

ORLANDO SWAIN

1857-1945

*By Paul Swain**

The chronicle of Orlando Swain is the story of a passing age, an age in which young men yearning for new frontiers could seek and find them. It is the story of his state—his adopted home, Oklahoma.

From the day he first saw Okmulgee, Indian Territory, and determined to stay there, until the day of his death in Okmulgee, Oklahoma, he watched the state grow from a rowdy, bustling territory to what he firmly believed will be the greatest of all in the union.

A profound belief in his fellow man eclipsed only by his intense and vital interest in the actors on the stage of life with whom he rubbed shoulders every day, are probably the best keys to the character and motivating power behind his eighty-seven years of full and useful living. A pioneer of two states, Nebraska and Oklahoma, Orlando Swain adopted the latter the moment he first saw the Indian Territory in April of 1901 while on a visit to Chickasha during a vacation from his duties as a clerk of the Nebraska legislature. From that first spring when he first visited Anadarko, Fort Sill, Duncan, Chickasha, Holdenville, and Okmulgee, Judge Swain believed in Oklahoma with a faith in what he called the "last frontier state" that never dimmed with the passing of forty-four years of watching it grow to the threshold of the new era it reached at his death.

Thirty years after that first April writing of his state in "Fifty Golden Years," a family history left to his children and grandchildren, he said:

"Now there is no longer any west. No longer any frontier in the republic. No other people are so romantically situated as are we in Oklahoma. It is here in our own state that the retreating forces of wilderness have made their final surrender.

"Here we have seen the last of the American pioneers. It is here that the oxen have been unyoked from the covered wagon for the last time. The prairie schooner, the sod house, the dugout, the cabins of the pioneer are things of the past.

"Here, too, in our own state have we witnessed the expiring council fires of those Indian nations older than the Republic itself, races dominant and powerful when the adventurous ships of Columbus first dropped their

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anchors in American harbors. It is here the last of these Indian races are to make their exit from the American stage. Here in the land of the Fair God is the appropriate theater for the final drama of the American pioneer. The last of all the new adventurous civilizations has taken root in Oklahoma.

"We are not only living in a new state but we are living in a new age. If our state is to rise to dignity and power with all the other states of the union it will be because we are able to appreciate our heritage and are willing to preserve unimpaired the deposit made by our fathers.

"My only regret is that I shall not be able to see the great things yet to be done by our people in this grand state in the years to come. It is a great consolation to know that my children and my grandchildren will be able to witness these things and be a part of them."

Orlando Swain, the second son of Cyrus and Grizzell Gibson Swain, was born June 16, 1857, in Bureau county, Illinois. The early years of his boyhood were spent there and in Marshall county, Indiana, with his family where Cyrus Swain, a building contractor lived and carried on his business.

In 1871 Orlando's mother died after the birth of her seventh child and in April, 1872, Cyrus married Mary R. Lash, daughter of Jacob O. and Phoebe Lash, at Inwood, Indiana. In 1876 Cyrus moved his family to Gage county, Nebraska and built a home on a farm near what was later Filley. A member of the Swain household at that time was Lydia Lash, Mary's younger sister.

It was in the midst of the bustling Swain family that the romance of Orlando and Lydia began. They were married five years later on September 11, 1881, at the home of Lydia's parents a few miles west of what is now Filley, Nebraska. Of that day Judge Swain wrote fifty years later:

"It was a soft beautiful September Sunday. All the immediate relatives were present to participate in this simple home wedding of modest country folk. We were married by Rev. L. F. Britt, pastor of the Methodist church in Beatrice, who was brought from Beatrice for the ceremony by a friend in a farm wagon, the only vehicle then in use in the family."

Of this union of "modest country folk" five children were born, four sons and one daughter. Marion Swain, the second son, died in 1900 in Nebraska shortly before Judge Swain moved his family to Oklahoma. Edward T. Swain, the eldest, died in Wetumka in January, 1946 and Arthur L. Swain in an Oklahoma veterans hospital in October, 1940. Paul E. Swain and Helen Mitchener, his surviving son and daughter, both live in Okmulgee where Mrs. Lydia Swain also lives at the present time (1946).

Judge Swain had taught school during the winter of 1880-81 in the Greer school district in Nebraska, and worked on farms during the summer to earn money for further schooling. In September he and Lydia moved to York, Nebraska, where he attended a small Methodist college. The following year he joined the faculty. In

1885 he resigned to assume the position as principal of the Filley schools.

Teaching was no more lucrative then than today and he resigned two years later to accept employment in a store in Filley. Later he and his family moved to his father's farm and in 1892 he was appointed deputy clerk of the district court. It was during this time that the Swains and Mr. and Mrs. George A. Murphey became fast friends, a friendship that lasted until the death of Mr. Murphey in Muskogee some thirty years later.

While acting as clerk of the court Judge Swain read law and in 1898 was admitted to the bar and soon after elected justice of the peace in Beatrice, Nebraska. At the expiration of his tenure of office he and Mr. Murphey formed a law partnership which lasted until the two families moved to separate cities in the Indian territory.

May 5, 1901, he opened the first law office in Okmulgee, and later wrote of the event that there "were two or three other attorneys there at the time but none of them had offices." The bar meetings were held under the trees in the Council House yard. In the spring of 1902, Mrs. Swain and the family joined him to make their home in Okmulgee.

The following September Judge Swain was appointed United States commissioner and presided in court actions in Okmulgee, Weleetka, Wetumka, Okemah and Paden until the advent of a state system of courts with statehood in 1907.

In 1906 he was elected to the board of education in Okmulgee and for eight of the nine years he served in that capacity headed the "School Board" as its president. In later years he recalled presenting diplomas to the first four graduates of Okmulgee High school which was at that time housed in a small frame building on the site of the present high school plant of buildings covering the entire block. It was during this period that Okmulgee laid the foundations and began to build what is now recognized as one of the finest school systems of any city of its size in the United States.

In September 1918, he was appointed commissioner of public safety for Okmulgee to fill the term of O. K. Peck, who left the office to enter the army. At the expiration of the term he was re-elected mayor of Okmulgee and served until April, 1923, in that capacity.

Immediately after Judge Swain became a resident of Okmulgee in 1901 he affiliated himself actively with the Methodist church, which then held its meetings in a one-room frame house. Except for two years following the merger of the Methodist Church South, of which he was a member, with the Methodist Church he was a member

of the board of trustees from 1901 until his death. He resigned as teacher of the men's Bible class of the church because of failing health a short time before his death after conducting the classes weekly for more than thirty years.

After leaving the office of mayor in 1923, Judge Swain was appointed U. S. Field clerk for the district comprising Okmulgee and Okfuskee counties. He remained in the field clerk's office managing the affairs of restricted Indians until 1926 when he was elected County Judge, an office he held two terms.

Orlando Swain's life was devoted largely to public service and he spent a great deal of it in public office. As he grew older he found himself becoming more and more disillusioned with almost every aspect of politics. His idealistic and scrupulous nature and innate honesty often rebelled at the more common "political practices" and of this portion of his life he later wrote:

"It so far has been of little or no credit for any man to hold office in Oklahoma. He may do his level best but so far the people have generally shown no disposition to demand or even want the best service from their public officials. Public sentiment is far too indifferent to graft and corruption in public life and in the moral character of their officials."

From his earliest days in Oklahoma Judge Swain was vitally interested in every aspect of Indian life and culture and he became the secretary of the Creek Indian Memorial Association when it was founded in Okmulgee in the mid 1920's and held that position until his death.

While mayor of Okmulgee he was instrumental in preventing the razing of the old Creek Council House, which occupies the square in the center of Okmulgee, when men terming themselves "progressives" would have demolished the structure and built a hotel on the site. Will Rogers, the noted Oklahoma humorist, visited Okmulgee during the controversy and publicly lauded the Judge's efforts on behalf of maintaining the historical old building. He persuaded the city to purchase the Council House for use as an Indian museum.

After his retirement from active law practice, he actively took over the reins of maintaining the museum and served as curator of the institution until his death. He loved nothing more than meeting the thousands of people from all over the world who annually visited the museum and were delighted with the tales the little white haired man with youthful twinkling brown eyes told them about Indians and Indian life and culture.

Recognized as the best informed person in the county on Creek history and personalities he was a constant source of information for newspapers seeking exact accounts and facts concerning Creek affairs. One of the ambitions of his declining years was to write an ac-

curate account of the Creeks and he read the press proofs of his book, *A Brief History of the Creek Nation* from his bed shortly before he died.

Judge Swain died at his home in Okmulgee May 26, 1945, and was laid to rest at Okmulgee in the soil that he came to love as the "last frontier State," the State that held his faith for the future throughout the latter half of his lifetime.