

CIVILIZED SETTLEMENT & NOMADIC DOMINION: INTER-TRIBAL TREATIES AND
GRAND COUNCILS BETWEEN THE CHEROKEE AND OSAGE INDIANS, 1817-1828

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By

Frankie Bauer

Director: Dr. Andrew Denson

Associate Professor of History

History Department

Committee Members: Dr. Alexander Macaulay, History

Dr. Susan Abram, History

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Yakokey, nolay Wado.

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ABBREVIATIONS

Union Mission Journal Manuscripts, Oklahoma Historical Society, Oklahoma City (*UMJM*)

The Territorial Papers of the United States (*TP*)

Records of the Cherokee Indian Agency in Tennessee, 1801-1835, Indian Archives Collection, Hunter Library, Western Carolina University, Cullowhee (*RCIAT*)

ABSTRACT

CIVILIZED SETTLEMENT & NOMADIC DOMINION: INTER-TRIBAL TREATIES AND GRAND COUNCILS BETWEEN THE CHEROKEE AND OSAGE INDIANS, 1817-1828

Frankie Bauer, M.A.

Western Carolina University (October 2018)

Director: Dr. Andrew Denson

The inter-tribal councils and treaties of 1818 and 1822 between the Cherokee and Osage tribes in the Missouri and Arkansas territories are the focus of the thesis. The tribes that migrated into western territories fled warfare and American pressure for tribal lands and found the landscapes populated by vastly different tribes. Inter-tribal diplomacy is one potentially vital factor for Cherokee relocation into Osage country. Cherokee survival within Osage country hinged on councils and diplomacy that attempted to stop the violence that arose due to the use of hunting grounds and retaliatory murders. Cherokee and Osage diplomacy in the western territories of Missouri and Arkansas Territory occurred as migrant Native Americans headed into the western regions. The growing pressures for resources called attention to the need for creating diplomatic meetings to quell inter-tribal violence and misunderstandings between tribes. The thesis examines Cherokee and Osage inter-tribal diplomacy by tracing how the Cherokee in the western territories dealt with the issues of violence and warfare with the Osage Nation. The thesis concludes with the Cherokees and Osages having attempted inter-tribal diplomacy and the failures of the peace accords. The Cherokee-Osage inter-tribal warfare provided American settlers with examples used to justify greater United States military occupation in the western territories. The Cherokee and Osage councils and treaties of 1818 and 1822 are crucial years for

inter-tribal diplomacy between the two nations and highlight the history of Native peoples in the territories created by the United States.

INTRODUCTION: SHIFTING BOUNDARIES & CHEROKEE-OSAGE RELATIONS

The Cherokee and Osage tribes in the west present complicated inter-tribal interactions that began as early as the late 1770's. American treaties in the east that influenced Cherokees to migrate westward complicated the two tribes' relationships and invited conflict over western territorial boundaries. Cherokees found themselves in contested landscapes among different Native American tribes, all competing for limited resources. Cherokee and Osage diplomacy was an avenue that was needed to negate inter-tribal disputes and establish diplomacy between the tribes with the United States acting as a mediator in the diplomacy. The Cherokee-Osage treaties of 1818 and 1822 are the main components of the thesis and highlight the causes and failures of inter-tribal diplomacy in western territories. The thesis argues that the inter-tribal violence shifted the United States government's focus from mediating disputes to building military power in favor of allowing American settlers to move westward. The thesis will argue that Cherokee-Osage warfare allowed for the military expansion of United States power in the western frontiers to the detriment of the Native nations. Eventually, the Cherokee and Osage tribes would be removed farther west, as the United States began transitioning from advocating voluntary immigration to forced removal for Native tribes. Cherokee and Osage warfare and treaties provided the United States reasons to secure more lands from both nations. The United States used inter-tribal treaties to mediate differences between tribes, although actions of American settlers and separatist tribal factions within the western territories complicated the peace efforts. Cherokee-Osage warfare provides examples of the contest for resources in the western territories between migrant nations and tribes already settled in the regions. However, the United States sought to protect the region for the expansion of white settlements and white settlers to the detriment of the Native American tribes. The thesis argues that the United States participated in

inter-tribal peace treaties to stem tribal violence that could potentially interfere with American settlement within the western territories. A brief history of the tribes before the Cherokee-Osage treaties of 1818 and 1822 are needed to provide a background for the inter-tribal warfare and peace attempts that occurred in the western territories.

Traditionally, the Cherokee were a Southeastern nation that settled in parts of eight modern-day states: Alabama, Georgia, South Carolina, North Carolina, Kentucky, Virginia, and West Virginia.¹ During the late eighteenth-century, Cherokees that were dismayed by the brutal treatment of the newly founded United States during the American Revolution crossed the Mississippi River into parts of what is now present-day Arkansas and Missouri. Hunting was a crucial element in Cherokee livelihoods, and the United States advocated that Cherokees cease hunting for agricultural pursuits.² Separating from the Cherokee Nation in the Southeast, these Cherokees would seek to establish a Cherokee homeland west of the Mississippi River and clash with the Osage as more Cherokees moved westward. The Spanish controlled the territory west of the Mississippi River and allowed groups of Southeastern tribes to settle within Spanish Louisiana, which encompasses both the modern-day states of Arkansas, Missouri, and Oklahoma. Spain returned the territory to France in 1802. The St. Francis River valley, located in southeastern Missouri and northeastern Arkansas, provided a landscape that was suitable to hunting game and farming similar to the lands the Cherokees had abandoned.³ The Cherokees that voluntarily immigrated westward combined both westernized methods of civilization as well

¹ Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity*, (New Haven: Yale University Press, 2015), 5.

² Theda Perdue, *Cherokee Women: Gender and Cultural Change, 1700-1835*, (Lincoln: University of Nebraska Press, 1998), 112.

³ Dianna Everett, *The Texas Cherokees : A People Between Two Fires, 1819-1840*, (Norman: University of Oklahoma Press, 1995), 10, eBook Collection (EBSCOhost), EBSCOhost (accessed September 9, 2018).

as traditional methods of warfare and raiding. A significant portion of the Western Cherokees moved their villages farther south to the Arkansas and White rivers, located in present-day Arkansas in 1811 and 1812, after the New Madrid earthquakes.⁴

The Cherokees that had moved into the region were migrating into a landscape populated by different nations of tribes. Cherokees would have to compete with new tribes for resources and lands in the west. The Cherokees adopted certain aspects of westernized lifestyles through the United States civilization policy. Two significant components of the civilization policy point to the differences of tribes in their warfare in the western regions. Cherokees began favoring the individual over communal ownership of lands. Another major factor was the curtailing of Cherokee hunting grounds in the east for agricultural pursuits and manufacturing efforts.⁵ The civilization policies were a source of contention between Cherokees resisting acculturation with American standards, and the more traditional Cherokees saw migrating to the west as viable possibilities to evade American influences. The power struggle between the tribes also resulted from pressure by the United States to remove Southeastern tribes into the western territories. The Cherokees were settling and hunting in regions that the Osage believed were still under their control and warfare between the tribes exasperated the situation. The United States intention for removing and settling eastern tribes in the western territories, where warfare with already established nations would decimate both peoples. After the eastern states had removed the Native

⁴ Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), 160.

⁵ Perdue, *Cherokee Women*, 109-113; David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 16-19.

tribes into the west, the western territories would then become states, and tribes would be forced to remove farther westward.⁶

By contrast, the Osage tribe had occupied the region for a much more extended period and had built their hegemony through defending hunting grounds and access to exchange networks. The practice of gathering and agriculture were also methods of food extraction, although hunting grounds remained the vital source of economic trade items and provisions. The Osage tribe interacted with the Spanish, French, and English before contact with the Americans. The Osage heavily invested in hunting buffalo and game on the plains in their spring and fall hunts and used warfare or intimidation to secure their territories from enemies. Historically, the present-day state of Missouri was the Osage homeland, but the tribe expanded influence into the present-day states of Arkansas, Oklahoma, and Kansas. The Osage tribe consisted of three groups at the time of Cherokee migration in the early nineteenth century. According to George Sibley, the United States factor at Fort Osage on the Missouri River, the Osage tribe composed of the Great, Little, and Arkansas bands. Sibley states:

The Great Osage, numbering about four hundred families were in part on the Osage River, some eighty miles south of Fort Clark and the remainder on the Neosho River, one-hundred and twenty miles to the southwest of the fort. The Arkansas band, led by Claremore, numbering six hundred families, was on the Verdigris River, a branch of the Arkansas, about two hundred miles southwest of the post. The Little Osage with two-hundred and fifty families were also on the Neosho about one hundred miles southwest of the fort.⁷

⁶ Tai. S. Edwards, *Osage Women and Empire: Gender and Power* (Lawrence: University of Kansas Press, 2018), 62.

⁷ "Officers at Fort Orange to Secretary of War William Eustus, July 16, 1812", Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Louisiana-Missouri, 1803-1821* (New York: AMS Press Inc., 1973), 587-588.

The three Osage bands separated due to increased population growth, and a growing economy, that created internal and external stresses. The Little Osage, around the early eighteenth century, removed from the villages on the Osage headwaters to the north of the Missouri River, taking advantage of the local trade around 1713. The Big Osage, remained on the Osage River, but were split in the late eighteenth century.⁸ The Arkansas band were an offshoot of the Big Osage and are also known as Claremore's bands. Led by chief Claremore, the band had moved near the Three Forks vicinity in modern-day Oklahoma, in the 1790's due to internal infighting within the Great Osage band.⁹ The three groups of Osage bands maintained different polities and identities, although the Big and Little Osage, connected by culture and location, usually acted in concert. The Arkansas bands remained separate and distinct from the other two bands. However, all three bands maintained their tribal identity and shared the forest and plains hunting grounds.¹⁰ The Osage had cleared the Caddoan peoples out of the region between the Red River and the Arkansas-Canadian Rivers in modern-day Oklahoma and western Arkansas by the middle of the eighteenth century.¹¹ Clashes with Plains tribes were among one of the obstacles that checked Osage expansion. To the southwest, Comanche tribes blocked Osage expansion, and to the west, the Kiowa and Apache banded with the Cheyenne to halt Osage expansion.¹² The Osage tribe was also a nation that stymied European influence from establishing settlements in the American interior. Osage expansion and dominance over tribes such as the Caddo and Quapaw and their

⁸ Willard Rollings, *Unaffected by the Gospel: Osage Resistance to the Christian Invasion, 1673-1906: A Cultural Victory* Albuquerque: University of New Mexico Press, 2004), 27.

⁹ Encyclopedia of Oklahoma History and Culture. "Claremore," online. <http://www.okhistory.org/publications/enc/entry.php?entry=CL001>; Stan Hoig, *Chouteaus: First Family of the Fur Trade* (Albuquerque: University of New Mexico Press, 2010), 23.

¹⁰ Rollings, *Unaffected by the Gospel*, 27.

¹¹ Louis F. Burns, *A History of the Osage People* (Tuscaloosa: University of Alabama Press, 2004), 32-33.

¹² LaVere, *Contrary Neighbors*, 40-41; Burns, *A History of the Osage People*, 34-35.

warfare with the Pawnee and other Plains tribes are examples of the power the nation wielded in the western territories.¹³

The Osage differed from the Cherokees in many ways. The fixed and well-defined policy of dealing with intruders was a significant example of the conflicting cultural ideologies between the Osage and the Cherokee tribes. The Osage recognized three types of intruders. The first was uninvited individuals or parties that crossed Osage lands that took minimal resources in their passage through the territory. The second type of intruder was uninvited individuals or groups that plundered the resources. Lastly, uninvited people or groups that settled on Osage lands were considered intruders.¹⁴ Osage policies of protecting lands claimed by the nation are a central point of contention in their warfare with the Cherokees. Practicing adoption of individuals or merging with entire groups, the Osage were not known to practice subjugation of other tribes, by force or otherwise. The Osage believed that occupation, conquest, and the ability to enforce one's claims justified land claims. The lands that the Cherokees immigrated into were only valid to the Osages by either consent or invitation.¹⁵ Osage power in the western territories existed due to their location near exchange network routes and warfare. The Osage-United States treaty of 1808 provided that the United States could assign the recently ceded Osage lands to other tribes. Another critical aspect of the thesis before the discussion turns to the Cherokee-Osage inter-tribal hostilities and the treaty of 1818 is United States territorial boundaries. United States expansion into the west and the failure of Lovely's Purchase in 1816 would have significant roles in shaping nineteenth-century Cherokee-Osage relations.

¹³ DuVal, *The Native Ground*, 200.

¹⁴ Burns, *A History of the Osage People*, 88-89.

¹⁵ Burns, *A History of the Osage People*, 89.

The United States President Thomas Jefferson acquired the region west of the Mississippi River in 1803 from France. The purchase stretched from the Gulf of Mexico in the south to Rupert's Land of British North America in the north, and from the Mississippi River on the east to the Rocky Mountains in the west.¹⁶ By acquiring the Louisiana Purchase, the United States was initiating the first move in removing Cherokees to Osage lands and igniting the Cherokee-Osage conflict. Events in the early nineteenth century would have important implications for Cherokees that believed that removing west would secure Cherokee lifeways and keep American interference at a minimum. The United States viewed Cherokees in the west as more civilized as the Osage because Cherokee leaders owned plantations and slaves, and fenced in their estates to create a westernized look. However, the majority of Cherokee men maintained a hunting and warrior ethos ingrained in Southeastern Cherokee culture.¹⁷ Cherokee warriors in the west used warfare and hunting to express masculine identities, as well as combining civilized identities compared to the Osage or other western nations.¹⁸ The Osage-United States treaty of 1808 opened the region to more intensive coercion by the United States government for Cherokees to remove from the Southeast and settle in the west. The treaty was signed at Fort Osage, also known as Fort Clark, on the Missouri River and ceded all the lands east of the fort and north of the Arkansas River in present-day Missouri and Arkansas. Osage hunting grounds within the Louisiana Territory were now under United States jurisdiction and a source for Cherokee and Osage disputes.¹⁹ In 1808, President Thomas Jefferson advocated voluntary Cherokee removal

¹⁶ New World Encyclopedia, "Louisiana Purchase"
http://www.newworldencyclopedia.org/entry/Louisiana_Purchase. (Accessed September 10, 2018).

¹⁷ Kathleen DuVal, "Debating Identity, Sovereignty, and Civilization: The Arkansas Valley after the Louisiana Purchase." *Journal of the Early Republic* 26, no. 1 (2006): 25-58.
<http://www.jstor.org.proxy195.nclive.org/stable/30043384>. (accessed September 17, 2018).

¹⁸ Smithers, *The Cherokee Diaspora*, 51.

¹⁹ Burns, *A History of the Osage People*, 154.

by explaining that the United States would protect them. The United States told the Cherokees that the game was plentiful and the lands were unoccupied. Cherokee chiefs Duwali and Tolluntuskee, along with one-thousand Cherokees left the Cherokee Nation in 1810 to join the Cherokees already settled along the Arkansas River.²⁰ The Cherokee Nation was disturbed by the amount of Cherokees willing to remove west. By 1810, over two-thousand Cherokees were living south of the Arkansas River and the United States had appointed an Indian agent to manage their affairs.²¹

The Osage-United States treaty of 1808 opened up portions of the Louisiana Territory for Cherokee removal. The Osage living in Missouri and Arkansas signed a treaty ceding fifty-thousand acres of land between the Arkansas and Missouri rivers to the United States at Fire Prairie, on the Missouri River. The Osage, led by chief Pawhuska, signed the treaty along with one hundred and twenty other chiefs and headsmen, on September 14, 1808. Fifteen Osage leaders of the Arkansas bands also signed the document. Despite ceding lands that the Osage did not entirely own due to Quapaw claims, the treaty's eleven articles set up the foundation for intense hostilities between the Osage and the Cherokees. Article Eight of the treaty is one of the most contested components of the 1808 treaty and led to misunderstandings between the tribes. The Osage that signed the treaty believed that the tribe still retained hunting rights on the ceded lands in Missouri and Arkansas, especially near the Arkansas River. Cherokees that migrated west of the Mississippi settled on lands once considered Osage territory and started hunting on lands that the Osage believed to be their hunting territory. The Osage believed that all land not occupied by American citizens or designated explicitly for Native emigrant tribes was still their

²⁰ DuVal, *The Native Ground*, 200.

²¹ LaVere, *Contrary Neighbors*, 47.

hunting grounds.²² Article Eight of the Osage-United States treaty of 1808 marred the lines for hunting rights between the Cherokees and Osage, as the United States allowed Southeastern tribes to settle near the Arkansas River. The admission of the state of Louisiana into the Union on April 30, 1812, provided that the regions that encompass present-day Missouri, Arkansas, and Oklahoma be part of Missouri Territory on June 4, 1812. Another source for contention between the two tribes is the disputed land agreement commonly known as Lovely's Purchase in 1816.

Subagent to the Western Cherokees, Major William Lovely sought to prevent violence between the two tribes and arranged a meeting to discuss a viable solution. At the mouth of the Verdigris River near present-day Muskogee, Oklahoma, Major Lovely and the two nations met on July 9, 1816. Major Lovely discussed to the tribal members that attended, that if the Western Cherokees were allowed unchallenged access to hunting grounds in the west, the United States would reimburse Cherokee and American settler claims against the Osage for outrages committed by them. The Osage agreed to cede the Cherokees a hunting outlet, which extended from the north of the Arkansas River near the Western Cherokee settlements to the Verdigris River.²³ Lovely's Purchase was neither authorized nor ratified by the United States government in Washington D.C. The United States Senate promptly rejected the agreement. The issue continued to be unresolved, although the Cherokees continued to hunt within the boundaries. In 1817, the Cherokees signed a treaty with the United States, exchanging lands in the Southeast for lands in the west. The United States approved Cherokee settlement east of the Lovely's Purchase boundary lines. One year later, the Osage-United States treaty of 1818 purchased the same lands encompassed in Lovely's Purchase from the Osage and utilized a portion of it as a hunting outlet

²² Burns, *A History of the Osage People*, 154; DuVal, *The Native Ground*, 200-205.

²³ Brad Agnew, "The Cherokee Struggle for Lovely's Purchase." *American Indian Quarterly* 2, no. 4 (1975): 347-61. doi:10.2307/1183609. (accessed September 10, 2018).

for the Cherokees, effectively paralleling what Lovely had attempted in 1816. The Cherokee-Osage treaty of 1818 was an attempt to restore peace and boundary issues that resulted from disputes earlier in the decade. In 1819, the creation of Arkansas Territory out of a southern portion of Missouri provided a smaller territorial zone for inter-tribal diplomacy. The Cherokee-Osage treaty of 1822 would be another attempt to seek peace between the tribes and allow the United States pretext for a military buildup in Arkansas Territory.

The thesis will contribute to the historiography of Cherokee and Osage tribal histories by continuing the research of Kathleen DuVal's borderlands studies. DuVal's examination provides a wealth of information on the Cherokee and Osage conflict but only affords eighteen pages to the years that this thesis will study. The thesis will highlight the importance of inter-tribal violence and peace treaties between the Cherokee and Osage in the western territories, touching on events beginning in 1816 and continuing to 1828. The thesis will argue that the inter-tribal warfare between the tribes led to the increased expansion of the United States military to safeguard the frontier for American settlement. Cherokee and Osage warfare and diplomacy in the western territories has not been extensively studied aside from the older works of Grant Foreman and newer studies provided by Kathleen DuVal and David LaVere. The thesis adds to the literature by exclusively focusing on Cherokee and Osage warfare in the early nineteenth century, focusing on the events and response to treaties in American frontier regions. The thesis uses Cherokee and Osage violence and peace treaties to argue that United States involvement led to massive disruptions of Native boundaries and was in the interest of expanding American settler power in the west.

The thesis fits into the research on United States territories, and Cherokee and Osage inter-tribal treaties are vital factors in borderlands studies. Inter-tribal treaties placed westernized

ideas of boundaries and law into a context that Native American tribes were unfamiliar with or unwilling to concede with the underlying agreements. Hesitancy on the part of United States officials mediation in fulfilling treaty articles led to further conflicts, creating mistrust among the Native tribes. The Cherokee-Osage treaties of 1818 and 1822 are examples of Native American tribes participating in diplomacy that resulted in the western expansion of the United States military, as well as American settler advancement westward. The United States participated in the diplomacy as a third party but over time, exerted more control over the regions. The United States government sought to create a borderland or frontier that was safe for white settlement and used Native American violence as an excuse to establish military forts within the territories. The thesis will also contribute to the historiography by examining the ways that Native tribes reacted to resettlement in the west. Historians have extensively examined the forced removal of Southeastern nations. However, studying the regions in the west before Southeastern tribes were forced to remove, will allow historians to study the territorial landscapes in greater detail and how the tribes already in the west reacted to immigrant tribes. Focusing on Arkansas Territory allows for a greater understanding of the difficulties faced by the tribes, as well as the United States in creating a borderland region. By examining the diplomatic relationships between the Cherokee and Osage tribes and the reasons for diplomatic interaction, the thesis hopes to add to the literature on American frontier studies. The incorporation of sources such as mission journal entries, military and Indian agent accounts, council speeches, and newspaper accounts provide a wide array of information regarding Cherokee-Osage treaties and warfare. The fighting between the nations disturbed the United States territorial officials due to the locality of American settlers. The thesis will provide insight into early Cherokee and Osage tribal interactions in the western territories before the forced removal policies of the United States in the 1830's.

CHAPTER ONE: CHEROKEE-OSAGE VIOLENCE AND PEACE, 1817-1819

Pressures on Osage lands and resources by Cherokees instigated an inter-tribal war between the tribes and provided the United States with enough concern to invest in frontier security. Estimates of at least a third of the Cherokee Nation population would be located west of the Mississippi River by 1817. Enough numbers of Cherokees in the Southeast had negotiated with the United States government to exchange lands in the Treaty of 1817, for the creation of a Cherokee West in Missouri Territory.¹ A year earlier, the conflict was on the verge of becoming settled but was not effectively successful. The failed peace treaty known as Lovely's Purchase, engineered by Major William Lovely in 1816, was an attempt by the United States to provide Cherokees an outlet into the west for hunting buffalo but was denied by the United States Senate when it came up for ratification. The failure of Lovely's Purchase engendered a clash of competing claims between the tribes and set the stage for extreme violence in the Missouri Territory.² An example of the violence that arose between the Cherokees and Osage tribes occurred in an incident that took place in late 1816. Headed by a man named "The Choctaw," a Cherokee hunting party crossed into Osage hunting grounds. The hunting party stole some horses from the Osage on their return home, but an Osage war party followed the horse thieves. After trailing and overtaking the Cherokee, the Osage killed and scalped "The Choctaw."³ The Osages viewed the Cherokee hunting party as trespassing on sovereign Osage lands. Cherokee-Osage

¹ For more on Cherokee migration in 1817, see: David LaVere, *Contrary Neighbors: Southern Indians and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 47; Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), 49; Emmet Starr, *History of the Cherokee Indians* (Cherokee: Oklahoma Publications, 2009), 39.

² Brad Agnew, "The Cherokee Struggle for Lovely's Purchase." *American Indian Quarterly* 2, no. 4 (1975): 347-61, doi:10.2307/1183609 (accessed September 2, 2018).

³ Grant Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830* (Norman: Oklahoma University Press, 1930), 50-51.

Treaty of 1818 would provide a structured peace between the two tribes and allowed for a stronger United States military presence within the Missouri Territory.

A Cherokee council on January 25, 1817, provides an insight into the reasons for retribution for injuries experienced in Missouri Territory at the hands of Osage warriors and hunters. Cherokees had many altercations with the Osage over hunting grounds before 1817 and sought to initiate retaliatory strikes. In a letter from the Cherokee Agency, Cherokee chief Takatoka states “I now take the opportunity of informing my brother Col. Return Meigs that it is now nine years since I have been endeavoring to make peace with the Osage Nation.”⁴

Cherokees had clashed with the Osage since migrating into the region in the early nineteenth-century over hunting grounds. Talonteskee states:

I have now the painful task to perform to tell you that I can no longer abide by the former friendly advice as they, the Osage do frequently throw some of my people to the ground. I do not wish to convey an idea that has first broken this path of peace, but my young men are now so exhausted for the injuries and insults afforded them that it is no longer in my power to restrain their fury for all are resolved to go in arms against them.⁵

The chiefs explain that a peace negotiation with the Osage tribes had recently failed because of Osage treachery against unsuspecting Cherokee villages. The Osage tribe are vilified in the Cherokee speech as chief Talonteskee continues, “And it is not us alone that feels the same of this perfidious enemy but all other tribes. They are in no friendship with any nation.”⁶ The retribution that Takatoka and Talonteskee predicted drew more Cherokees into the dispute. The

⁴ “Takatoka and Talonteskee speech, January 25, 1817”, Records of the Cherokee Indian Agency in Tennessee, 1801-1835, Correspondence and Miscellaneous Records, M208, NARA, 28, <https://www-fold3-com.proxy195.nclive.org/image/205340058> (accessed June 30, 2018).

⁵ *Ibid.*, *RCIAT*, 28.

⁶ *Ibid.*, *RCIAT*, 28.

Cherokees actively sought alliances with different tribes to dislodge the Osage in Missouri Territory.

Cherokees voiced displeasure with the Osage tribe and committed themselves to commence a full-fledged war against the alleged aggressor. Invitations for recruits in the upcoming campaign against the Osage circulated among the tribes located nearby and as far away as the Cherokee Nation. The two Cherokee nations would act in concert to attack the Osage in Missouri Territory later that year. In a letter dated March 12, 1817, Cherokee Nation Indian agent Return J. Meigs writes then acting United States Secretary of War George Graham, describing the apprehension of inter-tribal warfare that the Western Cherokee messengers brought to the Cherokee Nation. Meigs writes:

Their appearance and their age induce me to think that a war is seriously contemplated by the Cherokees against that part of the Osages who live on the headwaters of the river Arkansas. The messengers inform me by my interpreters that all the Indians in the vicinity of the Cherokee settlement, the Quapaws, Shawnees, Delawares, Choctaws, and Chickasaws, who all lean on the Cherokees in that country hold the same sentiments with respect to the lower Osages and wish to join in making war and that the white people also living in that vicinity wish to join the Cherokees in that quarter.⁷

Attempts by Indian agents and United States officials to discourage recruits were somewhat successful, although several boatloads of Cherokee Nation warriors entered the west to attack the Osage villages. Indian agent Meigs would inform Cherokee chief John Jolly that the United States would seek satisfaction from the Osage and that Cherokees from the Cherokee Nation were to return east.⁸ However, events in the Cherokee Nation would initiate a more substantial

⁷ "Return J. Meigs to Secretary of War George Graham, March 12, 1817," *RCIAT*, 113, <https://www-fold3-com.proxy195.nclive.org/image/205342413> (accessed June 30, 2018).

⁸ *Ibid.*, *RCIAT*, 113.

flow of Cherokees west and ensure that the Osage would strengthen their defense of valuable hunting grounds.

After reconnoitering areas between the Arkansas and White rivers, the United States and Cherokee Nation entered into treaty negotiations. The Cherokee Treaty of 1817, signed on July 8, created a United States government-sanctioned landscape for the Cherokee in the west.

Cherokees from the Cherokee Nation, as well as members of the Arkansas Cherokee, participated in the treaty's signing. The Treaty of 1817 states:

And whereas the Cherokees, relying on the promises of the President of the United States, as above recited, did explore the country on the west side of the Mississippi, and made choice of the country on the Arkansas and White rivers, and settled themselves down upon United States' lands, to which no other tribe of Indians have any just claim, and have duly notified the President of the United States thereof, and of their anxious desire for the full and complete ratification of his promise, and, to that end, as notified by the President of the United States, have sent their agents, with full powers to execute a treaty.⁹

A majority of the Cherokees in the east bitterly opposed exchanging homelands in the Southeast for the right to settle in what was then called Missouri Territory. The Treaty of 1817 strictly states that the United States would only allow Cherokee settlements on lands that were not claimed by another tribe of Indians. The Osages had settled in the region before Cherokee bands had moved there and committed to defending it from invading tribal nations. The region that the Cherokees were negotiating for in the Treaty of 1817 were crucial Osage hunting grounds and would allow the Cherokees to gain access to the valuable buffalo ranges to the west.

⁹ Vine Deloria, Jr., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979 Vol. II*. (Norman: University of Oklahoma Press, 1999), 141.

In a correspondence dated July 11, 1817, the Arkansas Cherokee chiefs wrote Missouri Governor William Clark about the reasons for the imminent attack upon the Osage. The chiefs state:

We wish you to pity us, for the Osages are deaf to all we can say or do. To raise our crops for the good of our families has been our wish, but it has not been in our power; it is not we that are in the wrong, it is the Osages; they have stolen all our best horses and have reduced us to work with our naked hands. With the few horses we have left, we intend to go to the Osages and hunt for those horses taken; we are going to do mischief. We are but a few Cherokees; our father knows us well, and we, therefore, beg that he will not scold us; the Osages have also insulted the whites; we are vexed and have become deaf to their talks.¹⁰

The Cherokee chiefs were using the claim that the Osage tribes were effectively stopping the Cherokees from continuing agricultural pursuits and had stolen horses that were necessary for settlement in the territory. Cherokees migrating to Missouri Territory, armed by the United States government under the requirements of the Treaty of 1817, filled the region with more Osage enemies. The arms and ammunition that Cherokees used for hunting in the west provided firepower, and the incoming personnel helped bolster Cherokee numbers in the struggle against the Osage.¹¹ With the United States allowing the Cherokees land in Missouri Territory and providing ammunition for hunting, the pressure for land became more intense.

During the fall of 1817, a multi-ethnic war-party assembled and would initiate a full-scale war against the Osage tribe. The group consisted of both Arkansas Cherokees and Cherokee Nation warriors along with Delawares, Shawnees, Quapaws, Chickasaws, Caddos, Choctaws,

¹⁰ Jackson, A., M'MINN, J., Meriwether, D., MEIGS, R. J., & al, e. (1817, Sep 27). *Indian Affairs. Niles' Weekly Register* (1814-1837), 13, 73, Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/136761078?accountid=14968> (accessed June 20, 2018).

¹¹ "Return J. Meigs to George Graham, July 24, 1817," *RCIAT*, 250, <https://www-fold3-com.proxy195.nclive.org/image/355/205346026> (accessed June 21, 2018).

several other tribes, and Anglo-Americans. The Big Osage villages of Claremore and Black Dog in the region that would become eastern Oklahoma were the main camps targeted. The Cherokee used their influence to build an anti-Osage alliance of Indian tribes, uniting various ethnicities to harass the Osage bands living along the Verdigris River.¹² Tribes that had grievances with the Osage willingly cooperated with Cherokee propositions to join the attack against the Osage tribe in the territory. In a correspondence written on August 9, 1817, Cherokee agent Meigs informs Cherokee Nation principal chief Path Killer of the seriousness of all-out warfare in the west between Cherokees and the Osage. Meigs states “The messengers brought letters to some of the chiefs here- I do not know the contents, but the report says to induce some of the young Cherokee warriors here not to aid them in the war.”¹³ The report came too late as many Cherokee had already left to join the war against the Osage tribe. The young warriors that had joined the expedition against the Osage did not have the full authorization of the Cherokee Nation or the United States government. The Cherokee Nation warriors that heeded the call acted, therefore, as mercenaries. Meigs also writes that the tribes needed to wait until Missouri Territory Governor William Clark approved of the actions against the Osage tribe.

Shawnee and Delaware's living in Missouri Territory joined the Arkansas Cherokees in the anti-Osage violence. The two tribes were refugees who looked to the Cherokees for land and protection in the west.¹⁴ The multi-ethnic war party that the Cherokees created were too

¹² For more on the composition of the attacking force at Claremore's Mound, see: Louis F. Burns, *A History of the Osage People* (Tuscaloosa: University of Alabama Press, 2004), 194; Kathleen DuVal, *The Native Ground: Indians and Colonists in the Middle of the Continent* (Philadelphia: University of Philadelphia Press, 2006), 208-209; John Joseph Mathews, *The Osages: Children of the Middle Waters* (Norman: University of Oklahoma Press, 1981), 422.

¹³ “Return J. Meigs to Path Killer”, *RCIAT*, 281, <https://www-fold3-com.proxy195.nclive.org/image/205346711> (accessed June 30, 2018).

¹⁴ Sami Lakomaki, *Gathering Together: The Shawnee People through Diaspora and Nationhood, 1600-1870* (New Haven: Yale University Press, 2014), 180.

numerous and well-armed for the Osage to defend. Also, the Cherokees attacked the Osage villages when most of the Osage warriors were out hunting on the Plains. The Cherokee-Osage treaty of 1818 hinged on components related to the violence of 1817 and highlighted the immense advantage the Cherokee had in striking the Osage. In an interview given by Elizabeth Ross to Archibald Campbell, the preparation and attack on the Osage villages are vital moments. According to Campbell, the Cherokees were consistently losing livestock from Osage raids and did not have the necessary amount of warriors in the west to fend off Osage attacks. Campbell states:

In that contingency, messengers were sent to the Cherokee east of the Mississippi, imploring aid. In response, a large and well-armed mounted number of warriors set out to assist in overcoming the Osages. The forces of both the eastern and western groups met in Arkansas Territory and immediately set out to administer punishment to the defiant Osage warriors. Eventually, the Osages were overtaken and badly defeated in the battle of Clermont's or Claremore Mound.¹⁵

Although the interview was conducted decades after the event had happened, Campbell provides useful information that collaborates with the documentary evidence of the massacre. Cherokee Nation warriors that participated in the warfare against the Osage tribes in Missouri Territory were a primary component in the dispute that resulted in the battle known as the Massacre at Claremore's Mound.

The force that attacked Claremore and Black Dog's villages consisted of between six hundred and eight hundred persons. The polyglot brigade already mentioned may have been more massive than reported by governmental or tribal officials. An article in the *Niles Weekly Register* on September 27, 1817, illuminates the multi-ethnic confederacy involved in the attack

¹⁵ "Archibald Campbell Interview, June 11, 1937", Indian-Pioneer Collection, Western History Collections, University of Oklahoma Digital Collections, 111-112 <http://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/8106> (accessed July 1, 2018).

on the Osage tribe. The article explains that Coushattas, Tonkawas, Caddos had joined the Cherokees against the Osage, as well as some white settlers.¹⁶ During the fall, the buffalo on the Plains would be on the move and an opportunity for the hunters and warriors of all tribes to join the hunt. The Cherokee war party knew that many of the Osage warriors and hunters would be on the Plains and away from the villages.¹⁷ With the majority of Osage warriors away from the villages, the attacking force exerted a mighty blow to Osage hegemony in the western territories.

The Cherokees used a messenger to inform the Osages still in Claremore's camp that ten or fifteen Cherokees were willing to discuss a peace accord and smooth over inter-tribal differences. After an old Osage chief returned to the Cherokees and accepted food and drink from the Cherokees, the Osage chief stated that an inter-tribal council could not assemble in Claremore's absence. The Cherokees reacted to the news by murdering the chief. The multi-ethnic group of invaders then proceeded to fall upon Claremore's village. The deaths of seventy-four old men, women, boys, and children occurred in defense of the village, and slightly more than one hundred young children were taken captive. The Cherokee Nation warriors carried their Osage captives back to the Cherokee Nation. The Osages did eventually receive some captives, but many lived out their lives as Cherokees.¹⁸ After the massacre of Claremore's village, the multi-ethnic marauders proceeded to attack Osage chief Black Dog's encampment. Black Dog had the foresight to evacuate his people and hide from the attacking force in caves after hearing

¹⁶ CHRONICLE. (1817, Sep 27). *Niles' Weekly Register (1814-1837)*, 13, 79. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/136761072?accountid=14968>. (accessed June 20, 2018).

¹⁷ For more information on Claremore's Mound, see: Burns, *A History of the Osage People*, 194-195; LaVere, *Contrary Neighbors*, 48-49; DuVal, *The Native Ground*, 208-209; Stan Hoig, *Tribal Wars on the Southern Plains* (Norman: University of Oklahoma Press, 2011), 122.

¹⁸ Edwin C. Bearss, "In Quest of Peace on the Indian Border: The Establishment of Fort Smith." *The Arkansas Historical Quarterly* 23, no. 2 (1964): 152-153. doi:10.2307/40027584 (accessed June 20, 2018).

the attack commencing at Claremore's village.¹⁹ The captives were taken by the Cherokees east of the Mississippi and would be a constant hindrance when the United States sought to establish a Cherokee-Osage peace treaty.

Thomas Nuttall, an Englishman traveling along the Arkansas River in 1819 commented on the origin of the Cherokee-Osage warfare in Arkansas Territory and the Massacre at Claremore's Mound that occurred in 1817. Nuttall provides context to the warfare between the two nations in the travel journal dated April 15, 1819. Nuttall states:

The arrival of the Cherokees in this country did not fail, as might have been foreseen, to excite the jealousy of the Osages, within whose former territory they had now taken up their residence. Major Lovely, the first agent appointed to reside among the Cherokees of the Arkansas, on his arrival held a council with the Osages at the falls of the Verdigris, and about sixty miles distant from their village. Some quarrel, however, about two years ago arising between the two nations, the Osages waylaid twelve or fourteen Cherokees and killed them. On this occasion, the Cherokees collected together in considerable numbers and ascended the river to take revenge upon the Osages, who fled at their approach, losing about ten of their men, who either fell in the retreat or becoming prisoners, were reserved for a more cruel destiny.²⁰

The Cherokee version of the commencement of hostilities related by Nuttall also implicates the sheer criminality of the multi-ethnic war party. Nuttall states "A white man who accompanied them (named Chisholm), with diabolical cruelty that ought to have been punished with death, dashed the brains of a helpless infant, torn from the arms of its butchered mother! Satiated with a horrid vengeance, the Cherokees returned with exultation to bear the tidings of their infamy and atrocity."²¹ The Cherokee war party claimed the massacre as a victory, but the complete rout of two undefended Osage villages did nothing more than fuel Osage resentment. The attack on

¹⁹ Burns, *A History of the Osage People*, 66-67.

²⁰ Thomas Nuttall, *A Journal of Travels Into the Arkansa Territory During the Year 1819*. (Cambridge: Cambridge University Press, 2011), 135-136.

²¹ *Ibid.*, 136.

Claremore and Black Dog's villages also inspired the United States to build a stronger military presence within the Missouri Territory.

The United States government noticed the inter-tribal violence that characterized the borderlands of the Missouri Territory, and military action was deemed necessary to prevent further hostilities. The United States proposed to build a military post in September of 1817 in eastern Arkansas, but its completion was too late to stop the massacre at Claremore's Mound. One of the most critical tasks of the institution would be to quell Cherokee and Osage violence. Major Stephen H. Long of the Topographical Engineers located the site for construction of what came to be named Fort Smith on the confluence of the Arkansas and Poteau rivers, in eastern Arkansas. Major William Bradford assumed command of a company of riflemen and constructed a stockade that would accommodate a company of soldiers, complete with barracks, storehouses, shops, magazines, and a hospital. Major Bradford was picked to command the U.S. forces overseeing the western territories. The purpose of Fort Smith in the region was to prevent the Cherokee and Osage tribes from continuing hostilities and provide American territorial settlements with military support.²² The construction of Fort Smith is an example of inter-tribal violence in the territories that initiated a string of U.S. official military posts. The site served as a show of U.S. power on the western frontier but also functioned as a gathering place for the surrounding tribes in diplomatic negotiations.

The location of Fort Smith on a bluff overlooking the countryside is also known as Belle Pointe. The new U.S. military fort provided the United States a location to intervene in

²² "O'Fallon to Bradford, September 15, 1817", Missouri State Historical Society, *Smith Collection*, Letter-book v, 42, (accessed June 20, 2018).

Cherokee-Osage relations.²³ Major Stephen H. Long recommended that the United States government actively participate in Cherokee-Osage peace negotiations and utilize Fort Smith on the Arkansas River as a base for stemming the incessant inter-tribal violence. Building a military post would also allow white settlers to travel unmolested into the new territories and keep watch over tribes located within Missouri Territory. Fort Smith, located on the Oklahoma-Arkansas border, would be the location of another Cherokee-Osage inter-tribal council and treaty in the aftermath of the 1818 treaty. Major Long states “ In a military point of view the objects that present themselves are first to keep the peace between the Cherokees, and the Osages. Secondly, to prevent the whites from hunting and committing other trespasses upon Indian lands and thereby, to secure our frontier settlements in this quarter from the depredations of the Indians.”²⁴ The United States was concerned about maintaining the frontier for white settlements and arbitrating Cherokee-Osage interactions near the Mississippi River.

Reverend Elias Cornelius, agent of the American Board of Commissioners for Foreign Missions (ABCFM) witnessed Osage captives returning with Cherokee warriors to the Cherokee Nation. While traveling west from Brainerd Mission in Tennessee, Cornelius encountered the band of Cherokees at the eastern boundary of the Chickasaw Nation on Caney Creek in present-day Colbert County, Alabama on November 15, 1817. A few dozen Cherokee Nation warriors were traveling eastward with Osage captives and claimed that the party had returned from the west to scout the region for future settlements.²⁵ The United States officials in the east began hearing reports of the massacre months after the attack had ended. Indian agent Joseph McMinn

²³ U.S. National Park Service, *Fort Smith: Places at the First Fort Smith (1817-1824)* <https://www.nps.gov/fosm/learn/historyculture/placesfirstfort.htm> (accessed June 30, 2018).

²⁴ “Stephen H. Long to Thomas A. Smith, Jan 30, 1818”, Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Arkansas 1819-1825* (New York: AMS Press Inc., 1973), 8.

²⁵ Brent Gary Bergherm, "The Little Osage Captive: The Tragic Saga of Lydia Carter." *The Arkansas Historical Quarterly* 62, no. 2 (2003): 123-152. doi:10.2307/40023230 (accessed June 20, 2018).

states in a letter dated November 17, 1817, to United States Secretary of War John Calhoun, accounts of the Cherokee-Osage violence. In the correspondence, McMinn states “That a party of the Arkansas Cherokees who you have been advised had for some time past determined to carry the war into the Osage nation, have affected their purpose with the most brilliant strike-deaths, prisoners, horses, and baggage are the trophies of their victory.”²⁶ The Osage captives within the Cherokee Nation became a pressing issue for the United States officials in addressing the Cherokee-Osage violence in the west.

In a letter written on December 2, 1817, Cornelius describes an encounter with an Osage captive among the Cherokees in the east. Cornelius states “They had numerous trophies of the successful contest with them; but none which so affected my heart as a small female child, apparently not more than five years of age, whom they had taken from the Osage Indians, and were carrying as a prisoner...I inquired for its parents, when (shocking to relate) they presented me with savage joy and complacency, the scalps of its father and mother!”²⁷. The Osage captives within the Cherokee Nation provide insight into a critical issue that barred inter-tribal diplomacy between the two tribes. Both Cherokee nations had participated in the attack on the Osage, yet only the Cherokee Nation acquired prisoners of war.

The Cherokees achieved military success against the Osage tribes because of their willingness to encourage various tribes to participate in the warfare as allies. The Cherokees also had more experience fighting full-scale wars and would use the acquired arms against the Osage

²⁶ “Joseph McMinn to John Calhoun, November 17, 1817”, *RCIAT*, 376 <https://www-fold3-com.proxy195.nclive.org/image/205355583> (accessed July 1, 2018).

²⁷ THE LITTLE OSAGE CAPTIVE. (1818, Feb 28). *The Religious Intelligencer ...Containing the Principal Transactions of the various Bible and Missionary Societies, with Particular Accounts of Revivals of Religion (1816-1837)*, 2, 637. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/137609949?accountid=14968> (accessed June 20, 2018).

nation.²⁸ The Cherokee had assembled a formidable fighting force that composed various ethnicities and struck the Osage in the heartlands of their empire. Maintaining that the Osage were “bad” Indians, the Cherokee persisted that the Osage had committed violence and warfare among both tribes and white settlers. In a letter dated January 28, 1818, Cherokee John Jolly wrote John C. Calhoun relating Cherokee views of the Osage tribe and cast the Osage as uncivilized and savage peoples compared to the civilized manner of the Cherokees. In the correspondence, Jolly states:

We shall live in peace and friendship with all the Indian tribes west of the Mississippi River if in our power, and it is our wish that our differences with the Osage Nation may be amicably adjusted. We love peace but are not afraid of war in a just cause, and we will not be the aggressors. The Osages miscalculating their power and having no other principle of right have wickedly exercised on all the small tribes of Indians in that boundary and on our white brothers also. They have robbed and murdered all people in that country indiscriminately.²⁹

An effective tactic of the Cherokee was to cast the Osage in an uncivilized light and secure support from the United States and other Indian nations to displace Osage bands for the benefit of Southeastern tribes that migrated into the landscape. The familiarity of practices learned from the United States civilization policies prepared the Cherokees to place a stigma upon the Plains Indians, mainly the Osage bands. The Cherokees maintained that the Osage tribes were blocking progress in the west for migrant tribes and placed the blame on the Osage for attacking white people in the vicinities. The view of “savage” and mobile Native communities that might wreak havoc on westernized Cherokees served as a core belief when driving the Osage bands out of Missouri Territory.³⁰

²⁸ DuVal, *The Native Ground*, 208.

²⁹ “John Jolly to Secretary of War John C. Calhoun, Jan. 28, 1818”, *RCIAT*, 33, <https://www-fold3-com.proxy195.nclive.org/image/205350888> (accessed June 30, 2018).

³⁰ Burns, *A History of the Osage Peoples*, 157.

Cherokee chief Tahlonteskee made a speech at a conference in Washington D.C. on February 21, 1818, commenting on the distrust of the Osage tribes and requests that the Cherokee be permitted lands occupied by the Osage as the reward for the warfare in 1817. Knowledgeable of the histories of warring nations depriving the loser of lands, Tahlonteskee made a case for Cherokee settlement in former Osage lands. Tahlonteskee explained to Missouri Governor William Clark Cherokee views on the recent hostilities upon the Osage tribe. In the talk with Clark, Tahlonteskee states:

We submitted to many insults from the Osage who stole our property and killed my people, and when forced into war with that nation, I did not expect a return of property as they had none to give, but my object was to be remunerated by an accession of their country. I hope (if you make peace between us) that the Osage in satisfaction for our claims on them, give up the country. We do not wish to be cramped by them. The Osage could not be restrained by the United States nor persuaded into compliance with justice. War was the necessary result which did not take place without reflection and a candid declaration on my part. If we went to war, it would be for country and honor. We expect country in payment for the various losses we have experienced, and if I had been unfortunate in war, our claims for an outlet would not have been as good against them, perhaps, as it is in our present relation with that tribe.³¹

Using the Massacre at Claremore's Mound as a justification for extinguishing Osage lands in the territories, Tahlonteskee insisted that the United States recognize Cherokee supremacy in displacing the Osage bands from the region.³² The Cherokee and Osage tribes wanted the disputed region because of its natural resources and its proximity to buffalo hunting grounds farther to the west. The United States officials in Missouri Territory were now ready to negotiate a meeting between the two tribes to settle their differences and bring peace to the region.

³¹ "Tahlonteskee's speech, February 21, 1818", *RCIAT*, 48, <https://www-fold3-com.proxy195.nclive.org/image/205351378> (accessed June 30, 2018).

³² Willard H. Rollings, *The Osage: An Ethnohistorical Study of Hegemony on the Prairie-Plains* (Columbia: University of Missouri Press, 1995), 239-46.

The 1818 inter-tribal council and treaty occurred one year after the violence at Claremore's Mound. Secretary of War John C. Calhoun proposed for the Cherokee and Osage to meet in the fall of 1818 and settle inter-tribal differences under United States supervision. In a letter dated May 8, 1818, Calhoun explains that because the Cherokees had defeated the Osage in battle, the Osage must give up the land requested or grant them passage to and from their hunting grounds.³³ The United States agreed that the tribes needed to reconcile inter-tribal differences and insisted that the territory maintain peace, although officials such as Calhoun sided more with Cherokee views about the conquest of the Osage. In a correspondence dated July 18, 1818, U.S. Secretary of War John C. Calhoun complicated Cherokee-Osage diplomacy over returning captive Osages. The Reverend Elias Cornelius notified the United States of a young Osage girl who resided in the Cherokee Nation. Writing to Indian agent Meigs, Calhoun states "It is the wish of the President that this child should not be delivered to the Osage Indians immediately but be placed at the school at Chickamauga for education. When that is completed under the directors of that school, she may then be returned to her tribe."³⁴ Osage captives within the Cherokee Nation were now subject to the control of the United States government and boarding schools used to teach Native Americans civilization practices. By allowing the enrollment of the Osage child in the Brainerd Mission Indian boarding school, the United States complicated the exchange of war captives taken in 1817 by the Cherokees.

John C. Calhoun, acting as the Secretary of War for President James Monroe, believed that Cherokees should be located permanently in the western territories.³⁵ The United States

³³ Foreman, *Indians and Pioneers*, 70.

³⁴ "Secretary of War John C. Calhoun to Return J. Meigs", *RCIAT*, 146, <https://www-fold3-com.proxy195.nclive.org/image/205354153> (accessed June 30, 2018).

³⁵ "John C. Calhoun to Jeremiah Evarts and the Rev. Elias Cornelius, July 18, 1818", *The Papers of John C. Calhoun*, ed., Edwin Hemphill (Columbia: University of South Carolina Press, 1959), 2:397.

believed that the region west of the Mississippi River would be ideal for settling Southeastern nations away from increasing white settlements in the east. However, the Osage opposed Cherokee immigration north of the Arkansas River and would not willingly allow Cherokees to hunt on their boundaries.³⁶ The prime regions for Cherokee and Osage hostilities over hunting rights centered around the Arkansas River and its tributaries. In a letter from Indian agent Return J. Meigs to Tennessee Governor Joseph McMinn on August 7, 1818, an exchange of lands through treaties between the Osage and the Cherokees comes into focus. Meigs writes:

Had not the government better purchase that part of the country of the Osages who now occupy it as hunting grounds? I have no doubt, but it might be obtained by purchase. Could this be done all opposition to migrations would cease, for you may rely on it that the scarcity of good water on all the lower part of the Arkansas is a serious and weighty objection in the minds of the Cherokees. The object is to see Major Bradford commanding that part and to prepare the way for peace with the Osages, who ask for peace. Takatoka would not give them peace until the council of Talonteskee. He is now probably nearly arrived. The Cherokees have a great name in that country.³⁷

The importance of the council and treaty between the Cherokee and Osage was that the United States was willing to use the failed attempt of Lovely's Purchase to allow the Cherokees an outlet to the west. First, the United States would need to make a treaty with the Osage.

A treaty between the Osage and the United States drafted on September 25, 1818, allowed for the cessation of Osage lands that had been the subject of Cherokee-Osage hostilities over the Lovely's Purchase fiasco. The Osage bands sent forty-five chiefs and headsmen to St. Louis to negotiate the boundary cessation.³⁸ Missouri Governor William Clark oversaw the completion of the treaty and hoped that by gaining the land through a treaty with the Osage, the

³⁶ Bergherm, "The Little Osage Captive: The Tragic Saga of Lydia Carter.", 123-52.

³⁷ "Return J. Meigs to Tennessee Governor Joseph McMinn, August 7, 1818", *RCIAT*, 158, <https://www-fold3-com.proxy195.nclive.org/image/205354624> (accessed June 30, 2018).

³⁸ Burns, *A History of the Osage Peoples*, 168.

land might be set aside for a Cherokee outlet to the western hunting grounds.³⁹ The resource-rich lands within the region would attract American settlers to the territory and would be a contentious issue as Americans increasingly settled within the region. The cessation would free the Osage from claims from white settlers who had reported that the Osages had committed depredations.⁴⁰ The primary purpose of the Osage cession was to create an outlet for the Cherokee into the Plains and to create a boundary that would function as lands for hunting and resources. The United States believed that allowing Cherokee hunting rights but not settlement in the region would alleviate Cherokee-Osage violence. In a letter dated October 8, 1821, Calhoun wrote to the Cherokee chiefs defining U.S. intentions for the boundary established in 1818.

Calhoun states:

It is to be always understood that in removing the white settlers from Lovely's purchase for the purpose of giving the outlet promised you to the west, you acquire thereby no right to the soil but merely an outlet, of which you appear to be already appraised, and that the government reserves to itself the right of making such disposition as it may think proper with regard to the salt springs upon that tract of country.⁴¹

Calhoun maintains that the Osage cession was not a matter for discussing Cherokee settlement. The Cherokees were only authorized to use the land as an avenue for hunting parties traveling westward. With the region between the Arkansas and Verdigris rivers now under United States jurisdiction, the pressing issue now turned to facilitate a Cherokee-Osage peace.

The treaty between the Big and Little Osage bands and the Cherokee, as well as allied Shawnee and Delaware bands, occurred in St. Louis, Missouri Territory on October 6, 1818.

³⁹ "Missouri Governor William H. Clark to Secretary of War John C. Calhoun, October 1818", Office of Indian Affairs, Retired Classified Files, "Cherokees-St. Louis."

⁴⁰ Osage Treaty Concluded September 25, 1818. Genealogy Trails History Group, http://genealogytrails.com/oka/TREATY_OSAGE.html (accessed June 30, 2018).

⁴¹ "The Secretary of War to Arkansas Cherokee Chiefs, Oct 8, 1821", Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Arkansas 1819-1825* (New York: AMS Press Inc., 1973), 324.

William Clark, the United States Governor of Missouri Territory and superintendent of Indian affairs, presided over the signing of the document. Forty-six Osage chiefs and principal men, along with twelve Cherokee chiefs and one Shawnee chief participated in the treaty's signing. The Cherokee Nation warriors that had participated in attacking and capturing Osage prisoners were not members of the negotiations. A Cherokee chief, quoted by a Mr. Peck, addressed the inter-tribal council, stating:

To convince the Osages of his unwillingness to continue the war, he said 'War is disagreeable to me and my people. It is better to be at peace. In war, we lose our friends- our children. Let us live in peace. Look at us Cherokees. See here is our own manufacture which we wear daily. This we have from following the advice of our father, the President. It is better to labor than to be at war. You see proof of this in our appearance this day. I have followed the advice of general government for a long time. I wish these people to do so. Let them hunt; let them become civilized, provide their own clothing, and put the tomahawk down. Do not get scalps; scalps will do you no good: they fetch no money.'⁴²

The Cherokee chief seems to indicate the distinction of civilization compared to savagery when discussing United States clothing industry and following U.S. civilization practices. By addressing the practice of scalp-taking, the Cherokee chief may be alluding to the incident that preceded the Massacre at Claremore's Mound. The captured Osages held in the Cherokee Nation were a crucial item in the 1818 treaty, although no Cherokee Nation chief signed off on the document agreeing to participate in the signed articles. The guerilla warfare and thefts on the buffalo hunting grounds along with the issue of war prisoners taken in the attack on Claremore's Mound became vital components voiced in Cherokee-Osage treaty of 1818.

⁴² STATION AT ST. LOUIS. (1819, Feb 01). *The Latter Day Luminary (1818-1825)*, 1, 301, Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/90543756?accountid=14968> (accessed June 20, 2018).

The first article of the 1818 treaty between the Cherokees and Osages reads “There shall be peace and friendship between the Cherokees of Arkansas, and their allies and all the bands of the Big and Little Osage nations.”⁴³ The violence and raiding between the tribes became a constant concern for all parties involved, and the western frontier had a reputation for Indian depredations. To secure the frontier, the United States stipulated that the tribes involved become allies and bind themselves into a peace accord. The Shawnee and Delaware tribes also participated in the council and treaty. However, the Cherokee and Osage tribes acted as the primary focus of the treaty. The second article of the Cherokee-Osage 1818 treaty established that in the ensuing spring, the Cherokees, and their allies would deliver prisoners to the Osage and that the Osage would likewise return any Cherokee captives. Prisoner exchange between the Cherokee and Osage tribes were imperative to inter-tribal diplomacy and would be voiced again in the 1822 treaty four years later. Captured Osage women and children were likely to become adopted into the Cherokee Nation and considered members of the Cherokee tribe. The captive Osages were prime assets to be bartered and sold.⁴⁴ The captive repatriation issue would continue to plague Cherokee and Osage relations after the treaty. Osage prisoners were sometimes sold off to different parties and locating the Osage prisoners was a major hurdle for the United States officials in mediating peace.⁴⁵

The third article of the treaty provides the Cherokees and their allies smooth passage through the hunting country well as “permission to occupy and hunt on all lands which they

⁴³ Deloria, Jr., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979 Vol. I.*, 686.

⁴⁴ Mathews, *The Osages*, 424.

⁴⁵ DuVal, *The Native Ground*, 211.

claim south of the Arkansas River.”⁴⁶ The hunting grounds provided the Osage with buffalo and deer. Many other tribes used the region for sustenance; Cherokee hunting parties were only one of the various competing tribes. Osage philosophy regarded game separately when ceding lands, viewing hunting grounds as an invested right. The Osage were also eminently opposed to Cherokees crossing into the regions north of the Arkansas and White rivers to settle or hunt. Claims to land and the game that migrated through the areas in Missouri Territory provoked inter-tribal violence and prompted the United States to effect a peace accord among the offending tribes. Cherokees that went hunting west of the 1808 line violated Osage and United States law, although the United States implicated only the Osage tribe for the infractions of the treaty.⁴⁷ The second and third articles of the treaty were problematic because the Cherokees would continue to hunt on grounds stipulated in the peace document but were not forthcoming with the return of Osage prisoners held in the Cherokee Nation.

The final article within the 1818 Cherokee-Osage treaty deals with the complications of inter-tribal revenge for stolen property. Horses and furs taken in the disputed hunting grounds were crucial factors for inter-tribal diplomacy between the two nations to be considered a success. The article states “It is agreed by the parties that no private revenge shall be taken for property stolen, but that complaint shall be made to the agents of the different nations, who shall have full power to return such property.”⁴⁸ The issue of horse and fur theft provided a context for Cherokee-Osage diplomacy because as more immigrant Cherokee moved westward into the territories held by the Osage, other Plains nations placed pressure on the Osage from the east.

⁴⁶ Deloria, Jr., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979 Vol. I.*, 686.

⁴⁷ Burns, *A History of the Osage People*, 154-158.

⁴⁸ Deloria, Jr., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979 Vol. I.*, 686.

Pawnee, Caddo, Comanche, and other Plains tribes utilized the same hunting grounds. The Osage tribes had established itself within French fur traders orbit in the late seventeenth century and had built an impressive fur trading network before the creation of Missouri Territory. The acquisition of horses from trading with the Spanish allowed for Osage hegemony in the Midwest to become a reality. Therefore, exchanges with equestrian centered Plains tribes and raiding for the horses became the main Osage attribute.⁴⁹ Many tribes stole horses and fur peltry in Missouri Territory and finding the guilty culprit was difficult because tribes used the items as materials for exchange. The 1818 Cherokee-Osage treaty sought a peace agreement that provided the United States Indian agents authority to arbitrate stolen property and established a statute to put an end to Cherokee-Osage hostilities over stolen goods. The inter-tribal peace settlement would not last long, however.

In a letter dated February 4, 1819, Major William Bradford addressed the U.S. Secretary of War John C. Calhoun on continued raids and counter raids and pointed to the causes of increased inter-tribal violence. Local traders provided Major Bradford's information on Cherokee-Osage inter-tribal relations in the western territories. Traders were a vital source of intelligence on inter-tribal diplomacy. In the letter, Bradford explains that the return of Osage prisoners taken by the Cherokees in 1817 was the only stipulation for the warriors to cease war preparations.⁵⁰ After four months of waiting for the Cherokees to return the captives, the Osages decided to commence hostilities. Bradford goes on to explain that the Cherokees were the aggressors in the hostilities and had stolen forty horses from the Osage. In turn, the Osage stole some furs belonging to the Cherokees. The Osage promised to return the stolen furs if the

⁴⁹ Mathews, *The Osages*, 138-139.

⁵⁰ "William Bradford to the Secretary of War, Feb 4, 1819", *TP*, 19: 33-34.

Cherokees would agree to return the stolen horses to their owners. The Osages were withholding the Cherokees horses for not returning their prisoners agreed upon in the Cherokee-Osage treaty of 1818. Bradford explains:

The Osages evince a great desire to maintain the peace between the two nations but complain much that the Cherokees have not given up their prisoners agreeably to the treaty made at St. Louis. I learn that there are a number of Sac's, Iowa's, Mohawks, and Zotos among the Osages urging them to commence hostilities and offering their assistance in carrying on the war. I shall visit the Osages again and endeavor to prevent their resorting to hostile measures or get them to meet the Cherokees at this garrison and settle their difficulties.⁵¹

The Osage tribe were allying themselves with various tribes that were willing to aid in the war against the Cherokees.

On March 2, 1819, the regions that the Cherokees and Osage tribes vied for control of officially became Arkansas Territory. Resentment and anger over robberies of horses and peltry remained critical issues in Cherokee-Osage diplomatic interactions. Talantuskey, principal chief of the Arkansas Cherokees, and other chiefs had traveled to Washington D.C. to talk to the President about boundaries in the newly christened Arkansas Territory. On the return trip home, Talantuskey died and his half-brother, John Jolly would take his place as principal chief among the Cherokees in the west. Indian agent Reuben Lewis wrote the Secretary of War on the issue of the appointment of Jolly and the issue of returning Osage belongings. In the letter dated March 16, 1819, Lewis states "Talantuskey died on his return from St. Louis about the first of November last, the nation has not appointed another in his place, but there is little doubt that his half-brother Major John Jolly will be the man and in my opinion the nation will lose nothing by the exchange. Some difficulty has arisen between the Cherokees and Osages about horses and

⁵¹ "William Bradford to the Secretary of War, Feb 4, 1819", *TP*, 19: 34.

peltries, but with Captain Bradford's assistance, I believe the business will be adjusted without bloodshed."⁵² The United States actively watched the Cherokees in hopes that under new leadership, Cherokee-Osage hostilities would cease, and inter-tribal peace brought to Arkansas Territory. In a correspondence dated March 28, 1819, Captain of Fort Smith, William Bradford informs Secretary of War John C. Calhoun of the proceedings. Bradford writes "Since my last, I have obtained fourteen of the horses stolen by the Cherokees and delivered them to the Osages and informed the Osages that the others should not be given up until they brought in the furs and peltries taken from the Cherokees."⁵³ As Indian agents mediated the stolen goods; the underlying issue of Osage prisoner returns continued to fester.

The travel account of Thomas Nuttall provides insight into the reoccurring themes of warfare and deprivations that arose after the 1818 Cherokee-Osage council and treaty. On September 19, 1819, the Cherokee and Osage tribes held a council to fulfill the articles of exchanging prisoners stipulated in the 1818 treaty signed in St. Louis. The Osages assembled at Fort Smith on the Arkansas River to receive the war captives. Nuttall witnessed the proceedings and wrote:

The captives, chiefly female were, however, kept back, and they wished to retain them on the score of adoption. Talai and Claremore insisted on their compliance with the treaty, and the government agents now ordered the Cherokees to produce the prisoners in ten days. The eleventh day, however, arrived without any appearance of the Cherokees, excepting five of their hunters. The chiefs of the Osages were exceedingly mortified.⁵⁴

The United States Captain Nathaniel Hale Pryor allowed the Osages to take the five Cherokee hunters as Osage hostages as compensation for the Cherokees not arriving at the agreed upon

⁵² "Reuben Lewis to the Secretary of War, Mar 16, 1819", *TP*, 19: 56.

⁵³ "William Bradford to the Secretary of War, Mar 28, 1819", *TP*, 19: 58.

⁵⁴ Nuttall, *A Journal of Travels into the Arkansa Territory During the Year 1819*, 211.

meeting. An Osage chief that had been in attendance explained that the Cherokees would not satisfy the Osage who wanted their kin returned and would kill the Cherokees upon their arrival. Nuttall notes that the Osages left the encampment and proceeded back to their villages in the west. The Cherokees arrived the next morning and sent messengers to Claremore and Talai, explaining that the prisoner exchange would then take place. Although the principal Osage chiefs did not return to the garrison, minor chiefs came in their absence. Cherokee chief Tikitok presided over the exchange of war captives between themselves and the Osage. In the travel account, Nuttall explains:

It appeared that, in the interval of captivity, one of the young women had contracted marriage with a Cherokee of her own age. Their parting was a scene of sorrow; the Cherokee promised to go to the village, and ask her father, she also plead with the chiefs to stay, but Claremore, unmoved by her tears and entreaties, answered, 'Your father and mother lament you; it is your duty to go and see them. If the Cherokee loves you, he will not forget to come for you.' In this way terminated the treaty of peace between the Osages and Cherokees, in September 1819.⁵⁵

Adoption into Cherokee and Osage tribes made inter-tribal diplomacy difficult because captives would be considered a member of the nation that had abducted them and treated as family members. The Cherokee Nation warriors that had accumulated prisoners had possibly sold the captives to non-indigenous owners. A man named Reuben McCoy is an example of the problematic issue of locating missing Osage children. In a letter dated November 9, 1819, Indian agent Meigs is alerted by missionary Richard Taylor that the location of one of the Osage prisoners may have been in the Cherokee Nation. Taylor states "Reuben McCoy, a white man long a resident in the Cherokee Nation who has been charged man stealing by selling an Osage child, a male, to a white man by the name of Yates who had sold off said child down the county

⁵⁵ Ibid., 212.

at Mobile Bay.”⁵⁶ Locating the Osage captives proved to be an exhausting task for the United States government because some of the captives, if not adopted into the Cherokee Nation, were possibly sold into slavery. Adding to the difficulties, the United States would need to remove Osage children enrolled in boarding schools that were run by missionaries. The Cherokee-Osage treaty of 1818 is problematic for two main reasons. After the treaty’s completion, the Osage were still waiting for the Cherokee to return their people from the Cherokee Nation. The Cherokees continued to hunt in the lands granted them as a hunting outlet and drew the ire of the Osage warriors, who viewed the Cherokee as disregarding their side of the treaty. Complicating these issues was the increased flow of Cherokees into the region, placing extreme pressure on valuable land and resources.

⁵⁶ “Richard Taylor to Return J. Meigs, November 9, 1819”, *RCIAT*, 366, <https://www-fold3-com.proxy195.nclive.org/image/205335973> (accessed June 30, 2018).

CHAPTER TWO: EXCHANGES & RETALIATIONS, 1820-1821

Two significant components and one smaller factor flawed the Cherokee-Osage treaty of 1818 to avoid inter-tribal warfare in Arkansas Territory. The first factor that contributed to the failure of the agreement was the inability of the Cherokees to return the remaining Osage captives within the Cherokee Nation. As the United States Indian agents sought Osage captives in the east, Protestant missionaries enrolled some of the Osage children in the Brainerd missionary school located in Tennessee. Osage demands that Cherokees adhere to the article stating that the captives would be extracted from the east and transported west placed a severe strain on inter-tribal relations in the wake of the 1818 treaty. Missionary involvement frustrated Osage claims to return captured prisoners and complicated the treaty's articles calling for the full return of captives from the Massacre of Claremore's Mound in 1817. Thus, Osage prisoners placed into the care of the Brainerd mission school complicated the fulfillment of the 1818 Cherokee-Osage treaty. The United States had allowed missionary efforts of the civilization policy to transcend treaty requirements.

The second factor destabilizing Cherokee and Osage relations stemmed from incidents in which Osages murdered Cherokees that had traversed upon hunting grounds guaranteed to the Cherokees under the articles of the 1818 treaty by the United States. Hostile Osage war parties and chiefs believed that the Cherokee should not be allowed to hunt on the outlet without full compliance of the treaty's articles dealing with Osage captives in the Cherokee Nation. Osage hunters and warriors would eliminate Cherokees found in the hunting outlet. The attacks by the Osage provided context for Cherokee demands to hand over the murderers. The 1818 treaty allowed Cherokees to use a portion of the boundary for hunting game and as a corridor to the Plains in the west. Thus, the grounds within the boundaries were a center for inter-tribal

animosity and still considered contested. Therefore, the violence that occurred between the Cherokee and Osage in the hunting outlet resulted from infractions of the 1818 treaty.

The last element that contributed to the failure of the 1818 Cherokee-Osage treaty, although indirectly influenced by the two nations negotiations, was the United States position in Arkansas Territory. The United States continuously met with the two tribes to mediate the disputes. However, the tribes would not be satisfied as long as the treaty was not completely satisfied. Officials in Arkansas Territory were under extreme pressure to regulate the frontier for white settlers, but the Cherokees and Osages would call upon their allies to engage in inter-tribal warfare. The potential powder-keg for inter-tribal warfare between the Cherokee and Osage was not confined solely to those two tribes. Quapaws, Delawares, and Caddos were possible allies of the Cherokees when calling for retribution against the Osage nation and their proximity near the hostilities raised the likelihood of the spread of inter-tribal warfare. American settlers would also be attacked, further exacerbating the conflict. Thus, the Cherokee-Osage treaty of 1818 was deeply flawed from its initial inception.

At the beginning of 1820, newly christened Arkansas Territory Governor James Miller took control of the region. The Cherokee-Osage inter-tribal treaty of 1818 was still unfulfilled, and the two tribes were still simmering over the earlier violence. The United States garrison at Fort Smith and Indian agent Reuben Lewis were initially unaware of Osage resentment and anger that would add new problems in brokering peace between the Cherokee and Osage nations. The Cherokees were complaining that the Osage had stolen horses and the Cherokee Indian agents were actively prepping to demand the stolen property.¹ The United States military and the

¹ "Reuben Lewis to the Secretary of War, Jan 21, 1820", Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Arkansas 1819-1825* (New York: AMS Press Inc., 1973), 137.

Indian agents who interacted with the Cherokee and Osage were unaware that an incident the next month would provide a fresh series of grievances that would provide new issues in the ceasefire between the two tribes.

An incident in February 1820, set in motion grounds for a new round of hostilities between the two tribes and initiated a series of calls for renewed combat. An Osage war party led by Claremore's son, Mad Buffalo, intercepted a Cherokee hunting party on the Poteau River in present-day Oklahoma and killed three of the men. After killing the Cherokee hunters, the Osage stole the peltry that the Cherokees had accumulated in their hunting expedition. Safe passage for Cherokees through the hunting grounds outlet contained in the 1818 treaty was officially at stake.² Mad Buffalo's war party traveled west to a trading post on the Verdigris River in present-day Oklahoma that was run by a man named Nathaniel Pryor. A Cherokee war party led by a Cherokee named Dutch was already in the compound and prepared to take Mad Buffalo and his men hostage. However, Pryor distracted the Cherokees while Pryor's friend David McGee helped the Osage hunters escape. In retaliation, the Cherokees stole one hundred and fifty pounds of fur from the trading house.³ Cherokees voiced their response to the Osage infraction of the treaty in their meeting with Major William Bradford and Indian agent Reuben Lewis on February 10, 1820. The Cherokee's reaction provides insight into the grievances between the tribes. Cherokee chiefs Takatoka, John Jolly, Black Fox, and seven other headsmen held a general council and emphasized their concerns. The chiefs write:

Brothers, we have received a blow from the Osages, with whom we supposed ourselves on terms of peace. We are all very much distressed and therefore have had on this business a general council. We let you

² Grant Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830* (Norman: University of Oklahoma Press, 1930), 75.

³ John Joseph Mathews, *The Osages, Children of the Middle Waters* (Norman: University of Oklahoma Press, 1961). 435, eBook Collection (EBSCOhost), EBSCOhost (accessed July 12, 2018).

know our distresses. Our men have not all come in, and we cannot at this time say how many we have lost, by this blow from the Osages. Three men we have certainly lost and also fourteen horses.⁴

The Cherokee chiefs implored the United States to hear their complaints and have the Osages make amends under the treaty signed at St. Louis in 1818. The chiefs also make a case for staying true to their word and state “It was only but last winter that some of our people took horses from the Osages. We exerted ourselves to have the horses returned- they were all returned. We are much hurried, and we want to know whether the Osages will give us satisfaction agreeably to the treaty between us made at St. Louis.”⁵ The Cherokee chiefs give Bradford a timeframe of three months before Cherokee warriors would take the path of warfare against the Osages. The ultimatum given to the United States to negotiate against new Osage hostilities before the Cherokee initiated new warfare point to the willingness of the Cherokees to allow satisfaction for the recent murders.

The Cherokees were initially divided on their approach for answering the problems that the Osage posed. Cherokee chief John Jolly wished to seek a negotiated settlement with United States approval, if necessary. Other Cherokee chiefs and warriors were more demanding of action and voiced opinions that called for immediate retaliatory strikes. The Cherokees debated on Cherokee interests in Arkansas Territory as chief John Jolly called for a council. Traditional minded Cherokee chiefs Takatoka and Duwali refused to attend the council although the majority of the Cherokees agreed to negotiate a peace settlement. Duwali and a few hundred followers would continue traditional Cherokee methods of dealing with oppositional leadership and moved to southwest Texas, along with some dissatisfied Choctaws, Chickasaws, and

⁴ “Cherokee Council to Reuben Lewis and William Bradford, Feb 10, 1820”, *TP*, 19: 152.

⁵ “Cherokee Council to Reuben Lewis and William Bradford, Feb 10, 1820”, *TP*, 19: 152.

Delawares.⁶ The war faction within the Cherokees was ready to strike the Osage, although the peace faction led by chief John Jolly persisted in allowing the United States to solve the problem posed by the recent murders.

The murder of the three Cherokees on the hunting grounds outlet was an example of Osage anger over Cherokee encroachment. Combined with frustration over the 1818 treaty's articles remaining unaccomplished, the Osage viewed the Cherokees as illegal poachers. Governor Miller would be the next United States official to participate in keeping the Cherokee and Osage from continuing hostilities that would potentially interrupt the peace between the tribes. Miller's correspondence to Calhoun on March 24, 1820, provides insight into Osage perceptions of ceding lands to the United States. Miller informs Calhoun that the Cherokees intended to exchange their lands further upriver, within the region that was known as Lovely's Purchase. Miller states "The Osages are opposed of this. They say, they would never have sold these lands to the United States to be given to other Indians, particularly the Cherokees. That their object in selling the country was to have the white people settle it, to instruct them in husbandry."⁷ Information reached Governor Miller that Cherokees were preparing for warfare and were seeking allies. The Cherokees sought allies for warfare and had sent an invitation to the principal war chief of the Quapaws. Miller, as acting Governor of Arkansas, needed to establish reliable communication with the warring nations and Indian agent Lewis. Miller states:

I met him three days ride from their village and agreed with him that I would meet them in council, at their council house on the 20th day of April next, which was as soon as they could be collected from their hunts and able to attend. I further requested Major Lovely to say to them that if they would wait after the council, I would proceed on to the Osages, and

⁶ David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 49.

⁷ "Governor Miller to the Secretary of War, Mar 24, 1820", *TP*, 19: 153.

in case the murder was proved, would demand of them the murderers, which if refused, the Cherokees might then pursue their own course.⁸

Governor Miller set about setting dates for councils with the two nations with the intention of stopping the violence and would travel to the Osage villages to inquire about the murderers. On April 20, 1820, Miller held the council with the Cherokees and four chiefs agreed to accompany the U.S. delegation to Claremore's village in August.⁹ The Cherokee chiefs, along with Governor Miller, were actively trying to find a solution for the recent attacks and continue the peace effort. The three-month long ultimatum given by the Cherokees was now extended into August for a council with the Osage bands under Claremore's leadership.

The importance of maintaining inter-tribal peace was becoming critical in Arkansas Territory, In a letter from Secretary of War Calhoun to Major William Bradford dated May 12, 1820, Calhoun expresses the wish that the Cherokees must not instigate the attacks. Calhoun states "If injuries have been done to the Cherokees by the Osages, atonement must be made for them, but the Cherokees must not go to war to obtain it, they must look to the government for redress. If they undertake to obtain it for themselves and by force, they will forfeit all claim to its friendly disposition."¹⁰ The Cherokees were made aware of the consequences of acting on their own, without United States mediation. Secretary of War Calhoun believed Cherokee attacks would implicate the Cherokees as actively breaking the terms of the 1818 treaty. The murdering of three Cherokee hunters on the outlet was a result of increasing exasperation by the Osage for the unexecuted treaty articles of 1818. Strict adherence for the return of Osage captives within the Cherokee Nation was a significant factor in the renewed attacks. However, Calhoun stressed that in retaliating first, the Cherokees were not allowing the United States government to mediate

⁸ "Governor Miller to the Secretary of War, Mar 24, 1820", *TP*, 19: 154.

⁹ Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830*, 76-77.

¹⁰ "The Secretary of War to William Bradford, May 12, 1820", *TP*, 19: 181-182.

peace to prevent widespread violence and cast the Cherokees in a menacing light. Calhoun stressed that the United States government was the primary mediator in Cherokee-Osage relations.

Governor Miller toured the Cherokee and Osage villages in hopes of arbitrating a peaceful solution to the hostilities. In a letter dated June 20, 1820, Governor Miller writes Secretary of War John C. Calhoun about the inter-tribal councils. Governor Miller explains the councils held earlier with the Cherokee chiefs and informed the Secretary of War of the talk made with the Osages. Governor Miller writes that the Osages did indeed agree that they had the murderers but would not exchange them. Governor Miller states:

The Osages stated that the Cherokees had not yet complied with that article of the treaty and still held a number of their people prisoners. I turned to the Cherokee chiefs and asked them if that was the fact. They confessed that they still had four that were not given up, but observed that two were in school in Tennessee. One other with the Old Nation and one child they had here which did not want to go back and ran and hid and they could not find it at the time, and they had not given it up since. I then told the Cherokees that they could not have the murderers.¹¹

The Osage's principal concern was that the Cherokees had not given the prisoners of war back to the tribe and negotiation was stalled in handing over the murderers of the three Cherokee hunters. The Cherokee chiefs and headmen agreed to return the prisoners and horses to the Osage on October 1 at Fort Smith. After the council, Governor Miller descended the Arkansas River towards the Cherokee villages. Cherokee clamors for creating an inter-tribal alliance with allied tribes for war against the Osage began to heighten as Governor Miller writes:

Tikotoke, an old Indian, called by them the beloved man appeared dissatisfied and was for war; preparatory to which he had sent several tribes to come and join them. A small party of Caddos with a few Choctaws amounting to thirty or forty in the whole arrived just as I

¹¹ "Governor Miller to the Secretary of War, Jun 20, 1820", *TP*, 19: 192.

landed from my boat, all painted and ready for war. I told them to go home. They dispersed, and Tikotoke agreed to wait for the exchange without further hostilities. I have since heard that a number more to the amount of one hundred of the Caddos have gone on to the Cherokees (this from good authority) whether they will commence hostilities at present or not, I am unable to say. Still, I think it most probable they will.¹²

The call for an assembly of warriors from other tribes spotlights the Cherokee response to Osage violence. However, Osage chiefs and headmen grounded their defiance of returning the murderers because of Cherokee non-compliance with the articles within the Cherokee-Osage treaty of 1818. The Osages utilized violence upon Cherokee hunters in the outlet boundary to guarantee the return of captives held in the Cherokee Nation.

Governor Miller's councils had helped to stall further violence, but the Osages were still harboring a deep resentment towards the Cherokees. Meanwhile, the Cherokees, angered as well over the murder of their hunters, were threatening an attack and building intertribal alliances. The commencement of a Cherokee-Osage war would potentially place American settlers in a cross-fire. In a letter dated June 29, 1820, Secretary of War Calhoun writes Governor Miller detailing plans for the future disturbances in the region. Calhoun states:

I am sorry to find that the Cherokees and Osages are so hostile to each other, that a war is likely to ensue. If peace between them cannot be preserved, (which you will endeavor to do by a prudent exertion of your influence and authority,) the U. States will take no part in their quarrel; but, if in carrying on the war, either party commit outrages upon the persons or property of our citizens, Major Bradford will cooperate with you should it be necessary, for their protection, during its continuance. The citizens must, on their part, observe strict neutrality, and in case of injury to them, they must apply to you for redress, and not seek to obtain it privately, by retaliation or violence.¹³

¹² "Governor Miller to the Secretary of War, Jun 20, 1820", *TP*, 19: 193.

¹³ "The Secretary of War to Governor Miller, Jun 29, 1820", *TP*, 19: 199.

The United States was bracing for an inter-tribal war and was increasingly concerned with protecting American citizens. The prevention of American citizens from joining in on the inter-tribal warfare was a primary concern for United States officials. Secretary of War Calhoun directed Governor Miller to use a plan of neutrality when dealing with potential violence between the Cherokee and Osage nations. Calhoun had earlier reminded the Cherokees that attacking the Osage would damage the oaths pledged in 1818 but also highlights the importance of barring American citizens from aiding Native American war parties. American citizens had joined in on the attack upon Claremore and Black Dog's villages in 1817. Calhoun was trying to avoid American citizens from joining a Cherokee alliance and instructed Bradford to deal with the possibility of American citizens harmed in inter-tribal warfare.

Seeking a peaceful solution to the Cherokee-Osage conflict would direct United States attention to returning Osage captives held by the Cherokees east of the Mississippi River. During July of 1820, the United States became actively involved in tracking down the Osage prisoners in the Cherokee Nation. On July 17, Indian agent Return J. Meigs informed Cherokee Nation chief Charles Hicks of the importance of the Osage children within Hicks's jurisdiction. Meigs states that the Arkansas Cherokee chiefs Richard Justice, John Jolly, and Black Fox required that the Osage prisoners in the Cherokee Nation be delivered up to the delegation to take back to the Arkansas Territory. Meigs writes "Governor Miller has taken considerable pains to stop the expansion of blood between the parties, which it is my sincere wish to use my influence to obtain their wishes in these parts."¹⁴ Meigs notified Hicks that the Osages would deliver the murderers in their nation once the prisoners were returned and requested the help of the Cherokee Nation.

¹⁴ Return J. Meigs to Charles Hicks, July 17, 1820, Records of the Cherokee Indian Agency in Tennessee, 1801-1835, Correspondence and Miscellaneous Records, M208, NARA, 20, <https://www-fold3-com.proxy195.nclive.org/image/205342745> (accessed July 13, 2018).

Meigs explains that the children at Brainerd should be exchanged to prevent war from igniting between the tribes. Once the children were handed back, the Osage had promised to give up the Cherokee murderers held by the Osage.

During July, the United States was intensively inquiring about the Osage prisoners enrolled in the school at Brainerd in Tennessee. Brainerd's "*The Missionary Herald*," newspaper, offers particular insight into the Osage children's lives since their arrival east. In the journal entry from July 27, the narrative states:

This little child was ransomed by Mrs. Carter of Natchez, now Mrs. Williams of Brimfield, Mass. and was placed in the mission family at Brainerd, where she was adopted and baptized. The name of Lydia Carter was given her, in honor of her liberal benefactress. A brother of the child, younger than herself, was subsequently discovered to be a prisoner in the Cherokee nation; and was delivered from a man who claimed him, by the interference of the agent of the government, and by the humane and disinterested exertions of Mr. John Ross. This child was also adopted into the mission family, baptized, and named John Osage Ross.¹⁵

In a letter from Meigs to Secretary of War John C. Calhoun, written on July 21, Meigs provides understanding into the complicated process that United States officials encountered when returning the Osage children located in the Cherokee Nation. Meigs states:

There are two small children at the Brainerd school, and a young man is in the family of Turtle Fields, the same man who had the child that had been recovered at the expense of the government and placed at Brainerd. The other little girl had been purchased of Aaron Price, an Arkansas Cherokee, for I think one hundred and twenty dollars, the bounty of a lady from Natchez. These children are well treated: but it seems indispensable that they are restored to the Osages, as they seem to make

¹⁵ MISSION AMONG THE CHEROCKEES. (1821, Feb 03). The Religious Intelligencer ...Containing the Principal Transactions of the various Bible and Missionary Societies, with Particular Accounts of Revivals of Religion (1816-1837), 5, 581, Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/137555978?accountid=14968> (accessed July 14, 2018).

it a requirement to their giving up the murderers and nothing short of this will prevent an Indian war in that quarter.¹⁶

The Osage children at Brainerd played a considerable role in the Cherokee-Osage treaty of 1818, and United States agents were acting as brokers between the tribes to satisfy the document's articles. The imagery that the high-profile Osage prisoners had on the public through newspaper accounts and United States official documentation speaks volumes about the problematic situation still unanswered in the Arkansas Territory. The baptized and renamed Osage children held particular interest for United States missionaries because of the belief that civilization methods and introduction into Protestant religions would benefit Native Americans. However, the Cherokee-Osage treaty of 1818 was a legally binding document that had ramifications west of the Mississippi River. Meigs acknowledges that even though the children were following civilization and missionary leads, their failure to head back west would re-ignite inter-tribal warfare.

As Indian agents coordinated with Cherokee Nation members for the release of the Osage captives, Return J. Meigs wrote Brainerd's Superintendent Reverend Ard Hoyt about the importance of recovering the children entrusted to the mission school. The importance of collecting Osage prisoners was definitively a matter of preventing a full-scale Cherokee-Osage war in the Arkansas Territory. In a correspondence dated August 10, Meigs informs Reverend Ard Hoyt that to prevent a destructive war between the Cherokee and Osage, the Cherokees must release the Osage children held in the Cherokee Nation in order for the Osage to release the murderers of the three Cherokee hunters.¹⁷ Meigs goes on to explain that Governor Miller was

¹⁶ "Return J. Meigs to John C. Calhoun, July 21, 1820", *RCIAT*, 243, <https://www-fold3-com.proxy195.nclive.org/image/205343089> (accessed July 13, 2018).

¹⁷ "Return J. Meigs to Ard Hoyt, August 10, 1820", *RCIAT*, 253-255, <https://www-fold3-com.proxy195.nclive.org/image/205343467> (accessed July 13, 2018).

solemnly acting on the requirements of the Cherokee-Osage treaty of 1818 and that both tribes were in agreeance to the plan of exchanging prisoners for murderers. The Osage girl known as “Lydia Carter” had become a much-sought-after prisoner and highlighted the interweaving avenues the Osage had to transverse to recover prisoners. The missionaries were discouraged about giving back the two children to their Osage family members, and Meigs alludes to the possibility of once having turned them over; the children might be able to return to the mission schools.¹⁸ The active participation of the United States Indian agents locating the Osage captives highlight the efforts of the United States in mediating peace between the tribes. The Osage children were central to Osage grievances, and now that war threatened Arkansas Territory, considerable efforts by Meigs were taken to avoid further calamities.

On October 8, Governor Miller wrote the President of the United States James Monroe, explaining the efforts of the United States in Arkansas Territory to prevent an inter-tribal war from starting. Miller writes that the meeting with the two tribes would be at Fort Smith and the exchange of war prisoners would take place. The safety of the white settlers was imperative because a portion of the Cherokee threatened to leave the territory for Spanish controlled lands and murder as many American settlers as possible on the way.¹⁹ Arkansas Territory Governor Miller informed United States President James Monroe about the supreme importance of settling the differences between the Cherokees and Osages in Arkansas Territory before the frontier was awash in bloodshed. War with the Osage was preferable to a small number of Cherokees, due to the unwillingness of the Osage to hand over the murderers. However, some Cherokees were willing to attack white settlements in response to the perceived aggression of the Osage tribe and

¹⁸ Ibid., 253-255.

¹⁹ “Governor Miller to the President, Oct 8, 1820”, *TP*, 19: 220.

placed Arkansas Territory in a state of paranoia. Some Cherokees linked the slow negotiation process to the United States' role as a mediator in inter-tribal diplomacy. Cherokee and Osage impatience over the unexecuted articles of the 1818 treaty were becoming evident to the United States officials.

After the October council with the return of most of the Osage prisoners, hostile attitudes continued to predominate Cherokee and Osage relations. The Osages perceived the Cherokees as becoming intent on seizing Osage lands west of Fort Smith, and the Osage continued to kill offending hunters found on in the vicinity, Native Americans and Americans alike. Indian agent to the Osages Pierre Chouteau and George C. Sibley, Indian agent to the Cherokees William L. Lewis, William Clark, and Major William Bradford had told the Osages that the region was well within their domain.²⁰ Increasing guerilla strikes by the Osage against Cherokees and white Arkansans would spike in frequency throughout the rest of the year. In a letter dated December 3, Major William Bradford informs the Secretary of War about new circumstances in the Cherokee-Osage hostilities. Writing from Fort Smith, Bradford states "Sir, I have the honor to report to you a party of Cherokee Indians complains to me, they have lost two men by the Osage, this should have been done high up the Canadian River about twenty days since, they also state that they lost their horses and traps. I have sent an express to the Osage to know the causes of this outrage and have demanded satisfaction when I hear both sides of the story; I will report the same to you."²¹ The Cherokees had two months prior released the majority of Osage prisoners, but hostile Osage attacks on not only Cherokees but Americans compromised efforts for peace. Osage protests now centered on regions located to the west of Cherokee territory and were the

²⁰ Mathews, *The Osages*, 462-463.

²¹ "William Bradford to the Secretary of War, Dec 3, 1820", *TP*, 19: 242-243.

site of increased Osage hostilities against Cherokees. As the year ended, the Osages were unwilling to release the murderers of the three Cherokee hunters killed at the beginning of the year.

The white settlers within Arkansas Territory were in danger should an inter-tribal war begin. Governor Miller had stipulated that the United States military would not intervene in a Cherokee war with the Osages, under the terms that no harm comes to white settlers or their settlements damaged. On March 12, the Cherokees informed Major Bradford that “We expect to have to go to war with our neighbors in a very short time and there are a good many of your people in our way. We do not wish to injure the persons or property of any citizen of the United States, and for that reason, we wish them out of the way. You know very well that is very hard to govern an army, there are wild young men among our people that is hard to govern which is the case in all other armies.”²² The information of a potential commencement of military activity by the Cherokees placed white settlements in a precarious position and increased the vigilance of the United States government in the territory. The Cherokee chiefs and warriors wrote Governor Miller on the same day explaining their reasons for preparing for war with the Osages. The Cherokee chiefs state:

Father, you know what you stated to us after you had tried to obtain the satisfaction we required of the Osages. You stated they had told you nothing but lies, and you could not obtain it, and therefore permitted us to go to war with them; some of our white brothers think our proceedings illegal and disputes your appropriation to our going to war with them. You are conscious we ought to have satisfaction; we wish you to write to us in frankness your approbation or disapprobation which will relieve our minds and remove the suspicions of others.²³

²² Foreman, *Indians and Pioneers*, 95.

²³ “The Cherokee Indians to Governor Miller, Mar 12, 1821”, *TP*, 19: 334.

The Cherokees explain that earlier attempts to seek satisfaction were futile and that some United States officials, implying Major Bradford, had denied their actions. By appealing to Governor Miller directly, the Cherokee chiefs believed that the United States government would decide to approve of their military activities against the Osage. The Cherokees added that because the Osage were unwilling to listen to either the United States or themselves, the nation was prepared to take the initiative in revenging the murders that had occurred over the past year. Cherokee correspondences with Governor Miller were methods used to voice grievances to the United States through proper conduct. Cherokees were asking for admission from United States officials for the justification of striking back against the Osage.

After Bradford had informed the Cherokees of the stipulations placed upon them in the warfare against the Osage, the chiefs sent a letter to the President of the United States. The principal chiefs of the Cherokees informed President Monroe of their preparation of conflict with the Osage nation. The letter, dated March 17, was signed by principal chief John Jolly and six other chiefs. The Cherokee chiefs explain that the Cherokees were allowed protection from the United States for their removing to the Arkansas and White rivers. The Cherokees accuse the Osage tribe of murdering their warriors and not returning the murderers for trial. The chiefs state:

When we have armed and been preparing to punish those murderers and plunderers with a view to put a stop to their depredations our arm has been checked and our energies paralyzed by the voice of the government of the great nation. We have been told that we must not by ourselves and with our own rifles revenge our wrongs. Justice and reparation have again and again been promised and withheld. We have been mocked by our enemy by delusive and insincere promises of peace, while they have continued their hostilities, until our warriors and young men, provoked beyond bearing, are putting their arms in order for the bloody conflict.²⁴

²⁴ "The Arkansas Cherokees to the President, Mar 17, 1821", *TP*,19: 273.

The Cherokee chiefs inform President Monroe that only as a last resort would the Cherokee initiate violence upon the Osage and hoped that the United States would intervene to settle that disturbance. Alluding to the United States promises of protection for removing to Arkansas Territory, Cherokee leaders were using a calculated and methodical approach in their final plea for United States assistance in rectifying the Osage conflict. The unavenged murders were now the last reminder to the United States of Osage indifference to the Cherokee-Osage treaty signed in 1818.

In a letter dated March 20, Governor Miller addressed the Cherokees on the subject of the United States position in the inter-tribal feud. The Cherokees had earlier inquired about the consequences of carrying the war into Osage villages and were anxious to know if the United States was willing to allow the Cherokees to extract their revenge for the murders that happened earlier in the year. Governor Miller explained that the United States would not interfere with the Cherokees and Osage warfare but would intervene in defense of white settlers and their property.²⁵ The white settlements and American citizens were the main priority of the United States government, and Governor Miller maintained that the military would punish offenders. Later that month, Matthew Lyon, an employee of the United States factory stationed on the Arkansas River, was promised by the Cherokees that no hostilities would begin anew once the Cherokee chiefs were allowed a conference to explain their concerns to the United States president.

News of an Osage war party traveling towards Cherokee settlements raised the alarm for frontier protection. The incident would provide the spark that would ignite Cherokee passions

²⁵ "Governor Miller to the Cherokee Indians, Mar 20, 1821", *TP*, 19: 335.

past the point of return. Matthew Lyon wrote to Major Bradford about hostile Osages in the territory. Lyons stated that an Osage war party that consisted of three hundred and fifty warriors were intending to attack the Cherokees and plunder the United States factory. The Osage had made the first move in seeking out Cherokees for hostile encounters by mounting a sizable war party. Thus, Osage substitution of small-scale hostilities for massive war party strikes increased the need to prevent Cherokee retribution and safeguard Americans in the region. More information about the Osage war party reached the Union Mission in April. The mission's entry for April 11, states that Claremore warned the missionaries that four hundred Osage warriors were coming down to attack the Cherokees and requested that the missionaries not to let the cattle or horses out of their sight because many Osage warriors from other villages were not under his control.²⁶ Claremore was as equally wary of violating United States citizens and their property as the Cherokees. The Union Mission journal entry, dated April 14, details the aftermath of the incident. The entry reads "The Osages who were down last week are now returning. They state they have killed several of the Cherokees and some of the Quapaws. It appears they have stolen many horses from the white people."²⁷ The attack mentioned by Osage chief Claremore to the missionaries at Union Mission indicate that the Cherokees were the target of the attacks. The Cherokees may have been the intended target of the Osage war party, but the killing of Quapaws and stolen horses from whites violated conditions set by Governor Miller.

United States broadsheets provide a more precise account of the Osage war party. The newspaper, "*The Arkansas Gazette*," published in Little Rock, recorded the Osage war parties' destruction. The description of Osage military activities against the Cherokee is dated April 23.

²⁶ Union Mission Journal Manuscripts, Oklahoma Historical Society, Oklahoma City: Oklahoma Historical Society, 30-31.

²⁷ *Ibid.*, 31.

An Osage war party, led by Mad Buffalo, descended the Arkansas River after hunting until the party reached the river bank opposite Fort Smith. The leaders crossed the river and asked the soldiers if the rest of the war party could cross over as well. The newspaper article states:

The determination on the part of the United States to take no part in the contest between them and the Cherokees as long as the persons and property of the citizens were unmolested was made known to them; still persisting in their demands to come to the fort, they were told in positive terms, that they should cross none of their men; during the time they remained here, they minutely examined every part of the fort, and were anxious to know the number of men at the post; the artillery was brought on the parade ground, and exhibited to their view.²⁸

The Osage party attempted to build rafts for the warriors on the west bank of the river. However, the garrison brought the guns of the fort in position to fire on their attempts. The Osages ceased the building of rafts to cross over the river but murdered three Quapaws that were on their side of the river bank. The path of the Osage illuminates the destructive power of inter-tribal warfare in the Arkansas Territory. A hunter named Etinne Vagine had employed the Quapaws, and the party threatened to kill him. However, the fort's guns allowed Vagine to cross to the garrison safely.²⁹ The Osage war party continued towards Lee's Creek, destroying and plundering any property the group found.

The article goes on to illuminate the destruction of the Osage warriors under war chief Mad Buffalo. The editor states "They have robbed most of the families living on Lee's Creek, of horses, guns, and whatever else they could carry with them. They also robbed some families living up the Poto- stealing every horse that they could lay their hands on. They killed three

²⁸ *Arkansas Weekly Gazette*, published as *The Arkansas Gazette*, (Little Rock, Arkansas), 5-21-1821, 3. https://infoweb-newsbank-com.proxy195.nclive.org/iw-search/we/HistArchive/?p_product=EANX&p_theme=ahnp&p_nbid=A55U4BUDMTUzMTgxMTIzNy4zMTAzMzY6MToxMzoxNTluNDYuMjguMjA1&p_action=doc&d_viewref=search&s_lastnonissuequeryname=7&p_queryname=7&p_docnum=204&p_docref=v2:1066418A38D1E218@EANX-10FF35B42418BCE8@2386298-10FF35B482E8F6F0@2-10FF35B5638575C8@Indian%20Outrages (accessed July 13, 2018).

²⁹ Foreman, *Indians and Pioneers*, 96-97.

Delawares on Lee's Creek. The Osages stated that the Sacs and Foxes had joined them and that as soon as the grass was high enough to subsist their horses, they intended coming down upon the Cherokees in overwhelming numbers"³⁰ The attacks by the Osage under Mad Buffalo provided the United States with a firm resolve to safeguard American settlers in Arkansas Territory. The Cherokees used Osage plundering of white settlements and the murdering of Quapaws and a Delaware as a justification in their warfare. The Osages also increased the potential for a wide-ranging inter-tribal war since Sacs and Foxes had pledged alliances with Osage chief Mad Buffalo's band against the Cherokees. Mad Buffalo's war party was the trigger that confirmed the Cherokee in the belief that Osage hostilities needed retribution.

David Brearley, an Indian agent among the Western Cherokee, wrote the Secretary of War on April 26, informing Calhoun of the destruction that had recently occurred. In the letter, Brearley explains:

The Cherokees have resolved, as a measure of policy to carry the war into the enemies country; believing that course their only protection.; against similar incursions; for which purpose, they have solicited the aid of the Old Cherokee Nation, the Chickasaws, Choctaws, Delawares, Shawnees, Quapaws, and Caddos, with an expectation of congregating their forces in the latter part of next month. Should the property from the whites, not be surrendered before the Cherokees march, it is probable that some of them will join the party with a view of reclaiming it?³¹

The United States Indian agents observed Cherokees building an inter-tribal alliance with old allies. Particularly interesting is the mention of white men among the Cherokee allies. Recovery of property and revenge were the main components used to entice settlers to unite with the anti-

³⁰ *Arkansas Weekly Gazette*, published as *The Arkansas Gazette*, (Little Rock, Arkansas), 5-21-1821, 3. https://infoweb-newsbank-com.proxy195.nclive.org/iw-search/we/HistArchive/?p_product=EANX&p_theme=ahnp&p_nbid=A55U4BUDMTUzMTgxMTIzNy4zMTAzMzY6MToxMzoxNTluNDYuMjguMjA1&p_action=doc&d_viewref=search&s_lastnonissuequeryname=7&p_queryname=7&p_docnum=204&p_docref=v2:1066418A38D1E218@EANX-10FF35B42418BCE8@2386298-10FF35B482E8F6F0@2-10FF35B5638575C8@Indian%20Outrages (accessed July 13, 2018).

³¹ "David Brearley to the Secretary of War, Apr 26, 1821", *TP*, 19: 285.

Osage war parties. Mad Buffalo had antagonized the United States neutrality policy. On April 27, the Union Mission daily journal entry provides Osage chief Claremore's perception of the attack and reads "He found the chiefs more united than usual, sick of the war and sorry for the misconduct of their people in killing the Quapaws and Delawares and robbing the whites. Claremore said he did not send his men down to conduct so. He said the conduct of the young chief is wholly disapproved and that he has escaped from the village."³² Claremore and Mad Buffalo were not acting in unison regarding the intended targets of the war parties. Claremore maintained the peaceful intentions of the band under his leadership with Americans and Indian tribes that were not Cherokees. The accusation made by Claremore of Mad Buffalo's independent attacks was an attempt to voice displeasure in the conduct of the attacks, although Claremore was prepared to defend Osage villages if Cherokees persisted in commencing the war.

In a letter dated May 17, acting Governor Crittenden wrote Secretary of War Calhoun to explain the situation in Arkansas Territory. Crittenden explained:

Since the departure of the governor, many acts of hostility have been committed on both sides, indeed an open war may now be said to exist between them, in a late incursion of the Osages, the whites on the extreme frontier were rudely threatened and robbed of most of their cattle, some of which I am informed have since been returned, both parties are endeavoring to interest by the fermenting of old bickering and new alliances all the neighboring tribes, in which I fear they will prove too successful should this be the case.³³

Crittenden mentions that to protect the territory and preserve peace on the frontier, the United States needed to act. The acting governor proposed furnishing swords and pistols for two hundred militia near the white settlements. Mad Buffalo's destruction enraged the Quapaws living within Arkansas Territory and to prevent a fresh round of violence; the United States

³² "April 27, 1821", *UMJM*, 32.

³³ "Acting Governor Crittenden to the Secretary of War, May 17, 1821", *TP*, 19: 288.

needed to make sure no other tribes became involved in provoking more killings. Crittenden states “The Osages, a short time since, butchered three Quapaws opposite Fort Smith, I have just had a talk with the chiefs of the latter tribe, and have directed them to stay at home and tend their crops, they have promised obedience, although their young men they say are clamoring for revenge.”³⁴ The situation in Arkansas Territory at this point was witness to the opening salvos of hostilities that characterized Cherokee and Osage relations. However, the Cherokees had not yet attempted a mass military expedition against the Osage.

The Cherokees and their allies, however, were not satisfied by Claremore’s insistence that Mad Buffalo and his warriors had acted independently and were determined to punish the Osage. In June, the Cherokee took the initiative to strike the Osage and their supporters, causing the inter-tribal conflict to continue. The Union Mission missionaries were at the forefront of immigrant families fleeing the surrounding region, fearful of Cherokee attacks on the settlements. The journal kept by the Union Mission illuminates the destructive intensity of inter-tribal warfare. On June 24, the records state “The arrival of several of Joseph Revoir’s family who have been alarmed by the Cherokees. They state that the Cherokees had taken their horses and that they had not seen their father since early in the morning. The Revouir is a half-breed French and Osage, a decent citizen and lives fifteen miles up this river. He had just formed a settlement in that place and is making good on improvements.”³⁵ Cherokee war parties were harassing persons living near the Union Mission and were actively stealing horses from any of the parties encountered. The murder of Joseph Revoir was recorded by the Union Mission two days later. Cherokee chief Walter Webber had killed Revoir and taken his scalp, and fourteen

³⁴ “Acting Governor Crittenden to the Secretary of War, May 17, 1821”, *TP*, 19: 289.

³⁵ “July 2, 1821”, *UMJM*, 38.

horses to a Cherokee village that celebrated the victory. At the beginning of July, rumors of an Osage attack became more intense and alarmed the Cherokees and their allies.³⁶ The intensity of warfare began with grievances about the unfulfilled articles of the 1818 treaty. However, after the hostilities initiated by Mad Buffalo's war party, the Cherokees were now actively on the offensive.

The United States government in Arkansas Territory prepared for an all-out inter-tribal war and sought to protect the white settlers living within the region. Secretary of War Calhoun approved acting Governor Crittenden's request for weapons and militia to protect white settlements. The recent murders and thefts increased the coordination of United States officials to protect Americans in Arkansas Territory from more bloodshed. The Cherokee-Osage warfare concerned United States officials because American settlements in the territory were vulnerable to inter-tribal violence. In a correspondence dated July 7, Calhoun announced:

A strong representation ought to be made to the Osages, to deliver up the murderers of the three Quapaws, and warning them of the danger to which they are exposed, by their conduct, which is calculated to unite the Quapaws and other neighboring tribes with the Cherokees against them, the inevitable consequence of which would be the destruction of their nation. Mr. Graham, who has been appointed the agent to the Osages Delawares, Shawnee & Kickapoos, is endeavoring on his part to dispose of the Osages to a pacific course. He is fully possessed of the views of the department in relation to the war which exists between the Cherokees and Osages, and it is probable that his endeavors united with yours and those of the agent to the Cherokees, may make some impression upon the hostile parties and produce a termination of the contest.³⁷

The Secretary of War proclaimed that the longer the hostile attitudes between the Cherokee and Osage lasted, more nations would participate in the warfare and make Arkansas Territory unsafe.

³⁶ Foreman, *Indians and Pioneers*, 101.

³⁷ "The Secretary of War to Acting Governor Crittenden, Jul 7, 1821", *TP*, 19: 299-300.

Delegations of Indian agents were to persuade the different tribes to cease their preparations for war and to allow the United States time to create measures for a suitable peace accord.

In a letter dated August 10, Major Bradford informed the Secretary of War on attempts for an inter-tribal peace. Bradford believed that the tribes would not be able to find allies and the duration of the war would be short. However, the tribes had already gained sufficient numbers of supporters and would not cease their preparations for warfare against the Osage. Bradford threatened the Cherokee and Osage with military intervention if any white settlers were molested in the inter-tribal hostilities, staying true to the neutrality policy of the United States. Bradford writes:

I have said to each part, 'You are going contrary to the will of the government- it is the wish of the government that you should remain at peace and they will have justice done the injured party, this you have refused to wait for and do you suppose the government will grant you any favors when you are determined not to listen to anything they say? No, they will not. I now say to you, if you shed one drop of a white man's blood, I will exterminate the nation that does it. That I will not write to the government for advice what to do; but will write them what I have done, and that there is not a Cherokee or Osage alive on this side of the Mississippi.' How far I intend to carry these threats into execution is not for them to know, but I shall do nothing that will involve the government in a war with either of them.³⁸

The letter's content stems from the recent murder of Joseph Reviour and the Osage war party's murdering of Quapaws and Delaware. The subject of the Osage demanding entrance to Fort Smith is attributed to the officers thinking the Osage hostile. Bradford believed the Osages had not meant to attack the fort but had come for powder and reacted violently because of the guns pointed in their direction. A United States expedition to the Osage villages to determine whether war with the Cherokees would be forthcoming.

³⁸ "William Bradford to the Secretary of War, Aug 10, 1821", *TP*, 19: 309.

As the Cherokees were deliberating new campaigns of warfare against the Osage, Indian agent Richard Graham sent a letter to Secretary of War Calhoun, explaining divisions between Osage bands on the warfare. The difficulty of uniting Osage bands to agree to peace would be an essential aspect of inter-tribal relations. The letter, dated September 20, explains that the Osage tribes were not united in seeking peace with the Cherokees. The Big Osage bands were in favor for peace, the Little Osages were indifferent, and the Arkansas Osage bands were for war.³⁹ Claremore's band of Osage on the Verdigris River in present-day eastern Oklahoma had borne the brunt of Cherokee hostility. Graham informs Calhoun that Osages consented to meet U.S. representatives in St. Louis on October 1 to discuss their attitudes and concerns with the Cherokees living in the Arkansas Territory. As seen earlier, Claremore had actively professed that the band under his leadership was opposed to war with the Cherokees but would not stand for Cherokee hostilities against his people. The violation of American settlers and their property was an unfortunate casualty of a rouge Osage leader, according to Osage chief Claremore.

Major William Bradford traveled to Claremore's village on September 15 to inform the tribe of the United States disposition on the current hostilities and conduct towards the Cherokees. Horse thefts and retribution killing on Osage hunting grounds are principal concerns in the talks. In the council talks, Claremore states:

I have consulted my warriors. They say the Cherokees will not see their tracks on the Cherokee land or in their town if the Cherokees will keep off our land and out of our town. We do not want the Cherokees to steal what game there is on our land. We want it for ourselves and our women and children. If we were to go on the Cherokees land and kill their cattle and hogs, they would be mad. We cannot farm like the Cherokees; we have not yet learned how to raise hogs, cattle, and other things like the Cherokees. When we want meat for our women and children and clothing our dependence is in the woods. If we do not get it there, we

³⁹ "Richard Graham to the Secretary of War, Sep 20, 1821", *TP*, 19: 315-316.

must go hungry and naked. This is not the case with the Cherokees. If they cannot find those things in the woods, their cattle, hogs, corn, and sheep will give it to them at home. You tell us that the President looks upon all his red and white children with the same eye. If so, when he sent the Cherokees on this side of the great river and gave them land we had sold him, he certainly did not give the Cherokees all the beaver, bear, buffalo, and deer on our lands. We sold him land but not the game on the land. When the Cherokees hunt on our land and kill the game, we will always have trouble. They will steal our horses, and our young men will kill them. This has been a principal cause of all our difficulties. This is the talk of all my braves.⁴⁰

The violation of hunting grounds usage is explicitly made to make the comparison of the wealth of the Cherokees compared to the Osage, who traditionally hunted for their sustenance.

Claremore reminds the United States officials that the Cherokees had violated the agreements made in the Cherokee-Osage treaty of 1818 first and stated that the Osage would wait until the United States sent an official to arbitrate another treaty between the two nations. Unfortunately, the Cherokees and their allies had determined to strike Osage villages in a massive offensive. No longer satisfied with reduced attacks, significant numbers of Cherokees desired to inflict considerable damage to the Osage tribes.

The Cherokees were also coordinating with United States officials about their position in carrying on warfare with the Osage. Cherokee chiefs John Jolly and James Rogers wrote William Bradford in a letter dated September 28, expressing regret that some of their warriors were already in the field.⁴¹ The council that the United States wanted to hold was too soon for the Cherokee chiefs to commit to a peace council with the Osage. The chiefs write that some of their men would notify the United States military at Fort Smith when the tribe was in the vicinity for a peace council.⁴² After Major Bradford was informed by the Cherokees of their intentions to seek

⁴⁰ "Speech to an Osage Council, Sep 5, 1821", *TP*, 19: 321.

⁴¹ Foreman, *Indians and Pioneers*, 106.

⁴² "Arkansas Cherokee Agents to William Bradford, Sep 28, 1821", *TP*, 19: 322.

redress for Osage violence, Bradford wrote to Secretary of War Calhoun on October 22. In the correspondence, Bradford recalls his meeting with the Cherokees near Fort Smith. Bradford states:

I explained to them the wish of the President to make peace with the Osages and that if they waited, the President would see justice done them in every respect. I then laid before them the proposals from the Osages for peace; they then answered they had started a war and they were determined to have satisfaction in their own way. I then told them they were asking favors from the President and they might rest assured he would not grant them any favor whatever. They were going to war contrary to his will. They observed a deputation of them would go to Washington as soon as they returned, and they would serve it all up with the President that they did not mean to remain on this side of Red River long. All the white men that was with them I ordered back and told them I would put the civil authority in force against them if they took any part in the war, their number amounted to three hundred warriors among them ten Delawares, twelve Creeks, twelve Choctaws, fifteen Shawnee.⁴³

The actions of the Cherokee to attack the Osages, despite the reasoning of United States officials, point to the deep resentment felt between the two nations. The Cherokees had promised to only meet with United States officials in council after their warriors returned from attacking the Osage. Richard Graham, the Indian superintendent at St. Louis, under orders from Secretary of War Calhoun, attempted to call a council between the two tribes to secure peace. The Cherokees declined to attend in St. Louis, although a delegation of Osages made the trip. The United States officials assured the Osages that an armistice would be imposed on the Cherokees and not be allowed to pass Fort Smith. The Osages, on their part, would be permitted to hunt in peace under the condition that the Osage send a peace delegation to hold a council with the superintendent. The Cherokees, meanwhile, were already actively pursuing Osage bands that had migrated into the buffalo hunting grounds. Reproducing the tactics used during the massacre of Osage villages

⁴³ "William Bradford to the Secretary of War, Oct 22, 1821", *TP*, 19: 356-357.

in 1817, Cherokees targeted Osage camps when many of their warriors had left, leaving a minority of defenders in the villages.

The Cherokees that had gone to battle the Osages returned near Fort Smith in November. Major Bradford describes the account in a letter to Secretary of War Calhoun. The letter, dated November 18, states:

I have the honor to report to you that the balance of the Cherokee army passed near this post yesterday, their accounts vary much, by their own tale I am under the impression that they have got flogged, they acknowledge they were surprised and charged on by the Osages; the first thing the Cherokees knew of the approach of the Osages was by their spies running to join them with the Osage at their heels about half an hour before sunset, and at the moment they were unsaddling their horses, the Cherokees say that the Osages charged so near that several of their men got powder burnt, that they killed five of the Osages, took fifteen prisoners and no horses with the loss of only two of their party killed.⁴⁴

Bradford sent a man to ascertain what the Cherokees had done regarding white settlements and whether any white persons were involved in attacking the Osages. The officer also inquired about the number of Osage prisoners in their possession. Bradford writes, “On his return, he reported that he saw but one woman and two children and that they showed him eight scalps. He told them that some of them were the scalps of Cherokees, they said they were those of their party who had been killed and to prevent the Osages from doing that, they had themselves scalped them.”⁴⁵ The property and persons of the United States had not been disturbed in the assault, according to the Cherokees.

Two days later, on November 20, Bradford informed the Secretary of War of another party of Cherokees returning from the Osage assaults. The striking difference of success for the

⁴⁴ “William Bradford to the Secretary of War, Nov 18, 1821”, *TP*, 19: 355.

⁴⁵ “William Bradford to the Secretary of War, Nov 18, 1821”, *TP*, 19: 355.

second group of Cherokees stands out in the letter. Bradford states “I have the honor to report to you a party of about one hundred Cherokees passed this garrison today of the war party on their return home from the Osage. They had with them thirty prisoners, said they had killed forty and took seventy horses; all is quiet between them and our people, I have reminded them that the white inhabitants and their property are not to be touched or I will be down upon them as soon as all the Cherokees return.”⁴⁶ Multiple parties of Cherokees split into separate groups and fell upon several Osage villages. News of Cherokee attacks on the Osage came to the Union Mission from Captain Pryor, an Indian agent to the Osage. The journal entry dated December 1, states:

It was about the 1st of November that the Cherokees came on them very unexpectedly. The Osage warriors, relying on Major Bradford to keep the enemy from coming against them, had gone almost to a man to fight the Pawnees. The very few who were at the Osage camp when it was attacked kept the enemy at bay until the women and children could get off, but the resistance of ten or twelve warriors against a large body of Cherokees was small, and one hundred of the Osage people are supposed to have been killed and taken prisoners. Several of these prisoners have returned, some have been killed since they were taken. It may be a greater number are missing than they have yet known.⁴⁷

The report told to the missionaries by Captain Pryor illuminate the battle against the Cherokees.

As the Cherokees celebrated the attack that they claimed a victory, the Osages had defended their villages with a majority of their warriors off hunting or fighting the Pawnee tribe.

Osage chief Mad Buffalo’s military excursion had provided the Cherokees and their allies context to renew a full-scale war on the Osage. American settlers and settlements were disturbed by the near passage of a full Osage war-party led by Mad Buffalo near Fort Smith. The settlers located near the fort increased calls to protect and separate the Native tribes from their settlements, due to tribal warfare. Efforts by the United States to convince the Cherokees to halt

⁴⁶ “William Bradford to the Secretary of War, Nov 20, 1821”, *TP*, 19: 356.

⁴⁷ “December 1, 1821”, *UMJM*, 52.

their warriors from going to war was valid until the Cherokee were unwavering in their belief of extracting revenge. The Cherokees had sent some of their chiefs to see President Monroe, while at the same time, sending out war parties. Combined with past grievances left unattended in the Cherokee-Osage treaty of 1818 allowed for inter-tribal warfare to begin anew. Small-scale raids and murders on the hunting grounds aggravated efforts in the United States efforts to maintain inter-tribal peace between the Cherokee and Osage tribes. Therefore, the United States could not halt the inter-tribal animosity that had been building up for three years. The division of the Osage bands also contributed to hindering inter-tribal affairs. Claremore and Mad Buffalo's bands acted independently, demonstrating the problematic issue of controlling each Osage tribe within the Arkansas Territory. As 1821 ended, inter-tribal disturbances in Arkansas Territory called for new treaties to resume peace on the frontier.

CHAPTER THREE: AN ELUSIVE PEACE, 1822-1823

At the beginning of 1822, United States officials in Arkansas Territory were alarmed by the Cherokees mass retaliatory strikes on Osage villages located in what is now eastern Oklahoma. The Cherokee-Osage hostilities threatened white settlers in Arkansas Territory and United States officials were pressured to construct a new treaty that would settle the inter-tribal hostilities. The Cherokee-Osage treaty of 1822 would stem the violence but would not be effectual in creating inter-tribal peace and call for greater United States involvement for two reasons. First, the turbulence in Arkansas Territory established by inter-tribal warfare would have far-reaching effects on the Cherokee and Osage, as well as many other groups of people that settled within the boundary. Displaced tribes such as the Choctaw, located near the Red River that separates present-day Oklahoma and Texas, would complicate inter-tribal peace. Cherokee chief Takatoka's followers also exasperated the inter-tribal peace. The second factor that caused the peace treaty to be ineffectual was an incident where an Osage war party murdered an American military officer and other United States citizens. The new obstacles were primarily centered on the Red River region and moved the theatre of inter-tribal warfare to the modern-day Oklahoma-Texas boundary. The United States would take a more militaristic approach in the mediation of Cherokee and Osage relations within Arkansas Territory and incorporate more forts near the centers of inter-tribal violence. Therefore, inter-tribal tranquility proved to be elusive due to unforeseen circumstances involving rouge bands of tribal separatists and different Southeastern nations. The murder of Americans, including an American military officer would be a precursor for Osage removal from modern-day Arkansas and Missouri.

Changes in United States military personnel at Fort Smith brought new reinforcements for dealing with the threat of inter-tribal warfare. United States Major General Edmund P. Gaines

ordered Colonel Matthew Arbuckle to take over leadership at Fort Smith with the addition of two-hundred men to supplement the forces already stationed at the site.¹ In addition to bolstering the military personnel at Fort Smith, the process of consolidating Osage bands played a critical role in the stabilization of Arkansas Territory in the wake of Cherokee-Osage violence. In a letter dated January 14, from Indian agent Richard Graham to Governor Miller, the merger of Osage bands might prevent further Cherokee and Osage violence. The United States officials believed that by consolidating the Osages near the Osage River in modern-day Missouri, greater control over inter-tribal disturbances could be affected and civilization policies more effective. Claremore's village, located on the Verdigris River in modern-day Oklahoma, was a considerable distance from the military forces stationed at Fort Smith on the Arkansas River.

Graham states:

Again, if the Osages are removed to the Osage River, it will open a way to the Cherokees to their hunting ground for buffalo, without passing near the village of the Osages and thereby lessen the inducements to war, with each other. If Claremore's village is permitted to remain where it is, a perpetual war will be carried on by the Cherokees, unless the government use compulsory means to put a stop to it.²

Osage villages were dispersed throughout Arkansas Territory and were vulnerable to attacks from roaming Cherokee war parties. Establishing a buffer zone between the two tribes was a central concern of United States officials and was one option for quelling the violence. The location and boundaries of Osage villages would hold greater importance after the Cherokee-Osage treaty of 1822 was completed. However, the first order of business for United States

¹ Grant Foreman, *Indians and Pioneers: The Story of the American Southwest before 1830* (Norman: University of Oklahoma Press, 1930), 113.

² "Richard Graham to Governor Miller, Jan 14, 1822", Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Arkansas 1819-1825* (New York: AMS Press Inc., 1973), 393.

officials in Arkansas Territory was to convince the Cherokee and Osage to halt the violence and agree to meet in council for a new inter-tribal peace agreement.

Nathaniel Philbrook, sub-agent to the Osages, began the process of constructing a peace settlement by traveling to Osage villages during January.³ Claremore and Talley were the principal Osage chiefs that expressed an interest in establishing a peace treaty after the disastrous raids by the Cherokees in the fall of 1821. The Cherokees had previously related to Governor Miller that their war parties had killed and took one hundred and three Osages prisoner during the latest hostilities.⁴ The Osage chiefs met with agent Philbrook and agreed to an armistice with the Cherokees. In a letter directed to Governor Miller, dated January 21, Osage chiefs Claremore and Tally explain that the Cherokees had recently captured Osage prisoners and wanted to discuss their return. In their discussion of making peace, the chiefs state:

My father, those people that are ours that have been killed by the Cherokees; we will forget, and think of them no more, we want to see our live children who are in possession of the Cherokees,- I have nothing to take to trade.- My father, take pity on us, we have some game on our land, do try your best to keep our game for us.⁵

The Osages agreed not to seek the murderers of their people, as long as the Cherokees returned the recently taken prisoners. The Osage chiefs explained that the Cherokees had made hunting difficult because of the threat of attacks and were ready for peace. The Union Mission missionaries recorded the talks between agent Philbrook and Osage chief Tally. The daily missionary journal dated January 25 states:

Tally's arguments are worthy of record. He said the war has made us poor enough. We ought not to pursue it any longer Again; I do not want to live always with my thumb on the cock of the gun. He asked if the Americans were at war with any people. When being told they were at

³ "January 24, 1822", *UMJM*, 55.

⁴ "Governor Miller to the Secretary of War, Feb 11, 1822", *TP*, 19: 404.

⁵ "The Osage Chiefs to Governor Miller, Jan 21, 1822", *TP*, 19: 411.

peace with the whole world, he added the Osages ought to be at peace. And said moreover that by continuing the war, they should displease the great father, the President. This argument perhaps has more weight with the Osages than with any other Indians.⁶

The Cherokee attacks had solidified Tally's responsiveness to peace overtures, and Tally agreed to discourage Osage warriors from attacking the Cherokees. Agent Philbrook left Union Mission on January 26, to hold peace talks among the Cherokees and to establish communications between the two tribes.⁷

In March, Governor Miller traveled from Fort Smith to visit the Cherokee settlements and convince the principal chiefs to cease sending Cherokee warriors into Osage villages. Governor Miller called a conference with powerful Cherokee chiefs that included Takatoka, John Jolly, Black Fox, and Tom Graves among other leading headsmen. The conference was ineffectual because the Cherokees would not commit to peace with the Osages unless their war parties were successful. The chiefs also pointed out that the Osages were killing Cherokee cattle and stealing Cherokee horses.⁸ Governor Miller and Indian agent Philbrook extensively worked to cease the hostilities that occurred between the two tribes. However, the Osage chiefs were more attentive to the discussions of a proposed peace than the chiefs of the Cherokees. According to Governor Miller, the Osage's situation was worsening, and the Cherokees had pushed the tribe to regions where the game was scarce.⁹ Colonel Matthew Arbuckle weighed in on seeking a solution to the incessant Cherokee-Osage warfare in a letter to Secretary of War John C. Calhoun dated March 16. The enforcement of getting the tribes to agree to a treaty was, in Arbuckle's opinion, a military matter. Arbuckle states "Yet from the character of those Indians, I am induced to believe

⁶ "January 25, 1822", *UMJM*, 56.

⁷ "January 26, 1822", *UMJM*, 56.

⁸ Foreman, *Indians and Pioneers*, 115.

⁹ "Governor Miller to the Secretary of War, Mar 1, 1822", *TP*, 19: 409.

that no treaty or compact entered into between them will be observed with good faith by either part, or further than they are induced to comply from a fear of the military force at this post, which if greater would be more useful in this respect.”¹⁰ Arbuckle asked for permission to expand Fort Smith and allow five or six companies of American soldiers to provide support for the region. Military forces on the frontier were believed to be a crucial factor in maintaining inter-tribal peace between the Cherokee and Osage tribes.

The Cherokee were still debating on agreeing to conduct a peace accord with the Osage and still had not committed themselves to meet with the United States in signing a new treaty. The inter-tribal violence was so intense that misinformation among the white settlers became common and disturbed many of the individuals working for a new treaty. Information disseminated throughout Arkansas Territory carried news that the Osage had banded with Kickapoos, Sacks, and Foxes to retaliate against the Cherokees. American settlers removed to regions out of the path of the projected violence.¹¹ The alarm was unfounded. However, because the Osage had agreed to an armistice and Indian agent Philbrook was continuing negotiations with the Cherokees. Media reports voiced concern about frontier disturbances among American settlers and contributed to the instability of the region by highlighting a potential resumption of inter-tribal warfare.¹² The Osage continued to travel to Union Mission to ascertain whether agent Philbrook had completed a peace accord with the Cherokees and was anxious to hear what the United States was doing to establish a new peace between the warring tribes.¹³ The Union

¹⁰ “Matthew Arbuckle to the Secretary of War, Mar 16, 1822”, *TP*, 19: 417.

¹¹ Foreman, *Indians and Pioneers*, 116.

¹² SUMMARY OF NEWS. (1822, Mar 28). *The Pittsburgh Recorder, Containing Religious Literary and Political Information (1822-1827)*, 1, 158. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/137935455?accountid=14968> (accessed August 24, 2018).

¹³ “April 5, 1822”, *UMJM*, 58-59.

Mission served as a central location for providing an Osage perspective on the warfare against the Cherokee and as a central location for allowing interaction between the United States with the nation.

Philbrook returned to the Osage villages in April and assured the gathered Osage of the United States intentions to create a new inter-tribal peace accord. Agent Philbrook carried news of friendship from Governor Miller to the Osage and assured the nation of the uninterrupted actions of the United States in dealing with the inter-tribal hostilities. The Union Mission daily journal entry dated April 6 states “Ten Indians arrived this morning. They were greatly pleased to find the agent had returned with the interpreter Charles Dawney. When one of them, an old man, was told that his wife and children, who had been taken prisoners last fall were alive, he wept aloud. Affecting was this interview.”¹⁴ The issue of Osage prisoners held by the Cherokees heightened the importance regarding the inter-tribal peace negotiations and highlights the extreme gravity of exchanging war captives. Peace between the Cherokee and Osage revolved upon the exchanging of prisoners similar to the Cherokee-Osage treaty of 1818. However, the attacks against the Osage in 1817 had been smaller in scale than the recent hostilities, and the captives were now located in Arkansas Territory, making exchange easier. Before new hostilities commenced, negotiating for an exchange of prisoners needed to be solved. Agent Philbrook continued to travel back and forth from the Osage villages and Union Mission to reassure the Osage that the United States was taking the lead in stopping inter-tribal hostilities in Arkansas Territory.

¹⁴ “April 6, 1822”, *UMJM*, 59.

Since the outbreak of the Cherokee-Osage war, the Osage's ability to hunt and to gather food became compromised. The roving parties of Cherokees made the Osage uneasy when traveling away from their villages and their feuds with other tribes, such as the Pawnee and Comanche tribes on the eastern plains added to the tribe's ability to survive. Another element that placed the Osage at a disadvantage was the ability of the Cherokee to access war instruments and use blacksmithing to fix broken weaponry. The inter-tribal warfare had complicated Osage hunting, and because of Cherokee raids, the tribe had neglected to gather adequate sustenance.¹⁵

The April 12 entry of the Union Mission journal states:

Mr. Philbrook has proven on his return to urge the commanding officer at the garrison, if it be any way consistent for him to do so, to stop the Cherokees from distressing these people any further and thinks their proposed terms are reasonable, and ought to be acceded to, and nothing can be gained on either side by the continuance of the war. The Cherokees are better prepared for war than the Osages, for though the latter are far more numerous, they do not have the same advantages with their enemies to purchase powder.¹⁶

The Cherokees harassed the Osages to the detriment of the activities that the tribe depended on to survive and were better provided to commence deprivations. Agent Philbrook was determined to settle the inter-tribal differences between the Cherokees and the Osages and called a council to meet the Cherokee chiefs on April 26, with the assistance of Cherokee chief John Jolly. The council would last eight days, and when the council came to an end, the Cherokees agreed to an armistice. Governor Miller was extremely interested in completing a peace council between the two nations and informed the Secretary of War, John C. Calhoun, of the processions underway in the region. In an undated letter from May, Miller explains that the Cherokees had agreed to the armistice and that the Osages were compelled to agree due to the recent hostilities and lack of

¹⁵ Foreman, *Indians and Pioneers*, 116.

¹⁶ "April 12, 1822", *UMJM*, 60.

sustenance. The discussion also includes the aspect of moving Claremore and Tally's villages from the Verdigris River to the Osage River to exert greater United States control against Cherokee attacks.¹⁷ Consolidating the Osage bands would be a monumental task for the United States, as each village had their leadership and boundaries. White Hair was an influential leader of the Big Osage bands. Osage chief White Hairs villages were located on the Neosho River in modern Kansas and would also have to be persuaded to unite with Claremore and Tally's townsites.¹⁸

News of a potential Cherokee-Osage peace spread throughout the region and was commented on in American newspapers. An officer stationed at Fort Smith wrote the *Pittsburgh Recorder* on May 15, explaining that the hostilities had started in 1818 and that the Cherokees were a more formidable threat than the Osages.¹⁹ New developments in the termination of Cherokee and Osage hostilities occurred on May 16. After the Cherokee had earlier agreed to an armistice, agent Philbrook met the Osage chiefs on the Verdigris River and completed an armistice signed by eighteen Osage chiefs and headsmen and fifteen Cherokee leaders. The armistice that the two tribes agreed on would last until the council at Fort Smith at the confluence of the Arkansas and Poteau rivers on July 30.²⁰ The document stipulated that the Cherokees would not send any war parties for twenty days after the council. The Osage agreed to the same terms and as soon as the Cherokee ceasefire solidified, would send messengers to call

¹⁷ "Governor Miller to the Secretary of War, May 1822", *TP*, 19: 437-439.

¹⁸ Louis F. Burns, *A History of the Osage People* (Tuscaloosa: University of Alabama Press, 2004), 56-57.

¹⁹ Extract of a Letter From an Officer of the American Army, Dated, "Fort Smith, Arkansas, May 15, 1822. (1822, Jul 25). *The Pittsburgh Recorder, Containing Religious Literary and Political Information (1822-1827)*, 1, 431. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/137909051?accountid=14968>. (accessed August 24, 2018).

²⁰ Indian Armistice. (1822, Aug 10). *Niles' Weekly Register (1814-1837)*, 22, 382. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/136769636?accountid=14968> (accessed August 24, 2008).

back any warriors in the field. One of the six sections within the armistice held a clause which stated that the United States military would punish the tribe that attacked the other while the armistice was in effect.²¹ The United States military was bolstering its role in effecting a Cherokee-Osage peace and increased pressure on the two tribes to broker a new treaty. In a correspondence dated June 24, Major Edmund P. Gaines writes the Cherokee and Osage chiefs on the subject. The requirement of both nations to desist hostilities was a critical factor in the coming peace conference. Major Gaines uses the examples of states not being able to war with each other and implored the chiefs not to disregard the President's wishes. Gaines then states "The commanding officers of the United States troops on the Missouri, Arkansas, and Red rivers, are instructed to see that the orders of the President are strictly obeyed and to report to him the conduct of his red children. He sees no just cause of war between them, nor will he permit them any longer to spill the blood of each other."²² Gaines message to the Cherokee and Osage chiefs was an effort to persuade the tribes to cease the violence pending United States military intervention.

In a letter dated July 15, Governor Miller informs the Secretary of War John. C. Calhoun of the impending council and the concerns that had made peace unattainable. Miller states "Their war forms an excuse for many depredations on the white people, as they pass and re-pass the white settlements on their war or rather marauding parties, they steal horses, hogs, and cattle, and it is very difficult to find what party or even what tribe has committed the theft."²³ The United States was determined to safeguard American settlers, but both tribes blamed the other party for

²¹ *Arkansas Gazette*, June 4, 1822, p. 3, "The Indian Armistice", News Bank/Readex, America's Historical Newspapers, 1144A8D8AB0CCC38 (accessed August 24, 2018); Foreman, *Indians and Pioneers*, 117-118.

²² "Edmund P. Gaines to Cherokee and Osage Chiefs, Jun 24, 1822", *TP*, 19: 442-443.

²³ "Governor Miller to the Secretary of War, Jul 15, 1822", *TP*, 19: 450.

breaking the peace accords when questioned by American officials. The council that would be taking place at Fort Smith was the first step in building a new inter-tribal treaty with the Cherokee and Osage tribes. However, the actual signing of the official document would not be until later that year. On the morning of the council, the Osage chiefs Claremore and Tally were at Union Mission, preparing to travel to Fort Smith to meet with the Cherokees. The Union Mission daily journal dated August 30 sheds insight on Claremore's feelings toward the upcoming talks. The journal states "In our interview with Claremore, he said that anything now was to be made straight between him and the Cherokees. Our heads said he, have been under a cloud and we could not see. But now the darkness was to be dispersed. We had all held our heads down (meaning his people and the missionaries), but we should soon raise them up."²⁴ The council that took place at Fort Smith created a new foundation for a Cherokee-Osage peace and was a potential breakthrough in inter-tribal relations in Arkansas Territory. The council would result in a Cherokee-Osage treaty executed on August 9. Influential United States officials presiding in the proceedings and signing of the treaty were Arkansas Governor James Miller and Colonel Matthew Arbuckle. One hundred and fifty Osage chiefs and warriors attended the signing, along with a large number of Cherokees. Prominent Cherokees attending the treaty were Walter Webber, Thomas Maw, and Young Glass. Among the Osage, Claremore, Tally, and Mad Buffalo participated in the signing.²⁵

The Cherokee-Osage treaty of 1822 is an example of greater United States influence in mediating inter-tribal affairs within the Arkansas Territory and sought to address the grievances that had hindered the Cherokee-Osage treaty of 1818. However, the treaty's effectiveness would

²⁴ "August 30, 1822", *UMJM*, 72.

²⁵ Foreman, *Indians and Pioneers*, 119.

be tested during the following months and was far from a perfect diplomatic accord. The second and third articles dealt with the exchange of war captives among the Cherokee and Osage. The Cherokee agreed to deliver seventeen prisoners to Fort Smith on September 20 and hand over any Osage prisoners present at the treaty's signing. The Cherokees returned eight prisoners to the Osage on the day of the treaty's signing.²⁶ The Osage would agree that any adult prisoners exchanged that wanted to return to the Cherokees would be allowed to do so, after the initial exchange. The second and third articles illuminate the importance of war captives among the grievances that had complicated peace between the two nations. The fourth article stipulated that any returned Osages that moved back to the Cherokees would enjoy the same rights as the Cherokees and would be enabled to return to the Osages if the individual chose.²⁷ The above articles demonstrate a nuanced approach in dealing with the issue of returning prisoners by allowing families to be reunited. Osage prisoners who had found new families among the Cherokees were now able to return to that tribe and would be treated as Cherokee citizens by the parties that signed the treaty. Individuals would also be able to return to their original tribe. Therefore, the article creates a prototype of dual inter-tribal citizenship.

The fifth article of the treaty dictated that the Osages would allow the Cherokees to hunt on the south side of the Arkansas and Pawnee rivers, without interference. The article is flawed in the view of many individuals, including Major General Edmond P. Gaines. Gaines believed that the Cherokees were hunting illegally in that region and were the antagonizing party. The sixth article highlights hunting boundaries on the north side of the Arkansas River. The two

²⁶ UNITED FOREIGN MISSIONARY SOCIETY, N. Y. (1822, Nov 23). *Christian Watchman (1819-1848)*, 3, 198. Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/127263699?accountid=14968> (accessed August 24, 2018); Foreman, *Indians and Pioneers*, 119.

²⁷ Vine Deloria, Jr., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979 Vol. II*. (Norman: University of Oklahoma Press, 1999), 690.

nations would be allowed to pass and repass within the other nations lands, as well as hunt for sustenance while on the other tribe's boundaries. The hunting camps of the two tribes were discouraged from setting up on the north side of the Arkansas River. The fifth and sixth articles attempted to clarify the boundaries that had caused Osage warriors to disrupt Cherokee hunting parties and Cherokees to retaliate upon Osage villages. The seventh article focused on the property thefts that had complicated Cherokee-Osage relations. The article stipulated that private revenge would not be allowed for the theft or destruction of property between the two nations. The claimant would need to notify the Indian agents and the United States officials of the problem and seek proper channels for redress of the crimes. The eighth article allowed the chiefs to punish murderers in their respective nations.²⁸ The treaty's fifth through eighth articles provided the two nations an established set of regulations in their interactions within the boundaries of the Arkansas Territory.

The treaty's ninth article allowed the United States the authority to enforce the eighth article if the offending tribe neglected to punish the guilty party. The tribes were to punish individuals from their tribe if a treaty violation was committed, but in cases where the offending nation did not comply with the eighth article, the United States military would intervene. Also, the Osage were to pay the Cherokees three hundred dollars for an offense that had occurred while the two nations were under an armistice. The ninth article was another point of contention, as the Osages had killed Cherokee trespassers. The tenth article stipulates that the Osage would make satisfaction to the Cherokees for a stolen mule and the offender delivered to the commanding officer of Fort Smith. The last article is related to the seventh article by stating that any thefts or destruction of property not satisfied within six months would resort to United States

²⁸ Ibid., 690-691.

intervention in seeking redress.²⁹ Cherokee and Osage offenses against each other were now under United States jurisdiction in Arkansas Territory.

The articles contained in the treaty were flawed in the eyes of influential United States military officials. Concerns with the new treaty would point to the problematic elements within the flawed document. In the Union Mission daily journal dated September 2, United States Major General Edmond P. Gaines points to the articles contained in the treaty that made the compact ineffectual and heavily slanted in favor of Cherokee interests. Cherokees hunting on the south side of the Arkansas River and the Osages having to pay three hundred dollars for an attack on a Cherokee hunting party in 1820 were the main issues. The Cherokees violated the treaty of 1818 by hunting in the region and not giving up the Osage prisoners captured in 1817. However, the Osage agreed to the treaty and Gaines believed it was best not to press the issue further³⁰ Major General Gaines, who was a veteran of the War of 1812, viewed the treaty with regret because the United States military would now be called upon when inter-tribal hostilities arose. By acting as enforcers in the treaty, the United States was committing itself to quell Native American disagreements. The Osage were forced to agree to the articles in order to halt the Cherokee offensive. Therefore, the United States was pressured to act in more prominent roles on the frontier. The United States military officer was not the only individual that found the treaty unacceptable, as the two tribes also viewed the treaty as far from perfect.

Portions of the Osage did not regard the peace treaty of 1822 in a favorable light and voiced their concerns. The northern Osage located within modern-day Kansas voiced that they were not a party to the treaty's articles and were not bound to cease their warfare against the

²⁹ Ibid., 691.

³⁰ "September 2, 1822", *UMJM*, 76.

Cherokees. Claremore's band was not entirely satisfied by the treaty either because of Cherokee chief Tom Graves's murder of prisoners the year before went unpunished. The treaty's articles did not include Graves's punishment, and the Osage were unsatisfied that the incident went unpunished.³¹ The incident of Tom Graves's murder of Osage captives would be investigated later in the year and imprisoned in the jail at Little Rock during the spring of 1823.³² The court case was complicated because Graves had murdered the Osage prisoners in the region that the Choctaw had been given and was acting in a manner that was consistent with Cherokee law. The murder had occurred before the treaty of 1822 was signed. Therefore, The United States officials believed that Graves should not be punished for crimes that had happened in another nations region and before the signing of the Cherokee-Osage treaty of 1822. Grave's acquittal and release in April of 1823 factored into the discontentment that the Osage felt regarding the effectiveness of the Cherokee-Osage treaty of 1822.³³

The Cherokees were divided on the subject of seeking peace with the Osage. Cherokee chief Takotoka regretted making peace when victory was within their grasp.³⁴ Disregarding the recent peace with the Osage, Takotoka separated from the Cherokees and led fifty to sixty warriors towards the south-side of the Red River, but settled in the Kiamichi Valley, in modern-day southeastern Oklahoma. Takatoka and his followers viewed the treaty in contempt because, after the mass invasion of Osage villages in 1821, the capture of numerous prisoners and horses alluded to a favorable outcome in pushing the Osage farther westward. By stopping the hostilities and calling a peace conference, Takatoka maintained that the Cherokee were giving up

³¹ Foreman, *Indians and Pioneers*, 119-120.

³² "David Brearley to the Secretary of War, Apr 24, 1822", *TP*, 19: 505-506.

³³ "David Brearley to the Secretary of War, Apr 24, 1822", *TP*, 19: 505-506.

³⁴ Foreman, *Indians and Pioneers*, 119-120.

on a clear ousting of the Osage from desirable lands needed for the spread of Cherokee settlements. Takatoka proved to be the most disaffected Cherokee chief in the reception of the treaty with the Osage. The move to the Kiamichi Valley and the skirmishes with the Osage from that location were followed up with a plan to unite various Native American tribes under a confederacy later in the decade. United States officials were concerned with the influence that Takatoka would have with the tribes located near the White River in Arkansas Territory, as well as farther north.³⁵ The actions of the separatist Cherokees against the Osage would come to the attention of the United States the following year.

An attack on an Osage hunting party by Choctaw living on the Red River in modern-day Oklahoma highlighted the fragile inter-tribal peace and demonstrated the unpredictability of tribes living in regions where no United States military installation could control their actions. The United States military would establish Cantonment Towson, later renamed Fort Towson, on the Kiamichi River on the present-day Oklahoma and Texas border in 1824 in response to the incident. Major Alexander Cummings would be in charge of enforcing United States laws and mediating inter-tribal violence.³⁶ The northern regions needed military support as well because Fort Smith was not able to influence the tribes from hostilities. In the same year, the establishment of Cantonment Gibson, renamed Fort Gibson, near the Neosho River in present-day Oklahoma was another military solution to intervene in the inter-tribal hostilities.³⁷ The United States had indirectly complicated a Cherokee-Osage peace by signing a treaty with the Choctaw in 1820. The Treaty of Doak's Stand gave the Choctaw lands between the Arkansas and

³⁵ "Matthew Arbuckle to Edmund P. Gaines, Dec 4, 1823", *TP*, 19: 572-573.

³⁶ Foreman, *Indians and Pioneers*, 177.

³⁷ David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 55; Foreman, *Indians and Pioneers*, 166-167.

Red River in exchange for their lands in Mississippi.³⁸ The Choctaw had not participated in any treaties with the Osage and therefore viewed the tribe as a threat to their new lands in the territory. In the fall of 1822, an Osage hunting expedition traveled towards Fort Smith in order to retrieve the captives. However, on September 12, the party was attacked on the south side of the Arkansas River near the mouth of the Canadian River in what is now Oklahoma by a party of Choctaw warriors. The Osage would then recross the Arkansas River and travel back to their villages on the Verdigris River.³⁹ In a letter dated September 30, Colonel Matthew Arbuckle informs the acting Adjutant General of the violence that might endanger the peace between the Cherokees and Osages. After notifying the general that the Cherokees had since returned some of the Osage prisoners, Arbuckle describes the attack. Arbuckle states:

They attacked a party of Osages on the 12, near the Canadian, killed one man and wounded three or four more, and took two lads or boys prisoners. To put a check to these parties it will be necessary to establish a military post near the mouth of the Kiamechia, and the company now stationed at the Sulphur Fork of Red River I have no doubt would be much more usefully located if removed to that place.⁴⁰

The Cherokees, who would be the first group questioned about the incident, sent chiefs Walt Webber and John Rogers along with United States Indian agent Colonel David Brearly to Fort Smith to plead their innocence in the affair. At Fort Smith, the Cherokee delegation met the Osage and returned twenty-one prisoners.⁴¹ Arbuckle believed that Choctaws on the south side of the Red River had endangered the new peace. On October 11, the Union Mission was notified by Colonel Arbuckle that the Choctaws, not the Cherokees, had perpetrated the violence.⁴²

³⁸ LaVere, *Contrary Neighbors*, 53.

³⁹ Foreman, *Indians and Pioneers*, 126-127.

⁴⁰ "Matthew Arbuckle to the Acting Adjutant General, Sep 30, 1822", *TP*, 19: 463.

⁴¹ Foreman, *Indians and Pioneer*, 120.

⁴² "October 11, 1822", *UMJM*, 78-79.

The signing of the Cherokee-Osage treaty of 1822 alleviated some of the inter-tribal grievances that had plagued Arkansas Territory. However, the attack on the Osage from the Choctaws settled along the Red River was a problematic factor that was unforeseen. Another area of concern for the United States officials in Arkansas Territory was the issue of settling the Lovely's Purchase boundary. The land had been set aside by the United States as a region that was under consideration for white settlement and was a source of contention between both the Cherokee and Osage, as well as American settlers. The establishment of western boundaries for the Cherokee and Choctaw tribes was needed before white settlements could be allowed. The United States officials in Arkansas Territory were informed of the excitement among Arkansas settlers if the Cherokees were permitted to settle on the Lovely's Purchase lands and that many whites living within the territory would prevent their occupation.⁴³ White American settlers viewed the Lovely's Purchase lands as their inherited right and were not satisfied with the federal government's handling of the region. The Osage that removed to the mouth of the Verdigris River would be passing from their villages in Missouri into modern-day Oklahoma and therefore be tempted to occupy Lovely's Purchase. Cherokees would be intent on discouraging Osage settlement within the boundary. On November 12, a letter published in the *Arkansas Gazette* newspaper highlights the adverse reactions of American settlers to Cherokee ownership to the boundary. The letter states "The Cherokees wish now to procure a legal right to the land. They are sensible to its great value and importance to this territory and know that before long the whites must have it, and are grasping at it with an avidity which is only equaled by the enormity of their former demands and their known insolence. They are a restless, dissatisfied, avaricious

⁴³ Ina Gabler "Lovely's Purchase and Lovely County." *The Arkansas Historical Quarterly* 19, no. 1 (1960): 31-39. doi:10.2307/40038035 (accessed August 27, 2018).

people.”⁴⁴ The Cherokee, Osage, and American settlers all vied for control of the valuable resources found within the contested region. The issue of Lovely’s Purchase would continue to fester until 1828.⁴⁵ The new year would witness conflicting reports of Cherokee and Osage warfare, and new threats would further exasperate the inter-tribal treaty of 1822.

In January of 1823, inter-tribal violence occurred along the north fork of the Canadian River in modern-day Oklahoma. An Osage war party found a Cherokee hunting party led by Tom Graves along with fifteen others. The Osage carried a grudge for Graves’s mistreatment of Osage prisoners in 1821 and sought retribution. In a letter from Colonel Matthew Arbuckle to Secretary of War John C. Calhoun, dated January 12, Arbuckle writes “A party of fifteen Cherokees arrived here on the 10th instant from whom I learned that one of their party was killed by the Osages on the middle fork of the Canadian about the 1st of this month. I have taken measures to ascertain correctly the truth of the representation and shall have the honor in a future communication to detail the circumstances of the case more at large.”⁴⁶ Red Hawk, Graves’s nephew, was murdered and Cherokee-Osage relations once more became inflamed. Graves was an influential Cherokee chief, and the attack would keep alive the bitterness between the two tribes. The Cherokees claimed that the Osage had shot and decapitated Red Hawk then commenced to chase the hunting party.⁴⁷ The Union Mission daily journal, dated January 7 highlights the difficulty of bringing the responsible party to justice. The journal states “Three young Indians came in with a request from Claremore that we would come and see him and

⁴⁴ Derek R. Everett "On the Extreme Frontier: Crafting the Western Arkansas Boundary." *The Arkansas Historical Quarterly* 67, no. 1 (2008): 1-26. <http://www.jstor.org.proxy195.nclive.org/stable/40038311> (accessed August 28, 2018).

⁴⁵ *The Encyclopedia of Arkansas History and Culture*. “Lovely County”, <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=2940>. (accessed August 29, 2018).

⁴⁶ “Matthew Arbuckle to the Secretary of War, Jan 12, 1822”, *TP*, 19: 481.

⁴⁷ Foreman, *Indians and Pioneers*, 120.

attend a council concerning the murder of a Cherokee by a young man of White Hair's town."⁴⁸

White Hair's band had recently moved in September of 1822 from the Neosho River in modern-day Kansas to the vicinity of the Union Mission, located in present-day Oklahoma.⁴⁹ Osage chief Claremore called a council to address the recent murder, and the Osage chiefs agreed to bring the murderer to Fort Smith for punishment. However, the Osage failed to deliver the guilty culprit and would continue to be a grievance well into the decade.⁵⁰

Cherokee and Osage hostilities continued to disturb white settlers in Arkansas Territory, and incidents of inter-tribal warfare gained the attention of United States officials. Events in March and July further complicated the effectiveness of the peace treaty. Colonel Matthew Arbuckle's letter to Major C.J. Nourse, dated September 3, provides information on the growing feud. Cherokee chief Takatoke's band that had moved to the Red River region had clashed with the Osage and ignited a fresh round of hostilities between the two nations. Arbuckle states:

About the month of March; the Osages killed a Cherokee, whom it appears was on a visit to this settlement, and about the 1st of July a party of Osages stole from them ten or eleven head of horses. The Osages were pursued to their towns by eleven Cherokees, who stole from them upwards of forty horses, which they conveyed to their new settlement, except a few that tired on the way. Seven Cherokees were immediately sent for the tired horses and to observe whether they were pursued by the Osages. The Osages discovered this party and commenced a fire; the Cherokees returned fire and killed one of the Osages and wounded two or three others. The Cherokees had four of their party wounded and returned to their settlement, with the loss of five horses. They have since returned to their nation on this river.⁵¹

The fresh hostilities and Osage refusal to comply with returning Red Hawk's murderer caused considerable excitement among the tribes. The Arkansas Cherokees denied Takatoka was acting

⁴⁸ "January 7, 1823", *UMJM*, 85-86.

⁴⁹ Burns, *A History of the Osage People*, 51.

⁵⁰ Foreman, *Indians and Pioneers*, 202.

⁵¹ "Matthew Arbuckle to the Acting Adjutant General, Sep, 1823", *TP*, 19: 545-546.

under their command but sent a party of warriors to the region.⁵² United States citizens were also robbed by the Osage according to Colonel Arbuckle and would need assistance in preparation for a fresh round of inter-tribal warfare. Arbuckle explains that on September 10, two or three Cherokee chiefs along with himself would travel to the Osage villages and seek redress for the altercations. A delegation that included Colonel Matthew Arbuckle and Cherokee chiefs Walter Webber, Black Fox and James Rogers reached Union Mission on September 14. The Union Mission daily journal dated September 18, states “Those who repaired to the village on Monday returned this morning. They have not been able to affect the settlement, as the Osage people complain of injuries from the Cherokees since the treaty was made. Colonel Arbuckle agrees to attend to the subject by examining into the proceedings of both parties and in the meantime, requires the strongest attention to the preserving of peace between them.”⁵³ The delegation had not accomplished their mission, and inter-tribal violence continued to threaten inter-tribal peace in Arkansas Territory.

United States Lieutenant Richard Walsh, investigated the incident in the Kiamichi Valley and reported to Colonel Matthew Arbuckle. Walsh wrote Arbuckle on October 31, explaining that the Osage grievances against the Cherokees were found to be groundless because the stolen horses were in possession of Choctaws living on the Red River.⁵⁴ Colonel Arbuckle relayed the information to the Secretary of War John C. Calhoun on November 8. In the correspondence, Arbuckle states “The information received by Lieutenant Walsh would appear to leave no doubt of the Cherokees being entitled to satisfaction for one of their hunters who was killed by the

⁵² DWIGHT. (1824, 02). *The Missionary Herald, Containing the Proceedings of the American Board of Commissioners for Foreign Missions (1821-1906)*, 20, 46, Retrieved from <http://proxy195.nclive.org/login?url=https://search.proquest.com/docview/137177841?accountid=14968> (accessed August 26, 2018).

⁵³ “September 18, 1823”, *UMJM*, 113.

⁵⁴ “Richard Walsh to Matthew Arbuckle, Oct 31, 1823”, *TP*, 19: 564-565.

Osages the last fall or winter. And I am persuaded that the Cherokees (assisted by the White River Indians) will attempt obtaining that satisfaction by March or April next, unless they are prevented by force, or the offender is punished.”⁵⁵ Cherokee claims and Osage counterclaims placed the United States officials in Arkansas Territory in a precarious position in mediating the tribe's peace due to actions that were instigated by neighboring tribes in the region.

White hunters would be the next target of Osage violence and aggravate United States officials in protecting American settlers in the region. Osage attacks on Americans were a significant factor in paving the way for Osage removal farther west and make room for Southeastern and Northern tribes.⁵⁶ The incident provoked Cherokee claims that the Osage were hostile neighbors and should be dealt with accordingly. In November a band of several hundred Osage led by chief Mad Buffalo provoked hostilities against United States citizens. On November 17, a hunting party comprised of more than twenty American and Frenchmen together with some mixed blood Quapaws were surprised by the Osage force on Blue Water River, a tributary of the Red River in Oklahoma.⁵⁷ A Major Curtis Welborn, three other men, and an African-American slave were killed, decapitated, and their bodies mangled. The Osage plundered the camp's property as well as stole thirty horses. Survivors of the attack retreated to American settlements on the Red and Arkansas rivers and reported the violence.⁵⁸ The attack on American hunters by the Osage ensured the United States would view Osage activities as hostile to the peace in Arkansas Territory. In a letter dated December 4, Colonel Matthew Arbuckle wrote Major General Edmond P. Gaines on the violence. Arbuckle states:

⁵⁵ “Richard Walsh to Matthew Arbuckle, Oct 31, 1823”, *TP*, 19: 564.

⁵⁶ LaVere, *Contrary Neighbors*, 52.

⁵⁷ Foreman, *Indians and Pioneers*, 162-163.

⁵⁸ *Ibid.*, 163.

It is probable they would not have committed the late act of hostility, had it been possible to restrain our people from hunting in their country or on their hunting ground. This together with the Choctaws making war upon them from our settlements on Red River, and the interposition of the United States to preserve peace between them and the Cherokees, I am of the opinion, are the principal causes of the last outrage. When I visited the Osage towns in September last to settle a dispute between them and the Cherokees; the Osage chiefs complained of their treaty with the Cherokees, which they remarked, in place of having been productive of good to them had only involved them in trouble and difficulties, and it was better for the red people to settle their own disputes. They also complained of our citizens traveling through their country, of the people at the saltworks (on Lovely's purchase) hunting the buffalo, and of others hunting on the south side of the Arkansas.⁵⁹

Arbuckle explains that Claremore regretted the attack on the Americans and that the offenders would be given up to the proper authorities. However, Arbuckle was confident that the offenders would not be subject to United States punishment because Mad Buffalo was Claremore's son and thereby less likely to be handed over for punishment.⁶⁰

The Osage war party were believed to have attacked the Americans after a failed attack on the Pawnees. The Osages confessed to the attack but maintained that the war party believed the Americans to be Cherokees and eventually returned some horses and beaver skins taken in the incident. The Cherokees had volunteered their services to chastise the Osage but were turned down by American military officials.⁶¹ The death of an American military officer, as well as ordinary citizens, was detrimental to any leverage the Osage had been able to maintain in diplomatic circles. In a letter dated December 9, Indian Agent Nathaniel Philbrook wrote the Secretary of War John C. Calhoun on the Osage attack upon the Americans. Philbrooks states:

⁵⁹ "Matthew Arbuckle to Edmund P. Gaines, Dec 4, 1823", *TP*, 19: 572.

⁶⁰ "Matthew Arbuckle to Edmund P. Gaines, Dec 4, 1823", *TP*, 19: 573.

⁶¹ John Joseph Matthews, *The Osages: Children of the Middle Waters* (Norman: University of Oklahoma Press, 1961), 505-506.

I am confident that the chiefs were not accessory to this murderous event. They know the strength of the United States in some measure and fear them, and they have always expressed the strongest desire to maintain a friendly understanding with them, but their young men know nothing of the strength of the government and who have seen no white people, except a few scattered settlements on the frontiers, conceive that their nation is the strongest upon the globe and that they can commit deprivations with impunity.⁶²

Philbrook explains that the chiefs could not restrain their young warriors and recommends that an Indian agent living among the tribe would induce the Osage to desist from further violence.

Cherokee-Osage inter-tribal diplomacy was never fully settled, and the United States government was now acting as an enforcer as well as a mediator in tribal affairs. The main points of contention between the United States and the tribes lay in the fact that the United States pushed more tribes into a small region of land, as the nations competed for the same resources. Land and game became more important as hunting grounds shrunk, and white settlers moved westward. Osage captives were the main complaint in inter-tribal diplomacy, but pressures from removed Southeastern nations changed grievances from prisoner returns to land and hunting resources. Arkansas Territory was changing from a frontier with ample land to a heavily contested region. As the decade progressed, inter-tribal animosity and a shrinking land base with valuable resources caused the two nations to view each other as enemies. American settlers were also caught up in the whirlwind of hostilities and called for greater government efforts to push all Native American tribes further west, allowing white settlements the prime areas.

The Cherokee-Osage treaty of 1822 failed to stop the inter-tribal violence because of two vital factors. The first component was the activities of the tribes living along the Red River in modern-day Oklahoma. The United States had created numerous treaties with various tribal

⁶² "Nathaniel Philbrook to the Secretary of War, Dec 9, 1823", *TP*, 19: 576.

nations and caused an influx of displaced Southeastern tribes to occupy Osage lands. Takatoka's Cherokeees moved south to the Oklahoma-Texas border because of their displeasure in the peace negotiations and were intent on disregarding the peace treaty. Blaming the Cherokeees for the attacks instigated by the Choctaws harmed Osage credibility. The second element that affected the treaty's effectiveness was Mad Buffalo's attack on the American hunting party near the Red River region. By killing Americans, the Osage forfeited their position as a peaceful nation and drew the ire of the United States government. The Cherokeees were eager to help the United States eliminate the Osage from Arkansas Territory and connect Osage activities to crimes against United States citizens. Therefore, the attack on the American hunting party by the Osage warriors led by chief Mad Buffalo helped the Cherokeees in their attempts to push the Osage out of their traditional homelands. The United States sought to address these issues by installing military installations near the Red and Neosho rivers. The Osage, under pressure from the United States, agreed to surrender five Osage warriors, including chief Mad Buffalo and Little Eagle.⁶³ Petitions from Colonel Arbuckle and Governor Crittenden to delay execution and present the case before the United States President would prove fruitful. Mad Buffalo and Little Eagle's court case eventually was concluded when United States President John Quincy Adams pardoned them in 1825.⁶⁴ The long-standing differences between the Cherokee and Osage continued to commence well into the decade and were never entirely resolved through inter-tribal diplomacy. Therefore, the United States became more involved in monitoring the frontier, while simultaneously removing various Native American tribes into the region. The establishment of Fort Towson and Fort Gibson in 1824 are central examples of the active role the United States

⁶³ "Matthew Arbuckle to the Acting Adjutant General, Feb 29, 1824", *TP*, 19: 612., "The Acting Adjutant General to Samuel C. Roane, Jun 24, 1824", *TP*, 19: 679-680., "Matthew Arbuckle to the Acting Adjutant General, Nov 4, 1824", *TP*, 19: 719-20., "Alexander McNair to the President, Jan 30, 1825", *TP*, 19: 762-763.

⁶⁴ Foreman, *Indians and Pioneers*, 174.

played in Arkansas Territory.⁶⁵ In effect, the United States was looking for a solution to the problem of settling the differences between the Cherokee and Osage, but simultaneously relocating tribal nations initiated by governmental treaties in the east.

⁶⁵ *Ibid.*, 602.

CONCLUSION: MANY PATHS TO SETTLEMENT, 1824-1828

The Cherokee and Osage inter-tribal treaties of 1818 and 1822 did not create a lasting peace between tribes. Inter-tribal hostilities and grievances continued due to the inefficiency of the articles contained in the treaty agreements. Two questions remained unanswered in 1824 for United States maintenance of Cherokee-Osage inter-tribal peace in Arkansas Territory. The first problem was how the United States would handle Cherokee grievances for the murder of chief Graves's nephew. The second complication was how to manage the boundaries of Lovely's Purchase. An attack on an Osage man in 1826 by the Cherokee chief Dutch would soon add to the turmoil. The United States would use treaties to alleviate the inter-tribal problems by removing the Osage tribes from Arkansas and Missouri, moving them westward. Another treaty with the Cherokees in 1828 would conclusively settle the problem of the Lovely's Purchase lands and push the Cherokees out of Arkansas Territory. The United States would also establish Indian Country, made up of the present-day states of Oklahoma, Kansas, Nebraska, and parts of Iowa in 1825.¹ The United States removal treaties were efforts to placate white settlers pushing into the Arkansas Territory while establishing military posts to streamline the Native American forced removals of the 1830's. The Lovely's Purchase boundary remained a vital barrier for Arkansas Territory officials in their fight to secure white settlement.

The Cherokees maintained that due to their 1817 and 1819 treaties, the United States had promised to allow the Cherokees access to the region for hunting in the west and not allow white settlements to surround their lands. Colonel Matthew Arbuckle informed his superiors in

¹ Encyclopedia of Oklahoma History and Culture. "*Indian Territory*", online. <https://web.archive.org/web/20120225155712/http://digital.library.okstate.edu/encyclopedia/entries/I/IN018.html>. (accessed September 25, 2018).

Washington, DC, of the priority of finding a solution to Cherokee claims to the region.² The United States needed to survey the western boundary of the Cherokee lands in order to determine the fate of Lovely's Purchase lands, either for white settlement or a Cherokee hunting outlet. White settlers had illegally created settlements within the boundary, and the Cherokees were worried that Americans would encircle their settlements. Secretary of War Calhoun continued to defend expelling white settlers from the region until the running of an official survey.³ The Arkansas Territorial assembly, led by delegate Henry W. Conway petitioned the Secretary of War for allowing white settlement. In a letter, dated June 3, Conway explained that because of the removal of American troops from Fort Smith to the Verdigris River, white settlers would bolster the frontier. The strongest objection was the Cherokee claim to lands in Arkansas Territory. Conway believed that the Cherokee were inflating the acreage owed to them and would be easily satisfied for lands in the west.⁴ Cherokee displeasure of the handling of the affair in Arkansas Territory reached eastward as well. Contention over the region was a concern for many other United States officials east of the Mississippi River, who believed that if the United States did not honor earlier Native treaties, removal of Native tribes would become more difficult.⁵

As United States officials wrangled with the Arkansas Governor and Territorial Assembly over the fate of the Lovely's Purchase lands, the Cherokee were still dismayed that the murder of Cherokee chief Tom Grave's nephew, Red Hawk was left unattended. In a letter dated September 6, Cherokee Indian agent Edward W. DuVal informed the Secretary of War of the

² "Matthew Arbuckle to the Secretary of War, Jan 3, 1824", Clarence Edwin Carter, Ed., *The Territorial Papers of the United States: The Territory of Arkansas 1819-1825* (New York: AMS Press Inc., 1973), 587.

³ "The Secretary of War to Acting Governor Crittenden, Apr 28, 1824, *TP*, 19: 653-657.

⁴ "Delegate Conway to the Secretary of War, Jun 3, 1824", *TP*, 19: 671.

⁵ Brad Agnew, "The Cherokee Struggle for Lovely's Purchase." *American Indian Quarterly* 2, no. 4 (1975): 347-61. doi:10.2307/1183609.

matter. After waiting two years for the United States to enforce the ninth and eleventh articles of the Cherokee-Osage treaty of 1822, the Cherokees held a council with the Osage at Cantonment Gibson in October. The Osage told the Cherokees that the murderer was deceased. In disbelief, the Cherokees then demanded the accomplice of the murder, but the Osage did not comply with their request. The Cherokee were determined to have one of the murderers. DuVal states:

They indulge the hope, and they trust not in vain, that the United States will immediately cause such effectual interposition to be made, to obtain redress for them, as will prevent the necessity of a resort to arms. But they request me further to say that they cannot, in any event, suffer the murder of their man to go unavenged if the person or persons concerned in it be in existence;-that if they were, they could not have security for their lives of their people in the future.⁶

The murder of Red Hawk was an issue that could potentially provoke renewed hostilities between the nations. Colonel Arbuckle was informed of Cherokee insistence for reparation on January 14, 1825, at his post on the Verdigris River. Arbuckle then informed Cherokee agent DuVal that if the Osages had indeed been the guilty culprit, satisfaction would be forthcoming. However, Arbuckle explained to DuVal that three Osages were on their way to the Cherokees to recover horses that were stolen during the last summer and informed the agent that protection of the Osage might be necessary. On the subject of the Cherokee boundary and Lovely's Purchase, Arbuckle writes:

But little if any of the Arkansas Territory would be necessary to locate the Cherokees further to the west, with advantage to them, provided the Osages will agree to give up forty miles on the north of the Arkansas, and the country between the Arkansas and Canadian rivers. Such an arrangement would be advantageous to the territory, and you should visit Washington as you propose, you may have it in your power to hasten an event equally beneficial to the United States and the Cherokees.⁷

⁶ "Edward W. DuVal to the Secretary of War, Sep 6, 1824", *TP*, 19: 695-696.

⁷ "Matthew Arbuckle to Edward W. DuVal, Jan 14, 1825", *TP*, 19: 747.

The United States was now willing to negotiate with the tribes to settle the issue of Lovely's Purchase and would use treaties to satisfy American settler calls for full settlement in Arkansas Territory.

Arkansas Territory newspapers published information regarding the Lovely's Purchase lands and stoked the flames of white settlers clamoring for the removal of Cherokee claims to the boundary. While surveying the region, prime tracts of the country within the boundary were awarded to the Cherokees, although a large portion of the lands remained in political limbo.⁸ The Cherokee were steadfast in their dismissal of moving their eastern border for lands in the west. In March, the United States presidency passed to John Quincy Adams, and on March 4, George Izard became the Governor of Arkansas Territory. In a letter dated March 12, a Cherokee delegation wrote Secretary of War Calhoun of their defiance and issues with the proposed move. The Cherokees wanted the Shawnee and Delaware tribes to settle on their western boundary. The chiefs state "If we remove our eastern boundary, as advised, we should also be strangers in a wilderness, and our only resource and dependence for support would be from the chase. And further, it would place us in a country unfit for agricultural pursuits. Surely, it cannot be the wish and object of the government to monopolize all the good lands for our white brethren and give us the worst."⁹ The Cherokee chiefs were apprehensive of the United States efforts to push their boundaries farther westward. The United States had intentions to settle the Shawnee and Delaware in the west but needed to negotiate a treaty with the Osage, who claimed the lands needed for relocation. Superintendent of Indian Affairs William Clark wrote the new Secretary of War James Barbour about the intended treaty with the Osage. In a letter dated April 19, Clark

⁸ Brad Agnew "The Cherokee Struggle for Lovely's Purchase." *American Indian Quarterly* 2, no. 4 (1975): 347-61, doi:10.2307/1183609.

⁹ "Cherokee Delegation to the Secretary of War, Mar 12, 1825", *TP*, 20: 4-5.

set June 1 as the date for negotiations between the tribes. Clark states that the United States would be “inviting deputations with full authority to sell or relinquish all their lands within and west of the state of Missouri and Territory of Arkansas, except about forty or fifty miles on the state line, for the Osages extending west through their claims so as to include their towns on Neosho.”¹⁰ In order to clear space for incoming tribes and to provide a foundation for Cherokee negotiations, the Osage would need to relinquish title to lands in and near Arkansas Territory. The Osage met the United States in council and on June 2 in St. Louis, Missouri, signed a treaty for the cessation of most of their lands in Missouri and Arkansas Territory.¹¹ Cherokee chief John Jolly would spend the remainder of the year sparing with Governor Izard and the Arkansas Territorial Assembly in the debate of Cherokee land rights in Arkansas Territory.

Colonel Arbuckle called a council to be held at Cantonment Gibson on May 3, 1826, between the two tribes for the murder of Red Hawk. The council was ineffectual because the Osage did not want to treat with the Cherokee due to the death of their agent and the Cherokees demanded the Osage to deliver the murderer of Red Hawk. The Cherokees declared that warfare would be the next step, but Colonel Arbuckle was able to intervene, and the Cherokees agreed to wait three months for satisfaction. General William Clark, as acting Superintendent of Indian Affairs, would decide if the Osage were to hand over the guilty individual to the Cherokees according to the 1822 treaty.¹² The United States officials had postponed the violence, but events would create new issues in mediating a Cherokee-Osage peace. The intensity of Cherokee-Osage hostilities continued when Cherokee chief Dutch, on a horse-stealing expedition near Fort

¹⁰ “William Clark to the Secretary of War, Apr 19, 1825”, *TP*, 20: 42-44.

¹¹ Charles J. Kappler, ed. *Indian Affairs: Laws and Treaties*. Oklahoma State Library Digital Collections, Stillwater, Oklahoma, 217-220, online <https://dc.library.okstate.edu/digital/collection/kapplers/id/26059/rec/3>. (accessed September 25, 2018).

¹² Foreman, *Indians and Pioneers*, 202.

Gibson, killed and scalped an Osage man on July 18 and stole horses from white settlers.¹³ Dutch had removed from the south side of the Arkansas River with his followers to the Red River region in September of 1825. A Delaware carried the Osage scalp to the Cherokee settlements and threatened the armistice that had been agreed upon by the Cherokees on May 3.¹⁴ Arkansas Territory was on the verge of a wide-spread inter-tribal war and on July 20, General Edmund Gaines wrote Secretary of War Barbour about the importance of establishing new military establishments near the western border of Missouri due to the increased level of attacks to safeguard the frontier.¹⁵ United States military installations along the frontier grew in number and importance. Major Gaines's recommendation would lead to the establishment of Cantonment Leavenworth in 1827.¹⁶ Cherokee-Osage hostilities intensified due to the actions of Cherokees that had separated from the nation and settled along the Red River region. Dissatisfied tribal leaders that acted independently against the Osage complicated inter-tribal relations.

The Osage handed over the murderer of Red Hawk on August 24 to Colonel Arbuckle at Cantonment Gibson. Information also arrived in a letter dated November 4, from Colonel Arbuckle to General Edward G.W. Butler, implicating Cherokee chief Dutch in the attack on the Osage at Auguste P. Chouteau's trading house.¹⁷ The inter-tribal hostilities that had been the cause of much bloodshed in Arkansas Territory were seemingly coming to a close, although the penalties for the infractions had yet to be meted out by the United States. In a letter dated December 4, Cherokee Chief John Jolly explained to agent DuVal that Dutch was not acting on

¹³ "Matthew Arbuckle to Edward G.W. Butler, Jul 29, 1826", *TP*, 20: 276-277.

¹⁴ Foreman, *Indians and Pioneers*, 206.

¹⁵ "Edward P. Gaines to the Secretary of War, Jul 20, 1826", *TP*, 20: 272-274.

¹⁶ Combined Arms Center. Gary Bounds, "*The Founding of a Fort: 1827-1836*", online, <https://web.archive.org/web/20080320124049/http://www-cgsc.army.mil/carl/resources/ftltn/briefhist/briefhist.asp#founding> (accessed September 25, 2018).

¹⁷ "Matthew Arbuckle to Edward G.W. Butler, Nov 4, 1826", *TP*, 20: 301-303.

the part of the nation.¹⁸ The Cherokees were steadfast in their promise to the United States that there would be no new hostilities against the Osage. Cherokee agent DuVal wrote General Clark on December 6, explaining the situation of the renewed hostilities and implored Clark that the Cherokee did not condone the actions of Dutch and therefore, the nation should not be held liable for the attack.¹⁹

Developments in the stalemate between the tribes occurred in February of 1827. The Cherokee met in council and decided to send twenty to twenty-five warriors against the Osage near the Union Mission, to take one life to satisfy the murder of Red Hawk. Near Fort Gibson, Cherokee chief Walt Webber and Captain Nathaniel Pryor persuaded the war-party to return.²⁰ In a letter dated February 9, the Cherokee chiefs at Fort Smith wrote the Osage chiefs, professing that the nation was willing to cease hostilities if the Osage had surrendered the prisoner at Fort Gibson to be handed over to the Cherokees for punishment. The chiefs state “Whether or not, it was to satisfy the demand our nation had against you for the loss of one of our people in 1823.”²¹ The Osage chiefs at Cantonment Gibson replied on February 25 agreeing that the prisoner was given up in accordance to the 1822 treaty. However, the Osage chiefs state:

Soon after our brave was in confinement at the fort, we received information that Dutch, a Cherokee, (who now lives on Red River) had killed one of our men at Mr. Choteau’s trading house last summer and sent his scalp to the Cherokee nation, where it was received as the scalp of the enemy.-When we heard this we called on Colonel Arbuckle and requested that he would have Dutch confined and report his offense to the President, who we believe is to decide between us, and settle our dispute, and whatever his decision may require of the Osage nation, it

¹⁸ “John Jolly to Edward W. DuVal, Dec 4, 1826”, *TP*, 20: 318-319.

¹⁹ “Edward W. DuVal to William Clark, Dec 6, 1826”, *TP*, 20: 319-322.

²⁰ Foreman, *Indians and Pioneers*, 208.

²¹ “The Cherokee Chiefs to the Osage Chiefs, Feb 9, 1827”, *TP*, 20: 461-426.

will be cheerfully complied with, and we hope your nation will do the same.²²

The back-and-forth correspondences between the tribes took a turn for the worst in March.

Colonel Arbuckle wrote a letter to General Edward G.W. Butler on March 26, explaining that the Osage prisoner had escaped his prison cell. A Cherokee attempt to attack the Osage, without the chiefs sanctions, were unsuccessful in early March. The Cherokee and Osage remained hostile to each other and in a letter dated May 21, Secretary of War Barbour wrote Governor Izard on the United States view of the inter-tribal difficulties. Barbour states:

It appears that the failure to satisfy the demand of the Cherokees for the murder of one of their people, by the execution of the brave surrendered by the Osages for that purpose, and who has since made his escape is the principal cause for the continuance of hostilities on the part of the Cherokees. This cause, however, seems to have been removed by the subsequent murder of an Osage Indian by a Cherokee. The two nations are thus placed on equal grounds, and the way to that peace and harmony which both parties express a strong desire to be restored to is cleared of all difficulty.²³

In Barbour's opinion, the tribes were to cease all hostilities and look to the United States in the adjustment of the quarrel. The United States requested the Osage and Cherokees to meet at Fort Gibson on September 15 to establish peace. On the day of the council, only the Osage showed up to the site, and the Cherokees presented two letters through Colonel Arbuckle, in which the Cherokees continued to demand the murderer.²⁴ The violence that had been perpetrated by the actions of Dutch had complicated the Cherokee demands for Red Hawk's murderer and would continue to fester. Osage agent John F. Hamtramck states:

The strain of the two letters are as varied as could be imagined and breathe with each other an inconsistency. The cause of which, will no doubt be soon developed. One, (to use the ide of an Osage chief) sounds the fierce yell of war, and the other the honied and parasitical words of

²² "The Osage Chiefs to the Cherokee Chiefs, Feb 25, 1827", *TP*, 20: 462-463.

²³ "The Secretary of War to Governor Izard, May 21, 1827, *TP*, 20: 468-469.

²⁴ Foreman, *Indians and Pioneers*, 209-210.

adulation- all of which is attributed by the Osages to the duplicity of the
Cherokees.²⁵

Rumors were circulating that Graves, to revenge Red Hawk's murder, had hired Dutch to kill an Osage. However, the dispute over the boundaries of the Cherokee's western border and the fate of the Lovely's Purchase lands began to become critical.

White settlers had illegally settled within the boundary in numbers that affected the creation of a Lovely County on October 13.²⁶ On December 24, the Territorial Assembly of Arkansas Territory wrote a memorial to the President, to increase pressure allowing white settlements within the boundary. The assembly members depict the Cherokees as desiring the land for its resources. The letter states:

They are a restless, dissatisfied, insolent and ambitious tribe, engaged in constant intrigues with neighboring tribes to foment difficulties, produce discord, and defeat the great object of the government in promoting the civilization of the Indians, and preserving peace among them. Your memorialists have long entertained the belief that the most effectual measure to defeat their designs and paralyze their wicked efforts was to surround them by white settlements and confine them to their own lands.²⁷

The intrigues of the territorial government and the increased white settlement along the borders of the Cherokee nation provided that the chiefs send a delegation to Washington, D.C. to deal with the Lovely's Purchase matter. The Cherokees met in council and appointed individuals to travel to Washington, D.C. on December 28. Among the Cherokees chosen were chiefs Black Fox, John Rogers, Thomas Graves, Thomas Maw, George Morris, Tobacco Will, and George Guess. The arrival of the Cherokees to discuss the boundary aroused anger among many

²⁵ "John F. Hamtramck to William Clark, Nov 1, 1827", *TP*, 20: 609-610.

²⁶ Foreman, *Indians and Pioneers*, 221.

²⁷ "Memorial to the President by the Territorial Assembly, Dec 24, 1827", *TP*, 20: 570-573.

individuals. Delegate Ambrose Sevier wrote a letter to Secretary of War Barbour dated February 18, 1828, expressing the Arkansas delegations' views. Sevier states:

Our citizens did not settle Lovely's purchase until they had obtained the permission of the general government; as will appear by your revocation of the order previously given by Colonel Arbuckle. Upon the petition of our citizens, that country was surveyed by the United States; upon the petition of our citizens, an act of Congress was passed two years ago attaching that section of the country to the Lawrence land district in Arkansas. What stronger assurances than these could they have, that in making a settlement there, they would not be disturbed in their possessions by Indians; especially when, by the government, the Indian boundary had been run and west of that boundary our citizens settled.²⁸

The Cherokee delegation did not have the authority to enter into a treaty with the United States, however.

On March 18, Superintendent of Indian Affairs Thomas L. McKenney wrote Secretary of War Barbour discussing the Cherokee claims to Lovely's Purchase. McKenney states "In regard to the promise made to the Cherokees that Lovely's purchase should be reserved as they state and that they should have a perpetual outlet to the west, it is all true. Nor can the government in good faith to these people decline the execution of the solemn pledges made to them time to time on that subject."²⁹ Secretary of War Barbour suggested that the issue would be resolved quickly if the Cherokees agreed to exchange their Arkansas lands for lands beyond the western border of the territory. Indian Country, established in 1825, west of Arkansas, Missouri, and Iowa, was established to accommodate removed Native tribes.³⁰ The western boundary of Arkansas was to be moved east forty miles from Fort Smith to the southwest corner of Missouri as well. After months of haggling and negotiating, the Cherokee delegation acceded to the wishes of President

²⁸ "Delegate Sevier to the Secretary of War, Feb 18, 1828", *TP*, 20: 602-605.

²⁹ "Thomas L. McKenney to the Secretary of War, Mar 18, 1828", *TP*, 20: 625-629.

³⁰ David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), 54.

Adams. On May 6, 1828, the Cherokees signed a treaty, giving up their Arkansas lands for a tract beyond the western boundary of that territory. The current western boundary of Arkansas was set at its present location and provided the Cherokees seven million acres of land in Indian Territory.³¹ The Cherokees that had signed the treaty were labeled frauds from the Cherokee National Council. The Senate ratified the treaty, and the Cherokees were forced to remove west once again. Rumors circulated that a death penalty would await any individuals that sold Cherokee lands. The delegation that signed the 1828 treaty were treated as traitors and suffered civically, no longer able to be in positions of prestige among their people.³²

The Cherokee-Osage treaties of 1818 and 1822 were attempts by the United States to mediate inter-tribal hostilities and pacify the American frontier. However, the hostilities continued after the treaties were signed and enabled the United States military to establish new military installations in the western territories. Therefore, by mediating Cherokee and Osage diplomacy, the United States was policing the frontier through strategic interaction and settling inter-tribal disputes. Also, the continued violence allowed for the United States to push harder for the removal of Native American tribes farther west, away from white settlements. The western territories were also prone to attacks from nations living near the Spanish controlled regions, along the Red River and placed a tremendous amount of difficulty in stopping Cherokee-Osage warfare. Within the Cherokee and Osage, leaders such as Takatoka, John Graves, and Mad Buffalo continued hostilities that jeopardized the treaties. Inter-tribal warfare and violence point to the problematic issues the United States government faced through the use of treaties in the east to push tribes west into contested landscapes. The murders and warfare that

³¹ Ibid., 54.

³² Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Pennsylvania: University of Pennsylvania Press, 2006), 240.

raged within Missouri and Arkansas Territory between the Cherokee and Osage did not cease after the Cherokee removal from Arkansas Territory in 1828. Indian Country was now the prime region of agitation among displaced tribes and established nations fighting to keep available land or resources. The United States had strengthened the frontier with new military forts and could respond to depredations among the tribes with greater force and quicker speed. Many of these posts would be influential in the mass forced removal policies of the 1830's. The Lovely's Purchase issue was one element in the displacement of Cherokees in the west before forced removal and highlights the importance of treaty-making in the retelling of the American frontier. More importantly, the Cherokee-Osage treaties of 1818 and 1822 highlight the many ways Native groups adapted and readjusted their lives to accommodate newcomers on the frontier, as well as the problematic issue the United States faced when inter-tribal violence threatened American settlements.

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