

NR 11-18-76

27-33
**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY -- NOMINATION FORM**
FOR FEDERAL PROPERTIES

DATE ENTERED

SEE INSTRUCTIONS IN HOW TO COMPLETE NATIONAL REGISTER FORMS
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC

State Line

AND/OR COMMON

2 LOCATION

STREET & NUMBER

Just north of the highway on the Ouachita National Forest where
Oklahoma State Highway one and Arkansas State Highway 88
run into each other at the State Line.

NOT FOR PUBLICATION

CITY, TOWN

17 miles N.W. of Mena

VICINITY OF

CONGRESSIONAL DISTRICT

three

STATE

Arkansas

CODE

05

COUNTY

Polk

CODE

113

3 CLASSIFICATION

CATEGORY

- DISTRICT
- BUILDING(S)
- STRUCTURE
- SITE
- OBJECT

OWNERSHIP

- PUBLIC
- PRIVATE
- BOTH
- PUBLIC ACQUISITION
- IN PROCESS
- BEING CONSIDERED

STATUS

- OCCUPIED
- UNOCCUPIED
- WORK IN PROGRESS
- ACCESSIBLE
- YES: RESTRICTED
- YES: UNRESTRICTED
- NO

PRESENT USE

- AGRICULTURE
- COMMERICAL
- EDUCATIONAL
- ENTERTAINMENT
- GOVERNMENT
- INDUSTRIAL
- MILITARY
- MUSEUM
- PARK
- PRIVATE RESIDENCE
- RELIGIOUS
- SCIENTIFIC
- TRANSPORTATION
- OTHER:

4 AGENCY

REGIONAL HEADQUARTERS: (If applicable)

U.S.D.A. Forest Service, R-8 (Ouachita National Forest)

STREET & NUMBER

1720 Peachtree Road, N.W.

CITY, TOWN

STATE

Georgia

VICINITY OF

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,
REGISTRY OF DEEDS, ETC.

Polk County Court House

STREET & NUMBER

CITY, TOWN

Mena

STATE

Arkansas

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

U. S. Forest Service

DATE

March 30, 1972

FEDERAL STATE COUNTY LOCAL

DEPOSITORY FOR
SURVEY RECORDS

USDA Forest Service, Region 8

CITY, TOWN

Atlanta

STATE

Georgia

DESCRIPTION

CONDITION

CHECK ONE

CHECK ONE

EXCELLENT
 GOOD
 FAIR

DETERIORATED
 RUINS
 UNEXPOSED

UNALTERED
 ALTERED

ORIGINAL SITE
 MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

Site contains State Line Mileage Marker (48th mile). It's made of cast iron weighting over 100 pounds. The marker is part of the original survey defining Oklahoma territory and the State of Arkansas. The marker is octagonal shaped pipe with the raised letters "48 M" near the top - on the north side, "1877" south side, "ARK". east side and "CHOC." west side.

The site of the marker is about 50 yards on a 4 foot wide trail from a payed parking lot just north of Highway 88. About half of the parking lot is in Oklahoma.

Site Alteration:

The Forest Service constructed a native stone and mortar base for the marker in 1974. This was done to prevent someone from stealing it. The marker location was not moved.

No other physical alterations have occurred to the marker.

SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
<input type="checkbox"/> PREHISTORIC	<input type="checkbox"/> ARCHEOLOGY-PREHISTORIC	<input type="checkbox"/> COMMUNITY PLANNING	<input type="checkbox"/> LANDSCAPE ARCHITECTURE	<input type="checkbox"/> RELIGION
<input type="checkbox"/> 1400-1499	<input type="checkbox"/> ARCHEOLOGY-HISTORIC	<input type="checkbox"/> CONSERVATION	<input checked="" type="checkbox"/> LAW	<input type="checkbox"/> SCIENCE
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> ECONOMICS	<input type="checkbox"/> LITERATURE	<input type="checkbox"/> SCULPTURE
<input type="checkbox"/> 1600-1699	<input type="checkbox"/> ARCHITECTURE	<input type="checkbox"/> EDUCATION	<input checked="" type="checkbox"/> MILITARY	<input type="checkbox"/> SOCIAL/HUMANITARIAN
<input type="checkbox"/> 1700-1799	<input type="checkbox"/> ART	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> MUSIC	<input type="checkbox"/> THEATER
<input checked="" type="checkbox"/> 1800-1899	<input type="checkbox"/> COMMERCE	<input checked="" type="checkbox"/> EXPLORATION/SETTLEMENT	<input type="checkbox"/> PHILOSOPHY	<input type="checkbox"/> TRANSPORTATION
<input type="checkbox"/> 1900-	<input type="checkbox"/> COMMUNICATIONS	<input type="checkbox"/> INDUSTRY	<input checked="" type="checkbox"/> POLITICS/GOVERNMENT	<input type="checkbox"/> OTHER (SPECIFY)
		<input type="checkbox"/> INVENTION		

SPECIFIC DATES 1877

BUILDER/ARCHITECT U. S. Army Engineers

STATEMENT OF SIGNIFICANCE

This site is one of the few places where public access is available to one of the original 1877 State Line Milage Markers. The survey of the State Line was a controversial government action because more than one survey occurred. Luci Baines Johnson, daughter of President Lynden Baines Johnson, dedicated the Talimena Scenic Drive at this location June 7, 1970.

The first State Line was agreed to in the Treaty of Doak's Stand in 1820 (Ark. Hist. Quarterly XXVIII 204.)

The Washington or Choctaw Boundary Treaty of 1825 (Baird, 17; Bearss, 97-99; Debo, 50; McReynolds, 118-119; Morris, Map No. 19 and text) set the present boundary south of Fort Smith, Arkansas.

All white settlers west of this line were to be removed. All Choctaws to the east were to relocate west. Future settlement of U.S. Citizens west of the line was to be prevented (Bearss, 97-99; Morris, Map No. 19 and text).

There was much dispute over this line by the Arkansas Territory but a U.S. Attorney Generals' opinion in 1829 confirmed this line.(Ark. Hist. Quarterly XXVIII 210-211).

James S. Conway of Lafayette County was appointed by President Jackson, Surveyor of Public Lands (Hempstead, 24). He certified the surveys as follows "I do hereby certify that the above plat of the line forming the boundary of the Choctaw lands in the Territory of Arkansas has such marks and bounds both natural and artificial as are represented thereon and described in the field notes thereof and returned with this "Plat" into the Office of the Secretary of War". Morris, Map No. 55 and text).

This line was later proved to diverge to the west (Debo, 195-197; Morris, Map No. 19 and text). The error may have been intential (Ark. Hist. Quarterly XXVIII, 209).

The line became a focus of illegal liquor traffic (Bearss, 121-122, 126-127).

(see continuation sheet)

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NATIONAL PARK SERVICE

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(Item 8 - significance)

Many more arguments ensued until the Three Cornered Treaty of 1855 (Debo, 17-73 and Morris, Map 19 and text) which defined the same starting point and direction from Fort Smith.

Upon resurveying for only eight miles they found the old line diverging to the west. Choctaw witnesses resigned in protest when the Secretary of Interior gave orders "merely to retrace the boundary line as surveyed and marked in previous years" (Ark. Historical Quarterly XXVIII, 213-215; Debo, 195-197).

At the Civil War's end a new treaty was signed in 1866 and new efforts by the Choctaws were made to get the boundary changed to the east. The matter was finally settled, legislation confirming the old boundary in March 1875 (Ark. Hist. Quarterly XXVIII 216-218; Baird, 181-182).

The resurvey was made in 1877 and a survey was also made on a true south line. The acreage difference was calculated at 135,204.02 acres (Ark. Hist. Quarterly XXVIII, 219; Baird, 181-182; Morris, Map No. 19 and text).

Congress authorized settlement at 50¢ per acre on January 5, 1886 (Baird, 182; Morris, Map No. 19 and text).

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BOOKS:

Bairds, W. David. 1972. Peter Pitchlynn: Chief of the Choctaws. University of Oklahoma Press, Norman. 238 pages. Illus., Index, Bibliography. Annotated.

Bearss, Edwin C., and A. M. Gibson. 1969. Fort Smith, Little Gibraltar on the Arkansas. University of Oklahoma Press, Norman. 349 pages. Illus., Index, Bibliography. Annotated.

Debo, Angie. 1972 revision. The Rise and Fall of the Choctaw Republic. University of Oklahoma Press, Norman. 314 pages. Illus., Index, Bibliography. Annotated.

Foreman, Grant. 1934. (second printing 1966). The Five Civilized Tribes. University of Oklahoma Press, Norman. 455 pages. Illus., Index, Bibliography. Annotated.

Godspeed, Weston Arthur (Editor-in-Chief). 1904. The Province and the States (A History of the Province of Louisiana Under France and Spain, and of the Territories and States of the United States Formed Therefrom). In Seven Volumes (Volume III used.) 543 pages. The Western Historical Association, Madison, Wisc. No index. Article on "Indian Territory," Associate Editor Ex-Governor Cassius McDonald Barnes; Author Archer S. Hulbert.

Hempstead, Fay. 1890. A Pictorial History of Arkansas -- From Earliest Times to the year 1890. St. Louis and New York; N. D. Thompson Publishing Company. 1240 pages. Illus., Index, Bibliography. Annotated.

Morris, John W., and Edwin C. McReynolds. 1965. Historical Atlas of Oklahoma. University of Oklahoma Press, Norman. 70 maps, with text. Index, Bibliography.

Peck, Henry L. 1967 (3rd Edition). The Proud Heritage of LeFlore County. Hoffman Printing Company, Muskogee. 402 pages. Illus., Index. Annotated.

Shirley, Glenn. 1968. Law West of Fort Smith, (A History of Frontier Justice in the Indian Territory 1836-1896). University of Nebraska Press, Lincoln. 333 pages. Illus., Bibliography. Annotated.

PERIODICALS:

The Arkansas Historical Quarterly, Volume XXVIII, Number 3, Autumn 1969. W. David Baird, "Arkansas's Choctaw Boundary" a Study of Justice Delayed," pp 203-222. Arkansas Historical Association, Fayetteville.

The Chronicles of Oklahoma Volume L, Number 2, Summer 1972. Elizabeth H. Hunt,

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PERIODICALS (cont.)

"Two Letters from Pine Ridge Mission," pp 219-225. Oklahoma Historical Society, Oklahoma City.

MAPS:

Morris, John W., and Edwin C. McReynolds. 1965. Historical Atlas of Oklahoma. Map Number 19: "Choctaw-Arkansas Boundaries"; Map Number 24: "Forts and Military Roads 1817-1876"; Map Number 55: "Fort Smith Boundary"; Map Number 56: "Townships and Ranges."

United States Forest Service, Ouachita National Forest: Kiamichi Ranger District, 1964.

United States Forest Service, Ouachita National Forest, Arkansas, Fifth Principal Meridian, 1966.

~~United States Geological Survey, Mountain Fork Quadrangle, Arkansas-Oklahoma; 1958.~~

PERSONS INTERVIEWED:

Johnston, Homer L., Heavener, Oklahoma

~~Lane, Lloyd, Mena, Arkansas~~

Maddox, Owen, Mena, Arkansas

Rabb, Mina (Mrs. Harry), Acorn, Arkansas (Mena, R. 3)

Scott, James A. and Gussie, Mena, Arkansas

Yeaman, Omar, Talihina, Oklahoma

