broad Census (10 whites)

SHIRLEY, Moses

1803 Western District, French Broad Census (7 whites)

SMITH, Christopher "Kitt" (GA)

1803 Western District, French Broad Census (10 whites)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

SMITH, Isabella

1803 Eastern District, French Broad Census (3 whites)

SMITH, Joseph (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

SMITH, Thomas (GA)

1803 Western District, French Broad Census (7 whites)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

SMITH, Thomas (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

STEPHENSON, John

1803 Western District, French Broad Census (5 whites)

STRAIN, James

1803 Western District, French Broad Census (3 whites)

STRAIN, Thomas

1803 Western District, French Broad Census (3 whites)

SURKARD, Isaac

1803 Western District, French Broad Census (3 whites)

SWENNEY, John

1803 Eastern District, French Broad Census (5 whites)

TARWALERS, John (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

TAYLOR, Jeremiah (NC)

30 Aug 1806, Charles Lane et al. to Governor Irwin

THOMAS, Aaron

1803 Western District, French Broad Census (7 whites)

THOMAS, Joseph

1803 Western District, French Broad Census (3 whites)

THOMSON, James

1805 Morgan District Superior Court, Criminal Action Papers

North Carolina Grant # 1695 to Samuel Hogshead (26 MAR 1808) for land near the wagon road from the French Broad to Douthit's Gap, "...including the plantation where James Thompson now lives." Buncombe County, North Carolina Deed Book 7 p. 674.

USSERY, Thomas (NC)

1803 Eastern District, French Broad Census (9 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin

WALKER, Robert

1803 Eastern District, French Broad Census (2 whites)

WEASE, Adam (NC)

1803 Eastern District, French Broad Census (5 whites)

30 Aug 1806, Charles Lane et al. to Governor Irwin

WEASE, Jonathan

1803 Eastern District, French Broad Census (2 whites)

WEAVER, Daniel (GA)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

WEAVER, Peter (GA)

1803 Western District, French Broad Census (5 whites)

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

WETZEL, Jacob (NC)

1803 Eastern District, French Broad Census (8 whites, 1 black)

30 Aug 1806, Charles Lane et al. to Governor Irwin

WETZEL, John (NC)

July 1806, Affidavits Concerning the Disturbances

WILLIAM, James (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

WILLIAMS, Stephen (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

WILLIAMS, Wm.

1803 Western District, French Broad Census (3 whites)

WILLIAMSON, Charles (GA)

1803 Eastern District, French Broad Census (4 whites)

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

WILLIAMSON, George (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

July 1806, Affidavits Concerning the Disturbances

WILLIAMSON, James (GA)

30 June 1803 Richard Williamson, et al. to Governor of Georgia

1803 Western District, French Broad Census (2 whites)

1805 Morgan District Superior Court, Criminal Action Papers

WILLIAMSON, Richard (GA)

08 February 1800, Matthew Patterson, et al. to United States House of Representatives

30 June 1803, Richard Williamson, et al. to Governor of Georgia

1803 Eastern District, French Broad Census (5 whites)

July 1806 Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

WILLIAMSON, Samuel (GA)

30 June 1803, Richard Williamson, et al. to Governor of Georgia

July 1806, Affidavits Concerning the Disturbances

23 February 1807, Memorial from the Citizens of Walton County, Georgia to Gov. Jared Irwin

WILSON, William Sr. (NC)

1803 Eastern District, French Broad Census (4 whites, 7 blacks)

July 1806, Affidavits Concerning the Disturbances

WILSON, William (NC)

July 1806, Affidavits Concerning the Disturbances

WILSON, Matthew (NC)

July 1806, Affidavits Concerning the Disturbances

WISE, George

1803 Eastern District, French Broad Census (1 white)

