

CHAPTER XXX - STERLING BROTHERS VS THE LAW

The United States District Court for the Western District of Arkansas was once the largest court in the world. It not only had jurisdiction over Western Arkansas but also over the five civilized tribes of the Indian Territory. The five civilized tribes were the Cherokees, Choctaws, Creeks, Chickasaws, and the Seminoles. The Indian country was populated by relocated Native Americans, murderers, cattle rustlers, horse thieves, prostitutes and a sprinkling of honest farmers and ranchers trying to carve a living out of the wilderness.

President Grant was unhappy with the lawlessness of this frontier. He appointed Isaac Charles “Hanging Judge” Parker to the Western District Court of Arkansas with orders to use judicial powers to tame this wilderness. Judge Parker tackled his assignment with a vengeance. By September 1896, when an act of Congress closed his Court, Judge Parker had heard 13,490 cases; of these 344 were capital offenses. During these years he sentenced 168 men and 4 women to death by hanging. Of these, 79 cheated the hangman with pardons or successful appeals. Five condemned men avoided the hangman’s rope by getting themselves shot while trying to escape.

Prisoners confined in Federal jail in 1889 were comprised of 30 who were charged with murder, 40 for larceny and 50 for peddling whiskey. Of the four Sterling brothers, James, William, John, and Thomas, William and Thomas were most familiar with the Federal Judicial system under Judge Parker. William and Thomas had both been charged with liquor violations at one time or another and William had been charged with stealing a horse. One legal document had James also charged with running whiskey, but his name was crossed out and William was written in. Because of this it is likely that at least three of the Sterling brothers were involved in the bootlegging business, if not all four.

During this time Thomas was living in Excelsior, Arkansas about 6 ½ miles east of the Choctaw Nation. Older brothers William and John lived near Poteau in the Indian Nation, about 9 miles from the Arkansas state line. I’m not sure where James was living. The warrant calling for William Sterling’s arrest reads, “The President of the United States to the Marshal.....William Sterling did, on or about the 15th day of September A.D. 1891 in the Indian Country, Western District of Arkansas commit the crime of larceny.” William was charged with stealing a horse. Even though a preliminary jury found him guilty, he didn’t do any jail time and he never had to face the hanging judge. I feel that this charge was an attempt to get him for anything they could because they couldn’t catch him or his brothers in the act of bootlegging. In addition to farming, ranching and land speculation, the Sterling brothers, William, John and Thomas, were also in the bootlegging business. I’ve found court records that chronicle William and Tom’s involvement. A court document error suggests that brother James was also involved. John’s involvement is only a supposition. Since they migrated from Mississippi to the Indian Territory together, it makes sense that John would also be involved with his brothers.

The alcohol industry was legal in the United States but not in it’s territories. “Introducing large quantities of spirituous liquors” into Indian Territory was a serious violation of federal law. It was also against the law to “carry on the business of a Retail Liquor Dealer without first having paid the special tax provided for and required.”

The Sterling brothers made routine trips over to Jenson, Arkansas to legally purchase a gallon or two of Arkansas whiskey. Jenson is a small town south of Fort Smith, midway

between Tom's house in Arkansas and his brother's place in Indian Territory. They would tie their cargo to their saddle and smuggle it into the Choctaw Nation. Their usual destination was Sam Best's house, near Poteau. Sam Best supplemented his farm income by hosting the best barn dance in the area.

Both William and Tom Sterling had been caught and charged with "introducing" at least once but nothing was ever proven. Several witnesses saw both William and Tom with whiskey but no one ever saw money change hands. It was all right to possess liquor for your own use as long as you didn't sell it. In sworn affidavits, witness after witness acknowledged drinking with the Sterlings but went on to say that it the drinking was all free in sworn statements.

Buck Cheely (Tom's daughter, Ella, later married into the Cheely family) testified that he had seen William with a gallon on or about 25 January. Buck said "He had a jug and I drank of it." Oliver Quick stated that William Sterling had brought one gallon and one quart into the Choctaw Nation from Jensen, Arkansas. He said he was at a party at Mr. Best's place near Poteau. "I don't know of his selling any. He seemed to be treating and I drank some. He had the whiskey out of doors and William drank some of the whiskey himself." Houston Vann confirmed Oliver Quick's statement by saying, "I seen what Oliver saw. I was at the party, William Sterling had a jug and I drank some of it. I know nothing of his selling any of it."

Thomas Sterling stated that he was William's brother and that he had been previously been arrested on a whiskey violation. He said that both he and his brother had been at the party. He said that he saw two jugs of whiskey at the party but Mr. Best, Bohamon and a couple of other men had the whiskey. He went on to say that dancing and whiskey were free the night in question.

Sam Best testified that he knew nothing about William bringing liquor to his house on the night of the dance. He went on to say that he had seen Tom Sterling bring whiskey in from Arkansas on January 16, 1891 and at other times. Bill Barnes said "I saw what Sam Best saw." All in all, it looked as if everyone was pointing at everyone and no one could prove anything.

William Sterling's larceny charge was another matter. The preliminary jury found him guilty and he was ordered jailed awaiting further action. Mysteriously, no further action was taken and William was released. Examining all the facts, it's hard to see why the arrest was made in the first place.

The horse William was charged with stealing had originally belonged to him. On Sept 7, 1891 William sold the horse to Wesley Plowch for \$13 and a pocket watch. Wesley didn't have the thirteen dollars but agreed to pay up on the night of Sept 14 or the morning of Sept 15. He said that he would have the money when they "measured the hay." About noon on the fifteenth, William came for his money but Wesley said he didn't have it. William then cut the horse loose from Wesley's wagon and rode off with it. At this point, Wesley found the \$13, managed to catch up with William and tried to give him the money. William uttered some unrecorded words and told Wesley that he was keeping the horse since Wesley hadn't paid on time. After reading the legal documents carefully, it is my opinion that William wasn't guilty of stealing the horse at all. William had merely repossessed the mare. Judge Parker must have agreed with William. Either that or he figured William Sterling just wasn't worth hangin'.