

The JOURNAL

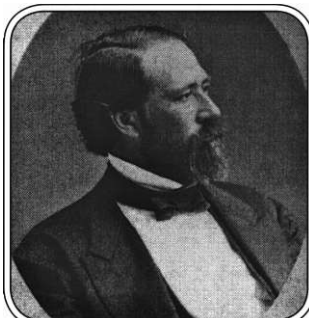


Uncovering the Black History

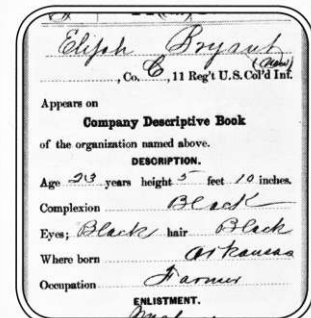
of Western Arkansas and Indian Territory



Brazil Cemetery:
*The Grave Marker
of Thomas Blackwater*



Sidney Barnes:
Connection to Billy the Kid



**African-Descended
People:**
Enslaved and Free



MISSION: mission of the Fort Smith Historical Society, Inc., founded in 1977, is to publish *The Journal of the Fort Smith Historical Society* and through *The Journal* and other activities to locate, identify and collect historical data; to publish source materials and historical articles, all pertaining to the City of Fort Smith and the immediate surrounding area. Preservation of Fort Smith history is our primary mission and to this end, we always welcome the loan of Fort Smith historical material and will return it promptly.

MEMBERSHIP & ORDERS: *Journal* back issues are available. Cost for the current issue is \$7.50 plus a \$2 mailing charge per copy. Cost for past issues is \$4 plus the \$2 mailing charge. A composite index for Volumes I through IX is available for \$10 plus a \$4 mailing charge. Cost for the complete set of Journals, Volumes 1 through 33, is \$225. Volumes I and II will be reproduced copies, as these copies are no longer available in original form.

Membership in the Fort Smith Historical Society includes a subscription to *The Journal of the Fort Smith Historical Society*, which is published semi-annually. Correspondence concerning current or back issues of *The Journal* membership dues, and all business matters, should be sent to:

Fort Smith Historical Society
Attention: Nancy Ciulla, Treasurer
P.O. Box 3676
Fort Smith, AR 72913-3676

QUESTIONS pertaining to the Fort Smith Historical Society or *The Journal* should be addressed via e-mail to:

Jerry Akins	thepoet13@cox.net
Joe Wasson	joe@efortsmith.com
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VISIT OUR WEBSITE! <http://www.fortsmithhistory.org>
Our website is updated regularly and contains information on the Organization, Membership, Back issues: How to order, Tables of Contents of Back Issues, Contacts & Links, Archives, and a Gallery of Historic Images: Views of old Fort Smith.

See the Google group, Fort Smith History Forum, for a bulletin board of current research questions. Readers may post their own research questions or topics in hopes of furthering their own research.

Webmaster: A1 Whitson, webmaster@fortsmithhistory.org

MANUSCRIPTS: Submissions of all types of Fort Smith, Arkansas, related materials including previously unpublished family Bibles, diaries, journals, letters, old maps, church minutes or histories, cemetery information, family histories, and other documents are welcome. Manuscripts, including quotations and footnotes, must be double-spaced, using *The Chicago Manual of Style* (University of Chicago Press). Footnotes should be numbered consecutively in the text, assembled at the end of the article, along with a list of any additional sources. The author's name, address, phone number and e-mail address should appear only on the title page. Manuscripts may be submitted on CD disks, using word-processing programs supported by Windows. Photographs should be duplicates or submitted in digital format, documents should be photocopies, as they cannot be returned. Manuscripts are subject to editing for style and space requirements. All articles and images accepted will become the property of the Fort Smith Historical Society, Inc. unless return is specifically requested. Submit to:

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We welcome the loan of Fort Smith historical material and will return promptly.

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The JOURNAL

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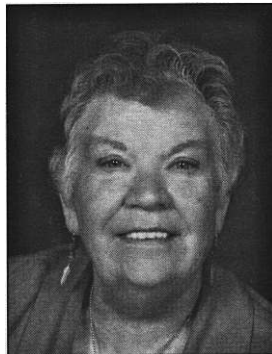
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News & Opportunities

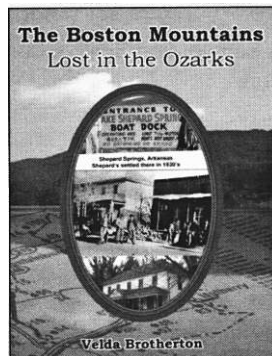
MARK YOUR CALENDARS

Fort Smith Historical Society
2010 Annual General Membership Meeting
Thursday, April 15, 2010
6:30 p.m.
Riverfront Park Events Building
121 Clayton Expressway and North B

Velda Brotherton of Winslow, author of fiction and non-fiction books with the historical Ozarks as their setting, will be the guest speaker for this meeting of the Historical Society. Brotherton will present her two latest books, *The Boston Mountains: Lost in the Ozarks*, and *Arkansas Meals and Memories: Lift Your Eyes to the Mountains*. A short business meeting will follow with board members and officers to be elected at this time.



VELDA BROTHERTON



The public is welcome to attend and encouraged to join the Fort Smith Historical Society, which publishes the twice-yearly *Journal* and operates the World War II Oral History project, (479) 646-9140
www.fortsmithhistory.org.

New Membership Category

Joint Membership—\$100

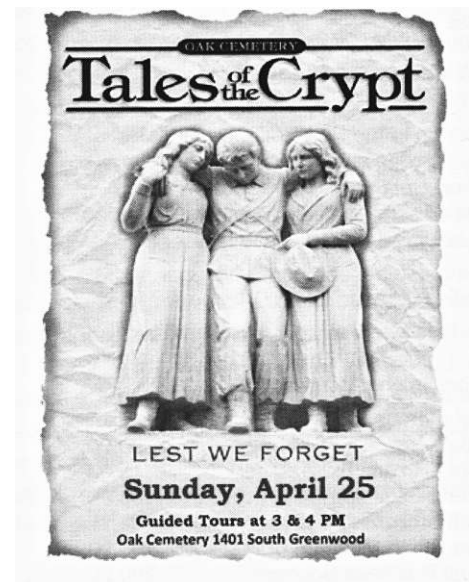
The Fort Smith Historical Society and the Fort Smith Museum of History are providing a Joint Membership of the two organizations. An annual

membership in the amount of \$100 will include the following benefits: Two annual issues of *The Journal of the Fort Smith Historical Society* (published April and September); and from the Fort Smith Museum of History, unlimited admission for two (2) specified adults and immediate family members, newsletters, invitations to two annual membership events plus gallery openings and programs, and a 10 percent discount in the Museum of History Gift Shop.

When renewing your membership in the Fort Smith Historical Society for 2010, please consider becoming a Joint Member for the amount of \$100. Send your check to:

Fort Smith Historical Society
P. O. Box 3676
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13th Annual Tales of the Crypt



Sunday, April 25, 3 to 5 p.m.
Historical and Educational Guided Tours
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Event for all ages! Admission is free!
Oak Cemetery
1401 South Greenwood Avenue
Call (479) 784-1006
www.fortsmithparks.com

Call For Submissions

Fort Smith Historical Society
to Celebrate the Sesquicentennial
of the Civil War

Arkansas will commemorate the 150th anniversary of the American Civil War in 2011. We are planning to dedicate the spring issue, April 2011, of The Journal of the Fort Smith Historical Society, to this event. Manuscripts dealing with this period in the history of Fort Smith and the surrounding area are invited, and should be submitted to:

Managing Editors
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P.O. Box 3676
Fort Smith, AR 72913-3676

Submission must be received no later than November 30, 2010.

Manuscripts, including quotations and footnotes, must be double-spaced, using The Chicago Manual of Style (University of Chicago Press). Footnotes should be numbered consecutively in the text, assembled at the end of the article, along with a list of any additional sources. The author's name, address, phone number and email address should appear only on the title page. Manuscripts may be submitted on CD disks, using word-processing programs supported by Windows, or by email to info@fortsmithhistory.org. Check our website for additional information www.fortsmithhistory.org.

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Memorial and Commemorative Gifts Important to the Historical Society

When making a gift to honor or remember someone important to you, please think of the Fort Smith Historical Society. Gifts may be made in memory of a loved one, or in honor of a birthday, graduation, anniversary or other event.

Memorial gifts are a beautiful and lasting way to honor those who are dear to us. All memorials and commemorative gifts are acknowledged with a letter to both the donor and the family of the person honored.

Here's another idea: If you particularly enjoyed a feature in *The Journal*, show your appreciation for a subject you found interesting by making a contribution in honor of the writer.

A contribution to the Fort Smith Historical Society supports the publication of *The Journal*, which is placed in libraries and schools, and becomes an important part of the historical record of our region. *The Journal* is indexed by the Boreham Library at the University of Arkansas-Fort Smith, with the index carried on its website. UAFS is also developing a site with complete, downloadable copies of *The Journal*, accessed on the UAFS website.

Gifts and legacies are tax deductible and may be made in any amount. The Fort Smith Historical Society Inc. is a nonprofit organization under Sec. 501 © (3) of the Internal Revenue Code of 1954. FSHS has the financial management tools in place to accept gifts of stock and property. This arrangement gives our board members the assurance that our donors are assisted with their financial planning. Our charitable gifts brokerage account is with Wachovia Securities, account No. 7015-5007. For assistance, call Tom Ashwood, (479) 452-6760 or 1 (800) 283-6760.

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Uncovering the Black History of Western Arkansas and Indian Territory



PHOTO COURTESY OF DENNIS SILER

PRESENTERS AT THE BLACK HISTORY CONFERENCE, held February 6, 2010, at the Clayton House in Fort Smith, included, from left, Thomas Iverson, Guy Lancaster, Verdie Triplett, Tonia Holleman, Bryan McDade and Angela Walton-Raji. Dr. Robert Sanderson and Joe Hamilton, not shown, also were presenters at the event.

Historic Symposium

Clayton House, February 6, 2010

By Dennis J. Siler, Ph.D.

Most Fort Smithians know something about Bass Reeves, the famous African-American marshal who brought so many criminals to justice at Judge Parker's court. However, many have no idea that Reeves was one of several black marshals serving Parker's court. In fact, many black

residents of the area have contributed in various ways to our rich history, and often these important contributions have gone largely unremembered. Some local historians, however, have put forth an effort to remember the African-American stories that are not widely known.

**ANGELA
WALTON-RAJI,**
*left, and Leisa
Gramlich speak at a
luncheon at the Fort
Smith Museum of
History.*



PHOTO COURTESY OF DENNIS SILER

For the second consecutive year, Fort Smith was the site of a historical conference designed to bridge the gap between historians and interested members of the public. This year's offering, "Uncovering the Black History of Western Arkansas and Indian Territory," discussed the history of African Americans in Western Arkansas and Indian Territory from early settlement through the Civil Rights Movement.

Keynote speaker Angela Walton-Raji, native Fort Smith citizen and current Smithsonian lecturer, presented four workshops to the enthusiastic crowd. Walton-Raji began with a history of free people of color—the first black citizens of Fort Smith, and then moved to the Civil War era and the enlistment of Fort Smith's black Union soldiers in the Civil War. Her next lecture covered years of westward expansion during the Judge Isaac C. Parker era, and finally moving into the twentieth century, the community's adjustment to Jim Crow laws and later integration and the emergence of a New South.

Other topics included an interactive presentation on work songs and music by 2009 University of Arkansas at Fort Smith graduate Joe Hamilton, an astonishing session by Guy Lancaster on the 1904 Bonanza Race War, a presentation on Freedmen issues by Drs. Robert Sanderson and Daniel Littlefield, and a lecture on the preservation of

nineteenth-century African-American life by Verdie Triplett and Tonia Holleman.

During lunch break at the Fort Smith Museum of History, Tom Iverson portrayed the Reverend Francis Springer, post chaplain at Fort Smith during the Union occupation and early Reconstruction period.

Conference chairwoman Leita Spears and her co-chair, Martha Siler, were pleased at the outcome of this historic gathering of black history scholars and enthusiasts. Despite postponement for one week due to bad weather and a change of venue from the University of Arkansas at Fort Smith campus to the boardroom of the Clayton House Museum, the crowd was near capacity size, and the response of those attending was overwhelmingly positive. Plans are already under way for next year's conference commemorating the sesquicentennial of the Civil War in Arkansas.

The conference was sponsored by the Historytellers, Clayton House, the Fort Smith Historical Society, the Fort Smith Museum of History, and the University of Arkansas at Fort Smith.

This conference was supported in part by a grant from the Arkansas Humanities Council and the National Endowment for the Humanities and by a grant from the Fort Smith Area Community Foundation.

The Presenters

ANGELA WALTON-RAJI currently lives in Maryland and works at the University of Maryland, Baltimore County, as the director of Graduate School Recruitment. Walton-Raji has an M.Ed. in Education Administration from Antioch University. She has written several books, including *Freedom's Spirit: An African American Genealogy Journal of Arkansas* and *Black Chronicle of Northwest Arkansas: A Black Genealogy Journal of NW Arkansas History*. She is a native of Arkansas. She is a speaker for the Smithsonian Institute, and she continues to research, travel, and write about the untold stories of America's African-Native people and the black history of America's frontier.

DR. ROBERT E. SANDERSON is a professor of sociology and associate director of the Sequoyah National Research Center at the University of Arkansas at Little Rock. Sanderson teaches several courses pertaining to Native Americans, and his professional interests include writing Native American fiction and researching various topics in American Indian studies.

He is a member of Wordcraft Circle of Native Writers and Storytellers and the Native American Journalists Association. He participates in annual American Indian events, including the Sequoyah National Research Center Symposium, Aboriginal Studies Circle (Canada/Great Britain), and American Indian Symposium at Northeastern Oklahoma State University.

DR. DANIEL F. LITTLEFIELD JR. is director of the Sequoyah National Research Center at the University of Arkansas at Little Rock, which holds the largest known collection of documents related to Indian removal outside the National Archives. He is author, co-author, or editor of more than twenty books related to American Indian studies, among them four books on the relationship between African-descended people and American Indian societies. The Chickasaw Nation will publish his co-written book on Chickasaw removal, and ABC-CLIO will publish his and James Parins' encyclopedia of Indian removal, both in 2010.

GUY LANCASTER is the editor of the online *Encyclopedia of Arkansas History & Culture*, a project of the Butler Center for Arkansas Studies at the Central Arkansas Library System. He holds degrees in English and theology and is a Ph.D. candidate in the Heritage Studies program at Arkansas State University, writing a dissertation on racial cleansing and sundown towns in Arkansas. His work on this subject will appear in forthcoming

issues of *Arkansas Review: A Journal of Delta Studies* and *Arkansas Historical Quarterly*.

TONIA HOLLEMAN has degrees from the University of Arkansas, University of the Ozarks (College of the Ozarks), and Memphis College of the Arts. She is a professional genealogist and researcher and is retired from the Van Buren High School Art Department and is the former head of the Van Buren Public School Art Departments. She is the co-author of *Black Chronicle of Northwest Arkansas* and *Soldiers of Silence: Black Union Civil War Soldiers*. Holleman has written articles for several historical journals. She is in the process of writing *African-American Families: Crawford County and Sebastian County, Arkansas*.

VERDIE TRIPLETT attended Langston University. He is retired from Schlumberger Oil and Gas. He is Choctaw by blood and a Chickasaw Freedman. He currently lives in Oklahoma. This is Triplett's second year with the conference. Triplett loves to find old abandoned cemeteries and to find people to keep them clean. He is interested in all areas of history in Indian Territory. He has been featured in *The Washington Post* and *Ebony Magazine*.

JOE HAMILTON is a recent graduate of the University of Arkansas at Fort Smith's Historical Interpretation program. A professional musician for more than 25 years, he is currently a member of acoustic trio Blue Fiddle, which will release its debut album this spring. The group is a member of the Arkansas Arts Council "Arts on Tour" program. Hamilton is currently working with Second Street Live as community outreach coordinator in an effort to bring professional touring musicians into local classrooms. His presentation, "African-American Work Songs: The Tears of Their Hearts," details various types of work songs and feature archival field recordings from the Library of Congress. Joe and wife Tammy have an 18-month-old son, Dashiell, and live in Mountainburg.

THOMAS IVERSON, a retired military veteran, has been in Fort Smith since 2005, served as bookstore manager at the Fort Smith National Historic Site, volunteered as historical interpreter and guide at the Site, participated in historic reenactments of the Rifle Regiment, Union Civil War, and Night Court at Judge Parker's Court. His interest in Chaplain Francis Springer developed after reading *A Preacher's Tale* by William Furry, a compilation of Springer's journals and articles Springer wrote for the *Fort Smith New Era* newspaper.

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12	<div style="border: 1px solid black; padding: 5px; width: fit-content;"> ENROLLMENT. 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1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-12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from the estates of their slave masters to enlist in the Union Army. *Were there more of them? Who were they, and what were their lives like?*

Some of these men, I learned, had lived in the area, enslaved by prominent men and women of the community. Again I had to ask questions: *Could elements of their lives be learned? Were there others once enslaved among the regiments encamped in Fort Smith or who were recruited to join the U.S. Colored Troops? Did some of them escape? And where did they enlist?*

These questions led to answers, but they also directed me to another population that I had not known existed in this region—Free People of Color. The greatest surprise was to learn some families were free people and not enslaved. *Where did they come from, and what was the quality of their lives?* All of these were the very questions that led to many discoveries about the population of people who settled in this region.

Documenting the history of African Americans in the Fort Smith area requires familiarity with a variety of documents that reflect the history of the region. Among those records are early newspapers, including the *Fort Smith Herald* and the *Fort Smith New Era*, and the federal census records that enumerated the local population. Several free families of color were documented in 1840 and 1850, living in Crawford County. By 1860, they were gone—all of them—Shaving been forced out by the 1859 Expulsion Law that required all free blacks to leave the state before January 1, 1860. Those electing not to leave would suffer the consequences, facing sale on the auction block.

Another unexpected finding that surfaced was the fact that there was a good amount of resistance to slavery in the form of slave rebellions, runaway slaves, and the abolitionist movement. All of these things can be found in local resources, and they reflect the history of the community. The questions that I asked as my research unfolded over the years have led to a number of wonderful discoveries about the community that need to be shared.

Oklahoma Freedmen

Most of the history of the Freedmen is well outlined in the works of Daniel Littlefield, but their personal stories are found in the remarkable records set known as the Dawes Records. More than 20,000 Freedmen, former slaves from Indian tribes, can be found among these records. For those just beginning to document families that were Freedmen, one particular set of documents reflects the Freedmen and highlights the names of the Indian slave owners. These records are known as Enrollment Cards. This data was collected when families came to enroll in front of the Dawes Commission, a body of individuals who interviewed people applying for land allotments prior to the admission to statehood of the new state of Oklahoma.

These records, created between 1898 and 1917, reveal

1311 Reg't U.S.C.T.
Elijah Bryant
 Appears with rank of *Private* on
 Muster and Descriptive Roll of a Detachment of U. S. Vols. forwarded
 for the *11* Reg't U. S. Col'd Infantry. Roll dated *Feb. 1, 1864*
 Where born *Crawford Co. Ark.*
 Age *28* yrs; occupation *Farmer*
 When enlisted *March 16, 1864*
 Where enlisted *Fort Smith*
 For what period enlisted *5* years.
 Eyes *Dark*; hair *Dark*
 Complexion *Black*; height *5 ft. 10 in.*
 When mustered in *March 16, 1864*
 Where mustered in *Fort Smith*
 Bounty paid \$ *100*; due \$ *100*
 Where credited *Fort Smith Detachment*
 Company to which assigned *Waukegan*
 Remarks:
 Book mark:
 (340) *King*

11 (2nd) U.S.C.T.
Elijah Bryant
 Co., *11* Reg't U. S. Col'd Inf.
 Appears on
 Company Descriptive Book
 of the organization named above.
 DESCRIPTION.
 Age *28* years height *5* feet *10* inches.
 Complexion *Black*
 Eyes; *Black* hair *Black*
 Where born *Arkansas*
 Occupation *Farmer*
 ENLISTMENT.
 When *March 16, 1864*
 Where *Fort Smith*
 By whom *Chaplain*; term *3* yrs.
 Remarks: *Mustered into the United States Service March 16, 1864 by J. Davis*
 (341) *Chaplain*

IMAGES COURTESY OF ANGELA WALTON-RAJI

U.S. COLORED TROOPS muster roll and description for Elijah Bryant.

much of the lost history of black families rooted in the Five Civilized Tribes. The rolls closed officially in 1907, but children born between 1898 and 1907 were later added. Many of these families later relocated from Indian Territory to Arkansas, while most Freedmen began their lives on the land allotments they received after going through the extensive Dawes interviews. The application jackets match the enrollment packets and also consist of hundreds of thousands of pages that reflect the histories of black-Indian families.

Many men, while enslaved, seized the opportunity when it came to join the U.S. Army and fight for their freedom. The mission of the black men who joined the Civil War was distinct from the motives of others who joined. White men of the North fought to preserve the Union. White men of the South fought to preserve a way of life that they knew. Black men of the South had no need to preserve their way of life as persons enslaved. Their motive was to live as other men lived—with freedom to make choices for themselves and their families. The first set of documents, the service records of the U.S. Colored Troops, reflects the participation of black men in the Union Army. The history of the 11th U.S. Colored Infantry is of particular interest; it contains the names of men from the immediate local area who enlisted in the Union Army in Fort Smith. The 11th later moved into central Arkansas and continued to enlist men in Dardanelle and Little Rock, but several dozen men from Fort Smith, Van Buren, and nearby Indian Territory were documented. The service

Brazil Cemetery

Uncovering Markers of Mobile Boyd, Thomas Blackwater

By Tonia Holleman and Verdie Triplett

Finding the location of old, abandoned cemeteries takes reading of history, old newspapers, and funeral programs, and being familiar with the area where a cemetery is located. *The Indian Pioneer Papers* found at the University of Oklahoma, Western History Collection, are among the richest sources of data on African-American families in Indian Territory, now Oklahoma.

"The Brazil Cemetery," a piece in the *Pioneer Papers*, was written in 1937 by Marvin G. Rowley. Rowley interviewed Bill Mabrie of Poteau, LeFlore County, Oklahoma, on July 16, 1937.¹ Mabrie was quoted as saying, "The Brazil Cemetery consists of mostly Negro graves, a few whites and Indians. The land belongs to C. C. Williams of Poteau. It is located on top of a hill and is very rocky, hence the burials are not very deep; rocks are put around the graves and filled in with dirt to put the body deeper. There are many graves that just have an unmarked slab of sandstone at the head and foot of them."

The interview took place in 1937 along with the legal description given. Landowners changed, and country roads that once were traveled no longer exist. We, Verdie Triplett and I, began asking the elders of the Brazil community for directions. We were finally given the correct directions to Brazil Cemetery. There are two Brazil Cemeteries in the



PHOTO COURTESY OF TONIA HOLLEMAN

MOBILE BOYD'S CIVIL WAR HEADSTONE

Cameron, Oklahoma, region, Brazil Cemetery for white people and the Brazil Colored Cemetery. Locating Brazil Colored Cemetery was our goal.

A semblance of a drive circles the entire cemetery. Only a four-wheel drive vehicle or truck could make it up the steep, rocky path to the burial ground. One stone could barely be seen through the undergrowth of thorns and small, shrubby trees. The thorn bushes had encompassed the small trees, making barriers around the entire cemetery. The thorns ripped our clothing and skin, making painful gashes on our legs through the cloth of our jeans as we began to cut our way into the cemetery. Any sane person would have stopped at the edge of the thorn thicket, but

not us. Our mission was to find Mobile Boyd, a U.S. Civil War Colored Soldier who served in the 83rd U.S. Colored Infantry, which was originally the 2nd Kansas Colored Infantry. The 83rd was one of the many U.S. Colored regiments.

As we cut our way through searching for the Boyd stone, not one field stone was neglected as our digital cameras clicked away, documenting unknown graves ... a loss of history, a story never to be told, a human life gone without a name and now abandoned. Mobile Boyd's military stone, though old and weathered, stood gleaming in the sun rays.

RESIDENCE: Choctaw Nation COUNTY: Brazos CARD NO. 1182
 POST OFFICE: Brazos, Tex. FIELD NO. 1182

No.	NAME	Relationship to Person first Named	AGE	SEX	TRIBAL ENROLLMENT			SLAVE OF—	REMARKS
					Year	County	No.		
3832	Boyd, Mobile	59	55	M	1896	Shullysville	132	James Boyd	
3833	Isaham	25	21	"	1896	"	134		
3834	(Parker), Mahaly	20	16	F	1896	"	136		
3835	Boyd, Hattie	16	15	"	1896	"	137		
3836	Selmon	12	12	M	1896	"	138		
3837	Frances	14	10	F	1896	"	139		
3838	Richard	12	9	M	1896	"	140		
3839	Nancy	7	6	F	1896	"	141		
3840	June	6	1	"					Born April 11, 1901
3841	Parker, Amanda Bethel	2	8 mo	"					

11 2nd child of No. 4 or NB (Apr. 26-06) # 317
 12 Not on 1896 Choctaw roll as Isaham Boyd
 13 Hattie
 14 Sick
 15 Not should be Hattie Boyd
 16 Not on 1896 Choctaw roll as Isaham Boyd
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 99 Not on 1896 Choctaw roll as Isaham Boyd
 100 Not on 1896 Choctaw roll as Isaham Boyd

Printed numbers in first column refer to individual names on reverse side.

No.	NAME OF FATHER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	MOTHER'S TRIBAL ENROLLMENT			MOTHER'S OWNER
		Year	County	No.			Year	County	No.	
1	James Boyd				James Boyd	Euphonia Boyd	Dead		James Boyd	
2	No. 1					Emma Boyd			Non City	
3	No. 1					"			"	
4	No. 1					"			"	
5	No. 1					"			"	
6	No. 1					"			"	
7	No. 1					"			"	
8	No. 1					"			"	
9	No. 1					"			"	
10	Moses Parker		Choc freedman			No. 3			"	
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IMAGES COURTESY OF TONIA HOLLEMAN

THE CHOCTAW FREEDMAN CENSUS CARD of Mobile Boyd and family.

We had completed our mission, but lying next to the military stone was a flat creek-bed rock. The Brazil Creek was located next to the hill where the cemetery was established. Not knowing the true story, we considered a vision of a family member finding the right rock from Brazil Creek to be placed as a headstone as the reason for its presence. Verdie turned the stone over very carefully, not to disturb the exact location of the stone, and a surprise greeted us—it was the stone of Thomas Blackwater, a man whose life I have studied. His grave was resting right there in front of our eyes.

Cleaning off the mud and soil that had accumulated

since 1937 (the stone was turned over in March 2007), we could see the hand-chiseled letters in the sandstone that read, "Thomas Blackwater." To an adult who had never studied Indian Territory history, Choctaw Freedmen, or the 11th U.S. Colored Infantry, Thomas Blackwater would have been a passing name. To us, he was a giant among his people.

Blackwater was a slave in Indian Territory, born in 1835 in Virginia and brought to Indian Territory. He married Annie McCurtain, a slave of Green McCurtain, the last principal chief of the Choctaw Nation. Annie and Thomas were married in 1859 in Brazil, the

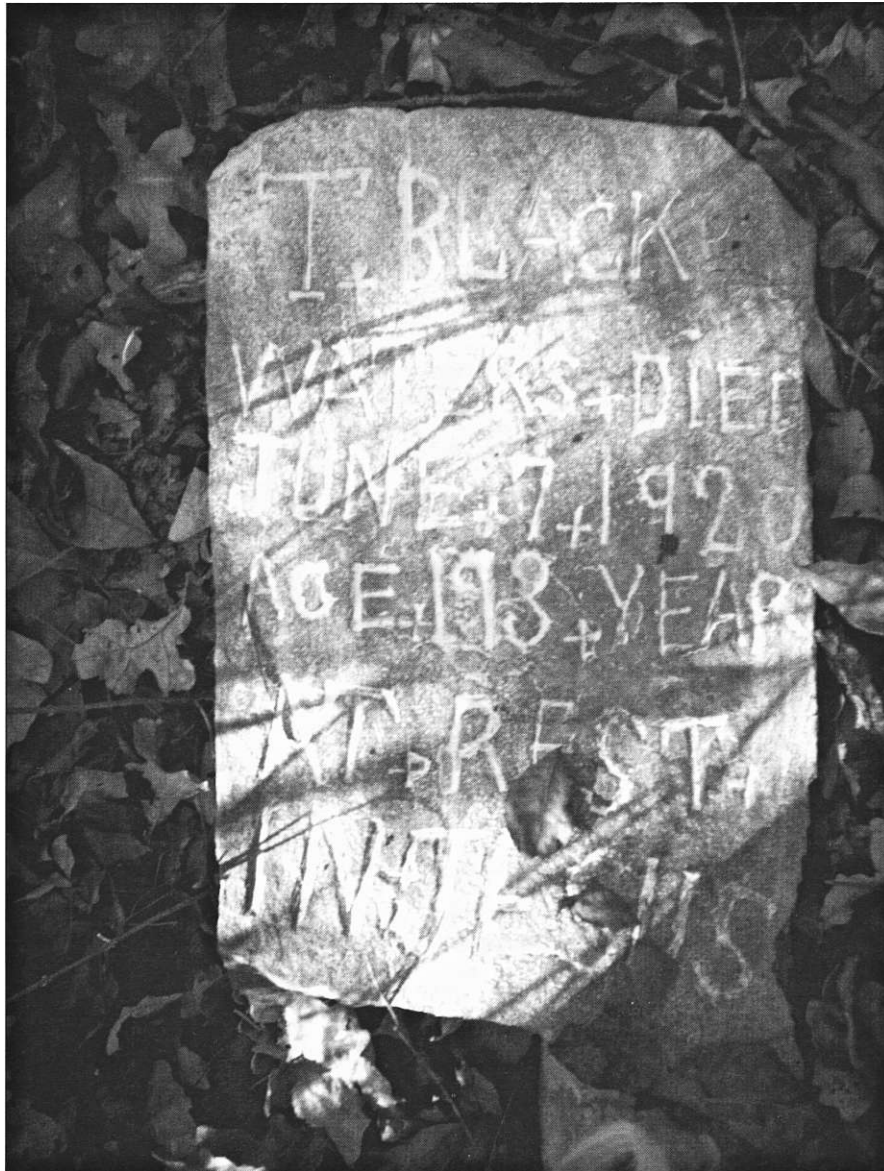


PHOTO COURTESY OF TONIA HOLLEMAN

THOMAS BLACKWATER'S HEADSTONE

Choctaw Nation, Indian Territory. They were the parents of Adeline, Cornelius, and Rebecca Blackwater.

Thomas Blackwater was also a soldier in the Civil War. He stated in his Union pension papers that he left in the dead of night and walked to Fort Smith, Arkansas, to join the Union Army. What a chance he was taking, walking by night, hiding in the daylight. Had he been caught, it would have meant death. He was a runaway slave, as history would have called him. But as a man, freedom for his family and himself was worth the risk of death. History should record him as a freedom fighter and a brave man, but authors have long ignored the black man, a wrong that must be made right in our history books.

These few pages describe what valuable information one can find in abandoned cemeteries, and we have

documented many. We suggest that one study a little about who might be buried in a burial ground before documenting an unfamiliar cemetery. If that is impossible, then document the stones; make a record of the names engraved on the headstones as a reference for later investigation. If one truly cares about whom the people are, one should study the community in which the deceased lived, worked, and died. Then history can be recorded on a higher level.

Boyd joined Blackwater on his walk to freedom to enroll in the Union Army. The 83rd U.S. Colored Infantry was also recruiting in the Fort Smith area." Boyd was also a Choctaw Freedmen along with his family. The Boyd family can be found on Choctaw Freedmen Census Card No. 1182 and enrollment No. 3832. His parents were Cesar and Sophie Boyd. All

Choctaw Nation. Freedmen Roll.

WARD NO. 1460

FIELD NO. 1460

NAME	Relationship to Person first Named	AGE	SEX	TRIBAL ENROLLMENT			SLAVE OF—	REMARKS
				Year	County	No.		
Blackwater, Thomas	74	74	M	1896	Shullyville	91	Doran Wadkin	
<p>No. 1 on 1896 Choctaw freedmen roll Shullyville Co. # 91. Evidence taken Dec. 18. 50. Juror testimony Aug. 11. 04.</p> <p>No. 1 joined 113th Kansas Reg. May 15. 64 and discharged Apr. 9. 66 at La Valle Bluff Ark, when he returned to the Territory.</p> <p>No. 1 from 1896 Choctaw freedmen roll and # 91.</p> <p>See decision of May 3, 1905</p>								

ENROLLMENT: APPROVED BY THE SECRETARY JUL 20 1905

Date of Application for Enrollment 12/18/02

12-18-1902 on this card

IMAGES COURTESY OF TONIA HOLLEMAN

(ABOVE) The Choctaw Freedman Census Card of Thomas Blackwater.

(RIGHT) A military paper for Thomas Blackwater.

Certificate No. 1,020,667

Class ACT OF MAY 1, 1920

Pensioner Thos. Blackwater

Soldier

Service A 11 U.S.C. Inf.

AUG 4 - 1920

members of the Boyd family were slaves of Dr. Jim Boyd, who brought his family and the Boyd slave family to Indian Territory in 1845 from Mississippi. The Boyd slave family has lived in the Brazil area since 1845, and many descendants still live on the allotted land. What a wonderfully strong family, the true pioneers of Indian Territory, now the state of Oklahoma.

The thorns tearing our flesh was a minor affliction compared to what the men for whom we were searching endured—slavery, Jim Crow laws—and not one word of recognition in the annals of Indian Territory history. Verdie Triplett and I are proud to record our small contribution to history.

More To The Story: Preserving This Burial Ground

Verdie visited several people and reported our findings. He talked to a LeFlore County

commissioner and Chief Pyle of the Choctaw Nation. A work force of prisoners from LeFlore County cleaned the Brazil Cemetery and has future plans to make improvements of other cemeteries we have documented.

And now, after that initial trip to the cemetery and the efforts to document it, the VFW Post of Spiro is in the process of obtaining a military Civil War stone for Thomas Blackwater.

End Notes

- 1 Rowley, Marvin G., Cemeteries—Choctaw—Brazil.
- 2 Mabrie, Bill, Informant—Indian Pioneer History Project.
- 3 Thomas Blackwater Pension File.
- 4 Mobile Boyd Pension File.
- 5 National Archives, Washington D.C., Microfilm Publication-M1186- Personal Collection of Microfilm of Tenia Holleman and Angela Walton-Raji.

Bureau of Refugees, Freedmen, & Abandoned Lands
For the States of Mo & Ark
Smith Ark
June 18 1866

(121)

Capt. Thos. J. Abel
Capt. No.
Fort Smith Ark
Captain

It is reported that there are some cases of extreme suffering for want of food in some of the western Counties of the State whom you have reliable information that such cases exist you are authorized to afford temporary relief by issuing from Fort Subsistence stores at Fort Smith Supplies for this purpose will be sent to Ozark in Charge of an Officer of this Bureau for distribution to the destitute in that vicinity

Respectfully &c
(190) J. W. Sprague
Act. Asst. Comm.

IMAGES COURTESY OF ANGELA Y. WALTON-RAJI

(ABOVE) An 1866 letter regarding want of food in some western Arkansas counties.

(BELOW) An 1866 letter regarding the cessation of the issuance of rations to resident paupers.

The Fort Smith Field Office

The Bureau of Refugees, Freedmen, and Abandoned Lands

By Angela Y. Walton-Raji

On March 3, 1865, the end of the Civil War was approaching. The Congress of the United States had put a bill on the floor pertinent to the establishment of a bureau for the relief of Freedmen and refugees. The need was real; there were thousands of refugees, large numbers of newly freed slaves, and the issue of what to do with abandoned lands. For the local white population, the need was focused on two areas—food and rations.

For the local black population, the needs were food, rations, education, and assistance with employment. This was the case in Arkansas in all of the field offices, including Fort Smith.

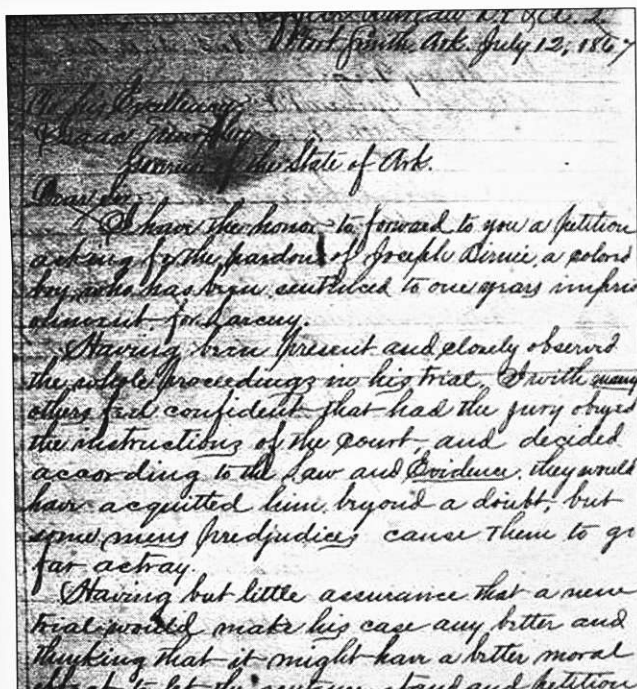
After the surrender at Appomattox, Virginia, in April, there was an immediate challenge for many

Office, Supt. & Asst. Asst.
Fort Smith Ark Aug 18 1866

Judge Geo. Howard
Sebastian County Ark
Sir

I have the honor to notify you that the issue of rations from this office to resident Paupers has ceased and that it now devolves upon the County Authorities to provide for the few who cannot get along without aid. There is one man by the name of W. C. Clegg in this City who needs immediate attention. I am informed that you have full authority to act in the matter. Please do so at once.

Very Respectfully
John P. Smith
Supt.



IMAGES COURTESY OF ANGELA Y. WALTON-RAJI

AN 1867 LETTER REGARDING a petition for pardon for a boy imprisoned for larceny.

newly freed slaves to find work for pay for the first time. For some, this was a skill that had to be learned quickly because their labor for most of their lives was unpaid. Add to that the challenge of establishing labor contracts, for most of their lives, landowners had used a labor force that was free. The Bureau was useful because it drew up many of the first labor contracts between employers and black workers.

In other cases, when violence was directed to the newly freed slaves, the Bureau often stepped in to provide assistance and to bring perpetrators to justice. Likewise, when some were still held in bondage by owners refusing to free their slaves, the Bureau intervened to have those persons freed from slavery. The roles of the Bureau varied from state to state, and within Arkansas, the roles of the Bureau varied from field office to field office.

The focus of the Fort Smith field office of the Bureau of Refugees, Freedmen and Abandoned Lands was:

- To assist former slaves with the transition to a new life of freedom in both Western Arkansas and Eastern Indian Territory.
- To assist in the establishment of schools for children of Freedmen in Fort Smith and Van Buren.
- To assist destitute white refugees in the city who lost home and property during the war.
- To assist with complaints of the newly freed black population against outrages and attacks committed by

Freedmen's Bureau Offices In Arkansas

In Arkansas, there were many offices of the Freedmen's Bureau:

- ❖ Arkadelphia (Clark County)
- ❖ Augusta (Woodruff County)
- ❖ Batesville (Independence County)
- ❖ Camden (Ouachita County)
- ❖ Lewisburg (Conway County)
- ❖ Duvall's Bluff (Prairie County)
- ❖ Fort Smith (Sebastian County)
- ❖ Hamburg (Ashley County)
- ❖ Hampton (Calhoun County)
- ❖ Helena (Phillips County)
- ❖ Jacksonport (Upper White River District)
- ❖ Jacksonport (Jackson County)
- ❖ Lake Village and Luna Landing (Chicot County)
- ❖ Lewisville (Lafayette County)
- ❖ Little Rock (Pulaski County)
- ❖ Madison (St. Francis County)
- ❖ Magnolia (Columbia County)
- ❖ Marion (Crittenden County)
- ❖ Monticello (Southeast District of Arkansas)
- ❖ Monticello (Drew County)
- ❖ Napoleon (Desha County)
- ❖ Osceola (Mississippi County)
- ❖ Ozark (Franklin County)
- ❖ Paragould (Sevier County)
- ❖ Pine Bluff (Arkansas River District)
- ❖ Pine Bluff (Jefferson County)
- ❖ Princeton (Dallas County)
- ❖ South Bend (Arkansas County)
- ❖ Union (Fulton County)
- ❖ Washington (South West District of Arkansas)
- ❖ Washington (Hempstead County)

the local population toward the Freedmen citizens.

Reception in the Local Community

The Bureau was welcomed in some communities, and in others it was attacked by those who claimed that former slaves were being set against their owners by demanding wages.

With no military presence to enforce their duties, in many communities the efforts of the Bureau were limited in services to Freedmen.

The value of these records cannot be overemphasized because they provide an insight into the struggles of people once held in bondage as they tried to create new lives in a land where they

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Office Bureau W.F. & A.L.
 Fort Smith, Ark. June 6, 1867

Sgt. Colby
 Sub Supt. Freedmen Schools for Ark.
 Little Rock, Ark

Sir:

I have the honor to state that the schools at this place and Van Buren are in a very flourishing condition. Miss Farrar, and Mr. Howard, are, both excellent teachers, and appear to be really awake and interested in the cause, and their schools are increasing in numbers and interest, and, I think will soon pay their way very well. A little drilling in that branch (which I will try to be an assistant teacher) will bring them up all right, notwithstanding the very hard times.

In addition to the day schools, there is one night school. There is also two Sabbath Schools

IMAGE COURTESY OF ANGELA Y. WALTON-RAJI

AN 1867 LETTER regarding Freedmen schools in Fort Smith and Van Buren.

had never had rights. Freedmen had to learn how to negotiate wages, how to work with merchants to purchase ordinary items, and how to obtain basic provisions denied them, including education, proper clothing, and medicines. The records also provide a look into the lives of the white refugees when they returned to their lands immediately after the war.

Many refugees, suffering and destitute, came to the Bureau for assistance. The documents reflect rations given to local whites as well as citizens from the two local Indian tribes in nearby Indian Territory, from the Cherokee and Choctaw nations. White refugees also sought assistance at the Bureau for settling issues pertaining to lands that had been abandoned during the war. In some cases, there were issues of rents due. In other circumstances the rents were clear and land could be returned. The documents are often very specific, referring to property owned

by white citizens and detailing the exact location of the lands, and whether the lands were returned to the landowners.

Establishment of First Schools for Black Children

A major focus for the officers who maintained the Bureau was assisting with the development of schools for newly freed children.

This often involved hiring teachers, many of whom were white females from states like Iowa, and who chose to work among the black population in the region. Most of the anecdotal information comes from a series of letters sent between the Fort Smith and Little Rock field offices. Some letters pertaining to the acquisition of teachers were exchanged. One letter indicated the need for trained teachers, and another reflected the difficulty for the

white teacher from Iowa in obtaining suitable housing because many local townspeople resented her teaching the children of former slaves. Other teachers came from the local population, including one Jerry Washington, a self-taught man who also worked to educate black children. Fort Smith would see the development of the first official school, a Sabbath school, in the local "Colored Baptist Church," which would later become First Baptist Church, serving the black population.

A series of letters was sent from the Fort Smith Bureau to the headquarters in Little Rock, and also to Washington, requesting assistance for the establishment of schools for black children. These letters reflect the first organized efforts to establish schools in the city, a full twenty years before the arrival of E. O. Trent, who established Howard and later Lincoln Schools in the city.

Resettlement in the Region—The Georgia Colony

In March 1867, word was sent to western Arkansas that many former slaves were being assisted in relocating to Arkansas from Georgia due to violence directed against them there. Letters were sent to Little Rock and Fort Smith to secure suitable land for their settlement. Lands were inspected from Scott to Sebastian counties to assist these Freedmen from Georgia. Conversations with scholars from Georgia suggest that there were several emigrations from Georgia to Arkansas in the late 1800s. The exact settlement of the Georgia colony is not yet known, although by following the letters, one can determine when they left Georgia and learn about their arrival in Pulaski County and of their plans to settle in central and western Arkansas.

Marriages Performed

In April 1865, word arrived in Fort Smith via telegraph that Robert E. Lee had surrendered in

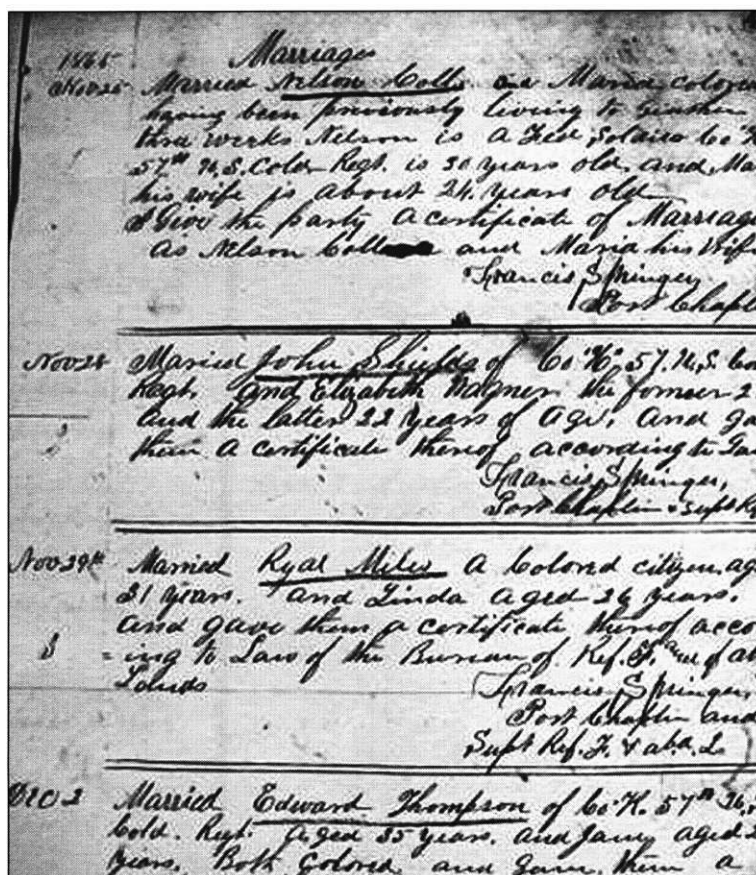


IMAGE COURTESY OF ANGELA Y. WALTON-RAJI
FREEDMAN BUREAU RECORD OF MARRIAGES

Appomattox, Virginia. The war was over; the slaves were now officially free. The 57th U.S. Colored Troops already stationed there were ordered to patrol the city and protect the military post. Little is written about how the townspeople reacted to the presence of the black soldiers in Fort Smith.

However, it is evident that by late 1865, many men of the 57th had impressed a number of young women from the black community, for several dozen marriages were performed between men of the 57th USCT and local townswomen.

Approximately 60 marriages were performed at the Bureau, all of them by Chaplain Francis Springer. The entire roster of the marriages he performed is found among the Fort Smith Field Office records.

The Records of the Bureau-Record Group 105

The National Archives has recently microfilmed hundreds of reels of records, including those from Arkansas. Hundreds of pages of the Freedmen's Bureau are found within the massive Record Group 105. These records have recently been microfilmed so that the many stories can be reconstructed, and the missing pages of history can be inserted and planted onto the proper historical landscape.

From this incredible record set, the countless untold stories are yet to be extracted and told. Hopefully, the records from the Freedmen's Bureau will be acquired by the universities and libraries in this region to give the history back to the people from whom it came. The value of this research is clear, because it is the story of communities in which kinship networks weave the fabric of economic, political, and social life. These stories belong to all of us.



PHOTO COURTESY OF THE LIBRARY OF CONGRESS, AMERICAN FOLKLIKE COLLECTION CENTER

A PARK CHAIN GANG is shown.

African-American Work Songs:

The Tears of Their Hearts

By Joe Hamilton

Since earliest time, human activities have been linked with song. There were songs for hunting and gathering, songs that accompanied planting, and songs that pleaded with the gods, asking for their intervention to produce an abundance of crops. Music cemented social bonds and guided community activities. Where there has been human endeavor, there has been music. The connection was never more evident, however, than it was among the African-American population during the ages of slavery, reconstruction, and the segregated Jim Crow era.¹

When the African Diaspora brought these unwilling immigrants to the New World, their music came with them. But the songs that had once expressed the joy of work and community solidarity now became a means of coping with a loss of

freedom. In the face of slavery and its brutality, these destitute people turned to the one solace in their lives that no one could take away—their song. Two distinct types of song styles were utilized by African Americans as they toiled at their labors: field hollers and work songs.

Field hollers, also called "old com songs" or "levee-camp hollers," were solitary songs, steeped in the loneliness and longing that years later would create a form of music known as the blues. Laborers sang field hollers primarily for their own entertainment. The songs featured long, flowing phrases with many blue notes, and rhythmically were unmeasured. These features make the field hollers difficult to accurately notate or replicate.²

Although the songs primarily served as entertainment or catharsis for the singer, during the time of slavery they



PHOTOS COURTESY OF THE LIBRARY OF CONGRESS,
AMERICAN FOLKLIKE COLLECTION CENTER

(ABOVE) *Girls and a woman are shown on the Alma Plantation in False River, Louisiana.*

(TOP RIGHT) *A prison farm wagon is driven by an African-American man in Reed Camp, South Carolina.*

(RIGHT) *Convicts work at Cummins State Farm in Gould, Arkansas.*



were often used as a means of communication between separate groups in neighboring fields. They often carried coded messages not meant for the master's ear, a trait engendered by almost all types of African-American work songs. In the prisons of the Depression era, African-American prisoners used highly personalized hollers not only as a means of communication, but also as a way of expressing their uniqueness and humanity. In fields with rows measuring as much as a mile long, the prisoner could communicate his feelings, his location, and his state of mind through his holler. The songs were an outgrowth of the work and helped alleviate both the monotony of their labor and the physical burden.

In 1853, American journalist Frederick Law Olmstead eloquently described field hollers he encountered in South Carolina.

Suddenly one (worker) raised such a sound as I never heard before: a long, loud musical shout,

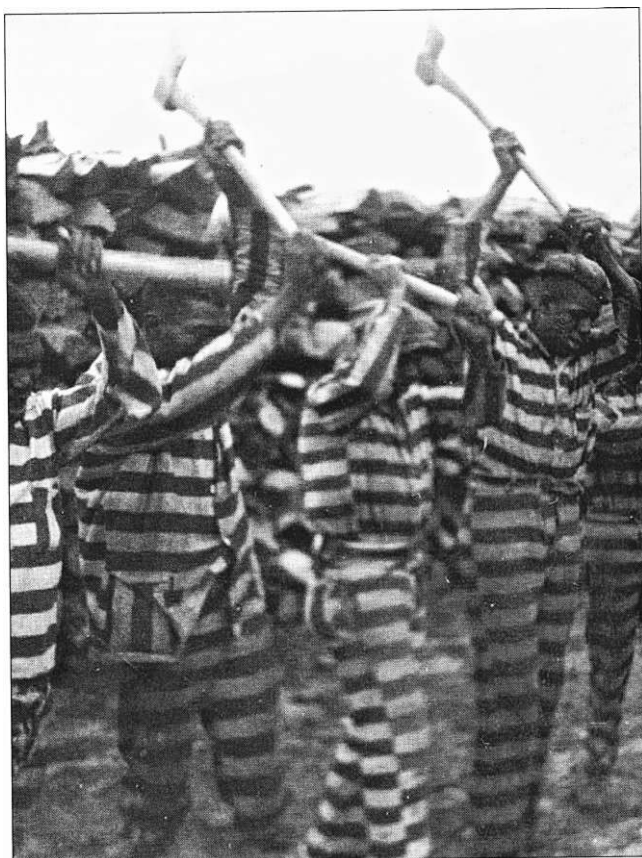
rising and falling and breaking into falsetto, his voice ringing through the woods in the clear frosty air, like a bugle-call. As he finished, the melody was caught up by another, and then another, and then by several in chorus.

When large groups of African Americans worked together in the fields, they engaged in communal singing. Each aspect of agriculture had songs with which it was associated, whether it was shucking corn, picking cotton, or cutting sugarcane. Different types of crops and activities required different rhythms, and the songs reflected the diversity of labors. The chopping of sugarcane required a violent, forceful, slashing rhythm, whereas tobacco, which had to be handled with far greater care, gave birth to more graceful and gentle songs. Cotton harvesting fell in the middle, as it required back-breaking labor, but it was planted in straight, orderly rows.

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(RIGHT) *Field hollers*
often carried coded
messages.

(BELOW) *Convicts sing*
while working with axes at
a wood yard.



The accompanying music reflected the tempo and organization of the work.⁴

Corn shucking seems to have been the favorite of all of their labors as it was the least brutal and it engendered an almost festive atmosphere. In an interview conducted in the 1930s, former slave Uncle John Spencer described the corn shucking as occurring on a bright moonlit night, with neighbors dropping by to help. Some narratives describe the events as being attended by several hundred people and the corn pile being as big as a house or a city block. The person with the most powerful voice was selected to stand on top of the corn pile, lead the singing, and get everyone in the mood for work by singing the shucking song:

Come to shuck that corn tonight.
Come to shuck with all your might.
Come to shuck for all in sight.
Come to shuck that com tonight

The African-American population became more mobile with the end of slavery, and this new mobility created a cross-pollination of songs that had previously been unique to a particular geographical

area. The lyrics and melodies, which had always possessed certain mutability, began to be adapted and changed to fit different types of agriculture as laborers followed ripening crops.⁶

Another type of song utilized by African Americans was the work song. These songs differ from the field hollers in that they were meant to be sung together so as to coordinate the movements of the laborers. Some were sung in unison, with everyone joining in on all of the verses and choruses, while others featured a "call and response," where the leader sang out a line and the workers responded with their answer. Work songs were of necessity more structured than hollers and have been called the "musical speed-up system of the South." Encompassing a wide range of labors, they could be heard in levee camps, logging camps, and prisons throughout the South.⁷

The work song took on added significance in railroad camps. It was imperative that the Gandy dancers—a name for railroad workers derived from the manufacturer of railroad tools—coordinate their efforts precisely so as to minimize their risk of injury and to maximize their productivity. The songs were led by a "caller," whose sole job was to synchronize the efforts of the workers.⁸

In his book *American Negro Songs*, author John Work recounts the story of the Reverend Israel Golphin, who was seeking employment with a railroad gang laying tracks here in Arkansas. After being told that his services were not needed, Golphin sat in the shade to watch the gang work for a while. He noticed that the caller was inexperienced and was

timing the men poorly. They were grumbling, and the work was proceeding slowly. Golphin offered to call for them, and the men were so appreciative of his skills as a caller that they went to the boss man

and asked that he be hired—and he began work that day.⁹

The various types of labors on railroad gangs required the caller to have a wide repertoire of songs and rhythms at his disposal. There were songs to wake the men at 4:00 a.m., to unload the long steel rails, and to spike the rails down to the ties. There was a song for tamping down the gravel road bed, and a song to properly place the rails in a straight line. One of the most widespread of these "tie-shufflin' chants" is the song "Linin' Track." As with most work songs, there are a wide variety of lyrics, melodies, and rhythms for this particular song.¹⁰

First, the caller makes sure that all of the men are ready

to begin. He throws back his head and hollers, his tenor voice slicing through the air:

Whoa boys, is you right?

And the men answer, poised to begin:

Done got right!

Then the song begins in earnest.

All I hate about linin' track is these old bars
about to break my back.

Whoa, boys, can't ya line 'em?



PHOTO COURTESY OF THE LIBRARY OF CONGRESS,
AMERICAN FOLKLIFE COLLECTION CENTER

BILL TATNALL PLAYS GUITAR in *Frederica, Georgia, in 1935.*

And the men would answer as they harnessed their strength and shoved together with five-foot long steel poles:

Shack-a-lack!
Whoa, boys, can't ya line 'em? Shack-a-lack!
Whoa, boys, can't ya line 'em? Shack-a-lack!
See Eloise go linin' track.¹¹

Another area in which African-American work songs flourished was the prison farms of the South. Musicologist John Lomax and son Alan first documented these songs in the 1930s. The elder Lomax, a former Harvard professor, was writing a book documenting African-American folk music and intuited that prison farms would be fertile ground for songs. John made a deal with the Library of Congress for a top-flight recording system in exchange for the recordings. In all, they visited eleven institutions, including Mississippi's Parchman, Arkansas' Cummins, and Louisiana's Angola penitentiaries.

The Lomaxes hoped to find songs dating to the time of slavery. Instead, they found new songs built on the traditions of communal African singing. The song rituals that had once built a sense of community in slave quarters now fulfilled the same purpose in what was essentially a legalized form of modern slavery. The African-American prisoners were segregated from the white prisoners and guarded by black trustees. Free from white influence, the music was a pure African-American creation.

As in slave days, the life was brutal. Awakened before dawn, prisoners ran at gunpoint to the fields, sometimes a mile or more. They worked a grueling schedule they called "from kin to caint," meaning they worked from the time they could first see in the morning until darkness made it impossible to work any longer. Death from sun stroke and sheer overwork occurred frequently, and many a prisoner chopped off a hand or a foot, a practice called "Knocking a Joe," to escape the brutal reality of life on the work farm.

When convicts performed a task for which rhythmic labor was possible, they worked to the rhythm of the work song. The segments of the songs overlapped and intertwined in a "call and response" in which the leader called his verse and the chorus responded with its reply. The habit of overlapping separate sections of the song gave birth to unique poly-rhythms and distinctive harmonies.

The songs served myriad purposes: they paced the men in tasks requiring rhythmic coordination such as wood chopping and laying railroad track; they set a pace that weak or tired prisoners could maintain, thereby avoiding a beating by the boss guard; they mollified overseers, assuring them that every man worked at his full potential; and the prisoners used them as a form of entertainment. Songs like "Go Down Old Hannah," "Big Leg Rosie,"

"Diamond Joe," and "Po' Lazrus" were filled with inside jokes and references to the realities of prison life that no white man was meant to understand.¹⁵

African-American work songs are a vital part of our heritage as Americans. In these songs born of hardship and struggle, we see the seeds of the blues. And, of course, in the blues we have the very template for what would become rock 'n' roll, a style that transcended mere music and became a cultural landmark influencing politics, fashion, and social mores. And it began with songs in the fields and prisons of the South.

More importantly, these songs provide us a glimpse into America's past. We can look into the minds of the people who sang them—and lived them. They tell us their hopes and fears, their joys and their sorrows, their beauty and their sadness. They are artifacts, no less so than ancient pottery or spear points, as important as anything that may reveal itself under the hand of the archaeologist. Here is poetry of a people, made even more potent by the circumstances of its creation. Frederick Douglass wrote in his autobiography:

I have often been utterly astonished, since I came to the north, to find persons who could speak of the singing among slaves as evidence of their contentment and happiness. It is impossible to conceive of a greater mistake. Slaves sing most when they are most unhappy. The songs of the slave represent the sorrows of his heart; and he is relieved by them, only as an aching heart is relieved by its tears.

End Notes

1 Ted Gioia, *Work Songs* (Durham, North Carolina: Duke University Press, 2006), 35

2 John Work, *American Negro Songs* (Mineola, New York: Dover, 1998), 34.

3 Gioia, 2006.55

4 Ibid., 44.

5 Ibid., 45-6

6 Ibid., 45

7 Alan Lomax, "Reels and Work Songs," in *Selected Writings: 1934-1997*, ed. Ronald D. Cohen (New York: Routledge, 2003), 72

8 *Gandy Dancers*, streaming film, directed by Barry Dornfeld and Maggie Holtzberg-Call (New York: Cinema Guild, 1994). <http://www.folkstreams.net/pub/FilmPage.php?title=101>

9 Work, 38.

10 Ibid., 38

11 Alan Lomax, *Selected Writings*, 75.

John A. Lomax, *Adventures of a Ballad Hunter* (New York: MacMillan, 1947), 112.

Alan Lomax, *The Land Where the Blues Began* (New York, Pantheon, 1993), 258.

14 Ibid, 260.

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'Negroes Wamed to Leave Town'

The Bonanza Race War of 1904

By Guy Lancaster

In late April 1904, the white citizens of Bonanza, a coal mining town perched on the border of Oklahoma about fourteen miles south of Fort Smith, posted notices demanding that all the African Americans employed by Central Coal and Coke Company leave town immediately. Racial tensions simmered for a few days before exploding in a town-wide shoot-out, with more than 500 shots being fired over a weekend, mostly into the homes of black residents. Strangely, no one was reported wounded or killed in this exchange of gunfire, though it certainly worked as a means of intimidation, for within a week, most of the black laborers had left their town and their jobs. Bonanza likely secured a long-lasting reputation on account of this expulsion, for even as late as the 2000 U.S. Census, it hosted not a single African-American resident. The source material relating to the Bonanza Race War consists of only a few articles in local newspapers, as well as the statewide *Arkansas Gazette*, but it is enough to place the event within the context of labor strife on a state and national level, as well as the emergence of sundown towns—communities from which African Americans were barred from residing through a combination of violence and intimidation.

Though coal mining was undertaken in Johnson County as early as the 1840s, not until the post-Reconstruction years did the coal boom come to Sebastian County. This boom followed the completion of the Little Rock-Fort Smith Railroad in 1876 and the St. Louis-San Francisco Railroad (commonly known as the Frisco) reaching Fort Smith in 1883.¹

Mining camps sprang up across the county, quickly evolving into full-scale towns as merchants followed the miners. The mining towns attracted not just Arkansans but also people from across the Union, as well as immigrants, mainly from Europe. Arthur Alvin Steel of the Arkansas Geological Survey reported in 1910 that American-born whites made up approximately two-thirds of the people

working in the mines; of these, some twenty to twenty-five percent were natives of Arkansas. Of the foreigners, Italians were the most numerous, coming in at approximately 5.8 percent of the 4,700 coal miners in the state at the time of Steel's survey. After that came an array of Scotch, Austrians and Germans, Irish, Slavonians, Welsh, English, Belgians, Bohemians, Hungarians, Mexicans, Lithuanians, Swedes, and Russians. Steel reported that African Americans constituted only some two percent of the people working in state coal mines at the time, for reasons that shall be discussed below. However, with nearly one-third of the miners being of other nationalities, carrying on their own respective traditions, and with varying levels of English comprehension, the mining districts of western Arkansas must have been among the most culturally diverse areas of the state.² Though this diversity proved a challenge to organized labor, major strikes occurred in 1888 and 1894, and by 1903, the mining companies finally submitted to the demands of the United Mine Workers of America (UMWA). A closed shop was the norm for the next eleven years.³

According to Jim Hartness, the first mine in the Bonanza area. Mine No. 10, was started in 1896, but proved to be very poor and was soon shut down. Other mines were soon established, and around them grew a typical mining town dubbed Bonanza, its name reflective of the hopes for great wealth despite an unpromising start. Mine superintendent C. C. Woodson filed a petition to incorporate the town on October 19, 1898, which was approved by County Judge Joseph W. Spradling on November 12, 1898.⁴ By 1900, the U.S. Census reported 906 residents of Bonanza, though its actual population was no doubt much higher.

From the beginning, Bonanza was a company town. Around the time of the Bonanza Race War, Central Coal and Coke Company operated the only three mines there: No. 12, No. 20, and No. 26, which employed 144, 185, and seventy-six people.

respectively.⁵ The town's placement along the main line of the St. Louis-San Francisco Railroad ensured ready transportation, both for coal going out as well as people coming in to work or set up shop. Even before the town was incorporated, it had become the largest community in the township, resulting in the post office being moved there in 1897. A store operated by the coal company was the main business in town, but there were also a number of other general stores, as well as restaurants, drug stores, blacksmiths, barber shops, saloons, butchers, and clothing establishments.⁶

Little information is available on African-American miners in the area prior to the 1904 expulsion. The 1900 Census lists thirty-five black residents of Marion Township, but the overwhelming majority of these are listed as either farmers or farm laborers. Families comprise the bulk of the black population: the Becks (five members), the Delks (four), the Furrs (eight), the Holloboughs (eight), and the Novels (two). Those not listed in census records as either farmers or farm laborers consist of Henry Dunn, an inmate at the county poor farm; day laborers Tilda Furr, William Hollobough, and Walter Luster; and children of the Furr and Hollobough families, who are listed as being "at school." The enumeration sheets of the 1890 U.S. Census having been lost to fire, it is difficult to determine whether these were long-standing residents of the county, though the Delk family, for one, shows up on the 1880 U.S. Census. The majority of black residents in 1900 gave their birthplace as Arkansas, so they were at least native to the state—only nine were listed as being born outside of Arkansas, and they hail from Indian Territory, the Creek Nation, Mississippi, Tennessee, Missouri, and Texas.

African Americans likely worked in the coal mines of western Arkansas from the beginning, which periodically provoked the ire of white competitors. Under the convict lease system, by which the state of Arkansas rented out prisoners to private businesses, black convicts had labored in the mines, most notably at Coal Hill in Johnson County, where they endured barbaric conditions that included overcrowding, poor food, and regular beatings.⁷ Of course, as elsewhere across the nation, especially in the coalfields of Appalachia, African Americans were often imported from out of state by mining companies that used them as regular cheap labor and as strikebreakers.

A strike launched in Huntington against the Kansas and Texas Coal Company during the spring and summer of 1899 serves as an example of the latter. On February 23, 1899, representatives of the UMWA delivered to the company "articles

of agreement" relating to issues of pay and the manner in which the mines would be worked. The company balked, and soon only a handful of miners were showing up for work, many of whom were being regularly intimidated by union members and sympathizers. On May 15, the strikers carried out three attacks simultaneously at different points in Huntington, one being the dynamiting of a "Negro boarding house" that was home to twelve to fifteen non-striking miners. After the U.S. attorney general ordered the Sebastian County sheriff to swear in forty deputies to enforce an injunction against the strikers, the company began filling its mines "with miners from other states, both white and colored, principally colored." On July 5, a crowd of 300 to 800 men from across the county met in Huntington, reportedly to attack the mines and drive away the black strikebreakers.

They corralled a large number of the black strikebreakers, with many in the crowd "urging that these Negroes be killed, lynched or driven out of the state." One strike leader, George Bunch, "urged that these Negroes who had come from other states to work in the mines should be burned, as they knew that the strike was on before they came to Huntington." However, complicating the racial picture of the event is the fact that Bunch was himself "a Negro born and raised in Sebastian county."⁸ On July 8, the *Arkansas Gazette* reported that most of the imported miners had quit under pressure, there being only two who continued in the service of the company.⁹

The earliest reporting on what came to be labeled the Bonanza Race War appeared in the April 30, 1904, issue of the *Arkansas Gazette*. According to the *Gazette*, on the night of Wednesday, April 27, some 200 citizens of Bonanza (reputedly all white) held a meeting and passed resolutions "demanding that about forty Negroes employed by Central Coal and Coke Company leave town," with plans to affect the removal by force if the company should resist.¹⁰ The *Gazette* goes on to note that the black miners were all members of the union, which "declined any connection with the movement to drive them away," and had worked in the area for approximately four years.

The *Fort Smith Times* of the following day records that two different meetings actually occurred regarding the question of black miners. The first was a mass meeting "held in the woods over west of town ... in favor of the Negroes taking to their heels," while the second, held at Mullen's hall, "was composed of leading citizens, mine company officials and miners' union officials," who agreed that "the Negroes will be afforded countenance

and protection."¹¹ The anti-black faction posted the following notice, which contradicts the *Gazette's* assertion that black labor had long operated in the area:

At a mass meeting of several hundred citizens of Bonanza and surrounding country, held at Bonanza on the night of April 27, 1904, the following resolutions were unanimously passed:

Whereas, There has recently been a large influx of Negroes into this coal camp, with a prospect of many more to come, it was

Resolved, That the white citizens of this community are bitterly opposed to the Negro living in our midst, and that those now here are requested to leave at their EARLIEST CONVENIENCE.

While the *Fort Smith Times* reported that union and company officials were operating on the same page in this instance, Central Coal and Coke, according to the *Gazette*, "is accused of seeking to create an impression that the miners' organization is behind the movement to expel the Negroes."¹² Further, company officials appeared in Fort Smith for the purpose of securing an injunction to keep the miners, as well as local citizens, from harassing black miners. To combat rumors that it had actively participated in the intimidation of African-American miners, union local No. 1199 of the UMWA, led by its president, Thomas Mallon, unanimously adopted its own resolution on Friday, April 29:

Whereas, At a mass meeting held on April 27, 1904, across the line of Sebastian county, Ar., (sic) in the Indian Territory, and

Whereas, At said mass meeting resolutions were adopted requesting the removal of certain undesirable colored people who have within the past few weeks arrived in Bonanza, and

Whereas, A certain malicious person has caused a report to be put in circulation that the miners of local union No. 1199 of Bonanza, Ark., (sic) were the instigators of this mass meeting, therefore be it

Resolved, by Local Union No. 1199, in special session. That we repudiate as false and unfounded this malicious report, as having a tendency to place us as organized miners in a false light before the public, and be it further

Resolved, That we reaffirm the principles as set forth in our preamble not to discriminate against a fellow union miner on account of creed, color, or nationality.¹³

For a few days after the posting of notices, there seems to have been a tense peace in the area. The

Gazette reported that no overt acts of hostility had occurred and that "many leading citizens, mine officials, and miners' union officials have united in a determined effort to afford protection to the peaceable Negro laborers in the mines."¹⁴ However, on the night of Saturday, April 30, tensions finally snapped in an exchange of bullets that lasted until near dawn. The first newspaper to report on the events, the *Fort Smith Times*, offers a rather confusing account of the violence, noting that the situation seemed rather calm until "in the early part of the evening a difficulty arose between a couple of Negroes and a couple of white men in Clinton's saloon." Reportedly, the black patrons went outside, and when the white men exited later, the first group fired two shots at them, to which the white group responded with ten shots of their own. This led to a town-wide exchange of bullets in which "as many as 500 shots were fired during the night," lasting until approximately 4:30 a.m., so that nearly the whole town did not go to sleep until dawn for fear of their lives.¹⁵ According to a later report in the *Arkansas Gazette*, most of the shots were "fired into houses occupied by Negroes."¹⁶

The *Times* account includes a number of strange details, such as: "About forty horses were hitched over in the territory, and just who the men were no one seems to know or cares to tell." Since the original expulsion faction, according to one account, met in Indian Territory, perhaps this references a continuation of that group's aims—mounted night riders bent on the harassment of the black miners. The *Times* also noted that "skulls and cross bones were on some of the white citizens' doors, with notice to leave within twenty-four hours"; likely, these symbols were posted by whites upon their own houses as a warning to the town's African Americans. The mob apparently doing all the shooting was composed of three squads of men located in different areas of the town: "Two shots were the signal and they would all come together, then the terrific fighting would begin."

According to the same account, Sunday night witnessed the firing of more shots, but by Monday morning, "it was found that the Negroes were quietly leaving town, a few at a time." Most of the women and children had left by the time the report was filed, and the newspaper happily predicted that the town would be free of its black population by the end of the week. A follow-up report noted that "many humorous stories are being told as to how badly frightened some people were Saturday night."¹⁷ According to the *Times* of May 4, everything was relatively quiet: "Only one shot was heard last night and the people enjoyed one

more night of rest. The Negroes are quietly leaving town each day."¹⁸ By May 7, the *Arkansas Gazette* reported that nearly all African Americans had left town.

It is possible that among the expelled miners were members of the black families listed as living in Bonanza in the 1900 U.S. Census, who might have either supplemented farming with mining work or turned to mining altogether between 1900 and 1904. This could explain the conspicuous presence of women and children among the expelled in newspaper accounts, despite most mining camps not being family-friendly locales. This could also explain why black workers reportedly fired the first shots at their white harassers, though this was an era in which few African Americans would have dared to take such liberties. Had the people in question been longtime residents of Bonanza, they may have felt more outrage at being threatened with expulsion by a group likely composed of relative newcomers, and they may have felt secure in attacking whites who were part of a more transient mining population with little longstanding ties to the community.

However, arguing against this is the fact that reportage of the 1899 affair in Huntington also mentions the mob terrorizing the African-American wives and children of strikebreakers. Were the black workers who reportedly fired the first shots in Bonanza not longstanding residents, their actions might be explained by an inflated belief that the company that employed them would no doubt protect them against irate—and more highly paid—white miners.

The Bonanza Race War clearly fits in with other instances of racial and labor violence in the state and nation. In Arkansas, as elsewhere, African Americans were regularly barred from joining labor unions as segregation took hold in the post-Reconstruction era. Thus were they frequently employed as scabs by companies seeking to break a strike. As Arthur Alvin Steel reports of the handful of black miners who remained in Arkansas by 1910: "The Negro diggers are accustomed to consider the company a friend as against the white miners and are therefore a source of weakness to the Union."¹⁹

Likely as a consequence of this, though he does not admit so directly. Steel notes that African Americans were driven from all mining camps, save Huntington and Russellville, by white men "who feared their competition." (Their continued tenure in Huntington may relate to the fact that, as noted above, African Americans were among the most fervent strike leaders.) Later in his report, he writes that "it is only because of the scarcity of Negroes in the Arkansas mining districts that the Union has

succeeded at all, for Arkansas is the only genuinely southern state in which the United Mine Workers are well established."²⁰ Of course, the last sentence of the UMWA's resolution, mentioned above, in reaction to the Bonanza expulsion order, promising "not to discriminate against a fellow *union* miner on account of creed, color, or nationality," does little to clarify whether the black miners targeted with expulsion were union members.

When considered carefully, it is likely that the union had a hand in the expulsion of the black miners from Bonanza. First, Central Coal and Coke had very little to gain from pinning the expulsion upon the UMWA. Indeed, if African Americans were widely seen as competition for the labor and wages of white workers, the company risked raising the profile of the union among the majority of miners by assigning it the role of the mastermind behind the notices warning black miners to leave.

Second, union miners had quite a bit to gain by taking collective action against African Americans. Of course, there was the issue of wages, but battles against African Americans happened across the state and nation as whites sought to limit the labor pool and thus increase their own chances for employment.

In early 1894, Lawrence County faced the possibility of a labor race war after whitecappers in Black Rock gave "notice to the Negro population to leave the town and that all Negro mill and factory hands be discharged at once at the peril of property of the mill and factory owners."²¹

Subsequent articles backtrack on the severity of the possible war, but approximately one-third of the town's black population of 300 reportedly left in response to these threats; in addition, as the *Gazette* reported, "They have also been driven from neighboring towns." That same year, in Polk County, Tennessee, white railroad workers shot up a camp housing black laborers, driving them off; the local contractor had reportedly been hiring more and more African Americans as compared to whites because he could pay them less.²²

Likewise was an August 1899 attempt at racial cleansing in Paragould driven largely by labor concerns. At a meeting of Paragould leaders following the violence, a resolution was adopted expressing opposition to the importation of "Negro labor for any purpose whatever at this time," combined with a request that "the lumber companies or the corporations in our midst employing labor to refrain from giving employment to any other than those who are residents of our community.

Immigrant communities, however, had added motive for racial violence. Though speciously

"white," they nonetheless were ranked, in this era, upon a multilevel racial hierarchy, which held them below native-born Americans of Anglo-Saxon stock. As historian Martha Hodes notes:

The first naturalization law in the United States, enacted in 1790, extended citizenship to all "free white persons" in the new nation. Beginning with the Irish influx in the 1840s, the unexamined inclusiveness of that phrasing began to unsettle white Americans of British descent. As the concept of the "Anglo-Saxon" gained popularity, racial theorists ranked various nationalities. "Celts," for example, were white, but they might also be savages. As pseudoscientific racism found a popular audience, white Americans parsed other white people into various subcategories, only some of which they considered fit for citizenship.²⁴

In the late nineteenth and early twentieth centuries, these various subcategories included Irish, Slavs, Bohemians, Hungarians, Italians, and more, all considered racially suspect—somewhat non-white—by dint of their nationality. However, as historian Cynthia Skove Nevels writes, "One of the fastest ways to establish whiteness was through violent racial oppression, a method that a number of immigrants did not shun."²⁵

In Polk County, Arkansas, according to an August 10, 1896, report in the *New York Times*, a "race war" occurred between white and black laborers working on what was then being called the Kansas City, Pittsburg and Gulf Railway near the town of Horatio. The white laborers were "determined that the Negroes shall not work on the road," and they had the backing of locals from the county in driving them out. On the night of April 6, a group of "Italian, Swedish, and Hungarian laborers, together with a number of natives," raided a camp occupied by black workers, killing three and wounding many more.²⁶

Finally, organized labor's relationship with African Americans was notoriously complex. Historian David Roediger writes that the very idea of whiteness in America "was a way in which white workers responded to the fear of dependency on wage labor and to the necessities of capitalist work discipline," equating their racial identity with definitions of freedom in contrast to a variety of other racial and ethnic groups, especially African Americans, who were often viewed as inherently slavish.²⁷

Though there were some attempts at interracial unions in Arkansas, most notably the Knights of Labor and the Southern Tenant Farmers' Union, the first recorded labor organization in Arkansas,

the Mechanics Institute of Little Rock, actually advocated for the wholesale expulsion of free blacks from the state out of "the belief that enslavement was the natural condition for African Americans and that free blacks threatened the well being of Little Rock."²⁸ In 1859, such a law was passed, despite Arkansas having fewer free blacks than any other slave state.

Of course, the union—and its immigrant members—may have not been involved in the expulsion whatsoever. Likewise, the expulsion may not have been as complete as advertised, for African Americans continued to live in the area for several years. The 1910 U.S. Census for Marion Township, in which Bonanza is located, included twenty-five people whose race is listed as either black or mulatto. However, this number represents but a handful of families, among them the eight-member Criswell family, headed by farm laborer L. C. Criswell, and the six-member Dickson family, headed by De Dickson, a laborer in a powder mill. Ten years later, there were but seventeen African Americans in the township, none of them from the families who lived there during the previous census. They were also a younger group of people: of these, eleven were born after the 1904 Bonanza Race War, and ten had been born in Oklahoma, the other seven being Arkansas natives. By 1930, not a single African American remained in Marion Township. But then, this was an era when the coal mines were starting to fold as oil began to gain prominence as a popular source of energy; Bonanza's total population likewise declined as the mines shut down, from 906 in 1900 to 406 in 1930.

In some respects, the slow bleed of African Americans from the Bonanza area following a notorious incident of racial violence mirrors the experience of another western Arkansas sundown town.

Early on February 20, 1901, eight masked white men took from the jail in Mena one Peter Berryman, a mentally challenged African American, whose body was found hours later, shot, cut, and hanging from a tree. The previous day, Berryman, who had been in numerous scrapes in town, had knocked down a twelve-year-old white girl.²⁹

The lynching terrorized the local black population, which numbered 152 in Mena in 1900 but only sixteen in 1910. An advertisement for the city of Mena in the March 18, 1920, edition of the *Mena Star* gave a list of "little items that will introduce you to Mena and Polk County." The first of these was, "Mena's population is 100% white."³⁰ The county had a token black population until 1950, when the census recorded not a single African

American in its bounds.

Sebastian County never went to such an extreme, but it is clear from census figures something has kept its population from growing in a proportional manner. In 1900, prior to the Bonanza Race War, its total population was 36,935, of which 4,407 were black. By 1910, no doubt under the influence of the coal mines, the county's population shot up to 52,278, and though the black population grew at a lesser rate, it was still 5,410, or just more than ten percent of the population. By 1920, however, the black population fell to 4,299, even as the total population grew modestly to 56,739. Only in 1990 did Sebastian County's black population break 5,000 again, but by this time, the total population was 99,590, or nearly twice what it had been when the black population was last over the 5,000 mark, and the overwhelming majority were living in Fort Smith.

Indeed, the complete absence of African Americans from rural Sebastian County communities such as Bonanza may indicate either a continued hostility against non-whites in those areas or the persistence of the communities' violent reputation across time.

Whatever the cause, it must never be assumed that such demographics evolved by accident, for in 1904, it took more than 500 bullets directed against black families—not just miners but also women and children—to manufacture an ostensibly all-white community.

End Notes

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8 "United States Court: Summary of an Opinion Delivered by Judge Jno. H. Rogers in the Contempt Case., *Fort Smith Elevator*, July 28, 1899, p. 8. See also "Negroes Must Go," *Arkansas Gazette*,

July 6, 1899, p. 1.

9 "Quit in Fear," *Arkansas Gazette*, July 8, 1899, p. 1.

10 "Negroes Warned to Leave Town," *Arkansas Gazette*, April 30, 1904, p. 1.

11 "Bonanza Budget," *Fort Smith Times*, May 1, 1904, p. 7. The *Times* mistakenly gives the day of the first meeting as Thursday. See also "Object to Negro Miners," *Van Buren Press*, May 7, 1904, p. 4, for another mention of the company's willingness to stand with the black miners.

12 "Negroes Warned to Leave Town," *Arkansas Gazette*, May 1, 1904, p. 1.

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African-Descended People and Indian Removal

Cherokee Case Study

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Introduction

All too often we have seen historical accounts of events involving American Indian tribes and individuals that are seriously questioned by modern scholars, who have found the accounts wanting. Examples abound—from the stories of contact with Columbus or the Pilgrims at Plymouth, to the accounts of confrontations at Greasy Grass and Wounded Knee, all told by mainstream writers and all lacking in historical fact regarding the depiction of the Indian. Through historical revisionism, however, many of the inaccurate tales qua history are refashioned to set the record straight and give a more balanced account of what really occurred during the periods in question. A good example is what research conducted during the past five years is telling us about Indian removal. It indicates that we must take another look at such matters as theoretical as the causes of removal or as factual as events on the removal trails, including modes of travel, health, death, travel conditions, and organizations of removal parties. Another issue, which is the focus of this presentation, is the role of African-descended people in Indian removal.

Most new research on removal in recent years has related to the Cherokees because of the Trail of Tears National Historic Trail project by the National Park Service. What follows is an analysis of revealing new research about African-descended people and Cherokee removal. First, however, we will offer a brief overview of the presence of those peoples in removal of the other tribes from the Southeast in order to establish the historical context for the Cherokee study.

African-Descended People and Removal of the Southeastern Tribes

When the Indian Removal Act became law in 1830, a significant part of the Indian societies in the South consisted of African-descended people, both slave and free. Their presence became an underlying element in the pro-removal argument of Southerners and in some ways

served to expedite Indian removal once it had begun.

The institution of slavery helped create the southern states' need for the land that Indian removal would provide. Extensive cotton farming, made possible by slave labor, quickly exhausted the soil. As soil became depleted, new lands were opened. Areas available for new cotton land had greatly shrunk by the end of the second decade of the nineteenth century. The land masses occupied by the tribes looked inviting to the states.

In addition, a growing fear of slave revolts, such as those led by Denmark Vescey and Nat Turner, beset white planters. They regarded Indian nations and their large populations of slaves with free blacks as potential havens for runaways or stolen slaves and were openly concerned about communities of blacks, such as those among the Florida Indians, who were armed.

In carrying out removal, the United States established policies that eliminated the obstacle of slave ownership by Indians. Slaves received the same rations and other forms of subsistence on the removal trails as the Indians did and were employed in the removal as wagon drivers, drovers, skilled workers, boat crewmen, and interpreters. Those Indians who removed themselves received per capita commutation money. Slave owners received as much for each slave as they did for themselves and their family members. Thus Indians were encouraged to take their slaves to the West with them. Evidence indicates that slaves from white-owned plantations escaped by joining parties of Indians that were departing for the West.

Once removal had begun, U.S. government officials used African-descended people to expedite and facilitate the process by removing obstacles. For example, when claims for runaway or stolen slaves threatened to delay Creek and Seminole removal, the United States chose to allow the blacks to go to the West with the tribes, arguing that the claims could be settled in the West. African-descended people—whether members of the tribes, slaves, or free blacks—played active roles in the Florida Indians' armed resistance to removal. The American

Army used them as interpreters, scouts, and go-betweens in their warfare and negotiations with the Indians. Others worked for the Indians in the same ways as well as serving as warriors in the field. Gen. Thomas S. Jesup, commander of American forces, became convinced that he was fighting a "Negro" war rather than an Indian war, and therefore instituted a policy of bribing blacks to surrender. Those who surrendered and registered for removal were promised that they would be free once they reached the West. Hundreds took advantage of Jesup's offer, thus depriving the Seminoles of arms, skilled workers, crops, livestock, interpreters, and other kinds of support.

African-Descended People and Cherokee Removal

Political developments in the Cherokee Nation in recent times have created a debate regarding the role of African-descended people in Cherokee history. For example, some people have espoused the idea that African-descended people were not a part of the Trail of Tears because most slaves were held by the Treaty Party Cherokees, who did not travel the Trail of Tears but emigrated to the West before the forced removal. Such assertions at best reflect an ignorance of historical facts and at worst represent gross falsifications aimed at denigrating the role of African-descended people in Cherokee history. Those interested in historical realities might consider the following brief investigation regarding this matter.

First, who were the slaveholders in the Cherokee Nation before removal? An analysis of the census of 1835 is helpful here. The census, conducted the year the removal Treaty of New Echota was signed, recorded 16,535 Cherokees, 1,592 slaves (presumably African-descended), and 201 whites connected by marriage, for an aggregate population of legal residents of 18,328. Slaves, then, made up nine percent of the population. There were 203 slaveholders in the Cherokee Nation. Most slaves were held in Georgia, where 776 people were held in bondage by Cherokees. Tennessee had 480 slaves held by Cherokees, Alabama had 299, and North Carolina had thirty-seven.¹ Most Cherokee slaveholders had fewer than ten slaves. Those with more than ten slaves were as follows:

John Brown.....12	Alex Gilbreath.....22
Alex Knave (Nave).....14	Richard Ratliff Jr.....13
James Brown.....28	George Still.....10
William Williams.....11	James Daniel.....37
Ailsey Eldridge.....21	Alfred Hutson.....10
William Blythe.....13	George Waters.....100
Joseph Vann.....110	T. J. Charlton.....30
James Vann.....14	John Rogers.....16
Samuel Parks.....12	Master Brannon.....14
Jesse Mayfield.....15	Lewis Blackburn.....21

John Ross.....19	Joshua Buffington.....10
Lewis Ross.....41	Jacob West.....13
David McNair.....21	David Vann.....13
James Petit.....28	John Ridge.....21
George Lowry Sr.....20	Major Ridge.....15
Elizabeth Pack.....29	Benjamin Thompson.....13
Charles Melton.....14	Lucy Martin.....20
Samuel Gunter.....22	Jeremiah C. Towers.....10
Edward Gunter.....30	John Martin.....69
John Gunter Jr.....30	Dick Taylor.....162 ²

A casual analysis of these figures reveals that the leaders of the so-called Ross Party were substantial slaveholders. Only Major Ridge and his son, John, of the Treaty Party leadership owned more than ten slaves. Stand Watie owned none, and Elias Boudinot owned one.³ On the other hand, John Ross held more slaves than Major Ridge and owned only two fewer than John Ridge. His brother, Lewis Ross, owned more than the Ridges combined. George Lowry Sr., second principal chief at the time of removal, owned more slaves than Major Ridge and lacked only one owning as many as John Ridge. John Martin, the national treasurer, owned more than the Ridges combined.

The figures reveal other significant facts. For example, Ross's removal committee in 1838 consisted of Ross, Elijah Hicks, Edward Gunter, Samuel Gunter, Sitawakee, White Path, and Richard Taylor. All were privileged slaveholders except Sitawakee and White Path. In addition, a majority of the leaders of Cherokee contingents and others in charge of the forced removal were slaveholders. Richard Taylor owned sixteen. Jesse Bushyhead owned four. John Benge had five. John Bell had nine. James Brown had twenty-eight. Peter Hilderbrand had eight. George Hicks owned three. Elijah Hicks owned seven. Moses Daniel had four. John Drew, John Ross's nephew, was not listed in the 1835 census because he was already in the West, but he held one slave in 1838 when he conducted the water contingent and was a zealous slaveholder and slave hunter in the West. Also, Lewis Hilderbrand, who was assistant conductor for Brown, was a slaveholder, as were George Still, who assisted Daniels; John G. Ross, who assisted Drew; and Collins McDaniel, who assisted George Hicks.⁴ Thus, at least fifteen percent, and perhaps as many as twenty percent, of the slaves in the Cherokee Nation in 1835 were in the hands of those who would become Ross Party leadership during and after the removal. What would be the percentage if calculations took into account slaves owned by the remaining estimated 16,000 Cherokees alleged to be Ross Party adherents?

What kind of labor were Cherokee slaves engaged in at the time of removal? Cherokee slavery was not motivated by cotton culture. The census of 1835 listed statistics on only two crops: wheat and corn. The 2,570

bushels of wheat reported were grown primarily in Georgia and Tennessee. Those states produced the largest numbers of bushels of corn raised that year, 268,114 and 139,279, respectively, making up seventy-one percent of the 575,701 bushels of corn raised in the nation.⁵ It is not surprising, then, that Cherokees in those states reported the largest number of slaves. Without question, the greatest number of slaves engaged in agriculture. However, they worked at other tasks. For example, there were 4,129 spinners and 2,481 weavers in the Cherokee Nation, some of whom were likely slaves. Others no doubt worked at the twenty-five mills and seventy ferryboats in the nation, and some were probably among the 339 mechanics there.⁶

The census, obviously, does not give the complete picture, so we must look elsewhere for evidence. A casual survey of claims and property valuation statements by Cherokees between 1835 and 1838 reveals that they owned herds of livestock: horses, cattle, and hogs. Slaves worked at tending livestock and poultry and caring for the extensive orchards owned by many of the wealthy Cherokees. Slaves engaged in household chores as well as in the construction and maintenance that went into a working farm. George Lowry Sr., for example, was owner of a large complex of structures and other farm facilities. His dwelling house was a two-story frame structure, 26-by-18 feet, ceiled on the inside and covered with weatherboards on the outside. There were two rooms downstairs and two upstairs with paneled doors, glazed windows, and plank floors. The house was shingled and had a brick chimney with two fireplaces. There was a separate single-story kitchen, 16-by-16 feet, with a shingled roof, plank floor, and brick chimney. In addition, there were five single-story log houses, two smoke houses, three hen houses, five cribs, and three stables. There were also three one-story "negro houses," two 15-by-12 feet and one 14-by-14 feet. They were constructed of round logs, chinked and daubed, with puncheon floors, board roof, and board doors. In addition, the Lowry farm complex had a spring house, a hog lot, 116 acres in cultivation, and an orchard of thirty-nine apple trees, fifty-three plum trees, twelve damson trees, six pear trees, six English grapevines.⁷

Elizabeth Pack, daughter of George Lowry's brother, had a working farm of a different sort. Her two-story house was made of hewed logs, two rooms below and three above, with plank floors, five 12-light windows, shingled roof, brick chimney, and two fireplaces. She had a number of other houses on her property, including a smokehouse and two "negro houses," constructed like those on Lowry's place. However, other than a hog house and a chicken house, there is little to indicate livestock and poultry raising. She had 193 acres in cultivation. Although she reported having raised 3,000 bushels of corn and sixty bushels of wheat in 1835, a large part of

her farm work was aimed at fruit culture. In 1836, she had 155 apple trees, 300 peach trees, 110 plum trees, 120 cherry trees, fourteen quince trees, two pear trees, four damson trees, and twelve English grapevines. In addition, she had set out 500 new apple trees.⁸ It is reasonable to assume that her slaves did much of the work related to her orchards. Records such as those that reveal details about the Lowry family exist for nearly every slaveholding household in the Cherokee Nation, providing much information for further study.

Slaveholding placed Cherokees like the Rosses, the Ridges, the Lowrys, and others in a privileged class that had implications for removal. John Page, disbursing agent for Cherokee removal stationed at the Cherokee Agency, wrote in 1841 regarding the roundup of Cherokees:

Many families were permitted by Genl Scott and other officers to remain in their homes and were not brought into the encampments; they were generally the most wealthy Cherokees who had large families, considerable property, and a number of slaves. These families joined a detachment either after they had begun to travel, or just on the eve of moving. This was the case with the one alluded to [i.e., the Benge detachment].⁹

In other words, slaves helped establish a privileged class that escaped the hardships of the encampments.

The privileged members in the Benge detachment to whom Page referred, the largest slaveholding detachment that we have a removal roster for, included Benge, George Lowry, Elizabeth Pack, and others of substance as well as slaveholder James Lowry and Jinny Bark, who had a large family. Lowry, with a household of fifteen, including slaves, was captured and taken to a camp near where he lived. He was allowed to go home because he did not draw rations from the government but furnished himself and his family from the time the roundup began in May 1838 until October of the same year when the Benge detachment left. Jinny Bark and her family of eight also fed themselves, unlike other Cherokees who were taken prisoner and furnished rations until they removed.¹⁰

What happened to the slaves who worked on Cherokee farms, at their ferries, and in their other economic enterprises when the forced removal took place? Were they sold off or manumitted, or were they taken to the West and, therefore, traveled with their Cherokee masters on the Trail of Tears? The Cherokee slaveholders were certainly not inclined to manumit their slaves.¹¹ Some slaves worked as interpreters in the camps on the eve of removal. Other evidence makes it clear that slaveholders took the slaves with them on the Trail of Tears.¹² The Reverend Daniel Butrick, who traveled with the Taylor contingent, told the story of an old woman, about 90, who had been a slave from childhood but who had been bought out of slavery by

her daughter, Nanny, and son, Peter. Nanny, a slave of a Cherokee named Sanders, took care of her mother, but Peter and his wife were sold to a slave speculator before removal. The mother died while she and Nanny were in the camp awaiting removal. Nanny went west with the Taylor detachment. On the trail, on one occasion, Butrick got a "black man" to cut wood for his camp at night. He recorded the death of another who died while the Taylor party was waiting to cross the Mississippi River. A look at the Benge group, again, might shed further light on the question. The party contained 144 "negroes." Of the slaveholders in the Benge contingent, two were not listed in the 1835 census, Mrs. Thompson and Nelson Ore. Four owned the exact number of slaves in 1838 as they did in 1835: Charles Melton, Anderson Lowry, Martin Benge, and James Ore. Five owned fewer slaves in 1838 than they did in 1835: John Benge, John Young, George Lowry, Elizabeth Pack, and William Grimmitt. And six slaveholders owned more slaves in 1838 than in 1835: Archibald Campbell, James Lowry, George Lowry Jr., Edward Gunter, George Gunter, and Sokinne Smith. Thus, despite the two slaveholders who were not identified in the 1835 census, it is safe to say that the number of slaves who traveled with their Benge contingent owners over the Trail of Tears is practically the total number enumerated for those people in 1835. A similar comparison and analysis will be necessary for the other contingents for whom removal rosters exist to determine if this generalization holds true for the removal of other parties.

One other point should also be researched. Some slaveholders in the Choctaw and Muscogee nations sent their slaves ahead of them to the West, presumably to begin to establish a foothold in the landscape. There is evidence that some Cherokees followed the same practice. For example, on October 16, 1837, William Grimmitt of the Benge Party received twenty dollars each for himself and his family, consisting of eight Cherokees and eight slaves for their commutation to the West, shortly before the Cannon contingent departed from the Cherokee Agency, where Grimmitt received his commutation funds.¹⁵ Did Grimmitt send his slaves on to the West, or did he take the commutation money and sell the slaves except for the two he took with him on the trail with his family a year later?

It is certain that some of the more privileged Ross Party slaveholders collected twenty dollars per person to pay for their own way to the West. For example, on September 13, 1838, Ailsey Eldridge collected \$620 in commutation money for herself and family of five and twenty-five slaves, and on December 2, 1838, Lewis Ross claimed twenty dollars in commutation money for each of his fifty-five slaves.¹⁶

What did the slaves do on the Trail of Tears? Some were teamsters. Cannon's diary of 1837 indicates that

there were several "negroes" who drove wagons. It is likely they did so in other contingents. The trail demanded specific kinds of work. Someone had to gather firewood, build fires, cook, wash, tend livestock, set up and break camp. Wagon and harness repair required mechanical skills. It is unlikely that Cherokees who had slaves with them on the trail did all of these chores themselves.

Once they reached the West, did the Ross Party Cherokees give up slave holding and leave that practice to the Treaty Party adherents as is often alleged? The answer, of course, is no. In fact, Ross Party slaveholders took charge of forming and controlling the new government. The Treaty Party leadership was removed and therefore eliminated from political leadership by the Ross Party by assassinating the Ridges and Boudinot. In the weeks that followed, during negotiations with the existing Old Settler government, the committee representing the eastern Cherokees consisted of Ross, George Lowry, Edward Gunter, and Lewis Ross, all with large slaveholdings. When the Act of Union was signed on July 12, 1839, those signing for the eastern Cherokees were George Lowry, president; Richard Taylor, vice president; Te-ke-chu-las-kee, vice president; George Hicks, John Benge, Thomas Foreman, Archibald Campbell, Jesse Bushyhead, Lewis Ross, Edward Gunter, Te-nah-la-we-stah, Stephen Foreman, and Daniel McCoy. Only Te-ke-chu-las-kee, Te-nah-la-we-stah, Thomas Foreman, and Stephen Foreman were not slaveholders, although Stephen Foreman later held slaves.¹⁷

The early years following removal witnessed the development of a harsh slave code in the Cherokee Nation. The constitution of 1839 gave citizenship to descendants of Cherokee women and African-descended men, but the children of Cherokee men and African-descended women were excluded. It forbade people of African heritage to hold office. A law in 1839 prescribed up to fifty lashes to a Cherokee who married a slave or person of color and 100 lashes to a male of African descent who married a citizen. An 1840 law forbade African-descended people not of Cherokee blood to hold improvements and other property in the Cherokee Nation. The same law forbade African-descended people to sell liquor in the Nation. A law in 1841 established patrol companies to catch and punish slaves caught off their masters' premises without a pass. It prescribed thirty-nine lashes for any African-descended person caught carrying a weapon.¹⁸ Assuredly, some of the slaves the Cherokee slave code sought to control were purchased after removal, but a large number of them, without question, came over the Trail of Tears. It was not Treaty Party adherents who controlled the government and designed a slave code aimed at preserving the institution of slavery in the Cherokee Nation. Ross was chief, and it was his party and the Old Settlers who did so.

The growing harshness of the slave code led to a revolt by slaves in the Webbers Falls, Oklahoma, area in 1842. The slaves armed themselves and fled southwest toward Mexico. Ross asked the council to create a posse to go after and return the slaves. John Drew, by then a wealthy slaveholder, headed the party that finally caught, subdued, and returned the slaves to the Cherokee Nation. Between 1842 and the Civil War, the Cherokees continued to add to their slave code and passed laws aimed at controlling free persons of African descent and abolitionists who were living in the Cherokee Nation.²⁰

The number of slaves in the Cherokee Nation grew significantly after removal because the Cherokee leadership nurtured the institution. There were 1,592 in the Cherokee Nation in the east in 1835 and 2,511 in the western Cherokee Nation in 1860.²¹ The sixty-three percent increase can be accounted for, in part, by those slaves owned by Old Settler Cherokees at the time of forced removal. However, there can be little doubt that the holding of slaves was condoned, promoted, and protected by Ross and his followers, who, for the most part, increased their slaveholding in the West. In fact, in 1860, Lewis Ross, with fifty-six, held more slaves than anyone else in the Cherokee Nation. John Ross had fifty-one, and Lewis Ross's son-in-law, George Murrell, had forty-two. A number of the Benge party belonging to the Lowry family also held large numbers of slaves: e.g., James Lowry, Elizabeth Pack, George Gunter, and Rachel Ore.²²

Thus the current tendency of certain people to argue that enslavement of people of African descent, and, thus, their presence as a part of Cherokee society was the work of a small Treaty Party minority has no basis in fact. Neither does the claim that African-descended people had no part in the Trail of Tears. If Cherokee slaves endured no hardships on the trail, neither did their privileged masters, including John and Lewis Ross.

Conclusion

Much of what has been written about American Indians in the past has undergone extensive revision resulting from a more rigorous recounting of historical fact, modern technologies, and an invigorated commitment to genuine scholarship. Deceptions and distortions still exist, among those the public's understanding of the role of African-descended people in Indian removal. But as the foregoing presentation clearly indicates, that is changing. Obviously, there are differing interpretations with regard to details, cultural emphases, or opinions, but as professionals, both Indians and non-Indians alike should consider it disingenuous to suppress facts or distort the record in favor of a more sanitized version of some event or events. In short, negation is wrong, whether committed by a non-Indian historian or by a tribal historian who

seeks to hide what that person considers a dark chapter of the tribe's past. The moral and ethical consequences of such negation can only be destructive. Truth becomes sacrificed for propaganda, and the public trust is compromised for the sake of some immediate social or political expediency.

End Notes

- 1 1835 Cherokee Census (Park Hill, OK: Oklahoma Chapter of Trail of Tears Association, 2000), 66.
- 2 Ibid., 1-7, 12-14, 36, 39, 46, 49, 51, 54-57, 65.
- 3 Ibid., 57.
- 4 Ibid., 2, 5, 6, 7, 14, 36, 46, 56, 65; John Drew comm. to National Archives, November 7, 1838, Box 282, Account 3136K, National Archives Record Group 217, E525, Indian Affairs, Settled Accounts and Claims, hereafter cited as Settled Accounts and Claims.
- 5 1835 Cherokee Census., 66.
- 6 Ibid.
- 7 Valuation 16, Folder 3, Box 1 (Alabama), National Archives Record Group 75, Records of the Bureau of Indian Affairs, Cherokee Removal Records, Property Valuations, 1835-1839, hereafter cited as Property Valuations.
- 8 1835 Cherokee Census, 12; Valuation 18, Folder 3, Box 1 (Alabama), National Archives Record Group 75, Records of the Bureau of Indian Affairs, Cherokee Removal Records, Property Valuations, 1835-1839, hereafter cited as Property Valuations.
- 9 John Page to John Bell, July 19, 1842, Account 6789, Settled Accounts and Claims.
- 10 Flint District Claims Nos. 147 and 154, 1842, Claims of Indians against the United States within the State of Alabama, transcribed by Michael Wren..
- 11 Bernard Vincent, "Slaveholding Indians: the case of the Cherokee Nation," DEP 5-6 (2000), 9.
- 12 See., e.g., Receipt to Moses, October 10, 1838, File 3229D, Settled Accounts and Claims.
- 13 *The Journal of Rev. Daniel S. Butrick*, May 19, 1838 (Park Hill, Oklahoma: Oklahoma Chapter, Trail of Tears Association, 1998), 32-33, 54, 58.
- 14 See 1835 Cherokee Census and Muster Roll of Detached Emigrating Cherokees under Charge of Capt. John Benge, John Ross Papers, #504, January 17, 1839, Gilcrease Museum, Tulsa, Oklahoma.
- 15 See File 3229D, Box 285, Settled Accounts and Claims.
- 16 Eldridge Receipt, September 13, 1838 and Ross Receipt, December 2, 1838, Account 31361, Box 281 and Account 4708, Box 323, respectively, Settled Accounts and Claims.
- 17 See 1835 Cherokee Census.
- 18 Daniel F. Littlefield Jr., *The Cherokee Freedmen* (Westport, CT: Greenwood Press, 1978), 9.
- 19 Daniel F. Littlefield Jr. and Lonnie E. Underbill, "Slavery in the Cherokee Nation, 1842; *American Indian Quarterly* 3 (Summer 1977), 121-131.
- 20 Littlefield, *Cherokee Freedmen*, 9.
- 21 Ibid.
- 22 1860 Slave Federal Census, Cherokee Nation, Indian Territory, ftp.rootsweb.ancestry.com/pub/usgenweb/ok/nations/census, retrieved September 12, 2008.

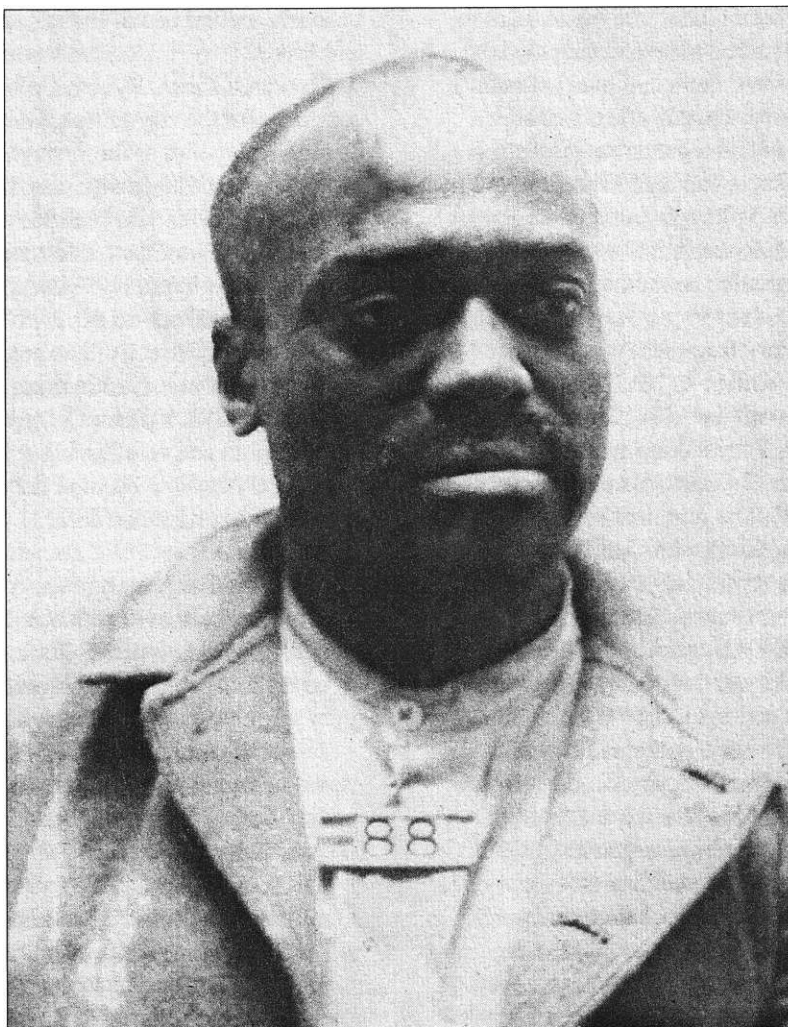


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BYNUM COLBERT

Fort Smith Soldier and Lawman

Newspaper Articles Highlight Work of Bynum Colbert

By Art T. Burton

There were many deputy U.S. Marshals who worked for the federal court in Fort Smith, Arkansas, who should be better known and recognized for their contributions. One was Bynum Colbert, a Choctaw Freedman, a black man, who had a lengthy record as a lawman in Arkansas and the Indian Territory, now the state of Oklahoma. The records of black federal lawmen are sketchy and not well researched. This article is part of the effort to rectify this information, which is sadly not well known. I would like to thank Bob Ernst and Angela Walton-Raji in assisting with my research for this article.

Colbert was interviewed by the Dawes Commission in Muskogee, Indian Territory, on October 21, 1904, and on January 16, 1905, to be registered on the rolls as a Choctaw Freedman. In the interviews, Colbert told about his family and the early days in his life. He stated he was born in 1850 in Kiamitia County, Choctaw Nation. Colbert's mother, Easter Colbert, a slave to Sim Folsom, died in 1865. His father was Ben Colbert, a slave owned by a widow, one M. McGilberry, who lived in Skullyville County in the Choctaw Nation.

At the beginning of the Civil War, Colbert was a slave and lived with his mother, but was supposed to be

turned over to the owners once he became big enough to work. Colbert's mother remained a slave during the war. The Colbert family who owned them had married into the Folsom family who were Choctaw and Chickasaw. Bynum Colbert said that in 1863 a gentleman (no name given) took him to Fort Gibson, Indian Territory, where he enlisted in the 2nd Arkansas Volunteer Infantry Regiment and was transferred to Little Rock, Arkansas. The regiment was later given a new designation as the 54th U.S. Colored Troops Regiment (USCT).

The 2nd Arkansas Infantry Regiment was organized in Arkansas at large on September 4, 1863. The 54th USCT, not to be confused with the 54th Massachusetts Regiment of Colored Volunteer Infantry, was organized on March 11, 1864, from the 2nd Arkansas Infantry Regiment (African-descent). The regiment during the war was assigned to Helena, Arkansas, until May 1864. The troops were involved in the repulse of Confederate Gen. Holmes's attack on Helena on July 4, 1863, before they were officially mustered in. The regiment then transferred to Fort Smith and was on duty in that town until January 1865. The regiment was in action in 1864 at Fort Gibson Cherokee Nation, Indian Territory, on September 16, Cabin Creek, Cherokee Nation, Indian Territory, on September 19; Cow Creek, Kansas, on November 14 and 18; and was ordered to Little Rock, Arkansas, in January 1865. The 54th saw action on the Arkansas River on January 18, 1865. They later saw duty at Little Rock and at various points in the Department of Arkansas until December 1866.

Colbert stated that he enlisted in the 10th U.S. Cavalry Regiment at Fort Arbuckle, Indian Territory, on February 7, 1867. He said he served with the U.S. Army until 1872, when he settled in Skullyville, Choctaw Nation. At that time, Colbert said, he started working as a deputy U.S. Marshal under Col. Needles.

The first newspaper citation I found on Colbert's activity as a deputy U.S. Marshal was in the *Fort Smith Elevator*. On December 17, 1880, the newspaper reported that Chief Deputy U.S. Marshal Huffington, with Ben Ayers, John Reutzel, George Maledon, Valair Merchand, Bynum Colbert, Deputy Marshal Farr and T. J. Hamnett as guards, had left on the train the previous Tuesday morning with twenty-one prisoners, twenty destined for the Detroit House of Corrections and one for the Little Rock penitentiary. This transfer of prisoners left the Fort Smith federal jail with fifty-nine prisoners in house.

On April 6, 1882, Colbert married Bettie Brown in Sebastian County, Arkansas.

The popular Deputy U.S. Marshal Addison Beck and his posse Merritt were killed in October 1883. Special Deputy U.S. Marshal C. C. Ayers led a posse of eleven men, including Bynum Colbert and Bass Reeves, pursuing the killers of the lawmen. The posse was able to locate and

seriously wound one of the desperados who killed Beck and Merritt.

Research shows Bynum Colbert was a deputy constable for the city of Fort Smith in the early 1880s, distinguishing him as the first African-American policeman for Fort Smith. Conjecture was that A. G. Rogers, who was hired in 1926, was Fort Smith's first black policeman. Colbert was one of the earliest black deputy U.S. Marshals to work for the Western District of Arkansas federal court and is the first black deputy U.S. Marshal I have found to be both a USCT and Buffalo Soldier veteran, though others are likely to have served in these capacities as well.

In May 1884, Bynum Colbert was a deputy constable in Fort Smith and was serving as a federal posseman. The *Fort Smith New Era* on May 29 reported the story of Colbert arresting a murderer:

Last Sunday afternoon a young colored man named Allen Atkins, employed on the farm of W. H. Arnold, five miles from town on the Skullyville road, killed another young colored man, named John Dukes, likewise employed on the same farm, by striking him on the head with a heavy club. It seems that the murdered man detected Atkins in a foul crime and told on him, when the latter vowed vengeance. Last Sunday Dukes went to town, returning in the middle of the afternoon. A number of hands were in the farm yard and the banter against Atkins was passed freely. When the latter made the assault resulting in the death of Dukes, Drs. DuVal and Eberle were immediately summoned by Mr. Arnold, but nothing could be done and man died soon after.

Mr. Arnold, a very intelligent, enterprising colored man, cultivating a splendid farm of some 7-800 acres and employing some twenty hands, paid Atkins off on Monday noon, when the latter came to town and visited his father, who occupies a little shanty on the Reservation, near the National Cemetery. There he prepared to escape into the Cherokee country by crossing the Arkansas, and had procured some provisions and a pistol.

Mr. Arnold had followed him to town and pointed the man out to a colored officer, Mr. Colbert, deputy constable and also a posse to Deputy U.S. Marshal Ayers. Colbert secured his man just as he was about to cross the river. When arrested Atkins was very violent, cursing the officer and Mr. Arnold and threatening to kill both in due time. He bears a very hard character. He was lodged in the U.S. Jail and will do to bear watching.

June 5, 1884, page 3 *New Era*:

A Correction

In our last we spoke of W. H. Arnold, the successful farmer, on whose place the fatal encounter took place between two colored men recently, as being likewise a colored man. This is a mistake, he being the son of a white father and a Creole mother with Indian blood. From the

tenor of the article in alluding to Mr. Arnold it will be seen we did not wish to misrepresent him.

Today, the term "Creole" suggests a mixture of African blood and culture.

The *Fort Smith Elevator* reported on March 20, 1885, that Special Deputy Marshal Bynum Colbert had arrested a black man named Charles Drew for murder. Drew had killed another young black man at a dance that took place at Sand Town, Cherokee Nation. A few months later on July 10, the newspaper reported that Colbert arrested another black man, Joseph Pierce, for assault with pistol and whip. The article again refers to Colbert as a special deputy U.S. Marshal.

Extant records show that Bynum Colbert received commissions as a deputy U.S. Marshal for the Fort Smith federal court on June 10, 1889, and June 1, 1893. The 1889 papers for commission are interesting in that Colbert signed an "X" for his signature. This could mean Colbert was illiterate, like his contemporary and famous lawman, Bass Reeves. Judge Isaac C. Parker's signature is on both commissions.

The Elevator shows that 1889 was a very busy year for Colbert after he received his commission as a lawman in the territory:

June 14: Deputy Bynum Colbert arrested Lewis Wright in the Cherokee country on a charge of larceny.

July 26: Officer Bynum Colbert brought in Gabe Moore, Tuesday, on a charge of larceny.

August 16: Sidney Maxwell, larceny, by Bynum Colbert. Gave bond.

August 23: Tony Caylor, charged with larceny, was turned in by Bynum Colbert on Friday last.

August 23: Robert Burns, charged with introducing, etc., was registered Friday by Bynum Colbert. He gave bond.

September 27: R. A. Loftus, charged with larceny, was registered Saturday by Bynum Colbert, who arrested him the day previous in the Choctaw Nation. He gave bond for his appearance.

September 27: Jack Lefler, introducing and selling liquor in Indian country, was brought in Tuesday by Bynum Colbert, who arrested him in the Choctaw Nation Sunday last. Lefler entered plea of guilty and was sentenced five days in jail and fined \$1.

October 18: Ben Bowlegs, charged with larceny, was registered Friday by Deputy Bynum Colbert, who arrested him in this city.

November 1: Deputy Bynum Colbert registered S. G. Cantwell and Joe Justice, alias Sykes, both charged with assault with intent to kill; Charles Gray, introducing, etc., and Ben F. Thompson, charged with larceny. Thompson was discharged on bond.

December 6: J. F. Fuller, charged with introducing, etc., was registered by Bynum Colbert.

December 13: Deputy Colbert got in on the 6th with M. C. Vaughn and Anthony Phillips, both charged with assault.

December 20: Peter Campbell, charged with rape, and William Hill, larceny, were brought in Tuesday by Deputy Bynum Colbert.

The newspaper reports on Colbert seem to justify his receiving a commission as a deputy U.S. Marshal.

The same newspaper picked up on his activity in 1890:

March 21: Bob Rose was arrested Wednesday on a charge of larceny and committed by Bynum Colbert. He beat a fellow out of some money by means of a swindling game of some kind.

April 4: William Gilbert, charged with larceny, was registered by Bynum Colbert.

May 9: James Williamson, alias Hatfield, (white), charged with introducing, etc., by B. Colbert.

May 9: John Saddler, alias Simon Crier (negro) larceny by B. Colbert.

May 30: David James, charged with larceny, was registered by Bynum Colbert.

June 27: Josh Mathews, charged with larceny, was brought in Wednesday by Deputy Colbert.

July 4: Peter Campbell and Hardy Colbert, introducing, etc., were brought in by Bynum Colbert.

July 18: James M. Woods, Charley Harvey, James Bayless and Alfred Shackelford, introducing, etc., were brought in by Bynum Colbert. All of them gave bond.

August 8: Daniel C. Bailey, introducing, etc., Green Laflore and George Potts, larceny, were registered by Bynum Colbert. Colbert also arrested Wm. Parke on a charge of larceny, but he escaped.

August 15: Harrison Nicholson and William Gilbert, both charged with larceny were brought in from the Choctaw country by Bynum Colbert. Gilbert was discharged by Commissioner Wheeler. Nicholson gave bond.

August 29: Fred Huff, charged with adultery, was registered by Bynum Colbert.

September 5: Charles Clark, charged with horse stealing, and William Maxwell, introducing, etc., were registered by Bynum Colbert.

September 19: Labe Edwards, a negro, charged with adultery, was brought in by Bynum Colbert.

September 19: Prince Harris, charged with assault was brought in by Bynum Colbert. He was examined and discharged by the commissioner.

October 10: William Madison, larceny, was brought in by Bynum Colbert.

October 24: Israel Woods, charged with larceny, was brought in by Bynum Colbert.

November 7: William Bush, alias Dove, (Indian) charged with larceny. Registered by Bynum Colbert in this city.

November 28: Simon Seymore, charged with rape, was registered by Bynum Colbert.

December 19: Charles Younger and Lucy Richardson, adultery, were brought in by Bynum Colbert. They are Negroes.

By the end of 1890, it was apparent that Bynum Colbert was a busy and important deputy to the federal court at Fort Smith.

The year 1891 saw even more reports of his duties. Following are some of the items in the *Elevator* where his police work was highlighted:

January 12: Abe Bledsoe, larceny, was brought in by Bynum Colbert.

March 13: James Mackey, charged with adultery, and Franklin Monroe, charged with larceny, were brought in by Deputy Colbert. Both are negroes, Monroe being a small boy who is charged with stealing a gun from some movers.

April 3: Mary Smith, a white woman, charged with assault, was arrested near this city by Bynum Colbert. Mary committed the assault Monday night at a dance in the suburbs near Poteau bridge, just across the line in the Choctaw Nation, her victim being another woman.

April 3: Masco C. Belton, a negro charged with arson, was brought in from the Creek country by Bynum Colbert.

April 10: Julius Manuel, a negro boy about 14 years of age, was brought in from Wagner by Bynum Colbert on a charge of murder, for killing his sister one day last week. He claims it was an accident, says he was fooling with an old pistol and didn't know it was loaded. He was examined before the commissioner and discharged.

May 1: Jim McCoy, charged with adultery, was registered by Bynum Colbert, who arrested McCoy at Lavaca, in this county.

May 29: Frank Milam, charged with introducing and selling, brought in by Bynum Colbert from Cherokee Nation, discharged.

July 3: James Williams and Sam Woodard, introducing and selling liquor in the Indian country, and Jackson Edwards charged with larceny, were registered on the 25th by Bynum Colbert. Edwards was discharged by Commissioner Wheeler.

July 17: Rosel McKey, introducing and selling, brought in by Colbert from Muskogee.

July 24: Jas. Clayton, assault, brought in by Bynum Colbert from the Cherokee Nation.

July 31: Ephram Pirtle, charged with introducing, etc., was brought in by Bynum Colbert. He was discharged on bond.

August 7: Zach Robinson, introducing, etc., was brought in by Bynum Colbert.

August 14: Enoch Durant and Joe Barnett, charged with larceny, were brought in by Bynum Colbert. Durant gave bond.

August 14: John Porter, charged with introducing, etc., was brought in by Bynum Colbert.

August 21: Ben Graham, a 70-year-old negro was brought in by Bynum Colbert. He is charged with a carnal offense.

August 28: Henry Beck, white, charged with larceny, was brought in from the Choctaw Nation by Bynum Colbert. He gave bond and was released.

September 25: Ross Winn, alias, Votan, charged with counterfeiting was committed by Bynum Colbert. He was arrested in this city, and on examination was discharged.

September 25: Bynum Colbert arrived Wednesday from McAlester with James Reed, charged with introducing, etc. He gave bond for his appearance.

October 2: Aaron Eubanks, charged with larceny, was arrested in this city and registered by Bynum Colbert. He was discharged by Commissioner Wheeler.

November 6: Enoch Durant, a negro, charged with larceny, was registered by Bynum Colbert.

November 13: Bob Rogers, charged with assault, was brought in from the Choctaw Nation by Bynum Colbert.

This was the first time Bob Rogers, a young white man originally from Arkansas, had been arrested by a federal officer. Rogers and his family had settled in the Cherokee Nation, and he had worked as a cowboy in the Vinita area. Colbert arrested Rogers on November 10 for assault with intent to kill. Rogers was released on bond a few days after Colbert brought him in to Fort Smith. Evidently the case was dropped, and the circumstances involved are not known. Rogers shortly thereafter put together one of the noted outlaw gangs of the early 1890s in Indian Territory. The Bob Rogers gang was involved with murder, train robbery, bank robbery, horse theft, cattle theft, and numerous other felonious acts. After members of his gang were killed or sent to prison. Bob Rogers was killed at his father's home in the Cherokee Nation by a posse led by Deputy U.S. Marshal Jim Mayes and members of the Anti-Horse Thief Association on the morning of March 15, 1895.

November 27: Chas. H. Johnston, Fort Smith, by Bynum Colbert.

December 4: Robert Tobler, introducing and selling, was brought in from the Creek Nation by Bynum Colbert.

December 11: Andrew Pike and Nancy Boyd, charged with adultery, stand credited to Bynum Colbert.

December 25: Fred Brown, a negro, charged with assault, was brought in from the Creek Nation by Bynum Colbert.

December 25: Lucas Brown, who lives in the vicinity of Scullyville, I.T., stole a horse belonging to R. E. Jackson, the attorney, Tuesday afternoon. The animal was hitched on Garrison Avenue, when Brown came

along, deliberately mounted and rode away, going into the Territory. Deputy Marshal Bynum Colbert went in pursuit and succeeded in getting possession of the horse, but the thief escaped.

Colbert was sent into the Cherokee, Creek and Choctaw Nations primarily for his field work in 1892. It is interesting that another Choctaw Freedman named Colbert worked for the federal office of Fort Smith during this era. Bill Colbert was a well-known man, hunter and gunman. Bill and Bynum Colbert were not related, and I have not found evidence of them having worked together at anytime.

The *Fort Smith Elevator* picked up Bynum Colbert's police work in 1892:

January 8: Sara Woodard, introducing and selling, was registered from the Creek Nation by Bynum Colbert.

January 15: Price Hamilton, charged with rape, was registered from the Cherokee Nation by Bynum Colbert.

March 4: Boss Straws, introducing and selling. Creek Nation, by Bynum Colbert.

March 4: Dan Snow, assault, Cherokee Nation, by Bynum Colbert.

March 11: Mary Wheeler and Alfred Shobe, charged with adultery, and Hurdy Colbert and Thomas Mills, larceny, were all brought in from the Creek Nation by Bynum Colbert.

On March 24, 1892, Colbert received a warrant of arrest for a black man named William C. Moore. On March 21, Moore fired a pistol five times at a black man named R. W. Perry on a street in Muskogee, Creek Nation. Rufus Cannon, a noted lawman in his own right, witnessed the incident and unsuccessfully tried to disarm Moore. Colbert went after Moore but did not locate him.

The Elevator also reported:

March 25: Hardy Steadham, Negro, introducing and selling, was brought in from the Creek Nation by Bynum Colbert. He gave bond.

April 1: Nessy Island, introducing and selling, was committed by Bynum Colbert, who arrested him in this city.

April 8: Mack Crofft, larceny, was arrested in the Choctaw Nation by Bynum Colbert.

April 22: Lizzie Johnson, charged with larceny, was brought in by Bynum Colbert, from the Creek Nation.

April 22: John Walker, alias Davis, was arrested in this city by Bynum Colbert, charged with larceny.

April 29: John Childers, introducing, etc., and John McCoy, charged with arson, were registered by Bynum Colbert. Childers at once gave bond.

May 13: George Paton, charged with larceny, was returned by Bynum Colbert. He was discharged by

Commissioner Wheeler.

May 20: J. C. Seals, charged with forgery, was brought in from Creek Nation by Bynum Colbert.

June 17: Alfred Chaney was brought in from Creek Nation by Bynum Colbert for assault.

July 1: Bob Hill was registered from the Creek Nation by Bynum Colbert for introducing and selling.

July 15: Fred Thomas, introducing, was registered from the Cherokee Nation by Bynum Colbert. He gave bond at once.

July 22: Jessie Nathan, charged with introducing and selling, was registered from Cherokee Nation by Bynum Colbert.

On August 6, Colbert arrested a white man named Alford Chaney for assault with intent to kill a black man named James Colbert. The arrest was made one mile north of Wagoner in the Creek Nation.

On August 17, Colbert arrested a black man named Hilliard Russell for assault with attempt to kill at Wybark in the Creek Nation. The assault took place in the home of William Johnson, who was the intended victim in the case.

September 2: Seaborn Morrison, charged with adultery, was brought in from the Cherokee Nation by Bynum Colbert.

September 9: Lizzie Johnson, on the charge of adultery, was registered from the Creek Nation by Bynum Colbert. (This could be the wife of William Johnson, who found and ordered Hilliard Russell out of his house and shot at him on August 15.)

October 27: Benny Mayes, for selling, was registered by Bynum Colbert from the Cherokee Nation.

December 2: Ben Graham, for introducing, was registered by Bynum Colbert.

The *Fort Smith Elevator* continues with Bynum Colbert's work with the Western District of Arkansas federal court in 1893:

May 3: Henry Clay, negro who formerly lived here, was brought in from Muskogee on a charge of larceny, by Bynum Colbert.

May 26: Will Hatchett and Wesley Johnson, charged with assault, were registered by Bynum Colbert. Mary Clark was also registered by Bynum Colbert on a charge of adultery.

May 26: Sam Tucker, for introducing and selling, was registered from Fort Gibson by Bynum Colbert.

July 7: Henry Johnson, charged with larceny, was registered from Eufaula by B. Colbert.

On August 15, Bynum Colbert arrested a black man named Walter Massey in the Choctaw Nation for assault

with intent to kill. The intended victims were a white man named Nathaniel Carter and a woman named Alex Massey, who was probably Walter's wife. Massey came home and found Carter in his home and wounded Alex Massey in the shooting that followed.

September 8: G. W. McElhaney, for introducing and selling, was registered by B. Colbert from Choska.

September 22: Doug Perryman, a Creek negro, charged with larceny, escaped from custody of Deputy Bynum Colbert near Muldrow last week by jumping from the train. He was afterward recaptured near McKay by Ed Given.

September 22: Black John alias John Gullett, larceny, returned by B. Colbert. He is a negro.

September 22: Douglas Perryman, larceny, was registered by B. Colbert.

September 22: Joe Clay, charged with assault, is credited to B. Colbert.

November 3: Frice Hamilton, assault, by Bynum Colbert.

November 10: Annie Ferry, larceny, by B. Colbert, discharged on bond.

November 17: James Coonclar, larceny, by Bynum Colbert. Examined by Commissioner Brizzolara and discharged from custody.

December 1: Wilson Davis, assault, was registered by Bynum Colbert.

December 8: Geo. Lawrence, charged with larceny, was registered by B. Colbert from Hartshorne. He was examined by Commissioner Wheeler and discharged from custody.

December 15: Alex Duncan, charged with assault, was registered by B. Colbert.

On December 15, Colbert arrested an Indian named Frank Fotner in Fort Smith for reportedly shooting at a black blacksmith named Louis Bell in the Cherokee Nation. Bell said in the warrant statement that he had never had any words with Fotner. As Bell was working in his shop, Fotner stood in the street and without provocation drew down on Bell with a pistol and exclaimed, "I will shoot black son of a bitch!" Fotner gave bond and was given a bond date of March 24, 1894, to appear before Commissioner Brizzolara.

Bynum Colbert's last full year of federal service was 1894. There was much excitement in Indian Territory with outlaws such as Cherokee Bill and the Bill Cook gang. Colbert was very active during the year making various arrests of felons who broke the law, both in the territory and in Arkansas. We will pick up Colbert's trail by again looking at entries from the *Fort Smith Elevator* in 1894:

February 9: Sargeant Pettis, mulatto, charged with adultery, is credited to B. Colbert. He was arrested at Harroldton, Ark.

February 9: Allen Turner, a Negro, was registered on a charge of assault. He is credited to Bynum Colbert.

April 13: John Leatherwood, a mulatto, was registered by Bynum Colbert. He was arrested ten miles south of Fort Smith. Upon examination before Commissioner Wheeler he was discharged from custody.

June 22: James Holt, a mulatto, was registered on a charge of introducing and is credited to Bynum Colbert. He was arrested near Cowlington.

June 29: Ed Douglass, for adultery, was registered by Bynum Colbert. He was arrested near Bragg. Upon examination he was discharged on bond by Commissioner Brizzolara.

July 6: Earnest Kline, white, was registered on a charge of counterfeiting. He is credited to Bynum Colbert and was arrested near Fort Smith.

On August 3, Colbert arrested a murderer at Wagoner, Creek Nation. The felon was a black man named Frank Anderson. On July 28, Anderson shot a man known only as George with a .44 revolver. This incident was witnessed by a Henry Berry near Cherokee Station.

August 24: Cady Adams, charged with introducing, was brought in by Bynum Colbert from Sequoyah. He is a negro.

November 2: Charles Smith was registered on a charge of murder by Bynum Colbert.

The above case was very interesting for several reasons. Charles Smith, a Cherokee Freedman with many cases documented at the Fort Smith federal court, killed Robert Marshall, who was perhaps the most famous black Indian policeman in the Indian Territory. Marshall had served as a member of the Creek Lighthouse Police and the U.S. Indian Police (USIP), headquartered at Muskogee, Creek Nation, Indian Territory. Marshall is the only black person I have found who is certain to have served with the USIP.

According to Smith, he got into an altercation with a person named John Welch in Muskogee. During the fight, Welch approached Smith with his hand behind his back, saying he was going to "cut him bad." Smith therefore pulled his pistol and shot at Welch twice, landing one bullet that killed Welch. Meanwhile, Marshall, on horseback, pulled his pistol and fired on Smith. In his statement, Smith said his back was to Marshall when he was fired upon. Smith then turned and returned fire with one shot. Marshall was struck and killed. Smith claimed self-defense in both shootings. On the writ application to U.S. Marshal Crump for Smith's arrest, Colbert listed himself as one of the witnesses to the shooting.

Although Smith was apprehended a little more than

a month later in the Indian Territory, Colbert did not make the arrest. That was done by Deputy U.S. Marshal J. J. McAllister, who turned him over to Colbert. S.W. Harmon recorded the date incorrectly in his famous book, *Hell on the Border*. Harmon stated the following on this case:

Charles Smith killed John Welch and Robert Marshal {sic}, at Muscogee, on the morning of September 10, 1894. Smith was a negro, as black as night. He had once before been tried in Judge Parker's court, for killing a man, and sentenced to ten years imprisonment for manslaughter. He was of a particular vicious nature and while engaged in cutting the harness from some horses, the property of one Newlin, he was discovered by Welch, who was running a booth in the vicinity. Because of the latter remonstrating with him, he became angered and killed him, with a bullet. Robert Marshal was an Indian policeman and in attempting to arrest Smith, he in turn was killed. At the trial, Smith set up the claim that he killed Marshal in self defense. Marshal having shot at him first. The jury was out only two hours. On reversal by the Supreme Court, Smith was given a new trial and he was sentenced to ten years imprisonment for manslaughter.

On November 15, Colbert arrested a white farmer named Frank Taylor for cutting a black man with a knife five times at Oak Lodge, Indian Territory. According to testimony, Taylor got in an argument with a black man named Johnson. Johnson did not die from his injuries but was badly wounded. Taylor's son said that Johnson had been drinking and went into his pocket as if he was going to pull out a knife and attack his father. Seeing this movement, Taylor pulled out his knife and cut Johnson. Colbert arrested Taylor the next day, and he was held over on \$500 bond. The outcome of the case is not in the file.

The year 1895 brought an end to the law enforcement career of Bynum Colbert. We pick the story up with again with newspaper items from the *Fort Smith Elevator*:

February 22: W. C. Brock, charged with assault, was registered from Caneville, I.T., by Deputy Bynum Colbert.

February 22: Considerable surprise was created Wednesday by the arraignment of Bynum Colbert on a charge of perjury and presenting false claims against the government. He plead not guilty. The charge made by the government is that Colbert made out an account amounting to \$75.29 for the arrest of Edwin Brock, up near Caney, Kansas, naming W. R. Cowden as guard. The district attorney would not allow the account, and Colbert went before the clerk, made affidavit to the

services, and was paid a portion of it by the United States Marshal, who failed to notice the rejection of the district attorney and was misled by the seal of the court. Colbert is one of the best known deputies on the force.

March 22: The case of Bynum Colbert, charged with presenting false claims, was continued to May 25th.

June 14: Bynum Colbert, the well-known Negro Deputy Marshal, was convicted of perjury last Tuesday. There were two charges against him, one for presenting false claims, the other for perjury. With the consent of the prosecuting attorney, the jury returned a verdict of not guilty as to the first charge. A plea of guilty was entered as to the charge of perjury. Colbert's offense was swearing to an over-charge of mileage. Last February a man named Brock was arrested by W. R. Cowden (Colbert's posse) near Caney, Kansas, and turned over to Colbert at Cherokee. When he presented his account for fees, Colbert charged for traveling 189 miles to make the arrest and also for returning the same distance with his prisoner and a guard, and swore to it. This is what got him into trouble. Colbert has been connected with the marshal's force at different times for nearly twenty years. He has also served as policeman of the city and as deputy constable. He has had the reputation of being a good officer.

July 12: Bynum Colbert, the well-known colored Deputy Marshal, who was convicted of swearing to a false account, was sentenced Tuesday afternoon. He goes to the penitentiary at Leavenworth for one year.

July 19: Capt. W. J. Fleming, chief Deputy of the marshal's office, left Wednesday for Leavenworth with thirty-two prisoners, who will be placed in the penitentiary at that place. Capt. Fleming was assisted by Bob Jackson, J. R. Stephens, Con. Berry, John T. Davis, Will Fleming, Autry Ferguson, Chas. Adams and Frank Dunlap as guards.... M.A. Pulse, perjury; one year, Bynum Colbert, perjury; one year.... One of the most noticeable characters in this crowd was Bynum Colbert. Bynum has lived in Fort Smith a long time and has rendered good service both as a state and federal officer. In a moment of weakness he took a wrong step. His friends regret his misfortune and many shook hands with him before he left the jail.

It is interesting to note that when Bynum Colbert was discharged from the Leavenworth Prison he listed his occupation as "Soldier." He was discharged on May 8, 1896.

The 1910 Census shows Bynum Colbert living with his wife, Bettie, in Wagoner County, Oklahoma, with two adopted children. The 1920 Census shows Colbert's wife living as a widow in Wagoner County. Bynum's death date and burial site are unknown, but we do know that Bynum Colbert was at one time an outstanding lawman for Fort Smith and Indian Territory.



COURTESY OF FRANK MILLER JR.

COL. SIDNEY M. BARNES

Sidney Madison Barnes:

Fort Smith's Connection to Billy the Kid

By David S. Turk

Few people equate New Mexico's Lincoln County War with the Fort Smith area, but the nexus was a real one. In an area where the West began, some of the same personalities passed through or resided in the Fort Smith region. While Billy the Kid himself was never known to walk down Garrison Avenue, some of his compatriots and enemies did. Indeed, Sidney Madison Barnes, the only U.S. attorney to ever successfully contest the Kid, lies buried among the back rows of neatly aligned graves within the boundaries of Fort Smith's National Cemetery; a pointed gray monument denotes Barnes's final resting place beside his wife and son.

After the Civil War, a number of families migrated through Fort Smith from various points in the South.

Some were familiar with the region, including Kentucky-bom Samuel Horrell. He settled in the late 1830s in Montgomery County, Arkansas. Six sons and a daughter were bom there before the entire family moved on to Lampasas, Texas. Encountering no end of trouble in squabbles and feuds, Samuel attempted to settle in New Mexico in 1869. After a fight with Apache tribesmen, he perished, and his sons resettled in Lampasas.

Several years later, an all-out feud and the death of local police forced the family out. They settled in Lincoln County, New Mexico, the next year, when the so-called "Horrell War" broke out, resulting in the deaths of numerous citizens. Few of the six sons survived these conflicts, but the remaining siblings

settled down after the family permanently returned to Lampasas.¹

"Regulators," as the Kid's friends were called because of a connection with local law enforcement, roamed the region. Chickasaw citizen Fred Waite and Jim French were both natives of the region. After a series of gun battles alongside the Kid, Waite returned to his roots in Indian Territory.

Another local tale was that of John Middleton, who was said to have been an Arkansas native and a noted lover of Belle Starr. His notoriety kept some at a wide berth. He died under mysterious circumstances—shot crossing a stream. The attributed party was Belle, who died from an ambush herself, also under mysterious circumstances. The problem was that Middleton might not have been who he said he was—the Kid's companion ran a store in Kansas for a number of years and could have been the same person, as he married into the family of Deputy U.S. Marshal Charles Colcord of Oklahoma Territory. However, it is more likely Middleton created and augmented a false reputation for himself.²

However, the strongest tie to the Lincoln County War was U.S. Attorney Barnes, one of the few men who successfully defeated Billy the Kid. The Kentuckian was already well known at the time he was appointed. Born in 1821 in Estill County, Barnes came from a family of lawyers and was a third-generation barrister. After his parents died in a typhoid epidemic, he lived with a maternal uncle. At the age of twenty, Barnes married Elizabeth Mize and the couple raised six children.

Though he was considered a better farmer than a lawyer's prospect like his brother, the ambitious Barnes earned election to the Kentucky Legislature in 1846, and later tried cases in the same courthouse where his father had been court clerk. As a follower of Henry Clay's Whig Party and deeply involved in Kentucky politics, Barnes was disturbed by the prospect of the Civil War.³

When war broke out, Barnes threw himself into the fray as colonel of the Union's 8th Kentucky Volunteer Infantry, which he largely trained and equipped at his own expense. As Kentucky was divided in sentiment, Colonel Barnes faced more obstacles than bullets. In heavy winter weather in December 1861, his regiment marched to Lebanon, Kentucky, causing him to fall sick with a rheumatic fever that periodically reappeared for the rest of his life. He later marched his regiment into Tennessee. While he was away, Confederate cavalry leader John Hunt Morgan occupied and ravaged his Kentucky estate. After action in Perryville, Kentucky, and Murfreesboro, Tennessee, Colonel Barnes saw limited action until late 1863. He



COURTESY OF FRANK MILLER JR.
THOMAS BARNES



COURTESY OF FRANK MILLER JR.
JAMES BARNES



COURTESY OF FRANK MILLER JR.
**SIDNEY AND JANE
REDDING**

served at Chickamauga and was in the thick of the fighting on Lookout Mountain in Chattanooga. The 8th Kentucky launched a dawn advance in the fog-thickened bastion. Somehow Barnes and his men climbed the mountain, signaling their victory by hoisting the flag at the summit.

Though this was his greatest moment, his financial burden became too great. Colonel Barnes resigned on January 11, 1864, and returned home."⁴

Sidney Barnes blazed new trails after the Civil War. His lawyer brother died during the conflict, and with crushing financial hardship, Barnes sold his estate. He had owned slaves, but freed them accordingly. He moved his family and law practice to Somerset, Kentucky, where in 1867, he unsuccessfully ran for governor as a Republican. This, coupled with a resounding defeat for a U.S. Senate seat the following year, embittered Barnes toward his native state. His rheumatism

required a warmer climate, so in 1871, he settled in Little Rock to start anew. However, his sons went to Fort Smith. Thomas, an officer who served in the 47th Volunteer Mounted Kentucky Regiment during the war, was appointed the new prosecutor by the governor of Arkansas, and James later served multiple terms as postmaster. According to historian Howard Hunter, James Barnes served three separate terms, the last in 1897-98.⁵

Meanwhile, Sidney Barnes continued riding his winding political fortunes. He drafted the Bill of Rights for the new state constitution, but during that period lost his daughter, Lizzie Redding, to a fever. Her two young children, Sidney and Jane, were raised by their grandparents. After several more years, Barnes' health again brought a change. President

Rutherford B. Hayes appointed him to be U.S. attorney for the District of New Mexico largely on climate considerations. Aside from the climate, Governor Lew Wallace needed Barnes to quell the rampant criminal mischief in New Mexico Territory. There was no shortage of cases. Much of that problem lay squarely in the center of the Territory—in Lincoln County.⁶

In January 1879, U.S. Attorney Barnes faced an enormous task once he arrived in the capital of Santa Fe with his wife, single daughter Susan, and the two orphaned Redding grandchildren. Residing in one of the many adobe homes on Palace Avenue, Elizabeth Barnes was less fond of the Territory than the others in the household. However, the pleasant scenery was a distraction from the ugly political problems. Governor Wallace's predecessor, Samuel Axtell, had been removed, and a powerful group of politicians and businesses called the "Santa Fe Ring" controlled much of the activity in the Territory. The trouble in Lincoln County was a reaction to their control—specifically the beef trade to the Mescalero Apache reservation.

New resident ranchers, such as John Simpson Chisum, vied for control of the valuable concession with Ring-controlled businesses. The cowboy employees of either side, including William Bonney, known as Billy the Kid, drifted between these different alliances. Once the killing started, it snowballed. Axtell and his own predecessor, U.S. Attorney Thomas Catron, were unable to end the violence. Wallace and Barnes represented fresh blood with military know-how.⁷

In a letter to the U.S. attorney general, Barnes explained that a grand jury indictment for Billy the Kid existed in 1878. He stated, "The indictment referred to in the opinion was found by the Grand Jury in 1878 before my appointment. It embraced eight persons..."⁸ One of those persons was Billy the Kid, who was found culpable in a number of violent acts, including the death of Lincoln County Sheriff William Brady in April. In addition, Barnes felt pressure to arrest other outlaws associated with the Kid, including Jessie Evans, as they were connected to a number of violent episodes. He vigorously responded, but was calmed after Governor Wallace met with the Kid and others at Lincoln in March 1879. The personal meeting was effective, evidenced by the Kid's exit from the Territory to work in the Texas Panhandle. Because of these actions, Barnes was initially spared some major headaches.⁹

However, resonating effects of past conflicts in Lincoln continued to haunt Barnes. In July 1878, Colonel N.A.M. Dudley and a contingent from nearby Fort Stanton used their firepower to assist the local sheriff and Special Deputy U.S. Marshal, George W.

Peppin, in rounding up a large number of Regulators holed up in and around a Lincoln home. The ensuing situation cost several lives and caused a violent blaze. A year later, U.S. Attorney Barnes was procured by Colonel Dudley as an attorney during the civil portion of the investigation, which was allowed due to differing jurisdictions. The proceedings took place in Mesilla, in the Territory's southwest corner, in November 1879. The prosecutor's case fell apart, and Sidney Barnes emerged victorious in the matter.¹⁰

In 1880, Barnes' fortunes changed yet again upon the Kid's return. Having tired of the Panhandle, Billy the Kid fell in with a group of shady drifters, including one Billy Wilson. Barnes worked with U.S. Marshal John Sherman Jr. and Secret Service Agent Azariah Wild to capture the outlaws after finding evidence of the gang's crimes, including robbery and transfer of counterfeit money. In December 1880, the Kid surrendered after a gunfight with Pat Garrett and his posse at a place called Stinking Springs. Barnes later wrote the attorney general that he was free to reinstate murder charges against the Kid for the murder of Brady. He wrote, "Kidd [sic] was then tried in Territorial Court for the murder of Major Brady, former sheriff of Lincoln County, the case being sent by change of venue to Dona Ana County for trial."¹¹

Indeed, Barnes oversaw the successful prosecution of numerous enterprises associated with Billy the Kid. While the Kid himself was transferred to Santa Fe (and ultimately to Mesilla, in Dona Ana County) by Chief Deputy U.S. Marshal Tony Neis and his men, Barnes prepared his case against Wilson. In affidavits filed with the case papers, he successfully rebuffed a change of venue request by the defense to have the Wilson case transferred to Santa Fe in early 1881. Both Wilson and the Kid were routed to trial in April. Subsequently, U.S. Attorney Barnes ceded prosecutorial authority of Billy the Kid to the Territorial courts, although he was far from finished with the case. Ultimately, Judge Warren Bristol convicted and sentenced the Kid to hang. In the course of transfer back to Lincoln, the Kid escaped and shot Deputy U.S. Marshal Robert Olinger and guard James Bell. Trying to figure the best course of action, U.S. Attorney Barnes wrote to U.S. Attorney General Wayne MacVeagh on May 30.¹²

... he [the Kid] was found guilty of murder in first degree & sentenced to be hung May 1881—and a few before the time fixed for his Execution, he murdered his two guards bold and experienced men & escaped & is still at large—he has killed fifteen different men & is only twenty one years of age ... I did not deem it necessary to except to Judge Bristols opinion or pray an appeal, thought it best to let him, Kidd, then be tried & hung & save the United States expense and rid the world of an

outlaw ... If you are still desirous to have the case settled by the supreme court—I can reinstate the Indictment against the seven remaining outlaws & try at great expense their arrest.¹³

Of course, it was not Barnes' fault for the escape or deaths. The final showdown between Billy the Kid and Pat Garrett on July 14 eliminated the need for his personal hand.

Although Billy the Kid was no longer a threat, Barnes legally wrestled with the Kid's associates for the remainder of his time in New Mexico Territory. Barnes vigorously gathered exhaustive evidence to convict Billy Wilson, but he escaped in September 1882 as an appeal to the Territorial Supreme Court was considered.¹⁴ As his term drew to a close, it was clear U.S. Attorney Barnes was frustrated. He wrote a note to the new U.S. attorney general, Benjamin Harris Brewster, about the need for greater efficiency in paying witnesses and jurors saying, "Witnesses get out of the way, are not found, refuse to disclose what they really know, many of them urging that the allowances and compensation given them does not pay their expenses."¹⁵

Sidney Barnes left New Mexico Territory in 1883 and headed to Carthage, Missouri, close enough to his son's family in Fort Smith. James Barnes was beginning his first term as Fort Smith's postmaster, having been appointed in February. However, the aging Sidney Barnes traveled back to the Territory several times, sometimes as a private attorney. In April 1884, a prominent Spanish resident named Juan Patron, who moved from Lincoln County to avoid the violence, was shot in a saloon near Fort Sumner. The suspect was defended by Barnes to a hung jury, and a second trial never occurred.¹⁶

Sidney Barnes retired to Carthage when he finished his work in the West. His rheumatic condition acquired in the Civil War intensified with age, and he passed away from complications on May 19, 1890. He, and later his wife, lay buried in Fort Smith's National Cemetery. His 97-year-old great-grandson, Franklin Miller Jr., a retired professor of science, was astonished in knowing the details about Sidney Barnes' western career and his connection to the famous outlaw Billy the Kid. Barnes provides Fort Smith's connection to the Kid with his burial in the National Cemetery and the family's home in Fort Smith.^{^^}

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stemmed from a study on the participation of the U.S. Marshals in the conflict and brought about an article on "The U.S. Marshals and Billy the Kid," published in Wild West magazine. He works and resides in Northern Virginia.

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Hangin' Times in Fort Smith



By Jerry Akins

'Gallows Fruit'

"Judge Parker will today pass death sentence on nine men convicted of murder during the term of court just closing; Sam Goin and Jimmon Burris, Choctaws, who murdered Houston Joice in the Choctaw Nation in November, 1888.

Harris Austin, Chickasaw, who murdered a white man at Tishomingo, in 1883,

John Billy, Thomas Willis and Madison James, Choctaws, who murdered A. B. Williams in the Choctaw Nation, in April 1888.

Jefferson Jones, Choctaw, for murder of Henry Wilson, in the Choctaw Nation, in March 1889.

George Tobler, Negro, who murdered another Negro at a dance in Choctaw Nation.

Charley Ballard [Bullard], Negro, who killed Walker Bean near Gibson Station, Cherokee Nation, in March last.

We are unable to state at this writing what the date of execution will be. This is the largest number ever before sentenced at one time.

{Fort Smith Elevator, November 1, 1889)

One week later, in the next edition of the same paper, it was announced that Judge Parker had set the date of January 16, 1890, as the execution date, and, as there were no mitigating circumstances in any of the cases, that they would all probably hang. On that date, however, only six of the nine would meet the ultimate fate.

Charley Bullard

Charles Bullard, by his own admission, killed Walker Bean on March 6, 1889, near Gibson Station in Cherokee Nation, Indian Territory. According to the report in the *Elevator*, Walker Bean was. . . "a quarrelsome, overbearing man, a 'bulldozer' in every sense of the term." The evening before the killing, the two men had been in an argument and separated. The next day, Bullard

acquired an old musket and went to the site where Bean was at work as a section hand on the M.K.&T. Railroad. Bean was unarmed. The hostilities renewed, and "Both men used very abusive language to each other and applied vile names" until Bean called Bullard a black bastard. When Bean refused to retract the statement, Bullard shot him, and he died soon afterward. Bullard was arrested and spent the next months in jail until January 1890. Although he pleaded self-defense, he was convicted of murder on October 16, 1889, and sentenced to be executed on January 16, 1890. But on January 14, a telegram was received from Washington, D.C., respiting him to January 30. On Saturday, January 25, another telegram was received commuting the sentence to life in prison.

J. Warren Reed, Bullard's attorney, later took credit

for the commutation and the pardon. Reed took, or was given, credit for many things he did not do. He claimed to have defended 160 murder cases. He did not, at least not before the U.S. District Court for the Western District of Arkansas. He claimed to have lost only two cases. He lost Bullard's case and, as you will see later, two separate murder defenses for one person. The fact of Bullard's pardon is stated in the fourth and fifth paragraphs of the commutation document:

And whereas, the Judge who tried, and the United States Attorney who prosecuted the case, refer to said conduct of deceased as proper ground for consideration of Executive clemency:

Now, therefore be it known that I, Benjamin Harrison, President of the United States of America, in consideration of the premises, divers other good and sufficient reasons me thereunto moving, do hereby commute the death sentence of the said Charles H. Bullard, to imprisonment for life at hard labor in the penitentiary at Columbus, Ohio.

Bullard's pardon, which was also issued and granted by President Benjamin Harrison, states the reason for said pardon in the second paragraph:

And whereas, application having been made for the pardon of said Charles Bullard, on the 24th day of September, 1892, based upon his present critical condition, as certified to by the prison physician, in which certificate it is stated that applicant has consumption in its second stage and will not probably live three months;

It then goes on with more "whereas" and "therefores" to grant a full and unconditional pardon.

So, it was not his defender, but his prosecutors, who sent Bullard to prison rather than the gallows. Fatal disease freed him from prison.

George Tobler

George Tobler was convicted on September 20, 1889, of the murder of Irwin Richardson in the Choctaw Nation in April 1889. He was respited along with Bullard to January 30, 1890, but he would not be as lucky as Bullard. His story will be told in a later chapter.

John Billy, Thomas Willis, Madison James

John Billy, Thomas Willis, Madison James, and Stephen Graham were all named in a request for writ or warrant dated January 17, 1889. They were accused of the murder of Benjamin Blair, whose name would later be determined to be W. P. Williams, although his initials would be given by the newspapers as A. B., O. C., and possibly other variants.

It appears the murder was a result of an all-night drinking party ending in the death of the supplier of the

drink. The account of the crime is taken entirely from the proceedings before U.S. Commissioner James Brizzolara.

Stephen Graham stated that on April 12, 1888, he went to the home of Thomas Willis, the occasion being that Willis had whiskey and invited him to drink with him. John Billy and Madison James went over with him, and when they arrived, they found, among others, the soon-to-be-deceased Williams, whom he identified as Ben Blair. It was late evening when they arrived, and they proceeded to drink into the night. Graham got drunk and went to sleep out in the yard near the fence, and when he awoke, it was early morning about daybreak. Graham went into the house to warm by the fire and there saw Williams asleep on a bed and others in various states of drunkenness. About good daylight, Willis and Jackson Mushintubbee, who were very drunk, went outdoors, and Graham went, too. Graham went in a different direction from the other two, and while he was relieving himself, Willis came and told him that there was more whiskey hidden there and to find it and drink it. Instead Graham started home, but not before he had taken several more drinks. On the way home, he fell down and went to sleep, where his wife found him on her way to Mushintubbee's house to milk the cows. Graham went with his wife and went to sleep behind the house in the sun. While he was sleeping, Willis and Williams found Graham, and Williams kicked him in the side and stuck his pistol in his face when he woke up and demanded to know where his whiskey was. When Graham told him that he had no whiskey, Williams lowered his pistol and said that he wanted to go to Albion, which was about four miles away, but that he did not want to go by any road.

Graham, Tom Willis, and Williams started off on a little trail, but when they got out of sight of the house, Williams caught Graham by the coat and told Willis to go on. Williams then pulled Graham about ten steps off the trail, and they began to scuffle. Williams let go of one side of the coat and began to swing at Graham with his pistol but Graham dodged the blows. During the scuffle, John Billy whooped and Williams let go and ran away. When Williams ran, Willis told Billy and Madison James to shoot. Billy, Willis, and James ran by Graham with Billy firing his rifle as he went by. Willis, who was running behind James, kept telling James to shoot. Willis then overtook James and took his rifle from him, "and took right after Dec'd and shot him down." After Willis shot Williams down with his rifle, he took the deceased's pistol and shot him six more times. Graham stood and observed the pursuit and killing, then retrieved his coat, which Williams had pulled off him in the scuffle and went toward Mushintubbee's house. The women who were at the house started toward the murder site, but Willis told them to go back, and they stopped there. Graham, after a short time, returned to the crime scene

and saw that the others had stripped Williams naked and robbed him of everything he had. Willis took the pistol and \$10.30 in money; Billy took the vest, pants and drawers; James took the hat, shirt and coat. The killers then sent Graham to get a grubbing hoe and shovel, and they dug a grave and buried the body. Later in the day, Billy took the shoes to Graham's house and offered them to him but he refused them. Tom Willis then took the shoes and wore them out. About two weeks later, Willis told Graham that there were "a good many white folks hunting cattle around there; that they had not buried him very deep and flies were all around there, that they went and burnt him up."

That was Graham's version of the events, and, although most likely skewed in his favor, it was good enough that no true bill was brought against him, and he was not tried for the crimes as were the others. The motive for the killing was the more than six gallons of whiskey the deceased had.

The proceedings also contain the depositions of seven other people. Jacob Benton stated that he knew all the defendants and that Thomas Willis told him that they killed a white man, but that he did not ask Willis any more about it. Jacob Benton said, "I bought a pistol from Willis; it was a silver mounted pistol; it was a .45 caliber pistol; bought it from Deft. Willis about July 1888; sold pistol to Pasen James Sheriff of Wade County; paid Willis \$18, he did not tell me where he got pistol."

Pasen James then said, "I bought a pistol from Jacob Benton. Benton claimed to have gotten pistol from Thos. Willis. I bought pistol last February. I paid \$12 for pistol. I have pistol here (here witness produced pistol), this is the pistol."

The crime was apparently not a well-kept secret. The quartet was arrested and on February 21, 1889, was brought to Fort Smith by Deputy Marshal Ben Cantrell along with three others arrested for unrelated crimes.

On the back of the true bill indicting Billy, Willis and James is this statement dated October 4, 1889:

We the jury find the defendants John Billy, Thomas Willis and Madison James guilty of murder as charged in the 2nd count of the within indictment.

Alford Casey, Foreman

Only two would hang, though. Madison James received word on Tuesday, January 14, 1890, that his sentence had been commuted to fifteen years in prison. This was recommended by Judge Parker and District Attorney W. H. H. Clayton, who felt that James was less culpable than Billy and Willis, who did the actual shooting.

Jimmon Burris and Sam Goin

Jimmon Burris, Sam Goin, and Jim Goin were tried in October 1889, and Burris and Sam Goin were convicted

of the murder of Houston Joyce of Franklin, Texas. Joyce was traveling through Indian Territory, having left his Texas home on account of some trouble he had gotten into. Joyce had stopped at the home of Jim Goin, uncle of Sam Goin, in Towson County, Choctaw Nation, for a meal and made the mistake of revealing his money when paying for the meal. When he left the house, Jim Burris directed Joyce to a blind trail. After Joyce was out of sight, Jim Goin gave Burris and Sam Goin his gun and pistol and told them to pursue and kill the white man. They soon caught up with their victim in an isolated spot, killed him, stole what money and property he had, and left the body lie.

Two days later, Sam Goin, possessing the intelligence of many criminals, told Solomon Bacon the whole story. Since Joyce's horse was on the prairie, Goin instructed Bacon to take the horse and post him as a stray. Instead, Bacon told the story to Deputy Marshal J. M. Ennis, who began to work on the case and found the scattered bones of Joyce and what remained of his clothing. With the remains, they found a letter addressed to J. T. Babb of Smackover, Arkansas, and presumed that the bones were the remains of Babb. In fact, the first true bill charges Burris and the Goins with the murder of "One Babb whose Christian name is to the grand jurors unknown." A second true bill indicates that the deceased was "a certain white man and not an Indian." Babb had been a member of the Arkansas Legislature and had allowed Joyce to use his name in writing to Texas. Consequently, Joyce's letters came to him addressed to J. T. Babb. Babb's friends began an inquiry, and it was then that the identity of the deceased was discovered.

After the conviction of Burris and Sam Goin and the acquittal of Jim Goin, Sam declared that his uncle should be hanged, too, since he furnished the weapons for not only the murder of Joyce but also for the murder of another a white man.

Marshal Ennis, while working on the case of Houston Joyce's murder, learned of another murder in which Burris and Sam Goin had participated. He had arrested Toledo Cartubee. Cartubee had told Ennis the whole story and taken him to the scene of the crime and showed him where each man stood and how they had disposed of the body and belongings. John Hyde, a white man, was traveling in the Territory unarmed, riding one horse and leading another, when he encountered Eastman Battese, Toledo Cartubee, Sam Goin, and Jim Burris. The four captured Hyde, bound his hands and took him to Boggy River about three miles from where they had killed Joyce. They took him from his horse, informed him that his time had come, placed him in a position facing them and riddled him with buckshot and rifle fire. The killers then tied a heavy rock to Hyde's body and threw him in the river and did the same with his saddle. All this was explained at the scene in minute detail by Cartubee, who claimed to have taken no part in the killing. Ennis

stripped off and went into the water and found the saddle, which was identified by Hyde's brothers, who had accompanied Ennis. The body was not found since the river was very high and fast at the time of the murder. This case went to the Paris, Texas, court, which was established shortly before the crime was committed. A few days before their execution, Burris and Goin confessed the crime to a minister, their statements being consistent with Cartubee's story and the findings.

Harris Austin

Harris Austin evaded arrest for six years, but on Thursday, April 18, 1889, Deputy Marshal Carr delivered him to the jail at Fort Smith after wounding him seriously in a shoot-out.

Austin's trial must have been one of the shortest murder trials of the court's duration. The *Fort Smith Elevator* reported on Friday, August 30, 1889, "Harris Austin, a full blood Chickasaw, was placed on trial Friday afternoon (August 23, 1889), charged with the murder of Thomas Elliott in Tishomingo, Chickasaw Nation, May 25, 1883. The case went to the jury Saturday evening and a verdict of guilty was returned within twenty minutes."

Thomas Elliott had been in the Territory only about two months when he was killed. On Friday, May 25, 1883, he had an argument with Jonas Pearson, half brother of Harris Austin. Pearson was drunk at the time, and Elliott accused him of stealing some liquor from him. While Elliott and Pearson were arguing, Austin came up and disarmed Pearson, and the two walked a little distance away. After they had talked awhile, Austin turned and approached Elliott, who was sitting on a box in front of the store and, without warning, shot him through the breast. Elliott fell from the box and Austin shot him a second time. He then approached and, holding the pistol close to Elliott's forehead, shot him again.

Austin escaped and was on the scout for six years until Deputy Marshal Carr captured him in April 1889. Austin was known to be in the area of his home near Red River. The marshal and posse had information that he went to his home at night and left before daylight. Late one night the posse surrounded the house, and at daylight, as they had hoped, their quarry came out heading for his horse, which was grazing near the river. Carr let him get far enough from the house to position himself between the assailant and the house, then demanded his surrender. Austin had left his rifle at the house but carried his pistol on his belt; with it he made a short but desperate fight. He was seriously wounded three times but recovered under the doctor's care in the jail at Fort Smith.

His trial, as described, was short, but he did not give up without a struggle. He made two applications for witnesses. In the first, he claimed that the named witnesses would testify that the deceased arrived in

Tishomingo drunk, insulted the wife of another man, and said that he would kill "a damned Indian before sundown to see him kick" and was abusive and threatening to the defendant, his brother and others. In the second, he said that the deceased was perpetrating an assault upon him. One of the witnesses whom he requested was his half brother, Jonas Pearson. Pearson did come to attend the trial but was arrested and jailed on a charge of murder for a killing at Caddo some years before.

Jefferson Jones

Jefferson Jones, by his own admission, shot sixty-five-year-old Henry Wilson in the back; if his story is to be believed, it was self defense. However, the fact that he was using a Winchester repeating rifle and Wilson used a single-shot cavalry weapon and was running away complicates the issue.

Henry Wilson left the home of Mary Solon near Leflore in Choctaw Nation on March 12, 1889, to go to Polk County, Arkansas, to bring back a mare for John Weeks who was farming in the area. It was known that he had with him six dollars and fifty cents in silver coin, some pennies, and seven dollars and fifty cents in "greenback" and silver given him by John Weeks. How much other money he had was known only to him and to his killer. He went afoot, and the trip was to take about four or five days using trails and roads through the Winding Stair Mountains. When a week passed and Wilson did not return, his sons, Newton and George, were sent to hunt for him; they returned, having failed to find him or hear of him. Wilson had planned a loose itinerary, saying that he would stay at Isaac Winton's home the first night, then go as far as George Morris's the next night. Inquiry showed that he had stayed with Winton but had never reached Morris's or his destination in Arkansas. "The crowd," as the searchers referred to themselves, then decided to search Holson Creek, which runs out of the Winding Stair Mountains.

Sometime in the searching, the U.S. Marshal's Office was notified and Deputy Marshal Bamhill entered the search and, according to the testimony of George Wilson, was authorized to search all the homes in the area. The home of James Beams was on the trail that Isaac Winton had directed Henry Wilson to on the morning he had started the second day of his ill-fated journey. When the searchers reached Beams' house, they found no one at home but did find a gun in the loft. Isaac Winton testified that he had loaned Wilson a 50-caliber, single-shot cavalry gun and later identified the gun found at Beams's home as that gun. After finding the gun, the posse hid around the house and soon Beams and his wife came home. James Beams seemed to sense that all was not right and stopped outside, and he and his wife talked. She then went into the house, came out, and closed the door. The posse started to move in, and

Beams ran for the woods, not stopping when halted or when shots were fired. An Indian deputy sheriff named Willis was sent to arrest Beams, and he was brought in the next day. James Beams told the posse that Jefferson Jones had left the gun at his house. The authorities then paid Deputy Willis five dollars to bring in Jefferson Jones.

Mary Solon, who had been active as part of "the crowd," went to Leflore Station after Jefferson Jones and James Beams were arrested and questioned them while they were eating breakfast. She testified that she asked Jones in Choctaw if he had killed the old man and he answered that he had. He said that he had showed Wilson the way to the public road and that when they were near it, he, Jones, turned to go, and when he did, he heard a gun cock. When he looked back, Wilson shot at him. He jumped behind a small tree, and the bullet passed between his arm and body. Wilson turned and ran, and Jones shot him with his Winchester, hitting him in the left back, the bullet coming out the right breast. Wilson ran on and fell at the creek. Jones then ran to his brother Jimison's house. James returned to the scene of the killing next day and took Wilson's gun and

pocket book containing his money. He told Mary Solon that he had hidden the money in a hole under the floor inside the door of his brother's house, but when they went to look, they found the hole but no money. Jimison Jones was asked about the money, and he produced, from his pocket, a pocket book containing only one penny.

Jimison was arrested, and Mary Solon went to Leflore Station on Saturday night to question him. Jimison told her that he knew only what his brother, Jefferson, had told him, that he had killed a white man and got the money. Jefferson had told Solon that there had been twenty-five dollars, but Jimison said that there was only a five-dollar "greenback," and he had spent it at Welches. Jimison told Solon "that he had preached the gospel and did not intend to kill anyone and to tell any lies but he was into it by reason of taking [the] pocket book." (Hearings before the commissioner. May 20, 1889)

After admitting to the killing, Jefferson Jones told Jerry White, an interpreter, that he would take the searchers to where he had last seen Wilson. On the way he told a slightly different version of the story, saying Wilson asked him to change a five-dollar bill and became angry when Jones could not do it. When they arrived at the scene, Jones showed them the creek where he said he had left Wilson lying but the body was not there. The posse searched farther down stream and, about a hundred yards away, found the bones and some clothing of Henry Wilson. The jaw, one hand, and one foot were missing, as were his hat and shoes. It was two months to the day since the day of

the murder.

Jefferson Jones, Jimison Jones and James Beams were tried jointly for murder but on Saturday, October 12, 1889, the jury returned a verdict of guilty for Jefferson Jones only. Jimison Jones and James Beams were acquitted of murder on the conclusion that their only involvement had been the knowledge of Jefferson's acts and possession of some of the proceeds of the crime.

By November 1889, all of those convicted of capital crimes had been tried and sentenced. On November 22, 1889, this paragraph appeared in the *Fort Smith Elevator*. "Two of the Indians sentenced to be hung got hold of a couple of spoons with which they made knives and had them concealed in their cells where Jailor Pape found them Wednesday."

Execution

Thursday, January 16, 1890, was set for the date of execution. This was the first time that an execution took place on a day other than Friday and an execution later that month would be the first time there had been executions twice in one month. It would be the last time there were executions twice in one month until the last ones on July 1 and 30, 1896.

The January 17, 1890, edition of the *Elevator* gave a brief description of the last days of the condemned men. They had devoted their last days to religious duties assisted by the Reverends Lutz and Kraus of the city and the Reverend Henry Woods, a Choctaw minister. On the morning of the execution, they were issued the usual suits of clothing and visited by the ministers. At 11 o'clock, the death warrants were read, and the prisoners handcuffed and escorted to the gallows, a guard on each side of each prisoner. On the gallows, religious exercises were "of short duration." D. L. Homer, a Choctaw, was called for and mounted the gallows where he interpreted for each man as they said their final words. At noon, the trap was sprung and the six men died without a struggle.

The *Elevator* finally got the number of executions and the number of executed correct, saying that this was the twenty-eighth occasion and seventy had been hanged. It went on to list the dates and the names of all of the executed from John Childers, August 15, 1873, to present. At other times, the newspaper had been off by as many as thirteen in the number of people hanged. In that case, it did issue a correction headlined "Thirteen Too Many" in the next edition that the paper had been in error by thirteen.

Sources

National Archives
Office of U.S. Pardon Attorney
Fort Smith Elevator

1910 Newspapers

THE SOUTHWEST AMERICAN

January 1 to July 1, 1910

by Wincie Hendricks

Abstracted from microfilm in the Fort Smith Public Library.

Editor's note: Most spelling, punctuation and grammar appear as printed in *The Southwest American*.

January 6, 1910

BIG DISTILLERY TO LOCATE HERE

Arrangements have been practically completed for a distillery with a capacity of 3,000 barrels a year to locate in Fort Smith. The concern is being organized by W. H. Hughes, of Tennessee. Mr. Hughes has accepted a proposition of C. W. L. Armour, the local capitalist, and will arrive in this city within a few days to close the deal.

The company has been offered a site near the Ballman-Cummings factory. The distillery will be the largest in the southwest, and will give employment to about seventy-five men.

January 12, 1910

TO RUSH WORK ON NEW HOTEL

Every effort is being made by the Manhattan Construction Company to complete the new handsome Goldman hotel by February 1. Delayed shipments on supplies have retarded the progress of the company, but all material necessary is now on hand and the work is being rushed as much as possible. The elevators are now on the road and every indication points to the opening taking place the first of next month. The preliminary work in furnishing some of the rooms will begin this week.

January 13, 1910

HURLEY-WINSLOW COMPANY STARTS TAXICAB SERVICE

The Hurley-Winslow Auto Company yesterday placed in service the first one of their line of taxicabs and the first taxicab in Fort Smith. The car is a Mitchell Laundeleet and is a beauty. It created much comment upon its appearance on the avenue. Four more taxicabs are on the way and will be put in service probably in the early part of next month. The Hurley-Winslow company has the agency of Arkansas for the Mitchell car and expects to do business on a large scale.

January 16, 1910

TRAVELERS FROM ITALY TO WED IN FORT SMITH

Mark Porta, who conducts a shoe repairing establishment on North Sixth street, was made happy Saturday when his bride-elect, Miss Poale, of Naples, Italy, arrived in this city after a journey of seventeen days direct from the capital of sunny Italy. Ten years have elapsed since Mr. Porta had seen his intended bride, and the reunion was very romantic. Miss Poale is nineteen years of age and the wedding will take place some time this month. She will be the guest of Miss Porta, 305 North Tenth street, until her wedding, after which the young couple will move into their new home at 511 North Ninth street.

February 1, 1910

**SUPREME COURT DENIES BOWMAN
NEW HEARING AND AGAIN UPHOLDS
SENTENCE OF DEATH ON GALLOWS**
"Well, I haven't lost my nerve as yet and I don't

expect to until I see them building the scaffold."

This was the reply William Bowman, the Choctaw Indian who is in jail under sentence to hang for criminal assault, made when told by a *Southwest American* reporter Monday that the supreme court of Arkansas had denied him a new hearing. This is the second time within a month that the state court has passed on Bowman's case, upholding the death sentence.

Following his conviction the case was taken to the supreme court, which affirmed the decision of the lower court. Bowman's counsel then applied to the supreme court for a new hearing, the decision on which was handed down Monday.

Bowman's case will now be taken to the federal court. As he is of Indian blood, he contends he is entitled to raise questions pertaining to that race. Bowman's contention is that the Choctaw Strip, where the crime is alleged to have been committed, is out of the jurisdiction of Arkansas, and that its ownership has never been determined, although it is fair to assume that it belongs to Oklahoma.

According to Bowman's attorney the convicted man was the victim of a plot. The most important question raised in the application for a new hearing was the ownership of the Choctaw Strip.

February 17,1910

FIRE THREATENED NEGRO SETTLEMENT

Fire threatened a Negro settlement on North Ninth street for a short time Wednesday afternoon, when the residence of Aunt Sarah Lewis, of 923 North Ninth street, was damaged. The blaze originated in the Lewis home and was discovered by a neighbor about ten minutes after Aunt Sarah had entered the house. She was not seen to leave and for a time it was feared she had perished in the flames. The firemen hurriedly searched the house, but found no trace of her. Later it was learned that she had left the house before the fire was discovered and was at the home of her daughter, who resides along the Suburban road.

The flames spread to two other shacks, which were only slightly damaged. When the firemen entered they found the rooms in the Lewis home full of household goods of all description, and they were

almost compelled to dig out a passageway of their own before they could enter. The loss is estimated at \$200. What caused the fire is not known. Mrs. Lewis insists that there was no fire in the place when she left.

The firemen had a hard time to reach the blaze, owing to weather conditions. The sleet-covered streets compelled them to drive their teams extremely cautiously. The wagons slid from gutter to gutter and the boys were in constant danger of being thrown off. Companies Nos. 1 and 2 were summoned.

February 25,1910

HENDRICKS & DEAN CHARGE SLANDER

A mild sensation was created in this city yesterday morning when Dr. J. W. Harmon, a prominent local veterinary surgeon of Fort Smith, was arrested by Constable Carr and Deputy Constable Tumblin on a charge of slander. The affidavit was signed in Justice Fishback's court by Hendricks & Dean, a local livery firm.

The plaintiffs allege in the affidavit that Dr. Harmon made the statement that the former had attempted to bribe Dr. Lenton, the state veterinary of Fayetteville, to declare that no epidemic of glanders existed in this city. The charge that Dr. Harmon accused them of offering Dr. Lenton a check for a good sized amount if he would state that there were no glanders in this city

The defendant was released on bond in the sum of \$500 to await trial.

Developments are expected.

March 12,1910

LOCAL ITALIANS HONOR COMRADE

A unique funeral occurred in Fort Smith yesterday afternoon when the remains of Anthony Gallo, an Italian, were interred in the Catholic cemetery. The services were held at Bell & O'Donohoe's mortuary and at the grave and were conducted by friends. At the grave all the mourners knelt with bowed heads and each offered a prayer.

Gallo was employed by G. D. Porta, shoe repairer

of 907 Garrison avenue. He lived above the shop. Wednesday he was stricken unconscious shortly after eating his dinner. He was found senseless in his room by friends. He was taken to St. Edward's Infirmary, where he died Thursday night. Brain disease caused his death, physicians say.

All of the working class of Italians in the city attended the funeral and the proprietors of several shops and stores closed for the day in Gallo's memory. The funeral expenses will be borne by his employer. More than thirty buggies composed the funeral procession.

Gallo came here from Logansport, Ind., and had been employed by Porta for eight years. He was very popular and a friend of every Italian in the city. All his relatives reside in Italy.

April 5,1910

SOCIETY

Julius Caesar Box Party.

The ladies of the Fort Smith Beautiful will attend in a body and occupy a box at the Grand tonight to witness the presentation of the Shakespearan play, Julius Caesar. The ladies will be chaperoned by Mrs. Kate Thibaut.

In Honor of Son.

Mr. and Mrs. I. Isaacson entertained in honor of their son, Paul who has reached his nineteenth birthday, at the Friedman Cafe and later went to the Lyric Theatre. The guests who enjoyed Mr. and Mrs. Isaacson's hospitality were Hubert Levy, Cecil Hopp, Paul Isaacson and Louis Cohen.

April 18,1910

RETIRES AFTER 30 YEARS OF SERVICE

Announcement is made that the insurance firm of Smith & Bamgardner has passed out of existence, John Smith P. retiring. The firm is the oldest agency in the city, having been formed in 1879 by Mr. Smith P.

The business will be continued under the firm name of Bumgardner and Primm, Mr. Bumgardner having associated himself with Sam Primm, for ten

years cashier of the First National Bank, of Ladonia, Texas. Mr. Primm also had charge of the insurance agency of that institution.

Fred Tiegen, Jr., will also be identified with the agency, which promises to continue its successful career.

May 3,1910

SAW ARKANSAS WIN

A large delegation of Van Buren-ites were at Fort Smith today to see the Arkansas-Missouri game. Steve Creekmore, who plays with the Razorbacks, is a Van Buren boy, and scores of his friends journeyed to the border City to see him perform.

June 10,1910

LADIES VISIT AND PRAISE FOREST PARK CEMETERY

The past week many ladies formed automobile parties and visited the beautiful Forest Park Cemetery, north of Electric Park. These trips were made to inspect the new burial place and to see this magnificent park addition to Fort Smith.

"When the time comes for me to die," said one of the lady visitors to the Southwest American, "I desire that my body shall be laid to rest in Forest Park Cemetery, just beyond the prettiest grove of natural forest trees in our beautiful city, and on the bank of the Arkansas River. I do not believe there is a grander spot around this city, and while this new place is where our dear ones will repose at the same time I feel that we owe much to the promoters for coming to our city and investing their money here, and giving us such a magnificent place."

**Surprise Your Favorite People
With A Membership In
The Fort Smith Historical Society**

They Will Love The Journal And You.

Man on the Street

1930s and 1940s on Garrison Avenue

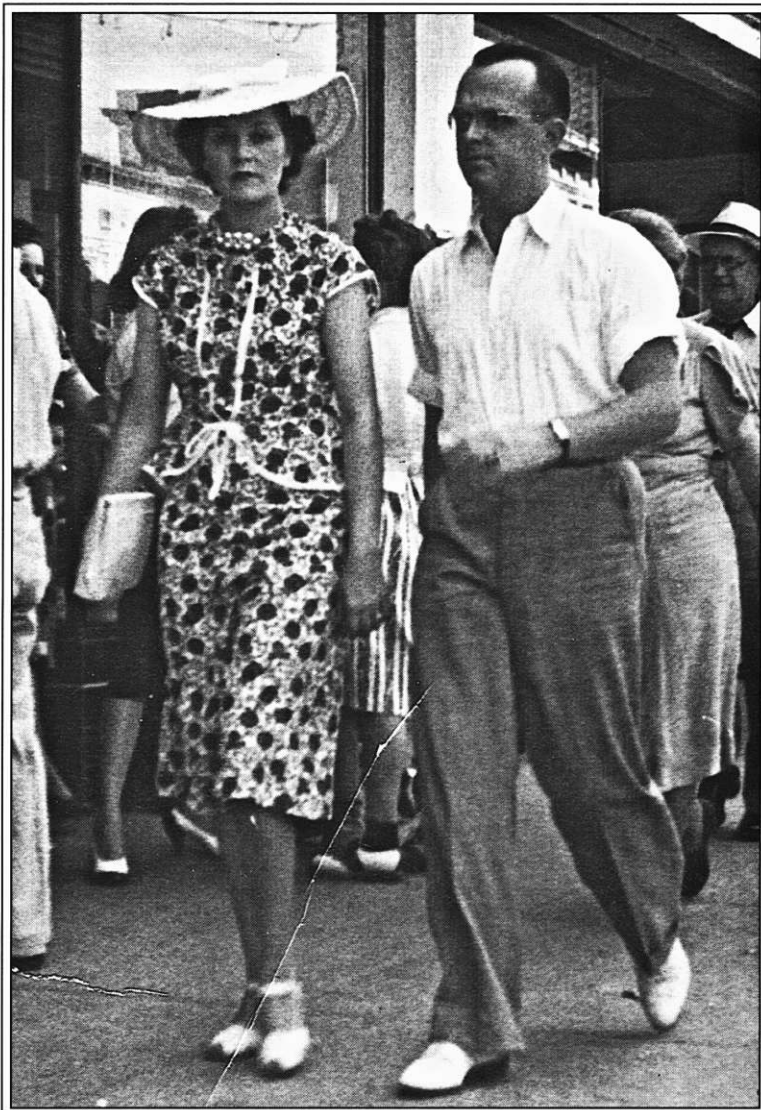
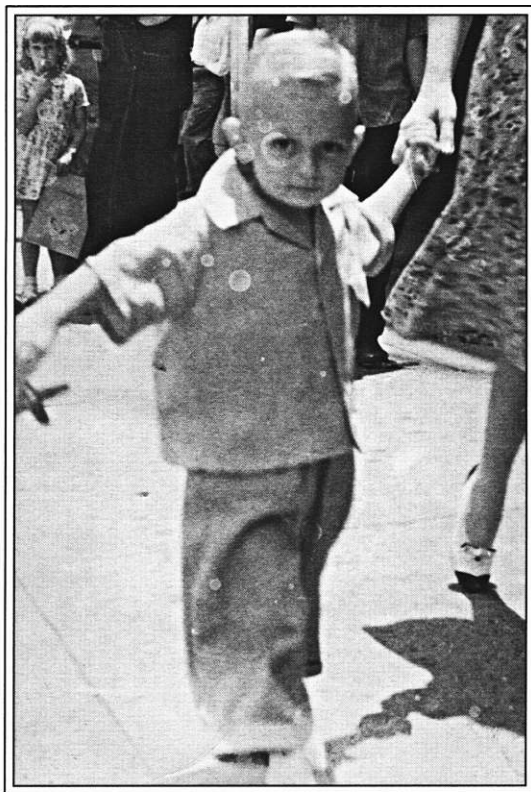
We think readers will enjoy our collection of photographs of Fort Smithians, snapped on Garrison Avenue by an unknown photographer sometime during the late 1930s and the 1940s. As you walked along Garrison Avenue, somewhere near Hunts Department Store, the Boston Store or Tilles, you might become the subject of a "man on the street" photograph. The photographer snapped the photo, handed you a ticket, you paid and received the photo when it was ready. Does anyone remember the name of the photographer?

You may recognize friends and relatives here. You may have a photo to submit for the next "Man on the Street" column. If so, send it to: Editor, *The Journal of the Fort Smith Historical Society*, Inc., P.O. Box 3676, Fort Smith, AR 72913-3676.



PHOTO COURTESY OF ARTIE MAE WRIGHT
COUSINS JERRY POPE, left, son of Buck and Elizabeth "Sharon" Pope, and G. H. Wright, son of Hunter and Artie Mae Wright, are shown on Garrison Avenue.

Man on the Street



ALL PHOTOS COURTESY OF ARTIE MAE WRIGHT

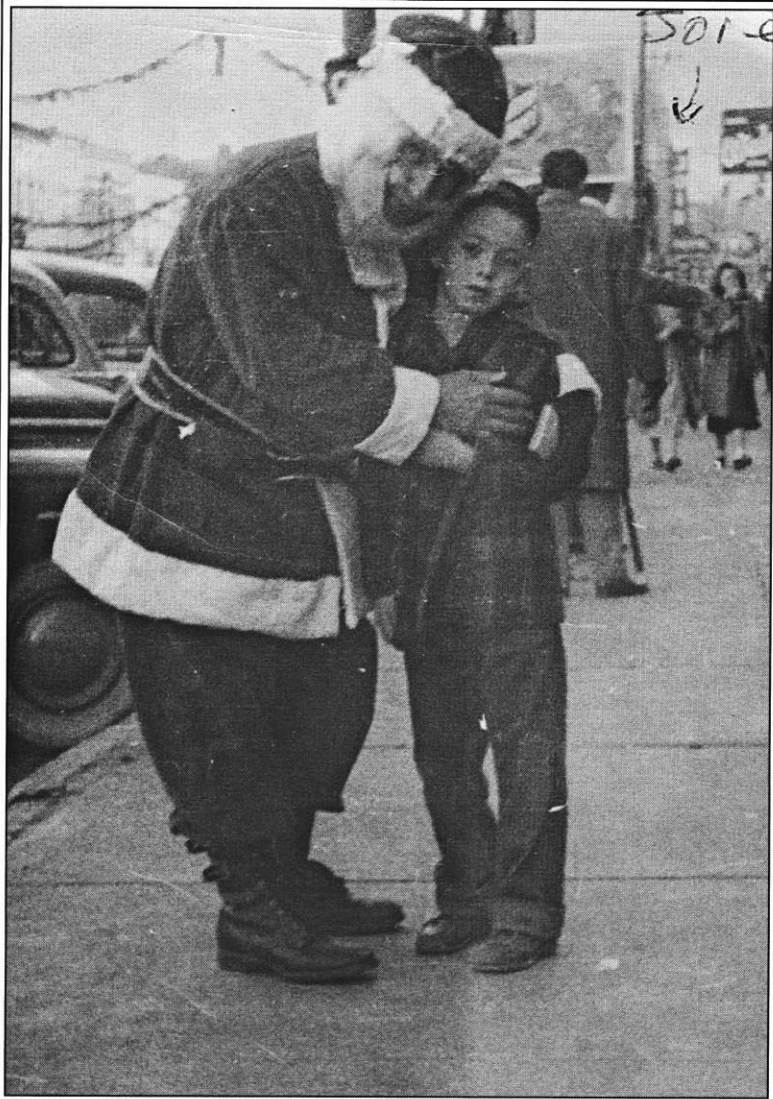
(ABOVE) Hunter and Artie Mae Wright walk along Garrison Avenue.

(TOP LEFT) G. H. Wright holds the hand of his mother, Artie Mae Wright, as they walk on Garrison Avenue.

(LOWER LEFT) Jerry Pope, son of Buck and Elizabeth "Sharon" Pope, carries a bat on Garrison Avenue.



Man on the Street

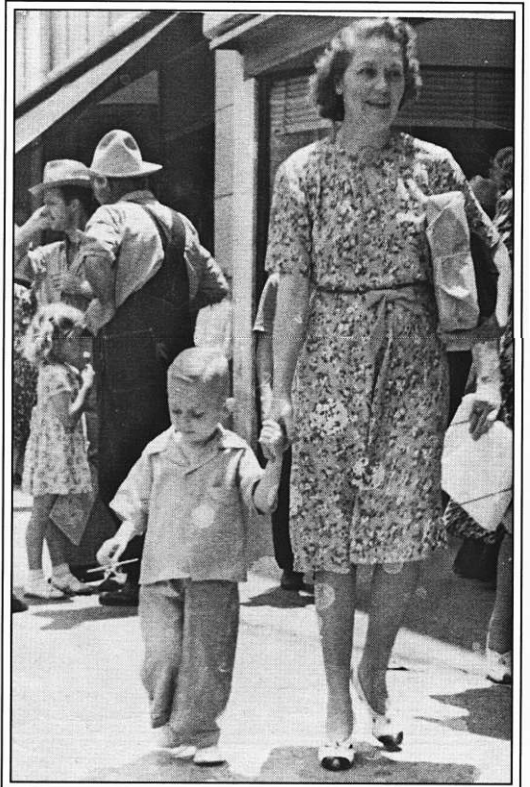


ALL PHOTOS COURTESY OF ARTIE MAE WRIGHT

(ABOVE) Jerry Pope gets a hug from Santa at the corner of Ninth Street and Garrison Avenue. In the background is the Joie Theater.

(TOP RIGHT) Artie Mae Wright walks past businesses on Garrison Avenue.

(LOWER RIGHT) Artie Mae and son G. H. Wright walk on Garrison Avenue.



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- NOTES:** # - some sort of graphic is used, other than a portrait.
 * - a portrait of the person(s) named is on page indicated.
 (- - -) - for such as title, marital status, degree, etc.
 "----" - for nickname or special emphasis.
 (-) - dash between page numbers indicates the name of the person, place, etc. is carried throughout the story,
 (gp) - group picture
 (pc) - postcard

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