

History of Law

Biographical Sketch

C. GUY CUTLIP

(1881-1938)

A settler's dugout on the western plains of Kansas, then an area barely within the fringes of civilization, was the birthplace of C. Guy Cutlip, a son of pioneer stock who was destined, in his later years, to become one of the outstanding jurists of the state of Oklahoma.

That event occurred on April 6, 1881 about fifteen miles west of Medicine Lodge, not far from the spot where the famed peace treaty between the government and the Plains Indians was signed in the late '60s, and in an area still troubled with the terros of Indian alarm.

Mr. Cutlip came of Southern ancestry. His father, Thaddeus G. Cutlip was a native of West Virginia; and his mother, Susan Mills, had come west with her parents from Tennessee, where her father had lately been a captain in the Confederate forces of that state.

It was Cecil Guy Cutlip's early environment, as a settler's son in Indian country, that caused him, perhaps, to take such a profound interest in Indian legends and history during the later years of his life--for one of his earliest recollections is one of the Cheyennes and Arapahoes being on the warpath, that on the occasion of their trek north to join the insurgents of the Sioux nation's Sitting Bull.

That was in the early '80s, and the alarm was spread by runners

who rode through the southern Kansas country advising remote families to seek safety in the stockade at Lake City, but--young Guy's father being away at the time on a cattle roundup--his mother elected to stay. Near the cabin they had recently built on the site of the old dugout, a small cave had been dug in the bank of Little Dog Creek, and there the mother, with her young sister and Guy, hid out until the Indians had passed through.

Fortunately for them the Indian war party traveled eight miles to the west, but their luck was the misfortune of a wagon caravan camped in the cedar breaks on the line of march. There was a fight in which all the members of the caravan and several of the braves were killed, and Mr. Cutlip could vividly recall going there with his father, on the latter's return from the roundup, to view the charred remains of the wagons.

His second most impressive recollection in his life was at the age of eight when his family, as '89ers, took part in the epic run for homesteads that opened Oklahoma Territory to settlement. His parents settled at Kingfisher, in what is now the northern part of Oklahoma, and here, before his boyish eyes, he saw paraded in real life, such colorful characters as Edna Ferber drew upon to people "Cimarron", the famous book she wrote about that period.

He had, in short, a front seat from which to witness the birth of a new commonwealth.

When C. Guy was 14 years old--in 1895--his family moved to Tecumseh, in the Pottowatomie country, and upon completion of public school, one of his first ventures into the world was as clerk and stenographer for the picturesque Judge J.D.F. Jennings, a lawyer and gentleman of the old school, and the father of Al Jennings, the young man who was destined to become more noted as a bandit than as a barrister.

He spent all his spare time during those days in reading the classics and the romances, and in studying law--a practice that he continued when, early in 1901, he went to Wewoka, the Indian Territory town which was the capital of the Seminole Nation. He worked there, too, as stenographer for an early day lawyer--at a time when the little village boasted but two or three stores and a population which was principally Indian.

He took, immediately, an intense interest in these people, who administered their own laws under the supervision of a principal chief, John F. Brown, and a United States Commissioner, the late H. M. Tate. They were Seminoles, the Florida "runaways" of the Creek Georgian branch, and among them still lived a few old men and women who had been herded over the historic "Trail of Tears" by Uncle Sam in the 1840s. He gained, early, their confidence, heard their traditions and their historical lore, with the result that he became one of the few men with a real insight into the story of the tribe.

In 1902 Mr. Cutlip and his father went into the banking business in the trading post town, but that venture was short-lived, and somewhat difficult days followed. Meantime he had been married--to Miss Amo Butts of ~~Holdenville~~ Holdenville--and for awhile he worked at odd jobs, tried his hand at newspaper and western story magazine writing, which kept his feet on the ground until he obtained a clerkship with the Atlas Abstract Company of Holdenville, where he soon was transcribing abstracts for all the companies doing business in that part of the country.

This work gave him a new start in life. Through his interest in titles he obtained a familiar insight into the oil leasing business, and the sale of a block of leases to Frank Chesley, one of the discoverers of Glenn pool, enabled him to complete his study of

law and hang out his shingle as an attorney.

The town to which he had taken his bride, a village of dusty streets and board sidewalks on the main line of the Chicago, Oklahoma and Gulf, was growing as new settlers came in, family by family, to carry on commerce with the Indians.

Their only child, Maxine, was born in Wewoka on January 4, 1906.

Meantime, having risen to be one of the most prominent attorneys in East Central Oklahoma, he was taking a leading part in the affair of the local Masonic chapter and participating actively in the small civic enterprises that were beginning to evince themselves in the small town; and the year 1908 found him occupying the position of assistant county attorney. About this time, too, he further display his eagerness to keep in step with general progress by being amongst the first of the villagers to purchase a horseless carriage.

Continuing his writing and his reading--things that he never neglected throughout his lifetime--he came, during the following decade, to be regarded as the dean of the Wewoka legal profession, and whenever and wherever there was a public address to be made, whether civic, patriotic or for any other reason, those who were behind the movement always wanted C. Guy Cutlip as speaker. And, having developed into an eloquent orator, was always more than willing to serve.

In 1919, having already acquired a great deal of local property, he purchased from Governor John F. Brown, chief of the Seminoles, the chief's interest in the famed Wewoka Trading Company, and in the Wewoka Realty and Trust Company. He built these properties into the best in Wewoka--only to see them wiped out by fire with a \$50,000 loss. It was, naturally, a blow, but he courageously picked up the loose ends and began rebuilding.

altruistic attitude toward those less fortunate than himself... because he understood so thoroughly those in all walks of life.

When the father of a young boy, Guy Romine, was killed in 1920, leaving the youth no place to go, Mr. Cutlip took him into his own home and kept him in school until he was old enough to make his own way. Another that he took into his own house was four-year-old Rene Gossard, who remained a foster son until his death at the age of 17. The boy, whom Mr. Cutlip would have adopted had the mother consented, is buried in the Cutlip family plot at Wewoka.

Mr. Cutlip also served as Wewoka's first mayor from 1921 to 1926, and in 1930 he was a member of the board of governors for the Oklahoma Bar Association, and in the following year was one of the state's delegates to the Democratic National Convention.

In 1931 when Governor William H. Murray, his life-long friend, created the Superior Court system Mr. Cutlip was the first appointed to the bench in his district, and he was re-elected in 1934.

In that capacity even his enemies (and he had very few) were prompt to say that he conducted his court not only as one of Law, but as one of Justice... for in deciding cases according to the well-defined statutes he took particular pains, always, to weigh them from the human standpoint. He regarded the law of punishment as secondary to the law of reformation whenever it was possible for him to do so in a criminal case.

Much of his judicial philosophy was derived from the career of Judge Isaac C. Parker, the celebrated savant of the Federal Court bench at Fort Smith, Arkansas, in old Indian Territorial days. Those who came before Judge Cutlip saw no written motto at the bench, but they knew that, granting there had been one, it would have been much like that pronounced by the noted Judge Parker: "Do equal and exact justice. Let no politics enter here."

So great was Mr. Cutlip's admiration for Isaac Parker that he spent several years collecting material for a biography of the jurist, a book that his untimely death prevented him from writing. However, he left all his notes for his son-in-law with instructions for him to complete the work.

He also had planned to write a history of the Seminole Indians, a task for which he was extraordinarily well qualified, but this, too, was in note form at the time of his death. Authorship of a book was the one thing that he wanted in the rounding out of his career.

He wrote but one--a small book on the "History of Law", the text of a speech he once made at a banquet of the State Bar Association at Oklahoma City. Those who heard it urged him to have it published, and it later was published and translated into five different languages. (A copy is attached to this biography.)

No man in the state had more sincere friends than Judge Cutlip. They were lawyers, newspapermen, Indians, men of public affairs, and those in the more lowly stations of life. He was particularly noted for his knack in story telling and repartee, and his services as a speaker were constantly in demand all over Oklahoma. His phrases, uttered as principal speaker, before state conventions--such as the Bar Association, the American Legion, various fraternal groups, etc.,--always were widely quoted in the Oklahoma press; and there were numerous times when leading newspaper columnists, going on vacation, would ask Mr. Cutlip to become guest conductor.

He always was outspoken in his comments on any issue, and even though a staunch Democrat all his life, he did not hesitate to openly speak his mind--and in unmistakable language--on occasions when he felt disagreement with party leaders.

Judge Cutlip liked to travel, and his inquisitive mind took him on many journeys into far corners of the United States, and to out-of-

the-way sections of the Mexican Republic. Only his last illness prevented him from carrying out plans for a European tour. He was especially interested in Mexican history, and left behind him the notes on a book with an ancient Mexican setting.

The following letter, written to his daughter Maxine from Oaxaca, in the south of Mexico, in October 1936; shows his keen interest in even the smaller adventures of travel:

"We are away down here in Oaxaca, and it is some country! Here are the tropics, but also altitude. It is more than 5,000 feet but the climate is perfect. However, I thought I would freeze the first night we got in here.

"All kinds of fruit, and we have it all for breakfast. The finest food you ever ate. We drove down to Tehucan and took the train, a narrow gauge, from there; took second class service and came down with the Indians. At lunch we had nothing to eat, and an old lady gave me some sweet bread she had made and brought along. It was delicious. A man gave us some wine. A little later we bought a chicken at one of the small towns and our Indian friends were very glad to help us eat it.

"We were out to Mitla yesterday. It is an astonishing thing. There is nothing like it in the world, unless it be the ruins of Chitzen-Itla in Yucatan. Some of the walls are inlaid mosaic, figured. The little pieces were carved, perhaps numbered, and then laboriously fitted into the walls. There is one room of six great columns. Of course, the ~~modern~~ priests of yesterday used a part of it to build churches.

"The city of Oaxaca is the prettiest in Mexico. They are reconstructing the governor's palace, the almost naked, bare-footed natives hewing the stones. They start to work at six in the morning and are at it late in the evening. They are excellent workmen and when they finish one of these stones it is just perfect. They do all the work by hand.

"We were out to Monte Alban today. It is the most extensive ruin in Mexico. If you remember, Monte Alban is the place where they found the excellent gold and crystal carved pieces that were exhibited at the Chicago World's Fair and which are now on display in the National Museum at Mexico City. We have the head of the works with us today--the one who discovered all the relics. He took us into the tomb where the things were found and explained it all to us. He is a full-blood Zapoteca Indian; smart, has studied in Germany, and knows twenty different Indian dialects.

We also have visited an old hacienda. The old homes in this part of Mexico are all Colonial. All the buildings are. An earthquake hit the place a few years ago and nearly destroyed it. The evidences are all around.

"We have papaya, orange juice, bananas, mangoes and sapotes for breakfast. Then the finest eggs and coffee. ~~By~~ By the way, great fields of coffee can be seen in every direction from here; also fields of cocoa. Dates, figs, banana and coconut palms are on all sides, and the strangest flowers and flowering trees.

"This is the heart of the serape industry. I bought one and Pat two. They cost about four dollars each; we would have to pay from \$15 to \$25 for the same kind in New Mexico. I got a multi-colored one

for the home. I should have gotten several little ones for your mother's parties. Will tell you more about the trip when I see you."

A little more than a month after his return from Mexico, shortly after Christmas in 1936, Judge Cutlip became ill of a heart ailment. He was confined to his bed for several months, but returned to his court bench in the summer of 1937. Stricken again in the fall of that year, death came in a hospital at Wewoka--the town which credits him with being its principal builder--on January 24, 1938.

He was mourned by all Oklahoma, and the following editorial from the Daily Oklahoman, reprinted widely in state press, is typical of the expressions made on his death:

"The bench of Oklahoma lost one of its brightest ornaments when Judge Guy Cutlip died at Wewoka. And Oklahoma lost one of her worthiest citizens when the Seminole jurist passed out of life.

"The state had no judge who was more competent and efficient. His knowledge of the law was wide and accurate. He had a fine sense of the aloofness and dignity of the judicial position. He was a master of the world's best literature and possessed a rare measure of literary skill. In every sense he was prepared for service on the bench and in every respect he honored the position he held.

"It was a treat to spend an hour in the presence of Judge Cutlip. His genial courtesy and his abundant sense of humor made him a companion to be prized. When he had at his mental fingertips all of the riches of the old Seminole Nation's history. He knew all of its tragedies and its whimsicalities. he was an unexcelled imitator, and it was a joy to see ~~him~~ and hear him ~~imitate~~ ape some of the ludicrous characters of whom the old Seminole had its full share.

"Had Guy Cutlip been demagogic at all, he might have

It was during this period that he was elected president of of the Chamber of Commerce--the first Wewoka ever had--and he was kept in that post by popular demand for a decade. The reason is easy of explanation. As a public-spirited citizen he favored municipal improvements which some of his more conservative fellow-citizens, back in the early '20s, felt that the town could do without.

But he went ahead, shouldering some of the financial burden himself, an attitude that was justified and rewarded when the town became to focal point for an oil boom and mushroomed, in a comparatively short while, from a village of 1,200 to a city of more than 10,000 population.

He formed a law partnership with Thomas J. Horsley, but even his legal business, heavy as it was, failed to divert him from his two principal hobbies--reading and writing. He bought and went through new books as they came from the presses, books with a wide range of subjects, and usually he wrote his impressions in a terse and to-the-point review on the last page of the volume. At the time of his death he owned one of the finest private libraries in the state.

His favorite authors were Robert Ingersoll, Plutarch, Plato, the Bible, Bulwer Lytton, Benjamin Franklin and James Whitcomb Riley, and he often said that he believed Eugene Sue's "Wandering Jew" one of the finest of all books. He tempered his more serious reading, by way of relaxation, with western short stories in the so-called pulp magazines. On his reading table one could always find, perhaps side by side with a historical commentary or a treatise on philosophy, a stack of pulps ranging from Argosy and Adventure to Western Story and Dime Western. That fact helps explain in part his unusual genius in judging human nature. He read with the learned, the illiterate, the rich and the poor.

Such a thing, too, may help in some measure to explain his