

| TOWNSHIP. | 1850. | | 1860. | | 1870. | | 1880. |
|--------------------|--------|---------|--------|---------|--------|---------|-------|
| | White. | Colored | White. | Colored | White. | Colored | |
| Brush Creek..... | 583 | 6 | 778 | 9 | 722 | 18 | 790 |
| Cane Hill..... | 803 | 279 | 1150 | 342 | 1303 | 108 | 1744 |
| Clear Creek..... | 672 | 5 | 691 | 25 | 1191 | 8 | ..... |
| Cove Creek..... | 408 | 3 | 405 | 15 | 505 | 9 | 571 |
| Elm Spring..... | ..... | ..... | 704 | 9 | 1063 | 8 | 1677 |
| Illinois..... | 987 | 325 | 1699 | 461 | 1146 | 52 | 2195 |
| Marrs' Hill..... | 526 | 64 | 926 | 26 | 1272 | 8 | 1746 |
| Mountain..... | 804 | 105 | 927 | 158 | 882 | 54 | 1068 |
| Prairie..... | 1657 | 223 | 2307 | 278 | 3554 | 330 | 5110 |
| Richland..... | 382 | 107 | 666 | 96 | 1139 | 17 | 1087 |
| Vineyard..... | 647 | 64 | 913 | 77 | 871 | 16 | 1233 |
| West Fork..... | 605 | ..... | 707 | 15 | 1226 | 17 | 798 |
| White River..... | 663 | 32 | 1233 | 29 | 1516 | 29 | 1766 |
| Prairie Grove..... | ..... | ..... | ..... | ..... | ..... | ..... | 994 |
| Crawford..... | ..... | ..... | ..... | ..... | ..... | ..... | 572 |
| Goshen..... | ..... | ..... | ..... | ..... | ..... | ..... | 788 |
| Springdale..... | ..... | ..... | ..... | ..... | ..... | ..... | 1265 |
| Lee's Creek..... | ..... | ..... | ..... | ..... | ..... | ..... | 500 |
| Total..... | 8737 | 1213 | 13102 | 1538 | 16590 | 674 | 23844 |

COURTS AND CRIME.

The organization of the circuit court in 1829 has already been noticed. Washington County then constituted a part of the Second Judicial Circuit, of which Benjamin Johnson was judge. There was much interchanging of circuits, however, and the court at Fayetteville was presided over successively by Thomas P. Eskridge, Edward Cross and S. S. Hall, and from 1833 to 1837 by Archibald Yell. During that time no very notable or curious cases were tried. At the June term of 1833 Samuel Wackard was called upon to answer the charge of stealing a steer, valued at \$12, from one John Musick. The jury decided that he was guilty, and that he should pay to the owner of the steer \$24, pay a fine of \$24, receive five lashes upon his bare back and stand in the pillory fifteen minutes.

At the December term of 1835 Ellis Gregg was tried upon an indictment for murder, and the jury returned the following verdict: "We, the jury, find the defendant guilty of manslaughter, and sess the fine to \$1 and one hour's imprisonment."

The first circuit court held after the organization of the State government was begun on April 15, 1837. The county then formed a part of the Fourth Judicial District, of which J. M. Hoge was judge until 1844.

The first conviction for murder occurred at the September

*could this have been the Dean party
I departed Cross Landing June 6? No*

term, in 1838, when Spencer Asbury was tried for the killing of Enoch Chandler, of Illinois Township, on August 1, 1838. A verdict of murder in the first degree was found, and he was sentenced to be hung on September 28, but before the day of execution arrived he made his escape and was never recaptured.

At the May term, 1839, Willis S. Wallace was tried upon the charge of manslaughter, for the killing of a Cherokee named Orr. The jury, composed of James Campbell, Jefferson Cabe, Wilson Chapman, Jacob Coats, James R. Wilson, Bailey Marshall, James C. Gilliland, Ralph Skelton, A. H. Bryant, George A. Pettigrew, Jesse Pruett and Daniel Rose, returned a verdict of "not guilty." At the time the killing occurred the Cherokees were on their way from Tennessee and Georgia to the Indian Territory, and were passing through Fayetteville. It had been their custom on reaching small towns to imbibe freely of "fire water," then to take possession of the town and terrorize the inhabitants. Fayetteville was made no exception to the rule. The following account of the affair here, by Alfred W. Arrington, is said to be very correct: "It was a beautiful Sunday in mid-summer that a band of 1,000 Cherokee emigrants, from their homes east of the Mississippi, passed through Fayetteville to the country provided for them by the Government in the distant west. The scene of their passage through the principal streets of the village was picturesque in the extreme. Long lines of wagons rolled slowly forward, creaking with a dull sound under their heavy loads. Then followed the troops of pedestrians of all ages and conditions; hunters with their rifles and tomahawks; barefoot squaws with their babes tied on their shoulders; little Indian boys leading their lean, wolf-like dogs by long strings fastened around their necks, and half-naked girls driving herds of cattle before them. Next came lines of those on horseback (these belonged to the middle class), and these too were of every variety of description: sober and sedate members of the church; half-breed braves in the wild costume of the desperado; white gamblers, who had married Indian women; and beautiful quadroons, with whose dark and fascinating eyes and raven ringlets, still more bewitching, if possible, floating in the wind around their

very high regarded family

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fine graceful shoulders. After these followed the families of wealth—the Cherokee aristocracy—in their splendid carriages, many of which were equal to the most brilliant that rattle along Broadway. And next, and last of all, came hundreds of African slaves on foot, and weary and worn down by the heavy burdens they were compelled to carry.

“It was earnestly hoped by the citizens of Fayetteville that no grocery would be opened on that day to afford the many Indian vagabonds and desperadoes an opportunity of becoming intoxicated, which would very likely result in some serious mischief. But the Wallaces could not let pass so excellent a chance of making a few dollars. Accordingly their door was thrown open and dusky-faced crowds flocked in thick as honey bees to their evening hive. The door was literally blocked up with the dense throng of savage bacchanals, and more than 100 were compelled to remain outside, who passed into the liquor shop their money from hand to hand and received in the same manner large quart and gallon measures of old, rich-beaded whisky, which they gulped down eagerly as if it had been nectar newly drawn from Paradise. But this was found to be too slow a method of satisfying their fiery thirst, and, accordingly, they made up a pony purse, as it is called in the backwoods, bought a whole barrel of brandy at a four-fold price, rolled it out before the grocery door, knocked in the head and commenced dipping and drinking with those little tin cups and gourds, one of which every Indian carries about his person. Men, women, and even children, joined in the spree, and in an incredibly short time were sufficiently drunk to commence yelling and shouting as if a whole army of fiends had just arrived in town from the infernal regions. As yet all went on peaceably; all was fun and frolic; music not over musical, and dancing which, from the verticose motion of the dancers, might be literally termed a reel. The main body, comprising the most respectable portion of the emigrants, had gone on through the village without making any halt, and camped about two miles beyond on a little creek, there to spend the night.

“It was growing late in the evening, the sun being about an hour high, when an event took place to change the boisterous mirth that reigned about the grocery into madness.

“A brutal loafer, citizen of Fayetteville, who was busy in the wassail, offered a gross insult to a Cherokee woman. A half-breed desperado, by the name of Nelson Orr, avenged her by knocking down the ruffian on the sill of the grocery door. He did not stop with this, but jumped on his foe, and commenced choking and gouging him at his leisure.

“Riley Wallace, who was standing near, thinking the chastisement sufficient, pulled Orr off his prostrate enemy, though in as gentle a manner as possible to effect the object. Orr immediately turned his wrath against Wallace, drew his bowie knife and made a bold cut at his breast. The latter retreated into his grocery pursued by his foe, furious with rage and bent on slaughter. Willis S. Wallace, seeing the peril of his brother, sprang over the counter, unsheathed his knife, and plunged it up to the hilt in Orr’s side, who reeled and fell on the floor. A deafening outcry was raised by the Indians, who sought to lay hands on Wallace, and prevent his egress from the room. Five or six caught him by different parts of his clothing, but he cut them loose with his bloody knife-blade, and made his escape to his own dwelling where he armed himself more effectually with gun and pistols.

“The rumor of the affray was speedily carried to the Indian encampment for the night, which, as we have said, was two miles west of Fayetteville, and in a short time hundreds of Indians with their guns were seen approaching the town. About a quarter of a mile ahead of the main body rode, at swift gallop, a company of twenty horsemen under the command of William Coody, a quadron brave. These dashed up the principal street, and into the public square, with the silver handles of their bowie knives and pistols gleaming in the beams of the setting sun.

“As soon as Coody got sufficiently near the whites, who had armed themselves, and gathered in a crowd around Wallace, he addressed them in hurried accents, informing them that he had come to prevent bloodshed, and that for that purpose it was necessary for Wallace to leave town immediately, for several hundred furious Cherokees would be there in a few minutes, and that if they found their enemy a scene of slaughter would certainly ensue, and if resistance were offered they would not hesitate to

burn down the village! He had scarcely finished the sentence, when a hideous war-whoop was heard in the distance. Coody and his troop of horse then rode rapidly back, to stay if possible the advance of the furious savages.

"Wallace was at first unwilling to retreat, swearing that it should never be said that he fled before the face of mortal man. His friends, however, conjured him by every consideration of principle and policy, for the safety of the village and of innocent blood. At length, moved by the urgent entreaties of all present, in company with several friends, he rode off and disappeared in the adjacent forest. The utmost exertions of Coody and the more rational leaders of the Cherokees were barely sufficient to persuade the remainder that Wallace had made his escape, and thus induce them to return without committing any serious outrage.

"Orr lingered several days in excruciating torture, and expired as he had lived, a fearless desperado to the last."

This case had scarcely been disposed of when Willis Wallace killed another man. On one Sunday morning L. D. Pollock, Thomas Wagnon and one Curry, his brother-in-law J. Wagnon, all fairly respectable citizens of the county, came to Fayetteville, and became engaged in a game of cards. This was reported to some of the citizens, and Willis Wallace, his brother, Riley and two or three others, resolved to put a stop to the game. They went to where the men were playing, and threatened them with arrest. This very naturally enraged them and a quarrel ensued. Wallace and his party were getting the better of the card players, and Wagnon started to run away. He ran across the public square, and passed out on the other side of town. All the party followed, and Willis Wallace attempted to take Curry's horse from the rack on the square to pursue Wagnon. At this Curry pulled a pistol from his saddle-bags, but Wallace was too quick for him, and without waiting for further demonstrations drew his own revolver and shot Curry dead.

As he fired, Pollock, who was close by, threw a stone, striking Wallace upon the head and knocking him down, whereupon Riley Wallace, in a similar manner, struck down Pollock. He remained unconscious for several seconds. Meantime Willis Wallace regained his feet, and going up to Pollock plunged a

bowie knife through his body, pinning him to the ground. It was at first thought that he was killed, but Dr. P. J. Pollard, who had witnessed the fight from his window, had him at once removed to the hotel, dressed his wounds, and by his skill in a few weeks restored him to health. Two or three years later Pollock and Riley Wallace met at a saloon in Fayetteville. Both instantly recognized that it was "kill or be killed." Wallace drew first, but his pistol missed fire. Pollock was either too nervous or too drunk to take advantage of this accident, and before he could fire Wallace drew a bowie knife and plunged it into his heart, killing him instantly. He then fled the country, and was never captured.

Willis Wallace gave himself up to the authorities, but was released upon bail. After the Cane Hill murder occurred the public mind became agitated about Wallace's being at large. This feeling was encouraged by A. W. Arrington, until finally a mob gathered in Fayetteville, and placed itself under his leadership for the arrest of Wallace. "The latter had in his possession a cannon or two, and some small arms and ammunition, which had been placed under his care by the State, and with a party of his friends he fortified himself in his store-house on the west side of the public square, where the arms were stored. Arrington and his party occupied the court-house. The excitement became intense, and bloodshed seemed inevitable. Families within range of the guns took refuge in cellars, and all waited in breathless anxiety for the battle to begin. It did not take place, however. The party in the court-house did not venture an attack, and finally dispersed. At the next term of the circuit court Wallace was tried upon an indictment for manslaughter, and was acquitted. He soon after moved to Texas.

In 1846 one of those brutal murders, of which there had been so many, was committed on the Cherokee line. This time the victim was George Harnage, and the motive as usual was robbery. John Work, a desperado living in the west part of the county, was suspected, and anticipating capture he disappeared. The grand jury found an indictment against him, and a warrant was placed in the hands of the sheriff for his arrest, but he could not be found. Some time after Sheriff Elijah O'Brien and a posse