

## THE LIGHT-HORSE IN THE INDIAN TERRITORY

BY CAROLYN THOMAS FOREMAN

The term "light-horse" is a familiar one in connection with "Light-Horse Harry," a nickname conferred upon General Henry Lee, because of the great rapidity of his cavalry movements during the Revolutionary War\* This expression was a common one in the Indian Territory where the Five Civilized Tribes were equipped with a body of men known as the "light-horse," who served as a mounted police force. The name appears frequently in the law books of the different nations as acts were passed directing the organization of such bodies of men to carry out the laws, the length of terms they were to serve, the funds appropriated to pay for their services, the number of men in each body and the captains who commanded them. The light-horsemen were given considerable latitude in enforcing the judgments of the court as much reliance was placed upon their discretion.

On February 23, 1839, Hon. A. H. Sevier of Arkansas delivered a speech in the United States Senate in which he quoted the Reverend Isaac McCoy who in writing of the Choctaws had asserted that two judges belong to each of the four districts in their nation west in the Indian Territory, and that "Two officers, denominated light-horsemen, in each district, perform the duties of sheriffs. A company of six or seven, denominated light-horsemen, the leader of whom is styled Captain, constitute a national corps of regulators, to prevent infractions of the law, and to bring to justice offenders."<sup>1</sup>

### CHEROKEE LIGHT-HORSE

"In 1808 the chiefs and warriors of the Cherokees passed an act appointing 'regulators,' 'who were authorized to suppress horse-stealing and robbery,' to 'protect the widows and orphans,' and kill any accused person resisting their authority."<sup>2</sup> These regulators were evidently the forerunners of the light-horsemen.

Major George Lowrey who was born at Tohskeege in the old Cherokee Nation about 1770, was a captain of one of the first companies of light-horse appointed to enforce the laws in 1808 and 1810. He was one of the most useful and distinguished members of

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\* According to Webster's Dictionary, a light-horseman is a soldier of the light cavalry which was lightly armed, equipped, or horsed, and so was especially mobile.

<sup>1</sup> Isaac McCoy, *History of Baptist Indian Missions* (Washington, 1840), p. 606.

<sup>2</sup> *Annual Report of the Commissioner of Indian Affairs*, 1887, p. 100. The above quotation is from the report of Robert L. Owen, Union Agency, Muscogee, Indian Territory, September 1, 1887.

the "Old Settler" faction; he held several tribal offices and served as assistant principal chief for many years. He died October 20, 1852 and was buried in the Tahlequah cemetery.<sup>3</sup>

During the enforced migration of the Cherokees in 1839 the people inhabiting the states through which the Indians passed over charged for all commodities sold to the red men. They had heard that the Indians had profited largely from the sale of their lands to the government and they found that by selling them whisky they were able to get possession of the greater part of their money. The light-horse proved their worth during the removal to the Indian Territory by helping to prevent the sale of liquor and resulting fights.

In the years 1839-40, Mr. John Alexander of Philadelphia, a merchant and officer in the Foreign Missionary Society left Philadelphia to visit the Cherokee Nation in the Indian Territory west of the Mississippi. He kept a journal and the following note concerning a killing was inserted in the back of the diary. "A scholar of Dick Johnsons school Dave Miller<sup>4</sup> killed John Philips who was executed by cutting his throat with a bowie knife. Miller was convicted and chose to be stabbed to death. The officer called the 'light-horse' executed him accordingly. The light-horse acts in such cases as our sheriff consists of an executioner and 8 or 10 men."<sup>5</sup>

The *Cherokee Advocate*, the Indian newspaper published at Tahlequah, reported November 13, 1845, that the National Council had passed a bill organizing a light-horse company which was to be composed of a captain, lieutenant, and twenty-four horsemen. Their duty was to pursue, and arrest, all fugitives from justice. "In the present condition of affairs, such a company is absolutely demanded . . . . The Assistant Principal Chief George Lowrey approved the

<sup>3</sup> Grant Foreman, *The Five Civilized Tribes* (Norman, 1934), p. 303, n. 10; T. L. Ballenger, *Around Tahlequah Council Fires* (Muskogee, 1935), p. 97; *Indian Advocate*, January, 1853, p. 3, col. 1.

<sup>4</sup> Commissioner of Indian Affairs Elbert Herring directed Montfort Stokes, sub-agent of the Cherokees at Fort Gibson, to send David Miller and two other Cherokee lads to the Choctaw Academy in Kentucky. In reply Stokes wrote on June 30, 1836:

"The three boys needed clothing suitable for the journey and I have expended thirty dollars for each of them, for that purpose." Two days later Stokes wrote that he had been busily employed in fitting out the boys and that "The mother of the boy David Miller has married a second time, and the boy has been somewhat neglected, and straggling about, in bad company, so that I had some difficulty in getting him. I think it is a fortunate circumstance that he has gone to a respectable school."—Carolyn Thomas Foreman, *Chronicles of Oklahoma*, "The Choctaw Academy," Vol. X, No. 1 (March, 1932), pp. 97, 86.

In the superintendent's report from the Choctaw Academy for 1838, David Miller's age was given as sixteen.

<sup>5</sup> Typescript in Grant Foreman Collection.

bill, and appointed Robert Brown, first, and John W. Brown, second in command, both men of nerve and energy."<sup>6</sup>

The Old Testament law of an eye for an eye was the aboriginal Cherokee moral code. As they progressed and came in contact with the white man they renounced that law and in 1810 set up a police force known as the "Light-horse Guard" with a system of courts to administer justice.<sup>7</sup>

The Reverend Daniel S. Butrick had many interesting experiences among the Cherokees, and he kept a meticulous account of his sojourn in the nation. On one occasion he met up with the Light-horse Guard as they were tying a convicted felon to a tree to flog him for stealing. The missionary observed how orderly the affair was, how well clothed and intelligent the guard seemed to be; but a few hours later his opinion was changed when the same guard, then beastly drunk, burst into the home where Butrick was staying and horse-whipped his unoffending host.<sup>8</sup>

Among the Cherokees whipping was the punishment for all inferior crimes in the early days and the executioners were the "Light-horse," which was a kind of police guard. In later years their place was supplied by a "High Sheriff" and *posse*.<sup>9</sup>

In November, 1845 the *Cherokee Advocate* was aroused over articles appearing in western Arkansas newspapers regarding the killing of James Starr and Suel Rider. One whole page in the edition of November 27 was devoted to the subject. In a long letter signed "Citizen" the case was set forth in the following words:

... If the killing of Starr and Rider is a party affair, and we see how anxious their friends wish it to be so understood, they certainly will admit that all the murders and outrages committed by the Starrs and their connexion was also a party affair. It is a bad rule that does not work both ways.

Now are those who have fled across the line or any of them prepared to say that the murder of Charles Thornton was a *party move*? was the recent and inhuman butchery of Crawford and A-to-la-hee, and the attempt on Mr. Meigs' life and the burning of his residence a *party affair*? It is well known that the perpetrators of these and numerous other crimes belong to the "Treaty party," but the authorities of the Nation and the people have never held the party responsible, nor do they now. It is a miserable expedient of reckless men to subserve sinister purposes at the expense of the peace and character of their own race . . . . When did the Treaty party or those who now claim so much for them of right, purity, and protection, ever attempt to aid in the arrest of the notorious banditti who have long escaped punishment? . . . .

<sup>6</sup> Robert Brown was sheriff of Illinois District in 1849 and John W. Brown filled that office in 1855.

<sup>7</sup> Marion L. Starkey, *The Cherokee Nation* (New York, 1946), p. 7.

<sup>8</sup> *Ibid.*, pp. 57, 58.

<sup>9</sup> Josiah Gregg, *Commerce of the Prairies* (Philadelphia, 1855), pp. 265, 266.

General Matthew Arbuckle from his Headquarters, 2d Military Department at Fort Smith wrote to Acting Chief George Lowrey on November 15, 1845 that he had "received intelligence of the recent commotion in the Flint District of your nation." He had sent Major B. L. E. Bonneville, "an officer of rank and experience," to the scene of the disturbance and he learned from his report

. . . . that the murder of Starr and Rider, and the wounding of two of Starr's sons, and the consequence of disturbance in the Cherokee nation, have resulted, directly or indirectly, from Resolutions of the National Council, or orders issued in pursuance thereof.

It appears from the evidence in my possession (acknowledged to be correct by the Captain and Lieutenant of the Light Horse Company which committed the murders,) that no resistance was made on the part of any of the victims; in fact, nothing was done in the remotest degree to justify these outrageous proceedings. That a lad of 12 or 13 years of age, was pursued and dangerously, if not mortally wounded, proves that the Police must have had some other object in view besides the vindication of the laws.—Agreeably to the law, Resisting or aiding, or abetting &c., only authorized the Light Horse to take violent measures. No resistance was offered, yet the Light Horse went to the extreme of committing murder, in violation of the very law of the nation, under which they claimed to be acting . . . . .

The result of these proceedings has been to drive from their homes, more than 100 men. From the reckless proceedings of the Light Horse, or Police, they fear, I think very justly, to return, having no guarantee, however innocent they may be, that they may not fall victims, like their friends, to the illegal and savage acts of an armed and irresponsible body . . . . .

After a scathing diatribe against the affairs in the nation, Arbuckle continued:

The Light Horse must be disbanded at once, and the persons concerned in the murder of James Starr and Rider, arrested. Nothing short of this would be becoming a country of law; the guilty individuals must be tried for murder; otherwise the Cherokees must cease to think they lived under a government of law.

The peace of the Cherokee nation must be secured; . . . . I have already sent a company of Dragoons to the disturbed District, for the purpose of preserving order . . . . .

I desire you will submit this communication to the National Council, and inform me, as soon as may be, of the measures taken to secure peace to the nation.

Acting Chief Lowrey, on November 26, 1845 addressed a letter to Colonel James McKissick, Cherokee Agent, in which he wrote:

. . . . The information communicated to Gen. Arbuckle, must have been entirely exparte and incorrect, to have authorized the harsh terms in which his letter abounds. There is no wish on our part to enter into a correspondence or controversy with the Gen. on the subject, and we are content to pursue the hitherto usual and long established medium of communication through the U. S. Agent.

The object, therefore, of this, is to furnish you with sound information as may be deemed necessary in vindication of the authorities of the nation, from the unmerited aspersions of Gen. Arbuckle.

The assertion of the killing of Starr and Rider, and wounding of others, resulted from Resolutions of the National Council, or orders issued in pursuance thereof, is entirely groundless. No 'Resolution' or 'orders' have emanated from any such source for that purpose, or which have even led indirectly to the act.

The charge against the Light Horse is equally unfounded. There is but one such company in the nation, and the act for their organization was passed on Saturday the 8th of November, 1845. On Sunday morning the 9th, Starr and Rider were killed, and others wounded. On Tuesday the 11th, the Captain and Lieutenant of the Light Horse Company were appointed, and commissioned, and learning the excited state of feeling in Flint, they repaired thither with some ten or twelve men, hastily collected, and where they arrived on Wednesday the 12th, three days after Starr and Rider's death.

The law organizing Police companies, expired by limitation, on the 15th day of last October, since which time there has been no such authority in the country. The Light Horse have committed no murder.—The 'Police' have committed none, and the homily read to us by Gen. A., on that hypothesis, and "their reckless goings" might well have been reserved for a more fitting occasion . . . . .

There is sufficient moral virtue among the Cherokees to recover from these disturbances, if left to the free exercise of their rightful prerogatives.

In reference to the refugees who have fled into the State, it may be proper to say, they left on their own accord, and can return of their own accord. There is no evidence that the danger from which they fled is more than imaginary.

The committee of investigation appointed by Chief Lowrey was composed of George Hicks, Stephen Foreman, John Thorn, and William Shorey Coodey. From years of research it appears to the writer that no men of higher standing in the nation could have been selected to carry out the unpleasant task. The committee's report was dated Tahlequah, November 25, 1845 and states that committee members proceeded to Flint District on November 18,

. . . . to use our best exertions to allay the excitement produced in that section, by the late outrages, at and near Mr. Meig's and the consequent death of Starr & Rider.

In order to make our statement plain, it will be proper to premise, that on Saturday night the 2d Inst. a number of men, among whom, were Thomas Starr, Ellis Starr, Washington Starr, Suel or Ellis Rider and Ellis West, came to the house of Mr. R. J. Meigs, presented a number of guns through a window, and demanded admittance. Mr. Meigs escaped through a back door, but was shot at, by one of the party, as he passed. They then fired the house; and everything, but the brick walls, was reduced to ashes . . . . .

This produced great excitement and alarm among the citizens. On the Tuesday evening following, the bodies of two Cherokees were found, about a mile from Mr. Meig's house, murdered and mangled, by the same miscreants, in a manner too horrible to be described. These things, in addition to, at least, sixteen other murders, committed by these persons, . . . roused the feelings of our citizens to an extreme pitch of exasperation; and a number of persons formed themselves into a company to pursue the murderers. They went in search of them to their usual places of resort; the residence

of the Starrs, and Riders. The result was the death of James Starr and Suel or Ellis Rider, and the wounding of Washington and Buck or William Starr, sons of James Starr.

The company, not finding, all the individuals, known to have been concerned in the perpetration of these atrocities, assembled at Samuel Downing's to defend themselves, in case of an attack from them or their accomplices . . . . .

On our arrival at the Downing's, near Evansville [Arkansas], we learned that the number of persons in arms, had been greatly exaggerated. Instead of two or three hundred, we found but about fifty, and that the number has at no time exceeded sixty.

. . . . . Soon after we reached Downing's, the U. States Agent came . . . . . [He] appeared anxious that those who had fled across the line should return and said he would see as many of them as he could and meet us again at 10 o'clock the following day, at W. S. Adair's, for further conference. He also informed us that the U. States Troops had not been ordered out, by any complaints or requests of his, but at the instance of some individuals at Evansville and vicinity, whose names he did not mention.

After a friendly address to the people, interpreted by Judge Foreman, he departed, apparently much pleased with the events of the day . . . . .

On the following day, we met the Agent, as agreed upon, a number of Cherokees being in attendance. He said that he had seen many of those who had fled across the line, and that they appeared hard to convince. We told him that we had done all we could, and would now return to Tahlequah. [The people] "were striving to make this a party affair for effect - - that they were invoking the sympathy and aid of the Whites, by false statements, and endeavoring to seduce, by false reports, as many as possible of our people, to leave their homes and join them, merely for the purpose of giving some character or plausibility to their denunciations of the Cherokee Authorities and that we had no power to lay the National Authorities at their feet."

The *Cherokee Advocate*, January 8, 1846, contains an account of a killing by some members of the light-horse:

In their opinion, in the discharge of their official duties, to shoot down, on the evening of (December 28, 1845), Charles Smith, a native of the country.

A number of Cherokees had met at the home of Joseph Bowlin, on Caney Creek, Tahlequah District, for the purpose of having a dance. Among others present were John M. Brown, a young grandson of Major Lowrey, and Charles Smith, son of Archilla Smith<sup>10</sup> who was executed years ago for murder.

During the night [Charles] Smith made an assault on Brown, with the declared intention of killing him, and stabbed him with a bowie knife three or four times, severely and mortally it was supposed at the time, because Brown formed one of the party a year ago, that pursued, and captured his friend Bean Starr, a brother of the outlaw Tom Starr, and one of the persons implicated in the Vore Tragedy.

As soon as this affair became known to Capt. John W. Brown, of one of the Light Horse companies, he took with him several men, and went in pursuit of Smith, for the purpose of arresting him, being under the im-

<sup>10</sup> Grant Foreman, *Indian Justice* (Oklahoma City, 1934).

pression that young Brown would probably die of the wounds he had received. He found Smith at the house of his mother, who was absent, in bed, and requested him to go with him as an officer of the Law, but as he hesitated some time, the Captain took him by the hand and raised him off of the bed. He then jerked loose from him, and was taken by the arms by a couple of the men and conducted out of the house towards their horses; but they had proceeded only a few paces when he tore himself loose and seizing (*sic*) hold of the Captain's gun, attempted to wrest it from his hands and offered resistance. While thus engaged he was shot four times and killed dead. The Capt. of the Company expresses an entire willingness that the whole affair should be investigated, feeling confident that his conduct was justifiable under the circumstances of the case.<sup>11</sup>

Ecooe and Barrow were arrested a few days ago by the Light Horse, and are now under guard at this place Tahlequah awaiting a trial upon charges growing out of disclosures, which implicate them in a conspiracy with the "outlaws" and others to murder several men in the nation, and to which the late Ta-ka-to-ka<sup>12</sup> fell a victim.<sup>13</sup>

The *Cherokee Advocate* on April 2, 1846 printed an account of the arrest in Flint District by the Light-Horse of "a Cherokee named White-Killer, who had in his possession a stolen horse with which he was making his way for the State. They started with him to deliver him to the sheriff, but while on the way he jumped from behind the man he was riding with, and attempted to make his escape on foot, being at the time near a dense thicket, when he was shot."

The paper expressed the hope that the light-horse would be careful in disposing of human life, "and never, except under the most extreme necessity, however exciting the times may be, be guilty of depriving any man of it . . . . We make these remarks without having any reference to the case in hand, because the recent outrages have created much feeling and the times therefore, demand the utmost prudence from the citizens and particularly from the officers."

Conditions became so bad along the Arkansas border where the bandits had taken refuge that the Dragoons were sent from Fort Gibson to handle the situation and the Light-Horse were no longer mentioned in the *Cherokee Advocate* during 1846.

In his report to A. B. Greenwood, Commissioner of Indian affairs, in 1859, Elias Rector wrote:<sup>14</sup>

<sup>11</sup> *Cherokee Advocate*, January 8, 1846, p. 3, col. 3.

<sup>12</sup> Wheeler Faught was hung in Going Snake District on March 30, 1846 for the murder with others of Ta-ka-to-ka. Before his execution he confessed his guilt and named the men who murdered Ta-ka-to-ka. Sheriff Benjamin Vann conducted the execution. Faught stated that those concerned with the murder were Tom, Ellis, Jim, Sam, William and Washington Starr, John Rider, James Taylor, and a white man named Madison Gerring (*Cherokee Advocate*, April 2, 1846, p. 3, cols. 3, 4).

<sup>13</sup> *Ibid.*, March 19, 1846, p. 3, col. 1.

<sup>14</sup> *Report 1859*, Commissioner Indian Affairs, p. 536.

It is singular that the idea has never suggested itself to the War Department to raise a force of young men from the Cherokees, Creeks, Shawnees, Kickapoos, Delawares and others in the southwestern frontier, to be officered by the United States, and to serve as light troops on the frontier.

I imagine that no Zouaves are a more efficient force than these could be made; they would be cheaper than the others, and perfectly protect the frontier, and be entirely obedient to discipline; and the plan would give employment to a class of persons, who, having little to occupy them, are always in danger of falling into vicious habits; and who, in serving the United States, would soon come to look upon themselves as identified with us. For the particular service required, no thousand men in any army would do as much service as five hundred of these.

Joseph Seabolt, councilor for the Sequoyah District, presented an account to the nation for services of the Light-horse Company during 1861-1862; he certified that the bill had not been rendered because of the Civil War:

To

George Proctor, for services as Captain for one year.....	\$ 60.00
Joseph Seabolt                      Lieutenant                      "                      "                      .....	55.00
Richard Seabolt                      "                      Private                      "                      "                      .....	40.00
Scatter                      "                      Private                      "                      "                      .....	40.00
Geo. Tee-hee <sup>15</sup> "                      Private                      "                      "                      .....	40.00
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\$235.00	

The National Council appropriated the above amount out of a sum set apart, under the twenty-third article of the Treaty of July 19, 1866, to "pay the outstanding debt of the Nation caused by the suspension of the Cherokee annuities during the war," and the chief was authorized to draw warrants in their favor. Principal Chief Lewis Downing approved the Act December 12, 1867.

At the same time Stephen Tee-hee certified to \$235.00 in pay owing to the Flint District Light-horse Company which was made up of Alexander Beanstick for services as Captain; Wat Augurhole, Lieutenant; Swimmer, Spirit Cochran and Cooley privates. The bill was approved on the same date as that of the Sequoyah Disrtiet company.<sup>16</sup>

#### CHOCTAW LIGHT-HORSE

The United States concluded a "treaty of friendship, limits, and accommodations" with the Choctaw Indians at the treaty ground near Doak's Stand, on the Natchez Road in Mississippi on October 18, 1820. Andrew Jackson and Thomas Hinds were the commissioners

<sup>15</sup> George Teehee served under Captain Benjamin Wisner Carter during the Civil War; in 1877 he was one of the three councilors from Canadian District, and in 1889 he served as executive councilor.—Emmet Starr, *History of the Cherokee Indians* (Oklahoma City, 1921), pp. 149, 280, 295.

<sup>16</sup> *Laws of the Cherokee Nation, Passed During the Years 1839-1867* (St. Louis, 1868), pp. 184, 185.



who signed the treaty for the United States; the mingoes (chiefs), headmen and warriors acted for the Choctaw Nation. Article 13 of this document provided:<sup>17</sup>

To enable the Mingoes, Chiefs, and Head Men, of the Choctaw nation, to raise and organize a corps of Light-Horse, consisting of ten in each District, so that good order may be maintained, and that all men, both white and red, may be compelled to pay their just debts, it is stipulated and agreed, that the sum of two hundred dollars shall be appropriated by the United States, for each district, annually, and placed in the hands of the agent, to pay the expenses incurred in raising and establishing said corps; which is to act as executive officers, in maintaining good order, and compelling bad men to remove from the nation, who are not authorized to live in it by a regular permit from the agent.

Light-horsemen were organized in each district of the Choctaw Nation soon after the missionaries went to Mississippi, and established Mission Schools, in 1818. It was their duty to ride over the country to settle all difficulties that arose among parties or individuals and to arrest all violators of the law. The old tribal custom of allowing a murderer to be disposed of by relatives of the dead man was set aside and "the right of trial by the light-horse who acted in a three fold capacity—sheriff, judge and jury, was awarded to all offenders." The Light-horse were brave and vigilant men and "nothing escaped their eagle eyes; and they soon became a terror to white whisky peddlers who invaded the Choctaw territories at that time." When apprehended the peddlers were informed that their room was preferable to their company and the liquor was poured upon the ground.<sup>18</sup>

It is a proud boast of the Choctaws that a prisoner never tried to evade punishment. On the day appointed he would appear for a whipping administered by the Light-horse. Cushman related that he witnessed several such affairs at the mission of Hebron. People of the neighborhood would assemble around the church where they engaged in smoking and visiting while the culprit chatted and smoked with the various groups. As soon as the Light-horse appeared the crowd adjourned to the church and spent the time singing hymns until the whipping or shooting was over. The prisoner was reinstated to his previous position in the tribe and the matter was closed and never mentioned again.

Peter Pitchlynn was made head of the Light-horse in 1824. Well educated at the Choctaw Academy in Kentucky and at Nashville University, he was well qualified for such a position, and " . . . in one year, from the time he undertook to erase the foul blotch (traffic in whiskey) from the face of his country, he had successfully accomplished it."<sup>19</sup>

<sup>17</sup> *American State Papers*, "Indian Affairs", Vol. 2, p. 225; Charles J. Kappler, *Indian Affairs, Laws and Treaties* (Washington, 1903), Vol. 2, pp. 135-36.

<sup>18</sup> H. B. Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians* (Greenville, Texas, 1899), pp. 135, 217-19.

<sup>19</sup> *Ibid.*, p. 393.

When a murder was committed the light-horse took the affair into consideration and after listening to all of the testimony pronounced the verdict. When the accused person was declared guilty, without delay, the time and place of his execution was designated.<sup>20</sup> "The Choctaws, as well as the Creeks, punish the crime of murder with death by shooting, which is generally executed immediately after trial, by the 'Light-Horse.'"<sup>21</sup>

William Armstrong reported to the Commissioner of Indian Affairs in 1838 that the Choctaws had "passed some wholesome laws against the introduction of spiritous liquors into their country. The light-horse, which is paid for under treaty stipulations, are directed to seize the spirit and destroy it, and a fine imposed upon the person introducing the whiskey. Facilities are so great for obtaining spirits, that it is difficult to prevent their introduction."<sup>22</sup>

Anson Jones, minister plenipotentiary of Texas, protested to the Secretary of State of the United States against allowing Indians from this country, aroused by Mexicans, to go into Texas to commit hostilities on citizens of the republic. He stated that there were collected on the Trinity River a large number of Caddoes, Kickapoos, Choctaws, Coshattees, Cherokees, and Tawakonies, and a few from smaller tribes, who planned to attack and plunder the white settlements.<sup>23</sup>

When Superintendent William Armstrong learned of affairs on the Red River he hurried to the home of the venerable ex-chief Nitakechi who informed him that a Choctaw brought to his house two Mexican emissaries who attempted to induce him and his warriors to join the Mexicans against the Texans. They offered him money, goods and lands, but he refused until he could consult with Armstrong to learn if it would be wrong to join the Mexicans.

The day before the arrival of Armstrong, Chief Pierre Juzan sent the light-horse men of the nation to arrest the Choctaw who conducted the men to Nitakechi's home; he refused to surrender or go with the light-horsemen, who instantly shot him down. The killing appeared to be justified Armstrong reported, and it did not cause much excitement.<sup>24</sup>

<sup>20</sup> John R. Swanton, *Source Material for the Social and Ceremonial Life of Choctaw Indians* (Washington, 1931), p. 107. Governor William C. C. Claiborne was authority for the statement that Greenwood LeFlore and David Folsom organized the Light Horse.

<sup>21</sup> Josiah Gregg, *Commerce of the Prairies* (Philadelphia, 1855), pp. 265-67. Isaac McCoy, *Annual Register of Indian Affairs Within the Ind. or Western Territory*, Shawnee Baptist Mission, Indian Territory, 1837, p. 9.

<sup>22</sup> *Report 1832*, Commissioner Indian Affairs, p. 481.

<sup>23</sup> Texas State Library, *Republic of Texas, Indian Affairs*.

<sup>24</sup> Grant Foreman, *Advancing the Frontier* (Norman, 1933), p. 157.

An act of the Choctaw National Council was approved October 7, 1840, to the effect that when disputes arose between citizens of the Choctaw Nation, respecting the rights of property, and when complaint was made to the judges of the district in which such differences occurred, "it shall be their duty to order the light-horsemen to seize and hold in custody such property until the court can be held and the rights of property be tried".<sup>25</sup>

*Provided, however,* when the defendant can give good security in the presence of one or more light-horse men for the forth-coming of such property in dispute at the ensuing court, he or she may be permitted to hold the same until the court shall decide; and in all cases where property is held in custody for trial, the party losing the suit shall pay the light-horse men for their services as may be determined by the court.

In his report to Commissioner of Indian Affairs T. Hartley Crawford in 1843, Acting Superintendent of Western Territory William Armstrong wrote that the Choctaws had passed some laws against the introduction of whiskey into their country:

I have found great good resulting from the energy of a body of light-horse organized by the nation . . . . They are not only ready to execute orders for the apprehension of persons improperly in the nation, but they seize and destroy whiskey whenever found, in execution of their own laws. This, decidedly is the preferable mode to prevent the introduction of spirituous liquor into the nation, as little good can be done unless the authorities of the nation act in concert with the agents or troops of the United States.<sup>26</sup>

In October, 1848 the National Council authorized the light-horse to call upon any citizen to aid him in taking a criminal charged with high crime against the nation, or destroying any whiskey, and such person who refused to aid, unless for some lawful excuse, was subject to a fine not exceeding five dollars, half of which was to be equally divided between the district attorney and the light-horsemen.

The *Indian Advocate* reproduced an article from the *Choctaw Telegraph* in 1849 saying:

The indomitable perseverance of the Light-horse, the last few days, in destroying whiskey, deserves the respect of all good citizens. There must have been two or three barrels split, from the many exultations given at the breaking of jugs and bottles in different places; one haul of 13 jugs with a few bottles, looked pretty much like carrying the 'war into Africa,' with the greatest enemy of our people.

After Spencer Academy was opened on February 1, 1844, with the Reverend Edmund McKinney as superintendent, "The half-breed boys from the wealthy families proved insubordinate commenced running away, and the 'light-horse' of the Nation was put in requisition to bring them back to their places. Matters at length arrived at such a pass that an attempt was made to set fire to the buildings of the

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<sup>25</sup> *Constitution and Laws of the Choctaw Nation*, compiled by Joseph P. Folsom, (Chata Tamaha, 1869), pp. 75, 76.

<sup>26</sup> Page 417.

institution. All this occurred within a little over a year from the time of opening."<sup>27</sup>

The Choctaw National Council passed an act, which was approved on October 10, 1849, making citizens who interfered with the light-horse<sup>28</sup> while the

... men are engaged in the act of destroying spirituous liquors he or they be prevented by any person or persons in any way whatever from execution of his duty, such person or persons, so offending, shall be liable to an action in court and be made to pay a fine not less than five dollars nor exceeding ten dollars, and one-half of such fine, so imposed, shall go to the district in which such fine may be imposed, and the other half shall go to the light-horse men who were prevented from doing their duty.

An act was approved on October 9, 1849 requiring witnesses to be kept apart by the light-horse until their testimony was taken, when two or more were to appear as witnesses before any court of justice in any case pending. Any person or persons who assisted the light-horse in destroying liquors or who went to the call for assistance of any light-horsemen, were entitled to receive one dollar for every service rendered by him, out of any fund belonging to the district in which the service had been performed.

The *Choctaw Telegraph* (Doaksville), reported that "One cause of violent death . . . was liquor. Evidently some light horsemen, law enforcement officers for the Choctaw Nation, had killed some whisky runners who resisted arrest" in July, 1849:

Editor [Daniel] Folsom, in answering the question as to whether "Light horsemen are justifiable in taking the life of a person, who having whisky . . . and resisting the efforts of the officer, from taking and destroying it," 'quoted in full a Choctaw law of 1834 on the subject. The law stated that if any person refused to allow his "ardent spirits" to be destroyed by the Light Horsemen, he did so at his own risk; if such person were killed, the Light Horsemen were protected by the laws of the Nation.

Editor Folsom wrote that "no less than three persons have lost their lives in the past three or four weeks" because of "whiskey encounters." Several of these deaths were the result of drunken fights and not by the efforts of the light-horsemen to enforce the laws.<sup>29</sup>

Agent Douglas H. Cooper reported in September, 1853: "The people evince great interest in the courts, and their judgments are promptly carried into effect by the 'light-horse' or sheriffs of the district."<sup>30</sup>

<sup>27</sup> William H. Goode, *Outposts of Zion* (Cincinnati, 1863), p. 184.

<sup>28</sup> *Senate Report* 1278, Part 2. Forty-ninth Congress, 1st session. Report of the Committee on Indian Affairs United States Senate (Washington, 1886), p. 498.

<sup>29</sup> James D. Morrison, "News for the Choctaws," *The Chronicles of Oklahoma*, Vol. 27, No. 2 (Summer, 1949), p. 213.

<sup>30</sup> *Report* 1853, Commissioner of Indian Affairs, p. 408. Peter Intolubbe, born in 1852, was the son of a man of the same name who was a captain of the Choctaw Light-horse; he was a full blood Indian, his wife half white. He was considered wealthy (H. F. O'Beirne, *Leaders and Leading Men of the Indian Territory* [Chicago, 1891], p. 34).

In the treaty with the Choctaws and Chickasaws concluded in Washington in 1855, and ratified on February 21, 1856, it was stipulated in Article 13 that the sum of six hundred dollars per annum was to be paid for the support of light-horsemen under the treaty of 1820.<sup>31</sup>

Another act approved by the Choctaw Council on June 19, 1858, was to the effect that citizens could petition the governor for the appointment of a person or persons to serve as light-horsemen in any particular place under the captain of the regular corps. Such men were to be furnished with arms and paid for their services by the person who had petitioned for their appointment. Ishkitini Humma served as light-horseman from April 5 to June 7, 1858, for which he was paid seventeen dollars from the National Treasury.<sup>32</sup>

At the regular session in October, 1858, it was enacted that the governor should appoint an additional light-horseman for each county composing the Districts of Apukshunubbee, Pushmataha, and Mosholatubbee; these men were under the control of the governor, and the captain of the regular corps. They were to serve until August 16, 1859, and no longer. The salary of the captains was increased by \$150.00 a year.

*The Acts and Resolutions of the General Council of the Choctaw Nation*, issued at Fort Smith in 1859, contains an act increasing the pay for light-horsemen by the sum of fifty dollars each per annum in addition to the salary they had previously received.

The Reverend O. P. Stark, missionary to the Choctaws, advised Agent Cooper from Goodland on August 6, 1860.<sup>33</sup>

There has been for some time past a growing disregard of the law and order which at times manifested itself in open resistance to the constituted authorities. Within eighteen months, three light-horse men and as many private citizens have come to violent deaths from this cause. The effect of these things upon the minds of some of our people had been bad. They despair of seeing the laws faithfully executed, and those whose duty it is to execute them, sustained; and hence a manifest lack of interest in efforts for the public good.

Mr. Stark called attention to the location of the Choctaw country on Red River, "where every enticement to drunkenness is held out to them. This will always be, as it has always been, a great obstacle to effort on their own part, or the part of others, for their improvement."<sup>34</sup>

<sup>31</sup> Kappler, *op. cit.*, Vol. 2, p. 534.

<sup>32</sup> *Acts and Resolutions of the General Council of the Choctaw Nation*, called and regular sessions, 1858 (Fort Smith, 1859), pp. 34, 35.

<sup>33</sup> *Report 1860, Commissioner Indian Affairs*, p. 354.

<sup>34</sup> Oliver P. Stark was a native of New York. He was thirty-eight years old while his wife, Mrs. H. P. Stark of Vermont, was twenty-nine.

The General Council of the Choctaw Nation revised their constitution and created a new body of six "light-horsemen" in October, 1860. This mounted police received appointment by commission from the Principal Chief and each took an oath prescribed in the Constitution (and Act approved October 29, 1860) before the chief or any judge in the nation. The appointment was for two years, unless sooner removed by the chief. One of the light-horsemen was commissioned captain and his duty was to preserve order and discipline among the others; to see that each man was properly armed, equipped and mounted for immediate service; to report to the Principal Chief all improper conduct or failure to discharge the duties required of them.

An important duty required of the light-horse was to serve as messengers of the chief upon all matters of national concern; they were supposed to keep the peace; aid in the execution of the criminal laws; they were to suppress, if necessary, with the help of "county light-horsemen, and of other citizens, whom they are hereby empowered especially to summon for the purpose, all riots, routs and unlawful assemblies, and report the same, with all other violations of the penal laws, to some judge or other proper officer."

The district light-horsemen, appointed in each county, were directed to search for, seize and spill all vinous, spiritous, or intoxicating liquors, found anywhere and in the possession of any person in the nation. All bottles, jugs, or other vessels containing liquor were to be destroyed and all persons who owned liquors were to be reported.

Section 5 of the Act directed that the Principal Chief should keep such numbers of the light-horse as he deemed necessary at the place of holding the General Council to keep order and quiet; to see that no intoxicating liquor was brought within two miles in any direction. Any one of the light-horse was permitted to summon any number of citizens, between the ages of sixteen and sixty to aid in keeping order. All persons arrested must be taken before a county judge who was empowered to bind such offenders over to the next circuit court in a bond not exceeding two thousand dollars, to appear and answer such charges as were preferred against him or them.

Another duty of the Choctaw light-horse was to attend the United States Agent whenever he called for them; they were directed to obey all orders the agent gave them in the execution of the laws of the United States.

In case of resistance with deadly weapons to the captain or his officers, "it shall be the duty of the captain, or any of the light-horse men . . . to shoot down any and all persons so threatening or assisting with deadly weapons." The captain was paid two hundred dollars a year and the light-horsemen one hundred and fifty dollars each,

The General Council of the Choctaw Nation on October 18, 1867 passed an act to pay to light-horsemen who preserved order during to be paid quarterly on the order of the Principal Chief to the National Auditor, who issued warrants on the National Treasury.<sup>35</sup> cents per day: "Ilikanchitubi, Pesahinlubi, Big John, Wallace Mc-the session. The following members received one dollar and fifty Clure, Mac Durant, William Johnson and Hotimayabi."

The *Dallas Herald*, March 1, 1873, copied an article from the *Fort Smith Independent* of February 6, which related that:

Dr. Fannin of Skullyville tells us that two companies of Choctaws, one from Sugar Loaf county and one from Skullyville headed by light horse captured 16 horse thieves; after a council they took six of the gang and shot them. They made a confession implicating others and the company is in pursuit of them. The thieves were Choctaws, part full blood and part half bloods.

In 1877, at the age of sixteen Samuel Robert Wilson moved from Arkansas to Sugar Loaf County, Choctaw Nation where he learned to speak the Choctaw language so fluently that he served as interpreter many years. When twenty-two years of age Wilson married Julia Hickman of the nation and as an intermarried citizen he was called upon to join the National Light-horsemen under the leadership of Peter Conser. Later he held special commissions as deputy sheriff under every sheriff in Le Flore County until his age prevented active service.<sup>36</sup>

In a feature story which appeared in the *Texarkana Gazette*, Texas, August 28, 1949, Mrs. James H. Crook of McCurtain County related some of her pioneer experiences. She and her husband moved to the Choctaw Nation in 1898, and they lived near a spring of white sulphur water which the Indians called Alikchi Oka (meaning literally "Doctor Water"):

Alikchi was a Choctaw court ground and sessions were held there twice a year. The tribal court and whipping ground were adjacent to the store kept by Crook. When a murderer was convicted and condemned to be shot "he was placed on the edge of his coffin in a sitting position with a small piece of paper pinned over his heart, and the "sheriff" or "light horseman" as he was more commonly called, shot the convicted man . . . .

John Tonihka, about 82, a full blooded Choctaw Indian, recalls that the last execution at Alikchi occurred the year after the Crooks moved there.

William Goings, a youthful Indian who had been convicted of murder, had run away after his conviction . . . . During this time the jurisdiction of the Indian courts in murder cases had been taken away and placed with the federal courts which had been established in the territory.

<sup>35</sup> *Constitution and Laws of the Choctaw Nation* (Chata Tamaha, 1869), pp. 311-13. *Ibid.*, compiled by A. R. Durant, 1894, pp. 113-15.

<sup>36</sup> Robert L. Williams, "Samuel Robert Wilson, 1861-1947," *The Chronicles of Oklahoma*, Vol. 26, No. 2 (Summer, 1948), p. 254 and note 5.

When Goings was recaptured, the federal court decided he should be executed by the Indian authorities because he had been legally convicted while their courts were still in authority. He was re-sentenced to be shot on July 13, 1899 . . . .

When the time for the execution came, Sheriff Thomas Watson, a tall rangy Choctaw, formed his 'light horse' as guards and possemen were called, into two lines with each man armed. The sheriff kneeled at a small bench, and fired one bullet through the body of Goings . . . .

During the controversy over the election for chief between Thomas W. Hunter and Green McCurtain in 1902 an act was passed increasing the number of light-horsemen under control of the Chief from nine to thirty, but it was vetoed by President Theodore Roosevelt<sup>37</sup> on January 8, 1903.

The *Tulsa World*, July 17, 1950, contained a story of the "Last Choctaw Execution" under the Choctaw laws:

The condemned man was Silan Lewis and he was sentenced to death for the murder of Joe Haklotubbee; the scene of the execution was in the yard of an Indian courthouse on the western edge of Brown's Prairie, about fourteen miles southeast of the present Red Oak; the date was November 4, 1894 and an immense crowd of Choctaws and white men had gathered to watch the execution.

The trial of Lewis had been held in December, 1892, before Judge H. J. Holson, circuit judge of the Choctaw Nation. It appears that it was because of political differences between the Progressive party to which Haklotubbee belonged, and the Nationalists of which Lewis was a member, that the murder was committed by a party of men who charged down on the Indian's cabin, south of Hartshorne. Lewis was charged with the crime and he appeared to receive his punishment as was the universal custom among the full blood Indians.

In the assembled crowd of Indians many carried Winchesters and officers of the Light Horse were present to keep order. Two of them carried out a coffin from the brush near the courthouse and presently two other policemen brought Lewis from near the creek where he and his family were camped.

Lewis was seated upon a blanket on the ground, his chest was bared and an officer made a spot on it with a white powder. Two Indians held his hands when a deputy sheriff stepped about twenty feet from the condemned man, took aim and fired; Lewis fell back and the mournful wailing of a woman arose from the creek bank.

#### CREEK LIGHT-HORSE

The laws of the Upper and Lower Creeks were collected into a uniform code for the nation and adopted by the General Council in 1840. The simple laws were enforced by a body of men known as light-horsemen. Most of the civil cases, particularly probate matters, were decided by town councils and the execution of their judgments was entrusted to the Light-Horse.<sup>38</sup>

<sup>37</sup> Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman, 1934), p. 266.

<sup>38</sup> Angie Debo, *The Road to Disappearance* (Norman, 1941), pp. 127-28.



The Reverend R. M. Loughridge wrote to Colonel William Garrett, Creek agent, from Tallahassee Mission, August 27, 1855, that he was happy to report that "intemperance among the people has greatly diminished. The low state of the river, preventing navigation altogether, has doubtless had something to do in effecting this happy change, but evidently most of the credit is due to the very efficient manner in which the present company of 'light-horse' have executed the excellent anti-liquor laws of the nation."<sup>39</sup>

Agent Garrett advised Elias Rector at Fort Smith in 1860 that some important changes had been made in the Creek government, one of which was that more ample authority had been conferred upon the police, termed "light-horse," whose duty it was to destroy all spiritous liquors brought into the nation, and levy a fine or inflict a penalty upon all persons found guilty of introducing it, or of the commission of other offenses.<sup>40</sup>

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

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

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

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

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

Each light-horse captain received an annual salary of \$200 while the privates were paid one hundred dollars per year. The officers who approved these laws were Samuel Checote, Oktars-sars-

<sup>39</sup> Report 1855, Commissioner of Indian Affairs, p. 147.

<sup>40</sup> *Ibid.*, 1860, p. 348.

har-jo, Micco Hutkey and Pink Hawkins. G. W. Grayson was the Secretary.

Among the acts of the Creek Council approved October 12, 1867, was that if any person refused to pay his or her just debts, it was the duty of the Light-Horse Company to proceed and collect the debt out of any effects found in his or her possession.<sup>41</sup>

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

In 1872 Billochee became the captain and Judge Legus C. Perryman gave out a list of assistant light-horsemen for Coweta District. On October 17 a warrant was issued to G. W. Stidham for \$878.00 for services as assistant light-horseman in the North Fork District. Butler became a captain that year and Billy Nero was paid \$28.80 for beef he had furnished assistant light-horsemen.

Motey Tiger was captain of the Deep Fork District in 1872. Warrants were also issued for assistants who served under Sands in 1874.<sup>42</sup>

In order to put a stop to horse stealing Chief Checote during the latter part of August and first of September, 1871, called out about nine hundred assistant light-horsemen. Part of them were retained in their home districts as home guards, but a large body was assembled at Okmulgee. Lochar Harjo had collected a large number of his followers in the neighborhood of the agency and a battle seemed imminent when the constitutional party advanced to meet them, but Colonel Benjamin H. Grierson called the leaders of both parties to Fort Gibson where a truce was arranged. Creek Agent Franklin S. Lyon estimated that this armed demonstration cost the nation thirty thousand dollars.<sup>43</sup>

Trouble resulted between Oktars-sars-har-jo (or Sands) and Samuel Checote over disbursement of money from the U. S. government to the Creeks. Oktars-sars-har-jo insisted that the funds be equally divided between the Upper and Lower Creeks.

Checote, choosing to ignore the Civil War split in the tribe, made the distribution on the per capita basis among members of the whole tribe. Angered at his defeat as Checote's opponent in the election of 1871, Sands led a band of 300 men into Okmulgee and ousted the council, then in session. General Pleasant Porter, captain of the light-horse, with the aid of his men and the Federal agents, quickly put an end to the disturbance.<sup>44</sup>

<sup>41</sup> *Constitution and Laws of the Muskogee Nation*, compiled by L. C. Perryman (Muskogee, 1890), p. 32.

<sup>42</sup> *Oklahoma Historical Society*, Creek Files.

<sup>43</sup> Debo, *op. cit.*, p. 201.

<sup>44</sup> *Oklahoma City Times*, September 13, 1949, p. 4, col. 1.

Timothy Barnett, court clerk of Wewoka District, lived with one wife while maintaining a second in the Greenleaf settlements. Learning that another Indian was paying her attention he killed him. Judge Nocus Yahola summoned twenty-one special light-horsemen to arrest Barnett; after a fight with his retainers they arrested him and promised a fair trial, but a short time later they riddled his body with bullets. No investigation was ever made by the authorities, and the light-horse received their regular pay.<sup>45</sup>

On October 19, 1872 an act was approved that all public officers such as captains of light-horse companies, "who handle public funds, shall be required to execute a bond for the penal sum of one thousand dollars each, with good security, to the Creek Nation, for the faithful transaction of all financial business assigned to them in law."

An important measure enacted and approved in August, 1872 was that no citizen of the nation should be allowed "to carry, knowingly, any message or dispatch to forward or promote any move tending to prevent the free operations of the laws and Constitution of this Nation."

Persons found guilty of violating the law were to be fined \$50.00, which was to be collected by the light-horsemen and paid into the National Treasury;" but if unable to pay, he or she shall receive twenty-five lashes."

Any citizen found guilty of threatening, or attempting to take the life of an officer of the nation, in consequence of the discharge of his public duties should be fined \$100.00 or receive one hundred lashes. The fines to be collected by the ubiquitous light-horsemen and paid to the National Treasurer.<sup>46</sup>

Dissension sometimes arose between the chief and district judges. When Chief Lochar Harjo removed a light-horseman for drunkenness and failing to spill liquor, Judge Samuel W. Brown of Muskogee District and Sunthlarpe, a prominent Euchee and captain of the light-horse, protested, but the chief suspended all of the district officers.<sup>47</sup>

When the Creek Council convened in October, 1875, it demanded the removal of the newspaper called *The Indian Progress* from Muskogee. That weekly had been established in August by Elias C. Boudinot and E. Poe Harris, one a Cherokee mixed-blood and the other a white man who had failed in having himself recognized as an inter-married citizen. When the first edition appeared on October 22, the light-horse appeared and the owners removed their press to Vinita

<sup>45</sup> Debo, *op. cit.*, pp. 202, 203.

<sup>46</sup> *Laws of Muskogee Nation*, 1890, pp. 34, 35, 36.

<sup>47</sup> Oklahoma Historical Society, *Indian Archives*, *Creek Tribal Records*, 31561.

and resumed publication.<sup>48</sup> In 1875 the light-horse captains were: Joseph Bosen, Arkansas (or Eufaula), District; Motey Tiger, Deep Fork District; Billochee, North Fork District; Daniel Miller, Coweta District; Frank Gooden, Muskogee District; George Chupco, Wewoka District.

Lambert Scott succeeded Motey Tiger in Deep Fork District and a commission as captain was signed by Lochar Harjo for Tidarkee in 1875. The following men served as captains at that time: Smith Tarpe, Muskogee District; Thomas Tiger, Coweta District; Hotulkee, Wewoka District; Sage Barnwell, Arkansas District.

Fus Yaholar was captain of Muskogee District in 1876. William Durant was elected captain at Creek Church. On April 4, 1877, Thomas Sherly was elected captain and his commission was signed by Shawnee Collins, Judge of North Fork District. William Durant tendered his resignation as captain of Arkansas District in a letter to Chief Ward Coachman on May 9, 1877, and he was succeeded by Charley Johnson. Wallace McNac and E. H. Lerblanc were his sureties in the sum of \$1000.00. From Deep Fork on June 23, 1877, a letter was sent to Chief Coachman charging that the light-horsemen were allowing prisoners to escape. The charge was signed by a long list of men.

Jacob Barnett received 101 votes for Captain of Muskogee District on September 10, 1877; his commission was signed by James McHenry, president of the House of Kings. On the same day Tarsfechee received 133 votes in Coweta District. An election held in Tuckabatche Town that month resulted in the election of Captain Oche Haco who received 134 votes.

Votes cast were 214 in favor of Thomas Brown for captain of the light-horse in North Fork District in September, 1877, but R. Berryhill<sup>49</sup> received 250 votes and the appointment. At Springfield, Deep Fork District, Captain Lambert Scott was elected by a majority of 141 votes in September, 1877. Simpson Reed and George Sullivan became his sureties in the sum of \$1,000. Coweta Micco was acting judge of Coweta District at the election held on November 30, 1877 when Daniel Childers was chosen as captain. Jacob Barnett refused to act as captain of Snake Creek District in a letter he sent to Chief Coachman on November 24, 1877.<sup>50</sup>

<sup>48</sup> Debo, *op. cit.*, pp. 210, 211; Carolyn Thomas Foreman, *Oklahoma Imprints* (Norman, 1936), pp. 195-98.

<sup>49</sup> Richard Young Audd in an interview related: "Dick Berryhill was another notable character, a fullblood Creek. He was captain of the Lighthouse in Tuskegee District under Judge Chowie Colbert. He was a man of wonderful character. . . . I first became acquainted with Mr. Berryhill when he lived at old Fishertown about three miles from my place at Bonds Switch" (Oklahoma Historical Society, *Indian Pioneer History*, Vol. 12, pp. 514-520).

<sup>50</sup> The above facts concerning the Light-horsemen were secured from the Oklahoma Historical Society, Creek Files, Nos. 31511-31613.

In Muskogee on Christmas, 1878, serious trouble broke out when the Negro light-horsemen disarmed John and Dick Vann, two young Cherokees belonging to a prominent family. A lawless Texan, passing through the town, attempted to put the Negro officers in their place. He headed the Cherokees in the fight that ensued where one of the light-horsemen was killed and three others were wounded. In August, another fight took place in Muskogee when John Vann was killed and the light-horse captain was wounded.

Chief Coachman, upon the advice of leading Creeks, decided to place a light-horseman on guard in Muskogee, and it is reported that

... he ordered Richard Berryhill, the reliable and efficient captain of Eufaula District, to undertake the work. But Berryhill protested that the assignment "Seems to me to be a savaere one. If the Town of Muscogee was really an Indian town I would not weight a moment, but as it is there are but few Indians There. I am more than willing to serve my Peopple but the way things are I dont see how I am to Risk my life for non ziti-zens."<sup>51</sup>

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

During the so-called Green Peach War, Chief Checote authorized each district judge in the nation to call out fifty assistant light-horsemen to disarm the fighters, and restore order in his district. By August the insurrection was crushed but the light-horsemen remained under arms for thirty to sixty days. On October 19, 1882, the council appropriated \$19,700 to pay 1150 assistant light-horsemen called out to enforce the laws for eight days during the Green Peach war.

Daniel ("Goob") Childers, an ardent mixed-blood supporter of Isparhecher, was captain of the light-horse in the area around Wealaka. He operated a pole ferry on the Arkansas River near Wealaka Mission. His name appears frequently in the annals of the Creek Nation where he lived a violent life and came to a violent death.<sup>52</sup>

Under the Revised Statutes (Section 2137) of the United States: "Every person other than an Indian, within the limits of any tribes with whom the United States has existing treaties, who hunts or traps or takes or destroyes any peltries or game, except for subsistence, in the Indian country, shall forfeit all the traps, guns and ammunition in his possession . . . and all peltries so taken, and shall

<sup>51</sup> Debo, *op. cit.*, pp. 253, 254.

<sup>52</sup> Angie Debo, *Tulsa: from Creek Town to Oil Capital* (Norman, 1943), pp. 46, 57, 73; Debo, *The Road to Disappearance* (Norman, 1941), pp. 272, 277, 280.

be liable, in addition, to a penalty of five hundred dollars" and as that law was violated with impunity within the Creek Nation and as game and furbearing animals were rapidly being destroyed by non-citizens it was enacted by the National Council that it was the duty of the prosecuting attorney and the light-horse captains to report all violations to the United States Indian Agent.<sup>53</sup>

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

Another act was approved November 2, 1881 which prohibited any person, except officers, from carrying fire arms within one-half mile of any town, political, religious, or other gathering. Any person guilty of breaking this law was fined ten dollars and the light-horseman who captured the fire-arms was allowed to keep or dispose of them for his own profit. Any light-horseman who failed in executing the duties for which he had been appointed was fined \$25.00 and expelled from office. In 1882, an act provided that any light-horseman who was found keeping liquor, or offering it to others, or found under the influence of any intoxication drinks was to be fined \$50.00 and dismissed from office.

The National Council approved an act on October 18, 1882, "That whenever a light-horseman arrests a person, it shall be his duty to chain and keep under close confinement such person, and the Judges are authorized to purchase such chains, locks, shackles, etc., as are actually necessary for the above purpose . . . . ."

Another duty of the Creek light-horsemen was to remove fences built across any road which obstructed the public highway. These men were also to collect fines from any person "who shall wilfully, and without provocation, kill the dog of another." Such person was to be fined not less than five or more than one hundred dollars, at the discretion of the district judge. The officer who made the collection retained twenty per centum and paid the remainder to the owner of the dog. This act was approved October 12, 1883.

Any person who executed a bond and who failed to appear at the court at the proper time, and if his bondsmen failed to produce the person to the court within twenty days, the bond was forfeited, and the amount was to be collected by the light-horse who received twenty-five per centum for his fee. This act was approved October 24, 1884.

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<sup>53</sup> *Acts of 1881*, pp. 7, 8.

The Creek Council provided that no district judge had the right to employ or use any assistant light-horsemen; if any judge violated the law he was to be suspended from office by the Principal Chief. This law was approved November 6, 1893.

If any person bought at a public sale live stock and the owner from whom the stock may have strayed made proof of his ownership of the property and it was returned to him, the person surrendering such stock was, upon an order from the Captain of the Light-Horse Company on the National Treasurer, entitled to receive the amount of money or script actually paid by him when purchasing the property.<sup>54</sup>

On July 27, 1882, Creek Agent John Q. Tufts wrote to Samuel Checote:<sup>55</sup>

Have your letter of July 26, 1882 saying party of 30 Creeks attacked the Creek Light Horse killed the captain and one private and rescued a prisoner.

You ask for Indian policy. This so-called Loyal party have been to me and made complaints and I told them they were wrong and must submit to the laws of the Creek Nation and any attempt to set up a separate government would not be tolerated.

No citizen of the United States living in the Muskogee Nation under a marriage permit, was entitled to make or own more than one place or improvement at the same time. If this law was broken when judgement had been rendered and execution ordered by the District Judge the light-horse Captain sold the property at public sale and turned the proceeds into the Treasury of the Nation.

After December 1, 1881, if a light-horseman was unable to keep the peace by being overpowered by armed men, he was authorized to call on other citizens of the nation to aid him in carrying the law into effect; citizens who refused the summons of the light-horsemen, without good reason, were subject to a fine of five dollars.

On October 23, 1885, an act was approved by which all officers acting under appointment of the Principal Chief were required to make annual reports to the National Council of all national funds coming into their hands. Should any officer be guilty of violation of the act it was the duty of the Principal Chief to instruct the judge of any adjoining district to send his light-horse company against the offenders and to sell at public auction any property belonging to the officer until a sufficient amount was realized to satisfy the claim of the nation.

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<sup>54</sup> *Acts and Resolutions of the Creek National Council . . .* Compiled and Translated by D. C. Watson. Muskogee, Ind. Ter., 1894, p. 16.

<sup>55</sup> Oklahoma Historical Society, Creek Box 2.

The "third Tuesday of September every two years" was fixed for the election of the light-horsemen of the several districts, as fixed by Section 6, of the English edition of the Muskogee laws.

In 1887, George Hicks was captain of the light-horse company of Eufaula. Nocus Fixeco (*sic*) was the captain of the North Fork District and his address was Okmulgee. Jimpsey Cherrokee (*sic*) of Wealaka was captain of Coweta District. Sampson Brown of Cane Creek was the captain of the Light Horse in Muskogee District. David Frank of Wetumpka was the light-horse captain in Wewoka District. Pleasant Berryhill was captain of the light-horse in Okmulgee District.<sup>56</sup>

Under the "Pasture Law" of the Muskogee Nation any citizen, engaged in keeping or grazing live stock was entitled to enclose for his exclusive use, free of any tax, one mile square of the lands of the public domain. All persons who had pastures greater in extent before the passage of the above act were given until May, 1890 to raze the fences. In case the owner or owners, of pastures subject to removal, failed to remove, or make due and diligent efforts to effect such removal within ten days after the first of May, the Judge of the District wherein the pasture was located, was to order his light-horse company to take down the fences. If resistance was offered by the owners it was the duty of the Chief to call into service a sufficient number of citizens who were to take down the fences under the direction of the light-horse captain.

After the fifth day of December, 1889, the annual salary of the light-horse captains was \$300; of the "Private Light Horse" \$275.00.

Another duty of the light-horse captains was to post and advertise stray property for six months; at the expiration of the time he had to offer the same at a public sale, and sell to the highest bidder.

If any person occupied a ferryboat landing without consent of the rightful owner it was the duty of the light-horse captain of the district, to dispossess the illegal occupants and turn the property over to the rightful owner.

Wilfully injuring or defacing the capitol building of the Creek Nation or unlawfully trespassing upon the premises was punishable by fine, and in case of failure to pay the fine, by whipping. If fines were not paid within six hours, the light-horse of the district was ordered by the court to levy upon sufficient property of the convicted person, sell the same and pay the amount of the judgment into the National Treasury.

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<sup>56</sup> Report 1887, Commissioner of Indian Affairs, p. 99.



Serious trouble arose in the summer of 1887 when a white man offered to buy all of the stolen horses that the Negroes could deliver at Red Fork. Chief J. M. Perryman authorized each district judge to commission five assistant light-horsemen to arrest the thieves.

A number of young Creeks, under Wesley Barnett, banded together in 1888 to carry on a campaign of robbery, murder and liquor selling. It required the services of U. S. marshals, Indian police, and the light-horse before the gang was broken up and its members killed or sent to the Federal penitentiary.

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

The services of the Creek light-horsemen were employed in 1892, in holding great numbers of cattle introduced into the nation without the payment of taxes, until the owners furnished bonds covering the amounts due.<sup>57</sup>

No citizen of the Muskogee Nation, by blood, adoption, or inter-marriage, had the right to introduce cattle from the Cherokee or Choctaw nations or any of the states or territories for the purpose of keeping them in one mile square pastures. Any person violating the act was subject to penalties imposed by the provisions of the quarantine law, and the district judge directed the light-horsemen to remove the fence surrounding the stock.

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

Under "Crimes and Misdemeanors" of the Laws of the Muskogee Nation, 1890 (Article XI) provided that no person,

... except District Solicitors, light horsemen and officers of the United States engaged in duty requiring them to carry weapons, shall be permitted to carry any deadly weapon of any kind, such as pistols, revolvers, bowie knives, dirks, or any other weapon, except a pocket knife, at any public gathering of citizens of this Nation, such as church meetings, or where persons are gathered for purpose of worship or the transaction of business, elections, towns, dancing or ball grounds, trials, courts, councils, or any place where people are gathered for pleasure.

Persons found guilty of carrying a deadly weapon were to be dispossessed by the light-horseman who was to dispose of it for his own benefit.

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<sup>57</sup> Debo, *op. cit.*, pp. 328, 329, 341.

If any person cut down or destroyed a pecan tree for the purpose of obtaining the nuts the fine was twenty-five dollars for each tree and should the parties charged with the offense deny it the light-horse was obliged to carry him before the District Judge for trial.

No citizen of the Muskogee Nation was permitted to rent or lease any portion of his land to a citizen of the United States; nor employ as a farm laborer, herder of stock, or laborer of any kind a citizen of the United States. Any Creek violating that law, upon conviction, was fined not less than fifty dollars collected by the captain of the light-horse who retained one-fourth of the amount.

Drovers and movers were permitted to pass through the Muskogee Nation free of tax, provided not more than *twenty-five* days were consumed in making the journey. A tax of five cents per head was levied for stock kept in the nation over time and the captain of the light-horse collected and retained one-half for himself.

The judge of each district of the Muskogee Nation had the power to order his light-horsemen to any portion of his district, and when actually necessary to any portion of the Muskogee Nation. "In cases of actual need, he shall have the power of calling to his aid the police force of other districts."

In cases of unavoidable expenses incurred by reason of confinement of prisoners by light-horsemen, board included, the Judge issued court script, but in no case was more than one dollar a day paid for board of a single prisoner. It was also the duty of the Judge to swear in the members of his light-horsemen.<sup>58</sup>

The light-horsemen were to collect all fines from any person who failed to obey a summons issued by a proper authority; all fines collected were to be transmitted to the National Treasurer. Any light-horseman who was guilty of disobeying a legal order from the judge, either by neglect or wilfully, was removed from office.<sup>59</sup>

The light-horse held an election at Eufaula late in September, 1895, to select members of the organization for Eufaula District. Barney Greene was re-elected captain; Bob Roberts, Joe Smith, John Creek, and Lumsey Smith were the privates selected.

According to the time-honored method of the Creeks, the various candidates were put in nomination by their friends, after which they walked in opposite directions away from the crowd followed by their respective partisans. When well separated, each candidate stood in the center of his body of electors and the man who had the most votes was declared elected. In case of a tie the vote was taken over and the election was held with little expense to the nation. In choosing the

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<sup>58</sup> *Constitution and Laws of the Muskogee Nation*, compiled and codified by A. P. McKellop (Muskogee, 1893), pp. 48, 49.

<sup>59</sup> *Ibid.*, p. 51.

chief and other national officers the white man's manner of electing was used.<sup>60</sup>

One of the most useful and worthy citizens of the Creek Nation the Reverend Samuel J. Haynes who died at his home at Newtown northwest of Okmulgee on April 4, 1948. He was born on January 8, 1857, at what was known as Longtown, about two miles southwest of the Creek capital. His parents were John and Lucy Thompson Haynes. Young Haynes was educated at Asbury Manual Labor School near Eufaula, and at Southwestern Baptist University, Jackson, Tennessee. His first work was in 1881 as clerk and interpreter in the store of Captain F. B. Severs in Okmulgee. A short time later "he became a special deputy in the Lighthorse Cavalry, and that Fall was elected to membership in the troop . . . . Successively, Mr. Haynes served as Lighthorse private, as captain of the troop, as interpreter for the House of Warriors . . . as district judge; as member of the House of Kings; as U. S. deputy marshal; and as a delegate representing the Creek nation" in which capacity he made sixteen trips to Washington on missions for his people.

In 1935, Mr. Haynes participated in the capture of the Buck gang, "one of the cruelest and most ruthless bands of outlaws that ever preyed on the residents of the Creek nation." Mr. Haynes was a retired Indian mission minister, and he was one of only two remaining former members of the Creek light-horse at the time of his death. The other was Samuel Checote, a son of a former chief.<sup>61</sup>

An old biographical sketch gives the birth of Samuel Jonathan Haynes as 1861. He was elected an officer of Captain Freeman's Light-Horse in 1882, and served for two years. During that period "he took part in two skirmishes in the Esparhecher war, viz: at Pecan and Pole Cat creeks. During part of 1883 and 1884 he was captain of the Light Horse . . . ."<sup>62</sup>

The decisions made by the chiefs in council were carried into effect implicitly. In cases of capital punishment, the executioner was chosen from the light-horsemen. That officer used "neither tomahawk, club, nor arrow. The gun was generally selected as the instrument of execution." In case the victim had no choice of a place for his killing, the executioner could appoint a spot, which was usually one near the place for burial of the prisoner.<sup>63</sup>

<sup>60</sup> *The Weekly Elevator* (Fort Smith), September 27, 1895.

<sup>61</sup> *The Tulsa Tribune*, April 10, 1948, copied from the *Okmulgee Times*.

<sup>62</sup> H. F. and E. S. O'Bierne, *The Indian Territory* (Saint Louis, 1892), pp. 165-6.

<sup>63</sup> Henry R. Schoolcraft, *Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States* (Philadelphia, 1853), Part I, p. 276. The above account is from "Some Information Respecting the Creeks, or Muscogees."