

# Three Rivers Historian

Fall 2014

A Journal of Three Rivers Museum

Vol. 16, No. 4

## Justice Came Slowly To the Frontier

One of the turning points in Indian Territory history was the establishment of a federal court in Muskogee in 1889. Prior to that time, justice was often hard to come by for many residents here. In fact, Indian Territory quickly developed a reputation as being a haven for lawlessness and a hideout for criminals.

The primary reason these conditions existed was the poor way in which the federal government had set up Indian Territory law. Intended to be a home for Native Americans only, the government ignored the fact that many non-Indians lived here.

The tribes that were moved to Indian Territory were given the authority to police and prosecute only members of their own tribe and only within the boundaries of their own nation. No governmental or police authority existed for non-Indians within Indian Territory.

The result was often chaos. Residents frequently took the law into their own hands because justice could not be obtained any other way. Troops stationed at Fort Gibson and other forts in the Territory ended up being the police – working to settle inter-tribal conflicts and keep in check the whiskey peddlers, horse thieves and bank robbers who populated the hills and hollows of the region.

After enough complaints reached Washington, the federal court of the Western District of Arkansas was given authority over Indian Territory in 1853. This court, located first

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at Van Buren and then at Fort Smith, became one of the busiest in the country. But even that did not bring an end to lawlessness in the Territory.

When individuals were compelled by the Fort Smith court to travel for days, stay in a hotel for weeks and be out a considerable expense for the sake of a trial, many Indian Territory residents felt victimized twice. There was a natural reluctance to claim any knowledge of a crime or file a complaint against a criminal because of the great inconvenience a trial in Fort Smith would cause.

By 1883, jurisdiction over Indian Territory was shared by Fort Smith and courts at Paris, Texas and Wichita, Kansas. But these proved no more convenient to the populace of Indian Territory. Both tribal leaders and non-Indians petitioned Congress for a court within Indian Territory. The politicians in Arkansas, Kansas and Texas fought this because their courts brought commerce to their cities. But in April 1889, the first federal court in Indian Territory opened in Muskogee.

Imagine the great relief law-abiding residents felt when seeing the U.S. flag flying in Indian Territory somewhere beside the forts or the Indian Agency. The court at Muskogee was busy from its beginning with James Shackelford serving as judge and Thomas Needles acting as federal marshal. At last, there was hope in Indian Territory that justice would prevail and citizens could be assured of a quick redress of wrongs committed against them.

— *Jonita Mullins*

### **Three Rivers Historian**

Fall 2014 V. 16, No. 4  
220 Elgin ♦ Muskogee, OK 74401  
918.686.6624 ♦ [3riversmuseum.com](http://3riversmuseum.com)

Published quarterly by Three Rivers Museum  
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*Bass Reeves is seated at left on the front row of this group of officers.*

## **Bass Reeves: Legendary Lawman**

**A** headline in the *Muskogee Phoenix* January 13, 1910, announced: “Bass Reeves is dead.” A subhead was “Man of the old days gone—deputy marshal 32 years.”

The tribute given to a black peace officer was unusual for the time. It was as follows:

“In the history of the early days of eastern Oklahoma, the name of Bass Reeves had a place in the front rank among those who cleared out the old Indian Territory of outlaws and desperadoes. No story of the conflict of the government officers with those outlaws which ended only a few years ago with the rapid filling up of the Territory with people can be complete without mention of the old Negro who died yesterday.”

For 32 years, beginning in the 1870s and ending in 1907, Bass Reeves was a deputy United States marshal. During that time he was sent to arrest some of the most desperate characters that ever infested Indian Territory and endangered the life and peace of the borders. And he got his man as often as any of the

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Reeves was an Arkansas resident, and in his early days, he was a slave. He entered federal service as a deputy marshal long before the court was established in Indian Territory and served under the marshal at Fort Smith. Then when people started to come into Indian Territory and a marshal was appointed in Muskogee, he was sent over here.

Reeves served under seven marshals, and all of them were more that satisfied with his services. Everyone who came in contact with the deputy in an official capacity had a great deal of respect for him, and in the courthouse in Muskogee one can hear stories of his devotion to duty, his unflinching courage and his many thrilling experiences and although he could not read or write, he always took receipts and had his accounts in good shape.

Undoubtedly the act which best typifies the man and which at least shows his devotion to duty was the arrest of his own son. A warrant for the arrest for the younger Reeves, who was charged with the murder of his wife, had been issued.

Marshal Bennett said that perhaps another deputy had better be sent to arrest him. Reeves was in the room at the time, and with a devotion of duty equal to that of the old Roman, Brutus, whose greatest claim to fame was that the love for his son could not sway him from justice, he said, "Give me the writ," and went out and arrested his son, brought him to court, and upon trial and conviction, he was sentenced to imprisonment and [at the time of Bass Reeves' death was] still serving his sentence.

Reeves had many narrow escapes. At different times his belt was shot into, a button was shot off his coat, his hat brim was shot off, and the bridle reins which he held in his hand cut by a bullet. However, despite all these narrow escapes and the many conflicts in which he was engaged, he said he never fired a shot until the desperado he was trying to arrest started the shooting.

— C.W. "Dub" West  
*Turning Back the Clock*

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# Shootouts in the Street

## Part of Our History

An enduring image from the television westerns of years past is that of the street shootout where the town marshal draws on the ornery outlaw and saves the community from trouble every time. While law enforcement in the old West was probably never as melodramatic as it was portrayed in dime novels and Saturday morning serials, it was nonetheless difficult and not for the faint of heart.



Before a federal court was located in Muskogee for Indian Territory, the Union Agent to the Five Civilized Tribes was the highest federal authority in the Territory. The Indian Agent had the authority to make arrests and have miscreants removed from the Territory. He also could mediate civil disputes between US citizens and tribal members.

In 1885, Robert Owen became the Union Agent and he set out to control the lawlessness that plagued the citizens of the Indian Nations. Owen developed a police force that was led by a highly respected lawman named Samuel Sixkiller.

Sixkiller had been chief of the Indian police in Tahlequah and as captain of the U.S. Indian Police, Sixkiller is credited with bringing law and order to the Three Rivers region. One of his most notable actions was to face the outlaw Dick Glass in a shootout where Sixkiller ended Glass' career as a horse thief and whiskey runner.

In the fall of 1886, Sixkiller was involved in another shootout, this time on Main Street in Muskogee, near where the federal building stands today. A group of young ruffians known for smuggling whiskey faced Sixkiller and several deputies.

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Muskogee citizens ducked for cover as the gunfire began. When the smoke cleared, one deputy had been killed and Sixkiller was slightly wounded. Members of the gang who were left standing fled the scene and melted into the countryside. A posse was organized to capture them and bring them to justice.

Sixkiller recognized that the unregulated flow of whiskey was behind much of the lawlessness of the Territory despite the best efforts of the tribes to halt its flow.

The Cherokees had a temperance law dating back to 1823, but the sparsely settled, heavily wooded nation was too conducive to alcohol production and distribution. Muskogee had a temperance society from its earliest days as well with a very large membership, but even at that it could not completely save Muskogee “from the terrible curse of drink,” according to Alice Robertson.

Sixkiller became relentless in tracking down the illegal caches of alcohol. One story is told about Captain Sixkiller



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finding bottles of the homemade brew stashed within the hollowed out logs of a bootlegger's cabin.

Unfortunately, Sixkiller's diligence in upholding the law did make him many enemies and the target of those who held a grudge against him. On Christmas Eve in 1886, horse races were being held at the fairgrounds and whiskey was flowing freely among the crowd of onlookers.

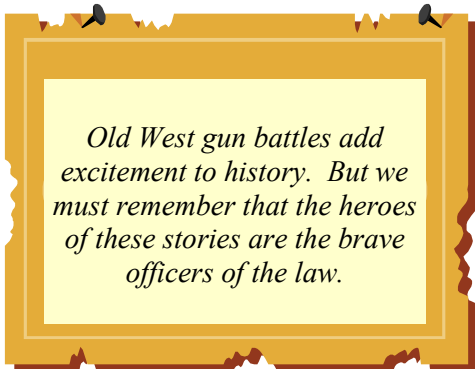
Two men came into town, thoroughly drunk and looking for trouble. Stealing weapons from constable Shelly Keys and a guest at the Mitchell House, they began to roam the streets of Muskogee.

Coming to the Turner and Byrne Hardware, they saw Captain Sixkiller as he stepped out onto the wooden porch of the store. Being connected with the earlier shootout in the fall, the two men turned their gun sights on the police captain.

Sixkiller was unarmed, having stopped at the mercantile to buy Christmas gifts for his children. The outlaws fired several shots and Sixkiller fell dead on the steps of the store.

Samuel Sixkiller's funeral was the one of the largest ever held at the Rock Church on Cherokee Street. People from all over the Territory came to pay their respects to a brave lawman who had done more than almost anyone in bringing peace and security to the Territory.

Law and order has never been easy, and the thought of old West gun battles adds excitement to history. But we should always remember that the heroes of these stories are the brave officers of the law.



— Jonita Mullins

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## The Creek Light-Horse

The laws of the Upper and Lower Creeks were collected into a uniform code for the nation and adopted by the General Council in 1840. The simple laws were enforced by a body of men known as light-horsemen. Most of the civil cases, particularly probate matters, were decided by town councils and the execution of their judgments was entrusted to the Light-Horse.

The Reverend R. M. Loughridge wrote to Colonel William Garrett, Creek agent, from Tallahassee Mission, August 27, 1855, that he was happy to report that "intemperance among the people was greatly diminished. The low state of the river, preventing navigation altogether, has doubtless had something to do in effecting this happy change, but evidently most of the credit is due to the very efficient manner in which the present company of 'light-horse' have executed the excellent anti-liquor laws of the nation. "

Agent Garrett advised Elias Rector at Fort Smith in 1860 that some important changes had been made in the Creek government, one of which was that more ample authority had been conferred upon the police, termed "light-horse," whose duty it was to destroy all spiritous liquors brought into the nation, and levy a fine or inflict a penalty upon all persons found guilty of introducing it, or of the commission of other offenses.

Motey Canard, Principal Chief, in compliance with the 8th Resolution of the Creek General Council in 1860 appointed four captains for light-horsemen viz : Cusetah Micco, Looney Bruner, Joseph Pigeon, and Americus Low.

Article IV of the *Constitution and Civil and Criminal Code of Muskogee Nation*, approved at the Council Ground Muskogee Nation, October 12, 1867, contains the provision that "the Muskogee Nation shall be divided into six districts, and each district shall be furnished with one company of light-horsemen, whose compensation shall be provided by law. "

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Each company consisted of one officer and four privates who were elected for two years, by the vote of their respective districts. One judge was selected by the National Council for two years in each district and the light-horsemen were subservient to his orders.

Under the Civil Code of Laws it was the duty of the Light-Horse Company to prevent the introduction and vending of ardent spirits. When found by the officers the liquor was to be spilled and a fine was to be collected from the vendor at the rate of four dollars per gallon.

Persons taking up stray horses were supposed to report the same to the captain of the Light-Horse Company and it was the duty of that officer to appoint suitable persons to take charge of the animals; the captain was to publish the description of the animals throughout the nation.

Each light-horse captain received an annual salary of \$200 while the privates were paid one hundred dollars per year. The officers who approved these laws were Samuel Checote, Oktarsars Harjo, Micco Hutkey and Pink Hawkins. G.W. Grayson was the Secretary.

Among the acts of the Creek Council approved October 12, 1867, was that if any person refused to pay his or her just debts, it was the duty of the Light-Horse Company to proceed and collect the debt out of any effect found in his or her possession.

In 1869 Charles Johnson was captain of the Arkansas District Light Horsemen. The next year Wallace McNack obtained the position and the other captains were: Daniel Childers, Frank Hedchay, Charles Fixico, Catcher Yoholar.

In 1872 Billochee became the captain and Judge Legus C. Perryman gave out a list of assistant light-horsemen for Coweta District. On October 17 a warrant was issued to G. W. Stidham for \$878.00 for services as assistant light-horseman in North Fork District. Billy Nero was paid \$28.81 for beef he had furnished assistant light-horsemen.

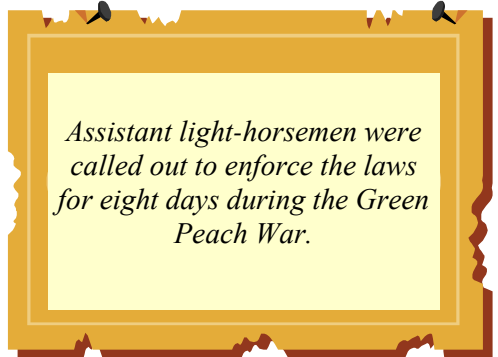
In Muskogee on Christmas, 1878, serious trouble broke out

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when the Negro light-horsemen disarmed John and Dick Vann, two young Cherokees belonging to a prominent family. A lawless Texan, passing through the town, attempted to put the Negro officers in their place. He headed the Cherokees in the fight that ensued where one of the light-horsemen was killed and three others were wounded. In August, another fight took place in Muskogee when John Vann was killed and the light-horse captain was wounded.

In 1880, the light-horsemen were assigned a new duty in guarding the border when importation and driving cattle from Texas and southern Arkansas were forbidden from April 15 to October 31. This measure was to prevent the cattle belonging to the Indians from becoming infected with the Texas or Spanish fever from which many of their animals had died.

During the Green Peach War, Chief Checote authorized each district judge in the nation to call out fifty assistant light-horsemen to disarm the fighters, and restore order in his district. By August the insurrection was crushed but the light-horsemen retained under arms for thirty to sixty days. On October 19, 1882, the council appropriated \$19,700 to pay 1,150 assistant light-horsemen called out to enforce the laws for eight days during the Green Peach war.



*Assistant light-horsemen were called out to enforce the laws for eight days during the Green Peach War.*

On October 24, 1881, an act was approved by the Creek Council that no dancing be permitted within the walls of the National Capitol, and any person found guilty was to be fined one hundred dollars; the sum to be collected by the light-horsemen of the Okmulgee District and transmitted to the National Treasurer for the general fund. It was made the duty of the light-horse of Okmulgee District to collect a fine of \$1,000 from any person

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who enclosed land for pasture or fields within one half mile of the National Capitol.

The Creek light-horsemen, assisted by United States marshals, were successful in capturing the Buck gang which flourished only a few weeks in the northwestern part of the Creek Nation. The five men were taken to Fort Smith where they were hanged.

The Principal Chief was directed to have the judges of each district order the light-horse companies to assist the officers of the United States "in capturing or exterminating the bands of outlaws" which might be found in the nation. The captains were authorized to deputize as many citizens as were necessary to carry out the purpose of the act.

— Carolyn Thomas Foreman  
*Chronicles of Oklahoma*

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## Dangers U.S. Indian Police Faced

Before he became Oklahoma's first United States senator, Robert L. Owen served as an Indian Agent in Muskogee. During his tenure as Indian Agent, he constantly strove to improve working conditions for the Indian Police who worked for the agency.

The mid-1880's was a trying time in Indian Territory. Deputy Marshals and U. S. Army patrols provided some protection to Indian and non-Indian residents alike. In many cases, however, the Indian Police was important to successful police work in the territory.

In 1886, Owen reported having forty-three members of the Indian Police operating out of the Muskogee office. There were forty privates, two lieutenants and a captain. The police operated from their homes in order to provide service to their neighborhoods. Consequently, they knew their neighbors and the terrain nearby. This local knowledge frequently came in handy when tracking down a criminal.

However, there was an uncommon threat to service as a police officer in Indian Territory. Owen reported that some young Cherokees rode into Muskogee. Suffering from their consumption of alcohol, they began firing revolvers indiscriminately. Captain Samuel Sixkiller was shot and slightly wounded in one arm.

*continued on page 15*

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## **Upcoming Events at Three Rivers Museum**

### **History Explorers**

Tuesday, November 25, 2014

6:30 p.m.

This fun club meeting explores regional history each month.

### **Christmas Crafternoon**

Saturday, November 29, 2014

2:00 p.m.

Bring the kiddos to the museum to craft a holiday memento.

### **Singing Santas**

Friday, December 19 and Saturday, December 20

7:00 p.m.

Three Santas entertain with holiday classics.

### **Christmas Open House**

Saturday, December 20, 2014

10:00 a.m. and 7:00 p.m.

Your opportunity to see the museum's Christmas exhibits free.

### **Singing Santas**

Sunday, December 21, 2014

2:00 p.m.

Three Santas entertain with holiday classics.

Mark Your Calendars for the

**Jefferson Highway Centennial Conference in Muskogee**

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When the offenders were disarmed and arrested, they protested. They thought they were only shooting at the Indian Police. The intoxicated shooters were unaware that there were two Deputy Marshals nearby. At that time, there was no legal protection for the Indian Police except what local laws provided.



In another case, an Indian Police Lt. Thomas R. Knight killed Albert St. John in the process of arresting him. Members of St. John's wealthy family brought charges against Lt. Knight forcing the latter to make numerous trips to Fort Smith to defend himself.

One police officer was sentenced to hang by a tribal court for killing a desperado in self-defense. About the same time, the Federal Court in Fort Smith acquitted a Deputy Marshal, who was a US citizen, of the same charge.

Months after making his report for 1886, Agent Owen reported the killing of Captain Sixkiller the day before Christmas. Two young Cherokees shot down the unarmed Sixkiller as he walked out of a Muskogee store. The drunks who committed the murder were never tried. One was captured and placed in the custody of the Creek Lighthouse because the crime was committed in the Creek Nation. However, he was lightly guarded and soon escaped.

Thus were the variances of protection for lawmen. Owen advocated in his annual reports for passage of federal legislation protecting the Indian Police. Congress shortly afterwards passed such legislation.

For the risks they took, the Indian Police privates received eight dollars a month. Officers received a little more. Out of this salary, the police supplied their own provisions and a horse.

Lt. William Fields was promoted to captain following Sixkiller's death. A desperado murdered Lt. Fields about three months later while being arrested. His death on April 10th,

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1887 led to the promotion of Lieutenant Knight, mentioned before.

Lt. Knight experienced a similar situation. While making arrest, the criminal resisted. Knight's killing of the offender was justified by Agent Owen who said he believed "it necessary to save his own life."

The passage of federal legislation to protect the US Indian Police began the process of reducing the threats these peacekeepers faced.

—Wally Waits

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## **A Hatchet for a Lawman**

An "immense crowd of onlookers" greeted the KATY Flyer as it stopped at Muskogee's MK&T Depot on February 1, 1906. Within a moment, out stepped a tall elderly woman clad "in a plain poke bonnet with a dark gray shawl thrown loosely over her shoulders and carrying in her hand a grip full of golden hatchets." The woman pushed her way through the crowd up to the depot platform.

At once newspapermen surrounded her and began to ask her a series of questions. She responded to a few of them in private and then said to the crowd, "I like newspaper men, but I cannot say as much for those fellows that write the headlines." One of the reporters asked her if there was any truth to the rumor that she had sold her property in Guthrie to a brewery. "She quickly responded, "It's a lie. I would die at the stake before I'd sell one foot of my property to any jaw-breaking beer-juggling brewer."

Carry Amelia Moore Nation, or Carrie Nation, as she was known arrived in Muskogee as a national public figure. She once described herself as "a bulldog running along at the feet of Jesus, barking at what he doesn't like." Nation felt that she was divinely ordained to forcefully promote temperance.

*Continued on page 19*



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## Call for Articles

The Three Rivers Historian welcomes articles about the history of the Three Forks region of Oklahoma covering Cherokee, Mayes, McIntosh, Muskogee, Okmulgee, Sequoyah, and Wagoner Counties.

Upcoming issues will feature the following themes:

Winter 2015 The Jefferson Highway

Spring 2015 Women of the West

Please submit articles of 750 to 3,000 words in length to The Historian, 220 Elgin Ave., Muskogee, OK 74401 or by e-mail to [3riversmuseum@sbcgobal.net](mailto:3riversmuseum@sbcgobal.net) or to the editor: [Jonita.mullins@gmail.com](mailto:Jonita.mullins@gmail.com)

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## From Our Archives



Three Rivers Museum has a number of items one belonging to the many lawmen who served in the Muskogee area. Once a very dangerous place for those wore the badge,

these brave officers of the law left a great legacy and their story is told at the museum.

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## Schoolhouse is Taking Shape

Three Rivers Museum took possession of the Oak Grove Schoolhouse after it was moved from its historic location near Wybark in Wagoner County. This African-American, one-room school was donated to the museum by Mark and Mitzi Bowser.

The Museum received a grant from the City of Muskogee Foundation to help with renovations. Work on the roof is now being done.

Work on the interior, plus furniture and fixtures are still needed. This effort will require funds beyond the grant. Generous donations are still needed.

Visit [3rivers-museum.com](http://3rivers-museum.com) to learn more about making a donation to the Oak Grove School Restoration. For a minimum gift of \$50, a commemorative brick will be placed in a walkway to the school. Your gift is tax deductible.



*The interior of the schoolhouse will need extensive renovations to prepare it for students..*



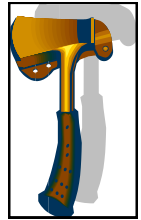
*Work on the roof is now underway.*

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Nation also fought against the ills of gambling, cigarette smoking, and other various vices. Other causes that she promoted were women's rights and the "fair treatment of the black race."

During her years of crusading, Nation was ejected from the White House, arrested in the U.S. Senate chambers, and she even berated the prominent New York Vanderbilt family by telling them they were "overdressed."

Nation came to Muskogee at a time when she had become increasingly militant and radical in her activities. Once in Muskogee, she exclaimed, "My, this is a bustling, lively town." After her short talk at the depot, a cab met her and she was spirited away to an apartment building on south Third Street. Some local supporters had arranged lodging for her in the apartments.



Later that night she gave a well-attended lecture on prohibition at Saint Paul Methodist Church. After the lecture and all during her stay she sold small pewter hatchet pins to many in the community to help fund her efforts. She sold thousands of these pins across the United States over the years after a man in a candy store in Topeka, Kansas had fashioned one for her.

One of these pins was saved as a gift for the respected Muskogee lawman Bud Ledbetter. Ledbetter was amongst the most respected lawmen in Indian Territory at the time and had gained a strong reputation for his "still busting" and "anti-liquor" law enforcement activities. During her stay she was quoted as saying to a reporter, "I want to meet Bud Ledbetter and I want to congratulate him. He is doing a great work for this country."

The next morning Mrs. Nation left for Pauls Valley, Oklahoma. The train soon was gone and Carry Nation's Muskogee visit was a memory.

Carry Nation died on June 9, 1911 at Leavenworth Kansas virtually alone and penniless. Her tombstone in the Belton, Missouri cemetery reads, "Faithful To The Cause of Prohibition. She Hath Done What She Could."

— Roger Bell

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See pg. 18 for details

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