October, the crops were harvested and stored in secret, hidden cribs or caves. The winter's wood supply was cut and stacked conveniently close to the old log house. William, the youngest son of James and Susan Townsend, instructed their grandchildren how to do the chores and care for his frail parents, before leaving to answer his call to duty in the war. It was a sad and tearful farewell as he said good-bye to his aged mother and father to leave them all alone in the old house and homestead that had nurtured him from birth. He stopped his horse and turned in the saddle for one long, last look at the brokenhearted old couple before turning over the hill at Townsend's cave that would take him out of their view and out of their lives forever. Their baby boy was leaving the nest for the first time and going off to the uncertainty of war. It was a bad omen for a family member or guest to turn and look back after saying good-bye, and he had turned. Premonition troubled all three of the grief-stricken people in the weeks to come. The superstitions of his mother's Indian ancestors and the highland chieftains of his father's Scottish forebears, combined to cry out a warning of impending danger and death. The fact that war is a deadly game, without respect or conscience, failed to quiet the inner warnings. It was something beyond the acts of war.

James and Susan had four sons that served in the Union Army during the Civil War. They were: Reuben, Garrett, Robert and William. They also had five grandsons. They were Reuben, Jr. and Garrett's sons: William Corporal, James, Frances and Newton.

Front row (left to right)
Louis and Shug Townsend

Back row (left to right)
George Townsend and
Nicholas Townsend

In the following chapter
Shug was 10 years old,
Louis was 7 years old and
George was 2 years old

Chapter 6

GUERRILLAS--PILLAGE AND MURDER

The date was October 6, 1862. The Civil War was raging. Although Kentucky had declared neutrality at the beginning of the war, it was not recognized or respected by either the Confederate or Union Armies nor by the bands of outlaws and guerrillas that pillaged the countryside. Anarchy almost prevailed and even Governor Magoffin was forced to resign his office in August 1862. On this day General Bragg, with 28,000 troops and supplies, was moving in a half-moon salient through Kentucky from Nashville. They were trailed, but not too closely, by General Buell with 61,000 Union soldiers and supplies. These two armies were to meet two days later, October 8, 1862, at the bloody Battle of Perryville and leave 7,736 dead and wounded on the battlefield.

While these armies were moving into position another group of vicious cutthroats, wearing grubby Confederate uniforms, were making their way toward an infamous crime in the southeast corner of Estill County, at the headwaters of Miller's Creek. The weather was hot and dry. Autumn leaves floated on pools of water that lingered in the creek below Townsend Cave, but the streams above were dry and fields parched. The James Townsend family had lived in this area since about 1815 when he homesteaded some 10,000 acres of land.

It was rumored that he had a large amount of silver and gold coins. This was just the type of rumor to excite the imagination of desperate men such as the thieving guerrillas riding quietly and in single file toward their cabin on his homestead. My grandfather, Sidney M. (Shug) Townsend, had just turned ten years old. His Dad, Garrett Townsend, was a member of the home guard and his three older brothers were soldiers in the Union Army. The strain and anxiety of the war torn country showed in his small drawn face as he helped his mother with three younger brothers and sisters. A Blue Jay squawked his harsh call of alarm. Their faithful dog uttered a low growl. It was then they saw the column of evil visaged riders as they rode through the deep banks of the creek. Quickly they scurried with their mother to a prearranged place of hiding. The group of brigands never paused in their gait. They were men of purpose and they knew where their objective lay. It was the log cabin just above Townsend Cave, occupied by James Townsend and his Choctaw wife, Susan Robinson. He was 72 years of age and she was 65.

The elderly couple saw the intruders first and recognized some of them for what they were. Frantically, they closed and bolted the door as the guerrillas laid siege with a volley of shots. Armed with two muzzle loading hog rifles, he returned their fire. He was a preacher and a God fearing man but, as self preservation is the first law of nature, the protection of a

man's home and family must surely be the second.

He and his Indian wife exchanged a quick glance and as their eyes met, all the years of respect and understanding passed between them. They had withstood the winds of many winters. They had faced a lot of hardships and had warmed many a blanket together. Now the same courage that had given them strength to live, would give them strength to die in defense of this, their last retreat. While his wife reloaded the rifles, he held their tormentors at bay until a bullet found a crack between the logs that cut the apron string of Susan Townsend. She died there beside her beloved husband. Unable to reload and fire fast enough, the pack of renegades rushed him and broke down the door.

In the meantime, my grandmother, alerted by the gunfire, took her brood of small children through the woods to safety. From their place of concealment, they witnessed the attack on the old people but were helpless to do anything about it. Roughly the old man was dragged out of the house by the dastardly bastards who were trying to force him to reveal the hiding place of his silver and gold. They beat him, burned his feet and hung him for periods just short of killing him. He knew death would come anyway, with or without his direction to the hidden treasure; so he stubbornly refused. Enraged and apprehensive of discovery, they hanged him and left him hanging. One of them picked up his hat that had fallen and put it on his head and mocked: "Whooppee, old brother Townsend..by G--!" Then, as a further act of their repugnant brutality, they set the house on fire and rode off.

When they were out of sight, my great grandmother raced to the scene, cut the old man down and put out the fire with milk from a nearby churn. Sitting my grandfather down on the floor, beside his dead grandmother, she placed her two-year-old baby between his legs. Then, she put the shirttail of the two older ones in his hands, and instructed him, "Hold on and don't let go. I will run for help!" Sally Carpenter Townsend was an energetic and forceful little woman that weighed less than 100 pounds and had the courage of a "she grizzly" when she was riled. She was riled now. With the horror of the brutal crime burning in her mind and the urgency to return and recover her little children from their hellish nightmare, she raced along the valleys and ridges to far flung cabins for help. It came in the form of women, and men too old or boys too young for military service. They were a sad and grim faced crew as they dug the double grave, prepared and carried the bodies to be buried, side by side, in a single grave above Townsend Cave. The grave was near their daughter, Edith, who had died as a young woman of eighteen years and had been given an Indian burial at night.

A year of tragedy for the Townsend clan was 1862. Robert, second youngest son of James was killed in battle early in 1862. Their oldest son, Reuben, died in a military hospital in Nashville, Tennessee in November, 1862.

Chapter 7

"BAD BILL'S" REVENGE

William, the youngest son of James and Susan Townsend was a quiet, almost gentle natured man who went his own way and left other people alone, but he was a whirlwind demon of death and destruction when someone did him wrong. At the time of his parent's death he was a soldier in the Union Army. He had enlisted October 26, 1861 at Lebanon, Kentucky, Company D, 8th Division. He was sent to Missouri. News traveled slow at that date in history, but it was inevitable that he would learn of the premeditated and sadistic nature of his parent's death. His reaction has been handed down by cautious and whispered word through our generations for more than six score years. His revenge is understandable and just what the authors of the crime deserved, but was almost as brutal, and involved more victims than the one he set out to revenge.

Upon receiving the news, he started out at once for home. All methods of travel were slow and tedious at that time. As he traveled, there was plenty of time to think. He remembered the courage and yet the gentleness of his mother and father. He remembered their devotion to each other and their first home, a log cabin, nestled in a mountain cove that had never known a tyrant's heel or a vassal's shame. He thought of the lessons in nature his Indian mother had taught him as she went about gathering edible herbs and plants in the springtime and the storing of food from summer's harvest for the long cold winters. Of the beautiful autumns when summer's work was over and the harsh winds of winter had not arrived. This was a time to relax, to walk in the woods, to climb a mountain higher than the others and look down on a sea of color, splashed with hazy sunlight. He had time to think too of the injustices done to his mother's people, the treaties made and broken, the constant pressure by government and an endless stream of land hungry immigrants that pushed them further west or into the swamps and badlands. He thought of the sorrow, sadness, and humiliation they had suffered. His throat tightened and his eyes burned with hate for the evil-hearted men who inflected this last injustice.

He would hunt them down and destroy them to the last man. He was twenty-four years old but a brute of a man. He once carried a barrel of salt up Townsend Mountain, and he wanted close contact with the dirty scum that killed his parents. He wanted to feel their jugular veins and hiss in their ears as he took vengeance. As he went about learning each man's identity, he intimidated them. He harassed and baited them. They hated the blue uniform he wore.

At last, he lured them by challenge to the place he knew best, Townsend Cave. With the cunning of his Indian heritage, he struck and vanished, again and again until all was quiet and he

then emerged like a shadow and the night swallowed him up. Only the gloomy walls of the old cave witnessed that terrible battle. Up the hollow a few hundred yards from the graveyard above Townsend's Cave, is another graveyard covered knee deep in ivy. Under here is a dozen or more unmarked graves, mute testimony to the whispered stories that were told to the sons and grandsons. These were told in the privacy of guarded moments by a fireside or when they were alone doing chores in some secluded area, "These are the scoundrels, William (Bad Bill) Townsend put to rest for murder."

As "Bad Bill" prepared to return to his post in the army, he learned that one of the ring leaders in the plot to murder his mother and father was being detained in the Winchester jail. On his way back to the Army, he stopped by the jail, late at night, aroused the jailer and asked for custody of his prisoner. Where upon he was informed that a writ or court order was required for his release. Bad Bill produced an Army Colt, leveled it at the jailer and quietly asked, "Is that authority enough?" He then released the prisoner and locked the jailer up instead. At this point, the prisoner asked to obtain his hat and coat and was informed by Bad Bill that where he was going, he wouldn't need a hat and coat. He took him out on the Winchester Pike and shot him. He then rode back to his outfit to resume his duties as a soldier in the Union Army.

The old moon that was in hiding, when these violent deeds occurred, shines eerily through the ghost-like patches of fog and all is silent. Peace has come at last to the turbulent cove. Only the creak and hum of oil well pumping units disturb the silence as they pump their treasures of "Black Gold" from deep within the bosom of the Earth, indifferent to the tragedies and violence of the past. Ignorant of the reputed silver and gold wealth of James Townsend. As James was ignorant of the wealth of minerals, oil and gas, stored beneath his homestead, which was later to be robbed from his descendents by greedy conniving men.

The above paragraph describes my observations as I stood on the scene of my story when I was writing it. It is intended to give the reader a contrast between conditions THEN and NOW.

-C.E. Bush
September 15, 1988

Chapter 8

A CIVIL WAR ROMANCE

In 1863, the widow and family of Lewellyn Bush (1804 to 1859) were still living in a two room cabin built by him about 1830 on a tract of land patented by his father, Ambrose Bush, Jr. (1779 to 1859). This land had been given to him as a wedding present instead of the customary pair of slaves, as Lewellyn did not believe in slavery. The cabin was first built as a hunter's cabin and located on a knoll above, and about the center of what would later become the L. & E. Railroad tunnel at Torrent, Kentucky which was then in Owsley County. Lewellyn was killed the day Campton was selected as the county seat of what would become Wolfe County in 1860. He left a widow, Martha Townsend Bush (1817 to 1894), and their ten children, ages two to seventeen, to survive in the wild untamed wilderness, prior to, and during the Civil War.

An old trail along the ridge that divides the watershed of the Kentucky and Red Rivers, and was known as Furnace Road. It ran by the house and was used by the troops of both the Northern and Southern armies whenever occasions demanded the movement of soldiers from east to west or visa versa. The small bands of troops using the old trail had no organized quarter master unit for supplies and lived off the land. They took, pillaged, and conscripted whatever they needed or wanted by force, including able bodied recruits. These recruits were taken whether or not they had a choice or opinion about the Blue and the Gray. The little hollow that heads up where Highway #715 and Legg Ridge Road intersect, was known as Crib Hollow. It was and is very rough and covered with a tangle of laurel and ivy. A crib of logs were half buried in the hillside and covered with brush, leaves and dirt that had been constructed by the Bush family to conceal corn and other food items from marauding animals and raiding parties.

Edward "Ned" Bowman was a captain in the Union cavalry in 1863. Upon returning with his unit to Booneville, they stopped at the Bush homestead to replenish their supplies from the meager estate of the Widow Bush. While he sat on his horse in front of the doorway, listening to the tearful protest of the impoverished widow, his men came up driving a yoke of scrawny steers that had been hidden in the cliff below the cabin. The three oldest boys, John, Bill and Jim, were off to war in the Confederate Army at the time. This left their mother to provide for herself and her brood of young children on the raw, war torn land. She was helpless to a situation such as she now found herself.

Her pitiful protest grew louder. Suddenly her daughter, Elizabeth, burst from the doorway. The business end of a muzzle loading shotgun was thrust into Captain Bowman's face. He found himself looking down the barrels at a beautiful, sixteen year old girl in ragged, home spun calico. There was no mistaking the

himself looking down the barrels at a beautiful, sixteen year old girl in ragged, home spun calico. There was no mistaking the intent in her eyes as she announced in a voice that was firm and clear, "These steers are the only thing that stands between us and starvation and when they go, it will be over my dead body." There was a long silent pause as eyeball met eyeball over the twin barrels of the shotgun. Nobody moved an eyelash.. Quietly the captain told his men, "Take 'em back where you found 'em!"

As they rode off down the old road, his faithful lieutenant rode up along side of him, about where the old Pine Hill church now stands and said, "You ain't goin' to let that girl buffalo you, are you Cap'n?" To which the captain replied, "If I get out of this war alive, I'm coming back and marry that girl." Sure enough, he kept his word and somehow through the scars of war on different sides, they overcame the smoldering hatred of a divided nation and married. They lived in a peaceful coexistence with her brothers who "fit on the other side." Their oldest daughter, Alice, married Crit Cable of Zachariah.

In the mid 1800's there was still plenty of wild game: turkey, deer and bear. Giant chestnut trees, seven feet and more in diameter, grew in abundance from early fall until late spring. Their fruit furnished food from man and animal. Hogs were turned out to roam free, live, fatten and reproduce in the wild. They had little fear in the wilderness. A bear is no match for a huge wild boar. A wild sow with pigs was avoided by both. Passenger pigeons came in great flocks and millions of birds darkened the sky with their flight. A favorite roosting place for them was the head of Walker's Creek above the mouth of the old tunnel. Huge hemlocks and white pines were stripped of their branches by the weight of these birds.

Uncle Jeff Bush (1851 to 1942) told of how his mother would take all of the kids to these "roosting" sites and give each one a heavy throwing stick. At a prearranged signal, everybody would throw their heavy sticks into the branches. He said, "We would pick up bushels of dead and crippled birds that had been killed in these attacks." Of course, this afforded a feast of the choicest food with most of them salted down in homemade barrels for future use.

Storage of food for use during winter was a problem. Salt and drying were two of the most used methods. However, many of the most delicious and bountiful foods, such as berries, could not be dried with much success. Flys and other insects infected the food with eggs that would reproduce skippers and bugs.

Clothes were homemade from rough cloth woven on the homestead. Shoes were fashioned by a crude cobbler. These shoes proved to be rough and uncomfortable. They offered little protection in wet weather. There was little to spare for sale from the farm. In the fall, chestnuts would be taken to Winchester to get a little money for salt, sugar and such.

Chapter 9

TIMBERING-RIDGEWOOD AND THE MARSHALLS

After the swift and savage revenge by William (Bad Bill) for the brutal death of his parents, the remnants of the troublemakers responsible for their harassment and murder left the state or went into hiding. He had made it very clear what kind of punishment they could expect for any further trespass or injustice suffered by his remaining family. Apparently his enlistment was up and he re-enlisted on January 3, 1864. He transferred to the 4th Kentucky Regiment, most likely so he could respond more quickly to any threat or call from home.

He returned after the war, having served about four years. His experiences in the war, plus the loss and subsequent revenge of his folks, had made him a restless, dangerous man, hated and feared by some, respected and idolized by others. He was inclined to drink a lot and be reckless when under the influence of liquor, though he was quiet and thoughtful when sober. He asked for no quarrel and gave none. However, there was one deep, underlying threat. He could not cope with raw courage and weapons.

The people who put out the rumors about the old man's wealth of gold and silver coins, and instigated their murder were still around and they wanted his land. There had been no witnesses to the dispatch of the men at Townsend's cave, but he had taken one out of the Clark County jail, at gun point. If they could get the law to put him away, they would remove their greatest threat. Maybe they could even pretend to be his benefactors, loan him money for legal fees, get his confidence, and set him up for rail-roading.

Surely Bill's family would stand by him in his defense even if it cost them their homestead which they pledged, unknowingly, to the very men who were intent on robbing them.

Not only were James Townsend and his sons envied for his gold and silver but for his far greater wealth of land, timber and minerals in the bosom of his land. James, an unlearned man, was not aware of the hidden wealth of minerals that was obvious to the practiced eye of engineers and geologists that were working for the people who wanted his land. They were greedy land grabbers, the scourge of eastern Kentucky during the 1800's and into the early twentieth century. They used every form of treachery and deceit on the illiterate, impoverished mountain men they could devise, along with crooked court judges and political cronies in high places who shared in the wealth. Throughout the years of the Civil War and for ten years following the Civil War, the country was in shambles. The entire south suffered almost total destruction and abject poverty. A decade would pass before any semblance of law and order would be restored or any form of educational programs offered. During these ten years, almost

fifteen in all, most of James Townsend's grandchildren grew up without benefit of schooling whatsoever. This lack of education was a handicap that would shadow them and make their problems more difficult in the years ahead, but they were resourceful people.

The prime timber that stood on the rugged slopes of the Townsend land was a source of cash for them. Although logs had to be cut and banked near enough to a stream to be floated to market during a flood or tide. This was hard, dangerous work. If the raftsman survived exposure to the weather and drowning, then he was in danger of being killed or robbed on his way home.

Often on foot, he trudged the narrow wilderness paths or creek banks on his way home with his precious wealth of silver and gold coins received as payment for his raft of logs. He might even have taken some for a neighbor, hidden deep inside the pockets of his homespun pants. They were also wary of highwaymen and traveled in groups when possible for safety. More than one unfortunate, lone raftsman was found with a dagger or bullet between the cross of his gallowses and his pockets turned inside out.

My grandfather told of one particular difficult log run. He and his brother, Nick, and others made a raft of logs one very early spring. They cast off in a heavy downpour with strong gusty winds. The rain changed to snow with temperatures that fell well below freezing before nightfall. After battling the storm and swift current all day, they found a quiet cove in late evening where they could tie up their raft of logs and go ashore to seek shelter for the night in a nearby farmhouse. They were ravenously hungry, soaked and chilled to the bone. The farm family was of meager circumstances and their house was small, but my grandfather and his crew were accepted warmly. As they stood before the fireplace drying and devouring the rough food and strong, black coffee provided for them by their host, water drained from their clothing and formed puddles on the floor. Later pallets were put down on the floor for the tired men to sleep. Uncle Nick had a peculiar manner of speaking and sometimes after midnight, he called out in a hoarse whisper to my grandfather, "Shug, are you asleep?", to which he replied, "No Nick, what do you want?" In the same hoarse voice he explained that he was freezing. Grandfather then invited him to come share his bed which consisted of some old army issue overcoats thrown on the bare floor. After Uncle Nick had laid down and began to feel the combined warmth of their bodies, Grandfather apologized, "Nick, this ain't much of a bed." to which Nick retorted, "Lawd Gawd Shug, dis is a palace to what I had."

Kentucky Union Land Company was formed and acquired large tracts and boundaries of land in Powell, Estill, Lee, Wolfe, and Breathitt counties together with a railroad right-of-way beginning in 1854. By 1884 they had laid track and run the first train to Clay City, in Powell County. Huge lumber mills were

being built and millions of board feet of lumber were produced by them. By 1890, they had extended their rail line to Torrent, near the four corners of Estill, Lee, Powell, and Wolfe counties. About 1896 or 1898 a narrow gauge railroad was built by Beattyville Southern Railway Company. It was to link up with the L. & E. Railroad one mile below Torrent at Ridgewood Junction and terminate at Ridgewood which was located about the center of James Townsend's land. This was located on the waters of Billy's Fork of Miller's Creek, just below Townsend's Cave. By this time, "Bad Bill" had been tried for the murder of one of his victims, a man named Stevens. He was sentenced, served or was serving time in jail, even though a wealthy senior partner in a major landholding company had promised to keep him out of jail provided the family would surrender a portion of their land. He claimed some 7,000 acres which overlapped land held by his company. The family contended they had been double-crossed and refused to move off.

Shortly thereafter a U.S. Marshall appeared mysteriously on the scene to enforce the law and keep the peace. He probably was sent by some family member of the land company, who was also a federal judge. His authority and jurisdiction was explained only by the gun and badge he wore. He was considered a hired gun and muscle man for the land company. He was a big man, weighing over 250 pounds, a heavy drinker, arrogant, and overbearing. He would have lasted about fifteen minutes if "Bad Bill" had still been around. He brought with him a sidekick and constant companion cast in the same mold. They proceeded to throw their weight around. Their purpose was to intimidate anyone opposed to the ruthless tactics of the land company. They took up residence at Ridgewood, a boisterous lumber camp, complete with field office and commissary which were company owned and operated and from which operations were directed for the plunder of the surrounding virgin forest. In the meantime, one Claude Muncie opened a store and a saloon a couple of miles down the creek at a crossroads known as Radical or Patsy where the Marshall and his pal spent much of their time and money. They advertised how tough they were by beating up the handyman, a fellow by the name of Will Moss, who stood about five feet, six inches tall and weighed around 120 pounds.

In the early winter of 1898 on a bleak November day they were drinking heavily and their abuse was unbearable. They started to ride back to Ridgewood but stopped after a couple of hundred yards. They rode back to where the little handyman was cutting firewood in Lige Baker's yard, to give him his second whipping of the day. The sidekick got off his horse and knocked him down, but this time when the little man got up he had a .38 Colt revolver in his hand. He leveled it at the middle button on the big man's shirt. It belched red flame one time and his antagonist fell dead in his tracks. The Marshall raced up, leaped off his horse with gun in hand, and once more the Colt .38 spoke it's deadly message of revenge and justice. The reign of terror was over for the two big men who had abused their power.

Bill Barnett and Lige Baker witnessed the event. As they watched, Moss calmly retrieved his hat, brushed the dirt and chip-yard soil from his faded cotton shirt and homemade pants. He then walked across the creek to where Clayton Townsend, who also witnessed the shooting, stood on the store porch. Will handed him the gun with two spent shells in the cylinder. The sun was going down over the western ridge and predusk gloom was settling over the valley. It not only signaled the end of another day, but the end of another chapter in the turbulent era in a battle of greed.

Sawmill near Townsend Cave circa 1902. The man and small boy in picture is William Puckett, Jr. and son, Larry.

Chapter 10

INDIANS AND MUSKOGEE

A kind of uneasy peace settled over the valley while both sides of the conflict did some soul searching. The Townsend clan had fought a long heroic battle and lost, and the land company had won an empty victory. The Townsends and their allies had exacted a high price in human life for the murder and plunder committed against them by the land grabbers, under the guise of robbery and preempted legal claim. With the luxury of hind-sight and history at my disposal, I can read a lot of racial overtones in the purpose behind most of the violence directed at the Townsends. James Townsend's wife was Choctaw Indian and Reuben, their oldest son's wife, Kesiah, was Cherokee Indian.

From the end of the Civil War until after the Custer episode, our nation had held the Indian in contempt and was insensitive to the injustices heaped upon him. During this time there was the merciless pursuit and capture of Chief Josephs and Nez Perce Band, at the Battle of Bear Paw Mountain in Montana, September 30, to October 5, 1877. Here Chief Joseph surrendered and made his immortal declaration, "From where the sun now stands, I will fight no more forever." Now they were beginning to feel the pains and disgrace of a guilty conscience for the shameful treatment it had forced on this true native American, and owner of the land which had been forcibly taken from him by congressional and military acts, directed by corrupt and greedy presidents who were paying off political debts to the special interest groups who put them in office.

In 1830, a treaty was signed giving the Indians an allotment of western land in what was referred to as Indian territory. The government forcibly moved the five, so called civilized tribes onto it, in a brutal march that historians would record as the "Trail of Tears." The five civilized tribes, namely the Cherokees, Choctaws, Chickasaws, Creeks and Seminoles were ordered to move from their ancestral land in the 1830 treaty. Even though they had developed a highly self-supporting culture, hundreds of years before the coming of the White man, they were forcibly removed.

The Choctaws, being a very gentle, well organized people were the first to leave for the Indian territory and were subjected to the most brutal treatment. In the bitter winter of 1831, the French traveler, Count Alexis de Tocquiville, stood on the bank of the Mississippi River at Memphis and watched a band of Choctaws crossing to take up land in Indian territory. After observing this, he wrote this account. "The Indians had their families with them and they brought their wounded and sick, with children newly born and old men upon the verge of death. They had neither tents nor weapons but only their arms and some provisions. There was no cry, no sob as they filled into the boats that would take them from their ancestral homes forever."

The Cherokee were probably the most advanced of all the civilized tribes. Chief Sequoyah invented the Cherokee alphabet in 1821 and by 1830 they had learned enough of the white man's ways to challenge the order to vacate and move from their ancestral domain in court.

The gold that covers the capitol dome in Atlanta, Georgia was discovered by the Cherokees on Cherokee land in North Georgia. After discovery, a law was promptly enacted making it unlawful for an Indian to own gold. In a landmark decision by the Supreme Court, Chief Justice John Marshall affirmed the tribes rights. He wrote, "The Cherokee nation is a distinct community, occupying it's own territory, with boundaries accurately described...and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and within the acts of Congress." In 1838, Andrew Jackson defied the Supreme Court's order with the scathing remark, "John Marshall has made his decision, now let him enforce it." When the Cherokee tried to resist, soldiers were sent in and with fixed bayonets pushed 16,000 from their north Georgia and Carolina homes to Indian territory, under armed escort. Four thousand perished along the way.

In 1887, the General Allotment Act was adopted (also called the Davis Act) after its sponsor, Senator Henry L. Davis of Massachusetts. The law broke up tribal lands traditionally held in common, into individual plots. The size of the allotments varied according to the area of the reservation. Some plots were as small as ten acres, with no acreage held in reserve for children yet to be born. Any land left over after the original allotment, was declared surplus and opened to settlement by outsiders. In reality, the Act served to reduce Indian landholdings of 140,000,000 acres held under tribal title in 1887 to less than 50,000,000 acres. Fifty years later, an estimated 100,000 Indians, almost one-third of the population, were totally landless.

During this period of allotment, a further settlement of claims was announced for all the Choctaws and Chickasaws west of the Tombigbee river, with traceable ancestry down to one thirty second blood.

After the settlement with the Indians in Muskogee, Oklahoma, little comment or consideration for the plight of the Indian was publicly acknowledged, by any presidential administration, until President Lyndon B. Johnson. In his message to Congress on American Indian affairs he said, "The words of the Indian have become our words: the names of our states and streams and landmarks. His myths and heroes enrich our literature. His lore colors our art and our language. For two centuries, the American Indian has been a symbol of drama and excitement of the earliest American. But, for two centuries, he has been an alien on his own land."

This is a moving and vivid description of a people who have been impoverished and abused by a nation whose basic principles are human rights. But twenty years after these remarks, by one of our most eloquent speakers, the American Indian has made little progress. They represent the living shame of America.

After the Civil War, the five so called civilized tribes that were relocated to Indian territory were stripped of their new nations allotted them under the 1830 treaty. This was a result of their sympathy and support of the Confederate cause. No other group received such harsh punishment for their convictions. In every war since, they have represented their people nobly and with distinction for their voluntary and unique contribution to the defense of the country that treats them like second class citizens.

In February 1903, the Townsends, Bushs, Meadows, and McNabbs, all claiming eligibility under and through Susan (Suku) Robinson Townsend, got their act together. In an organized caravan, they made their way to Muskogee, Indian territory, to claim their share of the riches due them under the Treaty of 1830. Clayton Townsend, great grandson of Suku Townsend, was a school teacher with a degree from Berea College. He prepared the family history to support their claim. However, the records in Muskogee revealed that Suku Townsend's father, Lewis Robinson, who came from the mouth of Tombigbee river in Alabama, had failed to register her birth with the Bureau of Indian Affairs. Also, she had failed to register the birth of her son, Garrett Townsend (born May 24, 1817; died February 25, 1903). Garrett was Clayton's grandfather. This technically caused their claim to be denied. With Garrett's death, their source of traditional information was gone and they could not find further supportive evidence to prove their claim. By this time, they had exhausted their resources and the further cost and distance from the claim office forced them to abandon their efforts and return to their respective homes and locale in defeat and dismay. The death of Garrett Townsend, the last patriarch of the family, was the beginning of erosion in the close family circle that had always faced trouble and danger with a united purpose, with "rumps in and horns out" to defend and protect their own and their possessions.

Chapter 11

HOMESTEAD ABANDONED

The disappointment and chagrin suffered by their rejected claim in Indian territory, together with the loss of their ancestral homestead for over a century, and a festering resentment toward some of the leaders of their clan caused the feelings of the family members to grow in bitterness and intensity with each passing year. Only a few of the claimants could read or write. Most of the ones that could had selfish interests and used their impoverished kin to further their own greedy goals. In the ensuing years that followed, fact and fiction became so intermingled it was difficult to sort out. Families were set against each other and their identities and relationships were lost or denied.

The first decade of the 1900's were years of hardship for the Townsend clan. Most of the giant virgin timber that had once lured greedy land grabbers had, by now, been logged out. Timbering was reduced to hand hewn cross ties for the railroads or peeling tan bark which was a slow, tedious, backbreaking job with pitiful monetary rewards for their labor. Then came the panic of 1907 when demand for even these rough products dried up and their only food and support came from the wornout land.

Oil was discovered about 1916 and excitement was at a fever pitch. By the time President Wilson declared and entered World War One, in April 1917, an oil boom had erupted in the tri-county areas of Estill, Lee and Powell Counties with the lands of James Townsend located in the heart of it.

Fortunes were made and lost as every county seat and crossroad stores became a seething, bubbling pot of activity. All of the oil companies had land men out trying to secure lease acreage. While other conniving men went about secretly to steal, cheat or defraud any poor illiterate individual out of his birth right by whatever method necessary to accomplish his ambitions. These methods included every form of treachery and even armed force. Murder was often directed and financed by so called respectable oil companies that employed security forces deputized and armed with 12 gauge pump guns and 30-30 rifles. These were intended to, and did instill fear in anyone who resisted or refused to surrender to their demands. Powerful landholding companies hired the best lawyers, bought off judges and sent in derelicts. They hired tough, brutal hoodlums to drive off, occupy and establish ownership by possession. Sometimes the rightful owners were made serfs on their own land, sharecroppers for the renegades that held them in bondage.

All of the aforementioned tactics were used on James Townsend and his descendants. By 1920, the last of them, tired, fragmented and impoverished by long, drawn-out law suits in courts prejudiced against them, quietly abandoned what had been

their homesteads for over 100 years and melted into the mainstream of society. Another vanquished people destroyed by the society they helped to build and protect when threatened from without or within.

Beginning with James Townsend who fought in the War of 1812, he and his descendants went to war seven times in defense of their country.

The people and events referred to in my story have long gone into history. With all the years of tragedy, violence and the turmoil of the Civil War and the consequence of post Civil War years behind, William (Bad Bill) Townsend now lies at peace in the old section of Deer Park Cemetery in Deer Park, Washington. Exonerated, or forgotten, he awaits the Judgement Day.

Much of the above story was related to me by my grandfather, Sidney M. (Shug) Townsend, who witnessed the murder of James and Susan Townsend when he was ten years old, and by my mother, Edna Townsend Bush (1882 to 1972) a daughter of Shug. The rest came from older family members and old neighbors of the Townsends who lived near them and witnessed many of the events referred. It also is the result of many hours of research of court house records, family Bibles and from headstones in cemeteries scattered from Kentucky to Washington state.

Wick Puckett
circa 1930