

HILDEBRAND'S MILL NEAR FLINT, CHEROKEE NATION

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A colorful part of the history of Oklahoma is found in the various industries that once formed the economic backbone of early history in this state. One such industry is the grist and lumber milling industry. These flourished in the Indian Territory because of the abundance of water in the 19th Century. In many cases, for economic reasons, both kinds of mills were located in the same structures. Among those in the Cherokee Nation, were Coodey's Mill between Muskogee and Fort Gibson; Wilkie's mill about two miles south of Westville; Thompson's Mill on Tyner Creek west of Watts; Wright's Mill on the Barren Fork Creek; Spavinaw Mills and Hildebrand's Mill near Flint. All of these mills and many others have interesting histories. By far the longest and most continuous and, perhaps, the most interesting record is that of Hildebrand's Mill, sometimes called Beck's Mill.

Much of its long history has been kept alive by its present owner, Mr. Kermit Beck.¹ The mill is located on Mr. Beck's farm about one-third of a mile north of Oklahoma Highway 33 at Flint in southern Delaware County. It is an impressive and picturesque three-story unpainted building which, on the first floor, has a grist mill in one half and a sawmill in the other. The building is about 30 feet wide, 40 feet long, and 40 feet high. It stands east and west, facing the east. The front foundation is a flat limestone bluff, and the west end is supported by native limestone pillars, about ten feet high, rising from the floor of the Flint Creek bottom. Almost as impressive as the building is the mill race which comes from the northeast and strikes the mill about the middle of its north side. The race comes from what was once a millpond covering three or four acres about three-quarters of a mile away. It is an eight feet by eight feet channel, cut in many cases through solid limestone.

Most impressive of all is the mill's machinery which, for the most part, is complete and in excellent repair. Mr. Beck last ran the sawmill in the summer of 1967, using a gasoline engine for power. The grist mill was last run by water in 1935; its machinery is complete except for the old Davis water turbine which was located under the mill at the end of a flume which extended from

¹ Mr. Beck is the son of Richard Beck and grandson of Aaron Headin ("Head") Beck, long-time owner and operator of the mill. The information cited from him in this article comes from interviews on August 2, 1969, and December 26, 1969.

the mouth of the mill race. Though the original building and much of the original machinery were destroyed by a flood in 1892, the mill still contains one of the two sets of grindstones or buhrs which were brought there when the original mill was built in 1845. The mill's machinery is still in working order. And Mr. Beck can give a vivid account of how the machinery operated and how the millstones were dressed, or sharpened, for milling. He is undoubtedly one of the few men left who can perform that delicate art. And he is well qualified for it, too, for he represents the third generation of the Beck family to operate the mill as a business enterprise.

The mill as it now stands is not the original one which stood in the Flint Creek bottom some sixty feet west of the present mill. According to Mr. Beck, the original mill was built by a man named Towers who came from Dutch Mills in Arkansas in 1845, to build the mill.² Towers was related to the Beck family by marriage. He married Elizabeth (Buffington) McLaughlin, and their son, Ellis Buffington Towers, married Charlotte Eaton, a half sister to Kermit Beck's greatgrandfather, Jeffrey Beck, and to Pauline ("Aunt Polly") Beck whose violent death at the mill was to set off a long and bitter feud between the Beck and Proctor families. To the mill Mr. Towers brought two sets of buhrs, one for grinding corn and one for grinding wheat. The buhrs were made of marble and imported from France to New Orleans, then up river to Fort Gibson, and finally by oxcart to the mill. Only the corn buhr remains. Towers' Mill was driven by an overshot wooden wheel, twenty feet in diameter, fed by a flume which ran from the mouth of the mill race to the wheel. This same wheel drove the mill until it was destroyed toward the end of the century. It turned on a burr oak axle which had to be replaced about every seven years. Towers and subsequent owners of the mill ran the wheel day and night to keep it in balance.

From the time of its establishment by Towers, the mill operated under the laws of the Cherokee Nation, just as most business enterprises did. The laws not only carefully protected the customer but also outlined the responsibilities of the miller. According to Section 114, Article 23 of the Laws of the Cherokee Nation, "The

² This man was probably Jeremiah C. Towers, who was not from Dutch Mills but was rather a prosperous farmer in the Old Nation. He was probably a miller, also, for the 1835 census indicates that he supported a mechanic, a clear indication he maintained a good deal of machinery. See Indian Archives Division, Oklahoma Historical Society, *Cherokee—Census*, Sec. X, p. 223. It is likely that Towers, when he got ready to build the mill, imported his mechanics and millwrights from Dutch Mills; it was common practice in the Cherokee Nation to import such skilled labor.

owners or occupiers of all grist mills . . . moved by water, shall be entitled to one-eighth part of all wheat, corn, or other grain, ground and bolted, or ground and not bolted, and no more." Owners of those moved by steam or wind were entitled to one-sixth part, and those moved by horse or other animal power, one-fourth part. Violators were subject to fine up to the amount of fifty dollars, and imprisonment upon default of payment. Section 115 states that the miller could not grind his own grain to the exclusion of others; instead, he had to grind "in due time" that grain brought to the mill in the order in which it was brought. Containers of grain brought to the mill had to be clearly marked with the owner's name. While such containers were on the mill's premises, the miller was responsible for their safe keeping, except in the case of fire, robbery, or unavoidable accident for which he or his employers were not responsible.³

Towers sold the mill to Stephen Hildebrand,⁴ some of whose improvements still are to be seen at the mill site. The original mill race, dug by Towers, was four feet by four feet. According to Kermit Beck, Hildebrand hired "two Irishmen" to dig the channel eight feet wide and eight feet deep, for which he paid them two thousand dollars in gold. The job took them two years, as one can well believe, for as pointed out earlier, it travels for great distances through beds of solid limestone. More significant to the history of the mill was the fact that it was through Hildebrand that the mill ultimately came into the hands of the Beck family.

Hildebrand married Pauline Beck, a niece of Mrs. Jeremiah C. Towers. One of the most dramatic events in the history of the Cherokee Nation turns around Pauline (Beck) Hildebrand. After Hildebrand's death, "Aunt Polly" married James Kesterson, a white man, who for some reason incurred the wrath of one Ezekiel Proctor, one-time deputy sheriff of Goingsnake District and successful farmer and rancher. On February 14, 1872, Proctor came to the mill where a gunfight ensued, during which Mrs. Kesterson was killed. According to E. H. Whitmire, Proctor went to the mill to talk to Kesterson with whom he was "having trouble over some stock." At the mill he and Kesterson got into a heated argument, and when the shooting started, Mrs. Kesterson jumped

³ *Laws of the Cherokee Nation* (Tahlequah: National Advocate Print, 1881), pp. 292-293.

⁴ Hildebrand was the son of Michael and Nannie (Martin) Hildebrand. His first wife was Mary Potts and his second was Pauline ("Aunt Polly") Beck.

between the two men and was killed.⁵ It is not clear just what the trouble over the cattle was, but according to Oscar Beck, Mrs. Kesterson was well-to-do and had a number of cattle running on open range; the cattle were destroying the crops of the Indian farmers that lived on the Illinois River to the south. Mr. Beck says that Proctor went to the mill to tell Kesterson to keep his cattle closer to home.⁶ Mr. Beck also suggested that it was perhaps a family fight since Kesterson had once been married to Proctor's sister.

The death of Mrs. Kesterson had repercussions which were far reaching. The controversy it began raised some important issues of concern to the entire Cherokee Nation. It contributed to a rising conflict between the courts of the Cherokee Nation and those of the United States regarding jurisdiction in cases involving Indians and white men. The Beck family was incensed by the death of their relative. Proctor had turned himself in to the Cherokee authorities, but the Becks feared that he would be acquitted rather than convicted by the Cherokee courts. According to the treaty of 1866, the Federal Courts at Fort Smith had jurisdiction over cases involving whites in the Indian Territory. Kesterson was a white man, but he had been adopted into the Cherokee Nation by marriage, which act supposedly gave jurisdiction in the case to the Cherokee courts. But supported by the Becks, Kesterson went to Fort Smith on April 11, 1872, where he sought a writ for Proctor's arrest for assault with intent to kill. James O. Churchill issued the writ which was to be served by Marshals J. G. Peavy and J. G. Owens, who were to ride to the Goingsnake Courthouse, arrest Proctor, and bring him to Fort Smith for questioning if he were acquitted.⁷

On April 15, the posse, swelled by members of the Beck family, arrived at the schoolhouse where court was in session. A gunfight broke out, during which eleven men were killed and several were wounded, most of them among the Beck party. After

⁵ *Indian-Pioneer History* (Indian Archives Division, Oklahoma Historical Society), XI, 373; hereafter cited *Indian-Pioneer History*.

⁶ Oscar Beck (interview), Colcord, Oklahoma, August 3, 1969. (The story of Zeke Proctor is found in "Uncle Sam's Treaty with one man," by Dr. Virgil Berry of Okmulgee, under Notes and Documents in *The Chronicles of Oklahoma*, Vol. XXXII [Summer, 1954]. —Ed.)

⁷ *House Executive Document*, No. 287, 42nd Cong., 2nd Sess., p. 15.

⁸ Letter of John B. Jones to H. R. Clum, Acting Commissioner of Indian Affairs, October 29, 1873, in Foreman Transcripts, *Letters and Documents: Cherokee, 1826-1884* (Indian Archives Division, Oklahoma Historical Society), pp. 153-154.

the battle, both sides retreated, and for months there were rumors and threats of further violence between the two factions and between the Cherokee Nation and the United States because of the death of Marshal Owens and because of the need to settle the problem of legal jurisdiction. The controversy finally ended in an amnesty in 1873, which was instituted to relieve tensions.⁸ The controversies brought attention to the fact that a Federal court was needed in the Indian Territory, and it ultimately resulted in the establishment of a U. S. District Court at Muskogee in accordance with the treaty of 1866; the first session was April 1, 1889, Judge James Shackelford, presiding. Thus, the tragic event which took place at Hildebrand's Mill on that morning in 1872, had its lasting effects on the history of the Indian Territory.

The Kestersons had been living at the mill and running it, but Mrs. Kesterson had evidently sold her interest in the mill to her nephew, Aaron Headin Beck, as early as 1869. It seems that Beck had borrowed the money from one John M. Taylor who held a mortgage and license for the sawmill from the Cherokee National Treasury Department. Taylor attempted to foreclose and accused Beck of illegally selling lumber to citizens of the United States without paying the necessary taxes. Taylor's action was probably precipitated in some way by the death of Mrs. Kesterson, since it took place only a few months later.⁹

Taylor's letter to Treasurer Bushyhead gives some interesting facts about the mill. It is the first reference to it as a sawmill. It was probably a sawmill as well as a grist mill before 1869, since such combinations were common at that time. As will be shown later, for the rest of the century, the sawmill was to be much more profitable as a business enterprise than the grist mill. Taylor's letter also states that Aaron Beck had leased one-half of the mill "to a citizen of the United States" for a term of twelve months and had, through written agreement, promised to furnish that white man with a license and permit to operate the mill.¹⁰ Taylor evidently ran the mill for a while, for he applied for a permit to operate a sawmill after he had made his five thousand dollar bond.¹¹

⁹ Letter of John M. Taylor to D. W. Bushyhead, July 25, 1872, in *Cherokee-Timber (Tahlequah)*, Indian Archives Division, Oklahoma Historical Society; hereafter cited as *Cherokee-Timber (Tahlequah)*.

¹⁰ Taylor to Bushyhead, July 25, 1872.

¹¹ Bond of John M. Taylor, Michael Diener and Noah Parris, July 22, 1872, *Cherokee-Timber (Tahlequah)*, Indian Archives Division, Oklahoma Historical Society.

The white man to whom Taylor referred in his letter to Bushyhead was evidently Martin W. Dial who became a citizen of the Cherokee Nation by marriage into the tribe¹² Early in 1873, Dial applied for a work permit for a non-citizen, Hinous Mires, for a term of four months. Mires was a mechanic whom Dial had engaged to repair "the Helterbrin Mills" in which he had bought half interest.¹³ The other half was retained by Aaron Beck. Dial's son, Nathaniel Hastings Dial, was in school in Texas at the time of the purchase, but he came shortly thereafter to the Indian Territory to assist his father in the business.¹⁴ How long Dial operated the mill is uncertain, but he was still there in 1886, when a post office was established in the mill,¹⁵ at which time he was appointed as postmaster.¹⁶

In 1869, the Cherokee Nation had passed an act regulating the sale of lumber to citizens of the United States. During the 1870's there was a boom in the lumber industry which resulted in wholesale and unregulated cutting of timber on the public domain as well as on private property. In 1876, the legislature passed an act which amended the 1869 act, reducing from five thousand to one thousand dollars the bond to be filed by persons licensed to sell lumber to citizens of the United States.¹⁷ In compliance with the law, Aaron Beck and Nathaniel Dial filed an affidavit on January 9, 1878, in which they bound themselves in the sum of one thousand dollars to pay into the national treasury the taxes on lumber sales as required by law.¹⁸

The wholesale cutting of timber and the unlicensed sale of lumber to non-citizens resulted in another act on January 12, 1878, which repealed the act of 1869. It further stated "That any person a citizen of the Cherokee Nation, who shall sell or dispose of in any manner, any timber, or sawed lumber to any other per-

¹² Dial married Nannie Keaton, daughter of Joseph Keaton and Catharine Ward.

¹³ Letter of M. W. Dial to Denis Bushyhead, April 9, 1873, in *Cherokee Permits to Non-Citizens (Tahlequah)*, Indian Archives Division, Oklahoma Historical Society.

¹⁴ D. G. Gideon, *History of Indian Territory* (New York: The Lewis Publishing Company, 1901), p. 902.

¹⁵ "Oklahoma Historic Sites Survey," *The Chronicles of Oklahoma*, XXXVI (Autumn, 1958), 291.

¹⁶ George L. Shirk, "First Post Offices Within the Boundaries of Oklahoma," *The Chronicles of Oklahoma*, XXVI (Summer, 1948), 207.

¹⁷ An Act to Amend An Act Entitled "An Act for the Protection of the Public Domain," December 17, 1869, in *Cherokee-Timber (Tahlequah)*.

¹⁸ Bond of Aaron Beck and Nathaniel Dial, January 9, 1878, in *Cherokee-Timber (Tahlequah)*.

son, not a citizen of the Cherokee Nation for the purpose of transporting the same beyond the limits of the Cherokee Nation shall be deemed guilty of a misdemeanor" It established heavy fines for violators.¹⁹ An act on December 9, 1881, increased the penalties. But the laws were too vague to be adequately enforced. In 1887, Chief Bushyhead asked Thomas Marcum, an attorney in Fort Smith, to analyze the Cherokee laws so that the situation might be remedied. In reviewing the laws up to 1881, Marcum wrote, "Under neither of these acts was a Cherokee Citizen guilty of the crime or subject to the penalty, until the Timber was moved BEYOUND (sic) the Geographical limits of the Nation There was no law at that time to prohibit the transition, or moving of such Timber from one point of the Nation to another. There was no law at that time against any intention of a party to do or not do anything in regard to such Timber." Marcum went on to say that the subsequent laws were poorly written and criticized the attempts to regulate the sale of timber by executive orders which were not sufficiently written into law by the Council.²⁰ One such executive order was issued on July 7, 1881, and attempts to enforce it resulted in a number of cases against individuals whom the courts could not prosecute for lack of adequate laws.

One of those cases involved Beck and Dial. The case of *Cherokee Nation vs. Beck, Dial, and Son* was dismissed by the District Court of Goingsnake District, "for the want of law, the Court not being in possession of any law by which to be governed . . ."²¹ Nor did this case inhibit Dial and Beck. In September of 1881, Chief Bushyhead sent Nelson Foreman to serve notices to all operators of sawmills in Goingsnake District to stop selling lumber to non-citizens or taking it outside the limits of the Nation. Foreman found Dial and Beck carrying on business as usual.²²

The Cherokee Nation never passed any adequate laws to

¹⁹ An act prohibiting any persons from transporting timber and sawed lumber beyond the limits of the Cherokee Nation, January 12, 1878, in *Cherokee-Timber (Tahlequah)*.

²⁰ Letter of Thomas Marcum to D. W. Bushyhead, May 7, 1887, in *Cherokee-Timber (Tahlequah)*.

²¹ Letter of J. S. Bigbee to D. W. Bushyhead, September 5, 1881, in *Cherokee-Timber (Tahlequah)*.

²² Letter of Nelson Foreman to D. W. Bushyhead, September 7, 1881, in *Cherokee-Timber (Tahlequah)*.

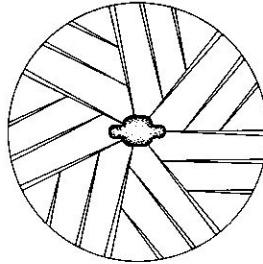
control the sale of timber outside of the Nation.²³ By the time Chief Bushyhead asked for the review of the existing laws in 1887, much of the native stands of timber had been cut or otherwise destroyed by almost twenty years of unrestricted cutting.

The responsibilities of men in the lumbering industry to the law were obviously ambiguous, and shrewd business men like Aaron Beck took advantage of that ambiguity and built sizeable and profitable business enterprises. The Beck Mill had come under the sole ownership of Aaron Beck, probably during the 1880's. According to Kermit Beck, besides the grist and saw-mills, there were also a planing mill and a shingle mill. Business thrived until disaster struck in 1892 when a flood destroyed the mill and with it what Beck estimated to be close to fifty thousand dollars worth of lumber products. The only thing Beck salvaged was the corn buhr which he found, along with the wheat buhr, several hundred yards down Flint Creek. For some reason he did not retrieve the wheat buhr.

Little has been said to this point about the grist mill. It had been one of those necessary business establishments in the nineteenth century and as such had been a focal point for much traffic from the surrounding areas. Many customers had to come great distances, and travel in those days was difficult. People came, sometimes with only their own grain or sometimes, as an agent, with that of an entire community.²⁴ Since, under Cherokee law, the miller was obligated to grind the grain in the order in which it came to the mill, the customers would sometimes have to wait from hours to days during the busiest season. However, the mill could grind a great deal of grain during a day's time. Kermit Beck states that his father, Richard Beck, could run twenty bushels per hour through the mill when it was in its best condition; however,

²³ In the mid-1890's the Principal Chief was still asking for legislation from the Council to deal with the cutting of timber from the public domain. On December 14, 1895, S. I. Fields wrote to Chief Samuel Mayes, decrying the depletion of timber resources by unrestricted cutting. Mayes, in turn, asked the Council for an enforceable law to prohibit the cutting of timber. See *Cherokee-Timber (Tahlequah)*. However, no effective law resulted. The problem was not resolved until 1903, when the Assistant Attorney General for the Interior Department ruled that once Indians received certificates for their individual allotments, they could sell the timber on their allotments to anyone they wished. See letter of J. George Wright to Principal Chief, August 15, 1903, in *Cherokee-Timber (Tahlequah)*. By then, however, the land had been subjected to over thirty years of unrestricted cutting, and what few native stands of timber remained soon fell under the axes of the last timber speculators in the Cherokee Nation.

²⁴ Nick Comingdeer, *Indian-Pioneer History*, XX, 317.



MILLSTONE DESIGN



HOPPER AND "TUB"



DRESSING TOOLS

MILLSTONE, HOPPER AND TOOLS FROM
THE HILDEBRAND MILL, DELAWARE COUNTY

(Littlefield and Underhill)



HILDEBRAND'S MILL FACING EAST



MILL RACE AT ITS MOUTH

(Littlefield and Underhill)

the younger Beck felt that the mill most effectively ground about twelve bushels per hour. Despite the capacity of the mill, there was sometimes a backlog of grain to be milled. The mill's location, too, helped make it a focal point of activity. It was located on one of the main roads into that part of the Indian Territory. The road was so traveled that it supported a toll gate near the present town of Kansas, Oklahoma. The road was sometimes called the Hildebrand Road because of the mill's location on it.²⁵

It was not until 1907 that Beck built the mill that now stands on the Beck farm. When Beck rebuilt it, he had bigger plans than ever materialized. His purpose in making the building three stories high was to install flour milling machinery, but after the structure was finished, he decided to maintain only a corn mill and a saw-mill (the fact that he rebuilt it mainly as a grist mill indicates that the lumbering industry had considerably declined by the time of statehood). In the mill Beck reinstalled the original buhr, but instead of the overshot wooden wheel, he bought a more efficient water turbine manufactured by the Davis Foundry and Iron Works of Rome, Georgia.²⁶ The turbine also drove a corn sheller and the Duplex mill which was used in grinding feed for cattle. Both of these latter machines still stand in the mill.

The grist mill itself is a typical one.²⁷ As indicated, the buhrs were imported from France as most were in the nineteenth century. They are single pieces of "French marble" about forty-eight inches in diameter.²⁸ Most buhrs from France were actually a sharp porous sandstone found along the Marne near Epernay. However, difficulty often arose in obtaining an entire stone the quality of which was the same throughout; in such cases the selected pieces were cemented together or chinked with molten lead and plaster of Paris and bound with an iron hoop to keep the stones from flying apart as the buhr revolved. Each piece of stone was about one square foot in area; they fitted together into a circular mass. Among the pieces of buhr that went into the making of a complete millstone, the largest was used to form the center or "eye" of the stone. The four or five central pieces sur-

²⁵ Henry Vogel, *Indian-Pioneer History*, XI, 84.

²⁶ A picture of the turbine is nailed on the wall inside the mill.

²⁷ An excellent and concise discussion of how old mills like the Beck Mill operated can be found in Harry B. Weiss and Robert J. Sim, *The Early Grist and Flouring Mills of New Jersey* (Trenton: New Jersey Agricultural Society, 1956), pp. 49-57. The authors here have relied on this work for some of the general information regarding old mills.

²⁸ This same type of buhr can be seen at the site of the Thompson Mill on Tyner Creek, west of Watts.

rounding the eye were sometimes cut so as to form a hexagon, and surrounding the hexagon and making up the bulk of the stone were pieces that varied in number from eight to nineteen.²⁹

When the mill is assembled, the lower, or bed stone, is stationary and the upper, or runner stone, revolves. The opening in the center of the bed stone is only large enough to permit the spindle or shaft to go through and revolve. The lower surface of the runner and the upper surface of the bed stone are furrowed in a pattern that leads the meal away from the center of the stones to their outer edges. The surface between the furrows is called the "land." There were various types of designs used for millstone faces, although most had characteristics in common. The pattern on the buhrs at Beck's Mill consist of seven furrows of twenty-two inches, evenly spaced and running from the "eye" of the stone to its outer edge. From each of these major or "long" furrows are two shorter ones running parallel to the next furrow to the right. The long furrows run from their vortex at the eye to one and one-half inches in width at the outer edge and from flush to one-quarter of an inch deep.

The buhrs, as all cutting tools, became dull with use. Therefore, about every three years it was necessary for the miller to dress, or sharpen, the millstones. At the Beck Mill the runner stone was removed by means of a winch. The winch consists of a boom, which is shaped like an inverted "L" and which turns freely on its base near the "tub" that encases the millstones. From the end of the boom hangs an iron bar to which is attached a pair of expandable horseshoe-shaped tongs. The two prongs are attached to opposite sides of the buhr; it is then raised from the bedstone by means of a heavy timber used as a lever. The stone is then lowered by the same means to the floor where it is dressed.

The miller dresses the millstone by first chipping the furrows to the desired width and depth with furrow hammers and then by dressing them to a smooth finish with mill picks. Finally, he dresses the "land." After this process, he uses a "red staff," a stick about three inches square and about fifty inches long, to make sure that the grinding surface of the stone is level. He covers one edge of the stick with red clay mixed with water, red paint, or "red lead." He then rotates the stick on the stone's surface. The highest part of the surface will show red. The miller then dresses

²⁹ A part of this type of buhr can be seen at the site of the Wilkie Mill south of Westville; this type was also used at Dutch (Rhea's) Mills, southeast of Prairie Grove, Arkansas.

down those parts. He repeats this process until the surfaces are adequately dressed. Kermit Beck has a collection of tools with which he, and his father and grandfather before him, dressed the stones. He said that it took one man about three weeks to perform the dressing process.

After completion of the dressing process, the miller re-assembled the mill and ran several bushels of grain through it to clean the buhrs. He adjusted distance between the grinding surfaces by means of a "bridge tree" or "lighter screw." With it the miller could raise or lower the spindle shaft which ran up from the power plant under the mill's floor, and through the bed stone, and locked into and turned the runner stone. Mr. Beck states that the adjustment at the Beck Mill was so precise that the stones could be brought to one one-thousandth of an inch of one another before they would touch.

If the power plant were restored, the machinery at Beck's Mill would operate just as precisely today. That fact testifies to the excellent care the machinery has received from the three generations of millers among the Beck family. That care insured its success and long history as a business enterprise in the Cherokee Nation and in the State of Oklahoma. The machinery of the grist mill and the sawmill and the massive building which contains it stand as a monument representing a century and a quarter of the history of two essential industries. Their history has often been ignored in favor of the more dramatic aspect of the State's history, and it is likely yet to be written.