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# LIFE & LAW

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IN 19TH CENTURY ARKANSAS





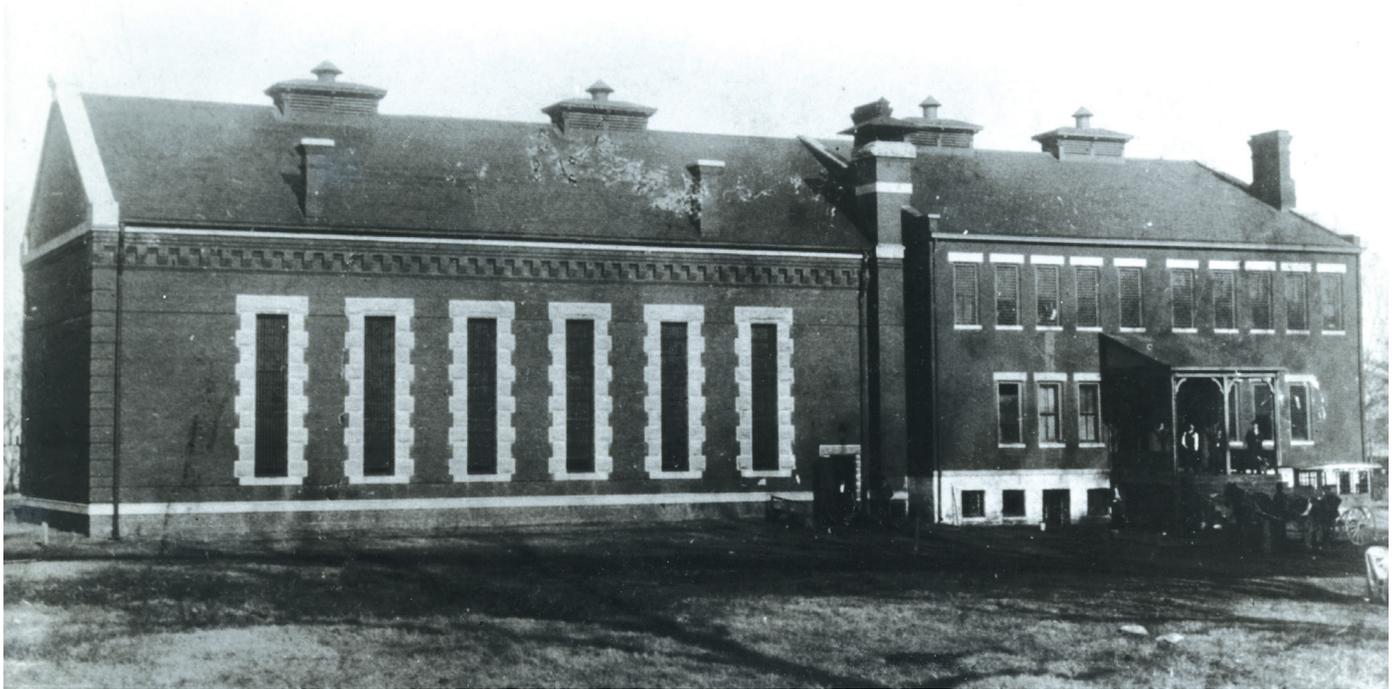
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# **LIFE & LAW**

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**IN 19TH CENTURY ARKANSAS**

Part of the USMM Educator Resource Series:  
Teacher Guides for Civic Literacy Enhancement



Parker Court Building and Jail after 1891

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Five Deputy U.S. Marshals

# INTRODUCTION

This guide is the product of a 2012 program of the same name — *Life & Law in 19th Century Arkansas*. The United States Marshals Museum partnered with three other Fort Smith, Ark., museums—the Fort Smith National Historic Site, the Fort Smith Museum of History, and Clayton House—to design a full-day field trip for local students. Over 800 students participated in the field trip in a month’s time, visiting or hearing presentations from all four museums.

The following information comes from all four participating museums, and is organized according to the providing institution.

## CHAPTER ONE

# UNITED STATES MARSHALS MUSEUM

### The Western District of Arkansas

On June 15, 1836, the territory of Arkansas was officially admitted to the Union as the 25th state, and the District of Arkansas was formed. The following year, Indian Territory was put under the jurisdiction of the Arkansas court. In 1851, an act of Congress divided Arkansas into two judicial districts—the Eastern District of Arkansas with headquarters at Little Rock, and the Western District of Arkansas with headquarters in Van Buren. Indian Territory was put under the jurisdiction of the Western District. This brought the total area covered by that district to 74,000 square miles, to be policed by the U.S. Marshal and his deputies.

It appears the court in the Western District ceased to exist during the Civil War. The judge, Daniel Ringo, was a Southern sympathizer, and when Arkansas seceded from the Union in 1861, he resigned, and was later appointed a judge of the Confederate court established at Helena, Ark. In February 1863, federal troops raided Van Buren, and the courthouse and all its records were burned.

After the War, court resumed in Van Buren, and continued there from 1865 to 1871. On March 3, 1871, an act of Congress moved the court—judge, marshals, district attorney, and clerk of the court—to Fort Smith. The first session of court in Fort Smith opened in May 1871 in an old, two-story brick building on the corner of Second and A streets. After this building burned, U.S. Marshal Logan Roots received permission to hold court in a large brick building within the old garrison that had once housed soldiers.

The early days of the court at Fort Smith were shrouded in scandal. Judge William Story, appointed in 1872, was known

for being ineffectual and easily bribed. He resigned in 1874 to avoid impeachment. Also in 1872, Marshal Roots was removed from office for abuse of funds. The new Marshal, John Sarber, did little to try and improve matters. The court tried few cases, and witnesses were not paid. After Judge Story resigned, there was a movement in Washington to do away with the court altogether. It cost the government a lot of money, and only proved to be an embarrassment in return. However, crime was growing more and more rampant in Indian Territory, and President Ulysses S. Grant and the Congress realized that something had to be done. Conditions had become so bad the common phrase in use was, “There is no Sunday west of St. Louis—no God west of Fort Smith.”

In 1874, William H.H. Clayton was appointed District Attorney for the Western District, and James Fagan was appointed U.S. Marshal to succeed John Sarber. Charley Burns, head jailer, and George Maledon, a former Fort Smith police officer turned hangman, were retained. In 1875, President Grant appointed Isaac C. Parker as judge. Parker was a former Congressman from Missouri, and had

requested the appointment. Parker believed it was his duty to clean up the mess left behind by his predecessors, and to take control of the anarchy in Indian Territory.

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“There is no Sunday west of St. Louis—no God west of Fort Smith.”

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Over the next 21 years, Parker gained a reputation for sending men and women to the gallows, and solidified his status as a friend to the Indians, which he had previously gained in Congress. He quickly proved that he was not like the corrupt, unscrupulous judges before him. He held

WESTERN DISTRICT OF ARKANSAS.

JOHN CARROLL, Marshal.

Fort Smith, Ark. Feb. 7<sup>th</sup> 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 built. The carting away of this excrementations matter to a point over a mile distant below the city, will entail a new expense which will in a little time ~~be~~ amount to more than the amount now asked, for the placing of water closets.

I enclose herewith a

United States Marshal's Office,

WESTERN DISTRICT OF ARKANSAS.

JOHN CARROLL, Marshal.

Fort Smith, Ark. Feb. 7<sup>th</sup> 1888

preparation 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 ~~com~~ completed before the occupancy of the building, which will be about March 1<sup>st</sup>.

Very Respectfully  
John Carroll  
U.S. Marshal

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 built. The carting away of this excrementations 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 Company 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 1<sup>st</sup>.

Very Respectfully,  
John Carroll  
U.S. Marshal

Letter to the Attorney General from U.S. Marshal John Carroll, February 7, 1888. Courtesy of the Fort Smith Library, Fort Smith, Ark, along with transcription.

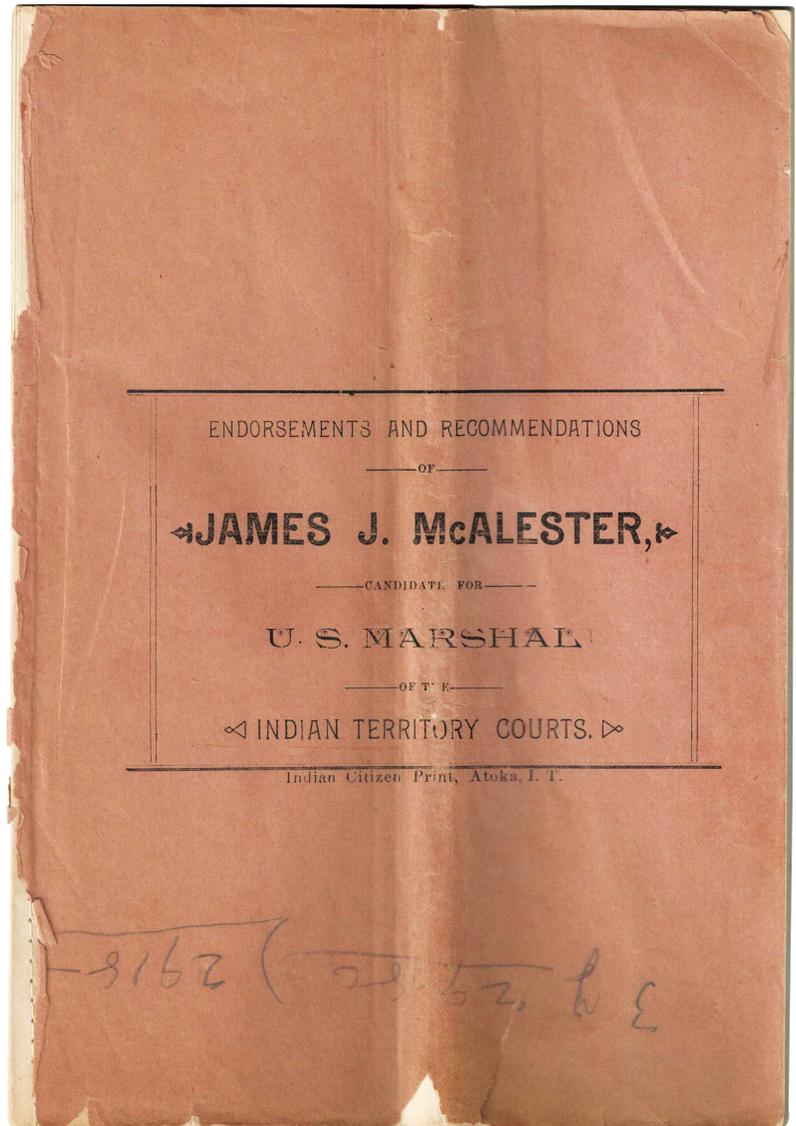
Book of Endorsements for James J. McAlester to be appointed U.S. Marshal for the Indian Territory Courts. Courtesy of Mary Alice McAlester

court six days a week up to 10 hours a day, and rested only on Sundays. Parker enjoyed complete supremacy over his court, and was not afraid to exercise his power as he tried to bring law and order to the territory.

In 1889, Congress took its first steps to limit Parker's jurisdiction and power. First, they permitted convicted persons to appeal their cases to the U.S. Supreme Court, which had not been allowed previously. Many were overturned or returned to Parker's court for retrial, which often resulted in acquittal or a reduction in sentence. Immediately following this act, Congress established a court in Muskogee, Okla., and annexed portions of Indian Territory to the Northern and Eastern districts of Texas, limiting Parker's jurisdiction in the Territory. In 1890, the Territory of Oklahoma was created, along with an independent judicial system. By 1896, Parker's jurisdiction had been reduced to just the Western District of Arkansas, a few counties smaller than its current size.

Also by 1896, the stress of 21 years on the bench had taken its toll on Judge Parker. His health was failing in many ways, and he looked like a man of 70, not 58. Parker was home in bed on September 1, 1896, when the court was adjourned for the last time with jurisdiction over Indian Territory. He had been there since late summer. Isaac Parker died at his home in Fort Smith on November 17, 1896, and was buried in the Fort Smith National Cemetery. Parker was succeeded by John Henry Rogers, who held the post until his death in 1911.

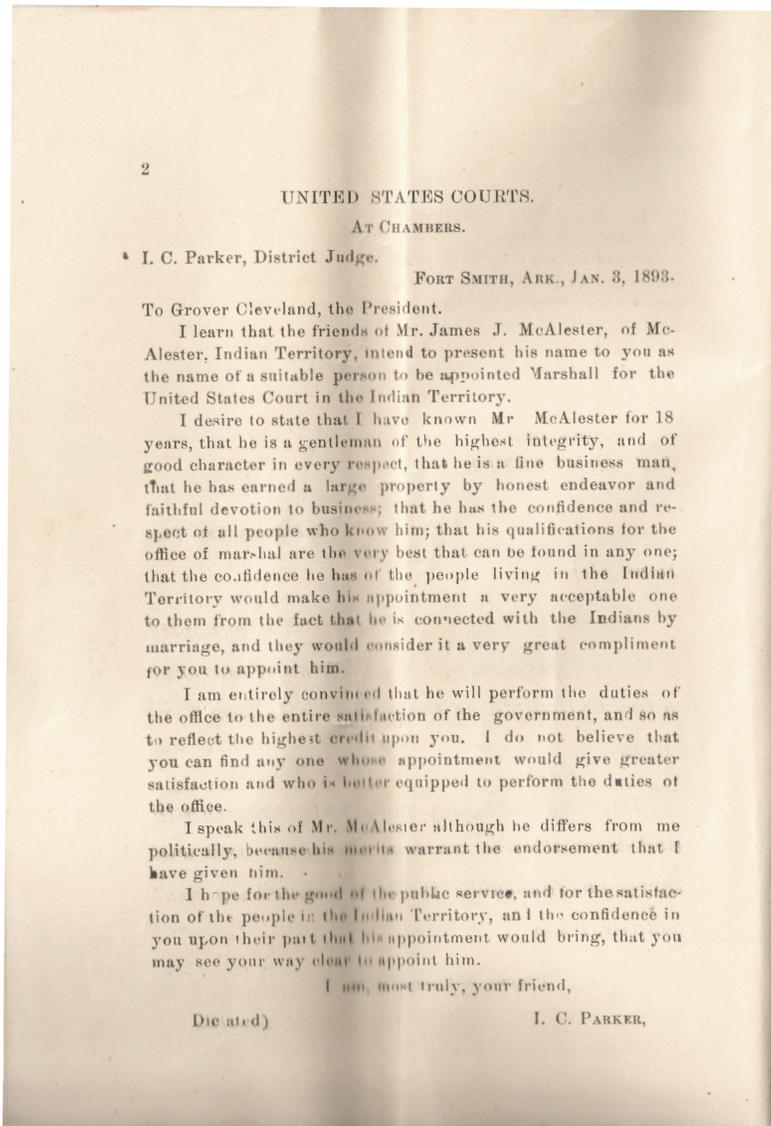
The court continues to function today, though now it hears an increasing number of civil cases rather than criminal. Three district judges and two U.S. magistrates handle the court docket, and receive occasional assistance from district judges assigned to the Eastern District of



Arkansas. Fort Smith is still the headquarters for the Western District, and still houses the U.S. Courthouse and the main U.S. Marshals Service office for the District.

### Becoming a Marshal

In the late 19th century the hiring process for U.S. Marshals was exactly the same— they were appointed by the President and approved by Congress. But for deputy marshals it was very different. Deputies were hired and paid by their local marshal. They were not paid a salary, but were paid on a fee system and for mileage. It was not a very profitable position, and required long periods away from home riding out in Indian Territory, and often an incredible amount of danger. If a new marshal was appointed, he often fired the current deputies to bring in



Letter from Judge Issac C. Parker, endorsing James J. McAlester to be appointed U.S. Marshal for the Indian Territory Courts. Courtesy of Mary Alice McAlester

UNITED STATES COURTS.

AT CHAMBERS.

\* I. C. Parker, District Judge.

FORT SMITH, ARK., JAN. 3, 1893.

To Grover Cleveland, the President.

I learn that the friends of Mr. James J. McAlester, of McAlester, Indian Territory, intend to present his name to you as the name of a suitable person to be appointed Marshal for the United States Court in the Indian Territory.

I desire to state that I have known Mr. McAlester for 18 years, that he is a gentleman of the highest integrity, and of good character in every respect, that he is a fine business man, that he has earned a large property by honest endeavor and faithful devotion to business; that he has the confidence and respect of all people who know him; that his qualifications for the office of marshal are the very best that can be found in any one; that the confidence he has of the people living in the Indian Territory would make his appointment a very acceptable one to them from the fact that he is connected with the Indians by marriage, and they would consider it a very great compliment for you to appoint him.

I am entirely convinced that he will perform the duties of the office to the entire satisfaction of the government, and so as to reflect the highest credit upon you. I do not believe that you can find any one whose appointment would give greater satisfaction and who is better equipped to perform the duties of the office.

I speak this of Mr. McAlester although he differs from me politically, because his merits warrant the endorsement that I have given him.

I hope for the good of the public service, and for the satisfaction of the people in the Indian Territory, and the confidence in you upon their part that his appointment would bring, that you may see your way clear to appoint him.

I am, most truly, your friend,

Dictated)

I. C. PARKER,

was no local or state law enforcement, the marshals were the only ones with the jurisdiction to subdue it.

Instructions given by the U.S. Marshals Office in Fort Smith in the 1870s give an idea of the trouble they faced,

*U.S. Deputy Marshals for the Western District of Arkansas may make arrests for: murder, manslaughter, assault with intent to kill or maim, attempts to murder, arson, robbery, rape, bribery, burglary, larceny, incest, adultery...these arrests may be made with or without warrant first issued and in the hands of the Deputy of the Chief Marshal... for violations of the revenue law and for introducing ardent spirits into the Indian Country, the Deputy can not make an arrest without warrant unless the offender is caught in the act.*

Deputies were paid on a fee system—they received a certain fee for each duty completed—and were paid mileage for their travel. Most were lucky to make \$500 a year. It was in the deputy's best interest to bring his prisoners back alive—if an outlaw was brought back dead, the

deputy could not claim his fee. Some did very well—Bass Reeves and Heck Thomas were known for often bringing in multiple outlaws at a time—while others quickly discovered there were more profitable ventures to pursue. On top of little pay, there was almost no training provided for new deputies until the 1890s, when a set of general guidelines was finally published. Marshals were expected to supply their own supplies—guns, horses, etc. Those who wanted to wear a badge, that great symbol of their authority, did so at their own expense. It was a hard job, often with little reward.

his own men, so there was less job security for the deputies as there was for the marshal.

**"They Rode for Parker..."**

Judge Parker may be known for the number of criminals he put in jail or sentenced to death, but it was the U.S. Marshals and their deputies in Fort Smith who made sure he had cases to prosecute. In his book *Law West of Fort Smith*, Glenn Shirley quoted Judge Parker as saying, "Without these men, I could not hold court a single day." At any given time, there were approximately 200 deputies, who criss-crossed 74,000 miles of Western Arkansas and Indian Territory. They served warrants, conducted investigations, and escorted witnesses. Indian Territory was considered the most violent and dangerous of the American territories. And, because there

DEPARTMENT OF JUSTICE.

United States Marshal's Office, \*  
WESTERN DISTRICT OF ARKANSAS.

Fort Smith, Ark., Nov. 12th, 1892. 189



Hon. W. H. H. Miller,

Attorney-General U. S.,

Washington, D. C.

Dear Sir:--

The man Ned Christie, who defied the U. S. and Indian authorities for five years successfully has at last been brought to a halt, though I am sorry to say that he had to be killed in the attempt to capture him.

My deputies who had been deputy killed by him made several efforts his capture but failed. I made a number of attempts. My deputies have been after him from the time I first took charge of the office up to the time that he was killed. In October, 1889, an organized deputy force with posse succeeded in locating him in one of his strongholds, and attacked him early in the morning. Upon the call to surrender he immediately fired from between the logs of the house, severely wounding Deputy L. P. Isbell, crippling him for life. The deputies succeeded in setting fire to the house, but Christie remained until shot in the head, and would have burned up had it not been for the timely arrival of some of his women after the deputy force had left thinking he had

DEPARTMENT OF JUSTICE.

United States Marshal's Office, \*  
WESTERN DISTRICT OF ARKANSAS.

Fort Smith, Ark., \_\_\_\_\_ 189

escaped. As soon as he recovered from his wound he again commenced his career of crime introducing whiskey by the wagon load and robbing stores with impunity. He had killed and wounded a number of Cherokee people, and they attempted his capture on various occasions, but signally failed. If the force organized for his capture was large he managed in some way to be informed of it, and get out of the way, if the force was small he would make a fight from one of his log houses, generally resulting in a victory for him. Last fall he was located at a certain place, and I organized a force myself and went with them in person. It was done secretly, and in a very short time, but when we arrived at the place the bird had flown. We demolished a stone fort near the house where he was located. Since then every effort has resulted in wounding some of the men of my force. Very recently two of the posse attacking the same place were wounded. William Fields was shot through the neck, and Joe Pours in the foot. Upon the return of that unsuccessful raid the party who have just returned with his body was organized, under the management of Gus York, who was not an officer, but was well posted in the locality where Christie lived. I enclose you a newspaper ac-

DEPARTMENT OF JUSTICE.

United States Marshal's Office, \*  
WESTERN DISTRICT OF ARKANSAS.

Fort Smith, Ark., \_\_\_\_\_ 189

3  
count of their trip, and what occurred. It is nearly a complete statement, except that it does not contain all the names of the parties engaged, and leaves out some important facts that I will mention. First, on the morning and during the first day after arrival at the place they called to Christie to surrender a number of times, both in English and in Cherokee, but each time he would answer with a yell, and by shooting. Also, when he finally came out of the burning house he yelled "damned white marshals" and firing his six-shooter at the nearest deputies.

Now, in behalf of Mr. Gus York I would ask that the reward offered by you be paid to him. He will reimburse the deputies who are out so much time and money. The amount of money expended at various times by different officers and citizens for the capture of this man is at least three times the amount of the reward. The hardships and dangers endured in this behalf can hardly be paid with money, but the thousand dollars offered by you will at least partially reimburse the people who have borne the expense, suffered the hardships and endangered their lives in the interest of the Government. I therefore earnestly request that the reward offered in your letter of October 15, 1890, initial

DEPARTMENT OF JUSTICE.

United States Marshal's Office, \*  
WESTERN DISTRICT OF ARKANSAS.

Fort Smith, Ark., \_\_\_\_\_ 189

4  
"A. S. 3425. 1887," be paid to Mr. Gus York, who was in charge of the last party, and who will do what is right to the people who are entitled to their respective proportion of it.

I also enclose an identification of the body of Ned Christie, and an order from Judge Parker. The body of Ned Christie was delivered to me at the U. S. Jail at Fort Smith Arkansas.

Begging your early and favorable consideration, I am,

Yours respectfully,

Dictated.)

Jacob Jones  
U.S. Marshal  
West Hill Ark.

Left: Letter from U.S. Marshal Jacob Yoes, Western District of Arkansas, to the Attorney General of the United States. Courtesy of the Fort Smith National Historic Site.



Colonel Jacob Yoes. Courtesy of the Fort Smith National Historic Site.

Newspaper article "On Bill Cook's Trail" from the *San Francisco Call*, November 23, 1894, Volume 76, Number 177, 24. Courtesy of the California Digital Newspaper Collection.

## ON BILL COOK'S TRAIL He Must Be Hunted Down Without Troops.

**It Is Thought That the Marshal of Arkansas Can Catch the Outlaw.**

FORT SMITH, Ark., Nov. 23.—Alexander, one of the outlaws who was with the Cook gang in a train robbery, was captured today near Eulsa by one of Marshal Crump's deputies.

WICHITA, Kans., Nov. 23.—A dispatch to the Eagle says Sheriff Tom McGee of Hemphill County, in the Panhandle of Texas, was shot and wounded to-night by three outlaws who held up the agent of the Santa Fe at Canadian City and were proceeding to rob the depot when McGee, who is a brave man, arrived upon the scene. The outlaws escaped.

WASHINGTON, Nov. 23.—It has been decided that the present situation in Indian Territory is not such as to warrant the Secretary of War in calling out United States troops and the authorities in the Territory have been so notified. This, however, does not mean that the Government is to abandon or in any way delay its efforts to bring the Cook gang of outlaws to justice. On the contrary, United States Marshal Crump of Arkansas, who has made a reputation for himself in dealing with the tough element in the Southwest, will continue with increased vigor the pursuit of the marauders, and it is believed that with the liberal instructions which have been given him as to the employing of deputies he will not fail in his mission. The presence of any considerable military force, it is not doubted, would have a salutary effect in quieting the fears of the inhabitants, yet it is thought it might defeat the ends sought by scattering the outlaws and thus making their capture difficult, if not impossible.

Marshal Crump, with a force of deputies, will pursue the same tactics as are followed in fighting Indians. They will keep on the trail of the outlaws night and day until they are exhausted.

## CHAPTER TWO

# FORT SMITH NATIONAL HISTORIC SITE

### Judge Isaac C. Parker

Born October 15, 1838, Isaac Charles Parker was the youngest son of Jane and Joseph Parker. He was born and raised outside Barnesville, in Belmont County, Ohio. Still on the edge of the frontier in the early 1840s, southeastern Ohio was primarily an agricultural area.

Although he was raised on a farm, Parker cared little for working outdoors. His mother, Jane Shannon Parker, was

the niece of the governor, and figured prominently in raising her son. When not required on the farm, he attended the Breeze Hill Primary School. After he completed his primary education, Parker attended the Barnesville Classical Institute, a private school. It was said he was “always a hand to get an education,” and he taught in a country primary school to pay for his higher education.

At the age of 17, Isaac Parker began his legal training—a combination of apprenticeship and self-directed study. Parker read law with a Barnesville attorney, and passed his bar exam in 1859.

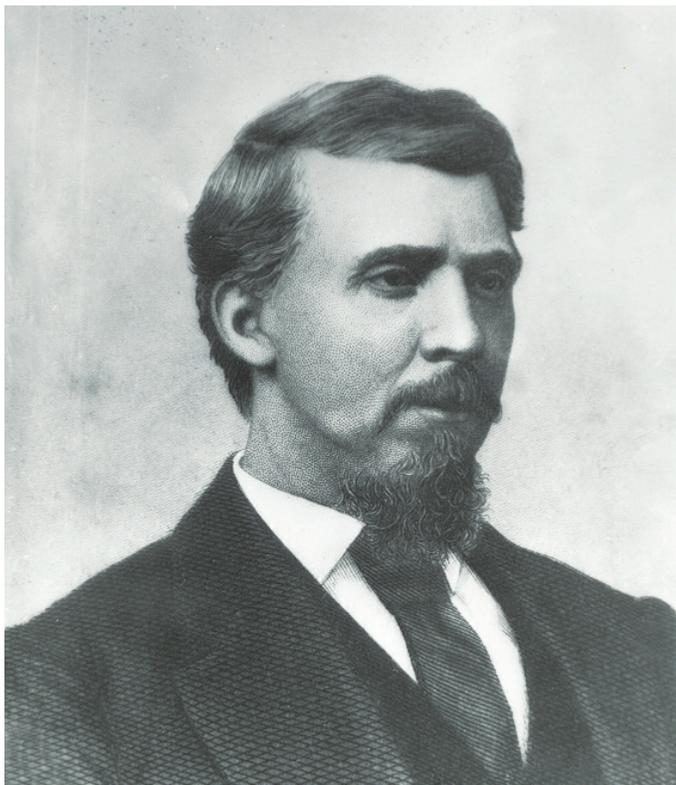
After he passed the bar, Parker, at age 21, traveled west by steamboat to St. Joseph, Mo. “St. Joe” was a bustling Missouri River port town, and offered many possibilities for a young lawyer, as the 9th Missouri Circuit Court was held there. Parker’s uncle, D.E. Shannon, operated a law firm in St. Joseph with his partner, H.B. Banch. In the firm of Shannon and Banch, Parker began his law career in earnest.

By 1861, Parker operated on his own, and worked in the municipal and county criminal courts. The local courts afforded him not only experience, but also community recognition. In April 1861, he was elected to the post of city attorney as a Democrat. Just four days after Parker took office, the Civil War began. The War caused Parker to re-evaluate his political beliefs. He broke with the Democrats and enlisted in a home guard unit—the 61<sup>st</sup> Missouri Emergency Regiment.

Parker married a St. Joseph girl, Mary O’Toole, on December 12, 1861. He was re-elected as city attorney in 1862 and 1863.

In 1864, Parker formally split from the Democratic Party when he ran for county prosecutor of the 9th Missouri

Young Judge Isaac C. Parker. Courtesy of the Fort Smith National Historic Site.



Judicial District as a Republican. In the fall of 1864, he served as a member of the Electoral College, and cast his vote for Abraham Lincoln.

In 1868, Parker sought and won a six-year term as judge of the 12th Missouri Circuit. The new judge gained experience and habits in this position that he put to good use in the years to come.

Political ambition catapulted Parker from a Missouri judgeship to Congress in 1870. Parker was nominated as the Republican nominee for the 7th Congressional District on September 13, 1870. Backed by the Radical faction of the Republican Party, Parker resigned his judgeship and devoted his energy to the campaign.

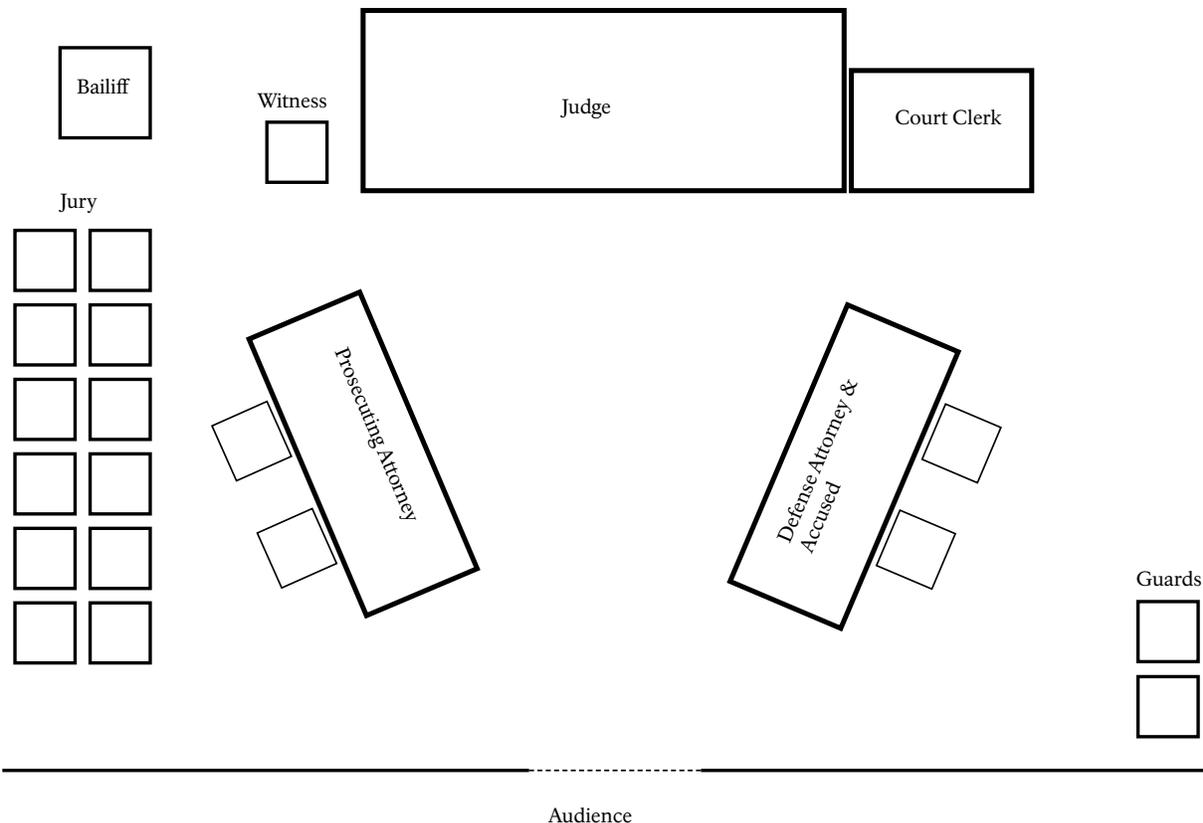
The heated campaign ended when Parker's opponent withdrew from the race two weeks prior to the election. Parker easily defeated the replacement candidate on November 8, 1870.

The first session of the 42nd Congress convened on Saturday, March 4, 1871. Parker took his seat as a freshman

representative in the chamber. His congressional career was a balance of resolving constituent needs while sponsoring domestic legislation. Rep. Isaac Parker assisted veterans of his district in securing pensions, and lobbied for the construction of a new Federal Building in St. Joseph. He sponsored legislation that, if passed, would have allowed women the right to vote and hold public office in United States territories. On several occasions, Parker sponsored legislation that would have organized Indian Territory under a formal territorial government.

Congressman Parker handily won a second term in November 1872. One local paper wrote of him, "Missouri had no more trusted or influential representative in... Congress during the past two years..." In his second term, Parker gained national attention for speeches delivered in support of the Bureau of Indian Affairs. He concentrated on Indian Policy and fair treatment of the tribes residing in Indian Territory.

## The Courtroom



By the fall of 1874, the political tide had shifted in Missouri, and as a Republican, Isaac Parker had no chance of re-election in Congress. Like many others, he sought a presidential appointment to public office. Due to his loyalty to the Republican Party during his four years in Congress, Parker stood a good chance of receiving one.

In early March 1875, President Grant forwarded Parker's nomination to be Chief Justice for the Supreme Court of the Utah Territory. However, by this time, Parker had submitted a request for appointment as the Judge of the Federal Court for the Western District of Arkansas in Fort Smith. On March 18, 1875, the President nominated Parker as Judge for the Western District of Arkansas.

The Federal Court for the Western District of Arkansas was initially established in 1851, with jurisdiction over the western counties in Arkansas and all of Indian Territory (present-day Oklahoma). Until 1871 the court was based in

Van Buren, Arkansas. In 1871, Judge Parker's predecessor, William Story, was appointed to the bench. The tenure of Judge Story was marred by various acts of corruption, and in 1874 he resigned.

The newly appointed Judge Parker arrived in Fort Smith on May 4, 1875, after a journey on the steamboat Ella Hughes. His family stayed behind in Missouri and later joined him in Arkansas. Judge Parker held court for the first time on May 10, 1875. In the first term of court, eight men were found guilty of murder and qualified for a mandatory death sentence, according to federal law. On September 3, 1875, six men were executed at once on the Fort Smith gallows; an indication that the days of the corrupt court had ended.

Congress mandated that the Federal Court for the Western District of Arkansas meet in four separate terms each year: February, May, August, and November. In reality,

United States Court  
AT CHAMBERS  
FORT SMITH, ARK. *Sept 2 1875*

My dear Master Langston  
I have recievd your  
very nice note asking me to let  
your papa come home. I will be  
pleas'd to do so as soon as we can  
send him. You know your father  
is a good man and he will be  
men to make up the jail which  
are to be rais'd where men are charg'd  
with great crimes such as murder  
which are common when they

United States Court  
AT CHAMBERS  
FORT SMITH, ARK. 1875

will attend. I hope I may have  
been to see you become a useful  
good man like your father. I was  
very glad to get your note  
and you will give my kind regards  
to your mother and her folks whom  
we all love most truly  
Yours  
Isaac Parker

Master Reggie Langston

the court had such a large caseload that the four terms ran together. In an effort to ensure that the court tried as many cases as possible each term, Judge Parker held court six days a week, and often up to 10 hours each day. In 1883, Congress changed the court's jurisdiction, and moved portions of the Indian Territory to federal courts in Texas and Kansas to lighten the caseload.

The decreased size of the jurisdiction provided some relief; however, the continued influx of settlers into the Indian Territory, and the resulting problems, contributed to an increased crime rate. During these years, the judge began an active role in the community of Fort Smith. In 1884, the government gave most of the 300-acre military reservation to the city to fund the public school system, largely at the Judge's urging. Parker served on the school board and was the first board president of St. John's Hospital (known today as Sparks Regional Medical Center). The Parker

family was involved in the community as well. His wife, Mary, participated in many social activities, and their two sons, Charles and James, went to public schools their father helped establish.

As a federal judge, Parker's duties occasionally called him to testify in front of Congress, and he substituted for other federal judges in the area. Besides capital offenses, several important civil cases were tried by the Fort Smith court in the 1880s. The most famous of these involved David Payne, an Oklahoma Boomer who illegally settled on lands in Indian Territory.

On February 6, 1889, Congress made a sweeping change to the federal court in Fort Smith, when it stripped the court of its concurrent circuit court authority and allowed the United States Supreme Court to review all capital crimes. This law went into effect on May 1, 1889, and had a drastic effect on Judge Parker's final years.

United States Court  
At Chambers

I. C. Parker, District Judge

Fort Smith, Ark. September 8, 1892

My Dear Master Langston,

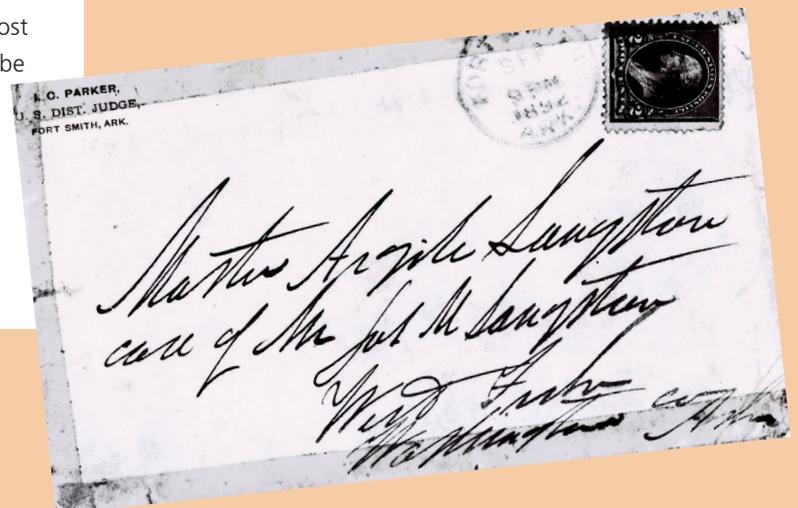
I have received your very nice note, asking me to let your papa come home. I will be pleased to do so as soon as we can spare him. You know your father is a good man, and we need good men to make up the juries which are to try cases where men are charged with great crimes such as murder which men commit when they kill others. I hope I may live long to see you become a useful good man like your father. I was very glad to get your note and you will give my most kind regards to your mother and you will believe me to be most truly your friend.

I. C. Parker

To  
Master Argyle Langston

Left page: Handwritten letter from Judge Parker to Argyle Langston in 1892 (with transcription on this page).

This letter to the son of a juror provides a glimpse of the softer side of Isaac Parker. A copy of this letter was donated by Argyle Langston to the National Historic Site in the 1960s. (Note: Parker misspells the boy's first name in the letter as "Argyle.") Courtesy of the Fort Smith National Historic Site.



In 1889 and 1890, Judge Parker had opportunities to take different positions within the federal judiciary. Either position would have provided the Judge with a reduced caseload. However, Parker had established himself in Fort Smith, and removed his name from consideration for the two positions

The Courts Act of 1889, passed a month after Congress authorized the Supreme Court review, established a federal court system in Indian Territory, and further decreased the Fort Smith court's jurisdiction.

The restrictions of the court's once vast jurisdiction were a source of frustration, but what bothered Judge Parker the most were the Supreme Court reversals of capital crimes tried in his court. Fully two-thirds of the cases appealed to the higher court were reversed and sent back to Fort Smith for new trials. In 1894, Judge Parker gained national attention in a dispute with the Supreme Court over the case of Lafayette Hudson.

In 1895, a new Courts Act was passed which removed the remaining Indian Territory jurisdiction of the court effective September 1, 1896. Following the escape attempt of Cherokee Bill in the summer of 1895, which resulted in the death of a jail guard, Judge Parker again came into conflict with his superiors when he blamed the Justice Department and the Supreme Court for the incident. In the spring of 1896, a very public argument occurred between Judge Parker and the Assistant Attorney General.

As the August term 1896 opened, Judge Parker was at home, too sick to preside over the court. Twenty years of overwork had contributed to a variety of ailments, including Bright's disease (a kidney disease). When the court's jurisdiction over lands in Indian Territory ended on September 1, 1896, Parker was interviewed by reporters at his bedside. On November 17, 1896, scarcely two months after the jurisdictional change took effect, Judge Isaac C. Parker died. With his death, came the end of an era in Fort Smith, and along the frontier.

### Women of the Federal Court

Most of the attention directed to the history of Fort Smith's federal court revolves around tales of outlaws and gunfights, deputy marshals, hangings, jailbreaks, and train robberies. In the process of focusing on the notorious, it is easy to neglect the details and complexities of the judicial machinery, the



lives it touched, and the many people who shaped it. More than any other group, the importance and history of women in the federal court remains untold.

Even though there were no female district attorneys, commissioners, or marshals in the Federal Court for the Western District of Arkansas, some women did work for the court and receive a federal paycheck. The most prominent female employee was Florence Hammersly, a deputy court clerk, and the daughter of court crier J.A. Hammersly. Kate Sandels, the sister of District Attorney M.H. Sandels, also worked as a clerk in his office. The widow of Deputy U.S. Marshal Willard Ayers provided a service important to lawmen and outlaws alike by supplying tasty food to the jail. The welfare of U.S. prisoners was of special concern to women. They routinely visited with prisoners and appealed for reform of the sanitary and social conditions in the jail. Throughout the entire court period, there are newspaper accounts of women bringing gifts of food or bouquets of flowers to the inmates. On holidays, special events might be planned for the prisoners, as was the case in 1880 at Christmas when Misses Lipe and Shepperd, along with their students from Belle Grove School, sang carols in the jail.

# If You Were Arrested In The Western District Of Arkansas On Criminal Charges...

## Step #1: Complaint Filed

An individual acting as complainant (usually a deputy U.S. Marshal) swore from "reliable information" in his possession that a crime was committed. He listed you as the suspect, told when and where the crime occurred, and provided a description of the crime. The complainant asked for an arrest warrant to be issued ("I pray a writ").

In some criminal cases, letters were written by victims of crimes. These served as formal complaints and began the process of your arrest and trial of the suspect.

## Step #2: Writ of Capias

Once a complaint was received, the U.S. Commissioner issued a writ of capias (arrest warrant). The writ listed the your name, the charge, and the date when the crime occurred. The capias directed the U.S. Marshal to apprehend you and bring you to the U.S. Commissioner to answer the charge. The deputy U.S. Marshal certified the writ was served. This dictated the fees he collected.

If you lived in Indian Territory, deputy could make an arrest without a warrant. This practice was not common, and at times it resulted in serious complaints against the deputies for arresting without just cause. However, in situations where a suspect might flee, immediate arrest, with or without warrant, was deemed a necessity.

Deputy U.S. Marshals also collected evidence and found witnesses. A document was completed that indicated the content of each witness's testimony and the character of those witnesses was completed.

## Step #3: Lodged in Jail

You would be held in a secure location until you appeared before the U.S. Commissioner. Bail was issued in some cases.

## Step #4: Proceedings Before the U.S. Commissioner

A Commissioner could determine that there was not enough evidence and ignore the charges. In that case, you were free to leave.

Witnesses were brought before the U.S. Commissioner and testified under oath about the events. Testimonies were recorded on paper and each witness signed his/her name indicating their agreement with the facts.

If you pleaded "guilty" before the U.S. Commissioner, he sentenced you to jail or a fine.

## Step #5: Grand Jury

If you pleaded "not guilty," your case went before the grand jury. You might have been lodged in jail or allowed out on bond until the grand jury heard the case. The grand jury could indict or ignore. The indictment of a grand jury was called a "true bill" and stated your name, the charge, and the date, place and description of the crime. If indicted, your case went to a jury trial. If ignored, you were released.

## Step #6: Jury Trial

A group (jury) of your peers would decide the verdict. Your attorney argued your side of the case, and presented witnesses and facts in your defense. The U.S. District Attorney or one of his

assistants prosecuted the case against you. Juries in the Western District of Arkansas were all male and came from Arkansas, not Indian Territory. They did have both white and black members, but no Indians. This was often an issue for the court in Indian Territory: "We are not judged by a jury of our peers."

The jury ruled guilty or not guilty, or if the jury could not reach a unanimous decision, your case was retried. The verdict was written on the reverse side of the indictment.

## Step #7: Sentencing

If found guilty, you were sentenced by Judge Parker. Criminal statutes generally provided a maximum sentence. The Judge determined if he would impose a punishment of the maximum sentence or be more lenient. For rape and murder convictions, the mandatory sentence was death. All federal executions in Fort Smith were carried out by hanging. For other crimes, the sentences varied from monetary fines to jail time. If you were sentenced to more than a year in prison, you were transported to a facility in another place: Little Rock (Ark.), Detroit (Mich.), Illinois, Ohio, or New York.

If you were found guilty in a capital case, a death warrant would be issued and would require certification.



Florence Hammersly was one of the early female employees of the federal court. Hammersly was the daughter of the court crier, J.A. Hammersly, and served as a deputy court clerk. Her father probably recommended her for the position. In the 1920s, Hammersly was sworn in as a Deputy U.S. Marshal.

Images courtesy of the Fort Smith National Historical Site.



During the summer of 1885, Anna Dawes, a journalist, traveled to Fort Smith with her father, Senator Henry Dawes of Massachusetts. After seeing firsthand the Fort Smith jail and the conditions the inmates were kept in, Anna wrote a scathing indictment of the vile state of affairs. Her article, "A United States Prison," was reprinted in the Congressional Record, and it proved influential in persuading Congress to appropriate funds for a new jail at Fort Smith in 1886. Prisoners were moved into the new jail in 1888.

In the summer of 1885, Anna Dawes, a Massachusetts journalist and daughter of Senator Henry Dawes, wrote a scathing indictment of the vile conditions in the federal court's basement jail. Her article "A United States Prison," was reprinted in the Congressional Record and proved influential in persuading Congress to appropriate funds for a new jail in Fort Smith. Her journalistic abilities and political connections are credited for perhaps the most noticeable improvements of daily living conditions for prisoners in Fort Smith.

Other women showing concern for the prisoners were their wives and sweethearts. George Crisp, sentenced to death in the state courts but held in the federal jail, was visited each day by his wife, who displayed "great affection for the unfortunate husband and greets him with a kiss through the bars on the occasion of each visit." Crisp never made it to the gallows, dying in jail of jaundice. The *Fort Smith Elevator* further described that his wife "displayed remarkable devotion, never wavering in her belief that he was innocent," and went on to state that "facts have developed since his

conviction which may lead many to believe he was entirely innocent of the crime."

The actual processes of the federal court involved women on both the plaintiff and defendant sides of the law. Women were, unfortunately, not exempt from being victims of capital crime, assault, extortion, theft of personal property, and deceit by forgers and counterfeiters. The court routinely heard cases and dispensed justice on their behalf. On the other side of the law, women accused of some of the same crimes as men were no novelty in Judge Parker's court. The actual number of women brought into the Fort Smith court, and a breakdown of their crimes during this period, are not yet fully known.

The most famous and notorious female outlaw of Fort Smith's federal court period was Belle Starr. Romanticized in cinema and dime store novels as a "Lady Robin Hood" and "Bandit Queen," she was neither. Her life of petty crime began during the Civil War and continued throughout her life. In 1883, Starr was brought into Judge Parker's court on

charges of horse theft, found guilty, and sentenced to a year in the Detroit House of Corrections, where she trained as a cobblesmith. Arrested again in 1886 on a holdup charge, Starr's case was dismissed due to her own legal savvy and lack of evidence. Starr's untimely murder in 1889 remains an unsolved mystery to this day.

One myth that still persists is that women were hanged in Fort Smith. No women ever hanged at Fort Smith by Judge Parker. Over his years on the bench he did sentence four to hang for murder because it was the mandate of the law, but none were actually executed. Three had their sentences commuted to life imprisonment, and the fourth was acquitted in a retrial.

The treatment of female prisoners by an all-male guard and deputy force raised delicate issues not faced by the male jail population. For their protection, female prisoners were housed separate from the men. This not only provided much better treatment in general, it also served to the advantage of some women, in particular those with children. Unlike today's correctional facilities, women during that time in Fort Smith were allowed to keep their children with them if there was not another family member who could care for them. An example of this was Anna Jones, who was allowed to keep her four-year-old daughter with her while in jail. Children were often allowed to play outdoors during the day.

While having children did provide some special privilege, it did not diminish the term of punishment. Mrs. Arena Howe, initially charged with murder, arrived in the winter of 1880–81 with a five-year-old son and another child on the way in a matter of weeks. She gave birth on schedule and both baby and son accompanied her to the Detroit House of Corrections to serve a 10-year sentence for manslaughter. While not an ideal situation, the court did make provisions for the family to remain together.

Viewing history through today's standards, it is obvious to see that the role and stories of women in the federal court period remains largely untold. What remains are more questions than answers. Future research will undoubtedly bear record that women were deeply involved in the complex operations of the federal court in a variety of roles, and that they were equal partners in shaping the rich history of the judicial system in Fort Smith.



The most famous female outlaw of the federal court period was Myra Belle Shirley—also known as Belle Starr. Starr began her life of petty crime during the Civil War, and continued in that vein until her murder in 1889. She very rarely, if ever, participated in the crimes herself, but was the “brain” of the operations. Starr was finally brought into Judge Parker's courtroom on charges of horse theft in 1883, found guilty, and sentenced to one year in the Detroit House of Corrections. She was arrested again in 1886 on a holdup charge, but her case was dismissed for lack of evidence. In February 1889, she was shot and killed, probably by an outlaw who thought she was going to turn him in.

Image courtesy of the Fort Smith National Historical Site.

## CHAPTER THREE

# FORT SMITH MUSEUM OF HISTORY

### Fort Smith and Its Founders

#### John Rogers

John Rogers, a native of Pennsylvania, was born in 1780. After the War of 1812, Rogers came upriver to Fort Smith where he began a life that helped transform a small, frontier town into a bustling little city. He is considered the founding father of the city of Fort Smith. Rogers arrived around 1820 as an Army sutler and captain with the 7th United States Regiment Infantry.

Rogers was an entrepreneur. His first store was located at the first Fort Smith. After his military service ended, Rogers opened mercantile stores on Garrison Avenue and in Fort Gibson, but retained the Army's contract as a sutler. He supplied goods to both the Fort and private citizens. He owned the first hotel in Fort Smith, aptly named the Rogers Hotel. As a land speculator, he purchased 306 acres near the Arkansas River. This land was later sold to the U.S. Government for \$60,000. It became the land upon which the second Fort Smith was built, and that land was "laid-off" into town plots. When there was a concern that the second Fort Smith might not be constructed, John Rogers lobbied Senator William Fulton to push a resolution through Congress, which authorized Secretary of War Joel Poinsette to purchase additional land to rebuild and expand the second Fort.

Always involved with the community, Rogers served as postmaster from 1829 to 1855. He was responsible for laying out the city's first cemetery on Catholic Avenue (now Grand Avenue). At his death, accolades from the citizens of Fort Smith regaled his generosity, his love of Fort Smith, and his involvement in enriching the community for generations to come.

#### Benjamin Bonneville

Born in France in 1796, Benjamin Louis Eulalie de Bonneville immigrated to the United States with his family in 1803. After he graduated from the United States Military Academy at West Point, Bonneville arrived in Fort Smith in 1822 as a young lieutenant with the 7th United States Infantry Regiment. He was commander of Fort Smith three times—in

John Rogers. Courtesy of the Fort Smith Museum of History.



1824, 1838, and 1845—and developed strong ties to the city that grew around the military post.

Bonneville is well known nationally for his exploration of the West and the founding of sites such as Bonneville Salt Flats and Bonneville Dam. He was also the subject of a book by Washington Irving, *The Adventures of Captain Bonneville*, published in 1837. Bonneville spent much of his life in Fort Smith, and only left when military duties required. When he reached the rank of Brevet Brigadier General, Bonneville retired and married Fort Smith native Susan Neis in 1871. General Bonneville lived out the rest of his long life in Fort Smith until his death in 1878 at age 82.

Bonneville Elementary School and Bonneville House in Fort Smith are named after the famous general, as well as the town of Booneville (using an altered spelling of his name).



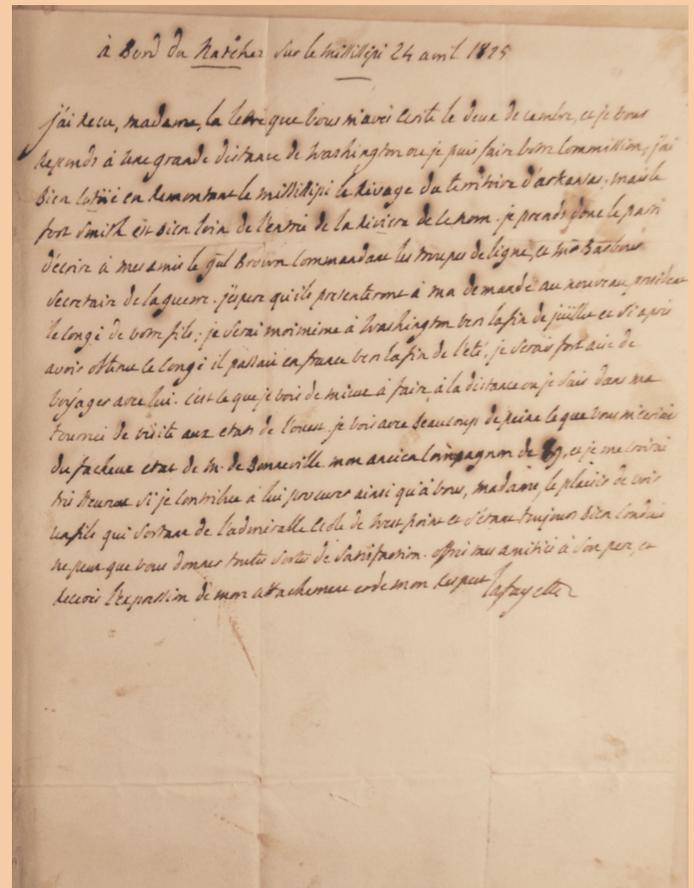
On Board the Natches  
On the Mississippi, April 24, 1825

Madame— I received the letter, madame, you wrote me December 2nd, and I answer you at a great distance from Washington, where i can perform your commission. I have been well received, traveling up the Mississippi, bordering the Arkansas Territory, but Fort Smith, being very far from the mouth of the Arkansas River, I find it impossible to pay you a visit. I write to my friends, the good Brown, commander of the troops of the line, and Mr. Barbow, secretary of war. I hope they will present to the new president your son's request for leave of absence, and I will ask them to do so. I myself, will be in Washington at the end of July, and if he would start for France at the end of the summer, after having received his leave of absence, I would be very glad to travel with him. I am very sorry to hear from you that M. De Bonneville is in a bad condition, and I would be ever too happy if I could contribute to procure him, as well as yourself, madame, the pleasure to see a son who, just leaving the admirable school of West Point, where he conducted himself always well, can't help but give you all possible satisfaction.

I offer my friendship to his father. Receive the expression of my affection and esteem.

Lafayette

Above: Benjamin Booneville.  
Below: Letter from the Marquis de Lafayette to the Mother of Benjamin Bonneville.  
Left: Transcription of letter.  
Courtesy of the Fort Smith Museum of History.



## John Foster Wheeler

Before he settled in Fort Smith in 1846, John Foster Wheeler had an extensive history with the Cherokee Nation. Wheeler arrived in New Echota, Ga., in 1827, a 19-year-old assistant printer for the *Cherokee Phoenix* press. As a printer, Wheeler worked with a brand-new language, foreign to him, that presented immense challenges. While he worked at the *Cherokee Phoenix*, Wheeler met cousins Elias Boudinot and Stand Watie, Cherokee men involved in the politics of the Cherokee Nation. Wheeler married into the family and himself became a staunch supporter of Cherokee rights. When the Cherokee were forced to leave Georgia and move to Indian Territory, Wheeler followed and set up the first press in the new territory at Union Mission, and later at Park Hill. This move brought the *Phoenix*, its message, and the Cherokee language to Indian Territory. However, another major political event, which included the execution of Elias Boudinot (Wheeler's brother-in-law), forced Wheeler and his family out of the Nation, and eventually to Fort Smith in 1846.

In Fort Smith, Wheeler continued his legacy of 'firsts.' In 1847 he established the first newspaper in Fort Smith—the *Fort Smith Herald*. It was published weekly, the first of many newspaper publications. For the next 30-plus years, Wheeler worked as a printer, newspaper editor, and publisher. Wheeler's support of, and involvement in, the community of Fort Smith was as extensive and intertwined as his history with the Cherokee people. He was involved in almost any and every aspect of the growing town and his titles were many.

Wheeler was a family man, blessed with a devoted wife, whom he adored, and their eight children. He worked to leave a family legacy and business for them. Two of the children stayed in the family business, and their descendants started the *Sequoyah County Times* in Sallisaw, Okla. In civic affairs and community support, Wheeler was known to have been a stand-up businessman, city treasurer, and was a one-term mayor. He was also nominated for a judgeship, but declined because he could not give adequate time to it, as his business took the majority of his energies.

Wheeler was a backer of new transportation moving into the city. His business depended on river levels, which were highly unpredictable, and as such, he became a staunch supporter of railroad expansion, a faster Butterfield Stage Coach route, a free ferry, and a road to Fayetteville. Wheeler

also supported, and financially backed, with his friend John Rogers, expeditions to California for westward expansion.

Wheeler used his newspaper as a vehicle to address and air his views on issues, both locally and nationally. Wheeler kept Native American issues and rights in the forefront, and supported national policies for Native Americans that pushed for safety during immigration to the new territory. In 1874, he served one term in the Arkansas State Senate which ratified the Arkansas State Constitution. At his death in 1880, he was noted as the 'oldest editor in active service.'

## Albert Pike

Albert Pike, one of the most colorful characters that influenced Arkansas History, was born in Boston in 1809 and raised in Newburyport, Mass. As a young man, Pike traveled west and arrived in Fort Smith in 1832. He enjoyed the hospitality of John Rogers, and stayed at the Rogers Hotel for several months. He taught school in Crawford County and Little Piney, Ark., before he settled in Little Rock and took

the job of editor and publisher of the *Arkansas Advocate* in 1835. During the Mexican War, Pike was captain of the Little Rock Guards and marched south with his troops from Fort Smith. As a Confederate General in the Civil War, he commanded

regiments comprised of Native American tribes from Indian Territory. The regiments participated in the Battle of Pea Ridge. Always an active Mason, Pike was named Grand Commander of the Southern Jurisdiction of the United States in 1859 and held the title until his death. A lawyer, poet, writer, and influential prominent citizen, it was said that Albert Pike "has a national reputation as one of the best minds of the age, and one of the first living poets." This early Fort Smith settler died in Washington, D.C., in 1891.

Pike Elementary School and Albert Pike Avenue in Fort Smith are named after this legendary Arkansan.

## The Cherokee Advocate and Cherokee Phoenix

The *Cherokee Phoenix* was the first Native American newspaper, and the first bilingual publication in North America. It was followed by the *Cherokee Advocate*. Both were printed in English and in Cherokee, using the newly formed Cherokee syllabary developed by Sequoyah.

The first issue of the *Phoenix* was published February 21, 1828. For the next six years, until 1834, the *Phoenix* was used as the primary printed voice among the many townships that constituted the Cherokee Nation—which at that time

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“Albert Pike has a national reputation as one of the best minds of the age, and one of the first living poets.”

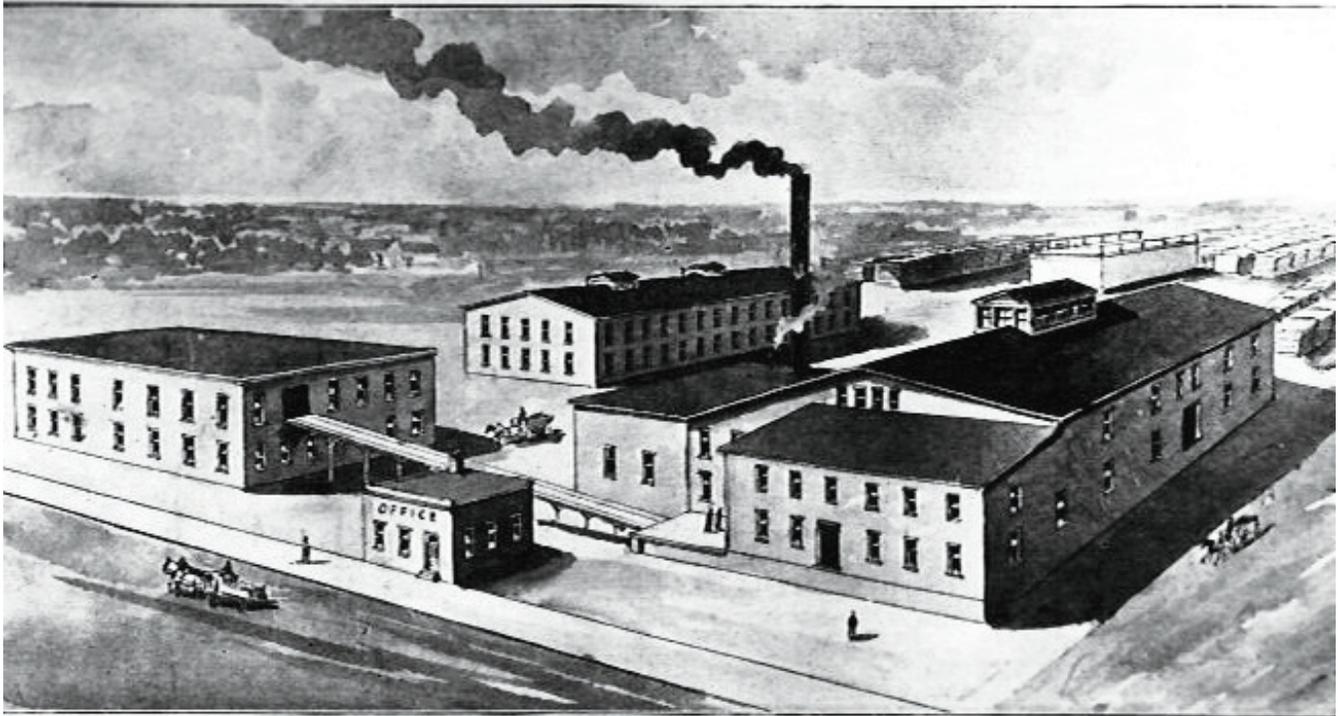
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## MILLER & JONES FURNITURE CO., FORT SMITH, ARK.



When in the City Call Us Up Over Telephone and We Will Send the Egg Down for You to Come Out to Our Factory

Miller & Jones Furniture Company. Courtesy of the Fort Smith Museum of History.

the loss. Not one to stay idle, Wheeler's business resumed in March 1861 when he and Sparks resurrected *The Herald*, and combined the papers as the *Fort Smith Times and Herald*. Newspapers at this time were political in tone, and often presented the view of their editors. Wheeler's views tended to be progressive and liberal. However, regardless of personal political views, Wheeler wrote that "a newspaper is the history of the times in which it is printed, giving accounts from every country and people under the sun, the Arts, Sciences, Agriculture, Morality, Religion, etc." Wheeler and Sparks were in business together until 1871. However, John Foster Wheeler printed, edited, and published until his death in 1880. Items included business forms and broadsides, books and pamphlets. Some of those titles read as: *The Arkansas* (1850); *Material for Thinking: Respectfully Addressed to the Calm Inquirer after Sacred Truth* (1852);

*The Constitution of the Choctaw Nation Adopted January*, (adopted January 1857); *Minutes of the 12th Annual Session of the Dardanelle Baptist Church* (1866); *Dr. Elias Rector's Cholera as It Appeared in Ft. Smith, Arkansas*, (Fall 1866); and *Laws of the Choctaw Nation Relating to Schools and Scholars* (1869).

### **The Miller & Jones Furniture Company**

On August 14, 1885, John Golding Miller, wife Mary, son Carl, and Charles W. Jones, who owned 25 percent of the stock, formed the Miller & Jones Furniture Company. In December of 1896, Jones sold his stock to Miller. The plant was located at South "D" Street between 8th and 9th streets and employed some 40 men and boys. The company produced an extensive line of tables as well as hat racks, bookcases, and wash stands. In addition, this firm also produced a "Whatnot"—a



Workers at the Miller & Jones Furniture Company.  
Courtesy of the Fort Smith Museum of History.

wooden chest comprised of native Arkansas wood(s)—a spindle-back chair, and a table, that were displayed in the Arkansas exhibit at the Chicago World's (Fair) Columbian Exposition of 1893. The plant was in business until it was destroyed by fire on July 12, 1901.

The World's Columbian Exposition, also known as the Chicago World's Fair of 1893, was a showcase of America's industrial rise to prominence. A model city called "The White City" was constructed with the unprecedented collaboration of artists, architects, engineers, sculptors, painters and landscape architects. There were over 65,000 exhibits displayed at the fair—exhibits that showcased every conceivable product, including an exaggerated 1,500-pound chocolate Venus de Milo. Each state displayed items which represented the people, products, and culture of their state. Among the many goods introduced to the public for the

first time were Cracker Jack, Aunt Jemima syrup, Cream of Wheat, Pabst Beer, Juicy Fruit gum, picture postcards, diet/ carbonated soda, and hamburgers. The original Ferris Wheel was operational and visitors could see Buffalo Bill's Wild West Show. The Fair drew over 27 million visitors during its six-month run. Among the many notable visitors was L. Frank Baum, who later transformed the White City into the Emerald City of Oz.

## CHAPTER FOUR

# THE CLAYTON HOUSE

### William H.H. Clayton

William Henry Harrison Clayton was born in Bethel, Pa., in 1840. He was one of four brothers who led distinguished careers in public service. In 1864, Clayton moved to Pine Bluff, Ark. He purchased a share of a plantation near Pine Bluff with two of his brothers, Powell and John (William's twin). Clayton's oldest brother, Thomas Jefferson Clayton, remained in Pennsylvania, where he was an attorney. William Clayton sold his part of the plantation to his brothers in 1868, and began a career in public service. He studied law with Judge Stephenson of Huntsville, Ark., and that same year was appointed Assessor of the Internal Revenue Service. The next year Clayton was appointed Circuit Superintendent of Public Instruction for the 7th District of Arkansas. In this role he developed approximately 30 public schools in seven counties where there were few or none. He also married that year; his bride was a Pine Bluff resident named Florence Alabama Barnes. In 1871, Clayton was admitted to the bar and appointed Prosecuting Attorney for the 1st Circuit Court of Arkansas in the eastern Delta region of the state. In 1873, he was appointed judge for the same.

In 1874, President Ulysses S. Grant appointed Judge Clayton as U.S. District Attorney for the Western District of Arkansas. At the time, the Western District included one-third of Arkansas and all of Indian Territory, a total of 74,000 square miles. Clayton accepted the position and moved his family to Fort Smith. The next year, Judge Isaac Parker arrived.

William Clayton served as U.S. District Attorney under Judge Parker from 1875 to 1897, except for two presidential terms in which Clayton was not reappointed. Clayton



William H.H. Clayton. Courtesy of The Clayton House.

## NO U. S. COURT NEXT TERM.

### What It Means.

As was to have been expected, the failure of Congress to make appropriation for the fees of United States Marshals necessarily closes all criminal proceedings and all cases in which the compensation is paid out of the United States Treasury. The United States Court of Western Arkansas, having jurisdiction in the adjoining Indian Territory, and almost all cases of a criminal nature brought before the court originating in that part of Uncle Sam's dominions, the following circular from the office of the United States District Attorney for the Western District of Arkansas, will be of importance on this frontier. The civil cases generally brought before this court are few and comparatively of small interest, while the numerous criminal cases, involving charges of murder and other high crimes committed in the Indian Territory, take up nearly the entire time of the court:

FORT SMITH, ARK. July 10, '79.

No action will be taken in any criminal case at the August term of the United States Court for the Western District of Arkansas. Parties and witnesses in such cases will not be required to attend until November 3, 1879. Respectfully, etc.,

WM. H. H. CLAYTON,  
United States Attorney,  
West. Dist. of Ark

prosecuted more than 10,000 cases—most involving crimes by outlaws in Indian Territory. From those, 80 men were convicted of murder, and 40 were sent to the gallows.

In 1882, Clayton moved his family into a home at 514 North Knox (now 6th Street) that was built in the 1850s. Clayton enlarged and renovated the house in the Italianate Gothic Style popular during the Victorian Era. He and Mrs. Clayton raised six daughters and one son in the home over the next 15 years.

In 1897, Clayton was appointed Federal Judge of the Central District of Indian Territory by President William McKinley. Clayton and his family moved to McAlester, Okla. In 1901, President Theodore Roosevelt appointed Clayton Senior Judge of the Federal Courts for Indian Territory. Clayton served on the District and Canvassing Board, where he played a crucial role in the statehood of Oklahoma.

### Florence A. Barnes Clayton

Florence Alabama Barnes (Dec. 10, 1846 – Nov. 16, 1906) was a resident of Pine Bluff, Arkansas, when she married Wm. H. H. Clayton in 1869. She was a well-educated Southern "belle" whose grandfathers, Hewes Scull and Joseph Bogy, were early settlers of the Arkansas Post. In Fort Smith, Mrs.



Florence A. Barnes Clayton. Courtesy of The Clayton House.

Article from the July 16, 1879 *Fort Smith New Era* written by Wm. H.H. Clayton, United States Attorney, Western District of Arkansas. Courtesy of The Clayton House.

Clayton ran the household and oversaw her six daughters and one son. However, she also contributed to the community. She and Mrs. Isaac (Mary) Parker were members of the Fortnightly Club, who helped to establish a library in Fort Smith.

### The Clayton Children

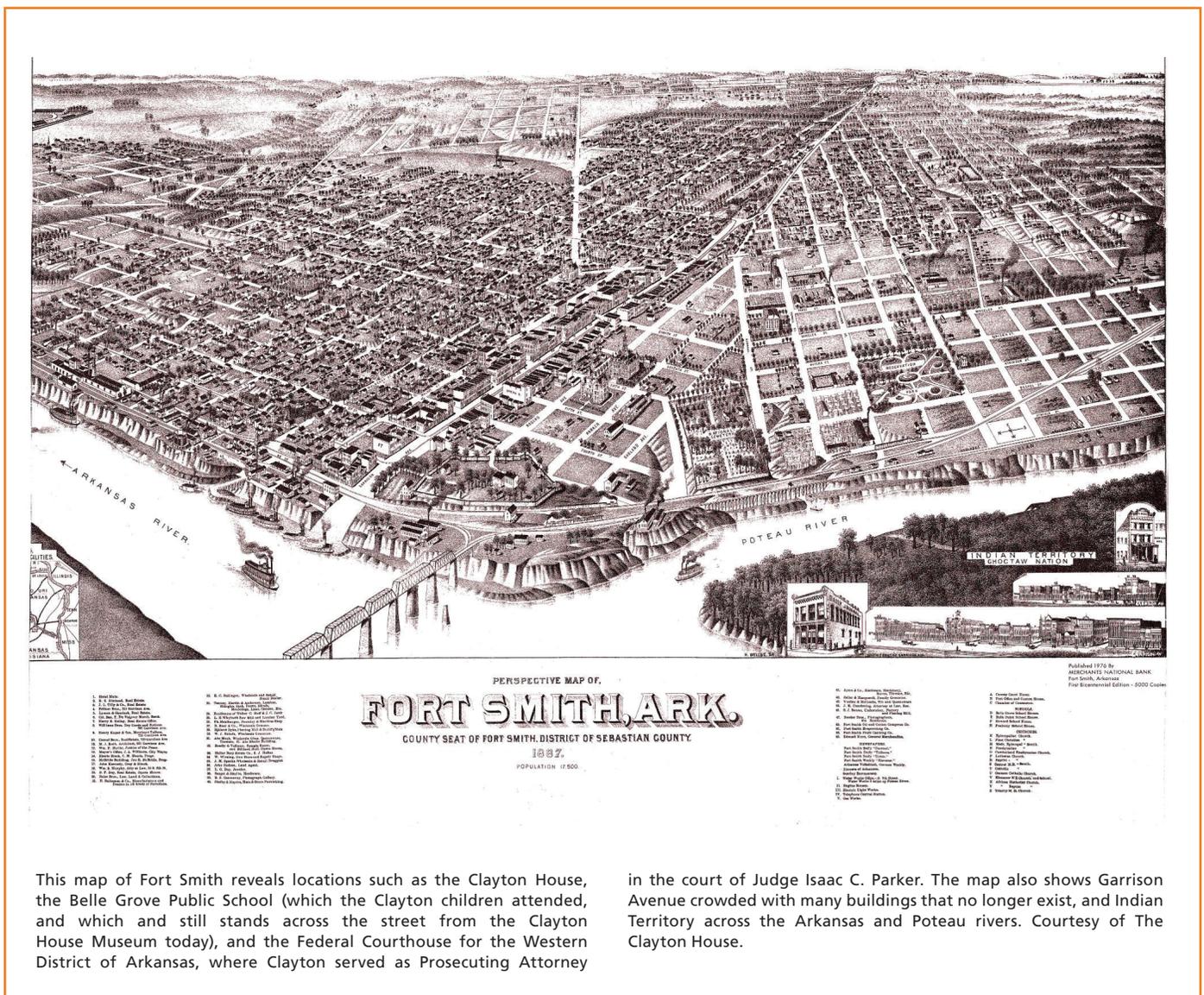
The Clayton children, born during the years 1870 to 1891, grew up in a time of great change in America. Many new technological developments changed life in the home during the late Victorian era. However, modern conveniences such as electric light and indoor plumbing were recent developments and sometimes absent even from the homes of the well-to-do, including the Clayton House.

Electricity came into use in Fort Smith in 1885, but the Clayton home did not have electricity during the years

the family lived there. The Clayton's lighting was from gas lights and kerosene lamps. Daily chores included the filling, lighting and extinguishing of lamps.

They also did not have indoor plumbing. For bathing, they filled a tub from the well. There were no bathrooms with flushing toilets, which meant one either went to an outhouse or used a chamber pot. Lime blocked the odor until the pot was emptied in the morning.

The Clayton house used coal-burning fireplaces for heat in winter, and the high ceilings were designed to help keep the house cool in summer, along with large windows that were easily opened to let in breezes. Cool drinks on the porch also helped. Ice was bought in huge blocks, carried home with tongs, and placed in a specially designed ice box that slowed the rate of melting. Children of the late Victorian era were expected to be productive, and they learned



This map of Fort Smith reveals locations such as the Clayton House, the Belle Grove Public School (which the Clayton children attended, and which and still stands across the street from the Clayton House Museum today), and the Federal Courthouse for the Western District of Arkansas, where Clayton served as Prosecuting Attorney

in the court of Judge Isaac C. Parker. The map also shows Garrison Avenue crowded with many buildings that no longer exist, and Indian Territory across the Arkansas and Poteau rivers. Courtesy of the Clayton House.

various crafts at the knees of their parents and older siblings. The Clayton daughters spent much of their time sewing, crocheting, or embroidering. The large bay window in the Clayton House sitting room was designed to allow a lot of daylight for such activities. Musical talent, such as piano playing, was emphasized, as well.

The Clayton House, like other late Victorian era upper-class homes, was meant to be a stately place—clean, quiet and orderly, reflective of the values of the people who lived there. Children were expected to behave in proper fashion, without undignified behavior such as running, shouting or other horseplay. Rudeness or insubordination to one’s parents was not tolerated. The bonds of family were very important, and the family engaged in daily activities together. Sometimes a member of the family read to the others, an opportunity to show how well they had learned

their lessons in school. Other entertainments included storytelling or making hand shadows.

For schooling, Will Jr. attended the Belle Grove School, built across the street from the home in 1886. He graduated from Fort Smith High School in 1897, and went on to a military academy and then college. He became a lawyer and practiced with his father in later years.

The Clayton daughters, as with many well-to-do Victorian era families, attended boarding schools out of state. Schooling for girls was designed to both educate and refine them.

Clayton children in front of the Clayton home.  
Courtesy of The Clayton House.



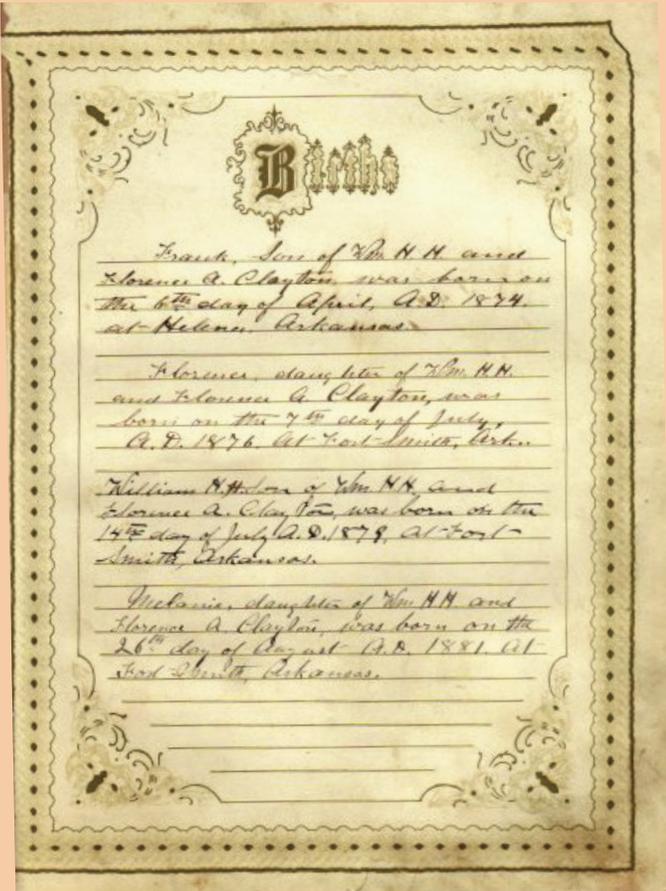
Births

Frank, son of Wm. H.H. and Florence A. Clayton was born the 6<sup>th</sup> day of April, A.D. 1874, at Helena, Arkansas.

Florence, daughter of Wm. H.H. and Florence A. Clayton, was born on the 7<sup>th</sup> day of July, A.D. 1876, at Fort Smith, Arkansas.

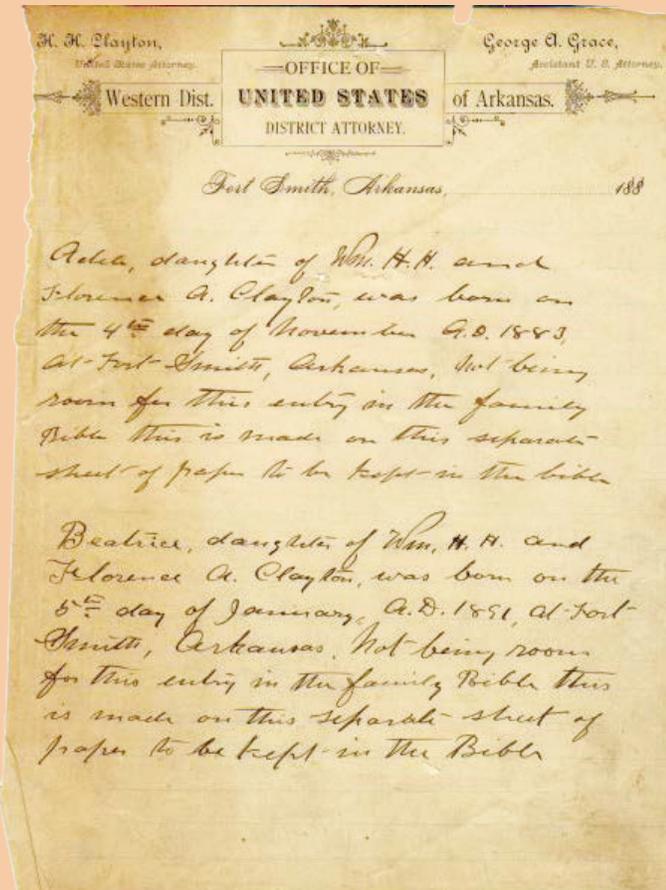
William H.H. son of Wm. H.H. and Florence A. Clayton, was born on the 14<sup>th</sup> day of July, A.D. 1878, at Fort Smith, Arkansas.

Melanie, daughter of Wm. H.H. and Florence A. Clayton, was born on the 26<sup>th</sup> day of August, A.D. 1881, at Fort Smith, Arkansas.



Adele, daughter of Wm. H.H. and Florence A. Clayton, was born on the 4<sup>th</sup> day of November, A.D. 1883, at Fort Smith, Arkansas. Not being room for this entry in the family Bible, this is made on this separate sheet of paper to be kept in the Bible.

Beatrice, daughter of Wm. H.H. and Florence A. Clayton, was born on the 5<sup>th</sup> day of January, A.D. 1891, at Fort Smith, Arkansas. Not being room for this entry in the family Bible, this is made on this separate sheet of paper to be kept in the Bible.



Original handwritten pages recording the births six of the Clayton children, and transcriptions of each page. Courtesy of The Clayton House.

**The Farris-Clayton Wedding.**

One of the most brilliant society events that has taken place in Fort Smith in many years was the wedding of Mr. W. L. Farris, of St. Louis, to Miss Anne Clayton, of this city, Monday evening. The high standing of all the parties concerned rendered the event of more than ordinary interest.

The wedding ceremony was performed at 6:30 p. m., in the handsome parlors of the bride's parents on Sixth street, Rev. Lawrence Smythe officiating. The attendants were Mr. Louis G. Kurtzborn, of St. Louis, and Miss Mae Wheeler, of this city. Only the immediate relatives and a few intimate friends witnessed the ceremony.

A very elaborate wedding supper followed. A grand reception was held from 8 to 11 o'clock, for which a large number of invitations had been issued. A gay and happy throng filled the beautifully decorated rooms of Col. Clayton's residence until a late hour. The bride and groom, than whom no more popular couple ever went forth to do battle with the realities of life, received the congratulations of their numerous friends under an arch of cedar and mistletoe, while near them stood Col. and Mrs. Clayton, Mr. and Mrs. Farris, of Lebanon, Mo., the parents of the groom, and the attendants. It was a strikingly beautiful scene, one not soon to be forgotten.

A splendid luncheon was served in the dining room. The presents were numerous and valuable, showing splendid taste in their selection by the donors. The bridal couple left on the north bound Frisco at 1:00 o'clock a. m., for Lebanon, Mo., where they will remain several days before going on to their future home in St. Louis.

Clipping from the Fort Smith New Era newspaper announcing the wedding of Anne Clayton, daughter of Wm. H.H. and Florence Clayton, to W.L. Farris. Courtesy of The Clayton House.

Know all Men by These Presents:

I, **J. J. Henry Carnall**, Mayor of the City

of Fort Smith, for and in behalf of said City, for and in consideration of the sum of Six Hundred and Eighty Six (686<sup>00</sup>) Dollars, to the said City paid by W<sup>m</sup> H. H. Clayton, (the receipt whereof is hereby acknowledged) have this day granted, bargained, sold and conveyed unto the said W<sup>m</sup> H. H. Clayton and his heirs

the following described lot or tract of land situated in the County of Sebastian, State of Arkansas, and in the late Military Reservation addition to the City of Fort Smith, viz: lots number eight, nine, ten, eleven and twelve in Block number Six Hundred and Seventy One (lots nos 8, 9, 10, 11, & 12 in Block No 571) in Reserve addition to the City of Fort Smith

As the same are marked and designated on the plat or survey of said Reservation, made by Geo. H. Lyman, Civil Engineer, in the year A. D., 1884, and filed in the Clerk's office of said County, and known as part of the "abandoned Military Reservation at Fort Smith," and donated to said City by the United States by act of Congress, approved May 13, 1884, said lot or parcel of land being of the dimensions and boundaries as on said plat or survey marked and designated together with all the privileges and appurtenances thereto belonging.

To have and to hold the above and afore granted premises to the said W<sup>m</sup> H. H. Clayton and to his heirs and assigns forever. And I, the said J. HENRY CARNALL, Mayor of said City of Fort Smith, for and in behalf of said City, hereby covenant to and with the said W<sup>m</sup> H. H. Clayton and his heirs and assigns, that in making this conveyance, and in everything, the same concerning, I have complied with the said act of Congress, donating said lands or Reservation to the City of Fort Smith, and with the patent of the United States, made in pursuance thereof, bearing date the 12th day of March, A. D., 1885, and hereby convey all the right and title the City of Fort Smith has in and to same, and none other, in as full and ample a manner as I as said Mayor of Fort Smith can, could or ought to convey the same.

IN TESTIMONY WHEREOF, I have hereto set my hand as Mayor

Executed and notarized deed for the purchase of City land by William Clayton. The land lies in what is now Fort Chaffee. Courtesy of The Clayton House.



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