

## **Echoes From the Past**

### **THERE IS NO SUNDAY WEST OF ST. LOUIS – NO GOD WEST OF FORT SMITH**

Such was the slogan and environment that greeted Judge Isaac Parker, who soon became noted as the “hangin Judge” when he arrived in Fort Smith in 1875. A federal appointee at age 36, Parker’s jurisdiction ultimately included the employment of 200 deputies who ranged over Indian Territory, an expanse of 74,000 square miles that included northeastern Oklahoma. The region had become a haven for criminals, because until a recent modification in federal jurisdiction, it had been governed by Indian law which for the most part excluded the white man. As a result murder, robbery and rape were common crimes perpetrated on inhabitants of Indian Territory. And, due to lackadaisical legal procedures many criminals who were tried in court were either released for insufficient evidence, incompetent legal prosecution, or they just simply escaped from jail with the assistance of friends on the outside.

Parker quickly re-established respect. Only 18 days after his arrival eighteen persons appeared before him charged with murder and he ordered seven to be hung, one of whom subsequently was shot in an escape attempt. The hanging of the remaining six caught national and even international attention and newsmen and curious citizens flocked to Fort Smith to view the spectacle. There had not been a hanging in town since two years earlier when John Childers who grew up near Cowskin Creek in the northeast part of the territory was convicted of murdering a peddler for his horse. Consequently, hanging six convicts at once, three white men, two Indians and one Negro was high drama. When the fateful day came, September 3, 1875, it was estimated that over 5000 were in attendance so if Parker’s motive was to send a message it was duly noted. At the conclusion of the legal proclamations, the trap door fell open and six felons died at the end of their rope, all with broken necks. When interviewed later, the hangman, George Maledon explained that a big knot placed properly under the right ear was the secret. Parker’s response to critics who regarded the punishment as excessive was cryptic, “If criticism is due, it should be the system, not the man whose duty lies under it...” Over time in his effort to underscore the rule of law Parker successfully condemned 79 men to the gallows. As if to accentuate his continuing pursuit of justice, years later the next to last conviction almost equaled the first that had gained so much attention. This one, on July 1, 1896, shortly before his retirement due to illness, involved the simultaneous hanging of five members of the infamous Buck Gang for rape.

In his capacity as judge, Parker reopened many unsolved cases as he sent deputies who now were dedicated with a new resolve to locate those responsible with the admonition “bring them in alive – or dead.” These men were extremely rugged and resourceful and their tactics in capturing criminals sometimes pushed the legal envelope. In fact, some deputies like Grat and Bill Dalton joined an estimated one out of four lawmen who eventually turned to crime.

There are endless stories about exploits of Parker’s deputies. In one instance a criminal named Martin Joseph was charged with the murder of Bud Stevens, then raping and

**killling his wife and throwing their bodies in a deep crevice. But in order to convict him, evidence of the deaths was necessary. Deputies located the crevice and one was lowered to the bottom only to find that a den of rattlesnakes had taken up residence among the bones. Scrambling out of the hole he returned with a lantern and a gun to shoot the snakes, but in the ensuing ruckus the light from the lantern went out. Grabbing some of the clothing and bones and sticking them in a sack, the others pulled him to the surface with the evidence in hand and one rattler around his neck. Gunfights and harrowing situations during the capture of criminals were a routine occurrence and marshals would often appear in Fort Smith with a dozen or more felons chained together which was always a festive event. On one occasion Heck Thomas appeared with his posse and 32 prisoners chained together.**

**Those committing crimes in Northeastern Oklahoma who went to the gallows, and their year of execution include: James Diggs, murdering a cattle drover near the Kansas border (1878); Kit Ross, shooting an acquaintance outside a Chouteau dry goods store to avenge an old grudge (1885); John Stevens, hacking a woman to death on the Delaware Reservation with an axe for testifying against him (1886); and Patrick McCarty, murdering and robbing two employees of the Atlantic – Pacific Railroad west of Vinita, (1887).**

**Although crimes against citizens continued after Parker's death in 1896, the magnitude dropped sharply by the 20<sup>th</sup> century. The "hangin Judge" had made his case and respect for the law and those who enforced it had become more firmly established.**



