

4-7-1896

Jails in the Indian Territory

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Doc. No. 202. 54th Cong., 1st Sess. (1896)

This Senate Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1896.—Laid on the table and ordered to be printed.

The VICE-PRESIDENT presented the following

LETTER FROM THE ATTORNEY-GENERAL IN RESPONSE TO SENATE RESOLUTION OF JANUARY 13, 1896, RELATIVE TO JAILS IN THE INDIAN TERRITORY.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 7, 1896.

SIR: In response to the resolution of the Senate dated January 13, 1896, relative to jails in the Indian Territory, I submit herewith copies of letters sent by the United States marshals for the three districts of the Indian Territory answering some of the inquiries in said resolution. I also have the honor to inclose a copy of a report made by Mr. Howard Perry, of this Department, of his recent examination of the jails in the Indian Territory.

Very respectfully,

JUDSON HARMON,
Attorney-General.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 3, 1896.

SIR: During my investigations in the Indian Territory I gave the subject of jails careful consideration.

I do not see the necessity of building a jail at each one of the thirteen places where court is held in the Indian Territory. I am positively convinced that there should be for each district a first-class jail, capable of accommodating at least 150 prisoners, and it would seem proper that these jails should be located at the headquarters in each district, namely: Muscogee, South McAlester, and Ardmore.

As will be noted from my report on the jails at each of these places, they are absolutely unfit for the safe custody of prisoners and are a disgrace to the United States Government. It is a wonder that more escapes do not occur, and I would not be surprised at any time to hear of an outbreak similar to the one that recently occurred at South McAlester, when 26 prisoners escaped from the jail, according to the report of the marshal. It is only the vigilance of the guards and the ever-present Winchester that keep the prisoners in submission.

Under the act of March 1, 1895, full jurisdiction will be given to the courts in the Indian Territory on the 1st of September next, and the class of prisoners that will then be committed will be similar to those now confined at Fort Smith and Paris, probably the most desperate criminals in the country. Under the present condition of land tenures,

etc., in the Indian Territory, it would perhaps be unwise for the Government to await the long delays incident to the erection of a Government jail at each of the places above mentioned through the action of Congress.

Mr. Turner, at Muscogee; Mr. Jackson, at South McAlester, and Wolverton & Jamison, at Ardmore, will be willing to erect such jails as the Department may approve, the rent being conditional upon the amount of outlay involved in their construction. In fact, I had positive assurances from Mr. Turner and Mr. Jackson, at Muscogee and South McAlester, that they were willing to deal with the Department upon the lines above suggested, and I believe that Wolverton & Jamison, of Ardmore, their proposition for the building of a court-house having been accepted, will do the same. A telegram from Judge Kilgore states that sufficient ground in the rear of the court-house can be controlled for the jail.

I have taken the pains to ask the Paully Company, at St. Louis, to give me a sketch of what they would consider a suitable jail for the accommodation of 150 prisoners, containing two blocks of cells and over the front offices two cells for the accommodation of women and two that could be used for hospital purposes, and the plan which they kindly have drawn for me I submit herewith, and suggest that when jails are built at the three places mentioned they be upon this order. The Paully Company state that jails of this character will cost in the neighborhood of \$30,000 each.

It appears to me to be entirely useless to build at the other places where courts are held in the Indian Territory anything except what might be termed "hold overs." The distances to South McAlester, Muscogee, and Ardmore are so near that it would not justify the Department, in my opinion, in carrying on a complete jail establishment at each of these places. It would be unwise to build at these points the kind of jails that will be absolutely required, as the expense of transporting the prisoners when they are committed to Muscogee, South McAlester, and Ardmore would, in my opinion, be considerably less than that of keeping up a separate establishment at each of these places, and I therefore think that the proposition to build three first-class jails should be adopted.

While in the Territory I talked with the officials, and my plan seemed to meet their approval. We already have small jails at Pauls Valley, Purcell, Chickasha, Ryan, and Antlers. These I do not think should be used except for the temporary confinement of prisoners, and the marshals should be instructed to employ a jailer and guard only when prisoners are confined therein. One jailer, who should be on duty during the daytime, and a night guard, is all the force that is necessary. The jailer should be paid, in my opinion, \$3 per day, and the night guard \$2 per night.

The cost of feeding prisoners should not be greater, taking all things into consideration, at one point than another, and therefore after carefully considering the matter I recommend that a uniform per diem of 30 cents be allowed for feeding prisoners in the Indian Territory.

In view of the considerations above named, I earnestly recommend that the United States marshals for the northern, central, and southern districts be directed to immediately communicate with Messrs. Turner, Jackson, and Wolverton & Jamison and request them to submit propositions for the rent of a jail for a term of years at Muscogee, South McAlester, and Ardmore.

I also suggest that a provision be made in said contract that the Gov-

ernment can purchase the jail at any time, if so desired, the purchase price to be fixed in said contract.

This matter should receive immediate attention, as it is absolutely necessary that a proper jail be obtained without delay at each of the points named.

Respectfully submitted,
The ATTORNEY-GENERAL.

HOWARD PERRY.

OFFICE OF THE UNITED STATES MARSHAL,
South McAlester, Ind. T., January 17, 1896.

SIR: Replying to your letter of the 14th instant (F. S. 741), I beg to say that we have the following prisoners in the jail at this place:

Larceny	19
Malicious mischief	1
Introducing liquor into the Indian country	2
Sodomy	1
Forgery	2
Disposing of mortgaged property	1
Embezzlement	1
Total	27

This jail will accommodate about 100 prisoners. There have been confined in this jail as many as 150 prisoners. The only other jail is at Antlers. As yet I am not advised that a lease has been approved for the renting of the same, although the Department has advised me to use the same when necessary. At present there are no prisoners in the jail. It will accommodate about 65 prisoners.

Respectfully,

J. J. MCALESTER, *Marshal.*

The ATTORNEY-GENERAL,
Washington, D. C.

OFFICE OF THE UNITED STATES MARSHAL,
Muscogee, Ind. T., January 18, 1896.

SIR: Referring to your letter of January 14, I have the honor to say: As you are doubtless aware, we have only one jail of any description in the northwest district, which is situated at Muscogee. It has a capacity—when comfort or convenience is not taken into consideration—of about 150 men.

A description of this jail, giving dimensions of jail, jail yard, and guardhouse, was given Major Chalmers when here. We have now confined in the jail here the following number of prisoners for the different offenses as enumerated below:

Larceny	51	Aggravated assault	1
Introducing and selling liquor	19	Slander	1
Wearing weapons	5	Riot	1
Assault and battery	3	Gaming	2
Forgery	3	Keeping house of ill fame	2
Assault to rape	1	False pretenses	2
Embezzlement	2	Timber depredation	1
Burglary	2	Disturb peace	5

Making in all a total of 101 prisoners confined for all offenses.

Very respectfully,

S. M. RUTHERFORD,
United States Marshal.

ATTORNEY-GENERAL, *Washington, D. C.*

OFFICE OF THE UNITED STATES MARSHAL,
Ardmore, Ind. T., January 20, 1896.

SIR: In reply to your letter of the 14th instant, I submit the following: Attached list shows names and offenses of all prisoners confined at Ardmore at this date.

Attached letter also gives names and offenses of all prisoners confined at Ryan at this date.

These are only two jails regularly used, with officers in charge.

The jails at Chickasha, Purcell, and Pauls Valley have no jail officers, deputy marshals using them in emergencies.

Jail capacity at—	
Ardmore.....	65
Ryan.....	20
Chickasha.....	20
Purcell.....	20
Pauls Valley.....	20
Total.....	145

Respectfully,

C. L. STOWE,
United States Marshal.

The ATTORNEY-GENERAL,
Washington, D. C.

Report of prisoners now confined in the United States jail at Ardmore, Ind. T., on January 17, 1896.

James Murphy, larceny; J. M. Looney, larceny; Allen Rickets, larceny; George Gains, larceny; Jim Noah, larceny; Quincy Bates, larceny; J. C. Brewer, larceny; Sam R. Smith, larceny; Lee F. Bedford, larceny; Robert Johnson, larceny; Baxter Odum, larceny; Frank Dykes, maintaining nuisance; L. W. Billings, false pretense and fraud; Nicholas Perkins, false pretense; R. Lane Burnett, false pretense; William Henderson, alias McCarthy, forgery; Dan Welch, larceny; Major Tate, larceny; Oscar Tetter, larceny; Julius Donahoe, larceny; Walter McCook, fraud; Henry Colbert, larceny; Jessie Miles, larceny; Robert Nero, weapon; John West, weapon; Oim Rhodes, weapon; Rufus Edmonds, selling intoxicating liquor; Sam Ogle, larceny; Jack Wyles, disturbing peace; George Rolin, introducing and selling; J. T. Davis, false pretense. Total number in jail at this date, 32 prisoners.

RYAN, IND. T., January 18, 1896.

DEAR SIR: We have in jail two prisoners, viz: Jim Johnson, charged with larceny, and Joe Cox, larceny.

Very truly,

A. B. HAMM, Deputy.

C. L. STOWE, United States Marshal, Ardmore, Ind. T.