

THE ROLE OF KANSAS IN BOOMING OKLAHOMA

by

HAROLD MUNN HETH, JR.

B. S., KANSAS STATE UNIVERSITY, 1959

A THESIS

submitted in partial fulfillment of the

requirements for the degree

MASTER OF ARTS

Department of History, Political Science, and Philosophy

KANSAS STATE UNIVERSITY
Manhattan, Kansas

1961

LD
2668
T4
1961
H48
C.2
Document

TABLE OF CONTENTS

LIST OF MAPS AND TABLES	iii
MUELLER SCHOLARSHIP	iv
INTRODUCTION.	1
CHAPTER I WESTERN EXPANSION AND THE AGRICULTURAL FRONTIER . .	4
CHAPTER II THE FORBIDDEN LAND.	22
CHAPTER III BEGINNING OF THE BOOMER MOVEMENT.	40
CHAPTER IV THE END OF THE BOOMER MOVEMENT.	67
CHAPTER V THE DAY OF DAYS	84
CHAPTER VI HOW KANSAS MOTHERED OKLAHOMA.	112
BIBLIOGRAPHY.	122
APPENDIX.	133

LIST OF MAPS

THE INDIAN TERRITORY IN 1866	29
THE INDIAN TERRITORY IN 1889	33

LIST OF TABLES

CATTLE DRIVEN TO KANSAS SHIPPING POINTS, 1866-1881	10
GROWTH OF POPULATION IN KANSAS, 1860-1890	17

MUELLER SCHOLARSHIP

This study was made possible through the generous assistance of the Mueller Scholarship for Graduate Research in Kansas history. This annual scholarship was established at Kansas State University in 1956 by Colonel and Mrs. Harrie S. Mueller of Wichita, Kansas, for the purpose of preserving the history of Kansas and more particularly of south central Kansas; of giving incentive to students to become teachers of history, especially of Kansas history, in the public schools of the state; and to increase the knowledge, understanding, and the appreciation of our Kansas heritage.

INTRODUCTION

The generation after the Civil War saw the removal of the Indians from Nebraska and Kansas to what is now Oklahoma; but even this concentration of the tribes in one-third of their former territory did not fill it, and the unoccupied land aroused the cupidity, first, of the land-grant railroad, and later, of the white settler. As the process of settlement progressed westward the disappearance of the cattle ranges and the Indian trails bore reminders that the frontier was fading, and that the area of free tillable land was about gone. Thousands of land hungry people, in search of free land looked with covetous eyes on the broad fertile prairies of Indian Territory.

Elsewhere in the United States lay millions of uninhabited acres, but the greater interest was in the much publicized Indian lands where the very atmosphere was reputed to be "electric and full of life-giving properties." There were many reasons for this interest, but perhaps the greatest was that it was forbidden. Homeseekers began to threaten and then to pass the borders of the diminished Indian Territory prompted by the militant leader of the boomers, David L. Payne, who was fond of quoting: "The Lord commandeth unto Moses: Go forth and possess the Promised Land."

The history of the connection between Kansas and Oklahoma deserves a place in the annals of the Southwest. The story of the Oklahoma Boomers and their struggle to open that territory to settlement is intimately linked with Kansas, since the movement was carried on largely by Kansas men. It is my purpose to show the extent of and explain why boomer agitation was strong in Kansas even far removed from the southern

border, and to record an interesting phase of history, one of the most bizarre and exciting episodes of the frontier, the opening of the last lands in America available for free settlement.

The principal sources of information have been charters and newspapers on file in the archives of the Kansas State Historical Society in Topeka. For the chronological sequence of events the newspapers of the period were the best source, although it was necessary to allow for the partisanship and, or, bias which was invaluable in showing the attitude of the people toward the movement, and the winning over of public opinion. Much of the material was found in the library of the Kansas Historical Society. I am indebted to the staff of the Kansas State Historical Society for allowing me the use of its files and in locating a number of articles that led to the explanation of the extent of Boomer support in Kansas.

I wish to thank Colonel and Mrs. Harrie S. Mueller of Wichita, Kansas, for the Scholarship that helped make this thesis possible. It allowed me to visit the Oklahoma State Historical Society, and some of the south central Kansas towns in order to gain a better insight into the events under study; and for the suggestions, constructive criticisms, and generous use of his time, I wish to express my appreciation to Dr. Homer E. Socolofsky of the Department of History, Political Science, and Philosophy under whose direction this thesis was prepared; also to Dr. James C. Carey whose comments and criticisms were extremely valuable; and to the United States Air Force who granted me the time from official duty to complete this study.

To the many people who have helped in gathering this material, the staff of Farrell Library, Kansas State University, I want to gratefully acknowledge my indebtedness. Special appreciation is given to my wife and children for their patience and understanding throughout the months I have been occupied in this work.

CHAPTER I

WESTERN EXPANSION AND THE AGRICULTURAL FRONTIER

Land was the magnet throughout all America. Europeans had always been attracted to the New World because of available land and other opportunities. One of the last areas of available farming land in the United States was in Indian Territory, later Oklahoma. The restless land hunger which drew thousands of men into the movement to "boom" the territory for settlement is a phenomenon of power and of human determination. It is personified in the character of such border adventurers as David L. Payne, the prince of Indian Territory "boomers", Captain William L. Couch, Colonel Samuel Crocker, and Major Gordon W. Lillie, known the world over as "Pawnee Bill", all from much of the same mold as Buffalo Bill Cody, Kit Carson, and Sam Houston. In a never-ending effort to enter and settle the territory the Boomers encountered the strong opposition of the Indians, the cattlemen, and even the federal government, but this only seemed to stimulate them to greater efforts to force the opening of the unassigned lands to white settlement.

In this great border movement, although Kansans and Oklahomans have almost forgotten it, the truth remains that Kansas is the mother of Oklahoma. The tireless Boomers centered their activities in South Central Kansas, being ably assisted and encouraged by Kansans who hoped to profit from the enormous trade that would pass southward.¹

¹ Eunice M. Odom, "The Frontier in the Arkansas River Valley," p. 23. Unpublished M. A. thesis, Louisiana State University, 1938.

After more than half a century it is not possible to recapitulate all the influences back of this outburst of popular enthusiasm for a new country. The familiar explanation is that it was due to land hunger and the prospect of obtaining farms without money and without price. In the period just preceding the opening of "Oklahoma", the hunger was marked by a vivid vindication of the faith the people of the West had originally put in the new land against the discouragement of eastern experts who did not think prairie farming practicable.

The westward surge of the agricultural frontier came to a dead stop soon after the panic of 1837. The population map of 1840 showed settlement as far west as the great bend of the Missouri River, and this point for some time marked the limit of the white advance.² In advancing westward the American had met the prairie in Ohio, Kentucky, and Tennessee, but more fully in Indiana, and Illinois. It was there that for the first time in history "a highly skilled people have suddenly come into possession of a vast and fertile area which stood ready for tillage without the labor that is necessary to prepare forest lands for the plough."³ For a few years the restless farmers remained east of the Missouri, filling the more thinly-populated states and attesting to the fertility of land with no trees.

Hard times in those states immediately east of the Missouri River drove many homeseekers westward. Land exploiters and speculators had

² Carroll D. Clark and Roy L. Roberts, People of Kansas, A Demographic and Sociological Study, Topeka: Kansas State Planning Board, 1936, p. 20.

³ James C. Malin, The Grasslands of North America, Ann Arbor: Edwards Brothers, 1948, p. 197.

precipitated a panic, which President Andrew Jackson had in vain sought to arrest by his Specie Circular of July 10, 1836.

Many a settler loaded his family into a covered wagon, abandoned his small claim, and crossed the Mississippi and Missouri rivers in search of untaxed land. These were the migrants who broke the barrier of Indian reservations west of Arkansas and Missouri and finally forced the opening of the Great Plains for homestead entry.

But along the California coast, San Francisco, Los Angeles, and Monterey were yet sleepy Spanish-American villages, that were to become the centers of a thriving Pacific commonwealth, before the passing of another decade and a half. Between these towns and St. Louis was a vast, lonely, arid and semiarid waste with only occasional oases of white occupation, such as Fort Laramie and Bent's Trading Post.

Nevertheless, by 1836 the West had begun to feel its growing pains. Caravans were moving over the Santa Fe Trail and northwestward toward Oregon. The trans-Mississippi West had become a "stage for robust action on which many characters had already played colorful roles."⁴ Robert Gray, a young New England mariner, had dropped anchor at a great Oregon river which he named the Columbia, after his flagship, establishing thereby the first claim of the United States to the fertile acres of this region.⁵ Philip Nolan had led his horse-hunters from Natchez to

⁴ Carl Coke Rister, Land Hunger, Norman: University of Oklahoma Press, 1942, p. 4.

⁵ LeRoy R. Hafen and Carl Coke Rister, Western America, New York: Prentice-Hall, 1941, pp. 260-265.

the Trinity River of Texas and there met his death, but the memoirs of Ellis P. Bean, a survivor, were later read and discussed by many prospective immigrants. Later Jedediah Smith, Jim Bridger, and other mountain men explored the hidden parks and canyons of the Rockies and relayed their descriptions to waiting adventurers and homeseekers.⁶

The explorers, missionaries, mountain men, miners, buffalo hunters, railroad builders, cattlemen, and shearherders were what Everett Dick has called the "vanguards of the frontier."⁷ They were the outriders, the picket line. Behind them, plodding, drab, and unromantic, came the main body of invaders, the farmers.

Before the plowman could spread over the new frontier a number of barriers had to be removed. Many of these were tangible and real; just as real but intangible, was that of the mind. For generations the westward-moving farmer worked across a land of trees, streams, and frequently navigable rivers. When he looked beyond the Mississippi, or more particularly, the Missouri, he saw limitless stretches of sod, treeless, arid, and forbidding. All he knew of it, through his reading or by word of mouth, told him that it was a desert, irreclaimable and desolate. It was not a land for his kind. It would not grow the crops he knew.⁸

During the decade of the fifties the desert theory was at its height. School atlases still depicted the high plains as a barren void, useless if not actually dangerous. The reactions of early travelers to

⁶ Ibid., p. 265.

⁷ Everett Dick, The Sod House Frontier, New York: Appleton-Century-Crofts, 1937, p. 42.

⁸ Robert C. Athearn, High Country Empire, New York: McGraw-Hill, 1960, pp. 179-181.

the Great Plains are understandable, even though the vast area from Montana and the Dakotas south into Texas has since become the national granary.⁹ As the easterner looked upon the prairie and high plains in the early nineteenth century he saw only coarse grass and a treeless, undulating terrain. Thus he concluded that this part of the west was unfit for white habitation and he agreed with the term, the Great American Desert.¹⁰

Between the passing of the fur trade and the coming of the Civil War, most of the high plains and mountain region was little used other than as a transit route. Toward the end of the period, with mineral discoveries in the Rockies, mining towns appeared and constant passage over what had been, and still was, called "the Desert" tended to diminish early fears of its hostility to human habitation.

Little by little the newcomers felt out the land and discovered that its treeless and forbidding appearance was often misleading. Nor was it as large as they thought. Experiments with crops revealed that, while new techniques and certain concessions to a semiarid climate were necessary, a living could be made. During the 1850's confidence grew and farmers edged forward in Kansas and Nebraska, probing their way to the edge of the desert, tantalized by the continuing fertility of the soil.¹¹

⁹ Ibid., pp. 182-183.

¹⁰ Ira G. Clark, Then Came the Railroads, Norman: University of Oklahoma Press, 1957, pp. 3-10.

¹¹ Clark and Roberts, op. cit., pp. 19-20.

James C. Malin comments that the first settlers who entered the low rainfall areas of the great plains met the hazards of farming according to the traditional techniques of the high-rainfall areas.¹² It was soon evident that the obstacle of aridity, the failure of rainfall to meet the demands of agriculture, would have to be met by the ability of the farmer to fit his culture into conformity with the requirements of dry-land farming without disrupting environmental equilibrium.¹³

An advance guard of civilization that helped to clear the way for agricultural settlement upon the plains was the buffalo hunter followed by the rancher. The unprecedented slaughter of the buffalo became a big business on the plains. In the fifteen year period from 1870 to 1885 it was estimated that a total of 10,000,000 buffaloes were killed, their hides alone being valued at \$25,000,000. The hides, bones, and meat were of great commercial value and an important source of capital for early settlers. The extermination of the buffalo deprived the Plains Indians of their chief source of subsistence, forcing them to government reservations, and opened to the cattlemen the millions of acres of range lands formerly grazed by the great herds.

The range-cattle industry was the first scheme of land utilization introduced by the white man that represented a successful adaptation to the natural conditions of the Plains environment. The ranchman and the cowboy were the first invaders of that great grassland area who managed to exploit its resources and to make a profitable "home on the range."¹⁴

¹² Malin, op. cit., p. 227.

¹³ Ibid., p. 155.

¹⁴ Walter P. Webb, The Great Plains, New York: Ginn and Company, 1931, pp. 219-222.

Table 1. Cattle driven to Kansas shipping points, 1866-1881.

Town	Year	Number Cattle Driven	Total
To Abilene	1867	35,000	
	1868	75,000	
	1869	350,000	
	1870	300,000	
	1871	700,000	1,460,000
To Wichita and Ellsworth	1872	350,000	
	1873	405,000	
	1874	166,000	
	1875	151,618	1,072,618
To Dodge City and Ellis	1876	322,000	
	1877	201,159	
	1878	265,646	
	1879	257,927	1,046,732
To Dodge City, Caldwell, and Hunnewell			
	1880	384,147	384,147
Grand Total			3,963,497

Source: Tenth Census of the United States: 1880, Statistics of Agriculture, Production of Meat, III, p. 21.

Kansas was annexed to the "cattle kingdom" in 1867. J. G. McCoy established a market and shipping facilities for Texas cattle at Abilene, on the Kansas Pacific railroad. For five years this original "cow town" was the main objective of the great northward cattle drives, a total of 1,460,000 head having been driven there between 1867 and 1871.¹⁵ As the railroads advanced, other towns further to the west and south succeeded Abilene as shipping points for the drovers. By 1880 the total for all cattle drives to Kansas shipping points, including Abilene, was 3,963,497. See Table 1 for the yearly and accumulated totals.

¹⁵ Ibid., p. 223.

Some cattle were unfit for shipment after the long drive, and at times the market was glutted, so that surplus herds were regularly turned out on the Kansas and Indian Territory prairies until ready for shipment. Soon the open range of western Kansas and the Indian country was stocked with great herds of the hardy longhorns.

The period of the open-range cattle industry was relatively short, but its consequences as affecting settlement were far-reaching. It ushered a crude but ingeniously adapted civilization into an area previously wild and untamed. It demonstrated that the natural grasses of the scant-watered High Plains were a potential source of permanent wealth. Most important of all though, the cattleman of the open range proved the falsity of the "desert" concept and demonstrated that it was habitable.

One of the most important developments in the history of the United States after the close of the Civil War was the settlement of the trans-Mississippi West. In 1860 slightly more than fourteen per cent of the total population of the United States resided west of the Mississippi. By 1890 this figure had increased to twenty-seven per cent.¹⁶ In 1893 Frederick Jackson Turner drew attention to the significance of the frontier in American history, emphatically stating that "the existence of an area of free land, its continuous recession, and the advance of American settlement westward, explain American development." He continued:

¹⁶ Department of the Interior, Census Office, Eighth Census of the United States: 1860, Population of the United States, I, Washington: Government Printing Office, 1864.

The most significant thing about the American frontier is that it lies at the hither edge of free land. In the census reports it is treated as the margin of that settlement which has a density of two or more to the square mile. . . . By 1880 the settled area had been pushed into northern Michigan, Wisconsin, and Minnesota, along Dakota rivers, and in the Black Hills region, and was ascending the rivers of Kansas and Nebraska. . . .

The superintendent of the census for 1890 reports that the settlements of the west lie so scattered over the region that there can no longer be said to be a frontier line.¹⁷

Although it is difficult to understand just what Turner meant by the frontier, settlers steadily pushed westward to the edge of the semiarid areas in the decade of the seventies, while the next ten year period provided an equally rapid movement further west and south. Much of the westward expansion of this period, and especially that into the agricultural land of the central plains region, was accomplished by a succession of short moves. In the decade of the eighties, for example, newcomers to Kansas were primarily from neighboring states.¹⁸

In order to more fully understand the westward movement it is necessary to determine what it was that drew the pioneer westward, and what effect the availability of transportation had upon that movement. Isaiah Bowman has suggested that "Economic gain is the most general motive of the pioneer---cheap land with high native fertility, low taxes, and an environment that makes the best economic use of the family unit. . . ."¹⁹ The Bowman contention is the most logical, however, not all western land was acquired for purposes of agricultural settlement,

¹⁷ Frederick J. Turner, The Frontier in American History, New York: Henry Holt and Company, 1920, pp. 2, 3, and 9.

¹⁸ Clark and Roberts, op. cit., p. 19.

¹⁹ Isaiah Bowman, The Pioneer Fringe, American Geographical Society Special Publication, Number 13, New York: American Geographical Society, 193, p. 5.

for land speculation was also a major motivating factor. "All persons seeking land for investment rather than for a farm home have been called land speculators."²⁰ But such a definition is too broad to be meaningful. According to Paul W. Gates, the term land speculator meant different things to different people and different sections. All hoped to get rich quick and all contributed their share to the pattern of ownership which exists today.²¹ In either case, attention was focused upon the vast, almost limitless, amount of exploitable fertile land and upon the land policies that transferred the usable land in the western regions to private ownership.

Edward C. Kirkland called the land policy introduced by the passage of the Homestead Act in 1862 a "logical destiny."²²

Representing the fulfillment of agitation which had sought for years to throw the lands "wide open", it granted to "any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his intention to become such" a quarter-section of the government domain, an area of one hundred and sixty acres. The final possession of this land was not given, however, until the grantee had "resided upon or cultivated the same for a period of five years." This was the important reservation to government generosity; the only other, the payment of registration fees, required a sum of money which was merely nominal.²³

This act is certainly the most famous of the land laws but perhaps its greatest effect was in advertising the American West rather than in settling it. Other ways of procuring a farm were available to the

²⁰ Glenn Harold Miller, Jr., "Financing the Boom in Kansas," p. 8. Unpublished M. A. thesis, Kansas University, 1954.

²¹ Paul W. Gates, "The Role of the Land Speculator in Western Development," Pennsylvania Magazine of History and Biography, LXVI, 3 (July, 1942), p. 315.

²² Miller, op. cit., pp. 27-28.

²³ Ibid., p. 29.

migrants, who by no means limited themselves to acquisition of land via the Homestead Act. Land was available for purchase under the terms of the Pre-emption Act of 1841, which remained in effect until 1891, and through the Timber Culture Act after 1873. After reaching the frontier many prospective homesteaders decided to buy land out of the generous grants received by the railroads or to purchase school lands from the state. Others took advantage of the section of the Homestead Act which provided for the commutation of the settlement requirement by permitting the homesteader to buy his land under provision of the Pre-emption Act after an interval of six months.²⁴

The land, its availability and fertility, was not the only important element in the western expansion. In 1891 Sidney Dillon, president of the Union Pacific Railway Company, wrote:

The growth of the United States west of the Alleghanies during the past fifty years is due not so much to free institutions, or climate, or the fertility of the soil, as to railways. If the institutions and climate and soil had not been favorable to the development of the commonwealth, railways would not have been constructed; but if railways had not been invented, the freedom and natural advantages of our Western states would have beckoned to human immigration and industry in vain. Civilization would have crept slowly on, in a toilsome march over the immense spaces that lie between the Appalachian ranges and the Pacific Ocean; and what we now style the Great West would be, except in the valley of the Mississippi, an unknown and unproductive wilderness.²⁵

Although Dillon's statement represents an extreme position, the extension of the railroad system undoubtedly made possible the rapidity of expansion which occurred. The railroads tended to abolish the

²⁴ Marion Clawson, Uncle Sam's Acres, New York: Dodd, Mead & Co., 1951, pp. 42-95.

²⁵ Sidney Dillon, "The West and the Railroads," The North American Review, CLII, 413 (April, 1891), p. 443.

isolation formerly characteristic of the frontier areas. No longer was the pioneer limited to the zone of public land immediately adjacent to the established settled area. Rather as the railroads penetrated farther and farther into the unsettled regions, he had access to nearly all parts of the West.

One peculiar feature affecting the influence of railroads on the settlement of the plains is that railroad construction instead of following settlement generally preceded it. Instead of zigzagging from town to town and exploiting the more populous districts, as they had done in the East, the railroads of the plains struck boldly out across a vast, sparsely populated region, becoming powerful magnets that attracted settlers and town-builders. Walter Prescott Webb has emphasized this new nature of the railroads in that area.

In the Plains country the railroads preceeded population. There was nothing, comparatively speaking, in the Plains country to support them. . . . practically no population to travel on them, few supplies to be shipped, and aside from cattle and hides, little produce to be sent to market. Hence the problem was to get somewhere as quickly as possible; consequently the railroads shot across the Plains and through the mountains in as straight a line as the topography would permit. . . . To stop on the Plains would have been fatal, because there was nothing to stop for.²⁶

The importance of the railroad in the westward expansion should not be overemphasized. Robert E. Riegel has observed that "before the coming of the railroads the ordinary progress of the frontier was slow---trappers were followed by woodsmen and miners, and then by settlers, who at first came in small numbers. With the addition of the

²⁶ Webb, op. cit., pp. 274-275.

railroad this process was immensely hastened because of the lesser initial hardships."²⁷

The geographical position of the state of Kansas made it one of the first parts of the western plains area to be affected by the great westward expansion of the latter nineteenth century. Even before and during the Civil War period settlers pushed into the eastern part of the state. There were two reasons why the earliest settlement took place in the eastern counties: first, the eastern part of Kansas was contiguous with established settled areas; and second, eastern Kansas was quite similar in climate, especially rainfall and vegetation, to the former homes of the settlers. By 1860 Kansas had a total population of 107,206, eighty-six per cent of which was located in the eastern third of the state. Leavenworth, population 7,427, and Atchison, population 2,616, on the west bank of the Missouri River; and a string of smaller towns along the Kansas River, led by Lawrence, population 759, and extending westward to Abilene in Dickinson county flourished. Also by 1860 there were twelve counties with a population density greater than five persons per square mile.²⁸

Kansas showed the greatest population growth in its history during the three decades between 1860 and 1890. From the 1860 figure of 107,206, the state's total population grew to 364,399 in 1870. The gain of 631,697 people in the decade ending in 1880 was the largest absolute

²⁷ Robert E. Riegel, The Story of the Western Railroads, New York: The Macmillan Company, 1926, p. 278.

²⁸ Eighth Census of the United States: 1860, I, Population of the United States, op. cit.

increase in population for any decade between census years. Most of the increase came in the period between 1875 and 1880 when the state's population grew by 466,354. And in the span from 1875 to 1885 the population increase was 738,788. Total population figures for the state, as well as the absolute and percentage increase over preceding periods, may be seen in Table 2.

Table 2. Growth of population in Kansas, 1860-1890.

Year	Increase over Preceding Five-Year Period		
		Number	Per Cent
1860	107,206
1870	364,399	257,193	239.90
1875	529,742	165,343	45.37
1880	996,096	466,354	88.03
1885	1,268,530	272,434	27.35
1890	1,423,494	154,964	12.21

Source: Kansas State Board of Agriculture, Twenty-Fifth Biennial Report. 1925-1926, pp. 630-631.

As agriculture pushed westward across the Mississippi, the farmer entered what Glenn H. Miller called a "zone of experiment." New techniques and different crop combinations were called upon to meet the existing need. In eastern Kansas, Nebraska and Dakota territory the farmer could operate much as he had farther east. But as the agricultural frontier pushed past the ninety-eighth meridian, changes in climate and topography brought the farmer face to face with new problems. Settlers moved into drier regions convinced that the line of adequate rainfall had moved westward, that "rainfall followed the plow." They were confident that the planting of trees, the breaking of the sod, and

the introduction of irrigation were casual factors, a conviction if not originated with, at least fostered by, the various advertisers of western real estate.²⁹

The greatly increased yields resulting from the new agricultural techniques, aided by years of plentiful moisture and high prices produced a wave of prosperity that soon reached the proportions of a boom. And from the glowing reports of prosperity settlers poured in searching for cheap fertile land.³⁰ The inevitable consequence of the inflated economic boom was to send land values soaring, out of reach of many home-seekers who had come west in search of free lands.³¹

The well drill and the windmill played an indispensable part in this successful invasion of the dry belt. The drilled well made it possible to reach the extensive supply of subsurface water located at a considerable depth, and the windmill proved a cheap and reliable means of utilizing wind power to do the pumping. The extensive introduction of windmills into this area began in the seventies after a durable, self-governing type was placed on the market. They enable the cattleman to use the newly invented and controversial barbed wire to fence pastures apart from the scarce waterholes. The homesteader in the sub-humid belt learned that a windmill would irrigate a fair-sized patch of garden, thus affording a supply of vegetables even when everything else was destroyed by drought. Without this useful device for obtaining underground water, and the employment of the barbed wire to keep out the

²⁹ Miller, op. cit., pp. 30-32.

³⁰ Clark and Roberts, op. cit., p. 26.

³¹ Ibid., pp. 28-30.

ranchers' cattle the establishment of a successful rural economy in the shortgrass region would certainly have been far slower and more difficult.³²

Dry farming, broadly speaking, is the technique that completed the conquest of the semi-arid regions of the Great Plains. Under it may be included such related adjustments as the enlarged farming unit, crops adapted to a meager supply of moisture, power machinery and implements designed to facilitate extensive cultivation, and methods of tillage calculated to conserve and utilize the maximum amount of soil water. As a result of the efforts of the agricultural experiment stations, the educational work of the United States Department of Agriculture and other agencies for promoting scientific methods of farming, the pioneers of the sub-humid belt were quick to adopt dry farming methods which greatly aided in their struggle to make a living.³³

For the settler of the seventies and eighties the land problem was real and personal. With luck he might join the jam at a land office and get a free homestead. More likely he bought as best he could from an earlier arrival, and then faced his major problems of obtaining shelter, starting cultivation, and managing to exist until his first crop was harvested. Others found themselves stranded on sub-marginal land with value out of their means, and many began the return journey back to their former homes.

The story of one section is the story of all. In Dakota the progress was slower, yet no less distinct. The disappearance of the

³² Webb, op. cit., pp. 333-48.
³³ Malin, op. cit., pp. 227-42.

cattle ranges and the Indian trails bore reminders that the frontier was fading, and that the area of free tillable land was almost gone.³⁴ In Texas the vanquished Indian gave way to the great range-cattle industry; later, the settler gradually took over the ranchers' grazing lands, producing cotton as the major crop. The large number of homesteaders that centered around Denton and Gainesville later gave rise to the southern "boomer" agitation for Indian Territory.

In the winter of 1878-1879, articles in newspapers throughout Kansas and Missouri called attention to the unoccupied lands embraced in the western half of the Indian Territory, and announced that they were a part of the public domain, purchased from the Indians under treaties in 1866, and were therefore subject to settlement under the homestead laws of the United States. "These articles were copied by the Eastern press and disseminated throughout the country."³⁵

Thousands of settlers had proved that Minnesota, the Dakotas, Nebraska, Texas, and Kansas had excellent farming land and argued that Oklahoma must likewise. Land-hungry people, failing to find free land in Kansas and Texas, looked with covetous eyes on the broad fertile prairies of Indian Territory. These millions of acres were occupied only by the Indians and intruding cattlemen. It was easy, therefore, for the colonists to believe that those parts of Indian Territory not assigned to the Indians were public domain and subject to homestead

³⁴ Randall Parrish, The Great Plains, Chicago: A. C. McClurg and Co., 1907, pp. 376-380.

³⁵ "Oklahoma Territory," Vol. III of The Province and the States, ed. Weston A. Goodspeed, Madison: Western Historical Association, 1904, p. 424.

entry. The border settlements of south central Kansas and northern Texas swelled with the numbers of homeseekers who hoped not only to satisfy a land hunger but to further gratify the faith they had in the whole prairie region.

CHAPTER II

THE FORBIDDEN LAND

No other area of the United States aroused such a spirit of adventure and competitive effort as did that part of the Indian Territory known as "Oklahoma" during the 1880's. Within this area, neither gold nor silver was the lodestone; it was free land.

In the early 1880's, there was little free, arable land available for settlement. The enactment of the Homestead Law brought settlers in droves into the Great Plains where they occupied arable and submarginal lands alike. In that move, they encountered the opposition of cattlemen who argued that the "nesters" would ruin good cattle ranges. Because of hot wind, sandstorms, and grasshoppers they were driven back to more humid regions. Opposition was also encountered from the Indian who was fighting for his last refuge.

To the landless citizens of the West, it was unthinkable that the Indian Territory should continue to remain wholly in the hands of some 75,000 semi-civilized and wild Indians. Here was a region of nearly 70,000 square miles. This area, if one included the Public Land Strip, or "No Man's Land," which was outside the Indian Territory and later a part of Oklahoma, was larger than the state of Missouri. The "territory" was reported to have deep, rich soils, with lovely landscapes dotted with rich coal, lead, and other mineral deposits. The region "abounded in wild game and birds, and the clear, swift-running streams were filled

with fish."¹ To the occupants of the sun-scorched, submarginal Kansas and Texas plains, sons of land owners, transients, and to the homeless movers from Arkansas and Missouri, this was the promised, but forbidden land, and they did not believe they should be denied the right to settle there.

During the latter sixties and early seventies the white-covered prairie schooners of the pioneer settlers reached the southern part of Kansas, and ranches, farms and towns, sprang rapidly into existence. Only an imaginary line divided the state of Kansas from the Cherokee strip in the Indian Territory, across which the homesteader was forbidden to pass. Among the border towns that appeared like magic on the rolling expanse of prairie in southern Kansas, were Baxter Springs, Chetopa, Coffeyville, Hunnewell, Caldwell and Arkansas City. These towns became the terminus for roads and trails extending into and through the Indian country. While later they provided a center for the activity created by the agitating "boomers".

The story of the Indian has been virtually the same since the settlement of Jamestown in 1607. Slowly but gradually his territory has diminished before the advance of the white man, hungry for land, until in the year 1889 the domain of the American Indian, which once included all of the United States comprised merely the so-called Indian Territory. The district, slightly smaller than the state of Kansas and immediately south of it, later constituted most of the state of Oklahoma.

¹ William B. Matthews, Matthew's Guide for Settlers upon the Public Land, Washington: William L. Wilson, 1889, p. 43.

When President Jefferson in 1803 sanctioned the purchase of Louisiana from France, the United States acquired free use of the Mississippi River, and an extremely large area of land. An idea was conceived that this new "Public Domain" would furnish homes to which Indian tribes east of the Mississippi might be removed.² The President, by the Act of March 26, 1804, which established the Territory of Orleans and the District of Louisiana in the new cession, was authorized to propose this to the tribal chieftains,³ thus beginning the movement "that supplied the dominant characteristic in the formation of Oklahoma."⁴ This was the removal of the Indians from their lands east of the Mississippi to the country set apart for them on the Western frontier.

In the latter part of 1808 delegates representing a large part of the Cherokees expressed a desire to remove beyond the Mississippi, and permission was secured easily for the migration of all who wished to go.⁵ A large tract of land lying between the White and the Arkansas Rivers, in what is now the state of Arkansas, was chosen by them as their new home; and on July 8, 1817, a treaty was entered into between the United States and the "chiefs, head men, and warriors" of the Cherokee nation by which the United States ceded the Cherokees as much land on these rivers as they had given up east of the Mississippi.⁶ By

² Roy Gittinger, The Formation of the State of Oklahoma, p. 3.

³ Solon J. Buck, "The Settlement of Oklahoma," Wisconsin Academy of Science, Arts, and Letters, Transactions, XV, p. 328.

⁴ Gittinger, op. cit., p. 3.

⁵ Buck, op. cit., p. 328.

⁶ U. S. Cong., 1st Session, Senate Document No. 452, p. 96-100.

1818, one-third of the Cherokee nation, later designated as "Western Cherokees,"⁷ voluntarily crossed the river, and in 1820 other tribes voluntarily migrated west, receiving western lands in lieu of their holdings east of the Mississippi. The story of the remaining Indians and their subsequent removal is no subject for the sensitive investigator.

The United States Government officially committed itself to the policy of Indian consolidation by the Congressional Act of May 28, 1830.⁸ This act authorized the President to set aside "so much of any territory belonging to the United States west of the Mississippi River, not included in any state or organized territory," and provided for the removal of numerous tribes, not only from the reservations east of the Mississippi, but also from the state and organized territories west of the river.⁹

The removal of the remaining southern Indians was a much more difficult job. The Five Civilized Tribes, Cherokees, Choctaws, Chickasaws, Creeks and Seminoles, numbering possibly 60,000 and occupying some 18,000,000 acres of land, resisted strenuously. Their removal constitutes one of the most unsavory and humiliating incidents in our history, and the details of the story were repeated with monotonous and depressing regularity for each of the five tribes.¹⁰

⁷ Gittinger, op. cit., p. 4.

⁸ 4 Statutes, p. 411.

⁹ Ibid.

¹⁰ Annie H. Abel, "History of Events resulting in Indian Consolidation West of the Mississippi River," American Historical Association, Annual Report, I, pp. 233-450.

The whites did not wait for Indian departures, but seized land, cattle, homes, and other property at once. Most Indians started their migration with no more possessions than the clothes on their backs. They were cheated unmercifully by merchants and ship captains, and encountered blizzards, near starvation, cholera and other diseases. In the West they found completely unimproved land, with no provision for their arrival, and were harrassed by settlers, dishonest traders, wild plains Indians, smallpox epidemics and drought. More than a quarter of the remaining 16,000 migrants of the Cherokee tribe died enroute in 1838 while the remainder ended their trip in poverty, squalor, and sickness.¹¹

Creek and Chickasaw removals parallel those of the Cherokee. The Creek had been the most civilized tribe upon the advent of the whites, with a settled agriculture and a stable government. As a result of the white seizures and debauchery of the natives the Creek declined almost fifty per cent in numbers within a generation.¹²

The resistance of the Seminoles cost the federal government \$20,000,000 and the lives of 1,500 soldiers. Less than 3,000 Seminoles had been removed by 1842. The decendents of those not caught are found in Florida today.¹³

The removal of the Five Civilized Tribes was not a feat in which Americans can take much pride, but at least it opened the South to cotton culture. As for the Indians, they ended their mournful hegira in present Oklahoma, where they were anything but happy.

¹¹ Ibid., p. 245.

¹² Robert E. Riegel, America Moves West, p. 312.

¹³ Ibid., pp. 313-14.

The idea of a permanent Indian frontier was delightful in theory to the whites, but disappointing in fact. The Indian problem was not solved, but merely moved across the Mississippi, where all the old difficulties soon reappeared.

The worst trouble with the "Permanent Frontier" was that it failed to separate Indians and white intruders. Traders and trappers flowed across the border and the Indian agents were powerless to stop them. Explorers and traders occupied the plains country in increasing numbers. Even worse, from the standpoint of official Indian policy, the "desert" proved far less forbidding than had been expected. Before the outbreak of the Civil War settlers had begun to seep into the Indian country all the way from Minnesota to Texas. The frontier which had looked so permanent and advantageous in the 1830's had outlived its usefulness by the 1850's. Treaty obligations and official boundaries proved no real barrier to the advance of the whites.

Between 1840 and 1850 United States maps show an Indian Territory stretching from the Red River to Canada, with the Sioux and other tribes retaining the country in the north. However, in a few short years the advancing white settlement and a desire for a road to the west led to the organization of the northern portions of this great tract under the names of Nebraska and Kansas. After 1854 the thirty-seventh parallel was the northern boundary of the area designated as the Indian Territory.¹⁴

¹⁴ Gittinger, op. cit., p. 12.

The continuing advance of the white settler and subsequent treaties with northern tribes compressed the Indian Territory into a smaller area, until by 1866 the Indian Territory was represented by the divisions as shown in Map 1.

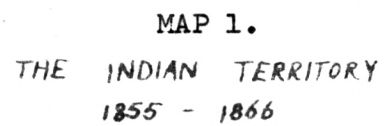
During the Civil War the Five Civilized Tribes had supported the Confederacy, and at its close they were forced by the federal government to surrender a part of their land holdings. The Cherokees had tribally renounced their support of the South at Cowskin Prairie, in February, 1863, and for this reason the federal government treated them more leniently. They were allowed to retain control of the "Cherokee Strip,"¹⁵ but were required to permit its settlement by other friendly Indians. The Creeks were forced to sell the western half of their claims for thirty cents an acre. They received \$975,168 for 3,250,560 acres; the Seminoles had to give up their entire reservation of 2,169,080 acres for fifteen cents an acre getting \$325,362, and buy another tract, at fifty cents an acre, from the land taken from the Creeks.¹⁶ The Choctaws and Chichasaws sold the "Leased District,"¹⁷ approximately 7,000,000 acres, for \$300,000.¹⁸ In 1866 the final treaties with the Five Civilized Tribes were concluded, and their drastic terms came as a shock to the Indians. In general terms, besides

¹⁵ Actually the Cherokee Outlet but more often referred to as the Cherokee Strip, this was an area extending from the ninety-sixth meridian west to the hundredth meridian and from the Kansas line south nearly sixty miles.

¹⁶ Gittinger, op. cit., pp. 80-1.

¹⁷ The district west of the ninety-eighth meridian leased to the United States for the use of the Wichitas and other Plains Indians February, 1856.

¹⁸ Gittinger, op. cit., p. 52.



Source: Roy Gittinger, The Formation of the State of Oklahoma, Frontispiece.

the relinquishing of part of their lands, they were to come under a consolidated government, amnesty was to prevail among them, all slaves were to be freed, and railroads were to have rights-of-way through their respective reservations.¹⁹ This item in their treaties is important because later it was one of the bases for justifying the actions of the Boomers.

Federal commissioners also negotiated treaties with small tribal bands greatly reducing their holdings along the eastern border of the lands surrendered by the Five Civilized Tribes, although the Osages were given a more valuable tract. Then east of the hundredth meridian, between the Red River and the Cherokee Strip, the Comanches, Kiowas, and Katakas, or Kiowa-Apaches, as one group of wild Indians, and the Cheyennes and Arapahoes as another, were given large holdings. Then, fringing the western reservation bounds of the Five Civilized Tribes and Osages, small holdings were set up for the Kaw, Ponca, Tonkawa, Otoe, Pawnee, Iowa, Kickapoo, Sac and Fox, and Potawatomi tribes.²⁰

After all reservation assignments had been made there was still left a roughly heart-shaped area of 1,887,800 acres,²¹ bordered on the east by Pawnee, Iowa, Kickapoo and Shawnee, and Potawatomi lands, on the south by the South Canadian River and the Chickasaw reserve, and on the north by the Cherokee Strip. This area was from the Creek and Seminole

¹⁹ Dora A. Stewart, Government and Development of Oklahoma Territory, 28th ed. 9.

For the setting up of these small reservations, see Roy Gittinger, The Formation of the State of Oklahoma, pp. 110-115.

²¹ The term "Oklahoma" was applied by border settlers to this part of the Creek and Seminole cessions and was the land sought by the boomers. But it should not be confused with the Territory of Oklahoma and the State of Oklahoma created later.

cessions, upon which federal commissioners had promised to settle other Indians and freedmen, presumably Negroes and former Indian slaves.²²

Not only was this the very heart of the Indian Territory, but the settlers who demanded its opening considered it the most valuable part. And they believed that the government could not afford to deny them entry.²³ This district then became the "bone of contention" over which many a bloodless battle was fought, first on the lands of the district itself and then in the halls of Congress.

The Indian consolidation movement had practically run its course by 1876, but it was the desire of the Commissioner of Indian Affairs to continue until all the land in the Indian country was put to use. However, opposition led by Senator Roger Q. Mills of Texas defeated a bill meant to provide a home in the Indian Territory for a band of Sioux Indians. On February 17, 1879, an Indian appropriation bill carried a clause which forbade the removal of Arizona and New Mexico Indians to Oklahoma. Concentration of Indians in Oklahoma after these actions consisted only in removal to Oklahoma of a few relatively small bands of Indians.²⁴

The abandonment of the Government's program of Indian consolidation was due in large part to antagonistic feeling expressed by the established civilized Indians toward having savage or wild Indians as close neighbors. "Then too, the white man's desire for these lands to be made

²² Carl C. Rister, "Free Land Hunters of the Southern Plains," Chronicles of Oklahoma, XXII, p. 398.

²³ Carl C. Rister, Land Hunger, p. 38.

²⁴ Stewart, op. cit., pp. 23-4.

productive through white man's superior capabilities doubtless exerted influence."²⁵ Unoccupied lands in the Indian country to the west of the ninety-sixth meridian included 6,000,000 acres in the Cherokee Outlet; in the Oklahoma District, the unassigned or ceded lands, 1,887,800 acres; and 1,500,000 acres in Greer County. Outside of the Indian Territory, but afterwards a part of the state of Oklahoma, was the Public Land Strip, a tract of 3,681,000 acres, designated as "No Man's Land."²⁶ The effect of the Indian consolidation in Indian Territory as it was prior to the advent of the boomer triumph in 1889 is shown on Map 2.

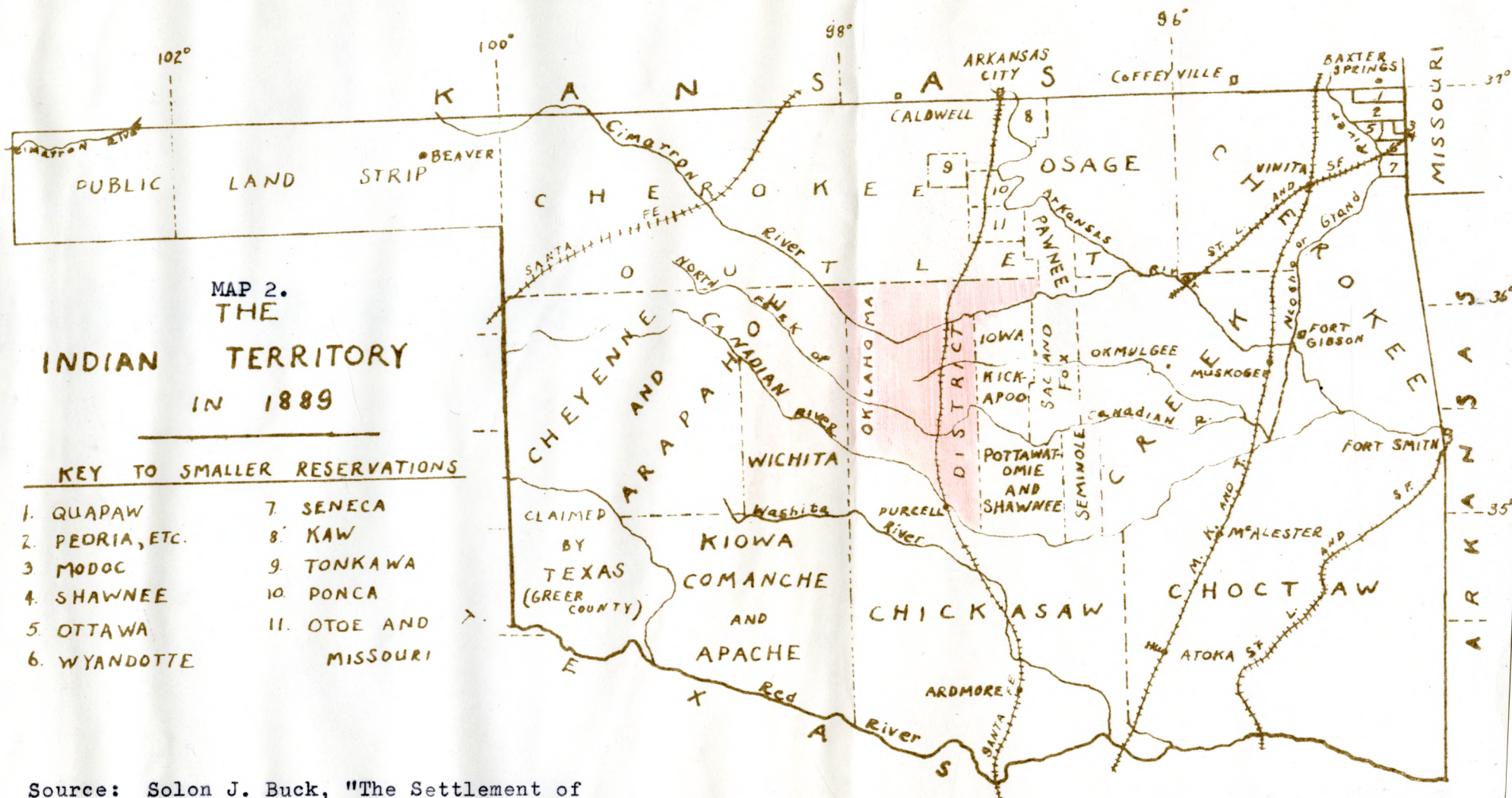
Thus the stage was set for the "Oklahoma" Boomer movement. The Boomers, or those homeseekers who agitated for the opening of "Oklahoma" to settlement, argued that all unassigned land in Indian Territory reverted to the public domain and was open to settlement under the Pre-emption and Homestead laws, when once the program of Indian removals was completed. This, the Commissioner of Indian Bureau stoutly denied. "He said that it was not part of the public domain subject to settlement in a real sense, and would not be until Congress had formerly accepted it as such and had established land offices therein."²⁷ Naturally, tribal leaders of Indian Territory strongly supported the Commissioner.

Had the ensuing struggle been fought out only by these two groups it would have attracted little public attention. But a number of

²⁵ Ibid., p. 24.

²⁶ Buck, op. cit., p. 333.

²⁷ Rister, "Free Land Hunters of the Southern Plains," op. cit., p. 398.



Source: Solon J. Buck, "The Settlement of Oklahoma." Wisconsin Academy of Science, Arts, and Letters, Transactions, XV, 2 (1907), p. 328.

important outside forces joined the fray, established powerful lobbies in Washington, and popular interest was increasingly aroused. Aligned with the forces to open the district for settlement were the Saint Louis and San Francisco, and the Atchison, Topeka and Santa Fe Railroads, who held large land grants through the territory, but would be of no profit unless the territory was opened to settlement; and the Boomers and their friends who hoped to obtain homes in the new country; the little towns on the border would gain materially by being the nearest established outfitting and distributing points for the new towns that would be created; also the large wholesaling houses in Kansas City and St. Louis, who would profit a great deal by the opening. Aligned against the opening were the Ranchers who would be deprived of millions of acres of free grazing lands and feared the opening would result in the loss of their leases in the rest of Indian Territory; the Indians objected to any infringement upon their title to the lands and the power of governing their own tribes; also objecting were a large number of outlaws and whiskey peddlers who found the Territory an unusually safe place to reside since the territory was outside the jurisdiction of the federal courts.²⁸

At the close of the Civil War the prairies of Texas fairly swarmed with fat cattle, for during the period of war, the coast blockade and the northern control of the Mississippi River had cut Texas from northern markets. The high prices of cattle and beef in northern markets

²⁸ Edward E. Dale, "White Settlement of Oklahoma," Part I, History of Oklahoma, a 33 1/3 R. P. M. Long Play Record, University of Oklahoma, Extension Division, 1951.

stimulated Texas ranchmen to make northern drives. Texas became the "breeding ground," and the states and territories to the north became the "shipping" and "feeding grounds" for the large scale ranch industry. Through the Indian country was the inviting road to northern markets; therefore, trails for these northern drives were made across "Oklahoma" in spite of the fact that the lands were closed to white settlement and in defiance of the efforts of the Department of the Interior to keep the white man out.²⁹

Railroad building in Kansas and Texas brought farmers with it and grazing lands in these states became scarce. Great ranchmen with thousands and sometimes millions of dollars invested determined to avail themselves of Oklahoma's luxuriant growth of native grass and began to possess themselves of the inviting ranges of approximately 25,000,000 acres of land occupied by less than seventeen thousand Indians.³⁰

The Indians were induced to make leases to the cattlemen at shamefully low rates and sometimes they were paid in cattle, but because of the extent of the area leased the returns seemed large to them. In 1885 an investigation revealed the extent of these leases. The Cherokees in 1883 had leased for five years 6,000,000 acres of the Cherokee Outlet to the Cherokee Live Stock Association of Caldwell, Kansas, for \$100,000 per year. The Cheyennes and Arapahoes had leased the whole western part of their domain. The Osages had leased 380,000 acres in six

²⁹ Edward E. Dale, "The Ranchman's Last Frontier," Mississippi Valley Historical Review, X, 34.
³⁰ Buck, op. cit., p. 334.

leases. The Kaw Indians had leased 52,300 acres. Each of the smaller tribes had leased about one-half of their respective reservations.³¹

It was but a natural consequence that the "Oklahoma District", Unassigned Lands, completely circled by leased grazing lands, was overrun with cattle for which no payment was made to anyone.³² Prevented from settling on these lands,³³ the Boomers from Kansas claimed the cattle kings held their leases unlawfully, and that the land known as "Oklahoma District" particularly, was part of the public domain and subject to the Homestead laws. To make matters even worse it was charged that "Secretary Henry M. Teller of the Interior Department allowed cattlemen to range their herds within the "Oklahoma Country" and to erect improvements."³⁴ Boomers charged that federal officials were bribed by the ranchers for such a privilege, and complained bitterly of a policy that would permit ranchers to run their herds on hundreds of thousands of acres of grasslands in this region, and deny farmers, the Boomers, at the same time the right to occupy 160-acre

³¹ Ibid.

³² Senate Ex. Doc., 48 Con. 2 sess., 17, p. 90.

³³ The Intercourse Act, Act of June 30, 1834, 4 Statutes, 729, regulated trade and intercourse with the Indians, and forbade white settlement in the Indian country.

³⁴ Rister, "Free Land Hunters of the Southern Plains," 399, quotes from a letter to be found in the National archives---Acting Adjutant General C. McKeever wrote to Major General John Pope, July 12, 1883, relative to a T. H. Campbell, "the Secretary of the Interior states that in answer to a request to be allowed to go to Oklahoma country, the Interior Department informed Mr. Campbell that if he drove his herd there temporarily and did not attempt a permanent lodgement the Department would not interfere."

homesteads. But Indian Bureau officials promptly denied the bribe charge and said that the cowmen in the "Oklahoma Country" were only temporary tenants.³⁵

The legal rights of the tribes to make these leases were seriously questioned especially by the Boomers. The Cherokees contended that since they held their land in fee simple they possessed the right to make the leases. Whatever may have been the legal right of the Cherokees, those tribes who were possessed of reservations under executive order lacked similar legal claim to make leases; however, many such leases were made upon recommendation of the Indian agent in charge and with the assurance that the Department of the Interior would not interfere.³⁶

Much dissatisfaction arose between the Indians themselves and the cattle kings. In spite of the large sums going to the Indians annually from the cattle leases, they were unable to care for themselves. The federal government spent at least \$250,000 a year to support them. Further dissatisfaction was aroused because the homeseeker felt the Government was shielding the ranchmen at their expense. Also, the Indian region furnished an unusually safe protection for criminals and outlaws from all the surrounding regions.³⁷ The conditions in the Indian Territory went from confusion to chaos. The Indian governments became partisan, arbitrary, and corrupt. Property was amassed by a few

³⁵ Ibid.

³⁶ Buck, op. cit., p. 335.

³⁷ Ibid.

at the expense of the many. The whites already there were without protection of law and courts, except the tribal courts, to which they had no access.

More than one effort had been made to open the entire Indian Territory to settlement, and to make it possible for the white man's court to enter. During the early 1860's Senator Johnson of Arkansas offered, at the request of Indian Territory authorities, a bill to divide Indian lands in severalty, to grant the Indian citizenship, and to pave the way for statehood; but the bill was defeated says William W. Bloss, "by the Indian ring,"³⁸ interested in exploiting the tribesman. Between 1870 and 1873 some fifteen bills to establish the Territory of Oklahoma were introduced into Congress.³⁹ In referring to those who opposed the bills, the Kansas City Times charged that:

All the opposition comes from the ring of Indian sharpers admitted to have spent over \$300,000 in Washington during the last two years, of money sacredly designed for schools and other territorial purposes, simply to defeat any legislation⁴⁰ which by opening the Territory would end their pelf and power.

The Times identified the "ring" as the "chiefs and leaders of the Indians who handled tribal annuities." On March 3, 1879, the House Committee presented a report adverse to territorial organization, to the allotment of lands in severalty, or to any change of importance in the Indian Territory. This report marks the end of the first series of attempts to establish the Territory of Oklahoma.⁴¹ It was believed that the cattle kings and Indians had triumphed.

³⁸ William W. Bloss, "David L. Payne," Unpublished MSS, 1885, Oklahoma Historical Library, Oklahoma City.

³⁹ Stewart, op. cit., p. 29.

⁴⁰ Kansas City Times, April 29, 1879.

⁴¹ Gittinger, op. cit., p. 97.

In April, 1879, an attorney for the Missouri, Kansas, and Texas railroad returned from Washington to his home in Sedalia, Missouri, after the organization of the new Congress in extra session, and announced "that if Congress would not open the Indian Territory, the people would."⁴² A new period had begun in the history of the Indian Territory in which Kansas was to play a vital role.

⁴² Ibid.

CHAPTER III

BEGINNING OF THE BOOMER MOVEMENT

For ten years before the opening of the "Oklahoma" district in 1889, persistent efforts were made by settlers to occupy the unassigned land in the Indian Territory. Naturally, this movement came soon after the occupation of the best land in Kansas, but other events helped to shape the plan of attack and to fix the time of the first invasion.

Between December, 1873, and March 3, 1879, some eighteen bills to establish a Territory of Oklahoma for the red men were introduced into Congress as Senate bills or House bills.¹ However, this stream of bills became more identified with the movement to open the Indian country to white settlement than with that of providing a territorial government for the Indians. The New England "sentimentalists" joined hands with the "Indian ring," to defeat any bill meant to relieve the Indians of any jurisdictional control over their lands. However, interest in the "forbidden land" was kept alive by frequent accounts told by cattle drovers, passing up the Chisholm and Western trails for the plush grazing found in the "Oklahoma" district, of its availability for ranching and farming. Movers, on their way to Texas or traveling northward to Kansas, noticed, too, that here was a virgin wilderness of prairie and timber lands as rich as could be found in the West. Western newspapers joined the chorus of praise and asked "how long the government would retain the land as a home for indolent Indians."

¹ Roy Gittinger, The Formation of the State of Oklahoma, Appendix E, p. 145.

As popular interest was aroused, many persons in the surrounding states waited a favorable opportunity to occupy the territory. According to the report of the Commissioner of Indian Affairs for 1879, hundreds of settlers had entered from Kansas and the most desirable land had been taken up for a distance of twenty or thirty miles from the state line, from Coffeyville on the east to the Arkansas River on the west.² Interest was further stimulated by numerous newspaper articles presented throughout Kansas, Missouri, and Arkansas. An article in the Wichita Eagle showed the considerable interest of Kansans in the "Oklahoma" impasse.

There is a strip of unsurveyed public land lying north of the "panhandle" of Texas and west of the Indian Territory which has never been included within any territorial jurisdiction....unoccupied except by stockmen and traders. An effort will be made to have the lands surveyed and opened for settlement.³

When Congress contemplated punishing the Cheyennes by giving some of their land to western tribes, Congressman Thomas Ryan of Kansas protested strongly because he "favored the opening of the Indian Territory to settlers for there is sentiment in Kansas favorable to that project." At first, editor Marshall M. Murdock of the Wichita Eagle was opposed to opening Indian Territory to settlement.⁴ He argued that it would depopulate Kansas of its finest people. But if it succeeded, he reasoned practically, Wichita and Sedgwick County would profit from the enormous trade that would pass southward.

² "The Story of Oklahoma," The Nation, XLVIII, April 4, 1889, 279-80.

³ Wichita Eagle, January 2, 1879.

⁴ Rister, op. cit., pp. 42-43.

Kansas, indeed, and Wichita especially could hope for much by the opening of the Territory for,

from Wichita all the Indian agencies, United States forts, and military posts located in the western half of the Territory are supplied with goods. No less than five million pounds of freight is annually started for the Territory.⁵

There are many facts which tend to show that the plan of settling Oklahoma with white men was in the beginning the work of the railroad interests involved.⁶ The railroads would profit materially by having the country thrown open to settlement, in that their land grants could be better supported by running through a well-settled country.⁷ The railroads interested in the country to the south tried to gain backing of the influential Kansans for the movement. "Marsh" M. Murdock revealed that while he was in the State Senate a Col. Robert S. Stevens, one of the railroad projectors, took the "whole state government by special train into the heart of the Territory where he feasted and wined the members in a manner nothing short of royal."⁸

The period of Boomer agitation was approximately a decade, 1879-1889, the first five years of which were characterized by numerous invasions. Among the early Boomer agitators were Judge T. C. Sears, a Washington lobbyist and an attorney for the Missouri, Kansas, and Texas

⁵ Wichita Eagle, Special Edition, January, 1879.

⁶ Tribune Extras, I, p. 23.

⁷ John R. Spears, "The Story of Oklahoma," Chautauquan, June, 1889, p. 533.

⁸ Wichita Eagle, February 13, 1879.

Railroad and Elias C. Boudinot,⁹ a clerk of the House committee on private land claims in the National Capitol.

Publicity began when Boudinot in collaboration with T. C. Sears, published an article in the Chicago Times, February 17, 1879, "booming" the unoccupied lands in Indian Territory; wherein, he claimed that there were 12,000,000 acres of unassigned land in Indian Territory, as fertile as could be found in the nation, definitely a part of the public domain and open to settlement.¹⁰ The article was copied extensively by other newspapers and at once caused a great deal of interest. Many letters were written to Boudinot asking for information. The inquiries were answered, "the cost of which was probably born by the Missouri, Kansas, and Texas Railroad,"¹¹ and included was a statement of his reasons, a map of the lands referred to, and instructions telling how to get there.¹²

⁹ Edward Everett Dale, "Letters of the Two Boudinots," Chronicles of Oklahoma, VI, pp. 300-1. Elias C. Boudinot was a half-breed Cherokee. He was trained to be an engineer and when through school, he entered the service of the Ohio Railway. He tired of this and turned his thoughts toward law. Returning to Arkansas and the Indian Territory he became editor of the Fayetteville Free Democrat Weekly and later of the Little Rock Arkansan. During the war, he served with the Confederacy as an officer and also as a Congressman. After the conflict he became an advocate for the abolition of the tribal land system among the Indians and wished them to hold their land in severalty. An outcast among the Indians because of this, he went to Washington, where he was employed as clerk of the House committee on private land claims.

¹⁰ This article is very often misquoted, especially as to the number of acres Boudinot refers to as remaining unassigned. The entire article has been obtained from the files of the Chicago Times, through the courtesy of the University of Chicago. See Appendix A.

¹¹ Dale, op. cit., pp. 533-35; also, see James L. Brown, "Early and Important Litigations," Sturm's Oklahoma Magazine, VIII, April, 1909, pp. 26-30.

¹² For a typical letter of inquiry to Boudinot's newspaper article, see Appendix B. The letter in reply seems to have been a form letter which was sent to all inquirers; see Appendix C.

The importance of Elias C. Boudinot in launching the Boomer agitation cannot be overemphasized. General William T. Sherman said that Boudinot's map was the "prime cause of the attempt" to force Congressional action.¹³

A few months after the Boudinot article had appeared, it was evident that Kansas City had become interested in opening the Indian country because it was a barrier to direct access to the Gulf. The Kansas City Times, an ardent champion of the "Oklahoma" movement, devoted almost the entire front page of each issue of May 4 and 18, 1879, to a description of "Oklahoma, the beautiful land." It was represented as a land of limpid streams, fine forests, far sweeping grasslands and towering mountains. John R. Boyd, former mayor of Baxter Springs, Kansas, who had gone right into the heart of the "Oklahoma" district, reported that "there is no country in the world half so beautiful. Clear running streams of water; rich, rolling prairies, sweeping as far as the eye can reach; and better than all, and something that Kansas never had, grand old forests of trees along every stream."¹⁴

There is little doubt that this and similar descriptions caused a settler stampede toward the Kansas border towns near the Indian Territory which vied with one another for homesteader favor. All were to profit from emigrant trade. In southern Kansas, Wichita was boosted as the nearest outfitting point, whose claim was energetically disputed by

¹³ See below, Roy Gittinger, The Formation of the State of Oklahoma, p. 101.

¹⁴ Rister, op. cit., p. 43.

Caldwell and Hunnewell. Also, Chetopa, Baxter Springs, Independence, and Coffeyville claimed nearest proximity points for Arkansas and Missouri homesteaders.

As the movement gained momentum Andrew J. White, city editor of the Kansas City Mail, determined to force the opening.¹⁵ To this end White and a group of Kansas City business interests induced Charles C. Carpenter to blaze the trail. The same group had previously launched the abortive Black Hills land rush, led by this same border adventurer.¹⁶ Its opening by the government, led them to hope for an equally fortunate outcome in Oklahoma.

The Topeka Commonwealth described Carpenter as a "scalawag of the worst type, a burly, swaggering, reckless character who would have been lynched by the men he fooled in the Black Hills if they could have caught him."¹⁷ He had long hair, a drooping moustache, long curls, and wore a broad brimmed beaver hat, high-topped boots, and a buckskin coat fringed at the sleeves. A truly fantastic character who, with his glib and incessant manner, always commanded attention from the border movers.¹⁸

From Kansas City, Carpenter presently went to Independence, Kansas, where, with his wife, he set up headquarters late in April, 1879. But his venture needed money, so he entered into an agreement with the

¹⁵ Marjorie A. Coyne, "David L. Payne, The Father of Oklahoma," Unpublished M. A. thesis, Wichita University, 1930, p. 43.

¹⁶ Carl Coke Rister, "Free Land Hunters of the Southern Plains," Chronicles of Oklahoma, XXII, p. 400.

¹⁷ Coyne, op. cit., p. 43.

¹⁸ Rister, "Free Land Hunters of the Southern Plains," op. cit., p. 400.

merchants of the town. He promised to bring one thousand emigrants to a rendezvous camp just outside the city limits if they would pay him five hundred dollars, and an additional five hundred dollars when he had actually moved them onto the "Oklahoma" lands. But he could neither bring to Independence one thousand emigrants nor collect the initial five hundred dollars, whereupon he "shook the dust of the town from his feet and moved over to Coffeyville. Here he and his wife had better success in operating on the merchants...in raising funds."¹⁹ At both towns he promised the merchants rich returns by way of Boomer trade.

The Kansas City Times was very much interested in the expedition of Carpenter and news of the movement was given the most prominent place in the paper for about two months. They reported many small parties going into the Territory and said that nearly 1,200 people were waiting on the line for Carpenter to lead them.²⁰ They issued several special editions advertising the expected raid and the border towns. One issue was devoted to the cause of Independence, another to Coffeyville, giving the railroad connections, and making special mention of good outfitting stores.²¹ The Wichita Eagle condemned this practice though it claimed that Wichita was the real outfitting point since nine-tenths of all traffic would pass through that city.²²

The federal government became alarmed at the growth of the movement and on April 20, 1879, President Hayes issued a proclamation warning all intending invaders to stay out of the Indian Territory as the military

¹⁹ Ibid.

²⁰ Kansas City Times, April 23, 1879.

²¹ Ibid., April 27, 1879.

²² Wichita Eagle, May 8, 1879.

would be used to enforce the laws and the proclamation.²³ This warning was disregarded by Carpenter who referred to it as "the laughable proclamation of His Excellency,"²⁴ and prepared for a raid in the face of more government troops being sent to the area. The boastful Carpenter was soon to be put to the test.

Carpenter claimed he was not worried about the measures taken to subdue his venture and replied:

The attempt of the de facto government at Washington to check the movement will be utterly futile....General Bull Run Pope....can arrest me and be d--d, the movement will still go on--but unless he cuts a better figure on the frontier than he did at Bull Run there will be a hellitisplit retreat, and it won't be Carpenters Expedition.²⁵

In answer to these charges against the army, John McNeil, Indian Inspector, met Carpenter on the streets of Independence and warned him against the proposed venture. He reminded the would-be invader that the "jig was up," that he must leave the country or else "he might be forced to wear handcuffs to complete his clownish attire."²⁶ It was evident that Carpenter's spirit was weak, for he was soon making tracks for Kansas City, never to return.

There were other projected colonies besides the Carpenter one. At Chetopa the Indian Territory Colonization Society was organized by J. M. Bell, a prominent Cherokee attorney. Bell led sixty-five families as far south as the Chikaskia River, thirty-five miles south of Arkansas City. At Baxter Springs the streets were generally thronged with anxious, bearded Missourians and Arkansawyers buying flour, bacon,

²³ James D. Richardson, A compilation of the Messages and Papers of the President, X, 4499. See Appendix D, p. 143.

²⁴ Coyne, op. cit., p. 45.

²⁵ Kansas City Times, May 3, 1879.

²⁶ Coyne, op. cit., p. 46.

coffee, and dry goods, or lined up at the post office asking for forwarded mail. In the Cherokee nation itself George Hitchens organized the Republican Colonization Society for the purpose of proving that Indians could settle in "Oklahoma". These colonies were not very strong and were soon evicted as were other settlers who had crossed the line in parties of two's, three's, and four's.²⁷ In each instance, the invaders lacked a resourceful leader. They did not have long to wait. Carpenter had barely found a safe retreat in Kansas City before David L. Payne came to Wichita as leader of a more formidable movement that was to grow until ten years later the Oklahoma country was opened to settlement.

From this time on attention centers in David Lewis Payne, the most noted of the "Oklahoma boomers," the new "Moses," who was to lead the people to the "Promised Land."²⁸ Payne was a man of striking personality and broad experience. Born in Indiana just a few months after David Crockett, of the coonskin cap and flaming pistols, died at the Alamo. Payne's mother, a first cousin of Crockett, named her child Davy in memory of her illustrious cousin.

Payne's career²⁹ began in his late teens in the Rocky Mountains where he killed bears, panthers and grey wolves. He was essentially a frontiersman and seemed ideally cast for the role of Boomer leader. He was six feet four inches in height, weighed two hundred fifty pounds, and, according to his neighbors, was as "strong as an ox." In 1858,

²⁷ Gittinger, op. cit., p. 104.

²⁸ For a bibliographic sketch of David L. Payne, the "Oklahoma boomer" leader, see Carl Coke Rister, Land Hunger: David L. Payne and the Oklahoma Boomers.

²⁹ For a review of the early years, see Marjorie A. Coyne, "David L. Payne, The Father of Oklahoma," Unpublished M. A. thesis.

when he became 21 and could take 160 acres of government land, he pre-empted a claim in Doniphan County, Kansas. As homesteader, professional hunter, bullwhacker, guide and scout before the Civil War, he had pretty well run the gamut of border life.³⁰ Then during the war he had served as an enlisted man in the Union army; and in post-war days, during the Indian outbreaks along the Kansas border, 1867 and 1868-1869, he had been commissioned as captain of Kansas volunteers.

Rister relates that it was while "Payne's Company" was serving under Sheridan on the Washita that Payne first heard about "Oklahoma" and the possibility of settling thereon.³¹ But this has been disputed elsewhere.³² George Jenness said Payne's interest in "Oklahoma" was an after thought, after leaving the Army, and that Payne did not indicate any more interest than scores of others, other than it being a beautiful land.

As a homesteader and land owner, Payne established titles to three Kansas properties of 160 acres each: one in Doniphan county, 1858, a "ranch" near Wichita, 1870, and a farm near Newton, 1872.³³ He lost his Wichita and Newton properties, being awarded others by court decisions because of his carelessness in financial enterprises.³⁴ He

³⁰ At Payne's request, William W. Bloss, a correspondent of the Chicago Times and a loyal friend of Payne, wrote a sketch of the Boomer movement and of Payne's early life, up to 1881. But for reasons unknown it was never published. The sketch is the most dependable account of Payne's life and activities of the pre-Boomer period. The manuscript is now in the Oklahoma State Historical Library, Oklahoma City.

³¹ Rister, Land Hunger, op. cit., p. 21.

³² George B. Jenness, "Personal Recollections of Dave L. Payne," Sturm's Oklahoma Magazine, VI, pp. 15-20.

³³ Coyne, op. cit., pp. 7-15.

³⁴ Ibid., 18-19, pp. 27-28.

was also a border politician. Twice he was elected to the Kansas House of Representatives, 1866-1867, was appointed as postmaster at Leavenworth, 1867, but he lost this because of irregular accounts and Governor S. J. Crawford, his bondsman, took over his Doniphan County farm. Finally, through political influence and pressure, he secured a job as Assistant Sergeant-at-arms of the Kansas House of Representatives and later accepted a job as doorkeeper of the U. S. House of Representatives in 1879. While in Washington, it was inevitable that Payne would come in contact with Elias C. Boudinot, who renewed Payne's interest in "Oklahoma", and recruited Payne to help lobby for the opening of the unassigned lands.

Payne returned to Indiana then to Wichita after his dismissal from his job at Washington and made his headquarters in the office of "Colonel George English on the second floor of the Dorsey building at 105 West Douglas. On the walls of the office were numerous maps of the Indian Territory,"³⁵ which bore evidence that he was actively interested in "Oklahoma". It is believed Payne's new interest in Oklahoma stemmed from the fact that the Frisco Railroad was paying him to lead a raid into "Oklahoma", and that he probably received a salary during the first years of the boomer's excitement.³⁶

³⁵ Ibid., p. 48.

³⁶ Dan W. Peery, "Captain David L. Payne," Chronicles of Oklahoma, XIII, p. 444.

The first meeting of the "boomers"³⁷ was held in Wichita, December, 1879. Those present were D. L. Payne, Frank Smith, Frank Fisher, W. C. Glenn, and Oscar Smith. A preliminary organization was founded for the purpose of settling Oklahoma. Payne was elected president, Glenn secretary, and Fisher treasurer. Each member paid a small membership fee but was expected to contribute more later.³⁸ Mass meetings of Wichita men and others attracted to Payne's propaganda were held on the corner of Douglas and Main with Captain Payne as the chief speaker. Growing out of these meetings, Payne's Oklahoma Colony appeared.³⁹

On August 3, 1880, Payne joined with others, mainly Wichita business men, to form the Oklahoma Town Company, with a maximum capitalization of \$2,000,000. Each stockholder paid \$25.⁴⁰ Later, this organization changed its name to the Southwestern Colonization Society. In the Colony, members were entitled to all the rights and privileges the organization could afford, as well as a claim to 160 acres of land

³⁷ The name "boomer" was never applied to the invaders until the advent of Payne. It is not known if he started the practice or not but it was a common term for those trying to get land by booming the Territory after this time. It began as a slang expression but came into general usage. See below, Coyne, op. cit., p. 49.

³⁸ Wichita Beacon, February 10, 1929.

³⁹ The officers were: D. L. Payne, president; Dr. R. B. Greenlee, vice-president; John Faulkenstein, treasurer; W. B. Hutchinson, secretary; W. A. Shuman, corresponding secretary; and T. D. Craddock, general manager, although later the personnel of the organization changed from time to time. Membership dues were \$2.50. See Bloss manuscript, Part IV, p. 40¹.

⁴⁰ "Corporation Charter Book," Secretary of State of Kansas, in archives of the Kansas State Historical Library. The officers were: John M. Steele, president; Payne, vice-president; and George M. Jackson, secretary.

apiece. In the Society, a member was entitled to a town lot in the proposed capital. Also, special collections were taken to pay Payne's attorneys, to defray railroad expenses of officials, and for other unexpected calls. It is not known how much money was raised to back all these colonization purposes, although Rister relates that Colonel Edward Hatch, in charge of Oklahoma troops, personally knew of \$100,000 having been collected.⁴¹ Receipts for membership dues in the Colony numbered well above \$14,000 by the time of Payne's death in 1884. The number of shares sold by the Society is not known, although in May, 1880, there was reported to be a rush for corner lots.⁴²

There was much publicity given to the movement locally and when the leaders were referred to the proclamation of the President forbidding the raid, they replied that the President had changed his views in regard to the status of the land and that in his last annual message he had admitted that the lands were public and should be settled. Therefore, on February 12, 1880, President Hayes re-issued the proclamation with a different date.

Payne disregarded the presidential order, however, and made plans for his entrance into the promised land. He set the date for the first invasion as March 15, 1880, but his publicity campaign failed to arouse interest and enthusiasm enough to cause men to challenge federal troops and the President's "stay out" warning, and he did not start until April. However, Payne continued his work of organization, going from town to town

⁴¹ Carl C. Rister, "Oklahoma, The Land of Promise," Chronicles of Oklahoma, XXIII, p. 5.

⁴² Rister, Land Hunger, op. cit., p. 52.

with his membership book, addressing groups and collecting money wherever possible.

Payne's first colony invasions of "Oklahoma" were in 1880. On April 26, the Boomers broke camp on Bitter Creek, about six miles east of South Haven, Kansas, and moved southward over what is known as the Hog's Back Trail. In Payne's party were twenty-one men, led by Captain Payne and "Oklahoma Harry," Harry L. Hill, a wealthy resident of Wichita. Four days later they reached a point about one and one-half miles southeast of the North Canadian River, where immediately they began to survey their "New Philadelphia."⁴³

Meanwhile the military officers in charge of the Missouri district had been instructed to remove the intruders, and if any returned, to turn them over to the U. S. marshal at Fort Smith. On May 15, Lt. G.H.G. Gale and a detachment of cavalry from Fort Reno arrested Payne and twelve of his Boomers who were encamped and conducted them to Fort Reno. They were held until June 3, awaiting instructions and then escorted back to the Kansas line and freed with a warning "that if they were again arrested on a similar charge they would be prosecuted under the Indian Intercourse Law of 1834."⁴⁴

Not at all deterred by this treatment, Payne was soon at work again, for on July 5, Payne and twenty one followers, including six of his former companions, were back at their old camp on the North Canadian. Hardly had they adjusted themselves to camp life before Lt. J. H. Pardee and a detachment of Ninth Cavalry, Negroes, from Ft. Reno arrested and took them to the fort. The first offenders were escorted

⁴³ Sumner County Press, Wellington, Kansas, June 3, 1880.

⁴⁴ Rister, "Oklahoma, The Land of Promise," op. cit., p. 6.

back to Kansas, while Payne and the other "old offenders" were taken to Fort Smith to appear before Judge Isaac C. Parker but their cases were postponed for a later hearing and Payne was free to resume his Boomer activities. By December he had assembled more than three hundred Boomers in a camp near Arkansas City, and would have entered the territory but for the presence of the troops. From Arkansas City the Boomers moved fifty miles west to Caldwell, but so did the cavalry who kept a constant vigil to prevent any intrusion within "Oklahoma."⁴⁵

The winter of 1880-1881 was a severe trial for both the Boomers and troopers. For several days the temperature sank below zero. On December 23, Caldwell citizens gave two wagon loads of food to the Boomers but it was soon exhausted, and since the campers were without funds they disbanded on January 6, 1881, and returned to their homes.

On March 7, 1881, attorneys for Payne argued his case before Judge Parker. Under the Non-Intercourse Law of June 30, 1834 and an enactment of August 18, 1856, unauthorized white men were not permitted within Indian Territory. The first intrusion called only for expulsion with a warning not to return, but a second carried a fine of \$1,000 for the violator. Judge Parker ruled that since Payne was a "second offender" he was liable to the penalty under the law.⁴⁶ Yet Payne had no money or property against which an assessment could be made,⁴⁷ and one of Payne's lawyers, said to have been in the pay of the Railroad interests, pointed out to Judge Parker that no other penalty had been provided under the law.

⁴⁵ For the Boomer winter camp experiences, see Wichita Eagle, December 16, 1880; Sumner County Press, December 16 and 23, 1880; Caldwell Post, December 23, 1880; Wichita Beacon, December 29, 1880.

⁴⁶ A. P. Jackson and E. P. Cole, Oklahoma: Politically and Topographically Described, p. 110.

⁴⁷ Bloss manuscript, op. cit., 1.

Therefore the government's victory was a hollow one, and Payne was free to resume his Boomer activities.

In the main the purpose of the Boomer organizations and the invasions into the Territory was to keep the Oklahoma question before the people and hope to gain a favorable court decision, with which to attack Congress hoping to gain the necessary legislation to open the territories. Many believed Payne's methods were wrong, even some of his followers.

William H. Osborn, for several years associated with Payne as the Colony secretary, broke away from his chief's organization whose methods he considered too radical and not productive of results, and organized a colony, known as Osborn's Oklahoma Petitioners to Congress.⁴⁸ The object of the Osborn faction was to present the claims of the Boomers to Congress and secure by legislation what Payne's association was endeavoring to secure by force. Legislation was the only solution to the matter, but there is no doubt that without the continued efforts of Captain Payne's methods, although in violation of the law, insufficient publicity would have been secured to gain the moral support of the people until a much later date.

Within the next two and one-half years, six other invasions of "Oklahoma" were made by Payne and his followers. But each of these followed much the same pattern. The Boomers would cross the Kansas line unobserved by the troopers, travel southward to Deep Fork Creek or the North Canadian River, and begin the preliminary tasks of establishing a colony. Sometimes to the extent of plowing the sod, putting in a crop

⁴⁸ A. D. Marble, "Oklahoma Boomers' Trials and Troubles," Sturm's Oklahoma Magazine, VIII, p. 45-48.

and erecting improvements. Then a cavalry detachment would appear, effect their arrest, and escort them back to Kansas via Fort Reno. One expedition was an exception.

In July, 1881, Payne visited with relatives at Gainesville, Texas, and while there organized an "Oklahoma" invasion. The main party traveled directly to the North Canadian, but Payne and a few companions entered Indian Territory at Red River Crossing and went first to the Wichita Mountains and then turned eastward to the North Canadian. Federal troopers broke up this colony, as they had earlier ones, sending the Texas colonists southward to the Red River and conducting Payne and a few Kansans, who had joined him, back across the Cherokee Outlet.⁴⁹

There were also occasions when Payne with only a few companions entered "Oklahoma" to survey prospective colonial sites, to hunt for mineral deposits, or for other reasons. For example, he and a party of surveyors were arrested on January 24, 1882, while they were engaged in surveying a town site within the present limits of Oklahoma City. The prisoners were first escorted to Fort Reno by the soldiers and then taken over the Texas Cattle Trail to Kansas.⁵⁰ A few days later, Payne and a fellow Boomer, Tom Craddock, again slipped across the Kansas line and reached the North Canadian River unobserved. After hunting here a few days, Craddock returned to Kansas to recruit a new colony and to bring back supplies, leaving Payne alone. He spent from February 16 to March 12, 1882, in a dugout cut into the steep embankment of a small creek.⁵¹ Soon his supplies ran low and he could not secure wild game

⁴⁹ Caldwell Post, July 21, 1881; Wichita Beacon, August 3, 1881; Sumner County Press, July 28, 1881.

⁵⁰ Caldwell Commercial, February 16, 1882.

⁵¹ Rister, "Oklahoma, The Land of Promise," op. cit., p. 8.

because of stormy weather. Loneliness, gnawing hunger and sickness caused him to lose courage. But on March 12 Craddock returned with food and other supplies. Payne was too discouraged to remain in "Oklahoma" and shortly the two men were on the road for Kansas.⁵²

Undoubtedly the most trying invasion experiences of the Boomers were in August, 1882, and in February, 1883. On the first occasion, Payne and a party of twenty-six men, women and children, including his common law wife Rachel Haines, and their son George,⁵³ crossed the Kansas line south of Hunnewell and traveled to Deep Fork Creek, about six miles north of present Oklahoma City. Here Lt. C. W. Taylor and a detachment of Negro troopers arrested them. As some were first offenders, they were allowed to return to Kansas without escort, but Payne, William L. Couch, the second in command, William H. Osborn, the colony secretary, his wife and child, and a few others were taken to Fort Reno as prisoners. While at Fort Reno, Payne wrote F. T. Bennett, Commandant, a strong letter of protest in which he stated

that in the twenty-five years he had spent on the frontier he had never seen such disregard for personal rights as exemplified by his troopers in their recent action, that not even a vigilance committee⁵⁴ would drag sick women and children around over the country.

Payne, in fear of an Indian assassination plot on his life requested they be taken to Fort Smith via a different route.⁵⁵

⁵² Payne's day-by-day account, written by pencil in a notebook is in the "Miscellaneous" file, Payne Papers, Oklahoma State Historical Library, Oklahoma City. However, the notebook is very difficult to read and for the best account of the incident, see Rister, Ibid.

⁵³ Rachel Anna Haines, was employed as Payne's housekeeper at his Sedgwick County "ranch", became his common law wife, and later bore a son, George. See Coyne, op. cit., p. 19-20.

⁵⁴ Caldwell Commercial, December 14, 1882.

⁵⁵ "The Week," The Nation, XXXIV, p. 453.

Permission was granted for the Boomers to be sent southward to Henrietta, Texas. From here they could travel by rail via Dallas to Fort Smith and reach their destination more speedily than by the old, more direct, wagon road.

The Caldwell Commercial remarked that the trip south was destined with trouble.⁵⁶ Before reaching Fort Sill, Osborn's wife and child became ill with heavy colds, and they stopped long enough to procure medical aid. At Henrietta, a physician warned that the child was too ill to continue the journey. While waiting for the next east bound train at Henrietta, Payne was allowed to go into town to make certain purchases. Making good use of his temporary freedom, Payne employed an attorney, who in turn secured a writ of habeas corpus to force Taylor to surrender his prisoners to local authorities. The Lieutenant refused to recognize the authority of the local court explaining they were federal prisoners. A short time later the east bound train arrived and Taylor hastily loaded the Boomers aboard, just as the Clay County Sheriff and a posse came hastening up. With drawn guns the Army men guarded the prisoners until the train left the station.

At Fort Smith, the Boomers were bound over for a later hearing before Judge Parker. Payne, in turn, brought an indictment against Lt. Taylor for cruel treatment and for holding them beyond the period specified by law.⁵⁷ But the charge was later dropped.

By early January 1883, Boomers were collecting at Wichita, Hunnewell, Arkansas City and Caldwell. A federal judge, George W.

⁵⁶ Caldwell Commercial, October 5, 1882.

⁵⁷ Rister, "Oklahoma, The Land of Promise," op. cit., p. 10.

McCrary, had recently rendered an opinion that because of numerous changes the boundaries of Indian Territory could not be defined under the Indian Intercourse Act.⁵⁸ This news stimulated Colony enlistments. At Arkansas City alone fully 600 membership certificates were sold during January, and a camp of 500 homeseekers was set up near town. It was from this point that on February 2, 1883, the next noteworthy invasion of "Oklahoma" was made.⁵⁹

A blizzard struck the wagon train shortly after its start and the thermometer read ten to twelve degrees below zero. The women and children riding in the wagons and covered with quilts and blankets suffered less than did the men who drove the teams or who rode horseback. Payne complained that his feet, fingers and nose were frozen, but that "Mrs. Haines and little George stood the cold like heroes."⁶⁰ Streams were frozen over, limbs of trees were bending with heavy coats of ice and snow, and the raw north wind pierced the shabby garments of the travelers. The spirits of the Boomers were understandably low and needed the eloquent fiery speeches of their "chief" to keep them going.⁶¹

The Boomers were overtaken near Deep Fork Creek by Lt. Stevens and a troop of "Yellow Legs", twelve Negro troopers of the Ninth Cavalry, who demanded their arrest. But Payne replied "that they did not have

⁵⁸ Ibid., pp. 10-11.

⁵⁹ For the experiences covered in this raid, see Caldwell Post, March 1, 1883; Oklahoma War Chief, March 2 and 9, 1883.

⁶⁰ Rister, Land Hunger, op. cit., p. 123.

⁶¹ Ibid., p. 124.

time to stop and invited the soldiers to travel with them."⁶² Stevens accepted the invitation, since his detachment was too small to force the Boomers to surrender and he sent word ahead for reinforcements.

The Boomers encamped at "Camp Alice", about eighteen miles east of present Oklahoma City on February 8. But they had little time to effect a permanent settlement. Before evening Captain Henry Carroll with ninety men arrived to join Stevens. The Boomer leaders, anticipating a demand to surrender and to disband the colony, had agreed among themselves not to comply. But only Osborn, the secretary, held to the original understanding, until Carroll threatened to use his troopers to enforce compliance. Then he reluctantly gave himself up. After resting their teams here a few days, the colonists trudged disappointedly back to Kansas and the crestfallen leaders were taken to Fort Reno. Soon they, too, were returned to Kansas.⁶³

A rift now appeared in the Boomer camp.⁶⁴ Osborn charged that Payne had violated his pledge not to surrender and that he had "willingly given up to smoke Havanas in Stevens' tent while the troopers were rounding up recalcitrants."⁶⁵ E. A. Nugent, who had accompanied Payne on an "Oklahoma" invasion in 1882, made an even more sensational accusation.⁶⁶ He said that Payne had offered to sell out to the cattlemen for \$260,000. Payne hotly denied the charge and referred to his accuser as an "old Broken Down and Broken Up Drunkard."⁶⁷

⁶² Ibid., p. 125.

⁶³ Ibid., pp. 125-127.

⁶⁴ Oklahoma War Chief, March 9, 1883.

⁶⁵ Ibid.

⁶⁶ Wichita Eagle, March 9, 1883.

⁶⁷ Ibid.

For a time the situation caused a rift in Boomer ranks, but for the moment the breach was soon closed. Back in Kansas Payne was kept busy with legal matters and away from the southern Kansas towns during the remainder of 1883.

Prior to the "Camp Alice" incident, a Kansas City "Oklahoma" Colony under the leadership of B. S. Waldren requested that Payne's Oklahoma group rendezvous with them at Coffeyville and make a joint drive to "Oklahoma". The Boomer leaders sent a man to Kansas City to investigate the new colony. The information relayed back was that it was a very formidable group "with money". The Payne Boomers, fearing the Kansas City Boomers wanted to monopolize the whole business, started south from Arkansas City without them. They did, however, write and say they would be pleased if the Kansas City Boomers would join them in Oklahoma.⁶⁸

Little more is known of Waldren's party and a Texas group that was supposed to rendezvous with the Payne Boomers on the North Canadian. Rister relates that a railway mail clerk at Tulsa, Indian Territory, reported that on February 7, "twelve teams and 150 heavily armed men had passed this town on their way to the North Canadian."⁶⁹ Waldren was arrested and taken to Fort Reno. His followers were allowed to return to Kansas without an escort. A few weeks later Waldren was back in Kansas City advertising another expedition.

⁶⁸ Rister, Land Hunger, op. cit., pp. 118-119.
⁶⁹ Ibid., p. 129.

While Payne was in Topeka on legal matters the colonial movement was left in charge of William L. Couch, vice-president of the Payne Colony and a resident of Johnson County, Kansas. Payne could not have designated no abler man. Couch was sincere, convinced of the justice of his cause, determined, and honest, and he had the confidence of his fellow Boomers.⁷⁰

In rapid succession, he launched three "Oklahoma" invasions during 1883.⁷¹ But on each occasion his colony was broken up, the "first offenders" expelled, and the "second offenders" arrested, detained a few days at Fort Reno, and finally escorted back to Kansas. On the first and second invasions, the colonists made a show of resistance, and it was necessary for the troopers to overpower and bind them and haul them away. In one instance, a hostile Boomer was tied behind an army wagon and led or dragged for a distance of twelve miles toward Fort Reno.

By early January, 1884, Payne was back in Wichita. He induced a group of Boomers to supply him with enough money to go to Washington and present the Boomer cause to Washington leaders. His followers promptly subscribed the amount required.

While in Washington Payne conferred with Commissioner McFarland of the General Land Office relative to the status of the Cherokee Outlet and was told that "federal commissioners had given it to the Cherokees as an outlet to the buffalo and salt plains, and that it was no

⁷⁰ Gittinger, *op. cit.*, p. 113.

⁷¹ Rister, *Land Hunger*, *op. cit.*, pp. 143-151.

trespass to go thereon."⁷² Payne took this to mean that he could colonize it. In June, 1884, therefore, he crossed the Kansas line southwest of Arkansas City with the vanguard of more than 1,500 settlers. However, this time he changed the invasion tactics. The settlers scattered and entered the territory at many places, and established a number of settlements, the chief of which was Rock Falls on the Chikaskia River, four or five miles south of South Haven, Kansas.⁷³

Many of the colonists returned to Kansas when warned by the military officials, and the others were arrested. The women and children and most of the men were released as usual, but Payne and a few other "old offenders" were turned over to federal court authorities at Fort Smith, this time on a much more serious charge, selling liquor in Indian Territory.

Payne and his fellow prisoners were subjected to privations, hardships and even cruelties for thirty-two days by the angry soldiers while enroute to Fort Smith.⁷⁴ The Boomers had been a thorn in the flesh of the border army for more than three years and their captors were determined to treat them in such a way that they would abandon the movement. During the warm days of August and early September the group, in covered wagons, were hauled about over rough roads in cramped positions without being allowed to exercise. At night they

⁷² Rister, "Oklahoma, the Land of Promise," op. cit., p. 13.

⁷³ Ibid., pp. 13-14.

⁷⁴ S. L. Mosely, a fellow prisoner, kept a daily record of the period, found in the Payne Papers, "Miscellaneous" folder, Oklahoma State Historical Library, Oklahoma City.

laid in small tents before burning fires, even though the weather was hot and suffocating. Generally their food consisted of "black coffee, bacon and bread with seldom a variation."⁷⁵ Finally, they were brought before Judge Parker at Fort Smith, Payne being indicted on the liquor charge, and if convicted would have meant a long prison sentence, and the other Boomers were released. Payne was denied an immediate trial and was taken before the U. S. Court at Topeka, Kansas, where he was accorded a trial at the fall term of 1884. Payne came out of the contest victorious, the decision being that Oklahoma was public land and that he was guilty of no crime in his attempts to settle thereupon.

This decision infused new life and confidence into the Boomer leaders and their followers. Payne, Couch, Eichelberger, Cooper, Stafford, and other Boomer leaders were now regarded as martyrs and heroes to the homesteader cause, and popular receptions were given in their behalf in Wichita, Caldwell, Arkansas City and Wellington.⁷⁶ Enthusiastic homesteaders swelled the ranks of the Colony, and once more long trains of white-topped wagons moved over all roads to the Kansas border towns preparatory to a new and peaceful invasion of "Oklahoma". On November 28, 1884, while on his way to Fort Smith to stand trial on the liquor charge, suddenly without a moments warning, while at breakfast in the Barnard House, at Wellington, Kansas, Payne

⁷⁵ Rister, "Oklahoma, The Land of Promise," *op. cit.*, p. 14.
⁷⁶ Wichita Beacon, September 17, 1884.

fell dead in the arms of one of his fellow Boomers, J. B. Cooper.⁷⁷
 "With victory in sight, 'old ox-heart' would not be able to lawfully
 post his claim in 'Oklahoma'."⁷⁸

Payne's mantle now fell to his faithful aide, Captain William L. Couch, of Douglass, Kansas. Two raids occurred under the leadership of Couch in 1885.

War Department and Indian Bureau officials had disregarded Judge Foster's decision and pursued their former policy of arresting all intruders within "Oklahoma". The Boomers, now under the leadership of Couch, stormed across the Kansas boundary with guns in their hands, ready to maintain their rights by force. In January his group of several hundred men, women and children were discovered at Stillwater and they were evicted. During the summer a camp of Boomers was formed near Arkansas City numbering from six to eight hundred, ready to cross the border at the first opportunity. In October and November they entered, determined to stay or fight. They encamped near Council Grove on the Canadian, but were soon discovered by the military. But happily bloodshed was avoided and they were finally persuaded to remove to Kansas to submit their rights to the President and Congress. This was fortunate for public sentiment was now swinging about in favor of the Boomers.⁷⁹

⁷⁷ Marion Rock, "Captain David L. Payne," Oklahoma-the Beautiful Land, 5-6. Also, see Joseph B. Thoburn, "David L. Payne," Americana, XXI, p. 433.

⁷⁸ Lon Wharton, "Payne Day Reminiscence," Historia, 1, pp. 7-8.
⁷⁹ Rister, "Oklahoma, The Land of Promise," op. cit., p. 15.

This was the last serious invasion of "Oklahoma", although a few people entered the district every year from 1885 to 1889, there were no more organized raids.⁸⁰ In spite of the inactivity of the Kansas Boomers, a movement from the south across the Chickasaw country, from Texas, began to assume importance for the first time in 1886, and in that year soldiers were required to dislodge a band that had camped on the Canadian.⁸¹ A patrol of the border was needed, and by the winter of 1888-89 the soldiers were kept as busy as ever. The character of the invasion had changed, however, and boomers crossed the lines singly and in small bands. On March 3, 1889, Congress took action that meant the ultimate opening of the unoccupied land of the Indian Territory.

The Indian appropriation Act passed on that day contained a section that authorized negotiations with the Creeks, the Seminoles, and the Cherokees for the purchase outright of the unoccupied lands to which they had claims.⁸² The real work of the Boomers was done, although their activities did not cease altogether until the opening of "Oklahoma" in April, 1889.

⁸⁰ Spears, op. cit., p. 525.

⁸¹ Gittinger, op. cit., p. 147.

⁸² 23 Statutes, p. 384.

CHAPTER IV

THE END OF THE BOOMER MOVEMENT

The incorporation in the Indian appropriation act of March 3, 1885 of a section authorizing the purchase of the Oklahoma district and the Cherokee Outlet meant not only that the United States had abandoned the policy of maintaining the Indian Territory intact, but was the first victory for the Boomers.

To understand the conditions that made this victory possible it is also necessary to know that the Boomer leaders realized that in invading the unceded lands they were technically acting in defiance of the law.¹ On one occasion Payne related that:

Now as a matter of fact, we know we have no legal right to settle in that country but, of course, we have to assert the right in order to keep up with our agitation, and, if the matter is not agitated, the right will never be granted...²

The course of the Boomer agitation, therefore, was clear cut. The law must be changed.³ This was to be done by invading the district to bring the issue before the public, get public opinion and political support on their side, and secure the passage of the necessary legislation in Congress to open the "district" to settlement.

The attitude of the people toward the Boomer Movement cannot be briefly summarized, for opinion differed with occupation, locality, race,

¹ W. L. Couch's testimony before the Senate committee, June 6, 1885, (S. Reports, 49 Cong. 1 sess., IX (2363), pp. 437-440).

² Joseph B. Thoburn and Muriel Wright, Oklahoma, a History of the State and Its People, p. 34.

³ This has reference to the act of June 30, 1834, Intercourse Act, 4 Statutes, 729, and as amended, August 18, 1856, 11 Statutes, 80. See footnote 33, p. 36.

and politics. That many people believed in Payne and his enterprise may be seen by the extent of his organization.⁴ Most officials of the local governments opposed the movement and its invasions of the Indian Territory. The attitude of the cattlemen and Indians was important in the period. The newspapers reported and reflected public opinion in general and also showed the attitude of the editors, which revealed two types of opinion.

The belief that the cattlemen were wrongly enjoying the use of unoccupied Indian lands brought popular support to the boomer agitation. The most influential organization of the cattlemen along the border was the Cherokee Strip Livestock Association,⁵ which developed into a large institution, about two thousand people were interested in the Association and one hundred individuals, corporations, and firms were represented, so that it grew to be "the greatest livestock organization in the world."⁶

Naturally the power of the Indians to grant leases was ill defined,⁷ and the Secretary of the Interior refused either to approve or disapprove the contracts. The position of the leaseholders was somewhat

⁴ In 1885 there were more than 14,000 certificate holders in the Colony. See, Dan W. Peery, "Colonel Crocker and the Boomer Movement," Chronicles of Oklahoma, XIII, p. 280.

⁵ A discussion of the Range Cattle Industry is found in chapter II; also, see Edward E. Dale, "The Ranchman's Last Frontier," Mississippi Valley Historical Review, X, pp. 34-36; for an excellent discussion of the Cherokee Strip Livestock Association, see E. E. Dale, "The Cherokee Strip Livestock Association," Chronicles of Oklahoma, V, pp. 69-81.

⁶ Ibid., p. 71.

⁷ For a discussion of the Indian leases, see chapter II; also, see Ibid., pp. 69-81.

uncertain, but they were presumed to have the consent of the Indians to remain in the Indian country.⁸ These agreements placed the claims of the cattlemen on a different basis from those of the boomers, but to many persons at the time an annual payment of a cent or two an acre was an insufficient margin of difference.

The cattlemen paid well for the leases, especially after the stand taken by the Indian department. If the head of the Indian Bureau decided to eject them he could easily find a reason since most of the cattlemen pastured their stock on unleased land in the unassigned district of Oklahoma. A "corruption and sugar fund" was established, according to charges, to bribe the higher officials into silence and influence them to keep out settlers.⁹ The Association also sponsored a number of newspapers and went into politics. The Wichita Eagle and Sumner County Press carried articles which charged that Preston B. Plumb, United States Senator from Kansas, owned, at least partially, one of the largest companies in the Outlet and that other prominent politicians had an interest in the Association;¹⁰ however, the charge wasn't pressed further. Later Plumb introduced a bill in Congress designed to open the territory.

The movement to open Oklahoma to homestead settlement directly crossed the desires of the stockmen for they would be driven out of this unleased land of "Oklahoma" by the settlers. They would be overcrowded on the Outlet and would be forced to lease more land or to buy.

⁸ Ibid., p. 71.

⁹ Wichita Beacon, May 21, 1884; Ibid., July 2, 1884.

¹⁰ Wichita Eagle, March 15, 1883; Sumner County Standard, October 11, 1885.

These were not the only possible disasters, there was also the fear that the land seeking men would settle on the Cherokee Strip itself and force the government to throw it open to settlement. This would, in effect, abolish large scale ranching and many corporations would be ruined.¹¹

Therefore, the Association stirred up the Cherokees to oppose the movement. The Indians were told that the boomers would take away their land and their territory. Members of the Nation became excited and refused to sell any land to anyone or to cede it, until the President warned them that the cattlemen must leave at any rate. This served as enough of a threat to make the tribe capitulate.¹² Other Indian tribes also became excited, and even organized to defend the law.¹³ The Choctaws, in particular, organized a militia of over one thousand men, armed with Spencer rifles and other guns, and prepared to expell all white men. They were to be assisted and controlled by the federal troops at Fort Sill.¹⁴

The cattlemen recognized the value of the press and carried their battle against the boomers into this field. They began publication of the Indian Chieftain at Vinita in the Indian Territory for the purpose of combating the danger. This was not the only newspaper which took part in the "war", for all the newspapers of the neighborhood became involved, and few were neutral on the subject.

¹¹ Dale, "Cherokee Strip Livestock Association," op. cit., p. 72.

¹² Ibid., p. 75.

¹³ See footnote 3, p. 67.

¹⁴ Sumner County Press, June 21, 1881; Ibid., June 30, 1881.

The Caldwell Journal, official organ of the Cherokee Strip Live-stock Association, as well as other border papers, began a virulent attack on Payne and the Boomers. Even the advertisements in a paper of this period, disclosed the attitude of the journal toward the boomers. In a southern Kansas paper, anti-boomer in sentiment, most of the advertising consisted of cattle brands. The stockmen, since they furnished these, controlled the attitude, and therefore bitter denunciations or satiric sketches of the Boomers were recorded. The Caldwell Journal,¹⁵ and the Caldwell Post,¹⁶ as well as the Sumner County Press,¹⁷ and many other papers were so controlled. Among these opposition journals of the section we find few Democrats because the stockmen were generally Republican. Therefore, the Democratic press upheld the invasions, to some extent. The Sumner County Standard, for example, gave good publicity to Payne's Boomers and censured the cattlemen severely, but it had no cattle advertising.¹⁸

The Boomer leaders were quite aware of the source of this hostile criticism and decided to counteract it by setting up their own organ, the Oklahoma War Chief, and under the editorship of A. W. Harris, the first issue saw the light of day on January 12, 1883, at Wichita. The paper moved about from time to time as the needs of the Boomers so deemed it. It was never identified with a place of publication until June, 1885, when it was moved to Arkansas City, under the editorial

¹⁵ Caldwell Journal, August 7, 1884.

¹⁶ Caldwell Post, March 1, 1883.

¹⁷ Sumner County Press, December 30, 1880.

¹⁸ Sumner County Standard, October 18, 1884.

management of Samuel Crocker, who successfully edited the paper for about two years, and was the last editor of the Colony organ.¹⁹

In Wichita, where the Colony headquarters were located and where the cattlemen were not so strong, the newspapers were more liberal. The Wichita Eagle, Republican, did oppose the Movement and amusedly called it a mere speculative adventure, but their attitude was much more tolerant than that of the border editors.²⁰ The Wichita Beacon was one of the early sponsors of the Colony and the publisher of that paper was one of the charter members of the first Oklahoma Organization.²¹ Sentiment in Wichita, however, was wavering between support and condemnation of the Boomers. The Beacon evidently thought it best to hold a middle course in order not to antagonize anyone or appear to oppose the government, so that the news stories in this paper appear more unbiased and truthfully given than in other neighborhood journals.²²

In Butler county there was also a division of sentiment. The editor of the Augusta Advance was a boomer,²³ but the El Dorado Times, in speaking of the leaders of the Colony, called them, "Chief John M. Swellbelly Steele, Colonel David Shadbelly Payne, and Major Busthead Hutchinson."²⁴ The Walnut Valley Times took a neutral stand and said,

¹⁹ Grant Harris, "Publishing a Newspaper in a 'Boomer' Camp," Chronicles of Oklahoma, V, pp. 366-370.

²⁰ Wichita Eagle, June 3, 1881; editorial, Ibid., May 13, 1880.

²¹ Wichita Beacon, February 11, 1905, mentions a preliminary organization of the Oklahoma Town Company, commonly called Payne's Oklahoma Colony, with Frank B. Smith, proprietor of the Beacon, as one of the charter members.

²² Ibid., July 14, 1880.

²³ Wichita Eagle, April 12, 1883.

²⁴ Sumner County Press, December 23, 1880, an excerpt from El Dorado Times.

"we have always admired the untiring zeal of Captain Payne and the good work he is doing for the poor people but we do not like his ceaseless abuse of the public men of Kansas."²⁵ The towns along the eastern part of the border were not dominated by the cattlemen and the benefits of the opening were more clearly seen; and newspapers in Baxter Springs, Chetopa, Parsons, Independence, Paola, Iola, Fort Scott and others encouraged the Movement.²⁶ The Coffeyville Journal gave several columns every week to Oklahoma news and advertised that city as an outfitting point.²⁷

Even the distant Kansas City Times fostered the boom and a great deal of favorable publicity was given to the movement. Every day during the Carpenter movement there were two or three columns on the first page and at times as many as eight columns were devoted to news of Oklahoma.²⁸ The Kansas City Journal opposed the Boomers, but more especially the publicity they received in the Times. Very little sympathy for the Movement was expressed. One article read as follows:

If Payne was the only one who suffered from these continued insane expeditions the public would care but little, but he succeeds in enticing numbers of ignorant people of the poorer classes to join him, who lose what little they have and are often put to desperate straights to get back to their friends.... Payne should be obliged to take up his residence at Fort Reno or Leavenworth for a few years.²⁹

That the invasions possessed great news value is seen by the space papers all over the United States gave to them. Many of the newspapers

²⁵ Walnut Valley Times, December 5, 1884.

²⁶ The reasons for this encouragement is found in the Conclusion.

²⁷ Coffeyville Journal, April-May, 1879; Kansas City Times, May 6, 1879.

²⁸ Ibid., April-May, 1879.

²⁹ Wichita Eagle, March 1, 1883, excerpt from Kansas City Journal.

in Texas, Missouri, Nebraska, and the East quoted the Kansas City Times since most of the reports given there were presented in a very interesting fashion. The opinions as to the right of colonists to enter the Territory were somewhat evenly divided and quite a number merely gave the outline of the raids without showing any definite stand on the subject.³⁰ The Chicago papers were interested and the Tribune published articles condemning the government policy.³¹ The Chicago Times sent a special correspondent, Major William W. Bloss, to the scene of action and closely followed the boomer activity. This interest was shown by "Payne's account book which records the sale of \$10,000 worth of stock to the Chicago Times, October, 1882."³²

Whereas most papers of the Middle West quoted the Kansas City reports and showed a western viewpoint, the New York journals obtained most of their news from Washington. Few New York papers told of the actual invasions.³³ The bulk of the stories told of the effect of the Boomers on cabinet meetings or gave summaries of the actions of Congress. When Payne went to Washington in the winter of 1883 and 1884 he received considerable attention. "Interviews with him were printed in many of the national papers and he became a widely known figure."³⁴ The Boomers became so well known that the public began looking for news

³⁰ Kansas City Times, May 6, 1879.

³¹ Sumner County Standard, January 31, 1885.

³² Marjorie A. Coyne, "David L. Payne, The Father of Oklahoma," Unpublished M. A. thesis, p. 158.

³³ O. P. Sturm, "Why Oklahoma's Dream Came True," Sturm's Oklahoma Magazine, VII, pp. 17-26.

³⁴ Coyne, op. cit., p. 158.

of them and Associated Press reports were sent out concerning the raids and the actions of the Oklahoma Colony.³⁵

Public attitudes toward the Movement for the opening of Oklahoma was represented by divergent groups, some of whom had more influence and power than others. The cattlemen along the border very much opposed the Colony and did a great deal to keep out settlers, especially by stirring up the Indians and then spreading stories of their ferocity. The "Indian ring"³⁶ was opposed because the Colony's success meant the end of the power of those who handled Indian annuities. The people living in the border towns were in favor of the opening and every town expected to become the principal supply point, and especially concerned were the large wholesalers of Wichita, Kansas City and St. Louis. Also, the large railroad grants of land would remain inoperative until the Indian lands were settled.

In the West political division was sharply defined in this controversy. Before 1884 the Democrats generally aligned with the Boomers against the administration and the Republicans defending government policy. It must be noted, however, that the Democratic Cleveland administration also upheld the established government policy of keeping out intruders until the necessary legislation was passed during his term of office. The East held a more passive view and obtained most of its information through Washington and reflected the governmental viewpoint on the affair. But the invasions were news and stories appeared in

³⁵ Kansas City Times, December 12, 1880, Associated Press Report.
³⁶ For a discussion of the Indian "ring", see footnote 40, p. 38.

most of the newspapers of the country. Generally, the greater the distance between the place of publication and Oklahoma the less partisanship showed in published reports. Whether opponents or proponents were in the majority in the country was indecisive but both were very active and brought the Movement before the public eye.

Through the invasions the faults of governmental Indian policy were advertised but Congressional reform was not promptly secured. Most people of the United States were not vitally interested in the boomer project and regarded the news of the invasions in the light of a speculative adventure, a novelty to amuse and not to be regarded seriously.³⁷ Therefore, at first, most of the newspapers condemned the invaders and recommended the use of force by the government in expelling them.³⁸ Gradually the tone of the newspapers, reflecting public opinion, began to favor the Boomer cause.

By the latter part of 1884, just before the death of David Payne, many hostile papers had become friendly. One of those which had previously advocated the use of force said, "the movement demonstrates the impracticability of the Indian policy. Settlement pushes on in spite of the government and the army."³⁹ However, the publicity was not all good and some writers recognized the age old lure of the distant frontiers.

³⁷ Wichita Eagle, June 3, 1880.

³⁸ George B. Jenness, "Fight of Payne and the Boomers," Sturm's Oklahoma Magazine, VIII, p. 21, reflecting an article in New York Tribune, "Indian Problems," January 24, 1880, p. 5.

³⁹ Coyne, op. cit., p. 168, an excerpt from New York Tribune, "Oklahoma and the Piegons," August 11, 1884.

Henry King, writing for Century Magazine, said that there was an abundance of land of good quality still vacant in Kansas, Nebraska, and other states. The Oklahoma "boomers", on their way to the Kansas border, passed over thousands of desirable acres, convenient to markets and schools, which they might have had at low rates and on long credits. "But the pioneers of the period have a special craving for Indian lands, and lands 'kept out of market'; the simple denial of their privilege to enter this territory is sufficient to make them think it is the fairest portion of the universe...."⁴⁰

Delos Walker, a Methodist preacher from eastern Kansas, characterized the Boomers by saying that they reminded him of "children who put beans in their noses---they seem determined on getting the beans put in, in spite of all warnings, but when they had accomplished their purpose, they wished they hadn't done it."⁴¹ This seems a rather hypocritical statement from one who related this to a friend the day of the "run," and who was one of the first to grab a claim in Oklahoma City. However, the characterization really depended on the point of view. To some the boomers were lawbreakers and disturbers of the peace, while others sympathized with them and viewed them in the light of persecuted martyrs, expending time and effort to gain homes in the unceded lands.⁴²

⁴⁰ Henry King, "The Indian Country," Century Magazine, XXX, pp. 604-605.

⁴¹ Delos Walker, "Out of the Raw Material," Oklahoma--The Beautiful Land, p. 67.

⁴² James Martin Miller, "Oklahoma Territory," New England Magazine, XVIII, pp. 393-404.

A fairer characterization was put forth by Lieutenant Colonel W. A. M. Dudley before the Senate committee, June, 1885, when he related that the Boomers were neither ordinary lawbreakers nor idlers. Most of them were farmers who wanted free land, and as a rule they were industrious, well-meaning people. They had religious services in camp, and drunkenness among them was practically unknown. Some boomers relied on savings as support on the border and they were willing to work between expeditions. Others seemed to have no source of livelihood but many of them found employment in Caldwell and Arkansas City. As each head of a family was equipped with a pair of horses and a stout wagon, the men could engage in hauling; and in particular some were occupied in transporting supplies for the soldiers whose presence on the border they themselves made necessary.⁴³ Government hauling contracts were available from Caldwell and Arkansas City, to Fort Reno and Fort Sill, and other Camp sited in Oklahoma.

By 1885 public opinion in the Middle West ran strongly in favor of the Boomers. That the darkest hour was just before dawn certainly proved true of the Boomer Movement during its nadir of 1885. Payne was dead; Couch, Goodrich, and other leaders were under charges of treason for the Rock Falls incident; cattlemen were still in Oklahoma; and hundreds of Boomers had broken camp and gone home, disappointed and penniless. Boomers and their supporters now wanted no further invasions. They advised patience awaiting the actions of Congress. The low tide

⁴³ Lt. Col. W. A. M. Dudley's testimony before the Senate committee, June 6, 1885, S. Reports, 49 Cong. 1 sess., IX (2363), 461; Couch's testimony, op. cit., p. 444.

was reached when in the midsummer of 1885 the Boomers met at Caldwell and adopted a resolution asking the government to drop all charges against their leaders on condition that they would disband.⁴⁴ Accordingly the charges were dropped, and the agitation was transferred to the Halls of Congress.

The changing attitude of Congress became apparent in 1884 and 1885 when a number of bills and resolutions were introduced by various Senators and Representatives in Washington. On May 2, 1884, Preston B. Plumb of Kansas introduced a bill in the Senate to open to homestead entry the unoccupied Indian lands immediately and without negotiations with the Indians.⁴⁵ On December 8, just when Couch and his men must have been reaching Stillwater on one of their last raids, Thomas Ryan of Kansas introduced Plumb's bill in the House of Representatives.⁴⁶

Limited opposition to the bill was led by Senator George G. Vest of Missouri, who for many years had been a Boomer supporter, but declared that the government was bound, morally at least to negotiate with the Indians for the removal of their interests.⁴⁷ After many weeks of wrangling it was decided to accept Vest's suggestion and take up the moderate proposal. Therefore, March 3, 1885, the Indian appropriation bill, as amended passed the Senate. But it was still necessary to bring pressure to bear on the Indians to secure their acquiescence before the Boomers could enjoy the fruits of their victory.

⁴⁴ Peery, "Colonel Crocker and the Boomer Movement," op. cit.,
p. 282.
⁴⁵ Cong. Record, 48 Cong. 1 sess., 3689.
⁴⁶ Ibid., 2 sess., 81.
⁴⁷ Ibid.

The amendment to the Indian appropriation bill, authorizing the purchase of the Cherokee Outlet and the Oklahoma district, still claimed by the Creeks and Seminoles, when coupled with the Dawes Act of two years later, paved the way for final boomer success.

With the passage of the Indian appropriation bill, the President ordered the cattle leases annulled and the cattlemen expelled from Indian Territory, the Oklahoma Movement was now pitched on a less objectionable basis. And this gave it great impetus. Thousands of border folk had strenuously objected to the previous invasions on the ground that they were in violation of federal law; but they now enthusiastically supported the efforts of Ryan, Plumb, Vest, James B. Weaver, William M. Springer, and other Senators and Representatives in Washington, who now sensed the Boomer Movement was popular.

Within the next three years various and sundry bills for Indian allotments, for revamping the Indian Territory's judicial system, for the disposal of its surplus lands to homesteaders, and for the creation of the Territory of Oklahoma were dumped into the House and Senate legislative hoppers. Growing out of these proposals, a signal victory was gained by the Boomers on February 8, 1887, when President Cleveland approved the Dawes Act, providing for the allotment of lands in severalty to the Indians, except the lands of the Osages, Peorias, Miamis, Sac and Fox, and the Five Civilized Tribes. The President was authorized to make the allotments whenever in his opinion it was for the good of the Indians. Then the government could negotiate with a tribe for any surplus lands after allotments had been completed, and these he could dispose of to settlers in tracts of 160 acres each.

Here and there mass meetings were held and petitions and memorials were drawn up asking for the opening of the district. The unremitting efforts of the Boomers during the uncertain past had created great confidence among them and had led them to believe that final victory was near. On February 8, 1888, as a climax to all their efforts, Boomer delegates from all the states, Indian Territory, and even some from Canada, met at Kansas City in a rousing convention.⁴⁸

"Agitators" then were not mere settlers seeking land. This meeting was called at the invitation of the Board of Trade and the Commercial Club of Kansas City, and the invitations were extended to mayors of cities and towns, presidents of Boards of Trade, and to other interested citizens. Removal of the status assigned to Indian Territory would open to all the Middle West a vast new area of trade and commerce.⁴⁹

The convention drew up a memorial stating that only "chiefs, squawmen, and half-breeds" were in favor of retaining the Indian Territory because no court had jurisdiction in civil cases arising between citizens of the United States and the Indians; and that since the Territory was an obstacle to trade and commerce, at least its western half should be opened to settlement, with compensation to the Indians for all lands taken. The delegates selected eighteen

⁴⁸ Proceedings of the Convention To Consider The Opening of the Indian Territory, Held At Kansas City, Mo., February 8, 1888, in archives of the Kansas State Historical Library.
⁴⁹ Ibid., p. 61.

representatives to go to Washington to present the memorial and other resolutions to Congress. Couch and Crocker were among those selected.⁵⁰

The now thoroughly alarmed Creek and Seminole leaders saw that they could claim the Oklahoma lands no longer, and resolved to make the best possible settlement with the government. Secretary of the Interior, William F. Vilas, made an agreement with the Creeks whereby, for a consideration of \$2,280,000, they released all claim on the Oklahoma district. A short time later the Seminoles' claim was met by a payment of \$1,902,000.

To secure immediate passage of the Oklahoma bill it was attached as a rider to the pending Indian appropriation bill. Additional features authorized the President to establish two land offices within Oklahoma and to open the district to settlement under the terms of the Homestead Law. The amended appropriation bill passed the House on February 27 and was approved by the Senate and signed by President Grover Cleveland March 2, 1889.

⁵⁰ Ibid., pp. 67-68. Those appointed are as follows: Judge J. N. Galloway, Fort Scott; Dr. Morrison Munford, Kansas City, Mo.; M. W. Reynolds, Geuda Springs, Kans.; T. S. Case, Kansas City; John W. Earlie, Indian Territory; George Leis, Lawrence; T. A. Osborne, Topeka; Major E. S. W. Drought, Kansas City, Kans.; C. H. Kimball, Parsons, Kans.; Joseph King, Indian Territory; Waller Young, St. Joseph; E. N. Dingley, Leavenworth, Kans.; A. A. Newman, Arkansas City; P. P. Greene, Denton, Tex.; W. H. Miller, Kansas City; H. J. Rodman, Little Rock, Ark. Furlong asked to be relieved and Couch added. Col. Sam Crocker was also added.

By his authority, on March 23, 1889, the new President, Benjamin Harrison, issued a proclamation throwing open the entire Oklahoma district to settlement "at and after the hour of 12 o'clock, noon, on the twenty-second day of April, 1889."⁵¹ Thus ended a decade of "booming".

⁵¹ James D. Richardson, A Compilation of the Messages and Papers of the President, IX, p. 15.

CHAPTER V

THE DAY OF DAYS

The border settlers noisily celebrated their great victory. A Wichita correspondent for the Boulder County Herald, Colorado,¹ wrote on April 3 that the news of the proposed opening was received in his town by the firing of cannon and the display of bunting, and that bonfires were burning all over southern Kansas. He observed that so many people were starting for the new country that many of the towns would be depopulated. One man, he continued, had already been killed over a proposed claim dispute, and some had sold their rights for as much as five hundred dollars. At Purcell, Indian Territory, William Couch, the old Boomer leader, writing on March 10, 1889,² said that "every day from five to twenty wagons passed through Purcell headed for the boundary line," the South Canadian River.

Thus, after a decade of agitation the Boomers had won the long and bitterly fought battle. Had it not been for the bulldog tenacity of Payne and others "booming" of Oklahoma would have ceased long before victory was assured. Many suffered from exposure, imprisonment, and other hardships, and had expended their last dollar in sustained efforts during invasion after invasion. Payne and legal advisers had told them that claims thus entered would be recognized under the terms of the Pre-emption Law once the country was legally opened to settlement. But

¹ Carl Coke Rister, Land Hunger, p. 205.

² Solon J. Buck, "The Settlement of Oklahoma," Wisconsin Academy of Science, Arts, and Letters, Transactions, XV, p. 345.

in this they were bitterly disappointed. They were now placed on the same footing as those who would enter Oklahoma for the first time on April 22. Success was gained only if they could reach their claims first; if others should precede them, then the newcomers' rights would have priority at the land office.³

From March 23 until April 22 the Kansas and Texas roads leading toward "Oklahoma" were once more crowded with covered wagons, hacks, buggies, and horseback riders. Border towns Caldwell, Arkansas City, Wichita, Hunnewell, and Wellington, in Kansas, and Denison, Gainesville, and Vernon, in Texas were crowded with movers jostling each other good-naturedly, swapping stories and information concerning roads and trails. Hotels and railroad depots were overflowing with promoters, businessmen, land agents, and homeless men, women, and children, all bound for the "promised land." Mingling with these were less desirable individuals -- gamblers, swindlers, and adventurers who sought every opportunity to fleece the unsuspecting homesteaders or to take advantage of any circumstance that might present itself.⁴ Marion T. Rock described such an array of people at Arkansas City: "Scenes in and about the depot on Sunday night, before the opening on the next day, reminded one of the vast, surging crowds at the Philadelphia railway station during the Centennial of 1876."⁵ One observer remarked that Wichita was emptying

³ Dan W. Peery, "Colonel Crocker and the Boomer Movement," Chronicles of Oklahoma, XIII, p. 284.

Frank McMaster, "An '89er, How he Rushed and What For," Sturm's Oklahoma Magazine, VIII, pp. 45-48.

⁵ Marion T. Rock, Illustrated History of Oklahoma, p. 15.

its warehouses of assorted groceries, dry goods, printing presses, boxes of hardware and lumber --- all to furnish new business ventures in towns soon to appear in "Oklahoma."⁶

The fabled "Oklahoma" was separated from Kansas by the Cherokee Strip and from Texas by the Chickasaw Nation. Prior to the opening, homeseekers were allowed to travel to the boundary of "Oklahoma," and there to await the appointed hour when the signal was to be given for the rush for land claims.

Cash M. Cade related that people who were poor and broke went to the west side. They came from the drought-stricken western states. He further commented that of the ten thousand people camped west of Kingfisher on the night before the opening "there was not an average of ten dollars per settler outside of the government appointees."⁷

Thousands more gathered on the "Pott Line." Dan W. Peery was one who made the run from the line of the Pottawatomie Indian reservation and said most people in referring to this line abbreviated the name. In referring to an incident from this side of "Oklahoma" Peery said that a prospective homesteader rode up to a moonshiner and said to him:

"Where did you come from that you got here before me?" He answered, "We came from the 'Pott line' and he called two other moonshiners who were holding down claims and they declared that they had come from the 'Pott line' and started at noon. The prospective homesteader rode on for other fields and the moonshiners explained to some of their friends afterwards that they had told that fellow the truth. They

⁶ James W. Moffitt, "Diary of an '89^{er}," Chronicles of Oklahoma, XV, pp. 66-69.

⁷ Cash M. Cade, "The Day of Days," Oklahoma--The Beautiful Land, p. 64.

had hanged a cooking pot on a line at their camp in the woods and called it the 'Pot line' and they had started from that line at twelve o'clock"⁸

They could scare off some of the homesteaders with that kind of a story and subterfuge but the United States land office was yet to be reckoned with.

From the "Pott line" on the east and the Arapahoe-Cheyenne reservation line on the west thousands of people waited. But the principle starting points remained the north boundary, the southern border of the Cherokee Outlet, and the south boundary, the south bank of the South Canadian River in the Chickasaw Indian reservation. For those who were not inclined to walk or were not fortunate enough to have conveyances of their own, the Santa Fe Railroad crossed the unoccupied lands from north to south, thus making possible transportation for hundreds of homeseekers and enormous quantities of materials that would be needed by incoming settlers and business enterprises. A parallel stage road, along the Kingfisher-Chickasha-Duncan line, was another well-known route of travel.

Within "Oklahoma" were less than 12,000 tracts of 160 acres each, and according to one contemporary authority⁹ there were a hundred thousand homeseekers, all eager to establish claims. To those mounted on fast horses would go the best chances of establishing choice claims. Only a few of the needy homeseekers could expect success, for as a rule they came to the border towns and camps in overloaded wagons pulled by

⁸ Dan W. Peery, "First Two Years," Chronicles of Oklahoma, VII, p. 306.
⁹ Rister, op. cit., p. 207.

scrawny, hidebound horses and mules. For this reason, on the day of the opening, more than one wagoner laid aside the harness and mounted the fastest horse of his team for the race.

By the morning of April 22 the northern boundary of "Oklahoma" was lined by thousands of prospective settlers, the line of wagons, buggies, hacks, carts and even a high-wheeled bicycle presented a never-to-be-forgotten sight.¹⁰ Excited people milled about their camps, biding their time by greasing the axles of their vehicles, inspecting harnesses and saddles, and making last-minute preparations for the race, laughingly referred to as "Harrison's Hoss Race."¹¹

Additional soldiers were placed on guard as a precautionary measure to restrain overly ambitious settlers. On April 22 a force equal to two regiments was in the field.¹² The cavalry made up half of the total force, while the infantry was stationed at important points in the district, especially at the two land offices located at Guthrie, where the Santa Fe Railroad crossed the Cimarron, and Kingfisher, a stage station thirty miles further west. The soldiers were also in good spirits, for their years of vigil and patrol were about over. No longer would they be compelled to escort unwilling Boomers back to the Kansas line in all kinds of weather. On the morning of April 22, 1889, they were stationed at intervals along the boundary to signal the beginning of the race and to maintain order.

¹⁰ Hamilton S. Wicks, "The opening of Oklahoma," Chronicles of Oklahoma, IV, pp. 133-34. This is an eyewitness account, and is also found in Cosmopolitan, VII (September, 1889), 460.

¹¹ Rister, op. cit., p. 208.

¹² Roy Gittinger, The Formation of the State of Oklahoma, p. 154.

Promptly at twelve o'clock, noon, by bugle notes, pistol or carbine shots, the signals were sounded and the race was on. Thousands of contestants surged across the line in a mad, headlong rush toward the coveted lands. By evening the grass and wild flowers were crushed beneath the feet of thousands of hurrying and excited men, and the deeper scars of horses' hoofs and wheels of vehicles of innumerable descriptions.¹³

The clamor and confusion of the race reminded some observers of the noise of battle. The pounding of hoofs, the frightened neighing of horses, the thunderous rattle of wildly careening vehicles, the rough shouts and curses of excited riders and teamsters, the shrill screams of terrified women and children, and the crash of overturning vehicles, all blended in a wild, deafening roar never before heard on the prairies.¹⁴

It took the lucky claim-seekers on horseback less than two hours to make the run. A. M. DeBolt, who started from the Pottawatomie line, near Choctaw City, reached his claim two miles east of Reno in just one hour and fifteen minutes.¹⁵

Several Santa Fe passenger trains had also moved southward from Arkansas City to join in the race. Passengers sat in seats and windows, stood in aisles and on car platforms, clung precariously to window sills, hundreds rode on top of the cars, a brave few rode underneath on the brake rods and others chose the "cow catcher." Engineers were

¹³ Angelo C. Scott, "The First Weeks in Oklahoma City," Oklahoma--The Beautiful Land, p. 88.

¹⁴ Wicks, op. cit., p. 134.

¹⁵ A. M. DeBolt, "Battle With Jumpers," Oklahoma--The Beautiful Land, p. 95.

to regulate the speed of the trains to conform to that of the horse-drawn conveyances. In some instances excited homeseekers jumped from the slow moving train and were sent sprawling beside the track; but if they were not seriously hurt, they would leap to their feet and dash away to stake their claim.¹⁶

Among the many amusing, and at times thrilling, incidents that occurred on the trains, was one in which a man was so impatient and so anxious to secure a home that he jumped from the train while it was running at a high rate of speed. He had placed his friends on the train in care of his baggage, with the following instruction: "after jumping from the train, if you see me arise from the ground and wave this flag, throw my baggage off; if I do not get up may know that I am killed, and you can take my baggage on to Guthrie." Taking a position on the rear platform of the train, he jumped off, and went rolling and tumbling along the ground for several feet without sustaining injuries that prevented his waving his flag. His baggage was thrown off, and the observers sincerely hoped the "brave" but "rash" man secured one of the best claims in Oklahoma.¹⁷

The first of the trains reached Guthrie, twenty miles south, at one-thirty in the afternoon, but the passengers found that United States deputy marshals and their friends, together with settlers who had slipped by the border patrol, had already staked out a town site. Other persons had been busily engaged since noon making entries for adjacent

¹⁶ Dennis T. Flynn, "First Twenty-Four Hours in Oklahoma in 1889," *Ibid.* ¹⁷p. 59.
¹⁷ E. E. Dale and J. L. Rader, Readings in Oklahoma History, pp. 342-44.

farms. Those who entered before the appointed time were known as "sooners."¹⁸ However, the people from the train soon grasped the situation, and no attention was paid to the rights and privileges of the deputy marshals and their friends. The passengers made their exits from the cars through the windows or any other convenient openings and scrambled pell-mell up the hillside in the wild race for town lots.

Along the South Canadian, the southern boundary of Oklahoma, the scenes were to some extent different. Purcell, on the south bank of the river, where the Santa Fe Railroad made its crossing, was the starting-place for most of the settlers entering from the south and had been an assembling point for several weeks. On April 22 it had a population of more than four thousand people, three-fourths of whom were there for the run."¹⁹ Here, too, passenger trains were lined up to transport hundreds of homeseekers northward. The normally shallow and sandy river was filled with muddy, swirling water, as hundreds plunged into it at the sound of the pistol shot fired by John Fightmaster, afterwards sheriff of Oklahoma county.²⁰ Some of the heavily laden wagons and hacks foundered in the quicksand, only to have the teamsters wade out, unhitch their favorite mounts, and continue the race. Others pulled through to the opposite bank.

¹⁸ Wicks, op. cit., pp. 134-35.

¹⁹ Rister, op. cit., p. 209.

²⁰ Delos Walker, "Out of the Raw Material," Oklahoma--The Beautiful Land, p. 67.

Most of the contestants pressed on for Oklahoma City, just fifteen miles distant, to locate choice town lots, but others stopped along the way and located quarter sections. Still others wandered forlornly from place to place to find that more fortunate contestants had preceded them.

Similar scenes were enacted on the Canadian River, below present-day Moore, Oklahoma, and near the site of the Norman bridge. Hundreds of happy settlers at last established claims and immediately began to build homes and plow fields; but there were thousands of others who dejectedly drove back to Kansas, Arkansas, Missouri, and Texas to await the action of Congress in opening the remainder of the Indian Territory to settlement.

In 1874-75 General Nelson A. Miles and General B. H. Grierson had conducted a campaign against the wild Comanches, Kiowas, Cheyennes, and Arapahoes over the same prairie land that within a day saw Oklahoma City, Guthrie, Kingfisher, and Norman spring into permanent existence.

The opening in April, 1889, had certain features that were peculiar to it alone. Congress had adjourned on March 3 without providing for the government of the Oklahoma district apart from the Indian Territory, and the settlers were thus left to their own devices. The failure to establish a government led incidentally to a remarkable situation in the towns.

As the sections in the statutes which authorized the plotting of town sites on the public land could be placed in operation only by the action of local and civil officials, it was decided that no towns could

be established legally.²¹ Under the homestead law the farmer could take the first step toward the acquisition of a title to his farm. But the dweller in one of the new towns was unable to acquire a legal claim to the lot on which he proposed to settle. Oklahoma was not a territory; it was not a state; it was just unorganized Oklahoma country.²²

At the close of the first day both Oklahoma City and Guthrie were tent towns each containing more than two thousand people. Numerous town companies had previously surveyed the town lots and before the sun had set all lots had been taken and some had exchanged hands several times. Within each town the task of organizing was attempted.²³

Within twenty-four hours a framework of government was set up. A mayor was chosen and councilmen and a board of claims was appointed. W. L. Couch, the late Boomer leader, was named the first mayor of Oklahoma City. D. B. Dyer was chosen mayor at Guthrie. Inspector Jason B. Pickler of the Department of the Interior found on visiting Guthrie at this time that the municipal council had assumed enormous responsibilities, but was carrying them out in a creditable manner.²⁴ They had ordered the survey of the town and many lost their claim because they now found themselves in an alley or in a street. There were evidences of a healthful social order: tuition schools were launched and churches were organized.

²¹ Buck, op. cit., pp. 343-44.

²² Wicks, op. cit., p. 136.

²³ Peery, "First Two Years," op. cit., pp. 306-07.

²⁴ Ibid., p. 307.

The other metropolis of Oklahoma, and the rival of Guthrie for the state capitol was Oklahoma City, located about thirty miles further south on the north fork of the Canadian River. Oklahoma City was settled largely by those entering from the south, and seems to have had a larger proportion of speculators, confidence men and other lawless characters in their ranks than those entering from the north.²⁵ Because of the unstable situation the army took entire charge of the city until the sixth of May. A leading town company that had made a prearranged plot of Oklahoma City was the Seminole Town Company of Topeka, Kansas, but it lost out to the duly elected committee to organize and survey the town as it stands today.²⁶ It was found that on the twenty-third of April, the only water pump in town was taken possession of by a Chicago gambler named Cole, who demanded five cents for every drink of water and enforced his demands with a revolver.²⁷ He was soon removed by the military authorities.

There was much strife and confusion throughout the district. Long before April 22 many prospective settlers had crossed the Oklahoma boundary to stake claims in spite of the Presidential warning. Some of the intruders had eluded watchful soldiers, had chosen homesites, and had then hidden in timber or ravines near by until the hour of the opening. Bonafide settlers who arrived within the heart of the

²⁵ Wicks, op. cit., p. 136; Peery, Ibid., p. 306; Tribune Extras, I, pp. 23-29.

²⁶ Scott, op. cit., p. 94; Seminole Town Company capitalized at \$300,000, see "Corporation Charter Book," Secretary of State of Kansas.
²⁷ Helen C. Candee, "Oklahoma," The Atlantic Monthly, LXXXVI, p. 329.

district well ahead of other racers were more than once chagrined to find these intruders occupying, and sometimes even plowing, choice claims. These individuals have already been referred to as "sooners," because they had entered Oklahoma sooner than they were entitled to under the President's proclamation.

There were others who made the run from Santa Fe construction camps. William L. Couch was employed at this time in the construction of a segment of the Santa Fe roadbed near the North Canadian River, within what is now eastern Oklahoma City. Couch had engaged Mrs. Rachel Anna Haines²⁸ as cook and proprietress of his dining shack. On the morning of April 22 she, with her son George, mounted a horse and crossed the river and staked her claim.²⁹ Meanwhile, Couch located another quarter-section claim west of and including the site of the present Montgomery Ward building. But soon other contestants arrived and a bitter controversy ensued. The most persistent was J. C. Adams. Adams's annoying efforts finally led to a gunfight with Couch in which the Boomer leader was wounded. Couch died on April 21, 1890, from his wounds, leaving his family to keep up the unequal struggle to hold the claim.³⁰

The courts were burdened with many cases as other sooners encountered the same kind of opposition. In the Smith vs. Townsend case, Oklahoma, No. 1173,³¹ the Supreme Court of the United States

²⁸ See footnote 53, p. 57.

²⁹ Peery, "Colonel Crocker and the Boomer Movement," op. cit., p. 287.

³⁰ Rister, op. cit., p. 211.

³¹ Ibid., p. 212.

upheld a territorial court decision that those who had made the run of April 22, 1889, from railroad construction camps had violated the terms of the President's proclamation and were, therefore, disqualified from holding claims.

Not many other members of Payne's Oklahoma Colony were able to enjoy the land for which they had fought. Of more than fourteen thousand certificate-holders in the Payne colonizing movement only Sam Crocker, Albert C. McCord, Captain J. B. Cooper, T. W. Echelberger, and a few others who had been followers of both Payne and Couch had established homes along or near the North Canadian, and less than one thousand had found claims elsewhere in Oklahoma in 1889.³² Some of them had spent more of their own money than a 160 acre Kansas or Texas farm would have cost. But the average Boomer felt that he had been amply repaid for his labor and expenditure, for by pluck and persistence he had caused Oklahoma to be opened to thousands of homeless people.

Later visitors to the sites of Payne's and Mrs. Haines' claims found evidence of the irony of fate. Where Mrs. Haine's house stood, a steel oil derrick rears skyward. Twelve others are located on the 160 acre tract. Farther to the east is the 640 acre claim which Payne sought to establish in 1880, east of present day High Street and south of Southeast 29th Street. It became the very center of Oklahoma City's great oil field.³³

³² Peery, "Colonel Crocker and the Boomer Movement," op. cit., pp. 287, 288.

³³ On November 11, 1960, the author revisited this part of Oklahoma City and with the help of the Oklahoma State Historical Society, Oklahoma City, he was able to see the approximate location of both Mrs. Haines and David Payne's claims.

Many things combined to make the first two years in Oklahoma especially hard ones for the farmers on their new claims. Large numbers of them had already failed in western Kansas or northwestern Texas on account of drought or had been waiting on the borders of the country until their resources had been exhausted. The opening was too late in the spring for any crops to be raised in 1889, so the farming population was totally dependent on the results of the harvest of 1890. But through some strange freak of fate a severe drought occurred in that year which ruined the first crops throughout the new territory. Many were practically destitute, and only the assistance given by the United States and by the newly organized counties and municipalities, averted widespread disaster.³⁴

The Santa Fe, and the Rock Island railroads did their share toward relieving the situation by furnishing seed wheat to farmers at actual cost without transportation charge, to be paid without interest from the first crop. With this help and that of favorable weather conditions, abundant crops were produced in 1891, and the farmers were well started on the road to prosperity.³⁵

The Dawes act of 1887 had paved the way for the opening of the reservations in the Indian Territory. The act of March 2, 1889, 25 Statutes, 1004, by which "Oklahoma" proper was opened to settlement, also established a commission of three members to be appointed by the President to negotiate with the Cherokees and all other Indians owning

³⁴ Peery, "First Two Years," op. cit., pp. 312-317.

³⁵ Ibid., p. 315; Gittinger, ib. cit., pp. 162-63.

or claiming land west of ninety-sixth parallel in Indian Territory, for the cession of all title in such lands to the United States. This body was known as the Cherokee commission.³⁶

In accordance with the terms of the Dawes act, which was supplemented by special agreements with the tribes, lands were allotted in severalty to 2,718 Indians on the Iowa, Sac and Fox, and Pottawatomie-Shawnee reservations situated east of the Oklahoma district. After the Indians had received their allotments, 941,000 acres remained, and on September 22, 1891, this area was opened to settlement.³⁷

The land was not given away. It was sold in tracts of 160 acres each for \$1.25 per acre, to actual occupants only,³⁸ who must be qualified to enter land under the homestead law. In spite of the restriction, 20,000 people gathered on the borders of the reservation to await the opening.

The rush was similar to the one of 1889. Practically every tract was occupied on the first day. However, local governments were established before the settlers entered, two town sites, Chandler and Tecumseh, being reserved by the Government for county seats.³⁹ The advantage of a territorial organization already established, and with

³⁶ The members of the Cherokee Commission appointed by the President consisted of David H. Jerome, Alfred M. Wilson, and Warren J. Sayre.³⁷ See below, Gittinger, *op. cit.*, p. 151.

³⁷ Dora A. Stewart, Government and Development of Oklahoma Territory, 38. 61-62.

³⁸ Oklahoma Red Book, 1, p. 460.

³⁹ Ibid., articles II, III, IV, V, pp. 454-55.

careful management, the second opening was on the whole peaceful and the newly occupied area soon became an integral part of the territory.

The pattern having been set, the public demanded the opening of 12,000,000 acres of unoccupied Indian lands in southwest Indian Territory. The government plan originally visualized this land as a future home for Indians and also for recently freed Negroes. Now Congress, responding to public demand, authorized the President to open this area, which he did in small districts.⁴⁰

Three million acres remained after allotments had been given to the Indians in the Cheyenne-Arapahoe district. However, no rush attended this opening on April 19, 1892, as the land was not thought to be desirable, and most of it was far from a railroad. Meanwhile the government had completed the negotiations with the Cherokees for the opening of the Outlet.

The Kansas people took only a minor part in the settlement of the southwest part of Indian Territory. They wanted the government to open the Cherokee Outlet.

There were many reasons for this great interest in the Cherokee Outlet or "strip" as it was called. One of the greatest being that it was forbidden to settlement. It had been assigned to the Cherokees in perpetuity. However, they never did live on the Outlet. It was traversed by their hunters on their way west to the buffalo herds. When Kansas was opened to settlement, the Osage Indians and some other tribes were settled on the eastern part of this land making the Outlet

⁴⁰ Bliss Isely, "How Kansas Mothered Oklahoma," Kansas Teacher, March, 1957, p. 40.

of little use to the Cherokees. It was crossed by three railroads. The areas to the north and the south were well populated. The homesteader wished to farm the area; to break the power of the great cattleman's combine, which until 1890, had been using it. The railroads wished to see it settled, in order to increase their own profits.⁴¹

The "booming" for the opening however, came from the southern border towns of Kansas who saw possibilities for great financial gain. They saw the strip as a vast new trade territory which would initially be dependent upon them for goods and services of all types. In booming the territory for settlement they also hoped to interest new capital into the area. "Oklahoma" had been settled after ten years of booming, and now that public opinion was in favor of settlement of all the Indian lands, the boomers once again camped on the Kansas border, looking south, but this time with greater hope.

When the Indian appropriation bill of March 3, 1893, was finally approved by Congress, it contained the legislation necessary to carry out the cession of the Cherokee Outlet from the Cherokee Nation to the federal government. Patience, persuasion, and determination characterized the work of the Cherokee commission in conducting the governmental negotiations.

During the boomer agitation, 1879 to 1889, the authorities had reluctantly allowed the Cherokees to make leases.⁴² The Indian agents

⁴¹ Jean C. Lough, "Gateways to the Promised Land," Kansas Historical Quarterly, XXV, p. 17.

⁴² The making of the leases is discussed in chapter II. For a complete discussion, see E. E. Dale, "The Ranchman's Last Frontier," Mississippi Valley Historical Review, X, pp. 34-36.

of the different reservations in Indian Territory had received the passive sanction, at least, of the Interior Department in support of leasing large areas of land for grazing purposes. In 1889 the Cherokee Strip Livestock Association, to support their vital lease of the Outlet, encouraged the Indians to reject the offers of the government.

The government, however, had committed itself to the idea of severalty holdings for the Indians and to the distribution of surplus lands to white settlement. To insure the success of the Cherokee commission, President Harrison, on February 17, 1890, issued a proclamation which warned cattlemen that they would no longer be permitted to occupy the Outlet and demanded that all cattle be removed by October 1, 1890.⁴³ Roy Gittinger has stated: "This proclamation not only put a stop to the intrigues of the cattlement, but it also made this western tract practically valueless to the Cherokees. They could not expand into the Outlet, as other reservations separated it from the district in which they lived."⁴⁴ Since the President's order was to be enforced by the United States troops, the Cherokees realized that the government was ready to coerce them.⁴⁵

Accordingly, an agreement was concluded at Tahlequah, I.T., December 18, 1891, between the Cherokee commission, on the part of the United States and Elias C. Boudinot and others on the part of the Cherokee Nation. The federal government agreed to pay the Cherokees

⁴³ James D. Richardson, Messages and Papers of the Presidents, IX, p. 97⁴⁴

⁴⁴ Gittinger, op. cit., p. 165.

⁴⁵ The Oklahoma Red Book, op. cit., p. 465.

\$8,595,736.12 for 6,122,754 acres, the total area of land actually ceded.⁴⁶

When the news reached Kansas that settlement had finally been arranged with the Indians for the cession of the Outlet, wild rejoicing took place. At Arkansas City an editorial in the Weekly Republican Traveler said:

For years a little band of faithful men in this city have worked in season and out of season for the consummation of the end which we are celebrating today. Money has been expended in large sums in a legitimate way and the rewards of these sacrificing men have too often been curses and misrepresentation.⁴⁷

Now there was hope of more substantial rewards.

After President Harrison's order for all cattle to be removed from the strip, thousands of head of cattle were driven to the stockyards at Hunnewell for shipment to market by way of the Santa Fe and Frisco branch lines.⁴⁸ The population of the town multiplied in the tradition of earlier cowtown shipping centers and business flourished.

The Presidential proclamation setting the time of the opening was slow in coming. The government was attempting to find a more satisfactory method of settlement than the "run" system used in the three previous openings. During this period the Kansas border towns busied themselves in advertising the approaching run and the homesteaders began arriving by the thousands.

⁴⁶ Stewart, op. cit., pp. 73-74. \$295,705 paid in cash and \$8,300,000 to be paid in five equal installments.

⁴⁷ Weekly Republican Traveler, Arkansas City, March 9, 1893.
⁴⁸ Lough, op. cit., p. 19.

The early arrival of great numbers of homesteaders was partly due to the Panic of 1893, when there occurred one of the worst financial panics in the nation's history. Banks closed and money was extremely scarce. Nearly one-third of the farmers in the western subregion of Kansas migrated because of continued drought, small crops, low prices, and mortgage foreclosures.⁴⁹ A resident of Coldwater, Kansas wrote in 1890, "fully one-half of the population of about all of the southwestern Kansas counties have left this country during the past twelve months, and one-half of the remainder will leave as soon as the Cherokee Strip or Outlet is opened...."⁵⁰ There was little employment to be found by the boomers and they generally had to rely on hunting and fishing to sustain them while they waited. According to the Bureau of Labor and Industry, the unemployed actually reported in Kansas numbered 74,345 in 1893. Of this total, the south central Kansas area accounted for 15,415. Sedgwick county led with 1,695 unemployed; most of this number was reported from Wichita.⁵¹

Once again, Arkansas City and Caldwell became the centers for the waiting boomers, with Cale, Hunnewell, South Haven, Kiowa, Anthony and Ashland also close to the border and hoping to get some of the boomer trade. However, with the attraction of the railroad Arkansas City and Caldwell grew considerably.

⁴⁹ Richard Sheridan, Economic Development in South Central Kansas, p. 241.

⁵⁰ Bradstreets'--- A Journal of Trade, Finance and Public Economy, May 3, 1890, p. 282.

⁵¹ Kansas Bureau of Labor and Industry, Ninth Annual Report, 1893, 538, pp. 666-67.

President Cleveland issued his proclamation on August 19, 1893, declaring the land would be opened to settlement at noon on September 16, 1893.⁵² In particular the settlers were given the protection of local government; but this was not new, as it had been done at the second and third openings, and once again the "run" system was to be used. At a given signal all participants would rush forward, and the first person to arrive at a location could drive his stake and lay claim to that homestead.

Preparations were also made to keep ineligible persons from taking part in the rush. On September 11, nine registration booths were established, five on the northern and four on the southern border, where people were to register and receive certificates declaring they were qualified to occupy land under the Homestead law. These certificates were to be shown before legal entry could be made to the strip on opening day, and before filing claims.

The booths were manned by three clerks from the General Land Office, but the rush of applicants was so extraordinary more help had to be secured to take care of the great throngs of people desiring to register.

According to Steven Clark Singleton⁵³ the registration booths at Arkansas City was located in three different tents, five miles south and one-half mile west of this community. He related that he had

⁵² Richardson, *op. cit.*, IX, p. 406.

⁵³ Interview with Steven Clark Singleton, December 30, 1960, at Yates Center, Kansas, who with a brother drove in a buggy from the southeastern part of Woodson county to Arkansas City, August, 1893, to register for a land claim and take part in the opening of the Cherokee Strip. A number of incidents were related to the author by Singleton, who will be 95, February, 1961.

planned to walk out before daybreak, September 11, to register early and beat the crowd. When he arrived the line was already a mile and one-half long, numbering close to 7,000 people. Most people had been in line for days, sleeping on the ground. Three days in the waiting line was normal. The heat was intense, and numerous cases of heat prostration and sunstroke, with some deaths were reported.

Meanwhile, the crowd on the border grew, and it grew distinctly surly. They were now getting men in decided contrast to the prairie-schooner crowd. Warnings were issued to watch out for pickpockets and thugs of all kinds. Every kind of riff raff, gambler, outlaw, extortionist that could be found in the west had drifted in; all looking for a way to gain an easy dollar.⁵⁴

The "strip" had for years been used by outlaws as a refuge, and on the day before the run a scout appeared in Arkansas City, arriving from the Osage country, and notified all the banks that the remnants of the Dalton-Starr gang were camped about thirty miles south. It was believed they were planning to rob the banks after the people had left for the opening. No raid took place.⁵⁵

"ogus certificates were issued, and violence and death was not unusual. Men were killed for their money, and for their certificates. More often, they fought and killed over gambling, women, and even attempts to crash the waiting line at the registration booths.⁵⁶ But

⁵⁴ Ibid., December 30, 1960.

⁵⁵ J. B. Milam, "Opening of Cherokee Outlet," Chronicles of Oklahoma, IX, p. 271; Lough, op. cit., p. 24.

⁵⁶ Interview, op. cit., December 30, 1960; Lough, Ibid., p. 29.

by far the vast majority of the homeseekers were honest, hard-working people, who behaved in an orderly manner, until the run started.

Many of the people who traveled to the Kansas border before the opening day became disgusted with the crowds, the registration procedure, the dust and hot winds, and returned to their former homes. Their places were quickly filled by new arrivals. Fortunately, although the settlers had come from almost every part of the United States and from abroad, the great majority of them were from the Middle West, particularly Kansas, where climatic and drought conditions were not too different from those of the Outlet. These people were better able to endure the hardships prior to the opening.

Finally the eventful morning broke. A day exactly like all the rest that summer---hot, dry, and dusty.⁵⁷ Even before daylight people began crowding on the starting line. At a quarter to twelve, a few miles east of Arkansas City, a man's revolver accidentally discharged. A middle-aged man on horseback, mistaking it for the starting gun, dashed at a gallop across the line. Efforts of the yelling crowd to get him back was fruitless; the man imagined the pack at his heels. A soldier casually raised a carbine and did what he had a right to do: he shot the man through the head. Many wondered why he did not think to shoot the horse.⁵⁸

The waiting line was a breath-taking-sight. First in the line was a solid bank of horses --- with riders, or hitched to gigs, buckboards, carts, wagons --- as far as the eye could see and even farther. The

⁵⁷ Seth K. Humphrey, "Rushing the Cherokee Strip," Atlantic Monthly, CLXVII, p. 568.

⁵⁸ Ibid., p. 571.

number taking part was estimated at well over 100,000. More recent findings would place this figure even higher. The homeseekers at Arkansas City alone have been estimated at 70,000.⁵⁹

S. C. Singleton related that a minute before twelve, noon, on the line just south and east of Arkansas City, a white horse bolted from the line, and the excited, anxious settlers, fearing they would be left behind, broke from the line with a huge crackling roar, and the greatest, most unforgettable race in history was underway. The settlers at this point never heard the official starting signal.⁶⁰ The horsemen and bicyclists were easily in the lead, followed by the heavier carriages and wagons. In the rear could be seen those making the race on foot. Their only hope was to find a claim the onrushing crowd had overlooked.⁶¹

Clouds of dust obscured the vision of those not in the lead, causing many accidents. One heavy wagon, loaded with six men, was accidentally driven over an eighteen foot embankment.⁶² People falling from stumbling horses were in great danger of being trampled in the rush. Broken arms, legs, and necks were not uncommon, and some were even burned to death. As the horsemen established a good lead over the rest of the crowd, some would dismount and set fire to the dry prairie, so those in behind them could not advance.⁶³

⁵⁹ Lough, op. cit., p. 29.

⁶⁰ Interview, op. cit., December 30, 1960.

⁶¹ There are excellent pictorial stories of the Oklahoma "Boomers," and The Last Frontier, see Robert E. Cunningham, ed., Indian Territory: A Frontier Photographic Record by W. S. Prettyman, University of Oklahoma Press, 1957.

⁶² Lough, op. cit., p. 26.

⁶³ Ibid., p. 27.

The prairie was littered with dead horses, broken rigs and wagons. Nearly every kind of conveyance known to man had been used in this race. The fine race horses imported for the occasion⁶⁴ could not stand the distance or the terrain. One man rode an excited thoroughbred race horse uncontrollably for twenty-four miles before it dropped dead.⁶⁴

The actions of the trains caused much amusement. As the signal was given the engine labored hard and tooted incessantly, but could not get underway with the quickness of the horses.⁶⁵ The trains were loaded to the roofs. The first Rock Island with thirty-five Montgomery Palace Cattle Cars, out of Caldwell, was jammed with nearly 5,300 people.⁶⁶ The Santa Fe yards at Arkansas City was in a state of confusion. "At least 15,000 people, including most of the population of Arkansas City, were there to board the trains."⁶⁷ Some going in just to see the show..

To equalize the race the trains were forbidden to travel faster than fifteen miles per hour, "but with everybody on the train openly mad with excitement and a cash inducement, the engineer could make the old girl cough a little faster than the rules allowed. Therefore, some trains carried into the Strip what might be termed a load of legally qualified sooners."⁶⁸

⁶⁴ Ibid., p. 27.

⁶⁵ Humphries, op. cit., pp. 572-73.

⁶⁶ L. R. Elliott, "The Greatest Race of the Century," The Kansas Historical Quarterly, XXIII, p. 207.

⁶⁷ Ibid., p. 207.

⁶⁸ Humphries, op. cit., pp. 572-73.

Besides the difficulties of the run itself, the settlers had to deal with the ever present sooners, who had managed to slip in before the appointed starting hour, and the claim jumpers. S. C. Singleton and his brother came upon a man knee deep in a stream about fourteen miles south of Arkansas City. The man was busily engaged in splattering his non-winded horse with mud and water, and deduced this was evidently a sooner.⁶⁹ The patrolling soldiers were unable to guard every inch of the border, and especially the eastern border, which was Indian Territory. Some sooners were caught and escorted out of the territory or held in custody until after the run, and a few were killed by the soldiers. However, some of the soldiers could be bribed. The Weekly Republican Traveler, October 26, 1893, carried the story of one man who paid a soldier \$25.00 to hide him in a hole on a claim the Friday night before the opening. At twelve noon, Saturday, the man emerged and found four other men had already staked on the claim.⁷⁰

The race for townsites was made primarily by those on the trains, some being investors in town lot companies, such as the Ponca Town Company and the Cherokee Town Site Trust Company. The trains had to stop at every station, and slow down or stop every five miles. As a result, the men on horseback arrived at the prospective townsites before the trains. At Orlando, Oklahoma Territory, nearly 25,000 people were gathered for the race to the town site of Perry, a short distance of ten miles. It took the trains forty-five minutes to get to

⁶⁹ Interview, op. cit., December 30, 1960.

⁷⁰ Weekly Republic Traveler, op. cit., October 26, 1893.

Perry. By the time the first train arrived approximately 1,000 horsemen were there and had staked their claim. By two in the afternoon there were 20,000 people in Perry.⁷¹

Sam P. Ridings, who took a claim near Pond Creek and later wrote a book, The Chisholm Trail, relates that he saw a haggard traveler who had come by train and was walking back to Kansas. Asked by Ridings why he did not ride back by train, he answered, "I will not ride a train where a horse can outrun it by thirty minutes in thirty miles."⁷² More than 60,000 people lost this race, and the trains heading north out of the strip were overloaded. S. C. Singleton related that before he reached Chikaskia River, near Blackwell, he met hundreds of wagons returning to Kansas. He also had lost the race.⁷³

After the Cherokee Outlet opening, the federal government gave up the races for land. Instead, it set up a lottery in which the land seeker drew a number and, if lucky, got a claim. Seventy years later men and women who participated in the Oklahoma races still tell of the old days and regret that those times have faded away.

To the people of Kansas a new frontier was open; the obstacle to trade, commerce and development had been removed; the progress of business organization towards Texas and Mexico could now be accomplished. What the opening meant to the people of Kansas is summed up by the

⁷¹ Lough, op. cit., p. 28.

⁷² Isely, op. cit., p. 41.

⁷³ Interview, op. cit., December 30, 1960.

people of Wichita and south central Kansas in general by the following testimonial:

One day Senator Plumb wrote a letter to Wichita that the Oklahoma opening band wagon was enroute, and that notwithstanding the personal feelings of Wichita, and the Southwest, as to the effect on Kansas by this Indian Territory being thrown open to settlement, the only thing to do was to get into the band wagon and all take a ride. We "got" immediately. We had a meeting at once. We had Crocker and others here at once, and called a meeting at the Crawford Grand that was a "James Dandie."

Weaver, once a candidate for president, was here. Charles Mansur, congressman from Missouri, was here. Old (Illinois) Bill Springer, afterward judge in the territory, was here. We played our hand for every cent that was in it. We were the home of David L. Payne, the original "Oklahoma Boomer," beginning in 1874. Bill Couch was one of our "things." Bill was the "Elisha" who caught Dave Payne's falling mantle ere it struck the dust in Sumner county. Wichita, by right of ownership, was the place to have the monster Oklahoma meeting. This meeting was a grand-stand play, and played to standing room only. Congress was absolutely paralyzed by our demonstration, and passed the bill as soon as it could after our meeting.

This proved to us that Oklahoma as a buyer of goods, wares and merchandise, was to be our commercial solution. It has so proved. It is the customer that will never fail us. We will be its Kansas City. It will be to us in trade, "Kansas expansion."

When Oklahoma has two million people Wichita will be forced to add millions of capital to do business. The peopling of Oklahoma is Wichita's greatest source of prosperity.

Long live Oklahoma!⁷⁴

⁷⁴ Koss Harris, "The Oklahoma Boom," History of Wichita and Sedgwick County, I, pp. 225-226. The underlining in the above excerpt is of this authors own doing.

CHAPTER VI

HOW KANSAS MOTHERED OKLAHOMA

The "Oklahoma" run of April 22, 1889, has become "ancient" history and few Oklahoma citizens know to whom they are indebted for providing the impetus for their wonderful state. This distinction goes to not only the untiring efforts of David L. Payne, now recognized as "The Father of Oklahoma," and the members of his Oklahoma Colony, that for a decade persisted with determination to secure the opening of the unassigned Indian lands at the earliest possible date, but also to those enterprising citizens of Kansas and elsewhere who saw in the new country a vast store of wealth.

For more than a decade, 1879 to 1893, southern Kansas was the focal point for all those interested in obtaining free lands to the south. From all over the United States newspaper comment helped to direct the attention of first the public and then that of Congress to the demand for settling Indian Territory. The publicity created by the Boomers at times drew thousands of people into the area bordering Indian country and not a few of them came with the expectation of immediately obtaining a homestead in the new district. Finding this not true, but thinking the ultimate opening was imminent, many took up temporary residence to await that day.

A residence that was intended to be temporary absorbed the interests of many of the "Oklahoma boomers," and while waiting many became enthusiastic Kansans. This was at the height of the "Kansas Boom," a wave of prosperity, immigration, and real estate development of the eighties.

The economic history of south central Kansas shows alternating periods of drought and flood; bumper crops and crop failure; high and low prices; immigration and emigration; boom towns and ghost towns; prosperity and depression. The unprecedented boom in the mid-eighties gave vent to all these.

The introduction of the steel prairie breaker in the seventies, followed by the sulky and gang plows of the eighties and nineties, greatly expedited the task of breaking the prairie sod and bringing the land under cultivation. Invention of barbed wire and other tillage implements, such as the adjustable straight-tooth harrow, the disc harrow, the field cultivator, and the lister encouraged extensive farming methods adapted to conditions on the plains, greatly reduced labor requirements and lowered costs. At the same time, there were introduced new or improved varieties of crops adapted to the Kansas climatic conditions, beginning with the hard winter wheat imported by the Mennonites, and eventually including drought-resisting sorghums and alfalfa. Improvements in harvesting machinery, especially those represented by the self-reaper, the twine binder, and the steam-driven threshing machine, did much to further the development of grain production by extensive methods.

The greatly increased yields resulting from these new agricultural techniques, aided by years of plentiful moisture and comparative high prices for both wheat and corn during the early eighties, produced a wave of prosperity that soon reached the proportions of a boom. Settlers poured into central Kansas, where fertile lands could be purchased at low prices. Many farms were reportedly paid for by the

profits from a single crop.¹ The inevitable consequence sent land values soaring and stimulated the inrush of newer settlers.

Many of the immigrants of the "boom years" were speculators rather than dirt farmers. Although the fertility of the new farm lands and the efficiency of the improved methods of extensive farming provided a sound basis for a moderately growing population and a reasonable increase in land values, "there was no justification for the bonanza scale of growth nor for the exorbitant prices paid for land during the climax of the boom."² One farm near Abilene that was bought for \$6.25 per acre in 1867 sold at \$270 in the peak year, 1887. Town lots increased ten-fold in value in a few months. The population of most counties in the central and western parts of the state doubled in the five years preceding the boom's collapse. Railroads were rapidly extended not on the basis of legitimate need but as a means of further increasing land values. The decade of Oklahoma "agitation" saw the completion of more than half the Kansas rail mileage. Townships, cities and counties bonded themselves heavily for the purpose of railroad construction. Money was easy to obtain for purposes of speculative expansion and the mortgage indebtedness borne by real property reached unprecedented heights.³

The inflated boom-time economic values collapsed in 1888. Falling market prices for farm crops, high cost of the heavy debt burden, and

¹ Raymond C. Miller, "Background of Populism in Kansas," Mississippi Valley Historical Review, March, 1925, XI, p. 482.

² Ibid., pp. 481-482.

³ Glenn H. Miller, Jr., "Financing the Boom in Kansas," Unpublished M. A. thesis, Kansas University, 1954, p. 31.

rainfall, especially in the western counties, was insufficient to produce satisfactory yields, contributing to the inevitable crash. The depression inevitably spread from the farms to the towns. In a predominately agricultural region the townsman's livelihood depended in a very material sense upon the economic well being of his country neighbor. Valiant attempts were made to prolong the town boom after the rural base gave way, but they proved to be futile gestures. Many townsmen were forced to quit the dream of having a second Chicago and seek other ventures. Those remaining faced a long period of high taxes, foreclosure, bankruptcy, bank failure, unemployment, and bread lines, not to mention the constant reminder of unfulfilled hopes in the form of empty store buildings and houses, abandoned real estate additions, and grass grown streets.

But while the more spectacular collapse occurred in the towns and cities, the most severe hardships fell upon the more numerous farmers who had bought land at boom prices. In some counties in the central region, three-fourths of all farms were mortgaged, the debt not infrequently exceeding the value of the farm when the deflation came. Three out of every five acres listed for taxation in the state were encumbered in 1890.⁴ To make matters worse, several bad crop seasons followed and grain prices continued at low levels. "The rural suffering during these years has probably never been equalled in the history of the state."⁵

⁴ Raymond C. Miller, op. cit., pp. 478-83.

⁵ Richard Sheridan, Economic Development in South Central Kansas, p. 215.

Frantic businessmen and Boards of Trade were commissioned to search for prospective markets and covetous eyes were drawn to the vacant Oklahoma lands. Is it no wonder then that Kansas towns began acting? Promotion went into high gear. Businessmen's clubs and committees raised funds for advertising, and solicited names of people to whom they could send literature. Oklahoma Boomer literature was printed and widely distributed.

Mass meetings were held all over southern Kansas, memorials and resolutions were drawn up, to be sent to Congress, all demanding that "Oklahoma" be opened. Taking matters in hand the Kansas City Board of Trade and Commercial Club called a conference of prominent citizens, Presidents of Boards of Trade and mayors of cities and towns from Kansas, Missouri, Arkansas, Texas, Colorado, and the Territories of New Mexico and Indian Territory, to consider what action should be taken to impress upon Congress and the President the importance of immediate action for the organization of the whole or a part of the Indian Territory as a Territory of the United States.

The Kansas response to the conference was overwhelming. Delegations from the following Kansas towns signed the registry: Abilene, Arkansas City, Anthony, Baxter Springs, Beloit, Bigelow, Burlington, Caldwell, Chetopa, Columbus, Concordia, Council Grove, Dodge City, Fort Scott, Garden City, Geuda Springs, Great Bend, Hiawatha, Hutchinson, Iola, Junction City, Kansas City, Kiowa, Lake Kearney, Lakins, Lawrence, Leavenworth, Lucas, Marion, McLouth, Merriam, Minneapolis, Nickerson, Olathe, Paola, Parsons, South Haven, Topeka, Winfield, Wichita, Wyandotte and Wellington. One group headed by

W. L. Couch and Sam Crocker represented a group of fifty southern Kansas towns. "Not more than a quarter of those in attendance upon the conference registered their names, and many delegates, duly accredited from the places which they represented also failed to comply with this formality." It is estimated that representatives from nearly one-hundred Kansas towns were present.⁶

The delegates came away from the convention well-impressed by the need for harmonious development of the Southwest. They believed the commerce and industries of the nation required the organization of "Oklahoma" Territory. The consuming capacity of any new country would be enormous. The demands placed upon manufactures and trade would be felt in all parts of the country particularly on adjacent areas.

Testimony to the fact that Kansans believed in the future of Oklahoma can be found in the Kansas "Corporation Charter Books." A brief review revealed that from many towns businessmen formed over fifty corporations, representing a total capitalization of over \$10,000,000, to do business in or with Oklahoma and Indian Territory when settlement would be permitted.⁷

With the news of the Presidential proclamation setting the date for the April 22 opening, "wild rejoicing" took place. In anticipation of the opening date the railroads were taxed to complete all the shipping orders of thousands of pounds of freight scheduled to be

⁶ Proceedings of the Convention to Consider The Opening of the Indian Territory, Held At Kansas City, Mo., February 8, 1888, pp. 5-11, in archives of the Kansas State Historical Library.

⁷ "Corporation Charter Books," Secretary of State of Kansas, in archives of Kansas State Historical Library. See Appendix E.

shipped south into Oklahoma. Then, the week following the 1889 opening saw the justification Kansans saw in their new market as a steady stream of Kansas goods flowed into the new Territory. However, the real benefit came in the opening of the Cherokee Outlet in 1893.

The southern border towns of Kansas were anxious to see the Outlet settled. They saw the strip as a vast new trade territory which would necessarily be dependent upon them for goods and services of all types. Arkansas City had a population in 1893 of 9,264, an increase of almost 1,000 since 1892. Caldwell had 2,138 residents in 1893, an increase of around 140 persons. Doubtless these increases were attributable to the arrival of the earliest boomers, who found jobs and settled in the community, and the arrival of new businesses, preparing to take advantage of the great crowds expected and the anticipated business. As the opening date of September 16 drew near, stores along the border were frequently sold out and reordered stock almost daily.⁸

While the excitement was going on in the Cherokee strip, the surrounding towns prepared for the new business. Within four hours of the start of the race, orders began to roll into Arkansas City for lumber and supplies. The eagerly awaited market had been opened. Trains running south into the strip were overloaded with passenger trade; as it slackened the freight trade increased. For over their

⁸ Weekly Republican Traveler, Arkansas City, May 11, 1893: Arkansas City paraded its economic possibilities in the press---water supply from two rivers, three railroads, three newspapers, three mills, four banks, stockyards, streetcar lines, electric lights, and telephone exchange. The industries included a reclining chair factory, a canning factory, and makers of bricks, carriages, mattresses, and wind machines, as well as a wholesale grocery.

lines rolled the goods to build and stock not only stores but cities. Economically they were doing well. Arkansas City estimated an additional \$250,000 had been left there by settlers making the run.⁹ However, there was a marked decrease in Kansas' population.

The population of Arkansas City fell from 9,264 in 1893 to 7,120 in 1894. Caldwell went from 2,138 to 1,386 and Kiowa fell from 1,358 to 504 in a year. There were similar losses all along the border as the census figures reveal, and significant losses were in the western counties.

These losses, of course, cannot be attributed entirely to the opening of the Cherokee Outlet, because many families had already despaired of the current depression and went back east "to the wife's folks," or elsewhere in the state to find work. However, Jean Lough estimates the opening of the Outlet cost Kansas "50,000 populist votes."¹⁰

While a great many Kansans felt that the "Oklahoma" opening would result in the solving of their economic ills, thousands of others sought reforms through political action. The embattled farmer sought relief through a number of movements, the strongest of which was the Farmers' Alliance. The movement flourished for several years demanding such reforms as government ownership and control of railroads and telegraphs, the Subtreasury Plan, and direct election of United States Senators.¹¹ The Alliance joined forces with the Union Labor and

⁹ Jean C. Lough, "Gateways to the Promised Land," Kansas Historical Quarterly, XXV, p. 30.

¹⁰ Ibid., p. 31.

¹¹ W. F. Rightmire, "The Alliance Movement in Kansas---Origin of the People's Party," Kansas State Historical Society, Transactions, 1905-1906, IX, pp. 2-3.

Democratic Party in September, 1889, to form the People's or Populist Party. Once started, the movement continued to grow until a national People's party was organized. Meeting with initial successes in 1890 and 1892, the party began to crumble after the 1892 elections. In spite of their meager accomplishments, the Populists did make a notable contribution to the tradition of American liberalism by alerting the mass of middle class Americans to the danger of monopoly capitalism. In Kansas the party was torn by the legislative war, dissention in ranks, and the rush to the "Promised Lands" in September, 1893.

The opening of "Oklahoma" and the adjacent Indian Territory to settlement was an event for which Kansas towns, primarily those along the border, had long worked, propagandized, and invested. In return they expected substantial economic prosperity and growth. These goals were only partially attained, for population losses appeared immediately.

To some Kansas communities the opening spelled either success or failure. While some areas gained in population, a great many others lost. By 1910 Wichita boasted a population of 60,000 an increase of 40,000 people. Assessed valuation was \$44,444,451, and growing. The wholesale and jobbing business amounted to \$40,000,000 annually. The list of manufacturers was extensive and, most important, was built on a more sound economic basis.¹² The population of Oklahoma by 1910 was

¹² Eugene Fahl, History of Wichita and Sedgwick County, Kansas, O. H. Bentley, ed., I, pp. 16-42.

nearly 600,000 and Wichita was the nearest commercial supplier. Those towns which were basically sound and whose industries could adapt to the resources and needs of the area managed to survive the lean years. Others, which had several rewarding years because of the strip boom, but which had no firm economic basis, never recovered. The Hunnewell of "boom" times soon disappeared. Caldwell reverted to an agriculturally dependent town with a small business section. Arkansas City grew with modern industrial potentials. The townsite of Cale was marked in later years by a lone and very rusty grain elevator.

There is no doubt that even without the efforts of David Payne and the Oklahoma Boomers Oklahoma eventually would have been settled. But one contemporary authority estimates that their efforts, combined with the desire of Kansas to overcome one of the worst calamities in their history, caused its settlement to be advanced ten to twenty years.¹³ In spite of reverses and hardships, the boomers did not lose their faith in the potentialities of Oklahoma. Twentieth-century descendants of these pioneers are sure that this faith was not misguided.

¹³ Marjorie A. Coyne, "David L. Payne, The Father of Oklahoma," Unpublished M. A. thesis, Wichita University, 1930, p. 184.

BIBLIOGRAPHY

BIBLIOGRAPHY

Government Publications

United States Records

Congressional Documents

Senate Executive Documents. 46 Cong. 1 sess., I (1869), 20; 48 Cong. 2 sess., II (2263), 17.

Senate Reports. 49 Cong. 1. sess., VIII (2362), IX (2363).

Congressional Records

Congressional Record. XVII. 48 Cong. 1 sess., 3689; 48 Cong. 2 sess., 81.

Laws of The United States

Statutes at Large of the United States of America. 4 Statutes; 11 Statutes; 23 Statutes.

Miscellaneous Records and Reports

Department of the Interior, Census Office, Eighth Census of the United States: 1860, Population of the United States. I, Washington: Government Printing Office, 1864.

_____, Ninth Census of the United States: 1870, Statistics of the Population of the United States, I, Washington: Government Printing Office, 1872.

_____, Tenth Census of the United States: 1880, Agriculture. III, Washington: Government Printing Office, 1883.

_____, Tenth Census of the United States: 1880, Statistics of the United States. I, Washington: Government Printing Office, 1883.

_____, Eleventh Census of the United States: 1890, Agriculture. V, Washington: Government Printing Office, 1896.

_____, Eleventh Census of the United States: 1890, Report on Population of the United States. I, Washington: Government Printing Office, 1896.

_____, Twelfth Census of the United States: 1900, Agriculture. V, Washington: Government Printing Office, 1901.

_____, Twelfth Census of the United States: 1900, Population. I, Part I, Washington: Government Printing Office, 1901.

Kansas

"Corporation Charter Books." Secretary of State of Kansas, 1878-1899.

Kansas Bureau of Labor and Industry, Ninth Annual Report, 1893, Topeka.

Kansas State Board of Agriculture, Twenty-Fifth Biennial Report, 1925-1926.

Unpublished Materials

Cain, Margaret. "An historical bibliography of Kansas." Unpublished M. S. thesis, Fort Hays State College, 1930.

Coyne, Marjorie A. "David L. Payne, the father of Oklahoma." Unpublished M. A. thesis, Wichita University, 1930.

Fowler, Olita L. "A historical sketch of Coffeyville, Kansas." Unpublished M. S. thesis, Pittsburg Kansas State College, 1938.

Long, Earl V. M. "The Wichita Real Estate Boom." Unpublished M. A. thesis, Wichita University, 1931.

Marple, Robert P. "An Historical Atlas of Kansas." Unpublished M. S. thesis, Fort Hays Kansas State College, 1949.

Miller, Glenn H. Jr. "Financing the boom in Kansas, 1879-1888, with special reference to Municipal indebtedness and real estate mortgages." Unpublished M. A. thesis, Kansas University, 1954.

Odom, Eunice M. "The Frontier in the Arkansas River Valley." Unpublished M. A. thesis, Louisiana State University, 1938.

St. Clair, Ruth R. "Historical background and settlement of Baxter Springs, Kansas." Unpublished M. S. thesis, Pittsburg Kansas State College, 1940.

Williams, Mary C. "The Opening of the Oklahoma Territory." Unpublished M. A. thesis, Columbia University, 1922.

Books

- Atchison, Topeka and Santa Fe Railroad, Land Commissioner. Fresh Facts About Kansas, the Star of the West. (With map showing railroad route and lands.) Topeka: Kansas State Historical Society, 1882.
- Atchison, Topeka and Santa Fe Railroad Co. The Truth About Oklahoma. Topeka, 1903.
- Athearn, Robert C. High Country Empire. New York: McGraw-Hill, 1960.
- Barnard, Evan G. Rider of the Cherokee Strip. Boston-New York: Houghton-Mifflin Co., 1936.
- Becker, Carl L. "Kansas," Essays in American History Dedicated to Frederick Jackson Turner. New York: Henry Holt and Co., 1910.
- Bentley, Orasmus H. History of Wichita and Sedgwick County, Kansas. Two volumes. Chicago: C. F. Cooper, 1910.
- Blackmar, Frank W. Kansas, A Cyclopedia of State History. Three volumes. Chicago: Standard Publishing Co., 1912.
- Bowman, Isaiah. The Pioneer Fringe. American Geographical Society Special Publication, Number 13. New York: American Geographical Society, 1931.
- Bracke, William B. Wheat Country. New York: Duell, Sloan and Pearce, 1950.
- Clark, Carroll D., and Roy L. Roberts. People of Kansas, A Demographic and Sociological Study. Topeka: Kansas State Planning Board, 1936.
- Clark, Ira G. Then Came the Railroads. Norman: University of Oklahoma Press, 1957.
- Clawson, Marion. Uncle Sam's Acres. New York: Dodd, Mead & Co., 1951.
- Connelley, William E., Secretary. History of Kansas Newspapers. Topeka: Kansas State Historical Society, 1916.
- Dale, Edward E. Indians of the Southwest. Norman: University of Oklahoma Press, 1949.
- _____, and Jason L. Rader. Readings in Oklahoma History. Norman: University of Oklahoma Press, 1930.
- Dick, Everett. The Sod House Frontier. New York: Appleton-Century-Crofts, 1937.

- Foreman, Grant. Indian Removal: The emigration of the Five Civilized Tribes. Norman: University of Oklahoma Press, 1953.
- Gittinger, Roy. The Formation of the State of Oklahoma, 1803-1906. Berkeley: University of California Press, 1917.
- Goodspeed, Weston A. "Oklahoma." The Province and the States, Volume III. Seven volumes. Madison: Western Historical Assoc., 1904.
- Hafen, LeRoy, and Carl Coke Rister. Western America. New York: Prentice-Hall, 1941.
- Hibbard, Benjamin H. A History of the Public Land Policies. New York: The Macmillan Company, 1924.
- Isely, Bliss, and W. M. Richards. Four Centuries in Kansas. Wichita: The McCormick-Mathers Company, 1936.
- Jackson, A. P., and E. C. Cole. Oklahoma: Politically and Topographically Described. History and Guide to the Indian Territory. Kansas City: n.p., 1885.
- Kraenzel, Carl F. Great Plains in Transition. Norman: University of Oklahoma Press, 1955.
- MacDonald, William. Documentary Source Book of American History, 1606-1926. Third edition. New York: The Macmillan Co., 1929.
- _____. Select Statutes and other Documents Illustrative of the History of the U. S., 1861-1898. New York: The Macmillan Co., 1899.
- Malin, James C. The Grassland of North America. Ann Arbor: Edwards Brothers, 1948.
- Matthews, William B. Matthews's Guide for Settlers upon the Public Land. Washington: William L. Wilson, 1889.
- Mechem, Kirke, ed. The Annals of Kansas, 1886-1925. Two volumes. Topeka: Kansas State Historical Society, 1954.
- Oklahoma and Indian Territory. Missouri and Pacific Railway Publication, 1898.
- Parrish, Randall. The Great Plains. Chicago: A. C. McClurg and Co., 1907.
- Polk, R. L. and Company. Kansas Gazetteer and Business Directory, 1888-1889. Detroit: R. L. Polk and Company, 1889.
- Puckett, J. L., and Ellen Puckett. History of Oklahoma and Indian Territory and Homeseekers' Guide. Vinita: Oklahoma Chieftain Publishing Co., 1906.

Prettyman, William S. Indian Territory: A Frontier Photographic Record. Selected and edited by Robert E. Cunningham. Norman: University of Oklahoma Press, 1957.

Proceedings of the Convention to consider the Opening of the Indian Territory Held at Kansas City, Mo., February 8, 1888. Kansas City: Press of Ramsey, Millett & Hudson, 1888.

Riegel, Robert E. The Story of the Western Railroads. New York: The Macmillan Company, 1926.

Rister, Carl C. Land Hunger. Norman: University of Oklahoma Press, 1942.

_____. No Man's Land. Norman: University of Oklahoma Press, 1948.

_____. Southern Plainsman. Norman: University of Oklahoma Press, 1938.

Rock, Marion T. Illustrated History of Oklahoma. Topeka: n.p., 1890.

Shannon, Fred A. The Farmer's Last Frontier: Agriculture, 1860-1897. New York: Rinehart and Company, 1945.

Sheridan, Richard. Economic Development in South Central Kansas. Part Ia. Lawrence: University of Kansas, 1956.

Stewart, Dora A. Government and Development of Oklahoma Territory. Norman: Harlow Publishing Co., 1933.

Streeter, Floyd B. Prairie Trails and Cow Towns. Boston: Chapman and Grimes, 1936.

The 89ers. Oklahoma, The Beautiful Land. Oklahoma City: Times Journal Publishing Co., 1943.

Thoburn, Joseph B., and Muriel Wright. Oklahoma, A History of the State and its people. Four volumes. New York: Macmillan Company, 1929.

Turner, Frederick J. The Frontier in American History. New York: Henry Holt and Company, 1920.

Webb, Walter P. The Great Plains. New York: Ginn and Company, 1931.

Wilder, Daniel W. Annals of Kansas, 1541-1886. Topeka: T. D. Thatcher, 1886.

Articles and Essays

- Abel, Annie H. "History of Events resulting in Indian Consolidation West of the Mississippi River." American Historical Association, Annual Report, 1906, I, 233-450.
- Beck, T. E. "Grant Harris on Payne." Historia, VIII, 7 (Apr. 1, 1921), 409-10.
- _____. "A Few Payne Siftings." Historia, VIII, 8 (July 1, 1921), 433.
- _____. "Col. David L. Payne Monuments." Historia, XIII, 1 (Apr. 1, 1922), 477-78.
- Brown, E. E. "No Man's Land." Chronicles of Oklahoma, IV, 2 (June, 1926), 89-99.
- Brown, James L. "Early and Important Litigations." Sturm's Oklahoma Magazine, VIII, 2 (Apr. 1909), 26-30.
- Buck, Solon J. "The Settlement of Oklahoma." Wisconsin Academy of Science, Arts, and Letters, Transactions, XV, 2 (1907), 325-80.
- Burgess, Henderson. "The Eighteenth Kansas Volunteer Cavalry and some incidents connected with it's service on the Plains." Kansas Historical Collections, XIII (1913-14), 534-38.
- Candee, Helen Churchill. "Oklahoma." The Atlantic Monthly, LXXXVI, 515 (Sept. 1900), 328-36.
- Dale, Edward E. "Cherokee Strip Live Stock Association," Chronicles of Oklahoma, V, 1 (June, 1927), pp. 69-81.
- _____. "Letters of the Two Boudinots." Chronicles of Oklahoma, VI, 3 (Sept. 1926), 300-1.
- _____. "The Spirit of Soonerland." Chronicles of Oklahoma, I, 3 (Sept. 1921), 67-85.
- _____. "Ranchman's Last Frontier." Mississippi Valley Historical Review, X, (June, 1923), 34-46.
- Dawes, Anna L. "An Unknown Nation." Harpers New Monthly Magazine, LXXVI, 454 (Mar. 1883), 598-605.
- Dillon, Sidney. "The West and the Railroads." North American Review, CLII, 413 (April, 1891), 443-60.
- Elliott, L. R. "The Greatest Race of the Century." Kansas Historical Quarterly, Spring, 1954, XXIII, 207.

- Gates, Paul W. "Role of the Land Speculator in Western Development." Pennsylvania Magazine of History and Biography, LXVI, 3 (July, 1942), pp. 314-33.
- Harger, Charles M. "The Governments Gift of Homes." Outlook, LXVIII, 16 (Aug. 17, 1901), pp. 907-10.
- Harris, Grant. "Publishing a Newspaper in a 'Boomer' Camp." Chronicles of Oklahoma, V, 3 (Sept. 1907), pp. 366-370.
- Henderson, James C. "Reminiscenses of a Range Rider." Chronicles of Oklahoma, III, 4 (Dec. 1925), p. 282.
- Humphrey, Seth K. "Rushing the Cherokee Strip." Atlantic Monthly, CLXVII (May, 1931), pp. 566-77.
- "In and Out of Oklahoma." The Nation, XLVIII, 1244 (May 2, 1889), pp. 360-61.
- Isely, Bliss. "How Kansas Mothered Oklahoma, eager Boomers and Sooners plagued the U. S. Army." Kansas Teacher, LXV, 7 (Mar. 1957), pp. 39-41.
- Jenness, George B. "Personal Recollections of Dave L. Payne." Sturm's Oklahoma Magazine, VI, 2 (April, 1908), pp. 15-20.
- _____. "A Criticism for Historical Accuracy." Sturm's Oklahoma Magazine, V, 6 (Feb. 1908), pp. 74-75.
- _____. "Fight of Payne and the Boomers." Sturm's Oklahoma Magazine, VIII, 2 (Apr. 1909), pp. 19-26.
- Jenness, Theodora R. "The Indian Territory." The Atlantic Monthly, XLIII, 258 (Apr. 1879), pp. 444-52.
- Kelly, H. B. "No Man's Land." Kansas State Historical Society, Transactions, IV (1889-1890), pp. 324-31.
- King, Henry. "The Indian Country." Century Magazine, XXX, 4 (Aug. 1885), pp. 599-606.
- Lough, Jean C. "Gateways to the Promised Land." Kansas Historical Quarterly, XXV, I (Spring, 1959), pp. 17-32.
- Marble, A. D. "Oklahoma Boomers' Trials and Troubles." Sturm's Oklahoma Magazine, VI, 5 (July, 1908), pp. 75-78.
- McMaster, Frank. "An '89er, How He Rushed and What For." Sturm's Oklahoma Magazine, VIII, 2 (Apr. 1909), pp. 45-48.

- Milam, J. B. "Opening of Cherokee Outlet." Chronicles of Oklahoma, IX, 3 (Sept. 1931), pp. 268-286; IX, 4 (Dec. 1931), pp. 454-475; X, 1 (Mar. 1932), pp. 115-37.
- Miller, James M. "Oklahoma Territory." New England Magazine, XVIII (Mar.-Aug. 1898), pp. 393-404.
- Miller, Raymond C. "Background of Populism in Kansas." Mississippi Valley Historical Review, XI, 4 (March, 1925), pp. 469-489.
- Moffitt, James W. "Diary of an '89er." Chronicles of Oklahoma, XV, 1 (Mar. 1937), pp. 66-69.
- Moore, Horace. "Nineteenth Kansas Cavalry." Kansas State Historical Society, Transactions, VI (1897-1900), pp. 35-52.
- Osburn, W. H. "Tribute to Capt. D. L. Payne." Chronicles of Oklahoma, VII, 3 (Sept. 1929), pp. 266-77; VII, 4 (Dec. 1929), pp. 375-87; VIII, 1 (Mar. 1930), pp. 13-34.
- Overstreet, R. M. "The Story of No Man's Land." Sturm's Oklahoma Magazine, VI, 2 (April, 1908), pp. 24-29.
- Peery, Dan W. "First Two Years." Chronicles of Oklahoma, VII, 3 (Sept. 1929), pp. 278-322.
- _____. "Colonel Crocker and the Boomer Movement." Chronicles of Oklahoma, XIII, 3 (Sept. 1935), pp. 273-96.
- _____. "Captain David L. Payne." Chronicles of Oklahoma, XIII, 4 (Dec. 1935), pp. 438-456.
- Phillips, Gladys G. "A Kansas Farmer and the Run." Kansas Magazine. (1953), pp. 91-94.
- Rightmire, W. F. "The Alliance Movement in Kansas --- Origin of the People's Party," Kansas State Historical Library, Transactions, 1905-1906, IX, 2-3.
- Rister, Carl C. "Free Land Hunters of the Southern Plains." Chronicles of Oklahoma, XXII, 4 (Winter, 1944-45), pp. 392-401.
- _____. "Oklahoma-The Land of Promise." Chronicles of Oklahoma, XXIII, 1 (Spring, 1945-46), pp. 3-37.
- "Selected Articles." Oklahoma Red Book, I, 1925.
- Spears, John R. "The Story of Oklahoma." Chautauguan, IX (June, 1889), pp. 533-35.
- Speed, John G. "The Oklahoma Land Lottery." Outlook, LXVIII, 12 (July 20, 1901), pp. 667-68.

- Smith, E. B. "Provisional Governments in Oklahoma." Southwestern Social Science Quarterly, XIII (Mar. 1933), pp. 353-367.
- Sturm, O. P. "Why Oklahoma's Dream Came True." Sturm's Oklahoma Magazine, VII, 6 (Feb. 1909), pp. 39-40.
- Terrill, I. N. "The Boomers' Last Raid." Sturm's Oklahoma Magazine, VIII, 2 (Apr. 1909), pp. 39-40.
- "The Story of Oklahoma." The Nation, XLVIII, 1240 (April 4, 1889), pp. 279-80.
- "The Week." The Nation, XXXIV, 883 (June 1, 1882), p. 453.
- Thoburn, Joseph B. "David L. Payne." Americana, New York, 1916, XXI, p. 433.
- Wardell, Morris L. "The History of No Man's Land, or Old Beaver County," Chronicles of Oklahoma, I, 1 (Jan. 1921), pp. 60-89.
- Wharton, Lon. "Payne Day Reminiscence." Historia, 1, 2 (Dec. 15, 1909), pp. 7-8.
- _____. "Mother Haines Dead." Historia, VI, I (Jan. 1, 1916), p. 205.
- _____. "Captain Payne's Old Trunk." Historia, VI, 2 (Apr. 1, 1916), pp. 207-08.
- _____. "Payne's Letters to Anna and George." Historia, VIII, 4 (July 1, 1920), pp. 361-62.
- Wicks, Hamilton S. "The Opening of Oklahoma." Chronicles of Oklahoma, IV, 2 (June, 1926), pp. 129-42.
- Wood, Samuel N. "The original order of General Edward Hatch, which was served on Oklahoma Colonists, detachment headquarters, troops in the field, Oklahoma, on the Cimarron River, Jan. 19, 1885." Kansas State Historical Society, Transactions, IV (1886-1888), p. 32.

Newsletters

Caldwell Commercial, February 16, 1882 to March 15, 1883.

Caldwell Journal, August 7, 1884.

Caldwell Post, December 23, 1880 to March 1, 1883.

Chicago Times, February 17, 1879.

Coffeyville Journal, April, 1879 to May, 1879.

Oklahoma War Chief, from various points along the Kansas border,
January 12, 1883 to December 4, 1884.

Sumner County Press, Wellington, Kansas. June 3, 1880 to July 28, 1881.

Sumner County Standard, Wellington, Kansas. September 27, 1884 to
January 31, 1885.

Topeka Commonwealth, Topeka, Kansas. March 6, 1880 to December 26, 1884.

Walnut Valley Times, Walnut Valley, Kansas. December 5, 1884.

Weekly Republican Traveler, Arkansas City, Kansas. March 9, 1893 to
to October 26, 1893.

Wichita Beacon, Kansas. July 14, 1880 to September 17, 1884.

Wichita Eagle, Kansas. January 2, 1879 to April 12, 1883.

Wichita Morning Eagle, Kansas. October 3, 1885 to October 24, 1885.

Wichita Evening Eagle, Kansas. May 12, 1941.

Kansas City Times, Missouri. April 23, 1879 to December 12, 1880.

Bradstreets' --- A Journal of Trade, Finance and Public Economy. May 3,
1890.

Kansas State Historical Library. Clippings, "Results of booms in
Kansas," I (332). Topeka.

_____. Sedgwick County Clippings, I, 1870-1904, Topeka.

Manuscript Collections

Payne Papers. Consisting of Payne's letters and other materials of the period, 1879-1884. Archives of Oklahoma Historical Library.

T. N. Athey papers. Comprising Athey's correspondence and numerous newspaper clippings. Archives of Oklahoma Historical Library.

William W. Bloss, manuscript. A sketch of the Boomer Movement and of Payne's early life, up to 1881. Archives of Oklahoma Historical Library.

Interviews

Singleton, Steven Clark. Personal interview, Yates Center, Kansas, December 30, 1960, with the author.

APPENDIX

APPENDIX A

THE INDIAN QUESTION
(To the Editor)
The Logic of Events

WASHINGTON, Feb. 13.---The editorial in the Times of the 11th inst., upon the subject of "The Indian Territory," is so full of good, sound sense that I cannot resist the inclination to thank you for it. There is not an intelligent Indian in the Indian Territory unconnected with the Indians for the past ten years, but will heartily indorse your conclusions. "The time has come when this territory should be opened to civilization."

This is the inexorable logic of events. All the sentimentalism of Quakers and Utopians, all the selfish greed of the Indian demagogues who swarm here every session of congress in the capacity of Indian delegations, and the concentrated power of the corrupt Indian ring, cannot prevent it.

There are two parties in the Indian Territory, appropriately styled the "pull-backs" and the "progressives."

The first named are led by such men as W. P. Ross, Adair and Overton. Ross boasts of one-sixteenth of Indian blood; Adair has a little more, while Overton hasn't so much as that. These white Indians have the ear of the fullblood class, and have made them believe that any proposition to allot their lands, give them a homestead and make them citizens of the United States, is a scheme to rob them of their lands and drive them from the country; they point to the bitter experience of the past, when forty years ago they were forced to abandon

their homes in Georgia, Alabama and Mississippi, and tell their ignorant followers that such again will be their fate if they consent to a division of their lands in severalty and accept the responsibilities of citizenship. This Indian ring in the territory are making a good thing out of the credulity of the full-blood Indians.

Take the Cherokees, for illustration. They number about 17,000 souls; 3,000 of them are negroes, formerly slaves of the Cherokees; 1,500 are adopted Delawares and Shawnees and about 600 are whites who are members of the tribe by marriage. One-half of the remainder are mixed blood like Ross, Adair and myself (I am more of an Indian than they, being one-half) who talk the English language. All of these different classes go to make up the "Cherokee Nation." Nine-tenths of the property in this nation is owned by the whites, negroes and mixed-bloods; yet, singular as it may appear, the poor squalid minority known as the full-bloods are the dominating political power in this nation to-day. This is easy of explanation. The full-blood Indian who does not speak English accepts the statements of Ross and his fellow demagogues as true. They tell him that I and those who advocate an allotment of lands and the rights of American citizenship are traitors, and that our object is to drive them from their homes; they are unable to reason upon the subject, but their worst passions and prejudices are aroused, which find expression in assassination and destruction of property. Ross, Adair, Overton & Co. are sent to Washington with large salaries where they make their yearly hypocritical appeals to congress for the rights of the poor Indian. W. P. Ross, at present one of five delegates that the Cherokees are supporting in this

city this winter, told the committee on Indian affairs that the delegations from the Cherokees cost them \$20,000 a year. It was proven that they cost them even more. For the first session of the forty-fourth congress they expended \$30,000; for the second session \$20,000 and for the called session of the forty-fifth congress \$7,464. In just two years \$66,464. Of course these delegates who are making such a good thing of it, "don't want any change." This "pull-back" party is trying to LEGISLATE PROGRESS AND CIVILIZATION OUT OF THE TERRITORY.

The following is an experiment in that direction. It is the last section of an act of the Cherokee legislature passed this winter:

Be it further enacted, That from and after the passage of this act, it shall not be lawful of any citizen of the Cherokee nation to employ any citizen of the United States not a citizen of the Cherokee nation (school-teachers, ministers of the gospel and missionaries following their professions excepted) in any capacity, except mechanics working as such, unless such citizens desiring to employ a citizen of the United States other than as herein provided shall pay to the clerk of the district in which such citizen may live \$25 per month in advance for every citizen of the United States, and not a citizen of the Cherokee nation, so to be hired; and the clerks of the several districts of the nation are hereby directed to keep a record of all persons so hiring citizens of the United States, as above provided, and report the same monthly to the solicitors of the districts in and for which they are clerks: Provided, That all moneys so received by the clerks shall be transmitted monthly to the treasurer of the nation. And any citizen of the Cherokee nation violating the provisions of this act shall, upon

conviction of the same before the district court for the district in which the offense may be alleged to have been committed, be deemed guilty of a misdemeanor and be fined \$100, and upon failure to pay said fine be imprisoned in the national prison for a period of not less than twelve months, at the discretion of the court trying the same; and it is hereby made the duty of the solicitors of the several districts to prosecute all violations of this act, and all laws and parts of laws conflicting with this act (are) hereby repeated.

CHARLES THOMPSON,
Principal Chief.

Tahelquah, C. N., Dec. 12, 1878.

The object of this law is to drive out of the nation all the better class of white laborers, in order that the ring may not be trammelled or embarrassed by their presence and criticism. The Cherokees have, in round figures, \$3,000,000, which is held in trust by the United States; the interest of this, amounting to about \$175,000, is paid to the Cherokee treasurer every year; 35 per cent of this is devoted under treaty stipulations to educational purposes, the rest is at the disposal of the Cherokee council. What margin is left after paying the expenses of the little government finds a home in the pockets of the Cherokee delegation. This delegation has already saddled a debt of more than \$200,000 on their nation; but they are having a good time and earnestly protest against "any change."

You were a little mistaken about the surveyed lands of the Indian Territory. If you will look at any of the late maps you will see that with the exception of the reduced reservations of the Cherokee, Creek,

Seminole and Choctaw nations, all of the territory has been SURVEYED AND SECTIONIZED.

The total area of the territory is 41,098,398 acres, of which only 15, 149,706 is unsectionized. About 15,000,000 acres of the 41,000,000 belong absolutely to the United States, having been bought and paid for under the treaties of 1866 with the Choctaws, Chickasaws, Creeks and Seminoles; all of this has been surveyed. Some two million of this has been surveyed. Some two million of this has been set aside as a reservation for the Washitas, Pottowatomies, and Sacs and Foxes; there are twelve million acres of excellent soil in the territory, which is to-day "public land;" the Indian title has been extinguished. Congress has this session passed a law forbidding the removal of any more Indians from Arizona or New Mexico to this territory, while the interior department has abandoned the idiotic policy of removing Indians from the northern territories into the Indian Territory. Now, what are you going to do with these twelve million acres of rich land-- as large in area as the states of Massachusetts and Connecticut, and capable of sustaining as many people? This conundrum will be answered by the aggressive white population of this country within the next three years whether congress intends to open Indian Territory.

Elias C. Boudinot.

APPENDIX B

No. 4 North Howard St.,
Baltimore, March 25, 1879.

Dear Sir: In the "Chicago Times" of February 17th I noticed a communication of yours, in which you state there are several million acres of land in the Indian Territory which have been purchased by the General Government from the Indian tribes therein, and that they are now a part of the public lands of the United States.

This article has been extensively copied and commented upon by the press east and west, causing great and growing interest on the part of thousands for further and fuller information, to meet which will you please give answer to the following questions:

1. As to exact amount purchased.
2. From what tribes bought.
3. Its situation in the Territory.
4. As to the Government's title, if free from restriction; if not, its nature; or was the land so bought purchased with the intention of its use in settling other tribes, to be brought into the Territory, upon it.
5. State the nearest point, reached by rail, to such lands; or if they are on, or near, the surveyed line of the Atlantic and Pacific road; or how far from its present terminus.
6. Where can accurate maps of the Territory, showing location and boundaries of said purchased lands, be obtained?

An early answer, covering above questions, and such other information as in your judgement would be of help and interest, is requested.

To Col. E. C. Boudinot.

Augustus Albert.

Source: Senate Document, 46 Cong. 1 sess., I, 20, pp. 7-10.

APPENDIX C

Boudinot on the Status of Oklahoma

Your Letter of the 25th instant, making inquiries concerning the lands belonging to the U. S., situated in the Indian Territory, is received.

1. In reply, I will say that the U. S. by treaties made in 1866, purchased from Indian tribes in the Indian Territory about 14,000,000 acres of land.

2. These lands were bought from the Creeks, Seminoles, Choctaws and Chickasaws. The Cherokees sold no lands by their treaty of 1866. The Creeks by their treaty of 1866 sold, to the U. S. 3,250,560 acres for the sum of \$975,168. The Seminoles, by their treaty of 1866, sold to the U. S. 2,169,080 acres for the sum of \$325,362. The Choctaws and Chickasaws by their treaty of 1866, sold to the U. S. the "leased lands" lying west of 96° of west longitude for the sum of \$300,000. The number of acres in this tract is not specified in the treaty but it contains about 7,000,000 acres. (4th vol. Statute at Large, 756,769, 786).

Of these ceded lands the U. S. has since appropriated for the use of the Sacs and Foxes 479,667 acres and for the Pottawatomies, 575,877 acres, making a total of 1,055,544 acres. These Indians occupy the lands by virtue of treaties and acts of Congress. By an unratified agreement the Wichita Indians are now occupying 743,610 acres of these ceded lands. I presume some action will be taken by the U. S.

Government to permanently locate the Wichitas upon the lands they now occupy. The title, however, to these lands is still in the U. S.

By executive order, Kiowa, Comanche, Arapaho and other wild Indians have been brought upon a portion of the ceded lands. But such lands are a part of the public domain of the U. S. and have all been surveyed and sectionized.

A portion of these 14,000,000 acres of land, however, has not been appropriated by the U. S. for the use of other Indians and, in all probability, never will be.

3. These unappropriated lands are situated immediately west of the 97° of west longitude and south of the Cherokee territory. The amount to several millions of acres and are as valuable as any in the Territory. The soil is well adapted for the production of corn, wheat and other cereals. It is unsurpassed for grazing and is well watered and timbered.

4. The U. S. have an absolute unembarrassed title to every acre of the 14,000,000 of acres, unless it be the 1,054,544 acres occupied by the Sac and Fox and Pottawatomie Indians. The Indian title has been extinguished.

The Articles of the treaties with the Creeks and Seminoles, by which they sold their lands, begin with the statement that the land are ceded in compliance with the desire of the U. S. to locate other Indians and freedom thereon.

By the express terms of the treaties, the lands bought by the U. S. were not intended for the exclusive use of "other Indians" as has been so often asserted. They were bought as much for the negroes of the country as for Indians.

The commission of the General Land office, General Williamson, in his annual report for 1878, computes the area of the I.T. at 44,154,240 acres, of which he says 17, 15,230 acres are unsurveyed. The balance of this land, amounting to 27,003,990 acres, he announces have been surveyed, and these lands he designates as "public lands".

The honorable commission has fallen into a natural error. He has included in his computation the land of the Cherokees west of 96° west longitude, and the Chickasaw nation, which, though surveyed, can in no sense be deemed "public lands." The only public lands in the Territory are those marked on this map, and amount, as before stated, to about fourteen million acres.

Whatever may have been the desire or intention of the U. S. Government in 1866 to locate Indians and negroes upon these lands, it is certain that no such desire or intention exists in 1879. The negro, since that date, has become a citizen of the U.S. and Congress has recently enacted laws which practically forbid the removal of any more Indians into the Territory. Two years ago Mr. Mills of Texas, caused a provision to be inserted in the Indian Appropriation Bill of prohibiting the removal of the Sioux Indians into the Indian Territory, a project at that time contemplated by the Interior Department and by a similar provision in the Indian Appropriation Bill of last winter the removal of any Indians from Arizona or New Mexico into the Indian Territory is forbidden.

These laws practically leave several million acres of the richest lands on the continent free from Indian title or occupancy and an integral part of the public domain.

5. The town of Wichita, in the state of Kansas, at the junction of the Big and Little Arkansas rivers, the present terminus of a branch of the A.T.S. Fe Railroad, and the town of ElDorado, the terminus of another branch, are the nearest railroad points to these lands. From Wichita to these lands is about ninety miles due south...There are several other railroad points on the northern line of the Territory, more remote than Wichita or El Dorado. These points are Coffeyville, the terminus of the Leavenworth, Lawrence, and Galveston railroad, Chetopa on the Missouri, Kansas and Texas Railroad, which is built through the Territory to Texas, and Baxter Springs, the southern Terminus of the Mo., Ft. Scott and Gulf Railroad. A glance at the map will show the location of these places.

E. C. Boudinot.

Source: Senate Executive Documents, 46th Cong. 1 sess., 20, pp. 8-10.

APPENDIX D

PROCLAMATION OF PRESIDENT HAYES

Whereas it has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot preparations for an organized and forcible possession of and settlement upon the lands of what is known as the Indian Territory, west of the state of Arkansas, which territory is designated, recognized, and described by the treaties and laws of the United States, and by the executive authorities, as Indian country, and as such is only subject to occupation by the Indian tribes, offense of such persons as may be privileged to reside and trade therein under the intercourse laws of the United States:

And whereas those laws provide for the removal of all persons residing and trading therein, without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country:

And whereas in aid and support of such organized movement, it has been reported that no further action will be taken by the government to prevent persons from going into said Territory and settling therein by such representation are wholly without authority:

Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States, in said Indian Territory and of duly involving the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all persons so intending or preparing to remove upon

said lands, or into said Territory, without promise of the proper agent of the Indian Department, against any without to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all such persons who may so offend that they will be speedily and immediately removed therefrom by the agent, according to the laws made and provided, and that no efforts will be spared to prevent the invasion of said Territory, rumors spread by evil disposed persons to force of the United States will be invoked to carry into proper execution of laws of the United States wherein referred to.

In testimony whereof, I have hereunto set my hand and cause the seal of the United States to be affixed.

Done in the city of Washington, this 20th day of April, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the United States the one hundred and third.

R. B. Hayes.

APPENDIX E

KANSAS CORPORATIONS ORGANIZED INCIDENT TO THE OPENING OF OKLAHOMA

From Arkansas City:

Oklahoma Central Railroad Company, Oklahoma-Kansas Incandescent light Co., The Topeka, Ark City and Oklahoma Investment Co., Guthrie Club, Guthrie Electric Light and Power Co.;

From Baxter Springs:

Oklahoma and Kansas Railway Company;

From Caldwell:

Southwestern Grazers Association, Guthrie, Reno City and Fort Reno Railway Co.;

From Chetopa:

Indian Telephone Company;

From Colony:

The Kansas Oklahoma Colony;

From Dickinson county:

Indian Territory and Kansas Central Railroad Co.;

From Englewood:

Southwestern Kansas and Neutral Strip Colonization Association;

From Fort Scott:

Indiahoma City Town Site Co.;

From Garnett:

Oklahoma Colony and Town Company;

From Harvey county:

Oklahoma Guaranty Loan, Land and Investment Co.;

From Hutchinson:

Southwestern Construction Co., Oklahoma Interstate Town and Investment Co., Oklahoma Milling Co., The Kansas and Cherokee Land and Town;

From Iola:

Oklahoma Town Co.;

From Kansas City:

Oklahoma Town and Land Company, Oklahoma Town Company, Southwestern Construction Co.;

From Labette county:

Oklahoma Mining and Manufacturing Co., Oklahoma Mining Co.;

From Meade:

The First Oklahoma Town Company;

From Topeka:

Oklahoma Capitol City Town Company, Oklahoma City Water Co., Oklahoma Land and Trust Company, Oklahoma Printing and Publishing Co., The Oklahoma Inter-State Town and Investment Company, The Hennessey Town Company, The Topeka, Okmulgee and Gulf Railway Co., Seminole Town Company;

From Wellington:

Oklahoma Consolidated Land and Town Company, Indian Meridian Townsite Co., Oklahoma Colonization Society;

From Wichita:

Oklahoma Colony, Southwestern Town Co. of Kansas, Oklahoma Daily Times Publishing Company, Oklahoma Foundry and Manufacturing Co., Oklahoma Investment and Security Co., Oklahoma Secret Service, David L. Payne Memorial Operation, The Oklahoma Investment and Security Company, St. Louis, Ft. Scott, and Wichita Railway Co., Sumner County Railway Co., Southwestern Colonization Society, Ponca Town Company, Cherokee Town Site Company.

Source: "Corporation Charter Books," Secretary of State of Kansas, in archives of Kansas State Historical Society Library, 1879-1893.

THE ROLE OF KANSAS IN BOOMING OKLAHOMA

by

HAROLD MUNN HETH, JR.

B. S., KANSAS STATE UNIVERSITY, 1959

AN ABSTRACT OF A THESIS

submitted in partial fulfillment of the

requirements for the degree

MASTER OF ARTS

Department of History, Political Science, and Philosophy

KANSAS STATE UNIVERSITY

1961

Although most Kansans and Oklahomans have nearly forgotten it, the truth remains that Kansas is the mother of Oklahoma. This thesis tells the story of the movement organized to force the opening of Indian Territory, but more specifically the unoccupied district called "Oklahoma." Previous investigations have been conducted from the viewpoint of immigration into Oklahoma, a "coming in." Here an attempt has been made to portray a part of the movement as a "going-out" of Kansas.

The story of the Oklahoma Boomers and their struggle to open that territory to settlement is intimately linked with Kansas, since the movement was carried on largely by Kansas men. It is the author's purpose to show the extent of and explain why Boomer agitation was strong in Kansas even far removed from the southern border, and to record an interesting phase of history, one of the most bizarre and exciting episodes of the frontier, the opening of the last lands in America available for free settlement.

The principal original sources of information have been corporation charters and newspapers on file in the library and the archives of the Kansas State Historical Society in Topeka. Also, of some importance, were the several manuscript collections, dealing with Boomer activities, on file in the archives of the Oklahoma State Historical Library, Oklahoma City. Secondary materials have helped to answer many questions in this research.

Before going into the movement itself, it was necessary to provide a background against which the boomer data would be more meaningful. This has been done in chapters I and II. Chapter I is concerned with western expansion and the settlement of the Great Plains,

once thought to be a place where no white man would want to settle; also, the development of Kansas during the seventies preceding the movement, especially with reference to the farmer's last frontier and an intense hunger for free land. In chapter II information is presented of the Indian settlements before and after the Civil War incident to Indian Territory reservation assignments and unassigned lands which aroused the cupidity, first, of the land grant railroad, and later, of the land hungry settler.

The movement to open Indian Territory to white settlement was given great impetus when in 1879, David L. Payne, a Kansas adventurer of much the same mold as Buffalo Bill Cody and Kit Carson, founded the Oklahoma Boomers in Wichita, Kansas. The narrative in chapters III and IV is concerned with the beginning and the end of this movement. In chapter III the course of the Boomer agitation is characterized by numerous invasions of the territory. As the Boomers saw it, the sympathy of the United States government had to be transferred from the Indians to the poor homesteader, who argued that the land was part of the public domain and open to homestead entry. In chapter IV the tactics of the agitation shifted from the invasions of the territory to the halls of Congress. The change of public opinion and political support secured the necessary legislation in Congress to open the "district" to settlement. The remainder of the thesis is concerned with the results of Boomer agitation.

Two memorable, never-to-be-forgotten, dates in the annals of the settlement of the west were April 22, 1889 and September 16, 1893. The mad, headlong "rush" for the coveted Indian lands is recorded in

chapter V. Promptly at twelve o'clock, noon, by bugle notes, pistol or carbine shots, the signals were sounded that eventually led to the organization of the state of Oklahoma.

The opening of "Oklahoma" and the adjacent Indian Territory to settlement was an event for which Kansas towns had long worked, propagandized, and invested. Chapter VI shows why Kansas citizens persisted with determination to secure the opening of the unassigned Indian lands, and whether or not their goals were attained.