

EVANS, W. A.

FIFTH  
~~FOURTH~~ INTERVIEW

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Jas. S. Buchanan,  
Field Worker,  
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Interview with W. A. Evans,  
556 North 6th Street,  
Muskogee, Oklahoma.

## CATTLE RUSTLERS

In the 80's and 90's we experienced a great deal of trouble with cattle rustlers in this part of the country, and at that time it seemed the law was unable to cope with the situation and the rustlers gave the settlers much trouble.

I remember one case when some rustlers had stolen a carload of cattle and were intending to load them at Oktaha and ship them to Kansas City. They had the cattle hidden away from the road in a corner where a fence joined the railroad fence, waiting for the arrival of the car they had ordered and from some unknown cause the car was delayed and while the car was being looked for, and the cattle left unattended, they grazed away from their hiding place and came in view of a farm house, and the farmer living there noticed that the cattle had been driven very hard, noticed the brand and did not recognize it, so he started out to

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notify someone in the community of the strange cattle. I happened to be the first man he met and he informed me of the situation and we returned to the cattle and as soon as I saw the brand "JD" I recognized it as the brand of Joe Davidson who lived five miles west of Muskogee.

We immediately dispatched a runner to inform Davidson of the matter. He got one of his neighbors and rushed over to where we were. We soon laid our plans to catch whoever came to get the cattle. We scattered out along in the edge of the brush so we could watch across the prairie, and very soon we saw a man riding towards the herd and as soon as he started to rounding up the cattle to drive them away we all dashed out of the woods and was upon him before he noticed us, and Joe Davidson, the man who owned the cattle, yelled at him to throw up his hands and called the man by name, as he knew him, but instead of complying with Joe's command, he went for his gun. Joe beat him to the gun play and at the first crack of Joe's gun the fellow tumbled off his horse dead. It was a clean case of self-defense for the rustler's action just forced Joe to kill him.

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Davidson and the man whom he killed, both being Creek citizens, the case was tried in the Creek court at Lee, which was an old frame building situated on the old road between Muskogee and Okmulgee about where Boynton now stands, and it served as a post office, stage stand, store and courthouse.

Joe Davidson, with his witnesses including myself, appeared at Lee for trial, and, of course, friends of the dead cattle rustler appeared as witnesses for the prosecution, but as the defense had the only eye witnesses on his side and we testified to the fact as it was, a case of justifiable self-defense, Joe Davidson was acquitted, but that didn't settle the matter altogether, for this gang of rustlers had made the threat that they would get Joe Davidson and every man who testified for him and, of course, we all went there to the trial well prepared for the reception. We were not afraid of them doing anything in the open, but expected to be shot from ambush at any time. I had often tried to imagine just how an outlaw, or any other man felt when he knew he was being hunted and expected to be killed at any time without the slightest

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warning, and then I was able to realize that feeling, a nerve grinding endless suspense, expecting something from the most unexpected source at no particular time. Your greatest surprise is when it doesn't happen and at the same time you are praying to God it will not.

Nothing happened at Lee on the day of Davidson's trial, but the members of the gang that had made the threats against us had departed from Lee immediately after the trial and naturally we were suspicious of their moves. On my way home that evening, after I had turned off on my own way and separated from the rest of my gang, I was by myself the rest of the way home, and just after sundown, in the dusk of the evening, I was riding through Wolf Gap, looking for something to happen anyway, and I saw a man getting on his horse off the right side of the road. He rode out into the road and came meeting me. I slipped my sixshooter free and in handy position and cocked it, expecting to see the flash of his gun any second as he came towards me, but for some reason I hesitated and thought I'd give him a chance and if he didn't get me the first shot, I would

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never give him a chance for his second shot. I didn't want to let him get too close to me, so I called out "hello" to him and in response, "Hello Jake" came in a voice I recognized as a friend who lived at my house. I was so shocked I sat there on my horse and looked at him speechless thinking how near I had come to killing him.

He had just stopped there at the spring to get him a drink and was getting on his horse when he saw me ride into the Gap and recognized my horse and thought I knew him and never gave a thought of anything wrong. I don't know which of us was the most nervous, but he said, "Jake, I want you to know that after this when I am out after dark I will always be whistling so you will know who I am." Always after that when that boy was out after dark he was continually whistling, and as time went on the louder and better he could whistle, and I know the last time I saw him he was the best whistler in the Indian Territory.

