

oratorical skills, and at frequent intervals for contests between the two societies; and always had ready a well trained group to meet the challenge. We have written much already concerning the college life, but there are many more things which might well be told, and some that must be told if you are to get a correct idea of what this fresh water College really was.

Scholastically it's standing has always been high. But in the early days of this century it was even more so than it is now. The student was ~~required~~ required to take courses in the humanities that now would seem unreasonable. But that more exacting curriculum was inherent in all schools of the time. By the time I had left the academy at Eureka I had already had four years of latin, and one additional review year; two years of french, and one year of german which I took to sharpen up my grammar as I had already learned to speak some german at home.; and math through calculus, and other studies in about that extent. At Washburn my requirements for A.B. was four years more of latin, four years of greek, four years of higher math, , plus psychology, sociology, Logic and english. I was able to elect two courses a year and put them in with french and german again, with side courses in oratory etc. If you will add up the hours of solid subjects required for an A.B. degree in 1900 you will find them equal or above the requirements for an M.A. at the present time.

I know that the modern idea is to cut everything that is not materially useful in a business or professional career; but in their attempts to do this, education has suffered. College in place of being the means of broadening minds and developing character has become a mere status symbol.

But even with those long hours of heavy lessons, plus time that must be used in earning the money to stay in college, the students life was far ~~from~~ from dull.

In the earlier days, and in fact until into this century the main competitive efforts were forensic. Washburn had always relied heavily on rhetoric and oratory, and most of the other colleges did the same. There were intercollegiate debate, and oratorical contests and the like. Washburn's principal rivals were Kansas University at Lawrence and Baker University at Baldwin. Baker was a Methodist oriented school, and the rival religious attachment, sad to say, added to the zest of the competition. There were two literary societies in my time, the Washburn College Literary Society and the Gamma Sigma. These groups met once a week for practice of their

oratorical skills, and at frequent intervals for contests between the two clubs. But their rivalry was not only oratorical, it extended to the entire student life. The two clubs comprised the two political parties of the campus. W.C.L.S. being the older of the twain always tried to lord it over the humble Gamma Sigs, of which I was a member, but we finally put them in their place and for some time controlled the officers and other functions of the student body. Does this seem childish? Well, as a matter of fact it was wonderful training for future participation in politics. These two societies lingered for many years, even after athletics had claimed the brighter place in the spot light.

Football was just beginning, in the late nineties, to be a popular sport. No rules had been adopted, no limit on players, save that they must be enrolled in some college course; and no group or league in existence. You played with whatever team you could get against any one who would accept your challenge.

My first year, 1900-01 was the banner year for Washburn. The team that Harshbarger had coached, came into full flower. Harsh had managed to instill in them some of his fire and had accumulated a line of players that were to prove invincible. At that time, foot ball was a game of brute force. The pass was not used to any extent. When the teams lined up, face to face they hit each other like a pair of steam rollers; piled up in tangled heaps of legs and arms and often came out sadly the worse for wear. That was the year that the line up contained a welder from the Santa Fe boiler works who was enrolled in a class in religion, and the driver of the hook and ladder truck of the Topeka Fire Department who was enrolled in music. Just how much they did in their respective classes I wouldnt say. The team also had Bob and Jimmie Stewart, Jimmie the star quarter back. Then there was Frank Leach and "Fanny" Mehl, the others I can't now recall, but I know every fact that appeared in a recent number of the Washburn alumnus. That year Washburn took every competitor, including our bitter rival K U. And that was the year we earned the lasting spleen of the university by making a parody of their college yel of

ROCK CHALK, JAY HAWK, K.U.

as shouted lustily by our cheerers,

SQUAWK SQUAWK HEN HAWN HOO DOO.

Basket ball was a girls game. They played it among women students, but no one thought much of it.

I, myself was too light to enter such competition and my eyes also were an insurmountable handicap. The nearest I could get was to organize a college band and blast forth enthusiasm at the games. I had played the cornet for some time and that gave me an "in" in that field. We had no official cheer leaders, but with our team winning as they did you didn't need any; and the old foot ball field, located where the golf course now lies west of Holbrook, was the scene of great colour and movement. There were a few bleacher seats where we stored our lady friend, but most of the school stood on the side lines and followed the play back and forth up and down the field. One thing that added colour was every man who ~~went~~ ^{Not} in uniform was supposed to wear a huge chrysanthemum at his coat lapell and to furnish his lady with a bouquet of the same flower.

Two other contests, which far preceeded foot ball, were two stated confrontations between Freshmen and Sophomores. One was in the fall, at the beginning of the fall term, and was a cane rush which I will describe later. The other was in the spring where on the first day of May early in the morning the Freshmen strove to erect a May Pole and the Sophs to prevent it's erection. If the Freshmen got it firmly planted it was sacred and no Soph dare touch it.

In the cane ruch each Freshman was equipped with a cane and ^{was} supposed to carry this into the chapple entrance and up the stairs to an evening convocation, and to carry the cane back down stairs and away with him. Of course the Sophs were there to prevent him ever geting the cane into the chapple auditorium, or if he did to take it away from him on his way out. The year 1900 we freshmen were in a sad quandary. Most of that overpowering foot ball team were sophomores and we knew we didn't have a ghost of a chance winning by force, so we fell to strategy. While a group of Freshmen waiving a few canes (extras) made for the main stairs and engaged the sophmore line, another flying squad carried the canes successfully up and distributed to the freshmen on their entrance. The sophomores were highly indignant at such contumley so we anticipated a heavy fight on the way out. And heavy it was. Human forms rolled and tumbled about on the wide dtairway. But again a few freshmen grabbed the canes and made it out while the main body of freshmen and sophs were tangled in close struggle for the few extra canes which ~~were~~ only a decoy. This fight was so violent, it even being

rumored that one student had carried and angrily displayed a revolver. So that the 1900 effort became the last of the historic cane rushes. The faculty firmly and immovably said no more such conduct by young gentlemen. Believe it or not while the rule was met with some chagrin there were no ~~parades~~ picket lines and no demonstrations or protest meetings. I would not have enjoyed what would have happened to me and my collegiate standing had we resorted to any such measures.

And now about the May Pole fight.

Not far from the southeast corner of the Campus, close to the banks of a small stream stood the Baughman Ice Cream factory. This institution manufactured a very good quality of frozen whole milk which they peddled about the streets of Topeka in ^{SMALL,} horse drawn ~~small~~ wagons. The horses harness was equipped with a chime of bells and where ever this chime was heard in the offing the small fry hurried out with their money. They got a large scoop ladled out on a wooden plate which was commonly used as the container in the sale of bulk stored butter; and all this for a nickle. But the Baughman Brothers had another outlet. At the factory was a grove of trees and beneath them tables and benches. There you could and most of us did, wind up for refreshments after taking our lady for an evening buggy ride. They also had, to my recollection, the first drive in service, for they would serve you in your buggy if you wanted continued privacy.

On the Morning of May 1st., 1901 the Freshman class, with the exception of the suicide squad which had carried the canes, assembled at the Ice Cream Factory. We reached there about 2:30 and waited for sunrise. I can well remember the day, waiting for the dawn, and with the class drawn closer together than at almost any other time. At last, just at three o'clock the dark skies began to turn gray and the east to blush with pink.

At a signal, we all leaped up, carrying a puny pole we again cared ~~nothing~~ nothing about, but making all the noise we could and yelling at the top of our voices. Hearing this the Sophomore class which had been awaiting us, started southeast from the chapel steps to intercept us, and as soon as they were well on their way the suicide boys who were lying in wait in the pine grove in front of Holbrook Hall, sprang into action. Before the Sophs could discover that they had been tricked again, the true pole was planted and solidly set in and we recorded another victory. There was enough violence as the

aftermath of this defeat that the faculty again said never more, so the Kane Rush and the May Pole Fight died in each others arms.

With them ended a colorful era of the college and to my own idea this was a distinct loss. These activities were school activities. The whole school participated And they produced a united school front and a bond between students that I doubt the present sororities and frats can supply.

Up to my graduation the college had only one greek letter association this was Tau Delta Pi, which still functions and was an honorary group of both men and women.

One other popular relaxation was an evening buggy ride with the young lady of your choice. ~~Some~~ ^{SOME} of the students, like myself, had their own driving rigs, but if you didn't you could rent a single rig, rubber tired buggy and horse at a livery stable for \$1.50 for five hours. Then there were drives about the country roads, and every week a band concert at Garfield Park at the extreme northern limit of North Topeka.

Much student activity also centered about the church and its many organizations. There were parties and other meetings, and then young men and women were expected to attend church; and there the boy and girl would work together. There wasn't much hint of anything ever wrong between a boy and girl who had attended worship together. But added to that it seems to me that while we had our sports and silly pranks, both sexes were far more mature than the college man or woman of today. They had been subject to the need for self control and for work for most of their lives, and all had a definite purpose in life. And college drop outs were few, and college moral high.

One of the favorite drives was out to Burnett's mound, a rather high and prominent hill a mile or so southwest of the college. This hill had been the home of an indian named Burnett, though who owned it in my college days I do not know. One of the tragic things about Burnett's mound, was in it's loss of tradition. It was firmly believed that no cyclone would ever devastate Topeka, since Burnett's mound was southwest of the town, and cyclones always came from the southwest and the mound would deflect it into the upper air and it would never touch Topeka. The tragic fact was that in 1966 a cyclone roared out of the southwest and in place of deflecting the gale it rolled down the side of the mound, destroying many of Washburn's buildings and

on through the heart of Topeka, laying waste a wide path death and devastation across the town.

CHAPTER XV.
THE ERA OF CHANGE.

When I matriculated Washburn had a student body of around four hundred fifty in the college proper, together with another group in the Washburn Academy, who took little part in any college cativity. But the student body was increasing, and the School of Law was opened in the fall of 1903, and the Kansas Medical College, (which had help organize the American Medical Association in 1890) was added with its building at Twelfth and Tyler and its student body.

When I entered College, it was my purpose to study medicine. I had never come into contact with courts or lawyers and never gave such a career a thought.

But early in my first year I began attending the First Presbyterian Church, along with numbers of my friends, and entered a young man's study class in Sunday School. This class was conducted by two Topeka lawyers, J. B. Larimore engaged in general practice and Nelson H Lumas, general attorney for Kansas for the Union Pacific railroad. In some way these men impressed me profoundly. Their attitude toward social problems and their idea of the Christian Man in public service were especially attractive. So suddenly I found myself in full swing for a legal education and the practice of the law.

At the time I made this decision I asked my friend and teacher N.H. Loomis, for permission to spend my summers in his office, reading law under his direction. This was the approved way at that time of entering the Bar. The only law schools available were at the State Universities and some of the larger eastern schools. The permission granted I spent long summer days reading and having explained to me Kent's Commentaries and many other ponderous tomes. So when the opening of a law school was announced in 1903 I was anxious for immediate admittance.

The college had employed Earnest B Conant a member of the family in Massachusetts so long and so deeply involved in education, to act as the first Dean . As I look back now I can see him as a very young man on his first assignment, possessed of unusual administrative ability, a good personality and a beautiful baritone voice which he was not averse to displaying on invitation.

He organized his first faculty by getting the gratuitous help of several members of the Kansas Supreme Court and of the Shawnee County Bar. The ability of these men is well attested by the fact that in a few years ^{WAS IN DUG} obtained a wide reputation for it's thoroughness and the breadth of its courses. One of the Supreme Court who taught, and who was always especially my ideal of a lawyer and a Judge was Henry Mason. And his opinions were my guide in more ways than one. I well remember one lesson that he gave us was based on a case then pending but as yet undecided in the Supreme Court. We were each supposed to write our own opinion as we would if a member of that august body.

My work came back marked with the coveted "A"; which he explained to me after the case had finally been decided by the Court. "Well, your opinion didn't agree with the Court's, but you argued it out on the correct basis. I liked your reasoning even if I didn't agree. For remember this in nearly all appellat decisions, some one or more judges will dissent. Law is no hard and fast straight jacket. It is to be reasoned out; and if you reason well, you will in most cases reach a correct conclusion."

These men could have a tremendous influence on the young lawyer. I well remember the admonition of my preceptor N.H Loomis; "Remember in all your practice that a poor settlement is far better than a good law suit/ That seems to be more the method of present day lawyers than it really was at that time; when law suits raged over the most trivial of grievences; and the practice of law was more a game between rival members of the bar than a sincere endeavor to work out the conclusion which would do the most good and the least harm toall the litigants.

In order to enter the school that fall I made a deal with the school of arts faculty to carry my last two years of college along with my three years in law school, so that I didn't get my A.B. until 1905 rather than with the class of '04 with which I had been associated prior to that time. I finally did get the A.B. in 1905 without too much difficulty

by spending a few les hours on amusements.

During my junior year I had met and become deeply attached to the co-ed who was later to become my wife, and the mother of my son Dwight who is now a member of the faculty of Harverd, with full profeesoship. So during those last years, my living was divided at rather frantic speed between college, law school, paper route and courtship. Neither seemed to suffer, though I was detained once after the class in logic by the teacher, who began with "Now I know the trouble of you two young people are under, but I believe you'd both make better grades, if you'd move toward the front of the class room, and get a bit farther apart". Some way or other we made it. And I might add that on the founding of Tau Delta Pi, Myself and Gertrude Ott were among the charter members. As for myself I always felt that my name was dropped in because they needed a few more names, but this was far from true with Gertrude.

The law school was opened on the upper floor of a business building on the north side of Eighth street about half a block from Kansas Avenue. The beginnings were very modest, but also very adequate; and the enthusiasm of the young Dean fired the whole group.

There was a Ha ppening about this time in the strife torn nation of Mexico which aided all of us in our persuit of knowledge.

Augustin Alba was a graduate of Chapaultaptec Military Academy which is the Mexican West Point, and was a general officer in the Mexican army, when there came one of those lightening revoluntions and Augustin bet on the wrong horse, and had to get out of his homeland af fast as he could. He had no money, and no training other than military. But he did speak a little english and was a good cook. So he came to Topeka, where there was quite a large colony of Mexican workers with the Santa Fe Railrodd. His business venture of opening a restaurant for Mexican foods in the first floor business section of the law school building was a lucky thing for him and for many of the students. For we could go to Augustins and get a whopping bowl full of chili like no body else ever was able to match, plus a bowl of Oyster crackers and a dip of chopped Onions in vinegar for the total price of 5¢. Don't that sound ridiculous. But at that time money was money, and he made a success of his business at that rate. It's hard to calculate

how many gallons of the product the students consumed; but I do know that my throat was so thoroughly cauterized that ever since the hottest of Mexican dishes held no terror for me. In fact I prefer them to the food of any other nation. So, so strange a thing as a Mexican Revolution can help a Kansas student.

The Law School was started as a case book ^{school} ~~book~~. That is, very few actual texts were used. What we did was to read the opinions of appellate courts, analyze them and draw our own legal conclusions therefrom. That was rather a new and revolutionary method at that time; but it had one great advantage, the students learned how to examine the facts of any case presented to them, and evaluate the merits, rather than to try to apply some abstract rule, memorized from a text. We got to understand the reason of the rule and where it was applicable just as we would have to do later in our own offices when presented with the facts of a clients dilemma.

Then too, there were constantly used a system of Mock Courts, where the student was given actual court room experience, under the supervision and sharp criticism of capable and seasoned counsel.

My affairs moved along in even course, and nothing in particular happened except for the first flunk I ever obtained- it was in Bills and Notes and I had to put on a little extra pressure in an already full calendar to make it up. Then in the spring of 1905 I had a letter from an old and dear classmate of the academy days who had gone to the Indian Territory, been employed in a bank and finally married the President's daughter. He held out to me glowing pictures of life in this last frontier, and begged me to come down and get admitted to the bar and practice in his town; promising me active support of the bank in business affairs.

Well, I felt at that time that what I wanted most was to be admitted and start practicing. For the first time in my life I let impatience govern my actions. But as I said later, at that time I was more interested in the degree P.F. (Pater Familias) than that of LLB. So I began to make my plans accordingly.

I felt I could pass any reasonable bar examination and that by March 1906 I would have complete all the courses of which I had need,

and all I would miss would be the actual commencement and conferring of the degree. I failed to see that later I would regret the failure to complete the final year, and know full well that I could have done as well at my new location had I waited the thing out. As it was I made arrangements to take a bar examination in the Federal District Court at Okmulgee, I.T. This Court held written examinations at stated intervals and there was a large group of incoming lawyers young and old who took it with me.

Okmulgee was the Capital of the Creek Nation, one of the five civilized tribes of which I wrote earlier. The Council House which was the tribal Capital Building and Court House stood at the center of town, in a large Court House Square. It was a building of gray stone, ample for all the uses for which it was needed.

At that time, the Indian Territory was still under Federal jurisdiction, the Courts were all Federal Courts, and the life of the citizens was continually affected by federal laws, and by the rules and conduct of federal ^{BOARDS} ~~boards~~ and bureaus. At that time the National Government was firmly entrenched Republicanism. Knowing this I secured a letter of introduction from Hon. Chas. Curtis who was then the Chairman of Indian Affairs Committee. of the House of Representatives. Mr. Curtis and I became acquainted in some of his political campaigns, for I had always taken part in such events; and I had read law a short time with Hib Case, the Topeka lawyer who had been the Congressman's partner before he entered Congress.

I arrived at Okmulgee at the appointed time and went to the Council House and reported to the examiners. At the same time I sent my letter from Congressman Curtis to the Judge in his chambers, as the required proof of my impeccable moral worth.

It was a written examination, and was plenty tough, but about two in the afternoon the door to the passage way that led to Chambers was opened by a benign gentleman, with long white beard, and garbed in the Prince Albert coat than the stigmata of a judge.

This gentleman, speaking with a pronounced German accent said, "Vill de young chentleman who hat de letter from Congressman Curtis please come into my chanbers"

I complied with great fear and trepidation, to be greeted

graciously and invited to a chair.

"Chust how vell do you know Congressman Curtis, young man?" he asked. And I explained our acquaintance and how well we had known eachother. Then came the most glonious statement human ears ever heard.

"Young man. We in de Indian Territory know Mr.Curtis. He does many ting for us. When you go back tell Mr.Curtis what we tink off him here, how ve admire and appreciate him. And young man DOOON(' YOU VORRY ABOUT DE EXAMINATION."

To this day, I don't know whether I passed the examination or whether I was admitted to the bar because I had a nice letter from Congress-
man Curtis.

This may seem strange to you, and of course it was a bit unusual. But I grew to have a very deep affection for this old Judge. He found that I was able to speak German, and after that when were met on Circuit I had to eat at his table, and share with him some of his special rye bread or other delicasy. Some called him tyrant, I never called him anything other than friend.

The examination was in October 1905 and my admittance to the bar almost to the day, 62 years ago , from this day in October 1967, when I am now writing.

After I recieved my license to practice before the Federal Courts, I went back to Washburn and stayed in class until the end of the mid year session, then went to Weleetka, a country town about forty miles south of Okmulgee and opened my office as a practicing lawyer.

In 1905 the laws necessary to the admittance of the Indian Territory had all been enacted. It had been finally determined that the two Territories, Oklahoma and Indian Territory, must be admitted as one state rather than two. Quite an effort had been made to gain admittance ^{OF THE INDIAN TERRITORY} as the State of Sequoiah , after the great Cherokee scholar and statesman who had produced an alphabet in which the Cherokee tongue could be written. But there was <—> the great additional expense which would be involved in two separate state governments, and a far more cogent reason, there was every reason to expect that this area would be strongly democrat, and it was far better for a Republican to have only two new democrat senators; rather than four.

But the passage of the enabling act forced the new state to set up

a legislative assembly to draft a Constitution, and to divide the new state into Counties and Congressional Districts. This was to be my principal interest for the time that I spent at Weleetka.

CHAPTER XVI.
THE BIRTH OF A NEW COMMONWEALTH.

When I reached Weleetka and opened my office the fires were just beginning to burn, Naturally every town of any consequence wished the new counties to be shaped so that they would be the logical county seat. The result would well spell the continued growth or the ultimate stagnation. Near Weleetka two other towns Henrietta and Okemah with Weleetka were the active contenders.

One who has never gone through one of these county seat fights can have much of a conception of what it meant. The participants felt that they were struggling for survival, and any means, trickery, violence, outright bribery were legitimate tools, for ~~to~~ this life and death struggle.

Of course I was plummeted right into the middle of things in support of my home town.

As I told you previously, the Indian Territory was dependent upon the Federal Government for its laws, its officers and whatever of patronage there might be. Since the Government was Republican, the man who hoped for any patronage, had to appear Republican too. That brought about the fact that the local paper was Republican in policy while its editor was a hide bound Georgia Democrat, ~~than~~ which there ^{WERE} ~~an~~ other more partisan. Sensing that in our county seat fight since most of the citizens actually were member of ~~the~~ ^{THE DEMOCRAT} persuasion, a paper of the same creed might well prove useful, and hearing that I had had some experience in newspaper work during my college and law school days, he came to me with the strangest proposal. He stated that he had ample equipment to set up another paper, and that if I would edit and publish ~~it~~ ^{A DEMOCRAT SHEET} he would divide his shop and set me up and help me all he could.

This proposal was so unusual and offered such opportunities for gaining an acquaintance over the area that I took it up, and from that day on The Georgia Democrat published a rip roaring

Republican paper; while I, a dyed in the wool, born, bread and reared Republican of the type that at the present time would be called Barry Goldwater, did the same for a Democrat paper. One thing we both were in a position to know the weaknesses of his opponent; though we kept a friendly face and pushed county seat day in and day out.

My office equipment was ample but rather primitive. We printed our paper on a big Gordon jobber, manipulated by treadle power furnished by the editor and his able assistant. The assistant was a Creek boy about twenty five, named Running Deer. He had developed an accomplishment, *OF WHICH HE WAS INORDINATELY PROUD,* he could take his pen and sign his name by drawing at one sweep, without lifting his pen from the paper, a picture of a running deer, antlers and all. But don't picture this man as a crude savage. The fact is he was for the time and place extremely well educated, and was a thorough gentleman. One of his accomplishments on the physical side was to stand ~~mine~~ behind the big press and once it was in motion to ease the task of ~~leadling~~ ^{feeding} by pumping up and down on a cross bar at the back of the press.

Of course all our news was hand set, and to save work and fill space we used a paper that was called "patent", which had one side preprinted with general news and the advertisement of Lydia Pinkham, the Smith Brothers and the like. The company who furnished the paper were paid by the advertisers and so could let us have it at a price we could afford to pay. Also we always carried what was called "Boiler plate", which were advertisements and filler articles ready set on a slab of type metal which we could set in any space for which we had no news of our own.

The fight for the county seat grew so hot that there were frequent threats of vengeance from the other two towns. I was duly warned that if I didn't end my articles in support of Weleetka that I would be shot and my paper burned. This was the one and only time in my life I ever had more in my hip pocket than a handkerchief; and what I'd have done with that thirty two if I had been called upon to use it is hard to guess. At any rate, Running Deer and I let it be generally known that we were ready for any action needed, and the matter was never more than a threat.

Weleetka was in the center of what later became the great Oklahoma oil fields. At this time there were abortive attempts to establish corporations for prospecting and buying lands for exploration; but no ONE on the spot, as is always the case, had any idea that there was anything to the ~~claim~~ ^{IDEA.}. It was just another's promoter's scheme to bilk the people out of the hard earned savings. One company did open an office in Weleetka. It was called the Iowa Trust Company, and was a land buying organization. I moved my offices into the suite they occupied and together with the local representative, handled numerous land transactions.

One such transactions, which had cause to remember was in the purchase of a forty acre tract from a negro woman registered as a ~~INDIAN~~ ^{TOWN} Creek full blood. This woman lived at a small whistle stop the first west of Weleetka and what was specially interesting to me was that this village was entirely negro. Negro store keepers, officials and business men, and a white man, while welcome in daytime if he had any business to attend to after sundown he must be gone. There were several such small towns in Oklahoma, a sort of segregation in the reverse. The agent of the company who had consummated the sale, had offered the owner Four Hundred Dollars, which was extra high for the land involved and she was delighted with her good fortune. I made out the deed and she signed it and I then took her acknowledgment, and after wandering about the village, caught a train back home. I never anticipated hearing of this transaction again, when, to my surprise, ^{in 1938} I received a subpoena from the Federal Court at Tulsa Oklahoma to appear and testify in an action between two large oil companies, one of whom claimed this land by deed from the buyer and the other who claimed as the heirs of the negro woman, claiming that she was mentally unbalanced and that the deed was fraudulent. It seems that after the death of the negro woman, a rival company wanting this particular land, had hunted up her heirs and bought from them and now were demanding possession and an accounting. That accounting would have been painful for, since the deed, over four million dollars worth of oil had been extracted from that forty. After hearing all the evidence the Court promptly decided for the claimant under the deed. And in truth, that woman was just as sane as any person living and was tickled pink to get what she thought was about twice what the old woods forty was worth. But that is the history of all such

developments; the native seldom reaps any of the benefits. He is of little faith in what he knows so well and can't see any chance of improvement.

With all these things moving and so many irons in the fire, ~~We~~ decided to build us a home. It was deep in the woods about a half mile from the main part of town, just a trail through the fields to reach it; and it was ^{JUST} a little bungalo type place, that looked more or less like a hat box when compared to the huge oak trees which towered about it, many of them waiving in their branches big bunches of miet~~le~~toe. But it was a home and it was all ours and we were very happy. My wife was a very talented musician, and the one luxury that we brought with us from Topeka was a new piano. ~~It~~ It was very wonderful for me to sit outside the house of a warm afternoon or evening, while she, within, played melodies that blended in perfection with the wind sighing through the upper braches of the trees.

Practice in that place was apt to have its startling moments. I was called on to visit and consult with a man who lived about six miles out of town, at a place where there was a blacksmith shop and country store. I hired me a good saddle horse and set out to answer his summons. He was supposed to meet me at the store and when he didn't appear, I asked the store keeper if he had seen him and when he said yes, I asked him if he had left any message for me. To this he replied no, but that if I wanted to see him I'd finde him in the smoke house at the back of the store. I did. But we had no consultation. My man was lieing composedly on his back with a neat, round bullet hole, smack between his eyes. I asked the store keeper about it, and he said it was the mans fault in pushing another too far; and as to telling me, he just wanted to see what my reaction would be. Well, I went back and put the horse rental into the expense column with regret. Money was never any too plentiful.

The indians of the five tribes were an intensely religious people though that religion in its functioning had some odd aspects. They were almost to a man Baptists of the primitive hard shell type. And their worship confused in may ways with old taboos and beliefs. The five tribes ^{WERE} called civilized, because they were already attached to the soil, not nomads like the western tribes; and had extensive towns and permanent farms. Their homes were well built and comfortable. And their

capabilities great. They were a prosperous, healthy lot, and living in comparative peace as a civilized community. This until the white man coveted their lands, and then all treaties with them became scraps of paper, and they were driven out. But they carried many of their customs with them.

One of the customs was to connect their church worship with a dance. On Saturday afternoon the farm wagons from all about would meet and center at the church house. All came prepared to camp for the night. On Saturday night there was the stomp dance. A circle about fifty feet in diameter was worn hard as a brick, and utterly devoid of vegetation of any kind. You would find these stomp grounds at every meeting house and often at other convenient spots in the forrest. Decked in tribal regalia the dancers would fasten on each ankle empty clam shells, filled with pebbles and carry in their hands large gourd rattles also with its pebbles. The dance was a circling affair, with stomping, shaking of rattles at foot and hand, accompanied by posturing in age dictated ^{PATTERNS} ~~PATTERNS~~ and the whole sounded off to the tune of yells, shouts and screams and the monotony of the drums. They would keep this din and dancing up until completely exhausted; sleep until morning, then attend what some times were all day religious meetings and depart for home, cheered, up to date on local news, and with all sincerity feeling themselves cleansed and forgiven. And I rather think The Great Spirit accepted them with a bit more pleasure than with more sophisticated worshipers. They believed what that did was right and it was done with all their heart, mind and strength. Too often the so called wiser worshipers carry with them into the sanctuary, feeling and desires, thoughts and attitudes which they carry out with them, no better a man than when they entered.

One thing that made practice of the law in Indian Territory anything but a pleasure, were the laws under which we were compelled to proceed. It came about in one of those odd and peculiar political accomplishments that always seem to be crowding into our affairs.

It so happened that the State of Arkansas in 1845 printed a lot more of their laws than they could dispose of and there was a whole basement of these 1845 Arkansas law books in the Capital Building at Little Rock. Then the Arkansas Delegation ^{IN CONGRESS} had an inspiration. They got congress without

even it's usual ~~minimum~~ minimum of thinking, to adopt these Arkansas Laws as the governing law of the Indian Territory. And here all at once the State of Arkansas was in the book business and the old white elephant became a valuable asset. And here we, were, practicing under the old English common law procedure, three quarters of a century after it had become obsolete in every other place. That certain^{ly} was a stroke of genius on the part of the Arkansas delegation, but it condemned us lawyers to wander forever in the ~~made~~ of petitions, replies, replications surreplications, rebutter and surrebuter and all the rest which made the english law until code pleading was adopted, a complete night mare to a lawyer who wanted to get his case tried in the most sensible^{WAY} and with the greatest expedition.

Now the climax of all our efforts was at hand. The arguments that had been hurtling back and forth all spring and summer, now came to the testing ground. Election systems were outlined and provisions were made for the calling of necessary meetings, and locations were set for the holding of local ~~meetings~~ elections to choose delegates to the Constitutional Convention which would write the basic law of the new state. Since one of the first functions of this Constitutional Convention was the locating of the boundaries and the naming of the County Seats in the new counties, ^{CONTROL OF THIS CONVENTION OR AT LEAST OF THE} Our ~~own~~ area was to hold its convention at Okemah, one of the rival towns, which didn't exactly please us; but there was no escape. So on the appointed day the delegates from each of the three towns met and assembled as specified. The delegates who had been locally chosen for this meeting were equally divided between the three towns, so as a first move, Weleetka and Okemah combined to elect me chairman of the convention and thus remove one Weleetka delegate from the floor and prevent his taking part in the discussions.

LOCAL REPRESENTATIVE WAS AN

That strategy worked very well so far, but as the delegates were ~~equally~~ equally divided between the towns, the alliance when it came actually to voting, fell wholly apart and no one had a majority, because Weleetka would not join with either the other two and without her no majority was possible for either one without a defection of an opponent's own delegate.

And so we sat, and wrangled for the better part of the day. They

tossed my way every sort of motion that the human mind could conceive. They tried to adjourn until another day. Every trick and subterfuge imaginable, but again, the group was so divided, that when any one group tried to appeal from the chair the other two gave the chair a majority. Finally along toward the latterpart of the afternoon, after a short recess when we came back and another vote was called for two members of the Weleetka delegation switched and voted for the Okemah slate. This gave Okemah a working plurality, but to make it sure we didn't have a chance, Henryetta turned it's whole delegation to Okemah and the job was done. With deep regret, I packaged, signed and sealed the voting sheets and the complete returns, and sent them on their way, and we returned home a sadly dissatisfied and disgusted group. One of the men who switched to Okemah was a lawyer, who immediately pulled up stakes and moved to Tulsa. The other was a real estate man who was an insignificant nonentity, and who we believed had received ^{only} a small part of the pay off which we were sure had been the reason for the switch. But townsmen didn't think enough of him to be even too resentful.

With county seat hopes gone, I knew if I intended to practice law I would probably have to move to the County seat; and this didn't seem to me to practical a step. For I had fought so hard for Weleetka that I had made enemies of about all the people in the ~~two~~ other communities and I feared my practice would be about nil. Then too, the glamour of the new state ~~was gone and the~~ ^{ONE CROP} new conditions were unattractive. The country was on a cotton basis, and no one had any money save at cotton picking time; when they went to the store and turned in their cotton and had it applied on the bill they had run the preceeding year. Frequently it was not enough to clear up the whole bill, so a new credit year had to be started with the farmer already in debt for the arrears, so that he was practically in peopnage to the store keeper for another year. He could sell his cotton only to the store that held the mortgage, and was unable to take advantags of any bargains elsewhere. ~~MM~~ Since the farmer couldn't get any money except at picking time, unles he borrowed it at the store and had it put on his bill, the lawyer, the doctor, and all else were about as badly off as any other for ready money. That is the curse of King Cotton, which has kept his subjects

in ignorance and ~~and~~ poverty all over the cotton raising areas even to this day. But hard as that system was, the average farmer who knew nothing else, had to plod on in his weary way, earning what he could and living as best he might. The tragedy of the south is that progress in farming there has only made matters worse for the average farm worker. Mechanization has driven him from even such poor jobs as his hard way of life provided, ~~AND HE HAS MIGRATED TO THE CITIES WHERE HIS PRESENT LOT IS WORSE THAN THE FORMER~~

My personal situation was not too bad. I still had friends among the lawyers and the fellow citizens of Topeka and I began making plans for my return ^{To} take up my practice there. I was fortunate in getting things satisfactorily arranged, so I turned my printing plant back to the owner, and started north.

CHAPTEER XVII.

JOURNEYS END.

As the day hand of the years crept further round the dial of the century, one could begin to sense the ending of an era, an era beyond which I do not propose this tale to go.

I opened my office and commenced to practice, and was blessed with reasonable success; not near the successes of my dreams, yet not nearly as bad as it might have been. But much as I loved my profession and enjoyed the challenge of each action, still the attitude of all was different.

Paul Bunyan had retreated into some distant mountain and men were proceeding to grind Old Blue up into hamburger. The heroes were passing. True, Chalky Beason, the old Dodge City Saloon keeper was still coming to take his seat in the Kansas Legislature every bi-ennium. True Bat Masterson was still Marshall in Oklahoma. True, Bud Ledbetter another old time Kansas Lawman served ^{as deputy} in the eastern half of the state. Buffalo Bill had his wild west troupe continually on the road. But then he was never really anything more than a butcher turned showman. All he ever did as to the Buffalo was to slaughter them for the railroads to feed to their construction crews. His life after that was obscure until his spurious fame was used by the penny dreadful writers to fill ~~their~~ ^{THEIR} lurid magazines. Most of the plainsmen had ridden over their last horizon, and what few

were left were fighting ~~at~~ ^{ARTHRITIS} in place of indians and finding it a more savage and relentless foe.

The only ones left were the few who had been quite young when the buffalo herds still had their great migrations and it is of one of these I'd like to tell you, to show that decency and gentleness had as great a play in the days of the western march as at any oother era.

One day there walked into my office, a tall, erect elderly gentlemen, impeccably dressed, and carrying a wide brimmed horseman's hat in his hand. He introduced himself to me ~~and~~ as Charles Jones, and stated his business which I undertook. He remained my client as long as I stayed in Topeka, and I came to know him intimatly. To my surprise when I learned his true identity, he was Buffalo Charley Jones, and far more entitled to that prefex than ever was Cody.

As a young man of 17 Charley had left his home in an ~~other~~ ^{older} state and started to earn his fortune in the west. That was the era of the hide hunter, the most disgraceful era in many ways of the taming of the west. The demand for a buffalo coat or buffalo robe sent the prices skyrocketing, and hoards of human vultures scattered over the ^Qpains, killing the magnificent beasts of the great migrations by the thousands. A hunting crew was usually made up of numerous mounted killers accompanying a grub and supply wagon, ^{AND ONE OR MORE HIOE WAGONS} operated by one or more skimmers. When the herd was located the hunters started out on its flank shooting and shooting and leaving ~~the~~ the bodies of their victims str ung ~~the~~ out behind them. The skimmers would ~~drive~~ drive the wagon along the kill,

strip off the hides and leave the carcass ~~unmutilated~~ to rot as it lay. Small wonder the the plains indians who had depended on these migrations for the supplying of their food and clothing needs, looked with horror on such useless waste. So thickly were these carcasses left that for years other scavengers earned a living by following the same trail and gathering the whitened bones for shipment east.

One can well understand the desire for a buffalo pelt. You have never felt comfort until you have ridden in a sleigh in zero temperature wrapped snugly in a buffalo robe; or lain as a child on a buffalo robe in front of the fire place. Bed rooms in those days were unheated, and I have a clear memory how as a little boy, I would snuggle down in bed with that robe tossed over me, and defy winter to do its worst. The skins were rather harshly haired at first appearance, but under those coarse outer hairs lay a pelt of softest wool, delightful to the touch. There were many uses for the skins. One was to cut a head hole in the center and drape it over the shoulders like a poncho.

Charley Jones joined a hide hunter outfit, but the useless slaughter disgusted and sickened him, and he soon sought other employment. He saw what no one else even considered or dreamed that the big herds would in a few more years be totally extinct. So he started hunting in another way. He managed to get a body of land together partly owned and under his control and went to hunting buffalo with a lasso in place of a gun. The buffalo calves he caught were transported to this ranch, and his herd grew great and strong. And it came to pass that Charley Jones' herd contained all the buffalo left in the United States. There was another small herd which had escaped into western Canada; and every buffalo today is descended from the offspring of Charley's herd and the Canadian. If you see a buffalo; or if you taste the sweetness of a hump steak, you just stop and realize that save for Charley Jones these great beasts would have faded into history with the carrier pigeon and the other native life that the white man in his wanton waste of nature, **DESTROYED.**

So I still assert that Charley Jones is far more entitled to the

prefix "Buffalo" before his name than Bill Cody. The only difference was that Bill Cody was a wanton show off, and Charley Jones was a quiet, unassuming gentleman, who regarded his act as the most ordinary of action one might take.

The struggle from now on, was to be a contest in the market place, or the field of politics, where then, as now, the aim might be high but the means were frequently very dubious.

There were no more new lands to conquer. There were no more flamboyant adventures to be had. Men ceased to be heroes and became hum drum ordinary men. The Grand Army of the Republic, which from the civil war until near the end of the first decade of the twentieth century had dominated Kansas politics ~~was~~ was beginning bitterly to thin out. They were now in their old age willing to accept the pension which in their sturdy youth they had rejected with scorn. I actually know how some of them would react to the offer of a pension, with the answer "I'M no damn government pauper" But every year the encampment called fewer and fewer participants, and soon had become mostly a memory. Writers with no knowledge had written slanderous and utterly untrue descriptions of the western life, ^{so} that the whole world, eager to accept sensationalism, had peopled ~~with~~ the west with gun slingers and outlaws who never existed and beat them down with impossible heroes who sat in saloons, conducted by lovely ladies and swilled down whiskey without a chaser in sufficient quantities of an evening to put him not under the table but under the sod. The West was colorful enough with the true heroes who fought insect and drought, cyclone and blizzard, depressions and panics and came up smiling and asking for more, and in the end created an empire far larger and richer than Alexander's. Some poet, I can't remember his name, expressed the change far better than I can when he sang:

I fancied that romance was dead;
That knighthood was no more;
Instead of brave old songs I heard
The streets incessant roar;
The days of knight and chevalier
Were o'er forever o'er.
I looked from you dear eyes, sweet hard,
Back to the world, and then
I saw romance in lofty walls
And knights in busy men;
And through the roar I heard
The dear old minstresly again.

It is always a bit sad in parting with old friends; even though we know such partings are inevitable. And so we look back to "The dear dead days beyond recall" with a feeling of loss. And truly much has been lost; but too much has been gained. That is the way of all growth.

Romance is not dead. There are still dragons to slay; and they still breath destruction, though in another form. And praise God, there are still Americans who will accept the challenge.

And now, good night dear friends, . You can claim no higher honour, there is no higher citation, than to be called "Sons of the pioneers.

F I N I S .