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**THE TEXAS-CHEROKEE WAR OF 1839****MARILYN McADAMS SIBLEY**

Against the broad background of American history, the Texas-Cherokee war is only one of many actions by which the Indian was driven from the land by the white man. The Cherokees have commanded more than the Indian's usual share of sympathy, however, because of several unusual circumstances. They were not on their native hunting grounds, but—like most Texans—were immigrants from the United States. They were semi-civilized and had made repeated efforts to secure legal title to their lands. Furthermore, they claimed as a kinsman Sam Houston, the great war hero of their antagonists, and it is largely through his eyes that they are viewed by history. The brief military action in the summer of 1839 contrasts Houston's Indian policy sharply with that of Lamar, his successor. One of its interesting aspects is the light it sheds on Houston's enigmatic character and his curious loyalties to three nations.

When Mirabeau B. Lamar succeeded Houston to the Presidency of Texas in December 1838, he found the young Republic in a precarious situation. To the south lay a menacing Mexico; to the west were the savage Plains Indians; and on the northeast the Indian tribes which the United States had removed from the Southern states overflowed into Texas and kept the border in a state of alarm.<sup>1</sup> The entire defense problem was complicated by the Cherokees and their allied tribes<sup>2</sup> who occupied an area in East Texas which was bordered on the east by the Angelina River, on the west by the Neches River, on the south by the San Antonio road, and on the north by the Sabine River. The intentions of the Cherokees toward the Texas Republic were a question mark in the mid-1830's and remain a question mark to the present time. From the fall of 1835, however, Texans were haunted by the fear that the Cherokees and their allied tribes would join a league of Mexicans, Plains Indians, and United States Indians against the Republic. That fear persisted through the revolution, was intensified by the Cordova Rebellion of 1838, and finally culminated in the expulsion of the Cherokees in 1839.

The Cherokees in Texas were descended from a faction of Cherokees which broke away from the old Cherokee Nation in the latter part of the eighteenth century. This branch had objected to the encroachment of Anglo-Americans on Cherokee lands in the southern United States and removed first to the White River and later to the Arkansas River. As Anglo-American settlement increased in the East, other dissatisfied Cherokees joined the branch in the West until by 1819 there were about six thousand of them west of the Mississippi.<sup>3</sup>

In the winter of 1819-1820, Chief Richard Fields led about sixty warriors and a corresponding number of women and children into Texas where Fields in the name of the tribe laid claim to all the territory north of the San Antonio road between the Trinity and Sabine rivers. East Texas had few inhabitants at that time, and Fields invited other members of the tribe and various friendly tribes to settle in his area. Profiting from the

tribes' previous experience, he immediately began trying to obtain title to the land from the Spanish government. Apparently he obtained some kind of promise to land, but the Mexican Revolution against Spain intervened before the claim was verified. Fields renewed his efforts to obtain title with the Mexican government. Again he apparently believed that he had received a promise to the land the tribe occupied, but he did not receive legal title.

Nevertheless, Fields assumed broad powers. He acknowledged allegiance to Mexico but insisted upon the Cherokees' independence of local authorities. In 1826, partly due to Fields' influence and partly due to conditions in the United States, there was a sharp increase in Indian immigration from the United States into East Texas. At the same time the white population showed a similar increase, and the whites began to encroach on the land the Indians claimed. Fields, angry at Mexican procrastination in issuing land titles to the tribe, joined in the Fredonian Rebellion of 1827. His tribesmen did not follow him. After the rebellion failed, they put him to death and made Bowles their military chief.<sup>4</sup>

Bowles renewed negotiations with the Mexican government for land, and by 1831 the Mexican general government was so alarmed by the United States threat to Texas that it looked favorably upon an Indian buffer state in northeast Texas. The commandant general of the Interior Provinces directed that the Cherokees be given title to the land they occupied. The political chief at Bexar objected that the Indians were unable to pay the necessary commissioner and surveyor fees; nevertheless, the governor of Coahuila and Texas ordered that the families of the Cherokee tribe be put into individual possession of their lands. Again revolution intervened before the titles were issued. At the establishment of the Texas Republic the Cherokees did not have legal title, and their claims had been infringed upon by several empresarios, including David G. Burnet, who had issued grants and made surveys in the area.<sup>5</sup>

Because of widely conflicting estimates, it is impossible to determine with any degree of accuracy the number of Cherokees in Texas in the mid-1830's. The Standing Committee of Indian Affairs of the Texas Senate estimated on October 12, 1837, that there were two hundred and twenty Cherokees in northeast Texas, a puzzling estimate that suggests a clerical error. Houston estimated in 1836 that there were one thousand warriors. Henry M. Morfit in his report to Andrew Jackson in the summer of 1836 set the figure at about two thousand warriors.<sup>6</sup>

On the eve of the Texas Revolution the Anglo-American settlers became apprehensive that the Cherokees and their associated tribes would assist the Mexicans. The Indians and Mexicans had no real affection for one another, but they shared a common hostility toward the United States, and both were violently opposed to the annexation of Texas by the United States. To counteract the possibility of joint Indian-Mexican action, the Consultation on November 13, 1835, adopted a motion made by Sam Houston which guaranteed the Indians the right to their lands. Later, on December 28, the Provisional Government appointed Houston, John Forbes, and John Cameron as Indian commissioners. They were instructed to "pursue a course of justice and equity toward the Indians" and "to secure their effective cooperation."

Cameron declined to serve as commissioner, but on February 23, 1836, Houston and Forbes concluded a treaty with the Cherokees which in effect perpetuated the semi-independent Indian nation in Texas which Fields had established. The Indians were to be governed by their own laws insofar as those laws did not conflict with the laws of Texas. The government of Texas had power to regulate trade between the Indians and others but no power to levy a tax on the trade of the Indians. Property stolen from settlers or from Indians was to be restored to the injured party, and the offenders were to be punished by the party to which they belonged. The Indians were to receive the land they claimed with the provision that any claims previous to theirs would be respected. The Cherokees and allied tribes would remain within the boundaries designated by the treaty as the San Antonio road, the Angelina, the Sabine, and Neches Rivers. No other tribes would be allowed to settle in this area, and no individual Indian would be permitted to sell land or white man to buy it.<sup>7</sup>

One week after this treaty was negotiated the Provisional Government of the Republic of Texas was organized with David G. Burnet at its head. Either because of the press of events or because of his own interests, Burnet showed no inclination to honor the treaty. The Provisional Government did not ratify it, and Burnet seemingly ignored it by his instructions to Indian Agent M. B. Menard to "avoid with great caution entering into any specific treaty relating to boundaries."<sup>8</sup>

The treaty and Houston's role in making it became a controversial issue in the Texas Republic. Texans quite properly noted that the treaty established a separate Indian state with practical independence within the boundaries of Texas. The Indians were exempt from taxation by Texas and would punish their own members for theft from whites. Houston's enemies freely charged that he acted more as a Cherokee than as a Texan in making the treaty. Certainly the Cherokees had a partial friend in Houston. He had lived some of his formative years among them, and had resided only seven miles from Chief Bowles in Tennessee. After scandal ruined his political career in Tennessee, he joined the Indians in Arkansas Territory. According to a rumor which was widely credited at the time, he first came to Texas on behalf of obtaining land for the Cherokees. "When this treaty was made . . . Houston was still a Cherokee, if indeed, he ever renounced that affiliation," said one of his critics.<sup>9</sup> Houston's critics charged further that he had neglected his duties as commander-in-chief of the Texas army in his eagerness to assure the Cherokees of their land. With Santa Anna advancing, he had left the army at Refugio to conclude the Cherokee treaty. On the same day that it was signed, Santa Anna appeared before San Antonio. Thus, the Cherokee treaty was linked to the Alamo and Goliad in the thinking of Houston's enemies.<sup>10</sup>

Houston heatedly maintained that the treaty kept the Cherokees neutral while the Texans won their independence, but he was almost alone in this belief. Even Henderson Yoakum, who usually presents Houston's views, says that "nothing but the defeat of the Mexicans prevented the Indians from making an attack upon the settlements."<sup>11</sup> According to popular belief, the Cherokees had been drawn up in battle array to attack the settlers but had been dissuaded by the victory at San Jacinto and the presence

of Brigadier General Edmund P. Gaines in the vicinity of Nacogdoches with a body of United States troops.<sup>12</sup>

There is ample justification for this belief. The Indians manifested a restlessness during the first part of April because of the failure of the Provisional Government to ratify the Houston-Forbes treaty. Gaines on the Texas-United States border heard rumors of a threatened general Indian war. The Committee of Vigilance under Henry Raguet in Nacogdoches received reports that the Cherokees were preparing for war, that an American trader had been murdered, and that Chief Bowles was stirring up the associated tribes. Gaines learned through an agent that one Manuel Flores<sup>13</sup> was among the Indians, urging them to join forces with the Mexicans. Eugene C. Barker concludes that these reports were highly exaggerated or deliberately manufactured to bring the United States into the revolution. Whether or not this is true and whatever the motives of Andrew Jackson and the secret orders of Edmund P. Gaines, the effect of these rumors on settlers in the area must not be underestimated. The rumors of an Indian uprising spread simultaneously with news of the Alamo and Goliad disasters and contributed to the general panic of the runaway scrape. The uneasiness generated among settlers at this time was not allayed until after the Texas-Cherokee War and must be considered a basic cause of that war.

Although Houston was the hero of San Jacinto and was elected President of the Republic by a large majority in September 1836, he never won popular or official approval of his Cherokee treaty. He sent the treaty to the Senate on December 20, 1836, with recommendations for its ratification. The Senate took no action on it before Congress adjourned. When Congress convened in May 1837, the treaty was referred to a committee. At last, on October 12, 1837, the Standing Committee on Indian Affairs presented a report on the treaty which turned into a blistering attack on Houston. By that time Houston's defense policy had outraged the more vocal element in the Republic for in the face of repeated rumors of a Mexican invasion he had dissolved the mutinous Texas army; he also had refused to conduct an aggressive war against Mexico; and in the fact of continual Indian depredations on the frontier he had insisted on a policy of conciliation toward the Indians. The Senate Committee ruled that no Indian tribe had a "vested right of any kind to lands in Texas and that Houston's treaty was an unwarrantable assumption of authority."<sup>14</sup>

Houston was incensed at the rejection of his treaty. He then maintained that the treaty was a pledge to the Indians and that it did not require the ratification of the Senate.<sup>15</sup> As if to flout the Senate and public opinion, he stubbornly pursued a policy through his administration of conciliation and peace toward all Indian tribes. His treaties had little effect, however, and the frontier situation became steadily worse instead of better. "They [Indians] are steelin and killen all our stock . . . we are in a bad situation and will no doubt be some of our women and children massaced the next time you here from us," one embattled settler wrote the President on March 1, 1837.<sup>16</sup>

Houston quite properly pointed to the state of the Republic's finances as a reason for his policy<sup>17</sup> and he blamed United States Indians for the

atrocities on the frontier. The boundary between the United States and Texas had not been surveyed, a circumstance which led to innumerable Indian complications. The Indians recently moved into Arkansas by the United States crossed into Texas to raid or to visit and perhaps reside with their kinsmen who had settled there earlier. Thus, the northeastern border suffered from Indian depredations, and settlers in the area had an uneasy feeling that the resident Indian tribes were increasing in population because of reinforcements from the United States. As it became clear that the United States planned no immediate annexation of Texas, Texas complaints about United States Indians grew frequent and bitter. These Indians could hardly match the savagery of the Comanches, but letters of the period bristle with references to United States Indians as though that were the worst variety.<sup>18</sup>

By the spring of 1837, the old rumors of an Indian-Mexican conspiracy were again current. Houston said in his message to Congress on May 5 that he had reliable information that a delegation of twenty "northern Indians residing on the borders of the United States" had visited Matamoros and had promised the Mexican authorities there three thousand warriors in the event of a Mexican invasion of Texas.<sup>19</sup> Houston's neat distinction between Indians residing on the borders of the United States and those residing within Texas was not generally accepted by Texans. There was a close relationship between the two groups of Indians, and the term United States Indians came to mean to most settlers any Indians, including the Texas Cherokees, who had moved from the Southern states. Thus, it followed that any conspiracy with Mexico would involve both groups.

By the fall of 1837 fear of such a conspiracy and dissatisfaction with Houston's Indian policy were general in East Texas. When the second Congress convened, Houston's old friend, Thomas J. Rusk, representative from Nacogdoches, spearheaded a drive for a revision of the militia law that would effectively remove the militia from the President's control. Houston vetoed the bill, but it was passed over his veto. The bill provided that the two houses of Congress would appoint the major general of the militia. After passing the law, the two houses elected Rusk major general.<sup>20</sup>

The specter of the Indian-Mexican alliance was kept alive in early 1838 by continued Indian atrocities and by the report of Indian Agent Henry W. Karnes that he was confident such a movement was afoot.<sup>21</sup> The unrest in East Texas erupted in the Cordova Rebellion in August. On August 4 a group of citizens in search of stolen horses came upon the trail of a large number of Mexicans. A scout following the trail reported that there were a hundred or more Mexicans encamped near the Angelina River under the command of Vicente Cordova, a Mexican patriot who had served as alcalde of Nacogdoches before the revolution and who had joined in the Texas Revolution as long as it supported the Mexican Constitution of 1824. The Mexicans sent a letter to Houston disclaiming allegiance to Texas, and wild rumors were set afloat about their activities. According to one report, the Mexicans numbered about three hundred and had been joined by an equal number of Indians. Reports had this body heading

for the Cherokee country. Rusk immediately called up the militia. He detached Major Henry W. Augustine with one hundred fifty men to follow Cordova while he marched with about four hundred fifty others toward the village of Bowles. The Mexican group dispersed, and Rusk returned to Nacogdoches without a battle.<sup>22</sup>

Houston was in Nacogdoches at this time, insisting on the running of the survey of the Cherokee land according to his treaty of February 23, 1836. He took issue with Rusk on the matter of calling up the militia and volunteers, issuing contradictory orders of his own. Rusk, who believed that there was a deep and well laid scheme to involve Texas in general warfare, ignored Houston's orders, and a deep rift developed between them. "His Excellency has acted strangely," Rusk wrote, "indeed had I been governed by his peremptory [*sic*] order I have not the least doubt that an Indian war would have been now raging here but a timely demonstration of force by marching Six hundred horsemen through their country excited strongly that which can only be depended upon in Indians their fear."<sup>23</sup>

Rusk was strongly backed by public opinion in Nacogdoches. Hugh McLeod reported that the President "cramped General Rusk in every way with his orders." Said I. W. Burton, "The President lost ground (if such a thing is possible) by his conduct on the occasion."<sup>24</sup> Rusk's position was strengthened when on August 20, Don Julian Pedro Miracle, a Mexican liberal, was killed by a citizen in the Red River area. Papers on Miracles' body gave documentary evidence of Mexican activities among the Indians. A diary which Miracle had kept of his journey in Texas indicated that he had visited Mexicans and Indians near Nacogdoches and that he had probably inspired the Cordova Rebellion. He had met with Cordova and with Bowles, and he carried instructions from General Vicente Filisola urging the Mexicans and Indians to unite against Texas.<sup>25</sup>

Houston clung stubbornly to his defense of the Cherokees. The Cordova Rebellion, he stated publicly, had been brought on by a violation of the rights of Mexicans and Indians. Indian atrocities thus were caused by the greediness of land speculators and the activities of surveyors beyond the line of settlement. He advised settlers to stay at home, and in the heat of a political campaign in 1841 it was charged that when a committee called on him to ask for protection of the frontier, he replied that "he hoped every man, woman, and child that settled North of the San Antonio Road would be tomahawked."<sup>26</sup>

Houston continued to insist that only the running of the Cherokee line according to the treaty of February 23, 1836, would maintain peace on the frontier. As his term of office neared its close and as it became evident that President-elect Mirabeau B. Lamar would initiate a radically different Indian policy, Houston arbitrarily ordered that the Cherokee line be run. Alexander Horton, in attempting to carry out Houston's instructions, ran into massive resistance from the citizens of East Texas. "Should the lines between the whites and the Indians not be run by the 20th inst. by orders which I have already issued," Houston wrote Horton on October 10, 1838, "you will proceed to have the same executed and for that purpose you will employ a surveyor and take such force as you

may think proper." On the same day he ordered Rusk to have the line drawn.<sup>27</sup>

Horton with great difficulty eventually completed the running of the Cherokee line, but Rusk was operating in complete independence of Sam Houston in the fall of 1838. Rusk had no more than disbanded his men after the Cordova Rebellion than other Indian incidents caused him again to call up the militia. In October he made a show of force in Cherokee territory and defeated the Kickapoos in the Battle of Kickapoo Village. In November he provoked an international incident by following a group of Caddoes into Louisiana. By the time Lamar assumed office in December the East Texas frontier was in a critical state. Rusk was in the Sabine area with about four hundred volunteers. The Indian and Mexican force was reported to number about seven hundred. Settlers in the area prepared to leave, and the militia was held in readiness in Nacogdoches to go to the assistance of Rusk. Kelsey H. Douglass of Nacogdoches wrote the new secretary of war, Albert Sidney Johnston, for the authority to act in an emergency without waiting for official orders, which authority was granted.<sup>28</sup> Thus, the stage was set for a radical change in Texas Indian policy and for another act in the classic American tragedy of Indian against white—with the usual results.

Lamar's attitude toward Indians was diametrically opposite to that of Houston. While Houston had lived as a blood brother to the Cherokees before coming to Texas, Lamar had been a close associate of Georgia's Governor George M. Troup in the expulsion of the Indians from that state. Lamar was not long in making his position concerning Indians clear. In his first message to Congress on December 21, 1838, he stated that "the Emigrant Tribes have no legal or equitable claim to any portion of our territory." He denied the validity of the Houston-Forbes treaty with the Cherokees on the grounds that the treaty had never been ratified by any competent authority. In a later speech he stated his policy even more clearly. "In my opinion the proper policy to be pursued toward the barbarian race is absolute expulsion from the country. . . . Our only security against a savage foe is to allow no security to him."<sup>29</sup>

The first months of 1839 were marked by additional incidents along the Red River border and by mounting fear of an Indian-Mexican alliance. In February seven men were murdered in the Red River area. On the western frontier James O. Bird, Edward Burlson, John Rice, and John H. Moore led rangers against the Plains Indians. In the spring two events in the west brought hostilities to a head in the east. On March 28, Burlson met Cordova in a brief engagement. Cordova escaped, but a renegade white named Robison deserted to Burlson, bringing the information that Cordova had been to see Chief Bowles in the interest of forming an Indian league and that Cordova was then on his way to Matamoros for weapons and supplies for the enterprise. Robison's testimony was suspect because of his record, but it was accepted by Burlson and the uneasy public.<sup>30</sup>

Secretary of War Johnston promptly informed Chief Bowles of Robison's story and advised him that "all intercourse between the friendly Indians and those at war with Texas must cease." To enforce this Johnston dispatched Major B. C. Waters with a company of six-months men



to establish a military post on the Grand Saline, a creek in Cherokee territory. When Waters arrived at the Saline, he was warned that any attempt to establish a post would be repelled by force. Waters did not have the force to hold the position, so he retired across the river out of Cherokee territory and advised the government of Bowles' attitude.<sup>31</sup>

About this time, the second incident occurred in the west which affected affairs in East Texas. Lieutenant James O. Rice engaged Manuel Flores in the Battle on the San Gabriels on May 14, 1839. Flores, together with Cordova, had been one of the most active Mexican agents among the Indians. Letters in his effects proved conclusively that he and Cordova were involved in a conspiracy to incite the Indians. The letters did not prove, however, that the Cherokees had agreed to co-operate in the plot.<sup>32</sup>

Lamar did not wait for further evidence. "The Cherokees can no longer remain among us," he decreed. He wrote Bowles a letter stating bluntly that the Houston-Forbes treaty "was a nullity when made, is inoperative now, had never been sanctioned by this government, and never will be." He went on to accuse the Cherokees of repeatedly corresponding with the Mexicans, of receiving Mexican emissaries, entering into compacts with them and giving "countenance to an insurrection raised in your own vicinity by Mexicans." He advised Bowles that the final removal of the Cherokees was certain. Whether it was done by war or by friendly negotiations depended on the Indians themselves.<sup>33</sup>

Indian Agent Martin Lacy, his son-in-law, Dr. W. G. W. Jowers, an interpreter named Cordray, and John H. Reagan delivered the letter to Bowles. Reagan, who later became Postmaster General of the Confederacy, was at this time a young tutor recently arrived from Tennessee. To his eyes Bowles did not look like an Indian. He was somewhat tanned in color, but he had neither the hair nor the eyes of an Indian. "His eyes were gray, his hair was a dirty sandy color; and his was an English head." Bowles at the time was eighty-three years old but still vigorous and strong.<sup>34</sup>

Bowles invited the delegation to a spring near his residence.<sup>35</sup> They seated themselves on a log, and Lamar's message was read and interpreted. Bowles told the white men that for some years he had been in correspondence with John Ross, chief of the principal tribe of Cherokees, with the idea of reuniting the two tribes and going to California out of the reach of the whites. He asked if his people might have time to gather their crops with that plan in mind. Lacy replied that he had no authority except as stated in Lamar's letter. Bowles asked for time to consult with his headmen, and Lacy agreed to return at a designated time for an answer.

Reagan wrote in his memoirs that the conference made a deep impression on him for two reasons. "The first was that neither the agent nor the chief could read or write, except that Mr. Lacy could sign his name mechanically; and neither could speak the language of the other. The second was the frankness and dignity with which the negotiations were carried on—neither tried to disguise his purpose nor to mislead the

other."<sup>36</sup> Although Reagan does not so state, he evidently attended the conference in the rôle of interpreter.

At the appointed time Reagan returned with Lacy for Bowles' answer. Bowles stated that his young braves were in favor of war, that they believed that they could beat the whites. Bowles personally disagreed with them. He believed that the whites would eventually win but not without a long, bloody war. He said, however, that he would stand by his tribe. If he fought, the whites would kill him, but if he did not, his own tribesmen would. Philosophically, he said that it mattered little to him because he was old but that he felt great concern for his three wives and his children. "The council ended," says Reagan, "with the understanding that war was to follow."<sup>37</sup>

Johnston ordered Edward Burleson, who had recently been appointed a colonel of the regular army, to increase his force to four hundred men and march from the western border to East Texas. At the same time Johnston ordered Rusk in Nacogdoches and Willis Landrum in San Augustine to enlist additional volunteers. Lamar still hoped, however, that a peaceful settlement could be arranged. He appointed as peace commissioners Johnston, David G. Burnet, I. W. Burton, Thomas J. Rusk, and James S. Mayfield. He instructed them to go to Nacogdoches to supervise the removal of the Cherokees. They were authorized to pay the Indians compensation for crops, improvements, and other property that could not be taken with them but not for the land.<sup>38</sup>

Rusk, who had been elected Chief Justice of the Supreme Court of Texas the previous December, had already led a body of volunteers to a position facing the Cherokee camp when the other commissioner arrived at the Neches River during the first week of July.<sup>39</sup> While the peace commissioners attempted to negotiate, a curious agreement was made by the two camps. A neutral line was drawn between them which neither was to cross except under a flag of truce. They further agreed not to break camp without due notice to the other. Reagan says that both sides were stalling for time during this period—the Cherokees hoping for reinforcements from the Mexicans and plains Indians, and the Texans waiting for the arrival of Burleson from the Colorado and Landrum from the Redlands.

Burleson arrived on July 14, and the Texans momentarily expected the arrival of Landrum to bring their total force to about nine hundred men. At this point a disagreement arose between the regulars and volunteers as to who would command the campaign. The regulars wanted Burleson, but the volunteers insisted on Rusk. Each general was willing for the other to command, but neither would accept for fear of offending the other. The stalemate was one which characteristically preceded battles of the Texas Republic, and it pointed up the curious structure of the Texas defense system.

Congress had enacted ample laws for the organization of a regular army, a militia, and a ranger force. The ranger organization was designed for frontier service,<sup>40</sup> but neither the regular army nor militia ever became an effective, dependable defense organization. Houston reduced the regular army to a skeleton in the spring of 1837 when that army

proved a threat to the civil government. Lamar attempted to revitalize the regular force in early 1839 but with little success. Texans showed little enthusiasm for the restrictions to their freedom which army life entailed. Even the restrictions of regular militia duty repelled them.

Thus, most of the men who fought in the Texas-Cherokee War were citizen volunteers who could not properly be called either regulars or militia. Many of them were settlers who volunteered because of the immediate danger to their homes. Others were the footloose element which Adjutant General Hugh McLeod called "the floating chivalry which generally compose our volunteer corps."<sup>41</sup> After the experience of the Cherokee campaign both McLeod and Secretary Johnston recommended a revision of the militia laws. Such official recommendations became a standard feature of governmental reports, but because of the sparse population, lack of money, and lack of citizen interest, the militia was never organized effectively. Johnston solved the immediate problem during the Cherokee campaign by assuming command himself and appointing Kelsey H. Douglass brigadier general. This was the only battle that Johnston personally directed until his final battle as a Confederate general at Shiloh.

The peace commissioners made their last attempt to negotiate on July 14. Bowles asked for more time, whereupon negotiations were broken off. At sunrise the next morning Bowles' son rode into the Texas camp under a flag of truce and, in accordance with the agreement, notified Johnston that the Cherokees would break camp and move west of the Neches River. Johnston informed him that the Texans would give pursuit. Young Bowles was then escorted half a mile beyond the pickets.<sup>42</sup>

About noon Johnston instructed Douglass to put the men in motion but to give the Indians one more chance to accept peace terms before attacking. Landrum, who had not yet arrived and who did not join the main force until July 20, was sent orders to advance up the Neches. The regiments under Burleson and Rusk advanced toward the Cherokee camp and upon finding it deserted followed the trail of the Indians. Later that afternoon the Texans came upon the Indians in a strong position near a Delaware village. "They were immediately attacked and beaten," Johnston reported. The Indians retreated, leaving eighteen dead on the field and taking their wounded with them.

The Texans feared that during the night the Indians would scatter into marauding bands to attack frontier outposts. Johnston divided his force to send scouts to warn the settlements. The next morning the main body again took up the pursuit. They overtook the Cherokees in the Neches bottom about fifteen miles west of the present Tyler near the conjunction of the present Van Zandt, Henderson, and Smith Counties. After a brisk battle which lasted for about an hour and a half, the Indians retreated into a dense thicket. "The action . . . was contested severely, every period of the time, by the Indians, who clearly manifested they aimed at a victory," said Douglass. "Their leaders were frequently heard urging them to a charge."

Old Chief Bowles rode conspicuously along his line clad in a military hat, silk vest, sword and sash which legend says Sam Houston had given

him.<sup>43</sup> His horse was injured, and he was shot in the thigh, but he was the last to leave the field. As he dismounted and started to walk away, a Texan shot him in the back. He fell, then pulled himself to sitting position, and turned to face his enemy. John H. Reagan ran forward in an attempt to spare the old chief's life, but another Texan, Robert W. Smith, fired the death shot.<sup>44</sup>

Douglass estimated that the Cherokee force consisted of between seven hundred and one thousand warriors. About one hundred of them were killed in the battle. Johnston in a letter to the *Telegraph and Texas Register* shortly after the campaign estimated that the total Texas force was about nine hundred. Of this number about five hundred participated in the Battle of the Neches; the others were on detached service. Texan losses in the campaign were relatively small, four listed as killed in action and thirty-six wounded.

The Texans followed the remnants of the tribe for a week, destroying their villages and cornfields, until the Cherokees dispersed never again to pose a threat to East Texas. On July 25, it was agreed that the enemy had scattered and divided so that further pursuit was useless. Accordingly, on that afternoon Johnston ordered the volunteers mustered out of service. The associated tribes in the area agreed to accept payment for their improvements and to cross into the United States. Rusk and Mayfield were appointed commissioners to supervise that removal. The paymaster general of the army estimated that the pay for the men under Douglass amounted to \$21,000. An additional \$25,000 was allotted to pay for the improvements of the Indians who agreed to leave.<sup>45</sup>

The casualty lists of the war indicate clearly that the Cherokees were no match for the Texans. The Cherokees were a semicivilized, agricultural people who made effort after effort to secure legal title to their land. For that reason their story is an especially tragic one. With one notable exception, however, Texans of the period displayed scant compassion for their antagonists. The cruel rule of survival of the fittest prevailed on the frontier; and the frontiersman was never absolutely sure that he was more fit than the Indian. Sentiments such as sympathy and compassion were reserved for those far enough removed from the scene in time or distance to afford such luxuries. The results of the Texas-Cherokee war were hailed with satisfaction throughout Texas. East Texans honored Rusk, Douglass, and Burleson as heroes, and Johnston was tendered so many public dinners he could not attend all of them. The number of men claiming the distinction of having killed Bowles became a standing joke in Nacogdoches.

Only Sam Houston of contemporary Texans vigorously protested the fate of the Cherokees. He had been visiting in the United States during the campaign, and he returned to Texas angry with those whom he considered the instigators of it. He considered his treaty of February 23, 1836, as morally, if not legally, binding on Texas, and he had repeatedly made a personal pledge to Bowles that the treaty would be honored. Houston attributed the war to the greediness of land speculators, especially Burnet.

One of Houston's major points in the defense of the Cherokees was that there was no proof that they had been agreeable to Mexican offers for an alliance. This is true, but it is also true that Mexican and Cherokee interests ran along parallel lines in 1839. There is abundant proof that Mexico hoped for an Indian alliance and courted the Cherokees' favor with promises of land. Texans, on the other hand, made no effort to conciliate the Cherokees, having taken their stand by their refusal to approve the Houston-Forbes treaty. The Cherokees were indeed unperceptive if they failed to realize that their advantage lay with Mexico and to act accordingly. Perhaps the Texans exaggerated the danger of the Cherokees, and undoubtedly the rich land of the Indians was a tempting prize. There can be no doubt, however, that northeastern Texas was in a state of continual alarm beginning in the fall of 1835, and that settlers there considered the Cherokees a real threat to survival.

The only victory Houston won for the Cherokees was a moral one. On February 1, 1840, Congress passed an act which provided that the Cherokee lands would be divided into sections and sold.<sup>46</sup> The act had aroused heated controversy in Texas because of a legal point it brought up. If the Cherokees were not in legal possession of the land, then it fell under the provisions of the general land act of the Republic. If they were in legal possession, then the land was won from them in July 1839, and it could not be disposed of under terms of the general land act. Houston led the advocates of the act of February 1, 1840, and presented a heated defense of the Cherokees and their legal right to the land. Passage of the act was in effect a vindication of the Cherokees.

A still unanswered question is whether in 1835 and early 1836 Sam Houston was acting as a citizen of Texas, of the United States, or of the Cherokee Nation. A popular theory is that he came to Texas to carry out Andrew Jackson's designs, but the evidence is rather nebulous. If Houston dreamed of a southwestern conquest, the dream was not an original one but one which he shared with many others, including Aaron Burr. Certainly, his actions do not indicate that he intended to carry out a plan of conquest. He settled in Nacogdoches near his old friends, the Cherokees, and he was a late comer to the Texas Revolution. Throughout his career in the Texas Republic he stubbornly discouraged filibustering schemes. Llerena Friend, reviewing the evidence, concludes that Houston came to Texas because he was a ruined man looking for fresh opportunity.<sup>47</sup> She is undoubtedly correct. At the same time, his relation to the Texas Cherokees is an intriguing one. He moved that the Consultation guarantee the Cherokees their land. He negotiated the treaty which set forth their rights. As President he used all his influence in an effort to put the treaty into effect. Whatever Houston's motives in coming to Texas, he was a friend to the Cherokees.

#### FOOTNOTES

<sup>1</sup>For a full discussion of the removal of these Indians and the border problems that followed, see Grant Foreman, *Indian Removal, the Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1932), *passim*.

<sup>2</sup>The wanderings of the Texas Cherokees had resulted in their intermingling with a number of other tribes. The allied tribes were described by the Texas Senate in 1836 as "Shawnee, Delaware, Kickapoo, Quapaw, Choctaw, Biloxi, Ioni, Alabama, Coushatta, Caddo of the Neches, Tahocullake, and Matakaquo." Dorman Winfrey and others (eds.), *Texas Indian Papers* (4 vols.; Austin: Texas State Library, 1959-1962), I, 14. By the 1830's the Cherokees also had a strong admixture of white blood and some Negro blood in their veins.

<sup>3</sup>*Ibid.*, 25; Ernest W. Winkler, "The Cherokee Indians in Texas," *Quarterly of the Texas State Historical Association*, VII (October 1903), 95-165; and F. W. Hodge (ed.), *Handbook of American Indians* (2 vols.; Washington: United States Government Printing Office, 1910-1912), I, 246.

<sup>4</sup>Winkler, "Cherokee Indians in Texas," 148-149. For a sketch of Bowles see Dorman Winfrey, "Chief Bowles of the Texas Cherokees," *Chronicles of Oklahoma*, XXXII (Spring 1954), 29-41, reprinted in *Texas Military History*, II (August 1962), 210-221.1

<sup>5</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 2-6.

<sup>6</sup>*Ibid.*, 25; Eugene C. Barker and Amelia W. Williams (eds.), *The Writings of Sam Houston* (8 vols.; Austin: Texas State Historical Association, 1938-1943), II, 327; and Anna Muckleroy, "Indian Policy of the Republic of Texas," *Southwestern Historical Quarterly*, XXV (April 1922), 229-261, XXVI (July, October 1922, January 1923), 1-30, 128-149, 184-207. Morfitts report on Texas is printed in United States, *House Executive Documents*, 24 Con., 2 Sess., No. 35 (Serial No. 302) and *Senate Executive Documents*, 24 Con., 2 Sess., No. 20 (Serial No. 297).

<sup>7</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 10, 11, 12, 14-17; and Barker and Williams (eds.), *Writings of Sam Houston*, II, 318-319.

<sup>8</sup>Winfrey and others (eds.), *Texas Indian Papers*, 17-18.

<sup>9</sup>William Preston Johnston, *The Life of General Albert Sidney Johnston* (New York: D. Appleton Company, 1878), 102. For a discussion of Houston's Cherokee affiliations, see Grant Foreman, "Some New Lights on Houston's Life Among the Cherokee Indians," *Chronicles of Oklahoma*, IX (June 1931), 139-157; Grant Foreman, *Pioneer Days in the Early Southwest* (Cleveland: Arthur H. Clark Company, 1926), 179-206; and George W. Pierson, *Toqueville in America* (New York: Oxford University Press, 1938, reprinted by Doubleday and Company, 1959), 385-391.

<sup>10</sup>Johnston, *Life of A. S. Johnston*, 102-103; Republic of Texas, House of Representatives, *Journal*, 3 Cong., 1 Sess., 87-96; and Harriet Smither (ed.), *Journals of the Fourth Congress of the Republic of Texas, 1839-1840* (3 vols.; Austin: Texas State Library, 1929), II, 202-215, 225-231.

<sup>11</sup>Henderson Yoakum, *A History of Texas from Its First Settlement in 1635 to Its Annexation to the United States* (2 vols.; New York: Redfield, 1855), II, 170. For Houston's defense see Barker and Williams (eds.), *Writings of Sam Houston*, II, 318-320, 328-347.

<sup>12</sup>*Telegraph and Texas Register*, Houston, April 17, 1839. For Gaines'

movements, see Eugene C. Barker, "The United States and Mexico, 1835-1837," *Mississippi Valley Historical Review*, I (June 1914), 1-30; and Thomas M. Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841* (Berkeley: University of California Press, 1914), 149-155.

<sup>13</sup>Two men by this name were active in Texas at this time. During the spring of 1836 one Manuel Flores was reportedly stirring up the Indians on the Texas-United States border. At the same time another Manuel Flores was first sergeant in Juan Seguin's company and fought with the Texans at the Battle of San Jacinto. The latter Flores was made a captain of cavalry on May 22, 1837. A man by this name was killed in the Battle on the San Gabriels on May 14, 1839, and letters in his effects proved that he was involved in a conspiracy to unite the Cherokees with the Mexicans against the Texans. Samuel H. Dixon and Louis W. Kemp consider that this Flores was the hero of San Jacinto, but it seems possible that there has been a confusion of identity. See Samuel H. Dixon and Louis W. Kemp, *The Heroes of San Jacinto* (Houston: Anson Jones Press, 1931), 440; Smither (ed.), *Journals of Fourth Congress*, III, 113-114; William L. Mann, "James O. Rice, Hero of the Battle on the San Gabriels," *Southwestern Historical Quarterly*, LX (July 1951), 30-42; and Thomas Jefferson Green to Jesse Benton, March 20, 1836, Thomas Jefferson Green Papers (Southern Historical Collection, University of North Carolina Library, Chapel Hill). Green believed that the Flores who was stirring up the Indians in March 1836 was a citizen of the United States.

<sup>14</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 26-27; and Ernest W. Winkler (ed.), *Secret Journals of the Senate, Republic of Texas, 1836-1845* (Austin: Texas State Library, 1911), 35-36, 77-78, 101.

<sup>15</sup>Barker and Williams (eds.), *Writings of Sam Houston*, II, 346, 356.

<sup>16</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 20-21.

<sup>17</sup>See Edmund T. Miller, *A Financial History of Texas* (Austin: University of Texas, 1916), 1-25.

<sup>18</sup>Smither (ed.), *Journals of Fourth Congress*, III, 13-23.

<sup>19</sup>Barker and Williams (eds.), *Writings of Sam Houston*, II, 85.

<sup>20</sup>*Ibid.*, 174-175; H. P. N. Gammel (comp.), *The Laws of Texas, 1822-1897* (10 vols.; Austin: Gammel Book Company, 1898), I, 1427-1428; and Republic of Texas, House of Representatives, *Journal*, 2 Cong., 1 Sess., 291.

<sup>21</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 43. For examples of Indian atrocities during this period see Josiah Willbarger, *Indian Depredations in Texas* (Austin: Hutchins Company, 1889; facsimile reproduction, Steck Company 1935), 144, 157, 361; and John H. Brown, *Indian Wars and Pioneers of Texas* (Austin: L. E. Daniell, n.d.), 55-69.

<sup>22</sup>Asa K. Christian, "Mirabeau Buonaparte Lamar," *Southwestern Historical Quarterly*, XXIII (January and April 1920), 153-177, 231-271; Lois Foster Blount, "A Brief Study of Thomas J. Rusk Based on His Letters to His Brother, David, 1835-1856," *ibid.*, XXXIV (April 1931), 271-292; G. L. Crocket, *Two Centuries in East Texas, a History of San Augustine*

*County and Surrounding Territory* (Dallas: Southwest Press, 1932; facsimile reproduction, 1962), 190-191; Charles A. Gulick and others (eds.), *The Papers of Mirabeau Buonaparte Lamar* (6 vols.; Austin: Texas State Library, 1921-1927), II, 208-210.

<sup>23</sup>*Ibid.*, 207. See also Barker and Williams (eds.), *Writings of Sam Houston*, II, 269-280.

<sup>24</sup>Gulick and others (eds.), *Papers of M. B. Lamar*, II, 208, 210.

<sup>25</sup>Smither (ed.), *Journals of Fourth Congress*, III, 21-23; and Christian, "Mirabeau Buonaparte Lamar," 47-49.

<sup>26</sup>*Telegraph and Texas Register*, August 25, 1841.

<sup>27</sup>Barker and Williams (eds.), *Writings of Sam Houston*, II, 288-289.

<sup>28</sup>Kelsey H. Douglass to Albert S. Johnston, December 27 and 31, 1838, and Albert S. Johnston to Kelsey H. Douglass, January 1, 1839, Texas Army Papers, Correspondence, 1837-1839 (Archives, Texas State Library, Austin), hereafter cited as Army Papers, 1837-1839.

<sup>29</sup>Gulick and others (eds.), *Papers of M. B. Lamar*, III, 351; III, 167.

<sup>30</sup>*Telegraph and Texas Register*, April 17, 1839; Winfrey and others (eds.), *Texas Indian Papers*, I, 60; and Smither (ed.), *Journals of Fourth Congress*, III, 108-113.

<sup>31</sup>*Ibid.*, 77-78; Gulick and others (eds.), *Papers of M. B. Lamar*, II, 522-523. Smither gives Waters' name as John Walters.

<sup>32</sup>Valentine Canalizo to Vicente Cordova, February 20, 1839, and to Manuel Flores, February 27, 1839, Army Papers, 1837-1839; Winfrey and others (eds.), *Texas Indian Papers*, I, 8; and Mann, "James O. Rice," 30-42.

<sup>33</sup>Gulick and others (eds.), *Papers of M. B. Lamar*, II, 590-594; and Winfrey and others (eds.), *Texas Indian Papers*, I, 61-66.

<sup>34</sup>John H. Reagan, *Memoirs with Special Reference to Secession and the Civil War* (New York: Neale Publishing Company, 1906), 35. See also John H. Reagan, "The Expulsion of the Cherokees from East Texas," *Quarterly of the Texas Historical Association*, I (July 1897), 38-46; Ben H. Procter, *Not Without Honor, the Life of John H. Reagan* (Austin: University of Texas Press, 1962), 15-27; and Winfrey, "Chief Bowles," 29-41. The accounts written by Reagan differ somewhat in detail.

<sup>35</sup>A marker near Alto in Cherokee County designates the site of Bowles' last residence in Texas. William M. Jones, *Texas History Carved in Stone* (Houston: Scardino Printing Company, 1952), 23.

<sup>36</sup>Reagan, *Memoirs*, 32.

<sup>37</sup>*Ibid.*, 32.

<sup>38</sup>Winfrey and others (eds.), *Texas Indian Papers*, I, 67-70; and Smither (ed.), *Journals of Fourth Congress*, III, 78.

<sup>39</sup>Two camp sites for the Texas Army during the Cherokee war have



been marked. One is five miles southwest of Flint in Smith County. The other is sixteen miles southwest of Tyler in the same county. Jones, *Texas History Carved in Stone*, 23.

<sup>40</sup>For ranger activities and organization see Walter Prescott Webb, *The Texas Rangers, a Century of Frontier Defense* (New York: Houghton Mifflin Company, 1935), *passim*.

<sup>41</sup>Smither (ed.), *Journals of Fourth Congress*, III, 82.

<sup>42</sup>For first hand accounts of the military movements see *ibid.*, 78-79, 103-107, 115-116; Gulick and others (eds.), *Papers of M. B. Lamar*, III, 45-47; Reagan, *Memoirs*, 29-36, and "Expulsion of Cherokees," 38-46; and *Telegraph and Texas Register*, July 24, 1839.

<sup>43</sup>A lively dispute later arose over whether Houston had given Bowles the hat. See Barker and Williams (eds.), *Writings of Sam Houston*, IV, 355; and *Telegraph and Texas Register*, September 1, 1841.

<sup>44</sup>Dixon and Kemp, *Heroes of San Jacinto*, 350.

<sup>45</sup>Smither (ed.), *Journals of Fourth Congress*, III, 90-91; and Seymour V. Connor and others (eds.), *Texas Treasury Papers, Letters Received in the Treasury Department of the Republic of Texas, 1836-1846* (4 vols.; Austin: Texas State Library, 1955-1956), I, 247, 255.

<sup>46</sup>Gammel (comp.), *Laws of Texas*, II, 358-363.

<sup>47</sup>See Llerena Friend, *Sam Houston, the Great Designer* (Austin: University of Texas Press, 1954), 37-55.