

WILLIAM ELBERT UTTERBACK

By Charles Evans

It has been said that a "prophet is not without honor save in his own country." This statement, like all bits of philosophy, depends for its application and truth upon the party making the application. It takes intelligence and discernment to use the word "prophet."

The subject of this sketch, William Elbert Utterback, offered no claim to prophecy. He lived for fifty years in one community and one state and both community and state honored him through all those years as one of its most creative, forceful and competent leaders.

William Elbert Utterback was born in Chapel Hill, Mississippi, October 1, 1874. He was the son of William Franklin and Adelia Amanda (Spears) Utterback. His father was a Mississippi planter and the word "planter" to one who knows much of the old South, understands at once that young Utterback was born under circumstances that were more far-reaching than broad lands, an attractive home and money.

A Mississippi plantation in nine cases out of ten, gave the children who were reared on it, a high station, abundant opportunities and a training that constantly impressed them that they had good blood, a noble heritage and a name to guard and dignify. All these, the Utterbacks had, and throughout life they moved with the just pride that this heritage gave.

So with this background, the story of the life of William Elbert Utterback runs true to form. In the public schools of Chapel Hill he moved forward until the time he finished his schooling as a graduate with the degrees B. S., M. A. in the Mississippi Agricultural and Military College in 1894. Choosing Law for his life work, he entered Mississippi University, where he received his L. L. B. degree in 1897. He had hardly "hung out his shingle" as a lawyer before he volunteered in the United States Army in the Spanish American War. It is well to say at this point he was following in the footsteps of his father who served with honor and distinction in the Army of the Southern Confederacy. He was mustered out as First Lieutenant of the 40th Infantry in 1901 and hearing of the remarkable progress of the Oklahoma regions, he went to Durant, Indian Territory and joined with another aspiring young lawyer, Robert L. Williams in a law partnership in the year 1901.

It is said "We become a part of all we meet." No paragraph or brief article could tell the story of the high character, power and achievement that grew out of this partnership and friendship of William Elbert Utterback and Robert L. Williams. For fifty years the name of Utterback in the city of Durant and his partner who went out into the political world and became a member of the Constitutional Convention, Justice of the Supreme Court, Governor of the State of Oklahoma and a member of the United States Court of Appeals. Utterback and Williams were never separated either in friendship or in the serious affairs of life for half a century.

It is needless to dwell here upon the lofty heights, reputation and power attained by William Elbert Utterback as lawyer and banker in the region of Durant, southeastern Oklahoma and the entire State. He engaged in a broad and general law practice. His signal ability brought him to the Federal Courts in large receivership cases; in 1927 he was appointed Chief Justice of a Special Court set up to hear a case concerning an attorney held in contempt of the Oklahoma Supreme Court. This evidence of his integrity and his ability as revealed in the decision in this case won him renown in the Southwest. In due season he was called to serve in Washington D. C. as a member of the Selective Service Repeal Board for the Eastern District of Oklahoma and then he went on to become Major Judge Advocate of the Army, servicing in Washington D. C.

He achieved immediate success among the attorneys of the State and Nation. He was President of the Durant Bar Association; in 1932 he was elected President of the Oklahoma State Bar Association.

Utterback reached a high position in the world of finance as he did in law. He became a Director of the First National Bank of Bennington; served as President of the American National Bank of Durant through many years. In 1913 when the Federal Reserve Bank system was set up, Utterback was made one of the Directors for the Southwest Federal Bank at Dallas, Texas.

Such a career in law and in finance of course had fitted him for service as a civic and political leader of outstanding and far-reaching reputation. He served as chairman of the Bryan County Democratic Central Committee for thirty seven years; he served in the Spanish-American War as First Lieutenant in the First Mississippi Volunteer Regiment; he helped put down the insurrection in the Phillipine Islands; responded to the call of his country and was assigned to the office of Judge Advocate-General of the Army with the rank of Major; he was a member of the State Democratic Central Committee, and member of the Board of Regents of the University of Oklahoma.

The greatest event of course in a good man's career is found in his marriage. Son of a Confederate soldier and reared in the atmosphere of southern traditions, he was following the line of high tradition when he found his life companion in Miss Valerie Burton, and their marriage took place in Holly Springs, Mississippi on March 12, 1902. Miss Burton was the daughter of John S. Burton, a veteran of the Confederate Army and for many years Marshal of the Northern District of Mississippi and Clerk of the Federal Court of that District, 1894 to 1910. Her mother was Priscilla (Wooten) Burton, a native of North Carolina. The Burtons were of revolutionary, pioneer stock and served their country throughout the Revolutionary War. Their only child, Priscilla Wooten Utterback, grew up under the fine influence of her parents and it is no wonder that this remarkable daughter, in devotion to her father, should read law and become a member of the Bar of the State of Oklahoma. In 1930 William Elbert Utterback joined with a great and just pride, in a partnership with his daughter, the law firm of Utterback and Utterback. Miss Utterback is now practicing law in the city of Durant with distinction.

William Elbert Utterback found time in the run of his truly great career to serve in Durant community affairs. He was the first Commander of the Green Bryant Post of the American Legion; first President of the Durant Rotary Club, chartered in 1919; he affiliated with the First Presbyterian Church in Durant for a long number of years. No cry for help came from the homes, the Church and the schools to which he did not respond with the ardor of a loyal and courageous neighbor and citizen.

So runs in brief the story of one of Oklahoma's most eminent and able sons. It is heartening to recall that when his partner and long time friend for half a century, Robert L. Williams died in 1948, he named William Elbert Utterback as an attorney for the Executor of his estate. Mr. Utterback died at Sherman, Texas, September 18, 1950, and his body rests among the people of Durant whom he loved so well.