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CHEROKEES AND THE SECOND SEMINOLE WAR

by GARY E. MOULTON*

THE SECOND SEMINOLE WAR had its origins in removal agreements concluded between the Florida tribe and the United States government in 1832 and 1833. What had been accepted by a few Indian chiefs had not won the approval of the majority of the Seminoles who wanted to remain in their native lands. Attempts at forced emigration simply broadened scattered hostilities to become a major war by late 1835. The war was a tragic conflict that cost nearly \$40,000,000 and countless lives of soldiers, civilians, and Indians. The administration of President Martin Van Buren was eager to find a way out of the Everglades entanglement, and was willing even to turn to private emissaries and Indian allies.

Chief John Ross led a delegation of Cherokees to Washington in the fall of 1837 in the hope of annulling a removal treaty similar to that of the Seminoles. Although no pacifist, Ross certainly had recognized the folly of making war against the United States, and instead he attempted legal methods to modify federal demands. Washington officials knew of his views and hoped that Ross could use his influence among the Seminoles as he had among his own people in quelling armed disturbances.

Ross had been approached confidentially on the Seminole affair as early as July of 1837 by Colonel John H. Sherburne, of Washington, D. C., a private emissary from Secretary of War Joel R. Poinsett.¹ The colonel had led Ross to believe that if he would use his influence as chief of the Cherokees to aid in bringing an end to the Seminole War, the federal government

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1. Sherburne to Ross, July 8, 1837, John Ross Papers, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma. Hereinafter cited as RPI. See also Poinsett to Sherburne [*sic*], August 12, 1837, *Senate Documents*, 25th Cong., 2nd sess., no. 120, pp. 307-08.

would find ways to repay him and his tribe. Of course, principal among the means to repay Ross's Cherokee supporters would be to eliminate the hated conditions of removal embodied in the Treaty of New Echota. Sherburne offered such terms to Ross, "in case you succeed," and he promised that federal officials would be more lenient in future negotiations. Sherburne also indicated that he and his superiors were so eager to see the Seminole disturbances quieted that "money will be no object to the Government."² Sherburne was so optimistic that he later assured Ross that whether the deputation succeeded or not, Cherokee difficulties could be brought to "an amicable adjustment." We predicted that before January 1838 everything would be readjusted to the Cherokees' satisfaction.³

Chief Ross was dubious about these confidential and unofficial promises, and it was not until Sherburne arrived in the Cherokee Nation that he agreed to a proposal. Sherburne wanted Ross to lead a Cherokee delegation to Florida to convince Osceola to lay down arms. Since Ross felt that his presence in Washington in the final months before the removal treaty would go into effect was necessary, he declined a personal visit. Nevertheless, he promised Sherburne that if the war department officially requested his assistance, he would write a letter to the leading Seminoles which could be delivered as an address by a special deputation of Cherokees.⁴ Ross carefully questioned the colonel in order that no misapprehension of the mission develop later. He wanted to know if Sherburne had authority to suspend military operations in Florida while his representatives were mediating with the Seminoles, and whether the colonel would be willing to accompany a Seminole delegation to Washington to negotiate a new treaty. Ross also asked: "Are you authorized by the President of the U[nited] States to guarantee safety and protection to the lives . . . of the Chiefs as may compose the Seminole delegation?"⁵

2. Sherburne to Ross, July 8, August 10, 1837, RPGI.

3. *Ibid.*, October 7, 1837, RPGI.

4. *Ibid.*, September 4, 1837; Ross to Sherburne, September 5, 1837, RPGI.

5. Ross to Sherburne, September 18, 1837, John Ross Papers, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma. Hereinafter cited as RPOHS.

If Ross was skeptical about the intentions of the government, Secretary Poinsett also wondered how far he could trust the Cherokees. In accepting Sherburne's proposition, Poinsett wrote ahead to inform Major General Thomas Sidney Jesup, the military commander of Florida, of the coming delegation and to authorize a meeting with the Seminoles. Jesup was further cautioned to have the Cherokees accompanied by reliable agents to insure the faithful execution of their mission.⁶ With a beginning based on mutual misgiving, perhaps there was little hope of success.

After Ross received assurances from Poinsett as to Sherburne's mission, he commissioned five trusted Cherokees to go to Florida carrying his address. The deputation included Hair Conrad who served nominally as head, Thomas Woodward, the interpreter, Major Polecat, Richard Fields, and Jesse Bushyhead. The latter two were literate in English, kept records, and reported to Ross on their progress.⁷ Ross addressed the Seminole chiefs as a stranger, but also as a brother and one who understood the torment and anguish of division and removal: "I know that a brave people when driven to a state of desperation, would sooner die under the strong arm of power, than to shrink and die the death of the coward. But I will speak to you as a friend, and with the voice of reason advise you, as a small but a brave people, to act the part of a noble race, and at once throw yourselves upon the magnanimity and justice of the American people." Ross guaranteed the justice and sincerity of the United States, and he conveyed Poinsett's assurances that a liberal treaty would be made.⁸ Ross was simply following the policy he had applied to the Cherokee case; he hoped that through compromise and negotiation bloodshed could be averted and a new treaty obtained. He did not want the Seminoles to accept treaty terms that he would not tolerate for his own tribe.

6. Poinsett to Sherburne, October 4, 1837; Poinsett to Jesup, October 4, 1837, Letters Sent, Military Affairs, Records of the Office of the Secretary of War, National Archives, Washington, D.C. Hereinafter cited as ROSW.

7. Ross to Conrad *et al.*, October 20, 1837, *House Documents*, 25th Cong., 2nd sess., no. 285, pp. 4-6.

8. Ross to the Chiefs, Headmen, and Warriors, of the Seminoles of Florida, October 18, 1837, *ibid.*, 6-9.

Sherburne and Richard Fields met in Augusta, Georgia, in late September 1837, while Ross began work before a new congressional session in Washington to stay removal of the Cherokees.⁹ It seems that at this point Sherburne first departed from his agreements with Ross. Instead of proceeding to Washington, he decided to go directly to Florida. It was only after he made this decision that he received approval for it from Poinsett. Perplexed, Fields returned to the Cherokee Nation to discuss the changed plans with his colleagues and to determine what to do. Ross directed his deputation to proceed to Charleston, South Carolina, where he would forward his message to the Seminoles.¹⁰ While Sherburne waited for the rest of the group, Fields traveled on to Florida and had his first interview with Major General Jesup on November 3, 1837. Before the remainder of the deputation arrived with Sherburne, Fields spent nearly a week with the commander at Garey's Ferry on Black Creek, some thirty miles northwest of St. Augustine. Fields had the chance to evaluate Jesup and the Seminole situation. He realized that although Jesup considered himself a friend of the Indians, the general believed that nothing but "powder and ball could effect anything with the Seminoles." He hoped, however, to save the tribe with the Cherokees' assistance.¹¹ Fields accompanied Jesup to St. Augustine, where he met several of the Seminole chiefs imprisoned in the old Castillo, which the Americans had renamed Fort Marion. The two most important were Osceola and Coa Hadjo. Even before the Cherokees arrived, Jesup had decided on a policy of ignoring flags of truce if necessary to seize wily Seminoles who could not be tracked through Florida's backwaters. In this manner Osceola and Coa Hadjo had been captured.¹² Jesup believed that expediency demanded drastic measures lest the war drag on indefinitely.

9. Fields to Ross, October 7, 1837, RPGI.

10. Ross to Lewis Ross, October 12, November 11, 1837; Lewis Ross to Ross, October 25, 1837, RPGI; Ross to Conrad et al., October 20, 1837, *House Documents*, 25th Cong., 2nd sess., no. 285, p. 4.

11. Fields *et al.* to Ross, February 17, 1838, in Grant Foreman, ed., "Report of the Cherokee Deputation into Florida," *Chronicles of Oklahoma*, IX (December 1931), 424-25.

12. *Ibid.*; John K. Mahon, *History of the Second Seminole War, 1835-1842* (Gainesville, 1967), 214-17.

Despite criticism from Congress and the press, the orders Jesup was working under demanded nothing less. He admitted that he was not fighting for peace, but for Indian removal and in response to violated treaties. The Cherokees, he argued, could not stand in his way.¹³ Jesup's personal disposition as a military man, born of years of Indian fighting, was heightened by prodding from Washington. Poinsett had repeatedly warned the general not to let the Cherokees deter him in any way. He recommended that Jesup strike a blow against the Seminoles before the Cherokee deputation met the Florida Indians. The secretary thought that this would demoralize the Seminoles and make them more susceptible to removal. Moreover, Poinsett wanted Jesup to suppress Ross's message and send the deputation home. At first Jesup did hold up Ross's address, believing that it held out expectations to the prisoners that could not be realized. It seemed to give promises of a treaty, and Jesup believed he was required to enforce existing treaties, not negotiate new ones. Unless the address was modified, he would not permit its delivery.¹⁴

By November 10 Sherburne and the rest of the Cherokee deputation had arrived at St. Augustine. Two days later they met with Jesup to hear his objection to their mission and to express their desire to meet with the Seminoles.¹⁵ Jesup was apprehensive of the Cherokees' designs despite assurances by Osceola and Coa Hadjo that the deputation faced no danger from the Seminoles. In one report to Ross, Fields noted the distrust by both whites and Indians. Jesup finally agreed to let Seminole messengers inform their people of the Cherokee presence. The deputation met these messengers before they left, and informed them of the purpose of their mission.¹⁶

The Cherokees, with Colonel Sherburne, ascended the St. Johns River to Fort Mellon which they reached November 24.

13. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 424-25; Fields to Ross, November 12, 1837, RPOHS.

14. Poinsett to Jesup, October 30, November 10, 1837, ROSW; Jesup to Poinsett, July 6, 1838, *Senate Documents*, 25th Cong., 2nd sess., no. 507, p. 7.

15. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 424-25; Jesup to Fields *et al.*, November 13, 1837, *House Documents*, 25th Cong., 2nd sess., no. 285, pp. 9-10.

16. Fields to Ross, November 12, 14, 1837, RPOHS.

The following evening messengers arrived with a request from Micanopy, a principal Seminole chief, asking that the Cherokees meet with him some fifty miles from the fort within four days to discuss the purpose of their visit. After several ambiguous conversations with Jesup, the Cherokees set out on the morning of November 28. The general had allowed them only six days to make their plea for peace and return. He permitted Coa Hadjo to accompany them as guide and intermediary.¹⁷

Mid-day of November 29 they reached the appointed spot, but to their dismay found no one there. A party of United States troops in the region had frightened the Indians away. Coa Hadjo discovered the Seminoles' new location, and a short trek the next morning brought the Cherokees to Micanopy's camp. There, after smoking the peace pipe and listening to a short address by Hair Conrad, Fields read the message from Chief Ross. The following day more sub-chiefs arrived, and the Cherokees gathered on the council grounds, where they read again Ross's appeal for conciliation. They hoped to impress upon the Seminoles the necessity of going to Washington to find a way to end the war. Micanopy and about a dozen of the sub-chiefs consented to return with the deputation to Fort Mellon accompanied by some thirty warriors. late on the evening of December 3 the entourage entered the fort "with the white scarf of peace rippling over our heads."¹⁸

General Jesup gave the group a cool reception. Jesup seemed more interested in the number, situation, and position of the Seminoles than in their willingness to make peace. He believed that the Indians were using delaying tactics. When he conferred with the Seminole chiefs on December 5, Jesup demanded that the families of the Indians confined at St. Augustine surrender themselves to him. He also required surrender within seven to ten days of all warriors and their weapons, and un-

17. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 427-29. Jesup believed that at Fort Mellon he had convinced the Cherokees to modify certain objectionable parts of Ross's address. However, the deputation made no mention of any changes in its reports. Jesup to Poinsett, July 6, 1838, *Senate Documents*, 25th Cong., 2nd sess., no. 507, p. 7.

18. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 429-31; Fields to Ross, December 6, 1837, RPLI.

conditional conformity to an earlier treaty that had been rejected by the tribe. After Micanopy agreed to what must have been degrading terms, Bushyhead and Polecat set out with several messengers to assure the Seminoles of Jesup's integrity.¹⁹ That evening Jesup wrote Secretary Poinsett: "Though I believe the chiefs to be sincere, I have but little reliance on their promises. I doubt their influence over their people. I shall, however, hold them as hostages."²⁰

Bushyhead's destination was the camp of Arpeika (Sam Jones)— one of the leading insurgents who controlled the Miccosukee band of Seminoles. Arpeika had met with the Cherokees on their first visit into the Seminole region, but he had refused to come with them to the fort since he had had personal differences with Jesup. He promised, however, that he would follow Micanopy's directions. On meeting Bushyhead this second time and learning of Micanopy's pledge, Arpeika held out little hope of reconciling the difficulties. Bushyhead returned to Fort Mellon December 12 to report pessimistically to his deputation. A decision was made to continue working, however, and Bushyhead and Fields returned to the scrub, guided by a young Seminole.²¹ Rain and cold weather slowed their progress, but their hopes of mediation remained high. They met several bands of Seminoles along the way and tried to convince them to go into Fort Mellon. The next afternoon as they came to the place where they expected to find Arpeika's camp, their young Seminole guide revealed that Coacoochee (Wild Cat) had escaped from St. Augustine and this news had renewed the Indians' determination "*to fight and die on the land that the Great Spirit had given them.*" The fatigued Cherokees decided to return to Fort Mellon which they reached on the morning of December 14.²²

Over the protests of the Cherokees Jesup placed Micanopy and his party under arrest and prepared to ship them as prison-

19. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 431-33; Fields to Ross, December 6, 1837, RPGI.

20. Jesup to Poinsett, December 6, 1837, *House Documents*, 25th Cong., 2nd sess., no. 327, pp. 8-9.

21. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 433-34; Fields to Ross, December 6, 1837, RPGI.

22. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 434-35.

ers of war to St. Augustine. The Indians reminded the general that the Seminoles had come in under a flag of truce and at the request of their Indian brothers, but to no avail.²³ Jesup thanked the Cherokees for their "zealous and untiring efforts," but he told Poinsett that he thought they had deceived him. He believed that they had promised the Seminoles that they would be able to remain in Florida.²⁴ It had been a mistake, he felt, to allow the Cherokees to communicate with the Seminoles at all, and the two-weeks delay they had caused would retard his military activities.²⁵

Fearing that the captured Seminoles would hold them responsible for Jesup's act, the Cherokees hurried on to Fort Marion at St. Augustine where, apparently, they were able to convince the Indians that Micanopy's capture had taken place without their knowledge or sanction. The Cherokees also promised to make a complaint of the affair to Chief Ross, who would seek to redress the outrage. From St. Augustine they retraced their route to Charleston, where on Christmas day they prepared to return home. Colonel Sherburne was present and convinced the Cherokees to accompany him to Washington where a settlement might be arranged to end the Florida difficulties.²⁶

Sherburne and his party arrived in Washington on December 30. Chief Ross on January 2 wrote an angry letter to Poinsett protesting the arrest of the Seminole chiefs while they were negotiating under a flag of truce. The secretary's response was cool and guarded, but he promised that a "report" would

23. *Ibid.*, in Foreman, "Report," 435-36.

24. Jesup to Fields *et al.*, December 15, 1837, *House Documents*, 25th Cong., 2nd sess., no. 285, p. 10; Jesup to Poinsett, December 29, 1837, Letters Received, Registered Series, ROSW.

25. Jesup to Poinsett, December 29, 1837, Letters Received, Registered Series, ROSW; Jesup to Poinsett, July 6, 1838, *Senate Documents*, 25th Cong., 2nd sess., no. 507, p. 8.

26. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 437; Ross to Poinsett, March 8, 1838, *House Documents*, 25th Cong., 2nd sess., no. 285, p. 17. From Fort Marion the Seminoles were shipped to Fort Moultrie at Charleston, South Carolina, where they were held prisoner until removed to Indian Territory. At Fort Moultrie, Osceola died in late January 1838. Edwin C. McReynolds, *The Seminoles* (Norman, 1957), 208-09.

soon be forthcoming.²⁷ Further correspondence also revealed the unwillingness of the federal government to honor the total cost of the deputation. With Colonel Sherburne's promises of federal obligations and limitless funds still fresh in his mind, Ross was disgusted that Poinsett haggled over the deputation's reimbursement.²⁸ Poinsett was willing to pay \$5.00 a day individually to the Cherokees, but only from the time they left the Cherokee Nation until the time they would have returned had they not deviated from their route and come to Washington. Ross emphasized that they were in Washington at the invitation of Sherburne who had promised payment for their expenses. The amounts requested came to slightly over \$1,000 each, but Poinsett was willing to authorize only one-third of that sum.²⁹ Eventually the House Committee on Indian Affairs recommended a compromise which Poinsett endorsed and which the Cherokees reluctantly accepted.³⁰

If the Cherokee deputation could not bring peace to the war-torn Florida frontier, they hoped at least to encourage compromise. The message from Chief Ross promised justice from the federal government. Instead the visitors discovered that Indians had been captured under a flag of truce and the Cherokees were eye witnesses to a continuation of that policy. Perhaps it was too much to expect Jesup to become a statesman, but certainly Poinsett should have fulfilled that role. The captured Seminoles were never released as demanded by Ross, nor did the promised report on Jesup's conduct appear. For the risk of their lives, time away from their homes and family, and money

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27. Fields *et al.* to Ross, February 17, 1838, in Foreman, "Report," 437; Ross to Poinsett, January 2, 1838; Poinsett to Ross, March 2, 1838, *House Documents*, 25th Cong., 2nd sess., no. 285, pp. 11-14.
 28. Ross to Poinsett, March 5, 8, 1838, Poinsett to Ross, March 7, 17, 1838, *House Documents*, 25th Cong., 2nd sess., no. 285, pp. 14-20.
 29. Accounts of the Cherokee Deputation, undated [March 1838], *House Documents*, 25th Cong., 2nd sess., no. 285, pp. 20-24. Fields requested a much larger payment, nearly \$2,000, because of his earlier start and the many presents he had given to the Seminoles.
 30. Horace Everett to Poinsett [with Poinsett's endorsement], May 29, 1838, RPI; Ross to C. A. Harris, June 12, 1838, John Ross Papers, Cherokee Collection, Tennessee State Library and Archives, Nashville, Tennessee.

expended from their meager reserves, the Cherokees received no more than a pittance and guarded thanks from an ungracious government.