

HISTORY OF MARSHALL COUNTY PRIOR TO STATEHOOD

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Preface

Marshall County, as practically all the other counties of Oklahoma, was created out of Indian country. Its history prior to statehood is nothing less than a record of the struggles and achievements of the Chickasaw and Choctaw Indians, the Chickasaws in particular, from the time of their removal, 1825-1845, to the final dissolution of their tribal governments with the fulfillment of the terms of the Curtis act, 1898-1906.

There is an abundance of material covering the region of the subject under discussion. Therefore, if this work be too general or too much in outline, it is due to the fact that it is difficult to separate specific information on a locality from that of the region involved.

I have purposely concluded my discussion with events in the county little beyond the time of statehood lest it be too lengthy for a master's discourse.

If there be items which are seemingly irrelevant, it is because I have written this largely through sentiment and have included incidents which I especially wish to preserve.

I am indebted to, and gratefully acknowledge, the following persons for their assistance to me in collecting the material herein: Mr. S. P. Boyd, Madill, Oklahoma; Mr. James Yarborough, Stillwater, Oklahoma, for the use of their valuable source material; Mr. W. G. Draper, Tishomingo,

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E. G. W.

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HISTORY OF MARSHALL COUNTY PRIOR TO STATEHOOD

Chapter IOrigin and Political Development

The diminutive space of Oklahoma land known as Marshall County was originally a part of the vast territory of southwest North America claimed by Spain.¹ A long list of illustrious Spaniards, the most important of whom were perhaps De Soto, Coronado, and Oñate, established Spain's claims to this region.²

The destiny of Oklahoma and incidentally Marshall County for the one hundred and twenty years following La Salle's exploration of the Mississippi in 1682 was identified with Louisiana, the name given to the territory lying west of the Mississippi.³ Thus both France and Spain claimed it, though France had the superior claims, as she had established New Orleans at the mouth, and forts at intervals along, the Mississippi.⁴

France ceded Louisiana to Spain in 1763 as a reward for Spain's assistance in her unsuccessful war against England.⁵ Oklahoma thereby remained Spanish territory until 1800, when by the secret treaty of San Ildefonso, Spain ceded to France "the colony or province of Louisiana with the same extent that it now has in the hands of Spain and

¹ Edward G. Bourne, Spain In America, p. 229.

² Ibid., pp. 162-174.

³ Reuben G. Thwaites, France In America, pp. 64-67.

⁴ Ibid., p. 81.

⁵ Ibid., pp. 273-275.

had while in possession of France."⁶

President Jefferson in 1801 heard of this transfer of Louisiana to France. He feared the ruthless and successful Napoleon as a neighbor. To safeguard the western region in its use of the Mississippi, Jefferson instructed his minister, Robert Livingston, to purchase New Orleans and West Florida.⁷

Much to the surprise of the minister, Napoleon offered to sell the whole of Louisiana, lest in the approaching conflict with England it would be lost to him anyway. Thus in 1803 the territory including Oklahoma became the possession of the United States.⁸

In 1804, this territory was organized as the District of Louisiana, but for government purposes was attached to the Indiana Territory. This constituted the first American government with authority over Oklahoma. There was really little need of government, as there was only one white settlement, the Choteau trading post on Grand River.

The Oklahoma territory at that time was a vast hunting ground for the Osages and many other tribes of plains Indians.

Of all the Indian tribes who inhabited the region that is now Oklahoma, the United States government recognized the

⁶ Senate Documents, 1800, 61 cong., 2 sess., 47, pp. 482-486.

⁷ James D. Richardson, Messages and Papers of the Presidents, I, 158, 160, 162.

⁸ Hunter Miller, Treaties and Other International Acts of the United States, I, 498-515.

claims of but two, the Osages and the Quapaws.

The Osages were recognized as occupying the territory between the Missouri and Kansas Rivers on the north and the Arkansas and Canadian on the south, thus including the northern portion of Oklahoma.⁹ The Quapaws were recognized as owners of the land between the Arkansas and Canadian Rivers on the north and the Red River on the south, to the Mississippi on the east, and to the west to the sources of the Canadian and Red.¹⁰ This territory included all of the southern portion of Oklahoma.

By the treaty of August 24, 1818, the Quapaws ceded to the United States all of their extensive domain between the Arkansas and Red Rivers.¹¹

The transfer of this territory has formed the basis for all subsequent dealings with the United States relative to these lands.

In 1818, with the break-up of the Missouri Territory, of which Oklahoma had become a part in 1812, the boundaries of the territory of Arkansas were extended to the west as far as the limits of the United States, with the northern and southern boundaries the same as the present State of Arkansas. This, of course, included all of Oklahoma except a strip along the north, in the territory of Arkansas.

By the treaty of 1819 with Spain, the western boundary

⁹ Charles J. Kappler, Indian Affairs, Laws and Treaties,

XI, 91¹⁰ Ibid., pp. 95-97.

¹¹ Ibid., pp. 160, 161.

of the United States was established.¹² It was made with Spain in order to secure the Floridas, though the United States had to give up her claim to Texas. This treaty established the southern and western boundaries of Oklahoma. The one-hundredth meridian west was to become the western boundary of Oklahoma. Red River became the entire southern boundary of Oklahoma, also that of Marshall County.¹³

The southern portion of what is now Oklahoma was given by the United States as a home for the Choctaw and Chickasaw Indians. These two tribes, together with the Seminoles, Cherokees, and Creeks, constituted the Five Civilized Tribes who had lived for many centuries in the southeastern part of North America, in the States of Georgia, Kentucky, Tennessee, North Carolina, Alabama, Mississippi, and Florida.¹⁴

As these states were settled by white people, there was much pressure brought to bear upon the Indians to either adopt the ways of the white man or give up their lands and get out. They were gradually pushed farther and farther west until they finally realized that in order to live their lives in their own way, they would have to seek new homes far away beyond the Mississippi where they would not be encroached upon by the whites.¹⁵

The Chickasaw and Choctaw Indians, who are most con-

¹² Miller, *op. cit.*, III, 5-7.

¹³ *Ibid.*, III, 5-7.

¹⁴ James H. Malone, *The Chickasaw Nation*, pp. 16-23.

¹⁵ *Ibid.*, pp. 305-306.

cerned in this history, were found in 1820 in Mississippi, which had become a state in 1817.¹⁶

By treaties of 1801, 1805, 1816, 1818, the Chickasaws had ceded to the United States all of their vast territory except what they owned in northern Mississippi. By these treaties all their lands in Tennessee, Kentucky, Alabama, and a portion of North Mississippi were ceded to the United States.¹⁷

In spite of this, the Chickasaws in 1832, in the treaty of Pontotoc with the United States, set forth the reasons for making the treaty as follows:

The Chickasaws Nation, find themselves oppressed in their present situation by being made subject to the laws of the States in which they reside. Being ignorant of the language and laws of the white man, they cannot understand or obey them. Rather than submit to this great evil, they prefer to seek a home in the West, where they may live and be governed by their own laws, and believing that they can procure for themselves a home in a country suited to their wants and condition, provided they had the means to contract and pay for same, they have determined to sell their country and hunt a new home.¹⁸

It further provided that their lands in Mississippi would be surveyed and sold by the United States government. They were to look for suitable homes west of the Mississippi and move on as soon as possible. The government of the United States would furnish them transportation and one year's provision. These expenses would be paid out of the

¹⁶ Ibid., p. 318.

¹⁷ Kappler, op. cit., pp. 56, 79, 174, 175.

¹⁸ Davis A. Homer, Constitution and Laws of the Chickasaw Nation, p. 453.

proceeds of the sale of their lands. The Chickasaw Nation also made provision to invest a large portion of the money secured from the sale of their lands. This would be under the direction of the President and by and with the consent of the Senate invested in safe and valuable stock for the use and benefit of the Chickasaw Nation.¹⁹

In 1834 the Chickasaws were ready to remove to lands west of the Mississippi but had found no suitable location.²⁰

By treaties with the United States in 1820 and 1825, the Choctaws ceded all their lands in Mississippi for lands in the Indian country. They were to be located between the Arkansas and Canadian and Red Rivers, west of Arkansas.²¹ The Treaty of Dancing Rabbit Creek, made in 1830, was the final treaty between the Choctaws and the United States. It established the boundaries as set up by the treaty of 1825 and provided that all of the remainder of the Choctaw lands in Mississippi be ceded to the United States.²² The United States would guarantee that none of the Choctaw lands should ever be created into a state and that they should have their own laws and government. All those who wished to remain in their ancestral homes could do so and become citizens of the United States. By 1833, most of the Choctaws had removed to their new holdings.

At last in 1837, by the Treaty of Doaksville, the Choc-

¹⁹ Ibid., pp. 454-459.

²⁰ Kappler, op. cit., p. 418.

²¹ Ibid., pp. 191, 211.

²² Ibid., pp. 310-315.

taws agreed to allow the Chickasaws the privilege of forming a district within the limits of their country. This region would be called the Chickasaw district of the Choctaw Nation.²³ The Chickasaw district would have equal representation in the Choctaw Council and in all other respects the same rights as the other districts except the privilege of participating in the Choctaws' annuities. For these rights and privileges the Chickasaws agreed to pay the Choctaw Nation \$530,000. The Chickasaws sent their first representatives to the Choctaw Council in 1841.²⁴

The Chickasaw migration began in 1838, and by 1844 most of them had reached their new homes in the Choctaw country. They came for the most part willingly, because they realized the futility of defying the United States government.²⁵

A very interesting and significant event that had an important bearing upon the early development of the Chickasaw country was the Leavenworth-Dodge expedition in the summer of 1834. General Henry Leavenworth, who had succeeded General Mathew Arbuckle in command at Fort Gibson, was in charge, and Colonel Henry Dodge had charge of the dragoon regiment. Many famous men also accompanied Colonel Leavenworth on this expedition, including Jefferson Davis, Lieutenant Boone, son of Daniel Boone, and George Catlin,

²³ Ibid., p. 486.

²⁴ J. B. Thoburn and Muriel H. Wright, Oklahoma, A History, I, 219-227.

²⁵ Ibid., pp. 219-227.

famous Indian painter.²⁶

The purpose of the expedition was not for explorations, as were most of the earlier expeditions, but to establish friendly relations with the wild plains tribes. This was especially necessary now that the eastern tribes, the Choctaws, Chickasaws, and Creeks, would come in contact with the Kiowas, Comanches, and Wichitas while settling in their new homes.²⁷

Another reason for the expedition was to return some prisoners, two girls of the Kiowas and Wichitas, who had been captured by the Osages. General Leavenworth hoped that the return of these captives would help to establish friendly relations between the plains tribes and the United States government, also that it might result in better relations between them and the deadly Osages.²⁸

The expedition was outfitted at Fort Gibson. Leaving Fort Gibson in late June, 1834, they crossed the Arkansas River, marched to the valley of the North Canadian, thence to the mouth of the Washita. At the junction of the Washita and Red Rivers, Camp Washita was established. After crossing the Washita into what is now Marshall County, they established a hospital camp, as so many of the men and officers were ill, including General Leavenworth. Lieutenant Colonel Stephen W. Kearney was left in charge of the hospital

²⁶ T. B. Wheelock, American State Papers, Military Affairs, V, 373.

²⁷ Thoburn and Wright, op. cit., I, 179-186.

²⁸ American State Papers, Military Affairs, V, 373-382.

camp. Colonel Dodge was placed in command of a portion of the expedition and proceeded on up the Red River to a Comanche camp near the Wichita Mountains. Here another hospital camp had to be organized to care for men and officers who were ill. Colonel Dodge led his force on to the Wichita village on the North Fork of Red River. The prisoners were exchanged in friendly council with the Kiowas, Comanches and Wichitas.

A white boy whom the Kiowas had captured after killing his father at their hunting camp was also returned to Colonel Dodge. The return of the Wichita and Kiowa girls greatly impressed the Indians.

Colonel Dodge returned to Fort Gibson by a direct route across the country. They camped for several days in the valley of the Canadian River, where the message reached them of General Leavenworth's death on July 21.²⁹

The expedition was successful in establishing the first friendly contact with the dreaded western tribes. It resulted in treaties of peace and friendship between these western tribes and the eastern Indians, also with the United States government.³⁰

The peace and harmony among the different tribes that

²⁹ Ibid., pp. 373-382. There is some controversy concerning the place where General Leavenworth died, whether it was at Dean's camp on the Washita in Marshall County or at Camp Leavenworth near the site of the present town of Davis. Lieutenant T. B. Wheelock does not make this clear in his diary of the expedition.

³⁰ Oklahoma Red Book, p. 249.

resulted from the Leavenworth-Dodge expedition, together with the location of Fort Washita, greatly increased the migration of the Chickasaws into their own district.³¹ Fort Washita was established in 1842, about twenty-two miles above the mouth of the Washita River in what is now Bryan County.³² It afforded the Chickasaws the much desired protection from wandering bands of wild Indians. They had very few towns, as most of them were engaged in farming. Fort Washita and Boggy Depot were the most important Chickasaw towns in the early days.³³

At the time of their removal to Indian Territory, a large per cent of the Chickasaws were mixed with white blood. Most of the leaders and the more progressive of the tribe were mixed blood.

The Chickasaws soon realized the need for a stronger government, one that would give them control of their tribal funds. They did not fully trust the management of their funds to the Choctaws. They met in 1846 and drafted a constitution, but as barely a third of the tribe was present, they met again in 1847. At this time a constitution was drawn up and signed by nineteen leading members of the tribe. The constitution provided for a District Chief to be appointed by the Chickasaw District in general council,

³¹ Henry R. Schoolcraft, History, Conditions, and Prospects of the Indian Tribes of the United States, V, 522.

³² Oklahoma Red Book, p. 250.

³³ D. C. Gideon, History of Indian Territory, p. 158.

and a legislative council of thirty members.³⁴

The Choctaws revised their constitution after the coming of the Chickasaws to their country. By this revision the Chickasaw district was divided into four counties, Panola, Wichita, Poli, and Kulolachi. The judiciary was revised to include a Supreme National Court, four district courts, and nineteen county courts.³⁵

The Chickasaws had been growing more and more dissatisfied with political conditions in the nation since 1839. At that time representation in the council was apportioned on the basis of population. This gave the majority of the representatives to the Choctaws. They were thereby able to control all political affairs of the nation. The Chickasaws had practically no voice in the national life, except the management of tribal finances.³⁶

This dissension became so marked between the tribes that finally the Chickasaws decided to withdraw from the Choctaw Union. In 1855 a treaty was made with representatives of the two tribes, and a commissioner for the United States government which provided:

A District for the Chickasaws is hereby established, bounded as follows, to wit: Beginning on the north bank of Red River, at the mouth of Island Bayou, where it empties into Red River, about twenty-six miles on a straight line, below the mouth of False Wachitta; thence running a north-

³⁴ Grant Foreman, The Five Civilized Tribes, pp. 121-123.

³⁵ Thoburn and Wright, op. cit., pp. 219-227.

³⁶ Report of the Commissioner of Indian Affairs, 1852, p. 46.

westerly course along the main channel of said Bayou, to the junction of three prongs of said Bayou, nearest the dividing ridge between Wachitta and Low Blue Rivers, as laid down on Captain R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian River, thence west along the main Canadian to the ninety-eighth degree of west longitude; thence south to Red River; and thence down Red River to beginning, Provided, however, if the line running due north, from the eastern source of Island Bayou, to the main Canadian, shall not include Allen's or Wapanucha Academy, within the Chickasaw District, then an offset shall be made from said line, so as to leave said Academy two miles within the Chickasaw District, north, west, and south from the lines of boundary.³⁷

Thus the Chickasaws were established as a separate nation. They were to remain under the laws and jurisdiction of the Choctaw Nation until they should adopt a constitution.

The members of either the Choctaw or Chickasaw tribes would have the right to settle within the jurisdiction of the other, with the rights, privileges, and immunities of citizens. The tribal funds would be managed by each tribe separately.³⁸

The Civil War period was a most unfortunate interlude in the history of the newly established Chickasaw Nation. Many events transpired to cause that nation to join their forces with the South. The Chickasaws were bound to the southern states by their geographical situation, their institutions and sympathies. The states of Arkansas, Texas, and Tennessee had seceded. The United States withdrew her troops from the Indian country early in 1861, leaving it

³⁷ Homer, op. cit., pp. 483-484.

³⁸ Ibid., pp. 483-484.

under the protection and influence of the Confederacy.³⁹

The Chickasaws who remained loyal to the Union were run out of their homes by the Texas Rangers and hostile Indians. Indian Territory was taken over by the Confederate states of Arkansas and Texas. The refugee Chickasaws at the beginning of the war were taken care of at a camp on the Verdigris River in the Cherokee Nation. They experienced much suffering and loss of life due to a lack of sufficient food and clothing and consequent exposure. In 1862 these refugees were moved from their camp on the Verdigris to a camp on the Neosho River in Coffee County, Kansas. Most of the fullblood Indians were loyal. They were anxious to return to their homes. There were fifty-seven men, forty-eight women, and sixty children at this camp.⁴⁰

The Indian appropriation bill passed by Congress in 1862 authorized the President to suspend wholly or in part the treaties with those tribes who were in rebellion against the federal government. This was done in order to force concessions from the Indians located in Indian Territory.

The Chickasaws and Choctaws, when they met with the United States commissioners at Fort Smith in 1865, were told that they were at the mercy of the government, that they had forfeited all their rights that had been guaranteed

³⁹ Malone, op. cit., p. 405.

⁴⁰ Report of the Commissioner of Indian Affairs, 1862, p. 140.

to them by the United States.

The treaty made at Washington in 1866 with the commissioner of the United States and representatives of the Chickasaw and Choctaw Nations set forth the conditions upon which their government would be reconstructed.⁴¹

The negroes were to be free with equal rights under the law. Railroads were granted right of way in the territory, with the consent of the Secretary of the Interior. The Indians might subscribe to stock of the railroads and would receive compensation for damages done to property. United States marshalls were appointed by the superintendent of Indian affairs from members of the tribe. To promote general civilization within the tribe, the lands might be held in severalty if the tribes so desired, subject to vote of the legislative councils. To this end the land would be surveyed and laid off in ranges, townships, sections, and parts of sections. It provided further that each Indian would have the right to a quarter-section of land. One quarter-section of land would be set aside in each county for the seat of justice, for schools, seminaries, and colleges.

Every white person married to a Choctaw or Chickasaw residing in the territory or who had been adopted by the legislative authorities would become a citizen, subject to the laws of the nation. Outsiders must get licenses to

⁴¹ Homer, op. cit., pp. 495-519.

trade or sell goods within the nation. The superintendent of Indian affairs would be governor of the territory. A general council with clearly defined powers would establish a territorial government, consistent with tribal laws.

The people of the Chickasaw Nation in accordance with certain provisions of the treaties of 1835 and 1866 established their constitution. It provided for a governor, a legislative body of two houses, and a judiciary.

All persons except idiots or insane persons and criminals and fugitives from justice enjoyed the right of suffrage.

The people voted by viva voce. All male persons nineteen years of age who were members of the Chickasaw tribe of Indians by birth or adoption and had resided in the Chickasaw Nation six months preceeding the elections were qualified voters.

The bill of rights provided equal rights to all free-men: freedom of religion, freedom of the press, freedom of speech, the right of assembly, trial by jury, etc. The bill of rights reads very much like that of the United States.

The legislative powers consisted of two houses, the Senate and House of Representatives. A representative must be nineteen years old and was elected for one year. The legislature met at Tishomingo once each year on the first Monday in September.

The senators were elected for two years. Any citizen thirty years of age who had been a citizen of the Chickasaw

Nation one year and of the senatorial district six months was qualified to serve as senator.

The legislature had the power to apportion the membership in both houses. The counties of Pickens and Tishomingo were allowed four representatives each and the counties of Pontotoc and Panola five each. There were four senatorial districts corresponding to the four counties of the nation with three senators from each.

The governor was elected for two years. He could not hold office for more than four in any term of six years. He must be thirty years of age and a citizen by birth or adoption. Provisions were also made for a national secretary, treasurer, auditor, and attorney-general.

The judicial department as provided for by the constitution consisted of one Supreme Court, a circuit court, and a district court, and county court for each county.

The Chickasaw Nation provided for public education. A superintendent of public instruction was elected by a joint vote of both houses of the legislature for a term of four years. The legislature would make provision for the support and maintenance of public schools.⁴¹

To supplement and clarify the constitution, the legislature passed many laws. In 1876, an act was passed which provided for the establishment of county boundary lines. The boundary of Pickens County (the present Marshall County)

⁴¹ Ibid., pp. 3-21.

was defined as follows:

The boundary line of the county of Pickens shall commence on the north bank of Red River, at the mouth of the Washita River, thence up Red River to the 98th meridian line, thence north along said line to where it crosses the Washita, down Washita to the beginning point.⁴²

The Chickasaws had some very interesting laws. From the act of 1876 defining the duties of the sheriffs, note the following articles:

Be it further enacted, That the Sheriff of Tishomingo County shall attend at each session of the Legislature, from the commencement to the end, and shall receive fifty cents for every full bottle of spirituous liquor or intoxicating drink he may spoil; a dollar for every jug or keg, or fifty cents for every gallon in quantity; he shall bring to the Capitol all intoxicating liquor he may find during the setting of the Legislature and spill the same in the presence of witnesses.⁴³

An Act in Relation to Robbery

Sec. I. Be it enacted by the Legislature of the Chickasaw Nation, That from and after passage of this act, if any person or persons within the limits of this nation, shall commit robbery, or be accessory thereto, shall, upon conviction by the District Court of the county where the crime has been committed, be sentenced, for the first offense, to thirty-nine lashes on the bare back and to return the property taken in the robbery to the party robbed, or pay the value thereof to the injured party, and be fined in a sum not exceeding one hundred dollars, and be imprisoned in the National Jail, with hard labor, not exceeding six months, at the discretion of the Court; and for the second offense, the penalty shall be one hundred lashes on the bare back, return the property to the person robbed, or pay the value thereof, be fined in a sum not exceeding five hundred dollars, and be imprisoned in the National Jail, with hard labor, not exceeding one year; and for the third offense death shall be the penalty.⁴⁴

⁴² Ibid., p. 110.

⁴³ Ibid., p. 35.

⁴⁴ Ibid., p. 123.

An Act to Prohibit Prize Fighting
in the Chickasaw Nation

Whereas, it is the intention of the Florida Athletic Club to give an exhibition for a monied consideration commonly known as pugilistic contest at some point in the Territory, and the Chickasaw Nation is spoken of as the place to have such contest, and we the members of the Legislature of the Chickasaw Nation, deem all such contests immoral, brutal, and a relic of barbarism, and Whereas, our authorities are unable to prevent such contest for the want of jurisdiction over citizens of the United States, therefore

Sec. I. Be it enacted by the Legislature of the Chickasaw Nation, That all prize fighting is prohibited within the limits of the Chickasaw Nation, and the Governor be, and he is hereby directed to notify the Secretary of the Interior Department at Washington City, D.C., of the passage of this act, and request of him to take immediate action to stop all citizens of the United States from violating the provisions of this act; and this act take effect from and after its passage.⁴⁵

The laws and courts provided by the constitution afforded very little protection to the non-citizens or to the adopted citizens. These courts did not have jurisdiction over cases involving white persons or negroes. The federal court at Fort Smith, Arkansas, had jurisdiction over the Indian Territory in all cases involving whites or negroes.⁴⁶ This was very unsatisfactory because of the expense in travelling such a great distance. It defeated justice, as many crimes were not reported because the people did not care to make the long journey to Fort Smith. It also resulted in much ill feeling between the Indians and

⁴⁵ Ibid., p. 338.

⁴⁶ Report of Commissioner of Indian Affairs, p. 202.

whites.⁴⁷

The white people of the territory were overjoyed when on March 1, 1889, a United States court was established at Muskogee.⁴⁸ It had jurisdiction in civil cases involving one hundred dollars or more and in minor cases of larceny, assaults, and disturbing the peace. It had no jurisdiction over cases between persons of Indian blood only. It was not satisfactory because it offered no protection to the Indians.

The same act of Congress created a federal court at Paris, Texas, to serve the Choctaws and Chickasaws and a part of north Texas.⁴⁹

In 1895, a federal court was established at Ardmore in the Chickasaw Nation and at several other cities in Indian Territory. This court would have jurisdiction over Indians and whites in civil or criminal cases. The people celebrated the occasion of their freedom from alien jurisdiction of Arkansas and Texas.

On January 1, 1898, the courts in Indian Territory were given complete criminal and civil jurisdiction over the territory without respect to citizenship involved. This of course destroyed the tribal courts.⁵¹

The coming of the railroads brought thousands of white people into the nation. The Missouri, Kansas and Texas

⁴⁷ Ibid., p. 202.

⁴⁸ Ibid., p. 202.

⁴⁹ Ibid., p. 202.

⁵⁰ Report of Commissioner of Indian Affairs, 1892, pp. 260, 261.

⁵¹ Constitution and Laws of the Chickasaw Nation, pp. 250-252.

Railroad was laid in 1872, the Santa Fe in 1889, and the St. Louis and San Francisco in 1900.⁵² These roads were laid primarily to develop the coal fields in the Choctaw Nation.

The Chickasaw law gave the Indian citizens the right to use all the land they could cultivate, with 640 acres for pasture.⁵³ The whites and negroes were employed to cultivate these large farms. Non-citizens could not own land, but by paying a permit they were allowed to remain on the land.⁵⁴

The number of intruding whites and negroes had become so great by 1890 that the Chickasaw legislature enacted a law to take a census of all the people to determine the number of intruders. At that time they outnumbered the citizens by many thousands.⁵⁵

By this law a census commission would take a complete census of all Chickasaws, the former slaves of the Chickasaws and their descendants, the freedmen living in the nation, all non-citizen whites living under permits, and the intruders and Choctaws.

This would also determine who had paid their permit tax, the number of freedmen, and the number of persons, both white and black, who were illegal residents.⁵⁶

⁵² Gideon, op. cit., p. 36.

⁵³ Report of Commissioner of Indian Affairs, p. 134.

⁵⁴ Ibid., p. 134.

⁵⁵ Constitution and Laws of the Chickasaw Nation, pp. 262, 263.

⁵⁶ Ibid., pp. 262, 263.

The pressure for allotment with subsequent statehood for Oklahoma and Indian Territory was advocated not only by the United States government but by many of the residents of the territory as well.⁵⁷

In 1893, Congress passed the Dawes act which created a commission composed of Henry L. Dawes, chairman, and four other members. The object of this commission was to induce the Indians to give up their tribal ownership and hold their lands in severalty.⁵⁸ The important work of the Dawes Commission was to determine who were legal members of the tribe and to enroll all recognized legal citizens.⁵⁹ An agreement with the Dawes Commission was rejected by a vote of the Chickasaw Nation.⁶⁰ Most of the educated and more progressive citizens favored allotment by this time for they realized that it was the only course to follow. Mr. R. M. Harris, who was elected governor in 1896, and most of the other officials were friends of allotment.⁶¹ A resolution was made by the legislature through the influence of Governor Harris accepting the Dawes plan, and delegates were named to sign agreements on behalf of the nation.⁶²

The Curtis act and the Atoka agreement were signed by the commissioners representing the Chickasaw and Choctaw Nations at Atoka, Indian Territory, on April 23, 1897.⁶³

⁵⁷ Report of Commissioner of Indian Affairs, 1895, p. 154.

⁵⁸ Report of Commissioner of Indian Affairs, 1894, p. 27.

⁵⁹ Ibid., p. 27.

⁶⁰ Homer, op. cit., pp. 343, 344.

⁶¹ Report of Commissioner of Indian Affairs, 1895, p. 154.

⁶² Ibid., p. 154.

⁶³ Constitution and Laws of the Chickasaw Tribe, p. 549.

By these acts the tribal government was destroyed. The Atoka agreement provided for an allotment to each member of the tribe to the amount of \$1041, and forty acres to each freedman.⁶⁴ The Dawes Commission determined rolls of citizenship, surveyed the land and townsites, and sold the town lots. All mineral lands, schools, churches, cemeteries, townsites, and special grants to missionaries were set aside. Tribal governments would continue for eight years, or until 1906, when the Indians would become citizens of the United States.⁶⁵

The Curtis act abolished the tribal courts and laws. Indian Territory was placed under the laws of Arkansas.⁶⁶

The work of allotment did not proceed very satisfactorily until the supplemental agreement was signed in 1902.⁶⁷ This provided for immediate allotment of lands. Each citizen by blood received 320 acres in value and each freedman forty acres. The freedmen were never recognized as citizens by the Chickasaw Nation. The rolls were to be closed December 25, 1902.⁶⁸

The surveying of townsites began in 1899. In 1902, patents had been approved for the following townsites in that part of Pickens County that later became Marshall

⁶⁴ Report of Commissioner of Indian Affairs, 1898, pp. 1051-1058.

⁶⁵ Ibid., pp. 1051-1058.

⁶⁶ Constitution and Laws of the Chickasaw Nation, p. 523-525.

⁶⁷ Report of Commissioner of Indian Affairs, 1902, pp. 11-23.

⁶⁸ Ibid., pp. 11-23.

County: Helen (Kingston),⁶⁹ Madill, Lebanon, Woodville, and Cumberland. Woodville in 1900 was the first townsite reservation to be approved.

The first important attempt at statehood for Indian Territory was the Sequoyah Convention which convened at Muskogee in 1905.⁷⁰ Delegates representing the territory were chosen at each recording district. They met and drafted a constitution; counties and county seats were established and the state named Sequoyah. By this constitution Overton was the name of the county that later became Marshall.⁷¹ Congress did not recognize the constitution for the state of Sequoyah, as it approved single statehood. A constitutional convention drawn from the two territories was passed by Congress June 16, 1906.⁷² The constitution recognized the counties of the state of Sequoyah with very little change. Overton County was named Marshall for Chief Justice John Marshall because of his decision favoring Indians: "the Indian Nations have rights with which no state can interfere."⁷³

⁶⁹ The townsite of Helen was located on land owned by Mr. J. Hampton Willis, the town being named for his daughter. The post office, Kingston, was located two and one-quarter miles west of Helen. The townsite commission failed to request the change of name from Kingston to Helen. For several years there was Kingston post office and Helen Railroad station. The government refused to change the name of the post office to Helen as there was a Helena, Indian Territory. Mr. Willis then requested the railroad company to change the station to Kingston. J. Hampton Willis, *Reminiscences*.

⁷⁰ *Oklahoma Red Book*, I, 496.

⁷¹ *Ibid.*, I, 496.

⁷² *Ibid.*, I, 496, 497.

⁷³ *Ibid.*, I, 496.

The boundaries of Marshall County are:

Beginning at the northwest corner of section thirty-five (35), in township four (4) South, range three (3) East; thence east along the section line to its intersection with the center line of the Washita River; thence down along the center line of said Washita River to its intersection with the State line between Texas and Oklahoma; thence westward along said State line to its intersection with the range line between ranges three (3) and four (4) East; thence north along said range line to the northeast corner of section twenty-five (25), township six (6) South, range three (3) East; thence west along the section line to the northwest corner of section twenty-six (26) in said township and range; thence north to the point of beginning.⁷⁴

Madill was made the county seat. The townships of Marshall are Halford, Oakland, Odell, Talliaferro, and Willis.⁷⁵

⁷⁴ Ibid., I, 496.

⁷⁵ Ibid., II, p. 593.

Chapter II

Social and Economic Development

The Chickasaws did not experience as much loss of life and property attendant to removal as the other tribes for they had come more willingly.¹ They brought considerable resources with them to their new homes, including many slaves. They found the lands in their new homes well adapted to the production of cotton.²

They adapted themselves very readily to their new homes, locating along the streams and in valleys, where they could engage in farming.

Their chief products were cotton, corn, and livestock. Very little wheat was raised prior to 1869, because there were so few flour mills in the territory.³

There was hardly any limit to the amount of land that citizens of the nation could hold. The Chickasaw tribe was small, having in 1870 3,000 male and 3,000 female citizens.⁴ Many of the Indians had farms of 500 acres. The more progressive citizens had as much as 5,000 and 6,000 acres, which were cultivated by white people and negroes.⁵ The white people were allowed to remain in the Chickasaw Nation

¹ Victor Harlow, Oklahoma, Its Origin and Development, p. 136.

² J. B. Thoburn, A Standard History of Oklahoma, I, 252-259.

³ Report of Commissioner of Indian Affairs, 1869, p. 407.

⁴ Report of Commissioner of Indian Affairs, 1870, p. 110.

⁵ J. Hampton Willis, Reminiscences.

by means of permits which were a dollar per annum.

Many of the whites who were brought in by the Indians to work the farms were of the lowest status. This mixture of the lowest white blood with Indians of like class increased the shiftless element.⁶

The population of the Chickasaw Nation decreased during the ten years including the Civil War period. They were greatly retarded by the war. Before the war the Chickasaws were advanced in civilization, having a written language, a constitution, schools, churches, and productive farms.⁷

By 1870, the territory was well on the road to recovery. The number of acres in the Chickasaw Nation was 4,649,958, with 30,000 acres in cultivation. There were also 35,000 horses, 50,000 cattle, 75,000 swines, 10,000 bushels of wheat, 75,000 bushels of corn. The Holmes Colbert farm produced 150 bales of cotton in 1870.⁸

The status of the negro was always more or less unsatisfactory in the Chickasaw Nation. The treaty of 1866, article three, provided that the slaves would be free, with the right of residence and a small farm to cultivate. The Chickasaws never recognized the negroes as having equal rights and privileges. They had no schools and no land

⁶ Report of Commissioner of Indian Affairs, 1886-1887.

⁷ Report of Commissioner of Indian Affairs, 1867,
p. 27.

⁸ Report of Commissioner of Indian Affairs, 1870,
p. 110.

titles.⁹ The negro children were allowed to grow up in ignorance. There was no provision for schools for them, as they could not share in the coal royalties which provided support for the schools.¹⁰

The Chickasaws early recognized the need for the education of their youth. In the supplementary agreement to the treaty of 1834 they expressed a desire that the United States government appropriate \$3,000 for fifteen years to be applied under the direction of the Secretary of War for the education and instruction within the United States of a number of their children.¹¹

In 1845 the first tribal school in the Chickasaw Nation was begun under the direction of the Methodist Mission Board with funds provided from the Chickasaw tribal funds. This was the Chickasaw Male Academy opened in 1851 near Tishomingo. The Presbyterian Mission Board established the Wapanucka Female Institute at about the same time. The Methodists established the Bloomfield Seminary for girls in 1852. This school was located near Achille, in Bryan County. The only tribal school in what is now Marshall County, prior to the Civil War, was the Lebanon Orphans' Home, established near the settlement of Lebanon, Pickens County, in 1857.¹²

⁹ House Executive Documents, No. 81, 40 cong., 3 sess., pp. 739, 740.

¹⁰ Report of Commissioner of Indian Affairs, 1903, pp. 79, 80.

¹¹ Constitution and Laws of the Chickasaw Nation, p. 472.

¹² Chickasaw Journal, p. 126.

During the Civil War period all the high schools and academies were discontinued. They had not been resumed in 1870.¹³ At that time, there were only eleven district or neighborhood schools, with from fifteen to sixty pupils in attendance. There were fifteen teachers. The salary of the teachers was three dollars per month per pupil, and the teacher furnished the books and stationery. Expense of the schools was met by the interest on bonds held in trust for the Chickasaws by the United States government.¹⁴ The buildings used were the former academies and some new log houses. The old buildings were in need of repair, though they had been valued at \$40,000 when new. Each pupil who lived more than two and one-half miles from school was allowed seven dollars per month for board. In many instances parents were paid as high as ten or twelve dollars per month for boarding their own children.¹⁵ In that case, the whole family was supported with the money thus received. They received this money, while the teachers were forced to wait from one to two years for their salaries.¹⁶

The Indian teachers, particularly those who were educated in the states, made better instructors than the white ones. The course of instruction included the primary through

¹³ Report of Commissioner of Indian Affairs, 1870,
pp. 295, 296.

¹⁴ Ibid., pp. 295, 296.

¹⁵ Report of Commissioner of Indian Affairs, 1903,
pp. 79, 80.

¹⁶ Ibid., pp. 79, 80.

the advanced English language.¹⁷

It is interesting to note that the superintendent of schools did not know where his teachers were educated, but he said they were lacking in scholarship.

The Chickasaws expended \$58,000 for their schools in 1880. In proportion to the number of pupils, the Chickasaws had more seminaries than any other tribe. These schools with the exception of the orphans' home were let by contract. The superintendent was paid a salary and furnished all the supplies. This encouraged much graft in operation of these schools.¹⁸ Of about 6,000 Indians in the territory, 3,500 could read and write in 1880.¹⁹ Cooperating with the schools there were at this time six missionaries and six church buildings.²⁰

In 1896, the national schools of the Chickasaws included thirteen neighborhood schools, two intermediate, two high, and one orphans' home, with an attendance of 570 pupils. The yearly cost for 1896 was \$70,000. It was extremely difficult to get competent teachers, as they had to wait a year or eighteen months for their pay.²¹

The neighborhood schools did not measure up to the academies in permanence of knowledge or enduring advancement.

¹⁷ Report of Commissioner of Indian Affairs, 1870,
pp. 295, 296.

¹⁸ Report of Commissioner of Indian Affairs, 1880,
p. 96.

¹⁹ Ibid., p. 96.

²⁰ Ibid., p. 96.

²¹ Report of Commissioner of Indian Affairs, 1896,
pp. 196, 197.

The Curtis act brought many changes in the schools of the Chickasaw Nation. It provided for an inspector of schools, appointed by the Secretary of the Interior, whose duties were to inspect the schools and equipment, examine the teachers and pupils. The inspector with the advice and consent of the Secretary of the Interior appointed a superintendent of schools for the Five Tribes. John D. Benedict was the first superintendent for Indian Territory.²²

With the development of towns and cities in the nation, and subsequent location of schools for the white children, the tribal schools were more and more neglected.²³ The buildings were in need of repair. The sixteen neighborhood school buildings were in bad condition; some had no seats or desks. The Indian children attended the white citizens' schools, if they were nearer than the tribal schools. This caused the tribal schools to suffer from neglect.²⁴

Prior to statehood there was no provision for organized schools for the white children in spite of the fact that four-fifths of the population was white. Only the towns had schools. They were paid for by voluntary taxation and subscription.²⁵

In 1893, there were only five schools for whites being taught in what is now Marshall County, namely, Woodville,

²² Report of Commissioner of Indian Affairs, 1898,
p. 540.

²³ Report of Commissioner of Indian Affairs, 1902,
pp. 282-285.

²⁴ Ibid., pp. 282-285.

²⁵ Ibid., pp. 282-285.

Oakland, Lebanon, Willis, and Linn. They each received their support from private subscriptions which amounted to \$1.50 per pupil per month.²⁶

The first teachers' meeting was held in 1897 at Oakland, then county seat of Pickens County. There were thirteen teachers present. The important topic discussed was the question of coming statehood and what part the teachers would play in that event.²⁷

With the coming of statehood the county seat was located at Madill. W. W. Abernathy was the first county superintendent. He laid off the county in forty-four districts.

In 1910, the school census of Marshall County was 3,968, with an enrollment of 3,496, and an average daily attendance of 2,105. The negro enrollment was seventy-five.

²⁶ W. G. Draper, Reminiscences.

²⁷ Ibid.

²⁸ Ibid.

²⁹ E. D. Cameron, Third Annual Report Department of Public Instruction, 1910, p. 422.

Chapter III

Pioneer Citizens

It has been said that a state or nation is but the reflection of its people. If that be true, the foundations of Marshall County are solidly laid. Many of the most successful business men, statesmen, and leaders for two generations have been those of mixed blood.¹

One of the most representative of leaders of the Chickasaw Nation was Judge Overton Love. His influence has been felt in the entire nation, especially that of Pickens County. Judge Love is a descendant of the family of Loves who were prominent in the early history of the Chickasaws in Mississippi. He located in 1843 at Marietta, in what is now Love County. His business interests included extensive ranching, banking, and real estate.

He also held positions of trust in the Chickasaw Nation, including representative to the National Council, district judge, and delegate to Washington in the interests of his people.

His residence near Marietta was one of the most attractive homes in the country.²

William N. Taliaferro, the founder of Madill, came from Texas into Pickens County in 1886. Mr. Taliaferro cultivated a farm of six hundred acres. He also operated extensive

¹ D. C. Gideon, History of Indian Territory, p. 85.

² Ibid., p. 412.

ranches near Oakland with his brother Darsey B.

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In 1900, the land upon which the town of Madill is located was surveyed into town lots by Mr. Taliaferro. Twelve hundred acres of a ranch owned by him was surveyed into town lots. The city was named Madill in honor of Judge Madill of St. Louis. It is connected by the St. Louis and San Francisco railroad both east and west, and north and south.³

Another representative citizen of Pickens County was Isaac Overton Lewis, who was born at old Fort Washita, Chickasaw Nation. Mr. Lewis' mother was of the noted Love family so prominent in territorial days. Mr. Lewis started the townsite of Madill but later sold out to Mr. William N. Taliaferro. He owned the town of Francis, Indian Territory, and operated extensive farms near there and near Madill, his home. Mr. Lewis was a lawyer by profession. He served Pickens County as clerk, judge, attorney-general, and district judge.⁴

The two most important industries of Pickens County were farming and stock raising. As there was almost no limit to the number of acres each person could own, the more progressive citizens held large farms and ranches. One of the most promising stockmen of the county was Mr. Richard O. Wigg, who founded the town of Oakland, in 1874, the county

³ Ibid., p. 508.

⁴ Ibid., p. 887.

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seat of Pickens County.⁵

Another prominent cattleman was George M. D. Halford, who owned a farm of 800 acres and a ranch of 1000 acres near the town of Lebanon.⁶

Possibly the oldest settlers in what is now Marshall County were James Hamilton Willis and his wife, Elvira Love Willis, who came from Holly Springs, Mississippi, in 1844 and settled at Doaksville in the Choctaw Nation. They moved to the settlement of Willis in 1855. Their two sons, Holmes and Britt, were prominent in the civil life of the county. Mr. Holmes Willis was born in 1857 at Willis. He was engaged in the livestock business practically all of his life, operating 7,000 acres in farms and ranches.⁷

Mr. Willis also represented his county in the legislature and served as superintendent of schools for the Chickasaw Nation. He was a member of the Chickasaw Committee that met with the Dawes Commission and signed the supplemental agreement of 1902.⁸ This agreement hastened the work of the allotment.

Mr. Britt Willis was born at Willis, in 1853. He served in both houses of the Chickasaw legislature, as district judge, as permit collector, as sheriff, and as constable.

⁵ Ibid., p. 560.

⁶ Ibid., p. 908.

⁷ Sid Willis, Reminiscences.

⁸ Report of Commissioner of Indian Affairs, 1902,
pp. 11-23.

One of the most representative citizens of the early days is James Hamilton Willis, the son of Britt Willis. He was also born at Willis, in 1873. He served as timber agent, permit collector, constable, member of the lower house of the legislature, and as United States Indian police under the Union Agency of the Five Civilized Tribes. He also served as mining trustee for seventeen years. Mr. Willis married Emma Harris, the daughter of Governor R. M. Harris, who was governor of the Chickasaw Nation in 1896 and 1897.

Mr. Willis had many interesting experiences while serving as Indian police. About ten days before Christmas in 1900 he was ordered to Ardmore to destroy all intoxicants, such as beer, alcohol, and whiskey. He met every train day and night for about six days and destroyed all the Christmas spirits.⁹

Mr. Willis controlled 6,000 acres of land around the town of Kingston.

A history of the pioneers and their institutions would be incomplete without an account of the Lebanon Orphans' Home in the southeastern part of the present Marshall County. This was the only school of higher learning in Pickens County. Established by the Methodist Mission Board about 1857, it was discontinued during the Civil War and was not reopened until about 1872. At that time it was organized as a tribal government school for orphans but was attended

⁹ J. Hampton Willis, Reminiscences.

by the children in the neighborhood and by those of the employees.¹⁰ The superintendent was employed for a period of five years. The legislature appropriated the money, \$10,000 per annum, to operate the school.¹¹

The Chickasaw legislature in 1887 enacted a law to completely reorganize the school. Provision was made for thirty boys and thirty girls between the ages of seven and sixteen years.¹² Orphan children were admitted at three years, and some were thirty.¹³ The boys were taught principles and practice of agriculture and horticulture. The girls were taught house work, sewing, cooking, washing, ironing, quilting, and knitting.¹⁴ The estimated cost per pupil per month in 1901 was \$17.34. For that year the appropriation was \$10,000.¹⁵

Some interesting stories are told about events concerning the school. The children would sometimes be brought to the school as dirty and unkempt as wild beasts, with crab lice creeping over them. One little boy came with his clothes sewed on, with instructions from relatives saying that he must be returned in the same the following spring. Running away was a common occurrence, especially among the

¹⁰ M. S. Carroll, Reminiscences.

¹¹ Report of Commissioner of Indian Affairs, 1901,
p. 305.

¹² Homer, op. cit., pp. 249-253.

¹³ M. S. Carroll, Reminiscences.

¹⁴ Homer, op. cit., pp. 249-253.

¹⁵ Report of Commissioner of Indian Affairs, 1901,
p. 305.

girls. They would travel by day and at night hide in trees to be safe from the wild animals. The older girls would always take their little brothers or sisters. One night while a big entertainment was in progress in the auditorium on the second floor, one of the visitors, falling asleep, tumbled chair and all out a window to the ground below. At another time the Commissioner of Indian Affairs was asked to send an investigator down to the school to inspect the meat that was served. It was so badly spoiled that the odor while cooking was so offensive it drove everyone from the house.

One night, or rather, one morning about two o'clock, the matron detected some young men lowering themselves by means of ropes from their rooms on the roof down into the girls' rooms on the third floor. A superintendent of this institution used the dime chain letter strategy to raise funds. Letters were sent to the eastern states, the former homes of the Indians. The money came in in such volume that it had to be hauled in wagon loads from Paris, Texas. Money continued to pour in for two years, when it was detected by the government and stopped.

A monument to one of the instructors, a Mrs. Halford, stands upon the grounds. It required five yoke of oxen to draw it by wagon from Paris, Texas. The brick used in the construction of the school building were baked and dried in a kiln on the grounds. One of the form pupils testified that at one time the children were fed only corn bread. It

was placed in troughs on the outside of the dining room, and the children ate the bread as pigs. The kitchen served as laundry and bathroom also. On each bedroom door is a name plate which bears the name of a man who served as governor, superintendent of schools, or some office of trust in the nation. Some of the names are Harris, Byrd, Love, Guy, Overton, White, Mule, and Willis.¹⁶

One of the oldest and most important organizations in Pickens County was the Masonic lodge, which was organized at Oakland. Meeting quarters were later moved to Madill.¹⁷ The order of the Eastern Star was organized in 1905 in Madill, with twenty-five members.¹⁸

With the fulfillment of the terms of the Curtis act, 1906, the Chickasaw Nation as such lost its identity; Pickens County became Marshall County. With statehood, most of the problems between whites and Indians were already solved. The Indian citizens and the white citizens worked side by side for the interest and well being of the other.

¹⁶ C. H. Wisdom and M. S. Carroll, Reminiscences.

¹⁷ S. P. Boyd, Reminiscences.

¹⁸ Cleo Blalock, Reminiscences.

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