

NOTES AND DOCUMENTS

RECENT ACCESSION TO THE LIBRARY OF THE OKLAHOMA
HISTORICAL SOCIETY

A scarce and very important work has been recently added to the Historical Society Library: Pierre Margry, ed., *Decouvertes et Etablissements des Francais dan l'ouest et dan le sud de l'Amerique Septentriones (1614-1754)*. The original memoirs and documents found in these volumes with finely engraved portraits are in six large, thick volumes, royal 8vo, published in Paris, France in 1875. These six volumes contain a mine of information on the early French period in the Mississippi Valley, Canada, the Great Lakes region and other regions in this country. The text is in French yet it is an essential work for students of history in Oklahoma as well as for those in Texas, Louisiana, Arkansas and other states in the Mississippi Valley.

—M.H.W.

“ARKANSAS: THE MYTH AND THE STATE,” BY DR. E. E. DALE

Interesting and informative are descriptive adjectives that characterize all of Dr. Dale's writing, and a twenty-four page reprint from the *Arkansas Historical Quarterly* (Spring, 1953) is certainly no exception. Written by a master story teller, this explanation of the mythical Arkansas Traveler, Lum and Abner, or all the other lovable unsophisticates makes us want to visit the state of “hospitality, simplicity, and neighborly kindness.” As we in Oklahoma keep alive the cowboy and Indian legend so the people in Arkansas foster the belief in homespun humor and naivete in a land that is “always afternoon.”

As Dr. Dale shows, the Arkansas myth did not just happen. Rather, it is the result of a peculiar migratory situation in which the settler in Arkansas found his westward advance stopped by the impenetrable barrier of the Indian Territory. Consequently, the land was peopled by successive generations of the original pioneers, generations which practiced the old virtues, sang the old songs, and generally approached life in the same way their grandfathers had done. It is a heartwarming approach to life, so that in spite of modern industrialization, Arkansas retains the native simplicity that has given it a unique place among the forty-eight states.

—Lucyl Shirk.

FAMILY GENEALOGY OF THE KNOWN DESCENDANTS OF
CARL OLOFSSON, 1685-1953

The Library of Oklahoma Historical Society has recently received a copy of *The Known Descendants of Carl Olofsson Born in 1685 in Sweden: 1685-1953 in Fourteen States, Canada and Scandi-*

navia, edited by Clarence Stewart Peterson, M.A., Baltimore, Maryland. The aim of this study was to secure ancestral records of this family in Sweden and transfer them to this country for future generations as well as to secure and present brief accounts of the living, known descendants of Carl Olofsson and those they married. This has been admirably done in sixty-nine mimeographed pages neatly bound in paper. The book lists names and birth records of the Olofsson descendants, and what is very interesting in the historical field, has added letters and reminiscences concerning many of them contributed at the request of Editor Peterson by members of the family. For instance, Gustaf E. Larson writes from Hyas, Saskatchewan, Canada, telling of the emigration of his family from Sweden and their settlement in Minnesota with details of their early life in the new home. The notes on more than twenty illustrations are valuable in this genealogical record, and Part II gives the descendants of Olof Peterson of Holmerud, Sweden, a great-grandson of Olof Peterson. The Editor, Clarence Stewart Peterson, Research Historian, a veteran of World War I and former teacher and principal in the Philippine Island, Puerto Rico, and United States, is the author of several books on pioneers in Minnesota.

M.H.W.

UNCLE SAM'S TREATY WITH ONE MAN

The following story is by the late Dr. Virgil Berry of Okmulgee, whose necrology appears in this issue of *The Chronicles*:

It is a peculiarity of the American Indian that when he becomes an outlaw against society his hatred of the human race knows no bounds.

This story involves a prominent family of the Cherokee Nation, Indian Territory, before its merger into the state of Oklahoma. I have been conversant with this family for more than seventy years. The Proctors as I now know them are the descendants of Zeke Proctor, a full blood Cherokee who lived in what was then the Cherokee Nation, east of Tahlequah, capitol of the Cherokees. The Proctors I know are fine examples of the Cherokee Tribe.

Zeke Proctor, sr., was typical of the old warrior type. He was of stoic mien, reserved to the point of austerity even in contact with his own race. Social intercourse with white people was unknown to him. He was rather tall, straight as an arrow, with his long black hair draping well down over his shoulders. His hair was worn loose, brushed behind his ears, not braided as many Indians did in those days. His eyes were perhaps as perfect as any human eyes ever were. He could both see and hear to a superlative degree as almost his entire life was lived dodging real or imaginary enemies.

On his infrequent trips to various trading points he shunned the dim highways of his day. He went afoot, or horseback through the forest trails and always returned by a different route.

One of his trading points was the small village of Cincinnati, Arkansas: about six miles east of the Indian Territory line not far from what is now Westville, Oklahoma.

An old citizen of Cincinnati, long since dead, told me he had seen Zeke arrive in the village several times. He was always alone; always passed anyone as far away as possible on the street; and on entering a store never allowed himself to be placed with his back toward anyone.

His purchases, which consisted of a few simple items such as coffee, tobacco, salt, soda, etc., were quickly made, and he immediately left for his home in the Territory.

Proctor seemed to conceive the idea that the hand of every man was against him, and his future conduct made it seem his hand was against society in general. But he was smart enough to avoid trouble with the white man.

At that time the Cherokee Nation had a treaty with the United States by which no Cherokee could be tried in the U. S. courts unless the litigation involved both races. All controversies between Cherokees and whites were tried in the U. S. courts, but where both parties to litigation were Cherokee, the Cherokee courts only had jurisdiction. So Proctor took advantage of this by steering clear of trouble with white people. As will soon be seen, an illegal interference of our U. S. officers was to give him an excuse to kill several persons for which he could not be punished. However, he became embroiled with Cherokee law, which resulted in the killing of several of both factions. His feud with the Beck family was the culmination of all his troubles.

The Becks were one of the fine type Cherokee families. They were good citizens, law abiding, and as brave as any ancestral warrior. Lucy Beck married a white man named M. Kesterson, who owned the famous old water mill on Flint Creek which was known as Hildebrand's Mill, located roughly twenty miles south of Siloam Springs, Arkansas.

Dr. Mitchell, Vinita, grandson of Lucy Kesterson, tells me Proctor was a relative by marriage to the Becks, but kinship was not conducive to friendship on either side. So when the Kestersons had some cattle stolen and laid the theft at Proctor's door, he passed the word of his intention to kill Kesterson.

Without delay Proctor proceeded to the Hildebrand Mill to fulfill the promised threat. This was in February, 1872. On his arrival he found Kesterson and his wife outdoors. Without ceremony he proceeded with pistol in hand to within a few feet of the couple and opened fire. Lucy Kesterson ran in to protect her husband and received a bullet in her abdomen and died a few hours later.

Proctor fled without killing Kesterson. No one seems to know why, unless he thought he had shot him instead of Lucy. When this tragedy came to pass the Becks went on the war path. They were as fearless as Proctor, and as relentless in pursuit.

Zeke Proctor, jr., told me his father did not come home for months except for short visits at night. He hid away in lonely cabins in the forest with Cherokee friends.

The Becks now pressed hard for the Cherokee courts to prosecute Proctor. At that time their courts were both primitive and corrupt. Finally, however, Proctor was induced to surrender and was arraigned for trial before Judge Tim Walker, a relative of Proctor. Judge Walker was disqualified and Chief Lewis Downing then appointed Judge Blackhaw Sixkiller to try the case.

The trial was postponed from time to time until Kesterson and the Becks lost patience and went to Fort Smith to see if they could induce

the white man's court to take jurisdiction. There, on April 11, 1874, information was filed with U. S. Commissioner J. O. Churchill, who issued a writ for Proctor's arrest for murder, which he had no right to do according to the treaty between the Cherokee Nation and the United States. Nevertheless, he did so!

It is presumed that Churchill knew he had no right to do this, but Proctor's lawlessness had become so notorious and the Cherokee courts seemingly so corrupt that he decided to bring the case to a showdown.

J. G. Peavy and J. O. Owens, two of the efficient and courageous marshals in the U. S. court at that time were given a writ to arrest Proctor and bring him in dead or alive. These deputies summoned a *posse comitatus* (additional aid), to help arrest Proctor. This *posse comitatus* consisted of several Cherokee friends of Kesterson and the Becks.

Little did these officers know the greeting that awaited them when they arrived at that Cherokee court sitting in a log school house in Going Snake district. Previously, Proctor had learned what was in the plans of the Becks, and to forestall it he was placed on trial at once. He was allowed to carry arms in the courthouse as were numerous friends.

When the U. S. officers and their posse approached the court with arms in their hands Proctor and his allies and the Cherokee officers sallied forth and opened fire. When the battle ended there were eleven or twelve dead including both U. S. marshals. Proctor was only wounded. He lived to die of natural causes and was buried in a country cemetery on Moseley's Prairie near the Arkansas line, in Cherokee County.

The United States courts refused to prosecute Proctor on account of the treaty before mentioned. But the U. S. marshal's office had him captured, and after a threat of prosecution made a "treaty" with him to turn him loose if he agreed to become a law abiding citizen. It is said he lived up to the "treaty" and this is the only instance in which the United States ever made a treaty with a single individual to keep the peace.

INDIAN AGENTS AND SUPERINTENDENTS OF THE OSAGE AGENCY

The following list of United States Indian Agents and Superintendents who have served the Osages since the establishment of the Agency in the Indian Territory, in the sequence of their tenure of office was received from the office of T. B. Hall, present Superintendent of the Osage Agency. The Field Report compiled (1953) in the Agency offices under the title *The Osage People and Their Trust Fund* is reviewed under "Book Reviews" in this issue of *The Chronicles*.

Osage Agency

1. Isaac T. Gibson, United States Indian Agent, tenure of office, 1869-1876. Remarks: Appointed April 28, 1869; reappointed for four years for Osages alone after 1879.
2. Cyrus Beede, United States Indian Agent, tenure of office, 1876-1878.
3. Laban J. Miles, United States Indian Agent, tenure of office, 1878-1885. Remarks: Uncle of Herbert Hoover; latter lived with Agent Miles and attended school in Pawhuska.
4. Frederick Hoover, United States Indian Agent, tenure of office, 1885-1886.

5. James I. David, United States Indian Agent, tenure of office, 1886-1887.
6. Eugene White, Acting United States Indian Agent, tenure of office, March 10, 1887 to June 30, 1887.
7. Captain Carroll H. Potter, Acting United States Indian Agent, tenure of office, July 1, 1887 to August 30, 1888.
8. Thomas P. Smith, United States Indian Agent, tenure of office, 1888-1889.
9. Laban J. Miles, United States Indian Agent, tenure of office, 1889-1893. Remarks: Second term.
10. Captain C. A. Dempsey, Acting United States Indian Agent, tenure of office, July 1, 1893 to December 31, 1893.
11. Colonel H. B. Freeman, United States Indian Agent, tenure of office, 1894-1898.
12. William J. Pollock, United States Indian Agent, tenure of office, 1898-1900.
13. Oscar A. Mitscher, United States Indian Agent, tenure of office, 1900-1904. Remarks: Father of Admiral Marc Mitscher.
14. Frank M. Conser, Acting United States Indian Agent, tenure of office, April 1, 1904 to June 30, 1904.
15. Frank Frantz, United States Indian Agent, tenure of office, 1904-1905. Remarks: Last Provisional Governor of Oklahoma Territory, 1906-1907.
16. W. L. Miller, Acting United States Indian Agent, tenure of office, January 1, 1906 to February 11, 1906.
17. Ret Miller, Acting United States Indian Agent, tenure of office, February 12, 1906 to December 4, 1908.
Ret Miller, United States Superintendent, tenure of office, December 5, 1908 to March 1, 1909. Remarks: Served as first Superintendent after title was changed.
18. Hugh Pitzer, United States Superintendent, tenure of office, 1909-1912.
19. William M. Peterson, Acting Superintendent, tenure of office, July 1, 1912 to July 17, 1912.
20. James A. Carroll, Superintendent, tenure of office, 1912-1915.
21. J. George Wright, Superintendent, tenure of office, 1915-1931.
22. Daniel E. Murphy, Superintendent, tenure of office, 1931-1933. Remarks: Also served as Special Disbursing Agent from February 1, 1931 to September 1, 1931.
23. Charles L. Ellis, Acting Superintendent, tenure of office, July 16, 1931 to November 26, 1936; continued, tenure of office, November 27, 1936 to November 18, 1940. Remarks: Now retired and living in Whittier, California; is a member of Oklahoma Historical Society.
24. Theodore B. Hall, Superintendent, from November 19, 1940, to the present.

THE SEQUOYAH CONVENTION

To those interested in bibliography, it is worthy to note that the Dissertation for a Masters Degree by Amos D. Maxwell on the Sequoyah Constitutional Convention has been published in book form. The public examination of Mr. Maxwell was held on 15 January 1950 at Old Central at Oklahoma A. & M. College. The thesis was of such merit that arrangements were made for its publication in *The Chronicles of Oklahoma*. It appeared in two parts in the Summer and Autumn of 1950 issues, Vol. XXVIII, Nos. 2 and 3.

The text was thereafter adopted for publication, and with an introduction by Gov. William H. Murray it was published in 1953 by the Meador Press, Boston, at \$2.50. As mentioned by Mr. Maxwell in his preface "no significant changes have been made in the manuscript . . . as originally published by *The Chronicles of Oklahoma*" except for a significant instance incorporated into the final chapter hastened by "the perspective of several years additional thought and study". The modification mentioned by the author in his evaluation of the Indian's contribution to the 46th state and the Red man's place in the nation. The published volume is well illustrated, a bibliography is included, and the book carries all of the valuable appendices which give the names of the delegates and the committee assignments of each.

—G.H.S.