AN EARLY DAY CRUSADER FOR LAW AND ORDER IN OKLAHOMA: THOMPSON BENTON FERGUSON

By Leslie A. McRill

"To strive, to seek, to find, and not yield."

Thompson Benton Ferguson came with his family to Watonga in Blaine County in 1892 from the neighboring state of Kansas. In the covered wagon, beside his family, were the meager tools of an early-day newspaper. Often his wife would say, "Yes, we started the Watonga Republican with a hair-pin and a nail." As one looks back over the Semi-centennial of Statehood held the past year, it seems fitting to call to mind some of the characters and their struggles and ideals which went into the shaping of Oklahoma. We often forget or view dimly the hard work, the deprivations, and accomplishments that the pioneers experienced. This article gives briefly the story of a crusading editor of early Oklahoma—not of a Territorial Governor, though he was next to the last of the Territorial Governors.\(^1\) It is not the experiences of a politician, though a politician he may have been, but it is the tale of an Oklahoma editor and his consistent efforts to make this a clean state by laboring in his own home town and county for better moral conditions; for a better place to bring up his own and his neighbors' children, that they might fit into worthy places as citizens of a proud state.

Editor Ferguson plunged into the affairs of a new community to make himself felt on the side of law and order. He may have been too strongly partisan since his business might have been better financially had he been less so. Many merchants and city officials took the lesser course placing personal gain far above the demands for good government. But "T. B.," as his closer friends called him, seemed to have but one Puritanical ideal—a good town in which to rear his

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\(^1\) Thompson Benton Ferguson, son of Abner and Hannah Ferguson, was born near Des Moines, Iowa, March 17, 1857. His family moved to Kansas where he attended the public schools and the State Normal School at Emporia. He served as a Methodist minister, and taught school for several years. He made the run on April 22, 1889, and staked a claim near Oklahoma City, which he later sold. Returning to Kansas, he settled at Sedan where he owned and edited a newspaper, and published a book, *The Jayhawkers*, on early Kansas history. He moved to Watonga, Oklahoma Territory in 1892, where he remained the editor of *The Watonga Republican* until his death on February 11, 1921, recognized through the years as leading newspaper man in the Territory and the State. He was appointed Governor of Oklahoma Territory by President Theodore Roosevelt on November 30, 1901, and served in this office until January 5, 1906.—Ed.
family, and where the better class of citizens might exert their ideals in building their new state.

He had not been in Watonga long until he clashed with the lawless saloon element. As early as 1893, we find him opposing local lawless conditions. Again, in 1897 the "saloon fever broke out again." A summary is given in one of T. B.'s later editorials, which will appear in chronological order later in this article. But almost at once the law-breaking element discovered they had a "foeman worthy of his steel"—to them, "a devil in his own home town!"

Editor Ferguson's technique was somewhat different from that of many newspaper editors in that he never allowed his readers to forget conditions. Many times a fine editorial will "hit the nail on the head" in a well worded article and then no more will be said perhaps for months. Not so, T. B.! No momentum was to be lost. Everlastingly at it! Enforce all laws! Respect every statute! Back every efficient officer! All pull together!

And while his earliest efforts lacked backing on the part of the public, his later editorials were backed by every crusading minister and his people. It was indeed a change from that earlier day when "respectable" deacons and elders were willing signers to petitions for saloons.

A few excerpts from the early 1890's will serve to give us background for later developments in the fight for law and order in Blaine County. The following is taken from The Watonga Republican of October 11, 1893:  

**DISGRACEFUL**

The affairs around a certain place in town on last Monday night were disgraceful. Blatant profanity and obscene language could be heard all night long. Now then right here it will not be out of place to remark that the law-abiding people of Watonga will not be imposed upon this winter as they were last. If saloons cannot be run within the law, stop them. The law is plain. Let it be enforced. The county attorney and the commissioners should investigate this matter and if any licensed liquor house is not running according to law its license should be revoked. The officers of the law should see that these disgraceful riotings are stopped.

And as if he would give attention to all law breakers he continued in another column with this reference to the Indians, Cheyennes and Arapahos, who were in this community:

Whiskey is being sold to the Indians at this place. There is no question as to who the guilty parties are. Now then the question

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2 Bound volumes of The Watonga Republican through the years are in the Newspaper Department of the Oklahoma Historical Society, Oklahoma City, from which all quotations in this article were taken.
is will they be brought to justice? Judge Burford said during court
here last summer that above all things those who sell whiskey to
the Indians are liable to severe punishment. Let the guilty parties
at this place be reported to the U. S. grand jury.

Then in April, 1894 these remarks in the Watonga Republican called attention again to lawlessness:

The Kelly building on the corner is to be occupied by a saloon.
Well, with a saloon on the two most prominent corners in town, the
churches in the back ground, and the grocery stores “up street”,
it is a queer advertisement for our town, and strangers will be im-
pressed with the situation when they come here. Now then, how
many Christians will sign petitions for a saloon? How many men in
this town who have boys will sign a petition for a saloon? “Hold on
there, but we want more saloons to make things lively,” said a citi-
zen recently. Well, yes, they do make things lively. The Mongold
saloon last winter made things lively—old man on the river robbed,
Cooper’s store robbed, another saloon broken into, attempt to burn
a house. Who did it?

And the motto seemed to be to let the “chips fall” where
they will. While upbraiding Peter, call Paul’s attention to a
thing or two: “There are some strange things in this world
and one of the most strangely strange is to see a preacher stand
opposed to temperance unions. Such a preacher should belong
to the Hard shell-Forty-gallonites.”

So perfectly oblivious of where the thrown stone might hit
we find our Editor’s next blast in these words: “The time has
come in this county when the confederates of criminals will be
held equally guilty with the principals. This thing of gangs
screening crime will not work hereafter. Make a clean sweep.”

But it was much later, in 1911 to be exact, when the pyra-
miding results of Editor Ferguson’s campaigns for better con-
ditions really came to positive results. In his January issue,
he calls attention to some murder cases which were to come
up at the next session of court, using these words: “Murder
Cases. It is time for those who believe in law and order
to take a firm stand for the enforcement of law and bring
about a different condition of things.”

An election had been held and new officers were to take
over the important county offices of Sheriff and County Attorney. The County Judge, George W. Ferguson had
already been in office. As to the new sheriff the paper had
this to say:

Sam Sutherland, the new sheriff, has already served in that posi-
tion. He has made a good officer in running down horse thieves.
He stands pledged to enforce the prohibitory law and put down boot-
legging. The citizens who believe in law and order should stand by
him and render every assistance possible. The public welfare re-
quires that the law be enforced. Everybody should assist in this
work.
And concerning the new County Attorney this notice: "A. L. Emery, the new county attorney . . . says that he will put forth every effort within his power to enforce the law. He declares his intention to enforce the prohibitory law. . . ."

Then, evidently feeling that some other word should be given, our Editor issues this reprimand in his issue of January 12, 1911:

A FARCE

There is no use to enforce law unless officers carry out the provisions of the law. Recently Frank Lytle plead guilty to a violation of the liquor law. He was fined $60 and 30 days in jail. He has spent much time down on the streets when supposed to be serving a jail sentence . . . . Such work as this is a farce—imposition on the name of the law. What is the use for arrests to be made, penalties imposed by the courts and the convicted persons allowed to run at large. If the law is to be enforced, and it should be, the sentence of the court should be carried out.

This editorial entitled "Law Enforcement" appeared in the same issue, January 11, 1911: "The people of Blaine County will watch the law enforcement part of the present administration with much interest. There is always one obstacle in the way of enforcing the liquor law. That obstacle is not so much in the bootlegger as in the one who stands behind him . . . ."

A news item headed "Small Riot Starts" gave this account:

On last Monday night Sheriff Sutherland was called to quell a disturbance of some kind on the street, Martin Clifford claimed that some of the fellows who had been arrested on the charge of selling liquor had threatenend to kill him. It was thought that Carlton had informed on them . . . . The bootleggers have been defiant and very arrogant for some time past. They have had things about as they wanted them. It is time for the law abiding people to get awake, stand by the officers. Stand by the sheriff, the county attorney and the county judge and crush out this open defiance of law. Drive the bootlegger out.

Then in the week of March 16, 1911, the defiance of the law-breaking fraternity reached its climax in a near tragedy on the main street of Watonga. Here is what the Republican Headlines had to say about it: "In Fleeing From Sheriff They Run Over Woman. In a Buggy, Going at Run-away-Gait, Trying To Elude Sheriff and Deputy Who Pursue Them on Horseback. Steil and Hawkins Run Down Woman at Corner of Main and Noble. In Sight of Hundreds. Made No Effort To Dodge Woman. Indignant Crowd of People Join In Chase."

These screaming headlines were followed by further minor headlines: "Throw Rope Around Prisoner's Neck. One Pris-
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Another headline read: "Citizens Create Law and Order Demonstration." And "Some Undesirable Citizens Warned That They Must Leave Town." Irate citizens marched to places where the law was believed to have been violated and warned persons that violations must be stopped. "Many Places Visited. . . . Fisher Hotel, Brick Barn, Beckner Hotel, and Others. The sentiment of the public is aroused." Then follows this account of it all:

On last Tuesday evening, the Law and Order League met at the court house and completed organization. After the routine work of the evening was over the house resolved itself into a committee of the whole to do some executive work. Bootlegging and other forms of lawlessness have been going on in defiance of the law and disregard of the welfare of society. About two hundred men representing the best citizenship of the town and surrounding country marched to places where it is alleged that the law had been violated and warned persons alleged to be violating the law that they must stop and stop at once. Others were warned to leave town at once as "undesirable citizens" . . . . The large crowd was orderly. No violence of any kind. It was a determined crusade of law and order against the violation of law. The people are determined. Bootleggers, gamblers and other nuisances must learn that the people are going to rid the town of these public pests.

Among the items elsewhere in this issue is this pertinent comment: "Vox populi vox dei, which being interpreted means don't monkey with the buzz-saw when the people run it."

Under a headline of "Business Picking Up" appear the names of some twenty bootleggers arrested within the week, and in another column an article entitled "The Situation", we find these words:

Watonga is passing through the crucible of test. It is up to her people to determine whether the town is to be an orderly, well-conducted town, or whether the bootleggers and law-breakers in general shall run things in defiance of law, defiance of society and defiance of public welfare. Criminals have congregated here and have been harbored and encouraged by citizens renting them their property and others going on their bonds until they have not only felt secure but have become defiant . . . . TIME TO ACT!

(Later) Since the above was put in type the people have ACTED!

Things were now moving and according to the following, some people also were "moving":

Undesirables Take Hint and Skidoo

The town is being renovated. More to follow. People are tired of lawlessness. Since that official visit of the Law and Order League to several places in town where it was thought things were not as
it should be, several undesirable citizens have taken to the woods and quit town. Others would go who cannot because of the fact that they are stopping at the county jail. . . . There is no color-line in lawbreaking and the League went to white and black alike. . . .

Then in one short week the paper carried a headline claiming for the town a much better outlook. This is the news:

**WATONGA A QUAKER CITY**

Law and Order Reign . . . Many Lawbreakers Gone, Decently and In Order.

Vox Populi Vox Dei. The people have spoken. The Law and Order League has borne good fruit. The town is more orderly now than it has been for fifteen years. Bootleggers have about gone out of business. Places of ill-repute have been closed. Now let the people STAND FIRM. Keep ON and ON and ON—

But evidently there were dissenters not openly tagged as law-breakers since under a heading "Irate Subscribers" we read: " . . . We are going to stand for a clean town, regardless of whom it may offend or please."

The general "shake-up" soon extended itself to the city administration which seemed to be in need of some cleansing also. Headlines announced that "Better Government A Winner. People Vote For A Change in City Administration. Election Day Quiet."

But as always there was an aftermath as soon as the lawless elements had time to catch their breath, and suit was brought against some of the leading citizens who had taken part in the Law and Order movement. Headlines announce that "Suit is Brought Against Citizens. Bootlegger fund raised to pay attorney. A fight against law and order and in the interest of law breaking."

Thereupon a law and order meeting was called and according to the report a very large and enthusiastic gathering was held. Out of town speakers were present and people from all parts of the county were present. The sentiment was "Enforce the laws—down with bootlegging." A very fine paper was ready by Ira Temple, a quiet determined business man of Watonga, citing the need for a clean town and stressing the importance of good schools, churches, and clean business conditions. Then the following week as a supplement to the *Republican* a decision handed down by the Criminal Court of Appeals was printed in toto. The lawyers for the bootleggers accused had appealed to the court to disqualify Judge George W. Ferguson on the ground that he was in sympathy with law and order and thus unfit to preside over their trials. Before quoting it might be well to give this item: "Organized

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3 Not related to T. B. Ferguson.
Against Law and Order League. The bootleggers, lieutenants and sympathizers of the bootleggers, met one night, last week and organized in opposition to the law and order league. The crowd wasn’t large owing to the fact that most of those who would have gone in as charter members were in the county jail."

In regard to the decision of the Criminal Court of Appeals:

The Criminal Court of Appeals this week decided the mandamus cases from this county in favor of Judge Ferguson. A number of persons charged with boot-legging had attempted to swear the Judge off the bench. A lively line of affidavits were filed. The court sustained Judge Ferguson in all of the cases and he will preside at the trials. Several perjured affidavits were filed by defendants in these cases. The matter should not go unnoticed. Time to stop it.

The decision of the Criminal Court of Appeals, Justice Furman presiding, had this to say, in part:

One of the most useful organizations in the state is the Anti-Horse Thief Association. The people have just as much right to organize to assist the officers to enforce the law against the bootlegger as they have to organize to assist the officers to enforce the law against a horse thief. Of the two the horse thief is the least dangerous to the lives and character of the people and the peace and good order of society. Who would say that a juror or a judge may belong to or be in sympathy with the Anti-Horse Thief Association he would thereby be disqualified from taking part in the trial of a defendant charged with theft? . . . If being prejudiced against the commission of crime is a disqualification, then the members of this court are disqualified to decide any case pending before them . . .

Further the court remarked:

. . . And we are told here for the first time that a defendant has a vested and inalienable right to be tried by a jury who possesses no regard for the particular law alleged to have been violated, selected by commissioners on friendly terms with the particular offense charged. . . . No lawyer has a right to make a criminal out of himself in order to succeed in the trial of any case. . . . The trial judge cannot do the State and the profession a greater service than by aiding this court in putting a stop to unprofessional conduct upon the part of attorneys. Lawyers should be held more strictly accountable for their conduct than any other class of people. . . . We want every judge in Oklahoma to know that he can rely on the support of this court so long as he acts fairly and within the duties and powers of his office . . .

Needless to say, this decision put a quietus on lawless sympathizers and left the criminals to their own resources.

Now in regard to the long fight put up by Editor Ferguson through the years in behalf of better conditions this editorial will serve as a resume of his aims:

During the winter of 1893-4 a reign of terror held sway in Watonga. Stores were robbed, men were held up on the street at
night; others were drugged in the Mongold saloon and robbed. The Watonga Republican insisted that the saloons were the places where the crime was all hatched. We made a fight on them but almost stood alone. A few church women and a preacher or two were the only persons who stood with us. The 'business men' raised their hands in horror and declared that we must not fight the saloons . . . We took the position that the people who signed the saloon petitions for well known disreputable applicants were in a measure responsible for the conditions that prevailed, because they sanctioned the conditions by signing the petitions. At that time there were but three men in Watonga who did not sign petitions for saloon licenses. They were the Methodist preacher, D. A. Beals and the editor of this paper. Deacons, elders and other officials in churches signed them. . . Mongold, the leader of the criminals was arrested, jumped his bond and fled from the county. Others were driven out.

Later on in 1897 the saloon fever broke out again in Watonga. The town was crowded with them—a saloon on every corner. This was the most disgraceful period in the history of Watonga. . . The Republican commenced a fight that lasted until 1899. The matter reached a climax. Citizens of the county around Watonga (several business men among them) about 100 citizens in all, went before a district judge and asked protection from the lawlessness that had been going on. The judge made some very fervent suggestions to the officers and his orders were carried out.

But now in the present crusade, things have greatly changed. It is not now merely a small crowd of citizens fighting for law and order, but nearly everybody in town is enlisted in the cause . . .

The Republican took advantage of the decision of the Criminal Court of Appeals to give this word of warning to lawyers and all concerned:

**REFORM THE BAR**

The Criminal Court of Appeals is certainly filling a long felt want in its declared purpose to rid the bar of Oklahoma of grafters and dirty lawyers. There is nothing more dangerous to the welfare of a community than a disreputable lawyer—one who will take advantage of his client, and advantage of the public generally. It is time to stop attorneys who forge public documents or assist clients in forgery, embezzlement, and all manner of crimes . . . . The stand taken by the Court of Appeals to bring about a better condition of things in the bar of the state will certainly be approved by the people generally.

All through the years of his life Editor Ferguson applauded every move for a better town and state and could be found in the ranks of those who build for a permanent environment of worth while things. The writer was not in Watonga during most of the events recorded in this article, since he was attending Epworth University in Oklahoma City. But for the year ending up to September 1910, and for the year after June 1911, he was in The Watonga Republican office as printer. Hence these events are still in his mind. As a sequel to these stirring events there is another item of interest concerning the civic "clean-up" in which the bootleggers were arrested and convicted. The item is headed:
Kangaroo Court

The fellows at the county jail hold a regular and continuous kangaroo court. Whenever a new one gets in they arrest him for breaking into jail. He is always fined. That is one of the established rules of the court. At present Frank Lytle is judge, D. W. Ellington prosecuting attorney and Ralph Hawkins the officer who serves the "papers" . . . No one is allowed to swear or use bad language of any kind when there are lady prisoners in jail. Splitting tobacco on the floor is prohibited under a severe penalty imposed by the court.

An interesting sidelight to this whole matter is that the writer was delegated by his church to hold religious services at the jail on Sunday afternoons. Here he had as his appreciative audience all of the convicted bootleggers, who co-operated with him in every way to make the Sunday afternoon service a welcome and religiously profitable break in the monotony of the week.

At the writer's request the ladies of the Methodist Aid cooked and sent to the jail a real old fashioned Thanksgiving dinner—a dinner which was praised time and again by the recipients, perhaps another proof that love and kindness conquer the spirit where the letter of the law sometimes fails.

Thus the events of an old time effort to build into the new state principles of good citizenship and stable civic conditions. Whether Blaine County is a better place in which to live because of those activities the Book of Time will only reveal. The fight for the same principles still goes on in the state and only serves to remind us that each generation must win for itself the desired conditions of citizenship and good living, but the foundations were laid by these crusading citizens of fifty or more years ago.