

SEMINOLE INDIAN AGENTS, 1842-1874

By Thomas Elton Brown

Near dusk, a lone rider halted his horse before the door of the one-room, split-log dwelling located at Little River in Indian Territory. Dismounting, the messenger walked to the door and rapped sharply. From within, Seminole Subagent Marcellus Duval answered the door and invited the horseman into his simple home and office. The rider handed Duval several letters in exchange for thirteen dollars, the standard charge for carrying communications the one hundred miles between Fort Gibson's post office and Duval's Seminole Agency. Among the dispatches, the Seminole agent found one from the Office of Indian Affairs in Washington. Opening the letter, Duval read the carefully written script for his latest instructions.

Only by dispatching such a rider or by travelling himself could Duval contact the nearest post office located at Fort Gibson and, consequently, his governmental superiors and white society.¹ This separation from civilization was only one factor that contributed to the difficult life that Duval and the other Seminole agents experienced. The cold winter winds tore through the logs of the humble structure, and the hot summer sun brought insufferable heat upon the agent's home and office. Duval, like all the other agents, had to spend long, long hours travelling the rough terrain of the Indian lands to fulfill his duties. The setting sun would often find the agent lighting candles by which he would complete the heavy load of paperwork. Loneliness, discomfort, physical exertion, and long hours accompanied the agent's annual salary. With ten different individuals serving the Seminole Nation as agent from 1842 to 1874, each one assumed the responsibilities of his office with different attitudes and executed those duties with varying degrees of competence.

The Indians which these agents served were the most forlorn and pathetic of the Five Civilized Tribes. With only three thousand members, the Seminoles were numerically less than the Cherokees, Choctaws, Chickasaws, or Creeks. Originally part of the Creek tribe, they had established their homes in Florida. Living by hunting and agricultural slave labor, the

¹ Marcellus Duval to William Medill, March 20, 1846, and January 18, 1847, Seminole Agency Letters Received, 1824-1876, Office of Indian Affairs, National Archives, Washington, D.C.

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Seminoles were the least advanced of the Five Civilized Tribes. When the waves of the other four tribes rolled westward in the 1830's, the Seminoles were tenaciously fighting for their Florida homes. Although Cherokees, Choctaws, Chickasaws, and Creeks had finished their migration by 1840, only a few of the Seminoles had journeyed to the new Indian lands in the West. When the movement of the main body of Seminoles resumed in 1842, the newly arriving Indians had to settle on the poorer land not already occupied. This scattered the Seminoles over the lands which were assigned to the other tribes. Thus limited Seminole education, late arrival, and dispersed settlement hindered the adjustment of the Seminoles to their new home and offered great challenges and opportunities to the agent.

The United States government, the agent's employer, followed during the pre-Civil War years a policy of trying to unite the Seminoles with their former tribesmen, the Creeks. In pursuing this policy, Seminole affairs were under the jurisdiction of the Creek Agency until 1842. The government also assigned both tribes to the same area in the Indian lands west of Arkansas.

The first break in this policy came in 1842 when the government appointed a subagent for the Seminole tribe. A subagent had the same duties and responsibilities as a full agent, but less prestige and salary. He implemented Washington's policy regarding the Indian nation he served. In doing so, he was responsible for issuing annuities, rations, and compensations which the government owed the tribe.² Any communication which the Indians made with the United States government passed through the agent's office and with his recommendation. Finally, the agent served as a negotiator for both sides during the formulation of treaties. Because of their lack of education, the Seminoles did not have a chief who could deal directly with Washington and, consequently, had to rely strongly on their agent. Since the tribe was dispersed throughout the Indian lands, the only symbol of unity was the agent and his agency. Contributing to this sense of disunity, new groups of immigrants arrived as late as 1859. Furthermore, the agent supplied each incoming group with rations to assist them through at least the first year. Since these types of conditions did not exist among the Cherokees, Choctaws, Chickasaws, and Creeks, the Seminole agents had far greater influence over the direction of their tribe than did their counterparts among the other four Civilized Tribes.

² Edward E. Hill, *Historical Sketches for Informational and Subject Heading Used for the Letters Received by the Office of Indian Affairs: General* (Washington: National Archives and Record Service, 1967), p. 2.

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John McKee

In 1840, during the Seminole Wars, the Florida commander of the United States Army had promised an agent for the Seminoles when they moved west. The government fulfilled this promise two years later on January 19, 1842, when the Office of Indian Affairs sent a letter to Lexington, Kentucky, for John McKee.³ To establish a new agency, the government could not have made a poorer choice.

With the largest Seminole migration from Florida about to begin, McKee accepted his assignment on January 27, 1842, and immediately left for Richmond, Virginia. One month after his appointment, he told the Office of Indian Affairs that he was leaving the capital of Virginia for the capital of Kentucky. Two months after his appointment, he finally arrived at Fort Smith, Arkansas, on March 17. Not until the following April 12 did the less than punctual McKee travel the last eighty miles to Fort Gibson and assume his duties. Also indicative of his irresponsibility, McKee promised on January 27 that he would send in "a few days" his bond to guarantee his handling of federal funds. For McKee, "a few days" meant twenty-eight.⁴

After his arrival, his performance failed to improve. The Kentuckian received instructions from Superintendent of Indian Affairs William Armstrong that he should try first to persuade the Seminoles to adopt agricultural pursuits, and secondly to construct an agency around which the scattered Indians could settle. True to his nature, McKee failed to accomplish fully either objective. Although his spending most of his time at Fort Gibson prevented him from being with his charges, McKee found Fort Gibson more convivial than Fort Scott. He was unable to submit an annual report because a case of dysentery put him to bed. After having accomplished very little during his first six months on duty, he audaciously asked on October 5 for a furlough so he could return to Kentucky on business.⁵

The only originality which McKee displayed during his administration was the methods he devised to defraud the government. For each migrant

³ Edwin C. McKeenolds, *The Seminoles* (Norman: University of Oklahoma Press, 1957), p. 228; T. Hartley Crawford to John McKee, January 18, 1842, Letters Sent, 1841-1881, Office of Indian Affairs, National Archives, Washington, D.C.

⁴ John McKee to T. Hartley Crawford, January 27, 1842, February 18, 1842, and March 19, 1842, William Armstrong to T. Hartley Crawford, April 12, 1842, John McKee to T. Hartley Crawford, February 24, 1842, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁵ William Armstrong to John McKee, April 2, 1842, John McKee to G. C. Sherman, October 20, 1842, and October 5, 1842, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Thomas Judge to William Armstrong, September 15, 1843, United States House of Representatives, *Executive Document Number 2*, 28th Congress, 1st Session (Washington: Blair and Rives, 1843), pp. 424-425.

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Indian, he wanted to spend \$38.75 for beef and corn, but charge the government \$82.50. He could then retain \$43.75 for himself. Another scheme proposed that he go to Kentucky and hire a blacksmith for \$12 a month. By recording the wages as \$400 or \$500 a year, McKee planned to pocket the rest. In the same fashion, he desired to locate a teacher in Kentucky who would teach the Seminoles for \$300 or \$400 a year while he charged the government much more. As Charles A. Bailey reported, "It appears that Mr. McKee intends to make money off every person employed by the Gov. in his agency. . . ."⁶

When the denial of his furlough cancelled these swindles, McKee located employment as a wagon and forage master in Indian Territory and submitted his resignation.⁷ For one who had the great responsibility of laying a solid foundation for the agency, McKee proved to be an inept builder. Fortunately, his successor was competent.

Thomas L. Judge

On October 29, 1842, the Office of Indian Affairs appointed Thomas L. Judge the Seminole subagent through the influence of Major George W. Clark, the army officer who issued rations to the Seminoles. Also arriving late, Judge did not reach Fort Gibson until January 17, 1843. Since the number of Indians subsisting on governmental rations declined in early 1843, Superintendent Armstrong discharged Clark as issuing commissary and ordered Judge to assume those responsibilities. These new duties became a valuable aid to Judge since they brought him into close, personal contact with the Seminoles.⁸

The new agent, in the words of Armstrong, was a "man of practical governmental experience." As such, Judge believed that his principal mission was to persuade the Seminoles scattered throughout the Indian lands to settle as compactly as possible on the land assigned to them and the Creeks. In this effort, the agent proposed to build fifty miles from Fort Gibson an agency complex consisting of a house, school, and complete blacksmith shop. The distance from Fort Gibson would have the additional advantage of removing the Seminoles from the major source of

⁶ McReynolds, *The Seminoles*, p. 238.

⁷ William Armstrong to T. Hartley Crawford, November 1, 1842, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁸ McReynolds, *The Seminoles*, p. 240; William Armstrong to T. Hartley Crawford, January 31, 1843, February 26, 1843, and June 4, 1843, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

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alcohol. The tangible goal of an agency complex reached completion during his second year of administration.⁹

The goal of consolidating the Seminoles living on other Indian lands was more difficult. Two Seminole chiefs, Wild Cat and Alligator, and their followers had lived for ten years on Cherokee land north of the Canadian River. In order to apply pressure to these Seminoles, Judge recommended in 1843 that the government withhold all annuities until they moved to the lands assigned to their tribe. In response to this and other pressures, Alligator decided to lead a delegation to Washington to secure permanent title to the land on which they had been living. To prevent this from happening, the chiefs of the other Seminoles sent their agent to Washington. Indicative of the respect which Judge had attained, they said: "We have given our agent . . . full power to go to Washington and settle our business with the government. We have full confidence in him and know that he will do everything in his power to promote our interests." Demonstrating the dedication which had earned this respect, Agent Judge had to forego his furlough to make the trip on behalf of the Seminoles.¹⁰ In Washington, Judge did not prevent Alligator from receiving a sympathetic hearing, but he prevented him from gaining title to the lands. Yet he failed to get the Office of Indian Affairs to move the followers of Wild Cat and Alligator to the Seminole lands.

What Judge could not do in Washington, nature accomplished in the Indian lands. When Alligator and the other members of the delegation returned to their homes, they found that severe floods had destroyed their crops, granaries, and surpluses. Furthermore, the Cherokee Council responded to Seminole thievery, violence, idleness, and drunkenness by urging that the Seminoles move to lands assigned by the government.¹¹ In a treaty signed in 1845 between the Creeks, Seminoles, Cherokees, and the United States, all parties agreed that all Seminoles not living on the lands assigned to them should leave immediately.

⁹ William Armstrong to T. Hardey Crawford, March 14, 1843, Thomas Judge to T. Hardey Crawford, February 20, 1843, Thomas Judge to William Armstrong, April 26, 1843, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Thomas Judge to William Armstrong, August 26, 1844, United States Senate, *Executive Document Number 1, 28th Congress, 2nd Session* (Washington: Gales and Seaton, 1844), pp. 477-478; Edward E. Hill, *Historical Sketches for Jurisdictional and Subject Heading Used for the Letters Received by the Office of Indian Affairs: Seminole Agency* (Washington: National Archives and Record Service, 1967), p. 2.

¹⁰ Thomas Judge to William Armstrong, September 15, 1843, United States House of Representatives, *Executive Documents Number 2, 28th Congress, 1st Session*, p. 425; Seminole Chiefs to T. Hardey Crawford, April 20, 1843; Thomas Judge to T. Hardey Crawford, March 14, 1843, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

¹¹ McReynolds, *The Seminoles*, p. 252.

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The Treaty of 1845 also provided for a slight autonomy for the Seminoles living among the Creeks. The pact allowed each Seminole town to make its own laws which would be subject to the Creek Council. The smaller Seminole tribe also would have representation in the Council. Outside of monetary affairs, no distinction would be made between the two tribes. When the Seminoles gained control over their towns and had financial independence from the Creeks, Judge had taken a small step toward another of his goals. Although he had previously endorsed the policy of making the Seminoles a constituent part of the Creek tribe, Judge recommended in 1844 the total separation of the Seminoles from the Creeks. He believed that "the further apart these two people are, the better for both."¹²

Judge manifested sympathy for the Indian in another way. Trying to counteract Washington's disdain for the Seminoles, the agent maintained that contact with the white man had turned the Seminoles' natural generosity and magnanimity into selfishness. Judge also praised the Indians for the familial loyalty. In rationalizing their laziness, he explained that the Seminoles had come from a climate easily productive of agricultural subsistence. Since the harsh climate of the Seminole location in Indian Territory was less productive, the fact that they appeared lazy did not surprise him. In fact, he explained, "Under similar circumstances, the same result would have attended the whites."¹³

Besides establishing the first school for the Indians, Judge was a forerunner of a policy which the government would adopt after the Civil War. Arguing that white selfishness had corrupted the Seminoles, he urged the establishment of boarding schools operated by religious bodies. People of a religious nature would be unselfish and motivated by the desire merely to help the Indian. Such an educational system, according to Judge, would prevent the corruption of the young Seminoles by selfish whites and by their parents who had already developed bad habits.¹⁴

In two years, the sympathetic agent had consolidated the Indians, established the agency, and begun the education of the Indian youth. On June 9, 1845, however, Superintendent Armstrong suspended him from office. The official reason revolved around Judge's provision of rations to the Indians when they moved near the new agency. Armstrong believed that the expenditure was unauthorized and that the price was too high. Other forces may have been at work in Judge's dismissal. The agent had pre-

¹² Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties* (6 vols., Washington: Government Printing Office, 1904), Vol. II, pp. 550-551; Thomas Judge to T. Hanley Crawford, August 26, 1844, United States Senate, *Executive Document Number 1*, 28th Congress, and Series, p. 476.

¹³ *Ibid.*, p. 477.

¹⁴ *Ibid.*, pp. 477-478.

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viously accused Armstrong of giving too much credence to the claims of Alligator and Wild Cat and of other Indian tribes against the Seminoles. After Judge had fired Joseph Carter from his position as the agency blacksmith, Carter denounced his former employer to the Office of Indian Affairs. In his attack, Carter accused Judge of being a puppet of a major trader in the Seminole lands, of diverting funds to his own use, and of drinking excessively. Although these charges were never substantiated, a shadow of doubt could have lingered over Judge's administration. More important to Judge's discharge than these were the licensed traders. Judge had given the contracts to A. H. Olmstead; Armstrong preferred that they go to Matthew Leeper. Consequently, the role which the licensed merchants played could have been substantial.¹⁶

Following Judge's departure from the agency, Gideon C. Matlock, an employee of Matthew Leeper and issuing commissary, became the acting subagent for the Seminole Indians. On June 21, 1845, Matlock asked that the Office of Indian Affairs appoint him as the permanent agent.¹⁶ The Office of Indian Affairs rejected his request and appointed on July 11 Marcellus Duval as the Seminole subagent.

Marcellus Duval

Before his appointment to the subagency for the Seminoles, Marcellus Duval had wide experience as a civil servant in Indian Territory. On September 14, 1842, Duval received an appointment as the first postmaster at Fort Gibson in the Cherokee Nation. Afterwards, he served as clerk to Pierce M. Butler, the agent to the Cherokees during the mid-1840's. This connection with the Cherokee tribe prompted a number of Cherokees to petition Washington in 1848 for the appointment of Duval as their new agent. Although another received the Cherokee office, this background undoubtedly provided Duval, a loyal Democrat, with the necessary political connections to gain the appointment as agent for the Seminoles.¹⁷

¹⁶ Thomas Judge to William Armstrong, September 15, 1843, United States House of Representatives, Executive Documents Number 2, 28th Congress, 1st Session, p. 425; William Armstrong to Thomas Judge, June 9, 1845, Thomas Judge to William Armstrong, February 25, 1843, Joseph Carter to T. Hartley Crawford, October 25, 1843, William Armstrong to T. Hartley Crawford, July 21, 1845, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

¹⁷ Gideon C. Matlock to William Armstrong, July 18, 1845, Gideon C. Matlock to T. Hartley Crawford, June 21, 1845, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

¹⁸ J. Y. Bryce, "First Post Offices in What is Now the State of Oklahoma," *The Chronicles of Oklahoma*, Vol. IV, No. 2 (June, 1926), p. 202; Pierce Butler to William Armstrong, July 30, 1846, Robert Johnson to George Manypenny, January 17, 1855, Seminole Agency Letters

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Following the precedent of Judge, Duval also urged separation from the Creeks. Ironically, Duval proposed in 1851 that the United States sign an agreement with the Seminoles whereby they would receive an increase in annuities and a separate status from the Creeks in return for voluntarily sending a delegation to Florida to convince the remnants of the Seminole Indians to migrate west. This proposal was basically incorporated in the Treaty of 1856. Although both Judge and Duval desired separation, they differed in their reasons. Judge wanted it because separation itself would be advantageous for both tribes; Duval wanted it because it could effect the final removal of the Seminoles from Florida, which would benefit the United States government. Separation would further advance Washington's interest because it would bring peace to the Indian country.¹⁸

This belief in advancing the interest of the government was a basic attitude of Duval's administration. He felt that the agent should gain the respect of the tribes to which he was assigned in order that he might benefit the government. For example, the interest of the government dictated in Duval's reasoning that the agent should live among the Indians.¹⁹ Thus Duval believed that the agent, who was to be the intermediary between the government and a particular Indian tribe, should serve the government first and the Indians second.

Duval also held the Seminoles in disdain. Rather than understanding, he condemned the Seminoles for their laziness and considered them "utterly depraved and worthless" for squandering their annuities. To prevent such waste, he delayed the issuance of farming implements until the planting season lest the Seminoles trade the tools for liquor.

Duval also found the many complaints which the Seminoles lodged with him to be a source of irritation. Perhaps the greatest indication of his attitude toward Indians came when he requested authorization to construct a home for the agent. In presenting his case, he asked the rhetorical question, "what man of decency could submit to have a set of dirty, filthy Indians (as some are) coming into his sleeping apartment and (as has often occurred with me) taking a seat or leaning on his bed?"²⁰

Received, Office of Indian Affairs, National Archives: Grand Foreman, *The Five Civilized Tribes* (Norman: University of Oklahoma Press, 1934), p. 390.

¹⁸ Marcellus Duval to Luke Lea, October 25, 1851, United States House of Representatives, *Executive Document Number 2*, 32nd Congress, 1st Session (Washington: A. Boyd Hamilton, 1851), pp. 406-410.

¹⁹ Marcellus Duval to William Medill, January 18, 1847, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

²⁰ Marcellus Duval to Luke Lea, October 25, 1851, United States House of Representatives, *Executive Document Number 2*, 32nd Congress, 1st Session, p. 407; Marcellus Duval to William Medill, April 30, 1846, and January 18, 1847, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

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Another attitude which pervaded the Duval agency was the strong support of the institution of slavery. Typical of his Alabama background, Duval believed that any emancipation of the Seminole slaves would be immoral. He was also concerned over the presence of free blacks in the Indian lands since they could provide a harbor for runaway slaves from Arkansas and thus endanger the slavery in that state. The Seminole agent also protested to Washington that the commander at Fort Gibson was granting the black people immunities and privileges, such as education, which all slave states and territories forbade. Duval bitterly complained, "The effect of this schooling and petting of negroes (or even grant they are free) is such, that every sensible man can see the evil of it."²¹

The problem with the Seminole slaves was the overriding concern of the Duval administration. During the Seminole Wars in Florida during the 1830's, the commander of the United States Army had offered the Seminole slaves their freedom if they would surrender and agree to move to the West. His successor promised the Seminoles that their property, including slaves, would be secure if they surrendered. To complicate the matter further, the United States Army also promised the Creeks who fought against the Seminoles all the slaves which they might capture. Confusion thus dominated the exact status of the black people living among the Seminoles. When the Seminole slaves settled in separate towns, as was the custom, in the Indian lands in the West, their physical state did not indicate whether they were still in bondage. Consequently, raids were conducted by whites and Creeks upon these black communities to kidnap former slaves or freeborn blacks and sell them into slavery. Thus the Seminoles, Creeks, and whites claimed various slaves who claimed to be free. Although the United States Attorney General ruled that the slaves belonged to the Seminoles, the Seminoles were restricted in the sale of their slaves.²²

In this conflict over slave ownership, Duval had more than a passing interest. His brother, William J. Duval, had acted as an attorney for the Seminoles in their efforts to regain their slaves and claimed a third of them for his payment. When William Duval died, the claim reverted to a third brother, Gabriel, who was living in the Indian lands. Using the influence of his office, Marcellus Duval wrote several letters on behalf of his brother's claim. A key point in the agent's efforts was to obtain the removal of the restriction on the sale of the Seminole slaves. The only control which he

²¹ Marcellus Duval to James Polk, December 21, 1846, Marcellus Duval to William Medill, July 10, 1846, and October 15, 1847, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

²² Marcellus Duval to James Polk, December 21, 1846, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Foreman, *The Five Civilized Tribes*, pp. 255-257; McReynolds, *The Seminoles*, pp. 259, 269.

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would endorse would be the approval of their agent. Besides using the power of the agent's office, the Duval brothers used other means to gain ownership of Seminole slaves. For example, Gabriel Duval had taken part in the kidnapping raids upon the Seminole slave towns. It was this man, too, that Marcellus Duval placed in charge of the agency when agency business or the slave questions called him away from the agency. Through the machinations of the Duval brothers, they were able to secure several Seminole slaves to work their large farm south of Van Buren, Arkansas.²³

During this slave controversy, Wild Cat led a group of Indians and blacks south to the Rio Grande to establish a community in Mexican territory. After writing to the Governor of Texas requesting that Texas capture the runaway slaves and offer them for sale, Marcellus Duval went south himself to locate the escaped slaves. Leaving Gabriel as acting agent, Duval was in Texas when the furor over his activities on behalf of his brother's claim surfaced in Washington. When Duval heard of the charges circulating against him, he requested on November 15, 1852, a hearing "before [Superintendent John] Drennen or any body else who is decent and has sense." Events, however, were moving too fast for Duval. Drennen had two months earlier recommended that Duval be replaced by an individual "whose private interest will not lead him wholly to neglect the public duties." Three days before Duval's request for a hearing, the Commissioner of Indian Affairs recommended the appointment of a replacement.²⁴

Bryant H. Smithson

The man who received the recommendation was David W. Eakins of Fort Gibson. Despite the urgings of two friends, one of whom was Philip H. Raiford of the Creek agency, he decided to decline the appointment. After he had received word that the agent's salary was to be increased, and with further promptings from William D. Shaw, Eakins accepted the position on December 15, 1852. Within a week, however, the War Department offered him the chaplaincy of a Texas army post. Since he had previously applied for the position, had used his influence to obtain it, and believed it to be personally more rewarding, Eakins resigned from the Seminole

²³ Freeman, *The Five Civilized Tribes*, pp. 259, 263; Marcellus Duval to William Motill, October 19, 1852; John C. Henshaw to George Manypenny, June 7, 1853, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Marcellus Duval to P. H. Bell, October 21, 1850, Dorman H. Winsley and James M. Day, *The Indian Papers of Texas and the Southwest, 1825-1916* (5 vols., Austin: The Pemberton Press, 1966), Vol. V, p. 92.

²⁴ Marcellus Duval to Luke Lea, November 15, 1852, John Drennen to Luke Lea, September 27, 1852, Luke Lea to A. H. H. Stewart, November 10, 1852, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

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agency on Christmas eve, nine days after his acceptance. This left the Seminole Agency still vacant. With the aid of the influence of United States Representative A. B. Greenwood of Arkansas, the Office of Indian Affairs appointed Bryant H. Smithson on April 26, 1853, as the new Seminole subagent. Since he did not arrive until June 2, 1853, the Seminoles in substance were without an active agent for over six months.²⁶

As agent, Smithson endorsed the recommendation of Duval that the United States offer the Seminoles separation from the Croeks in return for their assistance in bringing the Seminoles in Florida to the Western Indian lands. The basis for this endorsement was Smithson's belief that "something serious may grow out of the matter before it is ended." His agency administration was poorly executed if handling of accounts is any indication. During his tenure, Smithson neglected to send Washington vouchers for his expenses. Since he had the lowest per diem expenses of all the agents of the Southern Indian Superintendency, this lack of receipts is more indicative of lax administration than dishonesty.²⁷

The laxity may have an explanation in Smithson's drinking problem. In defense of the accusations against him, Smithson declared, "If occasionally taking a glass of wine or brandy makes a man intemperate, I am guilty." Interestingly, Smithson minimized the problems associated with the whiskey trade among the Seminoles. Despite his offers to abstain entirely from alcohol, the Secretary of the Interior recommended his removal on April 15, 1854, less than a year after his appointment. Five days later, the Office of Indian Affairs mailed a letter appointing another agent for the Seminoles.²⁷

Josiah W. Washbourne

The recipient of this letter was Josiah W. Washbourne, the first son of the Reverend Cephus Washburn of Vermont. In 1818, the American Board

²⁶ David Eakins to Luke Lea, December 15, 1852, and December 26, 1852, Thomas Drew to George Manypenny, January 27, 1854, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Bryant Smithson to Thomas Drew, September 1, 1853, United States Senate, Executive Document Number 7, 33rd Congress, 1st Session (Washington: Beverly Tucker, 1853), p. 399.

²⁷ *Ibid.*, Bryant Smithson to George Manypenny, November 24, 1853, Thomas Drew to George Manypenny, March 27, 1854, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

²⁷ Bryant Smithson to Thomas Drew, January 27, 1854, Thomas Drew to George Manypenny, January 27, 1854, Robert McClellan to George Manypenny, April 15, 1854, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Bryant Smithson to Thomas Drew, September 1, 1853, United States Senate, Executive Document Number 7, 33rd Congress, 1st Session, p. 399.

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of Commissioners for Foreign Missions had appointed Reverend Washburn to missionary work among the Cherokees in the West. Before going to his assignment, he visited the Cherokee missions in Georgia, where he left his wife while he went west to locate a suitable site for the mission. His wife gave birth to Josiah Woodward before Washburn returned to escort his family west to the new mission.²⁸

The young lad spent his first seventeen years in the Indian lands with his missionary parents at Dwight Mission. In 1836, Josiah went east for his advanced education. After completing his schooling, he returned to Arkansas, where he worked as a journalist. In 1845, he returned to Boston and Philadelphia with his father to help raise money for the Far West Academy at Fayetteville, Arkansas. While in New England, the future Seminole agent argued heatedly with his Yankee relatives over slavery and abolition. He became so incensed that he immediately changed the spelling of his name back to the Old English version of Washbourne. After returning to Indian Territory, he married in 1847 Susan C. Ridge, daughter of the Cherokee Chief John Ridge, and became editor of *The Arkansas Intelligencer* in Van Buren and later *The Arkansian* in Fayetteville.²⁹

From this position as a journalist, United States Representative A. B. Greenwood of Arkansas recommended Washbourne, a Democrat, to the Secretary of the Interior, who in turn requested Washbourne's appointment by the Commissioner of Indian Affairs on April 18, 1854. Two days later, Commissioner George W. Manypenny complied and appointed the thirty-five-year-old Washbourne as the Seminole subagent. By virtue of his extensive background in western Arkansas and in Indian Territory, Washbourne brought with him to the office an extensive familiarity with the Indian character and history.³⁰

This knowledge of the Indians led Washbourne to view the Seminoles with a great deal of understanding and respect. He felt that the United

²⁸ Joseph B. Thoburn, ed., "Letters of Cassandra Sawyer Lockwood: Dwight Mission, 1834," *The Chronicles of Oklahoma*, Vol. XXXIII, No. 2 (Summer, 1955), p. 215; Genealogy of Lee Bird Washbourne, Oklahoma Historical Society Archives, Oklahoma City, Oklahoma; United States Department of State, *Register of Officers and Agents, Civil, Military and Naval in the Service of the United States on the Thirtieth September, 1855* (Washington: A. O. P. Nicholson, 1855), p. 28.

²⁹ Genealogy of Lee Bird Washbourne, Oklahoma Historical Society Archives, Oklahoma City; C. S. Lockwood to the Society for Correspondence in Ipswich Female Seminary, March 7, 1839, *Indian-Pioneer History Project*, Vol. 58, p. 105, Oklahoma Historical Society Archives, Oklahoma City, Oklahoma; Carolyn Thomas Foreman, "Joseph Abalom Scales," *The Chronicles of Oklahoma*, Vol. XXVIII, No. 4 (Winter, 1950-1951), p. 424; Grant Foreman, *Advancing the Frontier, 1830-1860* (Norman: University of Oklahoma Press, 1933), p. 176.

³⁰ A. B. Greenwood to Robert McClelland, September 4, 1855, Robert McClelland to George Manypenny, April 18, 1854, Josiah Washbourne to George Manypenny, April 20, 1855, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

States government had neglected the Seminoles by not providing them with their own school, farming, and blacksmith funds. If such funding was provided to the tribal council, he had the confidence that the money would not be misapplied. When the amount of alcoholic consumption among the Seminoles declined in 1857, Washbourne forecast: "Ere long I doubt not the vice of inebriety will be less common among them than among some of their more enlightened neighbors."²¹

This understanding of the Seminoles manifested itself in the arduous work which the new agent gave to the establishment of a separate nation for the Seminoles. Believing that separation of the Seminoles from the Creeks would be the most expeditious manner of improving the lives of the Seminoles, Washbourne argued that both nations desired separation because they each felt that division could advance the status of the Seminoles and could end the complaints that each had with the other. To implement this recommendation, he accompanied a delegation of Seminole chiefs to Washington to aid them in the negotiation of the Treaty of 1856. The pact provided for separate lands further west and increased annuities in return for Seminole cooperation in the removal of the remaining tribesmen in Florida.

The Treaty of 1856 also specified that \$90,000 would be given to the tribe and \$12,000 would be allotted on a per capita basis to the tribe's members.²² Disbursing annuities in money rather than in goods was another desire of Washbourne; he advocated this method because the equitable division of goods was impossible. The arrival of goods at one time prompted the Seminoles to exchange the goods for whiskey, whereas money could be doled out through the year for goods as the need arose. The United States, furthermore, would have less expense in transferring funds to the Seminoles than quantities of goods.²³

In advocating money payments, Washbourne may have had an ulterior motive. After the Seminoles began receiving money through the treaty's

²¹ Josiah Washbourne to C. W. Dean, August 15, 1855, United States House of Representatives, *Executive Document Number 1*, 34th Congress, 1st Session (Washington: Beverly Tucker, 1855), p. 491; Josiah Washbourne to Thomas Drew, October 20, 1854, United States Senate, *Executive Document Number 1*, 33rd Congress, 2nd Session (Washington: Beverly Tucker, 1854), p. 336; Josiah Washbourne to Elias Reine, August 17, 1857, United States Senate, *Executive Document Number 11*, 35th Congress, 1st Session (Washington: William A. Harris, 1857), p. 517.

²² Josiah Washbourne to C. W. Dean, August 15, 1855, United States House of Representatives, *Executive Document Number 1*, 34th Congress, 1st Session, pp. 491-492; Kappeler, ed. *Indian Affairs: Laws and Treaties*, Vol. II, pp. 756-763.

²³ Josiah Washbourne to Thomas Drew, October 20, 1854, United States Senate, *Executive Document Number 1*, 33rd Congress, 2nd Session, p. 337; Josiah Washbourne to C. W. Dean, August 15, 1855, United States House of Representatives, *Executive Document Number 1*, 34th Congress, 1st Session, p. 490.

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stipulations, he pocketed \$13,000 from the \$90,000 appropriated to the tribal council. He received \$5,000 from a claimant in Florida who received \$30,000 through the agent's aid. He pocketed another \$5,000 from Seminole chiefs whom he allowed to divert tribal money to their personal use. This scheming was the cause which led the Southern Indian Superintendent to request his removal in the autumn of 1857.²⁴

With secession and the Civil War, Washbourne became an ardent Confederate. A Union intelligence agent reported that Washbourne was one of the most rabid Southerners in Indian Territory because he was trying to compensate for his Northern parentage. This strong Southern sentiment led Washbourne to work for the Confederacy among the Indian tribes, including the Seminoles. Although his swindle of tribal money was well known, Washbourne still had their respect through his understanding and his long efforts for the separation of the Creeks and Seminoles. As his long acquaintance with the Indians had prepared him for the Seminole Agency, it also made him an able negotiator for the Confederate States with the Indians. From this vantage point, Washbourne urged the Seminoles to join the Southern movement. His line of argument was that the Union treasury was bankrupt and could not pay the annuities, that the European powers would support the Confederacy, and that only the South would guarantee the political independence of the Indian nations. Through this reasoning, Washbourne was able to persuade many Indians to organize military support for the Confederacy.²⁵

Although his cause lost, Washbourne did not lose his Southern ardor. During the treaty negotiations with the Indian tribes in 1866, the former Seminole agent worked with the Southern Cherokees in presenting their case in Washington and struggled for a division among the Cherokee Nation. After the collapse of this effort, Washbourne retired to his home in Indian Territory, where he died two days after Christmas in 1871.²⁶

²⁴ Annie Heloise Abel, *The American Indian as Stakeholder and Secessionist* (Cleveland: The Arthur H. Clark Company, 1915), p. 236.

²⁵ *Ibid.*, pp. 24-25; A. W. Wilson and Josiah Washbourne to Stand Watie, May 18, 1865, Edward E. Dale, ed., "Some Letters of General Stand Watie," *The Chronicles of Oklahoma*, Vol. I, No. 1 (January, 1921), pp. 34-36; Foreman, "Joseph Abraham Seale," *The Chronicles of Oklahoma*, Vol. XXVIII, p. 424.

²⁶ Josiah Washbourne to Joseph Seale, June 1, 1866, and June 20, 1866, Edward E. Dale, ed., "Additional Letters of General Stand Watie," *The Chronicles of Oklahoma*, Vol. I, No. 2 (October, 1921), pp. 145-147; Obituary of Lee Bird Washbourne, Oklahoma Historical Society Archives, Oklahoma City.

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Samuel M. Rutherford

Josiah Washbourne was not the only former Seminole agent who worked for the Confederacy. When Samuel M. Rutherford replaced Washbourne on November 5, 1857, the Seminole agency remained in hands which would labor for the Southern states. Considerably older than his predecessor, Rutherford was sixty when he came to office. Born on March 31, 1797, in Goochland County, Virginia, he moved with his family to Nashville, Tennessee. At the age of seventeen, young Rutherford enlisted in the Tennessee volunteers for the war with England and saw action in the victory of New Orleans. At the close of the War of 1812, he went west to work in Arkansas, and then became a trader in the Three Forks area of what is now eastern Oklahoma. He returned to Arkansas in 1825 to be sheriff of Clark county and a year later for Pulaski county. In 1829 he also became deputy United States marshal for Little Rock. While still sheriff and marshal, he was elected to the Arkansas territorial house of representatives in 1831 and was reelected in 1833 and 1835.

His first official dealings with the Indians came in 1832 when he received an appointment as special agent for the removal and subsistence of the Choctaw Indians. Upon his return to Arkansas, he assumed the duties of the register of the United States land office in Little Rock. Resigning that position in November, 1833, he began serving as Treasurer of Arkansas Territory until October 1, 1836. In 1838 he became a director of the State Bank of Arkansas and, four years later, its president. In 1836 and 1840, he had served as a Democratic presidential elector. On the death of William Armstrong, the Superintendent of Indian Affairs, Rutherford became Choctaw agent and acting Superintendent of Indian Affairs until 1839. He returned to Sebastian county, Arkansas, where he served as probate and county court attorney. Finally, in 1857, he received his appointment as Seminole Indian agent, which would fulfill a lifetime of public service. During the Civil War, his Southern birth and Arkansas political background pulled him to the side of the Confederacy, which he served as the Confederate Indian agent. Following the defeat of the South, he retired from public life and died on April 1, 1867.⁶⁷

While serving as Seminole agent, Rutherford labored to implement the Treaty of 1856. Although the funds were delayed, he located the tribe on their new lands about the agency 160 miles west of Fort Gibson. He also escorted a delegation of Seminoles to Florida for the purpose of convincing

⁶⁷ Grana Foreman, "Nathaniel Pryor," *The Chronicle of Oklahoma*, Vol. VII, No. 2 (June, 1929), p. 253; Joseph B. Theoburn and Muriel H. Wright, *Oklahoma: A History of the State and Its People* (4 vols., New York: Lewis Historical Publishing Company, 1929), Vol. IV, p. 86.

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the Florida Seminoles to migrate to the new Seminole land. Under the direction of Rutherford, the construction of an agency house and a council house was completed before the Civil War. Thus Rutherford's main accomplishment was enabling the Seminoles to adjust to the West.³⁶

Lacking the understanding which Washbourne had displayed toward the Seminole customs, Rutherford believed that the only way the Seminoles could become a happy and contented people was to reject the "absurdities" of their tribal custom and habits. The key to unlock the door to "civilization" for the Seminoles, he felt, was education. Rather than favoring a study of arts and letters, Rutherford believed that manual labor schools would be more beneficial. These schools would teach the Seminole boys agricultural pursuits and the girls housewifery. Although this proposal would advance the tribal agriculturally, the ultimate impact would be to confine the Seminoles to menial employment and, hence, subservience to the whites.³⁷

Despite the limitation of this proposal, Rutherford had great confidence in the Indians. He felt that the membership of the Seminole tribe was intelligent and "worthy to be considered a part of our common country, and fully competent to aid in sustaining its reputation for intelligence and Christian philosophy." With this belief in Seminole intelligence, Rutherford tried to convince Washington that his charges were not a retarded race.³⁸

Before the eve of the Civil War, Rutherford had been scrupulously honest with agency funds. During the last quarter of 1860, his accounts went out of balance \$46,360.55. The reason for this discrepancy is uncertain. In the presidential campaign of 1860, he had become too interested in national politics to devote full time to the duties of the agency. The out-of-balance books, consequently, may have resulted from inattention. Since Rutherford believed that if Lincoln won he would no longer be agent, he may have decided to aid the secession movement with agency money or to provide himself with a retirement fund.³⁹

During the time of this discrepancy, beginning around Lincoln's election

³⁶ Samuel Rutherford to Elias Rector, August 15, 1860, United States Senate, *Executive Document Number 1*, 36th Congress, 2nd Session (Washington: George W. Bowman, 1861), pp. 350-351.

³⁷ Samuel Rutherford to Elias Rector, August 15, 1860, United States Senate, *Executive Document Number 1*, 36th Congress, 2nd Session, p. 351; Samuel Rutherford to Elias Rector, August 18, 1858, John Lilley to Samuel Rutherford, August 20, 1858, United States Senate, *Executive Document Number 1*, 35th Congress, 2nd Session (Washington: William A. Harris, 1859), pp. 507-508.

³⁸ Samuel Rutherford to Elias Rector, August 15, 1860, United States Senate, *Executive Document Number 1*, 36th Congress, 2nd Session, p. 351.

³⁹ E. B. French to William Dole, August 24, 1861, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Abel, *The American Indian as Slaveholder and Secessionist*, pp. 84-86.

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and the secessionist conventions, Rutherford used his influence with the Seminoles to gain cooperation for the south. In addition to the arguments Washbourne was giving, Rutherford pointed out that the Seminoles were slaveholders, were of Southern origin, and were inhabitants of a Southern geographic area. Thus, according to Rutherford, the Seminoles had more in common with the Confederacy than with the Union.⁴² The pro-Southern influence of the United States agent and of a former agent undoubtedly encouraged the large bulk of seminoles to side with the South. When the tribe split over which side of the Civil War they should support, the Union Seminoles fled their homes and became refugees in Kansas. Rutherford stayed with the Southern Seminoles and did not bother to resign formally his appointment as United States agent.

George C. Snow

With Washington upset over a string of Southern secessions and the change of political patronage from Democrats to Republicans, the Office of Indian Affairs never actually discharged Rutherford. The matter was indirectly executed when the Republicans in Washington informed William P. Davis of New Albany, Indiana, that he was the new agent for the Seminole Indians. Davis, however, had joined the Twenty-third Indiana Volunteer Regiment stationed at St. Louis, Missouri, and thus was unable to serve as agent. Davis, apparently, had received his appointment through his father's old friend, William P. Dole, Lincoln's Commissioner of Indian Affairs. Since the war prevented Davis from serving, the Office of Indian Affairs appointed George C. Snow as Seminole agent on January 7, 1862. Because the new agent did not arrive with the Union Seminoles at Fort Roe on the Verdigris River in Kansas until February 10, 1862, the Seminoles were without a United States agent for almost a year. After Snow arrived, his first endeavor was to move the Seminoles further north to Neosho Falls, Kansas, where he established the temporary office of the Seminole Agency.⁴³

As a political patronage appointee, Snow did not at first understand the Seminole character. Therefore, he left the impression among his wards

⁴² Alice Hurley Markey, "Father Marrow: Civil War Period," *The Chronicles of Oklahoma*, Vol. XII, No. 1 (March, 1934), p. 60.

⁴³ William Dole to William P. Davis, July 15, 1861, Letters Sent, Office of Indian Affairs, National Archives; John Davis to William Dole, August 21, 1861, and March 24, 1862, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; George C. Snow to William Coffin, September 29, 1862, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington: Government Printing Office, 1863), p. 286.

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that he was merely another white man who wanted to make money from his duties as an Indian agent. With Snow gaining experience and the Seminoles coming to know him, this distrust rapidly dispelled. As one Seminole chief declared, "Now we are willing to trust him with any and all of our business."⁴⁴

The Civil War disrupted any advancement that the Seminoles might have made. As displaced persons in Kansas, the tribe desired to return to their homes as soon as possible. Agent Snow supported this desire and heartily recommended it to Washington. Indeed, the agent viewed their Kansas location as highly temporary. As a result, Snow's optimism over the war prompted him not to provide the Seminoles with agricultural implements necessary for their subsistence farming.⁴⁵

The main problem that confronted Snow was the mere survival of the Seminoles while in exile in Kansas. With no agricultural endeavors, the Seminoles had to rely on scanty rations from the government. Even minimum clothing was unavailable to them. In fact, many Union Seminoles wrote their relatives serving in the United States Army for money with which to purchase clothing. One blanket was issued for every three Indians. The tents which the government provided were of rotten material. Yet the Seminoles did not criticize their agent for this lack of adequate food, clothing, and shelter. Agent Snow had struggled to obtain the money needed to provide the necessities for the Seminoles.⁴⁶

To his credit, Snow kept the Union Seminoles alive while they were living in refugee status. Since a large group of tribes were gathered around the Neosho Falls area, Snow became acquainted with several tribes. Thus, when the Seminoles were able to return south, Snow elected to remain in Kansas and secured an appointment to the Neosho agency on March 23, 1865.⁴⁷ The Seminoles returned to their homes with a new agent.

⁴⁴ Pascofa to William Dole, July 29, 1863, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁴⁵ Pascofa to Abraham Lincoln, March 10, 1864, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; George Snow to William Coffin, September 4, 1863, United States House of Representatives, *Executive Document Number 2*, 38th Congress, 1st Session (Washington: Government Printing Office, 1864), pp. 303-304.

⁴⁶ Pascofa to William Dole, August 29, 1863, George Snow to William Dole, February 13, 1863, and August 9, 1864, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁴⁷ Frank H. Harris, "Neosho Agency, 1838-1871," *The Chronicles of Oklahoma*, Vol. XLII, No. 1 (Spring, 1965), p. 54.

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George A. Reynolds

The agent replacing Snow was George A. Reynolds, a member of a politically influential family. He had been born in New York in the early 1830's and had moved with his family to Michigan during his early childhood. In 1836, he settled in Kansas and made it his permanent home. His family connections with Republican Senator Samuel C. Pomeroy of Kansas undoubtedly aided him in obtaining the appointment as Seminole agent.⁴⁸

As the Seminole agent immediately after the Civil War, Reynolds had the task of resettling the tribe once again in Indian Territory. In the five years that he served, Reynolds aided the Seminoles in rebuilding from the war's desolation and destruction. The Seminoles reestablished their tribal government, rebuilt their homes, replanted their crops, restocked their herds, and revitalized their educational system. While the burden of reconstruction lay upon the Seminoles' shoulders, their agent worked with them in the task. For example, on March 21, 1865, three days after his appointment, Reynolds requested and received \$7,210.35 for farming implements and subsistence for the Seminoles.⁴⁹

Another contribution was his journey to Washington with the Seminole peace delegation in 1866 to negotiate the Treaty of 1866. Indicative of the confidence which the Seminoles placed in their agent, they gave him total power of attorney. Part of the treaty called for the Seminole land to be located just to the east of their pre-Civil War area. Through Reynolds' assistance, the Seminoles settled upon their new land, and the government constructed an agency at Wewoka. In the spring of 1867, the Seminole chiefs protested to the office of Indian Affairs that the money promised in the Treaty of 1866 had not been paid. To remedy this situation, the Seminole chiefs sent Reynolds to Washington to explain the situation because "he has been our agent a long time and we have confidence in him and know he will do right for us."⁵⁰

⁴⁸ Vincent Victor Masterson, *The Katy Railroad and the Last Frontier* (Norman: University of Oklahoma Press, 1952), p. 144; Joseph B. Thoburn and Jesse M. Halcomb, *A History of Oklahoma* (San Francisco: Doubt and Company, 1908), p. 183; Testimony of George A. Reynolds, April 22, 1878, United States Senate, *Report Number 744*, 45th Congress, 3rd Session (Washington: Government Printing Office, 1879), p. 173; Samuel Pomeroy to N. G. Taylor, May 9, 1867, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁴⁹ George Reynolds to L. N. Robinson, July 25, 1865, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington: Government Printing Office, 1870), pp. 417-418; George Reynolds to William Dole, March 21, 1865, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁵⁰ Perry Fuller to D. N. Levery, December 18, 1865, Seminole Chiefs to Commissioner of Indian Affairs, April 15, 1867, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

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Despite his great accomplishments, the administration of Reynolds was not totally efficient. The agency buildings constructed under his supervision were of poor quality and soon fell into disarray without adequate care. He kept inadequate records concerning the agency's activities and improperly recorded the agency's expenditures.⁹¹ Thus, while accomplishing much, he left a poor legacy for his successor.

Reynolds continued in the belief that the basis for Indian improvement was in agricultural pursuits. Rather than emphasizing agricultural education, he maintained that the government should provide the Indians with the means to grow crops "and let them work or starve. This course I conceive to be the true missionary work of the agent and the department and is a safe and practicable code of morals [sic] to teach."⁹²

The emphasis upon self-reliance was manifested in other proposals Reynolds made. He opposed the payment of annuities because he believed the money made the Seminoles indolent. With the prospect of money, merchants extended the Seminoles credit which was wasted during the year. In place of the annuities, Reynolds favored the government's dividing the tribal lands into individual farms for the Seminoles and making the land inalienable. He believed the Seminoles should learn that their land was their home forever, and that Congress should protect them from the encroachment of white settlers. He disliked using either political appointees or military men as Indian agents. In fact, Reynolds recommended that the office of agent be eliminated and replaced with tribal self-government. In this manner, he said, "a determined, patient effort . . . [could] be made to save not only spiritually, but physically, the few remaining remnants of a nation that once owned all these broad prairies and fertile valleys."⁹³

In the years following his administration as agent, Reynolds altered his views about the future of Indian land. Immediately after his resignation from the agency, the Missouri, Kansas, and Texas Railroad employed Reynolds as their agent in Indian Territory. From a base of operations in

⁹¹ Theodore Baldwin to E. S. Parker, August 31, 1869, E. B. French to Commissioner of Indian Affairs, January 29, 1869, and May 12, 1870, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁹² George Reynolds to James Wortham, August 28, 1867, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1867* (Washington: Government Printing Office, 1868), p. 328; George Reynolds to W. Byers, December 26, 1866, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁹³ Testimony of George Reynolds, April 26, 1878, United States Senate, *Report Number 744, 45th Congress, 2nd Session*, p. 188; George Reynolds to L. M. Robinson, July 25, 1869, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1869*, p. 418; George Reynolds to James Wortham, August 28, 1867, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1867*, p. 328.

Parsons, Kansas, Reynolds was responsible for securing railway right-of-way through Indian land. As a result, the former agent advocated the severality of Indian land, but not the inalienability of individual farms. Reynolds argued that they should be permitted to dispose of their land in any manner they chose. The treaties which the government had concluded with the Indians should not interfere with Congress' adopting this proposal.⁵⁴

Theodore A. Baldwin

Reynolds' belief that the army should not be involved in Indian affairs may have been prompted by the decision in 1869 to replace all Indian agents with military officers.⁵⁵ While this decision removed the political aspects of the agency appointments, it also cost Reynolds his position. As a result, Captain Theodore A. Baldwin received the assignment to the Seminole Agency at Wewoka.

Baldwin was born in New Jersey on the last day of 1839. At the age of twenty-two, he enlisted as a private in the United States Nineteenth Infantry Regiment to fight for the Union in the Civil War. As the war drew to a close, Baldwin received his officer's commission in the same regiment. After spending time in the occupation of Georgia, the regiment moved west to oversee Indian Territory. While on this assignment at Fort Smith, Arkansas, Baldwin received the appointment to the Seminole Agency on June 23, 1869.⁵⁶

As Seminole agent, Captain Baldwin was very sympathetic toward Indian grievances. The Treaty of 1866 called for the expenditure of \$15,000 for a new mill; Baldwin concurred in the Indian assessment that they had received an old mill. He also urged that something be done to provide for the bounties and pensions due the Seminoles who had served in the

⁵⁴ Edward King, "The Great South, The New Route to the Gulf," *Seminer's Monthly*, Vol. VI, No. 3 (July, 1873), p. 279; Testimony of George Reynolds, April 22, 1878, United States Senate, *Report Number 744*, 45th Congress, 3rd Session, p. 173; Testimony of George Reynolds, April 26, 1878, United States Senate, *Report Number 744*, 45th Congress, 3rd Session, pp. 194-195.

⁵⁵ Hill, *Historical Sketches for Jurisdictional and Subject Heading Used for the Letters Received by the Office of Indian Affairs: General*, p. 3.

⁵⁶ *New York Times*, September 3, 1925, p. 25, c. 4; Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (2 vols., Washington: Government Printing Office, 1903), Vol. I, p. 186; Statement of Military Service of Theodore A. Baldwin, L. F. Shelly, ed., "Letters and Reminiscences of Gen. Theodore A. Baldwin: Scouring After Indians on the Plains of West Texas," *The Panhandle-Plains Historical Review*, Vol. XI (1938), pp. 29-30; R. A. Sneed, "The Reminiscences of an Indian Trader," *The Chronicles of Oklahoma*, Vol. XIV, No. 2 (June, 1936), p. 148.

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Union Army. He requested likewise that the Seminoles be given additional land to compensate for the land they had lost under the Treaty of 1866, land which would provide room for the Seminoles still remaining in Florida to move west. While none of these proposals were implemented, Baldwin's effort earned him the respect of the tribe.⁴⁷

Baldwin, similar to his predecessors, believed that the Seminoles were an intelligent, responsible tribe. He credited their adherence, however, to their tribal customs and forms of government as retarding their development and precipitating immorality and indolence. He hoped that the Seminoles would reject their old ways and become one of the most advanced Indian tribes.⁴⁸

After his tenure as agent, Baldwin continued to serve on the Southwest frontier and to be involved in Indian affairs until the mid-1890's. During the Spanish-American War, Baldwin led the Tenth United States Cavalry Regiment on a charge up San Juan Hill, for which he received the Silver Star. After returning to the United States in 1902, Baldwin retired at the rank of brigadier general. Years later, after his retirement in Catoosa Springs, Georgia, General Baldwin died at the age of eighty-six on September 2, 1925.⁴⁹

Just as a change of policy regarding the appointment of Indian agents had brought Baldwin to office, a change in policy in the following year ushered him from the position.

Henry F. Breiner

In 1870, President Ulysses S. Grant decided that religious bodies should be allowed to choose the Indian agents after the military had located the Indians on their assigned lands. The Presbyterian Board for Foreign Missions received the authority to nominate individuals to the Seminole

⁴⁷ Theodore Baldwin to E. S. Parker, September 2, 1869, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1869*, pp. 420-421; Theodore Baldwin to E. S. Parker, September 1, 1870, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1870* (Washington: Government Printing Office, 1871), p. 301.

⁴⁸ Theodore Baldwin to E. S. Parker, September 1, 1870, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1870*, p. 300.

⁴⁹ *New York Times*, September 3, 1925, p. 25, c. 4; Heiman, *Historical Register and Dictionary of the United States Army*, Vol. I, p. 186; Statement of the Military Service of Theodore A. Baldwin, Sherry, ed., "Letters and Reminiscences of Gen. Theodore A. Baldwin: Scouting After Indians on the Plains of West Texas," *The Panhandle-Plain Historical Review*, Vol. XI, pp. 29-30; Seerd, "The Reminiscences of an Indian Trader," *The Chronicles of Oklahoma*, Vol. XIV, p. 148.

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Agency. Consequently, Henry F. Breiner, a Pittsburgh physician, applied to the board, which in turn recommended him for the position. On October 24, 1870, the Office of Indian Affairs concurred and appointed Breiner to the position. Three weeks later, Dr. Breiner arrived in Wewaka and relieved Captain Baldwin of the Seminole Agency.⁸⁰

As a physician, Dr. Breiner was naturally concerned over the physical health and medical care of the Seminoles. He claimed that exposure, improper clothing, dark and cold cabins, incomplete diets, and a lack of cleanliness debilitated the health of the individual tribal members. He contended that their poor general health made the Seminoles susceptible to disease. Rather than the Indians having "the advantages and benefits . . . from the arts and sciences of civilization," Dr. Breiner emphasized, they had to rely on their medicine men with "a pot of boiled herbs . . . and . . . blowing and 'pow-wow-ing.'"⁸¹

To remedy this situation, Breiner located medicine and began a medical practice among the Seminoles. He also recommended that the government construct and supply a hospital near the agency to care for the Seminoles. He urged that "a white, or other experienced, intelligent and obedient nurse" assist the physician.⁸²

While Breiner's statement implies an attitude favoring the whites, he admitted as much when he described the Seminoles "as poor and thriftless a class of people as I have ever seen." Paternalistically, he believed that the government and religious institutions had a moral obligation to civilize and advance the Indians because of the "duty which all enlightened nations owe to the benighted and ignorant by Divine injunction." Despite this attitude, Breiner wanted to educate in the mission schools selected Seminoles who would then be able to conduct schools for their fellow tribesmen.⁸³ Thus he advocated that the Seminoles bear a little of the responsibility for their own advancement.

⁸⁰ W. T. Sherman, *Memoirs of Gen. W. T. Sherman* (4th ed., 2 vols., New York: Charles L. Webster and Company, 1891), Vol. II, pp. 436-437; Carolyn Thomas Foreman, "Dr. and Mrs. Richard Moore Owsin," *The Chronicles of Oklahoma*, Vol. XXXV, No. 1 (Spring, 1959), p. 75; Henry Breiner to the Office of Indian Affairs, October 27, 1870, Henry Breiner to E. S. Parker, December 13, 1870, Seminole Agency Letters Received, Office of Indian Affairs, National Archives.

⁸¹ Henry Breiner to F. A. Walker, September 25, 1872, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1872* (Washington: Government Printing Office, 1872), pp. 582, 586.

⁸² Henry Breiner to E. S. Parker, December 30, 1870, Seminole Agency Letters Received, Office of Indian Affairs, National Archives; Henry Breiner to F. A. Walker, September 25, 1872, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1872*, p. 242.

⁸³ Henry Breiner to E. S. Parker, September 2, 1871, United States Department of the Interior, *Report of the Commissioner of Indian Affairs for the Year 1872*, pp. 241-242.

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With these attitudes, Dr. Breiner remained at the agency and handled the day-to-day problems of the Seminoles. The great difficulties of Seminole settlement in the West, the Civil War, and reconstruction after the war had been largely solved by 1870 when the physician assumed control of the agency. Consequently, Breiner was fortunate in that the problems he faced were of a less serious nature than the ones faced by his predecessors. He remained in office until 1874. That year the Seminole agency was disbanded and became part of the Union Agency which consolidated the administration of the Five Civilized Tribes.⁶⁴

From 1842, with John McKee as the first Seminole agent, to 1874 with Henry Breiner as the last, ten men had actually served the Seminoles as agents. Yet none were completely efficient nor totally corrupt. Josiah Washbourne, who succeeded in attaining separate status for the Seminoles, stole money from the tribal funds. Marcellus Duval, who neglected the Seminoles while trying to obtain the disputed Seminole slaves for his brother and himself, outlined the basis for this separation several years earlier. By the criteria of their attitudes and their accomplishments, John McKee and Marcellus Duval were poor agents. Thomas Judge, Josiah Washbourne, Samuel Rutherford, and George Reynolds were outstanding. Bryant Smithson, George Snow, Theodore Baldwin, and Henry Breiner were mediocre. Yet each agent was an individual who had something to commend and something to condemn.

Of the Five Civilized Tribes, the Seminole Indians had the most painful and difficult time in adjusting in Indian Territory; their agents contributed to this difficulty. When the Seminoles arrived in 1842, John McKee was inefficient. Marcellus Duval was too occupied with the slave question, and Bryant Smithson was an excessive drinker. The only competent agent before 1854 who could have really aided their adjustment was Thomas Judge, but he ran afoul of his superiors, who discharged him after less than three years of service. The lack of a competent agent in the early years, consequently, hindered the adjustment of the Seminoles.

Another reason for their delay in adjusting was the governmental policy which seemed to make them a constituent part of the Creek tribe. Interestingly, all the agents before 1856, except for John McKee, advocated separation for the Seminoles as a major step toward adjustment. Thomas Judge felt that it would benefit both tribes; Marcellus Duval believed it would benefit the government; Bryant Smithson contended it would prevent trouble, and Josiah Washbourne maintained it would advance the Seminoles. While their reasons differed, each of these agents urged a step

⁶⁴ Hill, *Historical Sketches for Jurisdictional and Subject Heading Used for the Letters Received by the Office of Indian Affairs: General*, p. 2.

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that contradicted the established governmental policy. These men were well aware of the strong tribal pride and identity of the Seminoles. Thus the refusing of a separate status to the Seminoles until 1856 does not rest with their agents but with Washington and the Office of Indian Affairs.

Most agents to the Seminoles respected their native intelligence and abilities. The lone exception was Marcellus Duval, who viewed the Seminoles with disdain. Despite the attitudes of the agents, only Josiah Washbourne had appreciation for Seminole customs and heritage. The others felt that civilization could come to the Seminoles only through ridding themselves of their traditions. To accomplish this, Judge wanted to establish religious boarding schools; Rutherford wanted manual labor schools; and Reynolds wanted self-reliance. The Seminole agents as a whole, however, saw value in the educational and agricultural pursuits of their charges.

A major commonality of the Seminole agents was their lack of prominence before appointment. The only exception was Samuel Rutherford, who had spent forty years in Arkansas and national politics, but he may have received the agency as a semi-retirement position. This general obscurity would indicate that the Seminole Agency was not one of the coveted patronage plums. Yet these relatively anonymous individuals were not puppets whose strings the Office of Indian Affairs pulled. Rather they were men with differing attitudes and abilities. As a group, they both aided and hindered the development of the Seminole Nation.