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By

KENNY ARTHUR FRANKS

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STAND WATIE AND THE AGONY OF THE CHEROKEE NATION

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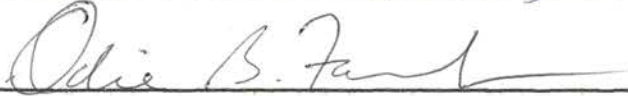
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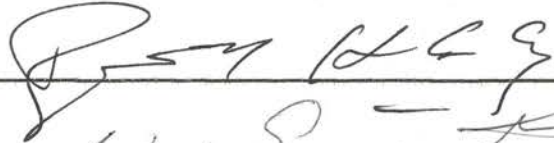
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PREFACE

I became interested in Indian history during my first year as a graduate student at Oklahoma State University in a history research seminar conducted by Dr. LeRoy H. Fischer, and it was here that I first met Stand Watie. My initial research led me to a Master of Arts thesis examining Confederate States relations with the Five Civilized Tribes. As a result, my interest in Watie grew.

When I entered my doctoral program, I became aware that a scholarly biography of Watie and his impact on the Cherokee Nation had not been written, and with the urging of Dr. Fischer I began an initial investigation of the topic. Research revealed a wealth of never before published personal papers on Watie, and a dissertation topic was created.

Watie's papers and collateral materials revealed both the public and private aspects of his work. Watie's lifetime was violated by conflict, nevertheless, he led his people to a new home of promised security in the West. He saw his relatives murdered by his enemies, played an active role in bringing peace to the Cherokees, prospered and became a leader of the tribe, led a portion of the Cherokees through the Civil War, achieved what he could for his people during reconstruction, and suffered through the loss of three of his five children, all of them sons.

This dissertation is an analytical presentation of Watie's life, and an examination of the motivations behind his actions. His decisions as a political and military leader were significant in shaping the history of the Cherokees during the nineteenth century. Yet in recorded

Cherokee history his actions have been overshadowed by the exploits of Major Ridge, John Ridge, Elias Boudinot, and John Ross. The purpose of this dissertation is to portray Watie's influence on the Cherokee Nation and place him in historical context.

The author extends his appreciation to the staff of the Oklahoma State University Library for patience in assisting with the location of many of the primary sources used in this dissertation. Thanks are also extended to Mrs. Rella Looney, Librarian of the Indian Archives of the Oklahoma Historical Society, Oklahoma City, Oklahoma; Mrs. Helen Wheat, Special Collections Librarian of Northeastern State College, Tahlequah, Oklahoma; and Mr. Jack Haley, Assistant Curator of the Western History Collections, University of Oklahoma Library, Norman, Oklahoma. I also wish to acknowledge the assistance of Dr. Homer L. Knight, Professor and Head Emeritus and Dr. Norbert R. Mahnken, both of the History Department of Oklahoma State University, whose encouragement and advice were invaluable. I would also like to thank the members of my graduate committee for their aid throughout my entire graduate program and for their careful reading of this dissertation: Dr. Raymond N. Habiby of the Political Science Department; Dr. Odie B. Faulk, Dr. Bernard W. Eissenstat, and Dr. Edward M. Walters of the History Department. I owe special thanks to Dr. LeRoy H. Fischer, my major adviser, who deserves much of the credit for this study because of his guidance and direction. He continually gave valuable advice and encouragement without which this study could never have been concluded. Because of his unceasing efforts and patience, the author was able to overcome many obstacles which otherwise would not have been possible. Lastly, deep appreciation is

extended the author's parents, Mr. and Mrs. Arthur Franks, whose constant encouragement made possible his efforts in higher education.

TABLE OF CONTENTS

Chapter	Page
I. FORMATIVE YEARS	1
II. REMOVAL	18
III. PROMISED LAND	50
IV. DAY OF RECKONING.	74
V. TROUBLED PEACE.	103
VI. TEMPEST AND CALM.	132
VII. BROTHER AGAINST BROTHER	160
VIII. YEAR OF DECISION.	189
IX. GUERRILLA WARFARE	214
X. DEFEAT AND RECONSTRUCTION	246
XI. PEACE AT LAST	269
XII. TSALAGI	291
BIBLIOGRAPHY	300

CHAPTER I

FORMATIVE YEARS

Stand Watie, with a determined look on his face, pressed his horse forward into a crowd gathered before the home of Elias Boudinot, his brother. The milling throng parted, making a path through the Cherokee gathering, containing many who had cursed Watie's name. Not a hand was raised against him as he rode boldly toward his brother's house. Pausing before the porch, Watie leaned from his horse and grasped the corner of the blood soaked cloth covering his dead brother's face. Watie saw his mutilated head. Turning to the crowd with the bloody cloth still in his hand, Watie said, "I'll give \$10,000 to anybody who will tell me who made that mark on my brother's face." The crowd was silent while Watie replaced the cloth, turned, and galloped away.¹

Thus Watie was thrust into a position of Cherokee leadership. The Ridge-Watie-Boudinot family had become the leaders of the faction advocating removal to the West, and eventually negotiated the Treaty of New Echota, which surrendered their ancestral homes in the southeast for new land in the West. This was in violation of the Cherokee "blood law" which provided the death penalty for the unsanctioned sale of tribal land. After the Cherokees had reached their new homeland, a meeting of

¹J. F. Weaver Interview, Grant Foreman, ed., "Indian-Pioneer History" (113 vols., unpublished manuscript), Vol. XVC, pp. 445-447, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

all Cherokees was called to resolve the differences of the divergent factions, but because of hatred resulting from the Trail of Tears, no decision could be reached. With the failure of the gathering, a secret meeting was called by the various Cherokees which opposed their removal to the West, and the verdict of death was given to all who signed the Treaty of New Echota.²

On June 22, 1839, the sentences were carried out, and Major Ridge, John Ridge, and Elias Boudinot were assassinated. Watie barely escaped. Thus Watie was the only leader of the Treaty Party remaining alive, and his followers looked to him for guidance. Previous to the killings, Watie had generally remained outside the realm of tribal politics, but the murders thrust him to the forefront. He blamed the followers of John Ross, the principal chief of the Cherokees, for killing his brother, uncle, and nephew, and he continued to oppose Ross on practically every issue until his death. The split in the Cherokee Nation, widened by the assassinations, brought the tribe to the verge of civil war on several occasions and was likely one of the major factors in the Cherokee alliance with the Confederacy in the Civil War. Who then was this man who had such an impact on Cherokee history?³

Watie was born on December 12, 1806, at the town of Oothcaloga, south of New Echota in the Cherokee Nation, in an area later organized into Cass County, Georgia. On his birth, following an ancient Cherokee custom, he was given the name Degataga, which meant "standing together;"

²Thurman Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People (New York: Macmillan Company, 1970), pp. 318-321.

³Ibid., pp. 322-324.

however, when his father later accepted the Christian religion he was given the Christian name of Isaac. Though for some time he called himself Isaac S. Watie, eventually Isaac was dropped and he became known as Stand Watie--a combination of his Christian name and a corruption of his Cherokee name in English.⁴

Watie was the second son of a full-blooded Cherokee named Oo-wa-tie, which translated as "the ancient one," and his half-breed wife, Susannah Reese. Watie's father was the son of Oganotota and the brother of Major Ridge. Previous to Watie's birth, his father had joined Ridge in establishing a home in the beautiful valley at Oothcaloga, where he adopted many of the ways of the whites and acquired a comfortable home. Joining the Moravian Church at Springplace in the Cherokee Nation, northeast of New Echota, about sixty miles from Oothcaloga and a few miles south of the Tennessee state line, sometime around 1811, Oo-wa-tie and his wife accepted the Christian religion and adopted the names Christian David Watie and Susanna Charity Watie. The Oo of their Cherokee name was dropped to form the surname Watie, which was given to all their children.⁵

⁴ Author Unknown, "A Short History of Stand Watie," Cherokee Nation Collection, Western History Collections, University of Oklahoma Library, Norman, Oklahoma; Emmet Starr, "History of the Cherokee Indians," original manuscript, Historical Society Library, Oklahoma Historical Society, Oklahoma City, Oklahoma; Muriel H. Wright, "The Name of General Stand Watie of the Cherokee Nation," Chronicles of Oklahoma, Vol. XXXIV, No. 3 (Autumn, 1956), pp. 252-253.

⁵ Author Unknown, "A Short History of Stand Watie," Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Genealogy of Ridge-Watie-Boudinot, Edward Everett Dale and Gaston Litton, eds., Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Families (Norman: University of Oklahoma Press, 1939), following p. 302; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 31;

Watie spent his boyhood years along the creek that flowed gently through the pleasant valley at Oothcaloga. During these early years he experienced the adventures of a young Indian youth on the frontier. Also during this period Watie and his older brother Buck, who was later to take the name of Elias Boudinot, were joined first by a brother, Thomas Black, and then in rapid succession by four sisters, Nancy, Mary Ann, Elizabeth, and Susan, and finally by two younger brothers, John Alexander and Charles Edwin. Thus Watie's youth was interspaced with family duties, for all the children were expected to help with the farm chores.⁶

The tranquility of Watie's youth was shattered in 1813-1814 with the uprising of the Red Stick faction of the Creek Indians. The actions of the Red Sticks set the frontier aflame with violence, and about six hundred Cherokees, mostly half-bloods, were organized into nineteen companies serving with the United States Army. David Watie was appointed a captain in the regiment commanded by Major Ridge. Serving with distinction and valor, Watie's father participated in the Battle of Horseshoe Bend, aided in crushing the Red Stick uprising, and then returned safely to his home. This was Watie's first exposure to tribal factionalism of

Muriel H. Wright, Springplace Moravian Mission and the Ward Family of the Cherokee Nation (Guthrie, Oklahoma: Co-Operative Publishing Company, 1940), p. 46; Wright, "The Name of General Stand Watie of the Cherokee Nation," Chronicles of Oklahoma, Vol. XXXIV, p. 353.

⁶Genealogy of Ridge-Watie-Boudinot, Dale and Litton, eds., Cherokee Cavaliers, following p. 302; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 31.

the type which would later plague the Cherokee Nation.⁷

Watie's formal education was received at the Moravian Mission School operated by Mr. and Mrs. John Gambold at Springplace. In 1815, Watie and his brother Buck, who had already received some education at the institution, were enrolled at Springplace. The school was very demanding on the young scholars. They were required to labor in the gardens and fields as well as learn. Nor were their spiritual needs ignored, as they were taught to sing and pray along with strenuous instruction in gospel worship. The religion must have had a profound effect on young Watie inasmuch as he was baptized and joined the church. The students arose at daybreak in the winter and at sunrise during the summer. After washing and dressing, morning prayer was held and then breakfast. Following the morning meal, instruction began in earnest and lasted until noon. When the noon meal was over, the students were allowed several hours of free time during which they chopped firewood, worked in the garden, or cultivated the fields. Once these chores were completed, the students were allowed to roam the forest with their blow guns and bows and arrows searching for small game. About three o'clock in the afternoon instruction began.

Along with the religious instruction at Springplace Moravian Mission School, the students also received secular training from the library of approximately one hundred volumes. The collection consisted of fifteen religious books, seventeen of poetry, four volumes on education, and twenty other books on various topics. The textbooks consisted of

⁷ Unprocessed Material, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; R. S. Cotterill, The Southern Indians: The Story of the Civilized Tribes Before Removal (Norman: University of Oklahoma Press, 1954), p. 186.

works on spelling, reading, grammar, oratory, and accounting. After the evening meal, the students joined in song and prayer before retiring to bed at a very early hour. It was in these surroundings that Watie received his formal education, and for his day he was considered quite well educated.⁸

During his early life, Watie was overshadowed by the exploits of his older brother, Buck, who after attending the Moravian Mission schools at Springplace and Brainard, Tennessee, was sent to Cornwall, Connecticut, to complete his education at the American Board of Foreign Missions School. It was here that Buck adopted the name of his benefactor, Elias Boudinot. This custom was not unusual among the Cherokees, and was intended as a tribute to someone held in high esteem. In contrast to the leadership and talent shown by Buck, Watie was characterized as a quiet, retiring young man who spoke very little on any subject, and never thrust himself forward. Thus, while Buck was sent away to receive a higher education, Watie, after his sojourn at Springplace, returned to his father's farm to help care for his family.⁹

During this same time, over a period of ten years from approximately 1817 to 1827, the Cherokees began a phenomenal, economic, material, and social advancement designed to bring them into compatibility with the white man's way and to prevent their expulsion from their homeland. Meanwhile, the Watie family was also experiencing a period of prosperity and cultural development. In 1827, Harriet Gold Boudinot, the wife of

⁸Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 98-109.

⁹John F. Wheeler, "Death of Gen. Stand Watie," Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society.

Elias Boudinot, described the David Watie family and household. David Watie, Stand Watie's father, was praised for his cheerfulness and his "amiable, kind and affectionate disposition." His wife Susanna was portrayed as a "very feeble woman--but never idle if she is able to be off her bed. She cuts and makes all the clothes for the family except the coats for the men. She is remarked by all who know her for her amiable kind and friendly disposition." Watie was characterized as a young man about twenty-one years of age, decently educated and much esteemed among the Cherokees. Nancy, the eldest sister, was described as being very adept in matters of business, and having a kind and amiable disposition. One brother, Thomas, was attending school, and Mary Ann was living away from home at New Echota. She was characterized as having a good mind and conduct superior to most children her age. Elizabeth, the youngest child in school, was described as extremely attractive, and John had been selected by J. A. Petrie of Charleston, South Carolina, to receive a thorough English education under his patronage. Susan, youngest member of the family, was still a baby.¹⁰

The family appeared to want for little, as there was plenty to eat. Coffee, sugar, tea, milk, corn and wheat bread, beef, pork, venison, and fowl abounded. The table was also adequately supplied with puddings, pies, and cakes. Butter, cheese, applesauce, and pickles, though not as plentiful as the other foods, were also on hand. The major complaint was not a shortage of food, but a lack of variety.¹¹

In 1825, David Watie with the aid of his family began construction

¹⁰ Ralph Henry Gabriel, Elias Boudinot: Cherokee and His America (Norman: University of Oklahoma Press, 1941), pp. 96-97.

¹¹ Ibid., p. 97.

of a ferry on the Hightower River; this enterprise was to provide a sizable income for the family in the years ahead. The site was carefully chosen and occupied the most likely crossing point of the river for a projected road which would lead from eastern Tennessee, through northwestern Georgia, and into Alabama. Next, David Watie secured a franchise from the Cherokee Nation which prohibited any other ferries from operating on the Hightower River. This virtually assured him of a ferry monopoly over the traffic traveling the road and guaranteed a substantial income for the years to come. A vast amount of land was cleared for the operation of the ferry, and the access road was cut through much undergrowth. As was the custom of the day and because of the importance of the ferry, David Watie's neighbors assisted in clearing the land and in constructing the ferry docks. Soon all was ready, and after a boat was purchased from a boat maker on the Conasauga River and transported by water to the crossing on the Hightower River, the ferry was placed in operation.¹²

The ferry proved to be of considerable use. Operated by the Watie family until 1831, it was eventually acquired by John C. Miller. Miller had taken possession of a Cherokee improvement about one mile upriver from Watie's ferry by a lease granted by the state of Georgia. Establishing a ferry at that location, Miller constructed a road which intersected the main road above Watie's location, forcing the Watie ferry out of business. With the Cherokee Land Lottery held by the state of Georgia, Miller was deprived of his ownership, but he managed to lease

¹²Declaration of Stand Watie Concerning a Ferry of Heirs of David Watie, March 31, 1845, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

the new ferry from the lucky owner of the lot. Eventually the land passed into the possession of a Judge Hargrave.¹³

Later, in 1845, Stand Watie and the surviving members of the Watie family attempted to gain reparations from the United States for the loss of the ferry. Watie claimed that the ferry had originally been constructed in compliance with the laws of the Cherokee Nation and that the Watie family had been deprived of it by illegal means. Watie claimed that the value of the ferry had increased substantially since its construction, owing to its location on the main thoroughfare between eastern Tennessee and Alabama, and asked to be reimbursed \$12,000 for the value of the ferry and for rent during the period of time between the seizure of the ferry and the Cherokee removal from Georgia.¹⁴

Traveling through the South for health reasons in 1826, Jeremiah Evarts, the Corresponding Secretary of the American Board of Commissioners for Foreign Missions, visited Oothcaloga. While there he was entertained in the home of Elias Boudinot and became acquainted with Watie. Evarts described Watie as "an industrious young man" who had spent much of his time aiding his family in construction of a very good two-story house in which the family then lived. Characterizing Watie as having "more enterprise" than any other member of the family, Evarts had nothing but praise for him.¹⁵

Watie's first venture into Cherokee politics came in 1828. According

¹³ Ibid.

¹⁴ Ibid.

¹⁵ J. Orin Oliphant, Through the South and West with Jeremiah Evarts in 1826 (Lewisburg, Pennsylvania: Bucknell University Press, 1956), pp. 111-112.

to the Cherokee Constitution adopted on July 26, 1827, the Cherokee Supreme Court was authorized to appoint a Clerk of the Supreme Court for a term of four years. The qualifications of the clerk were to be evaluated and approved by the judges of the Supreme Court; the clerk was subject to removal for "breach of good behavior." During the annual October-November, 1828, session of the Supreme Court, Watie was found qualified and was appointed clerk by judges W. S. Adair, A. Ross, and J. Huss. Watie's appointment as Clerk of the Supreme Court at the age of twenty-two began a long career in legal work which eventually won him a license for practicing law in the Cherokee Nation.¹⁶

During this period most of David Watie's children were married. On March 28, 1826, Elias Boudinot married Harriet Ruggles Gold, whom he met while attending school at Cornwall, Connecticut. On April 23, 1828, Nancy Watie married John Foster Wheeler, one of the printers of the Cherokee Phoenix. During these years Watie married the first three of the four wives that he was to have during his lifetime. Though records are scarce, they show that prior to removal to Indian Territory, Watie married Elizabeth Fields, Isabel Hicks, and Eleanor Looney. He had no children by any of these marriages, and only one, Elizabeth Fields, was known to have died during the time of marriage. His fourth and final wife, whom he married in Indian Territory in 1843, was Sarah Caroline Bell.¹⁷

¹⁶"Constitution of the Cherokee Nation," July 26, 1827, United States Senate, 25th Congress, 2nd Session, Senate Document 346 (Washington: Gales and Seaton, 1828), p. 37; Cherokee Phoenix and Indians' Advocate, November 19, 1828, p. 3.

¹⁷Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 148-152; Carolyn Thomas Foreman, Park Hill (Muskogee, Oklahoma: Star Printery, 1948), pp. 11-12; Carolyn Thomas

While Watie was but a youth the first group of Cherokees had migrated westward from their ancestral homes in 1817. Known as the "Cherokee West" or the "Old Settlers," this band first settled in northwestern Arkansas. Then in 1828 they moved to the area of the three forks of the Arkansas, Grand, and Verdigris rivers, a location that later was to become the home of all Cherokees in Indian Territory. Though the Cherokee West recognized the inevitability of the westward migration of the Cherokee Nation, the majority of the Cherokees had remained in their ancestral home in the hope that the white and red man could exist peacefully as neighbors. However, such was not the case with the Cherokees and their Georgia neighbors, who looked with envy on the increased prosperity of the Cherokees, especially after the discovery of gold in the Cherokee Nation. Speaking in December, 1829, President Andrew Jackson unveiled his plan for congressional action to remove all southeastern Indians to a new home west of the Mississippi River. Then Georgia brought unyielding removal pressure to bear on the Cherokees.¹⁸

Though the Cherokees continued to protest the flagrant actions of the Federal government and the state of Georgia, they were gradually being submerged. The other southeastern Indians caught in the same maelstrom bent to the will of the whites, gave up their ancient homes and migrated westward. The Choctaws were the first to remove, signing a

Foreman, Oklahoma Imprints, 1835-1907: A History of Printing in Oklahoma Before Statehood (Norman: University of Oklahoma Press, 1936), p. 499; Emmet Starr, Old Cherokee Families (Norman: University of Oklahoma Press, 1968), p. 381; Genealogy of Ridge-Watie-Boudinot, Dale and Litton, eds., Cherokee Cavaliers, following p. 302.

¹⁸ Morris L. Wardell, A Political History of the Cherokee Nation, 1838-1907 (Norman: University of Oklahoma Press, 1938), pp. 1-6; Woodward, The Cherokees, pp. 158-159.

treaty in 1830. By 1832, the Chickasaws, Creeks, and Seminoles had followed suit. Only the Cherokees remained to stand alone against the onslaught of the whites.¹⁹

Watie played a small but active role in the confrontation of the Cherokees and the whites. He continued to serve as Clerk of the Cherokee Supreme Court, and although his efforts were generally overshadowed by the more active participants in 1831, he served as secretary to a group of Cherokees protesting their treatment. Meeting on May 10, the group challenged the distribution of annuities among the individual members of the tribe. Declaring that it was the duty of the group to express its views and feelings regarding the controversy between the Cherokees and Georgia, those present at the meeting unanimously passed a series of resolutions condemning the actions taken to expel the Cherokees from their native land. Calling on the American people to exert their influence on President Jackson to enforce the laws and treaties of the United States, the meeting contended that the Cherokees were entitled to the protection of the Federal government in their conflict with the state of Georgia.²⁰

The protestors concluded that the Cherokees were a state and a "distinct political society, separated from others, capable of managing its own affairs and governing itself." They declared the Cherokees had been "uniformly treated as a state from the settlement of our country," and that the various treaties concluded with the United States recognized

¹⁹ Ibid., p. 161.

²⁰ Cherokee Phoenix and Indians' Advocate, October 3, 1830, p. 3, May 14, 1831, p. 3.

the Cherokees as a people "capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States, by any individual of their community." They resolved that the actions of the United States government clearly recognized the Cherokee Nation "as a State, & the courts are bound by those acts." The meeting argued that through its laws Georgia had taken possession of the Cherokee gold mines, overrun the country with armed bands, forced the Indians to endure "not only civil but martial law," and stolen the property of the tribal members. Furthermore, these actions were "repugnant to the Constitution, laws, and treaties of the United States," and President Jackson had refused to provide the called for protection of the rights of the Cherokee Nation.²¹

Continuing, the members of the meeting pleaded for an act of Congress to produce "peace according to equity and good conscience." They declared that they were not ashamed that the Cherokees were in a state of pupilage to the United States, and praised their friends for sustaining their belief in the rights of the Cherokees. Stating that the Cherokees enjoyed perpetual peace and friendship with the United States, they reasserted their confidence in Cherokee officials who had exercised forbearance and prudence in the face of trials and insults from the state of Georgia. The members of the protest meeting resolved that they entertained "the highest respect for the firmness & patriotism of our principal Chiefs," and that they expressed their great satisfaction with the conduct of the other Cherokee officials involved in the controversy.

²¹Ibid.

Besides Watie and Andrew Adair, who served as secretaries, the resolutions were signed by Thomas Woodard, Flute, Tarchungsee, David Watie, Tahcabsanta, Charles More, Ahnewohenskettee, Archeelung, Kahhenahe, Teyohlee, Yohenongjooweyah, and Choolah.²²

Elias Boudinot, the editor of the Cherokee Phoenix, and his cousin John Ridge conducted a speaking tour of the Northern states in March, 1832, to rally support for the Cherokee cause. During their absence the editorial duties of the paper were placed in the care of Watie. However, the tour bore little fruit, and the refusal of Georgia and President Jackson to enforce the decision of the United States Supreme Court in the cases of Cherokee Nation vs. Georgia and Worcester vs. Georgia spelled doom for the Cherokee Nation. In instructing Watie on Cherokee Phoenix publication policy in his absence, Boudinot urged that nothing be printed concerning the forthcoming presidential election or the Supreme Court decision. Though Boudinot believed that the recent turn of events would have a "most powerful effect on public opinion," and create a "new era on the Indian Question," he suggested that they should only "look on and see." Expressing renewed optimism, however, John Ridge rejoiced over the decision of the Supreme Court and he reminded Watie that with editorial remarks in the Cherokee Phoenix he would be able to "cut down this Snake's [Jackson's] head and throw it down in the dust." Apparently Watie did not play an active role in the publication of the newspaper; thus harsh editorials were avoided so as not to involve the Cherokees in the presidential election of 1832.²³

²²Ibid.

²³Gabriel, Elias Boudinot: Cherokee and His America, p. 132; Elias Boudinot to Stand Watie, March 7, 1832, and John Ridge to Stand Watie,

In the fall of 1832, the Georgia Land Lottery was held to divide the Cherokee lands. The Cherokee Nation was surveyed into plots and a lottery conducted to distribute the land among the white citizens of Georgia. Heedless of the charges of irregularities in the conduct of the drawing, those fortunate enough to have their names pulled from the container descended on the Cherokee Nation demanding occupancy of their new holdings. Watie's property was located in the fourteenth district of the third section of the new Cherokee County, Georgia. The area had been surveyed by Stephen Drane in May, 1832. He described Watie's improvements as being located in and adjacent to the town of New Echota. Most of the improvements were located astride lot lines, which were not drawn in regard to existing buildings. The lines drawn by the official surveyors ran north and south and east and west, and in many instances placed individual property in more than one lot. Watie's holdings were near the intersection of the Coosawatte and Conasanga rivers. His improvements were located mainly at the conversion of lots 92, 93, 124, and 125. However, some buildings were scattered along the southern portion of lot 93 and the northern part of lot 94. Thus, his property was drawn by four individuals. Lot 92 was drawn by Richard B. Coleman, the winner of lot 93 was John Layle, the holder of lot 124 was John Meadows, and Westley Yarbrow got lot 125.²⁴

April 6, 1832, Dale and Litton, eds., Cherokee Cavaliers, pp. 4-10; Grant Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians (Norman: University of Oklahoma Press, 1932), pp. 233-235.

²⁴James F. Smith, The Cherokee Land Lottery (New York: Harper and Brothers, 1838), pp. 256-263; Field Notes, Records of the Georgia Surveyor-General Department, Office of the Secretary of State, Atlanta, Georgia.

In the midst of the controversy, the Watie family was struck with personal grief. On the morning of October 21, 1832, Susanna Charity Watie, Watie's mother, died at the approximate age of forty-six. Her obituary characterized her as born amidst the ignorance which had encumbered her countrymen: "Like them she was brought up without any hope of enjoying the blessings of civilization and the comfort of religion. Through the kind Providence of God, however, she lived to enjoy the one and died supported by the other." Mrs. Watie spoke only Cherokee and was illiterate; however, she constantly encouraged her children to achieve an education and accept instruction in "the paths of virtue." A member in good standing of the Moravian Church, her death was widely mourned.²⁵

In the spring of 1834, a vacancy in the position of interpreter for the Cherokee Agency occurred. Watie received the enthusiastic recommendation of Major Ridge, Elias Boudinot, Andrew Ross, David Vann, John West, T. J. Pack, and James Starr for the opening, and they assured Lewis Cass, the Secretary of War, that Watie's appointment would "give general satisfaction." Speaking both Cherokee and English and with his relatively good education, Watie was adequately qualified for the job.²⁶

The faction of the Cherokees led by Major Ridge, his son John Ridge, Elias Boudinot, and Stand Watie reconciled itself to the inevitability of Cherokee expulsion from Georgia. They believed that the only

²⁵Obituary, Cherokee Phoenix and Indians' Advocate, November 11, 1832, p. 3.

²⁶Major Ridge, Andrew Ross, David Vann, John West, T. J. Pack, Elias Boudinot, and James Starr to Lewis Cass, April 5, 1834, Foreman Transcripts, Indian Archives Division, Oklahoma Historical Society.

way to preserve the tribal sovereignty of the Cherokees was to remove to the West. This belief resulted in a bitter split among the Cherokees, as the majority of the tribe, under the leadership of Principal Chief John Ross, continued to oppose removal. Thus began among the Cherokees a schism which was to plague the tribe for decades. As the question concerning removal grew more heated with the majority of the tribe still opposed to such action meetings were held throughout the Cherokee Nation. Some Cherokees had already migrated westward; their letters to tribal friends and relatives still in Georgia, however, bore one message--remain where you are. The Cherokee situation grew more helpless each day as the Federal government turned a deaf ear to the Cherokee's pleas to stay in their ancestral homes.²⁷

Such were the conditions in the Cherokee Nation while Watie matured. Amidst the confusion and controversy, Watie developed many of the loyalties and hatreds which he was to bear for the remainder of his life. Greatly overshadowed in these early years by the exploits of his more vocal relatives, Major Ridge, John Ridge, and Elias Boudinot, Watie tended to take a backseat in the leadership and determination displayed by the other members of his family. He received, nevertheless, his initiation to Cherokee politics by serving as the Clerk of the Cherokee Supreme Court and by participating actively in one protest over the treatment of the Cherokees. The lessons learned during this turbulent era of Cherokee history would serve Watie well after the ordeal of removal, when fate would thrust him into the leadership of the Ridge-Watie-Boudinot faction.

²⁷Woodward, The Cherokees, p. 171; Robert G. Martin, Jr., "The Cherokee Phoenix: Pioneer of Indian Journalism," Chronicles of Oklahoma, Vol. XXV, No. 2 (Summer, 1947), pp. 115-116.

CHAPTER II

REMOVAL

The question over removal grew more bitter and various Cherokee delegations, representing all factions, trekked to Washington to present their proposals to Federal officials. At first the Ridge-Watie-Boudinot group cooperated with the Ross faction in its attempt to retain the Cherokee holdings in Georgia. However, a group led by Andrew Ross was determined to negotiate an agreement with the United States providing for the removal of the Cherokees. Andrew Ross succeeded in convincing Major Ridge and Elias Boudinot, Watie's uncle and older brother, to travel to Washington to seek a removal treaty, but the delegation met with little success. Returning to the Cherokee Nation, Andrew Ross was encouraged by Federal officials to try again. Cherokee enrolling agent William Hardin dispatched Watie to New Echota to bring Elias Boudinot to confer with Ross and Hardin in an attempt to send another delegation to Washington to secure a removal treaty. Though they accepted the offer, Ridge and Boudinot soon withdrew from the negotiations after it became apparent that they were a sham.¹

Nevertheless, a treaty was signed and submitted to the United States Senate for approval. Fortunately for the Cherokees, it was

¹United States to Stand Watie, December, 1834, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decision of a People, pp. 250-251.

rejected. Even though Major Ridge and Boudinot had refused to take part in the final negotiations, they were severely criticized for their participation, and a petition was presented demanding that Ridge be impeached from his office in the Cherokee General Council for his actions. When the General Council convened in October, 1834, though Chief John Ross refused to prosecute the charges, he would not allow a trial to be held to clear the name of the accused. As a result, Major Ridge and Boudinot called their own meeting to be held at Running Waters on November 27, 1834.²

This meeting resulted in the final break between the Ridge-Watie-Boudinot faction and the Cherokees led by Chief Ross. The gathering declared that from "time immemorial, the Cherokee nation have composed a sovereign and independent State," and that the United States through its treaties "promised to protect the Cherokee people, and restrain the white people from intruding upon their lands." In addition, the Cherokees had achieved a degree of civilization unparalleled by any other Indian tribe. However, in return for their loyalty to the United States, the President, Congress, and the Supreme Court had refused to interpose in the conflict between the Cherokees and Georgia to protect the rights of the Indians. The gathering declared that the Cherokees had "been compelled to the hard case of choosing an alternative, either of remaining here in a state of vassalage to the States, or that of emigrating to the Western country." Though it saddened them greatly, the Cherokees present stated that "when we think of our children, and the duties we owe to posterity, we can never choose to be slaves, but will, at all

²Ibid., p. 252.

hazzards, seek freedom in the far regions of the West." They continued that they had "taken pains to ascertain the sentiments of our people on the subject, and it is almost universally agreed that a great majority would remove if they were convinced that they could not be restored to their rights of self-government."³

The gathering then asked that Congress grant the Cherokees in the West a perpetual annuity equal to the amount received by the Creeks, and payments for the Cherokee improvements in the South. In addition, the Cherokees should be granted a "liberal sum of money" when they arrived in the West for the hardships of the process of removal. They asked for a larger amount of money than the eighteen dollars then allotted by Congress to defray the expenses of traveling to the West. They also wanted reassurance that the Western lands would be outside the limits of any state or territory, and that the Cherokees "be secured in a government of their own choice, subject to no control from the United States, other than such as may be necessary to preserve peace on the frontier."⁴

Watie was among the fifty-seven Cherokees who signed the document, which was presented as a petition to Congress. In addition to the issued statement, the members also passed a series of resolutions reinforcing their decision. The meeting resolved that the actions of the Federal government and the state of Georgia would hinder the "progress in improvement and advance in knowledge," and "by means of numerous influences and temptations which this new state of things had created, will

³"Memorial," United States House of Representatives, 23rd Congress, 2nd Session, Executive Document 91 (Washington: Gales and Seaton, 1835), pp. 393-397.

⁴Ibid., pp. 297-298.

completely destroy every thing like civilization" among the Cherokees. The alternative left to the Cherokees was to "seek a country where we may enjoy our own laws, and live under our own vine and fig tree." They declared that as patriots they could not "shrink from doing our duty in expressing our decided convictions," and that they "scorn the charge of selfishness and a want of patriotic feelings alleged against us by some of our countrymen." In the end they appealed to their "consciences and the Searcher of all hearts for the rectitude of our motives and intentions." The assembly concluded that they "consider the lot of the exile immeasurably more to be preferred than a submission to the laws of the States, and thus becoming witnesses of the ruin and degradation of the Cherokee people."⁵

The resolutions also argued that a majority of the Cherokees would prefer removal to the West when they were made aware of the true state of their condition in Georgia, and that the only alternative was to remain among a white population, subject to its law. Stating that the leading men of the Cherokee Nation had not deemed it proper to seek a better home west of the Mississippi River, still they were willing to migrate provided that the United States guarantee that they would be allowed to govern themselves according to their own laws and regulations. Considering the struggle to remain in their present homes useless and destructive, they pointed to the fate of the Creeks as sufficient warning; they declared, nevertheless, that they would not oppose those Cherokees who preferred to remain in Georgia. Inasmuch as law suits in both

⁵ Ibid., pp. 298-301.

Federal and state courts had offered no relief from the suppression of the Cherokees, the meeting judged it expedient to appoint a delegation to proceed to Washington to "ask for such rights and privileges as are calculated to render those Cherokees who are disposed to remove, contented and happy in their new homes." Among those sent to Washington were Watie's cousin and older brother, John Ridge and Elias Boudinot.⁶

Dissension among the Cherokees was now approaching a crisis, and Chief Ross, fearing that the Federal government would soon negotiate a treaty with the Ridge-Watie-Boudinot faction, made a proposal to Washington. Ross offered to exchange the Cherokee lands in Georgia for a new home in the West for the sum of \$20,000,000. Believing that the sum was totally out of proportion, the offer was refused by the United States, which countered by promising the Cherokees \$5,000,000 for their land. Boudinot informed Watie on February 28, 1833, soon after the Ross offer, that their "proceedings have finally so frightened Mr. Ross so that he made several propositions lately, all of which have been rejected promptly." Not trusting the intentions of Ross, who was now becoming the primary antagonist of the Ridge-Watie-Boudinot group, Boudinot accused Ross of simply wanting "to get the money and hunt out a country for himself." Continuing his support of a policy of removal, Boudinot declared that "the Cherokees, when they find out that they are to remove at all events will not think of going to a Country of which they know nothing. But here is a country to which they can go with the same pecuniary advantages, a country already obtained and nearby," and then he hastened to add that the President of the United States agreed to adding

⁶Ibid., pp. 301-302.

the Neutral Land, "which is a most excellent country," to the Cherokee holdings in the West.⁷

A few days later, on March 8, 1833, Boudinot, while still in Washington, again contacted Watie, informing him that during a presidential cabinet meeting it was decided to give the Cherokees \$4,500,000 and the Neutral Lands in exchange for their ancestral holdings in Georgia. Stating that the United States Senate had limited the amount to be awarded the Cherokees to this offer, Boudinot declared that an acceptable agreement would soon be forthcoming. "Now John Ross will do nothing, the matter will have to be left to our people--we shall only have to exert ourselves for the majority," he said. He informed Watie that a United States commissioner would soon be sent to the Cherokee Nation to propose a treaty to the tribe. Again accusing Ross of "trying to make a treaty and take the money, and go out of the limits of the United States," Boudinot insisted to Watie that it was important that the Cherokees have a clear understanding of what they were attempting to accomplish. To insure this, Watie was urged to engage the aid of his brother, Thomas, for seizing the printing press of the Cherokee Phoenix at New Echota. Telling him where he could locate plenty of paper and ink, Boudinot proposed that Watie at once begin the issuance of circulars and handbills encouraging the Cherokees to accept the offer. Watie was informed discreetly that he would "be well paid for it--Mr. Schermerhorn, who is the Commissioner authorizes me to say that he will feel himself

⁷Robert A. Rutland, "Political Background of the Cherokee Treaty of New Echota," Chronicles of Oklahoma, Vol. XXVII, No. 4 (Winter, 1949-1950), p. 403; Elias Boudinot to Stand Watie, February 28, 1835, Dale and Litton, eds., Cherokee Cavaliers, pp. 10-12.

bound to pay all costs."⁸

Boudinot explained to Watie that the Federal government was willing to pay every man, woman, and child \$100, plus \$25 each for removal and \$150,000 for damages. In addition, all who were wounded in the War of 1812 were to be added to the Federal pension list. Invitations were to be sent out for a meeting to discuss the proposal, and Watie was urged to use every honorable means to induce a majority of the Cherokees to agree to removal. Congress also agreed to appropriate money for the expenses incurred during the meeting. The question before the Cherokees, as described by Boudinot, was whether or not Indians would take \$5,000,000, as proposed by Ross, and move to Mexico, or would accept the Ridge-Watie-Boudinot proposal of \$4,500,000 plus the Neutral Lands. Again Watie was urged confidentially to take possession of the Cherokee Phoenix press and be ready to print what would be necessary to win a majority of the Cherokees for removal.⁹

The bitter hatred between the opposing factions was becoming more obvious. Watie's cousin, John Ridge, emphasized on March 10, 1835, that Ross had failed in his efforts, though he "tried hard to cheat...his people." Ridge warned that soon Ross would be returning to the Cherokee Nation "no doubt to tell lies," but that he would bring proof of Ross's actual intentions. He urged Watie to remain at home, assuring him that all would be right, now that the Federal government would have no more

⁸ Elias Boudinot to Stand Watie, March 8, 1835, "Letters To and From Stand Watie," 2 vols., Vol. II, Cherokee Room, John Vaughan Library, Northeastern State College, Tahlequah, Oklahoma.

⁹ Ibid.

dealings with Ross.¹⁰

After the pro-removal mission to Washington, President Jackson appointed John R. Schermerhorn and General William Carroll as commissioners to the Cherokees to make final arrangements for a removal treaty. Also, in April, 1835, the pro-removal Cherokee delegation returned from Washington and held a meeting at Running Waters to explain what had transpired in Washington. They invited all dissatisfied Cherokees to attend another meeting to be held on the first Monday in May. In the meantime, Carroll became ill, and Schermerhorn traveled to the Cherokee country alone.¹¹

The meeting convened as scheduled in May; however, very little was accomplished and no agreement on a treaty was reached. The May meeting failed because only the hard core supporters of removal attended--not more than one hundred. Not to be deterred, they scheduled another conference for the third Monday in July. Opposition to removal continued to increase, and soon the leaders of the Ridge-Watie-Boudinot faction lived in fear of their lives.¹²

Surprisingly, Chief Ross urged his supporters to attend the July meeting, and he staunchly declared that his faction would be able to secure a much better treaty than the one offered by the Ridge-Watie-Boudinot group. In reply, John Ridge stated that the United States would offer no better treaty than the one they had negotiated. At the

¹⁰John Ridge to Major Ridge and Others, March 10, 1835, Dale and Litton, eds., Cherokee Cavaliers, pp. 12-14.

¹¹Rutland, "Political Background of the Cherokee Treaty of New Echota," Chronicles of Oklahoma, p. 404; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 260.

¹²Ibid., pp. 260-261.

same time, the pro-removal party turned to the officials of Georgia for support. Tensions were high when Cherokees by the thousands poured into the council ground at Running Waters, and the meeting opened with a prayer by David Watie. This was perhaps the largest gathering of Cherokees ever assembled; some estimates were as high as 4,000 men, women, and children. The Georgia Guard was positioned on the outskirts of the meeting ground to ensure peace; the Cherokees, however, maintained order throughout the council. The pro-removal party proposed the following resolution to the gathering:

Resolved, by the council of the Cherokee nation, That in consideration of the poor condition of our people, the aged, the infirm of both sexes, men, women, and children, that the present annuity of six thousand six hundred and sixty-six dollars and sixty-seven cents, be now divided equally to the people, and to the poor particularly, as it is their money, accruing from old treaties with the United States. It is now a great many years since they have received the same.

This proposal was designed especially to attack the Ross followers, and both Major Ridge and John Ridge spoke at length in support of the measure. Chief Ross countered with a proposal that the money be paid directly to the Treasurer of the Cherokee Nation; this passed by acclamation.¹³

After the resolutions were introduced, a vote was taken. Stand Watie, David Watie, John Watie, Major Ridge, and John Ridge, with the majority of the pro-removal faction, voted for the resolution providing for the annuity payment to the individual members of the tribe; nevertheless, they were in the minority, since only 114 voted for the measure

¹³Ibid., pp. 261-266; Resolutions, July 19, 1835, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120 (Washington: Blair and Rives, 1838), pp. 396-398.

and 2,159 voted against it in the final vote. This was a crushing defeat for the Ridge-Watie-Boudinot party, and the meeting adjourned without transacting additional business. Owing to the misfortune of the pro-removal party at the July meeting, the Federal commissioners believed that it was best not to schedule another assembly until the following November, but Schermerhorn expressed optimism that a successful removal treaty would be concluded at this later date,¹⁴

In August, 1835, Watie finally acted on the advice given by Elias Boudinot the previous March. Fearing that Ross would remove the printing press of the Cherokee Phoenix to Red Clay, Tennessee, and utilize it to publish anti-removal propaganda, Watie contacted the Georgia Guard and gained their aid in taking the press. He declared that in the absence of Boudinot, Ross had illegally seized the press and moved it to the home of Elijah Hicks at New Echota. Hearing that Ross was constructing a building to house the printing press at Red Clay, Watie contended that the press had been purchased by his brother, Elias Boudinot, through voluntary contributions from citizens of the United States for the general benefit of the entire Cherokee Nation. The press was to be used to convey the truth to all members of the tribe, Watie contended, and Ross would not use it in a fair, candid, and impartial manner. Nor would Ross allow both sides--those in favor and those opposed to removal--to voice their opinions, and under the direction of Ross, the press was "prostituted to party politics" and used to mislead the common people. Watie maintained that Ross was attempting to prejudice the minds of patriotic members of the tribe because they would not submit to

¹⁴Ibid., pp. 398-448; John R. Schermerhorn to Elbert Herring, August 1, 1835, *ibid.*, pp. 449-450.

his dictation. Claiming that the press should be restored to the hands of the original owner, Elias Boudinot, Watie arrived at the home of Hicks and demanded of his wife the return of the press, type, books, papers, and other articles which had been removed from Boudinot's home. These items were peacefully returned.¹⁵

Watie then informed Benjamin F. Currey, the Cherokee agent, that the press would be open to all people of the Cherokee Nation, and would publish everything relative to the Cherokees removal controversy. Currey supported Watie's actions and condoned his seizure of the press; however, he reassured Ross that the press would be utilized "according to the original design of the donors," and for the benefit and best interest of all the Cherokees. Thus the Ridge-Watie-Boudinot faction was able to use the press to gain support for their policy of removal and to attempt to change the attitude of the majority of the Cherokees before the November, 1835, meeting open to all Cherokees would be held.¹⁶

Ross continued to employ stalling tactics in an attempt to prevent negotiation of a removal treaty. He had agreed to meet with the Ridge-Watie-Boudinot faction in late July at the urging of Schermerhorn, to unite and promote the welfare of the Cherokee Nation, but on the appointed day Ross did not appear and cited illness as the reason. The meeting was postponed due to the forthcoming Green Corn Dance scheduled for late August, and violence against the pro-removal faction increased. Meanwhile, several supporters of the projected removal treaty were

¹⁵John Ross to John F. Schermerhorn and Benjamin Currey, August 22, 1835, and Benjamin Currey to John Ross, September 9, 1835, Foreman Transcripts, Indian Archives Division, Oklahoma Historical Society.

¹⁶Ibid.

murdered. Nevertheless, the pro-removal faction utilized the Green Corn celebration to stimulate interest in its proposed treaty.¹⁷

A census was conducted among the Cherokees in 1835 in preparation for their expected removal to the West. Watie was still living on Oothcaloga Creek, and his household was listed on the census rolls. In the meantime, the proposal for removal was gaining support. Many Cherokees were dissatisfied with Ross's stalling tactics and openly threatened to side with the Ridge-Watie-Boudinot faction if Ross did not satisfactorily conclude the removal question soon.¹⁸

The long delayed meeting of the two groups as urged by Schermerhorn was scheduled for the second Monday in October, 1835, at Red Clay. On the appointed date, the forest virtually "echoed with the trampling of many feet" as Cherokees from across the Cherokee Nation gathered to determine their future. However, Ross, continuing to employ his delaying tactics, made every effort to prevent Schermerhorn from speaking to the assembly. Ross contended that Schermerhorn "had no commission to act," and therefore was not a duly authorized commissioner to conclude a treaty. Ross succeeded in convincing the meeting to pass a resolution agreeing not to enter into a treaty on a basis of \$5,000,000, and he presented a petition containing one thousand names to empower him and nineteen others to journey to Washington to negotiate another agreement. However, Schermerhorn, his vanity badly damaged, was determined to secure the removal treaty he was sent to conclude, so he used his

¹⁷Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 267-269.

¹⁸Ibid., p. 269; Cherokee Census, 1835, Foreman Transcripts, Indian Archives Division, Oklahoma Historical Society.

authorization to call a general Cherokee meeting at New Echota on December 21, 1835. Notices for the December gathering were posted throughout the Cherokee Nation, probably printed on the press seized by Watie.¹⁹

Among those selected by the Red Clay meeting as delegates to Washington were John Ridge and Elias Boudinot. Boudinot was hesitant about the trip, and when pressed by Chief Ross to either prepare for the journey or "send me your written resignation," he resigned because he did not wish to remove himself from the center of the controversy. Ross suggested that his place be taken by Major Ridge, but he was suspicious of leaving the Cherokee Nation at such a pressing time. Ross then suggested that Boudinot's place be taken by George Chambers, but Boudinot at the urging of the other members of the pro-removal faction suggested that his brother, Stand Watie, be appointed to assume the vacant post. This decision had the full support of both Major Ridge and George Chambers, who agreed with the selection. This appointment was Watie's first major entrance into tribal politics. Boudinot conceded that Ross probably did not know Watie because of "his great modesty," and characterized him as "a man of sterling sense and integrity, and you will be pleased to find him so." No doubt Watie was well briefed as to his course of action in Washington, and the Ridge-Watie-Boudinot faction had the fullest confidence that he would carry out the wishes of the pro-

¹⁹Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 270-272; John F. Schermerhorn to Elbert Herring, October 27, 1835, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 484-485.

removal party.²⁰

The delegation left the Cherokee Nation on December 1, 1835, and arrived in Washington later the same month. John Ridge and Watie took up residence at Mrs. Arguelles' Boarding House. On January 2, 1836, the delegation informed Secretary of War Lewis Cass of their arrival and their authorization to negotiate a treaty of removal. They also asked for a meeting with Cass and President Jackson. Ridge and Watie joined the other members of the Cherokee delegation in meeting with Cass on January 6, when Cass informed them that the Federal government was inflexible on three points: there would be no funds in addition to the \$5,000,000 appropriated by Congress, individuals would not be granted land for personal ownership, and all monies would be paid to individual Cherokees and not to tribal authorities. The cool reception afforded the Cherokee delegates was concluded with the expressed regret of Cass that the delegation had probably journeyed to Washington on a hopeless mission. Nevertheless, they met with President Jackson the following morning, and he informed them that the government would consider their proposals. The Cherokee proposals, he said, would need to be submitted in writing to the Secretary of War, and a decision made as to their acceptability.²¹

²⁰John Ross to Elias Boudinot, November 25, 1835, Elias Boudinot to John Ross, November 25, 1835, and John Ross to Major Ridge, November 30, 1835, in "Memorial and Protest of the Cherokee Nation," United States House of Representatives, 24th Congress, 1st Session, Executive Document 286 (Washington: Blair and Rives, 1835), pp. 101-102; Wilkins, Cherokee Treaty: The Story of the Ridge Family and the Decimation of a People, p. 272.

²¹Ibid., p. 279; Cherokee Delegation to Lewis Cass, January 4, 1836, Cherokee Agency East, Letters Received by the Office of Indian Affairs, National Archives, Washington, D. C.

Meantime, in the Cherokee Nation a group of the pro-removal faction, including Major Ridge, Elias Boudinot, and David Watie, had contacted President Jackson on December 1, 1835. At that time they conceded that the policy of removal supported by Jackson was the "only course that can preserve us as a distinct community," and they fully supported such a policy. They stated that they believed that the majority of the Cherokees were convinced "of the entire folly of their continuing any longer in their perplexed condition," and that they stood "prepared to give their assent to a treaty with the United States." Expressing supreme confidence in Jackson to "secure justice to the poor Indian," they declared opposition to the establishment of reservations and the division of the money among the mass of Indians "without securing a home to which they can flee for refuge."²²

The meeting at New Echota convened on December 21, 1835, with approximately four hundred Cherokees in attendance. Schermerhorn explained the purpose of the meeting and declared that on the following day he would present the removal treaty proposals of the government. Ross, opposing the meeting, had sent runners throughout the area urging the Cherokees not to attend, but Schermerhorn proceeded to offer a treaty. Most of the Cherokees present were of the opinion that it was in their best interest that "their difficulties with the United States should be speedily settled by a treaty, and before they separated from this council." Watie and John Ridge were not in attendance due to their

²²Major Ridge, David Watie, Jesse Half-breed, Bear Meat, Ground Mole, Ye-soh-daske, E-de-gung-na-hee, Scon-ah-clah-hee, Yo-noo-killer, Jos. Scon-ah-da-hee, Gah-lung-doh-quoh-noh, and Elias Boudinot to Andrew Jackson, December 1, 1835, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 490-491.

mission to Washington, but Elias Boudinot and Major Ridge were present.²³

On December 23, Schermerhorn presented the treaty propositions, and after solemn deliberation the Cherokees accepted them and agreed to enter into treaty negotiations. A committee of twenty Cherokees was authorized to negotiate with the Federal officials. The following six days were spent in consultations and conferences on the terms of the agreement. The sum of \$5,000,000 was to be paid the Cherokees for their land east of the Mississippi River, and the claims for damages, losses, and dangers inflicted on the Cherokees by white intruders on their land were to be again referred to the United States Senate to determine if they should be paid. If the Senate refused to appropriate any more funds, the Cherokees were to receive \$300,000 for damages, \$50,000 higher than previously offered. The Cherokees insisted that reservations "should be made and allowed to such of their people as were averse to a removal west, and were determined to continue in their residences under the laws of the States." In reply the government commissioners informed the Cherokees that according to their instructions "no discretionary power was given them on this point, and that they were inadmissible in the treaty," but they would agree to a limited number of pre-emption rights to be granted in North Carolina, Tennessee, and Alabama to Cherokees who "were qualified or calculated to become useful members of society."²⁴

²³A Journal of the Proceedings of the Council Held at New Echota, Georgia, December 21-30, 1835, in *ibid.*, pp. 513-514; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 275.

²⁴A Journal of the Proceedings of the Council Held at New Echota, Georgia, December 21-30, 1835, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 514-515.

Another area of difficulty was the 4,000,000 acres of land the Cherokees surrendered in 1817 and 1819 in exchange for territory in Arkansas. The Cherokees pointed out that many of the reservations promised in these treaties had not yet been granted. In order to remove this complaint, Schermerhorn agreed to include a guarantee of the fulfillment of the previous treaties in the one being negotiated. Declaring that the Cherokees had suffered great distress and suffering because of the unsettled state of affairs in Georgia, the delegation asked and received a two-year advance of annuities to relieve the condition of the Cherokees. Finally, the Cherokees insisted on the payment of certain claims of former traders. Upon examining the claims, the commissioners ruled that they were just and agreed to include these conditions in a supplement to the treaty.²⁵

On December 28, 1835, the pro-removal faction agreed on terms which were presented to the meeting, and after due consideration approved, and the committee of twenty was instructed by the gathering to sign the agreement. The treaty signing ceremony was held on December 29, and the following day the meeting was reconvened and told that the agreement had been signed. A special committee was then appointed to accompany Schermerhorn to Washington, to aid in getting the Red Clay delegation to sign the agreement and for securing its approval by the United States Senate. After the Federal commissioners presented each Cherokee present at the gathering with a blanket, the meeting adjourned.²⁶

Soon after the treaty was signed, the delegation in Washington,

²⁵Ibid., pp. 515-517.

²⁶Ibid., p. 517.

including Watie, began to hear rumors of the negotiations. On January 14, 1836, however, the delegation declared that it had received no information from the Cherokee Nation concerning the purported treaty, and expressed surprise over the rumored development. The delegation asked for understanding concerning the "awkward and delicate situation" in which the rumored information placed them.²⁷

On February 9, 1836, Watie and John Ridge joined with the other members of the Red Clay delegation in protesting the purported treaty signing. Apparently neither Ridge nor Watie was aware of what had transpired in the Cherokee Nation during their absence, and both went along with the majority wishes of the delegation in Washington. The protest declared that as representatives of the Cherokee people, they "disapprove of, and solemnly protest against, the proceedings of New Echota," and requested that President Jackson inform them of his intentions concerning the New Echota treaty. They stated that they were the "duly constituted representatives of the Cherokee nation," and if the government concluded an agreement with another faction, they would like to be informed of the fact.²⁸

The first members of the delegation sent to Washington by the New Echota meeting, nevertheless, had arrived on January 27, 1836; it was not until February 3 that Major Ridge and Elias Boudinot appeared. Immediately Watie and John Ridge left Mrs. Arguelles' Boarding House and joined the New Echota group. In contacting Schermerhorn on February 26,

²⁷Cherokee Delegation to Lewis Cass, January 14, 1836, Cherokee Agency East, Letters Received by the Office of Indian Affairs, National Archives.

²⁸Cherokee Delegation to Lewis Cass, February 9, 1836, *ibid.*

Watie and John Ridge informed him that they were originally members of the Red Clay delegation and that they had examined the agreement reached at New Echota during their absence in Washington and they "now cheerfully obey their instructions through their subsequent delegation, who have arrived, and unite with them to urge the ratification of the said treaty." Apparently any misunderstanding or confusion which was present in the minds of Watie and John Ridge was quickly dispelled.²⁹

The supporters of the New Echota treaty soundly condemned Chief Ross, whom they described as a rich half breed and "nearly a white man in color and feelings." They blamed the Ross faction for the destitute condition of the Cherokees. They accused Ross of misrepresenting the Cherokee Nation and of using the Cherokee annuities and exhausting "the credit of the nation, under the pretense of defending and saving the Cherokee lands." Even though the Cherokees were stripped of their homes, country, and laws, and reduced to a condition "worse than the poorest of the slaves of the south," Ross had refused to take effective action. Watie and the others declared that no elections had been held in the Cherokee Nation since 1830, even though Ross still clung to power by virtue of a select committee who continued to exercise authority. Those members of the tribe who favored removal to the West had been replaced by Ross with his lackies, the complaint continued, so that a representative form of government had ceased to exist. They accused Ross of spending more "of his time in Washington than he does at home," and of

²⁹Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 279; John Ridge and Stand Watie to John F. Schermerhorn, February 26, 1836, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 528.

financing his party from Cherokee annuities, loans on the credit of the Cherokee Nation, or due bills. Ross kept up his "constituted authority" by power, taxation, and extravagances, while the Cherokees he purported to represent believed that the money was being spent to save their ancient home. Finally, the supporters of the New Echota treaty concluded that Ross "intended to pay all his 'constitutional' debts whenever he should make a treaty out of the price of their country."³⁰

Watie and John Ridge continued to criticize Ross for leaving the Cherokee Nation when the President of the United States had sent a commission there to negotiate a treaty; and during the New Echota negotiations, the Ross faction dared not present any of their followers as "they would have joined their brethren, to release themselves by the treaty." They praised the New Echota meeting as being a "great council of the true Indians of the nation," while the Ross faction had depleted the treasury and made themselves rich while they were in power. They warned Schermerhorn that Ross was determined to seriously protest the treaty through a petition supposedly representing the Cherokee people; however, the names had been obtained through fraud and deceit. They reassured the United States commissioners that the pro-removal faction likewise gather an equal number of names should it become necessary, but it had no desire to resort to a procedure smacking of false representation. Ross was accused of defrauding the entire Cherokee Nation by these actions, and Watie and John Ridge accused him of attempting to rob the individual members of the tribe of the monies due them by the treaty. They were astonished that the poor Cherokees would be denied their

³⁰Ibid., pp. 528-530.

rightful due by the actions of Ross, and implored the President to never allow it. They declared that if the United States Senate refused to approve the treaty negotiated at New Echota, two-thirds of the Cherokees "will be out of house and home by next fall." They admitted that they had left the Ross delegation because of the "powerful exertions which will be made to deceive the Senate into a rejection of the treaty," and asserted that they gave their full support to the New Echota treaty.³¹

The Ridge-Watie-Boudinot faction added their names to several supplementary clauses of the original treaty, and approved a statement of consent which allowed it to be sent to the Senate for ratification. Though beset with criticism from the Ross party and strong congressional opposition, President Jackson threw his support behind the measure. On May 23, 1836, it was ratified by the Senate by a one vote margin. The final treaty as signed by Stand Watie, Elias Boudinot, Major Ridge, and John Ridge provided that the Cherokees "relinquish and convey to the United States all the lands owned claimed, or possessed by them east of the Mississippi River, and hereby release all their claims upon the United States for spoliations" for the sum of \$5,000,000. If no other allowance for damages was provided, then an "additional sum of three hundred thousand dollars be allowed for the same." The United States also agreed to guarantee land by patent in a treaty with the Cherokees already west of Arkansas Territory in the amount of 7,000,000 acres, and "a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said seven million acres, as far west as the sovereignty of the United States and their right of soil

³¹Ibid., pp. 530-531.

extended." This area around the three forks of the Arkansas, Grand, and Verdigris rivers, which would later become known as Indian Territory, was to be the future home of the Cherokee Nation. A supplementary provision was inserted to include the "saline or salt plain on the western prairie" within the limits of the prescribed territory.³²

If the land given to the Cherokees was not sufficient to contain the entire tribe, the United States for \$500,000 would grant them an additional tract of land west of Missouri and the Osage Reservation. The United States retained the ownership of Fort Gibson, located within the new Cherokee lands; if the post should ever be abandoned, however, the area would revert to the Cherokee Nation. The Federal government also retained the right to construct military posts and roads within the Cherokee Nation, and the "free use of as much land, timber, fuel and materials of all kinds for the construction and support" of such installations as long as the private rights of individuals were not interfered with, and "just compensation therefore shall be made." The Osage titles to reservations within the Cherokee lands were to be extinguished. The treaty provided that the Cherokee lands "in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory." This was to insure the Cherokees that at no time in the future would the situation as had existed in Georgia be allowed to reappear. The Cherokee government was given full authority over the territory, provided that its actions would never be "inconsistent

³²Treaty Between the United States of America and the Chiefs, Headmen, and People of the Cherokee Tribe of Indians, March 1, 1836, in "Letters Relative to the Cherokee Indians," United States House of Representatives, 24th Congress, 1st Session, Executive Document 282 (Washington: Blair and Rives, 1836), pp. 8-11.

with the constitution of the United States and such acts of Congress;" Cherokee law did not extend to the army of the United States or any United States citizen traveling through or residing in their territory.³³

Perpetual peace and friendship was professed in the New Echota treaty between the Cherokee Nation and the United States, and the Federal government agreed to "protect the Cherokee nation from domestic strife and foreign enemies and against intestine wars between several tribes." The Cherokees agreed to maintain peace and not to wage war against their neighbors, and the United States promised to prevent the interruption and intrusion of the Cherokees by white citizens. To insure the continued development of the Cherokee people and to guard their rights guaranteed by the New Echota treaty, the Cherokees were entitled to send a delegate to the United States House of Representatives, "whenever Congress shall make provision for the same."³⁴

The New Echota treaty called for the United States to remove the Cherokees to their new homes and "to subsist them for one year after their arrival there." Sufficient steamboats and baggage wagons were to be furnished to carry out the removal, and physicians and medicines were to be supplied by the government to protect the health of the Cherokees during removal. Cherokees who proved capable of removing themselves were to be allowed to do so, and were to be reimbursed by the government for their expenses and their first year's rations.³⁵

A fair valuation of all Cherokee improvements and ferries left

³³Ibid., pp. 11-12.

³⁴Ibid., pp. 12-13.

³⁵Ibid., p. 13.

behind in the South was to be determined by Federal government agents. Also, the property of the missionaries among the Cherokees was to be valuated and reimbursed by the Federal government. The United States was to invest the following sums in "some safe and most productive public stocks," the interest to be paid annually to the Cherokee Nation: \$200,000 for a general fund; \$50,000 for an orphans fund; \$150,000 for a permanent school fund. In addition \$60,000 was to be paid for the "just debts and claims against the Cherokee nation" held by citizens of the United States. All the future funds and annuities of the Cherokees were placed under "their own direction and future disposition." Those Cherokees removing to the West were to "receive their due portion of all personal benefits accruing under this treaty for their claims, improvements and per capita...as soon as an appropriation is made for this treaty." Those wishing to remain in the East were to be permitted to "locate within two years" on any lands not already occupied, and a committee of Cherokees was established to screen the applicants wishing to remain behind.³⁶

The Cherokees who had received personal land allotments under previous treaties with the United States in 1817 and 1819 were to receive payment for the present value of the land. These monies were not to be deducted from the allocations of the New Echota treaty, but were to be considered fulfillment of former treaty stipulations. Cherokees who received wounds in the War of 1812 or in campaigns against the southern Indians were to be placed on the pension list of the United States and receive money due them "from the period of their disability." All

³⁶Ibid., pp. 13-15.

monies remaining after the payments specified by the treaty were to be divided equally between the citizens of the Cherokee Nation east of the Mississippi River and those who migrated west after 1833.³⁷

A time limit of two years was placed on the Cherokees to remove to their new home, dating from the ratification of the treaty. In the intervening period, the United States was to "protect and defend them in their possessions and property." Those Cherokees who had been forced out of their homes were to be given possession of their property, provided it was not already occupied by other persons; in such cases the Federal government was to reimburse them for the "losses and damages sustained." All public buildings and improvements within the Cherokee Nation not already occupied were reserved for the free use of the United States and the Cherokee officials. The lands ceded by the treaty were to be immediately surveyed, but the land occupied by the Cherokee Agency were to be reserved for the use of the Cherokee agent.³⁸

William Carroll and Schermerhorn, or other commissioners appointed by the Federal government, would examine and adjudicate all claims of the Cherokees arising under the treaty, and their decisions would be final. However, all stipulations of former treaties not annulled or superseded by the New Echota treaty were to continue in force. The annuities for the two year period specified for removal were to be "expended in provision and clothing for the benefit of the poorer class of the nation," a necessary treaty provision because of the unsettled condition of the Cherokees due to the confusion over removal, and early

³⁷Ibid., pp. 15-16.

³⁸Ibid., pp. 16-17.

frosts which had destroyed most of their crops.³⁹

This was the basic agreement signed by the Ridge-Watie-Boudinot faction favoring removal. There was one supplemental article to the agreement which Watie and the other members of the pro-removal group signed. It provided for the guaranteed payment of all unpaid claims of the Cherokees for land previously ceded to the United States or Georgia. However, the refusal of the Senate to adopt this amendment would not impair the other provisions of the treaty. The article was stricken from the final agreement.⁴⁰

Eventually, other supplementary articles approved by the pro-removal faction declared the pre-emption rights and reservation claims as null and void. Also referred to the Senate was the determination of the amount to be expended on the removal of the Cherokees, and the claims of the Cherokees against the citizens of the United States. Any monies remaining from the appropriation provided for removal were to be given to the Cherokees to be utilized by the education fund. These articles were merely submitted to the Senate for consideration, and would become a part of the original treaty only if approved. Provision was made to protect the property of any Cherokee which fell within the boundary of the land set aside for the agency, and the monies appropriated for the poorer Cherokees were to be added to their general fund. Finally, all expenses incurred in the negotiation of the New Echota treaty and the supplements were to be defrayed by the Federal government.⁴¹

³⁹Ibid., p. 17.

⁴⁰Ibid., pp. 17, 21.

⁴¹Ibid., pp. 20-21.

The last supplement to the treaty was extremely beneficial to the members of the Ridge-Watie-Boudinot faction, as quite a sum of money was divided among their supporters. Watie, for services and expenses as a member of the Cherokee delegation favoring the treaty, received \$1,419; Elias Boudinot was paid \$1,550; Major Ridge got \$1,280; and John Ridge received \$2,054.87. The remainder of the pro-removal delegates divided \$9,810 among themselves. In addition, the Ross delegation was granted \$13,000, and a total of \$555.80 in other debts was paid. Thus the expense to the Federal government for negotiating the New Echota treaty was relatively small.⁴²

The treaty came under sharp attack while under consideration by the Senate, and while it was being debated, Watie and pro-removal leaders expressed to Schermerhorn, on March 25, 1836, their confidence in his participation in the negotiations. They declared that Schermerhorn's actions in securing the treaty had been "actuated by the best motives for the interests of the Indians," and that he had acted toward all parties "as their friend, not as partisans, but as a people whom the President of the United States wished to convince, as their friend, that, in removal only, they could be preserved as a people." Schermerhorn was praised for representing the Federal government with the strictest fidelity: "no other individual in the United States could have done better than you in settling our difficulties with the United States."⁴³

⁴²Statement of Expenses, December 29, 1835, in "Report of the Secretary of War," United States Senate, 25th Congress, 2nd Session, Senate Document 199 (Washington: Blair and Rives, 1839), pp. 2-4.

⁴³William Rogers, Elias Boudinot, John Ridge, and Stand Watie to John F. Schermerhorn, March 25, 1836, United States House of Representatives, 24th Congress, 1st Session, Executive Document 286, p. 159.

Watie and the pro-removal faction again seized on the opportunity to criticize the actions of Chief Ross. Accusing Ross of defaming the high office to which he was entrusted and of taking advantage of the uneducated Cherokees, the pro-removal party charged him with neglect and contempt. Defending themselves of the charges of "vile traitors," they maintained on their sacred honor that a more equitable treaty could not have been secured by the Ross faction. Ross had delayed and confused the Cherokee people in an attempt to prevent the successful completion of a removal treaty, the Treaty Party maintained, and now claimed that by making no treaty he has saved the land of their forefathers. This claim was nothing but "a manifest equivocal and double-dealing with an ignorant people," and Ross had no excuse for his actions.⁴⁴

Watie and the treaty signers told Schermerhorn of the threats made against the lives of those who had negotiated the Treaty of New Echota, but they assured him that he should have no apprehensions over the threats. "How inconsistent to say," the Watie group exclaimed, "if they will let us sell the land, we shall live, but those who made the New Echota treaty will be killed!" "If the Cherokees were disposed to kill, why did they not kill Ross and his party for selling land to the Government in 1819?" The Ridge-Watie-Boudinot faction stated that this 1819 land sale had resulted in the loss of the most valuable land in the Cherokee Nation without any benefit to the Cherokees at large. Nevertheless, the pro-removal faction bravely accepted its fate. "Some may be secretly induced to assassinate," the Watie group predicted, "by John Ross and his friends, but it will be done so secretly that only one or

⁴⁴ Ibid., pp. 160-161.

two may fall. What will that be to the joy which the treaty will ultimately give to the Indians?"⁴⁵

Watie and the other treaty signers contended that because of their actions, the Cherokees "will be relieved from the lowest state of wretchedness," and having been driven from their homes by the actions of Georgia, the Cherokees would now be able to find salvation. The treaty signers hoped that the United States government would not refuse their treaty because of the alarms raised by the Ross faction, and thus force the Cherokees to become "wandering outcasts, and dependent on the cold charity" of their oppressors. Schermerhorn was praised for his devotion "to the cause of the Indians, to save them from ruin, and improve their condition." The treaty signers concluded by stating that removal to the West was the only alternative left to the Cherokees by the actions of the Federal government and the state of Georgia.⁴⁶

The New Echota treaty signers did not delay in Washington long after the ratification of the treaty. On May 21, they informed the Federal officials that it was of utmost importance that they return to the Cherokee Nation as soon as possible, for they believed that they were needed at home to preserve the peace and to aid their people. The treaty signers, including Watie, departed from Washington on May 26, 1836, for the homeward journey.⁴⁷

Before they left the capital city they signed a document relating to those Cherokees who lived in North Carolina, and who had appointed

⁴⁵Ibid., p. 161.

⁴⁶Ibid., pp. 161-162.

⁴⁷Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 281-282.

William H. Thomas to act as their legal counsel in Washington. He was to examine the Treaty of New Echota, and if he found it acceptable, provisions were to be made for them in the treaty. Thomas was authorized to sign the agreement on their behalf. Watie acted as interpreter for the meeting with Thomas. Since Thomas arrived in Washington after the treaty was submitted to the Senate for approval and did not wish to delay its ratification by the President, a separate agreement was reached. It was agreed by the pro-treaty faction and Thomas that the North Carolina Cherokees were entitled to an equal share of the monies received from the treaty. Those North Carolina Cherokees not desiring to remove westward "shall be entitled to receive their due proportion of all the personal benefits accruing under this treaty for their claims, improvements, and per capita, as soon as an appropriation is made" for the New Echota treaty. Thomas agreed to annually take a census of the North Carolina Cherokees, "showing the number of each town," and have it certified by the clerk and chairman of the county court. The President or agent of the Federal government was requested to pay them their proportionate share of all sums.⁴⁸

Supplementary articles were to be requested to the New Echota treaty if any hindrance was encountered in the payment of funds to the North Carolina Cherokees; a guarantee was included that they would receive their rightful share of the monies involved. The Cherokees living in North Carolina were to have use of the hunting ground adjacent to

⁴⁸Resolution of North Carolina Cherokees, January 30, 1836, and Statement of William H. Hansell, June 15, 1836, in "Reports and Correspondence Relating to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 612-616.

their lands as provided by a treaty negotiated in 1791, and the sum of \$500 was promised to them for the translation of the Bible into Cherokee and an additional \$500 for the printing of the translated work. Finally, should a division into private plots be made of the Cherokee lands west of the Mississippi River, the North Carolina Cherokees were to receive their rightful share of the land.⁴⁹

With the business of the pro-removal faction in Washington completed, the members of the delegation departed for their homes. Watie, now deeply involved in Cherokee politics, was staunchly allied with those favoring removal as the method of settling the Cherokee removal dispute. Satisfied that he had done what was best for the Cherokee Nation, he would soon realize the fateful results of the New Echota treaty. After attaching his name to the agreement, John Ridge said that "[I] may not die tomorrow; but sooner or later...[I] will have to yield...[my] life as the penalty for signing."⁵⁰

Ridge did not know the truth of his prophecy. The hatred and bitterness associated with the process of arranging for removal and the suffering of the westward journey would burst into the open once the Cherokees were established in their new homes. Of the four primary leaders of the pro-removal party, Stand Watie, Elias Boudinot, Major Ridge, and John Ridge, only Watie would survive the violence that was to come. Watie too had sealed his fate by signing the New Echota treaty, for to him would fall the leadership of the Ridge-Watie-Boudinot faction.

⁴⁹Ibid., pp. 616-617.

⁵⁰Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 281.

Embittered as Watie was toward Ross's attitude on the treaty, the hatred would grow even deeper with the murders of his brother, uncle and cousin.

CHAPTER III

PROMISED LAND

When Watie and the other leaders of the pro-removal party returned to the Cherokee Nation about the middle of June, 1836, they were not hailed as the saviors of the Cherokees, as they featured themselves. Instead, many of the Cherokees condemned their action, declared them traitors, and in some instances threatened their lives. The Ross faction continued bitterly to oppose the New Echota agreement and to control a majority of the tribal members. In addition, many of the Cherokees were in desperate straits owing to unsettled conditions and an extremely rainy spring which had delayed planting.¹

The citizens of Georgia were overrunning Cherokee lands like a plague of locusts. Seizing what property the Indians had of value, usually forcefully, the whites added to the disrupted and unsettled condition of the country. Even the signers of the treaty were not immune, as Major Ridge had a portion of his farm and ferry seized in his absence. The turmoil and confusion of the Cherokees was increased by statements of Chief Ross who urged them not to surrender their ancestral homes. Many Cherokees took his advice and declined to prepare for the journey to their new home west of the Mississippi River, only adding to their

¹Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 282.

suffering.²

Watie returned to an even greater personal loss. His wife Elizabeth had died during childbirth the last week in April while he was still in Washington. Although she was able to obtain medical aid, she died "under great afflictions." The child also failed to live. Watie, now a widower, undoubtedly suffered from the same problems of his people: a poor planting season, destitute Cherokees appearing at the door and expecting a meal, and constant harassment from his white neighbors. Watie, however, continued to make plans for the future. During the month of June, 1836, he purchased three Negro slaves valued at \$1,300 from Jacob and Sebrina Croft. The slaves consisted of a woman about thirty-seven years of age, a four year old boy named Andrew, and a two year old boy named Laudy, and they were guaranteed to be "sound in body and mind." They were probably intended for general work around Watie's home.³

The process of placing the Treaty of New Echota into effect was undertaken next. The agreement called for the creation of a committee to conduct all Cherokee affairs during the removal process. Though both factions were represented, the pro-removal party soon gained control and John Ridge served as president. Two commissioners, William Carroll and Wilson Lumpkin, were delegated to handle affairs for the Federal government. However, little was accomplished, and the condition of the

²Ibid.

³George M. Lavender to John Ridge, May 3, 1836, in "Reports and Correspondence Relative to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 593-595; Bill of Sale, Jacob and Sebrina Croft to Stand Watie, June, 1836, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

Cherokees continued to deteriorate.⁴

On July 8, 1836, Stand Watie, David Watie, Elias Boudinot, Major Ridge, and other members of the Treaty Party appealed to Lumpkin for relief. Congratulating Lumpkin on his appointment as a commissioner and praising him as a suitable choice, the Cherokees asserted their belief that the trust imposed on Lumpkin would be "most faithfully executed to the relief and advantage of our suffering people." Declaring that the Cherokees were in a "wretched condition, and must have relief," they reminded Lumpkin that because "the most suitable season for removal is fast approaching, it is very necessary that their affairs should be settled soon, and means placed within their power to effect their removal." The pro-removal faction contended that the treaty had been well received, and "that a large portion of the Cherokees are now very desirous to get off this fall," just as soon as their claims with the government were settled. Hoping for as little delay as possible, the members of the Treaty Party stated that they should "ere long, hear that you and your associates are in this country, prepared to commence your arduous duties."⁵

The pro-removal faction sought to relieve any apprehensions which Lumpkin had concerning possible hostile action by the Cherokees, for there were many "surmises and rumors calculated to prove injurious both to the whites and the Indians." Watie and the others argued that they

⁴Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 284.

⁵Stand Watie, Elias Boudinot, Major Ridge, David Watie and Others to Wilson Lumpkin, July 8, 1836, Wilson Lumpkin, The Removal of the Cherokee Indians from Georgia, 1827-1841 (2 vols., New York: Dodd, Mead and Company, 1907), Vol. II, pp. 36-37.

were untrue, that the Cherokees had no "idea of committing hostilities, or making trouble, either from anything they hear from the Creek Indians, or anything resulting from the ratification of the Treaty."⁶

During the late summer of 1836 the various members of the Treaty Party traveled throughout the Cherokee Nation attempting to speed up the removal process. John Watie, Stand Watie's brother, served as an interpreter during July and August, aiding the Federal government in encouraging as many Cherokees as possible to prepare for removal. Stand Watie held the position of confidential interpreter during the month of September. He also found time to marry his third wife, Isabella, who had a son by a previous marriage and who would accompany him to their new home in the West.⁷

The pro-removal faction called a meeting at New Echota on September 12, 1836. The purpose of the gathering was to explain the provisions of the removal agreement to the tribal members. However, Chief Ross called for another meeting to convene at Red Clay on September 15, and the Ridge-Watie-Boudinot faction was forced to cancel their proposed meeting. At the Red Clay meeting Ross reiterated his stand against the treaty and urged his followers not to submit to its provisions.⁸

The Treaty Party held its meeting in October and explained the purpose of the New Echota treaty and debated other tribal matters. It was

⁶Ibid.

⁷List of the Cherokee Emigrants Under the Treaty of 1835, and Disbursement on Account of Cherokee Treaty of December, 1835, in "Reports and Correspondence Relative to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 874, 1053.

⁸Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 285.

not the success that was hoped, because Ross's influence over the Cherokees had hardened their attitude. In the meantime, Lumpkin and Carroll had arrived at New Echota and begun preparations to prepare the Cherokees for removal. However, Carroll became ill and was replaced by Colonel John Kennedy. Eventually measures were taken to feed those Cherokees near starvation.⁹

The Cherokees supporting the New Echota treaty and willing to move West were busily disposing of their personal possessions and were making other preparations for the journey. Under the provisions of the treaty, Watie received \$2,392 for the farm improvements he was forced to abandon. His wife Isabella was paid \$3,095 for her property improvements; Watie's father, David Watie, received \$3,754, and the improvements on Elias Boudinot's holdings brought \$3,917. These payments were made under the provisions of Article IX of the New Echota agreement which called for "a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them according to their net income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws" of the states in which they were located. In addition, the Cherokees were allowed at the discretion of the Federal government "a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi." Under these provisions, when Watie was prepared to remove he received \$1,427, and his wife and her son by a previous marriage,

⁹Ibid., p. 286.

\$1,665. Watie received an additional \$20 for "commutation of transportation for self and family, 1 person." He also was paid \$1,328.46, and his wife \$812 for various other factors covered in the New Echota treaty.¹⁰

Watie's improvements were listed as a "Dwelling house 18 by 20 feet, large hewed timber, corners sawed, two plk floors, roof nailed on, wood & dirt chy," which was valued at \$500. Another "18 feet square, logs split- & hewn, plank floor door shutter, common roof and chimney" was listed at \$300. In addition, Watie received \$40 for a kitchen, "16 ft square round logs puncheon floor & C"; \$20 for a "Smoke House 14 feet square hewed, common roof"; \$100 for a one and one-half story stable; \$20 for a "Crib 20 by 8"; \$5 for a smaller crib; \$10 for a "Fowl house"; \$10 for a small stable; and \$60 for a "Dwelling house 18 by 16." Watie's land was appraised at \$15 for a horn lot; \$15 for a ninety foot square garden; \$30 for a two acre yard and spring lot plus a spring house valued at \$5; \$1,200 for one hundred and fifty acres of improved lands, which were priced at \$8.00 an acre. He was also paid \$175 for one year's rent on twenty acres of land and \$10 for thirty-eight peach trees

¹⁰List of Valuations of Cherokee Improvements Under the Treaty of December 29, 1835, in "Report on Execution of the Cherokee Treaty of 1835," United States Senate, 25th Congress, 3rd Session, Senate Document 277 (Washington: Blair and Rives, 1839), pp. 18, 22, 49; Treaty Between the United States of America and the Chiefs, Headmen, and People, of the Cherokee Tribe of Indians, March 1, 1836, in "Letters Relative to Cherokee Indians," United States House of Representatives, 24th Congress, 1st Session, Executive Document 282, p. 13; A List of the Names of the Cherokee Emigrants Under the Treaty of 1835, and Abstract of Disbursements on Account of Cherokee Treaty of December, 1835, in "Reports and Correspondence Relative to the Cherokee Treaty of 1835," United States Senate, 25th Congress, 2nd Session, Senate Document 120, pp. 873, 1061, 1073, 1088.

valued at \$1.50 each.¹¹

Isabella, Watie's wife, was paid a total of \$2,165 for her improvements. They were listed as \$800 for a "Dwelling house of 2 pens, 18 by 16 ft ea. hewn in & out, 2 plk floors ea. plk door & window shutters, roof nailed on, 10 ft passage, cellar & chy"; \$100 for a kitchen "18 by 16 feet hewed in & out"; \$40 for a smoke house "16 ft square round logs"; \$10 for a large fowl house; \$60 for an out house; \$100 for a one and one-half story stable; and \$15 for a crib. Her land was valued at \$15 for a one-acre, well fenced corn lot; \$25 for a spring house and lot; \$15 for a one-acre yard lot; \$84 for an orchard lot of two acres containing eighteen apple trees; \$20 for a garden lot with 105 peach trees worth \$157; \$640 for eighty acres of improved land worth \$8 an acre; and nine cherry trees worth \$13.50. She was paid an additional \$70 for rent on ten acres of land for two years.¹²

By the end of 1836, Watie and the other prominent members of the Treaty Party had taken advantage of the provisions allowing them to remove themselves. By the spring of 1837, having already received their money and with preparations nearly complete, Watie, his family, and the Ridge family were gathered at New Echota. A delay in the payment of their subsistence postponed their departure, but the group numbering 466 moved to Ross's Landing on the Tennessee River, from which they were to depart for their new homes.¹³

¹¹Land Valuations, 1836, Cherokee Nation Inside Georgia, Office of Indian Affairs, National Archives, Washington, D. C.

¹²Ibid.

¹³Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 287-289.

On March 3, 1837, as soon as the necessary number of boats for the transportation of the Cherokees was available, the group containing Watie and his family was loaded onto eleven flatboats for the trip down the Tennessee River to Decatur, Alabama. For provisions along the route, the emigrants took 150 bushels of cornmeal, 78 barrels of flour, and 12,000 pounds of bacon. Many of the Cherokees were drunk when the journey began about 5:00 p.m., having spent much of their money on whiskey. Because of these "rude and noisy" intoxicated Cherokees and the high winds, Watie's group made only five miles the first day. The open boats and the night cold accompanied by chilling wind caused much discomfort, according to a diary account of the trip by Dr. C. Lillybridge, the physician accompanying the Cherokee emigrants.¹⁴

The next morning Watie's group started down river at about 6:30. The combination of cold weather and whiskey had taken its effect on the Cherokees, and the party suffered from "a few cases of common colds and Diarrheas." However, no one was affected seriously enough to be placed on the sick list, and Mrs. Watie was only "slightly indisposed from exposure." The weather was "very uncomfortable, cloudy and a cold humid atmosphere, with an occasional flurry of snow."¹⁵

By March 5, the weather had greatly moderated and the sun "rose clear and bright." This turn for the better in the weather greatly improved the dispositions of Watie's group as "the pleasantness of the morning has given a cheerful aspect to all the detachment." Because of

¹⁴Ibid., p. 290; C. Lillybridge, "Journal of a Party of Cherokee Emigrants," ed. by Grant Foreman, Mississippi Valley Historical Review, Vol. XVIII, No. 2 (September, 1931), pp. 232-234.

¹⁵Ibid., p. 234.

the division of the group into three parties and the absence of a yawl or canoe, however, it was impossible for Dr. Lillybridge to visit all the Cherokees "at his pleasure." So that Lillybridge could check on the entire band, the flatboats put ashore that morning. A few minutes after landing, the Cherokees discovered another boat close by loaded with whiskey, and because of the possibility of another "whiskey frolic," the flatboats were forced to immediately cast off and renew the journey.¹⁶

Most of the Cherokees who had previously been affected with colds or diarrhea were better, but some cases of influenza were detected. Watie was one of those showing signs of the illness, and in fact had not been well since departing from New Echota. He was "affected with it by a local determination to his face and jaws," said Dr. Lillybridge, and his jaws and face were very swollen because of this condition. Dr. Lillybridge prescribed "fomentations & cathartic" to ease his suffering. About 3:00 p.m. all the flatboats were brought together to allow the physician to examine the Cherokees, and he was pleased to discover that "no new cases of sickness of importance have taken place since last evening."¹⁷

Arriving at Gunter's Landing about 9:00 a.m. on March 6, Dr. Lillybridge found that the Cherokees were recovering except one, who was suffering from gonorrhoea. The weather remained pleasant, and to prevent the Cherokees "from indulging too freely in Whiskey," General Nathaniel Smith, the officer in charge of the removal of Watie's group, ordered

¹⁶ Ibid.

¹⁷ Ibid.

the flotilla to land at Gunter's Island, which was separated from the town by a sluice about thirty yards wide.¹⁸

To thirsty Cherokees, thirty yards of water was a small obstacle. As the regular ferryboats were prohibited from operating, the Cherokees seized any boat that put to shore on the island and commandeered it to take them into the settlement at Gunter's Landing. Those who were not fortunate enough to find a boat but who found they could not do without a drink of whiskey "threw themselves into the Water and swam across." One Indian was in such a hurry that he seized a canoe and "paddled with all his strength," but when the boat was struck by the main current, he lost his balance and overturned. Although he managed to climb on the upended canoe, he was swept 200 yards downstream before he struggled to shore. Once they reached the town, the Cherokees were soon drunk, and eventually a fight broke out between the whites and the Cherokees. Military personnel were required to break up the fracas and restore order.¹⁹

The steamboat Knoxville, engaged to tow the flatboats to the head of the shoals in the Tennessee River, was waiting at Gunter's Landing on March 6 when the emigrants arrived. About 10:00 that evening Dr. Lillybridge was summoned to the steamer to examine one Cherokee who was "wreathing in agony, from a paroxysm of Whiskey Colic." The Cherokees delayed in boarding their boats, owing no doubt to their bout with whiskey, and did not return to the flatboats until the following morning. Finally about 9:00 a.m. on March 7, the eleven flatboats were taken in

¹⁸Ibid., pp. 234-235.

¹⁹Ibid., p. 235.

tow and the trip resumed. The night had been wet, and some of the Cherokees were suffering from exposure. Diarrhea again appeared. During the day the weather was warm, and more of the Cherokees suffered from exposure due to the hot sun.²⁰

About 6:30 that evening the band arrived at Decatur, Alabama, but the level of water prevented Watie's group from crossing Muscle Shoals. Dr. Lillybridge was requested to speak to the mayor of the city in an attempt to prevent a reoccurrence of the previous evening. The mayor was requested "to take such measures as he might think advisable to prevent the selling of spirits to the Indians." The mayor agreed, and another general round of drunkenness was prevented. The emigrants were now subjected to a steady downpour of rain, and even Dr. Lillybridge declared that "thus far the smiles of providence has attended the expedition."²¹

The morning of March 8 dawned clear and pleasant, but the water was still too high to allow them to continue. Thus, about half of the Cherokees were loaded on the open cars of the Tuscumbia, Courtland, and Decatur Railroad, and at about 8:00 a.m. their trip to Tuscumbia began. The remaining half of the emigrants were forced to wait at Decatur for another locomotive, which was due at 1:00 p.m. The Cherokees were ordered aboard open cars to await the arrival of the second engine, but it did not appear as expected. From 3:00 in the afternoon until sundown the Cherokees waited patiently, but the weather turned cold and their condition became quite uncomfortable. Finally the order was given to

²⁰Ibid.

²¹Ibid., pp. 235-236.

unload, and plans were made to attempt the trip the following morning. It was at this point in their journey that John S. Young joined Watie's party as the Federal conducting agent.²²

The Cherokees were anxious to set up camp and get out of the cold weather, but no one told them where they were to spend the night. Finally they were directed to a warehouse. To add to the confusion, no lights were provided, and the Cherokees groped about in the dark "in a pitiful manner." Eventually lights were located and the Cherokees were directed to bed down for the night. Several of the women suffered from exposure caused by waiting in the open cars, and one elderly woman, nearly blind, was found standing in a puddle of mud and water from which she could not extricate herself. When Dr. Lillybridge requested more comfortable quarters for the women, he was directed to a "large & comfortable room" in which all women without bedding or those who were unable to find a comfortable place to sleep were allowed to spend the night.²³

On March 9, the Cherokees arose early and began to prepare breakfast, but some of their provisions had either been lost or spoiled in the confusion of the previous day. Many were suffering from the cold and exposure of the last two days, but because the train was to depart early, Dr. Lillybridge related in his diary that it was "more advisable to see that all had a warm cup of Coffee than to resort to medicine & to see that those complaining were in a comfortable condition for

²²Ibid., p. 236; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 291.

²³Lillybridge, "Journal of a Party of Cherokee Emigrants," ed. by Grant Foreman, Mississippi Valley Historical Review, Vol. XVIII, pp. 236-237.

transportation." At 9:00 a.m. the train left Decatur, but before long it was reported that a few Cherokees had been left behind; thus it was necessary for Dr. Lillybridge to return to Decatur to assemble those still there. It was not until about 8:30 in the evening of the next day that all the emigrants in Watie's group were finally reunited at Tuscumbia.²⁴

For two days, March 11 and 12, the Cherokees remained in camp at Tuscumbia. Measles broke out among the emigrants, and on the second day in Tuscumbia the morning was misty, with high winds; and about 4:00 in the evening, a powerful rain began to fall. Watie's group was beginning to suffer for lack of adequate shelter from the elements.²⁵

The heavy rain continued during the night, and the next morning most of the emigrants arose from their damp beds and attempted to dry their possessions. However, the Cherokees "appeared to be sensible that their situation during the last night was from an unavoidable providence," and the morning was accompanied by only a few cases of colds. It was necessary to allow the Cherokees sufficient time to dry their clothes before they re-embarked, but they were too impatient "to avail themselves of such a privilege." At around 10:00 a.m. the steamboat Newark with two sixty-ton keelboats were moved to the landing to carry Watie's group once more downriver. Immediately the emigrants converged on the boats in an attempt to load their possessions, and the remainder of the day was spent arranging their belongings. That night the emigrants went to sleep "cheerful in the expectation of being under way

²⁴Ibid., p. 237.

²⁵Ibid., p. 238.

early in the morning."²⁶

The morning of March 14 began with cold north winds, and a number of the children complained of colds. The boats utilized for the next leg of the journey offered little in the way of comfort. They were "entirely too limited in room and conveniences for the accommodation of the party." The keelboats were "without stoves or fires in them, water in the hold, & present to those accustomed as many of the Emigrants are, to many of the comforts of civilized life, rather a revolting spectacle." Nevertheless, Watie's group was "disposed to put up with the inconveniences of travelling in a body" without complaining. It appeared that the idea of continuing the journey "superseded every other consideration," and all the Cherokees "endeavored, thro' the day to appear in health." However, a delay resulted from a misunderstanding among the officers in charge, and it was not until late afternoon that the boats finally left Tuscumbia. In expressing much discontent and disaffection about the delay, the Cherokees were obviously greatly depressed by the incident. Once the boats cast off, the Cherokees were rapidly descending the Tennessee River on their way to their new homes, and "the cheerful countenances of the emigrants, afforded a happy contrast to the gloom that prevailed but a short time before."²⁷

No new cases of sickness appeared during the night but the dawn of March 15 was clear and cold. The discomforts suffered by Watie's group had not abated, and the keelboats remained very damp; "while the

²⁶Ibid.; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 291.

²⁷Lillybridge, "Journal of a Party of Cherokee Emigrants," ed. by Grant Foreman, Mississippi Valley Historical Review, Vol. XVIII, p. 239.

weather remains as cold as it is now, the emigrants must suffer much for want of a fire," Dr. Lillybridge observed in his diary. The boats arrived at Paducah, Kentucky, about 10:00 in the evening, and the weather remained clear and cold. Entering the Mississippi River, the flotilla anchored in the river to prevent the emigrants from going ashore for more whiskey.²⁸

The next day, March 16, the weather was clear and cold, but the winds had shifted to the south. Watie finally began to show the effects of exposure to the cold and wet weather. He complained to Dr. Lillybridge of a cough and headache, and was prescribed a cathartic to relieve his suffering. During the night the boats ran afoul of a snag, and the excitement caused great alarm among the Cherokees. The damage to the boats consisted of one severely disabled wheel on the steamboat and collapsed tops on the keelboats. March 17 dawned with high winds from the south, but with the appearance of more rain. No new cases of illness were reported, but the high winds made it very difficult for the Cherokees to cook their food since their fires were located in exposed areas. At about 10:00 p.m. the boats arrived at Memphis, Tennessee.²⁹

It rained throughout the night, and on the morning of March 18 the flotilla was lying at Montgomery Point, where it was delayed for about two hours while the party waited for an Arkansas River pilot. During the delay the Cherokees had free access to whiskey shops, and they spent the time drinking and securing enough whiskey to last them for the remainder of the voyage. Finally at 7:30 a.m. the boats were again

²⁸Ibid., p. 240.

²⁹Ibid.

underway. Watie appeared to be suffering severely from the trip. He had been in "quite a feeble state of health" since Lillybridge had first seen him at New Echota, and the trip was not helping his condition. During the morning he again appeared quite indisposed, and Lillybridge prescribed for him some additional medicine. His cough was troublesome, and his general appearance was described as discouraging. Lillybridge applied a "blister" to Watie's chest and "gave him Mucillaginous drinks and expectorants" in an attempt to restore his health.³⁰

On March 18 the weather was the most pleasant since Watie's group began the journey. Generally the emigrants were "more than ordinarily cheerful & active" as a result of the change of conditions. However, many cases of gonorrhoea appeared among the young men, which they ignored unless the pain drove them to seek relief. The boats were forced to come to the shore of the river for the night because of the danger of navigation after dark.³¹

Getting underway at dawn the following morning, the emigrants were "delightfully elastic" because of the clear weather and mild atmosphere after so many days of harsh cold and rain. Once again, because of the hazards of attempting to run the river after dark, the boats came to the shore for the night. On March 20, the boats again started upriver at dawn, and about 10:00 Dr. Lillybridge was hurriedly sent to examine a sick emigrant. However, upon seeing the patient, Dr. Lillybridge found him merely insensible from intoxication. Nevertheless, the incident caused much "excitement & alarm" among the Cherokees. Throughout the

³⁰Ibid., pp. 240-241.

³¹Ibid., p. 241.

remainder of the trip, Dr. Lillybridge was plagued by an unusual number of complaints of coughs and colds. Watie continued to "suffer much from his cough," and the doctor contributed his condition to the aggravation caused by the change in the weather. That night the flotilla put to shore on the west bank of the Arkansas River, only about fifty miles downriver from Little Rock, Arkansas.³²

The morning of March 21 was foggy, but it had the appearance of being a fine day, and the boats cast off at daybreak. The Cherokees complained of only a few minor illnesses, and theft of \$160 from one of the emigrants was reported, but little action was taken to recover the money. Reaching Little Rock at 6:00 in the evening, the Cherokees put ashore on the bank opposite from the town, undoubtedly to prevent another bout with whiskey. Coughs and colds continued to plague the emigrants, and Watie likely continued to suffer from his illness.³³

During the night, one case of pleurisy was reported among Watie's band, together with continued complaints about colds. Many of the Cherokees remained drunk throughout the day of March 22, and a number of quarrels resulted from their intoxication. Once again embarking on the keelboats, which were taken in tow by the steamer, Revenue, the group departed from Little Rock at about 5:00 p.m. A few of the Cherokees were left behind because of their refusal to board the boats after a white passenger circulated a rumor that they were unsafe. Although the offending white was put ashore, it was necessary to leave an official behind to bring the tardy Cherokees upriver on another boat.³⁴

³²Ibid., pp. 241-242.

³³Ibid., p. 242.

³⁴Ibid., pp. 242-243.

During the night of March 22 and 23, the flotilla ran aground several times, but an inspection the next morning produced no evidence of damage, so the boats continued upriver. Several more cases of measles appeared among the Cherokees. For the last two days the weather had been warm and dry, which contrasted pleasantly to the cold and wet weather. In the afternoon of March 23 a great many of the Cherokees were taken ill with headache and fever, and Dr. Lillybridge prescribed a vigorous cathartic, hoping that their condition would improve by the next morning. In the evening many of the children were stricken with headache and fever also, but the weather continued warm and pleasant, and throughout the night the condition of those stricken greatly improved.³⁵

On March 24, a number of Cherokees were plagued by the same symptoms of the previous day, but by the next day many of them were better. Much to the benefit of Watie's group, the weather remained "warm, clear and pleasant." About 8:00 p.m. on March 25, the steamboat ran aground, and in the process of attempting to free it, the steamboat's guard passed over the guard of one of the keelboats, caving in the top of the keelboat and causing considerable alarm among the Cherokees on board. Also, Dr. Lillybridge had difficulty in convincing many of the Cherokees to take the medicine he prescribed, and at times he was forced to resort to drastic measures in order to prevent epidemics of disease. Watie's uncle, Major Ridge, came down with the same cough which was affecting Watie.³⁶

³⁵Ibid., p. 243.

³⁶Ibid., pp. 243-244.

The boats lay at anchor most of the night of March 25 and 26 because of the difficulty of navigation after dark. Once again Dr. Lillybridge explained to the ill emigrants that they would have to remain aboard their boats and submit to his care lest they spread their sickness among the other Cherokees. They seemed to accept this reasoning and "made no further resistance or objection" to his treatment. Continuing upriver, the flotilla arrived at Van Buren, Arkansas, during the night of March 26-27.³⁷

The boats left Van Buren at 10:00 a.m. on March 27, with a large number of the emigrants drunk, and arrived at Fort Smith, Arkansas, at 1:00 p.m. The flotilla remained there an hour while Major Ridge visited with a friend in town. Ridge and the other members of the Ridge-Watie-Boudinot families had previously decided to settle along Honey Creek in the northeast corner of the Cherokee Nation not far from the border between Missouri and Arkansas. When the friend was told of their decision, he advised Major Ridge to return to Van Buren, "as that was the most eligible route to the lands he had selected." Returning to the boat, Ridge discussed the friend's advice with Watie while the boat continued upriver. Deciding to follow the advice, Watie and Ridge asked to be put ashore about two miles above Fort Smith. Immediately the majority of the emigrants were in motion, and "in spite of the advice of the Agents and those who were acquainted with the country, they landed their effects & considered themselves at home." Many of the ill also went ashore and Dr. Lillybridge expressed regret "that they should have exposed themselves, as they must to night by landing in the woods."

³⁷Ibid., pp. 244-245.

The remainder of the Cherokees continued up the Arkansas River and arrived at Fort Coffee, in Indian Territory, about noon on March 28, where they landed. The empty boats continued upriver to Fort Gibson, also in Indian Territory.³⁸

The Watie and Major Ridge party procured transportation at either Van Buren or Fort Smith, and prepared to continue overland to the Honey Creek area. The group traveled up the Line Road, which ran parallel to the western border of Arkansas. The country was described as "an entire wilderness," and the route was extremely hard to traverse because "the trees were razed close to the ground." Crossing numerous unbridged streams without the benefit of ferries, the road ran through the border area, which was infested by desperados. Honey Creek, on which the party intended to settle, began just north of Southwest City, Missouri, and flowed eastward through the Cherokee Nation until it eventually emptied into the Grand River.³⁹

Arriving in the spring, the Watie group entered the region when it was aflame with redbud, dogwood, and wild plum blossoms. Crisscrossed by many clear, cool, fast flowing streams, the area had many natural prairies and the soil was rich and fertile. Watie would encounter no problem in transforming the open prairies into productive fields, and he found the wooded areas covered with oak, hickory, ash, persimmon, sassafrass, pine, and cedar trees. Along the river bottoms were numerous cottonwood, elm, maple, sycamore, willow, pecan, and sweet gum trees

³⁸Ibid., p. 245; Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians, p. 278; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 293.

³⁹Ibid.

as well as plentiful wild grapes. Watie probably viewed the area as the promised land, and he selected a site along clear-flowing Honey Creek, on the east side of Grand River, slightly northwest of Southwest City.⁴⁰

During the autumn of 1837, the other leaders of the pro-removal faction, John Ridge and Elias Boudinot, joined Watie and his group in their new homes. However, the majority of the Cherokees were still located in their ancestral homes in Georgia. In the fall of the year only a small number of Cherokees embarked on the trek westward, and most of them were members of the treaty faction. Federal officials were not pleased with the reluctance of the remaining Cherokees to migrate on their own accord, and on May 10, 1838, Major General Winfield Scott vigorously reminded the Cherokees of their obligations under the Treaty of New Echota. Scott declared that the "full moon of May is already on the wane; and before another shall have passed away, every Cherokee man, woman, and child, in those States, must be in motion to join their brethren in the far West." Temporary military posts were constructed in the Cherokee Nation in the South, and squads of soldiers scoured the countryside and seized the Cherokees like prisoners. By June, 1838, some 8,000 Cherokees had been herded into stockades, and their forced migration to the West was ready to begin under the watchful eyes of their military escorts. Because of the hot weather the trek was postponed until the fall, but by then the heavy rains had turned the roads into quagmires and the cold weather caused much suffering among the

⁴⁰Ibid., p. 294; Arthur Beck Interview, Grant Foreman, ed., "Indian-Pioneer History" (113 vols., unpublished manuscript), Vol. XIV, p. 189, Foreman Collection, Indian Archives Division, Oklahoma Historical Society.

Cherokees. Many died on the journey, and the trail was easily distinguishable because of the large number of graves which lined its edge.⁴¹

Generally the number of deaths was placed at 4,000; thus it was of little wonder that the journey was called the Trail of Tears. Perhaps somewhat unjustly, all the suffering and difficulty endured by the Cherokees on the trip was placed squarely on the shoulders of the Ridge-Watie-Boudinot faction. Nevertheless, the Cherokee Nation was once again united, this time in a new homeland west of the Mississippi River.⁴²

Watie, busy establishing a new home in the wilderness, probably sympathized with the misery of his people, but there was little he could do to better their condition. The members of the Treaty Party had emigrated under the provisions of the New Echota treaty, and they had done so without undergoing the great hardships of the other members of the tribe. Now they were joined by the remainder of the Cherokees, and the bitterness and hatred caused by the Trail of Tears widened the gap between the two factions.

In October, 1838, Watie was called on to assume the power of attorney for some of the Cherokees who had died on the trip westward, and to present their claims before the Cherokee Board of Commissioners. He was instructed that he or any attorney that he might appoint would be authorized to bring suit in any of the courts of the United States for

⁴¹Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, pp. 297, 307-315; Winfield Scott to the Cherokee People, May 10, 1838, in "Removal of the Cherokees," United States House of Representatives, 25th Congress, 2nd Session, House Document 453 (Washington: Thomas Allen, 1838), pp. 11-12.

⁴²Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 315.

the reserves these Cherokees had received, and "carry on the same until the recovery be made." Watie was to receive "one half the amount received or one half the value of the land if recovered" as compensation for the trouble and expense involved in the matter. If he wished, Watie was authorized to use the power of attorney held by William H. Thomas. This would allow Watie to seek claims for the money from the Secretary of War. This was necessary because of an order prohibiting funds due the Cherokees from being paid to non-Cherokees. Thomas assured Watie that he would enter into a contract promising Watie's share of any expenses necessary in securing claims after receiving the power of attorney. Also, in October, 1838, Watie received \$33.33 for subsistence during the last quarter of 1838.⁴³

By 1839, both the pro-removal faction and the Ross party were together in the Cherokee Nation west of the Mississippi River. Many of the Cherokees had suffered and died on the journey, and the country to which they removed was a wilderness with very few of the comforts they had known. The Ridge-Watie-Boudinot group was probably unjustly blamed for the desperate condition of many of the Cherokees. The Cherokees, who had been bitterly divided over the question of removal, were plagued anew by hatreds resulting from the Trail of Tears. Watie and the other members of the pro-removal group had made the journey westward in relative comfort as compared to the Cherokees who were forcefully removed. Thus the Cherokees were not brought together in the West as a united

⁴³William H. Thomas to Stand Watie, October 31, 1838, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Abstract of Disbursements, December 31, 1838, in "Letter From the Second Auditor of the Treasury," United States House of Representatives, 26th Congress, 1st Session, Executive Document 173 (Washington: Blair and Rives, 1839), p. 1.

tribe, but factional lines were hardened, and Watie and the other leaders of the Ridge-Watie-Boudinot faction found themselves opposed to the majority of the Cherokees and blamed for their sufferings.

The smoldering conflict would not be contained much longer. Soon the murder prophesy of John Ridge would be fulfilled, and the members of the treaty faction, though they had acted in the firm belief that they were doing what was best for the Cherokee Nation, would soon face a day of reckoning. The Cherokee Nation would be swept by a wave of blood-letting that would not subside until all but Watie had paid with their lives for signing the Treaty of New Echota.

CHAPTER IV

DAY OF RECKONING

Watie and the other leaders of the pro-removal faction arrived in the new lands of the Cherokees west of the Mississippi River in 1837, and they simply integrated themselves with the Old Settlers and adopted their method of government. The Old Settlers were Cherokees who had migrated westward, first to northwestern Arkansas in 1817, and then to the three forks of the Arkansas, Grand, and Verdigris rivers in 1828. They were governed loosely, had few written laws, and no written constitution. The council of the Old Settlers met twice a year at Tahlonteeskee, near the Illinois River, and elected national officials.¹

The Old Settlers held no particular animosity against the signers of the New Echota agreement; however, the faction of the Cherokees under the leadership of Chief John Ross was not prepared to accept the government of the Old Settlers. In fact, the Ross group had brought the government of the Cherokees, who had remained in Georgia, with them when they came to the West. Thus, there was a vast amount of confusion existing among the Cherokees as to the type of government which would rule the tribe.²

¹Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 316.

²Ibid., p. 318.

An attempt was made to create order out of the confusion, and from June 10 to June 19, 1839, a meeting of all the Cherokees was held at Takuttokah near the Grand River for the purpose of "reconciling of all differences, and uniting in framing a government for the whole Cherokee Nation." Watie and the other members of his faction attended the gathering, but were forced to flee when their lives were threatened for the part they had played in the Treaty of New Echota; thus the meeting failed. The day after the gathering adjourned on June 21, Chief John Ross issued a call for another national convention of both the Old Settlers, the Treaty Party, and Ross's own followers to convene at the Illinois Camp Ground on July 1, 1839, to form a union and establish equal and wholesome laws for all Cherokees.³

After the gathering at Takuttokah dispersed, a secret meeting was held by those members of the Cherokee Nation who were opposed to the participation of the Ridge-Watie-Boutinot faction in the Treaty of New Echota. Invoking the "blood law," which provided the death penalty for unsanctioned land sales, three men from the clan of each of the accused were called to sit in judgment. The authority of each judge extended only to his clan, and the same verdict of death was issued against all the accused. Thus the prophesy of John Ridge was nearing fulfillment, and the signers of the New Echota agreement were condemned to die. A committee was appointed to arrange for the execution of the sentences.

³Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 14-15; Oliver Knight, "History of the Cherokees, 1830-1846," Chronicles of Oklahoma, Vol. XXXIV, No. 2 (Summer, 1956), p. 67; Monfort Stokes to J. R. Poinsett, June 24, 1839; John Brown, John Looney, and John Rogers to Monfort Stokes, June 19, 1839; John Ross to Monfort Stokes, June 21, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1 (Washington: Blair and Rives, 1839), pp. 354-357.

Slips of paper with numbers on them were placed in a hat, and the conspirators took turns drawing lots; those with an X on their slips were to carry out the sentences. The fate of Stand Watie, Major Ridge, John Ridge, and Elias Boudinot was decided.⁴

In the pre-dawn hours of June 22, 1839, the members of the conspiracy designated to carry out the sentences rode through the early morning stillness. Daybreak found one group of twenty-five men before the residence of Watie's cousin, John Ridge. They surrounded the house with their rifles held at ready, while three of their number dismounted and burst inside. Moving quickly to where Ridge was asleep, one of them pointed a pistol at his head and pulled the trigger, only to have it misfire. Alerted to what was happening, Ridge fought back vigorously, but was soon overpowered. The three men dragged him into the yard, and there, before his hysterical wife's eyes, each of the twenty-five men, one at a time, plunged a knife into his body. After severing his jugular vein to make sure of his death, the assassins threw his body into the air. Then the men walked across the body where it had fallen. Surprisingly, Ridge did not die immediately, and as his wife rushed to him, he raised himself on his elbow and attempted to speak, but only blood and unintelligible gurgles came from his mouth. In a few moments he was dead.⁵

Simultaneously a second band, composed of thirty men, was hiding in a thick stand of trees near the site where Watie's brother, Elias Boudinot, was constructing a house. About 9:00 in the morning, Boudinot

⁴Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 321.

⁵Ibid., p. 322.

arrived and began talking to the several carpenters he had employed. Four of the conspirators then approached Boudinot under the guise of needing medicine to treat their sick families. He agreed to help them, and the five men started up the path toward the nearby Worcester Mission. One of the men dropped behind, and about half way to the mission plunged a knife deep into Boudinot's back. Crying out, Boudinot fell to the ground, where his head was split open several times with a tomahawk; his brains spilled onto the wet grass. Hearing his screams, the carpenters rushed to his aid, but they were too late. The murderers had rejoined their companions in the woods and were galloping away. Boudinot's wife ran to her dying husband's side, and as she called his name, he opened his eyes and died.⁶

A Choctaw Indian, clearing land near the scene of the Boudinot murder, witnessed the killing. Taking Comet, Samuel Worcester's horse, the Indian rushed to the store Watie had established at Millwood, in the Cherokee Nation. The Choctaw found the establishment full of conspirators, but managed to gain Watie's attention. He called him aside, and acting as though he was purchasing some sugar, he informed Watie of the scene he had witnessed. Realizing the danger, Watie bolted out the back door, jumped on Comet, and rode away, thereby escaping his executioners. Later the same day Major Ridge, Watie's uncle, was shot from ambush by ten or twelve men as he crossed White Rock Creek, just inside the border of Arkansas.⁷

After escaping, Watie rode to Boudinot's home to see if he was truly

⁶Ibid., p. 323.

⁷Ibid., pp. 322-324.

dead. Heedless of the danger and ignoring the presence of many of the conspirators among the crowd which had gathered, Watie came directly to the edge of the porch where the body of his brother laid covered by a white cloth. As Watie approached, the gathering allowed him to ride unharmed to his brother's body. Leaning from his horse, Watie removed the cloth from his brother's face, and turning to the crowd with the blood soaked cloth in his hand, he said, "I'll give \$10,000 to anybody who will tell me who made that mark on my brother's face." When the crowd remained unresponsive to his offer, Watie replaced the cloth, turned, and galloped away.⁸

As the slain leaders were buried, the flames of hatred spread quickly through the Cherokee Nation. The smoldering quarrels which had existed for so long between the pro-removal faction and the followers of Chief Ross burst into the open. The killing produced near anarchy among the Cherokees, and as violence caused more violence, the political struggle between the two parties degenerated into open warfare.

The murders produced a near civil war among the Cherokees. Watie, the single prominent member and leader of the pro-removal faction left alive, gathered a group of about fifteen of his supporters and searched the countryside for the killers. Fearing an outbreak of open hostilities, Brevet Brigadier General Matthew Arbuckle, the United States military commander of the area, who was located at Fort Gibson, resolved to apprehend the murderers in an attempt to bring peace to the country. Detachments of troops accompanied by Cherokee guides combed the

⁸Ibid., p. 324; John F. Weaver Interview, Grant Foreman, ed., "Indian-Pioneer History" (113 vols., unpublished manuscript), Vol. XVC, pp. 443-451.

countryside in search of clues which would identify the assassins. Even though the murders did not come under the jurisdiction of the United States, with the exception of the killing of Major Ridge, which occurred in Arkansas, Federal authorities conducted an extensive investigation. Their efforts resulted in no indictments for the murders, but fanned the flames of violence throughout the Cherokee Nation.⁹

Apprehension over the murders continued, and on June 22, 1839, the day of the three murders, Chief Ross informed Arbuckle that he had been advised by Elias Boudinot's wife that he should flee from his home in search of safety. Watie held Ross responsible for the killings and was intent on revenge. Ross reported that "Stand Watie had determined on raising a company of men for the purpose of coming forthwith to take my life!" Ross denied that he had had anything to do with the three killings, and to insure that justice would be carried out, he urged that Arbuckle would "deem it expedient forthwith to interpose and prevent the effusion of innocent blood" by exercising his authority in securing an unbiased investigation into the matter. However, it was not Ross who was forced to flee for his life, but Watie and the members of the pro-removal faction. The followers of Ross flocked to his protection and so outnumbered Watie's band that Watie hurried to the security of Fort Gibson for his own protection.¹⁰

Immediately after the killings of Elias Boudinot, Major Ridge, and

⁹Knight, "History of the Cherokees, 1830-1846," Chronicles of Oklahoma, Vol. XXXIV, p. 170; Woodward, The Cherokees, p. 227; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 325.

¹⁰Ibid.; John Ross to Matthew Arbuckle, June 22, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, p. 359.

John Ridge, Watie sent their children out of the Cherokee Nation for protection. He believed that it was his duty to look after the families of his dead brother and cousin; and Watie's brother John, who had been a clerk for John Ridge, assumed the task of settling the affairs of Ridge's estate.¹¹

As for Chief Ross, Arbuckle urged him to come immediately to Fort Gibson if he did not feel safe at his home. Expressing regret over the danger of a civil war among the Cherokees, Arbuckle informed Ross that he was asking John Brown, John Looney, and John Rogers, leaders of the Old Settlers, to come to Fort Gibson so Ross could meet with the heads of the various factions and put a stop to "further acts of violence and outrage."¹²

Ross answered that even though there was in the immediate neighborhood a large body of men gathering under Watie, men who held him accountable for the murders and were preparing for an attack on his home, he felt secure. A group of his friends were gathered at his residence and were prepared to aid in the defense of his life and property. However, Ross again urged the intervention of Federal troops to prevent further bloodshed.¹³

On June 24, 1839, two days following the murders, Ross informed

¹¹Muriel H. Wright, "Notes on Colonel Elias C. Boudinot," Chronicles of Oklahoma, Vol. XLI, No. 4 (Winter, 1963-1964), p. 390; Account with the Estate of John Ridge, July 3, 1839, in "Miscellaneous Business Documents," Cherokee Room, John Vaughan Library, Northeastern State College.

¹²Matthew Arbuckle to John Ross, June 23, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, p. 359.

¹³John Ross to Matthew Arbuckle, June 23, 1839, in *ibid.*, p. 360.

Arbuckle that "an additional number of my friends have assembled at this place for the purpose of preventing or repelling an attack upon me," as was reasonable to anticipate from the violent threats of personal revenge uttered by Watie. Ross had explained to his followers Arbuckle's invitation to come to Fort Gibson, and after discussing the matter, the decision was reached that it was not advisable for Ross to travel without an armed escort to ensure his safety from the Watie band. Ross contended that such a large group of men on the move during the prevailing conditions was inadvisable. He suggested that it would be better if Arbuckle and the leaders of the other factions would attend a meeting at the Ross home at Park Hill.¹⁴

After denouncing the meeting Ross had called to meet at the Illinois Camp Ground on July 1, the Old Settlers, including Watie and his supporters, declared on June 28 that they would not attend. They stated that the gathering would be entirely irregular, and they issued a protest against all acts which might be passed. They contended that they would meet with the Ross faction only under certain conditions: no Cherokees would be killed for their former political acts or beliefs; a convention of the Cherokee Nation, equally representative of both parties, would be held at Fort Gibson; and the meeting would have the power to remodel the government of the Cherokees. The date set for their meeting was July 25, 1839.¹⁵

This message was forwarded to Ross by Arbuckle, who stated that if

¹⁴John Ross to Matthew Arbuckle, June 24, 1839, in *ibid.*, pp. 361-362.

¹⁵John Brown, John Looney, John Rogers, and John Smith to John Ross, June 26, 1839, in *ibid.*, pp. 364-366.

the proposition was declined "serious difficulties and misfortune will happen to the Cherokee people." He urged Ross to accept the offer to prevent any further spilling of blood. Arbuckle declared that "the two governments cannot exist in the Cherokee Nation without producing a civil war," and that the government should be "changed in a regular and peaceable manner."¹⁶

Ross had no intention of relinquishing his power among the Cherokees, and he steadfastly refused to compromise his position. The meeting he had called at the Illinois Camp Ground was held on schedule, and it was attended by over 2,000 Cherokees. The gathering passed an Act of Union joining the Old Settlers and the remainder of the Cherokee Nation under one government; began the preparation of a new Cherokee Constitution; took away the powers of the Old Settlers who had sided with Watie; outlawed Watie and the other members of the pro-removal faction who sought revenge for the murders of the Ridges and Boudinot; and declared amnesty for those involved in the killings.¹⁷

To align the Old Settlers behind it, the Ross faction appointed Sequoyah (George Guess) as president of the meeting. Also, to lure Watie's faction to the meeting, the gathering passed a general law which granted a pardon to all members of the pro-removal faction for having signed the Treaty of New Echota. The offer was first made on July 7, 1839, and was reissued on July 13. However, anyone refusing to take advantage of the pardon was to be declared an outlaw. Declining the

¹⁶Matthew Arbuckle to John Ross, June 29, 1839, in *ibid.*, pp. 366-367.

¹⁷Knight, "History of the Cherokees, 1830-1846," Chronicles of Oklahoma, Vol. XXXIV, pp. 172-173.

pardon offer, Watie refused to submit to Ross.¹⁸

In answer to the summons by the Old Settlers to meet at Fort Gibson, the Ross faction stated that it could not consent to appoint a committee to meet with them when a meeting was already being held. They based their refusal on the fact that such a meeting would not allow the people a "voice in the matter." Ross contended that there could be no good reason for the Old Settlers and their friends not to join the gathering already in progress, inasmuch as a change would cause "much inconvenience, trouble and expense."¹⁹

The Old Settlers replied by declaring that their government had been recognized "as a body politic by the Government of the United States." They contended that Watie and the pro-removal faction had accepted their government and enjoyed the protection of their laws as well as "all the rights and privileges of the nation." Because of Ross's refusal to accept their established government, they were appealing to Federal authorities, asking that they "may be sustained in the enjoyment of our rights and in the execution of our laws, and that, the lives and liberties of all our citizens may be protected from violence and disturbance."²⁰

The Ross faction passed a resolution condemning John Brown and John

¹⁸William Armstrong to T. H. Crawford, July 20, 1839, and Decree of the Cherokee People, July 7, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, pp. 375-376, 405-406.

¹⁹George Lowry and George Guess to John Brown, John Looney, and John Rogers, August 6, 1839, in *ibid.*, p. 384.

²⁰John Brown, John Looney, and John Rogers to William Armstrong, August 9, 1839, in *ibid.*, p. 384.

Rogers for their refusal to join the gathering at the Illinois Camp Ground. The Old Settlers were judged to "have acted in a manner unworthy of the office of chiefs, and have assumed powers incompatible with the liberties of the Cherokee people, and, in various instances, have perpetrated acts unauthorized by the laws and usages of the nation." The Ross faction further charged that Brown and Rogers had "betrayed the trust reposed in them and forfeited the confidence of the Cherokee people." Thus the meeting declared its disapproval of their conduct, and "removed John Brown and John Rogers from the office of chiefs of the Western Cherokees" and disqualified them from exercising any power or functions as chiefs.²¹

Throughout the meeting Ross's friends and supporters assured him control of the gathering. He made a gesture of unity by including a few members of the Old Settlers among the leaders of the meeting, but he sought to control the Cherokee Nation by managing the General Council. However, Watie and his followers refused to acknowledge Ross as the leader of a unified tribe.²²

Meanwhile, a threat of open warfare among the Cherokees drove many whites along the western border of Arkansas away from their homes. In reaction to this, Arbuckle on July 19, 1839, authorized the issue of arms and ammunition to a portion of the militia located near the western border of Arkansas. He justified his action as necessary to protect the citizens of Arkansas in "the event the State is invaded, or the Cherokees should commit acts of hostility against the citizens of the United

²¹Ibid., pp. 386-388.

²²Knight, "History of the Cherokees, 1830-1846," Chronicles of Oklahoma, Vol. XXXIV, pp. 173-174.

States." He also forbade the entrance of whites into the Cherokee Nation except to obtain supplies at Fort Wayne, located in the northern portion of the Cherokee Nation near the Arkansas border, and consulted with the governor of Arkansas on arrangements for sending a military force to the western border of the state. The Ross faction did not want military intervention in Cherokee affairs, likely because they feared that Watie might use such forces to remove Ross from power. Ross assured Arbuckle that such military measures were unnecessary, and that the actions of the General Council would "effectually stop further effusions of blood and remove all causes of alarm." The Ross faction declared that "all matters in controversy will soon be brought to an amicable close."²³

On August 20, 1839, under the leadership of Watie, the pro-removal faction met at Price's Prairie to protest the actions of Ross's group. Those present elected George W. Adair chairman of the meeting. John A. Bell offered a preamble and a series of resolutions which condemned Chief Ross and appealed to the Federal government for aid. It was pointed out that Major Ridge, John Ridge, and Elias Boudinot were "cruelly and inhumanely assassinated, and, as we are informed and really believe, by an order of the partisans of John Ross, in consequence of the deceased having signed the treaty of December 29, 1835." Calling the state of anarchy and confusion in the Cherokee Nation as intolerable, they declared that the decrees "passed by the partisans of John Ross, as well as many other circumstances, clearly demonstrate that all the signers of the

²³Matthew Arbuckle to John Ross, July 20, 1839, and George Lowry and George Guess to William Armstrong, July 9, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, pp. 402-405, 374-375.

treaty and many of their friends are in imminent danger of secret and cowardly assassination."²⁴

Watie's faction stated that a civil war was "seriously deprecated, inasmuch as it would tend to the total destruction of our nation," and resolved that the actions of the Ross followers, the acts passed by their General Council relative to the signers of the New Echota agreement, and the maintenance of a large number of armed and hostile men in a military manner deserved the condemnation of all mankind and merited the severest punishment. Watie's followers declared that they did not want open warfare between the various factions; they would avoid resorting to such action "unless assured that it is the only means left for our personal safety." They believed that it was their right to appeal to the government of the United States for the punishment of the killers, and for "justice and protection for ourselves and families."²⁵

Therefore, for the purpose of presenting their appeal to the Federal government, the meeting appointed John A. Bell and Watie to travel to Washington, D. C., "in order to lay our grievances before the Secretary of War." The meeting also appointed a committee composed of Charles Rese, John Field, James Star, Thomas Wilson, William Roling, and William Lassley to draft an explanation and petition to the Secretary of War "making known our grievances and our wants." Bell and Watie were also given "full authority to enter into arrangements with the Secretary of War for our protection and relief."²⁶

²⁴Preamble and Resolutions of the Treaty Party, August 20, 1839, in *ibid.*, p. 406.

²⁵*Ibid.*, pp. 406-407.

²⁶*Ibid.*, p. 407.

The committee drafted a statement for Joel R. Poinsett, the Secretary of War, which was to be carried to Washington by Watie and Bell. It stated that when the members of the pro-removal faction emigrated to the West, they found the Old Settlers "in possession of a country healthy and fertile, and every way adapted for the prosperity of the Cherokee people." Their government was regularly organized, "with a code of laws suitable to their condition, and equal in their operations." The Ridge-Watie-Boudinot group was permitted to participate in the Old Settlers' system of government, and hold tribal offices. They purchased or improved farms, bought cattle, entered into business, and easily integrated themselves into the prevailing society. When those opposed to removal arrived in their new homes, the members of the Treaty Party welcomed them and extended "to them every act of courtesy and kindness in their power." They extended them credit, helped them secure supplies, and aided them in the construction of their homes.²⁷

The Treaty Party believed, the explanation continued, that the old wounds concerning removal had healed, until the June meeting and the assassination of three of their leaders by the partisans of John Ross. These killings "were arranged at the previous council, and the perpetrators of the horrid deeds selected, and chosen" from the partisans of John Ross. Other steps planned by the Ross faction were not known to the Ridge-Watie-Boudinot group, but "from the history of the past, the decree itself, and the daily threats which we hear in the country," Watie's followers were convinced that their enemies approved of the

²⁷ Convention to J. R. Poinsett, August 20, 1839, in *ibid.*, p. 407.

murders of their friends and would sanction their total destruction.²⁸

Pointing to the humiliating conditions which Watie's group was forced to resort to save their lives, the members of Watie's faction declared that they must accept these conditions, be driven from their homes, or engage in a civil war for self defense. Either of these alternatives would be destruction to "ourselves and families," but they could not tamely submit to the dictates of the Ross faction, for that would offer no safety. Neither could Watie's followers flee from the country, because they had no place to seek refuge. "Hardly as we are oppressed, and flagrant as are our injuries," they valued Cherokee blood too highly to engage in the horrors of a civil war and thus cause the destruction of their own people, unless driven to it in acts of self-defense.²⁹

Denying that the Watie group had violated any laws, the pro-removal committee declared that the group was willing to stand trial, and "abide the decision of the proper tribunals." However, the members refused to acknowledge the "power or mobocracy of John Ross or his constituted authorities," and contended that they would "never submit to his authority or dictation." Thus the only alternative left to them was to "confidently and solemnly appeal to the Government of the United States for justice and protection." Unlike Ross, Watie's supporters could not afford to raise military guards and pay them from Cherokee funds, the committee contended, and assassinations would again go on, "and their whole party be destroyed, before any declaration of hostilities would be

²⁸Ibid., pp. 407-408.

²⁹Ibid., p. 408.

made, which the military of the country would feel authorized to treat as 'domestic strife.'³⁰

Thus the members of the committee sent their trusted friends Watie and Bell to solicit "that protection promised in the treaty, and which they confidently believe the Government of the United States are able and willing to afford." They solemnly asked for redress for the killings of their friends, which had taken place without a hearing, without a trial, and without a crime. Asking that their lives not be allowed to remain in jeopardy, they pleaded not to be forced to accept the power of Chief Ross, and asked that their annuities not be paid to the Ross faction which would use it for the ambitious purposes of their leaders. Not pretending to dictate the means for their relief, Watie's followers simply trusted in the Federal government to come to their aid.³¹

Also on August 20, 1839, Arbuckle was ordered to "discover, arrest, and bring to condign punishment the murderers of the Ridges and Boudinot." Immediately he informed Ross of his instructions, and though he did not know the names of the conspirators, he asked Ross to deliver to him at Fort Gibson the people responsible for the act. Later Daniel Colston, Joseph Spear, James Spear, Archibald Spear, Hunter, John Vann, and twenty or twenty-five others were charged with the murder of Watie's cousin, John Ridge; James Foreman, two of the Springtons, Bird Double-head, Jefferson Hair, and James Hair were accused of killing Watie's uncle, Major Ridge; and Soft Shell Turtle, Money Taker or Money Striker, Johnston, Car-soo-taw-dy, Cherokee, and Duck-wa were implicated in the

³⁰Ibid.

³¹Ibid., p. 409.

assassination of Watie's brother, Elias Boudinot. Arbuckle declared that if those guilty were not handed over to the proper authorities, "the military force of the United States will be employed in carrying out the instruction of the War Department." He also urged that no future violence be encouraged against the followers of Watie.³²

In answer to Arbuckle's demand, Ross questioned the jurisdiction of the Federal government in the crime. He asked "by what right or sound policy the Cherokee people are to be deprived of the exercise of their own legitimate authority over the acts of one Indian against another?" Ross continued by inquiring "how, if the persons charged be Cherokees, they have violated either treaty stipulation or acts of Congress, that they should be held answerable to the courts of the United States, and the military force employed for their arrest?" Ross was not about to turn over any of his followers to be accused of the crime and allow Watie the satisfaction of seeing the killers punished.³³

On August 28, 1839, another statement was issued by the Ross Cherokees, still convened at the Illinois Camp Ground, restating the offer of a pardon to the members of the pro-removal party and the murderers of the Ridges and Boudinot. These people were given eight days to appear before the Cherokee General Council and take advantage of the offer. Those not accepting the pardon would be declared outlaws. Ross

³²Names of the Cherokees Charged with the Murders of the Ridges and Boudinot, November 27, 1839, in "Report from the Secretary of War," United States Senate, 26th Congress, 1st Session, Senate Document 347 (Washington: Blair and Rives, 1840), p. 16; S. Cooper to Matthew Arbuckle, August 20, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, pp. 413-414.

³³John Ross to Matthew Arbuckle, September 30, 1839, in *ibid.*, pp. 420-421.

knew that neither Watie nor any of his followers would present themselves for fear of reprisals; thus the offer was an empty gesture.³⁴

In reply to the renewal of the pardon offer, the members of the pro-removal faction led by Watie again called upon the Federal government for protection. They declared that the meeting being held at the Illinois Camp Ground would "certainly extinguish the flame of domestic peace and happiness in a great many Cherokee families." Pleading for the government not to suffer them to be driven from their homes and force them "to bow to a band of assassins, contrary to all law, justice and humanity," they stated that they could not accept the pardon and that if violence began, they would resist with all their power and energy.³⁵

Arbuckle informed Chief Ross on September 4 of the Watie faction's request for protection. Arbuckle stated that he understood that they were being punished because of their actions in signing the Treaty of New Echota. He declared that the United States government regarded the signers of the treaty as competent and duly authorized to conclude the agreement; thus, it could not be anticipated by the Federal government that any other portion of the Cherokee Nation could attempt to hold them criminally responsible.³⁶

While on their way to Washington, Watie and Bell paid a visit to ex-President Andrew Jackson at the Hermitage near Nashville, Tennessee,

³⁴Ibid., pp. 405-406.

³⁵George W. Adair and J. A. Bell to Matthew Arbuckle, August 30, 1839, in *ibid.*, pp. 410-411.

³⁶Matthew Arbuckle to John Ross, September 4, 1839, in *ibid.*, pp. 411-412.

in an attempt to secure him as an ally for their cause. Jackson sympathized with the plight of the pro-removal faction of the Cherokees, and he directed a message to President Martin Van Buren on their behalf. Using strong language, Jackson spoke favorably of Watie and his followers, and condemned "the outrageous & tyrannical conduct of John Ross & his self created council." Jackson assured Watie that "the president will not hesitate to employ all his rightful power, to protect you and your party from the tyranny & murderous scenes of John Ross." He expressed the hope that peace and friendship would be restored among the Cherokees by peaceful and just means. Jackson continued by declaring that should "this not be the happy result then, when oppression comes, and murder ensues, resistance becomes a duty, and let the arm of freedom lay the tyrants low & give justice & freedom to your people." He cautioned, however, that before such a drastic stand was resorted to, "you must appeal and resort to all peaceful means to obtain justice, & if the murders of the two Ridges & Boudinot are not surrender[ed] & punished and security for the future guaranteed, then & not until then will the great and good Spirit smile upon your exertions by force to obtain justice by freeing yourselves & people from opposition."³⁷

On October 12, 1839, Arbuckle received word from Secretary of War Poinsett that the United States government would not allow the majority of the Cherokee Nation "to exercise any tyranny toward those persons who may be odious to them, nor especially to commit any outrages upon those Cherokees who signed or adhered to the treaty of New Echota." The eighty-day pardon summons extended the pro-removal faction to appear

³⁷Andrew Jackson to John A. Bell and Stand Watie, October, 1839, in Dale and Litton, eds., Cherokee Cavaliers, p. 17.

before the Cherokee Grand Council would not be sanctioned or allowed, Poinsett declared, for this was a usurpation of power by the Ross government. If the Ross faction persisted in these unjustifiable measures, Arbuckle was to take "prompt and efficient steps to prevent such outrages." Thus for the protection of the rights of Watie and his followers the Federal government was willing to intervene in the Cherokee feud.³⁸

On the same day, the meeting at the Illinois Camp Ground adjourned. However, before doing so, it also appointed a delegation to proceed to Washington to discuss mutual problems concerning the Federal government and the Cherokees. Chief Ross headed the delegation, and he intended not to allow the Watie faction to plead its case before the officials of Washington without being present to present his own arguments.³⁹

In the Cherokee Nation, the treatment of the pro-removal faction had not greatly improved. On December 5, 1839, one of Watie's brothers fled to Fort Gibson. Upon his arrival he assured Joseph Vann, a leader of the removal group, that he could no longer remain at his home safely and that a few nights previously one of the members of the removal faction had been attacked while asleep and nearly had his hand cut off with a hatchet. Vann informed Arbuckle that many of the Watie followers had been forced to flee their homes in fear of their lives, and that it was necessary for him to take "immediate and suitable measures" to insure

³⁸J. R. Poinsett to Matthew Arbuckle, October 12, 1839, in "Report of the Commissioner of Indian Affairs," United States Senate, 26th Congress, 1st Session, Senate Document 1, pp. 416-417.

³⁹W. Shorey to Montfort Stokes, October 13, 1839, in *ibid.*, p. 427.

the peace and security of the Cherokee people.⁴⁰

On December 20, Monfort Stokes, the Cherokee agent, in unison with the Ross faction called for all Cherokees to meet on January 15, 1840, for the purpose of determining the will of the majority on the question of the Act of Union joining both the Old Settlers and those who had emigrated under the Treaty of New Echota in one government. The Old Settlers protested, but to no avail, and the meeting was held on schedule. Watie's faction and the Old Settlers did not attend in force, and the Act of Union that had previously been adopted by the Ross group was again adopted. Thus, Arbuckle informed the Old Settlers that their government was no longer recognized as legal.⁴¹

Arriving in Washington in late 1839, or early 1840, Watie and Bell informed T. Hartley Crawford, the Commissioner of Indian Affairs, that they did not expect a delegation of the Old Settlers to arrive "for the purpose of cooperating with us." However, the delegation of the Old Settlers, which had been provided for in a meeting held by them in November, 1839, soon made its appearance in the city. This made a total of three Cherokee delegations present in Washington.⁴²

On January 22, 1840, Watie, Bell, and William Rogers indicated to Secretary of War Poinsett that the murders carried out by the Ross

⁴⁰Joseph Vann to Matthew Arbuckle, December 6, 1839, in "Letter From the Secretary of War," United States House of Representatives, 26th Congress, 1st Session, Executive Document 188 (Washington: Blair and Rives, 1839), p. 29.

⁴¹Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 35-36.

⁴²John Rogers, John Smith, and Dutch to Montford Stokes, November 22, 1839, and J. A. Bell, and Stand Watie to T. Hartley Crawford, January 8, 1840, in "Report from the Secretary of War," United States Senate, 26th Congress, 1st Session, Senate Document 347, pp. 23-24, 39-40.

faction, the subsequent acts in overthrowing the government of the Old Settlers, and the outlawing and hunting down of the members of the pro-removal faction had "so exasperated the feelings of these parties against each other, that it is no longer possible for them to live together as one community, subject to the same laws and government." Deeply believing that the parties could not live side by side, Watie, Bell, and Rogers presented a plan to the Federal government which would permanently settle the difficulties of the Cherokees.⁴³

They proposed a geographic or political division of the Cherokee Nation in such a way that the Old Settlers and Watie's faction would live together, and be guaranteed the right of self government. Ross and his followers would be left to manage their own affairs. Also, the annuities due the Cherokees would be divided between the two groups. In this way "those embittered feelings" growing out of the events of the last few years "would gradually subside, and peace, instead of that strife and discord which is now prevailing, might be expected in a short time to wave her banner over the entire nation."⁴⁴

Should the Federal government accept their proposal, Watie, Bell, and Rogers expressed the desire that Captain William Armstrong and Brigadier General Arbuckle carry out the arrangement. Their first objective, they said, would be to cultivate "peace and friendship with the people and Government of the United States." Besides this, they wished to attend to the "education of our rising generation." To accomplish these objectives, Watie, Bell, and Rogers proposed to gather as many of "our

⁴³William Rogers, John A. Bell, and Stand Watie to J. R. Poinsett, January 22, 1840, in *ibid.*, pp. 40-41.

⁴⁴*Ibid.*, p. 41.

intelligent citizens together as take an interest in education, and form a village; in which we will locate, if our means be adequate, a college" and other institutions which would provide for the education of the young. They hoped that by this means in a short time they would be able to unite all the wealthy and intelligent members of the country, without distinction of political beliefs, and "present to the world a spectacle different to what is now seen in our country." They would create a community where good order and security would abound, and "where all will be engaged in feeding the lamp of science, that its light may be shed throughout the entire surrounding Indian community." They pointed out that there were approximately 1,200 Cherokees still in the East who would be willing to join them in their enterprise.⁴⁵

Meanwhile, in the Cherokee Nation at a meeting held on February 7, 1840, at Fort Gibson, the Old Settlers expressed their dissatisfaction with the Act of Union. They declared that the actions of Chief Ross were a usurpation of power and were unfounded in the principles of justice, law, or humanity. Stating that they would never submit to the authority of the Ross faction, they pledged to continue to recognize their own government.⁴⁶

On March 12, 1840, Secretary of War Poinsett requested the Watie and Bell delegation in Washington to send him all information relating to the difficulties of the Cherokees. This was probably supplied in full, for additional details kept coming to the delegation from the Cherokee Nation. Enroute home he told Watie that he had heard nothing from him,

⁴⁵Ibid.

⁴⁶Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 36.

but should he run short of cash, he should draw money from his account. Cautioning him that he should not contend for too much, Bell expressed faith that Watie knew "what was to be done at last."⁴⁷

While in Washington, Watie attempted to collect from the Federal government several claims of members of the Treaty Party. On behalf of John Fields, he produced a claim of \$60 against the United States for Fields's service in aiding in the removal of the Cherokees, and for "spoliations in having four negroes taken from him, one which he entirely lost." Having made the claims, he asked that Fields receive his money. Watie continuously attempted to better the condition of those who supported him, and no matter was too small to warrant his attention.⁴⁸

While Watie was in Washington, Brigadier General Arbuckle had been given a free hand to end the strife among the Cherokees. In calling a meeting on April 20, 1840, at Fort Gibson, between the Old Settlers and the assistant chief of the last emigrants to arrive in the West, Arbuckle informed the Cherokees that it was his duty to procure the passage of a constitution that would guarantee all Cherokees their personal and political rights and freedom of life, liberty, and property. One-third of the new chiefs were to be selected from among the Old Settlers and the remainder from the late arrivals. Chief John Ross was to be excluded

⁴⁷J. R. Poinsett to John Bell, March 12, 1840, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives; E. Moore and John Watie to Stand Watie, March 31, 1840, in Dale and Litton, eds., Cherokee Cavaliers, pp. 18-19; J. A. Bell to Stand Watie, April 4, 1840, "Letters To and From Stand Watie," Vol. I, Cherokee Room, John Vaughan Library, Northeastern State College.

⁴⁸Stand Watie to T. Hartley Crawford, April 15, 1840, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

from participation in the government because of his involvement in the murders, but this was not made a permanent disability and would only apply to the first selection of leaders. However, the Ross faction and the Old Settlers were still unable to reach an agreement.⁴⁹

John Candy, one of Watie's supporters, informed Watie, still in Washington, of Arbuckle's efforts, and told him of the inability of the Cherokees to reach an agreement. Arbuckle, however, had requested that they reconsider the matter. Candy expressed hope that Watie would not think that everything was settled, and he contended that the "murders is a stumbling block which will haunt this people until satisfaction is had. To think that it will be quashed by any measure is a vain thing." To the Cherokees, as to other people, retaliation was inherent, and in this matter "it will not be touched by the people now assembled." Watie was told to inform the Old Settler delegation that "the people are doing the best they can. If the Government finds any fault it will not be in the Old Settlers."⁵⁰

Watie stated to Secretary of War Poinsett on April 26, 1840, that it was his duty to present to the United States government "a rough statement in relation to our [Treaty Party] cases of private property during the oppressive and high handed courts of the stronger party last summer." Watie declared that if the claims did not present a strong enough case, he would ask the government to reconsider the distribution of annuities among the Cherokees. In justification, Watie explained

⁴⁹Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 39-40.

⁵⁰John Candy to Stand Watie, April 24, 1840, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

that after the killings during the summer of 1839, many members of the pro-removal faction were forced to flee the Cherokee Nation in fear of their lives; and even after they had left, they were compelled to organize themselves into small parties for protection. Often it was even necessary "to appeal to the friendly hospitality of the adjoining State" for the protection that they could not find among the Cherokees. Watie argued that the improvements abandoned by the fleeing Indians would be lost under the existing circumstances, and he urged that the annuities due the Cherokees be withheld from the tribal authorities until Cherokee officials could be presented proof of individual losses during the oppression and civil crisis caused by Chief Ross and his followers. Expressing the belief that the claims of the Treaty Party were founded on the principles of justice and equality, Watie appealed to Poinsett's sense of justice on behalf of all the sufferers, "knowing that whatever can will be done in our behalf."⁵¹

On April 30, T. Hartley Crawford, the Commissioner of Indian Affairs, informed Brigadier General Arbuckle of the proposal of Watie's faction to divide the Cherokee Nation among the various groups. Crawford expressed his approval of such a measure, and asked Arbuckle for his opinion on the proposal. The fear that the United States would accept the proposals of the pro-removal faction caused Chief Ross to offer concessions which were acceptable to the Watie followers and the Old Settlers.⁵²

⁵¹Stand Watie to J. R. Poinsett, April 26, 1840, Letters Received, Cherokee Agency, Office of Indian Affairs, National Archives.

⁵²T. Hartley Crawford to Matthew Arbuckle, April 30, 1840, in "Message From the President of the United States," United States House of Representatives, 26th Congress, 1st Session, Executive Document 2 (Washington: Blair and Rives, 1840), p. 260; Wilkins, Cherokee Tragedy: The Story of the Ridge Family and the Decimation of a People, p. 327.

The various factions met at Fort Gibson on June 10, 1840, and were told by Arbuckle that if no agreement was reached, each group could go its own way. After two weeks of negotiations, and after allowing the Ross group to refuse to acknowledge the New Echota treaty, a new Act of Union was agreed to on June 26. The Old Settlers were to be allowed a just proportion of representatives for the first constitutional term, but after that they would stand their chances in an election; and the constitution, which had been adopted on September 6, 1839, was recognized as the law of the land. Thus, at last it appeared that the Cherokees were once again a united tribe.⁵³

Not knowing of the agreement because they were in Washington, Watie along with Ross and the Old Settlers delegation joined in protesting the establishment of a board of claims in Washington to deal with the question of Cherokee treaty claims. The Cherokees wanted such a group to operate in the Cherokee Nation, and they suggested that the better interest of both the Cherokees and the Federal government would be served if the board was moved there. Oral testimony would be necessary to determine many of the claims, and it would be practically impossible for the commissioners to hear such testimony without being located in the Cherokee Nation.⁵⁴

Curiously, the Cherokee factions cooperated on this problem, since it was not until August 21 that they received word of the settlement between the factions in the Cherokee Nation. With the controversy settled,

⁵³Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 40-42.

⁵⁴Stand Watie, John Ross, and Others to William Armstrong, August 10, 1840, Letters Received, Cherokee Agency, Office of Indian Affairs, National Archives.

the different delegations submitted their claims to the Federal government and prepared to return home. Watie received \$1,032.50 for the expenses incurred in traveling from the Cherokee Nation to Washington and for serving as a delegate from September 13, 1839, to July 7, 1840. He also received \$627.50 to pay the cost of the return trip, and \$127.50 for 210 days of lodging.⁵⁵

The Federal government had intervened to settle the confusion among the Cherokees resulting from the contention of the various factions for control of the tribe. The Cherokees had been reunited under one government and peace had been restored. Watie had paid a huge price for his participation in the Treaty of New Echota and had witnessed the deaths of his brother, uncle, and cousin. Watie's hatred for the murderers of his relatives placed him at odds with Chief Ross and created a schism among the Cherokees which continued for years. The hatreds of both the followers of Watie and the supporters of Chief Ross had brought the Cherokees to the verge of civil war and forced the Federal government to intervene, but the bitterness still lingered among the Cherokees in spite of the appearance of reconciliation.

Nevertheless, Watie returned to his homeland, relieved that at least on the surface the factional problems of the Cherokees were settled. However, his relief was unfounded, for in a very short time violence would again flare among the Cherokees. The blood feud was not to die with the stroke of a pen, and the hatreds, though subdued, were still present among those who had suffered through the process of anarchy and confusion in 1839. Watie and his followers had won a brief victory over

⁵⁵Statement of Stand Watie, in "Miscellaneous Business Documents," Cherokee Room, John Vaughan Library, Northeastern State College.

the partisans of Chief Ross, but it was more a truce than a victory. The old leaders of the pro-removal faction were now dead, and in their place stood Watie, a man who could not forget the fate of his uncle, brother, and cousin, or forgive Ross.

CHAPTER V

TROUBLED PEACE

The agreement reached in the late summer of 1840 was supposed to end the internal strife of the Cherokees. Sadly, however, that was not the case for Watie and the other members of the pro-removal faction. The killings continued and, in at least two instances, Watie was personally involved. The truce between the two factions had been achieved through intervention by the Federal government in the affairs of the Cherokees. It was because of Federal protection for Watie's followers that Chief Ross was prohibited from completely dominating the Cherokees and subjugating the supporters of the Treaty of New Echota. On the other hand, the pro-removal group lacked sufficient strength to force Ross from his position of power. Thus, there was a stand off, but it would not endure long.

On November 11, 1840, Robert Brown, the High Sheriff of the Sallisaw District of the Cherokee Nation, issued a warrant for the apprehension of Archilla Smith, who was charged with the murder of John MacIntosh. Smith, being a staunch supporter of the New Echota agreement, was a close ally of Watie. Although the accused was characterized by John Howard Payne, who recorded the trial, as a "reckless and violent person" expert with the rifle and ready with the tomahawk and knife, and "in more brawls than any Indian in the country," Watie believed it was his duty to defend his friend. Watie doubtlessly thought that the charges

against Smith were nothing but a plot by the Ross faction to continue its extermination of all the supporters of the Treaty of New Echota.¹

Smith received word that a warrant had been issued for his arrest, but, according to Payne, he "openly proclaimed that he would not be taken, and never went about without his weapons and friends well armed." Nevertheless, he was seized and taken into custody along with a young man named William Webber, who attempted to help Smith escape when he was apprehended by Cherokee authorities.²

Smith's trial was to be held at the Council Ground near Tahlequah in a log hut about eighteen feet square. The court house had a dirt floor, and opposite the door was a large fireplace and chimney. To the right of the door were rough board benches for the jury, witnesses, and interpreters; and there was a seat for the judge. A chair and table were provided for the clerk of the court, and on the left side of the room against the wall was a place for Smith.³

Watie and William Holt were the agent and counsel for Smith. Looney Price, an associate judge of the Cherokee Supreme Court, presided, and Isacc Bushyhead was the counsel for the Cherokee Nation. The trial began on December 15, 1840, and a jury of twelve men was chosen to determine the innocence or guilt of the accused. Immediately after the selection of the jury, Watie objected to the commencement of proceedings because John Young, an important defense witness, was not present.

¹ John Howard Payne, Indian Justice: A Cherokee Murder Trial at Tahlequah in 1840, edited by Grant Foreman (Oklahoma City: Harlow Publishing Company, 1934), p. 2.

² Ibid., p. 3.

³ Ibid., p. 7.

Price listened to Watie's plea and adjourned the court until Young could be produced.⁴

The following day Young was present and the trial began, with Smith pleading not guilty. Bushyhead then produced his first witness, Gay-Nu-Gay, who stated that Smith and he were in a Creek camp when the deceased John MacIntosh tried to grab the bridle of Smith's horse which was being held by a Creek Indian. After making several attempts to seize the horse, MacIntosh then rode his horse to the structure near the camp occupied by Smith. His horse knocked several boards off the building, and Smith went out to face MacIntosh. Immediately MacIntosh rushed at Smith, and Smith stabbed at him with a knife. Later MacIntosh's horse trotted off, and Smith returned to the camp with the knife in his hand.⁵

Watie then began the cross-examination of Gay-Nu-Gay, but his questions did not attempt to discredit his statement, and afterwards the court adjourned until the following morning. The prosecution again introduced testimony to identify the murderer as Smith. Cross-examining a Creek named John, Watie asked who had begun the fight. The answer was MacIntosh. Watie continued to question John until he finally admitted that MacIntosh was drunk and that it was he, and not Smith, who started the argument. Watie continued to cross-examine the prosecution witnesses until the court adjourned for the day.⁶

After completing the cross-examination the next morning, Watie asked that a Cherokee named Eagle be called to invalidate the testimony of the

⁴Ibid., p. 12.

⁵Ibid., pp. 15-16.

⁶Ibid., pp. 16-27.

Creek named John. Bushyhead objected, and Watie appealed to the judge, who ruled in Watie's favor. Watie then attempted to use the testimony of Eagle to discredit the prosecution witnesses as thieves and idiots. This was the final witness in the trial, and after his testimony, Watie declared that the defense had no further witnesses.⁷

In addressing the court, Watie stated that he was "content to let the case go to the jury without comment," and that in his "opinion, the testimony alone is quite sufficient to enable them to give a fair decision." Bushyhead, however, gave a lengthy address to the jury, and after he was finished, Watie rose to speak. He stated that he did "not profess to be an orator" and that he did not pretend to have the power of countering those whose only aim was to reach their object by the shortest cuts, without being at all reluctant to take every advantage upon the way. He claimed not to be in the same class as lawyers, and was answering Bushyhead's speech only because "it would be an injustice to the accused, to permit him to be assailed as he has been, without showing that there are those who feel that such assertions as are produced to crush him, however groundless, ought not to pass uncontradicted." Continuing, he declared that the prosecutor himself believed that the evidence against Smith was "entirely insufficient to sustain the charge." Conceding that MacIntosh was killed, Watie pointed to the inconsistencies of the witnesses.⁸

"Judge and Jurors!," Watie exclaimed, "I trust you will bear in mind the circumstances of the time when this sad event occurred," and he

⁷Ibid., pp. 27-33.

⁸Ibid., pp. 34-40.

portrayed the tremendous confusion and the great violence which characterized the Cherokee Nation in the last few years. Watie contended that Smith and MacIntosh had words, but MacIntosh had ridden off and "quarreled with some new comer, who stabbed him in the dark and escaped." Expressing confidence in the jury to weigh the testimony, Watie asked them to consider "how you would feel, should you discover when it is too late, that what I have stated to you as most probable, is the fact, and that you have condemned the innocent." Imploring them not to make such a mistake, he urged the court to restore the prisoner to his home, wife, children, and the native country he loved.⁹

After Watie finished speaking, the courtroom was silent. In a few moments Smith rose to speak in his own behalf. When he was finished, the jury was read the law under which the charge had been made, and they were instructed to retire to seek a verdict. No decision was reached that day and on the following day, December 19, 1840, the jury informed the judge that they could not reach a verdict; the court was adjourned until December 22.¹⁰

Price, the original judge in the case, suddenly became ill, and he was replaced by Jesse Bushyhead. A new jury was selected, and preparations made for a second trial. William Holt, who was assisting Watie, objected on the grounds that no person "shall for the same offense be twice put in jeopardy of life or limb," according to Cherokee law. The prosecution argued that it was not a second trial, but merely a

⁹Ibid., pp. 40-41.

¹⁰Ibid., pp. 41-48.

continuation of the first. The judge agreed and the new jury was sworn in.¹¹

After Isacc Bushyhead made his introductory remarks, Watie arose to address the court. Again he admitted that MacIntosh was killed, but said that Smith was not the criminal. Pointing to the variations in the story told by the prosecution witnesses, Watie asked the jury if this was "sufficient to justify the destruction of a man's life and character; widowhood to his wife; orphanage to his children and infamy upon his name?" He pointed out that if Smith did kill MacIntosh, could it be called murder? Three of Smith's friends had just been killed in the bloodbath that was sweeping the Cherokee Nation, and justice was not carried out, Watie argued. And with MacIntosh making such threatening gestures, how could Smith help but believe that the same fate was in store for him. In such a case it would clearly be self-defense. Watie contended that it was absurd for Smith to have willingly desired to kill McIntosh.¹²

Declaring that he was convinced that Smith did not commit murder, even by accident, Watie expressed confidence that the jury would find him innocent. He stated that "magnanimity and truth must at last prevail," and doubtlessly in a few hours Smith would again be free to rejoin his family and friends. With this closing argument, the defense rested its case.¹³

The prosecuting attorney declared that Watie's case was superfluous

¹¹Ibid., pp. 50-55.

¹²Ibid., pp. 55-59.

¹³Ibid., pp. 60-61.

and did not discredit the proof that Smith had committed the murder. Recalling the evidence that had been presented, the prosecutor stated that acquittal for reasons of self-defense was not justified. After the prosecution concluded its remarks, the jury was read a law applying to the case, and then its members withdrew to reach a verdict. On December 23, the sixth day of the trial, the jury, unable to reach a decision, asked to question the accused. Smith, not being in court, was sent for, and on the following day he testified before the court. They continued to deliberate and reexamine the witnesses until December 26, 1840, when they pronounced Smith guilty.¹⁴

On the following day, Smith was sentenced by the court to "be hanged by the neck until your body is dead," and the day of the execution was set for January 1, 1841. Immediately Watie applied for a pardon for Smith from Chief John Ross. A petition was presented to Ross signed by Watie, his two brothers Thomas and John, his father David, and ninety-seven other Cherokees. Watie, himself, carried the petition to Ross, but he refused to stay the execution because the document lacked enough signatures and did not state any reason for doing so except that "peace and harmony may prevail."¹⁵

Smith also visited Ross in an effort to gain a pardon, but again Ross refused to act. It appeared that Smith's fate was sealed. On December 31, the night preceding the execution, Smith asked for David Carter, the Clerk of the Sallisaw District Court, to come to his lodging to make out his will. When he had finished and was returning to his

¹⁴Ibid., pp. 61-86.

¹⁵Ibid., pp. 87-93.

bed, the light in his lodging was suddenly extinguished, and Smith attempted to escape out the door. However, his flight was prevented by one of the guards who stood in the way. This mysterious set of circumstances was the result of Watie attempting to bribe the guard of the door of the lodging. Approaching the guard, Watie offered him \$500 to leave Smith unwatched. However, the man answered, "I have too much respect for my own safety and my character, to sell either for five hundred dollars;" it was this man who stood at the door and prevented Smith from escaping.¹⁶

The following day at noon Smith was executed. Watie did not attend the hanging, undoubtedly upset by recent events. He could not help but believe that Ross was once again attempting to rid the Cherokee Nation of those who had advocated removal, and he probably wondered what fate Ross planned for him.¹⁷

During the following year, the lines were clearly drawn between Watie's supporters and those of Chief Ross. In the campaign for tribal offices, the pro-removal faction advocated that the per capita payment due the Cherokees under the Treaty of New Echota be paid. Ross opposed such action, arguing that it would be admitting that the agreement was valid. However, Watie's party carried the election and won a majority in the tribal legislature for the biennium of 1841-1843.¹⁸

On January 9, 1842, Watie was in Van Buren, Arkansas, where he appealed to Pierce M. Butler, the Cherokee agent, protesting the payment

¹⁶Ibid., pp. 94-98.

¹⁷Ibid., p. 99.

¹⁸Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 53.

of the Ross delegation to Washington in 1839-1840 out of tribal funds. He argued that he had been an appointed delegate from the Cherokee Nation recognized by the Federal government, while Ross's faction had been denied recognition. Although Watie had been forced to go to Washington to seek protection from the Ross party, he maintained that he was required to bear the expense of about \$2,000, while Ross's costs were paid by the Cherokee Nation. This was highly improper, said Watie, and he called for an investigation of the matter along with consideration for payment of the expenses of his group.¹⁹

By the spring of 1842, the Cherokee Nation was again on the verge of chaos. There were many quarrels and several deaths resulting from white men roaming through the country committing petty crimes. On May 9, a member of the Ross faction, Anderson Springston, was shot by a white man just inside the border of Arkansas. Many of the Cherokees viewed this and other killings as a resumption of the blood feud between the Watie party and the Ross group, and the uneasy truce was near collapse.²⁰

A crescendo was reached on May 14, 1842, when Watie killed James Foreman, one of the persons accused of murdering Major Ridge. Watie, his brother John, and James P. Miller were returning to Van Buren from a trip to Honey Creek in the Cherokee Nation. Passing Maysville, which was on the border between Benton County, Arkansas, and the Cherokee Nation, they proceeded down the road about three miles to David England's

¹⁹John A. Bell and Stand Watie to Pierce M. Butler, January 9, 1842, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

²⁰Grant Foreman, The Five Civilized Tribes (Norman: University of Oklahoma Press, 1934), pp. 324-325.

grocery store, where Foreman and several other treaty men were present. The party remained there for about half an hour, and as they prepared to leave, Watie proposed that they enjoy a drink of liquor. Immediately after Watie had arrived, Foreman approached Hiram Landrum and asked to borrow his horse so he could send Isacc Springston for his guns. When Landrum asked Foreman why he wanted his guns, he nodded his head at Watie. Landrum refused Foreman's request.²¹

As Watie ordered a glass of liquor, Foreman picked up Watie's glass and drank the whiskey. As he drank, Foreman said, "Stand Watie[,] here is wishing that you may live forever," and then he handed the glass to Watie. Taking the glass with a smile, Watie replied, with an allusion to the murders of 1839, "Jim, I suppose that I can drink with you, but I understood a few days since that you were going to kill me." Foreman answered, "Say yourself!" and straightened himself from the bar against which he was leaning. Watie then threw his glass, and Foreman began striking him with a large whip he was carrying. At first the fight was confined to the inside of the store. Foreman continued to beat Watie with his whip, while Alexander Drumgoole, Foreman's uncle, attempted to get behind Watie's back. In the process Drumgoole fell out of the door into the yard. Foreman followed him outside and picked up a board with which to attack Watie. As Foreman raised the board to strike, Watie sprang out the door and stabbed Foreman with a knife. After being wounded, Foreman backed off some fifteen or twenty paces and declared:

²¹George W. Paschal, "The Trial of Stand Watie," edited by Grant Foreman, Chronicles of Oklahoma, Vol. XII, No. 3 (September, 1934), pp. 319-320. For a differing account of the killing, see John G. Ross to John Ross, May 3, 19, and 25, 1842, John Ross Papers, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma.

"You haven't done it yet." With this challenge, Watie drew his pistol and fired at Foreman; however, Foreman did not die immediately. He turned to escape and ran about 150 yards before he fell through a gap in a fence and died.²²

After the killing, Springston, who had left to bring Foreman his guns, returned to the store. Then Drumgoole approached Watie and asked him to feel his arms, adding, "I am the old dog. There will be a fuss, but I shall not raise it. I am not afraid of any man!" Before any more of the Ross faction could arrive, Watie departed.²³

The Cherokee authorities, led by the Ross party, assumed jurisdiction in the killing, though it took place inside the limits of Arkansas. On May 20, 1842, Young Wolf, John Looney, and Richard Taylor, in the absence of higher Cherokee authorities, cited the powers given them by the constitution of the Cherokee Nation, and authorized, empowered and commanded "the several sheriffs and other civil officers of the Nation" to arrest Watie. He was charged with violating the "laws--peace & good order of this nation," and whoever captured him was to "bring him before the proper judicial tribunal of the country." A group of Ross's men gathered at Park Hill for the purpose of hunting Watie, and an appeal was made to the military commander at Fort Gibson to provide troops for the search, inasmuch as Watie's supporters were expected to flock to his defense. The followers of Ross likely viewed the happenings as a way to finally rid themselves of Watie, who found it to his advantage

²²Paschal, "The Trial of Stand Watie," edited by Grant Foreman, Chronicles of Oklahoma, Vol. XII, p. 319.

²³Ibid., p. 321.

not to be discovered in the Cherokee Nation.²⁴

Believing that his life would be forfeited should he return to his home, Watie fled to Van Buren, Arkansas. On June 9, 1842, he contacted Butler, the Cherokee agent, and declared that he had been waiting in Van Buren "several days with a view of surrendering myself to the judicial tribunal of Arkansas on a charge of killing James Foreman," but had been prevented from doing so because he was informed of the action of the Executive Committee of the Cherokee Nation in ordering his arrest. Watie pointed out that the action occurred inside Arkansas, and that the matter was strictly within the jurisdiction of the state. Wanting to put the matter to rest, Watie pledged to surrender to "the civil authority of Arkansas and submit to their decision." However, he stated that he could see no benefit in such an act unless the order of the Executive Council was revoked, because the moment he returned home, he would be subject to arrest and his life would be jeopardized "by being exposed to enemies, who are continually misrepresenting my motives and actions." Denying that he had gathered an armed party of supporters to protect himself, Watie charged that the Ross faction was employing the very tactics that they accused him of using. He declared that he was willing to submit "to the investigation of any tribunal of the United States" for his conduct if the Ross people would agree to the same. As soon as the order of the Executive Council was revoked Watie was at Butler's disposal, but he demanded the protection of the United States "against a course so apparently illegal, as he has been pursued by the Executive

²⁴Ibid., p. 311; John G. Ross to John Ross, May 19, 1842, John Ross Papers, Thomas Gilcrease Institute of American History and Art; Warrant, May 20, 1842, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

Council."²⁵

During this troubled time Watie married his fourth and final time. On September 18, 1842, he took Sarah Caroline Bell for his bride. She was a member of the Bell family which was so closely allied with Watie during the conflict with Ross; in fact, her two brothers Jim and Jack had been schoolmates of Watie at Springplace Moravian Mission School. This marriage was to provide Watie with his only heirs, and eventually they were to have five children: three sons, Saladin Ridge, Cumiskey, and Solon Watica; and two daughters, Ninnie Josephine and Charlottee Jacqueline.²⁶

It was doubtful if the new couple enjoyed a very happy life during the first months of their marriage as Watie was forced to remain in Fayetteville, Arkansas, to avoid the actions of the Ross party. John R. Ridge, the son of John Ridge, whom Watie had spirited out of the Cherokee Nation after the murders of 1839, described the danger faced by Watie from the Ross party when he expressed hope that Watie would not be brought before the Executive Council. He stated to Watie that "neither law nor justice would save you from the death they so unjustly wish you to die," and that their failure to capture him "shows the cowardice of the whole Ross party."²⁷

Watie kept his pledge to Agent Butler and surrendered to the

²⁵Stand Watie to Pierce M. Butler, June 9, 1842, *ibid.*

²⁶Mabel Washbourne Anderson, "General Stand Watie," Chronicles of Oklahoma, Vol. X, No. 4 (December, 1932), p. 543; Genealogy of Ridge-Watie-Boudinot, Dale and Litton, eds., Cherokee Cavaliers, following p. 302.

²⁷John R. Ridge to Stand Watie, October 2, 1842, John D. Jordan Collection, Western History Collections, University of Oklahoma.

authorities in Van Buren, Arkansas. He was indicted for the killing of Foreman during the November, 1842, term of the Circuit Court of Benton County, but requested that his trial be postponed until December. However, George W. Paschal, Watie's chief legal attorney, had been elected to the Supreme Court of Arkansas, and some of the other members of Watie's legal staff were members of the legislature, so the case was postponed until the next regular court term in May, 1843. When Watie surrendered himself, he was required to have respectable citizens guarantee his presence in court in order to be released from custody, and over fifty men came forward on his behalf. Judge Joseph M. Hoge required only six to offer themselves as security, as "it was useless to encumber the record with more names."²⁸

Though Watie was allowed to remain free until his trial, he soon suffered another personal loss. His father, David Watie, died during the latter months of 1842. This was a tremendous loss to Watie. By mutual agreement, Watie and his brothers Thomas and John, his sisters Elizabeth Weber and Nancy Wheeler, along with John Candy, who had married Watie's sister Mary Ann, settled the estate among themselves and appointed John to "settle all lawful claims against the estate and to collect all debts in favor of the same." Money was provided John to take care of any outstanding debts.²⁹

On May 15, 1843, Watie's trial began, but not until two days later

²⁸ Paschal, "The Trial of Stand Watie," edited by Grant Foreman, Chronicles of Oklahoma, Vol. XII, p. 311, 316.

²⁹ Ibid., p. 312; Declaration of Stand Watie Concerning a Ferry of Heirs of David Watie, March 31, 1845, and Statement of the Heirs of David Watie, January 6, 1843, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

was the jury completed. Judge Hoge presided, and Alfred M. Wilson, the prosecuting attorney of the Fourth Judicial Circuit of Arkansas, represented the state. Watie was represented by five lawyers: David Walker, one of the first lawyers in western Arkansas; Alfred W. Arrington, a former member of the Arkansas legislature; Seaborn G. Sneed, a major general in the United States Army; Lemuel D. Evans, Watie's first lawyer who represented him during Watie's arraignment; and James Spring, a young attorney.³⁰

In opening the case, Wilson lucidly stated the law of homicide, and he indicated that the killing would not be denied. Continuing, the prosecuting attorney reminded the jury that any justification for the act would have to be proven by the defense. He realized the "high character which the prisoner bore in the community," but the jury was to be governed by the law and the evidence and not according to public opinion.³¹

Arrington, in opening the case for the defense, admitted that the killing would not be denied. He argued that the circumstances surrounding the act would provide justification. Arrington contended that he expected to prove that the 1839 killings were a "diabolical plot of murdering in a base and cowardly manner," resulting from the actions of "John Ross, and band of wicked conspirators. Certain fiends in human shape, were selected, armed, and sent out to take away the lives of unoffending and unsuspecting victims"--John Ridge, Major Ridge, and Elias Boudinot. Watie managed to escape only by timely notice and superior

³⁰Paschal, "The Trial of Stand Watie," edited by Grant Foreman, Chronicles of Oklahoma, Vol. XII, pp. 313-317.

³¹Ibid., p. 317.

courage. However, these murders were not enough, for after Ross "rendered husbandless accomplished and christian widows," and "fatherless and houseless helpless innocents," he deposed the chiefs of the Old Settlers and "declared by a celebrated decree of outlawry, which outrages every precedent known among semibarbarians! that the best blood of their nation had been rightly spilled." Then the partisans of Ross "required them to save their lives by bowing to the footstool and asking the pardon of John Ross and his followers--pardoned the murderers of Ridges and Boudinot, and proclaimed a general pardon for every murderer, stained, polluted, and guilty as many of them were among the Cherokees." Through these methods Ross has "sustained his tottering power until the present time."³²

Arrington continued that Ross was not satisfied "with declaring Stand Watie an outlaw." The defense would contend that Watie "was hunted down and followed up--waylaid, and every attempt made to take his life, until the very moment when James Foreman, one of the leading conspirators, was slain." Declaring that "the enemies of Stand Watie had fully prepared to take the life of himself and the unoffending brother," and that Watie was saved "by a gallantry and prowess, alike honorable to the blood which runs in his veins, and the chivalrous age in which he lives." Arrington concluded that the defense believed that Watie acted in self-defense "from a necessity enforced upon him by imperious circumstances."³³

The opening arguments being over, the first witness, James P.

³²Ibid., pp. 317-318.

³³Ibid., p. 318.

Miller, was called. He described the fight between Watie and Foreman, and he told the court that at Maysville he had heard Watie warned to be cautious because his life had been threatened and a group of armed men were looking for him. He described the whip that Foreman attacked Watie with; it was very heavy and capable of killing a man, especially in the hands of Foreman, who was "a stout man" weighing about 125 pounds.³⁴

The next witness, Hiram Landrum, corroborated Miller's evidence, and stated that when the pardoning of the signers of the Treaty of New Echota took place, Foreman refused to take part and declared that "he would never pardon them." David England, the owner of the grocery store, was then called to the stand. He testified that Watie had never mentioned Foreman's name before the fight, and that though Foreman stated Watie was after him, the report was false. This was the end of the evidence presented by the prosecution.³⁵

The defense then called its first witness, B. Nicholson. He stated that a few days before the killing, Foreman and about seventy-five or eighty men with guns came to Maysville, Arkansas, and told of a race to be held, and of Watie's involvement. Foreman told Nicholson that his life had been threatened, and that he had brought his friends along to see him killed. They remained the entire day, but Watie did not appear. Nicholson described Foreman as "bad and dangerous," one whom he had heard make threats against Watie, and he admitted that he was among the group who had killed Major Ridge. However, Nicholson declared that he knew "nothing of Stand Watie being considered a fighting or dangerous

³⁴Ibid., p. 320.

³⁵Ibid., pp. 320-321.

man until Foreman was killed."³⁶

Benjamin May then testified that Foreman was "considered a violent fighting man." The next witness was Benjamin F. Thompson, who declared that Foreman was generally a violent man, and that it was rumored that he had already killed two men. He continued that Foreman had always been considered one of the murderers of Major Ridge and John Walker, and that he "had violent feelings towards the treaty party."³⁷

Rufus McWilliams was then called to the stand. He stated that Foreman had appeared at Maysville with seventy or eighty men, and that they were hunting for Watie. McWilliams testified that he was present at Park Hill on June 22, 1839, when a great many Cherokees were gathering at the John Ross house "hunting for Watie." Next the defense called Reverend Cephas Washbourne, who stated that "James Foreman had been the leader of the party who killed Major Ridge." He also indicated that Watie "was one of the persons designated to have been killed" because of his signing of the Treaty of New Echota. The wife of David England, the owner of the grocery store where Watie killed Foreman, also testified that Isaac Springston had come to Johnson Foreman's for guns, but before he could return to the store, the shot had already been fired.³⁸

John Bell next took the stand and stated that no race at Maysville had ever been planned, and that he and Watie had been in Missouri on business for several weeks at the reported time for the race. Previous to the killing, Foreman had told Bell that Watie could never be forgiven

³⁶Ibid., pp. 321-322.

³⁷Ibid., p. 322.

³⁸Ibid., pp. 322-324.

for signing the Treaty of New Echota. Bell stated that "Foreman's general character was that of a murderer," and he "valued a man's life no more than a dog's."³⁹

After Bell's testimony, the defense offered the Annual Report of the Office of Indian Affairs for the year 1839 to prove the conspiracy of Ross and others "to take away the lives of the prominent men of the Treaty Party." The prosecuting attorney objected, saying that the 1839 Annual Report could not be submitted as testimony, but the defense contended that they would "show the great danger in which the treaty party stood, from the proscriptive measures of Mr. Ross and his partisans." The judge ruled that the documentary materials were admissable as long "as the Documents show that the Treaty Party were [sic] in danger of being assassinated." The defense then read into the transcript various documents illustrating letters, statements, and resolutions which portrayed the confusion and anarchy inside the Cherokee Nation during 1839, and the danger felt by the members of the pro-removal faction for their lives.⁴⁰

After this the defense closed its arguments, and the court was adjourned until the following day. When the court reconvened, Alfred M. Wilson, the prosecuting attorney, spoke for about an hour summing up the evidence for the prosecution, devoting most of the time to recalling the evidence that described the events immediately preceding the killing. He explained the different degrees of homicide, and stated to the jury that "if the State had not made out a case of murder they had at least

³⁹ Ibid., p. 324.

⁴⁰ Ibid., pp. 324-337.

proven an aggravated case of man-slaughter." Wilson denied that the documents introduced by the defense supported a plea of self-defense, and he cautioned the jury "that the high character of the defendant and deep sympathy felt for him every where should not influence them while acting under oath." After deploring the killings of the Ridges and Boudinot, Wilson stated that "neither these murders nor any outrages of the dominant party would justify Stand Watie, or any one else, in slaying a member of the Ross party unless the acts immediately preceding the homicide justified such an act." He declared that there was but one question before the jury: did "the circumstances immediately preceding the death of James Foreman justify Stand Watie in taking his life?"⁴¹

Walker summarized the argument of the defense. He pointed out that no one could have mistaken Foreman's intentions at the store, and that his drinking to Watie's health was mere mockery. Walker portrayed Watie "as the last prominent member of one of the most distinguished families in the Cherokee nation," and charged that Foreman had "sought this last one for years." He stated that Foreman had declared that when he met Watie, he "would put him out of the way," and that Foreman made the trip to Maysville "prepared for a bloody tragedy." There was no race to be held, Walker declared; the truth was that Watie and Bell were in Missouri, and they were expected to return to Maysville about that time and Foreman intended to kill them when they arrived. He argued that Watie "was upon our own soil," and was "assailed by one who had more than once violated that soil which throws its broad mantle of protection, over every man of every name and every color who sets his feet upon it."

⁴¹Ibid., pp. 337-338.

Charging that Foreman "sought to stain that soil, and stain it with more innocent blood," Walker declared that though Watie stood alone, and Foreman was surrounded by his friends, justice was on Watie's side and "providence" had "decided the battle." This was the end of the testimony, and the jury was charged to return a verdict.⁴²

Watie was acquitted for reasons of self-defense. Though he was now free, and the efforts of the Ross faction to remove him had failed, there was still no peace in the Cherokee Nation. The blood feud which should have ended with the agreement in 1840 was again showing signs of erupting into violence.⁴³

Meanwhile, in an attempt to avoid a resumption of the blood feud, the Treaty Party held a meeting in late November and early December, 1843; the group decided to send Watie to Washington at the head of a delegation to present the grievances of the pro-removal faction to the Federal government. The purpose of the committee was to make known the grievances of Watie's followers which had resulted from the chicanery of Chief Ross, who had "misrepresented our motives, charged upon us treasonable designs and resorted to every unscrupulous means to array the bitter prejudices of the less informed and more savage of our tribe against us." Having passed a law to prevent a free expression of popular opinion, Ross was charged with resorting to tyrannical means to prohibit the right of free discussion. Nevertheless, the only recourse then upon the Cherokee Nation was removal to the West, and a faction of the Cherokees recognized by the United States officials had signed a treaty calling for the

⁴²Ibid., pp. 338-339.

⁴³Foreman, The Five Civilized Tribes, p. 325.

exchange of their lands in Georgia, Tennessee, Alabama, and North Carolina for a new home in the West. Great opposition to the treaty had produced violent threats to its signers, and to prevent this, the pro-removal faction pointed out, the Federal government had promised to protect the Cherokees from domestic strife. The members of the delegation declared, however, that this promise had not been kept.⁴⁴

The members of the Treaty Party stated that they had united themselves with the Old Settlers when they arrived in their new homes, and that Ross had usurped their legal power. They declared that the Ross faction had "used every opportunity to infuse into their poor and deluded adherents, a spirit of revenge against the 'Treaty men,'" and that the Cherokee people were "falsely told that, these men had caused all their trouble at home and on the road and in the west." Because of these actions, revenge was "no doubt a million times vowed" by these Cherokees, and "vowed against those who were the real benefactors of these poor deluded beings." No sooner had Ross arrived in the West than the rumor spread among the Cherokees that those opposed to him would be sacrificed on the "altar of revenge." However, the members of the pro-removal faction "could not believe a catastrophe so dreadful! They could not believe that among a people as civilized as the Cherokees," men could be found, who would dip "their hands in the blood of those, who had delivered them from a land of a worse than Egyptian bondage." Describing the confusion as pitting brother against brother and father

⁴⁴Gerald Alexander Reed, "The Ross-Watie Conflict: Factionalism in the Cherokee Nation, 1839-1865," Unpublished Doctoral Dissertation, University of Oklahoma, Norman, Oklahoma, 1967, p. 194; Treaty Party to John Tyler, no date, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

against son, the pro-removal party stated that not even the protection of the United States had deterred Ross's partisans from their illegal acts.⁴⁵

Ross was also accused of mismanagement of the Cherokee National funds due the Indians under the provisions of the Treaty of New Echota. The interest on the investment of monies amounted to over \$38,000 per year, and during the last five years the Ross faction had accumulated over \$190,000; moreover, the supporters of Watie accused Ross of "involving our nation in an immense debt in the shape of national due bills." Contending that Ross paid these bills out of funds which were "fraudulently" taken from their per-capita money, they declared that this action had prevented the members of the Treaty Party from "obtaining farms and growing supplies." As a consequence, many of them were left "naked and hungry," and many "on the very verge of starvation." If this was not enough, the Cherokee Executive Council under the control of Ross had passed an act confiscating those wells and salt works which were owned by Cherokees, and the pro-removal group contended that such action was designed to deny them of their livelihood.⁴⁶

The members of Watie's faction argued that the proposals of the Federal government to increase the military forces in the Cherokee Nation would not provide effective relief for their grievances. Instead they suggested "a geographic division of the country and a separation of the Old Settlers, and Treaty men, and those opposed to Ross, from Mr. Ross and his united emigrants." To accomplish this, they declared that the

⁴⁵ Ibid.

⁴⁶ Ibid.

800,000 acres given to the Cherokees under the Treaty of New Echota be divided by an east-west line. One faction would receive the Beattie's Prairie settlement, and the other would get the Arkansas River possessions. The land thus divided would be proportioned according the numbers.⁴⁷

Declaring that they would no longer bear the injustices of the Ross supporters, the followers of Watie stated that if they were to perish by assassins, they would "perish like men." However, they "must hear no more of 'Cherokee laws,' of their 'constituted authorities,' their 'chiefs,' and their 'patroles' and their 'police companies,'" for they were "made and constituted for our oppression," and "if we perish Heaven will attest the purity of our motives." In the name of humanity, Watie's followers prayed and demanded "a division of our country--of our education, orphan and national funds, and that security" which the Federal government had promised in the Treaty of New Echota.⁴⁸

Watie and the other members of the delegation took the petition to Washington in the spring of 1844. They were soon joined by two other groups representing the Ross faction and the Old Settlers. However, the pleas of Watie and his followers fell on deaf ears, and the Federal government refused to act on their request. Instead, an investigating committee was dispatched to the Cherokee Nation to hear the grievances of all parties. Returning home, Watie took steps to call his followers together to formulate their plea.⁴⁹

⁴⁷Ibid.

⁴⁸Ibid.

⁴⁹Reed, "The Ross-Watie Conflict: Factionalism in the Cherokee Nation, 1839-1865," p. 196; Wardell, A Political History of the Cherokee 1838-1907, p. 57.

The meeting with the Federal commissioners was to be held at Tah-lonteeskee, Cherokee Nation, on December 5, 1844, and all parties were exhorted to "abstain from any conduct in the least calculated to produce excitement, or disturb the peace and quiet of this assemblage." At 1:00 in the afternoon the Cherokees assembled and were addressed by Roger Jones, one of the commissioners, who told them that the duty of the commission was to inquire into the difficulties of the Cherokees and ascertain the actual state "of the facts alleged on either side." The arguments of the Old Settlers were to be heard on the following day; but before the meeting adjourned, word was received from Chief Ross that he would not attend, and "the authorities of the nation did not deem it proper to appoint a deputation for that purpose." Thus the meeting represented only the members of the Old Settlers and Watie's group.⁵⁰

The following day it snowed, and the Cherokees proposed that representatives be chosen from among them to negotiate with the Federal commissioners. Because of the inclement weather, many of the Cherokees wished to return to their homes, where they could find shelter. During the remainder of the day and on December 7, 1844, the names of those Cherokees present were listed, and representatives chosen. Watie was selected as one of the representatives of the Treaty Party. A message was also sent to Ross informing him that the meeting was adjourning to meet on December 10 at "the old Cherokee agency, on the road between Fort Gibson and Park Hill." The policy of protection for all Cherokees attending the meeting was also included because of the presence of Ross's

⁵⁰Notice to Cherokee Nation, December 4, 1844, in "Inquiry Into the Complaints and Differences of the Cherokees," United States Senate, 28th Congress, 2nd Session, Senate Document 140 (Washington: Gales and Seaton, 1845), pp. 58-60.

"police companies" at Tahlonteeskee and the fear among the Cherokees that they might suffer reprisals for their actions.⁵¹

The grievances of the Old Settlers were heard first when the Federal commission reconvened, and it was not until December 23, 1844, that the complaints of Watie's group were heard. Only one day was required to air the grievances of the pro-removal faction. On December 22, Watie and his brother John, in behalf of the heirs and representatives of Elias Boudinot, along with Susannah Ridge, Walter Ridge, Sarah Paschal, and the representatives of Major Ridge had sent a message to the commission from Van Buren. Stating that the complaints of the bereaved widows and orphans of the Ridges and Boudinot were a peculiar case, they told of the murders of 1839 and of the denial of the per capita sum of money promised by the Treaty of New Echota. They condemned the United States for failure to bring to justice the murderers, and cited its inability to afford them the protection they deserved.⁵²

The grievances listed by Watie and his group noted that the United States had not "taken the necessary measures to ascertain the extent of the conspiracy" which resulted in the assassinations of the Ridges and Boudinot. The widows and orphans of the deceased had lost "the entire value of their outlay and improvements," and they had not received the money due them under the Treaty of New Echota. Because of the unlawful payment of the per capita funds to Ross, the heirs had not been able to "collect the debts contracted to them upon the faith of that fund," and

⁵¹Ibid., p. 60; R. Jones, R. B. Mason and Pierce M. Butler to John Ross, December 7, 1844, in *ibid.*, p. 61.

⁵²Minutes of the Commission, December 23-24, 1844, and Stand Watie and others to Roger Jones, R. Mason, and Pierce M. Butler, December 22, 1844, in *ibid.*, pp. 26-28, 78-80.

they had not been able to participate in the orphan and education funds of the Cherokee Nation. They asked that the Federal government punish the murderers, and pay the widows and orphans of the Ridges and Boudinot for "spoliation for losses of property consequent upon the murders, and for losses growing out of the non-payment of the per capita money." They requested that the monies due the families under the Treaty of New Echota be paid, and that they receive money "for the education of their children equal to what would be the just proportion of the national education and orphan fund."⁵³

Watie's group was answered by the Federal commission on December 31. Roger Jones and R. B. Mason stated that Watie's message substantiated the testimony of the other members of the Treaty Party. Regretting the events of 1839, the Federal officials declared that they would lay Watie's statement before the Secretary of War as a separate complaint and regard it as a direct appeal to President John Tyler.⁵⁴

Its investigation completed, the Federal commission adjourned on January 17, 1845; meanwhile, it issued a report of its findings. In regard to Watie's followers, the commissioners agreed to the division of the monies due for per capita payments under the provisions of the Treaty of New Echota. They concurred that it was not just or right for the members of the Treaty Party, who had removed in expectation of compensation for their property, not to receive their money because of "the exhaustion of their consideration money in the removal" of the remainder

⁵³ Ibid., pp. 80-81.

⁵⁴ R. Jones and R. B. Mason to Stand Watie and others, December 31, 1844, in *ibid.*, pp. 82-83.

of the Cherokees. However, the commission ruled that the United States Senate in approving the supplementary articles to the agreement had debarred the Federal government from "making any charge upon the five millions for the expenses of removal." Thus the United States was bound to restore to the compensation fund, out of the whole sum paid for removal, such "portion as has been charged upon the general fund; and also to restore such moneys as may have been paid out of that fund for 'objects of a contingent nation,' not enumerated in the treaty." The commissioners also described the "non-receipt of this per capita" as a germ of discontent and a great hindrance to the harmony and quiet of the Cherokee Nation.⁵⁵

The agreement reached between Watie's followers and the supporters of John Ross in the summer of 1840 did not end the violence among the Cherokees. The killings continued by both sides, but on a smaller scale. Watie still held a deep hatred against the persons involved in the murders of his brother, uncle, and cousin, and became involved in the killing of one person accused of the crimes. Watie's enemies seized on the opportunity to bring him to trial for murder, and doubtlessly knowing his fate before a court controlled by Chief Ross, fled to Arkansas for safety. In that state he was later acquitted of the murder charge on grounds of self-defense. The threat of continued violence resulted in renewed appeals to the Federal government to settle the difficulties among the Cherokees, and a Federal investigating committee was sent to the Cherokee Nation to hear the grievances of all parties.

The investigation settled nothing. Since the signing of the Act of

⁵⁵ Minutes of the Commission, January 17, 1845, and Report of the Commission, January 17, 1845, in *ibid.*, pp. 48, 12-14.

Union of 1840, the events of the years had neither placated nor brought peace to the Cherokee Nation. Watie and his supporters still believed that the followers of Chief Ross were bent on a policy of extermination of all who opposed their rule. The renewal of the killings and the seeming impunity with which the partisans of Ross acted only reinforced their convictions. The troubled peace which had existed among the Cherokees for the past half decade was soon to erupt in violence unmatched by the bloodletting of 1839.

CHAPTER VI

TEMPEST AND THE CALM

The tense feelings of the various members of the Watie and Ross factions of the Cherokee Nation would soon burst in an orgy of bloodshed and confusion. The Cherokees were divided into two armed camps poised at each others' throats. Individual acts of revenge for either actual or supposed wrongs were answered with equal vengeance by the other side. The basis for the outrages was a combination of things: general unrest among the Cherokees, excitement caused by a series of killings, charges and counter-charges of corruption in office, the question of annuity payments, the failure of the special Federal commission of 1843 to look adequately into Cherokee problems, and the old hatreds resulting from the murders of 1839.¹

Killings were prevalent throughout the Cherokee Nation, and rumors spread to Watie's supporters that the Ross faction was continuing its policy of extermination of the signers of the Treaty of New Echota. In the midst of the turmoil, the Cherokee National Council, controlled by the Chief Ross faction, dispatched a delegation to Washington to secure a new treaty to end the problems of the Cherokees. Likewise, the members of the Old Settlers and Watie's group also sent representatives to Washington to present their side of the controversy. However, Watie did

¹Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 62.

not attend, and remained in the Cherokee Nation to look after the interests of the pro-removal faction. The group was assured by the Federal government that military force would be employed to maintain peace among the Cherokees. With such a strong stand by the United States, violence resulting from the division of the tribe over the question of removal subsided, and a more or less armed truce temporarily existed between the opposing groups.²

On April 1, 1845, Watie presented a damage claim against the United States for \$1,975 under the provisions of the sixteenth article of the Treaty of New Echota. He stated that in February, 1837, he had rented a farm to Claborn Kinman, located in the Cherokee Nation in Georgia, but before a crop could be planted, the property was seized and all appeals for the return of the land were refused. Because of the small wage Watie was being paid for acting as an interpreter for the Federal government, he had decided to remove in 1837. Watie believed he was justified in claiming \$1,875 for lost rent on the land, plus an additional \$100 for rent on his improvements, which were illegally seized by the citizens of Georgia.³

The armed truce ended in November, 1845, with a bloodbath exceeding the killings of 1839. Many of the murders were blamed on the Starr family and other members of the Watie faction. The Ross group, in an alleged attempt to end the atrocities, gathered about 800 men, each

²Ibid., pp. 62-64.

³"Claims for Damages Because of the Treaty and Anti-Treaty Feud of the Forties," Cherokee Room, John Vaughan Library, Northeastern State College.

charged with bringing the offenders to justice.⁴

On November 9, James Starr, a removal supporter, was killed by mob action, and five days later Thomas Watie, Stand Watie's brother, was slain. Thomas Watie and his wife, Char-wah-you-kah, were staying at the home of Bear Paw, in a building separate from the main house. A group of unidentified men approached the structure which Thomas Watie was occupying. As they approached the door, Thomas Watie's wife asked him who they were, but he made no reply. Entering the building, the conspirators neared the bed and informed Thomas Watie that he was under arrest. He replied, "Let me put on my clothes," and at that moment he was struck in the head by a tomahawk and then shot by two other members of the mob. Char-wah-you-kah fled from the building, and when the assailants departed, she returned to find her husband lying dead on the ground, stabbed, she said, "in some seven or eight places."⁵

Watie was at Old Fort Wayne with about sixty of his men when his brother was murdered and he blamed Ross for the killing. Not trusting Ross's motives, Watie's followers had already begun gathering at the post for their own protection. The fort was located at the bend of a ravine on the south side of the Illinois River, just west of the Arkansas border on the southwestern edge of Beattie's Prairie. Work on the fort had been suspended in June, 1840, by the Federal government, and it

⁴Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 64.

⁵Interrogatories Propounded by James McKissick, February 5, 1846, and Statement of Char-wah-you-kah, February 6, 1846, in "Internal Feuds Among the Cherokees," United States Senate, 29th Congress, 1st Session, Senate Document 298 (Washington: Ritchie and Heiss, 1846), pp. 214-215, 207-208.

offered immediate sanctuary for Watie's band. Hoarding guns and ammunition, Watie's supporters prepared to defend themselves in case of attack.⁶

Watie sent a delegation to Fort Gibson to inform Brigadier General Arbuckle of the killings, and he undoubtedly sought his protection. At the same time a detachment of Dragoons was ordered to Old Fort Wayne to investigate the motives of the Cherokees gathered there under Watie's leadership. Arbuckle was informed by James McKissick, the Cherokee agent, that there were "about forty or fifty of the treaty party and old settlers" at the post, and that they indicated that they had "no intention of any offensive movement," and only intended to act for defensive purposes in case of necessity.⁷

The renewal of killings among the Cherokees caused a general exodus of the members of the pro-removal faction from the Cherokee Nation. Many of the refugees fled to Arkansas, abandoning their homes and improvements. In an attempt to preserve peace, Arbuckle ordered the disbandment of the light-horse police of Ross and the arrest of all persons connected with the murders. Though there was a large force of United

⁶ T. J. Kelly to T. S. Drew, November 22, 1845, in "Letters Transmitting Information Relative to Outrages Lately Committed in the Cherokee Nation," United States House of Representatives, 29th Congress, 1st Session, Executive Document 92 (Washington: Ritchie and Heiss, 1846), p. 14; Robert W. Frazer, Forts of the West: Military Forts, Presidios and Posts Commonly Called Forts West of the Mississippi River (Norman: University of Oklahoma Press, 1965), pp. 126-127; Ethan A. Hitchcock, A Traveler in Indian Territory: The Journal of Ethan Allen Hitchcock, Late Major General in the United States Army, edited by Grant Foreman (Cedar Rapids, Iowa: Torch Press, 1930), pp. 77-78.

⁷ Captain Nathan Boone to Matthew Arbuckle, November 22, 1845, Matthew Arbuckle to Adjutant General, December 6, 1845, and James McKissick to Matthew Arbuckle, December 1, 1845, in "Letters Transmitting Information Relative to Outrages Lately Committed in the Cherokee Nation," United States House of Representatives, 29th Congress, 1st Session, Executive Document 92, pp. 36, 48, 51-52.

States troops present in the Cherokee Nation at Fort Gibson, the killings and assassinations continued.⁸

Captain Nathan Boone of the United States Dragoons reported that there was "much to be feared from the old settlers and treaty party" on Beattie's Prairie, and many citizens of Arkansas were urging them to take action against the Ross faction. Other members of the Treaty Party were flocking to join Watie nearby at Old Fort Wayne; however, the military authorities prevented many from doing so. The Cherokee Advocate reported that Watie was gathering a store of provisions for his followers and was drilling his men in a regular military manner. This increased excitement among the Cherokees.⁹

Watie continued to enlarge his force, but he advised them to "abstain from excesses, and to suffer wrong rather than be the aggressors." The military units at Fort Gibson kept a close watch on his activities, and urged Watie's followers to "remain quiet," if they did "not think proper to disband." Should Watie attempt any hostile activities, the army was to interpose immediately; as long as they remained defensive, however, the Fort Gibson forces refused to compel them to disband. Watie and his followers were not disposed to undertake any acts of violence.¹⁰

⁸Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 64-65.

⁹Captain Nathan Boone to James H. Prentiss, December 12, 1845, and Matthew Arbuckle to Adjutant General, December 20, 1845, in "Letters Transmitting Informative Relative to Outrages Lately Committed in the Cherokee Nation," United States House of Representatives, 29th Congress, 1st Session, Executive Document 92, pp. 60, 69.

¹⁰Matthew Arbuckle to Adjutant General, January 6, 1845, and B.L.E. Booneville to James H. Prentiss, January 2, 1845, in "Internal Feuds Among the Cherokees," United States Senate, 29th Congress, 1st Session, Senate Document 298, pp. 188-189, 191.

To combat the steadily deteriorating situation, the members of Watie's party held a meeting at a Dragoon camp in the Cherokee Nation on January 19 and 20, 1846. On January 19, the members of the meeting convened and appointed a committee composed of Stand Watie, John Duncan, Brice Martin, Joseph M. Lynch, and William L. Holt to prepare a report on "the present situation and wants of the treaty party of Cherokees." They also were to recommend "such measures as they shall deem proper for the consideration of the general council of the treaty party." The meeting reconvened the following day to hear the report. Generally, the report condemned the fulfillment of the Treaty of New Echota. The members of the meeting complained that the per capita monies promised to the Cherokees had never been paid, nor had other claims arising under the agreement been paid. They contended that the Ross faction intended "to tear up the roots of the accused treaty party in order that the branches might perish," and also that the Federal government had not provided safety for the adherents of the treaty. Stating that they did not desire a reconciliation with the Ross party, the members of Watie's group declared that they wanted a division of the Cherokee Nation, or their removal to an area separate from the Ross group.¹¹

Watie's followers unanimously adopted a resolution declaring that their complaints and grievances should be remedied. They stated that "their peaceable residence among the Ross party is impossible, and we therefore demand a separation from them." Sympathizing with the condition of the Old Settlers, they indicated a preference for a new home

¹¹Convention of the Treaty Party, January 19-20, 1845, in "Message on the Cherokee Indians," United States House of Representatives, 29th Congress, 1st Session, Executive Document 185 (Washington: Ritchie and Heiss, 1846), pp. 220-222.

outside the present boundaries of the Cherokee Nation, but would consent to a division of the present country "in preference to a longer residence under the oppressive rule of the Cherokee authorities, at the head of which is John Ross." A delegation consisting of Watie and five other members of the pro-removal faction were dispatched to Washington to secure an agreement with the United States for the adjustment of their grievances. George W. Paschal, Watie's former lawyer, was sent with the delegation to Washington to act as attorney, and delegates were to act "as far as possible" with the delegation of Old Settlers. Looking to the United States "for justice and a redress" of their wrongs, George W. Adair, a Cherokee, was appointed by the Treaty Party to keep its members informed of the activities of the delegation.¹²

On February 10, 1846, Watie was informed by George Lowry, the acting principal chief in the absence of Ross, who was in Washington, that the "continued combination of so many armed men at 'Old Fort Wayne' is a subject of general and just complaint." Pointing out that such a gathering was contrary to the laws of the Cherokees and uncalled for, he urged Watie to "break up without delay your present organization, return to your respective homes and contribute whatever may be in your power to the promotion of order and harmony among our people." Meantime, Watie ordered monies paid out of the first public funds received by his faction for the clothing and supplies bought by his followers at Old Fort Wayne.¹³

¹²Ibid., pp. 222-223.

¹³George Lowry to Stand Watie and Others, February 10, 1846, Dale and Litton, eds., Cherokee Cavaliers, p. 25; Order of Stand Watie, February 21, 1846, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

Watie and the other Treaty Party delegation members left for Washington about the middle of March, 1846, and he placed the command of his force at Old Fort Wayne in the hands of his brother John. Preparing for an expected attack, a picket fence was erected around the post. Meanwhile, John Watie renamed the installation Fort Watie, in honor of his brother. Many of the group left the fort to attend to spring planting, though they were in danger of being killed by the Ross faction. The force, reduced to about thirty men, was ordered to reassemble on April 20, 1846. Only those who remained inside the stockade were safe, and they feared that if they were captured by the Ross group, they would be charged with treason and executed.¹⁴

Upon reaching Washington, the members of Watie's delegation informed William Medill, the Commissioner of Indian Affairs, that they were ready to enter into negotiations to settle the differences of the Cherokees. Charging that the Ross faction "encouraged by the deaf ear turned by the government of the United States to the cries of blood from the ground of a sovereign State, have moved forward with a steady pace to the object, long since determined upon against the members of the treaty party--their total destruction," they contended that no member of the pro-removal faction was safe in the Cherokee Nation. Pointing out that the claims of Watie's group differed from those of the Ross faction, the delegates asked for "the payment of the moneys due to the respective members of our party under the fifteenth article of the treaty of 1835." Expressing fullest confidence in the Federal officials, they asked for a

¹⁴Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 66. R. Armstrong and N. R. Harlan to Stand Watie, March 20, 1846, and R. Armstrong and N. R. Harlan to Stand Watie, March 27, 1846, Dale and Litton, eds., Cherokee Cavaliers, pp. 26-29.

separate district or country, payment to the sufferers for such losses as they had sustained because of the lack of protection, and the payment of the per capita money they were due.¹⁵

As instructed, Watie's men gathered again on April 20, 1846, and they remained at Fort Watie until his return from Washington in the fall. The National Council of the Cherokees, however, had passed a resolution declaring that Watie's group had forfeited their rights under Cherokee law by raising arms; no longer would the laws of the country protect them. Many of the men were extremely anxious as to their fate, and were fearful of falling into the hands of Ross partisans. John Candy, Watie's brother-in-law, told him of the lawlessness among the Cherokees; the killings, he said, "have been so frequent until the people care as little about hearing these things as they would hear of the death of a common dog."¹⁶

Apparently while in Washington, Watie planned to visit Philadelphia, Pennsylvania, and see the children of his slain brother Elias Boudinot. Watie's visit was looked forward to by the children, and he was doubtlessly anxious to see to their well being. Meanwhile in the Cherokee Nation, John was having difficulty in keeping Watie's followers together, and was urged to disband his group and allow them to seek safety in Arkansas. However, John Watie persisted in maintaining the force at Fort Watie, and he insisted that Watie secure badly needed

¹⁵ George W. Adair, E. Starr, J. A. Bell, L. M. Lynch, and Brice Martin to William Medill, March, 1846, in "Message on the Cherokee Indians," United States House of Representatives, 29th Congress, 1st Session, Executive Document 185, pp. 73-76.

¹⁶ John Candy to Stand Watie, April 10, 1846, *ibid.*, pp. 32-33; George D. K. to Stand Watie, April 5, 1846, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

clothing for the men.¹⁷

At the suggestion of the Office of Indian Affairs, all three factions--Watie, Ross, and the Old Settlers--met in an attempt to arrange a plan among themselves for the settlement of their disputes. A decision was reached to create a commission to investigate the problems of the Cherokees and work out a solution. Previously President James Polk had indicated that the only way to bring peace and harmony to the Cherokees was a division of the Cherokee Nation among the contending factions. The suggestion of Polk was written into a law introduced in the United States House of Representatives on June 2, 1846. It provided, among other things, for a commission to be sent to the Cherokee Nation to divide the lands among the various factions.¹⁸

Immediately Watie and the other members of the Treaty Party delegation accepted the idea of a commission. Expressing full confidence "in the justice, wisdom and impartiality of the President of the United States," Watie agreed to submit all "matters in controversy among the several portions of the Cherokee people" to any "three persons selected and named by the President." Watie's followers pledged to rely on the equity and justice of the commissioners, and bound themselves to observe the decision reached by the members of the commission. However, the Ross faction was horrified at the prospect of a division of the Cherokee

¹⁷ William P. Boudinot to Stand Watie, April 15, 1846, *ibid.*; S. Rindly to Stand Watie, April 30, 1846, and John A. Watie to Stand Watie, May 10, 1846, Dale and Litton, eds., Cherokee Cavaliers, pp. 39-42.

¹⁸ Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 69-71; Stand Watie and Others to William Armstrong, June 17, 1846, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

Nation, and Ross attempted to persuade Polk not to carry out his plan.¹⁹

In the midst of the confusion resulting from the renewed violence on both sides, Watie's wife Sarah gave birth to their first son, Saladin Ridge Watie. Watie probably was concerned over the safety of his first born, but Sarah was in the care of his followers, who would protect them from the vengeance of the Ross faction. The child was rather sickly during the first months of his life, and Sarah feared that he would not survive. However, as Sarah said, God "in his mercy has spared him to us a little longer," and by the middle of July he was restored to good health. Longing for Watie's return home to his family, Sarah told him that Saladin would be able to talk upon his arrival, and she urged Watie to return as soon as possible. Watie's wife Sarah and his sister Elizabeth Webber were staying together and were in good health during his sojourn in Washington.²⁰

While Watie's delegation was in Washington, the United States went to war with Mexico. Professing a manifest patriotism, but more than likely only wanting to gain a favored position among the Federal officials, Watie offered to raise a regiment of mounted Cherokees to serve with the United States Army. His offer was referred to the War Department with due appreciation; Watie was told that he would be informed should his services be needed.²¹

¹⁹ Statement of Stand Watie and Others, June 24, 1846, *ibid.*

²⁰ H. L. Smith to Stand Watie, April 4, 1846, and Sarah C. Watie to Stand Watie, July 19, 1846, Dale and Litton, eds., Cherokee Cavaliers, pp. 29-32, 45-46.

²¹ W. L. March to Stand Watie, June 2, 1846, "Letters To and From Stand Watie," Vol. II, Cherokee Room, John Vaughan Library, Northeastern State College.

Ross and his supporters, by employing all the political strategy at their command, succeeded in defeating the division of the Cherokee Nation in Congress. However, a full scale investigation by a government commission was ordered into the activities of the Cherokee Nation. It was the decision of the commission to pay the Old Settlers from the United States Treasury, and not from the monies provided from the treaty fund. Regarding distribution of head right money among the Cherokees remaining in North Carolina, they were to receive one-third, instead of a proportion based on their number. The commission also recommended that Watie's group be paid \$100,000 for the damages its members had suffered from 1839 to 1846. The heirs of Major Ridge were to receive \$5,000, and the families of John Ridge and Elias Boudinot were to receive \$10,000 each. In addition, the money paid to the followers of Chief Ross for removal was not to be deducted from the per capita funds owed Watie's group.²²

Watie expressed extreme optimism over the suggestions of the commission, and he confided to his brother John that it would "not be long now before we are ready to turn our faces towards home as I think the matter has come to a point that it will come to a final close in a very short time." However, it was necessary to proceed with great speed, for Congress was scheduled to adjourn on August 10, 1846. Nevertheless, on August 6, the agreement was ready for signing by all three groups--the Old Settlers, Watie's supporters, and the followers of Chief Ross. It was approved by the Senate on August 8 and ratified by President Polk on

²²Stand Watie to Brother, July 30, 1846, *ibid.*; Woodward, The Cherokees, p. 236.

August 17.²³

The Cherokee Treaty of 1846 was designed as a final and amicable settlement of serious difficulties among the Cherokees. Article I provided that the lands of the Cherokee Nation were "secured to the whole Cherokee people for their common use and benefit," and only if the Cherokees should become extinct or abandon the country, would the land revert to the United States. In Article II all difficulties and differences between the various factions of the Cherokees were to be "forgotten and forever buried in oblivion." All party distinctions were to cease, a general amnesty was declared for all offenses committed during the troubled years, and all individuals involved were pardoned for their actions. However, amnesty and pardon was to be applied only to those Cherokees who returned to their homes by December 1, 1846. The several parties agreed to unite in enforcing the laws of the Cherokee Nation against all future offenders, and a series of laws guaranteeing life, liberty, and property were to be passed. All Cherokees were given the right to assemble peaceably and petition either the Cherokee or Federal governments for redress of their grievances. All "armed police, light horse, and other military organizations" were abolished, and the laws were to be enforced by civil authority. Conviction by a jury was required for the punishment of any crime or misdemeanor, and all fugitives from justice seeking refuge in the United States were to be returned to

²³ Stand Watie to Brother, July 30, 1846, "Letters To and From Stand Watie," Vol. II, Cherokee Room, John Vaughan Library, Northeastern State College; Treaty Between the United States of America and the Cherokee Nation, August 6, 1846, in "Correspondence With Persons Claiming to be Creditors of the Western Cherokees," United States Senate, 32nd Congress, 1st Session, Executive Document 32 (Washington: Boyd and Hamilton, 1852), pp. 9-10.

the proper Cherokee authorities for trial and punishment.²⁴

The treaty stated in Article III that the payments made to the Cherokees for improvements and damages made out of the \$5,000,000 for removal were not justified, and were to be reimbursed by the United States. Article IV declared that the Old Settlers had "a common interest in the lands occupied by the Cherokees east of the Mississippi River," and that the Old Settlers would receive one-third of the monies paid the Cherokees for their land in the East. The Old Settlers, nevertheless, renounced all claims to any property east of the Mississippi River. Under Article V a committee of five persons was created to determine which members of the Old Settlers were entitled to receive per capita payments of the monies to be paid.²⁵

The payments due Watie's group were covered in Article VI, and for the damages they suffered because of the Treaty of New Echota, they were to receive \$115,000. Of this amount the heirs of Major Ridge, John Ridge, and Elias Boudinot were to be paid \$5,000 each, and the remainder paid "in such amounts and to such persons as may be certified" by a five-man committee appointed by Watie's supporters. In addition, \$25,000 of the money was set aside to pay for the expenses incurred by the members of the pro-removal delegation in Washington. Should the money not be enough to satisfy all the claims, the claimants were to be paid pro rata.²⁶

Article VII called for the return of all disposed salines and

²⁴Ibid., pp. 10-11.

²⁵Ibid., pp. 11-13.

²⁶Ibid., p. 13.

private property in the Cherokee Nation seized during the period of confusion. If it was not possible to return the property, then the Cherokee Nation was to reimburse the owners for their losses. An additional \$2,000 was paid, under Article VIII, for the destruction of a printing press and other materials owned by the Cherokee Nation. Also \$5,000 was to be divided among those Cherokees whose arms were confiscated by order of military officers during the process of removal, and \$20,000 for all Cherokee claims prior to the Treaty of New Echota.²⁷

In Article IX the United States agreed to make a fair and just settlement for all "improvements, ferries, spoliations, removal, and subsistence" due the Cherokees. The remainder of the monies was to be distributed "per capita, in equal amounts, to all those individuals, heads of families, or their legal representatives, entitled to receive" the money under the Treaty of New Echota. Article X declared that the treaty would in no manner "take away or abridge any rights or claims" of those Cherokees still residing east of the Mississippi River. The question of subsistence payments due the Cherokees was settled in Article XI. It provided that the matter would be submitted to the Senate, and the Cherokee Nation would receive any interest due the Cherokees on subsistence payments.²⁸

Considering Article XII, the Old Settlers protested that the amount of money paid for removal after May 23, 1838, should not be taken from the \$5,000,000 given the Cherokees for their land under the Treaty of New Echota. They also did not want any part of the damage, subsistence,

²⁷Ibid., pp. 13-14.

²⁸Ibid., p. 14.

or removal funds charged against them for "their interest in the Cherokee country east and west of the Mississippi." However, they agreed that this question would be submitted to the Senate for a final decision. The final clause of the agreement, Article XIII, simply stated that the treaty would become binding on the various parties upon its approval by the United States Senate.²⁹

Such was the substance of the treaty signed by Watie and his followers, the members of the Old Settler delegation, and the representatives of the Ross faction. When the agreement was submitted to the Senate for ratification, Article XII was stricken from the treaty, and a minor change was made in Article V. After the changes were incorporated into the agreement, the members of the various factions signed the final draft.³⁰

Thus it appeared that factionalism among the Cherokees had finally been resolved. It was reported that Watie and Chief Ross shook hands after the signing of the agreement in a symbolic gesture of good faith. The two antagonists even cooperated in a protest to the Federal government over the location of the claims commission. They suggested that instead of the commission meeting in Washington, it would be more advantageous to have it meet in the Cherokee Nation. Both Watie and Ross urged that such a move would allow "oral testimony and the character and standing of each claimant & witness can be had & established, whereby frauds may be detected & prevented." Such a move, they contended, would ensure "that full justice may be done and satisfaction given." Their

²⁹ Ibid., pp. 14-15.

³⁰ Ibid., pp. 15-17.

request was granted.³¹

During the sojourn in Washington, Watie had left his family in the hands of trusted friends, and with the signing of the treaty he hurried home to be with his loved ones. Sarah and his young son Saladin had not suffered greatly during the turmoil which had swept the country, and they were in good health when he returned. Saladin continued to grow into a strong healthy child, and was beginning to say his first words. During the remainder of 1846, Watie enjoyed the reunion with his family. Meanwhile, it appeared that peace had finally come to the Cherokee Nation.³²

On November 2, 1846, the members of the pro-removal faction met at Beattie's Prairie to elect the five man committee provided for in Article VI of the Treaty of 1846. Stand Watie, Joseph M. Lynch, John Huss, John A. Bell, and Wrinklesides were the men selected to certify the claims for damages suffered by the members of the Treaty Party during the recent upheaval. They were beset by numerous claims, and the work required several months.³³

On February 19, 1847, the work of the committee was finished, and Watie and the others forwarded their findings to Washington. The committee approved a total of 314 claims resulting in the payment of

³¹ Woodward, The Cherokees, p. 237; Stand Watie, John Ross, and Others to William Armstrong, August 10, 1846, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

³² Charles Watie, Sarah C. Watie, and Elizabeth Webber to Stand Watie, August 27, 1846, Dale and Litton, eds., Cherokee Cavaliers, pp. 50-52.

³³ Various Claims Authorized by Stand Watie, 1846, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 76.

\$200,000 to members of Watie's faction. Watie received \$2,500 for damages, \$1,525.25 for supplies, and \$788 for various other claims, a total of \$4,813.25 under Article VI of the Treaty of 1846. His brother John was paid \$1,135.89, and the heirs of David Watie, his father, were reimbursed \$1,350 for damages.³⁴

On March 3, 1847, Congress passed an act calling for a general census of the Cherokees. The Cherokee agent, James McKissick, began to make preparations to prepare a roll of the Cherokees. Both Watie and his brother John were appointed as interpreters, and they traveled throughout the Cherokee Nation during the spring and summer taking the census. At this time Watie purchased several slaves, and attempted to regroup his finances which had suffered greatly since removal.³⁵

On March 28, 1847, William Medill, the Commissioner of Indian Affairs, declared that the work of Watie's committee would require further examination, and that the payments due the Cherokees would be withheld until the matter was clarified. Medill charged that Watie had "acted under a misapprehension of the true meaning of the treaty," and had "admitted claims & made awards to persons not members of the Treaty Party, and for dues not cognizable under the treaty." Watie replied that the committee had acted with "a careful and mature deliberation of the whole subject," and that either Medill was "labouring in error for want of

³⁴ Ibid.; A Capitulation of Expenses and Damages Received by the Treaty Party in 1845, February 9, 1847, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

³⁵ Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 83; Bill of Sale, E. F. Phillips to Stand Watie, May 8, 1847, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

information," or the facts had been "grossly misrepresented to the Department by those who are disaffected and using every pretext to produce disaffection and discord."³⁶

Watie and the other members of the committee contended that they had carried out the provisions of the Treaty of 1846 with strict compliance. Defending themselves of the charge of misapprehension, they pointed out that the monies appropriated were "to cover all losses and Damages of the treaty Party." They argued that during the disturbances of 1846, Watie, under authority of a meeting of the Treaty Party, had issued certificates to provide provisions and supplies to the members of the pro-removal faction, and that those were just claims which should be paid. If persons who were not members of the Treaty Party had accepted these certificates, then they should be reimbursed as a fulfillment of the obligations incurred by Watie's group. Thus, the certificate holders who produced evidence of legal transfer were to be paid seventy-five cents on the dollar for their claims. To do otherwise would be unjust to Treaty Party friends who had aided them in their time of need. Watie contended that the delay involved in disbursing the monies due the Treaty Party was becoming a "source of discord and disaffection, that can only be silenced by a payment."³⁷

Watie declared that the members of the committee had "their own honor and reputation at stake," and they had "sacrificed themselves their friends, their property; and are denounced by the Ross Party--and the Nag

³⁶Stand Watie, Wrinkleside, J. A. Bell, and J. M. Lynch, to James McKissick, August 2, 1847, "Miscellaneous Documents Relating to Indian Affairs," Cherokee Room, John Vaughan Library, Northeastern State College.

³⁷Ibid.

tail of the Treaty Party as greedy rascals--and for what?" For all their suffering, the Federal government was awarding them a mere "pitiful sum" and refused to fulfill its treaty promises. Thus Watie prepared to leave for Washington on August 12, 1847, to carry his appeal to Federal officials.³⁸

Watie arrived in Washington in early September of 1847, but did not plan on spending much time on his task. Apparently the question of the payments due the Treaty Party did not take long to resolve, for an agreement was soon reached. On October 9, Watie was paid \$2,000 as the balance due on his claim, and on February 13, 1848, he was awarded an additional \$1,631.25. The irregularities concerning the payment of the remainder of the claims were resolved, and most, but not all, of the funds were paid in June, 1848.³⁹

After the Treaty of 1846 brought peace once more to the Cherokee Nation, Watie returned to his farm on Honey Creek, where he devoted much time to personal affairs. However, in December, 1848, Watie was requested by other members of the Treaty Party to attend a meeting in the Flint District of the Cherokee Nation to be held on December 18 to "settle on a special plan for the purpose of investigating our many matters." The meeting had originally been scheduled for December 4, but at the urging of Watie, it was postponed for two weeks, with the promise that

³⁸ Ibid.; J. B. Lynch to Friend, September 5, 1847, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

³⁹ W. W. Calla to Stand Watie, October 9, 1847, *ibid.*; Genealogy of Ridge-Watie-Boudinot, and D. B. Brinsmade to Stand Watie, September 16, 1847, Dale and Litton, eds., Cherokee Cavaliers, following p. 302 and pp. 59-60; Claims of the Treaty Party, February 13, 1848, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

he would aid the gathering in expediting the payment of the remaining funds held by Washington. Watie, nevertheless, and the other four members of the committee to determine the distribution of the Treaty Party's money did not attend. Protesting that many of the pro-removal faction had been excluded in the claims presented by the committee, the members of the meeting demanded that no more monies be paid the committee until a full investigation could be held. They proposed that a new committee be established to "adjudicate and allow the just claims of those party members as may have been omitted or excluded by the former committee." Some of the members of the pro-removal faction were not satisfied with Watie's decision to disallow many Cherokee claims which were not associated with the confusion prior to the signing of the Treaty of 1846. The protest of the dissentient members of the Treaty Party came to nothing.⁴⁰

Watie continued to remain outside of tribal politics. During the election of national officers in the fall of 1847, Watie had not sought office, and Chief Ross was reelected. Watie was more involved in family affairs, and in 1849 his second son, Solon Watica, was born. The domestic violence which had characterized the Cherokees in the previous decade was subsiding, and the two sides seemed to tolerate each other. Watie continued to serve as Clerk of the Cherokee Supreme Court in 1849, but was not active in major Cherokee politics. He seemed content to let

⁴⁰ July and Others to R. C. L. Brown, December 18, 1848, *ibid.*; John F. Wheeler, "Death of Gen. Stand Watie," Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society; George Chambers, David Sanders, John Sanders, Thomas Bigby, July and Lying Faun to Stand Watie and John Husk, "Letters To and From Stand Watie," Vol. I, Cherokee Room, John Vaughan Library, Northeastern State College.

conflict with the Ross faction rest.⁴¹

Though peace supposedly reigned over the Cherokee Nation, such was not always the case. In July, 1849, John R. Ridge, Watie's cousin and the son of the slain John Ridge, proposed to Watie while visiting Springfield, Missouri, the idea of raising "some twenty-five or thirty white men to go and kill John Ross." Young Ridge declared he harbored a "deep-seated principle of revenge" in him which would "never be satisfied," and he confided to Watie, "you say the word, I am there." Watie likely realized the folly of such action. The odds were not in favor of the Treaty Party since the majority of the Cherokees were following Chief Ross, and the experiences of 1845-1846 were still fresh in Watie's mind.⁴²

The decade of the 1850's was peaceful for Watie, and his efforts were devoted to his family and business. The various members of the Watie family began to scatter. In the spring of 1850, Watie's brother John traveled to California where he was later joined by John R. Ridge. On November 20, 1850, however, Watie again became involved in the claim question in the Cherokee Nation. The Federal government had used funds belonging to the Treaty Party to pay a debt of the Old Settlers. He pointed out the error to the Commissioner of Indian Affairs, urging that the money be refunded together with interest to the funds of the

⁴¹Statement of Stand Watie, November 19, 1849, "Miscellaneous Letters," *ibid.*; Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 112-113.

⁴²John R. Ridge to Stand Watie, July 2, 1849, Dale and Litton, eds., Cherokee Cavaliers, pp. 64-66.

pro-removal faction.⁴³

In 1851, Sarah gave Watie his third son, Cumiskey, and now more than ever Watie's presence at his home became a necessity. Watie continued to play a passive role in Cherokee politics, but he acted as administrator and executor of Major Ridge's estate, settling the debts owed by Ridge and collecting the money due the estate. He was also given the power of attorney by Sarah Paschal, the daughter of Major Ridge, to handle her affairs in the Cherokee Nation. The year following the birth of Cumiskey, Watie had a daughter named Ninnie Josephine. Thus in the years following the Treaty of 1846, Watie was far more interested in the affairs of his family than in Cherokee political affairs.⁴⁴

Watie did, however, once again enter Cherokee politics. On August 1, 1853, he was elected to a two-year term as a member of the Cherokee National Council from the Delaware District. During the following month, Andrew Adair was murdered, and many Cherokees feared another outbreak of bloodletting. A vendetta did not develop, Watie remained quiet, and violence remained non-political. On October 31, 1853, Watie received a license to practice law in all courts in the Cherokee Nation, and he

⁴³ John A. Watie to Stand Watie, November 10, 1850, and John R. Ridge to Stand Watie, September 23, 1853, *ibid.*, pp. 73-77; Stand Watie to Commissioner of Indian Affairs, November 20, 1850, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

⁴⁴ Genealogy of Ridge-Watie-Boudinot, Dale and Litton, eds., Cherokee Cavaliers, following p. 302; Statement of Sarah Paschal, 1852, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Receipt to Stand Watie from the Heirs of Major and Susannah Ridge and Walter Ridge, June, 1852, "Miscellaneous Business Documents," Cherokee Room, John Vaughan Library, Northeastern State College.

began his legal practice.⁴⁵

During his 1853 term in public office, Watie served as Clerk of the National Council and signed a resolution protesting the inclusion of the area claimed by the Cherokees into the proposed Territory of Nebraska and the extension of the jurisdiction of the United States District Court over the Cherokee Nation. The Cherokees claimed that their land was not to be included "within the Territorial limits or jurisdiction of any State" without their approval, and the southern limit of the Territory of Nebraska would include the Cherokee Neutral Lands, the Cherokee Outlet, and the more settled area of the Cherokee Nation. Such inclusions, they insisted, were in violation of all treaties previously made between the United States and the Cherokees. The National Council also protested that the United States District Court was exercising control over Cherokee affairs by assuming jurisdiction over the selling of whiskey by one Cherokee to another Cherokee. This was also in clear violation of treaty provisions, and it declared that the Cherokee Nation would enforce its own laws. Although recognizing the evil that the Cherokees suffered from intemperance, the National Council nevertheless stated that it was an internal matter and not subject to interference by the Federal government.⁴⁶

⁴⁵W. J. Howard to Stand Watie, September 16, 1853, "Letters To and From Stand Watie," Vol. II, *ibid.*; Emmet Starr, "History of the Cherokee Indians," Original Manuscript, Historical Society Library, Oklahoma Historical Society; Reed, "The Ross-Watie Conflict: Factionalism in the Cherokee Nation, 1839-1865," p. 265; License of Stand Watie, October 31, 1853, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

⁴⁶Resolutions of the National Council, November 2, 1853, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

After Watie was reelected as a member of the National Council on August 6, 1855, he served as its Speaker. During this term the question of abolitionism arose among the Cherokees. As Speaker of the National Council, Watie concurred with a resolution attacking the efforts of the abolitionists. Declaring that the "Cherokee people, are and have been for many years a Slave holding People," and that "the Constitution and laws of the Cherokee Nation recognize the institution of Slavery," the National Council deplored the expulsion of several Cherokees from some of the missionary churches for refusing to emancipate their slaves. Stating that the Cherokees were "a Slave holding People in a Christian like Spirit," the National Council instructed Chief Ross to communicate with the various missions on the question of slavery and report his findings to the National Council. It was also made unlawful for any missionary to "counsel or advise any Slave in any way whatever to the detriment of his owner or owners under the penalty of being removed out of the limits of this Nation." All violators of the law were to be reported to the Cherokee agent, who was requested to eject them from the Cherokee Nation. Any Cherokee who advised or counseled "any Slave to the prejudice of his owner or owners," was to be fined not less than twenty-five dollars nor more than one hundred dollars. All abolitionists, or anyone who was opposed to the "interest of Slave holders," were prohibited from teaching in any Cherokee school, and no abolitionist was allowed to receive a pension from the Cherokee National Treasurer.⁴⁷

In October, 1856, as Speaker of the National Council, Watie

⁴⁷Resolution of the National Council, October 24, 1855, *ibid.*; Emmet Starr, "History of the Cherokee Indians," Original Manuscript, Historical Society Library, Oklahoma Historical Society.

concurred with a resolution for the seizure of property of persons who might flee the Cherokee Nation to escape the payment of debts. Whenever a person was apprehensive over the flight of a debtor, he could bring the person before the "most convenient Clerk or Judge, of any of the Districts of the Nation" in which the property was located and have a seizure placed on the property. The defendant was then required to post bond to insure that the property would not be removed from the Cherokee Nation; however, seizure orders only were valid for a period of twelve days. Should the conflict involve a resident and non-resident of the Cherokee Nation, the District Court where the property was located would have jurisdiction over the case.⁴⁸

For the most part, the 1850's remained peaceful, and the Cherokees were content to live in peace. Early in 1857, Watie became involved in a controversy with Andrew J. Dorn, the agent for the Osages, Quapaws, Senecas, and Shawnees, over the jurisdiction of the Cherokee Courts in disputes between Cherokees and Osages. Watie also defended his friend David McGrady in a court case; meanwhile, he maintained his law practice by renewing his license. On August 3, 1857, he was reelected to the Cherokee National Council, retaining his position as Speaker of the Council. During that year Sarah gave birth to Watie's fifth child, a daughter named Charlotte Jacqueline.⁴⁹

⁴⁸ Charles E. Watie to Stand Watie, August 18, 1856, Dale and Litton, eds., Cherokee Cavaliers, pp. 90-91; An Act to Amend an Act Entitled An Providing for Attachments, October 13, 1856, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

⁴⁹ License of Stand Watie, October 15, 1857, *ibid.*; Stand Watie to Dorn, January 4, 1857, and David McGrady to Stand Watie, April 24, 1857, "Letters To and From Stand Watie," Vol. I, Cherokee Room, John Vaughan Library, Northeastern State College; Emmet Starr, "History of the Cherokee Indians," Original Manuscript, Historical Society Library, Oklahoma Historical Society.

Watie did rather well in his business ventures during the decade of the 1850's. He joined with J. S. Knight to operate a steam sawmill and lumber business which apparently turned out to be quite profitable. However, in January, 1860, the partnership was dissolved, and Watie bought out Knight's share for \$2,500. Watie also operated a dry goods and general merchandise store under the name of Stand Watie and Company at Millwood in the Cherokee Nation. By the end of the 1850's, he had accumulated a substantial amount of wealth.⁵⁰

Although reelected to the National Council again on August 1, 1859, Watie continued to play only a minor role in Cherokee politics. In late August, Sarah journeyed to Texas to visit her relatives. Solon, Ninnie, and Charlotte went with her, but Cumiskey and Saladin remained in the Cherokee Nation on Honey Creek with their father. Watie and the two boys visited a friend, Jim Conner, who had been injured in an accident, and Saladin became ill while on a trip to Fayetteville, Arkansas. Otherwise the Watie family continued to prosper, and seemed content.⁵¹

The Treaty of 1846 finally brought peace to the Cherokee Nation. Neither Watie nor Ross had been successful in their efforts to eliminate one another from Cherokee politics, and the Federal government once again had intervened in Cherokee affairs to settle the dispute.

⁵⁰Contract Between Stand Watie and J. S. Knight, February 15, 1860, and License of Stand Watie, November 18, 1859, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Receipt of John Henry, William, and Company, July 9, 1859, "Miscellaneous Business Documents," Cherokee Room, John Vaughan Library, Northeastern State College.

⁵¹Emmet Starr, "History of the Cherokee Indians," Original Manuscript, Historical Society Library, Oklahoma Historical Society; Stand Watie to Sarah C. Watie, September 22, 1859, Dale and Litton, eds., Cherokee Cavaliers, pp. 95-97.

Nevertheless, both Watie and Ross had met with some success. Fear of a division of the Cherokee Nation had forced Ross to make some concessions to Watie's group, but Ross still remained in control of the Cherokee government. As a result, the Cherokees were to enjoy almost fifteen years of peace before the two factions would once again divide the tribe. Watie used the period of peace to increase his personal holdings, and become quite wealthy.

By 1860, however, once again clouds of dissent were gathering over the Cherokee Nation. The peace which the Cherokees had enjoyed for more than a decade was about to come to an end. The sectional controversy which was dividing the United States would soon spread to the Cherokees, and old wounds, which many had supposed were healed by time, were once again torn open. Watie, who had progressed from an exile in his own country to an affluent and prosperous farmer and merchant, would once again find himself opposed to Chief Ross. Watie would become an ardent supporter of the Southern cause, and would rally a large number of Cherokees around himself. His actions would plunge the Cherokees into an orgy of bloodshed and destruction unmatched by any other period in their history. Though more than a decade of peace had been beneficial to Watie, his old hatred for Ross and his followers would not allow him to miss an opportunity to oppose Ross and assume a position of power.

CHAPTER VII

BROTHER AGAINST BROTHER

By 1860, controversy caused by sectionalism and slavery was bitterly dividing the United States. Among the Cherokees there was also a sharp division. Watie and his supporters urged the Cherokees to follow the South, and Ross's partisans favored a policy of neutrality. Though there had been more than a decade of peace in the Cherokee Nation, old tribal wounds had not healed entirely, and many Cherokees still clung to animosities that were soon to be reshaped for participation in the white man's Civil War.

As the gulf widened, secret sectional societies were formed among the members of the tribe, each promoting its divergent beliefs. In 1859, the adherents of Chief Ross revived an old Cherokee organization named Kee-too-wah, commonly known as the Pins. The membership of the Pins was largely confined to the full-blooded element of the tribe, and those intensely opposed to the actions of Watie in signing the Treaty of New Echota. Once again the pro-removal faction began to feel threatened as their opponents gathered in force.¹

In reaction to the organization of the Pins, Watie became one of the leaders of the Knights of the Golden Circle, whose membership was composed mainly of half-bloods and the supporters of the pro-removal

¹Edward Everett Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, No. 2 (May, 1947), p. 161.

faction. The constitution of the Knights of the Golden Circle provided that no member could join the organization who was not eighteen years of age or over and a pro-slavery man. The members were also required to be either a citizen of the Cherokee Nation or the United States, and various chapters, called encampments, sprang up throughout the Cherokee Nation. The principal objective of the membership was to assist in capturing and punishing abolitionists interfering with slavery in the Cherokee Nation. The members were bound to their duties by an oath, and they were pledged to protect their "Country from the ravages of abolitionists or any other combination of persons wishing" to disrupt the Cherokee Nation.²

The leaders of the Confederate States were aware that the Cherokees were slaveholders, and they also understood the importance of Indian Territory as a buffer zone on their Western border. Accordingly, Southern officials openly urged Chief Ross to bring the Cherokee Nation into an alliance with the Confederacy. However, Ross had no inclination to involve the Cherokees in what he viewed as a white man's war, and he refused to assent to their request.³

² Ibid.; Constitution of the Knights of the Golden Circle of the Cherokee Nation, August 28, 1860, "Miscellaneous Documents Relating to Indian Affairs," Cherokee Room, John Vaughan Library, Northeastern State College.

³ Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, pp. 161-162; Brigadier General Ben McCulloch to John Ross, June 12, 1861, and Ross to McCulloch, June 17, 1861, in Henry J. Lemly, "Historic Letters of General Ben McCulloch and Chief John Ross in the Civil War," Chronicles of Oklahoma, Vol. XL, No. 3 (Autumn, 1962), pp. 286-289; Henry M. Rector to John Ross, January 29, 1861, Ross to Rector, February 22, 1861, Lieutenant Colonel J. R. Kannady to Ross, May 15, 1861, Ross to Kannady, May 17, 1861, United States Department of War, The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies (4 series, 70 vols., 128 books, Washington: Government Printing Office, 1880-1901), Ser. i, Vol. XIII, pp. 490-493.

As the Civil War approached, Watie became involved in financial dealings with Elias Cornelius Boudinot, his nephew, and the son of slain Elias Boudinot. Watie and Boudinot planned to purchase several improvements along the Arkansas and Grand rivers and develop the land on which they were located into large and profitable farms. Watie also kept up his law practice, operated his general merchandise business at Millwood, and during this time constructed a new home for his family on Brush Creek. The structure was a large, two-story log house with two sixteen square foot rooms downstairs, and a window at each end. Additional features were a large breezeway entry between the two rooms, an upstairs consisting of three rooms, a fireplace at each end of the building, and a full basement walled with sandstone. The house was constructed of hewed logs with pine rafters and floor. The thirty-two foot deep well provided a plentiful supply of water. The house and well were undoubtedly a welcome addition to the enlarged Watie family. The house was not to be enjoyed for long, as Federal forces burned it during the Civil War.⁴

Although preoccupied with personal matters, Watie could not remain aloof from events regarding secession on the eve of the Civil War. A. M. Wilson and J. Woodward Washborne, both of Arkansas, urged him "as private and public citizen of the Cherokee Nation" in May, 1861, to join them in protecting the region from abolitionism. Arkansas had already left the

⁴C. M. Thompson to Watie, April 10, 1861, and Statement of Mary Fleming, April 13, 1861, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Nancy Lee Burns Interview, Grant Foreman, ed., "Indian-Pioneer History" (113 vols., unpublished manuscript), Vol. LXXX, pp. 404-405, Indian Archives Division, Oklahoma Historical Society; E. C. Boudinot to Stand Watie, February 12, 1861, Dale and Litton, eds., Cherokee Cavaliers, pp. 102-104.

Union to join the Confederate States, and Watie was encouraged to enlist the aid of the Cherokees in defending "their soil, their homes, their fireside, aye their very existence." Declaring that the "integrity of the soil of the Southern Indians must and shall be maintained," they promised Watie they would help him in any manner, and informed him that the state of Arkansas had set aside a number of guns to be used in the defense of "their and our frontier." Urging Watie to "push on the good work and train your men and apply for these guns," they pointed out that James H. Lane, an ardent abolitionist, had been elected to the United States Senate from Kansas and that he intended the "subjugation of the Cherokees to the rule of Abolition, and the overwhelming of the race by the hordes of greedy Republicans." The interest of the Cherokees, they stated, was the same as the citizens of Arkansas, and they promised Arkansas troops to aid him, but they advised Watie to carry out his work with secrecy so as not to alarm Federal forces already in the area.⁵

Various other factors were at work both in Indian Territory and in the Confederacy which were destined to bring the Cherokees into the Civil War on the side of the South. Early in 1861, the Confederate government had created a Bureau of Indian Affairs, and on April 8, the Red River Superintendency was established and given the responsibility for negotiations with the Five Civilized Tribes. Previous to the establishment of the Red River Superintendency, on March 5, Albert Pike of Arkansas had been selected as Commissioner of the Indian Tribes west of the Arkansas, and he joined Brigadier General Ben McCulloch, the Confederate military commander at Fort Smith, in the task. They traveled to Park Hill in the

⁵A. M. Wilson and J. W. Washborne to Watie, May 18, 1861, *ibid.*, pp. 106-107.

Cherokee Nation to confer with Chief Ross, but before their arrival Ross had issued a Proclamation of Neutrality urging the Cherokees to remain outside the controversy.⁶

Nevertheless, Pike and McCulloch visited with Ross, and urged him to join the Confederacy. After the meeting McCulloch relinquished his duties to Pike and returned to Fort Smith. Pike continued to visit the other tribes in Indian Territory, and on July 10, the Creeks signed a treaty of alliance with the South. Two days later the Choctaws and Chickasaws allied themselves with the Confederacy, and on August 1 the Seminoles joined the Southern cause, though they were bitterly divided over the question. Pike then secured an alliance with the Plains Indians at a meeting held at the Wichita Agency on August 12, 1861.⁷

While the Confederacy was openly coveting alliances with the Indians, the United States was rapidly abandoning the area; by the spring of 1861, there were no Federal troops in the country. Elated with his

⁶ Annie H. Abel, The American Indian as a Participant in the Civil War (Cleveland: Arthur H. Clark Company, 1919), pp. 171-172; "Journal of the Congress of the Confederate States of America," United States Senate, 58th Congress, 2nd Session, Senate Document 234 (7 vols., Washington: Government Printing Office, 1904), Vol. I, pp. 69, 151, Vol. V, p. 47; Proclamation to the Cherokee People, May 17, 1861, and John Ross to David Hubbard, July 17, 1861, Official Records, Ser. i, Vol. XIII, pp. 489-490, 498-499.

⁷ Ohland Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," Chronicles of Oklahoma, Vol. XXXI, No. 3 (Autumn, 1953), p. 303; Kinneth McNeal, "Confederate Treaties with the Tribes of Indian Territory," *ibid.*, Vol. XLII, No. 4 (Winter, 1964-1965), p. 413; Albert Pike to Robert Toombs, May 29, 1861, Treaty of Friendship and Alliance between the Creeks and the Confederate States of America, July 10, 1861, Treaty of Friendship and Alliance between the Choctaw and Chickasaws and the Confederate States of America, July 12, 1861, Treaty of Friendship between the Seminoles and the Confederate States of America, August 1, 1861, and Articles of Convention, August 12, 1861, Official Records, Ser. iv, Vol. I, pp. 359-364, 426-443, 445-466, 513-527, 542-554.

success, Pike again turned to the reluctant Cherokees, but this time he withdrew a previous offer of the Confederacy to purchase 800,000 acres of Cherokee land in Kansas and Missouri. This was a severe blow to the Cherokees. The withdrawal was accompanied by a notice that Pike had no future intentions of negotiating with the Cherokees.⁸

Watie and his followers were opposed to Ross's policy of neutrality. They were also incensed over the power of the Pins, and they were fearful that if Ross was allowed to have his way, their faction would lose the opportunity to sign a treaty with the South. Two of Watie's closest friends, William P. Adair and James M. Bell, advised him that now was "the time for us to strike, or we will be completely frustrated," and declared that a treaty with the Confederacy was "the most essential thing." Watie was asked to join Dr. J. L. Thompson in a visit with Pike so that the power of the Ross faction could be broken and "our rights, provided for and place us if possible at least on an honorable equity with this old Dominant party that has for years had its foot upon our necks." Watie was selected as the spokesman of the pro-Southern group because of his acquaintance with Pike and his honorable reputation. Pointing out that Ross was raising 1,200 men for service, Adair and Bell insisted that the members of the pro-Southern party must act fast, or all their work "will have been in vain, our prospects destroyed, our rights disregarded, and we will be slaves to Ross's tyranny."⁹

On July 12, 1861, Watie was commissioned a colonel in the

⁸ Muriel H. Wright, "Lieutenant Averell's Ride at the Outbreak of the Civil War," Chronicles of Oklahoma, Vol. XXXIX, No. 1 (Spring, 1961), pp. 2-14; Woodward, The Cherokees, pp. 264-265.

⁹ William P. Adair and James M. Bell to Watie, August 29, 1861, Dale and Litton, eds., Cherokee Cavaliers, pp. 108-110.

Confederate Army and authorized by McCulloch to raise a force to assist in protecting Indian Territory from Federal invasion. To accomplish his mission, Watie gathered a group of about 300 men, and conducted operations in the Cherokee Neutral Lands in Kansas, protecting the "northern borders of the Cherokees from the inroads of the jayhawkers of Kansas." McCulloch believed that Watie's force was more dependable than the 1,200 men Ross had gathered and placed under the command of Colonel John Drew. Characterizing Watie's group as the true Southern party and their leader as a "gallant man and a true friend of our country," McCulloch urged that the Confederate Secretary of War, Leroy P. Walker, separate Watie's force from Drew's regiment and attach it to his command. As Watie's men were comparatively well educated, and as good as any other troops in the service of the Confederacy, McCulloch also suggested that it might be wise to allow Watie to increase his force to battalion size so it would be on an equal level with Drew's.¹⁰

There was a rising clamor among the Cherokees for an official alliance with the South, and in July, 1861, an attempt was made by some of Watie's men to raise a Confederate flag over the public square at the Cherokee capitol in Tahlequah. On July 10, the Confederacy won a decisive victory over the Union forces in the East at the Battle of Bull Run in Virginia, and this did much to increase Southern prestige among the Cherokees. On August 10, the Confederacy inflicted another stunning

¹⁰Stand Watie Service Record, Adjutant General's Office, National Archives, Washington, D. C.; Brigadier General Ben McCulloch to Colonel John Drew, September 2, 1861, and McCulloch to Walker, September 2, 1861, pp. 691-692, Official Records, Ser. i, Vol. III; Worten M. Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," Unpublished Master of Arts Thesis, Stillwater, Oklahoma State University, 1968, p. 18.

defeat on the Federals at the Battle of Wilson's Creek in southwest Missouri. Apparently a few of Watie's men participated in the engagement, although Watie himself was not present, and the Southern press reported, perhaps somewhat exaggerated, that the victory was due to the action of Watie's troops. Declaring that the Cherokees had captured all but one of the North's artillery pieces, the press made Watie a Confederate military hero overnight, and dramatically increased his standing among the Cherokees.¹¹

These two victories indicated to the Cherokees that the South would soon be victorious in the conflict. Chief Ross, impressed with the Southern triumphs and fearful of the growing popularity of Watie among the Cherokees, at last agreed to meet with Pike to negotiate an alliance. Ross reasoned that the Cherokees were on the verge of a civil war, and should such a division occur, the South would no doubt back Watie, and the outcome was a foregone conclusion--Watie would assume the leadership of the tribe. This Ross wished to avoid at all cost. More and more Watie was assuming a position of leadership among the Cherokees which directly threatened the authority of the Ross faction. Therefore Ross called a tribal council on August 21, and invited Pike to come to Park Hill to negotiate an alliance. In this way Ross hoped to undercut some of Watie's growing power.¹²

¹¹Major General John C. Fremont to Colonel E. D. Townsend, August 31, 1861, and Brigadier General Ben McCulloch to Brigadier General S. Cooper, Official Records, Ser. i, Vol. III, pp. 54, 104-107; Dean Trickett, "The Civil War in Indian Territory, 1861, Part 3," Chronicles of Oklahoma, Vol. XVIII, No. 2 (June, 1940), p. 146; Woodward, The Cherokees, p. 265.

¹²Ibid., pp. 265-266; Resolution of the National Council, August 21, 1861, Official Records, Ser. i, Vol. XIII, pp. 499-500.

Pike arrived at Park Hill about October 1, 1861, and the negotiations took less than a week. The treaty was signed on October 7, but neither Watie nor his followers took an active part in the meeting. However, Ross and Watie shook hands as a demonstration of solidarity at the conclusion of the negotiations. The agreement pledged "perpetual peace and friendship, and an alliance, offensive and defensive, between the Confederate States of America, all of their States and the people, and the Cherokee Nation and all the people thereof." It also granted the South the right to construct military posts and roads in the Cherokee Nation, and promised the Cherokees protection "from hostile invasion." Slavery was guaranteed, and the Cherokees agreed to furnish "a regiment of ten companies of mounted men, with two reserve companies." These troops were to receive the same pay and allowances of other Southern troops, and they were not to be ordered to serve "beyond the limits of the Indian country west of Arkansas without their consent." The Cherokees were also excused from payment of any debts incurred by the Confederacy during the course of the war, and authorized to send a delegate to the Confederate House of Representatives. The treaty granted \$10,300 for the claimants of the Treaty Party; and Watie, as the only surviving member of the original claims committee established by the Treaty of 1846, was authorized to divide the money among those presenting claims. Otherwise the agreement merely replaced the authority of the United States with the authority of the Confederacy.¹³

¹³ Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," Chronicles of Oklahoma, Vol. XXXI, p. 304; Treaty of Friendship and Alliance between the Confederate States of America and the Cherokee Nation, October 7, 1861, Official Records, Ser. iv, Vol. I, pp. 669-686.

In accordance with the provisions of the treaty, the Cherokees fielded two regiments for service with the Confederate Army. The 1,200 troops raised by Ross as Indian Home Guards were mustered into service as the First Regiment of Cherokee Mounted Rifles under the command of Colonel John Drew. Watie's force was designated the Cherokee Mounted Volunteers. Originally the Cherokees were placed under the overall command of Brigadier General Ben McCulloch; however, on November 22, 1861, the Department of Indian Territory was created, and recently commissioned a Confederate brigadier general, Albert Pike was given the command.¹⁴

The first objective of the newly formed Confederate forces was the elimination of the threat presented by the dissatisfied members of the Creek and Seminole tribes who had refused to join the remainder of the Indians in their alliance with the South. The Creeks under Opothleyahola and the Seminoles under the leadership of Halleck Tustenuggee were attempting to maintain a policy of neutrality; the Confederacy, however, could not ignore such a large force of potentially hostile Indians. Numbering between 800 and 1,200 warriors, between 200 and 300 Negroes, in addition to women and children, the Federal Indians were encamped at the juncture of the Deep and North forks of the Canadian River in the Creek Nation.¹⁵

Pike had left Indian Territory for Richmond, Virginia, and the

¹⁴Stand Watie Service Record, December 4, 1861, Adjutant General's Office, National Archives; Woodward, The Cherokees, p. 271; Kenny A. Franks, "Confederate Relations with the Five Civilized Tribes," Unpublished Master of Arts Thesis, Stillwater, Oklahoma State University, 1971.

¹⁵Ibid., p. 49; Colonel Douglas H. Cooper to J. P. Benjamin, January 20, 1862, Official Records, Ser. i, Vol. VIII, p. 5; Dean Trickett, "The Civil War in Indian Territory, Part 4," Chronicles of Oklahoma, Vol. XVIII, No. 3 (September, 1940), pp. 268-270.

command of the operation was assumed by Colonel Douglas H. Cooper. With a force of approximately 1,400 men consisting of Indian and Texas troops, Cooper marched on the Federal Indians' camp on November 15, 1861, but the site was abandoned as Opothleyahola and his followers had decided to flee to safety in the northern reaches of the Cherokee Nation or Kansas. Pursuing the escaping Indians, Cooper overtook them on November 19, and after a spirited engagement at Round Mountain in the northern portion of the Creek Nation, the Federal Indians were forced to withdraw. After the battle, Cooper was ordered to a position on the Arkansas River to repel an expected Federal advance from Missouri, and Opothleyahola's band managed to escape.¹⁶

While in position on the Arkansas River, Cooper received word that the Federal Indians were planning an attack on his force, and he resumed the offensive. Opothleyahola was found on Bird Creek in the Cherokee Nation on December 8 in a strongly fortified camp. Nevertheless, Cooper ordered an attack, and once again the Federal Indians were forced to withdraw. This engagement, called the Battle of Chusto-Talsah, was not a clear cut victory for either side, but the Confederates were again forced to call off the offensive because of a threatened rebellion of some Cherokee troops and a shortage of supplies.¹⁷

Cooper retired to Fort Gibson, where he was surprised to learn that Colonel James McIntosh had come from Van Buren, Arkansas, with a force of 2,000 men and was taking the field in pursuit of the Federal Indians. Joining forces, Cooper and McIntosh planned a two-pronged assault on

¹⁶Ibid., pp. 267-270; Cooper to Benjamin, January 20, 1862, Official Records, Ser. i, Vol. VIII, pp. 5-7.

¹⁷Ibid., pp. 7-11.

Opothleyahola's band. However, McIntosh began the operation ahead of Cooper. Watie's command, which had not participated in the operation so far, was ordered to join the Confederate force at Mrs. McNair's house on the Verdigris River on December 25, 1861.¹⁸

Because of McIntosh's head start, the Southern forces did not join as planned, and on December 26, Watie informed Cooper that he was at Mingo Creek, about twelve miles west of McNair's, and McIntosh was six miles ahead of his column in pursuit of the Federal Indians. Watie pushed ahead as fast as possible, hoping to link up with McIntosh's command; but before he could do so, McIntosh engaged Opothleyahola at Shoal Creek near the Big Bend of the Arkansas River in the Cherokee Outlet. This engagement, known as Chustenahlah, was fought on December 26, 1861; it proved to be disastrous to the Federal Indians, and they fled in disorder toward Kansas.¹⁹

Watie finally joined McIntosh just as the engagement terminated; his absence during the encounter was no fault of his own, as he had made every effort to overtake McIntosh. Early the following morning, Watie and McIntosh continued pursuit of the fleeing Indians for about twenty or twenty-five miles, before Watie was informed by his scouts that there was a large force of Federal Indians in the hills on his left flank. Immediately Watie abandoned McIntosh's route of march, and prepared to assault the Opothleyahola group. Upon Watie's approach, the Federal Indians fortified themselves among the hills. Dividing his force, Watie placed half of his men under the command of Major Elias C.

¹⁸ Ibid., pp. 11-12.

¹⁹ Ibid., p. 12; Report of Colonel James McIntosh, January 1, 1862, *ibid.*, pp. 22-25.

Boudinot on his left flank, while he and the remainder of the force maneuvered to the right. The Federal Indians were scattered over a large area, and much of the terrain was inaccessible to horses. Nevertheless, Watie ordered the assault, and the skirmish continued at a brisk pace for about two hours. Forcing Opothleyahola's men from their strongholds, Watie's command routed them. After the engagement, Watie and Boudinot reported twenty or twenty-one of Opothleyahola's group slain and an undetermined number wounded, while their commands suffered no casualties. Boudinot also reported capturing seventy-five prisoners, together with twenty-five or thirty pack horses. Watie's command numbered about 300 men, and the strength of the Federal Indians they engaged was estimated at 500 to 600 warriors.²⁰

After this final major engagement in the 1861 Confederate campaign in Indian Territory, Watie's command was detailed to collect the stock left behind by Opothleyahola's defeated band, and his men gathered between 800 and 900 head of cattle and about 250 ponies. Having accomplished his mission, Watie returned to his camp on the Grand River. While there he learned that a group of fifty or sixty pro-Northern Cherokees were passing near his encampment on their way northward. Watie dispatched two companies of troops to intercept them, and when the two forces met, a short skirmish occurred, during which one of the Federal Cherokees was killed and seven taken prisoner. Watie's men also captured their wagons and some of their weapons.²¹

²⁰Ibid., pp. 24-25; Report of Colonel Stand Watie, December 28, 1861, and Report of Major E. C. Boudinot, December 28, 1861, *ibid.*, pp. 32-33.

²¹McIntosh to S. Cooper, January 10, 1862, *ibid.*, p. 31.

Early in February, 1862, Watie's men took up positions in the Delaware District of the Cherokee Nation to prevent further desertion of dissident Cherokees to the North. Shortly before the engagement at Chusto-Talsah, a majority of Colonel Drew's command deserted to Opothleyahola's band. One of Drew's men, Chunestootie, was killed and scalped by Watie's nephew, Charles Webber. Watie expressed regret over the incident and admitted that "it does not tend to reconcile the factions already too bitter for the good of the country." However, he declared that Chunestootie had "been for years past hostile to southern people and their institutions," and had been one of the group who vowed to butcher "any and all who should attempt to raise a southern flag." Nevertheless, Drew called the action a "barbarous crime" which had shocked members of his command. Watie dismissed the action as being "futile at this time to think of settling the affair according to the usual course of law," and declared that it would be better "to advise quiet and peace until such time as the matter can be calmly and dispassionately considered."²²

Later in the month of February, 1862, Watie moved his command to Cantonment Davis. This new post was located on the south side of the Arkansas River, opposite the mouth of the Grand River, near Fort Gibson, and was selected by Pike to serve as his headquarters for Indian Territory. Hearing rumors of the possible return of Opothleyahola's band to the Cherokee Nation, Watie dispatched a force to scout up the Neosho

²²Colonel John Drew to Colonel D. H. Cooper, December 18, 1861, *ibid.*, pp. 16-18; LeRoy H. Fischer and Kenny A. Franks, "Confederate Victory at Chusto-Talsah," *Chronicles of Oklahoma*, Vol. XLIX, No. 4 (Winter, 1971-1972), p. 462; Watie to Cooper, February 19, 1862, Dale and Litton, eds., *Cherokee Cavaliers*, pp. 111-114.

River in search of the enemy. No sign of the Federal Indians was found, and the men were ordered to return to Cantonment Davis.²³

In late February, Pike received orders to move his command to northwestern Arkansas to join the Southern forces already in the area commanded by Major General Earl Van Dorn. A strong Federal force was advancing south from Missouri, and the Confederacy needed all available men to meet the threat. Even though the alliance with the Cherokees prohibited the use of Cherokee troops outside Indian Territory without their permission, on March 3, 1862, Watie, along with Drew and McIntosh, was ordered to advance along the road between Evansville and Fayetteville, Arkansas, until they were within five or six miles of Fayetteville. Watie was to maintain scouts on his left flank, and constantly inform McIntosh of his progress and position. The forces were ordered to travel light, in order to be ready for immediate action. Their heavy baggage was to follow, and corn was to be either procured on the route of march, or provided after they had reached their position just outside Fayetteville.²⁴

Pike, delayed by difficulties with the Choctaw and Chickasaw troops, followed Watie and overtook him on March 4 at Cincinnati, Arkansas, near the Cherokee-Arkansas border. The next day Pike and Watie joined Drew's command at Smith's Mill, and later in the evening they overtook the rear of McCulloch's force. On March 5, the combined force resumed the march.

²³ Watie to Brigadier General Albert Pike, February 27, 1862, *ibid.*, p. 114; Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, p. 168. The Grand River was also called the Neosho River at this time, but was later named the Grand River.

²⁴ *Ibid.*; Assistant Adjutant General D. H. Maury to Colonels Watie, Drew, and McIntosh, March 3, 1862, Official Records, Ser. i, Vol. VIII, pp. 764-765.

The Federals had fortified a little place called Leetown about four miles south of the Bentonville Road in northwestern Arkansas, and this was to be the objective of Pike's command. The Confederates moved southeastward toward the enemy. About one mile from the road, they encountered the Union forces formed for battle before them. The two forces were separated by about 300 yards, and the Federals had positioned a battery of three cannons protected by five companies of cavalry.²⁵

The Southerners deployed for battle with Watie and Drew forming a portion of the left flank. Watie's men were dismounted, but Drew's force remained on horseback. The Federals were in a small prairie about 250 yards wide. On the right was a fenced field, and on the left was another large prairie bound on the east by a ridge. Charging across the open ground and yelling loudly, the Confederates seized the artillery and routed the Federals, who fled through the fenced field. However, for want of horses or harness, the Confederates were unable to move the guns to the rear.²⁶

After about twenty minutes, Watie reported to Pike that another Federal battery was forward of the Southern position, beyond a skirt of underbrush, and protected by a large force of infantry. Confusion in the Confederate ranks, however, prevented an attack. Soon the Federals began to shell Watie's command, and Pike, realizing that the Cherokees "would not face shells in the open ground," ordered them to seek cover behind trees. Later some of Watie's men were sent to drag the captured

²⁵ Pike to Captain D. H. Maury, March 14, 1862, Official Records, Ser. i, Vol. VIII, pp. 286-287.

²⁶ Ibid., pp. 287-288.

cannons into the woods, and detailed to guard the weapons.²⁷

At about 3:00 p.m., Watie's command moved to the left and occupied a position behind a fence at the foot of a wooded ridge. Major Boudinot was then dispatched by Pike to inform Van Dorn that they would attempt to hold the position against an expected Federal counterattack. However, the position proved to be indefensible; the remainder of the Confederate troops were forced to retreat, and Watie and his men fell back, stopping only after they reached Van Dorn's headquarters.²⁸

On the morning of March 6, Watie's men were posted on high ridges on the left and right flanks of the Southern force in order to observe the movement of the Federals. While Watie's men were scouting the enemy, the remainder of the Southern force began a general withdrawal. Having asked Pike for instructions, Watie was ordered to fall back off the ridge to a position in the valley; however, the Cherokees continued the withdrawal until they arrived at Camp Stephens, southwest of the battle-ground in northwestern Arkansas. Confusion reigned during the Southern retreat and the withdrawal very nearly turned into a rout. Eventually the majority of Pike's command was reunited at Cincinnati, Arkansas.²⁹

The defeat suffered by the South at the Battle of Pea Ridge in Arkansas was a devastating blow to the Confederacy in Indian Territory as well as in the Southwest. As the Indian forces withdrew to Indian Territory, Pike led the majority of the Southern troops to the Choctaw Nation, while Watie remained in the Cherokee Nation. Pike explained to

²⁷ Ibid., pp. 288-289.

²⁸ Ibid., pp. 289-290.

²⁹ Ibid., pp. 290-292.

Watie the necessity for removing the majority of the troops from the northern portion of Indian Territory. He cited their inability to defend the area after the abandonment of western Arkansas by the Confederacy, and in view of an expected invasion of Indian Territory by a Union force being formed in Kansas. Therefore, Pike rationalized, it was expedient for him to concentrate his force near Boggy Depot in the Choctaw Nation, and make Texas his base of operations and source of supplies. This move would make the Canadian River the front line of Southern resistance and greatly increase their chance of success. However, Watie was reassured that Pike was not totally abandoning the area north of the Canadian River. Watie's force was to serve as the advance guard for the Texas Cavalry, which would sortie into the area to aid in harrassing any invading force.³⁰

On April 25, 1862, Watie received word of the advance of about 200 Union troops toward Elk Mills, Arkansas. Immediately Watie moved northward from his headquarters on Cowskin Prairie, on the border between the Cherokee Nation and Arkansas, with a force of forty men to intercept the Federals. Finding himself outnumbered, Watie ordered up an additional 100 of his own men and sixty members of the Missouri State Guard. The Federals withdrew toward Neosho, Missouri, with the Confederates in pursuit. On the following day, April 26, Watie ordered an attack. Moving forward with 125 men, Watie engaged the Union pickets; failing to receive support from the Missouri force, he withdrew for a brief period. However, skirmishing between the two forces continued until about 3:00 p.m.

³⁰ Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, p. 169; Pike to Watie, April 1, 1862, Dale and Litton, eds., Cherokee Cavaliers, pp. 115-117.

when Watie returned to Cowskin Prairie. Upon receiving reinforcements, the Federals withdrew to Neosho.³¹

While various engagements were raging in and near the Cherokee Nation, Watie attempted to fulfill his civil obligations under the conditions of the Cherokee alliance with the Confederacy. Watie, as the sole surviving member of the Treaty Party committee in 1846, was delegated the authority to divide up the monies provided for the removal and resettlement of claims of the pro-removal faction. Of the \$10,300 provided by the South, Watie paid \$3,600.50 to T. M. Boyer, and kept the remainder to be paid out to other claimants.³²

After the first military activity of the spring of 1862, many of Watie's men were allowed to return to their homes on furlough, and his effective force was reduced from almost normal regiment size of about 1,000 men to a little over 400 men. This small detachment was surprised by about 600 Federal troops in Cowskin Prairie on May 8, and Watie was forced to move to Spavinaw Creek in the Cherokee Nation. Watie reported to Drew that another force of Union troops was operating in the area, and he cautioned Drew to keep a sharp lookout for the enemy. Hoping to have the majority of his command back from furlough by May 10, Watie proposed to move in the direction of the Federals and determine their position.³³

Apparently Watie's men were already suffering from a shortage of

³¹ Report of Watie, April 27, 1862, Official Records, Ser. i, Vol. XIII, p. 63.

³² Statement of Watie, April 5, 1862, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

³³ Watie to Drew, May 9, 1862, Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society.

necessary supplies. Colonel William P. Adair, the Assistant Quartermaster serving Watie, reported that there was a severe lack of caps, only several boxes of cartridges, about sixteen kegs of powder, and several pigs of lead available. Adair advised Watie that it would be a good plan to send to Fort Smith for supplies, as ammunition was getting scarce.³⁴

Watie, however, continued to conduct offensive operations. On May 29, he received a report of a twenty-four man Confederate scout in the area of Granby, Missouri. This group indicated that a force of about 200 Federal cavalry was operating in the neighborhood. Watie sent 200 men under the command of Captain Robert C. Parks toward Neosho to engage the Federals if they had not already withdrawn. Parks was joined by an additional 200 members of the Missouri State Guard under the command of Colonel J. T. Coffee. On the morning of May 31, the combined force of Confederates launched a surprise attack against the Federals. Watie dismounted his troops and advanced. After the initial fire from Watie's men, the Federals attempted to form a defense and return the fire, but their fire was mostly random shots and caused little harm to the Confederates. Taken completely by surprise, the Union troops fled in the utmost confusion, with the Southerners advancing rapidly. Most of the Federals escaped on foot, and the Confederates entered Neosho and tore down the United States flag flying from the steeple of the courthouse.³⁵

Preparations were then under way by the Union forces in Kansas for

³⁴William P. Adair to Watie, April 29, 1862, and William P. Adair to Watie, May 4, 1862, Dale and Litton, eds., Cherokee Cavaliers, pp. 117-119.

³⁵Watie to Cooper, June 1, 1862, and Report of Watie, no date, Official Records, Ser. i, Vol. XIII, pp. 94-95.

an invasion of Indian Territory. A preliminary advance was ordered under the command of Colonel Charles Doubleday on June 6, 1862. Doubleday's force consisted of one regiment each of infantry and cavalry and one battery of artillery, numbering approximately 1,000 men. Moving southward, Doubleday reached the Grand River in the Cherokee Nation about sundown on the first day, and learned that Watie with 1,500 men was encamped three miles distant. The Southerners were unaware of the Federal advance, and Doubleday sent one battalion across the river to occupy a position behind the Confederates. The remainder of the Federals formed a skirmish line, crossed the river, and advanced on Watie's front. It was 9:00 at night when the maneuver was completed, and Watie's pickets withdrew after firing a few shots. The darkness prevented Doubleday from determining the Confederate positions; thus he ordered the artillery to commence firing into the grove of trees which sheltered Watie's camp. The artillery fire caused considerable confusion among the Southerners, but Doubleday did not order an attack, and Watie escaped during the night and headed southward toward Fort Smith. The following day Doubleday, obeying the orders of Colonel William Weer, the commander of the overall Federal effort, withdrew northward into Kansas.³⁶

On June 28, 1862, the main Federal thrust into Indian Territory began, with Weer commanding the Second, Sixth, and Ninth Kansas Cavalry Regiments, the Tenth Kansas Infantry Regiment, the Ninth Wisconsin Volunteer Infantry Regiment, the Second Ohio Cavalry Regiment, the First and Second Indiana Batteries, and the First and Second Indian Regiments. The

³⁶ Colonel Charles Doubleday to Colonel William Weer, June 8, 1862, *ibid.*, p. 102; Gary N. Heath, "The First Federal Invasion of Indian Territory," Chronicles of Oklahoma, Vol. XLIV, No. 4 (Winter, 1966-1967), p. 413.

Union force advanced to the Neosho River, where it awaited the arrival of a wagon supply train from Fort Scott, Kansas. Apparently the Confederates were unaware of the Federal advance at this point, and were still in the vicinity of Cowskin Prairie.³⁷

In the meantime, Colonel Douglas H. Cooper had been ordered northward to assume command of the Southern forces in the area, with the exception of the Seminole Battalion. However, on June 26, Major General Thomas C. Hindman, the newly appointed Confederate commander of the Trans-Mississippi Department, placed Colonel James J. Clarkson in overall command of all forces within the limits of the Cherokee Nation. Watie, who had been watching for the expected Federal advance, learned of the Union position, and he engaged the advance guard of the Northern force at Spavinaw Creek in the Cherokee Nation. The skirmish failed to halt the Federal advance, and Watie withdrew, conducting hit and run attacks on the Northern column.³⁸

Clarkson was encamped at Locust Grove, north of Tahlequah and on the east side of the Neosho River. At dawn on July 3, 1862, Weer surprised Clarkson in his camp in a short but decisive engagement; the Southerners were completely routed. Watie was not present at the skirmish because of the action of the Sixth Kansas Cavalry, which had been dispatched to prevent Watie from joining forces with Clarkson. After

³⁷ Ibid., pp. 412-413; Doubleday to Brigadier General James Blunt, June 1, 1862, Official Records, Ser. i, Vol. XIII, p. 408; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 37.

³⁸ Ibid., p. 38; Assistant Adjutant General Fayette Hewitt, General Order, June 23, 1862, and Assistant Adjutant General R. C. Newton, General Order No. 21, Official Records, Ser. i, Vol. XIII, pp. 839-840, 845-846; Heath, "The First Federal Invasion of Indian Territory," Chronicles of Oklahoma, Vol. XLIV, p. 415.

their defeat, the Confederates fled in panic toward Tahlequah, and many of the Cherokees of Drew's command deserted to the Federal side. Elated with his success, Weer wrote Chief Ross and urged him to place the Cherokee Nation under the protection of the United States. Although Ross replied negatively, he indicated that he was waiting for the right time to switch allegiance. Very soon, nevertheless, he was arrested by the Federals and released on parole.³⁹

Though virtually unopposed, Weer's command was unable to take advantage of its success. The Federal supply lines were stretched thin, and supplies were running short. In a case of open mutiny, Colonel Frederick Salomon, the second in command of the Federal invasion force, arrested Weer on charges of being unfit for duty; on July 19, 1862, under Salomon's order, the Federals began withdrawing toward Kansas. Ross accompanied the Union force as it retreated from the Cherokee Nation, and later went to Washington to confer with President Abraham Lincoln. Ross then retired to Philadelphia, Pennsylvania, where he remained until the end of the war. Thus the old split between the Watie and Ross factions of the Cherokees was reopened, and the Cherokees were once again forced to choose sides.⁴⁰

Very little military activity occurred in Indian Territory during the late summer of 1862, as both sides were preparing for future action. At a meeting of the Confederate Cherokees at Tahlequah on August 21,

³⁹Weer to Captain Thomas Moonlight, July 6, 1862, Official Records, Ser. i, Vol. XIII, pp. 137-138.

⁴⁰Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, pp. 170-171; Colonel F. Salomon to different Commanders of the Indian Expedition, July 18, 1862, and First Lieutenant Anton Blocki, General Order No. 1, July 18, 1862, Official Records, Ser. i, Vol. XIII, pp. 475-477.

1862, Watie was elected principal chief, and the treaty with the South was reaffirmed. Pro-Southern Indians moved quickly to reoccupy the Cherokee Nation, and on September 3, 1862, Major General Hindman issued a special order asking those citizens of the Cherokee Nation who had fled their homes to return to the area as peaceable and loyal citizens of the Confederacy. They were promised the full protection of the South against all injury and molestation. However, those Indians who had deserted to the Union, or had been connected with the killing of any citizen of the Confederacy, were outlawed. Cherokees wishing to return should report to the nearest Provost Marshal and swear "to be faithful to their treaty obligations, as allies of the Confederate States, and not to leave their Districts during the war."⁴¹

Hindman ordered the provost marshals to take particular measures to prevent the pillaging of houses or the unlawful seizure of property. All disloyal persons were to be arrested and turned over to the provost marshals for the severest punishment. As principal chief, Watie also issued a proclamation to the Cherokees approving of Hindman's orders and urging prompt compliance. He commanded all citizens of the Cherokee Nation to "respect and sustain said order, in good faith, and to lend their assistance, when necessary, for carrying it into effect."⁴²

However, Southern optimism was short-lived: during the fall of

⁴¹ Brigadier General William Hudson to Colonel J. Y. Dashiell, September 15, 1862, Official Records, Ser. i, Vol. LIII, p. 828; Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," Chronicles of Oklahoma, Vol. XXXI, pp. 309-310; Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, p. 173; Special Order No. 15, September 3, 1862, Stand Watie Papers, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma.

⁴² Ibid.; Proclamation of Watie, September 3, 1862, ibid.

1862, the Federals made Indian Territory a prime military objective. In September and October the North succeeded in occupying northwestern Arkansas, and Brigadier General James G. Blunt with the First Division of the Army of the Frontier prepared to invade Indian Territory. Colonel Douglas H. Cooper was ordered to proceed to Old Fort Wayne in the Cherokee Nation to prepare for a Southern invasion of Kansas. Although he had ordered the Indian troops to assemble at that point for the operation, when Cooper arrived on October 17, 1862, only Watie's command was present. Cooper was aware that a Federal force was in the area, but he supposed that it was merely a scouting expedition.⁴³

Blunt learned of Cooper's presence, and on the evening of October 21, he began a night forced march to engage the Confederates. Cooper's troops were preparing to move northward for their proposed invasion the following morning, and were unaware of the Federal approach. Early in the morning of October 22, Watie learned of Blunt's approach. He had assembled about 500 men, formed them in a line, and was holding his troops in readiness to engage the Federals, when he received orders to return to Cooper's headquarters. After marching about half a mile, Watie was informed by his scouts that the Federals were flanking his force, and he countermarched and took up a defensive position along the road to Tahlequah to await the expected attack. Watie had barely enough time to dismount his force and move the horses to the rear before his men were quickly engaged by the Federals. As the fighting moved to another part of the field, Watie made a personal reconnaissance. He discovered a

⁴³Cooper to Major General T. C. Hindman, December 15, 1862, Official Records, Ser. i, Vol. XIII, p. 334; William J. Willey, "The Second Federal Invasion of Indian Territory," Chronicles of Oklahoma, Vol. XLIV, No. 4 (Winter, 1966-1967), pp. 420-423.

Union force of 3,000 men advancing down the Tahlequah Road. Not deeming it prudent to engage such a superior force, Watie ordered his men to "retire to their horses and fall back" south to Spavinaw Creek. During the withdrawal, Watie's command was constantly harrassed by Union cavalry, which frequently charged his rear guard and caused confusion in the ranks. Watie reached the Moravian Mission a little before sunset, where he halted and sent out scouts to determine the situation. He praised the action of his men and declared that "considerable damage must have been inflicted on the enemy," because he had ordered that they not fire until the volley could be "delivered with fatal effect." However, he was not able to immediately report his killed and wounded because of the confused situation.⁴⁴

This engagement near Old Fort Wayne lasted only one hour, but it was a decisive Union victory. As a result of the engagement, the region north of the Arkansas River came under Federal control, and the Southern Indians were driven from the area. Previously Watie had moved his family to Webbers Falls in the southern part of the Cherokee Nation to remove them from danger; now they were sent further south, first to the southern portion of Indian Territory and later to northern Texas, to avoid capture by the Northern Indians who were flocking into the Cherokee Nation because of the Federal victory.⁴⁵

⁴⁴ Ibid.; Major General Samuel R. Curtis to Major General H. W. Halleck, October 24, 1862, and Watie to Cooper, October 25, 1862, Official Records, Ser. i, Vol. XIII, pp. 324-325, 336-337.

⁴⁵ Curtis to Halleck, October 24, 1862, ibid., pp. 324-325; Willey, "The Second Federal Invasion of Indian Territory," Chronicles of Oklahoma, Vol. XLIV, pp. 422-423; Grant Foreman, "Reminiscences of Mr. R. P. Vann, East of Webbers Falls, Oklahoma, September 29, 1932," ibid., Vol. XI, No. 2 (June, 1933), p. 844.

After the engagement, Cooper retired to near Scullyville in the northern portion of the Choctaw Nation, and Confederate hopes appeared bleak in the Cherokee Nation. However, Watie continued to operate in the Cherokee Nation during the fall of 1862, although he did not originate any offensive threat. Watie's cousin, Elias C. Boudinot, who had been selected as the Cherokee representative to the Confederate House of Representatives, traveled to Richmond to assume his seat on October 9. Also, following the desertion of most of Drew's men to the North, the First Brigade of the Army of the Trans-Mississippi Department was reorganized, and Watie was given the command of the First Cherokee Regiment.⁴⁶

In late November, Watie moved his command to Van Buren and Fort Smith to join other Southern forces in the area. On December 3, 1862, Watie was ordered to proceed to the neighborhood of Evansville, Arkansas, and if possible open communications with a string of Confederate pickets on the Line Road located in Arkansas along the border of the Cherokee Nation. On the following day with about 400 men, he moved to Dwight's Mission in the southeast portion of the Cherokee Nation, where he waited until daylight. He sent out scouts on December 5, and his men encountered some Union Indians, killing several in a brief skirmish. With the main force, Watie moved on toward Peyton's Spring, Arkansas. He entered Evansville, Arkansas, the next morning, where he learned that the Federals were at Cane Hill, Arkansas, with a force of pickets near Dutch

⁴⁶Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 46; "Journal of the Congress of the Confederate States of America," United States Senate, 58th Congress, 2nd Session, Senate Document 234, Vol. V, p. 502, 513-514; Organization of the Army of the Trans-Mississippi Department, December 12, 1862, Official Records, Ser. i, Vol. XXII, Part I, p. 903.

Mills, Arkansas. Remaining in the area until late evening, Watie then withdrew toward Peyton's Spring. During the Battle of Prairie Grove, Arkansas, on December 7, Watie attempted to intercept a Federal supply wagon train at Dutch Mills, but failed when the enemy used a different route. On December 10, he received word that a large force of Federal Indians were preparing to attack his camp during the following night, and the next day Watie moved against the Federals, forcing them to withdraw. However, responding to orders, Watie retired to Webbers Falls on December 12.⁴⁷

By late December, 1862, Watie's men were scattered throughout the Cherokee Nation, and constantly were sought by Union troops. On December 27, the Federals occupied the Confederate base at Cantonment Davis and destroyed the fortifications along with the barracks and commissary buildings. Once again Watie was driven south of the Arkansas River, and most of the Cherokee Nation seemed to be securely in the hands of the North. However, by the end of the 1862 military operations were going badly for Watie and the Southern Cherokees. Having acquitted himself well in various engagements, Watie had proven his ability as a military commander, but a lack of support by the Confederacy was hindering his military operations.⁴⁸

The Cherokees had divided along old factional lines over the question of slavery. Watie, with the support of his followers and secessionist leaders in Arkansas, led the Cherokees into a treaty with the

⁴⁷Blunt to Curtis, November 24, 1862, and Watie to Cooper, November 24, 1862, *ibid.*, pp. 36, 66-67.

⁴⁸Colonel William A. Phillips to Blunt, December 25, 1862, and Blunt to Curtis, December 30, 1862, *ibid.*, pp. 874, 168.

Confederacy. However, not all Cherokees agreed with the Southern alliance, and when the opportunity occurred, many, including Chief Ross, deserted to the North. This left Watie and his followers in control of the Cherokee Nation early during the Civil War, and Watie was elected principal chief. Nevertheless the Southern alliance with the Cherokees was weakening, and many of the Indians were openly siding with the Union. Watie had cast his lot with the South, and if the military situation worsened, he would find himself in an extremely difficult position. The following year was to be a year of decision for Watie, and the outlook for success was grim indeed.

CHAPTER VIII

YEAR OF DECISION

The year 1863 was decisive for Watie and the Confederacy. Advancing relentlessly, the Federals forced the Confederate Indians to flee to southern Indian Territory. As the Confederates abandoned the Cherokee Nation, their place was taken by Federal Indians who only a few years previously had been forced to flee their homes. Now it was the turn of the Southerners to take flight and seek refuge amid destitute conditions along the northern border of Texas.

In early January, 1863, Watie encamped at Briartown near the Canadian River in the southern portion of the Cherokee Nation. A few of Watie's men deserted to the North, and all were dissatisfied with the inability of the Confederacy to provide adequate protection. The bitter winter caused much hardship for the Southerners; their situation was further hardened by a lack of supplies. Throughout Watie's camp complaints were heard over their destitute condition and the inadequacy of Confederate protection.¹

Watie was extremely anxious to commence operations in the Cherokee Nation because of a proposed meeting of the Northern Cherokee National Council which he desired to raid. However, he was unable to mount a

¹Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 49; Cooper to Major General T. C. Hindman, January 8, 1863, Official Records, Ser. 1, Vol. XXII, Part 2, p. 770.

serious military offensive with the exception of small guerrilla raids into the Union occupied area, and the meeting took place as scheduled on Cowskin Prairie, in the Cherokee Nation, during February, 1863. The meeting formally renounced the treaty of alliance with the Confederacy and abolished slavery. All Cherokees who held posts in the Confederate government and remained loyal to the South were removed, and a delegation of Northern Cherokees was dispatched to Washington. Thus, once again the gulf between the two rival factions, the pro-Southern followers of Watie and the Union Indians owing allegiance to Chief Ross, was widened.²

After being unable to prevent the Northern Cherokee National Council from meeting, Watie moved his command to Leaning Rock, near the North Fork of the Canadian River. His men were suffering severely from a lack of draft animals, and they resorted to using cattle as oxen. The greater portion of their horses and ponies had been driven to Texas, and the few mules left for transportation were dying at an alarming rate. Some members of Watie's force contemplated seizing or killing him, as they believed that his actions were ruining the country. However, the threat failed to materialize, and the vast majority of his men remained loyal.³

In early March, 1863, Watie was reported about fifty miles south of Fort Gibson with a force of 700 men, but as yet he had not begun a major offensive operation. Later that month he released many of his men on furlough so that they could help with the planting of corn in the Creek

² Colonel William A. Phillips to Major General Samuel R. Curtis, January 29, 1863, and Phillips to Curtis, February 6, 1863, pp. 85, 101; Dale, "The Cherokees in the Confederacy," Journal of Southern History, Vol. XIII, p. 172.

³ Phillips to Curtis, February 11, 1863, and Phillips to Curtis, February 15, 1863, Official Records, Ser. i, Vol. XXII, Part 2, pp. 108, 111-112.

and Choctaw nations to help feed the Southern refugees. However, Watie and his depleted force remained at Scullyville, just southwest of Fort Smith. On March 31, he was authorized by the Confederate government to raise an additional brigade composed of forces already in service in the Cherokee Nation and from any additional men that might be obtained from contiguous states. Watie was cautioned, however, not to violate the Confederate conscript law, but he was permitted to encourage enlistments by offering homesteads to new recruits.⁴

In late April, 1863, Watie's command moved to Fort Smith, and later to Webbers Falls to attend a meeting of the Confederate Cherokee National Council scheduled for April 25. A preliminary meeting was held on March 24, and Watie was selected as chairman of the assembly. The purpose of the meeting was to elect a principal chief and discuss the military situation in the Cherokee Nation. Addressing the meeting on the night of April 24, Watie spoke "with a heavy heart, for evil times have come upon our country." Declaring that "Disaster upon disaster has followed the Confederate arms in the Cherokee country," Watie recalled the reverses of the previous years and its effect on the morale of his men. Nevertheless, he hoped that the war in the East would favor the Confederacy, and more aid could be sent to the Cherokees by the South. He remained optimistic "that the time is near at hand when the tide of success is due to return to the Confederate arms when we shall be able to drive the Federal forces out of our country, which will enable our people, many now exiles, to return to their country." On April 24, Colonel William A.

⁴Blunt to Curtis, March 10, 1863, Phillips to Curtis, March 19, 1863, and Order of Assistant Adjutant General Samuel W. Melton, April 1, 1863, *ibid.*, pp. 151-152, 162-163, 810.

Phillips, in command of the Union Indian Brigade located at Fort Gibson, had launched an offensive designed to prevent the meeting. Crossing the Arkansas River, Phillips conducted a night march of thirty miles, and at dawn on April 25, attacked Watie's camp. Watie's men broke and fled before the Northern advance. Many of the Confederates were not dressed, and Watie's men fired only a few shots before retreating and abandoning the camp to the Federals. Thus the scheduled Confederate Cherokee National meeting could not be held.⁵

Stung by defeat at Webbers Falls, Watie led about 1,000 men across the Arkansas River near its junction with the Verdigris River to attack a Federal supply wagon train on its way to Fort Gibson from Fort Scott, Kansas. On the morning of May 28, Watie's men ambushed the wagon train, a few miles north of Fort Gibson. Unfortunately for the Confederates, the Federals had anticipated such a move and had sent reinforcements to protect the supplies. As a result, Watie's force was thrown back across the Arkansas River with the Northern troops in hot pursuit.⁶

Watie's wife and family, with the exception of Saladin, who had enlisted as a captain in his father's command when he was barely fifteen years old, had been sent to the southern portion of Indian Territory, where they would be safe. During the spring of 1863, Watie suffered a grave personal loss when his third son, Cumiskey, died while a refugee

⁵ Phillips to Major General Blunt, April 24, 1863, *ibid.*, p. 247; Phillips to Blunt, April 26, 1863, Official Records, Ser. i, Vol. XXII, Part 1, pp. 314-315; Willey Britton, The Union Indian Brigade in the Civil War (Kansas City, Missouri: Franklin Hudson Publishing Company, 1922), pp. 219-222.

⁶ *Ibid.*, pp. 235-236; Blunt to Major General John M. Schofield, June 8, 1863, Official Records, Ser. i, Vol. XXII, Part 1, pp. 341-342.

with his mother. In late May, Sarah took the remainder of the family to the home of her sister Nancy Starr just below the Red River in Rusk, Texas.⁷

In early June, 1863, Watie, joining with another Confederate force, made a cavalry sortie into the Union occupied area of the Cherokee Nation. Crossing the Arkansas River at Greenleaf Creek, the Confederates rode to Park Hill and Tahlequah. Here Watie's command separated from the remainder of the Southern forces and made for Maysville, Arkansas, while the other force maneuvered toward Evansville, Arkansas. The Federals were not able to engage the Southerners because of the condition of their mounts, but Phillips sent out scouts in an attempt to maintain contact with the Confederates.⁸

Additional Union troops were dispatched in pursuit, and as the Federals closed in on Watie, he returned to the Grand River near the mouth of Spavinaw Creek; however, the river was up, and Watie's men were unable to cross. Retreating down the river to Grand Saline, Watie again attempted to cross the river and again failed. By now the Southerners were being hotly pursued by a Federal force under the command of Major John A. Foreman, and Watie withdrew to Tahlequah. Watie continued to be hard pressed by the Northerners. When knowledge of his plight became known, additional Confederate troops were sent to his aid, and a diversionary attack was made by the Southerners on the west side of the

⁷W. D. Polson to Sarah C. Watie, April 10, 1863, Sarah C. Watie to Stand Watie, May 20, 1863, Sarah C. Watie to Stand Watie, June 8, 1863, Dale and Litton, eds., Cherokee Cavaliers, pp. 121-122, 124-126, 128-129.

⁸Phillips to Blunt, June 6, 1863, Official Records, Ser. i, Vol. XXII, Part 2, p. 311.

Arkansas River.⁹

The First Regiment of the Federal Indian Brigade commanded by Colonel Stephen H. Wattles attempted to cut off Watie's retreat, but failed to make contact. However, after Union scouts at Greenleaf Prairie in the Cherokee Nation reported Watie's presence, Wattles counter-marched and located the Confederate force. The skirmish at Greenleaf Prairie was fought on June 16, and the fighting continued for several hours. Watie's men charged the Federals, who were formed in a line, but were repulsed and forced to withdraw about three-quarters of a mile. Reforming his troops, Watie charged again, and this time he threw the Union force back. Once more the Southerners surged forward for the third time, but this attempt was also driven back. In the meantime, the Northerners brought a howitzer into action, and on the next attack by Watie's troops, who were attempting a flanking movement, the artillery fire broke the charge. The Federals then moved forward; Watie, not having time to reform, retreated from the field. The Union troops continued the pursuit until their ammunition was nearly exhausted, but Watie and his force escaped by crossing the Arkansas River at Webbers Falls.¹⁰

Saladin doubtlessly provided companionship for Watie during the years of campaigning. Once during the war Watie and Saladin became drunk on wine and argued over who was the strongest. Wrestling to settle the question, Saladin threw his father. Sitting on Watie, Saladin declared, "Hurrah I got the general down." In the absence of the rest of his family, Watie had only Saladin to remind him of his homelife and

⁹ Phillips to Blunt, June 20, 1863, and Colonel Stephen H. Wattles to Phillips, June, 1863, *ibid.*, Part 1, pp. 349-352.

¹⁰ *Ibid.*

the peaceful years preceding the conflict. Nevertheless Watie's wife Sarah, who had taken the rest of the family to Texas in late May, 1863, was very concerned about their eldest son, Saladin. The boy, still in his teens, had been exposed to nothing but killing and destruction while serving with his father. Upon hearing that Saladin had killed a Federal prisoner, Sarah pleaded with Watie to impress on their son "to always show mercy" as he expected "to find God merciful." Her devotion to Watie was unwavering, and she told him that "I can't live and not hear from you. You must write and tell me when it will be safe to come home."¹¹

The Confederacy was not at all pleased with the action of its Indian allies. A large number of the Cherokees had deserted to the North and were enrolled in the Federal army. The Creeks serving with the South were unreliable and often refused to obey commands. Such actions on the part of the Indian troops made it practically impossible for the Confederacy to mount a serious offensive to drive the Federals out of Indian Territory. Watie, of all the Indian officers, was the only one in which the Confederate military structure placed any reliance, and they considered him a commander who was "above the ordinary mark."¹²

Early in July, 1863, a major engagement occurred in Indian Territory, a battle which Watie himself characterized as "one of the severest

¹¹ Charlotte Elizabeth Ghormley Petty Interview, Grant Foreman, ed., "Indian-Pioneer History" (113 vols., unpublished manuscript), Vol. LXXVI, p. 328, Indian Archives Division, Oklahoma Historical Society. Sarah C. Watie to Stand Watie, June 8, 1863, Dale and Litton, eds., Cherokee Cavaliers, pp. 128-129.

¹² Brigadier General William Steele to Lieutenant General E. Kirby-Smith, June 24, 1863, Official Records, Ser. i, Vol. XXII, Part 2, p. 884.

fight fought in this country." On June 24, a Federal supply wagon train had left Baxter Springs, Kansas, to resupply the Union forces operating in Indian Territory. Suspecting a Confederate attempt to seize the train, the Federals provided a strong force, including artillery, as escort. When the Confederates learned of the advance of the Federal wagon train, Brigadier General William Steele dispatched a force of 1,000 mounted men up the west side of the Grand River to intercept the Union force. Watie with 500 men was ordered to Cabin Creek in the northern part of the Cherokee Nation.¹³

At about noon on July 1, 1863, the Union wagon train approached the ford at Cabin Creek. Watie's men were located in force on the opposite side of the stream in a position which allowed them to command the ford. After a short skirmish, Watie's pickets were forced across the creek, and rejoined the main force. Bringing up their artillery, the Federal troops began a "brisk fire of shell and canister" into the Confederate position, and took soundings of the creek to determine if it was fordable. Finding the stream too deep because of recent rains, the Federals encamped until the water receded. Apparently it was Watie's plan to hold the Federals at Cabin Creek until Brigadier General William Cabell could bring his force of approximately 2,000 men and three pieces of artillery from Arkansas, to engage the Federals. However, Cabell was prevented from joining Watie because the Grand River was flooding, and he was unable to cross.¹⁴

¹³ Steele to Brigadier General William C. Cabell, June 25, 1863, *ibid.*, p. 885; Stand Watie to Sarah C. Watie, July 12, 1863, Dale and Litton, eds., Cherokee Cavaliers, p. 131; Phillips to Blunt, July 7, 1863, Official Records, Ser. i, Vol. XXII, Part 1, pp. 378-379.

¹⁴ *Ibid.*; Colonel J. M. Williams to Phillips, July, 1863, *ibid.*, pp. 379-380.

The Northerners were greatly concerned for the safety of the supply wagon train, and it was corralled about two miles to the rear and placed under a strong guard. During the evening of July 1, the Federals made a company size reconnaissance of the area, and deployed their forces during the night. Two howitzers were placed on their left flank, two more in the center, and one on the right flank. The Federals formed a column of attack, deploying smaller forces on their flanks to guard against any surprise flanking movement by Watie. About 8:00 a.m. on July 2, a brisk cannonade lasting about forty minutes was directed against Watie's troops. When it appeared to the Federals that the Southerners had withdrawn, the column was ordered to cross the creek. Watie's men waited until the advance column was nearly on the opposite shore. Then they opened a violent fire of musketry from their concealed position behind logs and among thick brush.¹⁵

With the first volley, the Federal commander was wounded, and the Northerners withdrew in confusion to the opposite bank. Once again the artillery opened fire on Watie's men, this time accompanied by heavy musketry from the infantry. After about twenty minutes of sustained bombardment, the Federals again surged across the creek, and were once again met by heavy fire from Watie's force. However, the Federal infantry, wading up to their armpits in the water, succeeded in reaching the opposite shore, where they formed a line of battle. The Confederates deployed in battle array about 400 yards to their front on the edge of the prairie. The Federals brought their cavalry into action, and ordered a charge in an attempt to break Watie's line. The Southerners broke

¹⁵Ibid., p. 380.

before the Union advance and fled from the field. They were pursued for about five miles by the Northern cavalry, and were dispersed in every direction. However, the protection of the wagon train being their main objective, the Federals broke off pursuit and continued to Fort Gibson.¹⁶

Soon after this engagement at Cabin Creek, a large Federal force under the command of Major General James G. Blunt moved across the Arkansas River, and marched toward Cooper's camp at Elk Creek. On the morning of July 17, 1863, the two forces clashed at Honey Springs in the eastern part of the Creek Nation and the Confederates suffered a devastating defeat in the major engagement of the Civil War in Indian Territory. Watie had been ordered to constitute the right flank of Cooper's force, and his men participated in the battle. However, Watie was not present. He had been sent to Webbers Falls on detached service.¹⁷

After the serious defeats suffered during the summer of 1863, Watie's command withdrew to near Boggy Depot in the Choctaw Nation. Sarah was again visiting at Rusk, Texas, with her sister Nancy, who was suffering from tuberculosis. She had spent nearly the entire summer with her sister before returning to her own refugee home in northern Texas. Watica, Watie's second son, was left in Rusk to help care for his ailing aunt. Watie's family did not suffer as much as did the other Cherokee refugees, but Sarah complained of the miserable water and a shortage of meat. During the summer, Sarah had occupied her time making clothes for Watie for the coming winter. Although Ninnie, Watie's oldest daughter,

¹⁶ Ibid., pp. 380-381.

¹⁷ Cooper to Steele, August 12, 1863, and Lieutenant Thornton B. Heiston General Order No. 25, July 14, 1863, *ibid.*, pp. 457-462; Cooper to James M. Bell, September 24, 1863, Dale and Litton, eds., Cherokee Cavaliers, pp. 140-141.

had been ill during the latter part of the summer, she had recovered, and the remainder of the family seemed in good health and spirits regardless of their difficulties.¹⁸

On August 8, 1863, Watie complained to the Confederate Commissioner of Indian Affairs, Sutton S. Scott, on the treatment of the Indians by the South. Declaring that in many instances the Indian troops were treated "as though it were immaterial whether or not they were paid as promptly and equipped as thoroughly as other soldiers." Watie accused the Confederacy of using money appropriated for the Southern Indians for other purposes. Citing the instance when clothing "procured at great trouble and expense, to cover the nakedness of Indian troops," was distributed to other troops, Watie maintained that such treatment tested "to the utmost their fidelity," but that they had "remained true as steel." Complaining that the Federals had occupied the Cherokee Nation since the previous April, Watie pointed out that they had been allowed to remain there almost unmolested, and the South had made "no vigorous efforts" to dislodge them. As a result, the Northerners had at their leisure strengthened and fortified their position, notably at Fort Gibson, laid waste to the country, driven the women and children from their homes, and kept the unoccupied portions of Indian Territory in a constant state of alarm.¹⁹

Watie could not understand "the soundness of the policy which allows

¹⁸ Sarah C. Watie and Stand Watie, July 28, 1863, Sarah C. Watie to Stand Watie, August 21, 1863, and W. J. Deupree to James M. Bell, *ibid.*, pp. 132-136; Muriel H. Wright, "Old Boggy Depot," Chronicles of Oklahoma, Vol. V, No. 1 (March, 1927), p. 8.

¹⁹ Watie to S. S. Scott, August 8, 1863, Official Records, Ser. i, Vol. XXII, Part 2, p. 1104.

a vastly inferior force of enemy to ravage the land with impunity." He declared that the Federals had penetrated 200 miles from their base of supply and source of reinforcement, while opposed by a Southern command three times as large, a command characterized by a "lack of spirit, inactivity, and apparent cowardice." Watie complained that ten weeks previously he had confided to Brigadier General William Steele, his commander, suggesting that a concentration of Confederate forces "could overwhelm and utterly destroy our foes," but Steele was "not cognizant of the true condition of affairs" and paid no attention to his suggestion. Since then, Watie declared, Steele had received infantry and artillery reinforcements; however, the "same lethargy and procrastination prevail, and our prospects look more gloomy than ever." Watie stated that these actions had produced universal dissatisfaction and despondency, and that the most favorable time for repelling the enemy was passed; he argued, nevertheless, that with a little energy the South might yet retrieve its misfortunes.²⁰

Watie contended that by the middle of the summer of 1863 nearly "every able-bodied man among the Cherokees" was in the military service. The Cherokees' only reward, however, was the robbery of their families, which left them destitute and "only too glad to escape with their lives." The pro-Southern Cherokees were now scattered throughout the Creek and Choctaw nations and Texas. Some arrangement had to be made to provide them with shelter and clothing, Watie maintained. The Cherokees had attempted to provide for their own people, but were hampered by a lack of funds. Watie insisted that the annuities due the Cherokees be paid at

²⁰Ibid.

once; he posed this question: Shall "I continue to encourage them, or shall I at once unveil to them the dread truth that our country is to be hopelessly abandoned, and that they are to receive the reward of poverty and ruin for their unswerving fidelity to the Southern cause."²¹

Watie's apprehensions and complaints were answered by Lieutenant General Edmund Kirby-Smith, the commander of the Trans-Mississippi Department, on September 8. Kirby-Smith acknowledged that the Cherokees had reason for complaint, but that their lack of faith in the South would naturally produce dissatisfaction among the Confederate leaders. Declaring that the Cherokees had the thanks, respect, and esteem of the Confederacy, he encouraged them to remain true in their despondency and "struggle on through the dark gloom which now envelops our affairs." Kirby-Smith reminded Watie of the insurmountable difficulties which surrounded the Confederate government, and asserted that though some agents may have been remiss, the South had never been untrue to its commitments. Declaring that the cause of the Confederacy and the Cherokees was the same, he stated that the conflict was just and holy and they "must stand and struggle on together, till that just and good Providence, who always supports the right, crowns our efforts with success." Kirby-Smith could make no promises, but he assured Watie that he had the interests of the Cherokees at heart, and would "endeavor faithfully and honestly to support you in your efforts and in those of your people to redeem their homes from an oppressor's rule." His ability to send immediate aid was prohibited by the fact that a powerful Federal force was threatening the Trans-Mississippi Department. However, should troops be

²¹Ibid., pp. 1104-1105.

at his disposal, he would drive the Federals from the Cherokee Nation. Declaring that what "might have been done and has not is with the past; it is needless to comment upon it," Kirby-Smith reassured Watie that he realized the importance of the Cherokees to the Southern cause and had the interest of the Cherokees "at heart, and will spare no effort, with the limited means at my disposal, to establish them in their rights."²²

Eventually some effort was made to better the condition of the refugee Cherokees. Confederate officials had been issuing supplies to the refugees since early summer, 1863, but they had no authorization to do so. When the Confederate Cherokee National Council had met, it appointed J. L. Martin to conduct the relief operations, and authorized schools to be established. Perhaps as a result of Watie's protest, the Southern military authorities agreed to issue rations to the destitute Cherokees, with Martin to oversee the distribution. Martin selected a site about ten miles above the mouth of the Blue River, just north of the Red River in the Choctaw Nation, as the location of the refugee camp. Apparently a healthful location, the area offered plentiful water, good timber, and both summer and winter ranges.²³

The first refugees were moved to the camp during September, 1863, and Confederate officers granted furloughs to soldiers whose families were among them so that they could assist their families in the construction of new homes at the camp. At first the Cherokees were allowed only half rations, but Martin believed that their nearness to Texas would

²²Kirby-Smith to Watie, September 8, 1863, *ibid.*, pp. 999-1000.

²³Angie Debo, "Southern Refugees of the Cherokee Nation," Southwestern Historical Quarterly, Vol. XXXV, No. 4 (April, 1932), pp. 257-258.

allow them to secure badly needed supplies from that state. However, the relief effort was desperately short of money. Watie's nephew, Elias C. Boudinot, the Cherokee representative to the Confederate Congress, attempted to secure funds from Commissioner of Indian Affairs Scott and Lieutenant General Kirby-Smith, but they were unable to supply any money "without assuming a responsibility outside of their official characters." However, Boudinot did borrow \$10,000 on his own credit. Since this small amount would not go far, he promised Watie an additional \$40,000 within eight weeks. Upon reaching Richmond, Boudinot introduced a bill in the Confederate Congress appropriating \$100,000 for the relief of the refugee Cherokees. The bill was passed, and President Jefferson Davis signed it on January 22, 1864. Nevertheless, the Cherokees continued to suffer as inflation and the refusal of some people to accept Confederate money reduced the value of the appropriation. The pro-Southern Cherokees suffered for the remainder of the war, regardless of the efforts of Watie or Boudinot.²⁴

On August 9, 1863, Watie contacted the pro-Southern Creeks on a matter of paramount importance to both nations--the prospect of adequate assistance from the South, and the problems of the Indians to maintain their homes and defend their rights. Watie was continuing to take seriously his election as principal chief of the Southern Cherokees in August, 1862. Stating that there was scarcely a Southern family left east or north of the Arkansas River, Watie declared that because of the inefficiency of Confederate subordinate agents, the promised protection

²⁴ Ibid., pp. 258-259; Elias C. Boudinot to Watie, November 4, 1863, Dale and Litton, eds., Cherokee Cavaliers, pp. 143-144.

of the Confederacy "has been a useless and expensive pageant; an object for the success of our enemies and the shame of our friends." Watie believed that the Indians had to rely upon themselves to drive the enemy from the country. United and determined, the Southern Indians had to meet the enemy because, Watie declared, there would otherwise be no change for the better in the actions of the South.²⁵

Driving the Federals from Indian Territory could not be accomplished "without serious losses and many trials and privations," Watie stated. However, if the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles "possess the spirit of our fathers, and are resolved never to be enslaved by an inferior race, and trodden under the feet of an ignorant and insolent foe," the members of the Five Civilized Tribes "never can be conquered by the Kansas jayhawkers, renegade Indians, and runaway negroes." Watie maintained that the only way the North could defeat the Indians was by "the traitors that have deserted us, the negroes they have stolen from us, and a few Kansas jayhawkers." Appealing to the pride of the Creeks, Watie continued, shall "we suffer ourselves to be subjected and enslaved by such a class? Never!" If the Confederacy was either unable or unwilling to protect Indian Territory, Watie was determined to unite the various Indian nations and drive out the Federals.²⁶

Appealing to the Choctaws and Chickasaws in his capacity as principal chief of the Southern Cherokees, Watie denounced the sluggishness of the Confederate military movements in Indian Territory. He contended that a

²⁵ Watie to Governor of the Creek Nation, August 9, 1863, Official Records, Ser. i, Vol. XXII, Part 2, p. 1105.

²⁶ Ibid., pp. 1105-1106.

"proper use of the means in our power would enable us to regain that portion of our territory which has been overrun by our enemies." Accusing the Confederacy of useless waste of Indian strength, Watie condemned the South for not fulfilling its promises for protection and relief. Convinced that the Indians could no longer place any faith in the promises of the Southerners, he believed that the Indians "should cast behind us all expectation of adequate aid" from the Confederate government, and test their whole strength to defend their homes alone. Watie stated that the Indians had suffered much and were destined to suffer more because of the "culpable delay" of the Southern officers. The Indians, he said, were the "victims of incapable and slothful leaders," but they had one consolation in the knowledge that by a "united and unyielding opposition of our Indian forces alone, we can make our fair country an unpleasant, if not an untenable, home for our enemies."²⁷

Watie pointed out that the action of the Seminoles had shown "what folly it is to try to subjugate and destroy a people determined to defend their rights." Praising the bravery of the Choctaw and Chickasaw troops, he urged a proper understanding among the Indians so that "our country may yet be saved, despite the inertness and criminal delays of those who have promised to protect us." Watie reminded the Choctaws and Chickasaws that if "the Cherokee Nation is abandoned to the enemy, the Greek country falls the next victim, and, in speedy turn, your own country will share the same fate."²⁸

²⁷Watie to the Governor of the Choctaw and Chickasaw Nations, *ibid.*, p. 1106.

²⁸*Ibid.*, pp. 1106-1107.

Though Watie had soundly condemned the South for its inability to maintain its promises, he had no intention of giving up the struggle. His men were ill supplied, and one man described them as being in "a deplorable condition looking more like Siberian exiles than Soldiers." However, Watie's men continued to serve him loyally, and they never were "called on to make a Stand against the enemy but they do so cheerfully and with a determination that no one could expect." The Cherokees were good soldiers without the means of resistance, and Watie's men declared that they were "neither discouraged or Whipped and God forbid we shall ever be."²⁹

After the victory at Honey Springs in July, 1863, the Federals had concentrated all their troops at Fort Gibson for the purpose of moving against the remaining Southern forces in Indian Territory. During late August, 1863, the Confederates moved back into the Cherokee Nation in force. Immediately Major General Blunt, with a command of 4,500 men, crossed the Arkansas River to engage the Southerners. On the morning of August 25, the two forces clashed north of Perryville, a supply center for the South in the Choctaw Nation, and the Confederates withdrew. As the Federals approached Perryville at about 8:00 that evening, the main Southern force was in retreat, and the rearguard was soon forced to fall back. The Federals entered Perryville and burned the village, destroying a large amount of Southern supplies. Watie, who was with the initial Confederate advance, was not present at the skirmish. Instead he had been sent on a scouting assignment to Webbers Falls, where it had been

²⁹ James M. Bell to Caroline Bell, September 2, 1863, Dale and Litton, eds., Cherokee Cavaliers, p. 137.

reported the Federals were crossing the Arkansas River.³⁰

The Federals continued their advance southward and by early October they were at Scullyville, in the northern part of the Choctaw Nation. Burning some buildings at Scullyville and Old Fort Coffee, a few miles north of the settlement, the Federals then marched northward to Fort Gibson in the Cherokee Nation. From Fort Gibson the Union troops marched southeast along the north side of the Arkansas River toward Fort Smith. Watie's cavalry force was directed to patrol the route and intercept any couriers or supply wagon trains he encountered. He also was ordered to create as much excitement and confusion as possible in the rear of the Federals in the Cherokee Nation.³¹

On October 29, 1863, Watie led a scout northeastward from his camp near North Fork Town in the Creek Nation to Tahlequah. After killing a few loyal Indians and burning the Cherokee Council House, Watie's men captured several Northern Cherokees, including William Ross, but Watie would not allow them to be killed because of the plea of his wife Sarah. Moving south to Park Hill, he set fire to Rose Cottage, the beautiful home of John Ross, and destroyed the building. This last act was motivated by his intense hatred of Chief Ross, who resided in the East. During the expedition, one of Watie's old family friends, Andrew Nave, was killed when he refused to surrender to the Southerners. Returning to Tahlequah, Watie's men killed two Black Union soldiers along with two

³⁰ Blunt to President Abraham Lincoln, September 24, 1863, Official Records, Ser. i, Vol. LIII, p. 574; Blunt to Schofield, August 27, 1863, and Report of Steele, August 28, 1863, *ibid.*, Vol. XXII, Part 1, pp. 597-598, 600.

³¹ Cooper to Brigadier General Henry E. McCulloch, October 9, 1863, *ibid.*, Part 2, pp. 303-304.

white Federal soldiers, and captured some of Chief Ross's slaves.³²

After the raid, Watie moved southwest and camped near North Fork Town in the Creek Nation. Apparently not in good health, Watie complained that he had "not been as well this fall as I used to be," and was unable to get rid of a severe cough. The hardships of two years of campaigning were beginning to have a telling effect on him, and he promised to return home to Sarah as soon as his unit went into winter quarters.³³

On November 12, 1863, Watie addressed a general assembly of Confederate Indians at Camp Creek in the Cherokee Nation. He declared that during the spring the Indian troops had assembled on the Arkansas River, "with the full expectation of shortly driving the enemy from Indian Territory;" however, their efforts had failed, and since then they had been "gradually losing ground." Watie contended that the reversal was the result of the abandonment of the Indians by their Southern allies, who had fled "at a time when our army was on the point of engaging in battle with the chance of success greatly in our favor." The citizens of Indian Territory had been called together to decide what course of action they would follow, Watie said, and stated that their only salvation was in "yet greater exertions for the preservation of the Indian country."³⁴

Condemning as folly any talk "that the Confederate government has failed to protect us, and that therefore we are released from our treaty

³² Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 64; Stand Watie to Sarah Watie, November 12, 1863, Dale and Litton, eds., Cherokee Cavaliers, pp. 144-145.

³³ Ibid., p. 145.

³⁴ Address of Stand Watie to Grand Council Assembled, November 12, 1863, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

obligations, and can lay down our arms if we choose," Watie exhorted the Indians to "put forth united action," for the "individual energy of purpose and disinterested fidelity for the public good." Watie declared that by abandoning the contest the Indians would be inviting the Federals to come and take possession of their country. In such a case the Indians would "reap their protection, and the scorn and contempt of all men loyal to our cause." Merely resorting to guerrilla warfare, Watie contended, would not allow the Indians to act in "concert against an invading enemy." He did not doubt the faith of the Confederacy, for the abandonment of Indian Territory would be "the abandonment of so much of the Confederate States soil," and he assured them that aid would be forthcoming. Even if the promised aid should not arrive, Watie proposed, the Indians should carry on the war alone, and he expressed full confidence in their success. Declaring that the Indians had everything at stake, Watie asked what history would say: "Will it be a history which will cause your children to be ashamed, or will it be one which will cause their eyes to lighten with joyous pride?" Watie implored the Indians to unite against the Union to save their lands and homes.³⁵

Also in November, 1863, Lieutenant General Kirby-Smith, the Confederate Trans-Mississippi commander, considered reorganizing Brigadier General Steele's Indian troops into two brigades. One would be commanded by Watie and the other by Cooper. However, Steele objected because Watie's men were scattered "over the country in every direction." On November 18, 1863, Watie's command was reinforced by the addition of two Creek regiments and the Chickasaw Battalion. A few days later Watie was

³⁵ Ibid.

reported in Arkansas at Van Buren and Fort Smith along with Cooper, Major General Thomas C. Hindman, and Brigadier General John S. Marmaduke; the combined force numbered about 15,000 effective men.³⁶

Soon the Federals were fearful that Watie would attempt a raid into Kansas. On November 28, 1863, he was reported at the North Fork of the Canadian River with 3,000 men and planning to raid Kansas with a force numbering from 500 to 1,000 troops. The Northerners thought that Watie would move up the Neosho Valley to a point near the Catholic Mission about twenty-five miles south of Humboldt, Kansas, and continue northward to Emporia, Kansas. Then he would turn southwestward, the reasoning continued, and return to the Cherokee Nation. Though the raid did not occur, citizens of Kansas were fearful that such an attack would be made, and the border area was in a state of alarm.³⁷

On December 16, 1863, Watie, together with Colonel William P. Adair and Confederate guerrilla William C. Quantrill, attempted to attack Fort Gibson, but were forced to withdraw when the Federals moved out of the post to meet them. The next day Watie rode into Park Hill, plundered but did not destroy the home of George M. Murrell, and burned the slave cabins at Chief Ross's home, earlier left untouched when he burned Rose Cottage itself. Watie then moved to the Illinois River, in the Cherokee

³⁶ Assistant Adjutant General S. S. Anderson to Steele, November 2, 1863, Steele to Anderson, November 9, 1863, and Steele to Anderson, November 27, 1863, Official Records, Ser. i, Vol. XXII, Part 2, pp. 1055-1056, 1065, 1078; Blunt to Schofield, November 24, 1865, *ibid.*, Part 1, p. 790.

³⁷ Jonathan C. Burnett to Colonel Thomas Ewing, Jr., November 28, 1863, *ibid.*, Part 2, pp. 722-723.

Nation, to camp for the night.³⁸

The following morning, on December 18, Watie's men were engaged by a force of the Federal Third Indian Home Guard under the command of Captain Alexander C. Spilman. Before the exact location of the Confederates was determined, preliminary skirmishing occurred between two small parties of Southerners and Spilman's command. Watie's force was formed in a heavily timbered ravine, and was dismounted. The Federals brought up a howitzer, but before it could be positioned, the Southerners opened fire. The Northerners replied with small arms fire, and as soon as the howitzer was brought into action, Watie's men broke and fled. They retreated in confusion up the ravine before they regrouped about a quarter of a mile beyond the crest of the hill. The Northerners advanced and again the Confederates withdrew before the Federal attack and Spilman moved his men to higher ground where several log buildings would offer more protection. No sooner were the Federals in their new position than Watie attacked, but the Confederates were driven off a third time by artillery fire.³⁹

The Southerners withdrew to an adjoining hill and took cover behind rocks and trees. The long range firing lasted for about two hours; then the Federals faked a withdrawal. Watie's men came out from their cover, and advanced toward the Northerners, who were apparently withdrawing. Rallying his men, Spilman quickly brought the howitzer into action, returning the Confederate fire. The Southerners held their ground

³⁸ Demonstration on Fort Gibson. Indian Territory, December 16, 1863, and Captain Alexander C. Spilman to Phillips, December 23, 1863, *ibid.*, Part 1, pp. 779, 781.

³⁹ Spilman to Phillips, December 23, 1863, *ibid.*, pp. 781-782.

momentarily before turning and fleeing. Spilman's troops pursued the Confederates for nearly a mile before breaking off the engagement, with Watie's men in complete route.⁴⁰

Two days later, on December 20, Watie fought another brief skirmish, this time at Cane Hill, Arkansas. Watie had attacked a Federal force commanded by Major John Foreman, but was driven off. Foreman continued to watch Watie's movements, but the Federals were not able to force the Southerners to engage in another skirmish. Three days later, Watie passed through Cincinnati, Arkansas, with about 300 men. It was reported that Watie's men were to concentrate at Stand Watie's Mill in the Cherokee Nation, west of Maysville, Arkansas, and then destroy Union property in the area. As Watie returned south through Maysville, he left behind several men to aid pro-Southern Indians in seeking safety further to the south.⁴¹

The year 1863 was nearly over, and the South had suffered serious reversals. In the latter part of the year, Watie and a portion of his troops conducted several destitute Southern Cherokee families to refugee camps in northern Texas. Watie was also concerned over his family; Sarah had not been in good spirits since his last visit, and Charlotte, his youngest daughter, had a severe cough. Having lost one son while his family was exiled in Texas, Watie could not help but be concerned for the health of the other members of his family. Although Ninnie had

⁴⁰ Ibid., p. 782.

⁴¹ Colonel M. La Rue Harrison to Brigadier General James Totten, December 21, 1863, Brigadier General John B. Sanborn to Totten, December 25, 1863, and Sanborn to Totten; December 25, 1863, *ibid.*, pp. 746, 751-752.

recovered from illness, his wife and children were suffering from a lack of meat and a shortage of clothing.⁴²

Watie had good reason for pessimism as 1863 ended: the Federals were still in firm control of the Cherokee Nation regardless of his efforts; organized military resistance on the part of the Confederacy was coming to an end; in its place Watie was relying more and more on the hit and run attacks of guerrilla warfare; as a result of Federal control of the Mississippi River, Indian Territory was separated from the remainder of the Confederacy and thus it became increasingly difficult for Watie to procure adequate provisions and arms for his men. Even Watie's personal health was beginning to show indications of weakening from the rigors of campaigning. But if 1863 had been a year of decision for Watie the following year was to provide moments of greatness, for he would soon achieve fame as one of the most successful Confederate experts on guerrilla warfare.

⁴²Debo, "Southern Refugees of the Cherokee Nation," Southwestern Historical Quarterly, Vol. XXXV, p. 259; Sarah Watie to Stand Watie, December 12, 1863, Dale and Litton, eds., Cherokee Cavaliers, p. 146.

CHAPTER IX

GUERRILLA WARFARE

By 1864 it was apparent to Watie that the Confederate Indians would bear the brunt of the fighting if Indian Territory was ever to be cleared of Federal invaders. The Federal Indians, who had been driven from their homes early in the war, returned in force under the protection of Federal troops, and as they did so, they ruthlessly drove the pro-Southern families to seek safety in the refugee camps in southern Indian Territory and northern Texas. Watie's men were nearly destitute because of inadequate supplies, and they had named their winter quarters for 1863-1864 Camp Starvation.¹

However, Watie did not remain inactive, but with increased daring and boldness, he conducted sorties into Federal occupied portions of Indian Territory. The Confederacy was also making an attempt to shake off its inactivity and renew offensive operations in Indian Territory. Early in January, 1864, Cooper, who was then a brigadier general, suggested that by reorganizing the Indian troops into three brigades, they could be utilized more effectively, and their full fighting strength realized. Cooper wanted one brigade composed of Cherokees and whites and any other troops which might be raised; this brigade of Creeks and Seminoles would be commanded by Colonel Daniel N. McIntosh; the third

¹Dale and Litton, eds., Cherokee Cavaliers, p. 148.

brigade, led by Colonel Tandy Walker, would be composed of Choctaws and Chickasaws. Boudinot, as the Cherokee Delegate to the Confederate House of Representatives, endorsed the plan and suggested that Watie be appointed a brigadier general.²

In an attempt to isolate and harass the Federals holding Fort Smith and Fort Gibson, Brigadier General Samuel B. Maxey, who had replaced Brigadier General William Steele as commander of Southern forces in Indian Territory, ordered various Confederate units to assume portions along routes over which the Federals might move. Watie's force, ordered to make its headquarters at Carriage Point in the Choctaw Nation, was to protect the Emigrant Road between Fort Gibson and Preston, Texas, and the Overland Road, which ran between Fort Smith and Preston. This was the limit, however, of offensive operations which the Southern leaders seemed willing to initiate at the time. To Watie this was not enough; he wanted to lead 1,000 men on a daring raid into southwest Kansas.³

In the meantime, a council of all Confederate Indians was called to meet at Armstrong Academy near Fort Washita in the Choctaw Nation on February 1, 1864. Watie, as principal chief of the Cherokees, appointed Captain John Spears as one of the official Cherokee delegates to attend the council. The purpose of the meeting was the establishment of peace and friendship between the tribes and the renewal of pledges to support the Southern cause. The Indians also were to formulate plans for a raid

² Brigadier General Douglas H. Cooper to Captain T. M. Scott, January, 1864, Official Records, Ser. i, Vol. XXXIV, Part 2, p. 859; Boudinot to President Jefferson Davis, January 4, 1864, *ibid.*, Vol. LIII, p. 921.

³ Brigadier General S. B. Maxey to E. Kirby-Smith, January 15, 1864, and Colonel W. P. Adair to Maxey, February 5, 1864, *ibid.*, Vol. XXXIV, Part 2, pp. 875, 945.

into southern Kansas by moving up the Neosho River and attacking Humboldt, Kansas. This maneuver, they hoped, would create a diversion which would aid the Confederate forces south of the Arkansas River.⁴

Maxey addressed the council and saluted the Indians as friends and brothers in a common struggle. He reassured them that he would do everything within his power "for the happiness and welfare of your people, and to protect and restore them to their homes." Maxey declared that they should not retreat another step; they should advance and make the enemy withdraw: "Let us advance, and let 'advance' be our watchword all along the line; we can do it; we must do it." Promising more Southern white troops to help the Indians, Maxey stated that his purpose would be to drive the Federals along with their Indian allies, from the northern part of Indian Territory. He appealed to all those not involved in military operations to return to their homes and raise crops, which were desperately needed. Asking for the full cooperation of the Indians, Maxey stated that he would waste no time in placing his forces in operation, and expressed hope of winning the war during 1864. In spite of its intent, Maxey's plea had very little effect in arousing aggressive spirit among the Indians.⁵

Watie's command was concentrated at Boggy Depot with other Southern troops, and supplies were in desperate need. However, the food that Watie had attempted to acquire for his men was being confiscated by other Confederate officers. Quantrill, who had become an outlaw in the eyes

⁴Watie to Captain John Spears, January 29, 1864, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Britton, The Union Indian Brigade in the Civil War, p. 342.

⁵Ibid., pp. 342-344.

of both Confederate and Union officials, was ordered arrested by Brigadier General Henry E. McCulloch. Maxey agreed to allow Southern troops to assist in his arrest, and Watie's command was given the task.⁶

Apparently the South momentarily considered abandoning all of Indian Territory to the Federals. Maxey cautioned that such a move would likely cause the pro-Southern Indians to abandon the Confederate cause and join the North. Watie moved his men to Preston, Texas, and the Confederacy was still unwilling to mount a serious offensive. The Federals, though, attempted to take advantage of the plight of the South, and during February, 1864, they launched a campaign designed to crush Confederate power in southern Indian Territory. Phillips led about 1,000 men deep into the Choctaw Nation, penetrating to a point near the Red River. Adopting a scorched earth policy, the Northerners advanced more than 160 miles south of Fort Gibson, cutting a wide swath of pillage and destruction which destroyed everything in their path which was of use to the Southerners. Phillips also distributed copies of Lincoln's Amnesty Proclamation, printed in the Indian languages, during the march, and at the termination of the campaign, the Federals were convinced that the power of the Confederacy was broken.⁷

In February, 1864, President Davis attempted to bolster the sagging

⁶C. B. Johnson to Watie, January 27, 1864, "Letters To and From Stand Watie," Vol. II, Cherokee Room, John Vaughan Library, Northeastern State College; First Lieutenant R. T. Thompson to Acting Assistant Adjutant General William Gallaher, February 5, 1864, and Henry E. McCulloch to Kirby-Smith, February 5, 1864, Official Records, Ser. i, Vol. XXXIV, Part 2, pp. 249, 945.

⁷Maxey to Anderson, February 7, 1864, and Maxey to Kirby-Smith, February 8, 1864, *ibid.*, Vol. LIII, pp. 964, 272; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 69.

hopes of the Southern Indians. He reassured Watie and the other Southern Indians that their ideals were the same as those of the Confederacy, and he expressed concern over the allegations that the Confederacy was not fulfilling its promises to the Indians. Declaring that the complaints of the Indians would receive his "earnest consideration," he promised that the officials responsible for neglecting the Indians would be reprimanded and that the South would hold them "to rigid responsibility" for their actions. He stated that all "treaty stipulations between us shall be sacredly observed and carried into effect to the full extent of my power as President of the Confederate States."⁸

President Davis also separated Indian Territory from other Confederate commands. This move was in accordance with the wishes of the Indians, and it was hoped that such action would alleviate many of their complaints. The Confederacy promised additional men to protect Indian Territory, but it urged the Indians to raise more troops so that an entire division could be created and a major general given command of the area. Expressing his best wishes for the "health and happiness of yourselves and to the people of the Six Nations," Davis pledged that the soldiers and citizens of Indian Territory would receive the "same tender care and solicitude as are the soldiers and people of all the Confederate States."⁹

In compliance with Davis's promises, Maxey immediately placed Cooper in overall command of the troops, and impressed on the Indians their importance to the Confederacy. After discussions with Boudinot in

⁸ Davis to Watie and others, February 22, 1864, Official Records, Ser. i, Vol. XXXIV, Part 3, pp. 824-825.

⁹ Ibid., p. 825.

Richmond, Confederate Secretary of War James A. Seddon suggested to Davis that once additional Indian troops were raised, Watie should be appointed a brigadier general and Cooper a major general. Maxey, though, who appreciated the ability of Watie to conduct guerrilla operations, urged that Watie's command be separated from the army and allowed to operate in the rear of the Federals.¹⁰

On March 20, 1864, Watie reported on Federal activity around Fort Smith. A scout of three men penetrated the Union defenses and reported that the Northerners' horses and other domestic animals were in poor condition, and foraging parties were sent out as far as Pleasant Bluff. Watie informed Confederate leaders that the Union strength at Fort Smith was about 3,000 men, with some encamped along the Poteau River. A Federal supply wagon train from Fort Scott was expected at any moment, he determined, and fortifications were being constructed on Massard Prairie southeast of the town of Fort Smith.¹¹

Watie's troops continued to be plagued by a shortage of supplies and arms, largely because other Confederate officers seized material destined for them. His men were armed with a mixture of old Enfield, Mississippi, and Texas rifles, together with double-barreled guns and sporting rifles. The best weapons Watie's men had were those they had captured from the Federals. If his troops had been properly armed, one inspecting officer reported, they would have been an extremely effective

¹⁰ Maxey Circular, June 1, 1864, *ibid.*, Part 4, pp. 639-641; Maxey to Kirby-Smith, March 16, 1864, *ibid.*, Part 2, p. 1050; J. A. Seddon to Davis, February 22, 1864, *ibid.*, Vol. LIII, p. 968.

¹¹ Watie to Captain T. B. Heiston, March 20, 1864, *ibid.*, Vol. XXXIV, Part 2, pp. 1071-1072.

offensive force.¹²

Late in March, 1864, Cooper consulted with Watie to "ascertain what force can be equipped for a raid in the direction of Gibson and rear of Van Buren." Such a move would undoubtedly have been of benefit to the Confederate forces in Arkansas, but Cooper pointed out that it would leave the routes between Fort Smith and Texas unguarded. Watie was nevertheless ordered to concentrate his forces at Boggy Depot in preparation for an attack on Fort Smith. Soon Watie was commanded to work his way toward Fort Gibson and Fort Smith.¹³

In the meantime, Colonel William P. Adair, in command of some of Watie's scouts, crossed the Arkansas River south of Fort Gibson and conducted a raid through the Cherokee Nation. Adair penetrated as far north as Maysville and Cowskin Prairie, creating great excitement among the Northern Indians and the citizens of southern Kansas, southwest Missouri, and northern Arkansas. Adair also attempted to contact Quantrill and "come to some agreement with him," but Adair was unable to overtake the outlaw. Adair advised Watie of the presence of several pro-Southern Indians who wanted to flee south.¹⁴

Withdrawing from the Cherokee Nation, Watie moved his men to the Middle Boggy River in the Choctaw Nation and encamped. He did not approve of the actions of Quantrill and was opposed to his ruthless tactics. Watie declared that he had "always been opposed to killing women

¹² Captain J. J. Du Bose to Maxey, February 25, 1864, *ibid.*, p. 998.

¹³ Cooper to Captain T. M. Scott, *ibid.*, p. 1073; Maxey to Brigadier General W. R. Boggs, April 7, 1864, and Maxey to Boggs, April 14, 1864, *ibid.*, Part 3, pp. 746, 765.

¹⁴ Colonel W. P. Adair to Watie, April 17, 1864, *ibid.*, pp. 776-777, Britton, The Union Indian Brigade in the Civil War, p. 395.

and children although our enemies have done it," and that he would continue to protest against such actions. Stating that he was sorry that he would be accused of unnecessary killings, Watie considered that it was his doom: "my conduct is always considered wrong no charity was ever shown me yet I have lived through it." However, Watie expressed the hope as he introspectively viewed himself still further "that justice and right will be meted out to me some day," and he added, "although these things have been heaped upon me and would be supposed that I became hardened and would be reckless but it still hurts my feelings." "I am not a murderer," he declared. Examining himself thoroughly, Watie believed that he would "always come to the conclusion that I am not such a bad man at least as I am looked upon." "God will give me justice if I am to be punished for the opinions of other people," he conjectured, "who do not know my heart I can[']t help it." Watie contended that his greatest crime in the world was blunder, and that if "I commit an error I do it without bad intention." Calling on God to judge him, he stated that "he knows that I love my friends, and above all other things my wife and children, the opinion of the world to contrary notwithstanding."¹⁵

On April 29, 1864, Chat B. Mitchell and R. W. Johnson, both members of the Confederate Senate, urged that President Davis appoint Watie a brigadier general. Praising Watie's accomplishments as a military leader, they argued that "nothing could be more encouraging to our faithful Indian allies." On May 6, Secretary of War Seddon recommended Watie's promotion to Davis, and on the same day Davis sent his nomination to the

¹⁵ Stand Watie to Sarah C. Watie, April 24, 1864, Dale and Litton, eds., Cherokee Cavaliers, pp. 155-157.

Confederate Senate for confirmation. However, because of the adjournment of the Confederate Congress, Watie's new rank was not confirmed until May 10, but his date of rank was May 6. Thus, Watie became the only Indian to achieve a general's rank during the Civil War, and it gave him the command of the First Indian Brigade.¹⁶

Watie's ability as a guerrilla fighter was highly respected by Federal authorities, and fear of his lightning raids caused much concern for Northern citizens in Arkansas, Kansas, and Missouri. Dividing his command into numerous groups, he continued to harass the Federals throughout the spring of 1864. On May 1 he was reported on the Grand River near Gilstrap's Ferry preparing to attack a supply wagon train on its way from Fort Scott. On the next day he was reported to be west of Bentonville, Arkansas, with 325 men. A portion of his command skirmished with a force of Missouri State Militia on May 6. Apparently he was on a reconnaissance mission, and wanted to visit some old friends who were still in the area. Doubtless Federal authorities were relieved when he ordered his men to withdraw across the Grand River and move south.¹⁷

During the spring of 1864, Watie's family remained in safety in north Texas. Sarah was not at all happy with the unfamiliar surroundings, and she had been ill much of the season. Stating that she was not

¹⁶ Chat B. Mitchell and R. W. Johnson to Davis, Stand Watie Service Record, Adjutant General's Office, National Archives; "Journal of the Congress of the Confederate States of America," United States Senate, 58th Congress, 2nd Session, Senate Document 234, Vol. IV, p. 26; Boudinot to Watie, May 7, 1864, Dale and Litton, eds., Cherokee Cavaliers, p. 57; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 70.

¹⁷ Major Milton Burch to Sanborn, May 1, 1864, Harrison to Sanborn, May 2, 1864, Sanborn to Major O. D. Green, May 7, 1864, Sanborn to Colonel William R. Judson, Official Records, Ser. i, Vol. XXXIV, Part 3, pp. 382, 403, 502, 499.

well enough "to do any thing in the way of making a living," she hoped that she would be able "to save my self alive for my children." Saladin who had served throughout the war with his father had also been sick during the spring, but was now recovered and Watie declared "ready as he says for a fight." Showing concern for his wife's illness, Watie expressed hope that the war would end in 1864.¹⁸

In late May, Watie led a force to Scullyville in the Choctaw Nation, but the Federal Indians had abandoned the town a few days previously. However, they had constructed fortifications in the area and prepared emplacements for two pieces of artillery. Watie's troops not only destroyed as many of the fortifications as possible, but burned all the houses in which port holes had been cut. He indicated that it would not be long before a major offensive would be undertaken north of the Arkansas River.¹⁹

During the early summer of 1864, Sarah continued to be in poor health and depressed. She wished that Watie would leave the service and return to his family. Tired of all the confusion among the Cherokees, she declared that she had no desire to live except for her two daughters, Ninnie and Charlotte, and wished that she could "live a short time in peace just to see how it would be." Continuing, Sarah stated, "I would like to feel free once in life again and feel no dread of war or any other trouble." Hoping to move someplace where the children could attend school, she indicated that the children were too young to be sent away

¹⁸ Sarah C. Watie to Stand Watie, May 27, 1864, and Stand Watie to Sarah Watie, June 1, 1864, Dale and Litton, eds., Cherokee Cavaliers, pp. 163-165.

¹⁹ Ibid.

to school. Complaining that Confederate money was practically worthless, she contended that it was all she could do to keep the children in clothes.²⁰

On June 10, 1864, Watie received word that the Arkansas River was rising rapidly, and would be used to resupply Fort Gibson, so he took to the field with a force which included three pieces of artillery. At the same time, the Federal steam ferryboat J. R. Williams left Fort Smith bound for Fort Gibson with a cargo of commissary and quartermaster supplies, and some sutler goods. Watie knew that a rise in the river would allow the boat to cross the falls of the stream at Webbers Falls. Watie planned to ambush the boat at Pleasant Bluff about five miles below the mouth of the Canadian River.²¹

The J. R. Williams had an escort of only twenty-six men, and no Federal cavalry force was sent ahead to reconnoiter. Nevertheless, as the boat steamed upriver, the Federal escort was on the alert for a possible ambush. At Pleasant Bluff the boat would be forced to pass near the southern bank, and it was there that Watie placed his artillery. They were hidden behind clusters of bushes on a bluff overlooking the river, about 100 yards apart. On June 15, when the J. R. Williams steamed past the bluff and was opposite the center cannon, the Confederates opened fire with both artillery and muskets. Several artillery hits were scored on the boat, and the Federals were taken completely by surprise.²²

²⁰Sarah C. Watie to Stand Watie, June 12, 1864, *ibid.*, pp. 172-173.

²¹Brigadier General Stand Watie to Cooper, June 27, 1864, Official Records, Ser. i, Vol. XXXIV, Part 1, p. 1013; Britton, The Union Indian Brigade in the Civil War, p. 401.

²²*Ibid.*, pp. 401-403.

The first cannon shot struck the boat above the water line and did little damage, and the Federal escort sought shelter behind the barrels and boxes on deck and returned the fire. After Watie's artillery found the range, practically every one of their shots struck the J. R. Williams so that the boat was unmanageable. One shot hit the smoke stack, another the pilot house, and a third struck the boiler or some steam pipes. The third shot--with a deafening sound--released a large volume of steam which so covered the boat that the Northerners could see nothing, and the boat drifted helplessly.²³

The Federals were unable to maintain their fire in the confusion, and the engineer reported that the vessel was disabled. The pilot could not control the boat, and ran it aground on a sand bar on the north side of the river opposite the Confederates. Finding that the J. R. Williams could neither move up nor down the river, the Federal escort fled the stranded vessel, and assumed a defensive position on the sand bar. At the same time, the crew of the boat deserted to the Confederates, much to the horror of the Northern troops. With no prospect of protecting the vessel and with only twenty men not killed or wounded, the Federal escort withdrew toward Fort Smith, leaving the boat to the Confederates.²⁴

Elated with their victory, Watie's men swarmed over the boat, looting its precious cargo. On board the Southerners found 150 barrels of flour, 16,000 pounds of bacon, and a large quantity of store goods. The destitute Indians rushed to gather anything which might be of use to them

²³ Ibid., pp. 403-404; Watie to Cooper, June 27, 1864, Official Records, Ser. i, Vol. XXXIV, Part 1, p. 1013.

²⁴ Ibid.; Britton, The Union Indian Brigade in the Civil War, pp. 404-405.

or their families, and in a melee Watie lost complete control of his men. His Creek and Seminole troops gathered what goods they could carry and immediately started for home with their booty. As a result, Watie had only a few men left with which to take advantage of his victory.²⁵

Nevertheless, Watie began to carry what he could to his position on the bluffs. Cooper wanted to send aid, but had few transport wagons available. Nevertheless, he did dispatch the Chickasaw Regiment to reinforce Watie. Cooper also sent a cavalry detachment to intercept any Union force moving up from Fort Smith, and two experienced riverboat men to attempt to refloat the vessel. Cooper declared the boat would be destroyed only upon the most urgent necessity.²⁶

During the night the river continued to rise and washed off several barrels of flour which had been carried from the vessel and placed on the shore of the river. The roads were in wretched condition, and Watie indicated that unless he could get wagons, he would be compelled to leave the captured supplies behind. The Federal escort of the J. R. Williams reached Fort Smith on June 16 and informed Union authorities of Watie's attack. Immediately the Federals sent 700 men and a section of artillery led by Colonel S. J. Crawford to retake the boat. Learning of the approach of the strong Federal force, Watie set fire to the remaining stores. Because most of his men had left the scene with their plunder, Watie could not defend the captured supplies, and he withdrew about twelve miles to the southwest, where he met the Chickasaws who had been sent as reinforcements. Watie left 150 men at an iron bridge on San

²⁵Watie to Cooper, June 17, 1864, Official Records, Ser. i, Vol. XXXIV, Part 1, p. 1012.

²⁶Ibid.; Report of Cooper, ibid., pp. 1011-1012.

Bois Creek in the Choctaw Nation to fight a delaying action against the Northerners while the remainder of the Confederates escaped.²⁷

When Colonel Crawford arrived on the scene, he discovered that the Confederates had withdrawn. Taking up the pursuit, the Federals encountered the small group of Southerners at San Bois Creek. Not knowing the strength of the Confederates, Crawford formed his men into a line and began shelling the Confederate position. After a short engagement, the Confederates withdrew, but the Federals declined to pursue Watie any further, as their force was infantry and Watie's men were mounted, and Crawford reasoned that his chances of overtaking Watie were hopeless.²⁸

Watie encamped on Limestone Prairie, in the Cherokee Nation, where he called for a meeting of the various Cherokee military commands to convene on June 27, 1864. When the gathering was called to order, Watie was unanimously elected president and the object of the meeting was explained to the assembled Cherokees. Watie wanted the troop units to consider the prospect of reenlisting in the Confederate Army for the duration of the war, and it was resolved that Watie appoint a committee of five to draft such a resolution and present it to the meeting at 6:00 p.m. That evening the Cherokees held a dress parade, and the resolution was presented to the assembled men. It stated: "Whereas the final issue of the present struggle between the North and South involves the destiny of the Indian Territory alike with that of the Confederate States: Therefore, Resolved, that we, the Cherokee Troops, C. S. Army,

²⁷ Watie to Cooper, June 17, 1864, and Watie to Cooper, June 27, 1864, *ibid.*, pp. 1012-1013; Britton, The Union Indian Brigade in the Civil War, p. 405.

²⁸ *Ibid.*, p. 407.

do unanimously re-enlist as soldiers for the war, be it long or short." The proposal was adopted unanimously by the Cherokees.²⁹

Brigadier General Maxey praised the action of Watie's men. In calling the attention of the citizens of Indian Territory to the resolution, he declared, "'Watie and his men' have been from the very beginning as true as the needle to the north star." Stating that because of their valor, they had made their names widely known, Maxey described their resolution as adding "fresh luster to their renown," and he called on the other Southern Indians to follow their example.³⁰

As the summer of 1864 continued, Sarah, tired of all the talk and dissatisfaction, indicated again to Watie she hoped that he would resign from the military service and return home. Still ill and dissatisfied with living among the refugees, she declared, "I can find more friends among strangers right now than I can among my owne [sic] people." Sarah restated her wish that she "could have peace once more but I fear that is not for me to see in my day." Elias C. Boudinot returned from the Confederate House of Representatives in Richmond during this period and brought with him an official copy of Watie's commission as a brigadier general.³¹

Early in June, 1864, the Southern Cherokee National Council convened at Camp Brasiel in the Confederate occupied area of Indian Territory and filled the various offices of the Southern Cherokee government.

²⁹ Resolution of the Cherokee Council, June 27, 1864, Official Records, Ser. i, Vol. XLI, Part 2, p. 1013.

³⁰ Statement of Maxey, June 28, 1864, *ibid.*, pp. 1012-1013.

³¹ Sarah C. Watie to Stand Watie, July 2, 1864, and Elias C. Boudinot to Watie, July 13, 1864, Dale and Litton, eds., Cherokee Cavaliers, pp. 178-179, 181.

Watie as principal chief was notified of the appointments, and on July 11, 1864, he addressed the assembly. Reviewing the military situation since the beginning of the conflict, Watie declared that the "campaign upon the whole, however, proved disastrous to the common cause." Alluding to the poverty of the refugee Cherokees, he described the various steps undertaken by the Confederacy to relieve their suffering, and was gratified that their condition had improved. Explaining the confusion among the Cherokees, Watie recommended to the National Council that it would not be able to "exercise the requisite deliberation, except upon the most material subjects of legislative action affecting the immediate welfare of your constituents." Watie appointed Tusy Guess, John Chambers, and William Arnold to attend a general meeting of Indians to be held at Choteau's Trading House in the Seminole Nation on July 20, 1864. He also offered optimism that the military outlook for the Confederacy was appearing brighter: "with the blessing of Providence upon the valor of our troops, our people may ere long return to their country and homes in peace." Characterizing the Federals as failing to "show a bold and progressive front," and praising the Southern leaders as having no equal on this earth, Watie declared, "we may securely expect a final triumph; and to this glorious result it is our privilege to conduce by a faithful and determined discharge of duty here in council and in the field."³²

Guided by Watie, the Southern Cherokee National Council passed a series of laws and resolutions needed for the conduct of the war and the

³²Address of Watie to the Cherokee National Council, July 11, 1864, Official Records, Ser. i, Vol. XLI, Part 2, pp. 1046-1048; B. W. Alberty to Watie, July 11, 1864, Indian Archives Division, Oklahoma Historical Society.

general welfare of the Cherokee people. On July 11, Watie signed a law stating that "all male citizens of the Cherokee Nation, not laboring under permanent physical disability between the ages of seventeen and forty-five years are hereby considered to be in the military service of the Confederate States and subject to serve in the Army of the Indian Territory" for the duration of the war. Any person failing to report to the commanding general of the First Indian Brigade for service by August 1, 1864, would be "liable to arrest and impressment into the service." Anyone claiming exemption because of a physical disability had to "be generally known as thus disabled, or obtain a certificate from at least two Surgeons or Ast. Surgeons serving in the Army of Indian Territory." The act was amended, raising the age limit from forty-five to fifty, and was ordered into effect by Watie.³³

On July 19, 1864, Watie signed a resolution expressing dissatisfaction with the actions of J. L. Martin as distributing agent of the Cherokee relief program. Martin was removed from his office, and Maxey was requested to approve the action and appoint a replacement. With Martin forbidden from carrying on any trade or speculation for profit in the Cherokee Nation, a committee of five was appointed to make a full settlement with him on all matters connected with his duties. All monies paid to Martin were to be turned over to the Southern Cherokee National Treasury, and a full report was to be submitted to Watie.³⁴

With reference to public schools, the meeting passed a law on July 20, approved by Watie, establishing five additional schools wherever

³³ An Act to Increase the Military Force in Indian Territory, July 11, 1864, *ibid.*

³⁴ Act of the Cherokee National Council, July 19, 1864, *ibid.*

twenty-five Cherokee children could be gathered. The teachers were to be paid \$100 per month, and the Superintendent of Public Schools was to hire the new teachers, with preference given to Cherokees. At the close of each five-month term, a report on the condition of the schools and the number of students was to be presented to the principal chief. The salary of the teachers and the expenses of school books were to be paid out of the general school fund of the Cherokees.³⁵

Because of the Cherokee treaty with the Confederacy, Watie and the second principal chief were authorized by a resolution on July 20 to appoint a Board of Commissioners to satisfy claims of Cherokees for property lost because of the Federal invasion of Indian Territory. Two days later Watie signed a law providing payment to J. B. Aiken for his duties as Acting Assistant Commissary for Confederate refugee Cherokees. Watie next approved of a law which attempted to end the legal confusion among the Cherokees resulting from the war. Any judge of the Cherokee Nation was authorized to handle cases without reference to any circuit or district. Attachments were provided for, and sheriffs of the Cherokee Nation were empowered to enforce the attachment law.³⁶

On July 23, 1864, Watie vetoed an "Act in Relation to Election of Commissioner for Feeding Indigent Cherokees." It called for the election of an official to handle the feeding of refugee Cherokees. Watie rejected it because he believed that the National Council was "not permitted by the principles of the Constitution to interfere with, amend,

³⁵ An Act in Relation to Public Schools, July 20, 1864, *ibid.*

³⁶ An Act for the Purpose Therein Named, July 20, 1864, Act of the Cherokee National Council, July 22, 1864, An Act Amending the Attachment Law, July 23, 1864, *ibid.*

alter, or repeal any portion of the Constitution which Constitutions included all ordinances passed by the people in General Convention for the purpose of organizing and starting the Govt." Another law was passed excusing the Caddoes and Seminoles from paying the Cherokee share of the expenses of the delegates of Indian Territory sent to Richmond. As the Cherokees had not paid any portion of the expenses at the time for the delegates, \$750 was appropriated to reimburse the Creeks, who had paid the full cost of the delegates.³⁷

A measure appropriating \$40,000 for the feeding of indigent Cherokees was signed by Watie on July 23. The money was assigned to the Commissioner for Feeding Indigent Cherokees and was to be used at his discretion in case of emergency to secure the comfort and supply the wants of the refugees. The commissioner, however, was required to maintain an accurate account of all expenditures, and make quarterly reports to the Southern Cherokee National Treasurer. Thus Watie continued to serve the Southern Cherokee Nation as both a civil and military leader during the war.³⁸

During the Southern Cherokee National Council meeting, Watie had sent S. G. McLendon and J. L. Martin to bring across the Mississippi River from the South medicines, cotton cards, and other supplies needed by the refugee Cherokees. Previously Reverend E. L. Compere and Thomas F. Anderson were sent east of the Mississippi River to secure the needed items. It was necessary to ferry these supplies across the river, and

³⁷ An Act in Relation to Election of Commissioners for Feeding Indigent Indians, July 22, 1864, Act of the Cherokee National Council, *ibid.*

³⁸ An Act Making an Appropriation, July 23, 1864, *ibid.*

freight them to Indian Territory, a task which McLendon and Martin found impossible to accomplish because they were unable to secure the necessary transportation.³⁹

The time was at hand for Watie to turn his attention to pressing military matters. On July 28, 1864, Cooper ordered him to send 200 "picked men, under dashing officers" northward across the Arkansas River to attack and burn a camp of Federals who were cutting hay and pasturing stock on Blackburn's Prairie in the Cherokee Nation. While the assault on the Federal hay-gathering expedition was being carried out, Watie and other Southern troops were to make a diversionary attack on Fort Smith. On July 29, when Watie reached Scullyville, in the Choctaw Nation, he discovered that the Arkansas River was too deep to cross. Colonels William P. Adair and James M. Bell were ordered to join Watie's command at Scullyville. On the night of July 30, the entire Confederate force, with the exception of a small unit, joined Watie and camped on Scullyville Prairie. The following morning the march began. Watie and Colonel Simpson N. Folsom's men advanced under Cooper's personal command on the Fort Smith Road. Watie was sent forward to drive in the Federal pickets located on Negro Hill and the Line Road, while the remainder of the Confederates took a position overlooking the open field north of Fort Smith. Executing his orders with "his accustomed gallantry and promptness," Watie sent Bell on the Fort Smith Road and Adair to the left on the Line Road. Watie's men not only routed the Federal pickets, but chased them all the way to their entrenchments near Fort Smith, and then

³⁹S. G. McLendon to Watie, August 10, 1864, Dale and Litton, eds., Cherokee Cavaliers, p. 183.

ate the dinner prepared by the Federals just before they fled.⁴⁰

The Federals rallied their men, and a sharp skirmish occurred on the Fort Smith Road. Watie and Adair moved to a position near the fork of the road at Mill Creek near Gum Springs, and soon the Northerners began advancing on their location. Captain John T. Humphreys with a light battery of artillery and Colonel Folsom were sent to reinforce Watie, and soon afterward Brigadier General Richard M. Gano of Texas arrived with a unit of men. The artillery opened fire on the advancing Federals, and the Confederates moved forward. The Northerners withdrew to their fortifications on Negro Hill, and an artillery duel followed which forced the Southerners to retreat. A large amount of Federal commissary stores, nevertheless, were destroyed by the Confederates.⁴¹

On July 31, 1864, Watie withdrew toward Scullyville, but Cooper had reason to believe that the Federals were abandoning the field. To determine if this was true, Watie was dispatched to Poteau Bottom and Gano to Massard Prairie. Such was not the case, and the Confederates continued their retreat with Watie going to San Bois Creek. He received the admiration of Cooper for his conduct during the expedition. Saladin was praised for his bravery and good conduct, and on August 13 he was appointed Watie's aide-de-camp.⁴²

On August 18, 1864, Watie presented Maxey with a plan for a major raid into the Union held area of Indian Territory. While the plan was

⁴⁰Cooper to Captain T. M. Scott, August 10, 1864, Official Records, Ser. i, Vol. XLI, Part 1, pp. 32-33.

⁴¹Ibid., pp. 33-34.

⁴²Ibid., pp. 35-36; Stand Watie Service Record, Adjutant General's Office, National Archives.

being considered, Watie, with about 500 men, fought a brief skirmish with the Federals on Gunter's Prairie on the north side of the Arkansas River on August 24, 1864, and burned a quantity of hay. The Confederates also captured fourteen prisoners and 150 horses and mules. In the meantime Watie's request for a raid was forwarded to Kirby-Smith by Maxey, who suggested that it would be a good offensive operation. Kirby-Smith agreed to the proposal and directed that it be conducted to coincide with Major General Sterling Price's invasion of Missouri.⁴³

Watie now had permission to conduct his proposed raid, but before he mounted the offensive, he complained that his men had campaigned recently in the area of Fort Smith and as a result his horses "were not in condition to do much service." As a result of the exhausted condition of his men and horses, he was allowed additional fresh troops from Gano's Texas brigade. On September 12, Watie and Gano conferred on the proposed expedition, and on the following day Watie joined Gano at Camp Pike in the Choctaw Nation to make their plans. The two officers decided that each was to command his own troops, but were to "act together and harmoniously."⁴⁴

On September 14, the force marched to Prairie Springs in the Creek Nation. Gano's force consisted of 1,200 men and six pieces of artillery, while Watie's command amounted to 200 men of the First Cherokee Regiment under Lieutenant Colonel C. N. Vann; 150 members of the Second Cherokee Regiment commanded by Major John Vann; 125 men of the First Creek

⁴³ Maxey to Anderson, September 3, 1864, Official Records, Ser. i, Vol. XLI, Part 1, p. 279; Maxey to Kirby-Smith, August 18, 1864, and Boggs to Maxey, August 25, 1864, *ibid.*, Part 2, pp. 1072, 1082.

⁴⁴ Watie to Captain T. B. Heiston, October 3, 1864, *ibid.*, Part 1, pp. 784-785.

Regiment led by Lieutenant Colonel Samuel Chekote; the Second Creek Regiment with 200 men commanded by Colonel Timothy Barnett; and 130 Seminoles led by Colonel John Jumper. The total number of Cherokee troops involved numbered more than 2,000 men.⁴⁵

With Watie's brigade in the advance, the Southerners began their march. Major Vann was placed on the right flank with orders to send out scouts in search of the Federals. None were located on the south side of the Arkansas River, and when Vann crossed to the north bank, only one loyal Creek was discovered, and he fled before the Confederate advance. That night Watie camped on Camp Pleasant on the Blue River about four miles below Chosky. On September 16, the next day, he crossed the Verdigris River at Sand Town, and about noon a force of Federals were discovered gathering hay on the road to Fort Scott, about twelve or fifteen miles above Fort Gibson. The Northerners were members of the First Kansas Colored Infantry and a detachment of the Second Kansas Cavalry, and numbered 125 men. Watie sent the First Cherokee Regiment and the Thirteenth Texas Regiment to the right, with instructions to maintain a position in the rear of the enemy to prevent their escape. The Confederates then opened fire on the Federals, who fled to a ravine in the rear of their camp. Gano's command occupied a position directly in front of the enemy, and Watie's men were on the left flank. The Federals were completely surrounded. The Confederates made three charges on the Union position, and after about thirty minutes the Federals were overwhelmed. Most of the Northerners were dismounted, but a portion of their cavalry attempted to make a dash to safety. Out of the sixty-five

⁴⁵Ibid., p. 785.

men who attempted to break through the surrounding Confederates, only four made it to safety, and when the Southerners overran the Federal position, all the blacks were killed and most of the whites captured. The Confederates also burned about 1,000 tons of hay, along with the mowing machines and wagons.⁴⁶

From the Federal prisoners, Watie learned of the expected arrival of a supply wagon train from Fort Scott. As the capture of the wagon train was the principal object of Watie's raid, daily scouts were sent out. Major Vann, dispatched up the Fort Scott Road, encountered a small group of Federal pickets. When the firing started, Watie thought that the wagon train had been found and immediately sent reinforcements to Vann; the wagon train was not located, so Watie's men camped for the night. On September 17, some of Gano's men attempted to destroy the Federal hay at Hickey's place, but they became involved in a skirmish with Federal troops and withdrew. The Confederates camped that night on Wolf Creek.⁴⁷

Forewarned of Watie's activities in the area, Major Henry Hopkins, the commander of the Federal supply wagon train, was ordered by Colonel Stephen H. Wattles to hurry to Cabin Creek in the Cherokee Nation and await reinforcements. Hopkins with his force of 300 men plus the wagon train rapidly moved to the designated point, and arrived there on the morning of September 18, 1864. Meantime, Major John A. Foreman with six companies of cavalry and two howitzers had been dispatched to reinforce

⁴⁶Ibid.; Report of Captain Edgar A. Barker, September 20, 1864, *ibid.*, pp. 771-772.

⁴⁷Watie to Heiston, October 3, 1864, *ibid.*, p. 786.

Hopkins.⁴⁸

During that same morning, the Confederates learned of the Federal position at Cabin Creek, and Gano with 400 men and two pieces of artillery was sent to investigate. About 3:00 in the afternoon, Gano informed Watie that the Federal supply train was indeed at Cabin Creek, and he requested that Watie bring up the remainder of the Southern force as quickly as possible. Watie arrived on the scene shortly after midnight, and after consulting with Gano, they decided to attack the enemy at once.⁴⁹

Hopkins had learned of the approach of a large Confederate force and sent scouts forward to determine the truth of the reports. The scouts informed Hopkins of the advance of the Southerners, and he immediately corralled the wagons and prepared his defense. The Federals occupied the home of Joseph L. Martin, and strongly fortified the position with heavy timber set upright in the ground. To the right of the house, Hopkins placed long ricks of hay running parallel with each other and the creek. The majority of the wagons were to the right of the hay ricks and extended all the way to the creek.⁵⁰

The Confederates formed their line of battle, with Gano on the right, Watie on the left flank, and the artillery in the center of the line. The Southerners were on the elevated portion of the prairie, and a bright moon was behind them. Thus the Confederates were clearly exposed to the Federals, who were at the bottom of the rise. About 3:00

⁴⁸ Colonel C. R. Jennings to Captain George Hampton, September 22, 1864, *ibid.*, p. 773.

⁴⁹ Watie to Heiston, October 3, 1864, *ibid.*, p. 786.

⁵⁰ *Ibid.*; Jennings to Hampton, September 22, 1864, *ibid.*, p. 773.

in the morning on September 19, 1864, rifle fire was exchanged between Confederates and Federal skirmishers on the right flank, and soon fighting spread along the entire front. Watie found it difficult to determine the exact Union position in the darkness, and for a considerable length of time the firing was heavy and incessant. As the Confederates advanced, Watie's men drove the Federals from their positions and captured a portion of the supply train. Watie immediately placed the captured wagons under a strong guard, and began moving them to the rear of the Southern lines.⁵¹

At daybreak, sounds from the Northern position indicated that Major Hopkins was attempting to move the remainder of the wagons across the creek and back to Fort Scott. Watie dispatched Lieutenant Colonel Vann, with the two Cherokee regiments, across the creek to cut off the Federal retreat and intercept the wagons. However, when Vann arrived at the creek, he discovered that Hopkins had not sent his wagons across, but the Cherokees did capture eighteen prisoners.⁵²

After daylight on September 19, Watie discovered the actual Federal position. He moved one section of his artillery to the left flank, supported by the First Creek Regiment and the Second Creek Regiment. From this position the Confederates opened a vigorous fire on the Northern camp, and the Seminoles and the Twenty-ninth Texas Regiment, moving to the left of the artillery, advanced and drove the Federals from their fortifications. The Northern retreat soon became a "general stampede," and Major Hopkins's force fled, leaving in Watie's possession their

⁵¹Watie to Heiston, October 3, 1864, *ibid.*, p. 786.

⁵²*Ibid.*, pp. 786-787.

"train, stockade, hay, camp and garrison equipage," along with his dead and wounded.⁵³

The supply train was composed of 250 wagons supplied by contractors in addition to military post wagons loaded with Federal quartermaster, commissary, and sutler supplies. Many of the wagons had been damaged during the engagement, and were in no condition to be moved. Those that were damaged were burned along with ten ricks of hay, each containing 500 tons; also, the mowing machines and all other equipment which could not be carried off were destroyed. The Federals lost \$1,500,000 worth of goods, mules, and equipment.⁵⁴

This engagement at Cabin Creek was an unqualified Southern victory, and Watie immediately gathered the captured booty, which amounted to 130 wagons loaded with supplies and 740 mules. The destitute Southerners replenished their clothes from the captured supplies and rejoiced over their victory. Moving southward, the Confederates encountered a Federal brigade sent as reinforcements from Fort Gibson and Fort Smith at Pryor's Creek in the Cherokee Nation. The Union force was a mixture of infantry, cavalry, and artillery, and following a brief skirmish the Southerners drove the Northerners back and held them in check during the night. Afterwards the Federals withdrew. Since the Confederates expected another engagement with the Federals at the Arkansas River, the Southerners marched northwestward and crossed Pryor's Creek during the night. On the following day, September 21, they crossed the Verdigris River at

⁵³Ibid., p. 787.

⁵⁴Ibid., Gano to Cooper, September 29, 1864, *ibid.*, p. 791.

Claremore Mound in the Cherokee Outlet.⁵⁵

For the next three days the Southerners continued their withdrawal without sleep, except for what could be snatched while they were in the saddle or pausing at watering places. Cheerfully, the Confederates dug down banks and cut out trees to make a passage for the wagons and artillery, and assisted horses and mules in rolling the wagons and artillery up hills and banks. Finally, on September 28, they reached Camp Bragg and safety. Watie praised the cooperation and good feeling between Gano's men and his, and declared that the "fortitude and endurance displayed in the long and constant march for several consecutive days and nights speak for them the highest praise."⁵⁶

For their daring and gallantry, the officers and men of Watie's and Gano's command were praised in a congratulatory order by Cooper. Declaring that the "brilliancy and completeness of this expedition has not been excelled in the history of the war," he congratulated them for their bravery and conduct. Cooper hoped "that they and the rest of the command may soon have an opportunity to gather fresh laurels on other fields." On January 25, 1865, the Confederate Congress passed a joint resolution expressing the thanks of the Confederacy to Watie and Gano and the officers and men under their command.⁵⁷

During the campaign, Sarah returned to Wood County, Texas, to be

⁵⁵ Ibid., pp. 790-791; Watie to Heiston, October 3, 1864, *ibid.*, p. 787.

⁵⁶ Ibid., p. 788; Gano to Cooper, September 29, 1864, *ibid.*, p. 791.

⁵⁷ General Order No. 26, September 30, 1864, *ibid.*, pp. 792-793; "Journal of the Congress of the Confederate States of America," United States Senate, 58th Congress, 2nd Session, Senate Document 234, Vol. VII, p. 495.

with the children, who were attending school nearby. Apparently in better health, she was preparing clothes to send to Watie, which he would undoubtedly need during the coming winter. Their daughter Charlotte had been helping her mother as best she could. Soon Sarah returned, however, to Rusk, Texas, where her sister Nancy was dying. As soon as Nancy was buried, Sarah planned to go to Paris, Texas, to meet Watie. She informed him that their children were all in good health, and urged him to write them all separate letters or "else there is a fus [sic]." Sarah, however, had not completely recovered her health, but blamed her bad feelings on old age.⁵⁸

By late September, Watie's command--the First Indian Brigade--consisted of the First Cherokee Regiment commanded by Colonel Robert G. Parks; the Second Cherokee Regiment led by Colonel William P. Adair; the Cherokee Battalion under Major Joseph A. Scales; the First Creek Regiment commanded by Colonel Daniel N. McIntosh; the Second Creek Regiment under Colonel Chilly McIntosh; a Creek Squadron led by Captain R. Kenard; the First Osage Battalion commanded by Major Broken Arm; and the First Seminole Battalion under Lieutenant Colonel John Jumper. It was an effective force, and after the capture of the J. R. Williams and the engagement at Cabin Creek, Federal units had a healthy respect for Watie's ability. The Union held area of Indian Territory, southern Kansas, northwest Arkansas, and southwest Missouri was kept in a constant fear of a raid by Watie's men as his reputation as a guerrilla leader

⁵⁸ Sarah C. Watie to Stand Watie, September 4, 1864, and Sarah C. Watie to Stand Watie, September 12, 1864, Dale and Litton, eds., Cherokee Cavaliers, pp. 187-191.

continued to grow.⁵⁹

On October 3, 1864, E. L. Compere, who had earlier been sent across the Mississippi River into the South for supplies for the refugee Indians, reported to Watie that he had not been able to get the needed materials across the Mississippi River because of Federal activity. Compere complained of the lack of transportation, and suggested to Watie that the Cherokees might secure a few wagons and teams to haul the supplies. As soon as the items were safely across the river, Compere told Watie that he would travel further South to Alabama and Georgia to secure additional goods. He was suffering from an acute shortage of funds with which to make the necessary purchases, he added, and had been forced to borrow money in Watie's name.⁶⁰

As the autumn of 1864 approached, Sarah told Watie about the increasing hardships that his family was forced to endure as refugees. She said that it was all she could do keep the children in clothes, and wanted to send them to school, "but the board is [\$]200 a month apiece and [\$]12 in provision." Destitute for money, she told Watie that she would do the best she could, but asked him for advice on the matter of school for their children. Boudinot wanted to take Watica and Ninnie with him during the winter, but the children remained with their mother.⁶¹

In early October, Cooper moved his headquarters to Camp Jumper,

⁵⁹ Organization of the Army of the Trans-Mississippi Department, September 30, 1864, Official Records, Ser. i, Vol. XLI, Part 3, p. 970.

⁶⁰ E. L. Compere to Watie, October 3, 1864, Dale and Litton, eds., Cherokee Cavaliers, pp. 196-197.

⁶¹ Sarah C. Watie to Stand Watie, October 9, 1864, *ibid.*, pp. 200-201.

about eight miles east of Perryville in the Choctaw Nation. The First Indian Brigade, commanded by Watie, was to move on October 7, 1864, eastward from Camp Bragg to the North Fork Road. Kirby-Smith had proposed another raid into Kansas, but Watie objected in that it would probably fail under present conditions. Although most of Watie's men had been resupplied with clothing captured at Cabin Creek, and were in better condition than they had been in some time, Cooper advised that winter supplies for Watie's command would need to be gathered at Perryville.⁶²

During October the Federals were fearful of an attack on Fort Smith by Watie, so scouts were sent out to patrol the area. Also during October it was reported that Watie would attack Mount Vernon and Carthage, Missouri, and later he was rumored to be near Humboldt, Kansas. These reports illustrate how concerned the Federals were over the success of Watie's guerrilla tactics, and they were kept in a constant state of alert for his movements.⁶³

Watie apparently had plans for another raid, but because of Price's failure in Missouri he was forced to cancel his plans. In the meantime, the troops in Price's Missouri invasion were in desperate condition. Watie was reported moving toward Scullyville to Price's aid. Eventually Watie offered assistance to Price's retreating army, and provided his

⁶²Cooper to Captain M. L. Bell, October 6, 1864, Official Records, Ser. i, Vol. XLI, Part 3, p. 983.

⁶³Lieutenant Colonel Owen A. Bassett to Wattles, October 9, 1864, Captain D. H. Conway to Colonel John D. Brutsche, Major C. S. Charlot to Lieutenant Colonel W. H. Stark, October 13, 1864, *ibid.*, pp. 724, 665, 842.

men with badly needed supplies.⁶⁴

In November of 1864 Watie's campaigning for the year came to an end, and his men went into winter quarters in the Choctaw Nation. A portion of his men was sent to Shawneetown on the Red River, and Watie established his headquarters at Boggy Depot. Watie had enjoyed his greatest moments of military and civil success during the year, earning widespread fame as a guerrilla leader. Nevertheless, the North still controlled the Cherokee Nation, and the Confederate Indians under Watie's command were suffering from the lack of adequate arms and supplies. Cherokee refugees continued their meager existence as exiles from their own country. Watie remained steadfastly loyal to the South; the Confederacy was beginning to weaken, however, and defeat was not long in coming. Watie was to suffer the same fate; pro-Northern Cherokees would rule the Cherokee Nation, and he would be at their mercy.⁶⁵

⁶⁴Maxey to Boggs, October 16, 1864, Sanborn to Major General William S. Rosecrans, November 1, 1864, Major General F. J. Herron to Lieutenant Colonel C. T. Christensen, November 10, 1864, *ibid.*, Part 4, pp. 999, 393, 505; Price to Anderson, November 18, 1864, *ibid.*, Part 1, p. 625.

⁶⁵Maxey to Boggs, December 31, 1864, *ibid.*, Vol. LIII, p. 1034; Stand Watie to Sarah Watie, January 20, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 208-209.

CHAPTER X

DEFEAT AND RECONSTRUCTION

By 1865, the flood tide of war in Indian Territory was beginning to ebb. The Federals roamed almost at will throughout Indian Territory, and the Confederacy seemed unable to mount any serious offensive action. Watie's men were in desperate condition, and the plight of the Cherokee refugees had not improved. Because of their destitute condition, some of Watie's men resorted to raiding into Texas. Their depredations caused serious concern for Confederate Cherokee leaders, who were attempting to maintain good relations with the Texans, because they were furnishing supplies to the Cherokee refugees. Watie was ordered to take necessary measures to stop the raids, which were threatening to break into border warfare between the Texans and Indians. Apparently Watie took prompt measures to stop the raids, as he was congratulated for his "hearty co-operation in regard to the suppression of lawlessness along Red river."¹

On February 14, 1865, Cooper was relieved of his command of the Indian Division of Indian Territory and assigned as Superintendent of Indian Affairs in the District of Indian Territory. Watie was appointed to replace Cooper. The Federals still respected Watie as a guerrilla

¹Acting Adjutant General T. M. Scott to Watie, February 1, 1865, and Scott to Watie, February 12, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 210-213.

leader, and when they were informed by rumor that he intended to conduct a raid into southwestern Kansas as soon as the weather permitted, once again the area was thrown into a state of panic.²

In late February, Watie was still in the Choctaw Nation mounting, equipping, and arming his men for field operations. His forces were better supplied than a year before, due largely to booty from the Cabin Creek raid, and were preparing to campaign as soon as enough grass was present to sustain their horses. In the meantime, the Federals were attempting to persuade the Comanches, Kiowas, and Arapahoes to renounce their alliances with the South, and join the North in the war. The Federals promised the Plains Indians guns and ammunition, urging them to kill all Southern men and take the women and children prisoners. White prisoners were to be turned over to Union authorities, but all Indian prisoners were to be theirs to keep. The Plains Indians refused the Federal offer, and several skirmishes occurred between Northerners and Plains Indians.³

A report of the Federal efforts among the Plains Tribes was sent to Watie, who immediately notified Cooper. Expressing great pleasure and satisfaction over the friendly disposition of the Plains Indians, Watie stated that all pro-Southern Indians would gather later in a general meeting of all tribes in Indian Territory. The purpose of the meeting,

²Special Order No. 40, February 14, 1865, and C. V. Eskridge, R. H. Abraham, William Martindale, J. R. Swallow, F. R. Page, Jacob Stotler to Major General James G. Blunt, February 7, 1865, Official Records, Ser. i, Vol. XLVIII, Part 1, pp. 1387, 1135-1136.

³Major General G. M. Dodge to Captain J. M. Bell, February 26, 1865, *ibid.*, 989; O-hop-ey-a-ne to the Chiefs and Head men of the Creek Nation, February 21, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 213-215.

Watie declared would be to form a "closer combination and a more intimate acquaintance of the relations" of all the pro-Southern Indians, and adopt a united plan for a "more efficient and vigorous persecution of the War in which we are engaging."⁴

In early March, 1865, Boudinot was informed by the Confederate government that the Cherokees would be allowed to appoint an individual to a cadetship in the Confederate States Army. The person must have "exhibited zeal in the service of his country by meritorious service in the field." Boudinot nominated Saladin Watie on March 2, describing him as having rendered valuable service since the beginning of the war, and being "well known in the army as a youth of great courage and high moral and intellectual worth."⁵

The Federals were apparently collecting large amounts of supplies at Fort Smith for a spring offensive, and thus Watie was ordered to gather all his men "at the earliest practicable moment that grass will do to forage the stock on." Watie was to make all possible arrangements to meet the anticipated attack. He was supplied with 19,500 pounds of bread at Boggy Depot, but was informed that this was all he would receive until the middle of April or the first of May. Because of the shortage, Watie was forced to reduce his men to half rations until more supplies could be secured.⁶

The Federals at Fort Gibson under the command of Colonel William A.

⁴Ibid., p. 214; Watie to Tuckabalchee Mico, March 19, 1865, *ibid.*, pp. 218-219.

⁵Stand Watie Service Record, Adjutant General's Office, National Archives.

⁶Scott to Watie, March 15, 1865, and Scott to Watie, March 22, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 217-220.

Phillips were indeed planning an advance deep into Indian Territory. Phillips was gathering 1,000 horses as mounts for his men, and was replacing his old artillery with newer models. He proposed to begin his march by April 20, move rapidly to Boggy Depot and Fort Towson in the Choctaw Nation, and on to Fort Washita in the Chickasaw Nation. Phillips believed that the Federal offensive operation would drive the Confederates across the Red River and prevent a spring offensive by Watie.⁷

About this time Watie engaged in a scheme to transport cotton to Mexico and use the money to secure necessary supplies for the hungry refugees. Evidently his plan was meeting with considerable success. By May 2, 1865, between 250 and 300 bales had been sent south, and more was being prepared for the journey. Boudinot also persuaded the Confederate Congress to turn over a large amount of cotton for the Cherokee annuity payments. This cotton could also be transported to Mexico and sold for the benefit of the Cherokee refugees.⁸

Rumors were rampant among the Cherokees, and the confusion grew as the end of the war neared. Sarah was told that Watie had been captured, and also that he was using cotton to acquire a large personal fortune. Learning that the Federals had placed a price on Watie's head for his capture, Sarah was very concerned for his safety. She defended Watie's honor and declared, "I would live on bread and water rather than to have it said you had speculated of your people." Reaffirming her faith in her husband, she stated, "I believe you have always done what you thought

⁷ Phillips to Major General J. J. Reynolds, February 9, 1865, Official Records, Ser. i, Vol. XLVIII, Part 1, pp. 789-790.

⁸ William A. Musgrove to Watie, February 27, 1865, Musgrove to Watie, May 2, 1865, and Boudinot to Watie, May 11, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 216-217, 221-223.

best for you[r] people and I want to die with that last belief."⁹

On May 24, 1865, a Grand Council of all pro-Southern Indians was held at Camp Napoleon on the Washita River in the western portion of Indian Territory. Watie attended, as did representatives of all the Five Civilized Tribes and the Plains Indians. Uniting under the principal that "An Indian shall not spill an Indian's blood;" a United Nations of Indian Territory was created. The principal chiefs or governors of the Indians present were authorized to form a committee to "extend in the name of this Confederation the hand of fellowship to all Nations of Indians." The resolutions of the Grand Council were to be transmitted to those Indians who were allied with the Federal government, and they were urged to "cooperate with this Council in its efforts to renew friendly relations with the U. S. government." A delegation was authorized to travel to Washington, and given full powers to negotiate with the Federal government such treaties as the United States might demand. The delegates were also "to communicate with the proper military authorities of the U. S. for the purpose of affecting a cessation of hostilities in order that they may have time and opportunity to negotiate with the U. S. Govt." The delegation was to seek passports from the military so that they could journey to Washington to urge the Federal government "in order to avoid a collision" the necessity "of sending no forces into the Indian Territory, until they the said Delegates may confer with the U. S. Govt. for the establishment of a permanent peace."¹⁰

The conflict was fast drawing to a close. General Robert E. Lee

⁹ Sarah C. Watie to Stand Watie, May 21, 1865, *ibid.*, pp. 225-226.

¹⁰ Resolutions of the Grand Council, May 24, 1865, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

surrendered the Army of Northern Virginia, which had been the mainstay of the Confederacy, on April 9, 1865. His capitulation was soon followed by the surrenders of other Confederate military commanders east of the Mississippi River. On May 26, 1865, Kirby-Smith surrendered the Trans-Mississippi Department, and white Confederate troops in Indian Territory ceased military operations. On June 19, Peter Pitchlynn and the Choctaw forces laid down their arms, followed by Governor Winchester Colbert and the Chickasaws on July 14, 1865.¹¹

Lieutenant Colonel Asa C. Mathews and Adjutant William H. Vance, appointed by the Federal government to receive the surrender of the Confederate Indian forces, traveled to Doaksville in the Choctaw Nation to meet with the Indians. They arrived in Indian Territory too late to attend the Grand Council. However, considering it proper and beneficial that surrender terms be negotiated immediately, they invited Watie to meet with them at "Col. R. M. [Jones], 12 miles west of Doaksville," at the earliest practical moment.¹²

Watie met with Mathews and Vance on June 23, 1865, at the appointed place and conducted the surrender ceremony. An agreement was signed providing for a cessation of hostilities and the immediate return of the Cherokees to their respective homes. The Cherokees were required to remain at peace with the Federal government, and they were to offer no

¹¹ Morton, "Confederate Government Relations with the Five Civilized Tribes, Part 2," Chronicles of Oklahoma, Vol. XXXI, pp. 318-319; "Journal of the Congress of the Confederate States of America," United States Senate, 58th Congress, 2nd Session, Senate Document 234, Vol. IV, pp. 429, 486, Vol. VII, pp. 465, 495.

¹² Lieutenant Colonel Asa C. Mathews and Adjutant William H. Vance to Watie, June 9, 1865, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

indignity "whatever or commit any acts of hostilities against the Whites or Indians of the various tribes who have been friendly to or engaged in the service of the United States during the war." The Federal commissioners agreed that as long as the Cherokees observed the truce, "they shall be protected by the United States authorities in their person and property not only from encroachments on the part of the whites, but also from the Indians who have been engaged in the service of the United States." The Cherokees were to be bound by the agreement until a meeting of the Grand Council at Armstrong Academy, Choctaw Nation on September 1, 1865. The proceedings of the Grand Council were to be ratified by the Cherokee Nation and the United States. In addition, the provisions of the agreement were extended to the Seminoles, Creeks, and Osages. Watie signed the terms on June 25, 1865, and thus became the last Confederate general to surrender.¹³

Actually the agreement had little effect on the Southern Cherokee forces. Most of Watie's men had already been sent home on furloughs, and did not bother with the formalities of surrender. Watie also allowed his men to help themselves to the public property of the Confederacy, and take badly needed supplies home with them. Peace had finally come to the Cherokee Nation, and the exiled pro-Southern Indians were also permitted to return to their desolated homes. But it was a peace in name only, as both the Northern and Southern Cherokees were to contest for the control of the tribe.¹⁴

¹³"Stipulations Made and Entered into this 23rd Day of June, 1865," "Miscellaneous Documents Relating to Indian Affairs," Cherokee Room, John Vaughan Library, Northeastern State College.

¹⁴Stand Watie to Sarah C. Watie, May 27, 1865, Dale and Litton, eds., Cherokee Cavaliers, pp. 227-228.

On June 28, Watie appointed six delegates--John Spears, Joseph A. Scales, J. T. Davis, Joseph Vann, William P. Chambers, and Too-noh-volah Foster--to proceed to Fort Gibson or any other place where they could locate Northern Cherokees and attempt to restore harmony among the tribe. This effort by Watie to rejoin the two factions of the Cherokees met with very little success. Watie also dispatched William P. Adair and James M. Bell to Shreveport, Louisiana, to confer with Major General Francis J. Herron and make the best terms possible for the benefit of the Cherokees. Some reconciliation between the Union and Confederate Cherokees took place on July 13, 1865, when the Northern Cherokee National Council passed an act of amnesty and pardon for those who had fought against the Cherokees loyal to the United States. Southern Cherokees could have their citizenship restored and be granted pardon by swearing or affirming "in the presence of Almighty God, that I will hereafter faithfully abide by, support and defend the Constitution and Laws of the Cherokee Nation." Southern Cherokees resented this. However, Watie was not granted pardon, along with other high ranking Cherokee officials who had served the Confederacy.¹⁵

On August 1, 1865, Watie appointed a delegation of Cherokees to meet with commissioners of the Federal government. Apparently Watie and the other leaders of the pro-Southern Indians believed that the proposed peace conference would be the Grand Council scheduled to be held at Armstrong Academy on September 1, 1865. When the Federal commissioners did not appear, the council passed a series of resolutions signed by

¹⁵ Annie Abel, The American Indian Under Reconstruction (Cleveland: Arthur H. Clark Company, 1925), pp. 155-159; Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 178, 181.

Watie and other pro-Southern Indian leaders on September 6, and adjourned to reconvene at Fort Smith on September 15. Watie and the other members of the council at Armstrong Academy agreed to meet at Mrs. Plaxe's place on the Middle Boggy River in the Choctaw Nation on September 9 and travel to Fort Smith as a group. Should any of the members not be able to join the group at the location on the Middle Boggy River, they were to meet the delegation at Scullyville on September 14. The president of the Grand Council was instructed to inform the Federal commissioners that the Southern Indians were on their way to Fort Smith and would be there on September 15.¹⁶

On September 8, 1865, the Fort Smith conference had begun. The Federal government was represented by William S. Harney, Ely S. Parker, Elijah Sells, Thomas Wistar, and Dennis N. Cooley, the chairman of the conference. The Federal Cherokees were present, but the Southern delegation had not yet arrived. On September 9, Cooley announced the general terms that the United States would require the Indians to agree to: permanent peace among the Indians, the abolition of slavery, a cession of portions of Indian Territory, consolidation of the Indians of Indian Territory into one government, and the exclusion of intruders from the country. Reacting violently to the proposed terms, the Federal Indians questioned their punishment for the actions of the pro-Southern Indians. Nevertheless, the Federal commissioners presented a treaty for approval by the Indians on September 10.¹⁷

¹⁶ Ibid., p. 182; Abel, The American Indian Under Reconstruction, pp. 186-187.

¹⁷ Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 184-189; "Report of the Commissioner of Indian Affairs," United States House of Representatives, 39th Congress, 1st Session, Executive Document 1 (Washington: Government Printing Office, 1866), pp. 496-502.

The treaty stated that because the Indians had signed alliances with the Confederacy, they had forfeited "all rights of every kind, character, and description which had been promised and guaranteed to them by the United States." However, because the United States government wished to "re-establish order and legitimate authority among the Indian tribes," the Indians acknowledged themselves "to be under the protection of the United States of America," and any act "heretofore done by them, or any of their people, by which they renounce their allegiance to the United States, is hereby revoked, cancelled, and repudiated." Also the Indians agreed to "re-establish peace and friendship with all the nations and tribes of Indians within the limits of the so-called Indian country," and they were to "afford ample protection for the security of the persons and property of the respective nations or tribes." The agreement called for the Indians to "enter into treaties to arrange and settle all questions relating to and growing out of former treaties with said nations, as affected by any treaty made by said nations with the so-called Confederate States, at this council now convened for that purpose, or at such time in the future as may be appointed."¹⁸

The loyal Cherokees balked at signing the agreement, and asked for time to consider the treaty. The Southern Cherokees from Armstrong Academy arrived during the night of September 15 and joined Elias C. Boudinot, who was already present at Fort Smith. The members of the Southern Cherokee delegation were Stand Watie, Charles Watie, Richard Fields, William P. Adair, James M. Bell, W. L. Holt, John L. Martin, J. Porum Davis, D. M. Foreman, and Boudinot. On September 16, Boudinot

¹⁸Ibid., pp. 514-515.

presented their credentials and asked that they be allowed to examine the treaty. On the previous day, Cooley had become so angry at the stalling tactics of Ross that the Federal commissioners refused to recognize him as the principal chief of the Cherokees.¹⁹

On September 15, 1865, the Federal Cherokees signed the agreement, but the Southerners pleaded for more time to study the document. Apparently Watie did not take an active part in the negotiations, and the major spokesman for the Southern Cherokees was Boudinot. Once again, as it had previous to the Treaty of 1846, Watie's group proposed a division of the Cherokee Nation between the Northern and Southern factions if no reconciliation could be achieved, but the Federal government ignored its plea. The Southern Cherokees signed the treaty on September 18, but Watie waited until later the same day and signed the agreement at the same time the Choctaw delegation added their names. Various discussions continued for three more days before Cooley adjourned the meeting on September 21, to reconvene again at the call of the Secretary of the Interior.²⁰

On October 5, 1865, Watie called a meeting of the Southern Cherokees to hear a report on the conference at Fort Smith. Fields and Foreman presented a talk on the proceedings of the Southern delegation, and then Foreman made a motion that the gathering resolve itself into a mass meeting of the Southern Cherokees. The purpose of the assembly was to take "appropriate measures to renew and perfect friendly relations with

¹⁹ Ibid., pp. 520-524; Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 189-190.

²⁰ Ibid., pp. 190-193; "Report of the Commissioner of Indian Affairs," United States House of Representatives, 39th Congress, 1st Session, Executive Document 1, pp. 520-537.

the Cherokee people from whom they have been divided." Joseph Vann was elected chairman of the meeting and Fields addressed the gathering. He stated that he believed that nothing more could be done except what had been accomplished at Fort Smith, but declared that he would be glad to listen to any suggestions.²¹

On November 3, 1865, the National Council of the Cherokees, controlled by the Northern Cherokees, appointed a delegation led by Ross to proceed to Washington. Watie, who was still living in the Choctaw Nation at Armstrong Academy, then ordered Adair on November 13 to travel to Washington at his earliest convenience as one of the Southern commissioners. Adair was to assist in the full and final settlement between "the Cherokee Nation--'the United Indian Nations,' and the Govt. of the United States," in accordance with the resolutions of the Grand Council of the United Indian Nations and the conference at Fort Smith. Besides William P. Adair, the Southern Cherokee delegation to Washington consisted of Stand Watie, his son Saladin Watie, Elias C. Boudinot, Richard Fields, Joseph A. Scales, J. Woodward Washborne, and John R. Ridge.²²

By early January, 1866, Boudinot and Adair arrived in Washington as members of the Southern Cherokee delegation, but they had not been joined by the remainder of the group. Ross and the Federal Cherokees were also present and already presenting their case to the Federal officials. Boudinot and Adair did their best to discredit the Federal Cherokees, and Boudinot continued to act as the chief spokesman of the

²¹Meeting of the Southern Cherokees, October 5, 1865, Indian Archives Division, Oklahoma Historical Society.

²²Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 194-195; Watie to Adair, November 13, 1865, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

Southern Cherokee delegation.²³

Later, during the spring of 1866, Watie and the other members of the Southern delegation arrived in Washington to take part in the negotiations. The major points of controversy between the Northern and Southern Cherokees were the cession of land, railroad rights, equal distribution of annuities, and a division of the Cherokee Nation between the two opposing factions. On March 6, Watie requested that the United States government provide the Southern delegation with a map of Indian Territory "between the 37th parallel and Red River, and between the western boundary of Missouri and Arkansas and the 100th and 103^o Meridians, giving the precise latitude and longitude of the northern Cherokee boundary." He declared that a correct map was of "great importance to us in the cessions of land contemplated to be made, and the grants of land for Railroads, which we the tribes desire to make." By providing such a map, Watie declared that the government would be doing a "great favor to us, and other Indians interested, and it will materially assist us and them in our negotiations with the government." By the close of March both factions of the Cherokees and the Federal government had prepared their versions of a reconstruction treaty, but no agreement between the groups could be reached.²⁴

In April, 1866, Watie and the other Southern delegates employed Perry Fuller of Arkansas as their attorney to advise and assist them. He was "particularly to assist them to secure an equitable division"

²³ Abel, The American Indian Under Reconstruction, pp. 346-347.

²⁴ Wardell, A Political History of the Cherokee Nation, 1838-1907, pp. 195-197; Watie to D. H. Cooley, March 6, 1866, Cherokee Agency, Letters Received, Office of Indian Affairs, National Archives.

between the "'Northern' and 'Southern' Cherokees of the territory annuities and invested funds, which may now belong of right to the Cherokee Nation." Fuller was also to assist in a pro rata division of all money which might be paid by the Federal government in the purchase of Cherokee land "for the benefit of Kansas or other Indians, or for Railroad purposes, including the Eight hundred thousand acres known as the 'Neutral Land.'" If Fuller was successful in securing a division of the land and funds, he was to receive one-third of the money resulting from the action. Should Fuller fail in his mission, the Southern delegation agreed to reimburse him, with interest, for all the money he had advanced for the purpose.²⁵

On April 7, Watie and the other Southern delegates joined with the Northern Cherokees in a friendly meeting for the purpose "of compromising their differences upon a basis satisfactory and beneficial to both parties." Both factions expressed a desire for peace, but "their view as to the best mode of securing it was diametrically opposed, one to the other." Watie was against the plans of the Northern Cherokees because "it would force us all back under their government and laws, and bring our people and theirs, with memories fresh with mutual wrongs for years past, in direct personal contact." The Southern Cherokee delegation feared that such a reunion would result in a fresh outbreak of bloodshed, in spite of every effort to prevent violence.²⁶

²⁵ Agreement Between Perry Fuller and Boudinot, Adair, Scales, Stand Watie, Saladin Watie, and Fields, June, 1866, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

²⁶ Stand Watie, Fields, Adair, Boudinot, Scales, and Saladin Watie to Cooley, Elijah Sells, and James Harlan, April 7, 1866, Treaty Negotiations with the Cherokees and the Loyalty of John Ross, Special File 125, Office of Indian Affairs, National Archives.

Thus Watie refused to accept the proposals of the Northern Cherokees; moreover, he believed that the Southern Cherokee plan for separation would instantly produce peace, and in time might even result in the establishment of "kind and friendly relations" between the two factions. Watie continued to explain the reasoning behind the division of the Cherokee Nation sought by the Southern Cherokees. He argued that the Southerners would not receive either justice or impartiality under law as long as they were under the government of the Northern Cherokees. He declared that the "insult and injury, was too deep," and the conflict was "too long standing to admit of our ever living together as one people."²⁷

Denouncing the offer of the Northern Cherokees to "repeal these obnoxious laws and take us back on terms of equality," Watie pointed out that such concessions had been requested of the Ross faction by the Federal government at the Fort Smith conference, but the Northerners had made no attempt to comply. Now the United States was forcing the Ross partisans to grant concessions, but, Watie stated, the action of the Ross party was not sincere. Watie pointed out that no promises or agreements entered into, in good faith or not, would cause the Cherokees to "forget or forgive the wrongs each side received at the hands of the other," as long as the two sides maintained mutual contact and daily association. However, if the Southern Cherokees were allowed a government of their own, Watie maintained, they could live in peace and as neighbors with the Ross group. Watie stated that the Northern Cherokees had assured him that they would "never assent to a division of the country, nor to a recognition of us as a 'distinct community,'" and that the Northern

²⁷ Ibid.

Cherokees would refuse to grant any of the Southerners' important requests or give any logical reasons for their refusal. Furthermore, Watie said, the Ross faction had approved a plan of peace, but failed to point out objections, or advance reasons; therefore, the Southern delegation terminated the meeting "with the confirmed and abiding belief that it is absolutely impossible among ourselves to settle our difficulties on a basis satisfactory to both parties."²⁸

On April 10, 1866, the Southern delegation complained that they were constantly receiving communications from the Cherokee Nation giving accounts of the poor condition of the Confederate Cherokees, but it was very difficult for the Southern delegates to communicate their activities to their people. Therefore they had decided to send two of their delegates back to the Cherokee Nation "to meet and confer with our people: to give them in detail an account of their operations here, and the condition and prospects of their relations with the Government here, with its present policy as far as determined, to settle for ever the Cherokee feud by a division of country and separation of the parties" on the basis of an agreement beneficial to all factions of the Cherokees. Considering it of great importance, the Southerners wished to inform followers where they might settle because it would soon be too late to plant their corn for the year, and to construct new homes. Declaring that the Southern Cherokees were patiently awaiting the decision of the Federal government in destitution and poverty, the delegates believed it was important that they were aware "of the real state of their public

²⁸Ibid.

affairs."²⁹

If the Southern Cherokees were assured of the protection of the United States from the unjust acts and laws of the Northern Cherokees, the delegates contended, they would "immediately move to the 'Canadian District' and the country west of the Grand river, for the purpose of founding new homes and planting corn." Many of the Southern Cherokees wanted to do so, and would move on the urging of the returning delegates if the United States would guarantee their protection. Pointing out that it would be many months before the treaty would be agreed upon, and that it was necessary for the government to provide safety for the returning Cherokees, the Southern delegation called on the United States to provide the needed protection and to allow the Southern Cherokees to return home.³⁰

On April 23, the Southern delegates requested that funds be provided immediately for the expenses of the returning delegates, as they wished to leave as soon as possible due to the urgency of the situation. Two days later Watie informed Commissioner of Indian Affairs Cooley that he and Scales were the delegates selected by the Southern Cherokees to return to the Cherokee Nation, and he requested a letter "to the Commanding General at Little Rock" to provide transportation for him and Scales to Boggy Depot. Watie contended that it was important to secure proper transportation because of the undependability of river travel and

²⁹Stand Watie, Fields, Adair, Boudinot, Scales, and Saladin Watie to Cooley, April 10, 1866, Cherokee Agency, Letters Received, Office of Indian Affairs.

³⁰Ibid.

land routes.³¹

Watie, who was primarily a military commander rather than a diplomat, was growing tired of the endless conferences and interviews at the treaty negotiations. Boudinot, who was more adept at planning and scheming, was left as the major figure of the Southern Delegation. However, before Watie returned to Indian Territory, he informed Cooley that previous to the war he was the owner of a large steam sawmill located in the Delaware District of the Cherokee Nation. Contending that during the conflict all of "my personal property was destroyed, carried off, or swept away," with the exception of the mill, Watie stated that now he wanted to return to the Cherokee Nation and take possession of the mill and its equipment. Declaring that other people may have seized his property, Watie asked Cooley to "write direct the Superintendent of Indian Affairs for the Southern Superintendency, or the United States Agent for the Cherokees, to cause to be delivered to me, or my agents this Steam Saw Mill, or its engines and machinery, that I may use the same for my own benefit." Thus Watie's direct participation in the Civil War and the process of reconstruction came to an end, and he prepared to return to his family, then living in the Choctaw Nation, and rebuild his life.³²

Watie arrived at Fort Smith during the night of May 10-11, 1866, and had the message of the Southern delegation printed for distribution among the Southern Cherokees. Most of his followers had remained loyal during his absence to the purposes of the Southern Cherokee delegation,

³¹Watie to Cooley, April 23, 1866, and Watie to Cooley, April 25, 1866, *ibid.*

³²*Ibid.*, Dale and Litton, eds., Cherokee Cavaliers, p. 231.

and few had taken the oath of allegiance as was required by the amnesty proclamation of the Cherokee National Council. Watie advised the Southern Cherokees "to defend their rights from the unauthorized laws of the Pins affecting the constitutional rights of the Cherokee people," and was pleased to find that most of them agreed to the actions of the Southern delegates in Washington. Planning to return to his family by way of Boggy Depot, Watie took with him "a few things to buy a start in cattle." Intending to remain outside of tribal politics, he also indicated that he might accept an offer to purchase another sawmill.³³

However, Watie could not completely disassociate himself from politics, and he was urged to organize a government for the Southern Cherokees immediately, even though it might be accomplished by only a "few hundred votes" if no more were available. He was encouraged to issue a proclamation in the Canadian District declaring the existence of the Southern Cherokee Nation. After Watie left Washington, President Andrew Johnson ordered that a treaty be made with the Southern Cherokees granting them their own pro rata share of the Cherokee Nation. Such a treaty was written and appropriately signed, but Johnson never submitted it to the United States Senate for approval. In the meantime, Ross and his followers were conferring with Commissioner of Indian Affairs Cooley on their version of a treaty. The Northern delegation produced a document which included most of the demands of the Federal government, but which excluded land grants to railroads, territorial government, and a division of the Cherokee Nation between the Northern and Southern factions. On July 19, 1866, the treaty was agreed on and submitted to the Senate, and

³³Stand Watie to Saladin Watie, May 12, 1866, *ibid.*, pp. 242-243.

after a series of amendments, it was approved on July 27. On July 31, the Northern Cherokees accepted the changes, and on August 11, the treaty was ratified and proclaimed.³⁴

Basically the treaty was a series of compromises between the three factions involved--the Federal government, the Northern Cherokees and the Southern Cherokees. The alliance with the Confederate States was declared void, and amnesty was extended for actions occurring before July 4, 1866. Cherokee confiscation laws were repealed, and all Cherokees and former slaves were allowed to reside wherever they wished. Southern Cherokees were permitted to remain in the Canadian District, and if not enough land was available, additional territory in the Cherokee Nation would be provided north of the Arkansas River, between the Grand River and the Creek Nation. All inhabitants of this area were to have the right to elect their local officials, and the United States was authorized to establish a court in Indian Territory for all tribes. Licenses were required of all traders in the Cherokee Nation, and slavery was prohibited, with no compensation for emancipated slaves. A legislative assembly for the Cherokees was guaranteed, and various provisions were made for its election and duties. Railroad right-of-ways were granted, and the Federal government was allowed to settle additional Indians in the Cherokee Nation, and Plains Indians might be settled west of 96° west longitude. The price for the land to be sold to the Plains tribes was to be agreed upon by the Indians involved, and if no agreement

³⁴J. W. Washborne to J. A. Scales, June 20, 1866, *ibid.*, p. 245; Wardell, A Political History of the Cherokee Nation, 1838-1907, p. 245; Charles J. Kappler, ed. and comp., Indian Affairs: Laws and Treaties (5 vols., Washington: Government Printing Office, 1904-1941), Vol. II, pp. 942-950.

could be reached, the President of the United States would set the price. The Neutral Lands in Kansas and the Cherokee Strip were ceded to the United States to be held in trust until sold to the highest bidder. Lands owned by the Cherokees in Arkansas or in any state east of the Mississippi River might be sold by the Cherokees "in such manner as their national council may prescribe," but only with the approval of the Secretary of the Interior.³⁵

The treaty provided that whenever the Cherokee Nation requested, its land was to be surveyed and allotted to individual Cherokees by the Federal government; the boundary between the Cherokee Nation and Arkansas, Missouri, and Kansas was to be marked, and the expense paid by the United States. Funds from the United States government due the Cherokees were to be invested, and various provisions were made for the distribution of the interest from the funds among the Indians. The Reverend Evan Jones was paid \$3,000 as a "slight testimony for the useful and arduous services" he had provided the Cherokees for forty years. Provisions were made for the payment of bounties and arrears for service to the Cherokees who served in the Union Army or their heirs. The United States guaranteed the Cherokees protection, and was given the right to establish military posts or stations in the Cherokee Nation. Persons not citizens of the Cherokee Nation or in the military service of the United States were prohibited from entering the Cherokee Nation, and spirituous liquors were forbidden except for medical purposes. The Federal government agreed to pay for the provisions and clothes furnished the Federal Indians during the winters of 1861 and 1862, and the

³⁵ Ibid.

expenses of the Cherokee delegates to Washington were to be paid by the United States. Also, payments of certain missionary claims were authorized. No members of the Southern Cherokee delegation signed the final treaty.³⁶

The reaction of Watie and the Southern Cherokees was expressed by Boudinot, who declared, "We have been beaten." Apparently some members of the Southern Cherokees wanted to oppose the treaty, but Boudinot proposed to Watie that they accept the agreement because "it does not commit us to anything, and gives us a good chance to renew the demand for a division at a more favorable opportunity." Watie was not inclined to again become involved in Cherokee politics; apparently the Southern Cherokees split among themselves, however, over the division of money allotted them by the Federal government for their expenses as delegates in Washington. Boudinot felt disgraced by the actions of Ridge and Adair, and he exclaimed, "Ridge is a scoundrel! there is no use in denying it; with him and Adair I shall have nothing to do henceforth."³⁷

Watie, though, had had enough politics and fighting. The four years of military campaigning during the Civil War had affected his health, and the conflict had destroyed his wealth. His old adversary John Ross had died on August 1, 1866, so there was not even the motive of personal revenge to prod him to action. His family had been separated during the war, and one of his sons had died, and no doubt Watie looked

³⁶ Ibid.

³⁷ Boudinot to Watie, July 25, 1866, Dale and Litton, eds., Cherokee Cavaliers, p. 247; Boudinot to Watie, December 2, 1866, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

forward to the time when he could fulfill Sarah's desire to live once again in peace. The leadership of the Ridge-Watie-Boudinot faction of the Cherokees was being assumed by younger men, such as Elias C. Boudinot, and Watie seemed content to relinquish his position as head of the group. With the absence of the major antagonist, the feud between Watie and Ross was being replaced by new Cherokee questions resulting from the process of reconstruction. The bitter hatreds over removal were being extinguished, and Watie was playing less and less of a role in Cherokee politics. He was old beyond his sixty years, most of which had been spent in periods of violence and confusion. Watie's destitute family needed providing for, and during the last years of his life he undertook to rebuild his former wealth and once again live in prosperity.

CHAPTER XI

PEACE AT LAST

In the Cherokee Treaty of 1866, Watie and the Southern Cherokees had lost their bid for a separate nation. Now the pressing need was for reunion and rebuilding. Watie and the other Southern refugees returned to their homes only to find desolation and destruction. The war had extracted a tremendous price from the Cherokees, and all of their energies would be required to reestablish their prosperity. Watie returned to find most of his property destroyed or seized; with his usual zeal, nevertheless, he set about to rebuild his holdings. The process proved difficult, for not only was Watie sixty years of age, but his health had been severely impaired during the long period of military campaigning.

The bitter feud between the Southern delegates to Washington in 1866 continued, but apparently Watie did not become deeply involved, for his main concern was to provide an adequate living for his family and a suitable education for his children. He continued to live with his family at Boggy Depot among the Cherokees, and attempted to make a living by farming. The Northern Cherokees, after the death of Ross, had split over the approaching tribal elections, but the Southern Cherokees made no serious effort to secure the election of the principal chief from their ranks. Therefore, in August, 1867, Lewis Downing was elected the

principal chief and James Vann the assistant chief.¹

During late May, 1867, Saladin traveled to Webbers Falls in the southern portion of the Cherokee Nation. There he acquired land on the south side of the Arkansas River and began to construct a new house in which he planned to live. However, Watie with the rest of the family was still in the Choctaw Nation. In June, Watie suffered a serious financial setback when a flood along the Red River destroyed about 100 acres of his corn crop. As a result of the disaster, he indicated that he would probably return to the Cherokee Nation sooner than he anticipated. Boudinot had also returned from Washington, and he proposed to Watie that he purchase what was left of Watie's steam sawmill in the Cherokee Nation, but Boudinot indicated that he had no money to carry out the transaction.²

During the summer of 1867, Watie was requested by Perry Fuller, an attorney, to go to Washington in order to consult with H. K. McKee and Company concerning the capture of the Federal supply wagon train at Cabin Creek. McKee promised to reimburse Watie for the time and expense involved. Apparently Watie made the trip in late summer. While he was there, he contemplated organizing a Battalion of Cherokee Volunteers to serve against the Plains Indians who were raiding along the Santa Fe Trail. Watie hoped to secure a commission as commander of the Cherokee troops, and receive permission to organize the force. Perhaps military

¹Elias C. Boudinot to Stand Watie, January 17, 1867, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; W. P. Boudinot to Stand Watie, April 9, 1867, Dale and Litton, eds., Cherokee Cavaliers, pp. 247-250.

²Fort Smith Herald, May 28, 1867, p. 3; Stand Watie to Saladin Watie, June 9, 1867, and Elias C. Boudinot to Stand Watie, June 9, 1867, Dale and Litton, eds., Cherokee Cavaliers, pp. 251-252.

glory was still in his mind, and possibly he viewed the army as the best possibility for regaining his losses. However, Watie never achieved his dream of once again leading troops in the field, as a Cherokee battalion was not formed.³

By early November, 1867, Watie was back in Indian Territory, and he moved his family to a home at Breebs Town, just north of the Choctaw-Chickasaw boundary, near Webbers Falls, on the Canadian River in the Canadian District. Although Sarah was still not in the best of health, Watie remained in the Choctaw Nation to settle his affairs. Saladin visited his mother at her new home and helped with the work. Conditions seemed to be improving, as food was plentiful, and Sarah, happy to be back in the Cherokee Nation, was rapidly recovering, stepping "about like some young sixteen year old girl." Saladin planned to leave on November 17 to join his father and help him move the remainder of the family possessions to Breebs Town. Watie had acquired some cattle, and they were doing well. Saladin urged him to purchase more cattle in the Choctaw Nation while he could still get them cheaply. He pointed out that these could be added to the existing herd, or used to provide beef for the family. Saladin offered to exchange his new home nearby at Webbers Falls for the one they were moving into at Breebs Town, because as he told Watie, "it would be more pleasure to me than anything in the world to see you and Mama in a good comfortable home." Apparently Watie and his son were very close, and Saladin was extremely concerned about

³H. E. McKee to Stand Watie, 1867, *ibid.*, pp. 258-259; R. Armstrong to Stand Watie, August 30, 1867, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

the health of his mother.⁴

In late November, 1867, John Candy, Watie's brother-in-law, approached him with a proposal that the Southern Cherokees again challenge the supremacy of the Northern faction of the tribe, and publish a pamphlet setting forth their views, but Watie was not inclined to once again become involved in tribal politics. December found Watie deep in the Choctaw Nation moving the remainder of the family possessions to their new home. However, his health was beginning to fail, and he complained of a chill which had plagued him for three days. But by the end of the year the family was again united and settled in the Cherokee Nation from which they had been exiled for so long.⁵

Watie's financial dealings were on the upswing, and during late 1867 and early 1868, he joined with Boudinot to form the Boudinot and Watie Tobacco Company. They interpreted the Cherokee Treaty of 1866 as exempting them from the United States excise tax on tobacco. Thus by manufacturing plug tobacco inside the boundaries of the Cherokee Nation, they would be able to undersell their competitors in the surrounding states. It cost about forty-three cents to produce a pound of plug tobacco, but the Federal tax on tobacco was thirty-two cents a pound. Therefore Boudinot and Watie could transport their product into Arkansas, western Missouri, and northern Texas and capture the market by avoiding the Federal tax. Watie furnished a portion of the capital for the

⁴Saladin Watie to J. A. Scales, November 4, 1867, and Saladin Watie to Stand Watie, November 16, 1867, Dale and Litton, eds., Cherokee Cavaliers, pp. 253-256.

⁵Stand Watie to James M. Bell, December 28, 1867, *ibid.*, p. 258; John Candy to Stand Watie, November 26, 1867, "Letters To and From Stand Watie," Vol. I, Cherokee Room, John Vaughan Library, Northeastern State College.

construction of the factory, but he remained more or less a silent partner. The factory was constructed on Wet Prairie in the Cherokee Nation about four miles south of Maysville, Arkansas, and eventually the settlement was called Boudiville. Boudinot urged Watie to proceed as soon as possible with the construction of the buildings.⁶

Watie's promising future received a severe shock on February 13, 1868, when Saladin died nearby at his home in Webbers Falls. This was a great blow to Watie, who had leaned on his eldest son during the latter years of his life. Watie concluded the estate of Saladin and paid off his debts. On July 20, 1868, the United States Congress passed a new internal revenue tax law imposing taxes on "distilled spirits, fermented liquors, tobacco, snuff, and cigars," that were produced "within the exterior boundaries of the United States whether the same shall be within a collection district or not." This had a great effect on the Boudinot and Watie Tobacco Company, which was beginning to produce the "Boudinot & Watie" plug in earnest in 1868.⁷

Watie's business ventures continued to take a turn for the worse in 1868 as he struggled to provide a living for his family. Evidently he had sold a portion of his steam sawmill in the Cherokee Nation to W. D. Polson and allowed him to manage the enterprise. Polson was not a very

⁶ Elias C. Boudinot to Stand Watie, January 9, 1868, Dale and Litton, eds., Cherokee Cavaliers, pp. 259-260; Robert K. Heimann, "The Cherokee Tobacco Case," Chronicles of Oklahoma, Vol. XLI, No. 2 (Autumn, 1963), pp. 299, 313-315.

⁷ Ibid., p. 313; Carolyn Thomas Foreman, "Early History of Webbers Falls," *ibid.*, Vol. XXIX, No. 4 (Winter, 1951-1952), p. 473; Barber Smith to Stand Watie, March 17, 1868, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; "Supreme Court, U. S. No. 253, Elias C. Boudinot and Stand Watie vs. the United States," Hargrett Collection, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma, p. 19.

efficient businessman, and soon the company was in a poor financial condition. Watie observed the dilapidated condition of the mill and the incompetence of Polson in running the business. He advised Polson to close the mill until a competent man could be hired to manage it, but Polson ignored Watie's advice. However, Watie considered it "my business until I am paid," and declared that it was "all my future dependence being flat broke and too old to work."⁸

Being deeply concerned with the education of his sole surviving son, Watie sent Watica to Cane Hill College at Cane Hill, Arkansas, in the autumn of 1868. Watica was very proud of the opportunity, and he expressed his appreciation when he said that he had "a papa that take the last dollars he has to send my to Chool [sic]." Promising to learn all that he could, Watica intended to please his father, and he seemed to be enjoying the experience, although he missed being home. Watie's youngest daughter, Jacqueline, was sent to school at Webbers Falls. Apparently Watie realized the value of education, and he was determined that his children would receive the best available considering his financial difficulties.⁹

The Cherokee Treaty of 1866 provided in Article XII for the creation of a General Council of Indian Territory. The council was to be composed of delegates from each tribe of Indians residing in Indian Territory, and was given the power to legislate "upon matters pertaining to the intercourse and relations of the Indian tribes and nations

⁸Stand Watie to J. W. Washborne, October 3, 1868, Dale and Litton, eds., Cherokee Cavaliers, p. 268.

⁹Watica Watie to Stand Watie, October 11, 1868, and Watica Watie to Jacqueline Watie, October 23, 1868, *ibid.*, pp. 269-270.

and colonies of freedmen resident." Also, it was to provide for the arrest and extradition of criminals fleeing from one tribe to another, for the common defense and safety of the country, as well as various other duties. Members of the council were to be paid by the Federal government at the rate of four dollars a day when the council was in session, and four dollars for every twenty miles traveled in going to and returning from the council. On October 28, 1868, Watie was elected as a Cherokee delegate to this body and was certified for the post by the judges and clerks of the Canadian District of the Cherokee Nation.¹⁰

Watica's education progressed rapidly at Cane Hill College. He had received no formal education during the Civil War, and he wanted to learn as much as possible so "I will be able to helpe [sic] papa do business when I go to School a while longer." Just before he returned home for a week's vacation during Christmas, 1868, he wrote a detailed description of the family home near Webbers Falls. He said the location was about twenty-five miles below Fort Gibson "upon the bank of the river above high water mark and has a beautiful view both up and down the river." The country was exceedingly level, and in the spring "when the grass is green there is no place" more beautiful. Before the house there stretched what appeared to be a continuous lawn, because of the lack of undergrowth. There were large shade trees, Watica noted, "and though to others it may be a place of indifference but to me it is the best place." Watie, who had buried his other two sons, felt unusually close to Watica, and Watica was exceedingly proud of his father. Watie was also delighted

¹⁰ Kappler, ed. and comp., Indian Affairs: Laws and Treaties, Vol. II, pp. 942-943; Certification of Watie's Election, October 28, 1868, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

over the nearness of his two younger brothers, John and Charles, who had returned to the Cherokee Nation and were residing near the Watie home.¹¹

The tobacco business was developing rapidly, and Boudinot expressed great enthusiasm to Watie over the anticipated profits. By late November, 1868, the processing machinery was being installed in the new factory buildings constructed at Boudiville. Boudinot declared that by the middle of February, 1869, the plant would have paid for itself and the two partners would then begin dividing the profits.¹²

Watie continued to encourage the education of his children, and Ninnie Josephine was sent to school at Fort Smith, Arkansas. With all his remaining children away at school, Watie was extremely pressed to meet the expenses of their education. In January, 1869, he visited the old home site on Honey Creek in the northern part of the Cherokee Nation, and then traveled to Boudiville to observe the final construction and equipping of the tobacco plant. The purpose of the visit was to secure needed educational funds, and now that his business was becoming operational, Watie found his financial position improving. However, Sarah was becoming worried over her husband's health, and she urged Watica to try hard in school. Declaring that Watie was "getting to old to ride so much," she told her son that she would be happy when he would be able to "do business in place of your papa." Watie, who was gone for nearly three weeks, indicated that he wished to visit his son at school very

¹¹P. Armstrong to John Watie, October 9, 1868, and W. P. Adair to Stand Watie, November 21, 1868, *ibid.*; Composition of Watica Watie, November 12, 1868, and Watica Watie to Stand Watie, November 15, 1868, Dale and Litton, eds., Cherokee Cavaliers, pp. 270-271.

¹²Elias C. Boudinot to Stand Watie, November 21, 1868, *ibid.*, pp. 271-272.

soon.¹³

Apparently Watica was thriving at Cane Hill College, and was becoming popular among the young ladies. Many of his relatives expected him to "become the man your Father has been to his people and his country." His mother also expected great things of her son, and she urged Watica "to be a good boy and try hard to learn so that you will be a useful man to your country." It seemed as though both Watie and Sarah were placing their future hopes on their son, and dreaming that he would assume a role of leadership in the Cherokee Nation.¹⁴

During March, 1869, Watie again visited his old home site on Honey Creek, for he was planning to build a new house on that location for his family. Watie's finances were greatly improved, and he was well on his way to regaining the personal wealth he had lost during the Civil War. Also, both of his daughters were home, and no doubt they added much to his pleasure. Watica himself was looking forward to the time when he could rejoin his family.¹⁵

All the plans Sarah and Watie were making for Watica came to an abrupt end on April 9, 1869, when he died of pneumonia while attending school at Cane Hill. Sarah and Watie had been sent for when he became ill and remained at his bedside for several days until his death. His

¹³ Ninnie Watie to Watica Watie, December 12, 1868, Watica Watie to Stand Watie, January 25, 1869, Sarah C. Watie to Watica Watie, January 29, 1869, *ibid.*, pp. 273-277; Stand Watie to Watica Watie, February 11, 1869, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

¹⁴ Sallie E. Starr to Watica Watie, February 15, 1869, and Sarah C. Watie to Watica Watie, March 22, 1869, Dale and Litton, eds., Cherokee Cavaliers, pp. 281-283.

¹⁵ *Ibid.*; Watica Watie to Jacqueline Watie, March 31, 1869, *ibid* pp. 383-384.

parents took his body home for burial. With his death the last direct male heir of Watie's family was removed. Undoubtedly Watie and Sarah, who had placed so much hope and faith in their only surviving son, took his death very hard, and Watie, who was in poor health, now had the extra burden of grief.¹⁶

Financially, Watie appeared to be more fortunate. Early in April, 1869, T. J. Abert had approached Watie about taking over the operation of a barge on the Arkansas River at Webbers Falls, indicating that it would become very profitable when improvements on the river between Fort Smith and Webbers Falls were completed. In August of the same year, Boudinot visited the tobacco plant and "found things in a prosperous condition." However, Boudinot wanted to buy out Watie's share of the business, and apparently Watie agreed to sell. Also, Boudinot urged Watie to join him in another business venture. The Missouri, Kansas, and Texas Railroad was making rapid progress toward the northern border of the Cherokee Nation, and Boudinot wanted them to develop as much land as possible along the railroad right-of-way before the tracks were laid in the Cherokee Nation. This land would become extremely valuable, Boudinot reasoned, once the railroad was completed. Watie's farming was also showing considerable profit. The cotton crop for the year 1869 was extremely good and Watie hoped that he would make enough money from the sale of his cotton to pay all his debts.¹⁷

¹⁶Hiram V. Blackmer to Sarah C. Watie, April 22, 1869, *ibid.*, pp. 284-285; "Stand Watie Order Book," Indian Archives Division, Oklahoma Historical Society.

¹⁷Elias C. Boudinot to Stand Watie, August 15, 1869, Dale and Litton, eds., Cherokee Cavaliers, pp. 285-286; T. J. Abert to Stand Watie, April 7, 1869, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

On October 21, 1869, Boudinot was advised by the United States Commissioner of Internal Revenue, Columbus C. Delano, that the Office of Internal Revenue did not intend to enforce federal revenue laws regarding tobacco inside the Cherokee Nation. However, the Federal government changed its mind, and on December 22, 1869, the United States Marshal for the Western District of Arkansas seized the tobacco plant at Boudiville and confiscated the "hydraulic press, pumps, scales, molds, 4,500 pounds of tobacco, sugar, licorice and grape juice," Boudinot also had criminal charges filed against him for violation of Federal law. This ended the Boudinot and Watie Tobacco Company, but Boudinot took his appeal to Washington, and the case eventually came before the United States Supreme Court.¹⁸

Meanwhile, Watie had been in contact with a competent millwright named Messinger during the spring of 1870. Messinger wanted to construct a flour mill with Watie which would be highly profitable to both of them, and was anxiously awaiting an opportunity to meet with Watie and work out a contract. Apparently some sort of satisfactory arrangement was made, for by June, 1870, Watie was busily involved in manufacturing flour, and was constructing a boat to carry the produce to market.¹⁹

In the meantime, Boudinot hurried to Washington to defend his actions in the Boudinot and Watie Tobacco Company; however, the United

¹⁸"Supreme Court, U. S. No. 253, Elias C. Boudinot and Stand Watie vs. the United States," Hargrett Collection, Thomas Gilcrease Institute of American History and Art; Heimann, "The Cherokee Tobacco Case," Chronicles of Oklahoma, Vol. XLI, pp. 316-317.

¹⁹Ben Hamilton to Stand Watie, March 11, 1870, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; Henderson to Stand Watie, June 16, 1870, "Letters To and From Stand Watie," Vol. I, Cherokee Room, John Vaughan Library, Northeastern State College.

States District Court for the Western District of Arkansas, had upheld the confiscatory action of the Federal government. Boudinot appealed to Watie to help, stating that once the situation was settled, "we can make a combination which will be mutually advantageous." Declaring that he was "crushed to the Earth," Boudinot called on Watie and exclaimed, "for God's sake help me out!" Watie was unable to do anything for his nephew, and Boudinot was left on his own in the matter.²⁰

In October, Boudinot returned to the Cherokee Nation in preparation for his trial on criminal charges at Van Buren, Arkansas. He hoped that the Cherokee National Council would "pass a resolution setting out the importance to the nation of the case," and he had requested that the criminal trial not be held until the United States Supreme Court had made a decision on the matter. He also asked Watie to meet him at the factory at Boudiville. In the meantime, Watie continued his business ventures and prepared to construct a boat to be loaded with general goods and sent down the Arkansas River to Fort Smith. Apparently Watie was injured in some way during this period, and his health was still not good.²¹

On September 27, 1870, the General Council for Indian Territory, to which Watie had been elected, convened at Okmulgee, the capital of the Creek Nation, but it was not until September 29 that a quorum was present and business began. Various officers were elected, and a

²⁰Elias C. Boudinot to Stand Watie, March 3, 1870, Dale and Litton, eds., Cherokee Cavaliers, p. 288.

²¹Elias C. Boudinot to Stand Watie, October 3, 1870, *ibid.*, pp. 288-289; Henderson to General, November 28, 1870, "Miscellaneous Letters Relating to Indian Affairs," Cherokee Room, John Vaughan Library, Northeastern State College.

committee was appointed to "report rules for the government of the Council in the transaction and order of business." Also, six standing committees were appointed to deal with relations with the United States, international relations, the judiciary, finance, education, agriculture, and enrolled bills. After the appointment to the committees was made, the council adjourned to reconvene at 2:00 p.m. When it met again, the delegates passed a series of resolutions, instructing the various committees to prepare reports.²²

On September 30, a resolution was passed instructing the Committee on Relations with the United States to prepare a petition to the President of the United States discussing the Indian relations with the Federal government and land for railroads. The meeting then adjourned until 7:00 p.m. It was not until the evening meeting that Watie finally arrived and was admitted to his seat. The council then unanimously passed a series of resolutions. Because of the short notice given for the convening of the General Council, it resolved that it would "meet again at 10 A.M., at this place on the first Monday in December next, unless otherwise ordered by the Secretary of the Interior." The standing committees were instructed to continue their work and to give their reports at the next meeting. A copy of the resolutions was sent to the Choctaw and Chickasaw nations, and they were requested to attend the next session. Also, assurances of friendship and kind feelings were conveyed to the Comanche, Kiowa, Arapahoe, Cheyenne, Caddo, Wichita, and other Plains tribes, and "an expression of their earnest wish that

²²"Journal of the General Council of Indian Territory," Chronicles of Oklahoma, Vol. III, No. 1 (April, 1925), pp. 36-40.

relations of peace may be established between them and all men of whatever race or color." Ok-tar-har-sars Harjo was delegated to take the message to the Plains Indians and invite them to attend the next session. Finally, the Committee on Education and Agriculture was instructed "to report fully as may be practicable upon the condition of agriculture in Indian Territory,"²³

On December 6, 1870, the General Council of Indian Territory reconvened at Okmulgee, and again Watie was a Cherokee delegate. It was not until December 8 that a quorum was present and the meeting could begin. The journal of the last session was read and interpreted. On December 9, a lobbyist for the railroads spoke to the gathering. The next day a report was read calling for the creation of a republican form of government for the Indians to "protect the weaker tribes from oppression by the Stronger & to promote the general good of all the nations and tribes." Assurances were again sent to the Plains Tribes professing friendship and kind feeling, and inviting them to send delegates to the council.²⁴

On December 12, a motion was introduced calling for the appointment of a committee to draft a constitution for Indian Territory. It was proposed that the legislative powers of the General Council be enlarged, and the President of the United States be given the power of suspending the operations of the council whenever he deemed it necessary. The Committee on Agriculture and Education then presented its report, which

²³ Ibid., pp. 42-43.

²⁴ William Nicholson, "A Tour of Indian Agencies in Kansas and the Indian Territory in 1870," Kansas Historical Quarterly, Vol. III, No. 3 (August, 1934), pp. 358-364.

stressed the destruction of the Civil War on Indian Territory.²⁵

On December 16, the committee appointed to draft a constitution presented its report. Federal officials had indicated that the formation of a territorial government would allow the Indians to send a delegate to Congress. The name retained by the new territory was Indian Territory, and all the citizens were to be guaranteed the same rights. Three different branches of government were to be created--legislative, executive, and judicial. The legislative powers were to be confided in a Senate and a House of Representatives, and the report outlined the make-up and duties of the two bodies. The report called for the judicial power of the new government to be vested in one Supreme Court, three district courts, and other inferior courts as provided by law, and the powers of the judicial branch were explained. A method for amending the constitution was provided for, and the executive power was given to a governor. His term of office, qualifications, and duties also were listed. The entire day of December 17 was spent by the council in debating the report of the committee, and then it adjourned to meet again on December 19.²⁶

When the council reconvened, the constitution was adopted, and minor details were discussed. The council voted to meet again on the first Monday of June, 1871, at Okmulgee, and then President Enoch Hoag congratulated the members of the council on their conduct and the resolutions adopted. On December 20, the council adjourned. Watie, although present, did not take an active part in the meeting, likely due to his

²⁵ Ibid., pp. 365-366.

²⁶ Ibid., pp. 371-375.

poor health and the emergence of new Cherokee leaders.²⁷

Watie's nephew Boudinot, however, had viewed the proceedings of the Grand Council with much interest. He was especially concerned with the possibility of an Indian delegate to the United States Congress, and he contemplated himself in that position. Expressing his wish to Watie, Boudinot declared that he was confident that he would receive the backing of the Creeks and Seminoles. To improve his chances of carrying the Cherokees, he urged Watie to seek election to the National Council, and once again embroil himself in the intrigue of Cherokee politics. Indicating that he was leaving for Washington at once, Boudinot declared that Watie should look forward to the time of his return: "let us be stripped for the fight for now is the time when our family, so long under the ban, may assert its just position of honor among our people." Apparently Watie was not moved by Boudinot's plan, or perhaps he was too tired or sick to again take up the mantle of leadership.²⁸

Watie was unable to spend Christmas of 1870 with his family because he was working at the old home site on Honey Creek near the Grand River, so his wife and daughters spent the holidays in Fort Smith. Ninnie and Sarah returned to Webbers Falls on New Year's Day, 1871, and were disappointed that Watie had not yet returned. His family missed him deeply, and Ninnie pleaded with him to "come home just as soon as possible." Watie was still on Honey Creek at his old home site, but was feeling much better. He was very pleased that Ninnie was home, and indicated that her presence lessened his fears for his wife's health. Watie told

²⁷ Ibid., pp. 375-377.

²⁸ Elias C. Boudinot to Stand Watie, December 11, 1870, Dale and Litton, eds., Cherokee Cavaliers, pp. 289-290.

Ninnie that he was trying to purchase a small house near the old home place, and he promised that he would return to his family in a very short time. Watie dreamed of moving back to his old home on Honey Creek, where he had spent much of his time before the Civil War, and which would provide many fond memories during old age.²⁹

In the spring of 1871 Ninnie started to school again at Webbers Falls, and Watie's youngest child, Charlotte Jacqueline, was also wanting to return to school. She had not been able to start because she did not have shoes, but she pleaded with her father to do everything possible to return her to school. Apparently, Watie could not resist the pleading of his youngest child, and in late March she was sent to Clarke's Academy in Berryville, Arkansas.³⁰

Watie and Sarah were sorry to see their youngest child leave home, and Jacqueline came near not going. Sarah insisted, though, and Jacqueline obviously enjoyed school once she arrived. Expressing delight at her teachers, she asked her father, if at all possible, to let her return for the next term; however, she would understand if Watie did not have the money to keep her at the boarding school. In the meantime, Watie returned home, where he spent a week with his wife and Ninnie, before returning to his old home site on Honey Creek.³¹

On May 1, 1871, the Supreme Court of the United States issued its

²⁹ Ninnie Watie to Stand Watie, January 1, 1871, *ibid.*, p. 290; Stand Watie to Ninnie Watie, January 7, 1871, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library.

³⁰ Jacqueline Watie to Stand Watie, March 15, 1871, and Ninnie Watie to Jacqueline Watie, April 17, 1871, Dale and Litton, eds., Cherokee Cavaliers, pp. 291-292.

³¹ *Ibid.*; Jacqueline Watie to Stand Watie, April 22, 1871, *ibid.*, pp. 292-293.

decision in the Cherokee Tobacco Case, and ruled in favor of the Federal government. The Cherokee National Council in December, 1870, had authorized Albert Pike and Robert W. Johnson of Arkansas to represent Watie and Boudinot in the court battle at a cost of \$1,500. Pike and Johnson had proceeded to Washington, and in a lengthy argument before the Supreme Court had presented Watie's and Boudinot's appeal. They contended that the Revenue Act of July 20, 1868, did not apply to the Cherokee Nation, and that Watie and Boudinot were citizens of the Cherokee Nation and were engaged in their business inside the boundaries of the Cherokee country. Thus they argued, the Federal government had been unfounded in its actions because it could not levy a tax on the Indians without their approval. The ambiguity of the Revenue Act was questioned by Pike and Johnson, and they cited several previous court decisions and Cherokee treaties to reinforce their claims. Nevertheless, the Supreme Court was heedless of their pleas, and upheld the action of the United States.³²

Boudinot was aghast at the decision, describing it as "the Death Knell of the Nations." Stating that he was totally ruined, Boudinot informed Watie that he must now stand trial at Van Buren, Arkansas, for violation of the internal revenue laws of the United States. Apparently Boudinot believed that his only salvation would be the election of Watie to the Cherokee National Council as the representative of the Canadian District. Declaring that when he received word of Watie filing for

³² Heimann, "The Cherokee Tobacco Case," Chronicles of Oklahoma, Vol. XLI, p. 318; "Supreme Court, U. S., No. 253, Elias C. Boudinot and Stand Watie vs. the United States," Hargrett Collection, Thomas Gilcrease Institute of American History and Art, pp. 1-82; Elias C. Boudinot to Stand Watie, May 10, 1871, Dale and Litton, eds., Cherokee Cavaliers, p. 295.

office would he "then feel easy," he urged his uncle to seek the office immediately. Once again Watie refused to involve himself in politics. He was tired of bickering and political intrigue, and in his last years was more concerned with providing for his family than with seeking political position.³³

Watie was extremely lonely in May, 1871, at his old home site on Honey Creek without Sarah or any of his children, but he recognized the necessity of having them at school. Watie was making improvements on his pre-Civil War home site, and apparently he intended to move his family there as soon as possible. He planned to return to Webbers Falls and spend about two weeks with his wife. Promising Jacqueline that he would do his best to send her to school for the next term, he indicated that he hoped to visit her at Berryhill soon. When Jacqueline returned home during the summer vacation, he planned to take her with him to the new house he was building on Honey Creek and he predicted that she would not recognize the old location.³⁴

Watie's business ventures did not go well during 1871, and the family was again pressed for money. Sarah, although, maintained good spirits, and she urged the other members of the family to follow her example. Both Watie and Sarah, however, were willing to make extreme sacrifices to assure their daughters an adequate education. In June, Watie attended the meeting of the General Council of Indian Territory. It was during this meeting that many members of the Plains tribes accepted the invitation to attend, and the council was described as

³³ Ibid.

³⁴ Stand Watie to "My Dear Daughter," May 10, 1871, *ibid.*, pp. 295-296.

"animated and harmonious."³⁵

Watie continued during the summer to work on his old home site on Honey Creek. He had purchased a number of beef cattle, and was improving his once thriving plantation. Although his prominence among the Cherokees was declining, and the leadership of the tribe was being taken over by younger men, he was still surprisingly well known nationally. During June, 1871, Watie was contacted by Charles C. Jones, Jr., who was preparing a publication on general officers and famous leaders of the Confederacy, and he was asked to supply information on himself for inclusion in the book. However, fame was not what Watie was seeking. Instead, he dreamed of restoring his old home site to its previous condition, and of spending his remaining days among pleasant surroundings with his family at his side.³⁶

Watie would never see his dream fulfilled. The task he had undertaken of restoring his old home, the hardships resulting from the numerous business ventures needed to educate his children and provide for his wife, the ill health he suffered from the years of military campaigning during the Civil War, and the heartbreak resulting from the loss of his sons had all taken their toll. Watie's worn out body could simply not match the pace he set for himself. Still he continued to work for his

³⁵Sarah C. Watie to Jacqueline Watie, May 28, 1871, *ibid.*, pp. 296-297; Vincent Colyer to Columbus Delano, December 12, 1871, in "Report of the Commissioner of Indian Affairs," United States House of Representatives, 42nd Congress, 2nd Session, Executive Document 1, Part 5 (5 parts, Washington: Government Printing Office, 1871), p. 435.

³⁶Charles C. James, Jr. to Stand Watie, June 9, 1871, Cherokee Nation Collection, Western History Collections, University of Oklahoma Library; John F. Wheeler, "Death of Gen. Stand Watie," Grant Foreman Collection, Indian Archives Division, Oklahoma Historical Society.

dream. He was suddenly taken ill, and died on September 9, 1871, at his old home site on Honey Creek, away from his family, but among the other surroundings that he so dearly loved.³⁷

When Watie died, the Grand River was flooding, and it was impossible to return his body to Webbers Falls for burial. Thus he was buried in the old Ridge Cemetery, later to be called Polson's Cemetery, in present day Delaware County, Oklahoma. Watie's death was mourned by the Cherokees. His obituary in the Cherokee Advocate declared there was "no Indian in the country better known or more highly esteemed...his courage and integrity were recognized even by his enemies, and he eminently deserved the respect and admiration of everyone." Watie's friends had nothing but praise for him, and one of these, Mrs. A. K. Hardcastle, declared that his "labors on earth have not been in vain, he has done much lasting good for his country and countrymen, that will never be forgotten but handed down to the future generation in the book of history for them to follow in his footsteps and to aspire to leave their footprints on the sands of time as well as he."³⁸

Watie was survived by his wife, Sarah, and his two daughters, Ninnie Josephine and Charlotte Jacqueline. After Watie's death his family moved to the northern part of the Cherokee Nation, where they lived in a log cabin hidden in a deep glen, near where Horse Creek flows

³⁷ Ibid.; Dale and Litton, eds., Cherokee Cavaliers, p. 266.

³⁸ James Julian Hill, Interview, Grant Foreman, ed., "Indian-Pioneer History," (113 vols., unpublished manuscript), Vol. LXXIV, p. 389, Indian Archives Division, Oklahoma Historical Society; Mabel Washbourne Anderson, "General Stand Watie," Chronicles of Oklahoma, Vol. X, No. 4 (December, 1932), p. 547; Cherokee Advocate, September 30, 1871, p. 3; A. K. Hardcastle to Sarah Watie, October 27, 1871, Dale and Litton, eds., Cherokee Cavaliers, pp. 299-301.

into the Grand River. Tragedy continued to plague the Watie family, even after Watie's death, and both his daughters, Ninnie Josephine and Charlotte Jacqueline, who did not marry, died in 1875. Sarah continued to live out the remainder of her life without the comfort of any of her five children and finally died in 1883. She was buried on high ground above her home site. Although Watie was buried at Polson's Cemetery, her gravestone included an inscription for them both.³⁹

Even during the darkest hours of reconstruction, Watie provided a degree of leadership for the Cherokees. When the conflict with Ross finally ended, he devoted all his energy and strength in rebuilding his wealth, which had been dissipated by the war. He constantly struggled to provide the best for his family, and ironically, before he died, he saw his three sons buried. Until his death, he was concerned about the welfare of his family, and he continued to offer them the best available, often at great sacrifice to himself. In his last years he turned away from tribal politics in order to seek economic security and family happiness. He wanted no more of the strife and violence that had been his lot in life.

³⁹Claborne Addison Young, "A Walking Tour of Indian Territory, 1874," Chronicles of Oklahoma, Vol. XXXVI, No. 2 (Summer, 1958), pp. 174-175; Wright, "The Name of General Stand Watie of the Cherokee Nation," *ibid.*, Vol. XXXIV, p. 253; Genealogy of Ridge-Watie-Boudinot, Dale and Litton, eds., Cherokee Cavaliers, following p. 302; Starr, "History of the Cherokee Indians," Original Manuscript, Historical Society Library, Oklahoma Historical Society.

CHAPTER XII

TSALAGI

Among the Cherokees the word Tsalagi can be translated "brave man," and perhaps this word best characterizes Watie. Throughout his life he was plagued by turmoil and strife, and he steadfastly faced each encounter. As a member of the prominent Ridge-Watie-Boudinot family, Watie inherited a position of Cherokee leadership, and he constantly adhered to the political positions of his relatives, whom he believed were acting in the best interests of the Cherokee Nation.

Watie's family realized the folly of the Cherokees in attempting to maintain their ancestral homes in Georgia, Tennessee, Alabama, and North Carolina in the face of growing white encroachments, and openly proposed removal to the West. Greatly overshadowed in the early years by his better known relatives, Watie did not play an active role in the negotiation of the Treaty of New Echota in 1835, although he shared its blame.

Amidst the confusion and controversy of Cherokee removal to the West, Watie developed many of the loyalties and hatreds which he was to bear for the remainder of his life. During the debate over the question of Cherokee removal, he received his initiation into Cherokee politics, and the lessons he learned during this turbulent era would serve him well in later years. Watie's support of the removal policy of his relatives, however, was to place him at odds with Cherokee Chief John

Ross.

Watie sincerely believed that removal to the West would be the only means by which the Cherokees could save their tribal institutions. His reasoning was not accepted by the majority of the tribe, and when he returned from the negotiations of the Treaty of New Echota he found himself, much to his surprise, acclaimed a traitor rather than a hero.

The removal treaty supported by Watie turned into a nightmare for the majority of the Cherokees. Uprooted from their homes at gun point, herded into stockades like cattle, and forced to endure the Trail of Tears, many Cherokees were exposed to much suffering and innumerable hardships. The majority of Cherokees blamed Watie and his relatives for their destitute condition. The hatred and bitterness resulting from removal plagued Watie and the Cherokee Nation for years.

Watie and the other leaders of the pro-removal faction avoided the hardships of the Trail of Tears by moving to the West before the majority of the Cherokees. Settling amidst rich river bottoms and fertile prairies, Watie viewed his new home as a promised land, and he immediately achieved a high degree of agricultural and mechanical prosperity. When the remainder of the Cherokees arrived about two years later, the hatred associated with removal was intensified by envious glances at the economic well-being of the removal faction, and vengeance against Watie doubtlessly was vowed a thousand times.

When they arrived in their new homes, Watie's group had integrated with the Old Settlers and adopted their form of government. Ross's followers, however, had brought the existing Cherokee government with them to the West. Watie and his relatives at this point challenged the authority of Ross and his supporters, bringing the conflict into the

open, with Ross's partisans invoking the Cherokee blood law.

A wave of bloodletting swept the Cherokee Nation in 1839, and when it receded only Watie of all the leaders of the Ridge-Watie-Boudinot family remained alive. The murders of his brother, uncle, and cousin had a profound effect on Watie. He found himself suddenly looked to as the major leader of the pro-removal faction, and he willingly accepted the challenge. Watie blamed the murders of his relatives on Ross, and the intense hatred resulting from the killings marked Cherokee politics for more than three decades.

The feud between Watie and Ross grew so intense that the Federal government was forced to intervene to prevent civil war. As a result an Act of Union was signed in 1840, and it appeared that the prolonged quarrel of the Cherokees was ended. But the hatred and bitterness could not be swept away by the stroke of a pen. Watie continued to harbor a deep seated grudge against Ross for the killings of his relatives, and he found it impossible for him to forgive Ross's supporters for the murders. The feud reached a climax when Watie killed a Ross partisan who had bragged of taking part in the murders of 1839.

Once again the Cherokee Nation was brought to the verge of civil war because of Watie's action, and once again the Federal government intervened. Watie viewed the only solution to the difficulties of the Cherokees as a division of the tribe among the two groups, and he pleaded his case before the deaf ears of Federal officials. Watie's willingness, nevertheless, to secede from the remainder of the Cherokee Nation forced Ross to grant concessions to Watie's group. Thus, Watie achieved a degree of victory.

The Cherokee Treaty of 1846 brought relative peace to the Cherokee

Nation, and Watie and Ross reportedly shook hands at the treaty ceremony in the symbol of good faith. Watie had achieved some success, but Ross was still in firm control of the Cherokee government. Watie's bitter hatred of Ross was not extinguished, and it continued to smolder. It seemed as if neither Watie nor Ross was willing to forgive one another.

Watie had been prevented from establishing a family and developing financial enterprises because of the turmoil and confusion among the Cherokees. Doubtlessly, Watie desired a family life, and he was quite willing to exchange agitation and politics for a period of peace and prosperity. Watie offered no serious challenge to Ross during the latter 1840's and the decade of the 1850's, and the Cherokee Nation remained at peace.

The old hatreds were still present, however, and with the secession of the South in 1860-1861, Watie saw an opportunity to rid himself of Ross. Not wanting to involve the Cherokees in the white man's Civil War, Ross urged a policy of neutrality. Watie, who had many supporters among the citizens of Arkansas during the violence between the two Cherokee factions, was easily influenced by his friends supporting secession. Watie was in many ways closely tied to the South. He fancied himself a gentleman planter, and his home on Honey Creek closely resembled a Southern plantation. Many of his Cherokee followers were also ardent secessionists, and the position of power offered by an alliance with the Confederacy would provide a base for Watie to gain control of the Cherokee Nation.

As a result, even before the Cherokees signed a treaty of alliance with the Confederate States, Watie closely allied himself with the Southern cause. Ross viewed the growing power of Watie with fear and

suspicion. Doubtlessly Ross was aware that if he continued to oppose an alliance with the Confederacy, Watie with the support of the South, would remove him from the leadership of the Cherokees, and install Watie in his place. Thus Ross was forced either to surrender his position as principal chief or negotiate with the Confederate commissioner, Albert Pike. Ross chose the latter course. Watie forced the Cherokees into an alliance with the Confederacy, a union not wholeheartedly supported by a majority of the Cherokees. Thus he played the major roll in plunging the Cherokees into the Civil War, an orgy of bloodshed and destruction unmatched by any other period in their history.

During the early years of the conflict it appeared that Watie had been correct in his decision; by 1862, nevertheless, Confederate military efforts in Indian Territory were beginning to falter. The Cherokees divided themselves into two opposing factions. Once again Watie found himself opposed to Ross. Watie was the acknowledged leader of the pro-Southern faction of the tribe, and Ross's followers supported the Union. Ross fled the Cherokee Nation to live in the East as Southern military efforts turned for the better, and Watie utilized Ross's abandonment of the Cherokees to assume the position of principal chief. At last Watie had succeeded in usurping Ross's power and driving his arch enemy from the Cherokee Nation.

Watie's victory was short-lived because the Confederacy suffered numerous reverses in Indian Territory. His military exploits were greatly hindered by the apparent lack of concern of local white Confederate officials for the condition of Indian troops. Nevertheless, Watie refused to abandon the Southern cause, and he continued to fight though the odds were against his success.

Unable to mount a conventional military offensive to regain the Cherokee Nation, Watie resorted to guerrilla warfare. This was to be his greatest claim to fame as a military leader, and he kept the Union held areas of Indian Territory, southwest Missouri, northwest Arkansas, and southern Kansas in a constant state of alarm through fear of his lightning cavalry sorties. Thus the North was never able to effectively control the reconquered area of Indian Territory and could not adequately guarantee the safety of pro-Northern Indians who flocked back to their homes after an enforced exile in Kansas and Missouri. Watie's exploits gained him the praise of the Confederate Congress and Southern military leaders, and as a result he became one of the best known guerrilla leaders of the Civil War.

Throughout the years of conflict Watie did not neglect his civil duties as principal chief. Whenever time permitted Watie worked with the Southern Cherokee National Council in an attempt to relieve the suffering of the exiled Southern Cherokees in the south of Indian Territory and northern Texas. As a result of his efforts, some relief measures were undertaken, and the condition of the exiles improved.

For all his success, however, Watie's fate was tied to the South, and when the Confederacy was defeated, the pro-Southern Cherokees had no alternative but to surrender. With the Southern defeat, the followers of Ross returned triumphantly to assume control of the Cherokee Nation. Watie again attempted to gain an independent section of the Cherokee Nation for his followers, but failed. Thus Watie's faction was brought back under the control of Ross, and Watie likely pondered his fate under the rule of his arch enemy.

Although only a minority of all Cherokees followed Watie in his

allegiance with the South, the victorious Federal government seized the opportunity to extract extensive and perhaps somewhat unjust concession from the Cherokees in their Reconstruction Treaty of 1866. The power of the Cherokees was again reduced, and they were brought under greater subservience to the Federal government. As a whole, the entire Cherokee Nation suffered from Watie's decision to join the Confederacy.

The Civil War was the final chapter in the long standing feud between Watie and Ross. Watie emerged from the conflict a broken and defeated man, and Ross died the year following the close of the war. No longer was Watie the absolute leader of the Ridge-Watie-Boudinot faction of the Cherokees. Watie's position of leadership was being taken by younger men who had not lived through the violence and confusion of removal, and who did not have Watie's deep hatred.

Watie seemed not to mind the transformation following the Civil War, and made no further attempts to play a major role in Cherokee politics. The years of military campaigning and the violence of the 1830's and 1840's had taken their toll on Watie, for his health was beginning to fail. Ross was no longer alive to challenge him, and in spite of all urgings, he refused to again become involved in Cherokee politics. Watie was always more of a military leader than a politician, and the endless meetings and countless schemes of politics had lost all appeal to him following the Civil War. He made one final effort to return to the military career by offering to raise a Cherokee force to protect westward wagon trails, but his offer was refused by the Federal government. He was content, however, to devote the remainder of his life to his family and business efforts, both of which he had neglected during the war years.

Watie's family had suffered greatly through the years of turmoil, and he probably viewed this misfortune as a result of his actions. Thus he undertook to provide his family with the benefits which they had been denied for so long. Often at great sacrifice, he attempted to regain his lost prosperity and provide his children with an adequate education. He longed to rebuild his old home on Honey Creek in order to spend his remaining years surrounded by his family and old memories. His hopes were in part destroyed by the death of his three sons, and he realized that with them his name would end. Nonetheless, he continued to do his best for his wife and two daughters until his death.

Throughout his life Watie remained loyal to his friends. His home was always open to all Cherokees, whether destitute or wealthy, and he was respected for his honesty and integrity by both his friends and enemies.

Though Watie's decisions did not always result in peace among the Cherokees, he believed that he was acting in the best interest of his people. At times he was troubled over political conflict within the Cherokee Nation, but he remained convinced that although many might judge him as an evil man, God would examine his actions and render him just and honorable. Watie conceded that he might have made mistakes, but he was convinced that they were honest blunders.

Watie was caught in a power struggle that began before his adulthood, and which he carried on after the assassination of three of his relatives. The conflict between Watie and Ross characterized Cherokee politics for over forty years, and continued to influence the Cherokee Nation long after their deaths. The tribal fracture which Watie helped

to instigate and develop thus played an important role in the development of the Cherokee Nation. But through it all Watie was truly a Tsalagi-- a brave man.

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