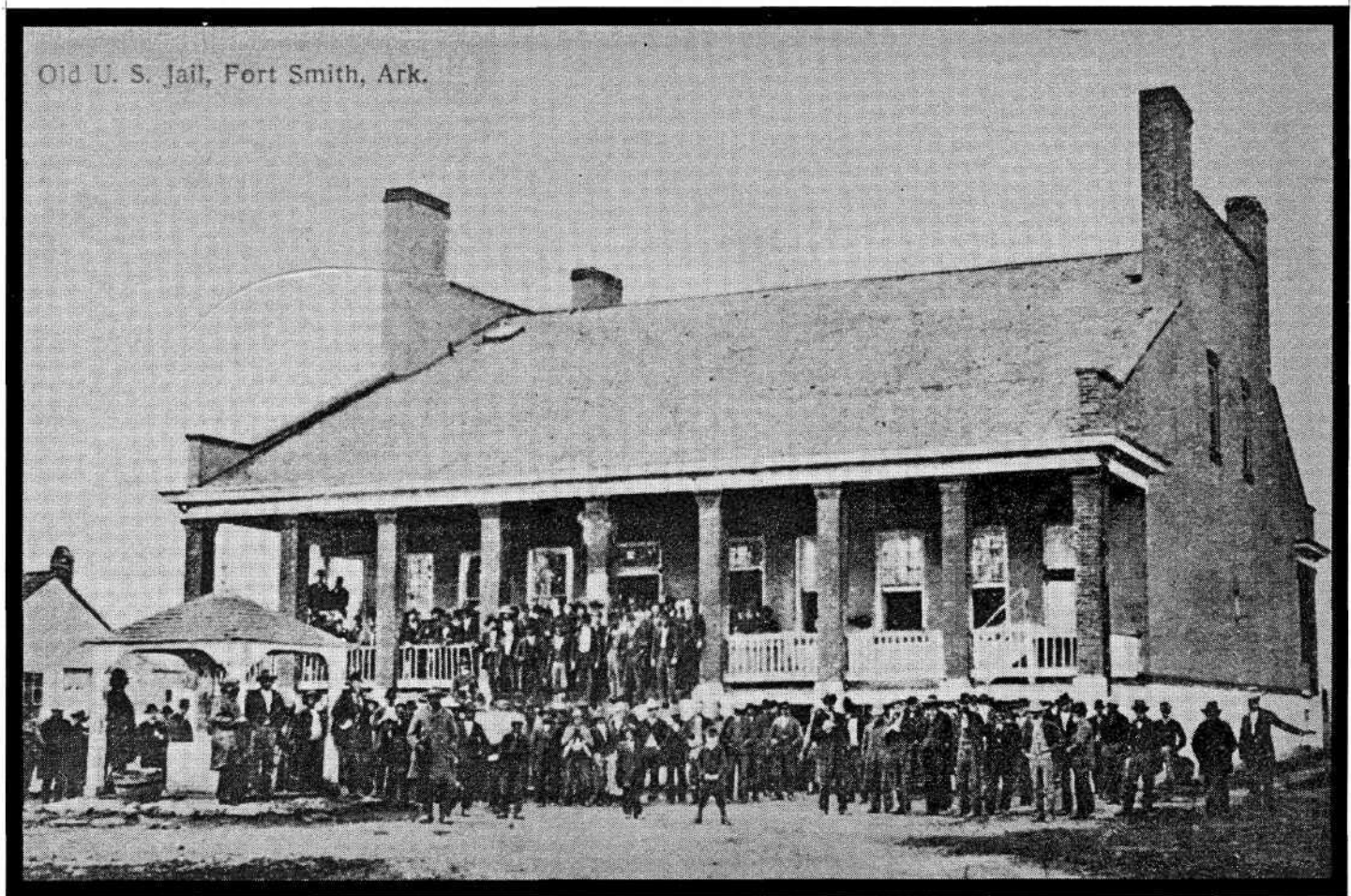


The JOURNAL

Old U. S. Jail, Fort Smith, Ark.



VOLUME 3, NUMBER 1, APRIL, 1979



The JOURNAL

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VOL. III, NO. 1

APRIL, 1979

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Membership in *Fort Smith Historical Society* entitles member to publications of the Society. There will be no more than 4 nor less than 2 publications yearly. Our year begins Jan. 1 and ends Dec. 31.

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The Fort Smith Historical Society, Inc.
61 South 8th Street
Fort Smith, Arkansas 72901

Types of memberships:

Annual \$ 7.50
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We welcome the loan of Fort Smith historical material and will return promptly.

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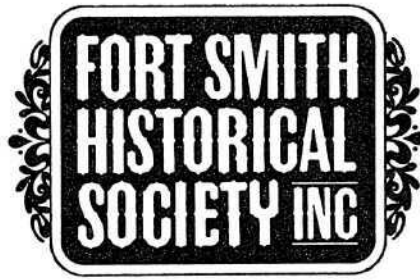
FRONT COVER:

Picture courtesy of National Park Service
Federal Court Building on Court Day, circa 1873.

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Dear Members of the Fort Smith Historical Society and our other readers:

The third Annual Meeting of the Society will be :

7:00 p.m., Thursday, April 26, 1979

Community Room, Fort Smith, Public Library

Everyone is invited -- members bring your friends -- readers without member friends, bring your friends. Everyone is welcome!!

This is Thursday night before the Belle Fort Smith Tour on Saturday and Sunday, April 28 and 29. Interesting historical things are happening in Fort Smith.

Most of you know that your editor, Carolyn Lollan, is a member of the Arkansas Legislature. As this issue of the Journal goes to press, the Legislature is in session and Carolyn is in Little Rock, hard at work making history. Not to neglect her duties as your editor, dedicated and hard working Carolyn prepared her articles for this issue of the Journal months ago.

More letters of inquiry, directed to the Fort Smith Public Library, ask about marshals and deputy marshals of Judge Parker's Court than any other subject.

In answer to need for this information, the theme for this issue is "The Federal Court of the Western District, and the People of the Court." As the most widely known judge of the court, Judge Isaac Parker will be included -- but volumes have already been written about Judge Parker, and the emphasis in this issue is on other people vital to the operation of the Court, i.e.: U. S. Marshals, Deputy Marshals, Judge John Rogers who followed Judge Parker on the bench, etc.

Readers, help us make the Journal be what you want it to be. Send us your suggestions for subjects you want to see included in future issues. We have lots of ideas and plans, but we invite your ideas -- also your help with research, writing, indexing, addressing envelopes, and other work connected with publishing the Journal.

The Society's Oral History Project needs volunteer interviewers, typists ---- and a good typewriter for preparing transcripts.

The history of the Street Car System of Fort Smith is being readied for publication. Hopefully, this will be the first of many special publications of the Fort Smith Historical Society. Watch for it!!!

Your co-editor,

Amelia Martin

LAW ENFORCEMENT FOR FORT SMITH 1851 - 1896

Compiled by National Parks Service Staff
at Fort Smith Historic Site

The 32nd Congress on March 3, 1851, established a court for the Western District of Arkansas to be domiciled in Van Buren, Arkansas. Though they were separate courts, the Eastern and Western Districts of Arkansas had the same judge.

From 1860, when Judge Daniel Ringo resigned, until 1865, no Federal Court appears to have been in existence in the Western District. Records created prior to 1865 may have been destroyed when the Union Soldiers recaptured Van Buren and burned the courthouse in February, 1863.¹

Congress on March 3, 1871, passed a law shifting the seat for the Court for the Western District from Van Buren to Fort Smith, and providing for the appointment of a judge for the Western District.

The first session of the Court to convene at Fort Smith was called to order by Judge William Story on Monday, May 8, 1871, on the second floor of a small rented building known as the Roger's Building. The lower floor of this building was used as a post office. On November 14, 1872, a fire destroyed the Rogers Building, and the court on November 18 opened in the old barracks building, in the room known today as "Judge Parker's Court Room." The court sat in this room for almost 18 years, until the erection of a new courthouse and post office in 1889.

The Court Clerk and the U.S. Marshal shared the room adjacent to the court. The grand and petit juries deliberated in the cramped quarters upstairs or in a small building nearby.

Graft and corruption in the Court for the Western District sparked a congressional investigation in the Spring of 1874. Bills were introduced to abolish the Court for the Western District. When Story resigned under fire, the Senate failed to act. Pending the appointment of a new judge, Henry J. Caldwell presided over the Fort Smith court. While Story was judge, seven men were sentenced to death and were executed by the Court for the Western District. At the November 1874 term of court, Judge Caldwell doomed one man.

Isaac Parker was appointed to be Judge of the Court for the Western District by President Ulysses S. Grant in March 1875. Parker on May 10 opened the first term of the Fort Smith court over which he was to preside for the next 21 years. At the May 1875 term of court, eight men were convicted of murder and sentenced to death. Six of these men were hanged in the Garrison on September 3, 1875.

Five of the six men convicted of murder at the November 1875 term of court were hanged on April 21, 1876. Five months later, four more men were sent to the gallows. Thus, within a period of 371 days, 15 convicted murderers had paid the supreme penalty for their crimes on the Fort Smith gallows. Since these executions were public affairs, they had been witnessed by thousands of people.

By the time the next two men went to the gallows on December 20, 1878, public hangings at the old Garrison

were a thing of the past; a stockade had been erected around the scaffold and the only persons admitted were those with tickets.

During the fall of 1883 pressure began to mount for congress to appropriate funds for the construction of better facilities for the court and jail at Fort Smith. The hue and cry raised by the Fort Smithites reached Washington. Anna Dawes' article describing conditions in the U.S. Jail was widely circulated, and on March 16, 1886, President Grover Cleveland signed a bill appropriating \$125,000 for the construction of a courthouse and jail at Fort Smith. Work on the new jail was started in January 1887, and on February 1, 1888, the contractor turned the new jail over to Marshal John Carroll. On March 17 the prisoners in Cell No. 1 of the old jail sought to burn their way out. Following the removal of the prisoners, the old jail was used for hospital purposes. The new courthouse was completed during the fall of 1889, and Judge Parker convened his court in this building on February 3, 1890. The old courthouse at the "Garrison" was then turned into a hospital and offices.

While Carroll was marshal for the Court for the Western District an unusually large number of law enforcement officers were slain in carrying out their duties. In the 20 months between May 1886 and December 1887, nine deputy marshals, two possemen, and three guards were killed by desperados.

During the 1890's a number of outlaw bands terrorized the Indian Territory, western Arkansas, and southern Kansas. Although it was hard, dangerous work, the lawmen broke up these gangs. Henry Starr and a number of his confederates were brought before Judge Parker. Although Starr was convicted of murder and sentenced to death, his case when appealed to the Supreme Court was ordered retried. Once again, Starr was convicted and doomed by Judge Parker only to be saved by the high court. After Parker had left the bench, Starr in 1898 was allowed to plead guilty to manslaughter.

Next came the struggle against the Cook Gang. A number of the members of the gang, along with several lawmen, died in gunbattles. The leader of the gang, William T. Cook, was convicted of armed robbery in Judge Parker's Court and sentenced to 45 years imprisonment. One of Cook's henchmen, Cherokee Bill Goldsby, was convicted and doomed by Judge Parker's for murder. Cherokee Bill on July 26 killed Guard Lawrence Keating in an attempt to breakout of the U.S. Jail. When he was executed on March 17, 1896, it attracted national interest.

During the Summer of 1895, the Rufus Buck Gang conducted a 13-day reign of terror in the Indian Territory. Captured, the five members of the Buck Gang were convicted of raping Rosetta Hassan and sentenced to death by Parker. James C. Casharago, who was executed on July 30, 1896, was the last man to be executed by the

¹The General Services Administration, Region 7, with archives in Fort Worth, Texas, has custody of approximately 700 cubic feet

of records from the U.S. District and former Circuit Court in Fort Smith, Arkansas.

Court for the Western District. While Parker was judge, 79 of the men upon whom he had passed sentence of death were hanged at Fort Smith. Altogether, 87 men were executed by the Court for the Western District from the time of removal to Fort Smith from Van Buren in 1871 until Parker's retirement from the bench in 1896.

Congress on January 6, 1883, passed an act reducing the area in the Indian Territory over which Judge Parker's Court had jurisdiction. The legislation, however, had little effect on the volume of business coming before Judge Parker. The 50th Congress enacted several laws bearing on the jurisdiction of the Court for the Western District. The most important of these was passed on February 6, 1889, and was to take effect on May 1. Section 6 of this act authorized the granting of a writ of error to the Supreme Court of the United States in all criminal cases tried before any U.S. Trial Court where there had been a conviction carrying a death sentence.

The law of 1889 was in effect 15 months before any of the Fort Smith lawyers saw fit to challenge Judge Parker. In October 1890, Parker had sentenced to death two men, "Bood" Crumpton and William Alexander, who had been convicted at the August term of court. On February 2, 1891, the Supreme Court handed down its opinion in the two cases: Crumpton's sentence was affirmed, while Alexander's was reversed and remanded to the Court for the Western District for retrial. Alexander's second and third trials ended in hung juries. Satisfied that he would now be unable to secure a conviction District Attorney William H.H. Clayton consented to a nolle prosequi.

On March 3, 1891, congress passed another law directed at Judge Parker's Court. Section Five of this enactment authorized a direct review by the Supreme Court in all cases tried in the district or circuit courts of the United States where there had been a conviction for a capital, or otherwise infamous, crime. In the five years, 1891 - 1896, fifty criminal cases were appealed from Parker's Court to the Supreme Court. The high court ruled that 30 of 47 persons convicted of murder hadn't had fair trials. Of these 30, 16 were discharged or won acquittal at their retrials. The remainder ended up in the penitentiary. Seven of these 14 were convicted of manslaughter at the retrial; the other seven were found guilty of murder.

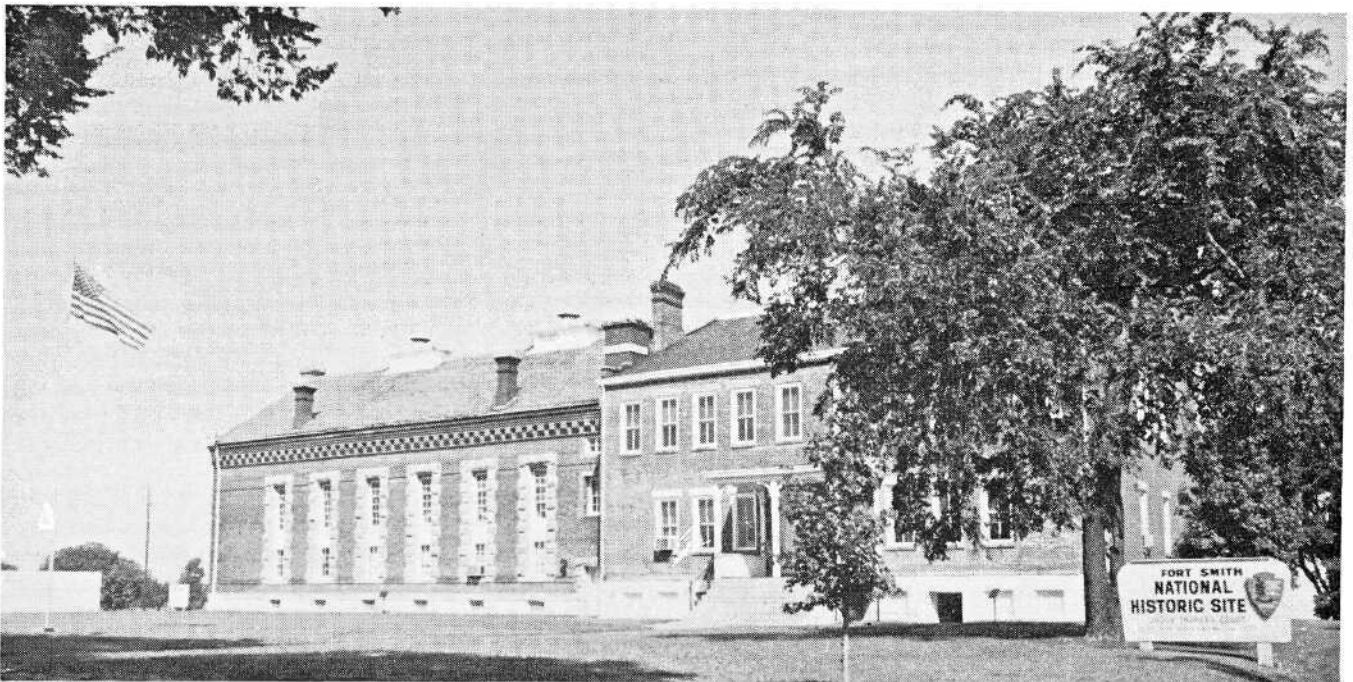
Congress on May 1, 1896, passed an act stripping Judge Parker's Court and the District Courts at Paris, Texas and Fort Scott, Kansas, of their jurisdiction over all offenses against the laws of the United States committed in the Indian Territory, except such cases as they had already proceeded against. This law was to take effect on September 1. When September 1, arrived Judge Parker was not on hand to hear the word "Oyez! Oyez! The Honorable District and Circuit Courts of the United States for the Western District of Arkansas, having criminal jurisdiction of the Indian Territory, are now adjourned, forever. God bless the United States and the honorable courts!"

Parker did not long survive the curtailing of the court's jurisdiction. On November 17 the end came at 2:45 a.m. -- two months and 17 days after his court had lost its authority in the Indian Territory. Judge Parker on the 18th was laid to rest in the Fort Smith National Cemetery.

FORT SMITH NATIONAL HISTORIC SITE

By: Amelia Martin

Photographs courtesy of National Park Service



Courthouse / Jail building, 1979.

The building that was to house the famed United States Court of the Western District of Arkansas and is now the information center of the Fort Smith Historic District, was built in 1850 as a barracks for two companies of soldiers. It was originally a two-storied structure, but after a fire in 1865 was rebuilt as a one and a half story affair. During the War Between the States it was used as a hospital, first by the Confederates, who captured the fort in 1861, and later by the Union Forces, who occupied Fort Smith in 1863.

The buildings and grounds were donated by the government to the city of Fort Smith in 1920.

For the next 35 years the building was used for a number of things, including the Public Welfare Department, Public Health Service, and a maternity ward run by the welfare and health departments for indigent women.

In 1955, the Fort Smith City Commission, headed by Mayor H.R. Hestand, recognizing the importance of preserving what remained of this historic court and the value of perpetuating its history, appointed a board of 25 citizens to make a study of the project.



Interior of Judge Parker's Court Room.
Restored in 1957 with furniture of the period.
Picture of the original court room is not available.



East face of the Courthouse/Jail circa 1898.

- 1851 Used as a single story barracks.
- 1872 Used as a courthouse with a jail in the basement.
- 1875 - 1891 Courthouse of Judge Isaac C. Parker.
- 1887 Three story jailhouse attached to courthouse.
- 1890 Second story added to courthouse.
- 1898 Iron fence erected.

For the next year and a half this board conducted an extensive research, seeking factual data upon which to base plans for an authentic reproduction of the courtroom, gallows and old jail.

The records of the National Archives at Washington yielded much data, as did the personal recollections of the very few remaining "old timers" who could recall details of the Court. Book sources and historical facts were studied, as well as the old building itself, and in September, 1956, a report was made detailing the restoration plan.

Public Historical Restorations, Inc. was formed to carry out the project. Circuit Judge Paul Wolfe, chairman of the original board, was elected president, and Mr. E. Chester

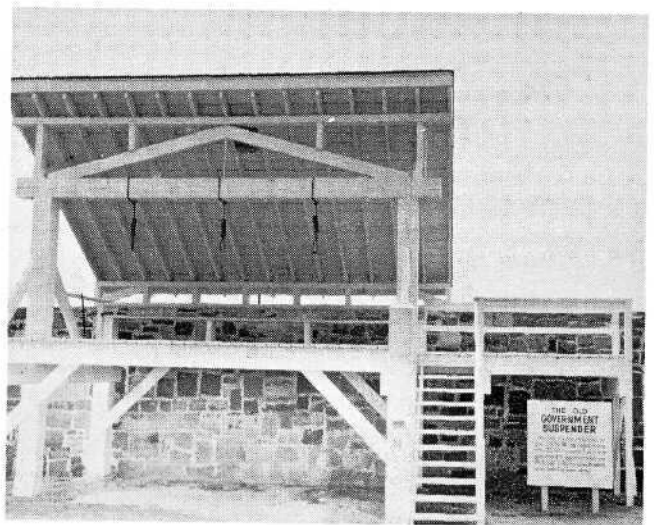
Nelson, one of the directors of the body, was named architect.

A citywide fund raising campaign raised some \$8,000, but this fell far short of the estimated cost of restoration.

At this stage, the AF of L-CIO building trade unions of Fort Smith and vicinity came to the rescue. Plasterers, plumbers, painters, carpenters, and the electricians crafts volunteered their labor without charge.

Their generous offer made it possible to proceed, and their efforts, together with the volunteer supervising services of several local contractors, donations of material by many firms, and other donated services, enabled the work to begin on September 9, 1956 and to be completed in May, 1957.

In that same year activity was initiated looking toward the acquisition of the seven and one-half acre site of the fort area for park and historical purpose, and possible future National Monument status. This action, initiated by the Fort Smith Chamber of Commerce and Public Historical Restorations, Inc. resulted in the passage of legislation on September 13, 1961 (Public Law 87-215, H.R. 32) authorizing the designation of the fort area a National Park.



Restored gallows.

Onsite management was soon implemented by the National Park Service, and by 1963 a master plan had been prepared for the area.

The 1963 plan has now been updated, new funding secured, and work is progressing on implementation of the present *General Management Plan*.

Plans for the Courthouse and Jail under this plan are:

1. Restore the courthouse interior to its 1889 appearance.
2. Restore the jail exterior to its 1889 appearance.
3. Adapt the jail interior to include a visitor center and administrative offices.
4. Provide interpretive exhibits, audiovisual programs, and a single reconstructed jail cell in the visitor center.

In addition to these plans for the courthouse and the jail, the over-all plan for the whole Historic Site area also includes:

Commissary

Remove the Old Fort Museum

Restore the exterior and interior to its 1846 appearance

First Fort

Preserve the historic foundation

Construct an interpretive shelter below the crest of the hill near the first fort

Second Fort

Designate the second fort walls with ground level markers

Reconstruct small portions of the wall

Provide an interpretive sign at the cistern

Boundary and Lands

Acquire the remaining acres of private and city land within the authorized boundary

Demolish acquired buildings that lack utility or historical value

Ensure scenic protection of approximately 32 acres on the Oklahoma bank of the Arkansas River

Grounds and Landscaping

Obliterate the paved streets and restore the original grade

Reconstruct the historic walkways, where possible

Provide landscaping, screening, and natural regrowth where not contrary to known historical setting

Interpretive Stations

Construct an orientation exhibit at the edge of the parking lot

Construct an interpretive station between the overpass and parking lot for a summarizing message

Gallows

Relocate the gallows to its original location

Provide a wayside exhibit

Parking

Construct a paved parking area at Third Street between Parker Avenue and Garland Avenue

Railroad Crossing

Construct a pedestrian overpass across the railroad tracks to Belle Point

Initial Point Marker

Provide wayside exhibits on the ground and on the overpass

The schedule for completion of these plans is five years.

QUOTATIONS ATTRIBUTED TO JUDGE ISAAC C. PARKER

"You have taken human life, you have sent a soul unprepared to its maker. You have set at defiance God's law."¹

"I have no objection to appeal. I even favor abolition of the death penalty, provided there is a certainty of punishment, whatever the punishment may be, for in the uncertainty of punishment following crime lies the weakness of our halting justice."²

"The murderer must be punished as an example to others. Screening him from punishment by releasing him . . . on some technicality . . . is the greatest calamity to the members of society . . . The murderer must look to a higher court, to a higher power, to a higher law for mercy, for absolute forgiveness."²

"I have this much satisfaction, after my twenty years of labor; the court at Fort Smith, Arkansas, stands as a monument to the strong arm of the law of the United States, and has resulted in bringing to the Indian Territory civilization and protection."³

"May God, whose laws you have broken, and before whose tribunal you must then appear, have mercy on your soul."⁴

"The wicked flee when no man pursueth, but the Righteous are as bold as a lion."⁵

In a letter to the Attorney General on 27 October 1894 he said:

"You speak of the style of my charges to juries here. Well, perhaps they may be a little lengthy, not as polished as they ought to be, and they may have other defects, but there is one thing I can say, and it is that no jury in the 21 years I have presided at this court has ever had any difficulty in understanding them."

"Give Justice to the frontier people-- Teach the bad and vicious among them, that as sure as they violate the law, so will punishment overtake them."⁶

"The eternal and irrevocable ruin of the soul is a punishment infinitely more dreadful than any that can be inflicted by human laws."⁷

1. Glen Shirley, *Law West of Fort Smith*, page 37

2. *Ibid*, page 146

3. *Ibid*, page 157

4. *Ibid*, page 171

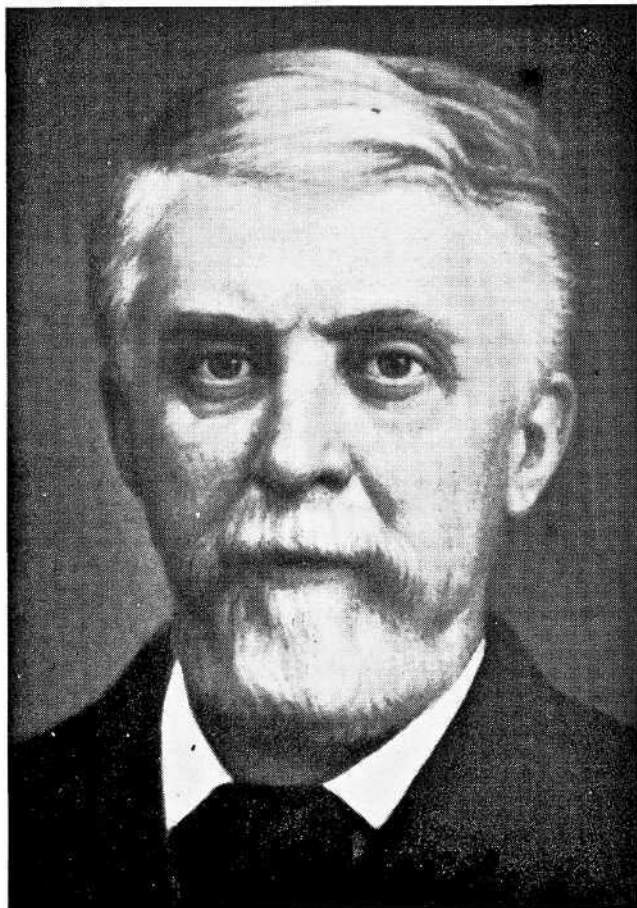
5. *Ibid*, page 182

6. Fred Harvey Harrington, *Hanging Judge*, page 129

7. *Ibid*, page 135

JUDGE ISAAC CHARLES PARKER

By: Amelia Martin



Photograph courtesy - Bernice Kizer

The Honorable Isaac C. Parker, Judge of the United States Court for the Western District of Arkansas from March, 1875 until his death November 18, 1896, was born in Belmont County, Ohio, October 15, 1838. His parents were Joseph Parker, a native of Maryland, and Jane (Shannon) Parker, a native of Belmont County, Ohio, and the daughter of John Shannon. Her father was the only one of six brothers who never held an official position. Her uncle, Will Shannon, was twice governor of Ohio, minister to Mexico, member of Congress and governor of Kansas.

At the age of sixteen, Isaac Parker began teaching school, alternately teaching and attending Barnesville Academy himself. In 1859 to 1864. He also served as Prosecuting Attorney for Buchanan County and Circuit

Judge for the Twelfth Judicial Circuit of Missouri before 1870, when he was elected to the first of his two consecutive terms in Congress.

In 1875 President Grant nominated Congressman Parker to be Chief Justice of Utah. President Grant withdrew the nomination to appoint Mr. Parker United States District Judge for the Western District of Arkansas, a life appointment.

Judge Parker was married in St. Joseph, Missouri, December 12, 1861, to Miss Mary O'Toole who was born in St. Joseph, July 22, 1840, the daughter of James B. O'Toole, and Sophia (Hickman) O'Toole of Columbia, Missouri. Her grandfather O'Toole was a native of Ireland.

Judge Parker and his wife had three children: Charles, born in St. Joseph, August 26, 1872; James Joseph, born in St. Louis, September 16, 1875; and a child that died in infancy.

Following the death of her husband November 17, 1896, and the destruction of her home by the cyclone a year later, Mrs. Parker left Fort Smith and made her home in Durant with her son, Charles Parker, who married Ann Clayton, but had no children.

The Parker's second son, James Joseph, married Katherine Thibaut Bailey, February 1, 1898. Katherine was the daughter of Dr. William Worth Bailey and Lillie Main, daughter of Dr. J.H.T. Main of Fort Smith. To this union were born: Joseph Bailey Parker, January 10, 1899 (m. Elizabeth Vick, April 23, 1921); Mary Lelia Parker, born August 27, 1900 (m. James H. Clendening of Fort Smith); Lillie Main Parker, born October 9, 1903; Isaac C. Parker, born October 30, 1903 (m. Virginia Stewart at Muskogee, Oklahoma on May 23, 1931); and James Mayne Parker, born October 23, 1911 (m. Bernice Lichty').

There are 24 living descendents of Isaac C. Parker; two grandchildren, six great grandchildren, thirteen great great grandchildren and three great great great grandchildren. The grandchildren are I.C. Parker of Tulsa, Oklahoma, and Lillie Main Parker of Little Rock. Great grandchildren are: Jim Parker of New York, Charles Parker, Tulsa, Janie Parker (married name and address unknown), Dr. James Mayne Parker, Shirley Parker (Mrs. Jim Wilhite), and Carolyn Parker (Mrs. Roger Sparkman).

Among the many tributes paid to the memory of Judge Parker, we find the following very fitting expression of Judge F.F. Bryant:

"Judge Parker was one of the most unique personalities of the Southwest. He was eminently a man for the time and place, and seemed providentially called to the duty he performed."

¹Following the death of James Mayne Parker, Bernice Lichty Parker married Harlan Kizer. She is now serving as Chancery

Judge, Position No. 2, Twelfth Chancery District, comprised of Crawford and Sebastian counties.

POETS AND POETRY

SOLILOQUY AT MIDNIGHT

(As it might have been with
Judge Isaac Parker)

By: Emily Montague Rollwage

"The hanging judge" they call me.
How deep the truth cuts.
Three men tomorrow.
Those hateful, fateful words --
can't escape, but passionless, controlled,
I must still repeat ... repeat ...
"Hang by the neck until you are dead ...
dead ... dead."
Their eyes! When they meet my eyes
I see there less despair than raging fury
at a law
That thwarts their own cruelty
And demands a price.
"The quality of mercy is not strained
But droppeth as the gentle dew" --
But where,
On whom shall my decree of mercy
then be dropped?
Upon these lawless men of hideous deeds
Killing for one moment's pride,
One saddle-bag of furs?

One pocket's net of gold?
Mercy upon their gloating,
Murderous shrieks at woman's anguish?
I see those tears, those midnight tears,
Of shuddering widows and of children
small and helpless,
Both so helpless but for this --
My own fortitude to speak those words --
Those hateful, fateful words.
No! Let my mercy, Lord of mercy,
Fall upon the quiet, striving ones,
That tiny, trusting ones may play
in the safe sunshine;
That women, smiling with wide welcoming arms,
May greet, at evening, honest, smiling men.
Though my smiles die within me
Mercy on me, Lord.
when I must speak those words
That other men may sleep at peace...
though I may not.

EMILY MONTAGUE ROLLWAGE

Emily Montague Rollwage will be remembered by many as a teacher at Rogers Elementary School, and a member of the First Methodist Church of Fort Smith, where she taught Sunday school and was superintendent of the primary department for many years. She was a member of the WSCS of the church, and in 1965 wrote the church history for publication.

Active in community affairs, Mrs. Rollwage was a member of the P.E.O., the Fort Smith Roundtable of Poetry, the Carnegie Library Board of Regents, Y.W.C.A. Board, United Fund Executive Committee, Fortnightly Club since 1932, Fort Smith-Van Buren Council of Church

Women, and Women's Board of the Methodist Nursing Home.

A native of Ozark, Arkansas, Emily Montague was born January 19, 1894, the daughter of William Magnus Montague and Cara (Hart) Montague. The family moved to Fort Smith in 1900, and she was married to Otto W. Rollwage in 1919 in Fort Smith. The Rollwages were the parents of one child, Caroline (Rollwage) Keleher who is still a resident of Fort Smith. The Rollwages moved to Forrest City, Arkansas, but returned to Fort Smith in 1932, where Mrs. Rollwage lived until her death March 7, 1974.

IN SEARCH OF ACCURACY

In all of the books that have been written about him, Federal Judge Isaac C. Parker arrives at Fort Smith by steamboat on Sunday, May 2, 1875. This is correct.

In all of the books but one, Judge Parker arrives at Fort Smith accompanied by his wife and two young sons. This is not correct.

Homer Crory, author of "He Hanged Them High," suspected there was something wrong with this scenario. Crory had Parker arriving at Fort Smith in the company of his wife and one son, Charles.

What Crory had discovered was that the second Parker son, James, had not even been born at the time Judge Parker first set foot in Fort Smith. But even Crory's rendition of the arrival is incorrect.

Mary O'Toole Parker was more than five months pregnant with James when her husband journeyed to Fort Smith. She chose not to make such an arduous trip with him, but remained instead at her home in St. Louis. Thus neither she nor son Charles was with Judge Parker on May 2, 1875! In fact, she and the boys did not come to Fort Smith until late October 1875.

What difference does it make?

None, to those who are indifferent to factual accounts of history or to accuracy in general. It makes considerable difference to me, however, because I want the historical novel that I am writing on Judge Isaac C. Parker to be the most accurate and three-dimensional work available on this controversial and startling figure in American history.

My theory about why so many authors have been wrong is that they did what I did initially -- they started their research on Judge Parker with "Hell on the Border" by S. W. Harmon. This book was published in 1898, just three years after Judge Parker's death, when it might have been assumed that there were enough persons available to provide accurate accounts of the 21 years that he was on the bench. There would have been, but apparently Harmon did not avail himself of these sources and it has been recognized generally that his book is notoriously flawed.

Although the discrepancy between the accounts of Parker arriving at Fort Smith with two sons and Crory's version of there being only one son at the time nagged me, I persisted and wrote seven full chapters of my novel before the uneasiness that plagued me brought the work to a halt.

Fortunately, I was assigned as a newspaper reporter to cover the Arkansas General Assembly and had made the acquaintance of then state Representative, now Chancellor Bernice Kizer, the widow of a Parker grandson. Mrs. Kizer checked and confirmed that Crory was right -- James Joseph Parker had not been born until September 1875, making my version of Parker's arrival at Fort Smith incorrect. This could not be tolerated.

It was then I decided that if I was going to do this project, it had to be with the most thorough research possible, and the only means of doing this was to spend the grinding hours required in the Fort Smith library going through the microfilmed newspapers of the actual period about which I was trying to write. Simple!

That is how I learned that Mary and the Parker sons did not arrive at Fort Smith until October 1875. This is not to say that Parker came to Fort Smith alone. He didn't. Thomas Burnett of St. Louis, a lawyer and husband of one of Mary's sisters, was with the judge. This knowledge sets an entirely different tone for how Parker went about his initial work in Fort Smith.

The one-dimensional picture of Parker drawn in other works is of a morally rigid man who operated court from sunup to sundown 12 months a year in Fort Smith.

There absolutely is no evidence that Parker was corrupt

By Carol Griffiee¹

in the carpetbagger tradition of the day, but neither was he above nepotism. The federal Archives yields letters in which Parker almost begged for his brother-in-law, Burnett, to be appointed as a special auditor to handle claims against the court by Fort Smith merchants for expenses incurred before he became judge -- claims that Parker had little time and even less patience with which to deal. Although Parker strongly recommended Burnett for the job in his letters, he never mentioned that the man was related to him by marriage. There is no evidence that I have been able to find that Burnett received the job.

The files of Valentine Dell's "New Era" newspaper reveal that Parker, accompanied by District Attorney William Henry Harrison Clayton, journeyed to Helena to hold court at least three times a year. Furthermore, though Parker worked unbelievably hard, court at Fort Smith often was limited and sometimes brought to a halt by a lack of operating funds.

From the outset, my goal has been to write a three-dimensional portrait of Isaac Parker -- as a man, a judge, a husband, a father, a community and regional leader. Such a job is an intimidating one, if for no other reason than his personal papers which would have provided such insight were lost in the 1898 cyclone that struck Fort Smith.

The research in newspapers of the day that I have felt compelled to do has given my work an authenticity and flavor I did not dream would be possible and which genuinely excites me. When I write about a spelling match being held at Adelaide Hall, the Fort Smith Cornet Band serenading the judge, an ice storm, or the Catholic Church burning, these things actually occurred -- at least they did according to the newspapers. True, newspapers aren't infallible, but I know of no reasons they would be untruthful about ice storms and fires.

The history of Judge Parker by necessity must be the history of Fort Smith in the final quarter of the 19th century, and I can hardly wait until the time arrives for me to describe how the city obtained its first water supply, its first telephones, and the reaction to the first producing natural gas well.

But that part of the past lies in the future. For now, I am struggling to find out whatever became of Osie Sanders. If I were to take the word of "Hell on the Border" and other works, Sanders was hanged with five other killers on April 14, 1876 -- the second half dozen to be hanged at one time during Judge Parker's first year on the bench. But my own newspapers, *The Arkansas Gazette*, had a reporter at the scene and he said that Sanders was not hanged then because the President reprieved him.

I have been warned that my work will not be well received. It will be too dry and factual for the casual reader to enjoy and historians will reject it because it contains imagined conversations. I have been told just as often that when a person really has a book inside of him or her, it must come out -- even if it is a poor one that is never read. I feel confident that when my work on Isaac Parker is completed, it will at least provide me with the satisfaction of knowing that it is the most accurate work possible. To a journalist that means everything!

¹Carol Griffiee is a 1955 graduate of Fort Smith High School, now Northside High School. She began her professional career that same year as a general assignment reporter for the *Fort Smith Times Record* (*Southwest Times Record*). She also worked for *The Tulsa World*, and *The Washington Star*, was news editor of a weekly newspaper and press aide to a congressman. Since 1973 she has been the capitol reporter for the *Arkansas Gazette*. Her work in 1955 included writing articles on the initial efforts to restore Judge Parker's courtroom and gallows, and she is presently writing a book concerning Fort Smith and the Parker Court era.

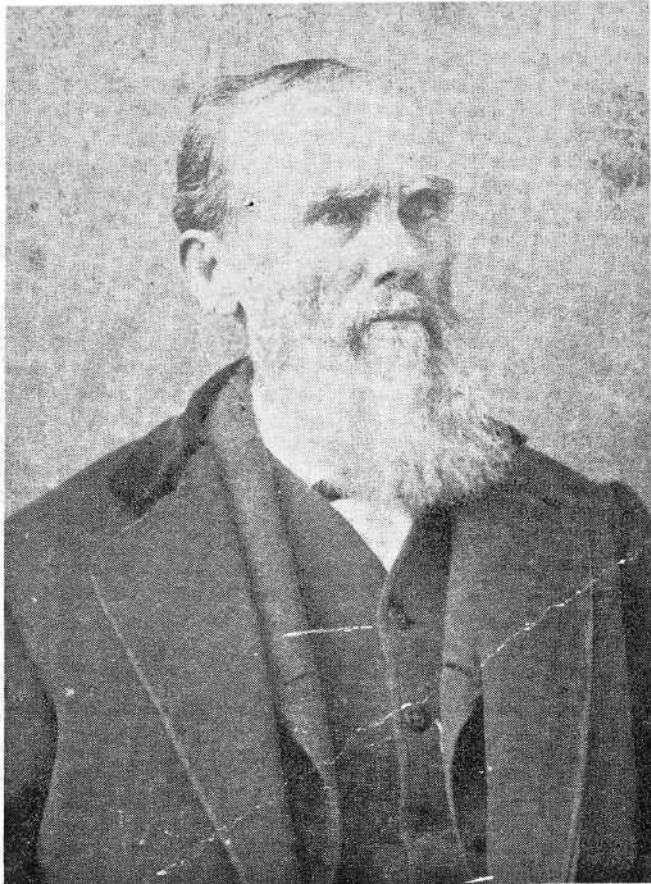
GEORGE MALEDON, ONE AMONGST MANY

By: Bryan Pratt¹

Judge Isaac C. Parker and George J. Maledon, two names synonymous with each other. The "Hanging Judge," and the "Prince of Hangmen" -- linked together and carrying out their professions with a fluidity that could be envied by the law courts of today. These men ensured that justice was both swift and certain, Parker supplying the means and Maledon the end.

In the area known as Fort Smith during the late 1800's, extraordinary men were needed to stem the growing tide of lawlessness in the Indian Territory, and so it was that President Grant appointed ex-Congressman Parker to mete out justice in the Western District of Arkansas -- an area consisting of 17 counties in the east and northeast, and 13 counties in the west and northwest parts of Arkansas, plus the Indian Territory, totaling in all 74,000 square miles.

This appointment gave Parker a judicial power unequalled in the annals of American law. Against Parker's verdicts, there was no appeal, except to the President himself, and Parker's unique position did in fact place him where he could, if so minded, block such an appeal. Should Parker allow an appeal, Grant would naturally be reluctant to interfere with the decisions of his own appointee, especially when one remembers that Parker maintained powerful friends on Capitol Hill.



George Maledon

Photograph courtesy of Bernice Kizer

In 1889 it became possible to appeal a case to the Supreme Court of the United States.

Much has been written of Parker and his endless stream of quotations, including "Do equal and exact justice" and the famous "I never hanged a man, it was the law." But whose law was it? Was it the law of the land, or Parker's that could send five men to their death without benefit of capable counsel?

Members of the Rufus Buck Gang were convicted upon the testimony of a Mrs. Hassan, who claimed she had been raped. The defense, apparently smitten by the tear-jerking story of Mrs. Hassan, refused to cross examine, even though Buck stated that given the chance, he could provide an alibi. The summation of the defense attorneys, "Gentlemen, you have heard the evidence, I have nothing to say," was accepted by Judge Parker without demure, and all five were sentenced to die. It would almost seem that the hapless five had been prejudged. It is true that Parker did allow an appeal, but the Supreme Court refused to interfere. Again, one might wonder if strings had been pulled.

We know these things of Parker, but almost nothing is known of the other half of the team, George J. Maledon. Was he the sadistic legal killer, collecting a fat \$100 fee for each man he sent to eternity? Did he pull that awful lever with something akin to joy in his heart? Writer Carl W. Breihan has pictured him as such, putting him into the same category as gunslingers Hardin and Clements who killed for a price, but while colorful and lending to the imagination, is the story true?

History says that Maledon was the "Prince of Hangmen," but then again history could be mistaken. Nowhere has this writer been able to find a shred of evidence that he collected any fee, other than his salary as a guard. Nowhere have I found that he was sadistic, indeed the opposite emerged. His oft quoted boast that he always broke the neck of his "victim" was not a boast of his prowess with the rope, but that no man suffered unduly on his way to the hereafter. It was more with sorrow than with joy that he pulled the gallows lever.

Maledon was a gentle man, a family man, a compassionate man, aware of the situation around him. He could feel the emotions of others.

Take the case of Frank Butler for instance. History has it that Butler was killed trying to escape, and while this is factually true, Maledon's character shows through. Butler, a black man was sentenced to die on the gallows on September 3, 1874, during a night session of the court. As the condemned man left the court with his guards, he made a break for the wall, over which his parents were waiting with a buckboard for the body. They knew of the intended break, preferring a bullet from the sure left handed gun of Maledon to the rope. All of the guards were armed, yet it fell to Maledon to execute the sentence. It could only be that Maledon was "in the know." Whether he accepted a bribe does not matter (I have found no proof of this). He obviously was not unsympathetic to the wishes of Butler and his parents. Consequently, he did not disappoint them in their hope for a bullet for their son.

History tells us George J. Maledon was born in Landua, Bavaria on June 10, 1830, emigrating to the United States in 1831 with his parents, Johann and Katherine Maledon, settling into the German Catholic Community of Detroit, Michigan. Is history wrong again?

Who was George Maledon? Was he a son, a brother, or a nephew of Johann Maledon? No proof of this relationship has been found, but we believe he was a brother or nephew, because Baptismal records of St. Mary's Catholic Church of Detroit, Michigan, show that on May 16, 1838, Johann and Katherine had a son born in Detroit that they named George Jacob Maledon. Certainly they would not name two sons the same name. It would have been more likely that they would name a son after an uncle or cousin. The same Baptismal record also shows a daughter, Anna Maria Wiedmann, born to Josephus Wiedmann and Regina Maledon, with Johannes Wagner and Anna Maria Maledon listed as Godparents. This leads us to believe that George, Regina and Johannes were probably brothers and sister.

Apparently George Jacob born in Michigan was called Jacob, but on many records, including his military records, he was often listed by both names. This certainly leaves room for confusion.

If we can believe the 1860 census record, by 1855 George was married to a woman named Mary, from Canada, and was living in Michigan. Their first two children were born in Michigan; Alex, born in 1855, and Mary, born 1858. The 1880 Arkansas Census lists a much younger wife, also named Mary, who was born in Georgia. A compilation of children from all census records shows he had either nine or ten other children, all born in Arkansas: Charles, 1864; George W., 1868; Annie, 1871; 1880 cu shows "Mattie, 'aged 2" -- 1900 cu shows a 'Will', aged 22." Is this the same person or two people born the same year?; Michael, 1879; Mathew, 15 Sept. 1887; James 1885; and Gilbert, 1886. No marriage, death or burial records have been found for his wives.

The exact date of his departure from Detroit is not known, but in 1863 he enlisted in the 1st Battalion, Arkansas Light Artillery at Fayetteville, Arkansas.

His physical description, taken from his army record on March 4, 1863, does not coincide with the description taken from *Hell On the Border*, which states that he was small of stature, 5' 5" tall. Both George and Jacob were listed as 5' 8" tall on their military records.

Contemporary sources claim that prior to his enlistment, George worked in a lumber mill in Indian Territory close to Fort Smith. While this may be true, it would hardly seem likely that he would travel to Fayetteville to enlist,

when he could have done the same thing that his relative George Jacob did, enlist at Fort Smith.

From April to June of 1864, George was detached to Fort Smith as per special orders, and placed in charge of work on the fortifications at Fort Smith, thence to the engineers department and finally to the quartermasters department. He was mustered out of the service on February 28, 1865 at Fort Smith.

The first time George appeared on the Fort Smith city payroll was on February 28, 1870, when he was paid \$9.25 for repairing a bridge. His relative, George Jacob was also by this time listed on the city payroll as city marshal. The following day also saw George receive \$28.00 as special police pay. Since the pay was \$2.00 per day, he must have been on the police force since February 14, 1870. He remained in this position until December 12, 1870, a total of ten months.

One month prior, George Jacob had been elected out of office as chief of police, and returned to the status of policeman. The city council records record that George Jacob refused to turn his books over to his successor, Christopher Duff. Investigation later showed a deficit of \$1,638.37, and he was given 24 hours to make settlement. City records are vague as to the outcome of the embezzlement, but the 1880 census lists him as being a prison guard. George, however, was listed as a machinist.

Contrary to popular opinion, George did not serve under several police chiefs, only under his brother and Christopher Duff.

Census reports show George's occupation as follows: 1870, policeman; 1880, machinist; and 1900, farmer. In March 1870 he is shown on the Fort Smith City Council records as receiving two payments of \$28.00 each for special police duty, and this advertisement ran in the August 3, 1867 issue of the Fort Smith Herald: "Paintings, glazing and paper hanging, Howard and Sycamore Streets, John B. Maledon and George Maledon."

George died June 5, 1911, in a home for old soldiers in Tennessee, and is buried in the old Johnson City Cemetery in that state. Name and address of his nearest relative is listed as Alexander Maledon, Fort Smith, Ark. -- cause of death, Dementia.

In the realm of speculation, it is entirely possible that history has the two brothers confused, since Jacob was oftentimes called George, and he was a prison guard, whereas George did not appear to be.

George Maledon's name does appear on the list of deputy marshals during this time.

History, when compared to documents, has not really made a case, and only later research will tell the whole story.

¹Bryan Pratt, a citizen of England, but a resident of Fort Smith for five years, is a man of many talents, an interesting background, an ardent love of history, a flair for writing, and an inquisitive mind -- always questioning and challenging. This latter trait is very much in evidence in his article, *George Maledon, One Amongst Many*.

He was born January 5, 1938 in Wigan, Lancashire, England, the son of James and Linda (Davies) Pratt.

After an abbreviated formal schooling in England, he became an apprenticed automobile mechanic, learning the trade which became his profession; then he enlisted in the English Army, where he saw combat duty in Cyprus, Egypt, Israel, Jordan, Lebanon, Kuwait, Aden, Yemem, Sudan and Lybia. He says that in every country he saw history, and the study of history became a part of him.

In addition to English, Mr. Pratt speaks and reads Armenian, some Arabic and Gaelic. His hobbies include oil painting, sketching with charcoal and pencil; Indian featherwork, specifically, making authentic Indian headdresses using early Indian methods; building furniture, knitting and writing. Besides short stories and articles, he has written one book, entitled *The Real Truth*, which is currently in New York awaiting publication.

The Pratts have four children, and Mr. Pratt works with Sea Explorers (Boy Scouts of America). He also wants to take flying lessons. He migrated to Fort Smith by way of Canada and California, choosing Fort Smith because it was a town with four seasons, and because the parents of his wife, the former Diana Orsbun, lived here.

Bryan Pratt has this to say of himself, "If I were asked why I am, what I am, who I am, and why history should have such power over me, I would answer with four words -- THE NEED TO KNOW!"

ORIGIN OF NAME 'MARSHAL' AND CREATION OF FEDERAL COURT SYSTEM

By: Amelia Martin

The word "marshal" is derived from the old High German words "marah," a horse, and "scalh," a servant; hence, a man appointed to take care of horses -- a farrier, a groom. In England, he wore livery, or uniform, and had the duty to physically escort into court witnesses and others whose presence was desired in order for the court to acquire the proper "jurisdiction."

In his work "Federal Justice," page 17, former Attorney General Homer Cummings has the following interesting explanation of the origin of the marshal's office in the American colonies.

"Seventeenth century America knew well officers called 'marshal of the colony,' 'marshal general,' or 'provost marshal,' and there had been deputy marshals and marshals for counties or judicial 'ridings.' The colony of Georgia, which was not established until 1733, had a provost marshal as late as 1773. His duties included the service of writs and summonses, civil and criminal, the drawing of bail bonds, the custody of criminals, attendance upon juries, the execution of judgements, and a variety of related matters. These officers later gave way to the sheriff whom they resembled in duties, and the marshals themselves

had become almost exclusively court officers when the First Congress met."

Both the office of United States Marshal and the original court system for the United States were created by the Judiciary Act of September 24, 1789.

Each marshal was given two specific duties: first, to attend the district and circuit courts and also the Supreme Court when sitting in his district; and second, to execute throughout his district all lawful precepts directed to him under the authority of the United States. He was also empowered to command all necessary assistance in the execution of his duties and to appoint one or more deputies as needed, who were removable from office at the pleasure of either a judge for the district or circuit court.

Before entering duty the marshal was required to give a performance bond in the sum of \$20,000, and both he and his deputies were required to avow in a special oath of office that they would faithfully and honestly execute their duties and uphold the laws of the United States.

¹Abstracted from *Outline of the Office of United States Marshals*, prepared in the Executive Office for United States Marshals, Department of Justice, September 15, 1960.

MARSHALS FOR FEDERAL COURT WITH JURISDICTION OVER THE FORT SMITH AREA

The Act of April 21, 1820 (3 Stat. 565), effective July 4, 1819, created authority to appoint Territorial marshals. Abbreviations used in the following list of marshals are as follows:

- (R) Recess appointment date
- (S) Senate confirmation date (used from 1789 - 1903)
- (C) Commission date (used from 1903 - date)
- (C.A.) Court appointment date
- (A.G.) Attorney General date

TERRITORY OF ARKANSAS

(Established as Territory on March 2, 1819, and remained Territory until Arkansas was admitted as State on June 15, 1836.)

MARSHAL	DATE
Scott, George Washington	May 29, 1820 (R)
	Feb. 7, 1821 (S)
	Jan. 13, 1825 (S)
	Jan. 2, 1829 (S)
Rector, Elias	Mar. 2, 1831 (S)
	Jan. 20, 1835 (S)

DISTRICT OF ARKANSAS

(Admitted as State with one judicial district on June 15, 1836)

(Single judicial district abolished March 3, 1851)

MARSHAL	DATE
Rector, Elias	June 29, 1836 (S)
	Feb. 17, 1840 (S)
Newton, Thomas W.	Apr. 20, 1841 (R)
	July 22, 1841 (S)
Rector, Henry M.	May 8, 1843 (R)
	Jan. 16, 1844 (S)
Rector, Elias	May 23, 1845 (R)
Chase, Luther	Apr. 25, 1850 (S)

WESTERN DISTRICT OF ARKANSAS

(Created March 3, 1851)

MARSHAL	DATE
Knox, George	Mar. 12, 1851 (S)
Hays, Samuel M.	June 16, 1853 (R)
	Mar. 14, 1854 (S)
Jacoway, Benjamin J.	Mar. 19, 1857 (R)
	May 10, 1858 (S)
Brown, James M.	Jan. 24, 1861 (S)

White, Luther C.	Mar. 3, 1865	(S)
Rowland, Joseph S. C.	Aug. 19, 1868	(R)
Britton, William A.	Apr. 16, 1869	(S)
Sarber, John N.	Mar. 18, 1873	(S)
Fagan, James S.	Feb. 10, 1875	(S)
Upham, Daniel P.	July 10, 1876	(S)
Dell, Valentine	June 15, 1880	(S)
Boles, Thomas	Feb. 20, 1882	(S)
Carroll, John	Oct. 24, 1885	(R)
	May 21, 1886	(S)
Yoes, Jacob	May 17, 1889	(R)
	Jan. 27, 1890	(S)
Crump, George J.	Apr. 15, 1893	(S)
Stahl, Solomon F.	June 1, 1897	(S)
	June 12, 1901	(R)
	Mar. 5, 1902	(S)
Mayes, John Frank	Mar. 6, 1906	(C)
	May 4, 1910	(C)
Parker, John H.	June 22, 1914	(C)
	Nov. 19, 1919	(C)
Russell, Andrew J.	Sept. 18, 1922	(C)
	Jan. 4, 1927	(C)
Johnson, George H.	Mar. 1, 1928 (C.A.)	
Hudspeth, Cooper	Mar. 5, 1928	(C)
	Apr. 5, 1932	(C)
Riley, John C.	Mar. 5, 1936	(C)
Armstrong, Henry C.	Apr. 29, 1940	(C)
Floyd, Jones	May 18, 1945	(C)
	Aug. 8, 1949	(C)
Geren, Louis C.	May 24, 1953 (C.A.)	
Hudspeth, Cooper	Oct. 27, 1953	(R)
	Mar. 9, 1954	(C)
Neal, Jay	Aug. 21, 1954	(C)
	Aug. 21, 1958	(C)

Christine Elmore Allen, president of the Fort Smith Historical Society, a Certified Genealogical Records Searcher (CGRS), and a researcher for the Fort Smith Public Library, has, over a period of years, researched and collected genealogical records of the marshals of the Federal Court of the Western District of Arkansas. These records are compiled into a research volume archived in the Arkansas Room of the library. It is from this notebook that the following information about some of the Marshals has been excerpted. Genealogical information is not available at this time on all of the marshals.

Anyone having other genealogical information regarding marshals of this court may address their correspondence to Mrs. Allen in care of the Fort Smith Public Library, 61 South 8th Street, Fort Smith, Arkansas 72901.

ARMSTRONG, HENRY CLAY, JR. -- U.S. Marshal April 26, 1940 to June 30, 1945.

Henry Clay Armstrong, Jr. is a native of Fort Smith, born October 4, 1896. His parents were Henry Clay Armstrong, Sr., a native of Warrenton, Virginia, and Dr. Minnie Juliet Sanders, born in Lick Creek, Illinois. Dr. Sanders, in addition to being the first female physician to practice medicine in Fort Smith, was also the first woman juror in the world. She came to Fort Smith in 1892, and married Mr. Armstrong in Fort Smith October 25, 1895. Their children, in addition to Henry Clay, Jr., are Phillip Norris, Fred Sanders, and Minnie Ruth. She was the daughter of Dr. David Riley Sanders (b. 1845, d. 1907), and Delphina Gallegly. Before coming to Arkansas, she practiced with her father in Jonesboro, Illinois and taught in the Woman's Medical College of St. Louis, Missouri.²

U. S. Department of Justice
Washington, D. C.

20 THIS IS TO CERTIFY

that Henry C. Armstrong

whose signature and photograph appear hereon, is a regularly appointed United States Marshal

of the Western District of Arkansas

U. S. Department of Justice.

Henry C. Armstrong
(Signature)

Marshall F. Jackson
The Assistant to the Attorney General

Marshall F. Jackson
Attorney General.

gpo 207349



Marshal's Identification Card

Courtesy of Armstrong Family

²Amelia Whitaker Martin, *Physicians and Medicine, Crawford and Sebastian Counties, Arkansas 1817 - 1976*. Pages 45, 219.

Educated in the Fort Smith High School, Henry Armstrong, Jr. was a member of the football, basketball and track teams. he was a Navy pilot in World War I; a business man in Fort Smith for over fifty years, selling Goodyear and Standard Oil Products; and was active in politics and his community. From June 1928 to July 1929 he also served as the Arkansas State Commander of the American Legion.

He was married on November 12, 1952, to Mrs. Myra (Payne) Sparks, the young widow of James Mitchell Sparks, Jr. They have one child, Myra Payne "Missy" Armstrong, who is married to James Daniel "Danny" Roebuck, son of Dr. Fred Roebuck, and the late Mrs. Roebuck, of Fort Smith.

BOLES, THOMAS, appointed U.S. Marshal, February 20, 1882.

Thomas Boles was born in Clarksville, Arkansas, July 16, 1837, but was a resident of Dardanelle, Arkansas for several years. He was the son of John Boles, a native of Tennessee, who moved to Johnson County, Arkansas about 1834 or 35, and from there to Yell County in 1842, where he died February 18, 1863.

Except for one year of schooling, Thomas Boles was self taught; served as Deputy Sheriff, Deputy Clerk, Circuit Judge of the Fourth District under the Murphy Government, and two terms in Congress (1868 - 1874). He was appointed Receiver of the United States Land Office by President Hayes, then in 1884 was the Republican nominee for Governor, but was defeated by Governor Simon P. Hughes.

He served in the Union Army 1863 - 1864. In 1863 he raised a company of soldiers, of which he was elected captain, and joined the Third Arkansas Federal Cavalry.

On August 15, 1866, he married Miss Julia E. Pound, daughter of Judge Thomas W. Pound, at Danville, Arkansas. She died March 21, 1872. By this marriage there were three children. On February 5, 1874, he married at Dardanelle Miss Catherine F. Keith, daughter of Robert Keith. By this marriage there were two children living in 1890-- a daughter and a son.

BRITTON, W.A., appointed U.S. Marshal June 19, 1872.

The only records found on William A. Britton have been his appointment as marshal, his marriage record, and his service in 1868 - 1869 as representative from the 17th District, comprised of Clark, Pike and Sevier Counties, Arkansas. Clark County Marriage Book D, page 164, reads as follows: "Britten, William A., 25, to S.J.M. Tennison, 15, with consent of bride's parents, 20 May 1860, by G.W. Wells, M.G." (Note that Britton was spelled with an "e" on the marriage record.)

BROWN, JAMES MADISON, SR., appointed U.S. Marshal, January 24, 1861.

James Madison Brown, Sr., was born in North Carolina. Family legend ties him to McMinnville, Tennessee, but he served as County Treasurer of Cannon County, Tennessee, 1839 - 1840.

Census records show him to have lived in the following places: 1840, Cannon County, Tennessee, with a wife, son and daughter; 1850, Van Buren, Crawford County, Arkansas, 38 years old and alone; 1860, Crawford County, wife, Mary E., 31, and daughter, Mary E., 13. In 1864 and

1865 he and his son, James Madison, Jr. born 1835, both appear on tax records in Upshur County, Texas. 1870 census place him in Ben Franklin, Lamar County, Texas (now Delta County). His obituary dated December 10, 1915, listed four surviving children, two sons and two daughters: M.S. Brown of Durant, Oklahoma; Black Brown of Monett, Missouri; Mrs. Jennie (sic-Jimmie) Simmons of Honey Grove, Texas; and a daughter in Dallas, name unknown by the writer of the obituary.

BURTON, MACK, appointed U.S. Marshal February 1, 1978.

Mack Burton, who now holds the office of Marshal of the Western District, was born in Chismville, Logan County, Arkansas, but grew up in Paris. He attended the Coast Guard Academy; served in the Coast Guard; was with the Arkansas State Police Department for fifteen years, 1951 - 1966; was appointed deputy marshal in 1966; was made chief deputy in 1967, and served in this capacity until his appointment as marshal in 1978. Marshal Burton has received three Special Achievement Awards for his outstanding performance as a marshal.

He is a member of the National U.S. Marshals Historical Society and the UCT.

Mrs. Burton is the former Norma McElhannon, a native of Paris, and they have four children: Marilyn, a dental hygienist; Patti, a junior at the University of Arkansas; Steve, in the construction business in Fort Smith; and Scott, a seventh grader.

CARROLL, JOHN, appointed U.S. Marshal, May 21, 1886.

John Carroll was born on August 30, 1828, in what in 1889 was Claiborne County, Tennessee. He was the second in a family of ten children born to Hugh and Anna (Shelton) Carroll. Hugh Carroll was born in Martinsburg, Virginia. His father came from Ireland to America and was a hero in the Battle of New Orleans in 1815. In 1836 Hugh came west with the Cherokee Indians as a wagon master of a detachment of Indians, settling first at Fort Gibson, I.T., but later settled in Neosho, Missouri; fought in the Confederate Army and was killed in Newton, Missouri in 1862.

John Carroll was married in the Cherokee Nation to Susan Ward, a quadroon. She died in 1856, leaving two children; Hugh, who was accidentally killed in 1885 at Vinita; and Fincher, who lived in Huntsville, Arkansas in 1889. Mr. Carroll moved to McDonald County, Missouri and in 1857 was united in marriage with Huldah Holcomb, who was born of French parentage in Newton County, Missouri. Seven children were born to this union: Mary (m. John Cecil), lived in Chico, Texas; Dick; Jeff D; Frank (postal clerk in Eureka Springs, Ark.); Nora; Albert S. J.; and Nelly.

He raised three companies for the Confederate service and commanded a company until 1863 when he received a colonel's commission. After the war he settled in Huntsville, Arkansas. He was a member of the first legislature that convened after the war, and in 1874 was a delegate to the Constitutional Convention. In 1857 Mr. Carroll was appointed sheriff of McDonald County, Missouri, and United States Deputy Marshal for the Western District of Arkansas. He continued in business at Huntsville, Arkansas until the opening of Eureka Springs, and his removal there. He was a merchant at Eureka Springs and the first

mayor of the city. In 1884 he was admitted to the bar and practiced law until he was appointed U.S. Marshal in October 1885. He was a Democrat and a Royal Arch Mason.

CRUMP, GEORGE J., appointed May 29, 1893.

George J. Crump was a veteran of the Civil War, serving four years in the Confederate Army. He was born in Harlan, Kentucky, June 13, 1841, a son of John G. and Eliza G. (Watkins) Crump. His father, a prominent attorney in Kentucky, moved to Boone County, Arkansas in 1854; later opened a law office at Carrollton, but returned to Harrison, where he lived until his death at the age of 92.

George J. Crump was educated in the private schools of Carrollton, Arkansas. He enlisted in May 1861 in the Confederate Army, Co. E., Sixteenth Infantry Regiment, and served until 1865.

For nearly three years Colonel Crump served as County Clerk of Carroll County and in his spare time read law. In August, 1869, he was admitted to the practice of law, and practiced law in Carrollton until 1873, when he moved to Harrison. He was United States Marshal of the Western District of Arkansas from 1893 to 1897, and a member of the Constitutional Convention.

He was married on October 21, 1866 to Mrs. Josephine B. (Wright) Greenlee, a daughter of Dr. W.B. Wright and a native of East Tennessee. Her father practiced medicine in Carroll County until he enlisted in the Civil War and was killed during the early part of the conflict.

To the union of Colonel and Mrs. Crump four children were born: Minta, the wife of F.M. Garvin, a banker of Harrison; Arch, cotton planter and attorney of Clarksdale, Mississippi; George Jr., practiced law with his father in Harrison; and Josie, the wife of Guy L. Trimble, a mayor of Harrison and an attorney. Colonel Crump also had a step-daughter, Lulu, the wife of C.E. Scott, a fruit farmer of Harrison.

DELL, VALENTINE, appointed U.S. Marshal, June 15, 1880.

Valentine Dell was born in Baden, Germany, November 8, 1829. He graduated from Manheim College in 1846, and came to America that same year. He was employed as a clerk at both Cincinnati and St. Louis before joining the United States Army in 1849 and serving in the Indian campaigns until 1854, when he was discharged. After living again in St. Louis, then in Mobile, New Orleans and Kansas, he returned to New Orleans. In the Spring of 1858 he went to Leavenworth and that fall went to Fort Arbuckle, I.T., moving to Fort Smith in October, 1859.

In 1869 he established in Fort Smith a male and female academy.

On January 8, 1863, he printed the first issue of the *New Era*, a pronounced radical Republican newspaper.

Upon the reorganization of the state in 1868, he was elected senator from the counties of Crawford, Franklin, and Sebastian. During his five years in the senatorial office, he was instrumental in giving the state a system of free schools.

After retiring from public life in 1873, he devoted his entire energies to the publication of the *New Era*.

In 1868 he was elected school director, and under his administration, the public free school system of Fort Smith was established.

In 1874-5 he was postmaster at Fort Smith. In 1864, 1866, and 1868 he was a delegate to the Republican Convention; served as chairman of the congressional, senatorial and county committees; and in 1866 to 1868 was a delegate to the Republican National Convention at Baltimore and Chicago.

Mr. Dell married in Fort Smith, January 4, 1861, Miss Adelia A. Hunt, who was born in Cass County, Missouri, February 6, 1844, the daughter of William M. Hunt, a native of Tennessee, a carpenter and a builder. Mrs. Dell's mother, Rhoda C. Cook, was a native of Franklin County, Alabama. She died in Pine Bluff in 1856. By this marriage Mr. Dell had eight children, all born in Fort Smith: Annie R., b. Nov. 25, 1861; William, b. Jan. 26, 1864; Valentine, b. Sept 16, 1876; John, b. April 26, 1869; Kitty, b. Jan. 2, 1872; Gustavus, b. Dec. 24, 1872; Daisy, b. Dec. 16, 1875, and Phillip, b. Sept. 16, 1877.

Mr. Dell's descendants had been teachers in Germany for 300 years with a break in the line. His father, George M. Dell, was a teacher for fifty years in Weinheim, Baden, Germany.

DOUGLAS, DAN M., served two terms as U.S. Marshal. His appointment dates were April 4, 1962 and April 28, 1966.

Dan M. Douglas was born July 13, 1910, in Bentonville, Arkansas, the son of Marion and Emma (Cooper) Douglas. He was married to Jane Rogers of Wilkinsburg, Pennsylvania, in 1940, and is the father of four children: Scott R. Marshall, Kent and Rebecca. His grandfather came to Benton County by oxcart from middle Tennessee in 1838 and settled at Highfill.

Mr. Douglas, an F.B.I. agent for 23 years, 1937 to 1960, and a U.S. Marshal for eight years, was appointed Director of Administration for the city of Bentonville, Arkansas, in February, 1970. He was in business in Bentonville and owner of an insurance agency there when he was appointed marshal in 1962.

He attended Bentonville Public Schools and graduated from the University of Arkansas in 1932.

FAGAN, JAMES F., appointed U.S. Marshal, July 2, 1874.

General James F. Fagan died at his home in Little Rock. He was a veteran of the Civil War, took part in the Brooks-Baxter War in behalf of the Brooks' forces and was later United States Marshal for the Western District of Arkansas and registrar of the Land Office at Little Rock under President Grant.

Ref: Arkansas Gazette, June 15, 1936,
Page 156, Col. 2, Little Rock, Ark.

FLOYD, REGAR JONES, served two terms as U.S. Marshal. Appointment dates: May 15, 1945 and August 2, 1949.

Regar Jones Floyd was born February 20, 1903, in Nashville, Howard County, Arkansas, one of six children of David Sam and Betty (Jones) Floyd, a native of Howard County.

Mr. Floyd attended public school in Nashville, and graduated from Nashville High School in 1923. He was in a contracting business with his father until he accepted a position as maintenance foreman with the State Highway Department. Active in politics, Jones Floyd was elected Sheriff and Collector of Howard County, Arkansas, serv-

ing six years in this office, until his resignation in the summer of 1945 to accept the appointment by President Truman to the office of U.S. Marshal.

On May 25, 1924, Regar Jones Floyd married Perlie Ella Pate, who was born in Nashville, Arkansas. A son was born to this union on August 13, 1932.

Mr. Floyd held membership in the Peace and Sheriff Officers Association of Arkansas and the Arkansas Sheriff's Association. He was also a Mason and a member of the Church of Christ.

GEREN, LOUIS C. "Judge", appointed U.S. Marshal May 23, 1953.

Louis C. "Judge" Geren, was born July 22, 1896, at Enterprise, Arkansas on what is now known as the Yates Ranch, and died in Fort Smith in June, 1965.

His parents, both natives of Sebastian County, were Charles Nathaniel Geren (b. September 28, 1860, d. April 28, 1948), and Katherine (Martindale) Geren.

As a child, Louis was nicknamed "Judge," a name that became confusing in later years when his brother, Ben, was elected Sebastian County Judge.

Mr. Geren, who was never married, was a successful planter and farmer; a graduate of Oklahoma State University; a member of Sigma NU Fraternity; and a 33rd Degree Mason.

His sisters and brothers are: Nelle (m. John B. Copeland from Texas); Mary F. Geren; Dove (Mrs. J. Aubrey Yates); Helen (Mrs. Roy Lester); Benton A. "Ben"; and Jerry M.

HAYES, SAMUEL M., appointed U.S. Marshal June 16, 1853.

Samuel M. Hays was listed as a resident of Pope County, Arkansas in the 1840 and 1850 census records. The 1850 census lists him as Hays, Sam'l M., farmer, 40 years old, born in Tennessee. In his home were Caroline, 29, born in Tenn. and Susan M., 6, born in Arkansas. Also in the home were: Chandler, William (cptr), 62, m, Virginia; Ferguson, Edward (lab), 20, m, Tennessee; Whittle, John, 20, m, Tennessee; and Harshfield, Martin, 13, m, Tennessee.

In the *Early History of Pope County* by D. Porter West, we find S.M. Hays (sic) in 1836 a Lieutenant in the Arkansas Volunteer Regiment under the command of Col. L.C. Howell; in 1846 he served as representative from Pope County; and in 1854 he is listed as U.S. Marshal.

HUDSPETH, COOPER, served three terms as U.S. Marshall. His appointment dates were March 5, 1928, March 29, 1932 and March 1, 1954.

Cooper Hudspeth, a resident of Fort Smith, was born in Nashville, Arkansas, February 24, 1894, the son of E.E. and Nettie a. (Robins) Hudspeth. Marshal Hudspeth served ten years in the post office at Nashville, Arkansas -- five years as clerk and assistant postmaster, and five years as postmaster. He served as a second lieutenant in World War I, seeing two years duty in France as assistant chief salvage officer with the 35th Division; is a member of the First Presbyterian Church; and a Mason for over fifty years. He is a 32nd Degree Mason and a Shriner.

Mrs. Hudspeth is the former Mary Singleton, a native of Fort Smith. Mr. Hudspeth has two sisters, Eula (Mrs. Ed Rouse of Kansas City, Missouri), and Dora.

JACOWAY, BENJAMIN JONES, appointed U.S. Marshal, March 19, 1857.

Benjamin Jones Jacoway came to Arkansas from Neahoba County, Mississippi, about 1850. He was the son of Archibald and Susanna Jacoway. He was of Irish descent, his ancestors having come from Cork County, Ireland.

Mr. Jacoway is reported to have been a physical giant, weighing over 200 pounds; a man of great learning, and a leader in civic, educational, religious, and political activities.

He served as a representative from Yell County in the tenth General Assembly of Arkansas in 1854 - 55; served as school commissioner of his district and as U.S. Marshal during the administration of President Buchanan. He was commissioned by the government to remove the Indians from North Carolina, Georgia, Mississippi and Tennessee to their western habitation. It is a coincidence that more than half a century later, his grandson, Henderson M. Jacoway, was connected with the Dawes Commission, whose duty it was to negotiate with the Indians of the civilized tribes, looking toward the changing of their tribal holdings to ownership in severality.

It is said that at the end of the Civil War, Mr. Jacoway called his many slaves around him, telling them they were at liberty to go, and without exception, all of the slaves remained.

He married Margaret Wilkinson in Mississippi, the daughter of James and Agatha Wilkinson. Mr. and Mrs. Jacoway were the parents of William Dodge Jacoway, Henderson M. Jacoway, Benjamin Jacoway, John Jacoway, Thomas M. Jacoway, and Ellen Jacoway. Both Mr. and Mrs. Jacoway were of the Methodist faith, and were pioneers of that church in Yell County.

Benjamin Jones Jacoway was called to Washington by President Buchanan and proceeded from Dardanelle to Memphis, where he became ill suddenly and died there in 1860. His widow died in Dardanelle in 1878 at the home of her son, W.D. Jacoway.

KNOX, GEORGE, appointed U.S. Marshal, March 12, 1851.

George Washington Knox was born May 5, 1812, in Louisville, Kentucky, and died in Van Buren, Arkansas, August 12, 1854. He is buried in Fairview Cemetery.

Clara Eno says, in her *History of Crawford County*, that before 1836 Mr. Knox was appointed District Marshal to look after Indian affairs, and came to the present site of Van Buren to live. The family residence was a log house at what is now 19 Fayetteville Street. He was living here when Arkansas became a state in 1836, and later homesteaded the place with much surrounding acreage, when Martin Van Buren was president.

Old records show that his father, Hugh Knox, had previously homesteaded the "Knox Plantation" across the Arkansas River near Barling.

On May 12, 1842, George W. Knox married Miss Eudora E. Rose at Little Rock, Arkansas. She had been born in New Orleans, Louisiana, and was the daughter of Horace Boardman Rose and Elvira (Percival) Rose. Horace B. Rose established the plantation "Roseville" on the Arkansas River near Van Buren in 1830. The Knox's first daughter, Fanny Rose (Mrs. Hugh Thomason) was born at "Roseville." Three other daughters were born in Van Buren: Georgia Lydia (Mrs. W.L. Faber), Eudora Percival

(Mrs. C.J. Lincoln), and Martha Washington (Mrs. Syme Hayman).

The 1850 census showed Mary F. Knox, aged 20, and Sarah G. Knox, aged 28, also living in the home. They were probably sisters of George.

Mr. Knox kept a diary for a little more than three months, while he took a boat trip from Van Buren to Niagra Falls and New York City. In it, he spoke of seeing Chicago, then "a thriving little village."

PARKER, JOHN HOBSON, appointed U.S. Marshal, June 22, 1914.

John H. Parker was born April 4, 1872 on the old homesteaded family farm in Ouachita County, near Camden, Arkansas. His parents, Mr. and Mrs. John N. Parker, were among the most prominent residents of that part of the state. His grandfather, John Nunn, was the first settler of what is now Camden.

Educated at the University of Arkansas where he was a student in the nineties, Mr. Parker became identified with political affairs at the turn of the century. He was a charter member of the Alpha Omicron Chapter of Kappa Alpha fraternity.

He served as sheriff of Arkansas County from 1910 to 1914, when he was appointed United States Marshal of the Western District of Arkansas by President Woodrow Wilson, and moved with his family to Fort Smith. He served as marshal for nine years, and afterwards was elected mayor of Fort Smith, serving one term from 1925 to 1929. During this time, he engaged also as an automobile dealer. He went to Little Rock in 1933 when he was appointed business manager of the State Hospital. He later returned to Fort Smith where he was in the lumber brokerage business at the time of his death on August 28, 1937.

Mr. Parker was married in 1902 at Stevens, Arkansas, to Miss Ila Pryor, of Holly Springs, Arkansas, also a member of a widely known family. Two sons were born to this union. The older son was John N. Parker, but the name of the younger son was not mentioned in records available at this time.

Mr. Parker had six brothers and three sisters. They are W.R. Parker, Frank Parker, Jim Parker and Sam Parker of Camden, Arkansas, Emmett Parker, Little Rock, Charles of Portland, Arkansas, Miss Annie Parker, Miss Mary Parker of Camden, and Mrs. Della Means of Hampton, Arkansas.

RILEY, JOHN C., appointed U.S. Marshal March 4, 1936.

John C. Riley was born August 31, 1888, in the Berea Community in the northern part of Ashley County, Arkansas, the son of Mr. and Mrs. J. N. Riley. After attending public school at Berea, he attended Arkansas A. and M. College, Monticello, and Beauvoir College at Wilmar, Drew County.

He was cashier of the Bank of Fountain Hill for a time, then was connected with an automobile dealer's establishment at Wilmot, Ashley County. He served as deputy sheriff for two years under Sheriff Floyd Walker of Hamburg, and for two years he was deputy under Sheriff Hogan Oliver. He was elected sheriff of Ashley County over three opposing candidates and was re-elected every two years until his appointment as United States Marshal in 1938.

During World War I he was corporal and company clerk

at Camp Pike.

He was married in 1918 to Miss Inez Locke of Fountain Hill. They had two children, John C., Jr., and Elizabeth.

Mr. Riley was a Mason, a member of the Hamburg post of the American Legion, and a member of the Baptist Church.

He was shot to death on February 8, 1941, in what Sheriff C.W. Cruce said was a gun duel with Night Marshal Ira Johnson.

ROOTS, LOGAN H., appointed U.S. Marshal, March 31, 1871.

Logan H. Roots, youngest son of Prof. G.B. Roots, the famous educator of Illinois, was born on a farm in Perry County, Illinois, March 26, 1841. He graduated from the Illinois State Normal University with the first honors in the class of 1862.

Immediately after graduating, he joined the Federal Army, and served until the close of the war.

He was with General Sherman on the march to the sea, and after participation as an officer on Gen. Sherman's staff in the grand review at Washington in May, 1865, he came west with Gen. Sherman and was ordered on duty in Arkansas.

He served as collector for internal revenue for the first district of Arkansas in 1867; Congressman 1868 - 1871; U.S. Marshal for the Western District of Arkansas; moved to Little Rock in 1872 and engaged in financial enterprises.

Logan H. Roots was married at Du Val's Bluff, Arkansas, on August 9, 1871 to Miss Emily M. Blakeslee, daughter of Lyman C. Blakeslee, of western New York. By this marriage there were three daughters born: Fannie, Miriam and Lois Roots. He died in 1893 and was buried in Oakland Cemetery in Little Rock. His last resting place is by a magnificent gray marble shaft on a quadrangular base of the same material. His epitaph is as follows:

Mar. 26, 1841 - May 30, 1893, Colonial United States Volunteers, 1861 - 5, Department Commander, Grand Army of the Republic. Member of the Society of the Army of Tennessee and Companion Military Order of Loyal Legion, U.S. Grand Master of Freemasons of Ark., Grand High Priest of Grand Chapter, Grand Master of Grand Council, Grand Commander of Knights Templars of Arkansas.

Since his death, he has been honored by having the Fort Logan H. Roots Veterans Hospital in Little Rock, Arkansas, named for him.

RUSSELL, ANDREW JACKSON, served two terms as U.S. Marshal, September 18, 1922 and January 4, 1927.

Andrew Jackson Russell was born May 14, 1860, in Bentonville, Benton County, Arkansas, a son of James B. Russell and Polly J. Horton, a native of Alabama, but reared and educated in Missouri. His grandfather, Samuel Russell, migrated from Tennessee, his native state, to Benton County, Missouri, where he lived until his death.

James B. Russell came to Arkansas in 1859, settling on a farm seventeen miles west of Bentonville, where he lived until his death in 1874, at the age of fifty. The James B. Russells had six children: Andrew Jackson; Josephine (m. George H. Austin); William of Hydro, Oklahoma; Mary (m. W.L. Jeffries of California); Elisha of New Mexico; and Elizabeth (m. J.P. Kirk), of New Mexico.

Andrew Jackson Russell was a successful farmer near Bentonville until 1905 when he was appointed deputy sheriff. He succeeded himself under Sheriff Hickman, and in November, 1908, and again in 1910, was elected sheriff of Benton County.

In August, 1885, Mr. Russell was married in Benton County to Margaret M. Brooks, a daughter of Isham Brooks, who came from Georgia to Arkansas. Fourteen children blessed this union: James W.; Samuel, married Nora Henedge of Allen County, Kansas and lived on a farm in Benton County; Mollie; Grover C.; Stella; Elbert and Everett, twins; Perry; Bessie; Vina; Andrew Jackson, Jr.; Nora; Bessie and Buelah.

Mr. Russell was a member of the Baptist Church.

STAHL, SOLOMON, appointed U.S. Marshal June 1, 1897.

Solomon F. Stahl was a native of Shelby County, Missouri, born February 8, 1851, son of Fredrick and Margaret (Link) Stahl. The father, born in Economy, Pennsylvania in 1816, was of German descent, a farmer and engineer. He was a young man when his father, Martin Stahl, moved to Columbiana, Ohio, and in 1844, Martin Stahl moved to Shelby County, Missouri, where he died, Fredrick Stahl moved to Aurora Milla, Marion County, Oregon in 1868.

Solomon Stahl was a business man in Shelby County, Missouri, where he had moved in 1868. In 1873 his store burned and he re-established himself in business at Shibley's Point, Adair County.

On February 22, 1874, he married Miss Sarah Shoop, who was born in Adair County in 1854, who became the mother of six children: Lillie A. (m. A.E. Hennon of Buffalo, N.Y.; Claude C.; Edwin Ray; Carmine S.; Nellie (m. Dr. C.L. Black of Johnstown, PA); and Richard of Troy, Kansas.

In 1888, Mr. Stahl was elected judge of Adair County, Missouri, and later moved to Kirksville, Missouri, where he assisted in the organization of the First National Bank. In March, 1885, he moved to Bentonville, Arkansas because of his wife's health.

On June 8, 1885, he organized the Benton County Bank, and was elected cashier. He was a Mason and a member of the Presbyterian Church.

UPHAM, DANIEL P., appointed U.S. Marshal, July 11, 1876.

Gen. Daniel P. Upham came to Arkansas in 1863 with Gen. Schaler, who commanded the 7th New York Regiment. He located at DuVals Bluff, then moved to Woodruff County, which county he represented in the legislature in 1868 - 69. He was appointed Chancery Clerk in 1869, holding that position until the Brook-Baxter War. He lived in retirement for a while, then was appointed United States Marshal for the Western District of Arkansas. After four years as marshal, his health began to fail. He died in Oxford, Massachusetts, his old home, on November 21, 1882, at about the age of 55 or 56.

He was survived by a widow and adopted daughter, who, according to the Arkansas Gazette, November 22, 1882, accompanied the remains back to Arkansas.

When the "Fair Association of Western Arkansas" was organized at Fort Smith in 1880, Gen. D.P. Upham was elected a director and superintendent.

WHITE, LUTHER C., appointed U.S. Marshal, March 3, 1865.

Luther C. White of Van Buren, Arkansas, was born in Woolwich, Maine, February 16, 1810. He lived on a farm until nearly grown, then clerked in a drug store in New York City for a short time before deciding to study medicine. He graduated from the Bellevue College, and began his medical practice in Wilkes-Barre, Pennsylvania. About 1851, he moved to Stephenson County, Illinois, and about 1857 became a citizen of Van Buren, where he died April 5, 1888.

He was married three times. His first wife, Harriet Dyer, was born in Maine, and died July 4, 1844. In 1848, he married Miss Asneth C. Dodson, daughter of Joel Dodson, of Wilkes-Barre, Pennsylvania. This lady was born November 11, 1819, in Luzerne County, Penn., and died August 31, 1872, in Stephenson County, Illinois, while on a visit. February 9, 1874, Dr. White married Emily H. Moore, nee Williams, who died in September of the same year. Dr. White had four children by his second wife: Annie Caroline (born in Columbus, Luzerne Co., Penn., September 23, 1849, died in Chicago, June 19, 1865); Henry Kirk (born at Hazelwood, Stephenson Co., Ill., September 29, 1853, and died at Savannah, Ill., August 12, 1857); George Melvin (born at Van Buren April 8, 1858, died at Polo, Illinois, September 30, 1859); and John D. (born at Van Buren February 18, 1861, and educated at the State University of Arkansas).

Dr. White was a strong Union man during the Civil War, and served as United States Marshal of the Western District of Arkansas four years, being appointed by President Lincoln. He was a staunch Republican, and in 1872 represented the Eighth District in the State Legislature. He was a charter member of the Arkansas State Medical Society; a charter member, director, and stockholder in the Citizens Bank of Van Buren, and a stockholder in Van Buren Canning Factory. Dr. White's wife, Emily is buried in Fairview Cemetery. Dr. White died April 5, 1888, and his funeral service was held in his residence, but there is no record of where he is buried.

YOE, JACOB, appointed U.S. Marshal, January 27, 1890.

Jacob Yoes, born September 3, 1839, was the oldest of a family of six children born to Rev. Conrad and Kizey (Bloyd) Yoes. His grandfather came from Germany and located in Virginia, where his father was born in 1804. Conrad Yoes and Kizey Bloyd were married in Washington County, Arkansas. She died about 1849, and Mr. Yoes married Wilsie Hanse, who bore him two daughters.

Jacob Yoes passed his childhood on a farm near the West Fork of White River in Washington County. He was married in Washington County to Mary A. Reed, a native of that county, and they had eleven children; William C., Lydia J., Francis M., James J., George A., John W., Gilham C., Thomas D., Mary B., Matilda, and Daisy.

He farmed until June, 1862, then enlisted in Company D, First Arkansas Cavalry, United States Army, and served until his discharge at Fayetteville in August, 1865. He was wounded May 24, 1863 and taken prisoner to Van Buren, where he was held until exchanged in August of 1863. In 1864 he was commissioned a First Lieutenant, but refused the commission.

He served as Sheriff of Washington County, in 1868 represented the county in the State Legislature, and in 1870 took the census.

Mr. Yoes owned a large store at West Fork, a flour mill, hotel and a canning factory. He also owned a large store and hotel at Chester, Crawford County, and stores at Mountainburg, Woolsey Switch, Walker Switch and Graphic.

He was a Mason, a Republican, and a member of the I.O.O.F. and G.A.R.

His entire service as U.S. Marshal was under Judge I.C.

Parker. There were some two hundred deputy marshals under his command. He was so well liked, people who knew him gave him the honorary title of Colonel. It was he and U.S. Jailer Pape who learned of the plans of the Dalton Gang to attempt the robbery of a bank at Coffeyville, Kansas, and set a trap for them. When the notorious outlaws entered the bank, four of them were shot to death. Emmett Dalton, who was shot from his horse and captured, was tried and convicted and served a prison sentence.

Marshal Yoes died February 6, 1906.

UNSUNG HEROES DEPUTY MARSHALS OF THE FEDERAL COURT FOR THE WESTERN DISTRICT OF ARKANSAS 1875 - 1896¹

By: Amelia Martin

The unsung heroes of the western frontier were the Deputy United States Marshals who "rode for Parker."

As the wildness of the west bred the lawless bad man, so it bred his nemeses, the men who themselves were fast and deadly with pistol, Winchester, or knife; who knew the country even better than the cruel men who preyed upon it and who could literally track down the fugitive. In the beginning they were few in number, but as time went on and it became apparent that the court at Fort Smith would enforce the law, their ranks grew until there were as many as two hundred deputy marshals at a time.

Without pride of uniform and poorly paid, even by standards of that day, they nevertheless constituted a group whose esprit de corps, whose bravery and zeal, have truly been without parallel in law enforcement annals.

The individual deeds of the celebrated names, such as Wyatt Earp, Bat Masterson, and Pat Garrett were matched time and again in the discharge of the routine duty of these men who "rode for Parker."

Depending on their mission, they rode alone on horseback or in pairs, or sometimes traveled in wagons. There were no hotels or restaurants on their paths. Their lot was rough, with little food and their bed one on the ground under the stars. Awaiting them were desperate men, white and renegade Indians, often in gangs, many of whom knew that their lives would be the forfeit if they were brought to trial for their crimes.

Of the men who rode out for Parker, 65 never returned alive, and many others came back with grievous wounds. They were brave men -- they had to be! And they soon won the respect of the peaceful pioneers whose safety of life and possessions depended upon them.

It took days and nights to travel the wide expanse of the territory, but they did it year in and year out, bringing back with them the killer, the rapist, the robber, and lesser criminals of every ilk. Nor was this the only role, for they had to secure evidence of the crime, bring in the witnesses

and produce all in court for a jury to pass upon the guilt or innocence of those charged.

Without these courageous men, the court of Judge Parker would never have become famous, nor its presiding judge hailed as he came to be. They, indeed, are the unsung heroes of this era.

Hundreds of deputy marshals served during Isaac Parker's tenure as Federal Judge at Fort Smith, but not all of them were recorded as marshals in the records of the Federal Court. Many of the men were sworn in "on the spot" to serve for specific reasons, usually to ride in a posse, and the only record of their service is in the *Marshal's Fee Ledger* and unofficial records: ie., newspapers, family records, and history books.

After many years' research of all available sources, historians at the Fort Smith Historic Site, commonly known as Judge Parker's Court Room, have compiled a file of information on almost a thousand men who served as deputy marshals between the years 1875-1896. Of this number, 654 are recorded in the Federal Court Records.

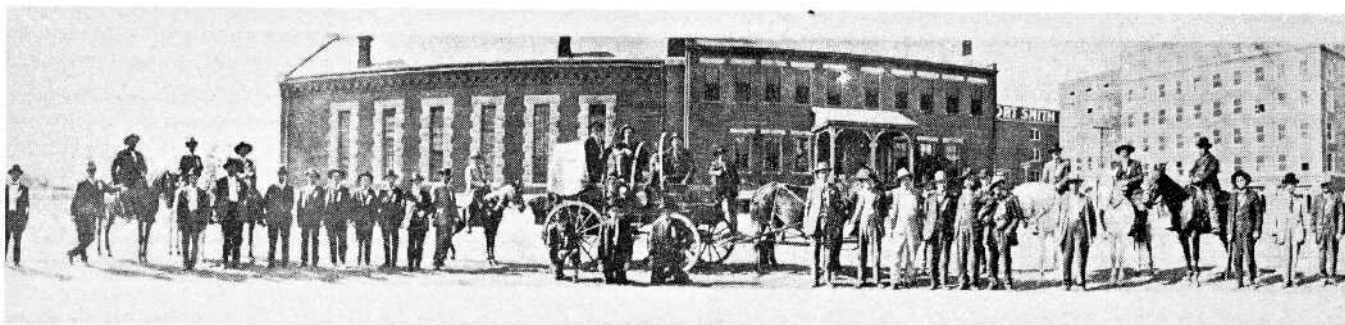
Readers who are familiar with Fort Smith History will recognize on these lists the names of many important and well known men of Fort Smith and Indian Territory. One name, J.E. Reed, may not be recognized, but he is best known as the son of Belle Starr.

It is with the permission of the National Park service that the following alphabetized index to this file has been compiled by your editor, and is being printed in the *Journal of the Fort Smith Historical Society* for use as a research tool by genealogists.

The National Park historians invite readers to contribute photographs and information about deputies. Communications regarding men listed in this index, or other deputy marshals who are not listed, may be sent to:

Judge Parker's Court Room
Old Federal Building
Fort Smith, Arkansas 72901

¹In a few instances service began before 1875, or extended past 1896.



Used by permission of National Park Service.

Last reunion of Indian Territory Deputy U.S. Marshals in 1908 at Fort Smith, Ark., at which time a memorial service was held for 65 slain comrades. These are the men who prepared Indian Territory for Oklahoma statehood. The building in the rear is the building now known as Judge Parkers Court Room. Deputies from left to right have been identified as: 1. Bob Fortune (black); 2. Henry Falconer; 3. Ace Wade; 4. Major J.T. Farr; 5. Frank Bolen; 6. Price McLaughlin; 7. Ed Armor; 8. Bill Taylor; 9. John Malone; 10. Jesse Jones; 11. Lyde Rector; 12. Billy McCauly; 13. Ben Hackett; 14. Cal Whitson; 15. Felix Leflore; 16. Henry Bernie; 17. Frank Anderson; 18. Joe Gramlich; 19. Jess Perry (in wagon); 20. B.B. Rogers (in wagon); 21. H.L. Rogers (in wagon); 22. Lige Fannin (in wagon); 23. Phillip Ross; 24. Joe Peters; 25. John F. Priest; 26. C.B. Rhodes; 27. S.O. Harris; 28. Attorney Osborne; 29. J.K. Pemberton; 30. Frank Parks; 31. Dave Lee; 32. Tobe Pinson; 33. Jim Cole; 34. Jim Petty; 35. Squire Skimp (Dr. Woodford Hammond); 36. Sam Minor; 37. Sid Johnson.

Please note that names of deputies killed in line of duty are followed by an asterisk.

For other photographs see centerfold.

Adams, R.C.
Akin, A.J.
Alberty, E.B.
Alberty, Jesse
Alexander, Elmer
Alexander, Robert *
Alexander, S.B.
Allen, A.B.
Allen, Charles B.P.
Allen, D.M.
Allen, John H.
Allison, _____
Anderson, William
Anderson, William J.
Andrews, _____
Andrews, Silas
Angell, H.W.
Archer, T.J.
Armstrong, John *
Arnold, W.H.
Asbill, W.G.
Atkins, C.A.
Atkins, Lee *
Atwell, Robert E.
Avery, James M.
Ayers, Ben F.
Ayers, Columbus C.
Ayers, J.
Ayers, J.T.
Ayers, Willard*
Ayers, William R.
Baer, J.
Barbee, Ed
Barbee, W.H.
Barling, F.R.
Barnes, C.M.
Barnes, Edward
Barnes, Preston

Barnett, C.W.
Barnhill, Charles
Batteries, F.B.
Baxter, J.M.
Baxter, Mitchell
Baxter, Monta
Bean, Robert B.
Bear, Jacob
Beard, John M. *
Beaty, Jesse N.
Beck, Addison *
Bennett, J.E. (M.D.)
Bent, Ed *
Bentz, _____ *
Berry, J.D.
Berry, J.H.
Berry, S.W.
Bethany, F.M.
Bethel, J.F.
Birchfield, _____
Birnie, Cornelius S.
Birnie, W.S.
Bishop, B.
Blake, John
Bloomberg, John P.
Boggs, George
Boles, A.H.
Boles, Seth
Bondinet, R.F.
Bouden, William
Bourland, Capt., Jas.
Boushee, Frank P.
Bowden, C.L.
Bowers, Joe
Bowers, S.
Bowden, C.L. *
Bowman, E.S.

Bowman, J.W. (Wes), also
J.W. Boman, or Wes. Beauman
Boyd, J.J.
Bradshaw, Samuel
Brady, W.A.
Braswell, B.
Brazell, J.L.
Brittian, D.L.
Brothers, William
Brown, George H.
Brown, John P.
Brown, Joseph P.
Brown, T.A.
Bruner, A.W.
Bruner, Heck (E.H.)
Bruner, Scott
Bumpass, R.T.
Burchfield, B.C.
Burgevin, Edmund
Burkitt, James
Burns, Charles
Burns, Ed *
Burns, Joseph
Bushby, "Shep"
Cabell, _____
Caldwell, A.J.
Caldwell, Iris E.
Caldwell, R.A.
Caldwell, Thomas W.
Callhan, Harry *
Campbell, J.J.
Campbell, L.H.
Cannon, Rufus
Cannon, S.R.
Canton, F.M.
Cantrill, Ben
(Cantrell)
Capps, S.V.

Carlton, John *
 Carlton, Marion
 Carney, Iste
 Carr, T.H. *
 Carroll, Hugh
 Carroll, J. Frank
 Carroll, John C.
 Carter, _____
 Carter, Calvin
 Carter, Frank
 Carter, J.D.
 Carter, Samuel M.
 Casaver, Joe
 Casey, A.A.
 Casey, William
 Cavaille, John
 Cawdell, Joseph H.
 Chancellor, J.M.
 Chapman, Daniel
 Chapman, John
 Chase, William
 Chatwell, J.S.
 Childers, John
 Childers, William
 Childs, _____
 Chilton, _____
 Christian, J.H.
 Chronister, H.W.
 Churchill, J.A.
 Clark, Bob
 Clark, J.D.
 Clark, W.C.
 Clay, Robert
 Clay, T.M.
 Clayland, Harry
 Clifford, N.M.
 Clove, Thomas
 Cobb, C.P.
 Cochran, E.F.
 Cochran, George
 Cochran, Jesse
 Cockran, J.C.
 Cockran, W.M.
 Coffey, D.H.
 Coggins, D.W.
 Cohee, Ed
 Colbert, Bynum
 Cole, George W.
 Cole, James R.
 Collins, James
 Congdon, George S.
 Connelley, Barney (Bernard) *
 Conway, _____
 Conway, John
 Cooper, Thompson
 Cooper, William G.
 Copeland, C.E.
 Corndius, McPherson
 Cottle, A.R.
 Cotton, L.L.
 Courtney, George P.
 Cowden, William R.
 Cox, B.F. (Burrel)
 Cox, F.L.

Cox, F.P.
 Cox, Robert *
 Cox, W.A.
 Crabtree, A.J.
 Craddock, John
 Cravens, Will
 Crawford, Kranium
 Creekmore, Renfro B.
 Creekmore, Milo
 Crittenden, Dick *
 Crittenden, Zeke *
 Crowder, J.W. (John)
 Crump, Arch M.
 Cummins, William A.
 Cutter, _____
 Curtis, John
 Dalton, Frank *
 Dalton, Grat
 Dansby, John
 Daughtery, H.A.
 Davenport, Clint
 Davis, _____
 Davis, G.W.
 Davis, James C.
 Davis, John F.
 Davis, John T.
 Dean, George F.
 Dearing, Andy
 Denton, G.E.
 Dickson, William D.
 Dixon, H.W.
 Dodge, F.J.
 Dodson, Lewis
 Donaldson, H.C.
 Dows, Chas. *
 Dozier, Knox
 Drake, E.L. *
 Drake, N.S.
 Drenning, James R.
 Duley, William R.
 Dunklin, W.J.
 Dunlop, R.D.
 Dunlop, W.J.
 Dunn, Alexander H.
 Dunn, Will C.
 DuVal, Frank P.
 DuVal, Perry *
 Dunwell, B.C.
 Dye, D.C.
 Dye, W.R.
 Early, Nathan L.
 Edmonds, D.
 Edward, L.M.
 Elam, _____
 Elliott, D.B.
 Ellis, Jackson
 Ellis, John
 Ellis, Mitchell
 Ellis, William
 Ennis, James M.
 Eoff, David Alexander
 Erkhart, _____
 Erkskine, Frank
 Erwin, William

Everidge, Joseph M.
 Erwin, William
 Fallin, H.L.
 Fancher, Joseph
 Fannin, E.W.
 Fannin, H.D.
 Farr, James G.
 Farr, John G.
 Faulkinbury, H.N.
 Ferguson, George
 Ferguson, Waller
 Ferrier, R.
 Fields, Billy *
 Fields, John *
 Fields, William *
 Fisher, S.N.
 Fitzpatrick, T.H.
 Fleming, Charles A.
 Fleming, W.J.
 Flinn, C.M.
 Flood, Simon
 Foreman, Samuel
 Forrest, Joseph S.
 Fortune, Robert
 Foster, Josiah
 Foster, Townsend N.
 Foyil, F.M.
 Frazier, N.G.
 Freeman, Franklin H.
 French, Robert
 Fritts, W.M.
 Fry, R.M.
 Fullbright, D.N.
 Furgeson, J.W.
 Gafford, John A.
 Gaines, Joe *
 Garrelson, E.G.
 Garrett, J.A.
 Garrett, John *
 Garretson, C.E.
 Garvin, F.M.
 Gates, G.C.
 Geary, Jim *
 Gentry, R.J.
 Gentry, Scott
 Gibson, H.C.
 Gibson, James W.
 Gibson, G.W. *
 Gill, Gus A.
 Gill, James A.
 Gill, John
 Gipson, Ben F.
 Girty, James
 Givens, Edward
 Goullich, Joseph
 Gourd, Ellis R.
 Gourd, R.E.
 Grady, J.P.
 Graham, W.P.
 Gramlich, Joseph
 Grayson, Sam
 Green, Joseph
 Grisham, C.C.
 Guerier, S.

Guy, James "Jim" *
 Hackett, Perri
 Haglin, Edward
 Hall, Calvin
 Hall, John H.
 Halsell, William E.
 Halsted, William
 Hambeck, Henry
 Hamilton, Charles R.V.
 Hamilton, Peter
 Hara, Charles D.
 Harden, William T. *
 Hargrove, W.W.
 Harkins, J.W.
 Harp, Hugh (Lorenzo Houston)
 Harp, W.A.
 Harper, John C.
 Harriet, James M.
 Harris, Dan
 Harris, Samuel O.
 Harris, W.W.
 Harrison, Jacob
 Harrison, W.H.
 Hasson, Henry
 Hastings, M.H.
 Hawkins, Albert M.
 Hawkins, J.M.
 Hawkins, John
 Hawkins, Orrin S.
 Haynes, Samuel
 Haynes, W.F.
 Heady, Joshua B.
 Heckler, _____
 Heffington, C.F.
 Helmrick, B.
 Hendricks, N.B.
 Hensley, J.T.
 Hicks, O.F.
 Hill, John W.
 Hill, Leander
 Hill, W.H.
 Hitchcock, Brown
 Hobbs, B.F.
 Hodge, W.H.
 Hogan, William B.
 Holleman, James T.
 Hollingsworth, A.M.
 Holt, James P.
 Hood, John A.
 Hood, William S.
 Hoop, Max
 Hooper, W.J.
 Hoskins, D.W.
 Hotchkiss, J.B.
 Houck, Felix D.
 Hough, _____
 Houston, Sequoyah *
 Houston, Thomas J. *
 Huckleberry, Andrew H.
 Hudson, Henry W.
 Hudson, Will
 Hudspeth, W.J.
 Huffangton, I.W.

Hughes, Benjamin, T.
 Hughes, Tyner
 Hughes, Walter
 Hulse, Jack
 Hunt, Charles S.
 Hunter, W.J.
 Hunter, Wallace
 Hutchins, Calvin
 Hutchins, J.R.
 Impson, Ben *
 Ingle, John
 Ingram, John M.
 Irvin, N.B.
 Irwin, William *
 Isabell, L.P.
 Isle, William
 Ivey, A.E.
 Jackson, David W.
 Jackson, Edward
 James, William W.
 Janeway, Daniel H.
 Jeremiah, Andrew
 Jenkins, J.A.
 Jobe, H.V.
 Johnson, Arthur D.
 Johnson, A.S.
 Johnson, F.W.
 Johnson, Grant
 Johnson, J.E.
 Johnson, J.F.
 Johnson, James Anderson
 Johnson, James H.
 Johnson, John T.
 Johnson, O.H.
 Johnson, Sid
 Johnson, Thomas B.
 Johnson, W.H.
 Johnson, Wesley L.
 Jones, B.F.
 Jones, C.M.
 Jones, Edward
 Jones, Enoch
 Jones, E.P.
 Jones, J.K.
 Jones, Jesse H.
 Jones, Nathan
 Jones, Robert M.
 Jones, W.F.
 Jordan, Jacob J.
 Jurey, L.W.
 Kayser, W.G.
 Keating Larry*
 Keen, Anderson
 Kees, Charles
 Keeter, J.M.
 Kelly, John J.
 Kelly, William F. *
 Kell, Bud T.
 Kemp, John *(also known as
 "Jack O'Lane")
 Kenner, J.W.C.
 Kennon, Rufus
 Kennerston, C.W.
 Kern, Albert

Kernes, R.C.
 Kidd, Kidder
 King, D.G.
 King, Peter C.
 Killiam, William B.
 Kilpatrick, Robert E.
 Kirk, W.R.
 Kirksey, William
 Knight, Ben
 Knowlton, J.D.
 Knight, H.J.
 Kress, Frank G.
 Kuykendall, Mark *
 Kyle, G.H.
 Kyle, J.H.
 Lacey, _____
 Lacey, Martin A.
 Lackey, John H.
 Lacy, J.L.
 Lacy, J.M.
 Lacy, Thos. E.
 LeFlore, Charles
 Lake, M.F.
 Lamb, Charles
 Lamb, William
 Lambkin, E.M.
 Lampston, Dean
 Lamons, Stephen A.
 Lamson, Rube
 Landis, Allen J.
 Larney, Este
 Large, _____
 Largen, R.T.
 Lawrence, Sam
 Lawrence, _____
 Lawson, G.P.
 Lawson, Robert C.
 Lawson, William H.
 Layman, D.H. *
 Leake, C.T.
 Ledbetter, Bud
 Lee, David M.
 Lee, Jim
 Lee, R.C.
 Lee, W.J.
 Leflar, Eli
 Leflore, Charles
 Leflore, Newton
 LeForce, J.S.
 LeForce, Newton *
 LeForce, Perry
 LeForce, Robert
 Lewis, _____
 Lewis, W.H.
 Lilly, T. *
 Lindsay, E.F.
 Linigar, Andrew
 Lively, J.P.
 Logan, M.L.
 Logue, William
 Long, W.E.
 Longbon, Silas
 Louderback, J.H.
 Love, Edwards *

Love, Robert H.
 Lowell, H.P.
 Loy, Elwood
 Luce, Will *
 Lundy, Joseph P. *
 Lusac, Orrington
 McAllister, John A. *
 McArthur, D.F.
 McCabe, M.P.
 McCall, William W.
 McCann, John
 McClellan, Charles M.
 McCloud, _____
 McClure, B.T.
 McClure, John H.
 McCollum, J.M.
 McConnell, W.H.
 McCracken, Robert T.
 McCulloch, W.T.
 McCurtain, Edmund
 McCurtain, Green
 McDaniel, John
 McDaniel, W. C. *
 McGuire, Hugh
 McEwan, John
 McGill, John B.
 McHenry, Lewis (McHaney)
 McIntosh, C.W.
 McInturf, W.D.
 McKay, Alfred (McGays)
 McKee, Bruce
 McKinney, Johnson P.
 McLaughlin, S.P.
 McLemore, _____
 McLemore, Lee
 McMurtrey, Allen M.
 McMurtrey, John
 McNac, W.C.
 McNeary, John F.
 McWeir, J.
 Mackey, J.B.
 Madden, Thomas R.
 Madson, Chris
 Maledon, George
 Malone, Joseph
 Malone, R.A.
 Maples, Dan *
 Maples, Sam
 Marks, L.W.
 Marquess, F.V.
 Marshal, Robert *
 Marshall, John F.
 Martin, Henry G.
 Martin, Silas C.
 Martin, Thomas L.
 Marx, C.H.
 Masterson, James *
 Mattix, Andrew J.
 Mayes, Jess W. *
 Mayes, Jim
 Mayesville, A.F.
 Mayfield, W.L.
 Mays, James
 Medicus, Frank L.
 Meek, E.C. *
 Meek, M.H.
 Mellon, B.
 Merriman, J.L.
 Merritt, Lewis
 Mershon, J.H.
 Messler, James
 Mewborn, Frank
 Mickel, Chas. H.
 Mickles, _____
 Miller, Charles E.
 Miller, Henry *
 Miller, Mad
 Miller, Thomas B.
 Mills, A.J.
 Mills, E. P.
 Mills, W.C.
 Minehart, J. Henry
 Minor, Samuel T.
 Monroe, F.D.
 Montgomery, James T.
 Moody, Z.W. (Bill) *
 Moon, Jackson
 Moore, Dan W.
 Moore, Jackson
 Morgan, Frank M.
 Morgan, J.E.
 Morgan, W.T.
 Morris, John
 Morris, W.J.
 Morse, C.H.
 Morton, _____
 Mounts, William J.
 Moynihan, J.
 Muier, James c.
 Murphy, _____
 Nakedhead, Jim *
 Nasbit, Ed
 Nations, Jno. W.
 Nave, Rolland
 Neal, L.G.
 Neal, T.S.
 Neal, W.H.
 Needham, John H.
 Neelly, Asoph
 Nehms, W.G.
 Neis, Tony
 Newborn, See Mewborn
 Newson, William
 Nix, Crowder
 Nix, Joe *
 Norris, J.H.
 Norwood, William
 Nunly, Henry
 Oakes/Oats, James E.
 O'Bryan, Robert S.
 Oliver, Gil
 Oliver, W.M.
 Orcutt, S.A.
 Orrick, Ben L.
 Owen, J.P.
 Owen, William
 Owens, Jacob *
 Ownsby, Clarence
 Pape, Will B.
 Parker, B.P.
 Parker, Charles. A.
 Parker, E.A.
 Parker, Theo
 Parks, J.D.
 Parks, John
 Parvis, E.P.
 Paterson, John
 Patrick, David S.
 Patrick, George W.
 Patton, Prosper Horton
 Patton, Frank
 Patty, A.Y.
 Payne, Thomas R.
 Peevey, Joseph G.
 Pelly, James W.
 Pemberton, Jas. R.
 Perry, Theo W.
 Perryman, C.B.
 Peters, James A.
 Peters, Joseph
 Petty, J.A.
 Pettigrew, _____
 Phinnie, Wm. C.
 Phillips, B.I.T.
 Phillips, J.B.
 Phillips, John *
 Pierce, _____
 Pigg, M.
 Pimberton, James K.
 Pirnell, Bud
 Pitcock, William Polk
 Plank, E.S.
 Poorboy, Joseph
 Posey, Thomas E.
 Poter, _____
 Porter, Murphy
 Porter, J.M.
 Pound, George
 Powers, John H.
 Prater, T.S.
 Prather, T.W.
 Preston, William
 Price, James M.
 Proctor, Zeke
 Pryor, N.K.
 Pryor, _____
 Pullen, C.A.
 Pulse, Milton, A.
 Pulsey, Bud *
 Purcell, Z.T.
 Quigley, Bruce
 Randall, B.J.
 Raney, L.H.
 Ratteree, E.B.
 Rayl, Robert W.
 Read, Jas. F.
 Read, John
 Rector, Elias
 Reed, J.E. *
 (Eddie, son of Belle Starr)
 Reeves, "Bass"
 Reeves, J.B.

Remey, _____
 Rich, David P.
 Richardson, J.E.
 Riddle, George W.
 Ridenhour, H.E.
 Ridenhour, Francis M.
 Riley, Charles E.
 Robberson, William
 Robbins, R.
 Robbins, W.P.
 Roberts, W.J.
 Robertson, William
 Robinson, Chas. F.
 Roff, Andy *
 Roff, James *
 Rogers, Alexander
 Rogers, Henry
 Rogers, House L.
 Rogers, Isaac *
 Rogers, James C.C.
 Rogers, J.M.
 Rogers, S.A.
 Ross, John H.
 Row, George W.
 Rudisell, R.L.
 Rupe, James D.
 Rushing, J.G.
 Rusk, D.R.
 Rusk, David V.
 Rusk, R.V.
 Rutherford, Jack
 Rutherford, Calvin
 Rutherford, G.M.
 Rutherford, Robert G.
 Rutherford, W.B.
 Rwak, R.V.
 Sage, James W.
 Salmon, John
 Salyers, M.V.B.
 Sanders, (Professor)
 ref: Sanders, Joshua
 Sanders, Bud
 Sanders, J.W.
 Sanford, Tom
 Sapulpa, James
 Sarber, John
 Satterfield, F.G.
 Saunders, Samuel L.
 Savage, C.C.
 Savage, F.C.
 Sawyers, A.L.
 Scales, Clinton
 Schultz, N.E.
 Schuster, Anton
 Scott, A.C.
 Scott, George W.
 Scott, Green
 Scott, Richard
 Scottie, John
 Seale, _____
 Searle, J.W.
 Searls, _____
 Seattle, _____
 Selley, Isaac E.
 Serrell, John R.

Serrill, Morris A.
 Sexton, Alexander
 Shadley, Layfayette *
 Shafer, John W.
 Shaver, W.D.
 Shaw, J.H.
 Shaw, Jeff D.
 Shelbourne, B.T.
 Shepherd, D.W.
 Shibley, A.B.
 Shirey, Thomas
 Shockey, L.T.
 Shockley, John W.
 Shoemaker, Andrew L.
 Simpson, Hugh
 Simpson, John
 Simpson, W.C.
 Singleton, L.H.
 Sixkiller, Samuel *
 Sizemore, David
 Slassamon, _____
 Slusher, James N.
 Slusher, Simeon
 Smirl, G.E.
 Smith, A.C.
 Smith, Andrew
 Smith, C.E.
 Smith, Frank
 Smith, Henry *
 Smith, J.C.
 Smith, James A.B.
 Smith, Jas. J.
 Smith, Jeff *
 Smith, J.H.
 Smith, J.M.
 Smith, J.W.
 Smith, Robert
 Smith, T.C.
 Smith, T.D.
 Smith, Wm.C. *
 Smith, W.D.
 Smith, Will
 Smock, E.J.
 Snodgrass, William C.
 Sorell, J.B.
 Sorrill, Morris A.
 Spain, John A.
 Speaker, John
 Speed, Dick *
 Spencer, James G.
 Spencer, John
 Spinkle, Tom
 Spivey, William
 Spradling, John S.
 Stamphill, W.L.
 Stanley, Charles R.
 Stansberry, Thomas R.
 Statham, Joseph
 Steadham, Robert B.
 Stephens, B.S.
 Stephens, Hiram
 Stephens, James
 Stephenson,
 x-ref: Cyrus R.

Stewart, A.H.
 Stewart, Thos. G.
 Stewart, W.C.
 Stewart, Will N.
 Stickler, Ben
 Stockton, Arch M.
 Stockton, Ed *
 Stockton, F.C.
 Stokery, Ed *
 Stone, C.C.
 Stopey, Edward
 Stroud, John P.
 Stufflebean, Thomas E.
 Suggs, John
 Sumpter, F.P.
 Swafford, H.S.
 Swain, John
 Sweet, W.E.
 Sweden, F.M. *
 Talbert, John
 Talbert, Paden
 Tate, S.W.
 Taylor, James
 Taylor, John M. Jr.
 Taylor, Lee *
 Taylor, William
 Teeples, Isaac
 Terrell, R.M.
 Terry, L.A.
 Thomas, Henry Andrew (Heck)
 Thomas, M.L.
 Thomas, Seaton
 Thomason, H.P.
 Thompson, George W.
 Thompson, J.C.
 Thompson, Lee
 Thornton, B.M.
 Thornton, William
 Thurlo, E. *
 Tilghman, W.M.
 Tinker, Joe
 Todhunter, R.S.
 Tolbert, Boynton
 Tooping, R.T.
 Topping, R.J.
 Topping, R.D.
 Tory/Tony, W.S.
 Tracy, _____
 Trainer, Bud
 Trammell, John *
 Tucker, Heck
 Tucker, Edward
 Tucker, Melvin
 Tucker, Marshall
 Turner, Benton
 Twiggs, Joseph W.
 Twyman, Tucker A.
 Tyson, G.C.
 Van Hoosier, _____
 Vancier, Venter
 Vanderventer, A.J.
 Vandiver, William
 Vann, Charles
 Vann, Eph M.

Vannoy, Joseph W.
 VanVoorhees, S.K.
 Vaughan, A.J.
 Vickers, E.P.
 Vise, William
 Wadley, G.L.
 Walden, G.W.
 Waldron, John D.
 Walker, A.P.
 Walker, G.H.
 Walker, Lee
 Walker, T.C.
 Wallace, James
 Wallace M.
 Walls, B.F.
 Walls, Thos. J.
 Walls, Tom
 Walner, John *
 Walters, Sam'l
 Ward, Erastus C.
 Ward, R.J. *
 Ware, A.C.
 Washington, _____
 Watkins, Wingamon
 Watson, Francis T.
 Watson, S.D.
 Welch, D.R.
 Weldon, O.D.
 Wells, C.A.
 Wells, Volney E.

Wells, Zachariah
 Wentworth, C.D.
 Wentworth, K.V.R.
 West, J.C.
 Whaley, R.M.
 Whatley, A.J.
 Wheeler, Dwight
 Wheeler, Jas
 Wheeler, Otis K.
 Wheeler, William
 White, G.S.
 White, H.L.
 Whitehead, Henry
 Whitehead, Thomas
 Whitson, (son of Calvin) *
 Whitson, Calvin
 Whitney, William
 Wilkerson, James C.
 Wilkins, Jerry
 Wilkinson, James C.
 Wilkinson, J.H.
 Wilkinson, J.A.
 Williams, D.A.
 Williams, E.F.
 Williams, George E.
 Williams, H.W.
 Williams, J.C.
 Williams, J.W.
 Williams, Phil
 Williams, Jack

Williams, John
 Williams, Phil
 Williams, Sam A.
 Williams, William H.
 Williams, Zack
 Willard, _____
 Willard, Joseph H.
 Wills, Charles N.
 Wilson, C.B. *
 Wilson, Floyd *
 Wilson, John *
 Wilson, John F.
 Wilson, Joseph *
 Wingo, Samuel
 Winston, George
 Winton, D.C. or L.
 Woods, William
 Wright, T.M.
 Wright, Silas A.
 Wright, W.W.
 Wyman, H.C.
 Yates, Jim *
 Yoes, George A.
 Yoes, Isaac
 Yoes, John W.
 Yound, Thomas *
 Young, Thomas *
 Young, W.B.
 Yount, T.J.
 Zaddock, Winn

Although the files of the National Park Service at the Fort Smith Historic Site (Judge Parker's Court Room) include only deputy marshals who served between the years 1875 through 1896, the clerk of the Federal Court for the Western District of Arkansas has Oath of Office records for an additional 51 deputy marshals who took their oath of office before 1875, and 202 more who took their oath after 1896, that apparently did not serve in the intervening years.

Many men whose names appear in the preceding index also served in the earlier or later years, but since their names are in the index, they will not be repeated in the lists which follow. A number of these men served more than one time, but to save space, only the earliest date shown in their record is listed following the name of the deputy. A list of the deputies, with a complete list of oath dates, is available for research in the Arkansas Room of the Fort Smith Public Library.

1860 - 1874

Allen, Augustus A. 1869
 Ayers, Wm. R. 1872
 Baker, Isiah 1869
 Benz, William T. 1871
 Bethell, James M. 1869
 Bowers, John A. 1863
 Bushong, James S. 1865
 Carson, Alfred H. 1869
 Carson, A.J. 1870
 Cecil, Bailey 1870
 Chaffee, Lucius E. 1868
 Clark, William H. 1869
 Dean, Robert S. 1870
 Duff, Christopher 1869
 Dwelbirg, (?Sp.) Daniel H. 1869
 Elam, Hiram 1870
 Exon, Solomon 1869
 Fitzhenry, Robert 1871
 Flack, J.O. 1860
 Folgers, Uriah 1870
 Freeman, E.S. 1869
 Freeman, William B. 1869

Hargrove, Robert D. 1871
 Hough, William S. 1871
 Huckleberry, James H. 1872
 Hudson, James R. 1869
 Jones, Charles P. or L. 1865
 Lauderback, J.H. 1872
 Mack, Alba G. 1870
 Mesler, Charles D. 1868
 Miller, Charles E. 1872
 McGuire, Hugh 1871
 McPenore, Lee 1868
 Neal, Elias 1869
 O'Brian, Frank 1871
 Porter, J.C. 1871
 Pritchard, John C. 1868
 Ritter, Thomas 1869
 Rutherford, Geo. T. 1871
 Sanders, Uriah B. 1870
 Scott, John 1871
 Scott, Thomas H. 1871
 Shoemaker, Benj. F. 1870
 Simpson, J. Robert 1869
 Smoot, John R. 1865
 Tracy, J. Spencer 1870

Tucker, Jos. L. or P. 1870
 Tyler, William 1867
 Vaile, Joseph W. 1872
 Vannoy, Joseph W. 1872
 Young, John P. or L. 1865

1897 - 1945

Abbey, D.P. 1899
 Adams, Oscar 1899
 Adney, C.A. 1922
 Allen, V.V. 1899
 Allendon, Samuel 1899
 Alyea, G.O. 1922
 Anible, John 1899
 Armistead, C.A. 1899
 Arrington, Joel 1899
 Austin, W.C. 1914
 Ayers, Willard 1899
 Baker, Isiah 1869
 Bader, Mitchell 1892
 Baker, James 1897
 Barnes, H.C. 1899

Barry, Jas. 1899
 Bean, J.M. 1899
 Bean, W.P. 1899
 Beck, T.E. 1899
 Brown, John L. 1894
 Brown, T.B. 1899
 Brownrigg, J.H. 1899
 Buel, R.T. 1899
 Bryan, Addis 1897
 Bryant, W.L. 1899
 Burkitt, James 1892
 Burns, J. Henry 1899
 Butler, G.S. 1899
 Chynoweth, W.C. 1897
 Danley, Chas. E. 1914
 Davis, B.P. 1899
 Davis, James H. 1920
 Davis, J.E. 1922
 Denny, G.M. 1914
 Dill, H.L. 1899
 Dodson, James 1899
 Douglass, G.M. 1899
 Douglass, J.C. 1922
 Douglass, S.J. 1922
 Duggan, C.S. 1914
 Dyer, Leonard 1899
 Early, W.W. 1899
 East, John B. 1822
 Edwards, George 1922
 Eshelman, A.S. 1899
 Evans, Winfield 1899
 Falconer, H.I. 1899
 Fendley, W.W. 1926
 Fenns, V.D. 1899
 Ferguson, J.M. 1914
 Fernandez, R. James 1915
 Fraley, J.W. 1899
 Gailey, Jas. 1940
 George, James F. 1897
 Gibson, J.W. 1895
 Gibson, Sam 1895
 Goddard, E.E. 1899
 Gooding, Harry 1899
 Goodner, D.D. 1922
 Gordon, G.W. 1899
 Gordon, R.W. 1899
 Goss, Marion 1922
 Grady, J.B. 1891
 Gray, John W. 1902
 Grayson, Jack 1899
 Greenlee, J.F. 1899
 Gresham, Arch C. 1922
 Guelda, A.F. 1922
 Hale, E.E. 1922
 Halman, H.B. 1897
 Hammond, J.R. 1897
 Hanes, Carroll D. 1897
 Hanna, George W. 1897
 Hannah, Andrew N. 1897
 Hardy, J.B. 1895
 Hartoin, Hurley 1922
 Hasson, Henry 1895
 Hastings, M.H. 1894
 Herrod, J.M. 1897
 Hinchel, James 1897
 Hinson, J.S. 1922
 Hopp, Max 1893
 Hornsby, N.O. 1927
 Jackman, Park 1899
 Jackson, E.R. 1922
 Jackson, Robert 1914
 Jackson, W.P. 1899
 Jacobs, David 1899
 Jarnigan, G.W. 1899
 Jarnigan, W.H. 1899
 Jenkins, George 1899
 Johnson, George H. 1906
 Johnson, G.W. 1899
 Johnson, James O. 1911
 Johnson, Jesse R. 1921
 Johnson, Rodell 1902
 Johnston, A. Sid 1914
 Jones, J.B. 1899
 Jones, J.N. 1899
 Jones, Oliver 1914
 Jones, Thos. N. 1921
 Karnes, J.O. 1914
 Keys, James D. 1902
 Killingsworth, A.Y. 1899
 King, Forest 1899
 King, William 1897
 Knerr, Karl C. 1932
 Logan, M.P. 1894
 Lunsford, Jessie S. 1897
 Marbury, Horatio 1899
 May, W.M. 1922
 Mayes, Frank 1914
 Mayes, Fred 1914
 Mechem, Edwin 1899
 Mecheny, Merritt 1898
 Mhoon, Albert 1914
 Miller, Sam 1899
 Mills, Ran 1922
 Milor, Alfred 1922
 Minor, P.E. 1899
 Monroe, Archibald 1915
 Moore, D.G. 1899
 Morris, Roy T. 1940
 Mullins, R.F. 1922
 McCalister, J.C. 1899
 McCarty, W.H. 1932
 McCurston, Walter 1914
 McDaniel, J.W. 1893
 McDaniel, R. 1922
 McDonald, Dick 1899
 McManus, W.H. 1899
 McMiller, D.P. 1914
 McPhetridge, Ted 1914
 McShane, Edward P. 1925
 Neisler, P.D. 1899
 Nelson, Ed W. 1914
 Newton, Jay E. 1914
 Nix, Roy M. 1914
 Oakes, James 1899
 O'Kane, Adam 1899
 Owens, Chas. A. 1932
 Parker, Geo. W. 1910
 Parker, J.G. 1899
 Parks, Wm. A. 1897
 Parrish, J.A. 1914
 Patrick, David D. 1899
 Pence, L.J. 1932
 Pentzer, Henry E. 1899
 Pinckney, H.N. 1922
 Pittman, Arlice E. 1940
 Porter, Nick 1899
 Pinson, W.J. 1920
 Pitcock, Cathey 1914
 Plants, G.W. 1914
 Pratt, Thos. F. 1945
 Presley, W.D. 1914
 Proctor, W.W. 1922
 Rakestraw, B.M. 1899
 Randine (?Sp.) E.G. 1922
 Riddling, B.F. 1899
 Roach, John 1899
 Robb, W.A. 1899
 Roberts, T.P. 1914
 Roby, M.B. 1899
 Roby, M.R. 1899
 Roger, Mattie 1941
 Rogers, G.S. 1899
 Ross, Phillip 1915
 Rowe, Lucieus Edwin 1906
 Rowland, W.G. 1899
 Russell, Andrew Jay 1927
 Sevier, R.M. 1922
 Shaffer, Lark 1922
 Shaw, Omar 1920
 Smart, Sam 1917
 Sparks, C.M. 1922
 Stanfield, C.Z. 1922
 Strange, John 1917
 Sugg, V.R. 1922
 Suttle, J.H. 1922
 Tate, Thomas H. 1900
 Tate, Walter F. 1921
 Terry, G.W. 1914
 Thompson, S.M. 1899
 Thornton, James A. 1915
 Thurman, Tobe 1899
 Todd, Rosina H. 1920
 Tolle, C.W. 1922
 Tow, J.W. 1900
 Travis, John M. 1927
 Trusty, C.A. 1899
 Tucker, Austin 1899
 Turner, Edw. F. 1900
 Vaughan, Benj. F. 1917
 Walsh, James 1889
 Wasson, Wright L. 1898
 White, W.B. 1897
 Whitehead, Joseph B. 1899
 Whybark, A.L. or P. 1899
 Wilkerson, J.W. 1922
 Williams, J.E. 1900
 Wilson, William 1899
 Woolsey, Lewis J. 1914
 Young, J.R. 1897

A LAWYER'S APPRAISAL OF THE PARKER COURT¹

by Byron Dobbs²

Seventy-nine men hanged during the tenure of Isaac C. Parker, as Judge of the United States District Court of the Western District of Arkansas. Almost as many more were sentenced to die but received executive clemency. Thus Judge Parker imposed the death penalty in more cases than any other single judge in American jurisprudence. For fourteen years there was no right of appeal from his court in criminal cases. After the appeal became possible, he was, perhaps, reversed in more criminal cases than any other single judge in a comparable period of time. Upon this rests the characterization of Judge Parker as "The Hanging Judge" and such sensational titles as "He Hanged Them High" and even the statements made on the floor of congress that the court was a "slaughter house."

There was just cause for indignation but it was aimed in the wrong direction.

It was congress who fixed the only penalty for first degree murder as hanging. Neither Parker nor the juries that served under him had any choice about the penalty. The only question in any case was whether the offense was first degree murder. A case by case examination discloses the most brutal, callous and senseless murders than can be imagined. For instance, in one the defendant had engaged in an altercation with his victim over a bottle of soda pop. After wounding his victim and leaving the scene, he returned and finding the victim lying on the floor in critical condition declared that he might as well finish the job, then placed his pistol against his head and fired the fatal bullet.

But the government was otherwise derelict. Under the treaties with the five civilized tribes an enclave in the center of the North American continent was established for the Indians with guarantees to protect their autonomy and to keep the white man out. Notwithstanding these solemn agreements, congress granted rights-of-way for railroads through the heart of this territory bringing a natural influx of white people which the government made no effort to restrain or govern.

Furthermore, in making the treaties, presumably under a benevolent paternalism, the Indians were authorized to maintain their own government and their own system of justice with one exception — that is the Indians would have no jurisdiction over crimes involving an Indian and a white man. These matters must be determined in a United States Court. To indicate at least a token compliance with the obligation of affording justice between an Indian and

white man in criminal matters, jurisdiction was conferred by congress on the United States District Court for the Western District of Arkansas for all of the Indian country — an area of some 74,000 square miles lying between Texas and Kansas, Arkansas and Colorado, but it did not provide a means of policing this vast area.

Following the Civil War the disaffected, unreconstructed rebel and those whose taste for blood and pillage had not been sated flocked to the territory. It was a sanctuary for any outlaw. There was no extradition.

The only method of policing the Indian country was by appointment of United States Deputy Marshals who were paid on a fee system. For serving a subpoena at the far reach of the jurisdiction, some 500 miles, the deputy would receive the sum of \$30.50 at the rate of six cents per mile and fifty cents for service. For making an arrest or executing a warrant, the fee was \$2.00 plus 10 cents per mile, provided the deputy brought the prisoner in alive. From this compensation he paid all his own expenses and the sustenance of his prisoner. If the prisoner died or was killed in an escape or rescue attempt, the deputy had to pay the burial expenses. Deputies could share in rewards not offered by the United States. This was the extent of the paternal concern of congress for the preserving of law and order in the relation of the white to the Indian.

Few of the deputy marshals were well educated, none of them had law degrees or accounting degrees and their chief qualification was their bravery and ability to survive in a hostile environment.

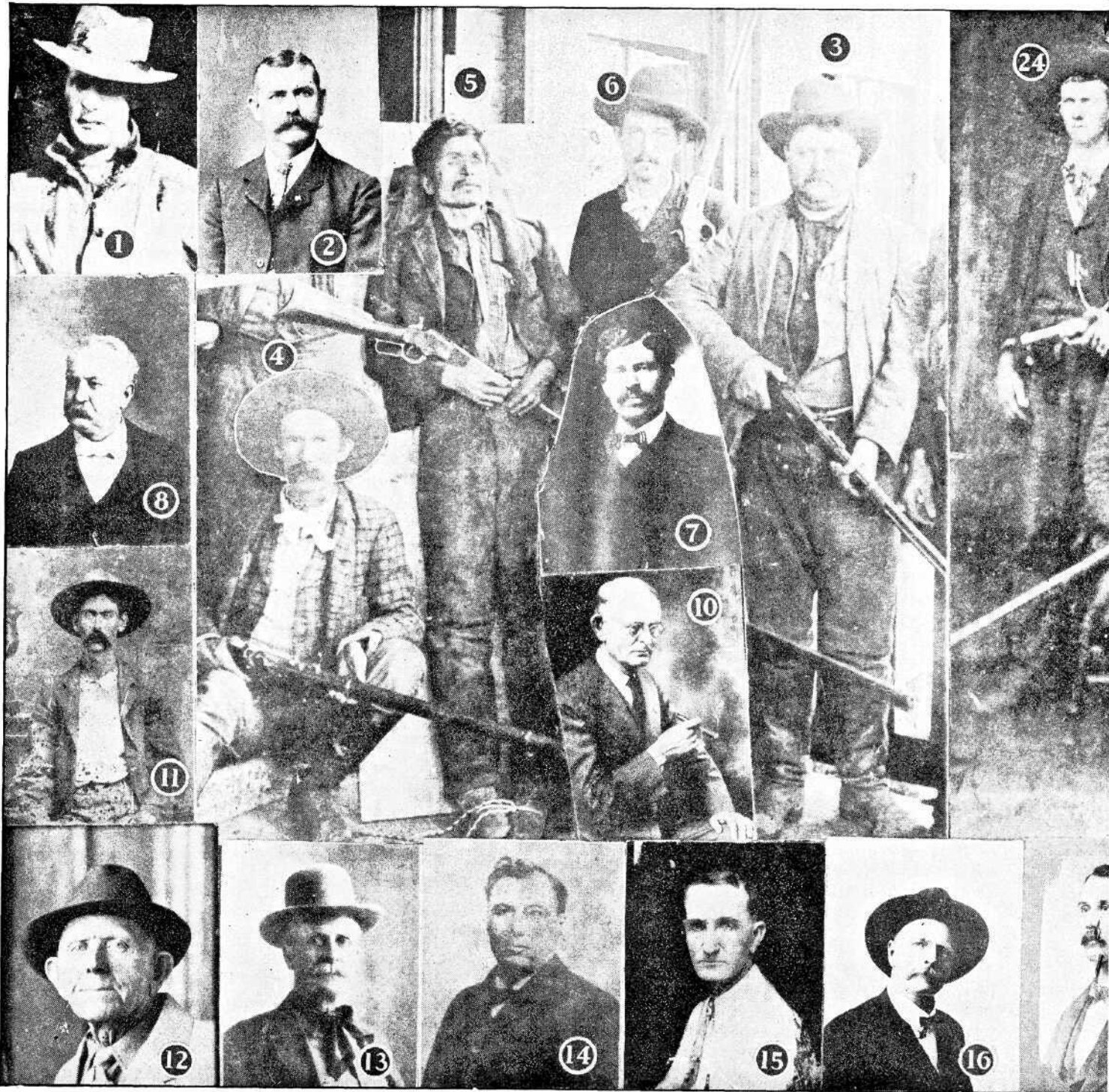
One deputy was appointed after he had been convicted in Parker's Court and served a sentence for horse stealing and served creditably for a time before reverting to his previous career. One of the Dalton gang served as a deputy marshal before turning outlaw and still another deputy was tried and convicted in Parker's Court of murder in the first degree. The president commuted the sentence to life imprisonment.

After Parker assumed the bench, more than 200 men served as deputy marshals during his tenure and many of them took great pride in the part they played in suppression of murder and rape in the territory. Some 65 of them lost their lives in this service. Undoubtedly Judge Parker was right when he said that it took brave men to serve in the Indian country, not because of the Indians, but because of the white intruders.

¹Arkansas Lawyer, October, 1968, pages 4 and 5. Because of pertinence of material and limited distribution of the Arkansas Lawyer, this article, used by permission of Mrs. G. Byron Dobbs, has been chosen for publication in the Journal of the Fort Smith Historical Society, despite the editors' policy of not printing previously published materials.

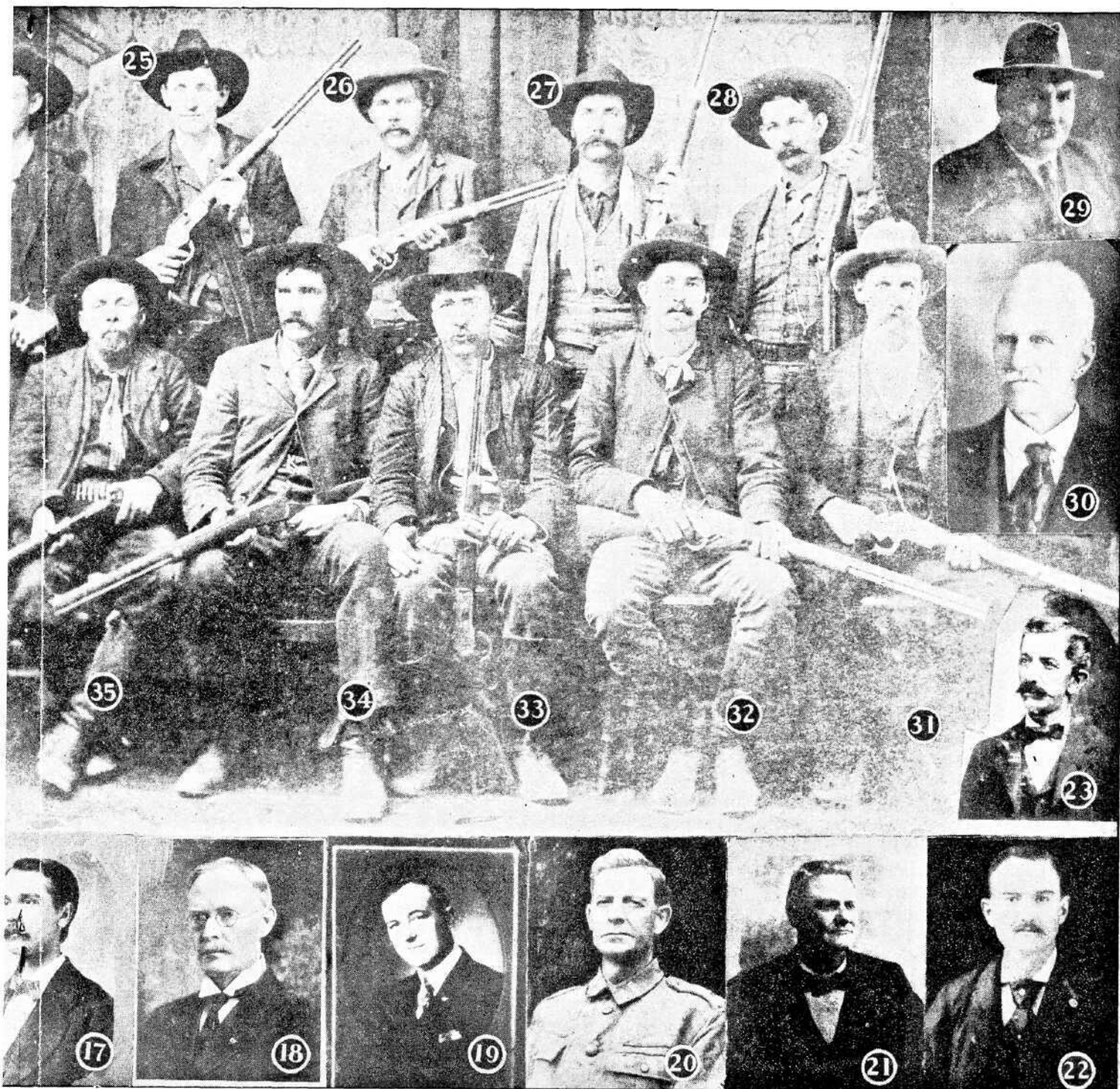
²G. Byron Dobbs (b.1907 - d.1976) noted authority on the Judge Parker Era, and second generation lawyer, practiced law in Fort Smith for forty years. The son of Arna Madison Dobbs and Mrs. Dobbs, the former Iva R. Davis, he read law under his father and passed the Arkansas Bar Examination with high honors. After the retirement of his father, Mr. Dobbs joined the law firm of Thomas and Brady Pryor, grandfather and father of Thomas Pryor who currently practices law with the same firm. Mr. Dobbs and his wife, the former Gladys Hall/Stone, a native of Fort Smith, are the parents of three children: Dan Byron Dobbs, Professor of law at the University of Arizona; Mary Carolyn (Dobbs) McCullough, Archer, Florida, and Anne (Dobbs) Tribble of Boston, Massachusetts. Mrs. Dobbs, the daughter of Mr. and Mrs. Walter Hall, was orphaned at the age of five and was reared by the James H. Stone family.

Thirty-four of the United States Marshals and Deputy Marshals that worked out of the Federal Court for the W



(1) M. A. Seabolt; (2) Wm. Pape; (3) E. B. Ratterree; (4) Enoch Mills; (5) Ned Christie, most noted Indian Ter 35, who engaged him in battle near Tahlequah, November 2, 1892; (6) C. Copeland; (7) W. H. Darrough, Marsh Tilghman; (14) J. S. Burke; (15) Joe Smith; (16) Bud Ledbetter; (17) J. B. Rector; (18) S. M. Rutherford, Ma Jailer, (24) Wes Bowman; (25) Abe Allen; (26) John Tolbert; (27) Bill Smith; (28) Tom Johnson; (29) Chris (34) Heck Bruner; (35) Dave Rusk.

Western District of Arkansas, and a noted outlaw.



Collection of pictures by C.B. Rhodes, Muskogee, Okla. Used by permission of National Park Service.

Territory outlaw, fought until dead rather than surrender, his captors were Nos. 24, 25, 26, 27, 28, 31, 32, 33, 34 and Marshal; (8) James Wilkinson, Jailor; (10) E. H. Hubbard; (11) Sam Lawrence; (12) Henry Donathan; (13) Bill Marshal; (19) A. R. Cottle; (20) Jack Yoes; (21) Col. Jacob Yoes, Marshal; (22) Geo. Yoes; (23) Gus Lubbes, Madsen, Guthrie; (30) Hugh Simpson; (31) Capt. G. S. White; (32) Chas. Copeland; (33) Paden Colbert;

It was indeed a disgrace to the nation that murder and rape, the two capital offenses, was so prevalent even in this large territory that it was necessary to hold a murder trial on an average of once every two months or so. But this is not the whole story, for these cases involved only those in which a white man was either the murderer or the victim and took no count whatsoever of crime among the Indians themselves, if any. Furthermore this does not take into account such crimes as may not have been discovered by this small handful of deputies, many of whom served only parttime, devoting most of their efforts to otherwise making a living. Nevertheless, these deputy marshals brought to Fort Smith during Parker's tenure some 334 persons charged with first degree murder or with rape. Not all of them were tried. In some instances the United States Commissioner found there was insufficient evidence to hold them. In others the grand jury refused to indict. Parker exhorted his grand juries to let no innocent man suffer nor any guilty escape. Of those indicted some were found not guilty by a jury or guilty of the lesser offense of manslaughter. On at least two occasions Judge Parker set aside a jury verdict of guilty of first degree murder and granted new trials later resulting in acquittals.

In our present day concepts a man convicted of any crime is deemed to have a right of appeal. If it be barbarous to deny that right of appeal, the fault lies with Congress and not with the trial judge. Even when the right of appeal was granted by Congress after fourteen years of Judge Parker's tenure, it was limited to capital offenses.

After appeals became possible, the great majority of the cases appealed were reversed and thus on statistics alone, Judge Parker would be condemned as an incompetent lawyer, but examination of the cases themselves indicate an entirely different picture. For fifteen years he had operated under the "Federal" common law as adopted from England. State Court precedents were not binding and oftentimes conflicting. There was no body of law announced by the Supreme Court or even by other Federal Courts relating to instructions to jury, comment on the evidence, argument of counsel, admissibility of evidence, insanity, or self-defense. In fact, almost the entire law of murder in these respects, so far as the pronouncement of the Supreme Court is concerned, arose on the appeals in Parker's Court. Few lawyers would today quarrel with the principles announced by the majority opinions in those cases, but then as now, many of the opinions of the Court were not unanimous, some of the justices believing that Parker's interpretation of the common law and proper procedure was the correct one.

Furthermore, there was not one reversal on account of insufficiency of evidence. In only one case was there the least intimation that there was any possible doubt as to the defendant's guilt and in that the Supreme Court affirmed the conviction.

On July 26, 1895 Crawford Goldsby, alias Cherokee Bill, was in the murderer's row of the Fort Smith jail with some 58 others, either convicted or awaiting trial for murder and pending appeals to the Supreme Court. He led an attempted jailbreak with a gun that had been

smuggled into him, killing Lary Keating, one of the guards. Judge Parker, then in St. Louis on one of his infrequent absences from Fort Smith, in a newspaper interview expressed the opinion that the crime of murder was greatly increasing and said "I attributed the increase to the reversals of the Supreme Court *** the convicted murderer has a long breathing spell before his case comes before the Supreme Court — then when it does come before that body the conviction may be quashed and whenever it is quashed, it is always on the "flimsiest technicalities." He also said "at the present time there seems to be a criminal wave sweeping over the country the like of which I have not seen before. It is due to the laxity of the Courts."

This is oddly similar to the complaint of frustrated 1968 law enforcement officers.

There can be no doubt that Judge Parker stood on the side of law and order. He even told the jury "you are to say to all the people that no man can trample upon the law wickedly, violently, and ruthlessly, that it must be upheld if it has been violated."

Nor is there any doubt that he stood on the side of the victims of brutal criminality. Speaking of the victim of a murder, he said "the other witness to it cannot appear before you — he cannot speak to you except as he speaks by his body as it was found, having been denied even the right of decent burial***."

It cannot be denied that Parker sought to uphold the solemn commitments of the treaties with the Indians. He denied the "boomers" a right to take for themselves the unassigned Indian lands though Congress ultimately overruled him by providing for homesteading on these lands and the run of 1889 occurred.

The esteem in which Judge Parker was held in Fort Smith is indicated by his election as President of the Fair Association, President of the School Board, and as a prominent member of the Fortnightly Club which brought about the first public library in this City. He was a kindly, courtly gentleman and the favorite of children. He was a family man and staunch in his religious beliefs, keeping a Bible on the bench at all times. The complaints of the Eastern newspapers were not echoed in the local newspapers. On the contrary, they felt that he was bringing law and order into that large area lying west of the City. Parker himself felt that he was achieving that result and although he was stripped of his jurisdiction over the Indian country in 1898, only nine years later the territory became the State of Oklahoma.

Parker was given the near impossible task of providing justice between the white man and the Indian. The disgrace arose out of the failure of the United States and Congress to appropriately prevent intrusion upon the Indian land and in permitting such carnage as to result in the great number of murder trials and then Parker was condemned in the halls of Congress for imposing the only penalty authorized by Congress.

Parker's accomplishments stand as a monument to law and order achieved under the most trying circumstances.

FURNISHING NEW FEDERAL JAIL

AND

THE 1888 REPORT ON MARSHAL CARROLL'S ACTIVITIES

By: Edwin C. Bearss¹

In 1886 Congress appropriated \$50,000 for construction of "a suitable jail" at Fort Smith. By the autumn of 1887 the new 2 1/2-story brick structure was nearly completed, and U.S. Marshal John Carroll took time from his busy schedule to turn his thoughts to securing necessary furnishings. The following correspondence from the Department of Justice Files at

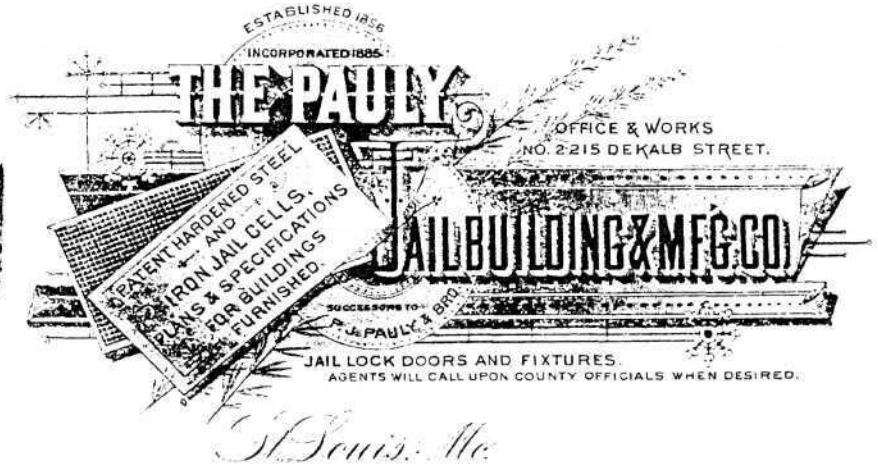
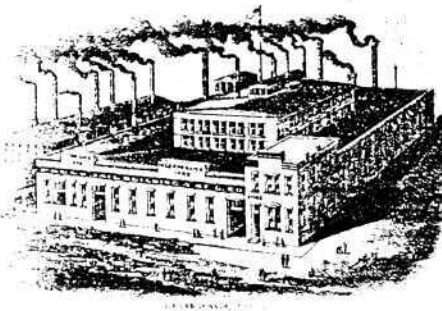
National Archives provides an insight into problems encountered by the late 19th century bureaucracy in meeting its obligations, although furnishings were sparse and the sum of money involved was under \$3,000.

From the Pauly Jail Building & Mfg. Co. of St. Louis, Missouri, Marshal John Carroll received the following letter dated October 10, 1887:

PAULY, President & Treasurer:

JOHN PAULY, Vice Pres.

JAMES J. LIGON, Secretary



Oct. 10, 1887.

U.S. Marshal,
Fort Smith, Ark.

Dear Sir:

I regret that I have not attended to the bedstead business for your cells sooner, but press of business and the big crowds that have been here have caused me to neglect it.

I herewith hand you tracings and specifications for what we think is the best iron bestead you can put in there. As you can see, it is made of angle iron and is strong and substantial, and bolted through the wall securely.

Now we can furnish these iron bedsteads for \$22.50, put up in the cells. Of course this means \$22.50 for the two bunks in each cell, one above and one below, but all made substantially in one frame. Of course we might offer you a cheaper article, but we calculate that this will be the best thing the Government can put in there. If you want something cheaper, please suggest how you want it made and we will give you a figure on that.

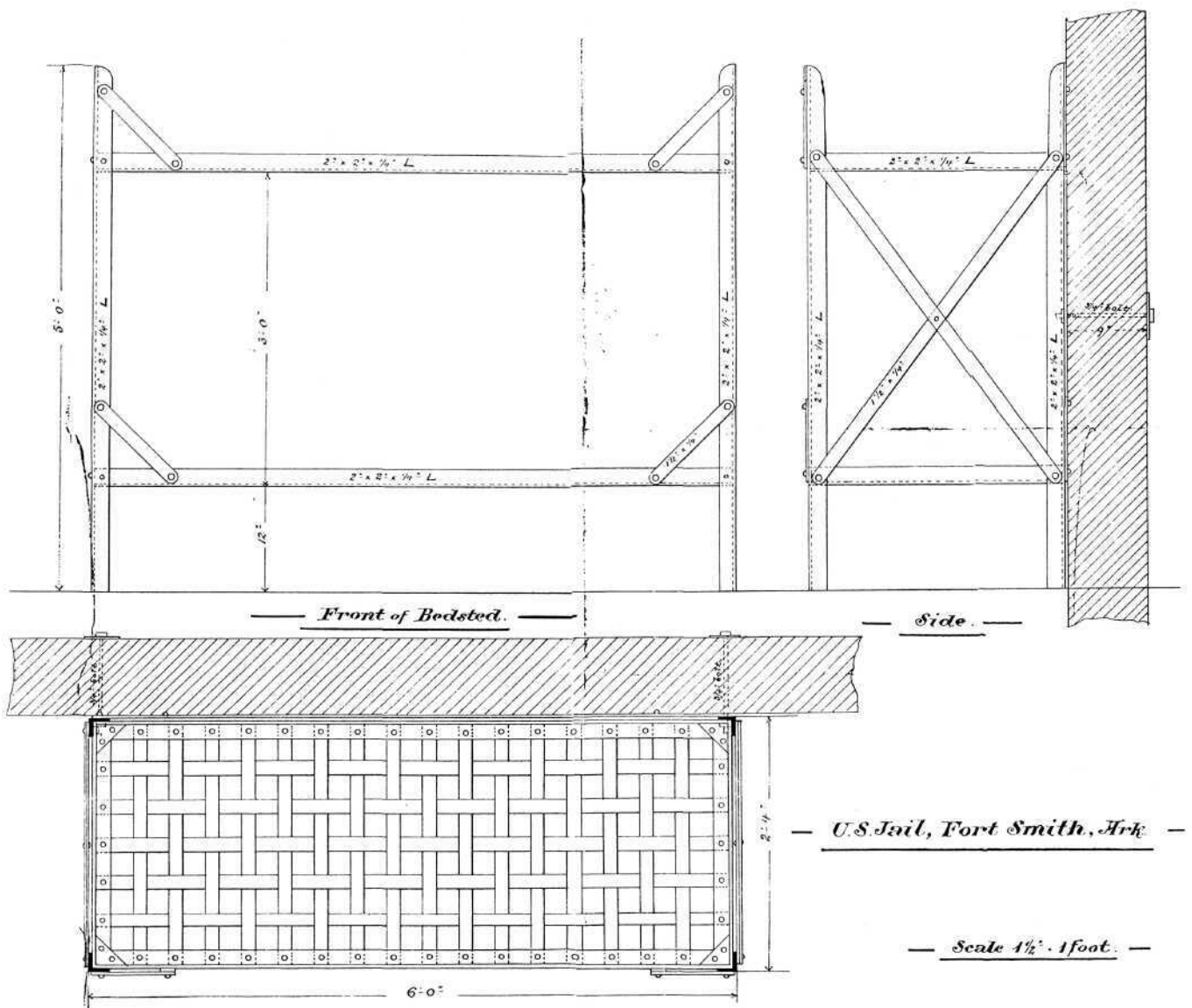
Hoping this will be satisfactory and that we may hear from you soon, we are,

Very truly yours,

James J. Ligon

¹ Edwin C. Bearss, of Washington, C.D., is chief historian for the United States National Park Service. It is Mr. Bearss who has researched the Fort Smith Historic Site, and co-authored, with Arrell M. Gibson, *Fort Smith, Little Gibraltar On The Arkansas*.

No one is better qualified than Mr. Bearss to write about early Fort Smith, or the Federal Court and Jail. We are honored to have a man of this authority to write for the *Journal*.



In reply to Mr. Carroll's request for bids on running gas lines to the jail, he received the following from the Bomford Plumbing Co.

Fort Smith, Ark. Oct. 13, 1887

Mr. Carroll,

I will run a 3/4 in. gas pipe from the present gas service of the old jail and continue it through the new jail. I will put 4 lights on each side wall, 2 lights on rear wall, 6 lights on wall next to stairway, and one in attic, for \$72.50.

H. Bomford, of Bomford Plumbing Co.

United States Marshal's Office,
Western District of Arkansas,
Fort Smith, Ark. Oct. 14th, 1887.

Hon Attorney General,
Washington, D.C.

Sir:

The new jail at this place will be completed in a short time now, but before its occupancy will have to be furnished throughout. With this necessity in view I submit herewith a list of such articles as will, in my judgement, be

sufficient for this purpose, and respectfully ask authority to expend the amount, two thousand six hundred and thirty one dollars and ten cents (\$2,631.10) for the purchase of the same.

72 Double Iron Bedsteads @ 22.50	\$1,620.00
144 Mattresses @ 1.65	237.60
144 Prs. Double Blankets @ 3.00	432.00
4 Stoves @ 35.25	141.00
4 Prs. Tongs a 50c, 6 Scuttles a \$1.4, Shovels	
@ .50 cents	10.00
6 Wash Pans @ .50 cents	3.00
3 Mirrors @ \$1	3.00
1 Clock	12.00
Gas Fitting	72.50
100 Ft. Rubber Hose, @ \$1	100.00

Respectfully,

John Carroll,
Marshal.

In reply to Marshal Carroll's letter of October 14th, 1887, Hugh S. Thompson, acting Secretary of the Treasury Department, in a three page letter said that although about \$5,000 of the appropriation for building the jail would be unexpended, no portion of the appropriation for construction could be made available for supplying furniture to the building under consideration.

DEPARTMENT OF JUSTICE,
WASHINGTON

November 23, 1887.

Mr. Hodges:

I saw the Attorney General about the furniture necessary for the Fort Smith jail, and he says he supposes the articles will have to be supplied. I take the liberty of suggesting, however, that the prices of some of them, in my opinion, are too high, considering the amount to be purchased. It seems also that the Marshal invited no competition, which I think was a mistake. The prices given for mattresses and blankets, stoves and rubber hose particularly are, it seems to me, retail prices, and the articles should be procured for considerably less.

Your truly,
Frank Strong

In the mean time, Marshal Carroll writes again on November 28, 1887 to ask why he had had no answer to his request of October 14, then again on December 3, 1887 defending his procedure in securing bids for the jobs in question.

UNITED STATES MARSHAL'S OFFICE,
WESTERN DISTRICT OF ARKANSAS

JOHN CARROLL, Marshal.

Fort Smith, Ark. Nov. 28, 1887

Hon. Attorney General
Washington, D.C.

Sir, on Oct. 14, 1887 I had the honor to ask you for authority to purchase furniture bedding &c for use in the new U.S. Jail. Having received no answer from you in regard to it, I would respectfully ask authority to purchase the 144 pr. blankets a \$3.00 @ per pair at once as the weather is getting colder and we stand in great need of them for immediate use. I can use them in the old jail until the new one is completed.

Respectfully
John Carroll
U.S. Marshal Western District of Ark.

JOHN CARROLL, Marshal

Fort Smith, Ark. Dec. 3, 1887

Hon. Attorney General
Washington,
D.C.

In answer to your letter of the 28 inst "H.H." in reference to the purchase of furniture for the new jail, I have to say that before my requisition for these articles was sent the

Department, invited bids from such dealers in this city as were able to furnish them. From the two wholesale dealers in stoves there was found no difference in prices, which were identical with those furnished by the manufacturers in St. Louis, Mo. The prices on blankets were from the manufacturers through the Messrs Williams Bros. Merchants, this city. Only two qualitates of mattresses are made here and with a difference of only fifteen cents in price. I can get the hose pipe of a good quality for sixty dollars, instead of one hundred as asked. The blankets can be procured for \$2.00 each, and the stoves at a less price than mentioned in my requisition, but my idea was that it would be economy to get all these aricles of a good substantial kind. The requisition was for such and at the best prices obtainable.

Whatever of this expense is to be authorized, and is to be defrayed from a sub-division of the Judiciary appropriation, I would thank you to indicate from which.

Respectfully
John Carroll
U.S. Marshal
Western District Ark.

Marshal Carroll was granted authority by the Department of Justice to make the necessary purchases. But, before the prisoners were transferred from the old to the new jail on March 19, 1888, Marshal Carroll determined that toilet facilities were unsatisfactory and he wrote the Attorney General Augustus H. Garland:

Fort Smith, Ark., Feb. 7th, 1888

Hon. Attorney General
Washington, D.C.

Sir:

I find on an examination of the new jail, that the arrangement which puts a bucket in each of the seventy two cells for the deposit of excrement, will be unsatisfactory, and in my opinion, if put to actual use, will develop a nuisance simply unendurable. Of necessity these buckets will have to be carried out twice daily, and the stench, besides pervading the jail, will fill the entire court building against which the jail is built. The carting away of this excrementitions matter to a point over a mile distant below the city, will entail a new expense which will in a little time amount to more than the amount now asked for the placing of water closets.

I enclose herewith a proposition from Mr. J.A. Hoffman, who represents the R. Smith Water Works Plumbing Co., to put in four closets, one in each of the three corridors for the use of the prisoners, and one on the ground floor for the use of the guards.

I would ask that authority be given me to incur this expense, and have the work done forthwith, that it may be completed before the occupancy of the building, which will be about March 1st.

Very Respectfully,
John Carroll
U.S. Marshal

Enclosure:

J.A. HOFFMAN,
Contractor and Builder
620 Twelfth St.

Fort Smith, Ark., Jan. 25th, 1888

I will furnish and put in complete four swinging water closets with traps; connect with four inch soil pipe to present jail at Southwest corner of Jail; connect closet with lead pipe from present iron supply pipe, run 6" earthen tile from terminus of soil pipe to and connect with the new U.S. Court House sewer. All work and material to be first class, for the sum of three hundred and fifteen dollars, \$315.00.

J.A. HOFFMAN

On March 2 this expenditure was approved.

The Department, concerned about the high cost of gas for lighting the jail, had Marshal Carroll introduce coal oil lamps. This action is described in a letter of January 5, 1889:

United States Marshal's Office,

Western District of Arkansas

Fort Smith, Ark., January 5, 1889

*Mr. Attorney General
Washington
D.C.*

*Have instructions in reference to
the substituting of coal oil lamps
in the jail for gas, have been
complied with at a cost of
thirty eight dollars and eight
five cents.*

*I enclose for your
approval the bill of the Western
District of Arkansas Co. for the
lamps &c.*

*Respectfully,
Geo. Carroll*

Then in June 1889 the First Comptroller was called on to rule on the legality of the \$2,582.50 Marshal Carroll had spent for jail furnishings:

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
WASHINGTON, D.C., June 22, 1889.

Hon. W.H.H. Miller,
Attorney-General,
Sir:

On day before yesterday Frank Strong, Esq. General Agent of the Department of Justice, handed me a communication addressed by him on October 18, 1888, to your predecessor, and requested an expression of my views upon the subject-matter thereof.

This letter states, that United States Marshal Carroll, of the Western District of Arkansas, under authorization by

the Department of Justice of November 28, 1887, purchased, out of the appropriation for "Support of Prisoners, United States Courts, 1888, "bedsteads and such other supplies as were requisite to fit up the new jail at Fort Smith for the reception of United States convicts," and, in addition to this specially authorized purchase, "incurred minor items of expense, such as bills for lime, gas-pipe and plumbing in repairing jail, buckets, etc., making an amount, included in his accounts for the fiscal year 1888, x x x, of about \$2,582.50;" and that this amount was disallowed by the then First Comptroller, on the ground, "that such expenses cannot properly be charged to the appropriation for support of prisoners even though authorized and approved by the Attorney-General."

The letter further states, that it has been the custom for the Department of Justice to authorize the payment, from like appropriations, "of bills for all such expenses connected with United States jails and penitentiaries, as were actually necessary for the prisoners' support, giving to the term 'support' the liberal and reasonable construction permissible when it is used in such connection;" and that, "while it does not appear that anything of a permanent nature, such as an additional building, has ever been allowed under the appropriation in question, it is evident that authority has always been given by the Attorneys-General to pay from it all such items of expense as were necessary to the 'support of prisoners' confined in these institutions."

All accounts for expenditures out of the appropriation for "Support of Prisoners, United States Courts," for the various fiscal years are finally settled by this office: hence, in giving an expression of my views upon the above subject, I have the honor to address you this communication.

I take it to be well established, that a claim once finally settled and disallowed by my predecessor cannot be re-opened by me, except where "mistakes in matters of fact arising from errors in calculation" have occurred, or where "material testimony is afterwards discovered and produced" (United States v. Bank of Metropolis -- 15 Peters, 401; Rev. Stat., 191), or on the ground of fraud; hence, I cannot re-open and re-examine the account of U.S. Marshal Carroll, which has already been finally settled by my predecessor.

The inquiry remains, however, that hereafter will the class of items above described be deemed by this office proper expenditures out of the appropriation named?

It is a maxim of construction, that "In statutes, incidents are always supplied by intendment; in other words, whenever a power is given by a statute, everything necessary to the making of it effectual, is given by implication" (Potter's Dwaris on Statutes, & c., 123). Following this well known rule of construction, I am of the opinion that "everything necessary" for the current "support of prisoners" will form a proper item of expenditure out of said appropriation, except such items as are usually otherwise specifically provided for by law, such as buildings for their confinement, the permanent improvement thereof, and the like; and that the class of expenditures, so far as absolutely necessary, which are described in Mr. Strong's letter, are covered by it.

The term "support", being general in its nature, should, in my opinion, receive a liberal construction, especially when used in connection with United States prisoners, whose support is nowhere else provided for than by the appropriation herein discussed.

While section 3733 of the Revised Statutes of the United States should be kept in view, yet compliance with this section should not prevent a due observance of the maxim of construction above referred to.

Respectfully yours,

A. F. Matthews

Comptroller

The Marshal for the Court of the Western District of Arkansas was an important position. An inspection of his office by Department of Justice Examiner D. Ira Baker is revealing:

FORT SMITH, WESTERN DISTRICT OF ARKANSAS,

August 20th, 1888

To the Attorney General,

Sir:

I find the office of United States Marshal, John Carroll, Fort Smith, Western District of Arkansas, which I have examined under general orders from the Department of Justice, to be in good condition so far as the conduct of the business in a methodical, correct and honest manner is concerned. His books, of which he keeps the following, viz: Witness Book, containing fund, names, dates and amount paid each witness, in which a balance is made at the end of each week, thus showing constantly the amount of said witness fund remaining on hand; a Ledger containing funds for payment of "Jurors," "Support of Prisoners," "Miscellaneous," and "Pay of Bailiffs" - Journal and Ledger for United States Marshal and his Deputies; Book of Accounts of Deputy United States Marshals, their accounts, expenses and amount paid each Deputy in each case and the share or amount paid to United States Marshal, the Deputies receiving three-fourths (3-4ths) of the amount and their expenses. A separate check book for each fund; Book of itemized report of business, money expended and on hand in each fund, each week-which last mentioned book is really a copy of the weekly Report to the Attorney General; Books containing all official correspondence and Letter book of all such sent to Departments or elsewhere; a Writ Docket, (criminal) contains entries of all writs given to Deputies to serve, when and where served and date of return or execution; a Subpoena Docket of precisely same nature as above; a Civil Docket where all cases are entered and containing a full and complete history of each case from the time it came into the Marshal's office to the end.

These books are kept in a clerly condition, correct and show exactly the amount and kind of business done in his office; also his files and papers are properly endorsed and filed in their order and places ready of access and open to the inspection of all concerned.

The office and rooms of the United States Marshal are utterly inadequate and insufficient in space and accommodation for the purposes of the Marshalship. The immense amount of business done by this Marshal requires the outlay of large sums of money for and on behalf of the Government in the payment of jurors; witnesses' and marshal's fees together with the vast sums paid for mileage alone - aggregating on the average some Three Hundred Thousand (\$300,000.00) Dollars per year - many suggestions have been made to reduce this great expense to within a reasonable limit and still not block the wheels of justice - many plans upon due consideration have been rejected as having some serious or insurmountable objection. So far as establishing an independent Court in the Indian Territory it might do in a certain degree, but there are many and serious objections to it. To me, the most feasible and proper plan for the reducing the expenses of the Marshal's office is to set apart and cut off from the jurisdiction of the District Court of the Western District of Arkansas the whole of the Chickasaw and the most of lower and southern portion of the Choctaw Nations in the Indian Territory, and annex or throw the same into the Northern District of Texas, thus saving largely in mileage and witness accounts, as it is much nearer and easier of access to carry defendants and witnesses from the portions of the Nations referred to, to Dallas, Northern Texas, for Trial, then to bring and transport them to Fort Smith, Arkansas. The difficulties attending the establishment of a court in the Indian Territory are many and the most formidable of which seems to me (after a careful examination of the subject and taking the opinion of able and entirely disinterested persons) to be the difficulty of obtaining honest and fair jurors, that defendants might receive fair and impartial trials. There are, I believe,

some Twenty Thousand (20,000) white persons, (not Indians) in the Territory and of which you can fairly calculate only about Five Thousand (5,000) good and reputable ones, out of which to obtain jurors, and the balance bad - the off-scourings and refugees of all States (almost) of the Union, who have gone there to escape the punishment of their crimes or thinking to have unlimited license within its borders. A careful examination of the records of convictions for years past in said Territory show, that out of every eleven (11) convicted, seven (7) are white men - three (3) negroes - one (1) Indian. Thus emphatically disclosing the fact that white men (not Indians and negroes) are the greatest criminals there and that to get juries to convict these desperadoes in that country would be almost impossible. In looking at and considering the immense cost to the Government to keep the Marshal's office and Court running in this District and the way to reduce the expenses thereof in a proper and legitimate way - as I am satisfied that the office of the Marshal is conducted as economically as possible and all expenses cut down to the lowest figure, - I have thought it proper to throw out and make the above suggestions in the interest of good government and economy of administration.

On examination of Marshal's books and Emolument Returns, I find that for year 1887 July 1, to December 31, 1887, the Marshal exceeded his maximum in the sum of Nineteen Hundred and Seventy-eight Dollars and forty-four cents (\$1978.44). For the previous 1-2 year ending June 30, 1887, his total net emoluments were only Twenty-two Hundred and eighteen Dollars and one cent, (\$2,218.01) less than his maximum.

The Marshal employs under commissions Thirty-four regular deputies - sixteen (16) of them in the State of Arkansas, and eighteen (18) of them in the Indian Territory. The latter ride far and hard and are called by the Marshal "Riding Deputies" and the latter endure much hardship and danger and very small pay, their expenses are so large and their accounts so much cut down, first by the Court and District Attorney here before they are approved and then again by the Comptroller of the Treasury that many times they are absolutely left largely in debt on their return from an expedition into the Indian Territory after criminals. Since the incumbency of United States Marshal Carroll (May 21, 1886) he has had Seventeen (17) Deputy Marshals and posses killed - a period of two (2) years and three (3) months nearly two (2) deputies a month. Truly a desperate position for a man to accept and occupy with almost certain death staring him in the face and with so little incentive in the way of pay or praise to tempt him, and then the absolutely certain purpose of having his fees for services and expenses mercilessly cut to below the sums spent in disbursements.

The amount of funds in the hands of the United States Marshal for the week ending August 18, 1888 on deposit in the Assistant Treasurer's office at St. Louis, Mo., and balances available

Witnesses' appropriation	\$167.50
Support of Prisoners	\$5327.00
Miscellaneous appropriation	\$539.28
Jurors' appropriation	\$500.00
Pay of Bailiffs' appropriation	\$1548.00
Fees of Marshal - do.	\$2500.00

For the week ending August 25, 1888 I find the balances as follows viz:

Total balances -	
Witnesses' fees	\$232.60
Support of prisoners	\$5327.00
Miscellaneous expenses	\$353.48
Jurors' fees	\$3500.00
Marshal's fees	\$500.00

By authority from Secretary of the Treasury of November 27, 1886, the United States Marshal to hold \$3,000.00 of this sum unexpended he has on deposit at Fort Smith \$538.26 and the sum of \$10,079.42, with the Assistant United States Treasurer at St. Louis, Mo.

The usual and ordinary suspensions and disallowances in the said United States Marshal's accounts have been made and I know of none that I would recommend after a careful examination thereof.

The said Marshal seems a capable and efficient official and I have no hesitancy in recommending him as such.

Respectfully submitted,

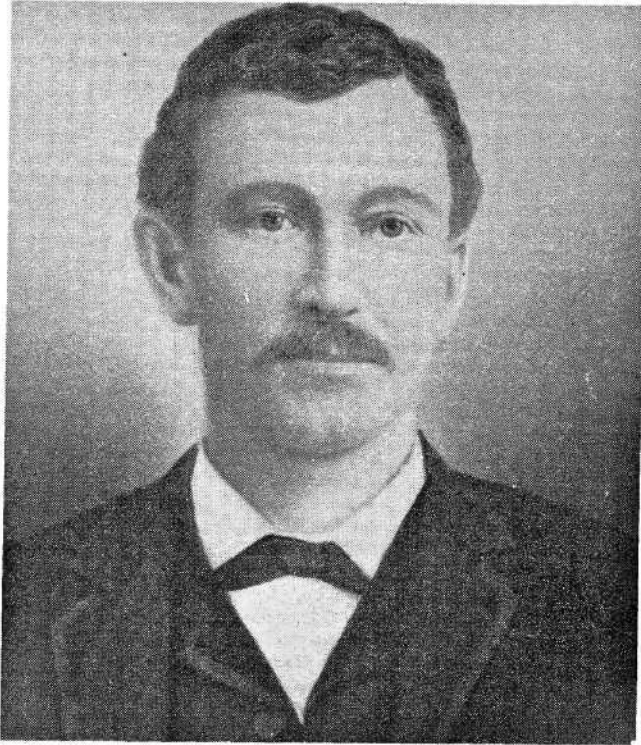
D. Ira Baker

Examiner Department of Justice.

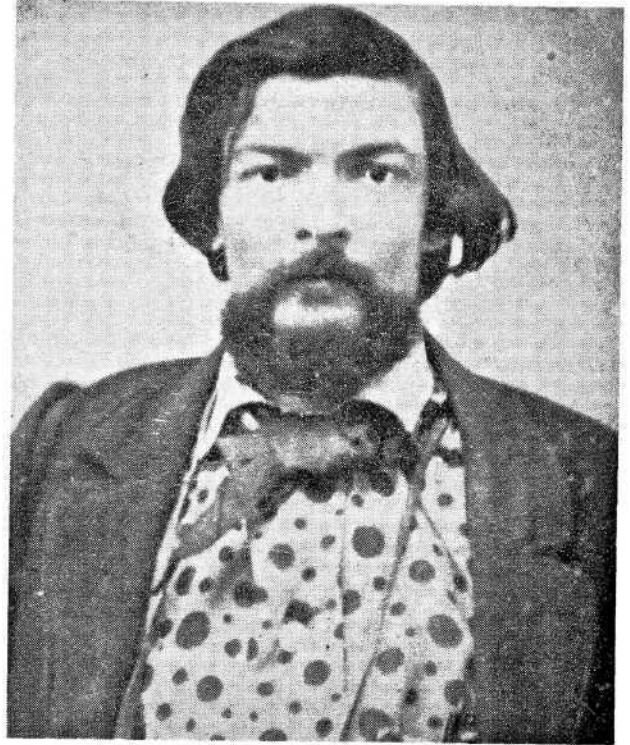
BIRNIE BROTHERS FUNERAL HOME AND PUTMAN FUNERAL HOME

By: Elizabeth Lyon Barry¹

Assisted in research by Chris Allen and Sue McCain



Henry C. Birnie



Charles A. Birnie, Jr.

The Birnie Brothers Funeral Home, predecessor of the Putman Funeral Home of Fort Smith, was established in 1882 by Charles A. Birnie, Jr. and Henry C. Birnie, at 805 Garrison Avenue in a building built by the two brothers.

Funeral records show their first funeral was held January 14, 1882.

Charles and Henry Birnie made cabinets and furniture, as well as coffins, and their mill was at 500 North Tenth Street. This location was later sold by Henry Birnie to "Our Funeral Home", its first location in Fort Smith.

The first coffins were constructed of pine. Later the coffins became much more elaborate, being made from walnut, cherry, cypress, oak and pine woods with upholstering and handles.

A marble slab was used for a work table and Shulte's Livery Stable, located back of the funeral home, furnished horses for funerals. Shulte charged \$5.00 per hack to pick up the family, wait until the funeral was over, and take them home.

The Birnie's also rented hacks to meet trains.

According to family "lore," the Birnie brothers did not always see "eye to eye," and after a big disagreement in the funeral parlor in March 1901, the brothers dissolved their partnership, never to speak to each other again.

Henry C. Birnie moved across the street on Garrison Avenue, taking an employee, R.K. Bradberry with him as his embalmer. Another employee, Jesse C. Putman, Sr., stayed with Charles A Birnie, and bought the business later that year for \$6,000.00.

March 19, 1901 was the date of the final funeral record entry made as "Birnie Brothers." The next entry, made by Henry C. Birnie, was March 25, 1901. Henry's last entry was September 14, 1904, when he retired.

The Birnie Brothers were enterprising business men, evidence verified by the four legal size ledgers listing burial receipts, that have been preserved and are now housed at the Fort Smith Public Library. These receipts spell out numerous stories, among them the story of men sentenced to death in the court room by Judge Isaac Parker.

After executions on the gallows, it was the duty of early Fort Smith undertakers to see the criminals received proper burials, and the Birnie brothers took care of their share of these men.

Unless the family of the hanged man claimed the body and paid for his funeral, his funeral expenses were paid by the United States Marshall. All of these burials were in pine coffins, at the cost of \$11.00 each.

¹ Elizabeth Barry, family historian for the Birnie family. Her husband, Birnie Barry, is the grandson of Henry Clay Birnie. Elizabeth, a native of Fort Smith, is the former Elizabeth May Lyon,

daughter of Thomas Hill Lyon, who had a jewelry store on Garrison Ave., and Francis Amelia (Morris) Lyon, now 90 years old and a resident of the Medi-homes nursing home in Fort Smith.

In addition to other information, such as who the burial expenses were charged to, the records list the person's name, date of death, cause of death and cemetery buried in, ie.:

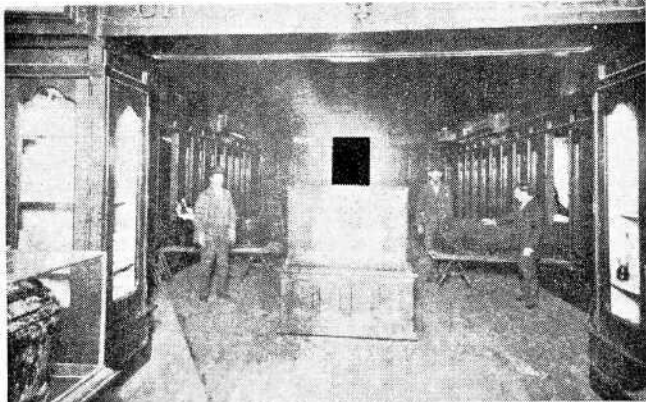
- #1371 Lincoln Sprawl, age 23,
d 23 July 1886, Hung for Mdr. City Cem.
- #1372 Calvin James, age 23,
d 23 July 1886, Hung for Mdr. City Cem.
- #1383 Kit Ross, age 25,
d 6 Aug. 1886, Hung for Mdr. Catholic Cem.
- #1551 Albert Odell, age 26,
d 14 Jan. 1887, Hung for Mdr. City Cem.
- #1552 T.J. Echols, age 35,
d 14 Jan. 1887, Hung for Mdr. City Cem.
- #1553 John Stevens, age 26,
d 14 Jan. 1887, Hung for Mdr. City Cem.
- #1554 James Lamb, age 23,
d 14 Jan. 1887, Hung for Mdr. City Cem.
- #1756 Wm. Goldsby, Alias Cherokee Bill, age 20,
d 17 March 1896, Hung for Mdr. Ft. Gibson, I.T.
- #1859 Sam Sampson,
d 1 July 1896, Hung for Rape, Wagoner, I.T.
- #1860 Rufus Buck, age 20,
d 1 July 1896, Hung for Rape, Ft. Gibson, I.T.

- #1861 Lucky Davis, age 18
d 1 July 1896, Hung for Rape, Wewoka, I.T.
- #1862 Naomi July, age 18,
d 1 July 1896, Hung for Rape, Catholic Cem.
- #1863 Lorris Davis, age 21
d 1 July 1896, Hung for Rape, Catholic Cem.

Many other burials were charged to the U.S. Marshal too, because it was his responsibility to provide burial for transients who died in Fort Smith without money for burial. The causes listed for most of these deaths were diseases, such as pneumonia, typhoid fever, La Grippe, and others. These, almost without exception, were buried in Potter's Field.

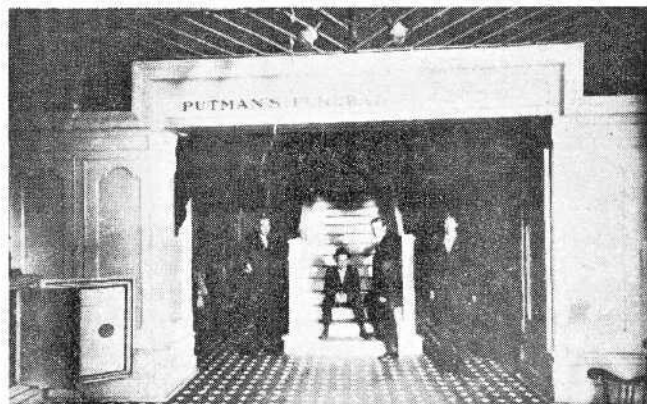
Five burial receipts in a row tell the story of Charley Joplin's shooting spree near and in Jenny Lind, Arkansas, taking the lives of Dr. Stewart, Lula Miller, John Miller, Mrs. Miller and a transient. This occurred over the affections of Lula, between Charley Joplin and Dr. Stewart, according to a front page story of December 19, 1890 in the Fort Smith Elevator. It ended with Charley taking his own life.

Many prominent citizens are listed, but the Birnie's most famous funeral was that of Judge Isaac Parker.



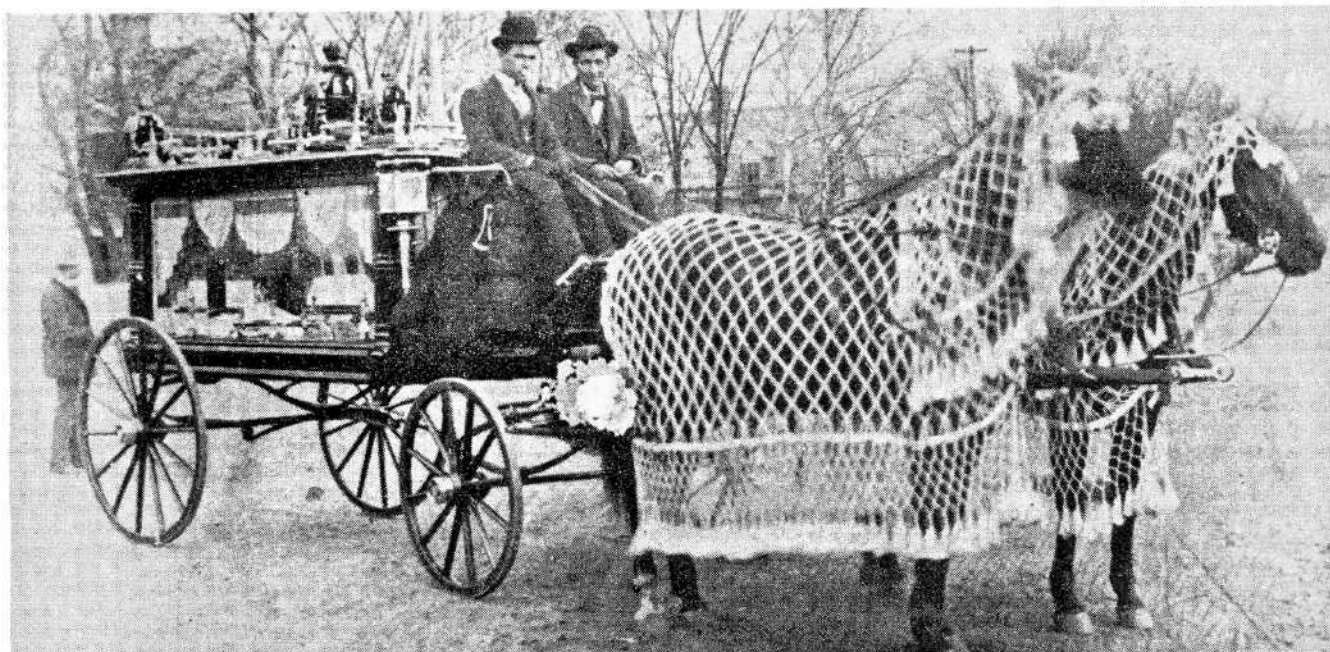
Birnie Brothers

Henry Birnie Charles Birnie Jesse Putman, Sr.



Putman Funeral Home

Oscar Fentress Jesse Putman, Sr. Wright Coffield Joe Stroup



Jesse Putman, Sr.

Henry Birnie

JUDGE JOHN HENRY ROGERS

by Carolyn Pollan



JOHN HENRY ROGERS

John Henry Rogers succeeded I.C. Parker as United States District Judge for the Western District of Arkansas. He was appointed by President Cleveland, November, 1896 upon Parker's death. Rogers had previously served in Congress from this district, having been elected to the forty-eighth, forty-ninth, fiftieth, and fifty-first Congresses, beginning in November 1882 and ending his term in March, 1891. Previous to this, he was the Judge of the Twelveth Judicial Circuit, immediately after it was created in 1877 and served until May, 1882.

Mr Rogers was an erect, 6 foot, one-inch tall man with a light complexion and gray eyes. It was said of him that he was ready in speech, direct in methods, frank, true to his friends, and conspicuous for his adherence to what he thought was right.

John Henry Rogers the son of a planter, was born on the family homestead, near Roxobel, Bertie County, North Carolina, October 9, 1845. When he was five years old, he began school in a nearby country school and continued until 1852. In that year, his father removed his family to a cotton plantation near Madison Station, in Madison County, Mississippi. He continued his studies in the neighborhood schools until 1861. The schools were suspended at this time due to the Civil War. In the early part of that year, in the school he attended, the boys over 15 years of age drilled in military tactics, and he was their drillmaster. Later, in the fall and winter of 1861 and 1862, he was a member of a company of home guards. The home guards were composed mostly of men between 45 and 60 years of age. He served as the company drill master of this group

also. On the 10th of March, 1862, at the age of 16 years, five months, he was mustered into the Confederate service at Canton, Mississippi, in Company H of the 9th Regiment, Mississippi Volunteers, as a private soldier and was with that regiment until the War closed and the regiment surrendered at Greensboro, North Carolina, May 1, 1865.

On the 10th of April, 1865 at the reorganization of Gen. James K. Johnson's army, at Smithfield, North Carolina, following Hood's disastrous campaign in Tennessee, he was, at the age of 19 years, by special order of Gen. Jos. E. Johnson, promoted from the ranks to 1st Lieut. Co. F, 9th Miss. Regt., Sharp's Brigade, Hill's Division, Lee's Corps, for gallant conduct on the battlefield of Franklin, Tennessee. At this battle, there had been a terrible loss to the Confederates in both men and general officers. He commanded that company until the capitulation of Johnson's army, May 1st. He participated in the following battles: the Battle of Munfordville (Green River) Kentucky, September 17, 1862 and was wounded in the charge on the Union's breastworks; in the Battle of Murfreesboro (Store River) Tennessee, December 31, 1862; in the Battle of Chickamauga, Georgia, September 20, 1863; Mission Ridge (Chattanooga) November 24, 1863; in the Battle of Resacca, Georgia, 1864; New Hope Church, Georgia, 1864; Peach Tree Creek, Georgia, July 1, 1864; the battles of July 26th and July 28th, 1864, in front of Atlanta; was in all the siege of Atlanta; and in the Battle of Jonesboro, Georgia, September 1864, where he was wounded; the Battle of Franklin, Tennessee, November 30, 1864 and Nashville, December 15, 1864.

After the war ended, he walked through the country to his father's home in Mississippi from Greensboro, North Carolina, about 1100 miles distance. John Henry Rogers immediately began reviewing his studies so that he could re-enter school in the fall. Because southern colleges closed during the Civil War, he entered the Sophomore Class at Center College, Danville, Kentucky, in the fall of 1866. In February, 1867, he withdrew and entered the Junior Class at the University of Mississippi at Oxford and graduated in the class of 1868. He had begun, in the summer months following his junior year, to study law. He continued this through his senior year, and in the summer of 1868 was admitted to the bar at Canton, Mississippi. He then taught school, but continued his law studies, until the latter part of January, 1869 when he moved to Fort Smith and began the practice of law. Shortly after his arrival, he accepted the invitation of Judge William Walker, one of the oldest and most eminent lawyers in the state, for desk room in the Judge's law office. The two formed a partnership in 1871 which lasted until 1874 when it was dissolved by mutual consent. He continued to practice alone until 1877 when he was elected the first Judge of the Twelfth Judicial Circuit. After resigning from this position in May 1882, he was elected Congressman from this district in November of that year.

In his last three terms of Congress, he served as a member of the Judiciary Committee and devoted his time largely to judiciary work, especially to securing legisla-

tion amending the criminal laws of the United States, and to a reorganization of the Federal judiciary system. He also was a part of the creation of the United States Circuit Court of Appeals. It was largely due to his persistent efforts that these courts were created as a remedy for the congested condition of the business of the Supreme Court. He was not satisfied with that legislation, however, and hoped that a more simple system would some day come about that could naturally adapt to the constant and rapid growth of the country which made it necessary to alter the territorial area of the circuits, and the creation of new circuits. In the interest of his constituents, he secured, while in Congress, the passage of a bill donating the abandoned United States military reservation adjoining the city of Fort Smith to that city in trust for the public schools. He also secured the construction of a Federal Building at Fort Smith for use as a post office and by the United States Court and a prison.

After John Henry Rogers left Congress, he returned to a private law practice in Fort Smith in partnership with his long time friend, James F. Read. He continued to serve Fort Smith: was elected to the school board October 15, 1891 to complete the term of Dr. J.H.T. Main, and on October 31, 1891 he was elected school board president, remaining in that capacity as long as he served, which was until July 17, 1906.

On November 17, 1896, Isaac Parker, Judge of the U.S. District Court in Fort Smith, died. President Cleveland, whom John Henry Rogers had worked to elect, appointed Rogers to follow Parker as Federal Judge. He continued in this capacity until his death at 66 years of age, on April 17, 1911. He died in Little Rock while holding court for Judge

Trieber of the Eastern District. He was due to be in court that morning and not having appeared at the usual hour, an inquiry was made at the New Capitol Hotel where he was staying and he was found to have died in his sleep. The April 18, 1911 issue of the *Southwest American* had headlines on the front page which read, "Judge John H. Rogers joins the Silent Majority; all Arkansas mourns."

Judge Rogers lay in state at his home at 1002 North 12th. The funeral was April 21, 1911 at St. John's Episcopal Church by the Rev. E.T. Wilcox, assisted by the Rev. Malcolmb McNair McKay, pastor of the First Presbyterian Church. The funeral cortege was a mile long and many Civil War Confederate veterans from all over this area attended. School was turned out for the day in respect to a man who had done so much for the Fort Smith schools.

Judge Rogers was survived by his wife Mary Gray Dunlap, only daughter of Dr. and Mrs. Theodora Dunlap of Danville, Kentucky. They evidently met there while Judge Rogers was attending school, and later married on October 9, 1873, after the time he had come to Fort Smith. They had two daughters and four sons born to them. Their daughter, Theodora, died in childhood, and at the time of Judge Rogers' death, the other five survived him. They were Albert D. Rogers, John H. Rogers, Jr., Douglas G. Rogers, Mrs. Bessie (Rogers) Johnson, and Randolph P. Rogers.

References:

The South Vindicated, a pamphlet of a speech by John Henry Rogers, 1903

History of Arkansas, Fay Hempstead, Vol. 1

Southwest American, April 18, 19, 20, 21 of 1911

The Fort Smith School System, Dr. C.B. Garrison

ORAL HISTORY

Missy Cole Carroll

This story is taken from excerpts of an interview with Mrs. Douglas Gray Rogers, Sr. Mrs. Rogers is the former Eleanor Boone, a lifelong resident of Fort Smith. Her father, Thomas Wm. Miles Boone was a lawyer in Fort Smith. The interview was taped March 25, 1978 at Sparks Manor, where Mrs. Rogers now resides. The complete tape is available in the Arkansas Room at the Fort Smith Library, 61 S. 8th, in typescript form.

Eleanor Boone was born May 5, 1886 at Fort Smith. She was delivered by Dr. Dunlap. Her father, Thomas Wm. Miles Boone, was born March 17, 1860 at College Hill, Mississippi on his grandfathers plantation. Thomas Wm. Miles Boone's father, who also was named Thomas William, was killed in the Battle of Murfreesboro during the Civil War. T.W.M. Boone's grandfather was another Thomas William Boone and his father was Squire Thomas William Boone, the brother of Daniel Boone. Squire Thomas William took care of the families while Daniel went on his excursions. Eleanor Boone Rogers' great-grandmother, Mary Bradford, who married Thomas William Boone, was a descendant of Gov. Bradford, one of the first governors of the Commonwealth of Mass.



Eleanor Boone Rogers

Mrs. Rogers' mother was Ella McBride and she was born at Paris, Missouri, June 29. The family does not know what year because she would never tell her age. Mary Margaret McBride was her first cousin.



Douglas Gray Rogers, Sr.

T.W.M. Boone graduated from the Webb Law School in Tennessee and came to Fort Smith when he was 19 years old. He lived on 7th Street at Mrs. A.M. Dickens', and then built a home on 15th Street (200 N. 15th) where the Roebuck Chapel now stands. T.W.M. Boone and Ella McBride married in 1884. They then built a home on Little Rock Road (Rogers Avenue) and that home is now the parish house of the Central Presbyterian Church.

Eleanor Boone married Douglas Gray Rogers November 10, 1909, at her home on Rogers Avenue. Douglas Gray Rogers was the son of John Henry Rogers (see John Henry Rogers article elsewhere in this issue of The Journal). There are four children from this union: Margaret, Mary Gray, Douglas Gray, Jr., and Eleanor McBride Roberts. Mrs. Rogers, speaking of early days in Fort Smith, says, "Judge Parker and my father were close friends. I remember going to Parker's house with my mother many times and they would come for dinner. We kids would have our supper early and be put to bed and then they would have their evening just visiting. It was wild and wooly here. If Judge Parker hadn't of had the courage of his convictions we never would have had the State of Arkansas as it is right now. People would speak of him so ugly, but he had to be tough. It was the law, that's all."



Thomas William Miles Boone



Ella McBride Boone

FORT SMITH 1879

Prepared for printing by Carolyn Pollan

Articles Taken From The
Fort Smith Weekly New Era
January through June, 1879

In the year 1879 in Fort Smith's history, the population stood at near 5000. This was the first year the trains came directly into the town instead of going into Indian Territory. The streets were in deplorable condition, which didn't help the passengers in buggys that frequently were hurled pell mell down streets by runaway horses. The election of the city officials didn't suit the editor of the Fort Smith Weekly New Era, Valentine Dell, at all and to say he made catty remarks about them in each week's issue is putting it mildly.

Jan. 8, 1879

We had the pleasure of a call on Monday from our portly friend, Hon. F. M. Neal, Mayor of Van Buren. He walked over all the way, crossing on the ice, a feat not often possible.

The firing of guns, pistols, fire-crackers etc., etc., on Christmas and New Year's was very conspicuous by its absense, (sic) to the intense relief of the community. Some other obnoxious customs might also be improved upon or dropped. The police with the Mayor and Marshal had their hands full.

THE MASQUERADE

The grand masquerade ball of the Fort Smith Schuetzen Verein, on New Year's eve, which was looked forward to with so much interest by the gay and the gallant, was as everyone supposed it would be, a success in every way, and nothing occurred during the entire evening to mar the pleasure and enjoyment of the numerous participants. The following is a list of the names of those in mask and their costumes as near as we could come to them:

Gentlemen's list

Anton Schuster, school boy; Wm. Vogel, Prince South Sea Isles; Albert Neis, King Reginold; Cas. Munder, Aragon; Edward Woolum, Marquis; Henry Euper, Spanish Prince; M. Hallie, Fancy Darkey; George Heckler, Turk; Dr. H. Nathan, D.O.F.; Dwight Wheeler, Commanche Chief; John Landerback, Spanish Brigand; Niel Pryor, Mexican Don; Chas. Fleming, Clown; Judge Clayton, English Swell; Horace Douglas, Lord Raven; Martin Theurer, Mexican Ranger; George Schmidt, Daniel Boone; John Slosson, Pirate; Ed. Devany, Black Prince; Charley McManus, Confederate Officer; Frank Freer, D.F.; T.F. Linde, Henry Ward Beecher; Dick Bourland, plain mask; H. Appel, Spanish Peasant; Ed. Bollman, Pommeranean Farmer; Jas. M. Sparks, Great Unknown; Sim Thurston, Spanish Cavalier; C.M. Barnes, Domino; G.W. Schulte, German Peasant; Tom Hurley, Mother Hubbard; George Tilles, Louis XIV; Ben Bloch, Memphistocies; Gen. D.P. Upham, fancy.

Ladies List

Miss Lena Refeld, Huntress; Miss Kate Neis, Pink Domino; Mrs. M.C. Wallace, Mary Queen of Scots;

Miss Bettie Fitchner, Pocahontas at wedding dance; Lelia Ruddy, fancy dress; Miss Thompson, folly; Miss Nellie Collins, Flower Girl; Miss Ludie Haag, Spanish Danseuse; Miss Annie Steiner, Bohemian Peasant girl; Miss Jonnie Chollar, Kittie Puss; Miss Katie Emrich, Queen of France; Miss Lizzie Euper, Fashionable Old Lady; Mrs. Minnie Hook, Old Lady; Mrs. Baer, Poor Old Lady; Mrs. Clayton, Jockey; Miss Ida Fannin, Polly Put the Kettle On; Miss Irine Dibrell, fancy dress.

A great many ladies and gentlemen appeared in the usual ball dress, and seemed to enjoy the fun as well as those in costume.

The de-masking of the ladies took place under the supevision of Mrs. R.M. Johnson, wife of the ex-mayor.

January 15, 1879

Pork is now selling at from 2 1/2 to 3 cents on our streets. This is a good time to save your bacon.

The Weather

We have seen severer weather here, notably in the first days of January, 1864, when the Arkansas River was frozen over, so that the heaviest army teams could cross with safety. But never have we experienced so protracted a cold spell.....The stock, much of which is left to shift for itself in woods and prairie is suffering severely.

Deputy U. S. Marshal J. H. Mershon arrived on Wednesday last from the far famed Oklahoma, bringing with him three prisoners. One of these is a Cheyenne Indian of the band that made the murderous raid into Kansas last Fall. He was arrested at Fort Reno, and is charged with stealing. The other two prisoners are white men, one charged with horse stealing, and the other with contempt of court. They are all boarding with Jailor Burus. The marshal was out 80 days and had some rough experiences.

January 22, 1879

Legislative Scraps

Pretty Near the Truth. -- During the discussion on employing a clerk for the Senate Judiciary committee, Senator Ferguson said; "We are paid six dollars a day, and we are not worth six dollars." With few exceptions, the Senator put the correct valuation on his colleague.

On the motion of Representative Lee, of Newton County, the House adopted a resolution to hoist the stars and stripes over the capitol during the session of the legislature.

An investigation into the alleged cruel treatment of penitentiary convicts is ordered. It will not amount to anything. There is too much money on the other side.

So far, the Solons at our state capital have employed their time chiefly in wrangling over the appointments of clerks, doorkeepers, janitors, allowance of postage stamps, newspapers, giving audience to ticket peddlers etc., etc., etc., at the rate of one thousand dollars a day.

Senator Armistead of Franklin County, has introduced a bill to have the State elections, now held in September, take place on the same day with the elections for Members of Congress, etc. This is a very sensible thing saving the people much expense, time and trouble. Let the bill become a law by all means.

Mr. H. Hoffman, has opened a neat little saddlery and harness shop in the Picchi building, between the shops of Limberg Bros. and Joe Sherman, on Garrison Avenue.

The railway transfer boat is below Van Buren and has to wait probably for another rise to get over the bar below town. For the present trains only run to Van Buren and passengers for the East from this city have to be on hand at 6:40 a.m. The mail is brought over in a hack and will be opened about the usual time. It closes here at 5 p.m. A few days more and this inconvenience will cease and the cars run into town.

January 29, 1879

What It Means -- The election of James D. Walker, of Fayetteville, to the Senate of the United States means simply, that Arkansas has broken away from the bull-dozers and declared in favor of young, progressive men, whose hands are not stained with the blood of the victims of the rebellion, dragged into it against their will by the treacherous and specious arguments of a corrupt Democracy.

The Bloody Shirty Squelched. -- Last Wednesday one Thornton, a member of the State Senate, "moved that the sergeant-at-arms remove the portraits of Grant and Lincoln and place instead the portraits of General Robt. E. Lee and Stonewall Jackson."

Upon motion of Senator Kerr from this county, the offensive resolution was laid on the table by a vote of 18-9. This was honorable both to Mr. Kerr and the Senate. It is too late in the day to gratify stupid malignity and heap gratuitous insults on the great men of the nation.

DIED

SPARKS -- in this city yesterday morning at ten minutes past midnight, of consumption, in his 49th year, Maj. James H. Sparks, proprietor, and for many years editor, of the Fort Smith Herald, of this city. Major Sparks was a native of Streamstown, Roscommon County, Ireland, and came to Fort Smith in 1850. He was a brother of the late Mitchell and Thomas Sparks.

Buckner postoffice opposite this city has very properly been discontinued after the removal of the terminus of the L.R. & F.S. Railway from that locality.

Then and Now

We clip the following from the NEW ERA of April 11th, 1866. Within a week the cars will roll into town and a trip to St. Louis will consume just one day at an expense less than half that of old:

It will doubtless be gratifying to our merchants and the public generally to know that St. Louis can now be reached in four days from this place. The rates of fare are as follows:

From Ft. Smith to Springfield, Mo., \$20.00; to Rolla, \$33.00; St. Louis, \$38.00

By the river route the time consumed is from ten to fourteen days, at an expense of not much less than \$100.00.

In times of low water, the time and expense is considerably in excess of this estimate.

In the summer of 1864, on our return from the Baltimore convention, it took us just one month, --- from June 16th to July 16th --- to get home from St. Louis.

The Little Rock and Fort Smith Railroad

Is now about finished to this place and the cars may be in town tomorrow. The depot has been erected on the block between Walnut and Mulberry on Ozark Street, just opposite Freiseis Brewery, near the St. Charles Hotel.

February 5, 1879

W.H.H. Clayton, U.S. District Attorney for the Western District of Arkansas, has been re-appointed and confirmed.

G.D. Neville, a Choctaw, charged with the murder of L.C. West in the Choctaw Nation, was brought to this place on Thursday by Deputy U.S. Marshal Kyle, and placed in the U.S. Jail. Neville was arrested by neighbors and held till a regular U.S. warrant could be served. When his neighbors arrested him, he asked for authority. One of them, old McHicks, promptly leveled a shot gun at him and said: "Here it is". It was a conclusive argument.

River News. -- The heavy rains of the last week sent the Arkansas River up booming. It rose some twelve feet and is still about the same.

The Maumelle, Capt. Darragh, came up from Little Rock on Friday morning. She left again late in the evening with some cotton seed, hides, cotton, etc.

The John G. Fletcher, came up from Little Rock on Thursday evening with a small lot of freight and left again next morning.

The Katie P. Koontz arrived here on Sunday from New Orleans.

THE LAST SPIKE

Last Thursday at 4 p.m. was completed the laying of the last rail of the Little Rock and Fort Smith Railway, and the event was the occasion of some excitement and ceremony. To explain to our friends abroad, we will say, that the railroad was finished to a point opposite this city about three years ago, but our neighbors across the river in the Cherokee nation made a fuss about it ever since, not the people, who gladly welcomed the great improvement, but a few officials who took umbrage at the violation

of the sacred soil, Oklahoma, which was invaded for the space of about a mile.

Well, the railroad company a few days ago took up the rails on the north bank of the river from Van Buren to Cherokee -- nine miles -- and relaid them on the south side -- only four miles; also took down the station house and everything else at Cherokee and transferred it to this city.

On last Thursday at the hour named, the FORT SMITH, the first engine that ever blew its whistle south of the Arkansas River and west of Little Rock, announced its arrival at the city confines, some half mile from the depot. A large assemblage, in spite of the murky weather, had congregated there. All was ready except the driving home of *ONE spike*. At that moment Colonel Hartman, Superintendent of the road, Mayor Brizzolara and several members of the city council entered the dense circle and the former in a brief and pointed address announced the completion of the road, inviting the Mayor to drive the last spike. Mayor B replied eloquently and then took hold of the ponderous spike driver. He made a lick, but missed the spike, another attempt, another and another were not more successful, in spite of the cheering of the crowd. A stalwart African then took the hammer and in a blow or two sent the refractory spike half way down into the tie. Alderman Wallace, then took hold of the hammer, and with a few well directed blows finished the job, saying good humoredly, "that is my old trade."

The crowd cheered and then dispersed and the locomotive and train advanced. And thus was ushered in the first arrival of a railroad train into the city of Fort Smith.

February 12, 1879

The hillside and adjoining the old Presbyterian Church is being dug down and the ground used to fill up in the block around the railroad depot.

Those enterprising young merchants, Vogel and Wallace, have purchased for \$750 from Gorey Booth a lot fronting Garrison Avenue 23 feet and Green Street 100 feet, at which eligible corner they expect to build soon a spacious rock, fire-proof store building. That's the way to do it. Away with your wooden shanties and tinder boxes. Fort Smith can't afford it, and will pay dearly for it if not stopped.

Miss Maudie Pettit of the Christian Church was baptized last Sunday afternoon in the Arkansas River, at the foot of Garrison Avenue, by Rev. Mr. Scott of the Christian chapel, assisted by Rev. D. Stark. A large concourse witnessed the ceremony.

The Fort Smith furniture manufacturing company is beginning to make extensive shipments of furniture to points along the Little Rock and Fort Smith railroad and points on the Arkansas River. What a step in the right direction. Fort Smith is bound to be a manufacturing city and has all the material for it. Some capital and enterprise is all that's needed to develop it.

Our streets are in a horrible condition, and impress a stranger with the idea that the town is

about played out. Especially needing repairs are several near the railroad depot and steamboat landing. There is more traffic there now than in any other part of the city, and ample material from the "burned block" is very handy to do it well.

February 19, 1879

The "Punch and Judy" "Puppett," or by whatever name it may be known attracted quite a concourse of people at the Bank Corner on Friday and Saturday last, and the ventriloquist who conducted the performance raked a rich harvest of nickles from the assembled crowd. In collecting contributions he barred neither "race, color or previous condition."

February 26, 1879

Arkansas has 73 newspapers, all weeklies, but two, which issue dailies together with the weekly edition: the Little Rock Gazette and Democrat.

OKLAHOMA ODDITIES.

An Unheard of Law -- Help and Redress Needed at Once.

If the people of the United States, outside of Oklahoma, knew what transpired inside it, they soon would provide a remedy for the strange antics enacted there. But the Indian Territory is too remote from the center of power and too unknown to have much attention paid it. A law was passed by the Cherokee legislature recently, exacting a license of TWENTY FIVE DOLLARS A MONTH from any farmer, employing a farm hand not a citizen of the Cherokee nation. Words fail to express the absurd, ruinous, bigoted measure; a measure that would be supremely ridiculous were it not for the terrible injury it inflicts.....There are, too, hundreds of widows who depend upon hired white labor for the cultivation of their land. They now must starve, or with their little children take hold of the plow and hoe themselves. How much further is this folly to go?

March 5, 1879

THE FORT SMITH INDEPENDENT of this week contains an article ostensibly written by someone in Little Rock, but which in reality bears the earmarks of a man who was cashiered for being a coward and a thief, and afterwards whitewashed by President Andrew Johnson and who now holds an important federal office, which he obtained by means the most dastardly and through the influence of men known as the worst ring of thieves in Arkansas.

The article in question contains two columns of personal abuse of V. Dell. We feel proud of it. Not one scintilla of anything dishonorable in all that mass of slang, trivialities and venom against us could the pen of the writer aduce. The very article is vindication of our whole public course, for it (the article) is in its whole extent a shriek of rage and impotent fury against a paper, that can neither be bought nor intimidated.....We know we are right. Let the heathen rage. When, sixteen years ago, in the darkest hour of our country's history, we forsook an honored profession in which we were highly successful, to kindle a feeble ray of patriotism, we did it not from any mercenary purpose or personal animosity against any of our fellow citizens, God knows.

But, oh! for the INDEPENDENT, John F. and John C. Wheeler, editors and proprietors!John C.

Wheeler, one of the editors and proprietors of the INDEPENDENT, tried his best to have us hung for a Union man during the war by a publication in his paper and, when unsuccessful, made an attack upon us in our old home at Belle Grove, while holding our first born babe in our arms in presence of our wife and afterwards laid siege to the building, vi et ormis, after having us disarmed by order of the confederate authorities.

We have yet in our possession the note if the wife of Rev. W.A. Sample, the Presbyterian minister here who was boarding and rooming with us at the time, addressed to our wife, while both kept anxious watch in the beleaguered building, one above and one below, while John C. Wheeler thundered at the massive doors with revolver in hand, threatening to kill us, a disarmed and spotted Unionist.....John C. was taken off by Mrs. Perry, his sister, now living in this city where she did then, and after John was arrested -- the officer who arrested him is still here --- two of the sisters of John C. came to Belle Grove, the residence of V. Dell, to induce us to stop further prosecutions. For their sake we consented and we might state many things then said by them not very complimentary to their brother.

Why is it then, that this same John C. Wheeler, whom we often befriended afterwards and upon whose head we heaped coals of fire, and his father make themselves the tools of a lot of vile scoundrels. Let the people judge.

Let Us Investigate

For the last two terms of the United States court for the Western District of Arkansas, the Grand Jury has failed to visit the hapless prisoners confined beneath the feet of justice, that is, just under the room where justice is supposed to be dispensed.

Why is it thus? If reports are true, a close investigation of true and fearless men is needed to correct abuses there. But it must not be a jury selected by D.P. Upham, the U.S. Marshal. That gross pecuniary frauds have been practiced upon the prisoners is more than rumor, for we have a sworn affidavit to that effect, besides the statement of others, that could go before a respectable jury.

There are also more than rumors, that prisoners, for some slight infraction of prison discipline, have been CHAINED BY THE NECK in cells and loaded with irons during the terrible cold weather of last winter. It is not to be supposed that either Hon. I.C. Parker, Judge or Hon. W.H.H. Clayton, U.S. District Attorney, are aware of this. But an impartial investigation will soon reveal whether there is any truth in this matter or not.

ROLL OF HONOR

BELLE GROVE SCHOOL

High School. -- Martie Pettit, 87; Johnnie Johnson, 86; Anna Grenade, 85; Cora Mayers, 85; Alice Sample, 85.

Grammar Dept. -- Mary Vaughan, 91; Robert McClure, 89; Dora Hunt, 89; Austee Pettit, 88; Mary Johnson, 88; Gussie Eberle, 87; Blanche Hoffman, 87; Mary Clark, 85; Mamie Hamilton, 85; Ida Powell, 85; Willie Seewald, 85; Robert Mayers, 85.

Intermediate Dept. -- Hattie Dill, 95; Maud Sutton, 95; Anna Swift, 93; William Luce, 92; Bertie Roots, 92; May McClure, 92; George Horton, 90; Alice Powell, 90; Josie Eberle, 90; Eula Scott, 89; Mollie Berman, 89; Albert Schaidt, 88; Millie Wheeler, 88; Eugene Woods, 88; Frank Bulgin, 88; Gussie John-

son 88; John Latham, 88; Mabel Clendening, 87; Fannie Tucker, 87; Fannie Clark, 87; Philip Baum, 85; Dora Paden, 85; Bennie Wall, 85.

Primary Dept. -- Eddie Baum, 100; Phillip Berman, 100; Hoyt Bruce, 100; Dora Bowman, 100; Guido Hook, 100; John Fiersteine, 100; Willie Mathes, 100; Stuart Miller, 100; Annie Nedry, 100; Felix Venny, 100; Willie Ayers, 95; John Tucker, 95; Matilda Schaidt, 95; Anna Hunt, 92; James Ward, 91; Manuel Sleasinger, 91.

HOWARD SCHOOL

Emma Walker, 96; Walter Beal, 95; George Miller, 95; Willie Dean, 94; Mollie Merchand, 92; Samuel Quinley, 92; Mary Sparks, 91; Wallace Trammel, 91; Nellie Ward, 91; Lizzie Taylor, 90; Henry Watson, 90; Celia Whiting, 90; Daniel Kane, 89; Hiram Chism, 87; Anna Davis, 86.

A Scandalous Nuisance. - The vacant lot, corner of Garrison Avenue and Washington Street, derisively known as the city park and situated on one of the most frequented thorough-fares of this city, has been converted into a cess-pool, diffusing its pestilence breeding stench all over the neighborhood. One night last week the nightsoil of a neighboring outhouse was removed and most of it turned out toward Dr. Main's residence on Walnut Street, and a large part into the excavated lot spoken of so much indeed, as to form a large pond. The most sickening odors prevail to this day in the whole neighborhood.....It is astonishing that such an outrage could be permitted at all, and still more so, that after being committed, it should remain undisturbed. And this is in an incorporated town, close to the railroad depot, and too, within a few months after a terrible scourge, caused by such filthiness, desolated the Mississippi Valley. Since the above was in type some more lime has been put upon the ground.

March 12, 1879

MARRIED

Sparks-Dibrell - At the Presbyterian church on Tuesday night March 11th, 1879, by the Rev. W.A. Sample, George T. Sparks to Annie E. Dibrell of Van Buren. No cards.

The interesting ceremony was performed in the presence of the elite of this city and Van Buren, there being barely standing room in the spacious church.

After the ceremony the newly married couple held a reception at the residence of Dr. E.R. DuVal, brother-in-law of the bride. The parlors of the old mansion were thronged with the friends of both families and an elegant, sumptuous collation was served to the guests. Mr. Sparks and bride left on the early train for the east on a bridal tour. Our best wishes to them on this and their life journey.

Vogel and Wallace, the enterprising grocers, are about to commence to tear down the old shanties, corner Green Street and Garrison Avenue and put up a fine stone, fireproof building.

During the last month (February) 296 car loads of merchandise entered and left this place. Then there were numerous arrivals of boats that brought goods and left with cotton, hides etc., etc.

Wednesday, March 19, 1879

The upper end of the wharf needs rip-raping very badly before the spring rise comes. If not attended to now, the damage will ultimately cost much more to repair.

Messrs Buckley & Welch have purchased a lot 50 feet front on Ozark Street, where the old theater used to stand and are erecting thereon a substantial store house. The locality is close to the railroad depot.

A railroad excursion from this city to Coal Hill, a thriving new town in the eastern part of Johnson County near the Pope County Line is in contemplation. Coal Hill is the center of a rich coal region, worked by Pennsylvania miners.

U.S. Deputy Marshal, J.H. Smith arrived from B.I.T. (Beautiful Indian Territory) on Sunday last with one murderer and six thieves. If what Smith says is true, there will be a demand for rope for the first mentioned individual.

Is the city of Fort Smith so demoralized and sunk so low that it can not put a decent municipal ticket in the field? If the men have sunk so low, will not the wives, mothers, daughters, sisters, in fact every decent woman in town, compel their male relatives to vote for a decent ticket in spite of all the *outside* influence?

March 26, 1879

Returned from the New Eldorado. -- Mr. Zach Moody of the City Hotel of this place, returned last Thursday from Leadville, Colorado, where he had been on a brief prospecting tour. Zach gives a glowing account of the prospects of the place and says, he is going back there in a short time. From what we can learn the scenes there are something like those of the early days of California.

April 2, 1879

We had the pleasure of a visit today from Dr. Tom H. Bailey, a brother of our esteemed townsman Dr. W. W. Bailey. Dr. Tom is a native of Fort Smith having been born in the old garrison in one of those fine blocks since burned down used as officers quarters in the old fort in 1849. His father was Post surgeon at the time. Dr. Bailey is much pleased to revisit the scenes of his early childhood, when "Fort Smith" was almost in the woods. The doctor is a practicing physician in New York City.

Election Returns.

The following is the vote polled at the election yesterday. It will be seen that it is the largest vote ever polled in this city. The contest was a lively one.

FOR MAYOR

John H. McClure	185
Jas. Brizzolara	426

FOR RECORDER

G.W. Schneider	297
S. Edmondson	255
J. Frank Eberle	40
John T. High	13

FOR CHIEF OF POLICE

John Kemp	487
J.H. Reed	110
Hays	11

ALDERMAN

S.A. Williams	398
S.A. Wallace	345
D.B. Sparks	245
W.H. Rogers	370
Louis Bowlin	298
Jesse Harlan	246

Dr. J.H.T. Main	158
Henry Hinch	229
Henry Reutzel	205
H.L. Rogers	138
Alex Hoffman	20
Scatterling	5

April 9, 1879

The result of the municipal election in this town, last week is regarded as a stinging disgrace by the people in the country and neighboring towns. It will lose Fort Smith some trade, too.

Is it worth while to go to the expense of taking the census of Fort Smith to ascertain whether it is a city of the second class, i.e., having over 5,000 inhabitants, or wait till the United States census is taken next year?

Ho! For Colorado

Day before yesterday a party consisting of thirteen young men left this town for Leadville, Colorado, the New Eldorado. Their names are as follows:

T.J. Moore in charge of the outfit; J.C. Pitchard, clerk; Simon Veasey, Jake Michols, John Baker, John Eskin, Harrington Howe, Ed. Croke, Sam Adams, Doc. Perry, John Keely, Arch Fane and Crawford Morris, the latter two colored.

They had three 4 mule teams, three 2 mule teams, one 2 horse stage, and some extra stock; the whole belonging to Mr. Sam McCloud of this city, the transfer man, who had this stock surplus since the change of the R.R. Depot to the south bank of the river. The outfit is valued at four thousand dollars. Mr. McCloud is sending the teams out on speculation, the men accompanying them being charged nothing for the transportation and are at liberty to seek their own fortunes, if they cannot find employment with the teams. The property is in charge of Mr. Moore. We wish the party a pleasant trip and success in the land of silver and lead.

April 16, 1879

Mr. M.H. Sandels, our popular ex-Mayor, is to be married next Thursday, April 17, to Miss Bettie Johnson, daughter of the late Chas B. Johnson of this city.

April 23, 1879

There will be a convention of all the Sunday schools in the Indian Territory on Thursday, May 8th. We wish the undertakings a hearty success.

A picnic of the colored Sabbath schools of this city will take place to Mulberry on the Little Rock and Fort Smith Railway, on May 16th next. It will doubtless be a success.

A street sprinkler has appeared on Garrison Avenue. But with 6 inches of dust to overcome in a street 120 feet wide, its success has been very limited.

April 30, 1879

Three rafts, containing 100,000 feet of lumber, came down the Poteau on last Saturday from the southern part of this county. The lumber belonged to that sturdy, old mountaineer, Col. McHicks and was sold to M.A. Cohn --- except a small portion.

A fishing party consisting of Judge Clayton, Messrs, R.M. Johnson, Charles Weaver, Ed McKin-

ney, Jno. Guler and W.H. Sewald returned Thursday from the Cavanaw mountains, after five days fine sport. They caught immense numbers of black bass, some of them eighteen inches.

The Atkins News is opposed to State Fairs. We met a man once intensely opposed to railroads and steamboats, because they would blow up sometimes, and as for the telegraph, it told lies.

May 14, 1879

General W.L. Cabell, for several terms Mayor of Dallas, Texas, arrived at his old home on Saturday with his family. He stays with his mother-in-law, Mrs. Major Rector, near this city.

The exodus of the colored people from the South has already had the effect of raising the price of cotton in anticipation of a short crop this year. So hold on to your cotton, all that have any left.

Circuit Court

This is the second week of the Circuit Court for this county and district. There have been three criminal convictions the convicted being all negroes, viz: Charles Oliver, a hard case, got five years in the penitentiary for stealing several skunk skins from poor, old B. Baer. Served him right. Elsey Hudson made away with some of Sam. Bollinger's flour and justly got four years. But the poorest rascal of all was a stupid looking cuss, Perry Wilkinson, who raised a quart of poor whiskey on a forged order. Two years with Zeb. Verily, this is getting to be a righteous community, ain't it. D.P. Upham, Gen. J.H. Clendening, Postmaster, et al? Why it is enough to make that mule laugh for joy. Don't it?

June 21, 1879

J.A. Yantis, Esq. was elected yesterday special Judge in cases where Judge Rogers can not sit. This is a great improvement on some of the former selections.

On Friday we made a flying trip to Van Buren going over on the 3:30 p.m. freight train and returning on the 6:30 passenger train. We had an hour and a half to spare for business, shake hands with a number of friends and pick up a few more subscribers. Our neighbors look upon our city politics with supreme disgust and wonder, how a decent community can so degrade itself.

June 4, 1879

Indian Council

The five leading tribes of Oklahoma or Indian Territory, held a council last week --- on the 26, 27, and 28th of May -- at Eufaula, to consider the movement now in progress of settling the ceded part of the territory by whites. There were present delegates from the Choctaws, Chickasaws, Cherokees, Creeks and Seminoles. The Fox tribe, lately settled on part of the "ceded" lands, was also represented. An address was adopted, protesting against the "invasion" of the ceded lands, and thanking the President and Secretary Schurz for their order, repressing the invasion. The council or convention adjourned to meet again July 1st next, with representatives from every tribe in the Territory.

June 4, 1879

The open air concerts by the Wizard Oil combination, under the director of Dr. McConkey, are with us and on Monday evening gave us one of their imita-

ble open air entertainments. No one should fail to hear them. They have a worldwide reputation, as has the article the doctor is advertising viz WIZARD OIL.

June 18, 1879

A number of boys and girls -- perhaps we had better say young ladies and young gentlemen -- returned to their homes last week from Fayetteville, where they had been attending the State Industrial University. Oh, for the short-sightedness, the folly, stupidity, and hatred to education and all institutions that caused the failure to obtain for Fort Smith the rich boon of the State University! Instead of that our citizens have to entrust their children to strangers, away from home, and spend thousands besides.

June 25, 1879

We are not in favor of women suffrage. But we know one thing, if the women of Fort Smith had had a voice in the last city election, Fort Smith would not be disgraced as she is today. During the late editorial convention, we were often humiliated to hear Fort Smith talked of as little short in wickedness of Sodom and Gomorrah.

If any of the readers of this paper are growing deaf, let them get at once a bottle of Johnson's Anodyne Liniment. Rub well behind the ears and put a little into the ear with a feather.

INCEST OR BIGAMY!

Remarkable Change of Tactics

In the Mrs. Brizzolara - Marre Matter.

The defendant admits herself
Guilty of one of Two Crimes.

The divorce suit which has been pending for some time in the Circuit Court here took a curious turn last week. Mrs. Marre, who is better known here as Mrs. Brizzolara, filed an amendment to her complaint relating that she was lawfully married several years ago to James Brizzolara (present Mayor of Fort Smith) at Little Rock, Ark., with whom she lived until she contracted the second marriage with Angelo Marre; that the marriage with Brizzolara had never been dissolved or annulled by the decree of any court, and that she is still the lawful wife of Brizzolara. To this amendment Marre answers that the alleged marriage with Brizzolara was void on account of the relationship existing between them -- that Brizzolara is the brother of the mother of Mrs. Marre; that, she being his niece, the marriage between them was incestuous and void under the laws of Arkansas. Marre also demurred to the amended complaint. Judge Rogers last Monday morning sustained the demurrer on the ground that Mrs. Marre, by her own showing, had been guilty of the crime of bigamy in marrying Marre; that she had no standing in a court of equity for relief from a marriage which she confessed to be criminal and entered into by her knowingly; that if her marriage with Brizzolara was lawful, as she asserted it to be, her marriage with Marre was a crime and absolutely void, and if the marriage with Marre was valid, then the marriage with Brizzolara was void and incestuous. On either side the woman is confronted with a crime in respect to her marriages.

FORT SMITH LAND RECORDS

1828 - 1880

GIFT FROM LEIGH KELLEY FAMILY

By: Amelia Martin

When Miss Gordon Kelley, Mrs. Betty Kelley Weeks, and Mrs. Pat Kelley offered the Fort Smith Historical Society a copy of some old land records for research and preservation, no one realized the significance of those records.

The Kelley family knew the book to be just a copy of original records -- what they did not know is that the original records from which the copy was made have been lost for many years, probably in the burning of the court house at Fort Smith in 1872 and in a fire in Greenwood in 1882 which destroyed many county records.

The Fort Smith Historical Society had been futilely searching for the lost records, with no idea a copy had ever been made.

The presentation of the copy by the Kelley family, and its identification, is the most historically significant event of 1978 in so far as Sebastian County records are concerned.

This handwritten copy of the original plat book and land records for Sebastian County, 1828 to 1855, was made in October 1855 by J.W. Woodward for Clark & Spring and John Carnall for the price of \$240.00. This is the only copy of these records known to exist today.

Additional entries have been made in the book, the last made on December 19, 1880. Notes have also been written into the margins.

Through the cooperation and assistance of Mr. Samuel Sizer, Curator of the University of Arkansas Special Collections Library, the original copy, too fragile for research, has been photographed, treated for preservation, and archived in a temperature and moisture controlled vault at the University.

Both a photographic copy and microfilmed copy of the records have been placed in the Arkansas Room of the Fort Smith Public Library, dedicated by the Kelley family to the memory of Mr. Wharton Carnall who gave the book of records to Mr. Harry E. Kelley and his son, Mr. Leigh Kelley, father of Gordon, Betty and Pat Kelley.

These records are being indexed by members of the Fort Smith Historical Society.



Photograph by Ramey Elliot

Presentation of Fort Smith Land Record Book to the Fort Smith Public Library by the Leigh Kelley family and the board of the Fort Smith Historical Society. Pictured, left to right: Missy Cole Carroll, Fado Cravens, Jr., Mrs. Pat Kelley, Joe Barron, Phil Miller, Thelma Wray, Gordon Kelley, Amelia Martin and Violet Burton. Unable to attend the ceremony were Betty Kelley Weeks and board members Christine Allen and Bernice Cole.

Records in Township S. 7. of Range 24. W.

Tract	Sec.	Sub.	Acres	Owner	Settlement	Tract	Sec.	Sub.	Acres	Owner	Date of entry	Notes		
N. 10.	S. 10.	1	40	55	William S. Witcher	June 14, '51	S. 10.	S. 1	25	110	William H. McFarland	March 13, '51		
S. 6.	S. 10.	1	40	62	"	"	"	"	"	"	"	"		
N. 10.	N. 6.	2	46	95	John Martinale	March 2, '51	N. 6.	24	66	101	State Land	"		
S. 6.	N. 6.	2	62	26	William J. Fugart	March 20, '51	N. 10.	24	165	11	Robert C. Miller	March 11, '51		
N. 6.	N. 10.	2	46	30	George Mainard	July 8, '51	W.	S. 6.	24	81	55	State Land	"	
N. 6.	S. 6.	12	41	14	Thomas J. Sower	Feb. 6, '52	S. 10.	24	165	106	"	"	"	
N. 10.	S. 6.	2	41	12	Elijah L. Worlage	Aug. 8, '50	"	26	325	34	"	"	"	1
S. 6.	S. 6.	2	41	14	"	"	S. 10.	N. 10.	27	41	57	Elijah L. Worlage	Aug. 27, '50	Notes
S. 10.	S. 6.	2	41	12	State Land	"	S. 10.	27	166	60	State Land	"	"	
N. 6.	N. 6.	2	41	12	George Mainard	July 12, '51	S. 6.	N. 10.	28	41	22	Elijah L. Worlage	Aug. 8, '50	Notes
N. 10.	N. 6.	2	46	42	"	Aug. 2, '50	S. 6.	S. 6.	28	92	41	State Land	"	
N. 6.	S. 6.	2	41	32	John Martinale	March 2, '51	W.	S. 10.	28	92	41	"	"	
S. 6.	S. 6.	2	41	32	State Land	"	N. 6.	28	165	21	John Rogers	Aug. 27, '50		
N. 10.	N. 6.	2	46	86	Samuel J. Evans	March 2, '51	N.	S. 6.	28	165	44	"	"	
N. 6.	N. 10.	2	41	70	"	Feb. 26, '52	S.	N. 10.	28	165	53	"	"	
S. 6.	S. 6.	10	62	81	State Land	"	N.	S. 10.	28	165	44	"	"	

Table

Showing when the different townships in Pelasgian County, Arkansas, were first offered for sale, and the date when they respectively will be sold at \$1, 75c, 50c, 25c and 12 1/2c per acre.

township	Range	When offered.	\$1. per acre.	75c. per acre.	50c. per acre.	25c. per acre.	12 1/2c. per acre.	Remarks.
1.	31.	December 28, 1846.	July 1, 1856.	July 1, 1861.	July 1, 1866.	July 1, 1871.	July 1, 1876.	✓
1.	32.	"	"	"	"	"	"	✓
1.	33.	"	"	"	"	"	"	✓
2.	31.	Not yet offered.	July 1, 1856.	"	"	"	"	✓
2.	32.	December 28, 1846.	"	"	"	"	"	✓
2.	33.	"	"	"	"	"	"	✓
3.	31.	Not yet offered.	July 1, 1855.	"	"	"	"	✓
3.	32.	September 8, 1845.	"	"	"	"	"	✓
4.	33.	"	"	"	"	"	"	✓
4.	30.	"	"	"	"	"	"	✓
4.	31.	"	"	"	"	"	"	✓
4.	32.	"	"	"	"	"	"	✓
4.	33.	"	"	"	"	"	"	✓
5.	29.	December 2, 1844.	July 1, 1854.	"	"	"	"	✓
5.	30.	February 13, 1843.	July 1, 1842.	"	"	"	"	✓
5.	31.	"	"	"	"	"	"	✓
5.	32.	"	"	"	"	"	"	✓
5.	33.	"	"	"	"	"	"	✓
6.	29.	December 30, 1847.	July 1, 1856.	"	"	"	"	✓
6.	30.	February 13, 1843.	July 1, 1852.	"	"	"	"	✓
6.	31.	"	"	"	"	"	"	✓
6.	32.	"	"	"	"	"	"	✓
6.	29.	"	"	"	"	"	"	✓
7.	29.	December 22, 1828.	"	"	"	"	"	✓
7.	30.	"	"	"	"	"	"	✓
7.	31.	"	"	"	"	"	"	✓
7.	32.	"	"	"	"	"	"	✓
7.	33.	"	"	"	"	"	"	✓
8.	29.	July 18, 1831.	"	"	"	"	"	✓
8.	30.	December 22, 1828.	"	"	"	"	"	✓
8.	31.	"	"	"	"	"	"	✓
8.	32.	"	"	"	"	"	"	✓
8.	33.	"	"	"	"	"	"	✓
9.	29.	July 18, 1831.	"	"	"	"	"	✓
9.	30.	December 22, 1828.	"	"	"	"	"	✓
9.	31.	"	"	"	"	"	"	✓
9.	32.	"	"	"	"	"	"	✓
9.	33.	"	"	"	"	"	"	✓

BOOK NOTES

By: Amelia Martin

THE BOURLANDS IN AMERICA, by Carl and May Read. 449 pages printed text, plus 9 blank pages for notes. All copies hardbound and indexed. Price \$20.00 postpaid. Available from James C. Read, P.O. Box 2072, Warner Robins, GA 31093.

This book is a must for Bourland family researchers. It is the culmination of work begun in 1920 by Judge William Stowt Bates of Houston, Mississippi. Drawing upon memory, conversations with other family elders, and letters from a Van Buren, Arkansas, cousin, Dr. Addison McArthur Bourland, the Judge composed a brief history of the Bourlands as a tribute to his beloved mother, Eliza Elvira Bourland Bates. Since 1921, a dedicated band of family historians have collected an impressive mass of family statistics and legends.

The authors, Carl and May Read, serve the Bourland Society of America as president and treasurer.

The Bourland Society also publishes *The Bourland Bulletin*. SPECIAL NOTE: The first national Bourland Family Reunion will be held on the weekend of 11, 12 13 May, 1979, in Dallas, Texas. For information, contact Mrs. Bobbie F. Thornton, 3724 Yosemite, Plano, Texas 75023.

THE VOICES OF MOCCASIN CREEK, by Tate C. "Piney" Page. Illustrated by Chuck Crume. 477 pages. Paper back. Price \$5.95. Available at Madcat Book Store, Central Mall and Little Professor Book Shop, Phoenix Mall, Fort Smith, Arkansas 72901, or from the author, Rt. 5, Lakeview Drive, Russellville, Arkansas, 72801

This book contains the most complete description of frontier life and times that I have been privileged to read. This is the type material which provides grist for folklore and folklife scholars and for local and regional historians. It is this type of writing that will form the basis for a real understanding of the nature of the American grassroots existence.

The author, "Piney" Page, has lived what he writes about. As a child he lived in a log house on Moccasin Creek, an isolated wilderness section of the Ozark Mountains thirty-five miles north of Russellville, Arkansas. At the age of 14, with no money, but with a driving desire for an education, he walked from Moccasin Creek to Russellville to attend the Second District Agricultural High School near Russellville. This school is now known as Arkansas Tech.

Paying his own way, Tate Page finished Arkansas Tech, earned a B.A. Degree from Tulane University, did graduate work at the University of Texas, received a Masters Degree from the University of Kentucky and a doctorate in education at University of Kansas. His 34 years as an educator include teaching, coaching, and administration in high schools and colleges. Mr. Page says that through his years of schooling, his appreciation for mountain people and the mountains deepened, and *The Voices of Moccasin Creek* was written that the heritage of the Ozark Mountain Country not be lost.

THE WAY WE WERE -- EARLY ARKANSAS UNDERTAKERS, by Jim Moshinskie. 86 pages. Paperback, Price \$5.50. Available from Jim Moshinskie, P.O. Box 4495, Dalas, TX 75208.

Lavishly illustrated with pictures, reproductions of state directories, letter-heads, newspaper advertisements and floor plans for early funeral homes, *The Way We Were* is a unique collection of news items, historical notes and family backgrounds pertaining to the early undertaking trade in Arkansas. The book is not indexed.

The author, Jim Moshinskie has recently moved from Little Rock, Ark. to Dallas, Texas, is currently editor of *The Professional Mortician* magazine and teaches Funeral Service History at the embalming college in Dallas. A native of Hot Springs, Arkansas, Mr. Moshinskie is a journalism, graduate of the Arkansas State University. He has been associated with both the Emerson and Son funeral directors in Jonesboro, and Griffin-Leggett in Little Rock. His parents are Mr. and Mrs. Francis J. Moshinskie who operate the Tiny Town Miniature Village in Hot Springs. Interested in thanatology, he is also a lecturer on dying, death, grief, the value of the funeral service and the guiding role of the funeral director.

MEN OF THE TWENTIETH by Cy Martin. 122 pages. Spiral bound. \$7.50 postpaid. For information, write Military Affairs/Aerospace Historian, Eisenhower Hall, Kansas State University, Manhattan, Kansas 66506, or Cy Martin, 2519 Daisy Lane, Fort Worth, TX 76111.

Men of the Twentieth is an unedited Historical Document, the memoir of Cy Martin, a native of Fort Smith and a crew chief in the Twentieth Aero Squadron.

The introduction, written by James J. Hudson, tells of Cy Martin's birth April 27, 1892, his growing up in Fort Smith, his early love for motors, and his enlistment for military duty on May 10, 1917, when he asked to be assigned to a flying group. From this point, the story of Cy Martin and the history of the men of the Twentieth Aero Squadron are intertwined, and the history of the Twentieth is unfolded.

In the words of James J. Hudson who wrote the introduction, "His book on the men of the Twentieth will be much appreciated by First World War Military Aviation buffs."

The writing of May Gray, a resident of Fort Smith, is not new to *The Journal*. A feature of the October 1978 issue was her poem, *The Shrine of Saint Annes's*, together with her biography and picture. The same issue also reviewed her book *Moment Before Summer*. Two more of her delightful books of poetry were published in 1978 and it is our privilege to review them for our readers.

BETWEEN OURSELVES by May Gray. Publisher, The Golden Quill Press, Francess town, New Hampshire. 64 pages. Price \$5.00 plus 65 cents postage and handling. Available from author, Mrs. May Gray, 1315 Fifty-fifth

Terrace, Fort Smith, Arkansas, 72901, and Fort Smith bookstores.

A journey through life is the story this book of poetry has to tell. Colored by a sense of peace and freedom through childhood years, *Between Ourselves* grows with majesty to the power of adulthood.

Before the popular T.V. commentator, Art Linkletter, was interviewing children and writing his charming books, May Gray was writing down the "sayings" of her children, nephews and niece, translating them into verse for their amusement. Many of these verses are included in Chapter One.

In a light and lively fashion, contrasted by humor and seriousness, May Gray brings to the reader a collection of diverse poems. Sometimes simplicity itself, sometimes of immense depth as in "Friendship and Love," the volume is one of delight and pleasure to the reader.

IN LOVE WITH LIFE, by May Gray. 62 pages. Hardbound. Price \$5.00 plus 65 cents postage and handling. Available from publisher, The Golden Quill Press, Frankestown, New Hampshire 03043, and Fort Smith bookstores.

Written in a style that draws a picture of a crystal clear and bubbling stream, this volume by May Gray is total delight. Infectious in its charm, happy and alive, it is poetry for everyone. It is refreshing with a sometimes sense of urgency.:

Come, let us join the throng,

(The past will keep)

Hang up the future and celebrate

The new,

she says of New Year's Eve.

It has stability as in "Home," security as in "Return of the Swallows", and hope as in "Another Spring." *In Love With Life* is pure wholesome joy to read and experience, written by an artist with the pen.

DEVOTIONS OUT OF MY HEART by Oma Caton. Publisher, Carlton Press, Inc., New York, N.Y. 61 pages. Hardbound. Price \$4.95. Available in Fort Smith bookstores or from the author, Mrs. Oma Caton, 4300 Grand Avenue, Fort Smith, Arkansas 72901.

The title, *Devotions Out of My Heart*, very accurately describes this book. From the wisdom of her 85 years and her faith in Christ, Oma Caton writes of God's creative powers and his greatness. She expresses her complete joy in knowing she is a part of God's great plan, and talks of Heaven, the church, God's promises, prayer, friends and other subjects. Often she intertwines the words from a hymn with the text as she pours out her message of God and his guidance in daily life. In her foreword she says, "I hope you will find encouragement and help from these treasured devotionals out of my heart." The book will be an inspiration to all who read it.

The author, Oma (Marr) Caton, was born September 22, 1893, in Cecil, Arkansas, the daughter of George Washington Marr and Helen Francis (Redding) Marr. She was married on December 28, 1913 to William Lytle Caton and they moved to Fort Smith in 1919. She has lived 52 years at her home at 4300 Grand Avenue, and has two sons, Paul and Lytle Grey Caton.

This is the fourth of Mrs. Caton's books of inspirational messages, all written to encourage others. The first three were entitled, *Search God's Word Day by Day*, *Passing Thoughts*, and *Just Thoughts Out of My Chamber of Answered Prayer*. Feeling this was her mission in life, Mrs. Caton had thousands of paper-backed copies of these three books printed at her own expense, placing them free in jails, libraries, professional offices, and other places where they might encourage others. The cost of printing finally forced her to let her readers help pay the printing cost of *Devotions Out of My Heart*. At the age of 85 she continues to write and to inspire those who visit her.

It is our pleasure to also review in this issue of the *Journal* two books written by Talcum L. Rozell, who was born near Rudy, Arkansas January 28, 1903, and spent 35 years of his life on the old homestead of his grandfather, Milton Rozell, who came with his wife from Hazel Green, Alabama in an ox-cart before the "War Between The States."

After attending Rudy schools, he walked twelve miles each day to Alma, Arkansas, where he completed his last two years of high school and played football on that indomitable Alma team of 1924. They defeated one college team that year by 104 to 6, however they were taken by surprise by the Poteau, Oklahoma team, and defeated 33 to 6. Of that game, Mr. Rozell says, "Dr. Crigler of Fort Smith came out with a broken leg. Our captain came out with a broken arm, and two other players had broken collar bones. It poured rain all during the game. We played in an old cotton field with some of the stalks still standing."

He also recalls attending the Van Buren Free Bridge dedication in 1912; an old time country picnic at Alma while Jeff Davis was governor of Arkansas; and going to Fort Smith where he saw a large load of logs pulled by three yoke of oxen. That night he and his father spent the night in the old Fort Smith Wagon Yard; he saw the first street light he had ever seen, and thought Fort Smith was as big as New York.

On December 20, 1931, he and Margaret Lemon of Uniontown, Arkansas were married. They have one son, T.L., Jr., of Tulsa, Oklahoma; one daughter, Mrs. Jessie Ruth Todd of Renton, Washington, and five grandchildren.

Mr. Rozell says from the time he was a child he dreamed of being some kind of public servant. He attended Arkansas Tech, then taught his first school. At the age of fifty, he became a Baptist minister, preaching at Short, Oklahoma, where he pastored the church for twenty years. He experienced a serious illness, but since his recovery has returned to part-time preaching, serving as interim pastor for a church without a pastor.

He strongly believes that the greatest thing a man can discover is "The Will of God" for his life, and that the greatest sin he can commit is to disobey God's plan for his life.

While pastor at Short, Talcum Rozell felt and urge to do something in addition to pastoring his church. One day he wrote "The Gift of Grace," which is on page 25 of his book *Along the Way With Talcum L. Rozell*. That started him

writing poetry, comments and sayings. He has now written two books: *Along the Way With Talcum L. Rozell* and *White Thread on the Trail*. Both books are out of print, but Mr. Rozell has a very limited number of copies for sale. For prices and availability, write to:

Talcum L. Rozell
Star Route
Uniontown, Arkansas 72955

ALONG THE WAY WITH TALCUM L. ROZELL, by Talcum L. Rozell. 56 pages. Paperback.

Written in 1972, this book is the first of two written by the Rev. Mr. Rozell. It is a collection of 48 short sermons in verse, each followed by a scripture text and appropriate comments which further develop the message of the poem.

The preface of *Along the Way* is the personal story of the author, and four pages of original sayings and selected quotations serve as a finale for this unusual book.

WHITE THREAD ON THE TRAIL, by Talcum L. Rozell, as recounted to Eric Allen. 82 pages, plus one page of Rozell family history and a nine page prologue by Eric Allen. Illustrations by Carol Y. Rozell. Published by The Heritage Press, Muldrow, Oklahoma.

A completely different type book than the author's *Along the Way*, which is reviewed above, *White Thread On the Trail*, is a historical novel. Though fiction, it depicts very vividly pioneer life in Crawford County, Arkansas. It is the story of the earlier pioneer families that came to this area by wagon train from Tennessee and Alabama -- the story of their problems, determination, and success.

In addition to the text of the book and a prologue by Eric Allen, the book contains two surprises. The first surprise is a full page of the Rozell family background, which tells something of the origin of the Rozell family, and gives Talcum Rozell's family lineage from his great grandfather, William who was born in Baltimore, Maryland.

The second surprise, the most unique feature of the book, is the art work, illustrations sketched by Carol Rozell with handwritten captions.

INQUIRIES

Address all inquiries to -
Fort Smith Historical Society, Inc.
61 South 8th Street
Fort Smith, Arkansas 72901

Inquiries will be printed in as space permits. No Charge.

BECK-POUND. Need help in locating genealogical information, or in locating sources of information for the following individuals, who were deputies and marshals for Judge Parker in Fort Smith: T.E. BECK, sworn in 19 March 1899; Addison BECK, killed in 1883, along with Lewis Merritt and W.P. Bryant, sworn in 17 June 1899. Cleve Kinnear, Route #2, Box 53, Claremore, OK 74017.

BURNS-OAKLEY-TUCKER. Seeking information on Mary BURNS, who married 1/ to Jim OAKLEY, 2/ to _____ Tucker. OAKLEY had two daughters that were shot and killed in department store which Mary Burns Oakley Tucker owned on Towson Ave., year not known. Need Mary's marriage date to TUCKER. Ena Dodson, a friend of the Oakley girls, was also killed. They were killed by a boyfriend who then shot himself. Mimmie M. Harriage, 520 So. Hadden St., El Reno, OK 73036.

HARDIN, Need parents of William Ansel Hardin, b. 1 - 1828 in Ill. or Ind. d. Seb. Co., Ark. Aug. 1870. His wife was Lydia. Children: John, Greenberry, Amos, Mahala, Bell, Lou, Lance, Bidge. Charles Ferguson, 306 N. Beard St., Shawnee, OK 74801.

REED. Need info on wife of Levi REED, also date of ma., death date and children. Lived in Montgomery Co., Ark. area. Son William born 1866 there. Mrs. Ethel Long, 7208 Riviera Dr., Ft. Smith, AR 72903.

WILLIAMS-WASSON. Need info on Hamilton WASSON, b. 1828, m. Mahala Ann WILLIAMS (1826-1915) in Missouri; place of birth of Hamilton Wasson and place of burial. Possibly born in Tennessee. Relatives in Ark. Forrest Wasson, Rt. 3, Afton, OK 74331.

McCOY-APPLEGATE. Info and rel of Sen. John McCoy, lived in Ark. after Civil War and chairman of Constitutional Convention after Civil War. In Fayetteville Militia. Died in Missouri. Ma. Missouri Ann Applegate, want all info on her. Forrest Wasson, Rt. 3, Afton, OK 74331.

BUTLER-WILLIAMS. Info on fa or rel of Charles Elmer BUTLER b. 3 Jan. 1868, native of Indiana, li in Montgomery Co. Ark. adult life, Pine Ridge and Mena area. wf named Mary J. WILLIAMS. Mrs. Ethel Long, 7208 Riviera Dr., Fort Smith, AR 72903.

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 *NOTES:
 cf por - centerfold portrait
 il - some sort of graphic used, other
 than a portrait
 por - a portrait accompanies the item.
 (- -) - for such things as spouse, title,
 marital status, etc.
 " - - " - nickname