

## **OFFICER DOWN! THE DEATH OF IKE GILSTRAP**

When Deputy United States Marshal Ike Gilstrap accepted the assignment to apprehend the Wickcliffe boys in early March of 1906, he had no idea that he had signed his own death warrant. Now 45 years old, Gilstrap, a large man weighing in around 250 pounds and father of three, spent most of his adult life as a section master for the Frisco Railroad and only four years previously had become a marshal. Possibly it was a combination of his limited experience or his size, an easy target on a horse, that put him in harms way. Or perhaps it was an over eagerness motivated by the fact that one of the Wickcliffes was suspected of killing John Vier, a Deputy Marshal who had been recommended by Gilstrap. Regardless of the circumstances, Gilstrap would soon be dead, killed on a dusty trail near Little Saline Creek in the Spavinaw Hills.

On the other hand, the Wickcliffes, Charley, Tom and John, full blood Cherokee's, were experienced criminals operating in friendly, familiar surroundings. As criminals the boys came from an unlikely background. Their father had been a Cherokee Supreme Court Judge, they had grown up as peaceable, quiet citizens, attended school and were well educated. Exactly, when and where the brothers became involved in criminal activities isn't known, but it began with cattle rustling, progressed to selling illegal whiskey and finally, murder.

The probability of capturing the gang was made more difficult because of the loyalty of numerous relatives and friends scattered throughout the rugged Spavinaw Hills. A virtual network of lookouts and informers made their location, much less their capture, nearly impossible. Local loyalty was also compounded by the fact that others would join the gang from time to time. And, these were criminals who had no conscience. Sometime earlier, Charley, the purported leader, had shot and killed his own brother during an argument. In sum, the situation facing Gilstrap was that the Wickcliffe brothers, Charley, Tom and John were desperate, well armed criminals with a supporting cast, who were prepared to fight to the death on their own turf.

Gilstrap enlisted the assistance of a posse consisting of Otis Tittle, Dick Carey, Henry Holderman, Than Wofford, Pleas Mann and Andy Dick. By March 11, 1906 the posse had located the gang's trail near their Uncle John's cabin, confronted the boys and managed to capture Tom. Perhaps this was where either fate or inexperience resulted, but Charley and John managed to escape, double back behind the posse, and ambush them. The fusillade brought Ike Gilstrap down immediately, shot through the head, Dick Perry was seriously wounded. The remaining posse members along with the wounded Perry managed to escape to Uncle John's cabin. A firefight ensued, Tom escaped and the three brothers disappeared into the woods. Later, when reinforcements returned, they discovered Ike's body, shot through the eyes and robbed of a watch, his money, pistol and gun belt.

The report of this ambush and the mutilation and robbery of Gilstrap's body created a furor. While he was being returned to Vinita for burial, law enforcement agencies were galvanized into action. Search parties were organized and within days, a posse of 100 deputies were summoned to the murder scene. A reward of \$1000.00 was posted for each outlaw.....dead or alive. The new posse was led by Captain G.W. White, who was credited with the killing of Ned Christie the notorious Cherokee outlaw and the capture of his gang. The fate of the Wickcliffe brothers appeared to be sealed, but in fact that was not to be. They faded away into the Spavinaw Hills, declaring their innocence and placing the

**blame for Gilstrap's death on Ben Hungry, one of the part time gang members. Local newspapers took up their cause and also disputed the extent of their involvement.**

**Justice does not always result in conventional conviction and sometimes the result is no conviction at all. The slaying of Ike Gilstrap may have been revenged although the brothers were never brought to trial for his murder. Retribution may have occurred two years after his death on March 29, 1908, when Charley, chief suspect of the murder and mutilation, was killed by his brother Tom during an argument. But then justice may have been denied when two months later, Tom and John were captured, then tried for the murder of Deputy Marshal John Vier, Gilstrap's friend. Defended by Tahlequah attorney Rufus H. Couch, the two were found not guilty by the jury because of reasonable doubt.**















