

PROBLEMS IN THE INDUSTRIAL PROGRESS AND DEVELOPMENT OF THE CHOCTAW NATION, 1865 to 1907

By James D. Morrison*

"While shaping our future legislation for our national aggrandizement, we must remember that our sovereign rights depend entirely upon the Sense of Justice of a mighty Nation, which may upon the principle that might makes right compel our allegiance to its authority."

Chief Colman Colo. 1878

" . . . if we can possibly keep the laws of the United States from extending over us we will never be crossed with the mortgages of grasping capitalists. We are capable of self-government and only ask to be let alone, and will work out the problem of civilization by education."

ANON., 1890

At the close of the Civil War the Choctaw leaders and those of the other Five Civilized Tribes faced a new era with many serious problems. The first objective of all Indian leaders was to preserve their national integrity with their tribal laws, government, and communal land system. The Choctaws also sought the development of their nation, all prosperity having been wiped out as a result of the War. Since they urgently needed labor to replace that of the negro slaves who had been liberated, there began the importation of white laborers from the adjoining states. This policy, the wisest among Indian leaders knew, was fraught with grave danger for the achievement of their first objective, the preservation of their own government and economic system. By the careful use of a permit system, the Choctaws hoped to be able to control the white element which they allowed to come into the nation.

In theory the status of the Choctaw Nation, as of the other Five Civilized Tribes, was that of a protectorate of the United States.¹ The Choctaws were allowed local self-government but had no foreign relations, unless their dealings with the United States and with other Indian nations might be so considered. In the Choctaw government there was no body corresponding to a cabinet, no

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¹In 1831 John Marshall called the Five Civilized Tribes "domestic dependent nations." *The Cherokee Nation v. the State of Georgia*, 5 Peters (8 L. ed.) 511-53 (1831).

department of foreign affairs.² United States troops established forts, built military roads, and moved at will within the Choctaw boundaries. As early as 1857 the United States court at Fort Smith was given jurisdiction over non-citizen whites in the Nation.³ The public mail service from the beginning of Choctaw settlement west of the Mississippi was a minor extension of that of the United States and under the United States Post Office Department. The Choctaws had no coinage or paper money of their own, that of the United States being the only acceptable means of exchange other than barter. In 1871 the United States abandoned the legal fiction of making treaties with the Indian tribes. In 1868 the Choctaws had made a treaty with the United States when they re-established relations with the Federal government after their defection of the sixties; in 1897, when they finally gave up the last vestige of national sovereignty, it was by an agreement.⁴

The Choctaw economy had long been geared closely to that of the United States. Before the Civil War some of the mixed-blood and the intermarried-white planters of the Choctaw Nation had economic interests in the neighboring states of Texas and Arkansas. The Choctaw business men used the same river highways, the Red and Arkansas, the same New Orleans commission merchants, and generally were interested in the same affairs which occupied the minds of their Texas and Arkansas neighbors.⁵ Robert M. Jones, Choctaw planter on the Red River, had a mansion in Paris, Texas, and owned pieces of Texas and Arkansas real estate.⁶ This community of interest with the nearby states increased after the Civil War, with the coming of the railroads and their accompanying flood of white laborers and intruders. White men had long been able to profit from shares in Choctaw enterprises by intermarriage or through partnership agreements with Choctaw citizens.⁷

² Included in the executive department of the Choctaw Nation were three district chiefs, a national auditor, national secretary, national treasurer, and a national attorney, all elective officers. Joseph P. Folsom (comp.), *Constitution and Laws of the Choctaw Nation* (New York, 1869), p. 26. These, excepting the district chiefs, were sometimes referred to by the Choctaws as their "cabinet."

³ Lawrence Mills, *The Lands of the Five Civilized Tribes* (Saint Louis, 1919), p. 4.

⁴ *Ibid.*, p. 37; Loren N. Brown, "The Dawes Commission," *The Chronicles of Oklahoma*, Vol. IX, No. 1 (March, 1931), p. 97; Laurence F. Schmeckebler, *The Office of Indian Affairs* (Baltimore, 1927), p. 58.

⁵ James D. Morrison (ed.), "Notes from the Northern Standard," *The Chronicles of Oklahoma*, Vol. XIX, No. 1 (March and September, 1941), pp. 82-93, 269-293, contains many illustrations of the community of interest between the Choctaw planters and those of north Texas.

⁶ Mary Thebo Jennings to W. B. Morrison, September 25, 1937 (Morrison Collection); Mary Thebo Jennings to James D. Morrison, January 25, 1939; statement of J. H. Randall, August 30, 1938; T. C. Bass to Robert M. Jones, January 20, 1870 (Indian Archives Division, Oklahoma Historical Society).

⁷ Mary Thebo Jennings to James D. Morrison, July 6, 1939. Mrs. Jennings possesses the partnership agreement between Robert M. Jones and Joseph R. Barthel, a white man, signed in 1836.

Non-Choctaws, except intermarried citizens, had no legal rights in the Choctaw Nation, and were at the mercy of any Indian citizens for, through, or with whom they worked. If placed at a disadvantage or cheated, non-citizens had no recourse in either the Choctaw or United States courts.⁸ It is to the credit of the Choctaw people that promises made by individual Choctaws were usually kept. For example, the leasing of land by an individual Choctaw to a non-citizen was forbidden by Choctaw law under penalty of a fine ranging from \$250 to \$1,000 and costs. This law was practically inoperative in the last decades of the nineteenth century by a procedure under which an Indian citizen employed a white farmer to work for him for a period of five to ten years. The Indian citizen then secured a permit, good for one year, for the non-citizen to work on the farm of the Choctaw employer. Such a permit cost five dollars and was signed by four responsible householders of the Choctaw county in which the citizen resided; application was made to the county judge and the permit issued by the county clerk.⁹

The white farmer would then be located on some unused land in the Nation where he would make improvements by building a house and outbuildings, clearing and fencing land, and perhaps digging a well. The United States citizen would receive the full production of the place for the time agreed upon, usually five years. At the end of the contract period the Indian citizen would have possession of an improved farm for the use of himself or one of his children without such labor as clearing land or ploughing in new ground. By such methods it was possible for an enterprising Indian citizen to develop extensive adjoining improvements for himself. There were also *bona fide* Indian farms on which sharecroppers labored, and there were many settlements controlled by intermarried citizens.

Much has been written of the communal landholding system of the Indians which prevented any individual from obtaining absolute title to the land. All land was public domain for the free use of any citizen in any reasonable amount. Under the law, land which a Choctaw had once used but failed to keep in cultivation reverted to the Nation for the use of any other citizen who might have need of it.¹⁰ The Choctaw people in general had no

⁸ *Report of the Commissioner of Indian Affairs (1877)*, pp. 107-108 (hereafter cited, *Indian Affairs*).

⁹ A. R. Durant (comp.), *Constitution and Laws of the Choctaw Nation* (Dallas, Texas, 1894), pp. 238-239, 240.

¹⁰ *Indian Affairs (1887)*, p. 112. (As early as 1850, allotment of their lands in severalty was thought to be the only solution to hold their national domain, by ~~some~~ Choctaw leaders though the vast majority of the people were opposed to the idea. Both the Confederate treaty in 1861 [Art. VIII] and the Treaty of 1866 [Art. XIII], U. S. had provisions for the survey of the country and allotment in severalty ~~whenever~~ the people approved.—Ed.)

desire for an expanding economy; their population remained relatively static, if the increasing white population is not considered. There was felt to be no need for individual land titles where good land was as free for use as the air they breathed. It made no difference to the individual that he had no title to his land as long as he was protected by his government in the unlimited use of the soil. As Robert L. Owen said:

The holding of land in common, giving to each citizen all he can cultivate and having it revert to the public domain if he fails to cultivate it, and held in further check by the right of the council to limit and control monopoly, gives to every Indian willing to work a certain home and a support. By his own labor, without tax, free grass, wood, and water, and a good soil, he can surely make a respectable living for himself and family in spite of laboring spently and lack of the shrewd business ability that characterizes his white brother. This system precludes the possibility of unjust pauperism so often imposed on worthy and willing labor by the conditions of highly civilized life, where individuals are permitted to control and substantially monopolize land, without consideration of poorer non-landholders, and I sincerely believe it is the true safeguard of these Indians until they shall have grown, under the educational forces now operating on them and their children, up to the full measure of American citizenship, which they feel sooner or later will be their destiny.

Owen believed that as more and more land was brought under cultivation, with a corresponding increase in wealth, a majority of the Indians of the Five Civilized Tribes would want allotment of land in severalty. He further pointed out—this was in 1887—that it was the conservative full bloods who feared the change which impended, since they had been "safe and happy nearly half a century" under the system of common land ownership, while the "half-breeds and adopted citizens were more inclined to consider" allotment in severalty.¹¹

Obviously, Choctaw ownership of tribal land in common was not akin to twentieth century communism by which every act and thought of the individual is subject to government control. The system of the Choctaws was free enterprise at its best and worst. Under the Choctaw system the energetic and aggressive mixed bloods and intermarried citizens were in possession and use of thousands of acres of the best land. One observer, considering the Five Tribes as a whole, estimated that by 1891 the best lands were occupied by one-fourth of the people.¹² Yet, the fact that land was plentiful and the full bloods were content with their small plots in the mountains where hunting and fishing were good meant there was no hardship. The Indian in the mountain region lived happily on his small acreage in a valley, and without envy of his mixed-blood brother who enjoyed the products of a thousand acres on the prairies. The fact that much land was unused, how-

¹¹ *Ibid.*, pp. 112-13.

¹² *Ibid.*, (1891), I, p. 241. (Some fullbloods lived comfortably, owned large herds of livestock and had good sized farms in operation.—Ed.)

ever, attracted the attention and envy of neighboring white settlers. And the mixed-blood aristocracy assisted in the overthrow of their own happy situation by using more and more of this land with an increasing flood of white employees. Such statements as: "In point of natural resources it is wealthy. Its pine forests, coal, silver, and lead mines are inexhaustible . . . whetted beyond all restraint the white man's appetite for the country."¹³ From the time of the Civil War statements such as the following became increasingly numerous, and the pressure which developed over three decades finally became irresistible:¹⁴

"The Indians are in possession of vast tracts of country, abounding in precious metals, or rich in sources of agricultural wealth. These invite the enterprise of the adventurous pioneer, who, seeking a home and fortune, is constantly pressing upon the shade of the red man."

At the close of the Civil War the Choctaws and Chickasaes were in much better condition than the Cherokees, Creeks, and Seminoles. Their country had not been the scene of battles and destruction though refugee camps of Southern Indians from the other Nations lived within the region during the War. In 1865, crops were unusually good in the Red River area of the Choctaw Nation and it was reported that the Choctaws could take care of themselves if only several thousand refugees were removed from their midst. By 1876 conditions were approaching normal and the Choctaw herds of cattle, horses, and swine were fast increasing.¹⁵ The Choctaw Census records for 1867, which did not include Sans Bois or Wade counties, listed 18,001 horses, mares, and colts, 620 mules, 55 "jacks and jennies," 59,210 cattle, 51,424 hogs, and 5,970 sheep as property of individuals of the Nation.¹⁶ The number of acres in cultivation by individuals in the counties included in the census ranged from many one-and-two-acre plots to the 9,450 acres reported by Robert M. Jones.¹⁷ Crop production and live stock ownership credited to Jones included "30.00" [sic] bales of cotton, 7,500 bushels of corn, 40 bushels of wheat, 50 horses, 60 mules, 2,500 cattle, and 400 hogs. He also reported, other than the immediate family, two male and thirty "female free persons of color" as populating his establishments. Allen Wright, principal chief at the time, reported 48 acres under cultivation,

¹³ *Ibid.* (1877), p. 110. There have been no profitable lead, zinc, or silver ores found in the Choctaw Nation. Lead ores were once mined near Smithville. "Reminiscences by Peter Hudson," *The Chronicles of Oklahoma*, Vol. XII, No. 3 (September, 1934), p. 303.

¹⁴ *Indian Affairs* (1867), p. I [sic].

¹⁵ *Ibid.* (1867), pp. 257, 280, 347, 318; (1868), pp. 279-280.

¹⁶ Choctaw Census of 1867, No. 13559 (Indian Archives Division, Oklahoma Historical Society).

¹⁷ *Ibid.*, 13569. Jones was the wealthiest mixed-blood in the Nation, had owned nearly five hundred slaves, and had represented the Nation as delegate to the Confederate Congress.

366 bushels of corn, 30 horses, 2 mules, 205 cattle, and 44 hogs.¹⁸ Henry Hotchkiss, white son of the noted missionary to the Choctaws, Ebenezer Hotchkiss, reported 100 acres in cultivation, 3 bales of cotton and 200 bushels of corn. Hotchkiss also included 30 "freedmen over 60," and 7 "white persons with houses and families." In the counties making returns, a total of some 30,000 acres was in cultivation on which were raised 226 bales of cotton, 803 bushels of oats, 1011 of wheat, and 211,595 of corn.¹⁹ The last figure indicates the importance of that cereal in the Choctaw diet and economy.

These figures indicate that the yield per acre for any crop must have been very low, judged by modern standards, and reveal the universally poor farming practices typical of the American frontier. On 1,191 acres only 226 bales of cotton were produced for an average of less than one-fifth bale an acre; on 25,891 acres 213,409 bushels of grain, little more than 8 bushels per acre. These averages appear to be the same for the Choctaw cultivator of a thousand acres or of one acre.

Figures for the next two decades are generally inaccurate and available only from the *Reports of the Commissioner of Indian Affairs*. In 1872 the Agent for the Choctaws and Chickasaws confessed: "The statistical part of my report is hardly worthy the name statistical, as it is almost entirely estimated, there being no figures to form a basis, except the reports of the school superintendents and the missionaries whose reports I enclose."²⁰ But there can be gleaned from these reports a general idea as to conditions. In 1869 Agent G. T. Olmsted reported the people "more prosperous and showing a greater feeling of confidence" than at any time since 1865. Potato production began to be reported along with such crops as barley, turnips, beans, and hay. In 1873, the year after the completion of the first railroad, some 50,000 acres were reported in cultivation in the Choctaw Nation. In addition to the estimates of production of the chief crops and the number of livestock were statements that 4,000 pounds of sugar were made, \$8,000 worth of furs sold, 3,000,000 feet of lumber sawed, 300,000 rods of fence made, and 12,000 acres broken by Indians during the year. The Choctaws were "opening new farms, building thousands of rods of fence, and preparing in every way to extend their agriculture."

Wealth in individual property, exclusive of land, was estimated at \$3,500,000 in 1876. In the same year, it was judged that 82,000 acres were in cultivation, of which 10,000 acres were new ground. The Choctaws were credited with producing 51,500 bushels

¹⁸ *Ibid.*, 13567.

¹⁹ *Ibid.*, 13559, 13566.

²⁰ *Indian Affairs* (1872), p. 237.

of vegetables in that year, twice as much as all the other Civilized Tribes combined.²¹ Each year thereafter, for several years, the "number of acres tillable" is listed with the other figures. Since this number was 3,000,000 and was located very near the "number of acres cultivated . . . by Indians," a few thousand in every case, it must have served as a subtle means, deliberate or not, for whetting the land hunger of any white man who perused such government documents. Another item of significance in this connection is the inclusion of the "number of whites unlawfully on reserve." As the "number of acres cultivated by Indians" rises with each succeeding report, so does the "number of whites unlawfully on reserve."²² The estimated figures fail to show how much help the Indians were getting from across their national boundaries in the opening of new land to cultivation.

Evidence of the American hunger for this land of the Indians is seen in the passage of the Dawes Act of 1887. This Act established the official United States policy of persuading the Indians to take lands in severalty.²³ The Five Civilized tribes were not affected by this law but their future was clear. Irregularities in the Choctaw national election in 1892 added weight to the arguments of their covetous neighbors that the Indian governments in Indian Territory were corrupt and inefficient. The Indian Appropriation Act of the next spring carried a "rider" which established a United States commission to persuade the Five Civilized Tribes to agree to the termination of their own governments and the division of their national domains by allotment of land in severalty.²⁴

The Dawes Commission, as this Commission was popularly called, met with determined resistance from the Five Civilized Tribes. The Indian leaders knew that eventually the proposals of the Commission must be accepted; yet they hoped for some years of grace, at the end of which their people might be more ready for citizenship in an American commonwealth where they must meet the full competition of aggressive white men. The Choctaws and Chickasaws were the first to succumb to the pressure put upon them. They came to terms with the proposals of the commission in a document known as the Atoka Agreement of 1897, after the issue had been forced by threats of further Congressional action. Ratification of the Agreement by popular vote of the Choctaw and Chickasaw people was undoubtedly influenced by the passage of the Curtis Act in 1898, which demonstrated

²¹ *Ibid.* (1869), p. 408; (1873), pp. 208, 345; (1876), pp. 212, 228.

²² *Ibid.* (1879), p. 250; (1880), pp. 262-263; (1883), pp. 290-291; (1884), pp. 306-309.

²³ *U. S. Statutes at Large*, XXIV, pp. 388-391.

²⁴ Loren N. Brown, "The Establishment of the Dawes Commission in Indian Territory," *The Chronicles of Oklahoma*, Vol. XVII, No. 2 (June, 1943), pp. 179-181.

the determination of Congress to force the Indians to accept allotment and give up their tribal sovereignty.²⁵

By the Atoka Agreement the Choctaws and Chickasaws secured some delay before the extinction of their governments which were to continue in modified form for eight years. They expressed a hope that there would be no territorial government, that the eight-year period would be so satisfactory that the "lands now occupied by the Five Civilized Tribes shall . . . be prepared for admission as a State to the Union."²⁶ This was the desire of the leaders of all the Five Tribes: an Indian state in which something of their traditional self-government might be preserved under their own leadership. In the meantime United States courts had been established in the Indian Territory with jurisdiction over the white intruders who had streamed into the country with the construction of railroads and as the end of the Indian governments approached. In 1808 these United States courts were given jurisdiction over the Indians also, with laws of the state of Arkansas to apply where necessary.²⁷

By 1907, the year the Choctaw Nation became part of the new State of Oklahoma, the population of the region was at least 200,000. When it is remembered that the Choctaw rolls included only 8,000 full bloods, together with some 19,000 others, mixed bloods, intermarried whites, and freedmen, the size of the white influx is apparent. The total land reported in cultivation in 1907 was almost 500,000 acres, a tenfold increase over the 50,000 acres of 1873; the total value of crops produced in 1907 was more than \$6,000,000, while total value of the livestock in the area approached \$7,000,000. A study of the statistics for 1907 reveals more diversification of crops than ever before. Figures for apple, pear, plum, peach, and cherry orchards appear, as well as for peanuts, honey and beeswax, and commercial vegetables.

But buried in these figures, compiled from the first biennial report of the Oklahoma State Department of Agriculture, is evidence of a disease chronic in the South, farm tenantry. The cotton yield of an acre had not improved in the Red River country; it was still one-fifth bale an acre. Only in the Arkansas valley did cotton production average a half bale an acre in 1907. By comparison with Oklahoma Territory figures, the production of most crops was smaller by the acre and there was less diversification. Fewer milk cows per capita, few or no acres of alfalfa, cowpeas, small fruits, or vineyards are listed for the Choctaw country

²⁵ Brown, "The Dawes Commission," pp. 97-103.

²⁶ C. I. Kappler (ed.), *Indian Affairs: Laws and Treaties* 43 vols., Washington, 1904, 1913), Vol. I, pp. 654.

²⁷ Brown, "The Dawes Commission," p. 99.

when compared with the western side of the new state.²⁸ The situation was such that tenantry, fastened on the South as a transition stage between the old slave society and ownership of land by small farmers, flourished in the Choctaw Nation and was aggravated by the Indian ownership of the land. Even after the allotment of the land to the Choctaws in severalty, little good land remained for purchase by the whites and the tenant and sharecropper system remained.

Choctaw agriculture was plagued by the faults of pioneer agriculture in general. The use of an abundance of land with apparently inexhaustible fertility, adequate crops from little effort, little or no rotation of crops or use of fertilizer, all led to the destruction of the soil so common on every American frontier.²⁹ Shallow ploughing, and poor cultivation of crops were customary.³⁰ Too many of the white tenants who came into the Choctaw country were ignorant and shiftless, albeit shrewd, cheerful, hospitable souls, who merely followed the line of least resistance. Their ignorance, since they came from Southern states with poor educational opportunities into a land where they had none at all, and their failure to work hard to improve land which they could not hope to own, are both understandable.

Lack of adequate transportation facilities for crops and the abundance of free pasture on the public domain made cattle raising a more important cash industry for some years than farming.³¹ The vast pastures, the profusion of prairie hay, and the mild climate which permitted a year-round range, all attracted the interest of non-citizen cattlemen. It was estimated that 300,000 cattle were stolen from the Indian Territory during the Civil War. The Choctaws lost their share. In 1865 Isaac Colman, the Choctaw-Chickasaw Agent, reported that the white residents in the region were driving cattle out to Little Rock and Fort Smith. Since he was "entirely unable to check this illegal traffic," he

²⁸ *First Biennial Report of the Oklahoma State Board of Agriculture, 1907-1908* (Guthrie, Oklahoma, 1908), pp. 90-91, 106-157, 186-213. Figures given are based on the Oklahoma state census of March 1, 1908, and compared with the federal census of July 1, 1907. Since boundary lines of the new Oklahoma counties did not exactly coincide with the boundaries of the Choctaw Nation, ten Oklahoma counties were used, all of which, except Coal and Bryan, were entirely in the Choctaw Nation. To compensate for the parts of those counties not in the Choctaw Nation, Hughes, Johnston, and Pontotoc counties were omitted from consideration although parts of all three were in the Choctaw country. See also, *Report on Indians Taxed and Not Taxed* (Washington, 1894), pp. 255-257.

²⁹ Norman Arthur Grubbs, "Pioneer Indian Agriculture in Eastern Oklahoma," *The Chronicles of Oklahoma*, Vol. XXIII, No. 3 (Autumn, 1945), p. 236; *Extra Census Bulletin, the Five Civilized Tribes in Indian Territory* (Washington, 1894), p. 6.

³⁰ John Edwards, "The Choctaw Indians in the Middle of the Nineteenth Century," *The Chronicles of Oklahoma*, Vol. X, No. 3 (September, 1932), pp. 411-412.

³¹ *Extra Census Bulletin*, p. 8.

suggested that a "sufficient force be stationed at different points" within the Indian country to stop the wholesale thefts.³² A law passed by Congress in March of 1865 made it a felony, punishable by three years imprisonment, five thousand dollars fine, or both, to drive stock from the Indian country. During the early postwar years Plains Indians, particularly Comanches, troubled the Choctaws and Chickasaws by raids on their livestock.³³ The Chickasaw Nation was most affected, since their prairie grass lands lay between the Plains Indians and the Choctaws.

As in the case of their farm land, the exploitation of the Choctaw range and pasture land by white non-citizens was made possible only by the connivance or the indifference of Choctaw citizens. Recognition of this resulted in the passage of a law by the Choctaw General Council in 1870 to prevent any citizen of the Nation from leasing the public domain for grazing purposes.³⁴ The penalty was set at a fine of \$150, of which half was to go to the informer. An act of 1880 prohibited non-citizens from engaging in the stock business within the limits of the Nation.³⁵

Ways and means were found to avoid the letter of the livestock laws. Evidence appears in a Choctaw law of 1882 that non-citizen drovers on their way through the Nation were tempted to linger with their herds on the lush Choctaw range. A tax of ten cents a head was therefore levied on transient cattle, horses, and mules, and two cents a head on sheep, hogs, and goats. An additional levy in the same amounts was to be collected for every day longer than necessary for a herd to make a reasonable crossing of the national limits. Exceptions were made for high water and "families moving through [the] nation with less than twenty head of stock."³⁶

In 1885 Chief Edmund McCurtain stated in his annual message that there was danger of the country being overrun "by stock belonging to non-citizen cattlemen, but held . . . under the guise of Choctaw ownership." He suggested passage of a law to prohibit Choctaw citizens from putting cattle under non-citizen herdsmen to be raised on shares. The chief described the situation as a growing evil which might soon result in the destruction of the Choctaw ranges.³⁷ The Choctaw Council agreed and made it illegal for a Choctaw citizen to hire a non-citizen as herdsman under any cir-

³² *Indian Affairs* (1865), pp. 252, 280.

³³ *Indian Affairs* (1865), p. 269; (1908), pp. 78-79.

³⁴ Acts of the Choctaw Nation (Phillips Collection, University of Oklahoma), Vol. I, p. 53.

³⁵ Acts, Vol. IV, p. 124.

³⁶ Durant, *Constitution and Laws*, pp. 257-258; Acts, Vol. V, p. 71.

³⁷ Edmund McCurtain to Council, 1885 (Phillips Collection, University of Oklahoma).

circumstances whatever.³⁸ In spite of the veto of Chief Thompson McKinney, this unequivocal stand was modified in 1887 to allow the hiring of non-citizens to feed stock in a pen or pasture.³⁹ A similar vacillation occurred when a law prohibiting the introduction of steer cattle into the Nation except in November and December was passed in 1888 only to be repealed the next year.⁴⁰

By 1890 it was customary, in defiance of the Choctaw laws, to overlook the holding of small herds of about ten cows by non-citizens, if these had permits to remain in the Nation and they sold the yearlings so that the herds would not increase.⁴¹ A much more effective method by which non-citizen cattle men utilized Choctaw pastures was through the establishment of citizenship rights in the Nation. Ebenezer Hotchkin, pioneer missionary, recalls that the improvements on his father's place on Red River were sold to a Texas cattleman in the 'nineties. The Texan sent one of his retainers into the Nation to marry a full-blood woman and thus become an intermarried Choctaw citizen. The old Hotchkin place was then used as ranch headquarters while large numbers of Texas cattle were fattened for the market on the nearby public domain. Many intermarried citizens were in the cattle business, of course, whose matrimonial motives were above reproach. J. J. McAlester, an intermarried Chickasaw whose primary interests were in coal claims and merchandising, raised cattle as a side line. As late as 1901 his records show that he was specializing in shorthorn cattle.⁴² Two complaints against the introduction of foreign cattle, particularly from Texas, were that they brought in diseases such as black-leg and Spanish fever and that the large non-citizen herds absorbed—the process was called "drifting"—the small herds of citizens and permit-paying non-citizens.⁴³ Many small owners thus lost their cattle, a serious matter which might mean pauperization for many.

In 1900 large herds of cattle owned by non-citizens were still roaming the Choctaw domain, shielded by Choctaw citizens in violation of their own laws. When such a case was reported to the Indian Agent so that the herds might be removed by United States action, some Choctaw citizen always claimed to be the

³⁸ Acts, Vol. VII, p. 56.

³⁹ Durant, *Constitution and Laws*, p. 274.

⁴⁰ Acts, Vol. VIII, p. 108; Vol. IX, p. 53.

⁴¹ *Extra Census Bulletin*, p. 58.

⁴² J. J. McAlester Collection, (University of Oklahoma Library, Division of Manuscripts), Invoices and Ledger, 1874-1875, p. 3. McAlester's letterhead in 1885 described him as a "Dealer in General Merchandise and Live Stock." Choctaw Timber (Indian Archives Division), 23299. As an intermarried Chickasaw, he had reciprocal rights in the Choctaw Nation.

⁴³ Acts, Vol. XV, p. 34.

owner.⁴⁴ The Department of the Interior took over the collection of tribal taxes during the transition period following the Atoka Agreement. Cattle owners wishing to graze cattle on unallotted lands had to get the permission of the Indian Agent, use authorized brands, and pay one dollar a head annually. If the cattle used allotted land, the fee was fifteen cents an acre, paid to the Choctaw titleholder.⁴⁵

The use of brands and other identifying marks had long been the practice on the Choctaw open range.⁴⁶ The brands were usually the simple initials of the Choctaw owner, as in the case of Wilson Jones who used a WJ.⁴⁷ Each county had an officer called a ranger, who took charge of all stray livestock. If the owner of a lost animal could not be found after twelve months of advertising the age, brand, mark and color, the animal was sold to the highest bidder.⁴⁸ Other laws designed to protect owners of livestock prohibited the skinning of dead animals on the open range and required butchers to keep marks and brands of all cattle slaughtered by them to file monthly with the county clerk.⁴⁹

The rangers began to have less business after the introduction of barbed wire in the seventies.⁵⁰ Chief Jackson McCurtain told the Council in 1883 that unless some restraint was placed on the fencing of pastures "our whole country will soon be fenced up."⁵¹ In response to the urging of McCurtain the council made the use of barbed wire illegal and limited the size of any rail-fenced pasture to one square mile, with the further limitation that no one person might have more than one such pasture in a county.⁵² Persons who already had barbed wire fences were declared liable for all damages to the stock of others and were required to have a gate for every half mile of fence. This law was amended in 1884 to allow wire fences if rails or boards were fastened firmly along the top.⁵³ The gradual disappearance of much of the open range is reflected by a law of 1887 which required that no pastures were to be connected and directed the sheriffs to cut down connecting

⁴⁴ Green McCurtain to Council, 1900; Choctaw Courts, Third District, 15645; Choctaw Cattle, 13441-13444, 13446, and 13456 (Indian Archives Division, Oklahoma Historical Society).

⁴⁵ *House Ex. Doc. No. 3, 60 Cong., 1 Sess., II, p. 338.*

⁴⁶ *Folsom, Constitution and Laws, pp. 149-150; Durant, Constitution and Laws, p. 220.*

⁴⁷ *Caddo Herald (Caddo, Indian Territory), December 4, 1903; Choctaw Cattle, 13416, 13487, 13491 et passim through 13548.* (Indian Archives Division, Oklahoma Historical Society). Wilson Jones was principal chief for two terms in the nineties.

⁴⁸ *Durant, Constitution and Laws, pp. 181, 255.*

⁴⁹ *Acta, Vol. X, p. 38; Durant, Constitution and Laws, p. 220.*

⁵⁰ Norman A. Graveler, "History of Cattle Ranching in Eastern Oklahoma," *The Chronicles of Oklahoma*, Vol. XXI, No. 3 (September, 1943), pp. 308-309.

⁵¹ Jackson McCurtain to Council, 1883.

⁵² *Acta, Vol. VI, p. 78.* The penalty was a fine of \$1500 to \$2000.

⁵³ *Acta, Vol. VI, p. 114.*

fences, if necessary, in order to keep twenty-foot lanes open.¹⁴ The appearance of barbed wire in the Choctaw Nation coincided with its first use in Texas and neighboring states and opposition to its barbs arose for the same reasons.

Drouth in the Texas cow country which caused phenomenal price rises, as between 1880 and 1883 when the value of an ordinary range cow rose from \$7 to \$25, caused the Choctaw cattle and fencing laws to be evaded or ignored.¹⁵ At the time of his election in 1890, Principal Chief Wilson N. Jones was reported to have had some seventeen thousand acres under fence, between Hoggy River and the town of Caddo. Of this, five hundred and fifty acres were in cultivation while the rest was pasture.¹⁶ At his death the estate of this mixed-blood Choctaw was valued at more than \$300,000.¹⁷

Prairie hay was another natural resource concerning which white and mixed-blood cupidity forced the Choctaws to take legal action. In 1880 an act was passed to prevent the cutting and shipping of prairie hay from the Nation; but the drouth in the Texas cattle country made this resource so valuable that the law was changed in 1882 to allow non-citizens with legal permits to "cut, ship and sell prairie hay or wild grass" from the public domain on the payment of fifty cents a ton. This law was repealed in 1887 and a substitute passed which provided that non-citizens could buy hay only for their own use and then exclusively from a Choctaw citizen who controlled a claim. A further revision of the law in 1890 increased the royalty to one dollar a ton whether the hay was cut "upon Public Domain or within citizens' enclosures."¹⁸

Other laws which attempted to alleviate abuses of Choctaw pasture land were: in 1885, a prohibition of the burning of woods and prairies except between March 15 and April 15 of any year; and in 1888, an act which made it unlawful for any person to lease a pasture to any other person, the penalty to be fine of from \$250 to \$500.¹⁹

As already stated, these laws to preserve the grass lands from non-citizen exploitation were constantly evaded and the growth

¹⁴ Acts, Vol. VIII, p. 40.

¹⁵ See Wayne Card, "The Fence-Cutters," *The Southwestern Historical Quarterly*, Vol. LI (July, 1947), pp. 1-15, for an account of troubles arising from the coming of barbed wire to Texas ranges.

¹⁶ John Bartley Meserve, "Chief Wilson Nathaniel Jones," *The Chronicles of Oklahoma*, Vol. XIV, No. 4 (December, 1936), p. 423. This pasture was used as a landmark in establishing the boundaries of Jackson County in 1886. Durson, *Constitution and Laws*, p. 262.

¹⁷ *The Sherman Daily Democrat* (Sherman, Texas), February 14, 1928.

¹⁸ Acts, Vol. IV, p. 96; Vol. V, p. 69; Vol. VIII, p. 57; Vol. X, p. 17.

¹⁹ Acts, Vol. VII, p. 35; Vol. VIII, p. 107. In June of 1901 the editor of the *Sterrett Banner* complained that he was unable to buy three tons of hay for horse use although fifty to one hundred tons were being hauled into Sterrett daily for export from the Nation. Quoted in the *Caddo Herald*, June 26, 1901.

of the cattle industry did its share to aid the whites in overrunning the Choctaw patrimony. In 1901 a Choctaw intermarried citizen boasted of the thousands of acres of finest grazing land enclosed in pastures. Every spring, he asserted, "thousands of head of cattle that can scarcely walk, so poor are they," were shipped into the Nation from Texas; but after four months of grazing on the "succulent grasses" of the Choctaw range, these former bovins skeletal brought top prices on the Kansas City, Chicago, and Saint Louis markets. The cowboys of the Nation were no longer "wild and wooly," according to this booster, but mainly "gentlemen from other states, educated, courteous and social."⁴⁹ Not all the cattle tended by these model cow hands were range stock, either; another writer reported that many large pastures were "stocked with Durham, Hereford, Polled Angus and Galloway imported cattle"⁵⁰

The economy in the Choctaw country then, as now, was basically agricultural and pastoral. Farms and dwellings ranged in size from a small log cabin with one acre in cultivation to a large mansion surrounded by thousands of acres of tilled fields and prairie covered with hundreds of cattle.⁵¹ Before the coming of the railroads there were no towns of any size, only small agricultural villages, few and scattered. As the railroads brought in more settlers, towns of some size were established, particularly in the mining areas. The old villages became ghost towns as their inhabitants moved to sites along the railroads.⁵² Doakville became the nearby town of Port Townson, Skullyville disappeared into Spiro, Boggy Depot became Atoka, Perryville's inhabitants moved to McAlester.

The railroads also made it possible to add a much greater industrial facet to the economy, as the coal mines were opened and the timber resources of the Nation began to be exploited as never before. The railroads tended further to make the economy less self-sufficient. Such a common necessity as salt heretofore of expensive local manufacture, was now imported at reduced cost, along with many other items previously unobtainable because of prohibitive freight rates.⁵³ The imported goods were not necessarily better than those of local manufacture. It was said of the salt from Thompson's salt works three miles south of Old Boggy Depot that it cost two dollars a bushel, but when it was used, meat did not spoil.⁵⁴

⁴⁹ D. C. Gideon, *Indian Territory* (New York, 1901), p. 2.

⁵⁰ H. F. and E. S. O'Brien, *The Indian Territory* (Saint Louis, 1892), p. 53.

⁵¹ *Indian Affairs* (1875), p. 62.

⁵² For a notable example, see Mariel H. Wright, "Old Boggy Depot," *The Chronicles of Oklahoma*, Vol. V, No. 1 (March, 1927), pp. 4-17.

⁵³ *Ibid.*, p. 11; Cram Foreman, "Salt Works in Early Oklahoma," *The Chronicles of Oklahoma*, Vol. X, No. 4, (December, 1932), pp. 499-499.

⁵⁴ Wright, "Old Boggy Depot," p. 11.

The most important industrial development of the period was the opening of the coal mines. Edwin James had noted in 1819 that the "coal beds in this region are of great thickness, and are apparently extensive and numerous"; the developments of the post-Civil War period proved him eminently correct.⁶⁶ The mines were developed with some difficulty at first, especially while Coleman Cole was chief (1874-1878). This chief, leader of the National Party, saw clearly the effect of the mining development on the future of his people and opposed anything which would allow the admission of more white people into his country.⁶⁷ He represented the full-blood, conservative element of the population which backed the passage of laws to stem the influx of whites, such as heavier license taxes and stricter marriage laws. This chief attempted to enforce a tribal law which carried the death penalty for any citizen who alienated any of the national domain. As usual, the white man was successful in getting his way and the development of the coal mines continued with increasingly large operations for the next few decades.

The first mining operations were carried on by strip pits, after the Missouri, Kansas, and Texas Railroad reached the vicinity of McAlester.⁶⁸ Soon the Osage Coal and Mining Company, organized when the railroad was first built, began to develop deeper veins and to build more spur tracks to mines farther from the main line. It was this which Coleman Cole tried to stop in 1875 without success, and after the end of his term as chief in 1878 the coal development continued apace. By 1907, there were nearly fifty mining companies operating over one hundred mines in the whole Choctaw area, producing what was called the "best steam coal west of Pennsylvania" and employing 8,000 miners.⁶⁹ More than 3,000,000 tons of coal were mined in that year from eleven different veins of coal which averaged from two feet to six feet in thickness. The largest producing veins were the McAlester, with 893,999 tons, the Lower Hartshorne with 799,055 tons, and the Lehigh with 674,408 tons.⁷⁰

The first mines were opened under a provision of the Choctaw constitution by which a citizen of the Nation had the right to work any "mine or mines" which he should discover "within one mile in any direction from his works or improvements." Intermarried citizens, such as J. J. McAlester, took advantage of this provision

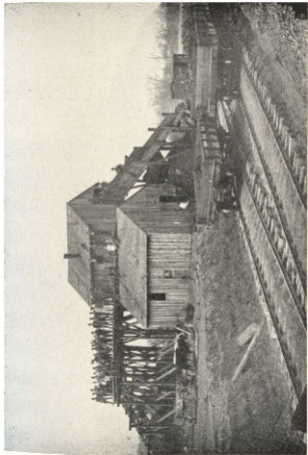
⁶⁶ Edwin James (comp.), *Accounts of an Expedition from Pittsburgh to the Rocky Mountains* (Cleveland, 1905), Vol. IV, p. 215.

⁶⁷ John Bartlett Meserve, "Chief Coleman Cole," *The Chronicles of Oklahoma*, Vol. XIV, No. 1 (March, 1936), pp. 18-19; *Indian Affairs* (1875), p. 56.

⁶⁸ Paul Nembitz, "J. J. McAlester," *The Chronicles of Oklahoma*, Vol. XI, No. 2 (June, 1933), pp. 760-764; Meserve, "Chief Coleman Cole," pp. 19-20.

⁶⁹ Nembitz, "J. J. McAlester," p. 761; *House Ex. Doc. No. 5, 60 Cong., 1 Sess.*, II, pp. 398-399.

⁷⁰ *Ibid.*, pp. 389, 392.



Old No. 9 Coal Mine, North McAlester, early 1870's.

to lease their claims; they also received all the royalty. One result of the controversy between Chief Cole and the coal men was to secure for the Nation a part of this royalty. By 1876 the coal from the Choctaw mines was not only supplying the Missouri, Kansas, and Texas Railroad, but was being shipped out of the Nation. Several railroads in Texas were entirely dependent on Choctaw coal. The royalty paid at that time was one-fourth cent a bushel to the Choctaw Nation, one-eighth cent to the Chickasaw Nation—by agreement the Choctaw and Chickasaw Nations shared three fourths and one fourth in these royalties—and one-half cent a bushel to the citizen who owned the claim.⁷¹

The mining of coal was held by Choctaw law to be public works, and contracts had to be approved by the proper legal authorities of the Nation. Later the law provided that the National Agent should collect one-half cent a bushel in royalty on coal.⁷² Under the Atoka Agreement collection of this royalty was assumed by the Department of the Interior of the United States government. It was under an interpretation of this provision that the Department took control of the Choctaw school system, since the royalty money was used to support the schools of the Nation.

Regulations for leasing the Choctaw mineral land under the Atoka Agreement were made by a commission appointed by President McKinley on the recommendation of the Choctaw Chief and the Chickasaw governor. This commission at first set the royalty at fifteen cents a ton; but this amount was protested and was first reduced to ten and later to eight cents a ton. The output of the Choctaw mines more than doubled within five years after the Atoka Agreement and the royalties paid to the Choctaw and Chickasaw Nations climbed accordingly. In 1899 royalties were \$110,145.25; in 1904, the greatest year, \$277,811.60; but by 1907 they had dropped to \$240,199.23.⁷³ The Atoka Agreement had also provided that the coal and asphalt lands should not be allotted to individual citizens but should remain the common property of the Choctaw and Chickasaw Nations, with the income from leases and royalties still to be used for the education of Choctaw and Chickasaw children.⁷⁴ Some five hundred thousand acres were set aside as segregated coal lands.

⁷¹ Fulson, *Constitution and Laws*, p. 21.

⁷² Durant, *Constitution and Laws*, pp. 106, 132; Acts, Vol. VIII, p. 125; Vol. III, pp. 18-19.

⁷³ *Indian Affairs* (1899), pp. 98-100, 330-331; *House Ex. Doc. No. 5*, 60 Cong., 1 Sess., II, p. 329.

⁷⁴ Kapples, *Laws and Treaties*, Vol. I, p. 652. (Choctaw-Chickasaw coal lands amounting to 433,959 acres were segregated from allotment in severalty in five counties in Oklahoma. The surface of these lands was sold in tracts to bidders by the Act of Congress of February 12, 1912, the coal and asphalt reserved in the joint ownership of the two tribes.—Ed. [M.H.W.])

The title to the subsurface coal remained with the Indians until 1950 when these coal holdings were purchased by the United States for \$8,500,000. This made a per capita payment of about \$300, but the older Indians wanted it because most of the mines were closed during recent years; depression, labor troubles, competition with oil and gas, and other difficulties led to this result. The older Indians wanted something in their own lifetime and sold the title to a coal reserve estimated at nearly two billion tons.⁷²

Organized labor first came to the Choctaw country with the railroads and the subsequent opening of the coal mines. Railway labor unions and the Knights of Labor early had some membership in the region but the United Mine Workers were the first really effective labor organization. Organized in 1898, this union brought better working conditions to the Choctaw mines by its efforts combined with those of a United States Inspector of Mines.⁷⁴

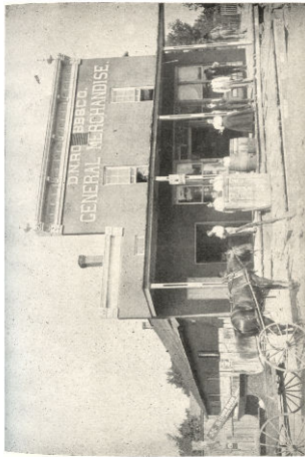
Oil and gas figured little in the economy of the region. Some natural gas has been tapped in the northern part of the Choctaw country, but paying oil wells have been non-existent. A number of wildcat wells have been drilled over the years, the first in 1885 some twelve miles west of Atoka. This was drilled to a depth of 1400 feet by Dr. H. W. Faneest of New York, who had a contract with the Choctaw Oil and Refining Company, incorporated in 1884 by leading men of the Choctaw Nation under Choctaw law. Although a showing of oil and gas was found, this attempt, like many later ones, came to naught.⁷⁵ Coal has remained the mineral resource to which the residents could point with pride. Its heyday was between 1903 and 1922. No modern mineral exhibit from the region would be as spectacular as that of 1904 when sixteen coal companies showed specimens of their products at the Louisiana Purchase Exposition in Saint Louis. Also displayed were some coke and samples of carbonate, sand, galena, and native lead ore, the last coming from the neighborhood of Antlers.⁷⁶

⁷² Frederick Lynn Ryan, *The Rehabilitation of Oklahoma Coal Mining Communities* (Norman, Oklahoma, 1935), pp. 42-43, 61-76; statement of Harry J. W. Bohrin, principal chief, January 31, 1950. (Choctaw-Chickasaw coal and asphalt properties were sold by contract to the U. S. approved by Congressional Act June 14, 1948.—Muriel H. Wright, *A Guide to the Indian Tribes of Oklahoma* [Norman, 1951], p. 114.)

⁷³ Ryan, *The Rehabilitation of Oklahoma Coal Mining Communities*, pp. 29-31, 46-47. For details on strikes and other union activities in the Choctaw Nation, see *Sixteenth Annual Report of the Commissioner of Labor* (1901), pp. 64-65, 200-203, 271.

⁷⁴ Muriel H. Wright, "First Oklahoma Oil Was Produced in 1859," *The Chronicles of Oklahoma*, Vol. IV, No. 3 (December, 1926), pp. 323-329; *Acts*, Vol. VI, pp. 87, 104.

⁷⁵ Charles N. Gould, "The Oklahoma Mineral Exhibit at the Saint Louis World's Fair," *The Chronicles of Oklahoma*, Vol. VI (June, 1928), pp. 152-154.



(Photo early 1890's)

One of the first store buildings in Aloka, Chortaw Nation.

There was one other natural resource of the Choctaw country which attracted a number of whites and began the development of an important industry. This was timber. Stephen H. Long remarked the abundance of Osage Orange or bois d'arc in 1819, noted its toughness and elasticity, and suggested the possibility for its use as a dyewood.⁷⁸ A mill for removing and cleaning bois d'arc seeds, to ship to Missouri and Kansas for the planting of farm hedges, was operated at Old Boggy Depot by a white man just after the Civil War.⁷⁹ The primary importance of Choctaw forest resources was for the manufacture of lumber, however, and this could not flourish until after the railroads furnished adequate transportation to markets in the nearby states. There were small sawmills, especially along streams, before the railroads. Chief Allen Wright requested a thousand dollar loan at seven per cent "or more" from Robert M. Jones in the winter of 1868. He hoped to repay the amount in the spring by the sale of lumber from a steam sawmill at Boggy Depot. Wright reported 60,000 feet on hand but no immediate sale possible "on account of poor stock in dead winter." If there were no sale for the lumber in the spring, he hoped to have the means to repay the loan from some other source.⁸¹ A Choctaw law of 1870 granted Wilson N. Jones a charter for a steam sawmill in Atoka County.⁸² J. J. McAlester built his first store with lumber hauled from sawmills on the Poteau River, and there were other small sawmills in the Nation during the pre-railroad era.⁸³

The railroads brought a decided accentuation to the exploitation of the Choctaw forests. The first important lumber center on the Missouri, Kansas and Texas, after its construction in 1872, was Stringtown, so called by a traveler who observed the village to "string" out along the base of the hills near its site. Pine logs were cut in the Pine Mountains to the east and hauled to the saw, planer, and shingle mills on the railroad. Soon there were "as

⁷⁸ James, *Account of an Expedition from Pittsburgh to the Rocky Mountains*, pp. 123-124. A plant at Durant made dye from bois d'arc wood during the shortage of World War I.

⁷⁹ Wright, "Old Boggy Depot," p. 11. Among the "Items from Boggy," October 20, 1874, the *Oklahoma Star* (Caddo, Choctaw Nation) had this note: "Bois d'arc seed for the northern market will soon be ready for shipment." (One of the first forest laws within the boundaries of Oklahoma was for the preservation of hickory and pecan trees in the Choctaw Nation under a law enacted by the Choctaw Council in 1842.—Oliver Knight, "Fifty Years of Choctaw Law, 1834 to 1884," *The Chronicles of Oklahoma*, Vol. XXXI, No. 1 [Spring, 1953], p. 92, editorial fn.)

⁸¹ Allen Wright to Robert M. Jones, February 22, 1868 (Indian Archives Division, Oklahoma Historical Society).

⁸² *Acts*, Vol. 1, p. 85; *Oklahoma Star*, March 27, 1874.

⁸³ Numbul, "J. J. McAlester," p. 760.

many as fifteen or twenty saw mills going at full blast"⁸⁴ The Stringtown mills supplied the needs of early entrepreneurs like J. J. McAlester within the Nation and shipped lumber to the States as well.⁸⁵ The building of the Saint Louis and San Francisco Railroad from Fort Smith to Paris, Texas, opened a new lumber territory, as did each new line of railroad constructed. Large lumber operators were not common at first, most of the lumbering being done by small sawmills. The two largest royalty payments made to the official Choctaw inspector along the Frisco in 1883 were those of the Long-Bell Lumber Company and the Fort Smith Lumber Company. The largest company in the Choctaw forests after statehood, the Dierks Lumber and Coal Company, first came into the country with the Kansas City Southern Railroad and had a contract to manufacture, sell, and ship Choctaw lumber along the line of that railroad in 1898.⁸⁶ The Dierks organization did not move into the Choctaw forests for large-scale operations until after 1907.⁸⁷

Railroad ties, bridge timber, shingles, telegraph poles, fence posts, piling, pickets, staves, cord wood, mining timber, and all kinds of lumber for building construction poured from the woods via the railroads to the surrounding states. The great majority of this was pine, but oak, ash, walnut, hickory, cypress, cottonwood, bois d'arc, and other varieties of timber were also represented.⁸⁸

Choctaw leaders became alarmed at the exploitation of their timber resources and took steps to establish controls as they had tried to do for pasture and agricultural land and coal. Only authorized agents of the Nation could legally sell timber, rock, coal, or stone to any railroad company according to a law of 1873. Five years later it was made illegal for any citizen to sell timber to non-citizens, an evidence that the earlier law had not been observed.⁸⁹ In 1879 Chief Isaac Garvin recommended without success that no shipments of timber be allowed, only the finished lumber.⁹⁰ Chief

⁸⁴J. Y. Bryce, "Some Notes of Interest concerning Early Day Operations in Indian Territory by Methodist Church, South," *The Chronicles of Oklahoma*, Vol. IV, No. 3 (September, 1925), pp. 238-239. Another version of the origin of the name states that the settlement was named "Springtown" and became "Stringtown" through a post office error in registering. Y. V. Masterson, *The Katy Railroad and the Last Frontier* (Norman, Oklahoma, 1952), p. 170.

⁸⁵J. J. McAlester Collection, Ledger, 1874-1875, account of Robinson and Priddy, Stringtown; also S. B. Scratch and Company, Atoka, in J. J. McAlester, February 20, 1885 (Division of Manuscripts, the University of Oklahoma Library).

⁸⁶Choctaw Timber, 23357, 23374, 23512 (Indian Archives Division, Oklahoma Historical Society).

⁸⁷John M. Craig to James D. Morrison, April 29, 1950; *Texasiana Gazette*, Texarkana, Arkansas-Texas, August 28, 1949.

⁸⁸Choctaw Timber, 23279-23545 (Indian Archives Division, Oklahoma Historical Society).

⁸⁹Acts, Vol. II, p. 66; Vol. IV, p. 84.

⁹⁰Garvin to Council, 1879 (Phillips Collection, University of Oklahoma).

Jackson McCurtain informed the council in 1882 that non-citizens from the States had stolen a great deal of walnut and cedar timber and asked for a law authorizing the United States Agent for the Five Civilized Tribes to collect for all timber stolen.⁹¹ A schedule of timber royalties was set up to be collected by a hierarchy of Choctaw officials, but royalty collection remained difficult until the end of the national period.⁹² If the timber was taken from the claim of a citizen, one half of the royalty went to him.⁹³ The selfishness of some Choctaw individuals entered the picture and made the devastation of the Choctaw forest harder to control.

In common with lumbering operations all over the United States at this time, wasteful methods were used so that much valuable forest land was completely denuded of timber.⁹⁴ Attempts were made to raft timber out of the Nation which resulted in loss because of the small size and rough courses of the Choctaw streams. Since this also made the theft of timber without payment of royalty relatively easy, a law to prohibit the floating of timber was passed in 1893. It is significant that provision was made to publish this law in the newspapers at Fort Smith, Arkansas, and Paris, Texas.⁹⁵

Millions of feet of timber were cut annually after the coming of the railroads, much of it illegally in spite of the attempts of the Choctaw government to prevent it and with the connivance of intermarried and mixed-blood citizens.⁹⁶ After the Atoka Agreement all Choctaw acts authorizing the shipment or sale of timber were repealed, except for mining purposes within the Nation or for the use of citizens in the form of boards, rails, and firewood. The federal government then took control of the Choctaw forests and issued regulations under which lumbering might be continued by non-citizens. The collections of royalties were thereafter made by United States officials.⁹⁷

For a while after the allotment of land in severalty began, pine-timber areas were withheld from allotment with the intention of establishing a forest reserve. Protests came from the Choctaws, however, because many full-blood Choctaws would have been displaced from their lifelong homes, and some pine land was allotted.

⁹¹ Jackson McCurtain to Council, 1882 (Phillips Collection, University of Oklahoma). For a complete account, see Angie Debo, *Rise and Fall of the Choctaw Republic* (Norman, Oklahoma, 1934), pp. 134-136.

⁹² Acts, Vol. V, p. 70; Vol. VI, pp. 13, 58, 79, 113; Vol. VII, p. 56; Vol. VIII, pp. 1, 70; Vol. XI, p. 19; *Indian Affairs* (1895), p. 108.

⁹³ Choctaw Timber, 23286 (Indian Archives Division, Oklahoma Historical Society).

⁹⁴ Green McCurtain to Council, 1907.

⁹⁵ Acts, Vol. XI, p. 84.

⁹⁶ *Indian Affairs* (1883), pp. 290-291; *Report of the Commissioner to the Five Civilized Tribes* (1907), p. 297; *Extra Census Bulletin*, p. 58.

⁹⁷ Choctaw Timber, 23550, 23551, 23553 (Indian Archives Division, Oklahoma Historical Society).

During the period when the pine lands were withheld from allotment, the majority of Choctaw citizens and freedmen selected their allotments outside the pine lands, which thus remained largely unclaimed. The majority of this land was of poor grade, the appraised value of the timber sometimes being ten times that of the land alone. Since the value of the timber was included in the value of the land allotted, it meant that any allottee who had pine land would lose his estate with the cutting of the timber and remain the owner of a small tract of nearly worthless land.⁹⁵ This became the fate of many full-blood allottees in the mountains.

The entire area of the Choctaw timber land was 2,304,000 acres, of which 930,676 acres were allotted or included in the segregated coal lands. This left an area of 1,373,324 acres of land valuable for its timber, which a government estimate in 1911 rated as having 1,043,898,000 feet of pine and 141,239,000 feet of hardwood of various varieties. Although much of this land was sold at public auction, some of it eventually became part of the Ouachita National Forest which now extends from Arkansas into Oklahoma.⁹⁶ After 1903 adult Choctaws were allowed to dispose of their timber without restrictions. Indicative of relations between Indians and white is the fact that many lumber men preferred to deal with individual Choctaws and waited until after allotment before making contracts for lumbering.⁹⁷

One difficulty which business men encountered in the Choctaw Nation was the lack of banking facilities. A few private banks, such as that of Gus A. Gill in McAlester in 1894, were established after the coming of the federal courts to Indian Territory.⁹⁸ Gill's bank, advertised as the "South McAlester Bank," received deposits subject to check, made loans and collections, and advertised an "individual responsibility" of \$25,000.⁹⁹ Even before the Atoka Agreement foreshadowed the end of Choctaw sovereignty, national banks began to appear. The First National Bank of South McAlester opened for business on December 12, 1896. President C. C. Hemming felt it necessary to include this statement in his advertising: "No man has a right to invite public confidence and shun the responsibility it incurs, therefore my individual property is responsible to the depositors of this bank so long as I am president of it."¹⁰⁰

⁹⁵ *Indian Affairs* (1904), Vol. II, p. 42; Green McCurtain to Council, 1907.

⁹⁶ *Report of the Commissioner to the Five Civilized Tribes* (1911), pp. 15-16; (1914), p. 25. (A total of 1,373,324 acres of Choctaw-Chickasaw timber lands in Southeastern Oklahoma were segregated from allotment in severalty by the Department of the Interior in 1906-07, and most of the acreage sold to large lumber companies operating in the region.—*Wright, Indian Tribes of Oklahoma*, p. 112.)

⁹⁷ *House Ex. Doc. No. 5, 60 Cong., 1 Sess., II, pp. 344-345.*

⁹⁸ *Extra Census Bulletin*, p. 13.

⁹⁹ *South McAlester Capital*, September 13, 1894; May 28, October 8, 1896.

¹⁰⁰ *Ibid.*, November 19, 1896; March 11, 1897.

For some time, many residents of the Choctaw region as well as the Choctaw government itself, continued to do their banking business in Arkansas, Texas, and other nearby states.¹⁰⁴ J. J. McAlester apparently did his banking during the 'seventies in Sedalia, Missouri.¹⁰⁵ Traders and storekeepers cashed checks for both the First National Bank of Parsons, Kansas, and the Drivers and Planters Bank of Denison, Texas, advertised in the *Oklahoma Star*, Caddo, for August 17, 1876. J. R. Harris, a non-citizen resident of Atoka in the eighties, who advertised himself as "Indian Trader and Contractor for Railroad Ties, Piling and Sawn Material, for the Missouri Pacific Railroad Company in the Indian Territory," gave as references to the treasurer of the Choctaw Nation in 1886 the Laclode Bank, Saint Louis, the First National Bank, Omaha, Nebraska, and the First National Bank of Denison, Texas.¹⁰⁷ Officials of the Choctaw Nation kept the money entrusted to their care in any banks outside the Nation which were convenient to them. Choctaw accounts were to be found particularly in the banks of Denison, Sherman, and Paris, Texas, and Fort Smith, Arkansas.¹⁰⁸

The coming of banks to the Choctaw Nation was another sign that the semi-independence of the Indians was nearly gone. In their society credit and barter, with a little cash from annuities, had been enough. The policy of "national aggrandizement" with the aid of white men, which Coleman Cole and others had hoped to be the salvation of the Choctaws by making them strong enough to keep their independence, had led to the other result feared by Cole and other Choctaw leaders. Their calculated risk, their gamble, had failed to preserve the national integrity yet had paved the way for the new era that brought Oklahoma statehood in which the Choctaw people had all rights as state citizens and many of them were outstanding leaders in the new commonwealth.

¹⁰⁴ *Ibid.*, January 6, 1890. See advertisements of the State National Bank and the National Bank of Denison, Texas, and the Merchants Bank of Fort Smith, Arkansas.

¹⁰⁵ J. J. McAlester Collection, Ledger, 1874-1875, p. 106.

residents or took them in payment of outstanding accounts.¹⁰⁶

¹⁰⁶ *Ibid.* McAlester listed a check from J. S. Murrow on the "Nat. Ex. Bank - - - Augusta Ga."

¹⁰⁷ Choctaw Timber, 23299, 23300, 23311, 23332 (Indian Archives Division, Oklahoma Historical Society).

¹⁰⁸ *Ibid.*, 23305, 23309, 23317, 23320, 23402; Choctaw Principal Chief, 19442-19450; Choctaw Students in the States, 22255, 22271, 22369, 23390, 23404; check stubs, Disbursing Officer's Checks, an Assistant Treasurer, Saint Louis; Choctaw Treasurer's Book, list of warrants, October 1880, p. 48 (Indian Archives Division, Oklahoma Historical Society); *The Indian Citizen* (Atoka, Indian Territory), November 23, 1893.