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A HISTORY OF TEXAS COUNTY, OKLAHOMA

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A HISTORY OF TEXAS COUNTY, OKLAHOMA

by

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1930

Submitted to the Department of History  
Oklahoma Agricultural and Mechanical College  
In Partial Fulfillment of the Requirements

For the Degree of

MASTER OF ARTS

1939

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## PREFACE

Texas County, Oklahoma, the subject of this study, is the central county of three in the Panhandle of Oklahoma, that narrow neck of land extending some 167 miles westward from the main body of the state to the eastern boundary of New Mexico, between Texas on the south and Kansas and Colorado on the north. It lies in the valley of the upper North Canadian River, or the Beaver, as it is known locally. As counties go, it is quite large, being one-half of a degree of latitude in width and a little over a degree of longitude in length. It lies between  $36^{\circ} 30'$  and  $37^{\circ}$  north latitude and mostly between  $101^{\circ}$  and  $102^{\circ}$  west longitude.

The author's purpose in writing this thesis has been to depict the unique nature of its history which results largely from three facts: first, that its ownership has changed many times; second, that the circumstances of its settlement were perhaps different from those of any other region in the United States; and third, the peculiar nature of the problems that have confronted the people of that area during the years since the coming of territorial government and statehood for Oklahoma. Chapter I will deal with the early period before occupation by the white race, with special emphasis upon changes in ownership among Spain, France, Mexico, Texas, and the United States. Chapter II will take up the peculiar conditions of settlement. Chapter III will be concerned with the development of the area since settle-

ment was fairly complete.

Texas County itself was not differentiated from the remainder of what is known as the Panhandle of Oklahoma until statehood in 1907. Hence, it will be necessary to make little distinction between it and the Panhandle during the early part of the study.

The source material used in direct quotations is largely primary.

The author wishes to express sincere appreciation to the Library Staff of Oklahoma Agricultural and Mechanical College (especially to the Library's Document Section) for patient assistance; to Dr. T. H. Reynolds, Head of the History Department, for generosity in granting his time and in giving valuable guidance; and finally to Esther T. Shelton, the author's wife, for helpful suggestions and hours of tedious work in typing the original draft of this thesis.

Oklahoma Agricultural and  
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February 1, 1939

Chapter I  
Early History

The hope of riches first attracted the colonial Spaniards into the great plains country. Through stories brought into the headquarters of Coronado, then governor of a northern province of New Spain, by the shipwrecked de Vaca and Friar Marcos, there was developed a curiosity concerning the vast, unexplored region to the north and east. Accordingly, Coronado's expedition of the early 1540's set out with a view to finding the famed Seven Cities of Cibola. To the student of southwestern American history the story of the exploration is familiar: the finding of villages of Indians, probably the Zuni tribe, in western New Mexico, which must have been the famous "Seven Cities"; the further search for Quivira, which is thought to have led the explorer far into the heart of the Great Plains to northern Kansas;<sup>1</sup> and the return to New Spain in a state of disappointment. Although there were later attempts by the Spaniards to hold territory on the plains of present United States, it is likely that the failure of Coronado to find what the colonial Spaniard was usually eager to find had much to do with Spain's failure to found a lasting civilization on the plains. Hostility of the formidable plains tribes of Indians probably was also influential in forbidding the Spanish advance.<sup>2</sup> But in any

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<sup>1</sup> G. P. Winship, Fourteenth Annual Report of Bureau of Ethnology (Washington, 1896), 397.

<sup>2</sup> W. P. Webb, The Great Plains (Boston, 1931), 86.



case Coronado seems to have been the first European to gaze upon the boundless flat spaces that appeared as "deserts" to him, and upon that basis his mother country was the first European nation to have a fair claim to them. There is some evidence that on his return from Quivira his route lay directly across present Texas County, diagonally from northeast to southwest.<sup>3</sup>

As far as reenforcing its claim with settlements is concerned, Spain almost seems to have forfeited that claim to this land, so one may turn his attention to the dreams of empire of one of Spain's European rivals, France. La Salle made his famous journey down the Mississippi River in the year 1682, claiming what is now central United States in the following language:

In the name of . . . Louis the Great, I, this ninth day of April, one thousand six hundred eighty-two, . . . have taken . . . possession of this country of Louisiana, the seas, harbors, ports, bays, adjacent straits, and all the nations, peoples, provinces, cities, towns, villages, mines, minerals, fisheries, streams and rivers within the extent of the said Louisiana.<sup>4</sup>

The wording of this claim makes clear that the French had a good claim to Texas County, it being a part of the Mississippi drainage basin. The only remaining problem was to make Spain respect their ownership. As a result of frontier fighting in western Louisiana in 1718 and 1719 Spain had defeated

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<sup>3</sup> Winship, op. cit., 399.

<sup>4</sup> Francis Parkman, La Salle and the Discovery of the Great West (Boston, 1926), 236.

France sufficiently to prevent rather effectively the latter's advance south of Red River, although there is no treaty which definitely states this as a boundary.<sup>5</sup> This vaguely defined division between the two countries' holdings was far enough south to leave all western Oklahoma definitely in the French possessions. However, there is no record of the French making any more settlements here than had the Spanish; they were merely the owners of a vast piece of land of which they knew little. This state of affairs lasted for almost half a century, until at the close of the Seven Years' War France ceded to Spain all its holdings west of the Mississippi River.<sup>6</sup> Once again the Spanish title to the scene of this story was clear.

Little of lasting significance was done by the Spanish government in this part of Louisiana during this possession of it. As the years went by and the United States was established, the Spaniards came into conflict with the Americans in the area of the lower Mississippi Valley. They felt it was to their interest to prevent the United States from free use of the Mississippi for the purpose of transshipment of goods produced in the Ohio Valley and floated downstream. This difficulty was cleared up in 1795 by the Treaty of San Lorenzo, whereby the Americans were given for three years

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<sup>5</sup> M. L. Wardell, "History of No Man's Land," Chronicles of Oklahoma, I(1921), 62.

<sup>6</sup> R. G. Thwaites, The American Nation: A History (New York, 1905), VII, 281.

the privileges of deposit and transshipment at New Orleans.<sup>7</sup> Even after the expiration of that treaty the privileges were not denied, but there remained a delicate situation. While matters stood thus, rumors began to drift into the United States to the effect that Spain had ceded Louisiana back to France. It proved that the rumors were well grounded, since on October 1, 1800, that very cession had been made. The bounds of this cession were not mentioned. The only reference to that subject was that the territory should have

the same extent that it now has in the hands of Spain and had while in the possession of France.<sup>8</sup>

But it is still certain that that particular piece of the high plains in which we are interested was included in the exchange, so for a second time France was its possessor.

In the meantime Napoleon had come to the fore in France and was establishing a reputation for tireless energy, restless ambition, and greed for world power. It was felt that he would be more likely actually to do something with his North American property - settle it, make it into a strong colony, as Spain had not. In any event, Napoleon was crafty and aggressive, and there was no predicting what might come of French occupation of Louisiana. Spain had been relatively easily handled, but here was a more formidable neighbor. Furthermore, settlers were pushing westward faster and faster

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<sup>7</sup> W. M. Malloy, Treaties, Acts, Conventions, International Acts, Protocols and Agreements (Washington, 1910), II, 1849.

<sup>8</sup> Ibid., 506.

into the Ohio, Tennessee and Cumberland Valleys, and it was becoming correspondingly more and more urgent that the Mississippi should remain open to American commerce because of the Appalachian Mountain barrier to western commerce with the East. This urgency was further evidenced by intrigues whose purposes were varied; the establishment of Kentucky and Tennessee separate from the United States and Spain's gaining control of the Old Southwest were the most common objects of such plans. Consequently, President Jefferson sent commissioners to Paris to deal with the First Consul. A comparison of what they were authorized to do and what they actually did is irrelevant to this work. Suffice it to say that on April 30, 1803, these commissioners signed a treaty which made the United States larger by an amount equal almost to its original area as soon as the agreement should be properly ratified by the proper authorities in both countries. This ratification was accomplished soon, and in the autumn of the same year the American flag went up over the Cabildo at New Orleans.

Again one is curious as to whether Texas County was part of the cession, but a final settlement of that question was not to occur for almost two decades. In examining the treaty there is found only one mention of the extent of the land. That mention refers to the ambiguous wording of the Treaty of San Ildefonso of 1800, whereby France received Louisiana from Spain

with the same extent that it now has in the hands of

Spain and had while in the possession of France.<sup>9</sup> One is led to suspect that the commissioners may have been taking the easy way out of a bad situation, as it is evident that those boundaries were never defined during all the years that Louisiana was a pawn in the European chess game. When pressed by an American representative for a statement as to the exact boundaries, the wily French diplomat, Talleyrand, is said to have made a reply that indicated that he thought the Americans had made a noble bargain for themselves and supposed they would make the most of it.

During the ensuing period authority was sought diligently by both the Americans and the Spaniards for the most advantageous settlement possible. Some ardent expansionists on this side of the Atlantic convinced themselves that American acquisition included not only the Mississippi Valley but the Texas country as well. They based their contention on the language of La Salle's historic claim to Louisiana, in which he included the Gulf Coast as far as the River of the Palms, and the subsequent transfer of those claims to Spain, back to France, and thence to the United States.<sup>10</sup> In the meantime relations with Spain were growing more tense over its failure to preserve order in Florida along the southern border of the United States. This matter came to a head in 1817 in the much-discussed punitive expedition led

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<sup>9</sup> Malloy, op. cit., 509.

<sup>10</sup> Parkman, op. cit., 287.

by Andrew Jackson. Whether or not this expedition had the sanction of President Madison, it seems to have formed the chief basis for American claims to Florida in the following negotiations. By the resulting Treaty of Washington, 1819, Spain signed over Florida to the United States in return for the United States government's taking over claims of American citizens against the Spanish government to the extent of some five million dollars.<sup>11</sup> As a further inducement to the graceful surrender of Florida a settlement of the western boundary of Louisiana was made, by which a substantial amount of territory claimed by the most eager American statesmen was relinquished. The boundary set up began at the mouth of the Sabine River, went up that stream to its intersection with the thirty-second parallel of north latitude, thence due north to the Red River, thence up the south side of that stream to the one hundredth meridian of west longitude, thence north to the Arkansas River, thence up that stream to its source, thence due north to the forty-second parallel of north latitude.<sup>12</sup> This definitely threw Texas County back into the domain of Spain, as all of the Oklahoma Panhandle lies west of the one hundredth meridian. It can still be claimed rightfully that the United States surrendered territory which had formerly been part of Louisiana, since the above definition clearly excluded part of the

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<sup>11</sup> Malloy, op. cit., 1652, 1653.

<sup>12</sup> Ibid., 1652.

Mississippi drainage basin, and La Salle's proclamation of 1682 just as clearly included all off that basin. Therefore, the Louisiana which was ceded to Spain by France in 1763, that which was ceded to France by Spain in 1800, and that which was sold to the United States by France in 1803 was more inclusive than that defined in 1819 by the Treaty of Washington.<sup>13</sup>

This time Spain was destined to keep her oft-tossed-about possession for only a short while, as her territory of New Spain soon revolted and set up its independence, eventually becoming the Republic of Mexico, 1824, with the same extent as the former vice-royalty of New Spain.<sup>14</sup> That included all Spanish possessions north of Central America.

Mexico, in turn, was the owner of the upper North Canadian River only for a short time. In the early 1820's American citizens began to colonize the Texas country lying to the west of the Sabine River. This colonization was at first encouraged by the Spanish authorities and later was encouraged by Mexican authorities, but it perhaps went farther than they expected. Two grievances began to rankle in the hearts of the Texans by the time of the later 1820's: the prohibition by the Mexican government of slave-holding anywhere in Mexico, and the arbitrary joining of Texas to Coahuila for governmental purposes, ostensibly to prevent

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<sup>13</sup> Malloy, op. cit., 1652.

<sup>14</sup> F. N. Thorpe, Federal and State Constitutions (Washington, 1909), III, 3475.

the numerous Americans from outnumbering the Mexicans in Texas and controlling the state.

These complaints, plus the coming to power in Mexico of the autocratic Santa Anna, impelled the Texans to seek their independence. It was during the ensuing war that those events occurred at the Alamo and San Jacinto which have given the people of Texas feelings different perhaps from those of the people of any other state in the union; feelings of nationalism and pride in military achievement comparable to those of the American people resulting from such stirring victories as Trenton, Saratoga, and Yorktown. Texas independence was finally achieved in 1836, but there remained a bitter controversy over the exact nature of the boundary separating it from Mexico. The Texans claimed all land south and west of 42° north latitude between the western boundary of the Louisiana Purchase as defined in the Treaty of Washington of 1819 and a western boundary composed of the Rio Grande and a line drawn due north from its source.<sup>15</sup> Mexico claimed that this was more land than was included in Texas during its period as part of the Republic of Mexico and accordingly attempted to restrict the western edge to a line drawn up the Nueces River, thence zig-zagging northward, in general along the one hundredth meridian, to a point on the Red River slightly east of the meridian.<sup>16</sup> If the Mexican

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<sup>15</sup> R. M. McElroy, Winning of the Far West (New York, 1919), 132.

<sup>16</sup> Ibid., 132; also map inside front cover.



point of view had prevailed, the upper valley of the Beaver would have remained outside the realm of the United States, but that was not to be.

In a land peopled so largely by Americans, it was only natural for agitation for annexation to the United States to begin and to increase. Political circumstances in the United States postponed annexation past the time when the Texans were more than willing to become a state in the Union, but finally, on March 1, 1845, as one of the last acts of the Tyler administration, Texas entered the union by joint resolution of Congress.<sup>17</sup> According to the terms of the annexation, the national government was to take up with Mexico the still unsettled boundary controversy. This became the principal cause of the Mexican War, which was brought to a swift conclusion in the Treaty of Guadalupe-Hidalgo, February 2, 1848. By this treaty the Rio Grande boundary claim of Texas was recognized, although for this story that matters little, since by the same treaty the United States took from Mexico all of the present continental domain south of 42° and west of the Louisiana Purchase (save the small lower portions of Arizona and New Mexico acquired some five years later as the Gadsden Purchase) in exchange for the payment of fifteen million dollars and the assumption of American claims against Mexico.<sup>18</sup>

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<sup>17</sup> U. S. Statutes at Large, V, 798.

<sup>18</sup> Malloy, *op. cit.*, I, 1110, 1113.

Some qualification of the above statement is necessary. As far as American possession of Texas County was concerned, the Treaty of Guadalupe-Hidalgo made sure that it would be American, but if the western boundary of Texas had not been recognized as the Rio Grande, the later fate of this little piece of land perhaps would have been much different. That, in turn, requires some explanation. There arose a heated controversy as to what should be done with Texas, whether it should be allowed to remain so enormous or should be reduced to enable the territory of New Mexico to remain more or less the same in extent as it previously had been. The final settlement of this matter was one of the Congressional enactments which are known collectively as the Compromise of 1850. The western boundary of the state was defined as a line drawn from the Rio Grande eastward along the thirty-second parallel of north latitude to its intersection with the one hundred and third meridian of west longitude, thence north to  $36^{\circ} 30'$ , thence east to the one hundredth meridian.<sup>19</sup> The line of  $36^{\circ} 30'$  was used as the northern limit of the Texas Panhandle because Texas was to be a slave state and the old Missouri Compromise line was still being respected. This enactment marks the southern boundary of Texas County, Oklahoma, today, and the eastern boundary of the area within which it lies had been set up as the one hundredth meridian in 1819 by the Treaty of Washington. With those facts now established, one may now proceed to the determination of the

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<sup>19</sup> Stat., IX, 446.

remainder of the boundaries of the Public Land Strip, as Oklahoma's Panhandle came to be known shortly after the War between the States.

The portion of the Compromise of 1850 which created the Territory of New Mexico defined its eastern boundary as the one hundred and third meridian.<sup>20</sup> This left the subject of this discussion cradled between New Mexico Territory on the west, the State of Texas on the south, and the Indian country on the east. The northern limit only remains.

The greater part of that limit was determined by the Kansas-Nebraska Act of 1854, creating the Territories of Kansas and Nebraska. That act established the southern boundary of Kansas Territory at  $37^{\circ}$ ,<sup>21</sup> so that our Public Land Strip was bounded on the north by that parallel as far west as Kansas extended ( $102^{\circ}$ ). It would appear that the most logical thing to do about the south Kansas line would be to let it lie on  $36^{\circ} 30'$ , and so it was planned originally, but such a line would have divided the Cherokee Nation. Therefore, it was moved one-half degree northward to the dividing line between the Cherokees and the Osages. This was well and good for the land lying west to the one hundredth meridian but does not account for the failure to include the Public Land Strip below  $37^{\circ}$  and west of  $100^{\circ}$  in Kansas. That was left off because the official maps up to that time were including it in Indian Territory. The Cherokees were granted

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<sup>20</sup> Stat., IX, 447.

<sup>21</sup> Thorpe, op. cit., II, 1169.

in 1828 a perpetual outlet westward to hunting grounds as far west as the sovereignty of the United States and their right of soil extend.<sup>22</sup>

Pertinent also is a statement made by the Commissioner of the General Land Office in January, 1886, to the Chairman of the Committee on Territories of the United States Senate:

It appears that the Cherokees claimed the Public Land Strip, now so called, as the outlet above mentioned, and the official maps down to 1869 or later designated said strip as a part of the Indian Territory, I have not found in the records of this office any expressed reason why this strip was so designated on the maps, nor why that designation was changed upon maps published after 1869.

In a letter from this office, dated September 25, 1882, addressed to Mr. W. A. Starr, Oswego, Kansas, it is stated that as the jurisdiction of the United States at the date of the treaties of 1828, 1833, and 1835 extended only to the hundredth meridian, no subsequent acquisition of territory by the United States could extend the rights of the Cherokee Nation beyond that limit.<sup>23</sup>

Then in 1861 when Colorado Territory was organized, the fact that this strip of land overlapped that territory on the southeast corner to the extent of some fifty-five miles was ignored, and Colorado's southern boundary from the point of intersection of her western with the thirty-seventh parallel was settled by the brief statement,

thence along the 37th parallel of North Latitude to the place of beginning (at 103° West Longitude).<sup>24</sup>

Thus an area some 167 miles long and 34½ miles wide, containing over three and one-half million acres, or enough land

<sup>22</sup> Stat., VII, 312.

<sup>23</sup> Senate Report, No. 353, 50 Cong., 1. sess.

<sup>24</sup> Stat., XII, 172.

for 23,000 farms of 160 acres each, was completely orphaned. It was owned by the United States, but it was ignored. There was no provision for settlers to come in and make homes for themselves, as there was a comparatively short distance away, any direction fancy might take one. There was no representation of this spot in any legislature - state, territorial, or national; no executive could enforce the laws of the Nation or any state, because no court in the land had jurisdiction which extended over it. It was truly, as it soon came to be called, a "No Man's Land." To the south lay slave-holding Texas with its broad expanses of cotton plantations and its still broader expanses of plains sparsely peopled by the cattlemen; to the north lay "bleeding Kansas," with its myriad small farms in the possession of homesteaders and with its bitter contest over slavery, the free-state people winning out; to the west, the remnants of that Spanish-American culture in New Mexico where life was more leisurely - the land of "manana"; while to the east stood the American Indian, tragic character, on the last spot of ground that he could call his own.

Mr. H. B. Kelly, in an address before the Kansas State Historical Association February 11, 1889, quite dramatically described the situation of this derelict bit of land. Of it he said, in part:

Adjoining it on the north lay the territory, the creation of which inaugurated the final conflict between freedom and slavery, Northern enterprise and freedom holding possession. Spanish-Mexican civilization, in its slow march from the Pacific coast

eastward, here met Anglo-American civilization in its rapid march westward from the Atlantic coast. Jamestown slavery and Southern civilization coming up to the south of this tract of land, were confronted by Plymouth freedom and Northern civilization on its northern boundary. On the east, standing upon all that remained to him of a continent, the Indian had come, a mute and helpless witness of the conflict between the despoilers of his home. He saw the last two states admitted to the Union prior to the war for slavery, Kansas and Texas, representing freedom and slavery, drawn up in hostile attitude and separated only by this neutral land, claimed by no man. He saw here the near coming together, separated only by this little neutral strip, of the civilization of northern and southern Europe as it had grown upon American soil since its planting by the Puritans and Cortez. He saw the Catholicism of Spain here meet the Protestantism of England. Standing north and south of this strip, he saw American freedom and American slavery; behind the one the National idea, behind the other State Sovereignty.<sup>25</sup>

This was truly the meeting place of most of the widely divergent elements of American civilization.

Thus far has been seen the results in the ownership of the territory in question of the workings of international diplomacy. Very briefly has been traced something over three centuries of the possession of the scene of this plot, but at no time has mention of extensive settlements being made been observed. There was virtually no settlement in this immediate vicinity until the later 1870's and the early 1880's. It shall be the purpose of the next chapter to account for the development of the region as a place of Caucasian habitation.

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<sup>25</sup> Kansas Historical Collections (Topeka, 1890), IV, 327.

## Chapter II

### The Coming of the Cattlemen and Farmers

We may turn now to the settlement of the valley of the Beaver, first by the cattlemen and later by the farmers, showing something of the conflict which inevitably accompanied their rivalry for the land as it accompanied similar rivalry wherever the two classes came into contact on the plains area.

In many respects this land could be called a paradise for the cattleman, largely because the unwelcome nester had not, as late as the early 1880's, begun to arrive. Furthermore, judging by the policy of the government, and by the flora, precipitation, and climate of the region, it appeared likely that he would not put in his appearance for quite some time in the future. A word more about the factors which seemed to be conspiring in favor of the stockmen is necessary.

This region lies wholly west of the one hundredth meridian, which has been demonstrated by the weather records which have been kept since the period in question to mark roughly the dividing line between twenty or more inches of precipitation on the east and less than twenty on the west. Since the development of "dry farming" methods such land has been shown to have some use agriculturally, but at that time American experience had not yet included farming under semi-arid conditions, so such methods were unknown and the cowmen felt safe.

During the spread of the frontier across the country,

there remained somewhat of the prejudice against treeless plains which was born of the "Great American Desert" tradition which the plains had inherited from the exploration and writing of such persons as Coronado, Lewis and Clark, and Long. Most of the migrating farmers felt that land which grew only grass should be shunned. As a rule the emigrants looked upon the plains as a burden to be borne, a place to get across as quickly as possible in the trek to Oregon and California. Avoidance of it because they thought it was too poorly watered or that the soil was poor is irrelevant; the fact remains that they preferred something else long enough for the cattlemen to get a strong foothold in the high plains country. The fine buffalo grass which the farmers were not interested in was the very factor which encouraged the stockmen. Old-time residents today report that the grass when they came there was easily sufficient in amount and nutritive value to winter their stock; the only reason for purchasing or raising any forage stuff whatever was to take care of the stock in case of the coming of a bad blizzard - a rare occurrence. Also, there was no longer any fear of the tomahawk and scalping knife, as the Indians had been subdued and most of them segregated.

With the fulfilment of the above-named conditions - good grass, mild climate, and absence of nesters and Indians - there needs to be some explanation of why the cattlemen stayed out until the later 1870's and 1880's. One such reason may have been the belief held by many, even into the



1880's, that this was part of the domain of the Cherokees. The opinion appears so untenable today as to make one wonder why people accepted it then, but the people most vitally interested in new land were ordinarily the ones least versed in treaties and legal opinions. Besides, up to this period there had been no great demand for this particular area; dense settlement had not approached its borders, so there was little incentive to look into the status of the territory.

But "nature abhors a vacuum," and as the cattle industry recovered from the panic of 1873, a boom was in the making which caused every available bit of land to be taken up, even though rumor might indicate shadowy Indian claims to it. One writer has this to say of the causes of the boom:

There were many contributing factors to explain the boom . . . Often an explanation of a historical event involves more than the sum of the factors that go to create the event. To get the proper perspective on what happened to the range cattle industry, we must make use of imagination. Here in the heart of America was a vast expanse of grassland from which the Indians and buffalo had just been driven. On this land the use of grass and water was at first free to all. The grass would produce cattle with little expense and, in the popular estimation, with less work. So cattle prices rose steadily; there was a market for all that could be raised; and besides these incentives, there was something fascinating about a ranch, about riding over the green pastures on spirited horses and watching a fortune grow. It was generally conceded that the Western ranchmen and cowboys were a rough set; but they took life, hard enough in itself, with a zest that made it look attractive to the outsider. To be a cowboy was adventure; to be a ranchman was to be a king. Furthermore, it would not do to wait. The land was being taken up; soon it would be too late to "get in" on this good thing. Besides, Horace Greeley had said, "Go West." Men went west. Any attempt to explain a boom or a panic fails in that we cannot weigh the irrational factor, the contagion which spreads from

one member of the group to another, until the whole is caught up in a frenzy of buying and selling. Yet we must seek explanations in the tangible things, realizing at the same time that the intangible factor is dominant.<sup>1</sup>

The coming of the cattle industry to the Public Land Strip was part of that feverish expansion of it throughout the plains area.

Of course, accuracy was and is impossible, but one estimate places the number of cattle in the panhandle country (both Texas and Oklahoma) in the autumn of 1883 at one million.<sup>2</sup> Local conditions during recent years had been excellent; the grass was good; water was plentiful; winters had been mild (causing only slight losses to be sustained). It was during this time that great amounts of capital were being poured into the United States' ranching industry from abroad; there was a rising demand and a steady market. It was said of the cattle that

it cost little to get them, nothing to keep them, and every 'cow brute' that lived to maturity was just so much clear gain.<sup>3</sup>

It indeed appeared that the future of the industry was promising, but in looking back one can see that these men were riding for a fall. Circumstances over which they had no control were foredooming them to failure or to the necessity of the exercise of considerable foresight and the ability and courage to adapt themselves to changing conditions.

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<sup>1</sup> Webb, op. cit., 233.

<sup>2</sup> I. S. Drummond, in Barde Collection (unpublished), Oklahoma Historical Society.

<sup>3</sup> Ibid.

The first of the above circumstances was the terrible blizzard of the winter of 1883-1884. Panhandle ranchmen had built great drift fences in a westerly direction from the west end of Indian Territory to the eastern part of New Mexico Territory in two different places. The most northern one of these was located a few miles south of the northern boundary of the Texas Panhandle, and the other was near the Canadian River. The fences had been constructed to prevent the range users' stock from drifting so far as to entail great trouble and expense when round-up time came, but they were to prove the undoing of many of their builders. A blizzard of proportions never seen by even the earliest comers swept down over the plains, and the unfortunate stock, having no man-made shelter nor any provided by nature, drifted blindly with it. When they reached the first drift fence, they perished trying to get through it or were trampled to death by later arrivals. Some survivors managed to cross the first fence over the piled-up bodies of the dead stock, only to meet the same obstacle again many miles south. So completely did the elements clear the range that absolute ruin resulted for many of the operators. The case is told of one young ranchman who had started out poor but was beginning to approach the status of full-fledged ranchman. He had some eighteen hundred head of stock in the fall of 1883, but his herd numbered only slightly over fifty the following spring.<sup>4</sup>

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<sup>4</sup> Drummond, op. cit.

Diligent search over thousands of square miles was necessary to find what stock had been fortunate enough to weather the storm. This one incident put many of the ranchers out of the business, and there was a considerable struggle experienced by the remainder. Those who managed to survive were faced soon by another problem even more formidable, namely, the collapse of the boom mentioned above.

As in the case of the boom itself, so in its collapse it is difficult to assess responsibility. A number of conditions in existence by 1885, however, played their part. In the first place, several railways had built across or into the plains area and were laying out towns and booming them in the hope of thereby receiving revenue from two sources - the sale of bounty lands and the use of the railway itself. Also, eastern United States was becoming more and more crowded; farmers were pushing farther into the cow country, barbed wire helping them to enclose their holdings against their neighbors' stock. This enclosure helped bring on the enclosure also of certain of the ranges, the range "owners" becoming panicky and fearing that the free range would not last. Besides all this, money in the nation as a whole was plentiful and was seeking an outlet for investment. All things seemed to be pointing toward a climax of some kind. Either rancing might become overdone or the approach of the farmers might spell the end for the range. Those two developments were equally fear-inspiring to the cattlemen. As it worked out, the former disaster struck first. The range was

becoming overstocked; free grass was rapidly going under fence; "range rights" proved, in the face of the law of Congress of February 25, 1885,<sup>5</sup> to be fictitious; prices weakened in 1884 and fell to the bottom in 1885, under the burden of hordes of "fair weather" cattlemen hastening to "get out from under" before they lost their fortunes. It was a terrible experience for all the stockmen, perhaps even worse for those who had been in the business for years than for those who were in for speculative purposes. At least, popular sympathy was more with them. Conditions became so bad as to warrant a senatorial investigation in Washington.

Another circumstance which caused the cattlemen more or less trouble was their contact with south Texas cattle which were being trailed north to the northern ranges. The pan-handle ranchers shared the fears of the more northerly ones of Texas fever and sought to restrict passage of the Texas stock through their neighborhood. Nimmo speaks of the proposal in Congress, February, 1885, to create a National Cattle Trail which would lead from Texas northward through western Indian Territory, crossing the one hundredth meridian at the east end of the Public Land Strip, thence following westward nearly the full length of the strip to the southeast corner of Colorado, thence to the northern ranges, where thousands of cattle were taken annually for fattening. It was the naive belief of the backers of this plan in Congress that the scarcity of water for the stock along the way could

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<sup>5</sup> Stat., XXIII, 321.

be counteracted by the drilling of occasional artesian wells.<sup>6</sup> The official creation of such a trail was forestalled by stringent quarantine laws against the south Texas cattle by the States of Colorado and Kansas in early 1885,<sup>7</sup> but before there was effective stoppage of this traffic a locally notorious incident resulted from it. R. B. Quinn gives an interesting account of it. He says in part:

In the earlier attempts to trail cattle through this county the cattle entered from the east end, and Colonel Jack Hardesty and other pioneer cowmen of this section attempted to prevent the southern stock from passing through this locality on account of the Texas fever, and it brought on what is known as the "Jack Hardesty War". The colonel hired a lot of fighting men and located them at the east end of original Beaver County with instructions to stop all southern cattle. The method was successful only temporarily as the Texas men took the matter up with Washington authorities and orders came to break the blockade, and when it became evident that the authorities would probably send soldiers to enforce the order the Hardesty warriors abandoned the field. The "Jack Hardesty War" is almost a forgotten incident among the old timers, yet many of the old time cow-punchers were in that "army".<sup>8</sup>

Another factor affecting the cattlemen was the opening in 1884 of Indian lands in southwestern Kansas, adjoining the Public Land Strip on the north.<sup>9</sup> Huge numbers of homesteaders flocked to the locality. In fact, so many came that there was not land enough to go around. The class of

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<sup>6</sup> House Executive Document, No. 7, Part III, 48 Cong., 2 sess., 121.

<sup>7</sup> Ibid., 121.

<sup>8</sup> "The Old National Cow Trail," Guymon Herald, April 30, 1908.

<sup>9</sup> Drummond, op. cit.

people ordinarily migrating under such conditions to take advantage of the Homestead Law was of course composed of those hard pressed for resources to go back whence they came in case they were unable to get a claim. Consequently, in the fall of 1885 official Washington authorized such unfortunates to go over into the Public Land Strip,<sup>10</sup> promising them that before long they would be allowed to file on homesteads in that hitherto forgotten land. The struggle of those farmers to get that pledge redeemed is in itself a long story whose teeling must be postponed. Just now, it must be remarked that the coming of this new element, with the semi-official sanction of the national government caused no end of apprehension among the ranchmen. Here indeed was "the handwriting on the wall." It had been the historic policy of our government to favor the homesteader at the expense of the ranchman. Slowly but irresistibly the farmers had been creeping westward over the plains, with scarcely a sign that Congress recognized that a time would come when this advance would reach into a semi-arid region where, barring good fortune in the shape of unusually wet years, a farmer would be very hard-pressed to make a decent living from a meager quarter-section. (The Timber Culture Act of 1877 was visionary compromise with this condition,<sup>11</sup> but it was unsatisfactory and was repealed after eight years). The cattlemen were sure that they could see the folly of the

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<sup>10</sup> Drummond, op. cit.

<sup>11</sup> Stat., XX, 113.

government policy of encouraging the homesteaders to come out and struggle with nature on a mere one hundred sixty acres, but there was little or nothing that they could do about it - little or nothing they could do to protect their rights in a land that after all was not theirs but that seemed to offer them their only hope of livelihood. Their condition was made hopeless by the fact that no matter how vociferous they became they would not be heeded. After all, they were, nationally speaking, only a small minority. Furthermore, they were western minority, and many times the voice of the West could not make itself heard as far away as Washington. Besides, legally speaking, their rights to the land were at best nebulous - much less secure than those of squatters had been for a generation or two. At this point, February 25, 1885, Congress still further showed its favoritism for the settler at the expense of the rancher by making it illegal for anyone to construct fences enclosing public land.<sup>12</sup> Many of the ranchmen were embittered and tried to hang on in the face of great odds. Some of the more fortunate or more capable were successful in doing so, and prosperous ranches today attest the fact. Others were forced out and left the country, to try elsewhere. Still others were willing and capable of adapting themselves to other callings and have continued to be influential characters in the life of the county.

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<sup>12</sup> Stat., XXIII, 321.



The nature of the relations between the ranchmen and their new neighbors was indeed varied. A common impression is that they were constantly at swords points, and there is at least some evidence to support that contention. One David D. Collins settled in 1885 in the extreme northwest corner of the strip and was immediately subjected to various types of irritation and indignity. His cowman neighbors threatened him, cut his fences, and, what was worse, would have no dealings with him. He could neither buy from them nor sell to them; all of his dealings were of necessity with merchants of Trinidad, Colorado, which was some one hundred fifty miles away, even "as the crow flies." The hardships he describes are difficult to imagine, but a most interesting development is the fact that according to Collins' writings some twenty-five years later he held no rancor over his experiences of the 1880's. Those same men became his friends and associates in business, church, and social functions. He recognized that the ranchers had been using the only method of protecting their tenure, short of actual violence, which was at their disposal, because

they knew that if I stayed there would be others come and they would have to leave.<sup>13</sup>

However, according to some other of the early comers, a truer picture of the period would show many of the homesteaders being treated with the greatest of consideration by the cattlemen. Their contention is that most of the stockmen

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<sup>13</sup> David D. Collins, in Barde Collection.

were by nature hospitable, and, what has been more to the point, they recognized that the law was on the side of the nesters and that they were certain to stay and be the permanent associates of the ranchers, so they might as well be neighborly. During the seemingly interminable time between the arrival of the farmers and their first opportunity to file on the land on which they were squatting, many of them spent months on end in a condition bordering on absolute destitution, and evidently the compassion of the more fortunate ranchers was all that saved many of them from great want or the necessity of leaving the country.

It has been shown above that the first settlers arrived as a result of the overflow from southwest Kansas in 1885. In 1886, when L. Q. C. Lamar, Secretary of the Interior, was asked about the status of the land and settlers' rights, he said it was "public domain, and subject to 'squatter's rights.'"<sup>14</sup> This was still further encouragement, and people came in ever larger numbers. Another factor largely responsible for the rapid filling up of the country in 1886 was the laying out of a townsite on the banks of the Beaver where the old Jones and Plummer cattle trail to Dodge City crossed it. There had been a trading post there for some time, operated by one Jim Lane, but no town developed until some enterprising promoters in Wichita, Kansas, some two hundred

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<sup>14</sup> Wardell, op. cit., 83.

miles away, saw the possibilities of booming a townsite.<sup>15</sup> Their surveyor arrived in the spring of 1886 and laid out a site of over six hundred acres. The next step was to advertise the place and its wonderful opportunities. This was done with all thoroughness by flooding surrounding newspapers with stories of the riches of the newly discovered government land. Upon investigation, the company discovered that the strip had not been surveyed, so it was impossible for it to sell any lots in "Beaver City," as the place was to be called, but this was not discovered by prospective purchasers until they arrived on the scene. However, there were high hopes for the immediate survey and opening of the country to filing, so many, perhaps most, of them stayed. And Beaver City boomed.

Another factor not yet discussed which helped bring settlers in to the strip was the part played by the prospectuses distributed by the railroad which was approaching across southwestern Kansas. The Chicago, Rock Island, and Pacific Railway reached Liberal, Kansas, some three miles beyond Texas County's northern boundary, in 1887. It was customary for railway companies to conduct missionary campaigns over a wide area to encourage the coming of prospective purchasers of lands which a bountiful government had bestowed on the roads. Such purchasers would, of course, also become the railways' customers. It was evidently to their interest

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<sup>15</sup> John R. Spears, "The Story of No Man's Land," in Barde Collection.

to make the accounts published as glowing as possible. Although, for obvious reasons, such literature is very difficult to find today, it is a certainty, judging by the outspoken comment of ranchers and ex-ranchers of the period who remain there today, that it presented no less than the truth concerning the new country. Those persons appear to feel something of resentment that the railroad would exaggerate the virtues of the new land, but perhaps they are allowing their experiences of later years to color their opinion of the affairs of the earlier period. The point to be made is this: according to the best figures available, the average annual precipitation during the years from 1880 to 1887, inclusive, must have been in the neighborhood of twenty-five inches.<sup>16</sup> In any case, those years constituted one of the "wet cycles" that occasionally come to the great plains, building high the hopes of the residents, only to be followed, usually, by an equally long cycle of dry years. The efforts of the railroad to interest settlers came close upon the heels of such a period of productiveness, and, viewed in that light, may not have exaggerated prospects greatly. Looking backward today, probably most of the residents of the high plains would express the opinion that farmer settlement has been overdone, but, if in the late 1880's the Valley of the Beaver was not actually a budding paradise, it certainly was a land of opportunity.

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<sup>16</sup> Peter Wood, U. S. Weather Observer, Amarillo, Texas, in Guymon Herald, XXI, No. 28.

But the bright prospects of the early 1880's did not continue. Rainfall dropped far below the recent average during the period from 1888 to 1894, inclusive. That, in itself, would have been enough to dishearten the recent arrivals, but there was the further disappointment of the government's being exasperatingly slow in redeeming its pledge to allow homestead filing. These people were virtually without cash, and, of course, they were without credit, since they had no land that they could mortgage. Therefore, it was to them a matter of the greatest urgency for the government to take the action that it had promised; its failure to do so reduced many of the people to the verge of starvation and to the necessity of relying upon whatever assistance they could obtain from any neighbors they might have who were more fortunate, especially the cattlemen. During this interval of anxious waiting the men folks of the families would ordinarily go wherever there were prospects of any kind of employment, even though such a search took them many miles away. In the frequent interludes between remunerative employment, one of the most common means of eking out an existence was to search the plains for the bones of cattle and buffalo which had perished during the previous years and for which bones there was a market at Dodge City. The price paid was so small as to make the effort appear to this generation hardly worth while, but it was just that much more than nothing, and nothing was very little less than many of those families would have had had they been deprived of this

income. It is reported that a wagon load of bones would bring about eleven dollars and would require about that many days to collect.<sup>17</sup>

A phase of this period which must not be passed over is the part played by the homesteader's wife. Her share is one that is difficult to describe, yet it is strangely one that can easily be over-idealized because of hardships borne with apparent equanimity. Miss Maude O. Thomas has paid fitting tribute to "the heroic wife and mother who helped 'hold down the claim.'"<sup>18</sup> Elsewhere one is asked to

picture the desolation, the monotony, the loneliness, the deferred hopes that presented themselves day after day, week after week, to the woman on the claim - out there on the broad prairie - not a tree, a shrub or a flower in sight; huddled with her lonesome little brood in a sod house a full half mile from the nearest sign of life or human habitation. There is perhaps no family cow, no chickens, no highway with its passing wagons, no team of horses in sight, for that has gone with its owner with a load of bones or in search of work; no knowledge of when owner and team will return, no daily mail to bring her the news from the outside world, no telephone by means of which she might converse with a neighbor, no cloth for making garments to replace the rapidly disappearing ones on the children, no physician within many miles of the domicile to summon in case of sickness, and all the while a blazing sun beating down on the dry buffalo grass - these were things that made the heart sick.<sup>19</sup>

Another vivid picture of the effect on the women folk of the routine of life on the plains is given by Webb:

The loneliness which women endured on the Great

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<sup>17</sup> E. E. Brown, "No Man's Land," Chronicles of Oklahoma, IV (1926), 90.

<sup>18</sup> Address before Oklahoma Historical Society, April, 1936.

<sup>19</sup> George Rainey, No Man's Land (Guthrie, 1937), 130, 131.

Plains must have been such as to crush the soul, provided one did not meet the isolation with an adventurous spirit. . . . The early conditions on the Plains precluded the little luxuries that women love and that are so necessary to them. Imagine a sensitive woman set down on an arid plain to live in a dugout or a pole pen with a dirt floor, without furniture, music, or pictures, with the bare necessities of life! No trees or shrubbery or flowers, little water, plenty of sand and high wind. The wind alone drove some to the verge of insanity and caused others to migrate in time to avert the tragedy.<sup>20</sup>

Three phases of the struggle for existence during this time are interestingly shown in the following anonymous bit:

Picking up bones to keep from starving,  
 Picking up chips to keep from freezing,  
 Picking up courage to keep from leaving -  
 'Way out west, in No Man's Land.

It took very little of the kind of life described above to cause the population to attempt to do something for itself in the matter of government. Just how much they hoped to accomplish is problematic, but it is evident that there were hopes that if their attempt at self-government did not succeed in itself it might have the beneficial effect of attracting some favorable attention in Washington. Accordingly, late in 1886 a meeting was held at Beaver City, from which was issued a call for a general election to be held February 22, 1887. At this election six councilmen were elected, to meet the following March 4. This council immediately set about the creation of a territorial government for "Cimarron Territory," deriving the name from the fact that the upper Cimarron River flows across its northwest

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<sup>20</sup> Webb, op. cit., 506.

corner. A legislative branch was cared for by the creation of an upper house of nine senators and a lower house, or council, composed of fourteen delegates. There was no record of this council's concerning itself with the establishment of either an executive or a judiciary, an oversight which, of course, made the creation of the legislative branch pure folly. This group issued a call for another general election to be held in November, 1887, to elect membership to the legislature. This done, the council proceeded to pass some laws itself, chief of which was one having to do with the regulation of marriage. It is interesting to note that even at such an early stage of development, with such a rudimentary form of government, "politics," as the term is popularly used, was played. As an indication of that, one may note that in the first general election, held February 22, 1887, there was a great deal of non-cooperation in the outlying districts. In places any great distance from Beaver City little attention was paid to the fact that an election was supposed to be held, and certain districts failed to send delegates. One writer<sup>21</sup> reported this as due to envy of the leadership of Beaver City in the organization of the territory. Another incident between whose lines "politics" can be read is the fact that there were three senatorial districts, each of which elected one senator, leaving six senators to be elected at large; also, there were seven dele-

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<sup>21</sup> Spears, op. cit.



gate districts, each electing a delegate, leaving seven to be elected at large. Since the population was much more dense in the eastern end of the territory, it is at once evident that Beaver City and its environs could control legislation. This could be used as a rather amusing embryonic instance of the sectional divergence which has been common to American life throughout its spread across the continent; mutual jealousy between the densely and sparsely populated regions, mutual suspicions between the propertied and the propertyless, the East and the West.

The territorial legislature elected in the fall of 1887 met later that year and blithely proceeded to enact "laws." An official seal had been devised, and a territorial delegate, O. G. Chase, had been sent to Congress. Mr. Chase presented his credentials, properly adorned by the territorial seal, to Congress in December, 1887, and stood by to await developments. His cause was championed by William M. Springer of Illinois, Chairman of the House Committee on Territories, who moved the reference of the matter to the Committee on Territories and the extension to Chase of the privileges of the floor pending the final decision of the committee. The first part of his recommendation elicited little comment, but on the latter part there was considerable discussion. Representative Jackson of Pennsylvania remarked upon the anomaly of having a "territorial delegate" with privileges of other territorial delegates but representing no actual terri-

tory.<sup>22</sup> Such a condition was considered so irregular by the House as to warrant the tabling of the whole affair, December 12, 1887.<sup>23</sup> There is no record of the removal of the matter from the table. By Representative Springer's remark in Congress January 25, 1888,<sup>24</sup> the student is introduced to the fact that there were two contesting delegates from Cimarron Territory. This peculiar state of affairs existed because one J. E. Dale claimed to have been the rightfully elected delegate. The basis for his claim was that the number of votes cast in certain communities exceeded the population; hence, the election was presumably the result of activity of a ring headed by Chase. The appearance of a second delegate from a "territory" that Congressmen knew they had never created and whose name they could not find on the maps only served to make more certain Congressional refusal of the seating of any delegate.

Before turning from the ill-starred attempt of Cimarron Territory to crash the gates of Congress some attention to the work of its legislature may be of interest. Aside from the marriage laws referred to above, divorce laws were passed. Two road overseer's laws were also passed, although they never became operative. Property tax and poll tax laws were also enacted, and to illustrate the height of the ambition

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<sup>22</sup> Congressional Record, 50 Cong., 1 sess., 38-40.

<sup>23</sup> Ibid., 40.

<sup>24</sup> Ibid., 718.

of the group one finds the enactment of a law of ten sections dealing with the regulation of corporations<sup>25</sup> - all these, of course, without any prospects of the enforcement of any of them, due to the lack of executive and judicial branches of government. Whether the council had no hope of its laws' being obeyed or simply blindly expected that the passage of a law would solve a problem is not indicated, but there is evidence that the latter belief is a fairly widespread American failing.<sup>26</sup> The territorial council must be given credit for at least one idea of comparative soundness; it adopted the statutes of the State of Colorado for the government of the territory. Under that authority Beaver City organized municipal government.

After the failure of Cimarron Territory to get recognition, the people of No Man's Land seemed to lost interest in organizing attempts to force Congressional action, but it appears that there was no dearth of activity in Congress on behalf of the strip. The only difficulty was in deciding just what should be done. In taking up consideration of this matter, it becomes necessary to turn back to the earlier 1880's occasionally.

The efforts of Congress to do something for No Man's Land took three different forms, namely, attempts to extend the laws of the United States over it and give jurisdiction to

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<sup>25</sup> Drummond, op. cit.; Spears, op. cit.; Rainey, op. cit., 185-188.

<sup>26</sup> E. E. Dale, in Address at Oklahoma A. and M. College Convocation, Summer, 1937.

some court, and, that failing, more or less simultaneous attempts to attach it to the State of Kansas and to New Mexico Territory.

During this trying time Representative Peters of the Kansas district adjoining No Man's Land quite succinctly summed up the situation of these squatters in the House of Representatives. He said in late 1887:

At present there is no legal machinery by which they can acquire title to the lands upon which they have settled. There is no law to protect them in the property which they may take with them into the territory; there is no law that protects them or their persons or property from violence while in the territory; there is no law in that country by which they can collect any debt or obligation which may be contracted, and there is no law by which the people of Kansas, or of New Mexico, or Arkansas can collect any obligation that may be contracted with a settler upon this No Man's Land. There is the utmost need of some legislation touching this land, for it is virtually outside of the pale of the law, and outside of the United States in that respect, although geographically within its limits.<sup>27</sup>

It was with such circumstances in mind that Representative Ryan of Kansas introduced a bill in the lower house of Congress, December 21, 1885, "to extend the laws of the United States over certain unorganized territory south of Kansas."<sup>28</sup> After the customary sojourn in committee the bill failed to get through the legislative mill in that session of the Forty-ninth Congress, but it came up for consideration again in the second session and eventually passed, being signed by the Speaker of the House of Representatives and the

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<sup>27</sup> Cong. Rec., 50 Cong., 1 sess., 39.

<sup>28</sup> Cong. Rec., 49 Cong., 1 sess., 387.

President Pro Tempore of the Senate on March 3, 1887.<sup>29</sup> It appeared that something tangible was at last being done for No Man's Land, some of whose residents had by now been located there almost two years with no effective organized law.

But that measure evidently failed of presidential approval, as Senator Voorhees of Indiana introduced a similar measure early in the first session of the Fiftieth Congress.<sup>30</sup> Shortly afterward Peters, of Kansas, introduced another bill with the same purpose in the House,<sup>31</sup> but it evidently died in committee. The Voorhees bill passed the Senate in February, 1888, but encountered difficulties in July in the House, where Chairman Springer of the Committee on Territories was pushing a bill for the organization of Oklahoma Territory. Springer opposed even considering the Senate bill on the grounds that if the Oklahoma bill could be passed the special enactment for No Man's Land would be unnecessary, so for the time consideration was blocked. Concerning one of the principal needs of the squatters, protection of their property rights, Springer rather appropriately remarked

The laws of the United States do not furnish any protection under the criminal code which would be enforced to protect property. . . . The national laws . . . have no effect to protect property.<sup>32</sup>

During the debate on the matter Chairman William S. Holman

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<sup>29</sup> Cong. Rec., 49 Cong., 2 sess., 2617, 2700.

<sup>30</sup> Cong. Rec., 50 Cong., 1 sess., 164.

<sup>31</sup> Ibid., 215.

<sup>32</sup> Ibid., 6739.

of the House Committee on Public Lands expressed the opinion that an amendment should be added to the Senate Bill attaching No Man's Land either to New Mexico Territory or to Kansas for purposes of temporary government, but he had no opportunity to add such an amendment. Again in October the question came up for discussion and was the occasion of acrimonious debate. By this time Holman was willing, if necessary in order to get some action, to allow the Senate bill to be reduced simply to a bill whose purpose was to organize a public land district, provide for subdivisional survey of townships, and open the area to homestead filing. He correctly sensed that the squatters were more interested in the possibility of getting title to their land than they were in getting the organized type of "law and order." Concerning the latter matter, they felt quite capable of handling situations as they arose, using the type of law common to frontier regions. But there was no opportunity for this alteration in the bill, for by this time it was inextricably involved with the Oklahoma bill. The friends of the Oklahoma bill accused the backers of the No Man's Land Bill of deliberately attempting to interfere with the possibility of passage of their measure by trying to do something for No Man's Land. On the other hand, it appears that these same persons were taking advantage of the pressing nature of the problems of the squatters and using them as a pry to get action on the Oklahoma bill. The net result of the heated argument was that exactly nothing was accomplished for the panhandle, since Congress

was not yet ready to open Oklahoma to settlement.

Of course, the above considerations would be expected to preclude the addition of No Man's Land by Congress to New Mexico or Kansas, and such was the case. But it will be worth while to trace briefly the attempts of certain Congressmen in those directions. Before squatters had begun to arrive, even before there was any basis for a prediction of their arrival, one finds the Commissioner of the General Land Office recommending passage of an act to attach the Public Land Strip to New Mexico for subdivisional surveys, after which it was his thought that the land should be disposed of through a United States Land Office in that territory.<sup>33</sup> However, no action was taken by Congress until December, 1887, when a bill proposing the annexation of the strip to New Mexico was introduced in the Senate. Shortly afterward a similar bill was presented in the House, but nothing came of either measure, there being no account of their being reported out of committee.<sup>34</sup> In the report of the Secretary of the Interior of November 1, 1888, is found a recognition of the condition of No Man's Land and a recommendation for the appropriation of fifty thousand dollars for the subdivisional survey of townships, also for the establishment of a land office. Furthermore, he proposed the placing of No Man's Land under some neighboring governmental juris-

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<sup>33</sup> Thomas Donaldson, Public Domain (Washington, 1884), 1187.

<sup>34</sup> Cong. Rec., 50 Cong., 1 sess., 806.

diction so that civil and criminal law might be administered. Since conditions there approximated those of New Mexico he intimated that the land should be made part of that territory.<sup>35</sup> No action was taken on his suggestions, and that marks the end of efforts by government officials to associate the strip with New Mexico.

In studying the attempts at annexation to Kansas it is necessary to turn back to 1884. As early as November 1 of that year the Secretary of the Interior spoke of receiving reports that No Man's Land was filling up with settlers and stockmen

between whom conflicts have occurred for the possession of the country. A considerable portion of the land is reported to have been illegally fenced. I have recommended the attachment of this strip to the adjoining district of Kansas, and it is desirable that early action be taken in order that the lands may be opened to legal entry.<sup>36</sup>

The first, and only, bill with such an object in view was introduced in the Senate in late 1887. When the Committee on Territories reported it out in February, 1888, it did so with the following comment:

Flourishing towns have grown up. This portion of the public domain is without laws, except such as have been enacted by the settlers; and while the great majority of settlers are industrious, thrifty, and moral, many criminals and outlaws have taken up their abode there and make frequent predatory incursions into the States of Kansas on the north and Texas on the south.<sup>37</sup>

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<sup>35</sup> House Executive Documents, X, No. 23, 50 Cong., 1 sess.

<sup>36</sup> House Executive Documents, XI, No. 14, 50 Cong., 1 sess.

<sup>37</sup> Senate Reports, II, No. 353, 50 Cong., 1 sess.



This bill passed the Senate in late March, but became the signal for a lively bit of parliamentary jousting in the House when the chairmen of two committees vied for the honor of having it referred to their respective groups.<sup>38</sup> The gentlemen were Springer of the Committee on Territories and Holman of the Committee on Public Lands. In view of developments previously mentioned evidently Springer desired to get it so that it could be killed in his committee, and Holman desired to get it to prevent it from meeting that fate. Springer was willing to sacrifice the welfare of the squatters in order to increase the likelihood of the passage of his Oklahoma bill. Springer may have been sincere in his expectation of the passage of the Oklahoma bill at that session, but whether he was or not, the No Man's Land bill was referred to his committee and died there, and events were to prove that territoryhood for Oklahoma as a whole was still two years distant. With the failure of these three attempts - to get the laws of the United States extended over No Man's Land, to get it annexed to New Mexico, and to get it annexed to Kansas - it became evident that relief for the beleaguered squatters was certain to remain ungranted until the establishment of Oklahoma Territory. That event may be passed over with the mere mention that it came to pass May 2, 1890, since the factors causing its repeated postponement were matters not pertaining directly to No Man's Land.

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<sup>38</sup> Cong. Rec., 50 Cong., 1 sess., 2570.

Certain other matters not readily classified with the above material need to be treated in order to get a more complete picture of the land as it was in the interim between its settlement by the farmers and its inclusion as part of Oklahoma Territory. First to be examined is the item of lawlessness. It is generally considered that lawlessness and frontier life are almost synonymous terms; but in few places have the people been more completely or more literally lawless than here. As previously mentioned, it was learned that there was no court in the United States that had jurisdiction over the strip. It is the unanimous opinion of persons interviewed in the preparation of this study that the population of the locality contained at least as large a percentage of the upright, law-abiding type of citizenry as does the average community today. It is agreed even by them, however, that the absence of the possibility of prosecution had a tendency to encourage the minority element to commit deeds that would have been punishable in a different situation. Due to the fact that there is a tendency to say much of the doings of the desperado element in society because it is the unusual, it is difficult to avoid bias when studying a frontier group. Especially is that true in this case when the results of the lack of court jurisdiction are considered. There was common knowledge among law enforcement officers of neighboring counties that there was a "Beer City" just across the boundary in No Man's Land south of Liberal, Kansas. (Kansas was a prohibition state.) And

that there were certain residents of Beaver City who were violators of the marriage laws. It is further reported that there was a counterfeiting outfit in operation in the strip.<sup>39</sup> But the officers' hands were tied. N. F. Acres, the United States Internal Revenue Collector for Kansas, to whose collection district No Man's Land had been added, reported "reliable information of the existence of four illicit distilleries" along the edge of No Man's Land in 1888, which were refusing to pay the internal revenue tax on their product.<sup>40</sup> At the same time Mr. Acres forwarded to Washington a letter which he had received from one R. M. Collier, of "Alpine, Indian Territory." Collier and others were refusing to pay for special-tax stamps for dealers in manufactured tobacco, and they gave as their justification the alleged fact that there was a neighboring distillery which was evading the revenue law. As evidence of just how bitterly these people felt on the subject, Collier wrote:

If the amount paid by us in the past two years justified us, we would bring suit to recover the amounts paid unlawfully.<sup>41</sup>

He added the theme of "taxation without representation being contrary to our form of government." Besides those forms of misbehavior there was another which was much more troublesome to the settlers upon the few occasions when it appeared,

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<sup>39</sup> Spears, op. cit.

<sup>40</sup> House Executive Document, No. 292, 50 Cong., 1 sess.

<sup>41</sup> Ibid.

and which they therefore frequently punished in their own way, regardless of the absence of courts. That was the practice of "claim-jumping" - some person, usually, a "drifter," using intimidation to get some squatter to leave his claim to the designs of said drifter. If his bluff worked he came into possession of a claim, but if it did not he perhaps came face to face with a Winchester, "and a claim-jumper never appealed to a higher court."<sup>42</sup>

In spite of all the reports of irregularity of conduct, there is preponderant evidence that the vast majority of the people were neighborly, mutually helpful, and not at all inclined to take advantage of one another. One of the early cattlemen who still has a small ranch in the county described the situation very aptly in the following language:

Any settler who was strongly suspected of being the "wrong kind" simply was not accorded the friendship and cooperation that others were; and in those trying times almost every man was in such dire need of occasional assistance from his neighbors that he probably didn't last in the community if he did not get it.<sup>43</sup>

There were evidently occasions when the settlers neither allowed certain infractions which did not directly affect them to go unpunished nor used gun law to settle the matter. Brown tells of the nature of the occasional improvised courts which were set up by the people.

They had no established or settled method. Each case was settled on its merits without regard to

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<sup>42</sup> Drummond, op. cit.

<sup>43</sup> Reminiscences of Jim England, Optima, Oklahoma.

precedent, but when trials were resorted to the procedure was as nearly that of established courts as the participants could remember. The first act of the hastily organized courts was to take charge of all concerned. Then the plan of carrying into execution the verdict of the jury was agreed upon. In no case was there a death penalty agreed upon. Generally both sides, the families or friends of the participants, agreed upon the form of verdict. Exportation from the territory was the punishment in case of guilt in all cases brought to the attention of the writer, while a promise was exacted that in case the jury returned a verdict of not guilty the defendant would not be molested. Such agreements were never broken.<sup>44</sup>

An interesting instance of how these courts made the law serve their purpose is reported by Spears.<sup>45</sup> Under the laws of Colorado, which were adopted by the Cimarron Territorial Council, Beaver City set up a municipal government whose mayor had the powers of a magistrate. An arson case occurred, and the perpetrator of the crime took the only witness of it to Beaver City and murdered him, only to be in turn murdered by the brother of the slain man. The case of this latter crime came before the court of the mayor. Judging by the nature of the verdict returned, the sentiment of the community must have been on the side of the accused. He was found guilty of "careless use of dangerous weapons," fined twenty-five dollars, and released.

Discussion of this subject should not be closed without some mention of probably the most tragic incident in all the history of the Panhandle. It is known as the Wild Horse Lake Massacre, of 1888. This was not long after southwestern

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<sup>44</sup> Brown, op. cit., 98, 99.

<sup>45</sup> Spears, op. cit.

Kansas had filled up, and Stevens County, Kansas, adjoining present-day Texas County on the north, was in the midst of a bitter county seat war. Five men of one of the factions chanced to be in No Man's Land one July day and were enjoying a noon-day rest period near the place called Wild Horse Lake, one of the occasional extensive lagoons that are found in the plains country in northern Texas County. During the controversy members of each faction were constantly on the lookout for each other, and upon this occasion a group from the other "camp" took advantage of their knowledge that Sheriff Cross and his associates were in this vicinity, away from the protection afforded by their friends and by Kansas law, and surrounded them. Some of the party were asleep. Four of the five men were killed outright, and the fifth was left for dead, but he was the last to face the gunfire and had time to collect his wits to the extent of lurching to one side as the gun was discharged. He was wounded but had the presence of mind to pretend to be dead. After the murderers moved on, he succeeded in returning home. The members of the guilty group felt secure in spite of the fact that young Herbert Tony, the only survivor of the episode, could probably identify them, because the crime was committed outside the jurisdiction of any court. They were destined to be brought to trial, however. To bring out the method used to mete out justice, it is necessary to return again for a moment to the early 1880's.

On January 6, 1883, Congress passed a law which stated

that all of Indian Territory

North of the Canadian River and east of Texas and the one hundredth meridian not set apart and occupied by the Cherokee, Creek and Seminole Indian Tribes shall . . . be annexed to and constitute a part of the United States judicial district of Kansas.<sup>46</sup>

Whatever may have been the correct interpretation at that time as to whether the Public Land Strip was part of Indian Territory, it is plain that it was not at this time included in the United States judicial district for Kansas. However, on March 1, 1889 (some eight months after the massacre), another act of Congress described the Chickasaw Nation and certain parts of the Choctaw nation which, with

all that portion of Indian Territory not annexed to the district of Kansas by the act approved January 6, 1883, and not set apart and occupied by the Five Civilized Tribes . . . shall . . . be annexed to and become a part of the eastern judicial district of the State of Texas for judicial purposes.<sup>47</sup>

With that enactment as a basis, the men accused of the Wild Horse Lake affair were later haled before the court at Paris, Texas, were found guilty, and were sentenced to hang. They appealed their case to the United States Supreme Court on the bases that (1) No Man's Land was never made part of the Texas judicial district, and (2) even if it were such jurisdiction, it was not extended until after the commission of the crime, and since the United States Constitution states

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall

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<sup>46</sup> Stat., XXII, 400.

<sup>47</sup> Stat., XXV, 786.

have been committed, which district shall have been previously ascertained by law,<sup>48</sup>

they should not be subjected to trial in the Texas district. Both of those contentions were denied by the Supreme Court, but a new trial was made necessary because of the Court's finding error in the original proceedings. The principal killer was by now languishing in Colorado's state prison on another charge, and the principal figure on the side of the prosecution had met a violent death, so the new trial never occurred. Present-day residents of Texas County who were living there at the time of the tragedy are very careful to make plain that not one man, either killer or victim, was a citizen of No Man's Land. But when one inquires further about the incident, he frequently encounters that reticence that was typical of the cattle country when a newcomer inquired of something that "wasn't any of his business." One of those men excused himself for being so close-lipped by remarking that

some of our neighbors are descended from some of the men involved in that affair. The incident is part of the past and they have become highly respected citizens, so we feel that no good purpose would be served by talking about it much. Perhaps doing so would serve to prejudice someone against them.<sup>49</sup>

This incident was developed at some length to illustrate more vividly than anything else would the regrettable results of slowness of Congress in ending the anomalous condition re-

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<sup>48</sup> U. S. Constitution, Amendment VI.

<sup>49</sup> Reminiscences of Jim England, Optima, Oklahoma.



sulting from the settlers' being encouraged by the government to enter the land but at the same time being denied the benefits of law, courts, and title to their land.

During the period when the people were waiting for government action they were of course as eager as any other group to give their children the advantages of at least an elementary schooling. Of course, districting the land was out of the question; in fact, any plans calling for an outlay of cash were out of the question. Subscription schools were established in some localities, that of Miss Mary Fore being perhaps typical. Her account of it describes it as being conducted in a "soddy" whose floor space was eight feet by ten, and whose walls contained two windows. Amid such surroundings she taught sixteen pupils for three months in 1888. Textbooks were of the variety common to the term. She received only two dollars in cash, since cash was practically non-existent among her patrons. However, she received a great variety of useful items that the people could spare, among which were found the following: a kitchen table and chairs, a bedstead, a cookstove, some chickens, a pig, a calf, and some feed for the livestock she received. In short, the pay received by the teacher illustrates the tendency among the people to cooperate in the solving of one another's difficulties; the pay consisted of those things that the patrons had that they could spare and that the teacher could use. Jim England, who shortly became Miss Fore's husband, has jokingly remarked that the only thing

they lacked of being set up in housekeeping as a result of her teaching was a set of harness for their two horses, one of which she already owned, the other of which he already possessed.

By the spring of 1889 some of the squatters had been on the scene for almost four years and were no better off than they were when they arrived, and by that time some were beginning to lose hope of government assistance. Accordingly, when Old Oklahoma was opened to settlement April 22, 1889, many of the residents of No Man's Land were present to make the run. This exodus greatly reduced the population, one writer estimating that as many as half of the people of the strip left that spring.<sup>50</sup>

The Congressional Record for the Forty-ninth and Fiftieth Congresses is sprinkled with many petitions asking for the organization of Oklahoma Territory, some specifically requesting relief for No Man's Land,<sup>51</sup> others being silent regarding that but begging the opening of the unassigned lands to settlement and creation of territorial government.<sup>52</sup> The Organic Act resulted, among other reasons, from the fact that the opening of 1889 had occurred, making even more urgent the creation of territorial government, and from the receipt

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<sup>50</sup> Drummond, op. cit.

<sup>51</sup> Cong. Rec., 50 Cong., 1 sess., 470, 824, 1467, 1807, 1891, 2387, 7468; Cong. Rec., 50 Cong., 2 sess., 1880, 1965, 1999, 2371.

<sup>52</sup> Cong. Rec., 49 Cong., 2 sess., 791, 870, 1173, 1425; Cong. Rec., 50 Cong., 2 sess., 58, 1324, 1544, 1765, 1918, 2371.

of so many petitions, as well as the pressure of an indeterminate amount of influence which is not a matter of public record and can be subject to conjecture only. The creation of Oklahoma Territory was achieved by the passage of the Organic Act, May 2, 1890, with old No Man's Land included as the seventh county. Its residents felt that they were now in line for better things; they felt so so strongly that in recent times they have inaugurated the custom of celebrating that date annually.

Chapter III  
Later History

Before going into the later history of Texas County it is necessary to take up the account of the various surveys of the land. As shown above, the boundaries of the Panhandle had been settled by law as follows: the eastern one at the one hundredth meridian by the Treaty of Washington; the southern and western ones at  $36^{\circ} 30'$  north latitude and  $103^{\circ}$  west longitude, respectively, by the Compromise of 1850; and the northern one at  $37^{\circ}$  by the Kansas-Nebraska Bill of 1854 and the Colorado Territorial Act of 1861. In 1858 a survey of the northern boundary of the Texas Panhandle was authorized by Congress.<sup>1</sup> The resulting survey is known as the Clark Survey and marked with monuments this portion of  $36^{\circ} 30'$ . The principal purpose of that survey was simply to establish the northern boundary of Texas, something which had never been done, and that time had no significance for later No Man's Land. The line run at this time was agreed upon by the United States in 1891 as the true boundary of Texas,<sup>2</sup> and Texas agreed to the same line by joint resolution of its legislature.<sup>3</sup>

It was becoming evident, however, some twenty years later, that there would eventually be some need for town-

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<sup>1</sup> Stat., XI, 310.

<sup>2</sup> Stat., XXVI, 971.

<sup>3</sup> Rainey, op. cit., 51.

ship and range lines to be run in this Public Land Strip, so Congress appropriated on March 3, 1881,

For running correction lines, guide meridians, and township lines in the strip of public land lying north of the State of Texas, and bounded on the north by the States of Colorado and Kansas, to be done under the direction of the Commissioner of the General Land Office, eighteen thousand dollars.<sup>4</sup>

The surveyors marked township corners with peculiarly shaped zinc vessels, which were some six inches in diameter at the top, sixteen inches in diameter at the bottom, and something like twenty inches high. These were marked with the numbers of the ranges and townships which they marked, and were buried, large end downward, leaving a few inches above the surface. The early settlers, in traversing the plains taking care of their livestock, searching for bones, etc., often came upon these markers, and because of their shape came to call the lines that they marked "pot lines." For several years these lines were the only signs of survey to be found in the entire region.

An interesting and rather important development has resulted from the fact that Chaney and Smith, the surveyors in charge of the survey authorized in 1881, failed to find the line monumented by Clark over twenty years before, and set up one of their own for  $36^{\circ} 30'$ . They then completed the subdivisional survey upon the basis of that line, known as the Cimarron Meridian. Many years later enough of the old Clark markers were found to show that the Clark line, legally

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<sup>4</sup> Stat., XXI, 451.

accepted as the boundary line between Texas and Oklahoma, actually lay slightly to the south of the Cimarron Meridian, which had been used as the basis for running township and section lines. Few people along the line were aware of the fact that the two lines differed, or even that two separate lines had been run. Consequently, about 4,900 acres of land, ranging in width from a point to about five hundred feet, are in Oklahoma, but for years have been considered a part of Texas. Titles have been obtained there and taxes paid there. Since public land in Texas is state property, the United States had never surveyed this little strip until after the discrepancy was discovered. In order for the rights of claimants under Texas title to be protected additional legislation is necessary. Accordingly, Congressman Phil Ferguson introduced in the Seventy-fifth Congress<sup>5</sup> a bill enabling persons who have used, improved, or cultivated some of this land in connection with abutting land for ten or more years to obtain patent to it for the payment of \$1.25 per acre. This bill passed the House of Representatives but had not been acted upon in the Senate at the time of adjournment. Mr. Ferguson expects to continue his efforts to obtain passage of such a bill.

At the time the Enabling Act of 1890 made No Man's Land part of Oklahoma Territory section lines had not yet been laid out. That had to be done before the settlers could file

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<sup>5</sup> Cong. Rec., 75 Cong., 1 sess., 1389.

on their land under the Homestead Act, so plans were made and the lines run by the close of 1891. Land offices for the convenience of the settlers were established, first at Buffalo, near the center of what is now Texas County, later at Beaver City. At a still later time there was a branch office set up at Guymon, which under the management of R. B. Quinn disposed of some fifteen thousand claims during the course of fourteen years.

Even after surveys had been completed, land offices established, and filing begun, settlement was slow for several years. It has already been shown that because of long hardship with little prospect for a brighter future and because of the opening of Old Oklahoma many of the large number of squatters in No Man's Land left their habitation in 1889. The occurrence of a series of comparatively dry years beginning in the late 1880's, coupled with the opening of more desirable land to settlement in other parts of Oklahoma, especially the Cherokee Strip, caused still others to leave. Consequently, the cattlemen were left virtually in charge for another decade. One of the early settlers, apparently imbued with a strict sense of loyalty toward his new home, wrote regarding the effects of the reports of drouth upon the coming of new settlers:

In 1891 there was a severe drouth all over the west. It was no worse in Beaver County than anywhere else, but the story was told that this region was habitually drouth-stricken, and that '91 was no worse than other years. It was a magnificent lie, and it had the effect of giving this great pasture field to the big cattlemen for ten years more. But everyone

who knows the history of the early settlement, and after depopulation, knows that the people left here because they could see no chance to acquire title to the land, and not because they couldn't raise crops.<sup>6</sup>

By the turn of the century much of the desirable land elsewhere in Oklahoma had been opened and taken up, so that prospective settlers were more likely to look with favor upon Beaver County, as this land was then called. The greatest impetus to the settlement of the central part of Beaver County, which later became Texas County, resulted from the extension of the Chicago, Rock Island, and Pacific Railway diagonally across it from northeast to southwest. This was completed during 1902. Along these rails the towns of Tyrone, Hooker, Optima, Guymon, Goodwell, and Texhoma immediately sprang up. Certain of them in fact slightly preceded the railway, but their growth was greatly enhanced by its coming. Farmers no longer would be inconvenienced by having to use the freight wagon to market their produce and bring in much of what they had to buy, so homesteading leaped forward at a previously unknown pace. Here was opportunity for business men to open stores, shops, stables, and elevators for the use of the agricultural population, so the towns thrived. United States census figures can perhaps best show the rapid growth of the area. In 1900 all Beaver County had a population of 3,051,<sup>7</sup> whereas Texas County alone

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<sup>6</sup> Drummond, op. cit.

<sup>7</sup> Twelfth Census of the United States (Washington, 1902), II, 634.



counted 16,448 people by the time of statehood in 1907.<sup>8</sup> Those were boom times, and that figure is perhaps larger than the county has contained at any time since then, certainly larger than at the time of any decennial census since then. To make the railway picture complete, mention needs to be made of the coming of two other lines. The Chicago, Rock Island, and Pacific opened another line across the east end of Texas County, connecting Liberal, Kansas, and Amarillo, Texas, in 1929. Baker, Adams, Hardesty, and Hitchland are towns found on that line. Later the Beaver, Meade, and Englewood Railway was opened, running in a westerly direction across the northern side of the county, and connecting Baker, Hooker, Mouser, Hough, Tracy, and Eva, the last four of which are little more than shipping points for the grain which that part of the county produces. The first of these lines, the main line of the Rock Island, greatly encouraged settlement, but the latter two should be interpreted more as reflecting the prosperity - both real and expected - that the railroad companies saw in that region.

The history of the development of the county since statehood is largely the history of agriculture in the region. Before going into that subject, it is well to take up such items as the flora, topography, and climate, as they have been found since the coming of American settlement.

The topography of the county is exceptionally level.

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<sup>8</sup> Thirteenth Census of the United States (Washington, 1913), III, 453.

Over 71 per cent of its area has a slope of less than 2 per cent, and an additional 14.5 per cent has from 2 to 5 per cent slope. There is only a negligible acreage with more than a 10 per cent slope.<sup>9</sup> The uniform flatness of the terrain is broken only by the valleys of the streams, the principal ones of which are the Beaver and its main tributaries, Coldwater, Teepee, Goff, and Hackberry Creeks. These streams ordinarily carry a small volume of water, and they have wide, sandy beds. They are subject to sudden rises, but such rises are usually of short duration, and during the more frequent dry periods nearly all the flow sinks below the surface sands. The only natural timber growth to be found in this area is along the beds of these streams, and even there it is quite scanty. On virtually all of the remainder of the soil buffalo and gramma grasses predominate. In the virgin state they were so plentiful as to provide luxuriant feed for the buffalo and early-day cattle.

The principal climatic features of the county center about rainfall, winds, and temperature. The average rainfall during the period of official records, thirty-one years, is 17.2 inches.<sup>10</sup> Observations made at the Panhandle Agricultural and Mechanical College at Goodwell, in Texas

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<sup>9</sup> Arthur H. Joel, Soil Conservation Reconnaissance Survey of the Southern Great Plains Wind-Erosion Area: United States Department of Agriculture Technical Bulletin No. 556 (Washington, 1937).

<sup>10</sup> H. F. Wahlgren, Climatological Data (Oklahoma City, 1932-1937), XL-XLVI; Climatic Summary of the United States (Washington, 1934), Sect. XLII, 13, 14.

County, covering the greater part of that period, show the following interesting facts regarding that precipitation:<sup>11</sup> 77.5 per cent of it fell between the dates of the last killing frost in the spring and the first killing frost in the fall; 56 per cent annually came at a rate most effective for replenishing soil moisture supply; 31 per cent came in showers too light to increase soil moisture but of value in mitigating the severity of atmospheric conditions; and 13 per cent was subject to loss by surface runoff. Obviously, such circumstances of moisture constitute a great handicap to the successful practice of agriculture. What lends still more color to the picture is the fact that the region is subject to periods of prolonged drouth covering several years. During the ten-year period from 1912 to 1921 the annual average was slightly over 19 inches; during the ten-year period from 1922 to 1931, it was only slightly lower, being over 18 inches; but during the past six years, 1932 to 1937, the mean annual precipitation has been only 12.3 inches. Although these figures are coldly statistical, it will be necessary and profitable to return to them later in this study.

This region, as other portions of the Great Plains, is known for its high wind velocity. The United States Weather Bureau sums up very aptly certain typical climatic attributes

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<sup>11</sup> H. H. Finnell, Agricultural Significance of Climate Features at Goodwell, Oklahoma: Panhandle Agricultural and Mechanical College Bulletin No. 40 (Goodwell, 1932).

which have been universally observed in Texas County, both by acclimated residents and by newcomers:

The summers are long and occasionally very hot, while the winters are generally mild and of short duration. Temperatures of 100°, or higher, may be expected from June to September, inclusive, and have been recorded as early as March and as late as October. Unusually high temperatures almost invariably occur with clear skies and dry south to west winds and the heat is very seldom oppressive. The clear skies and dry atmosphere facilitate rapid radiation and the nights are nearly always agreeably cool.<sup>12</sup>

The county's mean annual temperature is among the lowest in the state, being about 56.2°, some four degrees below the state mean. The average growing season, determined by the average number of days between the last killing frost in the spring and the first killing frost in the fall, is 188 days - surpassed in shortness by only one county.

As the farmers arrived following the coming of the railway, they turned principally to the production of wheat, sorghum crops, and broomcorn. A lesser, but considerable, acreage was devoted to hay - over forty-eight thousand acres in 1910.<sup>13</sup> There was a period of several years in that early time when melons, especially cantaloupes, were raised extensively. They were shipped out by rail by the carloads, and local newspapers proudly claimed that the locality would outdo the famed Rocky Ford region of Colorado; but that day never came, and some of those same farmers today have trouble

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<sup>12</sup> Wahlgren, op. cit., 1.

<sup>13</sup> Thirteenth United States Census, VII, 387.

producing enough for family use. The longer the country remained settled, the more predominant did wheat become in the scheme of the average farm. A number of circumstances combined to bring that condition about. The soil of the greater part of the county is suited to wheat production, as is the topography. What was probably the greatest inducement to turn to wheat was the high level which prices reached during the World War years. There are no reliable figures available to describe the actual number of acres broken out during that orgy of profits (when a yield could be obtained), but it is agreed by all who were there at the time that the speed at which land was opened to cultivation in those years had not been equalled before or since. Under the old methods of farming, such an increase in acreage would have necessitated a great influx of population, but, at the same time prices were high, power machinery was being developed and put on the market. This enabled the rural part of a population of 14,100 to care for the 1,151,424 acres in farms in 1930, whereas the farm acreage of 1910 was much smaller, 748,383, and the population slightly larger, 14,249.<sup>14</sup> Here was an ideal situation: attractive prices, power machinery (especially the combined harvester-thresher) coming into the reach of the farmer, and land with climate and topography suited to the use of that machinery. In some places such machinery

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<sup>14</sup> Thirteenth Census of the United States, Population, VII, 371; Ibid., Agriculture, III, 453; Fifteenth Census of the United States, Population, III, 602; Ibid., Agriculture, I, 507.

could not have been used conveniently, but here was a place where the land was so level as to make the pulling of heavy loads with tractors comparatively easy, fields were large and becoming larger, and rainfall and soil texture were such as seldom to present a mucky field which would prevent the use of the machinery. That thousands of acres previously left in grass should suddenly be brought under the plow is no source of wonder, especially when we consider that tractors were replacing the horses which previously had grazed on that grass.

One of the universal results on the plains of the above conditions was the over-purchase of land, in the evident hope that prices would continue high, at least long enough to pay off the mortgage. The equally universal result of such a practice was the loss of the farm or long years of debt, because prices did come down, and occasionally yields were low enough to make payments difficult even if prices had not lowered. Texas County did not escape that sad chapter in the post-War story. But usually the farmer was able to hold on some way, although many seemed to be fighting a losing battle.

It is with such a background that Texas County agriculture went into the 1930's. Rainfall has already been shown to be scanty, 17.2 inches annually, but every year since 1930 has been something less than that average, so that the average of the six-year period from 1932 to 1937, inclusive, is only 12.3 inches, almost a full five inches less than the annual mean over thirty odd years. Such a circum-

stance has, of course, greatly reduced the vegetative cover on the land. Crops have failed in all parts of the county, and, what is perhaps just as tragic, weed growth has either failed to cover the surface or has been destroyed by tillage. This tillage is, of course, the natural thing for the farmers, as they feel that above all things they must keep trying. As long as there has been settlement on the high plains there constantly have been high hopes for "next year."

The effects of this vegetative lack are perhaps not apparent without further perusal of the facts. In January, 1937, only 33.6 per cent of the acreage of the county was in pasture, leaving 61.3 per cent cultivated and 5.1 per cent idle.<sup>15</sup> (By "idle" was meant that on that land there had evidently been no recent crop, and there was no plan for one during the next season.) Besides these facts, it has already been shown that over 75 per cent of the rainfall of the area falls during the spring and summer. That means that in March and April when the highest wind velocities are ordinarily reached, the land is the driest it is any time in the year. To sum up, in recent years there has been lack of a vegetative covering due to deficient rainfall, large acreage under cultivation, and high winds at a time when soil was dry. The result has been the dirt storms of which the whole United States has read so much. Words cannot describe the fury of those storms. Residents of the county almost invariably find in traveling elsewhere that people are incapable of imagining

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<sup>15</sup> Joel, op. cit.

the experiences to which these plainsmen have been subjected. What is even more important than the physical disagreeableness of these storms is their economic result, which can be only guessed. Conjectures have also been made on the effects on the health of the people, but lay opinion is incompetent, and medical opinion is as yet in disagreement on that matter. In any case, a 1937 government survey shows 54.6 per cent of the soil to be seriously eroded, 42.1 per cent to be slightly eroded, and only 3.3 per cent unaffected.<sup>16</sup> Untold amounts of top soil, containing the greatest fertility, have been lost irretrievably.

Just what should be done about such a tragedy is more properly the subject of a technical study in some other field, but what has been attempted can well come within the scope of such a study as this. It is generally agreed that the farmers can do nothing about the winds that blow or the rains that fall, but certain other courses of action can be and have been taken.

The long-range ideal is to get some form of plant life rooted in the soil to hold it there. Without cooperation from nature it is necessary for the farmers to attack two specific moisture problems, runoff and evaporation. Some 13.5 per cent of the rain which falls runs off without doing crops any good, and about 34.5 per cent evaporates.<sup>17</sup> Runoff

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<sup>16</sup> Joel, op. cit.

<sup>17</sup> H. H. Finnell, Utilization of Moisture on the Heavy Soils of the Southern Great Plains; Oklahoma Agricultural and Mechanical College Experiment Station Bulletin No. 190 (Stillwater, 1929), 11.



cannot be stopped completely, but it can be checked appreciably by proper tillage methods, by terracing, and by contour farming. Some or all of those practices have been engaged in by many Texas County farmers during recent years, but by no means have all adopted those methods. It is, of course, true that the farmers on the more level land find this item less of a problem than do others. The amount of evaporation is so great because of two factors, comparatively high temperature during the summer months, and almost continuous wind. Because of the nature of those factors, it is more difficult to combat the effects of evaporation than those of runoff. Experiments have shown that something is to be gained from so tilling the soil as to maintain or rebuild the supply of organic matter in it; this has the effect of making the soil more porous, more receptive to rainfall, thus partially preventing evaporation.

In attempting to lessen the effects of wind erosion by other measures, such tactics as emergency cover crops, leaving stubbles on fields as long as possible, and emergency tillage operations, such as listing across the direction of the prevailing winds. These have been admittedly insufficient and only partially satisfactory, but they have helped in many cases to keep the precious top soil from being removed.

Another hope of this plains community is irrigation. Since early settlement there have been hopes of some kind of irrigation's being practicable. Alleged success of artesian water experiments in irrigation at Plainview, Texas, at

Artesia, Colorado, and at Richfield, Kansas, not far away, led to high hopes along that line; in fact, during 1911 the State of Oklahoma had drilling contractors at work in various parts of the Panhandle prospecting for artesian water.<sup>18</sup>

Results did not justify the attempt to develop the idea, and nothing has been heard of it in recent years. However, the Panhandle Agricultural and Mechanical College at Goodwell is now conducting an experiment in irrigation by means of a deep well, which is being watched quite eagerly by the whole countryside. It is perhaps too early to draw conclusions as to the feasibility of such a plan for farm use, even if facts regarding the income from the produce of the irrigated land were available. The well is some three hundred feet deep and contains an eighteen inch casing. The pumping equipment installed is capable of bringing to the surface one thousand gallons of water per minute, an amount which, it is estimated, is sufficient to cover one acre of ground two inches deep in an hour. The college estimates the expenses of operating the equipment to be approximately twenty-five cents per hour. The cost of the well-drilling, the casing, the pump, and the motor total slightly over \$5,300, a sum which is admittedly less than it would have been had not certain companies been eager to get their equipment adopted, so as large a project as this would obviously be above the financial reach of the average farmer. But it is the hope that information will be

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<sup>18</sup> Guymon Herald, September 7, 1911.

unearthed which will point the way to successful irrigation on such a scale on many of the farms of the county as will supplement the family earnings sufficiently at least to make lean crop years less severe in their effect. In the meantime there are several small-scale farmers along certain of the streams, where the distance to water is short, who are operating profitably small irrigation plants, using them on truck plots, hay fields, etc. However, it appears that if profitable irrigation is possible for Texas County on any great scale that fact has yet to be demonstrated.

Thus far the economic bases of life in Texas County have been shown to be farming and grazing, to the exclusion of almost everything else, but recent years have brought to light another resource which is playing such a constantly increasing part in the livelihood of the region that it seems destined to become a third leg for the county to stand on. Virtually the entire county lies in the connecting link between the great gas-producing areas of the Panhandle of Texas and Hugoton, or Stevens County, Kansas.<sup>19</sup> Statistics of a reliable nature on the total flow or prospective flow of gas from the area are unavailable, but by mid-October, 1937, there had been twenty-two producing wells drilled, and there have been at least four more completed since then. The greatest producer was gauged at fifty-five million cubic feet daily, and the prospects for the vicinity are bright enough that two

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<sup>19</sup> Map based on Oklahoma Geological Survey, by R. L. Clifton, reprinted in Panhandle Herald, October 13, 1937.

companies possessing leases totalling about one hundred thousand acres each sought and secured from the Oklahoma Corporation Commission permits to use the natural gas supply in the manufacture of carbon black in plants to be established near Guymon, the county seat. At present, the greater part of the gas produced there is marketed in eastern cities via pipelines which tap the various producing fields in the Panhandle area.

With the mention of this, perhaps the most important, recent development in the county, there have been included the principal threads running through the pattern of Texas County history since settlement by the American people.

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