

## THE BATTLE OF CHUSTENAH LAH

*By Arthur Shoemaker\**

Shortly before noon on December 26, 1861, Confederate troops crossed to the west side of Hominy Creek, in present-day Osage County and attacked Union Indian forces estimated at around 1,700 men.<sup>1</sup> Thus began the third and last battle—the “Battle of Chustenalah”<sup>2</sup>—in which the aged Creek Indian leader, Opothleyohola was to direct the soldiers of the Northern or Union faction of the Creek Nation. Allied with the Creeks were a large group of Seminoles, lead by Haleck Tustennuggee, and a representative sprinkling of other tribes.

This attack by Confederate forces under the command of Colonel James McIntosh was to have been the upper arm of a giant pincer movement that had been planned at Fort Gibson following the Battle of Chusta Talasah on Bird Creek on December 9, 1861.<sup>3</sup>

This plan called for Colonel D. H. Cooper, Commander of all Confederate forces in Indian Territory, to lead a force up the Arkansas River to the rear of Opothleyohola, while Colonel McIntosh was to take a force of 1,380 men up the Verdigris River, then proceed westward across Bird Creek to the reported stronghold of the Union Indian forces. A delay in receiving necessary supplies, forced Colonel Cooper to abandon his march up the Arkansas, but he ordered Colonel McIntosh to move westward until the enemy was engaged.

The Confederate troops reached Hominy Creek after passing south of the present town of Skiatook, Oklahoma. The Third Texas Cavalry, flanked by the Eleventh and Sixth Regiments<sup>4</sup> crossed the creek on an outcropping of rock stretching from bank to bank causing ripples and a small water fall. The location is known as Hominy Falls.

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<sup>1</sup> “*War of the Rebellion: Official Records of the Union and Confederate Armies*” Volume VIII. Series 1. pp. 22-25.

<sup>2</sup> The report of Col. James McIntosh, Second Arkansas Mounted Rifles, commanding the division of the Confederate forces in the “Battle of Chustelah,” refers to present Hominy Creek as “Shoal Creek” (*ibid.*, p. 22). (This battle site is in the old Cherokee Outlet lands. The name “Chustelah” is from the Cherokee word *u’staná li*, meaning a “natural barrier of rocks” or a shoal in a stream.—Ed.)

<sup>3</sup> *Ibid.*, pp. 22, 8-11.

<sup>4</sup> *Ibid.*, p. 22.

Crossing an open, level stretch of prairie the first troops were met with fire coming from the flank of a hill directly to their front. Opothleyohola had placed the Seminoles on the hill while the mounted Creeks were held in the rear as reserves. Every tree and thicket sheltered a warrior determined to repulse the enemy, but the Confederates were not to be denied. Their attack was launched with such force that they swept all in front of them. The Creek and Seminole defenders, short of arms and ammunition and weakened by protracted privations were unable to stand the fierce onslaught and fell back from cover to cover. They fell back to the north in the direction of their camp located in a small valley surrounded on three sides by rugged, brush-covered hills. A fierce sleet storm struck during the height of the fighting, which added to the suffering of the poorly clad refugees as they fled into the hills.<sup>5</sup>

As darkness fell, the Confederate victory was complete. The exhausted Southern troops spent the night on the battlefield. Only with the arrival, the following morning of Colonel Stand Watie and his Cherokee Regiment would pursuit continue. Following the line of retreat to the north, the Cherokee Regiment fought a short skirmish on the twenty-seventh with some enemy casualties being reported by Colonel Watie. Colonel McIntosh gave this report of the fighting on December 26:

The loss sustained by the enemy was very severe. Their killed amounted to upward of 250. Our loss was 8 killed and 32 wounded (later revised to 9 killed and 40 wounded)—We captured 160 women and children, 20 negroes, 30 wagons, 70 yoke of oxen, and about 500 Indian ponies, several hundred head of cattle, 100 sheep and a great quantity of property of much value to the enemy. The stronghold of Hopoeithleyohola was completely broken up, and his force scattered in every direction, destitute of the simplest elements of subsistence.

Three letters were found in the camp from E. H. Carruth, "Commissioner of U. S. Government." All three letters were written from Barnesville, Kansas. One was written to "Hopoeithleyohola," one to the Loyal Chickasaws and Choctaws, and one to Tusaquach, Chief of the Wichitas.<sup>6</sup> All reports of the battle were written to Confederate commanders.<sup>7</sup> Other than that it was fought near Hominy Creek west of Skiatook, the battle site has never been clearly established.

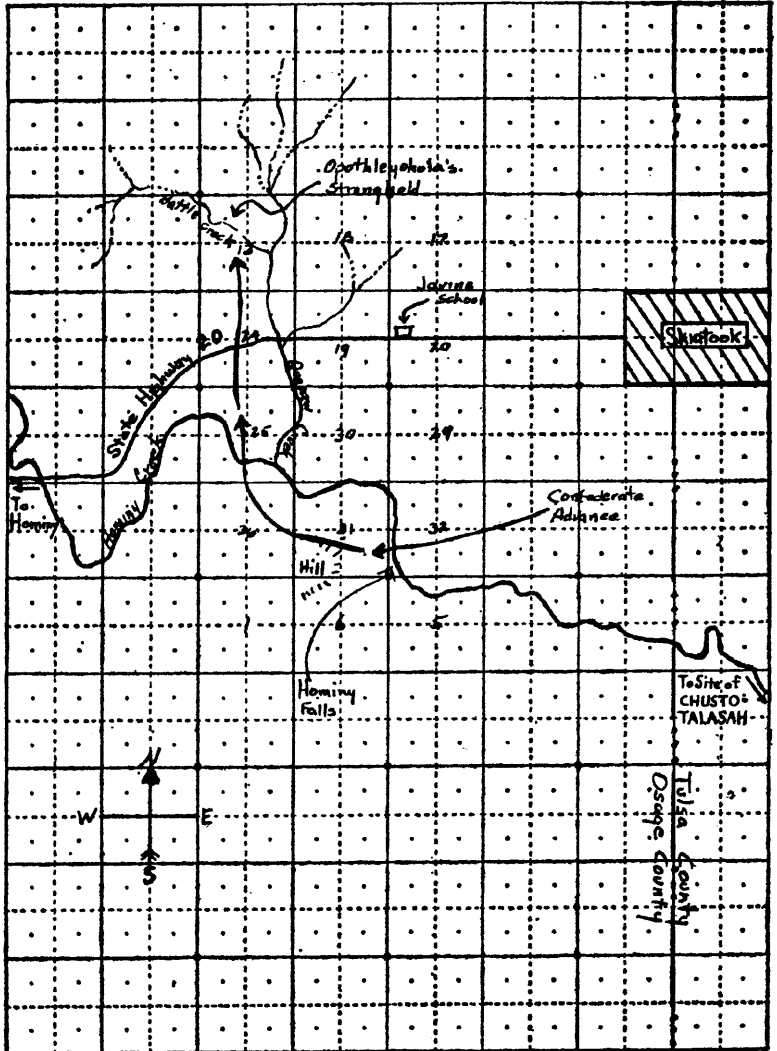
One map<sup>8</sup> of Osage County is found that shows a Battle Creek flowing into Quapaw Creek a short distance above where Quapaw empties into the larger Hominy Creek. This small obscure stream is not named on most maps of Osage County.

<sup>5</sup> *Ibid.*, p. 24.

<sup>6</sup> *Ibid.*, pp. 26-26. The name of the Creek leader is spelled "Hopoeithle Yahola" in these letters.

<sup>7</sup> *Ibid.*, Reports 11-17, pp. 27-33.

<sup>8</sup> *Osage County Highways* published by Board of County Commissioners.



Map Showing the Location of Opothleyahola's Forces near Battle Creek, at the Battle of Chustenahlah, December 26, 1861.

After compiling reports of the fight on the December 26, it was learned that the first shots were fired only *after* crossing Hominy Creek to the west.<sup>9</sup> A U. S. Department of the Interior, Geological Survey map (Hominy Quadrangle, May 1915 Edition) shows Hominy Creek flowing north to south in Section 32, Range 12 East, Township 22 North. Along this section of the creek is also found the outcropping of rock that causes the falls.

Local tradition in the Skiatook area had long placed the Northern Creek encampment along Battle Creek. The actual site was pointed out by Mr. Roy Greenwood, a life-long resident of the Skiatook area, who related the following story:<sup>10</sup>

Years ago, my former teacher at Javine school became interested in this Indian battle and used to take some of us boys down to the falls on Hominy Creek and up in the hills west of there. Up along Battle Creek there used to be some old wagon wheel hubs and the remains of wagons, but all that stuff is gone now, washed away in floods. Once we did find an old musket that we hung in the school, but even that has disappeared now. ●

The site along clear, spring-fed Battle Creek is in Section 13, Range 11 East, Township 22 North, approximately four miles west and one and one-half miles north of Skiatook. Additional evidence that this location was the actual site of the Battle of Chustenalah came while examining some papers of the late Tom Meagher, noted Indian authority and historian of Tulsa, Oklahoma.<sup>11</sup> Among his many papers and maps there was found a copy of the previously mentioned U. S. Geological Survey map (Hominy Quadrangle). On it he had traced the route of the Northern Creeks following the Battle of Chusto Talasah on Bird Creek in northern Tulsa County. The tracings of Opothleyohola's retreat and locations of battle engagements were identical to earlier findings.

It has been generally accepted that the Union or "Loyal" faction of the Creek Nation under the leadership of Opothleyohola was offered haven in the State of Kansas, but whatever their destination, the Creeks were in no headlong flight when they first began moving north. The Battle of Chusto Talasah was fought on December 9, less than a month after the first engagement with Confederate troops at Round Mountain near the present Keystone, Oklahoma.<sup>12</sup> In a period of seventeen days,

<sup>9</sup> *Official Records, op. cit.*, Vol. VIII, p. 23.

<sup>10</sup> The Javine schoolhouse is located two miles west of Skiatook on State Highway 20. It is no longer used for school purposes.

<sup>11</sup> Most of Mr. Meagher's papers are now in the possession of Orpha B. Russell of Tulsa, Oklahoma.

<sup>12</sup> The Battle of Round Mountain near present Keystone was fought on November 26, 1861. From this time, Opothleyahola's forces moved in a northeasterly direction crossing Arkansas River at the old "U. S. Crossing," the whole distance approximately 22 miles to their location near Bird Creek,

from the fight on Bird Creek until the battle on Hominy Creek, Opothleyohola's followers had moved to the northwest, a scant twelve miles. From hills surrounding his camp, Opothleyohola could have seen the smoke hanging over the battlefield of Chusto Talasah.

The whole of the present Osage County was, in 1861, unoccupied Cherokee country and would have made an ideal neutral retreat for the Northern Creeks. This portion of the Cherokee Nation was under the control of the supporters of Chief Ross who were openly sympathetic to the Union. Overtures had been by the Cherokee leaders to Opothleyohola and the Creeks that they would be welcome north of the Arkansas River.<sup>13</sup> So strong was the bond between the Cherokees and Creeks that many of the Cherokees, fighting under the flag of the Confederacy, defected to the Union cause in the Battle of Chusto Talasah. It was principally Drew's forces who defected and were organized in 1862 as Union troops.<sup>14</sup>

Had it not been for the pursuit and defeat at the hands of Confederate troops from Texas and Arkansas, Opothleyohola could possibly have kept his pledge to remain loyal to the United States by living near the safe haven of Union Kansas without leaving Indian Territory.

in 12 days. These northern Creeks and their allied bands were not primarily a military group but included whole families—upwards of 4,000 men, women, children—traveling in a general exodus from their country, many with their household belongings in wagons and their cattle and horses herded along with them.—Ed.

<sup>13</sup> *"The Civil War in Indian Territory"* by Dean Trickett, *The Chronicles of Oklahoma*, Volume XVIII, pp. 150-153, 275.

<sup>14</sup> *"Oklahoma: A History of the State and Its People,"* Thoburn & Wright (1929), Vol. I, p. 326 & Appendix Vol. II.