

## JUDGE THOMAS H. DOYLE

*By Charles Evans*

Someone has said that when a great man dies a people mourn, but when a good man dies a people weep. In the passing of Judge Thomas H. Doyle the people of Oklahoma both wept and mourned at the loss of a man who was both great and good. On the morning of his funeral I passed through the corridors of a great hotel where gather from day to day all types of Oklahoma's citizenship. I came upon a group of men embracing all of those elements—high and low, rich and poor, patrician and plebian—who had learned of Tom Doyle's death. I paused to hear one man of the group, a man of leadership and high in the activities in State, say:

"Through many years I have met little and large men in the various avenues of service to the State. I have watched and weighed their action, but at no time have I ever met any man of Oklahoma who seemed to embody more of the virtues of honor, strict integrity, ability in his sphere of action, and above all, a fearlessness and courage to defend the right than I found in Tom Doyle".

Here in the general atmosphere of Oklahoma I discovered the real tribute the people of this commonwealth was paying to a man who had served it with his whole mind and soul through many years.

Tributes like this are too often perfunctory. They recite in dry detail some deeds of a man or woman which are shot through with cold facts and dates and seem to be set in a slot where they can be labeled as a mere necrology. Not a word that is said here must be construed in this manner. This is not the sketch of a life by the Editor of the *Chronicles of Oklahoma*, a journal by the way, that owes much of its vigor and high repute to the devotion, protection, and recorded history of its pages to the plans and the pen of Judge Doyle. Every word here is written in terms of love to a man whose life was known to the writer for forty years. If I had not admired him as a valiant jurist, statesman, a moulder and defender of the home, church, school, government of the plain common people of Oklahoma, I would have loved him as a friend. So, while history demands some details of recorded facts concerning his life shall be placed here, I wish however, to confess that this is no mere obituary.

Thomas Henchion Doyle was born near Uxbridge, Massachusetts, December 21, 1862. He was the son of John and Johanna (Henchion) Doyle, who found themselves a part of that great emigration from Ireland, coming to America, a land of hope and freedom, to escape the oppression and persecution the land of Erin had

received at the hands of English kings and lords through many years. Among all the gifts God has bestowed upon this greatest nation of the earth, the United States of America, perhaps none has surpassed the presentation by England of that stream of blood sent here by its oppression of that irrepressible, freedom-loving, ambitious race of genius known as the Irish. (Tom Doyle gloried in the blood and the strength of his race.) From the tip of his toes to the crown of his head he looked and was an Irishman at his best. His sturdy form, his square ruddy face, his sparkling, clear blue eyes, with fearless, commanding poise, he stood squarely upon his feet and none had to look twice to discover that here was a brother of the O'Donnells, the Emmetts, and even the poetic Goldsmiths, who in peace and war have equalled, if not surpassed, any men upon the earth in their devotion and genius for liberty.

Judge Doyle's mother, Johanna (Henchion) Doyle died in Massachusetts. There were five children and Judge Doyle being the eldest spent the first seventeen years of his life in and about the Massachusetts County of Worcester. The Bay State has always led America in education so young Doyle had the benefit of excellent public schools. Graduating from Whitin's Academy at Northbridge, Massachusetts, his father, John Doyle, about that time concluded to move west and located in Osage County, Kansas. Young Doyle feeling the need for more education attended for some time the University of Kansas. In order to give his family better support in the trying years of drouth and famine in Kansas, he entered the employment of the Fort Scott and Gulf Railroad and was a trainman for two years. Under a severe ordeal he became a student of law under Judge Benson in Ottawa, Kansas and was admitted to the bar in that county in 1893. He was marked by sterling ability from the first, and in a little while had accumulated enough money to start a banking institution under the name of Doyle and McDonald in Harris, Kansas. Finding that law was a jealous mistress he sold his banking interest and moved to Garnett, Kansas where he remained until 1893. Oklahoma beckoned him and he was one of that determined group who gave Perry, the county seat of Noble County, Oklahoma, its birth. For, on the day that town was fashioned, the law firm of Stone and Doyle offered to the people of Perry and that vicinity legal service. From day to the day of his death all the powers and noble purposes of Tom Doyle have been given to Oklahoma. He afterwards became a partner of Judge Barrett and the firm was known as Doyle and Barrett. Needless to say, he not only prospered as a lawyer but he became, with his Irish thrift and business acumen, a large property owner in Perry and even extended his holdings into Kansas and Kansas City.

It would follow as night the day that his love for liberty and justice, with his powers as a jurist and his ability as an eloquent

young leader, that his people sent him as their representative in 1897 to the Oklahoma Territorial Legislature and kept him there for two terms. In the Fourth General Assembly of this Territorial Legislature he was elected speaker pro tempore and Chairman of the Judiciary Committee. He was the first leader in Oklahoma in legislative counsels to fight land-lordism. He became the author of the Free Range Bill under which act about \$100,000 was added to the school funds by making cattlemen pay for the use of the territorial lands. Here began his long career as a defender of the plain people against the selfish "hog" in high places. He put through a bill at this time for providing for a non-partisan board to have charge of the leasing of school lands. As chairman of the committee on jurisprudence he authored House Bill No. 1 in the Fifth Territorial General Assembly which provided for the setting aside of a board of equalization because that board had revealed that they were not serving the people, but the avaricious and autocratic cattlemen. These remarkable and fearless marks of leadership widened his circle of influence and service so that when the great struggle came for moulding and founding the State of Oklahoma, Doyle was in the larger part made the foremost leader. Whether the Indian Territory and the Oklahoma Territory should be admitted to the Union as separate states or to be joined and admitted as a single state became the passionate struggle. It not only embraced the earnest thought of a territory with its one and a half million people, but rose to such national heights that it through many years claimed much of congressional action in Washington and it secured the attention of all America. As some admirer has said, "It surpassed anything of the sort in the range of politics when Thomas H. Doyle became the commanding figure in his devotion for single statehood."

The birth of any one of the forty-eight states will always command the historian to stop and pay tribute. History, in tracing the annals of man, finds no spectacle—in peace or war—that moves the thinking mind more and to higher heights, than to behold thousands of men and women demanding of their leaders to carve out for them and set up a unit of government, giving to them and their children, the rights of a free state. It was a great scene in Washington on January 26, 1904 at ten o'clock a. m. when in the Nation's Capital, there appeared before the House Committee on Territories having before it the Robinson Bill, providing for the admission of Oklahoma and Indian Territory into the Union as a single state, one Thomas H. Doyle of Oklahoma, who had been chosen to state the case and make the plea for single statehood. Around him were his co-partisans, C. G. Jones, J. H. Maxey, Jr., Roy E. Stafford, Clarence B. Douglas, G. A. Henshaw, A. Grant Evans and many others. Sitting opposite and opposing single statehood were: Bird S. McGuire, Territorial delegate to Congress, Sydney Clarke, J. W. McNeal and others in sympathy with them.

Doyle arose and began by sketching the growth of the two territories. He revealed that all growth and action of all the people, from the earliest years, as related to this territorial development, had looked toward one state. Pointing to the great common seal, fashioned by the Oklahoma Territorial Legislature, he said: "These representatives of the white and red races standing there beneath the scales of justice symbolize the intended union of Oklahoma and Indian Territory, and is emblematic of equal justice to all. Beneath are the words: 'Grand Seal of Oklahoma Territory'."

He deftly revealed the profound culture and worth of the people he represented, pointing out that there was a state university, an agricultural mechanical college and a teachers' normal school and a system of good public schools flourishing throughout this region. He hurled with vivid power at the committee the fact that never before in the history of America had any State entered the Union with 1,600,000 population which would permit it to rank at once as the twenty-third State.

He overwhelmed the committee members upon every point of their questioning. Mr. Thayer of the Committee asked if the people of the Indian Territory were self restrained or could govern themselves. Doyle replied:

"Yes, sir. I say to you that I believe when a man stands up, as Mr. Clarke did here, and pictured those people as law-breakers and outlaws, and said they were represented by such a type of people as Bill Starr and Cherokee Bill, as he did, he does it without any reason of any kind or character. They have as beautiful cities as there are in any part of the West. You find the American home in every one of the four-hundred towns in the Indian Territory. You find men just as brainy in every respect, following the profession of the law before those courts as you do in your State of Massachusetts. You find a class of merchants there are equal to any people. You see them here among you as they come before this Committee."

There is no room in this article to cover the remarkable strength, dignity and appeal of this address of Judge Doyle as he plead for the rights of the citizenship of the people of the Territory of Oklahoma and of the Indian Territory. Suffice it to say that as one who has dedicated and devoted his life to the education of youth, looking toward that essential climax in every student's life whereby he comes from the schools a loyal and defensive citizen, it is in my opinion that this address should be published in pamphlet form and be given into the hands of the present and future teachers of our public schools. It can not and could not be surpassed as an influence for glorifying and enlarging the minds of the youth of this State in devotion to their institutions.

Congress on June 14, 1906 set up an Enabling Act providing for single statehood. History moved quickly and on November 16, 1907, Oklahoma entered the Union as the forty-sixth state and no

man played a better part in this great governmental drama than did Thomas H. Doyle.

It naturally followed that the first governor of the State, Charles N. Haskell, appointed Doyle a member of the Oklahoma Criminal Court of Appeals. Then began a record that has not been surpassed and seldom equalled in any state as presented in this man serving on one court through a period of forty-one years, save four. There will be no attempt made here of setting forth the pre-eminent forces that Judge Doyle disclosed as a jurist in Oklahoma. If any man, woman or child desires to study and know how a man won the esteem and confidence and tribute from a whole state so that at the end of every six years for many terms they kept him by their votes a justice of the Criminal Court of Appeals, let them come to Oklahoma City and enter the Capitol and study the archives of that court. The secret of it all lies in his character. He studied and knew the rights of the common man even to the point of the low and under-privileged and he dared with an honest Irish heart to speak for them so well and so true that his decisions have been honored in every state in the Union and the King's Bench of England declared, as they used his decisions, that none had been better and wiser.

Like all valiant citizens, while Judge Doyle made the law his chief shrine in worthy spheres, yet he gave to all the forces of the social order his deepest interest and able service. He early became a working member of the Perry Commercial Club, took great interest in the Modern Woodmen of America, enjoyed the highest respect and leadership in the Ancient Order of the United Workmen, and the Society of the Redmen honored him as did the Select Knights of the Catholic Church. Perhaps his greatest devotion along this line revealed itself in developing the strength, growth and character of the Oklahoma Historical Society. He found in his very nature the zeal, the pride of blood, the keen joy of being an Oklahoman, and above all, an American that made him interested in every phase of human history. He read every book, he gathered from every source within his range, light on Oklahoma. As early as January 1, 1917, he was elected on the Board of Directors of the Oklahoma Historical Society. He became its president and served in every capacity whereby his loyalty and ability to make this institution permanent, forceful and progressive could be used. He served on the committee that shaped and directed the erection of this splendid granite and marble structure known as the Oklahoma Historical Building, one of the very finest of its kind in the United States. An address delivered by him in March, 1938, at the presentation of the busts of Will Rogers and Wiley Post by Mr. Frank Phillips of Bartlesville, sets forth in warm and clear tones his pride in his State and his lofty conceptions of the Oklahoma Historical Society. He said:

"States are not great except as men may make them. No State in the Union has progressed so rapidly in all that pertains to civilization as has our own beloved Oklahoma. A State can perform no more graceful act than to make public records of the deeds and accomplishments of its famous sons. Many of the incidents of Oklahoma history are epic in their proportions. The Oklahoma Historical Society is distinctively a State Institution, organized for the purpose of assisting the State to perform its recognized duties in the field of history. Its collections, library and other possessions are public property, freely accessible to all under such restrictions as are necessary to insure their preservation."

His personal devotion to the details as forming and shaping its By-Laws, in developing the legal rights of the Society, the direct encouragement of the officers and secretary and members of the staff, discloses his hearty Celtic blood and nature. He visited the halls of the Society, inspected the rooms, and above all, took time to sit and talk with its workers. Each one, in every department, knew that they had not only a director in Judge Doyle, but they had a friend. It would be an interesting picture to present, if it were possible, revealing Tom Doyle as he greeted some member of the staff with the grace and urbanity of a prince of the realm, meeting with the staff member, in whom he found the worth of a king or queen. To the average American, especially those of stubborn English blood, maybe this is hard to understand.

Of course Judge Doyle was a democrat in politics and a devout Catholic. The Catholic Church had nourished and befriended his blood so he gave it every good impulse of his religious nature. Catholicism gave him, as he deserved, the highest tribute they could pay him a simple unassuming devotee. Just here should be said that every man is strengthened and exalted in his religious nature by no greater force than he receives from a faithful and religious wife.

Judge Doyle married Miss Rose O'Neil in Kansas City, Missouri, in 1893 and out of this marriage was born a child, now Mrs. J. Frank Martin of 136 Northwest Eighteenth Street, Oklahoma City. Mrs. Doyle died on July 15, 1936. Judge Doyle lived his subsequent years in the home of his daughter. It must be recorded here that perhaps no son or daughter ever gave more devotion to a father, or gave daily evidence of the love they bore him than did this daughter and her husband.

Judge Doyle had scarcely retired from public office before he began to lose that virility which had sustained him in the heavy work through almost seventy years. Death found him seasoned in the faith, ready and willing, and with undaunted eyes, on the morning of February 6, 1947. Immediately church and state began to pay tribute to his long life and splendid service, and they expressed profound distress upon his passing. *The Daily Oklahoman* in an article defined his character as a jurist by saying: "He

warned the State against depriving an individual of inalienable rights.”

The funeral service was conducted by Right Reverend John M. Connor, and hundreds of representative citizens and friends heard from the eloquent lips of the priest the story of how the church loved him and the State honored him.

One of the highest tributes that can be paid a man was offered by the present Legislature of Oklahoma. Meeting in session on the 24th of February, 1949, a resolution was adopted eulogizing the life and service of Judge Thomas H. Doyle. It was signed by Hon. Walter Billingsley, Speaker of the House of Representatives.

At the meeting of the Board of Directors of the Oklahoma Historical Society, February 24, 1949, a testimonial service was held in Judge Doyle's honor. It may be perhaps that some discerning reader will find the most splendid tributes to Judge Doyle in the Minutes of the February 24th meeting, as found in the *Chronicles of Oklahoma*, Vol. XXVII, No. 1 (Spring, 1949), as they read of his life lived near and with the eminent directors of this Society who knew him long and well.

So runs the life of an American, born in obscurity of good Irish blood and who rose to high estate and honor because of his faith in God and his zeal for liberty.

Perhaps this sketch may not run true, according to critics as to the usual necrology or obituary. If this is so, the writer delights himself with the conviction that he has carried out his purpose. These words were written by a man who has had the privilege of knowing every governor of the State of Oklahoma, from first to last, and some of them intimately. He has watched these and others leaders move upon the stage of Oklahoma history through almost a half a century. No figure has impressed me more deeply and moved me to better tribute than Judge Thomas H. Doyle. Above all things, he was my defensive friend. One of the splendid periods of my life's work was largely the creation of his personal devotion and faith in me.

As I passed out of the Cathedral on the occasion of his funeral, I said to a man at my side, a splendid man and a former governor of Oklahoma, "This world outside will never be the same to me again."

I hope this article may never be considered a tract or a paper. It has been my attempt to be wholly historical or factual and I believe the record will sustain every record paid him as a jurist, political leader, a churchman, a moulder of the social order of Oklahoma, a father and a friend. But, if any mistake has been made, let it be attributed to the devotion of a friend for a defensive friend.