

A HISTORY OF THE AMERICAN SOUTHWEST
BLACK UNITED STATES DEPUTY MARSHALS
IN THE INDIAN TERRITORY
1875 - 1907

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1959

Submitted to the Faculty of the Graduate College
of the Oklahoma State University
in partial fulfillment of the requirements
for the Degree of
MASTER OF ARTS
July, 1973

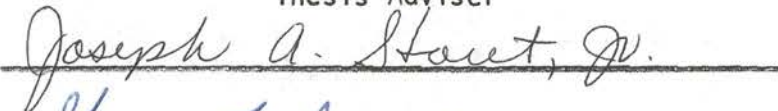
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Thesis Approved:



Thesis Adviser







Dean of the Graduate College

PREFACE

This study is concerned with the frontier image as it is perceived by the average American. The rich, varied heritage of the Southwest reflects all the influences of its contributors: the Native American, the Spaniard, the Frenchman, and the Englishman. The deeds and contributions of the various races in the Southwest have been recorded and acknowledged--save that of the Blacks. One of the most exciting stories in this region is the struggle to bring a uniform code of law to the fringe of the closing frontier. This is a chapter of that forgotten story and that forgotten race. Heroes are an important part of a healthy self-image. Because of the general association of the hero and the ideal-man with the lawman of the west, the hero fills a present need: he allows us to project ourselves into a position of real manhood and what it represented. The general public little knows and appreciates the contributions of Black lawmen and this is a tragedy.

The author wishes to express his very deep appreciation to his major adviser, Dr. Odie B. Faulk; for his guidance and understanding through this study. Appreciation is also expressed to the other committee members, Dr. George Jewsbury and Dr. Joseph A. Stout, Jr. A special thanks also is due Dr. Norbert R. Mahnken and Dr. LeRoy H. Fischer for their valuable time and encouragement.

I also thank Mrs. Rella Looney and Mrs. Louise Cook of the Oklahoma Historical Society for their invaluable assistance. Thanks are also extended to Mrs. Kaye M. Teall, Jack Haley, and Armand Gibson for their

assistance and the use of their collections and research materials. In addition, I extend appreciation to David A. Wisner and Jimmie Stewart for their valuable time and suggestions.

Finally, I express special gratitude to my Mother Mrs. Lula B. Williams Pete, who taught me that faith is a hard-earned virtue, and to my wife Willie Mae and my son Willie Vincent for making the effort worthwhile.

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CHAPTER I

THE WESTERN IMAGE

Introduction

The land west of the Mississippi River has a rich variety of geographic features. This southern trans-Mississippi area is commonly called the Southwest, a land of intense, sun-painted skies and mountains that touch the heavens. Lively and luscious green vegetation, brown parched earth, warm summers, and harsh winters all enrich a land of beauty. Plains, plateaus, and rolling highlands receive an endless range of precipitation. This beautiful kaleidoscope of nature makes the Southwest the most unique region in the world.¹

Oklahoma is part of the great American Southwest, for it shares the same natural dichotomy. The western portion of the state is more arid and reflects the plain's influence. Here the slightly rolling prairies are only irregularly broken by the Wichita Mountains. This chain of low granite upheavals illustrates the borderland qualities and the climate of the Great Plains region. The eastern half of the state annually receives more than twice the amount of rainfall of the western area; hence there are extensive forests, the topography is more hilly and mountainous, and the land slopes from northwest to southeast. The agricultural region of the state is the western half, while most of the mineral production is found in the eastern part of the state.²

Becoming a state in 1907, Oklahoma shows its youth in its

population. A Southern influence is noticeable in the southern and eastern section of the state: there is more of a "Yankee flavor" in the northern and northwestern areas due largely to a population with Northern roots.³ The population is indicative of the rich and varied history of the state, its history and the deeds of these people have been marked by a struggle with nature--and often with each other. The rich heritage of this young, great state has included three principal groups of people: the Native American, the White Euro-American, and the Black Afro-American. All played major roles in the exploration of the greater Southwest, of which Oklahoma is a vital part.

The long history of the Southwest and its lure for the European began with the conquest of the Aztec Empire of Mexico by Hernán Cortés in 1522.⁴ The European entry into the present area of the Southwest was sparked by the ill-fated Spanish expedition led in 1528 by Panfilo de Narvaéz. His defeat by local Indians in Florida, coupled with the failure of his ships to return, prompted an adventure from the Gulf Coast across a great portion of the Southwest. Alvar Nuñez Cabeza de Vaca, Alonso de Castillo Maldonado, Andrés Dorantes, and Estevanico, a Black, were lone survivors of the Narvaéz disaster who worked their way from the coast of Texas, north toward new Mexico and Arizona. Eventually they reached the northern most outpost of the Spanish empire in Mexico (New Spain) in 1536 and safety. They told of their survival for eight years among the natives, but, of more importance, they reported the legend of "the Seven Cities of Gold," or Cibola. The search to find Cibola inspired an exploratory group in 1539 led by Estevanico, who lost his life in what was mistaken to be the first of "the Seven Cities of Gold." Later, an expedition led by Francisco

Vásquez de Coronado, treaded its way through the Panhandle of Oklahoma into southern Kansas in the years 1540-1542.⁵

Hernando de Soto, fresh from the expedition that crushed the Inca of Peru, was lured to the Florida coast by stories of gold in the interior. From his base in Florida De Soto found a survivor of the Narvaéz expedition, Juan Ortíz, who served as his guide. They traveled throughout the lower Southeastern section of America and as far west as eastern Oklahoma; there De Soto and Coronado passed within 300 miles of each other without knowledge of each other's explorations. During the half century of the great expeditions--those of Cabeza de Vaca, Coranado, and De Soto, as well as others there was no discovery of the gold, silver, and other riches that had lured these men into unchartered areas. Their efforts did provide much needed knowledge of the native inhabitants, terrain, and general geography of the Southwest.⁶ Thus Oklahoma was one of the earliest areas of the new world to be explored.

The history of the Oklahoma area was affected by the early European quest for empire--first by the Spaniards, then by the French, and later by the English. Perhaps Estevanico was the first Black to see Oklahoma.⁷ However, this period was not the only one in which Blacks would make contributions to this area or the state. The diaries and journals of most of the early 18th and 19th-century explorers recorded that slaves or free Blacks were part of the exploratory expeditions across Oklahoma and the Southwest.⁸ The significant contributions of the original natives as well as those of the Indians who were resettled have been well documented, and the White association with the general history of the area is common knowledge. Yet the unique history of Oklahoma as a chapter in the West is incomplete.

While the Red and White stories have been incorporated into history, the Black contribution is still to be researched and written.

The history of the West is one of successive frontiers. From the first frontier, the Atlantic coast, to the last frontier, the Southwest, the frontier was almost uniquely an American phenomenon. The West was a region where all the energies and passions were directed toward the material development of the country. Only the most enterprising and strongest Americans moved west; and the value of land and its ownership were prized.⁹ It probably was land and the promise of its ownership that served as the first incentive for the average settler to make the move westward; but to the dominating, strong man, the adventure of exploration was equally as motivating.¹⁰

Federick Jackson Turner's thesis of 1893 stated that it was the West and the westering experience that shaped and made the American character. This attempt to explain the influence of the frontier on Americans came just at the time that America's last frontiers were closing.¹¹ The question was not the correctness of Turner's Thesis, but that the American people believed it and felt that they were different. Confidence was a vital part of their success, for if the people believed in rugged individualism and aggressiveness, then they became what they perceived themselves to be. The Westerners of our history have been pictured as strong men, men of purpose, and leaders of men. The West, in a larger sense, has come to represent a trial of manhood. This image have been perpetuated in the present generation by novel, movies, and television series. The best portrayal of the man's man and hero's hero has been the lawman-gunfighter, and the super-heroes of the Hollywood sagas to a large extent have been the United

States Marshals. The climactic scene of a dusty street is familiar to all; there the marshal meets the outlaw at high noon, draws his weapon first, and shoots the villain dead; then coolly replaces his shooting iron and receives the accolades of an admiring populace. Perhaps the outlaw is a man forced to go wrong by circumstances. He kills only when he has no choice and robs the rich only to give to the needy.¹² In one form or the other all of these characters are part of the Western folklore and deserve recognition. However, it is regrettable that the fascinating and true adventures of some truly fine lawmen are barely known to the general public. The danger these men faced was real often defying the most vivid imagination.

One of the best-known men associated with bringing law to the Western frontier was Judge Issac Parker.¹³ From his Western District Court at Fort Smith, Arkansas, he was instrumental in enforcing the White man's law in the territory west of Fort Smith. This Indian Territory, so named because the five major Indian tribes of the Southeast that agreed to move west to exchange their land in the east for a domain west of the Mississippi River, was not void of law. The tribal law and the judicial system of the Indian tribes were enforced on those who lived within the limits of the Indian country. American citizens did not fall within the jurisdiction of tribal laws, and not until 1876 was the White population of the Indian Territory sufficiently large to pressure the Federal government to enforce federal law, thereby providing protection for its citizens. When this process started, there were only 200 law officers to police an area of more than 74,000 square miles and enforce the jurisdiction of the court at Fort Smith in the Indian Territory. This vast expanse offered a haven to the most des-

perate outlaws who preyed on law-abiding citizenry throughout the Territory. This renegade population riding in ruthless gangs was both a threat to lives and property. Many good men risked their lives trying to bring the law to this region. The real danger in bringing the lawless to court was the distance which the law officer had to travel with his prisoners. A major judicial reorganization of the courts in 1889 established District Courts within Indian Territory, and that did help to relieve some of the law enforcement problems; but being a law officer was work for the brave and the strong in Indian Territory.

The fame of some of these United States Marshals and Deputy Marshals has been ensured through the writing of Glenn Shirley, Homer Croy, C. H. McKennon and Floyd Miller; Heck Thomas, Bill Tilghman, and Chris Madsen, the three guardsmen, live on as stalwart men-of-the-star in the writings of these historians.¹⁴ Others who rode out of Fort Smith into Indian Territory have not been assured of a place in history, for their names have not been recorded for all to read. Some of the bravest of this unheralded group were men of color who rode for Judge Parker's court and served in the Indian Territory.

Their stories have to be told, not at the expense of the White lawman, but simply and honestly on their own merits. The stories of Grant Johnson, Bass Reeves, Robert Fortune, Zeke Miller, Ike Rogers, John Loss, Ed Robinson, Wiley Escoe, Robert Love, and Edward D. Jefferson, all United States Deputy Marshals, are as yet unwritten.¹⁵ Others include Neely Factor, Bill Colbert, Dick Shaver, Charles Pettit, Morgan Tucker, Dick Roebuck, and Eugene Walker; they too were Marshals. Of those mentioned, Grant Johnson, Bass Reeves, and Robert Fortune rode from Fort Smith before the division of the courts in 1889. Johnson and

Reeves had law careers that lasted more than 47 years. These two Marshals did a commendable job; but all of these men served with distinction in the Districts Courts of Indian Territory.

Some of the recent historians of law enforcement in Indian Territory and Southwest mention that there were Black Deputy Marshals; and some of their works list these men. The notable Frank R. Prassel in his book, The Western Peace Officer, carries a list of Black Deputies in the Indian Territory. An earlier work by D. C. Gideon, entitled Indian Territory, gives an account of Bass Reeves' encounter with an Indian Medicine man whom he had captured and of his special assignment as Field Marshal from Calvin, Indian Territory. Kaye M. Teall devotes part of section IV in her book, Black History In Oklahoma, to Black lawmen, while "Negro Marshals in Indian Territory" is an article by Daniel F. Littlefield and Lonne E. Underhill; these are the only two works that give any in-depth reports of the Black contribution to the establishment of permanent law in Indian Territory.¹⁶ The Grant Foreman Pioneer Collection is a valuable source of information because of its highly reliable interviews. Newspaper files of early territorial publications provide another source for the story of the Black contribution. Both of these are located in the Oklahoma Historical Society Collections, Oklahoma City, Oklahoma. There are several lesser works of interest that deal in part or whole with the two best-known Black Marshals, Grant Johnson and Bass Reeves: Richard B. Fronterhouse's excellent article on Bass Reeves is perhaps the best available on this lawman; and Armand Gibson, a researcher and hobbyist historian who, through many years of collecting and researching, has made himself the authority on Grant Johnson.¹⁷ Materials from the

National Archives in Washington, D. C., are available. Yet another excellent source of information is eye-witness accounts of those who are still alive today.¹⁸ These and other sources bring into perspective the Black contribution to the permanent structure of law and order in Indian Territory.

This work will relate the effort of forgotten Black heroes to bring the law into the Indian Country and the Southwest in general. Therefore, it will describe Indian Territory, its land area and the general problem of lawlessness in the region after 1876; next will come a general discussion of the early court districts and the difficult problem of enforcing their jurisdiction in Indian Territory, followed by biographical sketches of Grant Johnson and Bass Reeves. This was done in an effort to provide the reader with some insight into the efforts and major problems these lawmen encountered in the actual performance of their duty, as well as show how these men did their jobs with a sense of pride and devotion.

FOOTNOTES

¹Odie B. Faulk, Land of the Many Frontiers (New York, 1968), pp. 3-4. Also see Lynn I. Perrigo, The American Southwest (New York, 1971), pp. iii-iv. The personal experience of observing many sunsets in New Mexico, and witnessing the complete phenomenon of the American Southwest from low and high altitude flying across this vast area many times have provided the author with a most appreciative respect for a spectacular experience with nature. April, 1964 to July, 1966.

²Edward E. Dale and Morris L. Wardell, History of Oklahoma (Englewood Cliff, 1948), pp. 1-2.

³Ibid., pp. 3-4.

⁴Perrigo, p. 18.

⁵Faulk, pp. 5-16.

⁶Perrigo, pp. 23-24.

⁷Kaye M. Teall, Black History in Oklahoma (Oklahoma City, 1971), pp. 7-12.

⁸Ibid., pp. 13-16.

⁹Clarke C. Spence, ed., "Lord Bryce Appraises the West of the Early 1880's," in The American West (New York, 1966), pp. 437-438.

¹⁰John F. McDermott, The Frontier Re-examined (Urbana, 1967), pp. 3-9.

¹¹Frederick J. Turner, "The Significance of the Frontier in American History," in The Early Writings of Frederick Jackson Turner (Madison, 1933), pp. 185-229.

¹²Joseph G. Rosa, The Gunfighter (Norman, 1969), pp. 3-12.

¹³Glenn Shirley, Law West of Fort Smith (New York, 1957), pp. 25-40.

¹⁴Glenn Shirley, Heck Thomas, Frontier Marshal: The Story of A Real Gunfighter (New York, 1962); Floyd Miller, Bill Tilghman, Marshal of the Last Frontier (Garden City, 1968); C. H. McKennon, Ironmen, A Saga of the Deputy United States Marshals who Rode the

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Indian Territory (Garden City, 1967); and Homer Croy, Trigger Marshal: The Story of Chris Madsen (New York, 1958).

¹⁵Daniel F. Littlefield and Lonnie E. Underhill, "Negro Marshal in Indian Territory," Journal of Negro History, LVI (April, 1971), pp. 77-87, listed Edward D. Jefferson, Robert Love, Isaac Rogers, John Loss, Dick Roebuck, Grant Johnson, and Bass Reeves as Deputy Marshals. Frank R. Prassel, The Western Peace Officer (Norman, 1972), pp. 230-231, listed Wiley Escoe and Robert Love as Deputy Marshals. Other Marshals listed are from the author's research files taken from the Indian Territory newspapers at the Oklahoma Historical Society, Oklahoma City, Oklahoma, 1971-1973.

¹⁶Kaye M. Teall used the resources in the National Archives, Washington D.C., and the old news files from Indian Territory at the Oklahoma Historical Society, with additional information from interviews, to write her account. Littlefield and Underhill also relied heavily on material at the Historical Society for their publication.

¹⁷Richard D. Fronterhouse, "Bass Reeves: The Forgotten Lawman" (Unpublished manuscript, Oklahoma University, 1960), in the Western History Collection, University of Oklahoma Library, Norman Oklahoma.

¹⁸Armand Gibson, Wewoka, Oklahoma, is the researcher and collector with the best file and material on Grant Johnson. David A. Wisner, Oklahoma City, has a great personal knowledge of Indian Territory.

CHAPTER II

THE AMERICAN SOUTHWEST

The Spanish expeditions of Coronado and De Soto provided Spain with a claim to the Southwest. De Soto's discoveries extended Spain's claim to the Mississippi River Valley. These two efforts gave the Spanish a claim to Oklahoma. Both Explorers despaired because their explorations did not produce metallic wealth; thus the Spanish viewpoint was that the area was of no great value, and they did not attempt to establish permanent settlements.

The French, due to a long conflict with Spain, internal religious strife, and a long succession of weak monarchs were not serious contenders for overseas colonies until the 17th century. Then, under the Bourbon dynasty (1589-1791) the French explorer Robert Cavelier, Sieur de la Salle, advanced a French claim to the Southwest. He followed the Mississippi to its mouth in 1682, while his companion Henry de Tonty later erected a fort on the Arkansas River at its source. La Salle's further exploration was based on the theory that well-placed forts in the Mississippi Valley would strengthen the French claim and perhaps enable his country to control the region. His second great expedition missed its intended destination, the mouth of the Mississippi, and landed on the coast of Texas. The venture brought death for La Salle and most of those in his expedition. However, those who were not killed or enslaved by the Indians managed to escape

to French Territory. Thus a grand scheme that would have given France an early claim in the Southwest ended in disaster.²

The last entry in the contest for an overseas empire on the American continent was England. Beginning at Jamestown in 1607, however, it moved rapidly in a bid for colonial supremacy. The British skill and experience at sailing and shipbuilding enhanced that nation's position as a sea power, while its fishing and commercial interests provided the financial and political stability to make it a European power. Spain was eliminated from this race early, for it had become a second-rate power by the time Charles III (1759-88) died. The competition for the North American colonial empire therefore was between France and England. From 1689 to 1763 four colonial wars were fought by England and France. The last of these the French and the Indian Wars (1754-1763), had a great influence on the future of the American Southwest.³ By the Peace of Paris Treaty (1763) France ceded Canada to England, which also acquired Florida from Spain. The French, in an effort to compensate Spain for its loss of Florida, ceded to it all French claims to Louisiana west of the Mississippi River.

This change of ownership of the Louisiana Territory also dictated a change in Spain's colonial policy. The new frontier boundary placed England on the east banks of the Mississippi and Spain on the opposite side of the river.⁴ Then, during the American Revolution, both France and Spain supported the colonists' cause to the point of victory. Neither country had any desire to see England with North American possessions. In the Peace of Paris (1783), the United States, expanded its sovereignty from the Atlantic Ocean to the Mississippi, and from the Great Lakes south to the thirty-first parallel. After this war

Americans, Spaniards and Englishmen explored every section of the West seeking profits from furs and trade with the Indians. The Pinckney Treaty of 1795 opened the Mississippi River to American commerce, and with it settlers began to migrate into Spanish Territory.⁶ This renewed relationship with Spain made New Orleans one of the most important ports in the world. However, the American migration of settlers into Spanish areas was a constant source of diplomatic friction.

Yet it was the dramatic rise to power of Napoleon Bonaparte in France that changed the complete future of the Louisiana Territory. Napoleon dispatched one of his generals to Madrid in April, 1800, to force a treaty of retrocession. This was part of Bonaparte's plans to establish a world empire. On October 1, 1800, the secret treaty of San Idefonso was signed, and Louisiana once again became a French possession.⁷ Before Napoleon could complete his dream of world empire, however, his brother-in-law, Marshal Leclerc, met defeat at the hands of the Black General Toussaint L'Ouverture and the dreaded yellow fever on Santo Domingo. This attempt to retake Louisiana failed just as France and England were renewing hostilities and Napoleon realized that Louisiana could not readily be defended because England controlled the sea. He therefore decided that it was better to sell the province to the United States rather than see the English navy eventually capture it.⁸

Thomas Jefferson defended his fifteen million dollar purchase as a duty to the higher laws of necessity, self-preservation, and saving one's country from danger. These laws took precedence over any strict adherence to written laws. On December 20, 1803, the United States took formal possession of Louisiana. Just what the Americans had bought was

rather vague, and the French terms of sale did little to clear up or to define the extent of the territory. The French advice to the American negotiators was that they had a noble bargain and should make the most of it.¹⁰ The final boundary had to await negotiations with Spain and England. The American dispute with Spain over the boundary of the Louisiana Territory was finally settled by the Treaty of 1819; the final boundary followed

The Sabine river from the Gulf of Mexico to the parallel of 32° N; ran thence due north to the Red river, following this stream to the meridian 100° W.; thence north to the Arkansas river and along this stream to its source; thence north or south as the case might be (source of the Arkansas was not known then) to the parallel of 42° N. and west along this line to the Pacific Ocean. The northern boundary was amicably established by an Anglo-American convention in 1818. It established the 49 parallel N. between the lake of the Woods and the Rocky mountains as the American-Canadian border. The Rocky (then referred to as "Stony") mountains were accepted as the western limit of the Louisiana territory, and the Mississippi river was considered for all practical purposes the eastern boundary of the great purchase.¹¹

The purchase comprised some 828,000 square miles and doubled the size of the United States. Out of this empire were carved almost in their entirety the states of North Dakota, South Dakota, Nebraska, Iowa, Missouri, Louisiana, Arkansas, and Oklahoma. The first organic law of American origin that applied to Louisiana was passed in the first session of the Eighth Congress of the United States on October 31, 1803; this provided a temporary government for the new district. Statute 1, section 1, stated:

That the President of the United States be, and he is hereby authorized to take possession of, and occupy the territory ceded by France to the United States, by the treaty of Paris, on the thirtieth day of April last, between the two nations; and that he may for that purpose, and in order to maintain in said territoried the authority of the United States, employ any part of the army and navy of the United States, and of the force authorized by an act passed the third day of

March last, intituled "An act directing a detachment from the militia of the United States, and for erecting certain arsenals," which he may deem necessary: and so much of the sum appropriated by the said act as may be necessary, is hereby appropriated for the purpose of carrying this act into effect; to be applied under the direction of the President of the United States.¹²

Section 2 gave authority to the President to establish a temporary government:

That until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers, exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion.¹³

However, the first division of this tremendous territory was by an act dated March 26, 1804. Statute I, section 1, specified the following boundary:

...all that portion of country ceded by France to the United States, under the name of Louisiana, which lies south of the Mississippi territory, and of an east and west line to commence on the Mississippi river, at the thirty-third degree of north latitude, and to extend west to the western boundary of the said cession, shall constitute a territory of the United States, under the name of the territory of Orleans...¹⁴

The northern half of Louisiana was called the Louisiana District; the present southern boundary of Arkansas was the line of demarcation. The territory of Orleans eventually became the state of Louisiana on June 4, 1812. According to this act the district of Louisiana "...shall hereafter be called Missouri, and the temporary government of the territory of Missouri shall be organized and administered in the herein after prescribed."¹⁵

People in Missouri Territory began a petition campaign in 1817 to ask Congress for statehood. At one time or another, they cited popula-

tion growth, years as a territory, and loyalty to the Union as justification for admittance as a state. Yet it was the boundary question that presented the most pressing problem. The northern section of the territory would be free of slavery if the lines of the Northwest Ordinance was followed, while the southern section would be open to slavery if consistent with the division line between Virginia and North Carolina.¹⁶ The southern districts of Missouri Territory were reorganized as counties in 1813 and eventually formed most of the area that would become the Arkansas Territory.

The fate of Arkansas Territory was part of the question of the boundary and the control of the institution of slavery. Debate on definite lines that would clearly resolve the question of slave or free territory would continue until 1820 when Congress enacted a provision to create a temporary government for a territory:

...on the Mississippi river, at thirty-six degrees, north latitude, running thence west to the river St. Francois; thence, up the same, to thirty-six degrees thirty minutes north latitude; and thence, west to the western territorial boundary line; shall, for the purpose of a territorial government, constitute a separate territory...¹⁷

This became effective July 4, 1819.

The Louisiana Territory, in addition to its history of European influences, was also part of the Southwest that was generally associated with Indian removal. The surge of Western migration after the American Revolution forced the Native American farther west. The first to be removed were Northern tribes, which moved into the Ohio valley and then into the upper and lower Northwest. The second removal west involved the Southern tribes. In 1895, Thomas Jefferson, as had previous administrations, was seriously considering the land west of

the Mississippi river as Indian country. He felt that the land east of the Mississippi could then be used for the White population to consolidate and prosper.¹⁸

Each of the territories created out of the Louisiana Purchase already had a large Indian population. The natives of the Southeast were well acquainted with the land across the Mississippi River especially the Arkansas region before signing formal treaties. Serious negotiations for removal of the Southeastern tribes began in the Jefferson administration and reached a climactic conclusion with the removal policies of Andrew Jackson's administration. In 1830, with the cooperation of the President, Congress passed the Indian Removal Bill. Thus force was to be used, if necessary, in removing the Southern tribes to the West. The majority of these tribesmen then were resettled west of the Mississippi between 1830 and 1840.¹⁹

The early migration of some of the Choctaw and Cherokee Indians into Arkansas Territory helped establish a definite western boundary for the territory. The southwestern section of the boundary was established in the Treaty of Washington (1825); it provided that this line be one hundred steps east of Fort Smith and then proceed directly south to the Red River. The present western border of Arkansas was set by the Cherokee Treaty of 1828; it followed a line north from Fort Smith to the southwest corner of Missouri, then went directly westward to the sovereign limits of the United States.²⁰

As these removals continued, the United States Congress in 1834 formally established an Indian country by declaring:

That all that part of the United States west of the Mississippi and not within the states of Missouri and Louisiana, or the territory of Arkansas, and, also, that part of the United States

east of the Mississippi river, and not within any state to which the Indian title as not been extinguished, for the purposes of this act, be taken and deemed to be the Indian country.²¹

FOOTNOTES

¹The most valuable and significant contribution made by De Soto and Coronado was the knowledge of the areas reported from their expeditions. See Kent L. Steckmesser, The Westward Movement: A Short History (New York: 1969), pp. 14-15.

²There were later French explorations and territorial claims in the upper and lower Trans-Mississippi West. See Joutel's Journal of La Salle's Last Voyage (New York, 1968), pp. 97-103, for the death of La Salle; for the story of the entire adventure, pp. 104-195. Also see LeRoy R. Hafen, W. Eugene Hollon, and Carl C. Rister, Western America (Englewood Cliffs, 1970), pp. 44-48.

³W. F. Reddaway, A History of Europe, from 1715 to 1814 (London, 1957), pp. 207-236. Also see Samuel E. Morrison, Henry S. Commanger, and William E. Leuchtenburg, The Growth of the American Republic (New York, 1969), pp. 112-120.

⁴Hafen, Hollon, and Rister, pp. 117-119. Edwin C. McReynolds, Oklahoma: A History of the Sooner State (Norman, 1969), pp. 29-30.

⁵"The definitive Treaty of Peace-Between the United States of America and his Britannic Majesty--Treaty of Paris, September 3, 1783," Article 2, set the boundary of the United States of America; see Richard Peters, The United States at Large, Treaties with Foreign Countries 1776-1845 (Boston, 1856), Vol. 8, pp. 81-82. Also see McReynolds, pp. 32-33.

⁶Peters, "Treaty of Friendship, Limits and navigation between the United States of America and the kind of Spain," known as the Pickney Treaty, October 27, 1795, see Article 4, which set the western boundary at the Mississippi and navigation provisions; Article 22 provided for mutual commerce between the United States and Spain and the rights of United States citizens to deposit goods at New Orleans, Vol. 8, pp. 140; 150-151. Also see Hafen, Hollon, and Rister, pp. 119-120.

⁷Thomas M. Marshal, A History of the Western Boundary of the Louisiana Purchase, 1819 1841 (Berkeley, 1914), pp. 1-2.

⁸Ibid., pp. 3-8.

⁹Richard Hofstadter, William Miller, and Daniel Arron, The American Republic (Englewood Cliff, 1970), Vol. 1, p. 327.

FOOTNOTES

¹⁰ Marshal, pp. 5-8.

¹¹ O. O. Winter, "Louisiana Purchase," Encyclopaedia Britannica (Chicago, 1969), 14, p. 358. Also see Peters, "Treaty of Amity, Settlement, and Limits between the United States of America and his Catholic Majesty," February 22, 1819; Article 3 set boundary limits, Vol. 8, pp. 254-256.

¹² Richard Peters, The Public Statues At Large of the United States of America (Boston, 1856), Vol. 2, pp. 245; 283.

¹³ Ibid., p. 245.

¹⁴ Peters, Public Statues At Large, "Act of March 26, 1804," Statue 1, Section 1, Vol. 2, p. 283. Also see Floyd C. Shoemaker, Missouri's Struggle For Statehood 1804-1832 (New York, 1969).

¹⁵ Peters, Public Statues At Large, "Act of June 4, 1812," Statue 1, Section 1, Vol. 2, p. 743. Also see Edwin A. Davis, Louisiana: The Pelican State (Baton Rouge, 1959), pp. 143; 145-147; 149.

¹⁶ Shoemaker, pp. 37-46; 46-47.

¹⁷ Peters, Public Statues At Large, "Act of July 4, 1819," Statue 2, Section 1, Vol. 3, pp. 493-494. Also see Lonnie J. White, Politics on the Southwestern Frontier: Arkansas Territory 1819-1836 (Memphis, 1964), pp. 6-17.

¹⁸ Shoemaker, p. 19, footnote 20.

¹⁹ Grant Foreman, Advancing the Frontier: 1830-1860 (Norman, 1933), pp. 5-6.

²⁰ McReynolds, pp. 119; 125.

²¹ Peters, Public Statues At Large, "Act of June 30, 1834," Statue 1, Section 1, Vol. 4, p. 729.

CHAPTER III

THE INDIAN TERRITORY

In many respects the Indian Territory was an idealistic dream intended by its creators to provide a different culture with the chance to exercise its cultural options. However, this noble intent was confronted by the practical motives of self-preservation. Most of the Southern tribes had been maltreated by White men east of the Mississippi River and felt that their survival was in the West.¹ There is little doubt that while many Indians looked west with glad hearts, other early migrants to the Arkansas Territory were forced off their farms and out of their homes before the settlement treaty of 1828. Most of their losses were in the form of livestock either stolen or killed by Whites who moved into the area before Indian removal was completed.² Congress passed laws setting the conditions, jurisdictions, and authorities for the Indian Territory with the Act of 1834, especially with regard to selling "spirituous liquors" to Indians. Section 20 of the Act of 1834 stated:

...if any person shall sell, exchange, or give, barter, or dispose of, any spirituous liquor or wine to an Indian, (in the Indian country,) such person shall forfeit and pay the sum of five hundred dollars; and if any person shall introduce, or attempt to introduce, any spirituous or wine into the Indian country, except such supplies as shall be necessary for the officers of the United States and troops of the service, ...such person shall forfeit and pay a sum not exceeding three hundred dollars; ...if any superintendent of Indian affairs, Indian agent, or ... commanding officer of a military post, has reasons to suspect or is informed, that

any white person or Indian is about to introduce, ... liquor or wine into the Indian country, ... it shall be lawful for such ... military officer, agreeably to such regulations as may be established by the President of the United States, to cause the boats, stores, packages, and places of deposits of such person to be searched, if such ... liquor and wine if found, ... such persons shall be seized and delivered to the proper officer, ... and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person, in the service of the United States, or for any Indian, to take and destroy, any ardent spirits or wine found in the Indian country...

However, profit from the sale of whiskey was so great that both Whites and Indians engaged in the practice. At Van Buren, and later at Fort Smith, local residents were accused of being the greatest source of illegal whiskey for the Indian country.⁴ All whiskey in the Indian Territory was not illegal, for many of the larger White firms justified whiskey in their possession by saying that their White employees expected a regular ration of spirits. The White population west of Fort Smith was very small, although these permanent settlements were increased from time to time by White migrant groups drawn to Texas by the liberal land grant policies of the Mexican government. The discovery of gold in California in 1848 spawned another wave of White migrants westward, creating the California Trail through the Indian Territory. Always there were some in these waves of White settlers who found the Indian Territory a satisfactory place to live and stayed, thereby enhancing and aggravating the problem of Whites in the Indian country.

In that region Southern tribes were governed by their own tribal governments. Their constitutions provided laws and authority to run their own affairs. Even during intratribal feuds and disputes between tribes, these nations remained suspicious of the White man. Their

independence was jealously guarded. Between 1840 and 1861 the army did a commendable job of protecting legitimate business, checking the importation of liquor, providing escorts for migrant groups traveling farther west, and policing the borders of Indian Territory to keep many White intruders out of the country.

The Civil War and its aftermath brought many changes to the Indian Territory. The Southern tribes, because some of their members supported the Confederacy, were required to make many concessions. Most of these concessions were in the treaty of 1866 which abolished slavery in all tribal nations and admitted Freedmen as tribal citizens. The tribes had to agree on an intratribal government, but each tribal council retained its own jurisdiction. Each nation had to permit a railroad to be built north and south across its domain and a second railway to run east to west through its territory. The United States government retained the authority to establish courts within the Indian Territory as it deemed necessary. However, jurisdiction in these courts would extend only to cases where one of the parties was a native and the other an American citizen.

About this same time came an increase of Whites in the area. One reason for this increase was the presence of a large number of ex-soldiers moving cattle through the region. These men discovered that the war had done very little damage to Texas and that large herds of cattle and horses were plentiful there. Big cattle drives soon were moving north across much of the Indian Territory to markets in Kansas. Cattle drives brought immense profits to cattlemen and increased White interest in the Indian country and in all the unsettled land west of the Arkansas boundary.⁵ Next came the completion of the Missouri,

Kansas and Texas Railroad across Indian Territory. It was to the best interest of the railroads and merchant-businessmen to see that the Indian country was settled and prospered because of the enormous returns desired on their investments, so these men pushed immigration to Oklahoma.

There also was a natural flow of White migration into the Territory because the sudden absence of slave labor created a labor vacuum. By 1870 work permits were regularly issued to White farm workers by each tribe to help bolster a dwindling labor supply.⁶ Further uncontrolled immigration of Whites into the Indian Territory was temporarily halted by these permits; however, the abundance of land and the need for laborers were sufficient reasons for wealthy Indian interest groups to circumvent tribal authority. These increasing numbers of White laborers and White citizenry in the Territory finally forced the United States government to establish courts in the territory having jurisdiction over American citizens.⁷

Another problem of the Territory was that it was surrounded by settled states; thus it furnished a haven for criminals and fugitives along its miles of frontier. To deal with this large lawless element which affected both the populated states and the Territory, Congress over the years enacted laws to organize an effective court system and provide the necessary jurisdiction to enforce court decisions and Federal law. Thus jurisdiction of the Federal Districts' Courts of the United States was invested in the states of Missouri, Arkansas, Kansas, and Texas for the Indian Territory either in whole or in part from 1836 to 1896, all in an effort to enforce some measure of the law in Indian Territory.

FOOTNOTES

¹"Southern" or "Southeastern tribes" is used in the same context as the five civilized tribes: Cherokee, Choctaw, Creek, Chickasaw, and Seminole. Ed Bearss and Arrell M. Gibson, Fort Smith; Little Gibraltar on the Arkansas (Norman, 1969), p. 9.

²Foreman, Advancing the Frontier, pp. 23-24.

³Peters, The Public Statutes At Large, Vol. 4, Statue 1, Section 20, p. 732.

⁴Foreman, pp. 25-27. See Also Bearss and Gibson, pp. 113-136.

⁵Dale and Wardell, History of Oklahoma, pp. 207-220.

⁶Ibid., pp. 276-278; 279-280.

⁷Ibid., pp. 285-288.

CHAPTER IV

THE FIRST COURTS AND THE PROBLEM OF JURISDICTIONS

The two most western counties of Arkansas Territory were Miller and Lovely; these became the site of the first court to have jurisdiction over the early territory that would become Oklahoma. On April 1, 1820, Arkansas created Miller County, and a few years later Lovely County was established with the local courts and civil administration provided at Miller's Court House and Nicksville.¹ These counties became a part of the newly created Indian Territory by the treaties of 1824 and 1828, with the Choctaw and Cherokee tribes. Arkansas formally relinquished Miller and Lovely counties on October 17, 1828.²

The first known courts in Indian Territory were those established on June 3, 1834, by the Indians. However, these courts had jurisdiction only over tribal members. The first judicial authority provided by Congress to administer justice to Whites not subject to Indian courts was in section 24 of an act dated June 30, 1834. The Indian country, for judicial purposes, was annexed to the district of Missouri. Section 25 of that same act stated that any offender of said act was to be arrested in any state or territory and transported to the territory or judicial district court with original jurisdiction.³

Arkansas Territory first received jurisdiction over Indian Territory by terms of the Act of March 1, 1837, which declared:

That the district court of the United States for the district of Arkansas shall have the same jurisdiction and power in all respects whatever that was given to the several district courts of the United States, by an act of Congress, approved March thirtieth, eighteen hundred and two, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," or by any subsequent act of Congress, concerning crimes, offences, or misdemeanors, which may be committed against the laws of the United States, in any town, settlement, or territory, belonging to any Indian tribe, in amity with the United States, of which any other district court of the United States may have jurisdiction.⁴

Seven years later the authority of the same court was reinvested when the Arkansas Territory became a state of the Union; this act of June 17, 1844, provided new authority:

...And that for the sole purpose of carrying this act into effect, all that Indian country heretofore annexed by the said twenty-fourth section of the act aforesaid to the Territory of Arkansas, be and the same hereby is annexed to the State of Arkansas.⁵

The western Federal District Court that met at Van Buren, Arkansas, was given complete jurisdiction over criminal and civil cases originating in the Indian Territory. All this courts decisions in cases tried from the Indian Territory were final. There was no appeal procedure provided--thus making the Western District Court the most unique in the annals of American judicial history.⁶

The unrest of the Civil War and the years immediately following provided a breeding ground for a new generation of a cruel, lawless horde of men and women. Many of this lawless breed used the Indian nations as a sanctuary after committing their crimes. Banks, stage-coaches, trains, and merchants in adjoining states were easy prey for these renegades. Stolen herds of cattle and horses were driven from Texas and resold in the country north of the Red River. No citizen was

safe from death or robbery. Railroad construction across Indian Territory in, and after, 1870 was responsible for yet other disorders. These construction camps spawned gangs of thieves, hoodlums, gamblers, prostitutes, and whiskey peddlers. The growing criminal population included White intruders, but the total lawless population was increased by the Indian and Freedmen criminals who rivaled the White in destroying life and property.

The Indian tribal governments could not cope with this seige of crimes. In fact, their own tribal treasuries did not escape this wave of depredations. The Territory gained world fame with such epitaphs as "Robbers' Roost" and "Land of the Six Gun." Persistent appeals from citizens of both Indian Territory and the state of Arkansas forced the Federal government to authorize the movement of the Western Federal District Court from Van Buren to Fort Smith, Arkansas, on March 3, 1871.⁷

On May 8 of that year Judge William Story presided over the first session of the newly moved court. In its first years Judge Story's court, acting from 1871 to 1874, was effective in dispensing justice on the frontier. Yet by 1874 Congress was considering abolishing the court because of Judge Story's misconduct in office. His appearance before a Congressional Committee to explain \$724,000 in expenditures in his judicial district over a three-year period was totally unsatisfactory. The judge's resignation probably saved the court from an appointment with oblivion.⁸

In 1875 President U. S. Grant appointed Judge Issac C. Parker to the bench of the Western District Court. It was Parker's court that made a life of crime a certain date with the hangman. During

his tenure of office, Judge Parker's dedication to duty and prosecution of criminals encouraged the Marshals of his court to an exact performance of their duties. The workload of cases in the court was overwhelming, and Judge Parker was not without his critics in his meting out of justice to criminals. Gradually this workload became so large, in part because the White population steadily increased in the Indian Territory, that Congress found it necessary to redistribute the Federal District Courts.

The first act of Congress to reassigned jurisdiction came on January 6, 1883; the land north of the South Canadian River and west of Indian Territory thereby was placed under authority of the Federal District Courts which met at Wichita and Fort Scott, Kansas, respectively. The area south of the Canadian River was put under the jurisdiction of the Northern District Court of Texas at Graham. However, the Indian Territory remained under the authority of the Western District Court at Fort Smith.⁹ After the passage of this act, the decisions of the Western District Court involving the death sentence could be appealed to the Supreme Court of the United States. The act providing the procedure for such appeals was enacted on February 6, 1889; moreover, an Act of March 3, 1891, declared that all criminal case decisions likewise could be appealed.¹⁰

The most significant and far-reaching act with regard to the Indian Territory was passed by the Fiftieth Congress on March 2, 1889; this created a United States court bounded on the north by the state of Kansas, on the east by the states of Missouri and Arkansas, on the south by the state of Texas, and on the west by the state of Texas and the New Mexico Territory. The judge was to be appointed by the

President, his duties and salary consistent with other District Judges. The second section of this act authorized the appointment of an Attorney General and a United States Marshal. The Marshal was authorized to appoint deputies to assist him as he deemed necessary in the performance of his duties. This court had original jurisdiction over all crimes committed in the Indian Territory with the exception of acts punishable by death or sentences to hard labor.¹¹ The new court met at Muskogee beginning Monday, April 1, 1889. This was the first White man's court ever convened in the territory.¹²

Sections seventeen and eighteen of the Act of 1889 also made provisions for the creation of an Eastern Federal District Court. The southernmost section of the Choctaw and Chickasaw nations and the four northern counties of Texas comprised the jurisdiction of this court. Sitting in Paris, Texas, this court was assigned original jurisdiction in cases of crime committed within its boundary.¹³

The responsibility for curbing lawlessness in Indian Territory thus was shared jointly by the adjoining states of Kansas, Texas and Arkansas; they had jurisdiction over certain crimes originating in the Indian Territory from 1833 to 1895. The Federal District Court at Muskogee had only limited jurisdiction because it could not assess the death penalty or sentence offenders to hard labor. All these cases had to be tried in the Western District Court at Fort Smith, Arkansas.

Even with the limited jurisdiction of the Muskogee court, there was opposition to its creation at Fort Smith, Arkansas, Paris, Texas, and Wichita, Kansas. Citizens there feared a loss of revenue from the business of court sessions. Despite this stiff opposition, the United States Congress empowered the Muskogee court with complete jurisdic-

tion on September 1, 1895.¹⁴ Judge Parker lived to see his court at Fort Smith lose its jurisdiction over Indian Territory, but his great contribution to law on the frontier lives on. Issac C. Parker died on November 17, 1896, after twenty one years of service at Fort Smith.

The Curtis Act abolished all tribal government authority after July 1, 1898. All of the judicial authority over the inhabitants of Indian Territory thereby was invested in the courts of the United States.¹⁵ This brought to an end a unique phase of judicial history whereby a dual system of court authority existed within the sovereignty of a single independent nation.

The establishment of Oklahoma Territory in 1890 limited court jurisdiction in the Indian Territory to the land east of this new territory. The Congressional Act of March 2, 1895, provided for the appointment of additional judges to the courts in Indian Territory and for a division of the courts into three judicial districts. These districts were to be known as the northern, central, and southern districts. The jurisdiction of each district was carefully specified:

...The northern district shall consist of all Creek country, all of the Seminole country, all of the Cherokee country, all of the Cherokee country, all of the country occupied by the Indian tribes in the Quapaw Indian Agency, and the town site of Miami Townsite Company, and the places of holding courts, in said district shall be at Vinita, Miami, Tahlequah, and Muscogee.

The central district shall consist of all the Choctaw country, and the places of holding courts in said district shall be at South McAlester, Atoka, Antlers, and Cameron.

The southern district shall consist of all the Chickasaw country, and the places of holding courts in said district shall be at Ardmore, Purcell, Pauls Valley, Ryan, and Chickasha.¹⁶

Finally a fourth judicial district was authorized because of the

increase in the case load in the older districts. The western district was carved out of sections of the northern and central districts, the courts to meet at the town sites of Muskogee, Wagoner, Sapulpa, Wewoka, Eufaula, and Okmulgee.¹⁷

When sitting together, the three judges authorized under the Act of 1895, were to function as an Appeals Court with authority to review any decisions of the individual courts. This Appellate Court was to meet at South McAlester. Still a fourth judge was added on June 7, 1897. The volume of cases in these courts increased steadily until the Act of April 28, 1904, which allowed four additional judges to be appointed and added to each district. These four additional judges did not sit on the Court of Appeals, however.¹⁸

District courts continued to provide the administration necessary to insure justice, while the increasing population of the Territory prompted Congress and the courts to respond to the challenge of providing uniform law for every citizen. Considering the conditions and the circumstances of the frontier, the district courts more than met the challenge of providing justice and inspiring the confidence of law-abiding citizens of the Indian Territory until statehood.

FOOTNOTES

¹George H. Shirk, "The Judicial System of Oklahoma," Oklahoma Almanac and State Encyclopedia, 1961 Edition (Norman, 1960), p. 77.

²Ibid.

³Peters, The Public Statues at Large, Statue 1, Sections 24 and 25, Vol. 4, p. 733.

⁴Ibid., "Act of March 1, 1837," Statue 1, Section 1, Vol. 5, p. 147.

⁵Ibid., "Act of June 17, 1844," Statue 1, Section 1, Vol. 5, p. 680.

⁶Shirk, pp. 79.

⁷Bearss and Gibson, pp. 313-314.

⁸Ibid., pp. 319-320. Also see Dallas T. Herndon, Annals of Arkansas (Little Rock, 1947), Vol. 2, pp. 545-547.

⁹Peters, The Public Statues At Large, "Act of January 6, 1883," Vol. 22, p. 400.

¹⁰Ibid., "Act of March 3, 1891," Vol. 26, Section 4, p. 826.

¹¹Ibid., "Act of March 1, 1889," Vol. 25, p. 783.

¹²Grant Foreman, "Oklahoma's First Court," Chronicles of Oklahoma (December, 1935): pp. 457-464.

¹³Peters, The Public Statues At Large, "Act of March 1, 1889," Vol. 25, p. 786.

¹⁴Ibid., "Act of September 1, 1895," Vol. 26, p. 81.

¹⁵Ibid., "Act of July 1, 1898," Vol. 30, p. 495.

¹⁶Ibid., "Act of March 2, 1895," Vol. 28, p. 693-694.

¹⁷Shirk, p. 80.

¹⁸Ibid.

CHAPTER V

UNITED STATES DEPUTY MARSHALS

"There is properly no history, only biography," wrote Ralph Waldo Emerson in one of his essays. Yet what passes for history of necessity is an account of only a few of the individuals who once lived, for to record the biographical details of all humanity would be impossible--and all too often dull. In this "editing" that historians do--for such is part of the task of the historian--men have exercised their biases, both consciously and unconsciously. A good example of this process is the historiography of the last half of the nineteenth century. Many of the lawmen in Indian Territory were Black men who exemplified the true qualities of the frontiersmen at the cutting edge of civilization, yet today's television and movie screen, as well as the printed page, overlook this important breed of men.

Who were these men who served as United States Deputy Marshals, who enforced the law in a developing frontier country, and who provided protection for a reluctant citizenry and their property in the 74,000 square mile area called Indian Territory? The Chief Marshals were executives and provided leadership for an effective organization. They assigned the warrants or writs for arrests. The main function of the Marshal was to be an executive. Field service was the primary duty of the Deputy Marshal. He served in bad weather, in extreme cold and in stifling heat; this was part of the job. He carried weapons

because resisting arrest was standard among outlaws. A Deputy could expect violence in making an arrest, especially if the man was wanted for murder or any other crime punishable by death; then the criminal had nothing to lose. If the man escaped by killing the Deputy, then at least he lived to run another day.

The Deputy's salary was not an inducement to take the position because he did not receive a basic salary. His income was calculated on the fee system. The government allowed seventy-five cents a day to feed the prisoners and ten cents a mile for travel. When a Deputy killed a wanted man, he not only lost his fee but also had to pay burial expenses of the deceased.

Deputies from Fort Smith often rode to Fort Reno, Fort Sill, and Anadarko for prisoners--a distance of 400 miles. When a Deputy left Fort Smith to capture outlaws in the Territory he took a wagon, a cook, and a posseman, usually depending on what particular type of outlaw he was after. A posseman was paid \$3.00 a day, a guard drew \$2.00 a day, and the cook made \$20.00 a month. Deputies paid their own expenses and collected all the fees. The Deputy rode horseback and ranged far and wide from the wagon, which was his base of supplies and his prison.

Each wagon was equipped with heavy chains used to shackle prisoners with old-fashioned brads. At night all prisoners were shackled in pairs; the shackles then were passed through a ring in the long chain and one end of the chain locked around the real axle of the wagon. In this manner one man could handle thirty prisoners. Great precaution was taken to keep prisoners from getting a six-shooter. The guard and cook were never allowed to gamble with the prisoners for if they lost

the first thing that the prisoners would claim was a six-shooter. Every Deputy was allowed thirty days to make a trip from Fort Smith to Fort Sill and back again. If he had to stop for high water, he got paid for the delay.

The first eighty miles west of Fort Smith were known as the "dead lines." Whenever a Deputy from Fort Smith or Paris, Texas, crossed the Missouri, Kansas and Texas Railroad tracks, he took his life in his own hands. Nearly every trail was posted for certain Deputies; a warning on cards was nailed to trees declaring that these men would be killed if they crossed the "dead line."

A Deputy traveling west was not allowed to arrest an outlaw east of the M. K. & T. Railroad; instead he had to wait until he was making his return trip to arrest the criminal. However, if the Deputy caught a man one mile west of the M. K. & T. Tracks, he was entitled to arrest him and be paid for feeding and mileage both ways. In short, the Deputy received money to transport his prisoner the 300 miles west to Fort Sill and back again to Fort Smith.¹ Even with the better pay which came later, only a few Deputies could expect to make \$2,000 to \$2,500 a year. Finally, there were no retirement or insurance benefits included with the job.²

Since there was more danger and hazard than financial reward in being a Deputy, why did such men as Grant Johnson and Bass Reeves, outstanding lawmen, risk their lives to enforce the law in the Indian Territory from 1876 to 1907?³ What motivated these Black men to become Deputies? Perhaps it was the danger, because at different times in Reeves' career his reins were shot in two and the button shot off his coat. And there always was excitement; Grant Johnson once chased

a fugitive until the criminal's accurate shooting forced the Deputy to retreat toward town and safety.

Law enforcement was not much of a task near the fringe of the Territory. Both Indian and White had constant contact there, and the general relationship was cordial and law enforcement was good. However, the Indians in the interior of the Territory, the Creek and Seminoles, were at the mercy of the White outlaw and his gangs. They had come to regard most Whites, outlaws or Marshals, with the same suspicion and distrust. Yet both tribes had a great deal of contact with Black and found them more compatible. Moreover, there was a high percentage of marriages between Blacks and Creeks. The natives also respected courage and honesty above all else, and Blacks had these-- as well as a history of non-abuse of Indians. And Blacks like Reeves and Johnson, who was one-fourth Creek, spoke Creek fluently and knew other dialects well, were sought and hired to serve as Deputy Marshals.⁴

There were various reasons that drove men to the frontier: a few came for sheer love of the wilderness, while for others it was the quest for rich virgin land. For some it was the thrill of conquest and the ever-present danger that men of all ages and instincts have found so irresistible. Life was a day-to-day struggle, and the Black man and the Black law officer were driven by the same challenges that motivated other men. Deputies Grant Johnson and Bass Reeves were willing to take risks to have law and order established in Indian Territory.⁵

FOOTNOTES

¹Weekly Times Journal. (Oklahoma City) March 8, 1907, p. 6.

²Shirley, Heck Thomas: Frontier Marshal, pp. 41-42; 43. Also see Shirley, Law West of Fort Smith, pp. 45-49; and Kaye M. Teall, Black History in Oklahoma (Oklahoma City, 1971), p. 122.

³Shirley, Law West of Fort Smith, pp. 17-24.

⁴Frank Fronterhouse, "Bass Reeves: The Forgotten Man," pp. 21-22. Also see "Indian Pioneer History for Oklahoma," Grant Foreman, ed., (Unpublished manuscript, Oklahoma City, Oklahoma Historical Society), Vol. 2, p. 356.

⁵McKennon, Iron Men (Garden City, 1967), p. xi.

CHAPTER VI

"Yes, I knew Grant Johnson. He used to wear a large, wide brim white hat and rode a big bay horse with a black mane."¹

Western folklore holds that the lawman was the big fellow who wore the white hat. Grant Johnson was good, but small, and he wore a white hat with much pride. Physically there were men on the frontier who were small in physical stature--but men of Grant Johnson's caliber, action, and deeds made them king size.

The true Texan can be proud of Johnson, who handled a horse with a firm hand and always rode high in the saddle. No one knows just when he decided to head his horse north, touching him lightly with the sides of his boots. Some later said he drifted into the Indian Territory from Denison; others reasoned that he rode up from Sherman, while still others figured Bells or Bonham. There even were some who wagered their money on Paris. This speculation still goes on today about what part of north Texas Grant Johnson came from. Wherever it was, he did take up residence in the Indian country between 1880 and 1890.

Johnson often has been referred to as a mulatto, but his parentage would suggest that a more accurate description of his ancestral lineage was mestizo.² His father was Alex Johnson, a Chickasaw freedman, while his mother was a Creek freedwoman. This in part explained why he was referred to sometimes as the "Creek freedman Marshal."

He was a quiet, reserved man, one who gave the impression of being almost shy in the company of strangers. He had an easy-going manner and very delicate features. His cheek bones were high with a slightly broadened nose separating them. His firm, determined jaw gave balance to clear, brown fearless eyes, all framed on a light-brown face. Johnson's physical strength and fortitude belied his small-boned, medium built body; at one hundred and sixty pounds his physical appearance did not cause men to run in fear. But he was a dedicated man with a purpose, and a man of the frontier who had confidence in his ability to do a job well.

Johnson found the Indian country to his liking and settled down near Eufaula to inquire about employment. He soon found work with the Federal government as a lawman. The first commission that he received from the Western District Court at Fort Smith, Arkansas, was dated May 28, 1893. In this his performance of duty was outstanding. There were over two hundred marshals employed by the District Court at Fort Smith at one time or another, and sixty of these were killed in the line of duty during Judge Issac C. Parker's tenure from 1876 to 1896. When a man of Judge Parker's reputation described Grant Johnson in 1895 as one of the best United States Deputy Marshals that he had known or worked with in the Indian Territory, the statement had some merit. Marshal Johnson's last commission from Judge Parker's court was dated July, 1896.

Johnson's commission with Judge Parker's court was issued under authorization contained in the Congressional Act of 1895. This act created three District Courts in the Indian Territory. The first legislation that established courts in the Territory was the Act of

1889. The latter act gave the courts limited jurisdiction in judicial matters. The courts could not be assigned cases in civil suits involving more than \$100 and could not be involved in criminal cases that required the death penalty or sentences to hard labor. Under the Act of 1889 there still was a high volume of transporting prisoners to Fort Smith for trial. When the Act of 1895 went into effect, Johnson began his work from Eufaula because he was reassigned to the Northern District of Indian Territory where he remained until 1906.

Marshal Johnson made many trips to Fort Smith with wagons of criminals in tow. On one occasion he had a writ for the arrest of Amos McIntosh, who was charged with the murder of Lee Atkins. Atkins had been commissioned a Deputy Marshal, but was not killed in the performance of official duty. There was a question of which court would have jurisdiction in the case, for both McIntosh and Atkins were Creek Indians. Johnson held the writ for McIntosh's arrest for some time and was waiting for the right opportunity to apprehend him. He realized that McIntosh had been to Eufaula several times to shop. The Marshal's lack of haste and seeming non-interest in taking Amos McIntosh into custody lulled the killer into a sense of false security --his last mistake. McIntosh rode into Eufaula on a Monday, January 21, 1895, dismounted, and walked into the Grayson Brothers general store, where he purchased a shroud for his wife who had died the day before. Walking casually up to the counter, Johnson arrested McIntosh while he was paying for his purchase. The man surrendered quietly, after which the Marshal allowed McIntosh to attend his wife's funeral. On Wednesday morning, January 23, 1895, Johnson started toward Fort Smith with his prisoner.³

Being a Marshal was dangerous and full of quirks of nature. Very often the processes of the law and the enforcement of the law took very devious turns. During the first week of February, 1895, there was a train robbery at Blackstone. Wade Chamberlee, a White man about thirty years old with a known criminal past, was arrested at Verdigris Bottom. He was arraigned at the Muskogee Court for harboring outlaws. However, Chamberlee was released after his preliminary hearing; then new evidence was presented, and a Grand Jury indicted him on February 11, 1895. The next day he rode into town and had a long conversation with Marshal Johnson while neither man had any knowledge of the indictment. Later, Deputy Marshal George Lawson was given the writ for Chamberlee's arrest and asked Johnson if he knew the man well enough to point him out. After a good laugh over the incident, both Marshals arrested Chamberlee while he was taking a drink in one of Muskogee's finest saloons.⁴

In the early days the sale of illegal whiskey was one of the hardest laws to enforce in Indian Territory. Many frustrated United States Deputy Marshals used every possible method to make arrests, including planting liquor on the persons of immigrants and arresting them for the possession of illegal liquor in the Indian Territory. However, Johnson was never accused of using such methods. One hot summer afternoon Deputy Johnson did take Elijah Conger into his confidence and told him of his plan to catch the leader of an illegal whiskey business, a Mr. Cook, who lived near Eufaula. Conger arranged a big card game, invited Cook over, and asked him to bring plenty of whiskey to the game; Cook sent his sons to the game, and when Johnson rode up and knocked on the door thinking that Cook was present, the

boys heard the Deputy's voice through the door and ran. The Deputy caught them and then went to search their father's place. Conger and the others searched for Cook's whiskey while Johnson held Cook at gun point. Cook's friends, who conducted the search, failed to tell the Deputy about the whiskey hidden in the loft and the flour barrel, but Johnson took Cook to Fort Smith anyway. Both stayed for sixty days to await the trial. Cook was finally released because of insufficient evidence.⁵

Marshal Johnson's job did not always involve chasing whiskey peddlers. Some of the men he had to chase resented his company. Gunfights were a part of the job, and like all men--even a Marshal had a human side--Johnson was interested in self-preservation. Jake Stanley, an Indian outlaw, was a notorious thief in and around Eufaula. One evening in 1889 Stanley was seen leaving town in a stolen wagon. Moments later the Marshal was on horseback and in hot pursuit. Johnson soon caught up with Stanley, but the outlaw stopped and began shooting at Johnson from behind the wagon. Stanley knew that like some Marshals Johnson wore a breast plate so he aimed at Johnson's head. With the Marshal a sitting target shooting from the saddle, Stanley put two bullets through Johnson's hat; this convinced the Marshal to head back to Eufaula. A wounded pride heals--but holes in the head are permanent.⁶

The problem of illegal whiskey did not end with the peddlers; the drinkers had to be dealt with, too. Mrs. John Tiger drove a lively team of horses into Eufaula one spring day in 1890. Her husband, John had a few too many on the way to town, and when his wife stopped abruptly in front of a restaurant he was thrown against the forward

end of the wagon. He awakened from his drunken stupor and began shooting. Armed with a six shooter and a winchester, he killed three men and shot the waist buttons off of a youngster's pants. Tiger stopped shooting long enough to see Marshal Johnson running toward him; he turned to flee, he tripped over a small fence and shot at Johnson as he fell. The two men fired at each other from behind large trees as tree bark and gun powder filled the short distance between them. Finally the Marshal shot Tiger in the right arm and the wounded man surrendered.⁷

Law enforcement for the law officer was never simple and hardly ever easy. Grant spent many weary hours and even days in the saddle taking prisoners to Fort Smith for trial. Other hours were filled with serving writs or spending the nights on the trail of some outlaw. The Act of 1895 gave the Muskogee Court full judicial jurisdiction in Indian Territory, but the act itself did not make the laws easier to enforce; what it did do was reduce some of the odds for the Marshals.

For many years Johnson was the only law officer in the Eufaula area. At the turn of the century, when race relations was not exactly cordial even in the Indian Territory, Grant Johnson was a highly respected man. Most of the Whites surviving from that era commended the way he handled his duties and admired his personal carriage.⁸

There was little change in Johnson's devotion to duty at the turn of the century. He arrested John Shields, for example, on November 30, 1900; Shields was charged with the robbery of Charles Smith of Eufaula. Johnson took his prisoner to Muskogee, but without

sufficient evidence a conviction was not likely.⁹ But being a law officer often placed Johnson in a kill-or-be-killed situation. Death was always a possibility for a law officer. Some lawmen would shoot to kill; some even shot first--the questioning came later. But Johnson was the type of man who would rather wound a man than kill him, even in the line of duty. This serious and rather quiet man felt that life was a very dear gift to any man and used almost any peaceable method to arrest a criminal and cause the least injury humanly possible under the circumstance. Even at the height of the outlaw period, he only wounded one or two men. Johnson had the reputation of having arrested more men than any other Marshal in the Northern District.

Johnson would shoot when forced, however. For example, Frank Wilson and Wade Smith had a heated argument one Friday afternoon, September 6, 1901. Wilson, in a great burst of anger, shot at Smith, who ran for cover. Marshal Johnson rode after Wilson to arrest him for attempted murder. In their confrontation Wilson told Johnson, "I would die before I am arrested." The Marshal thereupon shot Wilson in the stomach. Meanwhile Smith had gone for his shotgun and followed the Marshal's trail. The irate Smith attempted to shoot Wilson with his shotgun as the wounded man laid on the ground. However, Frank Wilson died from his wounds the following Tuesday, September 10, 1901. Thus Wilson became the first man that Grant Johnson ever killed.¹⁰

The Snake Uprising caused concern in the Indian Territory. This reaction was against the Dawes Commission's attempts to register and divide the land into allotments. Marshal Johnson had arrested the rebellious leader, Chitto Harjo and twenty of his followers, because

there were writs issued for their arrests. On March 21, 1902, Johnson received instructions not to arrest any more of the members Snake Uprising government. They were to be allowed to come to Muskogee to enroll and file without further molestation.¹¹

Grant also worked well with other law officers. His work with Bass Reeves was a legend in the Indian Territory. He also teamed with Bud Ledbetter of Muskogee to capture Jim Tiger and "Fish" the Indian on December 8, 1904. This pair of Indian outlaws had killed Deputy Marshal E. Fink when he followed them on their whiskey expedition and ordered them to surrender. Tiger turned in his saddle, and his first shot killed Fink. In searching for the killers, Marshals arrested every pair of Indians they found at the railway station. When they finally captured Tiger and Fish, the Marshals told each that the other had confessed that he was innocent and the other guilty, whereupon both men confessed to the murder and were jailed to await their trial. Johnson and Ledbetter had done their work well.¹²

Johnson was a law officer of many talents. The Emancipation Day celebration was a big affair in Eufaula, and during one of these he showed his ability at public relations. The Black population always held two picnics--one at each end of town. Grant could not possibly be in both places at the same time, but he did own two horses, a black one and a white one. Early on the morning of the picnic he tied one horse to a tree at one end of town so it would be in full view of the crowd. When the festivities started later in the day, Grant rode to the other end of town and mingled with the crowd there. The people at the opposite end of town assumed that Grant was somewhere in the crowd with them because his horse was in plain sight of everyone; however,

he was actually at the other end of town keeping the peace in person. Needless to say, that was the quietest Emancipation Day held in Eufaula for many years.¹³

Johnson's signatures on his commissions attest to his excellent penmanship. And the manner in which he accomplished his assignments was evidence that he was not an ordinary man. Yet it was not what he did but how he accomplished his deeds that proved him to be an exceptional man. Muskogee and Eufaula were not that far apart, and trains ran to each city daily. Every good law officer took pride in his own area, and made an even greater effort to keep it peaceful. Under Johnson Eufaula was very quiet.

Not everyone liked Johnson, however; in fact, he had one notable quarrel with a fellow lawman. Bud Ledbetter and Johnson had worked together more than once and were always successful in their assignments. Both men were excellent law officers with years of experiences. But something happened between them that caused friction in their relationship; perhaps this came in the years between 1904 to 1906, for several incidents proved that such a situation existed. The most notable of these incidents started on one occasion when Bud Ledbetter arrived in Eufaula; in a few hours he had arrested several persons for gambling, and then he proceeded to raid a number of drug stores and destroyed all the whiskey that he seized in the raids. When Ledbetter had made his report and was satisfied that he had cleaned up Eufaula, he left for Muskogee. Meanwhile, Johnson was upset about the report and the vigorous activities of his fellow Deputy Marshal from Muskogee. He waited patiently and quietly for the afternoon train to Muskogee. Marshal Johnson arrived in Muskogee with vengeance on his

mind. He moved nonchalantly around the town staking out several gambling houses. In the course of the evening he raided four crap games and arrested twelve of the participants, taking them to jail. The local drug stores got a friendly visit from Johnson and lost some of their liquid merchandise without hope of compensation. Ledbetter either had broken some kind of code of ethics among the marshalling fraternity or else he had made Johnson mad. Whatever the cause, by the end of the evening Johnson had evened the score with Ledbetter for invading his bailwick and making arrests right under his nose. Grant Johnson's fierce pride may have cost him his job.¹⁴

On February 9, 1906, Johnson was informed by Marshal Leo Bennett at Muskogee that he would not be reappointed as United States Deputy Marshal. Bennett accused Johnson of being too lax in the suppression of bootlegging. There were those who felt that Johnson was not reappointed because of Ledbetter's influence in Muskogee and the ill feelings attributed to the raiding incidents in Eufaula and Muskogee. Whatever the real reasons behind his dismissal, the official announcement was what counted. Nevertheless, in his fifteen years as a Deputy Marshal Grant Johnson had a remarkable record as a lawman for his bravery during his years of service with the government and took great pride in protecting his district.¹⁵

Johnson's personal life produced moments that would make any father proud. His marriage brought one child, a son, John Johnson. John inherited his father's fierce pride. In World War I John won the Purple Heart in combat in France on May 12, 1918. This fine young man was a true hero in his father's image. John was discharged from the Army with the rank of Staff Sergeant. Grant was justly proud of his

son's accomplishments.¹⁶

When his commission as a Deputy Marshal expired, Johnson retired to a private life occasionally marked by violence. Robert Watson stabbed him in the neck at Bond Switch on October 4, 1909. Watson was arrested and jailed while Johnson started a slow recovery. He never did get another commission as United States Deputy Marshal.¹⁷

Johnson made a living as a Deputy Marshal, but it is doubtful if his was an above-average income on which to live. Some Marshals did make a fairly good living; Grant reportedly managed to earn only a meager living when he was a Marshal. The people of Eufaula and the Northern District owed him more than their thanks--many owed him their lives. The proud Johnson was employed for a number of years by the city of Eufaula as a policeman. His regular patrol was the Black section of the city where, as always, he kept the peace with a quite dignity. He was especially good at keeping the youngsters out of trouble, and they all respected him.

No man rides tall in the saddle forever, nor can he keep the peace without finding his own. This quiet hero died on April 9, 1929, and was buried near Eufaula in the Black cemetery.¹⁸ Perhaps there never will be a national Grant Johnson day, but his kind of story lives on. Johnson would never fit the romantic notion of the tall and charming hero from the Hollywood movie scripts. He did his job even if he was one of the good Black guys who happened to like a white hat.

FOOTNOTES

¹ Interview with David A. Wisner, May 23, 1973, who knew Grant Johnson as a boy on his father's farm near Wetumka, Oklahoma. Johnson stopped there on his way to Fort Smith with prisoners, generally to purchase meals for his prisoners and to spend the night camped nearby. Interview in the author's personal collection.

² Mestizo--Spanish term meaning a person of mixed parentage, Black and Indian parents. See John H. Franklin, From Slavery to Freedom (New York, 1969), pp. 115; 358. Also there was a Grant Johnson listed in the Creek Freedman Census and Index, whose parents were given as Monday and Dettiah Marshal. This could have been Grant Johnson from Eufaula, but the point is open to speculation. See Campbell's Abstract of Creek Freedman Census Cards and Index (Muskogee, 1915), p. 70.

³ Eufaula Indian Journal, January 25, 1895, p. 4.

⁴ Ibid., February 12, 1895, p. 1.

⁵ Interview with Elijah Conger, "Indian Pioneer History for Oklahoma," Vol. 2, pp. 200-201.

⁶ Ibid., Vol. 72, p. 364.

⁷ Ibid., Vol. 89, pp. 224-225.

⁸ Interview with Armand Gibson, May 24, 1973, about Grant Johnson's character. Also see Sue Sanders, Our Common Heritage (Garden City, 1939), p. 91.

⁹ Indian Journal, November 30, 1900, p. 6.

¹⁰ Ibid., September 6, 1901, p. 3.

¹¹ Ibid., March 21, 1902, p. 4. Also see Weekly Vinita Chieftain, February 20, 1902, p. 3.

¹² Chieftain, December 8, 1904, p. 1.

¹³ Interview with Gibson, May 24, 1973.

¹⁴ Indian Journal, August 9, 1904, p. 1. Also interview with Gibson, May 24, 1973. The fact that Bud Ledbetter was a Southerner perhaps indicated that the quarrel could have been because of a racial conflict. Yet they had worked together before on assignments and never

FOOTNOTES

had any problems that were made public; there is still much to know before it can be determined as a fact that either of the incidents at both Eufaula and Muskogee had any racial connection and if indeed Grant Johnson was dismissed either because of Ledbetter's influence or because of Johnson's being a Black man.

¹⁵Indian Journal, February 9, 1906, p. 1. See also the Muskogee Democrat, February 9, 1906, p. 3.

¹⁶Interview with Gibson, May 24, 1973.

¹⁷Muskogee Times Democrat, October 4, 1909, p. 4.

¹⁸Interview with Gibson, May 24, 1973.

CHAPTER VII

"Bass Reeves was a very big man, told jokes, was boastful and lusty, full of life and he wore a large black hat."

Few lawmen in the West could boast of as many years of service as Bass Reeves. He served thirty-two years as a Deputy Marshal under seven different United States Marshals from Arkansas to Texas, and he would die in the law enforcement business--from old age. Any man in law enforcement that long had to have more than just luck on his side; and Reeves had his skill with both the six-shooter and rifle. His draw was fast from the hip, and his shooting accurate. However, he preferred to take his time and aim at his target, cocking the hammer and squeezing the trigger of his weapon in one effortless movement. He seldom missed. Reeves' prowess with a rifle became such that he could not enter local shooting contests on holidays. A man with such a delicate touch with the six-shooter and rifle might have been expected to be less physically endowed.

Bass Reeves one of those men who was born big and just grew bigger. As an adult he stood well over six feet in height and weighed at least 200 pounds. A large-boned man with hulking shoulders, the sinewy arms of a black smith, and long muscular legs, he also had the slim waist and narrow hips indicative of long hours in the saddle. Reeves hands were tremendous; his big paws could almost cover a six-shooter, and the scar tissue on his bony knuckles was evidence that

he did not run away from a good fight--nor did he lose any. He was the frontier picture of a man, his oversized handlebar mustache almost dominating a large full head with a face that had a ready smile and black eyes. When this good-humored man laughed, it was deep and full-throated, and his face broke into a mass of wrinkles, for he had always enjoyed a good joke. His fluid moves and balance, with the strength of an ox and the mind of the fox, were a combination that meant jail for the outlaw and, sometimes, death for those who resisted arrest.²

Bass Reeves was born a slave near Paris, Lamar Country, Texas in 1824.³ As a lad he worked in the cotton fields, first as a water boy singing songs about outlaws, robberies, guns, and killings; later he worked along with his parents as a field hand. As all mothers do, Reeves' mother worried, but especially about his preoccupation with songs about desperados. Perhaps she had a premonition about her son.

In Texas at that time the field hand coveted the chance of being the master's companion. The attractions were simple: lightwork, frequent travel, and the possibility of freedom. Young Reeves served in this capacity until his mid-thirties. His physical appearance, good humor, and knowledge of firearms, plus his remarkable ability to evaluate people and size up a situation instantly made him an invaluable companion. Yet something happened between Bass and his young master during a game of cards, and Bass gave his owner a thrashing. However, the law provided that a slave could not strike his master under any circumstances--let alone beating him severely. To escape the inevitable death sentence, Reeves crossed the Red River into Indian Territory.⁴

Bass's flight into the wilds of the Indian country did not mean complete freedom, for there was always the chance of being hunted down and being captured. Perhaps it was his experiences as a fugitive that later made him so effective as a law officer. The years he spent among the Indians also made him fluent in several of their dialects; and he became familiar with the "lay of the land" in Indian country from hunting and hiding from slave catchers. Finally the Emancipation Proclamation of 1863 made Bass's freedom complete and with the stroke of a pen allowed him peace of mind.

No longer a fugitive, he left Indian country and bought a farm just outside Van Buren, Arkansas, where he began a new life as a farmer. To complete his new life, he married a pretty young lady from Texas. He and Jennie had ten children--an equal number of girls and boys. Life on his farm was prosperous, and the times were good.⁵

As joy and prosperity came to Reeves after the Civil War, Indian country changed in the opposite direction and showed little possibility of getting better. The criminal element that operated in the Indian country intimidated the Indians with their superior firearms and organization, and they ignored attempts by the federal government to enforce the law. Then came the appointment of Judge Isaac Parker to the bench of the Western District Court in 1875. Parker provided the leadership that attracted good dependable men. Why Reeves left a prosperous farm near Van Buren, Arkansas, and accepted a position as a United States Deputy Marshal is still debated; however, during the year 1875, Bass Reeves was one of the first men who rode for Judge Parker to take the law deep into the interior of the Indian country.

As he was one of the first Deputy Marshals to ride for Judge

Parker's Court and one of the most successful at bringing in criminals, much has been written about Bass Reeves--so much that some of the stories are questionable. Moreover, opinions are divided as to the type of man Bass Reeves was: a cold-blooded killer with a badge, or a frontiersman with an instinct for knowing when and with whom he could take liberties. The men he arrested were wanted for crimes ranging from murder to perjury. Even to suggest that Reeves was a psychopathic killer would be conjecture, for conclusive proof does not exist. Most of those who attached this label to Reeves were looking at the fact that he killed fourteen men over a thirty-two year career as a Deputy Marshal. However, he did arrest hundreds of prisoners and haul them into court at Fort Smith, Arkansas, Sherman, Texas, and Muskogee, Indian Territory, which is sufficient evidence to cast doubts on such charges.⁶

Deputy Reeves always believed there were three principles classes of outlaw: murderers, horse thieves, and bootleggers. All races and mixtures could be found in each class: full-blooded Indians, a mixture of Indian and Negro, and Whites. Some of them were residents who committed their crimes in the Indian Territory, while others were fleeing from the law in Texas, Kansas, Missouri, and other states.

In the early 1880s there were two principle trails leading from Denison, Texas, into the Indian country which were frequented by horse thieves and bootleggers. These were the Seminole and Pottowatomie Trails. The Pottowatomie Trail went by old Sasakwa and on toward Sacred Heart Mission. The Seminole were the bitter enemies of the Pottowatomies; because of this the two trails were almost parallel, and both tribes never used the same trail at the same time.

These trails also connected Fort Sill, Anadarko, and Fort Reno to each other. As Reeves rode these trails, he showed his quick reactions and was even a quicker thinker. For example, in 1884 he was riding the Seminole Trail looking for a gang of whiskey dealers when suddenly he was ambushed by the Brunter brothers. The word had gotten to the brothers that the Deputy was looking for them. He was made to dismount at gun point and told to keep his hands away from his gun. In the course of the conversation, Reeves showed the men the warrants for their arrests and wanted to know the date so that he could fill them in properly! The brothers thought that the Deputy was out of his mind and informed Reeves, "You are just nearly ready to turn in now;" but they were laughing too hard to be very alert. In a split second, or so it seemed, Reeves whipped out his six-shooter and killed two of the brothers; while he shot those two, he was holding the gun barrel of the third brother, who fired the gun three times. Reeves finally hit him in the head with his pistol, killing him instantly. There would be no fees to collect on three dead men, but there would be three fewer outlaws to plague the countryside.⁷

Every Deputy was on the fee system and had to take his chances at making a living. Generally a good Deputy could make a good living and big money. Bass said later that he never made less than four hundred dollars in fees and expense money annually, a good sum in those years. On several occasions he made more than his average. The first time was when he brought in sixteen prisoners from Mud Creek; for this he collected seven hundred dollars in fees at Fort Smith and ninety dollars in expenses. The Deputy's biggest payday ever in fees was the time he brought in seventeen prisoners from Comanche country to Fort

Smith. In fees and mileage alone he received more than nine hundred dollars.⁸ To make paydays as large as these consistent, a Deputy had to keep busy. Yet when there was a death in the process of an arrest and there was any doubt as to the circumstances, the Deputy had to stand trial for murder. Bass was always acquitted in the death of prisoners because he always was able to prove that his killings were in the line of duty.⁹

The most controversial story associated with Reeves' career was his murder trial of 1887. The Deputy Marshal was on an official assignment to the Indian Territory, in company with some hired helpers. While they were in camp, one of his possemen became angry with Reeves. In the heat of an argument, or immediately thereafter, the man expressed his anger by throwing a pan of hot grease on Reeves' pet dog. The furious, indignant, and cursing Reeves pulled his gun and killed the man, who fell forward into the camp fire. Reeves was so crazy with anger that he left the body in the fire until it was charred.¹⁰ In court Reeves denied parts of the story, but he still had to stand trial for murder. It cost him almost all of his savings to keep out of jail for the offense, before he was finally acquitted of the charge.

Not all of Reeves' assignment ended with such notoriety. When the Deputy tangled with Ned Christie, there were sparks all over the countryside. On November 27, 1890, Deputy Reeves, leading a posse, raided Ned Christie's home in the Flint District. Christie would not come out and surrender to the Deputy's posse, whereupon a gun battle erupted and lasted an hour. The Deputy, convinced that Ned would not come out, set the house on fire. As the house burned the posse

wounded one of the occupants whom everyone took to be Christie. As no one was seen leaving the burning building, all assumed that Christie had been wounded and had died in the flames. Later Christie was on the trail of crime again, and he swore that he would get even with Reeves and his posse for burning his house.¹¹

Reeves respected some of the men whom he was ordered to arrest. Once the Deputy said, "The bravest man I ever saw was Jim Webb a Mexican, that I killed in 1884 near Sacred Heart Mission."¹² At the time Reeves made this statement, he was at least in his seventies, for the year probably was 1893, not 1884. He was working for the District court at Paris, Texas, when he was assigned the writ for Webb's arrest. Jim Webb was a Texan from Brazos, but he had killed the owner of the ranch adjoining the one where he was employed in the southern portion of the Chickasaw Nation. With a helper named Wilson, Reeves rode to the Chickasaw country and out to the ranch where Webb worked. Bass had never seen Webb but had a good description of him from friends. Posing as cowboys, he and Wilson rode up to the ranch and asked for breakfast; Webb was suspicious but gave them food. While they were eating, Webb and his friend, Frank Smith, drew their guns. Bass and Wilson talked with the two men, who kept guns in their hands throughout the conversation.

After the meal Bass finally got a chance to whisper to Wilson that on his signal they would jump the two cowboys. Walking out of the kitchen to the breezeway, Bass sat on a bench and Webb stood over him with his gun still in his hand; Webb's friend did the same thing to Wilson. The Deputy kept wondering how he was going to arrest Webb without someone getting killed. It was at this moment that Webb's

attention drifted toward the far horizon, and Bass leaped at him wrapping one large hand around his neck. Webb's friend refused to drop his gun and was shot. Webb faced the court at Paris, and served some time in jail before he was released on bond and fled the Indian Territory.

About two years later Reeves got word that Webb was just across the Red River in the Chickasaw Nation. Webb was standing at the window of Jim Bywaters' General Store when he saw Reeves riding up. Webb jumped through the window on the opposite side of the store in an attempt to reach his horse. Bass heard the crash, rode around the building, and got between Webb and his horse. Webb ran into the open about 600 yards from Reeves, firing his winchester as he ran. A hail of lead met Reeves, cutting his reins in two and knocking a button off his coat before he could get off his horse. Reeves then drew his gun and shot Webb twice, Webb, running at Reeves as he fired, had shot four times; when he died, he was one hundred yards closer to Reeves. Before he died Webb told Reeves, "Give me your hand, Bass. You are a brave, brave man..."¹³ He also wanted Reeves to have his gun; Bass took his gun belt and boots as evidence that the warrant had been served.¹⁴

Very few men possessed Reeves devotion to duty and respect for the law. He did not know the meaning of the word fear and never showed any excitement under pressure. To him the supreme document was a writ or a warrant for arrest. No circumstances could cause him to deviate from serving this instrument of the court. This attitude extended even to his own family. He was assigned to the Northern District at Muskogee when he walked into Marshal Leo Bennett's office

and was told that there was a writ for one of his sons. Bennett wanted to know if he wanted someone else to serve it. Reeves looked Bennett in the eye and said, "Give me the writ." He arrested his own son, who was charged with the brutal murder of his young unfaithful wife. Reeves' son had been a hard-working young man who sought a better job too far away from his wife and home; for one act of unfaithfulness, he had forgiven her. The second time he beat his wife's lover, who finally managed to escape, within an inch of his life. While still full of anger and rage, young Reeves then killed his wife and ran away to the interior of the Indian Territory. Bass brought his son in after a two-week manhunt, and he was tried and sentenced to life imprisonment at Leavenworth, Kansas. The people of Muskogee, after hearing the full story, signed a petition in behalf of young Reeves; this, coupled with an excellent prison record, gained him a full pardon. He returned to Muskogee and became one of its best citizens.¹⁵

Bass was not a literate man, for he had no formal education. In order to serve warrants, he memorized them; he would associate the letters with the sounds of the names on the writs until he had them down in his memory. Many times when he arrested a man his inability to read presented problems when the criminal also could not read, Reeves would have to try to find someone who could read in order to be certain he had the right man. Amazingly, he generally made the right arrests.¹⁶

The rewards for capturing some criminals were quite large. This made some Deputies take chances. Reeves did not always use force to accomplish his objectives. During one of his frequent trips to the

interior of the Territory, Deputy Reeves designed the perfect plan to capture two outlaws with a \$5,000 reward offered for their arrest. He dressed as a tramp and walked twenty-eight miles to the home of the outlaws' mother. While begging for food and a place to stay for the night, he finally convinced the woman that he could be trusted. Later her two sons joined them, and they consented to share their room with the Deputy. The next ~~morning~~ the men discovered that he had handcuffed them while they slept. After a tasty breakfast he marched the outlaws twenty-eight miles to his camp with their mother trailing behind them for several miles, cursing Reeves with a steady barrage of foul names.¹⁷

Throughout his career he insisted that he had never started a fight or drew first blood in a fight. Reeves swore that he never had shot a man or at him until the other fellow started the fight; this, he swore, was true in all of the 14 deaths in which he was involved while he was a Marshal. On the eve of statehood Deputy Marshal Reeves was still as active as ever. He was making arrests and causing the criminals to make attempts on his life, hardly anything new. About 10 o'clock on the night of November 13, 1906, somewhere north of Wybark, Reeves was shot at while crossing under the railroad trestle. The assassin's bullet sent showers of splinters over Reeves' head. Bass ~~shot~~ from his buggy, but missed his assailant. Since he had writs for a large number of criminals in the area, Reeves felt he knew who had tried to kill him, but there was no hurry; he would get whoever did the shooting sooner or later.¹⁸

When Oklahoma became a state in 1907, United States Deputy Marshals no longer served in the same way in Oklahoma. But it was

law enforcement that Bass knew most about, and he used his knowledge after 1907 as a member of the Muskogee police force. By the age of eighty-three he was tired from the endless manhunts and sleeping on the cold ground, but he was proud and worked his own beat; this was from the Ritz Theater north to Fourth Street between the Court House and the Missouri, Kansas and Texas Railroad tracks. For the two years that he patrolled the area, his beat was without a crime of any kind.

In 1909, Bass Reeves became ill and was confined to his home at Courts and Fourth Streets. He died of Bright's Disease on January 12, 1910, at the age of eighty-six.¹⁹

The mark of this man was not that he died with his boots on, but what he did with them while he wore them. He was a big man who did a big job that had to be done. His contribution was too large to be remembered by just a few. To have a record without parallel in law enforcement history brushed aside is sad; a man who made so much history deserves much more from the historians' pens. Bass Reeves was a big Black man who wore a big black hat, and helped to write a magnificent chapter in the history of the American Southwest.

FOOTNOTES

¹ Interview with Mr. David A. Wisner, May 23, 1973. As a boy on his father's farm near Wetumka, Oklahoma, he knew Bass Reeves.

² Ibid. See Weekly Times Journal, March 8, 1907, p. 6. Also see Frank Fronterhouse, "Bass Reeves: The Forgotten Man," p. 1

³ Fronterhouse, p. 9. Also see Muskogee Phoenix, January 13, 1910. There is a contradiction as to where Bass Reeves was really born. Fronterhouse presents the best evidence that Texas was probably his place of birth.

⁴ Fronterhouse, pp. 4-11.

⁵ Ibid., p. 12.

⁶ Interview with Mrs. Kaye M. Teall, May 10, 1973, Oklahoma City, Oklahoma; she thinks that Reeves was a superior lawman and could not have been as bad as he has been reputed to be in some of the literature written about him. Interview with Mr. Armand Gibson, May 24, 1973, Wewoka, Oklahoma; he thinks from his research that Reeves was a man who took advantage of his badge to get away with killings; all the interviews that he had collected hold the same view.

⁷ Times Journal, March 8, 1907, p. 6

⁸ Ibid.

⁹ Weekly Vinita Chieftan, October 20, 1887, p. 3.

¹⁰ Times Journal, March 8, 1907 p. 6.

¹¹ Chieftain, November 27, 1890, p. 3.

¹² Times Journal, March 8, 1907, p. 6.

¹³ D. C. Gideon, Indian Territory (New York, 1901), p. 116.

¹⁴ Fronterhouse, pp. 24-30. Also see Times Journal, March 8, 1907, p. 6. Fronterhouse's account gives more details than the newspaper, but the basic story is the same.

¹⁵ Times Journal, March 8, 1907, p. 6. This carries a factual outline of the story concerning Reeves' son. Also see Fronterhouse, pp. 38-41, which gives the best account of the complete story and incidents.

FOOTNOTES

¹⁶ Teall, pp. 122-123.

¹⁷ Ibid., pp. 124-125.

¹⁸ Muskogee Times Democrat, November 13, 1906, p.

¹⁹ Fronterhouse, pp. 46-47. Also see Muskogee Phoenix, January 13, 1910.

CHAPTER VIII

CONCLUSION

The southwest is a vital part of the American Western heritage. One of the most important images that Americans hold sacred is that of the Western hero, especially the Southwestern lawman. This hero is generally pictured as a strong White male. Yet in the Indian Territory, which was the classic locale in the struggle to bring law and order to a wild frontier, and which was a part of the exciting history of the Southwest, many of the law bringers were Black men. Too few people are aware of the contributions of the Black peace officers.

There were many United States Deputy Marshals in the Indian country between 1875 and 1907. Most of these Black lawmen were assigned or hired for duty in the Indian Territory because Blacks generally had more acceptability to the Indians than did Whites. Perhaps the major reasons why Blacks were used was their lack of abusive history toward Indians; Blacks also spoke most of the Indians languages and dialects; moreover, Indians had a long association with Blacks from their experiences east of the Mississippi, especially the Creeks and Seminoles. The compatibility factor made the Black law officer very effective in the interior of the Indian country.

However, the complete list of Black United States Deputy Marshals may never be known, because there were no separate federal records and

the race of the men who served as Marshals and Deputies was not recorded. The records of those who are known show that most had long and distinguished years of service as law officers.

Neither is it known just how much influence Southern sentiment or the many ex-Confederates in public offices had on the appointment of Blacks to the position of United States Marshal or even the general acceptance of Blacks to the position of United States Deputy Marshals. Yet in all the years that Blacks served as United States Deputy Marshals in Indian Territory, there were never a rumor or the slightest mention of the appointment of a Black man as a United States Marshal. A Federal Marshal's job or appointment meant Black prestige and authority; at least it implied the ability to generate political patronage.

This period has been overlooked as to its significant in history, for in no other time did Blacks play such an active and meaningful role in civil law enforcement. It was the duty of the Black lawman to arrest criminal--Red, Black, and White. At this moment in history the racial relationship in the United States had reached a critical point, there existed in the Indian Territory a unique situation that had no precedence in the annals of American history--a large contingency of Black law officers who served the entire community.

After statehood, however, the composition of the population of the Indian Territory changed, and Whites became the majority resident of the Territory. The positions of United States Marshals and Deputy Marshals were discontinued. The state law agencies hired few if any Blacks as law officers beginning with statehood in 1907. Once again civilization was plagued with racism in the land--the last frontier--

where it was thought that any man could reach and expect, or at least be offered, a share of the American dream. Thus, the daring deeds and even the lives of the Black law officers who helped to make the frontier safe for civilization have had most of their contributions overshadowed by the larger-than-legend hero who had to be White.

If the lives of men such as Grant Johnson and Bass Reeves are representative of the Black lawmen's abilities, the state of Oklahoma lost more that it gained through a policy of excluding Blacks from police work in any significant numbers. Moreover, these heroic Black lawmen deserve better than obscurity for their great contribution to the stable growth of Oklahoma. Theirs was an exciting, proud accomplishment for which all Oklahomans--Black, White, and Red--can be thankful. If the verdict of history is just, these men will be given their proper place of honor on the roll of great pioneer lawmen.

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APPENDIX

AUTHENTIC DOCUMENTATIONS
OF BLACK UNITED STATES MARSHALS
IN THE INDIAN TERRITORY

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D.C. 20408



DATE: November 28, 1972
REPLY TO: NNFL
ATTN OF:
SUBJECT: Black law officers in the 1880's and 1890's (Your letter of November 6, 1972)

Mr. Nudie E. Williams
Department of History
Oklahoma State University
Stillwater, OK 74074

We have no separate collection of papers relating to black law officers in Indian Territory and the nation as a whole for the 1880's and 1890's.

We have, however, previously identified some documents relating to Bass Reeves who served as Deputy United States Marshal in the Northern and Western Districts of Indian Territory. Department of Justice Year File No. 15743/1897 contains Reeves' oaths of office (October 1897, January 1902, and February 1906). The file also includes reports by the Marshal which give detailed accounts of the deputies' activities, including those of Reeves.

The records of the Department of Justice also include several volumes, Fees and Expenses of Marshals and Deputies, in which are tabulated each deputy's gross fees earned, travel and subsistence expense, and the deputy's share of fees payable. Accounts of Bass Reeves, Robert Fortune and Grant Johnson for 1897-1899 are included. Grant Johnson served in the Northern District of Indian Territory, and Robert Fortune was located in the Central District.

The documents, among the Department of Justice and the U.S. General Accounting Office records, that relate to deputy United States marshals are not indexed, and it would not be feasible for us to examine all of these voluminous records for information about individual deputies. We would be pleased to make the pertinent records available to you in our research room at your convenience.

Sincerely,

Mark G. Eckhoff
MARK G. ECKHOFF
Chief

Legislative, Judicial and
Fiscal Branch
Civil Archives Division

Keep Freedom in Your Future With U.S. Savings Bonds

Form No. 10.

DEPUTY U. S. MARSHAL'S OATH OF OFFICE.

North District of *Ind. Terr.*

I, *Grant Johnson*, do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the *Western* District of *Indiana Territory*, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of Deputy United States Marshal of the *Western* District of *Indiana Territory*, during my continuance in said office; and take only my lawful fees; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter: So HELP ME GOD.

DUPLICATE

Grant Johnson

Sworn to and subscribed before me, this *12* day of

April, 189*7*.

M. J. Ferris
W. P. Connor

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DEPUTY U. S. MARSHAL'S OATH OF OFFICE.

NORTHERN *District of* Ind'n Territory.

I Bas Reeves, do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the NORTHERN District of Ind'n Territory., under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of Deputy United States Marshal of the NORTHERN *District of* Ind'n Territory., during my continuance in said office, and take only my lawful fees; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter: SO HELP ME GOD.

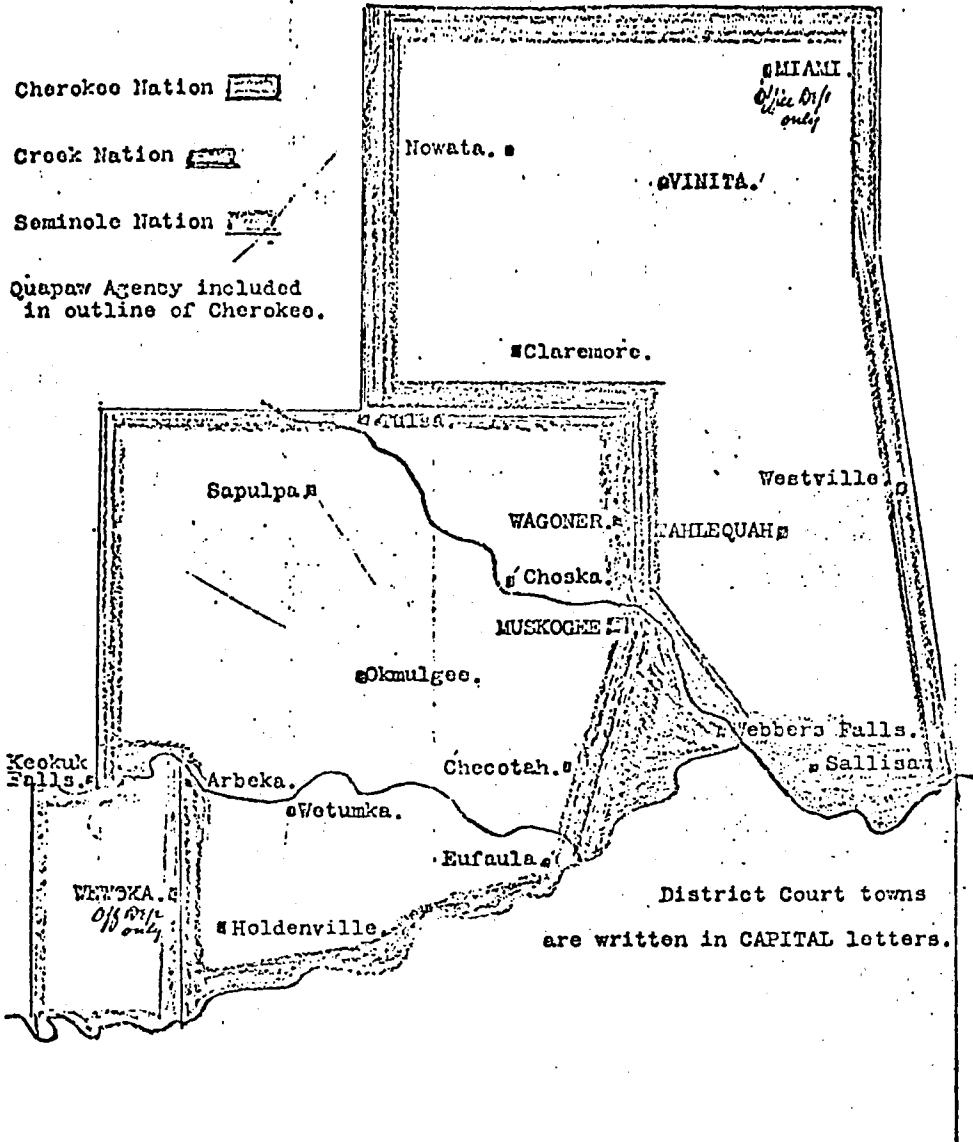
witness to me,
A. A. McDonald,

his
Bas Reeves
sworn

Sworn to and subscribed before me, this 1st day of April, 1898.

Jacobson Clerk
By N. Young

OUTLINE OF NORTHERN DISTRICT OF INDIAN TERRITORY, SHOWING HEADQUARTERS
OF DEPUTY U.S. MARSHALS.



From the National Archives and Records Service, Washington, D.C.;
courtesy of Kaye M. Teall.

U. S. DEPUTY MARSHALS

Eastern District, 1891

Geo. M. Bennett, Marshal (dead)
 W. M. Hubbard, Deputy
 H. G. Fleming, Deputy (dead)
 J. E. Locketter, Deputy
 H. L. Tandal, Deputy
 J. S. Gillison, Deputy (dead)
 J. H. Wiley, Deputy (dead)
 Geo. C. Gibson, Deputy
 John W. Canary, Deputy
 H. F. Wooten, Deputy
 David H. Coulter, Deputy
 F. W. Hubbs, Deputy
 Geo. W. Bannath, Deputy (dead)
 Chester E. Fleming, Deputy
 Paul C. Williams, Deputy
 David Adams, Deputy (dead)
 Geo. L. Loomis, Deputy (dead)
Grant Johnson, Deputy (dead)
Bass Reeves, Deputy (dead)
 H. F. Jones, Deputy
 J. S. Wiley, Deputy
 John Condon, Deputy
 H. L. Proctor, Deputy (dead)
 General Dunlap, Deputy (dead)
 G. M. Cook, Deputy
 H. Smith, Deputy (dead)
 J. S. Conner, Deputy (dead)
 V. Hughes, Deputy
 H. L. Peoby, Deputy (dead)
 Jas. M. Garrett, Deputy
 L. D. Whelan, Deputy
 F. A. Thompson, Deputy (connected with the police dept. at Tulsa)
 Charles Wilson, Deputy
 Bob Russell, Deputy (connected with the police dept. at Tulsa)
 Red Moss, Deputy

United States Deputy Marshals

Reunion and Memorial Service:

From list prepared by E.H. Hubbard of Muskogee

one of the oldest living U.S. Deputy Marshals,

October 8, 1908.

LIBRARY
 OKLAHOMA HISTORICAL SOCIETY

Courtesy of the Oklahoma Historical Society Library;
 Oklahoma City, Oklahoma.

VITA

Nudie Eugene Williams

Candidate for the Degree of
Master of Arts

Thesis: A HISTORY OF THE AMERICAN SOUTHWEST BLACK UNITED STATES
DEPUTY MARSHALS IN THE INDIAN TERRITORY 1875 - 1907

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Professional Organization: Member of Phi Alpha Theta Historical
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