

SAMUEL BELL MAXEY AS CONFEDERATE  
COMMANDER OF INDIAN TERRITORY,  
1863-1865

By

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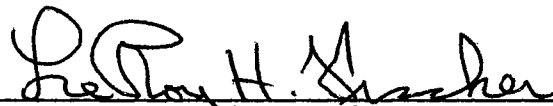
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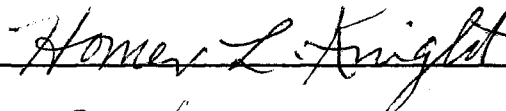
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## PREFACE

This thesis attempts to present a detailed evaluation of Brigadier General Samuel Bell Maxey and his administration during the fourteen month period from December, 1863, to February, 1865, when he served as Confederate commander of Indian Territory. Although some research study has been done on the Civil War in Indian Territory during 1864, none has been completed which details and evaluates events from the perspective of Maxey's leadership. The Indian Territory Confederates faced a bleak future when Maxey was appointed to command them. They had encountered disastrous military defeats and had suffered from ineffectual leadership. A strong and able commander was needed who could at least ward off further defeats. Maxey's work with the problems he encountered crucially affected Indian Territory during the period of his command. To comprehend the sequence of events during this time span, it is important to understand Maxey, to know something of his personality, his background, his experiences, and his plans for Indian Territory. An effort is made to present a comprehensive and accurate portrayal of Maxey, his administration, and those influencing him.

The author extends appreciation to the staff of the Oklahoma State University Library for assistance in locating the primary source materials used in this thesis. She also thanks Mrs. Marie Keene of the Gilcrease Institute of American History and Art in Tulsa, Oklahoma, for special help in locating and reproducing a large number of

items from the Maxey Papers. My deepest appreciation for infinite patience and assistance is equally divided. Dr. LeRoy H. Fischer, Professor of History at Oklahoma State University, guided me through nine academic years and gave much needed advice, encouragement, and support. This thesis topic was the product of his thinking, and this study would not have been completed without his research and editorial expertise, together with his understanding and forbearance. My husband, Herschel, contributed an equal amount of patience and support. Without his extraordinary gifts of understanding and intelligence, this work would not have been. In addition, I am grateful to Dr. Odie B. Faulk, Professor of History at Oklahoma State University, who critically evaluated this study and made many valuable suggestions for its improvement.

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## CHAPTER I

### THE YEARS BEFORE INDIAN TERRITORY

In December, 1863, as Brigadier General Samuel Bell Maxey rode across the Texas prairie toward Indian Territory headquarters at Fort Towson, he moved closer to his new position in one of the most difficult commands in the Confederacy. The Civil War in Indian Territory during 1863 had been disastrous for the Confederate troops and their commander, Brigadier General William Steele. During the year, Steele's forces in Indian Territory, under the immediate command of Brigadier General Douglas H. Cooper, had been defeated in every major military engagement within the area. Federal troops had posted victories at Webbers Falls, Fort Gibson, and finally in mid-July of 1863 at the pivotal Battle of Honey Springs, the largest engagement of the Civil War in Indian Territory. The Confederates not only had lost control of Fort Gibson, but also of Fort Smith, and had been forced to retreat from the Arkansas River to the Red River valley. By the latter part of 1863, the Confederates dominated an area less than half the size of the territory they had gained in 1861.<sup>1</sup>

This series of disastrous defeats was the result of numerous

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<sup>1</sup> Joseph B. Thoburn and Muriel H. Wright, Oklahoma: A History of the State and Its People (4 vols., New York: Lewis Historical Publishing Company, Inc., 1929), Vol. I, pp. 346-347; Lary Charles Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865" (Unpublished Master of Arts Thesis, Oklahoma State University, Stillwater, Oklahoma, 1968), pp. 33-35.

factors. The most obvious and most discouraging was the shortage of adequate equipment, supplies, and serviceable weapons. The demoralized troops were undisciplined, and leadership, especially among the Indian troops, was lax. The rate of desertion was alarming. Not so openly exposed, yet most demoralizing of all, was the paucity of harmony among officers of high rank, a problem caused by personal ambitions. Cooper, in command of the Indian Brigade, had been agitating for command of the Indian Territory before Steele's arrival in December, 1862. He had been implicated in some of the incidents leading to the retirement of Steele's predecessor, Brigadier General Albert Pike. It had been Cooper's hope to replace Pike as commander, and he was greatly displeased when Steele was appointed. Cooper continued to labor diligently and abusively in his attempts to obtain the command position. Although Cooper's efforts were fruitless, Steele was discouraged by general conditions in Indian Territory and the division within the Indian forces over its leadership, and he asked to be relieved of command in December, 1863. It was not the zealous Cooper who inherited this coveted position but Maxey, who was called upon to bring order and reform to the chaotic conditions within Indian Territory.<sup>2</sup>

Maxey was born at Tompkinsville, Monroe County, Kentucky, on March 30, 1825, but spent his childhood in Albany, Clinton County,

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<sup>2</sup>Annie H. Abel, The American Indian as Participant in the Civil War (Cleveland: Arthur H. Clark Co., 1919), pp. 310-311; Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, p. 347; Special Order No. 214, December 11, 1863, United States War Department, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (70 vols., 128 books, 4 series, Washington: Government Printing Office, 1880-1901), Ser. i, Vol. XXII, Pt. 2, p. 104, hereafter cited as Official Records.



Kentucky. His father, Rice Maxey, originally from Virginia, was of Huguenot extraction. His mother was the daughter of Samuel Bell of Albemarle County, Virginia. Rice Maxey, a lawyer, served as clerk of circuit and county courts in Albany for many years. Samuel Maxey was educated in the common schools of Clinton County. In 1842, through the influence of United States Senator Bryan Y. Ownley of Kentucky, Maxey obtained an appointment to the United States Military Academy at West Point, New York. He attended the academy with several cadets who were to become significant military leaders in the Civil War. Among these were Earl Van Dorn, James Longstreet, Ulysses S. Grant, and, in Maxey's graduating class of 1846, Thomas J. Jackson and George E. Pickett.<sup>3</sup>

Upon graduation, Maxey was commissioned a second lieutenant and assigned to the Seventh Infantry Regiment of the regular army. His first encounter with army duty was against hostile forces in the Mexican War, from 1846 to 1848. He was sent immediately upon graduation to Monterrey, Mexico; then he served under Major General Winfield Scott at the siege of Vera Cruz, and in the battles of Cerro Gordo, Contreras, Churubusco, and Molino del Ray. He distinguished himself at Contreras and Churubusco, and was brevetted a first lieutenant for his valuable and gallant service. He took part in the siege and capture

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<sup>3</sup> Allen Johnson, Dumas Malone, Harris E. Starr, Robert L. Schuyler, Edward T. James, eds., Dictionary of American Biography (22 vols., New York: Charles Scribner's Sons, 1928-1958), Vol. XI, pp. 435-436; Clement A. Evans, ed., Confederate Military History (12 vols., Atlanta: Confederate Publishing Co., 1899), Vol. XI, pp. 246-248; Ezra J. Warner, Generals in Gray: Lives of the Confederate Commanders (Baton Rouge, Louisiana State University Press, 1959), p. 216; Louise Horton, ed., "Samuel Bell Maxey on the Coke-Davis Controversy," Southwestern Historical Quarterly, Vol. LXXII, No. 4 (April, 1969), pp. 519-521.

of Mexico City, and again was highly commended for his actions. Scott appointed him provost of a Mexican district and commandant of a picked company in the city guard. In June, 1848, as the war ended, Maxey returned to the United States and was stationed at Jefferson Barracks, near St. Louis, Missouri. After the excitement and activity of wartime action, it was not long before the routine and monotony of garrison life became tiresome and boring. He decided to return to civilian life, and resigned his commission in September, 1849.<sup>4</sup>

With his military career seemingly behind him, Maxey returned to Albany, Kentucky, and his family. He began to study law under the beneficial direction of his father, and within a year he had learned enough to enable him to practice. He was admitted to the Kentucky State Bar in 1850. He served as clerk of the county and circuit courts, and as master in chancery in Albany from 1852 to 1856. While building his law practice, Maxey met and successfully courted Marilda Cassa Denton. She was the daughter of George N. Denton, a Baptist preacher and farmer from Overton County, Tennessee. They were married on July 19, 1853. Within four years after their marriage, the decision was made to move the law practice of Rice and Samuel Maxey to Paris, Lamar County, Texas. The move shifted Maxey's interest to a new and developing state and its problems. Texas remained his home and one of his main interests throughout his life. He practiced law in Paris until the outbreak of the Civil War in 1861. During this period he served as district attorney for Lamar County, Texas, in 1858 and 1859.

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<sup>4</sup>Ibid., p. 519; Johnson, Malone, Starr, Schuyler, James, eds., Dictionary of American Biography, Vol. XI, p. 435; Evans, ed., Confederate Military History, Vol. XI, pp. 246-248.

Originally sympathetic to the Whig party, Maxey became a Democrat and voted for John C. Breckinridge in the presidential election of 1860. Elected to the Texas State Senate in 1861, he declined the seat to join the Confederate forces soon after the war began.<sup>5</sup>

Maxey organized the Ninth Texas Infantry Regiment and was commissioned its colonel in September, 1861. His unit was assigned to the army of General Albert Sidney Johnston in Kentucky. Maxey was promoted to brigadier general on March 4, 1862, and with his brigade, was ordered to Chattanooga, Tennessee, by Lieutenant General Edmund Kirby-Smith, commander of the Confederate Trans-Mississippi Department. He was given several separate and important trusts. During the summer of 1862, he commanded the forces scouting Major General Don Carlos Buell's army on the Tennessee River. In the fall of 1862, he was assigned the duty of fitting out a large command for Kentucky. In all these tasks he received the commendation of the officers placed over him. He served with distinction in battles near Bridgeport and Battle Creek, Kentucky. He so impressed General Braxton Bragg with his great activity that he honored Maxey by complimenting him in a general order. Bragg called Maxey's routing of a Federal force one of the most dashing and daring achievements of the day.<sup>6</sup>

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<sup>5</sup> Johnson, Malone, Starr, Schuyler, James, eds., Dictionary of American Biography, Vol. XI, pp. 435-436; Evans, ed., Confederate Military History, Vol. XI, pp. 246-248; Clifford McReynolds, comp., Biographical Directory of the American Congress, 1774-1961 (Washington: Government Printing Office, 1961), p. 1277.

<sup>6</sup> Johnson, Malone, Starr, Schuyler, James, eds., Dictionary of American Biography, Vol. XI, pp. 435-436; Evans, ed., Confederate Military History, Vol. XI, pp. 246-248; Samuel Bell Maxey to S. S. Anderson, May 20, 1864, Samuel Bell Maxey Papers, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma, hereafter cited as Maxey Papers, Gilcrease Institute.

Early in 1863, he was actively engaged in East Tennessee and at Port Hudson commanding his brigade of Louisiana and Tennessee troops. He was next assigned to the army of General Joseph E. Johnston in Jackson, Mississippi, where his command participated in the Vicksburg campaign. In August, 1863, Maxey was assigned to the Trans-Mississippi Department and ordered to report to the District of Arkansas headquarters in Little Rock, Arkansas, under the command of Lieutenant General Theophilus H. Holmes.<sup>7</sup> When the men of Maxey's Brigade were informed of his new assignment, the officers under his command praised his qualities and expressed regret at their loss in a letter directed to him:

We cannot refrain from expressing our unfeigned sorrow that the fortunes of war should at this time deprive us of your valuable counsel, your untiring energy, and your self-sacrificing devotion to every interest of your command. Gladly do we bear testimony to your untiring devotion to the welfare of your command and to the success of the holy cause we all love so well. In sunshine and in storm you have been our leader, our guide and counsellor and no effort has been wanting on your part to make your command efficient in accomplishing the great object of our struggles, our country's independence.

Shortly after his transfer, Maxey requested and received permission for a leave of absence in October, 1863. This reassignment presented an opportune time to request a leave. He had been granted only one absence of seven days, and two fifteen-day sick leaves since his entrance into the Confederate army in 1861. Upon his return on

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<sup>7</sup> Johnson, Malone, Starr, Schuyler, James, eds., Dictionary of American Biography, Vol. XI, pp. 435-436; Evans, ed., Confederate Military History, Vol. XI, pp. 246-248; Special Order No. 196, August 18, 1863, Official Records, Ser. i, Vol. XXII, Pt. 2, pp. 970-971.

<sup>8</sup> Letter from Maxey's Brigade, Mobile, Alabama, to Maxey, September 7, 1863, Maxey papers, Gilcrease Institute.

December 11, he was authorized by Kirby-Smith to head the District of Indian Territory. Kirby-Smith conceded that Maxey might meet the same fate as the previous commanders in Indian Territory, but he expressed the belief that he would as likely succeed as any other general he had.<sup>9</sup>

Maxey was well qualified to fill the difficult command of Indian Territory. The problems he faced were ones in which he had some experience. The assignment called for strong, creative leadership that stressed command in combat second to administration and logistics. With his military background at West Point, in Mexico, and in the first years of the Civil War, Maxey could feel some measure of security in the technical problems. He had encountered a variety of duties and had executed all tasks to the approbation of his superiors. His study of the law and his legal practice had sharpened his rhetoric and prepared him well for the job of inspiring and encouraging his troops. Perhaps most important of all, Maxey was very familiar with the area. Having lived in Texas for four years before the Civil War, he knew the geography of Indian Territory and northern Texas. His concern for his adopted state insured his diligence and care of the buffer area of Indian Territory. Having never really failed at an important task, Maxey could bring a confident, positive attitude, and a vigor of spirit to tackle the problems of a neglected and utterly demoralized command.

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<sup>9</sup>Special Order No. 214, December 11, 1863, Official Records, Ser. i, Vol. XXII, Pt. 2, p. 1094; Anderson to Maxey, October 24, 1863, Maxey to Anderson, May 20, 1864, and Maxey to Williamson, June 3, 1864, Maxey Papers, Gilcrease Institute.

## CHAPTER II

### ADMINISTRATION AND LOGISTICS

The conditions Maxey faced upon arrival in Indian Territory in December, 1863, were deplorable. He encountered a multitude of crucial administrative, logistic, and military problems that had accumulated, fermented, and expanded for more than a year. Many of the problems were of the nagging, never-ending variety. Their solution depended on the cooperation of his entire command, the support of his superiors, and the backing of those commanders in close proximity to his area. It was seldom possible to receive the cooperation of one group, very rarely the support of two, and never all three. Maxey had been adequately warned of the difficulty of the position by Kirby-Smith. He was also aware of the short, turbulent terms of his predecessors. It appeared he might have a chance of succeeding where others had failed because he took with him to Indian Territory not only his experience, but many other assets. He was enthusiastic and positive. He was familiar with the terrain and its importance to the defense of northern Texas. He was concerned for the welfare of the indigent Indian population. His fiery rhetoric, vibrant energy, and determination added much to his value as a commander. Once in his command, he wholly committed himself and his resources.

Apart from the many negative aspects of the Indian Territory command, there were positive points to benefit Maxey. The position

required a great deal of work and responsibility. While failure in the situation appeared likely, there was also the possibility of unparalleled military success and personal satisfaction. A friend, Samuel A. Roberts, wrote:

Northern Texas and the Indian Department have been neglected so long that they have become the most difficult and the most responsible commands in the Trans-Mississippi Department. I tremble for you. A great name is in store for you or you fall into the ranks of failures, the latter may be your fate, and might be the fate of any man, even after an entire and perfect devotion of all one's time and talent, for want of the proper means. In military matters these things are never considered. Success is the only criterion-- a good rule, upon the whole, though in many instances it works great injustice. Good and deserving men fall, and accidental heroes rise in the scale, kicking their less fortunate brothers from the platform.<sup>1</sup>

Having the full weight of the awesome Indian Territory command was but a challenge to Maxey, and he accepted the position with positive determination. There were also personal compensations in the location, for he was only a few miles from his wife and family living in Paris, Texas. It was possible for him to visit his home, and on occasion, for Mrs. Maxey to visit at Fort Towson. He was able to share with her, and their adopted daughter Dora, luxury items captured in raids, wild game, fruits, and other goods. He was also able more closely to watch and care for his home and land holdings. His future political aspirations in Texas could possibly be affected positively by his actions in Indian Territory. Whether the success and good points would outweigh the failures and negative aspects of the Indian Territory command assignment could only be determined at the war's

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<sup>1</sup>Roberts to Maxey, February 1, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 936-937.

conclusion.<sup>2</sup>

The result of the neglect of the problems in Indian Territory was evident in the severely demoralized troops Maxey saw on his arrival in 1863. The crucially low morale was not sudden but had grown steadily and insidiously. The reasons for this condition were complex, intertwined, and overlapping. Subsistence supplies were poor in quality and inadequate in quantity, arms were scarce, and ammunition poor. There was also dissension, indecision, and scant organization in the command positions. The disastrous military defeats suffered by the Confederacy in 1863 were but a reflection of this demoralization.

Federal troops began early that year to move southward; Union leaders wanted to control the area in order to isolate Texas and cripple it as a food producer for the Confederacy. Under the command of Colonel William A. Phillips, 3,000 Federals began to push into Indian Territory in January. They continued to advance until by April, 1863, they had reached and retaken Fort Gibson with little serious resistance from the Confederates. This post was the center of Federal military operations in Indian Territory until the end of the war. After the surrounding area was secured, the next significant movement of the Union forces was in mid-April. Federal troops made a night march of thirty miles and surprised Colonel Stand Watie's command at Webbers Falls. The Confederate Cherokees had met there to elect a chief in opposition to the Union Cherokee chief, John Ross. Watie was routed and the encampment destroyed. For the next several months the

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<sup>2</sup>S. B. Maxey to Marilda Maxey, January 13, 1864, January 16, 1864, March 17, 1864, October 27, 1864, and October 19, 1864, Maxey Papers, Gilcrease Institute.



Confederates, under the command of Watie, harassed Union forces and engaged in several skirmishes which were of little help to their cause. They succeeded only in arousing the concern of the commander of the Kansas District, Major General James G. Blunt.<sup>3</sup>

The new Confederate commander, Brigadier General Steele, assumed office at Fort Smith on January 8, 1863. He waited there for the reinforcements and supplies which he had requested. He hoped with these added men and equipment to stop the Federal offensive in the months ahead and drive their force out of Fort Gibson. The increased activity of Confederate skirmishers had moved the Union commanders to activate their troops before a possible combination of forces from the South could move against Fort Gibson. Their point of attack was the Confederates quartered at Honey Springs station on the Texas Road under the command of Brigadier General Cooper. The engagement commenced in the morning of July 17 and by late afternoon the Confederates had retreated to a point a mile beyond Honey Springs, about twenty-five miles southwest of Fort Gibson. The Confederate forces had fled in hasty disorganization with unusually heavy losses, totaling 186 killed, wounded, and missing. There was no comparison in the discipline and equipment of the forces. The Federals had not only better arms for their troops, but also more artillery. The ammunition of Cooper's troops was of very poor quality and almost worthless. Brigadier General Steele at Fort Smith took the field in person as the Battle of Honey Springs developed

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<sup>3</sup> Ramp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 26-29; Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, pp. 343-345; Sharon Dixon Wyant, "Colonel William A. Phillips and the Civil War in Indian Territory" (Unpublished Master of Arts Thesis, Oklahoma State University, Stillwater, Oklahoma, 1967), pp. 39-41.

in order to assist the beleaguered Confederates, but arrived on the scene an hour after the engagement was over. The Union troops under Major General Blunt followed up their victory with the capture of Fort Smith on September 1, 1863.<sup>4</sup>

The morale of the Confederate troops in Indian Territory then fell to a new low. Desertions from the white forces were wholesale, dangerously depleting an already small force. The reasons for their failure were buried deeply in a complex combination of conditions, and not lack of courage, skill, or loyalty. The troops that had been expected to fight valiantly and fervently were unpaid, poorly clothed and fed, and deficient in hospital, medical, and surgical equipment. They were inadequately armed with either unserviceable firearms, poor ammunition, or none at all. The condition and age of their weapons made them an unequal match for the Federal troops. Discipline was lax, especially among the Indian troops, as they insisted on electing their own, more lenient, officers. Hardships of military service had resulted in the loss of practically all usable horses. Not to be ignored also was the division among the commanding officers, Brigadier General Steele and Brigadier General Cooper. Cooper resented Steele and had worked in opposition to Steele's command since his arrival at Fort Smith. This poor harmony divided the Indians into two camps. Cooper and his Indian friends blocked all of Steele's attempts at troop reorganization and all hope for any aggressive or venturesome leadership. The Cooper faction had plans for troop reorganization that would secure promotions

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<sup>4</sup>Ibid., pp. 53-55; Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 29-33; Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, pp. 345-346.

for them. The entanglements grew until their solutions were beyond Steele, and he then asked to be relieved.<sup>5</sup>

Into this unenviable situation came Maxey, expecting to bring order and reorganization. He hoped not only to secure the area but also to mount an offensive to recapture the lost portions of Indian Territory. It soon became apparent to Maxey that conditions would not allow an offensive action for some time. He reported shortly after his arrival that the only force available for an engagement was Colonel Richard M. Gano's Texas Brigade of a little over 1,000 men. This number was subject to much shrinkage as desertions mounted unchecked; one regiment reported 25 desertions, only to be eclipsed a few days later by 200 from another regiment. The reduced brigade would be unable to hold against a serious attack. Thus Maxey sent his best regiment, along with two companies, into Texas after the deserters. He issued general orders encouraging those skulking from their command or avoiding conscription to enlist or return to their command. Any who did not obey were subject to arrest, and all patrols and pickets were ordered to be alert for these men. Maxey concluded that there was no feasible way to get an effective total of the Indian Brigade, as its units were scattered throughout Indian Territory. There was, Maxey determined, a cavalry and an artillery force, but no infantry,<sup>6</sup>

With these troops and under such conditions, Maxey's duties ap-

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<sup>5</sup> Abel, The American Indian as Participant in the Civil War, pp. 310-311; Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, pp. 347, 353-354; Maxey to Anderson, February 7, 1864, Official Records, Ser. i, Vol. LIII, pp. 963-966.

<sup>6</sup> Ibid.; General Order No. 7, January 14, 1864, and General Order No. 30, March 15, 1864, Maxey Papers, Gilcrease Institute.

peared Herculean. He had not only to control the troops, but provide supplies, defend, and preserve Indian Territory and northern Texas. His duties as ex officio Superintendent of Indian Affairs were not clearly defined, but included the need to feed the indigent Indians and settle difficulties between the tribes. Maxey evaluated his situation, and quickly and diligently began his reorganization plans. He believed that a vigorous execution of his program for the reconstruction of Indian Territory would produce enough improvement to plan an offensive for the following spring. It was his feeling that the natural line of defense was not the Red River but the Arkansas River, and all efforts should be made to return to that line. He was very eager to recapture Fort Smith and Fort Gibson, and this prevailing thought dominated his entire military planning. These forts not only had strategic value as Maxey viewed them, but their recapture would be especially beneficial to morale and his plans for restructuring.<sup>7</sup>

Fundamental to all other problems was troop reorganization. This was a tremendous and difficult task which had already caused much discord between Cooper and Steele. The initial effort was to form the Indian troops into brigades, with two plans being considered. One plan favored by both Lieutenant General Kirby-Smith and Brigadier General Maxey involved two brigades under the leadership of Colonel Watie and Brigadier General Cooper. The other plan would divide the Indians into three brigades, recognizing especially the Choctaws, the Cherokees, and the Creeks. These troops would be under the leadership

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<sup>7</sup>Maxey to Boggs, December 26, 1863, Official Records, Ser. i, Vol. XXII, Pt. 2, pp. 1112-1113; S. B. Maxey to Marilda Maxey, December 29, 1863, Maxey Papers, Gilcrease Institute.

of Colonel Tandy Walker, commanding the Choctaw-Chickasaw units; Colonel D. N. McIntosh would be in charge of the Creek-Seminole force; and Colonel Stand Watie would lead the Cherokees.<sup>8</sup>

Under the second plan, Cooper would serve as the commanding officer of the three brigades. Kirby-Smith was reluctant to place Cooper in this command position because he had not gained a favorable picture of his worth. He was also a friend of Brigadier General Steele, and he felt any promotion of Cooper would be a reflection on Steele. While openly favoring the two brigade system, he directed Maxey to place all of the Indian troops under the authority of Cooper and, for a short time, the white troops under Steele until Maxey could familiarize himself with his new command. The inconsistency in Kirby-Smith's actions was obvious and Maxey was left to interpret his superior's desires.<sup>9</sup> The indecision and turmoil continued until late January, 1864, when Kirby-Smith placed the entire burden of troop reorganization on Maxey. He was informed by Major George Williamson, Kirby-Smith's Assistant Adjutant General, that "in regard to the organization of the Indian troops into two or three brigades, he [Kirby-Smith] wishes you to exercise your own judgment. Having acted upon the best information you can obtain, in order to promote their efficiency he [Kirby-Smith]

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<sup>8</sup> Maxey to Anderson, January 12, 1864, and Cooper to Scott, January, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 856-858, 859-862; Abel, The American Indian as Participant in the Civil War, pp. 314-318.

<sup>9</sup> Ibid.; Maxey to Anderson, January 12, 1864, and Cooper to Scott, January, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 856-858, 859-862; Anderson to Maxey, December 11, 1863, Maxey Papers, Gilcrease Institute.

doubts not he will approve your action."<sup>10</sup>

While preferring the two brigade system, Maxey was not indifferent to the possibilities of the three brigade system. He felt that the system could promote a feeling of tribal alliance and be more consistent with the treaties the Indians had made with the Confederacy. He also felt that it would be a good recruiting arrangement, as it would enable them to fight as nations. The decision, however, was not left to Maxey's discretion, for in the matter he encountered the will and ambition of Brigadier General Cooper. Cooper was not content to allow the regular mechanics of the military hierarchy to work in opposition to his desires. Thus, he wrote Kirby-Smith for clarification of his position in Indian Territory, and he was assured that he was to remain under the command of Maxey. This was not the answer for which he had hoped. Pressure was then applied by the Indians in behalf of Cooper, in letters and in the presence of E. C. Boudinot, the Cherokee delegate to the Confederate Congress in Richmond. The pleadings of the Indians and Cooper proved fruitful. On February 22, 1864, in a letter to the President of the Grand Council of the Six Confederate Indian Nations, President Jefferson Davis endorsed the three brigade plan placing Cooper in command of the Indian troops.<sup>11</sup>

The order for the organization of three brigades was officially

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<sup>10</sup> Williamson to Maxey, January 25, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 917-918.

<sup>11</sup> Ibid., pp. 318-319; Maxey to Anderson, January 12, 1864, Anderson to Cooper, February 20, 1864, and Cooper to Davis, February 29, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 856-858, 1007-1008; Portlock to Maxey, January 13, 1864, and Maxey Circular, May 14, 1864, Maxey Papers, Gilcrease Institute.

issued on June 1, 1864. Under instructions from Kirby-Smith, Maxey issued an order for the requisition of troops to complete three full regiments for each brigade. Cooper was still not satisfied with the promotion. He wanted the entire command of Indian Territory, and second best was not good enough, so he drafted a letter of protest to President Davis. He tried to persuade the administration that because of an appointment as Superintendent of Indian Affairs in September, 1862, he had a claim on the higher position. "The order placing me on duty as superintendent of Indian affairs," the irate Cooper wrote, "seems to have been ignored by Lieutenant General Holmes and his successor in command of the Trans-Mississippi Department." He further complained: "Where I have always been ready to serve in any capacity ... it is not agreeable or just to be unceremoniously thrust aside by others more in favor with the commanding officers of this department."<sup>12</sup> Cooper did not immediately receive the clarification of his position that he wanted, but he never ceased his efforts. His struggle for advancement continued undiminished throughout 1864. Maxey was not unaware of Cooper's efforts, but he did not allow them to deter him from his command duties.<sup>13</sup>

Maxey's program of troop reorganization in Indian Territory contained many aspects. Although the Cherokee and Choctaw-Chickasaw brigades were ready for formation as early as January, 1864, the three brigade system was not completed until October, 1864. Until that time,

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<sup>12</sup> Cooper to Davis, February 29, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, p. 1007.

<sup>13</sup> Ibid.; Special Order No. 227, September 29, 1862, *ibid.*, p. 1008; Special Order No. 7, January 12, 1864, and Anderson to Cooper, February 20, 1864, Maxey Papers, Gilcrease Institute.

the Creek and Seminole regiments had been a part of the First Indian Cavalry Brigade of the Cherokee Nation under Brigadier General Stand Watie. In an attempt to bring all able-bodied Indians into service, Maxey hoped to produce other conditions favorable to their enlistment. He understood the necessity of keeping a core of reliable and intelligent white troops with the Indian brigades. These troops would serve several purposes. They would act as scouts, couriers, and instructors for the Indians. The need for responsible officers to send reliable reports, and help with training and instruction, was imperative. Maxey also made it known that all old regiments would be retained when possible, and that the new ones would conform to tribal structure.<sup>14</sup>

Maxey also hoped to quickly inaugurate a reliable spy system to report on Federal activities. He used only those men in whom he had confidence. Information was easily purchased, but he felt it was a waste of money if his informants were not personally known to be trusted. These men were responsible for supplying a great deal of information, since some of them were living behind Federal lines and were able to obtain many details. In addition, Maxey kept scouting parties under his personal command constantly patrolling the Federals. He asked to have special men he knew and trusted sent to his command for scouting purposes. The Trans-Mississippi Department was interested in only accurate accounts of troop movements and troop strengths, and

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<sup>14</sup>Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, p. 359; Maxey Circular, June 1, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 4, pp. 639-641; General Order No. 63, October 13, 1864, ibid., Vol. LIII, Pt. 1, p. 1023; Maxey to Anderson, January 12, 1864, ibid., Vol. XXXIV, Pt. 2, pp. 856-858.



Maxey was determined to supply reliable information.<sup>15</sup>

Constantly plaguing Maxey throughout his tenure in the Indian Territory command was the nagging hardship of obtaining supplies for his troops. He tried again and again to induce the Trans-Mississippi headquarters in Shreveport, Louisiana, to send arms and transportation for hauling supplies from Texas, where most commissary goods were obtained. All his efforts to acquire supplies were of little or no avail, and he received only unfilled promises. Maxey's constant pleadings for weapons to arm his men led to nothing but frustration.

The first report of the command's ordnance officer to Maxey portrayed a desperate situation. There were 1,084 unarmed men and 183 unserviceable arms. The firearms were of almost every variety and usually worthless. The weapons that were in Indian Territory consisted of unreliable, poorly constructed Texas rifles that were likely to explode when fired, a few Enfields, a very few Mississippi rifles, some double-barrel shotguns, sporting rifles, and a few muskets. Most of these were in need of repair. The lack became more pressing and worrisome to Maxey as he inspected the Fort Towson, Boggy Depot, and Fort Washita installations. He estimated that about two-thirds of his command were armed, but with very inferior weapons.<sup>16</sup>

Military logic dictated that these men should either be armed or disbanded. However, as military prudence argued that the inadequate number of arms in the Trans-Mississippi Department should be

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<sup>15</sup> Maxey to Anderson, January 12, 1864, and Maxey to Kirby-Smith, January 15, 1864, *ibid.*, pp. 856-858, 874-877.

<sup>16</sup> Maxey to Boggs, December 26, 1863, *ibid.*, Vol. XXII, Pt. 2, pp. 1112-1113.

distributed to the most needed and to the best troops, Maxey felt that his command would probably be last on the list for receiving firearms. Therefore, he based his plea for first consideration in this distribution of arms on promises made to the Indians. He forcefully pointed out that the Confederate government had failed to live up to a large majority of the treaty stipulations made with the Indians, among which was an agreement to supply arms. In these treaties the Confederacy had agreed to protect the Indians with troops and weapons and pay them annuities. Maxey observed that only a handful of white troops had been sent, no annuities paid, nor even Indian Commissioner S. S. Scott sent to explain.<sup>17</sup> Maxey feared the implications of these actions:

The argument used with these people, more potent than any other, one that I myself used with them at the outset of our difficulties, was that the United States was by treaty bound to protect them and had voluntarily fled the country, abandoning them to their fate; that it was bound by treaty to pay the annuity and had failed, neglected, and refused to pay it. Violating the treaty in these essentials, they were absolved from its obligations, and left free to act as to them might seem best. Let us beware that these potent arguments are not used against ourselves.<sup>18</sup>

He urged Kirby-Smith to send 2,000 firearms as quickly as possible in order to demonstrate the Confederacy's good faith and bind the Indians' allegiance more closely. "The great trouble," Maxey complained to his wife, "and the one about which I have more anxiety than any other is arms. Oh, for 2,000 good guns, and I would place

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<sup>17</sup> Maxey to Kirby-Smith, February 26, 1864, *ibid.*, XXXIV, Pt. 2, p. 996.

<sup>18</sup> *Ibid.*

Northern Texas in safety. I have the promise, but when will it be fulfilled?"<sup>19</sup> Some effort was made in March, 1864, when about 800 weapons were reportedly sent, a number greatly inadequate to supply the needs of Maxey's troops.<sup>20</sup>

As firearms continued to be a major problem, Maxey again tried to impress his superiors of this need in July, 1864. He had received word indirectly from the Secretary of War through one of his officers, Major Campbell LeFlore of the Choctaw Nation, that the Indian Territory command was to receive 3,000 stand of arms. The order, issued the preceding February, had not been fulfilled. Maxey felt that if Kirby-Smith would press the matter with President Davis he could obtain the authority and transportation needed to secure the arms. He also sought the intervention of Indian Commissioner Scott to recommend to the President an Indian plan, endorsed by Maxey, to use a reliable ordnance agent to receive the weapons and personally deliver them to Indian Territory. This indirect pressure on the President to deliver the firearms as promised resulted in no immediate action. As there was little expectation of a direct supply of arms from the Trans-Mississippi Department, Maxey hoped these efforts would eventually result in compliance to the February order and relieve their desperate need for guns. There were some substantial captures of weapons from raids made by the Indian brigades, but not enough to

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<sup>19</sup> S. B. Maxey to Marilda Maxey, February 25, 1864, Maxey Papers, Gilcrease Institute.

<sup>20</sup> Maxey to Kirby-Smith, February 26, 1864, Lee to Maxey, February 26, 1864, DuBose to Maxey, February 25, 1864, and Cunningham to Maxey, March 8, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 995-999, 1030.

fully supply his troops. By December, 1864, shortly before Maxey left Indian Territory, no action had been taken, and he again reminded Kirby-Smith of the need for at least 1,000 good firearms. Maxey had tried every means possible to obtain the needed guns for his command from his superiors, but was unsuccessful. He was forced to rely on captured arms and the variety of old and unserviceable weapons his troops had from prewar years. Thus, one of the imperative prerequisites for an offensive campaign had evaded Maxey.<sup>21</sup>

Another serious problem which Maxey encountered was the task of supplying his troops with commissary supplies. The condition and its cause was obvious to Maxey shortly after his arrival in Indian Territory. There was a severe shortage of transportation, and all commissary supplies were hauled by wagon from Texas and then distributed. "Supplies of breadstuffs and forage, as well as clothing, sugar, &c., all having to be drawn from beyond the limits of the Territory," Maxey complained to his superiors, "a more than ordinary supply of transportation is necessary. To that for the troops must be added that made necessary by the destitute, thrown on the hands of the Government who must be taken care of."<sup>22</sup> Only a small quantity could be carried in the few wagons available, and cooperation in the acquisition of more transportation was not forthcoming. First, Maxey asked that the wagons available in Paris, Texas, be placed at his disposal without

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<sup>21</sup>Maxey to Boggs, July 15, 1864, *ibid.*, Vol. XLI, Pt. 2, p. 1007; Maxey to Boggs, October 9, 1864, *ibid.*, Pt. 3, pp. 990-991; Maxey to Kirby-Smith, December 2, 1864, and December 4, 1864, *ibid.*, Vol. LIII, Pt. 1, pp. 1029-1030, 1030-1031.

<sup>22</sup>Maxey to Boggs, May 11, 1864, *ibid.*, Vol. XXXIV, Pt. 3, p. 820.

the usual routine delays, but this was refused. Second, he asked headquarters to supply him with thirty or forty large ox road wagons, as he felt they were the best transportation for the prairie country over which they would travel. No wagons were sent. Maxey's last alternative was to order his quartermaster to hire or acquire wagons any way he could; this procedure proved to be the only fruitful means of obtaining added transportation.<sup>23</sup>

Maxey was eloquently supported in his request for wagons by Colonel E. E. Portlock, Jr., the Assistant Inspector General of the District of Indian Territory. Portlock was also alarmed at the tenuous supply situation in Indian Territory. "Subject to the will of officers whose connections, and consequent interest, are with another district," he observed, "our supplies are very precarious and doubtful." Portlock concluded: "No one, except from personal observation, can form an idea of the utter destitution of the Indian Territory of everything except a limited supply of cattle. Every military district in this department has internal resources except the Indian Territory."<sup>24</sup> In July, 1864, their supply train consisted of about seventy ox-wagons capable of carrying nine days of rations per trip. It took twenty to thirty days for each round trip to Texas to get supplies. The bread-stuff made in Indian Territory from meal ground in Texas and exposed to hot sun for twelve to fifteen days enroute rendered it almost uneatable. These facilities were to supply the army and the indigent Indians. Therefore, the need for additional transportation was impera-

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<sup>23</sup>Maxey to Kirby-Smith, February 26, 1864, *ibid.*, Pt. 2, pp. 994-997; Maxey to Boggs, May 11, 1864, *ibid.*, Pt. 3, pp. 819-820.

<sup>24</sup>Portlock to Maxey, July 8, 1864, *ibid.*, Vol. XLI, Pt. 2, p. 998.

tive to keep sufficient supplies for the troops to maintain their position. If there was to be any hope of an extended military operation to recapture Fort Smith and Fort Gibson, it was imperative that enough wagons be made available to haul quantities of supplies to sustain troop movements.<sup>25</sup>

Portlock felt that the security of Indian Territory was of great importance to the Trans-Mississippi Department. His report stated:

Our sole dependence is Northern Texas before whose border we stand as a bulwark and defense. If we fail to maintain our present position and are forced back to Red River, what becomes of Northern Texas? What becomes of the great storehouse of the Trans-Mississippi Department? The Indians are devoted to their homes and country. Thus far they have exhibited the strongest evidences of their loyalty to our cause and cheerful compliance with their treaty stipulations; but there is a point where their loyalty may stop--when our failure to protect their country may force them to seek an alliance which will afford them greater immunities than we have given.<sup>26</sup>

To avert these dangers and alleviate the situation, Portlock recommended that immediate action be taken. He asked that the regular source of supplies be made secure, for at least 100 additional wagons to be used to carry provisions to the army, that 60 days of rations be stored in a magazine in Indian Territory, and that no meal be sent, as it spoiled too easily. Until these recommendations were acted upon, Portlock believed that Confederate Trans-Mississippi Headquarters had no reason to expect offensive military operations in Indian Territory. It was his feeling that "troops badly armed and clothed are not calculated to do great deeds, and when rations fail or are only furnished for today, uncertain whether or not tomorrow's supply will come, they

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<sup>25</sup>Ibid., pp. 997-1000.

<sup>26</sup>Ibid., pp. 998-999.

are powerless to effect great results."<sup>27</sup> Portlock's report, submitted to Maxey, was quickly referred to Lieutenant General Kirby-Smith. Maxey's endorsement of the communication recommended it as "earnest, very able, satisfactory, and truthful."<sup>28</sup>

Many other supply problems plagued Maxey. By August, 1864, the troops were in dire need of clothing. His troops, in the field since April, 1864, were in need of such basic necessities as shirts, drawers, socks, pants, and shoes. Maxey received several letters from apprehensive officers who feared insurrection from their ragged and barefoot soldiers. The situation made Maxey uneasy, and he appealed to Kirby-Smith for action. Maxey asked Kirby-Smith to stir up the clothing men with a personal request, as the requisitions on staff officers of the quartermaster's department did not obtain the desired results.<sup>29</sup>

Maxey knew many people in northern Texas, and was able to prevail upon the ladies to sew clothing for his troops. Major S. A. Blain from Sherman, Texas, wrote to Maxey of the efforts of the Sherman ladies:

There are many garments now in the hands of the ladies being made up. There is some already deposited in my office ready to send forth. There is at least 140 yards still in the looms besides some plain cloth and linsey, and there is from 125 to 150 yards now ready for the looms that will be put out this week. Add to this 35 or 40 pairs socks already delivered in my office and it will give you a good idea of what may be expected from the ladies of Sherman.

I must ask you General (on part of the ladies) to be patient a short time. Material has been hard to command, and difficulties have been met and surmounted that at first

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<sup>27</sup> Ibid., p. 999.

<sup>28</sup> Maxey Endorsement, July 11, 1864, *ibid.*, p. 1000.

<sup>29</sup> Maxey to Kirby-Smith, August 18, 1864, *ibid.*, p. 1072; Maxey to Kirby-Smith, December 2, 1864, *ibid.*, Vol. LIII, Pt. 1, pp. 1029-1030.

were not suppose to exist. But we intend to be through in time to add something to the comfort of the destitute but Gallant Soldiers of your command.<sup>30</sup>

Maxey made arrangements to order shoes through other friends in Huntsville and San Antonio. He did not, however, have a great deal of faith in any immediate return on these requests. It appeared that these sources could provide shoes for the future, but could not help with the pressing present necessity. Only one unofficial communication was received from San Antonio, promising to send a newly procured pair of French cavalry boots to Maxey and a French calf skin for Mrs. Maxey. As in the case of other supplies, Maxey also relied on captured goods. Many of the luxury items were obtained through this source. Various raids on the Federals brought in candles, canned fruit, coffee, and cloth.<sup>31</sup>

A single satisfactory answer to the problem of supplying Maxey's troops was not possible. Because of the important part adequate supplies played in his desire to mount an offensive, his efforts to obtain them never ceased. A few weeks before his departure from Indian Territory he still pleaded for sufficient supplies and money to pay his forces. Most of his men were very poor and had not received their salary for over a year. They suffered along with their families because of the lack of supplies and because of the depredations committed

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<sup>30</sup>Blain to Maxey, October 18, 1864, Maxey Papers, Gilcrease Institute.

<sup>31</sup>Maxey to Kirby-Smith, August 18, 1864, Official Records, Ser. i, Vol. XLI, Pt. 2, p. 1072; S. B. Maxey to Marilda Maxey, October 12, 1864, October 19, 1864, and Hester to Maxey, February 1, 1865, Maxey Papers, Gilcrease Institute.



by stragglers.<sup>32</sup> Maxey was reminded of the desperate situation by the principal chief of the Choctaw Nation, Peter P. Pitchlynn: "The soldiers who have been engaged in the defense of the country demand as a right that their families shall not suffer for bread. Want is already rearing its spectral form in some localities .... Besides that, soldiers, regular and irregular, are constantly traversing the highways and byways of the nation, taking by force or threats of violence the little that is to be found in the sections most destitute."<sup>33</sup>

Maxey agreed with Pitchlynn that the situation was desperately in need of relief. He repeated his general order calling for harsh handling of stragglers and relayed Pitchlynn's letter to Kirby-Smith at headquarters in Shreveport. Maxey anticipated the help of Kirby-Smith in ending the drain on their resources created by troops from Arkansas. Maxey's final request for help received only the vague promise to remove a part of Major General John Bankhead Magruder's troops from their location near Indian Territory to relieve the Red River area of that drain on supplies, and a general hope that funds might soon be sent.<sup>34</sup>

Maxey assumed command in Indian Territory at a time when Confederate conditions in that location had reached crisis proportions. His troops were defeated militarily and emotionally, and were utterly

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<sup>32</sup> Maxey to Boggs, December 31, 1864, Official Records, Ser. i, Vol. LIII, Pt. 1, pp. 1034-1035.

<sup>33</sup> Pitchlynn to Maxey, December 29, 1864, *ibid.*, p. 1035.

<sup>34</sup> Maxey to Boggs, December 31, 1864, *ibid.*; Belton to Maxey, January 6, 1865, *ibid.*, Vol. XLVIII, Pt. 1, p. 1317.

demoralized. Their morale was at its lowest ebb and desertions were commonplace. Federal forces had defeated them at most encounters for an entire year and had pushed them back into the Choctaw Nation and the Chickasaw Nation. The Indians had received few of the promises made them when they signed their treaties. Arms were almost nonexistent, as were supplies and effective leadership. Officers and enlisted men had been torn apart by the jealousy and ambition of Cooper in his dispute with Steele. No adequate reorganization or effective mobilization of forces had been possible.

It appeared that Maxey would need to invoke a miracle to bring order and success to this chaotic situation. He pitted his intelligence, skill, personality, determination, his knowledge of the geography, the needs of the territory, and his fiery enthusiasm against chaotic conditions and won a measurable degree of order and success. He was able to inspire his troops and give them the high confidence in his leadership that they had not found in his predecessors. Maxey's evaluation of his administrative and logistic problems was made quickly and accurately, and he wasted no time in acting to correct existing conditions. He left no doubt that he intended to succeed in his duties.

Maxey's source of energy and conviction was imbedded in his sincere belief in the importance of Indian Territory. He considered his command to be strategically critical to the success of the entire war. All of his actions and measures were directed toward stabilizing his command. He felt that a critical factor was the loyalty of his Indian troops; if they lost faith in the Confederacy, Indian Territory would be helpless. He felt that the actions of the white troops

and their commanders should be to encourage, support, and help the Indian troops in the defense of their homes and area for the ultimate benefit of the Confederacy. To this end he attempted troop reorganization and constantly pleaded for adequate arms and other supplies. It was his fear that Indian Territory would be of little use unless the Confederacy adequately trained and armed the Indians.

## CHAPTER III

### INDIAN AFFAIRS

Maxey's position in Indian Territory included not only the command of the military forces within its borders, but also the job of Superintendent of Indian Affairs. Originally, the superintendency was to be filled by an agent from outside the military command. The War Department was to select a man suitable to the needs of the indigent population; this person would handle certain funds set aside for the administration of Indian affairs. The money would be separate from the military as would the supplies and equipment of the superintendent. Although Indian Territory had been engaged in the war since 1861, no one had been appointed to this task when Maxey took command in December, 1863. The duties of the Superintendent of Indian Affairs had slowly devolved upon the military commander, and remained a part of his duties throughout the war.<sup>1</sup>

It was Maxey's opinion that the superintendency should continue as a function of his office. The activities of military commander and Indian superintendent had become so intertwined that it would be impossible to detach the one from the other. As the two positions would very likely furnish the same type of supplies from the same source, they would compete against one another if separated. "It would throw

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<sup>1</sup>Maxey to Scott, August 23, 1864, Maxey Papers, Gilcrease Institute.

competition into the market of supplies," Maxey emphasized, "and raise prices and wind up in collision between contractors and commissaries."<sup>2</sup> It appeared to Maxey that if the Indian Office made funds available, procuring supplies from Texas for both indigent Indians and military troops could be combined to the benefit of all, making a separate Superintendent of Indian Affairs unnecessary.<sup>3</sup>

The duties of the superintendent were only vaguely defined, and there were very few precedents for Maxey to follow. Thus, decisions he made for future actions were based mainly on observation; he evaluated situations and issued orders for reforms that appeared necessary. Maxey hoped to succeed in several areas in his capacity as superintendent. First, he was determined to develop a better, more equitable, and more reliable system of caring for the destitute Indians. Second, he expected to promote a better relationship between the Indian Office and his office to secure more funds on a regular basis. Third, he wanted to encourage and rally the sagging confidence of the Indians in the Confederacy, and develop spirit and cooperation between the tribes and white troops. And finally, he intended to bring organization and order to the Indian fighting units. The latter reform was to be accomplished by the use of all able-bodied Indians in the service under the newly constructed three brigade system.<sup>4</sup>

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<sup>2</sup>Ibid.

<sup>3</sup>Ibid.; Angie Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, No. 4 (April, 1932), p. 257.

<sup>4</sup>Maxey to Scott, August 23, 1864, and S. B. Maxey to Marilda Maxey, December 29, 1863, Maxey Papers, Gilcrease Institute.

One of the more pressing situations was the frustrating question of feeding and caring for the estimated 15,000 to 16,000 destitute Indian refugee population.<sup>5</sup> These people had been pushed further and further south until they finally encamped near the Red River, when Maxey noted: "Thousands of helpless women and children of the Cherokee, Creek and Seminole Nations had been driven from their homes by the merciless foe. Their husbands, fathers, sons and brothers were in our army. They were driven out many of them in a state of destitution, others nearly so, whilst a few had the means of subsistence left. They were homeless wonderers. Apart from the sacred obligations of the treaty, it was an act of humanity to provide as best I could for these suffering exiled friends and neighbors."<sup>6</sup>

Maxey decided to continue the practice, inaugurated by his predecessors, of feeding the civilian Indians from the military commissariat. He felt that, despite misuse of the system by some of the Indians, it should be continued: "Although my predecessor who began the system of feeding the destitute designed it for those only who were actually destitute, I am satisfied that some are there who ought not to be-- yet to enter into strict discrimination in a matter of this sort would be unwise and impolitic."<sup>7</sup> However, as the number of refugees grew, it became necessary for Maxey to create an extralegal organization to

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<sup>5</sup> Scott to Seddon, December 1, 1864, Official Records, Ser. 1, Vol. XLI, Pt. 4, pp. 1086-1090.

<sup>6</sup> Maxey to Scott, August 23, 1864, Maxey Papers, Gilcrease Institute.

<sup>7</sup> Ibid.

administer to the Indian population.<sup>8</sup>

In January 1864, Maxey created three new offices, although there was no law authorizing such appointments. He felt that one of the reasons the Indians had suffered so severely during the previous winter was because the supplies which were available had not been efficiently distributed. In order to facilitate distribution, secure regularity, and prevent fraud, Maxey chose several reliable officers to supervise and attend to Indian matters. He appointed a Superintendent of Issues for the Indians. This officer was to draw subsistence from the military commissariat while visiting each nation and tribe to enroll the heads of families by name and note the number of women, children, and Negroes. He was to use the aid of Indian agents and principal chiefs to compile the lists. The roll was amended each month, and the completed document was placed in the post commissary from which the specific nation or tribe derived its supplies. He was also to supervise other officers, keep records, administer the distribution of rations, report any frauds against either the Indians or the commissariat, and see that special rolls were made when needed for each nation and tribe.<sup>9</sup>

Also created by Maxey was the office of Issuing Agent. This man was appointed by the Indian agent or principal chief of the tribe. His duty was to make requisitions for supplies, receive them, and issue

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<sup>8</sup> Ibid.; Debo, "Southern Refugees of the Cherokee Nation," The Southwestern Historical Quarterly, Vol. XXXV, p. 257.

<sup>9</sup> Scott to Seddon, December 1, 1864; Official Records, Ser. 1, Vol. XLI, Pt. 4, pp. 1086-1090; Maxey to Scott, August 23, 1864, and Special Order No. 25, January 31, 1864, Maxey Papers, Gilcrease Institute.

them to the proper families. The system called for the Issuing Agent to prepare provision tickets, numbered to correspond with the rolls, for each head of a family. This ticket contained a listing of all provisions issued by date. If the provision ticket conformed to the rolls which had been placed in the commissary office, the agent would issue the proper number of rations. If the claim did not conform to the rolls held by the commissary agent, the ration, as indicated on the official rolls, was distributed and an immediate investigation begun. Each ration was composed of one and one eighth pound of flour, or one and one quarter pound of meal, one and one half pound of beef, and two quarts of salt to 100 rations. Only those Indians in actual want, with no means of self-support, were supposed to request government rations, but Maxey felt this should be liberally interpreted, as strict interpretation would be injudicious. It was also the duty of the Issuing Agent to make quarterly reports to the Superintendent of Issues and hire the necessary transportation from the Indians for hauling the supplies. They were to be paid at the same rate as the Confederate government was paying the citizens of Texas and other states for similar transportation of supplies. The third office created was that of Inspector of Camps, but details of this appear not to be known.<sup>10</sup>

In making his report on the conditions of the Indians to the Commissioner of Indian Affairs in August, 1864, Maxey recommended that the three new offices created in January be retained. Because their

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<sup>10</sup>Maxey to Scott, August 23, 1864, Special Order No. 25, January 31, 1864, and Act of the General Council of the Choctaw Nation, October 31, 1864, *ibid.*



duties had been troublesome but well-performed, he asked that their occupants be allowed a liberal salary. Admittedly an experiment, the system was subject to various revisions and additions as Maxey learned more of his command and the Indians. He explained these changes to Indian Commissioner S. S. Scott, and he recommended that there should be at least two other offices created: "I would also recommend that I be authorized to appoint an enrolling officer whose duty it shall be to make an accurate Rolls of Indigent Indians and correct them from time to time as occasion requires. This is now done by the Superintendent of Issues, and besides burdening him with more than one main case load, the two offices in their nature should be separate, each being a check on the other."<sup>11</sup> The first few months had also proven the need for a chief wagon master, with the power to acquire and maintain all the transportation necessary for securing and hauling supplies to the Indians.<sup>12</sup>

In his report on conditions in Indian Territory, Maxey also mentioned the problem of funding the superintendency and paying Indian employees:

There are various employees, some of them are Indians, in the Superintendency, for whose pay no funds are in my control as Superintendent. I have had no funds turned over for the use of the Superintendency. Such as I have been called upon to use, I have as District Commander ordered from my chief Quartermaster. Indians become restless when not promptly paid. I would respectfully ask that full provision be at once made on the payment of the employees and other expenses.<sup>13</sup>

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<sup>11</sup>Maxey to Scott, August 23, 1864, *ibid.*

<sup>12</sup>*Ibid.*

<sup>13</sup>*Ibid.*

Maxey suggested that funds for this purpose be turned over to him and received through a bonded agent of the Quartermaster Department whose special duty it would be to pay all such claims in Indian Territory. Maxey also recommended the enforcement of the regulation that all Indian agents be required to reside within the limits of their agency. They should, as far as practicable, live in the camps with their people.<sup>14</sup>

Maxey's report was well received by Indian Commissioner Scott:

I regard the Indian Country as being in much better condition now and the Indians more hopeful and nearer contented than they have been for the last two years. This gratifying state of affairs, is to a great extent attributable, I deem it proper to say, to the wise and judicious course pursued toward them by Major General Maxey. From his report which has just been submitted to me, it seems that he well understands Indian character, and has taken those steps, which were calculated to give the people of this District satisfaction.<sup>15</sup>

Scott not only praised Maxey's innovative measures, but was willing to accept many of his suggestions. The continuance of the offices already in existence was endorsed, as well as the new offices. Scott also agreed that the agents should, if at all possible, be living with the people in their charge. Maxey's suggestion for a bonded agent to receive funds was also accepted and acted upon. Robert G. Miller was appointed by Lieutenant General Kirby-Smith in August for the post in the Quartermaster Department, with instructions to disburse the Indian funds as Maxey had requested. Miller was given \$75,000 to be used in meeting the specified expenses connected with the superintendency. No money was to be paid out for these purposes

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<sup>14</sup>Ibid.

<sup>15</sup>Scott to Kirby-Smith, August 27, 1864, *ibid.*

without written orders from Maxey.<sup>16</sup>

In order to fully utilize the Indian troops, Maxey felt it necessary to understand and communicate effectively with the various tribes. To this end, Maxey had a printing press installed in his headquarters at Fort Towson. This press was of great use in reaching and influencing the Indians. Maxey included at various times a wide diversity of materials. Documents, speeches, laws, special orders, and general orders were issued rapidly from the press. All were for the purpose of distributing patriotic propaganda to sway, encourage, and rally the Indians. He never failed to print documents which included complimentary comments about Indian victories. He also printed and disbursed addresses made by Indian Commissioner Scott, President Davis, and others, and he distributed a number of significant acts passed by the tribes in general council. In order to promote enlistment, Maxey reproduced the reenlistment resolutions of various regiments and tribes. In colorful language he praised their devotion and deep loyalty to the Confederate government:

Imitate the noble example of those glorious troops who have battled in defense of their country from the very outset, many of whom have never been home since the war began, but who, when Congress told them of the urgent necessity of re-enlisting for the war, gladly responded, declaring they intended to fight it out if it took seventy-five years. Imitate their illustrious example. The spirits of such people cannot be broken. You have passed the gloomy hour; the worst of this revolution is over. Let your name go down in history as defenders of the liberty and nationality of your race. Enlist for the war.<sup>17</sup>

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<sup>16</sup> Scott to Maxey, October 7, 1864, October 8, 1864, and October 10, 1864, *ibid.*

<sup>17</sup> Maxey Circular, June 1, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 4, pp. 640-641.

Maxey saturated his command area with those publications he felt would help raise the morale of his troops.<sup>18</sup>

Maxey relied to a great extent on his personal appeal to the Indians to reinforce their confidence in his ability and the security of Confederate strength. He often attended Indian councils and traveled many miles to meet with Indian leaders. He observed, soon after his arrival in Indian Territory, that the Indians' primary decisions were actually made by only a few influential tribal members. It was Maxey's desire to reach this aristocracy of leadership; through these men he could contact and control the tribes. His first formal encounter with the leaders of the tribes was in the Choctaw Nation at the Grand Council of the United Nations at Armstrong Academy, called for February 5, 1864. The meeting was for the express purpose of establishing peace and friendship with the Plains Tribes to the west who were attacking and harassing the Five Civilized Tribes as well as Indians in the surrounding states; the council also hoped to formalize plans for a raid into Kansas. Maxey was invited to attend and was asked to supply food. He presented a short speech urging peace efforts with the Plains Tribes and promising to supply them with trinkets for use in their negotiations. His fiery address was well received and even won praise from Cooper: "Your speech had an excellent effect on them [the Indians]. All are gratified and encouraged, especially those who have been forced from their homes, and

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<sup>18</sup>Maxey to Scott, August 23, 1864, Maxey Circular, September 29, 1864, Act of the General Council of the Choctaw Nation, October 31, 1864, and Special Order No. 25, January 31, 1864, Maxey Papers, Gilcrease Institute; Maxey Circular, June 15, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 4, p. 679; General Order No. 63, October 13, 1864, *ibid.*, Vol. LIII, Pt. 1, p. 1023.

hope to drive out the invaders and return to their country."<sup>19</sup> His address was requested in printed form by past Chief Moty Kanard of the Creek Nation to be read at the council and interpreted fully for all assembled.<sup>20</sup>

The impact of Maxey's vigorous attack on the problem of waning Indian loyalty was illustrated pointedly at the council meeting. A Federal expedition, commanded by Colonel Phillips from Fort Gibson, penetrated the Choctaw Nation while the council was in session. The invading force foraged widely and intimidated many Indians. Distributed on the raid were a series of letters written by Phillips to the Confederate Indians and their leaders. These messages reiterated the amnesty proclamation of President Abraham Lincoln and urged the Creeks, Seminoles, Choctaws, and Chickasaws to accept peace and save themselves or be destroyed. The Indians discussed the peace offered, defeated the isolationist tendencies, and renewed their pledges of loyalty to the Confederacy. Maxey's vigor proved to be stimulating, and the council was a personal triumph for him.<sup>21</sup>

Maxey missed no opportunities to meet with any Indian tribes. In February, 1864, while on an inspection tour of the Confederate installations located at Boggy Depot and Fort Washita, he made a formal speech, only to be called on the two following nights to speak informally. "Bass's Regiment marched up after supper and called me out,"

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<sup>19</sup> Cooper to Maxey, February, 1864, *ibid.*, Vol. XXXIV, Pt. 2, p.959.

<sup>20</sup> Vore to Maxey, January 29, 1864, Maxey to Anderson, February 9, 1864, and Kanard to Maxey, February 6, 1864, *ibid.*, pp. 928, 958-959, 960; Abel, The American Indian as Participant in the Civil War, p. 323.

<sup>21</sup> *Ibid.*; Maxey to Kirby-Smith, February 26, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 994-999; Fred Hood, "Twilight of the Confederacy in the Indian Territory," The Chronicles of Oklahoma, Vol. XLI, No. 4 (Winter, 1963-1964), p. 433.

Maxey explained. "I hadn't a hint that anything of the kind was on hand till they gave three cheers for me and called me out. Being a hair sleepy and in the spirit I gave them a good talk. The next day the Creek Warriors assembled and called me out and seemed well pleased ... I am satisfied my trip has done great good."<sup>22</sup> In March, Maxey addressed a large number of Creeks at Boggy Depot. He received a special invitation to speak to Watie and the Cherokee troops in June; the invitation was signed by some of the most prominent Cherokees of the time, and expressed their high esteem for Maxey's valuable services in Indian Territory. They requested his presence at Camp Limestone Prairie for the address, and Maxey readily agreed to go. In July he was called upon to speak to the Choctaws assembled in council at Armstrong Academy.<sup>23</sup>

His last important meeting with the Indians was in November, 1864, at a gathering of the Grand Council of the United Nations at Armstrong Academy. He was asked to deliver a talk on the condition of the District of Indian Territory. He recounted the full history of his civil and military administration in a lengthy speech of three hours, basically an eloquent defense of himself. He felt that he held the entire attention of the Grand Council as he discussed the promises and predictions he had made in his February speech and his successful attempts to fulfill them. A resolution was passed endorsing Maxey's entire

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<sup>22</sup>S. B. Maxey to Marilda Maxey, February 25, 1864, Maxey Papers, Gilcrease Institute.

<sup>23</sup>Maxey to Scott, August 23, 1864, S. B. Maxey to Marilda Maxey, February 25, 1864, and Letter from Second Confederate Cherokee Regiment to S. B. Maxey, June 26, 1864, *ibid.*

administration, both civil and military.<sup>24</sup>

Through these meetings Maxey came to know and understand the Indians. His relationship with Watie enhanced his concept of the most efficient use of the Indian troops; thus, these forces made gains through raids and harassment tactics when large field combat could not be undertaken. Maxey was able to favorably influence most of the Indians, but there were those who would not be swayed from their allegiance to Cooper. They were antagonistic and did little to bring the union and harmony needed to unite the Indian factions. Cooper carefully controlled certain Indian leaders who were working steadily and cautiously to undermine Maxey's position. They hoped that by maneuvering President Davis through their interpretation of the confused situation, they would be able to make Cooper appear as the logical commander for Indian Territory. The division among the Indians over who should command was deep; the situation was a product of two years of Cooper's discontent and manipulation. In the mind of Cooper's supporters, Maxey was out of place and had to be removed.<sup>25</sup>

Unanticipated problems grew during Maxey's tenure. One embarrassing situation, detrimental to military discipline and morale, festered and exploded during Maxey's command in Indian Territory. Maxey was notified by Cooper that an officer, Colonel Charles DeMorse, was

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<sup>24</sup> S. B. Maxey to Marilda Maxey, November 6, 1864, and Maxey to Kirby-Smith, November 12, 1864, *ibid.*; Hood, "Twilight of the Confederacy in the Indian Territory," The Chronicles of Oklahoma, Vol. XLI, p. 438.

<sup>25</sup> Hawkins to Folsom, August 13, 1864, Maxey to Scott, August 23, 1864, Leflore to Maxey, June 26, 1864, and Folsom to Scott, December 26, 1864, Maxey Papers, Gilcrease Institute; Maxey to Kirby-Smith, November 8, 1864, Official Records, Ser. i, Vol. XLI, Pt. 4, pp. 1035-1037.

questioning the equality of Indians and whites of the same rank. DeMorse refused to believe or behave as if Indian officers possessed the same ability as white officers. He contended that Indians were physiologically inferior and that it was "an obvious trait of the Indian character that those people are naturally indisposed, as well as unfitted, to lead, and of their own impulses always prefer to be led, and to repose upon the judgment and superior mental acuteness of the white man."<sup>26</sup> DeMorse felt that, added to the other deprivations of the area, such as isolation and lack of advancement, it was an insult to expect white men to be subjected to the military superiority of an inferior race. "Our situation," he complained, "is sufficiently disagreeable without any unnecessary degradation."<sup>27</sup>

Cooper answered that there was to be no racial distinction between whites and Indians. Because this reply was unacceptable to DeMorse, the complaint was forwarded to Maxey. His reply was immediate and inflexible. The law was positive and definite, he said, and the senior officer, regardless of race, commanded the whole: "The Confederate Government," Maxey emphasized, "recognizes Indian officers without making the slightest distinction between their rights as such and white officers. I unhesitatingly decide that the senior officer present of any expedition is entitled to the command."<sup>28</sup> DeMorse was still unsatisfied, and the correspondence relating to the problem was forwarded to the headquarters of the Trans-Mississippi Department for

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<sup>26</sup> DeMorse to Cooper, June 29, 1864, *ibid.*, Vol. XXXIV, Pt. 4, p. 699.

<sup>27</sup> *Ibid.*

<sup>28</sup> Maxey to Cooper, June 29, 1864, *ibid.*, pp. 698-699.



further attention. No decision was communicated to Maxey.<sup>29</sup>

There were other incidents of poor Indian-white relations to plague Maxey. Complaints from the white troops that the Indian force failed to do their part in battle were made to him: "That there is not the confidence and reliance placed in the Indian troops by the whites that there ought to be to give strength .... And the whites just after a fight feeling that others have not done their part and their witnessing them make assaults on wounded prisoners, are so apt to become enraged and threaten violence."<sup>30</sup> Maxey's reaction was one of patience and understanding, for he fully comprehended the circumstances and conditions that would propagate such charges. He had learned a great deal about Indians and thoroughly appreciated their abilities and understood their weaknesses. He realized that the use of Indian troops was an important part of Indian Territory's military policy. He admired many of the Indian leaders and remarked that he wished more of his white officers had Watie's energy. The rise of prejudice against the Indian forces under existing conditions was not surprising; nor was the fact that there was no complete answer to satisfy his troops, the refugee Indians, or his conscience.<sup>31</sup>

Maxey's leadership within Indian Territory had substantial effects. He could justifiably claim by the end of 1864 that he had been successful. He made every effort to influence, encourage, and cheer the Indians, and he had been able to rally them. He had no peer in

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<sup>29</sup> Ibid.; DeMorse to Cooper, June 29, 1864, *ibid.*, pp. 699-700.

<sup>30</sup> Gano to Maxey, August 20, 1864, Maxey Papers, Gilcrease Institute.

<sup>31</sup> Ibid.; Maxey to Anderson, February 7, 1864, Official Records, Ser. i, Vol. LIII, pp. 963-966.

propaganda work. His printing press had inundated the area with well-chosen messages of hope and success; his fiery speeches delivered at a variety of places were vivid, inspiring, and stimulating. After only a few months, his vigor and ability had restored a degree of the Indians' faith in the Confederacy. His rulings and reforms were necessary, effective, impartial, and manifested no prejudice against the Indians. His interpretation of the office of Superintendent of Indian Affairs and its combination with the military command resulted in more efficient procurement and distribution of supplies. His innovative formation of offices and duties were necessary and desirable measures in his system of caring for the destitute refugees. He was instrumental in obtaining the necessary funds for the pressing expenses of the Indian agents. Despite the undermining efforts of Cooper, Maxey continued to sway, stimulate, and influence the Indians. If it had not been for his skill and enthusiasm, the Civil War for the Confederate Indians could very well have ended in early 1864.

## CHAPTER IV

### MILITARY PLANNING AND OPERATIONS

Military planning and operations during 1864 in Indian Territory occupied much of Maxey's time and effort. This activity was confined primarily to routine matters such as the acquisition of accurate scouting reports, personnel problems, troop movements, military courts, and prisoner exchange efforts. There was no major battle action in Indian Territory during Maxey's tenure. He was personally involved in only one battle while commanding in Indian Territory, and this was in Arkansas at Poison Spring in April, 1864. His troops, however, experienced a variety of combat action, including not only activity in Arkansas, but harassment attacks around Fort Smith, a raid on a haying camp, and the capture of a supply ship and train.

Shortly after arriving in Indian Territory, Maxey assessed the situation and drew several conclusions about existing conditions and possibilities for aggressive military action: "The true defense of this Territory, and consequently of Northern Texas, was north of the Arkansas River. The supplies," Maxey informed his superiors, "from the fertile valleys of that river and its tributaries would have been abundant for all purposes." He felt that the Federals should never have been permitted to occupy Fort Smith and Fort Gibson or to have taken possession of Waldron, Arkansas, forty-five miles southwest of Fort Smith: "The first thing that ought to be done," Maxey emphasized,

"and speedily, is to drive the enemy out of Waldron back to Fort Smith, and compel him to commence there next Spring .... In my opinion ... [our] force ought not to open the spring campaign on Red River. It should be concentrated and moved to the front as far as practicable .... If possible we should take the initiative in the spring campaign."<sup>1</sup>

The need for such aggressive activity was not doubted by Maxey: "The wonderful importance of so strengthening this army as to enable it to regain Fort Smith and Fort Gibson and to expel the enemy from this territory has never been realized by those not conversant with the geography of this country, its bearing on Northern Texas, and the absolute necessity of the grain, beef, salt, and iron of that country on the Trans-Mississippi Department."<sup>2</sup> The probability of the Confederates in Indian Territory being able to take offensive action in the spring of 1864 depended on the efforts of Maxey to acquire the necessary equipment and to infuse the proper spirit into his troops. All of Maxey's effort to supply and maintain his troops, all of his support activity to other areas, all of his energy, his drive, and his hopes were oriented toward the recovery of Indian Territory for the security of northern Texas and the continued use of all Confederate troops. These ideas were formed early in his command and were to endure and dominate his military thinking throughout his tenure in Indian Territory.

Military plans made by Maxey were greatly affected by his close

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<sup>1</sup>Maxey to Anderson, January 12, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, p. 857.

<sup>2</sup>Ibid., p. 858.

proximity to Arkansas. His relationship to that area and its commanders altered his projects for action on two occasions. The first was in early March, 1864, when he received word of an expected Federal offensive in Arkansas. Federal troop movement had been reported first to Maxey about March 8, and on March 12 he was ordered to "move all your available force, except such Indian troops as you may think it absolutely necessary to leave on the frontier, to some point in the southeastern part of your district near Laynesport [Arkansas] .... Here they will be held in readiness to be drawn upon so that they may be sent to support General Holmes."<sup>3</sup> Maxey, however, was hesitant. He wrote Lieutenant General Kirby-Smith that he had several reservations about the proposed use of his troops. He feared the concentration of his entire white force in one location so far removed from the center of Indian Territory military operations. He knew that the Federals would be reinforcing Fort Smith and Fort Gibson, which left his command area subject to devastation by cavalry raids. Also, his poorly equipped and inadequately mounted force was unable to move rapidly enough to slow or stop Federal encroachments.<sup>4</sup>

Maxey reported that his one full brigade of white troops under Colonel Richard M. Gano would be available immediately, but the others, a force of about 500 scattered over the area, would be better left to defend Indian Territory. The Choctaw brigade, commanded by Colonel Tandy Walker and considered by Maxey his best Indian troop unit, was available but could not leave Indian Territory to fight unless it

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<sup>3</sup>Cunningham to Maxey, March 12, 1864, *ibid.*, p. 1039.

<sup>4</sup>Maxey to Kirby-Smith, March 16, 1864, *ibid.*, p. 1050.

willingly agreed to do so. Treaty stipulations did not require Indian forces to go outside Indian Territory to fight. Maxey also recommended to Kirby-Smith that Colonel Watie's brigade would "do far better cut loose to operate in the rear ... than with any army."<sup>5</sup> Kirby-Smith expected Maxey to cooperate in the Arkansas campaign, but he assured him that he should use his own judgment as to the number of men he concentrated at Laynesport, Arkansas, and the number he left behind for the defense of Indian Territory.<sup>6</sup>

Maxey was ordered to place his command in readiness to move to the crossings of the Red River in the vicinity of Fulton, Arkansas, to cover the line of retreat of Major General Sterling Price, Holmes' successor in Arkansas, on March 16, 1864. As the orders to prepare for movement became more definite and specific, Maxey still appeared reluctant. It was his thought that for the best interest of Indian Territory his troops should not be used for the purpose for which they were requested. He felt that their movement into Arkansas would be an abandonment of Indian Territory. He reasoned that it was of great importance to the Confederacy and Indian Territory that his forces should be used in campaigns against the Federals at Fort Smith and Fort Gibson to prevent possible overwhelming movements from those locations. It was also obvious to Maxey that his troops would be in a much better position to take advantage of successful Confederate activity in

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<sup>5</sup> Ibid.

<sup>6</sup> Cunningham to Maxey, March 8, 1864, Maxey to Kirby-Smith, March 16, 1864, and Cunningham to Maxey, March 21, 1864, *ibid.*, pp. 1031, 1049-1050, 1067-1068.

Arkansas to recapture Fort Smith and Fort Gibson.<sup>7</sup>

However anxious Maxey was to convince his superiors of his point of view, he continued to make preparations and gather his troops for support action in Arkansas. As the size of the effort grew, there began to appear to Maxey the possibility for an extended military operation. He hoped that the momentum of the campaign would carry Confederate victory through all of western Arkansas and into Indian Territory. He communicated his suggestions to his commanding officer, Lieutenant General Kirby-Smith:<sup>8</sup>

Our cavalry, in my opinion, is altogether too prudent. The whole campaign should be a bold one. As many troops as can be thrown together and maintained should be, and you ought to take them in hand yourself. I believe no man on this side could effect so much. It does seem to me that if we could recover Fort Smith, and of course, Fort Gibson, and maintain troops that high up, that a small cavalry force energetically managed could effect a great deal on their lines of communication, gathering recruits, stragglers, &c., and in smashing up this miserable Yankee attempt to erect a State government in Arkansas, besides the moral effect produced by regaining the whole of this Territory and Western Arkansas.<sup>9</sup>

On March 31, the order was given for Maxey to move his troops to combine with Major General Price, or if too late, to cover the Red River crossings in front of Washington, Arkansas, which appeared to be threatened by attack. By the time word reached him, Maxey was too late to meet Price, but Maxey at once ordered Brigadier General Gano to send every available man to Washington. Maxey regretted that

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<sup>7</sup>Cunningham to Maxey, March 20, 1864, and Maxey to Anderson, March 22, 1864, *ibid.*, pp. 1062, 1070-1071.

<sup>8</sup>Maxey to Anderson, March 22, 1864, and Maxey to Kirby-Smith, March 26, 1864, *ibid.*, pp. 1070-1071, 1085-1086.

<sup>9</sup>*Ibid.*, p. 1086.

Gano's force was weak, and he explained to Kirby-Smith that he had sent 500 of Gano's men to Roseville, Arkansas, to destroy all Federal "cotton and commissary stores and the grounded boats, producing as much consternation by a movement of this kind in the rear as possible. As soon, however, as I received your order, I directed Gano to recall Colonel Battle, sending him to Washington."<sup>10</sup> Maxey also ordered Walker's brigade to Laynesport with the possibility of taking it into Arkansas if the Indians were willing to go. Maxey anticipated no difficulty in persuading them and expected good results, but the option to refuse was still theirs. All other troops, none of which were white, were too far away and too scattered to be called.<sup>11</sup>

Maxey arrived at Laynesport in early April with Gano's brigade; Walker's brigade was expected soon, but he had not started promptly and was moving slowly. Maxey could make no other moves until his orders were clarified. He had become confused by a succession of contradictory communications. "The tenor of General Smith's instructions indicates that he expected my attention to be turned mainly to the crossing of Red River. I am, however, ordered (by General Bogg's letter)," Maxey explained, "to report for instructions to General Price. General Price directs everything to be moved to Washington that I can spare as rapidly as possible."<sup>12</sup> As Maxey waited for a more specific order, doubts began to assail him:

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<sup>10</sup> Maxey to Kirby-Smith, April 3, 1864, *ibid.*, Pt. 3, p. 729.

<sup>11</sup> *Ibid.*, pp. 728-729; Cunningham to Maxey, March 31, 1864, *ibid.*, Pt. 2, p. 1101.

<sup>12</sup> Maxey to Boggs, April 7, 1864, *ibid.*, Pt. 3, p. 745.



I shall spare no pains to render all the assistance in my power, yet I feel in an awkward position. All the force I can send amounts to no great deal. I am of course thrown out of my district and cannot tell so well what is going on. These reasons, however, would be insufficient .... If I could take a respectable force, then I would feel that I was not an interloper, but I think it most likely that the sending of any one at this late hour to rank those now around Washington would produce confusion and perhaps hard feelings. I have no ambition to gratify and no wish outside of my duty.<sup>13</sup>

Maxey desired to clarify his position before he was placed in an untenable situation:

I am at a loss to know what is expected of me .... Unless there is some specific duty for me to perform in Arkansas, I would respectfully suggest that, as there is an abundance of generals and a scarcity of troops about Washington, I could do more good in my own district than there, unless I have specific orders, leaving no room for doubt or dispute as to the position I am to occupy. No officer likes to have another put over him on the eve of battle, and no ranking officer likes to be kept where a fight is anticipated without exercising the rights of rank. The labor I care nothing for. I can do as much of that and as cheerfully as most men, but I do not like a doubtful position.<sup>14</sup>

Kirby-Smith's headquarters tried to reassure Maxey and explain the entire situation. Maxey was told that Kirby-Smith's intention was not "to remove you from your district, where he considers your services indispensable, and where you have discharged your duties so much to his satisfaction."<sup>15</sup> As soon as he felt he could feasibly do so, Maxey was to return to the immediate command of his district. However, "if you thought you had left the administration of your district in good hands and could render more efficient service where you are, you

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid., pp. 745-746.

<sup>15</sup> Boggs to Maxey, April 12, 1864, *ibid.*, p. 760.

are at liberty to remain until such time as you think best, and that you would be entitled to a command in accordance with your rank."<sup>16</sup>

Kirby-Smith also attempted to explain his long-range strategy to Maxey. He hoped to keep the Federal advance contained with the troops then in Arkansas until sufficient reinforcements could arrive to defeat the advancing Union troops and, if at all possible, to move forward toward the Arkansas River area. It was to be a large scale effort. This plan readily met with Maxey's approval: "I am glad to know the general has adopted the campaign chalked out in your letter," he wrote. "I think any man who understands his profession will fully endorse it."<sup>17</sup> If this was to be a full-scale movement into Arkansas, Maxey would not have to rely so heavily on his inadequately armed and equipped forces. Once this campaign was underway, his forces could leave their position near Washington, Arkansas, and move northward through Indian Territory toward Fort Smith and Fort Gibson.<sup>18</sup> With these reassurances, Maxey felt a great deal more favorable about the campaign's future and his desire to participate in the effort:

I am very much gratified to know that my administration in the Indian Territory has met the approbation of the general commanding. No man ever worked harder or with a more difficult task .... I left General Cooper in command, who will attend to the district to your satisfaction during my absence .... I have two brigades here. I do not believe they can well spare me. Besides, while others are getting honors conferred, I confess to a weakness that way, and I think I could work myself to a skeleton in the district and not do so much in that way as in a single day with opportunity in the field. I shall, however, return to the district with the

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<sup>16</sup> Ibid., p. 761.

<sup>17</sup> Maxey to Boggs, April 14, 1864, *ibid.*, p. 765.

<sup>18</sup> *Ibid.*; Boggs to Maxey, April 12, 1864, *ibid.*, pp. 760-761.

troops I brought whenever in the opinion of the commander of the forces here we can be spared. I would leave without them whenever I thought I could be spared were it not that I know they need me, and that I know a man not unfrequently loses his troops by getting them too far away.<sup>19</sup>

Meanwhile, Watie's command was working its way north toward Fort Smith and Fort Gibson. This force was expected to harass and torment these Federal posts and cause as much consternation as possible. Cooper, left to command Indian Territory, continued to urge Maxey to return as quickly as possible from Laynesport as they all feared an attack of some kind. It was Cooper's desire to make a show of force to hold the Federals in check in Indian Territory.<sup>20</sup>

By April 12, 1864, Maxey had moved into Arkansas to a point eight miles northeast of Washington with Gano's brigade and was joined there on April 13 by Walker's brigade of Indians. The Federal attacking force in Arkansas was under the leadership of Major General Frederick Steele. Steele's intention was to march to Shreveport, Louisiana, the Trans-Mississippi Confederate headquarters, by way of Camden, Arkansas. By using a deceptive ruse and feigning a line of movement toward Washington, he deceived the Confederates awaiting him outside Washington at Prairie de'Ane, where Maxey's forces participated in a minor engagement. Price ordered Maxey's Indians to help in an attack on the Union's rear guard when the Federal line of march changed from a southern movement to an eastward dash to Camden, but after initial success, the Confederates were thrust back. There was a severe commotion in which Maxey's Indians troops acquitted themselves

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<sup>19</sup> Maxey to Boggs, April 14, 1864, *ibid.*, p. 765.

<sup>20</sup> *Ibid.*; Scott to Maxey, April 12, 1864, *ibid.*, pp. 762-763.

well; they had not broken formation or withdrawn until ordered to do so while withstanding the withering barrage. Steele entered Camden unopposed on April 15.<sup>21</sup>

A few days later, on April 18, Maxey's troops were again involved in combat action, this time in a more significant attack on a supply train. A series of circumstances, including colliding supply ships and scarceness of forage due to Confederate destruction of crops and mills, forced Steele to rely heavily on a cache of corn discovered near Poison Spring, just west of Camden. On April 17, a forage wagon train was sent to bring in these supplies. The expedition was led by Colonel James M. Williams and consisted of approximately 200 wagons; the First Kansas Colored Volunteer Infantry, consisting of 438 men; the Sixth Kansas Cavalry, the Second Kansas Cavalry, and the Fourteenth Kansas Cavalry, composed of 195 troopers; and 33 artillerists of the Second Indiana Battery, with 2 howitzers. The total number was about 670 men, more than half of whom were Negro. The train made its way unimpeded to the source of supply, located the forage, loaded the wagons, and headed back to Camden. As they journeyed homeward, they continued to gather grain along the way. Two miles from Poison Spring the train was re-enforced by the Eighteenth Iowa Volunteer Infantry, 96 men from 3 cavalry units, and 25 artillerists, for a total of 504 men plus 2 more howitzers. The command included approximately 1,170 men

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<sup>21</sup>Maxey to Anderson, April 12, 1864, *ibid.*, pp. 761-762; LeRoy H. Fischer and Jerry Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, No. 3 (Autumn, 1968), pp. 272-274.

as it approached Poison Spring.<sup>22</sup>

Major General Price had established headquarters sixteen miles west of Camden at Woodlawn. His force included approximately 6,000 men composed of 7 cavalry brigades, of which 2 were Maxey's. They had the road west out of Camden well guarded and observed. The route of the train was discovered by Colonel Colton Greene's brigade of Brigadier General John S. Marmaduke's division. The activity of the forage train was quickly reported and Major General Price was informed. Price dispatched a force under Marmaduke to intercept the forage train. The total group consisted of not only Marmaduke's troopers but also the brigades of Colonel William Crawford, 300 men; Brigadier General William L. Cabell, 1,200 men; Colonel Greene, 500 men; and Maxey, 1,335 men. The units had all arrived at Lee's farm on the Camden Road between Steele and the forage train by 9:00 a.m. on April 18, 1864.<sup>23</sup>

As Maxey was the ranking officer at Poison Spring, Brigadier General Marmaduke immediately tendered his command to Maxey. Marmaduke reported: "As Maxey was my senior in rank I reported to him for orders. He replied that as I had put on foot the expedition and knew the position of affairs I would make the disposition of the troops and the fight."<sup>24</sup> The two officers and Brigadier General Cabell conferred

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<sup>22</sup>Ira Don Richards, "The Battle of Poison Spring," The Arkansas Historical Quarterly, Vol. XVIII, No. 4 (Winter, 1959), pp. 337-343; Wiley Britton, The Union Indian Brigade in the Civil War (Kansas City: Franklin Hudson Publishing Company, 1922), pp. 360-363.

<sup>23</sup>Richards, "The Battle of Poison Spring," The Arkansas Historical Quarterly, Vol. XVIII, pp. 341-343; Report of Brigadier General Marmaduke, April 21, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 1, p. 819.

<sup>24</sup>Ibid.

in their effort to deploy the troops and, although Maxey was in general command of the entire operation, he ordered Marmaduke to complete the actual plans for action. The officers placed their men to intercept the train, which was located on high ground moving in an east-west direction. Marmaduke's division was placed on the right, blocking the road east to Camden. Crawford's men were placed on the right of the Confederate position, while Cabell's troops were in the center stretched across the road and to the left. Maxey's division was on the left near the far west end of the forage train. The farthest west was Walker's Indian brigade, then a battery of artillery commanded by Captain William B. Krumbhaar, followed by Gano's brigade under the command of Colonel Charles DeMorse, which met Cabell's battery of artillery to complete the deployment. One mounted brigade under Greene was held in reserve. When the troops were in place, pickets were sent forward to warn of the Federal approach.<sup>25</sup>

The plan of attack, according to Maxey, was to move his division forward, "the right of it passing sufficiently to the left of the old field south of the road to be concealed, the left to be moved forward so as to bring that division fronting the enemy, and to bring on the fight with that division, and to throw Cabell's division forward through the field into the fight so soon as Maxey's division became well engaged, and to move the forces on the right well forward, covering

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<sup>25</sup> Ibid.; Report of Brigadier General Maxey, April 23, 1864, *ibid.*, p. 841; Richards, "The Battle of Poison Spring," The Arkansas Historical Quarterly, Vol. XVIII, p. 343; Fischer and Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, p. 274.

the road."<sup>26</sup> The Federal troops met the Confederate pickets a mile before the concealed ambush was encountered. The Confederate pickets were pushed back easily until they approached Lee's plantation and the battle area. Resistance stiffened and Williams caught sight of the Confederate line blocking the road. Being unaware of Maxey's concealed troops, Colonel Williams was at first not cognizant of the full danger. Maxey had hoped to surprise the Federals, but Colonel Williams became aware of the presence of troops on his right flank and was able to turn four companies of the First Kansas Colored Volunteer Infantry in that direction and offer a heavy barrage of gunfire.<sup>27</sup>

With this activity at 10:00 a.m. on April 18, the actual battle commenced. Maxey ordered his division at once into motion, and he reported that they

moved as steadily as possible considering the difficulties presented by broken ground and dense undergrowth. Hughey's battery was set to work to attract attention from this movement. The division was delayed half an hour longer from engagement than I anticipated, owing to the nature of the ground. Desultory firing had been going on for some time, followed by very heavy firing, and learning that the enemy was pressing hard upon Gano's brigade, right of Maxey's division, I threw Greene's brigade of Missourians, of Marmaduke's command, to its relief. This brigade went gallantly and with a will to its work. It arrived on the right of Gano's brigade just as the engagement on that part of the line became heavy and general, apart of the enemy's line having fallen back. Hot work was going on all along the line from the right of Greene's to the left of the Choctaw brigade, the extreme left of the line. One continued shout was heard, and an unfaltering advance of all that part of the line. Cabell's division was immediately ordered forward, going in splendidly, charging in double-quick over the open field

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<sup>26</sup> Report of Brigadier General Maxey, April 23, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 1, p. 841.

<sup>27</sup> Richards, "The Battle of Poison Spring," The Arkansas Historical Quarterly, Vol. XVIII, pp. 346-347; Fischer and Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, pp. 274-275.

into the fight. The fight was now general all along the line, our men pressing forward and the enemy giving back everywhere.<sup>28</sup>

The road was gained, and the train was taken. The Federals withdrew, abandoning the train and a battery of four artillery pieces.

The battle over, Maxey assumed full command, but his decisions were then opposed by Marmaduke. It was Maxey's desire to secure the train, the object of the battle, as quickly as possible. It was Marmaduke's wish to pursue the fleeing Federals. The troops, including the Choctaws under Walker, had chased the routed Federal troops for two miles. Marmaduke ordered a full scale pursuit, but Maxey countermanded Marmaduke and ordered the forage train guarded and made ready to move toward Woodlawn and safety as quickly as possible. Maxey secured the train by placing Cabell up the road toward Camden, putting Marmaduke in the rear, moving his own division in front of the train, and requesting Brigadier General James Fagan's brigade and Gano's brigade to hold the middle Camden road. The entire train was in headquarters at Woodlawn by midnight on April 18. Thirty wagons were burned, but 170 with teams were saved along with the artillery. There were few casualties in Maxey's division, with but 17 killed, 88 wounded, and 10 missing; Federal casualties numbered 700 killed, wounded, and missing.<sup>29</sup>

Maxey and the other Confederate officers were lavish in their

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<sup>28</sup> Report of Brigadier General Maxey, April 23, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 1, pp. 841-842.

<sup>29</sup> Ibid., pp. 841-844; Report of Brigadier General Marmaduke, April 21, 1864, *ibid.*, p. 826; Fischer and Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, p. 275.



praise of the troops. "I can only say," Maxey reported, "so far as my observation extended every officer and man did his whole duty. The plan of battle was in every particular carried out .... The whole line moved forward like a sheet of living fire, carrying death and destruction before it .... I beg leave to call special attention to the Choctaw brigade. These people came of their own volition. No law or treaty compelled them to do so .... Nobly, gallantly, gloriously they did their duty."<sup>30</sup> Marmaduke commented that "General Maxey's force was excellent, bearing as it did the earliest fire of the confident enemy."<sup>31</sup> Price commended Maxey in his analysis of the action at Poison Spring: "I beg leave to acknowledge the prompt and effective support rendered me by Brigadier-General Maxey and his troops. Leaving the District of the Indian Territory, which he commanded, he joined me at a time when the necessity for re-enforcements seemed greatest, and until relieved from duty here after the evacuation of Camden by the Federal forces continued to perform most efficient service."<sup>32</sup>

Maxey and his troops were relieved from duty in Arkansas and ordered to return to Indian Territory on April 28, 1864. At that time he was commended by Kirby-Smith for his valuable service and gallantry while in Arkansas. "I can now more confidently than ever rely upon your ability," Kirby-Smith emphasized, "and the brave troops under your command to repel any threatened invasion of your district."<sup>33</sup> Maxey

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<sup>30</sup> Report of Brigadier General Maxey, April 23, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 1, pp. 842-843.

<sup>31</sup> Report of Brigadier General Marmaduke, April 21, 1864, *ibid.*, p. 826.

<sup>32</sup> Report of Major General Price, May, 1864, *ibid.*, p. 783.

<sup>33</sup> Williamson to Maxey, April 28, 1864, *ibid.*, p. 845.

wasted no time after his return to issue a general order announcing his unqualified approval of the conduct of the division he had commanded in the recent campaign in Arkansas:

Your action has been glorious. You have made yourselves a name in history. While the enemy's columns are seeking safety in flight let us not lie supinely and spend our time in idle rejoicings. We have now work in our own territory to do. Let us buckle on our armor and be ready at all times--and at any moment to move in full force, day or night, ready and willing and fully able to drive every foe from the country it is our special duty to defend and protect. Hardships we have already endured. We can do so again. If we cannot go as well prepared as we would like, let us go uncomplainingly with what we have. I call upon all to come up to the work.<sup>34</sup>

Maxey also issued a general order expressing his satisfaction with Cooper's administration of Indian Territory during his absence.<sup>35</sup>

Maxey had been back in Indian Territory only a short time before he began to look for the prospects of military activity which he had earlier anticipated as part of the overall Arkansas campaign. According to his interpretation of Kirby-Smith's remarks at the beginning of the movement in Arkansas, Maxey could expect an offensive against all Federal forces in the Arkansas valley. Maxey hoped that the Confederate troops would now move swiftly against the Federals at Little Rock so that he could move his troops toward Fort Smith. He felt the fort could be recaptured, but not held, unless the river below was in Confederate possession. He urged Confederate Trans-Mississippi headquarters to keep him informed of any movement in his direction. No such action was indicated, but Maxey was informed by Kirby-Smith's chief of staff, Brigadier General W. R. Boggs, that the course of

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<sup>34</sup> General Order No. 38, May 9, 1864, *ibid.*, pp. 844-845.

<sup>35</sup> General Order No. 39, May 9, 1864, *ibid.*, Pt. 3, p. 816.

action originally structured was still anticipated.<sup>36</sup>

As soon as the Red River valley was cleared of Federal troops, preparations could be made for an active campaign in the Arkansas valley. Maxey was ordered to hold his command prepared to cooperate with any movement in that area. Maxey was hopeful and quickly moved Gano's and Walker's brigades to Johnson's Station, a point about 100 miles from both Fort Smith and Fort Gibson. Maxey wrote Major General Price to inform him of their position and remind him that the possession of a strategic point, such as Little Rock, by the Confederates was imperative to any permanent possession on the upper Arkansas valley. There was, however, no call made on Maxey and no movement of the Confederates in Arkansas. Maxey's troops settled in the vicinity of Fort Smith waiting for the summons that did not come.<sup>37</sup>

Although Maxey hoped for support to recapture all of Indian Territory, it was his intention in the meantime to discourage and demoralize the Federal troops at Fort Smith and Fort Gibson at every opportunity. It was Cooper's task to make it so unpleasant for these forces with harassment and worrisome attacks on supply lines that these troops would be forced from the area. Throughout the summer and early fall of 1864 raids and skirmishes were oriented toward these goals. Haste was important to Maxey, as he felt time would only strengthen the Federal position. He encouraged his officers in their ideas and plans for such operations, especially north of the Arkansas River. These

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<sup>36</sup> Maxey to Boggs, May 11, 1864, May 15, 1864, and May 19, 1864, *ibid.*, pp. 819-820, 826, 830-831.

<sup>37</sup> May 19, 1864, *ibid.*, pp. 830-831; Maxey to Price, May 31, 1864, *ibid.*, Vol. XLI, Pt. 2, pp. 1008-1009.

actions would also have the added effect of encouraging the Confederate Indians, for any success would lend hope to the dream of regaining their lost homes.<sup>38</sup>

The use of Confederate Indian troops in harassment campaigns and raids proved to be effective and profitable. The first successful raid was made by Colonel Watie, whom Maxey had recently recommended for promotion to brigadier general, on the steamship J. R. Williams. The Federals attempted to supply Fort Gibson from Fort Smith up the Arkansas River by sending an inadequately protected steamship loaded with \$120,000 worth of flour, bacon, sugar, shoes, yarn, blankets, and other badly needed commissary items. Watie and his men discovered the mission of the ship and planned an ambush near Pleasant Bluff, twenty miles above Fort Smith. On June 15, 1864, the J. R. Williams was attacked and captured without difficulty. Watie was unable to stop the Creeks and Seminoles of his command from gathering all the supplies they could carry and hurrying to their destitute families. Watie was left with so few men that he was not able to hold the ship against a Federal relief force and the ship and remaining supplies were burned as the Confederates retreated. Although the Indians could not remove the bulk of the supplies, the destruction of the goods prevented their use by the Federals at Fort Gibson. The attack discouraged the Federal forces from again using the water route for

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<sup>38</sup> Maxey to Kirby-Smith, August 18, 1864, *ibid.*, p. 1072; Fischer and Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, pp. 278-279.

resupply.<sup>39</sup>

In the same general military effort, Cooper's troops made two successful attempts to threaten Fort Smith in July, 1864. On July 27, at 6:00 a.m., a detachment of about 600 men under the command of Brigadier General Gano, including Indians under Lieutenant Colonel Simpson N. Folsom and Lieutenant Colonel Jackson McCurtin, completely surprised an outpost battalion of the Sixth Kansas Cavalry Regiment five miles outside of Fort Smith. The Federals were completely routed, with 50 men killed and wounded and 127 captured. Also taken were 200 Sharps rifles, about 400 six-shooters, and a number of horses and much camp equipment. Maxey was very pleased with the success of the mission and commended his officers and men: "In brilliancy and dash and completeness of success it has not been surpassed in this year of brilliant victories."<sup>40</sup> Encouraged by their success, another demonstration was made toward Fort Smith on July 31, this time with the added force of Brigadier General Watie. The troops engaged in a picket fight outside of Fort Smith. The Confederates were able to drive the Federals back to their fortifications, but darkness forced the withdrawal of the Confederates and the siege ended. Little of material

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<sup>39</sup> Ibid., p. 279; Maxey to Scott, August 23, 1864, Maxey Papers, Gilcrease Institute; Watie to Maxey, June 17, 1864, *ibid.*; Maxey to Boggs, June 20, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 4, p. 686; Worten Manson Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla" (Unpublished Master of Arts Thesis, Oklahoma State University, Stillwater, Oklahoma, 1966), pp. 71-73; Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 89-96; James D. Morrison, "Capture of the J. R. Williams, June 15, 1864," The Chronicles of Oklahoma, Vol. XLII, No. 2 (Summer, 1964), pp. 107-108.

<sup>40</sup> General Order No. 53, July 29, 1864, Official Records, Ser. i, Vol. XLI, Pt. 1, p. 30.

substance was gained by the Confederate forces, as they captured only a few horses and some cattle. Two of Watie's troops were killed, twelve Federals were captured, and their camp and commissary goods were burned. Maxey described his troops as behaving gallantly, but with limited measurable gain.<sup>41</sup>

Further activity was delayed until August 24, 1864, when at Gunter's Prairie, southwest of Fort Smith, Watie attacked a Federal haying party. He crossed the Arkansas River with 500 men the night of August 23 and at daylight the following day attacked the haying camp which consisted of about 350 infantry and about 70 cavalry from the Second Kansas Cavalry Regiment and the Fourteenth Kansas Cavalry Regiment. The objective of defeating the Federals, burning hay, and killing livestock was achieved. Watie did not intend to engage with equal numbers and the Federals were stronger than he anticipated, but he reported a successful mission with 20 Federals killed, 14 prisoners taken, and 150 mules and horses captured. Confederate losses were light, with 1 man killed and several men and horses wounded.<sup>42</sup>

The highly successful raids and demonstrations of the summer encouraged Maxey in early September to move his troops into even more daring and important action. Maxey listened eagerly to Watie, who

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<sup>41</sup>Maxey to Boggs, July 30, 1864, and August 6, 1864, *ibid.*, pp. 29-30; Fischer and Gill, "Confederate Indian Forces Outside of Indian Territory," The Chronicles of Oklahoma, Vol. XLVI, p. 281; Maxey to Scott, August 23, 1864, Maxey Papers, Gilcrease Institute; Edwin C. Bearss, "General Cooper's CSA Indians Threaten Fort Smith," The Arkansas Historical Quarterly, Vol. XXVI, No. 1 (Spring, 1967), pp. 257-284.

<sup>42</sup>Maxey to Boggs, August 31, 1864, Official Records, Ser. i, Vol. XLI, Pt. 2, pp. 1095-1096; Maxey to Anderson, September 3, 1864, *ibid.*, Pt. 1, p. 279; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," p. 76; Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 109-110.

desired to undertake a movement north. He hoped to attempt a raid into those portions of Indian Territory held by the Federals and perhaps even into Kansas. Watie presented his plan informally to Maxey, who considered the strategy highly desirable, and recommended it to Kirby-Smith:

Believing that in view of probable quiet below--that is, no effort to regain Little Rock and Pine Bluff this fall--this movement would be the best that could be made for this district I have thought proper to lay it before you. I do this, as the last orders I received on the subject of this command were to hold it in readiness to cooperate with movements below, orders under date May 19 last. Should General Watie prove successful it will be such a diversion as will prevent movements south from Fort Smith or Fort Gibson, and if well conducted will be attended with material results. I respectfully solicit an early reply.<sup>43</sup>

Watie's plan with Maxey's endorsement arrived at Kirby-Smith's headquarters at a most opportune time. Kirby-Smith had been recently convinced by Major General Price that Price should conduct a fall campaign into northern Arkansas and southern Missouri to capture the Federal depot at St. Louis and raise new forces. Kirby-Smith believed the plan coming from Indian Territory could serve as a very important diversionary movement. Approval of the idea was transmitted on August 25 to Indian Territory, but not received until September 5; Watie was notified on September 12. Additional troops from Texas were also ordered to join Maxey for support. Plans were concluded and the movement of troops started on September 14, 1864. The Federals were first encountered in skirmishes on September 16 and 17, with the principal engagement of the campaign taking place at Cabin Creek, fifty

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<sup>43</sup> Maxey to Kirby-Smith, August 18, 1864, *ibid.*, Pt. 2, p. 1973.

miles north of Fort Gibson, on September 19.<sup>44</sup>

Brigadier General Watie crossed into Federal-held territory with 2,000 men, consisting of 800 Indian troops and 1,200 white forces from Brigadier General Gano's Texas command. They first discovered Federal forces near Flat Rock in a small haying party of 125 men on September 16. Having underestimated the size of the Confederate force, the Federals, most of whom were Negroes from the Kansas First Colored Volunteer Infantry Regiment, decided to fight and were trapped. Gano and Watie had observed the party through spy glasses and knew the overwhelming odds. They surrounded the party and attacked from five directions. The Federal troops knew the Confederates would show no mercy because they were mainly Negroes. Although the Federals held out against the greatly superior Confederate numbers for two and one-half hours, all of their troops, except fifteen cavalrymen and four infantrymen, were killed, wounded or captured. The Confederates suffered only three wounded while destroying wagons, mowing machines, and 3,000 tons of hay.<sup>45</sup>

The Confederates quickly moved on to try to find the position of the supply train enroute to Fort Gibson. An advance force of 400 was sent to locate the train, which it found at Cabin Creek Station with

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<sup>44</sup>Boggs to Maxey, August 25, 1864, and Boggs to McCulloch, August 25, 1864, *ibid.*, pp. 1082, 1081; Maxey to Boggs, September 5, 1864, *ibid.*, Pt. 3, p. 911; Albert Castel, General Sterling Price and the Civil War in the West (Baton Rouge: Louisiana State University Press, 1968), p. 202; Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 112-120.

<sup>45</sup>*Ibid.*, pp. 115-138; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," pp. 77-82; Lary C. Rampp, "Negro Troop Activity in Indian Territory, 1863-1865," The Chronicles of Oklahoma, Vol. XLVII, No. 1 (Spring, 1969), pp. 550-557.



about 300 wagons and about 600 men. The remaining troops were called up, and shortly after midnight on September 19 the Confederates attacked. The battle continued throughout the night and until 9:00 a.m. the following morning. The Federals were pushed away from the wagons and finally routed and scattered. The Confederates had captured a very valuable prize. Although 100 wagons, 6,000 tons of hay, and all agricultural machines were destroyed, the remaining supplies were estimated at over \$1,500,000 in value. The Confederates netted 130 wagons and 740 mules and horses with only 45 casualties. Total Federal casualties did not exceed 54. After their victory, the Confederates lost no time in returning to southern Indian Territory, and had safely withdrawn by September 29.<sup>46</sup>

Maxey was very pleased with the results achieved by his troops. In his correspondence with headquarters at Shreveport, he attempted to convey his satisfaction: "This expedition was a gallant undertaking, handsomely performed, and the troops engaged deserve the thanks of their country .... There has not been a more daring or successful raid according to size during the whole war .... I rejoice at this great success."<sup>47</sup> Maxey was equally as complimentary in printing a general order announcing the raid and commending its leaders. He carefully reiterated the summer's many successes:

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<sup>46</sup> Rampp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 115-138; Maxey to Boggs, October 1, 1864, Official Records, Ser. i, Vol. XLI, Pt. 1, pp. 779-780; Hathaway, "Brigadier General Stand Watie, Confederate Guerrilla," pp. 77-82.

<sup>47</sup> Maxey to Boggs, September 27, 1864, September 30, 1864, and October 1, 1864, *ibid.*, pp. 777-779.

Since your return, almost every part of the command has been engaged.

A steam boat laden with valuable stores has been captured, a regiment has been almost demolished in sight of the guns of Fort Smith, the survivors captured and the camp destroyed.

Many guns and pistols have been taken, mail after mail has been captured, hay camps almost without number have been destroyed and the hay burned; horses, mules and cattle have been wrested from the enemy and driven into our lines. Vast amounts of Sutlers Stores have been captured. Wagons have been burned in gun shot of Fort Smith; the enemy has been virtually locked up in his Forts, and your successes have culminated in this most glorious victory, over which the Telegraph informs us the enemy is now wailing.<sup>48</sup>

Maxey was quick to point out several other successful aspects of the raids to his superiors. He spoke glowingly about the morale of the troops and Indian-white relations: "Throughout the year the morale of the command has been steadily on the increase .... Throughout the expedition I am rejoiced to say perfect harmony and good will prevailed between the white and Indian troops, all striving for the common good of our beloved country .... glorious results of this splendid achievement is the increased cheerfulness and confidence of all in their prowess and ability to whip anything like equal numbers."<sup>49</sup> He particularly commended Brigadier General Watie for promoting harmony by graciously stepping aside without argument in the Cabin Creek campaign for ranking Brigadier General Gano, although the plan had been Watie's from the beginning.<sup>50</sup>

With the end of the raid, military activity in Indian Territory

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<sup>48</sup> General Order No. 61, October 7, 1864, Maxey Papers, Gilcrease Institute.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.; Maxey to Boggs, October 7, 1864, Official Records, Ser. i, Vol. XLI, Pt. 1, pp. 780-781.

almost came to a complete standstill. Although Maxey and Watie still hoped for a raid into Kansas, there were insufficient supplies and materials for the troops to make the campaign possible, and the expedition was eventually forgotten. Maxey prepared winter quarters for the Choctaw brigade at a camp between Perryville and Boggy Depot at the intersection of the two main roads leading through Indian Territory, one from Fort Smith and one from Fort Gibson.<sup>51</sup>

The only military action affecting Indian Territory during the remainder of Maxey's tenure was the retreat of Major General Price from the Kansas City, Missouri, area. Price had suffered a series of setbacks in his raid and was withdrawing toward Indian Territory. Price was forced by defeat at Pilot Knob, Missouri, to abandon his plan to capture St. Louis and instead moved west toward Kansas City, Missouri. Price hoped to salvage his raid by raising new forces and capturing goods throughout Missouri and Kansas. However, further defeats outside Kansas City at Westport and Mine Creek sent Price hurrying toward Indian Territory and safety. The task of covering the retreat and providing Price with badly needed supplies was Maxey's. As rumors of disastrous defeats filtered into Arkansas and Indian Territory from Missouri, the new commander of the District of Arkansas, Major General John Bankhead Magruder conceived an idea of helping Price with the aid of Maxey's troops. Magruder wanted to move in force from his position at Camden against Fort Smith, and Maxey was ordered to cooperate with him. It was Magruder's strategy to move Maxey's command for support to the southern part of the Arkansas military

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<sup>51</sup> Maxey to Boggs, October 9, 1864, *ibid.*, Pt. 3, pp. 990-991.

district near Laynesport. Maxey was not pleased with this possibility, as he hoped to continue the successful harassment campaign he had begun against Fort Smith. It had been Maxey's feeling for many months that his troops would be of more use operating on the Arkansas River and as far north as possible. However, over Maxey's protests, Magruder's wishes were followed, and on September 22, 1864, all of Maxey's troops, with the exception of Brigadier General Watie's, were ordered south to Laynesport.<sup>52</sup>

These circumstances and a series of awkward moves by Magruder created serious friction between the two commanders. Maxey felt it was too late in the year to attempt the type of plan Magruder suggested, and that he had chosen a most inopportune time to move Maxey's troops south. "If he had let me alone six weeks after the Cabin Creek fight," Maxey complained, "he could have had no trouble about Fort Smith."<sup>53</sup> Unfortunately, Magruder also angered Maxey by presuming too much authority over Maxey's troops stationed at Laynesport. Magruder ordered Gano's brigade, now led by Colonel Edward J. Gurley, into Arkansas without consulting Maxey or asking his permission. "An effort was recently made," Maxey informed his wife, "by General Magruder to 'order' Gano's Brigade without an intimation of the sort to me to Murfreesboro, first, and afterward down the river. He didn't succeed. I wrote to Colonel Gurley Commanding, that when I ordered

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<sup>52</sup> Maxey to Boggs, September 11, 1864, Turner to Maxey, September 16, 1864, and Boggs to Maxey, September 22, 1864, *ibid.*, pp. 930, 938, 951; Castel, General Sterling Price and the Civil War in the West, pp. 202-248.

<sup>53</sup> S. B. Maxey to Marilda Maxey, November 6, 1864, Maxey Papers, Gilcrease Institute.

him it would be time enough to move, and not before."<sup>54</sup> Colonel Gurley had hesitated before moving, which allowed enough time for Maxey, who was meeting with the Choctaw brigade at Armstrong Academy, to return and countermand the order. This incident created lasting tension between Maxey and Magruder.<sup>55</sup>

Maxey was asked by Magruder to supply as much information as possible as to the best route to Fort Smith, the strength of its fortifications, the forces available from Indian Territory, and the advisability of troop movements. Maxey forwarded the request to Cooper, who was in the area, to obtain the latest reports. This transfer delayed Maxey's reply, and when Magruder attempted to locate Maxey, who had been called to Boggy Depot, he was unable to do so. Tension rose higher, for Magruder was becoming convinced that Maxey was being deliberately uncooperative. Maxey completed his correspondence with Magruder immediately on returning from Boggy Depot; his answer was not encouraging, but he informed Magruder that Cooper's force would cooperate and form a junction at Fort Smith if told of the movement promptly and with certainty.<sup>56</sup> Maxey expressed his doubts about the campaign to Kirby-Smith:

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<sup>54</sup>S. B. Maxey to Marilda Maxey, November 1, 1864, *ibid.*

<sup>55</sup>Kirby-Smith to Maxey, November 4, 1864, Magruder to Boggs, November 7, 1864, Official Records, Ser. i, Vol. XLI, Pt. 4, pp. 1028-1029, 1032-1033; S. B. Maxey to Marilda Maxey, November 6, 1864, Maxey Papers, Gilcrease Institute.

<sup>56</sup>Cooper to Maxey, November 8, 1864, *ibid.*; Turner to Maxey, November 1, 1864, Magruder to Wharton, November 8, 1864, and Magruder to Boggs, November 13, 1864, Official Records, Ser. i, Vol. XLI, Pt. 4, pp. 1025, 1034, 1043.

I fear very much that he can't make the trip for want of forage .... I don't think Magruder will find corn plenty on any road that he can take. I would much rather start to take Fort Smith with infantry than cavalry .... Besides, can Magruder hold the place if he takes it? Where will he get supplies?

The true campaign, in my opinion, was the one I adopted .... Had not General Magruder got uneasy, pressing you to issue the order to move Gano's brigade to the line, I believe that in six weeks time from the fight at Cabin Creek, such interruption to the enemy's supplies and destruction of hay, would have been made as would have compelled the evacuation of both Fort Smith and Fort Gibson during the winter .... Whatever assistance I can render General Magruder you may rely upon implicitly. I greatly fear he is too late, and deeply regret I was not permitted by reason of his call to work out my own plan to the close of the campaigning season.<sup>57</sup>

Unhappy with what he considered deliberate delay and discourtesy, Magruder wrote Kirby-Smith requesting him to order Gano's brigade to Arkansas, where it would be under Magruder's direct command. He also wanted help from Kirby-Smith in deciding the advisability of moving on Fort Smith. Kirby-Smith would not issue an order moving Gano's brigade to Arkansas. Magruder was directed to contact Maxey, as earlier instructed, to complete any negotiations or plans for the attack. This negative response from his superiors, plus Maxey's unenthusiastic attitude, sufficiently discouraged Magruder from continuing his plan.<sup>58</sup> He wrote Maxey of his decision to abandon the campaign: "It would take a very long time to arrange this cooperation between yourself and myself, and we would be too late to serve General Price in any way."<sup>59</sup>

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<sup>57</sup> Maxey to Kirby-Smith, November 8, 1864, Ibid., p. 1036.

<sup>58</sup> Magruder to Boggs, November 12, 1864, Kirby-Smith to Magruder, November 14, 1864, Magruder to Kirby-Smith, November 14, 1864, and Magruder to Wharton, November 14, 1864, *ibid.*, pp. 1043, 1045, 1046-1047.

<sup>59</sup> Magruder to Maxey, November 15, 1864, *ibid.*, pp. 1050-1051.

The proposed military action was shelved, but not the mistrustful attitude that had developed between the two commanders.

All effort for the next several weeks was channeled toward securing supplies for the retreating army of Major General Price. Maxey was not sure of the route of the retreating army and was forced to store supplies in all the principle depots. Price and his men entered Confederate held Indian Territory just north of the Arkansas River about thirty-five miles west of Fort Smith at Pheasant Ford on November 7, 1864, and immediately headed toward Boggy Depot and Perryville where Maxey had accumulated supplies: "Every spare pound of breadstuffs has been set apart for the use of this command. Supplies for the same purpose are being accumulated here [Fort Towson] and at camp near Laynesport. Price's men have been arriving here for four or five days, singly, in squads, and every way."<sup>60</sup> Most of his horses were in very poor condition and mules were sent to help with the transportation. All of the retreating troops, including Major General Price himself, headed toward Bonham, Texas, and had passed through Indian Territory to a point as far as Laynesport, Arkansas, by December 2, 1864.<sup>61</sup>

The explosive relationship between Maxey and Magruder again erupted in December. Maxey's men stationed at Laynesport continued to be a source of irritation to the Arkansas commander. He felt he should be able to control the brigade stationed there, and he hounded Kirby-Smith

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<sup>60</sup>Maxey to Boggs, November 17, 1864, *ibid.*, p. 1059.

<sup>61</sup>Scott to McLean, November 18, 1864, McLean to Maxey, November 18, 1864, and Maxey to Boggs, November 20, 1864, *ibid.*, pp. 1063, 1067-1068; Ramp, "The Twilight of the Confederacy in Indian Territory, 1863-1865," pp. 141-142; Castel, General Sterling Price and the Civil War in the West, pp. 247-255; Ralph R. Rea, Sterling Price, the Lee of the West (Little Rock: Pioneer Press, 1959), p. 151.

with requests to place them under his direction: "The commanding officer of the brigade will not obey my order direct. Too much delay would be occasioned to send an order through General Maxey for the brigade to move. Will you please instruct General Maxey to give such directions to the commanding officer at Gurley's [Gano's] brigade as will enable me to move in an emergency."<sup>62</sup> Kirby-Smith refused to take such action, so Magruder's next complaint took an entirely different form. He decided Gano's brigade should not be near Laynesport, and was in fact a detriment: "Gano's brigade is encamped below Laynesport, as I understand. This is done by General Maxey without the courtesy of asking my consent, and without the authority of any one that I am aware of. One Captain Lewis has written me that he has the authority of Major General Maxey to pass the winter with his company in my district .... I respectfully recommend that Major General Maxey be ordered forthwith to remove Captain Lewis' company from my district."<sup>63</sup>

Lieutenant General Kirby-Smith sharply answered Magruder: "General Maxey was instructed by department headquarters to station Gano's brigade near Laynesport. This was done at your request that this brigade might be in a position to cooperate with you when the enemy's movements made it necessary .... Under the circumstance, I think you can no longer charge General Maxey with want of courtesy in this matter."<sup>64</sup>

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<sup>62</sup> Magruder to Boggs, November 27, 1864, Official Records, Ser. i, Vol. XLI, Pt. 4, p. 1080.

<sup>63</sup> Magruder to Boggs, December 12, 1864, *ibid.*, p. 1107.

<sup>64</sup> Kirby-Smith to Magruder, December 21, 1864, *ibid.*, 1121.



Magruder would not allow the matter to quietly die, but included the subject in letters he wrote to Senator Robert W. Johnson of Arkansas and others. He complained that Maxey had forced his troops into the District of Arkansas without permission and had consumed a large portion of Arkansas supplies, all due to the assent of Kirby-Smith.<sup>65</sup>

Magruder again had to be reminded of the limits of his authority when he attempted to direct one of his officers to take possession of the cantonment at Laynesport, and without proper authority he instructed Maxey to move his troops to Texas. "The cantonment at Laynesport will remain under General Maxey," Kirby-Smith impatiently informed Magruder, "and he has been so instructed. If you deem it necessary to move any cavalry into the interior of Texas, you will order one of the brigades under your command."<sup>66</sup>

In most of the disputes with Magruder, Maxey had felt it wise to remain as mute as possible, but in January, 1865, Maxey could remain silent no longer. Trouble again arose over Gano's brigade, now under the command of Brigadier General Hamilton Prioleau Bee. Maxey received a letter dated January 6, 1865, from Magruder asking him to hold Bee's brigade in readiness to support any movement in Arkansas. On January 18, 1865, Maxey received another communication from Magruder ordering the brigade to move to Van Zandt County, Texas. When Maxey questioned the contradictory orders, Magruder replied that there had been a clerical error and that the order should have read on or near the Red River above Clarksville, Texas. This questioning angered

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<sup>65</sup>Magruder to Johnson, December 27, 1864, *ibid.*, 1127.

<sup>66</sup>Boggs to Magruder, January 20, 1865, *ibid.*, Vol. XLVIII, Pt. 1, p. 1337.

Magruder and he again accused Maxey of being uncooperative. He also charged Maxey with supporting Colonel Gurley, temporary commander of Bee's brigade, in an insubordinate act. Gurley had refused to move unless ordered by Maxey, Kirby-Smith, or the Secretary of War. The dispute between the officers continued unabated, and Magruder felt it necessary to file a complaint with headquarters. At this juncture Maxey decided to send a copy of all the communication between the two officers to Kirby-Smith to be filed.<sup>67</sup>

Maxey felt the need to defend his actions against the onslaught of Magruder's accusations: "I discharge my duty conscientiously, in strict accordance with the laws and orders as I understand them, and hold myself amenable to my commanding officer for the manner in which I perform my duty, and I am at all times ready and willing to have the most rigid scrutiny and investigation of my official conduct on this or any other question."<sup>68</sup> As to the charge that he was uncooperative, Maxey said:

I believe the records of the country, as well as of the State of Arkansas, prove that I have "cooperated" with the troops in that State with some good results. I shall never fail, General, to obey the orders of my commanding officers, nor will I fail to protect, as far as in my power, the rights of any command intrusted to me. Whilst I jealously guard my own rights, I will not infringe upon those of others. Having been ordered to cooperate with you, I shall do cheerfully and to the best of my ability, and regret that any necessity should have arisen for this correspondence.<sup>69</sup>

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<sup>67</sup> Maxey to Boggs, January 28, 1865, Maxey to Magruder, January 15, 1865, Kimmel to Maxey, January 19, 1865, and Maxey to Magruder, January 27, 1865, *ibid.*, pp. 1346-1351.

<sup>68</sup> Maxey to Magruder, January 27, 1865, *ibid.*, p. 1349.

<sup>69</sup> *Ibid.*, p. 1350.

The problem was tentatively settled by Kirby-Smith when he personally ordered Bee's brigade away from the Laynesport area to Rusk, Cherokee County, Texas. Kirby-Smith telegraphed Magruder that he was not to try to divert the brigade. Other points of dispute did not develop as Maxey soon left Indian Territory and the unhappy relationship with Magruder.<sup>70</sup>

There were no Confederate military accomplishments on a large scale in Indian Territory in 1864. Maxey's plans were to strengthen and extend Confederate authority in Indian Territory. His main military ambition to launch an offensive to recapture Fort Smith and Fort Gibson and move the line of defense back to the Arkansas River was not realized. It was never possible to acquire the necessary arms and supplies to attempt an attack unsupported by help from outside sources. Maxey adopted the most useful alternative for the skills of his troops, especially his Indian soldiers. He listened to his subordinate officers, observed the fighting ability of his forces, and concluded that they should be allowed to move uninhibited in harassment campaigns and raids. Maxey's evaluation of their ability was accurate; the Indian troops, with the added strength of Gano's brigade, were successful when victories were essential to morale. Maxey's confidence in his forces and his lavish praise of their victories strengthened the fighting spirit and hope of the men.

The Camden campaign in Arkansas at first appeared very disadvantageous for Maxey. He was wary of concentrating the majority of his

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<sup>70</sup> Scott to Magruder, January 28, 1865, and Anderson to Maxey, February 6, 1865, *ibid.*, pp. 1350-1351, 1369; Bee to Maxey, February 9, 1865, Maxey Papers, Gilcrease Institute.

troops in an adjacent Confederate military district when he felt there was still a possibility of a combined cavalry raid by the Federals located at Fort Smith and Fort Gibson. It appeared to him that he was being asked to abandon his command. After making his doubts known and being reassured, he moved quickly to the aid of the Arkansas command. His fear of being an outsider with more rank was well founded and representative of his regard for his fellow officers; when confronted with the problem, he acted tactfully and courteously. Maxey commanded his men expertly, and they responded with skill and spirit. The successful performances of the Indians helped them gain confidence and test their abilities. They returned to Indian Territory with a spirit which proved very beneficial in the summer campaigns of 1864. Maxey appreciated his Indian troops and their sacrifice and took every opportunity to remind his superiors that their decision to fight outside Indian Territory was voluntary.

Maxey never abandoned his desire to recapture the upper reaches of Indian Territory lost during 1863, although he was forced on many occasions to modify his plans. The momentum from the Arkansas campaign continued throughout the summer of 1864, and it was Maxey's thought that the demonstrations and raids near Fort Smith would eventually lead to the abandonment of the post and open the way for the fall of Fort Gibson. It had been Maxey's feeling that the commander at Fort Smith would not retaliate, and he did not. The interruption of his plans by Major General Magruder was deeply resented by Maxey, for it seemed to him as if no one outside of his own camp cared about the welfare of Indian Territory. Maxey was resentful of the abandonment of his plans for those which he felt were poorly and hastily formed and

implemented too late in the year. Bitter about Maxey's unenthusiastic response, Magruder became vindictive not only toward Maxey but also Lieutenant General Kirby-Smith. The exchanges of sharp dispatches was unbecoming of both officers; Maxey's attempt to stay as mute as possible throughout the affair was creditable. Effective relations between the Arkansas and Indian Territory commands were virtually brought to an end.

The successful Confederate military operations in Indian Territory in 1864 were largely the result of Maxey's skillful planning. His drive, positive attitude, and willingness to support his force provided the added incentive needed by his troops. Under Maxey's command, total Confederate defeat in 1863 in Indian Territory was changed to limited victory in 1864.

## CHAPTER V

### MAXEY'S REMOVAL AND POSTWAR CAREER

Maxey's removal as commander of Indian Territory stemmed from a set of events engineered by Brigadier General Cooper. The decision to make the change was not impulsive but was carefully planned and maneuvered by Cooper and his friends. Cooper's desire for the command of Indian Territory had not diminished during 1864. He wanted the assignment in December, 1863, when Maxey was chosen to replace Steele and he continued to agitate for the position. His opposition to Maxey came in the form of harassment, complaints, and finally direct personal contact with President Davis. Cooper was successful in his campaign. He was able to go over the head of his immediate superiors and convince others that Maxey's removal was imperative. Finally, Maxey was removed from his command position on February 21, 1865, and in the same order Brigadier General Cooper was assigned to the command of the District of Indian Territory.

Maxey had been warned about the ambitions of Cooper and the role he played in the departure of the previous Indian Territory commanders, and although he was able to anticipate some of the problems, Maxey could not possibly have known the devious means Cooper would use to obtain the command position. The first indication of trouble from Cooper arose early in 1864 shortly after Maxey's arrival. One of Maxey's initial actions involved the reorganization of his troops, a

project in which Cooper had much interest. Cooper and his friends hoped to have a reorganization plan implemented which would enhance their position. They wanted Indian Territory made a separate district, and a three brigade system placing Cooper in command of the entire white and Indian force as well as Superintendent of Indian Affairs. Misunderstanding over the superintendency became the focal point of the dispute which resulted finally in the removal of Maxey. While Cooper's interpretation of the brigade system placed him as commander of the entire district, Kirby-Smith saw the new system with Cooper as commander only of the Indian troops, a position which Kirby-Smith doubted Cooper could handle. In order to ensure consideration of their plan, Cooper and his supporters prevailed upon his friendship with President Davis. Cooper had been a captain in the regiment of Mississippi volunteers of which Davis was colonel during the Mexican War. Based on this relationship, Cooper persuaded President Davis to intervene.<sup>1</sup>

The order for reorganization came on February 22, 1864, and utilized the three brigade system, "the Indian troops to be placed under the immediate command of General Cooper."<sup>2</sup> The dispute centered around the meaning of "Indian troops". Cooper's broad interpretation gave the entire command of both Indian and white troops to him. Kirby-Smith's literal interpretation identified only the Indian troops as part of Cooper's command. When Cooper questioned his position he was assured by Kirby-Smith that he was to remain under the command of

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<sup>1</sup>Abel, The American Indian as Participant in the Civil War, pp. 314-318; Portlock to Maxey, January 13, 1864, Maxey Papers, Gilcrease Institute.

<sup>2</sup>Maxey Circular, May 14, 1864, *ibid.*

Maxey. Cooper was not satisfied. He was sure President Davis meant for him to have the entire command, and he continued to prevail upon Davis to clarify his intentions.<sup>3</sup> Some months later Maxey unburdened himself:

I have forwarded ... a package of papers sent here by General Cooper ostensibly in support of his pretensions to the command of this District--really in my opinion to create trouble and if possible disgust me as he has every other officer sent here to command .... I determined to give General C[oooper] no ground for complaint, but I am satisfied that he is now seeking to produce the impression on the people that the President in his letter ... promised him command of the Indian Territory.

Nothing you will see is farther from the truth. General Cooper in my opinion perfectly understands that letter. More may ask why I do not place him in arrest, 1st General Cooper works through others and does not show his hand, on the contrary expresses great fairness of purpose. 2nd, He has a very considerable influence with the Indians, and a step of that kind however just and well supported it might be by clearest evidence ever, would probably, indeed most likely, prove detrimental to the service.

But General C[oooper] has not the power to injure me, that he has others. His game has been found out by many, and I believe he can no longer successfully play it.<sup>4</sup>

Military action in Arkansas caused delay in considering Cooper's communication with President Davis. However, the next confrontation came quickly after Maxey's return in late April from the successful Arkansas campaign. The already complex problem was further aggravated by a seemingly unrelated situation. A rash of promotions followed the victories in Arkansas, and being proud of his troops and his own leadership, Maxey was hurt and angered when he observed others who had participated in the campaign receiving promotions while he received no

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<sup>3</sup>Maxey to Anderson, January 12, 1864, Anderson to Cooper, February 20, 1864, and Cooper to Davis, February 29, 1864, Official Records, Ser. i, Vol. XXXIV, Pt. 2, pp. 856-858, 1007-1008.

<sup>4</sup>Maxey to Williamson, June 3, 1864, Maxey Papers, Gilcrease Institute.



recognition. He felt so deeply about this that he tendered his resignation to Kirby-Smith as a brigadier general in the Confederate States Army. Maxey wrote briefly of his past service with the South and added:

That General Smith has the power to select those he will recommend for promotion I do not gainsay, and doubtless I have placed a higher estimate on such services than he has, but in my view the honor of a gentleman and an officer should be held by him dearer than any earthly promotion. Had I not participated in that campaign I would have had nothing to say. Having done so, and commanded in one of the most successful battles fought there, I cannot reconcile it to my sense of honor to be overlooked whilst others, my juniors, for doing no more are promoted over my head. Were I to do so the world would conclude that I had neglected my duty in that campaign, and by quietly submitting, I would tacitly acquiesce in that decision.<sup>5</sup>

Maxey's letter made no further progress than the office of Major George Williamson, an officer on Kirby-Smith's staff and a friend of Maxey's. Williamson did not want to officially file the resignation, as he was aware of the status of Maxey's promotion. Kirby-Smith had ordered the advancement of Maxey weeks earlier to the rank of major general, but through an oversight the information had not yet reached Maxey.<sup>6</sup> "In a conversation with the General yesterday about your promotion," Major Williamson informed Maxey, "he told me he had directed the order issued several weeks ago and was annoyed that it had not been more promptly attended to .... You will be gratified to observe you take rank from the date of the battle of Poison Spring, 18 April, 1864. This makes you senior, I believe, to any of the Major Generals whose promotions were announced before yours. I congratulate

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<sup>5</sup> Maxey to Anderson, May 20, 1864, *ibid.*

<sup>6</sup> General Order No. 24, May 19, 1864, *ibid.*

you most heartily on this well deserved honor."<sup>7</sup>

Further word from Kirby-Smith apologizing for the delay alleviated Maxey's anxiety: "I regretted very much that your appointment as Major General was not more promptly forwarded to you, it was delayed through an oversight in the office."<sup>8</sup> He also expressed satisfaction and thanks for the manner in which Maxey administered affairs in Indian Territory: "I know the annoyances and difficulties with which you have been environed. I feel that a great improvement has already been made. There probably remains much yet to be accomplished. You may rely upon every assistance in my power to support you in your reforms."<sup>9</sup>

Maxey was very much relieved and pleased that he had been recognized for his duties in Arkansas and equally pleased with Kirby-Smith's praise. "I am more than gratified at your expression of satisfaction with my administration," Maxey assured Kirby-Smith. "The vast labor devolving on the District Commander of the Indian Territory is not known or appreciated by the people. A brilliant dash that requires but little trouble and not much brains will give a man more character with the masses than a year's hard labor in administrative duties."<sup>10</sup> Maxey further explained the feeling behind his impulse to resign:

In regard to the delay of issuing the order of my promotion it is but candid in me to say that I felt it to the quick, as it could only be construed as far as the facts were known to me or my friends as an official censure of my military career under your command. Feeling that I had done

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<sup>7</sup>Williamson to Maxey, May 21, 1864, *ibid.*

<sup>8</sup>Kirby-Smith to Maxey, June 8, 1864, *ibid.*

<sup>9</sup>*Ibid.*

<sup>10</sup>Maxey to Kirby-Smith, June 12, 1864, *ibid.*

my whole duty and in acting under the sense of this, as I then thought, censure, I was unwilling in justice to myself to remain in the service. Had no promotion been made I should never have uttered a word. My only regret in regard to the delay is that I should have thought you capable of doing me an injustice.<sup>11</sup>

Before the resignation matter had been clarified for Maxey and the officers of his command, word began to spread of Maxey's decision to quit the Confederate service. The news was met with deep regret by many of his men. A group of them decided to draw up a petition in support of Maxey to be signed by as many white and Indian troops as "feel that it is a matter of the greatest importance to retain General Maxey in his present command." Copies of the petition were circulated throughout Indian Territory and northern Texas to gather expressions of opinion which might influence Kirby-Smith. "I believe the immediate cause of General Maxey's resignation," said the officer who wrote the petition, "was the promotion of officers whom he commanded in the recent campaign in Arkansas over him. And while I admire his spirit I do not think his services can be spared from his present command."<sup>12</sup>

The petition stated in great detail the peculiar problems connected with Indian Territory and emphasized the great importance of the area. The signers felt that in order to appreciate Maxey the unique conditions in Indian Territory must be understood, such as the absence of civil government, the mixture of races, the dependency on other

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<sup>11</sup>Ibid.

<sup>12</sup>Elinson to Marston, May 21, 1864, *ibid.*

states for most supplies, and the despair and demoralization of the troops, all of which called for not only administrative ability but military skill and daring. Those who signed the petition agreed:

That in our present commander we have the qualifications and requirements necessary so far as we can expect to find them united.

That he has the entire confidence of the Indian Nations as a people whose interests he superintends, of the Army and every portion of it which he has successfully commanded of the people of the Northern Sub District Texas upon whom he depends for material and moral support. And therefore, it having come to our knowledge (unofficially) that Brigadier General S. B. Maxey commanding the District of the Indian Territory has tendered his resignation as an officer in the Provisional Army of the Confederate States, we as citizens most deeply interested in the fate of the country embraced within or protected by his command as members of the Army in whose success our honor and pride are involved feel it our duty to petition most respectfully (and without the knowledge or consent of General Maxey) that your action be withheld until the grounds upon which this step is taken, if they be personal can be reconsidered, or if public and official they receive your most careful consideration and if possible be removed.<sup>13</sup>

When a copy of the petition reached Cooper he was greatly angered. He felt that the petition violated army regulations against conveying praise or censure toward superiors in military service. "I submit that the [petition] conveys extraordinary praise upon General Maxey," Cooper charged, "and reflects injuriously upon his predecessors or anyone hitherto found willing to undertake the arduous duties of Commandant of the District of Indian Territory."<sup>14</sup> He wrote Kirby-Smith to complain about the petition and to again question the command of Indian Territory. Cooper emphasized once more that President Davis truly desired to have him as commander of the entire District of Indian

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<sup>13</sup> Petition to Kirby-Smith, May 27, 1864, *ibid.*

<sup>14</sup> Cooper to Kirby-Smith, May 29, *ibid.*

Territory. He felt Kirby-Smith was deliberately misinterpreting the desire of President Davis to continue Maxey in command. Kirby-Smith informed Cooper that his decision had not changed. Cooper had presented no new facts to change Kirby-Smith's decision that Cooper was to remain under the command of Maxey.<sup>15</sup> Maxey decided he must accept Cooper's interference and place his confidence in Kirby-Smith. "So far as General C[oooper] is concerned," said Maxey, "I think he may work as much as he pleases. He is welcome to all he makes."<sup>16</sup>

But Cooper was determined to make a place for himself in the command structure of Indian Territory. Cooper's influence with President Davis did not diminish and finally obtained results. The letters and communications from Cooper's first complaints plus his friends' influence in Richmond were finally answered in July, 1864. A special order was sent to Kirby-Smith directing him to place Cooper in command of the District of Indian Territory. Kirby-Smith was extremely reluctant to replace Maxey and simply did not put the order into effect. He waited until October to write President Davis and ask to have the order rescinded.<sup>17</sup> "I believe that serious injury would result to the service were this order enforced," Kirby-Smith told Cooper. "I have delayed its publication, awaiting further instruction. General Maxey, commanding the district of the Indian country, has with skill, judgment, and success administered his duties. I have satisfactory evi-

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<sup>15</sup> Maxey to Williamson, June 3, 1864, Cooper to Boggs, May 29, 1864, and Williamson to Cooper, June 14, 1864, *ibid*.

<sup>16</sup> S. B. Maxey to Marilda Maxey, June 13, 1864, *ibid*.

<sup>17</sup> Thoburn and Wright, Oklahoma: A History of the State and Its People, Vol. I, p. 355; Kirby-Smith to Cooper, October 1, 1864, Official Records, Ser. i, Vol. XLI, Pt. 3, p. 971.

dence for believing that he gives satisfaction to both Indian and white troops. His removal, besides being an injustice to him, would be a misfortune to the department."<sup>18</sup>

Kirby-Smith was told by Cooper that the order was considered imperative by the President and must be carried into effect. But still Kirby-Smith hesitated. He continued to hope that he would not have to put the order into effect, and, if the order must be honored, he wanted to be able to place Maxey in a new position which would carry responsibilities befitting his rank of major general. There was no comparable position as commander of an entire district available, but Kirby-Smith hoped to create a position for Maxey which would not be considered a demotion.<sup>19</sup>

In order to assure Maxey of such an office, it was necessary for President Davis to confirm the promotion of Maxey to major general as recommended the previous May by Kirby-Smith. However, President Davis refused to confirm any general officers until there was a complete reorganization of the troops within the Trans-Mississippi Department. Since it was so important that Maxey receive a confirmation of his promotion to ensure a new position more equal to the command position in Indian Territory, Kirby-Smith recommended that the department be organized into three army corps. Within the new system Maxey was assigned to the First Army Corps commanded by Lieutenant General Simon B. Buckner. Maxey was to command the Second Texas Cavalry Division of the First Army Corps. This new structure was made on paper to Presi-

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<sup>18</sup>Ibid.

<sup>19</sup>Ibid.

dent Davis, but to avoid the transfer of Maxey, he was temporarily detached from the Second Texas Cavalry Division by Kirby-Smith and assigned to his present position as commander of Indian Territory.<sup>20</sup>

These maneuverings did not enhance Maxey's security, and unsure of the consequences, Maxey placed his trust in Kirby-Smith and justice. "I am very glad this has been done," Maxey told his wife, "for should trickery succeed in giving command here, to General Cooper, which however I do not believe, I nevertheless have a splended Division, all Texans."<sup>21</sup> As rumors of his removal began to circulate within Indian Territory, others became involved. While the situation unfolded, members of Maxey's command began to write and question him about the possibility:

There have been rumors here for several days that you are to be relieved in this District and General Cooper placed in command. Whether there is any just grounds for such complaints I can't say not being posted in matters beyond my own affairs but it has given me much cause of uneasiness and I have not slept soundly since I heard it .... I have ever been an ardent admirer of yours and have always spoken of you in the highest terms and upheld your sound policy as being the best ever presented in this District and we have seen the brilliant effect of it. The Indians today prefer you to General Cooper, and my men would die by you and some have gone so far as to say they will not serve in this District under General Cooper.<sup>22</sup>

Maxey became uneasy and could no longer ignore the rumors and

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<sup>20</sup>Boggs to Maxey, October 14, 1864, *ibid.*, pp. 1008-1009; Kirby-Smith to Cooper, October 28, 1864, *ibid.*, Pt. 4, p. 1016; Organization of the Army of the Trans-Mississippi Department, Kirby-Smith, C. S. Army, commanding, September 30, 1864, *ibid.*, Pt. 3, pp. 966-971; Boggs to Maxey, October 15, 1864, Maxey Papers, Gilcrease Institute.

<sup>21</sup>S. B. Maxey to Marilda Maxey, October 15, 1864, *ibid.*

<sup>22</sup>Johnson to Maxey, October 16, 1864, *ibid.*

the increasing unrest they caused in Indian Territory. He approached headquarters for confirmation or refutation of the reports:

I do not desire command here, God knows it has been a command of incessant labor and vexation ever since I have had it, and has been to every man who has commanded here, and will be to the end of the war .... These rumors of course paralyze to a certain extent my administration. If I have done well, it is but justice to me and the country that I be sustained, if the reverse that I be removed and a better man put here. My record is made up, and I do not believe I could better it, and whilst I do not desire this command I am unwilling silently to submit to any action I am compelled to regard as unjust to my reputation.<sup>23</sup>

The answer from headquarters was not of much comfort to Maxey. He was informed of the July order from President Davis placing Cooper in command of Indian Territory. He was also told of Kirby-Smith's effort to have the order revoked. Kirby-Smith intended to take no action on the order unless further instruction came from the office of President Davis. Maxey had no choice but to accept his tenuous position and rely on the judgment of his superiors. The frustration caused by the maneuverings over which he had no control was apparent in his correspondence:

My course has been endorsed by the Department Commander, the Commissioner of Indian Affairs, the Council of the Tribes and Nations in Alliance, the people in the contiguous positions of Texas and Arkansas, and above all by my own conscience, and whatever action the War Department or the President may see fit to take, I shall not rest satisfied. The command of the District is not desirable. There are more embarrassing elements to contend with there than elsewhere and the labor, physical and mental, is very great. I was however unwilling to be relieved by any order that had the appearance of censure. So far as my own reputation is concerned, it will not be increased or diminished by the action of the War Department whatever it may be. I went into this War for the good of the Country, and have as much

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<sup>23</sup>Maxey to Boggs, October 24, 1864, *ibid.*



interest in success as the President or any other citizen ....  
 And when I have the blessing of an approving conscience,  
 I care little for the opinions of men.<sup>25</sup>

Maxey continued to carry out his duties, hopeful that he and his command would be justified and vindicated. He remained secure in the knowledge that Kirby-Smith would do all that he could to help him obtain justice.

However, by early 1865 Maxey began to feel the uselessness of his position, and he believed he could no longer be effective. When in mid-February, 1865, special orders were issued naming Cooper as Superintendent of Indian Affairs, Maxey felt he could not continue in his command:<sup>26</sup>

The duties of Superintendent and District Commander have so long been discharged by the same officer that they are now so intimately blended as to be difficult of separation. With some twelve thousand destitute Indians to be fed by the Superintendent and the troops by the District Commander and the subsisting of all carried on through the agency of the Commissary Department it would be exceedingly difficult with the best intentions to prevent collision.

For the good of the service, and to enable the business of the District to be conducted in a system, which I believe the true interests of the service requires, I would respectfully ask to be relieved of service in the District of the Indian Territory at the earliest moment which in the opinion of the General Commanding the Department my services can hopefully be spared.<sup>27</sup>

Before action could be taken on Maxey's request, the order relieving him of his command was received at the Trans-Mississippi Department headquarters. Cooper had made a trip to Richmond in early 1865 to confer with President Davis. The results were obvious in a short

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<sup>24</sup>Boggs to Maxey, October 28, 1864, *ibid.*

<sup>25</sup>Maxey to Kirby-Smith, November 12, 1864, *ibid.*

<sup>26</sup>Boggs to Maxey, February 9, 1865, and Special Order No. 40, February 14, 1865, *ibid.*

time for Kirby-Smith and Maxey were unable to stop Cooper. Thus Maxey was relieved of the Indian Territory command and Cooper was assigned to it on February 21, 1865.<sup>28</sup> In the order relieving Maxey, Kirby-Smith stressed his entire satisfaction with the manner in which Maxey had discharged his duties. He explained that Maxey was being relieved to take on more important duties. Kirby-Smith had been able to prevent Cooper's elevation to the Indian Territory command for over seven months, but the personal relationship between President Davis and Cooper made Cooper's advancement a virtual personal appointment. On leaving Indian Territory, Maxey published his opinions in an open letter to his command:

In leaving the District, the undersigned [Maxey] returns his grateful acknowledgements to the Army and people of his District, and of the Northern Sub District of Texas from whence his supplies have been drawn, for their support of his administration.

He [Maxey] feels that he has discharged his duty, and that the Troops of the District have done gallant and good service, since he has been in command.

As Superintendent his duties have been onerous and complicated. He has used every exertion in his power, with the limited means at his command, to relieve the necessities of the unfortunate but patriotic Refugee Indians.

The undersigned [Maxey] would earnestly impress upon every officer and soldier and upon every citizen of the District the absolute necessity of harmonious and united action .... the absolute necessity of upholding and sustaining the new District Commander in the arduous and complicated duties that will devolve upon him.<sup>29</sup>

The reactions to Maxey's removal were varied. Kirby-Smith was very uneasy about the change in command and the manner in which it

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<sup>27</sup> Maxey to Anderson, February 17, 1865, *ibid.*

<sup>28</sup> Abel, The American Indian as Participant in the Civil War, p. 334; Special Order No. 45, February 21, 1865, Official Records, Ser. i, Vol. XLVIII, Pt. 1, p. 1396.

<sup>29</sup> General Order No. 7, February 24, 1865, Maxey Papers, Gilcrease Institute.

was accomplished: "The change has not the concurrence of my judgment, and I believe will not result beneficially. Cut off as the department commander is from direct communication with Richmond, he should not be made responsible for events which may transpire in the districts under his command, unless he controls their commanders and has the power to changing them when circumstances demand."<sup>30</sup>

Maxey's friends expressed understanding and appreciation. "Mr. Davis was determined his old friend and fellow soldier should command the District of Indian Territory notwithstanding the advice of General E. K. [Edmund Kirby] to the contrary," Maxey was told. "I know not whether to congratulate you or not, I have no doubt it is the least desirable command in the Dept., but it is higher than any position you can now be assigned."<sup>31</sup> A Texas friend was quite laudatory:

Well may you congratulate yourself on being relieved from such a command and a transfer to field service, but I cannot feel that the Dist. you leave and the Northern Sub District of Texas can consistently join in such a feeling, and really feel that our houses and offices need be hung with mourning for the loss of one as far as was possible with such material, by almost inhuman efforts under great disadvantages brought order out of chaos in the Dist., and by untiring energy and vigilance aided much, very much in giving peace and quiet to the area, for myself I can only say that I really mourn your loss to myself and our people and cannot expect to find in another the same kind friend and watchful officer that we have found in you.<sup>32</sup>

Many of Maxey's officers and men were unhappy about his removal and asked to be allowed to accompany him. "Your distinguished ability

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<sup>30</sup> Kirby-Smith to Cooper, March 2, 1865, Official Records, Ser. i, Vol. XLVIII, Pt. 1, pp. 1408-1409.

<sup>31</sup> Anderson to Maxey, February 23, 1865, Maxey Papers, Gilcrease Institute.

<sup>32</sup> McCulloch to Maxey, March 4, 1865, *ibid.*

as a military commander as well as an administrative officer has won you the respect and admiration of all who know you," said one of Maxey's officers. "Your high reputation and your uniform courtesy and kindness have rendered my position as one of your staff both honorable and pleasant .... I respectfully ask ... to have me ordered to report to you wherever you may go."<sup>33</sup> The surgeon in his command also asked for transfer: "It is my preference to be in your command, having served more pleasantly there, than in that of any other officer under whom I have been placed since the war. I will deem it quite an honor to be permitted to continue with you."<sup>34</sup> Another expressed his feelings simply: "A feeling of hopelessness seems to have seized upon me in view of this change. Indeed, I am sorry. I know of no General, who can supply your place, or under whom I shall be willing to hold position. I wish I could go with you."<sup>35</sup>

Maxey was ordered to report to headquarters in Shreveport, Louisiana, where he was reassigned to a new command in Texas, constructed from existing commands. Two brigades were quickly available for formation; the third was drawn from two existing infantry brigades, each of which detached one regiment plus one dismounted cavalry regiment. The new command was completed in March, 1865, but the war was drawing rapidly to a close. Little could be accomplished beyond organization in Maxey's new command before Kirby-Smith surrendered the white troops of the Trans-Mississippi Department on May 26, 1865.

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<sup>33</sup> Bell to Maxey, February 20, 1865, *ibid.*

<sup>34</sup> Alexander to Maxey, February 28, 1865, *ibid.*

<sup>35</sup> Lee to Maxey, March 6, 1865, *ibid.*

Maxey's military career was at an end.<sup>36</sup>

Maxey was forty years of age when he returned to his family and his law practice in Paris, Texas. He was forced to wait before he could again resume the duties of an attorney, for the governor of Texas, A. J. Hamilton, had issued a proclamation which suspended former officers of the Confederate Army from practicing law without a special pardon from President Andrew Johnson. Through special intercession by General Ulysses S. Grant to President Johnson beginning in January, 1866, Maxey was pardoned,<sup>37</sup> "S. B. Maxey resigned from the Regular Army in 1849 and afterwards settled in Texas," Grant explained. "I knew him well as a cadet at West Point and afterwards as a Lieutenant in the Mexican War. I believe him to be well worthy of Executive clemency and heartily recommend it."<sup>38</sup> After needless delay, Maxey received his pardon on July 20, 1867.

Maxey was then free to practice law, and his business grew as well as his acquaintances with other lawyers and politicians. As he traveled throughout Texas on legal matters, he met and talked with many men who were active in state politics during the Reconstruction era. He also continued his relationship with political friends from Kentucky, including two governors and United States Attorney General James Speed.<sup>39</sup>

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<sup>36</sup> Boggs to Walker, March 14, 1865, and Special Order No. 73, March 27, 1865; Official Records, Ser. i, Vol. XLVIII, Pt. 1, pp. 1424, 1447.

<sup>37</sup> Horton, "Samuel Bell Maxey on the Coke-Davis Controversy," The Southwestern Historical Quarterly, Vol. LXXII, p. 520.

<sup>38</sup> Grant quoted in *ibid.*

<sup>39</sup> *Ibid.*, p. 521.

In 1873, Maxey was appointed to a federal judgeship for the Eighth Judicial District of Texas. However, since he had eyes on a higher position, he declined the appointment, and in 1874 ran for the United States Senate. With the end of the Reconstruction period in Texas, he was elected as a Democrat and took his seat in March, 1875. He replaced a Republican, J. W. Flanagan, in the Senate, which at that time contained a Republican majority. Maxey served for two terms, until 1887, when he was defeated for reelection. While in the Senate he served on the committees on territories, military operations, education and labor, and was chairman of the committee on post offices. He advocated economy, but also introduced several bills for river and harbor improvements across the nation. He obtained separate appropriations for Texas rivers, harbors, and post roads. He struggled to secure frontier protection and enlarged postal facilities. On constitutional grounds, he was opposed to the policy of protective tariffs. One of his most important contributions, based on his background in Indian Territory, was his many speeches on Indian-white relations. He was among the first to advocate individual farms as the ultimate solution to the Indian problem. He was also one of the first to approve right-of-ways for railroads through Indian Territory to facilitate immigration and commerce. After his defeat in 1887, he retired from public office to continue his law practice until his death in 1895 at Eureka Springs, Arkansas. He was buried in Evergreen Cemetery, Paris, Texas.<sup>40</sup>

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<sup>40</sup> Ibid., pp. 521-522; Johnson, Malone, Starr, Schuyler, James, eds., Dictionary of American Biography, Vol. XI, p. 436; Evans, ed., Confederate Military History, Vol. XI, p. 248.

Maxey's removal as the Confederate commander of Indian Territory was obviously the result of a complex and deeply rooted problem. His dismissal was not a repudiation of his administration, but the result of the maneuvering and ambition of Cooper. Maxey had done his job thoroughly and successfully and to the complete satisfaction of his superior in the Trans-Mississippi Department. It was only with extreme reluctance and after much hesitancy that Kirby-Smith replaced Maxey with a man whom he felt was no equal to Maxey in ability. Cooper's agitation was a constant thorn to Maxey as well as to Kirby-Smith. It was only the tenacity of Kirby-Smith that maintained Maxey for the last nine months of his tenure. Maxey was caught helplessly in a situation he could not control. He frustratedly examined his record of achievements, his hopes, and his plans to find a just reason for the dismissal, but to no avail. The position was not to be filled on merit but on undeserved political appointment.

Maxey had both Indian and white enemies in Indian Territory who felt that Cooper would make the best commander, but the majority of the people believed he had succeeded in his command and supported him. Maxey smarted under the possible interpretation of failure attached to his removal. However, most of his friends and supporters had followed the stratagem of Cooper and understood that there was no stigma attached to Maxey's removal. At best, Indian Territory was not the easiest of assignments and Maxey was burdened with the added trouble of an ambitious fellow officer undermining his efforts. If dishonor was connected with the change of commanders in Indian Territory, it was not Maxey's, but must be borne by Cooper. Maxey's return to his civilian career was securely based on years of hard work. Being

well known and respected by many for his wartime efforts, knowledge, and judgment, he was able to subsequently enjoy a productive and personally enhancing political career.



## CHAPTER VI

### SUMMARY AND CONCLUSIONS

Major General Maxey commanded Indian Territory for approximately fourteen months from December 11, 1863, to February 21, 1865. He arrived at a time when Confederate fortunes and troop morale were at their lowest ebb. Federal forces had defeated the troops at every encounter for many months. The Indians had not received payment on the promises made them by their treaties with the Confederacy, and arms were scarce, as were supplies and adequate leadership. The troops were in need of reorganization, and they needed a trustworthy and effective commander who could lead and provide for them despite pressures from Cooper and his supporters.

Maxey's background and temperament were such that he appeared to his superior, Lieutenant General Kirby-Smith, to be the most able military commander available to undertake the leadership duties of Indian Territory. Having lived in Paris, Texas, for several years, Maxey was aware of the importance of Indian Territory to northern Texas and was very familiar with the terrain and conditions of the area. He had made many friends in Texas who believed in his abilities and were willing to support his efforts in Indian Territory. Since September, 1861, Maxey had commanded under a variety of circumstances and had gained valuable experience as well as skill and confidence in his administrative abilities. Maxey's training as an attorney quali-

fied him for the task of inspiring and encouraging his troops through vivid and effective rhetoric.

Maxey soon found he would need all of his resources to handle the necessary reorganization. At first he hoped to launch an offensive that would secure the area, raise the morale of the troops with action and victory, and provide a cohesive agent for his troops. Such a movement he soon concluded would be out of the question. Not only were military supplies lacking and morale very low, but even more frustrating, sufficient supplies could not be obtained. Long one of the least important of the many military districts of the Confederacy, Indian Territory was last on the list for supplies. All the necessities for merely maintaining troops were extremely scarce or non-existent. It was not possible to move troops with such inadequate food and clothing and beyond question to expect them to fight with the firearms in their possession. Although Maxey made effort after effort to secure arms through proper channels, inadequate quantity and quality of arms plagued him for his entire tenure. With every promise broken, with every plea ignored, he was forced to rely more and more on captured arms and supplies for most of his needs.

In order to prepare for future offensive activity, Maxey provided for troop reorganization and attempted to improve supply movements. A new three brigade system was implemented which would enable the Indians to fight as nations and hopefully promote a better recruiting system. In order to encourage fair treatment, he made every effort to discourage desertions and return all deserters to their commands. He understood the need to keep some reliable white troops with the Indians to act as scouts and instructors. He also inaugurated a more reliable

spy system. Due to destitute Confederate conditions in Indian Territory, he was forced to rely heavily on Texas for his commissary supplies. All food stuffs were shipped in wagons from Texas as well as a great deal of the clothing needed by the troops. To obtain supplies more efficiently, he utilized his friendships in Texas as much as possible. He also attempted to hire more and better wagons from the surrounding area. When this failed, as well as his appeal to headquarters for extra ox-wagons, he authorized his quartermaster to use whatever means was necessary to acquire wagons--a method which proved successful.

Not only must Maxey provision his troops from very inadequate supply sources, but he must also provide for thousands of destitute refugee Indian families. Maxey had a dual function; he was Superintendent of Indian Affairs as well as the military commander of Indian Territory. To Maxey, the task of supplying both groups made the two offices so intertwined that they could not be separated. If two separate commanding officers were competing for the same supplies from the same source, this could very easily cause dissension and inefficiency. Maxey proved to be an innovative Superintendent of Indian Affairs. He created three new offices for better handling of Indian supplies. He appointed a Superintendent of Issues to enroll all heads of Indian families and compile accurate tribal rolls. The new office of Issuing Agent was expected to efficiently and accurately distribute provisions to the families. The third office, not adequately described, was that of Inspector of Camps. The need for other offices developed as the system grew and Maxey gained experience. He was also responsible for obtaining funds due the Indians from the Confederate government.

One of the more important and productive of Maxey's plans in dealing with the Indians was to communicate as much as possible with the leaders of the various tribes. He met with the influential members of each of the tribes as often as possible in their council meetings and made various speeches. He was a fiery orator and on many occasions used his skill to persuade the Indians to remain loyal to the Confederate cause when they could easily have despaired. He also effectively used a printing press which he had installed at his headquarters at Fort Towson to distribute information designed to sway the Indians and rally their spirit. He likewise did his best to understand and help his Indian forces. He tried to minimize their weaknesses and optimize their strengths in obtaining the best results from them as soldiers and men. He did his utmost to encourage mutual respect and tolerance between Indian and white troops. He was always as fair as possible in decisions affecting these relationships. He expected his officers of equal rank to be given the same privileges and respect whether Indian or white.

Military operations in 1864 were not as extensive or as effective as Maxey had hoped and planned. He had set as his primary goal the recapture of Fort Smith and Fort Gibson through an aggressive offensive campaign. All of his military plans and supportive efforts were made with this goal in mind. When it became obvious that this would not be possible without help from others, he encouraged Arkansas operations which could include his design for Indian Territory. To this end Maxey and his troops participated actively in the Camden campaign with the thought that this movement would sweep northward and carry with it Indian Territory efforts to recover Fort Smith. In action, his troops

displayed courage, and much was done for the morale of all Indian Territory with the success of the Battle of Poison Spring, but the campaign did not bring the desired results for him.

When it became obvious there was to be little or no help to be had from outside for Indian Territory, Maxey began to use his Confederate troops in harassment raids and demonstrations against Fort Smith and Fort Gibson. It was his thought that this would eventually lead to the abandonment of the post and in the interim would be a very worthwhile military action. The Indians under Watie struck often and harshly at haying camps, supply ships, and wagon trains. They managed to obtain many necessary supplies for the troops and their families. When this activity was terminated by Magruder's request for support, Maxey chaffed under the frustration and interference which he felt was adding to the burdens he faced. Although his master plan was not realized before his removal, his activities and ideas had resulted in limited military success for his troops and for him personally.

Maxey's removal was not a repudiation of his administration, but the result of the maneuvering of Cooper. Cooper wanted the command of Indian Territory, and Maxey blocked his path. Cooper did not hesitate to use every means possible to gain his end. He officially complained about Maxey's appointment, his decisions, and his record. He agitated among the Indians under his influence, and when he found he could not prevail upon Lieutenant General Kirby-Smith to reconsider his choice of Maxey, he used his influence with President Davis to pressure Kirby-Smith. Kirby-Smith was well pleased with Maxey's activities and decisions in Indian Territory and unimpressed with Cooper's. Kirby-Smith tried every means available to him, every pro-

test, every possible compromise, including ignoring direct orders, to sustain Maxey. He managed to keep him in his position for over seven months after President Davis took initial steps to remove Maxey, but could not prevail after Cooper made a personal trip to Richmond to pressure Davis. Maxey had frustratedly watched Cooper's maneuvering but could do little to keep his command. He relied on the support of many within his command, upon his superiors, and on his own faith in justice, but Cooper won. After his removal, Maxey was assigned to a command in Texas, but for only a short while, as the war ended within weeks.

In conclusion, Maxey had arrived in Indian Territory with experience and personal attributes which set him apart from his predecessors. It was hoped that his unique combination of knowledge, talent, intelligence, and personality was proportioned in such a way that he would be able to solve the serious problems facing Indian Territory in 1864. In most cases the combination proved successful. He accomplished more than could be expected of most men under similar circumstances. The troops on his arrival were defeated and demoralized, and when he left these men could claim military victories, efficient organization, and more respect for themselves as well as their commander. He wanted very much to succeed as commander of Indian Territory. He was convinced that success was vital to the survival not only of northern Texas but the entire Confederacy.

Maxey had exceptional administrative ability, and in quick and decisive action he was able to bring order to chaos. His plans for an offensive could only be possible if his reconstruction plans could be rapidly and effectively executed. However, no matter how diligently

Maxey worked, it was impossible to obtain the supplies he needed. The official channels could not fulfill his wants, and Maxey was forced to use his initiative and imagination to obtain even the basic necessities for his troops. He achieved a degree of success. He was able to maintain his troops and secure subsistence if not the luxury of abundance with which to start a campaign. His efforts to reorganize his troops, curb desertions, and inspire spirit and confidence were carefully administered and a large part of his success.

One of the more impressive of Maxey's achievements in Indian Territory was his ability to cooperate and work with and for the Indians. The support of the Indians was essential to the security of Indian Territory. In order to build morale among the Indians and confidence in the Confederacy, Maxey inundated his command with fiery speeches and printed propaganda. He was able to keep their faith with his fair and impartial treatment. He made a conscious effort to know and understand the Indians, and by doing so he was able to appreciate their strengths and weaknesses. He took his office as Superintendent of Indian Affairs very seriously. He worked hard to obtain funds and supplies for the Indians, and fearing the consequences of inefficiency in the system of supply, he initiated reforms. He expended a great deal of time and energy meeting with the Indians and securing a working relationship with their leaders.

Militarily, Maxey was able to achieve victories, not on the grandiose scale he had foreseen, but in a modest and positive way. Though absolutely defeated mentally and physically in December, 1863, the troops under Maxey could and did participate in fighting and emerge the conqueror. In Camden, Arkansas, Maxey personally experi-

enced the satisfaction and excitement of leading his troops into battle and winning. His troops proved themselves to be courageous soldiers. Maxey and his forces returned to Indian Territory ready and able to engage the enemy, but the circumstances would not permit normal action. Thus emerged the plan urging harassment and raids, techniques used against Fort Smith and Fort Gibson with the purpose of forcing them to surrender. These procedures were personal triumphs for Maxey although he did not personally engage in the action. They continued to reinforce and justify his faith in his Indian troops, their leaders, and their abilities. But Maxey was fighting hopeless conditions. His plans for Indian Territory were sound, but under the supply conditions, the dire circumstances of the Confederacy, and the temperamental personalities of Cooper, Magruder, and others, his ultimate hopes were not realized. However, his limited success was enough to sustain Indian Territory until the end of the war.

Maxey's relationships with his fellow officers were a mixture of great success and dismal failure. He won a great measure of respect and affection from the majority of his subordinates, and his immediate superior, Lieutenant General Kirby-Smith, demonstrated on many occasions his respect, affection, and admiration for Maxey. He was called on several occasions to prove his loyalty to Maxey and did so with no hesitation. But unfortunately, because of conflicting interest, Maxey experienced two very unrewarding relationships. His misadventure with Major General Magruder was created by misunderstanding and conflict of opinion on authority and the proper way to wage war in Arkansas and Indian Territory. This was an understandable conflict between two conscientious generals who were vitally interested in their com-



mands and who felt threatened by each other. The second unhappy relationship was with Cooper and was created not by Maxey but by Cooper. Any commander would have received the same treatment as Maxey because the ambitious and determined Cooper would stop at nothing to gain his ends. Cooper pushed and shoved his way through obstacles made by Kirby-Smith and finally was able to obtain the command in Indian Territory because Maxey had no further recourse for personal support. Maxey was helplessly caught in a painful and exasperating situation. He could do nothing but continue his job as best he could and place his faith in his superior's ability and his own excellent record.

Uniquely qualified to command in Indian Territory, Maxey met the problems of his difficult position head-on with determination, optimism, and skill. He transmitted these feelings to the Indians, and this resulted in the confidence that they could cope with the enemy. From total defeat to even limited success on the battlefield was heady tonic for the morale of his forces. He administered and organized his way to an orderly and systematic military establishment, giving his troops the security of being cared for as best as could be expected, and a stability and strength in their commander not known before. Although most of these achievements were intangible, they resulted in limited military victories, more and better supplies, and increased security for Indian Territory, northern Texas, and the Confederacy. Maxey maintained his troops in an incredibly difficult situation for over a year, fighting racial tension, desertion, poor supplies, and Cooper. Although Maxey suffered under the injustice of his removal, he had gained much personal satisfaction through diligent work, achieved many needed changes, and had commanded to the best of his ability.

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Although not quoted or used directly in this thesis, this article was useful and interesting. It covered very little of Maxey's tenure, but helped in understanding Cooper's position. This study covers the entire Civil War career and background of Maxey's nemesis and describes Maxey's appointment as a mistake which Cooper had to rectify to obtain the position he considered rightfully his.

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The short sketch of Maxey's life in this volume compacts a great many facts of his early Civil War career not found elsewhere.



Indian Territory Military Operations, 1864

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