

## GENERAL DOUGLAS H. COOPER, C. S. A.

By Muriel H. Wright

The career of General Douglas H. Cooper, Confederate States Army,<sup>1</sup> is interwoven with the story of Fort Washita abandoned at the close of the War between the States. Established by General Zachary Taylor in 1842, this United States military post on the edge of the prairie east of the Washita River in the Choctaw Nation, with commodious officers' quarters and barracks of limestone, commissary and storehouses, barns and other buildings was at its height in history as the rival of Fort Gibson to the north when Lieutenant A. W. Whipple recorded meeting Douglas H. Cooper in 1853, at the Choctaw Agency in the Indian Territory.<sup>2</sup> Both men were serving in official capacity by recent appointment under the new administration at Washington, through Secretary of War Jefferson Davis: Whipple was in charge of the Government expedition for the Pacific Railroad Survey along the Thirty-fifth Parallel in the Indian Territory; Cooper was United States Agent to the Choctaws, his service in the Mexican War and his acquaintance with Choctaw affairs in Mississippi having placed him in line for a position in the Office of Indian Affairs, an appointment that was sanctioned, if not directed, by the War Department. These appointments for government service on the frontier were a part of the new movement to develop the South in competition with the North, the bitter rivalry that arose between the two sections in the economic and the political fields finally leading to the War between the States, in which the Indian Territory was of strategic importance in the Southwest.

<sup>1</sup> Acknowledgments in appreciation are due Mr. Robert Thomson Cooper Head, great-grandson of Gen. D. H. Cooper, for his kindness in supplying many personal notes with references in the writing of this biographical sketch. Mrs. Elizabeth Buckner Heiston Butts, a granddaughter of Gen. Cooper, who lives in Washington, D. C., has kindly supplied five copies of the beautiful portraits of her grandparents, which are used in this number of *The Chronicles*. Mrs. B. E. Spivey of Dallas, Texas, a cousin of Mrs. Butts' father, Maj. T. D. Heiston, was instrumental in introducing the writer to Mr. Head and Mrs. Butts through correspondence in the preparation of their ancestor's biography appearing here. The writer extends her thanks to these gracious members of old southern families.

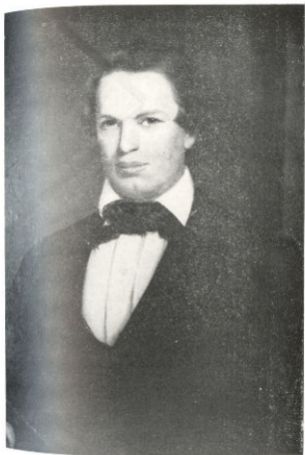
<sup>2</sup> Lieut. Whipple, commanding the Pacific Railroad Survey through Oklahoma, made this statement in his *Journal* (notes of August 4, 1853): "The present Choctaw Indian Agent Genl Cooper has been here but a few weeks. He seems a high minded & honorable gentleman and bids fair to succeed his lamented predecessor in the deep affection of this people."—Muriel H. Wright and George H. Shirk, "The Journal of Lieutenant A. W. Whipple, *The Chronicles of Oklahoma*, Vol. XXVIII, No. 3 (Autumn, 1950), p. 232.





*Portrait by Henry*

**FRANCES MARTHA COLLINS COOPER**



*(Portrait by Henty.)*

DOUGLAS HENSBECK CORBRIDGE



The figure of Douglas H. Cooper within the region centering at Fort Washita looms large in the records<sup>3</sup> of his time in the Indian Territory, revealing his activities in promoting the cause of the southern people. His achievements have remained generally unacknowledged in the history of Oklahoma, for one thing because they were wide in scope covering as they did both the civic and the military fields at different times during the long period that saw the rise of the abolitionists to power, the bloody conflict between the states and the tragedies of reconstruction in the South. Few, if any, who served in an official capacity in the Indian Territory had more notable family connections and friends, and retained their prestige and power through more political upheavals and strained conditions at Washington than General Cooper. He was born on November 1, 1815, in Wilkinson County, Mississippi, and died on April 29, 1879, at old Fort Washita, Indian Territory.

Douglas Hancock Cooper was the only child of Dr. David Cooper and his first wife, Sarah Hancock Davenport Cooper. Dr. Cooper was a physician and Baptist minister described as an educated, polished man active and successful in his ministrations for nearly thirty years. He was born in Virginia, in 1771, of old Virginia and New England family lines. He was licensed to preach in 1793, and was active in establishing churches in South Carolina and Georgia before he settled in Mississippi where he was co-founder of the Mississippi Baptist Association in 1807, and later served as its moderator for eleven years. The mother, who was of a New England family related to John Hancock, first signer of the Declaration of Independence, died when her son Douglas was a small child. Dr. Cooper married in 1824 as his second wife, Mrs. Magdaline Hutchins Claiborne, widow of the late General Ferdinand Leigh Claiborne, a Mississippian who had served many years in the United States Army. After the second marriage, Dr. and Mrs. Cooper moved to their plantation home, "Soldiers Retreat," near Natchez where he died in 1830.<sup>4</sup>

The son, Douglas, was well provided for in his father's will, and is said to have attended Amite Academy at Liberty, Mississippi. He entered the University of Virginia where he was a student from 1832 to 1834, his studies including mathematics, chemistry, materia medica, and both natural and moral philosophy. He became a planter and lawyer in Mississippi where he qualified before the

<sup>3</sup> This biography is based largely on *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880 and subsequent years) hereafter cited as *Official Records*; and upon the *Annual Report of the Commissioner of Indian Affairs* through the years, hereafter cited as *Annual Report*. See, also, *Confederate Military History* (Atlanta, 1899), Vol. VII, pp. 247-9.

<sup>4</sup> Taken in manuscript on the Cooper family genealogy and history, from Mr. R. T. C. Head.

State Bar. He was tall with a fine physique, a man of boundless energy, by nature kind and sympathetic with an alert mind that aligned his interests in the new movements of his day.

Mississippi historical records list Douglas H. Cooper as one of the leaders and early settlers of Wilkinson County located in the southwestern part of the state where were some of the earliest white settlements.<sup>5</sup> He had just returned from the University of Virginia, and was only nineteen years old when he married Frances Martha Collins, aged seventeen, daughter of William Collins (a Virginia family) of Adams County, Mississippi; the ceremony was performed at Natchez on March 26, 1834, by the Reverend Pierce Connelly, Rector of Trinity. The young man's guardian, White Turpin, and William Collins both had given their written consent to the issuance of the license. The young couple made their home at "Mon Clova" near Woodville, Wilkinson County, where they prospered and reared their family of seven children: Sarah, Frances, Douglas H., Jr., David H., Elizabeth, Emma and William Kerk Cooper.<sup>6</sup>

Woodville in south central Wilkinson County was one of the leading towns in Mississippi, incorporated in 1811. Citizens of the town organized and incorporated the West Feliciana Railroad Company in 1831, noteworthy as one of the first railroads in the United States, an event in Mississippi history that reveals the progressive atmosphere and the activity in which Douglas H. Cooper lived as a young man. Mention should be made here of something that was important and significant in his career as well as in Choctaw history in the Indian Territory: Cooper's step-sister, Charlotte Virginia Claiborne, married at the age of seventeen in 1832, a young Baltimore attorney, John H. B. Latrobe.<sup>7</sup> He was a counsel of the Baltimore & Ohio Railroad when it was incorporated in 1827 as the first railroad in the United States, and was its chief counsel at his death in 1891. On his visit to Mississippi for his wedding in 1832, Latrobe traveled through the Choctaw country, and became acquainted with some of the prominent Choctaw leaders, among them the Folsoms and Chief Greenwood Leflore. At the end of the War between the States, John J. B. Latrobe through the influence and association with Cooper was the attorney for the Choctaw Nation in the making of the Treaty of 1866, which had a vital place in the formation of the future State of Oklahoma.

Many descendants whose ancestors had settled in Mississippi about the turn of the century and before that time from the eastern seaboard states and New England had become thoroughly imbued

<sup>5</sup> Dunbar Rowland, *History of Mississippi, the Heart of the South* (Chicago: Jackson, 1925), Vol. II, pp. 722, 856-7.

<sup>6</sup> Manuscript on the Cooper genealogy and history.

<sup>7</sup> John E. Semmes, *John H. B. Latrobe and His Times, 1805-1891* (Baltimore: 1917).

with southern ideals and represented the highest type of citizen in 1850. Such was the Douglas H. Cooper family whose life was that of the old South at Mon Clova, a large plantation run by an overseer and the Negro slaves who loved their master and the members of his family. Elizabeth Herbert Cooper Heiston told of the days at Mon Clova, her memories recounted among the notes in manuscript written by her grandson, Robert Thornton Cooper Head:

Jefferson Davis . . . visited with our Cooper ancestors at their plantation "Mon Clova" south of Natchez, Mississippi. The plantation was large, and they had nearly a hundred slaves at one time. While the father of Douglas H. Cooper had been a Baptist, he himself belonged to no church, finding his religious outlet in Masonic Fraternities. His wife was an Episcopalian, and the children were brought up as Episcopalsians.

The girls attended a ladies' academy where they had to speak French at all times except when saying their prayers. To teach them to keep their elbows off the table, their mother would call the Negro butler, "Ned, get the goblets," and Ned would carefully place large empty goblets on the table beside the girls, a glass at each elbow! The embarrassment of that soon corrected any tendency they might have had to forget "table manners." Everything was done for the girls. They had their own maids, and never lifted a finger in their own behalf. They were trained to be good hostesses and house managers. All had to read the classics, learn to play the piano, sing, dance correctly, master the "technique of the hoop skirt," and how to converse with the boys without being forward or timid. The boys had to learn the arts of a "gentleman," also how to manage a plantation, master some profession, and always show great consideration for the ladies and the good. Even good slaves, usually called "aunt" or "uncle," were treated by their masters and mistresses with due respect and consideration. Both boys and girls were trained to ride well. Polo was essential. The girls practiced walking gracefully in the absurd hoop skirts of the times, promiscuous all over the "great house," upstairs and down, each with a stack of books balanced on her head! The boys also had to have military training in school, or by joining the militia when they were old enough. Good shooting was requisite; also Honor and sportsmanship were stressed above all things.

Contrary to popular belief nowadays, the ladies did not smoke. The gentlemen never smoked in the presence of the ladies without special permission, nor drank except that a little wine might be used on rare occasion at dinners. A gentleman never used profanity in the presence of a lady. The ladies were permitted to exclaim, "Mercie!" or "Oh, dear!" if the provocation was great. Juleps were sipped by the men on the front porch on hot days.

Shows, somewhat like the later day minstrel shows, were given by the darkies, many of whom were talented and all seemed naturally musical. Hospitality was the order of the day. There was always "open house" at Mon Clova where friends and sometimes strangers who were entertained repaid by bringing news from afar. "Cards were invented by the Devil" but chess was a game of the intellect for the men. Sometimes one would meet a lady who could play chess. They had other simple games but then, as now, the interest of the young ladies was largely centered in meeting the right and eligible young men, and also then, as now, how to manage a home with slave help in those days and in that level of society.

Douglas H. Cooper was elected and served as representative from Wilkinson County in the Mississippi State Legislature, in



1844. He organized the Woodville Company, of which he was commissioned Captain, in the Mississippi Rifle Regiment commanded by Colonel Jefferson Davis in the Mexican War. Captain Cooper distinguished himself in the Battle of Buena Vista, and was especially mentioned for his gallant action in the Battle of Monterey, (September 21-24, 1846), by Colonel Davis.<sup>8</sup>

As sectionalism over the "Slavery Question" arose on the national scene, Cooper was prominent in the political field of his home state. At the Southern Convention held at Jackson in October, 1849, he was a member of a committee to formulate a plan of action, with Governor J. W. Matthews as chairman. Jefferson Davis, U. S. Senator from Mississippi, was present as a guest of the Convention, and Judge William L. Sharkey, leader of the Whigs in Mississippi, addressed the delegates on the "Rights of Citizens," including their "right to take their slaves to any U. S. Territory." Cooper was again a delegate<sup>9</sup> to the Convention of delegates from the Southern States held at Nashville on June 3, 1850, which went on record in favor of the "only compromise the South would accept"—the extension of the Missouri Compromise with slave territory south of Parallel 36° 30'. Senator Davis and his friends carried Mississippi in the national campaign of 1852, in which Franklin Pierce, the New Hampshire Democrat, was elected President of the United States. Mississippi leaders accordingly enjoyed prestige and influence in the new administration at Washington when it came to appointments to office. Jefferson Davis was selected for the position of Secretary of War in the new cabinet. Douglas H. Cooper was appointed United States Agent to the Choctaws in the Indian Territory. He was installed into the office on June 1, 1853, as witnessed by Thomas S. Drew, Superintendent of Indian Affairs at Van Buren, Arkansas, and arrived at the Choctaw Agency fifteen miles west of Fort Smith on June 2, assuming his duties as Agent on June 4.<sup>10</sup>

Cooper's appointment to the Agency office was logical, and in many ways fortunate for the Choctaws in view of the times. The background of his life was steeped in the history of the Indians. His home at Mon Clova was within the first Choctaw land cession in Mississippi by treaty with the United States, the terms of this document also granting the right-of-way for the famous Natchez Trace through the Choctaw country. Mississippi owed its existence to the Indian land cessions within its borders, especially the great cessions made by the Choctaws in the Treaty of Dancing Rabbit Creek (1830) and the Chickesaws in the Treaty of Pontotoc (1832). Cooper became familiar with the terms of both treaties

<sup>8</sup> Howland, *op. cit.*, Vol. 1, pp. 667-8.

<sup>9</sup> *Ibid.*, pp. 722-3.

<sup>10</sup> *Report*, 1853, p. 165.

though he had no part in their making for he was still a student in school at the time.

His family connections had long been favorably associated with the affairs of the Choctaws. His father, Dr. David Cooper, as a leading Baptist in Mississippi had encouraged, if he had not personally promoted, the founding of the famous Choctaw Academy in Kentucky (1824) where many Choctaw boys were educated who were later the leaders in the Indian Territory during Agent Cooper's time. His step-brother, J. F. H. Claiborne, Mississippi's eminent historian<sup>11</sup> many years later who had served as a member of Congress from the state in 1835 to 1837, was appointed in 1842 president of the United States Board of Commissioners to investigate and adjudicate land claims of the Choctaws under the Treaty of Dancing Rabbit Creek. His work on this commission has been specially mentioned by Mississippi historical writers of more recent times for its protection of the land claims of both the Indians and the State.

Cooper's annual reports published as a part of the reports of the Commissioner of Indian Affairs are remarkable for his understanding of the problems and needs of the Choctaw people. He is unflinchingly their friend and respects their leaders. His first Report written from the "Choctaw Agency, West of Arkansas, September 3, 1853," lists nine Choctaw seminaries or academies, and states that "The academies are justly the pride of this nation, and deserve the fostering care of its national council." He stressed the need for a system of common, or neighborhood schools in outlying communities in the nation, and pointed out the great need for trained physicians and medical care among the people. There is a brief description of the Choctaw government, with the remark that "The Choctaw Indians are peaceable and easily governed." He was concerned, however, over some disturbances among them growing out of the liquor traffic along the border line of Texas and Arkansas. His Report for 1855 dwelt further on this subject:<sup>12</sup>

"The Choctaws are steadily advancing in the arts of civilized life. It is a matter of pride and pleasure to concur in the following opinion expressed by one of their ablest missionaries, that 'the Choctaws deserve credit for what they have been doing during a whole generation in the cause of temperance. Their laws on this subject date long before those of the State of Maine. Indeed, I think Neal Dow must have been a boy when the first "council fire" against whiskey was kindled in his nation. Their laws have been quite well executed. This people deserve credit for not ever having had a distillery or a national debt, as well as for doing so much in the cause of education, by large appropriations of money, and then seeking men to expend it who, as they thought, feared God; and who have been willing to the amount of their school fund every year.'

"I hope they will receive the aid and paternal care of the United States government in their efforts to elevate themselves."

<sup>11</sup> Franklin L. Riley, "Life of Col. F. H. Claiborne," *Publications of the Mississippi Historical Society*, Vol. VII, pp. 217-244.

<sup>12</sup> Report, 1855, p. 154.

Cooper's first Report (1853) also called attention to the disagreement between the Choctaws and the Chickasaws over the interpretation of their joint treaty signed in 1837 at Doaksville. The Choctaw Nation, which provided for the settlement of the Chickasaws in the Nation, with a special district set aside for them to be governed under the Choctaw laws. Cooper served as a mediator among the leaders of both sides in this controversial matter, and signed the new Choctaw-Chickasaw treaty at Doaksville in 1854, as a witness to the terms providing a settlement of the eastern boundary of the Chickasaw District. He subsequently employed a "Captain Hunter" to make a reconnaissance and mark this new boundary line from Red River to the Canadian River. This was one of the first steps in the move that brought about the important Treaty of 1855 between the Choctaws and Chickasaws, providing for the establishment of a separate government by the Chickasaws to be organized in the Choctaw domain lying west of the recently marked Chickasaw District line and extending west to the 98th Meridian.

Agent Cooper spent several months in Washington, D. C., in 1855, under orders of the Commissioner of Indian Affairs George W. Manypenny, during the making of the new treaty which was executed in Cooper's presence, his signature following those of the Choctaw and the Chickasaw delegates on the document.<sup>12</sup> Two other provisions of the Treaty, in addition to that providing a separate domain for the Chickasaw Nation, are noted in the history of the Choctaws, and had an important place in Cooper's subsequent work and career. *Article II* provided that the claim of the Choctaws for the payment for some 10,000,000 acres of their Mississippi land relinquished to the Government by the Treaty of Dancing Rabbit Creek in 1830, for which the tribe had received no remuneration, be submitted and adjudicated by the Senate of the United States. This became known as the *Net Proceeds Claim* of about \$9,000,000, a fabulous sum for the times, a court claim that involved important events in Choctaw history and politics far beyond the borders of the Indian Territory for years, in which many citizens in the States and well known attorneys who had business in Washington had a part.

*Article 9* of the Treaty provided that all Choctaw and Chickasaw lands lying west of the 98th Meridian to the western boundary of the Indian Territory, or the 100th Meridian, be leased to the United States for the permanent settlement of the Wichita Indians and other tribes. This region became generally known and was referred to as the "Leased District" though it was still a part of the Choctaw Nation, in which it was nominally organized as the Fourth District.

<sup>12</sup> Charles Kappler, *Indian Treaties* (Washington, 1903), Vol. II.

The scope of Cooper's work was now greatly increased. Soon after the new treaty was proclaimed in March 1856, he was appointed United States Agent for both the Choctaws and the Chickasaws, spending part of his time each year at Fort Washita which had been the location of the Chickasaw Agency. His report for 1859 was dated from Fort Washita where the work of both agencies had been consolidated.

Soon after his return to the Indian Territory in 1856, Cooper set out again travelling through Louisiana, Mississippi and Alabama to pay out certain bounty claims due scattered bands of Choctaws who had remained in these regions. He found them in a deplorable condition living as "vagrants," and strongly advised the Indian Office in his annual report that these people should be forced to come to the Indian Territory where they could share in the land and have a better chance among the Western Choctaws.

Cooper outlined his ideas in this same report (1856), looking toward the development of the Choctaw and Chickasaw nations and their eventual admission as a state in the Union. While these views received little support anywhere at the time and bitter opposition on the part of the Choctaws yet they are of interest here in the light of Cooper's later activities:<sup>14</sup>

The Choctaws and Chickasaws aspire to a place among the free and sovereign States of the Union; yet population is wanting, and will never be supplied by the natural increase of the two tribes. They must adopt a system by which the immigration into their country from the United States will be encouraged, but yet held under their own control, else they are destined to be overwhelmed by the advancing millions who inhabit the United States and lose their name and distinctive characteristics of race. These are hard truths, but nevertheless it is best they be spoken, and that the Indians should prepare to ward off the shock of a sudden eruption by gradually introducing among them such persons as they may select, who will become identified in interest and feeling with them. The Choctaws and Chickasaws cannot stand still or remain passive; they must advance to the condition of citizens of the United States.

Cooper pointed out that the Treaty of 1855 had stipulated that any Choctaw or Chickasaw could settle anywhere within either nation, and thereupon be entitled "to all the rights, privileges, and immunities of citizens thereof." At the same time, no member of either tribe was entitled to "participate in the funds belonging to the other tribe," creating an almost impossible situation and maintaining some of the old antagonism between the two nations, in each of which the government, schools and institutions were supported and maintained out of its own tribal funds. The new Chickasaw constitution adopted in 1856 provided that only Chickasaws by birth or by adoption could vote and hold office in the nation thus Choctaws living there were without voice or representation in the government. The same was true for Chickasaws

<sup>14</sup> Report, 1856, pp. 147-8.

in the Choctaw Nation where only citizens of the nation could vote and hold office. The schools in each were attended only by children whose parents were members of the nation. Agent Cooper stated that the greatest drawback to the advancement to the Choctaws and Chickasaws in his agency arose from their "exclusiveness . . . fostered and kept alive by their separate moneyed interests." He advocated allotment of lands in severalty (160 acres) to every Choctaw and Chickasaw, the balance of their commonly held lands to be an "international domain" to be sold at \$1.25 per acre to any Indian citizen or to any white person whom the Indians might grant permission to settle in the country, the proceeds to be divided between the two nations in proportion to their own population for the support of government and public schools. Cooper was sanguine in this: "The adoption of such a plan will, I am satisfied, produce harmony and good feeling between the tribes, introduce among them good citizens, instead of refugees from the United States, and secure prosperity of both communities and their ultimate reunion as a free and sovereign State of the North American confederacy."

When the Choctaw Net Proceeds Claim was presented to the United States Senate for adjudication as provided in the Treaty of 1865, Agent Cooper was called upon by the Choctaws for certain data only obtainable through field work in his office, to lay before the Senate Committee members reviewing the case at Washington. Supplying this information and continuing the payment of bounty claims to members of the tribe living in other parts of the country kept him the better part of a year in journeys to Mississippi and bordering states and to Washington. Upon his return to the Agency at Fort Washita early in the fall of 1857, he found the Choctaws almost in a state of civil war over a new constitution patterned after the Mississippi State constitution, drafted and adopted in a convention at Skullyville (the old Choctaw Agency) in January, 1857, that had made drastic changes in the Choctaw laws. The Chickasaws were in trouble with lawbreakers and criminals in their nation, the manuscript of their new constitution and laws having been lost. Back of all the excitement, however, was continued opposition, especially among the Choctaws, to any more toward statehood for the two nations and any changes in holding their land in common. Both the Choctaws and the Chickasaws soon restored law and order and remedied their troubles as their Agent stated hopefully in his brief annual report for 1857 yet he was soon called upon in another quarter for action.

Hostile bands of Comanche and Kiowa and other tribes of the Southern Plains that roamed the Leased District created a problem in this outlying part of the Choctaw Nation, which called for some action to protect the recently established Chickasaw Nation. Cooper advised the Department at Washington that a strong mili-

tary post be established near the Wichita Mountains to afford protection to the Choctaw-Chickasaw domain extending to the 100th Meridian as well as to repress Comanche depredations on the Texas frontier and on the emigrant trains traveling the trails from Saint Louis or Fort Smith to Santa Fe. It can well be recalled here that the Comanches were a formidable barrier to the advancing frontier in this period for the ambitious promises made them and their allied tribes by the United States, in the treaty at Fort Atkinson (1853) had not yet been fulfilled. Cooper pointed out that the position of Agent to the Choctaws and Chickasaws should be invested with jurisdiction over all their country, and that he be furnished by Congressional law with a constabulary force to guard the region against undesirable characters and liquor traffic along the borders of Arkansas and Texas.

The War Department in recent years had adopted the policy of abandoning the United States military posts in the Indian Territory even though the treaties with the different tribes had guaranteed them the protection of the Government against their enemies. Fort Arbuckle out in the Chickasaw Nation was left unprotected from April to June, 1858 the troops of the 7th Infantry at this post and at Fort Washita and Fort Smith having been ordered out for duty in Utah. Secretary of the Interior Jacob Thompson had opposed the abandonment of the military posts, and early in March, 1858, had sought an assignment from the War Department of sufficient troops for duty to be under the direction of the Interior Department in carrying out the United States Indian policy. The Comanches angered from an unwarranted attack by Texas Rangers, some weeks later gathered several thousand strong on the Canadian River where they were reported planning an attack on Fort Arbuckle to secure arms, ammunition and provisions from the large stores of commissary and ordnance supplies left there unprotected. Bands of Comanches had already driven off horses belonging to Chickasaw citizens and white people living in the vicinity of the post, and Choctaws living in the Chickasaw Nation had also suffered loss of property in these depredations.

Three companies of the Second Dragoons under the command of Major Enoch Steen had been ordered to Fort Washita but most of the troops were stricken with illness and were unable to furnish protection to the wide, open country westward. Governor Cyrus Harris and other Chickasaw leaders held a meeting, calling upon Agent Cooper for assistance in planning a guard for their country against the Comanches. Cooper immediately sent out a call for Choctaw and Chickasaw volunteers to serve in an armed force, acting under the advice of Secretary Thompson with whom he had conferred while in Washington. Cooper with a party of six Chickasaws reached Fort Arbuckle on June 24 finding it still unguarded. He soon learned that a company of the First United States Infantry

was on the way from Texas to take over the post, and thereupon at once sent back word cancelling the call for armed service by the many Choctaws who had gathered at Boggy Depot, the capital of their nation, and to other Choctaws who were waiting with some of the Chickasaws at Fort Wasita. When he saw the company of First Infantry, U.S.A., arrive at Fort Arbuckle incapacitated from exhaustion and illness after the forced march from Texas, Cooper considered a reconnaissance west still advisable for in the meantime he had been joined by a force of seventy-two armed Chickasaw volunteers. The expedition organized as a military force of Indians with Cooper in command set out for the Leased District, guided by the famous Delaware scout, Black Beaver accompanied by a band of Delawares and Caddos.<sup>15</sup>

They were gone sixteen days (July 1 to 16, 1858) traveling south and west to the Wichita Mountains and north to the Washita and Canadian rivers before their return to Fort Arbuckle, thence back to the Agency at Fort Washita, during which Cooper met some of the Wichitas and other western tribes in Council. His report of the expedition to Major Elias Rector, Superintendent of Indian Affairs at Fort Smith, closed with this statement:<sup>16</sup>

Although we were unable to discover any Comanches I think the effect of the expedition upon the Indians of the plains will be good. It will dissipate their minds of the idea that the Chickasaws and Choctaws, or "Woods Indians" as they are called, are afraid to go out on the plains and convinced them that no depredations on the frontier will be allowed to pass unpunished.

It is a point worthy of notice in Oklahoma history that in this same report (1858), Cooper described the site of the "old Wichita village" on Casho Creek near the Wichita Mountains and recommended that a United States Military post be provided here, a location selected for Fort Sill when it was established a decade later during the period of the last wars with the Plains Indians.

Events that took place at the Choctaw and Chickasaw capitals in the spring of 1858 and available records and the laws of the two nations lead to the conclusion that the armed force that made the expedition to the Leased District was a part of military organization, with Douglas H. Cooper in command, planned through the lawful authority of the Choctaw and the Chickasaw governments in view of threatening Comanche depredations. The matter of keeping intruders out of the Choctaw and the Chickasaw nations, and especially the Leased District which was a part of the Choctaw Nation, as provided in the Treaty of 1865 was still up for interpretation by the Commissioner of Indian Affairs, though the Treaty stipulated that persons considered as intruders should be kept out

<sup>15</sup> Report, 1858, p. 157; Grant Foreman, ed., "A Journal Kept by Douglas Cooper," *Chronicles of Oklahoma*, Vol. V, No. 4 (December, 1927), pp. 390-92.  
<sup>16</sup> *Ibid.*

of the country by "the United States Agent, assisted, if necessary, by the military." That all which had taken place, as well as the Agent's activities, was well and favorably known throughout the nation is evidenced by the fact that all the school reports except one made from June to September, 1858 attached to the Agent's Annual Report were addressed "General D. H. Cooper, United States Agent for the Choctaws and Chickasaws," by such prominent white missionaries and educators as Alexander Reid, Superintendent of Spencer Academy for Choctaw boys; W. R. Baker, Superintendent of Armstrong Academy for Choctaw boys; Cyrus Kingsbury, Superintendent of Pine Ridge Seminary for Choctaw girls; J. C. Robinson, Superintendent of the Manual Labor School for Chickasaw boys; J. H. Carr, Superintendent of Bloomfield Academy for Chickasaw girls.

The Choctaw Council meeting in its regular session in October, 1858, passed an act providing for the organization of the Leased District as "the county of Cooper," named in honor of their Agent. The following resolutions were also adopted and approved expressing the high regard and thanks of the Choctaws to "General Douglas H. Cooper" for his prompt action during past summer, and making further provisions for him to repair to Washington to aid the Choctaw delegation there in all affairs before the United States Government:<sup>17</sup>

Resolutions Complimentary to General Douglas H. Cooper, the United States Indian Agent for the Choctaw Nation.

1st. Resolved by the General Council of the Choctaw Nation That the hearty thanks of the people we represent are due and are hereby cordially tendered to General Douglas H. Cooper, the present Indian Agent of the Government of the United States for this Nation; resident among us, for the greater part of the past six years, for the very able, highly efficient, purely disinterested and successful manner in which he has discharged many trying and laborious duties required of him by the Government of the United States for the benefit of the Choctaw people, his urbanity of manner, his unequalled readiness to accommodate all, his generous hospitality to our people, and, more especially, for his prompt, energetic and judicious recent course when the people upon the border (sic) of the common country of the Choctaws and Chickasaws were alarmed by fear of, and suffered from several extensive depredations committed by the Comanche Indians upon some of them, most of whom are Choctaws by blood.

2nd. Resolved further That his excellency the Governor, be requested to refer to Gen. Cooper, a copy of these Resolutions, accompanied by a letter more fully expressive of the high appreciation and regard the Choctaw people entertain for him as a gentleman, a friend and an officer.

3rd. Resolved further That his Excellency the Governor, be requested to address a letter to the Commissioner of Indian Affairs, asking him to order General Douglas H. Cooper, the present agent of the United States Government for this Nation to Washington City for the ensuing winter, to assist the Choctaw delegation by his counsel and cooperation, in all matters of business pending between the Government of the United States and this Nation.

<sup>17</sup> Copy of the original resolution in Mr. Head's papers.



Approved 28th October 1858

Tandy Walker, Acting Governor

Passed the House Oct. 26, 1858, W. Robuck, Speaker

Passed the Senate (signed) . . . (?) Iowa, President Oct. 30, 1858.

There is said to be a reference to the effect that Cooper was made Brigadier General of Militia in Mississippi prior to 1858, probably during one of his recent visits home in that state. In any event, "General Cooper's" well known views for needed armed forces in the Indian Territory under direction of the Interior Department, as well as his former military service in war and his connection with any recent military organization in Mississippi had fitted in well with the reconnaissance of armed Chickasaws and other Indians under his command. But another and independent movement of United States troops under orders of the War Department against the Comanches early in the fall of 1858 brought tragedy to the Indian service. Captain (Brevet Major) Karl Van Dorn in command of four companies of the Second Cavalry accompanied by a force of friendly Indian scouts on the march from Fort Belknap, Texas, in the region north of Red River made a surprise attack on an encampment of Comanches visiting a peaceful Wichita Indian village located on Itush Creek in the western part of the Chickasaw Nation. A hot fight took place (October 1, 1858), in which many Comanches, a number of Wichitas including several women and some United States soldiers were killed. The village and the crops of the Wichitas were ruined and their horses killed or driven off. Before the battle, this band of Comanches had been on the way from Fort Arbuckle where they had just had a friendly council with the officer in command at that post, and had pledged peace. Unfortunately, neither this officer nor Captain Van Dorn had known of the plans or actions of the other. After the battle, the Wichitas fled to Fort Arbuckle seeking aid in a destitute condition and protection from their old friends, the Comanches who now suspected the Wichitas of treachery in Van Dorn's attack, and vowed vengeance on them.

When word of the plight of the Wichitas at Fort Arbuckle reached Douglas H. Cooper, he immediately wrote to Superintendent Rector at Fort Smith, saying, "I have anticipated this as the inevitable consequence of the fight between the United States troops, under Major Van Dorn, and the Comanches, who were encamped near the Wichita Village." Cooper went on to say that he had no funds to provide the Wichitas in their starving condition even temporarily, adding, "As these people have retired upon this Agency, and cannot go into the Leased District, I respectfully ask instructions what to do with them. I hope their agent can be sure to feed and take care of them; but, in the meantime, some provision is necessary."

Superintendent Rector took immediate steps to aid the distressed Wichitas, effecting a contract to provide them with food.

He wrote Commissioner of Indian Affairs Charles Mix at Washington, asking for advice and reporting the recent trouble, in which he explained why the Comanches had been at the Wichita village:<sup>13</sup>

... the Comanches, having taken some horses from the Wichitas, and being obliged to return them, promised to do so, and proposed to come and have a friendly talk as brothers with them and the Choctaws and the Chickasaws. They were accordingly invited to do so, and came in, bringing part of the horses, and were encamped in peace, some of the Wichitas being with them.

The presence of Comanches on a friendly mission in the Chickasaw Nation at this time indicate Cooper's diplomacy in his several councils with Indian leaders in the Leased District while on his reconnaissance the summer before. If nothing more than paving the way for a friendly meeting with the Comanches had been accomplished in these council meetings, Cooper's Leased District expedition had had a measure of success that was wiped out in the Battle of the Wichita Village.

Cooper viewed conditions among the western Indians with misgiving, and felt that some action with an armed force would be necessary in the Leased District. Threatened war with the angry Comanches continued after the Battle of the Wichita Village. White thieves engaged in horse stealing and other outlawry on both sides of Red River, in Indian Territory and Texas. The plight of the refugee Wichitas at Fort Arbuckle was desperate, the Indian Office delaying in their removal to the Leased District for lack of adequate military forces to guard new Indian settlements in that region. Choctaw and Chickasaw officials held that certain bands of Delawares, Shawnees and Kickapoos had no right to remain in the Leased District under the terms of the Treaty of 1855, though these same bands had long lived as neighbors to the Wichitas. Cooper notified Superintendent Rector at Fort Smith that these Indians would have to be removed from the region. Rector did not agree, and wrote again to the Commissioner of Indian Affairs for an interpretation of the recent treaty as to what tribes were allowed settlement in the western district.

During the late autumn of 1858 and the early winter of 1859, threats by armed Texans were made against the remnant Indian tribes living on two small reservations near the Brazos River. Several fights in the spring and early summer, in which both Texans and Indians were killed, finally forced the United States agents to hurry their Indian charges north for protection in Indian Territory. They were marched north in the August heat with a small escort of United States soldiers, and were located along the Washita River in the recently designated "Cooper County." The Wichitas had moved and made their settlements in the vicinity, with Dela-

<sup>13</sup> Report, 1859. Rector's letter dated October 23, 1858, pp. 217-18; also, see Cooper's letter dated October 17, 1859, *ibid.*, p. 216.

ware, Shawnee and Keechi bands as neighbors. A new agency was soon established, called the Wichita Agency, yet the Indians were left without any nearby military protection and were open to attack by the Northern Comanches. Some hot fights took place and killings occurred. Late in the fall, the War Department at last established a small military post known as Fort Cobb, about four miles southwest of the Agency. In the meantime, there was much criticism on Indian affairs in Washington between the Interior and the War departments. The Commissioner of Indian Affairs Report for 1859 pointedly left off military titles for its agents in the Indian Territory, "Douglas H. Cooper, Esq.," being simply addressed as "U. S. Indian Agent for the Choctaws and Chickasaws."

True to his convictions on States' right and his strong support of Negro slavery as an institution in the Southern states and among the Indian nations of the Territory, Cooper expressed his satisfaction when the American Board for Foreign Missions under the dominance of the abolitionists in the North withdrew its support of long established Indian missions and schools in July, 1859. He like George Butler, the Cherokee Agent, believed that the rapid advancement of the Indians in the Territory and the development of their country had been because they were slaveholders.

The Chickasaws, like the Choctaws, held their Agent in high regard, for his ability to bring any Indian business to a successful conclusion. The favorable decision in behalf of the Choctaws on the Net Proceeds Claim in the report of the United States Senate, by the Committee on Indian Affairs, March 29, 1859, led to the adoption of resolutions by the Chickasaw Legislature, approved by Governor D. Colbert on October 20, 1859, authorizing "Douglas H. Cooper, U. S. Agent for the Choctaws and Chickasaws," to take charge of suits in the recovery of certain Chickasaw lands in Mississippi, or a just and fair compensation therefor." A year later, other resolutions by the Legislature approved by Governor Cyrus Harris (November 12, 1860) sought permission from the Commissioner of Indian Affairs that "Douglas H. Cooper, U. S. Agent for the Choctaws and Chickasaws" visit Washington to attend to Chickasaw business entrusted to him; and further went on record in favor of his reappointment and continuation as agent for the two nations.

The beginning of 1861 saw the people of the Indian Territory well in line with the Southern States in the fast moving events that brought secession. The Knights of the Golden Circle, a pro-southern, secret organization had been reported operating among the Indian planters and slaveholders in the Territory. Yet there was division along the lines of the old feud with the Ross Party in the Cherokee Nation where opposition to Negro slavery was represented by the Kestowah Society, an organization of mostly

fullblood Cherokees started (1859) by the noted Baptist missionaries, Evans Jones and his son, John Jones.<sup>19</sup>

The worst drought known in this country in 1860 had brought failure of the corn crop in the Choctaw Nation, with famine and starvation facing the people. Cooper as Choctaw Agent had charge of the purchase and general distribution of thousands of bushels of corn among the Choctaws, under authorization of the Choctaw General Council with the appropriation of large sums under a bill entitled "An act to provide for indigent Choctaws and for other purposes."<sup>20</sup> The first purchase of corn costing \$16,000 was made, and all distributed through his office to the Choctaws in the winter and early spring of 1861, Agent Cooper having received the Council's appropriation of \$16,120.86 from Superintendent Elias Rector at Fort Smith, on January 1, 1861. The second purchase of corn was made in the second quarter of 1861, the Choctaw Council having appropriated the sum of \$134,512.55 "to be expended, or so much thereof as may be necessary, in the purchase, shipment and distribution of sixty-five thousand bushels of corn among the Choctaw people, per capita." Cooper's work now was charged with heavy responsibilities in the midst of upheavals in government controls with the War between the States soon blazing, for Fort Smith was a hotbed of secession.

Immediately after the death of the United States disbursing agent, Major P. T. Crutchfield, in January (1861), all the Indian funds kept at Fort Smith had been seized by the Arkansas authorities and on February 8, the United States arsenal at Little Rock was also seized, Governor Henry M. Rector of Arkansas strongly pro-southern in sentiment leading in the fast growing movement in his state that brought secession on May 6 when Arkansas joined the Confederate States. In the meantime, however, a State convention called by Governor Rector early in March had passed a resolution against the diversion of Indian funds for any purpose other than for which they were originally intended by the United States. A called session of the General Council of the Choctaw Nation on February 7 had adopted "Resolutions" in which it was resolved:<sup>21</sup>

That in the event a permanent dissolution of the American Union takes place, our many relations with the General Government must cease, and we shall be left to follow the natural affections, education, institutions, and interests of our people, which indissolubly bind us in every way to the destiny of our neighbors and brothers of the Southern States upon whom we are confident we can rely for the preservation of our rights of life, liberty, and property, and the continuance of many acts of friendship, general consent, and material support.

<sup>19</sup> Joseph B. Thoburn and Muriel H. Wright, *Oklahoma: A History of the State and Its People*, (New York, 1929), Vol. pp. 301-2.

<sup>20</sup> *Constitution and Laws of the Choctaw Nation*, compiled by Joseph P. Folsom, 1860, pp. 318-22, 340-41.

<sup>21</sup> *Official Records*, Vol. 1, p. 602.

These events vitally affected Cooper's position as United States Agent to the Choctaw and Chickasaw. It was only a question of time when he would pledge his own support and allegiance to the Confederacy founded by six southern states on February 4, 1861. The middle of March found him still in Washington, D. C., with his mind made up on the course he would take whereupon he addressed the following letter to United States Mitchell of Arkansas:<sup>22</sup>

Washington City, March 15, 1861

Dear Sir:

I deem it proper, in order that my position in reference to the Choctaw and Chickasaw agency be distinctly understood, to say that I have continued thus far to act as the agent of the United States for said tribes at the earnest solicitation of the people, and the request of their authorities.

I have not sought office at the hand of the present administration, and have nothing to ask or expect from it. You will confer a favor upon me by making it known to proper quarters that it is to me personally wholly immaterial whether I be displaced or not.

Respectfully and truly,

Doug. H. Cooper

Hon. C. B. Mitchell  
of Arkansas, United States Senate

The next day, Senator Mitchell made the following reply to Cooper:

Washington City, March 16, 1861.

Dear Sir:

Your note of yesterday, requesting me to make known to the President your entire indifference to acting any longer as the agent to the Choctaw and Chickasaw tribe of Indians, has been received.

In accordance with your request, I informed the President that you were a strong southern-rights man, and sympathized completely with the South in her present movement.

You only consented to continue as agent for the Indians at their urgent solicitation, coupled with my own.

Yours truly,

Chas. B. Mitchell

General D. H. Cooper

Cooper had been in Washington during the previous winter (1861) at the request of the Choctaw Council, under the recent act which provided that he consult with the Commissioner of Indian Affairs at Washington on the purchase of corn and its distribution among the people; and further while in the Capital to aid the Choctaw delegation (Peter P. Pitchlynn, Samuel Garland, Israel Folsom, Peter Folsom) in their work to secure necessary legislation from Congress on the Net Proceeds Claim. The Senate in its award in this case on January 9, 1859, had directed the Sec-

<sup>22</sup> *Reply To Charge Made By J. P. C. Shanks* by Douglas H. Cooper (Washington, 1873), p. 2.

retary of the Interior to ascertain and state the account, the Secretary's report being submitted on May 8, 1860, which stated the amount due the Choctaw Nation to be \$2,961,247.30.<sup>23</sup>

The appropriation by Congress to pay this amount or a part of it was urgent in view of the destitute condition of the Choctaws. An appropriation of \$500,000 was made by Congress on March 2, 1861, as a part payment of the whole amount due the Choctaw Nation, this appropriation consisting of a bond of \$250,000 to be invested in favor of the Nation and \$250,000 in cash to be paid over at once. Out of this cash amount, Cooper as Agent received the \$134,512.35, previously appropriated by the Choctaw Council for the purchase of corn, in two payments, the first on March 22, and the second on April 6, 1861, through the Superintendent's office at Fort Smith. The corn was purchased in the North and shipped by boats down the Ohio River but military orders at the opening of the War delayed the shipment, thousands of bushels were taken for use in the Federal Army, and most of the remaining grain shipped up the Arkansas and Red Rivers never reached the Choctaw Nation but lay rotting on the freight boats unable to make passage in the low waters of the streams, owing to the lateness in the shipping season.<sup>24</sup> These unfortunate conditions and excitement attending government affairs in the states bordering the Choctaw Nation heightened the incidents connected with the transactions in the corn purchases and distribution in 1861 out of all proportion to other events of the time in Choctaw history. For one reason, the amount received by Cooper for the second purchase was a lot of money in those days, in fact the larger part of the \$250,000 cash award from Congress appropriated in early March; money, too, that had arisen from the Net Proceeds Claim. The Choctaw Council in a called session approved on February 14, 1862, an act entitled "An Act authorizing certain persons to investigate and make a settlement with D. H. Cooper for certain amount of money," Section 1 of which states:

"Be it resolved by the General Council of the Choctaw Nation assembled, That Henry N. Folsom, Treasurer, and Albert Pike be and they are hereby appointed with full power and authority to make immediate settlement with D. H. Cooper and others, in regard to the balance of moneys due the Choctaw Nation, arising under the act of 1860, appropriating certain amounts of money for the relief of indigent Choctaws, &c."

This action was promoted by Peter P. Pitchlynn, leader of the Choctaw delegation in the Net Proceeds Claim, probably in behalf of his friend, General Albert Pike attorney for the delegation under contract in connection with work in 1864. Pike had addressed the Choctaw Council in the preceding June asking for some \$7,500

<sup>23</sup> Brief: *Hearings Before the Subcommittee on Indian Affairs, 67th Congress, 2nd Session, on H. R. 7646, a Bill for the Relief of the Heirs of Israel Folsom, Deceased* (Washington, D. C., 1922), p. 2.

<sup>24</sup> Reply by Douglas H. Cooper, *op. cit.*

which he claimed as an attorney fee out of the cash award of \$250,000 from Congress. Cooper made his report on the corn purchases in 1862, and was asked to submit it a second time, also, in 1866 when it was approved by Pitchlym, then Principal Chief of the Choctaw Nation, and by D. N. Cooley, Commissioner of Indian Affairs who ordered it duly recorded in the Choctaw accounts as settled.

Douglas H. Cooper had not served as Choctaw and Chickasaw Agent without others on the outside wanting the appointment to the position. There was a group of individuals in Arkansas who would be rivals if not unfriendly to Cooper, in any interests having to do with Indian claims. Albert Pike was a native of New England who settled in Arkansas where he engaged at different times as a teacher, newspaper man and attorney. He was something of a dreamer, and became known for his verses and writing on events of the day. Though he actually knew little about Indian matters, Pike had been retained as agent and attorney in Choctaw claims, by the Choctaw delegation in 1854, consisting of Peter P. Pitchlym, Israel Folsom, Samuel Garland and Dixon E. Lewis. A year later, Pike being unable to render any service in the Choctaw work, the Choctaw delegation made a new contract at Washington in the Net Proceeds Claim with John T. Cochrane as attorney who in turn took care of a number of attorneys associated with him, including John B. Luce, Luke Lea (former Commissioner of Indian Affairs), and J. W. Denver (later Governor of Kansas). Pike who knew Cochrane always continued to claim an interest in the Net Proceeds contract. Cooper at no time acted as attorney in the claim before the War, but as Agent he made many trips to Washington where he aided the Choctaw delegation at the special request of the Choctaw Council at different times and with approval of the Commissioner of Indian Affairs. These brief notes on the complicated history of the Net Proceeds Claim<sup>25</sup> serve to give something of Albert Pike's activities before 1861, and acquaintance with Cooper. Pike, who had been in Washington during the winter and spring of 1861, visited the Confederate authorities on his way back to Arkansas and was appointed early in May as commissioner to make treaties in behalf of the Confederate States with the Indian nations and tribes of the Indian Territory, he himself having strongly urged such a policy before Confederate officials.

<sup>25</sup> John H. B. Latrobe, Counsel for the Choctaw Nation, "Memorial in Behalf of the Choctaw Nation, in relation to their claim to the net proceeds of their lands ceded to the United States by the Treaty of Dancing Rabbit Creek, September 27, 1839," 41st Congress, 3d Session, House Misc. Doc. No. 37, ordered printed, 1873. For reference to many interested in this Choctaw claim, terms of the Cochrane Contract, etc., see Report of John H. C. Shanks, Chairman of Committee on Indian Affairs, "Investigation of Indian Frauds," 42nd Congress, 3d Session, House Report No. 98, printed in 1873, hereafter cited as *Shank's Report 1873*.

Early in April, the Indian agents in the Indian Territory who were pro-southern in sentiment had aligned with the Confederate States and the Federal government appointed new men to these positions with the exception of the Choctaw and Chickasaw Agency which was left vacant since the two nations were known to be pro-Confederate in sympathy. On the part of the Confederate States, David Hubbard of Alabama had been appointed Superintendent of Indian Affairs and was located in Arkansas where he began appointment of Indian agents for the Confederacy in April. He had a long spell of illness, so when Albert Pike arrived on his way to the Indian Territory to negotiate treaties with the Indian tribes early in May, he of necessity had to take over many of Hubbard's duties. He asked Douglas H. Cooper to continue in his position as Choctaw Chickasaw Agent since Cooper was highly regarded and had the confidence of both nations.

Cooper arrived in Fort Smith from Washington, D. C., by May 1 to find great excitement among the Choctaws and Chickasaws. The plea of the Chickasaws and other tribes early in the year that a strong force of United States troops be kept stationed in the Territory received no consideration from the War Department until March 18 when orders were issued to Lieutenant Colonel William H. Emory while in Washington to repair at once to Fort Washita to make that post his headquarters with the further concentration of all troops from Fort Arbuckle and Fort Cobb. Fort Washita was described as "an old-established post" and "highly important military point," with well constructed buildings in good repair, 160 miles west of Fort Smith. In the meantime, a Confederate force of Texans under orders issued the middle of March, on the way north had taken Fort Cobb, and on April 17 took over Fort Washita, this post having been abandoned the day before by the Federal forces in command of Colonel Emory in view of a superior number of Confederate troops. He received orders from Army headquarters in Kansas while on his way toward Fort Arbuckle to withdraw all Federal forces to Fort Leavenworth thus leaving the Indian Territory open to Confederate occupation.

On May 25, the Chickasaw Legislature meeting in Tishomingo passed a strong resolution, approved by Governor Cyrus Harris, declaring the independence of the nation and favoring alliance with the Confederate States, this resolution to be published in the *National Register* at Boggy Depot. On the same day—May 25, 1861, the Legislature passed an act adopting Douglas H. Cooper as a member of the "Chickasaw Tribe," and "Entitled to all the rights, privileges and immunities of a citizen according to the 11th Section of the general provisions of the Constitution of the Chicka-



saw Nation.<sup>19</sup> This act was signed by A. Alexander, Speaker of the House, John E. Anderson for the Senate, and Governor Cyrus Harris.<sup>20</sup>

A letter was addressed to "Major Douglas H. Cooper, Choctaw Nation" by Secretary of War L. P. Walker, Confederate States, dated Montgomery, Alabama, May 13, 1861, empowering Cooper to raise a mounted regiment of Choctaw and Chickasaw to be commanded by him in co-operation with Brigadier General Ben McCulloch who on the same day was assigned "to the command of the district embracing the Indian Territory lying west of Arkansas and south of Kansas." Thus Cooper was automatically "Colonel" of his command. The orders to General McCulloch, also on May 13, placed at the general's disposal three regiments of volunteers, one each from Arkansas, Texas and Louisiana; and two regiments organized among the Indian tribes in the Territory.

On June 14, 1861, a proclamation was issued by Principal Chief George Hudson, under authority of an act of the General Council on June 10, declaring the Choctaw Nation "free and independent" and in favor of an alliance with the Confederate States. The Proclamation further required military service of all citizens and residents in the Choctaw between the ages of 18 and 45 years. Immediate service was ordered for 700 men, or as "near as possible," to report for duty in the Mounted Regiment of Choctaw and Chickasaw Riflemen in the Confederate States Army, to be commanded by "Col. D. H. Cooper, of C. S. Army."<sup>21</sup>

Albert Pike, as Confederate Commissioner began the Indian treaty negotiations in the early summer of 1861, with his commission headquarters first located in the commodious Creek boarding school building at Asbury Mission near North Fork Town, Creek Nation. His conferences with Cooper before beginning his work were invaluable because of Cooper's wide knowledge of Indian affairs in the Territory. Pike completed an alliance in behalf of the Confederate States with the Choctaws and Chickasaws in one treaty on July 12, signed by their respective delegations, the members of which had been appointed by their national authorities. *Article XLIX* of this treaty provided that the colonel in command of the Choctaw and Chickasaw regiment in the Confederate States Army should be appointed by the President; the lieutenant colonel and major, elected by members of the regiment. *Article XVI* provided that two sections of land for the agency in each nation should be selected by the President and ceded to the Confederate States. It was under this provision that Fort Washita remained the location of the Choctaw and Chickasaw Agency. Shortly after the signing of the treaty, Douglas H. Cooper took the oath of allegiance to the

<sup>19</sup> Original Act of the Chickasaw Legislature, Indian Archives, Oklahoma Historical Society, Chickasaw Citizenship # 4680.

<sup>21</sup> *Official Records*, Vol. III, pp. 593-4.

Confederate States and the pledge to accept the duties of Choctaw and Chickasaw Agent under the new government.

Colonel Cooper soon had his military headquarters at Buck Creek, about ten miles west of Skullyville, where the Indians who enlisted for war service received their preliminary training. The organization of the "Choctaw and Chickasaw Regiment of Mounted Rifles" was completed by the last week in July, yet no arms or ammunition had been furnished them in the Confederate Army. Lack of firearms was the great obstacle in the Confederate service of the Indian Territory throughout the War, few supplies reaching the Indian forces since most of the guns and ammunition shipped up the Arkansas River was kept for the troops in Arkansas. Another point of controversy in the war service of this region was the employment of Indian troops in the service beyond the borders of the Indian Territory. Commissioner Pike admitted the use of Indian troops in Arkansas at first, at least he did not oppose it, yet he soon took the definite stand against the use of armed Indian forces other than as a guard within their home country in the Territory. Colonel Cooper on the other hand held that the Indian troops should be used anywhere needed in the western military campaigns of the Confederacy, and especially fitted were they for scouting duty in the field. He wrote directly to President Jefferson Davis, a personal letter dated "Old Choctaw Agency, July 25, 1861," calling attention of his friend to the matter of the use of Indian troops as well to personal matters relating to his service as Choctaw and Chickasaw Agent. Colonel Cooper stated in part as follows:<sup>18</sup>

There seems to be a disposition to keep the Indians at home. This seems to me a bad policy. They are unfit for garrison duty, and would be a terror to the Yankees.

I hope you will excuse the freedom with which I write, but the Fort Smith clique, who oppose me in everything, right or wrong, seem to have obtained a controlling influence on matters at headquarters.

Captain Pike has intimated that the holding for the agency for the Choctaws and Chickasaws and that of colonel of the regiment are "incompatible." It has been the effort of the set with whom he is identified for years to break me down, and especially to get control of the Choctaw and Chickasaw agency. Pike himself has not entered into this scheme heretofore, but his hint shows that an excuse is only wanted to do so. Now, the Confederate States having adopted the old intercourse law, there is no difficulty in the way. The President, as you know, can assign to any military officer the duties of Indian agent. My own opinion, formed long since, is that military officers should in all cases perform the duties of Indian agents. . . .

Colonel Greer's regiment from Texas will arrive near my camp, 10 miles west of this, tonight. I learn, too, it is poorly armed. The Indians have few or no guns. I could not arm over three companies from all the guns in the regiment.

<sup>18</sup> Official Records, Vol. III, p. 614.

The outbreak of the War marks the beginning of annals that make the history of the Indian Territory unique in the history of the four years of conflict between the North and the South. More than one large volume could be written about the Indian Territory if one set forth faithfully the background of events in this strategic region and portrayed the many brave men that had a part in the War years, a principal one of whom was Douglas H. Cooper. He was held in the highest regard and feeling as a real friend and leader, by the Indian people in the Territory, particularly the Choctaws and Chickasaws. In this position, there was continual pressure against him from certain outside forces even in the Confederate ranks, for one thing because the Indian people who had taken upon the cause of the South with Colonel Cooper in their midst were forceful and something to be reckoned with in the face of great odds. Furthermore, Cooper was loved and held in deep affection by the men of his command, Indians and Texans. Several books have been published that portray Cooper as the evil genius in the history of the War between the States in the Indian Territory,<sup>29</sup> these books written by those who without acquaintance with the country and the people have pictured events and personalities as described in many records made by enemies, records preserved and presented with a biased and even vicious slant toward those who had espoused the Southern cause.

Douglas H. Cooper did not establish his permanent family home in the Indian Territory yet the members of his family were concerned for his welfare. His two daughters, Fanny and Elizabeth in company with a faithful old Negro servant, "Ned," ran the Union picket line in the midst of the War, with the aid of Fanny's husband, Major William Walker of Mississippi, crossed the river in a small skiff, obtained horses and traveled horseback all the way through the wilderness to the Indian Territory where the two girls joined their father. They kept house for him where he had his headquarters, part of the time at old Skullyville and part, at Fort Washita, and aided in war nursing, and helped in the community by teaching school and some missionary work. Romance for Elizabeth blossomed and she was married in the Indian Territory on July 27, 1863 to Thornton Buckner Heiston,<sup>30</sup> a native Texan who served in Cooper's command throughout the War, remaining the General's warm and loyal admirer to the end of his days.

<sup>29</sup> Annie H. Abel, *The American Indian as Slaveholder and Secessionist*, (Cleveland, 1915); and \_\_\_\_\_, *American Indian as Participant in the Civil War* (Cleveland, 1919). The latter volume makes errors in some statements.

<sup>30</sup> Thornton Buckner Heiston, born July 27, 1841, at Campbellville, Kentucky, was the son of Dr. Joseph Landis Heiston (or Heintand) and his wife, Sallie Robank Heiston, who settled in Texas in 1850. Thornton B. Heiston was assigned from the Texas troops in the Confederate Army to Col. Cooper's staff, and served as his Aid-de-Camp throughout the War. Small of stature but firmly built, he is said to have feared "neither man, God nor the devil." He captured a large party of Federals in an encounter, and won immediate promotion. He came within a few votes of being



Three daughters of Gen. and Mrs. Douglas H. Cooper of "Mon Cloys" in Mississippi about 1890.  
Left to right: Frances Cooper (in. Med. Wm. Walker, C.S.A.); Sarah Morris Cooper (in. James  
MacDonald); Elizabeth Herbert Cooper (in. Capt. T. B. Helston, C.S.A.).



Colonel Cooper's first campaign in the War was in the late autumn of 1861, against Opothleyahola, the Creek leader who with some 5,000 followers of Creeks and Seminoles including women and children had left their "towns" in the Nation and were concentrated on the Red Fork, or Cimarron River, some miles west of present Tulsa, Oklahoma. Opothleyahola had not been a party to the Creek treaty with the Confederate States made by Albert Pike on July 10, 1861, and therefore was in opposition to the constituted Creek authorities. He had at first temporized on a position of neutrality in the War but after communications with Federal agents in Kansas who promised him armed aid and guarantees in the ownership of the Creek property, he had lined up with the Union. Cooper for several weeks sought to effect a peaceful settlement between Opothleyahola and the Creek officials but when he found only contempt and suspicion from the Creek leader, he decided to force him and his followers to recognize the Creek authorities representing the majority control in the Nation. Colonel Cooper in line with General McCulloch, Commander of the Confederate forces in the Indian Territory, set out from his camp headquarters, near Tlophthloo (few miles southwest of present Okemah, Okfuskee County) with six companies of the First Regiment of Choctaw and Chickasaw Mounted Rifles, a detachment of the Ninth Regiment of Texas Cavalry, First Regiment of the Creek Mounted Volunteers, and the Creek and Seminole Battalion traveling in the general direction north toward the Cimarron River (or Red Fork of the Arkansas). Opothleyahola's encampments were located near this river some miles west of "Tulsey Town," and in a hard campaign three battles or heavy skirmishes were fought at Round Mountain (north of the Cimarron), Clusto Talasah (Caving Banks on Bird Creek) and Chustenahlah (on Hominy Creek west of present Skiatook). Opothleyahola's "Loyal Creeks" held their own in the first battle at Round Mountain; in the second battle at Chustenahlah (December 26, northeast of Tulsa near present Turley), Colonel Cooper's troops had the advantage but were forced to withdraw because his ammunition was short. He sent word to Colonel James McIntosh, Second Arkansas Mounted Rifles, at Van Buren, asking for reinforcements, and on December 20, set out from Fort Gibson, under orders toward Tulsey Town again. The third battle at Chustenahlah resulted in a rout of the "Loyal Creeks," with Opothleyahola and many of his followers fleeing north in the midst of a terrible winter storm and finally arriving in Kansas where most of them remained as refugees during the War.<sup>31</sup> All their

lected Colonel when he was only 21, the older men urging that he was still too young to be a full colonel. He agreed and remained a captain almost to the end of the War. On his 22nd birthday, July 27, 1863, he married in the Indian Territory. General Cooper's daughter, Elizabeth Herbert Cooper. Major Heiston lived among the Choctaws so long that he learned the native language, and it is said was adopted by them. He served as sheriff in the nation just at the end of the War. He and his wife made their home in Bonham, Texas, for many years.

<sup>31</sup> *Official Records*, Vol. VIII, pp. 5-33.

household goods, wagons, cattle and horses were destroyed or captured by the Confederates.

Colonel Cooper on his part was deeply disappointed and concerned, even incensed at the outcome of the Battle of Chustenshlah for he had planned with the reinforcements promised to surround and capture the enemy Creeks. But, to Colonel Cooper's surprise, Colonel James McIntosh in command of the reinforcements went on ahead without informing Cooper and launched the attack against Opothleyahola's forces thus leaving a point open for their escape. Cooper as "Colonel, U. S. Army, Commanding Indian Department," made his report of this first campaign direct to the Secretary of War, J. P. Benjamin, at Richmond, Virginia, in which report Cooper severely criticized Colonel James McIntosh for having gone on ahead and made an attack on the enemy before his own troops and Colonel Stand Watie's Cherokee forces could arrive and co-operate. Cooper further set forth in this report the "fatiguing scout of seven days" following the third battle, over the whole country lately occupied by Opothleyahola's forces "accomplished over exceedingly rough and bleak country, half the time without provisions, the weather very cold (during which one man was frozen to death)" and endured with "great fortitude by the officers and men" of his command. The apparent lack of co-operation among the Confederate forces and the weakness of the victory in the campaign against Opothleyahola reveal the background of troubles that arose in the way of discord, dissension, and insubordination that afflicted the Confederate and, also, the Federal army divisions in the West during much of the War.

Albert Pike in the meantime had completed his assignment of Indian treaty making in the signing of the Confederate treaty with the Cherokee Nation on October 7, 1861. He soon went to Richmond, Virginia, remaining there until well into the winter after being assigned to the command of the Department of Indian Territory, as Brigadier General of the Provisional Army.<sup>37</sup> General Pike chose a site for his headquarters south of the Arkansas River, some fourteen miles west of Fort Gibson (about a mile north of present Muskogee) where extensive fortifications were built under his orders and named Fort Davis. Colonel Cooper in command of the Choctaw and Chickasaw Regiment was actively engaged in the field in the Cherokee Nation where trouble between the Confederate Cherokees and the Federal sympathizers (mostly full blood members of the Keetoowah Society, called "Pins") threatened civil war. General Pike published orders at Little Rock that in effect relieved Colonel Cooper of his command in the Cherokee Nation but soon (March 3, 1861) General Pike himself was issued orders by Major General Earl Van Dorn, Commanding the Trans-Mississippi District Department No. 2, to march his forces including Colonel Stand Watie's

<sup>37</sup> Orders of Nov. 22, 1860. *Ibid.*, p. 690.

First Regiment of Cherokee Mounted Volunteers, Colonel John Drew's First Regiment of Cherokee Mounted Rifles and Colonel Daniel N. McIntosh's First Regiment of Creek Mounted Volunteers into Northern Arkansas. In the swift movement of Confederate troops and hurried orders from General Van Dorn's headquarters, General Pike received little consideration, the supplies of clothing, arms and ammunition intended for his Indian forces being diverted for use among the Arkansas and other divisions yet the poorly equipped Indian regiments took an active and admirable part in the Battle of Pea Ridge on March 6-8, 1862. The battle proved a disastrous defeat for the Confederates.<sup>29</sup> Colonel Cooper with the Choctaw and Chickasaw Regiment was efficient in covering the retreat of the utterly demoralized forces of General Van Dorn's army.

General Pike was now in virtual command of General B. McCulloch's and Colonel James McIntosh's departments, these two officers having been killed in action during the battle. The fact that he himself had received little consideration and that his troops had suffered at the hands of other commanding officers in the Trans-Mississippi District before Pea Ridge, and the further fact that General Van Dorn's report of the battle had failed to mention the part the Indian forces had had in the fighting were slights that General Pike could not overlook. He withdrew his command far from the border of Arkansas and established his headquarters at Fort McCulloch which he ordered constructed only a few miles east of Fort Washita, at Nail's Crossing on Blue River, with the plan of concentrating his scattered Indian and white forces at this strategic place on the Texas Road as a barrier against possible invasion of the Federal army from the north.<sup>30</sup>

Colonel Cooper, ranking officer in the Confederate department of the Indian Territory next after Brigadier General Pike, was issued orders from the General's headquarters at Fort McCulloch on June 23, 1862, assigning him to the command of all Confederate and allied troops, Indian and white, north of the Canadian, except Colonel John Jumper's Seminole Battalion. Two days later the same orders in brief form were issued, stating that all orders to the troops north of the Canadian "will pass through . . . Colonel Cooper, acting general of brigade." Colonel Cooper's assignment was to meet the invasion of Federal troops coming into the Territory from Kansas, and in part a movement under orders issued by General

<sup>29</sup> *Ibid.*, pp. 320, 203-06, 286.

<sup>30</sup> *Ibid.*, Vol. XIII, p. 822. The following statement is an excerpt from the original letter in the Confederate Memorial Room, Oklahoma Historical Society, from George Finc, member of Pike's Brigade, dated June 2, 1862, Fort McCulloch: "There is some sickness here though not more than could be expected considering the number of men and the water they have to drink—Gen'l. Pike's fortifications (or encampments) more properly are getting along slowly—He has commenced here as though he intended to spend the remainder of his days here—The Gen'l. is not very highly esteemed by his soldiers."



Thomas C. Hindman, commanding the Trans-Mississippi District, to General Pike for the urgent dispatch of troops to the aid of Arkansas.<sup>25</sup> A preemptory order received by General Pike on July 11 from General Hindman commanding him to make all haste himself to Arkansas with all his forces from the Indian Territory failed to move Pike. He resigned his command and asked for a leave of absence the same day at Fort McCulloch where he had remained since the beginning of General Hindman's orders in May, writing replies to him and other officers setting forth complaints of his lack of troops, their poor condition and lack of discipline, and detailed explanations of why he could not carry out orders of his superior. He maintained that, "One white regiment makes more fuss, grumbles more, hatches out more lies, and is more trouble in one day than all the Indian troops and people in one year." He stated further that he had only taken over the "d—d command" in the first place (1861) because after making the Indian treaties he felt responsible for the country, and when he returned to the Territory, he had "found everything was going to the devil." General Pike's letter to General Hindman a few days after his resignation was so sarcastic in tone—"The successful exertions that have been used to render me helpless are being followed by the legitimate results"), so lacking in military conduct and courtesy that one may be led to believe General Pike's recent course had been one of insubordination. He went to further lengths and published a proclamation the end of July to the chiefs and people of the Indian nations setting forth grievances and prophecies against the Confederate departments that well might have discouraged the Indians and at the same time weakened the southern cause before the Federal forces if the paper came into their hands. On the other hand, General Pike addressed a letter to President Davis, dated from Fort Washita August 1, 1862, in which he set forth the military needs in the field of the Indian Territory and recommended the appointment of a superintendent of Indian Affairs at once.<sup>26</sup>

When Colonel Cooper at Fort Davis received a copy of Pike's proclamation to the Indians, he immediately ordered any copies deranged and a dangerous person in the Indian Territory in view of the Federal Army's "Indian Expedition" already across its borders from the north, ordered Pike's arrest which was fully approved by General Hindman.<sup>27</sup> This feud between Pike and Hindman made a great stir in the military departments all the way to Richmond, and resulted in a number of appointments and changes in the Trans-Mississippi District. A few weeks after his resignation General Pike visited his family in Little Rock where he was granted a leave of absence from military duty by Major General Theophilus H.

<sup>25</sup> *Official Records*, Vol. XIII, pp. 839, 844, 865.

<sup>26</sup> *Ibid.*, pp. 869, 952, 961.

<sup>27</sup> For references to Gen. Pike's arrest, see *ibid.*, pp. 40-2, 860, 903, 921, 924, 980-1.

Holmes, commanding the Trans-Mississippi Department, until President Davis's decision on Pike's resignation was made known.

General Pike soon went to Grayson County, Texas, where he was reported implicated in a disloyal society, and from thence late in October, (1862) went back to Fort Washita where he without any authority assumed command of the Confederate forces Indian Territory.<sup>28</sup> Pike's first orders now had to do with movement of troops around Fort Cobb where in attack on October 24, a large force of Northern Indians—armed scouts from Kansas—burned the Wichita Agency, killed some of the agency employees and the next day carried out the terrible massacre of the Tonkawa Indians, the most loyal to the Confederacy of any western tribe. The report of these tragedies fanned the flames against Pike and his immediate apprehension and arrest dead or alive were ordered by General Hindman. General Cooper received a letter at Fort Gibson, dated October 31, with directions from Hindman to respect no orders from General Pike and if the latter interfered with the command, Cooper should "resist any interference, using the force necessary for the purpose." General Pike was arrested at Tishomingo on November 14, and five days later at Warren, Texas, in custody of a detachment of Shelby's Brigade, addressed a letter to President Davis stating, "In my opinion the Indian country is lost."

Colonel Cooper had taken over the command of the Indian Territory in August, and from reports that he received he had been commissioned Brigadier General about the middle of the month at Richmond. On August 20, 1862, General Holmes issued orders in the Trans-Mississippi Department attaching the Indian Territory to "The District of Arkansas, composed of the states of Arkansas and Missouri and the Indian country west thereof, Maj. Gen. T. C. Hindman commanding." General Cooper was in the thick of battle at Newtonia, Missouri, when a special order was issued at Richmond on September 29, 1862: "Brig. Gen. D. H. Cooper is assigned to duty as Superintendent of Indian Affairs by virtue of act of Congress permitting such assignment."<sup>29</sup>

The Confederate campaign in the northern part of the Territory and over the border in Missouri during the spring, summer and autumn was rough going, especially for Colonel Cooper in constantly rallying his Indian forces against lack of supplies, feed for horses and long overdue pay. He reported a skirmish at Neosho, Missouri (April 26), saying "Too much praise cannot be awarded Col. Stand Watie and his brave men for their ceaseless vigilance on the northern line of the Cherokee Nation and their gallantry in attacking and routing a superior force of regular, well-drilled Federal troops." The Federal "Indian Expedition" (Northern Indian and white troops from Kansas) was abandoned, though a detachment in July reached

<sup>28</sup> *Ibid.*, p. 42.

<sup>29</sup> *Ibid.*, p. 385.

Park Hill where Chief John Ross and some of his officers were arrested and taken back with the retreating Federals to Kansas where he was paroled. Cooper's report on the engagement at Newtonia again praised the bravery and coolness of his men—Texans and Indians—in the face of superior numbers, especially the gallant bearing of Colonel Tandy Walker of the First Choctaw and Chickasaw Regiment: "He was always found at the head of his regiment in the thickest of the fight, encouraging his men by words and deeds. He remained on horseback during the whole day an escaped unhurt." Cooper gives this dramatic scene in the cavalry action at Newtonia:<sup>40</sup>

Colonel Haywa at this juncture received orders to charge the enemy's infantry, and at the head of his men at once went gallantly into the charge. Leaping the stone fence, they met the enemy, when a sharp fight took place; but being exposed to the fire of the enemy's artillery, as well as infantry, were compelled, after succeeding in checking his advances, to fall back to their original position, under cover of the stone fence. At this moment the First Choctaw and Chickasaw Regiment, led by Lieutenant-Colonel Walker, entered the town at full gallop, passed through without halting, singing their war-songs and giving the war-whoop, and under my personal direction at once engaged the enemy under a heavy fire from artillery and infantry. Colonel Shelby's Missouri regiment, Lieutenant-Colonel Gordon commanding, had in the mean time arrived on the field and taken a position on the right, flanking the enemy. That, with the charge of the Choctaws, soon drove them from the town and put them to flight, followed by Lieutenant-Colonel Walker and his men.

The Federal forces were pushed back but with heavy reinforcements soon outnumbered the Confederates near Newtonia and were ready to attack on October 4. At this point, four Texas regiments were withdrawn from Cooper's command by orders of Brigadier General James S. Rainses, though Cooper was under Rainses's orders to invade Kansas. Colonel Cooper was now compelled to order his Indian troops, most of which had gone south (many on furlough by orders of General Hindman) to concentrate at Fort Wayne. The Indians were slow coming to this post in the Cherokee Nation since they were not enthusiastic for another campaign beyond the borders of the Indian Territory in view of winter, with their own lack of arms and ammunition, clothing and shoes and no feed for their horses.

On October 22, a strong force of Federal troops, of the Second and Third brigades, led by Brigadier James G. Blunt, commanding the First Division of the Army of the Frontier, attacked Fort Wayne and overwhelmed Colonel Cooper's small force, he himself very ill and Colonel M. W. Buster of the Indian Battalion having to take command.<sup>41</sup> The Indians fought desperately, Colonel Stand Watie with a part of his troops ably covering the retreat with reinforcements met on the way to Fort Davis. The Battle of Old Fort Wayne was the beginning of some Federal successes in the Indian Territory;

<sup>40</sup> *Ibid.*, pp. 297-8.

<sup>41</sup> *Ibid.*, pp. 351-2.

Fort Gibson several months later was taken over and remained a Federal stronghold the remainder of the War.

December, 1862, found Colonel Cooper at the old Choctaw Agency at Skullyville, not fully recovered from his recent illness and under strain to gain recognition of his forces in the Trans-Mississippi Department, holding out by admiring and scouting tactics against the advance of the Federals from the North. There would have been better chances of securing commissary supplies for the Indian regiments through his office as Superintendent of Indian Affairs but his commission of appointment to this office was held up pending charges of drunkenness against General Raines in his recent action after the Battle of Newtonia, the charges also involving General Cooper, brought by General Holmes, commanding the Trans-Mississippi Department. General Holmes was relieved of his duties on March 30, 1863, Lieutenant General E. Kirby Smith having taken over his command on March 7 under instructions of the War Department at Richmond, issued some weeks earlier. Brigadier General William Steele had been assigned General Pike's Indian Department in December, 1862, as part of the Arkansas District, and assumed command at Fort Smith on January 8, 1863, where he had his headquarters for six months.

General Steele, a West Point graduate came to Fort Smith a stranger to take over a command that was considered a "graveyard" for reputations. He would reorganize his forces to hold the southern half of the Territory (Choctaw and Chickasaw Nations) against Federal invasion of Texas. He reported that conditions in the Indian Territory were gloomy: resources of the country exhausted, the people desponding, and the troops demoralized and ill equipped. General Cooper, however, proved the mainstay and was praised by General Steele for rendering important service and for his wide knowledge of the Indians. General Cooper though he was General Steele's senior in point of military service in the field remained in command of the First Brigade composed of Indian regiments and battalions and of troops of Texas cavalry and rangers, in the Indian Territory.

December, 1862, also saw General Albert Pike active in his freedom at Little Rock, the charges that had brought his arrest having been dropped. Rankled by the military orders against him in the case, he now sought retaliation for the wrong that he thought had been done him in the Trans-Mississippi Department. He addressed a scathing letter to Major General Holmes on December 30, personally denouncing him.<sup>42</sup> Such a step naturally aligned him with the political group in Arkansas who were open in their severe criticism of the Trans-Mississippi Department, among whom were those who sought to influence its appointments and military orders. Pike began a

<sup>42</sup> *American Indian as Participant in the Civil War*, pp. 337-51.

campaign against General Steele going so far as to publish a letter to General Holmes based on misinformation that was injurious to General Steele who refused "to enter into any newspaper controversy," particularly in the present condition of the country. The trouble also reached over to General Cooper's position, and there was talk of his losing his command of the Indian Brigade. Such untimely reports were said to have come through someone among the Chickasaws but the long friendship and loyalty of the Chickasaw leaders and men of General Cooper's command since the beginning of the War proved the report untrue. James Gamble, a captain in the Chickasaw Battalion, wrote from Tishomingo on April 16, 1863, to General R. Kirby Smith:<sup>43</sup>

As far as my knowledge extends in regard to the feelings of the Chickasaws toward General Cooper, they could not be better satisfied with him; no one stands higher in their opinion than he, and whenever it was understood that General Cooper had been placed at the head of the Indian brigade, it seemed to put new spirit into the Chickasaw battalion, as being an efficient, brave officer and a good man, one upon whom they placed their utmost confidence. Whatever reports may be in circulation intended to lower the standing of General Cooper in the eyes of the Confederate Government, to cause his removal from his present position as commandant of the Indian brigade, it cannot emanate from the Chickasaw people, but would rather that he should be retained, and that more troops be placed under his command to defend this Indian Territory than has been heretofore. And as for his popularity as an Indian agent, I can say that I have been acting as his interpreter for several years, and was, therefore, the principal channel by which all national, and individual feelings were frankly expressed on either side, but I do not remember having heard a Chickasaw express any dissatisfactory language toward General Cooper since he was appointed as their agent.

The following day at "Tishomingo City" another communication was addressed to General Kirby Smith through General Holmes, expressing the utmost confidence in General Cooper "both as an Indian agent, than whom on one can stand higher in the opinion of the Chickasaws, and as a general whom they have unanimously placed at the head of their forces to be raised in defense of their country and the South. . . ." This was signed by Governor Winchester Colbert, National Secretary Wm. F. Harrison, Captain James Gamble, Ex-Governor Cyrus Harris and Judge Wilson Love of the Probate Court, Chickasaw Nation. A few weeks earlier in March, General Steele had written General Holmes, commanding the Trans-Mississippi Department, stating that General Cooper's services were too valuable to part with "so long as it was left discretionary" with him (General Steele).

There were frequent scouting expeditions by detachments of both Federal and Confederate troops and severe skirmishes in the Cherokee country particularly around Fort Gibson in the spring and summer of 1863. General Cooper with his Cavalry Brigade of Indian and Texas troops carried on continuous operations under

<sup>43</sup> *Official Records*, Vol. XXII Pt. 2, p. 1117.

orders of General Steele, in the region along the Arkansas west and south of Fort Gibson to keep the Federal forces from permanently establishing themselves there.

Major General James G. Blunt, commanding District of the Frontier, U. S. Army, arrived with a heavy train of supplies at Fort Gibson (henceforth called Fort Blunt until the end of the War) on July 11, and ordered boats constructed at once to cross his more than 3,000 troops over the Arkansas River swollen by recent rains. The Federal forces then marched down the Texas Road in a general campaign south in the Indian Territory with its aim the invasion of Texas. General Cooper had concentrated his immediately available troops on Elk Creek, with his headquarters at a temporary supply depot at Honey Springs west of the Arkansas in the Creek Nation. Brigadier General E. L. Cabell, commanding the Confederate Brigade of Arkansas and Texas troops in Northwestern Arkansas, was ordered forward by General Steele to reinforce General Cooper but did not make the long distance to Elk Creek until a few days after July 17, on the morning of which General Blunt's forces began an attack on General Cooper's position. The battle that followed that day, generally referred to as the Battle of Honey Springs, is counted the major engagement of the War between the States in the Indian Territory, with well equipped Federal cavalry and infantry troops supported by a strong battery of guns as well as howitzers attached to the cavalry all in regular battle formation commanded by General Blunt. The Confederate ammunition supplies brought from Mexico through Texas proved useless, the powder dissolved to a damp paste in the recent rainy weather yet Cooper's Indians and Texans with practically no artillery held in line. The battle had begun about three miles north of Elk Creek and ended in a hot contest at Honey Springs about a mile south of the creek. Heavy casualties were suffered on both sides during the day; the Confederates began a retreat which Cooper described in his report of the battle: "Too much praise cannot be awarded the troops for the accomplishment of the most difficult of all military movements—an orderly and successful retreat, with little loss of life or property, in the face of a superior number, flushed with victory."<sup>14</sup> He ordered his command east toward Briartown in the direction of Fort Smith instead of going south on the Texas Road. This left the impression that Confederate reinforcements were on the way, leading General Blunt to order his command back to Fort Gibson at once to protect that post.

General Steele immediately took personal command of his forces in the field, within a week concentrating Cooper's and Cabell's brigades in the general region of Elk Creek where he awaited reinforcement from a Texas brigade before beginning operations around Fort Gibson again. Within a short time, Cabell's Arkansas troops

<sup>14</sup> *Ibid.*, 940 and Vol. 22, Pt. 1, pp. 457-61.

began deserting by the hundreds each day; the remaining cavalry troops were generally scattered, having to depend upon grazing their horses on prairie grass for feed several miles from the main encampment; and the Mexican ammunition supplies were again proving useless, the powder a damp paste. General Steele under these circumstances in view of another Federal advance now adopted delaying tactics by withdrawing his forces, the main part of which was General Cooper's Cavalry Brigade, and encamping south of the Canadian in the Choctaw country. Detachments of Federal troops following Steele's command succeeded in capturing Confederate supplies south along the Texas Road, including the large Confederate hospital at North Fork Town in the Creek Nation. A heavy skirmish took place at Perryville on August 22, 1863, when General Cooper's rear guard was attacked by Federal detachments and the town with its storehouses of Confederate supplies burned.<sup>45</sup> Cooper's Brigade concentrated at Boggy Depot was soon back and active in the field again in the northern part of the Choctaw Nation while Cabell's forces operated in the region west of Fort Smith which fell without any resistance to the Federal forces on September 1, 1863. A few weeks later, General Steele withdrew the white troops in his command, ordering General Cooper with his Indian regiments to keep up a desultory warfare to hold the Federals from foraging forays around Fort Smith.

The Indian troops under General Cooper's command were effective in holding the line against invasion of Texas through the Indian Territory, an approximate 200 mile line of scattered encampments, some temporarily occupied by Confederate detachments, extending south of the Arkansas and Canadian rivers west from the Poteau to Camp McIntosh in the Leased District. There were many brushes after 1863, and one heavy skirmish was lost to the enemy on Middle Boggy but this Confederate line was held to the end of the War.

Conditions in the Indian Territory were hard in view of the Federal successes during the summer of 1863, though these successes were not due to a lack of superior generalship nor of skill and valor in the Confederate lines. The great distance of this western frontier hundreds of miles from the Trans-Mississippi headquarters and more than a thousand from the War Department offices meant long delays in the transport of military orders and supplies over wilderness roads. The citizens of the Indian nations were disheartened by the successful Federal invasion of the Territory; most of the southern groups went south and lived as refugees in the Choctaw Nation, especially the southern Cherokees, partisans of Stand Watie, with their nation ravaged and actually occupied by Federal troops. The voice of the Confederate Indian forces against these conditions came through the "United Nations of the Indian Territory" that had

<sup>45</sup> *Ibid.*, p. 597.

been organized at North Fork Town during the fast moving events in May, 1861, with Robert M. Jones, prominent mixed-blood of the Choctaw Nation as president. Delegates from each of the six member nations—Five Civilized Tribes and the Caddo—met in regular and called sessions of the Grand Council from 1863 at Chahta Tannah (Armstrong Academy) in the Choctaw Nation to consult on matters of mutual interest in the Territory. There was a growing demand through the councils of the United Nations since some months before the Battle of Honey Springs that the territorial regiments be organized as the Indian Territory Department separate from Arkansas, and that General Cooper be placed in command. Indian leaders and officers representing their separate governments (Seminole, Creek, Cherokee, Chickasaw and Choctaw) addressed resolutions and memorials to the Confederate War Department and President Davis urging such action. Colonel Tandy Walker (former governor of the Choctaw Nation), commanding the First Choctaw and Chickasaw Regiment wrote directly to President Davis, presenting the matter:<sup>48</sup>

The question of again creating the Indian Territory a separate military department, we understand, has been brought up. We hope it may be created. Since it has been attached to the Trans-Mississippi District the country and people have suffered severely. Supplies and funds for pay of troops, having to pass through so many hands, are long delayed, and many of them never reach us. Arkansas military leaders stripped the Indian Department of all that General Pike provided for it. Troops that had been raised for the express purpose of defending the Indian country were taken away from it at a time the enemy was invading it, and their services most needed, and the Indians left to defend it as best they could, without arms, subsistence, and clothing that had long been promised, and which had even reached the border of their country, yet passed into other hands, with the exception of a few suits, and many of them troops with pay due for twelve months. We do not mention this with any spirit of complaint, but to show the necessity of creating the Territory a separate department. But while we greatly desire it to be made so, we are fearful that some favorite Arkansas military politician may be appointed to command it, as we have reasons for believing that some of them are looking to and are aspiring for it. As far as our observation and knowledge extend, Arkansas politicians who fill military offices are endeavoring to lay a foundation upon which to build political capital hereafter, and politics in that State have mixed too much with military appointments in it for the good of the State or Indian country. It is our desire that this department be separated from all others. If you deem it best to grant our desires, we earnestly request you to appoint to the command of it Brig. Gen. D. H. Cooper, a man in whom we have every confidence, and who has been with us from the beginning of the war; who has suffered with us and has shared all our privations, and who, by his own exertions, raised troops for our defense, and, when the enemy had advanced to the center of the Indian Territory, came to the rescue, and, by his firmness, drove them from the country, and marched his little army into Missouri and there gained some advantages over them, but was not supported by officers placed in command over him by political military chieftains, but ordered back into Arkansas, the troops he had raised for our defense taken from him, and we, composing but a small force, were driven south of the Arkansas River, and when all other generals had deserted and deprived us of all that was necessary to render us efficient and comfortable, with a dreary winter before us, with no subsistence and an enemy

<sup>48</sup> *Ibid.*, Official Records, Vol. XXII, Pt. 2, pp. 1122-3.



in our midst, he alone stood by to counsel and direct us, and placed his little suffering army in the most advantageous positions to check the enemy and protect the whole country. This is the general above all others we desire to be placed in command of the Department of the Indian Territory.

The matter of separating Indian Territory from the Arkansas District was brought to a head in the Trans-Mississippi Department in September and October of 1863. General Kirby Smith published a circular addressed to the people of Arkansas, Louisiana and Texas reviewing their perilous condition and calling upon them for vigorous efforts to save their states from invasion. General Cooper's claim of seniority of rank over General Steele had not been acted upon in the War Department at Richmond when he wrote General Kirby Smith the latter part of August. General Smith in his reply reassured Cooper that he had the high opinion and respect of his superiors who regarded him as a "man of ability and patriotism."<sup>47</sup> General Smith further stated that General Cooper possessed the confidence of the Indian people to a greater degree than any one else, making it imperative for the interests of the Confederacy that he remain as their commander; he hoped that General Cooper would reconcile himself to his present position until the question of rank could be settled by proper authority, and that in the meantime he would give General Steele hearty co-operation and support in his "difficult and arduous command."

The "Department of the Indian Territory" was separated from the "District of Arkansas" on October 3, 1863, Brigadier General Steele commanding.<sup>48</sup> Wide-spread opposition had now developed against him in the Confederate forces of the Territory. In this General Cooper again wrote to General Kirby Smith stating that while he would not "disparage General Steele's merits" yet he had seen from the first that Steele's lack of acquaintance with the people and the topography of the Indian Territory would mean failure in his administration of this Department. The officers of Steele's command, both Indians and Texans, felt that an aggressive campaign against the enemy in the Spring of 1863 would have cleared the Indian Territory of occupancy by Federal forces. Colonel Stand Watie was convinced that this would have proved true. Officers of the Texas Cavalry troops that had served in the Indian Brigade under General Cooper for the past two years wrote General Kirby Smith asking for the organization of the Indian Department and stating:<sup>49</sup> ". . . our commands, while we regard the present commander, Brig. Gen. W. Steele, as a gentleman and efficient officer, believe that General Cooper would harmonize the troops in the department, and accomplish more good than any other officer that might be placed in command."

<sup>47</sup> *Ibid.*, p. 987.

<sup>48</sup> *Ibid.*, p. 1045.

<sup>49</sup> *Ibid.*, p. 1125.

Both the Chickasaw Legislature and the Choctaw General Council during the first week in October petitioned the Confederate War Department that General Cooper be placed in full command of the Indian Territory. General Steele in view of such petitions besides the belief among many of his troops that General Cooper was his senior in rank asked to be relieved from his command, orders for which were issued by General Kirby Smith on December 11, 1863. These orders also placed Brigadier General Samuel B. Maxey in command of the Indian Territory. On the same day (December 11, 1863), the Adjutant and Inspector General, C. S. A., submitted an "Indorsement" to President Davis, reviewing Cooper's commission and rank, stating:<sup>34</sup> "Brigadier General Steele was appointed October 3, 1862 to take rank September 12, 1862, Brigadier General Cooper was appointed June 23, 1863, to take rank May 2, 1863, and has not yet been nominated for confirmation." This "Indorsement" further recommended that General Cooper be placed in entire command of the Indian Department, and that he take back rank as brigadier general "to correspond to the date of his former command, since he was acting in the capacity of brigadier general early in 1862." This latter statement seems to infer that General Cooper would be senior in rank.

The Secretary of War issued orders out of Richmond on January 3, 1864 assigning Brigadier General D. H. Cooper to the "command of all the Indian troops in the Trans-Mississippi Department on the borders of Arkansas," at the same time relieving General Steele for duty elsewhere in the Department. Under direction of Lieutenant General Kirby Smith sent out from his Shreveport headquarters, General Cooper would be still under orders of Brigadier General Maxey. The uncertainties of his position at this particular time in the Territory, with his appointment of 1862 as Superintendent of Indian Affairs still not acted upon, led General Cooper to address a letter,<sup>35</sup> with copies of the different orders on his appointments, directly to President Davis on February 29, 1864, in which Cooper said, "I make no complaint and shall make none and will do all in my power to defend this country, but should be glad to know my true status." The *Official Records* show that Cooper's letter with its enclosure was not out of line with other personal communications from many another officer and official addressed to President Davis during the War.

A special report of the Inspector General's office in the Trans-Mississippi Department in the meantime pointed out the poorly drilled, armed and disciplined troops in the Southwestern force. General Cooper's Brigade along with all other Texan and Indian Territory troops were criticised in this. As an example, Colonel Stand Watie with his Cherokee Regiment while admired for courage

<sup>34</sup> *Ibid.*, p. 1038.

<sup>35</sup> *Official Records*, Vol. XXXIV, Pt. 2, pp. 1047-08.

and activity was held in severe criticism for his utter lack of discipline, General Steele himself having expressed his doubts of the advisability of placing Watie in command of a Brigade, the organization of which had been planned and delayed since the Summer of 1863.

General Marey,<sup>52</sup> a West Point graduate and resident of Paris Texas in the military service of that state since 1851, immediately began reorganization of the Territory in which he had the full cooperation of General Cooper. In this reorganization it was expressly understood that no Indian regiment would be expected to serve outside the borders of the Territory without the consent of the Indians. Two Brigades were immediately organized; the First Indian Cavalry Brigade was commanded by Stand Watie who was commissioned Brigadier General on May 10, 1864, the only Indian raised to this rank in the Confederate States Army; the Second Indian Cavalry Brigade commanded by Lieutenant Colonel Tandy Walker, acting Brigadier General under General Sterling Price in the Camden, Arkansas campaign in the Spring of 1864. Walker's Brigade of its own volition served at this time beyond the territorial borders, and did valliant service in the Confederate victory in the Battle of Poison Springs, Arkansas on April 18, when the Federal advance was turned back from the invasion of Texas. Thus this southwestern granary of supplies of corn, wheat and cattle was saved for the Confederate Army.

A decision came out of the War Department at Richmond on General Cooper's status on July 21, 1864: "The Indian Territory west of Arkansas is hereby constituted a separate district of the Trans-Mississippi Department to the command of which Brig. Gen. D. H. Cooper, Provisional Army, C. S., is assigned." General Kirby Smith let this order rest for a time awaiting particulars from the Confederate Commissioner of Indian Affairs with reference to General Cooper's appointment as Superintendent of Indian Affairs. Finally, six months later on February 14, 1865, an order was issued from the Trans-Mississippi headquarters at Shreveport assigning General Cooper the duty of Superintendent of Indian Affairs in the Indian Territory. One week later another order from the same headquarters assigned General Cooper the Military command of the *District of the Indian Territory*.<sup>53</sup>

General Cooper assumed the duties of both positions on March 1, his command of the military District bringing him the responsibilities of a major general.<sup>54</sup> There is no available record of his having ever received the commission of Major General yet he had been nominated for this by Elias C. Boudinot of the Cherokee Nation and others, and it is said that his papers were in review by the Confederate War

<sup>52</sup> *Confederate Military History*, Vol. XI, pp. 246-8.

<sup>53</sup> *Official Records*, Vol. XLVIII, Pt. 1, pp. 1387, 1396.

<sup>54</sup> *Ibid.*, p. 1408.

Department before the end of the War. General Cooper's able administration of affairs in both positions soon proved that his appointment was the most fortunate thing that could have happened to the Indian people in the Territory. General Kirby Smith, however, had predicted it an unwise move for all along he had held that Cooper could not hold his military command and his position as Superintendent at the same time. The Indian Nations with their old friend and commander as administrator in both military and civil affairs presented an amazing solidarity of purpose and strength during the closing period of the War with its threatened chaos. General Cooper on his part stood staunchly for the Indians and gave much of the finest service of his career that marks him a great man in history. His program throughout the Territory was firm in prohibiting the sale of whiskey; he kept his men active and busy exhorting them to self control; he provided for the needy to the utmost of his ability, and he was strict in his stand against speculation, profiteering and thievery.

General Cooper had remained on active duty with his command throughout the War in the Territory where more than fifteen engagements, now referred to in the history of the Indian Territory as "battles," were fought, besides many light skirmishes and brushes, with the enemy. His aide-de-camp had been his son-in-law, Major Heiston; also his son D. H. Cooper, Jr. had given fine service in the Indian Territory Department.<sup>55</sup> Early in the winter of 1865, the latter had gone to Richmond with communications from General Kirby Smith out of the Trans-Mississippi Department. Many years later a veteran of the Confederate troops in the Indian Territory made the statement that General Cooper's work in the War had been "simply prodigious."

News of the surrender in Virginia on April 9 did not reach all the Confederate forces in the Indian Territory until early in May. The Trans-Mississippi Department surrendered at New Orleans on May 26. General Cooper at his home at Fort Washita carried on correspondence concerning the procedures in surrendering his forces, both with the Confederate officers and Union Army officers. He advised with General Stand Watie and other Indian leaders who, at his suggestion, called a meeting of the Grand Council of the United Nations at Chahita Tamaha on June 10. The Indian delegates in this session were of one accord in holding to their independence as nations that, though recently in alliance with the Confederate States, would now open negotiations with the United States as the victorious side in the late War. Each Indian nation signed a truce separately with the Army officer serving as the commissioner on the part of the United States; Chief Peter P. Pitchlynn signed in behalf of the Choctaw Nation at Doaksville on June 19; General

<sup>55</sup> *Ibid.*, p. 1302. Some writers have confused D. H. Cooper, Jr., with his father, General D. H. Cooper.

Stand Watie at the same place, in behalf of the Southern Cherokee, Creek and Seminoles and the Osage Battalion, on June 23; Governor Winchester Colbert, for the Chickasaw Nation on June 14, and on the same day the Caddo Battalion laid down its arms. General Cooper had pledged on June 28, 1865, to carry out the terms of the Trans-Mississippi surrender as far as the white troops in the Indian Territory were concerned. Thus, the forces—both Indian and white—in his old command were the last in the Confederate Army to surrender.

In the summer of 1865, the five Indian nations of the Territory lately in alliance with the Confederate States were summoned to make new treaties with the United States. Negotiations were begun by special United States Commissioners in a meeting with various Indian delegations at Fort Smith in September, 1865, and the final treaties completed the following year at Washington, D. C. The Choctaws and Chickasaws because of their common interests signed the same treaty with the Federal Government on April 28, 1866, which was ratified by the Senate on June 28 and signed by President Johnston on July 10. Among the witnesses who signed this treaty was General Douglas H. Cooper.<sup>68</sup>

The Choctaw delegates in making the Treaty of 1866 were Robert M. Jones, Allen Wright, Alfred Wade, James Riley and John Page, a fine group of Choctaws, educated men of character and ability. The Chickasaw commissioners were also prominent leaders of their nation: Winchester Colbert, Edmund Picketts, Holmes Colbert, Colbert Carter, and Robert H. Love. Since their lands had been held under patent by the Choctaws, the Choctaw delegation headed by Robert M. Jones took the lead on this fundamental point in the negotiations at Washington. He had been an ardent secessionist and one of the wealthiest slave holders and planters in the Southwest, and had been elected by his people and served as Choctaw delegate to the Confederate Congress at Richmond during the War. The Choctaws and Chickasaws faced a grave situation in making a new treaty since the United States commissioners at Fort Smith forced them to acknowledge themselves subjugated nations that had forfeited all property and rights because of their recent course in the War. The Choctaw delegates with Colonel Jones as their leader—a close friend of General Cooper—only admitted the Fort Smith proposition upon the condition that they would discuss and continue further negotiations at Washington. The resolution of the Choctaw General Council in appointing the delegates stated that the Choctaws "would sooner yield all claims to anything due the Nation on the part of the United States government than to be induced to sacrifice any principal of honor which is due their people and posterity in regard to their land which is so dear to them." The resolution clothed the five delegates with plenary power in drawing up a treaty

<sup>68</sup> Kappler, *Indian Treaties*, Vol. II, pp. 919-31.



**GENERAL DOUGLAS H. COOPER**  
Photo taken at Washington, D. C.,  
about 1867



**MRS. DOUGLAS H. COOPER**  
(née Frances Martha Collins)  
Photo taken at Washington, D. C.,  
about 1867



and gave explicit instructions that under no circumstances should an acre of land east of the Ninety-eighth Meridian be sold. If the sale of those lands was forced upon them, the whole question was to be referred back to the people. Besides the land, there were a number of claims due the nation, the principal one of which was the Net Proceeds, the award in which had been made by the United States Senate in 1859, and a part of the money—\$500,000—appropriated by Congress in 1861. One half of this appropriation—the \$250,000 bond—had been confiscated by the Federal government during the War though there had been attempts by Peter P. Pitchlynn and the delegates of 1855 ("Old Delegation") to secure its payment, the half of which was due him and his associates under the contract with John T. Cochrane that had been approved by the Choctaw Council before the War and recognized by the Indian Office at Washington.

To incorporate a provision in the new treaty recognizing this Net Proceeds claim of some \$2,000,000 and all other claims was of next importance to retaining the land. The first step before the Choctaw delegates was to ascertain whether the former treaties with the United States had been abrogated by any act of the Federal government since 1861. To make sure on this point and secure counsel that would strengthen the Choctaw cause in making the new treaty, Colonel Jones as leader of the "New Delegation," clothed as it was with plenary power, consulted with General Cooper and entered into an agreement with Cochrane in the Net Proceeds claim, and employed the brilliant attorney, John H. B. Latrobe, of Baltimore, in behalf of the Choctaws. Mr. Latrobe was a Union man and was well and favorably known in Washington. General Cooper, a citizen of the Chickasaw Nation, had known Cochrane, a Southerner, for many years, and had a small interest with Cochrane in promoting the Net Proceeds. Mr. Latrobe proved upon investigation that the former Choctaw treaties had not been abrogated, much to the satisfaction of the delegation. Through the winter of 1865 and 1866 on into the spring, he met day after day with the Choctaw delegates and drew up the terms of the treaty that was signed in April, one of the finest treaties in the interests of the Choctaws and Chickasaws ever made. Their title to all the land east of the 98th Meridian was clear, and many other provisions covering their progress, such as building railroads and sectionizing the country had a prominent place in the document. Article 10 provided recognition of all Choctaw claims arising under former treaties, by the United States, which meant that after review by the Court of Claims and appropriations by Congress, millions of dollars would be duly paid both the Choctaws and the Chickasaws. It should be noted that the Treaty of 1866 had many progressive provisions that followed in line with General Cooper's ideas, such as allotment of lands in severalty and steps toward a territorial government for the several Indian nations and tribes of the Indian Territory.



While all the treaties with the five nations in 1866 mentioned this territorial organization, the Choctaw-Chickasaw Treaty gave more details of such an organization and further provided that the name of this territory should be "Oklahoma."<sup>57</sup>

General Cooper remained in the Choctaw Nation at Fort Washita and at New Boggy Depot where his son-in-law and daughter, Major and Mrs. Heiston made their home for a time. General Cooper and Major Heiston owned a small store there, and the latter became editor of *The Vindicator*, a newspaper devoted to the interests of the Choctaws and Chickasaw published at New Boggy Depot. Shortly after 1866, General Cooper entered into partnership with Charles E. Mix in the prosecution of Indian claims before the Government at Washington.<sup>58</sup> Mr. Mix was a former Commissioner of Indian Affairs, was the secretary of the United States commissioners at Fort Smith in 1865, and had lately been Chief Clerk in the Indian Bureau at Washington.

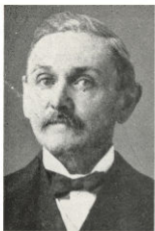
The Net Proceeds still held the center of the stage in Choctaw affairs before Congress since the claim had been adjudicated and it was only a matter of securing the appropriation in full settlement. The Pitchlynn delegation was allowed full charge in promoting the Net Proceeds by agreement with the delegation of 1866, the latter retaining an interest through the Latrobe contract, Mr. Latrobe's work in making the Treaty having been approved by the Choctaw Council, for which he had received \$100,000 for the Cochrane interests in 1866. Influential attorneys and men prominent in Washington were again identified with the Pitchlynn interests, including General Albert Pike and Jeremiah S. Black. In 1869, these interests pushed their claim, and it was reported by Mr. Latrobe that they were about to make a compromise securing the appropriation of the approximate \$2,000,000 Net Proceeds if the Choctaw Nation would waive all other claims of any kind forever. This meant a great loss to the Nation if such a measure were passed by Congress. Alarm among the Choctaws at home led to the recall of the Pitchlynn delegation in their work at Washington under order of Principal Chief Allen Wright before the Commissioner of Indian Affairs, Nathaniel Taylor. General Cooper, Mr. Latrobe and the Cochrane interests were in the fight and defeated the move threatened by the Net Proceeds' interests.

The matter hung fire until 1872 when the Chairman of the Indian Committee in the House of Representatives, John C. Shanks of Indiana, took an interest in promoting the appropriation of all

<sup>57</sup> The territorial organization set forth in the treaties of 1866 did not materialize yet the name "Oklahoma" for the Indian Territory became popular and was adopted as that of Oklahoma Territory organized under an Act of Congress in 1890. The name was suggested by Allen Wright, Choctaw delegate in the making of the Treaty of 1866, and is from the Choctaw words meaning "red people" (synonymous with the English name "Indian"); *okla* meaning "people," and *hommeh* meaning "red."

<sup>58</sup> *The Vindicator*, New Boggy Depot, Choctaw Nation, August 26, 1872, p. 2, col. 4.





MAJOR THORNTON  
in his late years



MRS. THORNTON B. THORNTON  
née Elizabeth H. Cooper  
in her late years.

Choctaw claims due at this time. It was said on good authority that his representative had appeared in the Choctaw Nation and offered to secure the appropriation if the Choctaws would give over the \$250,000 confiscated bond to his interests. This seemed to be another offer for a contract on claims arising on the Choctaw horizon. General Cooper and the 1866 delegation interests carried on against this new possibility on the part of Mr. Shanks. The fight at Washington was a bitter one. Congressman Shanks called for an investigation of all Indian claims in the Indian Territory, particularly the Chickasaw, Choctaw and Creek, and published the findings under the title "Investigations of Indian Frauds."<sup>23</sup> This voluminous report of some 800 pages of fine print made charges against John H. B. Latrobe, General Cooper and the delegation of 1866, principally Allen Wright. In particular, John H. B. Latrobe and General Cooper were pointed out as the dishonest promoters of the "Cochran claim on the Net Proceeds" that had been guilty of receiving one hundred thousand dollars in an attorney fee in making the Choctaw-Chickasaw Treaty of 1866. The Chickasaw commissioners of 1866 were also charged, among the leaders Holmes Colbert. General Cooper in this report was referred to as "both the serpent and brains of the dishonorable combination to defraud these people [Choctaws and Chickasaws] and the master-head that has manipulated the movements before and since." The report apparently from certain dates and statements contained therein was mostly prepared after the close of the session of Congress on March 4, 1873, and therefore was not read by members of the Indian Committee and approved by them during the session. The introduction and general presentation with explanations of the New Proceeds Claim and its history is evidently the writing of one man and constitutes vituperative and exaggerated statements that cannot be taken as correct and truthful evidence against those it would condemn. This *Shanks' Report* fitted into the investigation of general Indian affairs promoted by the administration at Washington at the time. Back of it all were the ruthless political forces that brought suffering and indignities to all the Southern people in the period of reconstruction. The Net Proceeds and most other Choctaw claims were in eclipse for another long period of years. This meant an interim when General Cooper used up his remaining fortune and finally lived much of his time in retirement at old Fort Washita. He died there after an illness with pneumonia on April 30, 1879, with Major Heiston at his bedside. The following notice on the "Death of Gen. Douglass H. Cooper" appeared in the *Star Vindicator*, Blanco City, Blanco County, Texas, May 10, 1879, which states in part:

"General D. H. Cooper was more than a wonderful man and has passed through and experienced all the varied changes and vicissitudes of life. . . . kind and sympathetic by nature and generous to a fault. . . ."

<sup>23</sup> Shanks' Report, 1873.

"We know it is too often the case with all of us to extol the virtues of a dead man at the expense of our veracity but the editor-in-chief of this paper knew Gen. Cooper long and knew him well and we can conscientiously say that he was an honest man of noble impulses and born and bred a gentleman. . . ."