

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

53

JACKSON, H. LEE

INTERVIEW

13691

Field worker's name Gomer Gower,

This report made on (date) April 22, 1938

1. This legend was secured from (name) H. Lee Jackson,

Address Poteau, Oklahoma.

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

If Indian, give tribe _____

2. Origin and history of legend or story Arrest of Booly July, a negro,
and his subsequent hanging.

3. Write out the legend or story as completely as possible. Use blank sheets and attach firmly to this form. Number of sheets attached 8

JACKSON, H. LEE

INTERVIEW

13691

Gomer Gower,
Investigator,
April 22, 1938.

An Interview with Mr. H. Lee Jackson,
Poteau, Oklahoma.

H. Lee Jackson was born in Howard County, Arkansas, in 1875 and came to the Indian Territory with his parents in 1884. He has resided in the Choctaw Nation continuously since that time, principally in the mountainous region lying east of Talihina, where, owing to the vast lumber industry which was developed in that region upon the construction of the 'Frisco and the Kansas City Southern Railways, shady characters were wont to congregate, and whers, on that account, the presence of law enforcement officers was constantly in demand. One of these officers, Mr. Bruce Quigly, who now resides at Talihina, was a deputy United States Marshal under John Mershaun, a very noted officer of that early period, who was United States Marshal for the United States court over which Judge Isaac Parker presided at Fort Smith, Arkansas. Mr. Quigly related to Mr. Jackson the story of the arrest and conviction of a notorious negro renegade whose home was near Boggy Depot and whose name was "Booly July."

JACKSON, H. LEE

INTERVIEW

13691

-2-

"Booly" was a desperate character who had gathered around him quite a number of renegade negroes to help him to evade arrest for the many crimes which it was thought he had committed. Upon the theory that he was part Indian by blood, the Tribal Courts usually assumed jurisdiction over such infractions of the law as were committed by him in the general scope of his tribal district. For that reason, with the assistance of influential Indian friends, "Booly" always escaped conviction. However, he became so bold that he enlarged his field of operation finally to that of murdering and robbing travelers who passed through that vicinity. As Boggy Depot was an important point on the old stage route used by gold seekers when traveling from Saint Louis, Missouri, toward California, and later by pioneers bound for Texas in quest of new homes, many travelers, it is thought, fell victims to this band of ruthless murderers and robbers. Many of these outrages never reached the ears of the officers of the law, for the reason that the band operated on the theory that "dead men tell no tales" until

JACKSON, H. LEE

INTERVIEW

13691

-3-

finally the situation became so serious that travelers were warned not to travel by the old stage route, to travel a road which led from Atoka to Denison, Texas, thus leaving the dangerous area several miles to the west.

"Booly" had made it known to the officers that he would never submit to arrest and that if they ever attempted to arrest him they could expect resistance to the death. This attitude on the part of "Booly" was accepted as a challenge by the officers, but because no indictment stood against him, they were powerless to act. There came a time, however, when an indictment was secured from the Federal Court in which he was charged with the murder of a man who had been unaware of the danger of traveling through the robber infested area and quite unafraid had made his camp within its very heart. That man was accompanied by his wife and a young daughter and it was the escape of the wife and daughter from the negroes that had paved the way for the issuance of an indictment for the arrest of "Booly", his final conviction and execution by hanging according to the decree of Judge Parker.

JACKSON, H. LEE

INTERVIEW

13691

-4-

Mr. John Merchaun was the United States Marshal who made the arrest. He was accompanied by two deputies and several prisoners at the time he arrived at a point near the home of "Booly". It was his desire to effect the arrest without having to kill "Booly" and yet he feared that that would be the only way in which he could be taken. At the opportune time, he sent one of his deputies, unarmed, to "Booly's" house and directed the deputy to invite "Booly" to visit the Marshal at his camp; the deputy was to assure "Booly" that it was not the purpose of the marshal to arrest him but merely to talk matters over with him and possibly remove misunderstandings which, it was pointed out, might be the cause of the tense feeling. "Booly", very reluctantly, finally agreed to accompany the deputy to the camp of the Marshal. The Marshal took particular pains to impress the negro that it was solely his warm feeling for him that actuated the invitation; that he felt that if the court fully understood the situation, it was possible prosecution would be dropped, and that he, the Marshal, would intercede with

JACKSON, H. LEE

INTERVIEW

13691

-5-

the court for his vindication. With that assurance the negro consented to accompany the Marshal to Fort Smith; however, he reserved the privilege of taking along his six-shooter, which privilege the Marshal very wisely granted, and the start in the direction of Fort Smith was made. The party traveled in two hacks, in one of which a quantity of quilts were available for bedding when camping for the night. The party traveled on until nightfall when a camp was made, bacon fried, coffee and biscuit cooked and the evening meal eaten. Night brought with it a cold north wind which gave the wily Marshal an opportunity to show his solicitude for the comfort of all members of the party. All had retired to their pallets on the ground when the Marshal arose from his place and began to inquire of the others if they had enough cover to keep them warm. He not only inquired about their comfort, but upon his knees he passed from one pallet to the other and felt of the covers, finally coming to the pallet occupied by the negro, "Booly". He asked the negro how his cover was and at the same time, as if to satisfy himself of its thickness and sufficiency, patted around over it.

JACKSON, H. LEE

INTERVIEW

13691

-6-

In doing this, he found that the negro had his shooting iron in his hand under the cover. Realizing that quick action was necessary, the Marshal, a large and heavy man, suddenly threw his full weight on one of his knees on the hand of the negro which held the gun, an act which rendered the negro helpless for the moment. The Marshal then directed one of his deputies to procure the gun and to place handcuffs on the negro.

Of course, the negro protested that he had been double-crossed, but when his violent character is considered and also the probability that if his arrest had been undertaken in the Boggy River bottoms where he had a host of negro comrades in crime to assist him in resisting arrest, some brave officer would have forfeited his life, the course pursued by the Marshal was justified. After the arrival of the party at Fort Smith the negro was placed in jail to await trial and when the day of the trial arrived, the woman whose husband had been murdered and her daughter were present at the court as prosecuting witnesses and both gave the following version of the atrocities inflicted on the family by the negro.

JACKSON, H. LEE

INTERVIEW

13691

-7-

We had sold out in Missouri and were going to Texas to buy another home. We had a good team of horses and a good wagon and were traveling overland. It was our custom to camp for the night wherever night overtook us. The thought that anyone would harm us never entered our minds. On the night that the negro, "Booly July", murdered my husband we had camped near Boggy Depot and had retired for the night, my daughter and I occupying the wagon, my husband occupying a pallet made down near the wagon. Several negroes on horseback had passed our camp while we were preparing the evening meal, but we did not think we had cause for alarm. Sometime during the night a man whom, from his manner of speaking, we took to be a negro, called, "Hallo". My husband answered him and asked what he wanted, to which the negro replied "I want you to come here". When my husband reached a point near the road we heard a shot and when my daughter and I reached the road which was near by, we saw my husband lying dead at the feet of that negro - pointing at "Booly" - A lot of negroes then rushed upon us and forcibly took us to the home of "Booly". Later I was

JACKSON, E. LEE

INTERVIEW

13891

-8-

taken to the home of another negro and my daughter was left at "Booly's" home. Then they shifted us from one negro's home to the other and we were told by all the negroes that an attempt to escape meant our death. In the meantime, it is unnecessary to state, we were subjected to indescribable indignities. After about three weeks of that shameful torture we ignored the threat of death which the negroes held over our heads should we attempt to escape, and seizing an opportunity when the negroes had ridden away, we started out soon afterward and made our way to Atoka and later to Fort Smith, Arkansas.

It was developed at that trial of the negro, that he had several influential Indian friends and that these friends sought to refute the testimony given by the two women, yet the invincible Judge Parker well knew that the negro had been used by his friends in the performance of deeds that were not in conformity with the law. Judge Parker, therefore, decreed that the negro was guilty, as charged, and sentenced him to be hanged. The sentence was carried out.