

## **CHEROKEE JUSTICE, THE SALINE COURTHOUSE STORY**

Saline District Courthouse, located along the Delaware and Mayes County line south of Rose, stands as a reminder of Cherokee law, prior to Indian Territory being absorbed into the United States. Emblematic of a new criminal justice system at the time and one of nine courts eventually scattered across the Cherokee Nation, the courthouse sits on 14 acres, now designated as Saline National Park. It is also associated with an incident that somewhat detracts from its image, three murders that occurred nearby, labeled by some as a “massacre.”

Prior to its present location, the site of the courthouse had changed several times. The first building, a humble log cabin was constructed in 1842 and served as one of nine judicial districts until the Civil War. After the conclusion of the war in 1865, the location of the court was moved several times. In the meantime, Indian Territory had become inundated with white criminals, ranging from whiskey runners to murderers, none of whom were under the jurisdiction of Indian law. The situation grew steadily worse and by 1872, because of the unresolved murders of several United States marshals, tension rose between the United States court in Arkansas and the Cherokee Nation. It climaxed when a posse of U.S. marshals attempted to take a Cherokee fugitive from the courthouse in the Going Snake District. The dispute, “The Going Snake Tragedy,” left eight men dead and many wounded. This incident amid others, caused the Cherokee National Council to revise and refine a new code of laws in 1875, creating more activity involving the courts. In turn, the National Council decided to upgrade court facilities, relocating the Saline Court, allocating \$1000 for construction and \$300 for furnishings. On July 1, 1884, the new facility was completed and opened for business.

When court was in session, the facility was the center of both judicial and social activities that always drew a crowd...and alcohol. Since the Saline District had the lowest population of any district in the nation, it also had a comparatively low rate of crime, mostly petty crimes involving robbery, assault, family disputes or citizenship requirements. Lodging was not available near the courthouse. The community only included a couple of family homes, a barn, general store and a blacksmith’s shop. Consequently, attorneys, the witnesses and juries, whoever needed to be available for trials, commuted to court or created temporary tent campsites nearby.

Social events also occurred near the courthouse. An occasional sporting event such as “beef shoots” or the sales of stray livestock were frequently conducted. Beef shoots involved would – be marksman who shot at one of five quarters of a cow, paying the owner for the “sport.” Stray livestock sales, usually held the first day court was in session resulted in the highest bidder taking immediate possession of unmarked animals. Undoubtedly the largest crowd involving a non-judicial function gathered when, in 1894, individual payments were made from the sale of the Cherokee Outlet, that vast strip of land bordering the Osage Nation. The payment for citizens of the Saline District averaged about \$266 per person, a considerable amount of money at the time. This event created a magnetic carnival like atmosphere that drew a congregation of misfits, gamblers, schemers, and

robbers who set up tents, freely dispensed liquor, and using every scheme imaginable to part recipients from their money.

Drinking also played a major role in the singular most notorious event associated with Saline Courthouse, murders that occurred nearby during September of 1897. Three victims were involved, the first two murders taking place at the general store nearby and the third at one of the residences. As was the case, the usual large crowd had assembled during the day and by the time court adjourned, excessive drinking was evident. It was not uncommon that when the daily business of the court was terminated the owner of the general store, Tom Baggett, would also close his store to avoid unruly customers. And, on occasion, some would be enraged. So, summarizing the events relating to this particular incident, apparently after closing the store, Baggett had gone upstairs and was shot and killed while leaning out a window. Dave Ridge, who was outside on the store porch, allegedly could identify the killer. Later, his body was discovered on the front porch of the store. During that evening, following the questioning of two men at one of the homes nearby, Sheriff Jesse Sunday was shot and died of his wounds the following day. Following an investigation, the sheriff's killer, Martin Rowe, was tried and convicted in the Saline Court, but neither Baggett nor Ridge's killers were ever brought to justice. Thus, concluded the unfortunate series of events that was later termed "a massacre."

While three murders did occur nearby, the incident does not define Saline Courthouse, the 14 years of court activity that occurred there, or its function in preceding years. Although Passage of the Curtis Act abruptly ended the Cherokee Judicial System July 1, 1898, that effort is now symbolized by Saline. The building stands as a reminder of efforts of the Cherokee Nation to establish the rule of law in an untamed frontier.





















