

HARRY CAMPBELL

By Charles Evans

Somewhere in Holy Writ, a man is said to have walked so close to God that God took him. When Judge Harry Campbell sank to rest at 2:10 a. m., September 8, 1950, at his home at 1443 South Norfolk Avenue, Tulsa, Oklahoma, those who had known his life in this Oklahoma country for more than fifty years believed that he was one of God's chosen men.

Harry Campbell was born in Hamilton County, Illinois on August 20, 1867. His early life was spent in rural regions and therefore his education was in the Illinois rural schools. Of a studious nature, the fact that he took up teaching as early as his eighteenth year, reveals that his was no ordinary mind. Between terms of school, he attended Indiana Normal and Business Institute at Valpariso, Indiana. In 1891, he entered the Law School at Northwestern University at Evanston, Illinois, paying his way by working in a law office and teaching in night school. He graduated in 1893, and his alert eyes in looking about for a place to build his life, discovered the Oklahoma country. He located at Pawnee, Oklahoma, and for a brief season was connected with the United States Agency for the Pawnee Indians. This work gave him an opportunity to study the whole region about him, as it took him from place to place throughout the Cherokee Strip and across to the Arkansas line.

Believing that his opportunities for professional progress would be far larger if he located at the little town of Tulsa, he opened a law office there on April 28, 1895, and from that time to the day of his death, Harry Campbell was an active citizen of Tulsa. Tulsa, as it grew into one of the most remarkable cities of America, never forgot that Mr. Campbell was one of the ten petitioners named in the legal proceedings brought for the incorporation of the town of Tulsa in Federal Court at Muskogee, January 19, 1898. When he passed away at 83 years, he was the sole survivor of the ten pioneer petitioners, who shaped the first charter of that truly great city.

One of the metropolitan newspapers of Tulsa in recording the story of his long and useful life said, "He drew the petition for the incorporation of Tulsa, himself, three years after driving a mule team into Tulsa on April 28, 1895. With a library consisting of one book, he began practising law in this then little town of 800 population." During the years, since he drove his mule eastward from Pawnee to the new town, he saw Tulsa grow in population, in wealth, in area and in prestige, until it became the

oil capital of the world and one of the municipal wonders of the modern world.

His keen mind, his steady and persistent desire to serve in civic, as well as legal affairs of the city, county, territory and state, drew him to that clientele and host of friends that made him an active and influential power in the northeastern part of the Territory. Although never a candidate for office, he took an active interest in politics, serving as Chairman of the Democratic party and became campaign manager in many of the first state elections. Although called "Judge" throughout his career, it is significant and a beautiful insight to his able mind and temperament that he never ran for, nor held, any public office.

He rose steadily and occupied high places and received splendid honors from the bench and bar throughout Oklahoma. In 1934, he was elected to serve a term as President of the Tulsa County Bar Association. His law library, which he often spoke of as beginning with one book in 1895, became one of the finest and best as he moved upward in his profession. He frequently, with one of those dry, Scottish smiles for which he was noted, spoke of the gift of the statutes of the Creek Nation and the purchase of the *Mansfield Digest* of the Laws of Arkansas, as a "wonderful addition" to his first library of one book.

Judge Campbell loved his fellowman and attached himself to all the organizations and movements whereby the life of man is enriched. He was a member of the Delta Masonic Lodge, No. 425, and was held in genuine esteem and honor by the Oklahoma Consistory Rite at Guthrie. The last time I looked upon his face was when the Scottish Rite Masons invited me to address them in Tulsa in the early Spring of 1950 and I discovered his face in the audience and had a cheerful talk with him. He smilingly said, "I should not have come out tonight, but I did, and I am more than glad that I came." He attached himself to the Akdar Shrine and was a member of the Tulsa Club, the High Twelve Club and the Chamber of Commerce.

Perhaps no work of his life did he more enjoy than that of encouraging, advising and enlarging the Oklahoma Historical Society. Elected as a director more than twenty-five years ago, he never failed to attend the quarterly meetings of the Board and offer his sage advice that led it on to greater power and influence. When he resigned from the Board because of ill health, not many months ago, each director around the table sat in somber silence, and then from the lips of his Board associates, there came beautiful tributes to his life and expressions of sorrow that Judge Harry Campbell would not sit with them again.

It is revealing that his first home in Tulsa was located where the magnificent Sinclair Building now stands at Fifth and Main



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Street, and that he later lived where the National Bank of Tulsa, one of the most beautiful, modern buildings of its kind in America, is now located.

Of his family surviving him are three sons, Hewitt Campbell, 1412 South Baltimore Avenue, Tulsa; Fred Campbell, Columbus, Ohio; Harry Campbell, Jr., Dallas, Texas; a brother, Frank Campbell, Reno, Nevada; and six grandchildren.

Through the kindness and courtesy of Mr. Hewitt Campbell, some brief sketches written by Judge Campbell came into the possession of the Society. They are so full of early history and quaint and valuable comment, that they will be placed for permanent preservation in the archives as information concerning him and his experiences.

So passed this gentle life of whom it could be said:

None knew him but to love him,
None named him but to praise.

REMINISCENCES

By Harry Campbell

I was born and raised in the State of Illinois, and in June, 1893, graduated from the Law Department of the Northwestern University in Chicago.

Shortly thereafter I came to Oklahoma Territory, stopping at first at Pawnee Agency where I stayed some time with the Agent observing the habits and customs of the Indians and attending a Ghost Dance with the Agent, clandestinely under cover of night. To me it was a most thrilling experience. In April, 1895, I moved to Tulsa, and with the exception of the short time that I was at Sapulpa I have lived in Tulsa ever since.

Tulsa at that time was a town of approximately one thousand people and was the trade center of an extensive territory. There was only one railroad, the Frisco, the terminus being at Sapulpa.

Tulsa had what was called a United States Commissioners' Court, whose district extended from the Kansas line to Deep Fork Creek and far enough east to include Claremore, Coweta and Okmulgee. The Commissioner had the jurisdiction of a Justice of the Peace under the Arkansas laws.

A word or two about the early courts may be in order here. From the years 1836 to 1889 the only court having any jurisdiction over this portion of the Indian Territory except tribal courts was the United States Court at Ft. Smith, Arkansas. For a great portion of this time the Ft. Smith court had jurisdiction only in felony cases and had no civil jurisdiction whatsoever.

Prior to 1889 there was no law and no court in the Indian Territory in which one man could sue another in any civil matter whatsoever. If one man became indebted to another it was a question of honor whether he paid or not. Many important towns had sprung up in which almost all lines of business were carried on, but many of the old business men have told me they had no more difficulty collecting debts before courts were established than they have since.

The act of Congress of March 1, 1889, established the United States Court for the Indian Territory of very limited jurisdiction. Other acts of Congress were passed enlarging the jurisdiction of the court, and on March 1, 1895, an Act of Congress went into effect in which 3 judicial districts of the Indian Territory were established, Tulsa being in the Northern District. The Act also provided for a United States Judge in each district. It also provided for the office of U. S. Commissioner, who had in his district jurisdiction as an examining magistrate in felony cases, jurisdiction to try all misdemeanor cases and the jurisdiction of Justices of the Peace under the Arkansas law in all civil matters. Under this Act the U. S. Commissioners' jurisdiction greatly exceeded the jurisdiction of Justices of the Peace as we now have them.

This Act also provided for a U. S. Constable and for the District Judge to divide his district into U. S. Commissioners' districts and to appoint the U. S. Commissioners and Constables.

Honorable William M. Springer of Springfield, Illinois, was appointed by President Cleveland judge of the Northern District of the Indian Territory.

Judge Springer, by order, established a U. S. Commissioners district with Tulsa the place of holding court, and appointed Honorable E. G. Tollett U. S. Commissioner and R. E. Smith, commonly known as Osage Smith, U. S. Constable, with headquarters at Tulsa. I do not have access to the order establishing a commissioners district before me, but I do remember that it included all of the territory east of what is now Lincoln, Payne, Pawnee and Osage Counties North of Deep Fork Creek. It extended North to the Kansas line and far enough East to include Claremore, Coweta and Okmulgee and South to Deep Fork Creek, and up that Creek to the Lincoln County line. It included Bartlesville, Claremore, Catoosa, Coweta, Okmulgee, Sapulpa, and later Bristow, an immense region in those days when there were no bridges and practically no roads. All suits for \$100.00 or less arising in the above named district had to be brought in the U. S. Commissioner's office at Tulsa and cases of more than \$200.00 and in some instances as high as \$1000.00 could be brought in this court. All misdemeanor cases and preliminary examination of felony cases had to be heard in the court. At that time and until the latter part of the year 1898, the only peace officers in all that region were the one constable and not to exceed two or three deputy U. S. Marshals, with an occasional Marshal coming from Ft. Smith or Muskogee. There is proof that early settlers in this portion of the Indian Territory were not criminals nor bandits, but were peaceful, law abiding citizens who came to establish homes, build churches, schools and cities. Criminals and bandits do not lay the foundation of civilization.

Judge Tollett became displeased at certain people and happenings in Tulsa and induced Judge Springer by order to change the headquarters of the U. S. Commissioner's Court to Claremore, where all suits had to be filed, but the order provided for terms of court at Tulsa and Bristow.

Judge Joseph A. Gill succeeded Judge Springer as District Judge and he appointed Honorable Harry Jennings U. S. Commissioner, who held the office until Statehood.

The speaker came to Tulsa in April 1895. At that time there were already 4 lawyers here. They were Edward Calkins, Flowers Nelson, E. J. Daughters, R. E. L. McNair and a man named McGary. McNair and McGary soon passed out of the picture but Colonel Calkins remained here until his death, and Flowers Nelson remained until after Statehood, when he returned to his old home in Mississippi. Both Calkins and Nelson were high-class men. Nelson was Tulsa's delegate to the Constitutional Convention in 1907.

The next attorney to come to Tulsa was Judge L. M. Poe, who came a few months after I did. According to the recollection of the speaker Mr. A. R. Querry, who died many years ago, was the next. Shortly after 1900 numerous attorneys established themselves in Tulsa, but I am not able to name them in their order of arrival.

The Act of Congress of May 27, 1902, created the Western Judicial District and Tulsa was included but did not get a court. The court towns were Muskogee, Wagoner, Eufaula, Sapulpa, Wewoka and Okmulgee. C. W. Raymond of Danville, Illinois, was appointed Judge and was later succeeded by Judge William R. Lawrence of the same place.

In 1904 Congress passed an Act for an additional Judge in each Judicial District and Honorable Louis Sulzbacher, who at that time was U. S. Judge for Porto Rico, was appointed the additional judge for the Western District and retained the office until statehood.

A rider was put on the Indian Appropriation Bill of 1906, providing for three terms of court at Tulsa and providing the U. S. Commissioner's Court should be established and maintained at Tulsa and the boundaries of the Western District were extended to include a large portion of the Cherokee Nation North and East of Tulsa.

W. W. Hyams was appointed U. S. Commissioner at Tulsa under this Act and retained his office until Statehood.

The Curtis Act of 1898 authorized the incorporation of the cities and towns of the Indian Territory and conferred on the mayors the jurisdiction of the Justices of the Peace under the Arkansas law, their territorial jurisdiction being coincident with the boundaries of the municipalities.

The first mayor was Edward Calkins. The second was L. M. Poe, and if I remember correctly, the third was George W. Mowbray, St. A great deal of business was transacted in the courts held by these mayors at that time.