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BECK AND PROCTOR FIGHT OF EIGHTY YEARS AGO

as told by

E. H. WHITMIRE

On a picturesque little stream called Flint Creek, stands a historical mill called the Hilderbrand Mill, where once lived the Widow Hilderbrand. However, at the time of this story, Mr. Hilderbrand had married again, this time to a man named Jim Kesterman. It was at this mill that a great tragedy occurred, which later developed into what is known as the "Proctor Fight".

At the time of the tragedy I was a boy of 14 years, but the details are as fresh in my mind as though it happened only yesterday.

Mrs. Kesterman, or "Aunt Polly", as she was usually called by those who knew her best, was a half-breed Cherokee Indian and Kesterman was a white man. They were considered law abiding citizens. White Sut Beck, Black Sut Beck and Sam and Bill Beck also were half-breed Cherokees and nephews of Mrs. Kesterman.

During the Civil War the Becks and Zeke Proctor served in the army but under different flags. Proctor served in the army but under different flags. Proctor served in the Federal

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Army and the Becks in the Confederate Army. Nevertheless, they were good friends until the trouble started which I will write about.

Zeke Proctor also was a half-breed Cherokee Indian and when history has granted him justice and recognition, we shall know him as a picturesque man of many good qualities. He was resourceful, self-reliant, bold, adjusting himself to diverse circumstances and conditions, meeting each cheerfully, and with confidence in himself in dangers and perils, by which he had been educated. He was a strong man with a strong man's vices. He served as sheriff of Going Snake District, Cherokee Nation, Indian Territory, which is now a part of Adair County, Okla., for a number of years. He wore long black hair, hanging down, typical of his race. He had keen black eyes which could look with stern reproof from their depths, or with a smile that would illuminate his whole face. He always carried a gun buckled to his hip and would never sit with his back to any man.

It was sometime during the month of February, 1872, that Proctor and Kesterman began having trouble over some stock. Proctor lived about ten miles from the Hilderbrand Mill.

One morning he saddled his horse and rode over to the mill to talk the matter over with Kesterman. He bade them the time of day and the talk drifted to the trouble about the stock. Finally, they got into a heated argument, and it would be impossible to tell all that was said, as I am only telling it as I heard it told. Proctor, seeing Kesterman reach for his gun, drew his own gun and fired. Mrs. Kesterman, thinking that she might save her husband, ran in between the two men and the bullet intended for Kesterman, hit her killing her instantly. Kesterman then ran up the steps to a second story of the mill. Proctor fired two more shots at his retreating figure, shooting two holes in the latter's coat. Proctor then mounted his horse and rode away.

Arriving at his home, he told what he had done. He then sent a man to tell Jack Wright, who was sheriff of Going Snake District, of the affair. Jack Wright lived about five miles east of Baron Creek Station. When the man delivered the Proctor message to him, he went over and arrested Proctor, placed a guard over him and reported the case to the Prosecuting Attorney.

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Cornick Sixkiller was appointed special judge to try the case. On April 1572, the case was called. Proctor was arraigned for trail and while the lawyers were arguing, up rode a poss of men, headed by Deputy U. S. Marshal Owens, accompanied by White Sut Beck, a nephew of Mrs. Kesterman, the other Becks already being there on the ground and heavily armed, back in a grove where stood the little log school house that is known as the Whitmire School, which was being used on this special occasion as a court house. Judge Sixkiller sat at a small table facing the door, which was to the east. On the Judge's left sat Joe Starr, Clerk of the Court, on the right was Mose Alberty, Attorney for Proctor. Prosecuting Attorney, Johnson Spade, sat in front of the Court. Proctor sat beside his attorney, with one of his guards, Tom Walkingstick, standing by. Four other guards stood around the door on the outside, Lincoln England, John Looney, John Walkingstick and Jess Shell.

White Sut Beck seemed to be leading the Marshal's forces and with his crowd made for the court house. Sut Beck leveled a double-barreled shot gun on Zeke Proctor. Then Johnson Proctor, a brother to Zeke, grabbed the gun and re-

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ceived the full charge of shot in his breast, the other load striking Zeke in the knee. The battle was then on and it would be impossible to describe the horrible and bloody scene that followed. The firing of guns got so rapid that the bullets rained like hail in every direction. For a moment it seemed like a duel to the death on both sides, but finally the posse fled before the bullets from Proctor's side.

When the smoke of battle had cleared away, the ground in front of the little log school house was covered with the dead and the wounded. Proctor had his men, what was left of them, stood victor over the scene. Nine men were killed and two mortally wounded.

About an hour later, my mother who was a widow, had us boys to hitch a span of mules to the wagon, drive to the scene of battle, and with the assistance of Proctor and his men, the dead and wounded were loaded into the wagon and taken to our house. (The old double log house now stands near the Whitmire Cemetery and is now owned by Getty Whitmire.) The wounded were carried into the house, which was converted into a temporary hospital, until the relatives came and took them away. The nine dead men were laid on our big porch.

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The killed on the Proctor side were : Johnson Proctor, Mose Alberty, attorney for Proctor, who was struck by a stray bullet while sitting at the Judge 's table. Andy Palone and Ellis Foreman were both wounded in the shoulder but recovered.

On the Beck side, the killed were: Sam Beck, Black Sut Beck, Bill Hicks, Riley Woods, George Salvage and a man named Ward. Deputy U. S. Marshal Owens and Bill Beck were mortally wounded and died later. Owens stated before he died that when he and his posse dismounted, "the boys" made a rush for the court house door and that he tried to stop them but could do nothing with them.

My eldest brother, Steve Whitmire, and the school teacher, whose name was "Mack", saw the whole affair from start to finish. The teacher had dismissed school and he and my brother had stayed at court.

When the excitement had somewhat died down, the sheriff took Proctor over to the old Scrapper home, where he was guarded until the next day. He was then tried by a jury of twelve men and found "Not guilty".

After the events, above described, society was thrown into a turmoil from which it took a long time to recover and discuss the terrible battle, which was destined to leave a lasting impression on the minds of so many people.