

TABLE OF CONTENTS

About This History	vii
CHAPTER I—THE EARLY DAYS	1
<i>PAUL E. WILSON</i>	
A. Before The U.S. Acquisition	1
B. The Louisiana Purchase	2
C. Law In The Indian Country	3
D. Law In The Pre-Territorial Settlements	6
E. Territorial Judiciaries	10
NOTES	13
CHAPTER II—KANSAS: THE TERRITORIAL AND DISTRICT COURTS	15
<i>HONORABLE GEORGE TEMPLAR, JOAN TEMPLAR SMITH AND TED M. TEMPLAR</i>	
A. Territorial Judges	15
B. Federal Judges	22
NOTES	34
CHAPTER III—COLORADO: THE TERRITORIAL AND DISTRICT COURTS	37
<i>HONORABLE JOHN L. KANE, JR. AND SHARON MARKS ELFENBEIN</i>	
A. Before Colorado Was A Territory	37
B. The Territorial Court And Its Judges	38
C. Statehood	45
D. Conclusion	71
NOTES	73

CHAPTER IV—WYOMING: THE TERRITORIAL AND	
DISTRICT COURTS	79
<i>REBECCA W. THOMSON</i>	
<i>A. Territorial Judges</i>	79
<i>B. Federal Judges</i>	99
NOTES	122
 CHAPTER V—UTAH: THE TERRITORIAL AND DISTRICT	
COURTS	127
<i>CLIFFORD L. ASHTON</i>	
<i>Introduction</i>	127
<i>A. The First Judges: 1850 to 1854</i>	129
<i>B. The Drummond Period: 1854 to 1856</i>	133
<i>C. The Mormon War: 1857 to 1858</i>	136
<i>D. The Eckels, Sinclair, Cradlebaugh Period: 1858 to 1860</i>	139
<i>E. Pre-McKean Period Appointments: 1860 to 1870</i>	142
<i>F. The McKean Period: 1870 to 1875</i>	146
<i>G. The End Of Conflicting Jurisdiction; The Beginning Of Prosecution Of Polygamists: 1874 to 1884</i>	149
<i>H. The First Zane Period: 1884 to 1887</i>	154
<i>I. The Interim Sandford Period: 1888 to 1890</i>	156
<i>J. The Second Zane Period: 1890 to 1893</i>	159
<i>K. The Second Cleveland Period Judges: 1893 to 1896</i>	161
<i>L. Statehood: 1896 to 1978</i>	163
<i>M. United States District Judges</i>	164

NOTES	169
CHAPTER VI—OKLAHOMA: THE TERRITORIAL AND DISTRICT COURTS	173
<i>WILLIAM C. KELLOUGH</i>	
<i>Introduction</i>	173
<i>A. The Tribal Courts Of Indian Country</i>	174
<i>B. White Man's Law In Indian Country: 1834-1890</i>	177
<i>C. Courts In The Twin Territories: 1890-1907</i>	184
<i>D. The Courts Of Indian Territory</i>	186
<i>E. The Courts Of Oklahoma Territory</i>	192
<i>F. Federal Courts In The State Of Oklahoma</i>	198
<i>Epilogue</i>	213
NOTES	215
CHAPTER VII—NEW MEXICO: THE TERRITORIAL AND DISTRICT COURTS	221
<i>HENRY WEIHOFEN</i>	
<i>A. The Judges Of The Provisional Government, 1846-1851</i>	221
<i>B. First Judges Of The Organized Territory, 1851-1858</i>	223
<i>C. Kirby Benedict's Court, 1858-1866</i>	225
<i>D. The Post-War Decade, 1866-1875</i>	230
<i>E. Waldo To Axtell, 1876-1885</i>	235
<i>F. Vincent To O'Brien, 1885-1893</i>	242
<i>G. The Last Territorial Years, 1893-1912</i>	248

Table of Contents

H. <i>Statehood And The Long Tenure Of Colin Neblett</i>	262
I. <i>Mid-Century: Hatch, Rogers, And Payne</i>	265
NOTES	272
CHAPTER VIII—APPELLATE REVIEW BEFORE THE TENTH CIRCUIT WAS FORMED	277
PAUL E. WILSON	
<i>Introduction</i>	277
A. <i>The History Of Federal Appeals</i>	277
B. <i>The Eighth Circuit</i>	281
C. <i>The Pre-Tenth Circuit Appellate Judges</i>	282
NOTES	289
CHAPTER IX—THE POLITICAL AND ADMINISTRATIVE HISTORY OF UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT	291
HONORABLE ARTHUR J. STANLEY, JR. AND IRMA S. RUSSELL	
A. <i>Background: Appeals In The Early Days Of The Federal Judiciary</i>	291
B. <i>Creation Of The Tenth Circuit: Social Climate</i>	292
C. <i>Legislation Creating The Tenth Circuit</i>	293
D. <i>The First Session Of The Circuit</i>	295
E. <i>The First Years Of The Circuit</i>	296
F. <i>Court Administration At The National Level</i>	297
G. <i>Judicial Circuit Councils</i>	299
H. <i>Judicial Circuit Conferences</i>	301
I. <i>Other Administrative Developments</i>	302

Conclusion	310
NOTES	311
CHAPTER X—THE JUDGES OF THE COURT OF APPEALS	319
<i>HARRY F. TEPKER, JR.</i>	
A. <i>At The Creation: Lewis, Cotteral, Phillips & McDermott</i>	320
B. <i>The Roosevelt And Truman Appointments: Bratton, Williams, Huxman, Murrah & Pickett</i>	344
C. <i>The Court In An Era Of Activism: Lewis, Breitenstein, Hill, Hickey & Doyle</i>	382
D. <i>An Afterword: The Future And Tradition</i>	419
NOTES	424
APPENDICES—TABLES I-IV	439
TABLE I—JUSTICES SUPREME COURT OF THE UNITED STATES	441
JUSTICES OF THE U.S. SUPREME COURT	443
(Appointed From States Within The Circuit)	
TABLE OF SUCCESSION	444
ASSIGNMENT OF U.S. SUPREME COURT JUSTICES FOR THE TENTH CIRCUIT	445
BIOGRAPHY	446
TABLE II—UNITED STATES COURT OF APPEALS	449
JUDGES OF THE TENTH CIRCUIT COURT OF APPEALS	451
TABLE OF SUCCESSION: CHIEF JUDGES	
TABLE OF SUCCESSION: JUDGES	
BIOGRAPHY	459

TABLE III—UNITED STATES DISTRICT JUDGES	467
UNITED STATES DISTRICT JUDGES	469
TABLE OF SUCCESSION: CHIEF JUDGES	472
COLORADO	474
TABLE OF SUCCESSION: COLORADO	475
KANSAS	479
TABLE OF SUCCESSION: KANSAS	480
NEW MEXICO	484
TABLE OF SUCCESSION: NEW MEXICO	485
OKLAHOMA; EASTERN, NORTHERN, AND WESTERN DISTRICTS	488
TABLE OF SUCCESSION: OKLAHOMA—EASTERN	489
TABLE OF SUCCESSION: OKLAHOMA—NORTHERN	491
TABLE OF SUCCESSION: OKLAHOMA—WESTERN	492
TABLE OF SUCCESSION: OKLAHOMA—EASTERN, NORTHERN, AND WESTERN	495
UTAH	497
TABLE OF SUCCESSION: UTAH	498
WYOMING	500
TABLE OF SUCCESSION: WYOMING	501
BIOGRAPHY	502
TABLE IV—TERRITORIAL JUDGES	529
COLORADO	531
KANSAS	532
NEW MEXICO	533
OKLAHOMA AND INDIAN TERRITORY	535
UTAH	538
WYOMING	540
INDEX	541