

JUDGE MILTON CLINE GARBER

By Bess Truitt

To be privileged to answer the final summons while yet enjoying the high tide of living, benefits the sturdy character which was Milton C. Garber. Regarded as the first citizen of Enid and Garfield County, this pioneering stalwart had played well his part in the development of farming with its attendant industries and in the promotion and production of oil and its by-products.

A founder of cities, banks and businesses; a moving factor in the civic, social and religious life of this commonwealth, M. C. Garber was recognized as a leader of outstanding qualities. Judge Garber, as he was familiarly known, was a man richly endowed with many talents. He unselfishly cast aside the pursuit of private and personal enterprise in which he was highly successful to answer the call of his fellowmen to serve the various positions of public trust and honor.

A sound thinker, a gifted speaker, a lover of truth and beauty, the Judge lived richly and well his more than three score years and ten. His life was symmetrical and prolific. His busy years of well doing have erected in the memories of the thousands who knew and appreciated him, a monument, priceless and enduring. His family of five children, splendid men and women, reflect the precept and teachings of a wise father and a prudent counselor. His humor was subtle, his religion deeply grounded, and his friendships were deep and abiding. Reticent and somehow aloof in manner, this lover of humanity was considered austere by those who knew him slightly, while those with whom he came in daily contact, appreciated the warm pulsating fervor of his being.¹

Milton Cline Garber, the third child of Martin and Lucy Rine Garber, was born November 30, 1867, in Humboldt County, California, where the family was temporarily residing. The following year they migrated to Eastport, Iowa, where Milton was reared and educated. He was a graduate of Upper Iowa University and of the law department of Iowa University in 1893.

The same year he came with his father's family to Oklahoma, making the memorable run into the Cherokee Strip, September 16th. He broke the sod on the claim secured by himself and other members

¹"To those of us who worked with him, his death is a distinct personal loss. Many of us have worked with Judge Garber for 25 years or more and all honored and respected him, not only for his abilities as an editor and public servant in various capacities, but as a helpful co-worker who always found time for any detail of this institution's problems or for conference on personal matters."—Editorial, *Enid Daily Eagle*, Sept. 13, 1948.

of the family, while his father and brother operated a general store in the town of Garber, so named for the senior Garber.

Milton Garber began the practice of law in Guthrie, Oklahoma, then the capital of the territory. He was ever quick to respond to the need of those among early day citizens whose purses were thin.² On October 30, 1900, he was united in marriage with Miss Lucy M. Bradley of Moberly, Missouri, a young woman of rare beauty and charm. Mrs. Garber proved a real help-mate, a wife of deep understanding, and the mother of their five children, Mrs. Howard Waldo of Cincinnati, Ohio; Mrs. Robert Earle of Essex Falls, New York; and Mrs. William G. Thompson, Martin and Milton B., all of Enid, Oklahoma.

In 1902, M. C. Garber was elected probate judge of Garfield County, Oklahoma territory. He served in this capacity three terms, whereupon, he was appointed associate supreme court justice by President Theodore Roosevelt. When the territories became a state in 1907, Judge Garber was the peoples choice for Judge of the fifth judicial district.³ Upon reorganization of the districts, Judge Garber was elected to serve the twentieth Judicial District in a like capacity. He resigned to enter the private practice of law. He was mayor of Enid from 1919-1921, and it was during his regime that the idea of building Convention Hall as a memorial to the dead of World War I was conceived and pushed to completion.

² "Bearing testimony to this fact were two who came to pay him last respects. One, a person of partial Indian blood who recounted that when a greedy white had tried to do him and others of his tribe out of their allotments, Judge Garber had come into the case and saved them what little the white man had left upon his coming". The second told how the Judge had tendered legal services, without cost, simply in the interest of justice".—Excerpt from the account of the funeral service, *Enid Eagle*, Sept. 17.

³ (a) "And now the people recognize the young vigorous man, who has been a member of the supreme court but a year and a half, but in which time he has done more for the people than all the other judges combined during their entire tenure of office; a man whom corporations or other large influences with wealth behind them, cannot swerve from the path of duty or make him forget that the people are sovereign".—*The Daily Oklahoman*, October 28, 1907.

(b) "The square deal policy of the *EVENTS* to give credit to him whom credit is due, necessitates the correction of an error which has received from the public press wide publication. In boxcar letters in the state capital, it was announced that the first fines assessed in the Territory for violation of the Sherman Anti-Trust Law was imposed by associate justice Hainer. Investigation, however, discloses that, while one of the corporation defendants swore Judge Garber off the bench, yet it was he who imposed the fine of \$2000.00 and costs against the defendants.—When Judge Garber received his large majority in the recent election, it was not a case of misplaced confidence, but an endorsement of his record."—Written by Everett Purcell, many years editor of the *Enid Events*.

(c) "As associate justice, he issued a far reaching decision requiring railroads to provide cars for a record breaking crop of wheat, which was lying piled on the ground. Wheat for which the farmers were being penalized 5c per bushel, while the roads failed to provide transportation, although they had thousands of cars lying idle on the siding".—*Fairview News*, November 22, 1940, featuring Judge Garber in a story following his induction into Oklahoma's Hall of Fame.

With his brother, B. A. Garber, he early recognized the oil potentialities of the Garber-Covington area, and it was through their efforts in blocking acreage that drilling was started which eventually opened the Garber-Covington oil fields, thereby, bringing millions of dollars to the land owners and to business of the county.

It was natural that M. C. Garber would prosper materially along with the many friends he helped. A man of wealth, with a wide acquaintance, he sought and was elected to a seat in the sixty-eighth Congress, serving the people of the eighth congressional district. Although a Republican, he was recognized as a leader of the overwhelmingly Democratic state delegation in all matters pertaining to Oklahoma. He was re-elected for five consecutive terms, retiring in 1933, to return to his home city of Enid, there to engage actively in the publication of the *Enid Morning News* and *Enid Eagle*, the two daily papers. Through the medium of editor, he constantly urged improvements in the civic life of the city, county, and district of northwest Oklahoma.

He suggested and promoted the annual Northwest Oklahoma Junior Livestock Show with its three News-Eagle trophies given to the outstanding 4-H Club boy and girl of the district and the outstanding Future-Farmers-of-America boy. Always a believer in improving agriculture, with the love of the soil dating back to his boyhood, he was one of the first to urge pure-bred seed and pure-bred animals to the farmers of the area. As a baseball fan from early youth, Judge Garber was ever interested in encouraging the small non-professional teams which play for mere fun. One of his last acts was to set up a trophy to be played for by the winners of the oil-belt and wheat-belt champions, teams from the smaller cities of northwest Oklahoma. With his wife, Judge Garber gave the land north of Enid upon which the Chisholm Trail Memorial Society erected a monument to the honor of Jesse Chisholm and to the memory of those cowboys who rode the trail. He helped establish radio station KCRC in Enid and was a leader in the fight for the managerial form of government, which Enid now enjoys.

Since the fourteenth publication of *Who's Who in America*, each biennial edition has carried a sketch of Judge Garber's achievements. Judge Garber was inducted into the Oklahoma Hall of Fame in 1940, and it was noted in his citation for this honor, "That it was his helpfulness to his fellow Oklahomans, as much as his public career, that brought about this high honor."

His forebearers were the Mohler and Garber families of Swiss-German origin, a race of pioneering peoples, deeply imbued with advanced religious ideals. The love of freedom of speech brought Ludwig Mohler to America on the ship "Thistle" from Glasgow, August 30, 1730. There is a tradition that the founder of the Garber family in America sailed from Hamburg to America from a certain

canton in Switzerland where resided many Garbers. Records disclose that Madeline Mohler, the great-great-granddaughter of Ludwig Mohler, was united in marriage with Martin Garber, the son of Bishop Levi Garber of Middle River, Augusta County, Virginia. This couple becoming the grandparents of the subject of this sketch. This seems to have been the family ideal: "Better to endure the ills you have than to fly to those you know not of." This strain of Dunkard religion has left a marked effect upon the character and lives of all generations of these families, whether they adhere to the tenets or not. The ancestors of Judge Garber exerted a marked influence on the development of the states of Virginia, Iowa, and Nebraska, where they resided.⁴ Is it then a small wonder that Judge Garber should have been a man tenacious but tender, staunch but stubborn, determined and direct?

His end came unexpectedly, early on Sunday evening of September 12, 1948, at his summer fishing cabin near Alexandria, Minnesota. He had piloted his boat in a perfect landing, apparently well, but collapsed when he started to step to the dock and died before a physician could reach his cabin. His elder son, Martin, flew to Alexandria and accompanied all that was mortal of his illustrious father to the shocked and saddened city he had called home.

It was on the fifty-eighth anniversary of that historic day in 1893 when he made the Run into the famed Cherokee Strip that citizens from the entire area of northwest Oklahoma gathered at his beautiful country home, Elmstead, north of the city, to pay him final tribute. Hundreds of friends gathered with bowed heads to honor the death of him whom they had called friend and advisor in life. They came from near and far, the rich and the poor, the white, the black, and the red man to join the solemn service conducted by the Reverend Isaac Newton McCash, President Emeritus of Phillips University, Enid, fellow mason and friend of the deceased. The prayer was offered by the Reverend Ray E. Snodgrass, pastor of the First Christian Church of which congregation Judge Garber was a member. The Honorable P. C. Simmons, representing the Garfield County bar association, gave the eulogy: "He was a true patriot, a man four-square, whose rise to prominence was no accident." There followed the sonorous intonation by Ed Dyer of the matchless Biblical poem "The Lord is My Shepherd". Doctor McCash, with deep feeling, pronounced consolation: "The two great mysteries are life and death. . . life is a vapor which in its settling over the years exhausts

⁴Hon. John Garber—member of the Iowa State legislature, Clayton County, 1866. Hon. Joseph Garber—member of the Constitutional convention of Nebraska, 1875. Hon. Silas Garber—Governor of Nebraska, 1875-1879. Hon. Martin Mohler—Secretary of the Kansas State Board of Agriculture, 1888-1894. Hon. Martin Garber—member of the Iowa legislature, Clayton County, 1880-1882. John Mohler Studebaker, for many years president of the Studebaker Corporation of South Bend, Indiana. Hon. Jacob Christian Mohler—Secretary Kansas State Board of Agriculture, 1914.

itself, but in so doing leaves something behind to remind of its existence, an inspiration such as this man left to call another generation forward". The voice of the singer was again heard in Gilmore's immortal hymn "He Leadeth Me." From this solemn scene, the slow procession made its way to the Memorial cemetery. The benediction at the grave was said, the body placed in its final resting place, there to become a part of the Oklahoma earth Judge Garber had loved so well.

⁵ Grateful appreciation is hereby expressed to the Garber family and especially to Mr. Milton B. Garber, who succeeded his father as editor of the *Enid Morning News* and the *Enid Eagle*, for access to the personal files of the late Judge M. C. Garber, which included newspaper clippings, correspondence, and a copy of the Mohler-Garber family history compiled by Cora Garber-Dunning.—Bess Truitt.