

NECROLOGIES
 PRESTON CAPLINGER WEST
 1868-1949

Preston Caplinger West, also known as "P. C." or "Pete West," widely known lawyer, civic leader and former resident of Muskogee and Tulsa, Oklahoma, departed this life at his daughter's farm home, Hamburg Place, four miles east of Lexington, Kentucky, on September 8, 1949, at the ripe age of eighty one years. The funeral was conducted by the Episcopalian minister and interment was in the cemetery at Lexington.

His great grandfather was a Captain in the Continental Army in Virginia during the Revolutionary War. His maternal grandfather, Gustavus Hammond Wilcox, a Connecticut Yankee, lured to the sunny Southland by the friendliness of its people and its ever growing prosperity, married Miss Jane Wigginton of Virginia, of Scotch-Welch ancestry. They had a daughter, Winifred Todd Wilcox. He settled in Mississippi in the early days and for many years was a leader of the Mississippi bar.

Preston's paternal grandfather was Preston West of Kentucky, a breeder of fine horses, well known, well liked, and a man of great influence. His father, Doctor Preston Caplinger West, was born and reared in Hannibal, Missouri, went to Louisville Medical College at Louisville, Kentucky, and was a physician and surgeon in the Confederate Army. In 1865 at Louisville Doctor West married Winifred Todd Wilcox, and they had two sons, Preston Caplinger West, subject of this article, and Gustavus Wilcox West. In the same year of his marriage he settled in Rodney, Mississippi to practice medicine. In 1880 he moved to Lagrange, Lee County, Arkansas, where he practiced medicine until his death. Doctor West was a kindly man and held in great esteem by his neighbors.

Both of the parents of Preston, Jr., were college educated, cultured, refined and trained in the fine customs and manners of the old South. His mother lost two brothers killed in the Confederate Army and both of his parents were strong southern sympathizers in Civil War days. As a boy Preston saw the injustice and evils of Carpet Bag rule in his native state, heard of the impositions upon the southern people in that dire strife and he became passionately fond of his home land, the South.

Mr. West, subject of this article, was born in the home of his grandmother at Rodney, Mississippi on August 19, 1868. His boyhood was spent on the banks of the Mississippi River, and like Tom Sawyer, he developed a great love for the mighty waters and the steamboats sailing up and down the big river. He dreamed of the day when he would be an officer on one of the big ships, but this ambition died when in 1880 his father with his wife and two sons, Preston, then twelve years old, and Gustavus Wilcox, then ten years old, moved to Lagrange, Arkansas, not a river town. There was no school available at Rodney, Mississippi, so Mrs. West taught her two sons at home, and at twelve years of age Preston entered high school at Lagrange. He was a good student and a lover of books. His father and mother decided that Preston must have a college education, and in the South. His parents were strong Presbyterians so in 1884 at the age of sixteen years, he was enrolled at the Southwestern University, a Presbyterian school, at Clarksville, Tennessee. At this school Doctor Joseph R. Wilson, father of President Woodrow Wilson, was Professor of Theology, and his son, Joe Wilson, the President's brother, was a student and college mate of Mr. West. Joe Wilson and Mr. West belonged to the same fraternity,

Sigma Alpha Epsilon. In four years Preston graduated with the degree of Bachelor of Arts.

Young West liked public speaking and was charmed by the speakers who spoke at the University. In 1888 he graduated and then was convinced his field and life work was the law. He entered the law office of T. P. Winchester, a prominent lawyer of Fort Smith, Arkansas, but after a short time left there to enter the Law School of the University of Virginia, perhaps the best law school at that time in the South. After two years in law school, his father died and this forced him to leave school. He again joined T. P. Winchester now as a partner, the firm being Winchester and West. Later he joined the firm of Sandels and Hill, of Fort Smith, Arkansas, and upon the death of Mr. Sandels became full partner and the firm was Hill and West. He remained with this firm until 1897 when he moved to Muskogee, Indian Territory. He selected Muskogee as it was the chief city of Indian Territory, headquarters for the Dawes Commission, Indian Agent, and the most important United States Court town where the business with the Indian people and litigation of all kinds mostly centered.

In Muskogee he formed a partnership with William T. Hutchings, a Virginian and a very fine lawyer, now dead, the firm being Hutchings and West. They had offices in a small cottage located on what is now West Broadway at Second Street. The front porch of the building was used as a sidewalk on Broadway. In 1903 the firm of Hutchings and West dissolved and Mr. West practiced law alone for a few years. He next formed the partnership of West, Mellette and Jones and moved into the Oklahoma Building, that he, Ben Martin and Wallace Butts had purchased. Mr. William Mellette of the firm died many years ago and the surviving partner, E. R. Jones is now a prominent lawyer at Muskogee. About this time he prepared the Charter for the commission form of government for the City of Muskogee, being Chairman of the Board of Freeholders.

In 1913 President Wilson appointed Mr. West Assistant Attorney General of the United States and nine months later he was made Solicitor for the Interior Department. This office was badly behind with its work, but he with his twenty six assistants strived diligently and in three years had the work up to date.

After three years in Washington he returned to Oklahoma, settled in Tulsa and became a member of the law firm of West, Sherman, Davidson and Moore. In 1925 the firm was reorganized and was West, Gibson, Sherman, Davidson and Hull, Mr. Moore having died in the mean time. Thomas L. Gibson, the present Justice of the Supreme Court, was a member of the firm.

As the years passed Mr. West grew in stature and influence as a lawyer. He carefully prepared his cases and enjoyed the work in the trial court. He represented the Cherokees and defeated a host of claimants for citizenship when Congress authorized the Dawes Commission at Muskogee to hear their claim. He also maintained the constitutionality of this legislation in the Supreme Court of the United States. In 1912 he won the case of *McGannon v. State ex rel Trapp*, that laid down the rule on which our state inheritance laws have since been interpreted. As Asssitant Attorney General and Solicitor for the Interior Department he argued many interesting cases in the Supreme Court of the United States. Out of court he handled many important matters, such as the building of the government railroad in Alaska, the fishing and other rights of the Northwestern Indians, harbor improvements in the Hawaiian Islands, and settlement of the mutual water rights of the United States and Canada in certain streams arising on one side or the other of the United States-Canadian border and flowing across into the other's territory.

He was a member of the Democratic Party, the Masonic Lodge and Elks Lodge. He was active in the International Law Association, American

Bar Association, Tulas and Muskogee Bar Association, Tulsa Town and Country Club, the University Club of Tulsa, and the Colonade Club, University of Virginia. He was an active member of the Episcopal Church and at one time was Senior Warden of Trinity Episcopal Church at Tulsa. He also served the Oklahoma Diocese of the Episcopal Church as Chancellor.

In 1897 Mr. West married Miss Bessie Shelby of Fort Smith, Arkansas. Mrs. West lived a long and useful life, leaving this world about six weeks before her husband left it. She was one of the founders of the Tulsa Public Health Association. They had two children, a daughter, Mrs. Winifred West Madden, now living at Hamburg Place, Lexington, Kentucky, and a son, Col. G. W. West of the United States Army, now stationed in London, England. Others who survive him are a niece, Mrs. W. S. Cochran of Tulsa; a brother, G. W. West, of Muskogee; and two grandsons, Pat Madden and Preston Madden, of Lexington, Kentucky.

In 1940 Mr. West retired from the practice of law and moved from Tulsa to Lexington, Kentucky, to be near his daughter and to be able to aid his wife who had become an invalid. Soon after this his eye-sight failed on account of cataracts and for the last three years of his life he was sightless. He had been in ill health for some time and death was believed to be due to a heart attack. He never lost faith and hope, for he believed no evil could come to a good man. He was cheerful to the end.

Mr. West encouraged me and let me use his books when I was a young lawyer and I have always held for him sincere affection. I am happy to say these few words in commendation of him and his life, for he was a fine character, a wise statesman, a Christian gentleman, a great soul. A great man of a great family, he gave to his country the best in him. He was noble by birth, yet nobler by great deeds.

William B. Moore.

Muskogee, Oklahoma.

JOSEPH CECIL STONE

1870-1948

Joseph Cecil Stone was born at Big Rock, Stewart County, Tennessee, November 8, 1870, the son of William Jesse and Mary Ellen (Beresford) Stone. The family moved to Texas when he was a young boy. He received his A. B. Degree at Howard Payne College, Brownwood, Texas, in 1897, and his A. B. Degree from the University of Chicago in 1899. He taught Greek and other subjects at Howard Payne College for a few years, and received his LL.D. Degree from that college in 1927.

He was married to Louise Beatrice Webb on June 7, 1904. They had one daughter, Mary Louise, who with his widow survive him.

Mr. Stone was admitted to practice law in the State of Texas in 1901, and in 1902 he located at Okmulgee, Indian Territory. In 1908 he moved to Muskogee, where he was City Attorney from 1908 to 1910. He was a member of the committee which wrote the Muskogee City Charter for the managerial form of government.

From 1908 to 1917 he was a member of the law firm of Owen & Stone; from 1917 to 1937 he was a member of Stone, Moon & Stewart; and from 1937 to 1948 he was a member of the firm of Stone & Moon, engaged in general civil practice. He was a member of the Oklahoma State Bar Association, and was its President during 1924-1925.

Mr. Stone was an Episcopalian, and a Mason. He died at Muskogee on August 23, 1948, where his home was located at 401 So. 12th Street, and his offices in the Barnes Building.

Mr. Stone located in the Indian Territory five years prior to the time when the Indian Territory and Oklahoma Territory were merged and admitted into the Union as the State of Oklahoma. During his professional life his work was devoted to construing the laws of the new state, particularly the treaties between the United States and the Five Civilized Tribes of Indians, and the Acts of the United States Congress dealing with the Five Tribes. He participated in practically all litigation that involved novel questions relating to the Indians and their landed affairs.

A few of the cases in which he was attorney and which made history within the Indian country were: *P. E. Heckman and Robert L. Owen v. United States*, 32 S. Ct. 424, 224 U.S. 413, 56 L. Ed. 820; *Woodward v. deGraffenried*, 35 S.Ct. 764, 238 U.S. 284, 59 L.Ed. 1310; *United States v. Wildcat*, 37 S. Ct. 561, 244 U.S. 111, 61 S. Ed. 1024; *Brader v. James*, 38 S. Ct. 285, 246 U.S. 88, 63 L.Ed. 591; *Sunday v. Mallory*, 237 F. 526, 39 S.Ct. 135, 248 U.S. 545, 63 L.Ed. 414; *Scott v. Beams* (Jackson Barnett Estate), 122 Fed. 2d, 777; *Brown v. Wilson*, 58 Okl. 392, 160 Pac. 94; *Canfield v. Capt. Jack*, 78 Okl. 127; *Haddock v. Johnson*, 80 Okl. 250.

Mr. Stone helped to establish the framework upon which the future of the State of Oklahoma will always rest.

—Charles A. Moon

Muskogee, Oklahoma

SARAH JANE ADAIR LAWRENCE

1875-1944

Mrs. Lawrence, "Blufe," as she was known to her friends and they can be counted by the hundreds, was more than a personality, she was an institution. She had a part in making and shaping the destinies of two nations. Her father, Benjamin Franklin Adair, was of English-Cherokee descent; her mother, Mary McNair, was of Scotch-Cherokee ancestry and blended in this daughter were all the fine characteristics of the three nationalities. Sarah Jane Adair was born March 10, 1875, near the present town of Salina in what was at that time the Cherokee Nation.

She attended school at the Cherokee National Orphanage at Salina and graduated from the Cherokee National Female Seminary in 1892 and from Howard Payne College, Fayette, Missouri, in 1896. The thesis she prepared for graduation from Howard Payne was written in the Anglo-Saxon language.

Following her graduation she served as first assistant principal at the Cherokee National Female Seminary until 1899 when she married J. A. Lawrence. The Lawrence home was one of the hospitable centers of Tahlequah; clubs met there; friends met there. Mr. and Mrs. Lawrence and the two sons joined forces in landscaping the grounds. All during the year there were flowers blooming either in the yard or in the house. The older son, Joseph Adair, and Mr. Lawrence had answered final roll call preceding Mrs. Lawrence. The younger son, Gilbert Shelton, survives his mother.

Mrs. Lawrence was community conscious. She did many fine things for her community, as can be shown by listing some of the organizations and groups with which she worked; Red Cross, County Council of National Defense, Library Board, Study and Civic Clubs, and the Methodist Church. She had served as president of the Sixth District of Federated Women's Clubs and was Treasurer of the State Federation. She founded and was an active member of the William Penn Adair Chapter of the United Daughters of the Confederacy and was, at the time of her death, a member of the Board of Directors of the Cherokee Seminaries Student Association. These

are only a few of the organizations with which she was identified, not only as a member, but as an active participating and sharing member. There is still another activity that should be listed, one that received little publicity and was known to few persons outside of the community affected, the school board of the rural school district in which she lived. For many years she served on the board and future generations will share in benefits derived from the service so generously given.

Death came at Muskogee on April 4, 1944, and burial was at Tahlequah. In person, Blule Lawrence is no longer with us but the results of her active and useful life will endure forever.

By Eula E. Fullerton

Oklahoma City, Oklahoma