

MILITARY DISCIPLINE IN EARLY OKLAHOMA

At the present time when there are so many newspaper reports concerning punishments of prisoners convicted for defying the eighteenth amendment it is interesting to read how the laws for regulating the sale of liquor were broken and the punishments therefor were administered in the early days. Although settlers were permitted to sell liquor in United States garrisons, the trade was restricted and the punishments soldiers received for drunkenness would probably be called cruel and unusual in these days of scientific criminology.

In the Adjutant General's Office, Old Records Division, in Washington, are many old volumes of letters from various army posts in what is now Oklahoma, containing strange reports of penalties administered to soldiers for drunkenness, desertion, and unsoldierlike conduct.

Fort Gibson was no exception and a letter from the Adjutant General's Office at Memphis, January 13, 1834, to Colonel Henry Dodge, Commanding U. S. Dragoons, at Fort Gibson, A. T., states "I am instructed to inform you that it has been officially reported at the Hd. Qrs. of this Department that Privs. Hiram Way and George Wilsey of your Regiment, were arraigned on the charge of desertion, at a Genl. Court Martial held at Fort Niagara, N. Y., on the 25th. October, 1833, & have been sentenced to be indelibly marked with the letter "D" on the right thigh, to have their heads shaved & be drummed out of the service of the U. States with strong halters around their necks." Signed Guave.

No. 7 Letter Book contains the following significant letter: "Headquarters West Dept. Memphis, Ten. Dec. 4, 1832. Geo. A. McCall A. D. C. to Lt. Col. I. H. Vose, 3rd Infantry, Commg. Fort Towson. "With regard to the weight of the 'iron-yokes,' the Surgeon, in this matter, as in all punishments, should be consulted; and, if in his opinion the infliction of the punishment would injure the health of the prisoner, his statement in writing to that effect, is sufficient authority for the commanding officer of

the post to suspend the execution of the sentence for such a time as may be thought necessary and proper."

When Washington Irving arrived at Fort Gibson March 8, 1832 he reports seeing soldier culprits in the pillory and riding a wooden horse.

A letter from Fort Gibson, September 22d, 1835, reports that a command left there every day or week for the prairies to seek and destroy whiskey in the Cherokee Nation. There were disorderly houses in the vicinity of the cantonments that caused much trouble for the officers in enforcing orders and weary days of punishment for the enlisted men.

Fort Gibson Letter Book 34, page 121, reports the case of Private Hugh Boyle of E. Co. 6th. Infantry as follows: "Charged with Drunkenness while on Sick Report. Plea Guilty. The Court confirm the plea of the Prisoner and sentence him to 10 days confinement in the Cells on Bread & Water and to forfeit one month's pay."

Page 122 records that Private John McIntire of A. Co. 6th. Infantry was charged with "Unsoldierlike conduct—plea Not Guilty. The Court find the Prisoner Guilty as charged, and sentence him to stand in front of the Guard Room with an empty bottle in his hand from reveille to retreat, on a barrel, for 6 days and to forfeit \$2 of his pay."

Captain W. Scott Ketchum, 6th. Infantry, as president of a court martial on March 1, 1843, at Fort Gibson sentenced Private Stephen F. Wood, of Co. A. 6th. Infantry for "Drunkenness." He had pleaded *Guilty* and was sentenced "to be confined in charge of the Guard, for ten days, during that period to walk in front of the Guard-house, every alternate two hours, between reveille and retreat, with a pack of stone weighing fifty pounds upon his back; and a stoppage of Two dollars of his pay."

Private Thomas Fitzpatrick, H. Company, 6th. Infantry, was charged with "Violation of Post Order No. 38, dated Head Quarters, Fort Gibson" . . . Specification in this that Private Fitzpatrick "did, on the night of the 20th of February, 1843, visit one or more of those dens of vice in the vicinity of Fort Gibson, occupied by women named Betsy Cheeks, Mandy Wilkins, and others, which is strictly

forbidden in the above mentioned order." To all of which the prisoner pleaded Guilty. The Court confirmed the pleas of the prisoner and sentenced him "to be confined in charge of the guard for fifteen days, during that period to walk in front of the guard house every alternate two hours, between reveille and retreat, with a pack of stones weighing fifty pounds upon his back; and to a stoppage of four dollars of his pay."

Order No. 49, page 131, gives a more cheerful aspect of affairs at Fort Gibson on March 1, 1843. It sets forth that "The Troops on Inspection yesterday were in very respectable order; and their military appearance was alike creditable to themselves and the officers"—but—"The hair of a few was rather long—this can be corrected when the weather moderates."

The Commanding Officer felt "much mortification upon witnessing the great number of prisoners in confinement, declared with great truth, that he would do anything he could to induce them to perform their duty to the public in a proper manner." This they promised upon condition that the "gates may be opened until Tattoo." The law and the regulations are binding upon the Commanding Officer and it is not within his power to do what both forbid.

"It is therefore his *duty* to see that the *rules* and *regulations* for the government of the troops are *strictly enforced*." He further states that the 43rd Article of War requires every soldier to retire to his quarters at the beating of the retreat and that those who intend to obey this Article, will be indifferent whether the gates are closed at that hour, or at tattoo. This statement was signed by Colonel Davenport.

Private Peter Meek, H. Company, 6th. Infantry, was charged 1st. "Absence without leave." 2nd. "Drunkenness." Plea to first charge "Not Guilty;" to second charge "Guilty." The court found the prisoner guilty as charged and sentenced him to "fifteen days hard labor breaking stone in charge of the guard, and to a stoppage of Five dollars of his pay; and during his confinement to forfeit his ration of Sugar & Coffee, and make good any days lost by sickness."

Fines collected from soldiers are turned in to the Quar-
ter Master who returns them to the general government.

Private John O'Keefe of A. Company, Sixth Infantry was charged with "Unsoldierlike conduct; Disobedience of Orders and Intoxication" to all of which he pleaded "Not Guilty" but he was found guilty and was condemned "to be confined in charge of the guard for Thirty days, during that period to walk in front of the guard house with a pack of stones weighing fifty pounds upon his back, from 8 o'clock A. M. to 1 o'clock P. M. and from 2 o'clock P. M. to retreat." There are numerous cases where the prisoner received the above described punishment.

In Letter Book 34, page 301 Private Donnelly, G. Company, 6th. Infantry, having been charged with unsoldierlike conduct was found guilty and sentenced to thirty days hard labor in charge of the guard, and to be immersed for ten successive mornings in the river, fifteen minutes before Breakfast roll call, to forfeit three dollars of his pay and to make good all time lost by sickness." This order was made in the presence of the officer of the day and one of the medical officers.

Private Thomas Darrah of E. Company, 6th. Infantry received a sentence of "ten days at hard labor, under guard, standing in the stocks each morning from Reveille to Breakfast call—and to forfeit two dollars of his pay."

It required a fertile mind to plan the punishment of Private Thomas Lonican, H. Company, First Dragoons. He plead guilty to unsoldierlike conduct and was sentenced "to stand on the head of a barrel, in front of the Dragoon Guard House, every alternate two hours from Reveille, until Retreat, for eight days, with a board hung round his neck, marked "Whiskey Seller," and with an empty bottle in each hand; to carry a pack on his back, weight 30 pounds, every alternate two hours, for eight days, from Reveille until Retreat. to work at hard labor in charge of the guard for fourteen days, and to have \$7 of his pay stopped."

One soldier at Fort Gibson was to "be confined ten days in the cells on bread and water," and Augustus Graham, Company M. First Dragoons, was punished by being drummed around the garrison, immediately in the rear of

a corporal, carrying a keg in his arms; to have a plank hanging at his back marked "whiskey runner" and to serve fifteen days at hard labor in charge of the guard, making good all time lost by sickness.

The Cherokee Advocate, Tahlequah, March 20, 1845, gives a detailed account of a fight at the house of Polly Spaniard on March 11, 1845, in which two Dragoons of Captain Nathan Boon's company were killed; of an attack on the notorious Polly and her women and the burning of her home the next night. This affair caused much excitement and the soldiers being taken to Little Rock for trial, were acquitted.

Soldiers were sometimes condemned to have their hands tied to a post above their heads for several hours, for instance from reveille to guard mount, but this sentence was disapproved by Colonel Wharton in 1840. They frequently were commanded to forfeit their ration of sugar and coffee; a corporal would be reduced to the ranks and sometimes an order was made "lenient on account of previous good character of the prisoner."

On June 5, 1844, an order was issued calling upon the troops at Fort Gibson to appear in white trousers on all parades and drills and white jackets were to be worn on all drills, unless otherwise ordered, and on the 21st. of the same month the order was made that "all fatigue will cease to-morrow at dinner call to prepare for the reception of General Arbuckle and Colonel Croghan, the Inspector General who will probably be here early next week." From this it may be inferred that the minds of the officers were not always occupied with devising punishments for their men, but were also concerned with having them make a good appearance before visitors.

Soldiers were required to do much fatigue duty, hard manual labor, to build barracks, and roads, cut stone and wood; haul materials long distances and such work caused much complaint among men who had enlisted for fighting and adventure.

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