

these signers had to one half the disputed tracts (in fractional section 2 and the northwest fraction of section 3, township 1 north, range 12 west) to William Russell and his associates.<sup>4</sup> In return William Russell and associates, on the same day, deeded one half the disputed tracts to Chester Ashley and associates.

Ashley held the lots and blocks he had received conveyances for, in trust for DeBaun and Philbrook, for one half, and for himself in person for the other half. On March 18, 1822, DeBaun deeded to Philbrook his interest for \$2,000. Of his holdings at Little Rock Philbrook later conveyed seven acres to Robert Crittenden and his interest in lots 5, 10, 11 and 12 in block 75 to James Miller. The rest of his interest he retained.

Meantime Philbrook became widely acquainted with many of the leading citizens of the Territory. He loaned money to several of them. He removed his residence from Arkansas Post to Little Rock when the capital was removed to the new site. In the spring of 1822 he accompanied Governor Miller to Fort Smith and thence proceeded alone to the Osage village for the purpose of arranging peace talks between the Osages and the Cherokees.<sup>5</sup> Early in 1824 Col. Matthew Arbuckle, in command at Fort Smith, ordered Philbrook to report to him to receive instructions for demanding from the Osages the surrender of certain members of the tribe suspected of murdering the Curtis Welborn family the preceding November. Philbrook refused obedience on the ground that Col. Arbuckle did not have proper authority to issue the order. When Robert Crittenden, acting governor, issued the same order to Philbrook he obeyed, setting out for Fort Smith where he was instructed to pick up further orders from Col. Arbuckle.

It is assumed that he received additional instructions at Fort Smith and that he left that place about the first of April on his mission to the Osage village. He traveled alone. A few days after his departure a stray horse was found on the Verdigris, which was identified as that of Philbrook. Also, not far away, was found a flimsy raft of driftwood tied together with a surcingle and stirrup leather. Apparently it had drifted to the north bank of the Arkansas just below the mouth of the Verdigris down which it had been borne by that swift and swollen stream. The presumption was made that Philbrook had been drowned, and his death was so reported in the ARKANSAS GAZETTE, April 20, 1824. But on May 24 the GAZETTE reported the sub-agent to the Osages had been murdered. The GAZETTE's information was from a Dr. Swanson, who had just arrived at Little Rock on the FLORENCE. Dr. Swanson had required that the body be exhumed and examined. The examination revealed that Philbrook had been killed by a ball through his heart. Philbrook's horse, saddle, saddlebags and bridle were returned to Little Rock.

Nathaniel Philbrook had died a bachelor and intestate. His estate descended to his father, Eliphalet Philbrook, in New Hampshire. In September, 1824, William E. Woodruff became