

GREAT COURTS IN THE INDIAN TERRITORY.

From the time that the Indian Territory was set apart for the occupation of certain Indian Tribes in 1834, it has been a favorite resort of fugitives from justice from every state in the Union. Many things contributed to make it a safe popular ^{and} asylum. In the first place the general extradition laws in force in all other parts of the United States were not in force there and the only means of removing a prisoner was to have him conveyed into an adjoining state and there obtain a requisition for his removal. But the most serious difficulty was the perils of making arrests of such characters in that country. Bad men were not slow finding out one another and soon banded together for common defence and made common cause against the United States marshals who operated throughout the Territory. A deputy United States marshal was their common enemy ^{and} legitimate prey. It was necessary for the deputies to travel in squads of four to ten and then they were often often outnumbered and over ^{powered} ~~powered~~. On going out, possibly, ^{with} after only one man they found him in company ^{of} a number of desperate characters, ^{or} ~~the~~ criminals all expecting arrest, all ready to die rather than be arrested and none of them knowing which of their number was wanted by the officers. The country is full of hiding places ^{and coigns} of vantage where two or three men could withstand a score and in these places, would these desperate characters conceal themselves from the officers. They were often found and desperate battles ensued, resulting, some time in a victory for the officers and sometimes for the fugitives. They would sometimes barricade themselves in a house or cave and the officers were compelled to lay ^{siege} ~~spice~~ to the place and starve them out. The plan of starving proved very effective when the officers could succeed in cutting off supplies for it was observed that this class

had very little fortitude when hunger began to ~~grow~~^{gnaw} upon them and generally threw up the white flag rather than undergo ^{the} torture of an empty stomach.

Hundreds of deputies lost their lives in these expeditions, sometimes a squad would be almost annihilated.

The United States Courts at Fort Smith, Arkansas and Paris Texas ~~are~~ exercising jurisdiction over the Indian Country from soon after the war of the Rebellion until 1894, sent a constantly increasing stream of men to the penitentiary without apparently decreasing in the least the supply. The United States Court at Fort Smith had the rather unenviable ^{distinction} ~~reputation~~ of having hanged more men than any other court that ever existed in the world.

Yet since the establishment of courts within the Territory the number of persons sentenced to the penitentiary has greatly increased owing to ^{their} ~~the~~ greater efficiency. Judge Springer, who occupied the bench in this Territory for a term of only four years, sentenced, during his ^{term,} ~~time,~~ 580 men to the penitentiary. He was judge over but one of the three districts into which the Territory is divided.

The government at an early day adopted ^{the} policy of prohibiting the introduction of intoxicating liquors among the Indians and the penalties for this offence ^{have} ~~has~~ been gradually increased from a misdemeanor punishable ^{by} small fine to confinement in the penitentiary for a ^{term} ~~time~~ as high as five years. Nevertheless the trail is kept warm from the United States jails at Muscogee, South Mcalaster and Ardmore to the northern penitentiary ⁱⁿ ~~to~~ by those who, notwithstanding the ^{severity} ~~severly~~ of the punishment, ~~so as to~~ ^{seek} increase ^{this} the income by the sale of a few gallons of the

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Yet with all this the Indian Territory ^{is not} a lawless country.

Person and property are as safe there as elsewhere in the United States for the most part. There have been great changes for the better in this regard in the last few years and now the greater number of crimes are other than those against persons and property, among which liquor selling seems to lead all others in point of number. It is worthy of remark that though the punishment for this crime is ~~punishment for this crime is~~ confinement in the penitentiary, a much ~~more~~ heavier penalty than elsewhere attached to it, the crime is of increased frequency. They would seem to verify a remark of Sir William Blackstone to the effect that, it is the certainty and not the severity of punishment that deters men from committing crime.

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