

NECROLOGY

FRANK C. HUBBARD

Near the close of the Civil War, on November 24, 1864, in the village of New London, Indiana, to Woodson B. Hubbard and Anna Eliza Reece Hubbard, members of the Society of Friends, was born a son named by them Frank C. He attended a Quaker school at New London, and later the public schools at Kokomo, Indiana, and while still a child accompanied his parents on their removal to Carthage, Missouri. He was a practical, industrious youth with a wholesome appreciation of the value of time and opportunity, and early decided to learn a trade; with this objective he entered the office of a newspaper in Carthage where he acquired the training and skill of a printer that was to become an important factor in his future life.

He afterwards entered Drury College in Springfield, Missouri, where he defrayed part of his expenses by his own industry; in this undertaking his newspaper training stood him in good part when he started the *Drury Mirror*, the college paper of that school. Outside of his school hours he devoted his best energies to the operation of this paper so that it not only aided him in a modest way financially in making his way through the school, but on his graduation on June 16, 1887, the *Mirror* was so firmly established that it has continued in operation to the present day.

The summer of his graduation he and his brothers and a classmate came adventuring into the Indian Territory; attracted by the prodigal expanse of grass billowing over the prairies, they came to Afton and spent the summer cutting prairie grass, curing it, and shipping the hay to market. After the hay season Frank went to work on the *Chieftain* at Vinita and later in the year when the Cherokee council was in session at Tahlequah, he was sent by his paper to cover that source of news. On one of his trips there on the stage from Gibson Station, he met Mr. Joseph Sondheimer, and asked him about the prospects for establishing a newspaper at Muskogee. Mr. Sondheimer told Frank that Dr. Leo E. Bennett who was running the Indian Journal at Eufaula wished to remove to Muskogee and needed a newspaper man to operate the paper he hoped to establish there. He later introduced Frank to Dr. Bennett, and there began a friendship of these three men that endured through their lives and figured prominently in the development of Muskogee. Mr. Sondheimer then sold to Bennett and Hubbard a tract of land on the corner of Main Street and Okmulgee Avenue and they afterward purchased a small strip adjoining, from Frederick B. Severs. On this they erected a two story frame building to house their newspaper which became known as the Phoenix Building. And on Thursday, February 23, 1888, appeared the first issue of the *Muskogee Phoenix*, bearing the names of Leo E. Bennett as manager and Frank C. Hubbard as assistant. This association continued for many years and the paper published by these

two men exercised a tremendous influence on the growth and character of eastern Oklahoma.

On the nineteenth day of March, 1888, Mr. Hubbard was one of a little group of newspaper men who met in Muskogee to organize the Indian Territory Press Association; he served as a member of the committee on constitution and by-laws and Dr. Bennett was elected president. When Congress provided for the United States Court to be held in Indian Territory, the second floor of the Phoenix building was the only room available for the purpose and the first white man's civil court in the present Oklahoma was organized here in April, 1889, with Judge James M. Shackelford presiding.

In those days Muskogee was a little village, but it possessed the only bank in the territory, the First National, now the oldest bank in Oklahoma. With true pioneering instinct and as a portent of the important part he was to take in the progress and enterprise of the community in which he lived, Mr. Hubbard became a stockholder in this bank March 16, 1893; on June 12, 1897 he was made a director and was elected vice-president January 14, 1902. As the bank grew and expanded to keep pace with the demands of the rapidly growing city of Muskogee, Mr. Hubbard's interest in this institution and its enlarged field of usefulness brought his talents and sound judgment increasingly into service and June 30, 1908 he was elected president and served until March 1, 1911, from which date until January 15, 1912 he was chairman of the board. He was also one of the organizers and the president of the First National Bank of Haskell, Oklahoma, up until the time of his death.

Mr. Hubbard's public services were varied and important and performed with satisfaction to the public and distinction to him. He was appointed postmaster at Muskogee and served from July 11, 1892 to March, 1895. On October 16, 1897 he was appointed by United States Marshal Leo E. Bennett his chief deputy and served in that position until July 1, 1903. On the eleventh of that month he was commissioned by the Secretary of the Interior as executive commissioner of the Indian Territory Exhibit at the Louisiana Purchase Exposition to be held the next year. After his appointment he addressed himself to raising the funds required of the Indian Territory, and succeeded in securing the \$25,000 necessary to receive from Congress an equal amount for our exhibit at St. Louis. Largely as a result of his efforts, Indian Territory had one of the most interesting exhibits at that exposition; an exhibit that did much to attract attention of visitors to the resources of this territory and swell the tide of emigration in this direction.

Less than two years later, Mr. Hubbard was induced to head the Republican city ticket; on April 8, 1906 he was elected mayor of Muskogee and gave the city a high class business administration. With the approach of statehood he was the nominee of the Republican party for Congress from his district, in which however a Democrat was elected. Mr. Hubbard was admitted to the bar in the United States Court at Muskogee though he never practiced law. He was a member of the Benevolent and Protective Order of Elks. And as a final benediction to a busy and useful life Mr. Hubbard was united in marriage on March 2,

1925, to Miss Harriett Miller, member of an old and well known family of Muskogee.

His death occurred on October 23, 1930.

Mr. Hubbard was essentially a good and valuable citizen. Interested in the welfare of his community and his fellow citizens, he gave cheerfully of his time and labor to help others. Modest and unassuming, he devoted his best efforts to his undertakings with no thought of personal aggrandizement. Charitable and tolerant of the shortcomings of others, candid, honest and truthful, he had the confidence of every one. Possessed of a wholesome sense of humor, a genial disposition and good will toward his associates, Mr. Hubbard endeared himself to all who knew him and made for himself an enduring place in the hearts of a large circle of friends, and acquaintances.

Frank Hubbard and other pioneers like him have placed the present generation of Muskogee and Oklahoma under obligations but little realized, and it is proper that we make acknowledgement of that debt. He and his kind made this a decent community in which to live; they helped to establish and maintain law and order, culture and progress, and attract a desirable element of citizens who have made Muskogee the attractive city it is. And the City of Muskogee, the State of Oklahoma, now and always will bear the impress of the vision, the faithful public service, the enterprise and the every day example of private and business integrity of the pioneer, Frank C. Hubbard.

GRANT FOREMAN.

JUDGE GEORGE A. SPAULDING

A member of the Carter County Bar Association passed away on Sunday, July 13, 1930, and was interred in the Rosehill Cemetery on the afternoon of July 14, after having spent a long and useful life, not only as an attorney, but as a patriotic citizen, devoting his life to the best interests of the community in which he lived and of the Presbyterian Church of which he was a member.

He left surviving him, the following children:

H. C. Spaulding of Kansas City, Missouri, Clerk of the United States Court there, Mrs. F. D. Taffe and son, George of Idabel and Mrs. Lawrence S. Smith of Oklahoma City, Mrs. Mark Kirkpatrick and her son, Mark Kirkpatrick and Miss Margaret Spaulding of Ardmore, also two sons, Verne Spaulding of Long Beach, California, and G. A. Spaulding, Jr., of Joplin, Missouri.

Judge Spaulding was born in Warren County, New York, March 14, 1855, and was a son of George W. and Sarah A. Spaulding. He was educated in the public schools, and was an alumni of Mechanicsville College, New York, and also held a commercial college degree.

He had a complete family tree, showing that his ancestors were of the Colonial families of Massachusetts. Edward Spaulding, the first, founded the family near Braintree, Massachusetts about 1630. He was from Lincolnshire, England and the line of direct descent from him down

to our deceased brother included Andrew the first and second, James the first and second, Jonathan, and then Alva, the father of George W. Spaulding, who was the father of George E. Spaulding. Practically all of his antecedents engaged in the lumber and mercantile business and were respected citizens of their communities.

His mother died November 5, 1858, leaving him as her only surviving issue. His father again married and later our brother departed from New York for the West and located at Phillipsburg, Kansas, where he engaged in the mercantile business. While there he was elected Clerk of the District Court, holding that office from 1881 to 1885. During his incumbency in office he studied law and was admitted to the bar, engaging actively in the practice until 1896, when he moved to Van Buren, Arkansas, where he remained about six months and then located at Poteau in the Indian territory. While a resident there he was appointed postmaster, but after a few months resigned and was succeeded by his wife who held the office for four years. He served for a while as Deputy Marshal at Antlers, taking this out doors position on account of his health, but was later appointed United States Commissioner and maintained an office at Poteau until 1898, when he was transferred to Goodwater and later removed to Garvin, and continued to hold the office until Statehood. During the nine years he served as commissioner, no criticism was made by anyone of the way he conducted his office. While a resident of Garvin he was instrumental in securing the location of the Choctaw Lumber and Veneer Company and its allied interests, one of the largest concerns within the state, of which he was a stockholder and attorney. He was one of the organizers of the bank at Garvin and director of the First State Bank at Idabel. While he was a resident of Kansas he was a delegate to every Republican state convention from 1880 to 1896, and in 1892 he was a delegate to the National Convention at Minneapolis. He was nominated for judge of the seventeenth Kansas District in 1892, but was defeated.

In 1917 Judge Spaulding removed to Ardmore where he resided until his death. He engaged in the practice of the law, and in April, 1919 was again appointed United States Commissioner at Ardmore, by Judge Robert L. Williams, of the Eastern District of Oklahoma, which office he held until his death. While living in Ardmore he formed a partnership with Judge John B. Ogden, who was later elected District Judge of Carter County, which dissolved the partnership. He was known to be a partisan Republican, but because of his long experience and attention to business, and the universal satisfaction he gave while first serving as United States Commissioner he was appointed commissioner by Judge Williams, a Democrat, and no complaint was ever made against Judge Spaulding in his conduct of the office, which he held the remainder of his life, and the members of the bar were so well satisfied with Judge Spaulding no criticism was ever made against Judge Williams for making the appointment.

Be it resolved, that on the death of Judge Spaulding the Bar of Oklahoma lost a valuable member who always conformed strictly to the ethics of his profession, who gave faithful and energetic service to his

clients, and was loyal to his friends. His whole life was a fine example of what may be accomplished by any young man by diligent efforts. His devotion to his profession and his church was the admiration of his friends. His exemplary life and loyalty to his family and church might well be emulated by other members of our profession.

Be it further resolved that a copy of these resolutions be spread upon the minutes of this court and also furnished to members of his family.

W. R. JOHNSON.
Wm. HUTCHINSON,
T. B. ORR.

The above resolutions were presented in the United States Court of the Eastern District of Oklahoma sitting at Ardmore on October 15, 1930, Judge R. L. Williams presiding; who ordered that the resolutions be spread upon the minutes of the court, and directed that a copy of said resolutions be furnished to the Historical Society of the State of Oklahoma.

JOHN RICHARD McCALLA

John Richard McCalla, Jr., son of John R., and Mary Luella (Burns) McCalla, born in Harris County, Georgia, March 18, 1880. The McCallas, who were Scotch, came to Georgia from South Carolina, and the Burns family who settled in Georgia at an early date, were also Scotch. When John R. McCalla, Jr., and his younger brother Marvin Hilliard McCalla were quite small his father removed from Georgia to Alabama, settling at Roxana in Lee County, where he engaged in farming and the mercantile business. Later he removed to Auburn, Alabama, and placed the two boys in school at the Alabama Polytechnic Institute, where John R., Jr., graduated at the age of seventeen. He then read law under the Hon. Thomas L. Bulger at Dadeville, Alabama, and removed to Newnan, Georgia, where he was admitted to the bar by the Hon. Sampson W. Harris, Judge of the Superior Court, Coweta Circuit, on June 21, 1902, and on June 23, 1902, took the oath as an attorney. He was at first associated in the practice of the law with Col. W. G. Post and then with Col. W. C. Wright, who is now a member of Congress from Georgia. In 1903 he removed from Newnan, Georgia, to Marietta, Indian Territory, where he engaged in the practice of the law. On February 8, 1907, he was married to Miss Vera Ritchie at Marietta, Indian Territory. He died on May 8, 1912, in Tucumcari, New Mexico, where he had gone on account of his health, and was buried at Marietta, Oklahoma, but his home at that time was at Chickasha, Oklahoma.

In 1907 he was elected as a member of the Legislature of Oklahoma from Love County, and in 1908 re-elected. In 1909 he removed to Chickasha, Oklahoma, where he was actively engaged in the practice of the law until his health failed. He is survived by his wife and his only

brother Marvin Hilliard McCalla, the former residing at Marletta, Oklahoma, and the latter at Phoenix, Arizona.

He was a brave, brilliant, honest lawyer, and worthy citizen and loyal friend.

R. L. W.

JOHN EMERY SATER

John Emery Sater, son of Oliver Sater and his wife Marie Sater, nee Foster, born March 30, 1852, near Cincinnati in Hamilton County, Ohio. Married to Laura Ann Jones May 30, 1878. Removed to Indiana, then to Kansas and later to Payne County, Oklahoma, where he was appointed the first surveyor of said county. Died in El Paso, Texas, on May 10, 1922, where he is buried. His wife and the following children survive him: Datus E. Sater, Stillwater, Oklahoma, William Earl Sater, Stockton, California, and Joseph Emery Sater, Oklahoma City, Oklahoma. Educated in the common schools of Ohio and at Oberlin College in said state where he graduated.

JAMES ORVAL HALL

James Orval Hall, born at Ringold, Georgia, January 25th, 1846, died at Vinita, Oklahoma, December 15th, 1927. Married to Mary E. Davis of Walker County, Georgia, September 2, 1868. Four children, two boys and two girls, were born. Mary E. Hall, his wife, died April 2, 1913. Later he was married to Elizabeth Little, who survives him. His daughters: Mrs. Thos. H. Owen of Oklahoma City, Miss Jane Patton Hall, of Vinita, survive him, but two sons died before reaching their majority. Survived by one sister, Ida Hall Miller of Chattanooga, Tennessee. Two nieces, Mrs. E. L. Orr of Oklahoma City, and Mrs. Archibald Fortune of Lafayette, Georgia, also survive him. His father, Joseph C. Hall, born September 16th, 1818, died January 12th, 1901. His mother, Louisa Weir Hall, born August 18, 1823, died in 1902.

James Orval Hall entered the Confederate Army in August prior to his fifteenth birthday in January. Captured when the army was in front of Atlanta, taken to Rock Island, Illinois, where he was held in the Federal prison thirteen months. He was a member of Company E, Third Confederate Regiment, Wheelers Brigade of Brags Army. He joined the Masonic Lodge during his 21st year at Chickamauga, Georgia, and was a 32nd degree Mason at the time of his death.

He and his wife moved to the Indian Territory during the winter of 1868, and settled near Vinita in the Cherokee Nation. Charter member of the Masonic Lodge organized in Vinita, one of the first masonic lodges organized in the Indian Territory. Engaged extensively in the banking and live stock business, a stockholder and participated in the organization of National Banks at Vinita, Miami, Prior, Chelsea, Claremore, Tulsa and Grove, and engaged extensively in the cattle business in the Indian Territory and in Texas. At the time of his death he owned a ranch, stocked with blooded cattle in Callahan and Coleman Counties, Texas.

CYRUS SAMUEL LEEPER.

Cyrus Samuel Leeper, born in Chillicothe, Livingston County, Missouri, August 6, 1865, son of James and Elizabeth (Graves) Leeper, his father being of German descent and mother of Irish descent; the father being born in Chariton County Missouri, and his mother in Kentucky. Leaving the farm at an early age, having received short terms of country schooling for three or four years, he came to Texas and became a journeyman printer, working on the Fort Worth Record. In 1885 he became manager of a lumber yard at Bells, Grayson County, Texas, for Waples Brothers; later became manager of a lumber yard at Davis, Indian Territory, for Waples Painter Company; after a short period he entered the lumber business on his own account at Sulphur, Indian Territory, and later formed a partnership with his brother James D. Leeper opening up yards at Maysville, Hickory, Oklahoma City (Capitol Hill) and Stratford. He was a delegate to the Oklahoma Constitutional Convention, representing District No. 96, Murray County being a part of said District. On account of his health he removed to El Paso, Texas, where he died on October 17, 1916. On April 19, 1899, he was married to Miss Eva I. Cobb, who was born in Shamokin, Pennsylvania, who with two children, Gardner Leeper and Augusta Louisa Leeper, survive him. A Methodist, Democrat, Mason and Elk.

JESSE ALBERT BAKER.

Jesse Albert Baker, born May 9, 1853 at Pinelog, Bartow County, Georgia, son of Jesse and Parthenia (Moss) Baker. His paternal grandfather, Charles Baker, was a soldier in the Revolutionary War. His paternal grandmother was Nelle (Goodwin) Baker. Brothers, James M. Baker, John B. Baker, William C. Baker, Thomas H. Baker, Charles D. Baker, Augustus C. Baker; Sisters: Ann Baker, Elenor E. Baker, Parthenia V. Baker, Frances C. Baker, Nancy M. Baker, Mary J. Baker and Lucy Baker. He completed his academic schooling at the University of Virginia, where he graduated, and then took a law course at the Cumberland University, Lebanon, Tennessee. Admitted to the bar in 1876. Member of Kappa Alpha Greek letter fraternity. An Episcopalian and a Democrat. Removed from Georgia to Guthrie, Oklahoma, in 1892, where for a time he was city attorney. Located at Lawton when the Comanche Reservation was opened for white settlement. Afterwards removed to the Seminole country locating at Wewoka, where he resided until his death on July 26, 1925. Assistant Chief Clerk of the Oklahoma Territorial Legislature in 1905. Member of the Oklahoma Constitutional Convention, representing District No. 81 comprising the Seminole Nation and a part of the Creek Nation. Before removing from Georgia he was active in politics and public affairs, at one time being Clerk of the Judiciary Committee of the Georgia State Senate. His ancestors were of English descent. Married Miss Jeannie Bacon, a relative of the late United States Senator A. O. Bacon of Georgia in 1875, who with the following children survive

him, George Merlweather Baker and Lucy Bacon Baker, all of whom reside at Wewoka, Oklahoma.

CLEMENT VANN ROGERS

Clement Vann Rogers, born at the Baptist Mission in Going-Snake District, Indian Territory, January 11, 1830, and died October 28, 1911, buried in the Chelsea Cemetery. Son of Robert and Sallie (Vann) Rogers. Educated in the Baptist Mission School and the Cherokee Male Seminary. Married Mary A. Schrimsher, October 12, 1859, who died May 28, 1890. The following children were born to them who survive, Mrs. Sallie C. McSpadden, wife of J. T. McSpadden, Chelsea, Oklahoma, and Mr. Will Rogers, of Beverly Hills, California. Three other children died during infancy and the following to-wit: Robert Martin Rogers, born April 15, 1866, died April 13, 1881; Maud Rogers, born November 28, 1871, married to C. L. Lane and died May 15, 1925; Mary Rogers, born May 31, 1873, married first to Matthew Yocum and second to Frank Stine, died July 25, 1909. Martin Robert Rogers and Mrs. C. L. Lane are buried at Chelsea, and Mrs. Stine is buried at Oolagah. Elected in 1878 and served a term as Judge of Cooweescoowee District. In 1880 elected Senator from the same district, holding the office for three terms. In 1893 appointed by President Cleveland as one of a commission of three to appraise the improvements of white settlers in the Cherokee Nation. In 1898 and 1899 served as a member of a commission from the Cherokee Nation to present matters before the Dawes Commission. On January 11, 1907, Rogers County was named in his honor by the Oklahoma Constitutional Convention, on his sixty-eighth birthday. He was a member of said convention from District No. 64, Rogers County being a part of said district.

RESOLUTIONS IN MEMORY OF ROBINSON McMILLAN

On the banks of Blue Creek, in Giles County near Pulaski, Tennessee, on the 25th day of March, 1857, Robinson McMillan was born. He was the son of Franklin P. and Jane (Robinson) McMillan, both likewise natives of Tennessee, where they maintained their home until death. His fathers lineage is traced back to sturdy Irish origin, while that of his mother is of English. The early ancestors of both parents were colonial settlers of Virginia, Judge McMillan's great-grandfather having been a soldier in the Revolution. Other representatives of his family served under Andrew Jackson in the war of 1812; judge McMillan's father was a confederate soldier and under the command of General Forest, he rendered service on behalf of the Confederacy.

During this war Robinson McMillan was a youth of tender years, yet he remembered of hearing the guns of war at Murfreesboro and Franklin. He saw General Dodge in command at Pulaski, and all but witnessed the execution by him of that gallant southern youth, Sam Davis. He experienced and lived through the days of reconstruction, and

there was impressed upon his youthful mind, never to be forgotten the value and importance of well regulated constitutional government, ordained and established by the consent of the governed. No one held more dearly and sacred the history, customs and traditions of the south than Judge McMillan, and yet no one had greater respect for and loyalty to the Union.

Judge McMillan obtained his early education in the schools of Tennessee, having attended the Academy at Cornersville, a school conducted by one of those sturdy Scotchmen, who believed in discipline and work. After obtaining a teacher's certificate, he moved to Wilson county and began teaching in an old abandoned store building, and when this burned down the patrons, desiring to retain him, furnished the material and labor to build a commodious building, afterwards known as Hamiltons School House, situated about 15 miles east of Nashville. He took such a personal interest in the students, assisting them in their work, joining with them in their debates, and entering into their games, that he won their respect and confidence, and his life was such as to be an inspiration to them.

He subsequently took an academic and law course at Cumberland University at Lebanon, occupying the old offices of Sam Houston. In his practices of the law, he was associated with Judge J. S. Oribble and Judge Robert Centroll, both of whom were eminent jurists of that state. From his association and training, as well as his natural inclination, he looked upon the practice of the law as a performance of a sacred and solemn duty, and believed in a strict observance of rules pertaining to its ethics. He enjoyed a good practice at Lebanon, but on account of the ill health of his wife he removed to the Indian Territory in 1902, located at Pauls Valley.

Before coming to the Indian Territory, he had taken an active interest in state and national politics, having been a member of the Tennessee Legislature in 1801-2, and in 1806 a Presidential elector during the campaign by Hon. Willam J. Bryan for the Presidency of the United States. On the election of Oklahoma into Statehood, Judge McMillan was elected judge of 14th judicial District of Oklahoma, comprised of Murray, Garvin, McClain and Cleveland counties, changing his residence to Norman, being re-elected in 1910, holding the office until 1914, when he was not a candidate to succeed himself. He at all times was of Democratic faith and loyal to his party. In 1915, he was appointed assistant attorney general of the State of Oklahoma under the Hon. S. P. Freeling, holding the position until in 1919. He was subsequently, in 1920, appointed by the Hon. Robert L. Williams, Judge of the United States Court for the Eastern district of Oklahoma, Referee in Bankruptcy for the Ardmore Division, which office he held until his death. He was a zealous worker, and while on the district bench disposed of more than 8,000 cases, keeping up with his docket, although he had one of the largest districts in the state. His decisions on the district bench and as Referee in Bankruptcy, while evidencing a thorough knowledge of the law and judicial acumen, yet were tempered with mercy and justice.

In the year 1883 was solemnized the marriage of Judge McMillan

and Miss Josie Heughey of Nashville, Tennessee. She is a lineal descendant of the Blount family that furnished Tennessee with two of its governors, and whose name has been linked with history from the days of William the Conqueror. Judge and Mrs. McMillan became the parents of two sons and three daughters. The two sons, Murray and Charles, died soon after graduating from Cumberland University. The three daughters are living, viz.: Inez, who is the wife of T. C. Gibson, lives at Ardmore, Oklahoma; Mary Taylor, who is the wife of Bob Taylor, lives at Quawpaw, Oklahoma; and Bessie Kolb, wife of Irby Kolb, lives at Duncan, Oklahoma.

Judge McMillan died on the 21st day of October, 1929, at Ardmore, Oklahoma where he had lived since being appointed Referee, in 1920, and was buried at Norman, Oklahoma, where he resided after as District Judge.

He was a student, a scholar, loved nature and worshipped God. It can be truthfully said of him.

"That he held honesty of conscience above honesty of purse; that he turned aside without ostentation to aid the weak, and treasured ideals more than raw ambition; tracked no man to his undeserved hurt, and pursued no woman to her tears."

Now, therefore, be it resolved by this bar, of which he was a member, that in the death of Judge Robinson McMillan, we have lost one of our most highly respected and worthy members; that his death is a loss to this State and Nation; and that our sympathy be extended to his good wife and family to whom he was so loyal and devoted.

RUTHERFORD BRETT,

J. B. MOORE,

STEPHEN A. GEORGE,

Committee.