

THE OPENING OF THE CHEYENNE AND ARAPAHOE COUNTRY

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THE OPENING OF THE CHEYENNE AND ARAPAHOE COUNTRY

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PREFACE

This attempt has been made in an effort to create a clearer picture of that territory known as the Cheyenne and Arapahoe Country, from the time Brinton Darlington established the agency for those Indians at Darlington until it was opened to homestead entry.

The characteristics and conditions of the Cheyenne and Arapahoe Indians and the effect a rapidly changing world had upon them, has served as a foundation upon which the opening could be established.

It has been the intention of the writer to catch something of the "fever of enthusiasm" that motivated these home-seekers as they made this historical advance.

The writer wishes to express his sincere appreciation for the assistance contributed to the development of this project. He is especially indebted to Dr. T. H. Reynolds and Dr. E. F. Willis, members of the faculty of the Oklahoma Agricultural and Mechanical College. Also Mr. James B. Thoburn and Mr. James W. Moffitt of the Oklahoma Historical Society have rendered valuable assistance.

Charles Vernard Townsend

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CHAPTER I

Brief History of the Cheyenne and Arapahoe Tribes

The southern branches of the Cheyenne and Arapahoe tribes, that had formerly roamed at will along the eastern slopes of the Rocky Mountains, entered into an agreement with the United States, at Medicine Lodge Creek in October of 1867; they agreed to accept a reservation and relinquish¹ all title to their former holdings.

Following this treaty, misunderstandings arose between the Indians and Major General Hancock, who was in charge of military operations against the Indians, as is evidenced by the report of E. W. Wynkoop, Government Agent² for the Cheyenne and Arapahoe Tribes.

In the fall of 1869, the Cheyenne and Arapahoe tribes returned from the war path and encamped around the military³ post of Camp Supply.

The following quotation taken from the report of Indian Affairs made by Brinton Darlington, agent for the Cheyenne and Arapahoe tribes, clearly indicates the confused state of mind of the Indians:

¹ C. J. Kappler, Indian Affairs Laws and Treaties II, 984.

² Report of the Commissioner of Indian Affairs, 1867, 310-314.

³ Ibid., 1869, 382.

They have expressed a willingness and a desire to be placed upon a reservation, and to remain at peace with the whites; cultivate the soil; raise stock of all kinds; receive education; and adopt the habits of whites.

Yet they are full of doubt, saying upon every occasion, when opportunity offers, that they have been promised so much, and so many commissioners come with good words, and call the good spirit into their councils, all of which does not feed them and their children. 4

It becomes apparent as one studies these two tribes that the Arapahoes were the more docile and loyal to the Government Agencies, while the Cheyennes were a wild and war-like people. Nowhere is this brought out more clearly than in the report of 1874, made by John D. Miles, United States Indian Agent for the upper Arkansas Agency, in which he says:

The Arapahoes are still the leading Indians on this reservation in loyalty, and have made some progress in civilization, although not as much as I had reason to hope and expect they would, the past year.

Speaking of the Cheyenne Tribe, Mr. Miles says:

Early in the spring the tribe gave evidence of a restless feeling among some of the worst disposed of the tribe, which finally culminated in an open outbreak early in the fifth month, the result of a thieving expedition of horse thieves upon the herd of Little Robe while encamped on the reservation assigned his tribe while in Washington during the eleventh month last, in which he lost 43 head of valuable ponies.

Here as in other reports one finds justification by an agent for his charges. Observe the next line of the report:

4

Report of the Commissioner of Indian Affairs, 1869, 382.

The same (stolen ponies) were afterward offered for sale in the streets of Dodge City, Kansas. A band of young Cheyennes, led by Little Robe's son, attempted to recover them, but were unsuccessful.....

Following this and other incidents in Mr. Miles' report we find this enlightening reflection upon the two tribes:

Friendly Arapahoes came and notified us of the hostile feelings of the Cheyennes and our unsafe condition at the agency and as further proof of friendship, furnished an Indian Police Force, who took charge of the agency from sunset to daylight. 5

During the winter of 1874 and 1875, the Arapahoes remained at their Indian Territory Agency and lived in very destitute circumstances while the majority of the Cheyennes chose to follow the war path, surrendering themselves as prisoners of war, March 6, 1875. Here for the first time one finds a basis for the argument that the Cheyennes were beginning to acknowledge the supremacy of the United States, and their own inability to remain a free and unconquered tribe. 6

On April twenty-ninth, 1875, thirty-three of the Cheyenne leaders and desperadoes, who were known to have committed crimes, were selected from the tribe and condemned to close confinement in Fort Marion, at St. Augustine, Florida for punishment and as an example to others. 7

5 Report of the Commissioner of Indian Affairs, 1874, 233.

6 Ibid., 1875, 50 & 269.

7 Ibid., 1875, 49.

The annual buffalo hunt of the winter of 1878 and 1879 proved to be almost an entire failure. This fact coupled with the loss of his ponies by horse thieves, it was hoped, would impress the Indian with the necessity of depending upon the soil for sustenance, and thus make him more susceptible to civilization of the whites.

To one who has studied and taught the Indians, who has seen how completely he is a product of his environment, the 1880 report of Agent John D. Miles is very pleasing. Much progress is shown by both tribes and here for the first time one finds promise of reaching the ultimate goal. The following quotations are taken from the above-mentioned report:

In great contrast with the bearing of the Northern Cheyennes, the southern branch of that tribe has shown every desire to accept all the advice of the constituted authorities and to act in accordance with the wishes of the department. They have made commendable progress in the art of peace and ways of civilization. Their desire for suitable employment has been manifested in many ways, and at times has taxed this office beyond its ability to furnish them....

In freighting supplies, the same spirit is manifested. More wagons would offer for the trip than the amount of supplies to be hauled would warrant in sending to the railroad....

Previous items of this manuscript indicated that the Arapahoes were much easier to, shall we say, domesticate. Now, after ten years contact with the United States Forces, let us read Agent Miles comparison of the tribes:

⁸
Report of the Commissioner of Indian Affairs, 1878, 55.

⁹
Ibid., 1880, 69.

While the Cheyennes have shown a greater desire for a wider range of civilized labor and in some parts are superior, the Arapahoes have certainly taken the lead in farming and stock raising.....While we fully realize that these Indians are still in the middle passage between rude civilization and positive barbarity, we yet know they have taken the trail of peace and prosperity, and under Divine protection will yet reach the plane of the white man. 10

To this time the plan has been to lay a foundation on the progress and development of the Cheyenne and Arapahoe Indians to such a degree that one could point with pride to the farms and farm products of Indians, who had reached an advanced degree of the white man's civilization, where he could live with satisfaction in close association with his white brother, but during the period covered by this survey there has been developing another side to this story. That of the lack of respect for the government and its agencies, brought about by the lack of sufficient power to control him. 11

Some outlaw bands and their sympathizers led by such chieftains as "Stone Calf," "Little Robe," and "Spotted Calf," cherished a bitter hatred for the whites. They were sullen and implacable in their resentment. Because they were not punished for crimes or outbreaks they had little respect for the government. 12

10
Ibid., 68-71.

11
Report of the Commissioner of Indian Affairs, 1884, 71.

12
Ibid., 1885, 76.

The following quotation, taken from the 1885 report of Indian Agent D. B. Dyer, clarifies the picture. "..... they complain freely and force the remedy for their complaints at the mouths of their 'Winchester rifles', and they have plenty of them."

Apparently many of the Indians had reverted to their originally wild state by 1885 and in addition to becoming again "Frontier Savages" had added disrespect for the government, at the same time using the agencies of the government for protection for their foraging excursions against the whites who lived near their reservations or who might be journeying across the territory, bringing stolen property to the very doors of the agency. Frequently it was possible for the agent to recover such stolen property and return it to its lawful owners, but seldom was he able to recover completely the entire loss and all too often it was impossible to make any restitution at all.

13

The agency was powerless to cope with this situation simply because there were not sufficient troops at hand to command the respect of the Indians. The solution to these many problems was of course, sufficient military strength to disarm and punish the Red Men.

14

Reminiscences of frontiersmen who lived through this period has given basis for the belief that nearly any

13

Report of the Commissioner of Indian Affairs, 1885, 76-77.

14

Ibid., 77.

crime of the age could be charged to their Indian neighbors, but for the purpose of this manuscript only those will be listed for which positive evidence is easily accessible. The stories surrounding these incidents are most fascinating to read. They are as thrilling as the most highly imaginative writings of the present time but space and purpose do not permit their repetition here.

A partial list of the crimes charged to the Cheyenne and Arapahoe warriors reads as follows; they refused to be enrolled or allow others to do so under penalty of death, and burned off the range in government pastures so the stock would scatter. This created an opportunity for vengeance on the whites and at the same time made it possible for them to kill cattle held by the government. They cut and burned the posts from the fences built by the government for the protection of their own cattle. Frequently they disrupted communication by cutting the military-telegraph wires. Their raiding expeditions lasted for weeks and sometimes they brought stolen horses into the agency. On one occasion they enter Rev. Haury's house and threatened to take the missionary's life, and then to have the young bucks ravish his wife. They cut down the fences of friendly Indians and destroyed their property at will, closed the trader's store and refused to haul their own supplies and compelled the government to have the whites do it for them.

Finally their confidence and arrogance reached a state where they dared order the agent to stop building fences and send the wire back as they could not eat it and were not ready to be civilized. In 1885 they threatened to take their agent's life, kill all whites and to burn the agency: (Darlington)

...do all this and more too, it makes one think that they can at will repeat the burning of others as they did poor Hennessy in 1875, to his wagon; murder other families as they did the Germans in Kansas in 1874, and carry away the captive girls, only to rape and ravish them. Are all attempts to punish men for such crimes to be abandoned? Are the threatened, bullied, and over-ridden people who chance to be in this country to forgive and forget such insults and condone all the offenses, without so much as reproving the Indians? If so, the Indian's contempt for the United States Officials is surely not a surprising thing. Men that have done these things walk into my office daily. Such a thing as punishing them in any way, if ever contemplated, has never been attempted. How long are these wild savages to be permitted to roam constantly over these broad prairies, and allowed to go unpunished for crimes committed? 15

Now observe a sudden change, and the "Old Timers" smile when they read the following paragraph of Agent Dyer's report, and I, too, have seen the sobering effect that an officer has upon a young brave well soaked in beer (3.2 licensed today), who has become arrogant and insulting.

Now that so many troops have come and more are expected the Indians have changed their tactics. Their arms are put away in the sand hills, and they are all good and want at once to go to plowing for corn. Can such a course deceive anyone when practiced by the most barbarous savages and desperate fighters in the country?

Agent Dyer went ahead to say, "There is but a handful of this class compared to those who are anxious to do right." He advised that the solution to the whole difficulty lay in disarming the Indians and punishing them for offenses.

This condition of disturbance and Agent Dyer's reports were no doubt responsible for the increased forces at Fort Reno.

In the summer of 1884, there were only about two hundred men established at Reno.¹⁶ This number was increased to sixteen companies under the command of Colonel E. V. Sumner by the following summer.¹⁷

~~X~~ For some time, about nine-tenths of the reservation or about 3,500,000 acres had been leased to white ranchers for grazing purposes at a rate of two cents per acre.¹⁸ This custom was brought to a sudden halt by a presidential proclamation of July 23, 1885, in which the cattlemen were ordered to leave the reservation within a period of forty days.¹⁹

Through this change was gained the reduction of some \$70,000.00 annually in the treasury of the two tribes,

¹⁶ Report of the Commissioner of Indian Affairs, 1885, 77.

¹⁷ Ibid., 80-81.

¹⁸ Ibid., 1887, 114.

¹⁹ United Statutes at Large, XXIV, 1885-1887, 1023.

and the loss of the possibility of a constant source of meat (even though it was illegal). Most of the Indians were glad to be rid of the large ranches and to have their territory again to themselves, and to look forward to their fields of corn and their farms to be enclosed with wire fences.²⁰

Charles F. Ashley took charge of the Cheyenne and Arapahoe Agency at Darlington, May 1, 1889 and reported: "I found matters at this agency in a very demoralized condition." It appears from other sections of this report that both tribes had, "retrograded to a considerable extent in all things material to their support and civilization."²¹

The loss of income and the reduction in sources of supply of the necessities of life brought the Indian face to face with the necessity of producing for himself. It was apparent that the power of the tribe was fast slipping and that it was their duty to become tillers of the soil or stock raisers.

An effort was made in 1888 to allot these Indians farms of 320 acres each. Much opposition was found among the older Indians called "Coffee Cooler," and "Medicine Men."²²

²⁰ Report of the Commissioner of Indian Affairs, 1886, 114.

²¹ Ibid., 1889, 183-184.

²² Ibid., 1888, 93.

A year later the report states that most of the Indians, the exceptions being some of the young men who had lately returned from school in the states, were opposed to the allotment of their lands in severalty. The chief objection being that it would deprive them of grazing land for²³ their horses and cattle.

X The Cheyenne and Arapahoe Indian reservation bounded on the east by the ninety-eighth Meridian, on the west by the one-hundredth Meridian, lies between the thirty-fifth and thirty-seventh parallels of Latitude and was set aside by an Executive Order of August 10, 1869, and²⁴ these Indians did not hold it by the same tenure or title which the Indians in other parts of the Indian country possessed their reserves.²⁵ This condition of title had been known to the Indians and been of some concern to them for many years, and certain of the chieftains were advised in an interview with the Secretary of the Interior in Washington D. C. September 10, 1880, that they had not forfeited their treaty rights to the original reservation which lies north of the Cimarron river and extends to the Kansas line. He advised them to settle there at once,

23

Report of the Commissioner of Indian Affairs, 1889, 186.

24

Ibid., 1883, 61.

25.

Ibid., 1886, xii.

since no permanent title could be guaranteed to them for the territory where they now resided (Darlington Agency). A few Indians took his advice and moved to the territory designated but the large majority of them resolutely refused to do so.

This controversy about the title became a more or less grave issue about the year 1882 as there was some agitation that year for settlement as may be seen from these lines from the Indian Agent's report:

The continued incursions of the notorious "Oklahoma Payne" is a source of constant fear and anxiety and unless the Indians can be insured in some legal form that they will be protected in the possession of their lands and homes they will not likely make any very extended improvements. 27

The question of title was brought to a close by an Act of Congress under date of February 8, 1887, providing in general for the allotment of lands in severalty to Indians on various reservations. Section 4, of this same act made it possible for any Indian not upon reservation to make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated. When said Indians made application to the local land office for the district in which the lands were located the same would be allotted to him or her, and to his or her

26

Report of the Commissioner of Indian Affairs, 1881, 70.

27

Ibid., 1882, 58.

children, in quantities and manner as provided for
Indians living upon reservations.²⁸

These allotments were made so that, the head of each family received one-quarter of a section, each single person over the age of eighteen years, one-eighth of a section, each single child under the age of eighteen years, one-eighth of a section, and to each other single person under eighteen years of age, then living, or who might be born prior to the date of the direction of the allotment, one-sixteenth section. It was further provided that in case there was not sufficient land to go around, each Indian should get his pro rata part, and if there was a surplus the land should be allotted according to previous treaties. In cases where the land was only suitable for grazing purposes, an additional allotment in quantities as previously²⁹ allotted, was to be made.

Thus we see the "Loss of Autonomy" for the mighty tribes of Cheyenne and Arapahoe Indians is completed.

The Secretary of the Interior was now impowered to negotiate with all Indians, where allotments had been made, for the purchase and release by said tribe, of all unused lands to be used for homesteads of actual bona fide settlers³⁰ in tracts of, not to exceed one hundred sixty acres each.

²⁸ Statutes at Large, XXIV, 49th Congress, 1885-1887, 389.

²⁹ Ibid., 388

³⁰ Ibid., 1885-1887, 389-390.

Thus we come to the close of this brief resume of the early history of the territory known as the "Cheyenne and Arapahoe Country," of which 3,500,562.05 acres were opened to settlement in a manner described in the following chapters.

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31

Report of the Commissioner of Indian Affairs, 1892, 81.

CHAPTER II

A Changing World Affects the "Cheyenne and Arapahoe Country."

The opening of the Indian Country to white settlement had been a topic of vital interest for many years. On July 28, 1854, the senate reported favorably upon Senator Johnson's bill to establish the territories of Chahtahkee, Muscogee, and Chahtah, and ordered that five thousand extra copies of the bill and report be printed for the use of the Indian Department, with the view of distributing them among the tribes of Indians affected, that they might be heard from through their councils, their chiefs, and their principle people, by the next session of congress.¹

The territory to be later designated as a home for the Cheyenne and Arapahoe Tribes was included in the proposed territory of Chahtah.²

It is interesting to note in Mr. Johnson's remarks before the senate on the morning of February 23, 1854, the design of this bill:

The design of the bill, is, if possible, to solve what has always been a very grave, and a very serious and difficult question with the government and the people of the United States:

¹
Congressional Globe XXVIII, 33d Congress, 1st Session, III, 1886.

²
Ibid., 449.

That is, as to what shall be the fate of the unfortunate aborigines of this country---what the destiny and the end of our Indian Tribes.....
 If successful, liberty and Christianity, good government, and individual advancement in all that makes life desirable, will have been achieved for the unfortunates, consolation and encouragement for the benevolent and conscientious, and a settled policy for the Government, (where now there is none), that shall atone in some degree for wrongs that are innumerable, and oppressions unequalled in the history of the entire world beside. I have unlimited and abiding faith in its success. 3

This bill never became a law and it may be disposed of merely as an effort to open new land to settlement or prepare a way for a south central outlet to the Pacific coast. One may observe, however, that the Indians were to be left in possession of their homes instead of being moved to lands less desirable to the whites.

In 1856, Douglas H. Cooper, the United States agent for the Chickasaws and Choctaws, reported that the Indians under his supervision were desirous of becoming citizens of the United States. He further advocated that they be allotted homesteads, and that such other persons as the tribes might choose to adopt to be allowed the right to secure a homestead equal to that secured to each Indian. 4

3

Congressional Globe, 33d Congress, 1st Session, XXVIII, 449.

4

Senate Executive Documents, No. 893, 34th Congress, 3rd Session, 699.

Some agitation was being made for a south central route to the west as is seen in the resolution of the legislature of the State of Arkansas, January 15, 1859, to the thirty-fifth Congress requesting the passage of a law locating a Pacific railroad route on or near the thirty-fifth parallel of north latitude, near the route surveyed by Lieutenant Whipple.⁵

Such a railroad passage would, in all probability, have been accompanied with a grant of land to be sold to settlers upon whose trade the railroads depended for revenue and the opening of the Indian Territory inevitable, but the Civil War brought all such well laid plans to naught and altered the entire course of events.

The period immediately following the Civil War was a struggle to concentrate the Indians in the territory now comprising the State of Oklahoma, as was shown in Chapter One, and was quite successfully done, but its companion problem, the establishment of a territorial government, met with terrific opposition from the Indians who believed that any change in their political status would make it possible for the railroads to take their property from them.⁶

5

Miscellaneous Documents, No. 1016, 35th Congress, 2nd Session, Resolution 21.

6

Report of the Committee of the Senate of the United States, 1878-1879, 45th Congress, 3rd Session, 134.

Many of the more informed class of Indians believed that "Territorial Government" was coming to them, would in all probability be forced upon them.⁷

Since a move to create a territorial government was so objectionable to the Indians it was necessary for the Federal government to approach them with measures leading up to that ultimate goal. Most of the tribes would consent to these measures.⁸

A treaty was soon made with the Chickasaw and Choctaw Tribes and they ceded to the United States the leased district west of the ninety-eighth meridian.⁹

The long standing argument relative to the railroads was closed by this treaty. It granted a right of way from north to south and east to west to any companies, who with the consent of the Secretary of the Interior, should undertake to construct a railroad through the Choctaw and Chickasaw Nation.¹⁰

The breakdown of tribal government and strength may be further seen in the signing of the treaty setting up a council or general assembly and specifying that the

⁷ Report of the Committee of the Senate of the United States, 45th. Congress, 3rd Session, 1878, 79.

⁸ House Ex. Docs., 1867, 283, (1284).

⁹ C. J. Kappler, Indian Affairs Laws and Treaties, 11, 919.

¹⁰ Ibid., 920.

Superintendent of Indian Affairs should be the chief executive of the said territory and be known as the "Governor of the Territory of Oklahoma."¹¹

It is my opinion, however, that the most fruitful and effective parts of this treaty are the clauses providing for (With the consent of the Chickasaw and Choctaw people) the survey and division of their lands in severalty, granting every member of the tribe the right to a quarter section of land,

.....and if in actual possession or occupancy of land improved or cultivated by him or her, shall have prior right to the quarter-section in which his or her improvement lies."¹²

A similiar treaty was made with the Cherokee tribe¹³ and the Creeks¹⁴ thus surrounding the territory, we are studying, with advancing stages of civilization.

While these treaties were being made with the tribes, that were advanced to some degree in civilization, another and perhaps greater factor in opening and settlement of the Indian Country was active---the desire of the white man.

¹¹
Ibid., 922.

¹²
Ibid., 923-924.

¹³
Ibid., 942.

¹⁴
Ibid., 931.

Whether he was motivated by greed, necessity, or the pleasure of pushing back the frontier, is not important to us here. It is sufficient to state that throughout the reading of original documents, relative to this subject, will frequently be found reference to the advance of the white man into the territory of the Indian, usually in violation of treaty specifications.¹⁵

In a country where the frontier was being constantly pushed forward and the lands being taken up by a new and hungry generation, any unassigned lands or unused portions of assigned Indian lands was bound to whet the appetite of the struggling masses. With that idea before us, it is clear that any plan for a distinctive Indian Community would hinge upon making use of all lands in the territory. This actually was advocated by an Indian Commissioner in the year 1876.¹⁶

Congressional legislation, however, put an end to further movement of Indians to the Indian Territory.¹⁷ Possibly it should not be said that this legislation was planned purposely to assist in bringing about the opening of the Territory but it was actually a violation of the aforementioned condition conducive to a distinctive Indian Community.

15

House Ex. Docs., No. 1284, 39th Congress, 2nd Session, Report of the Commissioner of Indian Affairs, 1872, 10.

16

16

House Ex. Docs., No. 1749, 44th Congress 2nd Session, 389-390.

17

Statutes at Large, XIX, 254.
Ibid., XX, 313.

Lest the reader wonder, as no doubt many frontiersmen have, why the government did not confiscate as much as was needed of the vast unused stretches of western frontier land, it is well for us to have a look at the theories back of the title by which the Indians held their lands. For by security of this title each tribe was able to set up an independent state within a common-wealth and not only refuse to acknowledge any authority but actually make war upon surrounding territories as an independent nation. This has been the record of the Cheyennes, more so than the Arapahoes. Why was it allowed to continue?

History is a record of conquests, and civilized nations everywhere, that have acquired territory, have asserted in themselves, and recognized in others, the exclusive right of the discoverers to appropriate the lands occupied by the aborigines. This was true in America, but as long as there was plenty of room for both races no serious conflict arose. Then, as the white men increased and began to move further into the frontier, the Indian withdrew to the territory where he could yet live as he so desired. Sometimes this progress was accompanied with a struggle, as has been seen, and still other times the Indians treated with the white men and made peaceful agreements for removal.

This policy continued until the Indian, being pressed from both east and west, and seeing his supply of buffalo meat practically extinct, found himself face to face with a problem that seemed to have no solution.

The United States acquired all rights to the soil which had rested in Great Britain, in the territory conceded to them through the treaty of 1783, with France they acquired all title rights to the Louisiana Territory, but agreed to execute and respect all treaties made and agreed upon between Spain and the tribes living within
19
the bounds of this territory.

The United States Supreme Court handed down an opinion in the case of Johnson and Graham, lessee, vs William M'Intosh, in which it said there was no doubt that the United States or the states formed in the territory acquired through these treaties with Great Britain and France had a clear title, subject only to the Indians right of occupancy, and that the exclusive power to extinguish that right, was vested in that government which might
20
constitutionally exercise it.

This would seem to give the Federal government or its subsidiary, the right to extinguish the Indian's title and confiscate his land. Before drawing this conclusion, let us observe the further workings of the courts.

19

House Executive Documents, No. 2841, 1890-'91, xxii.

20

Ibid., No. 2841, xxii-xxiii.

In the case of the Cherokee Nation against the state of Georgia, it was decided that the Indians had an unquestioned right to the lands they occupied until they should extinguish that title by voluntary cession to the
21
Government.

This ruling makes it clear that Indian holdings could not be taken by force, even by a supreme political authority, and have the support of the courts of justice. This is the policy, then, followed by the Federal Government: that no Indian Tribe within the United States should be recognized as an independent nation, and she has pursued a uniform course of extinguishing the Indian title only with the consent of the tribes recognized as having a right
22
to the soil because of its occupancy.

The plan of putting the Indians upon reservations was an expedient made use of to get him out of the way temporarily, but the title to lands held in this manner was not secure, and men who were giving serious thought to the problem saw that the loss of his hunting ground, the scarcity of game and the invasion of the whites were bound to make the Indian dependent upon the soil for existence. In view of these problems the Department of Interior began a policy of educating the Indian to the idea of an allotment and the acceptance of the white man's ways of existence.

21

House Executive Documents, No. 2841, 1890-'91, XXIII.

22

Ibid., No. 2841, XXIX.

Having thus fixed the ultimate end to be accomplished as well as indicated in general terms the means by which it is to be reached, in the shape of a clearly defined policy, the department proceeded not only to continue the promotion of those civilizing influences which already have been set to work, but also to add others which so far had not been adopted." 23

The question of the legality of procedure within the Indian Territory was a constant source of worry. The question of a legal title to land has been previously discussed. The punishment of criminals was also a very grave problem. The military branch of the Government could and did enforce any regulations made by Congress, but it was not the duty of the military branch to judge the guilt or innocence of the criminal. The Indian Agent had no jurisdiction in the disposition of major offenses. It is true there were some regulations upon a reservation but often an incident might occur that did not fall under such specification, as was the case of Johnson Foster. He was a Creek Indian who murder Robert Poisal, a half-breed Arapahoe belonging to the Cheyenne and Arapahoe Reservation, on September 18, 1882. The crime was committed on the Pottawatomie Reservation. Foster was arrested and brought to the Cheyenne and Arapahoe Agency and taken thence to Fort Reno to avoid the vengeance threatened by the Arapahoes.

The United States Attorney-General, upon recommendation of the Department of Interior, instructed the United States

Attorney for the Western District of the State of Arkansas to arrange the immediate removal of the prisoner to Fort Smith for trial before the United States Court. The said attorney for the Western District of Arkansas expressed the opinion, that the United States Court at Fort Smith was without jurisdiction and that the matter of the punishment of the offender belonged to the Indians.

Now the crime was committed outside the jurisdiction of the courts of the Creek Nation. The Arapahoes would have settled the affair quickly but not by judicial procedure for they had no courts at the time. Nor did the Absentee Shawnees and Pottawatomies, within whose jurisdiction the murder was committed.

All this correspondence took considerable time and equally as much more was spent relative to Foster's removal to Kansas where the Wichita District Court might have jurisdiction.

In the mean time the military authorities at Fort Reno applied to the War Department for relief of the custody of the prisoner. The Secretary of the Interior also made inquiry of the Department what disposition should be made of him.

Now note that subsequent to the waste of all this time, the prisoner, Johnson Foster, had been removed from the guard-house at Fort Reno by a United States deputy marshal for horse stealing and other minor offenses previously pending against him. On this trip Foster succeeded in

killing McWeir, the Marshal's assistant, and made good his escape.

The United States Attorney-General observed the embarrassment prevailing in such cases and suggested a plan for calling the matter more effectually to the
24
attention of Congress.

Such situations as this were naturally exasperating to the agents and departments, and probably welded many links in the chain of development toward the opening of the Indian territories to settlement.

Let us pursue one more incident and watch developments that change the trend of things.

Letters from Agent D. B. Dyer, Darlington, Indian Territory, under date of May 5, 6, 8, and 9, 1884, reported what he accepted to be the facts in the case, to wit: Running Buffalo and a following of Indians stopped a Mr. Horton who was driving a herd of approximately 400 horses across the Territory to Caldwell, Kansas, and demanded money and horses as a tax for the grass the herd had eaten. Horton, the owner of the herd, refused to pay. Running Buffalo drew his revolver and fired four shots into the herd, then leveled it at Mr. Horton and said, "I will kill you!" Horton drew his revolver and killed Buffalo and his horse.

Horton proceeded to Cantonment, Indian Territory and

gave himself up to Mr. Haury and requested protection.

Horton and his men were kept for a time in the telegraph office, but fearful of the intention of the Indians, were removed to the stone bakery building.

The Indians demanded Horton's life or suitable pay for the death of Buffalo, and surrounded the bakery to cut off all supplies of food and water to force surrender.

Mr. Haury asked that troops be sent and Agent Dyer made the request for troops at Fort Reno. The troops were sent late the following day but arrived in time to save the lives of the whites. They were forced to pacify the Indians by allowing them to take about 200 ponies and the camp equipment.

Mr. Horton and party and the remaining ponies were taken to Darlington and thence to Caldwell, Kansas. Horton was to stand trial at Wichita, Kansas, United States District Court.

Agent Dyer was instructed to demand the return of the horses from the Indians and did so on the 23rd of May. This gesture proved to be of little consequence, but the item of importance at this point is, that Commissioner Price of the Federal Offices recommended to the Secretary of the Interior that he request the Secretary of War to send sufficient troops to control the situation.

The Horton incident occurred early in May and under the date of August 12, 1884, Agent Dyer renewed his plea for soldiers.

August 25, M. L. Joslyn, Acting Secretary of the Department of Interior, instructed Colonel Robert S. Gardner, United States Indian Inspector, to ascertain and report fully the cause of the trouble between the agent and the Indians and advise the best method of relief.

Colonel Gardner made the investigation and reported September 23, 1884 that Agent Dyer had reported the situation correctly. He further recommended that the garrison at Fort Reno, consisting of five companies totaling 260 men, be increased to ten companies.

Commissioner Price recommended that 3,000 soldiers
25
be sent.

Troops were sent and peace and harmony re-established, The Indians took up peaceful pursuits where they had been left and the Cheyenne and Arapahoe Country seemed to
26
take a new lease on life.

25

Senate Executive Documents, No. 2261, 1884-1885, 5-25.

26

House Executive Documents, No. 2379, 1885-1886, 300.

Increased activity and development throughout the country southwest of the Indian Territory made it necessary to have increased railroad facilities through the land occupied by the red men. July 4, 1864, Congress passed an act to grant the Gulf, Colorado, and Santa Fe Railway Co. a right of way through the Indian Country.

Here Congress asserted its right to make such grants without the consent of the Indians. Here is demonstrated an application of the principle of the right of eminent domain in the Federal Government over the territory.

Section 13, of an act of Congress March 2, 1889, provided for the opening of the unassigned lands of Oklahoma.

This development affected the Cheyenne and Arapahoe Country by bringing the final stages of the "White Man's Civilization" to the very door of the Indian's home. Darlington being only three miles from "Old Oklahoma's" west border line. It is only natural to suppose that as soon as all the lands in the 1889 opening should be taken, the eager settlers who had not been satisfied would strive to have more Indian Lands opened. In addition to this the unassigned lands now opened to settlement were completely surrounded by undeveloped Indian Country. This created a dangerous state of affairs, because the Indians were displeased with the advance of the white man.

27

House Executive Documents, No. 2467, 1886-'87, 10.

28

Statutes at Large, 1887-1889, Vol. XXV, 1005.

Undoubtedly Congress realized this state of affairs and was conscious of the pressure of public sentiment to be applied, so they attached section 14 to the aforementioned act of March 2. This passage authorized the president to appoint three commissioners to treat with all Indians, owning land west of the ninety-sixth meridian and within the territory, for the cession of their unused lands for settlement of the whites.

An agreement for allotment was reached with the Cheyenne and Arapahoe Indians in October, 1890 and approved by Congress, March 3, 1891. During the following year allotments were made to these Indians in preparation for the opening.

A corps of allotting agents came to the Territory in May, but found that the Indians refused to proceed with the allotment until they had received the payment stipulated in the October agreement. This held the work up until the middle of July.

On the thirtieth of September the appropriation of \$15,000.00 for prosecuting the work became exhausted and allotment was halted. ²⁹ Congress soon made a special appropriation and the work was finished March 30, 1892 with a total of 3,329 allotments being made. ³⁰

29

House Executive Documents, No. 2934, 1891-'92, 42.

30

Report of the Commissioner of Indian Affairs, 1892, 371.

A proclamation by the President opened the remaining
land to settlement on the nineteenth day of April, 1892
at twelve o'clock noon.

CHAPTER III

The Opening

President Benjamin Harrison issued a proclamation April 12, 1892 to open the Cheyenne and Arapahoe country at 12 o'clock noon April 19. One week intervened between the proclamation and the actual opening.¹

The territory to be opened was specified by giving its outer boundaries in the following manner:

Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude, as surveyed in the year 1858 and 1871; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas river (sometimes called the Cimarron River); thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States by the treaty of June 14, 1866, with the Creek Nation of Indians; thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians to the one hundredth degree of west longitude; thence south on a line with said one hundredth degree to the point where it strikes the North Fork of the Red River, thence down said North Fork of the Red River to a point where it strikes the north line of the Kiowa and Comanche Reservation; thence east along said border to a point where it strikes the Washita River; thence down said Washita River, in the middle of the main channel thereof, to the place of beginning; and all other lands or tracks of country in the Indian Territory to which they have or may set up or allege any right, title, interest or claim whatever."²

Section sixteen and thirty six of each township were not subject to homestead entry, but were to be held by the

¹

James D. Richardson, Messages and Papers of the President, 1789-1908, IX, 275.

²

Ibid.

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United States and finally sold for public school purposes.

It was, however, specified that, where any member of the Cheyenne and Arapahoe tribes had heretofore made improvements upon and were at the time living upon said sections sixteen and thirty-six, he might make his selection of allotment within the boundary of said section.³

Article IV of this Act provides that:

Wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization; not, however, to exceed one hundred sixty acres of land to any society or organization so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry.⁴

It became the duty, under section seventeen of this statute, for the Secretary of the Interior to divide the Cheyenne and Arapahoe country into counties, containing as nearly as possible, not less than nine hundred square miles in each county.⁵ This the secretary did, designating the counties, C, D, E, F, G, and H.⁶ Later these counties became

³ Statutes at Large, Vol. XXVI, 1890-1891, 1023.

⁴ Ibid., Vol. XXVI, 1890-1891, 1024.

⁵ Ibid., 1026.

⁶ House Executive Documents, No. 3763, 1898-1899, XXI, map opposite 744.
Ibid., No. 3211, 1893-1894, XV, 453.

respectively, Blaine, Dewey, Day, Roger Mills, Custer, and Washita. These names were selected, according to law, by the voters at the first election for county officers, the name securing the greatest number of votes being the winner.

In addition to designating the county boundaries, the secretary specified one-half section near the center of each county to be used for county seat purposes and not subject to homestead entry. These reservations were:

For county C, the south one half of section 19, township 16 north, range 11 west; for county D, the north one-half of section 13, township 18 north, range 17 west; for county E, the south one-half of section 15, township 17 north, range 22 west; for county F, the south one-half of section 8, township 13 north, range 23 west; for county G, the north one-half of section 5, township 13 north, range 17 west; for county H, the south one-half of section 13, township 9 north, range 16 west. 7

It was further provided by this Congressional Act that a public highway four rods wide should be reserved between all sections, but that no deductions should be made from the one dollar fifty cents per acre charged all homesteaders, for the land used in laying out said section line roads.⁸

All government lands of the Cheyenne and Arapahoe country were attached to the Western land district office at Kingfisher and Oklahoma land district office at Oklahoma City. The division line through the territory was the

7

James D. Richardson, Messages and Papers of the President, 1789-1908, IX, 276.

8

Ibid.

township line between 13 and 14 north latitude. The land north of this line was attached to the Kingfisher office and that south of it to the Oklahoma City Office.⁹

Blaine County was named for the Hon. James G. Blaine, congressman, secretary of state and presidential nominee, on the nomination of his devoted admirer, editor Thomas B. Ferguson of the Watonga Republican who was afterward governor of Oklahoma.¹⁰

Dewey was designated as county "D" just prior to the opening and was known by that title until the general election of 1898 when it was voted that the name should be Dewey, for Commodore George Dewey of the United States Navy.¹¹

Day was named for the man who built the first court house in the county. Mr. Day, it seems, did not like the prospects of a construction job so far into the frontier where so few accommodations were to be had and so many obstacles to construction existed. As an added inducement to get the court house built it was agreed that the county should be named for him.¹²

⁹
Ibid., 277.

¹⁰
The Chronicles of Oklahoma, II, 76.

¹¹
Ibid., II, 77.

¹²
J. B. Thoburn, Reminiscences, June 13, 1939.

Roger Mills was named for Roger Q. Mills, who was United States Senator from Texas at the time. Many of the settlers in this county were from Texas.

Custer County was named for General George A. Custer of the United States Military Forces.

Washita County acquired the name from, "Faux Washita," meaning, "false washita," to distinguish it from the true Quichita River which flows through Arkansas and Louisiana. The name Washita was also applied to a minor tribe of Caddo Indians.

Let us turn now from documentary sources of evidence and pursue an investigation upon the frontier of activity.

When settlement was made in the Unassigned Lands of Oklahoma in 1889, a number of newspapers were established throughout the territory. Many of these early copies are now preserved in the files of the Oklahoma Historical Society at Oklahoma City. Much interesting comment is in store for those who read these early day printings. By careful comparison of publications from different parts of the territory quite a clear picture of the situation may be had.

13

The Chronicles of Oklahoma, II, 81.

14

Ibid., 77.

15

Ibid., 81.

To develop this picture an excellent place to begin search is the publications of the fall of 1890 or about eighteen months before the opening of the Cheyenne and Arapahoe Country in 1892.

That this vast uninhabited land to the west of Oklahoma could be turned into a productive trade territory, whose enormous purchasing power could not be measured is a statement that is acceptable without question. Then the people along this frontier must have been anxious to see the country opened to settlement. That point and their concern about the matter will be brought out.

It has been seen that any homesteading in the Cheyenne and Arapahoe country must depend upon the program of allotments to the Indians. The Purcell Register informs us under the date of October 25, 1890:

413 Indians sign.
Only 203 more to sign.
3,000,000 acres of new land.

Fort Reno, Indian Territory. October 20, ---Four hundred and thirteen of the six hundred and ten heads of families of the Cheyenne and Arapahoe Indians have now signed the treaty. This is more than a majority progressive. The Indians are jubilant. This means three million acres more for the whites. 16

In addition to news items, extolling the merits of this land, one finds paid advertisements. In the Purcell Register of March 13, 1891, one may read:

16

Purcell Register, October 25, 1890, III, No. 48, p. 1, Col. 4.

Free Homes for Millions.

Eighteen million acres of Indian lands soon to be opened for settlement in the Indian Territory. The "Housekeepers Guide" contains a complete description of them, tells what the laws are and how to take a claim, and is accompanied by a correct sectional map of the Cherokee Strip, the Cheyenne and Arapahoe and other lands (which alone has sold for \$1). Price 25¢.

Fred L. Wanner, Publisher
Arkansas City, Kansas. 17

This advertisement similiarly presented appears six months later in the Kingfisher Free Press, September 3, 1891, with a slightly different psychological approach:

A Free Home, awaits you in the great Cheyenne and Arapahoe Country and other Indian Lands to be opened in a few weeks. Send 25¢ for a book describing all the lands, giving the laws ect, and accompanied by a large colored, sectional map of the entire territory.

Fred L. Wanner
Arkansas City, Kansas. 18

It is in all probability, impossible to estimate the number of people who gathered along the border of this country to make the run, but it is apparent that there were thousands of them and since they came early, it must have been their intention not to miss this chance of a life time.

Thousands are encamped on the border watching with eternal vigilance the work of the allotting agents and only waiting the word go. 19

17

Purcell Register, March 13, 1891, IV, No. 16, p. 1, Col. 7.

18

Kingfisher Free Press, Sept. 3, 1891, II, No. 25, p. 2, Col. 5.

19

Oklahoma Democrat, Aug. 8, 1891, I, No. 24, p. 1, Col. 1.

Another news article about a month later tells us something about the country and at the same time serves as advertising:

Many people from all sections are coming to El Reno. Thousands will camp on her commons this fall to await the opening of the Cheyenne and Arapahoe Reservation. There are no lands to come in that offer the advantages to the farmer and stock raiser that these lands do and never again will there be such a rush to any country. Her hills and valleys are covered with nutritious grasses with here and there pleasant groves and bubbling brooks. Her soil is a rich alluvial deposit adapted to all grains and cereals grown in the United States. Her climate is salubrious and healthful, what more can people ask that seek a home, prosperity and wealth. 20

While this choice morsel was being presented by the Oklahoma Democrat (El Reno), another issue brings out a different side of the picture, which would seem to express displeasure at the progress of developments.

Have the Cattle Barons an understanding with the department officials.....now it develops that instead of carrying the proclamation, the government permits thousands of cattle to graze undisturbed and in direct violation of law and the people's wishes, over twelve million acres of government land that rightfully belong to the people. Shall we believe that this great government is powerless to enforce its orders? That would be foolish. She is trifling with the people to the advantage of the cattle kings. If the boasted military representing to us the enforcement of law and the protection of right finds on the rounds of a single "boomer" who seeks a home for himself and family he is immediately arrested, his household goods confiscated and his name enrolled on the black list barring him from taking a home in the promised land. 21

20

Oklahoma Democrat, September 12, 1891, I, No. 29, p. 1, Col. 1.

21

Ibid., September 6, 1891, I, No. 28, p. 1, Col. 1.

Some activity in official circles is noted, in connection with the Indian Country, in this article from the Purcell Register:

Governor Steele has returned to Oklahoma and has been interviewed. He has something to say about the opening of the new lands and, while he does not give --to the general public--very much information his remarks may be of some interest, hence we give them; "Before I left, at the request of Secretary Noble, I drafted a map showing my idea as to where the new county boundaries and county seats ought to be located. The Secretary observed these except as to Payne and Cleveland Counties, which he made much larger. I gave all counties 720 square miles except Payne and Cleveland. It seemed impossible to give them this area without great injustice to established county seats and throwing these counties into interminable county seat wars; but the Secretary seems to construe the law to mean that all counties must have 700 square miles."

...."I am studying the matter in which these new lands should open and will, in a few days send on the recommendation already asked for."

Governor Steele expressed his opinion that the land should go to outsiders who actually intend to settle upon the "homesteads." He also professed a desire to protect old soldiers, who wanted a home, in their rights. Dishonest "Agents" who used soldiers for purposes of fraud came in for his criticism. "The Secretary of the Interior," says he, "will order the land office to accept as evidence of fraud, and at once arrest all parties who present for filing an unreasonable number of soldiers declaratory statements." He proposed, in order to give every one a fair chance, that the proclamation should give ten days notice of opening and the Department of Interior should keep the Land Office closed for twenty days after the

opening. This would give every one a fair chance to
select his land and also prevent frauds and contests. ²²

Secretary Noble sent the following telegram to
Governor Steele, from Washington, under date of August 27,
1891:

Your dispatch received. There is no date fixed
for opening the Indian Lands. The president has not
been consulted. He will have to determine. Have
requested sufficient force to protect the Indian Lands
until opened. I am sure that the people will understand
that they can not go upon these lands until all
conditions with the Indians are complied with and the
proclamation issued. Law abiding people will be
protected so far as my authority goes, and those dis-
obeying the law and committing trespasses will gain
nothing thereby, but incur loss. Please keep me
advised. 23

There is no doubt but that the government officials
were anxious to open the territory as soon as possible,
but the speed at which they progressed was not sufficient
to suit all concerned. This is evidenced by an article
taken from the Kingfisher Free Press of October 8, 1891,
part of which is a reprint from the Hennessey Statesman.

While we hate to advise one or two to settle in
the Strip, still if a large well-organized body of
determined settlers should move on the Strip, and
"bow up their backs," they can hold it.--Hennessey
Statesman.

22

Purcell Register, August 7, 1891, IV, No. 37, p. 4, Col. 2.

23

Kingfisher Free Press, September 3, 1891, III, No. 25,
p. 1, Col. 8.

That is bad advice. The same bad advice was given the people concerning Oklahoma, and those who adopted it came to grief. The administration is anxious to open all these lands to settlement as soon as possible and the thing for the people to do is to obey the law. Even admitting that the Strip is public land of the Government, it is not subject to homestead settlement until congress makes provision for it by law. 24

When the government appropriations gave out and allotment ceased on September 30, 1891, considerable excitement prevailed. As has been seen there were thousands of people, with no means of livelihood waiting for the opening, winter was approaching and suddenly all allotting ceased. Disappointment gave way to anger and the following article from the very center of activity on the frontier tells the dramatic story, very briefly, but in terms that can not leave any doubt in the reader's mind.

Kingfisher, Oct. 8, 1891

The prospect a few days ago that the settlement of the Cheyenne and Arapahoe Country would be definitely postponed was a little too interesting for comfort. No one knew what to do, or how to jump. The situation was ugly. A great deal of hard work was done that will never find its way into the school books. Among our townsmen to whom special credit is due are, Messers W. A. McCartney, Cash Wade, Mayor Gage, and Postmaster Mills, who went to El Reno, Darlington, Guthrie and Topeka and got the ball rolling in good shape. Judge Seay also took hold like a veteran and his personal acquaintance with Secretary Noble had great weight in securing favorable action. There is nothing anyhow that succeeds like success. 25

24

Kingfisher Free Press, October 8, 1891, III, No. 30, p. 2, Col. 1.

25

Ibid.

That the people of Oklahoma Territory were anxious to open the Cheyenne and Arapahoe country and were willing to contribute something to the success of the program is further evidenced by this article from the Oklahoma Democrat, El Reno, under date of October 18, 1891:

The western side of the territory has been in an uproar for a few days over the supposed delay of the allotting of the Cheyenne and Arapaho Indians. Several telegrams were sent to the department, Governor Steele and Congressman Harvey. A favorable disposition was expressed by all in power and Governor Steele came to El Reno Tuesday in response to a proposition made by the citizens of this place and Kingfisher to carry the expense of sufficient surveying corps, to complete the work and wait upon future appropriations of congress for reimbursement. This plan was developed and supported by men of financial means providing they were appointed allotting agents.

Notice of appointment is expected early next week and the force is ready to commence the work immediately. Chief Tacket estimates that the work can be completed by the first day of January. 26

In an issue of October 18, 1891 the Purcell Register carried an article based upon information supplied by one Bob Darlington, a surveyor. This article stated that;

Since the visit of Governor Steele and his conference with business men at El Reno and Kingfisher, there is likely to be a movement inaugurated which will result in this whole allotment of the Cheyenne and Arapahoe Lands being finished.

A plan had been advanced to put six surveying corps into the field, "three from El Reno and three from Kingfisher," and it was hoped that the work could be finished in six or eight weeks. 27

26
Oklahoma Democrat, October 10, 1891, I, No. 23, p. 1, Col. 3.

27
Purcell Register, October 16, 1891, I, No. 27, p. 1, Col. 6.

Since the allotment could not be finished before January 1, 1892, it is apparent that the territory could not be opened until spring and very little activity in that direction is recorded for the winter months. The situation was kept before the public with numerous articles. Some of them humorous within themselves, others so because of the distance of the time from which they are viewed; all, no doubt, of importance to those eagerly waiting for the opportunity to go to work upon a claim. They are worth attention because they give one a "birds-eye view" of the "fever" which had consumed the frontier line of the advancing civilization of the white man. From the Oklahoma Democrat of October 8, comes this paragraph:

Boomers who are waiting for the opening of the great Cheyenne and Arapahoe Lands, are collecting on the border at all points north and south of town. They intend to be on time in the rush. 28

One week later the El Reno editor gave us this enlightening comment:

El Reno more than any other point in the territory will have reason to rejoice at the early opening of the Cheyenne and Arapahoe Lands, to white settlement. Already thousands are preparing to avail themselves of the coming opportunities to secure for themselves a home in the rich alluvial plains, tributary to her out-reaching trade. 29

28

Oklahoma Democrat, October 8, 1891, I, No. 32, p. 1, Col. 1.

29

Ibid., October 17, 1891, I, No. 34, p. 1, Col. 2.

The Kingfisher Free Press gives these two views of the situation:

M. W. Duncan reports that he is receiving numerous letters from the East inquiring about the C. and A. Country. He expresses the belief that a heavy immigration will set in.

Further down the same column;

The boys that went off to the new country all came the forepart of the week. They were badly disappointed in the country and say that it is not what it was represented to be. Be patient boys the Cheyenne Country is all right. 30

A little friendly rivalry between papers has no doubt, given some choice view points.

The Cheyenne Indians, under the noted chief, Otonacho, are taking their allotments as near Kingfisher as possible. Beginning a mile and a half from the city, they have taken all the good lands for fifteen miles around--Wichita Eagle, 1.

It is the prevailing opinion in Oklahoma that the Eagle has never missed an opportunity to give Kingfisher a black eye.....There is not a single word of truth in the extract above quoted, and it had its origin on the line of the Santa Fe Railroad.

Kingfisher Free Press. 31

A little local color was added by way of a slight disagreement between the Minco Minstrel editor and that of the Kingfisher Free Press:

Thirty thousand Texans need to settle the Cheyenne and Wichita Reservations and to check the invasion from Kansas. Apply to the Minstrel for information.
Minco Minstrel.

30

Kingfisher Free Press, October 1, 1891, III, No. 29, p. 3, Col. 2.

31

Ibid., August 6, 1891, III, No. 2, p. 2, Col. 2.

They tried that twenty or thirty years ago. It was a failure then. There is no use to try it over. Kansas doesn't check worth a darn.--Kingfisher Free Press. 32

It is always the case, that there are some incidents that can not be thoroughly explained, in connection with an enterprise of such magnitude. Then too, personal interest can so easily put a different construction upon items that seem to weigh upon the issue at hand:

The State Capitol quotes ex-governor Steele as saying that there were only two things now that should receive the attention of the Oklahoma people--- those being the opening of the Cherokee Strip and joint statehood with the entire Indian Territory. Steele seems to have lost sight of the Cheyenne and Arapahoe Reservations, or perhaps, the people of Oklahoma in and about Guthrie are not interested in this. 33

Probably one of the most poignant expressions relative to the entire picture is this one taken from the Oklahoma Democrat under the date of November 14, 1891:

The damage done in western Oklahoma by the failure to complete the Cheyenne and Arapahoe Allotments this fall can not be estimated. The opening of that great territory to settlement in February or March would have made a home market for every pound of hay, corn and other feed that could have been spared. And this great damage seems to be the result of the opposition of less than half a dozen men who were moved by no other motive than selfishness. 34

The closing of the winter of 1891 and 1892 brought renewed activity of the sort that indicated determination.

32

Ibid., October 15, 1891, III, No. 31, p. 2, Col. 1.

33

Oklahoma Democrat, November 7, 1891, I, No. 37, p. 1, Col. 2.

34

Ibid., November 14, 1891, I, No. 38, p. 1, Col. 2.

El Reno, Oklahoma, March 5, 1892

A party of strangers are in the city, working up a Grand Army Colony for the C and A country. They claim there are now fifteen hundred wagons pushing southward through the strip, enroute to El Reno to join their colony. 35

WARNING

Fort Reno, Oklahoma Territory, March 29, 1892

All persons are warned against entering the Cheyenne and Arapahoe Reservations until the date to be fixed by proclamation of the president of the United States and all persons entering before the proper time are not liable to expulsion but under the law, forfeit all rights to take up land.

J. W. Wade
Colonel 5th. Cavalry
Commanding

(Official)
W. E. Almy
1st. Lieut. and Adjutant 5th. Cav. 36

April 2, 1892

X The post office department has made the following appointments for post masters in the county seats in the C and A Country.

"C"---Watonga --- John Dillon
"D"---Talloge --- T. R. Ruble
"E"---Ioland --- J. T. Bellamy
"F"---Cheyenne--- A. R. Farmer
"G"---Arapahoe--- John B. Nichols
"H"---Tacola --- L. L. Bell

37

Such moves on the part of the government, no doubt, gave rise to the enthusiasm with which the people looked into the future.

35 Oklahoma Democrat, March 5, 1892, II, No. 2, p. 5, Col. 2.

36 Kingfisher Free Press, April 7, 1892, IV, No. 4, p. 2, Col. 1.

37 Oklahoma Democrat, April 2, 1891, I, No. 6, p. 4, Col. 1.

The Cheyenne and Arapahoe Country will soon be in the possession of a class of people, who will make it one of the fertile spots, of the most fertile state that the fertile brain of man ever conceived.--Edmond Sun. 38

The following item shows the nervousness of some of the settlers:

Allotting Agent Tacket, who arrested the surveying party from Kingfisher, last week, while on the reservation, was told by them that they were lost, and were merely using the instruments to find their way back home. The Indian Police confiscated their transit etc. 39

The people permanently located along the border of the C and A Region looked forward to the opening with much interest. To them it would be almost, a great celebration, an occasion for much fun and merriment but not accompanied with that same desperate struggle for existence as it was for the homesteaders. 40

Government activity reached its keenest point of intensity between March 16 and April 12, just before the opening. The entire winter's activities focus upon this point, the element of time had run its course. A few more details and the goal is reached. Let us follow this activity through the columns of the Purcell Register.

38

Ibid., April 9, 1892, II, No. 7, p. 1, Col. 2.

39

Kingfisher Free Press, March 24, 1892, IV, No. 2, p. 2, Col. 1.

40

Purcell Register, March 25, 1892, V. No. 18, p. 5, Col. 3.

Washington D. C., March 16.

Secretary Noble was found by the Times Reporter today at his office at the Department of Interior, and questioned concerning the opening of the C and A Lands lying to the southwest of Oklahoma.

"I'm only too glad to give the Kansas City Times all the information I have," said Secretary Noble. "In the first place, I am straining every nerve to open these Cheyenne-Arapahoe Lands by April 1. I want to get them in process of settlement as early as possible; maybe we can not be able to make it by April 1, but it will not go later than April 10. I have five surveyors with a Department Inspector, Major Weigel, at work finishing the allotment of the tract. I shall make a proclamation fixing the county seats in a day or two. I have already proclaimed the county lines. The maps to accompany this county seat proclamation are now being made. The general government will not survey nor lay off into lots these county seats. That will have to be done by the territorial government. In this survey especial care has been taken to fix corner stones to sections--that is, to make them stay where they belong and point the lines. Of course the final opening will be proclaimed by the president. It is needless to say that "Sooners" will be neither encouraged nor allowed. The president's proclamation will give but little time before the opening. This is believed to be the better way. It cuts off speculation and offers better opportunity to bona fide settlers in their choice of lands. That is about all there is to say. It is almost positive that the lands will be open by April 1. 41

Guthrie O. T. March 20.

Governor Seay has received information that the allotments in the Cheyenne and Arapahoe Reservation will be completed next week. He now has men at work, drawing the plots of the county seats in the reservation, and has asked the postmaster general to establish post offices and post routes at once. After the allotments are completed there will be a few days work necessary at Washington and then the lands will be ready to open. The reservation will make six new counties and there will be over 3,000,000 acres of land for white settlement. 42

41

Purcell Register, March 17, 1892, V, No. 17, p. 4, Col. 3.

42

Ibid., March 25, 1892, V, No. 18, p. 2, Col. 1.

Some agitation had been in existence protesting the fact that the Indians were taking the best lands and were settling adjacent to the town sites. So the following reprint from the El Reno Daily Courier must have been gratifying.

Major Eugene F. Weigle, special land inspector of the Interior Department, started today for a tour of the Cheyenne and Arapahoe Country, where he will meet the allotting agents and ascertain if any Indians have been allotted upon the land reserved for county seats. If they have or if they have taken allotments about the the county seats they will have to be re-allotted. The Indians do not pay taxes upon their land for a period of twenty years and it is not intended that they shall take up the land at or adjoining these new towns as that would be a great draw back to the town's prosperity. Upon the Major's return we will be able to get some definite information as to when the new country may be expected to open.---El Reno Daily Courier, March 17. 43

Many reports were loose regarding the probable date of opening. The Purcell Register of March 25, 1892 gathered the information that the opening would probably not be later than April 15.

Major Weigel, Indian Inspector, and Major Tacket, chief of the allotting force, were to meet on March, 28 and prepare their final report upon the location of county seats.⁴⁴

43

Purcell Register, March 25, 1892, V, No. 18, p. 2, Col. 1.

44

Ibid., V, No. 18, p. 4, Col. 1.

The surveying of townsites was the duty of the Territorial Government:

Kingfisher, O. T. March 27.---Governor Seay is here arranging for the surveyors to go out to the various county seats, which they will proceed to lay out in lots, blocks, streets and alleys. The rush continues here. Every train is crowded. People began forming in line at the land office door last night. Many slept on the bare ground, while others were provided with blankets. Today the line has increased to fifty-three. The wind blew clouds of dust all day, but the men in line sent out for goggles, and, thus protected, retained their places. Food was carried to them by friends, and they declared their intentions of staying in line until the land was opened up to entry. 45

The Kingfisher Free Press Editor observed this growing line in the following manner in the issue of April 7:

The question is often asked, "What advantage is gained by being in line in front of the land office door?" There is none except the mere fact of being probably able to reach the registers counter before other people. The "line" has no legal status, whatever, as there is no authority to give it one. 46

This line apparently served its purpose and one finds the following reference to it in the April 21 issue of the Kingfisher Free Press.

At five minutes to twelve o'clock the weary boomers who had been standing in line for weary weeks waiting an opportunity to present their papers rose to their feet and took a stand before the land office door. Anxiety was stamped on every face. Each was wondering what his fate would be? How soon could his filing be on? These and many other questions were whirling through his brain. At twelve o'clock the door opened and the first man hurried to the window. His name was M. P. McCoy..... 47

45

Ibid., April 1, 1892, V, No. 19, p. 1, Col. 5.

46

Kingfisher Free Press, April 7, 1892, IV, No. 4, p. 2, Col. 1.

47

Ibid., April 21, 1892, IV, No. 6, p. 2, Col. 2.

Governor Seay was in Kingfisher when the telegram was received announcing the Presidents Proclamation opening the territory. The Governor was also notified that official maps of the territory and the Indian allotments had been mailed. He personally confirmed the report that the official proclamation had been sent to Oklahoma Papers and would be published Saturday, April 16.

County officials, who had been appointed by the territorial Governor were instructed to report at their respective county seat towns as soon after the opening as possible. They were not, however, expected to abridge their rights to homestead by entering the prohibited territory⁴⁸ before the appointed hour.

The towns along the eastern border of the C and A Country had become so crowded that many people feared they could not secure a claim, and went by rail to Higgins, Texas, the nearest railroad point on the western border where a troop of cavalry had been stationed to preserve order. It was estimated that the heaviest concentration of homeseekers was near Minco.⁴⁹

48

Purcell Register, April 15, 1892, V. No. 21, p. 4, Col. 2.

49

Ibid.

By April 10th, it was estimated that 10,000 were in and around El Reno and that each day brought many hundreds more. These people expected the proclamation hourly and when it came excitement ran high until the opening.

.....when the earth will fairly tremble beneath the trod of the excited thousands. The vast, unsettled country will in a day become densely populated and large cities will spring into existence as if by magic. Truly in Oklahoma "wonders never cease." 50

The final chapter of the Cheyenne and Arapahoe Indian Reservation, was closed at twelve o'clock noon, Tuesday, April 19, 1892 when the cannon at Fort Reno sounded down the long line of boomers who waited along the 98th meridian. Thousands entered the territory, some on horse-back, some by wagon and many on the trains provided for the purpose. An El Reno editor describes it in this manner:

Then began the race between the fleetest horses and passenger trains. Each minute meant dollars. Men rode as if they rode for life. The engineer sitting on his cushioned seat pulled the throttle wide open and the rocking, snorting monster went like the fire winds into the new country.

For three minutes or more horsemen could be seen dashing on to the west. Trains disappeared and could be seen no more. 51

50

Oklahoma Democrat, April 9, 1892, II, No. 7, p. 4, Col. 2.

51

Ibid., April 23, 1892, II, No. 9, p. 1, Col. 7.

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Reminiscence:

Thoburn, J. B., June 19, 1939, Oklahoma City.

Typed by
Andy Murphy