

JUDGE PARKER'S OTHER COURT

Most everyone, even those just casually interested in history, is familiar with “Hangin” Judge Parker’s court in Fort Smith, Arkansas and the drama that surrounded it. Books have been written, movies made and countless televised westerns have told and retold stories about the infamous criminals brought before his court. The size of his jurisdiction, seventy four thousand square miles and sixty thousand people, and the cast of characters who were involved, provided the material for Parker’s place in history. For example, northeastern Oklahoma resident, John Childers, became the courts earliest “celebrity.” Childers, born on Cowskin Creek, and the first to receive the death penalty from Parker, was sentenced to die on August 15, 1873. He had been found guilty of killing Reburn Wedding on Caney Creek, south of the Kansas border, after Wedding refused Childers’ offer to buy his horse. True to the drama soon to be expected of a Parker court, when Childers fell through the trap door, a clap of thunder was accompanied by electric sparks flashing from the gallows. This in turn, was followed by the scream of a frantic Negro woman who proclaimed, “John Childers’ soul’s gone to hell; I done heerd de chains clankin.” No Hollywood producer could have created a better script and Parker continued to provide material for twenty three years. During his time on the bench, 160 criminals were sentenced to death and 79 met that fate on the gallows.

However, historians tend to ignore the more tedious events in everyday life familiar to most of us and Parker’s court was no exception. In fact, lesser infractions ruled the day on the docket. His 200 deputies performed many routine law enforcement activities that, unto themselves, would never assure them fame as crime fighters. Imagine deputies like Bass Reeves or Heck Thomas gaining immortality for arresting drunks, whiskey peddlers, prostitutes, or horse thieves. In fact, the judge’s drab courtroom was a perfect setting for a large number of those 13,490 colorless cases that appeared on his docket. Most of them would remind us of everyday life as we know it today. Listed below are examples of a few offenses Parker adjudicated around 1890, sometimes just by himself and, when required, with the assistance of a jury.

...Tom Smith was sentenced to five days, in addition to the 25 he had served, for disturbing a religious meeting;

...Thomas Hinds and Lewis Spencer each received a 26 day sentence and \$50 fine for assault;

...L. M. Price and J.W. Boffet pleaded guilty to a charge of cutting a half load of wood on government lands. They pled their circumstances as cold weather and sickness. They were released with a fine of \$10 which they paid immediately;

... J.C. Hall was tried by jury on conviction of assault resulting in a verdict of acquittal. However, Jerome Fitzgerald was tried on the same conviction, sentenced to 30 days in jail and fined \$50;

...The case of Joseph Middleton, tried for killing a mule, was dismissed after considerable discussion;

...Mary Carrer, a colored citizen of the Cherokee Nation, was tried for assaulting another Cherokee citizen. An able argument was made to the point that citizens by adoption were entitled to the same rights under the treaty of '66 as Indians by blood, but the court held that while Indians by blood have the right under that treaty to be tried by

their own courts only, yet negro citizens are subject to this court also. She was convicted, sentenced to one day in jail and fined \$50;

...J.L. and John Low pled guilty to cutting timber on their own claim, and like other frivolous cases of that kind, the court gave them the lightest sentence the law would allow: one hour in jail and a one cent fine. Similar cases still appear before the court and in the news today, for example the freedman status of Mary Carreer and those pertaining to assault or disturbing the peace.

These examples do not imply that life was uneventful during those early years, just more mundane than we are often led to believe. Newspapers of the day reported events as they occurred. Realistically, most of our forefathers worked at back breaking labor from dawn to dusk, occasionally danced from dusk to dawn, worried about their finances and pieced together a living attempting to survive in this new country. While there is no doubt that settlers in Indian Country, suffered through an extended period of lawlessness, those stories of violence and violent men do not reflect that life in totality. In fact, contemporary news events might rival early history in that respect. Today, we assume a daily infusion of reports of murder, robbery, meth labs, child molestation, rape ;and gang warfare. Echo's from the past, but just in a more modern setting.

