

CLARK, STANLEY A.

INTERVIEW

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Interviewer
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Interview with Stanley A. Clark
515 Fredonia St., Muskogee

ELI H. WHITMIRE, CHEROKEE

Eli H. Whitmire, after holding several important offices in the Cherokee Government, continued to be active in tribal and public affairs after statehood until failing health forced his retirement. He departed this life December 10, 1936, at his home in Addielee.

I enjoyed the acquaintance and friendship of Eli Whitmire the latter years of his life. I never knew a more interesting character as he possessed a remarkable memory and could relate stories of important incidents of his most interesting life with a great degree of accuracy.

Eli Hicks Whitmire, son of George W. Whitmire and Elizabeth Whitmire, nee Faught, was born in Going Snake District, Cherokee Nation, Indian Territory, in what is now Adair County, on the old Whitmire plantation situated on Barren Fork Creek, on June 13, 1858.

He was a half breed Cherokee Indian and lived his entire life within the bounds of the Cherokee Nation.

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He attended the Cherokee primary schools and the Male Seminary at Tablequah. After leaving school he taught a few terms and in 1887 he was elected to the Senate from the Going Snake District; after the Senate he was elected as a member of the Board of Education of the Cherokee Nation, and in 1892 he was elected Associate Justice of the Supreme Court of the Cherokee Nation.

When he was elected to the Senate in 1887, he was elected as a member of the Downing party and during his time in the Senate was one of the most stormy periods, as to internal trouble, in Cherokee history. He took part in averting the civil war that appeared imminent when Chief Bushyhead first refused to surrender his office to his duly elected successor. It was Eli Whitmire, with the assistance of close friends who had the interest of the Cherokee Nation at heart, who arranged the little known but important conference of November 16, 1887, when with J. M. Lynch, R. W. Lindsey, Stan W. Gray, W. C. Rogers, L. B. Bell, Jug Starr and Charles Thompson, an invitation to the Senators of the rival National party was drawn up. This National party at that time was controlled by

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George Sanders, Henry Ross, William Hendrix, S. E. Benge, Mortan Vann, Joseph Seabolt, David Musrat, Jackson Christy and R. H. Wolf. The invitation requested a meeting in order that the election dispute might be settled peaceably. As a result of this and other efforts for peace, Chief Bushyhead peaceably gave up his office as Chief.

Two of his most interesting stories of tragical nature that happened in the Cherokee Nation during the life of Mr. Whitmore were of Ned Christie and the Proctor fight or better known as the Going Snake tragedy.

NED CHRISTIE

Ned Christie was a Cherokee Indian and was reared in what was called Rabbit Trap, Goingsnake District, Cherokee Nation, Indian Territory, but what is now called Wauhatchie, Adair County, Oklahoma.

His career as an outlaw is known and nothing I will add or leave off will condone the depredations committed nor will the approval of a certain element of sympathizers avail.

Christie's father was a full blood Cherokee Indian and was known as Uncle Watt Christie, a black-

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smith by trade. True to his outlaw son, Uncle Watt could see no evil in his son.

Ned Christie grew up like many Cherokee boys in his time, without any English education. He spoke all Cherokee and he also became a blacksmith and gunsmith by trade. He stood and walked as straight as an arrow which was typical of his race, always truthful and reliable and never known to betray a friend.

When he was yet a young man, he had some trouble with another Indian boy by the name of Palone. They quarreled and Christie killed Palone. He was tried in the Indian courts and acquitted. He then settled down and became a law-abiding citizen once more.

Later on he was elected Executive Councillor of his tribe and served one term. In the meantime he got to drinking and one night at Tahlequah, in company with a man by the name of John Parris, they were drinking and strolling around as men drinking will do. They were halted at a branch in the north part of town by Maples, a United States Marshal from Ft. Smith, Arkansas, who had a writ for John Parris for selling whiskey.

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Ned Christie claimed that when the Marshal said "halt", Parris began shooting and the Marshal fired back, saying also he didn't have any gun with him at that time. They went back down in town and a little later it was reported that the United States Marshal Maples was found killed. Then a writ was sworn out for both men, Christie and Parris. Then Parris, to save his own neck, turned state's evidence and swore that Christie had done the shooting and he was turned loose. Ned claimed that he had no way of proving himself innocent so he went on the scout.

Like a great many outlaws at that time he dreaded the United States Court at Ft. Smith. Another United States Marshal from Ft. Smith was sent to arrest Christie and bring him before the court to stand trial. Christie, knowing himself to be innocent of the crimes, kept fighting off the Marshal's forces. Finally a posse headed by Deputy Marshal Isabell from Vinita, surrounded his home and set his shop on fire, thinking it would burn his house too, and that he would run out and they could capture him. In the meantime shots were being exchanged continually, Ned shooting through port holes in the gable end of his house upstairs. One of Ned's

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shots struck Isabell in the shoulder and then they all scattered and ran off leaving the little log house on fire, for it had caught from the shop. Some of christie's people living near came over to see what so much shooting was about. Finding the place apparently deserted and the house on fire they ran in and looked about and found christie lying upstairs unconscious, having been shot through the bridge of the nose, the ball ranging a little to one side putting out one eye.

They managed to get him downstairs and out of the house before it was consumed by the flames. His people and his friends took him to the hills where they kept him concealed from the law and there his wounds were dressed and doctored by Indian doctors. They felt they dare not call a white man doctor for fear he would betray the whereabouts, as there was a reward being offered for him.

By some means the ball was removed from the back of his head and in the course of time he recovered and came back to his home. Finding it burned down, he stood and viewed the spot where he came so near to losing his life; but as he was a brave man and a man of iron nerve, he wouldn't give up hopes of a home.

He began looking around until he found another site a short distance from the old one, then he took his axe and went out in the woods and cut logs to build him another home. Some of his friends came and helped him to put it up. When it was finished, he managed to get together enough household necessities to start keeping house again. Of course he lived in a very simple way. Then he said: "Here I will stay and die before I will let them take me alive," and he was good as his word.

In the meantime, the Government had increased the reward to a thousand dollars for his body, dead or alive. There were several attempts made to capture Ned alive but they were all unsuccessful.

The first attempt made to capture him after he moved into his new home was made by Deputy United States Marshal, Joe Bowers, but as he slipped up to Ned's house, Ned saw him coming and stepped to the door with his Winchester in hand. Bowers, seeing Ned, seemed to change his mind about arresting him and started to run. Ned fired a shot at his retreating figure, claiming he shot just to scare the Marshal.

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The load struck the Marshal in the heel but he kept running. That made another charge against Christie and so he kept on the scout after that, part of the time in the hills and sometimes at his home, still saying he would die before he would give up to any number of men, that he would die fighting.

The next man that wanted to make himself a hero by capturing the notorious Ned Christie alive was a young man by the name of John Fields. He came up to Ned's house one morning while Ned was eating his breakfast. Someone at the table said someone was coming in at the gate. Ned arose from the table and stepped to the door with his Winchester, which he always kept handy and Fields, like Bowers, started to run. This time Ned aimed a little higher and struck Fields in the neck but did not kill him. He, like Bowers, kept on running. Ned did not shoot any more as he said he did not want to kill him but to make him quit sneaking around his house. So that made another charge against Christie.

Then the question with the United States Court at Ft. Smith was how they were going to capture Ned

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Christie. Finally they formed a posse of twenty-seven men and met at Fayetteville, Arkansas where they were headed by Captain White. All were heavily armed with pistols and Winchesters and a small cannon, a twenty-four pounder. With this equipment of war material and guided by Tom Johnston and Ben Knight Sr., they proceeded to Ned's house.

At between nine and ten o'clock at night on November, 1898, the posse marched upon Christie's fort, a log house. Not wanting to venture too close they came up gradually until they spied Ned's wagon standing near the fence. They got their heads together to devise some means to get up to the house so they might be protected from Ned's bullets. They decided to take rails from the fence and load the wagon, piling them up high enough to make a breastwork, then they pushed the wagon up near enough so they could throw dynamite under the house. At the same time they began shooting the small cannon against the house, trying to knock some of the logs out. Ned kept shooting out occasionally. This shooting continued throughout the night, one man against twenty-seven.

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A boy by the name of Soldier Hare was in the house with Ned at the time but it is not known whether he fired a shot or not during the battle.

Sometime next morning, Ned, finding himself without loads for his gun, thought he would make a dash for his liberty (it was daylight by this time) He left the house with his winchester in his hand acting as though he was going to shoot. The Marshals were all in hiding but after they found Ned was not shooting anymore, they came out in the open and began to shoot.

Ned got through the yard gate and started running down the road by the side of the fence like some scared fox before the hunters' hounds. The force all kept shooting at his retreating figure and a bullet from one of their guns struck Ned in the back of the head and he fell, never to rise again. The man of "steel and iron" who feared no man. When Ned fell the force gathered around his fallen body. They turned him over and saw that he was dead.

They loaded his body in a wagon and took it to Fayetteville, Arkansas, where they were joined by Alvin Beatty, who was Sheriff of Washington County,

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Arkansas, at that time. Then the body was taken on to Ft. Smith, where it was turned over to the United States Court where Judge Isaac Charles Parker, Judge of the Federal Court for the western district of Arkansas with criminal jurisdiction over what is now Oklahoma, held his court, notoriously known as the most stern court in the United States; a court from which there was no appeal, not even to the Supreme Court of the United States. Such was the court in which the law of the Indian Territory was administered from 1854 until 1896. It was of this court that Ned Christie stood in such dread and fear because of which he said many times that he would never be taken alive.

A picture was made of Ned strapped to a plank with a Winchester rifle placed in his arms, the gun he was so handy with and which had never failed him before.

His body was brought back home and turned over to his aged father, Watt Christie, for burial, where it was interred in the Christie Cemetery at what is now Wauhatchie, Oklahoma.

Ned Christie's fort was located about 100 yards

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north of where Luther Worley's barn now stands at Bidding Springs and Ned fell dead about where the barn now stands.

Ned was born December 3, 1852, and died November 3, 1892.

His body was taken to Fayetteville in a wagon by the marshals after he was killed and there the picture was made. Then he was shipped by rail to Ft. Smith and from there to Ft. Gibson by rail; then the body was hauled by wagon to his last resting place. A little white marble slab and a hollow space in the earth about 100 yards southwest of the Bidding Springs school house on Highway No. 51 mark his last resting place.

GOINGSNAKE TRAGEDY

On a picturesque little stream, called Flint Creek, stands an old historic mill, known as the Hilderbrand Mill, where once lived the widow Hilderbrand. However, at the time of this story, Mrs. Hilderbrand had married again, this time a man named Jim Kesterson. It was at this mill that a great tragedy occurred, which later developed into what

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is known as "The Proctor Fight." At the time of the tragedy I was a small boy, fourteen years old, but the details are as fresh in my mind today as though it had happened only yesterday.

Mrs. Kesterson, or "Aunt Polly," as she was usually called by those who knew her best, was a half-breed Cherokee Indian, and Kesterson was a white man. They were considered law abiding people.

White Sut Beck, Black Sut Beck, Sam and Bill Beck also were half-breed Indians, and nephews of Mrs. Kesterson. During the Civil War the Becks and Zeke Proctor both served in the Army, but under different flags. Proctor served in the Federal and the Becks in the Confederate Army. Nevertheless, they were good friends until the trouble started of which I shall write.

Zeke Proctor also was a half-breed Cherokee Indian, and when history has granted him the justice of perspective, we shall know him as a picturesque man of many figures, resourceful, self-reliant and bold; adapting himself to diverse circumstances and conditions, meeting each cheerfully, with con-

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fidence in himself in dangers and perils, by which he had been educated. He was a strong man with a strong man's virtues and a strong man's vices. He served as sheriff of Goingsnake District, Cherokee Nation, Indian Territory, which is now Adair County, Oklahoma, for a number of years. He wore his long black hair hanging down his back, typical of his race. He had keen, black eyes which could look with stern retribution 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 some time during the month of February, 1872, that Proctor and Kesterson began having trouble over some stock. Proctor lived about ten miles from the Hilderbrand Mill. One morning he saddled his horse and rode to the mill to talk the matter over with Kesterson. He found both Mr. and Mrs. Kesterson in the mill. He bade them the time of day, and their talk drifted to the trouble about the stock. Finally they got into a heated argument, and it would be

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impossible to tell all that was said, as I am only telling it as I heard it told.

Proctor, seeing Kesterson reaching for his gun, drew his own gun and fired. Mrs. Kesterson, thinking that she might save her husband, had run in between the two men, and the bullet intended for Kesterson entered her breast, killing her instantly. Kesterson then ran up the steps to the second story of the mill, Proctor firing 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 his folks what he had done. He then sent a man to tell Jack Wright (my brother-in-law) who was sheriff of Goingsnake District, of the affair.

Jack Wright lived about five miles east of Barren Fork. When the man had delivered Proctor's 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 and the 15th day of April, 1872, was the date set for trial. Court convened on that date, Proctor was arraigned for trial, and while the lawyers, both pro and con, were arguing for a continuance of the case, up rode a posse of men headed by Deputy United States Marshal Owens and accompanied by White Sut Beck, a nephew of Mrs. Kesterson, the other Becks and their crowd being already on the ground and heavily armed.

Back in a grove stood the little log school house, known as the Whitmire school, which was being used on this special occasion for a court house. Judge Sixkiller sat at a small table, facing the door, which was in the east. On the judge's left was Joe Starr, clerk of the court, and on the right was Mose Alberty, attorney for Proctor, while the prosecuting attorney, Johnson Spade, was standing arguing a motion before the court. Proctor sat by his attorney, with one of his guards, Tom Walkingstick, standing near. Four other guards stood around the door, on the outside-Lincoln England, John Looney, John Walkingstick, and Jess Shell.

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White S^{ut} Beck seemed to be leading the marshal's force, and with his crowd made for the court house door. S^{ut} leveled a double-barrel shotgun on Zeke Proctor, a brother to Zeke grabbed the gun, and received the full charge of shot in his breast, the other load striking Zeke in the knee. The battle then was on, and it would be impossible to describe the horrible and bloody scene which followed. The firing of guns then was so rapid the bullets rained like hail in every direction. For a moment it seemed like a duel to the death on both sides.

Finally, the posse fled before the avalanche of bullets from the Proctor side, as did all the spectators who stood near.

When the smoke of battle had cleared, the ground in front of the little school house was covered with dead and wounded, while Proctor and what was left of his men stood victors over the scene. Nine men had been killed outright, and two had been mortally wounded.

About an hour later, my mother, who was a widow, had us boys hitch a span of mules to a wagon, drive to the scene of battle, and with the assistance of Proctor and his men, the dead and wounded were loaded into the

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wagon and taken to our house, the old double-log house that stands near the Whitmire Cemetery and is now owned by my brother, Getty Whitmire. The wounded men were carried into the house, which was converted into a hospital until relatives came and took the men away. The dead were laid out on the big porch.

Those 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, and Andy Palone. Ellis Forman was wounded in the shoulder, but recovered.

On the Beck side, those killed were: Sam Beck, Black Sut Beck, Bill Hicks, Riley Woods, George Selvage, and a man named Ward, all of whom died on the battle ground. Deputy U. S. Marshal Owens and Bell Beck were mortally wounded and died later.

Marshal Owens stated before he died that when he and his posse got off their horses "the boys" made a rush for the court house door, that he tried to stop them, but could do nothing with them.

My eldest brother, Steve Whitmire, and a school teacher named Mack, who boarded at our house, saw the

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whole thing from start to finish. They had left the school house just a little before the fight, the teacher having dismissed school and sent the children home.

When the excitement had somewhat quieted down, the sheriff and the guards took Proctor to old man Scrapper's place, where he was guarded until the next day, when he was tried and found not guilty by a jury of twelve men.

After events like the above, society is always thrown into a turmoil from which it takes a long time to recover. People still continue to discuss that terrible battle, which was destined to leave a lasting impression upon the minds of so many people.