Failing to Profit from Genocide:
How Georgia Facilitated, but Failed to Reward, the Pony Club
as a Method of Cherokee Removal

Valerie R Craft
US Southern History
Spring 2016

In the early days of statehood, much of the land belonging to Georgia was occupied by Native American tribes. As the state expanded over the following decades, it took possession of those land through questionable treaties and laws that eliminated the rights of Indians, all while working quickly to fill its boundaries with white settlers. Though the state faced opposition over the legalities of the treaties, they continued to populate their new lands through a series of Land Lotteries, in which it seemed just about any white resident of the state could win land. During the 1832 Land Lottery, in which the land that once belonged to the Cherokee was distributed, some specific groups of citizens which were explicitly excluded from winning land. Most of these groups are easily definable, but one is a bit more ambiguous: the Pony Club, a very large organized group of horse thieves which flourished in Carroll County, Georgia. The state passed laws and used other legal means to expel the Cherokee, while understanding that these actions also created an environment that facilitated the Pony Club’s work as an illegal method of driving the Cherokee west. Although never directly praised or punished, once the job was done the Pony Club would be barred from the ultimate reward won from the Cherokee: their land.

This paper will show that Georgia’s greed for land and the United States Government’s flip flopping support created confusion and opportunity for those willing to follow in their government’s lead and take advantage of the situation. The Cherokee people, who had taken steps to create their own laws and government, were systematically stripped of their sovereignty
and left vulnerable by a state that was trying to remove them. The Pony Club was able to take advantage of this situation and operated on the border of Georgia and the disputed Cherokee Nation. The state government’s actions, and inaction, indicate that they condoned the Pony Club’s activities and used them to their advantage. The state’s only negative response to the Pony Club appears to be excluding them from the 1832 Land Lottery.

Research into Indian Removal in Georgia has covered many viewpoints, from that of the Native American Tribes, to the State Governments and Federal Government, each with its own motivations and arguments. Today, most students first learn of the Cherokee removal through the sympathetic viewpoint of the Cherokee and the Trail of Tears. This narrative paints President Andrew Jackson and the government as villains, taking advantage of a lesser civilization and sending them on a death march west. In fact, the Trail of Tears is more of a culmination of a long history of struggle between first the American colonist and later the United States Government and their dealing with Native Americans. Research in this area has also focused on the never ending argument over States Rights versus the power of the Federal Government, with the Federal Government often evolving and changing sides on the issue. The argument over the sovereign rights of Native Americans can also be seen in the waring historical viewpoints, which contend that Natives were savages in need of white Christian guidance and underusing their lands, or of that in which the governments were illegally stealing land while casting the native peoples out into the wilderness under inhuman conditions. Research on the Land Lotteries has focused more on the citizens of Georgia than on the Indians whose land they moved on to, the winners and how they grew the state, and the attempts to avoid corruption with the lottery system.
Native Americans had been urged by the Federal Government to “civilize” themselves for a number of decades, with the understanding that doing so would lead to acceptance by the white man. The Cherokee, more than any other Indian tribe, had worked toward this goal. They formed a government, built and lived in towns, cultivated farms, owned slaves, created a written language, and published a newspaper. The Cherokee success at “civilizing” could also been seen in day to day life. Statistics from the 1835 Census of the Eastern Cherokee show that almost 94% of households were utilizing their land for the purpose of agriculture, while around 8% of Cherokee households owned slaves. Evaluation of crop production enumeration shows that a majority of Cherokee households throughout the Southeast were self-sufficient and, when measured on a per capita basis, were equally as successful at farming their land as white settlers would be at farming the exact same lands decades later. Many of the white settlers who won or purchased land in the 1832 Land Lottery, which redistributed the Cherokee’s land, would be moving onto fully working farms of the same quality seen in towns throughout white Georgia.

Despite obvious proof of these improvements in the census and through the work of surveyors, white politicians often portrayed the Indians as hunters and gatherers, arguing that the fertile land was going unused except for the “idle ambition of the chiefs, [and] must be placed in the possession of actual cultivators of the soil.” Georgia wanted the land for their own purposes, which included many benefits beyond farm land. After having conducted a series of lotteries by the 1830s, the state understood that there were many ways in which the system helped to support the economy and its citizens: the state earned money through grant fees which the “fortunate drawers” were required to pay to receive their land, through taxes on settlers, increased infrastructure, and the mineral wealth the land contained. Citizens earned money by selling their winning lots or successfully settling them, while businesses found increased opportunities for
lawyers, surveyors, court clerks, and brokers, who assisted those buying and selling land lots, as well as by publishing records from the original surveys which included information on Cherokee improvements made on the lands and which made those lots more valuable. Not only the state, but the people of Georgia as well, understood these benefits. If the state portrayed the Cherokee as squandering these opportunities, it could only help to encourage public opinion toward Removal.³

Along the same line of thought, Georgia and other states encouraged public support of the taking of Indian lands through the argument of the European right of “discovery.” When the white man arrived their right to land ownership in North America trumped that of the natives. This belief was supported by an 1823 Supreme Court ruling which decreed that Natives could live on the land, but lacked the sovereignty to own it as independent nations. These rulings and beliefs subjected the indigenous people to mercurial white laws, which often changed to support the US Government. Throughout the United States, treaties would be made with Indian tribes, sometimes to be upheld or at other times declared invalid, and then at a later date were simply ignored and broken. This became a cycle which created an unpredictable atmosphere which lead to confusion and political strife. The 1825 Treaty of Indian Springs, for example, was signed by President Adams only to be declared invalid due to corruption and replaced with the Treaty of Washington the following year. A battle of words and surveyors was then waged over the right of the state and their “old” treaty to move forward and cultivate the land, and the national government and their “new” treaty and its slightly more restricted concessions. Less consideration was given to the rights of the Creek Indians who had signed the Treaties, or to the corruption involved in the signing of both.⁴
After the enactment of the Treaty of Washington, the Cherokee were the only remaining Indian tribe in the state of Georgia. Still attempting to “civilize” and retain their land, the Cherokee formed their own government and set their capital at New Echota. With the creation of their constitution, they enacted a legal and judicial system that resembled that of the whites, which they implemented throughout their territory over both Indians and white settlers. The state of Georgia’s policies and legal interpretations had evolved over the years, into one in which they did not enforce state law within Cherokee land, which left both Indians and whites vulnerable. After year of abuse stemming from these policies, the Cherokee sought to use European legal tactics to declare and defend their sovereignty. Georgia reacted by passing laws to undermine the new Nation and move toward complete Indian removal in the state. In 1829, Georgia passed a series of acts regarding Indians which: divided up the Cherokee Nation into districts subject to the oversight of adjacent Georgia counties, nullified any laws enacted by the Indians, made it illegal to “prevent, or offer to prevent, or deter any Indian” from selling their land to the State, or to try to prevent them from emigrating, or to kill an Indian because he chose to emigrate. Finally, section fifteen of these acts stated:

“No Indian or descendant of any Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness, or a party to any suit, in any court created by the constitution or laws of this State, to which a white man may be a party.”

Altogether, these laws worked to strip the newly formed Cherokee Nation of any autonomy or sovereignty, and placed individual Indians in a situation where they lacked any legal rights whatsoever. Aside from the right to leave the state, that is. These laws could then be combined with others to make the lives of the Cherokee even more difficult and vulnerable to their white neighbors.
The case of The State of Georgia v John Saunders is an example of how these laws left the Cherokee Nation vulnerable to their white neighbors. In November of 1829, the Athenian, a newspaper out of Athens, Georgia, reported on the case of John Stanval, a Habersham County resident who was captured and convicted of horse theft in the Cherokee Nation. There he was tried, convicted, and received a sentence of 50 lashes of a possible 100. In response, Judge Augustus Clayton issued warrants of arrest for Cherokee who carried out the sentence, under the charge that they did not have the legal authority to do so. Clayton cited the 1828 laws, as well as earlier laws, which he interpreted to say that criminal offenses committed in Indian territories, by or against Georgia citizens, would be adjudicated in the counties which held legal dominion over them. The argument for this was, in part, one of double jeopardy: that a citizen of Georgia should not be subject to two sets of conflicting laws and the possibility of two different punishments. At the same time, Clayton stated that the laws were “not intended to reach to cases where Indians alone were concerned.” This interpretation of state law created a situation in which the Cherokee people had no right to create laws in their own territory and had no rights in the courts of the state. How then could they persecute Georgia citizens who committed crimes against them? It was possible that state officials might do so on behalf of the Indians, but what would be the outcome when the Indian could not testify in court? Ultimately, they were left vulnerable to any crime committed against them. It is in the environment that the Pony Club thrived in Carroll County, Georgia.6

Reports of the Pony Club (sometimes Poney Club) were seen in newspapers throughout Georgia and as far away as Philadelphia, Washington DC, and New York City. The Southern Advocate reported on the Pony Club in September 1828, telling of a group of men who had joined together to steal horses and other livestock, and who used their proximity to the Cherokee
Nation to escape penalty. The *Cherokee Phoenix* carried that column and in 1829 reported on the group again, in which they were accused of shooting and killing horses and livestock, perhaps under the direction of the state. The writer queried whether, “the most expeditious way to remove us would be to let loose such a community upon us. But would it be honorable for the State of Georgia to effect her purpose in this manner?”

In May of 1830 the recently enacted laws eliminating any remaining Cherokee sovereignty took effect, and the *Phoenix* lamented that,

> “the future is but darkness. One thing we know, there will be suffering. The Cherokees will be a prey to the cupidity of white men- every indignity and every oppression will be heaped upon them. They have already undergone much, when the time is merely in anticipation, how will it be when full license is given to their oppressors?”

The column then detailed a story about a Cherokee man named Hog, who owned land and livestock on the edge of the Cherokee Nation. Reportedly, Hog and his wife were approached by four white men with an insulting offer for his horse. After the offer was rejected, the white men attacked the Indian couple, almost killing the woman. The *Phoenix* editors directly entreated readers to see how the recently enacted Georgia laws created an environment that lead to this situation. As a Cherokee, Hog and his wife had no laws in their nation to protect them, and no rights under state law which would allow them to press charges.

Letters written by George Gilmer, Governor of Georgia, indicate that the state believed, or at least represented themselves to believe, that they were doing all that they could to protect the Cherokee from white aggressors. In a letter dated 13th of April 1831, Gilmer reported that a guard stationed in the Cherokee Nation “has been directed specially to bring to trial every white man, who in any manner commits an injury upon our Cherokee population,” and that the Cherokee people are “far better protected than they have been heretofore.” However, the
Governor almost immediately contradicts himself only a few sentences later when he writes that the “principal object” of the guard was the removal of specific whites who supported Cherokee claims of sovereignty. Or in other words, whites who “have been engaged in exciting the Indians to sedition.” The state required all remaining whites to take a pledge to the state in order to remain among the Cherokee. In another letter, dated the 20th of June 1831, Gilmer reports that the guard has been successful in protecting the territory’s gold mines, preventing the Cherokee government and law officers from fulfilling their duties, and removing all whites who support the Cherokee. There is no mention of the Pony Club or arrests of whites who assault the Cherokee, though we can see from newspaper reports that the gang is active between 1828 and 1834. The Governor reports on white missionaries by name, who are removed for their support of the Indians, but does not report on any specific case of criminals being removed.9

An article in the *Macon Telegraph* would seem to give support to the *Phoenix*’s claims, rather than the Governors. They reported that due to their large numbers, members of the Pony Club have been able to elect themselves into law enforcement positions of Carroll County, Georgia, in order to facilitate Pony Club thefts. Reportedly, the club had even become so successful that it had attracted criminals from other states to join the group. It would seem that if this were true, and a number of other reports give similar facts, that the state government could have utilized the guards stationed in the area to put an end to the violence. This does not appear to take place. One possible reason for a lack of protection for the Indians can be seen in a newspaper article found in a New York newspaper article: white public opinion. The *American*, which sympathizes with the Indians, reports on an event that took place in Alabama in 1833. They tell the story of a white man named Owens who repeatedly entered Indian lands to rob the natives, and who was eventually shot and killed by US soldiers. The public reaction was
reportedly one of condemnation for the soldiers, labeling them cold blooded murderers. Another article taking the opposite view was published in DC’s United States Telegraph, and illustrated the problems created by state laws for the Cherokee. Much like Georgia, the article stated that “the laws of Alabama do not recognize the right of Indian Chiefs to govern that country,” then went on to ask if there was ever any justification for a “Deputy Marshal of the U. S. in arresting a free citizen for an alleged assault upon an Indian Chief?” From the way this case was portrayed in the newspapers, there is an apparent lack of support for the rights and protections of the Indians while a white man, when committing crimes against an Indian and with much evidence given against him by another white man, is given the benefit of both public and legal opinion.10

Although many newspaper reports condemn the Pony Club, they most often did so when their crimes were against white victims and did not list members by name. As seen through the situation with Owens, and through the lack of the Club’s mention in letters from Governor Gilmer, there is little censure against the Pony Club from the general public or the government. Through the state’s lack of action against them, they were encouraging the Club to continue. And why should the government of Georgia attempt to stop or arrest members of the Pony Club? As the Cherokee Phoenix accused, their activities were helping to drive out the Cherokee.

In October of 1830, the Georgia legislature passed the acts that would oversee the 1832 Land Lottery. Here, we see the state take a stance against the Pony Club for the first time. The act governing the Lottery stated that those associated with the Club were barred from winning land in the lottery. This was likely only a token gesture however, as it has been shown that no effort was taken by the state to arrest Pony Club members and newspaper articles did not list them by name. If a member attempted to place their name in the lottery, who would stop them?
The state did not seem to be under much pressure to punish these men, and their role was usefulness was at an end. As lottery winners were announced, they soon took over the role of the Pony Club, though in a more civilized way. Horse thieves were replaced by “legal” settlers, who flocked to see their new land. There were reports of whites requesting help from the Cherokee, asking for directions to specific districts and boundary lines while they “closely view the marked trees and carved posts” left by surveyors. The law required that land with improvements, and were thus home to the Cherokee residents, were not to be claimed until 1838. Many of these improvements had not been recorded, which allowed the new white owners to take possession immediately. It is unclear whether the lack of recorded improvements later found restricted white settlers or not, but even an influx of white neighbors and the inevitable conflict would result in more pressure for the Cherokee to move.¹¹

More than anything else, Georgia wanted to remove Native Americans from within its borders in order to make room for white settlers and the profits they would provide. The state worked legally, passing laws and signing treaties, as well as within less legal means, by facilitating and declining to halt the actions of the Pony Club. Although the state did deny members of the Pony Club from winning land in the 1832 Land Lottery, little had been done to officially identify them and thus keep them from winning, while many of the men already held prominent positions in the area and were likely to benefit just as well without officially winning a land lot.
Bibliography

Primary Sources

Published Sources


Newspapers

*American* (New York, New York), 1833
*Athensian* (Athens, Georgia), 1829
*Cherokee Phoenix* (New Echota, Georgia), 1828-1830
*Georgia Journal* (Milledgeville, Georgia), 1830
*Macon Telegraph* (Macon, Georgia), 1832
*United States’ Telegraph* (Washington, DC), 1833

Secondary Sources

Monographs


Articles


**NOTES**


8 *Cherokee Phoenix* (New Echota, Georgia), 1830 May 29, p. 3, “New Laws take effect over Cherokee and the story of Hog.”

