

THE TRANSITION OF THE CHICKASAW INDIANS  
FROM AN ORGANIZED NATION TO A PART OF A STATE

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THE TRANSITION OF THE CHICKASAW INDIANS  
FROM AN ORGANIZED NATION TO A PART OF A STATE

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PREFACE

The aim of this thesis is to present as clearly and comprehensively as possible the Transition of the Chickasaw Indians, from an Organized Nation to a Part of a State. My treatment of this subject lays no claim to being exhaustive. There are many gaps in this history of this noble tribe of Indians which is not due to lack of information; but for the sake of brevity.

The early life of these people I have only touched here and there and then sparingly. To have treated them fully would have meant months of research resulting in a book of hundreds of pages.

Where factual material has been extensive, I have felt it expedient to select. Those selections included have been made on the basis of the recency and verification of the data, and the exactness and thoroughness of the facts available.

It is my sincere wish that readers of this compilation might be enlightened through my efforts.

Stillwater, Oklahoma  
January 1938

J. M. Y.



## ACKNOWLEDGMENT

This thesis owes a great deal to many of my father's good friends, and to many of my close friends with whom I have discussed much of the content herein. Special thanks are gratefully recorded: to Mr. Holmes Colbert for the use of his valuable records and books; to Hon. A. N. Leecraft for his records and aid in research; to Mrs. S. M. Mead for the use of her records and Indian Laws; to Mr. Holmes Willis for his valuable information; to Mr. and Mrs. Green Thompson for their records and aid in research.

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J. M. Y.

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## CHAPTER I.

## BACKGROUND

The idea of segregation of the Indians in a territory by themselves was set forth in a treaty made by the United States with the Delaware Indians in 1778. President Thomas Jefferson defending his purchasing of the Louisiana Territory, in 1803, declared he wished to find a new home in the West for those Indians who were then located in the eastern states. He farther stated he thought the Indians would be better satisfied if placed by themselves at some distance from the whites.<sup>1</sup>

The first agitation, in a concerted form, toward moving the Indians from the East to a new home somewhere in the West, was made by the state of Georgia. For some time the whites and Indians, in Georgia, had been having trouble of various kinds. In 1802 the state of Georgia ceded its western lands to the United States under the terms of an agreement by which the latter promised, at its own expense, to extinguish the Indian title to lands in Georgia as soon as it could be done peacefully and on favorable terms. The following year, 1803, the purchase of Louisiana provided a great region to which it was hoped the Georgia Indians might be removed.<sup>2</sup>

The Cherokee Indians, realizing the inadequacy of tribal organization, adopted a written constitution and established a republican form

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1 Thomas Jefferson. The Writings of the Thomas Jefferson Memorial Association, pp. 260-265

2 E. M. Coulter. A Short History of Georgia, p. 191



of government in 1827, with John Ross as president. This act on the part of the Cherokees brought them to their ruin as it did also other southern Indians. Georgia was outraged by the erection of a state within her limits, by the Cherokees, and in 1828 extended her own laws over the Indians, organized new counties to include their lands, and forbade the Indians to hold further elections or to make new laws.

What these southern states wanted the Indians to do was to move west of the Mississippi River. Removal of the Indians had been a declared policy of the executive department of the United States since the purchase of Louisiana, and was, in fact implied in the Georgia Compact of 1802. Since that time the government had pursued the contradictory policy of attaching the Indian to his home and of persuading him to leave it. As they became more localized through agriculture they became more progressively opposed to removal and, except for a disgruntled faction among the Cherokees, the tribe had refused to go. President Adams refused to ask for or to force removal of the Indians to the West. Since removal was possible in no other way, the project awaited the administration of President Jackson. In 1830 Congress officially adopted the removal policy and gave Jackson power to carry the project out by treaty with the Indians. Jackson promptly sent commissioners south who at various times and places and by sundry methods made treaties with the reluctant and helpless Cherokees, Greeks, Choctaws, Seminoles, and Chickasaws, exchanging their lands in the East for new homes in the West.

The removal of the Indians from the south was a lurid episode, full of cruelty, hypocrisy, and broken faith on one side, and of suffering and misery on the other. This removal of the Indians made twenty-five



million acres of land available for land-grabbing whites.<sup>3</sup>

The Chickasaws had been planning to move to the West for several years prior to 1832. They resented the encroachment of the whites. They sent a delegation to Washington in 1808 to see President Jefferson about getting permission to settle on land West of the Mississippi River. The president assured them they might go if they wished. Accordingly this tribe sent exploring parties West to seek new lands for a home.<sup>4</sup> The next step taken by the Chickasaws was made in October, 1818, when by a treaty they relinquished their claims to all lands lying in Kentucky and Tennessee.<sup>5</sup> In 1831 the tribe decided to accept land in the territory west of Arkansas, north of the Red River and south of the Canadian. This location had also been selected by the Choctaws, so by a treaty concluded on October 22, 1832, at Pontotoc Creek, Mississippi, between John Coffee, Commissioner of the United States, and the whole Chickasaw Nation, in General Council, the Chickasaws agreed to move west and settle with the Choctaws. The national government agreed to survey and sell the lands which the Chickasaws were holding in Mississippi, at the best possible price at private or public sale; furthermore, the national government agreed to advance the necessary funds and means for the transportation of the Chickasaws, and furnish one year's provisions after they reached their homes, in such quantity as the Nation might require; and the full amount of such funds,

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3 R. S. Cotterill. *The Old South*, pp. 168-171

4 Roy Gittinger. *The Formation of the State of Oklahoma*

5 Charles J. Kappler. *Indian Affairs Laws and Treaties*, II, 79

transportation and provision was to be paid out of the proceeds of the sales of the ceded lands.<sup>6</sup>

Following the making of the treaty of 1832, the Chickasaws began making preparations to move to their new homes. They decided to settle in the district assigned to the Choctaws by the United States, in the treaty of Dancing Rabbit, signed in 1830. To obtain permission to settle among the Choctaws, the Chickasaws by the consent and with the cooperation of the federal government, in 1837, made a new treaty known as the Treaty of Doaksville. This treaty was signed by delegates of the Choctaws, Chickasaws, and the representative of the United States, William Armstrong. The more important provisions were these:

A part of the Choctaw District should be set aside for the use of the Chickasaws, to be known as the Chickasaw District of the Choctaw Nation.

The Chickasaws were to have equal rights and privileges with the Choctaws, except the right to share in annuities.

The Chickasaws were to have equal representation with the Choctaws in the National Council.

The Chickasaws reserved the right to control and manage their own funds, as in agreement with the United States in the treaty of 1832.

The Chickasaws agreed to pay the sum of five hundred and thirty thousand dollars to the Choctaws for their rights and privileges -- thirty-thousand to be paid at the time, and in the manner the Choctaw annuity of 1837 should be paid; and the remaining five-hundred thousand dollars to be invested in some safe and secure stocks, under the direc-

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6 Davis A. Homer. Constitution and Laws of the Chickasaw Nation, p. 454-455

tion of the United States Government, redeemable in not less than twenty years.

The district assigned to the Chickasaws was bounded as follows:

Beginning on the north bank of Red River, at the mouth of Island Bayou, about eight or ten miles below the mouth of False Wachitta, thence running north along the main channel of said bayou to its source; thence along the dividing ridge between the Wachitta and Low Blue rivers to the road leading from Fort Gibson to Fort Wachitta; thence along said road to the line dividing Mushalatubbee and Pushmataha districts; thence eastwardly along said district line to the source of Brushy Creek; thence down said creek to where it flows into the Canadian River, ten or twelve miles above the mouth of the south fork of the Canadian; thence west along the main Canadian River to its source, if in the limits of the United States or those limits, and thence due south to Red River, and down the Red River to the beginning.<sup>7</sup>

In cases of disagreements between the two tribes the disagreement should be brought to the president of the United States and his decisions were to be final.

This territory was to be known as the Chickasaw District of the Choctaw Nation; the Chickasaws were to be admitted to full citizenship in the Choctaw Nation, except that the property interests of the two tribes were to be kept distinct.<sup>8</sup>

Since the Chickasaws removed willingly and had not suffered the losses sustained by the other tribes, they arrived with very many resources and with much less suffering than was true of the others. They brought a large number of horses and many wagons loaded with great quantities of household goods, much of which they bought especially for the emigration. Almost the entire tribe began the westward journey

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<sup>7</sup> Ibid., p. 484

<sup>8</sup> Senate Document Number 542, 57 Cong., 1 Sess., pp. 361-362



before the end of the first year following the Doaksville Treaty. More than one thousand of the tribe removed at their own expense, to save this cost to the tribe as a whole.<sup>9</sup>

The Chickasaws had been enjoying the benefits of a high civilization for many years, in their homes east of the Mississippi River.

John L. Allen, the Chickasaw Agent, in his report to the Secretary of War in 1830 says,

The Chickasaws have horses of a superior quality ..... large herds of cattle, swine, sheep and goats, and poultry of every kind and description. They raised cotton, corn, wheat, oats, peas, potatoes, and beans. In 1830 they exported 1000 bales of cotton and a considerable amount of beef and pork.

The proceeds from the sale of livestock and crops, after retaining a sufficiency for home use, is generally applied to the purchase of necessaries and luxuries of life; towit, slaves, sugar, and coffee, as well as dry goods of various descriptions, which are calculated to make them comfortable and ornament their persons. Every family cultivates the earth, as his thirst for gain, or his imaginary or real wants increases. Much to the honor of the Chickasaws the men cultivate the earth, while the female part of the family is engaged in their household affairs. They spin, weave, make their own clothing, milch cows, make cheese, butter etc. They keep themselves decent and clean and in many instances particular attention is paid to fashions that are in use by the whites. It is the common practice to appear in the best apparel at their public meetings, also when they visit the country villages in the settlements.

Many of the Chickasaws profess Christianity; I attended a camp meeting at which divine worship was performed alternately by white and red men, in the English language and Indian language. Everything was conducted with the utmost good order, and decorum. As a nation the men are brave and honest, the women are beautiful and virtuous...<sup>10</sup>

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

10 Executive Document Number 418, 27 Cong., 3 Sess., pp. 437-441



The Chickasaws soon began the task of rebuilding their homes in the new territory. They also recognized the need of an educational system, which is evidenced by their petition to the Federal Government in 1842, asking for funds and assistance in the erection of boarding schools and neighborhood schools. ✓ The government was willing to cooperate with advice and funds for this worthy purpose.<sup>11</sup> These Indians had been, for several years, sending some of their boys away to schools in Mississippi and adjoining states. There was appropriated each year \$3000, for the education of these young Indians. There were several schools for Indians in the Chickasaw Nation.<sup>12</sup>

Probably none of the tribes adapted themselves so readily to their new homes as did the Chickasaws. By 1843 many individual Chickasaws had as much as 500 acres of land in corn, besides cotton, wheat, oats, and rye, which they were able to cultivate with the aid of slaves. There were three fine cotton gins owned by the Chickasaws.<sup>13</sup> In the fall of this year (1843) these Indians had 40,000 bushels of corn which they did not need. There was no market, because of a lack in transportation. The Indians were encouraged to sell their surplus products to emigrants, who were, indeed, glad to buy and willing to pay a good price for farm products. These emigrants were on the road to Texas and points farther west. Soon the more alert and enterprising Indians moved to locations along the main traveled roads to cater to the needs of the emigrants or other travellers.<sup>14</sup> These conditions

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11 Journal of the Chickasaw Nation, pp. 36-39

12 Grant Foreman. The Five Civilized Tribes, p. 99

13 Ibid. p. 106

14 Ibid. p. 113

led the Indians to seek a betterment of social and educational facilities. With the sale of surplus farm products better homes were built, the missionaries were enabled to found churches and schools; the Nation itself saw the needs of a new constitution, so that boarding schools might be had for the Indian children. To further these worthy causes the tribe must first meet and draft a constitution, for up to 1846 the Chickasaws had never had a written constitution. In October, 1846, the tribe met at Boiling Springs, about twelve miles south of Fort Washita (near the present town of Mead, in Bryan County), and adopted a form of a constitution though there were not more than one-third of the tribe living in their own district. But one year later, October 13, 1848, they again met in convention at the same place and drew up a more formal constitution, which was signed by nineteen leading members of the tribe. This constitution provided for an executive to be appointed by the Chickasaws in general council, with the title of District Chief, and a council of thirty members to meet the first Monday of each October.

The primary purpose of the constitution was to get control and the sole use of their large tribal funds. They were afraid the Choctaws would take an unfair amount of the funds, which were held by the Government as a common fund. They also desired funds with which to build schools for the education of their youth.<sup>15</sup>

The most urgent business of the first session was a petition to the President of the United States, invoking aid against marauding Indians, of the West, who were driving off the live stock of the Chickasaws and committing other depredations. They respectfully suggested that the Federal Government send mounted men as they would

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15 Ibid. pp. 121-123

give the Chickasaws more perfect security than their own police.

A very interesting page in the Chickasaw Journal relating to this meeting is that which records the acceptance and payment of a bill for \$909.57 for beef furnished and services rendered by Robert Love.<sup>16</sup>

In 1847 the Chickasaws made arrangements with the Methodist Mission Board to erect and conduct a boarding school for their boys. The school was to be located about twelve miles northwest of Fort Washita, and one mile north of the town of Tishomingo. The school was to be a manual labor school, i.e, the students attended classes a part of the day then did actual work on the farm or in shops. At this same time an agreement was made with the Presbyterian Board to erect and conduct a similar school for the girls of the tribe. The school was located near Wapanucka. The schools were to have a capacity of one hundred boarding pupils and to teach the children (Chickasaws) living near the school but staying in their homes. Each of these schools had a faculty of ten teachers well qualified for their positions. The boys' school was known as Harley's Institute; the school for girls was the Wapanucka Female Labor Academy. The Methodists also established Bloomfield Seminary for girls in 1852. This school was located some fourteen miles south east of Durant, in Bryan County. The school began operations in 1852 under the direction of J. H. Carr. Another boarding school for Chickasaws, under the auspices of the Methodists, was located on Clear Boggy River, northeast of Tishomingo. This was known as Collins Institute. The Chickasaws were not unmindful of the wellbeing of their orphans. There was located at Lebanon, near Marietta in Love

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16 Chickasaw Journal, p. 99



County, a boarding school to which the orphans were admitted and where they were furnished room, board, clothing, books, and other necessary supplies.<sup>17</sup> In all of these boarding schools the services of a competent physician, with medicines, was furnished, to guard the health of the pupils. The courses of study followed in these schools were comparable to those of our high schools and junior colleges of today. The Chickasaw Council had in mind a well rounded education, one to fit the boys and girls for their places in society. Manual training and agriculture were required of all the boys, while the girls had classes in home economics and fine arts. In addition both boys and girls were required to do satisfactory work in the base subjects. These subjects were algebra, one and one-half years; history, three years; English, four years; Latin, three years; logic, one year; biology, two years; geometry, two years; music, vocal and instrumental, was available to all students, but was optional. There were ten neighborhood schools, located wherever the demand was made. These schools are to be compared to our present grade schools.

While the Chickasaws were personally friendly to the Choctaws and held a common and undivided interest in the reservation which had been granted to the latter, they became politically dissatisfied. To be sure, they had the same privileges and rights that the Choctaws had, but the arrangement soon became irksome to the Chickasaws because, the tribal lines being always drawn politically, they were always outnumbered and out-voted. The Choctaws were, therefore, always in full

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17 Op. Cit., p. 126



control of the tribal government and only Choctaws were elected to fill the elective positions in the national government. The Chickasaws soon realized they were about to lose their tribal nationality by this one-sided arrangement; and in less than twenty years they made application to bring a separation of their governmental affairs from those of the Choctaws. Accordingly, on June 22, 1855, at Washington D. C., commissioners representing the Chickasaw and Choctaw tribes met with a representative of the Federal Government, George W. Mannypenny, and signed a new treaty which dissolved the partnership relations of the two tribes. The political jurisdiction of the Chickasaw District passed under the control of the Chickasaw Nation in consideration of the payment to the Choctaws of \$150,000 from the trust fund of the Chickasaw Nation. Both tribes agreed to relinquish all claims to the country west of the one-hundredth meridian and to lease the district between the ninety-eighth and one hundredth meridians to the federal government and to accept in compensation therefor such an amount as might be determined by the United States Senate.<sup>18</sup>

The Chickasaws having separated from the Choctaws by the above agreement, met in general council in 1857 to draw up a new constitution. It was republican in form, similar to that of the Choctaws. The chief executive was a governor. He was assisted by a legislative body composed of two houses, a senate and a house of representatives. The Chickasaw Tribe was the only one of the Five Civilized Tribes which designated its executive as governor. The Nation was divided into four

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18 Senate Document No. 542, 57 Cong., 1 Sess., pp. 531-536

districts or counties, namely, Panola, Pickens, Pantotoc, and Tishomingo.

After the adoption of the constitution, the tribal legislature met and enacted a number of laws. A young man, who was a member of the tribe, was sent into Texas with the original copies of the statutes (no duplicates being retained) for the purpose of having them printed. This young man, intrusted with so important a mission, disappeared very mysteriously and the newly enacted laws disappeared with him. As a result of this incident, it became necessary to reconvene the tribal legislature in a special session for the purpose of re-enacting the laws which had been thus lost.<sup>19</sup>

From the organization of the new government to the outbreak of the Civil War the Chickasaws were in their happiest period. The sorrows and miseries of their migration and setting up of new homes were almost forgotten. The tribe was at peace now with the world; their troubles with the Choctaws had been peacefully settled; their wants were few and easily supplied; they were prosperous in their way; their farms and plantations were productive and their flocks and herds had increased until they were a source of wealth in the surplus that was sold. They were practically self-supporting and the interest on their trust funds was largely expended for the support of schools. They were not yet disturbed by railroads or telegraph lines; their relations with other tribes and the government were friendly. Indeed the Chickasaws were happy.<sup>20</sup>

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19 J. B. Thoburn. A Standard History of Oklahoma, I, pp. 210-212

20 Ibid., p. 269

This happiness came to a sudden end with the election of Mr. Lincoln and the outbreak of the Civil War. The Chickasaws, as did the other civilized tribes, formed an alliance with the Confederacy. The reasons for this were the withdrawal of federal troops from the forts in the Indian Territory, an act which left the civilized Indians without protection. Too, the Indian agents were southern men and had great influence in shaping the policy of the Indians toward the war. This alliance brought sorrow to the Chickasaws, as they had nothing to gain and much to lose.<sup>21</sup>

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<sup>21</sup> Ibid., p. 271

## CHAPTER II.

## CHANGES IN LAND TITLES

The plan of locating both northern and southern Indians in the territory south of Kansas had its inception in 1862. In February of that year, the legislature of Kansas adopted resolutions calling upon the United States to purchase, and throw open to settlement the unassigned lands in the Indian Territory. The resolutions were presented in the United States Senate for the first time on March 24, 1862, and on the same day Samuel C. Pomeroy, senator from Kansas, introduced a bill for the removal and consolidation of certain tribes. On April 16, he introduced a bill to establish the "Territory of Lanniwa", including the present state of Oklahoma and that part of Texas which lies north of the Red River. This was nothing more than a scheme to secure room for the Indians of Kansas, at the expense of the Indians in what is now Oklahoma. An uprising of the Indians of Minnesota, in August, 1862, led Congressman Cyrus Aldrich, of that state, to introduce a bill in Congress similar to that of Senator Pomeroy's. Both bills were refused consideration by the House Committee on Territories.<sup>1</sup>

The Indian appropriation bill which became a law on July 5, 1862, contained a clause authorizing the president of the United States to suspend wholly, or in part the treaties with any tribe whose tribal organization was in revolt against or was not in alliance with the federal government. The apparent purpose of this clause was to enable

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1 Roy Gittenger. Op. Cit., pp. 67-69



the executive department to use the money due the Five Civilized Tribes, for the benefit of the Indian refugees in Kansas. However, the government ultimately made use of the authority thus conferred to force concessions from those Indians located in the Indian Territory.

When Congress met in December, 1862, for a short session, the plan to move the northern Indians to the Indian Territory again came up for consideration. The attempt to push the Aldrich bill through Congress, for the establishment of the Territory of Lanniwa, was reported adversely on February 12, 1863. On December 15, Senator Lane introduced a bill to authorize the President to treat with the Indians of Kansas for their removal to the Indian Territory. On January 21, 1863, Lane reported his bill from the Committee on Indian Affairs with an amendment giving President Lincoln authority to secure land in the Indian Territory, by "treaty or otherwise", for the Indians of Kansas. Lane's bill as amended passed the Senate on January 27. The house did not act upon it, for on February 25, the Senate attached it to the Indian appropriation bill, and on the next day the House concurred in this action. The plan of removing the Indians of Kansas to the Indian Territory accordingly became a part of the law of the land on March 3, 1863.<sup>2</sup> The Commissioner of Indian Affairs, W. P. Dole, in his annual report for 1863, insisted that in the process of reconstruction, the southern tribes should be made to provide room for those Indians of other states who were too crowded or dissatisfied in their present locations.<sup>3</sup>

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2 Congressional Globe, 38 Cong., 1 Sess., p. 921

3 Report of the Commissioner of Indian Affairs 1864, p. 33

The Superintendent of Indian Affairs for the southern superintendency, W. G. Coffin, made a strong protest to the Department of Interior at Washington, to any proposal to move other Indians to the Indian Territory or to crowd members of the Five Civilized Tribes together too closely. He maintained that the Indians would make a more rapid progress if whites of the better class were allowed to come into the Territory and live among the Indians. He reasoned that the former would create a desire on the part of the latter to build and maintain a much higher civilization.<sup>4</sup>

On February 20, 1865, Senator Harlan, Iowa, introduced a bill in Congress to consolidate the Indian tribes and establish civil government in the Indian Territory. Two days later it was reported by the Senate Committee on Indian Affairs, and hurriedly considered in the senate. This bill was clearly intended to further the movement that had begun with Senator Lane's plan for the removal of the Indians from Kansas.<sup>5</sup> The Harlan bill passed the senate on March 2, 1865, but it did not receive consideration in the house of representatives, as that session of Congress ended the next day. Senator Harlan, however, was soon able to deal with the Indians as a member of the Executive Department.

Senator James Harlan was appointed Secretary of the Interior by President Johnson, and took charge of his office on May 15, 1865. The Indian council met on May 24, 1865, and requested Secretary Harlan to

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4 Ibid., 1862, pp. 168-169

5 Roy Gittenger. Op. Cit., p. 71

meet with them, at an early date, to explain his plans to them relative to new treaties and reconstruction. He agreed to meet the Indians or their delegates at Fort Smith, Arkansas. The first meeting took place at the appointed place on September 8. On the first day the Indians were told they had forfeited their rights under all former treaties between them and the federal government, but those who had remained loyal to the United States were praised and assured that their claims would not be forgotten. On the second day it was announced that if new treaties were to be made they must contain certain provisions, to conform to the wishes of the federal government. These provisions had to do with:

1. Slavery and its abolition,
2. Re-establishment of peace and order,
3. The setting aside of lands for other tribes of Indians, and
4. The consolidation of all Indians in the territory then or those to come, after the new treaties were made.

These drastic proposals dumbfounded the Indians. They asked for time to discuss and consider more fully the proposals.

In the latter part of December, 1865, delegates from the Chickasaw Nation went to Fort Smith to negotiate new treaties.<sup>6</sup> In this conference a preliminary treaty was drawn up between the Chickasaws and the federal government. It was decided to send delegates to Washington, to sign formal treaties, as there were many questions involved which must be settled definitely before the signing of the new treaty. The Chickasaw delegates arrived in Washington in January, 1866. They were Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter and Robert H. Love. The United States Government was represented by D. N. Cooley,

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6 Ibid. p. 80



Commissioner of Indian Affairs, Elijah Sells, Superintendent of Indian Affairs, and E. S. Parker, Special Commissioner.

There were four major points to be settled in the new treaty, to-wit:

1. The proper and just method of adjusting affairs between loyal and disloyal Indians.
2. A fair compensation by the disloyal party for losses of property by those who remained loyal to the United States.
3. Cession of lands by the tribe, to be used for the settlement thereon of Indians whom it was in contemplation to remove from Kansas.
4. The proper relation which the freedmen should hereafter hold toward the remainder of the people.

A treaty was finally concluded and signed April 23, 1866; ratification was advised, with an amendment by the senate on June 23; the amendment accepted July 2, and the treaty was proclaimed publicly July 10, 1866.

It contained the usual provisions for re-establishment of peace and friendship, of amnesty, and the abolition of slavery in every form. The Chickasaws, with the Choctaws, ceded to the government the whole of that tract of land known as the leased district, comprising 6,800,000 acres of land, the land lying west of the ninety-eighth meridian, between the Red and Canadian rivers to the one hundredth meridian. For this body of land the federal government agreed to pay \$300,000, invested at five percent interest until laws were passed by the Chickasaws, and Choctaws, providing full rights, privileges, and immunities, and granting forty acres of land to each of their freedmen, which laws were to be passed within two years. If these laws were passed, the full sum with accumulated interest was to be paid, three-quarters to the Choctaws and one-



quarter to the Chickasaws. If the laws were not passed, then the \$300,000, with interest, was to be kept by the federal government and used for the benefit of the freedmen. Other features of the treaty were these: Right-of-way was granted for railroads through the nations, upon the payment of fair and just compensation for damages done to property; the Indians might subscribe to the stock of railroads, in land, such subscriptions to be a first lien on the road; provisions were made for a general council and its powers clearly defined, so as to establish, for many purposes not inconsistent with the tribal laws, a territorial government; the Superintendent of Indian Affairs was to be governor of the territory, which was to be known as "OKLAHOMA", the educational funds of the Indians, under former treaties, were to remain invested, and payments renewed, by terms of these previous treaties; the lands were to be surveyed and allotted to the Indians, when they so desired at the expense of the government; provision was made for the return to the Chickasaw Nation of scattered members of the tribe. Land was set apart for county buildings, and for religious and educational purposes. Those Indians who were to be moved in were to be received with equal privileges with the Chickasaws, except that they were not to share in annuities; and land for their use was to be paid for at the rate of one dollar per acre. The members of the Chickasaw tribe were to be accepted as competent witnesses in the United States Courts. Criminals taking refuge in the nation were to be delivered, to federal officers, upon requisition. Post offices were to be established in the Chickasaw Nation. There were to be two commissions created, one to ascertain and report the losses of the loyal Indians consequent to having been driven from the Nation during the War; the other to determine the losses to be

paid from tribal funds held in trust by the federal government.<sup>7</sup>

The treaty is a lengthy document, containing fifty-one articles, many of which are divided into five or more sections; sixteen of the articles refer to land grants or privileges to non-citizens.<sup>8</sup>

When the treaty was signed there were 4,500 members of the tribe, who owned by government patent 4,650,935 acres of land.<sup>9</sup> The Chickasaws did not recognize as members of the tribe their freedmen.

(In six years rapid changes developed in the Nation with the coming of the Missouri Kansas and Texas Railroad. This brought in many whites who had to be provided for. New towns were laid out. The little village of Colbert, in Bryan County, was the first and only town on this railroad in the Chickasaw Nation. It was settled in 1872. The railroad was to get a large grant of land for building through the Territory, but this amount was reduced to a right-of-way one hundred feet wide, with additional allowance of land for siding and switches within town-sites. The railroad company agreed to pay a fair price for all land used and to pay individuals for any damages sustained.<sup>10</sup>

The Santa Fe system was the next company to build a road through the Nation. It entered the Nation at Purcell, then south across the Nation into Texas, south of Ardmore. This road used thousands of acres of land and brought in thousands of people of every color.)

This influx of non-citizens introduced the system of renting land

7 Report of the Commissioner of Indian Affairs 1866, pp. 8-11

8 Constitution and Laws of the Chickasaw Nation, pp. 495-515

9 Report of the Commissioner of Indian Affairs 1867, p. 21

10 History of Indian Territory, p. 35-36

to whites and negroes and was fairly well developed by 1874. The land being held in common gave each Indian all the land he could fence for his own use; there being on the average more than 500 acres of land for each member of the tribe, if the land had been distributed. It is easily seen how great land holdings came about. The more progressive Indians would employ the whites, or negroes, to clear and cultivate a given number of acres of land for a certain number of years, then the cleared land would belong to the Indian, who sponsored the proposition. By this method the non-citizens were able to live and stay out of trouble, the citizen paid the permit tax for the non-citizen which was one dollar per adult per annum. It was unlawful for non-citizens to own land, therefore the Indian was enabled to get possession of a large number of acres. In most of the cases of large land-holding, the negroes had prepared the land for cultivation. This was brought about because of local conditions, i.e., the negroes would cause trouble if allowed to roam over the nation. Then, too, there was no legal course to follow in forcing the freedmen from the Chickasaw domain.<sup>11</sup>

(The Chickasaw law in all cases gave the Indian citizen the right to use and occupy all the land he wished to cultivate, only provided he did not trespass on his neighbors and the rights similarly granted them. The Chickasaws allowed 640 acres to each citizen for a pasture. There was no limit to the number of acres a citizen might use for agricultural purposes. Each Indian was allowed two places: the farm and the pasture.<sup>12</sup>)

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11 Report of the Commissioner of Indian Affairs 1876, p. 96-97

12 Report of the Commissioner of Indian Affairs 1888, p. 134



Under this system it was possible for a large family to control thousands of acres of land. It was very common for one man to control 2500 acres of good land. Frank Murry, of Errin Springs had 25,000 acres under fence and half of these acres planted to corn and small grain, oats and wheat.<sup>13</sup> This opening up of large farms in the nation was regarded as of the greatest consequence to the rapid development of the Indians. While some of the citizens got more land than they were entitled to, they were creating wealth for their community and were therefore contributing to progress. The Indian domain was very large and for many years provided ample room for all of the citizens who wished to cultivate the soil. The cultivation of land grew very rapidly in ratio, and the nation prospered accordingly.<sup>14</sup>

This system of land-holding could not continue indefinitely without protest, even though it had the approval of the Indian agents. When the new agent came on the field in 1891 he found that the laws of the Nation had permitted the more progressive and energetic citizens to come into possession of the greater part of the best land. This group was less than twenty-five percent of the total number of the members of the tribe. The agent found that many of the tribe owned small tracts of land of twenty to forty acres each. This had become an alarming question to many of the people. Where were those not provided with homes to obtain tillable land? There were then ten times as many whites as there were Indians, not counting the negroes.<sup>15</sup>

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13 Dale and Rader, *Op. Cit.*, p. 631

14 *Op. Cit.*, p. 154

15 Report of the Commissioner of Indian Affairs 1891, p. 241



In 1890 there were eight towns in the Nation with a population of more than one thousand each, four of these towns had more than two thousand people, while Chickasha had 3200; Ardmore with 5700 people was the largest and busiest town of the Chickasaws. Ardmore was one of the largest inland cotton markets in the South. The number of bales sold there annually amounted to sixty thousand. Ardmore had then (1889) a compress, an oilmill, an electric light system, an ice plant, a broom and mattress factory, a telephone system, two national banks, several wholesale houses, machine shops, a flour mill and elevator, and many other enterprises. The town covered three thousand acres of land upon which there were many beautiful homes and substantial business buildings; some of them of brick and stone.<sup>16</sup> Some distressing facts were to be noted in connection with these towns. They were without sanitary laws, fire protection, and incorporation laws. Nor did any of the inhabitants have title to the land on which their buildings were located.<sup>17</sup> There were thirty villages in this Nation with populations from 300 to 950, besides twice as many more hamlets of two and three small stores with only a dozen or so people living in them.<sup>18</sup>

Events regarding the land policy moved rapidly in the Chickasaw Nation after 1892. People began to come in by the hundreds, claiming to be entitled to share in the privileges of the members of the tribe. Many of these new comers moved in and settled on land already claimed

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16 History of Indian Territory, pp. 194-202

17 Report of the Commissioner of Indian Affairs 1894, pp. 162-163

18 Op. Cit., pp. 47-48

by a citizen. This new influx was a source of worry to the Indian agent and to the authorities of the nation.<sup>19</sup> The Chickasaw legislature had passed an act in 1891 providing for the taking of a census of all people in the nation. This census was to determine who should be eligible to participate in their government, who had paid their permit tax, the number of persons both white and black in the nation illegally, and the actual number of freedmen of the Chickasaws. The Indians were afraid the non-citizens would gain control of their tribal affairs.<sup>20</sup>

In 1892 legislature passed some new laws to try to control the intruders -- a law granting licenses to professional men, for the privilege of remaining in the Nation, at twenty-five dollars per person per annum; a more stringent law regarding those coming in as laborers; a higher license on traders; the prohibiting of shipping hay out of the Nation by non-citizens; money appropriated to pay expense of removing intruders from the Nation; creating a citizenship commission to determine who actually were citizens; and the sending of delegates to Washington, to protest to Congress against any measure relating to the Chickasaw Nation becoming a part of a state.<sup>21</sup>

The continued railroad building in the nation had its effects on the affairs of the tribe; more new people came in, and the Nation received more revenue; the roads paid fifty dollars per mile for right-of-way, and additional land used was paid for at appraised value. The railroad companies paid for all damages done to property owned by individual Indians. The annual tax was fifteen dollars per year per mile.

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19 Report of the Commissioner of Indian Affairs 1892, p. 253

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

21 Ibid., pp. 294-317

After 1896 the federal government raised the amount to seventy-five dollars per mile for right-of-way grants and an annual tax of twenty dollars per mile.<sup>22</sup>

The Congress decided to legislate against the evils being permitted to flourish in the Nation. In 1893 the Dawes Commission, composed of Henry L. Dawes, Frank C. Armstrong, Archibald S. McKennon, Thomas B. Cabaniss, and Alexander B. Montgomery, was created to deal with the Five Civilized Tribes with the object of inducing them to give up their tribal ownership of lands and to allow each member of the tribes to have his own homestead. The powers granted to the commission were three-fold:

1. To determine who were members of the tribes.
2. To compel witnesses to appear in behalf of or against a claimant for citizenship.
3. To make and file a roll of all recognized legal citizens.

The commission was to deal with each tribe separately to extinguish tribal titles to land with the ultimate creation of a state in the union.<sup>23</sup> The commission came to Indian Territory in 1894 to begin negotiations with the Indians. They were unable to make agreements with the Cherokees, Creeks, and Seminoles during the first year, so they came to the Choctaw Nation with the hope of treating with that nation and the Chickasaws. The Chickasaws sent delegates to Fort Towson to meet with the commission and the Choctaws. The delegates

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22 Senate Executive Document, XXXVIII, p. 502

23 Report of the Commissioner of Indian Affairs, 1894, p. 27



attended the meeting only to have the wishes of the government explained to them. They did not have authority to make an agreement of any kind. After having had the plans of the commission explained to them the delegates returned home. The Chickasaws then voted on the question, whether or not to go into an agreement with the Dawes' Commission. They failed to accept the Dawes' plan.<sup>24</sup> The election of R. W. Harris, as governor of the Chickasaws, brought about a change of attitude of this tribe toward the plan. The governor was strong enough to force a resolution through the legislature accepting it, and having delegates named to sign agreements in behalf of the Nation. The delegates were chosen on March 1, 1897, then met with the commission in June, and went into negotiations, agreeing to accept the Dawes' plan. On July 1, of the same year, the legislature passed an act agreeing to furnish the Commission with a true and accurate list of all persons belonging to the Chickasaw Tribe who were eligible to be such by blood, adoption or intermarriage.<sup>25</sup> These acts were the first steps taken by the Chickasaws toward the abolishing of their tribal government, and making final disposition of their lands.

On June 28, 1898, the Chickasaws accepted as law the most important measures since signing the treaty of 1866 -- the Atoka Agreement and the Curtis Act. These two documents virtually destroyed tribal government, and the nation lost its identity. In the Atoka

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24 Constitution and Laws of the Chickasaw Nation, pp. 343-344

25 Ibid., pp. 356-385



Agreement the chief provisions were: the land should be allotted to the individual members of the tribe, with the exception of land set aside for townsites, coal and asphalt mines, right-of-ways, schools, churches, cemeteries, and special grants to missionaries; the freedmen should be recognized and each one given forty acres of land; the Dawes Commission should determine citizenship, supervise the surveying of land, survey and plot townsites, sell town lots, at no expense to the Indians; tribal government to continue eight years, from the fourth day of March, 1898; the Indians were to become citizens of the United States; the commission should appraise all land, establish township corners with iron posts, and put markets at all section corners. The federal government agreed further to guarantee each Indian the full possession of his land.<sup>26</sup> The Curtis Act provided for the punishment of certain crimes; gave federal courts jurisdiction of cases to determine claimants' rights to land; provided for sale of improvements of non-citizens; limited the time in which a claimant might sue for citizenship rights; provided for Indian inspector; created permanent land office for the keeping of all records pertaining to land and its ownership; made provision for the incorporation of towns and cities; limited land holding by citizens, as to number of acres; declared all agricultural leases void after April 1, 1899; abolished Indian laws and courts and placed the territory under the laws of Arkansas; made the Atoka Agreement legal, as signed.<sup>27</sup>)

(The work of the Dawes Commission was a gigantic task. Of 7,500

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26 Oklahoma Red Book, I, pp. 531-540

27 Op. Cit., pp. 523-549

claimants for land in 1898, only 334 were able to prove their eligibility to citizenship. There were a number of problems the Commission had to solve, namely:

1. The surveying and platting of the 4,650,935 acres of land for homesteads;
2. The appraising of all improvements belonging to non-citizens;
3. The laying out of townsites and evaluating of each lot;
4. The appraisalment of every acre of land in the Territory and allotting each Indian land of equal total value;
5. Classifying the land as to grade.\*

Each Indian received title to \$1041.00 worth of land.<sup>28</sup>

The Dawes Commission contracted seventeen coal leases and three asphalt leases covering land in the Choctaw and Chickasaw Nations. The lessees paid eight cents per ton royalty on coal, and sixty cents per ton royalty on asphalt. Each of the leases covered 960 acres of land.<sup>29</sup>

The surveying of townsites began on May 23, 1899, in the little town of Colbert. There were 129.74 acres set aside for this village, of 200 inhabitants, and the total value of all lots, as approved by the Indian department on August 14, was \$5,175.75. The next town to be plotted and appraised was Ardmore. Each town was mapped, blue prints were made, and every lot was evaluated before the Commission moved to the next town.<sup>30</sup>

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\* There were nine grades of land, each having a different value per acre.

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

29 Report of Commissioner of Indian Affairs, 1900, pp. 117-121

30 Ibid., p. 157

The allotment of land had not begun in 1902, as the number of new-born citizens had to be included on the rolls, as well as those claimants who were successful in having their cases approved. The number of claimants increased until there were 622 cases approved after 1898. The grand total of all who were eligible to receive land in the nation rose to 7,375 citizens and 5,911 freedmen. These conditions were irksome to the Chickasaws, and the Indian agents. To hasten matters, the Choctaws and Chickasaws met with the Dawes Commission on March 21, 1902, and signed the treaty known as the Supplemental Agreement, which was ratified September 25, 1902. This instrument provided for immediate allotment of lands to individuals; disposition of surplus lands; prohibited excessive land-holding; persons living September 25, 1902 but who died before selecting their land were entitled to an allotment; rolls were to be closed December 25, 1902; freedmen not to be classed as citizens; segregation of coal and asphalt fields; sale or lease of mining lands; parents or guardians to allot land for minors; freedmen to be allotted temporarily, until their status is determined by the Supreme Court; and the final determining of the size and value of the town sites. With this agreement in force the work of the commission would soon be completed, and the individual Indian would be placed on his own land which he could call home.<sup>31</sup>

To save time and much confusion Congress passed an act February 19, 1902, making clerks of federal courts recorders of deeds or patents. The act enabled the allottee to have his patent recorded, thereby show-

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<sup>31</sup> Report of the Commissioner of Indian Affairs, 1902, pp. 11-23



ing his ownership of a particular piece of land. There were twenty-five federal court clerks, located in the larger towns, in the Indian Territory. The act, also limited the cost of filing a patent to twenty-five cents.<sup>32</sup>

On January 1, 1906, the Commission began making the final rolls for those eligible to share in the allotment. There were 6319 citizens, including the inter-married, and 4670 negro freedmen whose applications had been approved by the Department of Interior. Counting all who were eligible to receive land there were 10,998. The rolls had been closed, no more names could be added according to agreement.<sup>33</sup>

There had been thousands of acres of land withdrawn from allotment privileges; 450,000 acres had been segregated for coal and asphalt mining; 23,694.53 acres had been plotted into town lots in the 133 towns. The number of acres remaining available for allotting was 4,662,829.29 acres.<sup>34</sup>

The allotting was not in full sway until after 1904. There were several reasons for the delay. There had not been any police power to place the allottees in full possession of his land, there were no probate courts, and too, many of the Indians had opposed accepting an allotment. When the federal government demonstrated its intentions to allot each citizen with or without his cooperation, the Indians soon fell in to line by making application for allotment.<sup>35</sup>

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32 United States Statutes at Large, XXII, p. 841

33 House Document, No. 19, 58 Cong., 38sess., p. 298

34 Ibid., p. 298

35 Ibid., p. 121



There had been a law passed by Congress allowing those Indians, of certain degree of blood, to sell their surplus land. This same law allowed the Indian Department to sell unallotted agricultural land, in tracts of 160 acres or less.<sup>36</sup> This encouraged the whites to buy homes and take their places as citizens in the Indian Territory. The land was not taxable as long as the original allottee owned it, but became so when transferred to another. Thousands of acres were, therefore, in the possession of non-citizens before statehood. The hopes of those men who planned the segregation of certain Indians in a territory west of Arkansas and South of Kansas, had at last been realized.<sup>37</sup>

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<sup>36</sup> United States Statutes at Large, XXXIII, p. 189

<sup>37</sup> Francis E. Leupp. The Indian and His Problem, p. 348

## CHAPTER III.

## GOVERNMENT OF THE CHICKASAWS

When the treaties of 1866, between the Chickasaw Nation and the United States, were signed, provisions were made for a government for the tribe. The government consisted of an executive, the governor, a legislative body of two houses, and a judiciary.

(The executive department consisted of the governor and his assistant, both elected by qualified electors for a term of four years.<sup>1</sup>

The legislative department was divided into two houses, senate and house of representatives, which met annually in November, and held sessions for thirty days. The legislative also met on a call from the governor for special sessions. The members of both houses were elected for a term of two years.<sup>2</sup>

The judicial department consisted of a Supreme Court, presided over by three judges, who were elected for a three year term, one being elected each year. Three circuit judges, who received a salary of three hundred dollars per annum each, were elected for a term of four years. There were nine district judges, who received a salary of two hundred dollars annually, who served for four years. Each district had a sheriff and an attorney, who received one hundred fifty dollars each annually, and who were elected for a term of two years. Each district had the authority to elect as many constables as were necessary to aid the

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1 Constitution of The Chickasaw Nation, p. 11

2 Ibid., p. 7

sheriff in maintaining good order. The constables were <sup>3</sup> elected for a term of two years.

The superintendent of schools was elected by the two houses of the legislature, for a term of two years, and received a salary of five hundred dollars annually.<sup>4</sup>

The governor received a salary of eight hundred a year, while his assistant received six hundred dollars.

The members of both houses of the legislature received four dollars per day, while on actual duty.

The supreme judges received nine dollars per day, each. All of the various courts had a special court clerk.<sup>5</sup> )

The Chickasaws were, with the exception of the Seminoles, the smallest of the Five Civilized Tribes. They are a very intelligent people and their country embraced some of the most fertile lands in the Indian Territory. The government of the Nation was affected by the federal laws and by the laws of the several Indian Nations. The federal laws operated through the United States district court for the western district of Arkansas, which had both district and circuit court powers and had cognizance of all criminal cases arising in which a citizen of the United States was a party, but did not have civil jurisdiction over the Indians' country.

The federal law authorized the President to prescribe such regulations as he saw fit for the carrying into effect of the various provisions of any act relating to Indian Affairs. The Commissioner of

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<sup>3</sup> Ibid., p. 7

<sup>4</sup> Ibid., p. 21

<sup>5</sup> Report of the Commissioner of Indian Affairs, 1869, p. 79



Indian Affairs, under the direction of the Secretary of the Interior and agreeable to such regulations as the President might prescribe, had the management of all the Indian Affairs and of all matters arising out of Indian relations. This placed almost autocratic powers in the hands of the Indian Office, and applied to the Chickasaw agency except in so far as regulated by treaties and statutory provisions. The most important regulations adopted by the Secretary of the Interior, and which guided the policies of the Indian Agent declared:

**Each Indian Agent shall within his agency, manage and superintend the intercourse with the Indians, agreeable to law, and to execute and perform such duties and regulations ..... as may be prescribed by the President, the Secretary of the Interior, or the Commissioner of Indian Affairs.**<sup>6</sup>

Under these rules and regulations an Indian police force had been established, which was of much service in the prevention and suppression of crime as well as the execution of orders from the honorable Commissioner of Indian Affairs and of the Indian agency.

The laws of the Chickasaw Nation had jurisdiction of all cases of either civil or criminal nature in which members of the tribe, or adopted citizens, were the only parties, though the adopted citizen is a citizen of the United States and not Indian blood. A brief outline of the constitution of the Chickasaws is given. In convention, at Camp Harris, August 16, 1867, the Chickasaws met and adopted their constitution, with this preamble, to-wit:

We the people of the Chickasaw Nation, acknowledge with gratitude the grace and beneficence of God, in permitting us to make choice of our own form of government, do, in accordance with the first, second, fourth and seventh articles of the treaty between the United States, the Choctaws and Chick-

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<sup>6</sup> Ibid., p. 114

asaws, made and concluded at Washington City June 22, A.D. 1855, and the treaty of April 28, A.D. 1866, ordain and establish this Constitution.<sup>7</sup>

#### Article 1: Bill of Rights

That the general, great, and essential principles of liberty and free government may be recognized and established, we declare that:

Section 1. All political power is inherent in the people and all free governments are founded on this authority and instituted for their benefit; and they have at all times the inalienable right to alter, reform or abolish their form of government in such manner as they may think expedient.<sup>8</sup>

This bill of rights further declared:

All freedmen, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive, separate emoluments or privileges, but in consideration of public services. . . .<sup>9</sup>

It declared further that --

All men have a natural and indefeasible right to worship God according to the dictates of their own consciences.

The liberty of the press and public speech was assured.

The security of the people in their persons, houses, papers, and possessions, from all unreasonable searches and seizures was affirmed, declaring, however, that the search and seizure of intoxicating liquors is reasonable.

In criminal prosecutions the accused was entitled to a speedy public trial by an impartial jury, the right of counsel, compulsory process for witnesses in his favor, and to be tried only in indictment or information. He had the right of bail, immunity from excessive fines, or

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<sup>7</sup> Ibid., p. 114

<sup>8</sup> Ibid., p. 114

cruel or unusual punishments and was entitled to remedy by course of law for any injury done him in his lands, goods, person, or reputation. He should not be twice held for the same offense, and the right of trial by jury should remain inviolate. No person should ever be imprisoned for debt.

The right of petition was declared to exist.

No retrospective law, or laws, impairing the obligations of contracts, was permissible.

Polygamy, or concubinage, was strictly prohibited.

The right of suffrage viva voce was declared to all Chickasaw citizens of the age of nineteen and upwards who have resided in the Chickasaw Nation six months preceding election.

The powers of the government were divided into three distinct departments, the legislative, executive, and judicial.

The legislature of the Chickasaw Nation was composed of a senate and a house of representatives. It met annually at the capital, Tishomingo, in the capitol, a decent brick building on an elevated wooded hill.

Senators held office two years and were at least thirty years old.

Representatives held office one year and were twenty-one years old.

The rules of the legislature are such as ordinarily govern such bodies.

The supreme executive power of the nation was vested in a chief magistrate, who was styled "the governor of the Chickasaw Nation". His term was two years, and he might hold office only four years in a period of six years. He must be thirty years old and a Chickasaw by birth or adoption. The returns of every election for governor were made out,



sealed up, and transmitted to the national secretary at the seat of government, who delivered them to the speaker of the house or representatives during the first day of its organization, who proceeded immediately to open and count the votes in the presence of both houses of the legislature. The person having a majority of votes of the whole number of votes was declared governor, and if no candidate has such majority the legislature by joint vote, without debate, selected him from those two having the largest votes. The governor had the usual powers attaching to such officers in the States -- veto right, enforcing laws by militia, but not the pardoning powers. The Chickasaws did not pardon or commute.<sup>9</sup>

Under the executive department there was a national secretary, who kept the records of the executive office. There was a national treasurer, under proper bond, with the usual functions of a treasurer. There was an auditor of public accounts and an attorney-general with the duties indicated by their titles. In addition, each district, or county, has its sheriffs and deputies and clerks and deputies.

The judicial department was comprised of four county judges, one each for the four counties, the circuit court with one circuit judge, ranking the four county courts, and the supreme court composed of a chief justice and the associate justices, which was a court of appeals. The supreme court had also the power necessary to issue such writs as should be necessary to enforce its own jurisdiction and to mandamus lower courts. The circuit court had original jurisdiction over all

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<sup>9</sup> Constitution and Laws of the Chickasaw Nation, p. 11

criminal cases not otherwise provided for by law, exclusive original jurisdiction of all crimes amounting to felony and civil matters exceeding \$100 in value, and might issue all writs necessary to enforce its own jurisdiction. The county courts were probate courts and with jurisdiction in misdemeanors and minor civil matters. Appeals lay from this court to the circuit court and from the circuit court to the supreme court. All judges of the several courts were made conservators of the peace. Writs and processes of the court were "in the name and by the authority of the Chickasaw Nation", and conclude "against the peace and dignity of the Nation".<sup>10</sup>

Under the general provisions of the constitution the rights of a wife to property separate from the husband was declared to all property, real and personal, owned by her previous to marriage, or subsequently acquired by gift, devise, or descent.

It was provided especially that every person convicted of using bribes, perjury, or other crimes and misdemeanors, should be disqualified from holding any office of honor or trust, and should be disfranchised.

The citizens of the Choctaw Nation were given every right of Chickasaws except suffrage, and Chickasaw citizens by marriage or adoption, were entitled to every privilege but that of election to the governorship.

Public education was carefully provided for as the basis of the preservation of the rights and liberties of the people and the advancement of their happiness. It is declared that ----

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<sup>10</sup> Ibid., pp. 38-44

The legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement, and such other means as shall be inviolable appropriated to the support of general education throughout this nation.<sup>11</sup>

The wording of this declaration was not in the best of English, but its purpose was splendid.

The laws of the Chickasaw Nation then proceeded to fill in the detail of this broader plan, and define minutely and carefully the respective duties of the national secretary, the district attorney, the treasurer, the auditor of public accounts, sheriff and constables, the school superintendents, the clerk of the supreme court, the district or circuit judge, the district, county, and probate clerks.

Proper punishments were provided for murder, treason, burglary, larceny, arson, perjury, maiming, etc., ranging from "hanging by the neck until he was dead", to a small fine.

The laws were reasonably well framed, though to some extent defective. Like the other nations, the Chickasaw law was superior to its execution, but it improved from time to time under the great educational influences at work and the mutual watchful scrutiny of the politicians.<sup>12</sup>

The Chickasaw laws did not apply to whites or to citizens of the United States. Their courts did not have jurisdiction in cases wherein a white man, or a negro, was a party to a suit, either criminal or civil. Therefore cases of this type were carried to the federal court at Fort Smith, Arkansas. If an Indian were killed by a white man the case would

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11 The Report of the Commissioner of Indian Affairs, 1898, p. 116

12 Ibid., p. 117



be long drawn out. The witnesses had to travel by horseback, or heavy wagon, to Fort Smith from the Chickasaw Nation, several hundred miles. This took several days, and cost many dollars for care of man and beast. In many instances the accused would be released for lack of witnesses to prove his guilt. If a case were postponed for any reason the witnesses were compelled to make the long journey a second or third time, which doubled or trebled the time and expense. These conditions tended to widen the breach between the Indians and the whites.<sup>13</sup>

The Chickasaw legislature had passed a law in 1876, which controlled the whites, to some extent. As the whites were exempt from punishment decreed by the Indian courts, the only recourse the Indians had was to banish the offending persons. The offender might be banished for failure to appear in court, as a witness or defendant, even if he had a permit to remain in the nation.<sup>14</sup>

There was a laxity in the administration of justice in the courts of the nation, due to many factors -- the great number of non-citizens among the Indians, the lack of police power, the district being sparsely settled, the lack of legal talent, few towns and poor roads. The judges, in many cases, were not legal authorities but were elected because of public favor. The punishment ranged from a few lashes for minor offenses to hanging for murder or treason. Whenever a sentence had been pronounced upon an accused it could not be revoked or the accused pardoned.<sup>15</sup>

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13 Report of Commissioner of Indian Affairs, 1889, p. 202

14 Constitution and Laws of the Chickasaw Nation, p. 86

15 History of Indian Territory, p. 105

From 1876 to 1888 the Indian agents, and the Indians had been asking Congress to create federal courts within the Indian Territory, to expedite the trying of criminal cases where non-citizens were involved. In March, 1889, the United States court was established at Muskogee, by an act of Congress. The creation of this court caused a marked decrease in crime. Both Indians and whites, and negroes as well, now had access to legal remedy where the amount involved was \$100 or more in civil cases. The jurisdiction of the court extended to all civil actions, and to certain cases of criminal nature, such as larceny, assaults, disturbances of the peace, or of religious worship. This court had jurisdiction in all cases, except those in which Indians were only parties involved. The same act of Congress created a federal court at Paris, Texas, to serve the Chickasaws, together with the Choctaws and a given area in Texas. Among the types of cases this court could hear were those wherein the defendants were charged with obstructing the operation of railroad trains; the injury or destruction of telegraph lines; the disturbing of religious worship; for assault with intent to kill, or to rob; for injury done to animal property; for setting fire to woods or prairies.<sup>16</sup>

The creation of these courts was primarily for the protection of the whites, who had no legal right to residence in any part of the Indian Territory; but their steady influx from 1872 to 1907 forced the federal government to pass measures for their protection. The government tried to remove them time after time, but they would return to the

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16 Oklahoma Red Book, I, pp. 412-416

Indian Nation. In 1890 there were twice as many whites in the nation as there were Indians and by 1895 there were four times as many.<sup>17</sup>

The coming of the railroads into the Nation caused the Chickasaw legislature to pass several laws concerning the new order of things. As new towns were built along the right-of-way a need for roads was felt. The legislature passed an act, October 12, 1876, requiring every male citizen under fifty years of age and over eighteen years old to work at least six days on the roads. Each worker was to furnish his own teams and tools. There was an act passed, at the same time to prohibit gambling. Another was passed to prohibit the cutting of the wire fences. One was passed which forbade the playing of base-ball, or racing of horses, on Sunday. A strict law was passed against trespassing or cutting of timber for railroad ties on the land of the Indians. There was a very stringent law against the leasing of lands to the whites, for grazing purposes or for other agricultural use.<sup>18</sup>

The theft of timber and other depredations on the Indian lands increased so rapidly that in 1864 Congress began to realize the urgent necessity of legislation to prevent spoliation of timber on the Indian lands, particularly those of the Five Civilized Tribes of the Indian Territory, where the domain was so large that it could not be effectively patrolled by the Indian police. All measures that that been presented for the suppression of these depredations had failed at the close of the year 1864. Congress passed an act granting the right to file these

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17 James S. Buchanan and E. E. Dale. A History of Oklahoma, pp. 261-263

18 Constitution, Laws and Treaties of the Chickasaw Nation, pp. 82-104



claims with the government for adjustment. In many cases the claims were ignored by the federal government.<sup>19</sup>

The plight of the Indians, from an executive standpoint, was becoming very distressing. They now realized they were unable to manage their national affairs. The federal government probably foresaw the possibility of this, when the treaty was made in 1866. Article VII provided the Congress had the right to pass any law it deemed necessary for the better administration of justice and the protection of the rights of persons and property in the Indian Territory. The eighth article of the same treaty made provisions for a federal court with such jurisdiction as the Congress might prescribe, together with marshals and deputies to enforce the orders of the court.<sup>20</sup>

Contrary to common belief, that the Indians wanted intoxicating liquors brought to their nation, we find the Indian legislature had passed laws against its introduction as early as 1876.<sup>21</sup> But they were unable to enforce their laws, because of the great number of whites who had come in with the building of the Santa Fe railroad and settled in the new towns along the road which was constructed in the early 70's. In 1889 the attorney for the Wells-Fargo Express Company ordered all the agents of the company to accept shipments of beer to destination points in the Chickasaw Nation. Many white men took advantage of this order

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19 Bertha E. Fleming. Legislative Enactments Relating to the Indians of the Indian Territory from 1879-1889, p. 52

20 Op. Cit., p. 499

21 Ibid., pp. 51-52

and soon Ardmore, Berwyn, Wynnewood, Pauls Valley and Purcell were selling liquor openly, in defiance of federal and Indian laws. The Indian agent was ordered to confiscate the beer, and buildings with fixtures where it was sold. The agent closed twenty-eight beer saloons in the towns on the Santa Fe railroad. The saloon operators brought suit in the federal court at Paris, Texas, and the judge rendered a verdict in favor of the saloon keepers. This decision, being contrary to the laws and treaty agreements, came to the attention of the Department of Interior, at Washington, and the Attorney-general of the United States. A new suit was filed by the Indian agent, in the federal court at Fort Smith, Arkansas. In 1892 Judge Parker rendered a decision against the importation of liquor into any part of the Indian Territory. United States Marshals were sent into the affected area with orders to close up all places which were selling beer, or other spiritous liquors and arrest all violators. Thus the illicit trade was brought to a halt.<sup>22</sup>

This incident demonstrated the growing weakness of the Indian federal law enforcement to the federal government and the Chickasaw authorities. In March, 1895, additional federal courts were created in the Indian Territory. By this act a court was placed with headquarters in Ardmore with Judge Hasea Townsend presiding. Other places named within the nation for holding federal court were Purcell, Ryan, Pauls Valley, and Chickasha. The court was given an attorney, clerk, marshal, and deputies sufficient in number to enforce the orders of the court. This court had jurisdiction in all cases, civil or criminal; in civil cases wherein the amount was more or less than \$100. All cases of

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<sup>22</sup> Report of Commissioner of Indian Affairs for the Year 1892, pp. 260-261

violations of liquor laws were to come before this court, regardless of whom those charged might be, Indian or white.<sup>23</sup> This court, with the commissioners court, was received by the people of the Chickasaw Nation, both Indians and whites, with great joy; there were public mass meetings held in many of the towns with appropriate programs. Now the people were liberated from the courts at Muskogee, Fort Smith, Arkansas, and Paris, Texas. The people had the privilege to be heard in their own court, in their district and to be tried by a jury composed of neighbors who were their own people, without the loss of many days time and many dollars in money. The Chickasaw Nation was a people with a government without a judicial department.<sup>24</sup> On January 1, 1893, the United States courts were given complete jurisdiction in all civil and criminal cases, in the Indian Territory. This did away with the Indian courts -- the United States Courts took all cases regardless of persons involved and another judge was added -- a United States jail was provided at Ardmore for the courts in the Chickasaw Nation. The Indian courts ceased to function as such,<sup>25</sup> and all tribal laws were abolished.

The Chickasaws had passed two laws which were to cause an untold amount of trouble and the needless expenditure of thousands of dollars, by the federal government. When the time came to determine who were eligible to receive certification for citizenship by the Dawes Commission

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23 Oklahoma Red Book, pp. 501-507

24 Report of the Commissioner of Indian Affairs 1896, pp. 152-153

25 Op. Cit., pp. 520-529



It was discovered there was not an authentic roll made of the freedmen. The first of these laws was passed in 1878 in relation to marriages contracted by non-citizens with members of the tribe. Section 3 of the law provided that, if for any reason, the union of a citizen and a non-citizen was broken and the non-citizen contracted another marriage with a non-citizen he lost his right and privileges.<sup>26</sup> Later these non-citizens came up as claimants to share in annuities and allotment. The other law was passed July 2, 1890, creating a commission to take a census of all people in the nation. There were to be four classes of residents -- citizens by blood, citizens by marriage or adoption, non-citizens both white and black, and freedmen or their descendants. The nation had never recognized the freedmen had any rights to allotment or annuities, so when the census was completed there were very few names listed under the class of freedmen.<sup>27</sup>

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<sup>26</sup> Constitution and Laws of the Chickasaw Nation, pp. 142-143

<sup>27</sup> Ibid., p. 263

## CHAPTER IV.

## EDUCATION

The Nation had ever been alert relative to the advantages of education. When they adopted their constitution in 1867, they were mindful of the well being of their children. They provided for public education, by the creating of a general superintendent of schools, which reads:

Section 1. A general diffusion of knowledge being essential to the preservation of rights and liberties of the people, it shall be the duty of the Legislature of this Nation to make suitable provisions for the support and maintenance of public school.

Sec. 2. A Superintendent of Public Instruction shall be elected by a joint vote of both Houses of the Legislature, who shall keep his office at the seat of government, and shall hold his office for the term of four years from the date of his election, whose duties shall be prescribed by law, and shall receive such compensation as the Legislature may direct.

Sec. 3. The legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, and such other means as shall be inviolably appropriated to the support of general education throughout this Nation.

Sec. 4. All contracts which may be made and entered into between the Board of Trustees of Public Schools, and that of the Teacher shall be binding; subject, however, to the approval or disapproval of the Legislature.<sup>1</sup>

During the Civil War period education was at a standstill in the Chickasaw Nation. The rehabilitation began soon after the signing of the Treaty of 1866. By 1869 there were eleven neighborhood schools in operation, with well qualified teachers in charge, and every school-house filled to capacity. These teachers had been educated in the

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1 Constitution and Laws of the Chickasaw Nation, pp. 20-21

academies in the nation, and in the colleges of adjoining states. The academies were not reopened until September, 1869. During the war the buildings had been abandoned, as schools, and used for other purposes. In 1869, the first term after resumption of schools, the academies and seminaries were well attended; the pupils doing extra good work and were proficient in their subject matter, according to George T. Olmsted, Indian Agent.<sup>2</sup>

The school funds were ample, and the number of academies, seminaries and neighborhood schools was sufficient to house facilities to educate the youth of the nation. The Chickasaws expended more money, per capita, for education than any of the Five Civilized Tribes.<sup>3</sup> The annual expenditure for education was more than \$58,000, exclusive of the money appropriated by the Mission Boards of the Methodists and Presbyterians. The nation also paid all expenses for the education of ten boys and ten girls who were being educated in the colleges in near-by states.<sup>4</sup>

The nation had progressed rapidly, educationally, for in 1880, more than half of the members of the tribe could read and write; of a total population of 6000 citizens, more than 3,600 could read and write.<sup>5</sup>

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2 Report of the Secretary of the Interior, 41 Cong., 3 Sess., p. 344

3 Report of the Commissioner of Indian Affairs for the Year 1874, p. 70

4 Report of the Commissioner of Indian Affairs for the Year 1880, p. 96

5 Ibid., pp. 244-245



In June, 1836, about twenty different tribes sent delegates to a general council held at Fort Gibson. There were some 3,000 delegates in attendance. During the final session of the council different prominent leaders, of the various tribes, were called upon for any remarks they might wish to make, of interest to the assembled group.

Ex-Governor A. C. Burris, of the Chickasaw Nation, said his people owed all they had to educated men, told the history of their advancement by missionaries, and also said,

Today the Chickasaws have many educated and intelligent men among them, who are able to transact the business of my people in a correct and intelligent manner. That is what you, my brothers, need and must have to become a prosperous people. Build schools, encourage missionaries and teachers, make your children study the white man's ways, language and books, and God will secure his red children every blessing. The foregoing statement was an evidence of the progressive attitude of the Chickasaws.<sup>6</sup>

The legislature had passed a law, in 1878, requiring the national superintendent to keep all of the schools filled to capacity. When one of the students was absent for fifteen consecutive days, unless on account of illness, his place was declared vacant and a student was enrolled.<sup>7</sup> Therefore, the boarding schools were crowded to the utmost at all times, with a waiting list. The Indians were striving to keep ahead of the whites, who were coming into the nation in a steady stream. The inter-married citizens were contributing much toward the advancement of the Indians; many of them being young men who had graduated from professional colleges and had come to the nation to help develop it.<sup>8</sup>

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6 Report of the Commissioner of Indian Affairs for the Year 1888, p. 124

7 Constitution and Laws of the Chickasaw Nation, p. 160

8. Op. Cit., p. 126

To keep the better students in school there was a law requiring the superintendent, with the advice of the governor, to make appointments of scholars to the various academies and seminaries. When a student entered school in September he was to remain there during the entire year. It was illegal for the parent to remove him, and if the student should leave school the officials had the legal right to follow him and take him by force, even if he should be in his parents home.<sup>9</sup> Another method used to stimulate interest in education among the members of the tribe was the system of allowing the parents ten dollars per month, per child, for board if the child was in attendance in school. This law also restricted the privilege of non-citizens to board Indian scholars.<sup>10</sup> The nation had set aside the interest on all funds, held by the federal government to be applied to education. This amounted to \$95,000 annually, which was sufficient to maintain all their schools and allow the nation to educate some of their outstanding graduates to attend school in the better colleges in the states. In 1893, the legislature passed an act to allow the superintendent of schools to select twelve boys to attend some suitable college of the best reputation, and highest order, within the bounds of the United States. The superintendent was authorized to contract with the chosen college to furnish the boys good wholesome first class food, tuition and instruction, good well lighted rooms, light, fuel and everything for the comfort of the boys, and the institution chosen agreed to make arrangements whereby the boys could

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9 Op. Cit., p. 196

10 Ibid., pp. 306-307

procure clothing suitable to their station and choice. The students were provided for a term of five years.<sup>11</sup>

The efficiency of the schools was very high, perhaps due to the influence of the citizens who were not full-bloods, and to the missionaries. There was no better school system in any state than that adopted by the Chickasaws. The superintendent of schools devoted his time to traveling from one institution to another, inspecting the establishments and pupils, as well as the methods employed in their education. There were five institutions of higher learning; Harley's Institute, Bloomfield Seminary, Wapanucka Institute, Collins Institute, and Lebanon Academy, besides these, there were fifteen neighboring schools. The amount spent, is an unusually large sum to devote to the education of a tribe of six thousand members, being about \$50,000 semi-annually.<sup>12</sup>

The average cost per pupil, in the boarding schools, was \$154.54 per year. This was a very low average when we consider the scholar was furnished board, room, tuition, school books and supplies, laundry, stamps and stationery and the services of a physician and medicines. The number of scholars in all schools in 1891 was 796, with an expenditure of \$94,548.44. The standards were raised in Harley's Institute and Bloomfield Seminary; allowing these two institutions to grant diplomas and a two year college degree. During this year the nation allowed any graduate who wished to attend other schools \$150. per year, to apply on his expenses.

The Chickasaws had refused to provide schools for the children of freedmen, who grew up in ignorance, crime and misery. The condition of

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11 Ibid., p. 286

12 E. E. Dale and J. L. Rader. Readings in Oklahoma History, p. 632



the freedmen was the most deplorable of any people in the United States, and a disgrace to the civilization of the age. Their condition in the Chickasaw Nation was a marked contrast to that of the freedmen in the Seminole and Creek Nations, who were accorded schools, and other privileges, equal with the Indians.<sup>13</sup>

The efficiency of the Indian schools probably reached its zenith in 1895; for the white population was building good schools in larger cities. The Methodists located Hargrove College in Ardmore, in 1895. This college offered a curriculum comparable to the first class colleges of the states, was created to furnish facilities for the Christian education of Indians and whites. The legislature made an agreement with the college to board and educate twenty Indian children. The agreement was to remain in force for five years, subject to renewal if conditions remained satisfactory.<sup>14</sup>

The Indian agent, Dew M. Wisdom, made a very encouraging report of educational conditions in the nation for the year 1897. He reported the Indians were to be commended for the good condition of their schools, which showed themselves to be of the highest order. The prejudice which had existed between the Indians and whites was disappearing, due to pressure of social contacts, bringing the two races into a closer friendship and fellowship. At this time there were 150 Chickasaw scholars attending schools in the states, in addition to twelve boys in first class colleges at the cost of \$5400 per annum. There were twenty students in Hargrove College at an expense to the Nation of \$3000.

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13 Report of the Commissioner of Indian Affairs for the Year 1891, p. 225

14 Constitution and Laws of the Chickasaw Nation, pp. 364-365

The salaries, paid teachers, were on par with those paid in the states.<sup>15</sup>

The educational system experienced radical changes in 1898. The Curtis Act provided for an inspector, whose duties were to properly supervise the schools.<sup>16</sup> He was appointed by the Secretary of the Interior; a capable, competent, experienced school administrator, who knew Indians and their customs. The inspector had the authority to dismiss teachers for being incompetent or immoral. He visited the different schools, inspected the buildings and equipment, observed the method of teaching, gave the scholars examinations, set up standards for class work and could discontinue a neighborhood school, if the attendance did not justify the continued operation. The first inspector appointed was J. George Wright, who received a salary of \$1,500 per annum with an allowance for traveling expenses. 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 of Illinois, was the first appointed superintendent of schools for Indian Territory.<sup>17</sup> Mr. Benedict appointed John M. Simpson the supervisor of schools in the Chickasaw Nation.

The first normal school, for teachers of the schools in the Chickasaw and Choctaw Nations, was held in the summer of 1900. Many teachers attended. The total expense being \$12. for board, room, tuition and instruction for the four weeks' term.<sup>18</sup>

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15 Report of the Commissioner of Indian Affairs for the Year 1897, pp. 144-145

16 Oklahoma Red Book, I, p. 520

17 Report of the Commissioner of Indian Affairs for the Year 1898, p. 540

18 Report of the Commissioner of Indian Affairs for the Year 1900, p. 107

The Chickasaws were openly hostile to the federal government assuming control of their schools. Their schools began to decline soon after the opening of schools for the whites. Those Indians who lived fartherest from the boarding schools chose to attend the schools near their homes. This was especially true of scholars living near the towns along the Santa Fe railroad, and further west. Ardmore, Furcell, Chickasha, and Ada had very good schools in 1900. The losing of these students from the boarding schools increased the per capita cost of those who attended the Indian schools. The cost rose from \$154.14 in 1890, to \$184., in 1900, per pupil. In the same period the enrollment and daily attendance decreased fifteen per cent. The Chickasaw legislature found it a difficult task to raise sufficient funds to maintain their schools, as the Mission Boards had withdrawn their financial aid. The warrants the teachers and academy contractors received were non-payable, and non-cashable for two or three years. In 1900 the nation was in debt \$100,000 for education. Only two of the boarding schools were maintaining their standards of education.<sup>19</sup> The nation was now using money received from coal and asphalt mines to pay for education. They had drawn an annuity in 1898, from the interest of the trust fund held by the United States. These royalties did not amount to as much money as they had been spending for education prior to 1898.<sup>20</sup> The Secretary of the Interior refused to allow the Chickasaws to use the royalties on coal and asphalt unless the schools were placed under the control of the federal government. After much correspondence between the Secretary of

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19 Report of the Commissioner of Indian Affairs for the Year 1900, pp. 110-112

20 Report of the Commissioner of Indian Affairs for the Year 1900, pp. 235-236



Interior and Governor D. H. Johnston, of the Chickasaw Nation, an agreement was effected on April 11, 1901, for the betterment of the schools in the nation. The agreement provided for the payment of all warrants outstanding, by the federal government which had been issued by the Chickasaw Nation for educational purposes, and the creation of an examining board to examine all teachers who wished to teach in the nation's schools. If an applicant was found to be eligible, mentally and morally, he was issued a certificate to teach school. The certificate was good for twelve months from date of issue. The examiners were given authority to revoke all certificates previously issued by the national superintendent. The examining board was to be composed of three persons, one chosen by the Secretary of Interior and two chosen by the governor of the Chickasaw Nation. The members of the first board were John D. Benedict, E. B. Hinshaw, and W. F. Bourland.<sup>21</sup> The board soon proved its worth, by eliminating those who were unfit to be teachers. Some of the smaller schools were closed for the lack of pupils, enough to make the continuance of them a sensible policy. Then, too, the Indian Department had developed a new policy; where there were white children living near Indian children, a school would be organized. The whites would pay two dollars per month per child and the Indian agent would pay a like sum for each Indian scholar. In this manner all children, except freedmen, had access to schools. Almost one-third of the Indian children were in attendance with the whites, in 1902. This was especially true in the elementary schools. This new procedure was first tried out in the Choctaw schools.

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21 Report of Commissioner of Indian Affairs for the Year 1901, pp. 129-130

It proved a success from three specific angles -- it saved money for the Indian and white, it gave both races access to school near home, then too, better teachers could be employed. The salaries paid to average teachers were low, compared to present day salaries. The range in salaries was from \$35 to \$50 per month.<sup>22</sup>

The Chickasaw Nation, with the aid of the Indian Agent, paid its old school debts in full June 30, 1902. The amount was \$168,546.76. This was probably the first time the nation was free of debt in twenty years. At last there was a perfect harmony between the officials of the nation and the department of Indian Affairs. The outlook for education for all except negroes, was very good; the teachers had drawn their pay on time; both races were showing a marked interest in education; many new schools were opened that Year.<sup>23</sup>

The federal government was being petitioned, by the whites, for education facilities, for all children regardless of color or race. The government responded by making an appropriation in 1904 of \$150,000 to provide for 1000 day schools for the Indian Territory. Of this number, the Chickasaw Nation was assigned 216 schools, 191 for the whites and Indians and 25 for the negroes. The enrollment in these schools was 730 Chickasaws, 12,832 whites, and 525 negroes. The total cost to the nation was \$67,513.51.<sup>24</sup> The enrollment increased rapidly, as the people became settled on their allotments and new homes. In two years the enrollment had jumped to: Indians 13,500; whites 45,000 and negroes 3,600.

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22 Report of the Commissioner of Indian Affairs for the Year 1902, Pt. 1, pp. 206-208

23 Ibid., pp. 284-285

24 House Document No. 19, 58 Cong., 3 Sess., p. 337

The expense was borne by the federal government, out of fees from courts; by the Chickasaw Nation, from royalties; and the whites, by paying a tuition.<sup>25</sup>

The nation had its educational system established firmly to care for the needs of its youth. The management of the schools had been assumed by the Department of the Interior. The Chickasaws did not favor this change from tribal to federal control of the academies, but they were apparently unable to cope with the problem successfully unaided. It seemed the government was the proper agency to continue the work. Superintendent Benedict told the public that education would not be adversely affected by statehood. On July 1, 1906, all schools in the nation were under the direct control of the Department of the Interior.<sup>26</sup>

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25 Report of Commissioners of Indian Affairs for the Year 1907, II, p. 350

26 Op. Cit., p. 92



## CHAPTER V

## SOCIETY IN GENERAL

The end of the Civil War found conditions in the Indian Territory all but chaotic. The Chickasaws had been almost unanimous in their attachment to the Confederacy. There were only 225 Chickasaws loyal to the United States, in the refugee camps in Kansas, in 1863.<sup>1</sup> Comparatively little of their tribal domain had been over-run by the federal forces. However, the war had been scarcely less demoralizing, for their industry had been paralyzed, many of their people whose homes had been in the northern part of their Nation had fled to refugee camps near Red River, but the presence of Cherokee, Seminole and Osage refugees in their midst had helped to impoverish even the Chickasaws who would have been otherwise well supplied.<sup>2</sup>

For a time immediately after the close of the war, the people of the Chickasaw Nation, had considerable trouble with intruding negroes from adjoining states. Some of the land owners and planters, who were anxious to rid their states of former slaves encouraged those of a shiftless disposition to move to the Indian Territory, where there was supposed to be an abundance of free and unoccupied land. Along with these shiftless negroes there came also others of the most unruly sort, white outlaws, and fugitives from adjoining states.

Most of these intruding negroes formed settlements in the southern portion of the Chickasaw Nation, along the Red River. There being a few

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1 Report of the Commissioner of Indian Affairs, 1865, p. 255

2 J. B. Thoburn. A Standard History of Oklahoma, II, pp. 341-342

negro settlements, of the recently freed negro belonging to Chickasaws, the newcomers attracted little attention at first. There was no demand for labor, of any kind, among the Indians. These intruders, both black and white, had to secure the means for a livelihood from some source, and, as there was apparently nothing else for them to do, they resorted to stealing. Each of these negro settlements had a leader, either white or black, who directed the operations of the rest in their depredations upon the property of the Indians.

Corn cribs, smokehouses, hen roosts, pigs, calves, and small trading establishments suffered at the hands of these plundering bands. They also stole horses, hogs, and cattle and either sold them or killed any cow, steer or hog that they happened to find on the open range and, after removing a few choice pieces that were desired for immediate use, left the rest for vultures and wolves. Naturally such needless wastefulness would not have been tolerated, even in a land of plenty. The Indians soon began to consult as to the best means to put an end to an evil which threatened to destroy even the small remnant of their flocks and herds, that had escaped the destruction and spoilation of war.

A secret organization, known as "the Vigilance Committee", was organized. It consisted of some 260 members of the Chickasaw tribe, and was closely identified with similar organizations in the other Indian Nations. The people of this tribe, like those of other Indian tribes, were and are, by nature, very reserved and prone to a certain degree of mysterious secrecy as to their own movements and intentions. The members of the tribes, of the Indian Territory, are said to have had in ancient times a sort of free masonry, based upon their beliefs in the supernatural. Then, too, they had that democratic and altruistic idea of all

working for their common good. These conditions greatly favored the development and operation of such organizations as "the Vigilance Committee".

The methods or plans of operation adopted by the members of the Vigilance Committee were simple and severe. The range was constantly patrolled by mounted men who were on the lookout for suspicious characters. When one of these was found and apprehended he was required to give an account of himself. If any one of the intruding negroes was found on the range, away from his settlement; he was taken into custody and severely whipped. When he was liberated he was enjoined never to be caught away from his settlement again. If a negro was caught with a killed beef or hog, or with a stolen horse, he was summarily executed, usually by hanging.<sup>3</sup>

The negroes, who had a legal right, were permitted to cultivate as much land as they needed, to raise necessary food, and feed stuffs for each family. There was a provision made for negro freedmen, of the Indians, in the treaty of 1866.<sup>4</sup>

By 1869, conditions were almost normal again in the Chickasaw Nation. The troublesome intruders had either been subdued, killed or forced to leave the nation. The Indian agent for this tribe, reported the general state of the nation to be flourishing. Abundant crops were harvested, and quiet and peace reigned throughout the country. The crop of oats which was sown, in many instances for the first time, had yielded a bountiful harvest. The Chickasaws had a neighborhood school

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3 Ibid., p. 376

4 Constitution and Laws of the Chickasaw Nation, p. 497



system which was operating very successfully. The boarding schools were filled to capacity, with prospective scholars on a waiting list. Several youths were being educated in eastern colleges at the expense of the nation.<sup>5</sup>

The condition of peace and harmony was due to a large measure to the missionaries on this field, and to the cooperation of the federal government with the Indians. These agencies had led these people to become agriculturists. These Indians were occupying comfortable homes, located on well tilled farms. They owned horses, sheep, cattle and hogs in abundance, plenty for themselves and some to sell. There was a church in every settlement. Each religious service was well attended by eager listeners.<sup>6</sup>

The problem which the intruding whites brought to the Indians was being handled very successfully by the latter. Many whites came into the nation with the building of the railroads. The federal government probably foresaw this, as article XVI, of the treaty of 1866 provided that in case whites entered the Indian Nations they would be admitted on the payment of a license fee. The fee to pay for the use of land and timber.<sup>7</sup> The fee ranged from \$5 to \$15 per annum, for each white who came in to work; traders were compelled to pay as fee or tax, a percent of the value of the goods sold. If a non-citizen refused to pay the permit tax, he was requested to leave. As early as 1890 there were

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5 Report of the Commissioner of Indian Affairs, 1869, p. 37

6 Ibid., p. 115

7 Op. Cit., p. 498

nearly as many whites in the Chickasaw Nation as there were Indians.<sup>8</sup>

The Chickasaw legislature passed a law in 1876 to legalize marriages between non-citizens and Indians. This law provided that any non-citizen who had been a resident of any county in the nation for two years, and who had a good moral character, and industrious habits; and was recommended by five good responsible citizens, might obtain a license to marry a citizen of the nation upon a payment of fifty dollar license fee. This marriage, however, gave the non-citizen the rights of citizenship in the nation. There was a condition to this law, requiring that the applicant should not have divorced a former mate, either in the nation or elsewhere.<sup>9</sup> This law encouraged the whites to come into the nation, to secure the privileges of marriage and land owning. The influence of the whites was to be seen in the daily life of the Indian. The homes were being constructed of more substantial materials, surrounded by good out-buildings and enclosed by fences. The Indians wore the same styled clothes as his white neighbor, or intermarried relative. The whites gave the Indian the idea of stock raising on a larger scale. The various members of this tribe owned 11,000 head of horses, 500 mules, 30,000 head of cattle, 100,000 swine, 1000 sheep, and poultry of every kind.<sup>10</sup> Soon the system of large land holding developed, and there was a large number of Indians who had hundreds of acres of land, under control. This system met the approval of the Indian agent, who thought the Indians would

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8 Report of the Commissioner of Indian Affairs, 1880, p. 104

9 Op. Cit., p. 143

10 Op. Cit., p. 297

soon adopt the customs of the white man thereby making the citizens ready for state hood at an early date.<sup>11</sup> This change in land holding, also, had another good effect; the shiftless negroes were forced to work or move out of the nation. On receiving numerous complaints from the negroes within the nation, the Indian Agent requested Congress to pass legislation for the relief of the blacks. The bill, as drafted by the agent, proposed the following measures:

1. That such freedmen who consent thereto shall be removed from the Chickasaw Nation to lands ceded to the United States, in 1866 by the Creeks and Seminoles.

2. Two officers, one chosen by the Indian Agent and one chosen by the Chickasaw Authorities, shall determine which freedmen will consent to move or be moved.

3. The freedmen shall be paid, for any improvement they might have made on land, out of the funds of the Chickasaws.

4. That each freedmen who moves shall be paid \$100. from the funds of the Chickasaws.

5. Those freedmen who do not choose to move will be classed as "other citizens of the United States", and be forcibly moved.<sup>12</sup>

This attempt to rid themselves of their freedmen was a futile one. The Department of Interior had decided to place certain Indian tribes in the district, the negroes were to have been removed too. The negro problem solved itself. They moved to the many towns, along the railroads, in large numbers. Those who remained on the farms soon settled down help-

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11 Report of the Commissioner of Indian Affairs, 1868, p. 134

12 Ibid., p. LX.



ing the land owner in the many capacities of a farm helper.<sup>15</sup>

The settling of the many towns and villages was one of the chief factors in the raising of the social standards of the Chickasaws. Now they mingled with the banker, merchant, ginmer, stock buyer, lumber dealers, and the professional men. The young men and women of both races attended the same functions, social and public.

The Indians were deeply interested in politics. During campaigns there would be held a series of picnics throughout the nation, one following the other. The various candidates would have their platforms printed, and distributed. They would furnish barbecued meat and bread for dinner, as an attraction to get the voters to assemble. There would be stump speeches, hand shaking and political medicine of all kinds brewed. The crowds would be composed of Indians, of all degree of blood, whites who were intermarried, adopted, or those who came for pastime or curiosity. The picninc would often last for two or three days and nights. At night there would be a dance in which the young men and ladies of both races seemed to enjoy to the fullest extent. With the opening of the twentieth century it was difficult to distinguish between those who were part Indian and those who did not possess one drop of Indian blood in their bodies. With the opening of the independent colleges and public schools the class or race distinctions were lost.

The, so called, camp meeting was an annual affair for all in the nation. The citizens, of both races, would each donate an animal, which was to be slaughtered, and cooked to feed the congregation. The meeting

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<sup>15</sup> History of Indian Territory, p. 102

would be held near a spring, where there was plenty of shade. Everyone went to the appointed place, at a specified time; prepared to camp there for two, three or four weeks. Notices would be put in the newspapers, inviting outsiders to come and take part. Ministers would be there representing two or three denominations. There would be three religious services each day. The time between the services was spent in visiting and having a good time. Many a young man found the choice of his heart at one of these camp meetings. Another very interesting thing was the absence of religious rivalry in these meetings. The different preachers would not preach doctrine or sectarianism. There would be shouting and singing until midnight. These meetings were of untold benefit to the people in several ways. They broke down race distinction; they destroyed class levels; they brought a better understanding to each race of the other. All problems and questions would be discussed, and many definitely solved.

The Indians had their ball games, which were usually played every Saturday afternoon through the summer. The teams would be composed of the best players in the community, regardless of race. The games were played hard and fast, but the losers were usually good sportsmen. Everybody attended these games as they were a sort of a social affair. After the ball game then would be a "play party" at some near by home. The summers were long and pleasant, the many boys and girls were home from school for the vacation period. It was indeed a time for the enjoying of parties, picnics and social activities.

A source of much pleasure was the circus, which usually came to the larger towns every two years. The people would come for miles, from all directions, to see the circus. The audience would not be restricted to

any age, race or sex. Everybody went. This was **one** form of amusement that never grew old. Many men and women were to be found who were nearing their three score and ten years of age and had not missed seeing the circus since they were children.

The people enjoyed celebrations and parades. Easter Sunday was always observed by the egg hunt. People would assemble by the hundreds to witness the hunting of the eggs by the youngsters. It was a difficult matter to determine who enjoyed the hunt the more, the adult or the children. Christmas was another celebration enjoyed by the people of the nation. There would be a community tree with practically every one participating. In those days none were rich and none were poor. Every one would get one or more gifts off the tree. This was a time for parties and dances. The fourth of July always meant a picnic, usually a two day event with free meat, bread, pastries and ice water for all. The meat would be donated by the land owners and the bread by the merchants. The pastries were home cooked and furnished by the women folk from every home. It was not uncommon to see five thousand people attend a picnic, held in a small village. The people would come miles to enjoy the privilege of visiting with relatives or friends. The wild horse riding and steer roping was a feature of most of the picnics. The winners would often receive handsome prizes, in money or perhaps a fine saddle, bridle, boots and spurs. From this entertainment we have developed the rodeo of today.

Everybody received an invitation to the weddings. They were gala, but very informal affairs. There would be a dinner or supper to which all were invited, then an all night dance. The custom of going away for the honeymoon was not in vogue in the nation until recent times.



When a death occurred in the community most every one offered his help. The people were never too busy to help bury a neighbor. They would also help the bereaved family with money, food, or labor.

If a neighbor suffered a loss by having his home burned, or barn destroyed by fire or storm, there would be a gathering of friends. These friends and neighbors would contribute money, food, furniture, and other necessities to the unfortunate family. The people helped one another in their farm work, and roundup of cattle. The roundup was very popular with the young men. They enjoyed the roping and branding of the young stock. The horses, mules, and cattle were branded until about 1910. Practically all the young men wore the apparel of the cowboy -- boots, spurs, big hat, and handkerchief about the neck.<sup>14</sup>

The closing of the boarding schools was attended by hundreds. The parents and friends of the students were entertained for days by the school authorities. The exercises generally lasted a week. It was a time of feasting, programs, and merry making for the young people. The parents enjoyed visiting with each other.<sup>15</sup>

The homes of the land holders, and better class of the whites were very comfortable. Many of them were large two story structures with wide porches. They had from seven to fourteen rooms, and usually were built on a hill or high ground, located about two hundred yards from the road. There was an orchard on most of the farms. The farm home with the several out buildings made a pretty picture. The land owners had

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14 Herbert Work. The Problem of Indian Administration, pp. 630-661

15 Ralph J. Hall. Bloomfield Indian School and Its Work, p. 33

cattle, horses, and mules in the pastures. Hogs were kept in small fields or lots, until time to fatten them, then they were put in a feed pen. Poultry was cheap and plentiful.

The work, in the field and home, was done by hired labor. Most of the cooking and laundrying was done by negro women. The field work was done by white labor. Whites and Indians would not work on the same job with a negro. The large land holders used all negro labor, in many cases, handling them almost by the same method used in slavery times. Every home was supplied with fruit from the home orchard. The common fruits, peaches, apples and pears, yielded fine harvests. There were two fruits to be found near every home, the Indian peach and the Chickasaw plum. The peach is almost an extinct fruit today. Each family canned or dried fruit for winter use. Cane was planted by all the farmers, that they might be assured of having molasses on the table. Molasses was stored in barrels and drawn out as needed.<sup>16</sup>

There was very little difference in the style and material of the clothing worn by the Indians and whites. Common wearing apparel was easily procured, as there were one hundred thirty-six towns and villages in the nation with a population of more than two hundred each. There were near one hundred more smaller hamlets scattered throughout the nation. There were large towns scattered throughout the entire territory where the better style of clothing might be purchased.<sup>17</sup>

After 1902, the incorporated towns of 2,000 people were permitted

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16 History of Indian Territory, pp. 83-84

17 Report of Commissioner of Indian Affairs, 1904, Part I, p. 301

to vote bonds for civic improvements. Most every town voted bonds for schools, sanitation and electric plants. The advantages in the nation were as good as those in cities and towns of the same size in the neighboring states.<sup>18</sup> There were few full blood Indians in the nation, only 1533, and about 200,000 whites and mixed bloods. It is easily discerned the society was dominated by the whites. One coming to the nation on a first visit would not have been able to identify the Indians present at a social affair. The nation had been assimilated by the intruder before the advent of statehood.

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<sup>18</sup> House Document No. 19, 58 Cong., 3 Sess., p. 111



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## APPENDIX

### The Historical and Biographical Sketch of the Life of A. N. Leecraft

I was born in Union, South Carolina, November 22, 1866; the son of Benjmin and Susan E. Leecraft. In 1874, at the age of eight years I moved with my parents to Sherman, Texas. At this time, higher educational facilities were very meager. There was only one high school in the state of Texas. This one was located at Denison, where I received my high school education.

After the death of my father, we moved to White Bend Hill, Indian Territory, Chickasaw Nation, ninety miles from the nearest railroad which was Missouri, Kansas and Texas.

There was a stage line from Caddo, Oklahoma, (now in Bryan County), to White Bead Hill, the terminus being Erin Springs, now in the vicinity of Lindsay, Oklahoma. At the time I lived at White Bead Hill, the village consisted of two stores; while Pauls Valley, located a short distance away, had only one store.

In 1884, the Santa Fe railroad was built, missing White Bead Hill, which built up the fine little village of Pauls Valley and put out of business the thriving little village of White Bead Hill.

The only industry at this time was cattle raising. The cowboy and round ups were the big attractions of the day. The only crop we raised was corn, principally for use of feed for the horses. Native grass was as beautiful and abundant as our Creator could make it. Great herds of thriving cattle grazed lazily underneath the twinkling sun, while all kinds of wild game calmly went about them in search of food.



The happy contented Indians leased the grass lands to cattle owners from Texas.

There were many white men living among us who paid a permit of \$5. to reside in the Indian Country in addition to a fee for the grass.

There was not a cotton gin what is not the State of Oklahoma. A bank was unheard of in these parts, money was kept in leather pelts and worn on the body or in tin buckets, buried in a marked place.

There were no bridges or culverts; traffic was going over natural roads where there was the least resistance.

Rivers were crossed by ferry or was forded. Candles and kerosene lamps afforded the light. A telephone was the talked of invention we wished to possess some future day.

When the President of the United States was elected, it took several days to get the election returns. I remember we waited almost a week for the election returns when Grover Cleveland was the successful candidate in 1884. The mail was received by stage line twice a week.

There were no free schools in what is now the State of Oklahoma. At White Bead Hill, Pierce Institute, a boarding school for girls was located. Not a trace of it now remains. The Chickasaws were sent to Pierce, or to Sacred Heart Mission near what is now Shawnee, or to the Catholic Girls School at Denison, Texas.

The whites and the Indians got along peacefully, with one exception. Governor B. F. Overton, of the Chickasaws, objected to the cattle industry and to the business of being carried on by Texas cattlemen. The Governor had the wire fences cut down and the cattle removed. These pastures covered thousands of acres.

The tribal schools strictly for Indians flourished and were great institutions. Notably in the Chickasaw Nation was Harley Institute for boys, which was located at Tishomingo, the capitol of the Chickasaw Nation, and Bloomfield Seminary for Girls, located at Colbert. Bloomfield Seminary burned and was later rebuilt at Ardmore, where it is known as Carter Institute, and is a leading school for Chickasaw girls, which under the control of the federal government. Appropriations for its maintenance being made by the Congress of the United States.

The present and last elective governor of the Chickasaw Nation, Douglas H. Johnston, was Superintendent of Bloomfield, and his niece, wife of William H. Murray, recently Governor of Oklahoma, was one of its teachers. I had the pleasure and honor of serving as a member of the Board of Trustees.

These institutions ceased as tribal schools with the breaking up of Tribal Government. Graduates from these Indian schools are still active, and number among the best citizens of Oklahoma.

At the time I lived at White Bear Hill, and until allotment of lands to the individual citizen, lands were held in common. That is the title was vested in the tribe. The individual Indian could fence up and cultivate all the lands he could obtain wire and posts to use for that purpose. He had no taxes to pay, and was therefore, prosperous.

The pretty streams abounded in several kinds of fish, while wild game was plentiful everywhere. There were no butcher shops or packers in the State. When meat was needed, the hunter went forth to kill, and brought back venison, or wild turkey, these being the choice. Prairie Chickens and the lovely little quail covered the prairies.

The Indian was in his haven in those "good old days" as they refer

to them. He knew nothing about mortgages or taxes. He was free and unencumbered.

For social life he attended the big roundups and barbecues. The neighbors donated cattle and hogs for the barbecues and picnics. At these gatherings, the old fiddlers furnished music for square dances.

A few churches were dotted over the country, principally carried on by missionaries sent to the Indian Territory by missions of the Methodist, Baptist, and Presbyterian Churches. The Indian Territory was known as a Foreign Country and the preachers were paid from Foreign Mission funds. The New England states took a leading part in this religious work, and had sent missionaries to preach to the Chickasaws in Mississippi before they were brought to this country from their ancient homes East of the great river under what is now referred to as "The Trail of Tears".

In the old days here preceeding the advent of Statehood, the camp meeting with brush arbors were great occasions. Hundreds from many miles around would assemble and camp on the ground until the series of meetings were concluded.

This composed the form of amusements and social life of the seventies and eighties. No one ever dreamed of this day of dynamic society.

Now as for my activity, my first position was clerk in a General Store of my uncle, L. L. Stowe, firm of Stowe and Myers, of White Head Hill, from 1882 to 1884. Mr. Stowe was later U. S. Marshall of the Southern District, while Mr. Myers served as County Treasurer of Carvin County, County Seat of Pauls Valley. In 1884 I moved back to Denison, Texas, and in 1895 I was married to Miss Lelah Maupin, a member of the



the Chickasaw tribe of Indians. Four children were born to this union and are all living. Bertram M. Leecraft, Colbert, Oklahoma; Mildred (Mrs. H. L. Williams), Durant; Francis (Mrs. F. E. Maytubby), Oklahoma City; and Donald S. Leecraft, Washington, D. C.

Mrs. Leecraft passed away July 27, 1921 in Oklahoma City. With her intelligent aid we organized the Leecraft Mercantile Company at Colbert, in July 1896, which is still in progressive operation. It is the oldest mercantile establishment in what is now Bryan County.

I have enjoyed holding a number of offices. I served four years as State Treasurer, Secretary to Governor Robert L. Williams, member of the State Board of Affairs, and I was Secretary of the State Capitol Commission at the time the new Capitol Building was erected. I was State Highway Commissioner and also State Treasurer. In 1925 I was elected to the State Legislature from Bryan County and am now a member of that body, having been elected to Eleventh, Twelfth, Thirteenth, Fourteenth and Sixteenth sessions.

This, Jim, is my epistle concerning myself, Indian Territory and its activity.

Yours sincerely,

A. N. Leecraft  
Durant, Oklahoma

## THE HISTORICAL AND BIOGRAPHICAL SKETCH OF THE LIFE OF GREEN THOMPSON

I was born November 25, 1871, Tishomingo, Chickasaw Nation, Indian Territory, son of Thomas Jefferson Thompson and Lousina J. Harkins-Thompson. My father held several offices in the Chickasaw Government; the only two that mother told me about were Sheriff and County Clerk. After my school days at the Harley Institute I came to Durant, Blue County, Choctaw Nation, and the honor of holding office went to my brothers -- Thomas B. Thompson, who was National Treasurer, and Jacob L. Thompson, National Secretary and Attorney General.

I received my early schooling in Pickens County neighborhood schools, Tishomingo Male Academy, and one year in Grayson College at Whitewright, Texas. On the 19th day of February, 1895, I was married to Minnie Beatrice Kingsbery of Colbert, Panola County, Chickasaw Nation. To us three children were born -- Lee Edward Thompson, Durant, Oklahoma; Rubye Lorena Thompson-Keenan now of Tulsa, Oklahoma; and an infant baby who died a few days after birth.

My father had only one slave and she died in 1935 near Bokchito, Oklahoma.

The lands of the Chickasaws and Choctaws were held in Common, and any citizen could fence and use as many acres as he had money to fence. The Washington brothers owned a pasture ten miles square, and Governor Wilson Jones' pasture was fifteen miles square.

Frank Colbert owned one thousand acres of cultivated land in Red River bottom, and worked it with negroes. He owned a gin and commissary.

Religious opportunities were good as we had several missionaries sent here by the Methodist and Presbyterian Churches.

My first visit to a religious meeting was in 1871, and have had opportunities until November 25, 1937, and hope to have thirty-four more years that will make me one hundred years old.

Town ball and later baseball, fishing, and hunting were my principal forms of recreation during the early days of the Indian Territory.

In my section of Chickasaw Nation we did not have any trouble with the whites. They came here from several states and most of them were law abiding people.

In some parts of Indian Territory the negroes gave us trouble but not in the southern part. My father worked negroes for several years after they were freed.

One law that the Chickasaws had that was different from most countries was that of whipping for stealing. For the first offense thirty-nine lashes were given on the bare back, and the offense was hanging. A prisoner, if convicted for stealing, was given so many days to be with his family before the day to be whipped, on that day he was to be whipped he came back and took his punishment like a man. We had a permit law passed by the Chickasaw Legislature on October 17, 1876, and repealed September 23, 1893. During that time the land owner had to buy a permit for his tenent \$5.00 for single hand \$2.50, most of the citizens made their tenent pay for the permit.

The dances of the Chickasaws were Pashofa, Square and Round Dances. The Pashofa is held when some one is sick and the Medicine Man has charge of the patient. He doctors his man with teas and herbs gathered from the woods. After the Medicine Man is through with his ceremonies, they eat the Pashofa that has been cooking for several hours and dance in a circle around a man that is beating a tom tom.

Greenwood Thompson, Durant, Oklahoma



HISTORICAL AND BIOGRAPHICAL SKETCH OF THE LIFE OF MINNIE BEATRICE  
KINGSBERY-THOMPSON OF DURANT, OKLAHOMA

I was born at Colbert, Panola County Chickasaw Indian Territory, the 28th day of May, 1875.

My father, Charles Bradford Kingsbery, was a soldier of Ft. Washita, C. N., and my mother, Minerva J. McCoy of McCoy Hill, Chickasaw Nation. My father was County and Probate Judge of Panola, 1877 and 1878. He was appointed Post Master at Colbert, in 1881, Chickasaw Nation.

I was a student at Bloomfield Seminary, a Chickasaw school in southern part of Panola County, C. N.

I was married to Greenwood Thompson the 19th day of February, 1895. To that union three children were born -- Leo Edward Thompson of Durant, Oklahoma, and Rubye Lorena Thompson now Keenan of Tulsa, Oklahoma; the baby passed away at birth.

We had good religious opportunities and educational facilities. In the early part of my life there were church and school entertainments, picnics and parties.

The whites were here before 1875, and we had no trouble with them. In 1876 there was passed a Permit Law requiring all Citizens to buy permits for all renters on their farms -- \$5.00 for tenants and \$2.50 for single hands. I have a letter signed by several Citizens of Panola County, Chickasaw Nation, requesting the County Judge to give them his opinion as to the legality of the law, and I also have a copy of the answer to them which is as follows: "As County Judge I have not the right to pass on this law but that power is with the Attorney General of the Chickasaw Nation. As a Citizen I do not approve of the law, but as County Judge I will have to enforce the law."

The land was held in Common until allotment, and during that time any Citizen could hold as much land as he had money to buy wire to fence.

Mrs. Green Thompson

## FACTS FROM J. HAMP WILLIS

I was born on the banks of Red River, April 17, 1873, in the Indian Territory, near what is now Willis, Oklahoma, Post Office.

My father was Raleigh Britton Willis born also at Willis, March 12, 1853, and his father and mother, J. Hamp Willis and Elvira Love-Willis came with the Chickasaws on their march from Mississippi. Willis was a white man and his mother a Chickasaw.

My mother was Margaret J. Page before her marriage to father. She came to Indian Territory, from Arkansas, when one year old and lived near Atoka and Stringtown Indian Territory until sixteen years of age and moved down on Red River to what is now Willis, Oklahoma. She married my father in 1872. She died at eighty-two years of age.

My father, Britt Willis, served in both houses of the Chickasaw Legislature and as District Judge, Permit Collector, Sheriff, and Constable.

I held offices in the Chickasaw Nation as follows: Timber Agent, Permit Collector, Constable, and Lower House of the Legislature, and was Chickasaw Mining Trustee, and served for more than seventeen years for one thousand dollars a year. I also served as United States Indian police under Union Agency of Five Tribes about seven or eight years.

I was educated in Log School house in Chickasaw Nation near Willis. Further education was received at Pottsboro and Sherman, Texas.

I was married to Emma M. Harris. Her father was R. M. Harris, Governor from 1896 to 1897 of the Chickasaw Nation. He lived and died at Tishomingo.



I have one daughter, Helen Lenis, now at Stillwater, Oklahoma.

My grandparents owned about twenty slaves, who located over the country not far away. There is one living now at Medill, Oklahoma, who calls himself Bal Willis.

Before allotment I owned about six thousand acres of land.

The citizens in some communities first erected log houses for religious worship and the Presbyterian first had missionaries among the Indians and the Methodists followed later. They held monthly services and their quarterly conferences and later erected pine buildings which were used for school and church purposes.

The Chickasaw Government about 1835 began to erect school houses and employ teachers and pay the parents eight dollars a month as an inducement to send their children to school. They also had four Academies, one in each of the four Chickasaw counties, where they had dormitories. Children from primary grades to graduation were boarded and educated without cost to the parents. In several instances the Legislature appropriated money and sent graduates of their academies to colleges in states with all expenses paid.

Amusements in the nation consisted of ball games, dances, and shooting scrapes. There was very little trouble, if any, with the whites and blacks. The outlaws were quite numerous but when they came to our community they got killed, left the country, or joined the church.

The whites residing in the Chickasaw Nation under our law were required to pay \$500 a year by the head of the family and was issued a permit dated from the first of January and good for twelve months.

There were really no changes in land holding before 1907. All Chickasaws were allowed to locate and improve land for agricultural

and pasture purposes, without limit as to acreage and no one could locate nearer than a quarter of a mile of his holdings without permission.

One unique law of the Chickasaws was in their educational system of furnishing buildings and teachers for neighborhood schools and paying the parents for boarding their own children in lieu of the law to compel them.

They had feasts in my early boyhood where they served Trencher Pochoka, Tomfulla, and Tombocta. The first named item of food was of Indian corn cooked in large kettles with pork; the second item of food was corn with the same preparation but cooked in clear water, resembling our hominy, and was eaten fresh or allowed to sour but was mostly preferred sour. The corn was beaten with a long pole larger at the bottom and tapered smaller at the top. After the corn was placed in a mortar which was dug in the end of a green oak log cut to a length of three feet it was beaten. This corn, after being beaten, resembled our hominy grits except this was left about one-third of a grain in size and both of the above were eaten with spoons made of oaks horn, and the latter item was prepared by carefully parching whole grains of corn to a cherry brown and then was beaten in the mortar as fine as ground meal and the English name was cole flower and was placed in a vessel with clear water and was sweetened to taste and eaten with a horn.

Before our general elections for the county and national offices, we gathered the day before and held our nominating conventions at night. We generally had barbecued meats and brought the bread seasonings and coffee from home.

We had two political parties in the Chickasaw Nation called progressive and non-progressive and we wrote the names of the candidates and the offices for which they aspired diagonally across the top of a sheet of paper which was about three feet wide and as long as necessary by pasting other paper at the bottom. Lines were drawn perpendicular from the names to the bottom of the sheet and horizontal lines were drawn across the sheet and the voter's name was placed on the left hand margin. The clerk would call the name of each candidate and the office to which he aspired, and the voter by word of mouth would call the name of his candidate for whom he wished to vote, and a mark was placed in the square under the candidate's name and opposite the name of the voter.

Respectfully submitted for your consideration,

J. Hamp Willis

Kindston, Oklahoma

December 22, 1937



## HISTORICAL FACTS FROM HOLMES COLBERT

I was born at Colbert's Ferry on Red River February 25, 1863. My parents were Frank and George Ann McCarty.

In 1894 I was elected to the Chickasaw Senate. In 1896 I was elected one of the delegates to Washington to oppose the violation of Indian Treaties and allotment of our lands and abolishing of our tribal governments. In 1897 Congress passed the Curtis Bill allotting our lands without our consent and without any kind of title provided the Chickasaws and Choctaws did not enter into an agreement within one year. This act resulted in what is known as the Atoka Agreement. I was a member of the Commission on the part of the Chickasaws and am the only one living who was forced to sign that unjust treaty. Every member of the Chickasaws and Choctaws and every member of the Dawes Commission have long since gone to their reward. That agreement provided that the United States government would allot the lands of the Chickasaws and Choctaws and wind up their lands within eight years without expense to them. It has now been forty long years and we have been bled white with attorney fees and court costs. The Chickasaws have no more to say in the management of their affairs than a tribe of negroes in South Africa. The government which boasts of its Christianity continues to feed a bunch of political stump seekers out of the Chickasaws' money, while the majority of them are begging for bread.

I was educated in our tribal schools; I also attended a private school in Sherman, Texas. From there 1884 and 1886 I attended the Law School and Washington and Lee University at Lexington, Virginia. From there I graduated from Bryan and Stratton Business College at Baltimore, Maryland.

My first wife was a daughter of Governor B. S. Overton by whom I had one son, who is an artist and lives in Santa Fe, New Mexico. In 1898 while representing the Chickasaws in Washington, I met and married Bessie Hobson, who was a cousin of Richmond P. Hobson. By that union we were blessed with a daughter, who is now a teacher in the high school at Las Cruces, New Mexico.

My father owned forty slaves; when they were freed they scattered all over the land. I know of only one of them who is now living: my old nurse who lives three miles west of Colbert on her forty acre allotment. She says she is one hundred and four years old.

Like all pioneers, religious opportunities were not what we desired. We were dependent upon what few missionaries who could make the sacrifices necessary in those days.

Under the Treaty of 1837, when the Chickasaws migrated to Indian Territory, white traders were welcomed to settle among us.

Educational facilities were poor, but the Chickasaws and Choctaws, always being a Christian people, lost no time in building churches and school houses. We had no trouble with either whites or blacks until the government forced allotment and Statehood. We did not have as much trouble without laws as we are having now.

The Chickasaws drew much of their revenues from what was known as the Permit System. White merchants were charged a small percent upon the amount invested and common laborers were charged five dollars per year for the privilege of remaining in the Chickasaw Nation.

I trust that I have given you some information that will be of service to you.

Sincerely and truly yours,

Holmes Colbert

Typist—Lucy W. Victor