

**“On the Forty Acres that the Government Give Me”<sup>1</sup>:  
Independent Freedpeople of the Five Slaveholding  
Tribes as Landholders, Indigenous Land Allotment  
Policy, and the Disruption of Racial, Gender, and Class  
Hierarchies in Jim Crow Oklahoma**

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<sup>1</sup> Kiziah Love, interview with Jessie R. Ervin, spring 1937, Colbert, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 262.

See Appendix 6 for a full transcript of Kiziah Love’s slave narrative.

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## - Introduction -

In her 1937 Works Progress Administration interview in Tulsa, Oklahoma, Mary Grayson (née Perryman), a formerly enslaved woman of African descent, began by stating that she was “what we colored people call a ‘native.’” Grayson explained that her “master was a Creek Indian” and she was born in “the old Creek Nation.”<sup>2</sup> Although she was around eighty years old at the time of her interview, Grayson had only been recognized as a citizen of the United States for thirty-five years. Unlike other freed slaves in the surrounding territories and states, Grayson had only been acknowledged as a United States citizen after she received an individual land allotment in 1902.<sup>3</sup> Grayson, her husband, and her children each received land allotments of around 160-acres, including 40-acre homesteads (for a map of their familial homesteads, consult appendix 4). According to Grayson, she and her family lived on their “freedmen's allotments on Mingo Creek, east of Tulsa and lived there until our children were grown and Tate [her husband] died.”<sup>4</sup> Her family members’ collective independent land allotments became the base of their sustenance and allowed them to own land amid Jim Crow and the Great Depression. By 1937, when she was interviewed, Mary Grayson lived in Oklahoma, a state with strict Jim Crow segregation laws that categorized anyone with any African ancestry as a “negro” and every other person in Oklahoma as “white,” discounting Indigenous ancestry in either category. Moreover, by 1937, federal policies called for the dismantling of tribal governments and communal lands. Despite these legal doctrines, well into the Jim Crow period and following the federal government’s policies limiting tribal affairs

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<sup>2</sup> Mary Grayson, interview with Robert Vinson Lackey, summer 1937, Tulsa, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 171, 177. See Appendix 1 for a transcript of Mary Grayson’s complete slave narrative.

<sup>3</sup> U.S. Department of the Interior, Office of Indian Affairs, Dawes Commission, Creek Freedmen Land Allotment Jackets, Mary Grayson, Dawes Rolls No, 4359, The National Archives at Fort Worth, Texas., Records of the Bureau of Indian Affairs, Record Group 75, *Oklahoma and Indian Territory, Land Allotment Jackets for Five Civilized Tribes, 1884-1934* [database on-line]. Provo, UT, USA: [Ancestry.com](http://Ancestry.com) Operations, Inc, 2014.

<sup>4</sup> Grayson, interview with Robert Vinson Lackey, 177.

of the Creek Nation, Grayson's Indigenous heritage shifted her experience within the black community.

As a Freedwoman of the Creek Nation, Grayson strongly identified with her tribe of origin and was able to access its communal land post-emancipation.<sup>5</sup> After emancipation in Indian Territory in 1866, most Freedpeople of the Five Slaveholding Tribes lived their entire lives within Indian Territory, worked on tribal lands, and spoke Indigenous languages.<sup>6</sup> They were not considered citizens of the United States until their legal citizenship statuses shifted with the enactment of land allotment policies in the early-1900s.<sup>7</sup> Most Freedpeople, therefore, viewed themselves as members of their tribes of origin rather than as Afro-Americans or Americans. As explained by Ike Rogers, a Cherokee Freedman, in an editorial in *The Indian Chieftain*, "We [Freedpeople of the Cherokee Nation] were born here; this is our birthplace and I think it would be a hard matter for the Cherokees to adopt one of their family."<sup>8</sup> Freedpeople of the Five Slaveholding Tribes, thus, did not see themselves as black outsiders of their tribes, but as kinship members of their tribes in the post-slavery era.

Grayson's parents and their Creek owners did not originally live in present-day Oklahoma. As recounted by Mary Grayson in her interview, Grayson's mother was "brought" to Indian Territory in present-day Oklahoma in 1828 by a Creek citizen who purchased her just before

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<sup>5</sup> Murray R. Wickett, *Contested Territory: Whites, Native Americans, and African Americans in Oklahoma 1865-1907* (Baton Rouge: Louisiana State University Press, 2000), 52-53.

<sup>6</sup> Linda Williams Reese, *Trail Sisters: Freedwomen in Indian Territory, 1850-1890* (Lubbock, TX: Texas University Press, 2013), 96.

<sup>7</sup> Freedpeople of all of the Five Slaveholding Tribes except for the Chickasaw Nation had been adopted as citizens of their tribes of origin at some point post-emancipation. See page 13 for a discussion of the emancipation process in Indian Territory.

<sup>8</sup> Ike Rogers, "Ike Rogers Gives the Colored Folks' Position," *The Indian Chieftain* (Vinita, Indian Territory), Vol. 9, No. 38, Ed. 1 Thursday, May 28, 1891, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc774375/m1/2/?q=%22We%20were%20born%20here%22>, 2.

traveling to Indian Territory.<sup>9</sup> Grayson's mother was forcefully transported by her Creek slaveholder to Indian Territory from eastern Alabama, which was part of the Creek Nation's original Indigenous land. Grayson's mother was brought to Indian Territory as a part of the larger movement of Creek, Chickasaw, Choctaw, Seminole, and Cherokee people from their Indigenous lands beginning in the early 1830s in the process of Indian Removal, commonly referred to as the Trail of Tears (for a map outlining the movements of the Five Slaveholding Tribes during Indian removal, see appendix 2).<sup>10</sup> Indigenous people of the Five Slaveholding Tribes were forced to leave their Indigenous lands in the states of North Carolina, Tennessee, Alabama, Mississippi, Georgia, and Florida and relocate to Indian Territory in present-day Oklahoma by the federal government, to expand the American plantation economy in the South and strip Indigenous people of their lands in the Southeast.<sup>11</sup> Thousands of people died on the Trail of Tears and black enslaved people had "possibly the highest mortality rates" among the relocated Indigenous people.<sup>12</sup> Thus, the land that Grayson and other members of the Five Slaveholding Tribes inhabited in present-day Oklahoma was not Indigenous to tribal members, but was a new communal territory where enslaved people labored in Indigenous nations.<sup>13</sup>

Throughout my thesis, I will refer to the Chickasaw, Choctaw, Cherokee, Seminole, and Creek (Muscogee) Nations collectively as the Five Slaveholding Tribes and the Five Slaveholding Nations.<sup>14</sup> The Five Slaveholding Tribes—the Chickasaw, Choctaw, Cherokee, Creek (Muscogee),

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<sup>9</sup> Grayson, interview with Vinson Lackey, 171, 178.

<sup>10</sup> Wickett, *Contested Territory*, 4.

<sup>11</sup> *Ibid.*, 2.

Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 391.

<sup>12</sup> Wickett, *Contested Territory*, 4.

<sup>13</sup> *Ibid.*, 5-6.

<sup>14</sup> The term the "Five Slaveholding Tribes" has been used throughout blog posts made by genealogist and researcher Angela Y. Walton-Raji, a Choctaw Freedwoman, throughout numerous blog posts, such as:

Angela Y. Walton-Raji, "Education for Freedmen in the Choctaw Nation," in *Choctaw Freedmen History and Legacy* (blog), March 15, 2019, <http://choctawfreedmenlegacy.blogspot.com/2019/03/>.

and Seminole Nations—have historically been referred to as the “Five Civilized Tribes” in academic literature because they were considered to be “civilized” by Euro-Americans and governmental powers in the United States for their adoption of Christianity, market economy participation, intermarriage with white Americans, establishment of constitutional governments, and adoption of legally-codified chattel slavery.<sup>15</sup> As underscored by historian Michael D. Green, referring to the Five Slaveholding Tribes as “civilized” “perpetuates the idea that there is only one civilization—that of Anglo-America—and those societies that do not embrace Anglo-American culture are therefore not civilized.”<sup>16</sup>

By referring to the Cherokee, Chickasaw, Choctaw, Creek (Muscogee), and Seminole Nations as the “Five Slaveholding Tribes,” I aim to center the histories and experiences of the Freedpeople of the Five Slaveholding Tribes, who spoke tribal languages, walked the Trail of Tears, lived on tribal communal land, and participated in traditional tribal practices because of their relationships to their tribes of origin as enslaved people and their descendants. English professor and Chickasaw Nation citizen Jodi Byrd has underscored that using the term “Five Slaveholding Tribes” runs the risk of rewriting the Five Slaveholding Tribes “back into the discourses of savagery,” especially within the context of non-indigenous peoples’ discussions of Freedpeople’s isolation from their tribes of origin.<sup>17</sup> In my thesis, I do not aim to diminish the Five Slaveholding Tribes simply to their ownership of people of African descent as chattel slaves nor to diminish the

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Angela Y. Walton-Raji, “Cherokee Freedmen Win Battle in Federal Court,” *The African-Native American Genealogy Blog* (blog), August 30, 2017, <http://african-nativeamerican.blogspot.com/2017/08/>.

<sup>15</sup> Wickett, *Contested Territory*, 2.

<sup>16</sup> Michael D. Green, “The Five Tribes of the Southeastern United States,” in *Historical Atlas of Oklahoma*, Vol., 4, ed. Charles Robert Goins and Danny Goble (Norman, OK: University of Oklahoma Press), 52.

<sup>17</sup> Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), 140.

Byrd underscores that non-indigenous people often use the term “the Five Slaveholding Tribes” in discussions of present-day disenfranchisement within the tribes to frame the Five Slaveholding Nations as savage, ignoring continued inequalities within the United States.

United States' history of slave-owning and racism. Within all Five of the Slaveholding Tribes, “ideologically nationalized enslavement of people of African descent” was an “integral aspect of life” by the 1800s.<sup>18</sup> Within the Five Slaveholding Tribes, enslaved people of African descent performed domestic and agricultural labor in the Southeastern United States pre-Indian Removal, along the Trail of Tears, and in Indian Territory following Indian Removal.<sup>19</sup> I hope to underscore the common history of Freedpeople of the Five Slaveholding Tribes rooted in their ancestors' experiences as slaves of African descent amongst their tribes of origin.

By 1937, the land that constituted the state of Oklahoma had been contested and figured into different conceptualizations of nationalism and land tenure. Indian Territory became a space for the re-constitution of Indigenous communities and communal land use after Indian Removal.<sup>20</sup> The land also represented a possible “haven” for Afro-Americans who hoped to escape “prejudice and oppression they faced on a daily basis” and Afro-Americans migrated to the land both pre- and post-statehood.<sup>21</sup> Oklahoma eventually had the most all-black towns in all of the United States, and many of the black towns were founded on Freedpeoples' allotments.<sup>22</sup> In the 1870s and 1880s, Euro-Americans settled in Indian Territory, which they viewed as a “promised land” with “virgin land and bountiful resources,” facing protests from Indigenous leaders who pointed to treaty agreements in which the federal government agreed to expel white settlers from Indian Territory.<sup>23</sup>

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<sup>18</sup> Celia E. Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (University of North Carolina Press, 2008), 13.

<sup>19</sup> *Ibid.*, 17.

<sup>20</sup> Wickett, *Contested Territory*, 6-7.

David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010), 3.

<sup>21</sup> *Ibid.*, 16.

<sup>22</sup> Melissa Nicole Stuckey, “All Men Up: Race, Rights, and Power in the All-Black Town of Boley, Oklahoma, 1903-1939,” Ph.D. diss., (Yale University, 2009), 1, 17.

Stuckey notes, for example, that the largest all-black town in Oklahoma was founded on the land allotment of a Creek Freedgirl named Abigail Barnett (page 17).

<sup>23</sup> Wickett, *Contested Territory*, 47-48.

The federal government eventually “issued a proclamation warning all persons not to enter the Indian lands without proper authorization,” however, white settlers continued to return to Indian Territory throughout the 1880s.<sup>24</sup> As white Americans demanded more Indigenous land, “the federal government unleashed the land run of 1889,” where Euro-Americans staked claims to homesteads on lands labeled as “Unassigned Territories.”<sup>25</sup> Following the Land Run of 1889, the western half of Indian Territory was designated “Oklahoma Territory” by the United States federal government, while the eastern half, where the Five Slaveholding Tribes held their land, remained under the control of Indigenous nations (see appendix 5 for a map of Oklahoma Territory and Indian Territory).<sup>26</sup>

Beginning in the late 19th century, federal control, racial classifications, and citizenship rapidly changed in Indian Territory. White settlers continued pushing for the opening of Indigenous communal lands for Euro-American homesteads and United States lawmakers advocated for the allocation of communal lands as private allotments to individual Indigenous people, as part of a civilizing project.<sup>27</sup> Land allotment policy primarily aimed to dismantle communal land use and reassign land to white settlers. Unlike Indian Removal, land allotment policy did not relocate Indigenous people into the expanding West. Instead, allotment policy aimed to redistribute land to white settlers by opening communal lands to individual owners with the power to sell land and by decreasing the amount of land included in allotments.<sup>28</sup>

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<sup>24</sup> Ibid., 49.

<sup>25</sup> Chang, *The Color of the Land*, 3.

The “unassigned Lands” targeted in the Land Run had originally been inhabited by members of the Creek and Seminole Nations. However, in the 1866 Treaties that the tribes signed with the federal government following the Civil War, the “Unassigned Lands” were no longer listed under the tribal lands.

<sup>26</sup> Ibid., 154.

<sup>27</sup> Wickett, *Contested Territory*, 50.

<sup>28</sup> Patrick Wolfe, “After the Frontier: Separation and Absorption in US Indian Policy,” *Settler Colonial Studies* 1, no. 1 (2011): 28.

Federal government land allotment policy, for example, did not distribute all Indigenous lands in a pro-rata fashion, but distributed land allotments in particular sizes, such as 160, 320, or 40 acres. This meant

In 1887, the Dawes Act was passed by the U.S. Congress. The act dismantled Indigenous reservations across the United States and its territories— “ending all recognition of tribal authority”—and allotted Indigenous lands to individual Indigenous people. The bill called for the allotment of individual land allotments in set sizes—usually either 160 or 320 acres—and declared that all reservation land be open to white settlers.<sup>29</sup> The Five Slaveholding Tribes and other tribes in Indian Territory were originally exempted from the Dawes Act; however, by June 1898, Congress passed the Curtis Act, which called for the “eliminat[ion] of tribal rule,” the abolition of tribal courts, and the opening of the lands of the Five Slaveholding Tribes to allotment “without Indians’ compliance.”<sup>30</sup> Native Americans opposed allotment, understanding that it facilitated the federal government’s redistribution of their communal land to Euro-American settlers moving into Indian Territory.<sup>31</sup> Some Indigenous people of the Five Slaveholding Tribes without African ancestry opposed the allotment of land to Freedmen and their descendants. Nonetheless, the Dawes Commission began enrolling members of the Five Slaveholding Tribes onto the Dawes Rolls in 1898 and began allocating individual land allotments. On March 3, 1901, the United States Congress passed a law that extended American citizenship to all members of the Five Slaveholding Tribes after they received their allotments, making United States citizenship conditional on independent landownership.<sup>32</sup>

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that tribes’ lands were not completely distributed to allottees, leaving some land completely open for settlement.

<sup>29</sup> Wickett, *Contested Territory*, 51.

<sup>30</sup> Naylor, *African Cherokees in Indian Territory*, 180.

Chapter 504, 55 Congress, Session 2, *An Act: To amend an act entitled "An act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and the act amendatory thereto, approved February twenty-first, eighteen hundred and ninety-three.*, U.S. Statutes at Large 30 no. Main Section (1898): 495-496, <https://heinonline.org/HOL/P?h=hein.statute/sal030&i=539>.

<sup>31</sup> Wickett, *Contested Territory*, 52.

<sup>32</sup> "Chapter 869, 56 Congress, Session 2, *An Act: Granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota.*, U.S. Statutes at Large 31, no. Main Section (1901): 1447-1448, <https://heinonline.org/HOL/P?h=hein.statute/sal031&i=1499>.

As the federal government shifted towards a policy of land allotment, in 1898 federal officials who traveled to Indian Territory in the Dawes Commission required that individuals apply to be recognized as citizens of their tribes in the categories of “By Blood,” “Freedmen,” and “Intermarried Whites” who were married to non-black tribal citizens. This process was largely based on phenotype with people of any partial African descent categorized as “Freedmen” and those without visible African ancestry categorized as “By Blood” members of their tribes, often following matrilineal descent.<sup>33</sup> Following the enrollment of members of the Five Slaveholding Tribes in the Dawes Rolls, each tribal member received a land allotment, varying in size based on their classification category on the Dawes Rolls and their tribe of origin.<sup>34</sup> Most Freedpeople continued to be “land poor” after allotment, as Freedpeople received poor land, did not have the resources to cultivate their land, and were initially blocked from selling or mortgaging part of their land for cash.<sup>35</sup> In 1907, Oklahoma Territory and Indian Territory were combined into the state of Oklahoma, which instituted Jim Crow segregation immediately and legally categorized people as strictly black or white based on hypodescent of African ancestry.

Allotment was the “primary instrument of assimilation” of Indigenous people in the United States, as it stripped them of land and their “Indian identity” post-Removal.<sup>36</sup> Allotment became a method for reducing the number of “Indians as *Indians*,” transforming collectivist Indigenous people into individual landowners with land in their own title through a process of assimilation and

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As many Freedpeople and other members of the Five Slaveholding Tribes did not receive land allotments until 1906, this meant that they also were not formally United States citizens until just prior to Oklahoma statehood in 1907.

<sup>33</sup> Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013), 147.

<sup>34</sup> For more information about the differences in the distribution of land allotments by Dawes category and tribe of origin, consult chapter one.

<sup>35</sup> Daniel F. Littlefield, *The Chickasaw Freedmen: A People Without A Country* (Westport, CT: Greenwood Press, 1980), 219.

<sup>36</sup> Patrick Wolfe, “After the Frontier,” 29.

abolishing tribal governments.<sup>37</sup> Allotment policies also greatly reduced the amount of land held by members of the Five Slaveholding Tribes, as the tribes' collective land ownership shrunk from 20 million acres in 1890 to 2 million acres in 1930.<sup>38</sup> For members of the tribes, allotment meant a complete transformation in their relation to land and tribal membership. As tribal infrastructure was dissolved and communal land was abolished, Freedpeople and other members of the Five Slaveholding Tribes were transformed from *Indians* on communal land to individual landowners and American citizens.

Although the distribution of individual land allotments to members of the Five Slaveholding Tribes and the adoption of Jim Crow laws weakened tribal communal power and pushed many tribal members to assimilate into Euro-American land-use practices, the distribution of land allotments also introduced a class of black and non-black Indigenous people with large landholdings. These allotment policies created stark differences in landholding amongst Oklahomans based on their Indigenous ancestry, as many Afro-American and Euro-American migrants moved into a state with pre-established landholders during the oil boom. Many allottees also inadvertently received land that became highly-sought after the discovery of profitable natural resources, like oil and coal. Land allotment policies created conditions in which some Afro-Indigenous people became wealthy from the extraction of oil on their land. As black women and men became landowners, they also became landlords to black and white tenants in a Jim Crow state. The original policies of land allotment which aimed to redistribute land to white male settlers inadvertently created conditions in which Freedpeople—as a class of black landowners—shifted hierarchies of gender, race, and class.

This thesis argues that while land allotment policies attempted to redistribute land to white settlers, undermine Indigenous communal land use, assimilate Indigenous people, and establish a

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<sup>37</sup> Ibid., 30.

<sup>38</sup> Krauthamer, *Black Slaves, Indian Masters*, 150.

state built on white male land ownership; the distribution of individual land allotments to Freedpeople of the Five Slaveholding Tribes disrupted, shifted, and undermined the racial, gender, and class hierarchies that reinforced the agrarian societies of white settlers. In examining how landholding Freedpeople challenged attempts to establish racial, gender, and class hierarchies in Oklahoma, the thesis will investigate the legal and extra-legal tactics employed by white settlers, the United States federal government, the Oklahoma legislature, and Oklahoma judicial courts to reinforce white ownership and control of Freedpeoples' land allotments. This thesis will show that Euro-Americans used the legal and criminal justice systems to manipulate Freedpeople out of their lands, redirect control over Freedpeoples' lands to white settlers, and integrate the lands of non-black Indigenous individuals into Euro-American legal constructs of landownership—by redefining all non-black Indigenous people as white and legalizing marriages between non-black indigenous people and white settlers.

Although there has been research into slavery, reconstruction, and the Dawes Rolls enrollment and allotment process, there has been very little research into the effects of land allotments on Freedpeople of the Five Slaveholding Tribes. In particular, there has been a gap in research into how land allotment policy affected the ideological underpinnings and functioning of Jim Crow, the constitution of black communities, and racist violence in Oklahoma. Although there has been a resurgence in interest in the Tulsa Race Riots of 1921 and increased research into the riot, there is a gap in research on the more individual tactics deployed to control wealth and land accumulation within Oklahoma. My research aims to fill gaps in Indigenous, Afro-American, Afro-Indigenous, Southern, and Jim Crow histories, and expand upon the histories of white supremacist violence and land manipulation in Oklahoma, by analyzing directly how Indigenous land allotment policy affected racecraft, racist violence, and class.

In the first chapter, I will trace how the allotment of lands to Freedpeople of the Five Slaveholding Tribes challenged racecraft, by tracing how wealthy landowning Freedpeople could cross boundaries of Jim Crow segregation in the social sphere—and in one instance, almost challenged Jim Crow in the legal sphere. In the second chapter, I will discuss how Freedwomen landowners crossed both the boundaries of race and gender, exploring how they reconstituted community, entered into legal agreements, and navigated tenant-owner relationships in Oklahoma. The third chapter will examine the role of marriage in the distribution of land amongst black migrants, white settlers, and Freedpeople and will analyze the expanded possibilities for marital relationships amongst landowning Freedpeople. In the fourth chapter, the thesis will shift and discuss how white settlers tried to reestablish control over prosperous Freedpeoples' lands through the court appointment of white guardians who made profits over minors' lands and through the extra-legal practice of kidnapping Freedmen minors as they reached the age of majority. The fifth chapter will examine the role of the criminal justice system and racecraft in federal land ownership laws in exposing Freedpeople to land manipulation through contractual manipulation, the kidnapping of adult Freedpeople, and targeted tax law.

## - Chapter 1 -

### **“You’ve an Indian Not a Negro”: Racecraft, Land Allotment Policy, and Class Inequalities in Post-Allotment and Post-Statehood Oklahoma**

This chapter analyzes how racecraft shifted between the pre-statehood and pre-allotment era, the Dawes Commission and allotment distribution era, and the post-statehood Jim Crow period. In the chapter, I analyze how racecraft—formed around blood quantum policies, African hypodescent policies, and land use—shifted as Freedpeople’s relationship to land, nationality, and federal government policy altered. As white settlers and black migrants moved into Indian Territory, and later the state of Oklahoma, Freedpeople’s acquisition of land allotments and their development and extraction from their land shaped class boundaries in Oklahoma. Within the state of Oklahoma, Freedpeople of the Five Slaveholding Tribes challenged traditional notions of racecraft and racial hierarchies, as they transcended the traditional bounds of the black economic underclass within Jim Crow Southern states.

#### **Racecraft and Land Use in the Pre-Allotment Period**

In the years just before Oklahoma statehood, Freedpeople of the Five Slaveholding Tribes had different relationships with non-Freedmen tribal members, land, and their tribal governments. During the Civil War, factions in all of the Five Slaveholding Tribes officially supported the Confederacy and were included in federal Reconstruction policy. Following the Civil War, each of the Five Slaveholding Tribes “was forced to sign new treaties in 1866” where they were “required to sell their ‘surplus’ land to the federal government,” adopted universal emancipation of enslaved people of African descent, and agreed to recognize their Freedpeople as citizens, or “else have them

removed from the Indian Nations.”<sup>39</sup> In practice, each of the tribes differed on the adoption of their Freedpeople.

Chickasaw Freedmen were never adopted into their tribe of origin as citizens and remained “a people without a country” until they became United States citizens in the early 1900s.<sup>40</sup> In the 1880s and 1890s, Chickasaw Freedpeople could occupy and “improve” land within the communal land of the tribe, under the stipulation that they cultivate it. However, Freedpeoples’ land was frequently “taken,” “fenced in,” or otherwise claimed by intermarried whites and citizens of the Chickasaw Nation.<sup>41</sup> In 1885, Chickasaw tribal members threatened that the Freedpeople of the Chickasaw Nations would have to obtain permits to remain within the territory of the tribe. Chickasaw Freedmen were also socially segregated from other Chickasaws, who “refused to put [Freedpeople] on a level of equality.”<sup>42</sup> Similar to the Chickasaw Nation, the Choctaw Nation adamantly opposed adopting their Freedmen and recognized them as citizens of the Choctaw Nation nearly two decades after emancipation in 1885.<sup>43</sup> Following their recognition as Choctaw citizens, Choctaw Freedpeople were “provided 40 acres of Choctaw land upon which to settle.”<sup>44</sup> In the Choctaw and Chickasaw Nations, intermarriage between tribal members and black people was illegal and discouraged, respectively.<sup>45</sup>

Freedpeople of the Cherokee, Creek, Choctaw, and Seminole Nations were all eventually adopted as tribal citizens. Within the Seminole Nation, Freedpeople were granted full citizenship in

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<sup>39</sup> Wickett, *Contested Territory*, 7.

<sup>40</sup> Littlefield, *The Chickasaw Freedmen*, 224.

<sup>41</sup> *Ibid.*, 80-81.

<sup>42</sup> *Ibid.*, 94.

Littlefield notes that “full bloods” did not make as much of a distinction between themselves and Freedmen and that mixed bloods “would not associate with” Freedpeople.

<sup>43</sup> Reese, *Trail Sisters*, 68-9.

<sup>44</sup> Wickett, *Contested Territory*, 12.

<sup>45</sup> Reese, *Trail Sisters*, 80.

the tribe and equal rights in 1866, after Seminole slaves were formally freed.<sup>46</sup> Historian Daniel Littlefield has underscored that the Seminole Nation was the only nation of the Five Slaveholding Tribes to grant black members the “full rights of citizens” and that black Seminoles were the only Afro-Indigenous members of the Five Slaveholding Tribes to “enjoy as well a life relatively free of political difficulties.”<sup>47</sup> In the Cherokee and Creek Nations, Freedpeople were incorporated as tribal citizens shortly following the enactment of the Treaties of 1866 and required Freedpeople to live within tribal territories or return within a year to be included as citizens.<sup>48</sup> Unlike in the Choctaw and Chickasaw Nations, intermarriage between Afro-Creeks and Afro-Seminoles and other members of their tribes was common. Within the Cherokee Nation, marriages between Freedpeople and other members of the tribe were not uncommon and were not as stigmatized as in the Chickasaw and Choctaw Nations.<sup>49</sup> Within the Cherokee Nation, Freedpeople worked on improvements on the tribe’s communal land, but were afraid that “Indians would confiscate their property and remove them from the nation.”<sup>50</sup>

For white settlers with Jeffersonian dreams of an agrarian South, Indian Territory proved to be a place where they could stake claims to acres of farmable land.<sup>51</sup> However, Euro-Americans with agricultural dreams were unable to “homestead” in Indian Territory and were instead only able to rent acres of Indigenous communal land in the 1880s. Euro-American migrants—termed “Boomers”—saw the acquisition and ownership of “homesteads” as a fundamental part of their racialized national identity.<sup>52</sup> David Chang underscores that “Boomers’ demands for Indian lands

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<sup>46</sup> Wickett, *Contested Territory*, 9.

<sup>47</sup> Daniel F. Littlefield, *Africans and Seminoles: From Removal to Emancipation* (Jackson: University Press of Mississippi, 1977), 203.

<sup>48</sup> Reese, *Trail Sisters*, 68-9.

Wickett, *Contested Territory*, 9-10.

<sup>49</sup> Reese, *Trail Sisters*, 75-76.

<sup>50</sup> Wickett, *Contested Territory*, 10.

<sup>51</sup> Chang, *The Color of the Land*, 77.

<sup>52</sup> *Ibid.*

expressed a hostility to (and an anxiety about) Indians owning land that was imbued with American nationalism and beliefs about racial and gender hierarchy.”<sup>53</sup>

In the pre-allotment period, nationality, indigeneity, gender, and belonging in Indian Territory rested on access to and relationship with land. In 1890, the Five Slaveholding Tribes nations controlled over 20 million acres of land on a communal basis, in which Freedpeople and other members of the tribes could work on tribal lands. As white settlers attempted to move on to land that was not open for sale, racial and gender hierarchies were challenged by indigenous communal land use and tribal sovereignty. As Freedpeople of the Five Slaveholding Tribes simultaneously encountered racist challenges to land use within their tribes and yet still had access to Indigenous land, national identities were formed around Indigenous collectivity.

### **Racecraft, Blood Quantum, and Ideology in the Jim Crow South & Indian Territory**

For this thesis, it will be important to define *race*, *racism*, *racecraft*, and *ideology* using *Racecraft: The Soul of Inequality in American Life* by sociologist Karen E. Fields and historian Barbara J. Fields, as a guide. According to Fields and Fields, “racism” is distinct from “race” because it encompasses a *social, civic, or legal* practice that applies a different standard to individuals based on ancestry. On the other hand, “race” is the “doctrine that nature produced mankind in distinct groups, each defined by inborn traits that its members share and that differentiate them from the members of other distinct groups of the same kind but of unequal rank.”<sup>54</sup> According to Fields and Fields, “‘race’ does not depend on physical difference, can do without visible markers, and owes nothing at all to nature.”<sup>55</sup> Racecraft “transforms racism into race, disguising collective social practice as inborn individual

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<sup>53</sup>Ibid.

<sup>54</sup> Karen E. Fields and Barbara J. Fields, *Racecraft: The Soul of Inequality in American Life* (Brooklyn: Verso Book, 2016), 134.

<sup>55</sup> Ibid., 261.

traits, so it entrenches racism in a category itself, setting it apart from inequality in other guises.”<sup>56</sup> Racecraft relies on the formation of an ideology that “takes on the appearance of uncontroversial everyday reality.”<sup>57</sup>

In *Racecraft*, Fields and Fields underscore that ideology arises from the social reality of day-to-day life, is the “language of consciousness that suits the particular way in which people deal with” those around them, and is the “interpretation in thought of the social relations through which [individuals] constantly create and re-create their collective being” in relation to social groups, such as tribes, nations, corporations, and clans.<sup>58</sup> To survive, ideologies are constantly created and verified in social life, and are enforced through “ritual repetition of the appropriate social behavior,” or behavior that is of “demonstrable advantage.”<sup>59</sup> In the Jim Crow South and the Antebellum South, racecraft rested on the “one-drop-of-blood rule,” which tainted all individuals of partial African descent as Afro-Americans, regardless of their parentage or partial African, European, or indigenous ancestry.<sup>60</sup>

Historian Jennifer Morgan underscores that within the context of the United States, the children of an enslaved mother and any other parent followed their mother’s status and were also enslaved.<sup>61</sup> Anthropologist Patrick Wolfe underscores that the rule of hypodescent allowed for the expansion of blackness.<sup>62</sup> Conversely, for Indigenous people post-European contact, a person’s non-

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 111.

<sup>58</sup> Ibid., 134.

<sup>59</sup> Ibid., 137-139.

<sup>60</sup> Ibid., 102.

Littlefield, *The Chickasaw Freedmen*, 211.

In *The Chickasaw Freedmen: A People Without a Country*, Daniel F. Littlefield characterizes the “one-drop-of-blood” rule as the “one fatal drop,” as it had the power to override an individual’s heritage and “taint” them as black.

<sup>61</sup> Jennifer L. Morgan, “Partus sequitur ventrem: Law, Race, and Reproduction in Colonial Slavery,” *Small Axe* 22, no. 1 (March 2018): 4.

<sup>62</sup> Wolfe, “Settler Colonialism and the Elimination of the Native,” 386.

indigenous ancestry “compromised their indigeneity,” in the form of identification of Indigenous people as “half breeds” and in the implementation of blood quantum in federal law.<sup>63</sup> Wolfe explains that the contrary racial identification systems for black and Indigenous people in the United States allowed for the expansion of Euro-American settlers’ wealth, on the one hand by expanding the classifications of enslaved people and on the other hand by decreasing the number of Indigenous people who “obstructed settlers’ access to land.”<sup>64</sup> Wolfe underscores that blood quantum stipulations allowed for the “elimination” and “containment” of Indigenous people by creating a system in which indigeneity “progressively declines in accordance with a ‘biological’ calculus that is a construct of Euroamerican culture.”<sup>65</sup> Thus, within the context of the United States, racial classification standards complimented white settlers’ aims for both expanding the landmass of the United States and increasing the black enslaved and later low-wage workforce.

In *Racecraft*, Fields and Fields reason that “the former [Afro-American] slaves regarded landownership as essential” and “in the transition from slavery to freedom, anomalous class position defined Afro-Americans as a race. Once that definition became ingrained in social practice [for example, through the implementation of Jim Crow laws], improved class position might at any moment fall subject to a racist veto.”<sup>66</sup> In the Jim Crow South, ideologies of racecraft relied on the widespread economic subjugation of Afro-Americans—in which Afro-Americans were impoverished and often sharecroppers or tenants on the land of white men—and on the enforcement of Jim Crow legal doctrines that reinforced ideas of Afro-Americans’ subjugation. Further, within the context of Euro-American agrarian settlers expanding into Indigenous communal lands, racecraft in Indian Territory adapted to settlers’ goals of gaining access to

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<sup>63</sup> Ibid., 386-387.

<sup>64</sup> Ibid., 387.

<sup>65</sup> Ibid., 400.

<sup>66</sup> Fields and Fields, *Racecraft*, 267.

Indigenous communal lands. In this sense, within Indian Territory, racecraft formed around different modes of land access and wealth acquisition.

### **Racecraft in the Allotment Process: Blood Quanta, One-Drop-of-Blood Rules, and Land**

Euro-American constructions around the “one-drop-of-blood-rule”—which rests on the idea that “any known” African ancestry automatically denotes an individual as Afro-American and as tainted—dominated throughout the Dawes Commission’s enrollment process.<sup>67</sup> Throughout the enrollment process, the Dawes Commission split members of the Five Slaveholding Tribes into three groups: “Indians By Blood,” “Freedmen,” and “Intermarried Whites.” The Dawes Commission systematically enrolled individuals who were identified as persons of any partial African descent—or anyone who identified themselves as being of partial African descent—on the Dawes Rolls as “Freedmen,” ignoring any Indigenous ancestry individuals of African descent may have had from former slaveowners and other citizens of the Five Slaveholding Tribes.<sup>68</sup> On the other hand, individuals who were members of the Five Slaveholding Tribes and were identified as being of partial Indian and white ancestry were categorized as members of the tribe “By Blood,” and administrators in the Dawes Commission recorded their blood quanta levels up to eighths and sixteenths.<sup>69</sup> As explained by historian Katherine Osburn, “the primary concern in deciding the fate of individuals with mixed Indian and African American heritage was not the determination of Indian blood so as to enroll them, but of African American blood so as to exclude them” and prohibit

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<sup>67</sup> Ibid., 66, 95-96.

<sup>68</sup> Naylor, *African Cherokees in Indian Territory*, 181.

<sup>69</sup> Krauthamer, *Black Slaves, Indian Masters*, 147.

people of African descent from “claiming privileges that government policy had reserved for Indians.”<sup>70</sup>

Administrators for the Dawes Commission in Indian Territory implemented both the one-drop-of-African-blood rule and recorded their calculations of blood quanta in enrollment of the Five Slaveholding Tribes. The federal government's system of assigning blood quanta to non-black members of the Five Slaveholding Tribes introduced a new system of identification within the Five Slaveholding Tribes, which had never used blood quanta as an official consideration in land use or citizenship. Further, within the Five Slaveholding Nations in Indian Territory, the one-drop-of-African-blood rule was never a dominant concept of race.<sup>71</sup>

On the Dawes Rolls, Freedmen were identified by their owner or their ancestors' owners.<sup>72</sup> Throughout the enrollment process, the Dawes Commission included the blood quantum of only individuals enrolled as “Indians By Blood” whom they considered to be “visibly” Indian and of partial Indigenous and partial white heritage.<sup>73</sup> This meant that for individuals of partial African and Indigenous descent, their “quantum” of “indigenous blood” was canceled out by their “one-drop” of African ancestry. On the other hand, Indigenous people of partial white and Indigenous ancestry were identified by quanta of “Indigenous Blood,” and were included as members of the Five Slaveholding Tribes “By Blood.”<sup>74</sup> Thus, individuals who were not perceived to be of partial African ancestry were not held to a similar one-drop-of-blood policy, but were instead categorized in terms

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<sup>70</sup> Katherine M. B. Osburn, “‘Any Sane Person’: Race, Rights, and Tribal Sovereignty in the Construction of the Dawes Rolls for the Choctaw Nation,” *The Journal of the Gilded Age and Progressive Era* 9, no. 4 (October 2010): 453.

<sup>71</sup> Chang, *The Color of the Land*, 94-95.

<sup>72</sup> Naylor, *African Cherokees in Indian Territory*, 184.

See appendix 3 for an example of a Freedperson's Dawes Card (the Dawes Census Card of Mary Grayson).

<sup>73</sup> *Ibid.*, 181.

Krauthamer, *Black Slaves, Indian Masters*, 147.

<sup>74</sup> Naylor, *African Cherokees in Indian Territory*, 181.

Krauthamer, *Black Slaves, Indian Masters*, 147.

of diminishing percentiles of Indigenous ancestry. Consequently, Indigenous people were identified by their degree of European ancestry and were only judged to be of partial Indigenous ancestry if they were solely of mixed European descent. Through the Dawes Commission's adoption of this tribal enrollment practice, the familial histories, parentage, and genealogies of individuals of partial Indigenous and partial African descent were effectively erased, while individuals of partial Indigenous descent and European ancestry were identified by a percentile of Indigenous ancestry in Euro-American terms. In the system of simultaneous blood quanta and hypodescent for people of African descent, an individual's Indigenous "blood quantum was a rational measure of racial identity."<sup>75</sup> According to anthropologist Circe Sturm, the ideology of race as blood quantum held that "the social and biological 'fitness' of Native-American mixed-bloods could be calculated according to their degree and type of racial admixture."<sup>76</sup>

Additionally, the degree to which Freedmen descended from different nations within the Five Slaveholding Tribes was not considered with any "blood quantum" specification. The Dawes Commission did not, for example, indicate what percentage of "Freedmen blood" a child of enslaved people from the Seminole and Creek Nations possessed when the child enrolled as a Freedmen of one tribe or another. The commission also did not indicate what percentage of "Freedmen blood" a child of an Afro-American migrant and a Chickasaw enslaved person may have possessed. This policy illustrates that tribal affiliation through enslavement—in which enslaved people of the Five Slaveholding Tribes adopted many formal customs of their tribes of origin, spoke their tribal language, and even walked the Trail of Tears with their masters—was not considered to be of significance when indicating an enrollee's Indigenous origin. Although enrollments were typically made based on a child's matrilineal descent, with the enrollment of Freedpeople in the

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<sup>75</sup> Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 53.

<sup>76</sup> *Ibid.*

tribes of their mothers' origin, the Dawes Commission also did not indicate if they had ties to other tribes or communities in documenting their ancestry. In essence, although the Dawes Commission indicated what "percentage" of a specific tribe's "blood" an enrollee of non-African descent had, they did not document the different quanta of ancestry Freedmen with multiple tribal affiliations had in their tribe of enrollment. This practice demonstrates that racecraft ignored the particular familial histories and lineages of people of African descent among the Five Slaveholding Tribes through the application of one-drop-of-blood rules; instead, it grouped these individuals of indigenous ancestry into a single "race" marked solely by their African ancestry.

Although the Dawes Commission allowed for the enrollment of white Americans on the Dawes Rolls in the "Intermarried Whites" category, the spouses of Afro-Americans who had married Freedpeople were not granted any rights to enroll on the Dawes Rolls and were not granted any land allotments. Because they were not enrolled as members of the tribes through "intermarriage," Afro-American migrants were more limited in their abilities to buy land in the pre-statehood period, as their status as "intermarried" to members of the tribe was not recognized before May 1908 when Indian lands were opened for private ownership.

As Barbara Krauthamer stated, "the creation of separate rolls for 'Indians' and 'Freedmen' cemented racial categories and hierarchy in the federal oversight of enrollment and allotment."<sup>77</sup> These policies of differential enrollment established especially stratified differences in the distribution of the Five Slaveholding Tribes' former communal land in the Chickasaw and Choctaw Nations, as individuals of African descent were not only systematically enrolled in a separate category that omitted any documentation of their Indigenous ancestry, but were also assigned significantly smaller land allotments because they were placed in the Freedmen category. The Chickasaw and Choctaw Nations both granted their Freedmen 40-acres of land—one-fourth of the

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<sup>77</sup> Krauthamer, *Black Slaves, Indian Masters*, 147.

320-acre land allotments that “By Blood” members of the Chickasaw and Choctaw Nations received.<sup>78</sup> The “one-drop-of-blood” policy, embedded in the Dawes enrollment process, had massive effects on the distribution of tribal lands to people of African descent from the Chickasaw and Choctaw Nations. This policy of differential enrollment continued to have consequences in the Five Slaveholding Tribes’ citizenship requirements into the twenty-first century.

The racist policies of differential treatment of Freedmen and their Afro-American migrant spouses based on their African ancestry illuminate several central consequences of racecraft in post-statehood Indian Territory. First, it illustrates that people of partial African descent within the Five Slaveholding Tribes were identified primarily through their slaveholders and also by the descent of their mother. Second, it demonstrates that Freedpeople were largely considered a monolith, as their degree of Freedmen “blood” from each tribe was not accounted for if they had ancestry from multiple tribes. Third, the federal government’s use of the one-drop-of-blood rule began a classification system that marked every person of African descent and their descendants as not having any indigenous ancestry, even if they had, for example, a “By Blood” parent. Finally, this system of classification cemented ideas of indigeneity not completely tainting whiteness and whiteness not completely tainting indigeneity, as individuals of mixed white and Indigenous descent could still be considered to be “By Blood” members of their respective tribes, while individuals of partial African ancestry could not.

### **Land Allotments, Indigeneity, and Racecraft in Post-Statehood Oklahoma**

When Oklahoma became a state in 1907, its first legislature established Jim Crow segregation and marriage laws. The laws enforced a strict classification system that labeled any individuals of

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<sup>78</sup> Ibid., 142.

African descent as “colored” and people of non-African descent as “white.”<sup>79</sup> These legal definitions of racial classifications transformed Indigenous individuals with long-standing ties to American Indian sovereign nations into the blanket labels of “negro” and “white” in post-statehood Oklahoma, effectively erasing tribal identity in written state law. With the adoption of categorizations that outlined a strict white-black dichotomy, the state of Oklahoma passed several Jim Crow segregation laws that outlawed marriages between individuals of African descent and all other people as well as segregated public transportation, education, hospitals, restaurants, and other public spaces based solely on an individual’s perceived African ancestry.<sup>80</sup>

Oklahoma was unusual in its implementation of Jim Crow laws, particularly compared to other states with high populations of Indigenous people. For example, South Carolina, North Carolina, Virginia, Nevada, Arizona, and California state statutes all prohibited marriage between “whites” and “Indians.”<sup>81</sup> Jim Crow laws across the United States did not prohibit the marriages of Indigenous people with Afro-Americans, and instead solely focused on outlawing marriages between Euro-Americans and Afro-Americans, and in some cases other non-European people.<sup>82</sup> Some states in the South and the West prohibited “Indians” from attending school with “white” children.<sup>83</sup> In the context of the rest of the United States, Oklahoma’s Jim Crow laws were unique in their universal inclusion of all people without African ancestry as legally “white” and all people with any African ancestry as “colored” and “negro.” Thus, within state statutes on public segregation,

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<sup>79</sup> Oklahoma Constitution, 1907, Article XXIII, Section 11.

<https://babel.hathitrust.org/cgi/pt?id=osu.32435002814812&view=1up&seq=92>.

<sup>80</sup> James M. Smallwood, "Segregation," *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry.php?entry=SE006>.

<sup>81</sup> Gilbert Thomas Stephenson, *Race Distinctions in American Law* (New York: D. Appleton and Company, 1910), 81.

In Virginia, an individual could still be considered “white” and be able to marry another “white” person if their Indigenous blood quantum was one-sixteenth Indigenous or less.

<sup>82</sup> *Ibid.*, 92.

<sup>83</sup> *Ibid.*, 154.

marriage, and education, an Indigenous person's degree of Euro-American ancestry was irrelevant in their racial classification. On the other hand, an individual's inheritance of any African ancestry stipulated their systematic classification as a "negro." In the context of Oklahoma, this meant that two individuals who had never been considered United States citizens until they accepted their allotments, and who had only ever seen themselves as Creek, Chickasaw, Choctaw, Cherokee, or Seminole, could be legally barred from marriage, have their former marriages revoked, and be legally required to attend separate schools and ride in separate sections of public transportation, solely based on whether or not they were mixed with African ancestry. In effect, Oklahoma's Jim Crow laws and its constitution's definitions of racial classifications erased Indigenous identities, disrupted Indigenous communities and families, and categorized some Indigenous people as white and others as "negroes."

The allotment of Indigenous peoples' lands also fundamentally shifted how Indigenous peoples of the Five Slaveholding Tribes were viewed in Euro-American society. As Patrick Wolfe explained, when discussing Euro-Americans' acceptance of Choctaws who remained in Mississippi following Indian Removal, Choctaws were acceptable in the context of the settler Antebellum South because they were "*not* (or, at least, no longer) being Choctaw. They had become 'homesteaders and American citizens.' In a word they had become individuals."<sup>84</sup> As Choctaws became homesteaders in Mississippi, they no longer collectively owned land, like the removed Choctaws. Instead, Choctaws who became homesteaders on individual allotments "became individual proprietors, each to his own, of separately allotted fragments of what had previously been the tribal estate, theirs to sell to White people if they chose to." As they lost their tribal communal landownership and became individual landowners, "for all practical purposes they were no longer Indians." In this sense,

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<sup>84</sup> Wolfe, "Settler Colonialism and the Elimination of the Native," 397.

homesteading Indigenous people partook in the “settler world, but [lost their] Indigenous soul[s].”<sup>85</sup> With the distribution of allotments, and the simultaneous adoption of Freedpeople and other Indigenous people of the Five Slaveholding Tribes as citizens of the United States prior to Oklahoma statehood, Indigenous people of the Five Slaveholding Tribes were no longer viewed as Indigenous by settlers. As their once collective land was eventually opened for private ownership through sale to Euro-Americans and their legal Indigenous status was stripped, members of the Five Slaveholding Tribes were no longer seen as collectivist threats to settlers’ land acquisitions; they were no longer threatening to white settlers as they *became* individual landowners and their land was open to white settlement. The classification of non-black Indigenous people as “white” also allowed for the containment of the absorption of Indigenous people into whiteness, as non-black Indigenous people were classified with blood quanta, a standard that diminished their Indigeneity. On the other hand, as blackness was *expansive*, had Freedpeople been included as “white” due to their elevated class status, there may have been an increase in challenges to Jim Crow and racism by black migrants who purchased land and became financially independent.

Within the context of the Indigenous peoples’ acquisitions of individual allotments and Euro-Americans’ hopes to receive land in Oklahoma themselves, the inclusion of some Indigenous people in the white category allowed for a majority of the lands allotted to Indigenous people to be held within “white” communities. For white settlers from neighboring states in the South and the West, this translated to an expansion of the definition of “whiteness,” while also allowing for Indigenous people’s allotted land to be considered a part of white society’s land. Additionally, Oklahoma statutes ensured that Euro-American migrants could access non-black Indigenous peoples’ lands through marriage. Buck Colbert Franklin—a Chickasaw and Choctaw Freedman and a prominent lawyer who survived the Tulsa race riots—describes how marriage laws and

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<sup>85</sup> Ibid.

Oklahoma's definition of "white" allowed Euro-Americans to gain access to the land of non-black Indigenous people:

Not only was the freedman allottee affected by this kind of fraud, but the unrestricted Indians as well—though not as many of them, because the grafter had the right to intermarry with the Indian and did not have to resort to fraud to acquire a right to the Indian's allotment.<sup>86</sup>

Within the context of the state of Oklahoma, white Americans strategically married Indigenous people to legally own their land allotments, according to the state's statutes. Franklin underscores that these marriage policies precluded non-black Indigenous people from specific forms of land manipulation because Euro-Americans could inherit their lands through marriage. The construction of the state's law prevented Euro-American men from accessing Freedwomen's land through marriage, which according to Franklin, increased their likelihood of land fraud and manipulation.

The Oklahoma Jim Crow statutes exemplify the centrality of land ownership and wealth in Oklahoma's racecraft, as boundaries of blackness and whiteness were uniquely shaped to allow white settlers to gain access to Indigenous peoples' land through marriage. Oklahoma's binary black-white racial classification system classified Indigenous people without African ancestry as "white," enforcing segregation codes that strengthened ideas of class and race status for non-black Indigenous people. The constitution of the state of Oklahoma and the statutes that were adopted discuss individuals as "colored" and "white," disregarding the tribal affiliations of Freedmen, "Indians By Blood," and even intermarried whites in crafting policies. Although each of the Five Slaveholding Tribes had their own institutions and a range of policies towards Freedmen, and although Freedmen and other members of the Five Slaveholding Tribes had received individual land allotments because of their Indigenous nationality and heritage, the Oklahoma state constitution

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<sup>86</sup> Buck Colbert Franklin, *My Life and an Era: The Autobiography of Buck Colbert Franklin*, ed. John Hope Franklin and John Whittington Franklin (Baton Rouge: Louisiana State University Press, 1997), 148.

instead attempted to establish a state with only two racial categories mitigated by African ancestry. Thus, the state of Oklahoma cemented a strict black-white legal standard that did not easily conform to Freedmen's landholding or the tribal affiliations that Freedmen and other Indigenous people had established for hundreds of years.

The adoption of strict segregation and new racial classifications that legally erased Indigenous identities faced resistance by Indigenous people in the state. The 1944 *Stevens v. United States* case, for example, makes it clear that Freedmen of the Five Tribes and non-black members of the Five Tribes continued to marry post-statehood, when their marriages were considered illegal under Oklahoma's Jim Crow statutes that deemed Freedmen "colored" and all non-black indigenous people "white." In the case, William Stevens, a Creek Freedman, argued that he should be the proprietor of his deceased wife's estate, as they had married in Kansas in 1936. The state argued that because his wife, Stella Sands, was a full-blooded Creek and Stevens was a Freedman, their marriage was nullified in the state of Oklahoma, and thus, Stevens had no right to her estate or to any other spousal rights, as Sands was classified as white in the state and Stevens was classified as a "negro."<sup>87</sup> This case demonstrates that Oklahoma's strict Jim Crow laws, which did not take into account both black and non-black Indigenous peoples' shared community and cultural values, erased long standing relationships that had existed prior to statehood. Further, the *Stevens v. United States* case illustrates that despite attempts to legally uphold racecraft focused solely on African ancestry, Freedpeople's Indigenous ancestry, tribal affiliations, and pre-statehood nationalities shaped their intimate relationships. Thus, despite the United States federal government and the Oklahoma state government's attempts to erase Indigenous communities and identities, Freedpeople and other

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<sup>87</sup> *Stevens v. United States*, 146 F.2d 120, No. 2941 (10th Circuit 1944), [https://scholar.google.com/scholar\\_case?case=5044329195597124088](https://scholar.google.com/scholar_case?case=5044329195597124088).

members of the Five Slaveholding Tribes continued to form marital and interpersonal relationships around their tribal identities.

Land allotments—and the wealth that Freedmen of the Five Tribes extracted from them—proved to be barriers to the enforcement of a strict black-white racial boundary in Oklahoma. The increase in wealth held by Freedmen deconstructed the strict racial boundaries put in place by the Oklahoma legislature between those of African descent and those with any other ancestry. For example, the Oklahoma Legislature once considered making Sarah Rector, a Creek Freedwoman and the wealthiest black person in the world in 1913, legally white in Oklahoma.<sup>88</sup> The Oklahoma legislature examined the possibility of altering her legal race to give her access to white sections of legally-segregated public accommodations. A writer from the Afro-American newspaper, *The Chicago Defender*, reasoned that the legislature considered legally reclassifying Sarah Rector as white because white people in Oklahoma felt threatened by her wealth and wanted to reclaim her achievements for white society.<sup>89</sup> The example of the legislature’s attempt to selectively reclassify Sarah Rector as white because of her elevated class status that she achieved from the outputs of her land allotments demonstrates an extreme example of how land allotments affected the classification of race, by blurring the lines of class central to establishing and reinforcing racecraft in a Jim Crow society.

However, Sarah Rector’s wealth was also met with racist rhetoric around her elevated class status. For instance, in 1914, one newspaper explained how “the little nigger, Sarah Rector” was having a house built, so a “rich, oil magnate Aaron Drumright [had] decided he c[ould] afford a better house” than Sarah Rector. According to a paragraph published in the “Local and Personal”

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<sup>88</sup> “BROWN SKINNED COLORED GIRL MADE WHITE: Oklahoma, Which Passed a Law Declaring All Indians White, Is About to Make an Afro-American Young Lady the Same Hue on Account of Her Millions—She Will Be Given Special Privilege to Ride Across the State in a Pullman Car Where It Is Denied Others of Her Race,” *Chicago Defender* (Chicago, IL) col. 6, Nov 15, 1913: 1. *Black Studies Center*, [http://bsc.chadwyck.com/search/displayfulltext.do?fromPage=viewContents&SearchEngine=Opentext&are a=cdef&id=HNP\\_68420\\_19131115\\_0021&journal=ChicagoDefender&issue=19131115&page=1](http://bsc.chadwyck.com/search/displayfulltext.do?fromPage=viewContents&SearchEngine=Opentext&are a=cdef&id=HNP_68420_19131115_0021&journal=ChicagoDefender&issue=19131115&page=1).

<sup>89</sup> *Ibid.*

section of the *Drumright Derrick* in February 1914, Aaron Drumright planned to construct “a good substantial residence” in response to the Rector’s large house.<sup>90</sup> This blurb illustrates how elite whites in Oklahoma used their class status to attempt to retain class boundaries, competing directly with Freedpeople like Sarah Rector who blurred categories of race through elevated class status. In *Racecraft: The Soul of Inequality in American Life*, Fields and Fields argue that for less prosperous white people in the Jim Crow South, the mere presence of wealth or well-being by black slave descendants could cause a reaction of “bitterness and violence” against Afro-Americans as lower class white people were reminded of their subservience to other, upper class white people.<sup>91</sup> The article, thus, demonstrates how a young black girl’s massive wealth accumulation from her federal land allotment could disrupt white Oklahomans’ ideological assumptions about the class status of black Americans. The article’s bitter response to the construction of Rector’s new house demonstrates that the wealth that Freedpeople accumulated could disrupt racecraft’s temporary shield of the massive economic inequalities experienced among the white population of the South.

The attempt by the Oklahoma legislature to include Rector in the legal “white” classification exemplifies that Oklahoma elites attempted to regain control over the construction of race in Oklahoma because her extreme wealth disrupted racecraft to such an intense level. In other states in the Jim Crow South, Afro-Americans largely constituted an underclass of landless people, often working as sharecroppers and domestics. The economic status of Freedpeople in Oklahoma—undergirded by their acquisition of independent land allotments—blurred lines of race and disrupted the class foundations of racecraft, as they were able to accumulate financial gains and status at a similar rate as white and non-black Indigenous people, due to their access to land. Freedmen’s ability

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<sup>90</sup> H. S. Blair, “Local and Personal,” *The Drumright Derrick* (Drumright, Okla.), Vol. 1, No. 51, Ed. 1 Friday, February 20, 1914, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc147705/m1/5/?q=%22sarah+rector+nigger%22%7E10,5>.

<sup>91</sup> Fields and Fields, *Racecraft*, 82-84.

to accumulate wealth through land-ownership, thus, disrupted sumptuary codes that were meant to reinforce race in post-statehood Oklahoma.<sup>92</sup>

The strict black-white racial classifications in Oklahoma were not always blurred at the legal level. In some instances, Freedpeople of the Five Slaveholding Tribes and other Native Americans of partial African descent accessed white accommodations in Oklahoma due to their elevated class, without formal legislative racial reclassifications. For example, in an ethnographic study of Creek Freedmen conducted in the 1930s, Creek Freedmen who were interviewed noted that many wealthy and prosperous Afro-indigenous people were publicly considered to be and treated as though they were “white” or “Indian.”<sup>93</sup>

In one example in an interview with WF, a Creek Freedman, WF disclosed that an extremely wealthy Freedman named Johnny Jones went to white establishments, like pool halls and cafes, and even married a white woman.<sup>94</sup> According to the Afro-Creek interviewee, “the peckwoods [white men] wanted to have him around. They knew his pockets were lined with money.”<sup>95</sup> The interviewee established that Jones moved into the city of Tulsa while breaking the boundaries of segregation, making his behavior more public. All of these behaviors would have been considered illegal had they been carried out by another person of African descent who was not as wealthy as Jones. However, when the interviewee was asked about the illegality of these behaviors, he said “Hell no.” He stated that “when you gets as much money as Johnny had you’ve [sic] an Indian not a Negro.”<sup>96</sup>

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<sup>92</sup> Sumptuary codes are defined by Fields and Fields as a set of formal and informal boundaries that attempt to create difference and hierarchies when none naturally exist or are not naturally visible.

Fields and Fields, *Racecraft*, 33.

<sup>93</sup> Sigmund Sameth, “Creek Negroes: A Study of Race Relations,” Master’s thesis, (Oklahoma University, 1940), 52.

<sup>94</sup> *Ibid.*, 52.

<sup>95</sup> *Ibid.*, 52. “Peckwoods”—or “peckerwoods”—was a vernacular term for white men used in black communities in Oklahoma. According to Sameth, the word was applied to white men in reference to white salesmen “pecking” at people’s doors.

<sup>96</sup> Sameth, “Creek Negroes,” 52.

WF also established that Zeke Moore, a Creek Freedman who received his land allotment as a minor, became an “Indian” in practice, but noted that he only remained an “Indian until the whites broke him.”<sup>97</sup> According to newspaper articles, Zeke Moore was accused of stealing a horse shortly after signing away some of the royalty rights on his land to several individuals representing large oil companies. While incarcerated, Moore was reportedly manipulated into signing away rights to extract oil from his land while still a minor.<sup>98</sup> Eventually, Moore won a case in which he secured 10% royalty rights on his land after it was established that he had, indeed, been a minor and incarcerated out of state when he signed over the rights to his land.<sup>99</sup>

The example of Johnny Jones’s lived experience and the interpretation of his race by other Afro-Indigenous people demonstrate how class worked as a vehicle for forcing an elasticity of state-imposed categories of “race” in Oklahoma. In addition, WF’s views of Johnny Jones’s racial classification outside of the boundaries of “negro” exemplify how federal government land allotment policy contributed to the flexible nature of these categories in post-statehood Oklahoma. The illustration of Johnny Jones also exemplifies how racial categories imposed by the state’s constitution and statutes were not solely contested in a courtroom or legislature, but also in public spaces, like cafes and pool halls and in interpersonal relations with white people in Oklahoma. Jones’s case demonstrates that the boundaries of “race” were not only contested and broken in smaller local communities, but that confines of “race” were also malleable in larger cities when Afro-

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<sup>97</sup> Ibid., 52.

<sup>98</sup> "Zeke Moore, Philanthropist! Oil Strikes Enrich Poor—Squaw Men and Afro-Americans are Among Those Made." *Cleveland Gazette* (Cleveland, Ohio), August 21, 1909: 2. *Readex: Readex AllSearch*. <https://infoweb.newsbank.com/apps/readex/doc?p=ARDX&docref=image/v2:12B716FE88B82998@EANX-12BBBF31D4679A30@2418540-12BA0561479F7A20@1-12D5BF1E65E435E8>.

<sup>99</sup> "Fortune For Freedman. Leases He Gave Declared Invalid—hHe Gets Oil Royalties," *Cleveland Gazette* (Cleveland, Ohio), January 16, 1909: 1, *Readex: Readex AllSearch*, <https://infoweb.newsbank.com/apps/readex/doc?p=ARDX&docref=image/v2:12B716FE88B82998@EANX-12BBBE8C3998C810@2418323-12BA0560E33D6C60@0-12D5BE74D397D6B0@Fortune+For+Freedman.+Leases+He+Gave+Declared+Invalid--He+Gets+Oil+Royalties>.

Indigenous people accumulated wealth. This example also illustrates that being treated and labeled as an “Indian” afforded a person of African descent similar privileges and treatment as a white person, such as accessing public spaces for white people and marrying white women. The interviewee’s choice to specifically categorize Johnny Jones as an “Indian,” and not as a “white” man also indicates that although the Oklahoma state constitution may have formally categorized Indigenous individuals without African ancestry as “white,” in practice, there were still distinctions for individuals of Indigenous descent in the Freedmen community. The legal codes establishing racial groups did succeed, at the very least, in grouping together all people seen and treated as non-blacks in marriage and public accommodations. However, the strict black-white boundary shifted as norms around class status were undermined when it came to Freedmen who inherited Indian customs, received land allotments, and made profits off of their allotments in Oklahoma.

On the other hand, the interviewee’s views on the fragility of Zeke Moore’s reclassification establishes that although some black individuals with Native American heritage were able to enjoy the privileges of being considered Indian or white, their redesignation depended upon allowances from white society. The interviewee’s recognition of the frailty of redefining a black person within the white category demonstrates that black Creeks operated in a society in which white people had the power to decide whether or not a person of African descent could travel in white sections of public transportation, eat at white restaurants, marry white people, or work in specific industries. Black Creeks, thus, understood that even in the context of the malleable racial categories in Oklahoma, elite Euro-Americans still had the power to ultimately put people of African descent back into a subjugated position and revoke their access to white accommodations. WF seemed to understand that incarceration was a method by which white society could strip black people of their elevated position in society, as he suggests that Moore’s incarceration was the event that removed Zeke from his “Indian-ness.”

The elevated class of some Creek Freedmen, their access to land, and their Indigenous heritage also created stark separations between Freedpeople and Afro-American migrants to Oklahoma. The Sameth thesis notes that there was “outright ‘hoorawing’”—jeering—between the Freedmen and Afro-American migrants. Within communities with significant Creek Freedmen populations, Afro-American migrants were excluded from social life, such as communal events and Freedpeople’s churches.<sup>100</sup> HS, an Afro-American migrant interviewed by Sameth stated that Freedpeople were “too proud. They Jim Crow their own blood.”<sup>101</sup> HS’s quote indicates that Freedpeople more broadly saw themselves as superior to Afro-American migrants, and separated themselves off from other black people in Oklahoma. The quote signals that even outside of the bounds of exceedingly wealthy Freedpeople who were treated as “white” or “Indian,” Freedpeople enforced extra-legal segregation and notions of supremacy. In Oklahoma, class differences and pre-established communal bonds with tribal members legally re-classified as “white” allowed Freedmen to break the bounds of Jim Crow laws. Within this context, Freedpeople enforced social separations within black communities in Oklahoma.

The distribution of land allotments fundamentally shaped how Jim Crow marriage and segregation laws affected and applied to Freedmen, as Freedpeople’s land ownership and wealth development broke the class-based ideological reinforcements of racecraft. By extension, wealthy Freedpeople could cross the boundaries set by state law. The legislature’s proposal to reclassify Sarah Rector as legally white and the jealous response by the Euro-American community to her wealth further demonstrate how central land ownership and wealth were to racecraft in Oklahoma. As Freedwomen and Freedgirls received individual land allotments, the distribution of land allotments also restructured gender hierarchies and marriage in Oklahoma.

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<sup>100</sup> Sameth, “Creek Negroes,” 55.

<sup>101</sup> *Ibid.*, 56.

## - Chapter 2 -

### **The Reshaping of Gender in the Post-Allotment and Post-Statehood Period: Independent Freedwomen Landowners, the (Re)Establishment of Black Infrastructure, and Contractual Agreements**

“I live on the forty acres that the government give me. I have been blind for nine years and don't git off my bed much.”<sup>102</sup> -Kiziah Love, Chickasaw Freedwoman

By the time Polly Colbert, Kiziah Love, and Lucinda Davis were interviewed by members of the Works Progress Administration in 1937, all three women had been living on land allotments they received from the federal government for at least 40 years.<sup>103</sup> The three women received allotments quite different in size, as Lucinda Davis received an allotment of 160 acres of land, including a homestead of 40 acres. Polly Colbert and Kiziah Love, on the other hand, received land allotments totaling 40 acres in size. Although Lucinda Davis, Kiziah Love, and Polly Colbert lived on different sized allotments by the end of their lives, they all received the allotments for similar reasons. Namely, all three of the women were formerly enslaved by masters



Lucinda Davis, Creek Freedwoman, age about 89.  
“Lucinda Davis, Age About 89,” Born in Slavery: Slave Narratives from the Federal Writers’ Project, 1936-1938 For Teachers, Library of Congress, <https://www.loc.gov/collections/slave-narratives-from-the-federal-writers-project-1936-to-1938/?fa=location:oklahoma&st=slideshow#slide-1>.

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<sup>102</sup> Love, interview with Ervin, 177.

<sup>103</sup> Ibid.

Polly Colbert, interview with Jessie R. Ervin, September 14, 1937, Colbert, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 86. See Appendix 8 for Polly Colbert’s full slave narrative.

Lucinda Davis, interview with Robert Vinson Lackey, summer 1937, Tulsa, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 115. See Appendix 7 for Lucinda Davis’s full interview.

from the Five Slaveholding Tribes and remained within Indian Territory after emancipation.

Although they remained within the territory of their three nations, they received different sized land allotments due to policy differences for the allotment of land to Freedpeople from their respective tribes of origin. Polly Colbert was owned by a Chickasaw slaveholder and Kiziah Love was enslaved by a Choctaw slaveowner.<sup>104</sup> Thus, like



Kiziah Love, Chickasaw Freedwoman, in Deborah S. Love and Shirron L. Ashford, *In History Is Herstory Kiziah Love* (Lovehouse Publishing, 2000).

other Choctaw and Chickasaw Freedmen, they received a land allotment of around 40 acres in size, a fraction of the 320-acre land allotments that individuals identified as Chickasaw and Choctaw Nation members “By Blood” were allotted by the federal government. On the other hand, Lucinda Davis had been enslaved by a member of the Creek (Muscogee) Nation, and thus, she received a land allotment equal in value to the land allotment received by “By Blood” members of the Creek Nation on the Dawes Rolls.<sup>105</sup>

Throughout their time in Indian Territory, all three women were held as property by an Indigenous slave-owner, lived through the Civil War and the universal emancipation of enslaved people in Indian Territory through treaty agreements in 1866, farmed on communal land, and lived

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<sup>104</sup> Although Kiziah Love was owned by a Choctaw Slaveholder, she was included on the Dawes Rolls as a Chickasaw Freedperson because both she and her slaveholder lived in Chickasaw Territory. Chickasaw and Choctaw Freedpeople both received land allotments of around 40 acres. See footnote 11 on page 263 of *The WPA Oklahoma Slave Narratives*.

<sup>105</sup> Davis, interview with Vinson Lackey, 115.

in a territory that Afro-Americans and white Americans were constantly migrating towards.

Eventually, Lucinda Davis lived as a Creek citizen in Indian Territory, while Kiziah Love and Polly Colbert were never adopted as citizens of the Chickasaw Nation, like other Chickasaw Freedmen.<sup>106</sup>

By the late 1890s, they again saw a shift in their territory when federal government agents began documenting individuals with tribal heritage on the “Dawes Rolls,” including tribal members “By Blood,” formerly enslaved “Freedmen” and their descendants (also referred to as “Freedmen”), and whites who had intermarried with “By Blood” members of the tribes. Following this enrollment period, Polly, Kiziah, Lucinda, and other Freedpeople of the Five Slaveholding Tribes applied for individual land allotments with the United States federal government, and although Kiziah, Polly, and Lucinda were married, they received individual land allotments from the United States government that they farmed on, built their houses on, and continued to live on until the end of their lives.

Due to their access to independent land allotments within the individualistic and agrarian state of Oklahoma, all three of these women were able to access particular forms of independence and comfort later in life, as they could independently provide for themselves on their own land allotments in the midst of the Great Depression in 1937. This chapter analyzes the different ways that Afro-Indigenous women were able to (re)establish community, family, and independence on their own land allotments after their tribal communal land was disbanded. This chapter examines how the allocation of individual land allotments to Freedwomen of the Five Slaveholding Tribes affected familial and marital dynamics, helped in creating all-black towns, and shifted economic hierarchies in Indian Territory and later the state of Oklahoma. This chapter will demonstrate that as Indian Territory shifted from a territory built on communal land and Indigenous practices to a Jim Crow state with an agrarian model that rested on gendered and racial hierarchies, the gender-blind

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<sup>106</sup> Reese, *Trail Sisters*, 69.

land allotment policy allowed married, single, and elderly Afro-Indigenous women to access particular forms of independence, community-building, and individual and familial stabilization.

### Gender and the Land Allotment Process

Under treaties negotiated by leaders of the Five Slaveholding Tribes and the United States federal government, all individual Freedmen and “Indians By Blood” enrolled with the Five Slaveholding Tribes received an allotment, without consideration of their marital status, gender, or age.<sup>107</sup> Thus, all children and adults received their own allotments, without regard to family units or concerns over land ownership by male “heads of households.” As Oklahoma Congressman Charles D. Carter pointed out in a Congressional Hearing on land allotments to members of the Creek Nation, each Dawes allotment was “not allotted to the head of the families alone, but each member of the tribe—man, woman, and children received 320 acres. For a family of five that would make 1,600 acres of land.”<sup>108</sup> As many Freedpeople also practiced customs of polygyny—in which husbands could marry more than one wife—within their tribes of origin, they had increased possibilities of collective land consolidation within bigger family structures. The practice of both legal and undocumented polygyny inadvertently provided Freedmen families with greater collective landholdings that granted Freedmen families greater capacities for production and sustenance.<sup>109</sup>

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<sup>107</sup> “An Act to Ratify and Confirm an Agreement with the Muscogee or Creek Tribe of Indians, and for Other Purposes,” 31 Stat. 81, sections 3 and 9, as reprinted in Mills, *Lands of the Five Civilized Tribes*, 592, 598.

“An Act to Provide for the Allotment of the Lands of the Cherokee Nation, for the Disposition of Town Sites Therein, and for Other Purposes,” 32 Stat. 716, sections 7 and 8, Ratified August 7, 1902, as reprinted in Mills, *Lands of the Five Civilized Tribes*, 360-361.

“Choctaw-Chickasaw Original Agreement,” 30 Stat. 495, Ratified August 24, 1898, as reprinted in Mills, *Lands of the Five Civilized Tribes*.

“An Act to Ratify and Confirm an Agreement with the Choctaw and Chickasaw Tribes of Indians, and For Other Purposes,” 21 Stat. 641, sections 3-14, Ratified September 25, 1902, as reprinted in Mills, *Lands of the Five Civilized Tribes*, 406-409.

<sup>108</sup> U.S. Congress, House of Representatives, Special Committee on Investigation of Indian Service, *Condition of the Indians in Oklahoma. Vol. 3*. 64th Cong., 2nd sess., March 19-March 17, 1917, 352.

<sup>109</sup> Reese, *Trail Sisters*, 71-72, 144.

Littlefield, *The Chickasaw Freedmen*, 91-92.

This policy of gender-blind, marriage status-blind, and age-blind allotment gave unmarried Freedwomen, married Freedwomen, and Freedgirls of the Five Slaveholding Tribes the opportunity to own and develop land in their own title. Under this policy, Freedwomen and girls gained a certain level of independence and freedom as Indian Territory shifted into a state within the United States, devoid of Indian reservations. Freedwomen and girls owned property separate from any spouses, parents, or love interests. This policy also inadvertently benefitted individuals enrolled as “Freedmen” and “By Blood” members of the Five Slaveholding Tribes who established large families legally and outside of legal marriages, as family units were able to collectively own larger swaths of land than individuals.

### **Freedwomen: From Former Slaves on Communal Land to Independent Land Owners**

While Freedwomen and other female members of the Five Slaveholding Tribes received individual land allotments, Afro-American and white women without documented tribal connections had completely different experiences with landholding and land cultivation in the South. Most of the analysis about landholding by Afro-American and white women in the late 19th century examines the data in terms of “household” land ownership or does not break down Afro-American land ownership by gender in the early 20th century.<sup>110</sup> In *Race, Gender, and Work*, economists Teresa

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Daniel F. Littlefield, *The Cherokee Freedmen: From Emancipation to American Citizenship* (Westport, CT: Greenwood Press, 1978), 52.

Mulroy, *The Seminole Freedmen*, 235, 271, 309.

Seminole Freedmen practiced polygyny until at least the 1920s and Cherokee Freedmen practiced polygyny until 1897. As Daniel F. Littlefield noted, because Chickasaw Freedmen were not considered to be citizens of either the Chickasaw Nation or the United States until they were incorporated as United States citizens with the acquisition of land allotments in the early 1900s, Chickasaw Freedmen could not maintain marriage licenses for any of their marriages. As a result, they became involved in extralegal marriage ceremonies often resulting in polygynous families. Within the context of land allotments to Freedpeople of the Five Slaveholding Tribes, the practice of both legal and undocumented polygyny inadvertently provided Freedmen families with greater landholdings that granted Freedmen families greater capacities for production and sustenance. Thus, the practice of allotment empowered larger and polygynous families, as they acquired more collective land.

<sup>110</sup> Teresa Amott and Julie Matthaei, *Race, Gender, and Work: A Multicultural Economic History of Women in the United States* (Boston: South End Press, 1991), 158.

Amott and Julie Mattaei outline that only one-fourth of African-American farm operators owned their own land, while more than two-thirds of rural Afro-Americans “remained landless and had to continue in dependent, impoverished relationships to rich white landowners.”<sup>111</sup> Data included in the 1949 “Farm Landownership in the United States” Bureau of Economics report demonstrates that by 1946, only 12% of all landowners in Oklahoma were women and that female landowners owned less land on average than men.<sup>112</sup> Thus, the allotting of lands to individual women and girls on the “Freedmen” and “By Blood” rolls of the Five Slaveholding Tribes, no matter their marital status or age, allowed for unique possibilities for black women to participate in independent land development and set Freedwomen and Freedgirls apart from other black women.<sup>113</sup>

The historiography on women’s landowning in the post-Civil War period indicates that the establishment of individual land allotments to women and girls of African descent was unique and

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<sup>111</sup> Ibid., 158.

<sup>112</sup> Buis Taft Inman and William Howard Fippin, *Farm Land Ownership in the United States*, No. 699, US Dept. of Agriculture, Bureau of Agricultural Economics, 1949, 52-53, <https://babel.hathitrust.org/cgi/pt?id=uva.x030450779&view=1up&seq=66>.

Statistics of land ownership by sex examined in the 1949 “Farm Land Ownership in the United States” report, conducted by the U.S. Department of Agriculture, found that women across racial categories owned only 12% of land in Oklahoma in 1946. By 1946, there was also a disparity in land ownership by sex, as men in Oklahoma owned 400 individual acres, on average, while women who owned land owned, on average, 246 acres of land. This data demonstrates that on average, by the 1940s, there were steep disparities in land ownership between male and female Oklahoma residents. However, this data does not include any analysis of land ownership by racial classification, making it difficult to get a complete picture of land ownership rates by gender for the general black population in Oklahoma.

<sup>113</sup> Although the distribution of individual land allotments gave Freedwomen particular avenues and possibilities for economic independence and development, not all Freedwomen had the same experiences with land allotment, based on their tribe of origin. In particular, Freedpeople from the Chickasaw and Choctaw Nations received land allotments 40 acres in size, as compared to Seminole, Cherokee, and Creek Freedpeople who received 120, 110, and 160 acre land allotments, respectively, in equal size to members of their tribes on the “By Blood” Dawes Rolls. Chickasaw and Choctaw Freedmen’s 40 acre land allotments were smaller than those given to members of their tribes included on the “By Blood” roll, as non-Freedmen members of the Chickasaw and Choctaw Nations received on average, 320 acres of land for their individual allotments. These differences in land distribution by tribal alliances caused both by the amount of land that tribes retained to distribute to members and by racist policies of difference in land distribution in the Chickasaw and Choctaw Tribes, certainly created distinct differences in possibilities of production.

Kevin Mulroy, *The Seminole Freedmen: A History* (Norman, OK: University of Oklahoma Press, 2007), 299.

Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1971), chap. 13.

novel in the United States in comparison to other black women and girls. Land allotments to Freedwomen and Freedgirls of the Five Slaveholding Tribes created distinct dynamics in the post-allotment state of Oklahoma, allowing black women and girls to own and develop land outside of the direct ownership and control of male family members once they reached the age of legal adulthood. As women and girls owned their own land, their employment relations with white and black settlers were remarkably different. Unlike elsewhere in the Jim Crow South, Freedwomen owned highly sought-after land that was the base of production, attracting both black and white settlers who hoped to produce on farms.

### **Racecraft, Gender, and the Reversal of the Tenant-Owner Relationship**

The gender-blind individual land allotment process created unique dynamics in which white settlers entered into tenant relationships with Freedwomen of the Five Slaveholding Tribes. For example, in a summary of an oral history interview with a white settler named W.E. Hardesty who moved into an area of Indian Territory near present-day Tulsa, the interviewer describes that Hardesty leased 80 acres of land from a Creek Freedwoman named Anna Martin. According to the interview, Hardesty worked as a tenant farmer on Martin's land beginning in 1899 for over 12 years, and he was eventually joined by his family members on the land.<sup>114</sup> Thus, Hardesty leased and worked on the land of a Creek Freedwoman in the pre-statehood period, as an outsider and non-national, and the post-statehood era, when Jim Crow segregation was the law of the land in Tulsa. In his interview, he is also clear that he worked on the land of a Freedwoman. He likely had an understanding that Martins, as a Creek Freedwoman, received her land from the United States federal government on account of both her black enslaved ancestry and her Creek heritage.

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<sup>114</sup> W.E. Hardesty, interview with W.T. Holland, April 18, 1938, Interview ID 13621, transcript, Indian Pioneer Papers, Western History Collection, University of Oklahoma Libraries Western History Collections, <https://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/4860>, 1-2.

In this example, it is clear that Freedwomen's acquisition of land allotments not only allowed for black families to operate independently in a southern agricultural economy that often left individuals of African descent as sharecroppers and tenant farmers, but also allowed for a shifting of dynamics, in which white male settlers depended upon Freedwomen of African descent to sustain their livelihoods. Further, the individualized and gender-blind allotment system created dynamics in which black women entered into legal contracts with white men and gave black women control over leasing, farming, and land development. In essence, black women's acquisition of land allotments produced conditions that tested and reformulated boundaries of race, gender, and class as Afro-Indigenous women—through their ownership of land—held positions of power and authority over white men in the realm of farming and tenancy.

A 1951 study of Seminole Freedmen further underscores that by the 1940s and early 1950s, Freedpeople's land allotments were "usually rented or leased out to White or State Colored people [Afro-American migrants without tribal connections], with perhaps a few acres retained by the owner for gardening or pasture for a cow or two."<sup>115</sup> Thus, it appears that W. F. Hardesty's tenancy relationship with Anna Martins was not unique in the post-statehood period, and that Freedpeople of both genders entered into tenancy arrangements with white families in Oklahoma. As Freedpeople of both genders entered into tenancy arrangements with white settlers in which they were the owners of the land, the everyday interactions of white people in Indian Territory—and later in Oklahoma—and Freedpeople of the Five Slaveholding Tribes certainly produced ideologies distinct from those produced in other Jim Crow Southern contexts.

Compared to other parts of the South, in which the economic subjugation of freedpeople and their families ideologically upheld racist inequality, the class realities in Oklahoma shifted how

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<sup>115</sup> Art Gallaher, "A Survey of the Seminole Freedmen," master's thesis, (University of Oklahoma, 1951), <https://shareok.org/handle/11244/321409>, 35.

racism could be practiced and reinforced along class lines. In particular, because tenant-farmer relationships were largely paternalistic—in which planters provided loyal tenants with benefits such as medical care, recreational amenities, housing, fuel, credit, and aid in times of emergencies—the reversal of the tenant-farmer relationship by both racial and class lines disrupted paternalistic ideological notions about people of African descent.<sup>116</sup> Since many Freedpeople—including Freedwomen—supervised white tenants, class divisions in Oklahoma were distinct from those across the South, and racecraft operated within a different ideological base. In Oklahoma, white tenant farmers interacted regularly with black men and women who owned the land they rented and worked on, reinforcing different racial and class divides than those in other parts of the Jim Crow South, where the vast majority of Afro-Americans rented their land from prosperous white landowners.

### **(Re)Establishing Community: Freedwomen’s Land Allotments, Communal Spaces, Black Towns, and Contractual Agreements**

Freedwomen strategically sold portions of their allotments in their efforts to re-establish pre-existing foundations within Freedmen communities. For example, a 64-year-old widowed Choctaw Freedwoman named Caroline Prince entered into an annuity bond with 20 acres of her 40-acre land allotment to contribute land for the re-establishment of the Oak Hill Industrial Academy in 1909—a school serving exclusively Choctaw Freedmen since the mid-1800s. During the land allotment

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<sup>116</sup> Lee J. Alston and Joseph P. Ferrie, *Southern Paternalism and the American Welfare State* (Cambridge: Cambridge University Press, 1999), 13-15, 20.

As noted by Lee J. Alston and Joseph P. Ferrie, elsewhere in the South the paternalistic relationship between planter and tenant was generally strictly a relationship between a Euro-American owner and an Afro-American tenant or sharecropper. Thus, elsewhere in the South, Euro-American landowning “planters had an interest in maintaining a racist state and preventing federal interference in race and labor issues.” Perhaps in the pre-statehood era, Freedpeople landowners had an interest in preventing federal intervention in owner-tenant relationships, as white settlers were generally opposed in Indian Territory and had little protections while in Indian Territory pre-statehood.

process, the previous location of the Oak Hill Industrial Academy had been re-assigned to individual people of Choctaw descent, and thus, the former land that the school was situated on was allocated to individuals of Indigenous descent. As part of the rebuilding process post-1904, Caroline Prince's land became central to re-establishing a school that Choctaw Freedmen had access to in pre- and post-statehood Jim Crow Oklahoma.<sup>117</sup> Land was also directly purchased from other Choctaw Freedmen and incorporated into the Oak Hill Industrial Academy.<sup>118</sup>



Choctaw Freedwoman Ora Perry feeding cows on the property of the Oak Hill Industrial Academy. "STANCHIONS FOR CALVES: Ora Feeding them with Pleasure and Profit," in Robert Elliot Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy* (Pittsburgh: Presbyterian Board of Missions for Freedmen, c1914), <https://www.gutenberg.org/files/23321/23321-h/23321-h.htm>.

<sup>117</sup> Robert Elliot Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy Valliant, McCurtain County, Oklahoma Now Called the Alice Lee Elliot Memorial, Including Early History of the Five Civilized Tribes of Indian Territory the Presbytery of Kiamichi, Synod of Canadian, and the Bible in the Free Schools of the American Colonies, but Suppressed in France, Previous to the American and French Revolutions* (Pittsburgh: Presbyterian Board of Missions for Freedmen, c1914), <https://www.gutenberg.org/files/23321/23321-h/23321-h.htm>, 303-304.

Thirteenth Census of the United States--1910, District 0185, Township 5, McCurtain County, Oklahoma, family 211, dwelling 210, line 91, April 15, 1910, sheet 11B.

<sup>118</sup> Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy*, 303-304.

In the "Negro Education: A Study of the Private and Higher Schools for Colored People in the United States—Oklahoma" report conducted by the federal government in 1916, it was noted that the 300-acre land mass that the school was located on was not being used for educational training in gardening or manual labor. Thus, it is questionable if all of the industrial training that was outlined in the *Choctaw Freedmen and the Story of Oakhill Academy* was truly conducted at any point in the Oak Hill Industrial Academy, or if the author—who was a former superintendent of the Academy—was attempting to present the Academy as a positive and educational experience for students to the point of fabrication.

United States, Office of Education, *Negro Education: A Study of the Private and Higher Schools for Colored People in the United States—Oklahoma, The Education of Racial Groups*, Washington, DC: Government Printing Office: 1917), 466–467.

The school—which was founded by the Presbyterian Church—provided education to Choctaw Freedchildren in reading, mathematics, grammar, geography, and civics within a Christian context and set boundaries of gendered work in the post-emancipation period. The school offered courses in industrial and agricultural work such as animal husbandry, poultry raising, gardening, carpentry, domestic science, sewing, and laundry work.<sup>119</sup>

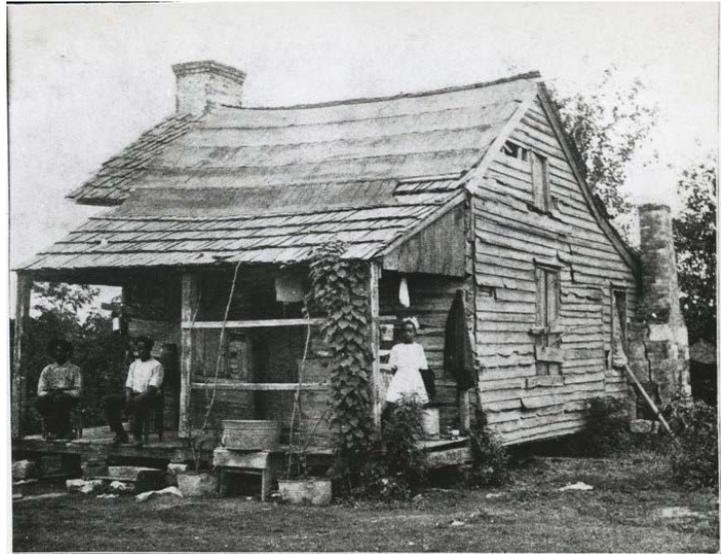
Many Choctaw Freedpeople, including Caroline Prince, lived near Oak Hill and sent their children to the Oak Hill

Industrial Academy. However, most children who attended Oak Hill

Industrial Academy were boarders, and most of the students were girls.<sup>120</sup>

Choctaw Freedchildren lived in boarding

homes on the Oak Hill Industrial Academy land plat and were segregated by gender. According to a government report conducted in 1915, the dormitories of the students were “not well cared for” and were disorderly and crowded.<sup>121</sup> The Oak Hill Industrial Academy was thus a central point for rural Choctaw Freedmen families in which children received educational training and in which family units in rural Choctaw communities were separated.



“Photograph of Caroline Prince house in the Oak Hill Community (Choctaw Freedman),” Kenny and Kayla Sivard Collection, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1550565/>.

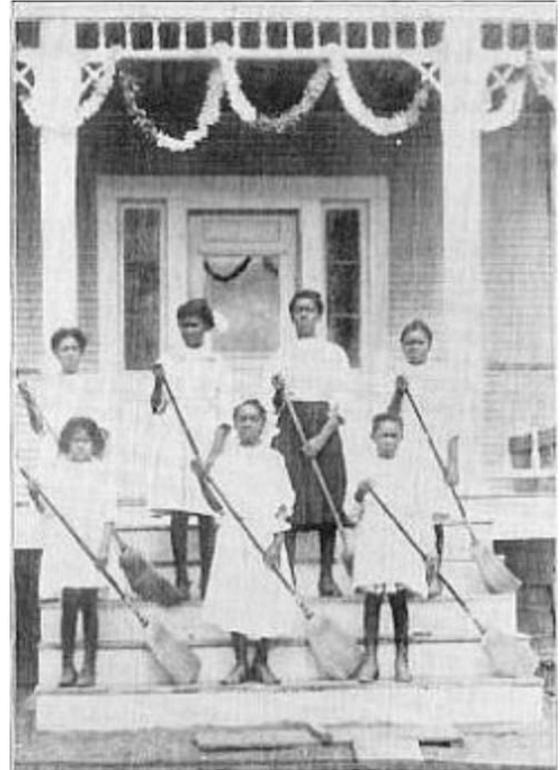
<sup>119</sup> Robert Elliot Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy*, 269-270.

<sup>120</sup> *Ibid.*, 136.

<sup>121</sup> United States, Office of Education, *Negro Education*, 466.

Choctaw Freedgirls and Freedboys were banned from having any communication with one another and engaged in different forms of labor.<sup>122</sup> Choctaw Freedgirls were taught how to cook, mend, and sew while they simultaneously received training in arithmetic, reading, and writing at the young age of 10, to teach Freedgirls the core aspects of “managing a home,” a “useful employment.”<sup>123</sup> On the other hand, boys made physical improvements to buildings in the Oak Hill Industrial Academy, “pulling stumps” and painting buildings, and were considered for training in ministry.<sup>124</sup> The Oak Hill Industrial Academy became a site of education and was a central point of the formation of gender binaries and gendered labor standards, in which boys and girls were barred from communicating with one another and engaged in separate and different forms of labor.

In a report about the original establishment and the re-establishment of the Oak Hill Industrial Academy, written by a recent superintendent of the academy and pastor of Oak Hill Church in 1914, Caroline Prince’s land is the only plot of land described as being acquired through an annuity bond, while other land plots are described as being “purchased” or “donated” to the Oak Hill Aid Society.<sup>125</sup> An annuity bond supplies the person



Female students at the Oak Hill Industrial Academy posing with brooms. “YOUTHFUL SWEEPERS: Holding and Using the Broom Aright,” in Robert Elliot Flickinger, *The Choctaw Freedmen and the Story of Oak Hill Industrial Academy* (Pittsburgh: Presbyterian Board of Missions for Freedmen, c1914), <https://www.gutenberg.org/files/23321/23321-h/23321-h.htm>.

<sup>122</sup> Robert Elliot Flickinger, *The Choctaw Freedmen*, 266-267.

<sup>123</sup> *Ibid.*, 107, 199.

<sup>124</sup> *Ibid.*, 206-208, 298, 342.

<sup>125</sup> *Ibid.*, 303-304.

whose land is purchased with a “constant annual amount to cover both the redemption of bonds and interest payment,” providing a constant and dependable source of income to the seller.<sup>126</sup> Thus, in entering into an annuity bond contract for a portion of her 40-acre land allotment, Caroline Prince acquired a stable source of income for her household in her 60s, and contributed to the re-establishment of an infrastructural center for Choctaw Freedpeople and their children. The distribution of land allotments and Caroline Prince’s strategic choice to enter into a legal contract with part of her land allotment—and specifically in a contract that provided her with a constant stream of revenue—demonstrates that widowed Freedwomen were able to acquire a semblance of financial independence by establishing legal contracts involving their land allotments. Specifically, Freedwomen without spouses to support their household were able to strategically secure constant streams of cash that could support them in purchasing products that they could not grow on their land. It is clear that women’s land allotments could be used to promote community wide efforts to educate children and institute gendered labor practices.

### **Independence in Elderhood: Land Allotments and Freedwomen Elders**

Even after they passed, Freedwomen’s allotments became sources for their non-Freedmen Afro-American migrant partners’ survival. In one example, a Chickasaw Freedwoman named Betsy Brown and Jim Williams—an Afro-American man—had lived together on her land allotment until she passed away. In a news article in the *Daily Ardmoreite*—the largest newspaper in Indian Territory at the time—Jim Williams is not described as Betsy’s husband, but rather as someone who had

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<sup>126</sup> C. M. Schilbred, “Bond Evaluation as a Decision Under Certainty, Risk or Uncertainty,” *The Swedish Journal of Economics* 70, no. 1 (March 1968): 45.

According to her Dawes Census Card, Caroline Prince was 56 when she applied for the Dawes Rolls in 1899.

U.S. Department of the Interior, Office of Indian Affairs, Dawes Commission, Choctaw Freedmen Census Cards, no. 1402, Dawes Rolls No, 4651, April 18, 1899, The National Archives at Ft Worth; Ft Worth, Texas, USA; *Enrollment Cards for the Five Civilized Tribes, 1898-1914*; NAI Number: 251747; Record Group Title: *Records of the Bureau of Indian Affairs*; Record Group Number: 75, [Ancestry.com](https://www.ancestry.com).

“lived with her” after she was freed from bondage.<sup>127</sup> According to the article, she left 20 acres of her land allotment to Williams in her will.<sup>128</sup> In planning to leave Williams—a man who had been in her life for several years—a portion of her allotment, she would continue to support him posthumously. However, after Brown died, the court ruled that her “will was not properly executed” and O. W. Patchell—a white lawyer who migrated to Oklahoma with his wife in the 1880s—was appointed as the “administrator” of Betsy Brown’s estate.<sup>129</sup> Jim Williams, the man whom Betsy had lived with for years and left her land to, eventually filed a claim for \$600, arguing that he had cared for Betsy Brown. Brown's land allotment was eventually sold at auction for \$400 while under the “administration” of Patchell.<sup>130</sup>

Betsy Brown’s attempt to pass on her land to a man whom she had lived with for years outside of the bounds of marriage demonstrates that Freedwomen attempted to control the passage of their land within the confines of the people with whom they had strong connections. In the example of Betsy Brown’s authorship of a will for her land allotment, it is also evident that in relationships outside of the bounds of marriage, Freedwomen attempted to pass down their allotments through explicit legal documents, like Brown’s will. However, the court’s dismissal of Betsy Brown’s will for not being “properly executed” and the administration of her estate to a white lawyer illustrates that despite Freedwomen’s attempts to establish legally-codified methods of inheritance that passed their land on to black people in Oklahoma Territory, courts could ultimately

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<sup>127</sup> “The Daily Ardmoreite--History,” The Gateway to Oklahoma History, <https://gateway.okhistory.org/explore/collections/ARDMR/>.

<sup>128</sup> “Purchased Indian Claim: Estate of Betsy Brown, Freedwoman Bought By John Hoffman,” *The Daily Ardmoreite* (Ardmore, Indian Territory), Vol. 12, No. 245, Ed. 1, Wednesday, August 23, 1905, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc79915/m1/1/?q=%22chickasaw+freedwoman%22>, 1.

<sup>129</sup> Lillian Patchell, interview by Maurice R. Anderson, April 30, 1937, Interview ID 1239, transcript, Indian Pioneer Papers, Western History Collection, University of Oklahoma Libraries Western History Collections, <https://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/1189>.

<sup>130</sup> “Purchased Indian Claim,” *The Daily Ardmoreite*, 1.

overturn their efforts and place their land for auction. By so doing, whites would have the opportunity to purchase the land that they had legally left to other black people.

In comparison to Freedwomen of the Five Slaveholding Tribes (like Polly Colbert, Kiziah Love, Lucinda Davis), Afro-American migrant women—because they had not received land allotments—did not experience similar levels of independence in the post-allotment period within their old age. For example, in a WPA slave narrative, a formerly enslaved Afro-American migrant named Joanna Draper describes how her family leased land from the Creek Nation for \$15 an acre in the pre-allotment period. However, she notes that once the federal government gave “out the allotments [her family] had to give it [the land they were leasing from the Creek Nation] up.” In the post-allotment period, her family had to “rent 100 acres from some Indians close to Wagoner.” She recounts that she farmed “it all” with her family. Draper then recounts that her daughter Dora married a Freedman named Max Colbert who owned a land allotment that she lived on in her old age at the time of her WPA interview.<sup>131</sup>

Her interview demonstrates that Afro-American migrants who did not receive land allotments did not easily own land. Draper’s family was treated as outsiders and non-citizens in their interactions with land held by the Creek Nation, as they had to pay to lease the land. Further, she exemplifies that the allotment process had a destabilizing effect on Afro-American migrants, who could be forced to leave the land they had developed and farmed without receiving land to own, either individually or familially. Through Draper’s interview, it is clear that intermarriage with a Freedman or Freedwoman was the main factor contributing to whether or not Afro-Americans would have the ability to own land, as she notes that her daughter Dora—one of her eleven children—could only acquire land through marriage. Thus, Joanna Draper’s recounting of her

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<sup>131</sup> Joanna Draper, interview with Robert Vinson Lackey, August 19, 1937, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 136-7. See Appendix 9 for Draper’s full interview.

relationship with land as an Afro-American migrant demonstrates that black individuals without an Indigenous connection struggled to own land, and often were only proximate to the ownership of land through familial inter-marriage with Freedmen. Marriage with Freedpeople and other members of the Five Slaveholding Tribes became a central way for white and black settlers to access land in the present-day state of Oklahoma in the post-allotment period. Further, as Freedwomen became prominent landholders, marital relationships shifted in terms of gendered landownership and wealth.

### - Chapter 3 -

## **Marriage and Romantic Partnerships in the Midst of Jim Crow: Wealth, Gender, Racecraft, and Land Manipulation**

As Freedwomen established their lives on their own independent land allotments, the terms of marriage and motivations for marriage fundamentally changed. Because Freedwomen were independent land owners in the midst of an agrarian economy based around land-ownership, they did not experience similar financial and employment conditions as other Afro-American women. Within Indian Territory and later in the state of Oklahoma, Freedwomen were able to enter into relationships with different power dynamics than most marriages, as they often held wealth before marriage. This chapter argues that Freedwomen's statuses as independent landowners allowed for particular types of marital and other long-term relationships. Moreover, this chapter examines how the shift to Jim Crow marriage laws affected marriage in post-statehood Oklahoma, and it analyzes the particular form of marriage fraud that was deployed by white men within the context of a Jim Crow state based on African hypodescent.

### **Wealthy Freedwomen, Marriage, and Independence**

In the confines of marriage, Freedwomen's land allotments became sites where Freedpeople were separated from their regional communities. For example, in Art Gallaher's 1951 study of Seminole Freedmen for his anthropology thesis, Gallaher describes an instance in which a Seminole Freedmen family left the geographic constraints of the Bruner Band of the Seminole Nation—their Seminole band—to live on his wife's land allotment in the midst of the Dosar Barkas band of Seminole Freedmen.<sup>132</sup> In moving to her allotment, the family left the school, church, store, and cemetery that they likely grew up with for their entire life as part of the Bruner Band.<sup>133</sup> Although

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<sup>132</sup> Gallaher, "A Survey on the Seminole Freedmen," 100.

<sup>133</sup> Mulroy, *The Seminole Freedmen*, 271.

the family moved outside of their community's central point in the Bruner Band, they still retained their affiliation with the Bruner Band. In moving onto an allotment outside of the central geographic location of their band, this Seminole Freedmen family may have formed new ideas of community, all within the context of the matron of the family's land. Thus, the land of a Seminole Freedwoman became the central point of her entire family's establishment of a life outside of the confines of their band and traditional home.

Freedgirls' and Freedwomen's allotments were also focal points of stability for Freedmen following incarceration. For example, in her oral history interview with the Works Progress Administration, Lucinda Davis discusses how her son, Anderson Davis, was incarcerated in McAlester Prison after getting "in a mess." According to Lucinda Davis, her son "got to be a trusty and dey let him marry a good woman dat got lots of property dar, and dey living all right now."<sup>134</sup> Within the McAlester Prison in the state of Oklahoma, a "trusty" was a "convict trusted not to run and allowed considerable freedom of movement."<sup>135</sup> According to marriage records, twenty-two year-old Anderson Davis married Florence White in June of 1919 when she was fifteen-years-old, after her mother signed an affidavit confirming her consent to their marriage.<sup>136</sup> Thus, by the time Lucinda Davis discussed her son's living arrangement on his wife's allotment, he and Florence had remained on her allotment for almost twenty years and established their lives on her land allotment.

Although Anderson Davis himself had received a land allotment as a Creek Freedman, his stability post-incarceration was found in his marriage to a Freedgirl minor whose land they had set their lives upon and continued to live on into the 1930s. The case of Anderson Davis and the re-

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<sup>134</sup> Lucinda Davis, interview with Vinson Lackey, 64.

<sup>135</sup> Robert Barr Smith, *The Outlaws: The Tales of Bad Guys Who Shaped the Wild West* (Guilford, CT: TwoDot, 2013), 115.

<sup>136</sup> Application for Marriage License, Anderson Davis to Florence White, 20 June 1919, Wagoner County, Oklahoma, C. S. Jones, Court Clerk, found in Ancestry.com. Oklahoma, *County Marriage Records, 1890-1995* [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2016.

establishment of his life on his minor wife's land for over twenty years demonstrates that although incarceration could disrupt Freedpeople in their relationship to their land allotments, Freedgirls' land allotments became crucial points of familial stability for Freedmen families and a source of familial structuring and security. In this sense, Freedgirls' land allotments were sites of family reconfiguration and locations where Freedpeople could reconfigure and form their lives after facing disruption at the hands of state penal systems through marriage.

Freedwomen's land allotments were also central to familial life and agricultural production. In an interview in 1938, Lula Neighbors, the daughter of Mary (Brown) Mabry—a Choctaw Freedwoman—and Charles Mabry—a formerly enslaved black man from Georgia—recounts her family's access to Choctaw communal land in the pre-allotment period in Indian Territory, her family's use of her mother's land allotment in the pre-statehood period, and the use of her own allotment and her mother's allotment in post-statehood Oklahoma. According to Lula, prior to the allotment period, her father purchased improvements from an "Indian" after marrying her mother, fencing in the over 100-acres of land and growing corn, other edible crops, and cotton.<sup>137</sup> According to Daniel F. Littlefield, Afro-American migrants to Indian Territory were often granted access to Indigenous lands in the pre-allotment period through their marital relationships to Freedpeople of the Five Slaveholding Tribes.<sup>138</sup>

As the allotment process progressed within Indian Territory, and by extension, communal land ownership dissolved within the territories of the Five Slaveholding Nations, Lula Neighbors's mother acquired a 70-acre land allotment due to her status as a Choctaw Freedwoman.<sup>139</sup> In describing her family's life on her mother's allotment, she explains that her family lived in a log

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<sup>137</sup> Lula Neighbors, interview by James Russell Gray, 1.

<sup>138</sup> Littlefield, *The Chickasaw Freedmen*, 90.

<sup>139</sup> Lula Neighbors, interview by James Russell Gray, 2.

Lula describes that her family received land that was "rather poor" and thus, received more than the average 40 acres of land that most Choctaw Freedpeople were allotted

house that was originally one room but her father continued to build upon the land allotment. In discussing how her family lived off of their land, Lula Neighbors describes that her father operated a molasses mill in which he “made syrup from his own cane,” selling much of the molasses he produced to neighbors.<sup>140</sup> Later in her life, Lula Neighbors lived on her own allotment, stating that she “[has] a ‘right’ from [her] Mother’s being a freedwoman.”<sup>141</sup>

Lula Neighbors’s description of her father’s operation of a molasses mill and of her family’s subsistence and development of her mother’s “poor” land allotment demonstrates that the individual allocation of land allotments to Freedwomen who were married prior to the allotment process created unique dynamics within the households of black communities in Oklahoma. The example of Lula’s family demonstrates that Freedwomen’s individual ownership of land allotments allowed for men without documented heritage with the Five Slaveholding Tribes to operate small businesses that relied on farming on their wives’ land. Non-Indigenous black men were able to establish businesses on their wives’ lands with the profits incurred from their land and establish sources of additional income. As ideas of manhood and masculinity for Afro-American former slaves included independence, the ownership of small businesses, and landownership, Afro-American men who married Freedwomen were able to achieve the central notions of black manhood through marriage.<sup>142</sup>

Land allotments allowed for families created by marriages of Freedpeople and Afro-American migrants to grow crops on their own land, outside of the relationships of sharecropping that dominated in other parts of the Jim Crow South. By 1910, around 90% of Afro-Americans in the South who worked on farms were either tenants, contract laborers, or tenant farmers who did

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<sup>140</sup> Lula Neighbors, interview by James Russell Gray, 2.

<sup>141</sup> Lula Neighbors, interview by James Russell Gray, 7.

<sup>142</sup> David J. Leonard, “African American Manhood,” in *American Masculinities: A Historical Encyclopedia*, ed. Bret E. Carroll (Thousand Oaks, CA.: Sage Publications, 2003), 16-17.

not own their own tools of production and who were not able to market their crops independently.<sup>143</sup> Thus, land allotments to Freedwomen of the Five Slaveholding Tribes gave Freedpeople's families the tools needed to operate familial businesses and gave black Americans unique access to the ownership of the crops of their own production.

As Afro-American migrants moved into Indian Territory, pre-Oklahoma statehood, Afro-American migrants often married Freedpeople of the Five Slaveholding Nations and lived within Freedmen communities, where they gained access to the communal land held by the tribes.<sup>144</sup> In marriages between Freedwomen of the Five Slaveholding Tribes and Afro-American men, women were often the sole landholders in the marital relationship. For example, in Kendra Taira Field's *Growing Up With the Country: Family, Race, and Nation After the Civil War*, she explores the marriage of Thomas Jefferson Brown, a man of Afro-American and white descent from Arkansas, and Julia (Simon) Brown, a Creek woman of African descent. Field demonstrates that Julia (Simon) Brown's allotment provided land to establish the all-black town of "Brownsville," a community named after Thomas Jefferson Brown, despite being founded on his wife's allotment. The town, which included a post office, school house, and church, was inhabited by Freedpeople of the Five Slaveholding Tribes and Afro-American migrants.<sup>145</sup> Field also notes that the children of Julia and Thomas Jefferson each accumulated their own land allotments due to their matrilineal Creek descent, allowing for the further acquisition of Indigenous land for a family descended from Creek Freedmen, Afro-Americans, and whites.

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<sup>143</sup> Jacqueline Jones, *Labor of Love, Labor of Sorrow: Black Women, Work, and the Family from Slavery to the Present* (Basic Books, 2009), 80.

<sup>144</sup> Kendra Taira Field, *Growing Up with the Country: Family, Race, and Nation After the Civil War* (New Haven, CT: Yale University Press, 2018), 27.

Lula Neighbors, interview by James Russell Gray, January 13, 1938, Interview ID 12678, transcript, Indian Pioneer Papers, Western History Collection, University of Oklahoma Libraries Western History Collections, <https://digital.libraries.ou.edu/cdm/ref/collection/indianpp/id/907>.

<sup>145</sup> Field, *Growing Up With the Country*, 55-56.

In this example, Julia Simon's Indigenous Creek ancestry was the central factor contributing to her family's ability to acquire land through multiple generations. Her acquisition of an individual land allotment was fundamental to the establishment of an all-black town that united Freedmen of the Five Tribes and Afro-Americans without heritage in the Five Slaveholding Tribes in the post-statehood and post-allotment period. Thus, her acquisition of a 160-acre land allotment from the federal government provided her entire family with the ability to develop land and establish an independent black community. This dynamic within marriages between Freedwomen of the Five Slaveholding Tribes and men of African descent without documented connections to the tribes influenced the power dynamics between husbands and wives, as women were formal individual land owners and their land was the foundation on which all-black towns were built and flourished. Thus, black women's land allotments were central to the formation of a black communal space that included both individuals with heritage in Indian nations and Afro-American migrants.

Freedwomen's prosperous land allotments also fundamentally shifted their marital relationships and their ability to attract partners. For example, in his 1951 thesis about Seminole Freedmen, Gallaher notes that a Seminole Freedman left his Afro-American migrant wife to marry a Seminole Freedwoman. According to Gallaher, members of the Seminole Freedmen community noted that the Seminole Freedwoman "owned considerable property and cattle." According to interviews with other Seminole Freedmen, based on their community norms, he "did not have any business leaving his original wife." Gallaher explains that other Seminole Freedmen reasoned that he left his original wife to marry a Seminole Freedwoman "purely for mercenary reasons." According to Gallaher, after the Freedman lived with the Freedwoman for three years and "according to most people, being unable to get possession of her wealth," the Freedman left her to return to live with his first wife, an Afro-American migrant.<sup>146</sup> In the example, it is unclear whether the man ever

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<sup>146</sup> Gallaher, "A Survey on the Seminole Freedmen, 60-61.

formally divorced his original wife or married the Seminole Freedwoman. The Seminole Freedman's attraction to a Freedwoman's property and cattle, and his breaking of marital bonds in order to live with this Freedwoman, demonstrate that the distribution of individual land allotments to Freedwomen, including single Freedwomen, allowed Freedwomen to attract men with their wealth. In that sense, Freedwomen's access to land seems to have created a dynamic in which Freedwomen may have had more independent financial stability as single women.

Freedwomen may have had more options for marriage and they may have been able to remain single for longer periods of time than other black women, as they were able to provide for themselves and develop their own wealth. Further, the fact that this man left the Freedwoman after he was unable to gain her wealth demonstrates that the land and other holdings that the Seminole Freedwoman developed were considered to be hers, independent of any relationship. In this sense, the Seminole Freedwoman's allotment gave her more choice in romantic relationships as the financially stable and wealthier partner, but the wealth she developed from her land also allowed her to enter into romantic relationships outside of the bonds of traditional marriage.

This example also suggests that Freedwomen could enter into romantic relationships outside of the bonds of the monogamous marital relationships ratified in Oklahoma law, or even the polygynous marriages that were Indigenous to their tribal communities. Because of the wealth that Freedwomen were able to develop on their own land, it is clear that Freedwomen were highly desired as romantic partners and that Freedwomen—both in the example of the Seminole Freedwoman in the Gallaher thesis and in the case of Betsy Brown—may have entered into partnership, romantic, or long-term live-in relationships with men outside of the bounds of marriage. Given Freedwomen's ability to develop their own land and property, it is also possible that Freedwomen may have entered into not only polygynous relationships, but polyandrous, or other forms of polygamous relationships as well.

In a system of independent land ownership, regardless of gender, Freedpeoples' families farmed independently and operated their own businesses with the crops they produced. As Freedwomen independently received land allotments and often married men who did not qualify for land allotments, the allotment process created unique circumstances within families in which women owned the land that families operated on and built upon, shifting dynamics of gender and class, as wives legally owned the basis of much of their family's wealth and income, outside of the common context of sharecropping and tenancy.

### **Jim Crow Marriage Law and Fraudulent Marriage Land Manipulation Schemes**

Under Oklahoma law established in 1908, marriage was only legal between one man and one woman. Further, Oklahoma law explicitly stated that marriage was only legal between two "white" individuals or two "negroes," and state statutes declared that any individuals who violated the legal code of racialized marriage would be guilty of a felony that included a prison sentence and fine.<sup>147</sup> Under Oklahoma's statutes definition, Euro-Americans could marry tribal members who were not of African descent, while Freedmen were legally prohibited from marrying Euro-Americans or non-black tribal members. In practice, this meant that white Americans could access Indigenous land allotments through marital relationships. As noted by historian Murray Wickett, Euro-Americans "considered mixed bloods for all intents and purposes to be 'white'" and most Euro-Americans chose to marry mixed bloods and not full-bloods. He notes that although white Americans generally considered full-bloods to be "uncivilized 'children'" or "savage 'beasts,'" "intermarriages between

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<sup>147</sup> General Statutes of Oklahoma, 1908. § 3260 (HeinOnline 1908), found in Elder Benedict, *General Statutes of Oklahoma, 1908; a Compilation of all the Laws of a General Nature including the Session laws of 1907, Annotated to Volume 18 Oklahoma Reports, 96 Pacific Reporter, 76 Kansas Reports and 150 California Reports* (Kansas City, MO: Pipes-Reed Book Co, 1908), <https://heinonline.org/HOL/P?h=hein.sstatutes/genstatok0001&i=721>, 725.

whites and full-blood Indians became more common after the discovery of oil on Indian lands just after statehood,” underscoring white settlers’ use of marriage to acquire Indigenous lands.<sup>148</sup>

Marriage only provided a means of direct access to the land allotments and wealth of Indigenous people who were not of African descent. In some cases, however, Euro-Americans and even Europeans still proposed to marry underage Freedgirls. For example, Creek Freedgirl Sarah Rector received marriage proposals from several men, including four white men from Germany by the age of eleven.<sup>149</sup> Creek Freedgirl Katie Fixica also received marriage proposals from “men of all ages, races, and creeds.”<sup>150</sup> According to one article, Fixica was “one of the wealthiest young women through the ownership of a valuable oil tract allotment,” and after stories detailing her wealth were published across newspapers, she received marriage proposals from men across all sections of the United States, getting “more mail than any other person in her entire neighborhood.”<sup>151</sup> Despite these marital proposals from men not of African descent, under Oklahoma law, such a marriage would be explicitly illegal and outside of the legal confines of marriage under Oklahoma’s law of hypodescent.

Although Euro-Americans were not able to directly access Freedpeople’s land allotment through marital relationships due to Oklahoma’s adoption of Jim Crow anti-miscegenation laws based solely on African hypodescent, Freedpeople were still manipulated into signing away their land

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<sup>148</sup> Wickett, *Contested Territory*, 39.

<sup>149</sup> "Oil Made Pickaninny Rich Oklahoma Girl with \$15,000 a Month Gets Many Proposals," *Kansas City Star* (Kansas City, Missouri) 34, no. 120, January 15, 1914: 5. *Readex: Readex AllSearch*.  
<https://infoweb.newsbank.com/apps/readex/doc?p=ARDX&docref=image/v2:1126152C152E4978@EANX-119AD97A15277760@2420148-119AD97A4C88EC60@4-119AD97B1C33E8E0@Oil+Made+Pickaninny+Rich+Oklahoma+Girl+with+%2415%2C000+a+Month+Gets+Many+Proposals>.

<sup>150</sup> W. M. Tryon, “State News Notes,” *The Davenport New Era* (Davenport, Okla.), Vol. 10, No. 17, Ed. 1 Thursday, June 6, 1918, The Gateway to Oklahoma History, Oklahoma Historical Society,  
<https://gateway.okhistory.org/ark:/67531/metadc109482/m1/5/?q=%22katie+fixica%22>, 5.

<sup>151</sup> “Fixica Girl Has Increase of Vast Fortune,” *The Oklahoma Leader* (Guthrie, Okla.), Vol. 25, No. 30, Ed. 1 Thursday, July 15, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society,  
<https://gateway.okhistory.org/ark:/67531/metadc122067/m1/6/?q=%22girl+allotment%22+%7E15>, 6.

to Euro-Americans through marriage. A Creek Freedman, AA, interviewed in Sigmund Sameth's anthropology thesis underscored that white people used Afro-American migrants to defraud Freedpeople through marriage. According to AA, white people would "take a wachina [the Freedmen term for Afro-American migrants] and put him in a big car and have him start corresponding [courting] some Freedman girl that had land they wanted." After courting the girl, Afro-American migrant men would marry the Freedgirl, even if he already had a wife of his own out-of-state. According to AA, the marriage licenses that would be procured in these fraudulent agreements would look similar to valid licenses, but the marriage licenses would never "go in the record." In the scheme, the Afro-American migrant men would then sell out to white men. AA stated that his sister and the daughter of another Freedmen had been manipulated out of their land through the fraudulent marriage scheme between Afro-Americans from out of state and white men. AA points to one woman, AC, who was frauded out of all 160 acres of her allotment through such a fraudulent marriage.<sup>152</sup>

The marriage manipulation scheme that was deployed against Freedpeople of the Five Slaveholding Nations fit within the racecraft reinforced by the Jim Crow laws of the state. As described in Chapter One, the racial classification system of hypodescent focused solely on African ancestry allowed for direct marriages between Euro-American people and Indigenous people without African ancestry. Because the Jim Crow laws of the state outlawed the same access to Afro-Indigenous people's land through marriage, land manipulation through marriage had to be achieved through alternate routes. Thus, in the context of the racecraft of the state, using Afro-American migrants—who generally were poor and landless—to defraud Freedmen out of their land through marriage—allowed for the continuing of the Jim Crow social order, while allowing for Euro-

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<sup>152</sup> Sameth, "Creek Negroes," 54.

Americans to access land through the marriage of people of African descent with strikingly different relationships with land and different wealth statuses.

As Freedwomen became independent landholders in their own right, they experienced new possibilities for romantic relationships, partnerships, and marriage. White settlers, Afro-American migrants, and Freedmen found ways to acquire and live on Freedwomen's lands through marriage and partnerships. Within the context of the Jim Crow state of Oklahoma, white settlers also structured legal and extra-legal land manipulation schemes around the lands of minors, adopting gendered minor laws and appointing white male guardians to Freedchildrens' lands.

## - Chapter 4 -

### **Powerful Landholding Freedmen Minors: Gender, Age, Race, Kidnapping, and Guardianship**

As Freedpeople minors owned valuable land, white settlers found ways to attempt to reestablish racial and gender hierarchies and control Freedpeoples' lands in the context of Jim Crow segregation and marriage laws. Euro-Americans not only manipulated Freedgirls out of their lands through marriages, but directly controlled the lands of Freedgirls and Freedboys through minor guardian laws. Through the enforcement of guardianship laws, white men were able to make profit off of Freedpeople minors' lands and control the investments of their lands. This chapter explores how Indigeneity, blackness, and gender shaped the experiences of minors in guardianship relationships and kidnapping.

#### **The Case of Sarah Rector: Guardianship Laws, Wealth Distribution, and Corporate Profits**

In the summer of 1915, at 12 years old, Creek Freedgirl Sarah Rector lived in a “two-room box house on an Oklahoma prairie” with both of her parents and her five siblings. In her family’s small home was one bed, limited floor space, and a “rusty stove.” Rector’s siblings slept on the ground and she slept on the house's armchair every night.<sup>153</sup> Sarah Rector’s family picked cotton and lived as tenant farmers.<sup>154</sup> Rector had never slept in a bed until December 1913, when a judge, with a

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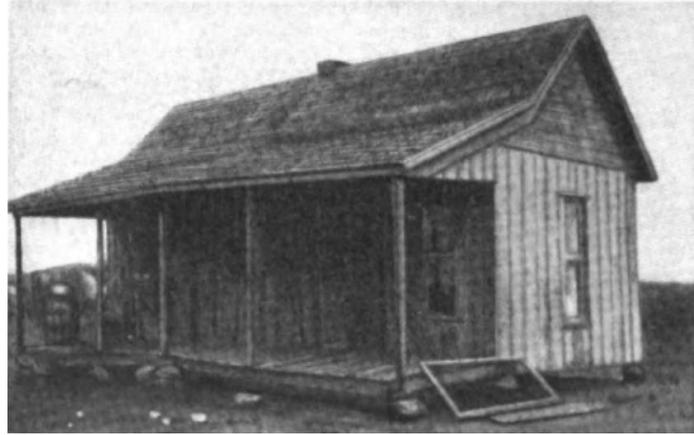
<sup>153</sup> Florence Longley Fosbroke, “\$10,000 a Month for a Little Negro Girl,” *The American Magazine* 79 (Jan-Jun. 1915): 60.

“Women Who Lead the Way,” *Oregonian* (Portland, Oregon) LV, no. 17088, August 31, 1915, *Readex: Readex AllSearch*.

<https://infoweb.newsbank.com/apps/readex/doc?p=ARDX&docref=image/v2:11A73E5827618330@EANX-11EDEEE6CAF99DB8@2420741-11EDEEE7095EF0E8@7-11EDEEE85FC46688@Women Who Lead the Way>, 8.

<sup>154</sup> L. B. Nichols, “Negro Girl’s Income Exceeds President’s. Gilt Edged Bank Book Only Outside Sign of Oklahoma Pickaninny’s Vast Oil Royalties,” *The Chandler News-Publicist* (Chandler, Okla.), Vol. 23, No. 3, Ed. 1 Friday, October 3, 1913, *The Gateway to Oklahoma History*, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc912667/m1/2/?q=%22Sarah+Rector%22>: accessed February 27, 2020, 2.

reputation for treating the cases of “minors whose estates [were] being handled by guardians” with an “almost paternal care,” ordered her guardian to buy her one.<sup>155</sup> By January 1914, a house costing \$1,000—or about two days of her income—was built for Sarah Rector after the same judge who had secured her a bed ordered that one be built.<sup>156</sup>



Sarah Rector's family's modest two-room home. "Sarah Rector," circa June 1915, found in *American Magazine* Vol. 79 (Jan.-July 1915), 59.

Despite Rector's modest living conditions, she was the wealthiest black person in the entire world in 1914, and she earned an income about twice as high as President Woodrow

Wilson's income in 1913 and 1914. By May 1914, Sarah was worth over \$1,000,000—over \$25.5 million in today's dollars—and was making an income between \$10,000 and \$15,000 per month (\$385,000 per month in today's dollars). Sarah Rector's income streams and wealth were accumulated through oil extraction on the 160 acres of land that she was allotted by the United States federal government, due to her grandparents' enslavement by Creek slave-owners.<sup>157</sup> Although

<sup>155</sup> “White Boys Seek to Wed Negro,” *The Oklahoma Leader* (Guthrie, Okla.), Vol. 24, No. 5, Ed. 1 Thursday, January 29, 1914, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc121992/m1/3/?q=%22Sarah+Rector%22>, 3.

<sup>156</sup> Leslie G. Niblack, “Will Build Home For Negro Girl: Sarah Rector, Whose Income is \$14,000 a Month, Lives in Hovel,” *The Guthrie Daily Leader* (Guthrie, Okla.), Vol. 41, No. 4, Ed. 1 Thursday, January 15, 1914, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc614924/m1/6/?q=%22Sarah+Rector%22>, 6.

<sup>157</sup> B. Houghtaling, “Her Income Greater The President's,” *The Nowata Star* (Nowata, Okla.), Vol. 10, No. 38, Ed. 1 Friday, September 19, 1913, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1320624/m1/2/?q=%22Sarah+Rector%22>: accessed February 27, 2020, 2.

John F. Easley, “Negro Girl Has Vast Royalties and Her Income is Greater Than That of President Wilson--Rich From Oil,” *The Daily Ardmoreite* (Ardmore, Okla.), Vol. 19, No. 303, Ed. 1 Sunday, September 28, 1913, The Gateway to Oklahoma History, <https://gateway.okhistory.org>; crediting Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc153740/m1/1/?q=%22Sarah+Rector%22>: accessed February 27, 2020, 1.

Rector's allotment increased her wealth through oil extraction royalties, she had likely never seen her land in person by 1913 and had no say in choosing her land allotment, as she was a newborn when her father chose her allotment.<sup>158</sup> However, as Sarah Rector accumulated large amounts of profit from the development of her land allotment, neither she nor her family members had any direct control over how her wealth was invested or spent. Like many wealthy minor Freedpeople, her land was controlled by a series of court-appointed white male guardians. One of Sarah Rector's guardians named Bob Fite/Fike was accused by the Afro-American newspaper *The Tulsa Star* of having openly expressed prejudiced views.<sup>159</sup>



Creek Freedgirl Sarah Rector at around age 10 or 11. "Sarah Rector," circa 1915, found in *American Magazine* Vol. 79 (Jan.-July 1915), 59.

Under Oklahoma law, all minors who owned land could not directly control their land or make decisions about how to invest their land. In Oklahoma, all individuals considered to be under the legal age of majority were required to have a legal guardian to make contracts in their interest, "have custody of the minor," and guide minors in their education.<sup>160</sup> Oklahoma age-of-majority statutes established that fathers of "legitimate" children would be their assumed guardians, except in cases in which fathers

<sup>158</sup> Andrew Jackson Smitherman, "Afro-American Cullings," *The Tulsa Star* (Tulsa, Okla.), Vol. 1, No. 48, Ed. 1, Saturday, October 4, 1913, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc72639/m1/7/?q=%22Sarah+Rector%22>: accessed February 27, 2020, 7.

<sup>159</sup> Andrew Jackson Smitherman, "Negro Minors and the County Courts," *The Tulsa Star* (Tulsa, OK), Vol. 3, No. 36, Ed. 1, Saturday, July 24, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc72720/m1/4/?q=%22white+elephant%22+AND+%22sarah+rector%22>, 4.

<sup>160</sup> General Statutes of Oklahoma, 1908. § 3174-3180 (HeinOnline 1908), found in Elder Benedict, *General Statutes of Oklahoma, 1908; a Compilation of all the Laws of a General Nature including the Session laws of 1907, Annotated to Volume 18 Oklahoma Reports, 96 Pacific Reporter, 76 Kansas Reports and 150 California Reports*. Kansas City, Mo, Pipes-Reed Book Co, <https://heinonline.org/HOL/P?h=hein.sstatutes/genstatok0001&i=721>.

had died. Further, Oklahoma law explicitly stipulated that in situations in which children were deemed legally “illegitimate,” children’s mothers would be their assumed legal guardians. According to Oklahoma law, a child was deemed illegitimate if they were produced outside of the confines of “wedlock.”<sup>161</sup> With the shift to Oklahoma statehood, past marriage practices of both Freedpeople and “By Blood” members of the Five Slaveholding Tribes—referred to in Oklahoma legal code as “Indian customs”—were outlawed and traditional Indigenous marriages entered into post-statehood were considered “illegitimate” marriages.<sup>162</sup> Oklahoma law declared polygamous marriages “illegitimate” and required “Indian” men to choose one of the wives they had relationships with to be their “legitimate” wife.<sup>163</sup> With the implementation of these marriage policies, many children of Indigenous descent, who were produced in polygynous families, became the legal wards of their mothers as they were deemed illegitimate children under Oklahoma state law. In this sense, due to the delegitimizing of Indigenous marriages, many women became the legal guardians over their children’s land, as their marriages were deemed to be legally obsolete according to state law.

In Oklahoma statutes, age of majority laws made no legal distinctions across lines of “race,” as defined by the one-drop-of-blood provision, which stipulated that any individual with any African ancestry was considered legally a “negro” and every person in Oklahoma without African ancestry was deemed legally “white,” including individuals of Indigenous ancestry. However, because in practice, most minor migrant Afro-Americans did not own property, while every single one of the hundreds of Freedchildren of the Five Slaveholding Tribes did, Freedchildren were disproportionately impacted by guardianship laws. Similarly, although the numbers of white children without Indigenous ancestry who owned property may have been higher than Afro-American migrants, the numbers of non-black Indigenous minors who received land was proportionately

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<sup>161</sup> General Statues of Oklahoma, 1908. § 3265 (HeinOnline 1908), 736.

<sup>162</sup> General Statues of Oklahoma, 1908. § 3268-3269 (HeinOnline 1908), 736.

<sup>163</sup> Ibid.

much higher, as every infant and minor registered on the “By Blood” rolls of the Dawes Rolls was granted their own allotment. Minor policies, thus, disproportionately affected individuals of Indigenous ancestry who were classified as both “negro” and “white,” because of their high rates of land ownership in comparison to the rest of the Oklahoma population.

In practice, Freedchildren’s and other Indigenous children’s land allotments were managed not by their parents, but by court-appointed legal guardians. In large and natural-resource dense allotments, white men without tribal affiliations were often assigned to manage the lands of Freedchildren. As described in a 1915 article in the *Sapulpa Herald*, “nearly all guardians, especially of big estates, are white men.”<sup>164</sup> Black newspapers recognized the guardianship system as a means for white men to work in conjunction with the district courts formed in post-statehood Oklahoma to manipulate Freedmen out of their land and develop their own wealth—and not the wealth of Freedchildren or their families. As described in an article in *The Tulsa Star*, “Oklahoma is full of graft”—defined as the “acquisition of gain (such as money) in dishonest or questionable ways.”<sup>165</sup> In the midst of all of the questionable ways that people gained money and wealth, however, *The Tulsa Daily Star* asserted that “the biggest game of graft in the state” was the “guardianship graft which is manipulated today by unscrupulous white men, aided by the county courts.”<sup>166</sup> Another article in the *Tulsa Daily Star* written by members of the Negro Guardianship League underscores that white male guardians of Freedchildren’s land would often outright sell their land without the children ever seeing the land themselves.<sup>167</sup>

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<sup>164</sup> O. S. Todd, “All Guardians Not Citizens May Be Dropped: Case of Supreme Court Validating Part of Treaty Makes All Provisions Good,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 1, No. 175, Ed. 1 Saturday, March 27, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1523081/m1/1/?q=%22white+guardians%22>.

<sup>165</sup> Andrew Jackson Smitherman, “Negro Minors and the County Courts,” 4.

<sup>166</sup> Ibid.

<sup>167</sup> Andrew Jackson Smitherman, “Minor Sues to Recover Land Sold By Guardian! Case is Being Watched with Much Interest in Oklahoma--Tulsa Lawyer, Who Believes in Fair Play, Goes Into COURT to Recover Land For Little Helpless Negro Minor--WHITE GUARDIAN FOR NEGRO CHILD SELLS

Although many judges appointed white men as legal guardians for Freedchildren and non-black Indigenous children of the Five Slaveholding Tribes, these guardianship relationships were contested both by Afro-Indigenous people and non-black Indigenous people. Two separate suits in 1915 and 1916 alleged that the practice of white American men serving as guardians of Creek children was illegal for former Creek citizens.<sup>168</sup> The cases argued that according to section 2 of the 1901 agreement between the United States federal government and the Creek Nation, only a Creek citizen could be appointed to serve as a guardian for a Creek child. In this sense, agreements between tribal governments and the federal government clashed with local practices employed by district courts in the state of Oklahoma, which favored white men in cases of guardianship for children of Indigenous ancestry. Further, *The Tulsa Star* consistently opposed the appointing of white male guardians over Freedchildren's lands, and even advocated for policies that would have required all children of African descent to have "Negro men as guardians," arguing that appointments of white men as guardians to black children put "Negro wealth" at risk. The paper's opinion piece on guardianship concluded by stating that the newspaper had "no objection to white men acting as guardians of the Indian children, the race they have legislated out of itself into the white race."<sup>169</sup>

This legal and journalistic activism against minorship practices that placed Freedchildren into the control of white male guardians demonstrates how the land and wealth of Freedchildren was considered to be a part of a larger part of the Afro-American community. For black newspapers, Freedchildren were not considered to be Indigenous, but rather a piece of a larger collective of people of African descent. By advocating for policies in which non-black Indigenous children would

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VALUABLE OIL LAND FOR \$700!--Land Was Sold to Educate the Minor Who Was Only Six Years Old, But All the Money from the Sale of the Land Went to Pay Court Costs and the Child Got Nothing," *The Tulsa Star*, Vol. 4, No. 9, Ed. 1, Saturday, January 8, 1916, The Gateway to Oklahoma History, Oklahoma Historical Society,

<https://gateway.okhistory.org/ark:/67531/metadc72738/m1/1/?q=%22white+guardians%22>, 1.

<sup>168</sup> Andrew Jackson Smitherman, "Minor Sues to Recover Land Sold By Guardian," 1.

<sup>169</sup> Andrew Jackson Smitherman, "Negro Minors and the County Courts," 4.

have white guardians and minors of African descent would be assigned black guardians, Afro-Americans embraced the binary racial classification system in Oklahoma. On the other hand, the legal battles that argued for the enforcement of guardianship policies, within the confines of a treaty with the Creek Nation, demonstrate how within the legal sphere Indigenous ancestry and past Indigenous national identities became key in arguing for the rights of Freedchildren within guardianship.

According to an article in *The Tulsa Star*, in a typical guardian-minor relationship, white male guardians would receive 10% of the money that their wards were worth in cash and property. These white guardians would also often use the profits they made off of their wards' lands to sustain their own businesses. For example, one of Sarah Rector's guardians, Bob Fite, was accused by the *Tulsa World Star* of being openly prejudiced and of selling his own building to Rector for \$57,000 when she had another guardian who had influence over him.<sup>170</sup> As one newspaper article in the *Sapulpa Herald*—a newspaper owned and run by Euro-Americans—stated, “one can almost select at random on the street an official or a guardian by the size of the auto they drive.”<sup>171</sup> Guardianship was, thus, a practice that reinforced class boundaries within the white community, as prominent Euro-Americans generated profits off of the development of minors' lands. In the case of a Creek Freedboy named Dan Tucker, his guardian was awarded \$12,000 in credit within the first thirty days in which he was appointed as his guardian, while Dan Tucker's father only received \$50 a month to care for him and send him to school. While Tucker's oil property made \$12,000 a month—of which he was only

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<sup>170</sup> Smitherman, “Negro Minors and the County Courts,” *The Tulsa Star*, 4.

<sup>171</sup> O. S. Todd, “J. W. Flournoy Charged with False Reports--Former Guardian of Bessie Cobb in Indicted on Four Counts by the Grand Jury,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 2, No. 23, Ed. 1 Tuesday, September 28, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1521638/m1/1/?q=%22bessie+cobb%22>.

entitled to 12.5%, as was the case with most Freedchildren in leasing agreements made by white guardians—he continued to live on a farm with modest means, similar to Sarah Rector.<sup>172</sup>

In white male guardians' relationships with Freedchildren of the Five Slaveholding Tribes, Freedpeoples' independent lands became open to direct control by powerful white men. Minorship laws provided a means for white Americans—within the confines of Oklahoma's racial classification system and Jim Crow marriage and segregation laws—to assert paternalistic power over Freedpeoples' affairs. Guardianship laws that placed an emphasis on control over the estates of children and their education, partnered with on-the-ground decisions by judges presiding over Oklahoma district courts, created conditions where Freedchildren's land was removed from parental control to favor control by white men. The case of Sarah Rector demonstrates that for some Freedpeople, the prosperous development of children's land often did not translate to comfort or lavishness for the children themselves or their families, especially when their stories were not reported in newspapers. For example, in Sarah Rector's case, a house was built for her family following a court order because stories depicting her lifestyle in extreme poverty were widely circulated and reported in local, national, and even international newspapers. The fact that her white male guardian did not build her a house, buy her a bed, or send her to school before her story gained popularity demonstrates the extreme vulnerability of Freedchildren and their families, as their guardians made large sums of money through investing their land and wealth. While guardians made money and gained reputations for their wealth in Oklahoma, many Freedchildren were left without

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<sup>172</sup> "Negro Boy Draws \$190 Daily Income Oklahoma Youth Has Fortune Thrust Upon Him in Oil." *Plain Dealer* (Cleveland, Ohio), May 25, 1914: 13. *Readex: Readex AllSearch*. <https://infoweb-newsbank-com.ezproxy.cul.columbia.edu/apps/readex/doc?p=ARDX&docref=image/v2%3A122AFBBA107AC9E4%40EANX-1233A36926A1FBF0%402420278-1231B9C973E42248%4012-12577F4D2455680F%40Negro+Boy+Draws+%24190+Daily+Income+Oklahoma+Youth+Has+Fortune+Thrust+Upon+Him+in+Oil>.

proper support or comfort, as their guardians decided not only how to invest their money, but also how to spend their money and how best to educate Freedchildren.

Although age-of-majority laws did not explicitly differ based on “racial” ancestry, minorship laws in the state of Oklahoma were gendered and affected male and female residents in starkly different ways, impacting marriage laws and people’s legal abilities to control their own property. Under Oklahoma law, men were considered to be minors until the age of twenty-one, a full three years longer than women, who were considered to reach the age of majority on their eighteenth birthdays.<sup>173</sup> This meant that single women were able to legally control their own land and marry without parental consent when they were three years younger than men in Oklahoma. The youngest age that men could legally get married with parental consent was 18 years old, whereas girls could legally enter into marital relationships as young as 15 years-old with parental consent.<sup>174</sup> Oklahoma statutes stipulated that once a legal minor had married, their guardian was discharged from the guardian-ward relationship. Under the law, the only other way for a guardian to be discharged from guardianship was either through the minor aging into legal majority or through legal proceedings to formally discharge a guardian.<sup>175</sup> This law provided marriage as a key way for the guardian-ward relationship to be disrupted in the managing of the land and wealth of Freedchildren.

Women’s and Gender Studies Professor Nicholas Syrett underscores that age of majority laws that stipulated women’s age of majority lower than men’s allowed for women to sell their property at a lower age, rather than have it “languish under a guardian’s care until a girl reached her majority.”<sup>176</sup> Further, Syrett explains that gender-disparate age-of-majority laws presumed that girls

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<sup>173</sup> General Statues of Oklahoma, 1908. § 4937 (HeinOnline 1908), 1052.

<sup>174</sup> General Statues of Oklahoma, 1908. § 3251 (HeinOnline 1908), 733.

<sup>175</sup> General Statues of Oklahoma, 1908. § 3180 (HeinOnline 1908), 722.

<sup>176</sup> Nicholas L. Syrett, *American Child Bride: A History of Minors and Marriage in the United States* (Chapel Hill: The University of North Carolina Press, 2016), <https://search-ebscohost-com.ezproxy.cul.columbia.edu/login.aspx?direct=true&db=e025xna&AN=1222244&site=ehost-live&scope=site>, 36.

would marry younger than boys, and such laws facilitated the transfer of girls' property in marital relationships earlier on in their lives.<sup>177</sup> Thus, with lower ages of majority, girls' property could either be sold outright by girls to men sooner or girls could lose some level of control over their property as it became pooled in marriage.

In practice, the gender-divergent age-of-majority laws greatly affected the lives of girls and boys in Oklahoma. On the one hand, guardians were legally required to care for Freedboys for three years longer than girls. This provision would be especially significant when girls did not inherit property or wealth, as their parents or other appointed guardian were required to care for them for less time than their sons. This left many girls without support systems or financial stability in need of finding low-paid work or entering into marriages that could provide steady incomes. In the context of Freedchildren in particular, extended periods of minorship could allow men to resist land manipulation and theft, as they had an extended period of time in which they could legally contest land contracts and sales under grounds that they had not reached legal majority. This will be discussed in the story of Zeke Moore in the following chapter. On the other hand, as girls had a lower age of majority, they had particular avenues for independently accessing and controlling their wealth and property. As girls could legally enter into marriage contracts with parental consent at fifteen and without parental consent at eighteen, while boys had to wait until they reached ages eighteen and twenty-one, respectively, marriage was a source for Freedgirls to remove themselves from their legal relationships with their guardians at a younger age than boys.

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<sup>177</sup> Ibid.

### **Kidnapping of Minor Freedpeople: A Form of Gendered Violence and State Control**

On August 30, 1922, Millie Naharkey, a Creek Freedgirl, was kidnapped shortly before she reached the age of majority, on the eve of her eighteenth birthday.<sup>178</sup> Two men—one a taxi cab driver and one an oil broker—were charged with abducting her. They had reportedly held her “incommunicado somewhere in a remote section of the Ozark mountains.”<sup>179</sup> While holding her forcibly under abduction, the men forced her to sign settlement papers, releasing her ownership of \$200,000 worth of “oil lands.” Her land was not sold over to either of her direct abductors. Instead, Naharkey’s kidnappers forced her to sign her land over to Grant C. Stebbins, a “millionaire oil man” in Oklahoma.<sup>180</sup> Unlike Freedboys who were still considered to be minors until they reached the age of twenty-one, eighteen was a critical age for unmarried Freedgirls, as they could legally enter into contractual agreements without parental consent. The difference in majority age between male and female Oklahomans also translated into different experiences with kidnapping as a form of violent land manipulation.

The kidnapping of Freedgirl and Freedboy minors demonstrates a key way that white men—including white male oil tycoons and white men connected to oil corporations—attempted to swindle Freedpeople out of their prosperous land. As noted in Chapter Three, the Jim Crow statutes adopted by the Oklahoma legislature blocked Euro-American men’s access to Freedpeople’s land allotments through marriage. Further, Freedpeople who owned prosperous land allotments with large outputs of oil and other natural resources (like coal), shifted the class element of racecraft in the state. As described by Fields and Fields, in the Jim Crow South, the wealth of Afro-Americans could anger Euro-Americans to the point of violence. Kidnapping of minors soon-to-reach the age

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<sup>178</sup> John W. Young, “Abducted Creek Heiress, Charge,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 7, No. 306, Ed. 1 Wednesday, August 30, 1922, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1519944/m1/4/?q=%22Millie%20Naharkey%22>.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

of maturity was one method of land manipulation deployed by Euro-Americans in Oklahoma to gain access to land and natural resources allotted to Indigenous people of African descent. The gender-divergent minorship laws of the state of Oklahoma fundamentally shaped how and when minors were kidnapped.

Millie Naharkey's experience demonstrates that kidnappings were not plotted solely by poor whites who attempted to manipulate Freedmen minors out of their land to attain their own wealth. Instead, her kidnapping indicates that abductions of Freedmen minors may have been coordinated by prominent businessmen, who employed lower-income white people to directly kidnap and contain Freedmen, forcing them to sign over their land. Further, Naharkey's kidnapping at age seventeen demonstrates the ways that gender-differentiated minorship laws could affect Freedgirls' exposure to violence aimed at taking their land, as they reached majority three years sooner than Freedboys. In this sense, longer minorship laws did protect Freedboys from kidnapping at a younger age, as they would not legally be able to sign over the rights of their lands until they reached the age of twenty-one.

Freedboys were also targeted for kidnappings, but because they had a later age of majority, they were targeted nearing their twenty-first birthdays. For example, Clifford Alec, a Creek Freedman, was arrested the day before his twenty-first birthday for "strange behavior." After being arrested, Alec told officers that he had been kidnapped by the group of men that had been with him and stated that they had offered him \$2,700 for his land allotment, which was worth over \$50,000 and in prominent oil country. After he was arrested, a judge ordered him to be held in prison until after he reached his twenty-first birthday.<sup>181</sup> Another Creek Freedman, Escoe Toney, filed two

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<sup>181</sup> John W. Young, "Fight to Save Fortune Waged by Judge Here--Try to Prevent Looting of Indian's Estate at Bristow," *Sapulpa Herald* (Sapulpa, Okla.), Vol. 8, No. 162, Ed. 1 Monday, March 13, 1922, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1519264/m1/6/?q=%22Clifford+Alec%22>, 6.

lawsuits after he alleged that he was kidnapped on the eve of his twenty-first birthday, the age of majority for male Oklahoma citizens. When Toney was kidnapped, he was manipulated into signing away his 80-acre allotment for \$2,000, but claimed he was only ever paid \$25. Toney's attorney claimed that the title to Toney's land was invalid and that Toney was incapable of entering into land agreements because he "was a ward of McIntosh county at the time of the alleged kidnapping" and "illiterate and incapable of transacting business."<sup>182</sup>

Both Escoe Toney and Clifford Alec's cases demonstrate the benefit that the extended period of minorship afforded Freedmen, as both men were able to make legal claims to regain their land allotment based on their legal minor status at twenty-one years old. However, both of these Creekboys' kidnappings and the manipulation they faced in signing away their lands while kidnapped demonstrates that extended periods of minorship did not preclude Freedmen from violent abductions aimed at transferring the ownership of prosperous lands from wealthy and prominent Freedpeople to white Americans.

### **Freedchildren's Assertion of Power: Mysterious Kidnappings and Resisting Incompetence Claims**

On October 8, 1921, two weeks before Creek Freedgirl Geraldine Hammett turned eighteen-years-old, the judge presiding over her minorship case declared that he had reason to believe that she, like Millie Naharkey, had been kidnapped by men who wanted access to her estate.<sup>183</sup> According to a newspaper article in *The Tulsa World*, she had left from a hospital in Sapulpa, Oklahoma after

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<sup>182</sup> John W. Young, "Allotment Case in Court Twice--Freedman Sues to Quiet Title to Land He is Alleged to Have Sold," *Sapulpa Herald* (Sapulpa, Okla.), Vol. 11, No. 192, Ed. 1 Friday, April 16, 1926, (<https://gateway.okhistory.org/ark:/67531/metadc1523045/m1/1/?q=%22freedman+kidnapped%22%7E15>).

<sup>183</sup> "Believe Indian Girl Kidnaped to Compel Signature to Deed," *Tulsa World* (Tulsa, Oklahoma) XVI, no. 8, October 8, 1921, *Readex: Readex AllSearch*. <https://infoweb-newsbank-com.ezproxy.cul.columbia.edu/apps/readex/doc?p=ARDX&docref=image/v2%3A11C57F37B8EA58CA%40EANX-11D5E557D2634A68%402422971-11D5E557DDCF8010%400-11D5E55845A5EC40%40Believe+Indian+Girl+Kidnaped+to+Compel+Signature+to+Deed>.

she said she no longer felt ill.<sup>184</sup> Despite her judge's supposed belief that Hammett had been kidnapped, a man who she had supposedly met while in the hospital stated that she had left the hospital with a plan to run to Nebraska and then Kansas City. The Afro-American man—who worked as a janitor in the Sapulpa hospital Hammett was held in—later sued her, stating that she had gone back on her promise to marry him.<sup>185</sup> Within days of Hammett reaching the age of eighteen, her guardian, W. E. Gage filed an “injunction suit to prevent anyone from filing a deed to the girl's property” after the judge presiding on her case stated that he no longer had jurisdiction in her case, as she was no longer a minor.<sup>186</sup> Once Hammett reached the age of majority, she became the direct owner and controller of her land—which was worth several hundreds of thousands of dollars—and married a man out-of-state. She also filed several damage suits “shortly after she became of age.” Upon her reaching the age of majority, her mother attempted to declare her legally incompetent.<sup>187</sup>

Geraldine Hammett's escape from the hospital near her eighteenth birthday may indicate a conscious choice to take advantage of age-of-majority laws to marry and control her own land. It seems that Hammett may have planned her escape in advance, as she left shortly after being admitted into the hospital for feeling generally ill. Her escape may demonstrate her choice to take advantage of the laws that kept her in the control of her guardian and the judge presiding over her

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<sup>184</sup> Ibid.

<sup>185</sup> John W. Young, “Hammett Girl is Sued Again--Young Negro Charges She Has Failed to Marry Him as Planned,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 8, No. 74, Ed. 1 Monday, November 28, 1921, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1519574/m1/1/?q=%22Geraldine+Hammett%22>, 1.

<sup>186</sup> John W. Young, “Hammett Girl is Named in Huge Suit--Sues Heiress for Stealing her Husband--Geraldine Hammett In Suit Demanding Entire Fortune,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 8, No. 43, Ed. 1 Friday, October 21, 1921, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1518731/m1/1/?q=%22Geraldine+Hammett%22>.

<sup>187</sup> John W. Young, “May Make Girl an Incompetent--Mother Wants Geraldine Hammett Adjudged Incompetent,” *Sapulpa Herald* (Sapulpa, Okla.), Vol. 8, No. 119, Ed. 1 Monday, January 22, 1923, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1520605/m1/1/?q=%22Geraldine+Hammett%22>.

case. Hammett may have purposefully staged her escape as a kidnapping, so that her parents, judge, and guardian would not know her whereabouts. Generally, kidnapped minors were taken into rural areas in Oklahoma or to nearby border states. Hammett's choice to escape to Nebraska may demonstrate that she had planned to escape far from her family up until she reached her legal age of majority. Further, Hammett's case exemplifies how her mother attempted to continue to control her wealth by declaring her an incompetent adult, as she would have removed Geraldine's land from her direct control. Thus, her case demonstrates that elite white Americans were not the only people who tried to take advantage of guardianship laws, but Freechildren's parents may have also attempted to gain control over their children's lands (by declaring them incompetent adults, for example).

It also seems that Freedgirls may have weaponized the normalcy of kidnappings of Freedmen minors to find possible paths to economic independence upon their age of majority. Jesse Harris, a seventeen-year-old Creek Freedgirl, for example, was "abducted from her home near Bristow," near Christmas day by "Charles Harris, her husband." A news article stated that her husband "abducted" Jesse Harris near Christmas because a mistake on her Dawes Rolls listed her birthday as near Christmas of 1920. According to the article, on the day that Harris and her husband thought was her birthday, they sold her eighty-acre land allotment for \$3,000. Jesse Harris and her husband splurged on the money she received for her allotment, buying an automobile and "other luxuries." However, after it was discovered that her birthday was actually later than the date listed on the Dawes Rolls, the purchase of her allotment was deemed illegal. Later on, oil was discovered on her land and her land was valued at \$40,000.<sup>188</sup>

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<sup>188</sup> "New Missing Heiress Has Big Fortune--Jesse Harris to Have Land Worth \$40,000 at Christmas," *Drumright Evening Derrick* (Drumright, Okla.), Vol. 6, No. 123, Ed. 1 Thursday, October 27, 1921, The Gateway to Oklahoma History, Oklahoma Historical Society  
<https://gateway.okhistory.org/ark:/67531/metadc163541/m1/1/?q=%22Jesse%20Harris%22>.

Jesse Harris's supposed "kidnapping" case appears to have been a case of either a staged kidnapping carried out by her husband or of her and her husband simply leaving, without care for familial or media interpretations of her sudden departure near her supposed birth date. It seems as though Jesse Harris and her husband may have framed their departure and sale of her land allotment around the regular kidnappings of Freedchildren. Through Jesse Harris and her husband's staging of a kidnapping near the day they presumed was her birthday, they took advantage of the violence inflicted against Freedchildren to sell her land allotment and purchase symbols of status and wealth. The example of Jesse Harris's contract to sell her land being overturned due to her continued minorship status demonstrates how minorship laws could protect Freedchildren from exploitative agreements and in the case of Harris, such laws enabled Freedpeople to hold onto their land until it continued to make profits.

As Oklahoma Jim Crow laws limited white men's access to Freedpeople's lands through marriage, white settlers deployed legal and extra-legal strategies to control and own Freedpeople's lands. By forming land allotment policy and court procedure around the control of Freedpeople minors' allotments, Oklahoma state courts assigned white male guardians to legally control Freedchildren's land allotments, sell portions of their land, and make profits off of corporate investments. Kidnapping became a common way to manipulate recently majority-aged Freedpeople in Indian Territory, and some Freedpeople were able to frame their attempts of escaping their guardianship agreements around the kidnappings that were commonplace within the Territory. Within the context of the sexualization of black women and the criminalization of Indigenous people and people of African descent, the criminal justice system became a vital point of controlling Freedpeople's land allotments and signing over Freedpeople's land to Euro-American men.

## - Chapter 5 -

### **The Manipulation of Freedpeople's Land Allotments: The Criminal Justice System and the Wielding of Contracts**

Freedpeople's acquisition of independent land and wealth through the land allotment process fundamentally deviated racial and gender hierarchies, as black people became some of the most economically powerful people in Oklahoma. In attempts to gain Freedpeople's lands within the confines of Oklahoma's Jim Crow laws, white Americans devised plots outside of individual kidnappings and fraudulent marriages. As federal statutes extended the federal criminal justice system's reach into Indian Territory, the criminal justice system became a key entry point for manipulating Freedpeople's lands both pre- and post-statehood. Federal statutes around the opening up of Freedpeople's land allotments to sale and taxation put Freedmen at grave risk of manipulation by Euro-Americans. This chapter explores strategies employed by Euro-Americans to defraud Freedpeople out of their land allotments and redistribute land to Euro-American people and corporations.

#### **The Case of Zeke Moore: Minorship, Federal Encroachment, and Land Manipulation**

Freedpeople faced active land manipulation while incarcerated in federal penitentiaries prior to Oklahoma statehood. For example, a Creek Freedman named Ezekiel "Zeke" Moore pursued and won several court cases alleging that while he was incarcerated and before reaching legal majority—which, as outlined in the previous chapter, was age twenty-one for men and age eighteen for women—he was coerced into signing away the rights to 120 acres of his land allotment valued at over \$500,000 in 1909.<sup>189</sup> Moore was incarcerated in the Leavenworth Federal Penitentiary in 1904,

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<sup>189</sup> "Zeke Moore, Philanthropist! Oil Strikes Enrich Poor--Squaw Men and Afro-Americans are Among Those Made." *Cleveland Gazette* (Cleveland, Ohio), August 21, 1909: 2. *Readex: Readex AllSearch*. <https://infoweb.newsbank.com/apps/readex/doc?p=ARDX&docref=image/v2:12B716FE88B82998@EANX-12BBBBF31D4679A30@2418540-12BA0561479F7A20@1-12D5BF1E65E435E8>.

having been found guilty for “receiving stolen property” and was sentenced to three years in prison.<sup>190</sup> Although he had never formally seen his land, while incarcerated Moore sold forty acres of his land to his sister in 1906, to pay back a monetary advance he had received from his sister to pay for expenses to “keep him out of the penitentiary.”<sup>191</sup> After selling those forty acres of his one hundred and sixty-acre land allotment to his sister, his land was transferred eight or nine times, until it was finally leased to the National Oil and Development Company in October of 1906.<sup>192</sup> On those forty acres of land, the National Oil and Development Company extracted profitable oil while Zeke Moore was still legally considered a minor, as he was 21 years old.



“Photograph of Ezekiel Moore,” Inmate 4381, Leavenworth Federal Penitentiary, Bureau of Prisons, U.S. Department of Justice, National Archives Identifier: 76053896, File Unit: Inmate File of Ezekiel Moore, Inmate Case Files 7/3/1895-11/5/1957, Record Group 129: Records of the Bureau of Prisons, 1870-2009, <https://catalog.archives.gov/id/76053896>.

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O. M. Irelan, “Capitalistic Sqaw Men: Negro While in Prison Marries Indian Worth \$500,000--Oil and Gas are Responsible--Glen Pool District Famous the World Over--Money to Burn,” *The Sapulpa Light* (Sapulpa, Okla.), Vol. 2, No. 240, Ed. 1 Wednesday, August 4, 1909, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc151667/m1/1/?q=%22Zeke+Moore%22+Leavenworth>, 1.

<sup>190</sup> “Real Legal Tangle Of Several Suits in the Zeke Moore Case--Short History of the Now Famous Case Involving Title to Property Worth Possibly \$500,000.. Original Owner Now in Kansas Penitentiary Claims Land Was Secured From Him By Fraud and That He Was a Minor at the Time of Transaction--Case Last Week Only the Beginning,” *The Tulsa Democrat* (Tulsa, Indian Terr.), Vol. 8, No. 24, Ed. 1 Friday, July 12, 1907, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1078292/m1/10/?q=%22Zeke+Moore%22+Leavenworth>, 10.

<sup>191</sup> “End of Zeke Moore Case: Defendant Wins Finally,” *Morning Examiner* (Bartlesville, Okla.), Vol. 15, No. 19, Ed. 1 Wednesday, March 9, 1910, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc144362/m1/1/?q=%22Zeke+Moore%22>, 1.

<sup>192</sup> “End of Zeke Moore Case: Defendant Wins Finally,” *Morning Examiner*, 1.

While held in the Leavenworth Federal Penitentiary outside of Indian Territory in Kansas, Moore signed several deeds for his remaining land and was approached by many individuals representing oil corporations. The other parties to the deeds and leases claimed that they had paid Moore upwards of \$3,000-\$4,000, however he claimed that he had only received a few hundred dollars for his profitable land while incarcerated.<sup>193</sup> Moore was allegedly “induced” to execute a lease for the remaining 120 acres of his land allotment with R. S. Litchfield, who represented the Standard Oil Company while he remained incarcerated in a federal penitentiary in the state neighboring Indian Territory pre-Oklahoma statehood.<sup>194</sup> Moore reportedly entered into deeds, leases, and transfers without ever seeing his own land allotment or having any knowledge of how prosperous the land truly was due to his incarceration outside of Indian Territory.<sup>195</sup> After receiving a judgement in favor of Moore from the Supreme Court of Oklahoma, he was awarded 10% royalties in the extraction of oil from 40 acres of his land allotment in his lease with Litchfield—and by extension the Standard Oil Company. The same court decision also ruled that all other leases and deeds that Zeke Moore entered into while 21 and incarcerated were invalid.<sup>196</sup>

The incarceration of Zeke Moore within Leavenworth prison occurred ten years after Leavenworth was established as the United States’ first ever federal prison in 1896. According to political scientist Sara Benson in *The Prison of Democracy*, the Leavenworth Federal Penitentiary introduced a space that “creat[ed] forms of subjectivity rooted in concepts of group guilt, substitution punishments, and ‘enemy nations,’” as Leavenworth “was designed to punish Native

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<sup>193</sup> “End of Zeke Moore Case: Defendant Wins Finally,” *Morning Examiner*, 1.

<sup>194</sup> “Zeke Moore, Philanthropist! Oil Strikes Enrich Poor--Squaw Men and Afro-Americans are Among Those Made,” *Cleveland Gazette*.

<sup>195</sup> “End of Zeke Moore Case: Defendant Wins Finally,” *Morning Examiner*, 1.

<sup>196</sup> R. F. Booth, “Glenn Pool Lease Invalid--Muskogee Federal Court So Holds in Zeke Moore Decision,” *Morning Examiner* (Bartlesville, Okla.), Vol. 15, No. 19, Ed. 1 Wednesday, March 9, 1910, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc144362/m1/1/?q=%22Zeke+Moore%22+land>, 6.

people.”<sup>197</sup> With the introduction of the Major Crimes Act of 1885, the US criminal laws expanded to “all Native peoples on and off the reservations,” increasing the federal government’s reach into “Indian crime” in Indian Territory.<sup>198</sup> As sociologist Luana Ross noted, procedures by federal and state governing bodies defined Native Americans as “deviant,” “criminal,” and “savage,” by simultaneously expanding criminal law to Indigenous people and chipping away at tribal sovereignty.<sup>199</sup> With the conception of Indigenous people and traditional Indigenous customs as “savage,” Native people were treated as deviant, and American legal customs treated “normal, everyday behaviors of Natives as offenses, as many traditional tribal codes became illegal with the imposition of American law and justice.<sup>200</sup> By 1906, 70% of Leavenworth’s prisoners were originally from Indian Territory and Oklahoma.<sup>201</sup> Thus, the incarceration of Zeke Moore transpired when the federal government was increasing its reach into pre-statehood Indian Territory with land allotment policy and the incarceration of individuals of Indigenous descent in the first federal penitentiary in Kansas.

Zeke Moore was also incarcerated within the context of conceptions of African American men as “actual or potential criminals” by the American public.<sup>202</sup> In *The New Jim Crow*, Michelle Alexander underscores that black men have been criminalized across American history and that their “criminal ‘nature’ has been among the justifications for every caste system to date.”<sup>203</sup> As argued by David Blackmon in *Slavery by Another Name*, in the post-emancipation period, Afro-Americans

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<sup>197</sup> Sara M. Benson, *The Prison of Democracy: Race, Leavenworth, and the Culture of Law* (Oakland, CA: University of California Press, 2019), 11.

<sup>198</sup> Benson, *The Prison of Democracy: Race, Leavenworth, and the Culture of Law*, 35.

<sup>199</sup> Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (University of Texas Press, 1998), 5.

<sup>200</sup> *Ibid.*, 16.

<sup>201</sup> Benson, *The Prison of Democracy: Race, Leavenworth, and the Culture of Law*, 37.

<sup>202</sup> Collins, Patricia Hill. *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York: Routledge, 2004), 240.

<sup>203</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York : New Press, 2010), 298.

throughout the South were arrested and incarcerated in “forced labor camps” throughout the South, working for farmers, large corporations, state and county governments, and entrepreneurs.<sup>204</sup> The criminal justice system became a way for black people to be used for low-cost labor, to increase profits for corporations and individual farmers in the South. In Indian Territory and Oklahoma, as a large population of black Americans were prominent landowners, the criminal justice system not only targeted them for free labor, but for their landholdings as well.

When Zeke Moore was sentenced to prison time in the Leavenworth Federal Penitentiary, he was found guilty of a crime in the court of the United States—a country in which he was not yet a citizen—as he was a Creek Freedman and had not yet received his land allotment. Moreover, he was sentenced to serve five years in the federal prison of a country that encroached on his Indigenous nation’s sovereignty in convicting him in the first place. Zeke Moore, like other members of the Five Slaveholding Tribes, was only included as a citizen of the United States after he accepted his land allotment. Under the 1901 General Allotment Act, all Indigenous people who lived in Indian Territory became United States citizens after they accepted their land allotments.<sup>205</sup> Zeke Moore’s incarceration marked an extension of the United States’ increasing intrusion on Indigenous sovereignty in the criminal justice system and was a part of a larger movement of incarcerating people of African descent for economic exploitation. While incarcerated in a prison of a country in which he was not a citizen for a crime he committed on his own nation’s sovereign land, he was manipulated into selling and leasing his land to white American men connected with oil corporations.

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<sup>204</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York : Doubleday, 2008), 7.

<sup>205</sup> M. Kaye Tatro, "Burke Act (1906)," The Encyclopedia of Oklahoma History and Culture, <https://www.okhistory.org/publications/enc/entry.php?entry=BU010>.

"Chapter 869, 56 Congress, Session 2, An Act: Granting a right of way to the Jamestown and Northern Railway through the Devils Lake Indian Reservation, in the State of North Dakota," U.S. Statutes at Large 31, no. Main Section (1901): 1447-1448.

The re-assignments of Zeke Moore's land while he was incarcerated in a federal penitentiary in the state of Kansas illustrate the vulnerability of Freedmen while under arrest and while incarcerated—particularly while they were incarcerated outside of their sovereign state. Zeke Moore's original re-assignment of one-fourth of his total land allotment to his sister, in order to repay her for her assistance in avoiding his incarceration, illustrates that for young Freedmen land was a powerful form of financial assistance in attempts to avoid or limit incarceration. However, Zeke Moore's case also exemplifies that incarceration in federal facilities was a form of vulnerability that put Freedmen at risk of land manipulation and fraud at a young age.

The particular logistics of incarceration in pre-statehood Oklahoma—in which people convicted of crimes in Indian Territory were sentenced to incarceration in the Leavenworth Federal Penitentiary in the neighboring state of Kansas—also proved to be a particular form of vulnerability for Zeke Moore in making arrangements for his land allotment, as he was blocked from accessing accurate information about his land allotment's worth. Incarceration in the pre-statehood period, thus left Moore particularly vulnerable to entering into predatory contracts with his land allotment; he was blocked from information about the worth of his land allotment and was left in a vulnerable position in negotiating in his contracts. The land manipulation that Zeke was subjected to while incarcerated is a part of the larger shift in the United States' relationship with sovereign Indigenous states. The system of federal incarceration not only imposed “forced recognition to claim criminal jurisdiction over sovereign nations,”<sup>206</sup> but also served as a site where individuals and corporate entities sought to manipulate Freedpeople out of their land while they were incarcerated in the United States, an encroaching nation.

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<sup>206</sup> Benson, *The Prison of Democracy: Race, Leavenworth, and the Culture of Law*, 12.

## The Case of Bessie Rowland: Local Criminal Justice Racial Power Post-Statehood and Gendered Land Manipulation

In July 1915, a sixteen-year-old Creek Freedgirl named Bessie Rowland (née: Cobb) and her husband Clarence Rowland were arrested by Deputy Sheriff Harry Stein in Cushing, Oklahoma and thrown in jail after Bessie Rowland refused to meet with her land allotment's legal guardian, the same deputy sheriff who arrested her.<sup>207</sup> After originally not filing charges against Bessie Rowland or her husband upon arresting them, police alleged that she lived in a brothel—described in a newspaper article as “a house of ill repute”—and charged both Bessie Rowland and her husband with pandering.<sup>208</sup> If found guilty of pandering—more commonly referred to as prostitution—the married couple would face anywhere from two to twenty years of imprisonment in the state penitentiary and charged a fine between \$300 and \$1,000.<sup>209</sup> In response to their incarceration, Clarence Rowland's sister and her husband procured information about the couple to “find out what was wrong” and, in response, both Clarence Rowland's sister and her husband were jailed without charges in Sapulpa.

After previous attorneys did nothing to help release all four members of this family—Bessie, Clarence, and Bessie's sister-in-law and her husband—a new attorney was hired and submitted a writ of habeas corpus which led to the release of Clarence Rowland, his sister, and his brother-in-law. After Clarence Rowland, his sister, and his brother-in-law were released from prison,

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<sup>207</sup> “More Millions are at Stake in Valuable Oil Lease in Cushing Field, Make Romantic Story,” *Tulsa Daily World* (Tulsa, Okla.), Vol. 10, No. 267, Ed. 1 Sunday, August 1, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc135409/m1/3/?q=%22allotment+negro+guardian%2A%22%7E20>, 3.

“Looks Like Kidnapping Case,” *The Drumright Derrick* (Drumright, Okla.), Vol. 3, No. 23, Ed. 1 Friday, July 23, 1915, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc147841/m1/1/?q=%22Bessie+Cobb%22>, 1.

<sup>208</sup> “Looks Like Kidnapping Case,” 1.

<sup>209</sup> Revised Laws of Oklahoma 1910: Being a Compilation, Classification and Revision of All General Laws of the State of Oklahoma in Force and Effect on the 25th Day of February, 1911, § 2425 (passed Feb. 25, 1911), <https://heinonline.org/HOL/P?h=hein.sstatutes/dicrnlsock0001&i=515>.

they took a train back to Cushing—the location of Bessie Rowland’s land allotment. Clarence Rowland was later arrested on charges of grand larceny. At the time of their release from prison, Bessie Rowland had already been “spirited away” and was found held in her father’s home on July 20, 1915.<sup>210</sup> Bessie Rowland was eventually arrested and indicted on charges of grand larceny, and she was incarcerated on those charges.

Bessie and Clarence Rowland’s joint arrest in 1915 was not the first time that incarceration had been used by the court to mitigate the guardianship of Bessie Rowland’s land allotment. When the couple first married in 1912, Clarence Rowland had been arrested and charged with perjury for falsely swearing to her age when the couple married, after the guardianship of her land was put into question following the couple’s marriage. He was arrested at the insistence of her legal guardian when her land increased in value. Shortly after her husband had been arrested, her guardian was discharged and Harry Stein was appointed her new guardian. At around the same time that Bessie Rowland’s land was appointed to the deputy sheriff as her new guardian, sixteen oil wells were discovered on eighty acres of her land allotment, and her land shot up in value, from her farm being worth around \$1,500 to \$2,000 (around \$38,400-\$51,200 in 2019, calculating for inflation) to being evaluated at around \$1,000,000 in 1915 (about \$25,600,550 in 2019 dollars, calculating for inflation).<sup>211</sup> Following the increase in Bessie Rowland’s land allotment’s worth, her guardian Deputy Sheriff Harry Stein sold the most prosperous eighty acres of her allotment to an oil magnate who accumulated oil-producing properties in the Cushing Oil Field estimated to be worth around \$12,000,000 in 1916 (over \$285,000,000 in 2019, calculating for inflation) in exchange for a hillside farm near Sapulpa.<sup>212</sup> Following the sale of Bessie Rowland’s most prosperous land by her guardian

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<sup>210</sup> Lorton, “More Millions are at Stake.”

<sup>211</sup> Ibid.

<sup>212</sup> “Shaffer’s Oil Properties,” *The Shamrock Brouge* (Shamrock, Okla.), Vol. 2, No. 18, Ed. 1 Saturday, April 22, 1916, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1477384/m1/3/?q=%22C.+B.+Shaffer%22+allotment>, 3.

and the deputy sheriff of her community, she requested that the court appoint her a new guardian more than once but was denied.<sup>213</sup> Eventually, both Harry Stein and her former guardian were indicted on charges of falsifying reports for arrests.<sup>214</sup>

Bessie Rowland and her husband's multiple arrests for false accusations of prostitution and grand larceny demonstrate how the criminal justice system was used as a tool to control Freedpeople of the Five Slaveholding Tribes with prosperous land allotments. The case of Bessie Rowland and her husband's arrests on charges of prostitution demonstrate how Freedgirls were sexualized through criminal justice system involvement, as their crimes involved the false allegation of her engaging in sexual activity for remuneration. This allegation of prostitution demonstrates that in attempts to control Freedgirls' land allotments through arrest and incarceration, Freedgirls were sexualized and were subjected to criminal justice system disruption that relied on the sexualization of black girls. Throughout American history, black women have been "constructed as sexually immoral," and black women have been persistently depicted as prostitutes.<sup>215</sup> According to Professor Beverly Guy-Sheftall, black women's bodies have been conceptualized as "not off-limits, untouchable, or unseeable," but open to consumption.<sup>216</sup> Thus, the example of the use of prostitution allegations to mitigate Bessie Rowland's land allotment demonstrates that land

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<sup>213</sup> Lorton, "More Millions are at Stake."

<sup>214</sup> "In the Appellate Court of Oklahoma," *Harlow's Weekly* (Oklahoma City, Okla.), Vol. 13, No. 5, Ed. 1 Wednesday, August 1, 1917, The Gateway to Oklahoma History, <https://gateway.okhistory.org/ark:/67531/metadc1601028/m1/16/?q=%22bessie+cobb%22>, 16.

Todd, O. S. Sapulpa Herald (Sapulpa, Okla.), Vol. 2, No. 23, Ed. 1 Tuesday, September 28, 1915, newspaper, September 28, 1915, The Gateway to Oklahoma History, The Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc1521638/m1/1/?q=%22bessie+cobb%22> 1.

<sup>215</sup> Collins, *Black Sexual Politics*, 198.

<sup>216</sup> Beverly Guy-Sheftall, "The Body Politic: Black Female Sexuality and the Nineteenth Century Euro-American Imagination," in *Skin Deep, Spirit Strong: The Black Female Body in American Culture*, ed. Kimberly Wallace-Sanders (Ann Arbor: University of Michigan Press, 2002), 18.

manipulation against Freedgirls could be executed through sexualized allegations that rested upon popular preconceived conceptions of black girls as sexual objects.<sup>217</sup>

Bessie Rowland's marriage to Clarence Rowland at the young age of thirteen may exemplify that marriage became a point of contention between Freedgirls' husbands and former guardians over control of Freedgirls' land allotments. In the case of Bessie Rowland's marriage at thirteen, it is also clear that her husband was subject to arrest not solely for marrying her while she was under age, but because her marriage brought into question whether her white male guardian would continue to control her land allotments. In this sense, Clarence Rowland's original arrest occurred because his marriage to Bessie Rowland disrupted forms of legal control that white male guardians had over the prosperous land allotments of Freedgirls. Bessie Rowland's marriage at thirteen and the court battles she and her husband were engaged in with her former guardian demonstrates the power of marriages at a young age in disrupting traditional legal arrangements of land control, in which black husbands were points of disruption in family court. The example of Clarence Rowland's first arrest following his marriage to Bessie Rowland in 1912 also illustrates that spouses of Freedpeople of the Five Slaveholding Tribes without land allotments themselves were also subjected to arrest in court efforts to mitigate who had legal control over Freedgirls' prosperous land allotments. His arrest thus demonstrates that in attempts to control the prosperous land allotments of Freedpeople, white guardians not only controlled Freedpeople of the Five Slaveholding Tribes themselves through arrest; their family members were also limited in their attempts to realign the legal possession of Freedpeople's land allotments.

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<sup>217</sup> For sources exploring the sexualization of Black women and girls, see LaKisha Michelle Simmons, *Crescent City Girls: The Lives of Young Black Women in Segregated New Orleans* (University of North Carolina Press, 2015), Sander Gilman, "Black Bodies, White Bodies: Toward an Iconography of Female Sexuality in Late Nineteenth-Century Art, Medicine, and Literature," *Critical Inquiry* 12, no. 1 (Autumn 1985): 204-242.

The criminal court's attempt to control Bessie Rowland's land allotment through the arrest of her husband immediately following their marriage, demonstrates that marriage became a powerful tool for contestation over the control of land in the case of minors who were legally required to be assigned guardians. Bessie Rowland and her husband's arrests both shortly following their marriage in 1912, and in the midst of disagreements over her guardian's handling of her land in 1915, demonstrates that Freedgirls were subjected to land manipulation through the criminal justice system—including instances when their guardians themselves were part of the criminal justice system and arrested Freedgirls themselves.

### **Racialized Allotment Statutes, Kidnapping, and Land Manipulation**

Freedmen minors were not the only people who faced land manipulation after being threatened with criminal justice system involvement, and kidnapping was not solely reserved for Freedmen minors. On July 22, 1908, in the year following Oklahoma statehood, a Cherokee Freedwoman named Fannie Johnson was reportedly “accompanied” to Kansas City by an attorney who advised her to flee her home city of Vinita in order to “escape arrest on a pretended charge” of a “serious nature.”<sup>218</sup> While in Kansas attempting to avoid arrest, she was taken by her lawyer Jacob J. Jones and a man named Sylvester Reed to a house where she was held captive by both her lawyer—who convinced her to flee to Kansas City to avoid being arrested—and his accomplice

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<sup>218</sup> D. M. Marrs, “Woman Says She Was Held Captive--Begins Action to Have Deed of Allotment Annulled--Went to Escape Arrest--Says Watson by Sundry Misrepresentations Induced Her to Sign Deed Conveying Lands to Himself and Finley,” *Vinita Daily Chieftain* (Vinita, Okla.), Vol. 10, No. 102, Ed. 1 Friday, August 7, 1908, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc774657/m1/1/?q=%22H.+F.+Watson%22+%22Fannie+Johnson%22>, 1.

R. F. Booth, “Freedwoman Claims She Was Kidnapped--Alleges She Signed Deed Under Threat of Being Arrested on Imaginary Charge,” *The Weekly Examiner* (Bartlesville, Okla.), Vol. 14, No. 22, Ed. 1 Friday, August 14, 1908, The Gateway to Oklahoma History, Oklahoma Historical Society, <https://gateway.okhistory.org/ark:/67531/metadc161781/m1/3/?q=%22Cherokee+Freedwoman%22>, 3.

from July 22 to July 28.<sup>219</sup> July 28 is the date when the law “removing restrictions from Indian lands in Indian Territory went into effect,” and on that date, she was visited by H. F. Watson, who she claimed induced her to sign over her land under threat of holding her captive for an extended period of time.<sup>220</sup> She also reported that he had brought to her “sundry representations” in an effort to have her sign away the rights to her land on July 28. She signed over the rights to 30 acres of her land—which she claimed composed her homestead—to Watson and T. H. Finely for \$410. However, Fannie Johnson asserted that the payment was not adequate for her land as “it was easily worth \$50 an acre”—or a total of at \$1,500.<sup>221</sup> According to an article in the *Vinita Daily Chieftain*—a Cherokee Nation newspaper—another deed was filed on her land on July 27, 1908, while she was being held prisoner with a signature that she claimed was forged.<sup>222</sup>

On May 27, 1908, the United States Congress passed legislation removing restrictions on selling and taxing the land allotments of Freedmen, intermarried whites, and Indians of one-half blood quantum or less.<sup>223</sup> Although the federal act was passed in May of 1908, it did not go into effect for another sixty days, in July of 1908.<sup>224</sup> In this sense, federal government policy that opened up Freedmen’s lands for sale and taxation contributed to Fannie Johnson’s kidnapping, as her kidnapers strategically waited until the federal government’s policy on Freedmen land selling went into effect to kidnap Johnson. Thus, not only did state-wide guardianship statutes and local judicial proceedings contribute to and shape kidnappings, but racialized and targeted land allotment policy also framed land extra-legal land manipulation schemes.

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<sup>219</sup> Booth, “Freedwoman Claims She Was Kidnapped,” *The Weekly Examiner*, 3.

Marrs, “Woman Says She Was Held Captive,” *Vinita Daily Chieftain*, 1.

<sup>220</sup> Marrs, “Woman Says She Was Held Captive,” *Vinita Daily Chieftain*, 1.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Littlefield., *The Cherokee Freedmen*, 255.

<sup>224</sup> “Act of May 27, 1908,” HR 15641, 35 Stat. 312, in Native American Constitution and Law Digitization Project, University of Oklahoma Law Center and the National Indian Law Library, <http://thorpe.ou.edu/treatises/statutes/Fct35.html>.

Further, Fannie Johnson's case demonstrates that Freedpeople were also manipulated by the very people who they paid to legally defend and protect them, as Fannie Johnson's lawyer was instrumental in the kidnapping and fraud scheme deployed against Johnson. In Jim Crow Oklahoma, judges, law enforcement officers, and even Freedpeoples' own legal counsel participated in the manipulation of Freedpeoples' lands through kidnapping, deceit, and legal guardianship proceedings. The manipulation of Freedpeoples' lands was, thus, conducted by a range of people and institutions of power, including courts, criminal justice institutions, and corporations. Within the context of post-statehood Jim Crow Oklahoma and legal land allotment policies, land manipulation and land dispossession of Freedpeople was sanctioned by law and aided by court proceedings, federal racialized Indigenous land policies, and the schemes of attorneys, judges, and law enforcement.

### **Racialized Allotment Laws, Taxation, and Fraudulent Agreements**

The May 27, 1908 federal statute that removed all restrictions on selling and taxing the lands of particular members of the Five Slaveholding Tribes was deeply racialized, and it contributed to the exacerbation of inequalities between members of the Five Slaveholding Tribes based on either their African ancestry or their recorded blood quantum. The law, which only opened up the lands of Freedmen, non-black members of the tribe with recorded blood quanta of less than one-half, and intermarried whites, also selectively opened up the lands of those sectors of tribal members to taxation. This meant that Freedpeople's lands—which were originally meant to be tax-free homesteads—could not only be taxed, but could also be sold to Euro-American settlers.

As noted in Chickasaw and Choctaw Freedman Buck Colbert Franklin's memoir, as Jim Crow laws were enacted alongside the opening of Freedpeople's lands, several legal schemes were deployed to secure Freedpeople's lands for oil corporations. According to Franklin "conveyances

would turn up on record to a freedman allotment,” transferring the land to a corporation, with deeds that were “regular in every respect.” Next, a male “third party would appear and claim the [Freedpeople’s] land, threatening to sue for possession” of the lands if they were not transferred to him immediately. When Freedpeople were subjected to these manipulative and fraudulent agreements and contacted lawyers for assistance, “nine times out of ten the lawyer would exact a fee of one-half interest to try to recover the land,” placing all expenses on the Freedpeople. According to Franklin, Freedpeople often were not able to even pay attorney fees or the costs to present a suit. Franklin explained that many Freedmen would “compromise for a mere pittance, give up possession of the land on which most of his children had been born, and move off.”<sup>225</sup> In his memoir, Franklin also underscored that companies who filed deeds on Freedpeople’s lands often did not exist or otherwise did not appear in court if Freedmen were able to afford a suit for their land; and that original deeds filed on Freedpeople’s lands were withdrawn and destroyed “as soon as [they were] filed and recorded.” As a prominent lawyer who represented Freedmen, Franklin underlined that Freedmen with land allotments that were particularly rich in minerals and oil often had “thousand clouds” on them before Freedmen became aware.<sup>226</sup>

Franklin also outlined that the opening of Freedpeople’s lands to taxes provided another possible path of fraud and grafting. According to Franklin, because Freedpeople had not been accustomed to paying taxes on their land, they would often forget to pay their land taxes. Franklin explained that Freedpeople’s lack of education and “ignorance of business” gave “grafter[s] an unbeatable hand in the deck from which he dealt with himself with wealth, prestige, and prosperity.”<sup>227</sup> In both of the examples given by Colbert of how Freedpeople lost their land and wealth, the federal government’s policy of selective opening of Indigenous peoples’ land for sale and

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<sup>225</sup> Franklin, *My Life and an Era*, 148.

<sup>226</sup> *Ibid.*, 148-149.

<sup>227</sup> *Ibid.*, 149.

for tax led to pathways for fraud. On the one hand, as Freedpeople had lived on communal land with different philosophies around ownership and tax, many Freedmen had not been accustomed to paying taxes on the land they owned post-statehood. In addition, the opening up of Freedpeople's land for sale without proper protections for Freedpeople led to rampant fraud within legal spheres of buying and selling Freedpeople's land. Outside of the confines of marital fraud, criminal justice system involvement, and guardianship manipulation, the opening up of Freedpeople's lands allowed for their lands to be open for purchase by white agrarians, who desired to own plots of independent land.

In "How Freedmen Lose They Land," a statement written by WF, a Creek Freedman, and included in the appendix to Sigmund Sameth's thesis, WF underscored that when Freedpeople's lands were open to taxes, Freedpeople borrowed money from white men who lent "money to every Freedman that was of age with large interes in short terms or take a morgage on they surplus which is 120 acres [sic]."<sup>228</sup> According to WF, Freedpeople were forced to sign expensive notes or "accep little money and give up the deed to they propty [sic]."<sup>229</sup> WF also included a written statement from, JA, another Freedman, who outlined that he had been manipulated out of his land by a bank cashier who promised him \$600 for 40 acres of his land allotment. JA underscored that the bank only gave him \$150 of the promised money and he, thus, "hired a lawyer an he took a 80 acres of land from [sic]" him to get his money back for him.<sup>230</sup> WF's statement highlights that opening up Freedpeople's lands to taxes while most Freedpeople did not have sufficient cash to pay for land taxes led to a complex system of manipulation in which Euro-American settlers swindled Freedpeople into debt arrangements that left them beholden to repaying the debt or selling their land. JA's narrative demonstrates that Freedpeople were also subjected to land manipulation by

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<sup>228</sup> WF, Creek Freedman, "How Freedmen Lose They Land," Appendix C, 92.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

attorneys when they sought legal assistance and relief for land manipulation. Thus, the opening up of Freedpeoples' lands to taxation along with the manipulative schemes of individual settlers, banks, and attorneys left Freedpeople vulnerable to losing their land allotments after 1908.

In the context of both the pre- and post-statehood period, federal regulations, federal criminal justice statutes, and federal tax policy worked in tandem to shape the conditions for defrauding Freedpeople out of their land allotments. As white settlers attempted to gain land dominance in Oklahoma, they worked both within legal means and outside of them to manipulate Freedpeople into signing away their lands, entering into debt agreements, and entering into extraction agreements with corporations. Within the context of Jim Crow and the ideologies that upheld Jim Crow, white settlers attempted to reclaim Freedpeoples' wealth and landholdings through both legal and extra-legal means.

## - Conclusion -

Freedpeoples' acquisition of individual land allotments fundamentally challenged the ideological underpinnings of Jim Crow, sharecropping, and gender hierarchies in agrarianism. As a class of Afro-Indigenous people became landholders in a state that Euro-Americans hoped to settle, their relationships to Afro-American migrants, white settlers, and other Indigenous people shifted as they established independent businesses, founded black towns, and entered into legal agreements to develop their land. As Freedwomen and Freedgirls became landowners, the possibilities for romantic, marital, and tenant relationships expanded, as they gained economic freedom and attracted Afro-American migrants and white settlers to their land. Further, prosperous and wealthy Freedpeople challenged and often crossed the boundaries of Jim Crow established in the post-statehood era, as they accessed white accommodations, married Euro-Americans, and entered into paternalistic owner-tenant relationships with Euro-Americans.

Euro-Americans employed several strategies within the confines of the Jim Crow laws of the state and federal policy to consolidate power and accumulate Freedpeoples' prosperous lands in both the pre- and post-statehood eras. As demonstrated by Zeke Moore's case, in pre-statehood Indian Territory, Euro-Americans weaponized the criminal justice system and racist tropes of black criminality to incarcerate Freedpeople and other Indigenous people at Leavenworth, the first federal penitentiary in the United States. As a part of the larger movement to undermine Indigenous sovereignty at the turn of the 20<sup>th</sup> century, Moore was incarcerated within the United States for a crime he supposedly committed in Indian Territory, all before he was even considered to be a United States citizen. Within the larger history of the incarceration of people of African descent to extract labor, Freedpeoples' incarceration also facilitated the transfer of their land to white settlers who convinced them to sign over his land.

In the post-statehood era, state apparatuses, such as state courts and state guardianship laws and the peculiar Jim Crow classification and segregation laws of the state shaped white settlers' strategies in dominance. The state's Jim Crow apparatus—which consolidated non-black Indigenous people into the white population—allowed for white men to more easily access non-black Indigenous peoples' lands through marriage. On the other hand, in attempting to manipulate Freedpeople out of their land, Jim Crow laws restricted direct marriages between Freedpeople and whites. Thus, white settlers used alternate methods to defraud Freedpeople out of their land, including working with Afro-American migrants to conduct fraudulent marriages and kidnapping both Freedpeople on the cusp of reaching the age of majority and on the cusp of the federal government's adoption of laws opening up Freedpeoples' lands. Freedpeoples' lands were also controlled through the legal sphere, as judges assigned white male guardians over the lands of prosperous minor Freedpeople and Freedpeople declared incompetent. Further, within the context of the Jim Crow south, the criminal justice system worked to directly control Freedpeople within the state.

The case of post-allotment Oklahoma demonstrates both how freed formerly enslaved people used their independent lands to develop independent and communal lives and how Euro-Americans used violence and manipulation to defraud Freedpeople out of their lands to establish a state of white dominance in land. The history of the people discussed in this thesis gives a glimpse into how individual Freedpeople were manipulated out of their land within the context of larger forms of violence, such as the Tulsa Race Riots of 1921. This thesis also gives insight into how Oklahoma, a state that was under the control of sovereign Indigenous nations prior to allotment, became the site of the most all-black towns and “Black Wall Street” in Tulsa, as much of the wealth and community building amongst black people in the state was conducted with the wealth and land of Freedpeople of the Five Slaveholding Nations.

As research continues into the history of the Five Slaveholding Tribes, Oklahoma, and Jim Crow, this thesis opens up many questions. How have tribal identities been reconstituted within Oklahoma, particularly given the history of Indigenous peoples' relegation to "whiteness" in the post-allotment period? As landownership was not a given for black people who were not on the Dawes Rolls, how did the land allotment process affect the land ownership abilities of black people without tribal connections? How did notions of "whiteness" and "blackness" shift in Oklahoma deeper into the Jim Crow period and into the present?

- Appendix -

*Mary Grayson Slave Narrative, Oklahoma Writers' Project, Tulsa, OK, Summer 1937*  
(Appendix 1)<sup>231</sup>

I am what we colored people call a "native." That means that I didn't come into the Indian country from somewhere in the Old South, after the War, like so many negroes did, but I was born here in the old Creek Nation, and my master was a Creek Indian. That was eighty-three years ago, so I am told.

My mammy belonged to white people back in Alabama when she was born—down in the southern part I think, for she told me that after she was a sizeable girl her white people moved into the eastern part of Alabama where there was a lot of Creeks. Some of them Creeks was mixed up with the whites, and some of the big men in the Creeks who come to talk to her master was almost white, it looked like. "My white folks moved around a lot when I was a little girl", she told me.

When mammy was about 10 or 13 years old some of the Creeks begun to come out to the Territory in little bunches. They wasn't the ones who was taken out here by the soldiers and contractor men—they come on ahead by themselves and most of them had plenty of money, too. A Creek come to my mammy's master and bought her to bring out here, but she heard she was being sold and run off into the woods. There was an old clay pit, dug way back into a high bank, where the slaves had been getting clay to mix with hog hair scrapings to make chinking for the big log houses that they built for the master and the cabins they made for themselves. Well, my mammy run and hid way back in that old clay pit, and it was way after dark before the master and the other man found her.

The Creek man that bought her was a kind sort of a man, mammy said, and wouldn't let the master punish her. He took her away and was kind to her, but he decided she was too young to breed and he sold her to another Creek who had several slaves already, and he brought her out to the Territory.

The McIntosh men was the leaders in the bunch that come out at that time, and one of the bunch, named Jim Perryman, bought my mammy and married her to one of his "boys", but after he waited

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<sup>231</sup> Mary Grayson, interview with Robert Vinson Lackey, summer 1937, Tulsa, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 171-178. [https://www.gutenberg.org/files/20785/20785-h/20785-h.htm#Page\\_115](https://www.gutenberg.org/files/20785/20785-h/20785-h.htm#Page_115)

a while and she didn't have a baby he decided she was no good breeder and he sold her to Mose Perryman.

Mose Perryman was my master, and he was a cousin to Legus Perryman, who was a big man in the Tribe. He was a lot younger than Mose, and laughed at Mose for buying my mammy, but he got fooled, because my mammy got married to Mose's slave boy Jacob, the way the slaves was married them days, and went ahead and had ten children for Mr. Mose.

Mose Perryman owned my pappy and his older brother, Hector, and one of the McIntosh men, Oona, I think his name was, owned my pappy's brother William. I can remember when I first heard about there was going to be a war. The older children would talk about it, but they didn't say it was a war all over the country. They would talk about a war going to be "back in Alabama", and I guess they had heard the Creeks talking about it that way.

When I was born we lived in the Choska bottoms, and Mr. Mose Perryman had a lot of land broke in all up and down the Arkansas river along there. After the War, when I had got to be a young woman, there was quite a settlement grew up at Choska (pronounced Choe-skey) right across the river east of where Haskell now is, but when I was a child before the War all the whole bottoms was marshy kind of wilderness except where farms had been cleared out. The land was very rich, and the Creeks who got to settle there were lucky. They always had big crops. All west of us was high ground, toward Gibson station and Fort Gibson, and the land was sandy. Some of the McIntoshes lived over that way, and my Uncle William belonged to one of them.

We slaves didn't have a hard time at all before the War. I have had people who were slaves of white folks back in the old states tell me that they had to work awfully hard and their masters were cruel to them sometimes, but all the Negroes I knew who belonged to Creeks always had plenty of clothes and lots to eat and we all lived in good log cabins we built. We worked the farm and tended to the horses and cattle and hogs, and some of the older women worked around the owner's house, but each Negro family looked after a part of the fields and worked the crops like they belonged to us.

When I first heard talk about the War the slaves were allowed to go and see one another sometimes and often they were sent on errands several miles with a wagon or on a horse, but pretty soon we

were all kept at home, and nobody was allowed to come around and talk to us. But we heard what was going on.

The McIntosh men got nearly everybody to side with them about the War, but we Negroes got word somehow that the Cherokees over back of Ft. Gibson was not going to be in the War, and that there were some Union people over there who would help slaves to get away, but we children didn't know anything about what we heard our parents whispering about, and they would stop if they heard us listening. Most of the Creeks who lived in our part of the country, between the Arkansas and the Verdigris, and some even south of the Arkansas, belonged to the Lower Creeks and sided with the South, but down below us along the Canadian River they were Upper Creeks and there was a good deal of talk about them going with the North. Some of the Negroes tried to get away and go down to them, but I don't know of any from our neighborhood that went to them.

Some Upper Creeks came up into the Choska bottoms talking around among the folks there about siding with the North. They were talking, they said, for old man Gouge, who was a big man among the Upper Creeks. His Indian name was Opoeth-le-ya-hola, and he got away into Kansas with a big bunch of Creeks and Seminoles during the War.

Before that time, I remember one night my uncle William brought another Negro man to our cabin and talked a long time with my pappy, but pretty soon some of the Perryman Negroes told them that Mr. Mose was coming down and they went off into the woods to talk. But Mr. Mose didn't come down. When pappy came back Mammy cried quite a while, and we children could hear them arguing late at night. Then my uncle Hector slipped over to our cabin several times and talked to pappy, and mammy began to fix up grub, but she didn't give us children but a little bit of it, and told us to stay around with her at the cabin and not go playing with the other children.

Then early one morning, about daylight, old Mr. Mose came down to the cabin in his buggy, waving a shot gun and hollering at the top of his voice. I never saw a man so mad in all my life, before nor since!

He yelled in at mammy to "git them children together and git up to my house before I beat you and all of them to death!" Mammy began to cry and plead that she didn't know anything, but he acted

like he was going to shoot sure enough, so we all ran to mammy and started for Mr. Mose's house as fast as we could trot.

We had to pass all the other Negro cabins on the way, and we could see that they were all empty, and it looked like everything in them had been tore up. Straw and corn shucks all over the place, where somebody had tore up the mattresses, and all the pans and kettles gone off the outside walls where they used to hang them.

At one place we saw two Negro boys loading some iron kettles on a wagon, and a little further on was some boys catching chickens in a yard, but we could see all the Negroes had left in a big hurry.

I asked mammy where everybody had gone and she said, "Up to Mr. Mose's house, where we are going. He's calling us all in."

"Will pappy be up there too?" I asked her.

"No. Your pappy and your Uncle Hector and your Uncle William and a lot of other menfolks won't be here any more. They went away. That's why Mr. Mose is so mad, so if any of you younguns say anything about any strange men coming to our place I'll break your necks!" Mammy was sure scared!

We all thought sure she was going to get a big whipping, but Mr. Mose just looked at her a minute and then told her to get back to the cabin and bring all the clothes, and bed ticks and all kinds of cloth we had and come back ready to travel.

"We're going to take all you black devils to a place where there won't no more of you run away!" he yelled after us. So we got ready to leave as quick as we could. I kept crying about my pappy, but mammy would say, "Don't you worry about your pappy, he's free now. Better be worrying about us. No telling where we all will end up!" There was four or five Creek families and their Negroes all got together to leave, with all their stuff packed in buggies and wagons, and being toted by the Negroes or carried tied on horses, jack asses, mules and milk cattle. I reckon it was a funny looking sight, or it would be to a person now; the way we was all loaded down with all manner of baggage when we met at the old ford across the Arkansas that lead to the Creek Agency. The Agency stood on a high hill a few miles across the river from where we lived, but we couldn't see it from our place down in

the Choska bottoms. But as soon as we got up on the upland east of the bottoms we could look across and see the hill.

When we got to a grove at the foot of the hill near the agency Mr. Mose and the other masters went up to the Agency for a while. I suppose they found out up there what everybody was supposed to do and where they was supposed to go, for when we started on it wasn't long until several more families and their slaves had joined the party and we made quite a big crowd.

The little Negro boys had to carry a little bundle apiece, but Mr. Mose didn't make the little girls carry anything and let us ride if we could find anything to ride on. My mammy had to help lead the cows part of the time, but a lot of the time she got to ride an old horse, and she would put me up behind her. It nearly scared me to death, because I had never been on a horse before, and she had to hold on to me all the time to keep me from falling off.

Of course I was too small to know what was going on then, but I could tell that all the masters and the Negroes seemed to be mighty worried and careful all the time. Of course I know now that the Creeks were all split up over the War, and nobody was able to tell who would be friendly to us or who would try to poison us or kill us, or at least rob us. There was a lot of bushwhacking all through that country by little groups of men who was just out to get all they could. They would appear like they was the enemy of anybody they run across, just to have an excuse to rob them or burn up their stuff. If you said you was with the South they would be with the North and if you claimed to be with the Yankees they would be with the South, so our party was kind of upset all the time we was passing through the country along the Canadian. That was where old Gouge had been talking against the South. I've heard my folks say that he was a wonderful speaker, too.

We all had to move along mighty slow, on account of the ones on foot, and we wouldn't get very far in one day, then we Negroes had to fix up a place to camp and get wood and cook supper for everybody. Sometimes we would come to a place to camp that somebody knew about and we would find it all tromped down by horses and the spring all filled in and ruined. I reckon old Gouge's people would tear up things when they left, or maybe some Southern bushwhackers would do it. I don't know which.

When we got down to where the North Fork runs into the Canadian we went around the place where the Creek town was. There was lots of Creeks down there who was on the other side, so we passed around that place and forded across west of there. The ford was a bad one, and it took us a long time to get across. Everybody got wet and a lot of the stuff on the wagons got wet. Pretty soon we got down into the Chickasaw country, and everybody was friendly to us, but the Chickasaw people didn't treat their slaves like the Creeks did. They was more strict, like the people in Texas and other places. The Chickasaws seemed lighter color than the Creeks but they talked more in Indian among themselves and to their slaves. Our masters talked English nearly all the time except when they were talking to Creeks who didn't talk good English, and we Negroes never did learn very good Creek. I could always understand it, and can yet, a little, but I never did try to talk it much. Mammy and pappy used English to us all the time.

Mr. Mose found a place for us to stop close to Fort Washita, and got us places to stay and work. I don't know which direction we were from Fort Washita, but I know we were not very far. I don't know how many years we were down in there, but I know it was over two for we worked on crops at two different places, I remember. Then one day Mr. Mose came and told us that the War was over and that we would have to root for ourselves after that. Then he just rode away and I never saw him after that until after we had got back up into the Choska country. Mammy heard that the Negroes were going to get equal rights with the Creeks, and that she should go to the Creek Agency to draw for us, so we set out to try to get back.

We started out on foot, and would go a little ways each day, and mammy would try to get a little something to do to get us some food. Two or three times she got paid in money, so she had some money when we got back. After three or four days of walking we came across some more Negroes who had a horse, and mammy paid them to let us children ride and tie with their children for a day or two. They had their children on the horse, so two or three little ones would get on with a larger one to guide the horse and we would ride a while and get off and tie the horse and start walking on down the road. Then when the others caught up with the horse they would ride until they caught up with us. Pretty soon the old people got afraid to have us do that, so we just led the horse and some of the little ones rode it.

We had our hardest times when we would get to a river or big creek. If the water was swift the horse didn't do any good, for it would shy at the water and the little ones couldn't stay on, so we would

have to just wait until someone came along in a wagon and maybe have to pay them with some of our money or some of our goods we were bringing back to haul us across. Sometimes we had to wait all day before anyone would come along in a wagon.

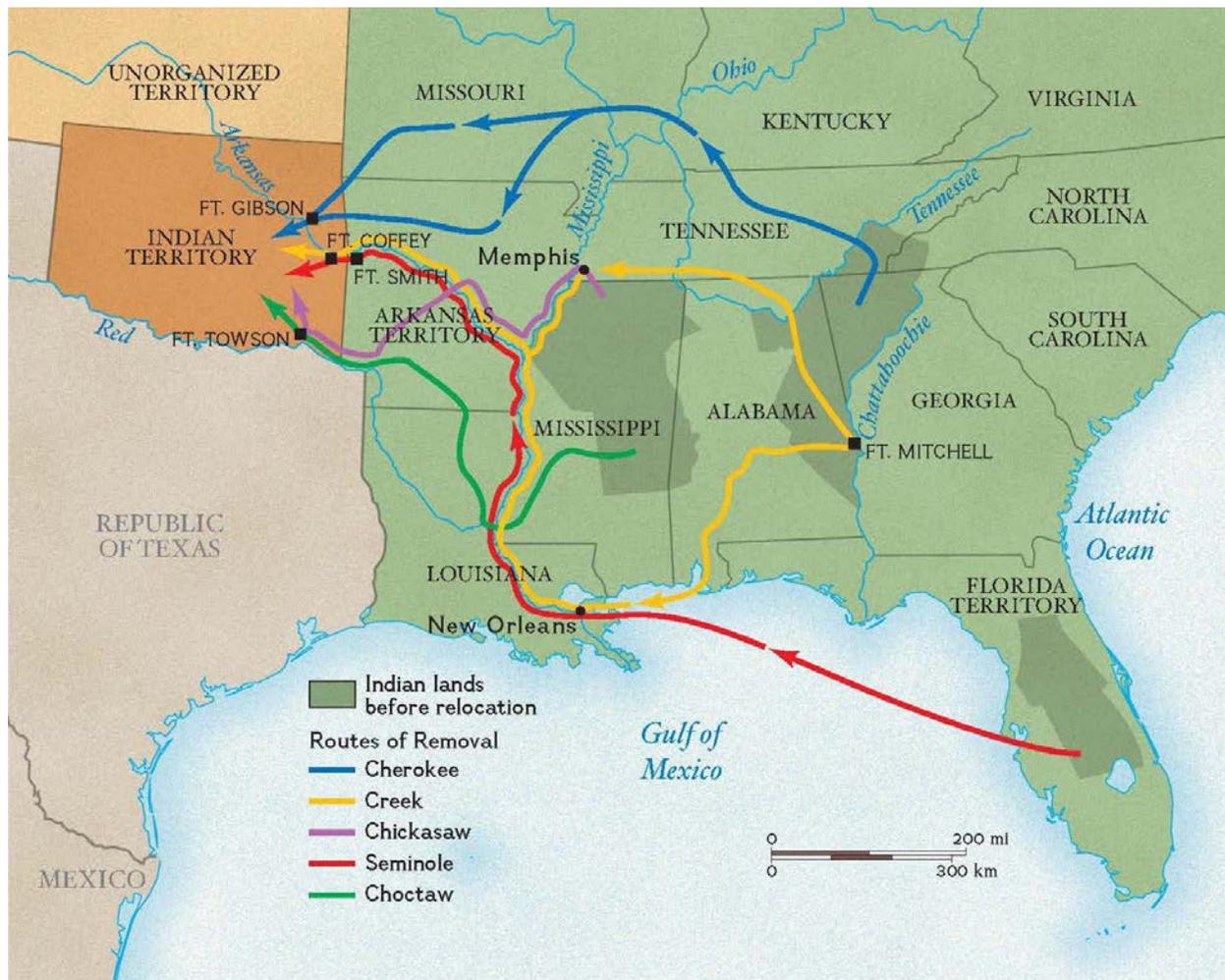
We were coming north all this time, up through the Seminole Nation, but when we got to Weeleetka we met a Creek family of freedmen who were going to the Agency too, and mammy paid them to take us along in their wagon. When we got to the Agency mammy met a Negro who had seen pappy and knew where he was, so we sent word to him and he came and found us. He had been through most of the War in the Union army.

When we got away into the Cherokee country some of them called the "Pins" helped to smuggle him on up into Missouri and over into Kansas, but he soon found that he couldn't get along and stay safe unless he went with the Army. He went with them until the War was over, and was around Gibson quite a lot. When he was there he tried to find out where we had gone but said he never could find out. He was in the battle of Honey Springs, he said, but never was hurt or sick. When we got back together we cleared a selection of land a little east of the Choska bottoms, near where Clarksville now is, and farmed until I was a great big girl.

I went to school at a little school called Blackjack school. I think it was a kind of mission school and not one of the Creek nation schools, because my first teacher was Miss Betty Weaver and she was not a Creek but a Cherokee. Then we had two white teachers, Miss King and John Kernan, and another Cherokee was in charge. His name was Ross, and he was killed one day when his horse fell off a bridge across the Verdigris, on the way from Tullahassee to Gibson Station.

When I got to be a young woman I went to Okmulgee and worked for some people near there for several years, then I married Tate Grayson. We got our freedmen's allotments on Mingo Creek, east of Tulsa, and lived there until our children were grown and Tate died, then I came to live with my daughter in Tulsa.

*Map of Native American Removal from the Southeast (Appendix 2)<sup>232</sup>*



<sup>232</sup> National Geographic Society, *Native American Removal from the Southeast*, Washington, D.C.: National Geographic, <https://www.nationalgeographic.org/thisday/may28/indian-removal-act/>.

Mary Grayson Dawes Census Card (Appendix 3)<sup>233</sup>

Dawes' Roll No.		NAME	Relationship to Person first Named	AGE	SEX	Year	TRIBAL ENROLLMENT		SLAVE OF	REMARKS
							Town	No.		
4359	✓	Grayson, Mary		41	F	1890	Arkansas	33	Mose Perryman	On Dunes Roll as Mary Perryman No 431
4360	2	" Louella	Dau	16	"	"	"	33		
4361	3	" Jennetta	"	14	"	"	"	33		
4362	4	" Walter	Son	12	M	"	"	33		
4363	5	" Pleasant	"	10	"	"	"	33		
4364	6	" Evaline	Dau	8	F	"	"	33		
4365	7	" Samuel	Son	6	M	1895	"	1480		
4366	8	" Precilla	Dau	4	F	"	"	1481		
4367	9	" Julia	"	2	"	"	"			
4368	10	" Katie	"	2 mo	"	"	"			
11		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>ENROLLMENT.</b>            OF NOS 4359-4368            APPROVED BY THE SECRETARY            OF INTERIOR <i>March 27, 1892.</i> </div>								
12		(14) All except Nos 9 & 10 on 1895 Roll # 1474 etc For child of No 3 see No 3 (Apr 26-06) card no 161 No 1 wife of Robert Grayson, Creek Indian card No 413 (15) For child of No 2 see No 3 (Apr 26-06) card # 228								
13										
14										
15		CITIZENSHIP CERTIFICATE								
16		ISSUED FOR <i>all</i> May 9-1899								
17										
18										

ADDITIONAL INFORMATION ON REVERSE SIDE

(Front of Dawes Rolls Census Card, Mary Grayson, Creek Freedmen, Dawes Rolls No. 4359)

<sup>233</sup> U.S. Department of the Interior, Office of Indian Affairs, Dawes Commission, Creek Freedmen Census Cards, no. 1158, Dawes Rolls No, 4359, Nov. 29, 1898, The National Archives at Ft Worth; Ft Worth, Texas, USA; *Enrollment Cards for the Five Civilized Tribes, 1898-1914*; NAI Number: 251747; Record Group Title: *Records of the Bureau of Indian Affairs*; Record Group Number: 75, [Ancestry.com](https://www.ancestry.com).

Printed numbers in first column refer to individual names on reverse side.

	NAME OF FATHER	FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	NAME OF MOTHER	MOTHER'S TRIBAL ENROLLMENT			MOTHER'S OWNER
		Year	Town	No.			Year	Town	No.	
1	Moses Perryman		Dunes Roll No 627		Moses Perryman	Molly Perryman		Dunes Roll No 628	Moses Perryman	
2	Robert Grayson	1875	Corveta	495		No 1				
3	"	"	"	"		No 1				
4	"	"	"	"		No 1				
5	"	"	"	"		No 1				
6	"	"	"	"		No 1				
7	"	"	"	"		No 1				
8	"	"	"	"		No 1				
9	"	"	"	"		No 1				
10	"	"	"	"		No 1				
11										
12										
13										
14										
15										
16										
17										
18										

(Back of Dawes Rolls Census Card, Mary Grayson, Creek Freedmen, Dawes Rolls No. 4359)

Mary Grayson Land Allotment Records (Appendix 4)<sup>234</sup>

2030  
2031  
2032  
2033  
2034-12398  
2035

155.10  
37.52  
117.58  
JK

(144)  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE.

APPLICATION FOR HOMESTEAD ALLOTMENT.

I, Robert Grayson, do hereby make application to have the lands hereinafter described set apart as homesteads for ~~myself and~~ those whom I lawfully represent, the same being a part of the lands already selected by me as allotments for ~~myself and~~ those whom I lawfully represent, as follows:

ROLL No.	NAME	Relation to First Named Person.	SUBDIVISION OF	SEC.	TOWN	RANGE	ACRES	1000s
4359	Mary Grayson	daughter	N.W. 1/4 of N.W. 1/4 of	13	19	13	40	
4360	Louella Grayson	daughter	N.W. 1/4 of the N.W. 1/4 of	8	19	14	40	
4361	Juetta Grayson	daughter	N.W. 1/4 of the N.E. 1/4 of	8	19	14	40	
4362	Walter Grayson	son	S.W. 1/4 of the S.E. 1/4 of	4	19	14	40	
4363	Pleasant Grayson	son	S.W. 1/4 of N.W. 1/4 of	4	19	14	40	
4364	Eveline Grayson	daughter	S.W. 1/4 of N.W. 1/4 of Lot 2	18	19	14	52	57

Dated at Fulda, Indian Territory, this 28 day of May, 1902

WITNESSES TO MARK:

ok m

Robert Grayson

(Application for Homestead Allotment, Robert Grayson, Mary Grayson [Daves Rolls Number 4359], and children)

<sup>234</sup> U.S. Department of the Interior, Office of Indian Affairs, Dawes Commission, Creek Freedmen Land Allotment Jackets, Mary Grayson, Dawes Rolls No, 4359, The National Archives at Fort Worth, Texas., Records of the Bureau of Indian Affairs, Record Group 75, *Oklahoma and Indian Territory, Land Allotment Jackets for Five Civilized Tribes, 1884-1934* [database on-line]. Provo, UT, USA: [Ancestry.com](http://Ancestry.com) Operations, Inc, 2014.

844

Commission to the Five Civilized Tribes.

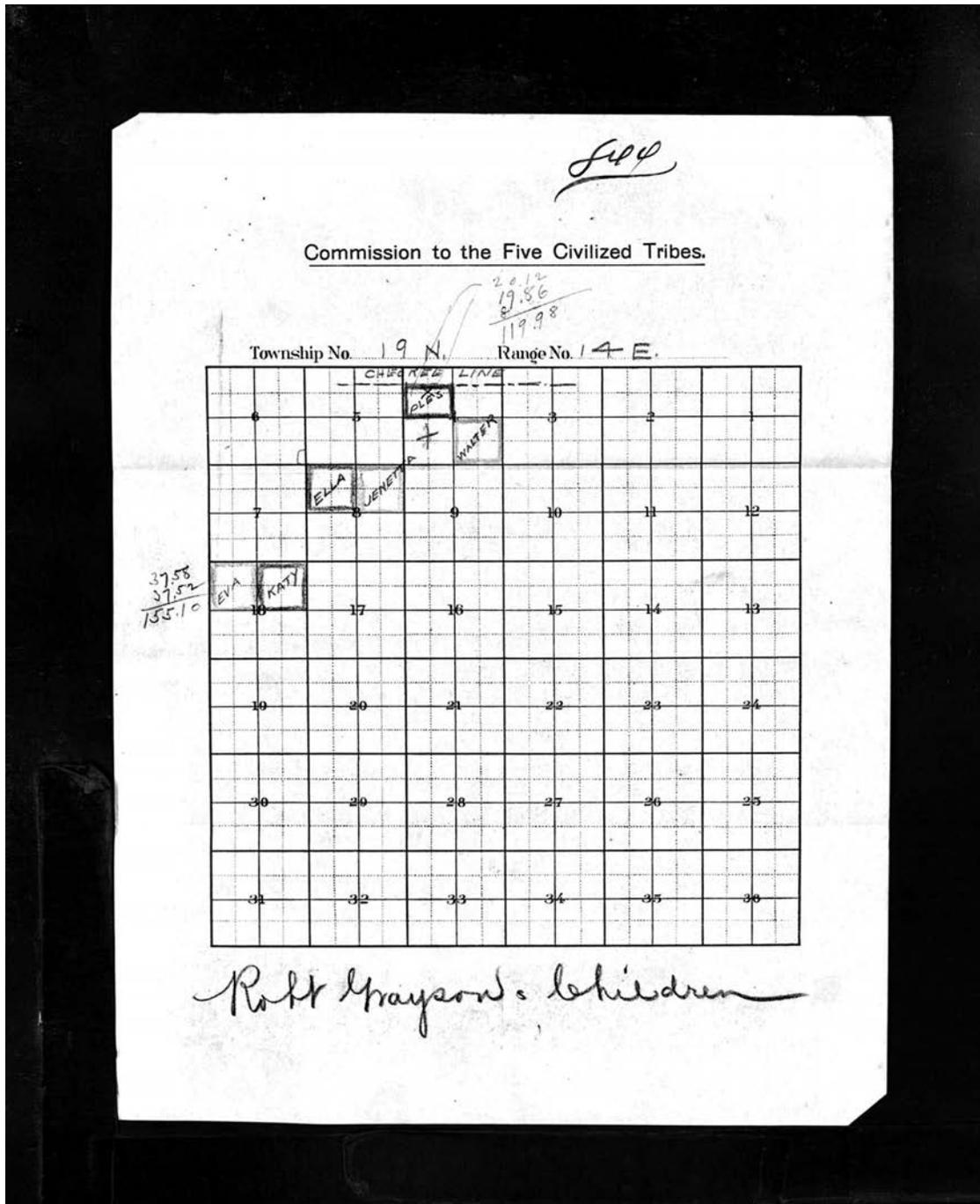
Township No. 19 N. Range No. 13 E.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Handwritten annotations on the grid:  
- Section 11: SAM.  
- Section 12: PERCY JULY  
- Section 13: MARY RUBY  
- Section 14: MARY RUBY

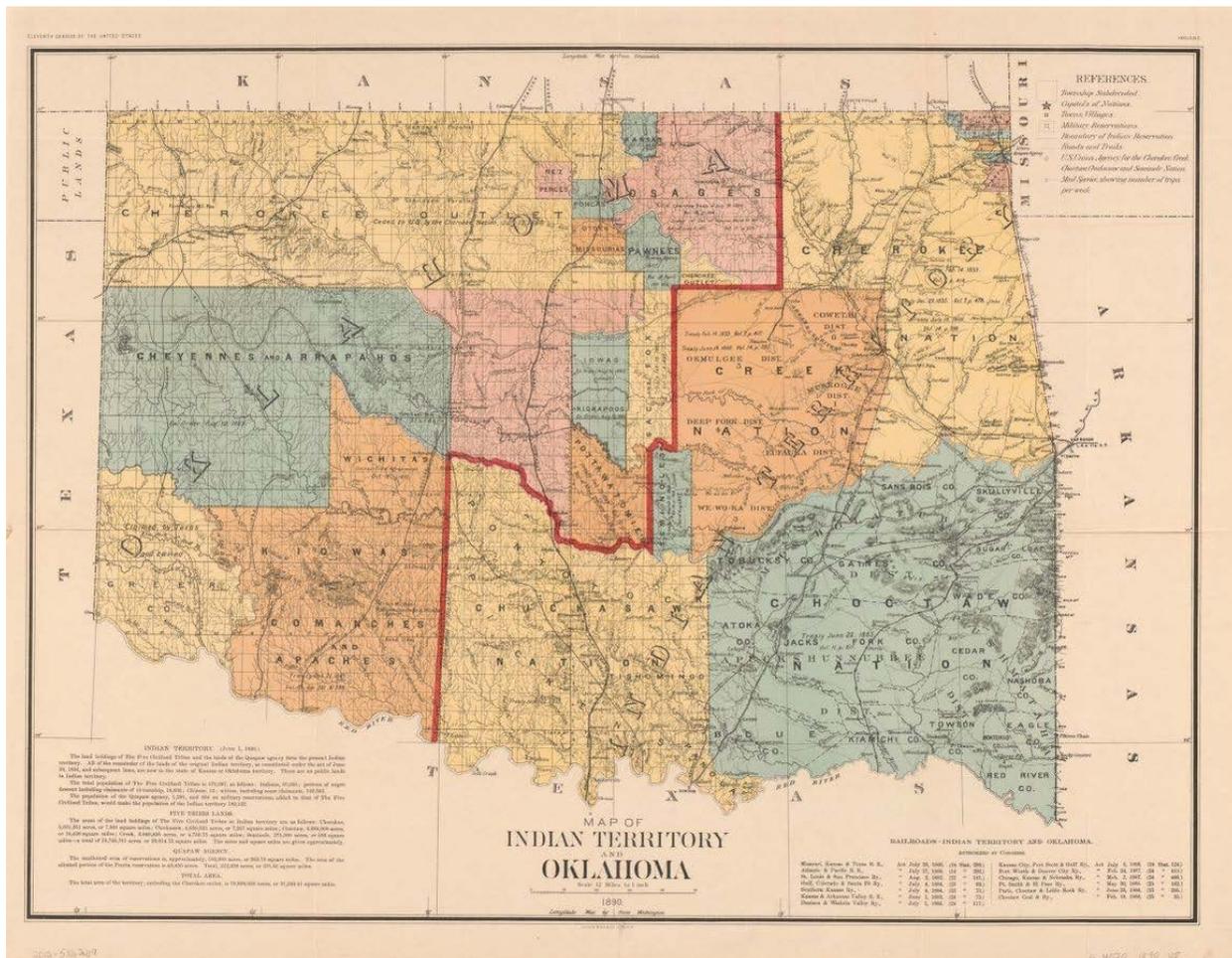
*Robert Grayson and children*

(Map of Homestead Allotments, Robert Grayson, Mary Grayson, and children)



(Map of the Homestead Allotments of the remainder of Robert and Mary Grayson's children)

*Map of Indian Territory and Oklahoma Territory, 1890 (Appendix 5)*<sup>235</sup>



*Kiziah Love Slave Narrative, Oklahoma Writers' Project, Colbert, OK, Spring 1937 (Appendix 6)*<sup>236</sup>

Lawd help us, I sho' remembers all about slavery times for I was a grown woman, married and had one baby when de War done broke out. That was a sorry time for some poor black folks but I guess Master Frank Colbert's niggers was about as well off as the best of 'em. I can recollect things that happened way back better than I can things that happen now. Funny ain't it?

<sup>235</sup> United States Bureau Of The Census, Map of Indian Territory and Oklahoma (Washington, D.C.: U.S. Bureau of the Census, 1890, map, <https://www.loc.gov/item/2012586269/>).

<sup>236</sup> Kiziah Love, interview with Jessie R. Ervin, Spring 1937, Colbert, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 257-263.

Frank Colbert, a full blood Choctaw Indian, was my owner. He owned my mother but I don't remember much about my father. He died when I was a little youngun. My Mistress' name was Julie Colbert. She and Master Frank was de best folks that ever lived. All the niggers loved Master Frank and knowed jest what he wanted done and they tried their best to do it, too.

I married Isom Love, a slave of Sam Love, another full-blood Indian that lived on a jining farm. We lived on Master Frank's farm and Isom went back and forth to work fer his master and I worked ever day fer mine. I don't 'spect we could of done that way iffen we hadn't of had Indian masters. They let us do a lot like we pleased jest so we got our work done and didn't run off.

Old Master Frank never worked us hard and we had plenty of good food to eat. He never did like to put us under white overseers and never tried it but once. A white man come through here and stopped overnight. He looked 'round the farm and told Master Frank that he wasn't gitting half what he ought to out of his rich land. He said he could take his bunch of hands and double his amount of corn and cotton.

Master Frank told him that he never used white overseers, that he had one nigger that bossed around some when he didn't do it hisself. He also told the white man that he had one nigger named Bill that was kind of bad, that he was a good worker but he didn't like to be bothered as he liked to do his own work in his own way. The white boss told him he wouldn't have any trouble and that he could handle him all right.

Old Master hired him and things went very well for a few days. He hadn't said anything to Bill and they had got along fine. I guess the new boss got to thinking it was time for him to take Bill in hand so one morning he told him to hitch up another team before he caught his own team to go to work.

Uncle Bill told him that he didn't have time, that he had a lot of plowing to git done that morning and besides it was customary for every man to catch his own team. Of course this made the overseer mad and he grabbed a stick and started cussing and run at Uncle Bill. Old Bill grabbed a single-tree and went meeting him. Dat white man all on a sudden turned 'round and run fer dear life and I tell you, he fairly bust old Red River wide open gitting away from there and nobody never did see hide nor hair of him 'round to this day.

Master Colbert run a stage stand and a ferry on Red River and he didn't have much time to look after his farm and his niggers. He had lots of land and lots of slaves. His house was a big log house, three rooms on one side and three on the other, and there was a big open hall between them. There was a big gallery clean across the front of the house. Behind the house was the kitchen and the smokehouse. The smokehouse was always filled with plenty of good meat and lard. They would kill the polecat and dress it and take a sharp stick and run it up their back jest under the flesh. They would also run one up each leg and then turn him on his back and put him on top of the house and let him freeze all night. The next morning they'd pull the sticks out and all the scent would be on them sticks and the cat wouldn't smell at all. They'd cook it like they did possum, bake it with taters or make dumplings.

We had plenty of salt. We got that from Grand Saline. Our coffee was made from parched meal or wheat bran. We made it from dried sweet potatoes that had been parched, too.

One of our choicest dishes was "Tom Pashofa", an Indian dish. We'd take corn and beat it in a mortar with a pestle. They took out the husks with a riddle and a fanner. The riddle was a kind of a sifter. When it was beat fine enough to go through the riddle we'd put it in a pot and cook it with fresh pork or beef. We cooked our bread in a Dutch oven or in the ashes.

When we got sick we would take butterfly root and life-everlasting and boil it and made a syrup and take it for colds. Balmony and queen's delight boiled and mixed would make good blood medicine.

The slaves lived in log cabins scattered back of the house. He wasn't afraid they'd run off. They didn't know as much as the slaves in the states, I reckon. But Master Frank had a half brother that was as mean as he was good. I believe he was the meanest man the sun ever shined on. His name was Buck Colbert and he claimed he was a patroller. He was sho' bad to whup niggers. He'd stop a nigger and ask him if he had a pass and even if they did he'd read it and tell them they had stayed over time and he'd beat 'em most to death. He'd say they didn't have any business off the farm and to git back there and stay there.

One time he got mad at his baby's nurse because she couldn't git the baby to stop crying and he hit her on the head with some fire-tongs and she died. His wife got sick and she sent for me to come and take care of her baby. I sho' didn't want to go and I begged so hard for them not to make me that they sent an older woman who had a baby of her own so she could nurse the baby if necessary.

In the night the baby woke up and got to crying and Master Buck called the woman and told her to git him quiet. She was sleepy and was sort of slow and this made Buck mad and he made her strip her clothes off to her waist and he began to whip her. His wife tried to git him to quit and he told her he'd beat her iffen she didn't shut up. Sick as as she was she slipped off and went to Master Frank's and woke him up and got him to go and make Buck quit whipping her. He had beat her so that she was cut up so bad she couldn't nurse her own baby any more.

Master Buck kept on being bad till one day he got mad at one of his own brothers and killed him. This made another one of his brothers mad and he went to his house and killed him. Everybody was glad that Buck was dead.

We had lots of visitors. They'd stop at the stage inn that we kept. One morning I was cleaning the rooms and I found a piece of money in the bed where two men had slept. I thought it was a dime and I showed it to my mammy and she told me it was a five dollar piece. I sho' was happy fer I had been wanting some hoops fer my skirts like Misstress had so Mammy said she would keep my money 'til I could send fer the hoops. My brother got my money from my mammy and I didn't git my hoops fer a long time. Miss Julie give me some later.

When me and my husband got married we built us a log cabin about half-way from Master Frank's house and Master Sam Love's house. I would go to work at Master Frank's and Isom would go to work at Mister Sam's. One day I was at home with jest my baby and a runner come by and said the Yankee soldiers was coming. I looked 'round and I knowed they would git my chickens. I had 'em in a pen right close to the house to keep the varmints from getting 'em so I decided to take up the boards in the floor and put 'em in there as the wall logs come to the ground and they couldn't git out. By the time I got my chickens under the floor and the house locked tight the soldiers had got so close I could hear their bugles blowing so I jest fairly flew over to old Master's house. Them Yankees clumb down the chimbley and got every one of my chickens and they killed about fifteen of Master Frank's hogs. He went down to their camp and told the captain about it and he paid him for his hogs and sent me some money for my chickens.

We went to church all the time. We had both white and colored preachers. Master Frank wasn't a Christian but he would help build brush-arbors fer us to have church under and we sho' would have big meetings I'll tell you.

One day Master Frank was going through the woods close to where niggers was having church. All on a sudden he started running and beating hisself and hollering and the niggers all went to shouting and saying "Thank the Lawd, Master Frank has done come through!" Master Frank after a minute say, "Yes, through the worst of 'em." He had run into a yellow jacket's nest.

One night my old man's master sent him to Sherman, Texas. He aimed to come back that night so I stayed at home with jest my baby. It went to sleep so I set down on the steps to wait and ever minute I thought I could hear Isom coming through the woods. All a sudden I heard a scream that fairly made my hair stand up. My dog that was laying out in the yard give a low growl and come and set down right by me. He kept growling real low.

Directly, right close to the house I heard that scream again. It sounded like a woman in mortal misery. I run into the house and made the dog stay outside. I locked the door and then thought what must I do. Supposing Isom did come home now and should meet that awful thing? I heard it again. It wasn't more'n a hundred yards from the house. The dog scratched on the door but I dassent open it to let him in. I knowed by this time that it was a panther screaming. I turned my table over and put it against the opening of the fireplace. I didn't aim fer that thing to come down the chimbley and git us.

Purty soon I heard it again a little mite further away—it was going on by. I heard a gun fire. Thank God, I said, somebody else heard it and was shooting at it. I set there on the side of my bed fer the rest of the night with my baby in my arms and praying that Isom wouldn't come home. He didn't come till about nine o'clock the next morning and I was that glad to see him that I jest cried and cried.

I ain't never seen many sperits but I've seen a few. One day I was laying on my bed here by myself. My son Ed was cutting wood. I'd been awful sick and I was powerful weak. I heard somebody walking real light like they was barefooted. I said, "Who's dat?"

He catch hold of my hand and he has the littlest hand I ever seen, and he say, "You been mighty sick and I want you to come and go with me to Sherman to see a doctor."

I say, "I ain't got nobody at Sherman what knows me."

He say, "You'd better come and go with me anyway."

I jest lay there fer a minute and didn't say nothing and purty soon he say, "Have you got any water?"

I told him the water was on the porch and he got up and went outside and I set in to calling Ed. He come hurrying and I asked him why he didn't lock the door when he went out and I told him to go see if he could see the little man and find out what he wanted. He went out and looked everywhere but he couldn't find him nor he couldn't even find his tracks.

I always keep a butcher-knife near me but it was between the mattress and the feather bed and I couldn't get to it. I don't guess it would have done any good though fer I guess it was jest a sperit.

The funniest thing that ever happened to me was when I was a real young gal. Master and Miss Julie was going to see one of his sisters that was sick. I went along to take care of the baby fer Miss Julie. The baby was about a year old. I had a bag of clothes and the baby to carry. I was riding a pacing mule and it was plumb gentle. I was riding along behind Master Frank and Miss Julie and I went to sleep. I lost the bag of clothes and never missed it. Purty soon I let the baby slip out of my lap and I don't know how far I went before I nearly fell off myself and jest think how I felt when I missed that baby! I turned around and went back and found the baby setting in the trail sort of crying. He wasn't hurt a mite as he fell in the grass. I got off the mule and picked him up and had to look fer a log so I could get back on again.

Jest as I got back on Master Frank rode up. He had missed me and come back to see what was wrong. I told him that I had lost the bag of clothes but I didn't say anything about losing the baby. We never did find the clothes and I sho' kept awake the rest of the way. I wasn't going to risk losing that precious baby again! I guess the reason he didn't cry much was because he was a Indian baby. He was sho' a sweet baby though.

Jest before the War people would come through the Territory stealing niggers and selling 'em in the states. Us women dassent git fur from the house. We wouldn't even go to the spring if we happened to see a strange wagon or horsebacker. One of Master Sam Love's women was stole and sold down in Texas. After freedom she made her way back to her fambly. Master Frank sent one of my brothers to Sherman on an errand. After several days the mule come back but we never did see my brother again. We didn't know whether he run off or was stole and sold.

I was glad to be free. What did I do and say? Well, I jest clapped my hands together and said, "Thank God Almighty, I'se free at last!"

I live on the forty acres that the government give me. I have been blind for nine years and don't git off my bed much. I live here with my son, Ed. Isom has been dead for over forty years. I had fifteen children, but only ten of them are living.

*Lucinda Davis Slave Narrative, Oklahoma Writers' Project, Tulsa, OK, Summer 1937*  
(Appendix 7)<sup>237</sup>

"What yo' gwine do when de meat give out?  
What yo' gwine do when de meat give out?  
Set in de corner wid my lips pooched out!

Lawsy!

What yo' gwine do when de meat come in?  
What yo' gwine do when de meat come in?  
Set in de corner wid a greasy chin!

Lawsy!"

Dat's about de only little nigger song I know, less'n it be de one about:

"Great big nigger, laying 'hind de log—  
Finger on de trigger and eye on the hawg!  
Click go de trigger and bang go de gun!  
Here come de owner and de buck nigger run!"

And I think I learn both of dem long after I been grown, 'cause I belong to a full-blood Creek Indian and I didn't know nothing but Creek talk long after de Civil War. My mistress was part white and knowed English talk, but she never did talk it because none of de people talked it. I heard it

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<sup>237</sup> Lucinda Davis, interview with Robert Vinson Lackey, Summer 1937, Tulsa, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 107-117.

sometime, but it sound like whole lot of wild shoat in de cedar brake scared at something when I do hear it. Dat was when I was little girl in time of de War.

I don't know where I been born. Nobody never did tell me. But my mammy and pappy git me after de War and I know den whose child I is. De men at de Creek Agency help 'em git me, I reckon, maybe.

First thing I remember is when I was a little girl, and I belong to old Tuskaya-hiniha. He was big man in de Upper Creek, and we have a purty good size farm, jest a little bit to de north of de wagon depot houses on de old road at Honey Springs. Dat place was about twenty-five mile south of Fort Gibson, but I don't know nothing about whar de fort is when I was a little girl at dat time. I know de Elk River 'bout two mile north of whar we live, 'cause I been there many de time.

I don't know if old Master have a white name. Lots de Upper Creek didn't have no white name. Maybe he have another Indian name, too, because 'Tuskaya-hiniha mean "head man warrior" in Creek, but dat what everybody call him and dat what de family call him too.

My Mistress' name was Nancy, and she was a Lott before she marry old man 'Tuskaya-hiniha. Her pappy name was Lott and he was purty near white. Maybe so all white. Dey have two chillun, I think, but only one stayed on de place. She was name Luwina, and her husband was dead. His name was Walker, and Luwina bring Mr. Walker's little sister, Nancy, to live at de place too.

Luwina had a little baby boy and dat de reason old Master buy me, to look after de little baby boy. He didn't have no name cause he wasn't big enough when I was with dem, but he git a name later on, I reckon. We all call him "Istidji." Dat mean "little man."

When I first remember, before de War, old Master had 'bout as many slave as I got fingers, I reckon. I can think dem off on my fingers like dis, but I can't recollect de names.

Dey call all de slaves "Istilusti." Dat mean "Black man."

Old man 'Tuskaya-hiniha was near 'bout blind before de War, and 'bout time of de War he go plumb blind and have to set on de long seat under de bresh shelter of de house all de time. Sometime I lead

him around de yard a little, but not very much. Dat about de time all de slave begin to slip out and run off.

My own pappy was name Stephany. I think he take dat name 'cause when he little his mammy call him "Istifani." Dat mean a skeleton, and he was a skinny man. He belong to de Grayson family and I think his master name George, but I don't know. Dey big people in de Creek, and with de white folks too. My mammy name was Serena and she belong to some of de Gouge family. Dey was big people in de Upper Creek, and one de biggest men of the Gouge was name Hopoethleyoholo for his Creek name. He was a big man and went to de North in de War and died up in Kansas, I think. Dey say when he was a little boy he was called Hopoethli, which mean "good little boy", and when he git grown he make big speeches and dey stick on de "yoholo." Dat mean "loud whooper."

Dat de way de Creek made de name for young boys when I was a little girl. When de boy git old enough de big men in de town give him a name, and sometime later on when he git to going round wid de grown men dey stick on some more name. If he a good talker dey sometime stick on "yoholo", and iffen he make lots of jokes dey call him "Hadjo." If he is a good leader dey call him "Imala" and if he kind of mean dey sometime call him "fixigo."

My mammy and pappy belong to two masters, but dey live together on a place. Dat de way de Creek slaves do lots of times. Dey work patches and give de masters most all dey make, but dey have some for demselves. Dey didn't have to stay on de master's place and work like I hear de slaves of de white people and de Cherokee and Choctaw people say dey had to do.

Maybe my pappy and mammy run off and git free, or maybeso dey buy demselves out, but anyway dey move away some time and my mammy's master sell me to old man Tuskaya-hiniha when I was jest a little gal. All I have to do is stay at de house and mind de baby.

Master had a good log house and a bresh shelter out in front like all de houses had. Like a gallery, only it had de dirt for de flo' and bresh for de roof. Dey cook everything out in de yard in big pots, and dey eat out in de yard too.

Dat was sho' good stuff to eat, and it make you fat too! Roast de green corn on de ears in de ashes, and scrape off some and fry it! Grind de dry corn or pound it up and make ash cake. Den bile de greens—all kinds of greens from out in de woods—and chop up de pork and de deer meat, or de

wild turkey meat; maybe all of dem, in de big pot at de same time! Fish too, and de big turtle dat lay out on de bank!

Dey always have a pot full of sofki settin right inside de house, and anybody eat when dey feel hungry. Anybody come on a visit, always give 'em some of de sofki. Ef dey don't take none de old man git mad, too!

When you make de sofki you pound up de corn real fine, den pour in de water an dreen it off to git all de little skin from off'n de grain. Den you let de grits soak and den bile it and let it stand. Sometime you put in some pounded hickory nut meats. Dat make it real good.

I don't know whar old Master git de cloth for de clothes, less'n he buy it. Befo' I can remember I think he had some slaves dat weave de cloth, but when I was dar he git it at de wagon depot at Honey Springs, I think. He go dar all de time to sell his corn, and he raise lots of corn, too.

Dat place was on de big road, what we called de road to Texas, but it go all de way up to de North, too. De traders stop at Honey Springs and old Master trade corn for what he want. He git some purty checkedy cloth one time, and everybody git a dress or a shirt made off'n it. I have dat dress 'till I git too big for it.

Everybody dress up fine when dey is a funeral. Dey take me along to mind de baby at two-three funerals, but I don't know who it is dat die. De Creek sho' take on when somebody die!

Long in de night you wake up and hear a gun go off, way off yonder somewhar. Den it go again, and den again, jest as fast as dey can ram de load in. Dat mean somebody dead. When somebody die de men go out in de yard and let de people know dat way. Den dey jest go back in de house and let de fire go out, and don't even tech de dead person till somebody git dar what has de right to tech de dead.

When somebody bad sick dey build a fire in de house, even in de summer, and don't let it die down till dat person git well or die. When dey die dey let de fire go out.

In de morning everybody dress up fine and go to de house whar de dead is and stand around in de yard outside de house and don't go in. Pretty soon along come somebody what got a right to tech

and handle de dead and dey go in. I don't know what give dem de right, but I think dey has to go through some kind of medicine to git de right, and I know dey has to drink de red root and purge good before dey tech de body. When dey git de body ready dey come out and all go to de graveyard, mostly de family graveyard, right on de place or at some of the kinfolkses.

When dey git to de grave somebody shoots a gun at de north, den de west, den de south, and den de east. Iffen dey had four guns dey used 'em.

Den dey put de body down in de grave and put some extra clothes in with it and some food and a cup of coffee, maybe. Den dey takes strips of elm bark and lays over de body till it all covered up, and den throw in de dirt.

When de last dirt throwed on, everybody must clap dey hands and smile, but you sho hadn't better step on any of de new dirt around de grave, because it bring sickness right along wid you back to your own house. Dat what dey said, anyways.

Jest soon as de grave filled up dey built a little shelter over it wid poles like a pig pen and kiver it over wid elm bark to keep de rain from soaking down in de new dirt.

Den everybody go back to de house and de family go in and scatter some kind of medicine 'round de place and build a new fire. Sometime dey feed everybody befo' dey all leave for home.

Every time dey have a funeral dey always a lot of de people say, "Didn't you hear de stikini squalling in de night?" "I hear dat stikini all de night!" De "stikini" is de screech owl, and he suppose to tell when anybody going to die right soon. I hear lots of Creek people say dey hear de screech owl close to de house, and sho' nuff somebody in de family die soon.

When de big battle come at our place at Honey Springs dey jest git through having de green corn "busk." De green corn was just ripened enough to eat. It must of been along in July.

Dat busk was jest a little busk. Dey wasn't enough men around to have a good one. But I seen lots of big ones. Ones whar dey had all de different kinds of "banga." Dey call all de dances some kind of banga. De chicken dance is de "Tolosabanga", and de "Istifanibanga" is de one whar dey make lak dey is skeletons and raw heads coming to git you.

De "Hadjobanga" is de crazy dance, and dat is a funny one. Dey all dance crazy and make up funny songs to go wid de dance. Everybody think up funny songs to sing and everybody whoop and laugh all de time.

But de worse one was de drunk dance. Dey jest dance ever whichaway, de men and de women together, and dey wrastle and hug and carry on awful! De good people don't dance dat one. Everybody sing about going to somebody elses house and sleeping wid dem, and shout, "We is all drunk and we don't know what we doing and we ain't doing wrong 'cause we is all drunk" and things like dat. Sometime de bad ones leave and go to de woods, too!

Dat kind of doing make de good people mad, and sometime dey have killings about it. When a man catch one his women—maybeso his wife or one of his daughters—been to de woods he catch her and beat her and cut off de rim of her ears!

People think maybeso dat ain't so, but I know it is!

I was combing somebody's hair one time—I ain't going tell who—and when I lift it up off'n her ears I nearly drap dead! Dar de rims cut right off'n 'em! But she was a married woman, and I think maybeso it happen when she was a young gal and got into it at one of dem drunk dances.

Dem Upper Creek took de marrying kind of light anyways. Iffen de younguns wanted to be man and wife and de old ones didn't care dey jest went ahead and dat was about all, 'cepting some presents maybe. But de Baptists changed dat a lot amongst de young ones.

I never forgit de day dat battle of de Civil War happen at Honey Springs! Old Master jest had de green corn all in, and us had been having a time gitting it in, too. Jest de women was all dat was left, 'cause de men slaves had all slipped off and left out. My uncle Abe done got up a bunch and gone to de North wid dem to fight, but I didn't know den whar he went. He was in dat same battle, and after de War dey called him Abe Colonel. Most all de slaves 'round dat place done gone off a long time before dat wid dey masters when dey go wid old man Gouge and a man named McDaniel.

We had a big tree in de yard, and a grape vine swing in it for de little baby "Istidji", and I was swinging him real early in de morning befo' de sun up. De house set in a little patch of woods wid de field in de back, but all out on de north side was a little open space, like a kind of prairie. I was

swinging de baby, and all at once I seen somebody riding dis way 'cross dat prairie—jest coming a-kiting and a-laying flat out on his hoss. When he see de house he begin to give de war whoop, "Eya-a-a-he-ah!" When he git close to de house he holler to git out de way 'cause dey gwine be a big fight, and old Master start rapping wid his cane and yelling to git some grub and blankets in de wagon right now!

We jest leave everything setting right whar it is, 'cepting putting out de fire and grabbing all de pots and kettles. Some de nigger women run to git de mules and de wagon and some start gitting meat and corn out of de place whar we done hid it to keep de scouts from finding it befo' now. All de time we gitting ready to travel we hear dat boy on dat horse going on down de big Texas road hollering. "Eya-a-a-he-he-hah!"

Den jest as we starting to leave here come something across dat little prairie sho' nuff! We know dey is Indians de way dey is riding, and de way dey is all strung out. Dey had a flag, and it was all red and had a big criss-cross on it dat look lak a saw horse. De man carry it and rear back on it when de wind whip it, but it flap all 'round de horse's head and de horse pitch and rear lak he know something going happen, sho!

'Bout dat time it turn kind of dark and begin to rain a little, and we git out to de big road and de rain come down hard. It rain so hard for a little while dat we jest have to stop de wagon and set dar, and den long come more soldiers dan I ever see befo'. Dey all white men, I think, and dey have on dat brown clothes dyed wid walnut and butternut, and old Master say dey de Confederate soldiers. Dey dragging some big guns on wheels and most de men slopping 'long in de rain on foot.

Den we hear de fighting up to de north 'long about what de river is, and de guns sound lak hosses loping 'cross a plank bridge way off somewhar. De head men start hollering and some de hosses start rearing and de soldiers start trotting faster up de road. We can't git out on de road so we jest strike off through de prairie and make for a creek dat got high banks and a place on it we call Rocky Cliff.

We git in a big cave in dat cliff, and spend de whole day and dat night in dar, and listen to de battle going on.

Dat place was about half-a-mile from de wagon depot at Honey Springs, and a little east of it. We can hear de guns going all day, and along in de evening here come de South side making for a getaway. Dey come riding and running by whar we is, and it don't make no difference how much de head men hollers at 'em dey can't make dat bunch slow up and stop.

After while here come de Yankees, right after 'em, and dey goes on into Honey Springs and pretty soon we see de blaze whar dey is burning de wagon depot and de houses.

De next morning we goes back to de house and find de soldiers ain't hurt nothing much. De hogs is whar dey is in de pen and de chickens come cackling 'round too. Dem soldiers going so fast dey didn't have no time to stop and take nothing, I reckon.

Den long come lots of de Yankee soldiers going back to de North, and dey looks purty wore out, but dey is laughing and joshing and going on.

Old Master pack up de wagon wid everything he can carry den, and we strike out down de big road to git out de way of any more war, is dey going be any.

Dat old Texas road jest crowded wid wagons! Everybody doing de same thing we is, and de rains done made de road so muddy and de soldiers done tromp up de mud so bad dat de wagons git stuck all de time.

De people all moving along in bunches, and every little while one bunch of wagons come up wid another bunch all stuck in de mud, and dey put all de hosses and mules on together and pull em out, and den dey go on together awhile.

At night dey camp, and de women and what few niggers dey is have to git de supper in de big pots, and de men so tired dey eat everything up from de women and de niggers, purty nigh.

After while we come to de Canadian town. Dat whar old man Gouge been and took a whole lot de folks up north wid him, and de South soldiers got in dar ahead of us and took up all de houses to sleep in.

Dey was some of de white soldiers camped dar, and dey was singing at de camp. I couldn't understand what dey sing, and I asked a Creek man what dey say and he tell me dey sing, "I wish I was in Dixie, look away—look away."

I ask him whar dat is, and he laugh and talk to de soldiers and dey all laugh, and make me mad.

De next morning we leave dat town and git to de big river. De rain make de river rise, and I never see so much water! Jest look out dar and dar all dat water!

Dey got some boats we put de stuff on, and float de wagons and swim de mules and finally git across, but it look lak we gwine all drown.

Most de folks say dey going to Boggy Depot and around Fort Washita, but old Master strike off by hisself and go way down in de bottom somewhar to live.

I don't know whar it was, but dey been some kind of fighting all around dar, 'cause we camp in houses and cabins all de time and nobody live in any of 'em.

Look like de people all git away quick, 'cause all de stuff was in de houses, but you better scout up around de house before you go up to it. Liable to be some scouters already in it!

Dem Indian soldiers jest quit de army and lots went scouting in little bunches and took everything dey find. Iffen somebody try to stop dem dey git killed.

Sometime we find graves in de yard whar somebody jest been buried fresh, and one house had some dead people in it when old Mistress poke her head in it. We git away from dar, and no mistake!

By and by we find a little cabin and stop and stay all de time. I was de only slave by dat time. All de others done slip out and run off. We stay dar two year I reckon, 'cause we make two little crop of corn. For meat a man name Mr. Walker wid us jest went out in de woods and shoot de wild hogs. De woods was full of dem wild hogs, and lots of fish in de holes whar he could sicken 'em wid buck root and catch 'em wid his hands, all we wanted.

I don't know when de War quit off, and when I git free, but I stayed wid old man 'Tuskaya-hiniha long time after I was free, I reckon. I was jest a little girl, and he didn't know whar to send me to, anyways.

One day three men rid up and talk to de old man awhile in English talk. Den he called me and tell me to go wid dem to find my own family. He jest laugh and slap my behind and set me up on de hoss in front of one de men and dey take me off and leave my good checkedy dress at de house!

Before long we git to dat Canadian river again, and de men tie me on de hoss so I can't fall off. Dar was all dat water, and dey ain't no boat, and dey ain't no bridge, and we jest swim de hosses. I knowed sho' I was going to be gone dat time, but we git across.

When we come to de Creek Agency dar is my pappy and my mammy to claim me, and I live wid dem in de Verdigris bottom above Fort Gibson till I was grown and dey is both dead. Den I marries Anderson Davis at Gibson Station, and we git our allotments on de Verdigris east of Tulsa—kind of south too, close to de Broken Arrow town.

I knowed old man Jim McHenry at dat Broken Arrow town. He done some preaching and was a good old man, I think.

I knowed when dey started dat Wealaka school across de river from de Broken Arrow town. Dey name it for de Wilaki town, but dat town was way down in de Upper Creek country close to whar I lived when I was a girl.

I had lots of children, but only two is alive now. My boy Anderson got in a mess and went to dat McAlester prison, but he got to be a trusty and dey let him marry a good woman dat got lots of property dar, and dey living all right now.

When my old man die I come to live here wid Josephine, but I'se blind and can't see nothing and all de noises pesters me a lot in de town. And de children is all so ill mannered, too. Dey jest holler at you all de time! Dey don't mind you neither!

When I could see and had my own younguns I could jest set in de corner and tell 'em what to do, and iffen dey didn't do it right I could whack 'em on de head, 'cause dey was raised de old Creek way, and dey know de old folks know de best!

*Polly Colbert Slave Narrative, Oklahoma Writers' Project, Colbert, OK, Sept. 4, 1937*

*(Appendix 9)*<sup>238</sup>

I am now living on de forty-acre farm dat de Government give me and it is just about three miles from my old home on Master Holmes Colbert's plantation where I lived when I was a slave.

Lawsy me, times sure has changed since slavery times! Maybe I notice it more since I been living here all de time, but dere's farms 'round here dat I've seen grown timber cleared off of twice during my lifetime. Dis land was first cleared up and worked by niggers when dey was slaves. After de War nobody worked it and it just naturally grewed up again wid all sorts of trees. Later, white folks cleared it up again and took grown trees off'n it and now dey are still cultivating it but it is most wore out now. Some of it won't even sprout peas. Dis same land used to grow corn without hardly any work but it sure won't do it now.

I reckon it was on account of de rich land dat us niggers dat was owned by Indians didn't have to work so hard as dey did in de old states, but I think dat Indian masters was just naturally kinder any way, leastways mine was.

My mother, Liza, was owned by de Colbert family and my father, Tony, was owned by de Love family. When Master Holmes and Miss Betty Love was married dey fathers give my father and mother to dem for a wedding gift. I was born at Tishomingo and we moved to de farm on Red River soon after dat and I been here ever since. I had a sister and a brother, but I ain't seen dem since den.

My mother died when I was real small, and about a year after dat my father died. Master Holmes told us children not to cry, dat he and Miss Betsy would take good care of us. Dey did, too. Dey took us in de house wid dem and look after us jest as good as dey could colored children. We slept in a little

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<sup>238</sup> Polly Colbert, interview with Jessie R. Ervin, September 4, 1937, Colbert, OK, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 86-90.

room close to them and she allus seen dat we was covered up good before she went to bed. I guess she got a sight of satisfaction from taking care of us 'cause she didn't have no babies to care for.

Master Holmes and Miss Betsy was real young folks but dey was purty well fixed. He owned about 100 acres of land dat was cleared and ready for de plow and a lot dat was not in cultivation. He had de woods full of hogs and cows and he owned seven or eight grown slaves and several children. I remember Uncle Shed, Uncle Lige, Aunt Chaney, Aunt Lizzie, and Aunt Susy just as well as if it was yesterday. Master Holmes and Miss Betsy was both half-breed Choctaw Indians. Dey had both been away to school somewhere in de states and was well educated. Dey had two children but dey died when dey was little. Another little girl was born to dem after de War and she lived to be a grown woman.

Dey sure was fine young folks and provided well for us. He allus had a smokehouse full of meat, lard, sausage, dried beans, peas, corn, potatoes, turnips and collards banked up for winter. He had plenty of milk and butter for all of us, too.

Master Holmes allus say, "A hungry man caint work." And he allus saw to it that we had lots to eat.

We cooked all sorts of Indian dishes: Tom-fuller, pashofa, hickory-nut grot, Tom-budha, ash-cakes, and pound cakes besides vegetables and meat dishes. Corn or corn meal was used in all de Indian dishes. We made hominy out'n de whole grains. Tom-fuller was made from beaten corn and tasted sort of like hominy.

We would take corn and beat it like in a wooden mortar wid a wooden pestle. We would husk it by fanning it and we would den put it on to cook in a big pot. While it was cooking we'd pick out a lot of hickory-nuts, tie 'em up in a cloth and beat 'em a little and drop 'em in and cook for a long time. We called dis dish hickory-nut grot. When we made pashofa we beat de corn and cook for a little while and den we add fresh pork and cook until de meat was done. Tom-budha was green corn and fresh meat cooked together and seasoned wid tongue or pepper-grass.

We cooked on de fire place wid de pots hanging over de fire on racks and den we baked bread and cakes in a oven-skillet. We didn't use soda and baking powder. We'd put salt in de meal and scald it wid boiling water and make it into pones and bake it. We'd roll de ash cakes in wet cabbage leaves and

put 'em in de hot ashes and bake 'em. We cooked potatoes, and roasting ears dat way also. We sweetened our cakes wid molasses, and dey was plenty sweet too.

Dey was lots of possums and coons and squirrels and we nearly always had some one of these to eat. We'd parboil de possum or coon and put it in a pan and bake him wid potatoes 'round him. We used de broth to baste him and for gravy. Hit sure was fine eating dem days.

I never had much work to do. I helped 'round de house when I wanted to and I run errands for Miss Betsy. I liked to do things for her. When I got a little bigger my brother and I toted cool water to de field for de hands.

Didn't none of Master Holmes' niggers work when dey was sick. He allus saw dat dey had medicine and a doctor iffen dey needed one. 'Bout de only sickness we had was chills and fever. In de old days we made lots of our own medicine and I still does it yet. We used polecat grease for croup and rheumatism. Dog-fennel, butterfly-root, and life-everlasting boiled and mixed and made into a syrup will cure pneumonia and pleurisy. Pursley-weed, called squirrel physic, boiled into a syrup will cure chills and fever. Snake-root steeped for a long time and mixed with whiskey will cure chills and fever also.

Our clothes was all made of homespun. De women done all de spinning and de weaving but Miss Betsy cut out all de clothes and helped wid de sewing. She learned to sew when she was away to school and she learnt all her women to sew. She done all the sewing for de children. Master Holmes bought our shoes and we all had 'em to wear in de winter. We all went barefoot in de summer.

He kept mighty good teams and he had two fine saddle horses. He and Miss Betsy rode 'em all de time. She would ride wid him all over de farm and dey would go hunting a lot, too. She could shoot a gun as good as any man.

Master Holmes sure did love his wife and children and he was so proud of her. It nearly killed 'em both to give up de little boy and girl. I never did hear of him taking a drink and he was kind to everybody, both black and white, and everybody liked him. Dey had lots of company and dey never turned anybody away. We lived about four miles from de ferry on Red River on de Texas Road and lots of travelers stopped at our house.

We was 'lowed to visit de colored folks on de Eastman and Carter plantations dat joined our farm. Eastman and Carter was both white men dat married Indian wives. Dey was good to dey slaves, too, and let 'em visit us.

Old Uncle Kellup (Caleb) Colbert, Uncle Billy Hogan, Rev. John Carr, Rev. Baker, Rev. Hogue, and old Father Murrow preached for de white folks all de time and us colored folks went to church wid dem. Dey had church under brush arbors and we set off to ourselves but we could take part in de singing and sometimes a colored person would get happy and pray and shout but nobody didn't think nothing 'bout dat.

De Patrollers was de law, kind of like de policeman now. Dey sure never did whip one of Master Holmes' niggers for he didn't allow it. He didn't whip 'em hisself and he sure didn't allow anybody else to either. I was afraid of de Ku Kluxers too, and I 'spects dat Master Holmes was one of de leaders iff de truth was known. Dey sure was scary looking.

I was scared of de Yankee soldiers. Dey come by and killed some of our cattle for beef and took our meat and lard out'n de smokehouse and dey took some corn, too. Us niggers was awful mad. We didn't know anything 'bout dem fighting to free us. We didn't specially want to be free dat I knows of.

Right after de War I went over to Bloomfield Academy to take care of a little girl, but I went back to Master Holmes and Miss Betsy at de end of two years to take care of de little girl dat was born to dem and I stayed with her until I was about fifteen. Master Holmes went to Washington as a delegate, for something for de Indians, and he took sick and died and dey buried him dere. Poor Miss Betsy nearly grieved herself to death. She stayed on at de farm till her little girl was grown and married. Her nigger men stayed on with her and rented land from her and dey sure raised a sight of truck. Didn't none of her old slaves ever move very far from her and most of them worked for her till dey was too old to work.

I left Miss Betsy purty soon after Master Holmes died and went back to de Academy and stayed three years. I married a man dat belonged to Master Holmes' cousin. His name was Colbert, too. I had a big wedding. Miss Betsy and a lot of white folks come and stayed for dinner. We danced all evening and after supper we started again and danced all night and de next day and de next night. We'd eat awhile and den we'd dance awhile.

My husband and I had nine children and now I've got seven grandchildren. My husband has been dead a long time.

My sister, Chaney, lives here close to me but her mind has got feeble and she can't recollect as much as I can. I live with my son and he is mighty good to me. I know I ain't long for dis world but I don't mind for I has lived a long time and I'll have a lot of friends in de other world and I won't be lonesome.

*Joanna Draper Slave Narrative, Oklahoma Writers' Project, Tulsa, OK, Sept. 4, 1937*  
(Appendix 8)<sup>239</sup>

Most folks can't remember many things happened to 'em when they only eight years old, but one of my biggest tribulations come about dat time and I never will forget it! That was when I was took away from my own mammy and pappy and sent off and bound out to another man, way off two-three hundred miles away from whar I live. And dat's the last time I ever see either one of them, or any my own kinfolks!

Whar I was born was at Hazelhurst, Mississippi. Jest a little piece east of Hazelhurst, close to the Pearl River, and that place was a kind of new plantation what my Master, Dr. Alexander, bought when he moved into Mississippi from up in Virginia awhile before the War.

They said my mammy brings me down to Mississippi, and I was born jest right after she got there. My mammy's name was Margaret, and she was born under the Ramson's, back in Tennessee. She belonged to Dave Ramson, and his pappy had come to Tennessee to settle on war land, and he had knowed Dr. Alexander's people back in Virginia too. My pappy's name was Addison, and he always belonged to Dr. Alexander. Old doctor bought my mammy 'cause my pappy liked her. Old doctor live in Tennessee a little while before he go on down in Mississippi.

Old doctor's wife named Dinah, and she sho' was a good woman, but I don't remember about old doctor much. He was away all the time, it seem like.

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<sup>239</sup> Joanna Draper, interview with Robert Vinson Lackey, August 19, 1937, in *The WPA Oklahoma Slave Narratives*, ed. T. Lindsay Baker and Julie Philips Baker (Norman, OK: University of Oklahoma Press, 1996), 132-7.

When I is about six year old they take me into the Big House to learn to be a house woman, and they show me how to cook and clean up and take care of babies. That Big House wasn't very fine, but it was mighty big and cool, and made out of logs with a big hall, but it didn't have no long gallery like most the houses around there had.

They was lots of big trees in the yard, and most the ground was new ground 'round that place, 'cause the old Doctor jest started to done farming on it when I was took away, but he had some more places not so far away, over towards the river that was old ground and made big crops for him. I went to one of the places one time, but they wasn't nobody on 'em but niggers and a white overseer. I don't know how many niggers old Doctor had, but Master John Deeson say he had about a hundred.

At old Doctor's house I didn't have to work very hard. Jest had to help the cooks and peel the potatoes and pick the guineas and chickens and do things like that. Sometime I had to watch the baby. He was a little boy, and they would bring him into the kitchen for me to watch. I had to git up way before daylight and make the fire in the kitchen fireplace and bring in some fresh water, and go get the milk what been down in the spring all night, and do things like that until breakfast ready. Old Master and old Mistress come in the big hall to eat in the summer, and I stand behind them and shoo off the flies.

Old doctor didn't have no spinning and weaving niggers 'cause he say they don't do enough work and he buy all the cloth he use for everybody's clothes. He can do that 'cause he had lots of money. He was big rich, and he keep a whole lot of hard money in the house all the time, but none of the slaves know it but me. Sometimes I would have the baby in the Mistress' room and she would go git three or four big wood boxes full of hard money for us to play with. I would make fences out of the money all across the floor, to keep the baby satisfied, and when he go to sleep I would put the money back in the boxes. I never did know how much they is, but a whole lot.

Even after the War start old Doctor have that money, and he would exchange money for people. Sometimes he would go out and be gone a long time, and come back with a lot more money he got from somewhar.

Right at the first they made him a high officer in the War and he done doctoring somewhar at a hospital most of the time. But he could go on both sides of the War, and sometime he would come in at night and bring old Mistress pretty little things, and I heard him tell her he got them in the North.

One day I was fanning him and I asked him is he been to the North and he kick out at me and tell to shut up my black mouth, and it nearly scared me to death the way he look at me! Nearly every time he been gone and come in and tell Mistress he been in the North he have a lot more hard money to put away in them boxes, too!

One evening long come a man and eat supper at the house and stay all night. He was a nice mannered man, and I like to wait on him. The next morning I hear him ask old Doctor what is my name, and old Doctor start in to try to sell me to that man. The man say he can't buy me 'cause old Doctor say he want a thousand dollars, and then old Doctor say he will bind me out to him.

I run away from the house and went out to the cabin whar my mammy and pappy was, but they tell me to go on back to the Big House 'cause maybe I am just scared. But about that time old Doctor and the man come and old Doctor make me go with the man. We go in his buggy a long ways off to the South, and after he stop two or three night at peoples houses and put me out to stay with the niggers he come to his own house. I ask him how far it is back home and he say about a hundred miles or more, and laugh, and ask me if I know how far that is.

I wants to know if I can go back to my mammy some time, and he say "Sho', of course you can, some of these times. You don't belong to me, Jo, I'se jest your boss and not your master."

He live in a big old rottendy house, but he aint farming none of the land. Jest as soon as he git home he go off again, and sometimes he only come in at night for a little while.

His wife's name was Kate and his name was Mr. John. I was there about a week before I found out they name was Deeson. They had two children, a girl about my size name Joanna like me, and a little baby boy name Johnny. One day Mistress Kate tell me I the only nigger they got. I been thinking maybe they had some somewhar on a plantation, but she say they aint got no plantation and they aint been at that place very long either.

That little girl Joanna and me kind of take up together, and she was a mighty nice mannered little girl, too. Her mammy raised her good. Her mammy was mighty sickly all the time, and that's the reason they bind me to do the work.

Mr. John was in some kind of business in the War too, but I never see him with no soldier clothes on but one time. One night he come in with them on, but the next morning he come to breakfast in jest his plain clothes again. Then he go off again.

I sho' had a hard row at that house. It was old and rackady, and I had to scrub off the staircase and the floors all the time, and git the breakfast for Mistress Kate and the two children. Then I could have my own breakfast in the kitchen. Mistress Kate always get the supper, though.

Some days she go off with the two children and leave me at the house all day by myself, and I think maybe I run off, but I didn't know whar to go.

After I been at that place two years Mr. John come home and stay.

He done some kind of trading in Jackson, Mississippi, and he would be gone three or four days at a time, but I never did know what kind of trading it was.

About the time he come home to stay I seen the first Ku Klux I ever seen one night. I was going down the road in the moonlight and I heard a hog grunting out in the bushes at the side of the road. I jest walk right on and in a little ways I hear another hog in some more bushes. This time I stop and listen, and they's another hog grunts across the road, and about that time two mens dressed up in long white skirts steps out into the road in front of me! I was so scared the goose bumps jump up all over me 'cause I didn't know what they is! They didn't say a word to me, but jest walked on past me and went on back the way I had come. Then I see two more mens step out of the woods and I run from that as fast as I can go!

I ast Miss Kate what they is and she say they Ku Klux, and I better not go walking off down the road any more. I seen them two, three times after that, though, but they was riding hosses them times.

I stayed at Mr. John's place two more years, and he got so grumpy and his wife got so mean I make up my mind to run off. I bundle up my clothes in a little bundle and hide them, and then I wait until Miss Kate take the children and go off somewhere, and I light out on foot. I had me a piece of that hard money what Master Dr. Alexander had give me one time at Christmas. I had kept it all that time and nobody knowed I had it, not even Joanna. Old Doctor told me it was fifty dollars, and I thought I could live on it for a while.

I never had been away from that place, not even to another plantation in all the four years I was with the Deesons, and I didn't know which-a-way to go, so I jest started west.

I been walking about all evening it seem like, and I come to a little town with jest a few houses. I see a nigger man and ask him whar I can git something to eat, and I say I got fifty dollars.

"What you doing wid fifty dollars, child? Where you belong at, anyhow?" He ask me, and I tell him I belong to Master John Deeson, but I is running away. I explain that I jest bound out to Mr. John, but Dr. Alexander my real master, and then that man tell me the first time I knowed it that I aint a slave no more!

That man Deeson never did tell me, and his wife never did!

Well, dat man asked me about the fifty dollars, and then I found out that it was jest fifty cents!

I can't begin to tell about all the hard times I had working for something to eat and roaming around after that. I don't know why I never did try to git back up around Hazelhurst and hunt up my pappy and mammy, but I reckon I was jest ignorant and didn't know how to go about it. Anyways I never did see them no more.

In about three years or a little over I met Bryce Draper on a farm in Mississippi and we was married. His mammy had had a harder time than I had. She had five children by a man that belong to her master, Mr. Bryce and already named one of the boys—that my husband—Bryce after him, and then he take her in and sell her off away from all her children!

One was jest a little baby, and the master give it laudanum, but it didn't die, and he sold her off and lied and said she was a young girl and didn't have no husband, 'cause the man what bought her said he didn't want to buy no woman and take her away from a family. That new master name was Draper.

The last year of the War Mr. Draper die, and his wife already dead, and he give all his farm to his two slaves and set them free. One of them slaves was my husband's mammy.

Then right away the whites come and robbed the place of every thing they could haul off, and run his mammy and the other niggers off! Then she went and found her boy, that was my husband, and he live with her until she died, jest before we is married.

We lived in Mississippi a long time, and then we hear about how they better to the Negroes up in the North, and we go up to Kansas, but they ain't no better there, and we come down to Indian Territory in the Creek Nation in 1898, jest as they getting in that Spanish War.

We leased a little farm from the Creek Nation for \$15 an acre, but when they give out the allotments we had to give it up. Then we rent 100 acres from some Indians close to Wagoner, and we farm it all with my family. We had enough to do it too!

For children we had John and Joe, and Henry, and Jim and Robert and Will that was big enough to work, and then the girls big enough was Mary, Nellie, Izora, Dora, and the baby. Dora married Max Colbert. His people belonged to the Colberts that had Colbert's Crossin' on the Red River way before the War, and he was a freedman and got allotment.

I lives with Dora now, and we is all happy, and I don't like to talk about the days of the slavery times, 'cause they never did mean nothing to me but misery, from the time I was eight years old.

I never will forgive that white man for not telling me I was free, and not helping me to git back to my mammy and pappy! Lots of white people done that.

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