

EARLY HISTORY OF WEBBERS FALLS

By Carolyn Thomas Foreman

The first officially commissioned American explorers who travelled past the falls in the Arkansas River, which were later named for the Cherokee Indian, Walter Webber, were Lieutenant James B. Wilkinson, of the Second United States Infantry, and the five enlisted men who accompanied him.

In 1806, Lieutenant Zebulon Montgomery Pike was sent to explore the headwaters of the Arkansas River, his assignment including exploration of the headwaters of Red River, all an unknown region at that time. Lieutenant Wilkinson accompanied this expedition to the Great Bend of the Arkansas River, in the present state of Kansas, where he separated from the main expedition, under Pike's orders, and made a hazardous descent of the Arkansas with his party of enlisted men, in two canoes, one cut from a cottonwood tree, and the other, contrived from four buffalo skins and two elk skins.

Wilkinson and his men took their departure on October 28, and were soon enduring a journey filled with hardships because of rain, snow and lack of food. They passed the mouths of the Verdigris and the Grand rivers on December 27, and noted the vast quantities of cane which covered the fertile river bottom below that point. Two days later, they passed the falls in the Arkansas, now known as Webbers Falls, which Wilkinson recorded as "a fall of nearly seven feet perpendicular."¹

"Wilkinson's Report on the Arkansas" (letter dated from New Orleans, April 6th, 1807, to General James Wilkinson, Commander-in-Chief of the U. S. Army) is in *The Expeditions of Zebulon Montgomery Pike*, Elliott Coues, Editor (New York, 1895), Vol. II, pp. 539-61. Coues' editorial footnote (16) on page 558 of this volume makes this statement: "Between the Illinois and Canadian rivers, on the E. side of the Arkansas, opposite the mouth of Elk cr., is a place called Webber's Falls, with reference to the falls of which Wilkinson speaks." (Recent studies point out that Elliott Coues' involved commentaries on the Pike *Expeditions* published in two volumes, in 1895, are obsolete and not fully reliable. Pike's original papers, maps and charts were lost for one hundred years, having been confiscated by Spanish authorities in 1807 and taken to the archive of the Secretariat of Foreign Relations, in Mexico City, where they were unnoticed until discovered by Dr. Herbert E. Bolton, of the University of California, in 1906. At the request of the State Department, these original papers were sent to Washington, in 1910, where they remained unrecorded, and again the same as lost, until special search was made by the Adjutant General's office and they were found in the Archives Division in Washington, in 1927. *Zebulon Pike's Arkansas Journal*, "Interpreted by His Newly Recovered Maps," Stephen Harding Hart and Archer Butler Hulbert, Editors [Denver, 1932], gives a map based on "Map of the Interior of Louisiana" by Anthony Nau, which shows the name "La Cascade" at the site of present Webbers Falls, on the west side of the Arkansas in the Oklahoma region.—Ed.)

¹ Grant Foreman, *Pioneer Days in the Early Southwest* (Cleveland, 1926), pp. 20-1.



Steamboats on the Arkansas River at Webbers Falls, in the Early 1880's.

Thomas Nuttall, the English naturalist, saw these falls in the Arkansas River though the rock ledge was much lower than when Lieutenant Wilkinson noted them. Nuttall left Fort Smith on July 6, 1819, in the boat of Joseph Bogy, a French trader, to ascend the Arkansas. He passed the mouth of the Canadian, and four miles farther the Illinois which he described in his *Journal*,² "About four miles above the Canadian, we passed the river Illinois, on the right, a considerable stream of clear water, as are all the other rivers flowing into the Arkansas from the north. A few miles from its mouth, its banks present salt springs similar to those of Grand river, and scarcely less productive. . . ." Nuttall also described the falls in the Arkansas River:³

"About four miles above the Illinois, we came to a cascade of two or three feet perpendicular. In endeavoring to pass it, our boat grounded upon the rocks, and we spent several hours in the fruitless attempt to pass them, but had at last to fall back, and attempt it again in the morning, which we then (on the 13th) effected by the assistance of the wind without much difficulty. . . . At this season, in which the water is far from being at its lowest ebb, no boats drawing more than from 12 to 18 inches of water, could pass this rapid without lightening, and it appears to form one of the first obstacles of consequence in the navigation of the Arkansa."

This rock, known as Webber's Falls black argillite, was used by the prehistoric Indians to make their stone spades and hoes. Argillite is as black as coal and it is composed of a combination of lime, clay and silica. It takes on a beautiful polish and implements made from it were better than those made of chert as it was tougher and not so brittle.⁴

The earliest description of Walter Webber is found in Nuttall's *Journal* when the naturalist visited the Cherokee on April 9, 1818, who were living in the present state of Arkansas, "along the hills of the Dardanelle, which border the right bank of the Arkansas river. . . . Mr. Walter Webber, a metif, who acts as an Indian trader, is also a chief of the nation, and lives in ease and affluence, possessing a decently furnished and well provided house, several negro slaves, a large, well cleared, and well fenced farm; and both himself and his nephew, read, write and speak English. . . ." The botanist remained at Webber's until April 20th when he departed in a pirogue

² Thomas Nuttall, *Journal of Travels into the Arkansas Territory*, edited by Reuben Gold Thwaites (Cleveland, 1905), pp. 232-33, and Foreman, *op. cit.*, pp. 37-8.

³ *Ibid.*, pp. 37-8. The falls are caused by a ledge of hard rock extending across the Arkansas River.—Charles N. Gould, *Oklahoma Place Names* (Norman, 1933), p. 96. (The falls noted by Lieut. Wilkinson as seven feet high in the Arkansas, in 1806, are now a mere riffle that can be seen some distance upstream from the bridge on U. S. Highway #64, at Webbers Falls.—Ed.)

⁴ Joseph B. Thoburn, "The Prehistoric Cultures of Oklahoma," *Chronicles of Oklahoma*, Vol. 7, No. 3 (September, 1929), pp. 226-7.

with two French boatmen in order to proceed to Fort Smith.⁵

Walter Webber was a half-brother of David Brown who was educated at the Foreign Mission School at Cornwall, Connecticut and at Andover. Brown's Indian name was A-wih and he was born in Wills Valley, Alabama. He was a fine Hebrew scholar, translator and served as clerk of a delegation of Cherokees to Congress. He was greatly mourned when he died at Creek Path, Georgia, on September 15, 1829.⁶

Webber conducted a store at his home on the Arkansas five miles above Illinois Creek (in the present Arkansas) where the Indians were able to buy the goods they needed at a cheaper price and better quality than goods to be had at the government factory at Spadra Bluff.⁷ "In 1824 his store burned with a loss of \$10,000; he had then 'amassed considerable wealth by his industry and enterprise.'"⁸

During the warfare between the Cherokees and Osages when the Western Cherokees (later known as "Old Settlers") lived in what is now Arkansas, Walter Webber is said to have killed a Frenchman by the name of Joseph Revoir on June 24, 1821. Joseph Revoir was a trader associated with Colonel A. P. Chouteau. He was a son of a French father and an Indian woman and a member of the Osage tribe. The trading post was on the location of the present Salina, Oklahoma and the trader was living there with his family when a war party of Cherokees led by Walter Webber killed him.⁹

When the United States decided to assign lands to the Cherokees living on the Arkansas River, in present Arkansas, paving the way for the removal of all the tribes from their home in the east, a treaty was concluded with the Osage Indians for lands in Western Arkansas and in northeastern Oklahoma, on which the Cherokees were to be peaceably located. The Osages refused to vacate the area, and continually harassed the immigrants, so that the Cherokees decided to settle the matter and declared war against the Osages. After organizing a body of warriors they marched to the vicinity of Claremore and engaged the Osages in a battle which is known in history as the "Battle of Claremore Mound." The Osages retreated from their village and took a stand on top of the mound, but they were defeated and retreated across the Verdigris River to the big bend of

⁵ Nuttall, *op. cit.*, p. 240, fn. 7. There was a large settlement of Indians on the north side of the Arkansas River opposite Dardenelle. The place was called The Galley. "There was a half breed Indian storekeeper at the Galley in 1819, and another half breed, Walter Weber (*sic*), lived at the foot of the Dardenelle Hills." Josiah H. Shinn, *Pioneers and Makers of Arkansas* (Little Rock, 1908), pp. 222, 223.

⁶ Robert Sparks Walker, *Torchlights to the Cherokees*, (New York, 1931), pp. 154-55. David Brown lived for a long time among the Western Cherokees in Arkansas and clerked in the store of his half brother, Walter Webber.

⁷ *American State Papers*, "Indian Affairs," Vol. 2, p. 329.

⁸ *Arkansas Gazette* (Little Rock), March 9, 1824, p. 3, col. 1.

⁹ Grant Foreman, *Indians & Pioneers* (New Haven, 1930), p. 61.

the Arkansas where the Cherokees engaged them in a second fight where they were again defeated. John Drew related that more Osages were killed in the second fight than at Claremore Mound.¹⁰

Webber is next found at Nicksville, in Lovely County, a village on the west side of Sallisaw Creek thirteen miles above its mouth in Oklahoma. Webber established his trading post there after the Cherokee treaty was made in 1828, but two years later he disposed of the site to the Commissioners of Foreign Missions who located Dwight Mission there when it was removed from Arkansas.¹¹ The place was originally called Nicksville for General John Nicks of Arkansas, and Webber appropriated the group of buildings Nicks had owned when this part of the country was declared to belong to the Cherokees by the treaty of 1828.¹²

The issue of the *Arkansas Gazette* for July 14, 1821, contained an account of the murder of Joseph Revoir by Walter Webber at a settlement on Grand River above Union Mission. The news was taken to Little Rock by some one aboard a steamboat that arrived from Union the previous week. Webber was at the head of a band of Cherokee warriors. Major Bradford dispatched Interpreter Joseph Duchassin to the Osage village to investigate the affair.

On August 28, 1821, D. Brearley dispatched a letter to the editor of the *Arkansas Gazette* from the Cherokee Agency, denying that Webber had murdered Revoir. Brearley stated that the killing was part of the war raging between the two tribes of Indians:

"Revoir, who is stated to be a Frenchman, was part Indian, I believe Osage, at least he acknowledged himself to belong to them. It is not true that any white people were killed or threatened; even the wife (who is white) and children (Indians only view the progeny from the mother) of Revoir, were not injured. Nor is it true that Major Bradford had dispatched a person to the Osage village on that account."

During steamboat days on the Arkansas River, boats made rapid progress upstream but when the water was low the small steamers were unable to pass the falls and they were sometimes towed over the riffle by a long rope and a yoke of oxen owned by a man of the name of Thornton living in the vicinity of Webbers Falls who charged five dollars for his service.¹³ "The Devil's Race Ground," shallow rapids 17 to 20 miles below Fort Gibson, and Webber's falls made navigation above them impossible at any stage other than high water. In some seasons the lowest stage of the river was in January, February and March.

¹⁰ Nannie Lipe, *As I Recollect* (Pryor, Oklahoma), 1947, pp. 12, 13. The above account was given to DeWitt Clinton Lipe by John Drew.

¹¹ *Pioneer Days in the Early Southwest*, op. cit., p. 65.

¹² Grant Foreman, *Advancing the Frontier* (Norman, 1933), p. 311.

¹³ Muriel H. Wright, "Early River Navigation in Oklahoma," *Chronicles of Oklahoma*, Vol. 8, No. 1 (March, 1930), p. 73.

Chief Takatoka and nine other Cherokees met in council at Webber's on February 10, 1820, and prepared a memorial to the Indian superintendent, demanding that the Osage be compelled "to pay for the furs stolen and surrender for atonement as many warriors as they killed of the Cherokee" on Poteau River in February, 1820.¹⁴

Osage Chief Clermont sent a message to Walter Webber in May, 1821, saying that he wished for peace, that he wanted to avoid injuring the white people whose homes lay between the two tribes; he proposed an armistice of three months to allow the Cherokees to decide whether they wished peace or were determined to fight. The fact was that the Osage were not able to invade the Cherokee country because of lack of ammunition, besides, "they were poor and miserable and sick of the war." The Cherokees pursued the fighting with renewed vigor and returned to their settlement with the scalp of Joseph Revoir and his fourteen horses.¹⁵

In an attempt to avert further hostilities Colonel Matthew Arbuckle in company with the Cherokees Walter Webber, Black Fox, and James Rogers on September 15, 1824 visited Clermont's Town, but they accomplished nothing as the Osages complained that the Cherokees had injured them since the treaty was made.¹⁶

A description of Webber, his wife and his home is found in *A Report to the Secretary of War . . . on Indian Affairs* (New Haven, 1822, page 74). This account, taken from Captain Bell's Journal of his tour to the Rocky Mountains, was dated September 22, 1820:

" . . . his place is beautifully situated on a high bluff upon the bank of the Arkansas river, secure from inundation, and is the great thoroughfare of travellers from the Missouri, to the country south of the Arkansas, above the Cadrons. Webber is tall, well-formed, dresses in the costume of the whites, is affable, and of polite manners. . . . His wife is a large, fleshy woman, a full-blooded Indian, dressed in every particular like a genteel, well dressed white woman. She attends diligently herself, to all her domestic concerns, which are conducted with the strictest order and neatness. She also spins, and weaves, and has taught these arts to her domestics. Her black servant acted as our interpreter, in conversing with her husband. We dined with the family. Their table was handsomely prepared, with China plates, and corresponding furniture. The food was well cooked and served up after the manner of well bred white people; and Mrs. W. did the honors of the table in a lady like manner, with ease, and grace, and dignity."

Dissatisfied with the boundary between their land and Arkansas Territory, in February, 1823, the Cherokees sent a delegation made up of Walter Webber, Black Fox, James Rodgers, and John McLamore to Washington where they demanded of Secretary Calhoun that a

¹⁴ *Indians and Pioneers, op. cit.*, pp. 85-6.

¹⁵ *Ibid.*, pp. 115-17.

¹⁶ *Ibid.*, pp. 149-50.

survey be made showing the western outlet promised them by the government.¹⁷

General Matthew Arbuckle dispatched a letter to Lieutenant and Acting Adjutant General E. G. W. Butler, Western Department, Cincinnati on November 4, 1826 stating: "Rogers the Interpreter for the Cherokees & Drew a half breed Cherokee who accompanied him to this post Cantonment Gibson a few days since, acknowledged that there had been dancing & rejoicing when the scalp of the Osage who was killed by Dutch a Cherokee last summer, arrived, but decided that the dancing & rejoicing had been general throughout the Nation."¹⁸

At a council held by the Cherokees in February, 1827, they decided to send twenty or twenty-five warriors to make another attack upon the Osages near Union Mission. They planned to kill one man to even the score between the tribes. This would satisfy them and they would be willing to make friends with their former enemies. Walter Webber overtook the war party at Fort Gibson and with the influence of Captain Nathaniel Pryor, succeeded in preventing them from making the attack.¹⁹

John Rogers, Walter Webber, and George deVal addressed a message to "The Chiefs and Warriors of the Osage Nation" on February 9, 1827, from Fort Smith, expressing their desire to have the difficulties between the tribes settled. The Cherokees had ordered a general meeting at their agent's as soon as possible and they had prevailed upon their mutual friend Captain Nathaniel Pryor to go to the Osage Nation to council with them on the subject. The three Cherokees declared that they had no further claims against the Osages as they had complied with the terms of the Treaty of 1822; they wished to come to a lasting peace, to bury the tomahawk and become neighbors and friends—"that when we meet, we can smoke together and shake hands as Brothers."²⁰

After part of the Cherokee tribe had settled in Arkansas Territory, their laws, "Entered by request of the old Chief, John Jolly," and signed by Walter Webber, Black Fox, Too-cho-wuh, and Spring Frog. . . are bound up with the rest.²¹

In 1828 the Principal Chiefs of the Western Cherokee Nation were Major Jolly, Black Coat and Colonel Webber, according to George Vashon, agent for the Western Cherokees, who wrote on

¹⁷ National Archives, Office Indian Affairs, Retired Classified Files; Calhoun to Miller, March 4, 1823, Office Indian Affairs, "Letter Books," Series I.E. 396.

¹⁸ National Archives, War Department, Adjutant General's Office, Old Files Division 97-A-26. Cant. Gibson.

¹⁹ *Indians and Pioneers, op. cit.*, pp. 241-42.

²⁰ National Archives, Office Indian Affairs, Retired Classified Files. 1827 Cherokee West. Gen. E. P. Gaines & Others.

²¹ J. H. Beadle, *The Undeveloped West; or, Five Years in the Territories* (St. Louis, 1873), pp. 411-12.

October 17, 1832, to Secretary of War Lewis Cass concerning the settlement of claims arising from the Cherokee treaty of 1828: "One of the Cherokee traders (John Drew) stated that he once had a list of the particular claims which the stipulated sum was exclusively applicable to the payment of . . . therefore deem it my duty to recommend that the files of the department be examined. . . ." ²² Indian agents who were later removed. ²³

When Sam Houston arrived among his old Cherokee friends in the West in March, 1829, he visited Chief John Jolly near present Webbers Falls and the mouth of the Illinois River, and he became interested in complaints of the Indians. In December, Houston arrayed in Indian costume accompanied by Walter Webber and John Brown, went to Washington to make charges against some of the

Sam Houston was present at the Cherokee Agency on the north side of the Arkansas River, above Fort Smith, during the payment of the annuity to the Cherokees in October, 1829, and on October 21, he was officially adopted as a member of the tribe, and a certificate was given to him. The document was signed: "Cherokee Nation, Illinois. Walter Webber, his mark, President Comm. Aaron Price, his mark, Vice President. Approved. John Jolly, his mark, Principal Chief." ²⁴

In December, 1829, Webber and John Brown accompanied General Sam Houston to Washington. They arrived there January 13, 1830, and Houston created quite a stir when he appeared clad in turban, leggings, breech-clout and blanket. ²⁵

When Webber settled at the falls in 1829 he appropriated a large amount of livestock belonging to a white man named Benjamin Murphy who had been living there. Senator Sevier (of Arkansas) was unsuccessful in his attempt to get a bill through Congress to compensate Murphy. ²⁶

From Baltimore, March 30, 1830, Walter Webber addressed a letter to "My Dear Friend" (name not given): ²⁷

"I have concluded to write to you and tell you something that I consider to be of great importance to me, you are aware that I wish to purchase some hard ware in pittsburgh and that I have not the funds with me sufficient to enable me to make such purchases as I wish, and if you or any other Gentlemen in Washington can let me have a Letter of introduction

²² Document 512, *Correspondence on the Subject of Emigration of Indians*, Washington, 1835, Vol. 3, p. 500.

²³ *Indians and Pioneers*, *op. cit.*, pp. 283-84; Marquis James, *The Raven, A Biography of Sam Houston*, (New York, 1929), p. 92.

²⁴ *Pioneer Days in the Early Southwest*, *op. cit.*, pp. 182-3.

²⁵ *Ibid.*, 184.

²⁶ *U. S. House Report No. 549*, Twenty-fifth Congress, second session; Grant Foreman, *Indians and Pioneers*, New Haven, 1930, 264, note 31.

²⁷ National Archives, Office Indian Affairs, Retired Classified Files, 1830 Misc. Col. W. Webber (Applicant for position).

to any Merchant in Pittsburgh I think it would be of great service. if I can get such a Letter I want it forwarded immediately to me at Pittsburgh it will have time to overtake me there. as I shall stay there until thursday.

"My Dear Friend when I was in Washington Mr. Jackson of New York stated that there had been a report in the War Office relative to my character, that I was a bad man, dishonest, or, rather that I was a rogue, if you please find out who it is that reported my character in such colors and let tell? me the person when I see you, and I also request of you and Colo Rector & Mr. Person Brearley who I hope know my character either to be good or bad, and what ever you or they know of me, whether honorable or Dishonorable, I wish you to say it to the Gentlemen to whom my character was reported, as being dishonorable, and what ever your statements may be, relative to my standing let it be good or evil. I will rest satisfied with the belief that you would not say or state any thing more than your knowledge of mens characters . . . Walter Webber."

The reply to Webber's request came promptly on April 1, 1830 from "W. City" and read as follows:²⁸

"The undersigned have been acquainted with Colonel W. Webber, and know well that he has always maintained a high standing in the Cherokee Nation, and that he does so at this time. He is one of the most influential men in the Nation; is counsellor to the Principal Chief, and that he has been opposed by the Party Headed by the late Agent DuVal, and that this hostility arises as they believe from the circumstance of his being a Merchant, and DuVal's being also engaged in Mercantile business. They will add that Colonel Webber is a clever man in their estimation.

"W. L. Rector
"Sam Houston

"Genl. Jno. H. Eaton
Secy of War

"Westn Cherokee Nation, Agent's Office Septbr 28th 1831

"Vashon to Secy. of War, Explains reason for discharging Capt. James Rogers as interpreter. Rogers' brother-in-law, John Drew, 'a keen Cherokee trader' had transferred to DuVal & Carnes between 5 and 7 thousand dollars of certificates due Indians for improvements abandoned in Arkansas—showing no assignments from the original claimants and refusing to furnish any, and Drew held several thousand dollars more "which he obtained from the principal Chief Major John Jolly' the rightful claimants to which asked 'me not to settle with him for.'

"Chiefs then, on June 2, 1831, in letter written by Sam Houston, signed by John Jolly, Prin. Chief, and Black Cat, Second Chief, witnessed by John B. Carnes and Sam Houston, ask that Rogers be reinstated. . . ."

Another prominent and interesting citizen of Webber Falls was Narcissa Chisholm Owen. Her grandfather, John D. Chisholm, was one of the leaders in the western movement in 1819. Her parents were Thomas Chisholm and Melinda Horton Chisholm. In her *Memoirs* Mrs. Owen wrote:

"Mother told me that when she moved from lower Arkansas to the present country, at Webbers Falls, about 1828, there was really a beautiful fall, nearly or quite across the whole of the Arkansas River, about three or four feet in height. The June rise of 1833 came with such terrific force and such a quantity of water that the falls were entirely buried in sand, and the flooding of the country made it very unhealthy there afterward."

²⁸ Indian Office, "1831, Cherokee West, George Vashon Accounts, Certificates."

Narcissa Chisholm a descendant of the celebrated Cherokee chief Oconostota, was born at Webbers Falls in the large home of her father, Thomas Chisholm, on October 3, 1831. Mrs. Owen's mother was Melinda Horton of white blood. Chisholm, after the birth of Narcissa, moved from Webbers Falls to Beatty's Prairie.²⁹

Captain George Vashou, Cherokee agent, reported to the Indian Office that he had seized three barrels of whiskey from James Carey and twenty-nine from Walter Webber, both Cherokees. Whisky could not be legally introduced into the Indian country, but the red men could not understand why they were prohibited from drinking liquor as the white men did.³⁰

When Dwight Mission, first located in Pope County, Arkansas, was moved to the west side of Sallisaw Creek the Commissioners for Foreign Missions bought from Cherokee Chief Walter Webber a collection of log buildings which had comprised his trading establishment.

On January 17, 1834, the Cherokee chiefs John Jolly, Walter Webber, and Black Coat wrote to Captain George Vashou, Cherokee agent, demanding to know if after "providing a Country for the home of all of the Cherokee people, are we to be overrun and put down in our own country by those who never bore any part of our troubles? we hope not."³¹

Walter Webber was deeply interested in the education of Cherokee children and an able supporter of the mission high up on Sallisaw Creek near what is now Lyons. The mission, called Fairfield, was a branch of Dwight Mission which was removed from Pope County, Arkansas in 1829. The mission was directed by Dr. Marcus Palmer and by 1832 the school had thirty students. The next Christmas Dr. Palmer planned a little celebration for his Cherokee friends, but Walter Webber sent him word that he intended to have a Christmas party at his home and that he expected the pupils and Dr. Palmer to attend. This entertainment proved to be an immense affair attended by between 150 and 200 and lasting several days. Webber furnished all the food and other refreshments.³²

Dr. Palmer wrote of Walter Webber in a letter which appeared in the *Religious Standard*: "This man . . . has a good mind, is dignified, and may be considered as a leading chief in the nation. . . . His wife, a woman highly respected and beloved . . . was received

²⁹ Notes by Hon. Robert L. Owen concerning his mother, *The Chronicles of Oklahoma*, Vol. 23, No. 3 (Autumn, 1945), p. 299.

³⁰ Grant Foreman, *Advancing the Frontier*, Norman, 1933, 26, note 26.

³¹ *Ibid.*, p. 23.

³² Grant Foreman, "Notes of a Missionary Among the Cherokees," *Chronicles of Oklahoma*, Vol. 16, No. 2 (June, 1938), p. 171. For an extended account of the Christmas party see "Fairfield Mission," by Carolyn Thomas Foreman, *ibid.*, Vol. 27, No. 4 (Winter, 1949-50), pp. 379-80.

with others, into the church, at our place in October last When the anxious were invited, the chief was the first to present himself, and about forty others followed his example."

Dr. Marcus Palmer of Fairfield Mission wrote an interesting letter addressed to the Reverend E. S. Ely, which appeared in the *Cherokee Phoenix and Indians' Advocate*, Saturday, May 18, 1833 in which he said:

"I have just returned from one of the most interesting meetings we have ever had in the nation. We had concluded to have a meeting on Christmas day at our house, provide a dinner, give a general invitation to our Cherokee neighbors. But before the appointment was made public, our chief, Col. W. Webber, sent me notice, that he had made arrangements for a meeting on Christmas at his house, and had sent round invitations to all his friends, and that it was his wish the meeting should be continued for two or three days in succession.

"This was a most welcome message from our chief, and we gladly complied with his wishes. This man is of the family of David and Catharine Brown, has a good mind, is dignified, and may be considered as a leading chief in the nation; and he has long been the subject of united, and I trust fervent prayer. His wife a woman highly respected and beloved, became serious near a year ago, and having given very satisfactory evidence of piety, was received with eight others, into fellowship with the church, at our place, in October last. The decided piety of his wife I suppose, was the means of arresting his attention to the subject of religion; and now we are permitted to rejoice with trembling, in the hope that he is a vessel of mercy, and that his talents and influence will be consecrated to the cause of Jesus.

"There were perhaps, 100 or 300 persons present, all comfortably and handsomely provided for by the chief. When the anxious were invited, the chief was the first to present himself, and about forty others followed his example. It was a most affecting sight. They were nearly all full-blood Cherokees and numbers of them, persons of distinction and importance in the nation.

"Beside the chief, there sat among the anxious, one who for years, has been regarded as the principal warrior in the nation; and it is not three months since he came home at the head of a war expedition, bearing the *dreadful trophies* of his victory. Two of the oldest and most competent native brethren, successively addressed the anxious, with an appearance of deep feeling, each concluding his remarks with the significant ceremony of shaking hands with them."

Many of the wealthy Cherokees owned slaves and stringent laws were passed regulating their conduct. At Tahlonteeskee the home of John Jolly, on December 3, 1833, it was resolved by the National Council that slaves were not permitted to own any property; if they did not dispose of it within six months they forfeited the property to their owners. The Light Horse were empowered to carry the law into effect.³³

"Resolved Further, that if a slave or slaves are caught gambling or intoxicated, or if they should in any way abuse a free person, he, she, or

³³ J. B. Davis, "Slavery in the Cherokee Nation," *Chronicles of Oklahoma*, Vol. II, No. 4, (December, 1933), pp. 1064-65.

they (negroes) shall for either of the above offenses, receive sixty lashes on the bare back for each and every such offense to be inflicted by the Light Horse.

Approved:

John Jolly
Black Coat
W. Webber

Chiefs."

When the subject of removal of the Cherokees from the East was first broached, the western members of the tribe objected to receiving the immigrants on the land which they declared belonged to them. They held that it had been set aside for them by the treaty of 1828, and they had no intention of dividing with their eastern brothers.

Cherokee Agent Vashon induced the "Old Settlers" to enter into a proposed treaty with the eastern members of the nation on February 10, 1834, at the Cherokee Agency which was located on the Arkansas River near the mouth of the Illinois. The document was signed for the western Cherokees by John Jolly, Walter Webber, and Black Coat. The treaty provided for increased annuities and larger holdings of land for the western Indians if they were to receive the immigrant Cherokees.³⁴

Walter Webber lived near Fairfield Mission, and he was the chief supporter of the teachers and the school through many difficult days. He was an intelligent Indian, and as he did not know much English he kept his accounts in Cherokee. His fields, strongly fenced, and well cultivated showed him to be a skillful husbandman.³⁵

The Reverend Thomas Bertholf, a prominent member of the Methodist Church in the Cherokee Nation, was admitted to full connection at the Conference in 1834. He was assigned to "Missions and Schools," at School No. three, Canadian District, near where is the present Webber Falls. The next year having been ordained a deacon he was placed in charge of the Cherokee Circuit.³⁶

Chiefs John Jolly and John Brown of the Arkansas Cherokee Nation on December 14, 1836, addressed a letter to "Our Father the President of the United States," stating that "having noticed by a Late treaty entered into between the United States and Cherokees East of Mississippi, Certain articles which in our opinion is prejudicial to our best Interests and happiness for the future" they had concluded to send a delegation consisting of John Looney third chief, John Drew, Joseph Vann, Aron (*sic*) Price and Dutch, "who will come before you with great humility make known to you

³⁴ Grant Foreman, *Indian Removal* (Norman, 1932), p. 249.

³⁵ American Board of Commissioners for Foreign Missions, *Report for 1834*, 110; *Advancing the Frontier*, *op. cit.*, p. 313, note 3.

³⁶ Charles R. Freeman, "Rev. Thomas Bertholf, 1810-1876," *Chronicles of Oklahoma*, Vol. XI, No. 4 (December, 1933), p. 1022.

our feelings relative to the treaty mentioned. . . . we hope that you will receive them into favor and protection. . . .'³⁷

John Gunter, a son of the original John Gunter, a Welchman who arrived in Alabama about 1750, came to the West from Alabama with the Old Settlers and settled at Webber's Falls where he ran a store. He was the owner of a steamboat which plied between Cincinnati and Webber's Falls. He died aboard his boat, a victim of small pox about 1838, and was buried below Morrilton, Arkansas.³⁸

In a letter written in Washington, April 10, 1838, Lewis Ross stated: "The Small Pox . . . is raging among the whites in the State & it will no doubt reach the Cherokees. . . . John Gunter died of that fatal disease on board a steamboat ascending the Arkansas River above Little Rock."³⁹

A bill was before Congress in 1838 for the relief of Benjamin Murphy,⁴⁰ who claimed his property had been "taken and destroyed by the Cherokees." Commissioner of Indian Affairs Elbert Herring wrote to Lewis Cass, secretary of war concerning the matter on February 11, 1832, saying,

" . . . that by the treaty of May, 1828, with the Cherokees, the United States ceded to them certain lands, and agreed to have the lines of the cession run without delay . . . and to remove immediately after running the said lines, all white persons from the west to the east of a certain line, and to keep them from the west of said line in future. The depredation complained of, was committed about the middle of December, 1823, on the west of said line and within the ceded territory."

Murphy's claim against the Cherokee Nation was presented to Captain George Vashon, agent, who in turn placed the claim before the Cherokee Council. The claim was as follows:

³⁷ Grant Foreman Collection.

³⁸ *As I Recollect*, by Nannie Lipe, "History of the Lipe Family," (Pryor, 1949), p. 3.

³⁹ Carolyn Thomas Foreman, "John Gunter and His Family," *The Alabama Historical Quarterly*, State Department of Archives and History, Montgomery, Vol. 9, No. 3 (Fall Issue, 1947), pp. 412-51.

⁴⁰ Agent Montfort Stokes compiled a list of men who had been granted licenses to trade in the Cherokee Nation during the years 1837, 1838. This list, dated August 12, 1838, gave the name of trader, securities and place designated for trade:

Name	Securities	Place
Thomas G. Murphy	T. E. Wilson	Webbers Falls
Stephen D. Saxton	S. Mackey	
	J. Mackey	Webbers Falls
David McClelland	G. J. Raines	Widow Webbers
Telemachus Berner	J. May	
	T. E. Wilson	Below Webbers Falls

"To hogs taken by the nation, say five hundred and twenty-one, at \$6 per hog,	\$3,126.00
To 137 head of cattle, say \$7 per head,	959 00
To one yoke of oxen,	80 00
To 65 bushels of corn, say	60 00
To cattle drove off, say 50 head, at \$7	350 00
	\$4,575 00

John Linton, justice of the peace, appeared for Murphy, and stated that the council did not deny Murphy's hostile treatment, nor his having been ordered away by their chief, but went on the ground, that Murphy had sold his stock to a Joseph Blair, who resided among the Indians. It was denied that Murphy had sold his stock, but that the Indians had used it, that he saw a number of Murphy's cattle in a chief's pen. Blair said he was afraid to speak out for fear of being tied up and whipped by the Indians. J. Vann, president of the National Cherokee Council at Tolluniskee, November 4, 1831, wrote to Captain Vashon that it had been proven to the council that Murphy had conveyed his stock to Blair . . . to sell the stock in any manner that he saw proper, and to claim it as his. Chief Black Fox ordered Murphy to gather his stock and leave the nation within a certain number of days, in consequence of his marking other people's stock, as had been proven to the council; and that Murphy's stock was considered as intruding on Cherokee lands.

In Pulaski County, Arkansas Territory, October 8, 1831, Dudley D. Mason, justice of the peace, testified John Murray, after "being duly sworn on the Holy Evangelists of Almighty God," deposed that sometime in December, 1828, that he left Lovely Purchase, near the falls of the Arkansas River in company with Benjamin Murphy, who had resided with Murphy, at or near the falls, from the proceeding April; that when Murphy removed from the falls, he left his stock; that when he and Murphy returned in February to remove the stock they found some cows and calves penned where Murphy had formerly lived, and a half a mile further a Cherokee of the name of Thornton had the oxen in his possession. He agreed to buy the cattle and hogs and the two men agreed on a price. Some Indians told Murray, "that Webber, a Cherokee chief, or his people, had killed a great many of Murphy's largest, fattest, and best hogs . . . and that Webber's people had drove off a great many of Murphy's cattle upon the head of Illinois. The Cherokee Indians turned the cattle out of the pen . . . and came to the house where the deponent and Murphy were, and stated that if they did not go away and leave the cattle and hogs, that they would kill this deponent and Murphy. . . ." And this deponent believes they would have killed him, had it not been for the interposition of Captain B. L. E. Bonneville, of the United States troops, stationed at Cantonement Gibson; that Murphy had to fly to secrete himself to save his life.

In the deposition of James McDavid, Crawford County, Territory of Arkansas it was stated that he moved up to the mouth of

Illinois River with Cherokee Indians as he had been appointed blacksmith for the nation; that Murphy had removed and left his stock and he saw a large number of cattle running in the prairies; that Webber, as soon as the Indians drove Murphy off from the Illinois, came to him "and got a branding-iron made with the letter W. and went on marking and branding cattle; that this deponent was informed by Webber's stepson, that they marked and branded twenty-five head of Murphy's cattle in one day. . . ."

Joseph Blair, wheelwright deposed that in 1829, he arrived at the mouth of the Illinois River with the Cherokees; that Benjamin Murphy, who had settled in the neighborhood, had already removed, but he and John Murray returned to drive away his stock; they staid at Blair's house collecting the cattle and hogs. While collecting his stock, "William Thornton, a Cherokee, and clerk and agent for Walter Webber, a Cherokee chief, stuck up an advertisement on the door of John Jolly, principal chief, forewarning Murphy from driving away his stock, or any person or persons from trading for it." Murphy continued his collecting when a considerable number of Indians gathered at Blair's house, and made an assault on Murphy, who made his escape by the interposition of Mrs. Blair, and scenes of blood were prevented by Captain Bonneville. Murphy returned to Blair's home in the night and solicited him to take care of his stock or to sell them. Early the next morning Blair went to see about the stock and found about seventy head of cattle in Webber's pen. Webber forbade Blair from meddling with them, alleging that he had a small debt against Murphy, which he had bought from one Choteau (*sic*); Blair offered to pay Webber the amount of the debt, which Webber refused to accept:⁴¹

"This deponent states that Murphy had about three hundred head of hogs, which run in the cane bottom, between his house and Webber's; also a large quantity up in Illinois; also a considerable gang near the Sulphur springs, and a small gang below General Jolly's; that this deponent saw a great many of these hogs marked in Walter Webber's mark, both before they drove Murphy away and afterwards; and in other Indians' marks; and while he continued striving to save them, he saw Indians killing and packing them away."

By request of the Cherokee chiefs John Drew was appointed interpreter from April, 1838 to July 1, 1838. He left the old Cherokee Nation December 5, 1838, in charge of a party of 231 emigrants but there were only 219 living when they arrived in the West on March 18, 1839.⁴² Drew was one of the Western Cherokees who signed the Act of Union between factions of the tribe on August 23, 1839. He was also a signer of the constitution, drafted by William Shorey Coodey, on September 6, 1839 at Tablequah. John Drew married

⁴¹ House of Representatives, twenty-fifth Congress, *second session, Report No. 549, 1-10.*

⁴² *Indian Removal, op. cit., p. 311.*

Maria Rogers, a daughter of Charles Rogers and a grand daughter of John Rogers. She belonged to the "Blind Savannah" clan.⁴³

In 1839 Josiah Gregg outfitted a trading expedition at Van Buren, Arkansas. He had thirty-four men in his party and they transported \$25,000 worth of merchandise which they expected to trade with the Mexicans. Their fourteen wagons were hauled by mules and oxen and they were armed with two swivels or small cannon. Gregg ascended the north side of the Arkansas River, which they crossed at Webbers Falls, and continued on up the north bank of the Canadian. There must have been quite a stir in the village when the Gregg outfit landed there.⁴⁴

Webbers Falls was one of the places visited by Colonel Ethan Allen Hitchcock when he was sent by the government to investigate affairs in the Indian Territory in 1841. He boarded the steamboat *Exchange* at Fort Smith on December 15, 1841 for Webbers Falls, at the mouth of the Illinois, and landed there (seventy-five miles above Fort Smith) on December 18. Of the place he wrote: "This is a very fine site belonging to the Cherokees." Hitchcock proposed to take the land route from Webbers Falls to attend a council at Tahlequah. At Tahlequah on December 19 Colonel Hitchcock wrote:⁴⁵

"I rode yesterday from Webber's Landing after 10 A.M. to John Ross' by 5 P.M. 35 miles along the west bank of the Illinois. . . . At 12 M. I came to Webber's Salt Well, saw a few Cherokees, a woman washing, men idle, . . . Webber not at home. Makes salt, obtains water from a well some 30 ft. only deep. . . ."

The following is a newspaper story from Ft. Smith:⁴⁶

"The people of Webber's Falls, Cherokee Nation, awoke one Spring morning in the year 1842 to find themselves abandoned by their slaves. Not a negro could be found on any of the farms in the bottom or in the surrounding neighborhood. At that time there were several hundred of them there or thereabouts. Joe Vann alone had brought out from Tennessee, two years before, more than two hundred of them and settled on

⁴³ *Memoirs of Narcissa Owen 1831-1907.*

⁴⁴ Grant Foreman, *A History of Oklahoma*, Norman, 1942, pp. 70-71.

The *New York Commercial Advertiser* of April 19, 1849, copied an article from the Van Buren [Arkansas] *Intelligencer*, March 17, which related that along Josiah Gregg's route of 1839 "a well traveled and passable road leads direct from Van Buren to Webbers Falls; and from the Falls is a good road leading to the military road from Fort Gibson to Camp Holmes."

⁴⁵ Grant Foreman, Editor, *A Traveler in Indian Territory* (Cedar Rapids, 1930), pp. 62, 63, 65. The Webber salt works were on the old military road about seven miles above the present town of Gore, Oklahoma, and 1½ miles west of Illinois River on Salt Branch.

In 1849, hundreds of "gold seekers" on their way to California used the Webbers Falls road to North Fork or to Fort Gibson. Two of the large companies of emigrants, the Washington City Company and the Empire Company were loud in its praises, and it was predicted that the road would become more popular than any of the other routes.—Grant Foreman, Editor, *Marcy & the Gold Seekers* (Norman, 1939), p. 39.

⁴⁶ *Fort Smith Elevator*, Fort Smith, Arkansas, Feb. 5, 1897, p. 7, col. 6.

the rich alluvial lands of that section of the nation. The owners were for a time in a state of consternation. Men rode about the adjacent country to ascertain what had become of the runaways. In a short time it became apparent that they had abandoned their owners and when the trail was found the conclusion arrived at was that they were seeking to escape from bondage by making a desperate effort to reach New Mexico.

"How these ignorant people came to learn of such a country was never known. The presumption was that some renegade Mexican had imported the information that far away over the setting sun was a country where slavery did not exist and was not tolerated by law.

"The plot of the fugitives seemed to have been closely kept, as no one had heard or entertained the least suspicion of its existence.

"When it was definitely known the courts [course] the runaways were pursuing, Jown Ross, then principal chief, was informed of the fact and national assistance asked for. Chief Ross acted at once by commissioning and authorizing Capt. John Drew to raise a sufficient force to pursue, overtake and bring back the fugitive negroes, but as it required several days to gather his force and secure transportation for necessary supplies, the Captain found himself a long way behind the runaways, who were making all the speed they could to reach their haven of refuge and freedom. In this they were not destined to succeed.

"In [it] appeared that in their ignorance of the direct and most practicable route to New Mexico from the point of their departure, they had directed their flight too much to the north, and when overtaken were found wandering on the Salt Plains on the south side of the Arkansas River, in a state of bewilderment, and starving. Men, women and children were scarcely able to drag themselves along and were overjoyed on the approach of their pursuers, whom they regarded rather as friends come to rescue them from death from starvation than as task masters certain to drag them back to bondage. Capt. Drew gave them liberally from his supplies, and allowing them a day or so for rest and recuperation, brought them back safely to the Falls.

"Many of us in those days had heard from hunters and trappers of the Salt Plains, and if ever there was a doubt entertained of their existence, the Captain dispelled that doubt by bringing back with him a cube of about fifteen inches of fairly good salt.

"It is doubtful at this day whether there are many yet alive who participated in this affair, to verify the foregoing statement, as in the course of inexorable nature the most of them are now sleeping quietly 'in the blind cave of eternal night.'

"E. R.

"Burgevin, I. T. January 29, 1897"

In 1843, the Creek agent notified the commanding officer at Fort Smith:⁴⁷

"From sources entitled to credit, I have learned that there are large quantities of whiskey now being brought up the Arkansas river above Fort Smith in canoes, pirogues, etc., much of which I have no doubt comes into the Creek nation where it is sold out in small quantities, in such manner that I have no power to see or control it. Whenever the waters admit steamboats to navigate, large depots of whiskey are made at Van Buren and Fort Smith.

⁴⁷ National Archives. Office Indian Affairs. J. L. Dawson to Col. Wm. Davenport, July 10, 1843.

"When the Arkansas above these points is too low for canoes of large size to navigate it, the whiskey is sent in wagons by the 'Whiskey Road,' a retired way which leaves the military road about six miles from Fort Smith, and runs to the mouth of the Illinois, where there is generally another depot from which it is distributed on the Canadian among the Creeks and among the Cherokees. I have seen on this road at low water, a half dozen wagons of whiskey at one time. . . ."

Joe Vann is said to have been the wealthiest citizen of the Cherokee Nation. He owned a handsome two-story brick house at Springplace, Georgia, built about 1799, and when he removed to the West he duplicated the house near Webbers Falls. During the Civil War Federal Troops burned his home. Vann owned a plantation of five or six hundred acres and three or four hundred slaves. He operated a steam ferry across Illinois River, and during the high water in 1844, he ran the ferry boat to his house and tied the boat to the fence. He was famous as the owner of a fine race horse named Lucy Walker and a steamboat of the same name.⁴⁸ The boat blew up and burned on the Ohio River, in 1843, with a great loss of life. The owner was among the dead and his body was never recovered.⁴⁹

Mr. R. P. Vann related that during the Civil War, John R. Vann, Bob Hanks, Junie Smith, Bill Vann, Walter Agnew and some Choctaw Indians helped to sink a steamboat in the Arkansas River below Webbers Falls. The boat was loaded with supplies for Fort Gibson. They mounted some cannon on a sand bar and shot into the hull of the vessel until it sank. The men went out in boats and carried away the goods. Most of the men belonged to Watie's command.⁵⁰

An agreement was entered into on September 27, 1844, between Captain E. M. Balenander, assistant quartermaster United States army, and John Drew by which the latter was to furnish the Quarter Master's Department at Fort Smith with 5,000 bushels of good merchantable corn, and 1,000 bushels of clear oats at the public cribs at or near the New Works. Delivery was to begin on or before the fifteenth of October and continue until the first day of February, 1845. The corn was to be delivered in the ear and free of husk, unless otherwise specially agreed upon by the parties. Drew was to be paid fifty-five cents for "each and every bushel of corn" and forty cents for each bushel of oats delivered. Payment was to be made when

⁴⁸ It is said that the colts of his mare brought five thousand dollars each. His sidewheeler ran between Louisville and New Orleans with a crew of his slaves. Under command of Captain Halderman, of Louisville, the steamboat ascended the Arkansas River to Webbers Falls to transport the cotton crop of Vann and Lewis Ross. When the boat reached Louisville Captain Halderman resigned and Vann took command. —Muriel H. Wright, "Early Navigation and Commerce along the Arkansas and Red Rivers of Oklahoma," *Chronicles of Oklahoma*, Vol. 8, No. 1 (March, 1930), pp. 73-4.

⁴⁹ "Reminiscences of Mr. R. P. Vann, East of Webbers Falls, Oklahoma . . ." as told to Grant Foreman, September 28, 1932, *Chronicles of Oklahoma*, Vol. II, No. 2 (June, 1933), pp. 838-39.

⁵⁰ *Ibid.*, pp. 843-44.

half of the grain was delivered. The United States reserved thirty-three per cent until the whole contract was completed.⁵¹

From the Cherokee Agency, November 26, 1844, Agent P. M. Butler addressed Colonel R. B. Mason at Fort Gibson as follows:⁵²

"Dear Sir

Mr. Drew is here just starting out to the Council Ground & wishes to extend his trip as far as Washington County [Arkansas]—with a view of procuring meal—for the meeting—on the 4 of Dec.

"If you & the Genl. [Matthew Arbuckle] shall concur—I will close with him at the prices agreed on 3 cts for beef & 75 cts for corn or meal—part of both—as we shall direct—What would you say the relative proportions to start with. That he shall supply at the start.

"I would call down, but am at the moment busy—

"Very truly

P. M. Butler

(Written on the back of the above letter, in pencil are the desired directions.)

"The General & myself think that you had better close with Mr. Drew at those prices, 1¼ pounds of beef, & 1¼ pounds of meal to the ration with two quarts of salt to the 100 rations, if corn is issued the ration must bear a relative proportion to the meal.

"Very Respectfully

"Yr Ob St

"B. B. Mason

"Gov. P. M. Butler"

When the council met near Fort Gibson on December 4, there were present 286 Old Settlers and 195 members of the Treaty Party. President Tyler appointed Adjutant General Roger Jones, Agent Butler, and Colonel Mason commissioners.

The following notice was sent to John Drew from Fort Gibson, April 16, 1845:⁵³

"Sir

I here with notify you to stop your building & improvements which you are making upon my place at the Dragoon Barracks for I consider it an intrusion upon my rights which the laws of the country will garentee (*sic*) to me.

I am very Respectfully

Your Obt Servt

A. D. Wilson

⁵¹ Grant Foreman Collection.

⁵² Drew Papers in Grant Foreman Collection.

⁵³ *Ibid.* The *Arkansas Intelligencer* on March 15, 1845, states that the steamboats *Rolla* and *Wabash Valley* were lying at Webbers Falls awaiting an increase of water so that they could ascend to Fort Gibson. The *Arkansas Mail* turned back from Webbers Falls on account of low water. The *Cherokee Advocate* reported on May 8, 1845, that the *Rollo* arrived at Fort Gibson. She was the first boat to ascend the Arkansas for almost a year, but would soon be followed by others, as the river was then "in good boating order."

The May 22, 1845 issue of the *Cherokee Advocate* reported that the steamers *Franklin* and *Ben Franklin* were aground, high and dry, at Webbers Falls. Rich Joe Vann, having been killed in the explosion of his steamboat, the *Lucy Walker* in the Ohio near new Albany, Indiana, his Negroes and horses were advertised for sale in the *Advocate* on June 12, 1845.

The *Cherokee Advocate* commented that James S. Vann, a son of "Rich Joe" Vann, had purchased the steamboat *Franklin*. She was of about 150 tons burden and Vann intended to put her on the Arkansas River trade as soon as there was a rise. Vann was administrator of his father's estate, and every issue of the *Advocate* carried notices regarding the business. On June 5, 1845 Vann advertised that he would hold a sale on June 17 of between thirty and forty "likely young NEGROES and part of the Blooded Horses, belonging to the estate of Joseph Vann, deceased."

The *Advocate* contained the notice of the marriage of Mr. John Drew and Miss Charlotte Scales on August 14, 1845 at the residence of Mr. F. A. Kerr, Illinois District, by the Reverend Thomas Bert-holf.⁵⁴

Lieutenant J. W. Abert of the Topographical Engineers, led an expedition in the autumn of 1845 on the upper Arkansas and through the Comanche country. His journal was started at Bent's Fort, Saturday, August 9, 1845 and on Sunday, October 19 he wrote:⁵⁵

"About dark we reached an Indian's house, where we procured a guide, in consideration of remunerating him well, and giving him a mule to ride. Hurrying on, we reached 'Webber's Falls,' as the desired point is termed, about 11½ o'clock. We first went to the store, to inquire there for lodgings, when we were directed to retrace our steps to Mr. Riely's [Riley's],⁵⁶ a Cherokee Indian, who met us with gun in hand; but as soon as our voices were distinctly heard, he received us with the greatest kindness. He told us that he had seen us when he first passed, silently moving along, and noticed the glistening of our gun-barrels by the rays of the new risen moon, and suspected us to be the 'Starr boys,' by which name he designated four notorious outlaws, and had despatched two of his negroes to warn some persons who lived beyond him of our approach.

" . . . We had traveled more than 45 miles on our mules that had been in hard service since the 12th of June. Having been 13 hours in the saddle, we were well prepared to do justice to the supper which our host had set before us; after which, spreading our blankets on the floor, before the blaze of a roaring fire, we were soon asleep, losing all remembrance of the day's difficulties.

"October 20. . . . On looking around the room in which we were quartered, we noticed newspapers pasted up to keep out the wind, among which was the 'Cherokee Advocate,' containing a proclamation of John Ross, chief of the Cherokee nation, offering \$1,000 for the apprehension of two persons named Starr, and \$500 for two other persons, who were included under the general appellation of the 'Starr boys.' The reward was for anyone who should take them dead or alive. But, being all young men, and just the number of last night's party, we were not surprised at being mistaken for them.

"In the after noon Lieutenant [William Guy] Peck and I went out to view the environs of Webber's Falls. We found the country around flat and sandy; but the fine large timber shows a good sub-soil. We learned

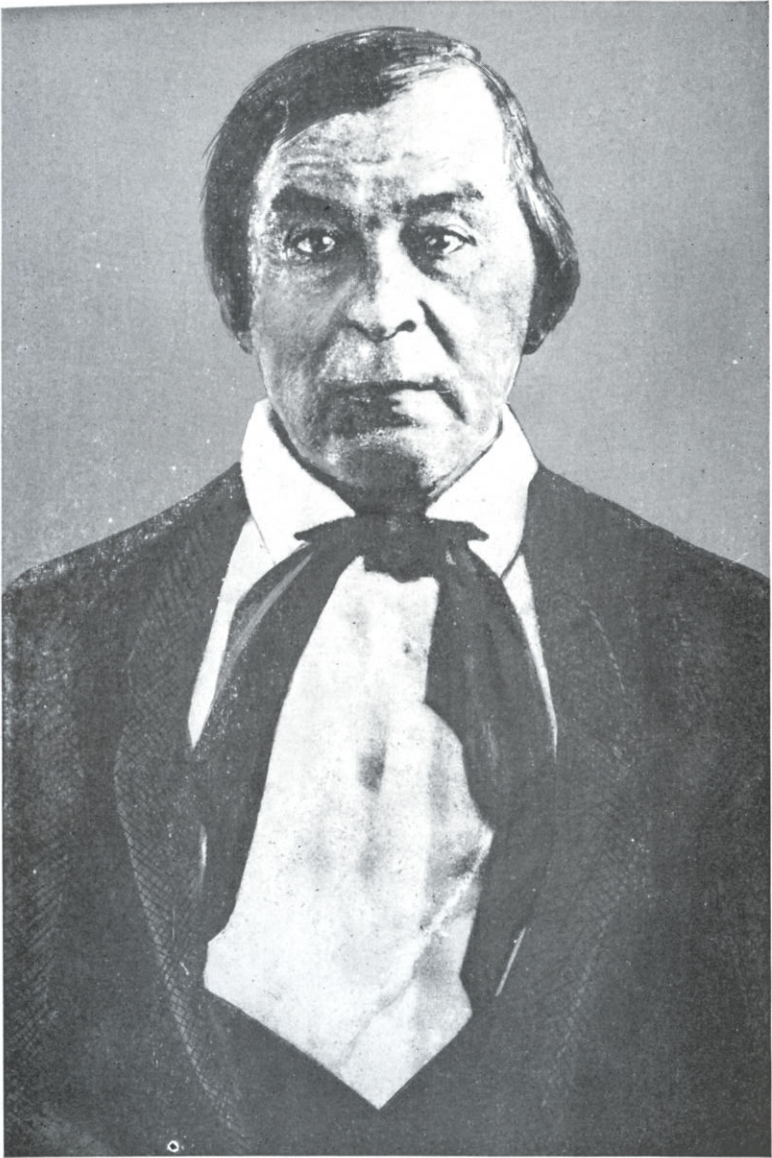
⁵⁴ *Cherokee Advocate*, August 21, 1845, 3, col. 3.

⁵⁵ Twenty-ninth Congress, first session, *Senate Document* 438, 72, 73.

⁵⁶ This was probably Lewis Riley who served as solicitor from Canadian District in 1841 and 1842, and councilor in 1845.



MRS. JOHN DREW (née Charlotte Scales), OF WEBBERS FALLS



JOHN DREW, CHEROKEE OF WEBBERS FALLS

that the sand had been spread over the bottom by the inundating freshets of the Arkansas.

"The paroquets, 'pistacus Carolinensis,' were very abundant, and numerous flocks of them were constantly darting round, describing large circles through the topmost branches of the tall trees. We had taken a gun with the intention of killing some of them, which were rapidly sweeping around our heads, and uttering screams as if in the highest irritation at our bold intrusion within the precincts of their domain, with such murderous intent. Their principal food consists of cockle bur, which they easily dissect by means of their strong bill. Mr. Riely tells me that their flesh is very pleasant to taste, and is frequently sought for by the inhabitants of the neighborhood.

"We found some of the fruit of the pawpaw, 'annona triloba,' and black walnuts. We noticed among the sylvia, the elm, and various species of the oak and hickory—among the latter, the bitternut (*sic*) hickory, 'juglans aurata'—a proof in itself of the inundations which have thrown the sand over the bottoms, as it always grows best in a country subject to be overflowed. We also found the buttonwood and spicewood. . . .

"The exact mouth of the Canadian is four miles below; but it cannot be approached on account of canebrakes. The river has sometimes been navigated as far as the mouth of the north fork by boats drawing 2½ feet of water, but is, in general, only navigable for flat boats. . . ."

James Ore, Sheriff of Canadian District, on December 18, 1845, advertised in the *Cherokee Advocate*:

"By virtue of instructions from George Lowrey, Acting Principal Chief of the Cherokee Nation the undersigned will lease to the highest bidder, on the 28th day of January, 1846, at the Court House in Canadian District, in accordance with the provisions of the Act relating to Salines, dated Oct. 30th, 1843, the Salt Spring, which is commonly known as Durdee Saline, and located five or six miles from Webbers Falls."

Webbers Salt Works was an important meeting place for customers and it was frequently mentioned in the works of travelers in the early days. The *Cherokee Advocate* of December 25, 1845, carried the announcement:⁵⁷

"There will be sold to the highest bidder on Saturday, the fifteenth of January next at Webber's Salt Works, the following named NEGROES, to-wit: Charlotte; May and her two children; Rachel and her child, and one Negro man. All of which will be sold for the purpose of making an equal division of the proceeds of the said negroes among the heirs of Ruth Phillips deceased. Terms of sale cash. . . ."

On April 9, 1846, from Fort Gibson, M. du Val; Seminole Agent, wrote Hon. Wm. Medill, Commissioner of Indian Affairs in Washington, that in the absence of Cherokee Agent McKissick he was introducing Captain John Drew who was going to Washington on business for himself and others. He described Drew as "one of the first men, in intelligence & otherwise in the Cherokee Nation;—from a long

⁵⁷ Grant Foreman, "Salt Works in Early Oklahoma" *Chronicles of Oklahoma*, Vol. 10, No. 4 (December, 1942) 485-86. By the treaty of 1828, salt works were taken over by the Cherokee government and the Bean Salt Works which had been operated by Mark and Richard H. Bean, were operated by Walter Webber and his heirs who had possession of them until the Civil War.

acquaintance with Capt. D, I can speak confidently, that on all subjects on which he pretends to give information it may be relied on of the condition, feeling and wants of the Cherokee people, there is no one probably better informed."⁵⁸

The *Advocate* announced the arrival of William Shorey Coodey and John Drew in Washington in the issue of August 6, 1846, where they would be associated with the delegation in its missions.

When the treaty between the United States and the Cherokee Nation was ratified August 8, 1846, Edmund Burke, William Armstrong and Albion K. Parris were the commissioners on the part of the United States while John Drew was one of the duly appointed delegates for the Cherokees, along with Stand Watie, David Vann, Stephen Foreman, Clement V. McNair, Richard Taylor and T. H. Walker.⁵⁹ Drew was an executive councilor in 1859:

"Whereas, John Crossland, John Drew & W. S. Coodey having been selected & appointed to settle and close the business of the Estate of the late Joseph Vann decs'd and having set aside a portion of property to pay certain debts still due by the Estate, This Therefore, is to certify that John Drew is fully authorized to dispose of said property & to pay such unsettled debts of the same.

"In witness whereof I have this 3. day of Septn 1847 set my hand &c at Webbers Falls.

Lewis Riley
Judge Dist Court
C, , Dist."

"Know all men by these presents that I William Dutch, of Canadian District, Cher. Na. and late administrator on the Estate of Richd. Stinson deceased, of the aforesaid district, did bargain and agree, as administrator, to give to John Drew a certain negro boy named Jack belonging to said estate, for his services in attending to & defending certain suits instituted against, the estate of the said Rich'd Stinson decs'd, for valuable property; and the said John Drew having performed the services required by agreement in behalf of the interests of said estate,—and no written instrument having been executed by me as evidence of his right and ownership to the above named boy Jack;—This is therefore to secure to & fully vest in said John Drew all legal right, title, claim and interest to a certain negro boy named Jack supposed to be about sixteen years of age, and late the property of Richard Stinson decs'd, the services of said Drew, according to a stipulated agreement, being considered a fair and full consideration for the value of said boy.

In witness whereof I have hereunto set my hand and affixed my seal, at Tahlequah Cher. Na. this 5th day of Nov'r 1847.

Witness

J. T. Martin

William Dutch

Seal
his X
Mark

Late administrator

Estate Rich'd Stinson Decs'd.

⁵⁸ Manuscript letter in Grant Foreman Collection.

⁵⁹ Letters relating to the Cherokee Treaty of are in *Appendix A* at the end of this article.

John Drew paid Sutler Wm. P. Denckla at Fort Gibson \$70.26 between February 26, 1846 and December 23, 1847. The prices on the bill were much lower than the same goods bring at the present time: 1 pair shoes; 1.50; 2 hoops 1.25; 10 yards French chintz 6.25; 1 barrel flour 5.00; 10 pounds coffee 1.00 were among the items.

In February, 1848, Cherokee Agent of Salines, James M Payne, advertised a salt works formerly occupied by Akey Smith, generally known as Webber's Salt Works in Illinois District. As early as 1833 this saline, with five others were advertised in the *Arkansas Gazette*, May 27, 1833. The salt works on Dirty Creek were known as the Drew salt works. Before the Civil War Drew sold them to David Vann who operated them during the war, working day and night.⁶⁰

An interesting document in the John Drew collection of papers is one transferring property by him to Amos Thornton⁶¹ on May 27, 1848:⁶²

"Cherokee Nation West.

"Know all men by these presents that I, John Drew, of the first part, have transferred, and sold and delivered to Amos Thornton, of the second part, my right, title claim & C which I have and hold to the following described tract of land, or premises to wit, 'Known as the old Dragoon Baracks (sic) and some years ago occupied by the Dragoons, as such, and at present in part occupied by William C. Dickson as a licensed Merchant, in the Cherokee Nation, all of which is within the Cherokee Nation, and within Illinois District, of which is to be held, by the said Amos Thornton to the full Extent of the said Claim, and Boundary. Except the Store House, within the Enclosed lot.

"And in consideration when of the said, Amos Thornton of the second part agrees on his part to pay to the said John Drew, of the first part, the sum of Two thousand dollars twelve months after the date hereof, and in order to more fully secure the payment of the above sum of Two thousand dollars, hereby Bargains and Sells to the said John Drew the following described property to wit, 'One Black Boy named John, about twenty years old, one Black girl named Iam, about twenty four Years old, One Mulatto Boy about Eight Years old, named John, and two girls one four and the other three years old, one named Cynthia and the other Georgiana, Seven head of Horses, and about fifty head of cattle, one Wagon, and two Yoke of Oxen, all of which described property is to be and remain the property of the said John Drew, until the above amount of Two Thousand dollars, shall be finally paid, It is however distinctly understood between the parties that the above described is to be and remain in the hands or possession of the said Thornton, and to be used by him until the above debt shall fall due.

"In Witness whereof, we have each of us, hereunto set our hands and affixed our Seals, this 27th day of May In the Year of our Lord One thousand Eight hundred and forty eight.

"John Drew (Seal)

"Amos Thornton (Seal)

"Signed Sealed and delivered to Each
a Copy hereof in the presents of
Wm. J. McMillan, John A. Watie"

⁶⁰ "Salt Works in Early Oklahoma," *op. cit.*, pp. 496-7.

⁶¹ Judge of Illinois District in 1867.

⁶² Drew Papers in Grant Foreman Collection.

Colonel John Drew was in Washington in the winter of 1849, according to a bill sent to him by Doctor The. Miller for professional services rendered him from February 15 to March 9, 1849.⁶³ John Ross headed a delegation to Washington in 1849, and he was accompanied by John Drew, David Vann, and William Potter Ross. Drew was a delegate to Washington in 1859, with John Ross, Pickens M. Benge, and Thomas Pegg.⁶⁴

John T. Drew, a son of John Drew and Charlotte Scales of Webbers Falls, was born January 18, 1850. He was a nephew of Judge Joseph Absalom Scales, a celebrated member of the Cherokee Nation. His father, a colonel in the Confederate service during the Civil War, died in 1865.

John T. Drew was educated at McKenzie College, Texas and Cane Hill, Arkansas. During the Civil War he was a refugee in the Chickasaw Nation, returning to his own nation after the conflict he devoted his time to farming in the vicinity of Webbers Falls. In 1877 Mr. Drew was appointed district attorney, in 1878 he became clerk of the Cherokee Senate and the following year he was elected attorney general. He was elevated to the supreme court in 1884 and on three occasions he was chief justice. In 1891 Drew became secretary of the treasury and later became Tahlequah town clerk. In 1877 Drew and Miss Molly McCoy, a daughter of James McCoy, were married and they became the parents of five children.⁶⁵

John Drew's daughter Emma first married a man of the name of Bill Robinson, a farmer and stockman. After his death she married Major McCorkle, a native of Mississippi. John Drew had two brothers, William and Charles; the latter died when very young. William was the father of "Aunt" Sue Rogers who lived to a great age in Muskogee.⁶⁶

From Fort Gibson, A. P. Cash wrote a letter October 26, 1852, to John Drew for A. P. Riker which read as follows:⁶⁷

"Know all men by these presents that I David Vann by the authority (*sic*) vested in me by law do hereby Grant John Drew licens (*sic*) to practice law in all of the courts of the Cherokee Nation he having complied with the law by paying twenty dollars.

David Vann
Treasurer"

Nov 19th 1851

"I do hereby certify that the within was sworn in before me . . . this the 24th Nov 1851

C. B. Bushyhead"
C.C.C."

⁶³ Collection Grant Foreman.

⁶⁴ Emmet Starr, *History of the Cherokee Indians* (Oklahoma City, 1921), pp. 122, 130, 137, 269, 295.

⁶⁵ H. F. & E. S. O'Beirne, *The Indian Territory*, Saint Louis, 1892, 290-91.

⁶⁶ Carolyn Thomas Foreman, "A Creek Pioneer, Notes Concerning 'Aunt Sue' Rogers and Her Family," *Chronicles of Oklahoma*, Vol. 21 (1943), pp. 271-79.

⁶⁷ Autographed signed letter.

"I have this day sold the goods I took from you to Mr. W. C. Dickson for seven hundred dollars. The goods amount to	\$1552.52
12½% Added	194.06
	\$1746.58

"I shall come to the falls as soon as practicable to settle up the business. Riker thinks you served him damned badly. Below I give you a receipt.

"Recd from Mr. John Drew seventeen hundred & forty six dols. & fifty eight cents in part payment of a note held by A. P. Riker against John Drew.

The firm of M. Mayers & Brother, Fort Smith shipped on June 21, 1854, on "the good Steam Boat Umpire No. 2" to Richard Drew at Webbers Falls the following merchandise: "Ten Bbls Merchandise, One Sk Flour, One Box Saleratus, One Box Hams, One Well Bucket, One Box Mdse, One Box Candles."⁶⁸

For "the sum of two thousand, three hundred dollars" John Drew on April 7, 1857 sold to Charlotte G. Drew of Canadian District, Cherokee Nation, the following property, "A woman named Diana, and aged thirty years—and her five children, Lydia, aged ten years, Fanny, aged seven years, Jim aged five years, George aged three and Joshua aged four months." Drew bound himself, and administrators to warrant and defend the title to the Negroes to Charlotte D. Drew against all and other claimants and the document was attested by J. A. Scales.⁶⁹

The late Mrs. Ella Flora Coodey Robinson of Muskogee gave very interesting information concerning the Webbers Falls school in the Cherokee Nation. She was born in 1847, entered in the second grade when she was eight years old; at that time the Board of Directors in the district was composed of Judge John S. Vann, John McDaniel and William Thompson. The school system in the Cherokee Nation was thoroughly organized but adequate school houses had not been erected and she first attended classes in the Jennings home which was a mile from the village. The pupils sat on benches with no backs. Her first teacher was young William Fields, her mother's brother, who had been recently graduated from the college at Fayetteville, Arkansas. The next year the school was held in the home of the merchant John McDaniel in Webbers Falls with Miss Eliza Holt as teacher. She was the first woman teacher in that part of the country. As teacher of the Canadian River School in 1858, she had forty five pupils in her classes. When she married Mr. Joseph McCorkle she was replaced by Joseph Absalom Scales, a recent graduate from the Arkansas University. He taught only one year as he went into the mercantile business with John Drew at the salt works on Dirdenne (or Dardenne) Creek.

⁶⁸ Foreman Collection.

⁶⁹ Manuscript in Grant Foreman Collection. (See Carolyn Thomas Foreman, "Joseph Absalom Scales," *The Chronicles of Oklahoma*, Vol. XXVIII, No. 4 (Winter, 1950-51), pp. 418-32, for notes on history of Webbers Falls.—Ed.)

After the court house was built in Webbers Falls school was conducted in it. Court was held in the spring and autumn and the students were obliged to move out into the yard for classes under the great old oak trees. All of the pupils brought lunch in little tin buckets and Mrs. Robinson recalled how good country sausage and biscuits tasted at noon. McGuffy's readers were used, together with spelling, arithmetic and geography books. Mental arithmetic really meant that. Slates and pencils and a black board were used, but no paper. The first term of school held in the court house was taught by Miss Rose Tally, a beautiful Cherokee girl who was married to Joseph Absalom Scales after one year; she was replaced by Miss Delia Mosely who boarded in the home of her relative John McDaniel; Miss Delilah Vann, mother of Judge O.H.P. Brewer of Muskogee, taught the Webbers Falls school one year before taking charge of the one on Greenleaf Mountain. John McDaniel was appointed postmaster at Webbers Falls when the postoffice was established there on July 15, 1856. The office was not in operation from July 9, 1866 to May 16, 1870.⁷⁰

In 1859 a school building was erected half a mile from Webbers Falls and it was taught by a recent graduate of the Arkansas University, Sam Adair who boarded in the home of Major I. G. Vore. School continued until 1861, when the Cherokees commenced to leave for the South, trying to save some of their possessions from the invading Federal Army.

Mrs Robinson related that when her mother, widow of William Shorey Coodey, married John Salaule Vann, a son of "Rich Joe Vann", his home was at Webbers Falls which was then only a landing place for steamboats, with a store or two and a postoffice of which John McDaniel was the first postmaster. Mr. Vann built a comfortable house on the ridge about two miles from the Arkansas, in the same neighborhood where were the homes of Vann's brother David and of Israel G. Vore and the Jennings family. Richard Fields was a lawyer and during the two terms of court at Webbers Falls his home was always filled with guests. Court was held in a small log house until the regular court house was erected in 1858.

Israel Vore and Miss Sallie Vann, a daughter of Rich Joe Vann, were married at Webbers Falls in 1851, and they called that town home although Mr. Vore continued in business in his stores at Fort Smith and Pheasant Bluff. He was well known as a leader in the Cherokee Nation, and when events in the States were reflected in local problems at Webbers Falls leading toward the later Civil War, he and John Drew were called upon to maintain order in their community. The following letter sheds much light on the situation:

⁷⁰ George H. Shirk, "The First Post Offices Within the Boundaries of Oklahoma," *The Chronicles of Oklahoma*, Vol. 26, No. 2 (Summer, 1948), p. 50.

Jan. 10, 1860.

Capt. John Drew

Dr Sir—permit me to call your attention to the intention of our Sheriff to form a patrol Company in his neighborhood. I wish to tell you what I think and feel of the matter, because I am satisfied you appreciate the great importance of a well organized company in this or any community of negroes. The known unruly disposition of "indian negroes," the convenient access, & high handed workings of abolitions—with Kansas contiguous, makes it in my mind, a bounden duty of every good citizen, to bestir himself in compelling all negroes to know their places—and to form a company under the directions, of nonslaveholders, or young & perhaps disipated men, such as cannot command proper respect & influence, would only lead to dissension with neighbours, with complaints of **partiality**. the officers, should be slave holders, & men of influence firmness & judgment, & I think there is only two such men amongst us, & to see them Captain & Lieutenant is my desire. I have had a conversation on the subj with the Sheriff—and he is disposed to appoint you & Mr. Vore Lieut.—will you not accept? do not put up the excuse of age &c. the interest of our community calls upon you, & I am satisfied you will not disapoint it. Night riding if necessary could be done by the younger men. This I look upon as of minor importance to other duties of the company—and if every man of the neighborhood, would put a veto upon other negroes gathering about there negro quarters at night, would be in a great measure obviate night riding.

Respectfully

John Vann

At the age of forty Vore enlisted in the Confederate service on October 4, 1861. During the time her husband was away at war, Mrs. Vore and her children maintained the home at Webbers Falls. The Federal troops confiscated all of the food and other supplies in the town before applying the torch to all of the other buildings after they had burned Vore's house. Mrs. Vore, with her children and many other citizens of the village had previously left for Fort Washita, where they remained until the end of the war.⁷¹ After the Civil War Major Vore was obliged to start life anew because of his property losses. He rebuilt his home about one mile west and a little south of the present site of Webbers Falls and devoted his time to preaching and missionary work among the Cherokees and Choctaws. Major Vore died January 17, 1887, survived by his wife. Both were buried in the family burying ground at Webbers Falls.⁷²

Affairs in the Cherokee Nation were at a fever heat the summer of 1861. The Executive Council composed of John Ross, John Drew, Joseph Vann, James Vann and William P. Ross met on August 1, and opposed all alliance with the Confederacy. A former teacher among the Seminoles, E. H. Carruth who left the Indian Territory for the North reported on July 11, 1861, about the pro-slavery organization "Knights of the Golden Circle," in the Cherokee Nation:

"The half breeds belong to the K. G. C. a society whose sole object is to increase & defend slavery and the full bloods have—not to be outdone—

⁷¹ Carolyn Thomas Foreman, "Israel G. Vore and Levering Manual Labor School," *The Chronicles of Oklahoma*, Vol. 25, No. 3 (Autumn, 1947), pp. 200-01.

⁷² *Ibid.*, pp. 202, 213 and note 49.

got up a secret organization called 'pins' which meets among the mountains, connecting business with Ball-playing, and this is understood to be in favor of Gov't, at least when a half breed at Webers falls raised a secession flag, the 'pins' turned out to haul it down & were only stopped by a superior force, they retired swearing that it should yet be done & its raiser killed'"⁷³

In August, 1861, John Drew was in communication with General Benjamin McCulloch who wrote him that as soon as a treaty could be arranged that he would accept Drew's regiment. After Pike withdrew to Red River Stand Watie and Drew left to defend the Nation. Colonel Phillips reported to General Blunt on April 2, 1863, from Park Hill that "Colonel Drew sent over terms of peace, but he has only 40 men and they will come anyhow."⁷⁴

The defeat of Colonel Douglas H. Cooper at Fort Wayne (October 22, 1862) caused the Cherokees to lose faith in the strength of the Confederate army and many of the Indians left for home asserting that they would join the Federal troops at the first chance. In order to secure them Colonel William A. Phillips made his way through the Cherokee Nation in the first week of November, 1862 by way of Tahlequah and Park Hill, to Webbers Falls. He found a most discouraging state of affairs; little food, little clothing and the cold weather had commenced so that the Indians were in a sad state.⁷⁵

In a letter written March 22, 1863 the destitute state of the Cherokees was recorded and the people were in great danger. "The Secesh have crossed at Webbers Falls and robbing at a terrible rate."⁷⁶ Joseph Absalom Scales wrote from Webbers Falls, April 12, 1863, that "the country was greatly alarmed by the approach of the enemy; we have been badly treated by Confederate officers who withhold our pay—not giving us the protection promised by Pike—the Federals treat our people better than the Confederates do—our people will desert and go over to the North. . . ."

Colonel Phillips and Stand Watie had an encounter at Webbers Falls on April 25, 1863 in which the Union victory prevented the convening of the secession Cherokee Council.⁷⁷ Colonel Phillips, determined to prevent the meeting of the Cherokee Council, crossed the Arkansas River on the evening of April 24, 1863, four or five miles below Fort Gibson with six hundred men belonging to three Indian regiments and a battalion of the Sixth Kansas Cavalry. He made a

⁷³ Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist*, Cleveland, 1915, p. 86 note 122.

⁷⁴ *The War of the Rebellion . . . Official Records . . .* Phillips to Blunt, Series I, Vol. XXII, Part II, 190; Morris L. Wardell, *A Political History of the Cherokee Nation*, Norman, 1938, 164.

⁷⁵ Annie Heloise Abel, *The American Indian as Participant in the Civil War*, Cleveland, 1919, 216-17.

⁷⁶ Foreman, *A History of Oklahoma*, op. cit., pp. 116-17.

⁷⁷ *The American Indian as Participant in the Civil War*, op. cit., 271.

night march and struck the Confederate force at the Falls early Saturday morning, routing the troops, capturing some prisoners, and their camp supplies. The attack at daybreak was a complete surprise and some of Watie's men did not have time to dress. They fled in the direction of Fort Smith and North Fork, leaving their supplies after firing only a few minutes. Phillips followed the Confederate troops only a short distance because of the worn state of his men and animals after the forced march during the night. Besides, the Arkansas was rising rapidly and at that time came well up on the sides of the horses making it dangerous to ford at Webbers Falls.⁷⁸

Colonel Phillips reported to Major General Samuel R. Curtis at Saint Louis: "Ascertained that the rebel loss at Webber's Falls was much heavier than first reported. Two rebel captains killed." He wrote that he lost "two killed." On May 9, 1836 Phillips sent a report to General Blunt in which he told of the killing of Dr. Rufus Gillpatrick when he was on his way to dress the wounds of a Confederate soldier. He was attacked by rebel soldiers who came out of the cane.⁷⁹

Ella Flora Coodey was sixteen when the Battle of Honey Springs was fought on July 17, 1863. At her home in Webbers Falls the young girl heard the cannon fire all day long. After the Federal troops won the battle hundreds of Cherokees who favored the southern cause left for the South in wagons and ox carts and the abandoned village of Webbers Falls was burned by northern sympathizers. Judge Vann and was burned by northern sympathizers. Judge Vann and William Fields were in the Confederate army, and all of the houses in Webbers Falls having been burned by northern sympathizers, Mrs. Vann with her family and a party of neighbors left for Preston, Texas, the middle of August, 1863. Miss Coodey, later Mrs. J. M. Robinson of Muskogee, recalled that after their clothes were burned she was issued some shoes and although they were not mates she was obliged to wear them as she had no others.⁸⁰

Brigadier General Albert Pike wrote to Colonel Drew on July 14, 1864, from Fort McCulloch that he had ordered the quartermaster to send \$50,000 to be "paid to such of your men as remain loyal to the Cherokee Government, and true to the Alliance of the Cherokee People with the Confederate States".⁸¹

"I also enclose a letter to the Chief, requesting him, if the number of such true men requires it, to loan the Quartermaster an additional \$50,000 for the same purpose which shall be repaid out of the first moneys received.

⁷⁸ Wiley Britton, *The Union Indian Brigade in the Civil War* (Kansas City, 1922), p. 222.

⁷⁹ *The War of the Rebellion . . . Official Records*, Washington, 1888, Series I Vol. 22, Part I, Reports, pp. 314-16. *Ibid.*, Part II, Correspondence, 266.

⁸⁰ Carolyn Thomas Foreman, "A Cherokee Pioneer," *Chronicles of Oklahoma*, Vol. 7, No. 4 (December, 1929), p. 371.

⁸¹ Autographed signed letter.

"I have been so thwarted and embarrassed, in my plans and attempts to organize and supply a force with which to protect your Company, as to have been compelled to leave you entirely on your own arms and people for your defence. This has not been the fault of our President or of the Government; but of Generals of higher rank than myself, who have armed, equipped, clothed and paid their commands with the fruits of my labour and exertions, and by plundering the Indians of what was procured for and belonged to them.

"I am sending up to your assistance the little force of troops which I have kept here, rather than send it up [blurred] that its feebleness might not be known to the enemy. . . .

"Surely the Cherokees are sagacious enough to know that deft as the paw of the panther may be, its treacherous nature will not long allow it to keep its claws concealed. The Northern states will never forgive you. They may profess that, until the war is over, but then, if they hold possession of your country, they will punish you by parcelling out your lands; and licking their lips, will think they have done God good service."

A number of the well to do citizens of Webbers Falls sent their daughters to the Fort Smith convent (Academy of St. Ann) in charge of the Sisters of Mercy to be educated. At the period of the Civil War the school was filled to capacity with girls whose parents had gone as refugees to Texas.⁸²

After the treaty of 1866 the Cherokee refugees began returning to their homes. Stand Watie returned to settle near Webber's Falls. "It is refreshing to note that Mrs. Watie so long an exile, suffering from illness, hardship, and anxiety for her loved ones soon recovered her health and spirits, when safe in a home of her own within the limits of her own country." Saladin wrote his father, "Mother steps about like a sixteen year old girl."

Stand Watie wrote his son Saladin R. Watie from Red River Choctaw Nation on June 6, 1867, instructing him to allow John Fallen to have fifteen or twenty bushels of corn. A flood has swept

⁸² Edward Everett Dale & Gaston Litton, *Cherokee Cavaliers* (Norman, 1939), pp. 224, 251 and note 42, 262 note 69.

Information concerning Webbers Falls contributed by Mrs. S. M. Gatlin, Webbers Falls: St. Joseph's Catholic Mission Church completed December, 1924. First Mass December 27, 1924. Father Omer Beal first mission priest. The young girls who attended St. Anne's Convent (Ft. Smith) were May Ross, Belle Gatlin, and Emma Vann. The following persons were instrumental in starting the Catholic Church: Mrs. J. J. McGrath, and her family; Mrs. David McCorkle, Mrs. M. D. Harmon and Mrs. Gatlin and her family. Previous to the building of the church mass was said in the homes.

The Methodist Church was rebuilt in 1944. It is now rented to Church of Christ. The Baptist Church was rebuilt in 1941 or 1942. The Holiness Church was constructed in 1947.

A flood washed away the bridge across the Arkansas River at Webbers Falls in May, 1943.

The First National Bank was established in 1903 with J. E. Hayes as president and J. C. Buchanan as cashier.

away Stand's corn crop from one hundred acres and he wrote that he would move up to the Cherokee Nation sooner than he had anticipated. Saladin had returned some months earlier and settled near Webber's Falls where he engaged in the merchantile business and farming.

At Webbers Falls on February 13, 1868, Saladin Watie died at the age of twenty-two years. This was a great blow to his parents for only one son and two daughters were now left to comfort their old age. (Another son, Cumiskey had died in 1863.) Saladin had served as aide on his father's staff during the Civil War. His cousin, Charles Webber, who had cared for Saladin during his illness died the following day (February 14, 1868). Charles was a son of Stand Watie's sister, and he was twenty-five years old.

The brilliant William Penn Adair wrote to Stand Watie from Webber's Falls, June 20, 1867, saying that he had reached there on the fifteenth. He had left Richard Fields and Joseph A. Scales in Washington to look after the business of feeding the destitute members of the tribe and the removal of certain of the Cherokees to their homes from the Choctaw and Chickasaw nations. On the return of Scales the people were to be called together for a report.⁸³

On New Year's Day, 1869 A. J. Dreas addressed a letter⁸⁴ to R. D. Blackstone from Wewoka, Creek Nation [Seminole] in which he related that he had had the pleasure of meeting Major Vore and Colonel Timothy Barnett.⁸⁵ "I have never met anyone, that I have formed a more favorable opinion of in so short acquaintance as I do of these two, generous and kind hearted gentlemen. They have treated me [as] though i had known them always. The Col. has given me an order for some Boots & Shoes, and I am going to *try hard to please him*. . . . I have been detained on account of high Water I saw three of your sons in Fort Gibson. I was glad to see them. I was *truly sorry*, to hear of the death of Mrs. Blackstone. But though she has gone home before us her kindness will *never be forgotten*. . . ."

Clarence W. Turner, when a young man, accompanied his father from Fort Smith to the Indian Territory. They left Fort Smith November 25, 1870, riding two black ponies and the next day they ferried the Arkansas River at the mouth of the Illinois on Bullitt

⁸³ *Ibid.*, p. 52.

⁸⁴ Grant Foreman Collection.

⁸⁵ Timothy Barnett, "the able and educated grandson of Timpooshee Barnard," was a delegate to the council held at North Fork Town in 1861. This council was made up of leading Southern sympathizers within the Choctaw, Chickasaw, Seminole and Creek tribes. Barnett, the big man in the Wewoka District, boarded prisoners awaiting trial at his house; and issued script to pay himself. He had a wife in that district and another in the Greenleaf settlements and he was killed in 1873 after he murdered an Indian for paying attentions to her.—Angie Debo, *The Road to Disappearance* (Norman, 1941) pp. 144, 202-03.

Foreman's ferry and soon arrived at the home of General Stand Watie at Webbers Falls where they were entertained at dinner.⁸⁶ According to Mr. R. P. Vann, Webbers Falls, Stand Watie's home was a frame house with two long rooms and a fire place at each end. It was located on the east edge of Webbers Falls.

The National Grange, a farmers' social organization founded in 1867, entered Indian Territory first at Frozen Rock and Webbers Falls in 1876. This proved to be an important factor in Indian community life.⁸⁷

George W. Stidham of Eufaula, Indian Territory, addressed a letter to "Col. Chekotee", whom he called "Dear Relative", regarding a proposed railroad through the Creek Nation. In part he wrote:⁸⁸

" While in Muskogee I was informed that some of the would be leaders (white citizens) of Muskogee had held a meeting in the interest of the R. Road, at which no Indian was present, and organized regularly by selecting officers and did actually send a Representative to confer with J. Gould for the purpose of urging upon him to make Muskogee the starting point for a R.R. to Fort Smith.

"Such a high handed measure by United States citizens within our limits should not be allowed to pass unnoticed. Non citizens particularly at that point, have been allowed too many privileges, so much so, that they seem to consider themselves authorized to act for us, and manage affairs as suits them best. This should be looked into, and if the reports prove to be correct, should be invited to leave the country. It matters little whether they are license traders or whatever business they may be engaged. The whole place is built up by non citizens.

"They monopolise every kind of business carried on, our officers are too delinquent in the discharge of their duties. . . . We are too easy for our own good. We must do better or we shall be overrun by United States citizens. . . ."

On June 11, Stidham sent a list of the men present at the meeting to encourage the building of the railroad. Persons present were: Major J. A. Foreman, A. W. Robb, J. S. Atkinson, A. B. Case, Dr. M. P. Roberts. Three days later Stidham again wrote to Checote adding the following names of men who were urging construction of the road. "Drs. Cummings and [M.F.] Williams, Mr. Squiers, James Mitchell and Col. Tufts":

"I regret exceedingly that Col. Tufts would tolerate such a move, but this as it may, we must enquire into the matter and report the guilty parties to the proper authorities. It is a duty we owe to ourselves and our country. It is for our own safety. . . . The Surveyors commenced on Monday morning. Atkinson, Foreman, and I believe Mitchell and the Chief Engineer went down as far as Webbers Falls to look out the best Route and returned Tuesday, when 3 wagons & Teams were engaged and

⁸⁶ C. W. Turner, "Events Among the Muskogees During Sixty Years," *Chronicles of Oklahoma*, Vol. 10, No. 1 (March, 1932), p. 21.

⁸⁷ Norman Arthur Graebner, "Provincial Indian Society in Eastern Oklahoma," *The Chronicles of Oklahoma*, Vol. 23, No. 4, (Winter 1945-46), p. 335.

⁸⁸ Oklahoma Historical Society, *Creek Railroads*.

the surveyors went on until stopped by Col. [Dennis W.] Bushyhead Cherokee Chief. I am informed they openly declared that the work would commence at once and Road completed by fall.

"I also learn that Maj. Foreman stated that the country would be opened for settlement within twelve months. If such a high handed measure is allowed to pass unnoticed I can also agree with Maj. Foreman."

On June 17, Stidham wrote Checote that Colonel Tufts had not attended the railroad meeting and that Roberts was the ring leader. At a meeting of the merchants he informed them that a strong effort was being made to drive them from the country.

John Q. Tufts, U.S. Indian agent notified Chief Checote that the licensed traders had elected officers and sent a representative to St. Louis to confer with a railroad man about bringing a railroad into the Indian Territory. The Missouri Pacific had determined to build a line from Fort Smith to some point on the Missouri Kansas & Texas Railway and the merchants had met in a store, and talked over the prospect of inducing the road to come to Muskogee instead of going to Fort Gibson. Tufts denied being present at the meeting and added that the merchants disclaimed any intention of showing discourtesy to the Creek Nation.⁸⁹

The Fort Smith *Elevator* announced October 19, 1883, that the Baptist church had been completed at Webbers Falls and it would be dedicated on October 28. The *Indian Missionary*, March, 1885, reported that the Baptist church at Webbers Falls had recently acquired a fine toned bell from Menely & Company, Troy, New York:

"It is pure bell metal and weighs 200 lbs. It can no longer be said of that vicinity

'The sound of the church going bell
'These valleys and rocks never heard.'

"The church has one of the nicest little meeting houses in the Indian Territory and now they rejoice in the addition that has been much needed since the completion of the house."

"The third Sunday in July, 1885, the members of the Baptist church gathered beside the river where five converts were baptised in the presence of a large concourse of people at Webbers Falls.

"Returning to the church the hand of fellowship was extended to those who had been baptised. Several have recently reunited by letter so that the church has doubled its membership during the past two months. The church has called the Reverend G. F. Wilson to the pastorate."⁹⁰

The Cherokee Baptist Association met at Tahlequah October 15 to 17, 1885, and the delegates from Webbers Falls were G. F. Wilson, J. H. James, and W. L. D. Honeycutt.⁹¹ On December 22, 1890 A. J. Essex wrote to the *Indian Missionary* that he had concluded an eight day's meeting with the Baptist church at Webbers Falls,

⁸⁹ Oklahoma Historical Society, *Creek Railroads*.

⁹⁰ *The Indian Missionary* (Eufaula, I.T.), August, 1885, p. 1, col. 1.

⁹¹ *Ibid.*, October, 1885, 2, col. 1.

where the attendance was good "and the brothers much revived." There were three valuable additions to the membership and a good contribution to the Home Missionary Society.

R. E. Blackstone, dealer in General Merchandise at Webbers Falls on April 4, 1885 wrote to the firm of Marcum and Burnes, Muskogee attorneys, introducing Robert Tiner who had been arrested for introducing intoxicating liquor into the Indian Territory. "Mr. Tiner is a very steady hard working young man, respected by the good people of the vicinity, and to the best of my belief innocent of the charge. Any assistance you can render him will be appreciated."⁹²

From the "Office of R. E. Blackstone Dealer in "General Merchandise and Live Stock," at Webbers Falls, April 16, 1886, J. M. Lynch wrote to "Friend Bullet" Foreman:

"Since my last I will state that U. S. Deputy Marshal [William] Irwin who had started down to Ft. Smith in charge of Felix Griffin⁹³ was followed and overtaken about six miles south of Canadian river in the Choctaw Nation and killed by Jack Spaniard and a white man named Frank Palmer.⁹⁴ The killing took place about Sundown on the 14th inst. and the dead man was not found until the next morning—parties living in the neighborhood heard six shots late that evening. The next morning Irwin was found dead with a bullet hole in the back near the road and his horse grazing nearby. The dead man's pistol was still in his belt and had not been fired. Felix and his resquers (*sic*) has not been heard of since. We are having lots of rains. . . ."

The Cherokee Advocate, March 2, 1887, contained an interesting communication from Webbers Falls, signed Black Fox (R. T. Hanks):

"The history of the Cherokees should no longer be neglected as the old land marks are fast disappearing from amongst us. I was counting up the other day the old men with well balanced minds and reliable memories who would be able to give us historical facts of great importance. Among the few oldest men we have, as near as I can learn their ages, is old man Thomas Blair who lives on the old Sequoyah place whose age is about 90, Joel Bryan 80, F. A. Kerr 77, O. P. Lipe 75, John T. Adair 74, W. P. Ross 66 and Tom Starr somewhere near 70. If our legislators felt any deep interest in the history of their people they would appropriate money to have it looked after."

At that date the Baptists were preparing to build a parsonage on a lot generously donated by Mr. Claud McDaniel, and the lumber was on the ground. "Black Fox" stated that Mrs. W. P. McClelland would begin a private school at the Baptist church the following week. The steamer *Border City* left the Webbers Falls landing on February 21, 1887, for Fort Smith:

⁹² Grant Foreman Collection.

⁹³ Head of an outlaw gang. He was later killed while stealing horses. Belle and Sam Starr were associates of Griffin (Fred Harvey Harrington, *Hanging Judge*, [Caldwell], Idaho, 1951], pp. 74, 98.)

⁹⁴ Members of Felix Griffin's gang. Palmer managed to escape. Jack Spaniard was hanged by order of Judge Isaac C. Parker in 1889 (*Ibid.*, 98).

"There have been sixteen hundred bales of cotton ginned at this place. Averaging the bales at five hundred pounds to the bale, and making an average of forty dollars to the bale, would give sixty-four thousand dollars. How is that for our neighborhood? Leaving out the cotton seed and corn crop, corn is worth 50c per bu., and bacon 12½c per lb. I don't know anything about the fur business, more than Rabbit Skins are very scarce in these parts.

"Black Fox."

The Vigilant Committee of the Canadian Temperance Society, auxiliary of the Cherokee Temperance Society, sent word to Chief Ross that the annual meeting was held on May 12, 1847. It was attended by a goodly number of the citizens of Webbers Falls. The Reverend W. A. Duncan opened the service with a prayer and addresses were made by Hon. John Thorn, W. A. Duncan, and J. C. McMaster; at that meeting fifteen came forward and became members. The total number, seventy-eight. A constitution was adopted and the following officers elected: J. W. Maxfield, Thomas Maxfield, W. M. Tanner, Charles Chambers, Dennis Bushyhead, I. G. Vore, Secretary.⁹⁵

J. E. McDaniel, who ran the Southern Hotel, Travelers Home, in Webbers Falls, ran in connection with his house, the Mayes Hotel at Illinois Station, on the Wagoner branch. The two houses were connected by a free hack line, and everything was arranged for the accommodation of the public at both places.⁹⁶

For a town of its size Webbers Falls has been well supplied with newspapers. In 1890, William T. Canup established the *Indian Sentinel* and acted as the manager. The paper was edited by R. T. Hanks. Canup moved his paper to Tahlequah the following year. In 1898, J. McCarrell edited and published the *Cataract* which appeared on Saturday with four pages and was sold for \$1.00 a year. In 1900 publication day was on Friday. The *Webbers Falls Monitor* was the third newspaper in the town; it was appearing in May, 1901 and M. Phillipi was the publisher in 1902-03. The *Webbers Falls Record*, independent in politics, was started in 1906 with eight pages. Walter E. Head was editor and publisher.⁹⁷

The Cherokee Strip payment began in Webbers Falls on Monday, July 23, 1895. The *Muskogee Phoenix*, July 26 (p. 5, col. 3) stated that the scene of the payment was on the bank of the Arkansas River north of town. Scenes were similar to those at other towns when

⁹⁵ *Cherokee Advocate*, June 22, 1887, 2. Col. 2. A report was handed in by one of the committee appointed November 6, 1846, in which it was claimed that fourteen had violated their pledge. Dennis W. Bushyhead was born March 18, 1826 in Tennessee. He was sent to Washington many times to represent the Cherokees. He spent eighteen years in the far west and on his return home he became treasurer of the nation; in August, 1879 he was elected principal chief and was re-elected in 1883 (H. F. & E. S. O'Beirne, *The Indian Territory*, [Saint Louis, 1892], pp. 117-20).

⁹⁶ Fort Smith *Elevator*, April 15, 1889, p. 3.

⁹⁷ Carolyn Thomas Foreman, *Oklahoma Imprints* (Norman, 1936), p. 100.

payments were made.⁹⁸ Two weeks previously Fort Gibson was the biggest town in Indian Territory while the payment was being made there. "Has been a great week for the Fort. There have been daily 10,000 people here, and a new city with 125 places of business sprung up in front of the old barracks. . . ." The Canadian District payment was moving smoothly along. There had been considerable uncertainty until the payment began as to where the money would be paid out. "That district was filled with a very progressive element of people, and it is usually difficult for a stranger to distinguish between Indians and whites."

The *Weekly Elevator* of Fort Smith, July 27, 1894, carried an account of the Cherokee payment being held at Webbers Falls in which the town was described as one of the best in the Cherokee Nation, and alive with people, "in fact the woods surrounding the town were full of them." The payment had begun the past Monday and would close on Saturday. There are thousands of people there—fully as many as attended the Fort Gibson payment. Good order prevails and collectors report reasonably good collections. . . . On Sunday last a fellow whose name we have been unable to learn, let his shot gun go off accidentally, the load first killing a horse and then wounding one woman in the hand and another in the knee." Very little whisky was sold during the payment. Several cases of pints and half pints were captured at the depot and destroyed by officers.

A great attraction during the payment at Webbers Falls was the appearance of the Senter Payton comedy company which played to appreciative audiences. "Miss Lucy Payton is becoming more popular as she grows older. She is destined to some day become a star of more than ordinary brilliance. Wednesday night they played the 'Lightning Rod Agent' . . . and Saturday night they will play 'Ten Nights in a Bar Room', and should be liberally patronized, especially by the young people, as there is an excellent moral lesson in this play."

Webbers Falls was in the news in November, 1895:⁹⁹

"The first gun of the intruder war as it shifted before the United States court began here Monday, when J. O. Cobb entered suit against Mrs. Susan Lynch of Webber's Falls for \$11,000. The suit cites that Cobb

⁹⁸ A large number of Muskogee citizens attended the payment at Webbers Falls where the Indians were paid by checks.

⁹⁹ *The Weekly Elevator*, (Fort Smith), November 29, 1895, copied from the *Muskogee Phoenix*, November 21, 1895. A correspondent wrote to the *Fort Smith Elevator* for March 13, 1892, from Tamaha that the largest business transaction in the Cherokee Nation was at Webbers Falls when Jesse Raymond and Fayette Clark bought the land, stock and merchantile business from Blackstone and Hayes. The amount involved was \$300,000.00.

Tamaha was a noted steamboat landing between Fort Smith and Fort Gibson; it is on the south side of the Arkansas River. The name is a Choctaw word meaning "town."

was admitted to Cherokee citizenship and he made improvements at Webber's Falls. The Cherokee Nation declared his citizenship void some time thereafter and his property went into the possession of Mrs. Lynch. He sues her for \$1000 for the value of the premises and for \$10,000 for rental during the time that he has been deprived of the property. The question involves a vital principle to both the Cherokee Nation and many claimants to citizenship, and it is likely to become famous. Denison & Maxey are representing Mr. Cobb."

The *Weekly Elevator*, Fort Smith, May 29, 1896, printed an account of the marriage of Mr. J. C. Buchanan and Miss Della Slaughter at the home of the bride's parents, Mr. and Mrs. Ed Slaughter. The Rev. S. A. Evans officiated at the ceremony and shortly afterward the happy couple left Webbers Falls for a bridal tour. "Mr. Buchanan is one of the most prominent young men of Webbers Falls. He is a flourishing merchant, and possess the confidence of all who know him. His bride is an intelligent and charming young lady, a great favorite with a large circle of acquaintances."

The *Tahlequah Arrow* of April 6, 1899, copied an item from the *Webbers Falls Cataract* saying: "Some of the town boys have been getting hilarious for the past few nights and several houses are reported to have bullet holes in them as a result of the poor aim of the boys who were evidently shooting at the man in the moon for some real or fancied insult offered them by that mythical gentleman."

Congress approved a law June 28, 1898 by which incorporated towns of the Indian Territory were permitted to establish and maintain free public schools, under control of boards elected by legal voters and supported by funds secured by taxation. Under that law Webbers Falls maintained a graded school in 1899.¹⁰⁰ The population of Webbers Falls in 1902 was 250; the area of the village was 80.5 acres.

During the first years of statehood for Oklahoma great interest was manifested by Muskogee men in navigation of the Arkansas River. A number of public spirited men of the city contributed each \$500 to a fund of \$3,000 with which they purchased a small steamboat named the *Mary D.* that plied between Fort Smith and Webbers Falls to the great benefit of both places. The purchasers placed the boat in service between Muskogee and Fort Smith.¹⁰¹

¹⁰⁰ *Annual Report of the United States Indian Inspector for the Indian Territory . . . for the Fiscal Year Ended June 30, 1900*, (Washington, 1900), p. 92. See *Appendix B* for proceedings on incorporation during convention at Webbers Falls.

¹⁰¹ Grant Foreman, *Muskogee* (St. Louis, 1946), pp. 136-37.

APPENDIX A

"Cherokee Agency
Dec-15th 1848.

"To W. Medill Esqr.
Commissioner of Indian Affairs,
M.C. D.C.

Sir:

Enclosed herewith you will please find the original proceedings of a meeting held by the Old Settler Cherokees, at Talo-bow-tu-skeo, in the Cherokee Nation, from the 6th to the 8th Dec. 1848, also an original memorial and string of resolutions passed by that body at the same time &c. You will see from the proceedings & Resolutions, that Messrs John Drew & W. S. Coody were appointed Delegates on the part of Western Cherokees. You will also see the powers with which they have been clothed by the Old Settler party of Cherokees, and it is due to the two gentlemen so appointed, & to those who appointed them, to say that a better selection in my judgment could not have been made, for they are both gentlemen of experience, and of high order of talents, & it is more earnestly to be hoped that they will be enabled to have all the business with which they have been entrusted, speedily settled to the satisfaction of the Cherokees & of the United States.

"No one knows, who has not witnessed the fact, how much these people stand in need of their money, which is due from the United States. When we see poor old men, women & little children compelled to trample through the mud, snow and ice—barefoot and partly naked, and then reflect that the Govt- of the United States owes them some *several hundred thousand dollars*, which has been due for some several years, and has at all times been able to pay the same, I do hope and trust it will not be considered out of place, to urge upon the Dept- a speedy payment of the amount found to be due them.

I feel well assured therefore, that the Dept- will afford the delegation every facility that is fair and honorable, to bring this matter to a final close.

Very respectfully

Yr. Obt Servant

R. C. S. Brown
Cherokee Agent.

"P.. S. In place of the original I send you a true copy of each. The originals are on file in my office.

R. C. S. Brown
C. A.

"The foregoing is a true copy of the original on the file of the office of Indian affairs.

J. T. Cochrane Chf Ck
Feb'y 4th 1849.

Washington, May 22, 1850

Hon. Orlando Brown,
Commr. Indian Affairs.

Sir:

The fifth article of the Treaty, Concluded between the United States and the Cherokees in August 1846, prescribes the mode and manner of ascertaining the Western Cherokees, or "Old Settlers" entitled to percapita money, which may be awarded under the provisions of that Treaty. It is stipulated by this article that the "percapita allowance," thus ascertained to be due, "shall be paid directly to the persons entitled to it, or to *his heirs* or legal *Representatives* by the Agent of the United States authorized to make such payments—" And further, "that a committee of five persons shall be appointed by the President of the United States from the party of "Old Settlers," whose duty it shall be, in conjunction with an agent of the United States, to ascertain what persons are entitled to the *percapita* allowance provided for in this and the preceding article."—

The provision in the 4th or "preceding" article above referred establishes a principle which recognizes as "Old Settlers" or Western Cherokees "entitled under the Treaty, *All those Cherokees west of the Mississippi who emigrated prior to the Treaty of 1835.*"

The attention of the undersigned has been called to the report made by the United States Agent, Acting in Conjunction with the Cherokee Committee appointed as above stated, by Complaints received from intelligent and influential Cherokee Citizens, who allege that Manifest wrong would be inflicted upon various families and individuals, by the adoption of that report, and making the accompanying Report of Names, the *pay roll*, in distributing the *percapita* money among the "Old Settlers". It appears that the name of persons, entitled as "Old Settlers" and living at the date of the ratification of the Treaty in August, 1846, but who had *died* before the action of the Committee in the summer of 1849, are omitted by the Committee, in their register, exhibiting the names of persons "entitled to the *percapita* allowance."

The undersigned believe it to be only necessary to call your attention to this matter, to procure an order for a review of the proceedings of the Committee. If the Treaty did not provide for Contingences of the character adverted to, in express terms. Yet upon every principle of law, justice or equity, every Cherokee living at the ratification of the Treaty of 1846, became entitled to their proportionate share of the *percapita* Money, or other property accruing to them Under its provisions. The estate thus created vested in them on that day, and in the event of their death before a distribution took place, their share became the property of their children or heirs, according to the laws and Customs of the Cherokee Nation. But the Treaty upon this point is too plain to admit of Misconstruction.—The 5th article, already cited, expressly declared that the money to which the "Old Settlers" are entitled, "Shall be paid directly to the persons entitled to it, *or to his heirs or legal representatives.*" Yet in this plain common sense stipulation, the Committee and Agent, to whom the duty was assigned of ascertaining & Reporting the names of the persons entitled, have even omitted the name of the Captain *Dutch*, one of the most celebrated & distinguished Chiefs of the "Western Cherokee," and one of the signers of the Treaty of 1846, who died in the fall of 1848.

It will also appear, by reference to the report of the government Agent having charge of the business alone referred to, that but *four* Cherokees served on the Committee instead of *five* as stipulated for by the Treaty. The Undersigned therefore, respectfully ask that the Committee be fully organized by the appointment of an additional member & that the report in the case in question be referred back for Reconsideration, with such instructions to the United States Agent, as will procure justice to be done to all parties concerned in having the Treaty of 1846 faithfully executed.

With Much Regard
Your friend & Obe & Servt.
John Drew
Delegate & S. C. Stambaugh.
Council for "Old Settlers."

Washington October 2, 1850.

Sir

The Undersigned have been permitted to read a letter addressed to your Department by Wm. Butler Esqr. Agent for the Cherokee Nation, dated August 30, 1850, with a Report of the Committee which had been Constituted to revise the Census which had previously been taken of the "Old Settlers" Cherokees" in pursuance of the stipulations of the 5th article of the Treaty of 6th. August 1846.

The letter of the Agent, with the enclosed Report, is a reply to an application made to the Commissioner of Indian affairs, on the 22nd May 1850, Signed by "John Drew and S. C. Stambaugh," on behalf of the Western Cherokees or Old Settlers," in which they complain that the first "Census roll" above referred (sic)

to, was not taken in accordance with the provisions of the Treaty which directed it to be taken—for the following reasons:—

The Committee refused to embrace in the Census, all persons, or the heirs or legal representatives of such persons, who have died since the ratification of the Treaty of August 1846.

The Undersigned believe this to be a palpable violation of the plain provisions of the Treaty, which will be found in the 4th & 5th articles thereof. The 4 articles, in adopting a principle by which to effect a settlement with the old Settlers, Stipulates, in the last clause of the 2nd paragraph, as follows:—

“The principle above defined shall embrace all those Cherokees west of the Mississippi who emigrated prior to the Treaty of 1835.”

The 5th article of the Treaty, Stipulates that the money which may be found due the “Old Settlers,” Shall be paid to each *individual* belonging to that party or *head of family*, or his *legal representatives &c*” Again the same article proceeds—“and it is further agreed, that the *per capita* allowance shall not be assignable, but shall be paid directly to the persons entitled to it or to his *heirs* or *legal representatives*, &c.”

The Undersigned now respectfully submit the question to you as it stands Controverted, between them and the Committee appointed to take the Census. The question they believe is fully stated in the Communication addressed to you by John Drew & S. C. Stambaugh, above referred to, which they ask you to consider as part of this Communication.

The question involved, is one of great importance to the Cherokees interested, and if it is left unsettled by the Government, as trustee for the faithful distribution of the fund appropriated, serious wrongs may be inflicted.

They therefore, earnestly beseech, that, under the sanction of the Secretary of the Interior and President of the United States, you will decide, “Whether every individual living (sic) in the Cherokee Nation, belonging to the old Settler portion, at the date of the Treaty of August 1846, did not become possessed of their share of the percapita Money; and whether, if they have since died, their heirs or legal representatives are not entitled to their share? And, also, “Whether those individuals now in the Nation, but who were not born, or otherwise entitled at the date of the Treaty aforesaid, can be now entitled under the provisions of that Treaty?

The Undersigned will conclude by Saying that they have but one object in view that is a desire to have the Treaty, under which their people are to receive their money, faithfully Carried into effect. They desire that full justice shall be done to their whole people, & in doing so the United States will impress a salutary lesson, which teaches that all Compacts fully made, Should be Complied with in good faith.

In hast your friends
& Obt.Servts.
John Drew
Aaron Hicks
John L. McCoy.

APPENDIX B

At Webbers Falls, Indian Territory, April 3, 1903, the conservative citizens of the town met in convention at the Knights of Phythias Hall, at eight o'clock in the evening. D. W. McCorkle was temporary chairman. “The following committee was appointed to draft resolutions on platform. S. L. Miligan, D. M. Dickey, G. B. Harwell.

“Committee reported, and upon a motion by J. C. Harrison, following resolutions were adopted:

UNITED STATES OF AMERICA,
WESTERN DISTRICT INDIAN TERRITORY,
INCORPORATED TOWN OF WEBBERS FALLS, I.T.

"We the committee appointed by D. W. McCorkle temporary chairman of this convention: Beg leave to offer resolutions as follows:

"To elect nominees for One Mayor, One Recorder and Five Aldermen for the ensuing year.

(SIGNED) D. M. Dickey,
S. L. Miligan,
G. B. Harwell.

"Nominations being in order, following nominations were offered for Mayor—
C. C. Tittle,
S. L. Miligan.

"C. C. Tittle made a motion that the ballot be declared closed and ballot taken, motion carried.

"Jas. Farmer made a motion that a standing ballot be taken, motion lost.

"Temporary chairman appointed J. C. Harrison and G. B. Harwell tellers.

"C. C. Tittle made a motion that the qualified electors be counted, motion carried, and P. A. Walker and Buck Fields appointed by temporary chairman McCorkle to count them and number reported to be twenty five.

"Proceeded to ballot and C. C. Tittle declared elected as nominee for Mayor.

"Nominations for Recorder being in order following nominations were offered—
P. C. Singleton,
S. L. Miligan.

"C. C. Tittle made a motion that the ballot be declared closed and ballot taken, motion carried. P. C. Singleton declared elected.

"Nominations for Alderman being in order, the following nominations were offered—

Geo. Pollard,
T. M. Looper,
G. B. Harwell,
Cal Hanks,
Will Gibson,
J. T. Neal,
B. F. Newton,
D. W. McCorkle.

"Will Gibson made a motion that the nominations be declared closed Motion carried.

"P. A. Walker made a motion that all the nominees be voted upon at one time and the five receiving the greatest number of voted (*sic*) be declared elected. Motion carried.

"Proceeded to ballot and following declared elected—

Geo. Pollard,
T. M. Looper,
Will Gibson,
J. T. Neal,

Cal Hanks.

Chairman McCorkle appointed McAlister, Pollard and Walker executive Committee, with McAlister chairman—

"McAlister and Tittle were appointed a committee to draft resolutions of thanks to the Uniform Rank K. of P. in allowing the conservative party the use of the Hall this their regular monthly meeting night.

"By order of the Chair the name of P. C. Singleton was stricken from the roll as nominee for the place of recorder, and upon a motion by N. D. Woods, S. L. Miligan was elected by acclamation as nominee for Recorder in Singletons stead.

"There being no further business before the convention the meeting was declared (*sic*) closed.

(SIGNED) D. W. McCORKLE President Pro. tem.
(SIGNED) R. F. HUBBARD Sec'y Pro tem. (112)