

Each of the Five had a government of its own with tribal council.

Creeks had 6 judicial districts,Cherokees nine.

Creeks had a judge for each district and a Supreme Court.. Sometimes the business was transacted at home or when the judge met the parties involved on the street,casually. Informal?

All the Five ~~had laws~~ but the Seminoles had laws patterned after states from which they came. Pretty crude. Seminoles had the old Indian laws of own.

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Prior to '66 courts at Ft.Smith and Paris,Texas. Territory becoming infested with outlaws. Wholesale merchants took a hand in est.of first court in Terr. because they couldn't collect debts from merchants licesenced in the Terr.

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Traveling courts--flock of marshals would go into Terr.to hunt down criminals--wagon and horseback--taking the U'S.commissioner with em--so the marshals coule search and apprehend criminals for whom no previous warrants had been issued.. Go back to Fort Smith or Paris with 100 or 150. Plenty of handcuffs, leg irons and log chains. Marshals would put the log chain around the tree and shackle the prisoners to it at night. Then pass on for more arrests.

The country that God forgot ....

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Choctaws at one time had no jails--punished with the lash--a hickory switch. 30 to 100 and they didn't repeat much.

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One Choctaw law,to show enlightenment: "Any person who shall kill another for a witch or wizard shall suffer death. And any person who shall publicly state that he himself,or she herself,is a witch or wizard,or shall say that such a person,or persons are witches or wizards and he or she knows it to be so,shall receive 60 lashes on the bare back." In the reports of Bd.of Indian commissioners to the secretary of Interior in 1870,30 years after trail of tears.

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Without the white man "Indians hada goodly prospect of dying a natural death." said one report.

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Cherokee seal a seven-point star symbolic of the seven clans into which the tribe was once divided..

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Creek natl Council had two houses,House of Warriors (Rep) and House of Kings (senate).Chief executive principal chief..No licenced attys in courts.anyone could practice.sometimes did not survive whippings. Last execution-- at Okmulgee in 1898. Tom Chickasaw for horse theft..Tried before Judge Freland Marshall.Third offense.First

over

was for theft of polecat skin. Found guilty and death mandatory. Appeal made to chief but no go.. Given th Lighthorsemen. took his two weeks, came back, rode coffin in wagon to graveyard and was shot.

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Saline near Rose on Highway 11.

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Choctaw lighthorsemen--horse saddle, rifle, revolver, parched corn and jerked beef. Capt. Charles Leflore and the Christie gang robbery of MKT in 83 about 5 mi. n. of Limestone Gap. attempted robbery. bandits waiting, Lights appeared. Battle. young trooper with eye shot out "out of ammunition now using bows and arrows. Five outlaws killed, two Indians wounded. train waited until battle was over to pull up.

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Chickasaw courthouse at Panola, now in Bryan county.. Once Judge Sam Love got mad at a prisoner and asked sheriff to adjourn court until "I can kick the damn scoundrel out". And he did.

Once when J.H. Franklin was on the bench a defendant brought into court a Texas lawyer, A.B. Pearsons, and as trial was about to start the judge was told the lawyer had no license to practice in the Chick. Nation. "But I have a license to practice anywhere in the U.S.," said Mr. Pearsons.. "Not here," replied the judge. "the Chickasaw Nation and Panola are not in the U.S."

Punished by whipping 39 for first, 100 for second, third hanging. whipped men doused with salt water to cure him. Once Joe Bryant, when sheriff, had a man who was to get 100. he and nine deputies took 10 each. Got up and whooped. Bryant disgusted. (Maybe.)

Bois d'arc tree at Tishomingo. last whipping man who had stolen a saddle horse. got 39.

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Judge Parker

"Avarice is the curse of this age. It has so poisoned the people that civil law for the protection of property rights concerns it more than a criminal law for the protection of life, limb and virtue. The bench asks the people: 'Which is of greater value, your home, your life or the sanctity of your women?' And the people, by their attitude, answer: 'My. home.'"

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One day Peter House was to be tried for bigamy and Lee Galcatcher for perjury. House called for trial but bailiff erred and brought in Galcatcher. Who's that, asked the judge. "Lee Galcatcher." He's not the man. This is a bigamy case and he never caught a gal in his life. He's too ugly.

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"The trouble is that the bench is not alive to its responsibilities. Courts of justice look to the shadow in the shape of technicalities instead of the substance in the form of crime."

Maledon

Hanged 60--shot two...."swinging doors of hell"

On Van Buren to Ft. S. move was made turnkey, year later chief deputy in charge of executions....had served with First Arkansas battery (federal). He was 5 feet 5, weighed 145. beard in fantail. Habit of raising his beard and adjusting his own tie knot before springing the trap.

After court went out he went on tour with relics--showed gaping spectators why reef knot was better for a ~~light~~ light man. His favorite was a double clove hitch which he learned ~~from~~ from one of his victims, a former sailor. "It slid so well on the neck," he would say. Hanging better than ~~any~~ any other form of execution, he said, "much cleaner, you see."

Asked of victims reactions: Whenever I hanged 'em they never complained about my work."

Judge Gill once reversed John F. Brown of the Seminoles on a death sentence.

Told him no power, but could pardon.

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Once at Kingfisher: John A. McAtee on bench at trial of an outlaw. Tom McMechan asst. U.S. atty and Joe Wisby for the defense. Wrangled bitterly. McAtee got enough, had the clerk write this official order.: "A recess of this court is hereby orderd for 15 minutes, and the marshal is ordered to clear the space in this courtroom in order that Tom McMechan, repre. the United States govt, and Joe Wisby, representing an outlaw, may settle their differences." Lawyers shook hands, no fight.

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Don Clifton

Days of Bill Doolin, Bitter Creek, Red Buck, Arkansas Tom, Dynamite Dick, Tulsa Jack, (Blake) ,

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Heck Thomas, courier in Stonewall Jackson Brigade. ---first worked out of Ft. Smith. He killed Bill Doolin.

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## Early Law and Justice in the Territory

First United States court in the Territory proper opened at Muskogee April 1, 1889 by Gen. James M. Shackelford--who had received the sword of Morgan the raider in surrender. Came down from Ft. Smith with troopers. 19 attorneys sworn in, including Robt. L. Owen.

Before that tribal courts among the five civilized (that was for the Indians) and for the whites who dwelt in the Terr. there was the court at Ft. Smith.

Shackelford appt. by Pres. Harrison. Z. T. Waldron ~~marshal~~ attorney; T. B. Needles marshal. Maj. William Nelson, retired, appt. clerk by judge to open court at 10. Prayer by Rev. B. Y. Bryce, Methodist. Marshal opened. "Hear ye hear ye, The Hon. U.S. Court for the I.T. is now open for the transaction of such business as may lawfully come before it. All who have business with this hon. court draw nigh and you shall be heard."

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### Cherokee court instances.

Man tried for theft at saline. Watt Starr, large member of the tribe was sheriff. Man's attorney plead but judge turned deaf ear and sentenced him to 40 lashes. Sheriff took him out pronto to hitching rails in rear. as court called the next case. Yells and groans through open window. Attorney jumped up applied for writ of habeas corpus. Judge hesitated until the yelling had stopped. "I'm afraid, he said that the sheriff already has habeas corpused the prisoner."

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Near the turn of the century plenty of outlaws for the deputy marshals and Indian police to handle--no mercy. When Col. Lee N. Patrick was agent for the Sac and Fox he performed the funerals of nine outlaws brought to the agency. He was the one who gave the Indians English names of old friends for purpose of heirship. Hitherto Keokuk, Wolf, etc.

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Incident of Judge Joseph A. Gill and the full-blood with four wives. You tell em.

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