

STUBBS, JAMES ALLEN.

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Ethel S. Tackitt,  
Investigator.  
March 22, 1938.

Interview with James Allen Stubbs,  
Hobart, Oklahoma

I was born at Morgan's Mill, Erath County, Texas, December 8, 1880. My father, Peter Washington Stubbs, was a native of Mississippi but came to Texas in his young manhood and possessed the typical Western Texas spirit of helping everybody who came his way. My mother, Nancie Donahoe Stubbs, was born in Navarro County, Texas, and is a member of the Texas Pioneer family of Donahoe.

When the Cheyenne and Arapaho lands in Oklahoma Territory were opened in 1892, my father did not make the run. It was a well known fact that many persons took part in the run and obtained claims for the sole purpose of selling their relinquishment for a small amount of money and thereby keeping persons who desired homes from being able to secure claims.

My father came into the Washita County and prospected, finding a claim which he could buy from a man named Edmonson. Some of these persons who sold their claims had found that they would be unable to live their six months out of each year on them as

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they could not make enough money in the six months leave on which to live the other six months.

This Edmonson claim was not very good land but father was making ready to move his family to it when a relative of my mother, named Donahoe, came to my father and told him that he knew of a claim on Oak Creek, eight miles east of the present town of Rocky, on which father could file but for some reason he could not file and if father would allow him to have this Edmonson claim and would file on the Oak Creek claim which was much better land, things would be well for all.

Not suspecting anything illegal or wrong about the deal, father made the trade, giving some boot, as the Oak Creek claim had a two-room cottonwood log house on it, about twenty acres of land broken out, some fences and other improvements, but this was not uncommon as there were places like that to be found on all creeks, for ranches had been there before the coming.

Father went to Cloud Chief, which was <sup>the</sup> county seat of Washita County then, and made application for filing. Then he came home and we moved to the Cheyenne country.

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We had a team of horses hitched to one covered wagon and a team of oxen hitched to an ox wagon; on these were piled our household goods. We drove along some milk cows which Father had bought for \$4.00 each before we started. We were three weeks on the road and when we reached our claim we found it was a wonderfully good piece of land with Oak Creek making its crooked way down through it. Father thought he had made a fine trade, but in a short while he received a notice to come to Oklahoma City, that his filing was rejected. He went and the Land Office Department informed him that this claim had been secured in the run by a man who had been driven away from it by fear of harm to his person and that under such conditions the person could return and take his claim, even though the filing limit had expired.

This was sad news to us, but we were to learn even more about such procedure, for we soon found that there were gangs of persons who would frighten people off their claims; sometimes it was done by someone who wanted to continue to pasture their cattle on the land and sometimes it was done by persons who wanted the land themselves.

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There had been a barbed wire fence between the Cheyenne country and the Kiowa country; I do not know who had paid for the fence but the law provided that if this wire fence was upon a persons claim, he could keep the fence but it was a violation of the law for a person to take this barbed wire or posts off another claim.

In the brush of Oak Creek bottom on our claim, we found great rolls of this barbed wire and posts. We, of course, did not know who put them there, but evidently it was done by the persons who ran the first settler off.

We continued to live on the claim, knowing that if <sup>the</sup> owner should come forward and make good his claim we would have to give way to him. We lived on the place two years waiting this way and the person never did make good his claim, so Father was allowed to file.

Through this time other settlers were coming into the country and like us they were very poor; a dugout was the only home any one could afford. Father always sent my brother and me with the ox team to help every new neighbor dig his dugout, for he was very anxious to have the country settled up as the

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big cowmen did not want the Nesters and when they were few in number, the cowmen had hopes of running them out. The Nesters watched their crops day and night to keep some of these men from turning their cattle in on their unfenced cotton and corn. In turn, the Nesters built pens and small pastures and Herd-lawed the cowmen's cattle, making them pay before they could get the stock. This also got to the place where it was used as a trick to get money and not to protect crops. It grew to be a very bad condition on both sides and many men lost their lives over it.

Father had a friend, J. P. Haynes, who lived on Boggy in Washita County whose crops the cattle had been bothering greatly. He had Herd-lawed a big bunch <sup>and</sup> had them in a pen, when a cowboy from a ranch not far away came and told him that the cattle must be watered. Mr. Haynes insisted that they did not need it, but the cowboy told him that they must be driven to a creek three miles away and he would assist with the driving. They went to the creek all right and started back but when they reached the range the

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cowboy drew his pistol, gave the cattle a scare that scattered them in every direction and sent Mr. Haynes home in a hurry. This was not so bad but the next day a man riding by the home of the Haynes, shot and killed a work mare while Mrs. Haynes was looking.

An officer came to our place one evening and asked Father to send me to Mr. Haynes home and ask him to bring his neighbors to help hunt a man who was wanted by the law for a crime he had committed.

I went and on the way, while passing through a canyon, I saw the wanted man, whom I knew, but I went on where I had started and Mr. Haynes was making ready to go when we saw a fire in the small hay-stack of his neighbor. We rushed over there but it had burned up before we could notify him or put out the blaze. Then to our surprise we saw a fire in the yard of Mr. Haynes on his home where he had two or three bales of picked cotton; these were also destroyed. Mr. Haynes and his neighbors remained at home to watch their own property and I went home and told where I had seen the wanted man, but the officer said I was mistaken. This officer, at the head of a posse, watched

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an old house all that night. The next morning on investigation, the house showed that no one had been there for months. The opinion of the people was that the officer did not want to find the man.

Claim contesting was another mean racket practiced on the honest settler. Some one would take a notion to steal a claim and would bring proof that the person who had staked the claim had been away longer than his six months or had failed in some way to comply with the law and the settlers were so poor they had no money with which to fight these people in the court.

We lived on our claim seven years before we proved up and in all that time there was only one night in which neither Mother nor Father slept on the place. That night Mother was kept at a neighbor's house by a rain and we children walked home through the water, so that the place would not be left alone.

There was a loan and mortgage proposition that took the homes of many of our neighbors, a thing which Father fought with all his might. It was this: After one had lived on a claim fourteen months they could buy it at the rate of \$1.50.



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per acre and these loan companies would advance the money, taking a mortgage and note with interest.

The settlers had no way of making money and Father rode over the country telling them that if they could not make enough money on the place to pay for it themselves, they could not pay the note when it was due. However, despite his entreaties, many accepted the loan and, of course, lost their homes. This, I think, is the cause of so few first settlers now owning their homes.

Money was very hard to get. One of our neighbors, Wheeler by name, had a large family and they were smart, nice people, but so poor; the boys rode ten miles to Cloud Chief day after day on horseback, bringing home bundles of washing for their mother and sisters to wash and taking it back the same way, so that the family might have food and hold down their claim.

We were more fortunate than the most of our neighbors, as we had wood and timber on our own land and Father contracted to furnish stovewood to the schools at Cloud Chief, as well as to many individuals and we boys cut the wood and posts and

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hauled them, thereby getting money to buy what food we had to have.

It was against the law to trade with the Kiowa Indians who were yet on the Kiowa Reservation, in what is now Kiowa County. We had numbers of friends among them who did not appreciate the value of the clothing which the Government issued to them; in fact, they would not wear them; they wore their blankets. We traded corn and watermelons to them for their cloth and clothing; one Indian gave my father a complete suit of clothes for my younger brother for one watermelon.

A Kiowa Indian at Saddle Mountain came up and hired Father and us boys to dig two dugouts for him, for which he gave us two saddle ponies. While we were down at this place we saw a work horse among his ponies, which had drifted into the Kiowa country from some settler's home. This horse was fat and in a few days we saw his head, hoofs and enough to let us know that they had butchered and eaten the work horse.

This was the fate of any fat horse that happened to get into the Kiowa country and the settlers' cows did not fare any better, but the Indians never came to our country to get cattle.

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My father hauled much of the stone which was used in building the Kiowa Indian School at Rainy Mountain and was a very good friend to Isaac, the Kiowa Indian deputy marshal, who was in charge there.

At one time Father took a load of produce down to Rainy Mountain to sell to the Indians and as usual turned his team in Isaac's pasture and made himself at home. Isaac made haste to tell him that the soldiers from Fort Sill were coming and he must not be found there by them, neither could he go back by way of the road leading to Washita County for fear of meeting a detachment of the soldiers. Kiowa Isaac told him that he must go back around the mountain the other way. He waited at home for several days and the neighbors were planning to go search for him when he came in home and the joke was all on him for he had been all that time trying to make it home without a road and through the mountains to keep the soldiers from catching him selling produce to the Kiowas.

The county seat fight between Cloud Chief and Cordell was fierce. The records were burned and a very damaging

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fire occurred at Cloud Chief after which Cordell became county seat, but the old town of Cordell was about two miles west of the present town of Cordell.

I have witnessed the opening and settling of both the Cheyenne-Arapaho and the Kiowa -Comanche lands and am yet living in Hobart, county seat of Kiowa County.