

Story of Judge John Martin

By Rebecca Kohout

My name is Rebecca Kohout from Austin, Texas and I'm a descendant of Capt. John Hardin Hambright, second child and first born son of Col. Hambright and Sarah Hardin.

I'm here to share some exciting news for us... at least for the John Hardin Hambright branch of the family tree. And I also want to tell you about how the lives of the Hambrights of Tennessee intertwined with the Cherokee Nation and ultimately the Trail of Tears.

Eighteen year old John Hardin Hambright served at the Battle of Kings Mountain and there, he met his future wife Nancy Black. Family lore tells us that Nancy was among the young women who attended the wounded after the battle.... and as fate would have it, she met and within 4 years, she married Captain Hambright.

By 1793, John's young family along with his brother, Benjamin Hambright, and Hardin uncles, Benjamin, Joseph and John, had followed John Sevier to Greene and Knox Counties in the state of Franklin... which was later Tennessee. They lived in that area for 25 to 30 years before eventually moving to the southeastern corner of the state in what was then the Cherokee Nation. Around 1820 at the time of the Hiwassee Purchase 57 year old John Hardin Hambright homesteaded on the Hiwassee River near the tiny community of what was to become Calhoun where he had a plantation of over 600 acres across the Hiwassee from Cherokee lands.

It was this movement into Cherokee lands by Hambright and other white settlers that began to put pressure on the US government to move the Cherokee from their home lands. In fact, by 1802, President Thomas Jefferson indicated his support for the removal of Indians to western territories. Cherokee Chief John Ross and Judge John Martin were the two most outstanding leaders for the nation and these men were important to both the history of the Cherokee and America.

Meanwhile, Captain Hambright and wife, Nancy, were raising their 12 children along the banks of the river on their homestead. Several of these children died young or never married, but five of their sons, Frederick, Benjamin, Gavin, John and Amos had visions of wealth through land speculation and would eventually settle the lands north of Calhoun in what is now Flint Springs, just south of the town of Cleveland, Tennessee.

Now in any story, there are two sides, and we will switch gears to understand the Cherokee part of our story and the importance of Judge John Martin.

JUDGE JOHN MARTIN BIOGRAPHY

Born on 20 Oct. 1781 in Cherokee Nation East (Georgia). Judge John Martin was 1/8 Cherokee, well-educated, blonde and blue-eyed. His father was a white trader from Virginia, also named John Martin, and the brother of General Joseph Martin, the first agent to the Cherokees after the American Revolution.

General Joseph Martin, Judge Martin's uncle, began his work among the Cherokee about 1775. Following the Revolution, he served as agent to Cherokee from the states of North Carolina and Virginia. Because he ran a "constant risk of assassination" in his work among the Cherokee (mostly from competing British agents) he and his brother married into the protection of the Cherokee nation.

Judge John Martin's mother, Susannah Emory, was one-quarter Cherokee. Her maternal grandfather was a Scotsman named Ludovic Grant, who arrived in South Carolina in 1716 as a prisoner of war of the British. After serving his indenture, Grant became a trader among the Cherokees, married a Cherokee, and lived in the Cherokee Nation for the rest of his life. His daughter married a white man named William Emory. Their daughter, Susannah Emory, was married three times; first, to Captain John Stuart, then to Richard Fields, and lastly to John Martin, all white men.

The birthplace of John Martin's son, Judge John Martin, is undetermined. It is known that Judge John Martin grew up in the Tugaloo River region along the present day Georgia-South Carolina border and eventually established a plantation somewhat to the west in the Nacoochee Valley. It is most likely that Judge Martin received his early education at home from a white tutor, a common practice among Cherokees of wealth. He probably attended a school outside the Cherokee Nation for his later education. Upon his father's death, Judge John Martin most likely inherited a sizeable fortune which included 200 slaves and enormous financial wealth and property.

Little more is known about Judge John Martin's life until he emerged as an influential member of the Cherokee Nation in late 1818. Martin's name does not appear in the records of the Cherokee Indian Agency in Tennessee, an agency of the War Department established in 1801, until he was named as a member of the Cherokee delegation to Washington in December 1818.

In any case, by December 1818, when he became a member of the Cherokee delegation to Washington, Martin had become one of the ruling elite of the Cherokee Nation. He had established a home on the Sautee Creek, in what is now White County, Georgia, some 55 miles east of Coosawattee. As a member of the Cherokee delegation to Washington, Martin was one of the signers of the Treaty of February 27, 1819 who ceded the land on which his home was located to the United States. As allowed by that treaty, Martin chose to remain in his home even though it was now outside the Cherokee Nation boundaries. On March 6, 1819, he informed Colonel Return J. Meigs that he intended to reside there permanently and accepted a reservation of 640 acres. By early 1822, John Martin had given up his reservation and moved his family within the boundaries of the Cherokee Nation. This decision was probably based upon his first-hand observation of the treatment that Cherokees received from their white neighbors

John Martin had two wives, sisters, named Lucy and Nellie McDaniel. It is probable that Martin married both of his wives at the same time. While traditional marriage customs of the Cherokee involved a succession of monogamous relationships polygamy was often practiced by "Cherokee men of standing and importance. After his move to the Coosawattee area, Martin maintained separate residences for his wives. Whether he did the same at his home on the Sautee is unknown. Perhaps the need for more land, in order to have two houses, prompted him to relinquish his reservation.

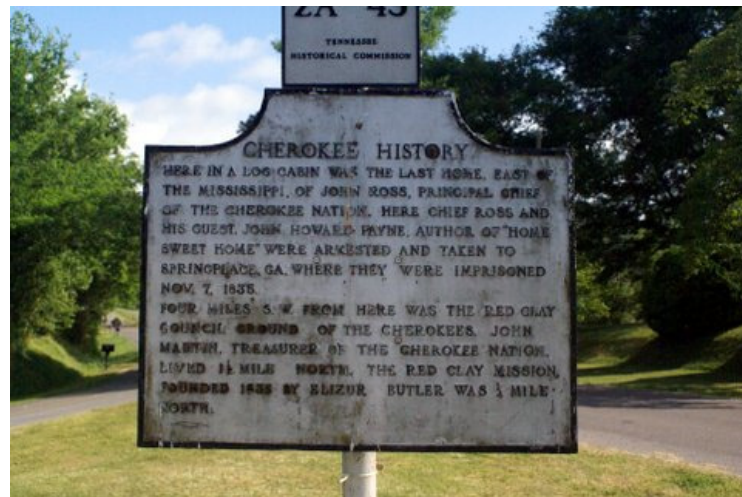
His credits include:

- * First Treasurer of the Cherokee Nation and first Supreme Judge of the Cherokee Nation. He was a member of the Cherokee Constitutional Convention of 1817 from Coosawattee District.
- * In 1820, the National Council of the Cherokee Nation divided the Nation into eight districts and created positions for eight district and four circuit judges to preside over the legal matters of the nation. John Martin was the circuit judge for the Coosawattee and Amohee Districts in 1822.
- * First Supreme Judge 1821 Member of the Constitutional Convention of 1827 from Cooweescoowee District
Residence: In November 1822, the Council created a superior court, composed of the four circuit judges. When the first session of the Cherokee Supreme Court was held in Newtown (New Echota) in October 1823, John Martin was one of the three Supreme Court judges Present.
- * Elected Town Site Commissioner of New Echota November 12, 1825. He was a member of the committee which laid out the lots in the Nation's capitol of New Echota.
- * In February 1827, following the death of the Principal Chief, Charles Hicks, John Martin was appointed as treasurer protem of the Nation
- * In addition to the treasurer's position, Martin was a presiding Circuit Judge, a Judge of the Supreme Court and a public turnpike keeper on the Federal Road.
- * During the next meeting of the General Council, in October 1828, he was elected to the position of treasurer and replaced as circuit and supreme court judge
- * As the national treasurer, Martin was responsible for such actions as leasing turnpikes on the Federal Road, leasing ferries, collecting the federal annuity paid to the tribe by the United States, and collecting debts owed to the Cherokee Nation by various individuals. John Martin remained the Nation's treasurer until his emigration west in the Spring of 1837.
- * In May 1827, Martin was elected a delegate from the Coosawattee District to the Cherokee Constitutional Convention later that year.

- * Judge John Martin represented the Cherokee Nation on a number of delegations to Washington D.C. in addition to the one in 1819.
- * In late 1831, a delegation consisting of John Martin, John Ridge, and William Shorey Coodey, all handpicked by Chief John Ross as men he could trust, travelled to Washington. The concerns of the 1831 delegation centered on white intruders into the Cherokee Nation following the discovery of gold.
- * John Martin served as a member of the ill-fated 1835 Cherokee delegation to Washington led by John Ross, for the “cause of Cherokee sovereignty.”
- * In 1836, Judge Martin moved his family to the Red Hill Valley of Tennessee to a hewn log home... a far step down from his plantations in Coosawattee, Georgia. This would later be the home of Gavin R. Hambright.
- * In March of 1837, he moved his family and 300 Cherokee families to the Indian Territory in Oklahoma in an effort to pave the way for the movement and ultimately sparing his family from some of the harshest difficulties of the Trail of Tears. When the family left the home, the following was noted:

“In giving up this home, with its sylvan beauty, it causes no wonder when one reads the words of Rev. Mr. Cotter on the family’s leave-taking, when he said “I saw his daughter sweep the house and burn the broom for good luck, walk out and start on the long journey, no doubt with a sad heart.”

- * In Sept 1839 following the ratification of a new Constitution, Judge Martin was called to the bench as the First Chief Justice of the Cherokee Supreme Court under the new Constitution in Oklahoma. He died of brain fever at the age of 54 years on 17 Oct 1840 in Ft Gibson, Oklahoma and was buried at Ft Gibson Civilian Cemetery, Oklahoma.



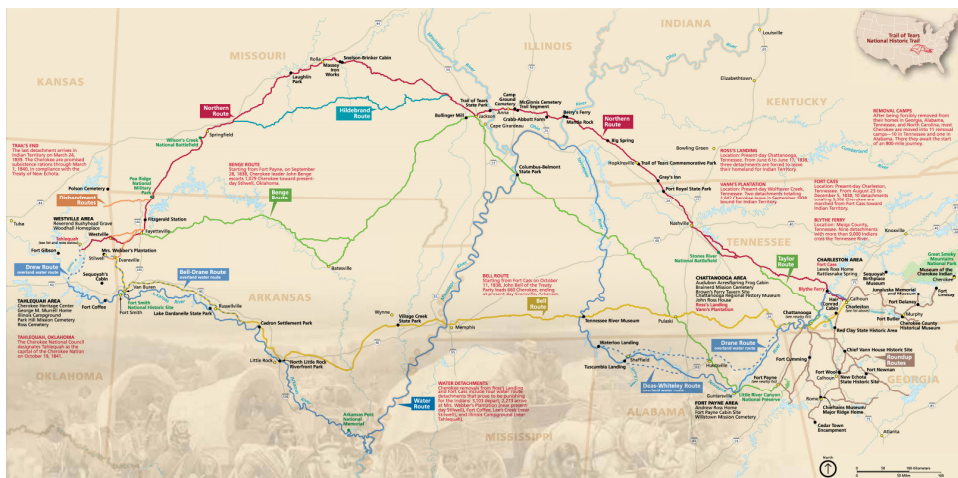
TRAIL OF TEARS

The "Trail of Tears" was a forced removal of at least twenty thousand Cherokee Indians. During the late 1700s and early 1800s, the Cherokee had readily adopted many laws and customs of the white settlers. But there was an undercurrent of unrest regarding Indian rights. Forces in the US government coalesced to have them moved from their homelands in the mountain valleys of Appalachian Georgia, southeastern Tennessee and the Carolinas to western Indian Territory in present-day Oklahoma.

At the same time, white immigrant communities were encroaching and voicing increasing resentment of the Cherokee property holds. Pressure increased when a gold strike occurred in northern Georgia and many whites decided that it was time for the Indians to leave their farms, homes, and lands. In 1817, a Cherokee group called "Old Settlers" moved to western lands given them in Arkansas. There they reestablished their native government and a peaceful way of life. However this didn't last long and the Cherokee were eventually moved to Indian Territory in Oklahoma.

In the summer of 1838 and through 1839, the US Army began enforcement of the 1835 Removal Act. Cherokees were rounded up and temporarily held in stockades. More than 3,000 Cherokees were loaded onto boats to travel the Tennessee, Ohio, Mississippi Rivers, and on to the Arkansas into Indian Territory. Over 14,000 other Cherokee remained in the prison camps until the winter of 1838-39. Then they were marched 1,200 miles

through Tennessee, Kentucky, Illinois, Missouri, and Arkansas to their new home. The Cherokee endured torrential rains and other inclement weather conditions, inadequate food and water, and lacked proper clothing. It is estimated that at least 4,000 died of starvation, exposure, and disease. Cherokee call this trail Nunna-da-ul-tsun-yi, meaning "The Place Where They Cried."



Now, let's go back to Flint Springs, Tennessee to the part of our story about Judge John Martin. It has been recently brought to our attention, although the information had been buried in archives for many years, that the home purchased by Gavin R. Hambright in 1837 was previously the only known existing home of Judge Martin. Gavin Hambright purchased the property, all 689 acres with a large home and many outbuildings, for \$12,000 from the US government. Of course, the property was sold by Judge Martin just a few months earlier and he was paid approximately \$2,500 for the same home, buildings and land.

Gavin Robison Hambright and wife, Eliza Black Hambright, immediately opened a general store at the road in front of the home and sold whiskey, shoes, knives, cloth, and other sundries. (A transcription of the ledger is in the Cleveland Historical Center.) They raised their children, farmed and became important members of the Flint Springs community.

In 1948, the Hambright family decided to move the old home across Dalton Pike and rebuild on the beautiful site of the original home. The home was moved, and the original porch was removed and replaced with a porch that runs across the entire front of the house. Carl Hoskins and wife, Hazel Hambright Hoskins, built a beautiful brick two-story home on the original site and rented out the old home for a number of years.

Today, the Martin/Hambright home is owned by Jerry and Christina Griffith who have lovingly restored the home and have received historical status for the property based on its ties to the Cherokee judge. The home is listed on the Trail of Tears sites in southern Tennessee and we can all be proud of the property that has ties to an important member of the Cherokee Nation and the fact that the Hambright family has lived there for over 150 years.

