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INDEX CARDS

Creek Nation
Tribe-Creek
Civil War-Refugees
Civil War-Confederates
School-Tulahassee
Light Horseman
Creek National Council
Creek Constitution
Judges
Outlaws

RICHARD LEWIS (DICK) BERRYHILL
Hitchita, Oklahoma
Interview - June 23, 1937
Jas. S. Buchanan, Field worker
Indian-Pioneer History

I (Richard Lewis Berryhill) was born in 1852
in the vicinity of the Tullahassee mission.

My father was Sam Berryhill, halfblood Creek,
born in Alabama.

My mother was Fanny (Ma-Na-Waie) Berryhill,
fullblood Creek, born in Alabama.

My parents came to the Indian Territory among
the first Creek settlers from Alabama and settled
in the old Reley McIntosh Creek settlement between
the Arkansas and Verdigris rivers north of Muskogee.

In 1861 my parents moved to a place on Pole Cat
creek northeast of where the town of Sapulpa now
stands. We lived there until the Civil War broke
out, when we moved back to the old home place. Later,
due to conditions brought on by the war, my father
moved the family to the Chickasaw Nation near Red
river where the family remained until after the close
of the war.

(2)

RICHARD LEWIS (DICK) BERRYHILL

My father joined the Confederate army and served with a Creek regiment under Col. D. H. McIntosh and was killed in service near where the town of Tulsa now stands.

After the close of the war, the family, consisting of my mother, two brothers, James and Albert, two sisters Jane and Martha and I returned to the Creek Nation and settled about one mile south of the present site of Hitchita. The younger children were reared and my mother spent the remainder of her life at that place, her death occurred in 1895.

Circumstances deprived me of the most of my opportunity for an education during my school age. I attended the Creek mission school at Tullahassee a short time before the civil war and the Asbury mission about eight months after the war which was the extent of my schooling.

(3)

During the time I attended the Tallahassee mission a man by the name of Lockwedge was the superintendent and was assisted by Rev. W. S. Robertson, the father of Alice Robertson of Muskogee.

About 1877 I was married to Josephine Wadsworth, Creek, daughter of William and Louvinia Wadsworth. No children were born to this union. My wife died at Hitchita in 1930.

I served as a member of the Creek national council from 1897 to 1900. Previous to that time I served as district captain of the light horse. Deputies that served under me that I can recall were John Gibson, Tom Pope, Joe Riley and Joe Tiger, all Creeks. I recall another deputy that served under me by the name of John Green who was killed by an Indian by the name of Yahola who was tried and convicted for the murder and shot at the Eufaula court. Prisoners, when condemned to death,

(4)

had the privilege of selecting the man to shoot him, as in this case Yahola chose one of my deputies, Joe Riley.

The constitution of the Creek Nation, adopted by its National Council in 1867 was a very comprehensive document. In addition to including in it the fundamental principles of government it also contained a complete code of civil and criminal laws. It provided that the law-making power of the Nation should be vested in a council consisting of two houses, the upper house called "Kings" and the lower house "Warriors".

The members of the council were elected by districts for a term of four years.

The executive branch of the nation was vested in a "Principal Chief," with a "Second Chief" who corresponds to a vice president.

The constitution provided for a complete corps of officials, prescribing in detail the duties of each official, a system of courts, schools, etc.

(5)

The penalties of its penal code were severe. The punishment for murder was death by shooting, while the penalty for the first offense of stealing was fifty lashes on the bare back with long hickory withes drawn through a fire so as to make them more flexible and used while they were hot; for the second offense one hundred lashes and for the third offense, death by shooting.

The outlaw that gave us the most trouble during my time was Jim Grayson, a Creek. I don't think he was ever satisfied only when he was riding a stolen horse. I never knew of him being implicated in any killings but he was an habitual horse thief. He was repeatedly arrested, tried and convicted and whipped for that crime by the Creek courts and on one occasion sentenced to be shot, later was pardoned by Chief Sam Checota.

I remember he was once arrested by the federal officers for horse stealing and was tried in the federal court at Ft. Smith before Judge

(6)

Parker, and when he was brought before the court, Judge Parker asked him when he was going to reform and quit stealing horses and Grayson's reply was "When they quit raising horses, Judge." I don't remember how he got out of that scrape. He was later killed in the western part of the Creek Nation.

One of the fairest and most merciful judges of the Creek courts I ever had the privilege of working with during my time was Judge Chowie Colbert who presided at the old Tuskegee court which was situated eight miles west of Eufaula on what was later the allotment of John Smith. During his time as judge of the Tuskegee court he lived about one hundred yards west of the old court house. He boarded the prisoners also ^{the} attendants of the court when court was in session. The court house was a log structure and stood on top of the hill about one quarter of a mile northwest of the old spring, a position that commanded an unobstructed view of the valleys for several miles in all directions.

(7)

The old log court house has long ago passed out of existence as well as the large oak tree that stood near the northwest corner of the court house where convicted prisoners were punished. There is nothing remains as in days gone by except the old spring at the foot of the hill about three hundred yards southeast of where the court house stood. It flows on as it did in the days of long ago. There is nothing to indicate the location of Judge Colbert's old home. There is a granite tomb stone reclining where it has fallen from its pedestal beneath a large sassafras tree about three hundred feet west of the spring upon the hillside which marks the last resting place of Judge Colbert and bears the following inscription; "In memory of Judge Chowie Colbert, Died July 7, 1890, Age about 75 years."