

PAYNE, H. W.

INTERVIEW

12116

103

PAYNE, W. W. INTERVIEW.

12116

Journalist, L. W. Wilson,
November 9, 1927.

Interview with W. W. Payne,
Sallisaw, Oklahoma.

I was born November 6, 1862, in Johnson County, Arkansas. My father, J. L. Payne, was born in Polk County, Missouri, near the town of Bolivar and my mother, Martha L. Watts, was born in Johnson County, Arkansas.

Removal to Indian Territory.

In the Fall of 1872, a wagon train was organized in Johnson County, Arkansas, by Tom Blackard, with the Indian Territory as its destination and my parents joined this train.

I was about ten years old, and some two or three weeks were spent in preparation for the trip. Things which we could need most were placed in the wagons so camp could be struck with the greatest possible haste and someone always stayed on guard around the camp at night while the rest slept. We would pull our

PAYNE, H. H. INTERVIEW.

12116

-2-

wagons and teams into a circle formation and within the circle we cooked on an open fire and ate our meals. The women and children slept in the wagons and the men on the ground under the wagons.

We reached Fort Smith, Arkansas, where we replenished ^{our} supplies and crossed the Arkansas River at this point on a pole ferry.

Once across the Arkansas River we continued our journey but a short way and camped in what is known as Paw-paw bottoms just ten miles out of Fort Smith. While camped in these bottoms, we found the land to be very fertile, but there were very few people there so it was suggested that the entire wagon train colonize at this point, which we did.

Settlement of Paw-paw Bottoms.

All of the newcomers had been farmers back in Arkansas and expected to continue farming in the Indian Territory. Canebrakes were immense in this locality and the only clearings were what we called "old burns," meaning canebrakes that had been burned, possibly

-3-

during the Civil War. There were, too, some clearings in the flat and there were many large trees, lots of nuts, wild fruit and berries and plenty of wild game for meats as well as for hides and furs.

We lived in camp until the men, with saws, axe an' froes, could fell the trees, cut logs and split shingles to build our homes. After our log houses were built time was spent that Fall in building log barns and corrals, in splitting rails and in clearing patches in which to plant corn and vegetables the coming spring.

We brought with us small cook stoves and on these we did our cooking, but we had no heaters to keep the cabins warm so in each cabin was built a stick and dirt fireplace.

During the winters we hunted for furs, which were traded at Fort Smith for coffee, sugar and other necessities. Besides wild game, we had plenty of Pork to eat as hogs were wild in the canebrakes, and we would shoot these and put up our meat and lard.

PAYNE, W. H. INTERVIEW.

12116

-4-

As time passed we planted cotton, wheat and corn but we never raised hogs because there were still wild hogs in the brakes. These hogs lived on acorns, pecans, hickory nuts and mast, but before killing time we would pen them up and fatten them on the corn which we had raised.

A man known to me as Dr. Bell built a grist and flour mill on the bank of the river west from Fort Smith, on the Territory side, which was a small mill and was operated by a small steam engine. It was to this mill that we used to take our corn and wheat to have them ground into meal and flour; going one day and returning the next day.

Scullyville, on the south side of the Arkansas River in the Choctaw Nation, was a steamboat landing. There was a grist mill there and we sometimes took our corn there to have it ground. However, we could not get to Scullyville until one of our colonists named Jeff Watts, my mother's brother, put in a pole ferry which was the first ferry across the Arkansas River at this point.

PAYNE, W. W. INTERVIEW.

12146

-5-

The first gin in this locality was at a settlement called "Cottonwood" and to this gin we took our cotton. The gin was operated by mule power and the press was home-made, of wood, with a wooden screw to press the cotton after it was tramped by man power into the press. The capacity of this gin was about four or five bales per day. This gin was owned by one of our Watt colonists, W. J. Watts.

We had no schools until the railroad built through the Territory, except a subscription school built by the colony, taught by Choc. Watts, which I attended. The school house was built of logs and church was held in the school house.

On the old Military Road between Fort Smith, Arkansas, and Fort Gibson, about nine miles out of Fort Smith, was an inn known as the Nine Mile Road House or the Joe Bowers Store, but the real name of the place was "Camp Creek".

Joe Bowers ran the store and inn, and was also the postmaster. Mail addressed to Camp Creek, Indian Territory, arrived at the Nine Mile Road House, where we used to get our mail after we discontinued going to Fort Smith,

PAYNE, W. H. INTERVIEWS.

12116

-6-

Arkansas. We usually got our mail once a month.

Stages, stage coaches, similar to those you see in wild west plays in the movies, were operating when we moved to the Territory. Their first stop was at Camp Creek and the next was the Cushingberry Stand which later became the Childers Stand run by John and Nancy Childers. Next was Webbers Falls, at the Vann Stand, and the stage continued on to Muskogee and Fort Gibson but I can't tell much of it after reaching Webber Falls.

The St. Louis, Iron Mountain and Southern Railroad built through this part of the Territory from Fort Smith, Arkansas, to Coffeyville, Kansas, in 1837-'38 and '39, and towns sprang up along the railroad. The town of Muldrow replaced "Camp Creek," Sallisaw replaced the Childers Stand and across the Arkansas River from Webber Falls the town of Gore sprang up. The stage line continued to operate for years even though the railroad had built, but finally passed out of existence.

We had one old saddle bag doctor come to our midst in early days by the name of Dr. Wilson. The Indians

PAYNE, W. W. INTERVIEW.

12116

-7-

(Cherokees) were few in our neighborhood. These Indians were friendly with us and caused no trouble but were peculiar in their habits and had no occasion for a real physician, like Dr. Wilson, for they doctored themselves with different kinds of turks, roots, weeds and herbs, all unknown to me.

The Cherokee men did very little towards working. They loved to hunt and did hunt with bows and arrows and blow guns. Large game was hunted with bow and arrows, but small game like birds, rabbits and squirrels were hunted with blow guns. To make a blow gun, a large cane, four to six feet long, was secured and the pith removed. A small arrow was placed in the cane and by blowing hard through the cane, the little arrow would be sent through the air and would pierce the bird or squirrel it contacted.

Schools.

Other than in our subscription school conducted by our colony, I got no education until grown.

I knew a man named Bob Sutton who had brought with him to the Territory, a slate, arithmetic and a speller. I worked for him almost a month for these books and slate and attended a little Cherokee school for I craved an education. I mastered the speller and arithmetic and read everything I could find to read and my most accessible book was the Holy Bible.

I worked hard, saved my money and went to Findley, Ohio, to college and at college I studied for the ministry.

Churches.

I returned from college and affiliated myself with the circuit preacher whose faith was The Church of God and whose name was Brother Riddle. Brother Riddle and I first went up on Lee's Creek and held a meeting for a week after I returned. After this meeting, I preached and held meetings in school houses all over the neighborhood, and in the Summer we held arbor meetings. For my services as a preacher and a missionary, I received \$200 a year from the Cherokee Government.

PAYNE, W. W. INTERVIEW.

12116

-9-

Merchandising.

I discontinued my missionary work and became engaged in the mercantile business at Muldrow soon after the railroad had built. The first store at Muldrow was owned by my uncle, W. J. Watts; the second by Bruton and Breedlove.

Having preached among the full blood Cherokees, as well as others, I acquired a wide acquaintance for I had been in most every home in the surrounding country. My business grew by leaps and bounds, all proving very profitable in a financial way. I did quite a credit business and it was then that I learned that the full bloods were honest in all their transactions.

I started from this store to acquire cattle and soon I disposed of the store and went into the cattle business exclusively, handling the most at any one time about one thousand head yearly. My brand was P bar - on the right hip.

PAYNE, W. W. INTERVIEW.

12116

-10-

After being in the cattle business for a few years, I returned to the mercantile business and established an exclusive shoe store at Wagoner with a partner named Crowder under the firm name of Crowder and Payne. The exclusive shoe business did not prove so profitable to me, so I disposed of my interest in the shoe business, returned to Muldrow and became engaged again in the general merchandise business. All my old customers again started trading with me and business was good.

At this point two factions reigned in and around Muldrow - the Watts faction, all white people, and a faction called the Indian faction. These factions were brought about because of Indian lands. The Watts claimed the land because they had colonized it in 1872 and the Government claimed it was Indian land. The Indians themselves had no complaint, it was the United States Government and deputy United States Marshals who took the town under their supervision. Marshal Needles was the head marshal and was stationed at Muskogee.

The first marshal sent to Muldrow was Bill Simpson,

PAYNE, W. W. INTERVIEW.

12116

-11

a mean man and a very dishonorable fellow who drank, gambled and defied the activities of the church. If he made an arrest the prisoner at that time was first taken to Muskogee and if the crime justified, he was hauled all the way back to the United States Court at Fort Smith, if he was a white man. So corrupt was Bill Simpson that the citizenship petitioned Marshal Needles at Muskogee to remove him so he was removed and a man sent in his stead named John Pemberton.

Needles, the United States Marshal, favored the Indian faction, likewise did Pemberton and all Indian deputy sheriffs under the Cherokee laws. One day in conversation with Pemberton in front of my business he cursed and abused me and I in turn resented his accusation by beating him over the head with my pistol.

I was arrested and brought to Muskogee and lodged in jail and later tried and found guilty. I just plead guilty and paid my fine of \$1,000, then returned to Muldrow where I found a petition being made to remove Pemberton.

PAYNE, W. W. INTERVIEW.

12116

-12-

A few days after my return to Muldrow, Bill Simpson again showed up from Muskogee. I had occasion to have some business over at the depot and as I reached the depot Simpson jumped from around the corner of the depot and pointed his six-shooter directly in my ribs. I snatched the gun from him and beat him down with the butt of it and put it in my pocket and returned to the store.

Pemberton came with a posse to arrest me but others of the Watts faction were also there and were armed. A battle ensued in front of my store and when the smoke cleared away John Pemberton was dead in the street, and others on both sides were wounded. Simpson was still unconscious on the depot platform and the Indian Police had taken the trail to Sallisaw for help. When the new posse returned they picked up the corpse of Pemberton and sent the body on the train to Muskogee and along with him went Bill Simpson. That was the last I ever saw of those men. Jess Watts, Charlie Sherman, John Bailey and I were arrested for the murder of John Pemberton, the Deputy United States Marshal, and were escorted to

PAYNE, W. W. INTERVIEW.

12116

-13-

Fort Smith, Arkansas, to be tried before Judge Parker, the United States District Judge.

The preliminary hearing was promptly arranged and we were bound over for murder, but allowed to make a \$10,000.00 bond each, which we all made and returned to our homes.

On our return home we were all greeted by our friends and naturally spent some time in explaining what we endured and went through with at court and told them the date we would be tried. As the day drew nearer for trial, I felt that at least something would be done to us for this crime. We all felt that if all of us did not pay the death penalty, some kind of evidence would be introduced to incriminate one so that he would be put to death and the others would be penalized with a long term of years in prison. We talked it all over lots of times and even to this day we don't know if one of us killed Pemberton or if it was some other of our faction. All any of us knew was Pemberton had been killed.

PAYNE, W. W. INTERVIEW.

12116

We were all present the day of the trial. We were not tried separately but the charges read John Bailey and other viz Jess Matts, Chas. Sherman and W. W. Payne.

The jurors were called to the box and the United States Attorney stated the case to the jury, saying that he intended to introduce evidence to show that John Bailey fired the shot that killed Pemberton and further that the other three of us were accomplices in the crime.

Our attorney stated to the jury that it was impossible for John Bailey to have fired the fatal shot or at least if he had, that no living witness could discern that shot from others, for Pemberton's body was pierced with a number of bullets and that these bullets could have been shot from guns in the hands of others in the street battle who possibly had never been arrested or were at that time on trial.

After these two statements were made to the jury, the jury was excused and our attorneys, the United States Prosecutor, Clayton and Judge Parker, went into private consultation. The jury returned to the box, the judge

PAYNE, W. W. INTERVIEW.

12116

-15-

was on the bench. The witness for the United States was called and upon examination it was found he could not state emphatically that he saw John Bailey or any one of the three of us fire a shot that struck Pemberton.

Some of the Indian deputy sheriffs were to testify for the Government but they never took the stand; the prosecutor for the United States saying he might use them later.

Our attorneys placed each of us on the stand, and the only question he asked each of us was, "Did you shoot and kill John Pemberton." Our answers in each case was, "If we did it, we are not aware of the fact." We were not questioned by the Prosecutor and when it came to plead the case to the jury, the prosecutor told the court that the facts had been misrepresented to him, and that he did not care to plead.

Our attorneys made a brief talk to the jury, reviewing the high spots of the time preceding the battle, and the judge stated to the jury that they had heard the evidence and the plea of the defendants and it became the duty of the jury to decide if these men were guilty

PAYNE, W. W. INTERVIEW

12116

-16-

or not guilty, but that in his mind they were no more guilty than possibly others who were in the fight the day Pemberton was killed. He stated that the Government had exhausted every means to ascertain who really killed Pemberton and the assassin for whom they listened was not what they expected. He instructed them to go to the jury room and return a verdict of not guilty, but if they could not so agree after ten minutes deliberation to notify him and he would make other preparations.

The jury was out only about three minutes and the foreman of the jury told the court it was the unanimous opinion that none of us was guilty and the court promptly dismissed us and authorized that our bonds be canceled. We all four went free.

We returned again to our homes and felt, of course, relieved of a heavy load from our hearts. I don't believe there was a man, woman or child of either faction but what was glad we were freed. The result of all of this trouble, was, that we had real men in our locality afterwards to represent the Government and not men of ill-repute,

PAYNE, J. W. INTERVIEW.

12116

-17-

drunkards and gamblers.

I continued in the mercantile business for some time, and finally became engaged in the real estate business after statehood.

None of my folks were Indians and never tried to get an allotment but we did try to retain the land in the Paw-paw bottoms that we cleared and improved. But, of course, we could not do so. After allotments were made and as soon as restrictions could be removed, the land was purchased and today the offspring of these colonists or the Watts faction own most of the land in the Paw-paw bottoms.

I own a few little farms now in the Cache bottom south of Sallisaw and look after them. From them I receive rents for my livelihood in my declining years. I have retired from active work.