

CHAPTER II

FORMATION OF CRAWFORD COUNTY

The act to create Crawford County was passed at the first regular session of the general assembly, held at Arkansas Post, October 2-25, 1820. On October 9, 1820, Thomas Tillman of Pulaski County made a motion that the engrossed bill for establishing the County of Crawford be taken from the table and read for the third time. He also made a motion "to amend it by inserting a clause in the bill establishing the temporary seat of justice at Fort Smith". On October 13 the Council (now Senate) concurred in the Act establishing the County of Crawford. The bill was approved and signed on October 18, 1820. The amendment to the bill does not seem to have been considered, as we find the first seat of justice was on the north side of the Arkansas River, about half way between the eastern and western boundaries.

This was the third county to be formed after Arkansas became a territory, but the eighth in what was included in Arkansas territory, as five had been formed while it was part of Missouri territory.

On October 18, 1820, an act to divide the county of Pulaski was passed. Judge Turner in his historical sketch of Crawford County, prepared for the Fourth of July celebration at Alma in 1876 says, "By this act all that part of Pulaski bounded as follows to wit: 'Beginning at the mouth of Petit Jean Bayou, on the Arkansas River, thence up said bayou to the main branch thereof until it comes to the line now dividing the counties of Clark and Pulaski, but if it should not strike that said line before it comes to the head of the said main branch of the Petit Jean as afore said, it shall run from thence a South course until it does strike the line now dividing the said counties of Clark and Pulaski, thence along said line to the Canadian River, just west of the present town of Fort Gibson, Oklahoma, thence down the Canadian River to the Arkansas River, thence up the Arkansas to the mouth of the Verdigris River, thence up the Verdigris to the falls:

then in a line running eastward on such degree as will intersect the line running from the Fire Prairie, sixty miles north of said river: thence with said line to the Arkansas River; thence down the Arkansas River to the place of beginning, 'Shall be and compose a separate county to be called and known as the County of Crawford.' This act bears date October 24, 1820, and may be found in the Arkansas Gazette of December 2, 1820 and in the Laws of Arkansas Territory. The boundary of the County as thus described is a little indefinite as to the Southwest and to the north and northwest. It was mostly on the south side of the Arkansas River."

Crawford County was named in honor of William Harris Crawford of Georgia, then Secretary of the Treasury, under President Monroe. William Harris Crawford was born February 24, 1772, in Omherst County, Virginia. His father died when he was 16 years old. The support of the family devolved upon him. In 1813, he accepted the position of Minister of France, which office he filled until 1815. He became Secretary of War, and served until 1816, when he became Secretary of the Treasury, in which position he continued until 1825. The County of Crawford as formed by the act creating it, embraced a small part of Perry, southern part of Franklin, all of Yell, Scott, Logan, part of Sebastian, and the southwestern part of the Choctaw and nearly all of the Cherokee Indian Nations, or in other words, from the eastern boundary of Yell to the other side of Fort Gibson, Okla.

Judge Turner said, "In extent of territory and natural resources it superimposed some of the smaller states and was the empire county of the Territory."

At the time the county was formed the present county of Crawford formed no part of the original county of that name, but was occupied by the Osages and Cherokees. The Osages by a treaty made and concluded at Fort Clark on the Missouri River on the tenth day of November, 1801, agreed that the boundary line between the United States and themselves shall be as follows:

"Beginning at Fort Clark, on the Missouri, five miles from Fire Prairie, and running thence a due South course

to the river, Arkansas, and down the same to the Mississippi and thereby ceding and relinquishing forever to the United States all the lands which lie east of said line and north of the Southwardly bank of the said river Arkansas, and all lands northwardly of the river Missouri."

Thus, the Osage title was extinguished to the land north of the Arkansas river, east of said line which terminates on the river at the mouth of Frog Bayou.

By a treaty concluded at St. Louis, September 25, 1818, between William Clark, Governor of the Territory of Missouri, the Osages ceded to the United States the tract of country included in the following bounds to wit:

"Beginning at Arkansas River where the present Osage boundary line strikes the river at Frog Bayou; thence up the Arkansas and Verdigris to the falls of the Verdigris, thence eastwardly to the said Osage boundary line at a point twenty leagues north from the Arkansas River; and with that line to the place of beginning."

The Cherokees seem to have been given rights of settlement in the same. A war between the Osages and Cherokees was, in part, the cause of this last session which forever excluded from the limits of Arkansas this once powerful and war like tribe. But to make this more effective the Osages afterwards on June 2, 1825, formally ceded all their lands lying within the state of Missouri and Territory of Arkansas, and all lands lying west of the state of Missouri, and Territory of Arkansas to the United States. The Cherokees claimed all the territory between the Arkansas and White rivers, as will be seen in the Memorial presented to congress by a committee of the Western Cherokees, and found in the Arkansas Intelligencer of April 15, 1843.

At the close of President Jefferson's administration a council was held with the Cherokees in regard to their separation into the Eastern and Western Nations in which President Jefferson said: "The United States, my children, is a friend to both parties and as far as they reasonably can are willing to satisfy both parties. Those who wish to remove are permitted to send an exploring party to

reconnoiter the country on the banks of the Arkansas and White rivers; and the higher up the better as our settlements will begin at the mouths of those rivers." This was the assurance given by the President of the United States on the ninth day of January, 1809.

In 1817 the first treaty was entered into between the United States and the Cherokees according to the promise made by the president in 1809. Many of the Western Cherokees had already located upon the lands on the Arkansas and White rivers; by this treaty the Cherokee lands extended from Point Remove, in what is now Conway county, on the Arkansas, in a northeasterly direction to Shield's ferry near the present town of Batesville, the western line extending directly north from the mouth of Frog Bayou to the White River. The southern and northern line being the Arkansas and White rivers. The Cherokees occupied this land until the treaty of 1828.

In 1820 at the request of the Cherokees a mission was formed on the west bank of Illinois bayou in what is now Pope county, and named Dwight in honor of Dr. Dwight, a great friend of Missions. Dr. Cephas Washburne, a Congregational minister, had charge of the missions and preached the first sermon ever delivered there. His congregation consisted of fourteen men and no women. He was also a passenger on the first steamboat that ever went above Arkansas Post.

A year after the creation of the original county an act of the General Assembly of October 24, 1821, enlarged the boundaries on the southwest as follows:

"The boundary line of the county of Crawford shall be and the same is hereby so altered as to run as follows, to wit; to begin at the mouth of Petit Jean River and run south forty-five degrees west until it arrives at the northern boundary line of Clark county; thence westwardly and with said line to the Indian boundary at Canadian River thence down said river and conforming to the former limits of said county to the place of beginning. The above described line is hereby established as the boundary line of Crawford County."

An act of the General Assembly of October 30, 1823,

changed the boundary in what is the Cherokee nation: "The boundary line of the county of Crawford shall be altered and established as follows, to wit: Beginning on the line running from Fire Prairie to the Arkansas River, where the present county line intersects the said line; thence north along said line to the northern boundary line of the territory, thence east to the western boundary line of the Cherokee Indians; thence south along said western boundary to the Arkansas River, thence down said river as formerly established."

On October 13, 1827, the northwestern part of Crawford county obtained from the Osages by the treaties of 1818 and 1825 and known as Lovely Purchase was made into Lovely county. It was named for Major Lovely, a revolutionary soldier, and a friend of the Cherokees. One writer says: "As an Indian agent he made an unauthorized purchase of land from the Osages between the Arkansas and Red rivers and also a tract on the north of the Arkansas between the Verdigris River and western boundary established by the Osage treaty of 1808."

In northwest Arkansas there is a letter from Col. Thomas Moore of Franklin, Tenn., written to Col. Ben Du Val, which gives some information in regard to settling the county.

"After the white people commenced settling in the Purchase commissioners were appointed to lay off a county seat. Gen. John Nicks being one of them. The town was laid off and named Nicksville in honor of him. I was appointed sheriff by the Governor of the Territory and John Dillard, esquire, appointed county clerk. My brother, Benjamine, was my deputy. We, with our families and my brother, also Dr. J. D. McGee, moved up from Crawford county March 1828 and settled in Nicksville, the exact spot where New Dwight Mission was founded, and that is near the present town of Sallisaw, Okla."

In May of the same year an edict came from the authorities at Washington City that all settlers must leave, for the Purchase had been exchanged for the Cherokee lands below on the north side of the river, so the county was short lived.

On the sixth day of May, 1828, a treaty was made between James Barbour, Secretary of War, authorized by the President and Chiefs and head men of the Western Cherokees in which the latter exchanged their lands north of the Arkansas River, embraced in the present counties of Pope, Johnson, Franklin, Crawford, Washington, Madison and Newton, included in the treaty of 1817 for which the United States ceded to the Western Cherokees or old settlers 7,000,000 of acres with a perpetual outlet.

It was in this treaty that Arkansas and Crawford county lost the forty miles of her western boundary.

The General Assembly by the following act attached this county derived from the Cherokees to Crawford county. "All that portion of the Cherokee nation bounded and described as follows to wit: commencing at the mouth of Petit Jean creek, on the south side of the Arkansas, thence north to the dividing ridge between Arkansas and White rivers; thence in a western direction with the dividing ridge to a point where the northern boundary line intersects the western boundary line of the territory; thence south to the south bank of the Arkansas River shall be attached to and made a part of Crawford county."

By the following act of November 2, 1829, the county of Pope embracing the county of Johnson was formed out of the Eastern part of Crawford.

"All that part of Crawford included within the following boundaries to wit: Beginning at the point where the range line between ranges twenty-five and twenty-six west, strikes the Arkansas River; thence south with said range line to the dividing ridge between Arkansas and Red rivers; thence east with said dividing ridge to the boundary line between the counties of Conway and Crawford; thence with said line to the mouth of Petit Jean creek, thence with the county line between the counties of Conway and Crawford to the dividing ridge between Arkansas and White rivers, thence west with said ridge to the range line; thence south with said range line to the place of beginning be and the same is hereby erected into a separate and distinct county to be called and known by the name of Pope. Approved November 2, 1829."

Scott county, including Yell and Logan counties, was formed by the following act:

"All that portion of the counties of Crawford and Pope included within the following boundaries to wit: Beginning on the western boundary line of the territory at the point where the line between townships three and four north of the base line strikes the same, running east with said line to the range line dividing ranges twenty-three and four west, thence south with said line to the dividing ridge between the waters of Fourche LaFave and Washita, thence west with said ridge to the western boundary of the territory, thence north with said line to the place of beginning, shall be and the same is hereby erected into a separate and distinct county to be called and known by the name of Scott. Approved November 5, 1833."

In December 1838, the following act was passed by the General Assembly: "An Act more particularly to define the line between the counties of Scott and Crawford. Sec. 1. County attached to Crawford county: Be it enacted by the General Assembly of the State of Arkansas. That township four in range 31 and fraction township, four in range 32 be and the same are hereby attached to and made a part of Crawford county, and that this act take effect and be in force from and after its passage.

Gilbert Marshall Speaker of House of Representatives

Mark W. Izard President of the Senate.

Approved December 16, 1838."

After Franklin county was formed on December 19, 1837, the boundary of Crawford county was made according to the following Act:

"Be it enacted by the General Assembly of the state of Arkansas: That the county of Crawford shall be bounded as follows to wit: Beginning on the western boundary line of this state, at a point where the townships twelve and thirteen, strike said state line, running from thence south with said western boundary line, to a point where the township line, dividing township 4 and 5 north, strikes the said state line; from the east with said township line to a point where the range line, dividing ranges 30 and 31 west strikes said township line, and from

thence west with said line to the western boundary line of the state to the place of beginning. SEC. 2. All that tract of country included within the lines as prescribed in the first section of this act, is hereby made the county of Crawford. Approved December 18, 1837."

In regard to defining the line between Washington and Crawford we find the following in the Arkansas Intelligencer of November 1846:

"A change of line between Washington and Crawford counties. The petition was submitted to a select committee consisting of the delegates of each county."

In the same paper under date of Dec. 26, 1846, we find this act:

"An act to better define the boundary between the counties of Washington and Crawford: Sec. 1: Be it enacted by the General Assembly of the state of Arkansas. That all the settlements on the waters of Frog Bayou and all that may hereafter be made on the same, be and are hereby declared to be within the limits of Crawford county.

(Signed) A. RUST, Speaker of the House of Representatives; WM. K. SEBASTIAN, PRESIDENT OF THE SENATE.

Approved Nov. 24, 1846, Thomas S. Drew."

The propriety of again dividing Crawford county must have been discussed before the meeting of the legislature in 1846. In the Arkansas Intelligencer of January 16, 1847, is proposed amendments of the constitution to provide for the division of Crawford county.

"The following proposition of the Constitution of the state of Arkansas, was introduced by a Mr. BELL of this county:

"The western boundary line of Polk county to the base line; thence east with said base line to the range line between ranges 30 and 31 west of the fifth principal meridians; thence north with said range line to where it intersects the Black Jack ridge; thence in the middle of the top of said ridge, to where said ridge is crossed by the range line between ranges 29 and 30 west; thence north with said range line to where it intersects the

township line between township 5 and 6 north thence east with said township line to where it intersects the range line between ranges 28 and 29 west, thence north with said range line to the southern boundary line of Franklin county, thence west with the said boundary line of Crawford county, thence north with said line to the middle of the main channel of the Arkansas River to where the main channel of said river is intersected by the western boundary line of Crawford county thence south to the place of beginning."

The paper speaking of the amendment says the adoption of the proposed amendment was the only one made by which "our delegation could arrive at the object they had in view and carry out the will of their constituents and this much have they done against great opposition".

During the legislature of 1848 there seems to have been opposition against dividing Crawford county, spoken by members to the south.

In 1875 an act was passed to change, define, and make more perfect the lines between the counties of Crawford and Franklin and to confine the same to the statutory surveys of the United States. "Be it enacted by the General Assembly of the State of Arkansas; That the line between the counties of Crawford and Franklin shall in part, be changed and made to conform to United States survey herein described to wit. Beginning on the north bank of the Arkansas River between sections 33 and 34, thence north through the middle of townships, thence north two miles to the corner of sections 3, 4, and 10, thence east three miles to the southeast corner of sec. 1, thence north one mile to the corner of township 12 and 13 North, range 27 and 28, thence east on town-line one mile to the intersection of the old Crawford county line section 2. That the surveys mentioned in Section 1 of this act shall hereafter be the lawfully established line between the counties of Crawford and Franklin and acts or parts of acts in conflict with this act be and the same are hereby repealed and this act take effect and be enforced from and after its passage. Ap-

proved March 4, 1875."

In 1881, an act was passed to define and establish the boundary line between the counties of Crawford and Washington:

"Be it enacted by the General Assembly of the State of Arkansas:

"Section 1: That the following shall be the dividing line between the counties of Crawford and Washington and the same is hereby established to wit; Commencing on the boundary line between Crawford and Washington counties, where the range line crossed the township lines between 12 and 13, thence due east on the townships line between townships 12 and 13 to the center of section 31 in the township 13 north of range 27 west, and all of said territory lying north of said township line, is hereby detached from Crawford county and made a part of Washington county.

"Section II: That all laws and parts of laws in conflict with this act, be and the same are hereby repealed and this act take effect and be enforced from and after its passage. Approved March 9, 1881."

This act placed the town of Winslow in Washington county.

The above information was taken from early copies of the laws of Arkansas. The copies of the Intelligencer are now in possession of the History Commission, Little Rock, Arkansas.