

CONFEDERATE GOVERNMENT RELATIONS WITH
THE FIVE CIVILIZED TRIBES

By Ohland Morton*

Part I

PRE-CIVIL WAR, INDIAN TRIBAL DEVELOPMENT

The Five Civilized Tribes, a term now used to designate collectively the Cherokee, Chickasaw, Choctaw, Creek and Seminole Indian tribes in Oklahoma, were advanced in their habits and customs, a people distinguished for their character and intelligence, when the first Europeans came to the new world. Through their geographical and historical association with the early colonists in the South, these five large tribes gradually acquired a measure of European culture along with some vices. Foreign institutions, particularly Negro slavery, were accepted through the influence of the chiefs and leaders, and as the years passed, the governments of the nearby states became the pattern for all these Indian tribal organizations except the Seminole.¹

Four of these tribes, the Creek, Choctaw, Chickasaw, and Seminole, are of the Muskogean language stock.² The Cherokees belong to the Iroquoian Stock.³ When they were first seen by Europeans about 1540, they had settled habitations, they cultivated the soil and had well established arts and crafts.⁴

The homes of these five tribes before their removal to what is now the state of Oklahoma were in the lower Mississippi Valley and

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¹ Frederick Webb Hodge, *Handbook of American Indians North of Mexico* (published as *Bulletin* 30, Bureau of American Ethnology at Washington, 1907 and 1910), Vol. I, p. 463; Grant Foreman, *The Five Civilized Tribes* (Norman, 1934), in "Preface"; Muriel H. Wright, *A Guide to the Indian Tribes of Oklahoma* (Norman, 1951), in article under name of each tribe.

² Hodge, *op. cit.*, Vol. I, p. 962.

³ *Ibid.*, Vol. I, p. 615.

⁴ Charles G. Jones, Jr., *Antiquities of the Southern Indians*, pp. 1-27; Edward Davis, "Early Advancement Among the Five Civilized Tribes," in *Chronicles of Oklahoma*, Vol. XIV, No. 2 (June, 1936), pp. 162-3.

the Gulf Plains region. In general their lands included the present states of Alabama, Georgia, Mississippi, Florida, and the western parts of North Carolina and South Carolina, the southwestern part of Virginia, and the eastern part of Tennessee.⁵

They very early came in contact with the Spaniards in Florida, the French in Louisiana, and the English in Carolina and Georgia. As a result of the rivalries among these European nations, the Indians learned to play one nation off against the others.⁶ Occupying the lower Mississippi Basin, the Indians guarded the mountain passes through the Appalachians, and the headwaters both of the streams flowing south into the Gulf of Mexico and those flowing west into the Mississippi River. Obviously any nation expecting to hold the Gulf of Mexico or the mouth of the Mississippi River must reckon with them.

The representatives of the three European nations constantly intrigued with the five tribes and ceaselessly sought to win their favor, contacts that brought these tribes training in the arts of diplomacy and political intrigue which made them formidable antagonists later in their relations with the United States.⁷

Throughout the colonial period of American history, alliances and counter-alliances were entered into by the Southeastern tribes in order to hold their lands, or to secure the European goods they wanted. Many traders from England, France and Spain came to live among the Indians, and some married Indian women. Thus, a strain of white blood, often French or Scottish, was soon found in the tribes, especially the Cherokees.⁸

The latter part of the Eighteenth Century, the United States adopted the former English policy of recognizing the Indian tribes as nations. In a series of treaties, both northern and southern Indians were considered capable of making war, declaring peace, owning lands within the boundaries of the United States, and of governing and punishing their own citizens under their own laws. From 1778 to 1802, treaties were negotiated with the Delawares, Senecas, Mohawks, Onondagas, Cayugas, Oneidas, Tuscaroras, Cherokees, Choctaws, Chickasaws, Shawnees, Wyandottes, and Creeks defining their boundaries, recognizing their tribal independence, and establishing friendly relations with the United States. The Creek Nation was defined in 1796, and in 1802, was a party to a treaty which reduced its domain, some of its territory being ceded to the United States.⁹

⁵ Hodge, *op. cit.*, Vol. I, pp. 245-260, 288, 362; Vol. II, p. 500.

⁶ Davis, *op. cit.*, pp. 163-6.

⁷ Carolyn Thomas Foreman, "Alexander McGillivray, Emperor of the Creeks," in *Chronicles of Oklahoma*, Vol. VII, No. 1 (March, 1929), pp. 106-120.

⁸ Davis, *op. cit.*, p. 163; Wright, *op. cit.*

⁹ Charles J. Kappler, *Indian Affairs Laws and Treaties*, Vol. II, pp. 1-45. From this time, treaties made with the five tribes of the Southeast provided for large cessions of their lands to the United States.

In 1802, the State of Georgia gave up its claims to certain western lands to the United States with the understanding that negotiations would be started immediately to remove the Indians from the boundaries of Georgia as soon as it could be peaceably done on favorable terms. This understanding is known as the "Georgia Compact."¹⁰

The idea of removing the Southeastern Indians to some region west of the Mississippi seems to have first been expressed during the negotiations for the purchase of Louisiana. In July, 1803, President Thomas Jefferson in writing to John Breckenridge, said, "The inhabited part of Louisiana from Point Coupee to the sea, will of course be immediately a territorial government, and soon a state. But above that, the best use we can make of the country for some time, will be to give establishment in it to the Indians on the east side of the Mississippi, in exchange for their present country. . . ."¹¹

In 1814, Andrew Jackson negotiated a treaty with the Creek chieftains whom he had defeated in battle at Horseshoe Bend whereby they gave up certain of their lands in Alabama and Southern Georgia. These lands were to pay the expenses of the war which had been carried on against the Creeks in punishment for the massacre at Fort Minns. The treaty is sometimes referred to as the "Capitulation of Hickory Ground."¹²

In 1816, the Cherokees gave up lands to the United States in South Carolina, the Chickasaws ceded lands north of the Tennessee River, and the Choctaws lost another part of their tribal lands in Mississippi.¹³

As the southern states were organized and admitted into the Union, large areas within their boundaries were occupied by one or another of these five tribes. Although the Indians were owners of these lands, they did not pay taxes and were not counted as citizens of the states, therefore they were not protected by the state laws. Indian ownership of large areas, which had been recognized by the United States in many different treaties, limited the lands open to white settlement in the southern States. Some Indian leaders with their followers in each of the five tribes who realized the encroachments taking place over their tribal organizations and properties within the different state boundaries were in favor of the removal of their people to another region. The majority of the Indians, however, wanted to remain in their old homes.

¹⁰ *American State Papers*, Vol. XVI, Public Lands, I, pp. 125-126.

¹¹ Albert E. Bergh, ed., *The Writings of Thomas Jefferson*, (Washington, 1907) Vol. X, p. 410.

¹² Kappler, *op. cit.*, 69-72.

¹³ *Ibid.*, pp. 87-95.

The first Cherokee treaty providing for voluntary emigration of tribal members and their settlement in the West was signed in 1817.¹⁴ Some Cherokees had gone west of the Mississippi River in 1808 in search of new homes, and had settled along the White River north of the Arkansas River in present Arkansas, in the region where a Cherokee band had located as early as 1783, and another under the leadership of their chief, called The Bowl, had been living since 1795.¹⁵

In 1820, the Choctaws by treaty made at Doak's Stand, Mississippi, exchanged a part of their richest tribal lands for a vast country west of the Mississippi River, a domain that extended south of the Arkansas and the Canadian rivers to the Red River, which included all of what is now Southern Oklahoma. The following year, the Creeks lost another part of their country east of the Mississippi. A large number of Creek McIntosh faction, under the leadership of Chilly McIntosh, crossed the Mississippi in 1823, and settled west of the mouth of the Verdigris on the north side of the Arkansas in the vicinity of the City of Muskogee, Oklahoma. The Indians in Florida, including the Seminoles, were placed under the protection of the United States in 1823.¹⁶

In the meantime, two treaties made with tribes that claimed all the land in what is now Oklahoma were vital in establishing the Indian Territory under the Government's plans: In 1818, the Quapaw

¹⁴ *Ibid.*, p. 98.

¹⁵ The Cherokees living on the Arkansas River, known as the "Western Cherokees," had been successively within the Spanish Province of Louisiana, Territory of Louisiana, Territory of Missouri and the counties of Arkansas and Lawrence, Territory of Missouri. During all of which time (1785-1817) they had been settlers without warrant of title to their habitations and it was not until ratification of the United States-Cherokee treaty of July 8, 1817, that they were confirmed to their rights to their new homes.—Emmet Starr, *History of the Cherokee Indians* (Oklahoma City, 1921), p. 39.

The Arkansas country assigned the Cherokees in 1817 did not include The Bowl's settlement south of the Arkansas River. In the winter of 1819-20, he led sixty Cherokee families to Texas where they were joined ten years later by another band of Western Cherokees under the leadership of Tah Chee (or Dutch), sometimes referred to as "Captain Dutch." After Mirabeau B. Lamar, President of the Republic of Texas, announced a policy of the forcible expulsion of all Indian tribes in Texas, the Cherokees living in the fertile valleys of the Angelina and Neches rivers were defeated in battle by the Texans, in which The Bowl was killed. The Texas Cherokees then came north and joined their kinsmen in the Indian Territory where in the same year (1839) the Cherokee Nation was organized under a written constitution with the capital of the Nation at Tahlequah.—James Mooney, "Myths of the Cherokee," *Nineteenth Annual Report*, Bureau of American Ethnology (Washington, 1900), Part I, pp. 143-6; John H. Reagen, "The Expulsion of the Cherokees from East Texas," *The Quarterly of the Texas State Historical Association*, Vol. I, p. 38; Anna Muckelroy, "The Indian Policy of the Republic of Texas," *The Southwestern Historical Quarterly*, Vol. XXV, pp. 256-7; Albert Woldert, "The Last of the Cherokees in Texas and the Life and Death of Chief Bowles," *Chronicles of Oklahoma*, Vol. I, No. 3 (June, 1923), pp. 179-226; Caroline Thomas Foreman, "Dutch," *ibid.*, Vol. XXVII, No. 3 (Autumn, 1949), pp. 252-67, which is illustrated with a photograph of the McKenney and Hall lithograph of "Tah Chee" or "Dutch."

¹⁶ *Ibid.*, pp. 109, 124-27, 133-8, and 141-4.

living in Arkansas gave up all their claims to country extending westward from the mouth of the Arkansas River "up the Arkansas to the Canadian fork, and up the Canadian fork to its source," a wide area that included all of Southern Oklahoma. In 1825, the Osage gave up all their lands in present Oklahoma, and accepted a reservation in what is now Kansas. These cessions to the United States paved the way for definite plans to consolidate the Indians east of the Mississippi in a region west of the river. President Monroe in his annual message to Congress in 1824, proposed that a tract of land "between the present states and territories and the Rocky Mountains and Mexico be set aside for colonization of Indians from the states east of the Mississippi."¹⁷

President John Quincy Adams renewed the recommendations of President Monroe and proposed the establishment of an Indian Territory. Certain missionaries were urging such a course. The Indians should be settled in a region far removed from the whites and especially where they would not come in contact with vicious influences with which they were surrounded on their old country in the states east of the Mississippi. One argument which was presented for removal was that the eastern tribes were peaceable and their influence would have a beneficial effect upon the wild tribes in the west.¹⁸

President Adams did not use coercion, but took up the task of Indian removal where Monroe had laid it down. In 1825, the Five Civilized Tribes, except the Seminoles, still held lands in Georgia, Tennessee, Mississippi, and Alabama aggregating 16,598,000 acres.¹⁹ Initial treaties affecting large numbers of Indians in the Choctaw and Creek tribes were made and many moved soon after to their new homes in the west.²⁰ Geographically and politically, the Creeks were grouped as Upper Creeks on the Coosa and Tallapoosa Rivers in Alabama and Lower Creeks on the middle or lower Chatahoochee River on the Alabama and Georgia border.²¹ In 1811, the Creeks held a general council to discuss the sale of their lands to the white man. This council voted to forbid the sale of their lands and declared that the death penalty should be imposed for the violation of this regulation.²² The Creek treaty of 1825 at Indian Springs was signed by William McIntosh, chief of the Lower Creeks. The Upper Creeks under Opothleyahola repudiated this treaty, and John C. Calhoun, as Secretary of State, refused to recognize it, but after the inauguration of John Quincy Adams, it was ratified by the Senate. President Adams declared that he was "under the un-

¹⁷ James D. Richardson, *Messages and Papers of the Presidents*, Vol. II, p. 261.

¹⁸ *Ibid.*, p. 317.

¹⁹ *American State Papers*, Class II, "Indians Affairs," Vol. II.

²⁰ Kappler, *op. cit.*, p. 156.

²¹ John R. Swanton, "Early History of the Creek Indians and Their Neighbors," in *Bulletin Number 73*, Bureau of American Ethnology, p. 398.

²² Hodge, *op. cit.*, Vol. I, 782.

suspecting impression that it had been negotiated in good faith. . . ."²³ Chief McIntosh was sentenced to death by a Creek council and was assassinated at Milledgeville where he was hiding in his own home.²⁴ Opothleyahola and John Stidham, leaders of the group that had opposed the actions of Chief McIntosh, went to Washington to protest the enforcement of the treaty.²⁵ Since this had been made with only one faction of the tribe, a new treaty was concluded in 1826, providing for the emigration of the McIntosh followers and their settlement in the West. This same treaty, reaffirmed by another in 1827, ceded to the United States the remaining Creek lands in Georgia.²⁶

The Choctaw treaty of 1820 had provided that those who wished might migrate to the west. In carrying out the provisions of the next Choctaw treaty of 1825, the United States surveyed a line which now marks the eastern boundary of Oklahoma from the Red River north to the Arkansas.²⁷ In 1828, after a treaty of removal had been effected with the Western Cherokees in Arkansas, the boundary from the Arkansas River north to the southwest corner of Missouri was surveyed. This treaty proposed to settle the entire tribe in a new reservation west of Arkansas territory to consist of 7,000,000 acres of land to be owned under patent, and the Outlet to hunting grounds in the west. The treaty states that the patented lands and the Outlet are to be the property of the Cherokees forever.²⁸

In these events definite steps were made leading to the creation of an Indian state west of the Mississippi. In his annual message of December 1829, President Jackson said that justice and humanity required that the southern tribes be saved from the destruction which must fall upon them if they remained surrounded by white people, or continued to be driven "from river to river and mountain to mountain," by either persuasion or force.²⁹ Less than two weeks before this, the State of Georgia had annexed the Cherokee lands and declared that after June 1, 1830, all laws of the Cherokee nation should be null and void, and all Indians living in the state should be subject to state laws.³⁰ Apparently approving this policy of the State of Georgia, Jackson, further in his message, suggested that the best provision for the southern Indians would be to set aside ample territory for their permanent occupancy where each tribe

²³ Richardson, *op. cit.*, p. 306.

²⁴ H. Niles, Ed., *The Weekly Register*, Vol. XXVIII (Baltimore, 1830), pp. 196-197.

²⁵ John Bartlett Meserve, "Chief Opothleyahola," *Chronicles of Oklahoma*, Vol. IX, No. 4 (December, 1931), p. 441.

²⁶ Kappler, *op. cit.*, pp. 188-191.

²⁷ Roy Gittinger, *The Formation of the State of Oklahoma* (Berkeley, 1917), p. 6. See, also, Appendix A, p. 251.

²⁸ Kappler, *op. cit.*, 206-209.

²⁹ Richardson, *op. cit.*, p. 458.

³⁰ Niles Register, *op. cit.*, p. 328.

could have its own limits and its own government. If this could be arranged, they would not be interfered with. They would be subject to no other control from the United States than such as might be necessary to preserve peace on the frontier and among the several tribes. If, however, they should choose to remain, within the limits of a state, they must submit to the laws of that State and relinquish their claims to all lands which they had not improved. Jackson's Indian policy in its essentials is stated in this message. William MacDonald says, "The policy was at least humanely conceived, so far as Jackson was concerned, and represented an earnest effort to deal justly with the difficult problem of the relations between superior and inferior races. The immediate results, however, were far from happy."³¹ One thing that should be kept in mind in this connection is that on the whole, Jackson's Indian policy met with the approval of the great majority of the people of the United States.

An act of Congress approved May 28, 1830, made provision for the establishment of the Indian Territory. By the terms of this law the President was authorized to select a part of the undivided public domain to which the title of aboriginal tribes had been extinguished, and divide it into a suitable number of districts or reservations for the reception of such tribes of Indians as might choose to exchange the lands where they then resided in the states east of the Mississippi. The sum of \$500,000 was appropriated for the removal of any Indians who might take advantage of the act.³² There does not seem to have been any formal action on the part of the President in definitely fixing the bounds and limits of the proposed Indian Territory. He did set to work immediately, however, extinguishing titles as rapidly as possible to Indian lands east of the Mississippi, and the country immediately west of the organized states and territories came in a short while to be known as Indian Territory.

A final removal treaty was effected with the Choctaws at Dancing Rabbit Creek on September 27, 1830. A final removal treaty was effected with the Creeks in 1832. The Creeks accepted a grant lying between the Canadian and Arkansas rivers. It is of interest to note that Opothleyahola opposed this treaty and even went so far as to try to buy land from Mexico for himself and followers. Finding that he could not do this, he found no other alternative than to go to Indian Territory. Soon the entire tribe was settled in their new home. In 1833, treaties were made with the Western Creeks and the Seminoles. In 1834, the Chickasaws were dealt with, and in 1835, the Cherokees were party to a final removal treaty. It was not until 1837 that the Chickasaws purchased the right of settlement in the Choctaw Nation.³³ It should be kept in

³¹ William MacDonald, *Jacksonian Democracy*, p. 173.

³² 4 *Statutes at Large*, p. 411.

³³ Kappler, *op. cit.*, pp. 218-362.

mind that the reason for the several treaties with each tribe was that often a series of negotiations having to do with land cessions, factions, and plans for emigration were necessary before final removal plans could be carried out.

The discovery of gold in the Cherokee country in Georgia in July, 1829, stimulated the whites in their desire to possess the Indian lands. By the summer of 1830, there were several thousand white people in the Cherokee reservation seeking gold.³⁴ Reference has already been made to the fact that Georgia extended her laws over the reservation in June, 1830. In a case which was carried to the Supreme Court of the United States, *Cherokee Nation v. Georgia*, the Court held that the Cherokees were a domestic dependent nation. The Court handed down the decision that an Indian tribe, while not an independent nation, is, nevertheless a state and under the protection of Congress.³⁵ The greater part of the Cherokees were opposed to the removal. They had established their homes, and were farming the land and engaging in other occupations the same as their white neighbors. In addition, schools and churches had been established in the Cherokee country, Sequoyah had invented an alphabet for his people, a written constitution had been adopted, and the noted Indian newspaper *The Cherokee Phoenix*, was being published regularly in their country. Eventually, a removal treaty was signed at New Echota in 1835, and they were forcibly removed under the most cruel circumstances, and finally most of the Cherokees were established in their new homes.³⁶

The Seminoles, who were a branch of the Creek Nation, were induced to sign a treaty May 9, 1832, and agree to join their Creek brethren in the West.³⁷ They did not do so at once, however, and a few years later (1836), they began a war against the United States that was most disastrous and costly. It was not until 1842 that the Seminoles were finally reduced to submission and the majority removed to the Indian Territory, one band remaining in Florida where their descendants live to this day.³⁸

The removal of the Five Civilized Tribes—Cherokee, Chickasaw, Choctaw, Creek, Seminole—from the southeastern states to the

³⁴ *Niles Register*, *op. cit.*, pp. 328-329.

³⁵ Richard Peters, *Reports of Cases Argued and Adjudged in the Supreme Court*, Vol. V, pp. 1-79. See, also, George H. Shirk, "Some Letters from the Reverend Samuel A. Worcester," *The Chronicles of Oklahoma*, Vol. XXVI, No. 4 (Winter, 1948-49), pp. 468-78.

³⁶ Robert A. Rutland, "Political Background of the Treaty of New Echota," *The Chronicles of Oklahoma*, Vol. XXVII, No. 4 (Winter, 1949-50), pp. 389-406; Hugh T. Cunningham, "A History of the Cherokee Indians," *ibid.*, Vol. VIII, No. 3 (1930), pp. 291-314, and No. 4 (1930), pp. 407-440.

³⁷ Kappler, *op. cit.*, pp. 249-251.

³⁸ Annie Heloise Abel, "History of Events Resulting in Indian Consolidation West of the Mississippi River," *American Historical Association, Annual Report*, 1906, Vol. I, pp. 233-450; Wright, *op. cit.*, "Seminole."

Indian Territory thus approximated the period from 1820 to 1840. The Cherokee, the Choctaw (later including the Chickasaw), and the Creek (later including the Seminole) were given title to the entire present state of Oklahoma, excepting the "Panhandle" northwest and a portion of Ottawa County northeast. They retained this great territory until the close of the Civil War, at which time they were compelled to cede the western part of the lands for the settlement of other friendly tribes.

THE PERIOD FROM THE REMOVAL TO THE OUTBREAK OF THE CIVIL WAR

Settlement of the Five Civilized Tribes in the Indian Territory following the removal from the southeastern states was attended by many difficulties in establishing their homes and governments. Among the Cherokees, Creeks and Seminoles, there were two factions: one of which had been in favor of and the other opposed to removal to the Indian Territory. These factions later formed the basis for political parties and brought on disorder and feuds among the people.

A bitter feud arose in the Cherokee Nation with the assassination of Major Ridge, his son, John Ridge, and his nephew, Elias Boudinot, in 1839, culmination of the intense feeling that existed from the signing of the Cherokee treaty at New Echota, Georgia, in 1835, which had provided for the cession of all Cherokee country in the East and the removal of the tribe to the Indian Territory. Major Ridge, one of the principal signers of this treaty, and his followers were called the "Treaty Party." They were opposed by the chief of the Nation, John Ross, and a majority of the Cherokees. Stand Watie, brother of Elias Boudinot, was left as the leader of the "Treaty Party."³⁹ The Cherokee Nation was the scene of strife until 1846, when finally representatives of the Western Cherokees, the Anti-Treaty Party and the Treaty Party, all met at Washington, D. C., and settled their differences.⁴⁰

Similar conditions existed among the Creeks and Seminoles. The McIntosh faction of the Creek tribe, which had favored removal, was looked upon with suspicion and distrust by the group which had opposed removal of the tribe, under the leadership of Opothleyahola. The division between the Upper and Lower Creeks was distinctly drawn after removal.⁴¹

Among the Choctaws and Chickasaws conditions were fairly peaceful and quiet, but even here political issues were sharply drawn and elections were bitterly contested. The Chickasaws became dissatisfied with their status as a district within the Choctaw Nation and in 1855 made a treaty by which they became independent.⁴²

³⁹ Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman, 1938).

⁴⁰ Rachel Caroline Eaton, *John Ross and the Cherokee Indians*, (Menasha, 1914), pp. 126-147.

⁴¹ Dale, E. E., and J. L. Rader, *Readings in Oklahoma History*, p. 218.

⁴² *Ibid.*, 218.

In 1856, the Seminoles made a treaty with the Creeks whereby they received a grant of land between the two Canadian rivers and became independent.⁴³

The Cherokees adopted their first written constitution in Georgia, in 1828, modeled, it is said, after that of the State of Mississippi. The Choctaws adopted their first constitution in 1826, and immediately at the close of the main immigration to the Indian Territory in 1834, drew up and adopted the first constitution written in Oklahoma. Later, the Chickasaws who remained under the laws of the Choctaw Nation for many years had their own written constitution and laws. The Creeks voted the adoption of constitutional government just before the outbreak of the Civil War in the United States. These Indian governments were republican in form, with legislative, executive and judicial departments.⁴⁴ The Indian nations were under the general supervisory control of the United States by treaty terms yet each was an independent republic with its own political institutions, and each had the power of life and death over its own citizens.

Some of the Indians owned Negro slaves and, by the time of the arrival of the main body of the Cherokees in 1839, the slavery issue was becoming paramount in American politics. Several missionaries who had been living with the Indians in the East accompanied them west, and others came later from New England and the northern and eastern states. Some of these missionaries were "abolitionists" and sought to create public opinion against slavery. Their actions without a doubt in some cases added to the factional disputes and general disorder. Each tribe had a system of education and tribal schools, and a number of the missionaries carried on educational and religious work. During most of the period under consideration, the United States Government sustained relations by means of a superintendent with headquarters at Fort Smith, Arkansas, with agents appointed for each tribe separately.

While the period in the Indian Territory before the Civil War was characterized by great advancement among the Indians of the Five Civilized Tribes, it seems certain that development was retarded by some of the feuds and factions created by removal and by the fact that it was impossible to avoid involvement in the growing controversy between the North and the South. The Indians were rapidly becoming adjusted to conditions in their new homes. Fields were broken and planted, the herds of cattle increased, the wounds and ill-will created by the removal quarrels had begun to heal. Yet an evil spirit seemed to pursue them. They had been compelled to remove from their old homes just as they were reaching a consider-

⁴³ Kappler, *op. cit.*, pp. 756-763.

⁴⁴ Joseph B. Thoburn and Muriel H. Wright, *Oklahoma: A History of the State and Its People* (New York, 1929), Vol. I, pp. 219-50.

able stage of civilization, and had begun to follow in earnest the white man's road. Now, just as they were growing accustomed to conditions in this new region, when the first hardships of pioneering in a strange land were over, and prosperity was beginning to smile upon them, they were involved in the white man's quarrel. They could hardly avoid a share in this struggle even though their own interests were not vitally concerned in the outcome.

It is an interesting fact to note that very few full-blood Indians owned Negro slaves. Among the Five Civilized Tribes, however, there were many people of mixed Indian blood and white descent, as well as some intermarried whites who owned slaves and brought them to the West.

The Choctaws and Chickasaws had come from Mississippi and Alabama where the culture of cotton made negro slavery profitable. Among the Choctaws who had settled in the Red River region were a number of slave owners who opened up extensive plantations along the river. Also, there were many Chickasaws known for their wealth in slaves. Many of the mixed blood Cherokees were wealthy slave owners. Although the Creeks did not engage largely in the culture of cotton, there were many Negro slaves in this nation.⁴⁵

The preliminary report of the eighth census (1860) contains a valuable summary of the status of slavery among the Five Civilized Tribes at that time. It is evident that slavery was a recognized institution among them and a real part of their industrial system, although not so vitally a factor of material prosperity as it was in the southern states. In the report we find:⁴⁶

A new element has been developed by the present census, viz: that of the statistics of negro slavery among the Indian tribes west of Arkansas, comprising the Choctaw, Cherokee, Creek and Chickasaw nations; also the number of white and free colored population scattered throughout these tribes. . . . By reference to this table it will appear that the Choctaws held 2,297 negro slaves, distributed among 385 owners; the Cherokees, 2,504, held by 384 owners; the Creeks, 1,651, owned by 267 Indians; and the Chickasaws, 917 to 118 owners. As, under all the circumstances of slavery everywhere, the servile race is unequally distributed, so will appear to be the case with the Indian tribes. While one Choctaw is the owner of 227 slaves, and ten of the largest proprietors own 638, averaging nearly 64, the slaves average about six to each owner of slaves in that tribe, while the Indians number about as eight to one.

Among the Cherokees the largest proprietor holds 57 slaves; the ten largest own 353, averaging a little over 35, and the number to each holder averages a little more than a half per cent. more than with the Choctaws, while the population of Indians in the tribe to slaves is about nine to one. Among the Creeks two hold 75 slaves each; ten own 433, while the ratio of slaves to the whole number of Indians varies but little from that with

⁴⁵ *Ibid.*, pp. 297-298.

⁴⁶ *Preliminary Report of the Eighth Census, 1860*, pp. 10-11. (There are some discrepancies in this *Census Report*. For example, the wealthiest Choctaw planter, Robert M. Jones, owned nearly 500 Negro slaves who worked his five large plantations.—Ed.)

the Cherokees. The largest proprietor among the Chickasaws holds 61 slaves, ten own 275, or an average of 27½, while the average is nearly eight to each owner in the tribe, and one to each five and a half Indians in the tribe. It thus appears that in those tribes there are nearly eight Indians to each negro slave, and that the slaves form about 12½ per cent. of the population, omitting the whites and the free colored. The small tribe of Seminoles, although like the tribes above mentioned, transplanted from slaveholding states, hold no slaves, but intermarry with the colored population. These tribes, while they present an advanced state of civilization, and some of them have attained to a condition of comfort, wealth, and refinement, form but a small portion of the Indian tribes within the territory of the United States, and are alluded to an account of their relation to a civil condition recognized by a portion of the States, and which exercises a significant influence with the country at large.

There were some Negro slaves among the Seminoles. "In their removal to the West," say Thoburn and Wright, "the Seminoles, some of whom were slave owners, were accompanied by a number of free (or refugee) negroes who had fled from bondage in the states and had been adopted as members of the tribe while it was located in Florida."⁴⁷

The treatment of slaves in the Indian Territory was mild as compared with that in the states. The brutal, cruel type of owner among the people in this country was an exception, for in most cases the slaves were well treated, well clothed and fed. One authority in discussing the treatment which the slaves received in the Indian country, said:⁴⁸

Although slavery had existed for some generations among the Cherokees, Choctaws, Chickasaws, and Creeks, it was well known to those familiar with the institution that it never existed in the form that characterized it in the slave states of the Union, particularly in the Southern states. The worst features of slavery, such as the hard treatment imposed upon the slaves of the South was hardly known to the slaves of these Indians prior to the war. Indeed, the negroes brought up among the Indians were under such feeble restraint from infancy up that the owners and dealers in slaves in Missouri and Arkansas did not hesitate to acknowledge that Indian negroes were undesirable because of the difficulty of controlling them.

Even before the enforced removal of all the Indian tribes from the southern states to the Indian Territory was completed, the activities of anti-slavery agitators were carried on among them. This work was allied with that of some of the mission workers of the different church boards. The first public expression against it was in 1836, when the Choctaws in General Council passed a law designed to compel any missionary or preacher, or person, "whatever his occupation may be" found favoring the most "fatal and destructive doctrines of abolitionism" to leave the nation and stay out of it. The teaching of slaves how to read, to write or sing, without the consent of the owner, or of allowing a slave to sit at the table with them were all considered sufficient grounds to convict

⁴⁷ Thoburn and Wright, *op. cit.*, Vol. I, p. 298.

⁴⁸ Wiley Britton, *The Civil War on the Border*, (New York, 1904) Vol. II, pp. 24-25.

persons of favoring the principles and notions of abolitionism.⁴⁹ This was followed from time to time by other laws with reference to slavery. These included laws prohibiting slaves from owning property or arms, detention of runaway slaves or the emancipation of slaves without the consent of the Choctaw General Council.

In 1857, the Chickasaws passed an act providing for the removal from the nation of any person known to be an "abolitionist."⁵⁰ On the same day, they passed a law providing that no Negro might vote or hold office in the Chickasaw Nation.⁵¹ Though the Indian Territory was far removed from the centers of agitation for the abolition of slavery, the security and peace of mind of the slave owners were disturbed from time to time by the anti-slavery agitation of some of the mission workers. A greatly majority of these sent out by the American Board of Foreign Missions were known to be opposed to slavery. It is impossible to estimate the effect of this kind of work on an institution such as slavery. The American Board had four missions in the Cherokee country in the period just preceding the Civil War. Also, it had missionaries among the Choctaws. Both Southern and Northern Baptists and Southern Methodists were to be found among the Cherokees. There were Presbyterian and Southern Methodist missionaries among the Chickasaws and Choctaws, and Presbyterians among the Creeks and Seminoles.⁵² Since the Indian country was free and open to all faiths, there are several instances recorded of trouble arising from the activities of missionaries. In 1859, Rev. John B. Jones was the dominant spirit in the inception of the secret society among the full-blood Cherokee, known as the "Keetoowah Society," an organization strongly in favor of abolition. The slaveholders joined a society common among southern sympathizers throughout the north central states, known as the "Knights of the Golden Circle." In time, most of the men of the Cherokee Nation were enrolled in one or the other of these two rival societies.⁵³

The United States officials who were charged with the supervision of Indian affairs for the tribes in the Indian Territory were in nearly every instance men of southern birth and extraction. Most of them were more or less active in their support of the succession movement and each was in a position to exert a powerful influence in

⁴⁹ Thoburn and Wright, *op. cit.*, p. 300. Note 12 quotes the law.

⁵⁰ *Constitution, Laws and Treaties of the Chickasaws*, (1860) p. 80: "Be it enacted by the Legislature of the Chickasaw Nation, That, from and after the passage of this act, all white persons known to be abolitionists, or may hereafter advocate the cause of abolitionism in this Nation, shall be deemed unfriendly and dangerous to the interests of the Chickasaw people, and shall be forthwith removed from the limits of this Nation by the United States Agent or Governor of this Nation. Approved November 20, 1857. C. Harris, Governor of the Chickasaw Nation."

⁵¹ *Ibid.*, p. 81.

⁵² Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, (Cleveland, 1915) pp. 39-40.

⁵³ J. S. Buchanan and E. E. Dale, *A History of Oklahoma*, (Evanston, 1935), p. 130.

its behalf. Elias Rector, Superintendent of Indian Affairs for the Southern Superintendency at Fort Smith, was a native of Arkansas and a cousin and close friend of Henry M. Rector, Governor of that state. Douglas H. Cooper, agent for the Choctaws and Chickasaws, was from Mississippi, and William H. Garret, agent for the Creeks, was from Alabama.⁵⁴ George Butler, agent to the Cherokees, was a native of South Carolina.⁵⁵ Rector, Cooper, and Butler were appointed by the Buchanan administration.⁵⁶ Some of the agents selected by the Lincoln administration, in its earlier days, were also of Southern extraction. John Crawford, Cherokee Agent, William Quesenbury, Creek agent, and Samuel M. Rutherford, Seminole Agent, worked openly for secession, trusting the inaccessibility of the Indian Territory to prevent reports of their conduct reaching Washington.⁵⁷

At the beginning of the Civil War, Forts Washita, Arbuckle, and Cobb were the military posts of the Indian Territory. All the troops were under the command of Colonel William H. Emory. The base for these posts was Fort Smith, Arkansas, to which supplies were shipped up the Arkansas River and stored. In February, before withdrawing from the Union, the State of Arkansas had seized the United States arsenal at Little Rock. Later in the spring, supplies for Fort Smith were also taken, and an expedition organized by some of the state officials to capture the post. Thereupon, the United States Commander at Fort Smith withdrew the Federal troops to Fort Washita to report to Colonel Emory.⁵⁸ By the time the base of supplies at Fort Smith was cut off, many officers had resigned to join the South, and Colonel Emory's forces were threatened by an attack from Texas troops. On April 17, 1861, he was given orders to retire, with all his troops to Fort Leavenworth, Kansas.⁵⁹ In May, 1861, troops from Texas occupied without opposition, Forts Arbuckle, Cobb, and Washita.⁶⁰ William P. Dole, Commissioner of Indian Affairs, said in his report of 1861 that the defection of the Indians in the Indian Territory was due to their abandonment by the United States troops.⁶¹

⁵⁴ Thoburn and Wright, *op. cit.*, p. 315.

⁵⁵ Carolyn Thomas Foreman, "Dr. William Butler and George Butler, Cherokee Agents," *The Chronicles of Oklahoma*, Vol. XXX, No. 2 (Summer, 1952), pp. 164-72.

⁵⁶ *Annual Report of the Secretary of Interior*, 1859, pp. 396-397; Grant Foreman, ed., *A Traveler in Indian Territory, the Journal of Ethan Allen Hitchcock* (Cedar Rapids, 1930).

⁵⁷ Annie Heloise Abel, "The Indians in the Civil War," in *American Historical Review*, Vol. XV, p. 283.

⁵⁸ W. B. Morrison, *Military Posts and Camps in Oklahoma* (Oklahoma City, 1936), pp. 86-87.

⁵⁹ E. D. Townsend, Ass't Adj.-Gen. to Lt. Col. W. H. Emory, *Official Records of the Union and Confederate Armies*, Series 1, Vol. I, p. 667.

⁶⁰ Sergeant Charles Campbell to Colonel Emory, May 5, 1861, *ibid.*, p. 652. Captain Benning to Hon. L. Pope Walker, *ibid.*, p. 653.

⁶¹ *Annual Report of the Secretary of Interior*, 1861, p. 627.

In attempting to analyze the attitude of the Indian tribes in the period of agitation among them preceding the Civil War, one factor having to do with their finances should be considered. Practically all of the Indian money held in trust by the United States government for the individual tribes was invested in southern stocks. Only a very small part was secured by northern bonds. The argument of the southerners for the benefit of the Indians was that all these securities would be forfeited by the war.⁶²

The Indian Territory lay for the most part between Arkansas and Texas. The Red River marked the southern boundary and separated it from Texas. The Panhandle of Texas, then unsettled, lay along most of the western border of the Indian country.

The Canadian River runs parallel to the Red River and about one hundred miles north of it. Between the two rivers were the wide domains of the Choctaws and the Chickasaws. The Choctaw Nation faced Arkansas on the east and Texas on the south. The Chickasaw District occupied the section just west of the Choctaws. Between the two Canadian Rivers was a narrow strip of territory belonging to the Seminoles. North of this was the Creek Nation, to the east of which was the Cherokee Nation. The Cherokees and Choctaws were next door neighbors of Arkansas. Fort Smith, Arkansas, was the headquarters of the Southern Superintendency, which necessarily brought the five tribes in close intimacy with the people of Arkansas.

More than three months before Arkansas seceded from the Union, Governor Henry M. Rector wrote Chief John Ross of the Cherokees an ingratiating letter calling attention to the fact that the Cherokees in their institutions, productions, latitude, and natural sympathies were allied to the common brotherhood of slaveholding states. Rector assured Ross that it was an established fact that the Indian country was looked upon by the incoming administration "as a fruitful field, ripe for the harvest of Abolitionists, free soilers and northern mountebanks." He promised to give the Cherokees protection in their exposed condition and offered to assume the monetary obligations of the Federal Government to them if they would join the South in the defense of her firesides, her honor, and her institutions.⁶³

Mr. Ross replied in a letter expressing the regret and solicitude of the Cherokees for the unhappy relations existing between the two sections of the country and hoping for the restoration of peace and harmony. At the same time he declared, in no uncertain terms, the loyalty of the Cherokees to the United States. They had placed

⁶² David Hubbard to John Ross and Ben McCulloch, June 12, 1861, in *Official Records, op. cit.*, Series 1, Vol. XIII, p. 497. See *Appendix A* for table of stocks held in trust by Secretary of Interior for Indian Tribes (*Report of the Secretary of Interior, 1859-60, Part I, p. 820*).

⁶³ Frank Moore, ed., *Rebellion Records: Diary of American Events* (New York, 1868), "Document 114," Vol. II, pp. 392-393.

themselves under the protection of the United States, he reasoned, and were bound to enter into no treaty with any foreign power, individual, or citizen of any state. The faith of the United States, he said, was solemnly pledged to protect them in their land titles and all their individual rights and interests of person or property. The Cherokees, he continued, were inviolably allied with the United States in war and were friends in peace. While their institutions, locality, and natural sympathy were unequivocally with the slaveholding states and the social and commercial intercourse between the Cherokees and Arkansans were of great importance to his people, these interests must be subordinated to the higher one of his nation's honor.⁶⁴

Not satisfied with his reply, the citizens of western Arkansas and the commandant at Fort Smith, Colonel Kannady, brought strong pressure to bear upon the chief demanding to know on what ground he stood, as they preferred an open enemy to a doubtful friend.⁶⁵ To this Chief Ross replied that the Cherokees would take no part in the trouble. He described his people as weak, defenseless, and scattered over a large section of the country in pursuit of agricultural life, without hostility to any state, and with friendly feeling for all. They hoped to be allowed to remain neutral. "I am—the Cherokees are your friends, but we do not wish to be brought into the feud between yourselves and your northern brethren. Our wish is for peace—peace with you and peace at home."

(Part II to be continued)

APPENDIX A

Stocks held by the Secretary of the Interior in trust for Indian tribes in 1860:

State	Per Cent	Amount
Arkansas	5	\$ 3,000.00
Florida	7	132,000.00
Georgia	6	3,500.00
Indiana	5	70,000.00
Kentucky	5	183,000.00
Louisiana	6	37,000.00
Maryland*	6	131,611.82
Missouri	5½	63,000.00
Missouri	6	484,000.00
North Carolina	6	562,000.00
Ohio	6	150,000.00
Pennsylvania*	5	96,000.00
South Carolina	6	125,000.00
Tennessee	5	218,000.00
Tennessee	6	143,000.00
United States	6	251,330.00
Virginia	6	796,800.00

Total \$ 3,449,241.82

*Taxed by the State

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, pp. 393-4. Document No. 114 is a synopsis of this correspondence.