

NECROLOGIES

J. ELMER WYAND
(1873—1920)

J. Elmer Wyand was born March 27, 1873, on a farm near Rushville, Illinois, the son of George and Jane (Tipton) Wyand. He obtained such education as was afforded by the country school near his home, and later attended Normal School at Rushville, Illinois. During a three-year period of teaching thereafter, he studied law at nights, was admitted to the Illinois Bar in 1896, and established his office in Rushville, where he built up an extensive law practice.

Even at this early period Mr. Wyand exhibited a flair for public service and was twice elected to the Lower House of the Illinois Legislature, in 1900 and again in 1902. For several years his health had been failing, and in the fall of 1904, he discontinued his law practice, disposed of his law library, and went to San Antonio, Texas, to regain his health. A year there brought a very decided improvement, and in the spring of 1905 he went to Muskogee, Indian Territory, now Oklahoma, where he started the practice of law anew.

His intense interest in public affairs again manifested itself in the active part he played in helping to mold the young State of Oklahoma. He was chairman of the Muskogee County Election Board which canvassed the returns of the election at statehood.

In September 1908, he formed a partnership with DeRoos Bailey, under the firm name of Bailey & Wyand. Subsequently Charles A. Moon became a member of the firm, and the partnership name was changed to Bailey, Wyand & Moon.

In 1912 Mr. Wyand was elected to the Lower House of the Oklahoma Legislature, from Muskogee County. He was very active as a member of the House, and with J. H. Maxey, also of Muskogee, who was Speaker of the House, and with Judge E. P. Hill, of McAlester, formed a powerful triumvirate. Mr. Wyand was appointed special prosecutor before various legislative groups and committees, and in this capacity he performed worth-while service to the State of Oklahoma. It was largely through his efforts that the Oklahoma Free State Fair at Muskogee was established and its name given Legislative sanction.

In 1916, after Mr. Bailey's death, Mr. Wyand formed a law partnership with the late Bower Broadus and C. A. Ambrister, of Muskogee.

Mr. Wyand was married to Loe May Long in 1910, and the family home was maintained for many years on East Broadway, near the Library, in Muskogee, Oklahoma. In the fall of 1910 he lost his left arm in a hunting accident. As a result he suffered terrific pain during the remaining years of his life, and only his indomitable will kept him active in his chosen profession. His last public service was devoted to the City of Muskogee, where he was elected Mayor in 1916. Mr. Wyand was not a member of any lodge or church, but he believed in an Omnipotent God. On November 27, 1920, he passed away at the family home in Muskogee, survived by his wife.

—B. E. Witchell

Bartlesville, Oklahoma

HON. JOE NEWBERRY (1865—1952)

The name Newberry is found in the earliest recorded history of the Chickasaw Indians. In the Pontotoc Treaty of 1832, in which the Chickasaws negotiated with the United States government for the sale of their Mississippi lands, the name Newberry appears with other illustrious leaders as Ish-te-ho-to-pa, Tishomingo, and Levi Colbert.

The father of Joe Newberry, Lewis, was born in Mississippi and came to the Indian Territory in 1837, when he was eleven years old, with other members of his tribe and settled near the present town of Durant, Oklahoma. It is believed that the Newberry who signed the Pontotoc Treaty was the father of Lewis Newberry.

When Lewis was of school age, he was sent back to Tennessee to school. The education he received, in conjunction with his natural intelligence and methodic thinking, proved invaluable to him in later years as an official of the Chickasaw Nation. He was primarily a farmer, but like many of the pioneering Chickasaws, he saw the need for leadership in his tribe. He was elected to the Legislature and later represented the interests of the Chickasaws as delegate to Washington, D. C., during the early stages of action by the Dawes Commission (1894-1906).

Lewis Newberry married Lucy Hawkins, who also came from Mississippi, and to this union five children were born; only three lived to adulthood: Martin, Frances, and Joe. During his early manhood, Lewis Newberry was outstanding for two qualities: his ability to speak well before an audience in Chickasaw, Choctaw, and English, and his proficiency as an athlete gained him a wide reputation throughout the Chickasaw and Choctaw Nations. Lewis Newberry died at his home near Durant in 1886 at the age of sixty years. His wife survived him to witness the admission of Oklahoma as a state in 1907, and died in that year.

Joe Newberry was born on his father's farm near Durant on October 6, 1865, when the potency and security of the Chickasaw Nation were at their lowest ebb, for the Civil War had just been concluded. He attended the schools within the Chickasaw Nation, but was happiest when working on his parents' farm. Through the influence of his father and his brother, Martin, he became interested in Chickasaw politics, and served his nation as a member of the legislature for seven years, five years in the House and two years in the Senate.

During the allotment period Joe selected his land in the Red River Valley, near the present town of Willis, Oklahoma. In October, 1889, he had married Mary Ferguson, the daughter of James Ferguson, a member of a well-known southern family of English origin. Two of Mrs. Newberry's relatives have since held the office of governor of the state of Texas. Mrs. Newberry's grandmother, Sally Hayes, came in a sail boat to the United States from Debershire, England. To the marriage of Joe and Mary Newberry were born seven children: Franklin, Calvin, Bernie, Mattie, Wilson, Frances and Inez, all of whom are living.

Mr. Newberry served as a member of school boards for several years and always took an active, progressive interest in the education of the Chickasaw youth. On September 25, 1900, while he was Speaker of the House, sixty-three pupils from Harley Institute, at Tishomingo, addressed a petition to the Honorable Senators and Representatives of the Legislature of the Chickasaw Nation:¹

¹ Harley Institute file in the Chickasaw section of the Indian Archives, O.H.S.

"We the undersigned members of the students of the Harley Institute, so most respectfully petition your honorable body to pass a law prohibiting the attendance upon this institution of any and all boys who smoke Cigarettes, and to exclude and expell any and all students who use or smoke Cigarettes who shall not quit and abstain from the use of the same while in school, within ten days from the passage and approval of said law."

The bill was recommended by Mr. Newberry but was killed in the Senate on October 30, 1900.

An act typical of the character of Joe Newberry is the following: In the early part of the 1904 Legislature, a bill was passed appropriating \$600 for school books to be used in the neighborhood schools of the Chickasaw Nation. On November 19, 1904, the Chickasaw Legislature passed a law, known as the General School Law, which voided the one passed a few days before. During the time between the passage and the repeal of the bill, Mr. Newberry purchased \$141.00 in books for the neighborhood schools and paid for them out of his own funds. On March 6, 1906, when the final curtain was being drawn on the tribal affairs, someone found the invoice which had never been mentioned by Mr. Newberry. As a result the following act was passed: "We deem it unjust to the said Joe Newberry should lose anything, personally, on account of the transaction from which the Nation received all the benefit."² Mr. Newberry's money was refunded. The period just prior and during the administration of Joe Newberry as tribal Superintendent of Schools was the most difficult in the history of Chickasaw education. Under the rules of the Curtis Act, the Indian Bureau was to assume control of all the educational affairs of the Five Civilized Tribes. J. B. Benedict, a school man from Illinois, had been appointed by the Bureau Superintendent-at-large for schools of the Five Civilized Tribes, and J. M. Simpson was elected as the Chickasaw Superintendent. The Chickasaws resented the plan so bitterly that the Bureau of Indian Affairs withdrew their representative to the Chickasaw Nation, and at the same time, withheld all payments of royalties. This forced the Chickasaw Nation to support their schools out of their other limited tribal funds. Without the income from the royalties the Chickasaw educational system could not function efficiently. It was not long until much of the school equipment and supplies needed replacement. Only the teachers, who remained loyal to their profession, were unchanged. Reports were made throughout the United States of the poor conditions of the Chickasaw schools during this period. However true some of these were yet the majority of the derogatory reports were given by men who wished to force the close of the Chickasaw government.

The financial affairs of the Nation's educational department rapidly grew worse. The teachers, if they were fortunate enough to obtain cash for their school warrants, were paid from thirty to eighty cents for every dollar represented on their warrant. Then, in 1901, when education was at a very low level, the leaders of the Chickasaw Nation, under the guidance and leadership of Governor Douglas H. Johnston, decided they could hold out no longer and they agreed to the regulations made by the Indian Bureau. As a result, the warrants were paid out of the accumulated coal and asphalt royalties.

Just before Oklahoma statehood, while Mr. Newberry was still Superintendent of Chickasaw Schools, the United States Congress enacted a law providing rural schools in the Indian Territory, day schools for whites and Indians, and separate schools for Negroes. The Chickasaw Legislature passed an act to suspend all the Chickasaw National Schools after the date of January 31, 1906, from which time they were operated by the

² Miscellaneous School Papers of the Chickasaws, Indian Archives, O.H.S.

Indian Bureau. In the same session of the Legislature an act was passed giving the complete library of Bloomfield Academy to Joe Newberry for his faithful service to the schools of his people. Mr. Newberry declined the offer of the library.

Due to the time-taking task of concluding tribal affairs, Mr. Newberry remained Tribal Superintendent until 1923, when the office was abolished. During his entire tenure of office, Joe Newberry made a tour of each school once a month during the term to check on the progress of the pupils, the efficiency of the teachers and the wants of the school. This trip was always made by horse and buggy.

Stoical and reticent in disposition, little is known of the personal life of Joe Newberry. Mrs. Newberry lived until 1944. On May 17, 1952, at his home in the east part of Tishomingo, death came to the last Superintendent of Schools of the old Chickasaw nation. The *Johnston County Capital Democrat* gave the following account of his death:

"Joe Newberry, 87, an early day Chickasaw leader, died Saturday at his home east of Tishomingo after a long period of invalidism and a severe stroke suffered a few weeks ago.

"Services were conducted Monday by Dr. C. R. Murray, pastor of the Presbyterian-Christian Church in Tishomingo, and burial was in the Newberry plot of the Willis, Oklahoma, cemetery.

"Soon after coming to Tishomingo, he united with the Presbyterian Church, and for some time served as elder in the church. He also gave much of his time to assisting in the religious services of the Chickasaw churches."

—Carl Reubin.

Tishomingo, Oklahoma