

FAYTON, BERT (MR. AND MRS.)

INTERVIEW #12672

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LEGEND & STORY FORM
WORKS PROGRESS ADMINISTRATION
Indian-Pioneer History Project for Oklahoma

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PAYTON, BERT (MRS & Mr.) INTERVIEW 12672

Field worker's name Nannie Lee Burns

This report made on (date) January 14 1938

1. This legend was secured from (name) Mr. and Mrs. Bert Payton

Address- 322 A. SE. Miami, Oklahoma.

This person is (male or female) White, Negro, Indian,

If Indian, give tribe _____

2. Origin and history of legend or story from Memory

3. Write out the legend or story as completely as possible. Use blank sheets and attach firmly to this form. Number of sheets attached _____

Nannie Lee Burns
Investigator
January 14, 1938

Interview with
Mr. and Mrs. Bert Payton
Miami, Oklahoma.

My mother was Mahala Phelps, born in Virginia, and my father, James Phelps was born in Kentucky and soon after they were married they settled in Iowa, on a farm near Red Oak.

Father came to this country in a covered wagon and stopped at Chetopa, Kansas, until he could secure a permit to enter the Indian country. He took a lease about five miles west and just a little south of Miami near Cow Creek. Mother and we girls came by train to Chetopa, Kansas, where Father met us and we made the rest of our trip in a wagon. We lived in a tent until Father and my brothers could build us a two room box house.

I was born October 19, 1870, on a farm near Red Oak, Iowa, and am the youngest of the seven children.

There were but few people in this country then. The Dick Williams home was the nearest. It was nearly three

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miles away from us and was the only house within seven or eight miles.

We children had never met any of the Indians who lived in this country and so Mr. Carr took us to visit a family who were living on the creek temporarily in a tent. The tent was round and there was an open space at the top where the poles extended and here the smoke escaped from the fire that was built in the middle of the tent on the ground.

These Indians were very friendly and met us saying "Pushah" or that is what it sounded like to us. We learned after that that this meant "Howdy" but we, not understanding the meaning, thought that they were telling us to push off so we were afraid and did not enjoy our visit and did not stay long. We lived on our claim five miles west and a little south of Miami for two years and at this time we had no roads, only trails, no schools or churches.

The Short Line that a man carrying the mail from Chetopa to the Poolers Ferry on the Neosho River traveled,

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came within two miles of where we lived. The mailman at first drove a hack and carried passengers from Chetopa to connect with the stage at Pooler's Ferry on the old Military Road between Baxter Springs, Kansas, and Fort Gibson. In the forenoon he would come from Chetopa, meet the stage and get his return sack of mail and the passengers if there were any and make the return trip in the afternoon.

We traded at Chetopa and also got our mail there. Father would take the mules and the wagon and go to Chetopa about once a month, get our mail and buy everything that the family would have to eat and use until his trip the next month. He would start early and it would be late before he would get home.

Church and School

At that time we had no churches in this country and no schools. In the summer the folks would perhaps build a brush arbor and have services there and during the winter months, occasionally there would be a meeting

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at one of the neighbor's houses.

After living here for two years, Father took a lease on Big Timbered Hill over in what is now Craig County and here there were a couple of families near us and as we had no school and the Goodwins had a large family, Father agreed to let us use one room of our house to have school. Our rooms were large and we did not take the beds out, so we had school there in the daytime and slept in the room at night. I attended three terms of school here.

Mr. Dick Williams also established a school in his house; he boarded the teacher and also boarded some of the pupils. They lived too far to come and go each day so they just came and stayed.

Dances

Many of the houses were built of logs and had puncheon floors. In those days when there was to be a dance, Father would hitch up the mules to the wagon and the whole family would go along. It was square dancing and on the

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sets you would see people all ages dancing at the same time. One thing, that still I can hear, is in the calling for the dance. I have often heard the caller call out "Back to your puncheon."

Every year we would lose some cattle with the Texas fever. Each year cattle were driven into this country from Texas to graze and these would bring in the fever and that meant that most likely we would lose some of our milk cows.

We would not dare to start out on foot and walk to our neighbor's house in those days as it was not safe to be caught afoot on the prairie. The cattle were wild and there were other wild animals. Snakes were numerous and in many places the bluestem grass was higher than your head and it was easy to get lost.

After three years on the hill Father moved to Missouri and there we were placed in school but after a few years we returned to the Indian Country and settled not far from where we had lived.

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From Mr. Payton.

I was born in Red Oak, Iowa, but I did not know my wife or her family until after my parents moved to the Indian country in 1884.

However, my family had gone to Nebraska and stayed awhile after they left Iowa before they came to this country. Father shipped things down on the train to Chetopa and began looking around for a location and then leased the old Ira Williams farm on the east side of Big Timbered Hill. He then secured a permit to bring his family and belongings into the Indian Territory. After these arrangements were made Mother and I came from Nebraska on the train to Chetopa, Kansas, and came the rest of the way in a wagon. At first Father paid \$12.00 per year for a permit and later it was lowered to \$6.00 per year and he paid \$1.00 on each head of cattle, each year.

Our first home was a very comfortable box house and we had a log barn. It was a good substantial building and

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the thing that puzzled me as a child was that there was a great heavy door on the barn and this door had a big heavy staple on each side of the door and to this was fastened a log chain which I afterwards learned was to be used in locking the barn door. Horse thieves were numerous and folks locked their horses in at night.

There was a large cave not far from us which, it was said, had at one time been the headquarters of horse thieves. Over on Little Timbered Hill which is seven miles west of Miami on the northwest side of the hill, there was a smaller cave. This was said to be a hide-out for the thieves also. This last cave was on the Warren Williams place and after Mr. and Mrs. Williams settled there, Mrs. Williams picked up several skulls on the hill and used them for doorstops. They were supposed to be the skulls of some negroes who were members of the horse stealing gang that had over-run this part of the state.

Several families of darkies settled near and on Big Timbered Hill and claimed their rights there and allotted

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land there; among them were the families of the Hubbards and Smiths. On Little Timbered Hill the three negro families named Harris attempted to hold the hill but after the sons of T. J. McGhee took their claims there and after the Indian Police and officers from Muskogee came to the aid of the McGhees there was a fight in which one of the negroes struck T. J. McGhee Jr. over the head with a rail and the negroes left there. They had selected these two hills as hold-outs because of the long distance that they could see in all directions from these two hills as both of the hills were partly wooded and were surrounded by a prairie country.

Indian Police.

Up in this part of the Cherokee Nation we had little protection by the Indian Police as the nearest policeman lived at Vinita, which was quite a distance away. Then, too, we were closer to Chetopa, Kansas, than to Vinita and in Kansas there were a great many darkies who were friends of the negroes who lived near us.

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Chetopa, Kansas, was a border town and our nearest trading point, so we were more closely connected with that point than any other. Chetopa got pretty wild sometimes. One day there were quite a few extra darkies there and they rode up and down the sidewalk, hitched their horses and came back uptown and were in a quarrelsome mood and the police could do nothing with them.

Then an old Medicine Man named Brownfield went to the place where they were and told them if they did not want further trouble that they must stay in that house and surrender, that the white people would fill the house full of lead and then burn it. Two of them refused to stay in the house and were arrested and taken to the courtroom and they had a trial that night. They were being held prisoners there. Later that night someone broke into the room with a rope and they tied one negro to each end of the rope with the rope between, passing under a bench. This bench was placed across the window and then both men were dropped out of the window and there they hung the next morning.

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That evening the passenger brought a train load of darkies from the neighboring towns of Oswego and Parsons. When the train stopped the men there refused to allow them to get off the train and the conductor was instructed to prevent their leaving the train. They were taken on past the town and things quieted down except for a day or two, a darky woman would find an excuse to give a white woman a shove or push if they were passing each other on the street.

I was twelve years old when my father came to this country and as a lad, took much interest in what we saw around us and no doubt asked Father many questions. We had been here about six weeks when I was with him when he was hauling a load of hay and when we passed a hog wallow, the noise of the wagon scared the hogs out and they came out red and glistening and when I asked Father what kind of hogs they were he replied that they were the kind of hogs that they raised here. They had been wallowing in red mud.

We rented or leased from the Indian landowner and

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we paid him a third of the crops raised. Our cattle ran on the open range and Father always had a fair sized herd but we lost them by the hundreds as they would catch the Texas fever from the cattle that were driven in here to graze through the summer. We lost a few, rustled or stolen but never very many and lost no horses except from the fever, but it seemed that we lost a good horse every year and one year we lost two of our best horses. Then there were no houses between the hill and Bluejacket and when you started to go there you just started in that direction and if you came to a fence you just rode or drove around the fence and went on your way.

It was not always easy going for the mud was sticky sometimes. I have seen it gather on the wagon wheels and between the spokes until you would have to get out and take a stick and break the mud loose before you could go on.

Albert Mills

Abe Mills as he was called, went to Texas one spring

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and brought back five thousand head of Texas cattle and as he lived at the Russell Creek Switch just south of Chetopa, Kansas, on the Territory side he grazed the cattle around him and in the neighborhood of the hill where we lived. It was a sight some evenings to stand there on the hill and look down on that sea of horns. Once from a distance, I saw a stampede of those cattle. He had a headright here and so was not taxed as my father was. Several citizens thought they would run a bunch of cattle as their own here in the summer since the cattle belonged to persons living outside of the Territory and in this way the owners would escape paying the tax on the cattle, per head.

This I think was the beginning of the trouble that later caused Jack Barker to be classed as a cattle thief. He was hired by the Government to check these cattle belonging to the non-residents and when cattle were found that the tax had not been paid on, he was supposed to sell enough of the cattle to pay the tax on the rest. Acting under orders, Jack Barker took a drove of cattle

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to sell and was accused of cattle stealing which was the starting of his troubles.

Marriage

My wife and I were married December 5, 1894, and went to live on the Walker Place about eight miles west and a little south of Miami. I farmed on a large scale and always milked from twenty-five to thirty-five cows. After thirteen years there we moved onto the Frank Howard place in the same neighborhood where we lived for twenty years. By this time the children were grown and married and I found it too hard to keep suitable help so we moved to Miami in the spring of 1925, where we still live.