

## JOSEPH H. GILL

The coming of the law to Indian Territory. Court days and judicial lectures. The impertinent offender and what happened. The first franchise for non-citizens. Election of delegates to Constitutional Convention. A maker of history.

THE United States court was in session and it was sentence day for the term. The court room was crowded with convicted men, attorneys and court attendants, and sentences ranging from life imprisonment to nominal fines were scheduled for the program. The prisoners as a rule silent, morose and sullen, would advance to the bar as their names were called, get their sentence in the prescribed formula and retire in the custody of the deputy U. S. marshals, who with artillery in view were there to maintain the peace and dignity of the highest court in Indian Territory.

His Honor worn and tired out from a long term, was speeding up the proceedings as rapidly as possible when a long, lanky, defiant bootlegger was called before the bar to receive his sentence. After a brief statement of the case, he was asked by the judge, if he had anything to say, why sentence should not be passed, and replied, "not to you, I'll talk when I get good and ready and not before." "Well," said the judge, "I'll fine you two hundred dollars and cost." "That's a cinch," said the prisoner and added, "I've got that much profit from my business right here in my pocket." "And a year and a day in Leavenworth prison," continued the judge. "Have you got that in your pocket?"

As the impudent individual was led away the court continued grinding, for the law had come to the Indian Territory, and bold, bad men were learning that it did not buy them anything to get insolent with his honor, Judge Joseph A. Gill, the presiding judge of the district.

Judge Gill is one of the real history makers of Oklahoma, having been sent here by President McKinley as presiding judge of the northern district of Indian Territory in December, 1899, and reappointed by President Roosevelt, serving two terms of four years each. When the bill creating a state from Oklahoma and Indian Territories was passed, it became necessary to set up election machinery in Indian Territory, with which to elect delegates to a State Constitutional Convention. There were no counties or municipal townships in Indian Territory. No boundary lines, no precincts and no precedents to follow. The white or non-citizens as they were termed as distinguished from Indian by blood, marriage or adoption had no elective franchise, no form of government and had never voted.

The President appointed Judge Gill, Judge Clayton and Tams Bixby of the Dawes Commission, to prepare a plan for the election, to subdivide the twenty-two million acres of Indian Territory into Constitutional Convention districts, the number to be the same as those in Oklahoma Territory, which had election laws, machinery, counties and townships. Not only was it necessary to make the geographical subdivision with due regard to population and without reliable data to work on but election officials for each district had to be appointed from a citizenship never before politically classified and in this it was necessary to give no advantage to either political party.

Nominating conventions were provided for, ballots printed, the first in the history of the Territory, the elections held and so complete in detail was the work of Judge Gill and his associates, that there was practically no contests following the election, no confusion and no turbulent

scenes in the first use of the elective franchise in Indian Territory.

Judge Gill and his two associates were warmly congratulated by their superiors at Washington, by the press of the two territories and the people generally on the manner in which they handled this delicate and unique situation and the results obtained were only possible by the efforts of men of judicial minds, fair and impartial who knew the people for whom they were acting and who used as their guiding motto, "Justice for All."

The record of Judge Gill on the bench was most enviable. The country was new, there was no judicial or legal precedents to use as guide posts and the United States Judges here in those days had only their common sense, their fundamental knowledge of the law, their strong personality and keen sense of justice to point the way to their judicial decisions.

During the eight years Judge Gill presided over the United States court of the Northern District he tried many interesting criminal and civil cases, including the famous bogus Creek warrant case and that of Mose Miller, charged with murder. The Deputy U. S. Marshals working for this court were the bravest of the brave, and as their jurisdiction included all the Cherokee, Creek, Seminole and Quapaw nations, they came in contact with the most desperate criminals in America. Judge Gill first held court at Muskogee, Okmulgee, Wewoka and Miami, and later other "court towns" were established, where sessions were also held.

Sessions of court were important events in the court towns, hundreds of Indians and non-citizens would attend and on sentence days standing room was at a premium. In order to impress the attendants with the majesty of the law the presiding judge would lecture those to be sentenced, pointing out the fact that crime was never profitable and that it was always followed by punishment. Each offense

was expatiated upon in all its hideous colors in order that the hearers as well as the prisoners might become fully advised that the law was supreme and must be obeyed. These bench lectures were retold by the Indians for weeks and months and did much to make the law respected throughout the district where civilization was in the raw. So impressive were these judicial talks that it was no uncommon event for some convicted man to say, "Judge, just sentence me please, and leave off the lecture, I know I done wrong and won't do it again."

The fact early developed that fullblood or over half breed Indians sent to the U. S. prison at Leavenworth for a term of four or more years, either died or returned home, stricken with tuberculosis and for this reason Judge Gill and other U. S. Judges in Indian Territory always gave the Indians the benefit of the doubt and made the sentence as light as possible feeling that a five or ten year term usually meant in reality a death sentence.

Judge Gill came to Indian Territory from Kansas where he was prominent as a member of the bar. He finished his education at the University of Illinois, and married Miss Nannie Donahue of Omaha, Nebraska. In the family are three children, Mrs. McClintock, Mrs. Border and Joseph A. Jr., all residents of Tulsa, where the Judge is still in the practice of law, surrounded by his old and new friends whose names are legion.

Born several years ago at Wheeling, West Virginia.

Shriner, 32 degree Mason and member of Knights of Pythias.

Baptist in religion and a republican by inheritance, inclination and intent.

Hobby, respect of Law and Order and Good Citizenship.