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“HORRIBLE MURDER”: the Archival Trail of Walker Martin

BY ALICE SPECHT

On February 1, 1858, Walker Martin ended a dispute with his business associate, P.A. Doggett, by emptying both barrels of his shotgun into Doggett's back as they crossed Indian Creek near Sugar Hill in Collin County, Texas. Such was the story reported by John H. Thomas in the *Dallas Herald* of February 13th of that year.¹ Thomas' report with its screaming headline: "HORRIBLE MURDER," made the news both state and nationwide, as newspapers from San Antonio to New York City picked up his story.² Considering the publicity and outrage over the murder, how did the murderer escape punishment and remain at large for over thirty-five years? Twenty-first-century access to archival records allows today's investigator to do what nineteenth-century law officers could not--discover where and how the indicted murderer hid from frontier justice.

When the shooting took place, Martin and Doggett were on a business trip from the Indian Territory riding to Rockwall, Texas, with fourteen-year-old John Newman. According to the Grand Jury testimony in the Collin County District Court, Martin submerged Doggett's body into the creek and tied it down with a tree limb to keep it hidden.³ Martin demanded that John Newman keep quiet and stay with friends in Fannin County.

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Martin was supposedly going to finish his business in Rockwall, and then, the two would travel back to the Indian Territory. Newman stated that he last saw Walker Martin on the road to Greenville.

Newman did travel to Fannin County as instructed, but he did not keep quiet. The court recorded testimony from witness after witness claimed that young John Newman told one story and then another about the whereabouts of Martin and Doggett until, after several days, he told the truth. A week after the murder, a posse found Doggett's submerged body in the creek. Missing from Doggett's body was eight hundred dollars from the business venture as well as his gold watch.

The Collin County District Court Grand Jury indicted Walker Martin for murder on April 18, 1858.⁴ The Grand Jury also issued a second indictment for theft. Witnesses were subpoenaed, and jurors were summoned; however, Walker Martin could not be found. The judge issued two continuances while Sheriff James H. Lovejoy attempted to locate Walker Martin.

What happened to Walker Martin after he rode east on the road to Greenville? Did he deliberately run and hide from the legal authorities? How was Martin so well concealed that the sheriff could not bring him to justice? Using available records, it is now possible to uncover the long cold trail of Walker Martin.

Back in Collin County, the search for Martin after the two court continuances was not totally abandoned. James L. Read was elected sheriff in Collin County in August of 1860, two years after the Doggett murder.⁵ Read, in one of his first acts as sheriff, wrote to Texas Governor Sam Houston requesting a reward be posted by the state for Walker Martin. Read had heard from Martin's business associates that he was in the Indian Territory. However, instead of issuing a reward, Houston issued an extradition order to the Chickasaw Nation and sent it to Sheriff Read.⁶ Read would have to travel into the Indian Territory with the extradition order to apprehend Martin provided Martin was actually in the Territory. Going into the Indian Territory to get

Martin was a particularly dangerous job for a Texas sheriff to undertake. At least 114 United States Marshalls were killed while on duty in the Indian Territory during the period 1871 through 1907.⁷ Because Sheriff Read claimed no travel expenses related to this case, it appears unlikely that he attempted to track Walker Martin north of the Texas border. The court took no further action in the case of *The State of Texas vs Walker Martin* for the next thirty-five years.

Despite the failure of Sheriffs Read and Lovejoy to find Martin, he had not traveled far. Exploring beyond Collin County for clues to the life of Walker Martin by examining the political events of the day revealed evidence relevant to Martin's activities. Following the murder in 1858, the nation became focused on the discord over slavery and secession, leading to the Civil War. And Martin, like so many others, was caught up in the conflict. The *Compiled U.S. and Confederate Military Service Records* lists Walker Martin as a Captain of the U.S. Indian Troops, Company A, Chickasaw, Sheco's Cavalry Battalion.⁸ Martin's military service record as an officer for the Confederacy provides proof that he fought in, and lived through, the Civil War. His service with troops from the Indian Territory provides a lead to other lines of research in the Oklahoma archives.

The *Oklahoma Indian Pioneer Collection* recorded an interview with William R. Surrell, a longtime resident of Atoka. In his interview with Etta Mason on August 9, 1937, Surrell stated:

One mile west of Atoka was the Walker Martin farm, Walker was a wine merchant. He raised grapes and apples on his farm and made cider and grape wine. It was said that he made such good wine and cider and was so liberal with it that the trainmen always carried a supply in the engine-room. He used a sixty gallon brass kettle to make the wine in.⁹

The testimony to Martin's wine-making skills inside the Indian Territory where the sale of liquor was illegal led to the possibility of additional criminal activities on his part. Legal jurisdiction of the territory during this time was complicated due to American western expansion and the governance of the tribes of Native Americans. Beginning in the 1830's, the U.S. began the removal of the Cherokee, Choctaw, Seminole, Creek, and Chickasaw tribes from lands east of the Mississippi into the vast western region and into what became Oklahoma. The removals of additional tribes continued into the 1870's, which partly overlapped the years Martin apparently lived in the Indian Territory. Describing criminality in the Indian Territory of this period, historian C. H. McKennon wrote:

The old tribal governments worked well in governing the new nations, but, these governments had no provisions for prosecuting a white man who was wanted for a felony in the states. Outlaws, quick to recognize this man-made legal quirk and the natural frontier vastness of the Territory as a haven, mingled with the incoming settlers.¹⁰

The United States Court for the Western District of Arkansas was set up in Fort Smith in 1871 to provide a solution to the crimes committed by the white settlers in the Indian Territory. If Walker Martin continued to break the law after 1858 while in the territory, there was the possibility of prosecution by the court in Fort Smith. President U. S. Grant appointed William Story as judge of the Western District of Arkansas. Story served in Fort Smith from 1871 to 1874 when he resigned to avoid impeachment due to a charge of corruption in the court. Grant then appointed Isaac Charles Parker judge in 1875, and he served until 1896. Records show that "Three mass executions of fifteen felons within his first two years on the bench secured Parker's reputation as the implacable "Hanging Judge."¹¹

Fort Smith District Court records confirm that Walker Martin actually did make several appearances before the judges

following the Civil War.¹² In 1868, 1870, and twice in 1876, the court charged Martin with larceny. He stole two mules from the U.S. Government, 47 hogs from W. D. Taylor, and 60 hogs from Thomas Guthrie. In 1873, 1877, and twice in 1880, he was convicted of “liquor.” The charges stated he had “introduced spirituous liquors into the Indian Country” in the form of five gallons of whiskey on more than one occasion. In 1874, the court charged him with “engaging in business as a retail liquor dealer without paying the special tax.”¹³ From these charges and the resulting fines, it was clear that lawmen in the Indian Territory knew the whereabouts of Walker Martin. However, with little communication between the separate government entities, it seems likely that the authorities in Fort Smith never knew of Martin’s indictment for murder out of Collin County, Texas.

Written on the cover of the larceny indictment filed in 1876 at Fort Smith was a note from the court, “From the information filed in this case it appears that Martin is a Chickasaw Indian by marriage. Before making the arrest of Martin the Marshal will satisfy himself that the person from whom the property was stolen is not an Indian.”¹⁴ The instructions indicated that if Martin stole from another tribal member, then the U.S. Marshall would not have jurisdiction. The notice that Martin claimed Chickasaw tribal membership by marriage in 1876 was supported by the inspection of the Dawes Commission archives.

The U. S. Congress established the Dawes Commission in 1893 to negotiate agreements with the Choctaw, Creek, Chickasaw, Seminole, and Cherokee Indian tribes.¹⁵ The commission’s mission was to divide tribal land into plots which were then divided among the members of the tribe. As part of this process, the Commission accepted or rejected applicants who claimed tribal membership. If the commission accepted certain claimants, they were given land allotments. The Dawes Commission files are a treasure trove of primary sources regarding Native Americans in the Indian Territory, detailing how they came to reside in the territory along with proof of their tribal citizenship.

The Dawes files were originally indexed on cards. The Walker Martin Dawes Card #141 filed in 1898 shows a family claim: Chickasaw Walker Martin, Chickasaw Sally Moore Martin, and eight-year-old Chickasaw Mary Elizabeth Martin.¹⁶ Accompanying the card file is the handwritten application filed by Walker Martin explaining why he should be accepted as a Chickasaw citizen and given an allotment. The file included personal references and the Commission's ruling.

The Walker Martin file in the Dawes Commission archives provides a firsthand account of Martin's life between 1855 and 1898. In the Dawes application, Walker Martin reported details about his life in the Indian Territory starting with his 1855 marriage to Adeline Folsom, a Choctaw woman. This marriage took place three years before the murder of Doggett in Texas. Martin stated that his first wife died in 1863 while he was in the army. In addition, he married a Chickasaw woman in 1866 who died in 1881. He reported living with the Chickasaw until the "present time" (1898) except for the six years he lived in Atoka in the Choctaw nation. He mentioned his military service during "the rebellion." In 1890, he married Sally, a white woman who had been married to a Chickasaw man, "according to the laws of that nation." He stated he made application to prove the Chickasaw citizenship of his daughter, Mary Elizabeth, whose mother was the white woman Sally Moore Martin.

Within the file of the Walker Martin Dawes application was a statement from the attorneys for the Chickasaw Nation stating that the Martins did not show sufficient evidence to prove their tribal membership. Therefore, the attorneys recommended denial of the Martin application. Also attached was a reference from a Chickasaw citizen who wrote in negative terms about Martin as a white man who was fraudulently attempting to get a tribal allotment. The Dawes Commission denied the Martin family application.

As is often the case with historical research, other interesting paths branch out from the original research topic. Walker

Martin's daughter, Mary Elizabeth Martin, provided one of those offshoots. In 1904, Mary Elizabeth won an appeal to the Dawes Commission decision to deny her an allotment. Her case became an important precedent in the rulings regarding allotments. The appeal questioned whether the offspring of two recognized citizens of the Choctaw-Chickasaw nation was entitled to enrollment as a Chickasaw citizen even though the applicant had no Indian blood. The First Assistant Attorney General for the Department of the Interior, Frank Campbell, rendered the opinion that Mary Elizabeth was entitled to enrollment as a citizen of the Chickasaw nation. The Secretary of the Interior approved that opinion, and Mary Elizabeth was enrolled. This enrollment decision so enraged the Chickasaw tribal members that President Theodore Roosevelt asked the Attorney General to review the case, and so the decision for enrollment was reversed. It is unclear if the case was decided on its merits, or rather, on the fact that her enrollment would cause reversal for a number of other applicants and cost the U.S. government a million and half dollars.¹⁷

Working from the Dawes Commission application information about Martin, the investigation next led to the review of possible tribal records available in Oklahoma State Archives. The tribal rolls and censuses add information about Martin's life and they identify several of Martin's children and grandchildren. The 1885 Choctaw Census listed Martin as sixty years old (born in 1825), farmer, white, and a citizen by marriage. He was living with his son Walker Zeno Martin, aged sixteen.¹⁸ Martin had seventy acres under cultivation, owned three horses, two mules, eight cows, and 25 hogs. Walker Zeno was listed as a citizen by blood. The 1896 Choctaw Nation Census listed Emma (Emily) Henderson as the daughter of Walker Martin and Adeline Folsom.¹⁹ The 1898 Choctaw Nation Roll enumerated Emily as the wife of Joe Henderson. She was 39 years old, was one-quarter Choctaw, and her father was listed as Walker Martin and her mother Adeline Martin.²⁰ Emily had four children living with her. In the Dawes

Commission files, there was an application dated 1903 for James H. Bounds, aged 48, who reported his marriage to Joanna Martin, daughter of Walker Martin, a Chickasaw living in the Choctaw nation.²¹ The 1900 census of the United States in the Indian Population Schedule reported Mary E. Martin as an orphan, born in 1890.²² The census identified her father's birthplace as Kentucky and her mother's birthplace as Texas. Therefore, by 1900 both Walker and Sally Martin must have died.

Rather surprising, considering his fugitive status, Walker Martin allowed his biography to be published in *Leaders and Leading Men of the Indian Territory* by H. F. O'Beirne in 1891.²³ In this biography Martin identified his father as John H. Martin of Jefferson County, Kentucky. Martin reported traveling when he was young to California, New York, and Panama. Details of his Civil War service with the Chickasaw troops were included. He also stated he sold Kentucky horses in Texas beginning in 1855 and settled in Atoka in 1884. No mention was made of his criminal activities.

The archival trail provided documentation that Walker Martin lived in the Indian Territory as far back as 1855. He served in the Civil War as an officer, was primarily a farmer and a bootlegger, and had a number of children with three different wives. He continued to have trouble with the law until 1880. There is no record that he lived a life of violence. There is no indication that he tried to change his identity or that he was concerned about hiding from the authorities in Texas. Apprehending Martin in Indian Territory may have appeared dangerous to Sheriff Read in 1860, but while Martin lived at the farm in Atoka, he was only 100 miles from the District Court in McKinney, Texas.

Eventually, Walker Martin was apprehended. The court records do not explain whether he surrendered to authorities, or if the Sheriff in Collin County arrested him in the Indian Territory. On December 6, 1892, the Collin County District Court instructed Sheriff J. L. Moulden to serve Walker Martin, the defendant, with a certified copy of the indictment from 1858. In January of 1893,

the Sheriff assembled 60 men as special jurors for the case of *The State of Texas vs Walker Martin*. The court summoned witnesses. Thirty-five years after the murder of P. A. Doggett, the trial to bring his alleged murderer to justice was scheduled.

The court records also show that in January of 1893, Throckmorton, Garnett and Rainey, attorneys for the defendant, filed a motion to quash the indictment.²⁴ The motion to quash detailed eleven different weaknesses in the 1858 indictment ranging from the grand jury records to the court filings. The shortcomings included wording from the 1858 document, a lack of grand jury minutes, and no record of a grand jury quorum. The *Dallas Morning News* of January 31, 1893, reported the criminal docket was taken up in Collin County and the indictment was quashed. Walker Martin was released.

Walker Martin benefited from the fact that the legal environment in Texas in 1858 was not one of clearly understood codes, regulations and precedents. Texas was admitted to the United States on December 29, 1845, but, the state did not adopt a penal code until 1856 in the sixth legislature.²⁵ The earliest publication of the complete code was printed in Galveston in 1857. At the time of the murder of P.A. Doggett on February 1, 1858 few if any lawyers, judges or other legal officials in Collin County were familiar with the new code passed down in Austin. Bill Neal in *Getting Away with Murder on the Texas Frontier* described the working of lawyers in Texas in the 1880s:

They had little money, they lacked library facilities, they were ill-trained and poorly paid, they were torn between the “unwritten” folk laws of the frontier and the crude legislation passed in distant Austin, and they were largely without legal precedent to guide them.²⁶

In 1879, the state totally rewrote and adopted a new Texas Penal Code. During the thirty-five years between the death of Doggett in 1858 and the trial of 1893, the Texas legal code and

procedures were entirely revised. It is understandable that the indictment written in 1858 would not meet the legal standards of 1893. The 1858 indictment stated:

That one Walker Martin late of the County and State not having the fear of God before his eyes, but being moved and seduced by the instigation of the Devil on that first day of February AD in the year of our Lord one thousand eight hundred and fifty eight with force of arms in the county and state aforesaid and upon one P.A.T. Doggett in the peace of God and our state then and there being feloniously, willfully and with malice aforethought, did make an assault, and that the said Walker Martin a certain double barreled shotgun of the value of twenty dollars then and there loaded and charged with gunpowder, and diverse lead ...did shot [shoot] and discharge weapon.... P.A.T. Doggett did then and there instantly die.²⁷

The "Old Code" had a number of oddities not evident in today's legal code. When describing types of homicide, for example, Article 610 added, "If any person be killed with a *bowie knife* or *dagger*, under circumstances which would otherwise render the homicide a case of manslaughter, the killing shall nevertheless be deemed murder, and punished accordingly."²⁸ Since Martin used a shotgun, the bowie knife issue did not concern his case.

After the indictment was quashed, Martin returned to the Indian Territory. Printed sources after the trial add the final chapter regarding Walker Martin. On April 23, 1898, Martin committed suicide in Cale (now Calera), Indian Territory.²⁹ The newspapers reported Martin owed Joe Perry a thousand dollars on a loan with cattle as the collateral. According to Perry, Martin did not have the funds, and told Perry he would meet him in Cale to turn over sufficient cattle to settle the loan. As Martin did not own the cattle, he chose to end his life with morphine, leaving a note detailing information of the unsatisfied loan. Martin was 73

years old at his death. He lived a long life on the western frontier at a time when the average life expectancy of an American male was 46 years.³⁰

Details as to where and how Walker Martin lived during the years he was under indictment for murder are readily available in today's online accessible archives. Information regarding his livelihood, military service, brushes with the law, family life, and how he died is available. As for the murder indictment, the lack of communication and cooperation among government jurisdictions, the legal structure in the Indian Territory regarding white men, and the changes in the Texas Penal Code meant that Walker Martin skated free of conviction. Walker Martin literally got away with murder while living in plain sight.

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14. *Fort Smith*, Jacket Number 54.
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