

NATIONAL HISTORIC LANDMARK NOMINATION

NPS Form 10-900

USDI/NPS NRHP Registration Form (Rev. 8-86)

OMB No. 1024-0018

FORT MITCHELL

Page 1

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

1. NAME OF PROPERTY

Historic Name: FORT MITCHELL

Other Name/Site Number: Fort Mitchell Site (1Ru102)

2. LOCATION

Street & Number: 1/4 mile east of Alabama Route 165

Not for publication: X

City/Town: Phenix City

Vicinity: X

State: Alabama County: Russell Code: 113

Zip Code:

3. CLASSIFICATION

Ownership of Property

Private: \_\_\_
Public-Local: X
Public-State: \_\_\_
Public-Federal: \_\_\_

Category of Property

Building(s):
District:
Site: X
Structure:
Object:

Number of Resources within Property

Contributing

7
7

Noncontributing

\_\_\_ buildings
\_\_\_ sites
\_\_\_ structures
\_\_\_ objects
0 Total

Number of Contributing Resources Previously Listed in the National Register: 7

Name of Related Multiple Property Listing: N/A

**FORT MITCHELL**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**4. STATE/FEDERAL AGENCY CERTIFICATION**

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this \_\_\_ nomination \_\_\_ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register Criteria.

\_\_\_\_\_  
Signature of Certifying Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
State or Federal Agency and Bureau

In my opinion, the property \_\_\_ meets \_\_\_ does not meet the National Register criteria.

\_\_\_\_\_  
Signature of Commenting or Other Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
State or Federal Agency and Bureau

**5. NATIONAL PARK SERVICE CERTIFICATION**

I hereby certify that this property is:

\_\_\_\_\_

- Entered in the National Register
- Determined eligible for the National Register
- Determined not eligible for the National Register
- Removed from the National Register
- Other (explain):

\_\_\_\_\_  
Signature of Keeper

\_\_\_\_\_  
Date of Action

**FORT MITCHELL**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**6. FUNCTION OR USE**

|           |   |      |  |
|-----------|---|------|--|
| Historic: | Defense<br>Government<br>Commerce/Trade<br>Transportation | Sub: | Military Post<br>Indian Agency & Factory<br>Tavern<br>Federal Road |
| Current:  | Landscape   | Sub: | County Park  |

**7. DESCRIPTION**

Architectural Classification: N/A

Materials:

Foundation:

Walls:

Roof:

Other:

**FORT MITCHELL****Page 4**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**Describe Present and Historic Physical Appearance.**

**Site Type:** The Fort Mitchell property consists of the archeological sites of two early nineteenth-century palisaded military forts (established 1813 and 1825), the Creek Trading House or Factory (1817-1820), the Creek Indian Agency (1821-1832), the Thomas Crowell Tavern (ca. 1825), two historic cemeteries containing the graves of individuals who lived at Fort Mitchell, the remains of the Federal Road (1811), and associated Creek village.

**Environmental Setting:** The two Fort Mitchells, and associated sites, are located on a prominent sandy knoll approximately three-quarters of a mile west of the Chattahoochee River. This area, known as the Chunnenugge Hills, is made up of a series of sand hills which developed on the Bluffton and Ripley Formation in eastern Alabama.

The topography of the Fort Mitchell area is dominated by a chain of hills that form small plateaus with steep and eroded sides. Soils in the upland area are grouped under the Dothan-Fuquay-Wagram Association and are characteristically deep, well-drained, sandy loams. Within this region of Alabama the natural vegetation is dominated by oak-hickory-pine forest which includes butternut, mockernut, and pignut hickories, white oak, northern and southern red oak, and loblolly pine and shortleaf pine (Morgan 1983:3-4).

**Historical Background:** The Fort Mitchell area became the focus of United States and Lower Creek Indian relationships due to its strategic position at one of the few good river crossings along the Chattahoochee River. All overland traffic from Georgia into what is now Alabama crossed the Chattahoochee at this point (Morgan 1983:10). Originally an Indian trading path, the crossing was approved in 1805 by Congress to be upgraded to a Federal Road, which was completed in 1811. The Federal Road began in Augusta, Georgia, ran through Fort Hawkins (present-day Macon, Georgia), on to Fort Mitchell, and finally terminated at Mobile, Alabama (Chase 1974:28).

The movement of white settlers over the Federal Road and on to Creek lands resulted in increasing friction between the two groups. Creek leaders such as William Weatherford (known as Red Eagle) secured military stores from the British, and their Spanish allies, in West Florida. The conflict, which first began as an internal Creek civil war and later an attempt to stop American settler encroachment, developed into the First Creek Indian War (Owsley 1981; Cottier and Waselkov 1985). This war lasted for nearly two years and ended with the defeat of the Creeks at the Battle of Horseshoe Bend, on March 27, 1814 (Caruso 1963:322).

During the First Creek Indian War, the first Fort Mitchell was constructed by the Georgia militia, in November 1813, under the command of General John Floyd (Chase 1974:3; Morgan 1983:11). From this post, Floyd conducted two raids against the Creeks in eastern Alabama. In a letter dated December 18, 1813, from Floyd to General Andrew Jackson, he described his campaigns and "... that he had established a strong stockade fort defended by blockhouses ... on the west side of Chathouchie (sic)" (Chase 1974:3). Floyd named Fort Mitchell for the Governor of Georgia David Brydie Mitchell.

By February of 1814, the enlistments of the Georgia militia expired and Floyd's command abandoned Fort Mitchell. The Georgia troops were replaced by other militia and regular troops, such as, the Carolina Brigade and the 3rd United States Infantry. Throughout the First Creek Indian War, Fort Mitchell was never the scene of any major engagement, but remained a safe haven for units which functioned in eastern Alabama (Chase 1974:3-4; Morgan 1983:11). It also provided a haven for refugee Creeks. It was reported in July of 1814, that 1774 Indians were under white protection at Fort Mitchell (Jackson Papers, 1814).

**FORT MITCHELL****Page 5**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

The Treaty of Fort Jackson, ending the First Creek Indian War, required that the Creek “Indians were to be settled in an area delineated by Line Creek on the west and the Chattahoochee on the east” (Chase 1974:4). Because of Fort Mitchell's convenient position along the Federal Road, in the newly established Creek Territory, the abandoned fort site was selected as the location for a Indian Trading House or Factory in 1817 (Chase 1974:4).

The first and only government trader or factor at Fort Mitchell was Major David Hughes. Hughes ran the factory from 1817 to 1820, but was finally forced to sell it to the Creeks, because he was unable to show a profit (Morgan 1983:11). The Indian Factory site is located just north of the 1813 Fort Mitchell site (figure 2).

The government replaced the factor with an Indian Agent, in 1820. The first agent was Fort Mitchell's namesake and ex-governor of Georgia, David B. Mitchell. Mitchell, however, was forced to resign his office in March of 1821 (Morgan 1983:12). Colonel John Crowell became the second Creek Indian Agent, and remained in that position until the agency was closed in 1832 (Morgan 1983:12). Crowell established the Creek Indian Agency north of the Federal Road and just west of the 1813 Fort Mitchell. A short time later, John's brother, Thomas Crowell built a post office and tavern between the two (figure 2) (Chase 1974:4; Morgan 1983:12).

In 1825, the Crowell's entertained the Marquis de Lafayette party during his tour of America. Lafayette's secretary, Lasseur Lasseur, noted that there were “a hundred Indian houses” at Fort Mitchell, in addition to the agency, and service buildings put up by the Crowell brothers. No mention of the 1813 Fort Mitchell is found during the time of the Indian Factory (1817-1820), so it is now believed that the Creeks living there converted the palisade walls and blockhouses of Floyd's fort either into house posts or firewood, so that by 1825, no above ground remains of the first Fort Mitchell existed (Chase 1974:5).

Shortly after the Lafayette party left the Fort Mitchell agency, the government regarrisoned the site, in response to an outbreak of violence between the Creeks over the Treaty of Indian Springs, which ceded all Creek lands in Georgia. In order to maintain peace, four companies of the 4th Infantry Regiment began construction of the second Fort Mitchell, on the site of the first fort (Chase 1974:4; Morgan 1983:13).

A visitor to Crowell's tavern in 1836, Jacob Rhett Mott, described the 1825 Fort Mitchell as “... a square formed by pickets 12 feet high with a blockhouse at diagonal corners” (Chase 1974:4-5). Prior to the archeological investigations at Fort Mitchell, in 1971, it was widely believed that the 4th Infantry Regiment simply reconstructed Floyd's 1813 fort. In fact, the archeological work showed that the second Fort Mitchell was smaller than the first, and built inside the perimeter of the 1813 fort (figure 3) (Chase 1974:4-5).

The Fort Mitchell constructed in 1825, was garrisoned by a variety of regular Army units, marines, state militias, and friendly Creeks, while they attempted to maintain peace between the Creeks and American settlers (Morgan 1983:14). Following the signing of the Treaty of Cusseta, which granted the Creeks land in the west in return for all of their holdings east of the Mississippi River, in 1832, the Creek Indian Agency was closed, by the administration of President Andrew Jackson (Morgan 1983:14-15). Fort Mitchell later became the Headquarters of the Army of the South and also the facility to hold Creek Indians prior to their shipment west. Creek removal began in 1836, and was completed by 1838 (Green 1982; Morgan 1983:16).

After 1838, Fort Mitchell had outlived its usefulness. It was abandoned by the military in 1840, and the property was sold to the former Creek Indian Agent, John Crowell, who constructed a plantation some distance north of the Fort Mitchell area (Chase 1974:7; Morgan 1983:17). John Crowell, his family, and some of the soldiers and Indians who lived at Fort Mitchell are interred in two cemeteries in the Fort Mitchell area.

**FORT MITCHELL****Page 6**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**Archeological Investigations:** The first investigation of the Fort Mitchell area was by Mr. Peter A. Brannon, in 1915. As the Directory of Military Records Section of the Alabama State Archives and History Department, and a native of Russell County, he compiled an inventory of historic places in the area. He took the only photographs of surviving structures associated with Fort Mitchell, which shows several building surrounded by a split rail fence and identified at "The Indian Agency." No mention was made by Brannon of any remains of the Fort Mitchell structures of 1825, so we may assume that they were not extant by 1915 (Chase 1974:8). Today, the Indian Agency structures are also gone.

The first archeological testing of the site began in the fall of 1957, when Mr. David W. Chase and Richard Lerner uncovered a large trash pit along a slope of the Fort Mitchell area north of the fort site. The pit yielded early nineteenth-century artifacts, such as English Staffordshire wares (Pearlware, Blue Shell-Edged, Transfer printed, and underglazed painted wares). Also found were white kaolin pipe fragments, iron nails, glass bottle fragments, gunflints, and military buttons of the Fort Mitchell period 1813-1840 (Chase 1974:8).

The only major excavation of the site took place between July and August of 1971, under the direction of Mr. Chase, after the property had been acquired by Russell County. The excavations were to determine the integrity of the archeological remains of the fort in preparation for public interpretation of the site.

Archeological operation began with the opening of a 70 foot long by 5 foot wide trench that uncovered the south palisade of the 1825 fort. In the palisade line were found the butt end remains of the white pine logs. The logs were 9-10 inches in diameter. Also found were brick chimney remains from this fort (Chase 1974:9).

Expanding the excavation trench to the south, a second palisade line and outer defensive ditch line were uncovered from the 1813 Fort Mitchell. At this point the excavators realized that there were two Fort Mitchells on the site, one inside the other (figures 3 and 4) (Chase 1974:9).

The crew uncovered the entire southwest bastion of the 1825 fort (figure 4). They found indications in the form of charred wooden remains that the bastion had burned (figure 5). It had apparently served as a storehouse for military goods as numerous musket and pistol lead balls, gunflints, and military buttons were found (Chase 1974:10-11). In addition, the excavation located and excavated the 1813 period magazine and portions of the 1813 northeast bastion (figure 6) (Chase 1974:12-13).

The 1813 magazine was located outside the east wall of the fort and measured twelve feet square, with sides constructed of heavy logs, 8-15 inches in diameter, and partially dug into the ground. Chase found artillery buttons, window glass, grape or canister shot and lead musket, pistol, and buckshot, which coupled with architecture indicates its use as a magazine. It is believed that this magazine was constructed by the 1813 occupants for storage of powder and shot for their cannon and muskets. Later it collapsed and was used for a refuse dump for the 1825 occupants of the fort.

Overall, the excavations confirmed the general historical descriptions of both forts being palisaded with two bastions, or blockhouses, on diagonal corners. However, the excavations identified two distinct constructions for two different Fort Mitchells. The first fort (1813) was a large palisaded fort 250 feet in length on its east-west axis and 135 feet in width on its north-south axis. The blockhouses located at the northeast and southwest corners of the fort were made of stacked logs set in slot trenches, rather than upright palisades. Around the entire fort was an outer defensive ditch extending 20 feet beyond the fort (Chase 1974:12-13).

The second Fort Mitchell was only 80 by 70 feet with no outer ditch. It was placed entirely within the first fort.

**FORT MITCHELL****Page 7**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

The palisade and bastions were constructed entirely of upright pine logs. Structures inside the fort were permanent wooden buildings with brick chimneys.

The artifacts found in this excavation mirrored those found in the 1957 testing of a trash pit. Along with early nineteenth century English ceramics, Chase found coins, trade silver ornaments, grape or canister shot, iron spikes, military accouterments, lead shot for muskets and pistols, and Indian ceramics (figures 7-9). The Indian pottery dated from 1817-1836 and was typed as Ocmulgee Fields ware, "... a plain, smooth ware - sometimes painted red; a brushed ware; and more rarely, an incised ware. All types related to either late 18th or early 19th centuries" (Chase 1974:9).

Chase noted in his excavation report that to the south of the fort site was a "Y" shaped depression running eastward. This gully and the fork which formed the "Y" are interpreted as being the trace of the original Federal Road (1811) which leads from the river past the fort with one branch turning northwest toward the west wall of the palisaded wall where the main gate of the 1825 fort was located. Chase's work (1974), and later work accomplished by Morgan (1983), indicated the presence of the Indian Agency, Creek Indian Factory, and the Crowell Tavern north of the Federal Road, and west of the site of the two Fort Mitchells. No testing or excavation was conducted on these sites (figures 2 and 3).

Fort Mitchell and its associated sites represent a time period (1813-1840) that is of great interest to both the historian and the archeologist alike. The archeological remains pertaining to this period, within the Fort Mitchell area, constitute an important source of information concerning the relations between a young expansionist nation and a Native people seeking to retain their land and their way of life.

**Site Integrity:** Since the Fort Mitchell site was listed in the National Register, in 1972, the Russell County government has partially cleared the pine trees off the site of the two Fort Mitchells (figure 10). They have also maintained the two cemeteries, and have constructed a paved drive through the park.

The Creek Indian Factory site, the Creek Indian Agency site, and the Crowell Tavern site, are intact in areas away from the interpreted area of the forts. There is evidence of vandalism and pothunting activities within the Fort Mitchell area, but sufficient integrity remains.

**FORT MITCHELL****Page 8**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**8. STATEMENT OF SIGNIFICANCE**

Certifying official has considered the significance of this property in relation to other properties:  
 Nationally: X Statewide: \_\_ Locally: \_\_

Applicable National  
 Register Criteria:           A X B \_\_ C \_\_ D X

Criteria Considerations  
 (Exceptions):               A \_\_ B \_\_ C \_\_ D \_\_ E \_\_ F \_\_ G

NHL Criteria:               **Criteria 1 and 6**

NHL Theme(s):

Areas of Significance:       **Archeology (Historic-Aboriginal and Historic-Non-Aboriginal)**

Period(s) of Significance:   **A.D. 1811-1838**

Significant Dates:           **1813, 1817, 1820, 1825**

Significant Person(s):       N/A

Cultural Affiliation:         **Historic Creek, American Government & Military**

Architect/Builder:          N/A

Historic Contexts:           **I. CULTURAL DEVELOPMENTS: INDIGENOUS AMERICAN POPULATIONS**

**D. Ethnohistory of Indigenous American Populations**

**3. Varieties of Early Conflict, Conquest, or Accommodation**

**b. Forced and Voluntary Population Movements**

**X. WESTWARD EXPANSION OF THE BRITISH COLONIES AND THE UNITED STATES, 1763-1898**

**C. Military-Aboriginal American Contact and Conflict**

**1. East of the Mississippi, 1763-1850s**

**FORT MITCHELL****Page 9**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

**State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.**

**Summary Statement of Significance:** The Fort Mitchell area, consisting of the archeological remains of the two Fort Mitchells (1813 and 1825), and associated sites, represent the archeological remains of three different attempts to deal with Native Americans in the Southeast United States. The first Fort Mitchell (1813) represents the military aspect of Manifest Destiny, by which the powerful Creek Indian Nation was militarily defeated, and forced to make concessions of land to the United States. The site of the second Fort Mitchell, and the associated Creek Indian Factory, Creek Indian Agency, and Crowell's Tavern sites; represent the Federal government's attempt to live up to its treaty obligations with the Creeks to protect their lands from further encroachment by American settlers. This attempt to exercise Federal Authority to protect the Creeks was met with a hostile reaction by State governments and local groups who believed that States' Rights were being thwarted by this Federal action. The second Fort Mitchell also represents the third phase of dealing with the Creeks, enforcement of an Indian Removal Policy, as a solution to further enforcing an unpopular military presence at Fort Mitchell to protect Creek interests. The Fort Mitchell area is the only area in the Southeastern United States which commemorated the themes of Manifest Destiny, Federal versus States Rights, and Indian Removal Policy, during the first half of the nineteenth century.

Fort Mitchell is considered nationally significant under National Historic Landmark Criteria 1 and 6 for being an outstanding representation of relationships between the Creek Indians and the United States Government, during the first half of the nineteenth century, and for containing intact archeological resources relating to these events. The Fort Mitchell Site falls under the Themes of Original Inhabitants and Westward Expansion (1763-1898), and the Subtheme of Indian Meets European and Military-Indian Conflicts, respectively.

**Manifest Destiny**

Following the American Revolution, American settlers moved into the new territories beyond the Appalachian Mountains, and east of the Mississippi River, that constituted the early western frontier of the United States. This migration of settlers was stimulated by the construction of roads to the new frontier (such as the 1811 Federal Road, at Fort Mitchell), bounties of free lands given by state and Federal governments to Revolutionary War Veterans, and land speculation. This outward expansion of the United States from the eastern seaboard brought the settlers into conflict with Native American peoples who had a different perception of land ownership and use, than the former.

Southeastern Woodland tribal groups, such as the Creeks, held land in common rather than by the individual. Although they practiced horticulture, they also relied on the environmental diversity of their land to supplement their diet with fishing, hunting, and gathering to make their subsistence adaptation successful. American settlers entering the southeastern frontier, on the other hand, often planted cash crops that required extensive land clearing, damming of streams and rivers, and the destruction of the Native American subsistence environment.

Prior to the beginning of the First Creek War, Presidents Washington, Adams, and Jefferson all made serious attempts to regularize Indian relations by establishing trade treaties with a number of Native American entities, with the avowed intention of persuading these groups to take up

**FORT MITCHELL****Page 10**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

agriculture and stock raising like their white settler counterparts. However, federal efforts to provide the training and material necessary for such a cultural transition usually failed, and in the face of ever increasing American encroachment on Indian lands the government found itself fighting a series of small scale Indian wars beyond the Appalachians and in the Southeast to protect its citizens from Indian retaliation.

One of the most serious Indian threats to the federal government was the First Creek War, which occurred during the War of 1812. As part of a strategy to hamper the United States war effort, British and Spanish agents, in Spanish West Florida, supplied the Creeks with war materials. Many Creek leaders such as Red Eagle (William Weatherford), saw this as an opportunity to stop American encroachment on their Creek homeland. What started as a Creek civil war quickly escalated into a war between the Creeks and Americans. With the Creek assault on Fort Mims, Alabama, on August 30, 1813, the First Creek War started.

The United States had to rely mainly on state militia, and little in the way of federal military stores in pursuing the Creek War, but the overall conduct of the American effort was ably directed by General Andrew Jackson. Throughout the rest of 1813, and early 1814, Jackson defeated the Creeks in a series of battles, while constructing forts and roads within Creek territory to facilitate movement of soldiers and supplies. The First Creek War ended with the Battle of Horseshoe Bend, and with the ensuing Treaty of Fort Jackson the Creeks lost 23,000,000 acres in what is today Georgia and Alabama (Halbert & Ball 1969).

The Fort Mitchell constructed in 1813, was one of a series of military posts built and garrisoned by the Georgia militia who were responsible for applying pressure against the Creeks from the east, while Jackson and his Tennessee militia moved on the Creek homeland from the north. Fort Mitchell is the only extant Georgia militia post site of the First Creek War. The others have been destroyed or their locations are not presently known.

The first Fort Mitchell site (1813) represents the most aggressive type of Manifest Destiny in the southeast, a site designed to militarily subdue Native Americans who would resist loss of their homeland to American settlers. Palisaded garrisons, like Fort Mitchell, were a fairly common and temporary type of construction to house and supply militia troops. However, few of these types of sites have been professionally investigated from a research oriented standpoint.

It is expected that any additional investigation of the 1813 Fort Mitchell could provide specific information regarding the equipment and stores used by a typical southeastern militia unit during the early nineteenth century in the southeast. Lack of standardized equipment, weapons, and uniforms could be representative of a "make do" situation during the First Creek War, when the bulk of the regular army forces were engaged against British forces in the Old Northwest. It could also shed light on the nature of the militia soldiers involved in the conflict in terms of types of foods used, from faunal and floral remains; units involved, from military insignia and buttons; and, the extent to which they were using Indian allies, from the finding of Native American artifacts.

### **Federal Versus States Rights**

The Treaty of Fort Jackson required that the federal government undertake a program of providing a means of subsistence for the Creeks. The first effort, the Fort Mitchell Creek Indian

**FORT MITCHELL****Page 11**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

Factory, was to encourage the trading of furs and animal skins for food and supplies, at a government store. This effort failed as the Creek lands had been reduced to the point that they were no longer profitable hunting grounds for animals.

Unable to make a profit, the factory was closed and replaced by an Indian Agency at Fort Mitchell. The Agency at Fort Mitchell, under Thomas Crowell, attempted to regulated American settlers on Creek lands, and where possible removed squatters from the lands given by treaty to the Creeks. Eventually, however, Crowell was forced to ask for regular army troops to prevent bloodshed between American and Creeks, which led to the construction of the second Fort Mitchell (1825).

Meanwhile, champions of state interests had indignantly denounced federal establishments at Fort Mitchell as encroachments upon state autonomy, and had declared that the states were sovereignties whose constitutional rights were equal to or superior to those of the national government in dealing with Native Americans and their lands. In spite of the best intentions of the Creek Indian Agent, the United States military, and the Creek Indians who sought redress from the federal courts, by 1832, it had become clear that the Creeks were losing their battle to keep their homeland. The Jackson Administration, that favored Indian Removal as the best policy for dealing with the Creeks, acquiesced to the states and closed the Creek Indian Agency in 1832.

To date no archeological investigations have occurred at Indian Agencies or Indian Factory site, or Southeastern area United States military installations, specifically designed to protect Indian rights. Questions concerning the ability to successfully meet the needs of the creeks might be answered by archeological studies. For example, the 1825 notation on the existence of “a hundred (Creek) Indian houses” at Fort Mitchell would indicate that the site has the potential to assess the level of acculturation by those Creeks who lived around the Fort Mitchell area. The level of acculturation could be demonstrated by comparing Euro-American trade items versus Creek material culture from earlier Creek sites with remains recovered from house sites at Fort Mitchell. Such a study could determine how successfully the federal government was in its treaty obligations to maintain and care for the welfare of the Creek peoples.

At the same time, excavation within the second Fort Mitchell would greatly contribute to a better understanding of American military construction techniques for small garrisons during the 1820s. Previous work by Chase has demonstrated the existence of well preserved architectural remains from both Fort Mitchells, including palisade lines, outer defensive ditches, corner bastions, magazines, and internal structures for officers and men.

### **Indian Removal Policy**

The federal government’s inability to regulate the frontiersmen and state and territorial governments, with regard to respecting Native American property rights; and to change the Indian’s way of life, persuaded President Jefferson to seek an alternative solution. The subject was introduced to Congress in 1803, and in 1804 the act organizing the recently acquired Louisiana Purchase included a provision for the exchange of Indians lands east of the Mississippi for lands in the west.

**FORT MITCHELL****Page 12**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

With the election of Andrew Jackson as President, all efforts to treat the Southeastern Native American tribes as sovereign nations, whose treaties bound the federal government to certain protective actions was ended. Instead, Jackson favored total Indian removal from the eastern side of the Mississippi and worked with Congress to pass the Indian Removal Bill of 1830.

In the face of this bill the Creeks appealed to the Supreme Court, which declared the legislation unconstitutional. The Jackson Administration, however, repudiated the Court's decision and accelerated the removal program by closing the Indian Agencies, and forcing the signing of the Treaty of Washington by which the Creeks ceded to the United States all of its remaining land east of the Mississippi River.

Increasingly, the military at Fort Mitchell was forced to take action both for and against the Creeks. In 1833, a postmaster, Hardeman Owens, was accused of cheating the Creeks, and wrongfully taking their lands. Deputy Marshall Jeremiah Austil ordered Owens to leave the Creeks lands, and when the latter refused, troops were called out from Fort Mitchell to remove Owens. While resisting arrest Owens was killed by the soldiers. Alabama citizens were infuriated and demanded that the soldiers be tried for murder. The commanding officer of Fort Mitchell refused to turn over his men to a civilian court. Finally, President Jackson sent the aging jurist Francis Scott Key to Fort Mitchell to negotiate a settlement. The soldiers were never tried and the man who actually killed Owens deserted. The death of Owens at the hands of Federal troops, however, increased anti-Indian sentiment (Owsley 1970).

Despite the pressures put upon them, many Creeks continued to actively resist government attempts at removal. At the same time, incidents of hostile actions between Creeks and American settlers increased throughout 1835, causing southern states to activate militia units to meet the threat of a possible Indian war.

To forestall such a war, President Jackson sent General Winfield Scott, with Major General Thomas S. Jesup as his second in Command, to Columbus, Georgia, in May, 1835. Scott federalized the militia units from Alabama, Georgia and Tennessee to bring them under his control; and along with regular Army troops and friendly Creeks began to implement the removal of the Indians. During part of this campaign, General Scott employed Fort Mitchell as the Headquarters of the Army of the South. Scott's objectives were to suppress hostilities in the Creek country, obtain an unconditional surrender of the Creeks, and to collect, disarm and remove the Creeks to their new western homelands.

In the face of such an overwhelming military force few actual battles were fought, and those Creeks who fought against removal seemed intent on only minor destruction as they left the region to join Seminole and Creek groups in Florida. The rest of the Creeks were rounded up and imprisoned at Fort Mitchell, which served as one of the major concentration points for the Creek Indian Removal. Jacob Motte, an Army Surgeon, in 1836, described the process:

... a party of five hundred who had been taken captive, and brought to Fort Mitchell, were necessarily sent off in chains. The men were handcuffed two together, and a long chain passed between the double file connected them all together ... The women followed drowned in tears ... The smaller ones were comfortably disposed of in waggons, which followed in the rear [Brannon 1950].

**FORT MITCHELL****Page 13**

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

Many such scenes were repeated at Fort Mitchell throughout the period of 1835 to 1838. By June of 1838, Creek Indian removal was completed, and two years later the Fort Mitchell area was sold to the Crowells when the military post was abandoned.

Considering the large numbers of Creeks mentioned above as being held at the second Fort Mitchell, during Indian Removal, and the small size of the post, it would be reasonable to expect an abundance of artifactual materials related to this historical event. No similar historic archeological sites have been excavated, although the historically noted concentration of Native American and military should be represented at the Fort Mitchell area in the archeological record. Detailed study of this site might provide a clearer picture of the conditions the Creeks were maintained in while awaiting removal.

For example, artifactual materials would be important in determining the extent to which the American military fed, clothed and sheltered the creeks, which areas were set aside for the Indians and the soldiers, and should large numbers of burials be encountered the general health of the Creeks while at Fort Mitchell could be investigated by physical anthropological studies.

To reiterate, the Fort Mitchell area contains significant historic archeological resources relating to the full range of Creek and American interaction in the early nineteenth-century. Beginning with the military subjugation of the Creeks in the First Creek War as represented by the first Fort Mitchell (1813). Followed by the Creek Factory and Agency and second Fort Mitchell (1825), which attempted to maintain good relations with the Creeks in accordance with existing treaties, usually in the face of a hostile local American populous. And finally, the complete removal of the Creeks who were gathered together at Fort Mitchell before being moved west of the Mississippi. This is the only site in the southeastern United States where well preserved archeological remains have been found relating to these historical events.

**FORT MITCHELL**

United States Department of the Interior, National Park Service

**Page 14**

National Register of Historic Places Registration Form

**9. MAJOR BIBLIOGRAPHICAL REFERENCES**

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Previous documentation on file (NPS):

 Preliminary Determination of Individual Listing (36 CFR 67) has been requested. Previously Listed in the National Register. **June 13, 1972 (72000178)** Previously Determined Eligible by the National Register. Designated a National Historic Landmark. **June 21, 1990** Recorded by Historic American Buildings Survey: # Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

 State Historic Preservation Office - **Alabama**

**FORT MITCHELL**

United States Department of the Interior, National Park Service

**Page 15**

National Register of Historic Places Registration Form

- Other State Agency  
 Federal Agency  
 Local Government  
 University  
 Other (Specify Repository): **Russell County Historical Society**

**10. GEOGRAPHICAL DATA**Acreage of Property: **125 acres**UTM References:     **Zone Easting Northing**

**A 16 686740 3580900 B 16 686740 3579900**  
**C 16 685680 3579900 D 16 685680 3580900**

Verbal Boundary Description:

Beginning a Point A (on the USGS Map) the boundary follows the line of the Central of Georgia Railroad in a southwesterly direction for approximately 4500 feet to a point about 100 feet east of where the railroad line crosses State Route 165. From this point the boundary runs in a line parallel to State Route 165, approximately 100 feet east of 165 for approximately 3000 feet. At this point the boundary heads due north about 300 feet to Point D. From Point D the boundary runs due east to Point A, approximately 3500 feet.

Boundary Justification:

The boundary of the nominated property is delineated by the polygon whose vertices are marked by the following UTM reference points: A 16 686740 3580900, B 16 686740 3579900, C 16 685680 3579900 and D 16 685680 3580900. The boundary of this property corresponds to the distribution of artifactual material within the Russell County Park.

**11. FORM PREPARED BY**

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Date: June 1, 1989

NATIONAL HISTORIC LANDMARKS SURVEY  
March 31, 2019