

## **BLACK, RED AND DEADLY, PART II**

*By Art T. Burton*

It has been over ten years since the release of my first book, *Black, Red and Deadly: Black and Indian Gunfighters of the Indian Territory, 1870-1907*. Since that time many people have read the book and learned about people such as Bass Reeves, Sam Sixkiller, Grant Johnson and Zeke Miller. I have had the opportunity to continue to research and write about African American and Native American outlaw and lawmen and to update information on individuals from my first book. My next project is a biographical study of Deputy U.S. Marshal Bass Reeves, focusing primarily on his law enforcement career. Reeves, was a celebrity during the time he worked the Indian Territory. His exploits were recognized throughout the width and breath of the old Indian Territory. A person will be hard pressed to find any peace officer to compare to Bass Reeves from any time period. He was a true American frontier hero, an Oklahoma legend.

This paper is going to take a look at some of the information I have been able to uncover since the release of *Black, Red and Deadly*. When my book was released I believed that Sam Sixkiller was the most outstanding Indian police officer of the frontier era. Now, we have to add two more names, Charles Leflore and Jackson Ellis, right along side of Sam Sixkiller.

Charles Leflore, was from a prominent family from the Choctaw Nation. Leflore owned a ranch at Limestone Gap, near the Texas Road. He became a member of Choctaw Lighthorse police in 1882. In 1883, Leflore received a commission as a deputy U.S. marshal. In 1885 he accompanied Indian Police Captain Sam Sixkiller when the outlaw Dick Glass and his gang was apprehended. During that episode, one of the outlaws tried to escape and Leflore caught him after a wild six-mile horseback chase. Glass was the most famous outlaw of the Indian Territory during the 1880s. Sixkiller killed him with a shotgun during the gunfight, near Atoka.

In the spring of 1884, Captain Charles Leflore and twenty-five Choctaw Lighthorse policemen had a gunfight with an outlaw named Christie at Reynolds in the Choctaw Nation. Christie's gang robbed numerous trains on the M. K. & T. Railroad line that traveled through the Choctaw Nation. During the gunfight five of the outlaws were killed and as many wounded. Two of the Lighthorsemen were wounded during the battle. This action broke up the train robbing activities of this particular gang.

On another occasion it was reported that Leflore and his posse had killed three wanted outlaws. This police action had taken place a great distance from Fort Smith during the summer months. Concerned the bodies would bloat and start to decompose in the heat before they could get them back. Leflore decided to salt the bodies like cure beef or pork. He was able to deliver the deceased outlaws well preserved to Fort Smith for official identification.

It was not uncommon for Captain Leflore to stop at his home in Limestone Gap with a load of prisoners bound for Fort Smith. While at the ranch, he and the posse would eat, rest and refresh, Leflore would chain the prisoners to a large tree in his front yard.

In September of 1886, LeFlore and Sam Sixkiller had a run-in with a mixed-blood Cherokee named Black Hoyt and a white man named Jess Nicholson, in the streets of Muskogee. The two were drunk on moonshine when Sixkiller and Leflore attempted to arrest them. Nicholson shot at Sixkiller and creased his arm. Leflore shot and wounded Nicholson during the fight. Even though wounded, Nicholson managed to escape. Black Hoyt was arrested and later Nicholson died from his gunshot wound.

In 1887, LeFlore became captain of the United States Indian Police for the Indian Territory, headquartered at Muskogee, Creek Nation. This was after the successor of Sam Sixkiller, William Fields was murdered in April 1887, near Eufaula in the Creek Nation, trying to apprehend a felon. As captain of the United States Indian Police, Charles Leflore held the position for eight years. Besides his position as captain and deputy U.S. marshal, Leflore was a special agent for the Missouri, Kansas and Texas Railroad.

One of Captain Leflore's first major arrest was of the black outlaw, Gus Bogles. The outlaw had murdered a white coal miner named J.D. Morgan at Blue Tank in the Choctaw Nation. Captain Leflore arrested Bogles in Denison, Texas on June 30, 1887. Later Bogles was convicted and executed for the crime in Judge Isaac C. Parker's court in Fort Smith, Arkansas on July 6, 1888.

In April 1887, Captain Leflore captured another murderer named Steve Bussel. The crime was committed in the Chickasaw Nation. After conviction at Fort Smith, Bussel was given a life sentence and imprisoned at Little Rock, Arkansas.

In September of 1891, Captain Leflore was on the trail of the Dalton gang after they robbed the M. K. & T. passenger train near Wagoner, Creek Nation. The captain reported to **The Vinita Indian Chieftain**:

"...twenty miles from the scene of the robbery, about two o'clock the same night, four men were seen riding northwest and leading two horses. The next night a woman who is acquainted with the Dalton boys saw two of them and two others west of Red Fork, riding in the direction of the mouth of the stream of that name. They had two lead horses and the outfit corresponded with that seen the night of the robbery. The use of bloodhounds [brought from Atoka] the morning after holdup was rendered impossible because so many persons had been trailing around, but an organized pursuit is being conducted."

The above holdup took place at Leliaetta, Creek Nation. Leflore would have a closer encounter with the Dalton gang at Adair in the Cherokee Nation. On the night of July 14, 1892, the Daltons took over the train depot at Adair and waited for the northbound No. 2 due at 9:45 p.m. On the train were eight lawmen, including J.J. Kinney, special railroad detective, Sid Johnson, deputy U.S. marshal, and Charles Leflore, Alf McCay and Bud Kell of the United States Indian Police. In the gunfight that ensued after the train stopped at Adair, Kinney, Johnson, and Leflore all received slight wounds. The Daltons, untouched, got away with a small amount of loot. No doubt, they would have had a better haul if the lawmen hadn't interfered with their criminal endeavors. During his long tenure, Captain Leflore was wounded on several occasions.

The first execution in the Indian Territory under the laws of the United States, occurred at Muskogee, on July 1, 1898. Of the two men who were executed, one was captured by Leflore. Henry Whitefield, a black man, had murdered a man in Wagoner, Creek Nation, on December 2, 1897. Whitefield went on the run after the crime, but was apprehended

by Captain Leflore near Atoka in the Choctaw Nation. Charles Leflore worked out of the Fort Smith court until the courts were transferred to the Indian Territory in the 1890's. At that time he worked out of the Paris, Texas federal court until he retired around 1905. Captain Charles Leflore died at his home in Limestone Gap on September 10, 1920 at the age of seventy-nine.

Jackson William Ellis, was possibly the most outstanding Indian policeman of the "Nations." He was born in Sweet Town, Cherokee Nation in 1849. He was known as Jack Ellis and was 5/8th's Cherokee. At the age of twenty-one, he stood six feet and four inches. As a teenager, it is said he rode as a posseman for deputy U.S. marshals out of Fort Smith. In 1870, Ellis was appointed deputy sheriff of Tahlequah District, Cherokee Nation and sheriff of commissioner's court. In 1872, Ellis was made deputy warden of the Cherokee National Prison in Tahlequah. In 1876, he left the field of law enforcement to go into the mercantile business. But in 1887, he was given a commission as a deputy U.S. marshal and the same year joined the United States Indian Police under the direction of Captain William Fields.

On March 6, 1887, Bud Trainor, a reckless mix-blood Cherokee and his friends had been drinking heavily in Tahlequah. They rode their horses up and down Muskogee Avenue, the main street, shooting their guns and causing the storeowners to close up. Jackson Ellis had been in the vicinity squirrel hunting and came into town during the turmoil.

Ellis gave Trainor an order to cease and desist. Trainor responded by telling Ellis to get his gun and deposited his horse at Wilson's livery stable. Ellis and Trainor met in the middle of Muskogee Avenue "Hollywood Style." Trainor drew first and both parties got off three shots. One of Ellis' pistol shots struck Trainor in the center of the mouth and the bullet lodged in the rear of his throat. Bystanders had to turn Trainor over on his stomach so he wouldn't drown in his own blood. He was heard to exclaim "Oh, yes, God damn, he shot at my teeth that time." Ellis would have killed him if his pistol hadn't been loaded with squirrel shot known as bulldog cartridges. This occurred just six weeks after Ellis resumed his career as a lawman. Trainor lived to later be killed by shotgun toting black cowboys near Nowata, Cherokee Nation, on January 9, 1896. Trainor is believed to have been the murderer of Deputy U.S. Marshal Dan Maples, the crime for which Ned Christie was falsely accused.

Jackson Ellis moved to Fort Gibson, Cherokee Nation, in 1887 and was stationed there as the deputy U.S. marshal for the town and near vicinity. Here he shot and killed the notorious Cherokee Freedman outlaw Dick Vann while trying to arrest the fugitive. Vann was one of the murderers of Captain Sam Sixkiller, and a noted territory desperado. After his stint at Fort Gibson, Ellis was appointed officer of the peace, in conjunction with the United States Indian Police, at Atoka, Choctaw Nation.

During the time he was stationed at Atoka, Ellis shot and arrested Daniel Fields, an escaped convict. Soon afterwards he shot and killed Harry Finn, a desperado who killed his father in Missouri and was involved in peddling illegal whiskey in the Choctaw Nation. This was followed by the shooting and capture of Charlie Carter, an outlaw and murderer whom Ellis had hunted for a time. Next, Jackson Ellis shot and captured two men named Watson and Whitrock, both bootleggers and notorious outlaws.

In 1890, Ellis went into partnership with D.J. Folsom to practice law in Atoka. This did not last long because he was appointed a deputy U.S. marshal for the Second Division, United States Court at McAlester in the Choctaw Nation. Ellis was given an earlier commission as a special officer for the Missouri Pacific Railroad in the late 1880's when that road was building through the Indian Territory.

In the 1890's, after the tenure of Captain Leflore, Jackson Ellis was made captain of the United States Indian Police at Muskogee, but maintained his home at South McAlester. Ellis was in this position up through the turn of the century. His last years were spent in Marble City, Sequoyah County, where he was given a pistol by the last captain of the United States Indian Police, John C. West. The pistol had belonged to the female outlaw, Belle Starr.

Charles Pettit was called by Chris Madsen, "a colored giant who worked the Osage country." Pettit was a deputy U.S. marshal who worked out of the Guthrie federal office. He was stationed at Pawhuska, Osage Nation. In his autobiography, Frank "Pistol Pete" Eaton claims he assisted Pettit in making an arrest in Pawhuska on one occasion.

A story taken from the **Okmulgee Daily Times** on December 7, 1988, concerns an article from a Special Edition of the **Guthrie Daily Leader** in 1983, stating the following concerning Pettit:

"Another unusually brave black man who served as an early day deputy marshal was Charley Pettit. He served under Marshal E.D. Nix.

A huge man standing six feet four inches, Pettit always wore leather-topped boots with small heels. He sported a broad-brimmed black hat and was a typical frontiersman.

His bravery and skill at tracking in mountain country won him full acceptance by his white counterparts. He joined them, when they relaxed after delivery of prisoners to Guthrie if full fellowship in 'friendly bouts at the saloons,' accordingly to John Golobie, famed early day Guthrie newsman, writing in his memoirs.

Pettit was distinguished by a broad smile showing large white teeth except for one gold tooth in front. This tooth, his fellow deputies said, 'Shone like the headlight of a locomotive' when tracking criminals in the dark.

Reputedly fearless, he frequently brought in three or four outlaws single-handed. He was said to have earned as many fees for bringing in wanted men as any other deputy of the marshal's office. Compatriots said that one reason he was so reckless and brave was that he had a "woman" in Arkansas City in a "fine cottage" whom he supported and of whom he wanted to be 'worthy'..."

There is an interesting newspaper article on Pettit from the Guthrie, **Oklahoma State Capitol**, July 2, 1896 under the title of "Pettit, The Terror – One of the Best Posted and Most Daring Deputies in the Territory":

"Charlie Pettit, the colored deputy marshal, the terror of the woods but one of the best known and trusted and good natured men, a man that fears neither man nor devil, is in the city...Charley Pettit is at the the same time the most gentle, well disposed fellow in the territory. He is colored, it is true, but a great genius could build a romance on his life

that would beat all the “yellow backs” that were ever written. He could be made out to be in fiction – and in truth, too – as the “Black Terror of the Territory.”

Charley Pettit is here as posseman of H.H. Callahan, a brave deputy marshal who killed some time ago the famous outlaw, Tom Crook, in the Osage nation. If ever there was a man that deserved a deputy marshal's commission in his own name, it is Charley Pettit. He is as gentle as a lamb and you would think butter would melt in his mouth, but at the same time he is as courageous as a lion...”

I haven't been able to find out if Pettit ever received a commission under Marshal E.D. Nix, but it appears he received a prior commission as a deputy U.S. marshal under Marshal William Grimes of Oklahoma Territory. Grimes' payroll record for January 1 to June 30, 1893 shows Charles Pettit receiving \$340.02 in wages and reimbursements. The following notations were found in territorial newspapers concerning Pettit's police work:

**Guthrie Leader**, June 14, 1894: *“Deputy Charlie Pettit, down from Perry with prisoners, most selling whiskey.”*

**State Capitol**, March 6, 1895: *“Deputy Chas. Pettit came in last month from the Osage country with W.S. Kennedy, an Osage whisky peddler. He was given lodging at the federal jail.”*

**Guthrie Leader**, April 27, 1895: *“Deputy Charles Pettit arrived yesterday from the Osage country with Will Hill and Perrin Rich, two Osage dealers in ardent spirits and turned over to the keeper of the federal inn.”*

A few years ago, I was contacted by a badge collector from Kansas City. He had found Charlie Pettit's deputy badge in a miscellaneous dollar box in Tucson, Arizona badge show. The badge was tarnished, but Pettit's name could be clearly read on the nameplate. Not as famous as Wyatt Earp, but Pettit left his mark on Oklahoma Territory law enforcement.

Rufus Cannon was one of the most important black deputies in the Indian Territory. His most famous episode was being a member of Deputy U.S. Marshal Heck Thomas' posse that killed Bill Doolin. One of the Guthrie newspapers stated Cannon had shot Doolin but retracted the statement in the same article before it went to press and said Thomas had been the shooter. The same newspaper article referred to Cannon as being a half-blood Cherokee and didn't allude to his African ancestry.

In talking to Cannon's descendants they have informed me that Rufus Cannon was born in 1847, possibly Arkansas. His mother was the German slave owner of his black father according to family history, which would make Rufus Cannon a mulatto. The family has no history of Indian blood. Cannon is a corruption of the original name being Kennon.

The Fort Smith National Historic Site has records that show Rufus Cannon receiving a deputy marshal commission on September 15, 1892, and June 1, 1893 from the federal court at Fort Smith, Arkansas. Cannon's exact length of service is not known, but what is known due to the newspapers reports is that he worked both the Oklahoma and Indian Territories in the 1890's.

One of the first notable outlaw captures by Cannon was the arrest of the notorious African-Creek outlaw Captain Willie. The outstanding, Oklahoma City Deputy U.S. Marshal

George Thornton had been murdered by Willie near the Sac and Fox Indian Agency in October 1891. Following are a couple of newspaper articles related to the incident:

**Watonga Republican.** October 26, 1892: *“A DESPERADO CAPTURED: Guthrie, O.T. Oct. 17 – United States Marshals Rufe Cannon and J.P. Hunter arrived here tonight with the noted Creek desperado, Captain John Wiley (sic). Wiley killed Deputy Marshal George Thornton a year ago besides several other men during his criminal career.”*

**Fort Smith Elevator.** November 4, 1892: *“A FATAL SHOT: Deputy Marshal Rufus Cannon, who arrested the notorious Creek outlaw Captain Wylie, arrived in the city Tuesday. Deputy Cannon reports that on his way back he was overtaken near the Oklahoma line by a gang of drunken outlaws, who charged into his camp. One of the party was captured and with three quarts of whisky in his possession, and placed under arrest. As soon as his comrades discovered he was missing they returned and fired into the camp. Mr. Cannon returned fire, and the leader of the attacking party fell dead, shot through the neck. Mr. Cannon shortly surrendered to Deputy Hunter.”*

The next incident of note occurred when Cannon, along with black Deputy U.S. Marshal Ike Rogers, of Cherokee Bill fame, led their posse into a gunfight with the Cherokee outlaw Henry Starr and his gang near Bartlesville. The shootout took place on January 21, 1893. Starr and Ed Newcome escaped the posse but Cannon shot the right arm off a white outlaw named Jesse Jackson with a shotgun. Jackson was captured and turned over to deputy Heck Thomas who had a warrant for him for robbing the Santa Fe railroad train on November 8, 1892 at Wharton, Oklahoma Territory.

The **Coffeyville Journal** on February 24, 1893 carried the following story:

*“Deputy U.S. Marshal Rufus Cannon of Fort Smith, was in the city Monday, having in charge Scott Bruner, who is implicated in robbing the Santa Fe train at Wharton, Oklahoma Territory and the Pacific train at Caney last fall. Bruner is a desperate fellow and the capture is an important one. He was captured down on the Osage line at the house of a man named Washington while making love to his sweetheart. Scott Bruner was taken to Fort Smith Monday as was expected. One reason was the marshal was waiting for witnesses to arrive. U.S. Marshal Tom Weeks, who made the arrest with Cannon, came up from the territory Monday night and was here all day yesterday. Weeks says Bruner is undoubtedly a bad man. He held up two men not long since in the territory and was surely in the Wharton robbery. Bruner is already under bond for Peddling whiskey. Weeks and Cannon were to take Bruner to Fort Smith Tuesday evening. There is a reward of \$1000 for the arrest and conviction of the men who robbed the train at Wharton last fall and two of them are now captured.”*

The **Guthrie State Capitol** on August 14, 1894 printed:

*“Deputy Marshal Rufus Cannon is in the city,” and on September 13, 1894: “Deputy Marshals Sam and Morris O’Malley and Rufus Cannon came in with a batch of prisoners from the Creek country.”*

The **Muskogee Phoenix** on September 22, 1894 carried a story about a shooting Cannon was involved in:

*“About a year and a half ago, Rufus Cannon and W.L. Stamphill, deputies under Marshal Yoes, had a fight near Wewoka with a portion of the Woodward gang. Joe Pierce was killed and his friends claim that the killing was unjustifiable. They attempted to have the deputies indicted for murder, but failed. The special grand jury....took up the case again and returned indictments against both. Stamphill was in the city and surrendered at once. Rufus Cannon was out in the Seminole nation, but came in today and gave himself up to C.J. Lamb. Both had admitted to bond and are confident of their acquittal.”*

In July of 1895, Bob and Bill Christian, brothers, broke out of the Oklahoma City jail and in doing so murdered Police Chief Milt Jones. An extensive manhunt for the criminals followed thereafter. Cannon arrested William “Old Man” Christian, the father, and W.H. “Bill” Carr, a former lawman, on July 22, 1895 in Pottawatomie County, Oklahoma Territory. “Old Man” Christian and Carr had been implicated in assisting with the escape.

The **Guthrie State Capitol** on November 2, 1895 reported:

*“Deputy Marshal Rufe Cannon is over from the Creek country.”*

At the time Cannon was a member of the Heck Thomas posse hunting down Bill Doolin there was a warrant out for his arrest for murder. Cannon had threatened a man in Wewoka to leave a woman alone that he had affections for, the man later married the woman. The man was later found full of lead, dead on the railroad tracks in Wewoka. Witness came forward to testify to the threats made by Cannon. It is not known how this case was resolved.

According to family history, Rufus Cannon was involved in the subduing and capture of the Rufus Buck gang in the Creek Nation near Okmulgee. Cannon referred to it as the longest gun battle in Indian Territory history. Cannon lived to be 103 and died in Kansas City, Missouri, in 1950.

Robert Fortune, worked twelve years as a deputy U.S. marshal in the Indian Territory. He started work at the Fort Smith, Arkansas federal court in 1895, working under Judge Isaac C. Parker. Later, Fortune was transferred to the Central District at McAlester, Choctaw Nation where he was assigned to the Wilburton office. The first deputy U.S. marshal assigned to Wilburton, Henry Peckenpaw, was killed by two bandits that robbed the town postmaster in 1899. Fortune replaced Peckenpaw as the local peace officer. Fortune was quite active pursuing felons and having involvement in a few gunfights in the Wilburton area in the years following the turn of the century. His nickname was “Poorboy” in the Indian Territory. In 1903, Fortune assisted Deputy U.S. Marshal Bill Ellis in the capture of the notorious black outlaw Step Ody in the Choctaw Nation.

In 1905, Fortune was involved in a political squabble in Wilburton that almost cost him his job. There was a new school built for the children of Wilburton. The exception was, if you were African American there would be no allowance. It was claimed, by the white citizens in Wilburton that Fortune was the leader in demanding admission for the black children to the new school. He supposedly had it announced in the black churches and was their legal advisor. The black children went to the new school building about twenty strong, but were turned away. When they returned to their residences, a consultation was held with Fortune. They again returned to the school, this time accompanied by their fathers, but they were again repulsed.

The area newspapers claimed that when Fortune discovered that he had run up against a horned snag and that his job was in danger, he became very penitent. He denied he had anything to do with the affair, but the wrath of the white school board and citizens were aroused and a committee was sent to South McAlester to request Fortune's removal. Marshal George Pritchard made a trip to Wilburton and made a personal investigation of charges. The following statement, which was furnished to one of the local newspapers, gives his reasons for his actions:

*"After Receiving a statement signed by the school board of Wilburton and also after receiving two or three delegations from that point all bearing on the conduct of field deputy Bob Fortune, I made an investigation to the situation and came to the following conclusions. During the recent trouble between the white and black people of Wilburton, I notified Deputy Fortune of the charges which had been preferred against him. He came forward with quite a number of endorsements from white men and women of Wilburton, endorsing his course as an officer, saying he had always been just and upright in every particular. Also further stating that they did not hold him responsible for the recent trouble, which occurred on account of the black children trying to gain admission into the white school. On the 30th, (of September), I visited Wilburton after notifying the people in advance and at a called meeting of the Board of Education. Deputy Fortune cited the case to them, and the consensus opinion seemed to be that there was not sufficient evidence to justify me in removing him. A black attorney, by the name of H.A. Guess, filed an affidavit, stating that he had advised the colored children to make application for admittance to the white school for no other reason than for suit which he proposed to bring in order to get the colored children their proportion of the school and thus, provide a school for them. He swears further that at no time advised any violence. Deputy Fortune also swears that he had at all times advised against any violence. And as there was no violence on that occasion, I do not deem the evidence thus far sufficient to warrant removal of Deputy Fortune. However, in the interest of the peace and harmony, I have appointed and sent to Wilburton, a white deputy with instructions that he is to serve all process to white people, and Deputy Fortune will be expected to accept the warrants for the black people, except in extreme cases. I have also requested Commissioner Jones to put all warrants for white people in the hands of the white deputy and those for the black people in the hands of Deputy Fortune. I sincerely trust that this arrangement will work out to the satisfaction for the good people of the vicinity."*

This was the first time I came across an instance where a black deputy was ordered not to take warrants for white people by a U.S. marshal in the Indian territory. At statehood, Robert Fortune found employment at the new state penitentiary in McAlester, Oklahoma, as a guard. He later moved to Chickasha, Oklahoma, and became a lawyer in that community.

The **Oklahoma City Black Dispatch** ran the following story on October 5, 1917 under the title "Fortune Honored":

*"Robert Fortune, Chickasha's Negro lawyer, will be an honored guest at the Fort Smith Centennial Celebration at Fort Smith, Ark., Oct. 8-13, if he accepts a cordial invitation extended to him by that city...Fortune for twenty-two years served as a deputy United States marshal in the western district of Arkansas, which, during that period, 1884-1906, embraced the Indian Territory and a part of No Man's Land. His headquarters were at Hartshorne, Okla. Later he engaged in law practice, coming to Chickasha from Wilburton."*

Following is Fortune's invitation:

*"My dear Mr. Fortune: Our city has plans now in process of completion for one of the largest and best celebrations we have ever known. It is the occasion of our One Hundredth Birthday, and we aim to fittingly return, thanks for our long life and prosperity in this series of magnificent pageants. There is no more appropriate way in which the present generation may honor itself than by paying due honor and respect to those who, by the sacrifices they have made it possible that we might enjoy the present fruits of progress. Accordingly, among the days of the week beginning October 8, none stand out in such striking relief as does Wednesday, October 10. On this day we strive to present Fort Smith as she was in the days when you first knew her. Properly costumed, some character will represent Judge Parker, famous in early days. Surrounding him in this pageant, reflecting the courage and chivalry of days of which the younger generation know so little, will be the deputy United States marshals of whom you are one. We are very desirous that you accept this invitation and be with us as our guest. Kindly notify us of your acceptance and indicate at what time you will be present in the city. Hoping to hear from you at a very early date, I beg to be, Very sincerely yours, J. H. Kirkpatrick, Manager"*

Federal Judge Parker, to whom reference is made in the above letter, enjoyed the reputation at one time of having sent more bad men to their doom than any man who ever held a judicial position.

The same newspaper printed a follow-up story on October 19, 1917 titled "Ft. Smith Honors Black Marshal – Judge Fortune Central Figure":

*"Fort Smith, Ark., Oct. 10. – Today at 3 o'clock the Historical Pageant, the leading feature of the centennial celebration, took place and was witnessed by an immense concourse. The pageant represented several periods in the history of this country beginning with the exploration of DeSota and ending with Judge Parker's court, the greatest civilizing factor of this section. Following the court, came the old deputy marshals in tally-hos. Several on horseback with Winchesters and their grub wagon containing several prisoners. The central feature was Judge Robert Fortune in an old covered wagon such as was used by old Indian marshals. He had beside him in irons, heavily shackled, two white and two Indian prisoners. In the old days when outlawry flowered in Oklahoma and the hands of the law were powerless, black deputy marshals were appointed, who swept these outlaws from their nests. There was no desperado so fierce that they would not capture or kill him. Law and order today owes much to these intrepid men. When Alfred Kingsberry killed Sheriff Garrison, Judge Fortune was specially deputized to pursue and capture him."*

Sometime after 1917, Fortune moved to Phoenix, Arizona, to practice law. Fortune became one of the leaders in the Phoenix African American community for over two decades. He ran unsuccessfully for the Arizona state legislature and campaigned to have blacks accepted in the city Fire Department. Fortune was contracted in 1920 by the Cotton Growers Association of Arizona to recruit field workers. Back in Oklahoma, he contacted a friend, Roscoe Dunjee, editor of the Oklahoma City Black Dispatch newspaper, for help. As a result he brought back a trainload of black workers for the tasks. When Fortune died the Arizona Republic reported on July 8, 1938, that the Maricopa County Bar Association conducted memorial services for him in the chambers of Judge J.C. Niles. The courthouse was closed a half-day for the occasion.

At the National Historic Site at Fort Smith, there is a reunion photo of former deputies that worked the federal court. The date for the photo is given as 1907. But due to the above article we now know that it was taken in 1917. On the far left side of the photo, standing by himself, is a brave black deputy U.S. marshal named Robert Fortune, who rode for Parker.

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