

NOTES AND DOCUMENTS

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“MRS. FLORA BELL TURNER PASSES IN TENNESSEE”

Under this heading, the *Tulsa Daily World* for January 30, 1946, reported the death of Mrs. Flora Bell Turner, seventy-eight years old, widow of the late John B. Turner of the Oklahoma State Supreme Court from 1907 to 1919, who had served two years as Chief Justice. Mrs. Turner died on January 27, 1946, in Adams, Tennessee, where she and her husband had made their home since 1930. Judge Turner's necrology by Judge Robert L. Williams was published in *The Chronicles of Oklahoma*, Vol. XVII, No. 2 (June, 1939), p. 253-4.

PORTRAITS PRESENTED TO THE HISTORICAL SOCIETY

The unveiling and presentation of the portrait of the late Phillip Doddridge Brewer by the artist, Boris Gordon, of Washington, D. C., and also a portrait of the late Judge Frank Dale by the artist, Frank von der Lancken, took place in the auditorium of the Historical Society Building on the afternoon of January 23, 1946. A large group of specially invited guests, members of the Board of Directors of the Historical Society and members of the State Supreme Court, in addition to members of the Historical Society gathered in response to the invitation of Mrs. Edward P. Allen for the ceremony in the presentation of the portrait of her father, the late Judge Brewer who was formerly a member of the Supreme Court Commission, a director and vice-president of the Oklahoma Historical Society, and a member of the law firm of Everest, Vaught and Brewer of Oklahoma City.

Judge Robert L. Williams, President of the Board of Directors, was Master of Ceremonies. The program was opened with an invocation by the Reverend William H. Wallace of St. Luke's Methodist Church of Oklahoma City. "Calm as the Night" was sung by Chester L. Francis of Oklahoma City.

The statements of the distinguished men upon this occasion, with reference to Judge Brewer, are worthy of record here as a part of Oklahoma history. Judge Williams, who years ago was

responsible for Judge Brewer's appointment to the Oklahoma Supreme Court Commission, stated: "I knew him well. Judge Brewer was born in Hackett City, Arkansas, and served as a member of the Legislature of the State of Arkansas. After coming to the Indian Territory, he lived at Cameron, and afterward at Poteau, and still later moved and made his home in McAlester. . . . Judge Brewer and I stood side by side in a picture taken following the dedication of this Historical Building. This picture now hangs on the walls of this building. . . . I went away that night to Battle Creek, and in a week's time I received a telegram that Judge Brewer was dead. The dedication meeting was the last time I saw him. . . . I am pleased to know that we have him living in art and that is the way history is preserved,—in marble, stone, and art. These do not lie. Judge Brewer was a gentleman by birth, and as a citizen in all of the walks of life he occupied an effective place and we feel honored in having his portrait on the walls of this building."

The unveiling of the picture had been presented prior to Judge Williams remarks by Judge Brewer's grandson, Edward P. Allen, Jr. Judge Williams had pointed out that this splendid looking grandson, just returned from the battle fields of Europe had accompanied in 1929 a committee appointed to inspect historical society buildings at Topeka, St. Paul, and other places and that Judge Brewer took a special pleasure in having his grandson at his side upon the trip.

Young Allen said, "When Mother first planned to have a portrait painted of my grandfather, she wrote and asked me if I could be here for the unveiling. I was in Naples, Italy, in the Army Air Corps. I told her that I didn't know, but by an act of God the war ended and I am here. Along with my mother and father, Doctor and Mrs. Edward P. Allen, my brothers, Robert Williams Allen, now in the Army of Occupation in Germany, and Paul Brewer Allen, who is with the Navy in California, I am very happy to present the portrait of Judge Phillip Doddridge Brewer."

Judge Williams then introduced Judge Edgar S. Vaught of the United States Court. In an eloquent tribute, Judge Vaught gave forth these views as to Judge Brewer: "This man to whom you pay this day, love and tribute came from a family, which though poor in this world's goods, was rich in an inherited family background deeply founded in personal integrity, honesty, and respect for law. . . . He was as modest as a woman. There were no pretensions, no assumed attitudes, no attempt to be like other men, but he gloried in almost childlike simplicity. . . . His home life was ideal. . . . He loved his Church. He took a deep interest in civic and public affairs and as a lawyer he ranked among the ablest in his state. . . . For twelve years he was my law partner, ten years

of which we were associated with J. H. Everest. . . . It is refreshing to note that he lived beyond the three score and ten years. We can say with pride that his life was a successful one."

Mr. J. H. Everest, Judge Brewer's law partner for thirteen years, spoke with deep feeling of his life long friend. Among other things Mr. Everest said, "As a Commissioner of the Supreme Court, his decisions were concise and remarkable and constitute a splendid part of the legal literature of our Supreme Court. . . . Judge Brewer had a well rounded character. Take him for all in all we shall not look upon his like again."

This concluded the ceremonies given over to the reception of Judge Phillip Brewer's portrait.

Judge Williams then stated, "Mr. Harry Brown of Guthrie who will present a portrait of Judge Frank Dale. Judge Dale was not only a District Judge under the Oklahoma Territorial Government but for years was Chief Justice of the Supreme Court of Oklahoma Territory and later engaged in the practice of law and was one of Oklahoma's prominent citizens."

Mr. Brown paid a warm and tender eulogy to his law partner, Judge Dale, and spoke of him as a lawyer, a "citizen, a friend, and a real pioneer." He said, "Judge Dale was born near Chicago in the year 1850 and received his early education there. . . . He came to Wichita, Kansas as he entered manhood, and taught school there. . . . He impressed his character so well upon that region that a small town near Wichita was named in his honor. . . . He made the run at noon on April 22, 1889 into Guthrie and lived there until his death February 10, 1930. . . . Judge Dale was more than a Judge and lawyer, he was a successful business man. . . . Judge Dale had no children and the portrait offered today in his honor was given by his kinsmen scattered from New York to California."

At the conclusion of Mr. Brown's speech Judge Williams said, "We are glad to accept this portrait of Judge Dale. He was an honor to the state. It should be stated that he was Registrar of the Land Office in Kansas, that part in which Wichita is located, during Cleveland's first administration. This concludes these services."

The meeting of the Society adjourned following the benediction by Judge Everest:

"We thank Thee, Oh God, for this hour spent in memory of our departed friend. We thank Thee, that in creating man, Thou didst endow him with the faculty and the power of strong friendship, which is the purest form of love; and we thank Thee that it was the privilege of many of us to know this friend in the intimacies of every day association and to understand the ambitions and conduct that made him a worth-while

friend and citizen. We thank Thee not only for the friendships of earth, but we thank Thee for the Divine friendship that placed man here upon the Earth, after preparing it for man's habitation, and made it possible for men to walk with Thee like Enoch of old, who was said to be the friend of God and of whom it was said, "And Enoch walked with God and was not, for God took him."

We revere the memory of Judge Brewer because he believed in Thee and sought to regulate his conduct and to mould his life by the Ten Commandments and the Sermon on the Mount and, as a result, "he did justly, loved mercy, and walked humbly before Thee." We rejoice that he threw the weight of his personality on the side of righteousness and left a legacy to his loved ones—a good name, more precious than rubies.

And now, as we separate, may Grace, Mercy and Peace from God, the Father; Christ, the Son; and the Holy Spirit, be and abide with each and every one of us, now and forever.

Amen.

"A NEW CHAPTER IN AN OLD STORY"

MANUSCRIPT BY EDGAR S. VAUGHT

Honorable Edgar S. Vaught, United States District Judge and one of the early pioneers of Oklahoma, delivered an address recently before the Lions Club of the Capital city. He took for his subject "A New Chapter in an Old Story," in which he told of the location and construction of the State Capitol of Oklahoma. He gave interest and emphasis to the facts surrounding this remarkable event by saying, "I am giving the records and from my own memory the events as I remember them."

The manuscript of this address has been placed in the permanent Archives of the State Historical Society. The highlights of the Capital location as set forth in this paper runs as follows:

In November 1907 agitation began for the permanent location of the State Capitol. On June 11, 1910 a special election was held in which the people of the State were given opportunity to choose their Capital city and Oklahoma City won by more than 50,000 votes. On the night of the election Governor Charles N. Haskell opened up his executive office in the Huckins Hotel which became the Capital of new State, unless the courts decided otherwise. On November 23, 1910 Governor Haskell brought the Legislature into session and recommended a site of 1600 acres of land and \$100,000 cash from which total through the sale of lots the State would derive \$1,700,000 for the building of a State Capital.

The Legislature did not agree with the Governor but created a Board of Capital Commissioners. A committee of citizens of Oklahoma City got together and proposed to give deeds to 650 acres

of land in the northeast part of the city, $1\frac{3}{4}$ miles from the Federal Building. They proposed to give a Capital site of 15 acres to be given near the center of Lincoln Boulevard and South of 23rd Street.

In order to facilitate matters the State Capitol Building Company was organized for handling all donations. Deeds to 650 acres of land and \$20,000 in notes were made out and turned over to Ed. S. Vaught and he in turn turned these deeds and notes over to the State Capitol Building Company. Appraisers were appointed and all the properties offered together with the cash amounted to \$1,402,850. Thirty-one citizens of Oklahoma City signed a bond of \$100,000 for assurance of the State Capitol Building Company.

Of course, said Judge Vaught, while all this was being arranged Guthrie citizens had taken the "movement matter" to the courts and before this litigation was settled, Haskell had given away to Lee Cruce who had been elected Oklahoma's second Governor. After the \$100,000 cash bond had been paid in, and deeds to all the property checked, the contract was signed and delivered by the State Capitol Building Company to the State and the Governor signed and accepted it.

Judge Vaught pointed out that in the light of subsequent history the State of Oklahoma made a mighty good deal in the location and erection of its Capitol Buildings: 1st., it had a capitol site of 15 acres where the capitol is located; 2nd., it received cash of \$100,000; 3rd., \$4,625, from the sale of lots included in the Capitol donation; and 4th., \$4,265,328.79 from oil royalties on the Capitol lands or a grand total cash in the sum of \$4,370,453.79, as of September 4, 1945.

"All of which," said Judge Vaught, "certainly justifies the confidence which the State Capitol Building Company and its officers had in the represented value of the lands donated to the State, as contained in their original proposal."

(C. E.)

BRIEF STATEMENT OF FACTS CONCERNING OLD BAPTIST MISSION CHURCH, CHEROKEE NATION.

Jesse Bushyhead was converted from the reading of the Bible and was baptized by a Baptist preacher from Tennessee in 1830 and soon after got together a congregation at Amohee, the place of his residence. He afterward became acquainted with the Baptist Mission at Valley Town, N. C., and was ordained there 1833 along with John Wickliffe (Kanoeda), another Cherokee.

In the fall of 1838 the whole church that had been organized at Amohee started on their journey over "The Trail of Tears" to the Cherokee Nation in the west and established a camp near the present site of the Old Baptist Mission Church and soon were worshipping in their new location, Feb. 1839.

Jesse Bushyhead soon established a Baptist Mission at this new location and was afterwards joined by Evan Jones and others from the old mission at Valley Town, N. C.

This new location later was a center for distribution of supplies to the Cherokees by the Federal Government and was known as "Breadtown," near present Westville in Adair County.

A school was established, a printing press was soon secured, and *The Cherokee Messenger*, the first periodical to be published among the Western Cherokees, was started in August, 1844, by Harvey Upham and Mark Tiger with the assistance of the Reverend Evan Jones and his son John B. Jones. The first issue bore the sad news of the death of Jesse Bushyhead. (Note: Some of the foundation stones of the old double log building that housed this printing plant are to be seen just a few paces from the highway on the farm owned by Mr. Crowder.)

The Mission was later moved to Tahlequah and still later to Muskogee and developed into the Bacone University but the church continued to hold forth at the same old place and it was the writer's privilege to preach the Centennial Sermon in May, 1939. He is now pastor of the church.

Many men and women that played a great part in the early history of the Cherokee people in the West have held membership in this old church, among whom were Jesse Bushyhead, Evan Jones, Wm. Upham, Harvey Upham, Mark Tiger, John B. Jones, Kaneeda (John Wickliffe), Lewis Downing, Charles Thompson, Aunt Eliza Alberty, and Aunt Carrie Quarles.

These facts have been gathered from the writings of Emmet Starr in his *History of the Cherokee Nation*; Isaac McCoy in his *History of Baptist Indian Missions*; Wythe in *Poor Lo; Oklahoma Imprints*; Carolyn Thomas Foreman in *Chronicles of Oklahoma*; *The Westville Record*; and from members of the Bushyhead Family.

Sam West.