

THE ROAD FROM ELGIN TO MEERS: A
CULTURAL TRANSFORMATION OF
THE KIOWA, COMANCHE, AND
APACHE RESERVATION,
1892-1906

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CHAPTER ONE: INTRODUCTION
THE DRIVE FROM ELGIN TO MEERS

I first traveled the stretch of State Highway 17, the path that leads from Elgin, Oklahoma to Meers, Oklahoma, when I began dating my wife four years ago. Her family lives in Elgin, a small farming and stock-raising community of 850 people, which is fifteen miles northeast of Lawton, Oklahoma (See Figures 1 and 2). West of Elgin another fifteen miles lay the town of Meers. She told me about a small shack at Meers. It was once a post office during the Oklahoma Gold Rush of 1901-1905, but now serves famous hamburgers (See Figures 3 and 4). Before I met my spouse, I had never heard of the Wichita Mountains, the Oklahoma Gold Rush, or Meers.

For travelers on the busy Interstate 44 that connects Lawton to Oklahoma City, the only landmark to represent Elgin is the solitary sixty-foot seed silo. For those who exit for gas or food--there is no lodging--they might catch a glimpse of the downtown, which lacks both a stoplight and a stop sign. Three blocks of storefronts line Highway 17, which serves as the only main street. The railroad depot on the edge of downtown no longer shelters passengers for the Rock Island Railroad. It today houses the auto licensing agency. Yet, as in its earlier history, the railroad still connects one part of the town--that single Elgin Co-op grain silo--with a larger world.

Talking with my wife's parents and grandparents, I soon

learned that the Elgin of today, is not the Elgin of the past. During its boomtown phase of several years following the 1901 Land Lottery that opened the Kiowa,¹ Comanche, and Apache reservation to non-Indian settlement, Elgin was much larger. Its downtown did not front Highway 17, but instead lay five blocks south where a residential division has since been built. Its businesses lined not just one street, but several, and its whitewashed pine storefronts boasted a hotel, department store, grocery, and several restaurants. Elgin boomed because it was the railroad hub for the surrounding farming communities in Comanche County: Sterling, Fletcher, and Cyril. The railroad now connects these towns. Elgin has become just another highway stop for semi-trailers hauling grain along Highway 17 or for travelers along Interstate 44. Thus, the Elgin I currently view has little resemblance to the Elgin of ninety-four years ago.

In 1991, as my wife and I drove westward towards those famous hamburgers of Meers, the skyline of the Wichita Mountains broke into small pieces, as the individual forms of Mount Scott, Mount Sheridan, and Saddle Mountain moved closer. The landscape gently transformed itself from rolling hills of buffalo grass dotted occasionally with green fields of winter wheat into ancient foothills that barely cover plates of limestone. Rocks littered the ground as if they were thrown from a volcano. The Dolese Mining Company operated several quarries along the road, crushing the limestone into gravel and cement. As the path wove between the mountains, trees appeared suddenly. The dark twisted shapes of the pecan, mesquite, and black-jack trees added to the storybook quality of the range.

Unlike the green, forever-youthful image of the Rocky, Cascade, and Appalachian mountains, the Wichitas, shrouded in grays and browns, reminded me of autumn's death.

Arriving at Meers, reality deflated my expectations. Having heard about the mining boom and the international reputation of the place--I was told tourists from Japan frequented it regularly--I half expected a few mine shafts, a restored historic town, and maybe a few actors strolling the streets for realism.² Instead, I found only this shack. Its cedar boards, weathered from the harsh elements, were blanketed with 1950's vintage signs advertising "Royal Crown Cola" and "Grape Nehi." There was no evidence of miners. No other buildings existed. There were no other people.

The smell of hamburgers overcame me as I entered the post office. Wood beams covered the walls and floor, and ceramic tiles, reminiscent of the 1920's, served as the ceiling. Flypaper bordered the walls, occasionally drooping where it had loosened. The floor was warped, and I wondered if the building was on the verge of collapse. The shack had two rooms: to the right was a souvenir shop that sold old newspapers and prints of the post office in its current form; and to the left, a dining area with a painted wood sign proclaiming it the "Miner's Quarters." The souvenir shop had become the post office, having taken over its functions when the town of Meers no longer needed a postal center. Newspaper articles and photographs plastered on the walls of the "Miner's Quarters" noted famous people and events associated with Meers. From these I began to learn the history of Meers and the Oklahoma Gold Rush.

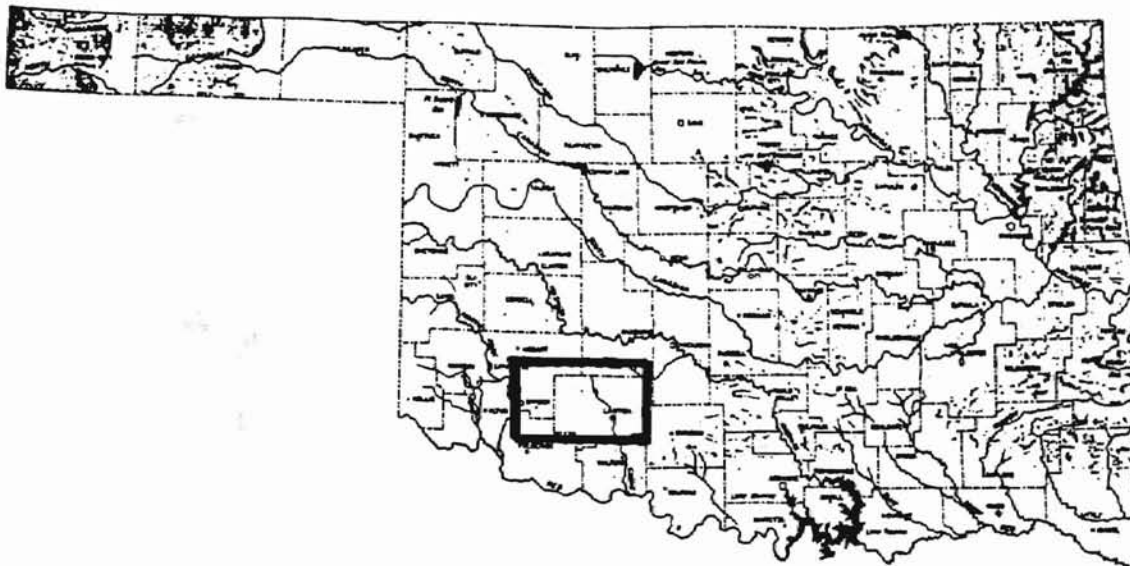


Figure 1. The square box is enlarged in Figure 2. Courtesy John W. Morris, *Oklahoma Geography* (Oklahoma City: Harlow Publishing Corporation, 1954).

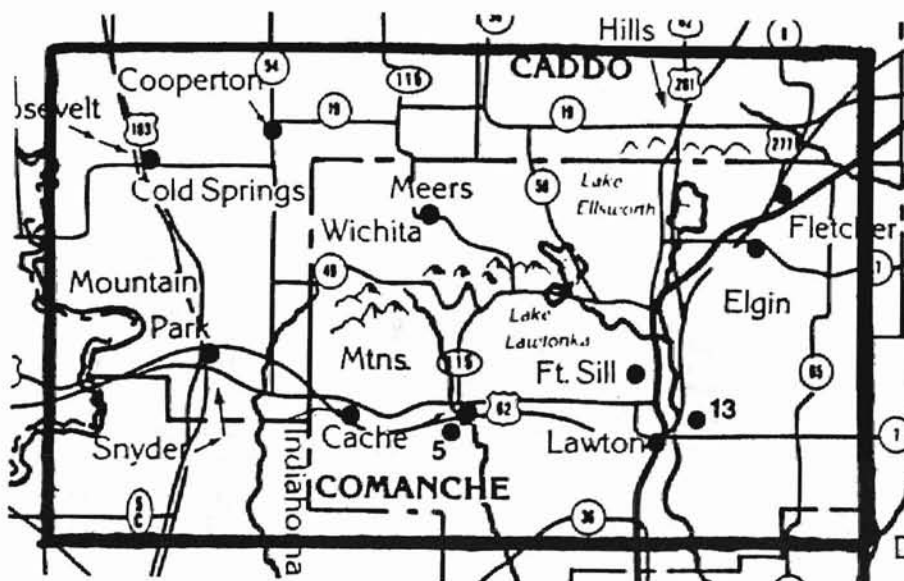


Figure 2. The Wichita Mountain region and Comanche County, including Meers and Lawton. Courtesy Map Collection, Oklahoma State University, Stillwater, Oklahoma.

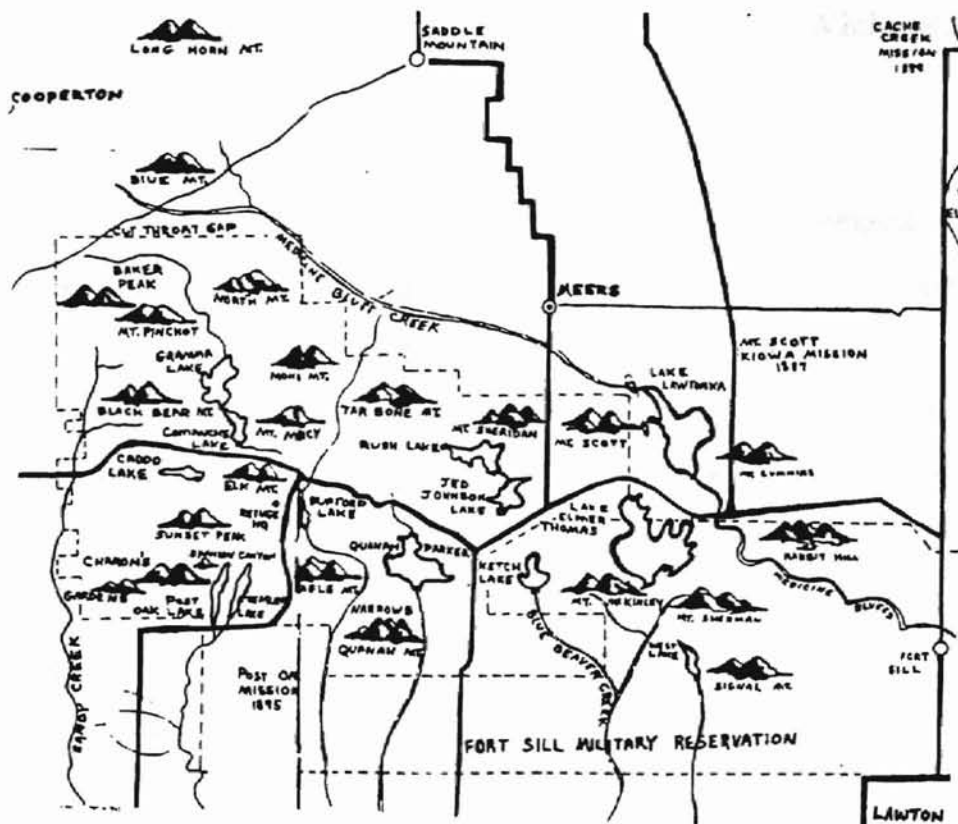


Figure 3. The Wichita Mountains. Courtesy Edward Buford Morgan, *The Wichita Mountains: Ancient Oasis of the Prairie* (Waco, TX: Texian Press, 1973).



Figure 4. The Meers Post Office. Courtesy Edward Charles Allenbrook, *Outdoor and Trail Guide to the Wichita Mountains of Southwest Oklahoma* (Lawton, OK: In-the-Valley-of-the-Wichitas House, 1991).

The articles that held up the walls of the old shack told of local prospectors who claimed that gold still exists in the Wichitas, and predicting that one day the mother lode would be struck. According to several legends, the lost treasures of the Spanish, Jesse James, and Belle Starr are hidden in the range. A few fortune-seekers have spent their entire lives searching for them.³ Yet, nothing mentioned gold being found in the Wichitas--only stories of the mining camps and the boom. I had heard of the California, Colorado, and Alaska gold rushes; but not the Oklahoma boom. I began to question the legitimacy of the stories. Maybe it was only a story to attract naive tourists to the area.

Three years later, I returned to Meers and found several changes. A new tourist trap--the "Longhorn Cafe"--has opened next to the old post office. Its bright pink and blue neon sign of a cowboy roping a bull, along with billboards of "Dry Gulch Saloon," "Animal Park," and "Buffalo Burgers," diminish the purity of Meers. Although the Meers post office is dilapidated and covered with faded signs, at least it characterizes the antiquated image of the area. The Longhorn Cafe only serves as another cheap roadside attraction.

I still wondered why there were no other reminders of the mining boom, until I read the plaque outside the post office door. In 1902 the building was moved one-half mile north from its original location, because President Theodore Roosevelt had established a National Wildlife Refuge within the Wichita Mountains. All federal buildings within the refuge had to move. Thus, this modern Meers is not really Meers, at least not in its original form.⁴

This trip aroused my curiosity. The proclaimed mining boom of Meers proved a chimera. I wondered why people continued to pour money and effort into a bankrupt venture. Of course, the structures and landscape I saw in 1994 were not the same as in 1901--the history of Elgin demonstrates that. Basic questions arose as I drove to Meers and looked at the post office walls. How did the region appear then? What about it attracted all of these people? Why was this mining boom promoted as a success when indeed nothing was ever discovered?

Purpose

The search for answers to these questions started this research, and has led to this paper. In simplest terms, I found that it was the environment that brought these miners, homesteaders, and business people to the region. Whether it was the attraction of free land, the allure of instant wealth, or the hope of owning a profitable business, more than 165,000 people converged on the region in July 1901. Their arrival forever altered the region's landscape. The relatively untouched mountains, rolling hills, and short-grass valleys, gave way to mines, plowed fields, and bustling boom-towns.

This change in the landscape did not begin in 1901. The origins of the land opening started in 1892 with the Jerome Agreement, named after the chairman of the commission which negotiated the purchase and allotment of the Kiowa, Comanche, and Apache reservation. However, the agreement's relation to the environment did not rest merely with these allotments of 1901, but also with the

federal government's analysis of the geologic and agricultural nature of the region.

What follows is an examination of the relationship of the environment to the early settlement and growth of the region. In Chapter Two, I discuss the Jerome Agreement and the controversy it created. It demonstrates how the government opened the reservation to non-Indian settlement and how federal scientists and local residents celebrated dubious mineral and agricultural richness. In Chapter Three, the 1901 booster advertisements that attracted homesteaders to the Land Opening are compared to the descriptions given by local residents concerning the agricultural conditions. Because of the size of the three counties created by the 1901 opening, this chapter will focus only on the largest one --Comanche County. Elgin and its neighboring communities serve as examples of the discrepancy between the exaggerated and sometimes false advertising and the environment. Chapter Four explains the history of the Oklahoma Gold Rush and the commercial growth of the region, Lawton in particular. Much of the mineral boom experienced following the 1901 Land Opening centered in Meers.

Sources

The sources for this paper consist of the transcripts from the Jerome Agreement, federal documents concerning the opening of the reservation in 1901, oral interviews conducted by the Works Progress Administration in 1937-1938, local newspapers, magazines, and manuscript collections. The quality of materials relating to

mining and agriculture differ greatly. Articles about mining prospects and "strikes" litter the newspapers throughout the boom years. Manuscript collections contain business correspondence among realtors, commercial organizations, railroad managers, and mining companies. The amount of evidence relating to mining activities is due to the act of mining itself: when someone takes a rock from a mountain and has it analyzed, this creates a document. Agriculture, by its nature, is a slower process than mining--a farm's value is unclear for months until the harvest. The value of the harvest depends on market prices that sometimes fluctuate wildly. Thus, few newspaper articles related the value of farms, instead discussing farming methods and crop recommendations. The best sources for the agricultural history are the oral interviews. In summary, the mining materials were object-related, while the agricultural materials were human-oriented.

Significance

This paper is different from the other articles and books written about the history of this area because of its focus and sources. No other work has examined the history of this period with its relation to the environment. The closest one comes to this is Edward Buford Morgan's *The Wichita Mountains: Ancient Oasis of the Prairie*. This book lacks sources. It is primarily a local history and reports most of the myths and legends as facts.

A few articles exist with regard to the Jerome Agreement, but William T. Hagan's book, *U.S.-Comanche Relations: The Reservation*

Years, is the most comprehensive. It is good for establishing a structure to the Jerome proceedings; but Hagan's interpretation of some of the events and motives are not substantiated. He relies too heavily on secondary sources which are themselves erroneous. Hagan concludes that the Indians signed the agreement due to the leadership of Quanah Parker, the Comanche chief, and that the commissioners did not indulge in fraudulent tactics. My paper, however, concludes that the Cherokee Commission employed fraudulent tactics to obtain the agreement.⁵

Several articles examine the 1901 Land Lottery, but no books. Most of these use similar sources as I have--federal documents and magazine or newspaper articles written at the time--but, in addition, I incorporate oral interviews, published and unpublished. There is no literature discussing the agricultural history of this region during this period.

Steve Wilson has written several articles about the mining history, relying, as I do, on the newspapers; but he used more oral interviews, whereas I examined manuscript collections. Also, he did not focus on the relationship between the Lawton boosters and the mining.⁶

None of these writers concentrated on the importance of the environment in establishing the non-Indian region and insuring its survival.

NOTES

¹Throughout this paper the term "Kiowa," when used will include the Kiowa-Apache people that split from the Apache tribe and joined the Kiowa tribe during the mid-nineteenth century. The term "Apache" will denote the branch of the Apache tribe that lived in Arizona until their removal in the late nineteenth century.

²The proprietors told me of their international tourists, and the guest register supported this.

³Edward Buford Morgan, *The Wichita Mountains: Ancient Oasis of the Prairie* (Waco, TX: Texian Press, 1973), 179-191. See also Steve Wilson, *Oklahoma Treasures and Treasure Tales* (Norman: University of Oklahoma Press, 1976).

⁴The National Registry of Historic Places plaque posted outside the post office related the story of the building's move.

⁵William T. Hagan, *Quanah Parker, Comanche Chief* (Norman, OK: University of Oklahoma Press, 1993); and *United States-Comanche Relations: The Reservation Years* (New Haven, CT: Yale University Press, 1976).

⁶Steve Wilson, "A. J. Meers: The First of the Gold Seekers," *Prairie Lore* 14 (October 1977): 79-86; and "Dauntless Gold Seekers of the Wichitas," *Great Plains Journal* 22: 42-78.

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CHAPTER TWO
THE CHEROKEE COMMISSION AND THE JEROME AGREEMENT

The Indians must conform to "the white man's ways," peaceably if they will, forcibly if they must. This civilization may not be the best possible, but is the best the Indians can get.

--Commissioner of Indian Affairs Thomas Jefferson Morgan

In 1889 the United States Commissioner of Indian Affairs, Thomas Jefferson Morgan, summarized the change in federal policy towards the Indian.¹ No longer the passive guardian of the Indian reservation-system, the federal government now sought forcibly to "assimilate," or incorporate, the Indian into its society. Disregarding existing treaties, the United States took tribal lands, either through executive order or agreements obtained by congressional-appointed commissions.

In September 1892 one of these commissions, the Cherokee Commission--so named after the tribe with whom the commission sought to negotiate principally--arrived at the Kiowa, Comanche, and Apache reservation in the Indian Territory. Within a month it successfully, though not without Indian opposition, reached an agreement that ceded all of the tribal lands.² Shortly after this, many involved in the negotiations began questioning the legitimacy of the agreement, its representation to the Indian leaders, and the methods employed by the commissioners to win its approval among the Indians. These questions delayed the agreement's ratification for

nine years, and involved not only the Indian leaders, but also army officers, scientists, and federal officials.

The arrival of the Cherokee Commission upset most of the Indians who believed that there would be no re-negotiations until 1896 or 1897. They thought that the Medicine Lodge Treaty of 1867 should remain in effect until its expiration.³ This treaty established the Kiowa, Comanche, and Apache reservation in southwestern Indian Territory (See Figures 5 and 6).⁴ It was the first treaty between these tribes and the federal government. Prior to its signing, the Indians had seasonally migrated throughout the region, hunting buffalo and occasionally raiding white settlements in Texas. To manage the population better, the United States placed them on a reservation.⁵ The treaty provided that the Indians would have the reservation for thirty years, as well as food rations and annual monetary payments, but that at the expiration of this period the government would come to negotiate a new agreement.⁶

During the next twenty years, the government maintained a passive role on the reservation. Indian agents controlled the annual payments, and corruption was pervasive. The reservation boundaries prevented the tribes from leaving the land to hunt. They quickly became reliant on government food rations.⁷

During the 1880s a massive transformation occurred in federal Indian policy; the government decided to assimilate the Indian into western society by dissolving the reservations. The federal government needed land to settle presumably the recent influx of European immigrants, and believed that the reservations could

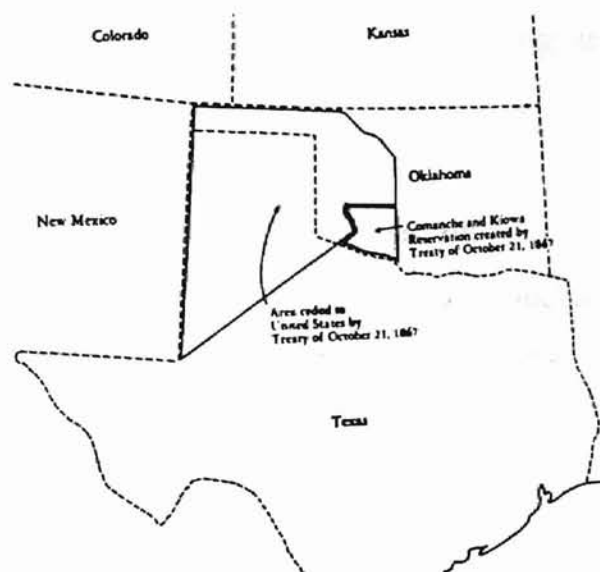


Figure 5. The Kiowa, Comanche, and Apache Reservation, under the provisions of the 1867 Treaty. Courtesy William T. Hagan, *U.S.-Comanche Relations: The Reservation Years* (New Haven, CT: Yale University Press, 1976).

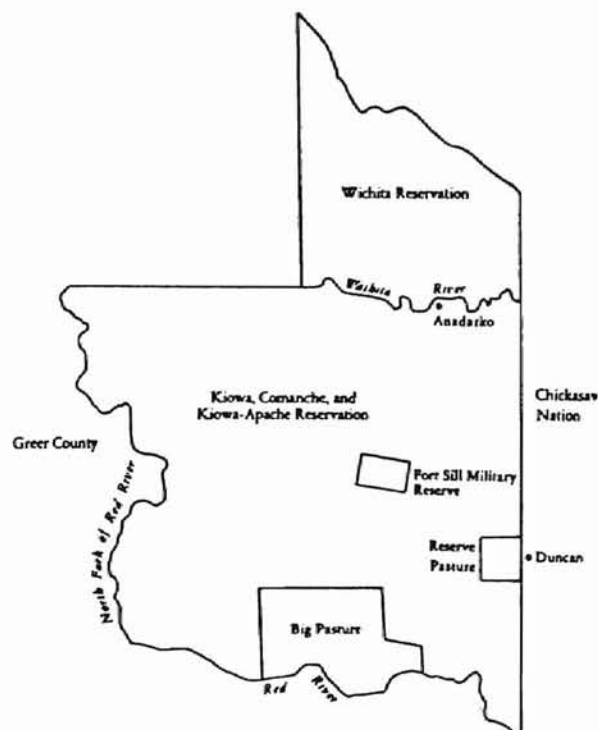


Figure 6. The Kiowa, Comanche, and Apache Reservation. Courtesy William T. Hagan, *U.S.-Comanche Relations: The Reservation Years* (New Haven, CT: Yale University Press, 1976).

provide this land. The military began instructing tribes on farming, ranching, and construction to produce agriculturally self-sufficient communities.

With the passage of the General Allotment Act of 1887, also known as the Dawes Act, the President could declare a tribe ready for individual allotments. When implemented, the head of each Indian family would receive 160 acres of land, while those without families would acquire only 80 acres. President Benjamin Harrison began using this power immediately after his election in 1888, but only on small reservations. Larger reservations, such as the Kiowa and Comanche, proved problematic because the act failed to provide for the sale of surplus lands that existed after the Indian allotments. To resolve this issue, Congress created commissions to negotiate with the residents of larger reservations. In 1889 it established the Cherokee Commission to settle with the tribes in Indian Territory.⁸

The original concept of establishing the Cherokee Commission came from General Nelson A. Miles, the commander of the Department of the Missouri, in 1885. Traveling through the Indian Territory en route to Arizona to capture the Chiricahua Apache leader Geronimo, Miles noted the lack of a "civil government." He believed the lands should be opened to non-Indian settlement to alleviate population pressures with the increase in European immigration. Fearful of a possible Indian uprising, Miles recommended opening the lands, thereby creating a "structured" society into which the Indians could assimilate.⁹ To accomplish this,

he recommended in his 1885 Annual Report to the Secretary of War that:

Congress should authorize the President to appoint a commission of three experienced, competent men, empowered to treat with the different tribes; to grant to the Indian occupants of the Territory such tracts of land in severalty as might be required for their support, but not transferable for twenty years; that their title to the remainder . . . be held in trust or sold by the government, and that a sufficient amount of the proceeds should be granted them to indemnify them for any interest they might possess in their lands; that enough of said proceeds be provided to enable the Indians in the Territory to become self-sustaining; the land not required for Indian occupation to be thrown open for settlement under the same laws and rules as had been applied to the public domain.¹⁰

He based this proposal on the plan he successfully employed in the Northwest, while in command of the Department of the Columbia.¹¹

Nearly every part of this recommendation became realized through legislation and treaty negotiations. In 1887 Congress established a twenty-five year trust period for Indian lands granted in severalty, and required that one-half of all lands allotted to Indians be arable. The proceeds from the sale of Indian lands entered a trust in the United States Treasury, collecting 3 percent interest per annum.¹²

Creation of the Cherokee Commission

Congress established the Cherokee Commission on 2 May 1889 in response to the escalating violence and the need of "proper administration to . . . [Indian Territory]."¹³ The three men appointed to the Commission were General Lucius Fairchild, chairman; General

John F. Hartranft; and Judge Alfred M. Wilson.¹⁴ After their initial meeting on 29 June 1889, John W. Noble, Secretary of the Interior, sent the commission a detailed account of all the reservation lands within the Indian Territory, with orders to secure all of the surplus lands for non-Indian settlement. They could accomplish this by either reducing the established reservations or by allotting the tribal members square parcels of land.¹⁵

On 19 September 1892, the Cherokee Commission arrived at Fort Sill to treat with the Kiowa, Comanche, and Apache tribes. In the period between its establishment in 1889 to its arrival at Fort Sill, the commission underwent personnel changes. General Hartranft had died on 17 October 1889, and Judge Warren G. Sayre of Indiana replaced him.¹⁶ Then on 1 January 1890 General Fairchild resigned for health reasons. David Howell Jerome, a former Michigan governor, replaced Fairchild as the chairman on 12 May 1890.¹⁷ In the three years following its inception, the Cherokee Commission had secured nine agreements with tribes in Indian Territory.¹⁸

Negotiating the Jerome Agreement, Fort Sill

The first formal council held between the commission and tribal headmen began on 26 September 1892, though commissioners had met with some Indian leaders during the preceding week.¹⁹ After reading the Medicine Lodge Treaty of 1867, the commission presented its proposal, offering the three tribes two million dollars for their land (although the method of payment was vague), and allotting a 160 acre parcel to every Indian, which would be held in

severalty for a twenty-five-year period. The agreement also stipulated that one-half of each of the 160 acre allotments had to consist of grazing lands, as deemed by the government; all current leases would continue until their expiration; and once members took allotments, they fell under federal laws.²⁰

To approve the contract, the commission had to obtain signatures from three-fourths of all adult Indian males on the reservation. The three-fourths requirement came from Article 12 of the Medicine Lodge Treaty of 1867: "no treaty for the cession of any portion or part of the reservation . . . shall be of any validity . . . unless executed and signed by at least three-fourths of all adult male Indians."²¹ The commissioners established the legal age of adults as 21 years or older.²²

Following the reading of the proposal, the tribal leaders and commissioners made opening statements. (For a reference list of the participants, see the Appendix.) The Indian leaders related their opposition to the commission's presence on the reservation prior to the expiration of the Medicine Lodge Treaty. Governor Jerome and Judge Wilson gave perfunctory speeches of little substance. Yet, Judge Sayre alluded to the government's attitude towards the negotiations by invoking the Dawes Act stating that "instead of making . . . an order for the Kiowa, Comanche, and Apaches to take allotments, the President has sent this commission here to make some arrangement with you."²³ His statement impressed upon the Indians two options: accept the commission's proposal or Congress will impose the Dawes Act.

The tribal leaders immediately divided into three factions. Big Tree (Kiowas), White Eagle (Comanche), and Aphiatom (Kiowa) led the majority of the three tribes who sought to delay any negotiations until the Medicine Lodge Treaty expired in 1897. Another, smaller group led by the principal chiefs of the Comanche and Kiowa, Quanah Parker and Lone Wolf, respectively, opposed the contract, but were willing to negotiate. These two leaders had visited Washington several times and believed that the federal government could not be stopped from taking the lands. A small number of older chiefs, led by Comanches Tabananaka and Cheevers capitulated to everything the commissioners supported.²⁴

During the negotiations, Parker stated "I want to know how much will [be] paid for one acre, what the terms will be, and when it will be paid"²⁵; this became the most pervasive question concerning the contract's provisions. Throughout the meetings of the first two days, Parker repeatedly broached this subject, attempting to obtain an exact price per acre. Although the commission knew the reservation consisted of 2,968,893 acres, they did not volunteer the size knowing that the price was only about seventy cents per acre, rather than the \$1.25 that the tribes sought.²⁶

Near the end of the second day, the commission decided to end the "price debate" when Judge Sayre finally responded that "we just guess at it [the two million dollars]."²⁷ This upset Parker and the other leaders in his faction. The next day the commission reported to the leaders that the price per acre was \$1.10.²⁸ Although this price was a "miscalculation," it satisfied Parker's group.²⁹

On the next day the split within the Indian leadership widened. Lone Wolf and White Man, the principal chief of the Apache, told the commission that they had met with their individual tribes in councils, and that all of their people had decided against selling their land. They wanted to wait four years until the expiration of the Medicine Lodge Treaty. Although Quanah Parker was the principal chief for the Comanche, he was unable to gather enough support for a settlement.³⁰

The majority of the three tribes opposed an agreement at this time. The treaty of 1867 between the Kiowa, Comanche, and the federal government was the first treaty these tribes had signed. They believed the commissioners and agents involved with that agreement were honest, and that its provisions should be respected. Lone Wolf and White Man stated their willingness to negotiate opening the lands to non-Indian settlement, but not until 1896.³¹

Quanah Parker became the mediator between the commission and this Indian majority, because he was one of the few Indian leaders who had dealt with the federal government before. He understood that the tribes might lose all of their lands with little compensation under the Dawes Act of 1887. He wanted to delay the land opening as long as possible, but once he realized that the government was eager to settle the reservation, he sought a fair agreement.³²

When the proceedings resumed on 3 October Parker proposed establishing a four-man committee to develop a treaty over the next two months. Its members would include Parker, Joshua Givens

(Kiowa), an Apache, and a lawyer. Parker claimed to have selected Givens as the Kiowa representative based on his ability to read and write--he was the proceeding's official interpreter. Yet, Givens also supported the agreement, one of the few Kiowas in Parker's faction. Jerome accepted the committee proposal, but refused the two-month deliberation period; he wanted an agreement by the end of October.³³

The idea of a four-man committee received the support of Lone Wolf's Kiowas, and Parker sent for a lawyer. The circumstances involving Parker's committee led people to make accusations of deceit and betrayal. The lawyer, referred to only by the name Asp, came from Guthrie, Oklahoma Territory. He was allegedly a friend to John T. Hill, a white man who appeared several times throughout the commission's proceedings, but whose role is unknown. In 1895 the Indian Rights Association claimed that Asp wanted a fee of 7 percent of the sale of surplus land (the \$2,000,000). It further claimed that Parker, Lone Wolf, Tabananaka, and Joshua Givens would have received part of that \$140,000 fee as payment for a successful agreement.³⁴

In his memoirs, *Some Memories of a Soldier*, Hugh Lenox Scott accused Lone Wolf and Quanah Parker of "[selling] . . . out . . . [their] . . . people to the Cherokee Commission."³⁵ It is possible that Scott, then a Lieutenant at Fort Sill, was aware of the deal between the four Indians and the lawyer, and stopped it. However, this is only speculation; no documents related Scott's role with the four-man committee.

Regardless of Scott's actions, by the next formal session on 5 October, Quannah Parker told the commission that he had sent the lawyer back to Guthrie. Parker told the other Indian leaders that the lawyer could do nothing for them at this time. Tabananaka, who was allegedly involved with the deal, told the council that he did not need a lawyer, because he had already agreed to the commission's proposal.³⁶ The other Indian leaders still requested an outside counsel, but Indian Agent Day responded that they could have a lawyer only after signing the agreement; they could take a lawyer with them in a delegation to Washington to address Congress with their concerns about its provisions.³⁷

With the four-man committee abolished, Parker focused on the settlement price. He proposed that the commission increase the offer by \$500,000. The commissioners refused to change the price in the agreement; they told the Indian leaders that they would include the proposal with the agreement sent to Congress. This would allow Congress to decide which of the two offers it would pay. Adding the increased payment proposal satisfied Parker and his faction, who signed the agreement on 6 October.³⁸

Seeking the signatures of the remaining Indians, the commissioners attempted to equate the period between the signing of the agreement and the actual land opening to the end of the Medicine Lodge Treaty. Judge Sayre told the council that it would take at least two years for Congress to ratify the agreement, though he suggested it might take longer.³⁹ This satisfied the Kiowas led by Big Tree and Komalty, who then agreed to sign.

By 11 October the commission had obtained only 342 signatures, which was eighty short of the three-fourths required. A number of Kiowas and Comanches, led by Aphiatom (Kiowa), made council at the Indian agency in Anadarko, and requested that the commission meet with them about the proposal. Needing their signatures for approval, Joshua Givens, Tabananaka, and the three commissioners arrived at Anadarko on 14 October.

Negotiating the Jerome Agreement, Anadarko

The Indians gathered at this agency were staunchly opposed to the agreement, believing that the commission's presence on the reservation demonstrated disrespect toward the Kiowa, Comanche, and Apache people, as well as to the white men who negotiated the Medicine Lodge Treaty. Big Tree's arrival at the Anadarko council further fueled this animosity. He accused Joshua Givens and the commissioners of deceiving the Kiowa leaders at Fort Sill. His accusation centered around the time period of the agreement's ratification. He charged that Givens had intentionally misled the Kiowas into believing that the agreement would not begin until after the expiration of Medicine Lodge in 1897.⁴⁰ At Anadarko, Big Tree insisted on seeing the written agreement, claiming it did not contain the items to which he had agreed:

When you spoke at Fort Sill, I . . . said we will agree to sell this country in four years and then we will be willing to sell the land for . . . \$2,500,000 . . . Joshua wrote them . . . [but we] . . . were told that it was not in the contract, showing that . . . Joshua was not interpreting right and doing the work right.⁴¹

The commissioners told the leaders that they had never agreed to put either the four-year delay or the \$2,500,000 payment in the agreement. Again, this supports the theory that the commission misled several of the tribal leaders at the Fort Sill council.⁴²

The repercussion of Big Tree's charges led to the end of the council at Anadarko. After telling the commission that it had cheated the Indians at Fort Sill, Aphiatom stormed out of the proceedings, taking most of the tribal headmen with him. The commissioners obtained the signatures of the remaining few Indians after threatening them with forced implementation of the Dawes Act.

Through the efforts of Quannah Parker and Lone Wolf, the commission received another 154 signatures, bringing the total to 456 on 22 October. Using Indian Agent Day's figure of 562 adult males on the reservation, the Cherokee Commission concluded that it had thirty-four more names than needed to comply with the three-fourths requirement. It forwarded the approved contract, which became known as the Jerome Agreement, to the Secretary of the Interior and the United States Congress.

The agreement sent to Congress had only two revisions after the negotiations with the tribes: it paid the money from the sale of surplus lands to individual Indians, and it included the names of twenty-five non-Indians to receive allotments and provisions. Of the \$2,000,000 (made from the sale of lands), the Indians would receive \$200,000 in cash within ninety days of the agreement's ratification. Another \$200,000 would come one year following the first payment, and the final \$100,000 a year after that. The United States Treasury

would retain the remaining \$1,500,000, creating a trust fund, which would accrue five percent interest per year (approximately \$75,000) that it paid to the Indians as an annual dividend.⁴³

The tribes wanted the non-Indians named in the agreement's Article 10 to receive all of the entitlements. Eighteen of them were husbands or wives of Indians. The other seven assisted the tribes, such as the missionary J. J. Methvin and the interpreter Emsy S. Smith. Yet, two of these names, George D. Day and Hugh L. Scott, were inappropriate. Day, the Indian Agent, claimed that the Indians wanted him to "take a home here and spend his days among them."⁴⁴ During the proceedings, there was no mention of this desire by the Indians.⁴⁵ Scott requested that the Indians remove his name from the agreement, but they kept it.⁴⁶ This was more plausible, considering he had assisted the Indians during several crises, and they regarded him as a friend. The United States Attorney General concluded that Congress should remove the names of Day and Scott, but that the others should receive all benefits.⁴⁷

Controversy about the Agreement

The opposition to the ratification of the Jerome Agreement fell into three areas: legislative, political, and tribal. The United States Congress failed to ratify the agreement for nearly eight years, due to the influence of President Grover Cleveland and his administration, and Senator Matthew Stanley Quay from Pennsylvania. Indian leaders, Indian agents, and army officers sought to nullify the contract and prove the commission's fraudulence. On the

reservation, the Indians blamed Joshua Givens, Lone Wolf, and Quanah Parker, holding them accountable for their loss of lands.

Immediately following the Cherokee Commission's departure from the Kiowa, Comanche, and Apache reservation, tribal members began denouncing the agreement. Few, if any, had read the final written version of the contract, and had relied solely on the interpreters. News of its actual contents spread throughout the reservation, causing dissatisfaction.⁴⁸ As Big Tree stated at the Anadarko council, the agreement did not mention a four-year delay, as many signers apparently believed, and the commissioners included the increased payment only in their report, not in the agreement.

The Indians blamed Joshua Givens, the official interpreter, for misinterpreting the terms of the contract. The Kiowas and Comanches accused Givens of betraying his people, and predicted he would die within the year. He did die one week later.⁴⁹ His family, as well as his friend the Reverend J. J. Methvin, claimed his cause of death was a hemorrhage due to complications from tuberculosis. Yet, Givens believed that Kiowa and Comanche shamans had "made medicine against him and had thrown mud at it, and that it struck just over the lungs and then he felt pains as the hemorrhage began."⁵⁰ The Indians readily accepted the story that they had "prayed him to death," and newspapers reported only this as the cause of death.⁵¹

The evidence against Givens was great. The commission obtained the bulk of the signatures at Fort Sill after Judge Sayre told

the Kiowas that the agreement would not take effect for two years. Givens was the only interpreter for the Kiowas, and because the Kiowas did not understand English, he had to interpret the proceedings. Big Tree's charges at Anadarko and the later fury that developed among tribal members concerning the four-year delay, demonstrated a misinterpretation. Givens's role in Parker's four-man committee coupled with the alleged deal with the lawyer Asp added suspicion; and it was Givens who established the male population at 562, which many contested.⁵²

Although Givens received the greatest part of the hostility resulting from the commission's visit, the Indians believed Lone Wolf and Parker were also responsible.⁵³ Both leaders spoke English and had visited Washington prior to the commission's arrival, which led to the indication of conspiracy. The Indians held all three men accountable for not making them more aware of the terms in the final agreement. The Indians may or may not have known about the deal involving Parker's four-man committee, but their actions during the negotiations were suspicious.

After receiving the Cherokee Commission's final report in November 1892, the Secretary of the Interior forwarded it to President Harrison. On 1 January 1893 he submitted the Jerome Agreement to Congress for ratification, where it was immediately sent to committee.⁵⁴ In the spring of the same year, Lieutenant Scott traveled to Washington as a representative of the Kiowa, Comanche, and Apache tribes. He presented a letter to President Cleveland, who had been reelected in 1892, that stated "many of these Indians

believed they were tricked into signing away their lands.”⁵⁵ Scott also had six letters of endorsements, including General Miles who recommended that the “settlement be suspended until matters . . . can be fully investigated.”⁵⁶ Following Scott’s meeting with the President, the congressional Committee on Indian Affairs tabled the bill until the Interior Department settled the claims.

As the debate shifted from Congress to the Interior Department, the strongest argument against the opening of the Kiowa, Comanche, and Apache reservation was the legitimacy of the agreement. The accuracy of the number of adult males as 562 was questionable. The agreement’s clause that “every Indian . . . shall be required to take at least one-half in area, of his or her allotments, of grazing land,” was impossible. In an attempt to ascertain the truth, the Interior Department sent special agents to the reservation.⁵⁷

The Jerome Agreement actually failed to receive three-fourths of the signatures required for approval. Indian Agent Day certified that 562 was the number of adult Indian males in October 1892, based upon “the most authentic sources available,”⁵⁸ which appeared to be Joshua Givens and Edward L. Clark,⁵⁹ -- both highly questionable sources. The Office of Indian Affairs did not have a census roll of the reservation Indians until 1900, but one reliable source did exist: the annual payroll for provisions and money allotted to the Indians under the Medicine Lodge Treaty. The payroll closest to the agreement signing, January and February 1893, consisted of “639 males 21 years of age and over, and 725 males 18 [years] of age and over.”⁶⁰

The definition of legal age was unclear, but whether it was twenty-one or eighteen, the three-fourths requirement was not met. The debate over legal age came from the agreement: it stipulated that a signer had to be twenty-one or older, but declared eighteen as the age determining adulthood with regard to allotments.⁶¹ If twenty-one was the legal age, then the agreement was short twenty-three signatures; if eighteen was the age, then it needed eighty-seven more names.

The second issue concerning the agreement's provisions involved the issue of grazing lands. Those opposing the agreement took two positions with respect to these lands: they attempted to prove that there did not exist enough land certified as grazing and they demonstrated that the soil quality was so poor that an allottee would require much more land than 160 acres to survive. Government officials, geologists, hydrographers, and non-Indian settlers near the reservation testified on behalf of the Indians.⁶²

If the contract required one-half of each Indian allotment to consist of grazing land, then over two hundred thousand acres had to exist. Federal officials determined that only 79,340 acres of the reservation "were agriculturally sound," which equated to only thirty acres of grazing land per allotment. Without any additional lands becoming classified as arable, the contract would fail on its own terms. To meet this requirement, the agreement's proponents referred to the bulk of the tribal lands, 2,414,553 acres, that the commission labeled "Unfit for agriculture, but valuable for grazing."⁶³

With these additional "grazing lands," the debate shifted to their quality. F. H. Newell, the Hydrographer in Charge at the United States Geological Survey concluded that the lands classified as "grazing" could not sustain a family with only eighty acres (half of the allotment). Newell testified that the poor soil condition of the reservation lands required nearly three times the fifteen to twenty acres per head standard for grazing, estimating that an Indian family of four would need one thousand acres of grazing land to survive.⁶⁴

Cattle ranchers, who leased the lands, and local farmers also testified to the poor conditions of the lands. Five of the non-Indians mentioned in the Jerome agreement for allotments--W. F. Dietrich, John Nestill, Thomas Woodward, Reverend J. J. Methvin, and George W. Conover--gave sworn statements in 1899 that the reservation was incapable of agriculture and only large tracts could support grazing. If Congress wanted the Indians to become self-sufficient, then it would have to increase the acreage of allotments.⁶⁵

The Interior Department's investigations into the Jerome Agreement lasted seven years. Oklahoma's delegate to the Senate, Dennis Flynn, tried repeatedly to bring the agreement to a vote, but Senator Matthew Quay, the senior senator from Pennsylvania, challenged him. Lacking enough support to pass the agreement, Flynn had to wait until Quay's influence subsided.

The motive for Quay's opposition to the Jerome Agreement was unclear, except that his son, Lieutenant A. G. C. Quay, United States Army, served with Lieutenant Hugh Scott at Fort Sill during the negotiations.⁶⁶ Scott often visited Quay in Washington and discussed

his opposition to the agreement. While Quay remained in the Senate, the Jerome Agreement never made it out of the committee.

Quay retired from the Senate in 1899, and Flynn immediately pressed for the agreement's approval. In January 1900 the Senate's Committee on Indian Affairs requested the Interior Department's investigation results. Although the Interior Department recommended against ratifying the contract at this time, Congress, led by Flynn, sought to pass it.⁶⁷

Ratification of the Agreement

On 6 June 1900 the United States Senate ratified the Jerome Agreement, and sent it to the President. The contract was a rider on another bill that dealt with the Fort Hall Indian Reservation in Idaho, and few senators knew it was there.⁶⁸ Its two chief political opponents, Senator Quay and Hugh Scott, were absent. Earlier that spring, the Senate had invalidated Quay's recent appointment to the Senate by the governor of Pennsylvania.⁶⁹ The army had transferred Scott to Cuba to deal with the escalating hostilities. With these two men gone from Washington, no one remained to question the agreement's legitimacy.

Yet, the Indians had one final option: the courts. The Kiowa leader Lone Wolf sued the Secretary of the Interior, E. A. Hitchcock, immediately following the Senate's ratification. By moving the debate over the agreement into the courts, Lone Wolf prevented Hitchcock from implementing the provisions.

In June 1901, the United States District Court of Appeals in Washington, D. C., ruled against Lone Wolf. The court held that it could not decide on the issues of the agreement, because Indians fell under the guardianship of Congress. The United States Supreme Court upheld this decision in January 1903, stating that the only way that the Indians could challenge the agreement was through the political process.⁷⁰

With the 1901 court ruling, the Indians had exhausted all their options, and their battle was over. On 4 July, President William McKinley issued the proclamation implementing the Jerome Agreement. One month later, on 6 August, the Kiowa, Comanche, and Apache reservation opened to non-Indian settlement.

The purpose behind the creation of the Cherokee Commission and the agreements it made was to assimilate the Indian, but it became skewed. Orders to obtain all of the reservation lands led to fraud by the commissioners and those associated with them. The story of the Jerome Agreement and the Kiowa, Comanche and Apache tribes was not unique; other tribes in Indian Territory accused the commission of similar tactics. The Jerome Agreement was unusual because of the people who rallied to support the Indians, delaying its ratification for eight years. Most of the surrounding reservations opened within months after their agreements, but the Kiowas, Comanches, and Apaches fought until no other options remained.

The Jerome Agreement opened the reservation to non-Indian settlement, forever altering it. The conclusions made by the federal scientists regarding the condition of the environment, however, did

not change. The United States wanted the land and got it. In the years following the Jerome Agreement, magazine writers and local boosters altered the landscape, if only in words.

NOTES

¹Annual Report of the Commissioner of Indian Affairs (Serial 2725, 3) in William T. Hagan, *United States-Comanche Relations: The Reservation Years* (New Haven, CT: Yale University Press, 1976), 166.

²Berlin Chapman, "The Final Report of the Cherokee Commission," *Chronicles of Oklahoma* 19 (December 1941): 356-357.

³When the Cherokee Commission began its proceedings on 27 September 1892, several Indian leaders repeatedly requested that the commission leave and not return to negotiate the opening of the reservation until 1897 when the terms of the 1867 Treaty expired. See U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77 (Washington, D.C.: Government Printing Office, 1899), 13-15.

⁴On 21 October 1867 the *Treaty with the Kiowa and Comanche, 1867* (also known as the Medicine Lodge Treaty) established the reservation as the land district:

commencing at a point where the Washita River crosses the 98th meridian, west from Greenwich; thence up the Washita River, in the middle of the main channel, thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence, due west to the north fork of the Red River, provided said line strikes said river east of the one hundredth meridian of west longitude; if not, then only to said meridian-line, and thence south, on said meridian-line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be intersected by the lines above described, to the main Red River; thence down said river, in the middle of the main channel thereof to its intersection with the

ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian-line, to the place of beginning.

In Charles J. Kappler, *Indian Treaties, 1778-1883* (New York: Interland, 1972), 977-78; *Statutes at Large* 15 (Washington, D.C.: Government Printing Office, 1937), St. 581. The Apache were incorporated with the Kiowa and Comanche and accepted "as their permanent home the reservation described in the [*Treaty with the Kiowa and Comanche, 1867*]" on 21 October 1867 at *Medicine Lodge in the Treaty with the Kiowa, Comanche, and Apache, 1867*; see Kappler, 982-83; *Statutes at Large* 15, St. 589.

⁵William T. Hagan, *United States-Comanche Relations: The Reservation Years* (New Haven, CT: Yale University Press, 1976), 1-26.

⁶The Treaty of 1867 established that \$25,000 would be appropriated annually for thirty years for the purchase of for articles other than clothing; and the government would provide farm equipment and education concerning farming, housing construction, and ranching; see Kappler, 979-980; *Statutes at Large* 15, St. 581.

⁷Hagan, *United States-Comanche Relations: The Reservation Years*, 44-200.

⁸Congress created the Cherokee Commission by act on 2 March 1889, *Statutes at Large* 25 (Washington, D.C.: Government Printing Office, 1937), St. 1001.

⁹Nelson A. Miles, *Serving the Republic: Memoirs of the Civil and Military Life of Nelson A. Miles, Lieutenant-General, United States Army* (New York: Harper & Brothers Publishers, 1911), 217.

¹⁰*Ibid*, 218. See also Grant Foreman, "Historical Background of the Kiowa-Comanche Reservation," *Chronicles of Oklahoma* 19 (1941), 139.

¹¹*Ibid*.

¹²*Statutes at Large* 24 (Washington: Government Printing Office, 1937), St. 389 Section five reads, "at the expiration of . . . [the twenty-five year] . . . period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or encumbrance whatsoever." Congress amended this further in 1891. See *Statutes at Large* 26 (Washington, D.C.: Government Printing Office, 1937), St. 794.

¹³Grant Foreman, "Historical Background," 139.

¹⁴Fairchild and Hartranft were former governors of Wisconsin and Pennsylvania, respectively; and Wilson was an Arkansas judge. See *ibid.*

¹⁵Berlin B. Chapman, "Secret 'Instructions and Suggestions' to the Cherokee Commission: 1889-90," *Chronicles of Oklahoma* 26 (Winter 1948-1949), 450, 453, 457.

¹⁶Berlin B. Chapman, "Final Report of the Cherokee Commission," *Chronicles of Oklahoma* 19 (December 1941), 356.

¹⁷*Ibid.*, 357.

¹⁸U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 21.

¹⁹*Ibid.*, 8.

²⁰*Statutes at Large* 15, St. 581.

²¹*Ibid.*

²²In their final report, which accompanied the signed treaty to Congress, the commissioners state that they received 456 signatures out of 562 male Indian adults; the two interpreters, Edward L. Clark and Joshua Given, certified that these adults were at twenty-one years old. The interpreters acted at the bequest of the

commissioners throughout the proceedings, and it appears very unlikely that Clark and Given would have chosen twenty-one as the determining age instead eighteen, which had been the age of adulthood with regard to all treaties prior to this. See U.S., Congress, Senate, *Cession of Certain Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 10-11, 17.

²³U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 10.

²⁴The formation of these three factions and their views developed throughout the proceedings, *ibid*, 8-57.

²⁵*Ibid.*, 11.

²⁶The commission's knowledge that the reservation consisted of 2,968,893 acres is in Chapman, "Secret 'Instructions and Suggestions,'" 457; The Indians wanted \$1.25 per acre because other tribes had received that price, but they also noted that the Wichita tribe received only fifty cents per acre, U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 18.

²⁷U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 18.

²⁸*Ibid.*, 21

²⁹By dividing the price (\$2,000,000) by the acreage (2,968,893), the price is about seventy cents.

³⁰U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 19-21.

³¹*Ibid.*

³²Quanah's motives for the four-man committee are vague, but his speech on 3 October demonstrates his realization that the tribes were going to lose their land regardless: "This land is ours ... but for one reason we cannot hold onto ours, because on the right hand is what you [commission] are trying to do and on the left hand is the Dawes bill." He sought to get as much compensation as possible. Ibid, 29.

³³Ibid, 29-30.

³⁴*Twelfth Annual Report of the Executive Committee of the Indian Rights Association* (Philadelphia: Indian Rights Association, 1885), 18-19, 43 in Hagan, *United States-Comanche Relations*, 208.

³⁵Hugh Lenox Scott, *Some Memories of a Soldier* (New York: The Century Co., 1928), 157. Scott claims to have publicly accused Lone Wolf before the Kiowa tribe, with Lone Wolf refusing to answer the charge. He and the Kiowas took this to be an admission of guilt, as proven in the 1894 election of chief (the first public Kiowa election), when they elected Aphiatom over Lone Wolf by a large margin.

³⁶U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 31.

³⁷Ibid., 30.

³⁸Ibid, 40.

³⁹Ibid., 37.

⁴⁰Ibid, 48, 53.

⁴¹Ibid., 48.

⁴²Responding to Big Tree's accusation, Jerome stated that:

The commissioners offered and agreed to pay \$2,000,000, and that is all the money they offered to put in the contract.... [Quannah Parker, Lone Wolf, and White Man] said they wanted two and a half millions [sic] of money, but they said would sign the contract for two millions [sic] and then go to Washington with a lawyer and ask for a half million more.

Big Tree and Komalty's appearance at Anadarko and their response alludes to the charge of misrepresentation. In *ibid.*

⁴³ Article VI of the agreement deals with the monetary payment and Article X lists the non-Indians seeking the entitlements, in *Statutes at Large* 31 (Washington, D.C.: Government Printing Office, 1937), St. 813; U.S., Congress, Senate, *Cession of Certain Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 12-13.

⁴⁴ George Day to Commissioner of Indian Affairs, 8 November 1892, U.S., Congress, Senate, *Cession of Certain Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 17.

⁴⁵ Throughout the entire proceedings, there is not one mention of the Indians offering Day to be on the list. See U.S., Congress, Senate, *Kiowa, Comanche, and Apache Indian Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 8-57.

⁴⁶ *Ibid.*, 41.

⁴⁷ The United States Attorney General, George H. Shields, recommended the removal of Day and Scott from the list of non-Indians to receive entitlements because both were "officers of the Government stationed among the Indians," which might set a "bad precedent." In U.S., Congress, Senate, *Cession of Certain Indian Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 8. The Senate did remove these two names, see Article X in *Statutes at Large* 31, St. 813.

⁴⁸ U.S., Congress, Senate, *Memorial from Kiowa, Etc. Indian Tribes*, 56th Cong, 1st Sess., 1900, S. Doc. 76 (Washington, D.C.:

Government Printing Office, 1900), 2; Scott, *Some Memories of a Soldier*, 200.

⁴⁹Aphiatom, the Kiowa leader, told Commissioner of Indian Affairs W. A. Jones that

Joshua Givens ... said, you sign that paper now for \$2.50 per acre and in four or five years the [Cherokee] Commission will come back to you and you can sell it if you agree to it. Afterwards we found out what was in that paper . . . and when we found that out Big Tree wanted to break up the treaty, and those who had signed asked the Commission to have their names taken off.

He further stated that the commissioners had threatened to imprison Big Tree at the Fort Sill guard house, and that Joshua Givens died one week after Big Tree publicly willed him to die. In Conference between the Commissioner of Indian Affairs and the Representatives of the Kiowa, Comanche, and Apache Indians of Oklahoma, in the Office of Indian Affairs, 29 April 1899, Kiowa Agency Letterbook 35, Oklahoma Historical Society, Oklahoma City.

⁵⁰Rev. J. J. Methvin, "Reminiscences of Life Among the Indians," *Chronicles of Oklahoma* 5 (June 1927), 174.

⁵¹Wilbur S. Nye, *Carbine and Lance: The Story of Old Fort Sill*, 2d ed. (Norman: University of Oklahoma Press, 1942), 304.

⁵²U.S., Congress, Senate, *Cession of Certain Indian Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 17.

⁵³Scott, *Some Memories of a Soldier*, 157-58.

⁵⁴Benjamin Harrison to U.S. Senate and House of Representatives, U.S., Congress, Senate, *Cession of Certain Indian Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 1.

⁵⁵Scott, *Some Memories of a Soldier*, 200; Hugh Lenox Scott to Secretary of War, 11 May 1893, U.S., Congress, Senate, *Kiowa*,

Comanche, and Apache Indian Reservation, 55th Cong., 3rd sess., 1899, S. Doc. 77, 4.

⁵⁶Nelson A. Miles to Secretary of War, 1 June 1893, *ibid.*, 5.

⁵⁷U.S., Congress, Senate, *Quantity, Nature, and Character of the Lands of the Kiowa, Comanche, and Apache Reservation, etc.*, 56th Cong., 1st sess., 1900, S. Doc. 75, 1-4.

⁵⁸Affidavit from George Day, U.S., Congress, Senate, *Cession of Certain Indian Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 17.

⁵⁹Affidavit from Edward L. Clark and Joshua Given, *ibid.*

⁶⁰W. A. Jones to Secretary of the Interior, U.S., Congress, Senate, *Number of Adult Male Indians, Belonging to the Kiowa, Comanche, and Apache Tribes in October 1892*, 55th Cong., 3rd sess., 1899, S. Doc. 84, 2.

⁶¹The requirement of twenty-one years old to sign the agreement came from the commission during the negotiations. The only documentary reference to twenty-one as the legal age was in the letter from Edward L. Clark and Joshua Given to the Commissioner of Indian Affairs, stating that the “[signers] . . . are male adults over the age of twenty-one years,” in U.S., Congress, Senate, *Cession of Certain Indian Lands in Oklahoma*, 52nd Cong., 2nd sess., 1893, S. Doc. 17, 17. The declaration of eighteen as the age to receive an allotment in Article Two of the Jerome Agreement: “Indians over the age of eighteen (18) years shall have the right to select . . . one hundred and sixty (160) acres of land to be held and owned,” in *Statutes at Large* 31, St. 813.

⁶²U.S., Congress, Senate, *Kiowa, Comanche, and Apache Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 60-61.

⁶³U.S., Congress, Senate, *Quantity, Nature, and Character of the Lands of the Kiowa, Comanche, and Apache Reservation, etc.*, 56th

Cong., 1st sess., 1900, S. Doc. 75, 3. It divided the reservation lands as follows:

	<u>acres</u>
Unfit for agriculture, but valuable for grazing	2,414,553
Wichita Mountains, worthless for agriculture and of but little value for grazing	400,000
Keechi Hills, same	25,000
Fort Sill military reservation	50,000
Agricultural land	<u>79,340</u>
	2,968,893

⁶⁴F. H. Newell to the Indian Rights Association, 7 June 1898, U.S. Congress, Senate, *Kiowa, Comanche, and Apache Reservation*, 55th Cong., 3rd sess., 1899, S. Doc. 77, 60

⁶⁵U.S., Congress, Senate, *Quantity, Nature, and Character of the Lands of the Kiowa, Comanche, and Apache Reservation, etc.*, 56th Cong., 1st sess., 1900, S. Doc. 75, 9-12.

⁶⁶Scott, *Some Memories of a Soldier*, 138.

⁶⁷The reintroduction of the agreement was made by Senator Chilton on 11 December 1899 (bill S. 1352) where it was referred to the Committee on Indian Affairs, in U.S., Congress, Senate, *Congressional Record*, 56th Cong, 1st Sess, 1900, 33 (Washington, D.C.: Government Printing Office, 1900), 1 : 182. Senator Terry of Arkansas attempted to stop its passage on 5 March 1900, but failed, see *ibid*, 3 : 2560.

⁶⁸*Statutes at Large* 31, St. 581.

⁶⁹Both Nye in *Carbine and Lance*, and Hagan in *United States-Comanche Relations*, state that Quay was absent due to death, but he did not die until 1904. The Pennsylvania legislature was unable to find a successor to his seat following his 1899 retirement. Following his removal from the Senate in April 1900, he was reelected and returned in January 1901. See Haynes, George, 162; *Dictionary of American Biography* (New York: Charles Scribner's Sons, 1935), 297;

Francis M. Fox, ed. *Official Congressional Directory, 54th Congress, 1st Session* (Washington, D.C.: Government Printing Office, 1895), 108-9

⁷⁰“Lone Wolf v. Ethan A. Hitchcock,” *Cases Argued and Decided in the Supreme Court of the United States*. Book 47, vol. 187 (Rochester, NY: The Lawyers Cooperative Publishing Company, 1926), 1902.

CHAPTER THREE

THE LAND LOTTERY AND AGRICULTURE

Now comes the last great opening. Kiowa and Comanche superior grand agricultural lands, timber, water, grass, rich alluvial intervals--the paradise and elysian of the pioneer.

--Henry T. Sumner, *Public Land and Mining Laws*

The greatest effect upon the physical landscape was the homesteader, who sought to reshape the short-grass, rolling prairie into productive, square fields of cotton, corn, wheat, and other cash crops. In July 1901, 165,000 prospective farmers converged on the border of the Kiowa, Comanche, and Apache reservation with hopes of obtaining a lot in this fertile region. It was the largest number of people in a land opening ever. (Prior to this, the opening of the Cherokee Strip in 1893 was the largest, with 100,000 people.)¹

One reason so many came to the 1901 land opening was the massive advertising campaign waged by businessmen, or boosters, seeking to locate in the new lands. By promoting the opening, they sought to ensure that their investment would be profitable and sustained. As with many advertising campaigns, these boosters embellished the description of their product, often to the point of falsity. The boosters continued the promotional campaign after the opening to attract business, railroads, and future residential homeowners.

At the national level, the boosters were aided by magazine writers, whose articles painted the Kiowa, Comanche, and Apache

reservation as an agricultural paradise. The most prolific and widely read was Helen Churchill Condee, who wrote for several of the major national magazines: *Harper's Weekly*, *Atlantic Monthly*, *Outlook*, *Forum*, and *Lippincott's Magazine*.² In the February 1901 *Harper's Weekly*, her article entitled "A Chance in Oklahoma" posed the question "And what can be raised on the prairies?" to which she answered, "Everything, apparently, except polar bears and other arctic creatures. The land is rich beyond belief." She then lists products ranging from cotton and corn to grapes and apples.³ John Gilmer Speed, writing for the magazine *Outlook*, said that "All well-informed people in that section of the country . . . know of the value of these lands. . . . There are potentialities of wealth which make the farming lands of the older States seem poor and unprofitable."⁴

As the actual opening neared, Oklahoma Territory lawyers and realtors added to the promotional campaign with pamphlets explaining the federal laws applicable to the land, maps, instructions for staking a claim, and the condition of the land. Most contained instructions believing that the opening would be a land run, as had the previous openings of Indian Territory reservations. After the announcement that the lands would be allotted by lottery, and not a run, many of these pamphleteers reprinted them with instructions for registering and filing a claim.

In his *Home-seeker's Guide*, Fred L. Wenner, described the climate of the reservation lands:

With an area as great as that of Ohio, better supplied with running water than Ohio, Missouri, Kentucky or Tennessee, with

a soil unexcelled for general fertility, this new territory has a wonderful climate. . . . The summers are long and the winters short and very mild. No cold weather of any account is experienced; the farmer can plow every month of the year.⁵

The people who read this as their source on the land must have thought this was wonderful, wanting a piece of it. This may explain why the number of registrants was so great.

For most of the prospective homesteaders the descriptions given by these articles and pamphlets were all they knew about the land. On 2 July 1900 the Indian Agent at Anadarko, James F. Randlett, ordered "all unauthorized persons to leave the reservation by July 10." The Indian police and Fort Sill troopers forcibly removed any intruders.⁶

These descriptions relied upon by the registrants were opposite of those made by the federal scientists during the Jerome Agreement Controversy, and by local farmers and ranchers. While Helen Churchill Condee proclaimed that one could grow anything in the region, W. F. Dietrich, a farmer in the region for twenty-one years, told a different story. He repeatedly experienced crop failures with different grains; of the fruit he planted, he reaped only one good crop every three or four years. The location of Dietrich's farms were in the "choicest valleys" of the region.⁷

George Conover, who farmed the reservation for twenty-six years, stated that in all that time, he had only six "good, fair crops."⁸ He also described the climate in far different terms:

The climatic conditions are not such as to make crops even where the valleys are fairly good. This region is subject to hot

winds, drought, and, with but few exceptions during the thirty-one years I have been here, the seasons when crops mature have been too dry.⁹

One other farmer, Frank B. Farwell, when asked to describe the soil, climate, rainfall, and general character of the region, answered that "The biggest portion of [the region's] surface is of a hardpan nature, and there is a lack of rainfall at the proper seasons."¹⁰

Thus, people unfamiliar with the region were misled by these national articles. The land was not fertile beyond the older states, and the climate was not wet, mild, nor conducive to farming. For the unfortunate allottees who thought this true, the years ahead would be difficult.

Registration

On 3 March 1901, the United States Congress established land offices at El Reno and "the county seat nearest Fort Sill" for the purpose of registering applicants seeking the 13,000 allotments. Lawton later became the county seat nearest Fort Sill when William Alford Richards, the Assistant Commissioner of the General Land Office who was given supervision over the land opening by the Interior Department on May 13, named it. Richards subdivided the Kiowa, Comanche, and Apache reservation into three counties-- Kiowa, Comanche, and Caddo, with their county seats being Hobart, Anadarko, and Lawton, respectively. Richards then divided the reservation into two land districts: El Reno and Lawton.¹¹

Immediately following the official announcement providing the allotments to the American public, prospective homesteaders flooded

El Reno and Lawton. The July 4 proclamation issued by President William McKinley to open the Kiowa, Comanche, and Apache reservation was printed in *The Daily Oklahoman* on July 9th. The same issue also announced that the land offices would open for allotment registration the next day.¹² By the morning of July 10th, over 5,000 people had arrived at El Reno, having ridden the Rock Island and Choctaw trains.¹³

Within a week of the registration opening, more than 55,000 people had registered, with the majority applying at El Reno. This was due to the town's access to the railroad and because it was an established city, with hotels, restaurants, and other businesses.¹⁴ Nearly all of the registrants came to El Reno by train, and in such numbers that an observer, J. J. Bradney, noted the train cars "would be covered with men, as thick as they could stand, on top and every place a man could stick."¹⁵

However, though El Reno was a functioning city, it could not handle the number of people arriving for the registration. By the close of the first day, July 10, the hotels had filled beyond capacity, staying full throughout July until the actual drawing during the first week of August.¹⁶ A water shortage also developed within hours, and El Reno's water supply was exhausted completely by noon on July 13. Hotel boarders were the only people who could bathe, and that was only by reusing the bathwater many times. The largest hotel in El Reno, the Kerfoot, bore a well, which alleviated the crisis a little by the 14th, with registrants receiving water for drinking only.¹⁷ By the end of the first week, officials had fixed the water

shortage, shipping in barrels of water from Oklahoma City. They were assisted by the fact that most of the people who had registered actually left El Reno due to its water crisis. In the days that followed, the town remained filled to capacity, but no other crises developed.

Lawton, on the other hand, never had the enormous crowds witnessed at El Reno, because it had no town, no water supply, and no hotels. It consisted of registration booths located in the middle of the prairie. Fort Sill, which was a few miles north of the booths, had no part in the registration process, except to help maintain order. While the majority of registrants at El Reno arrived by train, which accommodated large numbers of people from across the United States, Lawton was accessible only by horse or on foot. Regardless of the difficulty of transportation, by 11 July over 7,000 people had arrived at Lawton, traveling by covered wagons, horses, and "in every conceivable vehicle." Without the support structure of a city, the registrants had to bring all of the water and food they needed, which amounted to only one or two days worth of provisions. Nearly all of those who traveled to Lawton came from farms or towns in northern Texas or southern Oklahoma Territory--the Duncan area. Possibly because of the smaller crowd, the short period of time that the registrants could stay at Lawton, and common regions from which they came, the atmosphere at the booths was "good natured . . . [with] everything moving along nicely all things considered." This was in stark contrast to El Reno, where a reporter commented that there was "nearly a lynching."¹⁸

When the booths closed at both land offices on 25 July at 6 o'clock, 167,006 people had registered: 136,315 at El Reno and 20,691 at Lawton.¹⁹ Of these, approximately 90 percent were either poor or farmers, seeking land in the Lawton district.

The Drawing

On 2 August the first 125 names were drawn. Over 50,000 people were in El Reno to witness the drawing. Mary E. Holmes, in El Reno with her father, told of the drawing:

[The] barrel was shaken and rolled around, then a young man reached in and brought out a handful of names. These names were entitled to a homestead.

There was a large map and each name was given a number and each homestead was numbered accordingly. . . . The drawing continued in a like manner each day until all of the land was taken, then the unlucky ones went home.²⁰

On 6 August the town lots in each of the townships sold. The sale of property in Lawton, alone, totaled \$414,000. Within a short time, Lawton had over 5,000 residents and a business sector that became the strongest in the region.²¹

For the homesteaders who became farmers following the 1901 opening, times were difficult. The dry years of 1901 and 1903, coupled with the poor soil conditions, were hard on crops. To maintain a ground cover, agriculture experts recommended planting Bermuda grass wherever possible.²²

The poor quality of the soil on many farms led to rapid mineral depletion. To combat this, *The Comanche County Farmer*, a newspaper in Sterling, called for crop rotation, explaining that

All plants do not draw to an equal extent upon the manurial ingredients of the soil. They send their roots to different depths and have a different solvent action upon the constituents they reach. By rotating crops insect enemies are apt to be dispersed. Fungous diseases may be reduced. The soil is maintained in good tilth, and bacteria which are beneficial to the plants are more likely to be increased.²³

This not only improved the fertility, but also the productivity of the soil, and it would sustain the crops for longer.

Most farmers failed to heed the advice of crop rotation and small-scale farming. The soil continued to degrade until the addition later in the century of improved fertilizers. For most families, life on the farm was a daily hardship.

The landscape of the region attracted the homesteaders, although under false premises. This advertising campaign, supported by local businessmen and lawyers, helped ensure the region's growth and prosperity. Lawton benefited most from the 1901 opening, serving not only as the railroad hub, but also as the commercial center for supplies, stores, and services.

NOTES

¹W. R. Draper, "Opening of the Kiowa-Comanche Lands," *Harper's Weekly* 45 (10 August 1901): 805.

²See bibliography.

³Helen Churchill Condee, "Chance in Oklahoma," *Harper's Weekly* 45 (23 February 1901): 211.

⁴John Gilmer Speed, "Oklahoma Land Lottery," *Outlook* 68 (20 July 1901): 668.

⁵Fred L. Wenner, *Home-seeker's Guide: How to Take a Claim, with a Sectional Map of the Kiowa and Comanche Reservation, Provisions of Treaty, Etc.* (Guthrie, O.T.: Fred L. Wenner, 1900), 1-2.

⁶*Ibid.*, 15.

⁷U.S., Congress, Senate, Quantity, Nature, and Character of the Lands of the Kiowa, Comanche, and Apache Reservation, etc., 56th Cong., 1st sess., 1900, S. Doc. 75, 10.

⁸*Ibid.*, 11.

⁹*Ibid.*

¹⁰*Ibid.*, 19.

¹¹Richards to Secretary of the Interior, 11 June 1901, National Archives, Interior Department, Lands and Railroads Division, 5152-1901, in Chapman, "Land Office Business at Lawton and El Reno," 22.

¹²*The Daily Oklahoman*, 9 July 1901.

¹³Ibid., 10 July 1901; Draper, "Opening of Kiowa-Comanche Land," 805; N. C. Crain, Interview by Amelia F. Harris, Indian-Pioneer Papers, Lawton (Oklahoma) Public Library, 2 : 314-18.

¹⁴*The Daily Oklahoman*, 17 July 1901.

¹⁵J.J. Bradney, Interview by Grace Kelley, 12 May 1937, Grant Foreman Collection, Lawton (Oklahoma) Public Library.

¹⁶*The Daily Oklahoman*, 11 July 1901.

¹⁷Ibid., 14 July 1901.

¹⁸Ibid., 12 July 1901.

¹⁹Ibid., 27 July 1901.

²⁰Mary E. Holmes, Interview by Amelia F. Harris, 12 April 1937, Indian-Pioneer Papers, Lawton (Oklahoma) Public Library, 5 : 144-46.

²¹"*Greater Lawton!*," Boomer Literature Collection, Western History Collection, University of Oklahoma, Norman, Oklahoma, 1-2.

²²*The Comanche County Farmer* (Sterling, OK), 13 February 1903, 27 February 1903

²³Ibid., 17 April 1903.

CHAPTER FOUR

THE OKLAHOMA GOLD RUSH

Meers began in 1901 when the United States Congress opened the Kiowa, Comanche, and Apache reservation to non-Indian settlement. Local legends of lost treasures and untouched mineral veins in the mountains mentioned in national magazines brought prospectors to the region. Almost overnight, Meers became a tent town filled with over five hundred prospectors.¹

Businessmen and newspapers from Lawton, aware that in 1901 the railroad ensured a long, healthy existence for towns, manipulated the mining booms to attract the railroads, more people, and businesses to the area. They advertised the mineral wealth of the region when there was none. The history of Meers and the gold rush of 1901-1905 ties directly to the environment and the legends of that environment, which transformed it and its inhabitants.

The Oklahoma Gold Rush had most of the images associated with mining booms of the American West: government conspiracies against prospectors, miners' claims that the next strike was only a few shafts away, the need to attract eastern capitalists, and lost fortunes. Yet, what distinguished the mineral rush in the Wichita Mountains was that no one struck it rich. For five years the region experienced numerous booms, but there was no gold or other valuable minerals in the Wichitas. The Oklahoma Gold Rush was a

boom similar to those in California, Colorado, and other Western regions, except there was no gold.

Rumors of mineral riches existing in the Wichita Mountains began after the establishment of the Kiowa and Comanche Reservation in the Medicine Lodge Treaty of 1867. Local non-Indians had heard tales over the years that the mountains held gold, silver, copper, and other minerals; and they believed that the treaty's clause preventing outside intrusions into the mountains proved this. Many miners thought that the Indians and the government knew the region had vast untapped wealth, but wanted to keep it from the miners, as they had attempted to do years earlier in the Black Hills of South Dakota. They lacked evidence to substantiate this claim until 1881, when a prospector's find sparked the first mineral rush in the area.²

The Great Silver Rush of 1881

The Great Silver Rush of 1881 was the first Euroamerican mining foray into the Wichita Mountains.³ In May or June of 1881, a Colorado prospector named Snyder arrived at Fort Sill and began inquiring about the history, geology, and geography of the Wichita Mountains. After visiting the mountains, he returned to the military post hospital, asking the post surgeon, Major J. W. Williams, to test an ore sample for him. Major Williams assayed the ore, finding it to be pure silver.⁴

Snyder's role in the story ends, and no one knows whether he returned to the Wichitas or to Colorado; but his appearance at Fort

Sill with an allegedly pure piece of silver began the Great Silver Rush of 1881. The same night he found the ore to be pure, Major Williams went to the post's commanding officer, Major J. K. Mizner, and told him Snyder's story. The two majors spent the night pouring over federal statutes, searching for legal precedent to mine on government land. Believing it existed, they formed a "company" with plans to stake claims the next morning.⁵

However, by morning the entire post knew of Snyder's story, and within a week most of the military personnel had ceased their duties at the fort to stake and claim the country between the fort and Mount Scott.⁶ These "prospectors" did not care whether the land was military property or Indian reservation, disregarding the law equally to obtain samples from a claim by shovel or dynamite, then moving on to another site. Nightly, they took their samples to William Quinette's store at Fort Sill to label and send them to Denver for assay.⁷

The rush peaked a few weeks later. Hordes of white prospectors from neighboring states, hearing of a silver strike in the Wichitas, poured into the territory. These illegal prospectors trampled Indian lands, stole Indian food, and drove off their cattle. The Indians complained to the Indian agent, P. B. Hunt, on 3 August. Unaware of the illegal silver rush and the military's involvement, Hunt immediately wired Major Mizner at Fort Sill to stop all prospecting and remove the trespassers. Mizner replied by referring Hunt to Section 2319 of the *Revised United States Statutes*, which he believed gave him legal right to prospect on federal lands.⁸ Shocked

by Mizner's answer, Hunt telegraphed General John Pope, the departmental commander in Missouri, relating the situation.⁹

General Pope disagreed with Major Mizner's legal interpretation of federal mining laws and on 8 August ordered the removal of intruders and the immediate cessation of prospecting on federal lands, thereby ending the Great Silver Rush of 1881.¹⁰ The government did not reprimand any of the civilian prospectors, at least not formally. However, this was not the case with the Fort Sill troops. Throughout September General Pope at the Department of the Missouri headquarters repeatedly requested a report on the military's role in the situation. Major Mizner finally responded at the end of September.¹¹ Pope, unhappy with either Mizner's slow response or the report, relieved Mizner of duty in October 1881.¹² Mizner left the post for the Department of the Missouri headquarters on 1 November.¹³ Pope pressed no charges against Mizner, but did transfer him and his two companies of the Fourth Cavalry to New Mexico. Mizner returned to Fort Sill and left on 3 December with the two companies of the Fourth Cavalry for New Mexico.¹⁴

After this incident illegal prospectors continued trespassing, believing the silver rush had proved the legendary tales of undiscovered wealth in the Wichitas. In reality, no prospector found any riches in 1881. The only participant to make money from the Great Silver Rush was J. H. Musser, who was the junior partner of Rice and Musser post traders. When the prospecting began, Musser appointed himself registrar of claims, and using the store as his office, entered each claim into a ledger for a "fee of three dollars."¹⁵

Illegal Mining, 1881-1901

While the debate over the Jerome Agreement raged in Washington throughout the 1890's, the number of prospectors trespassing on tribal lands increased in an attempt to find the best claims. The earlier land runs in Oklahoma had placed a greater number of people in close proximity to the Wichitas. Just as the "Sooners" had illegally staked property in the land runs, these prospectors hoped to stake the best claims before the official land opening. Both Fort Sill troopers and Indian policemen removed these intruders, but rarely were violators punished. In 1896 H. W. Bruce, prospecting illegally until Indian police Frank Fairwell ran him out, claimed to have found "a pocket filled with gems . . . estimated to be worth five hundred thousand dollars."¹⁶ However, as with almost all stories of discovered wealth in the Wichitas, Bruce lost his trail (due to a storm), and never again found his mother lode.¹⁷

Possibly the most famous illegal prospector prior to the 1901 Land Opening was Andrew Jackson Meers, the namesake for the later mining town, though he never lived there. A former Confederate officer, Meers came to the Wichita Mountains region in 1885 as a federal employee, but immediately began prospecting. Meers illegally dynamited for samples and sank mine shafts into the mountains, only to be arrested by the Indian police who confiscated his equipment and escorted him to the reservation's border. Then, after buying more equipment, he returned to meet the same fate. The process repeated itself through the 1890s until the 1901

Opening. Despite his persistence, Meers never struck gold; the same story applies to all of the early illegal prospectors.¹⁸

The Overnight Mining Boom, 1901

When the Kiowa, Comanche, and Apache lands opened to white settlement on 6 August 1901, some of the registrants who failed to draw a lot, hearing the Wichitas might contain gold and other precious gems, headed toward the mountains. Overnight, mining towns sprang up--Meers, Wildman, Lone Wolf--and companies formed to lay claim to the mystic mountains.¹⁹

Prior to the land opening, only local miners bordering the reservation and the territory had heard the myths of the Wichitas, but in 1901 national magazines, promoting the land lottery, began writing of the enormous mineral wealth in the region. A *Harper's Weekly* article exclaimed, "See! That's the Wichita range! Beautiful mountains, and they say they're full of gold and silver, copper and zinc, with some outcroppings of coal and traces of oil."²⁰

Seeing these claims in print became proof for many of the prospectors that the area was rich in ore, and that both the Indians and the government knew it and had conspired to prevent Euroamericans from mining. As evidence they cited the 1867 Medicine Lodge Treaty that barred non-Indians from the mountains, the 1881 Silver Rush that the government stopped, and the forced removal of illegal prospectors. This "conspiracy" theme continued after the opening, with eastern industrialists replacing the Indians as the government's co-conspirators.²¹

Nearly all of the participants in the initial mining boom of 1901-1902 lost everything, due to disorganization and false pretenses. People settled the entire Wichita range, dotting it with claims of only a few acres each. One participant, reflecting on the event, likened it to the image of an oil strike, with equipment, shafts, and people blanketing the landscape.²² Within a few months, the majority of the bankrupt prospectors left the area, either to buy a homestead on the prairie below or to return home. Those who remained to mine were the inveterate prospectors, such as Meers, Bruce, and David Austin, who received funding from Lawton boosters.

The miners, who remained due to either persistence or capital, formed companies to appear official and to attract investment. Most companies consisted of four or five miners who served as the officers, who then formed other companies with some or all of the same men, but in different positions. The Gold City Mining and Milling Company of Meers, Oklahoma listed the following officers: Dr. S. E. McCully, President; S. P. Iles, First Vice-President; Dr. F. A. Starbuck, Second Vice-President; George L. Orr, Third Vice-President; and W. P. Haskell, Fourth Vice-President. Another mining firm, the United States Development Company had McCully as President, Iles as Vice-President, and Starbuck as Secretary-Treasurer. Iles also served as president of the Fidelity Milling and Mining Company.²³

Bain versus DeBarr

To settle the question of whether or not the Wichitas contained any gold, the federal government in October 1903 sent a geologist, H. Foster Bain, to study ore samples. Over the course of two weeks, Bain collected over three hundred pounds of samples from the shafts with the best chance of yielding a strike. Bain found no gold.²⁴

Instead of ending the gold rush, Bain's report to Congress infuriated the miners. They charged that Bain conspired with eastern industrialists to get the miners to leave the region, thereby surrendering it to the wealthy capitalists. The miners' attitude concerning the state of mining was summarized best in the Wildman Mining Company's 1904-1905 prospectus:

All that is necessary to convince the miner, geologist, or mineralogist, is to come and make a thorough inspection and investigate the Wichitas by following the true fissure veins . . . and do not like some so-called experts have done . . . and remark that there are no ore bodies here and so make out his government report the same as was done at Cripple Creek 25 years ago.²⁵

The reference about Bain's report of the Cripple Creek Colorado mining development was false. Bain had not concluded that Cripple Creek held no mineral wealth, but rather it was his father-in-law, Joseph A. Taff, who as a member of the United States Geological Survey, had warned the public against development of the region. The *Mt. Sheridan Miner* on 24 August 1904 claimed that Taff's report "caused the miner and prospector to fail to enlist capital enough to hold his claims, thereby letting them revert back to the government" who eventually sold it to eastern capitalists.²⁶ The newspaper was responding to an article that Taff wrote on 25 July

1904 for *The Kansas City Star* that summarized Bain's findings. It served as a preliminary to the official report Bain later presented. By implying that Bain had wrongly assessed the Cripple Creek mines, the *Mt. Sheridan Miner* did unite the miners and prospectors in hatred against him. Without money to continue mining operations, most of the companies collapsed during winter and spring of 1903-1904.

The visit of Dr. Edwin DeBarr, the geologist from the Territorial University at Norman, revived the gold boom in the summer of 1904. Concluding the mountains had gold in them before he ever examined the samples, DeBarr became an instant hero. With DeBarr's printed "scientific conclusion" that the region's mineral fields "closely resemble the richest fields of Colorado and New Mexico,"²⁷ the miners finally received their wish for eastern industrialists to investigate the mountains.

Lawton Boosters

Lawton boosters took advantage of this renewed interest in the Wichitas to promote the mining boom. The legitimacy of their claims that gold existed is unimportant, because the motive was only to attract railroad companies to Lawton, thereby establishing its commercial dominance in the region. The most active booster was the Lawton Commercial Club, the predecessor to the Chamber of Commerce, which supported mining operations in the Wichitas with loans while courting the railroads. Frank Robinson, secretary to the club and a realtor, wrote to the Chicago Rock Island & Pacific Railway

Company that "prospectors in the vicinity of Lawton are finding rich deposits . . . in the Wichita Mountains. . . . It would pay you to investigate the claims of Lawton."²⁸

Newspapers resurrected the mining booms better than the miners and the boosters did; the print media devoted front page stories to any hint of a discovery. The 1904-1905 period best represents the newspapers' role, because the earlier mining boom had died with Bain's report. Articles titled "Gold in the Wichitas," and "Another Rich Strike," and "A Settled Fact that the Wichita Mountains are Rich in Paying Minerals," covered the front pages of the *Lawton (Oklahoma) Constitution* and *The State Democrat* (Lawton, Oklahoma) throughout 1904.²⁹ Yet, within a few months after Dr. DeBarr's visit to the area, the boom reached its peak in investment and operation. Articles reporting assays emphasized the region's wealth, thereby helping both the commercial boosters' goal of Lawton as a railroad hub and the miners' goal of attracting eastern capital.³⁰

The following example demonstrates how the papers reported DeBarr's "proof of gold." On 12 May 1904, the *Lawton Constitution* reported that DeBarr's twenty samples from the best claims ranged from \$10 to \$96 of gold per ton of raw ore.³¹ If this had held true, the Wichitas would have produced the richest gold strike in United States history--richer than the strikes in the Rocky Mountains and the Sierra Nevadas. Yet, the article told only half of the story. Two weeks later, a page 8 story about the same subject related the other half: "Gold [was] found in every one of them ranging from 90 cents

to \$96. The best assays running from \$3.75, \$4.80, \$6.40, \$9.60, \$48, and \$96 per ton [of raw ore]."³² Only two of the twenty samples actually ranged from \$10 to \$96, while fourteen fell below \$3.75 per ton! What had appeared in the original article as proof of valuable mineral sources, was incorrect. The samples as a whole demonstrated that so little valuable ore existed in the Wichitas, it was not profitable to mine it. Readers paid little attention to the second, "buried" article because capital began pouring into mining operations. Had the paper reported the whole story originally, the public might not have been swept into another empty boom.

DeBarr's claim of \$10 to \$96 of gold per ton of ore reached the national level, bringing capitalists to the Wichitas in June to test its validity. On 20 June Dr. DeBarr, Dr. E. M. Tucker of Dallas, and H. E. Claridge (a Joplin, Missouri chemist and assayer representing eastern capitalists) began a tour of the Wildman and Meers mines. After collecting two tons of ore from twenty claims for testing in New Jersey, Claridge told the Lawton paper "if they test positive . . . [as he expects they will] . . . there is plenty of New York capital ready to come here and enter in upon the field, putting in a fifty ton mill."³³ The samples proved worthless, and the eastern capital never came. Yet, it took months for those in the Wichita region to realize this, and they sought a last attempt to strike gold.³⁴

With the expectation that the ore samples collected by Claridge would test positive for gold, Lawton capital flowed into the Wildman and Meers areas. Believing the area would become a mineral center, construction began on three smelters to process the ore locally. The

front page of Lawton papers noted the wealth of every "claim" before the assay was made. Ads littered the paper, all similar to the following:

WANTED--Working capital to develop a twenty-four-foot gold vein running through fine claims. Shafts accurately located on each vein and now sunk at different depths. This is one of the best claims in the mountains. Titles to claims good. For further particulars address W. B. Dixon, 417, Fourth Street, Lawton, Oklahoma.³⁵

With the construction of the three smelters during the fall of 1904 and 1905, the Wichita mining boom gasped its last breath. Samuel S. Remer completed the first smelter in the Wichitas in November 1904 at a cost of three thousand dollars. Having invested all of his capital in it, he told the papers, "the first bullion that I can bring into Lawton from the smelter will convince the world that there is gold in the Wichita Mountains. Then it will be an easy matter to get outside capital interested."³⁶ As with all prior mining attempts in the mountains, the prospectors presupposed the existence of gold where there was none. Remer's statement also reflects further the hope that "outside capital" was the only thing needed to strike a vein.³⁷

Unfortunately, he never saw the gold or the capital materialize. Only forty-eight hours after his smelter began operations on Thanksgiving Day, its center arch collapsed, and the smelter melted. The bullion assayed before the smelter's quick demise failed to produce enough valuable ore to entice further investment. Although Remer promised to reopen the smelter in the spring of 1905, his finances died during the winter, and with them his smelter.³⁸

The Nest-Egg Milling and Mining company began building the second smelter at Meers in the spring of 1905, but failed to raise enough capital to finish it. Investors were scarce after Remer's investment melted and Claridge's ore samples did not bring eastern capital. In September 1905 John Pearson, one of the last miners with financing, completed the third smelter. Located at Meers, it had the same two-day lifespan as Remer's, melting as well. With Pearson's smelter went the Gold Rush in the Wichitas.³⁹

The End of the Boom

Newspapers attempted to revive the boom in 1906. Articles claimed that "after the skeptic has . . . been convinced of [the ore's] value, he naturally asks if it will pay to mine it. Most assuredly it will, and make millionaires of the mine owners."⁴⁰ Yet, the public had lost interest, leaving the mountains to the legends of the die-hard prospectors. The mining towns of Meers and Wildman slowly dried up, with the latter experiencing two changes in name before dying.

The presence of Wichita Mountains, even though they are quite small, provided prospectors with the physical possibility of instant wealth. Although the range never yielded any ore of value, the mining boom gave Lawton its lifeline to the world--the railroad. The lure of mineral wealth brought people and capital into the region, supporting the region's rapid growth by purchasing goods.

Thus, by 1906 the mining boom had petered out. The bankrupt prospectors had scarred the mountains with shafts,

abandoned smelters, and ghost towns. Lawton had become the region's transportation hub with three railroad lines, due in large part to the mining boom. The Wichitas had served their short-term purpose, and were needed no longer.

NOTES

¹Edward Charles Ellenbrook, *Outdoor Guide and Trail Guide to the Wichita Mountains of Southwest Oklahoma* (Lawton, OK: In-The-Valley-of-the-Wichitas House, 1991), 25.

²Anna Asbury, "Is There Gold in the Wichitas?," *Prairie Lore* 3 (October 1966): 107.

³The belief that these were the first Euroamericans to mine the area is debatable. Some local historians point to the existence of three Spanish-type arrastres--mines--in the region as proof the Spanish expeditions during the seventeenth century must have built them to mine, but this tends to be based more in legend than fact. The dominant theory of their origin is that a prospector known as "Ol' Dutch Bill" built them. See Ellenbrook, *Outdoor Guide and Trail Guide to the Wichita Mountains of Southwest Oklahoma*, 21.

⁴Wilbur S. Nye, *Carbine and Lance: The Story of Old Fort Sill*, 3d ed.(Norman: University of Oklahoma Press, 1969), 293; Asbury, "Is There Gold," 107; Post Return of Fort Sill, Indian Territory, July 1881, Lawton (Oklahoma) Public Library

⁵Ibid.

⁶In June 1881, Fort Sill comprised of the following military units--the Fourth Cavalry, Companies C and F; the 24th Infantry, Companies C, D, and K; and the 10th Cavalry, Companies D, E, F, and M (the 10th Cavalry joined the post on 5 June). Major Mizner took 83 men from the Fourth Cavalry (out of 113) and 151 men from the Tenth Cavalry (out of 251) to the "Wichita Agency" and "Bonito Rancho." Mizner returns to Fort Sill on 11 June, but the detachment remains in the field throughout July. Not until 8 August (the same day that Pope sends the order concerning the "intruders") does this detachment "officially" rejoin the post. In the twelve months

preceding August 1881, never had Mizner had so large a detachment leave the post.

The author has found no incident occurring on the reservation or at the Wichita Agency (where Hunt was) that would require such a force. The uniqueness of this event added to the circumstances of the mining rush, leads to the conclusion that this was the group that "abandoned" the post. See U.S., Adjutant General's Office, *Post Returns of Fort Sill, Indian Territory, June 1880 to September 1881*, Lawton (Oklahoma) Public Library.

⁷Nye, *Carbine and Lance*, 294; Asbury, "Is There Gold," 107.

⁸Section 2319, Revised Statutes:

All valuable mineral deposits in land belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found, to occupation and purchase by Citizens of the United States etc. under regulations prescribed by law.

In Shawnee Mining Company vs. Elisha B. Welsh, 10 September 1903, Boomer Literature Collection, Western History Collection, Norman, Oklahoma.

⁹Ibid.

¹⁰U.S., Adjutant General's Office, *Post Return of Fort Sill, Indian Territory, August 1881*, Lawton (Oklahoma) Public Library.

¹¹The Department of the Missouri requested a report of the "alleged mining operations in Wichita Mountains" on September 21 and 27 in U.S., Adjutant General's Office, *Post Return of Fort Sill, Indian Territory, September 1881*, Lawton (Oklahoma) Public Library.

¹²Mizner was relieved from duty at Fort Sill on 22 October 1881 by Special Order No. 216 from Headquarters, Department of the Missouri, in U.S., Adjutant General's Office, *Post Return of Fort Sill, Indian Territory, October 1881*, Lawton (Oklahoma) Public Library.

¹³U.S., Adjutant General's Office, *Post Return of Fort Sill, Indian Territory, November 1881*, Lawton (Oklahoma) Public Library.

¹⁴Nye, *Carbine and Lance*, 294.

¹⁵*Ibid.*, 295.

¹⁶H. W. Bruce, "H. W. Bruce Tells of Mining in the Wichitas," in *Neath August Sun--1901*, comp. by Lawton Business and Professional Woman's Club (Anadarko, OK: N. T. Plummer Printing, 1937), 75.

¹⁷*Ibid.*

¹⁸Steve Wilson, "A. J. Meers: The First of the Gold Seekers," *Prairie Lore* 14 (October 1977): 79-86; Steve Wilson, "Dauntless Gold Seekers of the Wichitas," *Great Plains Journal* 22 (1983): 47-48.

¹⁹Condee, "Chance in Oklahoma," 211; W. R. Draper, "Opening of the Kiowa-Comanche Lands," *Harper's Weekly* 45 (10 August 1901): 805.

²⁰Condee, "Chance in Oklahoma," 211.

²¹Asbury, "Is There Gold," 107; *Lawton (Oklahoma) Constitution*, 29 September 1904; *Ibid.*, 13 October 1904.

²²Asbury, "Is There Gold," 107.

²³S. E. McCully to Frank Robinson, 11 November 1903, Frank Robinson Papers, Museum of the Great Plains, Lawton, Oklahoma; *ibid.*, 28 November 1903; *Prospectus of the Fidelity Milling and Mining Company*, Jerry Williams Papers, Museum of the Great Plains.

²⁴Bain's conclusion in "Reported Gold Deposits in the Wichita Mountains," 58th Cong., 2nd Sess., 1904, H. doc. 677 (Washington, D.C.: Government Printing Office, 1904), 120-2:

The uniform absence of even a trace of gold and the only occasional presence of a small quantity of silver, copper, or lead admits of one conclusion--that none of the prospects examined shows any ore in the proper sense of the term, and that none has any present or probable future value.

See also Bain, "Mineral Deposits of Wichita Mountains in Oklahoma," 58th Cong., 2nd Sess., 1904, *Senate Executive Document 149* (Washington, D.C.: Government Printing Office, 1903); Bain, "Reported Gold Deposits of the Wichita Mountains, Oklahoma." *U.S. Geological Survey Bulletin #225* (Washington, D.C.: Government Printing Office, 1904); Bain, "Reported Ore Deposits of the Wichita Mountains." *Department of the Interior Bulletin #31*, (Washington, D.C.: Government Printing Office, 1904).

²⁵*Prospectus for Wildman Mining Company*, The Andrus Collection, University of Oklahoma Western Historical Collection, Norman, 6.

²⁶*Mt. Sheridan Miner* (Meers, OK), 24 August 1904.

²⁷*Lawton (Oklahoma) Constitution*, 7 July 1904.

²⁸Frank Robinson to Robert H. Kinkead, Frank Robinson Papers.

²⁹*The State Democrat* (Lawton, OK), 25 June 1904; *Lawton (Oklahoma) Constitution*, 12 May 1904.

³⁰*Ibid.*, 24 August 1905 and 7 July 1904.

³¹*Ibid.*, 12 May 1904.

³²*Ibid.*, 26 May 1904.

³³Ibid., 20 June 1904; see also *The State Democrat* (Lawton, OK), 23 June 1904.

³⁴*Lawton (Oklahoma) Constitution*, 20 June 1904 and 20 June 1904; *The State Democrat* (Lawton, OK), 23 June 1904.

³⁵*Lawton (Oklahoma) Constitution*, 11 August 1904.

³⁶Ibid., 22 September 1904.

³⁷Ibid.

³⁸Ibid., 1 December 1904.

³⁹Ibid., 12 October 1905 and 14 September 1905.

⁴⁰*The State Democrat* (Lawton, Oklahoma), 4 January, 1906.

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CHAPTER FIVE
CONCLUSION

Driving to Meers that first time, my head full of treasure stories and legends, I sought answers to questions concerning the Oklahoma Gold Rush. I soon discovered that the rush was not as great as the newspaper clippings on the post office walls suggested, but the rush was notable and integral to the growth and life of this region. Without it, Lawton might not have successfully courted so many railroads. The belief in mineral wealth also brought thousands of prospectors and their money. The history of the Oklahoma Gold Rush was trivial; but in relation to southwestern Oklahoma, it was an important part of its early history.

Having learned the actual history of the Oklahoma Gold Rush and Meers, I wondered why it occurred and what brought the thousands of prospectors to the area. This led me to the 1901 Land Lottery. False magazine and newspaper articles attempted to lure people to the region. Advertisers and boosters touted the land as flowing with "milk and honey," but those who settled on it soon realized otherwise. They had to adapt to the harsh climate and poor soil conditions. Commercial leaders wanted to attract residential buyers and businesses, which they did. Without the advertising and boosterism, the 1901 Land Lottery might not have been the largest

in United States history, and the region around Meers and Elgin would not have experienced the quick, successful growth it did.

After examining the 1901 Land Opening, I sought to know why the land opened. This led directly to the Jerome Agreement and the controversy that followed its signing. The federal commissioners lied to the Indian leaders, caring nothing for their rights or justice, but rather wanting only to acquire the necessary signatures for the agreement by any means. Had the Kiowa, Comanche, and Apache leaders won their case against the agreement which the documents support, then none of the succeeding stories would have been possible. It is here that this paper begins. This is the beginning of the fraudulent history that continues through the 1901 Land Opening and the Oklahoma Gold Rush.

Throughout all three events, those worthy of blame are on all sides. Joshua Given and Quanah Parker were guilty of misleading their people for selfish and political reasons, though not to the degree of the commissioners who sought to acquire the land regardless of the means. During the 1901 Land Lottery, national writers and regional investors advertised falsely the environmental conditions, but those who arrived and failed to examine the region were culpable, too. Lawton boosters manipulated the Oklahoma Gold Rush, as did the miners themselves. Further, the mere presence of the Wichita Mountains added to these legends, as witnessed in the histories of the Rockies, Appalachians, and Sierra Nevadas; people *wanted* to believe gold existed.

All three stories revolve around one theme--fraud. Yet, without this fraud, the region would not look as it does today. Meers, Lawton, and Elgin might not exist. Just as the Wichita Mountains still are intertwined with myth and legends, so is the non-Indian history. Although not as famous as other regions, such as the Cherokee Strip, it nevertheless has had a diverse and intriguing past. Indian reservations, land lotteries, and mining booms have given a character unique to Oklahoma.

I began this journey expecting to find a story similar to the gold rushes of California, Alaska, and Colorado. Instead, I discovered a history unique to Oklahoma and the country. It was not one filled with stories of the average person striking gold and with it, instant wealth. It contained elements of deceit, hardship, and greed, but it was also unique.

In my most recent trip to Meers, I noticed that the Dolese Mining Company had purchased more of the foothills leading into the Wichitas and Meers, and was establishing another limestone quarry. Several of the small mountains and ridges that existed ninety years ago are no longer present, having become the rock and gypsum driveways and sidewalks throughout Oklahoma. Despite evidence to the contrary, the hills that do remain still evoke legends of Coronado's treasure, Frank and Jesse James' gold, and untouched veins of ore from the locals. The legends of the Wichitas, despite years of failure, survive in the minds of its local inhabitants.

The Meers Post Office now has umbrellas and a deck for its espresso-sipping customers in order to compete with the more

modern Longhorn Cafe. The building's life continues because it adapts to the needs of the people. The early history of this region resulted from people attempting to make it into something it was not--a mineral mother lode and agricultural elysian. Maybe that is why they are no longer here. Maybe that is why the Meers Post Office still attracts the occasional customer.

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APPENDIX A

A list of major participants during the September-October negotiations.

Commissioners

Governor David H. Jerome, chairman
 Judge Warren G. Sayre
 Judge Alfred M. Wilson

Kiowa

Lone Wolf, principal chief
 Aphiatom
 Big Tree
 Komalty
 Tohausen
 Joshua Givens, interpreter

Comanche

Quanah Parker, principal chief
 Tabananaka
 Cheevers
 White Wolf
 White Eagle

Apache

White Man, principal chief
 Chewathlanie

VITA 2

William D. Fournet

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