

Geography of a Massacre: Cherokee and Carolinian Visions of Land at Long Cane

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On February 1, 1760, after eighteen months of rising tensions between Cherokee peoples and British colonists, a contingent of Cherokee warriors attacked a convoy of fleeing British settlers near Long Cane Creek in northwestern South Carolina. Later named "The Long Canes Massacre" by Anglo-Americans, the deadly ambush made front page news throughout the colony and precipitated two devastating British military campaigns into Cherokee homelands. Over the last eighty years, scholars have considered the attack at Long Cane Creek only as a narrative event and have used it to illustrate rising tensions in their broader studies of the region's history. As a result, academic understanding of Long Canes' significance has changed very little since the nineteenth century. Current scholarship argues that area border disputes and the massacre occurred because of "illegal" settlement beyond a boundary line negotiated in 1747. This interpretation, however, assumes that the 1747 boundary was legitimate, that British officials, settlers, and the Cherokee knew and agreed on its precise location, and that average Cherokee people understood the treaty's terms enough to recognize and become angered by boundary violations.¹

¹ In his detailed geographical study of the Southern Indian Boundary formation, Louis DeVorsey used the term 'illegal' to summarize the contents of an August 1758 Cherokee letter to the governor of Georgia requesting help removing white settlers from area hunting grounds. This characterization reflected the mid-twentieth century work of D.D. Wallace and Robert Meriwether and was not a direct quote or paraphrase from any contemporary correspondence. The Wallace and Meriwether studies synthesize impressive amounts of archival research, but do not offer much analysis. More recent scholarship by John Oliphant built on these early works by using previously neglected collections of primary documents to reconstruct the narrative. In his study, Daniel Tortora reexamines the British-Cherokee War as a pre-condition for the American Revolution. In their depictions of Long Canes, however, both scholars cite DeVorsey's work and describe settler encroachment in terms of legality such as squatting and treaty violation. Louis DeVorsey, *The Indian Boundary in the Southern Colonies, 1763-1775* (Chapel Hill: University of North Carolina Press, 1966), 117; David Duncan Wallace, *The History of South Carolina Vol. II* (New York: American Historical Society, 1934), 29; Robert L. Meriwether, *The Expansion of South Carolina, 1729-1765* (Kingsport, Tenn: Southern Publishers, 1940), 134; John Oliphant, *Peace and War on the Anglo-Cherokee Frontier, 1756-63* (Baton Rouge: Louisiana State University Press 2001), 17; Daniel J. Tortora, *Carolina in Crisis:*

Recent scholarship that considers boundary formation between European and indigenous peoples has unearthed new conceptual frameworks for examining cross-cultural land exchanges. By analyzing seventeenth and eighteenth century maps together with contemporary European observations, historians have demonstrated that Native systems of land use and sovereignty drastically differed from European ones, but were no less complex. Comparatively, other scholars have placed emphasis on understanding European legal systems as fallible cultural constructs that became difficult to enforce in periphery settlements during colonial expansion. If considered within this framework, “The Long Canes Massacre” can be seen as the climax of a broader cross-cultural borderland negotiation process that failed to reconcile different cultural expectations for land use. By using eighteenth century maps, treaty texts, settler plats, and contemporary documents, this essay explores Cherokee and British conceptions of land management and revises the current interpretation of the events leading up to the attack at Long Canes by arguing that spatial confusion, more than willful encroachment, triggered violence.²

Throughout the 1750s, British land tenure in South Carolina rapidly expanded further west from core settlement along the Atlantic coast. At the same time, settler populations pushed south by pressures from the Seven Years’ War began homesteading on lands not previously used by Europeans. The combination of distance and scale made managing and enforcing land policies problematic for colonial officials. Although some

Cherokees, Colonists, and Slaves in the American Southeast, 1756-1763 (Chapel Hill, North Carolina, 2015), 105.

² For scholarship that focuses more explicitly on Native conceptions of borderlands and the shaping of European borders in Early America see Juliana Barr, “Geographies of Power: Mapping Indian Borders in the ‘Borderlands’ of the Early Southwest,” *William and Mary Quarterly*, vol. 68 (2011), 5-46; and also Pekka Hämäläinen, “The Shapes of Power: Indians, Europeans, and North American Worlds from the Seventeenth to the Nineteenth Century,” in *Contested Spaces of Early America*, ed. Juliana Barr and Edward Countryman (Philadelphia: University of Pennsylvania Press, 2014), 31-68. For European legal constructs see Allan Greer, “Dispossession in a Commercial Idiom: From Indian Deeds to Land Cession Treaties,” ed. Juliana Barr and Edward Countryman, *Contested Spaces of Early America* (Philadelphia: University of Pennsylvania Press, 2014), 72-75; and Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier*, (Cambridge: Harvard University Press, 2009), 1-50.

British settlers did take over uncultivated Cherokee land without permission from either the Cherokee or the colonial government, the majority obtained legal grants from the government in writing. At Long Canes, these grants appear to have transferred land beyond a negotiated boundary—on land not purchased by the colonial government from the Cherokee. Recent scholarship explains this encroachment by reasoning that either aggressive settlers lied about the location of their homesteads or colonial agents committed legal malpractice by issuing plats and grants on land not purchased from the Cherokee. Careful review of property documents and analysis of contemporary maps suggests the reality was more complex than this interpretation suggests.³

Colonial institutional procedures depended on a European land policy system that featured linear and defined borders. When colonial officials in Charleston awarded property grants to settlers, they did so as if a South Carolina-Cherokee boundary was well-defined and recognizable. However, when acquiring the land and defining the boundary by treaty, the colonial governor and council members accepted vaguely worded documents signed by Cherokee headmen in exchange for European goods as the legal purchase of unsurveyed and unmapped territories. For the clerks and magistrates issuing land grants from within the Charleston-based provincial surveyor's office, bureaucratic procedures long in place to grant tracts of land and record their ownership took primacy over the status of implicit and explicit boundaries as defined by diplomacy. In the case of "The Long Canes Massacre," the absence of a boundary line rather than the existence of one ultimately precipitated violence.⁴

³ Oliphant, *Peace and War*, 17; Banner, *How the Indians Lost Their Land*, 1-50.

⁴ Robert K. Ackerman, *South Carolina Colonial Land Policies* (Columbia: University of South Carolina Press, 1977), 62-102; Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37.

When representatives from each group entered into land negotiations, their own ideas of land use functioned within a framework provided by their own traditions as they attempted to form agreements that best served their presumptions. The inability of Cherokee headmen and British governors to bridge their divergent views of land and develop workable compromises created divides between leaders and borderland inhabitants within both groups. As a result, people on the ground experienced the realities of growing resource scarcity and, in response, committed concerted acts of violence that aimed to challenge their own community's leadership as well as those against whom they fought. Anglo-settlers killed Cherokee men over perceived horse and cattle theft, and young Cherokee men declared war in response to perceived and actual encroachment. This study examines to what degree cultural conceptions of land contributed to the initiation of violence at Long Cane Creek. It focuses on exploring how constructs such as government, institutions, and bureaucracies shaped behavior in large-scale contexts such as territorial expansion. Highlighting these contributing factors reveals contextual significance not previously understood, but does not replace arguments that British, and later American, dispossession of Native peoples resulted from constructed racial superiority.⁵

To understand how settlers "encouraged by officially authorized surveys" came to build homesteads on land simultaneously recognized by the government of South Carolina as colonial property and by the Cherokee as hunting grounds within their sovereignty, it is important to know how each group "understood territory and

⁵ In his study of cultural convergence and accommodation between Spanish and Nahua peoples James Lockhart defined this type of exchange, "Double Mistaken Identity," in which "each side of the cultural exchange presumes that a given form or concept is functioning in the way familiar within its own tradition and is unaware of or unimpressed by the other side's interpretation." James Lockhart, "Double Mistaken Identity: Some Nahua Concepts in Postconquest Guise," in *Of Things of the Indies: Essays Old and New in Early Latin American History*, ed. James Lockhart, (Stanford, California: Stanford University Press, 1999), 99.

boundaries, how they extended power over geographic space, and how their practices of claiming, marking, and understanding territory differed.” The Cherokee, like most Amerindian groups, practiced a form of territoriality in which “individual family bands maintained exclusive territories” most of the year, but “shared larger hunting and gathering ranges” during the hunting seasons. Under this system, Cherokee communities exercised the right to determine who could use land and who could derive profit from it (what the English regarded as *usufruct* rights), but did not grant rights to alienate, alter, or transfer land (what they named *abusus* rights). The British used an *estate-in-land* legal apparatus in which British settlers retained both individual *usufruct* and *abusus* rights to tracts of land granted them by the government through written documentation in the form of warrants, plats, and grants. The efficacy of this system relied on bureaucratic management that assumed boundary lines described in treaties and drawn on maps were explicit and demarcated.⁶

At the time the British obtained the treaty document they believed granted them the land that bordered Long Cane Creek in 1747, available maps depicted the region as mostly blank territory labeled “Cherokee.” Colonial agents did not conduct a survey or produce a more detailed map describing the territory or its boundaries, perhaps because they presumed that the process of granting and taking possession of land within it would obviate the need for an expensive survey and achieve the same end in time. When settlers staked out homesteads near Long Cane Creek during the 1750s, they encountered an

⁶ Oliphant, *Peace and War*, 17; Barr, “Geographies of Power,” 9, 13. The settler group that staked out homesteads in the Long Cane Creek area between 1756 and 1760 consisted of predominantly ethnic Scots-Irish families who had first arrived from Ulster, Ireland in the 1730s and made their way south through settlements in Pennsylvania and Virginia before arriving in South Carolina. Although Scots-Irish people possessed cultural differences, such as religious beliefs, from the predominantly English colonial officials, their conceptual expectations for land use remained very similar and they continued to participate in the British legal system as legal British subjects. For the purpose of this study, they are therefore considered British or Long Canes settlers. Meriwether, *The Expansion of South Carolina*, 133-135; A S. Salley, *The Calhoun Family of South Carolina* (Columbia, SC, 1906), 1.

unmapped network of creeks that fed two similar branches of a fork. With only word-of-mouth descriptions to guide them in their choice of settlement, they chose the most attractive grounds for European-style subsistence farming in between the two branches. When petitioning for lands, they used inconsistent wording to describe these sites, thereby disseminating their vague understanding of the space into the provincial land records. British colonial agents assumed the legitimacy of the boundary, even though its precise location had not been determined. Because these agents had little understanding of the geography of this frontier area, located some two hundred miles from their office in Charleston, they accepted the vague descriptions and issued warrants and grants to the settlers.⁷

Cherokee fury over the Long Canes settlers' choice of land arose not because the settlers trespassed beyond a British line, but because they viewed the settlers' permanent occupation and alteration of land a violation of their own system for land management. When the 1747 agreement became more widely known throughout Cherokee town regions, a prominent headman expressed concern about the border to the governor in language that emphasized the absence of easements: "now he says he finds they are debarred from it, his People being not suffered to go further than the dividing Waters commonly called the Long Canes." Later, while attempting to negotiate a peace treaty

⁷ British colonial agents did not place new land petitions or plats onto a cadastral map. Surveys during the 1760s marked approximate locations for prominent homesteads they came across, but these are in no way comprehensive or accurate. Henry Popple, "A Map of the British Empire in America with the French and Spanish Settlements Adjacent Thereto," [ca. 1733], From David Rumsey Historical Map Collection, accessed April 12, 2017, <http://www.davidrumsey.com>, Image Number 2874001; John Mitchell, Thomas Kitchin, and Andrew Millar, "A map of the British and French dominions in North America, with the roads, distances, limits, and extent of the settlements, humbly inscribed to the Right Honourable the Earl of Halifax, and the other Right Honourable the Lords Commissioners for Trade & Plantations," [ca. 1755], From Library of Congress, accessed April 21, 2017, <http://hdl.loc.gov/loc.gmd/g3300.ar004200>; Tom Hatley, *The Dividing Paths: Cherokees and South Carolinians Through the Era of Revolution* (New York: Oxford University Press, 1995), 86; Brent Holcomb, *Petitions for Land from the South Carolina Council Journals* (Columbia, S.C: SCMAR, 1996), 4:268-287, 5:26-58; Plat for James Davis, 1756, *Colonial Plat Books Series S213184*, From South Carolina Department of History and Archives, (Columbia, SC), 6:157 (hereafter cited as SCDHA); Plat for John Keller, 1757, *Colonial Plat Books*, 6:319; Plat for John Wood, 1758, *Colonial Plat Books*, 6:422; Plat for Joseph Clerk, 1759, *Colonial Plat Books*, 8:368; Plat for James McNaught, 1758, *Colonial Plat Books*, 7:25.

during hostilities in 1761, another headman demonstrated the assumption that Europeans would use hunting grounds in a similar fashion to another Native group by requesting, “the White People to Settle at Turkey Creek and the Head of Broad River, and Leave the Middle Ground for both to hunt.” By Cherokee understanding, the 1747 agreement gave the British rights to use the land up to Long Cane Creek, but did not necessarily preclude continued use of the hunting grounds. Because the treaty did not specify terms for easements, the Cherokee believed settlers would occupy land outside of hunting grounds and negotiate seasonal uses that would allow the Cherokee continued access to hunt for deer.⁸

Unlike the recent arrivals, the Cherokee possessed intimate knowledge, forged over generations, of the geography around Long Canes and had worked to cultivate attractive grazing areas for the deer, whose skins were the commodity on which their economy depended, within it. Though the Long Canes settlers staked out homesteads only seven miles from Long Cane Creek, their choice of settlement site placed them and their agricultural practices in the direct center of a river fork system of bottomlands that the Cherokee likely used to attract and corral deer—making it an important Cherokee hunting ground. This location, and the affront its selection implied, made the Long Canes Settlement the focal point for Cherokee frustrations prior to the violent attacks during the winter of 1759-1760.⁹

⁸ Talk of Canecatee (Old Hop) of Chotee to Governor Glen, 29 April 1752, in *Documents Relating to Indian Affairs*, ed. William L. McDowell, Jr. and William L. McDowell, (Columbia: SCDAH, 1992), 1:258 (hereafter cited as *DRIA*); A Talk from Tistoe and the Wolf to Capt. Mackintosh, November 1, 1761, *Ballindalloch Muniments*, From National Records of Scotland, bundle 378, quoted in Oliphant, *Peace and War*, 182.

⁹ Map and topographical analysis of the land between the creek forks indicate that it was prime terrain for group hunting tactics that allowed hunters to corral herds of deer for slaughter. Gary Goodwin’s ecological study of Cherokee lands found that “If deer herds could be located, and a herd of sixty to seventy deer was not uncommon in the lowlands, then snares (traps) or ‘driving’ would be employed. Deer could either be driven into a trap (or corral), a small enclosed area, or into water, where they could then be clubbed, snared (by noose), or shot with a bow and arrow. Fire was also a common technique for driving deer to the desired location.” The wide bottom lands of the tract between Long Cane Creek and Littler River would have attracted deer, and the river fork would have

Beginning with a narrative reconstruction of “The Long Canes Massacre,” this essay discusses the circumstances leading to the attack by evaluating the British land purchase of 1747 and the geography around Long Cane Creek. It compares both British and Cherokee land management processes and examines how understanding these differing systems reshapes the narrative of events leading up to the attack. It ends with a discussion of the joint Cherokee-South Carolina surveying expedition to establish a clear boundary between provincial and Native American territory as marked on John Pickens’s map of 1766, in part to fulfill the provisions of the Royal Proclamation of 1763. It argues that the Long Canes boundary dispute culminated in violence between the Cherokee and the British because of fundamental differences in each group’s cultural system for land management. As a result, the British attempted to reconcile their land system to colonial circumstances by assigning negotiations with Native American groups to the superintendent of Indian affairs for the Southern District and commissioning borderland surveys and maps.¹⁰

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facilitated corralling techniques. Gary C. Goodwin, *Cherokees in Transition: A Study of Changing Culture and Environment Prior to 177* (Chicago: University of Chicago, 1977), 68; Leroy V. Eid, “A Kind of Running Fight: Indian Battlefield Tactics in the Late Eighteenth Century,” in *Western Pennsylvania Historical Magazine*, Vol. 71, No.2 (April 1988), 159.

¹⁰ Anglo-Americans have used the phrase “The Long Canes Massacre” to describe the ambush of a fleeing settler convoy by a contingent of Cherokee warriors. Locals and genealogy enthusiasts have colloquially referred to it as the “Battle at Long Canes.” See Grave of Patrick Calhoun, From *Find a Grave*, accessed March 2, 2017, <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=28792935>. Current usage of the word “massacre” connotes unprovoked wholesale slaughter, however, this is an imprecise definition. Debates about the exact nature of a “massacre” are ongoing among social scientists, but the consensus understands a massacre to be the violent targeting of a non-military group of people by another group for ideological or political reasons. See Robert Melson, “A Theoretical Inquiry into the Armenian Massacres of 1894-1896,” in *Comparative Studies in Society and History*, (1982), 481-509. The use of the word “battle” implies kinetic activity between two groups of military actors for larger strategic purposes and therefore is an incorrect way to describe what happened at Long Canes. For this essay, I have chosen to use the term “The Long Canes Massacre” as a proper noun to describe the event and its immediate aftermath because the term massacre is applicable and because the name is commonly used and recognizable. However, I have chosen to use the less connotative (and more precise) terms “attack” and “ambush” to discuss the specifics of the kinetic activity that occurred on the morning of February 1, 1760.

In early hours of February 1, 1760, the settlers living in the fork between Long Cane Creek and Little River consolidated into a single convoy and began a forty-mile journey to safety at Fort Moore near Augusta, Georgia. Margaret Clark, her husband Richard, and their young daughter Jane joined large contingents formed by the Calhoun, Norris, and Pickens families as they left their homesteads located near modern-day Route 823. They traveled southeast over the narrow and uneven path now covered by Old Charleston Road. For several hours the wagons, horses, men, women, elderly, and children worked their way over lightly wooded rolling hills before reaching the place where Long Cane Creek divided the path.

The Cherokee warriors present at Long Canes that morning had cultivated an intimate knowledge of the terrain from childhood. When their scouts reported that settlers had begun to evacuate, the warriors quickly calculated the settlers' route and designated a location for ambush where the terrain would best canalize the convoy and prevent escape. Mounted on horseback and unencumbered by wagons, the warriors raced ahead of the settler convoy. They most likely followed the slight ridgeline southwest of Parson's Mountain and forded Long Cane Creek about half of a mile north of Old Charleston Road. Then, they made their way south to the crossing where the Long Canes settlers would soon try to ford the creek. Using the hills surrounding the site on all sides to their advantage, the warriors positioned themselves along the high ground and waited to initiate the ambush until the settler convoy became bogged down in the creek.¹¹

¹¹ This description is based on map and topographical analysis combined with descriptions of the event from contemporary newspaper issues, location information indicated on the historic site nomination form for the Long Canes Massacre burial ground, and accounts of Native American military tactics. Missing Child, March 8, 1760, *South Carolina Gazette*, From Accessible Archives, Accessed April 15, 2016, <http://www.accessible.com>, (hereafter cited as SCG); Attack on the Long Canes Settlers, February 9, 1760, *SCG*, From Accessible Archives, accessed April 15, 2016, <http://www.accessible.com>; Invasion of the Perfidious Cherokees and Remains of Long Canes Settlers, February 23, 1760, *SCG*, accessed April 15, 2016, <http://www.accessible.com>. For location data see Long Canes Massacre Site Nomination Form, December 14, 1982, From Nation Register of Historic Places Inventory, accessed April 21, 2017, <http://www.nationalregister.sc.gov>. Concerning eighteenth century Native American military tactics see Eid, "A Kind of

After the warriors initiated the attack, settler men and women scrambled to retrieve guns from their wagons. Parent's pleaded with children to run away into the woods. Cherokee warriors whooped, screamed, and hollered. Gunshots punctuated the cacophony of human voices. The thud of tomahawks contacting human skulls added to the horror. For nearly half an hour, those settlers unable to escape staged a precarious defense. Survivors later reported killing as many as thirty Cherokee warriors. Eventually the surviving settlers made their way into the woods, and the surviving Cherokee warriors cleared the path by setting fire to the woods all around.¹²

The settler convoy sustained dozens of casualties. The survivors, who had been separated during the attack, made their way to the nearest outposts over the following days. Reports to the *South Carolina Gazette* from a nearby British outpost and the fort near Augusta painted a grisly picture: "Many children have been found wandering in the woods, of the party that were attacked removing from the Long-Canes settlements; one man brought no less than 9 of them to Augusta, which he pick'd up in two different parties, some of them terribly cut with tomahawks and left for dead, and others scalp'd yet alive." The ambush became infamous throughout the British colonies with detailed accounts and cash offers for Cherokee scalps appearing in newspapers from Charleston to Philadelphia.¹³

Running Fight," 147-171; and Robert Rogers, ed. Franklin Hough, *Journals of Major Robert Rogers: Containing an Account of the Several Excursions He Made Under the Generals Who Commanded Upon the Continent of North America, During the Late War* (Albany, New York: Munsell, 1883), 82-86.

¹² Attack on the Long Canes Settlers, *SCG*; Invasion of the Perfidious Cherokees and Remains of Long Canes Settlers, *SCG*.

¹³ Survivors of Long Canes, February 19, 1760, *SCG*, From Accessible Archives, accessed April 15, 2016, <http://www.accessible.com>; Cherokee Scalps, March 8, 1760, *SCG*, From Accessible Archives, accessed April 15, 2016, <http://www.accessible.com>; Cherokee Scalps, May 22, 1760, *The Pennsylvania Gazette*, From Accessible Archives, accessed April 15, 2016, <http://www.accessible.com>.

Within a week of the attack, several of the surviving men returned to the site to bury their dead. They collected twenty-three bodies and buried them in a mass grave about a half-mile from the creek. Nearly the entire Norris family, several of the Calhouns, and Richard Clark were identified among the dead. The Cherokees took several settlers captive as well, mostly babies and children. Throughout February and March 1760, Margaret Clark placed an advertisement in the *South Carolina Gazette* in search of her daughter: “Margaret Clark, whose husband was killed by the Indians in the skirmish with the Long-Canes settlers, having then lost a daughter called Jane, 6 years old, which was not found among the mangled dead bodies, hopes the child has escaped: Therefore begs, if any good Christian has picked the said child up, such will give her notice.” No known record indicates whether Margaret Clark ever found her daughter, Jane.¹⁴

The Formation of the Long Canes Boundary

By the 1730s, rising immigration of European Protestants to the colonies prompted the South Carolina government to provide viable homesteading options to those willing to relocate. By offering settlers from places such as Germany, Sweden, and Ulster, Ireland access to lands in the Carolina backcountry, the South Carolina government pursued a policy, encouraged by the Board of Trade in London, to settle self-sufficient yeomen farming families between the slave-majority Lowcountry and Indian country. By doing so, it sought to establish a security zone between Native American territories and British coastal settlements. To facilitate this settlement, the South Carolina

¹⁴ Long Canes Massacre Site Nomination Form; Missing Child, *SCG*. For more about the British-Cherokee War see Hatley, *The Dividing Paths*, 119-179; David Corkran, *The Cherokee Frontier: Conflict and Survival, 1740-62*, (Norman: University of Oklahoma Press, 1962), 142-236; Oliphant, *Peace and War*, 69-190; Tortora, *Carolina in Crisis*, 60-169.

Common House of Assembly passed the Township Act in 1730 that authorized the creation of nine backcountry townships that formed a ring around the settled Lowcountry.¹⁵

The provincial surveyor's office surveyed nine tracts of approximately "twenty thousand acres, or a square nearly six miles on a side" fanning out across an extended perimeter around Charlestown. Under the township plan, immigrants would "settle next to each other," and every family was to receive "fifty acres of outlying land for each member." The Board of Trade and Governor Robert Johnson worked with agents from prospective settler groups to recruit and relocate immigrants into the surveyed townships and offered a variety of incentives, such as building materials, food stuffs, ammunition, and especially access to free land. By the mid-1740s, settlers from several different countries and ethnic groups began to claim land in the townships. According to land and tax records as well as the 1790 census, it is evident that colonists from these recruited European groups settled in the backcountry on average family-farm-sized grants of 175 acres. Germans predominantly occupied Orangeburg, and "Celtic" settlers predominated near Camden. Groups of French, Welsh, and Sephardic Jews also began petitioning for land grants.¹⁶

This system created investment opportunities for developers willing to recruit settlers. Therefore, by 1747 investors began approaching the South Carolina government about future townships. In January 1747, South Carolina Governor James Glen and his council considered the petitions of Thomas Turk, John Turk, and Michael Taylor. The

¹⁵ Ackerman, *South Carolina Colonial Land Policies*, 81-90; Meriwether, *The Expansion of South Carolina*, 19-30.

¹⁶ Ackerman, *South Carolina Colonial Land Policies*, 82; Robert M. Weir, *Colonial South Carolina: A History*. (Millwood, N.Y.: KTO Press, 1983), 207-210.

three men acted as agents on behalf of a group of prospective Scots-Irish settlers from Pennsylvania and Virginia. They asked the government to procure the land around Robert Goudy's trading post along the Cherokee Path known as "Ninety-Six," because of its location ninety-six miles from the Cherokee town of Keowee. Glen's remarks to the assembly reveal the limited geographical and political options for expansion that targeted this place for new settlement. The "Agents are persuaded that the Parties who sent them will not approve of any other Parcel of Land than that about Ninety-Six, because they can find no other Body of Land so healthy in its Situation, so Good in its Kind, or sufficient enough to support such a Number of them as may be sufficient to make themselves secure against the Attempts of Indians or other Enemies." Though the government did obtain a treaty document for such lands from Cherokee men of the Lower Towns, hostilities between the Cherokee and the Creek during the late 1740s and early 1750s caused Taylor and the Turks to lose interest in the venture. Therefore, the provincial surveyor general's office never surveyed the area, created a township, or issued a map. Instead, settlers already living around Ninety-Six and the incoming Scots-Irish began petitioning for land grants in the area independently.¹⁷

The 1747 agreement appeared to the British as an outright purchase that incorporated the area into the domain of South Carolina, allowing British residents around Ninety-Six and future settlers to obtain royal land grants from South Carolina for tracts within it. Although presumed to be squatters without legitimate rights to the land

¹⁷ Governor James Glenn concerning land purchase, January 14, 1746, *Journal of the Commons House of Assembly*, From SCDHA, 35 (hereafter cited as *JCHA*). The original document is dated January 14, 1746, under the Julian Calendar. For continuity in the text all dates will reflect the 1752 change to the Gregorian Calendar. Citations, however, will retain the dates as originally annotated. Therefore, documents dated between 1 January and 25 March 1752 will have a one-year deviation between text and citation. Concerning direct purchases from Native Americans see Ackerman, *South Carolina Colonial Land Policies*, XXX; DeVorse, *The Indian Boundary*, 115-117.

by some historians, the first Long Canes settlers sought official grants from the provincial government, because without such documentation of their ownership of real property, they retained no legal recourse to settle disputes, sell or mortgage property, or bequeath it as an inheritance—all commonplace economic expectations under the British land system and characteristics of colonial landownership that made frontier land attractive to immigrants.

To settlers and colonial officials, an arrangement by treaty for the exchange of goods for land gave the British more than rights to use and dwell on ceded land, it authorized them to appropriate it and issue parcels out to settlers. The Cherokee understood that land treaties allied them politically with the British and allowed for British use of the land, but most average Cherokee people retained the cultural expectation that they would be allowed to traverse the area and continue using it for hunting. During the mid-eighteenth century, Cherokee people lived in towns that communally managed adjacent agricultural fields. Regional affiliations of these towns collaborated to negotiate seasonal uses of hunting ground space beyond the core settlement. This organization of land management likely made the enclosed British settler plantations an unexpected, if not confusing, use of land to the Cherokee. Furthermore, as people from other groups often needed to traverse the large tracts of hunting land to conduct diplomacy, war, and trade with others, land negotiations between Native groups likely presumed easements unless otherwise stated. During the 1747 treaty negotiations, the Cherokee likely assumed that their conceptual understandings of easements applied and did not understand that they had agreed to give up the land as comprehensively as the

British intended.¹⁸

When describing the nature of the purchase in the treaty of 1747, British agents presumed their interpretation of land rights was universally understood. Typical of contemporary treaties, British agents composed the document in the first person as an address from the Cherokee to “all Men on whom the Sun doth shine.” After carefully detailing the “four hundred pounds weight of gun powder Eight hundred pounds Weight of Bullets twenty pounds of Vermillion, and two hundred pounds weight of Beads with their bags, together with a fowling Piece,” or a reported £975 worth of goods delivered, the Cherokee signers acknowledge that they “Have Given Granted and Sold” the province “unto the Great King George and his Successors for the use and benefit of his People.”¹⁹

In an attempt to clarify and describe the particular legal expectation for the exchange, the treaty further describes that the tract of land includes: “all the Trees and Woods Lakes and fishings thereon, and other advantages and Profits there from arising TO HAVE HOLD USE AND ENJOY the said Tract and Parcel of Lands with all the Goods and benefits there from arising.” The emphasized use of the phrase “to have hold use and enjoy” communicated to readers familiar in western European law regarding real estate that the transfer consisted of both use and dominion rights. Cherokee participants, for whom land exchanges through legal documents and trade were less familiar, presumed

¹⁸ For more on Cherokee towns and regionalism see Tyler Boulware, *Deconstructing the Cherokee Nation: Town, Region, and Nation Among Eighteenth-Century Cherokees*. (Gainesville, FL: University Press of Florida, 2011), 11-23. In her study of Native boundary practices in what is now the state of Texas, Julianna Barr notes that Native groups negotiated seasonal usufruct rights to land as well as easements across hunting grounds and other territories. She quotes a contemporary Native account stating: “all the wars are because someone cannot pass through the lands of others, they cannot even step on another group’s paths, they cannot reach the areas of the tuna and roots which are at the boundaries of each other’s territories or places that are considered no-man’s-land.” Barr, “Geographies of Power,” 17.

¹⁹ Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37. Governor Glenn concerning the Long Canes purchase, May 22, 1747, JCHA, 53.

the described arrangement would operate within their cultural expectations by including what, by the terms of this very European legal discourse, would amount to easements for hunting. In Cherokee minds, the terms gave the British some rights to use the land and obtain profit from it, but perhaps not to exert dominion or *abusus* rights.²⁰

Just as the strict legal nature of the agreement remained subject to interpretation, the accurate location of the land to be transferred also remained unclear. A 1752 copy of the cession describes the purchased land as

All that Tract or Parcel of Land lying and being South and Easterly of a certain branch or stream of water commonly called Long Canes within about 60 miles more or less of [the Cherokee] Towns from the Path on 96 that is from the head of the said Branch and down it until it falls into the said Savannah River, and then again from the Head of the said Branch and over to the head of the next nearest branch that falls into Santee (otherwise Saluda) River and from thence down that branch until it falls into said Santee (otherwise Saluda) River from whence a direct North Course to the Path that leads from our Town Kewohee to the Present Catawba Towns.²¹

For Cherokee hunters who knew these lands first-hand, this passage likely described well-known terrain features they could identify easily. Their European counterparts, however, were new to the region and relied on a culture of representation through written texts and drawn images to transmit information about the land. Emanuel Bowen's 1752 *A New & Accurate Map of the Provinces*

²⁰ Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37. Louis DeVorsey believed there were "probably earlier land cessions made to South Carolina by the Cherokee Indians" but concluded that the 1747 cession precipitated the "series of negotiations which ended in the demarcation of the South Carolina-Cherokee section of the Southern Indian Boundary Line." DeVorsey further explains that cessions may have been made in 1721 and 1734 but the source material is questionable. DeVorsey, *The Indian Boundary*, 112. During treaty negotiations for the construction of Fort Prince George near the Lower Towns in 1754, the British transcriber recorded that "the beloved Men of the Lower Towns, did offer to make a free Donation of all the Lands in the North East Side of Keowee River" for the purpose of building the fort and conducting agricultural activities meant to feed the soldiers stationed there. The governor refused the offer and forced a "purchase" instead. Because the Cherokee were advocating for the fort's construction in order to provide defense (and expand trade opportunities), the offer to "make a free Donation" of the land was likely an attempt at land use negotiation and the formation of alliance rather than the commercial exchange envisioned by the British. For more on Cherokee government organization see Boulware, *Deconstructing the Cherokee Nation*, 11-23. For Native land use see Barr, "Geographies of Power," 17.

²¹ Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37.

of North & South Carolina approximates the positions of several large waterways such as the Savannah River, but offers little topographical information about the Carolina backcountry. He omitted small tributaries such as Long Cane Creek altogether. The 1747 treaty's boundary description is thus impossible to mark on a contemporary map, because the landmarks it mentioned were not represented consistently or at all on these images.

To draw the line as described in the treaty requires the use of modern topographical maps with near-contemporary overlays that approximate the locations of Native paths. Because no map depicts the eastern branch of the river fork as Long Cane Creek until 1820, it is impossible, even today, to positively identify which creek the British and the Cherokee meant when they described the "stream of water commonly called Long Canes." Based on the language used, either branch of the fork could fit the boundary's description in text documents. Individuals looking to settle near this boundary, therefore, would have found it a hopeless challenge to identify the "stream of water commonly called Long Canes," then physically follow that waterway to its head. Once at its head, they would then have had to find the "head of the next nearest branch" and follow that until it fell into the Santee (or Saluda) River. Near that spot, they would then have to pick a spot and draw a direct line north until they crossed the path from Keowee to the Catawba Towns. Provided they correctly identified the terrain features without an accurate map of the area, this endeavor would take them approximately forty-five miles up a winding creek followed by nearly ten miles of off-road terrain. Such an effort, of course, depended on whether settlers possessed

a map and an accurate copy of the 1747 treaty from which to work, neither of which seem to have been at hand for the Long Canes settlers to determine where they could legally settle.²²

The colonial agents and the Cherokee conducting negotiations may have understood the locations of the landmarks they described, but, without conducting a survey and issuing a map, British settlers would not have understood the agreed-upon boundary's precise location. Reconstructing the tract described in the 1747 treaty suggests that it contained nearly 3,500 square miles, and the natural landmark that determined the boundary extent, Long Cane Creek, remained ill-defined. Long Cane Creek shared a fork with another small waterway, one now known as Little River, and the wording of the 1747 treaty does not precisely specify the eastern branch as the boundary. The treaty simply declares the boundary to be "a certain branch or stream of water commonly called Long Canes." It goes on to describe that the creek lay "within about 60 miles more or less of our Towns from the Path on 96," a description that could also apply to the western branch, Little River. Contemporary documents and late eighteenth-century maps reflect the spatial confusion created by the treaty's wording—petitions and plats from the period describe both creeks using multiple names, and on some maps the moniker "Long Cane Creek" labeled the northwestern section of the fork, and on others, including the 1820 publication of Mills' *Atlas*, it describes the western fork. The absence of a clear line between South Carolina and Cherokee country, therefore, left the limits of

²² The twentieth century narrative that settlers squatted beyond the legal boundary of Long Cane Creek is most likely influenced by the 1820 survey and map. It is unclear who, if anyone, referred to the western branch as Long Cane Creek before 1820 because every previous map places it as the eastern branch (or only branch). Emanuel Bowen, "A New and Accurate Map of the Provinces of North and South Carolina, and Georgia," [ca. 1747], From David Rumsey Historical Map Collection, accessed April 12, 2017, <http://www.davidrumsey.com>, Image Number 3733059.

Cherokee hunting grounds uncertain.²³

Entrenched within the confines of their own cultural understandings of land and space, contemporaries did not immediately recognize the problems of domain specificity inherent in the document's geographic description of the land. The legitimacy of the transaction, however, did remain a point of contention for Cherokee headmen. In response to European contact throughout the eighteenth century, the Cherokee worked to consolidate a complex governing system based on kinship and regional affiliation into a more centralized nation. During the 1740s and 1750s, however, Cherokee town headmen continued to disagree with and operate autonomously from each other when conducting diplomacy with European actors. This decentralized political structure opened the legitimacy of any international agreements to question. The British agents who procured the 1747 document obtained marks, or signatures, from thirty-two Cherokee men from Keowee and the surrounding Lower Towns. When complaining of resource constraints in 1752, however, one Cherokee Headman from the Overhill Towns remarked that "the Lower Towns People received some Presents or Consideration for it, but that neither he

²³ Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37; Holcomb, *Petitions for Land from the South Carolina*, 4:268-287, 5:26-58; Davis, *Colonial Plat Books*, 6:157; Keller, *Colonial Plat Books*, 6:319; Wood, *Colonial Plat Books*, 6:422; Clerk, *Colonial Plat Books*, 8:368; McNaught, *Colonial Plat Books*, 7:25. Known map publications prior to 1770 such as the Bowen and Popple maps do not depict Long Cane Creek at all. From 1770 until 1820 several cartographers from James Cook to Henry Mouzon used a common template to produce maps that all depict Long Cane Creek as the western fork (except for the Samuel Lewis map, which miscopied the name as "Long Pine Creek"). The 1820 publication of Mills' Atlas used recent surveyor data to complete the first detailed local county map of the area. Little River and Long Cane Creek appear in more accurate detail and the name Long Cane Creek appears along the eastern fork. By the 1770s, the British indisputably possessed sovereignty over both forks of the Little River-Long Cane fork, rendering a political need to purposefully name the western fork 'Long Cane Creek' unnecessary. Therefore, it is likely that the early maps depict a mistake most likely the result of spatial confusion, and that the eastern branch, when positively identified, represented the creek "commonly known as" Long Cane. Bowen, "A New and Accurate Map," [ca. 1747]; Popple, "A Map of the British Empire in America," [ca. 1733]; James Cook, "A Map of the Province of South Carolina," [ca. 1773], From David Rumsey Historical Map Collection, accessed April 12, 2017, <http://www.davidrumsey.com>, Image Number 5174000; Aaron Arrowsmith, "A Map of the United States of North America," [ca. 1796], From David Rumsey Collection, accessed January 12, 2017, <http://www.davidrumsey.com>, Item No. 5699009; Henry Mouzon, "An Accurate Map of North and South Carolina with Their Indian Frontiers," [ca. 1776], From David Rumsey Historical Map Collection, accessed April 12, 2017, <http://www.davidrumsey.com>, Image Number 0346028; Samuel Lewis, "The State of South Carolina," [ca. 1795], From David Rumsey Historical Map Collection, <http://www.davidrumsey.com>, accessed April 12, 2017, Image Number 2542015; William Robertson, "Abbeville District South Carolina," [ca. 1820], From SCDHA Digital Collections, accessed June 2, 2016, <http://e-archives.sc.gov/>.

or his People living in the Mother Town of all ever got any Thing for it.”²⁴

In an attempt to shore up the legitimacy of the 1747 land cession, British agents included the Long Canes parcel in their 1753 agreement over the establishment of Fort Prince George, a fortification South Carolina agreed to construct as part of an agreement to protect Lower Cherokee towns in exchange for Cherokee military service against the French. With locations around Long Canes remaining ill-defined, the new deed did not solve the problems of the former document, instead it exacerbated confusion over the purchase. The Cherokee knew the boundaries of their hunting grounds, or at least possessed their own understanding of the location of Long Cane Creek, but the colonial government now had multiple agreements for one tract of land with no clear description of its limits or surveyed maps with which to communicate those limits to the settlers arriving in the colony seeking grants of land.²⁵

When settlers petitioned for land along the creek’s western fork in the late 1750s, neither they nor the government agents issuing warrants recognized this request as trespassing. The language used by agents and settlers to describe settlement locations along “a fork” of Little River or Long Cane Creek on every plat, reflected an interpretation that the land they petitioned for fell within the territory ceded in 1747. Without the guidance of a pre-determined tract laid out as a formal township, Long Canes settlers staked out claims for homesteads in what they thought to be a legal jurisdiction.

²⁴ Talk of Canecatee (Old Hop) of Chotee to Governor Glen, April 29, 1752, *DRIA*, 1:258. Goodwin, *Cherokees in Transition*, 114.

²⁵ The document’s descriptions of legal expectations are much the same as the 1747 agreement, however, the description of the tract of land is even more vague, describing it as: “all the Land betwixt that and a Place called Long Canes.” Deed for the Fort Prince George Tract November 24, 1753, *DRIA*, 1:519; Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37. The 1755 “Saluda Treaty” purported to cede all the land from the back country west to the Mississippi (Tennessee) River and north to the Great Lakes (Ohio River). The Cherokee did not control the extent of the tract described. Current scholarship interprets the land cessions described in the Saluda Treaty as symbolic of alliance rather than land sales that would have incorporated the region into the British legal system for settlement. Explanation of the Saluda Treaty, July 31, 1755, *SCG*, From Accessible Archives, accessed April 16, 2015, <http://www.accessible-archives.com>. See also, Tortora, *Carolina in Crisis*, 28-29.

Colonial land procedure required settlers to petition for a warrant to survey a new tract of land in person. Once the colonial government granted the petition, settlers then had to commission an official survey that affirmed the proposed bounds of the tract were located on vacant land that did not interfere with any other existing property boundary registered in the land office. To settlers' eyes, Cherokee hunting grounds looked welcoming and, with Cherokee men away fighting in the French and Indian War, the lands appeared as vacant of Indian occupants as they did of European settlers.²⁶

The Geography of Long Canes

Geographical context is key to understanding the significance of contested land spreading west from Long Cane Creek and the violent confrontations over its use and occupation. The physical geography of the region, and the geopolitical relationships formed across it in the 1740s and 1750s, defined the options available to the Cherokee and settlers. By the time settler occupation of Cherokee hunting grounds had the effect of making deer scarce, Native hunters had already exploited all other alternative spaces viable for use as hunting grounds. The Long Canes settlers too, found their choices for suitable farmland limited by previous claims to land. Surrounded on all sides by competing groups of people and located within a land corridor between two large rivers abutted by steep mountains, Cherokee hunters and in-coming settlers both focused on the Long Canes bottomlands as a vital area for their use.

²⁶ Davis, *Colonial Plat Books*, 6:157; Keller, *Colonial Plat Books*, 6:319; Wood, *Colonial Plat Books*, 6:422; Clerk, *Colonial Plat Books*, 8:368; McNaught, *Colonial Plat Books*, 7:25. Ackerman, *Colonial Land Policies*. 94-107. Paul Kelton, "The British and Indian War: Cherokee Power and the Fate of Empire in North America," in *The William and Mary Quarterly*, Vol. 69.4 (2012), 775.

The region's clearest land feature, the Appalachian Mountains, sprawls across the place where the modern-day states of Georgia, Tennessee, North Carolina, and South Carolina converge on a map of the United States. With peaks averaging about 3,500 feet, the range does not boast the tallest mountains in North America, but steep slopes and few passes make for formidable terrain. At the base of these mountains, the Cherokee Lower Towns rested near the heads of the Seneca and Tugaloo Rivers.²⁷

Water run-off from the Appalachians forms the Seneca River near the border of modern-day North Carolina and the Tugaloo River along the northeast border of modern-day Georgia. These two rivers subsequently converge to form the Savannah River. Approximately 300 miles long, the Savannah's southeasterly course flows into the Atlantic Ocean near Savannah, Georgia. Fifty miles east of the Savannah, on the South Carolina side, the Saluda River cuts a roughly parallel path toward the coast where it joins the Santee River watershed and flows into the Atlantic Ocean just north of Charleston. Together, the arrangement of rivers created a natural land corridor between them that shaped the outcome of human events in the colonial period.²⁸

Rolling foothills averaging 500 feet in height compose the land between the Savannah and Saluda Rivers. These foothills feed thousands of small creeks that, in turn, pour into several large tributaries of the Savannah River. Near the Savannah's mid-point, two such tributaries converge into a fork approximately forty miles north of Augusta, Georgia and a hundred miles south of the Cherokee Lower Towns. Both branches run north-south. The eastern branch, Long Cane Creek, runs a tortuous sixty-mile route

²⁷ "U.S. Geological Survey. National Hydrography Dataset High-resolution Flowline Data," From United States Geological Survey, accessed November 16, 2016, <https://viewer.nationalmap.gov/viewer/> (hereafter cited as USGS).

²⁸ "U.S. Geological Survey," From USGS, accessed November 16, 2016, <https://viewer.nationalmap.gov/viewer/>; Goodwin, *Cherokees in Transition*, 7-24.

through rolling foothills, dividing the land corridor from the Saluda River to the Savannah. The head of the western branch, Little River, begins its course directly between the Savannah and the Saluda and flows through foothills with lower grades and wider valleys than Long Cane Creek.²⁹

The wider bottom land between Long Cane Creek and Little River once teemed with deer and other game, including buffalo. Lower Town Cherokee communities maintained these lands as corporate hunting grounds—they modified the landscape to facilitate their hunts by building fishing dams and preparing muddy salt licks. They also practiced controlled burning to cultivate attractive feeding grounds for deer and operated paths that connected water points throughout the area with Cherokee Lower Towns to the north and the British trade outpost Ninety-Six, to the east. When settlers arrived at Long Cane Creek in the mid-1750s, they looked west and saw what they believed to be a “region composing the district” that was “in a virgin state, new and beautiful, without underwood, and all the fertile portion covered by a dense cane brake and hence the name Long Cane.” However, the attractive cane brakes and absence of underwood indicated the land had been prepared by Cherokee hunters as deer habitat.³⁰

Settlers had word-of-mouth descriptions based on a vaguely worded treaty to guide them as they made their way west onto lands previously uninhabited by Europeans. Traveling along the extant paths, settlers would most likely have located their position on this landscape by using river crossings as landmarks. Numerous small rivers comprised the Savannah watershed system, creating opportunities for misidentification and spatial

²⁹ Goodwin, *Cherokees in Transition*, 7-24.

³⁰ Calhoun to Allen, *Gulf States Magazine*, 440, quoted in Hatley, *The Dividing Path*, 86; Plat for Joseph Clerk, 1759, *Colonial Plat Books*, 8:368.

confusion. When the families migrating from Virginia arrived in the region, they looked for lands best suited to their purposes within the borderland area. Unbeknownst to settlers, the Cherokee maintained the lands beyond the eastern fork of the tributary the British called Long Cane Creek. Subsequently, the area offered settlers an appealing choice for staking out grazing areas for livestock and enclosures for subsistence farming. They found good land along the banks of the western fork sometimes known as Little River and later as the “Northwest fork of Long Cane Creek,” sites they believed to be open to settlement.³¹

The movement of settlers beyond Long Cane Creek placed unanticipated constraints on the young Cherokee hunters of the Lower Towns. By the late 1750s, the expansion of the deer skin trade noticeably impacted deer habitats and populations. In 1715, South Carolina deer skin exports to England averaged 54,000 per year, that number climbed to 160,000 skins per year in 1748. Estimates place Cherokee contributions to that at nearly 25,000 skins, or "an average of 50 pounds per warrior, assuming that the Cherokee tribe consisted of roughly 2,000 warriors in that same year, and assuming also that each buckskin weighted on the average of 4 pounds." Settlement in the Long Canes region disrupted an estimated 400 square miles of hunting grounds, leaving the Lower Cherokee with approximately 800 square miles of remaining grounds. If deer populations within those limits maintained the healthy rate of 15 deer per square mile, the settlers' choice of location between the forks left the Lower Town hunters with access to only an

³¹ Hatley, *The Dividing Path*, 86. Clerk, *Colonial Plat Books*, 8:368.

estimated 10,000-12,000 deer—and only a portion of that population could be used for slaughter each year.³²

Cherokee and Creek willingness to sign land treaties in exchange for goods reflected a decline in deer populations. Without these animal populations to protect as a resource, Native peoples no longer found the same value in this impaired hunting grounds. Estimates indicate the slaughter of more than one and a quarter million deer in the greater southeast throughout the 1740s and 1750s, causing many Cherokee to move further north in search of new hunting grounds. British expansion placed additional constraints on the region's ecology, further depleting the availability of deer. Settlers brought cattle husbandry and enclosure practices that diminished the land's appeal for use as habitat by deer—which then made the lands less usable as hunting grounds for the Cherokee.³³

The availability of game determined how the Cherokee towns laid claims to outlying areas that, together, constituted an emerging Cherokee Nation. The decrease in deer along with territorial competition between the Cherokee and neighboring Native American groups as well as growing British settlement, enhanced the value of the land corridor that extended from the Lower Towns to Long Cane Creek as a desirable hunting ground. With steep mountains and other Cherokee groups claiming hunting grounds in the north, Creek territory to the west, Catawba territory to the East and British settlement

³² The numbers indicate that Cherokee hunters contributed approximately 25,000 deerskins, or 12.5 skins per hunter each year. According to research by the U.S. Forest Service, a healthy deer habitat contains 15-20 deer per square mile. Archeological studies of midden heaps indicate that deer were most valuable if killed at specific age ranges and during specific times of year (due to changes in fur growth). Goodwin, *Cherokees in Transition*, 95-98; US Forest Service, "Deer Can Be Too Many, Too Few, or Just Enough for Healthy Forests," in *US Forest Service Northern Research Station Research Review*, No. 16, (2012), accessed December 13, 2016, <https://www.fs.fed.us/nrs/news/review/review-vol16.pdf>; Heather Lapham, "Their Complement of Deer-skins and Furs: Changing Patterns of White-Tailed Deer Exploitation in the Seventeenth-Century Southern Chesapeake and Virginia Hinterlands," in eds. D. B. Blanton and J. A. King, *Indian and European Contact in Context: The Mid-Atlantic Region* (University Press of Florida, 2004), 172-175; DeVorse, *The Indian Boundary*, 115.

³³ Goodwin, *Cherokees in Transition*, 95-98.

burgeoning along the Saluda River and around Ninety-Six, the Lower Cherokee towns found their options for hunting land limited.

When settlers cleared land for the first homestead along the Little River, they disrupted animal movements and Cherokee hunting activities within a carefully managed hunting ground. It is likely that some of the settlers contributed to the reduction of local deer populations through hunting during the early days of homesteading when crop yields remained limited. Furthermore, deforestation, enclosure by fencing, and cattle grazing remove access to preferred food plants causing herds to disperse in search of alternative food sources. Because the Long Canes settlers operated within the same geographical constraints—dictated by the mountainous terrain—as the Cherokee, and found themselves similarly limited by multiple Native American sovereignties, established British townships, and trade routes, the settlers found themselves on the periphery of British dominion. They built farms on land that, to their eyes, appeared vacant and best suited for their agricultural needs.³⁴

Cherokee Land Use

In the mid-eighteenth century, Cherokee peoples identified themselves from other Native groups and Europeans through regional geographic and political affiliations. They lived in more than forty towns clustered in five distinct geographical regions of the southern Appalachians—the Overhill, Valley, Middle, Out, and Lower Towns. Each grouping of towns consisted of several small core and periphery towns and larger “Mother Towns” where regional communities would gather for important political and

³⁴ Candace Cummings and Greg Yarrow, *Reducing Deer Damage at Home and on the Farm*, From Clemson University Extension Wildlife Program, (Clemson, SC, 1996), accessed February 20, 2017, <http://www.clemson.edu/psapublishing/Pages/AFW/afw6.pdf>.

religious meetings. Town sizes ranged from 100 people in small periphery towns to 500 in Chota, the largest mother town. Various sources estimate that the overall Cherokee population during the 1750s had begun to recover from a 1730s small pox outbreak with the total population nearing 10,000 people by the end of the decade. Of these 10,000 people, contemporary and later estimates suggest that 2,000-3,000 were military aged males.³⁵

Each town consisted of multiple family dwellings and a central townhouse. Cherokee people used the townhouse as a center of government where headmen could conduct daily business and townspeople could hold public councils and festivals. Although headmen participated in diplomatic meetings with Europeans, and often signed treaties, they did not function as top-down leadership among their townspeople. Headmen exercised power based on the approval of their actions by town consensus. If townspeople disapproved of a headman's activities they "might refuse to hear a headman's speech or fail to mind his Talk once given." The nature of Cherokee headmen's authority often impacted negotiations with Europeans. For instance, "King Crow of the Lower Towns was understood to be 'more under the Com[m]ands of his Subjects then they are under him.'" ³⁶

³⁵ Goodwin, *Cherokees In Transition*, 111. Boulware, *Deconstructing the Cherokee Nation*, 5, 73; Ted Gragson and Paul Bolstad, "A Local Analysis of Early-Eighteenth-Century Cherokee Settlement," in *Social Science History*, vol. 31, no. 3, (2007), 435-468. Cherokee peoples also practiced clan-based ethnopolitics in which clan membership played a significant role in community politics and identity formation. However, little scholarship has been done in this field. Specialists remark that clan structure and significance are difficult to study because European observers failed to record any observations on clans. Other scholars argue that the lack of documentary evidence suggests Cherokees were "uninterested in asserting their clan identities to Europeans," instead valuing Town and regional affiliations as expressions of group identity to Europeans. For more see Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998), 41-49; Boulware, *Deconstructing the Cherokee Nation*, 5.

³⁶ Henry Timberlake, ed. Duane H. King, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, NC: Museum of the Cherokee Indian Press, 2007), 17; Boulware, *Deconstructing the Cherokee Nation*, 13-15.

The communal nature of town government extended into land management practices. The Cherokee placed towns “close to a river or creek to provide ready access to rich alluvial soils” for agricultural operations. Except during times of heightened activity such as planting and harvesting, women predominantly managed and worked the fields. Town leaders measured and marked portions of land according to household sizes. Each family then, depended on the produce of their plot. The parceling of agricultural land to families reflected an assignment of responsibility, or division of labor, rather than ownership. Townspeople owned their fields communally and would “accordingly assist one another in cultivating and planting lands belonging to that town.”³⁷

Each regional group of towns exercised dominion over and managed extensive hunting grounds beyond their core settlements. Town groups communally determined who had *usufruct* rights and easements within the hunting grounds, but did not culturally recognize *abuses* rights. In other words, town groups negotiated terms for who could hunt on or travel through their territory, but did not have a construct for permanent land exchanges through sale. These hunting ranges consisted of more than 3,500 square miles per settlement group before British encroachment. Hunters and warriors from every regionally connected town worked together to cultivate the grounds into attractive feeding areas for deer by using controlled burning. They also constructed elaborate dam works to trap groups of fish. The boundaries of these hunting grounds shifted over time because of geopolitical relationships with other Native groups such as the Creeks, Chickasaws, Choctaws, and Catawba and with the British during the colonial era, but major waterways and traditional paths generally demarcated border zones. The Overhill

³⁷ Boulware, *Deconstructing the Cherokee Nation*, 13-15; Gragson and Bolstad, “A Local Analysis of Early-Eighteenth-Century Cherokee Settlement,” 445.

Towns managed grounds along the Holston River to the north of the Appalachians in present day Tennessee and Virginia. The Valley Towns used grounds near the Hiwassee River and the northern borders of Creek territories. The Middle and Out Towns likely controlled the territory east of the Appalachians that bordered Catawba lands near the Catawba and Yadkin Rivers in present day North Carolina, and the Lower Towns considered the land between the Broad and Tugaloo Rivers their dominion.³⁸

In the 1750s, Cherokee regions began competing with one another for political dominance in relations with European groups. Each region faced different political circumstances created by their geographical locations along differing borderlands. As the expansion of the deer trade increasingly entwined the Cherokee with British South Carolina and Cherokee reliance on Carolina grew for goods and security, Cherokee headmen began speaking on behalf of more than their own town or region. The Lower Cherokee, for instance, commanded geographic proximity to Carolina and Charleston as well as control of large tracts of hunting grounds valuable to the Carolinas for future settlement and used that as leverage when conducting exchange with the British. Comparatively, Overhill headmen worked to assert political dominance in foreign relations with the British because of the Overhill Towns' strategic location near river junctions as well as circumstances created by the Cherokee-Creek War (1715-1755). As

³⁸ For more on Native American boundary practices see Barr, "Geographies of Power," 5-46. The boundary extents of Cherokee hunting grounds can be approximated by using contemporary correspondence from Cherokee headmen to colonial governors, examining geographical context of the land on modern maps and imagery, evaluating contemporary maps, and geolocating reports of Cherokee kinetic activities such as cattle 'theft' and violent raids on settlements. Gragson and Bolstad, "A Local Analysis of Early-Eighteenth-Century Cherokee Settlement," 445. Nathan Alexander to Governor Lyttelton, May 4, 1759, *DRLA*, 2:485. A Talk from Tistoe and the Wolf to Capt. Mackintosh, quoted in Oliphant, *Peace and War*, 182. While conducting peace negotiations with the British at the Augusta Congress in 1763, Overhill Headman Attackullkulla spoke on behalf of all Cherokee. He saved the traditional Overhill hunting grounds of his regional people, but conceded Lower Town hunting grounds around Long Canes without a fight. The journal notes, "The talk being given to the Indians, the Cherokees acknowledged, of their own accord, that they had claimed more than were their hunting grounds, and what they now desired, was, that they might not be molested in hunting as far as the spring head of Holston river." The Holston River demarcated Overhill hunting grounds and is located hundreds of miles from the Lower Towns. Overhill Headman Attackullkulla, *Journal of the Congress in Augusta in Georgia, November 1763*, CO 5/65, 29, 37.

Cherokee-British relations became more entangled, regional struggles for political power between the Overhill and Lower Towns contributed to the crisis that precipitated the attack on the Long Canes settlers by creating confusion during multilateral negotiations.³⁹

Overhill people considered their mother town, Chota, to be “the Mother Town of all,” and actively worked to exert political influence as the center of Cherokee governance when dealing with British agents. The geographic location of the Overhill Towns, and the thoroughfares Overhill people controlled access to, help to explain this region’s dominance in political activities with Europeans. Located along the Little Tennessee and Hiwassee Rivers near present-day Vonore, Tennessee, the Overhill and Valley Town Cherokee’s locations commanded access to the Tennessee, Holston, French Broad, and Hiwassee Rivers.

Winding around the southernmost part of the steep Appalachians, these waterways connected the southeast coast to Virginia and the Ohio River Valley. By the mid-eighteenth century, Europeans recognized the importance of the topography and began focusing diplomatic and trade agreements with Cherokee headmen from the region. In 1756, a British officer wrote to the governor explaining that the “old Town of Highwassey is situated a little to the South of the Unicay Mountain. We are obliged to

³⁹ During the crisis of 1758-1759 in which groups of young Cherokee warriors began raiding settlements, regional affiliations and political disagreements over how to deal with the British fueled rising tensions. The Lower Towns suffered the most encroachment on their hunting grounds, and the warriors killed by backcountry settlers in 1758 had all been from Lower Towns. Overhill headmen encouraged diplomacy over warfare. Though most Lower Town headmen agreed with their Overhill counterparts, young Lower Town Cherokee men directly experienced the effects of hunting ground contraction and advocated for war. Tyler Boulware links the Overhill political position to its geographic location by noting that in the mid-1750s, Cherokee peoples from all regions chose to “distance themselves from Northward Indians” to improve relations with Carolina and the Creeks. The result left the Overhill people more geographically exposed to hostilities from the North. The need to provide for the physical security of their towns and ensure reliable trade, therefore, forced Overhill headmen to reach out to Europeans (including the French) for diplomatic and military alliances. Boulware, *Deconstructing the Cherokee Nation*, 7. Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37; Governor Glenn concerning the Long Canes purchase, May 22, 1747, JCHA, 53. Cherokee Head Men to Governor Glen, September 21, 1754, *DRIA*, 2:7-8.

cross in our way to, and from Charles Town, and in that Part of the rode, there is such unaccountable precipices that a very few Indians might cut off a considerable number of troops, notwithstanding all precautions that could be taken.” To secure this critical route, he presses that: “It appears to me that the whole Fate of Carolina and Georgia both depends greatly on the Friendship of this Nation,” and implores, “We must lay hold on all Means and Measures to keep (at any rate whatever) the Indians of these Upper Towns as well as those of the Middle and Lower Towns strongly to our Intrust [sic].”⁴⁰

The strategic Overhill location may have given Overhill headmen greater actual and perceived political power among both the other Cherokee groups and the British, but that did not stop Lower Town headmen from exercising their traditional rights of dominion over their regionally controlled hunting grounds. In 1747, headmen from several Lower Town villages entered negotiations with British agents. In exchange for European goods, they signed a treaty that, in their minds, limited the expansion of British settlement to the peripheries of their hunting grounds and still allowed Cherokee hunters to traverse the land during hunts. The legitimacy of this agreement would be questioned

⁴⁰ British agents often referred to the Overhill as the "Upper Towns" and the Valley and Middle towns were lumped together as "Middle Towns." The "Tellico People" lived along the Tellico river between the Overhill and Valley Towns and were generally considered part of the Overhill groups. Captain Raymond Demere to Governor Lyttelton, *DRIA*, 2: 248-249. Demere is commenting on a divisive 1756 incident in which Tellico headmen attempted to challenge the Carolina trade monopoly by engaging in trade talks with the French. The affair threw Cherokee dependence on British trade and political backing into stark relief and ultimately resulted in Cherokee from every region denouncing the Tellico faction and committing warriors to the British war effort in affirmation of their loyalty. John Stuart, "Map of the Cherokee Country, [ca. 1761]," reprint in Timberlake, *The Memoirs of Lt. Henry Timberlake*, 50-51; Boulware, *Deconstructing the Cherokee Nation*, 20; Talk of Canecatee (Old Hop) of Chotee to Governor Glen, April 29, 1752, *DRIA*, 258. This location positioned the Overhill Towns between the French, the Virginians, and South Carolina thus precipitating interstate competition for Cherokee alliance and trade between South Carolina and Virginia. Later, Lower Cherokee headmen would attempt to recreate this political dynamic in their region by appealing to the governor of Georgia for assistance with their hunting ground problem. In a 1755 explanation of the "Saluda Treaty," the South Carolina Gazette emphasized the geographical importance of the Overhill Towns stating, "a strong Fortress built upon the Cherokee Lands on the South Side of the united Stream of these three Rivers, would prevent all Vessels from going down or up either *Ohio* or *Tennese*, a single Canow could not pass without Leave." Explanation of the Saluda Treaty, *SCG*.

by Overhill headmen, and the description and precise legal nature of the boundary would eventually precipitate violence.⁴¹

British Land Use in South Carolina

British concepts of land management consisted of more than occupying land with houses and fences. The foundation of British land use depended on a legal apparatus. The system relied on the authority of the governor to procure land on behalf of the colony and the efficiency of the colonial government to manage the distribution of grants. After the 1747 agreement with the Cherokees, the initial petitioners, Michael Taylor and the Turks, lost interest and moved elsewhere. Subsequently, the colonial government did not survey the acquisition or create a new township within the ceded territory. When settlers arrived around Long Cane Creek in the late 1750s, they chose their own homesteads—squatting on land they intended to claim legally—and petitioned for a warrant in unmapped territory.

Based on early land petitions, family groups began trickling into the Long Cane Creek area sometime around 1755. These groups arrived in South Carolina from the Roanoke and Staunton areas of Virginia via overland routes. It is likely they traveled south into Fredericksburg (present-day Camden) or Saxe Gotha (near present-day Columbia) before heading west to Ninety-Six. At Ninety-Six they resupplied and made connections with locals who guided them toward Long Cane Creek. Not limited by the confines of a township boundary, Long Canes settlers determined for themselves where

⁴¹ Treaty Copy in a letter from Governor Glen, January 29, 1752, CO 5/373 K37; Talk of Caneeceatee (Old Hop) of Chotee to Governor Glen, 29 April 29, 1752, *DRIA*, 1:258; A Talk from Tistoe and the Wolf to Capt. Mackintosh, quoted in Oliphant, *Peace and War*, 182.

they would build homesteads. Like many others before them, they occupied a tract of land they wished to claim, began improving it, and then started the cumbersome process of obtaining a legal grant to the land.⁴²

Colonial South Carolina offered land to potential settlers under the terms of royal headright grants. These grants allowed settlers to obtain “100 acres for each head of a family and fifty acres for all others.” Settlers who chose tracts within one of several surveyed townships established after 1730 also received a bounty consisting of building materials, weapons, and subsistence provisions. They paid no fee for the grants, but the government expected them to cultivate land and pay taxes and quitrents. Because the families who settled around Long Cane Creek chose to settle outside of an established township, however, they received no special bounty. However, they received tax exemptions for ten years and thereafter were to pay quitrent “fees of about five pounds per 100 acres.” To initiate the grant process, the settlers traveled nearly two hundred miles to Charlestown where council journals record that they petitioned for warrants to legitimate their Long Canes lands.⁴³

Settlers stood before the council to request warrants that permitted them to commission a survey of the lands they had found, inhabited, and cleared. During the petition, settlers had to testify that the lands they requested were unoccupied and free from legal claims by other parties. They provided a brief description of the property’s location and submitted paperwork and testimony to validate the number of people they

⁴² For the background of the Long Canes settlers see Salley, *The Calhoun Family of South Carolina*, 1. For township boundaries and the location of the Long Canes settlements see, Ackerman, *South Carolina Colonial Land Policies*, 81-87; DeVorse, *The Indian Boundary*, 112- 115. For traveling routes see Mouzon, “An Accurate Map of North and South Carolina” [ca. 1776].

⁴³ Ackerman, *South Carolina Colonial Land Policies*, 105-110.

claimed land for under the terms of the headright system. In almost all cases, the council granted the petitions and referred settlers to the provincial surveyor's office to obtain the warrant (also called a precept).⁴⁴

The settlers then returned home and paid a local member of the community, designated by the provincial surveyor's office as a deputy surveyor, to physically measure the land and create a plat: a rough sketch of the bounds of the proposed grant. This map indicated the total acreage and the location of landmarks such as notched trees and streams so that the tract could be located on the ground. Deputy surveyors used a pre-formatted template to create a document containing an illustration of the bounds of an individual parcel and a general description of its location. Measuring individual tracts with a compass and chain and creating plats did not provide a comprehensive survey of the land or its surroundings; nor did this process offer any more precise indication of the location of the 1747 Indian boundary. It existed solely to create an archive of legally approved landholdings for the office in Charleston so that the provincial government could manage and adjudicate claims between settlers relating to real estate throughout the colony.

The language used throughout the petition and survey process reflects a limited spatial understanding of the backcountry. Petition descriptions for Long Canes properties used a range of vague geographic markers such as, "between Saludy [sic] and Savannah Rivers" and "the Northwest branch of Long Cane Creek," or simply, "Granville County," a vast jurisdiction that included all the land adjacent to the Savannah River from coastal Beaufort to the Cherokee borderlands in the northwest. Settler descriptions of where their

⁴⁴ Ackerman, *South Carolina Colonial Land Policies*, 105-110.

desired lands were varied even when multiple families petitioned on the same day, suggesting that they had no precise language for describing locations within the area. From 1756 to 1758, surveyors described Long Canes Settlement locations with multiple terms. Edward Musgrove preferred to use a variation of, “being between the fork of Long Canes and Little River.” Another surveyor commonly wrote, “on the branch of Savanah [sic] called Little River and Long Canes Creek.” In April of 1758, however, John Gaston began using the phrase, “the N.W. branch of the Long Canes in the County of Granville.”⁴⁵

By May 1758 the slow trickle of families into the region intensified. The Calhoun family arrived sometime in 1757 along with a large contingent of the Alexander family and several other relations. Patrick Calhoun assumed the position of deputy surveyor and between May 1758 and December 1759, he signed more than forty-five plats in comparison with the mere dozen filed in the three previous years. All of them reflected John Gaston’s wording, referring to the Little River as “the N.W. branch of the Long Canes,” suggesting an emerging definition of space.⁴⁶

Once the deputy surveyor signed the plat, the settler made the journey back to Charleston to file the plat with the general surveyor and apply for a grant. As long as the plat contained the required information, specifically stated that no other British claims could be made for the land, and the fees had been paid, colonial officials issued a grant

⁴⁵ DeVorse, *The Indian Boundary*, 22; Davis, *Colonial Plat Books*, 6:157; Keller, *Colonial Plat Books*, 6:319; Wood, *Colonial Plat Books*, 6:422; Clerk, *Colonial Plat Books*, 8:368; McNaught, *Colonial Plat Books*, 7:25.

⁴⁶ The Long Canes settlers were the first Europeans to inhabit the region. Given that no comprehensive maps were in existence, these newcomers had no parochial historic traditions to draw from. Therefore, they had to define the land as they encountered it. Geolocating the exact land the plats reference is almost impossible. Long Canes surveyors used marks such as trees as reference points when calculating their azimuths. (Today, metal slugs are the common method). Plats did not contain any information that would allow for placement on a cadastral map beyond naming adjacent properties if there were any. It is possible to estimate general locations based on the mention of creeks and paths as well as the location of contemporary sites such as a graveyard and cemetery that are still in existence. Davis, *Colonial Plat Books*, 6:157; Keller, *Colonial Plat Books*, 6:319; Wood, *Colonial Plat Books*, 6:422; Clerk, *Colonial Plat Books*, 8:368; McNaught, *Colonial Plat Books*, 7:25.

and formally granted possession of the tract from the Crown to the petitioner under free and common socage tenure. In the case of the Long Canes Settlement, every single plat describes the land as vacant. No step in the process compiled the plats into a consolidated cadastral map of the backcountry. British officials never officially acknowledged the possibility that Native Americans may have used or inhabited the land. They also did not attempt to locate these tracts in reference to the 1747 cession from the Cherokees. The provisions of the British land system that Long Canes settlers followed simply did not deem such use or such claims as part of its legal process for defining and distributing real property.⁴⁷

The British-Cherokee War Begins

From 1756-1758, the northern battles and raids of the French and Indian War pushed more British settlers seeking land into the South Carolina backcountry, while simultaneously pulling Cherokee warriors northward and out of their homelands to fight for the British. When Cherokee warriors returned home from war throughout the summer of 1758, they experienced a changed geopolitical landscape—British settlers had moved further westward and onto lands previously uninhabited by permanent settlement. From the time they returned in 1758 through the winter of 1759-1760, disputes between backcountry settlers and young Cherokee men escalated into episodes of sporadic violence that would eventually culminate into the initiation of concerted military warfare.

While traveling home from fighting alongside the British in the northern theater during the summer of 1758, Cherokee warriors found themselves embroiled in a dispute

⁴⁷ Ackerman, *Colonial Land Policies*. 94-107.

with Virginia backcountry settlers that stemmed from wartime fears, lack of interpreters, and perceived horse theft. The Virginia settlers killed several of the Cherokee warriors, some of whom came from the Lower Towns. Rather than let the Cherokee exact justice by their own standards, which necessitated revenge killings, British military officers prevented the warriors from killing the Virginians, and quickly escorted them home. As the Cherokee returned to their villages to prepare for hunts and in desperate need to resupply clothing and pay traders, they faced more bad news: British settlers now lived in the middle of the Lower Towns' hunting grounds.⁴⁸

The settler occupation of Cherokee hunting grounds did not immediately precipitate violence. Lower Town headmen attempted to solve the problem diplomatically by sending a talk to the governor of Georgia in the hope that he could influence South Carolina. They asked that the governor work to move British settlers east of Long Canes and claimed that deer populations in the region had decreased, "for they have settled so near that the deer have become so scarce we can hardly feed or clothe our wives and children." Neither Georgia nor South Carolina addressed these concerns; the council continued to approve petitions and plats along the "Northwest Fork of Long Canes."⁴⁹

Instead of addressing the Long Canes hunting ground problem, the governor focused on rising tensions over the incident in Virginia and threatened violence if the Cherokee did not comply with British demands. "If you will dispatch Runners to bring back those Parties that are gone out, so that they may return without having made the

⁴⁸ Depositions Concerning Indian Disturbances in Virginia, June 1758, *DRIA*, 2:463. For more on Cherokee and Native American "mourning wars" and "revenge killings," see Perdue, *Cherokee Women*, 1-75; Daniel Richter "War and Culture: The Iroquois Experience," *The William and Mary Quarterly*, vol. 40, no. 4, (1983), 528-559.

⁴⁹ Lower Cherokee to Governor Ellis of Georgia, quoted in Wallace, *The History of South Carolina*, 2:29.

Path bloody,” wrote Governor William Lyttelton, “I will give Presents to the Relations of your People that have been slain, sufficient to hide the Bones of the dead Men and wipe away the Tears from the Eyes of their Friends. But if you shall refuse to make up the Matter in an amicable Way and shall shed the Blood of the Virginians, mark again what I say to you, the Armies of the Great King are strong and mighty.” This approach to frontier negotiations marked a shift in colonial management from the more diplomatic endeavors of the previous governor, James Glen, to the militaristic leanings of William Lyttelton. Refusing to consider the nuances of Cherokee inter-regional politics, Lyttelton chose to pursue all Cherokee for the activities of some. Nor did he recognize or acknowledge the significance of hunting ground complaints.⁵⁰

Lyttelton’s approach to Cherokee relations contributed to a rising political crises between regional groups and between older headmen and young warriors. Throughout 1759, Lower Town headmen attempted to maintain order within their towns while Overhill headmen worked to keep the peace with the British through diplomatic correspondence and letters. Insulted by Lyttelton’s response and desperate after a bad hunting season, young Cherokee men from the Lower and Middle Towns decided to take matters into their own hands. In early May 1759, Long Canes settler Nathan Alexander reported to the governor that “Indians supposed to be the Cherrockees did on the 25th and 26th Days of April last murder and scalp three white Persons on the Yadkin River and eight Persons on the Fourth Creek and three persons on the Catawba River which has put all our Frontiers in sad Confusion.”⁵¹

⁵⁰ Governor Lyttelton to the Lower and Middle Cherokee Headmen and Warriors, September 1758, *DRIA*, 2:481.

⁵¹ Nathan Alexander to Governor Lyttelton, May 4, 1759, *DRIA*, 2:485. The locations he describes begin approximately 180 miles northeast of the Long Canes Settlement and 45 miles north of present-day Charlotte, NC. In the 1750s this represented the outermost edge of Cherokee territory between European settlements and the Catawba. If viewed as expressions of Cherokee territoriality, the

Alexander's observation that frontiersmen were "in sad Confusion" understated their concern. The attacks may have occurred more than 150 miles from the Long Canes settlements, but they all occurred along the perimeter of traditional Cherokee hunting grounds near present-day Statesville, NC. This location, along the periphery of the former hunting grounds, reveals a strategic intent of the warriors' campaign. Although the British perceived these attacks as indiscriminate acts of violent revenge, the warriors chose their targets as part of a larger agenda to not only satisfy their sense of justice for the Virginia killings, but to express territoriality over their former hunting grounds and force diplomacy through military violence. The Long Canes settlers may not have understood the exact location of the acceptable boundary between European settlement and Cherokee lands, but they did know they lived near the edge of Native American deer-hunting grounds and as such were exposed to Cherokee military activity. The settlers' concerns became realized six months later when British relations with the Cherokee disintegrated into all-out war. The first military target on the Lower Town Cherokee's list lay in the center of their hunting grounds—the Long Canes settlement.

The Formation of the Southern Indian Boundary in South Carolina

The warriors who attacked fleeing Long Canes settlers in February 1760 premeditated the ambush as part of a larger strategic military campaign intended to reassert dominion over their hunting grounds and to satisfy their cultural concept of justice through revenge killing and captive taking. While distant Overhill headmen

attacks demarcate the boundaries of what they considered their hunting grounds, which formed a perimeter along the flatlands around the mountain regions where they lived. Long Canes settlers would have had good reason for concern. The "Fourth Creek Settlement" where the attacks occurred was mainly comprised of Scots-Irish Presbyterians who were most likely familial relations. For more young Cherokee men choosing war, see Oliphant, *Peace and War*, 6. During peace negotiations in 1763, Attakullakulla reaffirms the old-young division. Overhill Headman Attakullakulla, *Journal of the Congress in Augusta in Georgia, November 1763*, CO 5/65, 37.

worked to make diplomatic agreements with the British, average Cherokee people, especially those from the Lower Towns, experienced the pressures of European migrations and resource scarcity in unprecedented ways. After more than a decade of Cherokee headmen and British colonial agents failing to communicate different cultural expectations during diplomatic relations, the people who felt the economic effects most, young Cherokee warriors, took matters into their own hands. Whether or not the warriors intended it, this move forced British officials and Cherokee headmen to mobilize for war.

After successfully ambushing the Long Canes settlers, the Cherokee warriors continued their military campaign. They experienced initial victories throughout the backcountry, but the early success soon yielded to the decimation of small pox, trade embargos, and a brutal British military campaign that razed Cherokee towns and destroyed crops. By the end of 1761, Cherokee headmen ceded nearly all the southern hunting grounds to the British. The surviving Long Canes settlers returned to Little River and expanded their homesteads. Behind them, new bands of settlers laid claim to vacant lands and petitioned for warrants, plats, and grants.⁵²

The concurrent cessation of imperial hostilities and peace negotiations at the close of the Seven Years' War in 1763 catalyzed geopolitical changes throughout North America. No longer burdened by rivalry with the French, and in possession of vast new territories, the British worked to expand and streamline the management of colonial government. During this process, the British government in Whitehall, advised by the Board of Trade, attempted to reshape colonial governing processes based on lessons learned during the war. In an effort to centralize the management of Indian Affairs and

⁵² For more about the British-Cherokee War see Hatley, *The Dividing Paths*, 119-179; Corkran, *The Cherokee Frontier*, 142-236; Oliphant, *Peace and War*, 69-190; Tortora, *Carolina in Crisis*, 60-169.

remove it from direct influence by colonial governors, they bolstered the roles of the Indian Department's superintendents. Fearing an uprising in the south similar to Pontiac's War in the north, the secretary of state ordered the southern district to hold peace talks between colonial governors and representatives from all regional Native groups.⁵³

During the Congress of Augusta, British officials pressed Native leaders for border agreements that would prevent further violent attacks and serve British plans for managing western expansion. The outbreaks of violence that culminated in Pontiac's War and the British-Cherokee War created two predominant problems for colonial government—maintaining legal and political control of British citizens that lived further from centers of government, and keeping Native American groups from initiating violent uprisings that disrupted trade and angered British settlers. To solve these issues, the Board of Trade presented the Crown with a plan that established a boundary between Native and colonial territories. The Royal Proclamation of 1763 provided British officials with the legal framework necessary to identify and punish settlers who encroached beyond the boundaries established during the Congress of Augusta.⁵⁴

During the two years following the Congress, hundreds of new families settled in the Carolina backcountry, and Cherokee complaints of encroachment multiplied. Afraid that tensions over hunting grounds and boundaries would again lead to violence, the governor of South Carolina and John Stuart, the Superintendent of Indian affairs for the Southern District, agreed to join the Cherokee in negotiations to solve the problem. This

⁵³ John Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade, and Land Problems in the Southern Wilderness, 1754-1775*, (Ann Arbor, MI: Michigan Press, 1944), 176-191; Colin Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America*, (London: Oxford University Press, 2006), 92-100; DeVorse, *The Indian Boundary*, 112-135.

⁵⁴ *Journal of the Congress in Augusta in Georgia, November 1763*, CO 5/65; Alden, *John Stuart*, 176-191; DeVorse, *The Indian Boundary*, 112-135; Calloway, *The Scratch of Pen*, 92-100; Draft of Circular Letter from the Earl of Shelburne to American Governors, Reinforcing the Royal Proclamation of 1763 and Instructing Settlers to not Move Beyond Existing Boundaries as to Not Upset Indians, October 29, 1764 - September 13, 1766, CO 5-66.

time, British officials and headmen from the Lower Towns discussed the specifics of the proposed border. In addition to establishing the boundary's location, both sides worked to address the issues of *usufruct* and *abuses* rights as well as easements. Cherokee headmen agreed that settlers could have “the game that is upon it, the grass for their cattle to feed upon, the Running Waters and Springs” as well as “the Wood for their burning,” and vowed never to “make any claim to any thing belonging to it [the land].” In exchange, the Cherokee demanded assurances that the agreement clarified the issue of easements on all sides stating, “we shall Hunt nowhere but on our own land, and that we expect to reserve it for ourselves unfrequented by white hunters” he continues saying, “My Brothers of the Lower Towns hear me; now God is the Maker of both white and red People, and we are all his Children. The Land he gave to Us all, and we have divided it, our Brothers have it in writing and we in our minds.”⁵⁵

To solve the old problem of boundary identification, the Board of Trade issued directives from London that required Southern Indian Superintendent John Stuart to organize a survey expedition. Following the Board's injunction to conduct open and transparent diplomacy in an effort to reach clear agreements about ceded territory that were understood by all parties, Stuart insisted that a Cherokee delegation with representatives from every Town region take part in the survey. “I humbly offer it as my opinion,” he stated, “that it cannot be done properly but with the consent of all the [Cherokee] Nation, any grant from a Part will be productive of perpetual Grumbling and Disputes.” In the spring of 1766 the South Carolina government funded a survey expedition comprised of Indian Department officials, leaders from the back-country

⁵⁵ Alden, *John Stuart, 176-191*; DeVorse, *The Indian Boundary*, 129; A Talk from the Cherokee Nation, Concerning Land Cessions and Boundaries in the Carolinas and Virginia, October 1765, CO 5/66.

settlements near Long Canes, and a pan-Cherokee delegation. The group collaboratively surveyed the border with each group marking it in ways that legitimized it within their own cultural traditions. The Cherokee demarcated the line by “blazing the trees along its course,” and the British created the first detailed map of the region known as the Pickens map.⁵⁶

By physically marking the land, the expedition created a visible line that shaped and ordered the space. Though the boundary reduced the Lower Towns hunting grounds from the 800-1200 square-miles available during the 1750s to less than 400, its presence assured Cherokee people that British settlement would no longer encroach in unpredictable and progressively more proximate patterns—settlement would occur on the colonial side of the line. By surveying and mapping the boundary’s location, the British could publicize its exact location to both colonial administrators and settlers. In commissioning local surveyors to measure and draw the line, the British ensured that the colonial government would no longer issue plats and grants for land beyond the boundary. If new settlers attempted to legally claim lands beyond the line, they would find it difficult to obtain plats signed by local deputy surveyors who now understood the precise location of boundary and were prohibited from surveying beyond it.⁵⁷

Conclusion

⁵⁶ Letter from John Stuart to the Earl of Halifax Regarding Indian Affairs, August 24, 1765, CO 5-66, Certificate from Cherokee Chiefs Who Assisted Mr. Cameron in Running Out the Boundary Line, October 29, 1764 - September 13, 1766, CO 5-66; DeVorsey, *The Indian Boundary*, 126-138.

⁵⁷ S. Max Edelson, *The New Map of Empire: How Britain Imagined America before Independence* (Cambridge: Harvard University Press, 2017), 170-173.

Tensions between the Cherokee and British culminated into violence at Long Cane Creek because each group possessed a different and complex set of beliefs and practices for using land and exerting dominion over its boundaries. The Cherokee maintained large tracts of territory beyond their core settlements for seasonal hunting. They controlled boundaries and land use through occasional warfare and by negotiating shared uses such as easements. Comparatively, the British used a legal system that depended on written documents and maps to define boundaries and controlled borders through occupation, enclosure, and cultivation. Land that appeared to Europeans as unoccupied or ungoverned, known as *terra nullius*, represented available property for assimilation into British sovereignty.⁵⁸

Colonial contexts, however, presented these systems of land use with unprecedented challenges. Over the course of the eighteenth century, British officials recognized that encroachment onto seemingly unoccupied lands resulted in violent confrontations with Native peoples and began appropriating land through deeds and treaties. Both settlers and average Cherokee people either did not agree with or did not understand these terms. Cherokee headmen who conducted negotiations with the British interpreted the character of the transaction in their own cultural terms—as shared use agreements, but soon found their hunting grounds filled with permanent plantation settlements. Attempting to control the limits of their hunting grounds, young Cherokee hunters targeted settlers and their livestock. Comparatively, settlers arriving in the backcountry drove into seemingly unoccupied regions with ill-defined borders and saw no legal or cultural reason that they should not occupy and enclose “empty” land. The

⁵⁸ Barr, “Geographies of Power,” 5-46; Greer, “Dispossession in a Commercial Idiom,” 72-80; Banner, *How the Indians Lost Their Land*, 1-50.

British institutional capacity to acquire, define, and controlled their own borders soon became overrun by settler expansion into previously unsettled regions.⁵⁹

Contemporary Britons believed the Cherokee attacked settlers at Long Canes without provocation and viewed the targeting of families as evidence of Native savagery. Modern historians explain the attack by blaming settlers for “illegally” crossing a British drawn boundary and refrain from analyzing the use of violence against non-military actors. More than just a simple encroachment beyond an imagined line, the unabated movement of permanent plantation settlements onto hunting grounds caused the Cherokee to believe that their sovereignty was under attack. When Cherokee warriors and backcountry settlers fought on the morning of February 1, 1760, each group had valid reasons to believe their claims to land in the region were legitimate and both had compelling reasons to imagine themselves unfairly victimized by the other group.⁶⁰

The settlers perceived themselves the innocent victims of unethical violence because they possessed legal documents from their government giving them full rights to their homesteads, had done nothing militarily to provoke the Cherokee, and were not a military formation. This thinking, however, reflected European cultural understandings of land use and warfare. Within Cherokee culture, settler disruption of the hunting grounds combined with British refusal to address Cherokee grievances gave young Cherokee men acceptable reasons to declare war. They executed the attack on the Long Canes settlers as part of a larger strategic military campaign to reassert dominion over their territory and the practice of targeting non-military actors was within the acceptable range of

⁵⁹ Greer, “Dispossession in a Commercial Idiom,” 72-80.

⁶⁰ Invasion of the Perfidious Cherokees and Remains of Long Canes Settlers, *SCG*; DeVorsey, *The Indian Boundary*, 117.

contemporary Native military practices. This lived experience, in which both groups could simultaneously and justifiably believe themselves victims, demonstrates that the escalation into violence during cross-cultural borderland negotiations in colonial settings cannot be explained with the aggressive-settler narrative. Borderland actors, colonial officials, Cherokee headmen, and average Cherokee people brought different inherent cultural expectations to the table when they participated in cross-cultural negotiations. Left unarticulated, these differences precipitated material and political conditions for people from both groups that led to the initiation of violence.⁶¹

Deconstructing and comparing Cherokee and British conceptions of land use demonstrates that the escalation of tensions into warfare happened as part of a larger colonial process in which both groups struggled to reconcile their historic methods for controlling geographic space against unprecedented challenges. To more fully understand what European settlement meant to Native peoples, Daniel Richter memorably called for historians to look over the shoulder of a native woman facing east. It may be suggested that to more fully understand colonial spaces, historians should face both directions.⁶²

⁶¹ For more on Native warfare see Daniel K. Richter, "War and Culture: The Iroquois Experience," in *The William and Mary Quarterly*, Vol. 40, No. 4, (1983), 528-559.

⁶² Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, Mass., 2003).

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